

City of Jacksonville, Florida

Donna Deegan, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

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.: 2023-394 Application for: 800 Lomax Street 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**

Planning Commission Recommendation: **Approve**

This rezoning is subject to the following exhibits:

- 1. The original legal description dated December 5, 2022.**
- 2. The original written description dated April 5, 2023.**
- 3. The original site plan dated December 5, 2022.**

Recommended Planning Commission Conditions to the Ordinance: **None**

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:	6-0
Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Absent
Marshall Adkison	Aye

Daniel Blanchard	Aye
David Hacker	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
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 2023-0394 TO
PLANNED UNIT DEVELOPMENT

AUGUST 3, 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 **2023-0394** to Planned Unit Development.

Location: 800 Lomax Street,
At the corner of Lomax Street and Oak Street

Real Estate Number(s): 090322 0000

Current Zoning District(s): Commercial Community/General-1 (CCG-1)

Proposed Zoning District: Planned Unit Development (PUD)

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

Planning District: Urban Core, District 1

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

Owner: 800 Lomax LLC
One Independent Drive, Suite 1200
Jacksonville, Florida 32203

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Planned Unit Development 2023-0394 seeks to rezone approximately 0.39± acres of land from Commercial Community/General-1 (CCG-1) to PUD. The rezoning to a PUD is being sought in order to permit for a mixed-use development consisting of restaurant and other retail uses. The subject property consists of an approximately 16,300 square foot structure originally built in 1954. The property is located within the Urban Transition Area (UTA) of the Riverside/Avondale Zoning Overlay, but is not included in the Riverside Historic District.

The need for the PUD arises from physical constraints with renovating the existing structure, and limitations within the Riverside/Avondale Zoning Overlay and the CCG-1 zoning district. Therefore, the proposed PUD would permit for the on-premises and off-premises consumption of alcoholic beverages by right, permit outside sales and service of food and alcoholic beverages by right, waive liquor distance requirements between the property and a church or school, and prohibit specific uses typically permitted in the CCG-1 zoning district. The PUD is also being utilized to seek relief from parking and landscaping requirements, given the existing configuration of the property and structure.

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. 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 the subject property will be located in the Community/General Commercial (CGC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2045 Comprehensive Plan.

The subject site is 0.39 of an acre and is located at 800 Lomax Street between Lomax Street and Oak Street in Planning District 1 and Council District 7. The application site is also in the Urban Priority Development. According to the City's Functional Highways Classification Map Oak Street is a collector roadway and Lomax Street is a local roadway.

The subject site is located within the Community/General Commercial (CGC) land use category. CGC in the Urban Priority Area is intended to provide compact development which should generally be developed in nodal and corridor development patterns while promoting the revitalization or advancement of existing commercial districts and the use of existing infrastructure through infill development and redevelopment. Development that includes residential uses is preferred to provide support for commercial and other uses. Vertical integration of a mix of uses is encouraged.

The proposed commercial and restaurant uses are permitted in the CGC land use category. The subject site's permitted uses in the PUD written description also meets both mixed use and single uses requirements of CGC in the Urban Priority Development Area.

(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:

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 3.2

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.

Airport Environment Zone

The site is located within the 500 foot Height and Hazard Zone for the Jacksonville Naval Air Station (NAS-Jax) and 500 feet Height and Hazard Zone for the Herlong Recreational Airport. Zoning will limit development to a maximum height of 500 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

Downtown Brownfield Pilot Area

The property is located within the Downtown Brownfield Pilot Area. The City of Jacksonville designated properties in the downtown area as a Pilot Program Brownfield Area by City Council Resolution Number 2000-125-A. The property owner may request that the property be designated a Brownfield Site. A Brownfield Site is property where the expansion, redevelopment, or reuse of the property may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. **Tax credits may be available for properties designated as a Brownfield Site.**

(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 regulations. The PUD differs from the Overlay in the following sections:

- Moves establishments or facilities which include the retail sales and service of alcohol for on-premises and off-premises, and outside sales and service of food and alcohol to permitted uses.
- Waives the liquor distance requirements outlined in Part 8 of the Zoning Code.
- Removes parking requirements. The Overlay does not require parking in the UTA area for commercial uses in contributing structures, however this structure is non-contributing.
- Removes landscaping requirements for the existing structure, however, any new construction will be required to meet Part 12 and the Overlay's landscaping requirements.

