

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-0373 TO
PLANNED UNIT DEVELOPMENT

JUNE 20, 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 2019-0373 to Planned Unit Development.

Location: 12803 Lem Turner Road (SR 115)
Between I-295 and Terrell Road

Real Estate Number(s): 019455-0000; 019456-0000; 019455-0050;
019456-0050

Current Zoning District(s): Agriculture (AGR)
Planned Unit Development (PUD-2004-0014)
Planned Unit Development (PUD-2005-0833)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)
Neighborhood Commercial (NC)

Planning District: North, District 6

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

Owner: Christopher Ward
Percy Oaks Partners, LLC
161 Hampton Point Drive
Saint Augustine, Florida. 32092

Staff Recommendation: **APPROVE WITH CONDITION**

GENERAL INFORMATION

Application for Planned Unit Development 2019-0373 seeks to rezone approximately 22.69 acres of land from Agriculture (AGR) and Planned Unit Development (PUD) to Planned Unit

Development (PUD). The rezoning to PUD is being sought to permit the development of up to 42 Single Family Dwellings and 84 Townhomes.

There are two current PUD's on the subject site that allow for residential and commercial uses:

Ordinance 2004-0014: allows for a variety of commercial uses that are generally found in the Commercial Neighborhood Zoning District. A portion of the proposed project will be overlapping the previous PUD site plan which means any future development within the remaining PUD area must obtain a Minor Modification to update the approved Site Plan.

Ordinance 2004-0014 was approved with the following conditions:

- 1.) Development shall proceed in accordance with the Traffic Engineering Division Memorandum dated April 22, 2005 and attached hereto as Exhibit 4, or as otherwise approved the Traffic Engineering Division and FDOT.
- 2.) The Northlake Community shall be given an easement over a ten by twelve parcel of land contiguous to the Percy Road right-of-way with the location to be determined, for an entryway sign. This sign shall not be calculated as signage for this PUD, and the building material and design of the sign shall be approved by the Subject Property owner.
- 3.) Superseding anything in the written description to the contrary, the height of each sign on the two outparcels shall be limited to six feet.
- 4.) All buildings shall be stucco with brick accents on all sides facing rights-of-way. All architectural features are subject to the review and approval of the Planning and Development Department.
- 5.) A tree survey shall be submitted to the Planning and Development Department for review to determine the feasibility of providing undisturbed natural buffer areas, or other landscaped buffer areas.

Ordinance 2005-0833: allows for the development of a maximum of 75 single family lots in which 35% of the lots were to be developed with a minimum of 7000 Square Feet and 70 feet of Lot Width with the remaining 65% being developed with a minimum of 6600 Square Feet and 60 feet of Lot Width.

Ordinance 2005-0833 was approved with the following conditions:

- 1.) Development shall proceed in accordance with the Traffic Engineering Division Memorandum dated August 19, 2005, and attached hereto as Exhibit 3, or as otherwise approved by the Traffic Engineering Division and the Planning and Development Department.
- 2.) The lots backing Percy Road shall be a minimum of 70 feet wide. Additionally, lots numbered 1 through 6 shall be a minimum of 70 feet wide and shall be limited to one-story homes. Lots 1 through 6 shall also contain an 85% opaque vinyl fence along the

- length of their rear property line. All corner lots shall have a minimum lot frontage ten feet wider than the adjacent lot. A tot lot shall be provided, subject to the review and approval of the Planning and Development Department.
- 3.) The applicant shall reasonably pursue the permitting of a combination walk/bikeway to connect the north development area to the south development area, the passive recreation area to the east, and the commercial area. If ultimately approved, the connection shall pass through the wetlands as an all-season trail or boardwalk. This condition is expressly contingent upon review by the St. Johns River Water Management District, the Army Corps of Engineers, and any other required permitting authority.
 - 4.) The subject property owner shall disclose the potential for noise to purchasers and lessees, and shall note the potential for noise on the subdivision plat. The PUD shall include use restrictions and noise attenuation requirements equal to or exceeding Part 10 of the Zoning Code. While not required, aviation easements are recommended across the site, clear of any residential development.
 - 5.) The applicant agrees to grant the Jacksonville Airport Authority 30 days from October 25, 2005 to negotiate a contract for the purchase of the subject property.

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.

(A) 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 Neighborhood Commercial (NC) 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. Single family dwellings are a principal use in LDR. NC allows a PUD as a secondary zoning district. The property is located in the Suburban Development Area. The density allowed in the LDR category is 7 units to the acre when full urban services are provided. The proposed density is acceptable only if the units are connected to water and sewer. NC allows multi-family when combined with another principal use. The NC is a portion of a larger NC site that permits a variety of non-residential uses through an approved PUD. NC allows up to 20 dwelling units per acre. Currently the closest sewer line is approximately 0.4 of a mile south along the Lem Turner ROW. 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.

