

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-634 TO
PLANNED UNIT DEVELOPMENT

NOVEMBER 21, 2019

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 **2019-634** to Planned Unit Development.

Location: 6926 Garden Street between Media Street and Old Kings Road

Real Estate Number(s): 003968-0010

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

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Residential Professional Institutional (RPI)

Planning District: Northwest, District 5

Applicant/Agent: Joel Arreguin
8505 Moncrief Road
Jacksonville, Florida 32219

Owner: Joel Arreguin
8505 Moncrief Road
Jacksonville, Florida 32219

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Planned Unit Development 2019-634 seeks to rezone approximately 1.04 acres of land from CRO to PUD. The rezoning to PUD is being sought to allow for a filling station. The PUD written description also allows permitted uses and permissible uses by exception in the CRO Zoning District. A filling station is a permissible use by exception in the CRO Zoning District

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?

No. When applying the criteria of consistency with the 2030 Comprehensive Plan, the combined factors of the goals, objectives and policies of the plan along with the appropriate Functional Land Use Categories are used. Thus, the fact that a filling station is permitted as a secondary use in the land use category does not ensure overall consistency with the 2030 Comprehensive Plan. Transition, compatibility, and intensity of uses are accomplished through appropriate zoning and are an important consideration to the welfare and sustainability of an area. This is especially important to a predominately single-family residential area when new commercial uses are being introduced, as is proposed in this Planned Unit Development. Therefore, while the proposed uses are consistent with the category description of the functional land use category, the intensity and scale of the project is **inconsistent** with the intent of the 2030 Comprehensive Plan.

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

No. This proposed rezoning to Planned Unit Development is **inconsistent** with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

Future Land Use Element:

1.1.10 Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

The proposed filling station is a secondary use in the RPI land use category and is not an appropriate transition from the residential uses in the area. A filling station is more intensive than any use in the immediate vicinity. In fact, there is no other commercial use in the immediate area.

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 proposed site plan of the filling station does not provide any innovative site planning, architectural design or additional standards. The proposed buffer is not sufficient for the proposed use.

1.3.6 The City shall require that access to newly developed and redeveloped parcels, other than parcels zoned for or used for single-family dwellings, with frontage along two or more roadways be limited in order to protect performance of the City's transportation network. Access shall be limited to one per roadway with access from the higher functional class roadway or roadway with the higher average daily traffic being limited to right turn-in/right turn-out only.

3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

3.2.3 The City shall prohibit the expansion or replacement of commercial uses that do not meet applicable locational criteria of the 2030 Comprehensive Plan and have an adverse impact on adjoining or nearby uses. Consider office and high density residential development as a viable alternative in land use reviews.

As mentioned earlier, the proposed PUD does not meet the location criteria of the Comprehensive Plan.

(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:

(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 categories as identified in the Future Land Use Map series (FLUMs): Residential Professional Institutional (RPI). The RPI land use category limits single use development to residential or office. Although the application is proposing a variety of uses, the site plan only shows the commercial filling station. The PUD, if approved, will need to revise the site plan to show more than one use. The Planning and Development Department finds that the proposed PUD is **inconsistent** with the 2030 Comprehensive Plan.

Pursuant to Section 656.125 (b), the applicant has not provided substantial competent evidence the proposed rezoning is consistent with the Comprehensive Plan or furthers the goals and objectives of the Comprehensive Plan.

(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 a filling station and includes permitted and permissible uses by exception in the CRO Zoning District. 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 topography, physical environment and other natural features: The site does not contain significant topography or other natural features.
- The use and variety of building groupings: The site plan shows only one proposed building.
- The use and variety of building sizes and architectural styles: The application does not indicate the architectural style of the proposed filling station.
- The use and variety of materials: The application does not indicate the type of materials to be used.
- The separation and buffering of vehicular use areas and sections of vehicular use areas:
- The particular land uses proposed and the conditions and limitations thereon: The application does not list any additional conditions or limitations.
- Compatible relationship between land uses in a mixed use project: The intended uses in the written description are either permitted or permissible by exception in the CRO Zoning District. They would not expect to create any adverse impacts.

