

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2017-039
TO PLANNED UNIT DEVELOPMENT

FEBRUARY 23, 2017

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 **2017-039** to Planned Unit Development.

Location: On the east side of Old Middleburg Road South; between Sandler Road and Marlee Road

Real Estate Number(s): 015588-9510, 015588-9520, 015589-0100 and 015590-0000

Current Zoning District: Residential Rural-Acre (RR-Acre)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)

Planning District: Southwest - 4

City Council District: The Honorable Doyle Carter, District 12

Planning Commissioner: Chris Hagan

Applicant/Agent: Fred Atwill
Atwill, LLC
9001 Forest Acres Lane
Jacksonville, Florida 32234

Owner(s): Audrey Campbell
9042 Sandler Road
Jacksonville, Florida 32222

Brenda Clower
5935 Camp Trail
Cumming, Georgia 30040

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2017-039** seeks to rezone approximately 43.79 acres of land from RR-Acre to PUD. The rezoning to PUD is being sought to permit development of the subject property as a 197 lot single family residential subdivision, with

minimum lot widths of 50 feet and area of 5,000 sq. ft. The subject property is located on the east side of Old Middleburg Road just south of Sandler Road, roughly a mile south of 103rd Street. A similar single family development PUD is to the southwest of this property and vacant land is to the east and west; which is zoned RR-Acre. Currently the site is developed with two single-family homes.

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.

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

Yes. The Planning and Development Department finds that the subject property is located in the Low Density Residential (LDR) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. The LDR functional land use category permits housing developments in a gross density range of up to seven (7) dwelling units per acre when full urban services are available to the site. Residential developments shall be pursuant to the requirements of the Low Density Residential (LDR) category.

This PUD proposes a gross density of 4.4 dwelling units to the acre and will have full urban services available to the site. Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive planning for future development of the Ordinance Code. A description of the category is noted below.

Low Density Residential (LDR) is a category intended to provide for low density residential development. Generally, single-family detached housing should be the predominant development typology in this category. Mixed use developments utilizing the Traditional Neighborhood Development (TND) concept, which is predominantly residential but includes a broad mixture of secondary recreational, commercial, public facilities and services may also be permitted. New residential subdivisions in LDR should be connected to reduce the number of Vehicles Miles Traveled and cul-de-sacs should be avoided.

(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 meet all portions of the City's land use regulations and further 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 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 category as identified in the Future Land Use Map series (FLUMs): Low Density Residential (LDR). According to the category description of the Future Land Use Element (FLUE), Low Density Residential (LDR) in the Urban Priority Area (UPA) is intended to provide low density residential development, while promoting neighborhoods in need of redevelopment, and providing a compact, single-family development typology that is supportive of transit and neighborhood commercial services.

The proposed zoning application has been reviewed in relation to the following objectives and policies or text of the 2030 Comprehensive Plan, Future Land Use Element (FLUE):

FLUE 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.

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 1.1.9 Permit development only if it does not exceed the densities and intensities established in the Future Land Use Element as defined by the Future Land Use map category description and their associated provisions.

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 1.2.9 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 Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

FLUE Policy 3.1.6 The City shall provide for development of a wide variety of housing types by area, consistent with the housing needs characteristics and socioeconomic profiles of the City's households as described in the Housing Element.

The proposed PUD differs from the usual application of the Zoning Code because it includes unique buffering, site planning and other conditions that would not be required through a strict application of the existing zoning category. The proposed development will fulfill housing needs appropriate to various lifestyles and income levels, provide a mix of housing types appealing to first time buyers, retirees and other buyers. This would have a positive impact on the area, blend with surrounding uses and help to increase the property values of the older communities in the area.

The proposed rezoning has been identified as being related to the following issues identified in the 2030 Comprehensive Plan. Based on this relationship, the rezoning application has been carefully evaluated for consistency or inconsistency with the following issues and related goals, objectives and/or policies:

Airport Environment Zone

The site is located within the 300 foot Height and Hazard Zone for the Herlong Recreational Airport and Cecil Airport. Zoning will limit development to a maximum height of less than 300', 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 656.10051(d).

