

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**

**APPLICATION FOR REZONING ORDINANCE 2018-260 TO**

**PLANNED UNIT DEVELOPMENT**

**MAY 17, 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 **2018-260** to Planned Unit Development.

***Location:*** 3901 Dunn Avenue between Wingate Road and Wingate Road North

***Real Estate Number(s):*** 019988-0000, 019994-0000

***Current Zoning District:*** Planned Unit Development (PUD 2008-142)

***Proposed Zoning District:*** Planned Unit Development (PUD)

***Current Land Use Category:*** Residential Professional Institutional (RPI)

***Planning District:*** North, District 6

***Applicant/Agent:*** Dan Boswell  
4014 Ranie Road  
Jacksonville, Florida 32218

***Owner:*** Mimage Invest, LLC  
108 Osprey Cove Lane  
Ponte Vedra Beach, Florida 32080

***Staff Recommendation:*** **APPROVE WITH CONDITIONS**

**GENERAL INFORMATION**

Application for Planned Unit Development **2018-260** seeks to rezone approximately 5.0 acres of land from PUD to PUD. The rezoning to PUD is being sought so that the property can be developed with a variety of neighborhood commercial retail sales and service establishments, banks, professional and business offices, restaurants, nursing homes, churches, day cares and filling stations.

The existing PUD allowed for many of the same uses as the proposed PUD, but did not include commercial retail sales.

There were two conditions in the PUD,

- Requiring FDOT approval of the access points and requiring proposed driveways to align with the Dunn Avenue West Office Park entrance.
- Requiring a traffic mitigation plan for review and approval of the Department.

### **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 Residential Professional Institutional (RPI) 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. RPI in the Suburban Area is intended to provide low to medium density development. Development which includes medium density residential and professional office uses is preferred. Principal uses in the RPI land use category include, but are not limited to, multi-family uses; business and professional office; institutional; commercial retail sales and service establishments limited to 50 percent of the site area; financial institutions; and restaurants (without drive-in or drive-thru facilities). Single use developments are limited to residential or office in the RPI land use category and shall meet the requirements of the Medium Density Residential (MDR) land use category.

The existing RPI land use designation was adopted via Ordinance 2008-0141, and the current PUD zoning district was approved via Ordinance 2008-0142 with the intention to develop business, professional, and commercial uses with specific uses yet to be determined. The subject site remains undeveloped.

The use of “express or parcel delivery offices and similar uses (but not freight or truck terminals)” is listed as a permitted use within the written description of the proposed PUD. In order for this use to be consistent with the RPI land use category, staff interprets this use to be a parcel delivery retail storefront and not a distribution center of any kind.

*(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): Reesidential Professional Institutional (RPI). 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:

Objective 1.1 Ensure that the type, rate and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages the proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

Policy 1.1.10 Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

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.

Policy 1.1.18 Prohibit scattered, unplanned, urban sprawl development without provisions for facilities and services at levels adopted in the 2030 Comprehensive Plan in locations inconsistent with the overall concepts of the Future Land Use Element and the Development Areas and the Plan Category Descriptions of the Operative Provisions.

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.

Policy 1.1.24 The City will encourage new development to locate in the Urban Core, Southwest, North, and Northwest planning districts through such measures as economic incentives, greater marketing assistance, etc.

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.

Policy 1.5.13 Through site plan review, the City shall encourage the following methods to support low impact development:

- The use of topography, physical environment and other natural features;
- The use of energy-saving techniques and devices, including sun and wind orientation;
- Impact on wetlands;
- Listed species regulations.

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.

#### Archaeological Sensitivity

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of low, medium, and 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.

