

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-717 TO
PLANNED UNIT DEVELOPMENT

NOVEMBER 7, 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 **2019-717** to Planned Unit Development.

Location: West of the terminus of Newcomb Road

Real Estate Number(s): 019449-0000

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

Proposed Zoning District: Planned Unit Development (PUD)

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

Proposed Land Use Category: Low Density Residential (LDR)

Planning District: North, District 6

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

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

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development 2019-717 seeks to rezone approximately 450.33 acres of land from PUD to PUD. The rezoning to PUD is being sought to allow a maximum of 1,400 single family lots. The lot sizes will range from 40 feet to 70 feet in width. However, no more than 40% of the lots will be 40 feet wide.

The parcel was originally zoned Residential Rural. In 2005, the property was rezoned to PUD to allow for 1,400 single family lots. The land use and zoning was changed in 2008 to allow for 4,800,000 square feet of industrial and related uses. In 2013, the property was again rezoned to PUD to change the access to Lem Turner Road, while the industrial uses remained. Recently, 66 acres of the 332 acre site was rezoned in 2018 to allow for a solar farm.

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 Light Industrial (LI) and Low Density Residential (LDR) 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. However, there is a companion Application for Semi-Annual Land Use Amendment to the Future Land Use Map Series L-5298-19A (Ordinance 2019-716) that seeks to amend the portion of the site that is within the Light Industrial (LI) land use category to Low Density Residential (LDR). The LDR land use category in the Suburban Development Area is intended to provide for low density residential development. The uses proposed within the PUD are permitted within the LDR land use category. The maximum gross density within the LDR land use category shall be seven (7) units per acre. The proposed PUD states that there shall be between 1,100 and 1,400 residential units; this is consistent with the density allowed within the LDR land use category. Staff is recommending that Application for Large-scale Land Use Amendment to the Future Land Use Map Series L-5298-19A be approved. 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:

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.

The written description and site plan have located specific lot sizes on the perimeter to provide a similar lot size to adjacent developments. This could not be accomplished through a conventional rezoning.

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 site plan shows a future connection to the south through an existing development which will create an efficient transportation system.

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.

The proposed development will be served by JEA water and sewer.

Policy 2.5.5B Within the 65 to 74.99 DNL noise zone as depicted on Map L-22, the City does not permit mobile home parks and single-family residential structures that are unable to achieve a 30 dBA noise level reduction. Non-residential uses are allowed, subject to conditions regarding disclosure and noise attenuation in construction. Schools and most outdoor recreation uses are only permitted in PUD developments or pursuant to preliminary site development reviews in accordance with Section 656.1003 that were approved prior to March 27, 2007 or those uses meeting the nonconforming uses definition in Section 656.1008 of the City of Jacksonville Zoning Code. All allowed development is subject to disclosure requirements.

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.

Policy 3.1.11 The City shall require new residential areas to be designed to include an efficient system of internal circulation and connection to adjacent developments and neighborhoods. The Land Development Regulations shall detail the requirements for public access and interconnectivity within and between developments based on standards such as but not limited to a connectivity score, maximum separations between connections to adjacent developments, and rules relative to hours, operations, and public safety considerations for any restriction of access through the use of gates.

As mentioned earlier, the proposed site plan shows future connections to Lem Turner Road and to the south through an existing development. This will create an efficient external transportation system.

Policy 2.2.3 A residential subdivision development of 100 lots or more shall provide at least one acre of useable uplands for every 100 lots (and any fraction thereof), or 5% of the total useable uplands area to be platted, whichever is less, to be dedicated as common area and set aside for active recreation There may be up to two areas for each 100 lots, and the areas shall be a minimum of 0.5 acres in size, unless otherwise approved by the Planning and Development Department, or by the City Council as part of a Planned Unit Development Zoning District.

The proposed development will provide the required recreation area.

(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. The PUD differs from a conventional rezoning in that it locates specific size lots on the perimeter of the parcel to be more compatible with adjacent lot sizes. The PUD also contains a mix of lot sizes with the flexibility that cannot be achieved with a conventional rezoning. The site plan also indicates specific connection points to encourage interconnectivity with other developments.

