

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2018-0357 TO**  
**PLANNED UNIT DEVELOPMENT**

**JUNE 21, 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 **2018-0357** to Planned Unit Development.

***Location:*** 12900 Broxton Bay Drive; on the south and east side of Broxton Bay Drive, South of Airport Center Drive

***Real Estate Number:*** 106609-5226, 106609-5230

***Current Zoning District:*** Planned Unit Development (PUD 2003-1494-E/2017-0420-E)

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

***Current Land Use Category:*** Regional Commercial (RC), Medium Density Residential (MDR)

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

***Applicant/Agent:*** Steve Diebenow, Esq.  
1 Independent Drive, Suite 1200  
Jacksonville, FL 32202

***Owner:*** Jeff Klotz  
RCM Acquisition, LLC  
645 Mayport Road, Suite 5  
Jacksonville, FL 32233

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

**GENERAL INFORMATION**

Application for Planned Unit Development **2018-0357** seeks to rezone approximately 35.09 acres of land from PUD to PUD for the purpose of eliminating a condition of approval per Ordinance 2017-0420. The Broxton Bay Apartments and Nautica Drive have been constructed as contemplated pursuant to condition number 1 of Ordinance 2017-0420-E enacted October

14, 2017. The purpose of this PUD to PUD rezoning is to remove the portion of condition number 1 imposed pursuant to the Ordinance that Nautica Drive must be dedicated and accepted by the City prior to the issuance of the Certificate of Occupancy for the 8th through the 14th apartment buildings. It is the intent of this Council that rather than Nautica Drive remaining a private road that it be accepted by the City as a public right-of-way.

The City has determined that Nautica Drive cannot be given to the City due to fact that it cannot accept Nautica Drive as a public right-of-way as it does not connect to any other City rights-of-way. In all other respects, this PUD is consistent with the Written Description dated October 10, 2017 and adopted pursuant to the Ordinance 2017-0420.

### **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 (MDR) and the Regional Commercial (RC) functional land use categories 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. MDR is a category intended to provide compact medium to high density residential development and transitional uses between low density residential areas and higher density residential uses, commercial uses and public and semi-public areas. The maximum gross density in the suburban area is 20 units/acre when full urban services are available. RC uses serve the City and the outlying communities. Regional commercial development generally meets the standards and guidelines for developments of regional impact (DRI). This project is located within the boundaries of the River City Marketplace DRI.

The majority of the multi-family development is located in the MDR land use category. A lake/retention pond takes up the majority of the RC land use category portion of the property and, according to the site plan, a potential of 2 multi-family buildings will be located in the RC land use category.

The proposed density at 324 units is consistent with the density limitations of the MDR category. The RC category does not give density limitations but it does include the allowability of mixed use development, which includes residential uses; this project is part of the River City Marketplace DRI which is a large scale mixed use development.

The allowed uses and uses by exception that are part of the written description of the PUD are consistent with the MRD and RC land use categories.

*(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 of the intended plan of development meets the City's land use regulations. 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:

*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 the proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

*FLUE Policy 1.1.22* Future development orders, development permits and plan amendments shall maintain 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 may be permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

*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 3.1.1* The City shall development through the Planning and Development Department an incentive program to promote infilling of residential development on vacant land designated for residential use on the Future Land Use Map series. These incentives will be reflected in the Zoning Code of the City's Land Development Regulations.

*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.

*(2) Consistency with the Concurrency Mobility and Management System*

The proposed project is reserved under VPAC #26020.0 (River City Marketplace). The site has a City Development #1422.064 and since it is a vested property the site is not subject to a Mobility review. The 324 apartment units were allocated under VPAC 26020.0.

*(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 existing clubhouse, recreation area and pool will be constructed which comply with the 150 square feet of recreation area per dwelling unit of the Zoning Code.

The use of existing and proposed landscaping: The PUD shall be constructed with the landscaping required in Part 12 of the Zoning Code.

Traffic and pedestrian circulation patterns: Vehicular access to the property shall be provided by way of Broxton Bay Drive with internal access provided by reciprocal easements for ingress and egress among the driveways within the property. Pedestrian access shall be provided by sidewalks installed in accordance with the *2030 Comprehensive Plan*.

The use and variety of building setback lines, separations, and buffering: The PUD contains front, side, and rear setbacks of 20'. The original PUD proposed setbacks of 6' front, 0' side, and 3' rear.

