



AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, MAY 11, 2016
5:00 P.M.
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM

2. APPROVAL OF MEETING MINUTES

3. NEW BUSINESS

3.1. 2016-08: LAND USE AND ZONING CHANGE REQUEST FOR 2100 S. FLETCHER AVENUE FROM MDR/R-2 TO HDR/R-3

Documents: [PAB 2016-08_2100 S Fletcher Avenue.PDF](#), [LU CZ 2016-08_2100 S. Fletcher_R-2 to R-3_Staff Report.pdf](#)

3.2. 2016-13: COMPREHENSIVE PLAN AND LDC TEXT AMENDMENTS TO MODIFY DEFINITION OF NET DENSITY

Documents: [2016-13_FIRST NATIONAL BANK_NET DENSITY.PDF](#), [2016-13_FIRST NATIONAL BANK_NET DENSITY_STAFF REPORT.pdf](#)

4. BOARD BUSINESS

5. STAFF REPORT

6. COMMENTS BY THE PUBLIC

7. ADJOURNMENT

THE PAB WILL HOST A SPECIAL MEETING ON **TUESDAY, MAY 24, 2015 AT 5:00 PM** TO CONSIDER LAND USE AND ZONING AMENDMENTS FOR THE 8TH STREET SMALL AREA. FOR MORE DETAILS PLEASE VISIT: WWW.FBFL.US/8THSTREET.

THE NEXT REGULAR PAB MEETING IS SCHEDULED FOR
WEDNESDAY, JUNE 8, 2016 AT 5:00 PM.

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 310-3115 or through the Florida Relay Services at 711 at least 24 hours in advance to request such accommodations.

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.

May 11, 2016



OFFICE USE ONLY

REC'D: KG BY: 3/1/16
PAYMENT: \$ 1700 TYPE: ✓ 242
APPLICATION #: 2016-0000 356
CASE #: PAB-2016-
BOARD MEETING DATE: May 11, 2016

PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT (≤ 10 acres \$850 / > 10 acres \$1,600)
- LAND USE MAP AMENDMENT (≤ 10 acres \$850 / > 10 acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: Burns Legacy Trust
 Mailing Address: 2100 So Fletcher Ave.
 Telephone: 904 415 3055 Fax: _____
 Email: obaku@comcast.net
 Agent Name: Charley Burns
 Mailing Address: _____
 Telephone: SAME Fax: _____
 Email: _____

PROPERTY INFORMATION

Street Address: 2100 So. Fletcher Ave.
 Parcel Identification Number(s): 00-00-31-1360-0015-0000
 Lot Number: 15 Block Number: _____ Subdivision: HANBY'S
 Section: 12 Township: 3N Range: 29

PROJECT INFORMATION

Total Number of Lots/Parcels: 1

Less than One (1) acre Sq. Footage: One (1) Acre or Greater:

Existing Zoning Classification: R-2

Existing Future Land Use Classification: _____

Previous Planning/Zoning Approvals: None known

Description of Request:

See attached.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

2-29-2016

Paul [Signature]

Date

Signature of Applicant

STATE OF FLORIDA

COUNTY OF NASSAU

}
ss

Subscribed and sworn to before me this 29 day of February, 2016

[Signature]

Notary Public: Signature

Cynthia Lenor Burgess

Printed Name

Jan 29, 2018

My Commission Expires

Personally Known _____ OR Produced Identification ID Produced: Florida Drivers License



PROPOSED REZONING OF 2100 SO. FLETCHER FROM R-2 TO R-3

The commercial area at Sadler and Fletcher is intensely active. Sliders has three bars, each attracting a different crowd. The Hammerhead is very busy. Seaside Park and the beach parking in front of it, with two lifeguard stations, are busy. The Beach Club, south of Seaside Park, is a party venue. The Amelia Motel, the Days Inn, and the Marriott all add to the density.

My family owns the oceanfront house immediately to the south of this activity. It is a single family detached home, zoned R-2. The house south of me, also R-2, is a resort rental that is busy with weekly tourists in the summer.

As it happens, the areas which cushion the commercial developments, especially with the lifeguard stations, are exactly where we want our weekly summer tourists to be, rather than spread randomly over So. Fletcher Ave. This rezoning is a small step in that direction and reflects the highest and best use of the property.

Objective 12.04 of the Comprehensive Plan calls for the City “to strengthen its local economy by expanding visitor demand and promoting year round tourism .

Thus, I am requesting a zoning change from R-2 to R-3, which will allow the property to be available for resort rentals.



**STAFF REPORT
PAB (LU/CZ) 2016-08
Planning Advisory Board Hearing
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**APPLICATION FOR SMALL SCALE FUTURE LAND USE MAP AMENDMENT &
ZONING CHANGE REQUEST
2100 S. FLETCHER (MDR/R-2 TO HDR/R-3)**

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Burns Legacy Trust				
AGENT:	Charley Burns				
REQUESTED ACTION:	Small Scale Future Land Use Map Amendment and Zoning Change				
LOCATION:	2100 S. Fletcher Avenue				
CURRENT LAND USE + ZONING:	Medium Density Residential (MDR)/ R-2				
PROPOSED LAND USE + ZONING:	High Density Residential (HDR)/ R-3				
EXISTING USES ON SITE:	Single Family Home, Detached Garage, Pool, Dune Walkover				
PROPERTY SIZE:	0.31 Acres				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Ocean Club of Amelia-Private Beach Club	2010	C-1	General Commercial
	South	Single Family Home	1994	R-2	Medium Density Residential
	East	Atlantic Ocean	130 Million Years ago	N/A	N/A
	West	Realty Office and Single Family Homes	ERA Real Estate: 1975 and Homes: 1944 and 1993	C-1 and R-2	General Commercial and Medium Density Residential

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is requesting a future land use map assignment of High Density Residential and R-3 zoning in order to obtain a resort rental dwelling permit. This property has historically been used as a single family home and does not have a grandfathered status to operate as a resort rental property. Due to the commercial nature of the properties immediately north of the applicant's residence, the applicant seeks to obtain the High Density Residential land use and corresponding R-3 zoning in order to operate as a resort rental dwelling.