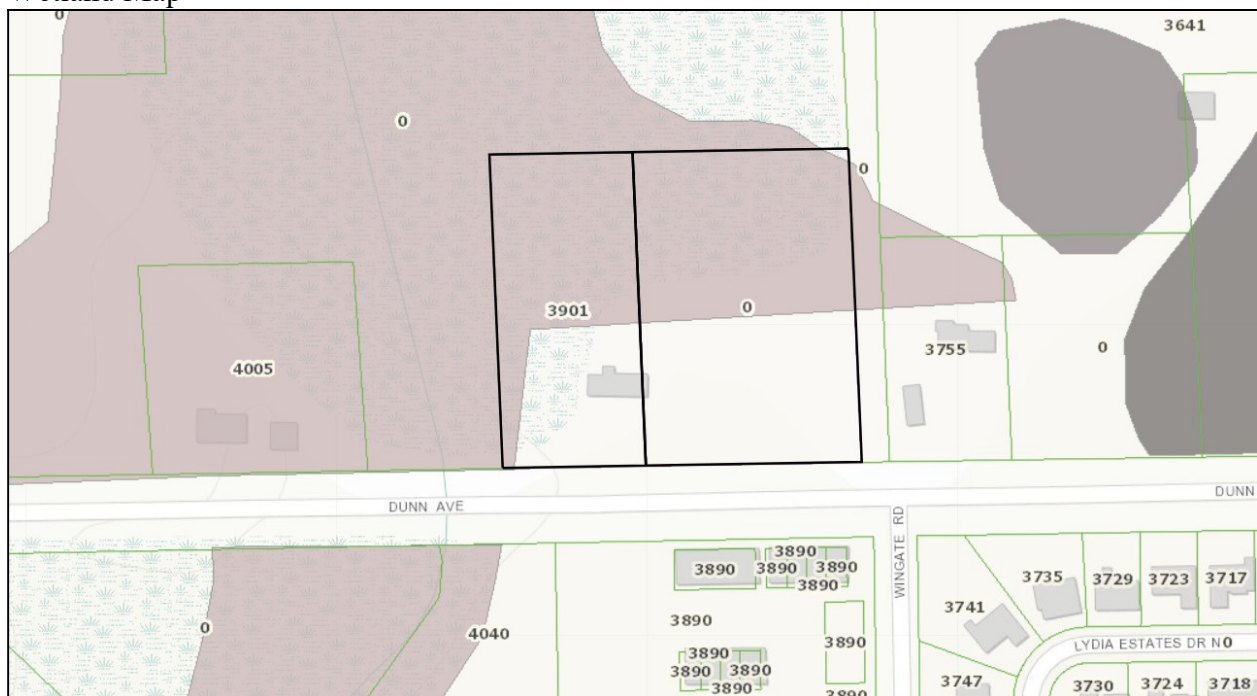
#### Wetlands

Review of City data indicates the potential existence of wetlands on the subject site – approximately 2.8 acres, mostly located in the northern half of the subject site; see Attachment A. According to the Florida Land Use Code Classification System (FLUCCS) the wetland is classified as “mixed wetland hardwoods” and appears to be related to the creek (West Branch Blockhouse Creek) immediately to the west of the subject site. As such, it is likely that this wetland is part of a larger riverine wetlands system that extends from the south and drains to the north.

