

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2017-0313**  
**TO PLANNED UNIT DEVELOPMENT**

**MAY 18, 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 **2017-0313** to Planned Unit Development.

***Location:*** 9705 Hood Road South; at the northeast intersection of  
Lourcey Road and Hood Road

***Real Estate Number(s):*** 149093-0100, 149093-0000 & 149123-0010

***Current Zoning District:*** Residential Rural-Acre (RR-Acre) and Residential Low  
Density-60 (RLD-60)

***Proposed Zoning District:*** Planned Unit Development (PUD)

***Current Land Use Category:*** Low Density Residential (LDR)

***Planning District:*** Southeast, District 3

***Planning Commissioner:*** Daniel Blanchard

***City Council District:*** The Honorable Matt Schellenberg, District 6

***Applicant/Agent:*** Curtis Hart  
Hart Resources LLC  
8051 Tara Lane  
Jacksonville, Florida 32216

***Owner(s):*** Eugena Price  
490 Coopers Cove Road  
Jacksonville, Florida 32095

Miles Price  
9844 Hood Road  
Jacksonville, Florida 32257

Thomas Stephens  
9630 Historic Kings Road South  
Jacksonville, Florida 32257

***Staff Recommendation:*** **APPROVE WITH CONDITIONS**

## GENERAL INFORMATION

Application for Planned Unit Development **2017-0313** seeks to rezone approximately 32.36 acres of property from RR-Acre and RLD-60 to Planned Unit Development (“PUD”) to permit development of the subject property with a 109 lot single-family residential subdivision, with minimum lot widths of 60 feet and 6,000 square feet in area. Over five (5) acres of the site will contain passive open space, stormwater ponds, and road infrastructure.

## 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. The proposed PUD proposes a gross density of 3.3 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.

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

Yes. 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?*

No. The written description and the site plan of the intended plan of development meet most portions of the City’s land use regulations except those related to recreation and lot coverage; however, if the plan is approved as conditioned, then it will meet the land use regulations in full.

Furthermore, 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 as follows:

*(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): LDR. This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan including the following goals, objectives and policies:

The proposed 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 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.

The proposed zoning application has also been reviewed in relation to the following objectives and policies or text of the 2030 Comprehensive Plan, Recreation and Open Space Element (ROSE):

*Policy 2.2.2* The City shall require that all new single family and multi-family developments (residential developments) dedicate land for public parkland (active recreation parks) or provide monetary contribution to the appropriate department.

*Policy 2.2.3* A residential subdivision development of 100 lots or more shall provide at least one acre of useable uplands for every 100 lots (and any fraction thereof), or 5% of the total useable uplands area to be platted, whichever is less, to be dedicated as common area and set aside for active recreation There may be up to two areas for each 100 lots, and the areas shall be a minimum of 0.5 acres in size, unless otherwise approved by the Planning and Development Department, or by the City Council as part of a Planned Unit Development Zoning District.

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 with the following issues and related goals, objectives and/or policies:

#### Industrial Zones

A portion of the subject property is located within the “Industrial Situational Compatibility” Zone. ‘Industrial Sanctuary” and Industrial Situational Compatibility” Zones are areas identified on the Industrial Preservation Map (Map L-23) of the Future Land Use Element of the 2030 Comprehensive Plan as strategically located industrial lands for future industrial expansion and economic development. The subject property is already classified as Low Density Residential. Since this property is already LDR, there are no comprehensive plan restrictions for developing residential uses on this site. However, there are buffering requirements in the zoning code that may apply to this site. The written description is seeking relief from this additional buffer requirement.

#### Recreation and Open Space

The Recreation and Open Space Element (ROSE) states that there are requirements for public parkland in new residential developments in ROSE Policy 2.2.2. According to ROSE Policy 2.2.3, which outlines the specific requirements for open space, it is not an option to offer payment in lieu of provision of recreational lands.

#### Wetlands

The Conservation/Coastal Management Element (CCME) recommends avoiding wetlands if possible unless no other on site alternative exists. This site contains approximately 12.15 acres of Category III wetlands that are classified as wetland coniferous forest and cypress. 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.

*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.

*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.

*Policy 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.

*Policy 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.

