

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2018-188 TO

PLANNED UNIT DEVELOPMENT

APRIL 19, 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 **2018-188** to Planned Unit Development.

Location: 5220 Atlantic Boulevard between Jork Road and Brookside Circle West

Real Estate Number(s): 129959-0000, 129960-0000, 129961-0000, 129962-0000, 129963-0000, 129964-0000

Current Zoning District: Planned Unit Development (PUD 2006-465-E)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Medium Density Residential (MDR)

Planning District: Greater Arlington/Beaches, District 2

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

Owner: Lionheart Venture Group, LLC
7865 Southside Boulevard, Suite 1
Jacksonville, Florida 32256

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2018-188** seeks to rezone approximately 7.45 acres of land from PUD to PUD. The rezoning to PUD is being sought so that the property can be developed with a maximum of eighty (80) town homes. The current PUD allows for 116 multi-family units.

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 Medium 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. Medium Density Residential (MDR) is a category intended to provide compact medium to high density residential development and transitional uses between low density residential uses and higher density residential uses, commercial uses and public and semi-public use areas. Multi-family housing such as apartments, condominiums, townhomes and rowhouses should be the predominant development typologies in this category. Development within the category should be compact and connected and should support multi-modal transportation.

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

The maximum gross density in the Urban Area shall be 20 units/acre and the minimum gross density shall be 10 units/acre; except as provided herein. In the absence of the availability of centralized water and sewer, the maximum gross density of development permitted in this category shall be the same as allowed in Low Density Residential (LDR) without such services. There shall be no minimum density for single family dwellings when the predominant surrounding development typology within the MDR category is single family or when single-family dwellings are permitted as a secondary use. The PUD proposes a gross density of 10.7 units / acre.

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. A description of the category is noted below.

(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): Medium Density Residential (MDR). 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 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.

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 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.

The proposed PUD does include an area of recreation space however, it does not provide at least four hundred thirty-five (435) square feet of useable uplands for each lot (and any fraction thereof), as required by the Recreation and Open Space Element of the 2030 Comprehensive

Plan. The applicant does have the option of paying a recreation and open space fee in lieu of providing sufficient recreation space.

ROSE 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

ROSE 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.

Flood Zone

A portion 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". Moderate flood hazard areas, are also shown on the map for the property (See Attachment A) 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

Coastal High Hazard Area (CHHA)

A portion of the site is located within the Coastal High Hazard Area, or CHHA (See Attachment B). According to the site plan, the area located within the CHHA is within the 100 foot setback, and no residential units will be developed in that area. However, the site plan does depict that a park will be developed within the CHHA.

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.

CCME Policy 7.4.8 The City shall promote, in instances where a proposed project is located within the CHHA, the clustering of uses. Such clustering will be used to limit the acreage within the CHHA that will be affected by the proposed development, and will serve to limit the amount of infrastructure provided within the CHHA. To demonstrate compliance with the clustering concept identified in this policy, proposed site plans may be required to include conditions that restrict future development on any other portion of the site within the CHHA and /or place a conservation easement on any remaining wetlands within the CHHA not already proposed for impacts.

FLUE Policy 1.5.14 In accordance with the Conservation and Coastal Management Element, the City shall encourage environmentally sensitive areas to be placed in a conservation land use category, Conservation zoning district, and/or conservation easement.

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, Little Pottsburg Creek is an unacceptable zone, but development may occur if development is proposed at a level of 1 slip for every 100 feet of shoreline owned. The property length allows for the development of up to 5 boat slips. Permits must be approved by the Florida Department of Environmental Protection and the St. Johns River Water Management District. This siting zone does not allow for any boat ramp or launching facility.

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 the Boat Facilities Siting Plan.

(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 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: The site plan shows three different areas for open spaces/parks.

The use of topography, physical environment and other natural features: On the southern boundary, the property drops 13 feet to Little Pottsburg Creek. The Site Plan maintains a 100 foot setback from the creek.

The use and variety of building setback lines, separations, and buffering: The PUD proposes setbacks and separations that are consistent with the Zoning Code.