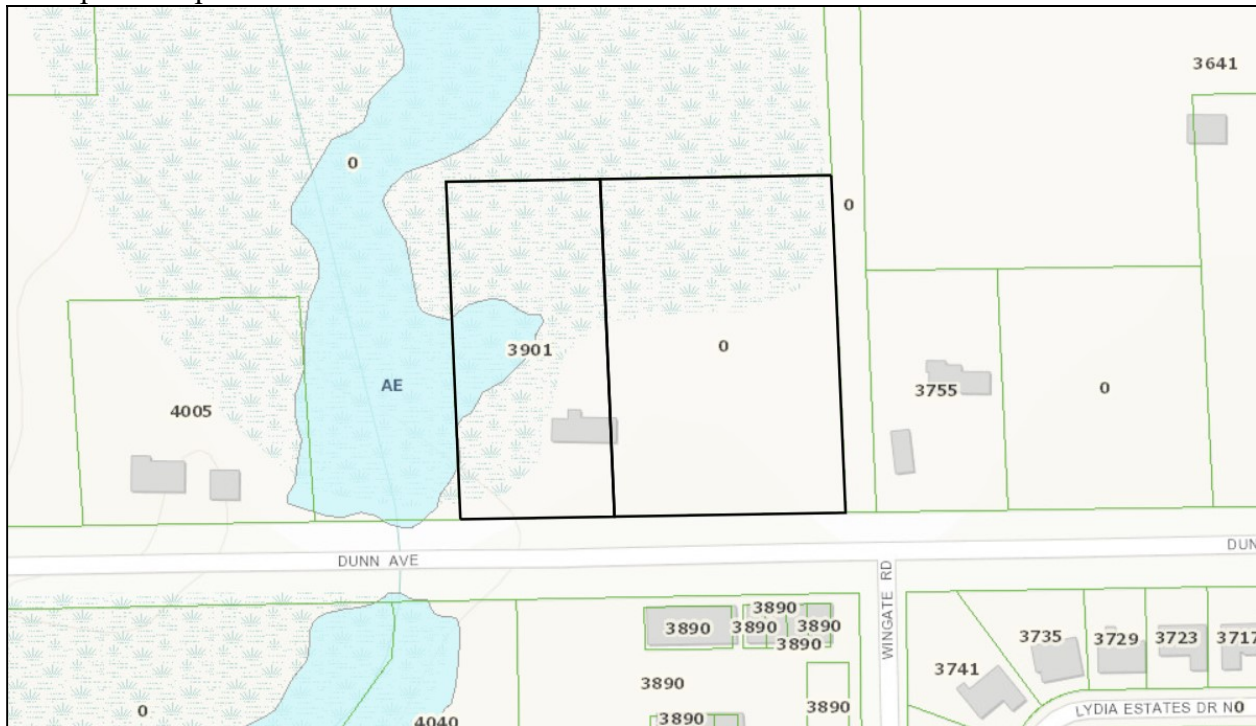
Based on Staff’s review of the data, the wetlands appear to be classified as “Category II” type wetlands, and a wetlands survey has not been provided by the applicant. They have a high functional value due to their large water pollution and stormwater attenuation capabilities. Blockhouse Creek drains into the Trout River, which then drains into the St. Johns River (See attached wetlands map).

The proposed PUD written description places 1.72 acres of wetlands into a conservation easement. The applicant has not provided an environmental resource permit from the St. Johns River Water Management District (SJRWMD), and Staff’s permit search found no pending permit applications at this time. Conservation, residential, and water-dependent/water-related uses are the only types of uses permitted Category II wetlands. While the proposed PUD site plan shows development occurring outside of the wetlands, the stormwater management pond appears to impact the wetlands. As such, development of the stormwater facility may require mitigation or relocation as it is an integral component of the proposed development, and the majority of uses permitted within the PUD are not permitted within Category II wetlands.

Wetland Map



## Floodplain Map



## Conservation and Coastal Management Element

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.

Objective 4.1 The City shall protect and conserve the natural functions of its existing wetlands, including estuarine marshes.

Policy 4.4.1 The City shall encourage the placement of all watercourses, water bodies, buffer areas, and wetlands having high functional values to be placed in a Conservation land use category, Conservation zoning district and/or conservation easement as part of an application for a land use amendment, rezoning and/or site plan approval process.

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, provided the following standards are met:

(a) Dredge and fill

Dredging or filling of the Category I and II wetlands shall not exceed more than 5% of the wetlands on-site; and

(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, provided the following standards are met:

(a) Density/Dredge and fill

Where lots, except for lots of record as 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 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

(3) Water-dependent and water-related uses, provided the following standards are met:

(a) 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

(b) Boat facilities siting and operation

Boat facilities are further subject to Objectives 10.1, 10.2, 10.3, 10.5 and 10.6 and their related policies of 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 interest, 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.

