

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2017-0489 TO**  
**PLANNED UNIT DEVELOPMENT**

**AUGUST 17, 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 **2017-0489** to Planned Unit Development.

***Location:*** 735, 745, 763 and 809 New Berlin Road; on the north side of New Berlin Road between Gillespie Avenue and Pulaski/Starratt Road

***Real Estate Number(s):*** 106651-0010, 106698-0000, 107978-0010, 107978-0020

***Current Zoning District:*** Planned Unit Development (PUD) per ord. 2016-1381

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

***Current Land Use Category:*** Community General Commercial (CGC) and Low Density Residential (LDR)

***Proposed Land Use Category:*** Low Density Residential (LDR) and Residential Professional Institutional (RPI)

***Planning District:*** North, District 6

***Applicant/Agent:*** John H. Latshaw, Jr., Esq.  
New Leaf Communities, LLC  
3448 Southpoint Boulevard, Suite 210  
Jacksonville, FL, 32216

***Owner:*** Whitney Bank/Hancock Bank  
5500 Prytania Street, PMB 521  
New Orleans, Louisiana 70115

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Planned Unit Development **2017-0489** seeks to rezone approximately 6.15 acres of land from PUD to PUD. The property is currently undeveloped. The rezoning to PUD is

being sought so that the property can be developed as a 35 unit multi-family residential housing project. The entire 6.15 acre site is composed of four parcels, which are all under one existing PUD. The southern 140 feet of the four parcels along New Berlin Road (1.52 acres) are in the Community General Commercial (CGC) land use category, while the remainder of the site is in Low Density Residential (LDR). The owner wishes to create a new single-use residential PUD.

The previous Ordinance 2006-1381 rezoned the property to PUD for the purpose of developing a restaurant and commercial building, as well as access and parking. The rear portion of the property in the LDR land use was to be utilized for parking, retention, and wetlands.

There is a companion Application for Land Use Amendment to the Future Land Use Map Series 2017CA-013 (Ordinance 2017-0488) that seeks to amend the southern 1.52 acre portion of property from the Community General Commercial (CGC) land use category to the Residential Professional Institutional (RPI) land use category. The Small Scale Future Land Use Amendment is being considered for adoption along with this companion rezoning and staff is recommending that Application for Land Use Amendment to the Future Land Use Map Series 2017C-013 be approved.

### **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 currently 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. 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.

The proposed land use category of Residential/Professional/Institutional (RPI) in the Suburban Area is intended to provide low to medium density development. RPI is generally intended to provide transitional uses between commercial and residential uses, although it may also provide a transition between industrial and residential uses when industrial uses pose no health or safety risks to residents. Development within the category should be compact and connected and should support multi-modal transportation. Multi-family dwellings are a principal use within both LDR and RPI in the Suburban Area.

The site has southern frontage on New Berlin Road, a collector roadway. The site plan indicates that there will only be one entrance in from New Berlin Road. The area surrounding the subject site is a mix of vacant land, residential and commercial uses.

*(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. 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*

This proposed rezoning to Planned Unit Development has been reviewed in relation to and is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

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 1.1.10 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 1.1.12 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 1.1.20 Development uses and densities shall be determined by the Development Areas described in the Operational Provisions for the Central Business District (CBD); Urban Priority Area (UPA); the Urban Area (UA); the Suburban Area (SA); and the Rural Area (RA) as identified in the 2030 Comprehensive Plan, in order to prevent urban sprawl, protect agricultural lands, conserve natural open space, and to minimize the cost of public facilities and services.

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 Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

FLUE Objective 3.1 Continue to maintain adequate land designated for residential uses which can accommodate the projected population and provide safe, decent, sanitary and affordable housing opportunities for the citizens. Protect single-family residential neighborhoods by requiring that any other land uses within single-family areas meet all applicable requirements described in the Development Areas and the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and Land Development Regulations.

