

City of Jacksonville, Florida

Donna Deegan, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
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August 3, 2023

The Honorable Ronald B. Salem, Pharm. D., President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

RE: Planning Commission Advisory Report
Ordinance No.: 2023-327 Hendricks Ave Application for: Hendricks Avenue PUD

Dear Honorable Council President Salem, Honorable Council Member and LUZ Chairperson Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve with Conditions**

Planning Commission Recommendation: **Approve with Conditions**

This rezoning is subject to the following exhibits:

- 1. The original legal description dated March 3, 2023.**
- 2. The original written description dated March 3, 2023.**
- 3. The original site plan dated April 22, 2020.**

Recommended Planning Commission Conditions to the Ordinance:

Planning Commission conditions:

- a) The minimum 5,000 square feet of non-residential floor area shall be located on the ground floor and shall not include areas devoted to parking or open space.**
- b) There shall be no outside amplified music after 10:00 p.m., Sunday through Thursday, and after midnight, Friday and Saturday. If amplified music is to be played indoors, it must be soundproofed from the units above**
- c) Any needed operational improvements (such as restriping or timing of lights) will be the responsibility of the developer. In no event shall developer be required to make improvements to add traffic capacity. This condition is subject to review and approval by the Planning Department.**
- d) The permitted uses and limitations on the location of the specific uses detailed in Section IV.A. of the March 3, 2023 Written Description may only be modified through a Rezoning.**

- e) **The building setbacks detailed in Section V.A.5. of the March 3, 2023 Written Description, and the pedestrian access elements detailed in Section V.B.3. of the March 3, 2023 written description may only be modified through a rezoning.**
- f) **The signage provisions in Ordinance 2017-136-E shall supercede Section V.C. of the March 3, 2023 Written Description.**
- g) **The project shall provide for a minimum of 30,000 Square Feet of active recreation space on site, and may address any shortfall as detailed in Section V.E. of the March 3, 2023 Written Description**
- h) **The transparency requirements contained in Section V.F. of the March 3, 2023 Written Description are hereby incorporated as a condition to this rezoning.**
- i) **The minimum parking standards established in Section V.B.1. of the March 3, 2023 Written Description are hereby incorporated as conditions of this rezoning.**
- j) **One tree shall be planted for every 40 feet of linear feet of frontage and may be clustered.**
- k) **Prior to requesting a final building inspection or occupying the facility in any manner, the lead horizontal and lead vertical design professionals shall submit to the Planning and Development Department separate certification letter confirming that all horizontal and vertical components of the development order have been satisfied. This condition shall apply to both phased and non-phased developments.**

Planning Department conditions:

- 1.) **Any needed operational improvements (such as restriping or timing of lights) will be the responsibility of the developer. In no event shall developer be required to make improvements to add traffic capacity. This condition is subject to review and approval by the Planning Department.**
- 2.) **The permitted uses and limitations on the location of the specific uses detailed in Section IV.A. of the March 3, 2023 Written Description may only be modified through a Rezoning.**
- 3.) **The building setbacks detailed in Section V.A.5. of the March 3, 2023 Written Description, and the pedestrian access elements detailed in Section V.B.3. of the March 3, 2023 written description may only be modified through a rezoning.**
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- 8.) **One tree shall be planted for every 40 feet of linear feet of frontage and may be clustered.**
- 9.) **Prior to requesting a final building inspection or occupying the facility in any manner, the lead horizontal and lead vertical design professionals shall submit to the Planning and Development Department separate certification letter confirming that all horizontal and vertical components of the development order have been satisfied. This condition shall apply to both phased and non-phased developments.**

Recommended Planning Commission Conditions that can be incorporated into the Written Description: **None**

Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote:	5-0
Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Absent
Marshall Adkison	Aye
Daniel Blanchard	Aye
David Hacker	Abstain
Morgan Roberts	Aye

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

Sincerely,



Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2023-0327 TO

PLANNED UNIT DEVELOPMENT

JUNE 22, 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 **2023-0327** to Planned Unit Development.

Location: 1300 Hendricks Avenue between Interstate I-95,
and Nira Street

Real Estate Number(s): 080822-0100

Current Zoning District: Planned Unit Development (PUD-2017-0136)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: High Density Residential (HDR)

Planning District: Southeast, District 3

Applicant/Agent: Cyndy Trimmer, Esq.
Driver, McAfee, Hawthorne and Diebenow, PLLC
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

Owner: Chadbourne II MF LLC
177 4th Avenue N, Suite 200
Jacksonville Beach, Florida 32250

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2023-0327** seeks to rezone approximately 3.45 acres of land from PUD to PUD. The rezoning to PUD is being sought to incorporate the conditions of the previously approved PUD 2017-136 that allowed for the mixed use development, as well as to change to Sign Code allowed within the PUD to allow for larger signs with less restrictions. The subject site is currently under construction for 345 residential units and up to 30,000 Square Feet of Commercial Space.

