

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2017-0756 TO
PLANNED UNIT DEVELOPMENT

DECEMBER 7, 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 **2017-0756** to Planned Unit Development.

Location: 0 Old Middleburg Road North; at the northwest corner of Fouraker Road and Old Middleburg Road

Real Estate Number: 013127-9400

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)

Applicant: Paul M. Harden, Esq.
501 Riverside Avenue, Suite 901
Jacksonville, Florida 32202

Owner: Normandy Stratton, LLC
C/O LRS Co./TSG Realty
8650-12 Old Kings Road
Jacksonville, Florida 32217

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning 2017-0756 seeks to rezone approximately 3.2 acres of land at the northwest corner of the Fouraker Road and Old Middleburg Road intersection from the Residential Rural-Acre (RR-Acre) Zoning District to Planned Unit Development (PUD). The property is undeveloped. This PUD rezoning is being sought to add Commercial Neighborhood (CN) type uses to serve the neighboring area. The proposed site plan submitted with the application shows three proposed buildings, with a minimum twenty foot wide buffer along the westerly property line where adjacent to residential uses.

The property is currently undeveloped and within 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 proposed PUD Zoning District is a secondary zoning district allowed in the LDR Land Use Category meeting the requirements of Section 656.350 of the Zoning Code listed below. Both Fouraker Road and Old Middleburg Road are classified as collector roadways, and the property is located at the northwest corner of the intersection. The proposed rezoning meets all of the secondary criteria requirements below:

- (1) The site shall be located at the intersection of two streets classified as arterial or collector streets as identified on the Functional Highway Classification Map of the Comprehensive Plan. This precludes consideration for an intersection with a limited access facility as one or both of the two intersecting roadways.
- (2) The maximum distance of the use from the specified intersection as represented by intersection of the centerlines of the rights-of-way shall not exceed one block length or 660 feet, whichever is less, and shall be at least 100 feet from any local street.
- (3) The total area zoned for CO, CRO or CN Districts at an intersection shall not exceed 16 acres.
- (4) Not more than half (50 percent) of the above acreage shall be located in any one quadrant of the intersection.

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), Low Density Residential (LDR) permits housing densities of up to 7 dwelling units per acre when full urban services are available. Generally, single-family detached housing will be the predominant land use in this category, although mobile homes, patio homes, townhomes and multi-family dwellings may also be permitted in appropriate locations. Additionally, certain secondary and supporting uses are permitted in all residential categories including supporting commercial and service establishments and home occupations.

The proposed PUD may be sought as an allowable use in the LDR Land Use Category, and this request 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 between the mid 1980's to the mid 2000's on property conventionally zoned or zoned PUD. The application represents an inclusion of limited uses into an established residential neighborhood area. The site plan shows a minimum 20' buffer adjacent to the residential properties to the east and a 100' natural buffer to the residential property to the north. The eastern portion of the site also contains a retention pond and land will be cleared to the west to accommodate the development.

The amount of traffic utilizing these roadways at this intersection has decreased the viability of this property for single-family residential use, and the proposed PUD zoning district primarily permits service establishments as well as professional, business and medical office uses. The parcel is within 600 feet of two collector roadways, and the PUD restricts the parcel to specific uses and contains development standards for setbacks and coverage ratios. It does provide for a gradual transition of densities and intensities with the surrounding area's current development trend of single-family residential homes and properties.

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): Low Density Residential (LDR) within the Suburban Development Area. The proposed rezoning from RR-Acre to PUD includes a site plan for a daycare use, consistent with allowable secondary uses in the LDR land use category. The written description also permits medical offices, professional offices, multi-family dwellings, employment offices and restaurants. All of these uses within the written description are allowable secondary uses within the LDR land use category when the site is located at the intersection of roads classified as collector or higher. The site is located on collector roadways according to the Functional Highway Classification list. According to the site plan, access will be from both Old Middleburg Road and Fouraker Road. The site is surrounded by property in the LDR, MDR and NC land use categories with developed single family homes and limited retail uses. The category description explains that "new neighborhood commercial uses shall not be allowed, as secondary uses, where such uses would constitute and intrusion into an existing single family neighborhood." When viewed in this context, the Planning and Development Department concludes that the development of the proposed PUD with neighborhood commercial type uses permitted in the written description should ensure a transition from the existing surrounding neighborhoods to the proposed in order to ensure compatible and complementary land use patterns and is consistent with the following policies of the 2030 Comprehensive Plan:

Comprehensive Land Use Policy Analysis

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 the 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 1.2.9 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 3.2.2 The City shall promote, through Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

FLUE Policy 3.2.6 The City shall encourage neighborhood commercial uses to be located within one quarter mile of the intersections of roads classified as collector or higher on the Functional Highway Classification Map, except when such uses are an integral component of a mixed-use development, Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Rural Village or similar development. The City should prohibit the location of neighborhood commercial uses interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.