The applicant's property, located at 2100 S. Fletcher Avenue, is positioned at the corner of John Robas Street (A Street) and S. Fletcher Avenue. It borders a 10 foot beach access location 21 with no public parking, is adjacent to the Ocean Club of Amelia which hosts private events, parties, and banquets, and is in the same block face as Seaside Beach Park. Directly across the street from the subject property is a single family home with no record of having received a valid resort rental license and diagonal from the subject property is the parking area for ERA real estate offices.

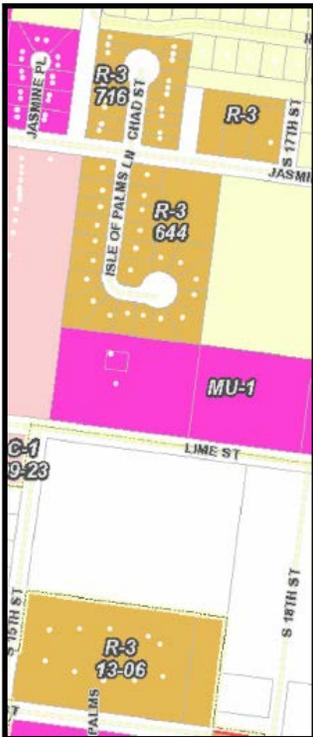


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History on Resort Rentals in the City:

“Resort rentals” are short term residential rentals which are less than 30 days, sometimes referred to as weekly rentals. The City covers this type of activity through its Municipal Code in Chapter 26, Article 5. It also covers the allowance of weekly rentals through zoning requirements in Chapter 2 (Zoning Districts and Uses) and Chapter 4, Section 4.02.05 (Requirements for Resort Rental Residential).

Resort rentals are only allowed in High Density Residential/ R-3 zoning. If you are looking for these properties throughout the City, you would look for the **Orange** colored lots.





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Resort rentals may continue to occur in R-1 and R-2 zoned properties which received a “grandfathered” status prior to October 3, 2000. These properties are required to maintain a current resort rental dwelling permit and resort rental management license. An annual permit renewal with payment is required for all resort rentals and the permit number must be included on all advertising of the rental property.

Within the subject property block, 2 properties currently maintain a valid grandfathered resort rental dwelling permit. These properties border B Street and are located at the end of the block at 2158 and 2159 S. Fletcher Avenue. In the past, several other properties within this block did obtain a grandfathered status for resort rental, but at some point over the past 16 years they have let this status lapse. Once this status has lapsed, the grandfathered conditions are no longer met and the property cannot resume resort rentals in the future.

The intent behind these strict regulations was established in 2000 in order to maintain stable single family home neighborhoods along the City’s beaches. The City anticipates that the grandfathered properties would overtime, cease to exist thereby leaving resort rentals permissible only on R-3 zoned properties. This strategy has been successful as a mechanism to retain primarily single family residential properties in the R-1 and R-2 zoning districts which are occupied long term.

In 2011, the Florida Legislature passed regulations that restrict municipalities from disallowing vacation rentals. Florida Statute 509.032(7)(b) reads A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.” The City’s ordinance has been in place since 2000 and is therefore legally enforceable, but the City is unable to modify how this particular regulation is applied beyond its current laws. This is an important point to make because the applicant’s only option for obtaining this type of use is through the land use and zoning change request.

CONSISTENCY WITH THE COMPREHENSIVE PLAN (PLAN):

The property contains a Future Land Use Designation of Medium Density Residential (MDR), Policy 1.07.05. The applicant is requesting a new land use assignment of High Density Residential (HDR), Policy 1.07.06.

Policy 1.02.04 provides nine (9) factors for Future Land Use Map decision making which include, the type and density of surrounding uses, zoning districts within the surrounding area, and compatibility of uses within the surrounding area. Policy 1.02.06, 1.02.08, and 1.02.09 directs land uses which strive to protect the integrity and stability of established residential areas from encroachment by incompatible development and providing for orderly transition of incompatible uses.

The property located at 2100 S. Fletcher has historically been used for single family residential purposes. This use is in keeping with the established pattern, zoning and use within the surrounding residential area. However, it is the first property which borders the adjoining General Commercial land use. In looking at the





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properties located north of Sadler Road and immediately adjacent to commercial properties are lots containing the High Density Residential land use/ R-3 zoning. The R-3 zoning in this location appears to serve as a transition to the low density residential within the same block. A key difference between this property and those located to the north is the fact that beach access 21 and the end of a public right-of-way (John Robas Street/ A Street) exists between the two zoning districts. This access creates a logical separation of the zoning districts.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE: _____

Section 2.01.06 of the Land Development Code states the intent of R-3 High Density Residential, zoning classification.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Section 2.01.06 of the Land Development Code states the intention of the General Commercial (C-2) zoning district as follows:

The R-3 District is intended for the development of high density residential uses allowing both single and multi-family dwellings. Bed and breakfast inns and resort rental dwellings may be allowed, subject to additional design standards. Limited neighborhood commercial uses may be allowed through the PUD process.

Section 4.02.05 provides design standards that resort rental residential units are subject to comply with. These standards primarily discuss that resort rental is for units renting 30 days or less. It also address parking requirements and restrictions on the location of parking within front yards.

The R-3 zoning district allows for both single family residential developments as well as multifamily and the ability to have resort rentals. The applicant seeks the land use and zoning change solely for the purpose of gaining the ability to operate as a resort rental.