The previous PUD was approved with 11 conditions some of which the Department is recommending remain in the new PUD. The Conditions are as followed:

- a.) The minimum 5,000 square feet of non-residential floor area shall be located on the ground floor and shall not include areas devoted to parking.
- b.) There shall be no outside amplified music after 10:00 p.m., Sunday through Thursday, and after midnight, Friday and Saturday. If amplified music is to be played indoors, it must be soundproofed from the units above.
- c.) An operational traffic study to determine the impact to all nearby intersections and entrances shall be provided to the City Traffic Engineer for review and approval at the time of Verification of Substantial Compliance. Any needed operational improvements (such as restriping or timing of lights) will be the responsibility of the developer. In no event shall developer be required to make improvements to add traffic capacity. This condition is subject to review and approval by the Planning Department.
- d.) The permitted uses and limitations on the location of the specific uses detailed in Section IV.A. may only be modified through a Rezoning.
- e.) The building setbacks detailed in Section V.A.5. and pedestrian access elements detailed in Section V.B.3. May only be modified through a rezoning.
- f.) The provisions regarding maximum signage reflected in Section V.C. may only be modified through a rezoning; however, a 5% variation in the size of the tenant/commercial establishment may be permitted through a minor modification to this PUD.
- g.) The project shall provide for a minimum of 30,000 Square Feet of active recreation space on site, and may address any shortfall as detailed in Section V.E.
- h.) The transparency requirements contained in Section V.F. are hereby incorporated as a condition to this rezoning.
- i.) The minimum parking standards established in Section V.B.1. are hereby incorporated as conditions of this rezoning.
- j.) One tree shall be planted for every 40 feet of linear feet of frontage and may be clustered.
- k.) Prior to requesting a final building inspection or occupying the facility in any manner, the lead horizontal and lead vertical design professionals shall submit to the Planning and Development Department separate certification letter confirming that all horizontal and vertical components of the development order have been satisfied. This condition shall apply to both phased and non-phased developments.

Staff has reviewed the enacted conditions of the previous PUD and recommends the following:

Conditions a, b and j shall be removed as they are now incorporated into the Written Description dated March 3, 2023. Condition C shall be amended to remove the operational traffic study requirement at the time of verification, as the project has been through verification and the traffic study was provided. Conditions d, e, g, h, and i shall remain but be updated to reflect the March 3, 2023 Written Description of the new PUD. Condition f remain but updated to reflect the new signage code allowed in the Written Description dated March 3, 2023. Condition K shall remain to ensure overall compliance.

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.

(1) Is the proposed zoning district consistent with the 2045 Comprehensive Plan?

Yes. The applicant is requesting to memorialize application provisions and adoption conditions from previously enacted ordinances 2017-135 and 2017-136 and to update the signage programming.

The subject site is 3.45 acres and is located in Planning District 3, Council District 5, and south of I-95 and on the south side of Gary Street. Additionally, the property borders Naldo Street to the west, Nira Street to the south and Hendricks Avenue (SR13) to the east. The application site is also in the Urban Priority Area and in the North San Marco Neighborhood Action Plan area. The subject site is located within the High Density Residential (HDR) land use category. HDR in the Urban Priority Area is intended to provide compact high density residential and mixed-use development. High density residential development which includes limited commercial, and office uses which serve the residential component of HDR developments as well as adjacent neighborhoods is preferred to reduce the number of Vehicles Miles Traveled. Vertical integration of a mix of uses is encouraged.

HDR designations shall be in locations which are supplied with full urban services; which are located in close proximity to a roadway classified as an arterial or higher on the Functional Highway Classification Map; and which are located within one-half mile distance from an existing or planned Jacksonville Transit Authority (JTA) mass transit system station or service. Locations which serve as a transition between commercial and medium density residential land uses are preferred. Sites which are abutting Low Density Residential (LDR) or Rural Residential (RR) are discouraged.

The maximum residential density for HDR in the Urban Priority Area is 80 dwelling units per acre with an additional maximum 20 dwelling units per acre providing certain criteria was met on a case by case determination of consistency.

