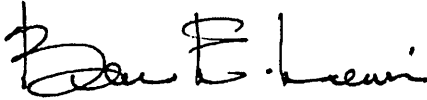


Planning Commission Report
Page 2

| | |
|---------------------------|--------|
| Planning Commission Vote: | 7-0 |
| Joshua Garrison, Chair | Aye |
| Dawn Motes, Vice Chair | Aye |
| David Hacker, Secretary | Aye |
| Marshall Adkison | Aye |
| Daniel Blanchard | Aye |
| Ian Brown | Aye |
| Alex Moldovan | Absent |
| Jason Porter | Aye |

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,



Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7820
blewis@coj.net

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2020-0549 TO

PLANNED UNIT DEVELOPMENT

OCTOBER 8, 2020

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 **2020-0549** to Planned Unit Development.

Location: 12664 Flynn Road
Between Mandarin Road and Mandarin Meadows Drive

Real Estate Numbers: 159654 070

Current Zoning Districts: Residential Low Density-100A (RLD-100A)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)

Planning District: Southeast, District 3

Applicant/Agent: Steve Diebenow, Esq.
One Independent Drive, Suite 1200
Jacksonville, FL 32202

Owner: Michelle Auth
12664 Flynn Road
Jacksonville, FL 32223

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Planned Unit Development **2020-0549** seeks to rezone 0.50± acres of land from RLD-100A to PUD. The rezoning to PUD is being sought so that the property owner can utilize an accessory structure for a home occupation. The property owner is seeking this rezoning to allow for swimming lessons in their pool. Per §656.401 of the Zoning Code, no home occupation shall be conducted in an accessory building or structure which is not attached to and part of the principal structure or an open porch or carport. The Part 4 requirements for home occupations are required to allow residents to utilize their home for a business with minimal effect and negative impacts on surrounding residential properties.

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 the provisions of Section 656.131 (c) of the Zoning Code, the Planning Commission shall grant an exception only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, the following standards and criteria:

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

No. When applying the criteria of consistency with the 2030 Comprehensive Plan, the combined factors of the goals, objectives, and policies of the Comprehensive Plan, along with the appropriate Functional Land Use Categories are used. Thus, the fact that the proposed use is permitted in the land use category does not ensure overall consistency with the 2030 Comprehensive Plan. The transition, compatibility, and intensity of uses are accomplished through appropriate zoning and are an important consideration to the welfare and sustainability of an area. This is especially important to the adjacent residential properties with regards to a home occupation occurring in a pool.

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

No. While the proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, it does not further the following goals, objectives and policies contained herein, including:

Future Land Use Element (FLUE):

Policy 3.1.20

The City shall recognize and maintain neighborhoods through the development and implementation of district plans and/or neighborhood plans, which identify the needs of the City's neighborhoods and the opportunities to improve and maintain those neighborhoods in light of continued growth and development pressures within and surrounding them.

Approval of this PUD would allow for a use that would negatively impact surrounding neighbors through noise, increased traffic, and the stacking of vehicles on the subject property.

The proposed rezoning has been identified as being related to the following issues identified in the 2030 Comprehensive Plan. Based on this relationship, the rezoning application should be carefully evaluated for consistency or inconsistency with the following issues and related goals, objectives and/or policies:

Southeast Vision Plan

The site is located within the boundaries of the Southeast Vision Plan. Guiding Principle One is to capitalize on the Southeast areas uniqueness. The neighborhood in which the application site is located is an older historic neighborhood, as identified in the Vision Plan. Recommendations are to preserve, protect and strengthen established residential neighborhoods where they exist.

(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 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): Low Density Residential (LDR.) The Planning and Development Department finds that while the proposed PUD is consistent with the 2030 Comprehensive Plan, the proposed use is not compatible and does not positively impact the welfare and sustainability of the surrounding area, 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.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize the subject parcels for a home occupation conducted in an accessory structure. 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 **inconsistent** with the internal compatibility factors with specific reference to the following:

The separation and buffering of vehicular use areas and sections of vehicular use areas: The submitted written description only states that “patrons of a home occupation conducted from the Property are permitted to park on the Property provided vehicles do not obstruct Flynn Road.” The submitted site plan does not indicate parking or buffering of parking areas from abutting residences.

(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 not achieved by the following:

The type, number and location of surrounding external uses: The subject property is surrounded by other single family residences that would be negatively affected by a home occupation conducted in a swimming pool. The Part 4 requirements were put into effect in order to allow home owners to conduct businesses out of their home with minimal effect on surrounding properties.