CONCLUSION: _____

The established Medium Density land use and R-2 zoning pattern of the 2100 block of S. Fletcher beginning south of beach access # 21 is a logical point of distinction between the northern commercial properties. The C-1 (Community Commercial zoning does extend along the western block face between John Robas Street (A Street) and B Street. These commercially zoned properties within the same block make the requested action to rezone 2100 S. Fletcher Avenue to High Density Residential/ R-3 zoning a reasonable request. However, with exception of the two properties located at 2158 and 2159, the remaining single family homes in the 2100 block are not operating with a resort rental dwelling permit. The City's intent behind allowing the grandfathering of resort rentals was that over time, the properties would revert back to a stable single family residential neighborhood character. Within this block, just like others, the strategy has worked as anticipated and homes have reverted back to be used exclusively for single family dwellings with either no rentals or rentals that are at least one month. The board may wish to consider the impact of the neighboring commercial land as part of its decision making. Staff cautions the extension of High Density Residential. R-3 zoning to this site exclusively as the logical nature of the existing zoning is eliminated through such action. Allowing this change does open up the potential for the entire block to consider the possibility of this zoning and land use for purposes of allowing resort rentals, by right. If community consensus within this block exists to operate the area in a more transient resort manner, it would be preferable to see the entire block both east and west sides consider a large-scale land use and zoning change, instead of a piecemeal approach. Therefore, staff does not support the applicant's requested action on the basis for consistency with Comprehensive Plan policy 1.02.06 (protecting the integrity and stability of established residential areas) and policy 1.02.04 (compatibility of zoning districts within the surrounding area).



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MOTION(S) TO CONSIDER

I move to recommend (**approval or denial**) of PAB case number 2016-08 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from Medium Density Residential land use and R-2 zoning, as described and that PAB case 2016-08 as presented, (**is or is not**) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

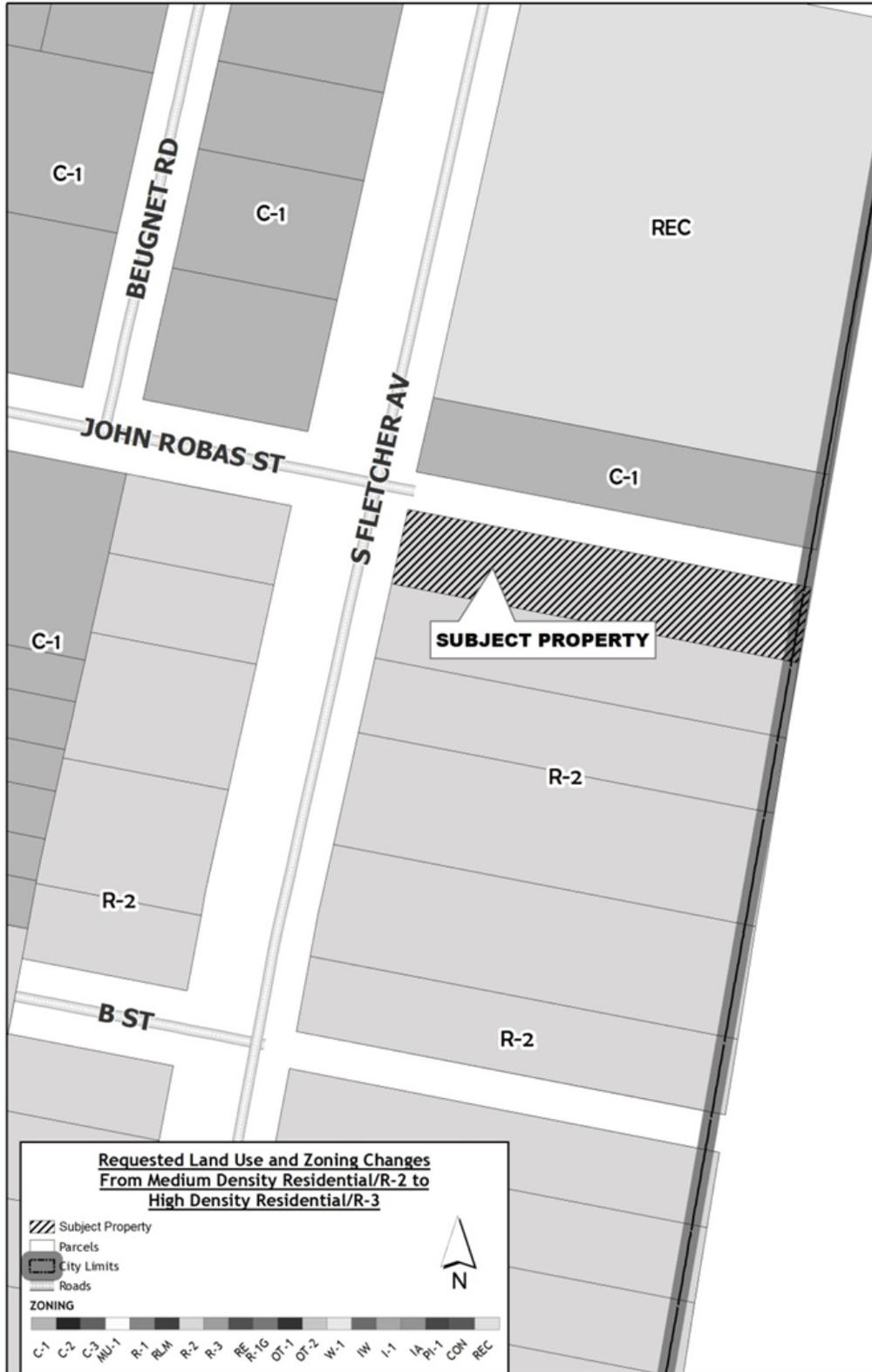
A handwritten signature in blue ink that reads "Kelly N. Gibson".

Kelly N. Gibson, AICP
Senior Planner



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EXHIBIT A



OFFICE USE ONLY

REC'D: 4/11/16 BY: JMM
PAYMENT: \$ 350.00 TYPE: CPA
APPLICATION #: 2016 0609576
CASE #: PAB 2016 .13
BOARD MEETING DATE: 5/11/16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT (≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT (≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: First National Bank South

Mailing Address: P.O. Box 2028, Alma GA 31510

Telephone: 904-583-2598 Fax: N/A

Email: zmjohnson@fnbsouth.com

Agent Name: Spurgeon Richardson

Mailing Address: 18 Harrison Creek Road

Telephone: 904-583-2598 Fax: N/A

Email: Spurge@libertydevelopment.com

PROPERTY INFORMATION

Street Address: N/A

Parcel Identification Number(s):

Lot Number: Block Number: Subdivision:

Section: Township: Range:

PROJECT INFORMATION

Total Number of Lots/Parcels: N/A

Less than One (1) acre Sq. Footage: _____ One (1) Acre or Greater: _____

Existing Zoning Classification: _____

Existing Future Land Use Classification: _____

Previous Planning/Zoning Approvals: _____

Description of Request:

Comprehensive land amendment to modify the definition of N + exist also residential use and commercial development on v lands.

