

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

**APPLICATION FOR REZONING ORDINANCE 2018-0750 TO**

**PLANNED UNIT DEVELOPMENT**

**DECEMBER 7, 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 **2018-0750** to Planned Unit Development.

***Location:*** 0 Western Way, between the I-95 expressway and Southside Boulevard (SR 115)

***Real Estate Number(s):*** 149208 0320

***Current Zoning District:*** Industrial Business Park (IBP)

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

***Current Land Use Category:*** Business Park (BP)

***Proposed Land Use Category:*** Medium Density Residential (MDR)

***Planning District:*** Southeast, District 3

***Applicant/Agent:*** Wyman R. Duggan, Esq.  
1301 Riverplace Boulevard, Suite 1500  
Jacksonville, FL 32207

***Owner:*** ACO Properties, Inc.  
503 Sherwood Road  
Shreveport, LA 71106

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

**GENERAL INFORMATION**

Application for Planned Unit Development **2018-0750** seeks to rezone approximately 11.47 acres of land from IBP to PUD. The rezoning to PUD is being sought so that the property can be developed with town homes. The town homes will be conveyed for fee simple ownership. There will be a maximum of 132 dwelling units in 33 buildings. The proposed development does not provide active recreation for residents, and does not meet the requirements for

minimum open space that would be required by the Zoning Code if the development was conventionally zoned.

The applicants have also filed a companion Land Use Amendment Application (Ord. 2018-0749 / L-5316-18C), which seeks to change the parcels Future Land Use Category from Business Park (BP) to Medium Density Residential (MDR).

### **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?*

The request is a rezoning from IBP to PUD in the Business Park (BP) functional land use category. The rezoning has a companion land use application, which has been filed to amend the BP category to Medium Density Residential (MDR). The proposed PUD is being sought to allow for multi-family residential uses.

According to the Category Descriptions identified within the FLUE, BP in the Suburban Area is intended to provide compact low to medium intensity office development. Development which includes low to medium density residential uses is preferred on sites located outside of areas identified as an Industrial Sanctuary.

MDR in the Suburban Area is intended to provide compact low to medium density mixed use development. Plan amendment requests for new MDR designations are preferred in locations which are supplied with full urban services and in locations which serve as transition between commercial and residential land uses. Multi-family dwellings are the principal use within this category; however, single-family dwellings are also a principal use when the predominant surrounding development typology within the MDR category is single-family.

The subject site is provided with centralized water and sewer and as such, the maximum gross density allowed shall be 20 units per acre. Based on the PUD written description, the total number of dwelling units allowed within the Westlake at Southside PUD shall not exceed 132 residential units, which is less than the maximum number of units allowed given the density of 20 units per acre. The permitted uses included within the written description of the proposed PUD are consistent with the MDR land use category. No wetlands have been identified at this location, and the subject site is not within any flood zone or Coastal High Hazard Area.

*(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): Business Park (BP). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series L-5316-18C (Ordinance 2018-0749) that seeks to amend the portion of land that is within the BP land use category to MDR.

If approved, the proposed Land Use Amendment will make the proposed rezoning consistent with the following goals, policies, and objectives of the 2030 Comprehensive Plan:

**Future Land Use Element:**

**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.

The proposed development is consistent with this policy because it uses a Planned Unit Development to create a tailor-made site plan and set of development standards to promote infill of an undeveloped parcel with a use complementary to nearby residential and commercial uses.

**Policy 1.1.2** 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.

The proposed development discourages urban sprawl by infilling an underutilized parcel rather than continuing outward expansion of the city's urban area.

**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.

The residential use proposed by this application is consistent with this goal because it will contribute to the balance of residential and non-residential uses in the area while enhancing the viability of the business park to the west and northwest of the subject site.

**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.

The proposed residential development helps to ensure that the City will maintain adequate residential land to accommodate an increasing population, and is therefore consistent with this objective.