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 Property Use |
|--------------------------|--------------------------|------------------------|-----------------------------|
| North | LDR | RLD100A | Single Family Dwellings |
| South | LDR | RLD100A | Single Family Dwellings |
| East | LDR | PUD 2006-0771 | Single Family Dwellings |
| West | LDR | RLD100A | Single Family Dwellings |

(6) Intensity of Development

The proposed development is consistent with the LDR functional land use category, however, the proposed use of a home occupation in an accessory structure is not compatible with surrounding areas.

The existing residential density and intensity of use of surrounding lands: The surrounding areas include residential zoning districts ranging from a PUD with 70 foot lot minimums, RLD100A and RR-Acre.

The access to and suitability of transportation arteries within the proposed PUD and existing transportation system arteries: The subject property has frontage and access along Flynn Road. The proposed PUD could increase traffic along this roadway.

(7) Usable open spaces plazas, recreation areas.

Recreation and open space shall be provided as required by 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 not identify the presence of any wetlands or flood zones on site. However, the written description states, "Development which would impact wetlands will be permitted according to local, state and federal 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 written description states that "patrons of a home occupation conducted from the Property are permitted to park on the Property provided vehicles do not obstruct Flynn Road." The Department has expressed concerns in regards to the proliferation of cars parked on the property in conjunction with the home occupation.

(11) Sidewalks, trails, and bikeways

The project will contain a pedestrian system that meets the 2030 Comprehensive Plan.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **September 29, 2020** by the Planning and Development Department, the Notice of Public Hearing signs were posted.

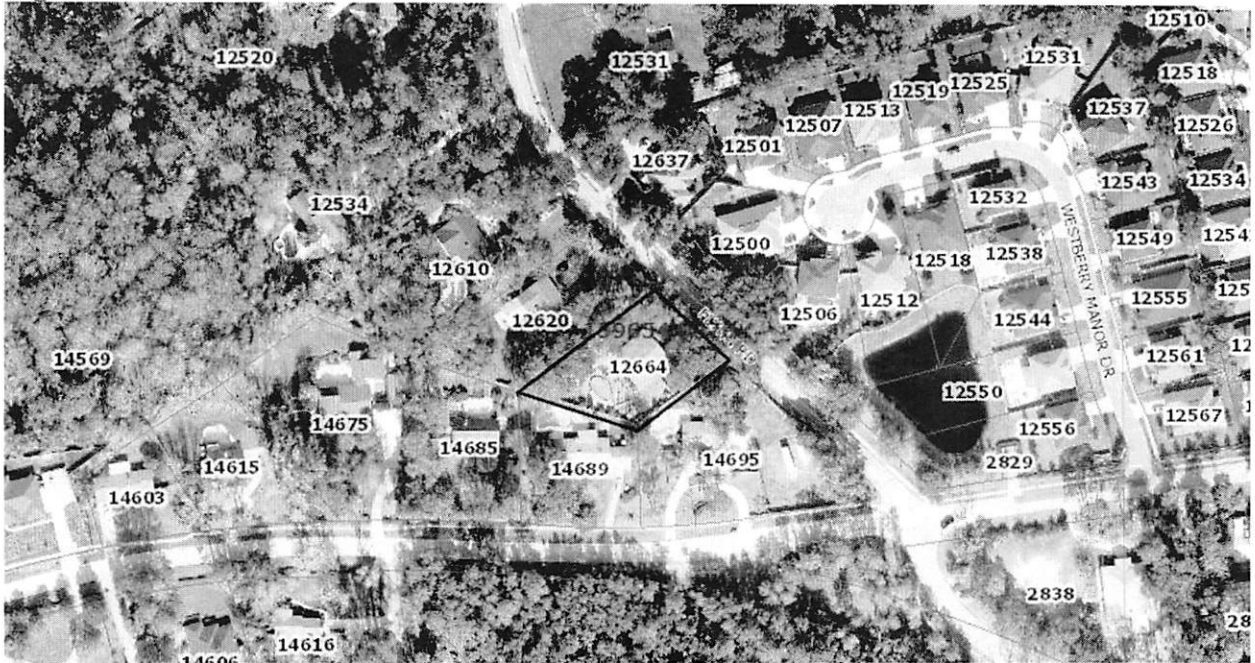


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2020-0549 be **DENIED** with the following exhibits:

- The original legal description dated October 23, 2019.
- The revised written description dated July 20, 2020.
- The original site plan dated September 2, 2019.

Figure A:



Source: Planning & Development Dept, 10/1/20

Aerial view of the subject site and parcel, facing north.

