

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2018-447 TO

PLANNED UNIT DEVELOPMENT

AUGUST 23, 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 **2018-447** to Planned Unit Development.

Location: 13059 Gillespie Avenue between Airport Center Drive and Cathy Jo Drive

Real Estate Number(s): 107564-0000, 107568-0000, 107569-0000

Current Zoning District: Residential Low Density-60 (RLD-60)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)

Planning District: North, District 6

Applicant/Agent: Zach Miller, Esq.
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Jacksonville, Florida 32202

Owner: Henry G. Bachara, Jr., Bradley M. Bachara,
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Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Planned Unit Development **2018-447** seeks to rezone approximately 15.82 acres of land from RLD-60 to PUD. The rezoning to PUD is being sought so that the property can be developed with a maximum of 108 town homes. Approximately 6.5 acres will be preserved wetlands.

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 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 LDR functional land use category permits housing developments in a gross density range of up to seven (7) dwelling units per acre when full urban services are available to the site. The proposed PUD proposes a gross density of 6.8 dwelling units to the acre and will have full urban services available to the site. 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.

The uses provided herein shall be applicable to all LDR sites within the Suburban Area.

Principal Uses: Single family and Multi-family dwellings; Commercial retail sales and service establishments when incorporated into mixed use developments which utilize the Traditional Neighborhood Development (TND) concept and such uses are limited to 25 percent of the TND site area; and Other uses associated with and developed as an integral component of TND.

Secondary Uses: Secondary uses shall be permitted pursuant to the Residential land use introduction. In addition the following secondary uses may also be permitted: Borrow pits; Animals other than household pets; Foster care homes; Drive through facilities in conjunction with a permitted use; Assisted living facilities and housing for the elderly, so long as said facilities are located within three miles of a hospital and on an arterial roadway; 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, however logical extensions and expansions of preexisting commercial retail sales and service establishments are exempt from the roadway classification and intersection requirements.

The maximum gross density in the Suburban Area shall be 7 units/acre when full urban services are available to the site and there shall be no minimum density; except as provided herein.

The maximum gross density shall be 2 units/acre and the minimum lot size shall be half an acre when both centralized potable water and wastewater are not available. The maximum gross density shall be 4 units/acre and the minimum lot size shall be ¼ of an acre if either one of centralized potable water or wastewater services are not available.

(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): Low Density Residential (LDR). 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 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 Policy 1.3.5 The City shall require that access to new single-family residential parcels with frontage along two or more roadways be located in accordance with the following parameters:

1. If one of the roadways is unimproved, access to the parcel may be provided from the improved roadway,
2. If the roadways are of differing functional classes, then access to the parcel shall be provided from the roadway with the lower functional class only,
3. If the roadways are of the same functional class, then access shall be provided as follows:
 - a. In the case of redevelopment of existing parcels, from the roadway where the prevailing pattern of existing driveways are located; or
 - b. In the case of new subdivisions where no pattern currently exists, on the roadway with the lower average daily traffic (ADT) inclusive of development traffic.
4. Driveways should be on the same road on which the parcel is addressed and the front door of the home is located, except in the case of an entirely new planned unit development or traditional neighborhood development where rear entry drives are expressly contemplated.

The above parameters shall be followed unless it can be demonstrated in a professional traffic study submitted for review and approval to the Traffic Engineering Division and the JPDD, and with which the City staff agrees, that such access restrictions would either:

1. Present a safety hazard;
2. Would cause undue congestion or delay on adjacent road facilities;
3. Would cause environmental degradation; or
4. Would hinder adequate traffic circulation.

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.

Flood Zones

Approximately 2.45 acres of the subject site is located within the 0.2 PCT Annual Chance Flood Hazard and AE flood zones. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm of Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100-years. There is a 1-percent chance that a storm of this magnitude will occur in any given year. The PUD site plan indicates that no development will occur within the floodplain.

The 0.2 PCT Annual Chance Flood Hazard and AE flood zones are defined as:

0.2 PCT Annual Chance Flood Hazard – areas within the 500-year floodplain and outside of the SFHA. Flood insurance is not mandatory within these flood zones. The areas are deemed to be subject to moderate flood hazards.

AE - areas within the 100-year floodplain or SFHA where flood insurance is mandatory. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

Conservation /Coastal Management Element (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.

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.

Wetlands:

Review of City data indicates the potential existence of wetlands on the subject site and as such based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed rezoning should be evaluated with the Conservation/Coastal Management Element (CCME) wetlands policies.

CCME 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.