Objective 7.1 The City shall consider the impact on the St. John's River and its tributaries when reviewing development, land development regulations, public infrastructure and investment, and other City actions that present opportunities for improving water quality health and the overall sustainability of Jacksonville within its environment.

Flood Zone Approximately  $\frac{1}{4}$  of an acre of the subject site was determined to be within the 100-year flood zone; see Attachment B. 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”. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

#### Conservation /Coastal Management Element

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.

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.

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.

#### *(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 commercial 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 use of existing and proposed landscaping: The written description indicates the development will comply with Part 12 of the Zoning Code, providing the required landscaping.



The use of topography, physical environment and other natural features: There are approximately 2.8 acres of wetlands in the northern portion of the subject property, which will remain undeveloped.

The particular land uses proposed and the conditions and limitations thereon: The PUD is proposing permitted and permissible uses that are found in the Commercial Neighborhood Zoning District. These uses are not expected to create any adverse impacts to each other.

*(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 with residential subdivisions, office, commercial and institutional uses function as a mixed-use development along Dunn Avenue. Retail, service establishments and office uses at this location complements the existing hospital, residential, office and commercial uses 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               | RMD-A           | Undeveloped                                  |
| South             | RPI               | PUD (04-1197)   | Office park, single-family dwellings, church |
| East              | MDR               | RMD-A           | Single-family dwelling                       |
| West              | MDR               | RMD-A           | Undeveloped                                  |

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 PUD is requesting a larger identification sign. The original sign is 24 square feet and 12 feet in height, the proposed sign is 50 square feet and 24 feet in height. The individual out parcel signs remain the same; 24 square feet and 12 feet in height. The proposed sign area is less than is allowed in a conventional zoning district.

*(6) Intensity of Development*

The proposed development is consistent with the RPI functional land use category as a commercial and service establishment development. The PUD is appropriate at this location because it will support the existing residential, offices, service establishments and hospital in the area.

The availability and location of utility services and public facilities and services: JEA indicates that water and sewer connections are available to the subject parcels.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The site plan depicts access only on Dunn Avenue. The staff is recommending a traffic mitigation plan for the development and aligning the new access point with the existing driveway to the south.

*(7) Usable open spaces plazas, recreation areas.*

The project will be developed with the required amount of open space. No recreation area is required.

*(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 identify approximately 2.7 acres of wetlands on the north side of the property. The site plan indicates the wetlands will not be developed except for a storm water facility. 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 Dunn Avenue at his location. The project will contain a pedestrian system that meets the 2030 Comprehensive Plan.

### SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on May 17, 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 **2018-260** be **APPROVED with the following exhibits:**

1. The original legal description dated January 17, 2017.
2. The original written description dated February 28, 2018.
3. The original site plan dated January 17, 2017.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2018-260** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. Driveway access shall align or meet separation requirements with existing driveway across Dunn Avenue (Dunn Avenue West office Park) or as otherwise approved by the Florida Department of Transportation (FDOT).
2. A traffic mitigation plan shall be submitted to the Planning and Development Department for review and approval at the time of Verification of Substantial Compliance of the PUD.
3. 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.



