

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2019-0073 TO**  
**PLANNED UNIT DEVELOPMENT**

**MAY 9, 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 **2019-0073** to Planned Unit Development.

***Location:*** 0 San Pablo Parkway and 0 San Pablo Road  
Between Beach Boulevard and Sam Yopez Road

***Real Estate Numbers:*** 167069-0035 and 167452-0300

***Current Zoning Districts:*** Planned Unit Development (PUD 2002-0920-E)

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

***Current Land Use Category:*** Residential-Professional-Institutional (RPI)

***Proposed Land Use Category:*** Community/General Commercial (CGC)

***Planning District:*** 3-Southeast

***Applicant/Agent:*** Paul M. Harden, Esq.  
Law Office of Paul M. Harden  
501 Riverside Avenue, Suite 901  
Jacksonville, FL 32202

***Owners:*** Jed Davis  
Estuary, LLC  
P.O. Box 19366  
Jacksonville, Florida 32245

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

**GENERAL INFORMATION**

Application for Planned Unit Development **2019-0073** seeks to rezone approximately 39.70± acres of land from PUD to PUD. The rezoning to a new PUD is being sought in order to allow for a mixed-use development.

There are two (2) companion Small Scale Land Use Amendments L-5329-18C (**Ordinance 2019-0072**) and L-5330-18C (**Ordinance 2019-0074**) that seek to amend a combined 14.18± acres of land on the property Residential-Professional-Institutional (RPI) from Community/General Commercial (CGC). Both ordinances were approved and enacted on March 26, 2019.

Staff has made several documented attempts to contact the applicant about the proposed development's inconsistency with its land use applications. No response was provided. **Currently, the applicant maintains a burden in proving the proposed rezoning is consistent with the functional land use category identified in the Future Land Use Map series of the Future Land Use Element, but instead demonstrates a point of conflict with the goals, objectives and policies of the 2030 Comprehensive Plan. Therefore, Staff forwards to you a recommendation for approval that is contingent upon the applicant submitting a revised written description and site plan.**

Although this request comprises 39.70± acres of rezoning, an additional 40.26± acres of land should be considered via **Rezoning Ordinance, 2019-0077**, which is an adjacent rezoning (see **Figure A**) filed by the applicant for the development of 254 townhome units and general commercial uses. Therefore, this application should be holistically reviewed in relation to the current rezoning request and the potential impact all five parcels will have on the San Pablo Parkway corridor and surrounding residential uses.

The current PUD, **2002-0920-E**, allows for a mixed-use development. Both parcels have remained undeveloped. Nonetheless, **2002-0920-E** was enacted on October 8, 2002 with the following conditions:

- (a) Any single retail use shall not exceed 15,000 square feet of enclosed area or, otherwise, shall require approval of a minor modification to the PUD.
- (b) The development shall meet the requirements outlined in the Department of Public Works, Traffic Engineering Division, pursuant to memorandum dated September 19, 2002, attached hereto as **Exhibit C**, and regarding transportation improvements, or as otherwise approved by the same.
- (c) A car wash shall only be permitted as an accessory use.

**The Planning and Development has reviewed the conditions of the enacted ordinance and forwards the following comments:**

**Condition (a) is being recommended by Staff to maintain consistency and compatibility with the surrounding residential uses and Ordinance 2019-0077.**

**Condition (b) is not being recommended by Staff for this report as the Traffic Engineering Division has submitted new comments for the proposed development, which are newly conditioned later in this report. Additionally, Public Works has not submitted any comments.**

**Condition (c) is being recommended by Staff to maintain consistency and compatibility with the surrounding residential uses and Ordinance 2019-0077.**

### **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.

### **STANDARDS, CRITERIA AND FINDINGS**

Pursuant to Section 656.125 of the Zoning Code, an applicant for a proposed rezoning bears the burden of proving, by substantial competent evidence, that the proposed rezoning is consistent with the City's comprehensive plan for future development of the subject parcel. In determining whether a proposed rezoning is consistent with the 2030 Comprehensive Plan, the Planning and Development Department considers several factors, including (a) whether it is consistent with the functional land use category identified in the Future Land Use Map series of the Future Land Use Element; (b) whether it furthers the goals, objectives and policies of the Comprehensive Plan; and (c) whether it conflicts with any portion of the City's land use regulations. Thus, the fact that a proposed rezoning is permissible within a given land use category does not automatically render it consistent with the 2030 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

