

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-003 TO
PLANNED UNIT DEVELOPMENT

JUNE 6, 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 2019-003 to Planned Unit Development.

Location: Northwest quadrant of Dunn Creek Road and
New Berlin Road

Real Estate Number(s): 106509-0010

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

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Low Density Residential (LDR)

Proposed Land Use Category: Neighborhood Commercial (NC)

Planning District: North, District 6

Applicant/Agent: Courtney Gaver, Esq.
Rogers Towers, PA
100 Whetstone Place, Suite 200
St. Augustine, Florida 32086

Owner: Mark R. Nugent
Oceanway Property Development, LLC
1148 Fruit Cove Road
St. Johns, Florida 32259

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Planned Unit Development 2019-003 seeks to rezone approximately 6.16 acres from RLD-100A to PUD. The rezoning is being sought to develop the site with a maximum of 60,000 square feet of neighborhood commercial retail and service establishments. The site plan indicates there will be a maximum of three buildings of varying sizes.

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) 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. However, there is a companion Application for Small-Scale Land Use Amendment to the Future Land Use Map Series L5321-18C (Ordinance 2019-002) that seeks to amend the portion of the site that is within the LDR land use category to Neighborhood Commercial (NC). Staff is recommending that Application for Small-scale Land Use Amendment to the Future Land Use Map Series L5321-18C 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. A description of the category is noted below.

According to the FLUE, Neighborhood Commercial (NC) is a category primarily intended to provide commercial retail and service establishments which serve the daily needs of nearby residential neighborhoods. These uses shall generally be located within walking distance of residential neighborhoods in order to reduce the number of Vehicle Miles Traveled. All uses should be designed in a manner which emphasizes the used of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods. Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein. The NC land use category permits a variety of low-intensity commercial uses including business and professional offices, commercial retail and service establishments and filling stations.

(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 1.2.9 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.

Per an attached JEA service availability letter dated November 13, 2018, there are points of connection for water and sewer services within 300 feet of the property. Any new commercial development of the property would be required to utilize these connections, and therefore the proposed rezoning is consistent with the above policy.

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.

The proposed companion land use amendment application, if approved, will result in the establishment of a transitional land use between the existing CGC land use at the nearby intersection of New Berlin Road and Dunn Creek Road, and the existing LDR land use to the north of the subject site. The proposed rezoning would match this proposed land use amendment, and is therefore consistent with the above policy.

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.

The transitional nature of the proposed zoning change will contribute to a well-balanced distribution of uses in the area, and provide for the development of an underutilized parcel of land without detrimentally affecting the character of the surroundings. The proposed zoning change is therefore compatible with the above goal.

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.

The proposed rezoning and land use amendment will sustain the viability of the existing commercial node at the intersection of New Berlin Road and Dunn Creek road, and is therefore consistent with the above objective.

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.

The proposed rezoning will support and work in concert with the existing commercial node at the intersection of New Berlin Road and Dunn Creek Road. The proposed rezoning is therefore consistent with the above policy.

Objective 6.3 The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill 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 rezoning will encourage the development of a bypassed property within the suburban development area using existing public infrastructure. The proposed rezoning is therefore consistent with the above objective.

(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 category as identified in the Future Land Use Map series (FLUMs): Low Density Residential (LDR). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series L5321-18C (Ordinance 2019-002) that seeks to amend the portion of land that is within the LDR land use category to NC. 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 commercial retail and service establishment 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 streetscape: It is expected the streetscape will be different than other commercial projects that have been constructed in the area. The site plan shows a building close to the street which creates a courtyard with parking in the center.
- The use of topography, physical environment and other natural features: The site plan shows the existing 1 acre wetland area will be preserved and the existing pond will be converted to a retention pond to accommodate any drainage.
- Traffic and pedestrian circulation patterns: The site plan shows two accesses on Dunn Creek Road, allowing the opportunities for ingress and egress.
- The use and variety of building setback lines, separations, and buffering: The intended plan of development uses the development standards found in the Commercial Neighborhood Zoning District.
- The use and variety of building groupings: is generally shown on the site plan. The placement of other buildings help to break up views of the surface parking.
- The use and variety of building sizes and architectural styles: The PUD is silent on any specific type of architectural style.
- The separation and buffering of vehicular use areas and sections of vehicular use areas: The PUD states that landscaping will comply with Part 12 Landscape Regulations which will ensure the parking area will be adequately buffered.
- The particular land uses proposed and the conditions and limitations thereon: The proposed uses contain limitations on the hours of operation. This will reduce any potential adverse impacts internally.
- Compatible relationship between land uses in a mixed use project: It is expected the proposed uses will be compatible with each other. The PUD proposes use from the Commercial Neighborhood Zoning District, while also deleting uses that may create adverse impacts.

