

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2016-0528 TO
PLANNED UNIT DEVELOPMENT

SEPTEMBER 8, 2016

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 **2016-0528** to Planned Unit Development.

Location: On the east side of Old Middleburg Road South, at the southeast corner of Hipps Road and Old Middleburg Road South

Real Estate Number: 016310-0000; 016312-0000

Current Zoning District: Commercial Office (CO)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Neighborhood Commercial (NC)

Planning District: Southwest (4)

City Council Representative: The Honorable Doyle Carter, District 12

Applicant: The Hipps Group, Inc.
1650 Margaret Street, Suite 323
Jacksonville, Florida 32204

Owner: Pioneer Medical Consultants, Inc.
506 NW Fat Cat Court
Lake City, Florida 32055

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning 2013-05 seeks to rezone approximately 21.2 acres of land at the southeast intersection of Hipps Road and Old Middleburg Road South from the Commercial Office (CO) Zoning District to Planned Unit Development (PUD). The parcel is currently undeveloped with timber covering the majority of the site and some wetlands. The owners intent is to develop the northern and western half (roughly 10 acres) of the site along the road frontage, leaving the eastern part of the site undeveloped. An assisted living facility is proposed on a 3.16

acre parcel at the intersection of Hipps Road and Old Middleburg Road South on the northern portion of the site, with limited commercial and retail use on seven (7) acres to the south along Old Middleburg Road.

The applicant is filing this zoning change as a PUD to limit developmental impacts, such as lot coverage, buffering and limitations on uses. The application is requesting a PUD zoning district that allows an assisted living facility for the elderly where medical service will be available to the community as well as commercial uses that will support the daily needs of nearby residential development, on a site that is located adjacent to and in close proximity to existing and emerging residential and commercial areas.

The owner has been working with the City and acknowledges that at some point in the future, the City of Jacksonville may widen Old Middleburg Road South and will require a 22.5 foot strip for that purpose. The owner will record a Memorandum of Understanding (MOU) between Pioneer Medical Consultants Inc and the City of Jacksonville regarding reserving a 22.5 foot strip of land parallel to Old Middleburg Road South. The MOU will assure that Pioneer Medical Consultants Inc. will not oppose the acquisition of the 22.5 foot strip: and Pioneer Medical Consultants Inc. will create a separate real estate parcel consisting of the 22.5 foot strip that will not be developed.

CRITERIA FOR REVIEW

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. Is the proposed rezoning consistent with the 2030 Comprehensive Plan?

Yes. According to the category description of the Future Land Use Element (FLUE), the Neighborhood Commercial (NC) Category is intended to provide commercial retail and service establishments which serve the daily needs of the nearby residential neighborhoods and should be located on roads classified as a collector or higher where sewer and water is available. The PUD zoning district is permitted in a NC land use category as a secondary zoning district. The site plan and the PUD written description's permitted uses meet these criteria of the NC land use category. The site also meets the locational requirement of this policy since it is on a "Collector" classified roadway. According to the site plan, two full access driveways would be located off of Middleburg Road and one on Hipps Road.

The proposed PUD provides for a gradual transition of densities and intensities with the surrounding area's current development trend of single-family residential homes that were all built in the early 1990's on conventionally zoned RLD-60 and RR-Acre properties or within residential PUD's. The application proposes new infill development and redevelopment on vacant, bypassed and underutilized land within an area that has infrastructure, utilities, and public facilities, while addressing the needs of City residents. The proposed PUD zoning district primarily permits retail sales and commercial service establishments that offer a wide range of

goods and services, as well as professional, business and medical office uses, and restricts the retail uses and contains development standards for setbacks and coverage ratios.

2. Does the proposed rezoning further the goals, objectives and policies of the 2030 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. The proposed rezoning is not in conflict with any portion of the City's land use regulations. The subject property provides for adequate lot requirements and would be developed in accordance with the Land Development Regulations through the 10 set review and permitting process.

(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): Neighborhood Commercial (NC). The compatibility between the uses permitted in the requested commercial PUD and the existing residential uses in the surrounding area must be considered in reviewing a rezoning. When viewed in this context, the Planning and Development Department concludes that the proposed request is consistent with the following policies of the 2030 Comprehensive Plan:

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 proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

FLUE Policy 1.1.12 Promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.