#### ***(A) Is the proposed zoning district consistent with the 2030 Comprehensive Plan?***

The PUD is inconsistent with the land use categories since the location of the permitted uses are not clearly identified in the area of the PUD identified as Tract 1 in the written description. Tract 1 is identified as commercial, institutional, and multi-family. This area has a land use of CGC and RPI. Some uses listed under Tract 1 are not consistent with the RPI land use category. They are: hotels and motels, drive through and drive ups for financial institutions. (see Permitted uses a. ii and vi in the PUD written description) In addition, the PUD must meet the requirement of mixed uses within the RPI land use category. This also means the following development characteristics shall be applicable:

- Developments on sites greater than 5 acres should incorporate urban development characteristics as defined in this element.
- Residential uses shall not be permitted on the ground floor abutting roads classified as arterials or higher on the Functional Highway Classification Map.
- Commercial retail sales and service establishments shall be limited to the ground floor.
- Developments shall, to the greatest extent possible, be massed along the highest abutting classified road on the Functional Highway Classification Map. In the case of TND, developments should also be massed along the newly created street network.

- Uses shall be sited in a manner to promote internal pedestrian and vehicle circulation and ease of access between abutting uses and sites and to limit the number of driveway access points on roads classified as arterials on the Functional Highway Classification Map.

There are two (2) companion Land Use Amendments to this application, which seek to change a combined 14.18± acres of the PUD site from Residential-Professional-Institutional (RPI) to Community General/Commercial (CGC).

Therefore, Staff finds the proposed rezoning to be inconsistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 Comprehensive Planning for Future Development of the Zoning Code.

***(B) Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?***

This proposed rezoning to Planned Unit Development is inconsistent with the 2030 Comprehensive Plan, and conflicts with the following goals, objectives and policies contained herein, including:

**Future Land Use Element (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 may be permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

The applicant has submitted several differing JEA Availability Letters. Nonetheless, the proposed Suburban Area development must connect to City water and sewer.

**Policy 1.3.8**

The City shall require through the development review process, the interconnections of land uses in order to reduce the need for trip generation and encourage alternative methods of movements. The development review criteria shall include provisions for convenient on-site traffic flow, considering need for vehicular traffic.

Based on the vague conceptual bubble plan, the policy mentioned above cannot be verified given the lack of detail on interconnectivity.

**Objective 6.3**

The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill 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.

The subject properties are not underutilized. The PUD entitled and enacted in 2002 allowed for the development of residential, professional and institutional uses, which were deemed compatible with the surrounding residential area.

### **Recreation and Open Space Element**

#### **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 approval by the Planning and Development.

In accordance with the policy mentioned herein, any multi-family dwelling development, will provide active recreation/amenities at a ratio minimum of 150 square feet per dwelling unit.

#### ***(C) 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 development does conflict with portions of the City's land use regulations.

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): Residential-Professional-Institutional. There are two (2) companion Applications for Small-Scale Land Use Amendments to the Future Land Use Map Series L-5329-18C (**Ordinance 2019-0072**) and L-5330-18C (**Ordinance 2019-0074**) that seeks to amend a portion of the subject property within the RPI land use category to CGC land use. Nonetheless, Staff finds the proposed rezoning to Planned Unit Development to be inconsistent with the 2030 Comprehensive Plan, but instead violate the following goals, objectives and policies contained herein, as previously evaluated in Criteria (B).

#### ***(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. Therefore, the applicant/agent/owner will need to apply for Concurrency/Mobility and a CCAS/CRC application so it can be reviewed/assessed by CMMSO as well as be reviewed by

Transportation Planning for this proposed project prior to permitting/plan submittal with the City of Jacksonville.

