

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING 2018-564 TO PLANNED UNIT DEVELOPMENT

SEPTEMBER 20, 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 **2018-564** to Planned Unit Development.

Location: 0 RG Skinner Parkway

Real Estate Number(s): Portions of 167761-3000;
167761-3100; 167761-3200

Current Zoning District: Community Commercial/General-1 (CCG-1)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Community/General Commercial (CGC)

Planning District: Southeast, District 3

Applicant/Agent: Ray Spofford
England-Thims & Miller, Inc.
14775 Old St Augustine Road
Jacksonville, Florida 32258

Owner: Greg Barbour
Eastland Timber, LLC
E Town Development Inc.
4314 Pablo Oaks Court
Jacksonville, Florida 32224

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Planned Unit Development **2018-564** seeks to rezone approximately 271.40 acres of land from CCG-1 to PUD. The rezoning to PUD is being sought so that the property can be developed as the commercial part of the master planned development known as ETown. This portion of the ETown development is a mix of commercial uses and residential uses consistent

with the 80-20 land use requirement in the 2030 Comprehensive Plan for the Community/General Commercial land use category.

The subject properties were previously rezoned from Commercial Office (CO) and Residential Rural-Acre (RR-Acre) to Commercial Community/General-1 (CCG-1) with Ordinance 2014-342-E.

Prior to submission of this PUD there was an Exception application (E-18-33) filed for the subject property (RE# 1677-61-3200) to allow for Multi-Family residential integrated with a permitted use. Planning Commission approved the request on May 17, 2018.

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 Community/General Commercial (CGC) 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. Principal uses within the CGC land use category include commercial retail sales and service establishments; restaurants; hotels and motels; offices; financial institutions; multi-family dwellings; commercial recreational and entertainment facilities; and similar uses. Residential uses shall not be the sole use and shall not exceed 80 percent of a development.

Further, the Category Description lists development characteristics which shall be applicable to all CGC sites within the Suburban Area. Developments on sites greater than 30 acres should incorporate urban development characteristics as defined in the FLUE. Residential uses shall not be permitted on the ground floor abutting roads classified as arterials or higher on the Functional Highway Classification Map. Developments shall, to the greatest extent possible, be massed along the highest abutting classified road. Uses shall be sited in a manner to promote internal circulation and ease of access between abutting uses and sites and to limit the number of driveway access points on roads classified as arterials.

Staff has reviewed the proposed PUD and finds that the permitted and permissible uses included within the written description are consistent with the CGC land use category and that the written description appears to provide for the development characteristics required by the FLUE.

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.

(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 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 2030 Comprehensive Plan, 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.

Policy 1.3.4

New development sites shall be required, wherever possible to share existing access points. The City will encourage new service drives or roads and connections to existing service drives or roads when deemed appropriate by the Traffic Engineering Division and JPDD. This policy is not to conflict with and will not exempt a developer from complying with landscape and tree protection regulations.

Policy 1.3.6

The City shall require that access to newly developed and redeveloped parcels, other than parcels zoned for or used for single-family dwellings, with frontage along two or more roadways be limited in order to protect performance of the City's transportation network. Access shall be limited to one per roadway with access from the higher functional class roadway or roadway with the higher average daily traffic being limited to right turn-in/right turn-out only. However, exemptions from this Policy may be granted by the Traffic Engineering Division and the JPDD where factors justify the exemptions. Factors to be taken into consideration for exemptions may include, but are not limited to: parcel size and road frontage; projected trip generation of a development; safety and congestion hazards; potential for delay on adjacent road facilities; environmental degradation; adequate traffic circulation; and/or elimination of existing access points.

Policy 1.3.7

Access for corner lots or parcels shall be located the greatest distance from the corner commensurate with property dimensions. For roadways having a functional classification of collector or higher, access shall not be less than 150 feet from the geometric centerline of intersecting roadways, 100 feet from the outside through lane, or commensurate with property dimensions, where the lot frontage is insufficient to meet these requirements, subject to the approval of the Traffic Engineering Division and JPDD.

