

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2019-0366 TO

PLANNED UNIT DEVELOPMENT

JUNE 20, 2019

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 **2019-0366** to Planned Unit Development.

Location: 0 San Pablo Parkway, between San Pablo Road South and San Pablo Parkway

Real Estate Numbers: 167452-0060 and 167452-0500

Current Zoning Districts: Planned Unit Development (PUD 2002-0924-E) and Residential Rural-Acre (RR-Acre)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Residential-Professional-Institutional (RPI) and Low Density Residential (LDR)

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

Planning District: 3-Southeast

Applicant/Agent: Paul M. Harden, Esq.
Law Office of Paul M. Harden
501 Riverside Avenue, Suite 901
Jacksonville, FL 32202

Owners: Jed Davis
Estuary, LLC
4310 Pablo Oaks Court
Jacksonville, Florida 32224

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2019-0366** seeks to rezone approximately 2.92± acres of land from PUD and RR-Acre to PUD. The rezoning to a new PUD is being sought in order to allow for a gasoline filling station and retail store.

There is a companion Small Scale Land Use Amendment L-5335-18C (**Ordinance 2019-0365**) that seeks to amend the 2.92± acres of land on the property from RPI and LDR to CGC.

The current PUD, **2002-0920-E**, allows for a mixed-use development, in which the property was proposed to be developed as a multi-use development, including limited retail and professional/medical offices. Both parcels have remained undeveloped.

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.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.125 of the Zoning Code, an applicant for a proposed rezoning bears the burden of proving, by substantial competent evidence, that the proposed rezoning is consistent with the City's comprehensive plan for future development of the subject parcel. In determining whether a proposed rezoning is consistent with the 2030 Comprehensive Plan, the Planning and Development Department considers several factors, including (a) whether it is consistent with the functional land use category identified in the Future Land Use Map series of the Future Land Use Element; (b) whether it furthers the goals, objectives and policies of the Comprehensive Plan; and (c) whether it conflicts with any portion of the City's land use regulations. Thus, the fact that a proposed rezoning is permissible within a given land use category does not automatically render it consistent with the 2030 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

(A) Is the proposed zoning district consistent with the 2030 Comprehensive Plan?

According to the Category Description of the Future Land Use Element (FLUE), the existing RPI land use category within the Suburban Development Area permits mostly low to medium density residential, with a maximum gross density of 20 units/acre, and professional office use. Generally, multi-family dwellings, office, institutional, commercial retail sales and service establishments are permitted in appropriate locations. The existing LDR land use category provides for low density residential development for up to 7 units/acre when full urban services are available to the site.

The proposed PUD rezoning and Land Use Amendment to Community General Commercial (CGC) land use designation includes outlets and establishments that offer a wide range of goods and services including general merchandise, apparel, food and related items. General commercial uses include business and professional offices, financial institutions, highway commercial, mobile home/motor home rental and sales, off-street parking lots and garages, and boat storage and sales, among other similar types of commercial developments.

The proposed amendment to CGC is for land located within the Suburban Development Area that has access to full urban services and is situated along a 4-lane minor arterial road with landscaped medians. In addition to abutting a minor arterial roadway on the west, the subject site abuts land in the RPI and LDR land use categories with uses in the CGC land use category adjacent to the site across San Pablo Parkway. The larger area along San Pablo Parkway includes a number of land use and zoning changes for non-residential uses abutting this minor arterial roadway. Additionally, the Mayo Clinic just south of the subject site further integrates the area with a mix of allowed commercial and residential uses.

Therefore, Staff finds the proposed rezoning to be consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive Planning for Future Development of the Zoning Code.

(B) Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?

To ensure compliance with the provisions of the Comprehensive Plan, staff has analyzed the proposed zoning application in relation to the following goals, objectives, policies and/or text of the 2030 Comprehensive Plan. This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and with the following goals, objectives and policies contained herein, including:

Future Land Use Element (FLUE):

FLUE Objective 1.1 Ensure that the type, rate and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages the proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

FLUE Policy 1.1.10 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.