### ***(3) Allocation of residential land use***

This proposed Planned Unit Development intends to utilize the subject parcels for a mixed-use development. Moreover, 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 generally consistent with the internal compatibility factors. An evaluation of the internal compatibility of a proposed Planned Unit Development is based on the following factors:

**The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas:** The site plan and written description indicates that 0.81± acres of land will be provided for active recreational space. According to the site plan, the amenities will be situated between two (2) of the residential buildings. The applicant has also stated that recreation/amenities may include playgrounds, fitness centers, a pool, or cabana/club house.

**The use of existing and proposed landscaping:** A bubble plan was provided for the site plan. Landscaping will comply with Part 12 of the Zoning Code with minor allowances for driveway widths and landscaped islands.

**The treatment of pedestrian ways:** Based on the conflicting written description and conceptual bubble plan (both dated December 21, 2018), Staff cannot verify whether the proposed development will a pedestrian system that meets the 2030 Comprehensive Plan. Furthermore, the applicant states in the written description that “internal pedestrian/bicycle circulation paths shall be provided as shown on the PUD site plan.” However, no internal pedestrian are depicted on the site plan. Staff recommends this discrepancy be resolved prior to approval and enactment by City Council.

**Traffic and pedestrian circulation patterns:** As demonstrated on the attached site plan, the proposed traffic circulation system will be serviced using San Pablo Parkway, Sam Yepez Road, and San Pablo Road.

San Pablo Parkway, from Beach Boulevard to WM Davis Parkway/Port Arthur Road, is the directly accessed functionally classified roadway. San Pablo Boulevard is a 4-lane divided arterial roadway in this vicinity and is currently operating at 89% of capacity. This San Pablo Boulevard segment has a maximum daily capacity of 36,700 vpd and a 2017 daily traffic volume of 32,792 vpd.

This proposal includes several under-defined use types and must be evaluated by staff to determine accurate trip generation.

#### ***(5) External Compatibility***

Based on the written description of the intended plan of development and bubble plan, the Planning and Development Department finds that external compatibility may be achieved by the following:

**The type, number and location of surrounding external uses:** The proposed development is located between Beach Boulevard and Sam Yopez Road where residential dwellings are the predominate use along the San Pablo Road corridor. Although being developed for mixed use, the subject site does have an opportunity to preserve the residential character of the area by offering a scalable, transitional mix of light intensive commercial and office-based uses.

Nonetheless, the adjacent uses, zoning and land use categories are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Property Use</b>
North	MDR	RMD-A	Retention Pond
South	MDR/RPI	PUD/RMD-A	Undeveloped
East	MDR/CGC/BP	RMD-C/PUD/IBP	Undeveloped (Ordinance 2019-0077)
West	MDR	RMD-D	Multi-Family Dwellings

#### ***(6) Intensity of Development***

The proposed development is inconsistent with the RPI and CGC functional land use categories. Moreover, commercial uses listed within the boundaries of the RPI land use are not consistent in terms of intensity.

**The location of various proposed uses within the PUD and the degree of compatibility of such uses with each and with surrounding uses:** If sufficient buffering is provided between the residential uses and the commercial uses, then some degree of compatibility with the proposed uses would be achieved.

**The availability and location of utility services and public facilities and services:** The subject site will be serviced by JEA for city water and sewer.

#### **School Capacity:**

Based on the applicant's land use table (Exhibit F), the 39.70 acre proposed PUD rezoning has a development potential of 396 multi-family units. The proposed development was analyzed in accordance with the adopted level of service standards (LOS) for school capacity as established in the Interlocal Agreement (ILA) and the Public Schools and Facilities Element. The ILA was entered into in coordination with the Duval County Public School System (DCPS) and the other municipalities within Duval County.

School concurrency LOS is the methodology used to analyze and to determine whether there is adequate school capacity for each school type (elementary, middle, and high school) to accommodate a proposed development. The LOS (105% of permanent capacity) is based on Concurrency Service Areas (CSAs), not the closest school in the area for elementary, middle and high schools, as well as on other standards set forth in the City of Jacksonville School Concurrency Ordinance.