The existing and proposed PUD 345 dwelling units and 30,000 square feet of retail commercial use is consistent with the approved density of 100 dwelling units per acre with the HDR land use category and with Ordinances 2017-135 and 2017-136. The proposed changes to the permitted sign for the application site is not an issue with the 2045 Comprehensive Plan. It is only an issue with the City's zoning regulations.

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

The evaluation of the goals, objectives and policies of the Comprehensive Plan can be found later in this report.

(3) 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): High Density Residential (HDR).

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:

FLUE Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

FLUE 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.

FLUE Policy 3.2.10 The City shall encourage redevelopment and revitalization of rundown strip commercial areas through incentives such as the use of residential density credits for infill and mixed use development.

FLUE Policy 3.2.2 The City shall encourage, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize

(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. Nonetheless, concurrency has been reserved for the development and permits have been issued.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a multi-family development not to exceed 345 residential units. 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 2030 Comprehensive Plan.

(4) Internal compatibility

This proposed PUD is consistent with the internal compatibility factors with specific reference to the following:

The streetscape: Conceptual drawings show the building constructed up to the property line with fenestrations, balconies and sidewalk cafes. A majority of the buildings in the area are similarly constructed to the property line. However, the written description indicates that outdoor seating, monument signage and lighting may be located within the right-of-way. Staff encourages seating on the first floor to promote walkability but not encroaching into a public sidewalk. If the owner wants outdoor restaurant seating, it must be provided on the subject property, not public property. **Staff still recommends an 8 foot unobstructed sidewalk along Hendricks and Nira as previous requested in the 2017 report.**

The treatment of pedestrian ways: There are existing sidewalks along frontages.

Compatible relationship between land uses in a mixed use project: The PUD is proposing residential units and commercial uses. The commercial uses will primarily be on the first floor and some on the roof and should not negatively impact the residential above or below.

(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 proposed development is located in an urban area with offices, commercial uses, hotels and institutional uses function as

a mixed-use development. Multi-family and commercial development at this location will complement the existing hospital, various office and commercial uses by increasing the housing options for those in the immediate 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	CGC	CCG-1	Interstate 95
South	CGC	CCG-1	Restaurant
East	CGC	CCG-1	Bank, offices, commercial uses
West	CGC	CCG-1	Retention pond, undeveloped

(6) Intensity of Development

The proposed development is consistent with the HDR functional land use category as a multi-use development with residential and commercial uses. The PUD is appropriate at this location because it will support the existing offices, service establishments and hospital in the area.

The existing residential density and intensity of use of surrounding lands: There is no existing residential abutting the subject property. The nearest residential is north of the property along the St Johns River and a block south.

The availability and location of utility services and public facilities and services: JEA has indicated that potable water and sewer are available to the site.

SCHOOL	CONCURRENT SERVICE AREA	STUDENTS GENERATED	SCHOOL CAPACITY (Permanent/Portables)	CURRENT ENROLLMENT 20 Day Count (2016/17)	% OCCUPIED	4 YEAR PROJECTION
Hendricks Avenue ES #71	4	58	659	690	105%	104%
Dupont MS #66	4	25	1,071	747	70%	73%
Terry Parker HS #86	4	32	1,866	1,770	95%	84%

The amount and size of open spaces, plazas, common areas and recreation areas: It appears from the site plan that the building will be constructed up to the property line. There will be interior common and recreation areas.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The subject property will have access from Hendricks Avenue, Nira Street and Naldo Avenue.

The City's Traffic Engineer has not requested any additional information be provided to them as the new PUD is not changing the layout or traffic flow of the project.

(7) Usable open spaces plazas, recreation areas.

The project will provide open space in the form of courtyards and rooftop decks. Recreation areas will be provided at a minimum of 150 square feet per residential unit, with the anticipation of a minimum of 30,000 square feet of active recreation space on site.

(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. This is a paved urban site with scattered trees.

(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 the parking requirements of the previously approved PUD as well as the enacted condition (i) from the previous PUD.