FLUE Policy 1.1.24 The City will encourage new development to locate in the Urban Core, Southwest, North, and Northwest planning districts through such measures as economic incentives, greater marketing assistance, etc.

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.

FLUE Policy 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

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 site is a vacant parcel that would be developed to serve the surrounding residential uses along Old Middleburg Road and Hipps Road. Additionally, the site would provide infill development along this portion of Old Middleburg Road which includes an established pattern of residential properties near the site. The rezoning from CO to PUD while staying within the NC land use category would result in compatible land use patterns while providing a transition of uses to the residential neighborhood area, fulfilling FLUE Objective 1.1, Policy 1.1.12, Policy 3.1.3, and Objective 6.3. In addition, the project will use central water and sewer for the project. Both sanitary sewer and potable water lines are available in the street thereby meeting the need of FLUE Policy 1.2.9. The project is also located in the Southwest Planning District which agrees with Policy 1.1.24.

Transportation Element (TE)

Policy 1.4.7 The City shall require new development or redevelopment to support alternative modes of transportation. Such measures may include, but are not limited to, the provision of sidewalks, bikeways, transit stops, or other facilities to support alternative modes, such as parking management systems and park-and-ride facilities.

Policy 2.3.6 The City shall require access to new and redeveloped non-residential parcels with frontage along two or more roadways be limited to one access point per roadway. Access from the higher functional class roadway, or roadway with the higher average daily traffic inclusive of development traffic for roadways of the same functional class, shall be limited to right turn-in/right turn-out only, unless 1) it can be demonstrated in a traffic study, submitted for review and approval to the JPDD, that such access restrictions would present a safety hazard, would cause undue congestion or delay on adjacent road facilities, would cause environmental degradation, or would hinder adequate traffic circulation, 2) there already exists more than one full access point on the roadway, and at least one of the full access points is eliminated.

Policy 2.3.7 Access for corner lots or parcels shall be located the greatest distance from the corner commensurate with property dimensions. For roadways having a functional classification of collector or higher, access shall not be less than 150 feet from the geometric centerline of intersecting roadways, 100 feet from the outside through-lane, or commensurate with property

dimensions, where the lot frontage is insufficient to meet these requirements, subject to the approval of the Traffic Engineering Division and the JPDD.

The site is located on Middleburg Road, a collector roadway, and therefore meets the locational criteria of Transportation Element Policy 2.3.6. However, the policy also states that there should only be one access per roadway and the site plan shows two. Therefore, the application for rezoning may also be inconsistent with that policy unless a traffic study is submitted to the traffic engineering division with the application to prove that the additional access is necessary for safety reasons. The proposed design elements appear to meet the intent of Transportation Policy 2.3.7 since access ways into the proposed development site are over 150 feet away from street intersections.

The site plan does not identify the inclusion of sidewalks on the plan. This area of Old Middleburg Road does not have sidewalks on either side of the road. The PUD should support alternative modes of transportation with sidewalks along Old Middleburg Road in order to fulfill Transportation Element Policy 1.4.7 unless an agreement is made to pay into the sidewalk mitigation fund.

Conservation Coastal Management Element (CCME)

Goal 4 To achieve no further net loss of the natural functions of the City's remaining wetlands, improve the quality of the City's wetlands resources over the long-term and improve the water quality and fish and wildlife values of wetlands.

The site plan submitted illustrates a wetland boundary and it appears that there may be wetlands alteration involved with the development of the site. Further investigation reveals that neither a wetland boundary determination approved by the St. Johns River Water Management District or an "Environment Resource Permit" has been issued for wetlands alteration. The Water Management District will require mitigation for any wetlands alteration. This will satisfy Conservation and Coastal Management Element (CCME) Goal 1, Objective 4.1, and Policy 4.1.3. However until that is accomplished the PUD site plan is inconsistent with the mentioned goal, objective and policy. The PUD site plan could also change due to the requirements of the Water Management District. In addition, the wetlands survey submitted with the PUD site plan appears to be a "High Intensity Wetlands Survey". However, the survey fails to mention the size (acres), the type as specified by the "Florida Land Use Classified Code System (FLUCCS)", and what the quality and functional value the wetland system has on the property as specified in CCME Policy 4.1.7.