(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 **not achieved** by the following:

- Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon: The written description has not indicated what limitations, if any the PUD will incorporate to reduce the lighting, noise, odors and other negative impacts the proposed use will have on the adjacent residential properties.
- The type, number and location of surrounding external uses: The area is predominately single family residential with a few small churches. Northeast of the subject property is 3.3 acres zoned Commercial Neighborhood, however this area has not been developed and single family is the current use. The subject property and other properties 700 feet to the west are zoned Commercial Residential Office (CRO), but this area has also remained residential in character. Although there are commercial districts, the general area has not been developed with permitted commercial uses. Introducing the intensive filling station use is premature for the area.
- The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	NC	RLD-120 CN	Single family dwelling Church
South	LDR	RR-Acre	Single family dwelling
East	NC	RLD-120 CN	Single family dwelling Single family dwelling
West	RPI	CRO	Single family dwelling

(6) Intensity of Development

The proposed development is inconsistent with the RPI functional land use category as a filling station. The PUD is inappropriate at this location because it does not meet the locational criteria of a nodal intersection or commercial corridor. It is also too intensive for the current residential and institutional uses in the area.

- The amount and type of protection provided for the safety, habitability and privacy of land uses both internal and external to the proposed PUD: The PUD does not provide any extra buffers from the single family dwellings that surround the site. The intended plan of development uses the standard uncomplementary buffer from the Zoning Code of a 10 foot wide landscape area, a 6 foot high, 85% opaque fence and one tree every 25 feet along the property line. While this buffer is sufficient for most commercial uses, a filling station is more intensive with the amount of vehicular traffic, noises and glare.
- The existing residential density and intensity of use of surrounding lands: Single family dwellings and a church surround the subject property. There is a small plant nursery on 1.3 acres 800 feet to the north.

- The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The City Traffic Engineer recommends the developer provide a cross access or provision for cross access to the parcel to the south per Jacksonville Code of Ordinances 654.115 (f).

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space. Commercial uses do not require a recreation area.

(8) Impact on wetlands

Review of a 2004 Florida Land Use and Cover Classification System map provided by the St. Johns River Water Management District did not identify any wetlands on-site.

(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.

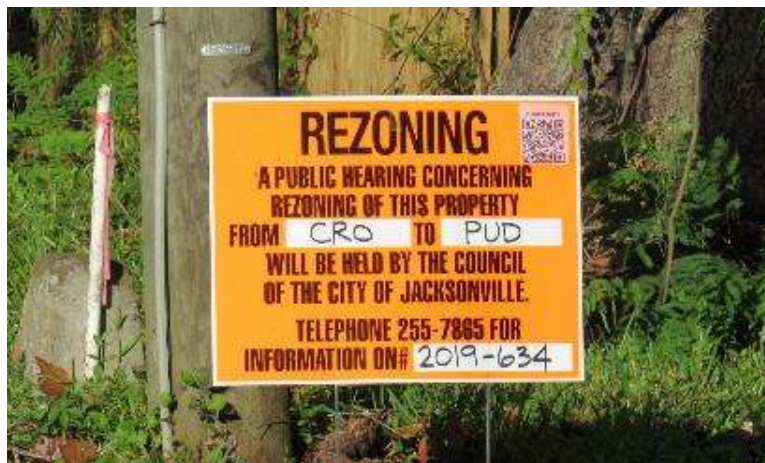
The intended plan of development will comply with Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

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

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on September 20, 2019, the required Notice of Public Hearing sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2019-634** be **DENIED** with the following exhibits:

1. The original legal description dated August 27, 2019.
2. The original written description dated August 15, 2019.
3. The original site plan dated August 22, 2019.



