



A NEW DAY.

City of Jacksonville, Florida

Donna Deegan, Mayor

Planning and Development Department
214 N. Hogan St., Suite 300
Jacksonville, FL 32202
(904) 630-CITY
Jacksonville.gov

June 6, 2024

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.: 2024-307 **Application for: 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: **Deny**

Planning Commission Recommendation: **Approve with Conditions**

This rezoning is subject to the following exhibits:

- 1.) The Original Legal Description Dated: November 21, 2023
- 2.) The Original Written Description Dated: November 21, 2023
- 3.) The Original Site Plan Dated: December 26, 2023

Recommended Planning Commission Conditions to the Ordinance:

Planning Commission conditions:

- 1.) **Applicant shall file a complete application for a Certificate of Use with the Planning Department within 6 months of the effective date of this Order.**
- 2.) **Applicant shall file a complete application for all permits necessary to comply with Part 12, the landscaping code of the Zoning Code, within 6 months of the effective date of this Order.**

Planning Department conditions: **None**

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

Planning Commission Commentary: The applicant gave a presentation to the commission explaining the surrounding area, the owner's use, and similar types of uses in the Land Use Category of the proposed PUD. The owner of the site spoke to the commission and explained how the business ended up at the site, and admitted fault for not obtaining the proper permits. A member of the public spoke on the Comp Plan and its intent and said the proposed use in the PUD is a commercial office which is allowed in the proposed Land Use category the PUD is a companion to. The commissioners agreed with the comments made by all the parties but proposed the two conditions to ensure the site obtains all of the proper permits if approved.

Planning Commission Vote: **7-0**

Charles Garrison, Chair	Aye
Tina Meskel, Vice Chair	Aye
Mark McGowan, Secretary	Aye
Lamonte Carter	Aye
Amy Fu	Aye
Julius Harden	Aye
Mon'e Holder	Absent
Ali Marar	Aye
Jack Meeks	Absent

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 2024-0307 TO
PLANNED UNIT DEVELOPMENT

May 23, 2024

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 **2024-0307** to Planned Unit Development.

Location: 226 Jackson Road

Real Estate Numbers: 162942-0000

Current Zoning Districts: Residential Medium Density-A (RMD-A)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Medium Density Residential (MDR)

Proposed Land Use Category: Residential Professional Institutional (RPI)

Planning District: District 2 – Greater Arlington, Beaches

Council District: District 1

Applicant/Agent: Zach Miller
Law Office of Zach Miller
3203 Old Barn Court
Ponte Vedra Beach, Florida 32082

Owner: David Willis
226 Jackson Road LLC
226 Jackson Road
Jacksonville, Florida 32225

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Planned Unit Development **2024-0307** seeks to rezone approximately 2.10± acres of land from Residential Medium Density-A (RMD-A) to Planned Unit Development (PUD). The rezoning to PUD is being sought in order to permit for the parking, storage, and light maintenance of fleet vehicles (limousines and buses), as well as uses within the Commercial Office (CO) zoning

district. As the property currently is zoned RMD-A, the proposed PUD differs from the conventional zoning district by operating a use on a residentially zoned lot. The need for the PUD comes as the applicant is seeking to add a use that is not within a lower intensity commercial zoning district and the Department would not support a rezoning to a more intense zoning district as this use would only be allowed with the Community General Commercial (CGC) land use.

The property was cleared without permits and a business was operating without a Certificate of Use (COU) and within a zoning district and land use that does not permit for the use of the business.

The written description states that the permitted uses are “limited to those allowed in the Commercial Office (CO) zoning district, including the ancillary vehicular use area for the parking, storage, and light maintenance of fleet vehicles (limousines and buses) associated with the business.” This does not align with the current use or actual intention of the property. The site plan does not show where the vehicles will be parked, but that the fleet vehicles – limousines and buses – are the main products of this business and could not operate without them.

Development Services landscaping Manger of Plans Review left several comments about the subject property. They stated that a Stop Work Order and Property Hold was issued to the property at the end of January 2024. They continued to state that the applicant has been in contact with the Landscaping Division to resolve the removal of the trees without a permit. The estimate of violation for clearing 74,499 square feet of trees without a permit is approximately \$87,000 and will need to be settled prior to the issuance of permits. A portion of the mitigation obligation may be met through planting on site in conjunction with a more detailed plan of development that is still to be reviewed. The matter of tree clearing without a permit will need to be fully resolved in order to lift the hold and to resume work.