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). There is a companion Application for Large-scale Land Use Amendment to the Future Land use Map Series L-5298-19A (Ordinance 2019-716) that seeks to amend the portion of land that is within the Light Industrial (LI) land use category to 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

Fair Share # 73889.0: LT Industrial Park reserves 4,800,000 enclosed square footage of high cube warehouse and was approved on July 15, 2010 and the Fair Share Assessment was for \$1,844,981. The Fair Share is valid until July 23, 2024 due to EO Extensions.

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. If the owner is now seeking to develop a residential project, instead of industrial which is reserved under the Fair Share, the owner will need to submit the proper forms to the Concurrency & Mobility Management System Office (Mobility application, CCAS application).

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for a single family subdivision. 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.

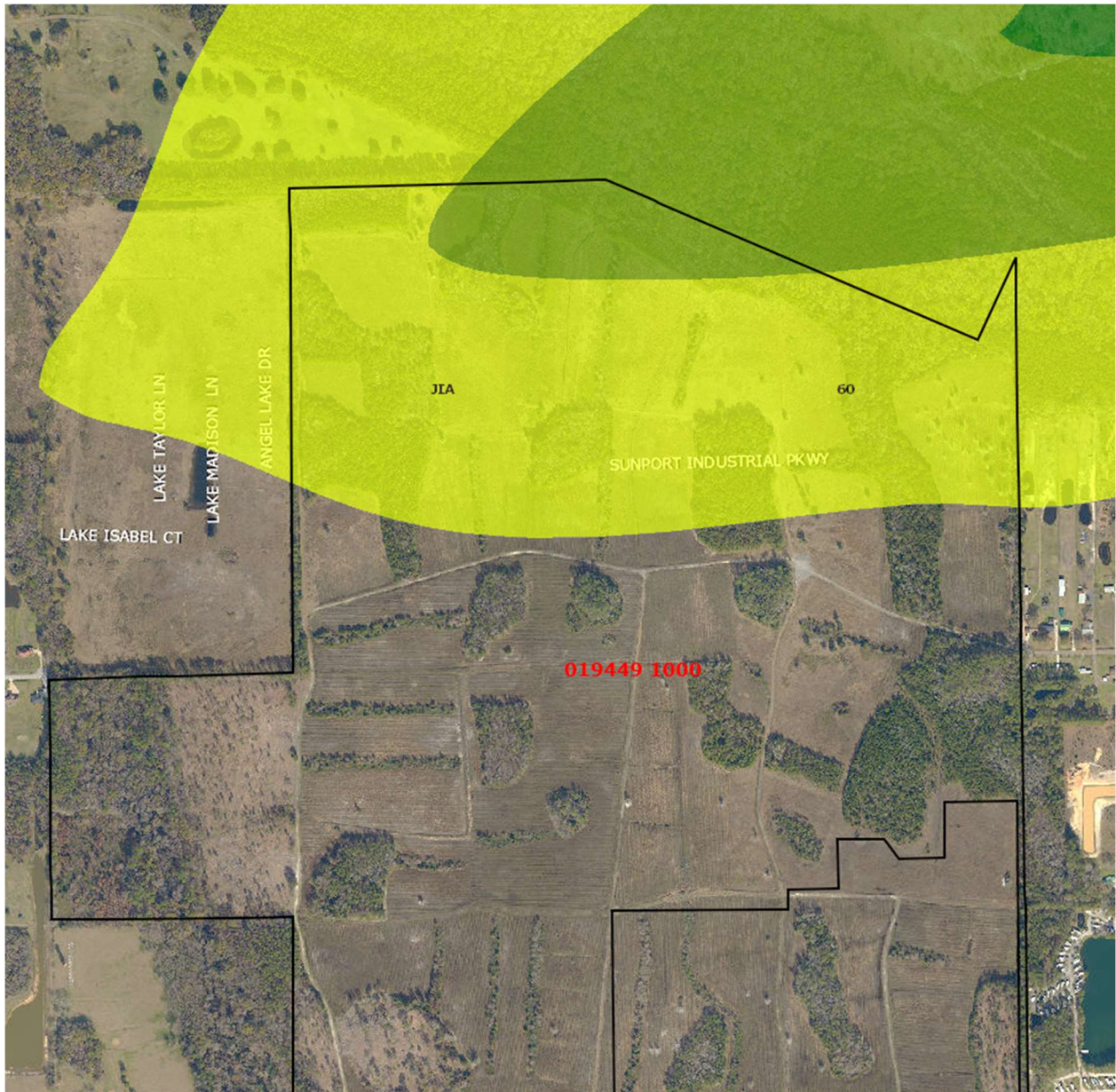
(4) Internal compatibility

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 streetscape: The written description indicates the streetscape of the proposed subdivision will be similar to other subdivisions.
- The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: The PUD indicates that 1 acre of active recreation will be provided for every 100 lots. Based on the maximum number of lots, 14 acres of recreation will be required. The site plan shows the recreation area on the eastern perimeter of the site.
- The use of topography, physical environment and other natural features: The site plan shows pockets of wetlands on the east, north and west areas of the property. The road layout will use these pockets to add interest and diversity to the development.
- Traffic and pedestrian circulation patterns: The site plan is a bubble diagram, and does not show detailed road layout, but it is expected the development will have cul-de-sacs branching off a spine road.
- The use and variety of building setback lines, separations, and buffering: The Written Description includes setbacks and development standards that are the same in the Zoning Code.
- The use and variety of building sizes and architectural styles: The written does not provide specifics on any proposed architectural styles. It is typical that a development of this size will have several different builders, each bring their own architectural designs.
- The use and variety of materials: As mentioned above, the written description does not

offer specific materials. It is expected that different materials and paint colors will be used for variety.

