

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

January 5, 2023

The Honorable Terrance Freeman, President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

RE: Planning Commission Advisory Report
Ordinance No.: 2022-854 **Application for: Ellis Cove PUD**

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairperson Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve with Condition**

Planning Commission Recommendation: **Approve**

This rezoning is subject to the following exhibits:

- 1. The original legal description dated July 12, 2022.**
- 2. The original written description dated November 14, 2022.**
- 3. The original site plan dated October 3, 2022.**

Recommended Planning Commission Conditions to the Ordinance:

Planning Commission conditions: **None**

Planning Department conditions:

- 1. The property shall be developed in accordance with the Transportation Planning Memorandum dated December 14, 2022, or as otherwise approved by the Planning and Development Department.**

Recommended Planning Commission Conditions that can be incorporated into the Written Description: **None**

Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 6-0

Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Absent
Marshall Adkison	Aye
Daniel Blanchard	Aye
Jordan Elsbury	Absent
Joshua Garrison	Aye
David Hacker	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 2022-0854 TO
PLANNED UNIT DEVELOPMENT

JANUARY 5, 2023

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 **2022-0854** to Planned Unit Development.

Location: 0 Philips Highway (SR 5)

Real Estate Numbers: 168090-0040

Current Zoning Districts: Planned Unit Development (PUD)

Proposed Zoning District: Planned Unit Development (PUD)

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

Proposed Land Use Category: Medium Density Residential (MDR)
Community General Commercial (CGC)

Planning District: Southeast, District 3

Applicant/Agent: Emily Pierce, Esq.
Rogers Towers, P.A.
1301 Riverplace Blvd, Suite 1500
Jacksonville, Florida 32207

Owner: John Dodson
Tri Lake Investments, LLC
700 Ponte Vedra Lakes Blvd
Jacksonville, Florida 32082

Staff Recommendation: **APPROVE WITH CONDITION**

GENERAL INFORMATION

Application for Planned Unit Development **2022-0854** seeks to rezone approximately 31.20± acres of land from Planned Unit Development (PUD) to Planned Unit Development (PUD). The rezoning to a new PUD is being sought in order to develop the property with a mix of multi-family

and commercial uses. Multi-family residential shall not exceed 360 units and the commercial parcel will allow uses similar to the Zoning District of CCG-1. The proposed PUD differs from the conventional zoning district by establishing minimum lot width, maximum lot coverage, minimum yard requirements, and maximum height of structures which are unique to the character of the proposed PUD. Additionally, provides for signage tailored to the mixed use nature of the project and variations from the parking standards to accommodate the residential uses proposed.

There is a companion Land Use Amendment, **L-5764-22C (Ord. 2022-0853)**. The proposed LUA is for approximately 29.55± acres of the subject property from Low Density Residential (LDR)/Community General Commercial (CGC) to Medium Density Residential (MDR).

PUD Ord. 2017-0622-E was approved with the following conditions:

1. Prior to the construction of residential uses within the PUD, covenants and restrictions shall be recorded for the Property which (i) provide for architectural review of plans/elevations of home exteriors by an architectural review board and (ii) provide standards for such review, including requirements that (a) the front façade of each single-family detached home and townhome must have at least two different finishes, one being a primary finish and the secondary finish being an accent feature, (b) no vinyl siding can be used on a single family detached home, and (c) and no panel siding can be used as the primary building product on the front façade of any single family detached home. As part of verification of substantial compliance for the first residential use, such recorded covenants and restrictions shall be submitted to the Planning and Development Department for review and approval.
2. All internal roads shall have a minimum pavement width of twenty-four feet (24'), excluding curb and gutter.
3. With regard to the internal primary collector roads, developer has the option of either complying with Section 654.133, Ordinance Code, as it may be amended, with regard to sidewalks and bike paths, or, in lieu of separate sidewalks and bike paths, provide a ten (10) foot wide multi-use path along one side of 1 internal primary collector roads. Attached as Exhibit "E-1", to the Site Plan, is a Collector Road Typical Section dated September 18, 2017, showing the proposed 10-foot multi-use path and 6-foot sidewalk (as well as right of-way width and pavement width) proposed for the internal collector road. A minimum five (5) foot wide sidewalk shall be provided along one side of all other internal roads. Attached as Exhibit "E-2", to the Site Plan, is a Bicycle-Pedestrian Circulation Plan dated August 18, 2017 showing the proposed multi-use path and sidewalks on internal roads.

