

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2018-863 TO
PLANNED UNIT DEVELOPMENT

JANUARY 17, 2019

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 **2018-863** to Planned Unit Development.

Location: West of the terminus of Newcomb Road and Hemlock Road

Real Estate Number(s): 019449-0000

Current Zoning District: Planned Unit Development (PUD 2013-648)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)
Light Industrial (LI)

Planning District: North, District 6

Applicant/Agent: Paul Harden, Esq.
501 Riverside Avenue, Suite 901
Jacksonville, Florida 32202

Owner: Suncap Southeast Industrial Joint Venture, LLC
6101 Carnegie Boulevard, Suite 180
Charlotte, North Carolina 28209

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2018-863** seeks to rezone approximately 66.30 acres of land from PUD to PUD. The rezoning to PUD is being sought so that the property can be developed with solar panels. The PUD also includes the permitted uses from the existing PUD.

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) and Light Industrial (LI) functional land use categories as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. According to the Category Descriptions within the FLUE, the LI future land use category in the Suburban Development Area provides for the location of industrial uses, which have fewer objectionable impacts than Heavy Industrial (HI) on residential areas such as noise, odor, toxic chemical and wastes. LDR in the Suburban Area is intended to provide for low density residential development.

The solar farm use is considered an essential service and as such is permitted as a secondary use in both the LI and LDR land use categories. However, the written description of the PUD also lists uses and structures that would be permitted “in the event that no Solar Farm is constructed;” the uses listed are generally not allowed in the LDR land use category as a principle use or a secondary use in most cases. **In order for the rezoning to be consistent with both the LDR and LI land use categories, the PUD written description should be revised to limit the list of permitted uses found on page 2 of the written description to the portion of the subject site that is designated LI.**

(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): Low Density residential (LDR) and Light Industrial (LI). 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 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 1.2.9 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 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.

ROSE Policy 4.1.5 The permitted uses within Category 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): conservation uses, residential uses, water-dependent and water-related uses.

ROSE 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): Silvicultural uses, agricultural uses.

Review of City data indicates the potential existence of approximately 4.18 acres of wetlands on the subject site. There are 3 isolated pockets of wetlands on the subject site. One is located in the southwest of the site, one in the center, and one in the northeast section of the site.

The wetland (pockets in the center and northeast sections of the site) has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation, size and/or the lowering of the hydro-period due to nearby site grading or drainage/retention improvements. In addition, the wetland has no clear or significant impact on the City's waterways. The wetland (pocket in the southwestern portion of the site) is an isolated cypress swamp and is considered

to have a high functional value due to its water filtration attenuation and flood water storage capacity.

The PUD site plan does not show any development on the wetland pockets in the center and southwestern portion of the site. Based on the information, the proposed amendment are consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

(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 streetscape: Not applicable.

The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: Not applicable.

The use of existing and proposed landscaping: Not applicable.

The treatment of pedestrian ways: Not applicable.

Focal points and vistas: Not applicable.

The use of topography, physical environment and other natural features: According to the site plan, the solar panels will avoid encroaching in the existing wetlands.

Traffic and pedestrian circulation patterns: Access will be from Newcomb Road. There will be drives for maintenance vehicles interior to the site.

The use and variety of building setback lines, separations, and buffering: Small maintenance buildings for equipment will be constructed.

The use and variety of building groupings: Not applicable.

The use and variety of building sizes and architectural styles: Not applicable.

The use and variety of materials: Not applicable.

The separation and buffering of vehicular use areas and sections of vehicular use areas: The vehicular use areas will be for maintenance employees only. No public is expected.

The variety and design of dwelling types: Not applicable.

The particular land uses proposed and the conditions and limitations thereon: The written description allows the proposed solar farm and other warehousing distribution and commercial uses. It is expected these uses are compatible and will not create any significant adverse impacts with each other.

The form of ownership proposed for various uses: Not applicable.

Compatible relationship between land uses in a mixed use project: Not applicable.

(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 a rural area that is zoned for industrial warehousing and distribution uses. A solar farm is appropriate at this location due to its low impact to roads and vehicular traffic.