SIGNATURE/NOTARY

The undersigned states the above information true as (s)he is informed and believes.

4-11-16
Date

Signature of Applicant

STATE OF FLORIDA }
 ss }
COUNTY OF NASSAU }

Subscribed and sworn to before me this 11 day of April 2016.

Tricia D Bowen
Notary Public: Signature

TRICIA D. Bowen
Printed Name

8
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____



TRICIA D BOWEN
Notary Public - State of Florida
My Comm. Expires Apr 12, 2018
Commission # FF 080654



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE First National Bank South
(print name of property owner(s))

hereby authorize: Spurgeon Richardson
(print name of agent)

to represent me/us in processing an application for: Comprehensive Plan Amendment
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

[Signature]
(Signature of owner)

(Signature of owner)

ZACH JOHNSON
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
 ss }
COUNTY OF NASSAU }

Subscribed and sworn to before me this 11 day of April, 2016.

Stephanie Harrell
Notary Public: Signature

STEPHANIE HARRELL
Printed Name



8-24-16
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____

Letter of Intent for Comprehensive Plan Amendment and Definition of Net Density and Modify Policy

The applicant, First National Bank South (the "Applicant"), submits this application for approval of a Comprehensive Plan Amendment. The Applicant is requesting the Comprehensive Plan Amendment in order to develop a mixed use development allowing both commercial and residential multi-family uses.

Given the importance of wetland preservation, the applicant would like to modify the Comprehensive Plan definition of "net density" by allowing for the calculation of density to include wetlands and transitional wetlands and allowing that density to be applied to uplands on the same property. This change would allow the applicant to have more flexibility and creativity to design the site to preserve wetlands.

Net Density would be approved by multiplying the "maximum allowable units per acre" by the "net buildable land area" expressed in acreage. "Net buildable land area" means those contiguous land areas under common ownership proposed for development.

Accordingly, the Applicant respectfully requests that the Application for the Comprehensive Plan Amendment be granted.

2016 Comprehensive Plan Amendment
Richardson

Net Density – Determined by multiplying the “maximum allowable units per acre” by the “net buildable land area” expressed in acreage. “Net buildable land area” means those contiguous land areas under common ownership proposed for residential development, minus undevelopable environmentally sensitive areas, including ~~wetlands, transitional wetlands~~, floodplains and waters of the state. Lots adjoining an existing right-of-way may calculate half of the width of that right-of-way as part of the “net buildable land area” definition.



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APPLICATION FOR TEXT AMENDMENT TO CHANGE THE COMPREHENSIVE PLAN & LAND DEVELOPMENT CODE

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	First National Bank South
AGENT:	Spurgeon Richardson
REQUESTED ACTION:	Modify the Comprehensive Plan and Land Development Code Definition of Net Density.

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Community Development Department Office. ***

SUMMARY OF REQUEST:

The applicant is an owner of property located at Lime Street and 14th Street. The applicant's agent, Mr. Richardson, is seeking to purchase this property from the bank in order to assemble the land for commercial and residential (multi-family) uses. The requested action is a change to the City's Comprehensive Plan and Land Development Code to modify the definition of "Net Density." Specifically, the applicant wishes to be able to include wetlands and wetland transitional areas in the overall calculation of "net buildable land area." The applicant understands that the requested action is not solely applied to their intended future development; it impacts how density is allocated on all City properties which contain wetlands or wetland transitional areas. The applicant argues that the requested changes allow for properties containing these important environmentally sensitive lands to "have more flexibility and creativity to design the site to preserve wetlands."

BACKGROUND:

In May 2014, the City's Board of Adjustment denied a variance request by First National Bank South to impact wetlands on their property at Lime and S. 14th Streets. First National Bank South subsequently filed a request for a special magistrate hearing pursuant to Florida Statutes 70.51 in June 2014. At the initial magistrate hearing, the parties were at an impasse and were directed to go back to the table and try to come to a solution. The parties were not able to resolve the impasse. After a second hearing in November 2014 where the parties presented their final information, the Special Magistrate issued an Order and Recommendations on December 16, 2014 upholding the position of First National Bank South.

It is the position of the City that the Order and Recommendations did not accurately reflect the nature of quasi-judicial decision-making and did not reflect the correct interpretation of Florida Statutes 373.414(1)(c) at issue in this hearing. The City maintains that allowing a variance to impact wetlands would violate the City's Comprehensive Plan, and that First National Bank South maintains development potential on the uplands portion of their property for approximately 55 dwelling units.

The Special Magistrate's order would not have been legally binding on the City, and the City Commissioners could have accepted, modified, or rejected the order. It was staff's recommendation that in order to uphold the City's Comprehensive Plan, the City Commission should reject the order. The City Commission chose to reject the order and uphold the City's position, emphasizing the protection of wetlands and the City's policies against filling of wetlands.

Prior to and concurrent with this situation, City staff had been working on updates to City wetland policy based on the direction in Policy 5.08.02 to develop categories for wetlands. A substantial amount of staff time had gone into initial drafts; however, after the City Commissioners position on the Magistrate's Order, City staff



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wanted further input from the Commission as to whether they wanted to proceed with this strategy of categorizing wetlands. At a workshop for this purpose held on March 18, 2015, the City Commission directed the change to Policy 5.08.02 to remove the requirement to create a categorization system of wetlands and retain the current policies; and at that same workshop, the Commission re-emphasized the importance of wetland preservation to the community.