- The particular land uses proposed and the conditions and limitations thereon: The PUD is proposing only single family residential uses.
- 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: Approximately 126 acres across the northern portion of the subject site is within the 60 Day-Night Sound Level (DNL) noise contour range. As such, this area has been designated a Civilian Influence Zone for Jacksonville International Airport (JIA). 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. Additionally, about 18 acres across the northern-most portion of the site is within the 65 DNL contour. Development within the portion of the property that is in the 65 to 74.99 DNL must achieve a 30 dBA noise level reduction, and most outdoor recreation uses are not permitted within this area. Dwellings in both zones will be required to record an Airport Notice Zone Acknowledgement with the Planning and Development Department and Jacksonville Airport Authority (JAA). The Acknowledgement informs all potential buyers of the possibility of significant noise due to aircraft operations. **The Department recommends a notice be placed on the subdivision plat that references potential noise from airport operations.** See graphic below.



(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:

- Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon: The areas surrounding the proposed PUD are generally undeveloped. There are significant wetlands along the north and western boundaries of the site which prevent development. A single family subdivision with 90 foot wide lots called Angel Lakes is proposed on the western border. This development has not commenced. There is a 250 foot JEA easement along the southern border. Directly south of the easement is the

unfinished phase of Dunns Creek subdivision. This PUD from 2002 includes the potential connection to the proposed PUD. To the east are single family dwellings on 2.5 acre lots.

- 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	RR PBF MU	RR-Acre PBF-3 PUD (13-702)	Undeveloped Undeveloped land owned by JAA Undeveloped Thomas Creek PUD
South	LDR	PUD (02-572)	Dunns Creek subdivision
East	RR	RR-Acre	Single family dwellings
West	RR	PUD (05-1105) PUD (05-1158)	Undeveloped single family subdivision Undeveloped single family subdivision

(6) Intensity of Development

The proposed development is consistent with the Low Density Residential (LDR) functional land use category as a 1,400 lot single family subdivision. The PUD is appropriate at this location because it will offer alternative housing for business in the area.

- The availability and location of utility services and public facilities and services: JEA indicates a water main and sewer force main are along Lem Turner Road and Newcomb Road intersection.