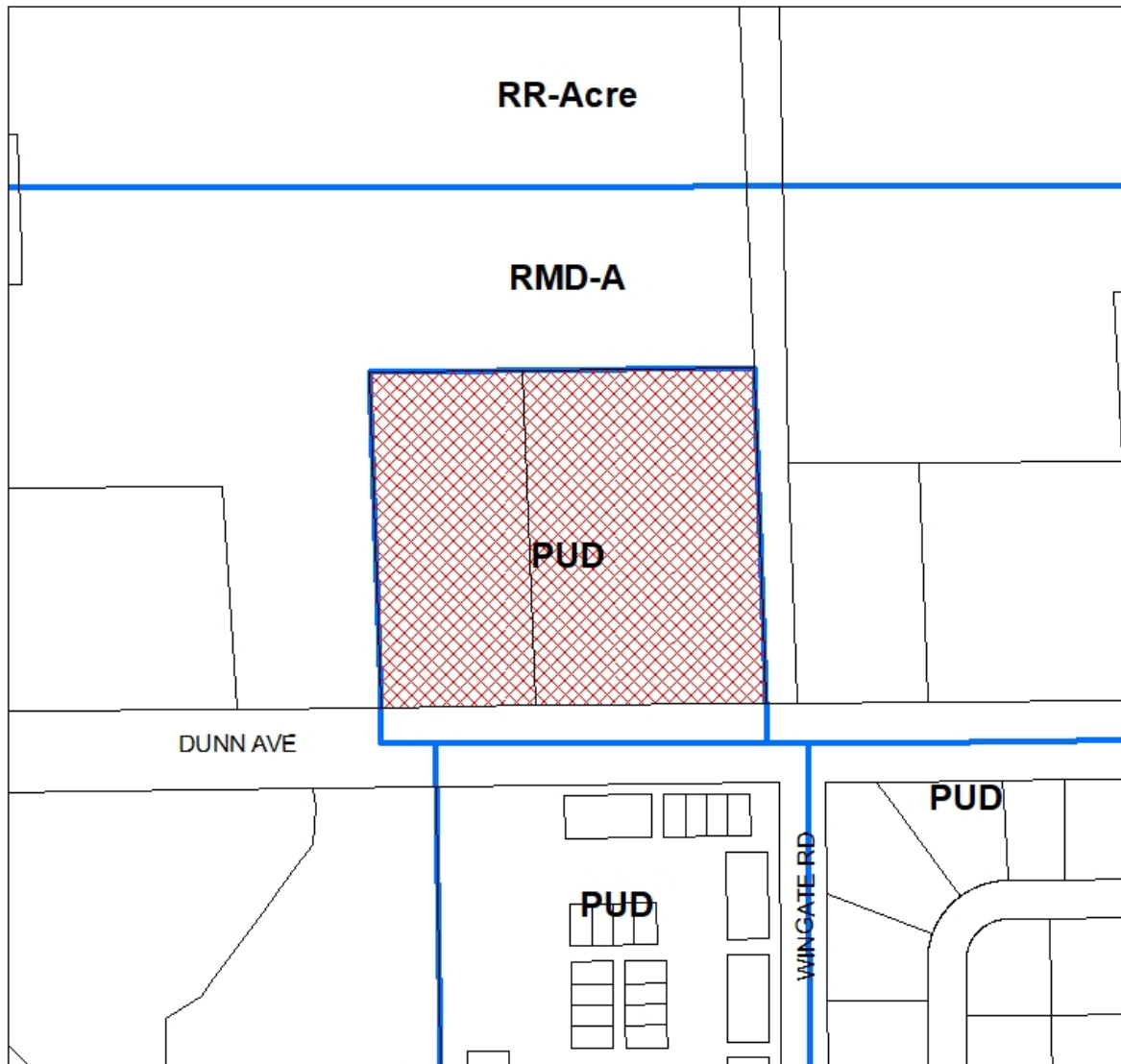
Aerial view of subjec property.



Existing church across from subject property.



Existing office park across from subject property.

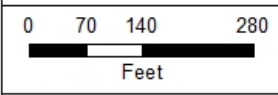
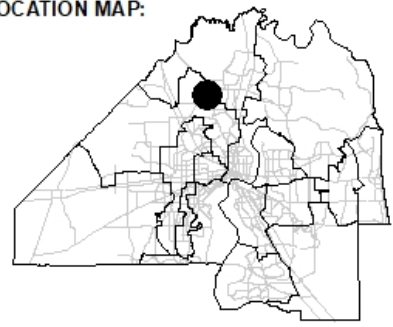


REQUEST SOUGHT:

FROM: PUD

TO: PUD

LOCATION MAP:



COUNCIL DISTRICT:  
7

ORDINANCE NUMBER:  
**ORD-2018-0260**

TRACKING NUMBER  
**T-2017-1345**

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