*Policy 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. Therefore, proposed rezoning to Planned Unit Development, as conditioned, is consistent with the 2030 Comprehensive Plan, and further the following goals, objectives and policies contained therein.

*(2) Consistency with the Concurrency and Mobility 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 Management System Office (CMSO) prior to development approvals. The proposed development will require an application for a Mobility Fee Calculation Certificate (MFCC) and Concurrency Reservation Certificate (CRC). The calculated Mobility Fee must be paid prior to issuance of the site work permit. Offsetting credit for previous or existing structures on the property might be possible if adequately documented by the applicant.

*(3) Allocation of residential land use*

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 streetscape: The proposed development will have a design similar to the existing subdivisions in the area.

The use of topography, physical environment and other natural features: There are roughly 12 acres of wetlands on the 32.36 acre parcel. A portion of these areas will act as external screens to adjacent developments and internal screens inside the subdivision.

The use and variety of building setback lines, separations, and buffering: The proposed written description includes development standards which are standard to other residential zoning districts.

The use of existing and proposed landscaping: The project will be required to meet the minimal standards set forth in Section 656, Part 12.

The treatment of pedestrian ways: The Applicant will provide sidewalks and bike paths consistent with Section 654.133 of the Zoning Code.

Traffic and pedestrian circulation patterns: The property will be accessed from Hood Road. A review by the Traffic Engineering Division produced the following comments in their memorandum dated April 27, 2017:

- Provide a traffic study for right and left turn lanes at subdivision entrance.
- Centerline radius for curves shall be no less than 80'.

The use and variety of building setback lines, separations, and buffering: The applicant has proposed 60 foot wide lots, with front setbacks for the primary structure to be 20 feet. The side

and rear setbacks, 5 feet side and 10 feet rear, match that of the RLD-60 Zoning District. The proposed lot coverage of 50% will make this project sustainable.

Signage:

The applicant proposes up to two (2) permanent, single faced identity signs at entrance off of Hood Road South and one (1) permanent, double faced sign in the median of the entry road to the development. The signs may be located within the road right-of-way or on private property. Each sign shall not exceed twenty-four (24) square feet in area and twelve (12) feet in height. Also, real estate signs (in compliance with Section 656.1306, Zoning Code) and construction signs (in compliance with Section 656.1307, Zoning Code) also will be permitted.

*(5) External Compatibility*

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

The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	BP	IBP/IL	Warehousing/COJ service garage
East	LDR	RR-Acre/RLD-60	Single-family homes
South	LDR	RR-Acre/RLD-100A	Single-family homes
West	LDR	RR-Acre	Single-family homes

*(6) Intensity of Development*

The proposed development is consistent with the LDR functional land use category and shall not exceed a maximum gross density of 3.3 dwelling units per acre.

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

The amount and type of protection provided for the safety, habitability and privacy of land uses both internal and external to the proposed PUD: Lots will be individually owned providing homeowner privacy. Street pattern will slow traffic adequately; lack of through traffic provides privacy and security.

The availability and location of utility services and public facilities and services: The will be served by city sewer and water.

*(7) Usable open spaces plazas, recreation areas.*

The project will provide over five (5) acres of passive/open space. A very large regional park (Losco Regional Park), consisting of 210 acres, is located approximately two miles south of the development on Hood Road South. As such, no parks are planned for the development, and the



developer would like to pay into the City recreation Fund for each lot. This is in conflict with the Zoning Code. Staff is conditioning approval of the request that the owner shall provide a minimum of one acre of active recreation space per Section 656.420 of the Zoning Code.

Construction of the Retention Areas (including the import and export of fill) as shown by the site plan to depths in excess of 15' may occur prior to approval of the final engineering plans by the City of Jacksonville provided that such excavations meet the minimum requirements of Part 9 of the Zoning Code and provided that each Retention Area is subsequently completed so as to comply with the final engineering plans approved by the City of Jacksonville and the St. Johns River Water Management District prior to final acceptance of the portion of the property containing such Retention Area.

*(8) Impact on wetlands*

Surveying of a 2004 Geographical Information Systems shape file identified over twelve (12) acres of wetlands on-site. Any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements.

*(9) Listed species regulations*

The subject site is less than 50 acres in size, and therefore a listed species survey is not required.

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

The site is required to be developed in accordance with Part 6 of the Zoning Code.