FLUE 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.

The applicant has submitted a JEA Availability Letter.

FLUE Policy 1.3.8 The City shall require through the development review process, the interconnections of land uses in order to reduce the need for trip generation and encourage alternative methods of movements. The development review

criteria shall include provisions for convenient on-site traffic flow, considering need for vehicular traffic.

The conceptual site plan provides adequate detail for traffic and connectivity review.

FLUE 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.

FLUE Policy 3.2.7 The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

FLUE 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.

The subject properties are currently undeveloped. The PUD entitled and enacted in 2002 allowed for the development of professional and institutional uses, which were deemed compatible with the surrounding residential area.

Recreation and Open Space Element (ROSE):

ROSE Policy 2.2.1 The City shall require that all new non-residential land uses, except in the Central Business District, provide a minimum of 10% of the property in open space.

Therefore, the proposed amendment results in a compact and compatible land use pattern that promotes opportunities for interconnected land uses to reduce the need for trip generation and supports a diverse set of mobility options as called for in FLUE Objectives 1.1 and 3.2 as well as Policies 1.1.10 and 1.3.8.

The proposed amendment to CGC promotes a compact and compatible land development pattern, while creating an organized and balanced combination of uses and allows for infill development on vacant, underutilized land. The proposed amendment to CGC would promote development of a commercial use that is consistent with the character and trend of the area and permits development and expansion of commercial uses along a minor arterial corridor, thereby meeting the requirements set forth in FLUE Objective 3.2, Objective 6.3 and Policy 3.2.7.

The CGC land use category is 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. Development should occur in a nodal development pattern. The PUD proposes commercial uses that are consistent with the CGC land use. This subject site is part of a companion land use change from RPI and LDR to

CGC per Ordinance 2019-365. The CGC land use category would allow the intended gas station/convenience store on site along with the other allowed uses included in the PUD written description. The site also includes Category III wetlands and flood zones that are discussed in more detail below.

(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 does not conflict with portions of the City's land use regulations.

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 2030 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 categories as identified in the Future Land Use Map series (FLUMs): Residential-Professional-Institutional (RPI) and Low Density Residential (LDR). There is a companion Small Scale Land Use Amendment L-5335-18C (Ordinance 2019-0365) that seeks to amend the 2.92± acres of land on the property from RPI and LDR to the Community General Commercial (CGC) land use category. Staff finds the proposed rezoning to Planned Unit Development to be consistent with the 2030 Comprehensive Plan, and with the goals, objectives and policies contained herein, as previously evaluated in Criteria (B).

In 2012, several land use amendments were approved along San Pablo Parkway in close proximity to the site. North and west of the subject site on San Pablo Parkway at the intersection with Crosswater Boulevard, Ordinance 2012-325-E changed the land use from Business Park (BP) to CGC. Further north and west of the subject site, Ordinance 2012-602-E approved the amendment of 113 acres from BP to Low Density Residential (LDR) for a single-family subdivision and Ordinance 2012-604-E amended the land use category from BP to RPI. (See Attachment F)

More recently, four land use amendments in the area have been approved. Ordinance 2019-076-E approved a change from CGC to MDR north of the subject site on the west side of San Pablo Parkway. Ordinances 2019-072-E and 2019-074-E approved changes from RPI to CGC north of the subject site on the East side of San Pablo parkway and just north of the intersection with Sam Yopez Road. Ordinance 2019-187-E approved a change from MDR, LDR and RPI to CGC southwest of the site on a parcel off of W.M. Davis parkway and across the street from the Mayo Clinic.