**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.

While the proposed development will be of a similar nature to developments to the north and east in density, it is consistent with this policy because the townhomes will be individually owned on a fee-simple basis rather than collectively owned by a leasing company. They will therefore add to the variety of housing types available in the area.

**Objective 6.3** The City shall accommodate growth in Jacksonville by encouraging and facilitating new 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.

Approval of the proposed development will facilitate the use of bypassed land that has already been partially built out. The submitted site plan uses existing internal roadways, and will complete the buildout of the last remaining land in the Western Lake area.

However, the proposed development is **not** consistent with the following policies of the 2030 Comprehensive Plan:

**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.

**Policy 2.2.5** All multiple-family developments of 100 units or more shall provide 150 square feet of active recreation area per dwelling unit. There may be one area for each 100 units, or the areas may be combined, subject to the approval by the Planning and Development Department.

The submitted written description and site plan do not indicate the presence of any active recreation on the property, despite the 132 planned units being well over the number required to invoke this policy. During a pre-application meeting, Planning Department Staff informed the applicant that this requirement had not been met. Active recreation space is highly necessary in a development like that proposed, due to the high concentration of residential use, the lack of nearby public recreation facilities such as parks or playgrounds.

*(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:

The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: The open spaces and common areas provided by the proposed development are located such that access is as equal as possible among residents. The open space on the east side

of the property is centrally located among the largest concentration of buildings, while the open space on the northern border of the parcel's western portion is located such that it is equally shared by all buildings in that section.

Focal points and vistas: The buildings within the development are oriented such that most have a view either overlooking the lake to the north of the open space provided in the eastern portion of the development. Parking has been located that it aligns with existing roadways in the vicinity rather than spoiling views from the residences.

Traffic and pedestrian circulation patterns: The proposed development will utilize existing paved roads to allow for the circulation of traffic, and will add internal sidewalks for use by pedestrians within.

*(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 largely similar to, and therefore compatible with, the existing residential developments to the north and east. Although there are no proposed buffers between the residences and the existing business park to the west, there will be approximately 100 feet between the closest residence and the closest building in the commercial park.

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

| Adjacent Property | Land Use | Zoning | Current Use                            |
|-------------------|----------|--------|----------------------------------------|
| North             | MDR      | RMD-C  | Multi-family housing                   |
| South             | MDR      | RMD-C  | Southside Boulevard (SR 115) exit ramp |
| East              | MDR      | RMD-C  | Southside Boulevard (SR 115) exit ramp |
| East              | BP       | IBP    | Business Park                          |

*(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 132 dwelling units. The PUD is appropriate at this location because it will support the existing business park and residential uses in the area.

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 PUD is a single-use residential development. The uniformity of use across the whole development will make it more desirable as a place to live.

The existing residential density and intensity of use of surrounding lands: Existing residential density and intensity in adjacent or nearby developments is largely similar to that proposed by this PUD.

The amount and size of open spaces, plazas, common areas and recreation areas: The proposed development does not meet the requirements of the 2030 Comprehensive Plan, in that it provides no active recreation space for residents. Recreation area is essential for the wellbeing of residents, especially in a location like the one that is subject to this application, which is located far from any public parks and will have no pedestrian connectivity to roadways that are not completely within the development.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: Baymeadows Road (SR 152) from I-95 to Old Baymeadows Road (SR 152), and Southside Boulevard (SR 115) from Philips Highway to Belle Rive Boulevard are the directly accessed functionally classified roadways. Baymeadows Road (SR 152) is a 4-lane divided Arterial in this vicinity and is currently operating at 124.37% of capacity. This Baymeadows Road (SR 152) segment has a maximum daily capacity of 39,800 vpd and a 2017 daily traffic volume of 49,500 vpd. Southside Boulevard (SR 115) is a 6-lane divided collector in this vicinity and is currently operating at 87% of capacity. This Southside Boulevard (SR 115) segment has a maximum daily capacity of 39,800 vpd and a 2017 daily traffic volume of 34,671. This proposal is for 132 dwelling units of ITE 220 Multifamily (Low Rise), which would generate 966 vpd.

