REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2017-0799 TO

PLANNED UNIT DEVELOPMENT

JANUARY 4, 2018

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 **2017-0799** to Planned Unit Development.

Location:	0 Ashley Manor Way West and 0 Reed Island Drive West side of Ashley Manor Way West and Reed Island Drive
Real Estate Number(s):	160258 0000, 160258 0010, 160259 0000
Current Zoning District:	Rural Residential-Acre (RR-Acre) Public Buildings and Facilities-1 (PBF-1)
Proposed Zoning District:	Planned Unit Development (PUD)
Current Land Use Category:	Low Density Residential (LDR)
Proposed Land Use Category:	Public Buildings and Facilities (PBF)
Planning District:	Greater Arlington/Beaches, District 2
Applicant/Agent:	City of Jacksonville 214 Hogan Street North, Suite 300 Jacksonville, FL 32202
Owner:	City of Jacksonville 214 Hogan Street North, Suite 300 Jacksonville, FL 322202
	Jacksonville Port Authority c/o Eric Green 2831 Talleyrand Avenue Jacksonville, FL 32206
Staff Recommendation:	APPROVE

GENERAL INFORMATION

Application for Planned Unit Development **2017-0799** seeks to rezone approximately 262.22 acres of land from Residential Rural-Acre (RR-Acre) and Public Buildings and Facilities-1 (PBF-1) to Planned Unit Development (PUD). There is a companion Application for Large Scale Land Use Amendment to the Future Land Use Map Series of the *2030 Comprehensive Plan*, **Ordinance 2017-0798** (**Application 2017A-001**) that changes the functional land use category of the subject property from Low Density Residential (LDR) to Public Buildings and Facilities (PBF). The rezoning to PUD is being sought so that the property can continue a previous as a dredge soil disposal site. Additional future uses for the site include recreational uses. The subject property is currently undeveloped and surrounded on three sides by the St Johns River and a residential subdivision to the east.

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 <u>2030 Comprehensive Plan?</u>

Yes. In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the Planning and Development Department finds that the subject property is located in the Low Density Residential (LDR) functional land use categories according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. However, a companion Application for Large Scale Land Use Amendment to Future Land Use Map Series-2030 Comprehensive Plan, i.e. Ordinance 2017-0798 (Application 2017A-001) was filed requesting amendment of the subject property's functional land use category from LDR to Public Buildings and Facilities (PBF). This land use amendment and rezoning would allow the site to be utilized as a dredge spoil deposit site as well as for recreational uses. Both uses are consistent with the PBF land use category.

If the amendment is adopted by the City Council, this Application for Rezoning from PBF-1 and RR-Acre will be 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.

(2) Does the proposed rezoning further the goals, objectives and policies of the <u>2030</u> <u>Comprehensive Plan</u>?

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 of the Zoning Code, *Advisory recommendation on amendment of Zoning Code or rezoning of land*, the subject property is proposed to be in the PBF functional land use category as identified in the Future Land Use Map series (FLUMs). The PUD site plan appears to be compatible with the development characteristics of the PBF, Suburban Area (UA) land use category description.

Future Land Use Element (FLUE) Goal 1

To ensure that 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 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 4.1.10

The City hereby incorporates Map L-5 that depicts Salt Water Marshes, Riverine/Estuarine Wetlands and All Other Wetlands. Notwithstanding the permitted and uses according to the Future Land Use Map Series (FLUMs), the permitted land uses within such areas shall be limited to the permitted land uses and associated standards of Objectives 4.1, 4.2, 4.3 and 5.1

and related policies of the Conservation/Coastal Management Element.

FLUE Policy 7.1.1

The Planning and Development Department shall consider the land use impact on the St Johns River and its tributaries by reviewing the future land use designation and land development regulations of those properties that are contiguous with and immediately adjacent to a water body. The following concerns will be considered for those properties:

- Wetlands
- Impervious surface potential
- Coastal High Hazard Area (CHHA)
- Septic Tank Failure Areas
- Environmentally Sensitive Areas
- Flood Zones
- Aquifer recharge zones
- Wellhead protection areas

Conservation Coastal Management Element (CCME) Policy 7.3.5

The City shall limit the expenditure of public funds in Coastal High Hazard Areas to the restoration or enhancement of natural resources and to the replacement and renewal of existing public facilities which may be expanded and improved.