In evaluating the proposed residential development for school concurrency, the following results were documented:

**School Impact Analysis  
PUD 2019-0073**

**Development Potential: 396 Multi-Family Units**

School Type	CSA	2018-19 Enrollment/CSA	Current Utilization (%)	New Student/Development	5-Year Utilization (%)	Available Seats
Elementary	5	8,745	88%	66	94%	121
Middle	5	2,595	92%	29	88%	98
High	5	7,750	100%	37	98%	21
<b>Total New Students</b>				<b>132</b>		

*Total Student Generation Yield: 0.333*

*Elementary: 0.167*

*Middle: 0.073*

*High: 0.093*

The analysis of the proposed residential development does not reveal any deficiency for school capacity within the CSA.

**Public School Facilities Element**

**Policy 2.3.2**

The City will coordinate with DCPS to establish plan review procedures to manage the timing of Future Land Use Map amendments and other land use decisions so that these decisions coordinate with adequate school capacity.

**Policy 2.3.3**

The City will take into consideration the DCPS comments and findings on the availability of adequate school capacity in the evaluation of comprehensive plan amendments, and other land use decisions as provided in Section 163.3177(6)(a), F.S. and development of regional impacts as provided in 1380.06, F.S.



**Objective 3.2**

## Adopted Level of Service (LOS) Standards

Through the implementation of its concurrency management systems and in coordination with the DCPS, the City shall ensure that the capacity of schools is sufficient to support new residential developments at the adopted level of service (LOS) standards within the period covered in the five-year schedule of capital improvements and the long-range planning period. These standards shall be consistent with the Interlocal Agreement agreed upon by the DCPS, the City and the other municipalities. Minor deviations to the LOS standards may occur, so long as they are limited, temporary and with scheduled capacity improvements, school capacity is maximized to the greatest extent feasible.

**Policy 3.1.1**

The LOS standards set forth herein shall be applied consistently for the purpose of implementing school concurrency, including determining whether sufficient school capacity exists to accommodate a particular development application, and determining the financial feasibility of DCPS Five-Year Capital Facilities Plan and the City's Capital Improvement Plan.

**Supplemental School Information:**

The following additional information regarding the capacity of the assigned neighborhood schools was provided by the Duval County School Board. This is not based on criteria utilized by the City of Jacksonville School Concurrency Ordinance.

SCHOOL	CONCURRENCY SERVICE AREA	STUDENTS GENERATED	SCHOOL CAPACITY (Permanent/ Portables)	CURRENT ENROLLMENT 20 Day Count (2018/19)	% OCCUPIED	4 YEAR PROJECTION
Seabreeze ES #225	5	66	588	569	97%	100%
Fletcher MS #63	5	29	1,241	1,321	106%	104%
Fletcher HS #223	5	37	2,051	2,151	105%	105%

- Does not include ESE & room exclusions
- Analysis based on a **maximum 396 dwelling units** – PUD 2019-0073

**The amount and size of open spaces, plazas, common areas and recreation areas:** The written description indicates that an unspecified amount of active and recreational space will be provided. Recreation/amenities may include open space, pedestrian paths, a recreation center, pool, or cabana/club house.

**The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries:** The subject property will have several access points via San Pablo Parkway, Sam Yopez Road, and San Pablo Road. Moreover, in the attached memorandums from Transportation Planning Division, dated April 2, 2019, the applicant will need to adhere to several conditions prior to development. The Traffic Engineer has also reviewed the application and has issued additional comments. Staff supports the Engineer's findings and

forwards to you the following:

- All right in or right in/right out driveways on San Pablo Parkway shall have right turn lanes built to FDOT standards.
- The western driveway on Sam Yopez Rd shall be a minimum of 250' from San Pablo Parkway.
- The driveway on San Pablo Rd S shall align with or be south of the existing entrance to 3551 San Pablo Rd S. The proposed driveway shall be accompanied by a traffic study to determine the need for left and right turn lanes. If needed, the turn lanes shall be built to FDOT standards.