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 applicant increases the opportunity for residential development with residential lots maintaining the character and trend of the area satisfying Objective 3.1. The land use categories surrounding the property include Low Density Residential (LDR) and Community General Commercial (CGC); therefore, the rezoning continues this pattern of anticipated urbanized development as recommended under Objective 3.1 and Policy 1.1.21. Moreover, residential development would complement the surrounding area and promote a pattern of compatible land use compliant with Objective 1.1 and Policy 1.1.22. The density for the property will not exceed the maximum 7 dwelling units per acre set forth in the LDR, Suburban Development Area. The LDR land use designation and PUD zoning is a logical extension of the existing LDR demarcation line immediately west of the site and the areas pattern of development consistent with Objective 1.1.

*(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 project will be required to comply with Sec. 655 for Mobility and Concurrency Management System Office requirements. 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. A CCAS application was approved for the development (CCAS# 45832) and a CRC Certificate was issued and the development was assigned the development number 5364.2. Then, a Development Agreement with the original developer was signed on September 29, 2012 and remains valid until September 29, 2017. An extension to the Development Agreement was issued by the CMO on May 26, 2017 which extends the entitlement to January 24, 2019.

*(3) Allocation of residential land use*

This proposed Planned Unit Development intends to utilize lands for a multi-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: A combination of landscaping and buffering will be provided to screen the medium density residential use in the proposed PUD from adjacent uses. A common architectural scheme/requirement will ensure that the proposed development is consistent with surrounding uses. Therefore, the proposed PUD is compatible in both intensity and density with the surrounding development and zoning districts.

The proposed development will be providing an area for recreation needs, and a minimum of 150 square feet of active recreation area shall be provided per each multifamily dwelling unit. Along the eastern PUD boundary, starting at the southeast corner of the property and ending at the southern bank of the retention pond, there shall be a ten foot (10') wide complimentary use landscaped buffer with a six (6) foot high opaque fence. The landscaping shall continue to the northern bank of the westerly retention pond. Along the western PUD boundary, starting at the southwest corner of the property and ending at the southern bank of the retention pond, there shall also be a ten foot (10') wide complimentary use landscaped buffer with a six (6) foot high opaque fence. The landscaping shall continue to the northern bank of the easterly retention pond. Landscaping materials and width shall comply with the requirements of Part 12 of the Zoning Code.

Traffic and pedestrian circulation patterns: As indicated on the attached conceptual site plan, access to the property will be from New Berlin Road. The location of the access point shown on the plan is conceptual and may be subject to realignment and relocation prior to development. The location and design of all access points will be subject to the review of the City Traffic Engineer and the Planning and Development Department. An exterior sidewalk

will be provided along New Berlin Road consistent with the 2030 Comprehensive Plan. Interior sidewalks will also be provided along the exteriors of the buildings. There is an existing sidewalk on New Berlin Road in front of the parcel.

The variety and design of dwelling types: The proposed PUD is being requested to permit construction of 35 market rate rental townhomes. The town homes will be two story, will have 3 bedrooms and 2 ½ baths and will be approximately 1300 square feet in size. This will aid in providing a variety of housing types in the area.

The use and variety of building setback lines, separations, and buffering: The entire property will have a twenty (20) foot perimeter landscape buffer as well as a 20' separation between buildings. The total gross acreage is 6.15 acres. The entire 6.15 acres or 100% of the land will be developed with 35 multifamily units. There will be no other land use. The amount of active recreation and/or open space is 0.36 acres or 5.86%. The passive open space, wetlands, ponds is 4.08 acres or 66.4%. Private roadways will cover 0.55 acres or 9.0%. The maximum coverage of buildings and structures will be 1.15 acres and 18.7%. The maximum building height will be 35 feet. These design guidelines ensure the health safety and welfare of the residents with respect to open space and architectural character.