CCME Policy 7.3.7

All public lands within Coastal High Hazard Areas shall be designated for conservation purposes consistent with the Future Land Use Element's Conservation land use classification.

CCME 7.3.12

The City shall direct future residential development away from Coastal High Hazard Areas and shall mitigate the impacts of existing residential development rights through traditional and innovative planning tools including but not limited to Preservation Project land purchases and emergency shelter deficit reduction through mitigation assessments.

CCME Objective 7.4

Limit development density and intensity within the Coastal High Hazard Area (CHHA) and direct it outside the CHHA, and mitigate the impact of natural hazards in the area.

Recreation and Open Space Element Policy 1.2.6

In accordance with Section 122.408, Ordinance Code, City of Jacksonville, no parklands, park facilities or other recreational or park related land or space shall be converted to another use or sold by the City unless it is replaced with new park facilities, land or space of equal or greater size or value.

The proposed rezoning has been identified as being related to the following issues identified in the 2030 Comprehensive Plan:

Airport Environment Zone

The site is located within the 150 foot Height and Hazard Zone for the Jax Executive Airport and the 500 foot Height and Hazard Area for the Mayport Naval Air Station. Zoning will limit development to a maximum height of less than 150 feet, 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).

FLUE Objective 2.5

Support and strengthen the roll 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

A wetlands survey map has been prepared for the application site with the use of the City's GIS system and photogrammetric analysis. The wetlands survey map is included in this report as Attachment E. According to calculations from the analysis there are approximately 143.68 acres of wetlands present on the 262.22 acre land use amendment site. The wetlands are part of a larger coastal marsh system adjacent to the St Johns River and consisting of two types identified by the Florida Land Use Code Classification System (FLUCCS). The Saltwater Marshes, consisting of 123.75 acres, is located on the northwest and southern edge of the island peninsula and adjacent to the water and Mixed Scrub-Shrub Wetland, consisting of 19.93 acres, is located adjacent to the saltwater marshes at higher elevations. Generally saltwater marshes area at an elevation between 0 and 3 feet above mean sea level and the mixed scrub-shrub wetlands are located at a higher elevation. The Conservation/Coastal Management Element classifies Saltwater Marshes as Category I wetlands and the Mixed Scrub-Shrub Wetlands as Category II wetlands.

The entire saltwater marsh system of the application site is within the 100 year flood zone (AE) and the Coastal High Hazard Area (CHHA). Due to the wetlands association with the river, its flood attenuation, and its pollutant buffing capability, the "Category I" wetlands have an extremely high functional value.

The United States Department of Agriculture, Natural Resources Conservation Service Soil Survey classifies the saltwater marshes of the land use amendment site as "Tisonia mucky peat". The Tisonia series consists of nearly level; very poorly drained, organic soils formed from non-woody, halophytic plant remains underlain by fine textured sediments. They are found in tidal marshes subject to flooding from coastal storms and during high tide twice daily. The high water table is at or near the ground surface. The Mixed Scrub-Shrub Wetlands of the site appear to be created from disturbance and deposition materials. The soils are classified as Arents, nearly level and Aquic Quartzipsamments. These soils are created by depositions found

on lower coastal plains. They are somewhat poorly drained and formed of sandy marine sediments and often contain shell fragments. The high water table for this area is influenced by the tide.

The applicant proposes to change the land use category from Low Density Residential (LDR) to Public Building and Facility (PBF). This will allow for the continued use of the property for a dredge material spoil site and for recreational uses. Any development of the site that impacts the wetlands areas must meet the requirements of Goal 4 and related objectives and policies of the Conservation and Coastal Management Element (CCME) of the Comprehensive Plan.

CCME 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 wetland resources over the long-term and improve the water quality and fish and wildlife values of wetlands.

CCME Objective 4.1

The City shall protect and conserve the natural functions of its existing wetlands, including estuarine marshes.

CCME 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 practical 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 wetlands; 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 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

subjections (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, drain fields 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 provision 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.