The action requested by private property owner is not one that is unfamiliar to the current PAB and City Commission. In March 2015, the City Commission directed that staff consider amendments which protect and preserve wetlands while providing a balance for private property rights. Following the meeting, staff sought to change a separate section of the Comprehensive plan (one that directed categorization of wetlands) and included an amended change to the definition of Net Density which would allow for wetlands and wetland transitional areas to be included within the "net buildable land area."

The Planning Advisory Board (PAB) at their May 13, 2015 meeting considered the amendments as proposed by staff and recommended denial of the net density definition changes by a vote of 6 to 1. The City Commission voted 5-0 at 1st reading to accept the change to the definition of net density. This change was submitted to the State reviewing agencies and with no comments returned to the City Commission on October 6, 2015. At 2nd Reading, the change to net density was restored to its existing definition which excludes wetlands and wetland transitional areas from being calculated as part of the "net buildable land area."

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Comprehensive Plan Objective 5.08 speaks directly to the protection and preservation of wetlands. Policy 5.08.04 restricts public or private development within wetlands with exception of "passive recreation areas, open space, restricted access ways, bird sanctuaries, natural stormwater retention/detention areas, natural preserves, or other similar uses." As a means to balance the rights of private properties in order to encourage the conservation of wetlands, Policy 5.08.07 states that "the City shall consider density bonuses, cluster development, and/or other incentives in appropriate areas." The applicant's requested amendments are consistent with policy 5.08.07.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE (LDC):

The LDC establishes wetland protection strategies through Section 3.03.00. It states requirements that "wetlands shall be preserved in their natural state" and no fill shall be placed in a wetlands, and the wetland shall not be altered." Further, the City requires a 25 foot wetland buffer. The only potentially allowable use of a wetland for a non-water dependent or water related use are those permitted within the Conservation (CON) zoning category. These uses include essential public services, picnic areas, trails, and nature facilities.

The LDC definition of "Net Density" mirrors that definition found within the Comprehensive Plan and would be amended as part of the applicant's request. Additionally, the PAB considered changes to Chapter 3 of the LDC during its regular meeting in April. The revised policy 3.02.04 speaks to "Environmentally Sensitive Lands" and defines "Net Buildable Land Area" to exclude wetland and wetland transitional areas. If this application proceeds, this section of the proposed LDC amendments will also need to be revised.

CONCLUSION:

The requested action upholds the City's wetland preservation and protection requirements by allowing for the calculation of density to include wetlands and transitional wetlands. By allowing density to be applied to uplands on the same property, it protects the wetland areas and results in a conservation based development approach. The requested action would not increase a site's overall density, but would allow property owners with wetlands to have more flexibility and creativity while adhering to the City's wetland preservation requirement. Staff



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recommends approval of the applicants request and finds that this approach will encourage environmentally sensitive site design as consistent with Comprehensive Plan policy 5.08.07; it seeks to restore property value lost by the City's prohibition on wetland impacts, and serves to reduce the likelihood of future legal challenges to City wetland regulations.

This proposed change will not impact current density as illustrated on the Future Land Use Map because jurisdictional wetlands are not delineated on the main FLUM as having their density calculations removed. Existing wetlands are generally included under Conservation, which does not have density allocated.

Staff feels it is important to point out that under the current Comp Plan definition, only residentially classified properties see their maximum development potential impacted by the presence of wetlands. While all properties are precluded from impacting wetlands or wetland transition areas, non-residentially zoned properties do NOT have to deduct wetlands from their Floor Area Ratio (i.e., maximum development potential) calculations. Full development potential may be accomplished by clustering on upland portions. A change to allow for density to be viewed in the same manner serves to remove the disparity between residential and non-residential properties throughout the City.

The requested change does not solely impact any individual property, instead it allows for properties throughout the City where wetlands may be contained to utilize the land areas associated with the wetlands as part of their "net density" calculation. The undeveloped and previously un-platted residentially zoned properties containing wetlands within the City are extremely limited and have been specifically depicted for purposes of the PAB and Commission's consideration as part of this requested action. The first several map exhibits provide an overview of properties containing residential density and the potential wetlands map layer. Areas 1 - 4 are zoomed in to show those properties in the City where there is likely to be an impact associated with the changed regulation. The definition of net density further excludes the calculation of property within a floodplain. Each area depicted also shows an associated map with the 2016 preliminary FEMA flood zones and wetlands.

MOTION(S) TO CONSIDER:

I move to recommend (approval or denial) of PAB case number 2016-13 to the City Commission requesting an amendment to the Comprehensive Plan and Land Development Code to modify the definition of "Net Density" by striking wetlands and wetland transitional areas from being excluded as part of the "Net Buildable Land Area", as described and that PAB case 2016-13, as presented, (is or is not) sufficiently compliant with applicable Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