The development of the proposed daycare along with other neighborhood commercial type uses permitted in the written description should ensure a transition from the existing surrounding neighborhoods to the proposed in order to ensure compatible and complementary land use patterns as called for in Objective 1.1 and Policy 1.1.12 of the FLUE. The vacant lot proposed for infill development with complementary neighborhood commercial uses (allowed as secondary uses within the LDR category) is located at the intersection of two collector roadways. The proposed would not encourage the use of local streets for non-residential traffic meeting the criteria set forth in Policy 3.2.6 of the FLUE. A JEA Service Availability letter was provided for the property; the development intends connect to the water and sewer lines consistent with FLUE Policy 1.2.9.

This proposed PUD meets all of the requirements for development in the LDR Land Use Category; with the property located at the northwest corner of the Old Middleburg Road and Fouraker Road collector roadways intersection, and the proposed rezoning has a limitation on uses providing for a gradual transition of densities and intensities with the surrounding area.

(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 non-residential 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 a small, low intensity commercial development to serve the surrounding residential areas. According to the applicant and owner, at this time it is the only viable use for the parcel. The proposed PUD zoning appropriately defines restrictions for the uses and the development on and for the site to more appropriately coexist with the surrounding residential development, and the proposed PUD rezoning places further restrictions on the property that would not 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 submitted site plan provides detail, showing major access points, buffer areas, internal VUA's, alignments, and configurations, etc.

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 not achieved by the following:

The type, number and location of surrounding external uses: The rectangular shaped 3.2 acre parcel is located at the northwest corner of the Old Middleburg Road and Fouraker Road intersection, with residential subdivisions and established neighborhoods designated as LDR surrounding the property to the north and east. The proposed change is located in an environment that is conducive to the creation of new businesses, and represents an introduction and gradual transition of commercial uses into a residential area.

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

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LDR	RLD-60	Single family dwellings
South	MDR	RMD-A	Retention pond
East	LDR	PUD	Single family dwellings
West	NC	CN	Convenience store/gas sales

The uses permitted in the proposed rezoning will be consistent and compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area and will follow an established or developing logical and orderly development pattern. The proposed rezoning and the development permitted thereunder will result in a benefit to nearby properties or in the general area more than the types of uses currently permitted. The proposed rezoning and the development permitted thereunder will enhance the character and quality of life in the general area or neighborhood by permitting medical office, office and day care, and similar uses. The development is designed to utilize the wooded buffers adjoining the residential homes bordering the eastern and northern property lines of the site. The proposed site plan sets the proposed building approximately 20' away from the easterly property line and over 100' from the northerly property line.

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 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.

(6) Intensity of Development

The proposed development is consistent with the LDR functional land use category as a commercial development. The PUD is appropriate at this location because it contains a limitation on uses and is consistent and compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The site is at the northwest corner of the Old Middleburg Road and Fouraker Road intersection, which is signalized. Access to the property will be from both Old Middleburg Road and Fouraker Road.

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 CN zoning district. 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 within the site. The proposed project will be developed with a mix of tenants/uses.

(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 not identify any wetlands on-site. However, 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.

Notwithstanding Part 6, the proposed number of parking spaces for the development is 25, as shown in the Exhibit E "Site Plan" submitted with the application. The construction of the proposed building will comply with the requirements of Part 6 as to the proposed use(s) conducted in the building. Parking within the PUD may be shared with other uses as long as the property in its entirety provides sufficient parking for all proposed uses.

(11) Sidewalks, trails, and bikeways

The project will contain a pedestrian system that meets the 2030 Comprehensive Plan. There is an existing sidewalk along both Old Middleburg Road and Fouraker Road.

