

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2019-0721 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 **2019-0721** to Planned Unit Development.

Location: 0 Merrill Road
Between Wompi Drive and Fort Caroline Road

Real Estate Numbers: 112982-0025

Current Zoning Districts: Residential Medium Density-D (RMD-D)
Community Commercial General-1 (CCG-1)

Proposed Zoning District: Planned Unit Development (PUD)

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

Proposed Land Use Category: Medium Density Residential (MDR)

Planning District: 2-Greater Arlington/ Beaches

Applicant/Agent: Curtis Hart
Hart Resources, LLC.
8051 Tara Lane
Jacksonville, FL 32216

Owner: Catherine Whatley
Buck Business Park, LLC.
9137 Merrill Road
Jacksonville, FL 32225

Staff Recommendation: **APPROVE W/ CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development **2018-0721** seeks to rezone approximately 10.10± acres of land from Residential Medium Density-D (RMD-D) and Community Commercial General-1

(CCG-1) to Planned Unit Development (PUD). The rezoning to PUD is being sought in order to permit the development of a residential community of up to eight-three (83) Townhomes. This Planned Unit Development differs from a conventional zoning district by limiting the site to 83 townhomes, while also providing a detailed site plan. There will be no additional Permissible Uses by Exception. Additionally, lot area and lot width requirements are less than those required in conventional zoning districts.

There is a companion Land Use Amendment L-5357-19A (**Ordinance 2019-0720**). The proposed LUA seeks to amend a portion of land on the property from Community/General Commercial (CGC) to Medium Density Residential (MDR).

CRITERIA FOR REVIEW

Pursuant to the provisions of Section 656.125 of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria of an application for rezoning to Planned Unit Development.

STANDARDS, CRITERIA AND FINDINGS

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

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

Yes. The Planning and Development Department finds that the subject property is located in the Medium Density Residential (MDR) and Community General Commercial (CGC) 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 Semi-Annual Land Use Amendment to the Future Land Use Map Series L-5357-19C (**Ordinance 2019-0720**) that seeks to amend the portion of the site that is within the 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-5357-19C 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.

(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:

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.

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 site is located within the Suburban Area and will be served by both centralized Water and Sewer. The proposed use will be in compliance with Policy 1.2.9.

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 subject property is located along Merrill Road and if approved the proposed residential development would allow for the construction of 83 Townhomes. The proposed residential development will protect and preserve the character of the surrounding neighborhood, while also acting as a transitional residential development between commercial zoning and low density residential zoned parcels.

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.

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 subject property is currently a vacant piece of land that has yet to be utilized and approval of this Rezoning would allow the developers to develop the property with uses that are similar in nature to the existing neighboring properties. Therefore Objective 6.3 would be accomplished by encouraging new development on vacant land within an area already thriving as a Low Density to Medium Density Residential area.

Recreation and Open Space Element

Policy 2.2.2

The City shall require that all new single family and multi-family developments (residential developments) dedicate land for public parkland (active recreation parks) or provide monetary contribution to the appropriate department.

As demonstrated in the Written Description under Part H. Recreation and Open Space, recreation open space will be provided in Sec. 656.420 of the zoning code.

Policy 2.2.4

A residential subdivision development of 25 lots to 99 lots shall pay a recreation and open space fee of two-hundred-fifty (\$250) dollars per lot, or provide at least four hundred thirty-five (435) square feet of useable uplands for each lot (and any fraction thereof), to be dedicated as common area and set aside for active recreation. The City shall use recreation and open space fees collected pursuant to this subsection to improve, enhance, expand, or acquire recreation areas within the same Planning District in which the fees are paid.

As demonstrated in the Written Description under Part H. Recreation and Open Space, recreation open space will be provided in Sec. 656.420 of the zoning code.

