

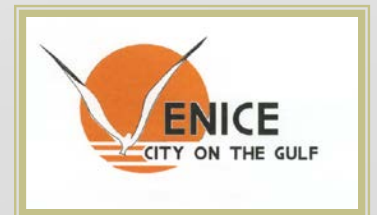
Pinebrook Park

Rezoning Petition No. 16-04RZ

Owner: Pinebrook Park, LLC

Agent: Jeffery Boone, Boone Law Firm

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Petition Summary

- Current permitted uses on the subject 2.4-acre property:
 - Nursing homes
 - Homes for the aged
- Applicant's request: Amend Resolution No. 518-74, amending the Pinebrook South PUD to:
 - Add residential as a permitted use up to 18 dwelling units per acre

Property History

December 30, 1974 – Approval of Pinebrook South PUD

- Adoption of Ord. No. 626-74 rezoning the 243-acre property to Planned Unit Development (PUD)
- Adoption of Resolution 518-74 which included development standards and various infrastructure developer obligations
 - (1) *The gross residential density of the subject property shall be limited to 3.25 residential units per acre for a maximum of 790 residential uses.*
 - (2) *That six (6) acres of the subject property may be devoted to use by any establishment selling goods and services at retail including professional offices and clinics except the practice of veterinary medicine. No portion of the six (6) acres may be devoted to residential use.*