(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. The applicant/agent/owner will need to apply for Concurrency/Mobility and a CCAS/CRC application so it can be reviewed/assessed by CMMSO as well as be reviewed by Transportation Planning for this proposed project prior to permitting/plan submittal with the City of Jacksonville.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize the subject parcels for a non-residential development. Moreover, this proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis For 2030 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 generally consistent with the internal compatibility factors. An evaluation of the internal compatibility of a proposed Planned Unit Development is based on the following factors:

The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: The site plan and written description indicates that at least 0.5± acres of land will be provided for open space.

The use of existing and proposed landscaping: The site plan shows areas that will not be impacted by development and the written description states that landscaping will comply with Part 12 of the Zoning Code.

The treatment of pedestrian ways: The proposed development will provide a pedestrian system that meets the requirements of the 2030 Comprehensive Plan.

Traffic and pedestrian circulation patterns: As demonstrated on the submitted site plan, vehicular access to the property shall be by way of San Pablo Parkway. The final location of all access points is subject to the review and approval of the City's Traffic Engineer.

(5) External Compatibility

Based on the written description of the intended plan of development and bubble plan, the Planning and Development Department finds that external compatibility may be achieved by the following:

The type, number and location of surrounding external uses: The proposed development is located between Beach Boulevard and WM Davis Parkway, just south of Sam Yepez Road and Crosswater Boulevard. San Pablo Parkway is largely undeveloped. The closest non-residential use is an assisted living facility 700 feet to the northwest across San Pablo Parkway that was built in 2016.

The adjacent uses, zoning and land use categories are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Property Use
North	RPI/LDR	RR-Acre/PUD	Retention Pond and undeveloped land
South	RPI	PUD/RMD-A	Undeveloped marsh/creek area
East	LDR	RR-Acre/PUD	Undeveloped marsh/creek area
West	LDR/CGC	RR-Acre/PUD	Undeveloped land

(6) Intensity of Development

The proposed development is consistent with the LDR, RPI and CGC functional land use categories also found in the area. Moreover, the commercial uses listed within the boundaries of the proposed CGC land use and PUD zoning designation are consistent in terms of intensity.

The location of various proposed uses within the PUD and the degree of compatibility of such uses with each and with surrounding uses: Sufficient buffering is provided within the PUD and its boundaries. There is a minimum setback provision of 15 feet is provided where any residential zoning district is adjacent to the PUD.

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.

School Capacity:

There is no residential component in this PUD, therefore there is no impact on school capacity.

The amount and size of open spaces, plazas, common areas and recreation areas: The written description indicates that an unspecified amount of open space will be provided. The land use table indicates that it will be over a half acre in size.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The subject property will have two access points via San Pablo Parkway. Moreover, in the attached memorandums from Transportation Planning Division, dated April 2, 2019, the applicant will need to adhere to several conditions prior to development.

The Traffic Engineer has also reviewed the application and has issued additional comments. Staff supports the Engineer's findings and forwards to you the following:

- The proposed roadway shall align with Crosswater Blvd to the maximum extent possible.
- Provide a traffic study to determine the changes needed to the San Pablo Parkway/Crosswater Blvd intersection. The traffic study shall take into account the future use of the remainder of the PUD.
- A southbound left turn lane will be required on San Pablo Road. The left turn lane shall be designed to FDOT standards for deceleration length. The queue length shall be determined

by the traffic study but will be a minimum of 100' in length. The entire limits of the left turn lane construction shall be milled and overlaid with asphalt.

- The Crosswater Blvd currently has a left and right turn lane, with the appropriate pavement marking. This project will create the 4th leg of the intersection. The existing pavement marking and possibly the signal phasing will need to be modified. The traffic study shall be used to determine the needed changes.
- The right turn lanes shall be designed to FDOT standards for deceleration length prior to the right in driveway. The entire limits of the right turn lane construction shall be milled and overlaid with asphalt.

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space in accordance with the Zoning Code and 2030 Comprehensive Plan.

(8) Impact on wetlands

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies. Regardless, the written description states "wetlands will be permitted pursuant to local, state and federal permitting requirements."

