

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**

**APPLICATION FOR REZONING ORDINANCE 2017-702 TO**

**PLANNED UNIT DEVELOPMENT**

**MAY 9, 2019**

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2017-702** to Planned Unit Development.

***Location:*** Terminus of Fullerton Street and the east side of Fortune Parkway between Malabar Blvd and Southside Blvd.

***Real Estate Number(s):*** 155548-1500, 155548-1520 and 155548-1542

***Current Zoning District:*** Planned Unit Development (PUD 1990-672-E)

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

***Current Land Use Category:*** Business Park (BP)

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

***Applicant/Agent:*** Endira Madraveren / Ray Spofford  
England Thims & Miller, Inc.  
14774 Old St. Augustine Road  
Jacksonville, Florida 32258

***Owner:*** James Hoener  
FDG Avenues, LLC  
2855 South Lejeune Road, 14<sup>th</sup> Floor  
Coral Gables, Florida 33134

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

**GENERAL INFORMATION**

Application for Planned Unit Development **2017-702** seeks to rezone approximately 10.49 acres of land from PUD to PUD. The rezoning to PUD is being sought match the developable square footage in the PUD with the approved square footage in the Vested Property Affirmation

Certificate (VPAC). The VPAC was modified in 2000 to add an additional 190,920 square feet to the PUD for a total of 788,359 square feet. The application is not proposing any new uses. The PUD originally allocated square footage for each parcel. A Minor Modification was approved in 2014 which allowed the maximum square footage to be applied over the entire PUD and not by parcels. There were three Administrative Deviations approved in 2013 which approved reductions in the required landscape areas adjacent to public right-of-ways and to reduce a building setback.

### **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 Business Park (BP) 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. BP in the Suburban Area is intended to provide compact low to medium intensity office development. Development which includes low to medium density residential uses is preferred on sites located outside of areas identified as an Industrial Sanctuary. Plan amendment requests for new BP designations are preferred in locations which are supplied with full urban services and with site access to roads classified as arterial or higher on the Highway Functional Classification Map.

The uses provided herein shall be applicable to all BP sites within the Suburban Area.

**Principal Uses:** Offices; Business and professional offices; Banks; Financial institutions; Research and development activities; Radio and TV studios; Light manufacturing; fabrication and assembly; Commercial retail sales and service establishments; Major institutions; Light industrial; Warehousing; Multi-family dwellings; Live/work units; Hotels and motels; Off street parking lots and garages when combined with another principal use; and Uses associated with and developed as an integral component of TOD for sites located outside of areas identified as an Industrial Sanctuary. Newly constructed residential uses in the BP category shall be for workforce persons. Commercial retail sales and service establishments and residential uses shall only be permitted as part of mixed use development. Mixed use developments may not include more than 80 percent of any individual use.

**Secondary Uses:** Secondary uses shall be permitted pursuant to the Industrial land use introduction. In addition, the following secondary uses may also be permitted: Communication facilities; Utility plants and facilities; Off-street parking lots; Vocational trade, technical or industrial schools; and similar public facilities.

**Accessory Uses:** Outside storage accessory to a permitted use may be permitted provided it is visually screened pursuant to supplemental performance standards and criteria of the Land

Development Regulations. 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?*

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*

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): Business Park (BP). This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

FLUE 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 1.1.11 Encourage that new non-residential projects be developed in designated nodal and corridor development areas as provided in the Plan Category Descriptions of the Operative Provisions, in appropriate commercial infill locations, or as a Transit Oriented Development (TOD), as described in this element.

FLUE 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 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 3.2 Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

FLUE Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

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

Flood Zone Approximately 3.30 acres of the subject site was determined to be within the 100 year flood zone. Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as "AE". Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance:

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

Policy 2.7.1 The City shall continue to define the surface hydrology of the area to determine flood plain vulnerability and sensitivity, and will determine appropriate protection measures.

Policy 2.7.3 The City shall protect appropriate floodplain areas for the public benefit and restore degraded floodplain areas by:

- A. Land acquisition or conservation easement acquisition;
- B. Regulation, including setbacks, buffer zones, designated wildlife corridors, low density zoning, performance standards and open space requirements; and
- C. Incentives, including tax benefits and transfer of development rights.

*(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 industrial 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 streetscape: The PUD requires any development comply with the landscape regulations in Part 12 of the Zoning Code. This will ensure any proposed development will be substantially similar to the existing development.

Traffic and pedestrian circulation patterns: The road network has been constructed and no new roads are anticipated.

The use and variety of building setback lines, separations, and buffering: The PUD requires any development comply with the setbacks in the IBP Zoning District. This will ensure any proposed development will be substantially similar to the existing development.

Compatible relationship between land uses in a mixed use project: The permitted uses in the PUD are similar to the IBP Zoning District and will not create any adverse impacts to adjacent uses in the PUD.

*(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 industrial office park with a mixture of uses. The proposed PUD is not requesting any additional uses not previously approved, but requesting an increase in the developable square footage.

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	RPI	PUD 85-951	Deercreek Country Club entrance road.
	CGC	PUD 85-951	Deercreek Country Club entrance road.
South	BP	PUD 90-672	Undeveloped, wooded
	MDR	RMD-A	Single family dwellings
East	BP	PUD 90-672	Undeveloped, woods, offices
	LDR	PUD 02-719	Deercreek Country Club residential dwellings
West	BP	PUD 90-672	Undeveloped, woods, offices

*(6) Intensity of Development*

The proposed development is consistent with the BP functional land use category as an industrial development. The PUD is appropriate at this location as it is not requesting any additional uses.

