REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING 2018-523 TO PLANNED UNIT DEVELOPMENT

SEPTEMBER 6, 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 2018-523 to Planned Unit Development.

Location: 0 Garden Street.

between Jones Road & Helmsdale Drive

Real Estate Number(s): 002894 0000

Current Zoning District: Planned Unit Development (PUD 2007-0084-E)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)

Planning District: Northwest, District 5

Applicant/Agent: Zach Miller, Esq.

Law Office of Paul M Harden 501 Riverside Avenue, Suite 901 Jacksonville, Florida 32202

Owner: Highland Chase, LLC.

James G. Barnett P.O. Box 48088

Jacksonville, Florida 32247

Staff Recommendation: APPROVE with CONDITIONS

GENERAL INFORMATION

Application for Planned Unit Development **2018-523** seeks to rezone approximately 167.71 acres of land from Planned Unit Development (PUD 2007-0084-E) to PUD. The rezoning to PUD is being sought so that the property can be developed with a single-family subdivision. The existing PUD allows for a maximum of 449 single-family dwellings. The proposed site plan and written description indicates a maximum of 458 single-family dwellings. Therefore, an overall addition of nine single-family dwellings would be allowed, if approved. Up to 360 lots would be 50 feet wide and 110 feet deep with a minimum lot area of 6,000 square feet with 50% lot coverage. The remaining lots would be 60 feet wide and 110 feet deep with a minimum lot area of 6,600 square

feet with 50% lot coverage. These lots would border the other residential properties to the south and west.

The current PUD, 2007-084-E, also allows 449 single-family lots, however, all of the lots were required to be a minimum 60 feet wide and a minimum lot area of 6,000 square feet with 40% lot coverage.

There is an affiliated Land Use Amendment, 2018-435 (L-5302-18A). The proposed LUA is for the wetlands portion of the development. The portions of the lot (002894 0000) not crosshatched in EXHIBIT 2 are the wetlands portion of the lot. The wetlands portion of the lot is approximately 28.87 acres. Those wetlands have been requested to be dedicated as Conservation (CSV) land.

PUD Ord. 2007-084-E was approved with the following conditions:

- a) Development shall proceed in accordance with the Traffic Engineering Division Memorandum dated February 7, 2007, the Transportation Planning Division Memorandum dated February 16, 2007, and as required in Figure 8 and Table 2 titled Recommended Road System Improvements in the Transportation 1 Analysis for Four Residential Developments and Road Improvement Plan in Northwest Jacksonville on file in the Planning and Development Department, or as otherwise approved by the Traffic Engineering Division and the Planning and Development Department.
- b) The maximum lot coverage shall not exceed 40%.
- c) One acre of active recreation area shall be provided per 100 lots. Such recreation area is subject to the review and approval by the Planning and Development Department.
- d) Prior to obtaining any building permits (including, but not limited to, site clearing or other horizontal construction permits) from the City of Jacksonville, and in no event, later than 5 years from the effective date of this ordinance, the property owner or agent shall provide the Planning Department with a letter from the Duval County School Board stating that one of the following conditions has been completed to the satisfaction of, and at no cost to, the Duval County School Board:
 - I. The Duval County School Board has received title to at least twenty (20) net useable acres within the Northwest Rural Master Planning Area (bounded by Old Kings Road to the east, Pritchard Road to the south, Cary State Forest and the City limits to the west, and a line 500 feet north of Plummer Road to the north) according to the flowing conditions:
 - A. The Duval County School Board shall be provided access to the property

for inspection prior to conveyance;