Approval of this rezoning request will allow the expansion of more intense commercial uses along a road that is surrounded by residential uses. The department does not feel this is justification for the up zoning and therefore, the Planning and Development Department is recommending denial of the rezoning request.

There is a companion Land Use Amendment, **L-5902-24C (Ord. 2024-0306)**. The proposed LUA is for approximately 2.10± acres of the subject property from Medium Density Residential (MDR) to Residential-Professional-Institutional. While Commercial Office (CO) is a primary zoning district under the RPI Land Use Category, the current non-conforming use, which this PUD and companion land use amendment request is meant to remedy, is not allowed in the RPI Land Use category. The Planning & Development Department is also recommending Denial of the Small-Scale Land-Use Amendment.

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 Medium Density Residential (MDR) functional land use categories 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-5902-24C (Ord. 2024-0306)** that seeks to amend approximately 2.10± acres of the site that is within the Medium Density Residential (MDR) land use category to Residential-Professional-Institutional (RPI). The proposed PUD would not be consistent with the proposed RPI land use category and the Planning Department has recommended Denial of the companion Land Use Amendment, **L-5902-24C**.

Residential/Professional/Institutional (RPI) is a category primarily intended to accommodate medium to high density residential, office, and institutional uses. Limited neighborhood commercial retail and service establishments which serve a diverse set of neighborhoods may also be a part of single or mixed-use developments. RPI is generally intended to provide transitional uses between commercial, office, and residential uses, although it may also provide a transition between industrial and residential uses when industrial uses pose no health or safety risks to residents. Plan amendment requests for new RPI designations are preferred in locations which are supplied with full urban services. RPI in the Suburban Development Area is intended to provide low to medium density residential development. Development which includes medium density residential and professional office uses is preferred. Limited neighborhood commercial retail and service establishments which serve a diverse set of neighborhoods are also encouraged in order to reduce the number of Vehicles Miles Traveled.

The proposed use is not a limited neighborhood commercial retail and service establishment, as defined in Part 16 of the zoning code, therefore the proposed PUD is not consistent with RPI land use category.

The proposed PUD is inconsistent with the proposed RPI land use amendment pursuant to Ordinance 2024-306.

Airport environment Zone

The site is located within the 150-foot Height and Hazard Zone for the Herlong Recreational Airport. Zoning will limit development to a maximum height of 150 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).

Archaeological Sensitivity

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of Low and High sensitivity for the presence of archaeological resources. Projects

that move forward through the Site Review process may be required to perform a Professional Archaeological Reconnaissance Survey on the portion of the site that is in a high sensitivity area. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

Aquifer Recharge

The site is located within an area identified as being in the 0 to 4 inch per year aquifer recharge area. This range is below the threshold of 12 inches or more per year which would constitute a prime recharge area as defined in the Infrastructure Element – Aquifer Recharge Sub-Element (IE-AR). Prime aquifer recharge areas are the primary focus of groundwater resource protection. However, development resulting from the proposed land use amendment will be reviewed during the site plan review and permitting process for compliance with the land development regulations that have been established to protect groundwater resources. Such regulations address issues such as drainage systems, septic systems, and landscape/irrigation regulations.

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

No. The proposed rezoning to Planned Unit Development would not be consistent with the 2045 Comprehensive Plan for RPI Land-Use, and it does not further the following goals, objectives and policies contained herein, including:

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.

The subject site was cleared without a permit and was operating without a Certificate of Use, until a stop work order was put in place for the property. This unapproved use is not in character with the surrounding area.

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 use of fleet vehicles (limousines and buses) this far off Atlantic Boulevard would not result in a gradual transition of densities. This property abuts residential to the north, east, and west.

Policy 3.2.4

Permit expansion of commercial uses adjacent to residential area only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent

residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

As previously mentioned, this commercial/industrial use is not permitted within the land use proposed. The increased use could result in higher traffic volumes through the residential areas.

(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 development do not meet all portions of the City's land use regulations as fleet vehicle parking is not permitted with the Residential-Professional-Institutional land use. Additionally, their site plan fails to show where this fleet vehicle parking will take place.

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): Medium Density Residential (MDR). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series **L-5902-24C (Ord. 2024-0306)** that seeks to amend the land that is within the Medium Density Residential (MDR) land use category to Residential-Professional-Institutional (RPI). The Planning and Development Department finds that the proposed PUD is not consistent with the 2045 Comprehensive Plan, as evaluated in Criteria (B). As the proposed PUD would not be consistent with the proposed RPI land use category, the Planning Department has recommended Denial of the companion Land Use Amendment, **L-5902-24C, Ordinance 2024-0306**.