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

Yes. 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:

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.

The proposed PUD will allow for the continuance of Low Density Residential uses in an area that is predominantly within the LDR Land Use Category. The proposed project will also ensure a mixed residential and commercial uses in an existing NC Land Use Category that was established in 2004.

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.

According to the JEA Availability Letter provided by the applicant dated March 05, 2019, the subject property has connection points available for both Water and Sewer located under the Lem Turner Right of Way. The applicant will be required to connect to these services to achieve the densities that are proposed in the PUD Written Description.

Policy 1.5.14

In accordance with the Conservation and Coastal Management Element, the City shall encourage environmentally sensitive areas to be placed in a Conservation land use category, Conservation zoning district, and/or conservation easement.

According to the Site Plan Dated March 1, 2019, the proposed project will be setting aside a portions of the property for conservation/wetland purposes. Any of the existing wetland areas that will be developed on will be required to obtain the proper permits from any Federal, State, or Local Government Agencies.

Airport Environment Zone

The site is located within the 150 foot Height and Hazard Zone for the Jacksonville International Airport. Zoning will limit development to a maximum height of less than 150', unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d). See Objective 2.5 of the Future Land Use Element below:

Objective 2.5

Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

Noise Contour Notice Zone

A small portion of the amendment site section of the site is within the 60-64.99 Day-Night Sound Level (DNL) noise contour range. As such this area is within the Civilian Influence Zone for Jacksonville International Airport. In accordance with Section 656.1010, the plat for a subdivision shall indicate which lots are located within a Civilian Influence Zone. No person shall sell, transfer, or lease land within a Civilian Influence Zone, unless the prospective owner, transferee or lessee has been given a disclosure of airport proximity in writing, at the time of contract of sale, transfer, or lease.

(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 plan of development, meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

(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): Neighborhood Commercial (NC) and Low Density Residential (LDR). The Planning and Development Department finds that the proposed PUD is consistent with the 2030 Comprehensive Plan, as 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. According to the Concurrency and Mobility Management Department Memo dated June 4th 2019, the proposed development has not applied for a Mobility Application or CCAS/CRC Application. The development will be required to apply for these application prior to commencing development.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for 126 Residential Uses. 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. An evaluation of the internal compatibility of a proposed Planned Unit Development shall be based on the following factors:

- The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: The project will be providing .86 acres of recreation area in the form of parks, while also preserving existing wetlands that exist on the norther and western sides of the property.
- The use of existing and proposed landscaping: The Development will follow the requirements of Part 12 of the Zoning Codes in regards to the installation of landscaping.
- The treatment of pedestrian ways: The development will have pedestrian walkways installed and maintained per the City's Ordinance Codes.
- Traffic and pedestrian circulation patterns: The proposed development will have two separate entrances for the two types of dwelling units off of Percy Drive.
- The variety and design of dwelling types: The proposed development is providing two types of residential dwellings. The majority of the dwellings will be on the western portion of the property and be made up of 2000 square foot minimum townhome lots, while a smaller portion of dwellings will be 4000 square foot minimum Single Family homes on the eastern portion of the property.
- The form of ownership proposed for various uses: Once the development is complete the lots will each be sold off individually.

(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 and location of surrounding external uses: The surrounding area is made up of rural residences that are generally greater than one acre in size. However, the existing site has previously been zoned for smaller lot sizes than are typically found in the area, and the approved PUD to the south (Ordinance 2006-0493), that remains undeveloped, allows for townhome lots that have a minimum lot width of 18 feet.
- 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	PUD/AGR	Vacant/Timber; Single Family Dwelling
South	MDR/LDR	PUD/AGR	Vacant/Timber; Single Family Dwelling
East	LDR	RR-Acre	Single Family Dwellings
West	NC/LDR/RR	PUD/AGR	Vacant/Timber; Single Family Dwelling

(6) Intensity of Development

The proposed development is consistent with the Low Density Residential (LDR) functional land use category as the LDR Land Use Category permits both the Townhomes and Single Family Dwellings. The PUD is appropriate at this location because of existing PUD's, that while remain undeveloped, allow for similar or smaller densities than the proposed PUD is seeking.