*(11) Sidewalks, trails, and bikeways*

The project will contain an internal pedestrian system that meets the 2030 Comprehensive Plan. There will also be external sidewalks as required.

**SUPPLEMENTAL INFORMATION**

The applicant submitted a signed and notarized Sign Posting Affidavit dated May 4, 2017 that indicated 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 the application for Rezoning 2017-0313 be **APPROVED** with the following exhibits:

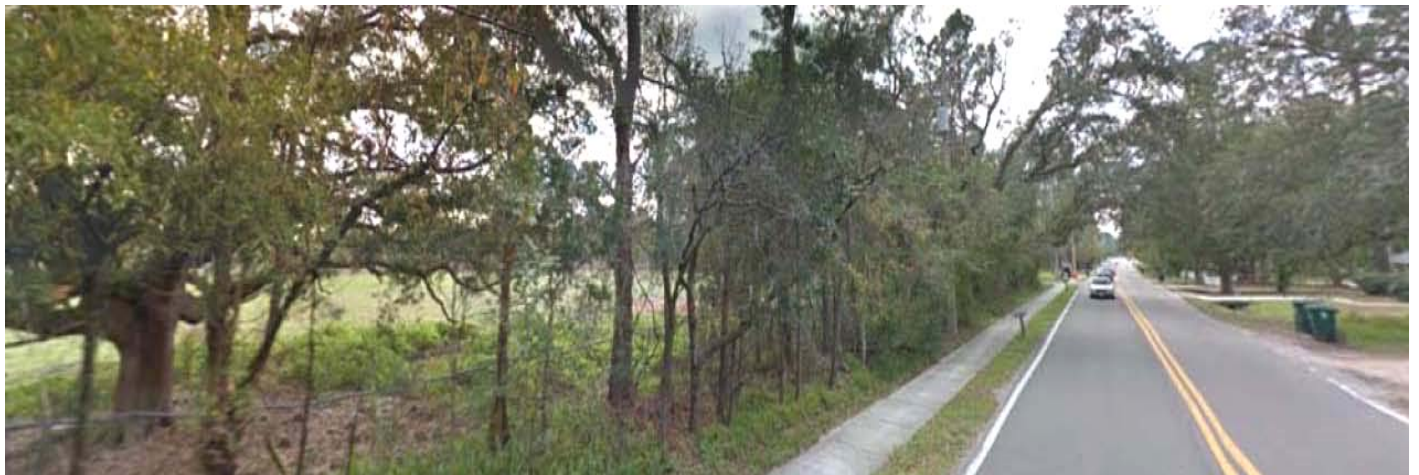
1. **The original legal description dated February 19, 2017.**
2. **The revised written description dated May 10, 2017.**
3. **The original site plan dated February 4, 2017.**

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning 2017-0313 be **APPROVED** subject to the following conditions, which may only be changed through a rezoning:

1. **The minimum lot frontage shall be thirty-five (35) feet for properties located on cul-de-sacs and curves.**
2. **Pursuant to policies 1.4.8 and 1.4.9 of the Transportation Element of the 2030 Comprehensive Plan, an additional access point shall be created on the northeast side of the property to Historic Kings Road South, to promote overall connectivity and reduce the burden on the roadway network.**
3. **The owner shall provide a minimum of one acre of active recreation space per Section 656.420 of the Zoning Code.**
4. **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.**