(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.

As development was done prior to permit approvals, the applicant/owner will be required to contact the Concurrency office to discuss what they might need to do in regards for Concurrency.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to permit for the parking, storage, and light maintenance of fleet vehicles (limousines and buses), along with uses within the Commercial

Office (CO) zoning district. Moreover, 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 proposal Planned Unit Development shall be based on the following factors:

The streetscape: Jackson Road is a public maintained road. There are no sidewalks or shrubs along the street. There is a 6-foot fence shielding view of the property. The traffic technician will require the installation of a sidewalk along the Jackson Road frontage through site plan reviews.

The use of existing and proposed landscaping: The subject property was completely cleared of all landscaping sometime between 2022 and 2023, without a land clearing permit. Since then, a non-conforming business moved in and are parking fleet vehicles, without the addition of landscaping. The written description states if the PUD is approved, the property will be in accordance with Part 12 of the zoning Code, as required. Additionally, the site plan shows the required 10-foot uncomplimentary land use buffer.

Traffic and pedestrian circulation patterns: As demonstrated on the attached site plan, the proposed access will be from a driveway off Jackson Road onto the property. The City's traffic technician reviewed the site plan and forwards the following comments:

- The driveway to Jackson Road shall be a maximum of 36 feet wide at the right of way line. The driveway to the right of way shall be paved, either concrete or asphalt.
- Sidewalks shall be provided along the frontage of Jackson Road.

(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 site is located off Jackson Road and several properties north of Atlantic Boulevard. The PUD (2014-0312) to the south was intended to expand the existing car dealership along Atlantic Boulevard. The outside storage of vehicles directly south of the subject property is in relation to the car dealership that begins along Atlantic Boulevard and encompasses several properties. North, east, and west of the subject property are all residential uses as that is the current zoning for this property, as well.

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	MDR	RMD-A	Single Family Dwelling
South	MDR	PUD: 2014-0312	Open Storage
East	MDR	RMD-A	Single Family Dwelling/Mobile Home
West	RPI	CRO	Single Family Dwellings/Mobile Home

(6) Intensity of Development

The proposed development is not consistent with the proposed RPI functional land use category nor the 2045 Comprehensive Plan, as this development is close proximately to residential properties.

The existing residential density and intensity of use of surrounding lands: There are single family dwellings and mobile homes in the surrounding area. As there is an open storage use to the south, within PUD 2014-0312, this intended use of having truck parking does not fit the character of the area, nor does it comply with the land use category.

The availability and location of utility services and public facilities and services:

The subject site will be serviced by JEA for city water but will be using a private septic system per the applicant and the attached JEA availability letter dated May 8, 2024. Additionally, in a memo provided by JEA dated May 7, 2024, they do not have any objections on their end, but state water, wastewater, and electric connections to be consistent with JEA design standards, processes, and procedures. Final project design to meet the JEA Design Standards in effect at the time of construction plan approval. Additional service and design elements will be addressed following applicant's construction plan review submittal.

(7) Usable open spaces plazas, recreation areas.

There is no intension to have residential use on the property, and therefore recreation space would not be required within the PUD.

(8) Impact on wetlands

There does not appear to be any wetlands on the property. The applicant and owner will be required to follow any local, state, and federal regulations should there be any wetlands on the site.

(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 property will be required to follow part 6 standards.

(11) Sidewalks, trails, and bikeways

The traffic technician states a sidewalk will be required along the frontage of Jackson Road. Pedestrian circulation will be addressed consistent with the City regulations.

SUPPLEMENTARY INFORMATION

The applicant provided proof of posting on **May 13, 2024**, to the Planning and Development Department that the 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 Ordinance **2024-0307** be **DENIED with the following exhibits:**

1. **The original legal description dated November 21, 2023.**
2. **The original written description dated November 21, 2023.**
3. **The original site plan dated December 26, 2023.**

