

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

Planning Commission Vote:	7-0
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Absent
Marshall Adkison	Aye
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 2023-0597 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 **2023-0597** to Planned Unit Development.

Location: 2825 Mayport Road,
Near the corner of Mayport Road and Pioneed Drive

Real Estate Number(s): 168365 0000

Current Zoning District(s): Planned Unit Development (PUD 1995-1158-0750)

Proposed Zoning District: Planned Unit Development (PUD)

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

Planning District: 2 – Greater Arlington/Beaches

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

Owner: Atillio Cerqueira
2825 Mayport Rd LLC
36 West 6th Street
Atlantic Beach, FL 32233

Staff Recommendation: **APPROVE WITH CONDITION**

GENERAL INFORMATION

Application for Planned Unit Development **2023-0597** seeks to rezone approximately 0.7 acres of land from Planned Unit Development (PUD 1995-1158-0750) to a PUD. The rezoning to PUD is being sought to allow for a landscaping company's office, along with outside storage for landscaping equipment and materials. The subject property is a portion of a larger site that is split-zoned between PUD 1995-1158-0750 and CCG-2. The western portion of the property is currently utilized as a service garage.

The need for the new PUD arises from the fact that the original PUD approved in 1995 only permitted two uses: service garages for major repairs and warehousing and storage businesses.

PUD Ord. 1995-1158-0750 was approved with the following conditions:

1. That the proposed uses shall be limited to:
 - a. Service garage for major repairs
 - b. Warehousing, storage, jobber, distributorship business not to exceed 6,000 s.f. of floor space; no vehicle in excess of one (1) ton capacity. All merchandise is stored within an enclosed building and no heavy machinery or manufacturing is located on the premise.
2. That the “10’ Buffer” depicted on the site plan shall be improved consistent with the provisions of Section 656.1216 Buffer Standards relating to uncomplimentary land uses and zones of the Zoning Code.

The Planning & Development Department has reviewed the conditions of the enacted ordinance and forwards the following comments:

1. The Department does not recommend forwarding the above listed conditions due to the request of adding an additional use, and buffer requirements are addressed in the new written description.

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

Per the PUD Written Description, the applicant seeks the following uses and restrictions:

A. Permitted Uses:

1. Landscaping and building trades contractors and other similar uses with outdoor storage yards meeting the performance standards and development criteria set forth in Part 4, provided that areas used for outdoor storage may be screened by a six (6) foot high chain-link fence with privacy fabric or PVC slats kept in a neat and orderly condition.

2. Service garage for major repairs.
3. Warehousing, storage, jobber, distributorship business not to exceed six thousand (6,000) square feet of floor space; no vehicle in excess of one (1) ton capacity. All merchandise is stored within an enclosed building and no heavy machinery or manufacturing is located on the premises. These limitations do not apply to uses permitted in IV.A.1. above.

B. Permitted Accessory Uses and Structures:

1. As permitted in Section 656.403.

Community General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and neighborhoods in order to reduce the number of Vehicle Miles Traveled. Development within the category should be compact and connected and should support multi-modal transportation. All uses should be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods.

The first two permitted uses are allowed in the CGC land use category. **In order to be consistent with the 2045 Comprehensive Plan, warehousing, storage, and distributorship businesses must be accessory uses in CGC and must be located on a road classified as collector or higher on the Functional Highway Classification Map.**

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

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 (FLUE):

Policy 3.2.2

The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

The subject site has historically been utilized for commercial uses including a service garage on the western portion of the site and a land clearing and demolition company on the eastern portion. The proposed use of a landscaping company will allow for the redevelopment of an existing commercial property.

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

The intended development will meet 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). 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 a commercial use. 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 treatment of pedestrian ways: External sidewalks will be provided as required by the Comprehensive Plan.
- Traffic and pedestrian circulation patterns: The subject property will be accessible via Pioneer Drive, which connects to Mayport Road.
- The particular land uses proposed and the conditions and limitations thereon: The PUD is proposing additional uses that are consistent with the CGC land use category, including outdoor storage.