- B. Conveyance shall have been made by a special warranty deed;
- C. The Duval County School Board shall have received:
 - (i) Appraisal(s) in compliance with the SREF regulations promulgated by the State of Florida;
 - (ii) An owners' title insurance policy insuring the appraised value of the property, and insuring good and marketable title, with all standard schedule B-1 title exceptions deleted, and including only those schedule B-2 title exceptions approved by the Duval County School Board (Note: If such conveyance requires an amendment to the Stipulated Settlement Agreement regarding DOAH Case No. 03433GM, then such amendment shall be recorded in the public records of Duval County concurrent with the delivery of the special warranty deed to the Duval County School Board and no exception shall be provided in the owners' title policy.)
 - (iii) A current Environmental Site Assessment (within 6 months of the conveyance) showing no environmentally recognized condition;
 - (iv) A current boundary survey of the property certified to the Duval County School Board, the title company, and the title agent, showing jurisdictional wetlands (if any), and showing no encroachments or encumbrances that are not acceptable to the Duval County School Board and the title company.
- D. The property to be conveyed shall have the following local government entitlements running in favor of the Duval County School Board (as applicable), and the evidence of such entitlements shall be provided to the Duval County School Board concurrent with the conveyance:
 - (i) Classified as Public Buildings and Facilities on the City of Jacksonville Future Land Use Map and classified as Public Buildings and Facilities-2 (PBF-2) on the City of Jacksonville Zoning Map (or the functional equivalent if such designations are changed).
 - (ii) A Concurrency Reservation Certificate from the City of Jacksonville Concurrency Management System Office showing that the necessary public facilities and services to maintain the adopted level of service standards for all concurrency testing elements are available for use of the site as a high school (the most intense possible use) and, if necessary due to lack of capacity for transportation impacts, an executed and paid-in-full Fair Share Contract based upon use of the site as a high school. At the time of completion of construction on the school site, the Duval County School Board agrees to transfer any unused trips under the Fair Share Contract to each contributor to the Fair Share payment, proportionate to such contribution, at no charge to the contributors; OR,
- II. The Duval County School Board has received \$700,000.00 to use toward acquiring a school site within the Northwest Rural Master Planning Area (the "Funds"). The amount shall increase by 10% per annum on the anniversary of the effective date of

this ordinance. If the School Board can not acquire a school site in the Northwest Rural Master Planning Area within two (2) years of receipt of the Funds, then the Duval County School Board may elect to use the Funds to provide additional student stations in the Northwest Rural Master Planning Area.

e) If a school site or \$700,000 has not been received by DCSB for a period of one year after the effective date of this ordinance, any developer who wants to proceed to develop may pay into an escrow account established by the DCSB an amount equal to their pro-rata share of \$700,000 based on the aggregate maximum residential density allowed in the Rural Master Plan PUD, plus an additional \$100 per unit for the maximum residential density allowed by the PUD. This shall discharge their obligation to the DCSB and the amount, not to include the additional \$100 per unit, shall reduce the \$700,000 obligation by the other developers. In the event that the other developers prefer to provide a school site, they may still do so, subject to the conditions above. No refund shall be given to any developer; however, the DCSB must use the Funds to provide additional student stations in the Northwest Rural Master Planning Area."

Condition (a) is addressed by new conditions forwarded to Staff from Traffic Engineering and Transportation Planning. See conditions (d), (e), and (f) below.

Condition (b) will not be included as lot coverage standards in current code is 50% for lots of similar size in conventional zoning districts (RLD-50 and 60).

Condition (c) is addressed in the proposed Written Description as a requirement. It is already a requirement by standard code and the applicant has not asked for a deviation from that minimum requirement.

Duval County Public Schools has requested that all of conditions (d) and (e) be continued to the proposed PUD 2018-523.

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 <u>2030 Comprehensive Plan?</u>

Yes. The Planning and Development Department finds that if Ord. 2018-523 is approved, the subject property's Land Use category will be entirely 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. According to the category description of the Future Land Use Element (FLUE), the Low Density Residential (LDR) in the Suburban Area is intended to provide for low

density residential development. Permitted uses in the LDR land use category include: single family dwellings. The permitted uses included within the written description of the proposed PUD are consistent with the LDR land use category. 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.

The proposed PUD rezoning is not being driven by the need to create an allowed use within the PUD. The current PUD allows for single-family dwellings. The PUD is being proposed to increase the number of lots in the subdivision by decreasing the lot width of a majority of the lots from 60 feet wide to 50 feet wide. The overall difference in lots generated is nine (9) additional lots. Therefore, the current and proposed PUD are consistent with the 2030 Comprehensive Plan.

(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. Land Use & Zoning Committee and City Council 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 categories as identified in the Future Land Use Map series (FLUMs): Community General Commercial (CGC).

This proposed rezoning to Planned Unit Development is consistent with the <u>2030 Comprehensive Plan</u>, and furthers the following goals, objectives and policies contained herein, including:

Future Land Use Element:

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.

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 1.1.22

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 1.2.9

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.

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.

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.

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.

Recreation and Open Space Element

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 should be 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 300 foot Height and Hazard Zone for OLF Whitehouse Airfield. Zoning will limit development to a maximum height of less than 300', 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 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. 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.

Aquifer Recharge

The site is located within an area identified as being in the 0 to 4 inch per year aquifer recharge area. This range is below the threshold of 12 inches or more per year which would constitute a prime recharge area as defined in the Infrastructure Element – Aquifer Recharge Sub-Element (IE-AR). Prime aquifer recharge areas are the primary focus of groundwater resource protections. However, development resulting from the proposed land use amendment will be reviewed during the site plan review and permitting process for compliance with the land development regulations that have been established to protect groundwater resources. Such regulations address issues such as drainage systems, septic systems, and landscape/irrigation

regulations.