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: Nautica Drive serves as a bypass for the apartments in lieu of increasing the number of trips impacting Airport Center Drive and to provide access to all the outparcels fronting this section of Nautica Drive. The Taco Bell abutting the subject section of Nautica Drive has a Minor Modification (MM-08-24) allowing for a temporary driveway access to Airport Center Drive. This driveway is conditioned to be removed upon the completion of Nautica Drive.

(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:

Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon: The PUD is requesting no change in the number of units that was previously approved under PUD 2003-1494.

The type, number and location of surrounding external uses: The proposed development is located in an area where residential, office, commercial and institutional uses function as a mixed-use development. Multi-family development at this location complements the existing hospital, various office and commercial uses by increasing the housing options for those that are employed in the immediate area.

The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

| <b>Adjacent Property</b> | <b>Land Use Category</b> | <b>Zoning District</b> | <b>Current Use</b>        |
|--------------------------|--------------------------|------------------------|---------------------------|
| North                    | RC/CSV                   | PUD                    | Commercial/Conservation   |
| South                    | MDR/CSV                  | PUD                    | Multi-family/Conservation |
| East                     | RC/CSV                   | PUD                    | Conservation              |
| West                     | RC/CSV                   | PUD                    | Commercial/Conservation   |

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 differs from the previous PUD (2003-1494) sign provisions in that in that it provides an option for a single monument sign that is twice the size in area of one of the two previously approved monument signs.

(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 324 dwelling units. The PUD is appropriate at this location because it will offer housing options for those in the area.

The existing residential density and intensity of use of surrounding lands: There are similar multi-family dwellings of similar density surrounding the proposed PUD.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The proposed development has a single access along Broxton Bay Drive.

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

The proposed project will feature, at minimum, 150 square feet of active recreation area per unit in the multi-family development.

*(8) Impact on wetlands*

According to the Florida Land Use Code Classification System (FLUCCS) the subject site contains "Wetland Coniferous Forest". However, most of the wetland system is gone due to nearby development and the construction of a stormwater retention that altered the hydro-period. In addition, the wetlands have been altered by filing, ditching and the redirection of both surface and subsurface flows. The few remaining Category III wetland pockets are of low functional value. Alteration of the subject site wetland was permitted on February 9, 1999 (ERP 18130-6) under the project name "First Coast Center". However, further wetland impacts must meet the requirements of Goal 4 (see below) of the Conservation/Coastal Management Element (CCME). Other requirements for development in wetlands including permitted uses, maintenance of water quality (including location of septic tanks), maintenance of vegetation, and hydrology are specified in Policy 4.1.1 of the CCME (see below)

*CCME Goal 4* To achieve no further net loss of the natural function 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. In order to achieve this objective and its associated policies, the City shall continue to work with the applicable regional, State, and federal agencies charged with these regulatory responsibilities.

*(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 parking requirements for this development shall be consistent with the requirements in Part 6 of the Zoning Code.

*(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 June 7, 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 2018-0357 be **APPROVED** with the following exhibits:

1. The original legal description dated May 7, 2018.
2. The original written description dated May 7, 2018.
3. The original site plan dated December 3, 2015.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning 2018-0357 be **APPROVED** with the following conditions:

1. The unimproved section of Nautica Drive shall be completed.
2. The parking lot access along Airport Center Drive associated with the Taco Bell shall be removed at the completion of Nautica Drive in accordance with MM-2008-24.
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 the subject site