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 / LI	PUD (13-648)	Undeveloped
South	LDR	PUD (02-572)	Undeveloped, proposed single family
East	ROS	ROS	Flamingo Lakes RV Park
	RR	RR-Acre	Single family dwellings
West	RR	PUD (05-1105)	Undeveloped
	RR	PUD (05-1158)	Undeveloped

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of lands surrounding the proposed PUD which includes any existing or planned use of such lands: The existing PUD contained many limitations and conditions to protect the adjacent property owners from potential negative impacts.

Limitations on permitted and permissible uses by exception: All of the permitted and permissible uses by exception in the IL Zoning District, other than outside storage shall be conducted within an enclosed building.

A ten foot (10') berm shall be constructed along the property line where the site adjoins the Flamingo Lake RV Park property (hereafter "Flamingo Lake property"). No buildings shall be constructed within one hundred eighty-five (185) feet of the property line with the Flamingo Lake property. Truck loading bays shall not be oriented eastward towards the Flamingo Lake property. The owner shall construct an 8-foot-high, solid face, uninterrupted wall, parallel to the Flamingo Lake property line at the location not less than 75 feet from the Flamingo Lake property line. The area between the Flamingo Lake property line and the wall to be constructed shall remain in its current state. To allow for maintenance of the buffer area, the wall may not end more than 300 feet from the south property line of the project. There shall be no truck parking or traffic within the 185-foot setback between Flamingo Lake property and any buildings; however, automobile parking and traffic shall be allowed.

Access, internal and external road activities and other traffic approvals shall be as shown on the conceptual site plan. The final design of the access locations, internal and external road activities and traffic matters shall be subject to the review and approval of the Planning Department; however, there shall be no access to the site from Hemlock Street or Newcomb Road. Access shall be from the access road to the north of the site as depicted on the site plan. Prior to the verification of substantial compliance of the PUD, a traffic study shall be provided for the review and approval of the Planning and Development Department. All off-site roadway improvements, other than those considered a part of the fair share development agreement, must be completed prior to the issuance of a certificate of occupancy.

All light fixtures, including security lighting, shall be cutoff fixtures and should be incorporated as an integral design element that complements the design of the building and project through its design style, materials, and color. All cutoff fixtures shall not have more than one percent of lamp lumens above the horizontal. All sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels at the property line shall not exceed one-half footcandle where adjacent to residential areas or rights-of-way, and one footcandle where adjacent to nonresidential uses. A lighting plan showing the photometrics, pole height and fixtures shall be submitted, subject to the review and approval of the Planning and Development Department, at the time of verification of substantial compliance to the PUD.

Prior to final engineering approval, all remaining portions of the remaining property under PUD Ordinance 2005-543-E, currently owned by the applicant and identified as parcel 2 and parcel 3 on the legal description shall be recorded as a conservation easement in a form acceptable to the Office of General Counsel and the City shall initiate a Future Land Use Map Amendment to

Conservation (CSV). No improvements, other than required utilities, storm water ponds, and the entrance road, shall be permitted.

(6) Intensity of Development

The proposed development is consistent with the LDR and LI functional land use categories as an industrial development. 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: There are single family dwellings on large lots to the east and there is a proposed expansion of Dunns Crossing subdivision to the south. However there is a 250 foot wide JEA easement between the properties which should assist to screen the proposed solar farm.

The availability and location of utility services and public facilities and services: JEA has indicated there is no objection for the proposed development.

The amount and size of open spaces, plazas, common areas and recreation areas: Not applicable.

The use of energy-saving techniques and devices, including sun and wind orientation: The intent of the development is to generate electricity through renewable resources.

The existence and treatment of any environmental hazards to the proposed PUD property or surrounding lands: Not applicable.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The intended plan of development is to access the site from Newcomb Road. After the proposed solar farm is constructed, the number of vehicles is expected to be minimal.

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

The project will be developed with the required amount of open space. No recreation area is required.

(8) Impact on wetlands

Review of City data indicates the potential existence of approximately 4.18 acres of wetlands on the subject site. There are 3 isolated pockets of wetlands on the subject site. One is located in the southwest of the site, one in the center, and one in the northeast section of the site.

The wetland (pockets in the center and northeast sections of the site) has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation, size and/or the lowering of the hydro-period due to nearby site grading or drainage/retention improvements.