Flood Zones

Approximately 0.50 of an acre of the subject site is located within the 0.2 PCT Annual Chance Flood Hazard flood zone. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm of 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 0.2 PCT Annual Chance Flood Hazard flood zone is defined as an area 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. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

Conservation /Coastal Management Element (CCME)

Policy 1.4.4 The City shall require all development within the 100-year flood plain to be in strict conformance with all applicable federal, State, regional and local development regulations.

- Policy 2.7.1 The City shall continue to define the surface hydrology of the area to determine flood plain vulnerability and sensitivity, and will determine appropriate protection measures.
- Policy 2.7.3 The City shall protect appropriate floodplain areas for the public benefit and restore degraded floodplain areas by:
- A. Land acquisition or conservation easement acquisition;
 - B. Regulation, including setbacks, buffer zones, designated wildlife corridors, low density zoning, performance standards and open space requirements; and
 - C. Incentives, including tax benefits and transfer of development rights.

Wetlands

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

- Approximate Size: Approximately 0.50 of an acre
- General Location(s): The majority of wetlands follow the 0.2 PCT Annual Chance Flood Hazard flood zone along the southern boundary of the site with some wrapping around to the northern portion of the site.
- Quality/Functional Value: The wetland has a high functional value for water filtration attenuation and flood water capacity and is located in flood zones, yet has an indirect impact on the City's waterways.
- Soil Types/
Characteristics:
- 32- Leon Fine Sand, 0 to 2 percent slopes— The Leon series consists of nearly level, poorly drained and very poorly drained, sandy soils. These soils formed in thick beds of marine sand. They are in flatwoods and tidal marshes.
- 35 – Lynn Haven Fine Sand, 0 to 2 percent slopes - gently sloping, poorly drained, sandy, generally found on flats and in steep areas of side slopes, formed in thick beds of sandy marine sediment. The wetland soils areas have water tables near or above the ground surface.

68 – Tisonia mucky peat, 0 to 1 percent slopes, frequently flooded-very frequently flooded – The Tisonia series consists of nearly level, very poorly drained, organic soils. These soils formed from nonwoody, halophytic plant remains underlain by fine textured sediments. They are in tidal marshes. The soils are very slowly permeable. The high water table generally is at or near the surface, and areas are flooded twice daily by fluctuating tides for very brief periods. Slopes are linear and are 0 to 1 percent.

Wetland Category:	Category III
Consistency of Permitted Uses:	All uses if consistent with CCME Policies 4.1.3 and 4.1.6
Environmental Resource Permit (ERP):	ERP not provided by the applicant
Wetlands Impact:	Insufficient information to determine impacts; applicant intends to provide mitigation and get ERP permit for impacts
Associated Impacts:	0.2 PCT Annual Chance Flood Hazard flood zone – however, the site plan shows development outside of this area.
Relevant Policies:	CCME Policies 4.1.3 and 4.1.6

CCME Policy 4.1.3

The following performance standards shall apply to all development, except public utilities and roadways, permitted within Category I, II, and III wetlands:

- (a) Encroachment - Encroachment in Category I, II, or III wetlands is the least damaging and no practicable on-site alternative exists; and
- (b) No net loss - Development is designed and located in such a manner that there is no net loss to the wetland functions including but not limited to:
 - i the habitat of fish, wildlife and threatened or endangered species,
 - ii the abundance and diversity of fish, wildlife and threatened or endangered species,
 - iii the food sources of fish and wildlife including those which are threatened or endangered,
 - iv the water quality of the wetland, and
 - v the flood storage and flood conveyance capabilities of the wetland; and
- (c) Floodplain protection - Buildings are built at an elevation of sufficient height to meet the designated flood zone standards as set forth by the Federal Emergency

Management Agency. The design must be in conformance with Chapter 652 (Floodplain Regulations) of the Ordinance Code; and