This application is intended to implement the intent of RMD-D Zoning and its allowance of transitional zoning between commercial and single family uses. At the same time, the PUD allows both certainty and flexibility in establishing road requirements, setbacks, screening, and buffers. The proposed PUD contains limitations on the uses permitted on the subject property to residential multifamily. The project will have a common development scheme and a unified architectural theme and contains provisions for signage, landscaping, sidewalks, and other issues relating to the common areas and vehicular and pedestrian traffic.

#### *(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 development is located in a developing area where residential subdivisions and commercial uses are in close proximity. The area immediately surrounding the subject site primarily consists of residential and commercial/retail uses. The residential area consists of both multi-family and single-family homes. A common architectural scheme/requirement will ensure that the proposed development is consistent with surrounding uses. Therefore, the proposed PUD is compatible in both intensity and density with the surrounding development and zoning districts. Residential development at this location complements the existing uses by increasing the housing options in and for the immediate 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	RLD-60	Mobile home park (238 units)
South	CGC	CO	Single family homes
East	LDR/CGC	RLD-60/CO	Single family homes
West	CGC	CO	Vacant

To the north of the subject site are large undeveloped parcels containing wetlands. Surrounding land use designations and zoning districts include CGC/LDR and RLD-60/CO/PUD to the east, CGC and CO to the west; across New Berlin Road to the south is CGC and PUD and to the north is LDR/RLD-60. A mobile home park to the north is buffered by wetlands on the northern portion of the property. Surrounding property uses include a variety of single family homes, manufactured homes, commercial/office and retail uses and undeveloped land. A combination of landscaping and buffering will be provided to screen the medium density residential use proposed from adjacent uses. Substantially more open space will be provided for than with the usual application of the zoning code. It will afford a development with a different option of residential offerings within a residential community in keeping with the area's pattern of development.

*(6) Intensity of Development*

The proposed development is consistent with the LDR and RPI functional land use categories as a multi-family development, which is not to exceed 35 dwelling units. The PUD is appropriate at this location because it will provide alternative housing styles for residents in the area.

The availability and location of utility services and public facilities and services: JEA will provide water, sewer and electric service.

The amount and size of open spaces, plazas, common areas and recreation areas: The proposed development is planning on providing over 1/3 acres of active recreation area as well as over 4 acres of passive park and open space areas on the property, including wetlands and conservation lands on the site. Some land will be natural growth set-a-side areas that cannot be used for active recreation/park use. There will be natural growth areas in addition to the wetland areas on the site for wildlife habitat.

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

The proposed development is providing more than the required amount of active recreation areas for recreation needs.

*(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 identified wetlands on-site. Any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements.

*(9) Listed species regulations*

The property is less than 50 acres and therefore a wildlife survey is not required.

*(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.

**SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on August 8, 2017, the required Notice of Public Hearing signs **were** posted.

