



Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Jordan Elsbury	Aye
David Hacker	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 2023-230 TO**  
**PLANNED UNIT DEVELOPMENT**

**MAY 4, 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 **2023-230** to Planned Unit Development.

***Location:*** 3434 Atlantic Boulevard between Linden Avenue and Mayfair Road

***Real Estate Number(s):*** 145888-0010, 145888-0040

***Current Zoning District(s):*** Planned Unit Development (PUD 2022-310-E)

***Proposed Zoning District:*** Planned Unit Development (PUD)

***Current Land Use Category:*** Community General Commercial (CGC)

***Planning District:*** Southeast, District 3

***Applicant/Agent:*** Paul M. Harden, Esq.  
1431 Riverplace Boulevard, Suite 901  
Jacksonville Florida 32207

***Owner:*** Rene U. Pulido  
Rene Uriel Pulido Revocable Living Trust  
2570 Atlantic Boulevard  
Jacksonville Florida 32207

***Staff Recommendation:*** **APPROVE WITH CONDITIONS**

**GENERAL INFORMATION**

Application for Planned Unit Development 2023-230 seeks to rezone approximately 3.33 acres of land from PUD to PUD. The rezoning to PUD is being sought to increase the allowable square footage from 12,996 square feet to 24,000 square feet. The proposed PUD does not include additional uses from what was approved in the current PUD. The PUD allows the majority of permitted uses and permissible uses by exception in the CCG-1 Zoning District, while removing pawn shops, dancing entertainment establishments and similar uses.

PUD Ord. 2022-310-E was approved with the following conditions:

1. No development shall occur in the Coastal High Hazard Area (CHHA).
2. The development is subject to the Transportation Planning Division Memorandum dated May 10, 2022 or as otherwise approved by the Planning and Development Department.

The Planning & Development Department has reviewed the conditions of the enacted ordinance and recommends these conditions be continued in the proposed PUD.

### **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?***

Yes. The Planning and Development Department finds that the subject property is located in the Community General Commercial (CGC) 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. The PUD proposes commercial retail uses and service establishments that are found in the CCG-1 Zoning District. Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2045 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 2045 Comprehensive Plan?***

Yes. This proposed rezoning to Planned Unit Development is consistent with the 2045 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

##### **Future Land Use Element:**

**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.

**Policy 1.2.9** Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

**Objective 3.2** Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

**Objective 6.3** The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

***(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 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): Community General Commercial (CGC). The Planning and Development Department finds that the proposed PUD is consistent 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.

***(3) Allocation of residential land use***

This proposed Planned Unit Development intends to utilize lands for commercial uses. 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 streetscape: The subject property has little frontage on either Atlantic Boulevard or Luce Street. The building is oriented to the parking area. The street scape will be similar to other developments in the area.
- The use of topography, physical environment and other natural features: The site plan shows the building and parking being constructed outside the wetlands and Coastal High Hazard area (CHHA).
- Traffic and pedestrian circulation patterns: The proposed development has access to both Atlantic Boulevard and Luce Street. This will allow customers alternative routes to and from the proposed development.
- Compatible relationship between land uses in a mixed use project: The proposed uses are consistent with the uses found in the CCG-1 Zoning District. Staff feels the uses will not create any adverse impacts to the other uses.
- 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: Approximately 1.5 acres of the 3.33 acre subject site is located within AE Flood Zone and an additional 0.17 of an acre is with in the 0.2 PCT Annual Chance Flood Hazard (Flood Zone X). Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). The 100-year storm or Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100-years. There is a 1-percent chance that a storm of this magnitude will occur in any given year. The AE flood zone is defined as an area within the 100-year floodplain or SFHA where flood insurance is mandatory. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance. The 0.2 PCT Annual Chance Flood Hazard are areas within the 500-year floodplain and outside of the SFHA. Flood insurance is not mandatory within these flood zones. The areas are deemed to be subject to moderate flood hazards. According to the PUD site plan, development is clustered away from flood zones.