(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 existing building 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 effect 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 for the property is to renovate the existing structure, which is non-contributing. Staffs finds the rezoning will not have a negative effect on any contributing structures.

(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). Nonetheless, Staff finds the proposed rezoning to Planned Unit Development is consistent with the 2045 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. 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: Per the submitting written description, the applicant is requesting relief from the Riverside/Avondale Zoning Overlay landscaping requirements for the existing structure. The existing structure predates the adoption of the Overlay. If a new building is constructed, the site will be required to meet the Overlay's landscaping regulations.

The treatment of pedestrian ways: Pursuant to the 2045 Comprehensive Plan, the proposed development will provide bicycle and pedestrian connectivity.

Traffic and pedestrian circulation patterns: The existing structure is built to the property and there will be no direct vehicular access to the subject property. All parking will be provided in the public right-of-way along Lomax Street and Oak Street.

(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	CGC	CCG-1	Commercial Retail
South	CGC	CCG-1	Office
East	RPI	CRO	Office, Parking Lot
West	CGC	CCG-1/PUD 2020-0390	Commercial Retail, Restaurants

(6) Intensity of Development

The proposed development will be consistent with the proposed Community/General Commercial (CGC) functional land use category. The PUD is appropriate at this location because it will allow for a mixture of restaurant and other commercial uses, similar to other properties in the Five Points area.

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.

The existing residential density and intensity of use of surrounding lands: Most of the surrounding area consists of offices, commercial retail, and restaurants. There is a retirement home located to the northeast of the subject property.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The subject site is approximately .39 of an acre and is accessible from Lomax St and Oak St, a local and collector facility. Oak St between Post St and Margaret St that is currently operating at 15.5% of capacity. This segment currently has a maximum daily capacity of vehicles per day, 11,232 (vpd) and average daily traffic of 1,746 vpd.

The applicant requests 10,225 square feet of restaurant (ITE Code 932), which could produce 625 daily trips. Additionally, the applicant requests 5,745 square feet of commercial space (ITE Code 822), which could produce 188 daily trips.

The City Traffic Engineer also reviewed the application and had no comments or objections to the PUD. The application was also forwarded to the Transportation Planning Division on July 19, 2023 for review and their comments are as follows:

This development is subject to mobility fee review and Pursuant to Policies 4.1.4, 4.1.5, and 4.1.8 of the Transportation Element of the 2045 Comprehensive Plan.

(7) Usable open spaces plazas, recreation areas.

Recreation and open space shall be provided as required by the 2045 Comprehensive Plan.

(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.

Per the written description, parking will not be provided. While the Overlay does not require parking in the UTA area for commercial uses in contributing structures, this structure is non-contributing. There is on-street parking along both Lomax Street and Oak Street.

(11) Sidewalks, trails, and bikeways

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

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on **July 19, 2023**, the required Notice of Public Hearing signs were posted.