Subject Property



Subject Property



**Retention to the north**



**Multi-family to the north**



**Commercial to the north of Nautica Drive right of way**



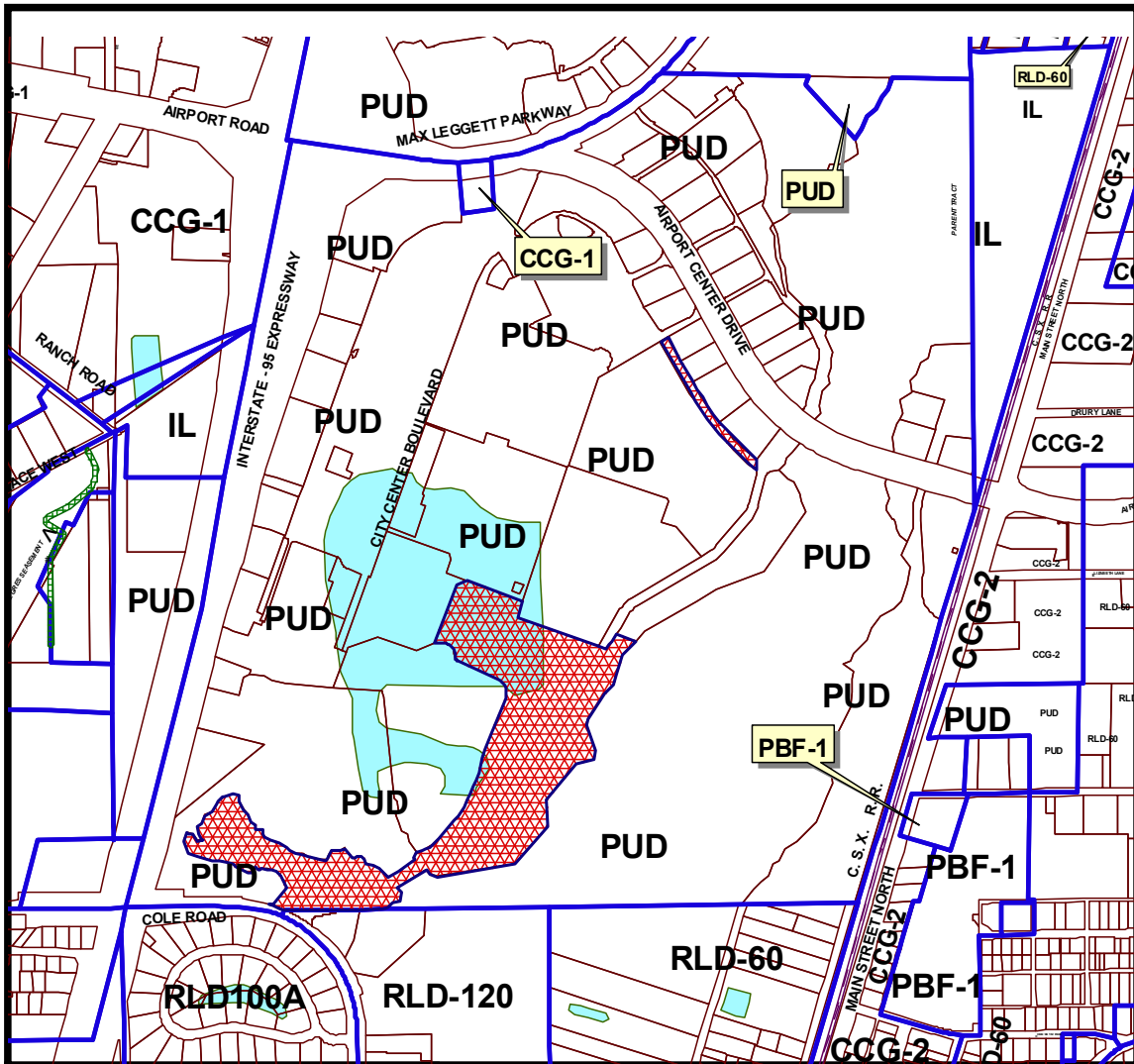
**Commercial to the north of Nautica Drive right of way**

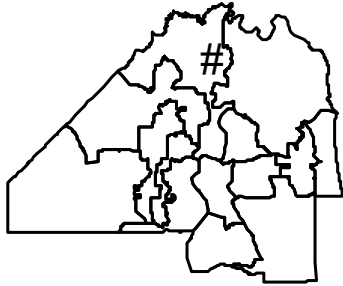


**Improved Nautica Drive to the west of unimproved section**



**Unimproved Nautica Drive Right of Way**



|                        |  |  |
|------------------------|--|--|
| <p>REQUEST SOUGHT:</p> |  | <p>N<br/>W E<br/>S</p>                 |
| <p>FROM: PUD</p>       |  | <p>0 100 Feet</p>                      |
| <p>TO: PUD</p>         |  | <p>COUNCIL DISTRICT:<br/><b>07</b></p> |
|                        | <p>TRACKING NUMBER:<br/>ORD 2018-0357</p>  | <p>Page 1 of 1</p>                     |