SCHOOL	CONCURENCY SERVICE AREA	STUDENTS GENERATED	SCHOOL CAPACITY (Permanent/Portables)	CURRENT ENROLLMENT 20 Day Count (2017/18)	% OCCUPIED	4 YEAR PROJECTION
Dinsmore ES #45	1	76	683	513	75%	83%
Highlands MS #244	1	33	1,071	816	76%	86%
Ribault HS #96	1	43	1,683	1,466	87%	87%

- The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: The two previous rezonings, PUD 2013-0648 and PUD 2008-0788, were light industrial in nature and did not have access to

Hemlock St. They had access to Lem Turner Rd from the proposed Sunport Industrial Parkway, which is shown as a “tail” on Exhibit 2 of the application. It is the Department’s understanding that JAA will not allow residential traffic using this access. Access to the proposed subdivision will be from Hemlock Street.

Due to the potential number of residential lots, FDOT is requesting a traffic impact study that analyzes impacts to adjacent roadways.

South of the proposed development is Dunns Crossing PUD. This residential PUD was approved in 2002 with a future connection to any development to the north. The proposed PUD is showing an access to Dunns Creek subdivision. Currently the area of Dunns Creek adjacent to the proposed PUD is undeveloped.

If access is allowed through Sunport Industrial Parkway, a traffic study is to be provided to include the impact analysis of Sunport Industrial Parkway at Lem Turner Road. This study shall include the need for a left and right turn lane and a traffic signal warrant analysis. The study shall also determine the roadway cross section needed to ensure an adequate level of service and meet current standards. The improvements needed for Sunport Industrial Parkway and the intersection of Lem Turner Road and Hemlock Street shall be the responsibility of the developer. The traffic study shall include a traffic impact analysis to the interchange ramps of Lem Tuner Road and I-295.

If access is allowed through Hemlock Street, a traffic study is to be provided to include the impact analysis of Hemlock Street at Lem Turner Road. This study shall include the need for a left and right turn lane and a traffic signal warrant analysis. The study shall also determine the improvements needed to ensure an adequate level of service on Hemlock Street. Hemlock Street shall be improved to current standards including sidewalks, bike lanes and street lights. The improvements needed for Hemlock Street and the intersection of Lem Turner Road and Hemlock Street shall be the responsibility of the developer. The traffic study shall include a traffic impact analysis to the interchange ramps of Lem Tuner Road and I-295.

If access is allowed through the proposed Dunns Crossing development, a traffic study is to be provided to include the impact analysis of the additional traffic at the intersection of Robert Masters Blvd and Dunn Avenue. This study shall include the need to lengthen the left and right turn lanes and any other improvements to the traffic signal already warranted from the analysis of Dunns Crossing. The study shall also determine the improvements needed to ensure an adequate level of service on the proposed roads in Dunns Crossing from the border of this subdivision to Dunn Ave. Any improvements needed for the proposed roads in Dunns Crossing and the intersection of Robert Masters Blvd and Dunn Avenue caused by the impacts of this subdivision shall be the responsibility of the developer. The traffic study shall also include a traffic impact analysis to the interchange ramps of Dunn Avenue and I-295.

To the east of the subject property is Angel Lakes PUD (2005-1105). This PUD allows a

maximum of 200 single family lots. The main access is Angel Lakes Drive to the west. However, the PUD does allow for future expansion to the east “through coordination from the City and the adjacent developers.” **As the eastern phase of Angel Lakes has not commenced, the Department is recommending that Angel Lakes PUD and the subject property be connected along their common boundary.**

Lem Turner Road and Dunn Avenue are State Maintained roads. All work done on these roads will be done to FDOT standards and will require FDOT permits.

(7) Usable open spaces plazas, recreation areas.

The project will be developed with 1 acre of active recreation area for each 100 lots. Using the 1,400 lot maximum in the written description, 14 acres of recreation will be provided. The site plan shows the recreation area on the eastern edge of the parcel.