(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 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/MDR	CCG-1/RMD-MH	Seaside Community Charter School, RV & Boat Storage
South	MDR	PUD 2011-0110-E	Multi-Family Residential
East	MDR	PUD 2011-0110-E	Multi-Family Residential, Retention Pond
West	CGC	CCG-2/ PUD 2022-0018	Service Garage, Personal property storage

(6) Intensity of Development

The proposed development is consistent with the CGC functional land use category as a landscaping business. The PUD is appropriate at this location because Mayport Road is a commercial corridor and the western portion of the subject property has been utilized as a service garage. The proposed PUD will allow for utilization of a vacant portion of the site.

- The existing residential density and intensity of use of surrounding lands: There are residential uses to the north, south, and east of the subject property. The applicant will be providing a five foot buffer along the south property line, which abuts an apartment complex. The northern portion of the apartment complex is utilized for resident parking. The properties to the north and east of the subject site are zoned residential, however, are utilized as stormwater retention.
- The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The subject site is approximately .70 of an acre and is accessible from Pioneer Dr, a local facility. West of the subject site is Mayport Rd between Wonderwood Dr and Dutton Island Rd is currently operating at 55.3% of capacity. This segment currently has a maximum daily capacity of vehicles per day 39,800 (vpd) and average daily traffic of 22,027 vpd.

The applicant requests approximately 6,000 square feet of outdoor storage (ITE Code 151), which could produce 9 daily trips.

The Traffic Engineer has reviewed the application and has issued comments. **Staff supports the Engineer’s findings and forwards the following:**

- The site plan shows a 30’ X 50’ office. Parking shall be provided for this office per the requirements of Part 6 of the Zoning Code. ADA parking shall be included in this parking.

The application was also forwarded to the Transportation Planning Division. The following comments were issued:

- 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.

The project will be developed with the required amount of open space as applicable in accordance with the Recreation and Open Space Element (ROSE) of the 2045 Comprehensive Plan.

(8) Impact on wetlands

Any development which would impact wetlands will be permitted in accordance with local, state, and federal 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.

According to the Written Description, parking may be provided throughout the property on unmarked pervious or impervious surfaces in lieu of strictly complying with part 6. Outdoor storage areas or storage facilities shall not be considered in determining parking demand. Staff recommends that employee parking meet Part 6 of the Zoning Code and ADA compliant parking is provided.

(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 September 28, 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 **2023-0597** be **APPROVED** with the following exhibits:

1. The original legal description dated May 18, 2023.
2. The original written description dated July 25, 2023.
3. The original site plan dated April 1, 2023.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2023-0597** be **APPROVED** with the following condition:

1. **Employee parking shall meet the standards as listed in Section 656.607 of the Zoning Code.**



Source: Planning & Development Department, 09/28/2023

Aerial view of subject property.



Source: Planning & Development Department, 09/28/2023

View of subject property from Pioneer Drive.