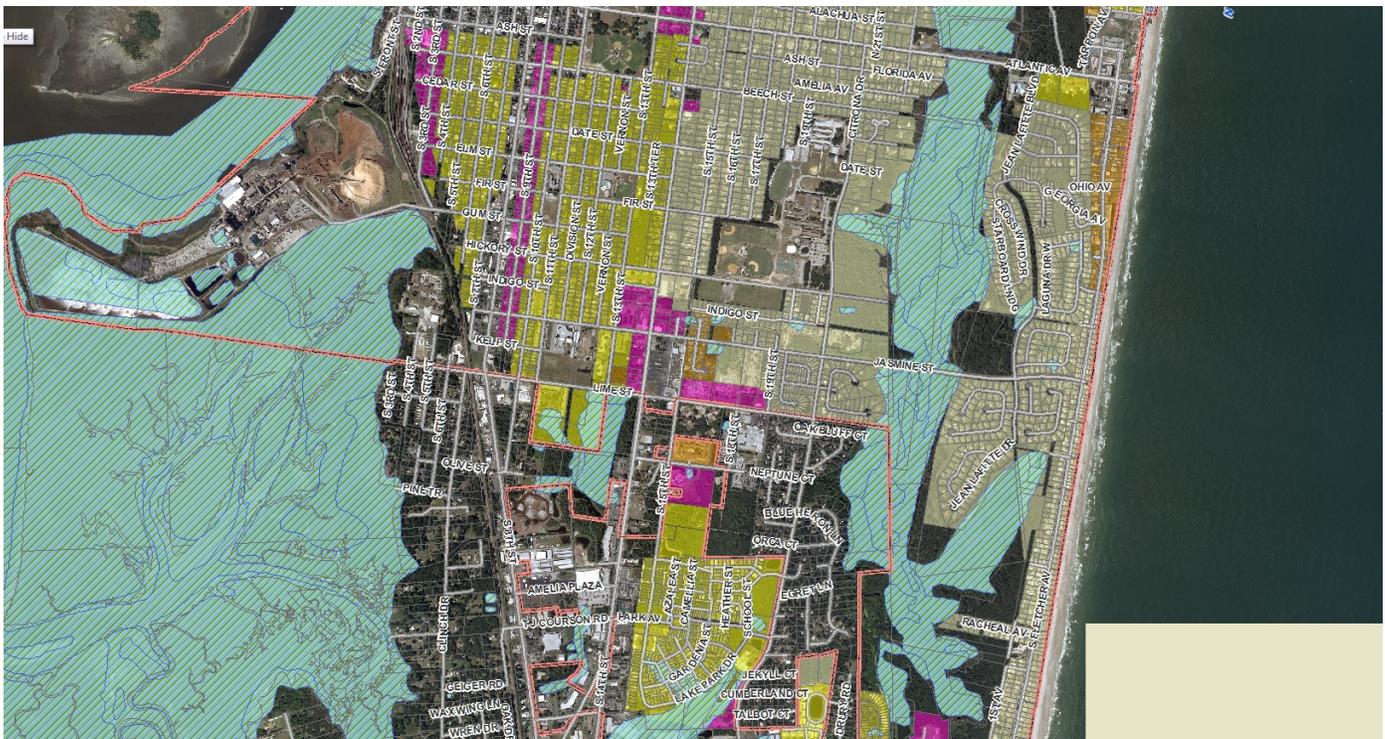
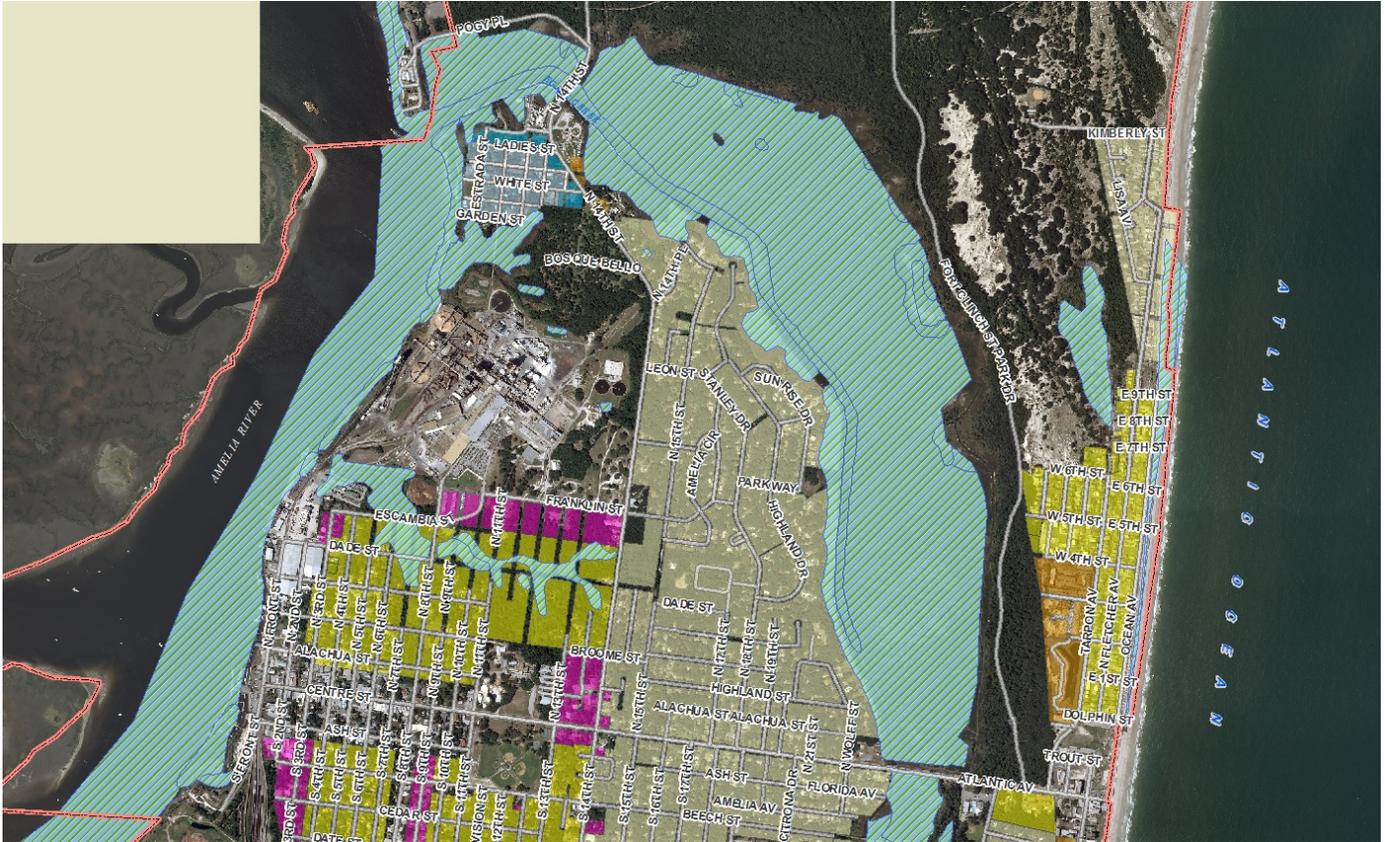
A handwritten signature in blue ink that reads "Kelly N. Gibson".