Archaeological Sensitivity

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of mostly high and low with some medium sensitivity for the presence of archaeological resources. Projects that move forward through the Site Review process may be required to perform a Professional Archaeological Reconnaissance Survey on the portion of the site that is in a high sensitivity area. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

Historic Preservation Element

Policy 1.2.6

The Planning and Development Department shall maintain and update for planning and permitting

purposes, a U.S.G.S. series of topographic maps upon which recorded archaeological sites are shown.

(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 categories as identified in the Future Land Use Map series (FLUMs): Medium Density Residential (MDR) and Community General Commercial (CGC). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series L-5357-19C (Ordinance 2019-0720) that seeks to amend the portion of land that is within the Community General Commercial (CGC) land use category to Medium Density Residential (MDR). 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.

Currently, there has been nothing submitted to the Concurrency & Mobility Management System Office regarding this proposed development. The agent/owner will need to submit a Mobility application and a CCAS / CRC application for review/assessment/approval by our office.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize the subject parcel for a townhome development. 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: Unless otherwise approved by the Planning and Development Department, recreation open space will be provided in Sec. 656.420 of the zoning code.

The use of existing and proposed landscaping: The property shall be developed in accordance with Part 12 Landscape Regulations of the Zoning Code.

The treatment of pedestrian ways: Pedestrian access shall be provided by sidewalks installed in accordance with the 2030 Comprehensive Plan or as approved by the City of Jacksonville Planning and Development Department.

The use of topography, physical environment and other natural features: A total of 1 acre with (1) pond is constructed on the Property and will be maintained by the Owners Association.

Traffic and pedestrian circulation patterns: As demonstrated on the attached site plan, the proposed traffic circulation system will be serviced using Business Drive. The final location of all access points is subject to the review and approval of the Development Services Division.

Comments received from Traffic and Engineering on October 9, 2019:

- Business Drive is a private road. All the proposed roads accessing shall be private also.
- Provide street name signs meeting city standards at the intersections of Business Drive with Wompi Drive, Business Place, and Ft Caroline Rd.
- All stabilized drives shown on the plans shall be paved.

Request for review and comment was sent to the Transportation Department on October 8, 2019 and no feedback was received.

The use and variety of building setback lines, separations, and buffering: The applicant proposes similar development standards for townhomes for conventional zoning districts outlined in Section 656.414 of the Zoning code.

The variety and design of dwelling types: The proposed residential parcel will contain a maximum of 83 townhome units—which be developed with minimum lot areas of 1,200 square feet and minimum lot widths of fifteen (15) feet and twenty-eight (28) feet for end units.

(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 along Merrill Road and is surrounded by single family dwellings and commercial uses. To the north is Sunny Acres City Park and to the East is several single family residential neighborhoods zoned predominantly RLD-60. To the West and South are variety of commercial uses including commercial shopping center and fast-food restaurants.

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	MDR	PBF-1	Park/ Recreation
South	CGC	CCG-1	Fast Food Restaurant
East	LDR	RLD-90	Single Family Dwellings
West	CGC	PUD: 2006-0653	Shopping Center

(6) Intensity of Development

The proposed development is consistent with the MDR functional land use category and will be developed with a maximum of 83 townhomes. The PUD is appropriate at this location because the proposed townhomes are a good transitional use between the single family dwellings and the commercial uses along Merrill Road. The property has also been sitting vacant and undeveloped for decades. The redevelopment of this property would be a positive change for the property and the surrounding neighborhood.

The existing residential density and intensity of use of surrounding lands: The proposed density is less than the allowed 20 units/acre allowed in the proposed MDR Land Use Category and creates a subdivision that does not disrupt the natural surroundings, rather uses them as an enhancing feature to the development.