Source: Planning & Development Department, 09/28/2023

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



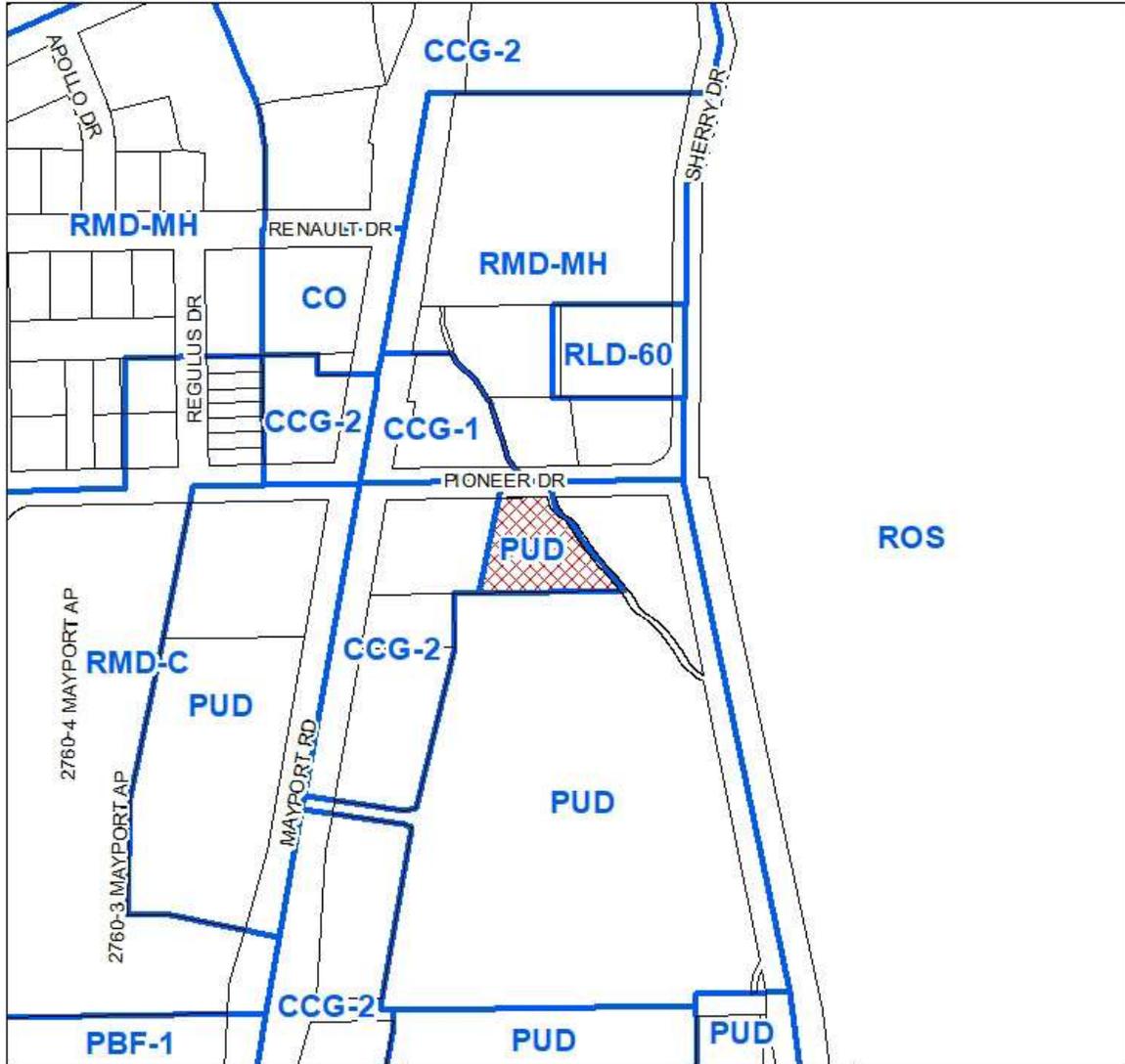
Source: Planning & Development Department, 09/28/2023

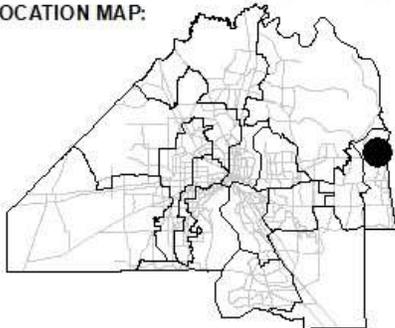
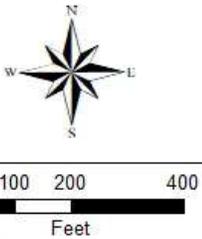
View of the western portion of 2825 Mayport Road, which is developed as a service garage.



Source: Planning & Development Department, 09/28/2023

View of the western portion of 2825 Mayport Road, which is developed as a service garage.



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT:</p> <p>13</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2023-0597</p>	<p>TRACKING NUMBER</p> <p>T-2023-4966</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>