CCME Policy 4.1.5

The permitted uses within Category I and II 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) Conservation uses, provide the following standards are met:
 - a. Dredge and fill: Dredging or filling of the Category I or II wetlands shall not exceed more than 5% of the wetlands on-site;
 - b. Vegetation: For Category I wetlands: All native vegetation outside the development area is maintained in its natural state. For Category II wetlands: No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and
- (2) Residential uses, provide the following standards are met:
 - a. Density/Dredge and fill where lots, except for lots of record are defined in the Future Land Use Element, are located totally within the wetlands:
 - i. Density shall not exceed one (1) dwelling unit per five (5) acres; and,
 - ii. Buildings shall be clustered together to the maximum extent practicable; and
 - iii. Dredging or filling shall not exceed 5% of the wetlands on-site; and
 - b. Vegetation: For Category I wetlands: All native vegetation outside the development area is maintain in its natural state. For Category II wetlands: No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and
- (3) Water-dependent and water-related uses, providing the following standards are met:
 - a. Vegetation: For Category I wetlands: All native vegetation outside the development area is maintain in its natural state. For Category II wetlands: No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and
 - b. Boat facilities siting and operation boat facilities are further subject to Objective 10.1, 10.2, 10.3, 10.5 and 10.6 and their related policies in this element.
- (4) Access to a permitted use, subject to the requirements of (a), (b), and (f) as noted in the

performance standards outlined in Policy 4.1.3 above.

- (5) Any use which can be shown to be clearly in the public interested, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.
- (6) For Category II wetlands only, Silvicultural uses are allowed, 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.

Coastal High Hazard Area (CHHA)

Approximately 29.3 acres of the City owned property and 97.2 acres of the JaxPort owned property are located within a Coastal High Hazard Area (CHHA). This area is also located in an AE Flood Zone but the dredge material spoil areas are not within the CHHA. The proposed amendment from LDR to PBF removes residential development potential while facilitating use of the site for dredge material disposal and recreational uses that are compatible with the CHHA designation. See Attachment F for the map of the CHHA.

CCME Policy 7.3.7

All public lands within Coastal High Hazard Areas shall be designated for conservation purposes consistent with the Future Land Use Element's Conservation land use classification.

CCME Policy 7.3.12

The City shall direct future residential density away from Coastal High Hazard Areas and shall mitigate the impacts of existing residential development rights through traditional and innovative planning tools including, but not limited to, Preservation Project land purchases and emergency shelter deficit reduction through mitigation assessments.

CCME Objective 7.4

Limit development density and intensity within the Coastal High Hazard Area (CHHA) and direct it outside of the CHHA, and mitigate the impact of natural hazards in the area.

Flood Zone

The site contains approximately 150.84 acres located within the AE Flood Zone and 8.92 acres of land are located in Flood Zone X (0.2% chance). The dredge material spoil site is not located within the flood zone.

AE Flood hazard areas identified on the Flood Insurance Rate Map are identified as Special Flood Hazard Areas (SFHA). SFHAs are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceed in any given year. The 1-percent annual change flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as "AE". Moderate flood hazard areas, are also shown on the map for the property (see Attachment G), as are the areas between the limits of the base flood and the 0.2-percent-annual-

chance (or 500-year) flood. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

CCME 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.

CCME 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.

CCME 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.

Manatee Protection Plan Boat Facility Siting Zone

The subject property is located within an area that falls within the jurisdiction of the Manatee Protection Plan Boat Facility Siting Zone. According to the Boat Facility Siting Zones of the Manatee Protection Plan, the City owned property is located in the preferred development zone of the boat facility siting zone. The preferred zone mans, from a manatee protection standpoint, there are no limitations on boat facilities constructed in this area. The Port property is located within the acceptable with conditions zone which would allow for development of 5 docks per 100 feet of shoreline owned. Permits must be approved by the Florida Department of Environmental Protection and the St Johns River Water Management District.

CCME Policy 10.1.1

The location of future boat facilities shall be consistent with the recommendations within the Future Land Use Element and the Recreation and Open Space Element of the *2030 Comprehensive Plan*, as well as any District Plan, and any other special study or plan adopted by the City such as Boat Facilities Siting Plan.

JaxPort Master Plan, March 2009

Objective 3.3

JAXPORT shall provide dredge spoil areas for public dredging projects in the lower St Johns River located in Duval County, Florida and administer a dredged materials management program. JaxPort is selling a portion of the property to the Harbour Waterway Special District for the purpose of maintaining the system of canals located in the Harbour, Harbour North, Harbour Cay and Harbour Island neighborhoods. The Waterway Special District will seek permits to use the existing inactive dredge material management area (DMMA). By providing this site for the District waterways dredge material, JaxPort can preserve the use of other DMMA's for river dredging.