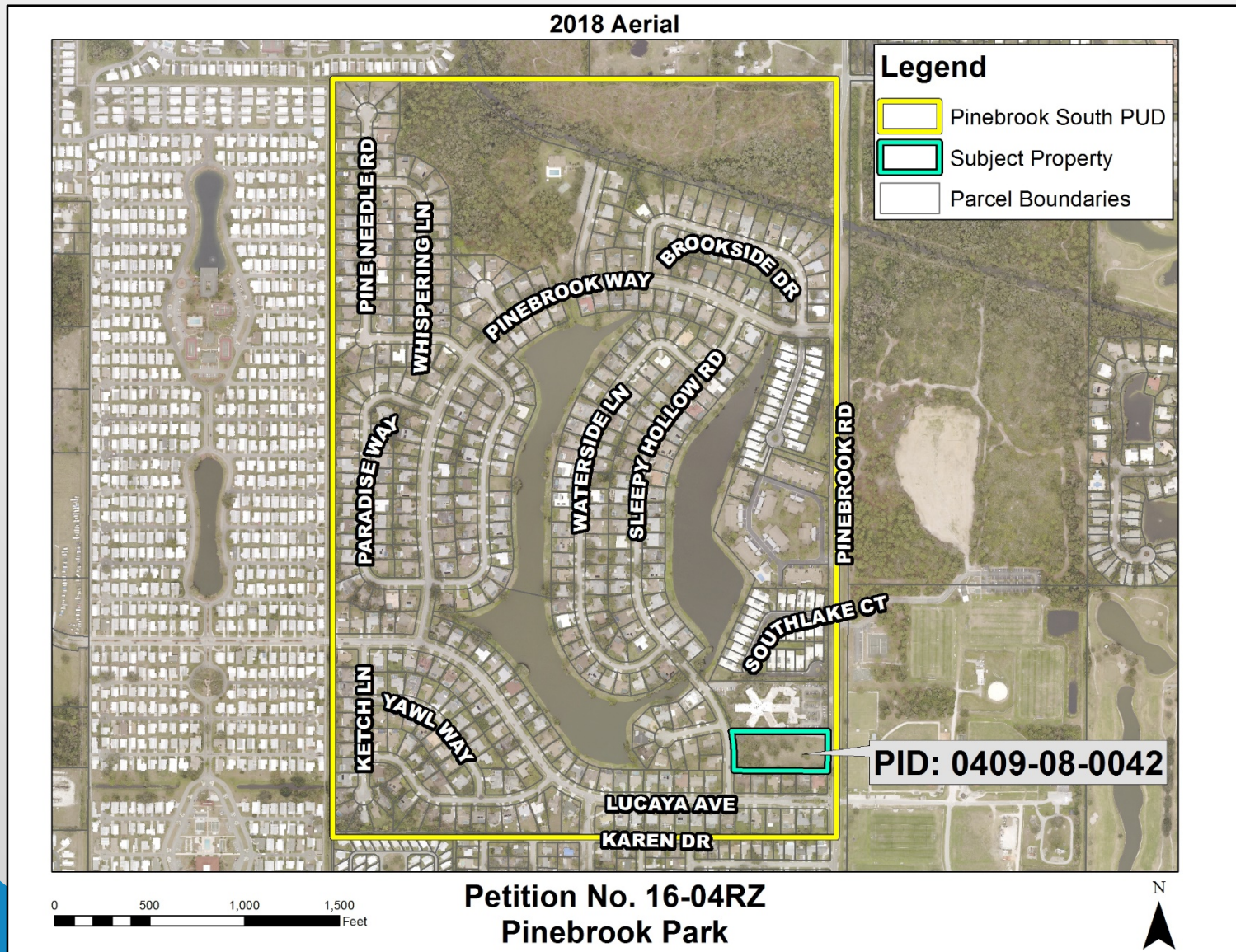
Property History

- Between 1974 and 1985, there were eight adopted amendments to Resolution No. 518-74, many of which pertained to required improvements not associated with the six-acre tract.
- Resolution No. 794-83 – Adopted on June 28, 1983
 - Amended Resolution 518-74
 - Deleted the existing use provisions for the six-acre tract and established nursing home as a permitted use.
- Resolution 863-85 – Adopted on April 9, 1985
 - Amended Resolution 518-74
 - Added home for the aged as a second permitted use on the six-acre tract.

Property History

- In 1984, a 43,073 square foot nursing home facility was constructed on the 3.4-acre parcel directly north of the subject property.
- On March 19, 1985, the Planning Commission approved Site and Development Plan Petition No. 85-04SP allowing the development of a home for the aged on the subject 2.4-acre property. The 75,398 square foot facility was not developed.
- On July 17, 2007, the Planning Commission approved Site and Development Plan Petition No. 06-11SP allowing the development of four 4,792 square foot office buildings (19,168 total square feet). The project was not developed.

Pinebrook South PUD





A nursing home
abutting the subject
property to the north



Pinebrook Road and
Wellfield Park on the
east side of the subject
property



The front of single-family detached dwellings along Lucaya Ave. abutting the subject property to the south

