

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2018-181 TO

PLANNED UNIT DEVELOPMENT

APRIL 5, 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 **2015-181** to Planned Unit Development.

Location: 11325 Main Street North between Baisden Road and Sara Drive

Real Estate Number(s): 109470-0000 and 109470-0010

Current Zoning District: Residential Medium Density-D (RMD-D)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Medium Density Residential (MDR)

Planning District: North, District 6

Applicant/Agent: Wyman Duggan, Esq.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Owner: Oceanway MHP, LLC
2433 South Flagler Drive
West Palm Beach, Florida 33401

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Planned Unit Development **2018-181** seeks to rezone approximately 5.10 acres of land from RMD-D to PUD. The rezoning to PUD is being sought so to allow recreational vehicles as permanent dwellings on the subject property. According to the agent, the property has been used as a mobile home park for at least 40 years. The State of Florida license allows a maximum of 56 sites.

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?

No. When applying the criteria of consistency with the 2030 Comprehensive Plan, the combined factors of the goals, objectives and policies of the plan along with the appropriate Functional Land Use Categories are used. Thus, the fact that the residential use of the proposed development is permitted in the land use category does not ensure overall consistency with the 2030 Comprehensive Plan. The transition, compatibility, and intensity of uses are accomplished through appropriate zoning and are an important consideration to the welfare and sustainability of an area. This is especially important when a mobile home park which existed before the enactment of the Comprehensive Plan requests relaxation of all portions of the Zoning Code and adding a use.

The residential use and proposed density are consistent with the MDR land use category. However, recreational vehicles are not considered a dwelling unit by the Florida Building Code nor the Zoning Code (Part 16, Definitions), and as such, permits are not issued for their construction/development. The lack of a permit may create an adverse impact to the health, safety and welfare of residents or property owners in the vicinity.

Principal Uses: Multi-family dwellings; Single-family dwellings when the predominant surrounding development typology within the MDR category is single-family.

Secondary Uses: Secondary uses shall be permitted pursuant to the Residential land use introduction. In addition, the following secondary uses may also be permitted: Single-family dwellings; Nursing homes; Emergency shelter homes; Foster care homes; Rooming houses; Residential treatment facilities; Private clubs; and Commercial retail sales and service establishments when the site is located at the intersection of roads classified as collector or higher on the Functional Highway Classification Map.

The intensity and compatibility of the proposed rezoning is **inconsistent** 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?

Yes. The written description and the site plan of the intended plan of development conflicts with several sections of the City's land use regulations and development standards. The main purpose of the PUD is to bypass the Section 656.409 of the Code. Recreational Vehicles do not require a building permit according to the FL Building Code. Therefore if allowed, the proliferation of unregulated RV used as dwelling units may impact the health, safety and welfare of the residents and the general public.

Sec. 656.409. - Parking, storage or use of recreational vehicles and boats.

No recreational vehicles shall be used for living, sleeping or housekeeping purposes when parked or stored on a residentially-zoned lot or in another location not approved for this use. Boats, boat trailers, horse trailers or any other trailer and recreational vehicles may be parked or stored in a required rear or side yard but not in required front yards, provided however, that these vehicles may be parked anywhere on residential premises not to exceed 24hours during loading and unloading.

The written description is also requesting relaxation from most criteria contained in Part 5 Mobile Home Parks and Mobile Home Subdivisions.

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): Medium Density Residential (MDR). This proposed rezoning to Planned Unit Development is **inconsistent** with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

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.

Policy 1.1.8 Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development Regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage, as established and adopted by the City, State of Florida and the federal government, unless such requirements have been previously waived by those governmental bodies.

The application is requesting relaxation from several areas of Part 5 of the Zoning Code including minimum setbacks, density, parking, utilities and recreation area.

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.

Policy 4.1.2 The City shall require that all development conform to the densities and intensities established in the Future Land Use Map series and Operative Provisions of this element and be consistent with the plan.

Policy 4.1.5 Continue enforcement of existing Land Development Regulations in the City, which are consistent with this plan, including:
Zoning Code; Code of Subdivision Regulations; Flood Plan Regulations; Landscape and Tree Protection Regulations; Housing Safety Code; Unsafe Buildings and Structures Code; Community Redevelopment Programs; and Building Code.