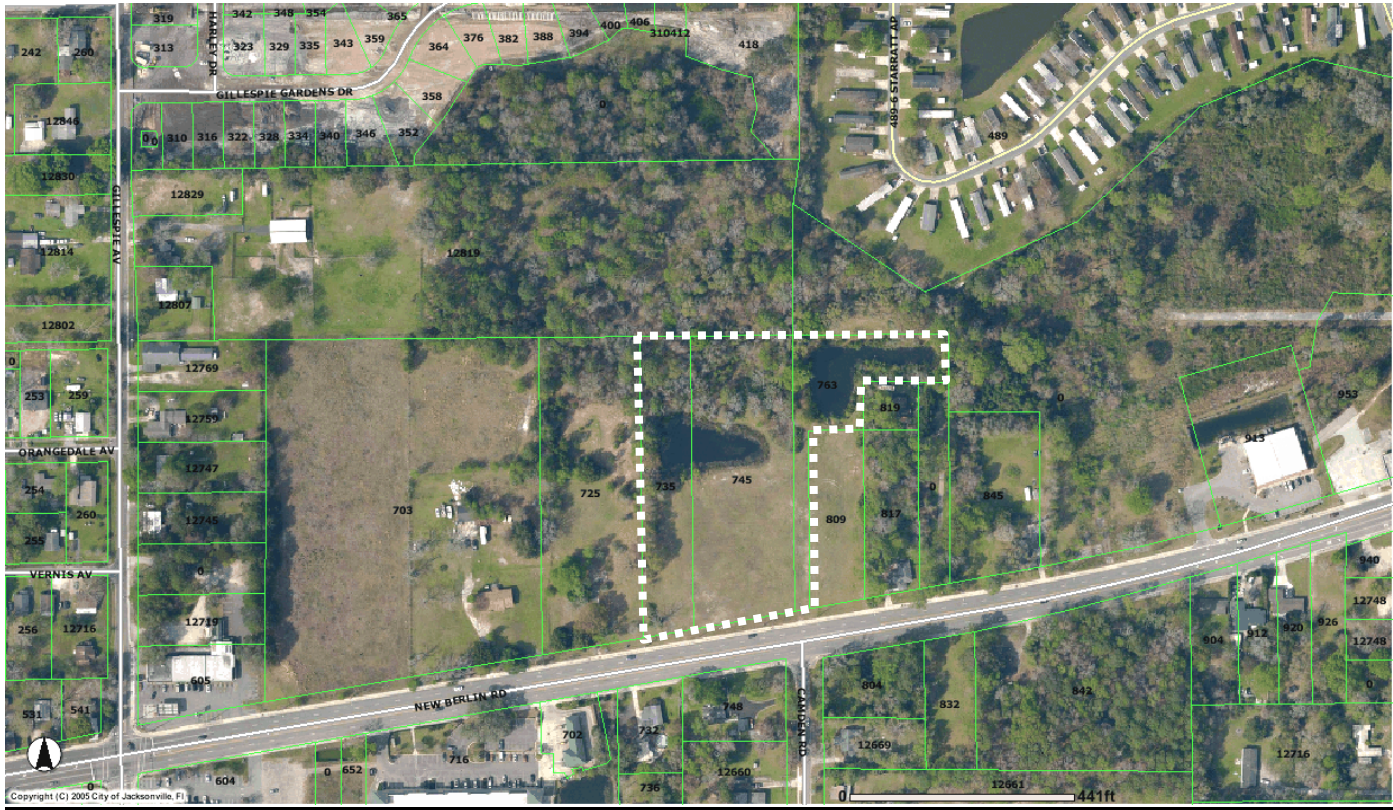


**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2017-0489** be **APPROVED with the following exhibits**:

1. The original legal description dated March 8, 2017.
2. The original written description dated March 22, 2017.
3. The original site plan dated March 27, 2017.