**The Transportation Planning Division recommends the following conditions for approval:**

1. This development is subject to mobility fee review.
2. Pursuant to Policy 4.1.5 of the Transportation Element of the 2030 Comprehensive Plan, the applicant must provide for the convenient and safe access by and securing of bicycles on site. The bicycle parking must be consistent with the requirements outlined in Part 6 of the Zoning Code.

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

The project does not indicate the provision of active recreation area in either the submitted written description or site plan. Adequate open space has been provided for the use of residents, but approval of the development without the requisite active recreation area for a development of this size would directly contradict the Zoning Code (Sec. 656.420). It would also create a residential development that is out of character with nearby developments, the nearest of which provides multiple pools and tennis courts. **Staff recommends the development be required to provide 150 square feet of active recreation area for each dwelling 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 not identify any wetlands on-site. However, 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 submitted site plan and written description show that parking is provided at a rate of 2 spaces per dwelling.

*(11) Sidewalks, trails, and bikeways*

The project will contain a pedestrian system for internal connectivity.

**SUPPLEMENTAL INFORMATION**

Upon visual inspection of the subject property on November 29, 2018, the required Notice of Public Hearing sign **were not** posted. The applicants have provided an affidavit stating the signs were posted on November 20, 2018 (attached).



## **RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2018-0750** be **APPROVED with the following exhibits:**

1. The original legal description dated September 27, 2018
2. The original written description dated September 21, 2018
3. The original site plan dated October, 2018

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2018-0750** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. The development shall comply with Section 656.420 of the Zoning Code and Policy 2.2.5 of the Recreation and Open Space Element of the 2030 Comprehensive Plan. Active recreation area shall be provided at a rate of 150 square feet per dwelling unit.
2. Amend part F. Parking and Loading Requirements of the written description. “The PUD may provide for more parking than is required, subject to review and approval by the Planning and Development Department.”
3. The development shall be subject to mobility fee review.
4. Pursuant to Policy 4.1.5 of the Transportation Element of the 2030 Comprehensive Plan, the applicant must provide for the convenient and safe access by and securing of bicycles on site. The bicycle parking must be consistent with the requirements outlined in Part 6 of the Zoning Code.
5. 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 site from Western Way**