SUPPLEMENTARY INFORMATION

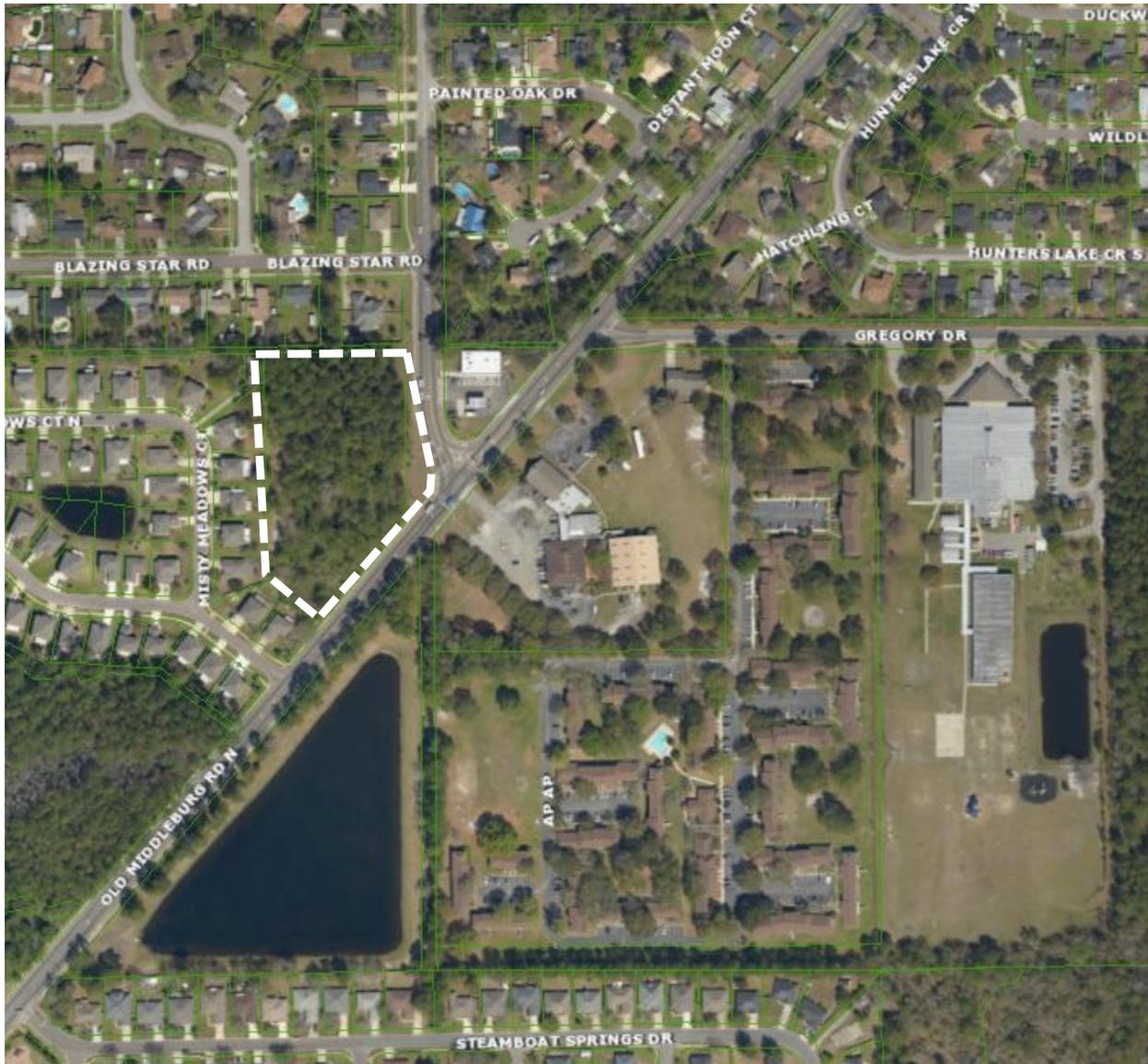
Upon visual inspection of the subject property on November 26, 2017 the required Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2017-0756 be **APPROVED** with the following exhibits:

1. **The subject property is legally described in the original legal description dated August 18, 2017.**
2. **The subject property shall be developed in accordance with the original written description dated August 18, 2017.**
3. **The subject property shall be developed in accordance with the original site plan dated August 22, 2017.**



Aerial view of the subject site facing north



Facing north into the subject site from Old Middleburg Rd.



Facing southwest into the subject site from Fouraker Rd.