Kelly N. Gibson, AICP
Senior Planner



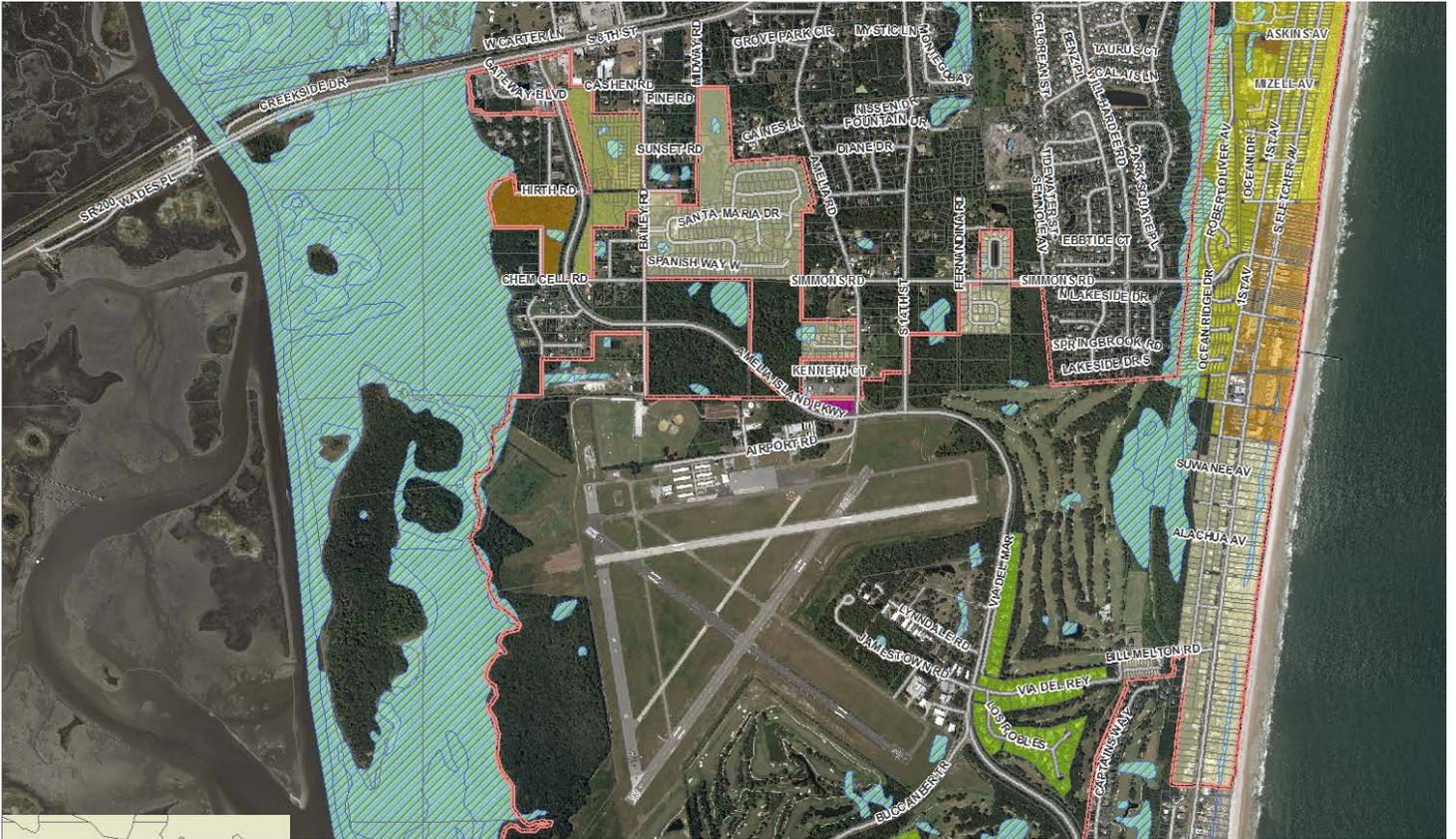
EXHIBITS

RESIDENTIAL PROPERTIES AND POTENTIAL WETLANDS MAP





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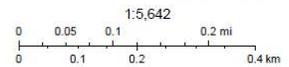
AREA 1: Previously unplatted residential properties containing wetlands



With 2016 Floodplain Layer



- May 9, 2016
- Land Parcels
 - Potential Wetlands
 - Preliminary Flood Zones 2016
 - A,
 - AE,
 - AO,
 - VE,
 - X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - X, AREA OF MINIMAL FLOOD HAZARD



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MappyIndia, © OpenStreetMap contributors, and the GIS User Community



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AREA 2: Previously unplatted residential properties containing wetlands



