

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-688 TO
PLANNED UNIT DEVELOPMENT

OCTOBER 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 **2019-688** to Planned Unit Development.

Location: 3011 Marbon Road between San Jose Boulevard (SR 13) and Marbon Estates Lane

Real Estate Number(s): 158156-0000

Current Zoning District(s): Planned Unit Development (PUD 2017-493)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)
Community General Commercial (CGC)

Planning District: Southeast, District 3

Applicant/Agent: Steve Diebenow, Esq., & Cyndy Trimmer, Esq.
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

Owner: First Coast Energy, LLP
7014 A.C. Skinner Parkway, Suite 290
Jacksonville, Florida 32256

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development 2019-688 seeks to rezone approximately 9.11 acres of land from PUD to PUD. The property includes two parcels with the western parcel currently utilized as a JTA park-and-ride facility and the eastern parcel is undeveloped. The rezoning to PUD is being sought to add vehicular connection for the JTA Park & Ride and the commercial parcels to Orange Picker Road. The proposed PUD maintains the identical uses in the current PUD the same number of residential units.

PUD Ord. 2017-493-E was approved with the following conditions:

- (1) Traffic to the residential portions of the property shall be controlled to manage or reduce cut through traffic through the use of components such as entrance gates and/or speedbumps, at the developer's discretion.
- (2) In the Written Description in Section IV (Uses and Restrictions), Subsection A (Residential Permitted Uses), the permitted use of "Townhomes/Single family attached homes" shall require the parcels to be sold individually and not in the aggregate as a singularly managed apartment complex would be sold.
- (3) If the developer chooses to develop the project using single family home lots as shown on Page 1 of Exhibit 4 of this ordinance, the buffer between the single family lots and the commercial parcels shall consist of a vegetative buffer at the property line, and then a fence 10 feet inside the property line such that the vegetative buffer is located on the commercial side of the fence.
- (4) If the developer chooses to develop the project using townhomes as shown on Page 2 of Exhibit 4 of this ordinance, the buffer between the townhomes and the commercial parcels shall consist of a fence at the property line, and then a vegetative buffer 10 feet inside the property line such that the vegetative buffer is located on the townhome side of the fence.
- (5) The vegetative buffer shall consist of an evergreen hedge, and one tree for each 25 linear feet spaced so as to allow mature growth, but no greater than 40 feet on center. The evergreen hedge shall consist of large, cold hardy shrubs such as Ilex "Mary Nell", Ligustrum japonicum, Nerium oleander, Viburnum odoratissimum, Viburnum obovatum and Myrica cerifera in order to ultimately obtain a vegetative screen higher than the fence. The shrubs shall be a minimum of 5 feet in height, Florida Fancy, at the time of planting and shall obtain an opacity of 85% within 2 years. The trees shall be shade trees, and a minimum of 4 inch caliper at the time of planting.
- (6) Prior to the 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.

The agent has incorporated Conditions #2, #3, #4 and #5 in the written description.

Condition #2 – Written Description Section IV. E.2.

Condition #3 – Written Description Section V.A.4.a.i.

Condition #4 – Written Description Section V.A.4.a.ii.

Condition #5 – Written Description Section V.A.4.a.iii.

Staff recommends continuing Conditions #1, and #6 in the current 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.

(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 Community General Commercial (CGC) 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. Community General Commercial (CGC) in the Urban Area Development Boundary is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods in order to reduce the number of Vehicle Miles Traveled. Development within the category should be compact and connected and should support multi-modal transportation. The commercial uses in the written description of the PUD for the CGC portion of the property are consistent with the CGC land use category description. Low Density Residential (LDR) in the Suburban Area Development Boundary is intended to provide low density residential development. Generally, single family detached housing should be the predominant development. However, multi-family uses are also permitted in the LDR land use category. The density proposed in the LDR portion of the property meets the density allowed in the LDR land use category. 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.

(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:

FLUE Policy 1.1.10 Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

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 1.1.20 Development uses and densities shall be determined by the Development Areas described in the Operational Provisions for the Central Business District (CBD); Urban Priority Area (UPA); the Urban Area (UA); the Suburban Area (SA); and the Rural Area (RA) as identified in the 2030 Comprehensive Plan, in order to prevent urban sprawl, protect agricultural lands, conserve natural open space, and to minimize the cost of public facilities and services.

FLUE 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.

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 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.

FLUE Policy 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

FLUE 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.

FLUE Objective 3.2 Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

FLUE Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

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.

The proposed PUD differs from the usual application of the Zoning Code because it allows for a residential development option as well as retail/commercial uses providing for a mixed use development.

(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.