The use and variety of building groupings: The buildings will front on the cul-de-sac that loops around the property providing a common streetscape for residents.

The use and variety of building sizes and architectural styles: The PUD does not indicate the architectural styles of the proposed buildings.

(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 an area which contains offices and low intensity commercial uses along Atlantic Boulevard with multi-family and single family dwellings behind the commercial. Multi-family development at this location complements the various office and commercial uses by increasing the housing options 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	MDR RPI	RMD-D CRO	Colonial Point multi-family apts Offices
South	LDR	RLD-90	Single family dwellings
East	LDR	RLD-90	Single family dwellings
West	RPI	CRO	Offices, single family dwellings

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 allows up to 450 feet of dock area on Little Pottsborg Creek. However it prohibits refueling, repair services, boat ramp or boat launching. The Manatee Protection Plan prohibits boat ramps or launching facilities, but does allow for launching of non-motorized watercraft along this section of the creek.

(6) Intensity of Development

The proposed development is consistent with the MDR functional land use category as a multi-family development, which is not to exceed 80 dwelling units. The PUD is appropriate at this location because it will support the existing offices, service establishments and hospital in the area.

SCHOOL	CONCURRENCY SERVICE AREA	STUDENTS GENERATED	SCHOOL CAPACITY (Permanent/Portables)	CURRENT ENROLLMENT 20 Day Count (2017/18)	% OCCUPIED	4 YEAR PROJECTION
Love Grove ES #82	3	13	606	371	61%	70%
Arlington MS #213	3	6	979	807	82%	75%
Englewood HS #90	3	7	1,864	1,856	100%	97%

The availability and location of utility services and public facilities and services: JEA has indicated it will provide water and sewer.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: According to the Transportation Planning Division, Atlantic Boulevard is classified as a Major Arterial and operating at 52% capacity. The Division recommends a traffic study to determine if there are any impacts to Atlantic Boulevard. Any access to Atlantic Boulevard must be approved by FDOT.

(7) Usable open spaces plazas, recreation areas.

The project is classified as a residential subdivision, since the lots will be sold fee simple. Pursuant to Section 656.420(b), the owner has the option to provide 435 square feet of useable uplands (a total of 34,800 square feet) for each lot or pay \$250 per lot. The application indicates that 12,000 square feet of active recreation area will 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 site will be developed in accordance with Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

There is an existing sidewalk along the south side of Atlantic Boulevard. The project will contain a pedestrian system that meets the 2030 Comprehensive Plan.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on April 10, 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 **2018-188** be **APPROVED with the following exhibits:**

1. The original legal description dated December 29, 2017.
2. The original written description dated February 13, 2018.
3. The original site plan dated March 21, 2018.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2018-188** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. A traffic study conducted by a professional traffic engineer shall be required. A methodology meeting shall be held with the City of Jacksonville Traffic Engineering Division prior to the commencement of the study. The traffic study shall be submitted for review and approval at the time of verification of substantial compliance.
2. Prior to the first final inspection within any phase of development, the owner or their agent shall submit to the Planning and Development Department for its review and approval either (a) an affidavit documenting that all conditions to the development order have been satisfied, or (b) a detailed agreement for the completion of all conditions to the development order.