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

- All conditions from the previous PUD are strictly related to Wells Creek for architectural standards and internal roadways and therefore the Planning & Development Department does not recommending forwarding these conditions.

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 Community General Commercial (CGC)/ 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 Small-Scale Land Use Amendment to the Future Land Use Map Series L-5764-22C (Ord. 2022-0853) that seeks to amend approximately 29.55± of the site that is within the Low Density Residential (LDR)/ Community General Commercial (CGC) land use category to Medium Density Residential (MDR). Staff is recommending that Application for Small-scale Land Use Amendment to the Future Land Use Map Series L-5764-22C be approved.

MDR in the Suburban Area is intended to provide compact low to medium density mixed use development. Plan amendment requests for new MDR designations are preferred in locations which are supplied with full urban services and in locations which serve as a transition between commercial and residential land uses. Multi-family and single-family dwellings are the predominant development typology in this category. The maximum gross density in the Suburban Area shall be 20 units per acre, and the minimum gross density shall generally be greater than seven (7) units per acre. The proposed PUD rezoning is consistent with the proposed MDR land use amendment application for the subject site.

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. The proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan and furthers the following goals, objectives and policies contained herein, including:

Objective 3.1

Continue to maintain adequate land designated for residential uses which can accommodate the projected population and provide safe, decent, sanitary and affordable housing opportunities for the citizens. Protect single-family residential neighborhoods by requiring that any other land uses within single-family areas meet all applicable requirements described in the Development Areas

and the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and Land Development Regulations.

The proposed rezoning at the subject site would directly address the projected growth for the surrounding area by providing for a greater variety of housing options for local citizens.

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.

Flood Zones

Approximately 0.36 of an acres 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 or 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.



(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): Community General Commercial (CGC)/ Low Density Residential (LDR). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series L-5764-22C (Ord. 2022-0853) that seeks to amend a portion of land that is within the Community General Commercial (CGC)/ Low Density Residential (LDR) land use category to Medium Density Residential (MDR). The Planning and Development Department finds that the proposed PUD is in/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. Currently, there is nothing in the Concurrency system regarding this proposed development and the agent/owner will need to submit a Mobility application & CRC application (attached) to the Concurrency Office.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to permit the development of up to 360 multi-family dwellings and commercial uses. 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 consistent with the internal compatibility factors. An evaluation of the internal compatibility of a proposal 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: Active recreation will be provided with amenity/recreation areas for the Residential Parcel uses as required by Policy 2.2.5 of the Recreation and Open Space Element of the 2030 Comprehensive Plan. Additionally, the Land-Use Table provides 1.50 acres of active recreation and/or open space and 9.60 acres of passive open space including wetlands.

The use of existing and proposed landscaping: Landscaping and tree protection shall be provided in accordance with the City of Jacksonville Zoning Code. For individual parcels landscaping may be provided “off-site” within the PUD and may be shared with other uses, as long as the PUD in its entirety provides sufficient landscaping for all the proposed uses.

Traffic and pedestrian circulation patterns: As demonstrated on the attached site plan, the proposed traffic circulation system will be serviced using Philips Highway/US Highway 1. Comments from Traffic & Engineering include:

- Philips Highway is an FDOT right of way and permitting for access to this ROW shall be through FDOT.

The subject site is approximately 31.20 acres and is accessible from Philips Hwy (US 1), an urbanized highway between Old St Augustine Rd and the Duval/St Johns County line. This segment is currently operating at 60.3% of capacity. Philips Hwy currently has a maximum daily capacity of 39,800 vehicles per day (vpd) and average daily traffic of 24,000 vpd.

The applicant requests 363 units dwelling units single-family (ITE Code 220), which could produce 2,447 daily trips. The applicant requests 9,600 ft. of commercial space (ITE Code 822), which could produce 523 daily trips.

The use and variety of building setback lines, separations, and buffering: The proposed development of 360 multi-family dwellings will follow setback regulations similar to RMD zoning districts except for side setback for more than one principal structure will be reduced from 20 feet to 10 feet and height increase from 45 feet to 60 feet. For commercial uses adjacent to residential a side setback of 10 feet will be required. In regards to uncomplimentary land uses and zones buffers due to the integrated mixed use nature of this PUD, all internal uses within the PUD are considered compatible with each other and no buffers between such internal uses are required.

