

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2018-0224 TO
PLANNED UNIT DEVELOPMENT

MAY 3, 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 **2018-0224** to Planned Unit Development.

Location: 6247 Ricker Road; on the east side of Ricker Road
between 118th Street and Wheat Road

Real Estate Number: 014585-0000

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: Fred Atwill
9001 Forest Acres Lane
Jacksonville, Florida 32234

Owner: PIC Homes, Inc.
Brian Pinckney
2161 College Circle South
Jacksonville, Florida 32209

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning 2018-0224 seeks to rezone approximately 1.61 acres of land along the east side of Ricker Road between Countryman Lane and 118th Street from the Residential Rural-Acre (RR-Acre) Zoning District to Planned Unit Development (PUD). The existing residential structure was originally built in 1954. It is 4,009+/- enclosed square feet and converted to a maximum twelve resident capacity Group Home in 2015. This PUD proposes to allow the continued operation of the Ricker Road Group Home in addition to the uses allowed by right and by exception in the subject property's RR-Acre Zoning District. The proposed PUD rezoning provides for twelve residents whose lives are enriched by a team of well-skilled and dedicated individuals that have a wide range of successful experiences working with children and young

adults with disabilities by providing highly effected research-based behavioral interventions. Treatment approaches are guided by the principles of Applied Behavior Analysis ("ABA"), a method recommended by the US Surgeon General as an effective treatment for Autism. To date, there have been no complaints regarding the existing Ricker Road Group Home operations from its neighbors or any other individuals.

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 permits uses allowed in the LDR Land Use Category.

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 built between the 1950's through today, on property conventionally zoned or zoned PUD. The application represents the inclusion of limited use into an established residential neighborhood area. The site plan shows the property developed in a typical residential manner, with adequate buffers to the adjacent residential properties to the north and east. The proposed rezoning provides for a gradual transition of densities and intensities with the surrounding area's current development trend of single-family residential homes and properties.

Low Density Residential (LDR) is generally a category intended to provide for low density residential development. The category also permits community residential homes as secondary uses. The PUD requests a group home for up to 12 clients and is licensed as a group home by the Agency for Persons with Disabilities (APD). APD split from the Department of Children and Families in 2004 to specifically serve the needs of Floridians with developmental disabilities. Prior to that time, it existed as the Developmental Disabilities Program. According to APD, all of the homes that are licensed by APD in Jacksonville are considered Community Residential Homes per Sect 419.001(1)(a), Florida Statutes. The group home use as proposed is consistent

with the community residential home as permitted in LDR so long as the permitted use is amended in the written description as follows: “Group home licensed by and serving clients of the Agency for Persons with Disabilities”. This clarification identifies this subject “group home” use as specifically licensed to serve clients with developmental disabilities meeting the community residential home definition.

Pursuant to the Housing Element Objective 1.10 and policies 1.10.1 and 1.10.2 and Sec. 419.001, F.S Community Residential Home, the PUD review should consider the distance limitations, size and number of clients for this community residential home and its appropriateness at the subject location.

Housing Element

Objective 1.10 Sites for Group homes and foster care facilities shall be provided through with the assistance of State agencies, religious groups, non-profit, joint ventures for profit or any other group.

Policy 1.10.1 The City shall allow licensed family care homes in all residential categories and zoning districts, subject to size and distance limitations in accordance with the standards and criteria of the Zoning Code, as amended.

Policy 1.10.2 The City's Planning and Development Department shall ensure group homes, foster care facilities, adult congregate living facilities, halfway houses, and similar special needs housing facilities are treated fairly in their distribution throughout the City.

Florida Statutes 419.001 Site selection of community residential homes.—

(1) For the purposes of this section, the term:

(a) “Community residential home” means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

(b) “Licensing entity” or “licensing entities” means the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Families, or the Agency for Health Care Administration, all of which are authorized to license a community residential home to serve residents.

(2) Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes are not located within a radius of 1,000 feet of another existing such home with six or fewer residents or within a radius of 1,200 feet of another existing community residential home. Such homes with six or fewer residents are not required to comply with the notification provisions of this section; provided that, before licensure, the sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed

site is to be located in order to show that there is not a home of six or fewer residents which otherwise meets the definition of a community residential home within a radius of 1,000 feet and not a community residential home within a radius of 1,200 feet of the proposed home. At the time of home occupancy, the sponsoring agency must notify the local government that the home is licensed by the licensing entity. For purposes of local land use and zoning determinations, this subsection does not affect the legal nonconforming use status of any community residential home lawfully permitted and operating as of July 1, 2016.