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. Additionally, in a memo provided by JEA dated October 16, 2019, JEA Availability Number 2018-2314 issued 09/12/18 for 21,250 gpd (85 townhomes) is currently expired. The letter has been renewed. Final project design to meet the JEA Design Standards in effect at the time of construction plan approval

School Capacity:

Based on the Development Standards for impact assessment, the 10.10± acre proposed PUD rezoning has a development potential of 83 townhomes. 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 2019-0494

Development Potential: 83 Townhomes

School Type	CSA	2018-19 Enrollment/CSA	Current Utilization (%)	New Student/Development	5-Year Utilization (%)	Available Seats
Elementary	3	627	74%	14	65%	2102
	3	494	73%		71%	2102
Middle	5	1,422	85%	6	78%	98
High	3	1,228	99%	8	88%	611
Total New Students				28		

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 (2017/18)	% OCCUPIED	4 YEAR PROJECTION
Merrill Road ES #228 (K-2)	5	7	851	627	74%	74%
Don Brewer ES #217 (3-5)	5	7	673	494	73%	73%
Landmark MS #256	5	6	1,665	1,422	85%	86%
Terry Parker HS #86	5	8	1,866	1,610	86%	87%

- Does not include ESE & room exclusions
- Analysis based on a **maximum** 83 dwelling units – 2019-0721

(7) Usable open spaces plazas, recreation areas.

The project will be developed, in regards to recreation and open space, in accordance with Section 656.420 of the Zoning Code and Policy 2.2.3 as applicable of the Recreation and Open Space Element of the 2030 Comprehensive Plan.

(8) Impact on wetlands

Review of a 2004 Florida Land Use and Cover Classification System map provided by the St. Johns River Water Management District confirmed there is no presence of 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. A minimum of (2) two parking spaces shall be provided for each unit plus an additional parking space for every 3 units (28 spaces).

(11) Sidewalks, trails, and bikeways

Sidewalks will be constructed as required by the 2030 Comprehensive Plan. Per FDOT memo dated October 11, 2019 there is an existing sidewalk along Merrill Road as well as the internal road network. The FDOT Bicycle and Pedestrian Gap Study, dated March 2018, indicates the section of Merrill Road has a bicycle LOS and a pedestrian LOS of D.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **October 8, 2019** by the Planning and Development Department, the Notice of Public Hearing sign were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2019-0721** be **APPROVED** with the following exhibits:

- The original legal description dated August 13, 2019**
- The original written description dated August 27, 2019**
- The original site plan dated August 27, 2019**

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning **2019-0494** be **APPROVED W/ CONDITIONS**.

- 1. The project shall be developed in accordance with the following comments from Traffic and Engineering:**
 - a. Business Drive is a private road. All the proposed roads accessing shall be private also.**
 - b. Provide street name signs meeting city standards at the intersections of Business Drive with Wompi Drive, Business Place, and Ft Caroline Rd.**
 - c. All stabilized drives shown on the plans shall be paved.**