The proposed rezoning is consistent with the adjoining land uses, is an appropriate infill location, and is a part of a mixed used or multi use development. The introduction of commercial/retail uses will maintain a compact and compatible land use pattern and is infill of/in an existing commercial area and provides for a gradual transition of densities and intensities with the surrounding area. Approval of this rezoning would further the goals, objectives and policies of the 2030 Comprehensive Plan.

(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 an assisted living facility and commercial/retail development. 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 consistent with the internal compatibility factors with specific reference to the following:

The particular land uses proposed and the conditions and limitations thereon: This PUD facilitates the development of an assisted living facility and a small, low intensity commercial development to serve the surrounding residential developments. The commercial development will capture traffic trips that now travel to either Argyle Forest Boulevard or 103rd Street for the same goods & services. The proposed PUD zoning will more appropriately define restrictions for the uses and the development on and for the site to more appropriately coexist with the surrounding residential development. The proposed PUD rezoning places further restrictions on the property than would normally encumber conventional zoning districts.

Compatible relationship between land uses in a mixed use project: The PUD proposes the concept of a development scaled for and complimentary to surrounding uses and pedestrians within the site. The proposed uses optimize the combined potential for economic benefit and employment and will result in a compact and efficient land use pattern without encouraging sprawl by providing for commercial uses in close proximity to a large residential area. Additionally, the proposed development will further smart growth goals by providing for a broader mix of uses within a fully developed neighborhood in the Suburban Development Area.

Signage: The proposed signage for Hipps Road and Old Middleburg Road S is one (1) square foot for each linear foot of street frontage, per street, to a maximum size of two hundred (200) square feet in area for every two hundred (200) linear feet of street frontage, is permitted provided signs are located no closer than two hundred (200) feet apart. Such freestanding signs shall be of a nonilluminated or externally illuminated monument style or as otherwise approved by the Planning and Development Department, and not to exceed 15 feet in height. One five square foot illuminated wall sign is permitted per occupancy.

In lieu of the above, one illuminated wall sign not exceeding 32 square feet in area is permitted. In lieu of the wall sign allowed above, the following wall signs are allowed:

(A) For buildings less than three stories in height:

(1) Two wall signs not exceeding, collectively , 100 square feet if located on the side of the building facing an arterial or higher roadway, and

(2) Two wall signs, preside of building, not exceeding, collectively, 75 feet if located on the side of the building facing any other roadway.

(B) For building three stories or higher in height:

(1) Two wall signs not exceeding, collectively , 150 square feet if located on the side of the building facing an arterial or higher roadway, and

(2) Two wall signs, preside of building, not exceeding, collectively, 100 feet if located on the side of the building facing any other roadway.

(C) The wall signs allowed under section (5) shall be allowed only if the sign structure is not laced within 250 feet of any residential zoning district.

(6) Directional signs shall not exceed 4 square feet in area and 4 feet in height

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands:

The proposed rezoning is located within the Southwest Jacksonville Vision Plan. In the Vision Plan, the area in which the subject property is located is considered a “suburban area” of the Southwest Planning District. The Vision Plan calls for the creation of a development that contains a mix of uses, instead of individual strip commercial developments or shopping malls. The applicant has indicated that the intent of the proposed development is to function as a commercial use that will support the daily needs of nearby residential development, on a site that is located adjacent to and in close proximity to existing and emerging residential areas, utilizing best practices for site planning and design, be a pedestrian oriented development, and provide more convenient retail and service establishments to the surrounding community.

(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 rectangular shaped 21.2 acres parcel is at the southeast intersection of Hipps Road and Old Middleburg Road South, with residential subdivisions and established neighborhoods designated as LDR surrounding the property. The proposed change is located in an environment that is conducive to the creation of new businesses.