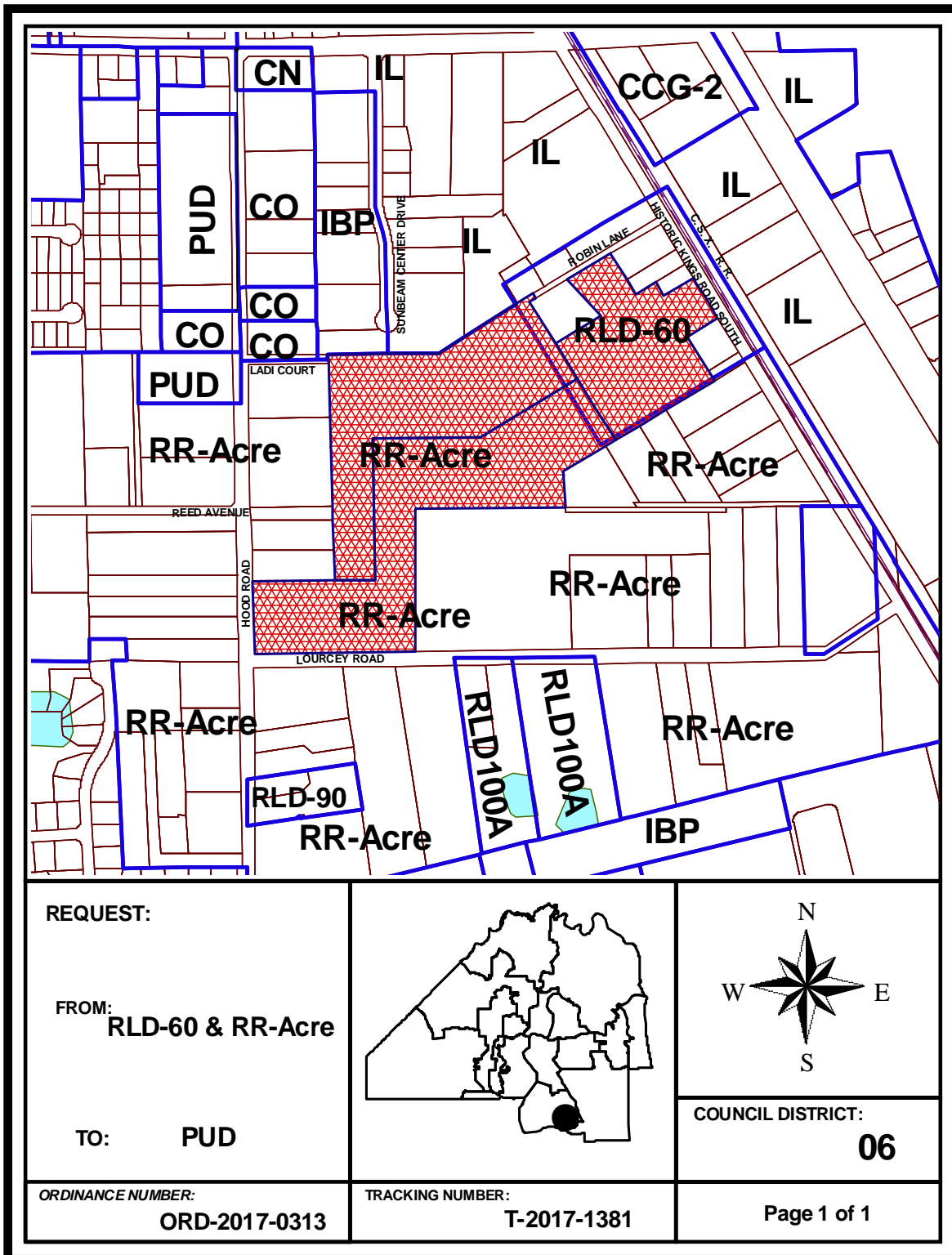
**Aerial view of the subject site facing north**



**The subject site on the left facing south along Hood Rd.**



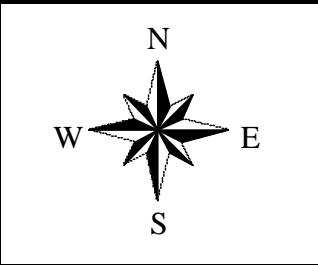
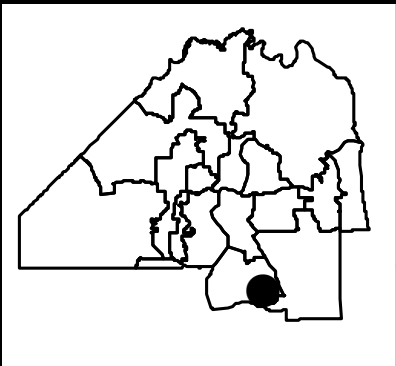
**The subject site on the left facing east along Lourcey Rd.**



**REQUEST:**

**FROM:**  
 RLD-60 & RR-Acre

**TO:**  
 PUD



**COUNCIL DISTRICT:**  
 06

**ORDINANCE NUMBER:**  
 ORD-2017-0313

**TRACKING NUMBER:**  
 T-2017-1381

Page 1 of 1