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 has been developed in accordance with the Land Development Regulations and the residential 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 12 person assisted living facility/group care home, consistent with allowable secondary uses in the LDR land use category. The written description permits a 12 person group care home as well as all other uses permitted per the RR-Acre Zoning District. All of these uses within the written description are allowable within the LDR land use category. The site is located on a collector roadway according to the Functional Highway Classification list, and access is via Ricker Road. The site is surrounded by single-family residential property in the LDR land use category with developed single family homes. The Planning and Development Department concludes that the development of the proposed PUD with a 12 person group care home use permitted in the written description should ensure a transition from the existing surrounding neighborhoods to the proposed use in order to ensure compatible and complementary land use patterns and is consistent with the following policies of the 2030 Comprehensive Plan:

Future Land Use Element

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 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 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

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.

FLUE 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.

FLUE Policy 3.1.6 The City shall provide for development of a wide variety of housing types by area, consistent with the housing needs characteristics and socioeconomic profiles of the City's households as described in the Housing Element.

FLUE Objective 6.3 The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

Recreation and Open Space Element

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.

The proposed rezoning has been identified as being related to the following issues identified in the 2030 Comprehensive Plan. Based on this relationship, the rezoning application has been carefully evaluated for consistency or inconsistency with the following issues and related goals, objectives and/or policies:

Airport Environment Zone

The site is located within the 500-foot Height and Hazard Zone for Naval Air Station Jacksonville. Zoning will limit development to a maximum height of less than 500 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 656.1005.1(d). See Objective 2.5 of the Future Land Use Element below:

Objective 2.5 Support and strengthen the role 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.

Archaeological Sensitivity

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of high sensitivity for the presence of archaeological resources. Projects that move forward through the Site Review process may be required to perform a Professional Archaeological Reconnaissance Survey on the portion of the site that is in a high sensitivity area. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

Historic Preservation Element

Policy 1.2.6 The Planning and Development Department shall maintain and update for planning and permitting purposes, a U.S.G.S. series of topographic maps upon which recorded archaeological sites are shown.

The development of the proposed group care home along with other RR-Acre type uses permitted in the written description should ensure a transition from the existing surrounding neighborhoods to the proposed use 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 converted single-family home currently utilized as a group care home exists complementary to the surrounding residential properties. This use does 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 existing home is connected to JEA 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; 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 residential development and 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 existing home to be used as a group care home for up to twelve (12) residents to serve the surrounding residential areas. 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

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 the access point, 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 area. In the Vision Plan, the area in which the subject property is located is considered a "suburban area" of the Southwest Planning District. The applicant has indicated that the intent of the proposed development is to function as a group care home use that will support the needs of nearby residents, on a site that is located adjacent to single-family development.

(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 parcel is located in an area where residential uses in established neighborhoods designated as LDR surround the property.

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	LDR	RR-Acre	Single family dwellings
East	LDR	RLD-60	Single family dwellings
West	LDR	RLD-60	Single family dwellings

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. This PUD proposes to allow the continued operation of the Ricker Road Group Home in addition to the uses allowed by right and by exception in the subject property's RR-Acre zoning district. PUD rezonings are allowed in Low Density Residential Land Use categories depicted on the City's Comprehensive Plan Land Use Map. The subject property's current RR-Acre zoning classification does not allow residential group homes by right or by exception for facilities serving more than six residents.

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 RR-Acre zoning district. The applicant/developer is requesting the use of the PUD ordinance in order to bring the existing residential group home with 12 residents into compliance with the Zoning Code.

(6) Intensity of Development

The proposed development is consistent with the LDR functional land use category as a residential group care home. 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 contains frontage on Ricker Road, and is the main point of access.

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 RR-Acre zoning district. The applicant/developer is requesting the use of the PUD ordinance in order to bring the existing residential group home with 12 residents into compliance with the Zoning Code.

(7) Usable open spaces plazas, recreation areas

The open space requirement will be met through landscaping buffers and retention areas within

the site. The group care home currently exists on the property.

(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 10, as shown in the Exhibit E "Site Plan" submitted with the application. The 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

Pedestrian access is by way of the subject site's single driveway entry off of Ricker Road. There are no sidewalks along the eastern boundary of Ricker Road at this location. There are existing sidewalks along the western side of Ricker Road across from the driveway entry to the Ricker Road Group Home.