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

CCME Policy 4.1.3 The following performance standards shall apply to all development,

except public utilities and roadways, permitted within Category I, II, and III wetlands:

(a) Encroachment

In Category I, II, or III wetlands is the least damaging and no practicable on-site alternative exists; and

(b) No net loss

Development is designed and located in such a manner that there is no net loss to the wetland functions including but not limited to:

- i. The habitat of fish, wildlife and threatened or endangered species,
- ii. The abundance and diversity of fish, wildlife and threatened or endangered species,
- iii. The food sources of fish and wildlife including those which are threatened or endangered,
- iv. The water quality of the wetland, and
- v. The flood storage and flood conveyance capabilities of the wetland; and

(c) Floodplain protection

Buildings are built at an elevation of sufficient height to meet the designated flood zone standards as set forth by the Federal Emergency Management Agency. The design must be in conformance with Chapter 652 (Floodplain Regulations) of the Ordinance Code; and

(d) Stormwater quality

In the design and review of developments which will discharge stormwater into the Category I, II, or III wetlands the following performance standards shall be used to protect water quality:

- i. Issuance of a Management and Storage of Surface Waters permit pursuant to Chapter 40C-4 or 40C-40, F.A.C. or a stormwater permit issued pursuant to Chapter 40C-42, F.A.C., provides assurances necessary for compliance with subsections (i) - (iv) above provided the stormwater management system is constructed in accordance with the permit; and
- ii. Regular monitoring and maintenance program on an annual basis for the performance of stormwater treatment systems

(e) Septic tanks, drainfields and/or greywater systems are located outside the Category I, II, or III wetland area and not within 75 feet of the mean high water line of tidal bodies or within 75 feet of any wetland unless the Duval County Health Department grants a variance for a hardship case pursuant to the provisions of Section 381.0065, F.S. Where public utilities are available, development is required to connect to these facilities; and

(f) Hydrology

The design of the fill shall include measures to maintain the wetlands hydrology of the site.

CCME Policy 4.1.6 The permitted uses within Category III 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) Any use not otherwise listed below, provided all of the basic requirements outlined in Policy 4.1.3 above are met:

(a) Silvicultural uses, 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.

(b) Agricultural uses, provided the following standards are met: Best Management Practices: Agriculture Such activities are to be in compliance with Chapter 40C-44, F.A.C.

(2) Any use that 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.

(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:

Traffic and Pedestrian circulation patterns: The site is accessed from Gillespie Avenue, which is a local roadway as identified in the Road Links Status Report. The written description and site plan show an access to the proposed townhome development to the north.

The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: The site plan and written description indicates that open space will be provided. The site plan shows a recreational area located in the middle of the site. A retention pond is shown on the eastern boundary.

The use and variety of building setback lines, separations, and buffering: The applicant proposes the same development standards for the townhome development to the north. These setbacks are consistent with standards contained in Section 656.414 of the Zoning code.

Landscaping: According to the written description the property shall be developed in accordance with Part 12 of the Zoning Code; provided that the required perimeter landscaping may be relocated on the site to take advantage of views of natural wetlands.

The use and variety of building sizes and architectural styles: The written description lacks specificity as to the building sizes and architectural style.

The treatment of pedestrian ways: A sidewalk will connect the proposed townhome development to the north with the subject property. A sidewalk will also connect to Gillespie

Avenue.

The use of topography, physical environment and other natural features: The site plan indicates that approximately 4.9 acres of wetlands will be preserved on the southern portion of the site. This will be a significant buffer to the single family subdivision on the southern property line.

The use and variety of building groupings: The site plan depicts a standard townhome development on linear streets.

(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 where large residential lots are being combined and being developed for smaller lots. A townhome development at this location complements the existing hospital, 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	PUD (07-379)	Undeveloped (Proposed 102 townhomes)
South	LDR	RLD-60	Single family dwellings
East	LDR	RLD-60	Mobile home subdivision
West	LDR	RLD-60	Single family dwellings

(6) Intensity of Development

The proposed development is consistent with the LDR functional land use category as a townhome development, which is not to exceed 108 dwelling units. The PUD is appropriate at this location because it will support the existing offices, service establishments and hospital in the area.

The existing residential density and intensity of use of surrounding lands: A single family subdivision is being developed south of the subject property. There is an existing mobile home park to the east. The remaining area contains single family dwellings on a variety of lot sizes.

SCHOOL	CONCURRENCY SERVICE AREA	STUDENTS GENERATED	SCHOOL CAPACITY (Permanent/Portables)	CURRENT ENROLLMENT 20 Day Count (2017/18)	% OCCUPIED	4 YEAR PROJECTION
Oceanway ES #150	7	4	680	613	90%	96%
Oceanway MS #62	1	2	1,009	954	95%	100%
First Coast HS #265	7	2	2,212	1,989	90%	97%

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: the PUD will have access to Gillespie Avenue and Airport Center Drive through the proposed townhome development to the north. This will allow residents multiple routes to and from the development. The Traffic Engineer had the following comments. This section of Gillespie Avenue is a two lane road without curb and drainage swale on the west side. There is an existing sidewalk on the east side of Gillespie Avenue. Staff recommends including the first comment as a condition.

- Provide a traffic study to determine the need for a left and right turn into the development on Gillespie Avenue. Turn lanes shall be part of the development and meet FDOT standards if required.
- Provide sidewalk on the frontage on Gillespie Avenue.

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space and recreation area. There will be 150 square feet of recreation area per residential unit.