IE-AR Policy 1.2.8

Policy 1.2.8 Within two years of establishment by the SJRWMD and the Water Resources Management Plan of prime recharge areas for the Floridian Aquifer, the Planning and Development Department shall prepare maps of such designated areas showing the special zoning and land use consideration the City has established for such areas as designated by the latest update of the Floridian Aquifer Recharge GIS grid coverage.

Wetlands:

There are no wetlands on the application site since the legal boundaries for the wetland within the site were removed. There is an affiliated land use amendment that is changing the land use category of the wetlands from LDR to CSV; presently at the transmittal round. However, the proposed PUD does have an average wetland setback of 100 feet between wetlands and building lots.

(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. On August 15th, 2018 the CMMSO provided the following comment; Tarragon is currently in review with the CMMSO. It is currently under review for 458 single-family dwellings. The applicant/owner would either need to apply for a Mobility application to determine what the Mobility Fee would be, or pay for existing Fair Share (43431.0) that currently reserves 500 single-family homes for the property. If they choose to use the Fair Share, they would need to request that a Fair Share worksheet calculation be done to determine the fee that would need to be paid prior to permitting. Their other alternative is to file for a Mobility application to assess the amount that would be required to pay prior to permitting under the Mobility Fee.

The City Development Number is 7195.004/CCAS #97660.0: Garden Park Station Tarragon: Highland Chase.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a single-family subdivision, comprised of a mix of 50 feet wide (6,000 square feet) and 60 feet wide (6,600 square feet) lots. The maximum number of lots allowed in this development per the proposed PUD is 458. 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 PUD proposes to have a minimum of 4.58 acres of active recreation area as required by code (1 acre per 100 units). As part of the active recreation, an amenity center and pool shall be constructed on site.

The treatment of pedestrian ways: Sidewalks will be consistent with the 2030 Comprehensive Plan with sidewalks internal to the site and along Garden Street and Jones Road.

The use of topography, physical environment and other natural features: The site design of the subdivision was layout to preserve as much wetlands as possible. The developers purposefully excluded the wetlands in this PUD to convert the land use of the wetlands from LDR to CSV making that property protected and unbuildable.

The use and variety of building setback lines, separations, and buffering: Larger, minimum 6,600 square feet, lots are required to be located along the southern and western boarders of the property to be used as a buffer between Agricultural (AGR) zoning districts. Setbacks are consistent with smaller lot sizes in the conventional RLD Zoning Districts.

(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 residential uses are the main type of development. Most properties in the immediate area are currently developed with single-family dwellings. Future development in the are includes a new subdivision to the north along Garden Street. Subdivisions in the area include RLD-80, RLD-90, and a PUD (2002-1087-E) with a mix of lot sizes ranging from RLD-90 (9,900 square feet) to AGR (2.5 acres). This rezoning would allow the smallest lot sizes in the area but would add options to the area that meet the LDR-Suburban Area criteria.

The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning

and land use categories are as follows:

Adjacent	Land Use	Zoning	Current
Property	Category	District	Property Use
North	AGR IV	AGR & PUD 2002-1087-E	Borrow Pit & Single Family Subdivision
East	AGR IV	AGR	Single Family Dwellings
South	AGR IV	AGR	Wetlands
West	AGR IV	AGR	Single Family Dwellings

(6) Intensity of Development

The proposed development is consistent with the LDR functional land use category and is a single-use, single-family subdivision, which is not to exceed 458 dwelling units. The PUD is appropriate at this location because it will provide smaller lot size options in the area that are not currently available.

The availability and location of utility services and public facilities and services: The site will connect to JEA water and sewer. They will meet the JEA Design Standards in effect at the time of construction plan review.

The site is served by the following schools:

SCHOOL	CONCURRENCY SERVICE AREA	STUDENTS GENERATED	SCHOOL CAPACITY (Permanent/Portables)	CURRENT ENROLLMENT 20 Day Count (2017/18)	% OCCUPIED	4 YEAR PROJECTION
Dinsmore ES #45	1	76	683	513	75%	83%
Highlands MS #244	1	33	1,071	816	76%	86%
Ribault HS #96	1	43	1,683	1,466	87%	87%

- Does not include ESE & room exclusions
- Analysis based on 458 maximum dwelling units

Duval County Public Schools has recommended conditions (d) and (e) from Ordinance 2007-0084-E be extended to the proposed PUD Ordinance 2018-523.