Future Land Use Element

FLUE Objective 2.5 Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities

Wetlands

The Conservation/Coastal Management Element (CCME) recommends avoiding wetlands if

possible unless no other on site alternative exists. This site contains wetlands that are classified as wetland forest mixed and wet pinelands/hydric pine. A wetland Survey may be needed for further evaluation. Development should be further reviewed at Site Plan Review for consistency with the policies under Goal 4 of the Conservation/Coastal Management Element and as more particularly specified in the following CCME policies:

Conservation/Coastal Management Element

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.

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.

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.

4.1.9 The City of Jacksonville shall modify the Land Development Regulations as follows in order to protect water quality and preserve natural wetland functions:

- The City shall require new development to provide a 15 foot minimum upland buffer between developed areas contiguous to Category I and II Wetlands;
- The City of Jacksonville shall require a Low Maintenance Zone (LMZ) to be established between developed areas contiguous to any pond, stream, water course, lake, wetland or seawall in accordance with Chapter 366, Part 6, Ordinance Code;
- All buffers shall be measured from the St. Johns River Water Management District (SJRWMD) or Florida Department of Environmental Protection Wetland jurisdictional line;
- Buffers shall consist of Florida Friendly Landscape plants or ground cover which is planted and managed in order to minimize the need for fertilization, watering and mowing;
- The aforementioned minimum buffers are required, except for those circumstances where an averaging of the buffer width, because of an unavoidable buffer reduction, achieves a greater overall upland buffer width;
- Buffers are not required for wetlands permitted for filling; and
- In all cases, the applicable buffer shall be depicted on all site plans, development plans, and other documents submitted to authorize the review for development.

The City shall allow administrative approval by the Director of Planning for the purposes of unavoidable wetlands impacts upon finding that all of the following criteria are met:

a. All required valid and unexpired permits from state and federal regulating agencies have been issued and are provided with the Development application or will be made a contingency for approval.

b. The request is limited to one of the following:

1. A road crossing;
2. Public infrastructure and utility crossings or rights-of-way that are related to transmission or conveyance of a service;
3. A driveway on a Legal Lot of Record to a single-family residence;
4. Reasonable access to waterways; and
5. Circumstances where there could be no reasonable use of the property.

c. Administrative approval shall not be allowed for self-created hardships such as, but not limited to:

1. Placing a road crossing, utility crossing, rights-of-way, driveways, or other features in wetlands instead of uplands for the sole purpose of providing additional upland area for Development.

4.1.10 In determining whether an encroachment in the wetland is the least damaging to the wetland and that no practicable on-site alternative exists, the City shall evaluate the following prior to the issuance of a final development order:

- (a) the land use category according to the Future Land Use Map series (FLUMs) and existing zoning of the site and surrounding parcels; and
- (b) alternative designs which could accomplish the purposes of the development including the encroachment on the wetland of such alternative designs; and
- (c) the wetland functions being served by the area proposed to be encroached upon.

4.1.11 Mitigation shall be considered only as a last resort, and only if it is determined that encroachment in the wetland is the least damaging alternative and no practicable on-site alternative exists. Such mitigation activities should replace similar habitat and function, and shall result in no net loss of wetland functions and shall be subject to all applicable local, State and Federal permitting and regulations.

(2) Consistency with the Concurrency Mobility and Management System

Pursuant to the provisions of Chapter 655 Concurrency Mobility and Management System of the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency Mobility and Management System Office (CMSO) prior to development approvals.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a single family 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 existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: The proposed PUD will provide a minimum of 8.37 acres of open space and a recreation/common area for the community of approximately two (2) acres in size. In addition,

ponds and wetlands will comprise a total of roughly five (5) acres, providing additional passive open space.

Traffic and pedestrian circulation patterns: The PUD proposes one access point off of Sandler Road and will contain sidewalks which meet the 2030 Comprehensive Plan. The final location of the access point is subject to the review of the Development Services Division.

The use and variety of building setback lines, separations, and buffering: The proposed PUD written description contains development standards which are the same as the current Zoning Code requirements for the RLD-50 zoning district. Per the site plan, the lots are oriented in a typical subdivision configuration.

