

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2020-0333 TO
PLANNED UNIT DEVELOPMENT

AUGUST 6, 2020

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2020-0333** to Planned Unit Development.

Location: 1541 Riverside Avenue, 1551 Riverside Avenue, 1715 Memorial Park Drive, and 1729 Memorial Park Drive; between Memorial Park Drive and Lancaster Street

Real Estate Number(s): 090180-0000, 090181-0000, 090182-0000, 090183-0000, and 090188-0000

Current Zoning District(s): Commercial Residential Office (CRO)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Residential Professional Institutional (RPI)

Proposed Land Use Category: Neighborhood Commercial (NC)

Planning District: Urban Core, District 1

Applicant/Agent: Paul M. Harden, Esq.
Law Office of Paul M. Harden
501 Riverside Avenue, Suite 901
Jacksonville, Florida 32202

Owner: Frank Schiavone, M.D.
Shiavone Enterprises, Inc.
1721 Memorial Park Drive
Jacksonville, Florida 32204

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development 2019-0333 seeks to rezone approximately 1.26± acres of land from Commercial Residential Office (CRO) to PUD. The rezoning to a PUD is being sought in order to permit for a mixed-use development. The subject property consists of five (5) parcels and four (4) buildings located within the Urban Transition Area (UTA) of the Riverside/Avondale Zoning Overlay and the Riverside Historic District.

Although conceptual and subject to change, the most recent correspondence with the applicant on July 29, 2020 detailed a desire to permit the following uses for each building (see **attached site plan dated February 20, 2020**):

- Building # 1 – Seven (7) multi-family residential units
- Building #2 – Restaurant with 225 seats
- Building #3 – Restaurant with 120 seats in conjunction with two (2) multi-family residential units.
- Building #4 – Multi-family residential units

The need for the PUD arises from the limitation in commercial/retail uses under CRO zoning and the Riverside/Avondale Zoning Overlay. Therefore, the proposed PUD would increase the seating allowance for restaurants, permit for the on-premises consumption of alcoholic beverages by right, restrict the hours of operation for outside sales and service, and eliminate certain uses (e.g., single-family dwellings, schools, adult congregate living facilities, and bed and breakfast establishments) generally permitted under CRO zoning—the conventional zoning district alternative. For a detailed list of removed uses, please see the attached Written Description dated July 20, 2020. No changes to building footprint or scale are anticipated.

There is also a companion Small Scale Land Use Amendment L-5428-20C (**Ordinance 2020-0332**) that seeks to amend the land use on the property from Residential-Professional-Institutional (RPI) to Neighborhood Commercial (NC).

CRITERIA FOR REVIEW

Pursuant to the provisions of Section 656.125 of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria of an application for rezoning to Planned Unit Development.

(A) Is the proposed zoning district consistent with the 2030 Comprehensive Plan?

Yes. In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the Planning and Development Department finds that with the approval of companion Small Scale Land Use Amendment L-5428-20C (**Ordinance 2020-0332**), the subject property will be located in the Neighborhood Commercial (NC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan.

NC in the Urban Priority Area (UPA) is a category primarily intended to provide commercial retail and service establishments, which serve the daily needs of nearby residential neighborhoods. These uses shall generally be located within walking distance of residential neighborhoods in order to reduce the number of Vehicle Miles Traveled (VMT). **Based on the PUD written description dated July 20, 2020, the use of hotels and motels are inconsistent with uses allowed in the NC category and should be removed. Additionally, multi-family residential is allowed when combined with another principal use, and the residential density should be included (maximum gross density for NC in the UPA shall be 40 units per acre). If the residential density exceeds 10 units per acre, the language in FLUE Policy 1.1.10A (shown below) is required to be included within the PUD.**

The subject site is not within any flood zone or Coastal High Hazard Area (CHHA) and no wetlands appear to be located on site. However, approximately 0.64 of an acre of the site is within a flood zone; more information is included within a memo from Community Planning Division.

The proposed PUD will allow for uses in the CRO Zoning District including restaurants with sale and service of all alcoholic beverages. Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive Planning for Future Development of the Ordinance Code.

(B) Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?

Yes. This proposed rezoning to Planned Unit Development is in/consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

Future Land Use Element:

Policy 1.1.10A

Residential development on sites less than 10 acres that are located within predominantly non-residential Future Land Use Categories and that are processed as small scale map amendments shall be limited to a maximum of 10 dwelling units per acre unless authorized through approval of a Planned Unit Development (PUD) rezoning. The maximum density allowed in the PUD shall be the result of analysis for compatibility with abutting development based on the criteria provided below. The maximum density in each non-residential Future Land Use Category does not constitute entitlement to the maximum permitted density without justification provided pursuant to analysis of the criteria. Such analysis may lead to a recommendation of approval, denial, or a condition of approval on a Planned Unit Development (PUD) rezoning capping the residential density.