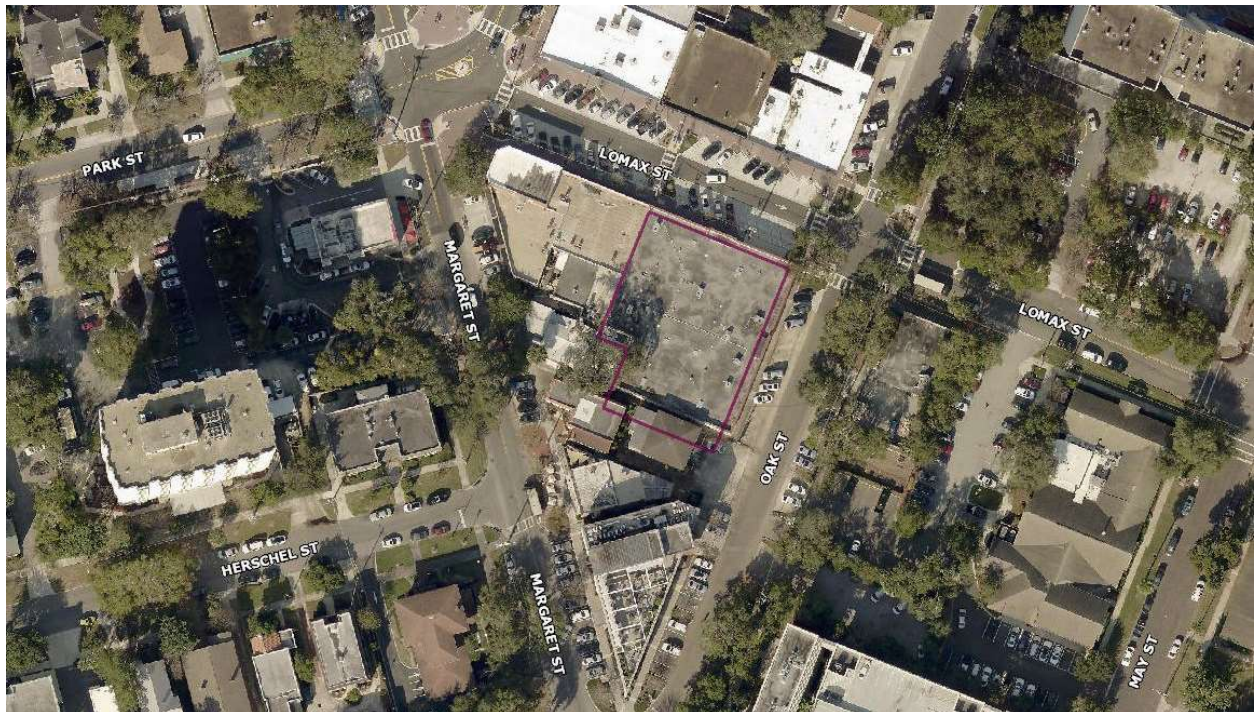


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2023-0394 be **APPROVED** with the following exhibits:

1. The original legal description dated December 5, 2022.
2. The original written description dated April 5, 2023.
3. The original site plan dated December 5, 2022.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning 2023-0394 be **APPROVED**.



Source: Planning & Development Department, 07/19/2023

Aerial view of the subject property, facing north.



Source: Planning & Development Department, 07/19/2023

View of subject property from Lomax Street.



Source: Planning & Development Department, 07/19/2023

View of subject property from Oak Street.