The existing residential density and intensity of use of surrounding lands: There is a cul-de-sac of single family dwellings at the northern end of the property. However there is an approximately 120 foot wide drainage canal between the dwellings and the subject property that appears to be densely planted trees. Adjacent to the southern portion of the subject property are residential dwellings on lots of approximately ½ acre. There are existing industrial/office buildings adjacent to the dwellings and new development is not expected to create any adverse impacts to the area.

The availability and location of utility services and public facilities and services: The area is served by JEA water and sewer.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: There is adequate access to Southside Boulevard, Philips Hwy (US 1) and I-295.

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

The project will be developed with the required amount of open space; 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 in the PUD. However, any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements. The Development Services Division indicates the owner will need to complete FEMA-FIRM LOMC / ESA for any proposed filling in Special Flood Hazard Area and an Elevation Certificate for the proposed structures.

*(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.

### **SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on October 26, 2017, the required Notice of Public Hearing sign was posted.



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2017-702** be **APPROVED with the following exhibits:**

1. The original legal description dated July 13, 2017.
2. The original written description dated September 14, 2017.
3. The original site plan dated July 20, 2017.





Aerial view of subject property



View of subject property



Adjacent office building

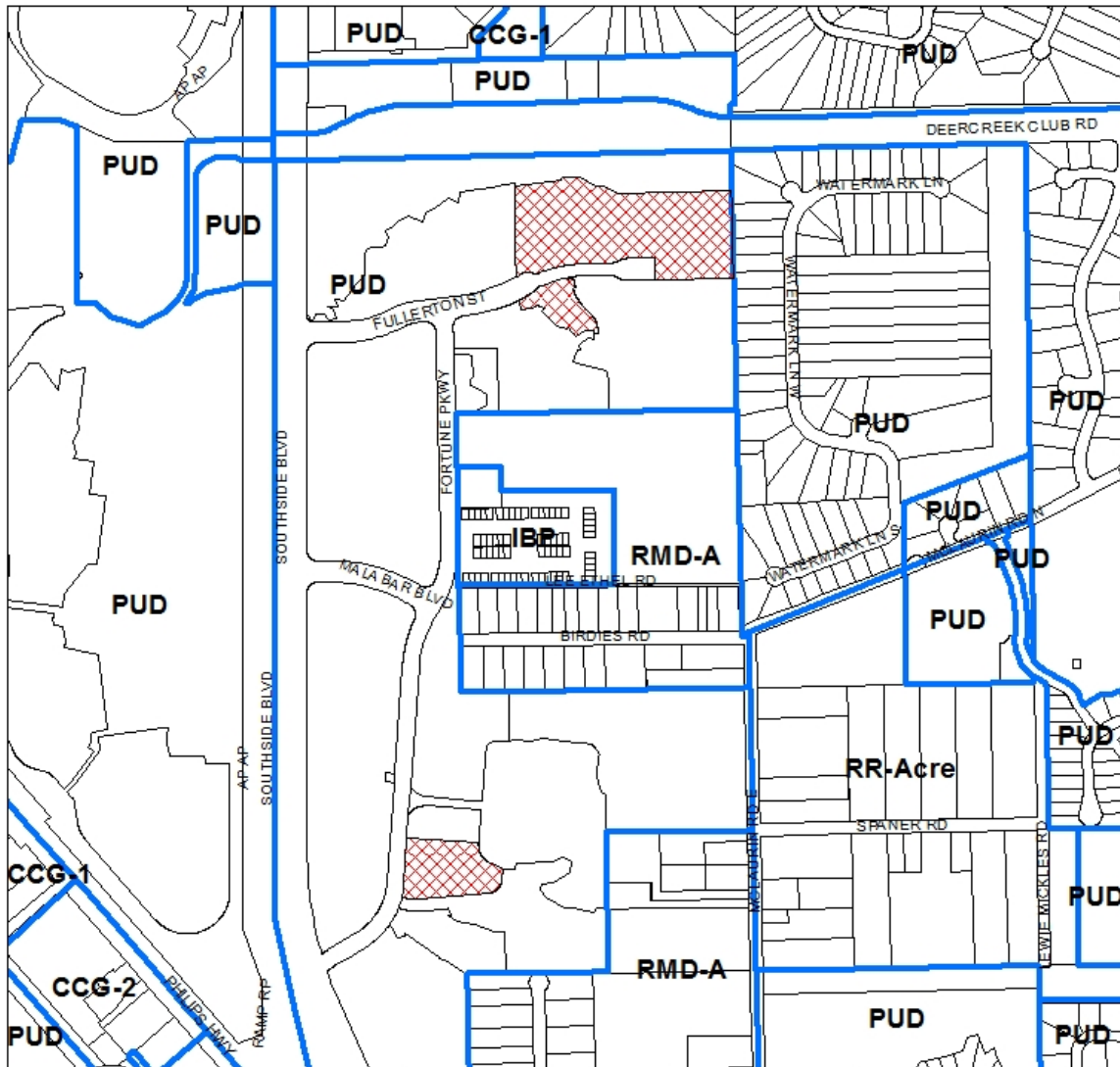


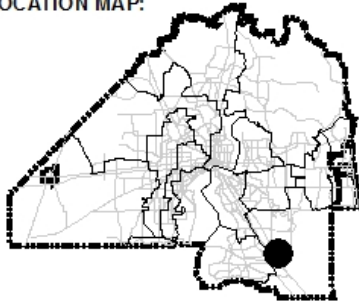



View of subject site



View of subject site



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	 <p>0 250 500 1,000</p> <p>Feet</p>
<p>ORDINANCE NUMBER:</p> <p><b>ORD-2017-0702</b></p>	<p>TRACKING NUMBER:</p> <p><b>T-2017-1483</b></p>	<p>COUNCIL DISTRICT:</p> <p><b>11</b></p> <p><b>PAGE 1 OF 1</b></p>