Figure B:



Source: Planning & Development Dept, 9/29/20

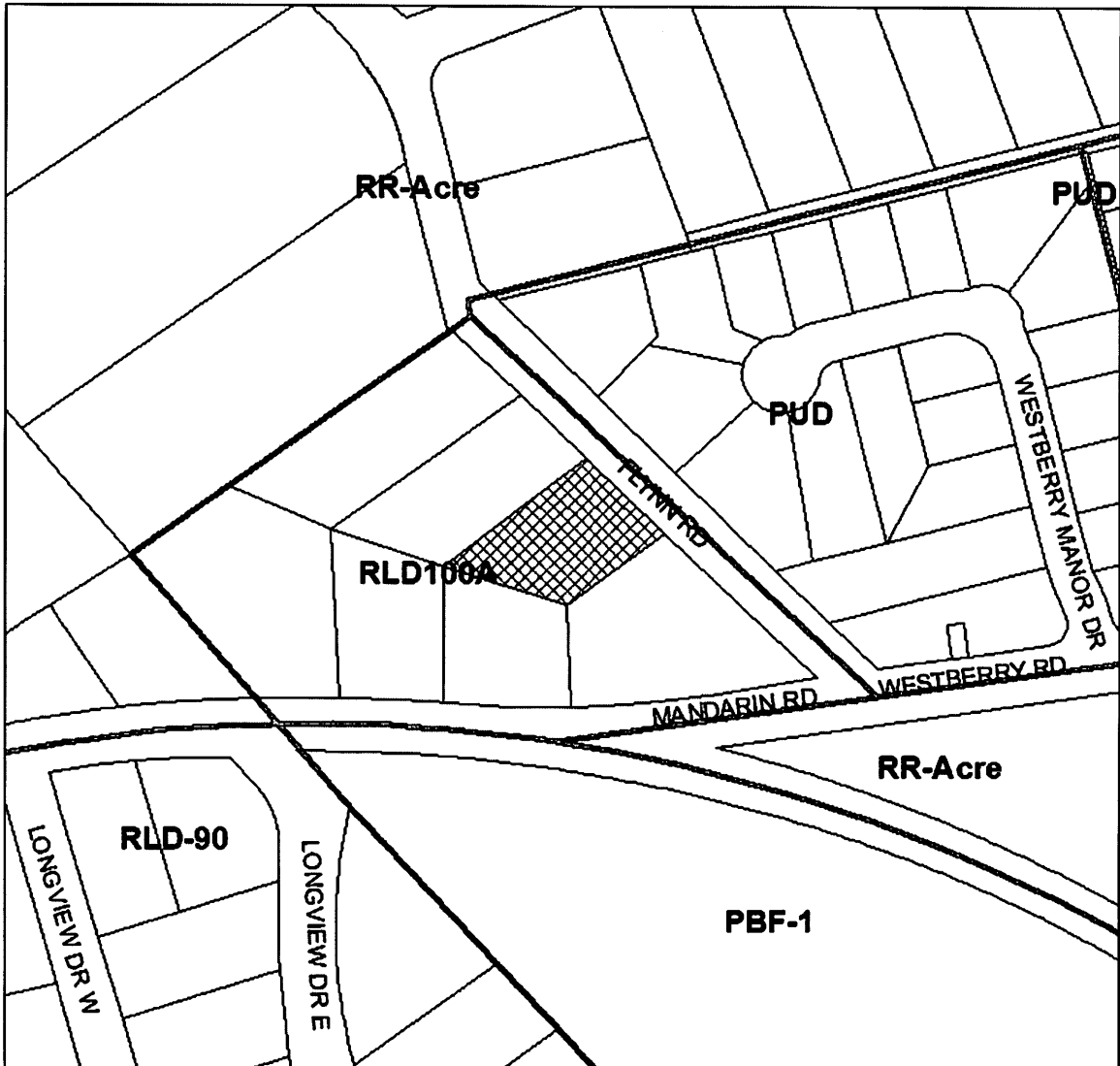
View of subject property from Flynn Road.

Figure C:



Source: Planning & Development Dept, 9/29/20

View of subject property from Flynn Road.



| | | |
|--|---|--|
| <p>REQUEST SOUGHT:</p> <p>FROM: RLD-100A</p> <p>TO: PUD</p> | <p>LOCATION MAP:</p> | <p>0 65 130 260</p> <p>Feet</p> <p>COUNCIL DISTRICT:</p> <p>6</p> |
| <p>ORDINANCE NUMBER</p> <p>ORD-2020-0549</p> | <p>TRACKING NUMBER</p> <p>T-2020-2739</p> | <p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p> |