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



**The subject property on the right facing west along New Berlin Rd.**



**The subject property on the right facing west along New Berlin Rd.**



**Facing north into the subject property from New Berlin Rd.**

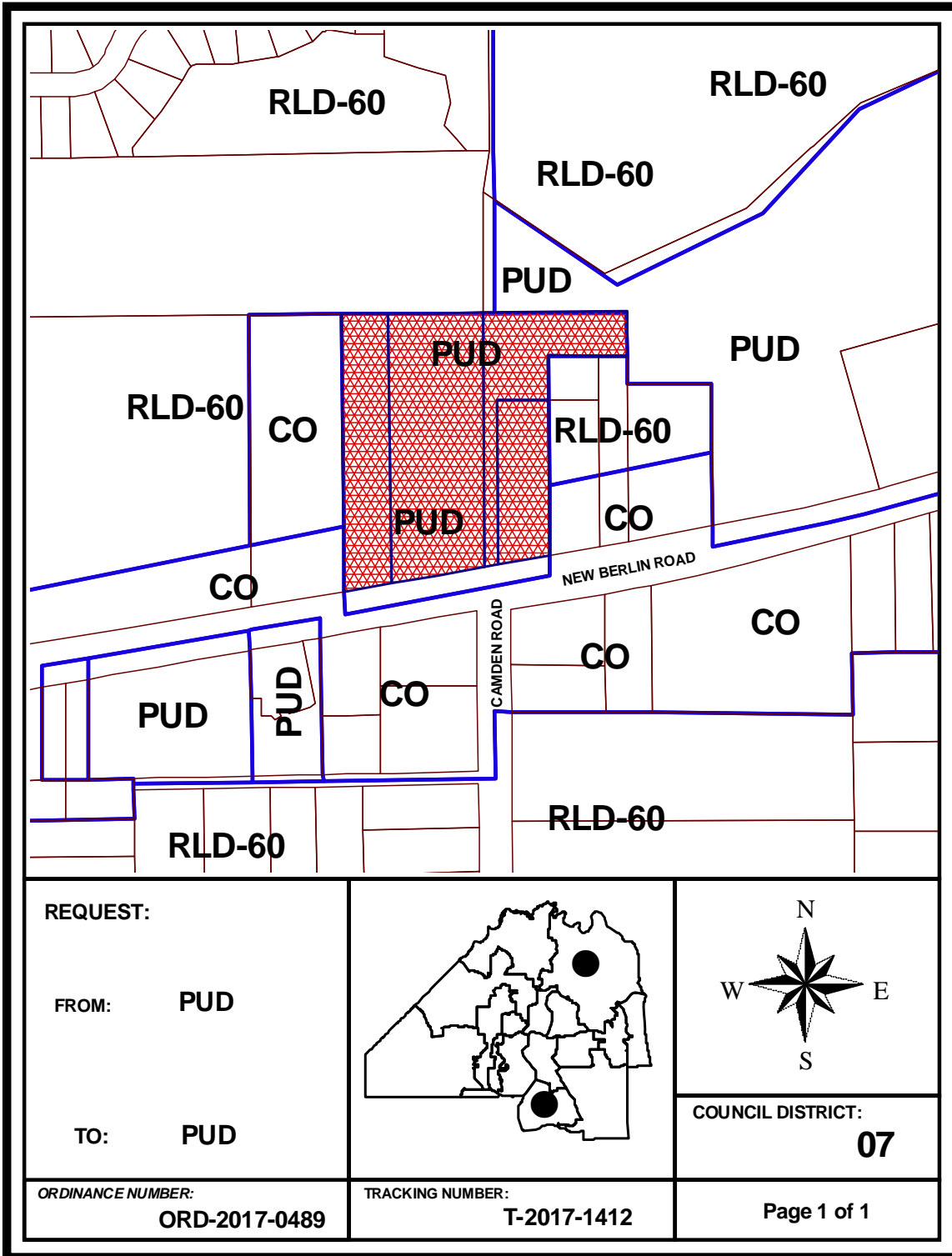




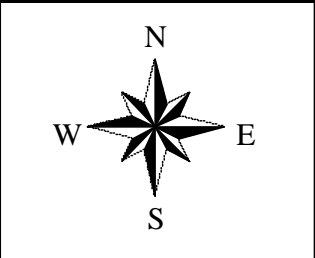
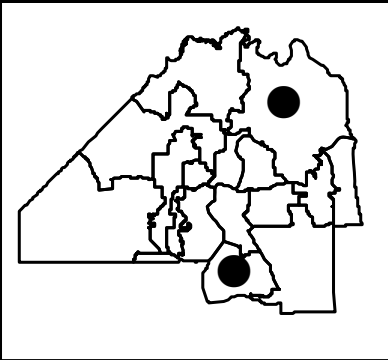
**Facing north into the subject property from New Berlin Rd.**



**Facing west along New Berlin Rd.**



REQUEST:  
  
 FROM: PUD  
  
 TO: PUD



COUNCIL DISTRICT:  
**07**

ORDINANCE NUMBER:  
**ORD-2017-0489**

TRACKING NUMBER:  
**T-2017-1412**

Page 1 of 1