- (d) Stormwater quality - In the design and review of developments which will discharge stormwater into the Category I, II, or III wetlands the following performance standards shall be used to protect water quality:
 - i Issuance of a Management and Storage of Surface Waters permit pursuant to Chapter 40C-4 or 40C-40, F.A.C. or a stormwater permit issued pursuant to Chapter 40C-42, F.A.C., provides assurances necessary for compliance with subsections (i) - (iv) above provided the stormwater management system is constructed in accordance with the permit; and
 - ii Regular monitoring and maintenance program on an annual basis for the performance of stormwater treatment systems
- (e) Septic tanks - Septic tanks, drainfields and/or greywater systems are located outside the Category I, II, or III wetland area and not within 75 feet of the mean high water line of tidal bodies or within 75 feet of any wetland unless the Duval County Health Department grants a variance for a hardship case pursuant to the provisions of Section 381.0065, F.S. Where public utilities are available, development is required to connect to these facilities; and
- (f) Hydrology - The design of the fill shall include measures to maintain the wetlands hydrology of the site.

CCME Policy 4.1.6

The permitted uses within Category III wetlands shall be limited to the following land uses and associated standards, provided such use is consistent with the Future Land Use Map series (FLUMs)

- (1) Any use not otherwise listed below, provided all of the basic requirements outlined in Policy 4.1.3 above are met:

- (a) Silvicultural uses, provided the following standards are met:

Best Management Practices: Silviculture

Such activities are conducted in compliance with the provisions of the "Silvicultural Best Management Practices Manual", as may be amended, published by the Florida Division of Forestry, Department of Agriculture and Consumer Services.

- (b) Agricultural uses, provided the following standards are met:

Best Management Practices: Agriculture

Such activities are to be in compliance with Chapter 40C-44, F.A.C.

- (2) Any use that can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

(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 parking for the uses will be developed in accordance with Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

A pedestrian system will be provided in accordance with the 2030 Comprehensive Plan.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on June 11, 2019, the required Notice of Public Hearing sign was posted.