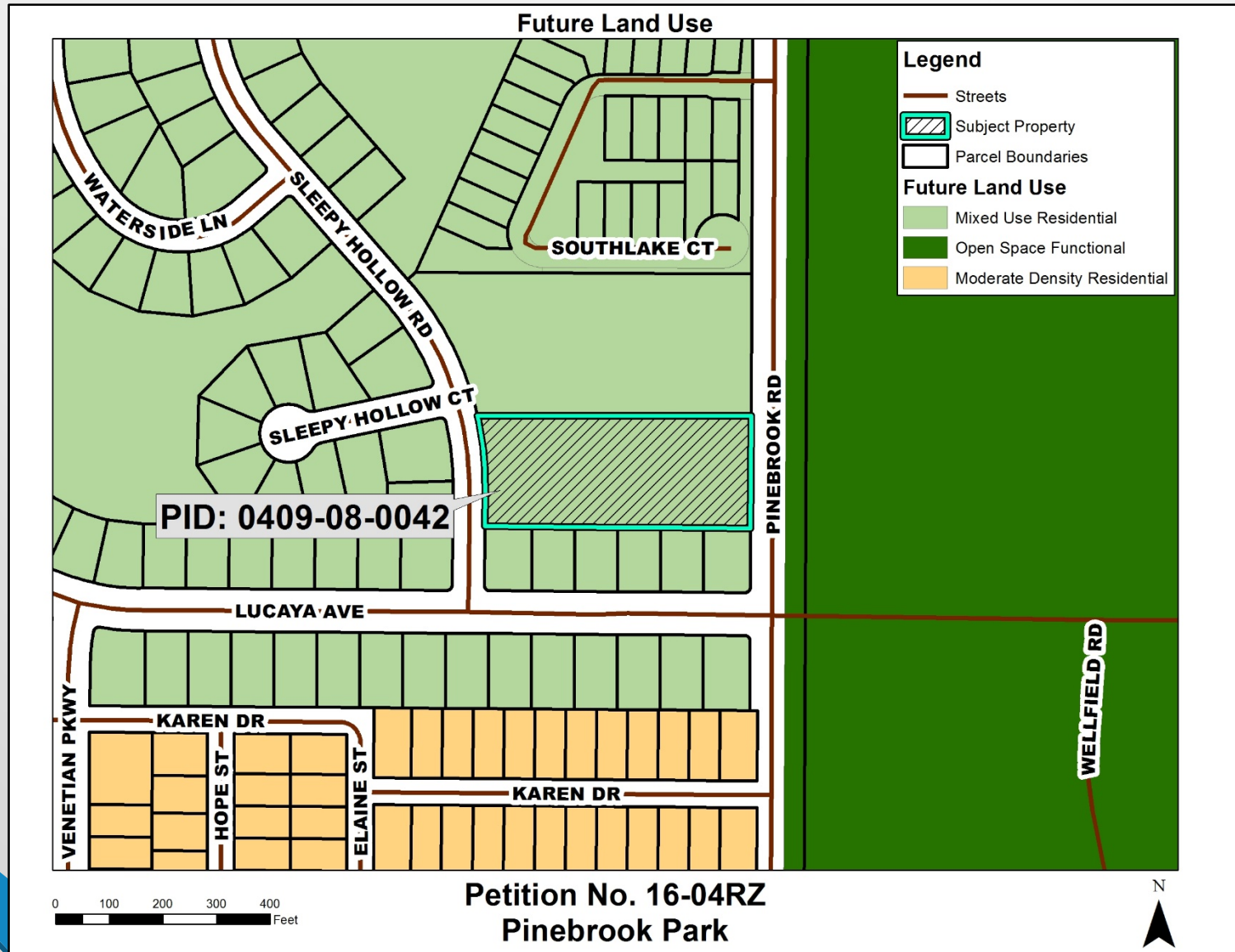


The rear of single-family detached dwellings along Lucaya Ave. abutting the subject property to the south