Lastly, the Parks, Recreation and Community Services Department has reviewed the application and has recommended a condition based on language listed in the written description. **Staff also supports the Department's findings and forwards to you the following condition:**

- Pursuant to Section 2.2.2 of the Land Development Procedure Manual, dated October 10, 2019, a 10-foot wide paved multiuse trail shall be provided along the property's frontage on San Pablo Road.

Staff is supporting this recommendation from Parks in order to promote connectivity with existing bike/pedestrian arteries with the adjacent land uses, including the Isle of Palms Park.

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

The project will be developed with the required amount of open space in accordance with Section 656.420 of the Zoning Code and ROSE Policy 2.2.5 as applicable of the Recreation and Open Space Element of the 2030 Comprehensive Plan.

***(8) Impact on wetlands***

Review of a 2004 Florida Land Use and Cover Classification System map provided by the St. Johns River Water Management District did identify wetlands on-site. . However, the applicant submitted a high intensity wetland survey for the site and areas surrounding the site. According to the Formal Wetlands Determination Number 130612-2 there are no wetlands on the land use amendment site as authorized by the St. Johns River Water Management District dated July 3, 2017. Regardless, the written description states "wetlands will be permitted pursuant to local, state and federal permitting requirements."

**Flood Zones**

Approximately 0.42 of an acre of the subject site is located within the AE 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 AE flood zone is defined as areas within the 100-year floodplain or SFHA where flood insurance is mandatory. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

### **Conservation /Coastal Management Element (CCME)**

#### **Policy 1.4.4**

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

#### **Policy 2.7.1**

The City shall continue to define the surface hydrology of the area to determine flood plain vulnerability and sensitivity, and will determine appropriate protection measures.

#### **Policy 2.7.3**

The City shall protect appropriate floodplain areas for the public benefit and restore degraded floodplain areas by:

- A. Land acquisition or conservation easement acquisition;
- B. Regulation, including setbacks, buffer zones, designated wildlife corridors, low density zoning, performance standards and open space requirements; and
- C. Incentives, including tax benefits and transfer of development rights.

#### ***(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 non-residential will be developed in accordance with a specialized set of parking standards of the Zoning Code.

Moreover, the residential sites will be developed in accordance with a specialized set of parking standards as outlined in the Written Description, dated December 21, 2019. This reduction in parking is found to be insufficient for the proposed development. **Therefore, Staff recommends a parking ratio of 1.35 spaces per dwelling unit.**

#### ***(11) Sidewalks, trails, and bikeways***

Based on the conflicting written description and conceptual bubble plan (both dated December 21, 2018), Staff cannot verify whether the proposed development will a pedestrian system that meets the 2030 Comprehensive Plan.

### **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on April 2, 2019, the required Notice of Public Hearing sign was not posted. On April 4, 2019 the applicant provided photographic evidence of the signs being posted on the subject properties.

### **RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2019-0073** be **APPROVED with the following exhibits:**

1. The original legal description dated September 25, 2018.
2. The original written description dated December 21, 2018.
3. The original site plan dated December 21, 2018.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2019-0073** be **APPROVED WITH CONDITIONS.**