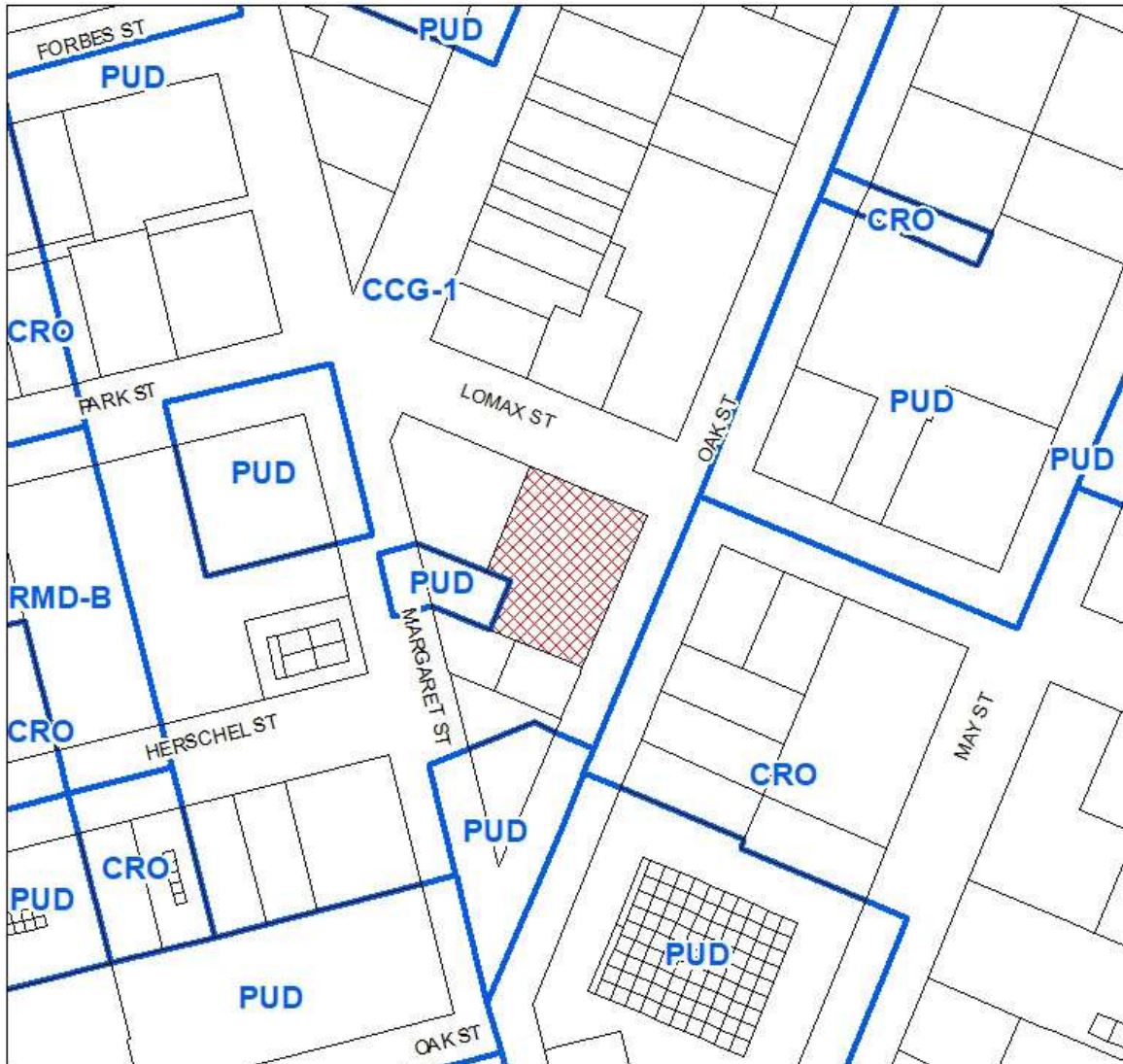
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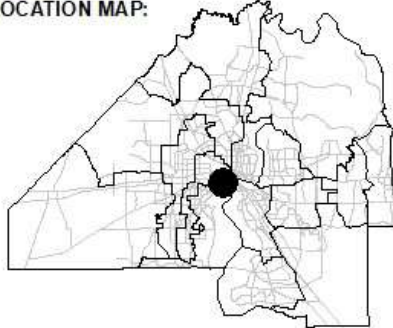
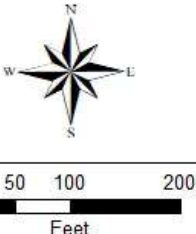
View of neighboring commercial retail, located north of the subject property.



Source: Planning & Development Department, 07/19/2023

View of neighboring medical office, located east of the subject property.



<p>REQUEST SOUGHT:</p> <p>FROM: CCG-1</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	
<p>ORDINANCE NUMBER ORD-2023-0394</p>	<p>TRACKING NUMBER T-2022-4673</p>	<p>COUNCIL DISTRICT: 14</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>