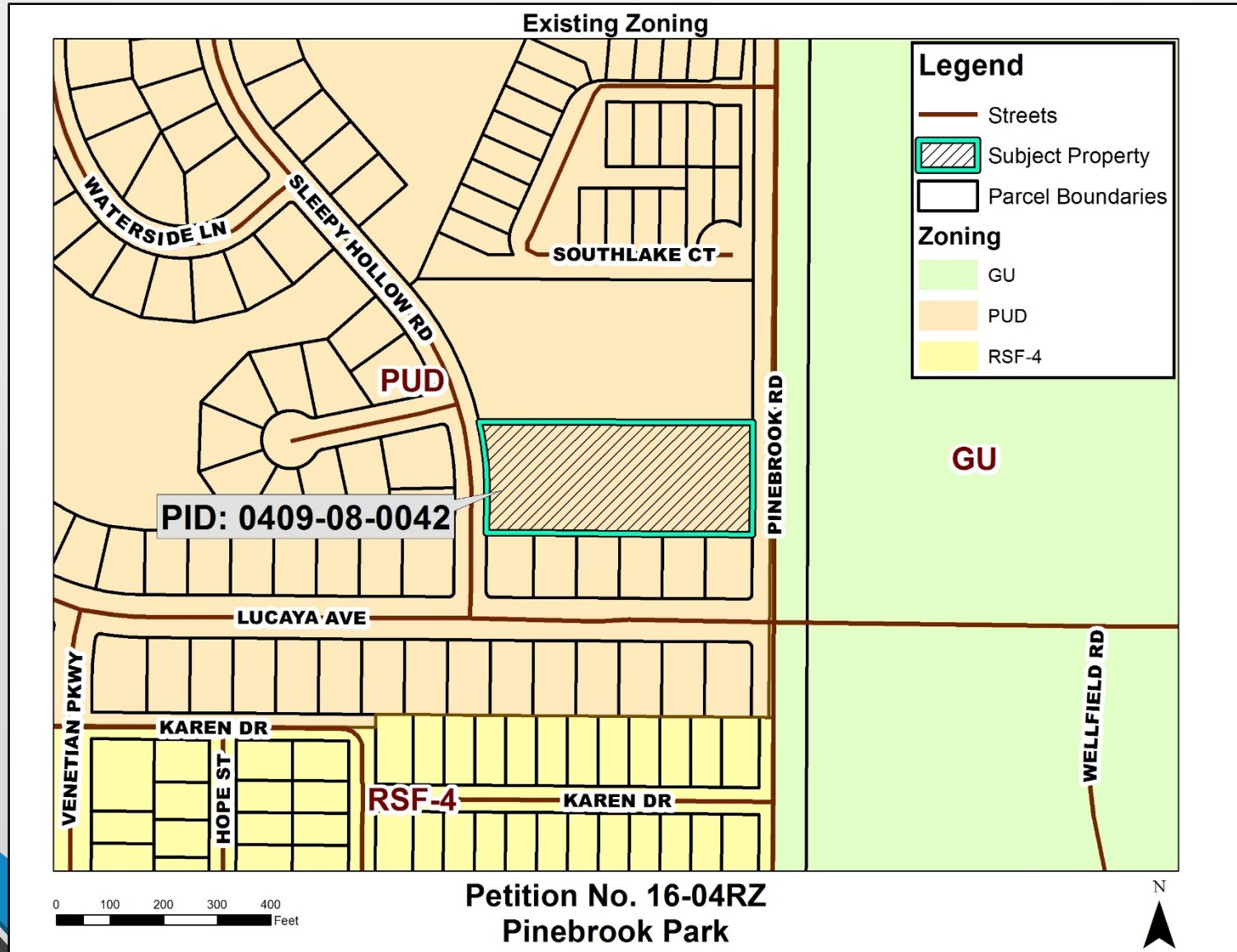


Sleepy Hollow Road and
single-family detached
dwellings on the west side
of the subject property

Future Land Use Map



Existing Zoning Map



Comprehensive Plan Consistency

The subject property is located in the Pinebrook Neighborhood and has a Mixed Use Residential (MUR) future land use designation.

Land Use Strategy LU 1.2.9 – Mixed Use Category – specifies the PUD district is the one implementing zoning district for the MUR designation.

Land Use Strategy LU 1.2.16 – Mixed Use Residential (MUR)

Paragraph 5. *Previously approved PUD developments exceeding the standards of this Strategy shall be permitted to retain their currently approved density, and intensity, open space percentage provisions, and other previously approved development standards.*

Comprehensive Plan Consistency

Land Use Strategy LU 4.1.11 – Transitional Language specific to Comprehensive Plan regulatory language

Policy 8.2 Land Use Compatibility Review Procedures.

To ensure that the character and design of infill and new development are compatible with existing neighborhoods, the compatibility review shall evaluate the following items:

- *Land use density and intensity*
- *Building heights and setbacks*
- *Character or type of use proposed*
- *Site and architectural mitigation design techniques*

Comprehensive Plan Consistency

Policy 8.2 Land Use Compatibility Review Procedures. (Cont.)

Considerations for determining compatibility shall include, but are not limited to, the following:

- Protection of single-family neighborhoods from the intrusion of incompatible uses. [pages 11 and 12]*
- Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses. [Not Applicable, page 12]*
- The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current Comprehensive Plan. [Not Applicable, page 12]*
- Densities and intensities of proposed uses as compared to the densities and intensities of existing uses. [pages 12 and 13]*

Comprehensive Plan Consistency

The applicant has indicated the proposed request will allow for the development of a rental apartment complex of up to 18 dwelling units per acre and has cited consistency with the following Intents and Strategies of the Housing Element.

Housing Intent HG 1.1 – Housing Options

Housing Strategy HG 1.1.1 – Housing Characteristics

Housing Intent HG 1.2 – Housing in Mixed Use Land Use Districts

Housing Strategy HG 1.2.1 – Mixed Use Housing Collaboration

Housing Intent HG 1.5 – Attainable Housing

Compliance with the Pinebrook South PUD

Section (1) of Resolution 518-74 specifies the following:

The gross residential density of the subject property shall be limited to 3.25 residential units per acre for a maximum of 790 residential units.