(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 properties in the immediate area are a mix of single family dwellings on large lots, churches, and small commercial uses. While the larger area surrounding the site is primarily residential in nature, it is located near the intersection of New Berlin Road and Dunn Creek Road. To the west is a church and school property, however the church is separated from the subject site by a strip of access road going back to a cell tower adjacent to the northwest corner of the subject site.

- 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	RR-Acre RLD-100A	Single family dwellings
South	CGC	CO CCG-1	Undeveloped Internet gaming store
East	LDR	RLD-100A	Single family dwellings
West	LDR	RR-Acre	Church, cell tower

- 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 has placed limitations on the hours of operation to reduce any potential adverse impact on the surrounding area.

(6) Intensity of Development

The proposed development is consistent with the NC functional land use category as a retail center with limitations on the type of proposed uses. The PUD is appropriate at this location because it will provide a variety of retail uses and service establishments which are lacking for residents in the immediate area.

- The availability and location of utility services and public facilities and services: JEA indicates that water and sanitary sewer are available to the site.
- The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries:

(7) Usable open spaces plazas, recreation areas.

The project will be developed with the required amount of open space. No recreation area is required.

(8) Impact on wetlands

Review of City data indicates the potential existence of 1.13 acres of Category III wetlands in the southwest corner of the subject site. Based on the information, the proposed amendment is consistent with the Conservation/Coastal Management Element (CCME) wetlands policies; Policy 4.1.3, 4.1.6 and FLUE Policy 4.1.10.

(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. There are currently no sidewalks along Dunn Creek Road or New Berlin Road.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on May 17, 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 **2019-003** be **APPROVED with the following exhibits:**

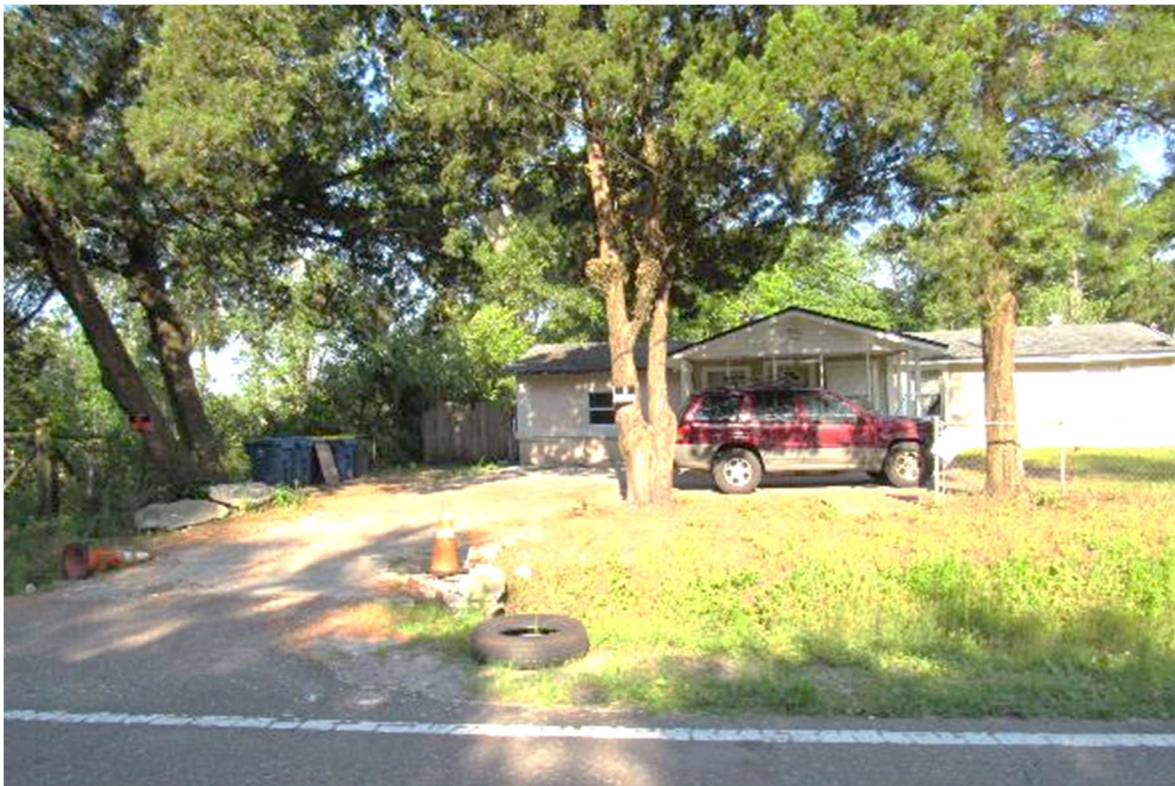
1. The original legal description dated October 25, 2018.
2. The original written description dated April 16, 2019.
3. The original site plan dated March 12, 2019.



Aerial view of subject property.



View of subject property.