The use and variety of materials: Buildings, structures, and signage shall be architecturally compatible with those in other uses within the PUD.

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: Lighting shall be designed and installed so as to prevent glare or excessive light on adjacent property.

(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 development is located north of Philips Highway, a major arterial roadway and within the boundaries of the Wells Creek PUD Ord. #2017-0622. The Wells Creek PUD surrounds the property to the North and East with Brookwater Drive just to the East and was approved for the development of single family and townhome communities. Properties to the south include outdoor storage for Arts of Natural Stone Jax zoned CCG-1 and The Felix apartment complex zoned Commercial Residential Office.

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: 2017-0622	Single Family Dwellings
South	CGC/RPI	CCG-1/CRO	Outside Storage/Multi-Family Apartments
East	LDR	PUD: 2017-0622	Single Family Dwellings
West	LDR	RR-Acre	Vacant

(6) Intensity of Development

The proposed development is consistent with the proposed MDR/CGC functional land use category and will allow for the development of up to 360 multi-family dwellings and commercial uses. The PUD is appropriate at this location because it is consistent with the surrounding residential and commercial uses.

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. There is an existing 24-inch water main along Phillips Hwy and existing 20 inch force main and associated stubs along Philips Hwy.

The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: Access to the site is proposed via Philips Highway/US Highway 1. The applicant will need to coordinate with FDOT Permits and Access Management for the proposed driveway connection to Philips Highway. In a memo dated December 14, 2022 from the Florida Department of Transportation: The segment mentioned in Table 2 has sufficient capacity to accommodate the trips generated from the development at the target Level of Service (LOS) standard, and FDOT does not anticipate any significant adverse impacts to US-1.

Table 2

County	Road	Segment ID	Segment	FDOT LOS Standard	Maximum Service Volume	2021 Peak Hour Volume	2021 Peak LOS	2027 Peak Hour Volume	2027 Peak LOS
Duval	US-1	489	St. Johns Co. Line to Old St. Augustine	D	5,960	2,160	B	2,978	B

School Capacity:

Based on the Development Standards for impact assessment, the 31.20± acre proposed PUD rezoning has a development potential of 360 Multi-Family Dwellings. 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 2022-0854

Development Potential: 360 Residential Units

School Type	CSA	2022-23 Enrollment/CSA	Current Utilization (%)	New Student/Development	5-Year Utilization (%)	Available Seats CSA	Available Seats Adjacent CSA 3&4
Elementary	5	8,254	84%	45	88%	1,007	2,110
Middle	5	2,210	78%	18	69%	366	1,360
High	5	7,718	99%	26	92%	527	439
Total New Students				89			

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 (2022/23)	% OCCUPIED	4 YEAR PROJECTION
Bartram Springs ES #61	5	45	964	1,188	123%	139%
Twin Lakes Academy MS #253	4	18	1,462	1,056	72%	67%
Atlantic Coast HS #268	5	26	2,443	2,532	104%	90%

- Does not include ESE & room exclusions
- Analysis based on a **maximum** 360 dwelling units – 2022-0854
- Same as Above (SAA)

(7) Usable open spaces plazas, recreation areas.

Active recreation will be provided with amenity/recreation areas for the Residential Parcel uses as required by Policy 2.2.5 of the Recreation and Open Space Element of the 2030 Comprehensive Plan.

(8) Impact on wetlands

Review of City data indicates the potential existence of wetlands on the subject site and as such, based upon the city’s geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size:	11 acres
General Location(s):	Along majority of the north, east, and southern border.
Quality/Functional Value:	The wetland has an extremely high functional value for water filtration attenuation and floodwater capacity, is located within the 100-year flood zone, and has a direct impact on the City’s waterways.
Soil Types/ Characteristics:	(22) Evergreen-Wesconnett Complex – Very poorly drained

(35) Lynn Haven Fine Sand – somewhat poorly drained.

Wetland Category:

Category III

Consistency of
Permitted Uses:

Uses permitted within Category III wetlands are subject to CCME Policies 4.1.3 and 4.1.6.

Environmental Resource
Permit (ERP):

Not provided by applicant or on record with the St. Johns River Water Management District.

Wetlands Impact:

The companion PUD site plan shows that development will be clustered to limit wetland impacts.