RECOMMENDATION

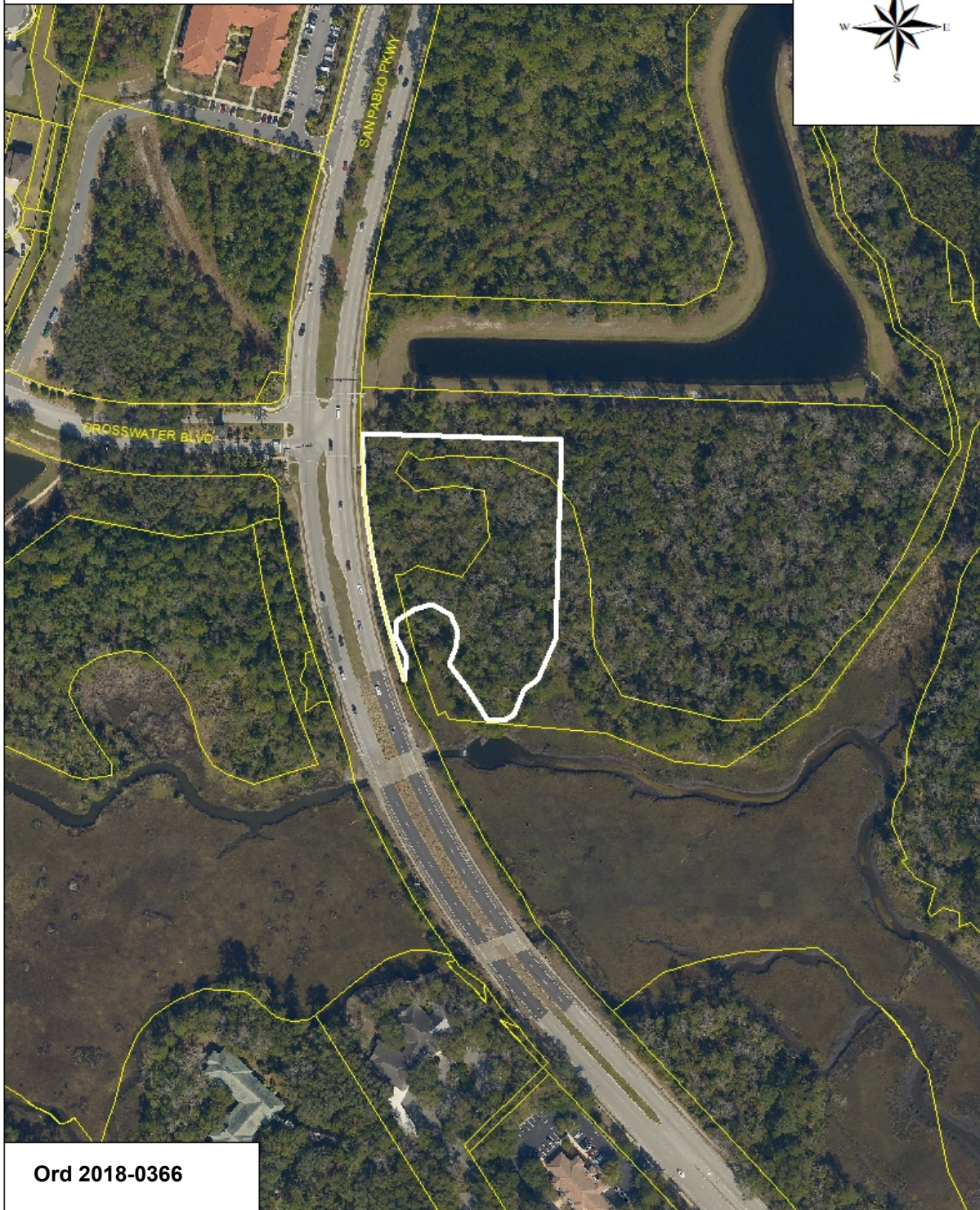
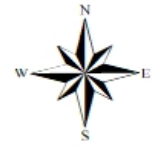
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2019-0366** be **APPROVED with the following exhibits:**

1. The legal description dated March 19, 2019.
2. The original written description dated April 12, 2019.
3. The original site plan dated March 1, 2019.