- 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: As mentioned, the two types of dwelling units will be located on separate sides of the property with different parcel between the two. The types and intensities of these units match the existing zoning densities that were previously approved.
- The availability and location of utility services and public facilities and services:

SCHOOL	CONCURRENCY SERVICE AREA	STUDENTS GENERATED	SCHOOL CAPACITY (Permanent/Portables)	CURRENT ENROLLMENT 20 Day Count (2017/18)	% OCCUPIED	4 YEAR PROJECTION
Biscayne ES #269	1	20	667	690	103%	100%
Highlands MS #244	1	9	1,071	900	84%	82%
First Coast HS #265	1	11	2,212	2,098	95%	103%

- The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The proposed development will be accessed off of Percy Road, which is a two lane local residential roadway. The eastern most entrance is located approximately 1/4 mile from Lem Turner Road which is a Minor Arterial Roadway that will serve as the main thoroughfare for the project. Percy Road is located approximately 1/2 mile north of the Interstate 295 West Beltway.

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space and recreation area in the form of parks, while also preserving existing wetlands that exist on the norther and western sides of the property.

(8) Impact on wetlands

Please see the Community Planning Memo Dated **June 3, 2019** to review all impacts and potential wetland issues. The proposed development will be required to obtain all of the necessary Federal, State, and Local permits for any activities that will be affecting the wetland areas.

(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 site will be developed in accordance with the parking regulations set forth in the Zoning Code.

(11) Sidewalks, trails, and bikeways

The project will contain a pedestrian system that will be submitted at a later date for review and approval by the appropriate City Department's to ensure that it will adhere to all local regulations.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on June 11, 2019, the required Notice of Public Hearing signs were posted.



Source: JaxGIS
Date: June 11, 2019

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2019-0373** be **APPROVED with the following exhibits:**

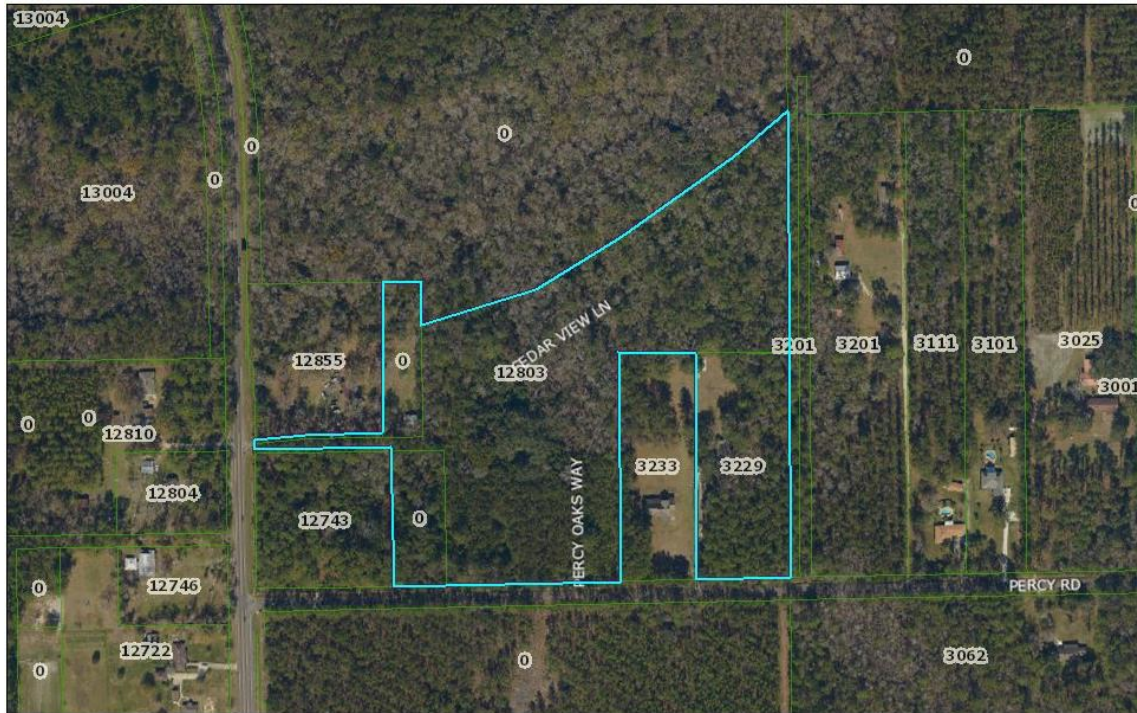
The Legal Description Dated: **February 26, 2019**

The Written Description Dated: **May 10, 2019**

The Site Plan Dated: **March 1, 2019**

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2019-0373** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

- 1) Development shall proceed in accordance with the conditions provided by the Transportation Planning Division Memorandum dated June 5, 2019 and the conditions provided by the City's Traffic Engineers Memorandum dated June 4, 2019, or as otherwise approved by the Transportation Planning Division and the Planning and Development Department.