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 Community General Commercial (CGC). 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.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a mixed use development of commercial and 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 PUD proposes a minimum ten (10) foot, landscaped buffer including an eight (8) foot tall, ninety-five percent (95%) opaque fence at all times between the property and the residential development to the east. The residential portion of the site provides for an active recreation area and over 1 acre of passive open space. All stormwater management ponds shall

include a water feature. Otherwise, the property shall be developed in accordance with Part 12 Landscape Regulations of the Zoning Code.

Traffic and pedestrian circulation patterns: Vehicular access to the residential portion of the PUD shall be by way of Marbon Road and San Jose Boulevard (SR 13) via Orange Picker Road as substantially shown on the site plan. The final location of all access points is subject to the review and approval of the Development Services Division. Traffic to the residential portions of the development shall be controlled by the use of entrance gates and/or speedbumps at developer's discretion. Access among the commercial properties shall be provided by reciprocal easements. Pedestrian access shall be provided by sidewalks installed in accordance with the 2030 Comprehensive Plan. The PUD is proposing a new internal drive from the commercial parcels to Orange Picker Road.

Any other factor deemed relevant to the privacy, safety, preservation, protection or welfare of any use within the proposed Planned Unit Development: The PUD provides for adoption and extension of regulations from the existing PUD to ensure compatibility with the residential uses to the east, while the companion land use amendment will permit commercial development of two outparcels along San Jose Boulevard (SR 13) consistent with the surrounding area. Specifically, the proposed outparcels are between a Walgreens with drive-thru pharmacy to the north, and a Speedway gas station with Dunkin Donuts to the south. On the next block to the south is a Zaxbys with drive-thru service. To the east is the Mandarin Pointe Shopping Center with Bealls serving as the anchor retailer and a Wells Fargo with drive-thru teller. The proposed project will be beneficial to the surrounding neighborhood and community and will allow the sustainable reuse of existing urban infrastructure. Further, the aesthetic and design guidelines contained in the PUD will positively contribute to the residential developments in the general area.

(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 project is within an area where residential and commercial/retail development dominates the area. The project area is suburban in nature and this new development option will aid growth in this community. If approved as conditioned the PUD would add another essential service with flexibility in the location, type and size of the use.
- 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	NC RPI MDR	PUD (02-560) PBF-1 PBF-1	Walgreens COJ Library
South	NC RPI LDR	PUD (99-297) PUD (02-005) PUD (92-701)	Filling station Fast food restaurant Single family dwellings
East	LDR	RR-Acre RLD-60	Undeveloped Single family dwellings
West	NC	PUD (85-398)	Commercial retail center, bank

- 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 PUD provides for adoption and extension of regulations from the existing PUD to ensure compatibility with the residential uses to the east, while the companion land use amendment will permit commercial development of two outparcels along San Jose Boulevard (SR 13) consistent with the surrounding area. Specifically, the proposed outparcels are between a Walgreens with drive-thru pharmacy to the north, and Speedway with Dunkin Donuts to the south. On the next block south is a Zaxbys with drive-thru service. To the east is the Mandarin Pointe Shopping Center with Bealls serving as the anchor retailer and a Wells Fargo with drive-thru teller.

(6) Intensity of Development

The proposed development is consistent with the CGC and LDR functional land use category as a mixed use development of commercial and residential. The PUD is appropriate along this commercial corridor. The PUD offers a transition with the commercial uses on San Jose Blvd and the residential use.

- The existing residential density and intensity of use of surrounding lands: The use is consistent with the residential density and intensity of surrounding lands. This PUD proposes two alternate site plans that adopt buffering, setback and density provisions for residential uses and extend these limitations into the commercial parcel. The single-family alternative provides for development of twenty-three (23) single family lots. The townhome alternative provides for development of thirty (36) townhome lots. It will provide for a significant amount of recreational, active and passive open space, and differs from the usual application of the Zoning Code because it contains an option of either a single-family or multi-family community in keeping with the area’s pattern of development along with a commercial/retail component. The request use will not result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities. A wooded area along the east property line will serve as a buffer between the proposed uses and nearby residential development.

- The availability and location of utility services and public facilities and services: This property is served by the JEA for water, sewer and electric service.

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space and recreation area.

(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.