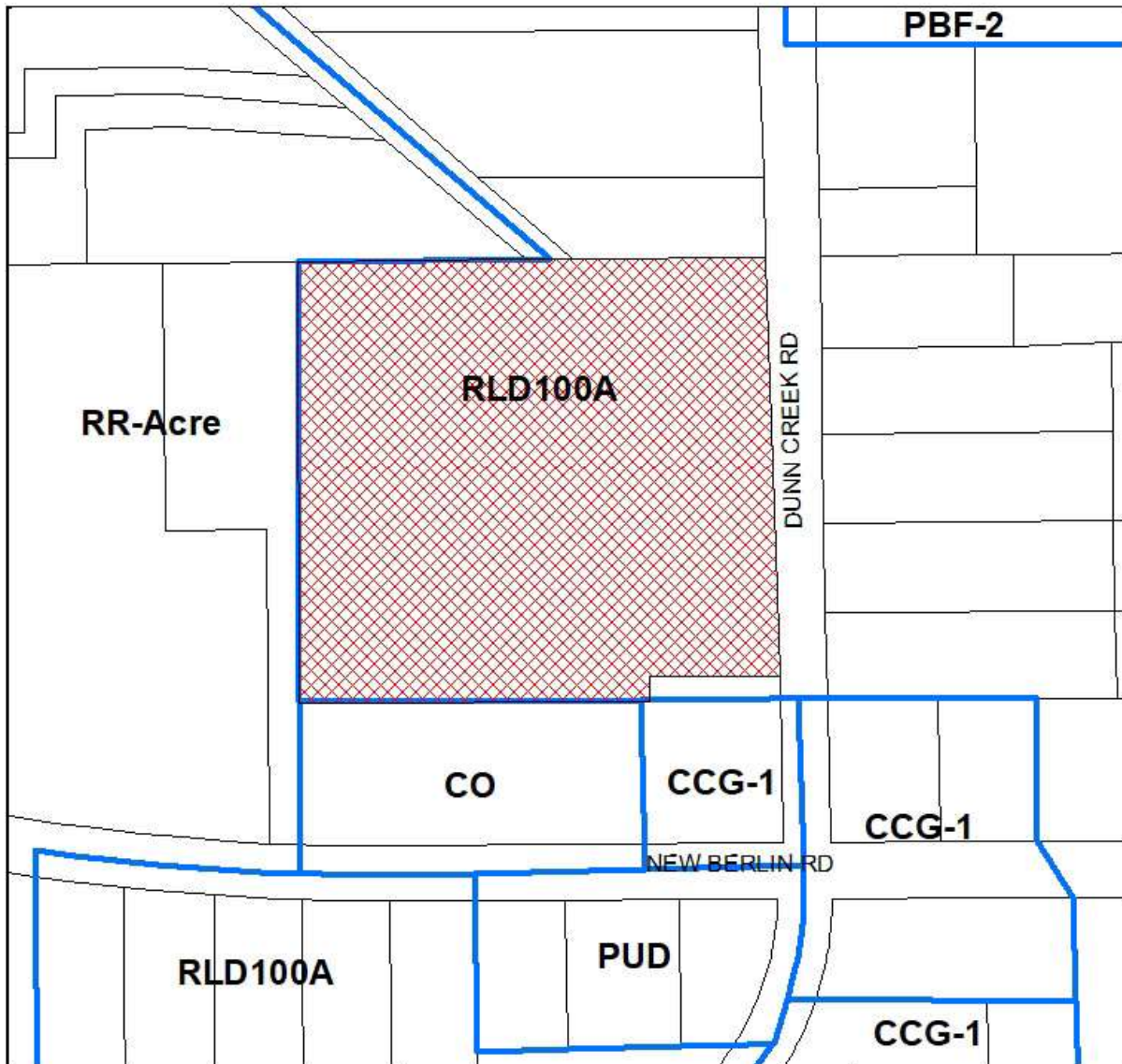
View of residential dwelling adjacent to property.



Commercial building at corner of Dunn Creek Rd and New Berlin Rd.



Convenience store and filling station across from property.

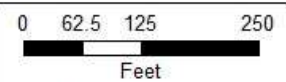
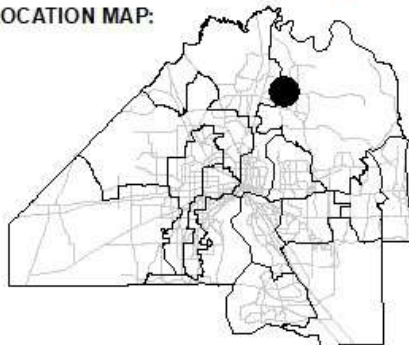


REQUEST SOUGHT:

FROM: RLD-100A

TO: PUD

LOCATION MAP:



COUNCIL DISTRICT:

2

ORDINANCE NUMBER
ORD-2019-3

TRACKING NUMBER
T-2018-2067

EXHIBIT 2