Aerial Photo

Source: JaxGIS
Date: June 11, 2019



View of the western portion of the Subject Property.

Source: Planning and Development Department
Date: June 11, 2019



View of the central portion of the Subject Property.

Source: Planning and Development Department
Date: June 11, 2019



View of the eastern portion of the Subject Property.

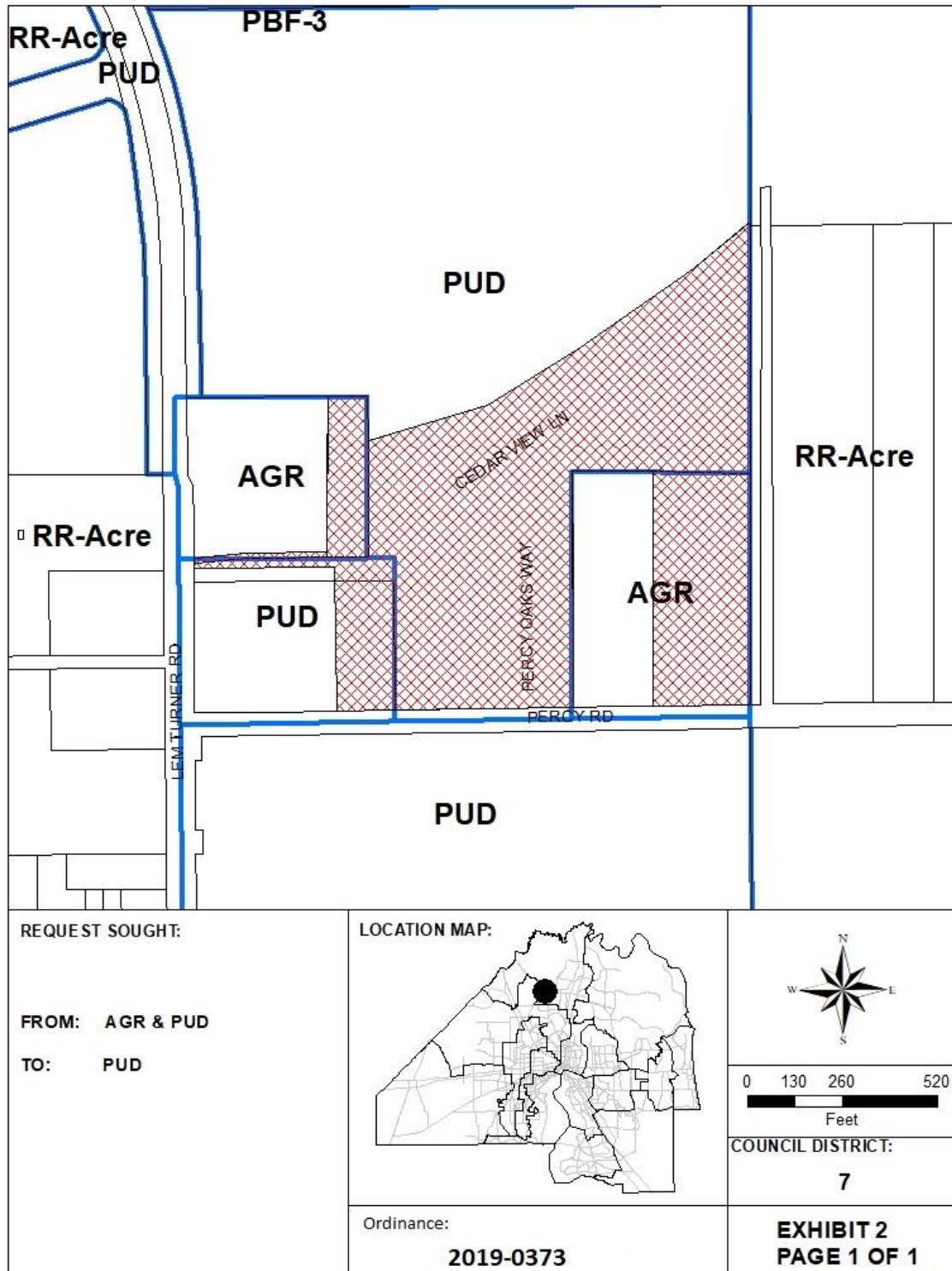
Source: Planning and Development Department
Date: June 11, 2019



View of the neighboring Property that is located in the middle of the Proposed Development.
Source: Planning and Development Department
Date: June 11, 2019



View from the eastern property line looking down Percy Road towards Lem Turner Boulevard.
Source: Planning and Development Department
Date: June 11, 2019



Legal Map

Source: JaxGIS
 Date: June 11, 2019