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 3.2

Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas. Policies 3.2.1 The City

shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

Recreation and Open Space Element

Objective 2.2

The City's Land Development Regulations, through the Subdivision Ordinances or other Ordinances, shall ensure the provision of open space by private enterprise.

Policy 2.2.1

The City shall require that all new non-residential land uses, except in the Central Business District, provide a minimum of 10% of the property in open space.

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 issue and related goals, objectives and/or policies:

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 amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 60 Acres
General Location(s): Isolated pockets of wetlands throughout subject site, with a stretch of continuous wetlands along the south and west property lines. (See Wetlands Map below)

Quality/Functional Value: The wetland has a high functional value for water filtration attenuation and flood water capacity and has a direct impact on the City's waterways.

Soil Types/
Characteristics: (22) Evergreen-Wesconnett complex, depressional, 0-2% slopes – The Evergreen series consists of nearly level, very poorly drained soils. These soils formed in decomposed organic materials underlain by thick sandy marine sediments. They are in depressions. The soils are moderately slowly permeable to rapidly permeable. Generally, the high water table is at or above the surface for very long periods.

(32) Leon fine sand, 0-2% slopes – The Leon series consists of nearly level, poorly drained and very poorly drained, sandy soils. These soils formed in thick beds of marine sand. They are in flatwoods and tidal marshes. The soils are slowly permeable to moderately rapidly permeable. In areas in flatwoods, the high water table generally is at a depth of 6 to 18 inches. In tidal areas, the high water table generally is at or near the surface and the areas are flooded twice daily by fluctuating tides for very brief periods.

(35) Lynn Haven fine sand, 0-2% slopes – The Lynn Haven series consists of nearly level and gently sloping, very poorly drained, sandy soils. These soils formed in thick beds of sandy marine sediments. They are on flats and in seep areas on side slopes. The soils are moderately permeable and moderately rapidly permeable. Generally, the high water table is at or near the surface.

Wetland Category:	Category II and III
Consistency of Permitted Uses:	Conservation; Residential; Water-dependent/Water-related; and Silvicultural – all subject to CCME Policy 4.1.5 below.
Environmental Resource Permit (ERP):	Not provided by the applicant. However, according to the St. Johns River Water Management District, a permit has been issued for the site. ERP # 126414-6.
Wetlands Impact:	PUD site plan shows the wetlands area as being conserved as open space and remaining undeveloped.
Associated Impacts:	Flood zone AO (refer to flood zone section and map below)
Relevant Policies:	
<u>Conservation/Coastal Management Element</u>	
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 4.1.3	The following performance standards shall apply to all development, except public utilities and roadways, permitted within Category I, II, and III wetlands:

(1) Encroachment

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

(a) 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

(b) 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

(c) 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

(d) 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

(e) Hydrology

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

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 aerial 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 aerial 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 aerial extent of the vegetation outside the development area may be altered or removed; and

(b) Boat facilities siting and operation

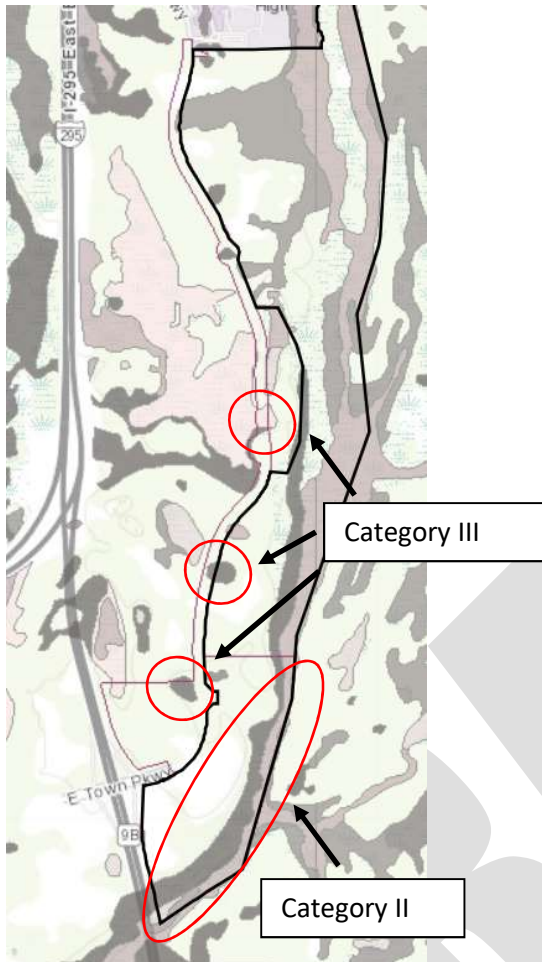
Boat facilities are further subject to Objectives 10.1, 10.2, 10.3, 10.5 and 10.6 and their related policies of this element.