Associated Impacts:

No impact to city waterways.

Relevant Policies:

CCME Policies 4.1.3 and 4.1.6

For more information regarding Conservation/Coastal Management Element, please see the attached memo from Community Planning Division.



(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.

Parking for multifamily residential use shall be provided at a minimum rate of 1.5 spaces per unit with a mix of surface parking, enclosed parking garages or parking structures, and attached garage parking connected to or under the residential buildings. For all commercial uses Parking will be provided in accordance with Part 6 of the City's Zoning Code. All loading areas will comply with Sections 656.605 of the Zoning Code; provided, however, that only one (1) loading space shall be required for development on the Residential Parcel.

(11) Sidewalks, trails, and bikeways

There shall be a minimum of ten (10) bicycle parking spaces for residential uses.

Pursuant to Policy 4.1.5 of the Transportation Element of the 2030 Comprehensive Plan, the applicant must provide for the convenient and safe access by and securing of bicycles on site. The bicycle parking must be consistent with the requirements outlined in Part 6 of the Zoning Code.

SUPPLEMENTARY INFORMATION

The applicant provided proof of posting on **December 5, 2022** to the Planning and Development Department that the 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 Ordinance **2022-0854** be **APPROVED** with the following exhibits:

1. The original legal description dated July 12, 2022.
2. The original written description dated November 14, 2022.
3. The original site plan dated October 3, 2022.

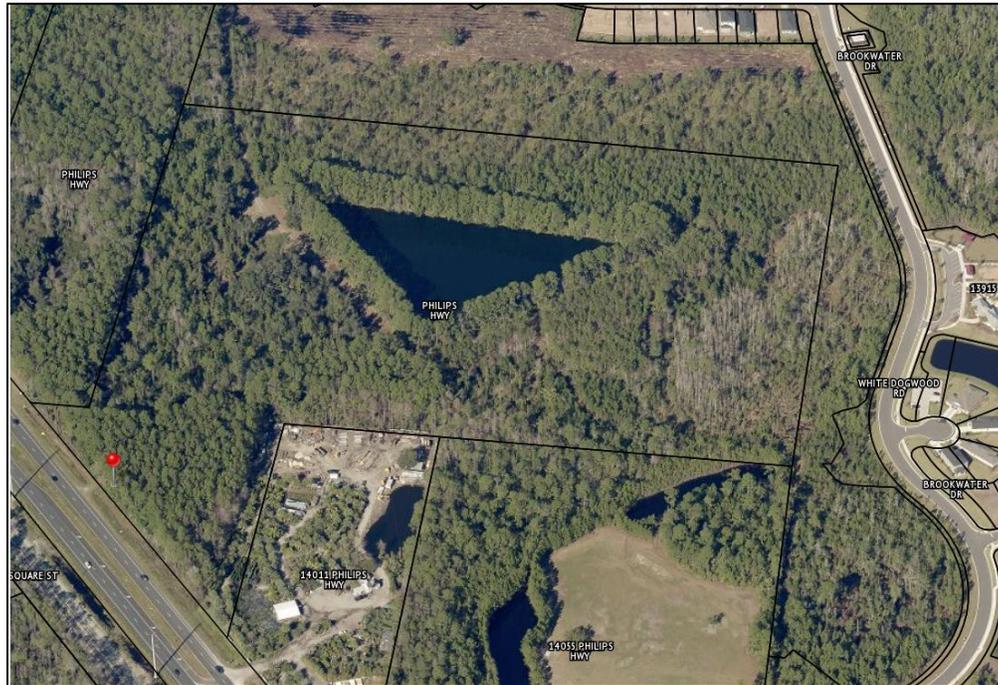
Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2022-0854** be **APPROVED w/ CONDITION**.

1. The property shall be developed in accordance with the Transportation Planning Memorandum dated December 14, 2022, or as otherwise approved by the Planning and Development Department.