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

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LDR	PUD	Single family dwellings
South	LDR	RLD-60	Single family dwellings
East	LDR	RR-Acre	Single family dwellings
West	NC	CO	Church/single family dwelling

The proposed rezoning will be compatible with the existing and proposed land uses and zoning of adjacent and nearby properties in the general area. The property provides roughly half of its size (10 acres) as a buffer to properties to the east, and will not have any adverse impacts upon

property values of adjacent or nearby properties or in the general area more than the types of uses currently permitted. Approval of this rezoning will permit development that provides a logical and orderly development pattern and is consistent with the adjacent and nearby residential zoning districts.

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: The written description contains permitted uses which are generally found in the CRO and CN zoning districts. The applicant/developer is requesting the use of the PUD ordinance in order to administer specific performance standards designed to ensure a proper mix of uses, designs and elevations. There will be a natural buffer on the south and east sides of the site to ensure protection for the existing residential dwellings. The existing trees in this area will remain.

(6) Intensity of Development

The proposed development is consistent with the NC functional land use category as a commercial development. The proposed PUD provides for a gradual transition of densities and intensities with the surrounding area's current development trend of single-family residential homes that were all built in the early 1990's on conventionally zoned RLD-60 and RR-Acre properties or within residential PUD's. The application proposes new infill development and redevelopment on vacant, bypassed and underutilized land within an area that has infrastructure, utilities, and public facilities, while addressing the needs of City residents. The proposed PUD zoning district primarily permits retail sales and commercial service establishments that offer a wide range of goods and services, as well as professional, business and medical office uses, and restricts the retail uses and contains development standards for setbacks and coverage ratios.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The site is at the southeast corner of the Old Middleburg Road S. and Hipps Road intersection.

Any other factor deemed relevant to the limitation of the intensity of the development for the benefit of the public health, welfare and safety: The written description contains uses which are generally found in the CRO and CN zoning districts. The applicant/developer is requesting the use of the PUD ordinance in order to administer specific performance standards designed to ensure a proper mix of uses, designs and elevations.

(7) Usable open spaces plazas, recreation areas.

The open space requirement will be met through landscaping buffers and retention areas totaling over 11 acres of the site. A recreation area is not required.

(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 identify wetlands on-site. The site plan submitted illustrates a wetland boundary and it appears that there may be wetlands alteration involved with the development of the site. Further investigation reveals that neither a wetland boundary

determination approved by the St. Johns River Water Management District or an “Environment Resource Permit” has been issued for wetlands alteration. The Water Management District will require mitigation for any wetlands alteration. The PUD site plan could also change due to the requirements of the Water Management District. In addition, the wetlands survey submitted with the PUD site plan appears to be a “High Intensity Wetlands Survey”, however, the survey fails to mention the size (acres), the type as specified by the “Florida Land Use Classified Code System (FLUCCS), and what the quality and functional value the wetland system has on the property. Any development impacting wetlands will be permitted pursuant to local, state and federal permitting 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.

The site will be developed in accordance with Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

The project will contain a pedestrian system that meets the 2030 Comprehensive Plan.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on August 26, 2016, the required Notice of Public Hearing signs **were** posted.