Aerial view of subject property



View of subject property on Garden Street



View of subject property on Garden Street



View of subject property on Old Kings Road



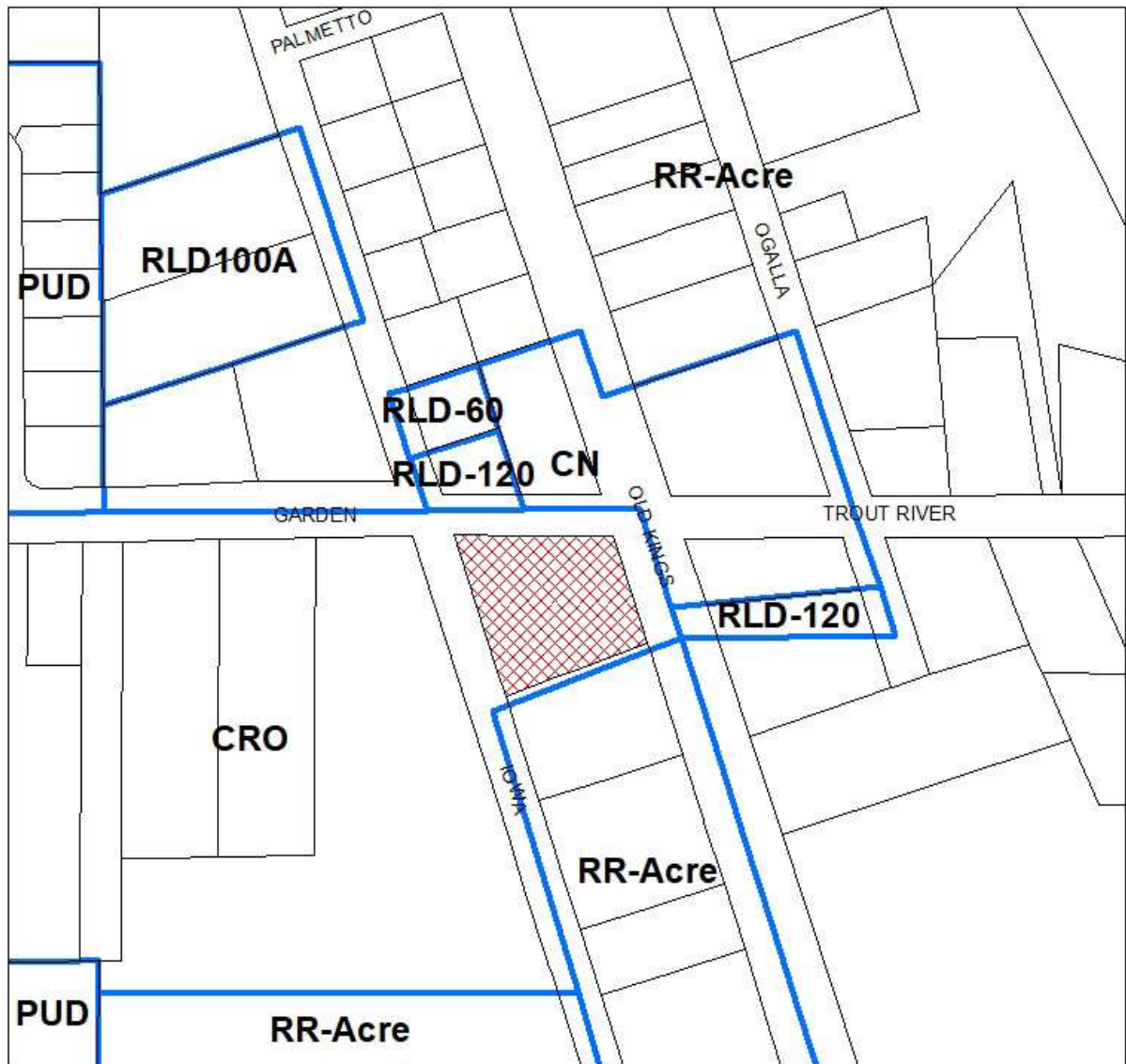
Residential dwelling across from subject property

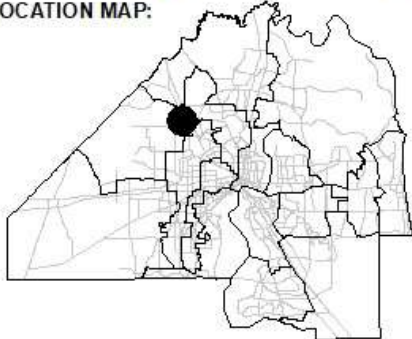



Vacant church across from subject property



Residential dwelling across from subject property



<p>REQUEST SOUGHT:</p> <p>FROM: CRO</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	 <p>0 80 160 320</p> <p>Feet</p> <p>COUNCIL DISTRICT:</p> <p>8</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2019-0634</p>	<p>TRACKING NUMBER</p> <p>T-2019-2471</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>