- (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.

Wetlands Map



Flood Zone

Approximately 39 acres of the subject site is located within the AO flood zone. 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 AO flood zone is defined as an area of relatively shallow flooding within the 100-year floodplain or SFHA. Flood insurance is mandatory within the AO flood zone. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

Conservation /Coastal Management Element (CCME)

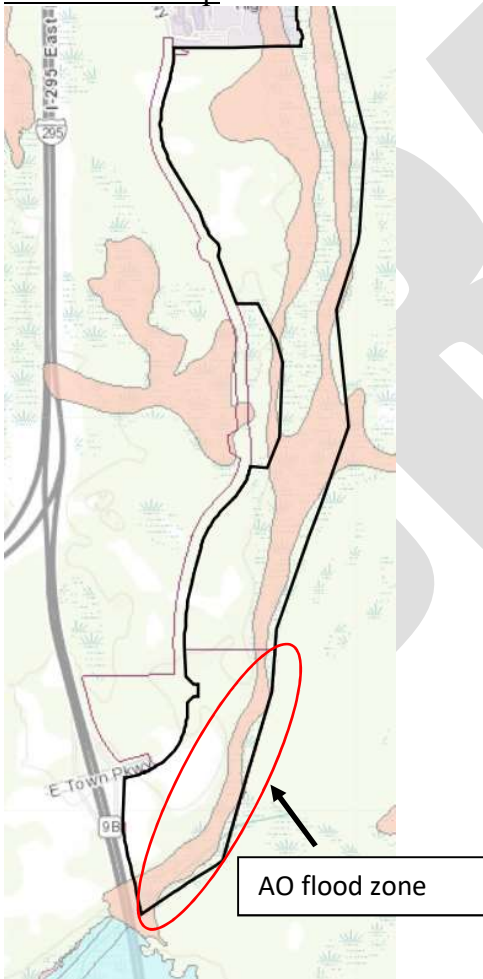
Policy 1.4.4 The City shall require all development within the 100-year flood plain to be in strict conformance with all applicable federal, State, regional and local development regulations.

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.

Flood Zone Map



(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. The CMMSO currently does not have a Mobility and Concurrency application for this phase of the ETown Project.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a multi-family and a mixed use 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 existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: The PUD contains a Conservation/Open Space area with their site plan and as its own section within the Written Description (Exhibit D). This section allows for conservation, open space, and passive and low intensity recreation uses such as; playgrounds, dog parks, nature trails, gardens, and boardwalks. The site plan provided shows an area for Conservation/Open Space along the southeastern property line where there are currently wetlands.

The treatment of pedestrian ways: The project will provide extensive pedestrian and bicycle connectivity and recreational trails internal to the site and along ETown Parkway for a pedestrian friendly community which supports the use of trails and low speed golf cart roads rather than vehicles.

The use and variety of building setback lines, separations, and buffering: The ETown Village Center portion of the master planned ETown is unique in the use of mixed use development, integrating multi-family units (apartment and townhomes) alongside commercial uses to promote a pedestrian and bicyclist friendly community. It is the goal of the development to create a community where people live, work, shop, and enjoy entertainment in one area.

Compatible relationship between land uses in a mixed use project: This mixed use project is located in the CGC Land Use Category which allows for a 80-20 mix of residential uses with allowed commercial uses. The proposed PUD allows for a variety of commercial, office and institutional uses with multi-family units (apartments and townhomes).