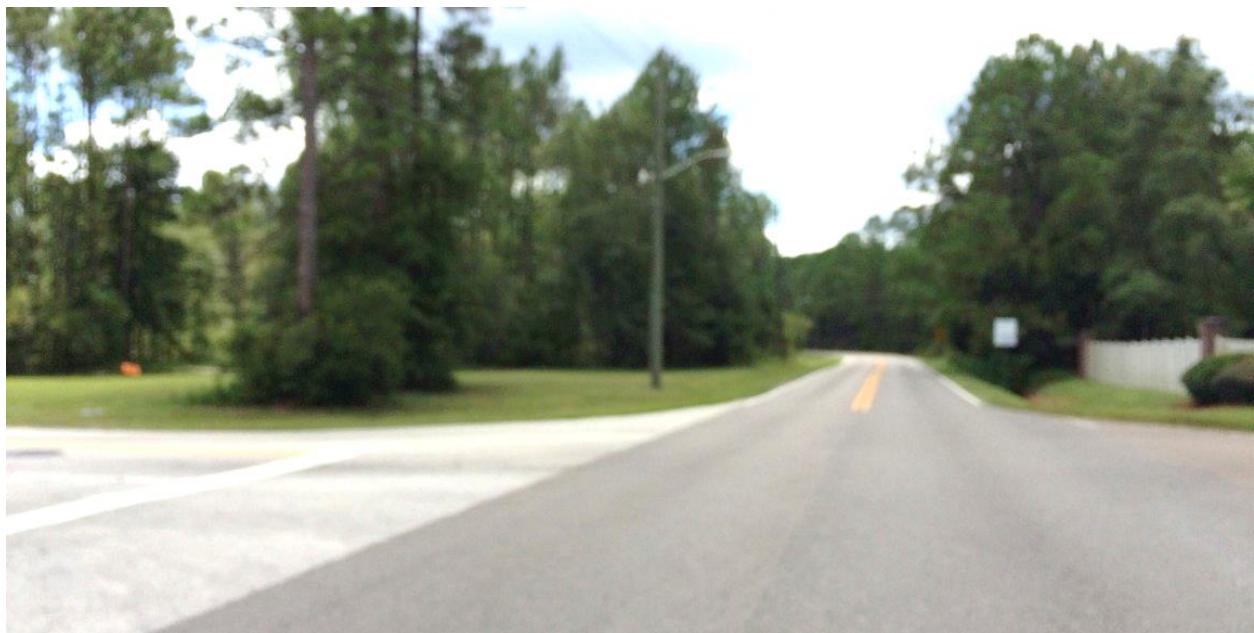
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2016-0528** be **APPROVED** with the following exhibits:

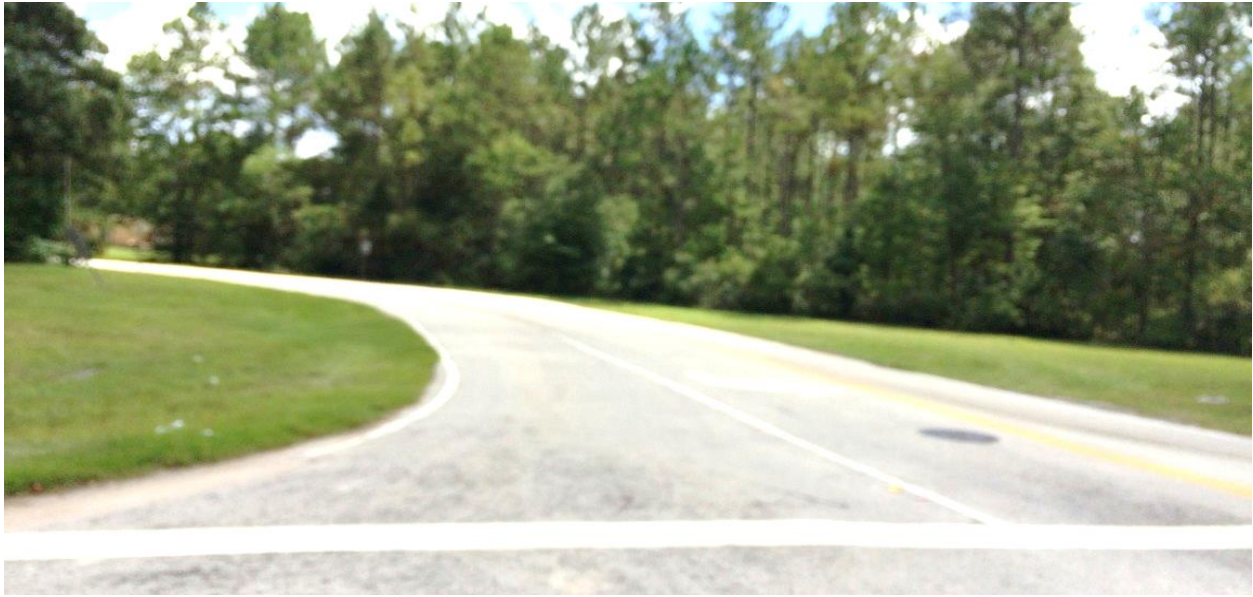
1. **The legal description dated May 17, 2016.**
2. **The written description dated May 5, 2016.**
3. **The original site plan dated May 17, 2016.**



Aerial view of the subject site facing north



The subject site on the left facing south at the Hipps Rd./Old Middleburg Rd. S. intersection