Recreation and Open Space Element

Proposed amendment analysis in relation to the Policies of the 2030 Comprehensive Plan, Recreation and Open Space Element:

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 2.2.4 A residential subdivision development of 25 lots to 99 lots shall pay a recreation and open space fee of two-hundred-fifty (\$250) dollars per lot, or provide at least four hundred thirty-five (435) square feet of useable uplands for each lot (and any fraction thereof), to be dedicated as common area and set aside for active recreation. The City shall use recreation and open space fees collected pursuant to this subsection to improve, enhance, expand, or acquire recreation areas within the same Planning District in which the fees are paid.

The PUD specifically requests that it not comply with the recreation requirement in the Zoning code.

(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 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 **inconsistent** 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: The PUD indicates that no recreation area will be provided. Section 656.503 (o) of the Zoning Code requires a minimum of 200 square feet for each mobile home space. The PUD has a maximum of 56 spaces, therefore a minimum of 11,200 square feet of recreation space should be provided.

The use of existing and proposed landscaping: The Zoning Code requires 25 foot landscape buffer along all streets and property lines. The 25 foot landscape buffer does not exist and the owner is not proposing to provide the buffer.

Traffic and pedestrian circulation patterns: Section 656.504 (j) requires internal streets to be a minimum of 20 feet of pavement with specifications on the depth of asphalt. It is unknown if this standard is being met. A narrower width of soft pavement will create a hazard for emergency vehicles.

The use and variety of building setback lines, separations, and buffering: The agent has submitted a hand drawn site plan. It is impossible for the Department to evaluate if the mobile home park meets the minimum area and width required in the Zoning Code. Part 5 requires each mobile home space to be 40 feet in width and 3,600 square feet in area, 15 foot setback from road pavement and 5 feet from any other structure.

The separation and buffering of vehicular use areas and sections of vehicular use areas: The written description indicates one parking space will be provided. Section 656.503 (l) of the Zoning Code requires two paved off street parking spaces.

The variety and design of dwelling types: The PUD is requesting to allow recreational vehicles as permanent dwellings, which is in direct violation of Section 656.409

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 PUD is proposing to allow recreational vehicles as a permanent dwelling. The Florida Building Code does not recognize RVs as a dwelling and therefore the RVs are not required to

be permitted. The lack of a permit may create an adverse impact to the health, safety and welfare of the residents or the adjacent property owners.

Entry to the proposed subdivision falls within the “AE” and 0.2 percent annual chance flood hazard areas. This area is associated with Cedar Creek. 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”. Moderate flood hazard areas 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 would be required to comply with Chapter 652, the Floodplain Management Ordinance. This poses an additional safety hazard as permits would not be given for recreational vehicles.



(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 along a commercial corridor of Main Street which includes scattered commercial and service establishments. A mobile home park at this location complements the existing commercial, service and residential uses by increasing the housing options for those in 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	CGC	CCG-2	Goodyear automotive repair
	CGC	CCG-1	Goodyear automotive repair, undeveloped
South	CGC	CCG-1	Filling station, commercial, service uses
East	RPI	CRO	Undeveloped
West	HI	IL	Agriculture, undeveloped

(6) Intensity of Development

The proposed development is consistent with the MDR functional land use category as a mobile home parks. A mobile home park at this location complements the existing commercial, service and residential uses by increasing the housing options for those in the immediate area.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: FDOT has indicated the existing use will not change the level of service on Main Street.

(7) Usable open spaces plazas, recreation areas.

The PUD indicates that no recreation area will be provided. Section 656.503 (o) of the Zoning Code requires a minimum of 200 square feet for each mobile home space. The PUD has a maximum of 56 spaces, therefore a minimum of 11,200 square feet of recreation space should be provided.

(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. 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.

The written description indicates one parking space will be provided. However Section 656.503 (l) of the Zoning Code requires two paved off street parking spaces. The PUD will not meet Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

There is not a sidewalk along Main Street. The project will be required to meet the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on April 5, 2018, 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 **2018-181** be **DENIED**.



Aerial view of subject property.