Aerial View

Source: JaxGIS



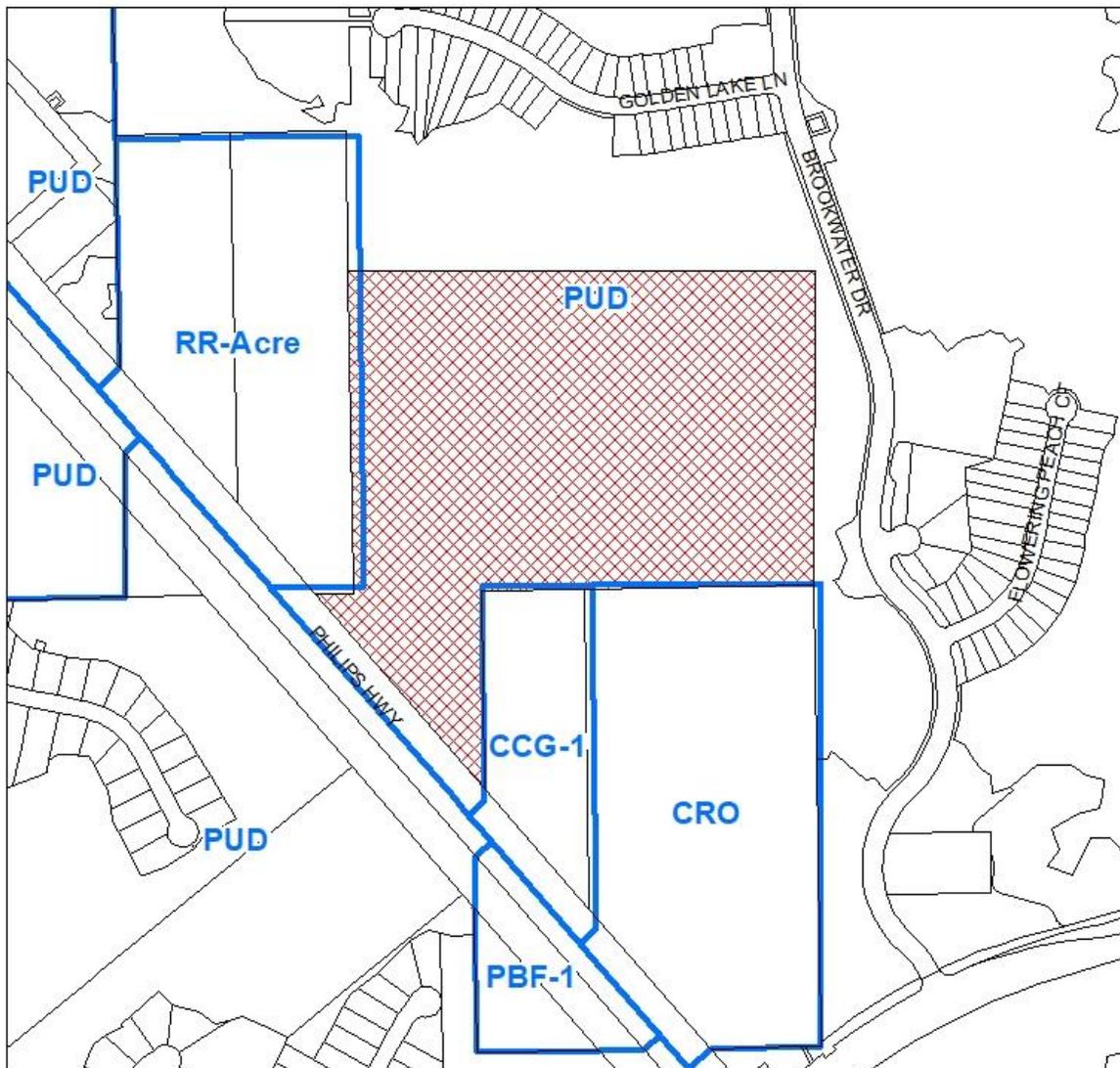
View of Subject Property

Source: JAXGIS Maps



View of Property to the South

Source: Google Maps

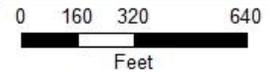
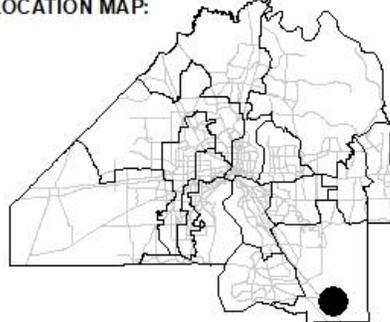


REQUEST SOUGHT:

FROM: PUD

TO: PUD

LOCATION MAP:



COUNCIL DISTRICT:

11

TRACKING NUMBER

T-2022-4362

EXHIBIT 2
PAGE 1 OF 1