In addition, the wetland has no clear or significant impact on the City's waterways. The wetland (pocket in the southwestern portion of the site) is an isolated cypress swamp and is considered to have a high functional value due to its water filtration attenuation and flood water storage capacity. The PUD site plan does not show any development on the wetland pockets in the center and southwestern portion of the site.

(9) Listed species regulations

The wildlife survey performed by Environmental Services, Inc. did not observe any endangered or threatened 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 January 4, 2019, 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 **2018-863** be **APPROVED with the following exhibits:**

1. The original legal description dated August 21, 2018.
2. The original written description dated August 31, 2018.
3. The original site plan dated August 31, 2018.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2018-863** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

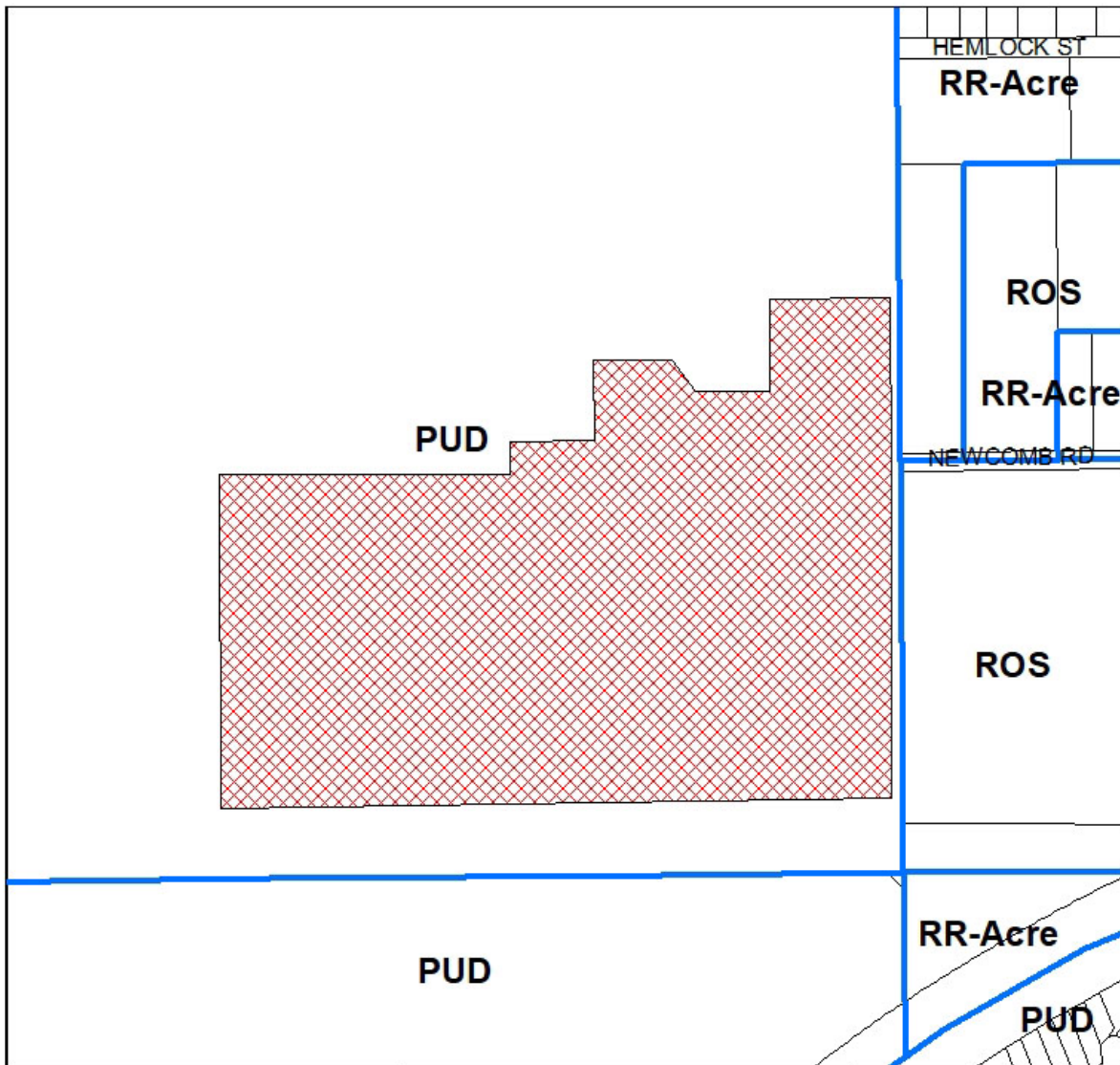
1. If the Written Description is not revised to delete all uses except the solar farm, the following conditions shall apply.
 - i. All permitted and permissible uses by exception, other than outside storage shall be conducted within an enclosed building
 - ii. A ten foot (10') berm shall be constructed along the property line where the site adjoins the Flamingo Lake RV Park property (hereafter "Flamingo Lake property". No buildings shall be constructed within one hundred eighty-five (185) feet of the property line with the Flamingo Lake property. Truck loading bays shall not be oriented eastward towards the Flamingo Lake property. The owner shall construct an 8-foot-high, solid face, uninterrupted wall, parallel to the Flamingo Lake property line at the location not less than 75 feet from the Flamingo Lake property line. The area between the Flamingo Lake property line and the wall to be constructed shall remain in its current state. To allow for maintenance of the buffer area, the wall may not end more than 300 feet from the south property line of the project. There shall be no truck parking or traffic within the 185-foot setback between Flamingo Lake property and any buildings; however, automobile parking and traffic shall be allowed.
 - iii. Access, internal and external road activities and other traffic approvals shall be as shown on the conceptual site plan. The final design of the access locations, internal and external road activities and traffic matters shall be subject to the review and approval of the Planning Department; however, there shall be no access to the site from Hemlock Street or Newcomb Road. Access shall be from the access road to the north of the site as depicted on the site plan. Prior to the verification of substantial compliance of the PUD, a traffic study shall be provided for the review and approval of the Planning and Development Department. All off-site roadway improvements, other than those considered a part of the fair share development agreement, must be completed prior to the issuance of a certificate of occupancy.
 - iv. All light fixtures, including security lighting, shall be cutoff fixtures and should be incorporated as an integral design element that complements the design of the building and project through its design style, materials, and color. All cutoff fixtures shall not have more than one percent of lamp lumens above the horizontal. All sag lenses, drop lenses and convex lenses shall be prohibited. Illumination levels at the