Entrance to subject property from Baisden Road



Entrance to subject property from Main Street



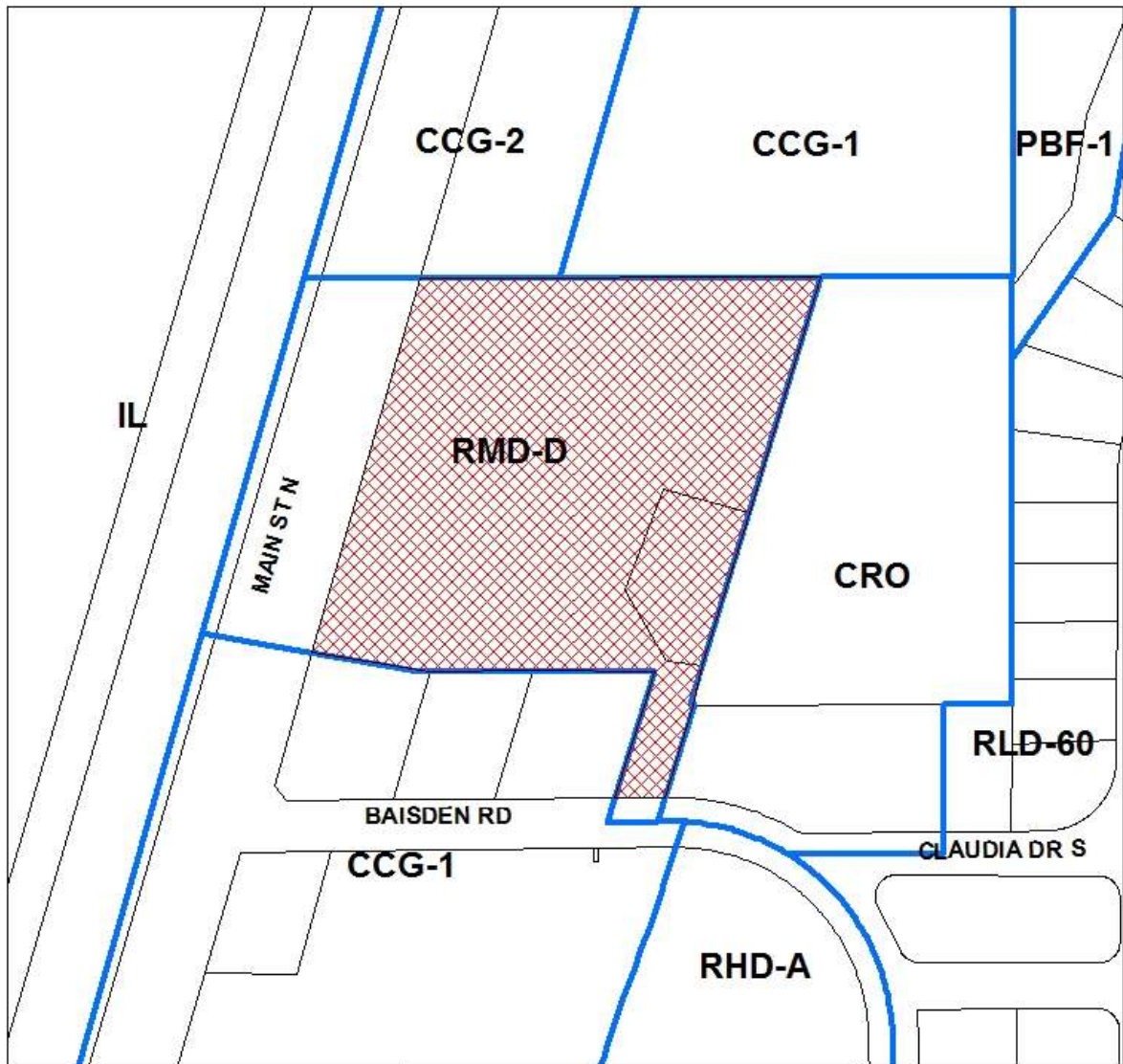
View of required perimeter fence along north property line



Filling station/convenience store at intersection of Main Street and Baisden Road



Convenience store adjacent to subject property.

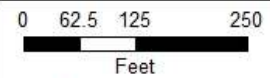
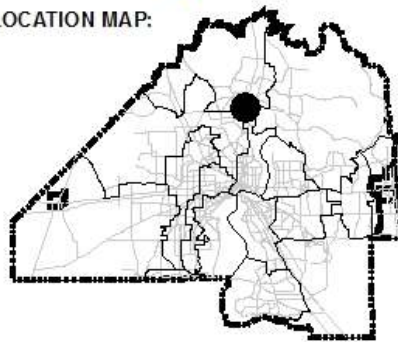


REQUEST SOUGHT:

FROM: RMD-D

TO: PUD

LOCATION MAP:



COUNCIL DISTRICT:

2

ORDINANCE NUMBER:

ORD-2018-0181

TRACKING NUMBER

T-2017-1615

PAGE 1 OF 1