All PUDs approved with a density cap above the 10 dwelling units per acre limitation pursuant to this policy shall contain the following statement either in the written description or within the enabling legislation:

A residential density limit of 10 dwelling units per acre has been placed on this property as a result of Future Land Use Element (FLUE) Policy 1.1.10A. This density limit can only be changed through application for a rezoning (administrative and minor modifications to increase the density are not permitted) and the requirements of FLUE Policy 1.1.10A must be applied to determine the appropriateness of any increase in residential density.

The criteria below shall be considered in determining the appropriate maximum density for PUD rezonings pursuant to this policy:

- Potential for the development of blighting or other negative influences on abutting properties
- Traffic Impacts
- Site Access
- Transition of densities and comparison of percentage increase in density above average density of abutting developed properties
- Configuration and orientation of the property
- Natural or manmade buffers and boundaries
- Height of development
- Bulk and scale of development
- Building orientation
- Site layout
- Parking layout

Multi-family dwellings are only allowed when combined with another principal use, and the residential density should be included (maximum gross density for NC in the UPA shall be 40 units per acre). If the residential density exceeds 10 units per acre, the language in FLUE Policy 1.1.10A is required to be included within the PUD.

Policy 1.1.12

Promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial, and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.

The policy mentioned above is the primary intent and focus of the proposed development as every desired use is designed and oriented to be complementary with one another.

Policy 3.2.2

The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

The proposed rezoning would allow for infill development in an existing area comprised of residential and office uses.

(C) Does the proposed rezoning conflict with any portion of the City's land use Regulations?

The written description and the site plan of the intended plan of development, meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

Pursuant to the provisions of Section 656.341(d) of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria for rezoning to Planned Unit Development district:

The following additional criteria shall be considered by the Planning and Development Department, the Local Planning Agency, and the City Council when evaluating any land use or zoning application within the Riverside/Avondale Zoning Overlay District:

(a) Whether the proposed rezoning is consistent with the Riverside/Avondale Zoning Overlay District and the historic district regulations;

The Department finds the rezoning is substantially consistent with the Overlay and historic district regulations. The PUD differs from the Overlay in the following sections:

- Moves retail sales and service establishments, churches, and the on-premises consumption of alcoholic beverages in conjunction with a restaurant from permissible uses by exception to permitted uses.
- Removes the 60-seat limitation for restaurants.

(b) Whether the rezoning will negatively affect or alter the character of the character area or corridor;

The intended plan of development is for the four (4) existing buildings to remain, which will not alter the character of the Urban Transition Area (UTA) or the abutting corridors.

(c) Whether the rezoning and subsequent future development would result in the destruction of natural resources such as wetlands, protected trees or exceptional specimen trees; and

The intended plan of development will not destroy protected trees or specimen trees.

(d) Whether the rezoning would have a negative affect on any contributing structures within the Riverside Avondale historic district, as defined in Section 656.399.17, historic landmark or landmark site.

The intended plan of development is for commercial and residential infill of the four (4) existing buildings. Staffs finds the rezoning will not have a negative effect on any contributing structures.

(1) Consistency with the 2030 Comprehensive Plan

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use category as identified in the Future Land Use Map series (FLUMs): Neighborhood Commercial (NC). There is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series L-5428-20C (**Ordinance 2020-0332**) that seeks to amend a portion of land on the property from RPI to NC. Nonetheless, Staff finds the proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, as previously evaluated in Criteria (B).

(2) Consistency with the Concurrency Mobility and Management System

Pursuant to the provisions of Chapter 655 Concurrency and Mobility Management System of the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency and Mobility Management System (CMMSO) prior to development approvals.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for commercial uses, service establishments and residential uses. This proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis for 2030 Comprehensive Plan's Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

(4) Internal compatibility

This proposed PUD is consistent with the internal compatibility factors. An evaluation of the internal compatibility of a proposed Planned Unit Development shall be based on the following factors:

The use of existing and proposed landscaping: The subject site will be developed in accordance with Part 12 of the Zoning Code and Article 25 of Charter of the City of Jacksonville.

The treatment of pedestrian ways: Pursuant to the provisions outlined in Chapter 654 Code of Subdivision Regulations and the 2030 Comprehensive Plan, the proposed development will provide bicycle and pedestrian connectivity.