Aerial view of subject property



View of subject property



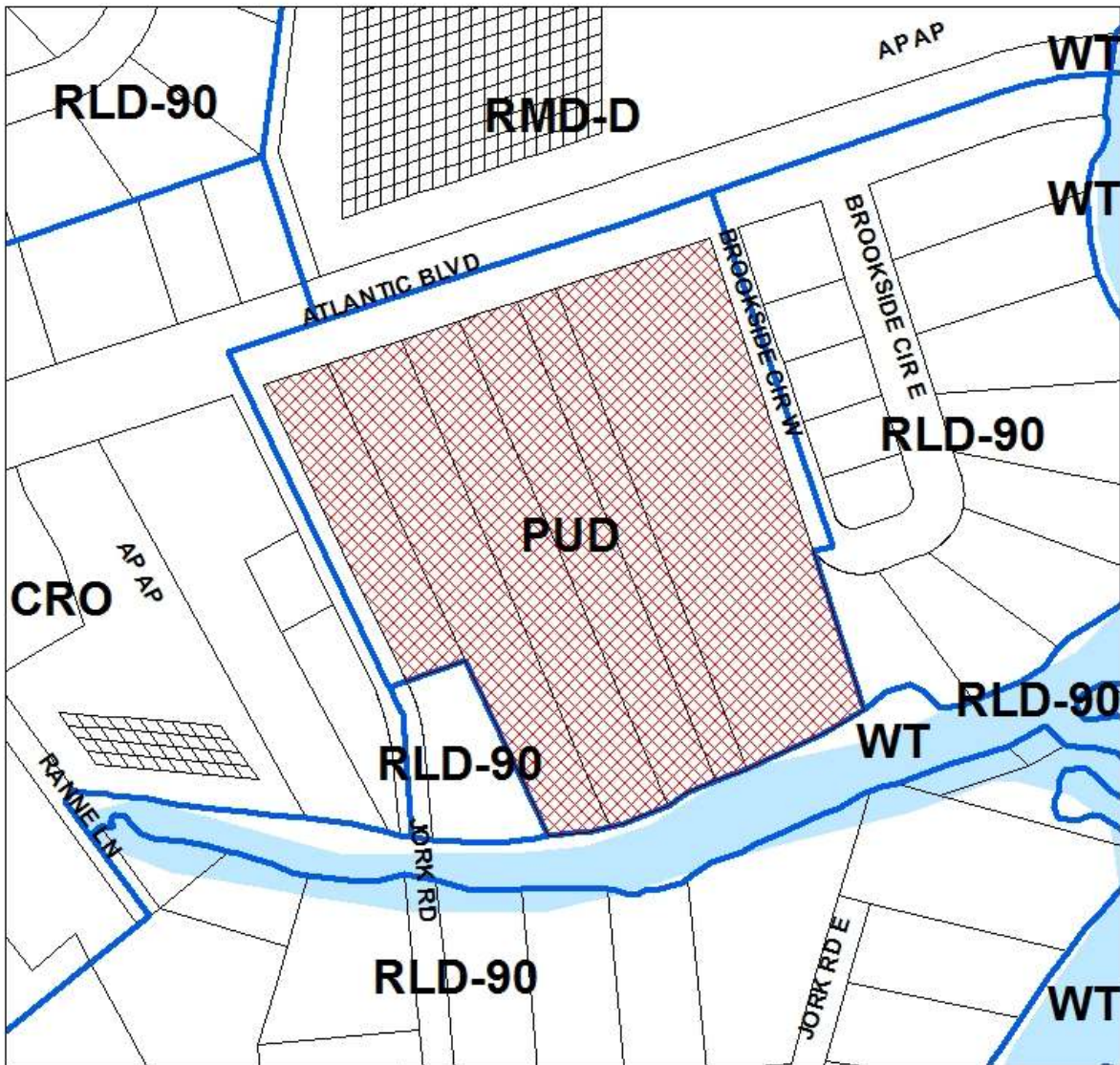
Offices adjacent to property.

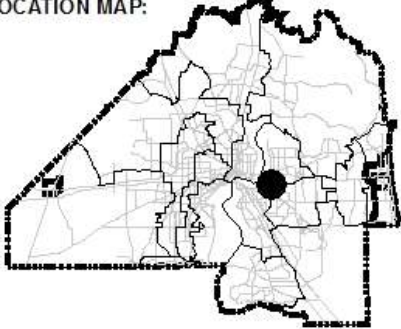

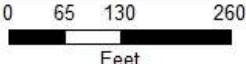


Offices across Atlantic Boulevard.



Multi-family residential across from subject



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	  <p>0 65 130 260 Feet</p>
<p>ORDINANCE NUMBER:</p> <p>ORD-2018-0188</p>	<p>TRACKING NUMBER</p> <p>T-2018-1681</p>	<p>COUNCIL DISTRICT:</p> <p>5</p> <p>EXHIBIT 2</p>