Staff recommends that minimum lot size shall be 60 feet in width and 6,000 square feet in area to provide the subdivision with more flexibility in the location, type and size of the homes built and be consistent with the nearby subdivisions' pattern of development. The Whispering Oaks PUD (2001-0674) to the southwest of this site approved an 88 lot subdivision with minimum lot widths of 70 feet. The Weston PUD (2005-0245) to the northeast approved a 65 lot subdivision with minimum lot widths of 65 feet. The Sandler Chase PUD (Ord. 2005-752) to the northwest approved 140 lots with a minimum lot size of 60' in width. The surrounding area has been developed per the RR-Acre standards other than these three developments.

Signage: The applicant proposes up to two (2) single faced identity signs at each side of the entrance on Sandler Road or one (1) permanent, single or double faced sign in the median of the entry road to the development. Each sign shall not exceed twenty-four (24) square feet in area or twelve (12) feet in height.

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of any use within the proposed Planned Unit Development: An existing ditch along the northern perimeter of the property to Sandler Road will be cleared of debris and excess vegetation prior to final acceptance of the first phase of development for Sandler Oaks. As shown by the site plan, a 10' buffer shall be provided along the eastern property line. An 8 foot tan vinyl fence shall be placed along this buffer and maintained by the Homeowners Association.

(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 proposed project is within an area where residential subdivision development is expanding. If approved as conditioned the PUD would add another subdivision with flexibility in the location, type and size of the homes to the community and increase the housing options in/for the area.

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	LDR	RR-Acre	Sandler Road and single-family home
South	LDR	RR-Acre	Single-family homes on large lots
East	LDR	RR-Acre	Single-family homes on large lots
West	LDR	RR-Acre	Old Middleburg Road and single-family homes on large lots

(6) Intensity of Development

The PUD is appropriate at this location with specific reference to the following:

The existing residential density and intensity of use of surrounding lands: The use is consistent with the residential density and intensity of surrounding lands. This PUD proposes a gross density of 4.4 dwelling units to the acre and over 15 acres of recreational and passive open space, and differs from the usual application of the Zoning Code because it contains a mixture of design elements and buffering within a residential community in keeping with the area's pattern of development.

The availability and location of utility services and public facilities and services: Water, sanitary sewer and electric service will be provided by the JEA.

(7) Usable open spaces plazas, recreation areas.

The PUD will provide a recreation/common area for the community of approximately two (2) acres in size. In addition, ponds and wetlands will comprise a total approximately five (5) acres, providing additional passive open space.

(8) Impact on wetlands

This site contains wetlands that are classified as wetland forest mixed and wet pinelands/hydric pine. A wetland Survey may be needed for further evaluation. Development should be further reviewed at Site Plan Review for consistency with the policies under Goal 4 of the Conservation/Coastal Management Element. Any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements.

(9) Listed species regulations

A survey is not required as the property is under the 50 acre threshold.

(10) Off-street parking including loading and unloading areas.

The written description indicated the site will be developed in accordance with Part 6 of the

Zoning Code. However the lack of storage space in local homes is universally acknowledged, as many residents use their garage for storage and it is important that automobiles have an adequate hard surface to park without encroaching into the sidewalk. Staff recommends that residential driveways be designed with a two car parking pad.

(11) Sidewalks, trails, and bikeways

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

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on February 10, 2017, the required Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2017-039** be **APPROVED with the following exhibits:**

1. The original legal description dated November 15, 2016.
2. The original written description dated November 23, 2016.
3. The original site plan dated May, 2016.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2017-039** be **APPROVED subject to the following condition, which may only be changed through a rezoning:**

1. The minimum lot size shall be 60 feet in width and 6,000 square feet in area.
2. The owner/developer shall provide a traffic study to include a right and left turn warrant and signal warrant at the intersection of Old Middleburg Road and Sandler Road.
3. Prior to requesting a final building inspection or occupying the facility in any manner, the owner, applicant or developer shall submit to the Planning Department separate certification letters confirming that all horizontal and vertical components of the

development have been substantially completed, and all conditions to the development order have been satisfied. This condition shall apply to both phased and non-phased developments.



Aerial view of the subject site facing north



The subject site facing east from Old Middleburg Rd.



The subject site facing east from Old Middleburg Rd.



The subject site on the right facing east down Sandler Rd.



The subject site on the right facing north along Old Middleburg Rd.