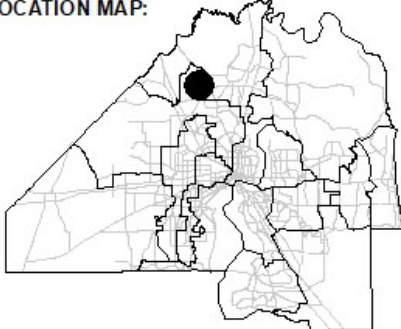

property line shall not exceed one-half footcandle where adjacent to residential areas or rights-of-way, and one footcandle where adjacent to nonresidential uses. A lighting plan showing the photometrics, pole height and fixtures shall be submitted, subject to the review and approval of the Planning and Development Department, at the time of verification of substantial compliance to the PUD.

- v. Prior to final engineering approval, all remaining portions of the remaining property under PUD Ordinance 2005-543-E, currently owned by the applicant and identified as parcel 2 and parcel 3 on the legal description shall be recorded as a conservation easement in a form acceptable to the Office of General Counsel and the City shall initiate a Future Land Use Map Amendment to Conservation (CSV). No improvements, other than required utilities, storm water ponds, and the entrance road, shall be permitted.
2. The PUD written description shall be revised to limit the list of permitted uses found on page 2 of the written description to the portion of the subject site that is designated Light Industrial (LI).
3. Prior to construction, applicant shall hold a pre-planning meeting with Development Services to provide for the protection of existing roadway facilities and tree canopy preservation on Newcomb Avenue during the construction phase.
4. This development is subject to mobility fee review.
5. Access to the site via Lem Turner Road shall be subject to FDOT access management guidelines.
6. 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 site.



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	 <p>0 180 360 720</p> <p>Feet</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2018-0863</p>	<p>TRACKING NUMBER</p> <p>T-2018-2018</p>	<p>COUNCIL DISTRICT:</p> <p>8</p> <p>PAGE 1 OF 1</p>