(8) Impact on wetlands

Review of City data indicates the potential existence of approximately 43 acres of Category II and III wetlands on the subject site. The isolated pockets of wetlands have 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. However, an isolated cypress swamp (approximately 1-acre) appears be located near the southern boundary of the subject site. The wetland is considered to have a high functional value due to its water filtration attenuation and flood water storage capacity. Based on this information, the proposed amendment is consistent with the following Conservation/Coastal Management Element (CCME) wetlands policies 4.1.3, 4.1.5 and 4.1.6.

(9) Listed species regulations

Environmental Services Inc. (ESI) performed a wildlife survey on February 14, 2008. No endangered, threatened or species of special concern were observed during the survey.

(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 25, 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 **2019-717** be **APPROVED with the following exhibits:**

1. The original legal description dated September 24, 2019.
2. The original written description dated September 6, 2019.
3. The original site plan dated September 6, 2019.

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2019-717** be **APPROVED subject to the following conditions, which may only be changed through a rezoning:**

1. The owner shall record with the Planning and Development Department and the Jacksonville Airport Authority at the time of verification of substantial compliance, an Airport Notice Zone Acknowledgement Form. The developer shall include in a prominent place, a reference on the site plan, covenants, deeds and restrictions of the community, and the plat, the following statement "NOTICE: Buildings may be located in an Airport Notice Zone and may be subject to increased noise or hazard levels associated with air traffic operations."
2. If access is allowed through Sunport Industrial Parkway, a traffic study is to be provided to include the impact analysis of Sunport Industrial Parkway at Lem Turner Road. This study shall include the need for a left and right turn lane and a traffic signal warrant analysis. The study shall also determine the roadway cross section needed to ensure an adequate level of service and meet current standards. The improvements needed for Sunport Industrial Parkway and the intersection of Lem Turner Road and Hemlock Street shall be the responsibility of the developer. The traffic study shall include a traffic impact analysis to the interchange ramps of Lem Tuner Road and I-295.

3. If access is allowed through Hemlock Street, a traffic study is to be provided to include the impact analysis of Hemlock Street at Lem Turner Road. This study shall include the need for a left and right turn lane and a traffic signal warrant analysis. The study shall also determine the improvements needed to ensure an adequate level of service on Hemlock Street. Hemlock Street shall be improved to current standards including sidewalks, bike lanes and street lights. The improvements needed for Hemlock Street and the intersection of Lem Turner Road and Hemlock Street shall be the responsibility of the developer. The traffic study shall include a traffic impact analysis to the interchange ramps of Lem Turner Road and I-295.
4. If access is allowed through the proposed Dunns Crossing development, a traffic study is to be provided to include the impact analysis of the additional traffic at the intersection of Robert Masters Blvd and Dunn Avenue. This study shall include the need to lengthen the left and right turn lanes and any other improvements to the traffic signal already warranted from the analysis of Dunns Crossing. The study shall also determine the improvements needed to ensure an adequate level of service on the proposed roads in Dunns Crossing from the border of this subdivision to Dunn Ave. Any improvements needed for the proposed roads in Dunns Crossing and the intersection of Robert Masters Blvd and Dunn Avenue caused by the impacts of this subdivision shall be the responsibility of the developer. The traffic study shall also include a traffic impact analysis to the interchange ramps of Dunn Avenue and I-295.
5. The proposed PUD and Angel Lakes PUD shall provide a vehicular connection along their common boundary.
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.