(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 wetlands on the property. 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

The project will contain a pedestrian system that meets the 2030 Comprehensive Plan. There is an existing sidewalk on the east side of Gillespie Avenue.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on August 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 **2018-447** be **APPROVED with the following exhibits:**

1. The original legal description dated May 24, 2018.
2. The original written description dated June 19, 2018.
3. The original site plan dated May 9, 2018.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2018-442** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. Provide a traffic study to determine the need for a left and right turn into the development on Gillespie Avenue. Turn lanes shall be part of the development and meet FDOT standards if required.
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.



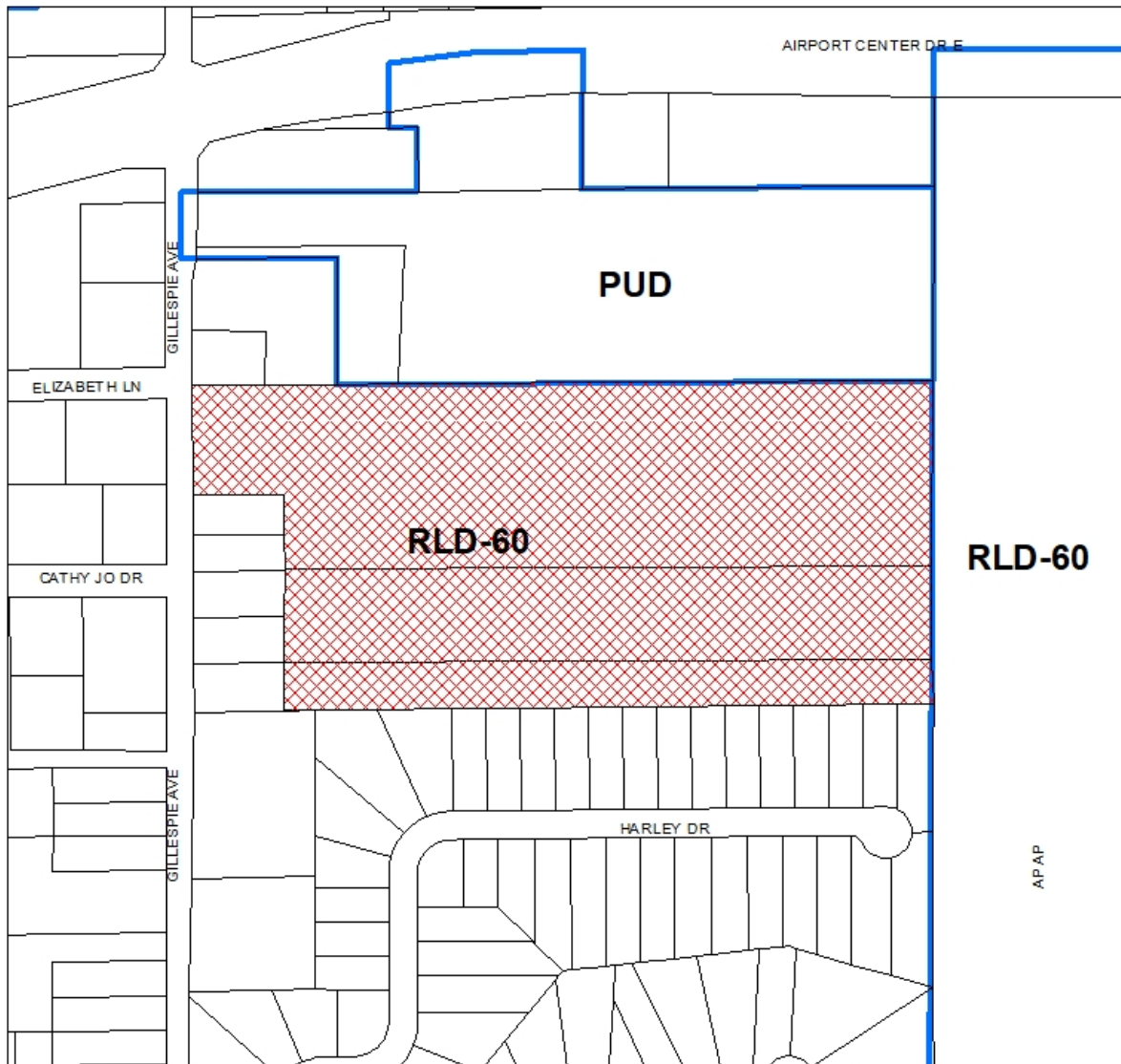
Entrance to subject property



Adjacent single family dwelling



Adjacent single family dwelling



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-60</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> <p>A small map showing the location of the site within a larger geographic area. A black dot indicates the site's location in the northern part of the area shown.</p>	<p>A north arrow pointing upwards. Below it is a scale bar with markings at 0, 95, 190, and 380 feet.</p>
	<p>APPLICATION NUMBER</p> <p>T-2018-1853</p>	<p>COUNCIL DISTRICT:</p> <p>7</p> <p>PAGE 1 OF 1</p>