The variety and design of dwelling types: As evidenced by the Site Plan dated February 20, 2020, the proposed rezoning contemplates residential infill on three (3) of the subject property's buildings.

Traffic and pedestrian circulation patterns: The existing vehicle use area (VUA) will not change and no new accesses are proposed.

(5) External Compatibility

Based on the written description of the intended plan of development and site plan, the Planning and Development Department finds that external compatibility is achieved by the following:

The adjacent uses, zoning and land use categories are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Property Use
North	RPI	CRO/PUD 2003-0242	Single-Family Dwellings/Bed & Breakfast
South	HDR	RHD-B	Multi-Family Dwellings
East	RPI	CRO	Business Office/Single-Family Dwellings
West	ROS/RPI	PBF-1/CRO	Memorial Park/Medical Office

(6) Intensity of Development

With the exception of hotels and motels, the proposed development will be consistent with the proposed Neighborhood Commercial (NC) functional land use category. The PUD is appropriate at this location because it will allow an integrated network of mixed uses.

The availability and location of utility services and public facilities and services: The subject site will be serviced by JEA for city water and sewer. Additionally, in an availability letter provided by JEA dated July 10, 2020, the proposed project design shall meet the JEA Design Standards in effect at the time of construction plan submittal in order to accommodate approximately 8,750 gpd.

The existing residential density and intensity of use of surrounding lands: The section of land located between Memorial Park Drive and Lancaster Street contains a composite mixture of medium-density single-family dwellings, and high-density residential condominiums. The remaining buildings contain business/office use.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The parcel has frontage on Riverside Avenue, a minor arterial roadway, Memorial Park Drive, Memorial Park Terrace, and Lancaster Street. Any internal access for the development will be provided by reciprocal easements.

Staff forwarded the application to FDOT for review. In the attached memorandum from FDOT dated July 6, 2020, Riverside Avenue (SR 211) does not have sufficient capacity to accommodate vehicle trips at the target Level of Service (LOS) standard. As such, FDOT recommends that the City consider implementing additional strategies to mitigate potential transportation impacts. The applicant will also need to coordinate with FDOT Permits and Access Management regarding any change in use of existing driveway connection to Riverside Avenue.

The Traffic Engineer also reviewed the application and issued several comments. **Staff supports the Engineer's findings and forwards the following:**

- Riverside Avenue is an FDOT road at this location. Any permitting on Riverside Avenue will be through FDOT.
- Any parking other than parallel parking in the city right of way must be approved by the Chief of the Engineering Division.
- The parking in Lot 1 does not appear to meet the requirements of Part 6 of the Zoning Code.

The application was also forwarded to the Transportation Planning Division on June 22, 2020 for review.

(7) Usable open spaces plazas, recreation areas.

No recreation area is required.

(8) Impact on wetlands

There are no wetlands on the subject property.

(9) Listed species regulations

No wildlife survey was required as the project is less than the 50-acre threshold.

(10) Off-street parking including loading and unloading areas.

The project will be developed in accordance with the parking requirements listed in the Urban Transition Area (UTA) of the Riverside Avondale Zoning Overlay, as outlined in Section 656.399.24 of the Zoning Code. Therefore, no parking is required for commercial retail sales and service establishments that are located in contributing structures. As depicted on the site plan dated February 20, 2020, the applicant plans to utilize the non-contiguous on-street parking located on Memorial Park Drive, which is not consistent with Section 656.399.24 and 656.399.23. Off-street parking is also depicted.

(11) Sidewalks, trails, and bikeways

The project shall contain a pedestrian system that meets the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on July 21, 2020, the required Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2020-0333** be **APPROVED with the following exhibits:**

1. **The original legal description dated January 6, 2020.**
2. **The revised written description dated July 20, 2020.**
3. **The original site plan dated February 20, 2020.**

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2020-0333** be **APPROVED WITH CONDITIONS.**

1. **In order to achieve consistency with the NC Land Use Category as identified in the 2030 Comprehensive Plan, hotels and motels shall be removed from the revised Written Description dated July 20, 2020.**
2. **Multi-Family residential shall only be permitted when combined with another principal use.**
3. **If the residential density exceeds 10 units per acre, the development shall meet FLUE Policy 1.1.10A.**
4. **There shall be no live music or amplified sound outside at any time**

- 5. The parking located on Lot 1 of the site plan shall be brought into conformance with Part 6 of the Zoning Code or as otherwise approved by the Planning and Development Department.**

- 6. Any parking other than parallel parking in the city right of way must be approved by the Chief of the Traffic Engineering Division.**

Figure A:



Source: Planning & Development Dept, 2/19/20

Aerial view of the subject site and parcel, facing north.