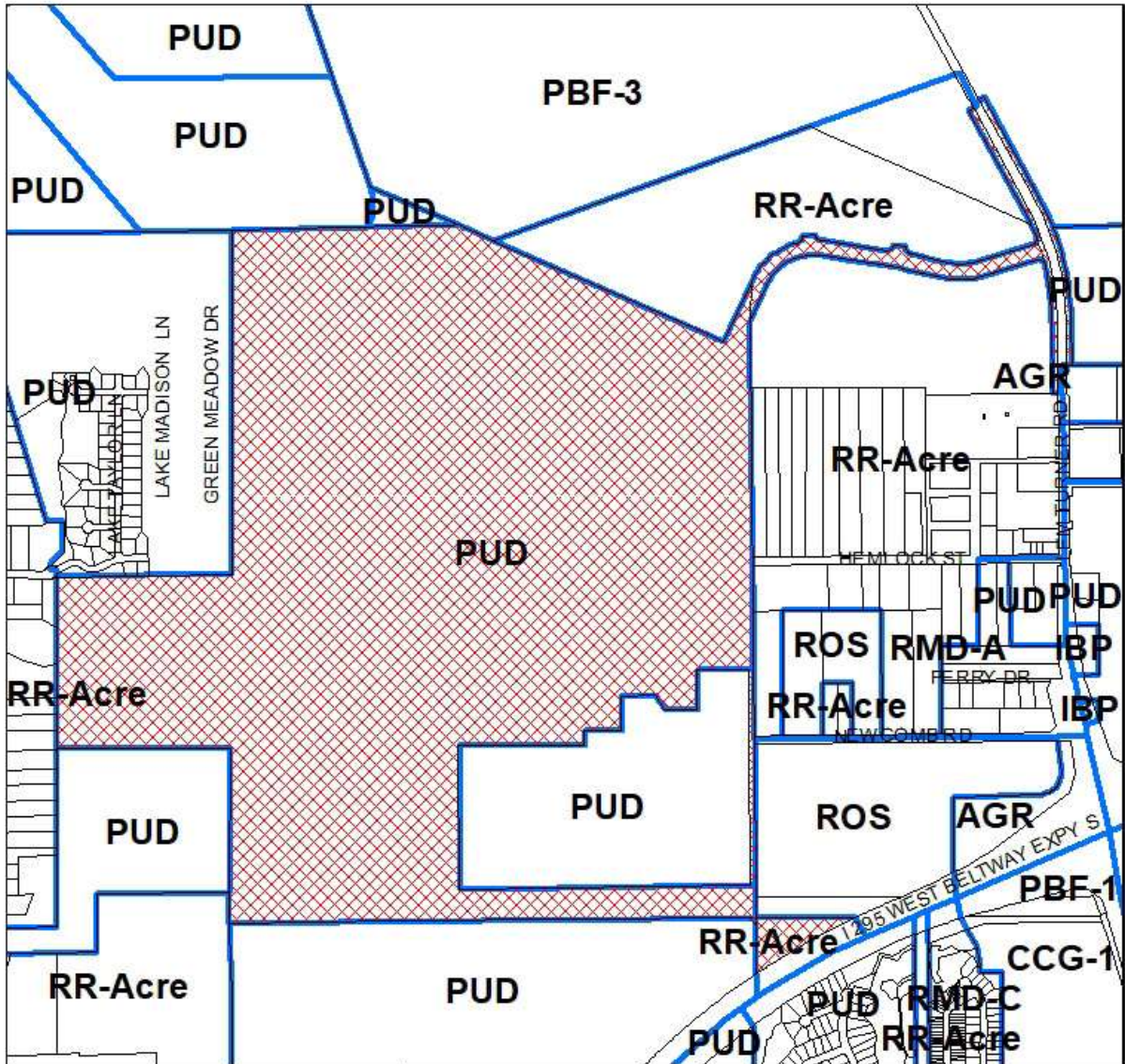
View of terminus of Hemlock Street and entrance to proposed subdivision

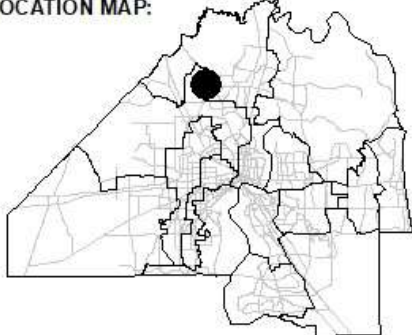
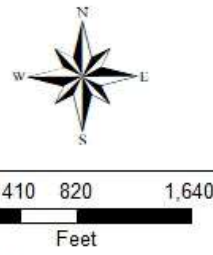


View of Hemlock Street looking east



Aerial view of subject property.



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT:</p> <p>8</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2019-0717</p>	<p>TRACKING NUMBER</p> <p>T-2019-2517</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>