

Daniel Blanchard	Aye
Charles Garrison	Aye
David Hacker	Aye
Jack Meeks	Aye
Morgan Roberts	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,



Bruce E. Lewis
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2023-592 TO
PLANNED UNIT DEVELOPMENT

OCTOBER 5, 2023

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 **2023-592** to Planned Unit Development.

Location: South side of Old St. Augustine Road
between Lake Gardens Drive and Whitmore Road

Real Estate Number(s): 158290-0020

Current Zoning District(s): Residential Low Density-60 (RLD-60)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)

Proposed Land Use Category: Public Buildings and Facilities (PBF)

Planning District: Southeast, District 3

Applicant/Agent: Wyman Duggan, Esq.
Rogers Towers, PA
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Owner: American Legion Mandarin “Fallen Hero’s” Post 372, Inc.
11250 Old St. Augustine Road
Jacksonville, Florida 32257

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Planned Unit Development 2023-592 seeks to rezone approximately 1.10 acres of land from Residential Low Density-60 (RLD-60) to PUD. The rezoning to PUD is being sought to allow an American Legion Post including sale and service of all alcoholic beverages for on premises consumption, outdoor cooking and activities.

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 2045 Comprehensive Plan?

No. The Planning and Development Department finds that the subject property is located in the Low Density Residential (LDR) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2045 Comprehensive Plan. However, there is a companion Application for Small Scale Land Use Amendment to the Future Land Use Map Series **L-5836-23C (Ordinance 2023-591)** that seeks to amend the portion of the site that is within the Low Density Residential (LDR) land use category to Public Buildings and Facilities (PBF). Public buildings and Facilities (PBF) is intended to accommodate major public use or community service activities. Some major uses, however, because of their scale and potential community impacts, may only be sited in this plan category.

The proposed Planned Unit Development (PUD) would allow for the use of the site as an American Legion Post, which is consistent with the PBF land use category. When applying the criteria of consistency with the 2045 Comprehensive Plan, the combined factors of the goals, objectives and policies of the plan along with the appropriate Functional Land Use Categories are used. Therefore, the 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 where a commercial use is being introduced, as is proposed in this Planned Unit Development. Therefore, while the proposed use may be consistent with the category description of the functional land use category, the intensity and scale of the project is **not consistent** with the intent of the 2045 Comprehensive Plan.

(B) Does the proposed rezoning further the goals, objectives and policies of the 2045 Comprehensive Plan?

No. This proposed rezoning to Planned Unit Development is **inconsistent** with the 2045 Comprehensive Plan, and does not further the following goals, objectives and policies contained herein, including:

Future Land Use Element:

Goal 1 To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

Policy 1.1.7 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 PUD is not a gradual transition in this residential area. The PUD is proposing a relaxation of the uncomplementary buffers that are designed to protect residential areas from commercial activities. The proposed use could produce additional vehicular traffic and late night activities which may be a nuisance to the neighborhood.

Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

Objective 3.1 Continue to maintain adequate land designated for residential uses which can accommodate the projected population and provide safe, decent, sanitary and affordable housing opportunities for residents. Protect single-family residential neighborhoods by requiring that any other land uses within single family areas meet all applicable requirements described in the Development Areas and the Plan Category Descriptions of the Operative Provisions of the Comprehensive Plan and Land Development Regulations.

As stated earlier, the PUD does not protect or preserve the character of the area from the proposed use. Additional vehicular traffic, late night activities and outdoor activities are concerns with the Department.

Policy 3.1.2 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.

This PUD does not protect neighborhoods from potential negative impacts. The PUD is requesting outside activities with the location shown on the site plan adjacent to a single family dwelling. Additionally, the PUD allows the outdoor activities to occur directly on the property line with only a 6 foot high fence between the uses. Typically, there is a 10 foot wide buffer, a 6 foot high fence and one tree every 25 feet adjacent to a residential dwelling.

Policy 3.1.14 The Land Development Regulations shall include site design standards to ensure compatibility with adjacent uses and to protect neighborhood scale and character through transition zones, bulk, massing, and height restrictions.

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

Yes. The written description and the site plan of the intended plan of development, is requesting relaxation from the uncomplementary buffer standards in the Zoning Code.