SUPPLEMENTARY INFORMATION

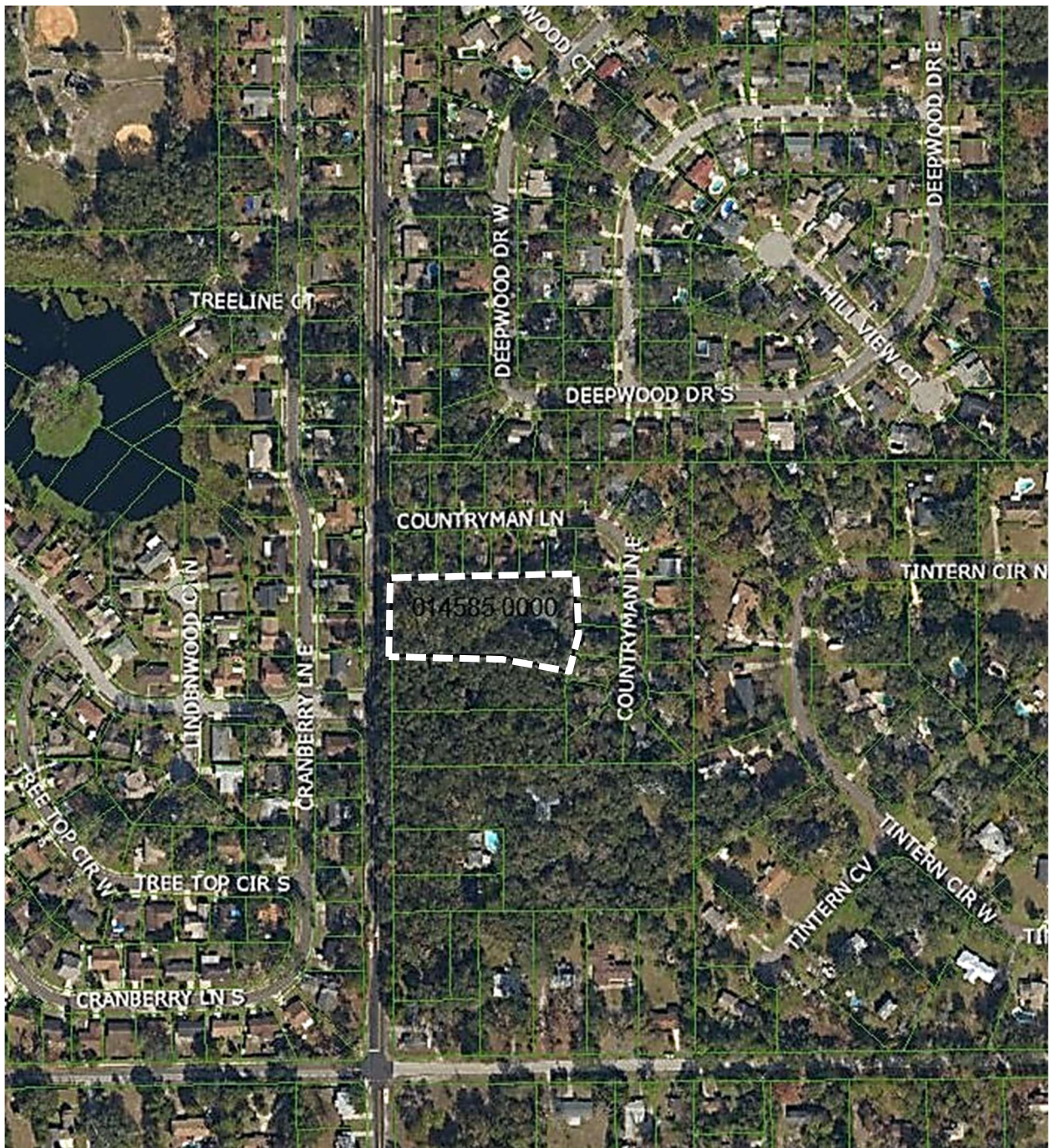
Upon visual inspection of the subject property on April 23, 2018 the required Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2018-0224** be **APPROVED** with the following exhibits:

- 1. The subject property is legally described in the original legal description dated December 14, 2017.**
- 2. The subject property shall be developed in accordance with the original written description dated February 2, 2018.**
- 3. The subject property shall be developed in accordance with the original site plan dated January 20, 2018.**