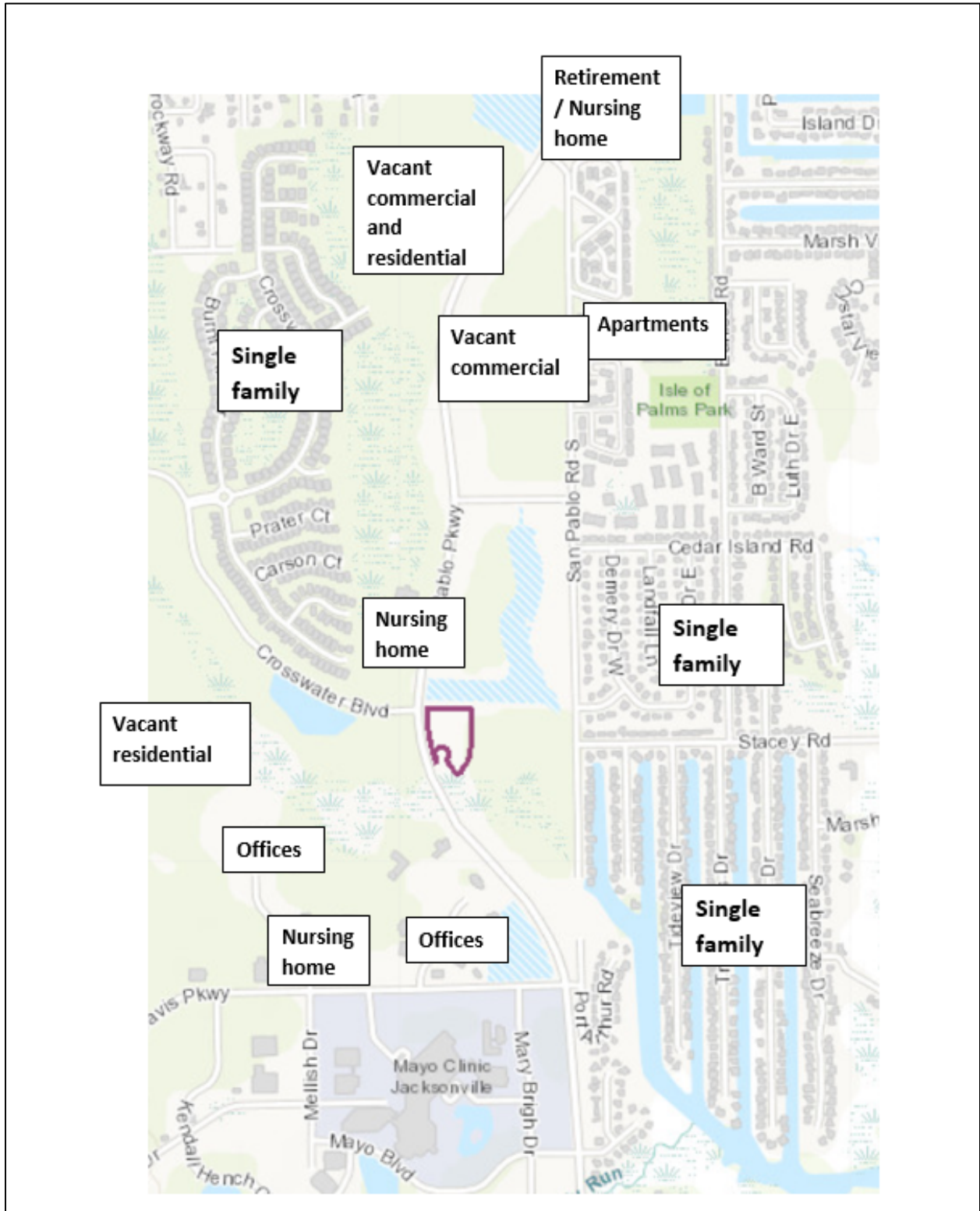
Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2019-0366** be **APPROVED WITH CONDITIONS.**

1. The development of the site is subject to the Transportation Planning Division memorandum dated June 5, 2019.
2. The development of the site is subject to the Traffic Engineering Division email dated May 29, 2019.
3. Prior to the first final inspection within any phase of development, the owner or their agent shall submit to the Planning and Development Department for its review and approval either: (a) an affidavit documenting that all conditions to the development order have been satisfied, or (b) a detailed agreement for the completion of all conditions to the development order.

AERIAL MAP



Ord 2018-0366





The subject site facing east from San Pablo Pkwy.



The subject site facing east from San Pablo Pkwy.