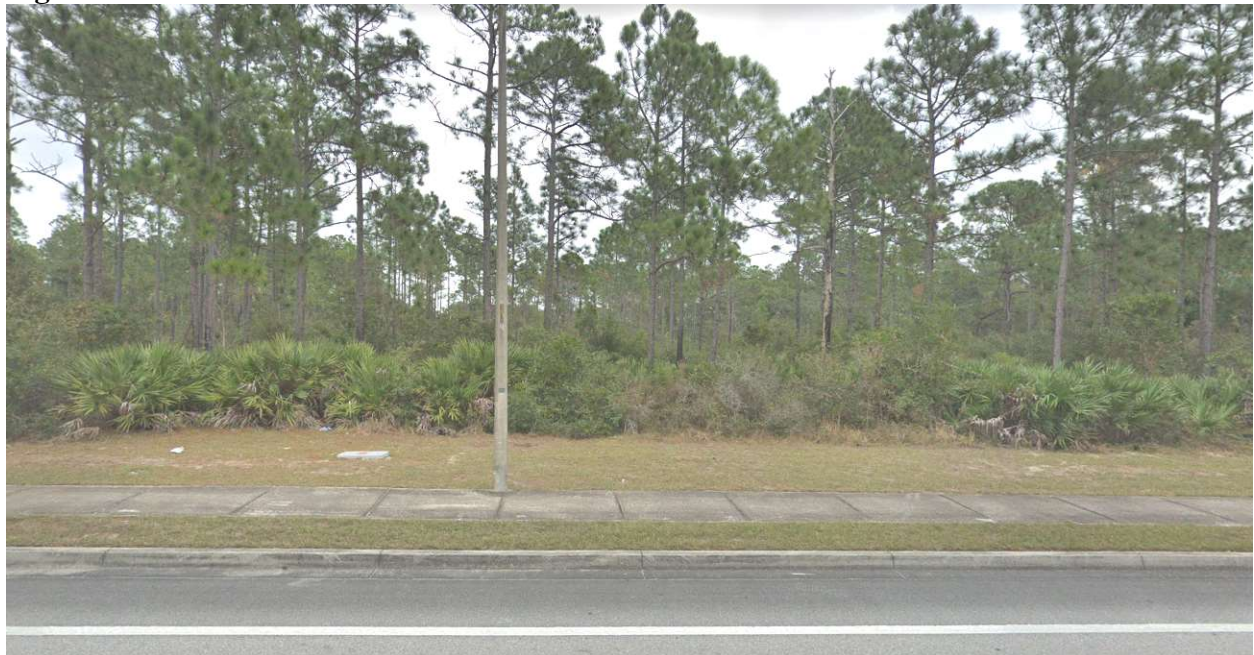
1. Any single retail use shall not exceed 15,000 square feet of enclosed area or, otherwise, shall require approval of a minor modification to the PUD.
2. A car wash shall only be permitted as an accessory use.
3. The subject property shall be developed in accordance with the Traffic Engineering Division Memorandum dated March 29, 2019 or as otherwise approved by the Traffic Engineering Division.
4. A detailed site plan meeting the requirements of section 656.341(c)(2)(i) shall be approved through the minor modification process set forth in Section 656.341(f)(2) of the Zoning Code.
5. Vehicular parking for residential uses shall be provided at 1.35 spaces per dwelling unit.
6. For multi-family parking, tandem parking shall be prohibited.
7. Shared parking for multiple uses shall be permitted within 500 feet of the use being served.
8. Final approval of the proposed PUD is subject to a revised Written Description and Site Plan, which shall be compliant with the 2030 Comprehensive Plan.
9. Pursuant to Section 2.2.2 of the Land Development Procedure Manual, a 10-foot wide multiuse trail wide shall be provided where the property fronts along San Pablo Road.
10. 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.