Approximately 0.55 of an acre of the subject site is located within a Coastal High Hazard Area (CHHA), as defined by Sections 163.3178(2)(h) and 163.3164(1), Florida Statutes. No development in the PUD site plan is proposed on the portion of the subject site that is located within the CHHA. **However, Staff recommends the proposed PUD should be conditioned to not allow development in the CHHA.**

***(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 type, number and location of surrounding external uses: The subject property is in the St. Nicholas area, which contains a wide variety of use including, single family and multi-family residential, churches, restaurants, car washes and commercial uses and service establishments. The PUD is proposing similar type of uses.
- The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use</b>
<b>North</b>	PBF	PBF-2	Church
<b>South</b>	CGC	CCG-2	Baptist Health Data Center
<b>East</b>	RPI	CRO	Miller Creek, multifamily dwellings
<b>West</b>	PBF	CO	JFRD #12, undeveloped

***(6) Intensity of Development***

The proposed development is consistent with the Community General Commercial (CGC) functional land use category with commercial and service establishment uses. The PUD is appropriate at this location because it will provide similar types of uses that are already existing in the area.

- The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: Atlantic Boulevard controlled by FDOT and is operating at 45% capacity. There is sufficient capacity to accommodate the proposed development.

***(7) Usable open spaces plazas, recreation areas.***

The commercial project is not required to provide an active recreation area.

***(8) Impact on wetlands***

Review of City data indicates the existence of 1.13 acres of Category I and II wetlands on the eastern portion of the subject site. The wetland has an extremely high functional value for water filtration attenuation and flood water capacity, is located within the 100 year flood zone, and has a direct impact on the City's waterways. In addition a portion of the wetlands is a salt marsh which has an extremely high functional value due to its water filtration attenuation of coastal waters and reduction of storm surge in coastal high hazard areas during cataclysmic coastal storms. Based on the information noted below, the proposed amendment is consistent with the Conservation/Coastal Management Element (CCME) wetlands policies. Any development impacting wetlands will be

permitted pursuant to local, state and federal permitting requirements.”

***(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 site will be developed in accordance with Part 6 of the Zoning Code.

***(11) Sidewalks, trails, and bikeways***

The project will contain a pedestrian system that meets the 2045 Comprehensive Plan.

### **SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on April 22, 2022, 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 **2023-230** be **APPROVED** with the following exhibits:

1. The original legal description dated February 23, 2022.
2. The original written description dated March 10, 2022.
3. The original site plan dated January 4, 2022.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2023-230** be **APPROVED** subject to the following conditions, which may only be changed through a rezoning:

1. No development shall occur in the Coastal High Hazard Area (CHHA).
2. The development is subject to the Transportation Planning Division Memorandum dated May 10, 2022 or as otherwise approved by the Planning and Development Department.