Aerial View

Source: JaxGIS



View of Subject Property

*Source: Planning & Development Dept.
Date: October 8, 2019*



View of property to the South

*Source: Planning & Development Dept.
Date: October 8, 2019*



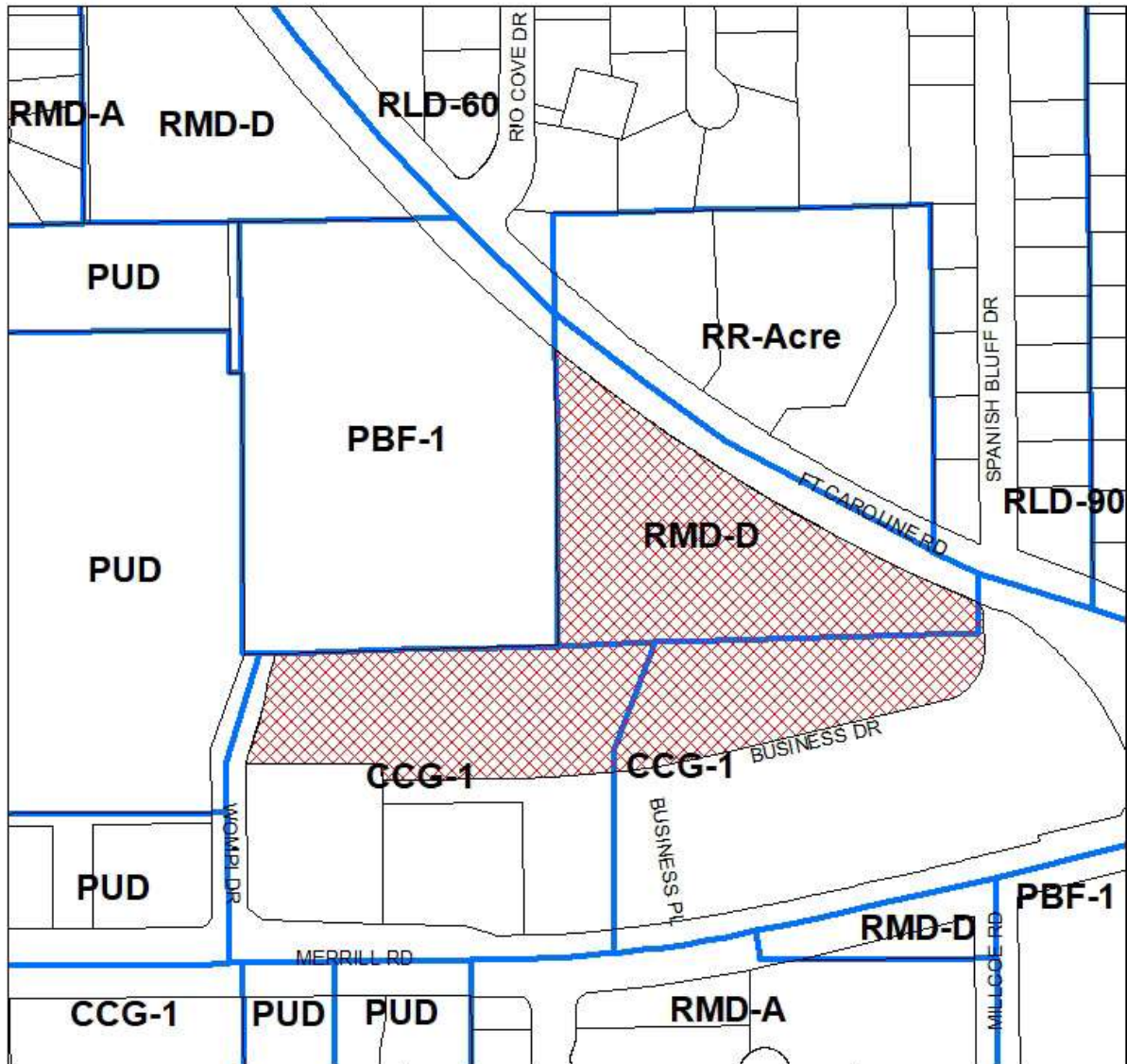
View of Property to the East

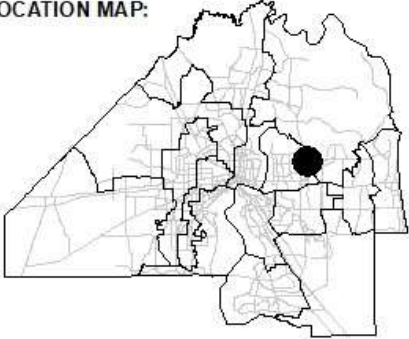

Source: GoogleMaps



View of Property to the North: Sunny Acres Park

Source: GoogleMaps



<p>REQUEST SOUGHT:</p> <p>FROM: CCG-1 & RMD-D</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	 <p>0 95 190 380</p> <p>Feet</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2019-0721</p>	<p>TRACKING NUMBER</p> <p>T-2019-2292</p>	<p>COUNCIL DISTRICT:</p> <p>2</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>