**Figure A:**



**Source: Planning & Development Dept, 4/17/19**  
**Aerial view of the subject site and parcel, facing north.**

**Figure B:**



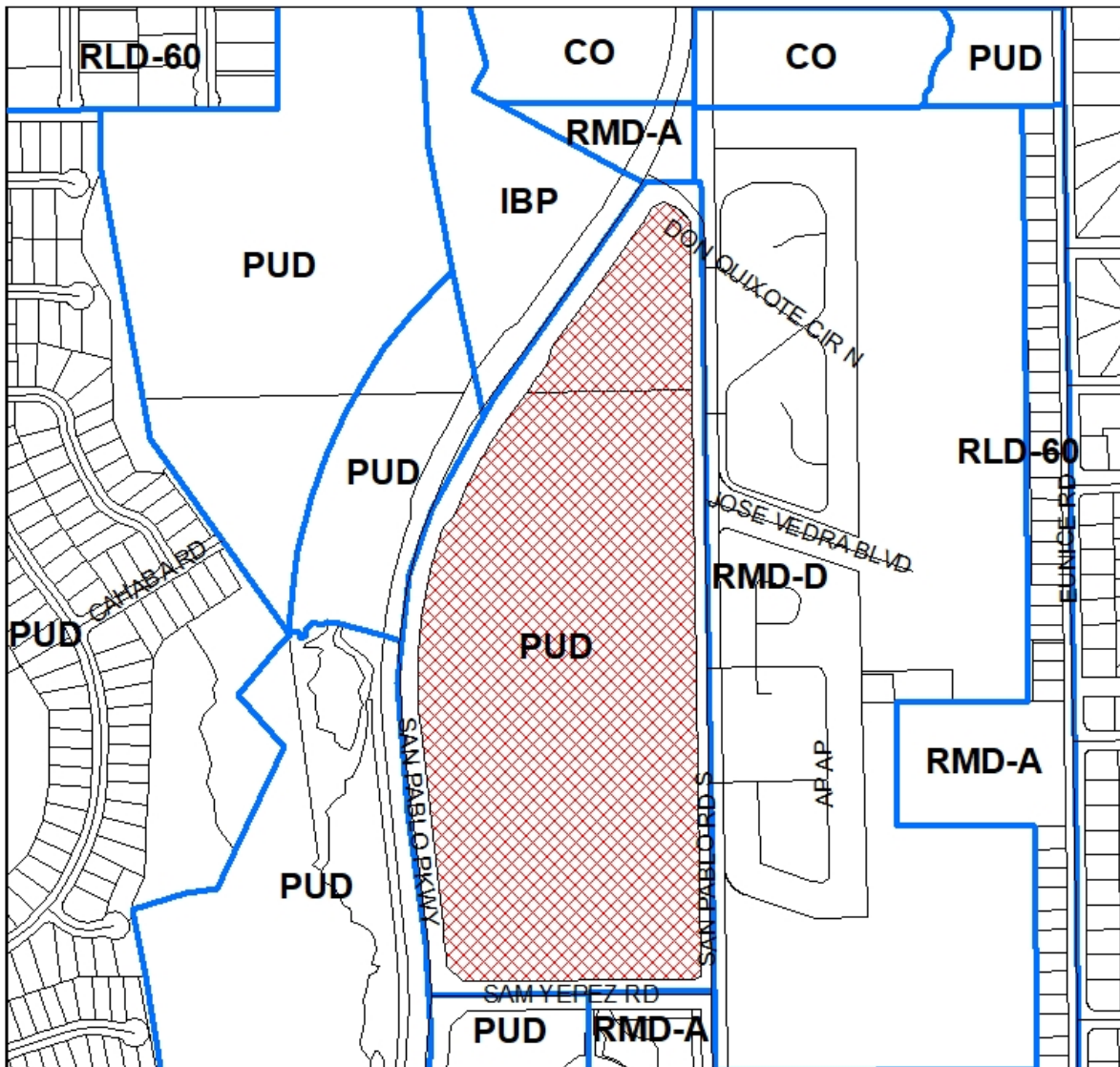
**Source: Google Maps, 12/2018**  
**View of San Pablo Parkway and the subject property, facing east.**

**Figure C:**



**Source: Google Maps, 08/2018**

**View of San Pablo Road and the subject property, facing west.**

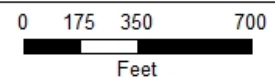
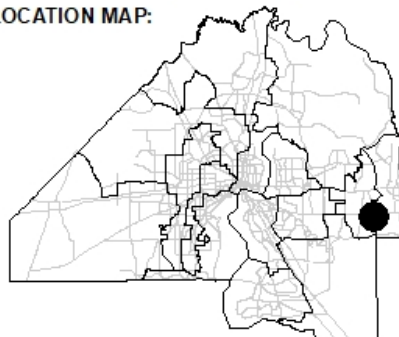


REQUEST SOUGHT:

FROM: PUD

TO: PUD

LOCATION MAP:



COUNCIL DISTRICT:

3

TRACKING NUMBER

T-2018-2001

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