The amount and size of open spaces, plazas, common areas and recreation areas: The PUD proposes to have a minimum of 4.58 acres of active recreation area as required by code (1 acre per 100 units). As part of the active recreation, an amenity center and pool shall be constructed on site.

The existence and treatment of any environmental hazards to the proposed PUD property or surrounding lands: The site is located within an area identified as being in the 0 to 4 inch per year aquifer recharge area. This range is below the threshold of 12 inches or more per year which would constitute a prime recharge area as defined in the Infrastructure Element – Aquifer Recharge Sub-Element (IE-AR). Prime aquifer recharge areas are the primary focus of groundwater resource protections. However, development resulting from the proposed land use amendment will be reviewed during the site plan review and permitting process for compliance with the land development regulations that have been established to protect groundwater

resources. Such regulations address issues such as drainage systems, septic systems, and landscape/irrigation regulations.

IE-AR Policy 1.2.8

Policy 1.2.8 Within two years of establishment by the SJRWMD and the Water Resources Management Plan of prime recharge areas for the Floridian Aquifer, the Planning and Development Department shall prepare maps of such designated areas showing the special zoning and land use consideration the City has established for such areas as designated by the latest update of the Floridian Aquifer Recharge GIS grid coverage.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: Garden Street, from Jones Road to Imeson Parkway, is a directly accessed functionally classified roadway. Garden Street is a 2-lane undivided collector in this vicinity and is currently operating at 10% of capacity. This Garden Street segment has a maximum daily capacity of 10,944 vpd and a 2017 daily traffic volume of 1,123 vpd. Jones Road, from Pritchard Road to Garden Street, is a directly accessed functionally classified roadway. Jones Road is a 2-lane divided Arterial in this vicinity and is currently operating at 17% of capacity. This Jones Road segment has a maximum daily capacity of 11,880 vpd and a 2017 daily traffic volume of 2,053 vpd.

This proposal is for 458 dwelling units of ITE Code 210 Single Family Detached Housing, which would generate 4,324 vpd.

(7) Usable open spaces plazas, recreation areas.

The PUD proposes to have a minimum of 4.58 acres of active recreation area as required by code (1 acre per 100 units). As part of the active recreation, an amenity center and pool shall be constructed on site.

(8) Impact on wetlands

There are no wetlands on the application site since the legal boundaries for the wetland within the site were removed. There is an affiliated land use amendment that is changing the land use category of the wetlands from LDR to CSV; presently at the transmittal round. However, the proposed PUD does have an average wetland setback of 100 feet between wetlands and building lots.

(9) Listed species regulations

LG² Environmental Solutions prepared the Listed Wildlife & Habitat Assessment Report on June 5, 2018. Three (3) gopher tortoise burrows were identified on the property during the site assessment on May 21, 2018. Prior to developing the property, FWC regulations require gopher tortoise burrow surveys and subsequent relocation efforts be performed by an authorized gopher tortoise agent. Following successful gopher tortoise relocation efforts, development of the subject

property is not likely to adversely affect this species.

(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.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on August 22, 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 2018-523 be APPROVED with the following conditions:

- a. The subject property is legally described in the original legal description dated May 7, 2018.
- b. The subject property shall be developed in accordance with the original written description dated July 31, 2018.
- c. The subject property shall be developed in accordance with the original site plan dated June 12, 2108.
- d. Provide an exclusive right turn lane on Garden street at Jones Road as recommended by the Traffic Study from Buckholz Traffic dated June 2018.
- e. Provide two approach lanes (right and left) on Jones Road at Garden Street as recommended by the Traffic Study from Buckholz Traffic dated June 2018.
- f. Provide an exclusive left turn lane on Garden Street at Jones Road as recommended by the Traffic Study from Buckholz Traffic dated June 2018.
- g. Prior to development of the subject property, documentation of a completed gopher tortoise burrow survey and proof of subsequent relocation efforts to be performed by an

authorized gopher tortoise agent, per FWC regulations, will be provided to COJ PDD.

h. 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.



Subject Property

Source: COJ, Planning & Development Department Date: 08/22/2018



Subject Property

Source: COJ, Planning & Development Department Date: 08/22/2018



Property to the north: Agricultural/Borrow Pit (9985 Garden Street)

Source: COJ, Planning & Development Department

Date: 08/22/2018



Property to the north: Single Family Subdivision (8003 Sierra Gardens Drive)

Source: COJ, Planning & Development Department

Date: 08/22/2018



Property to the east: Single Family Dwelling (7167 Jones Road)

Source: COJ, Planning & Development Department Date: 08/22/2018