Development Standard	Maximum	Existing	Proposed*
No. Dwelling Units	790	574	617
Residential Density	3.25	2.36	2.54

* Assumes the subject property is developed at the maximum proposed density of 18 dwelling units per acre for a total of 43 units.

Compliance with the Land Development Code

- The subject petition has been processed in compliance with the procedural requirements contained in Section 86-47 of the Land Development Code (LDC).
- The Technical Review Committee (TRC) has reviewed the petition and no issues regarding compliance with the LDC were identified.
- Required findings specified by Section 86-47(f) of the LDC can be identified by the Planning Commission; see pages 15 through 17 of the staff report for the applicant's responses to the required finding as well as staff's supplementary comments.

Section 86-47(f)(1): Findings for Rezoning Amendments

Consistency
(Applicants Response)

Requirement		Yes	No	N/A
1.	Whether the proposed change is in conformity to the Comprehensive Plan	✓		
2.	The existing land use pattern	✓		
3.	Possible creation of an isolated district unrelated to adjacent and nearby districts	✓		
4.	The population density pattern and possible increase or overtaxing of the loan on public facilities such as schools, utilities, streets, etc.	✓		
5.	Whether the existing district boundaries are illogically drawn in relation to the existing conditions on the property proposed for change.	✓		
6.	Whether changed or changing conditions make the passage of the proposed amendment necessary.	✓		
7.	Whether the proposed change will adversely influence living conditions in the neighborhood.	✓		
8.	Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.	✓		
9.	Whether the proposed change will create a drainage problem.	✓		
10.	Whether the proposed change will seriously reduced light and air to the adjacent area.	✓		
11.	Whether the proposed change will adversely affect property values in the adjacent area.	✓		
12.	Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations.	✓		
13.	Whether the proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare.	✓		
14.	Whether there is substantial reasons why the property cannot be used in accord with existing zoning.	✓		
15.	Whether the change suggested is out of scale with the needs of the neighborhood or city.	✓		
16.	Whether it is impossible to find other adequate sites in the city for the proposed use in districts already permitted such use.	✓		

Concurrency

- The applicant has not requested a formal concurrency determination.
- Staff conducted a preliminary concurrency analysis to evaluate the project's potential impact on current capacity of public facilities.

Public Facility	Lead Agency	Status
Potable Water	Utilities	Concurrency confirmed by Utility Department
Sanitary Sewer	Utilities	Concurrency confirmed by Utility Department
Solid Waste	Public Works	Concurrency confirmed by Public Works Department
Parks & Recreation	Public Works	Concurrency confirmed by Public Works Department
Drainage	Engineering	Concurrency confirmed by Engineering Dept.
Transportation	Transportation Planner/Engineer	Concurrency confirmed by City Consultant
Public Schools	School Board	Issuance of a school concurrency exemption letter of receipt

Summary Findings

Conclusions / Findings of Fact (Consistency with the Comprehensive Plan):

The subject petition may be found consistent with the Pinebrook Neighborhood Strategy and strategies applicable to the Mixed Use Residential (MUR) future land use designation. In addition, the subject petition has the potential of implementing intent statements and strategies of the Housing Element. The subject petition may be found consistent with the Comprehensive Plan.

Conclusions / Findings of Fact (Compliance with the Pinebrook South PUD):

The approved maximum gross density for the Pinebrook South PUD is 3.25 dwelling units per acre for a maximum of 790 dwelling units. The subject petition complies with the Pinebrook South PUD maximum density standards and is not in conflict with provisions of the Pinebrook South PUD.

Conclusions / Findings of Fact (Compliance with the Land Development Code):

The subject petition complies with all applicable Land Development Code standards and a finding can be reached for each of the rezoning considerations contained in Section 86-47(f) of the Land Development Code. The subject petition may be found in compliance with the Land Development Code.

Conclusions / Findings of Fact (Concurrency):

Based on the preliminary concurrency analysis, there is currently adequate public facilities capacity to accommodate the expected development of the subject property. Further concurrency review, including the issuance of a certificate of concurrency, will be required in conjunction with future development (preliminary plat and/or site and development plan) of the subject property.

Planning Commission Report and Recommendation to City Council

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to take action on Rezone Petition No. 16-04RZ.

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