**Existing monument sign next to entrance road**





**View across Western Lake toward east end of subject property**



**View east across Western Lake toward existing multifamily development from subject site entrance**





**Adjacent business park building**



**Existing roadway on site, with unpainted parking area**

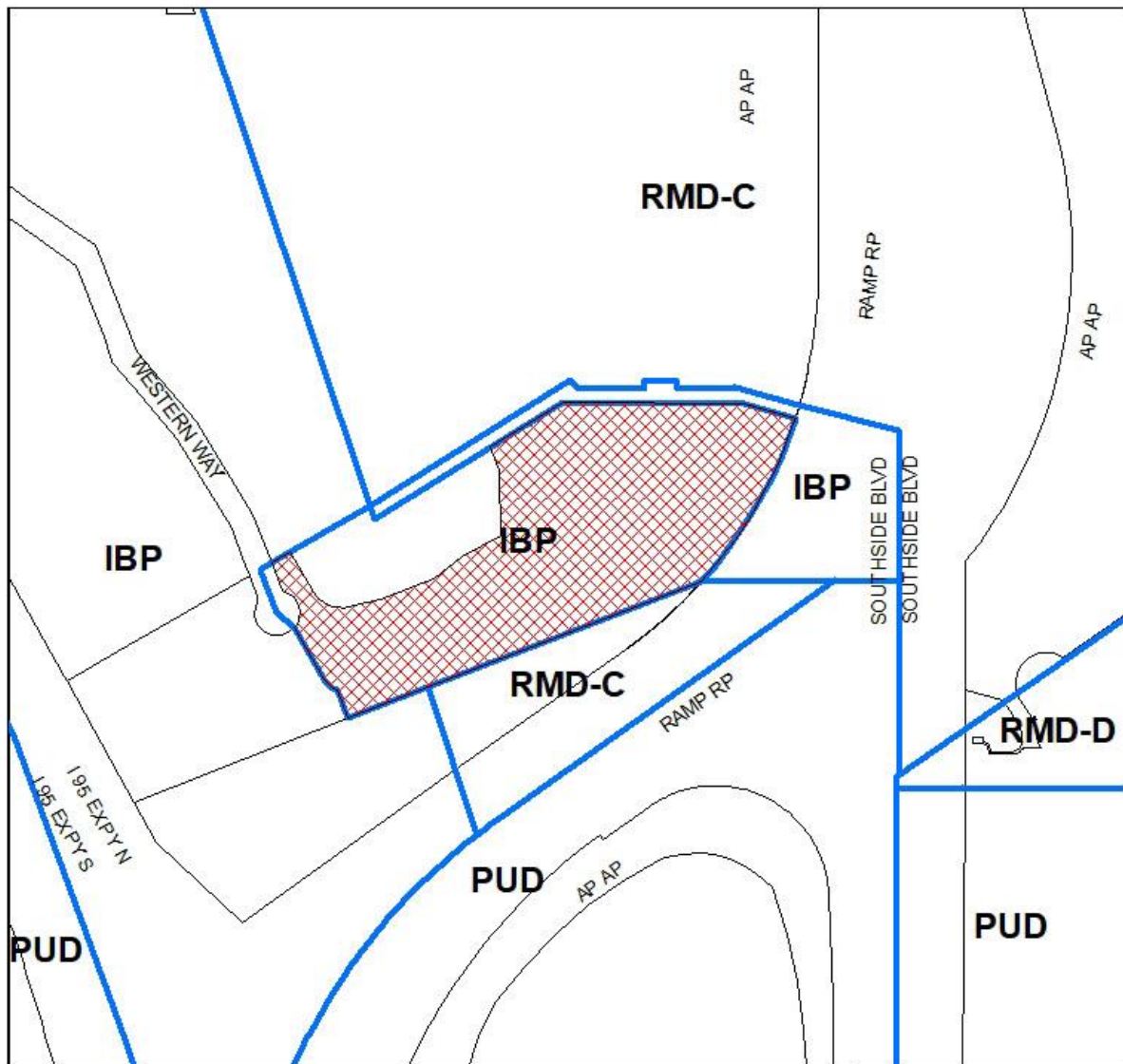


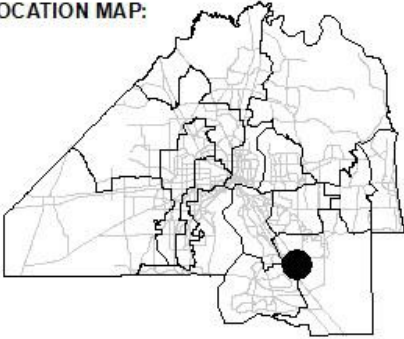
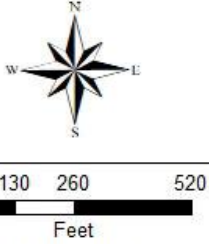


**Shared property line with existing multifamily development to the north**



**Facing west from rear of subject property toward entrance and Western Way**



|                                                                          |                                                                                                                  |                                                                                                                                     |
|--------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>REQUEST SOUGHT:</b></p> <p><b>FROM:</b> IBP<br/><b>TO:</b> PUD</p> | <p><b>LOCATION MAP:</b></p>  |  <p><b>COUNCIL DISTRICT:</b><br/><b>11</b></p> |
| <p><b>ORDINANCE NUMBER</b><br/><b>ORD-2018-0750</b></p>                  | <p><b>TRACKING NUMBER</b><br/><b>T-2018-2024</b></p>                                                             | <p><b>PAGE 1 OF 1</b></p>                                                                                                           |