The subject site on the right facing east at the Hipps Rd./Old Middleburg Rd. S. intersection



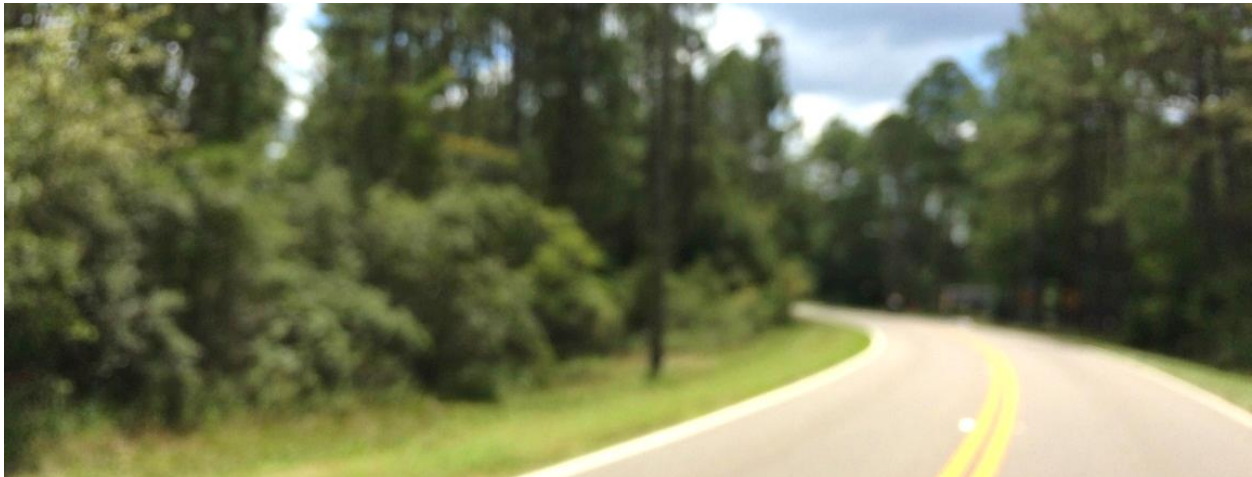
The subject site on the left facing west along Hipps Rd.



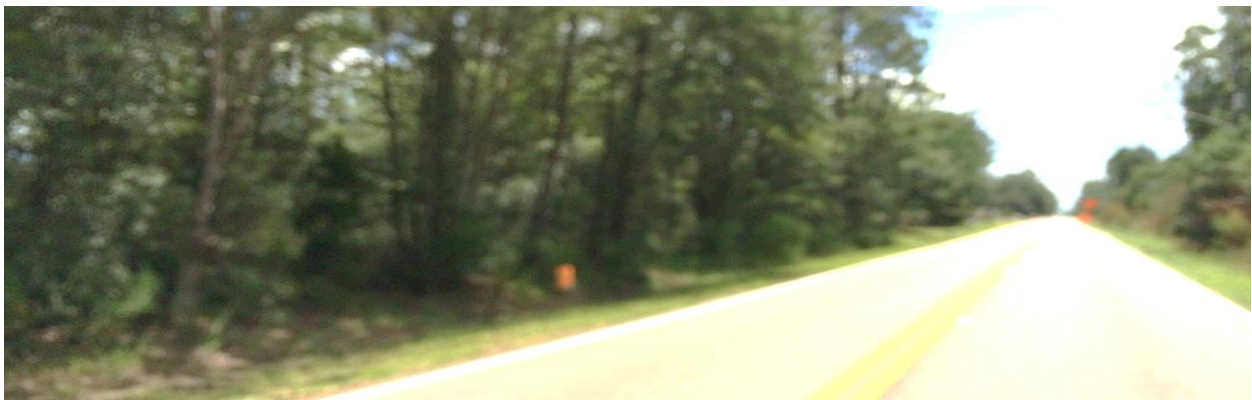
Facing west into the subject site from Hipps Rd.