Vision Plan

The subject property is located within the boundaries of the Greater Arlington-Beaches Vision Plan. The site is identified as a target area for a new park with water access. The plan also states that land use changed can have a major effect on the neighborhood, creating impacts on important aspects such as neighborhood stability. The plan suggests using land use and zoning regulations that protect residential areas from incompatible uses and to ensure that non-residential uses are compatible with and do not degrade the neighborhood environment. The companion PUD will limit uses within the property and therefore; the proposed amendment is compatible with the Vision Plan.

(2) Consistency with the Concurrency Mobility and Management System

Pursuant to the provisions of Chapter 655 of the Ordinance Code, *Concurrency and Mobility Management System*, the development will be required to comply with all appropriate requirements of the Concurrency and Mobility Management System (CMMSO) prior to development approvals if the site is developed in any manner.

(3) Allocation of residential land use

This proposed Planned Unit Development does not intend to allocate any of the property for residential uses.

(4) Internal compatibility

This proposed PUD is **consistent**, as proposed, 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 <u>common areas</u>: The site proposes approximately 136.37 acres of future recreation and open space.

<u>The use of existing and proposed landscaping</u>: The subject property is currently undeveloped. The site will be developed in accordance with Part 12 of the Zoning Code.

<u>The treatment of pedestrian ways:</u> Sidewalks will be provided as required by the 2030 *Comprehensive Plan.*

<u>Traffic and pedestrian circulation patterns:</u> Does not apply

The use and variety of building setback lines, separations, and buffering: Does not apply

The use and variety of building groupings: Does not apply

The use and variety of building sizes and architectural styles: Does not apply

The separation and buffering of vehicular use areas and sections of vehicular use areas: Does not apply

<u>Signage:</u> Any signage will be consistent with the PBF-1 zoning district and all other regulations per Section.656, Part 13, *Zoning Code*.

(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 compatible to the site by the following:

Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon: An existing right of way to access the properties exists in the northeast corner of the property. This right of way is immediately adjacent to the proposed recreational areas of the PUD.

<u>The type, number and location of surrounding external uses</u>: The proposed PUD site is surrounded on three sides by the St Johns River and a single-family neighborhood to the east.

<u>The Comprehensive Plan and existing zoning on surrounding lands</u>: The request for the proposed PUD is to develop the site for use as a dredge spoil disposal site and for recreational uses. The proposed recreational uses are relatively consistent with the adjoining Low Density Residential Uses to the east. The proposed dredge disposal uses will be separated from the adjacent residential by the existing wetlands and the proposed recreational spaces.

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

Adjacent	Land Use	Zoning	Current Use
Property	Category	District	
North	Water	Water	St Johns River
South	Water	Water	Mill Cove Waterway
East	LDR	RLD-70/RLD-90	Single-family residential
West	WD/WR	PBF-1	Spoil Island/St Johns River

Lighting: The applicant has not submitted a lighting plan for the proposed development.

(6) Intensity of Development

The proposed site is proposed primarily with the intention of being a dredge spoil deposit site as related to the existing canals for the adjacent residential neighborhoods. Additional uses include passive recreational uses and open space immediately adjacent to the adjoining residential along the ease portion of the property. No further development is proposed as part of this PUD.

The availability and location of utility services and public facilities and services: JEA indicates that water and sewer are available at this location.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: No access to the proposed PUD is proposed as part of the PUD due to the intended use of the site for dredge spoil disposal. However, an existing right of way exists to the northeast of the subject parcels immediately adjacent to Reed Island Drive. This right of way is immediately adjacent to the proposed future recreational development of the site.

(7) Usable open spaces plazas, recreation areas.

Open space and a future recreation area are proposed along the eastern half of the proposed PUD, immediately adjacent to the existing residential developments and north of existing wetlands on site.

(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 a significant amount of wetlands on site. See comments above.

(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.

No parking is proposed as part of the PUD

(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 December 13, 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 **2017-0799** be **APPROVED with the following exhibits:**

- 1. The original legal description dated June 19, 2017.
- 2. The revised written description dated December 19, 2017.
- 3. The original site plan dated November 14, 2017.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2017-0799** be **APPROVED**.



Aerial Source: Staff, Planning and Development Department Date: 12.12.2017



Subject Property Source: Staff, Planning and Development Department Date: 12.13.2017