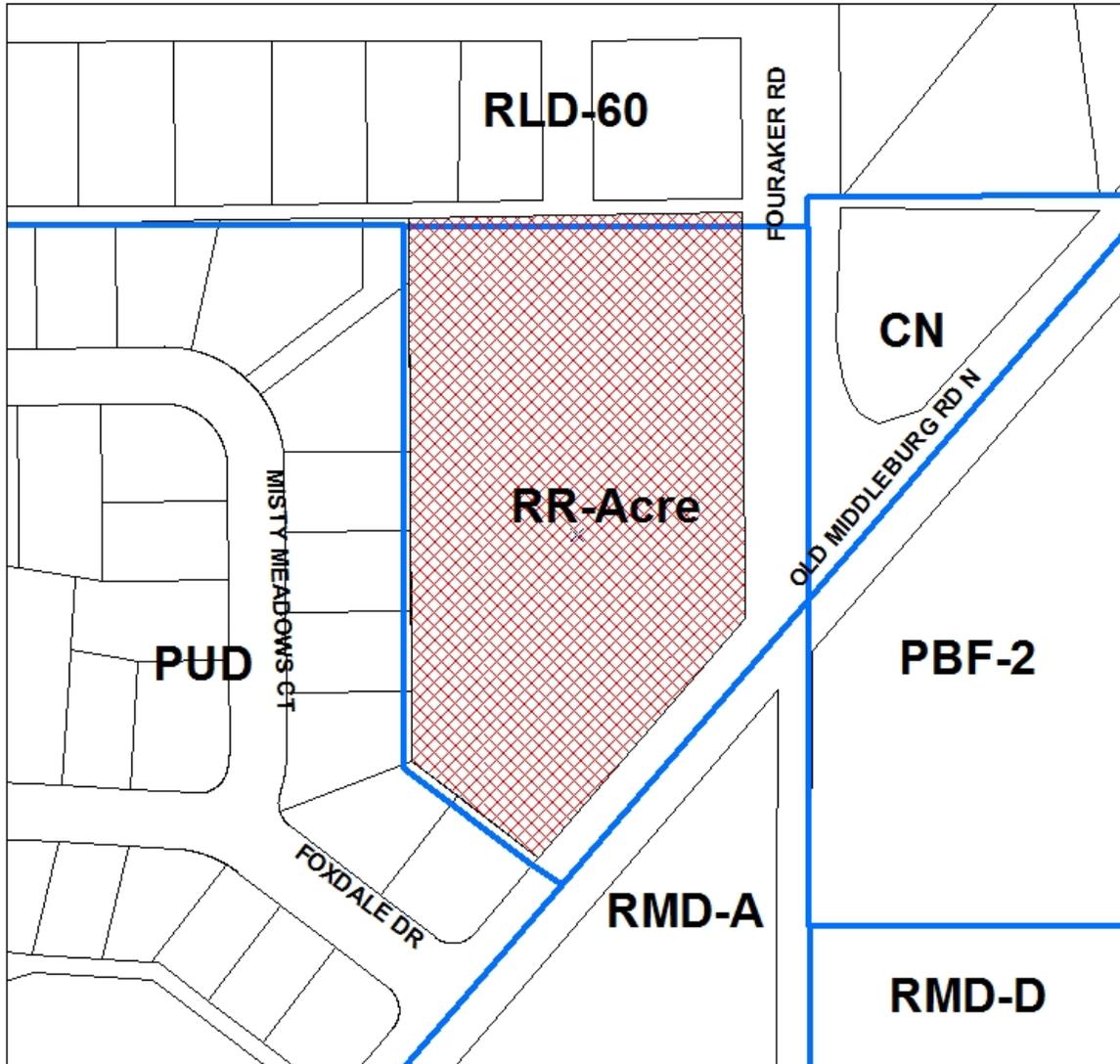
The subject site on the left facing north at the Old Middleburg Rd./Fouraker Rd. intersection

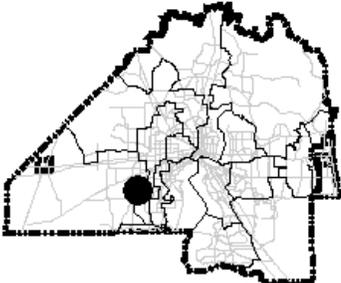
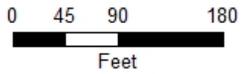


The subject site on the left facing north along Old Middleburg Rd. at the Fouraker Rd. intersection



The subject site on the right facing south along Fouraker Rd.



<p>REQUEST SOUGHT:</p> <p>FROM: RR-ACRE</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p>  <p>ORDINANCE 2017-0756</p>	  <p>COUNCIL DISTRICT:</p> <p>10</p> <p>PAGE 1 OF 1</p>
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