Aerial view of the subject site facing north



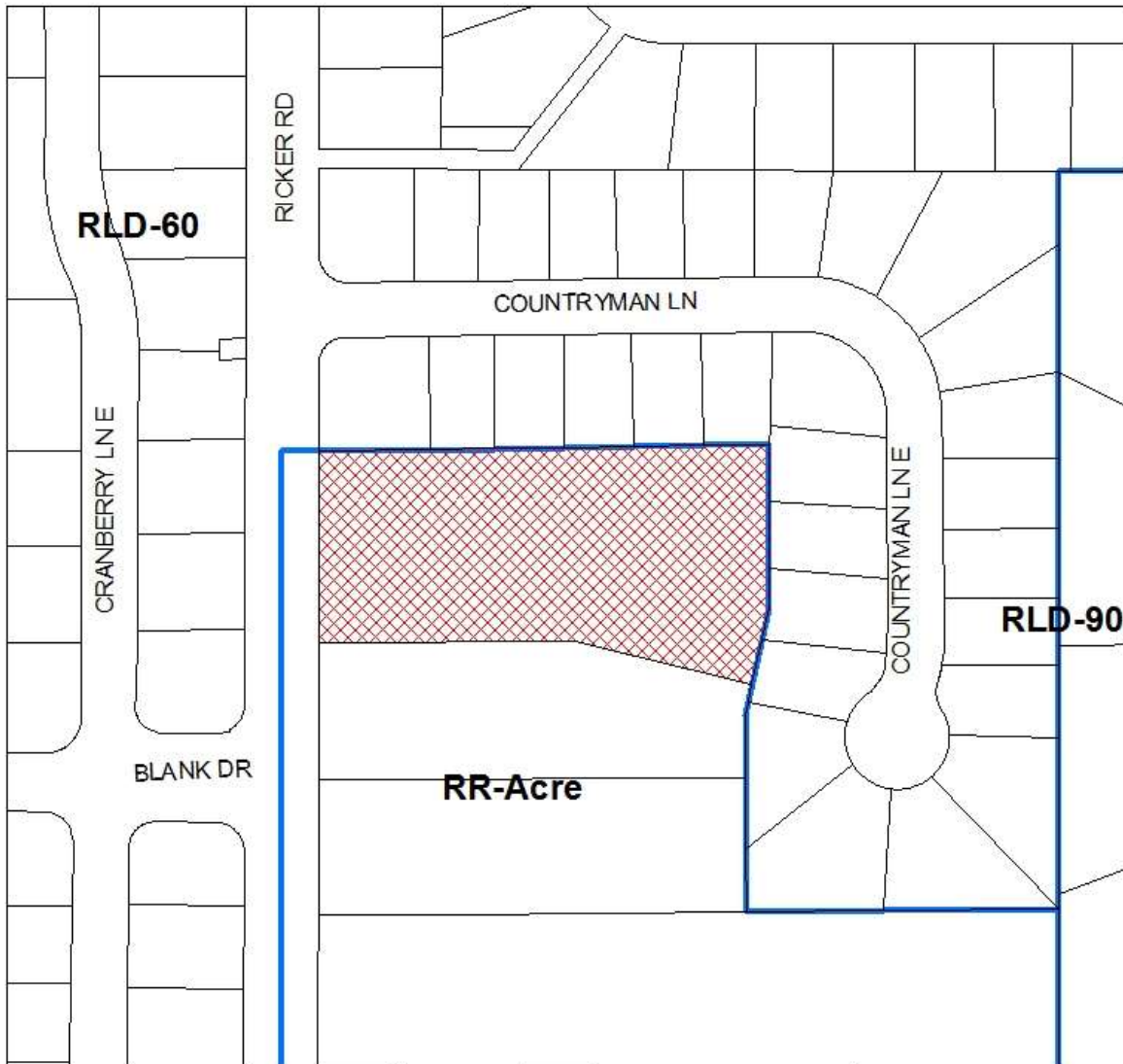
Facing north into the subject site from Ricker Rd.



Facing south from the subject site along Ricker Rd.



Facing north along Ricker Rd. from the subject site

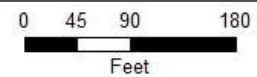
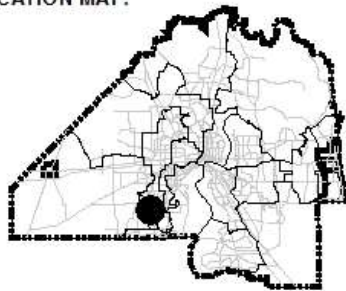


REQUEST SOUGHT:

FROM: RR-ACRE

TO: PUD

LOCATION MAP:



COUNCIL DISTRICT:

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ORDINANCE 2018-0224

EXHIBIT 2