(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 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 October 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 **2019-688** be **APPROVED with the following exhibits:**

1. The original legal description dated August 9, 2019.
2. The original written description dated September 4, 2019.
3. The original site plan dated August 6, 2019.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2019-688** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

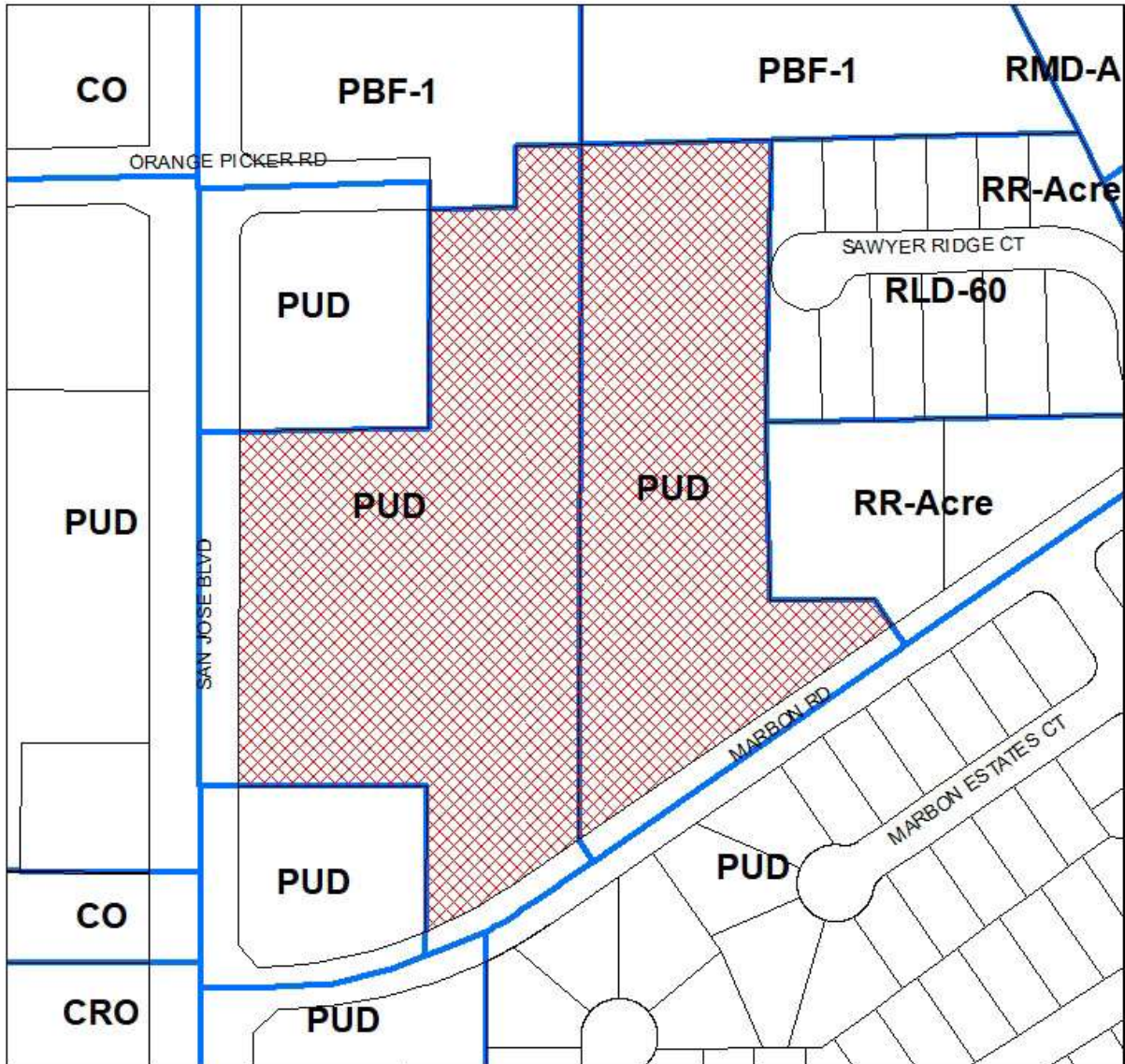
1. Traffic to the residential portions of the property shall be controlled to manage or reduce cut through traffic through the use of components such as entrance gates and/or speedbumps, at the developer's discretion.
2. Prior to the first final inspection within any phase of development, the owner or 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.

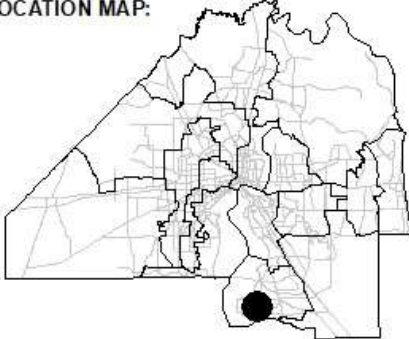



Aerial view of subject property



View from inside park and ride



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	 <p>0 65 130 260 Feet</p> <p>COUNCIL DISTRICT: 6</p>
<p>ORDINANCE NUMBER ORD-2019-0688</p>	<p>TRACKING NUMBER T-2019-2487</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>