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 2045 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): Low Density Residential (LDR). There is a companion Application for Small Scale Land Use Amendment to the Future Land use Map Series L-5836-23C (Ordinance 2023-591) that seeks to amend the portion of land that is within the Low Density Residential (LDR) land use category to Public Buildings and Facilities (PBF). The Planning and Development Department finds that the proposed PUD is **inconsistent** with the 2045 Comprehensive Plan, as 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.

The following has been submitted to CMMS: MOB # 120858.0 / CRC # 120858.1 / City Dev # 10641.000: American Legion Mandarin Fallen Heroes Post 372, Inc. 6,300 encl sf building / MOB Fee of \$11,776

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for an American Legion Post/Private Club. This proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis for 2045 Comprehensive Plan's Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2045 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: There are existing trees on the property, but it is unknown if they will be kept. The PUD will provide landscaping in accordance with Part 12 of the Zoning Code.
- Traffic and pedestrian circulation patterns: There will be one access point on Old St. Augustine Road. A sidewalk connecting the building to the sidewalk along Old St. Augustine Road is

shown on the site plan.

- The use and variety of building setback lines, separations, and buffering: The PUD has setbacks that are consistent with the surrounding residential zoning district. Also the height of the building is limited to 35 feet.

(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 PUD indicates that an uncomplementary buffer will be installed along the west, south and east property lines. However the written description allows for outdoor uses to occur within the uncomplementary buffer. This will place outdoor activities within five feet of the property line.
- The type, number and location of surrounding external uses: The subject parcel is surrounded on all sides by single family residential dwellings. The PUD allows for outdoor activities, cooking, etc. Staff has concerns that the proposed uses may create additional noise and odors that are uncommon in 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	LDR	RLD-60	Single family dwellings
South	LDR	RLD-60	Single family dwellings
East	LDR	RLD-60	Single family dwellings
West	LDR	RLD-60	Single family dwellings

- Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: The PUD will provide a 6 foot high fence as part of an uncomplementary buffer along the west, south and east boundaries of the property. This will provide a visual screen from the adjacent residential dwellings. However the PUD allows the patio to be within the 10 foot uncomplementary buffer. Staff has concerns with noise from the patio adjacent to a residential lot.

(6) Intensity of Development

The proposed development is inconsistent with the Public Buildings and Facilities (PBF) functional land use category as an American Legion Post/Private Club. The PUD is **inappropriate** at this location because it will introduce a commercial use in a single family residential area.

- The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: Old St. Augustine Road is currently operating at 46% of capacity. The proposed development is expected to produce 182 daily trips and will not over burden the roadway.
- The existing residential density and intensity of use of surrounding lands: As mentioned earlier, single family residential dwellings surround the proposed use and are the predominate use along Old St. Augustine Road. There is the potential for increased vehicular traffic, especially late night activities that is uncommon in a residential area. The intensity of the proposed American Legion will create negative impacts to the surrounding area.

(7) Usable open spaces plazas, recreation areas.

Commercial uses do not require a recreation area. The PUD is proposing outdoor activities with a small patio on the western side of the building. This patio may create noise and odors that negatively impact the surrounding residential dwellings.

(8) Impact on wetlands

Review of City data indicates the potential existence of approximately 0.24 acres of Category III wetlands along the eastern and southern portion of the subject site. It appears the wetland area may have been encroached on in the past but has never been part of a larger system. The wetland is the result of the surface land elevation close to the high water table of the soil.

(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 development requires 32 parking spaces pursuant to Part 6 of the Zoning Code. The PUD will provide 45 parking spaces and one loading space. The Department has no objection to the additional 13 spaces.

(11) Sidewalks, trails, and bikeways

There is an existing sidewalk along Old St. Augustine Road. The project will contain a pedestrian system that meets the 2045 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on September 22, 2023, 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 **2023-592** be **DENIED with the following exhibits:**

1. The original legal description dated July 19, 2023.
2. The original written description dated July 19, 2023.
3. The original site plan dated July 19, 2023.



Aerial view of subject property



View of subject property



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-60</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p>	<p>0 100 200 400 Feet</p>
<p>ORDINANCE NUMBER ORD-2023-0592</p>	<p>TRACKING NUMBER T-2023-4978</p>	<p>COUNCIL DISTRICT: 6</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>