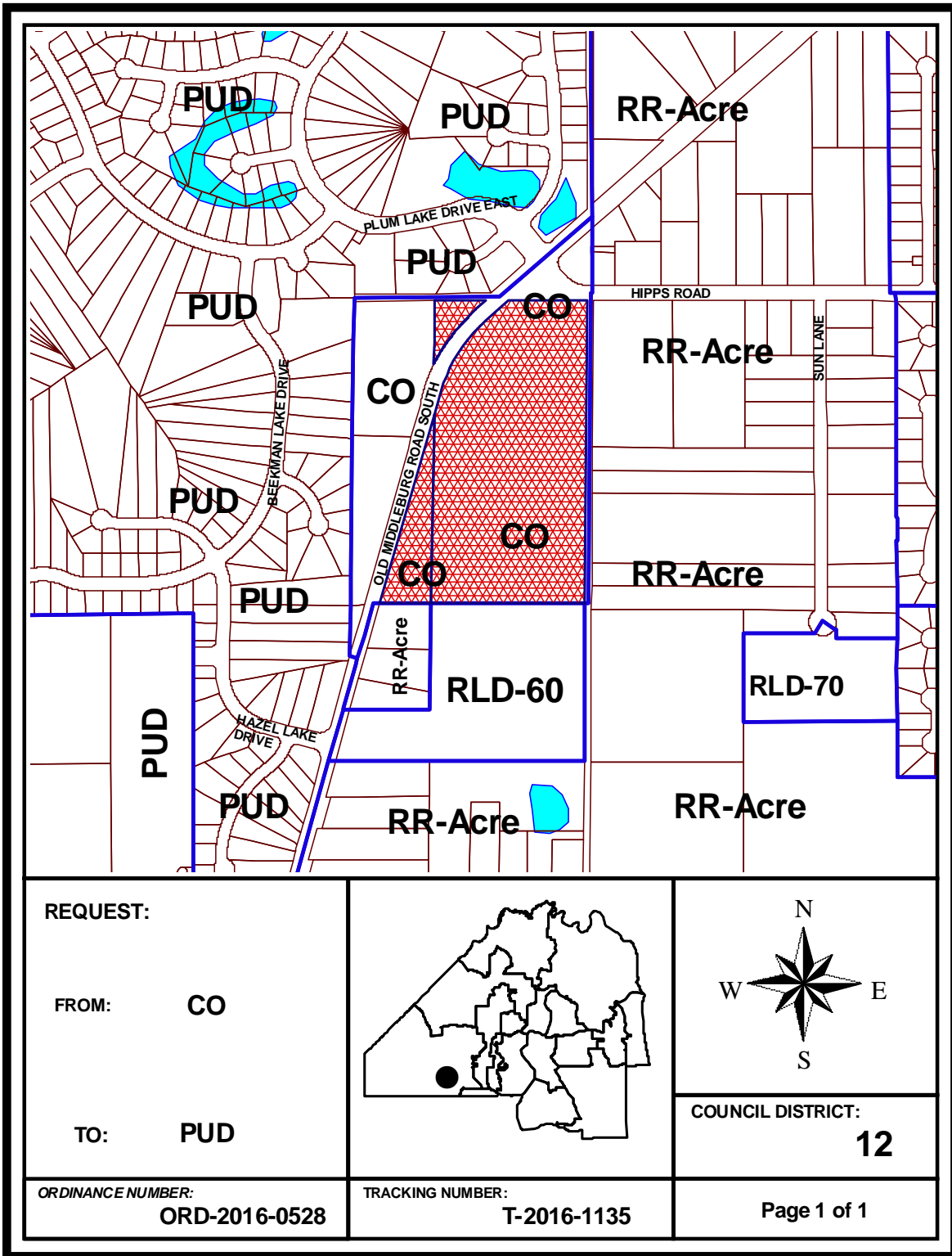
The subject site on the left facing south along Old Middleburg Rd S. at the Hipps Rd./Old Middleburg Rd. S. intersection



The subject site on the left facing south along Old Middleburg Rd. S.



The subject site on the left facing south along Old Middleburg Rd. S.



<p>REQUEST:</p>		
<p>FROM: CO</p>		<p>COUNCIL DISTRICT: 12</p>
<p>TO: PUD</p>	<p>TRACKING NUMBER: T-2016-1135</p>	<p>Page 1 of 1</p>
<p>ORDINANCE NUMBER: ORD-2016-0528</p>		