Figure B:



Source: Planning & Development Dept, 07/21/20

View of Building #2 as depicted on the site plan, facing east.

Figure C:



Source: Planning & Development Dept, 07/21/20

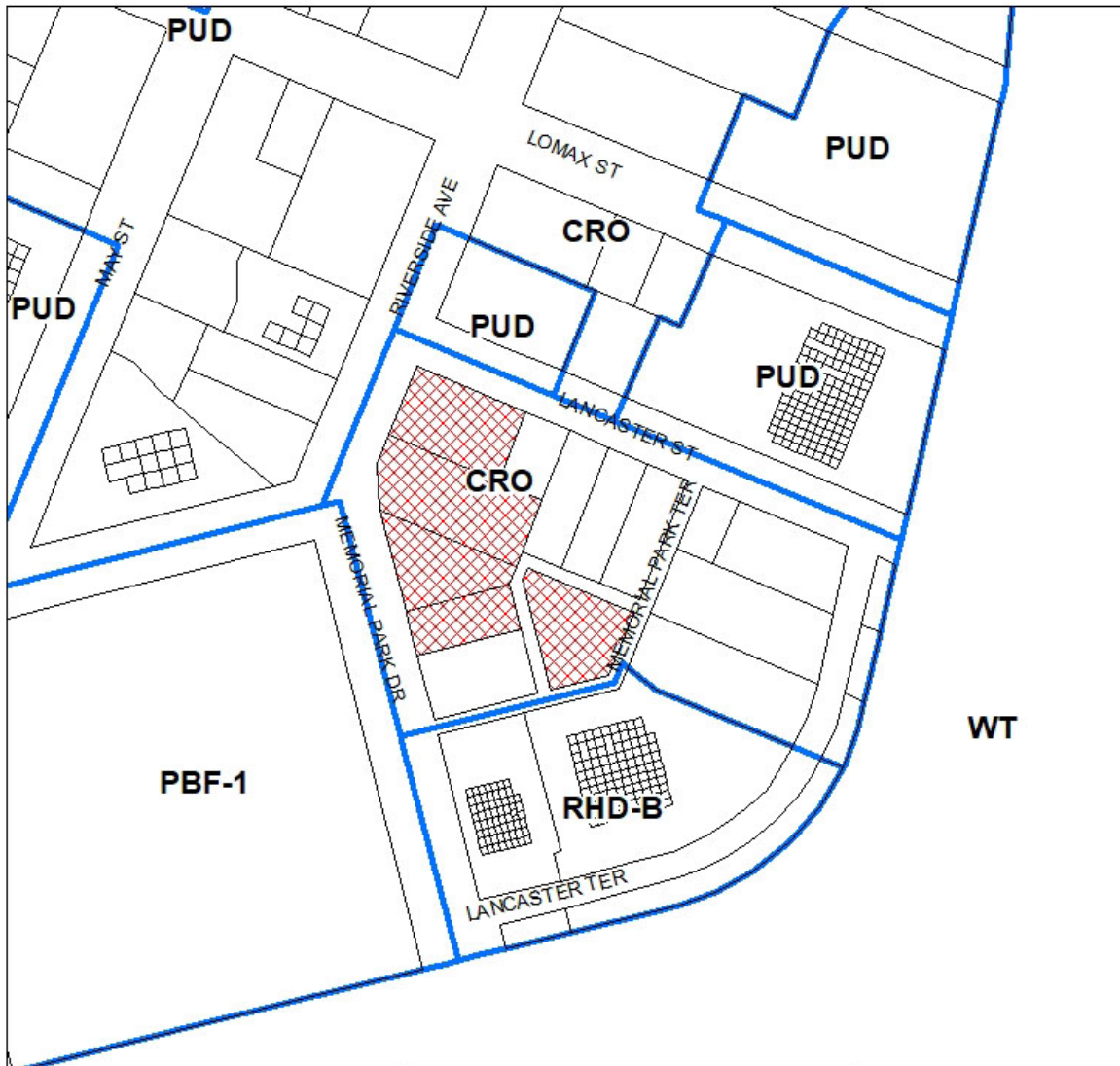
View of Building #1 as depicted on the site plan, facing east.

Figure D:



Source: Google Maps, July 2019

View of Building #3 as depicted on the site plan, facing east.



<p>REQUEST SOUGHT:</p> <p>FROM: CRO</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p>	<p>0 65 130 260</p> <p>Feet</p> <p>COUNCIL DISTRICT:</p> <p>14</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2020-0333</p>	<p>TRACKING NUMBER</p> <p>T-2020-2697</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>