(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 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:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	LDR	RLD-40/50	Future ETown Residential
South	LDR	RR-Acre	Timberland
East	LDR	RR-Acre	Timberland
West	CGC/RPI/BP	CO/IBP/IL	Timberland

(6) Intensity of Development

The proposed development is consistent with the CGC functional land use category and is a mixed use master plan development, which will have several commercial, office, and institutional uses as well as multi-family options integrated with the site to create a modern village center.

The location of various proposed uses within the proposed PUD and the degree of compatibility of such uses with each other and with surrounding uses: The proposed PUD uses an integrated mixed-use concept where multi-family options (apartments and townhomes) and located along side commercial uses such as restaurants, offices, shopping, and hotels. This property is located near the county line with St Johns and in a largely undeveloped area. This development will be similar to the Nocatee planned development in St Johns County.

The availability and location of utility services and public facilities and services: City water and sewer connection will be required for the site.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The newly constructed ETown Parkway connections to Interstate 9B which connections to I-295 and I-95.

The amount and size of open spaces, plazas, common areas and recreation areas: The PUD contains a Conservation/Open Space area with their site plan and as its own section within the Written Description (Exhibit D). This section allows for conservation, open space, and passive and low intensity recreation uses such as; playgrounds, dog parks, nature trails, gardens, and boardwalks. The site plan provided shows an area for Conservation/Open Space along the southeastern property line where there are currently wetlands.

The site is served by the following schools:

SCHOOL	CONCURRENCY SERVICE AREA	STUDENTS GENERATED	SCHOOL CAPACITY (Permanent/Portables)	CURRENT ENROLLMENT 20 Day Count (2016/17)	% OCCUPIED	4 YEAR PROJECTION
Mandarin Oaks ES #161	5	284	1,072	1,047	98%	105%
Twin Lakes MS #253	5	124	1,462	1,212	83%	98%
Atlantic Coast HS #268	5	158	2,443	2,354	96%	103%

- Does not include ESE & room exclusions
- Analysis based on a **maximum 1,700** dwelling units

Due to the class size amendment, the capacity of Duval County schools is currently under review. The School Board, with the support of the planning and Development Department through the Joint Planning Committee of the Jacksonville City Council and the Duval County School Board, is working on addressing enrollment and capacity issues in several ways, including site acquisition. In addition, the School Board has options to address student enrollment at specific schools including boundary adjustment, changes in special assignments and adjustments to magnet programs.

(7) Usable open spaces plazas, recreation areas.

The PUD contains a Conservation/Open Space area with their site plan and as its own section within the Written Description (Exhibit D). This section allows for conservation, open space, and passive and low intensity recreation uses such as; playgrounds, dog parks, nature trails, gardens, and boardwalks. The site plan provided shows an area for Conservation/Open Space along the southeastern property line where there are currently wetlands.

(8) Impact on wetlands

The PUD contains a Conservation/Open Space area with their site plan and as its own section within the Written Description (Exhibit D). This section allows for conservation, open space, and passive and low intensity recreation uses such as; playgrounds, dog parks, nature trails, gardens, and boardwalks. The site plan provided shows an area for Conservation/Open Space along the southeastern property line where there are currently wetlands.

The written description states, "Any development impacting wetlands will be permitted pursuant to local, state and federal permitting requirements."

(9) Listed species regulations

Environmental Services Inc. prepared the Listed Wildlife & Habitat Assessment Report on February 8, 2018. Gopher tortoise were identified on the property during the site assessment. Florida Fish & Wildlife Conservation Commission (FWC) has issued gopher tortoise conservation permit numbers GTC-10-000214 and GTC-17-00244 for the relocation of gopher tortoises from the property. 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 written description for the PUD has provided its own parking requirements, which are generally consistent with Part 6 of the Zoning Code, but there are some use specific parking calculations that deviate from the Code. Staff has reviewed the requests and believes that the mixed use and overall shared parking aspect of a large scale mixed use master planned project will provide sufficient parking for the site.

(11) Sidewalks, trails, and bikeways

The project will provide extensive pedestrian and bicycle connectivity and recreational trails.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on **September 6, 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 2018-564 be **APPROVED with the following exhibits:**

1. The original legal description dated August 1, 2018.
2. The original written description dated August 1, 2018.
3. The original site plan dated August 1, 2018.