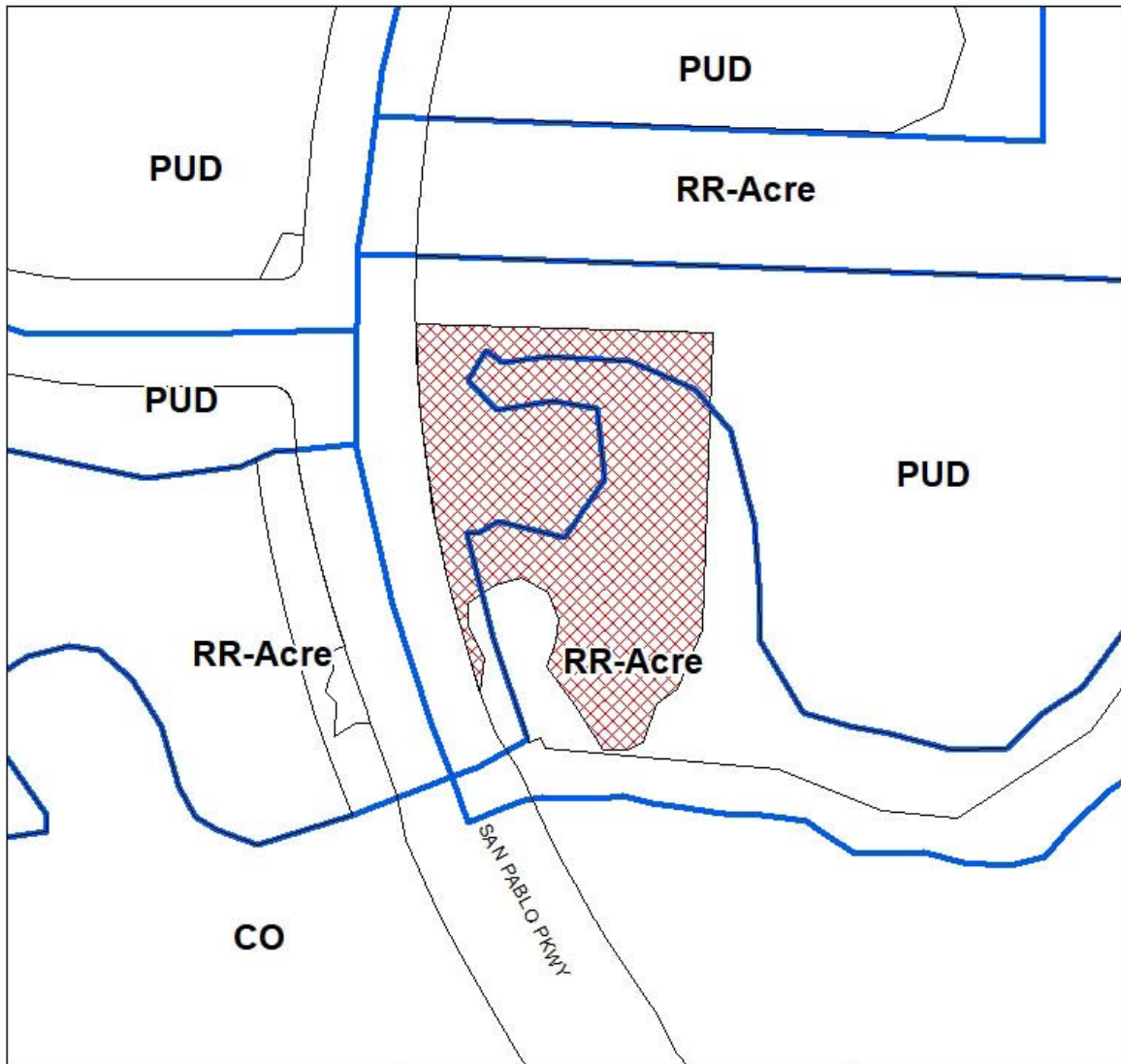
The facing west across San Pablo Pkwy. From the subject site

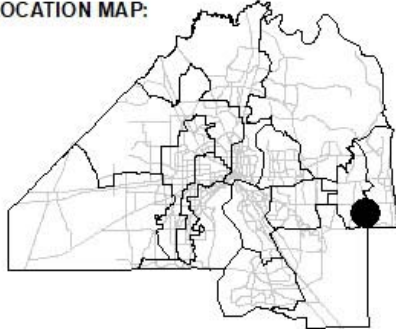

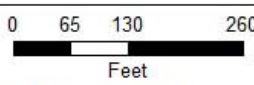


The subject site facing east from San Pablo Pkwy.



The subject site facing east from San Pablo Pkwy.



<p>REQUEST SOUGHT:</p> <p>FROM: PUD & RR-ACRE</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	  COUNCIL DISTRICT: 3
<p>ORDINANCE NUMBER ORD-2019-0366</p>	<p>TRACKING NUMBER T-2018-2120</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>