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2024-0307** be **DENIED.**



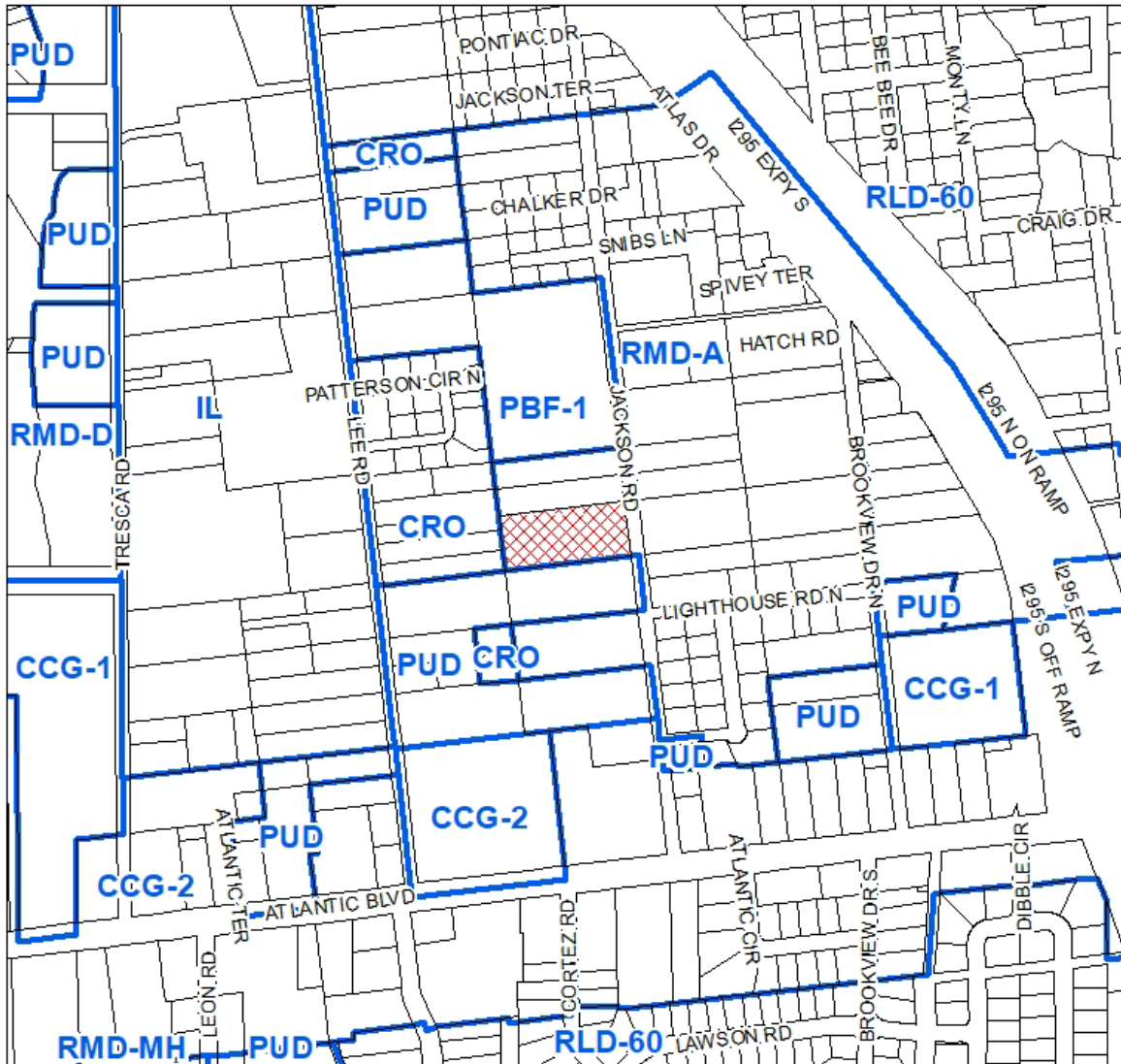
Aerial View

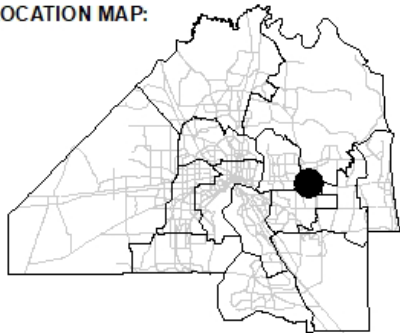



View of Subject Property.



View of buses parked on property.



<p>REQUEST SOUGHT:</p> <p>FROM: RMD-A</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p>  <p>TRACKING NUMBER</p> <p>T-2023-5384</p>	 <p>0 200 400 800</p> <p>Feet</p> <p>COUNCIL DISTRICT:</p> <p>1</p> <p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>
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Legal Map