View of subject property on Linden Ave



Residential dwellings on Linden Ave across from subject property



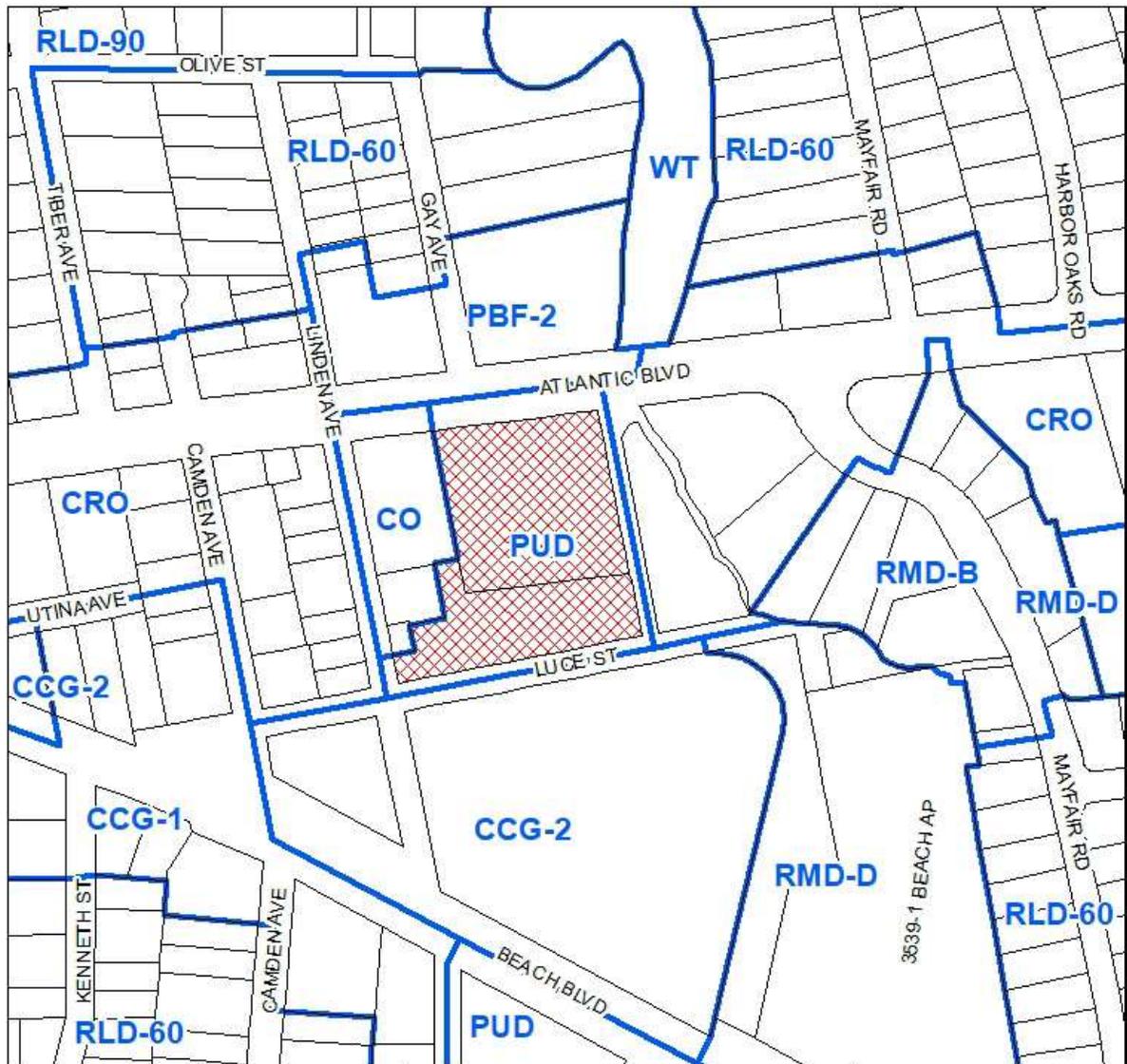
View from Atlantic Blvd

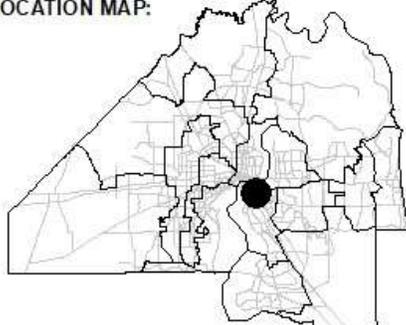
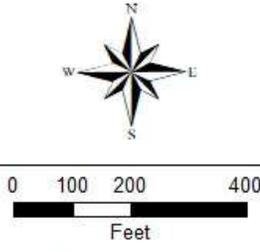


Adjacent JFRD station on Atlantic Blvd



Aerial view of subject property



<p>REQUEST SOUGHT:</p> <p><b>FROM: PUD</b></p> <p><b>TO: PUD</b></p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT:</p> <p><b>5</b></p>
<p>ORDINANCE NUMBER</p> <p><b>ORD-2023-0230</b></p>	<p>TRACKING NUMBER</p> <p><b>T-2023-4810</b></p>	<p><b>EXHIBIT 2</b></p> <p><b>PAGE 1 OF 1</b></p>