(11) Sidewalks, trails, and bikeways

There are existing sidewalks along all frontages. Staff recommends the property shall have a multi-use path along its border with Nira St to the south and Hendricks Ave to the east. This path segment ties into a partially-completed path network that connects to the Southbank Riverwalk and Fuller Warren multi-use path.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on June 13, 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 **2023-0327** be **APPROVED with the following exhibits:**

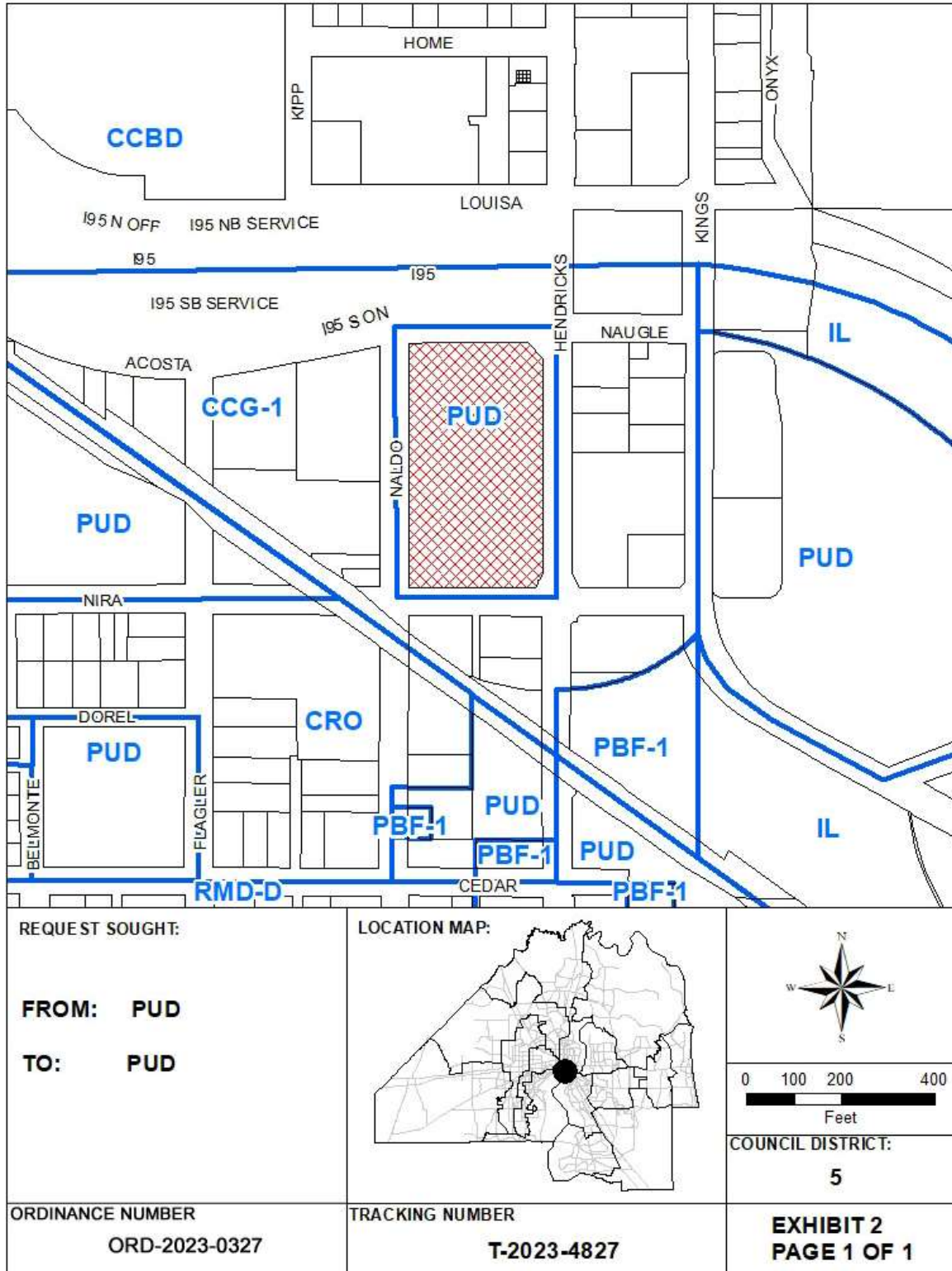
1. The original legal description dated March 3, 2023.
2. The original written description dated March 3, 2023.
3. The original site plan dated April 22, 2020.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2023-0327** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

- 1.) Any needed operational improvements (such as restriping or timing of lights) will be the responsibility of the developer. In no event shall developer be required to make improvements to add traffic capacity. This condition is subject to review and approval by the Planning Department.
- 2.) The permitted uses and limitations on the location of the specific uses detailed in Section IV.A. of the March 3, 2023 Written Description may only be modified through a Rezoning.
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- 9.) Prior to requesting a final building inspection or occupying the facility in any manner, the lead horizontal and lead vertical design professionals shall submit to the Planning and Development Department separate certification letter confirming that all horizontal and vertical components of the development order have been satisfied. This condition shall apply to both phased and non-phased developments.



Aerial View



Legal Map