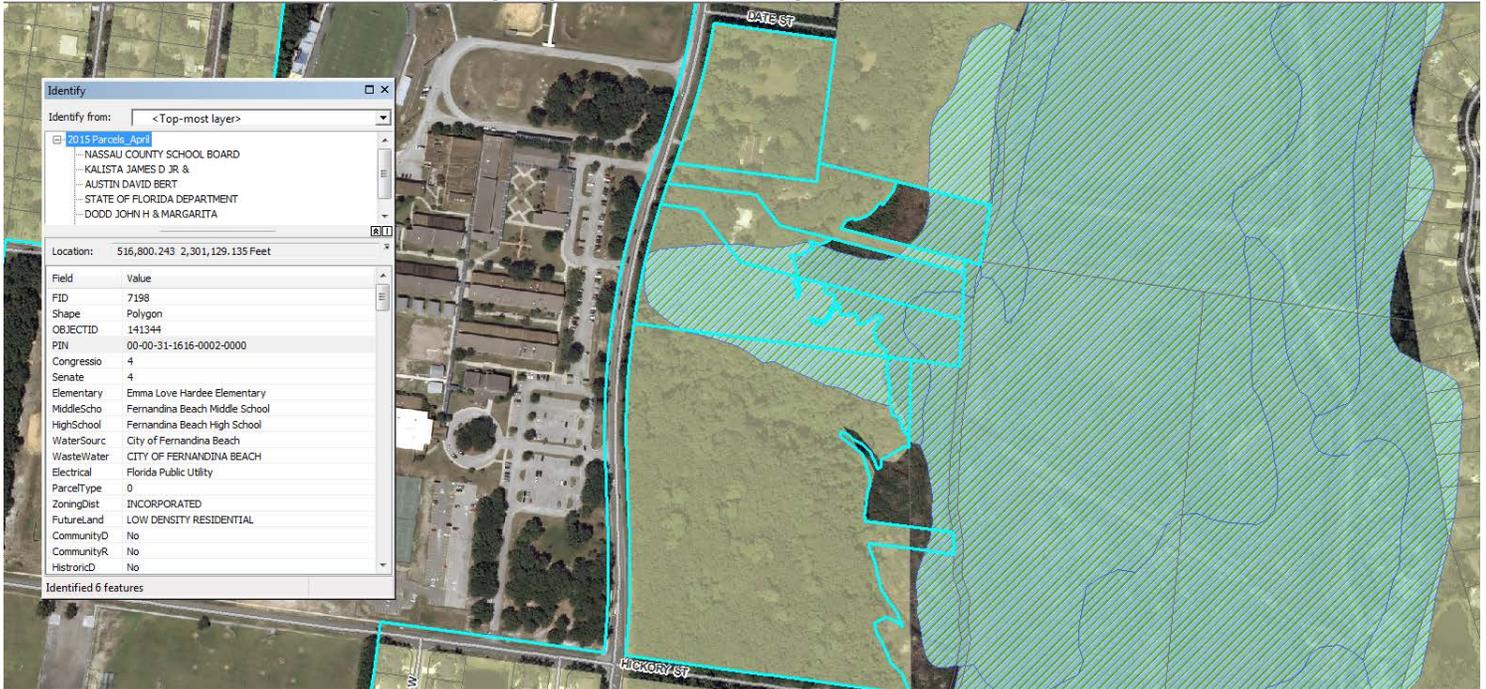
With 2016 Floodplain Layer



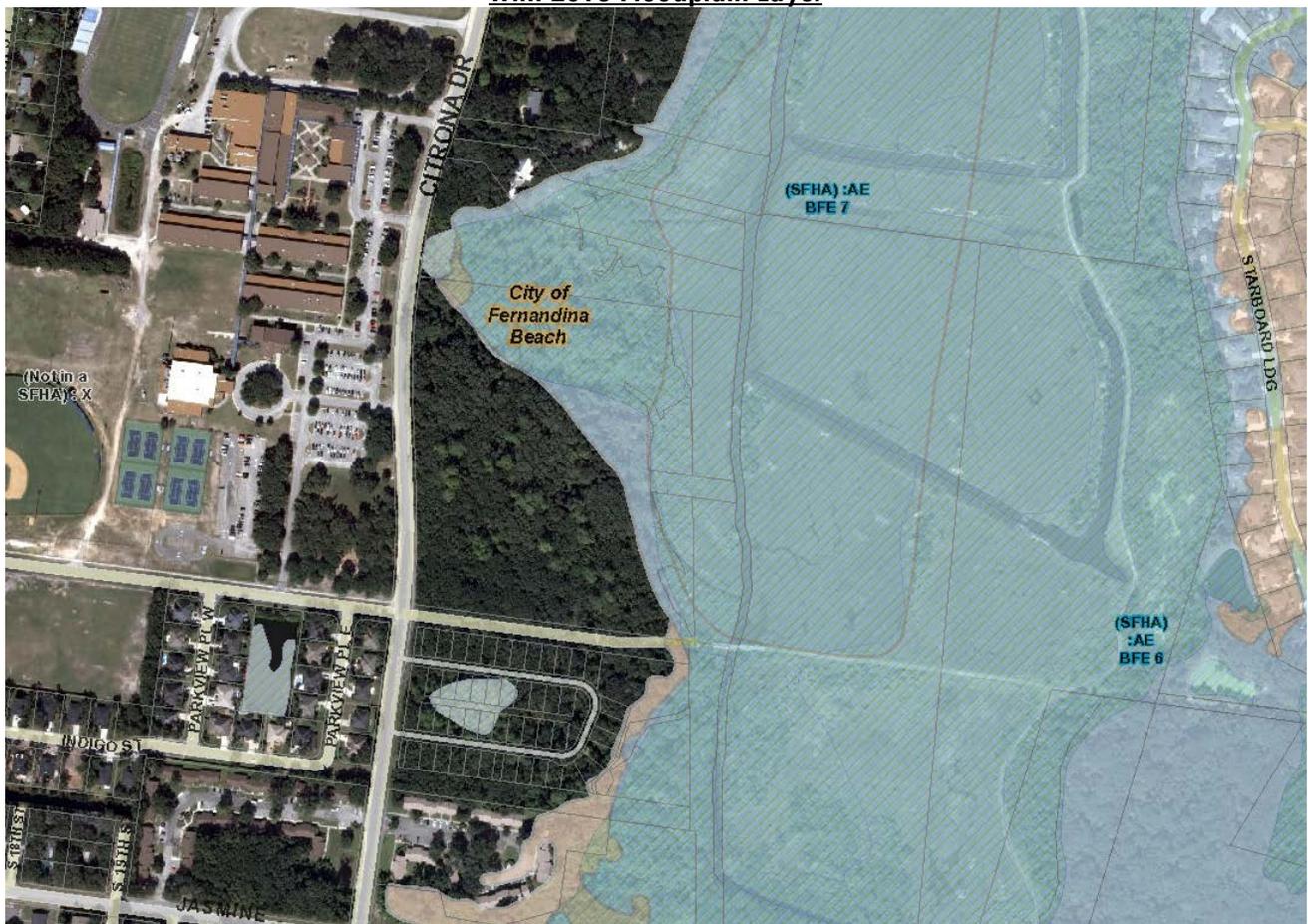


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AREA 3: Previously unplatted residential properties containing wetlands



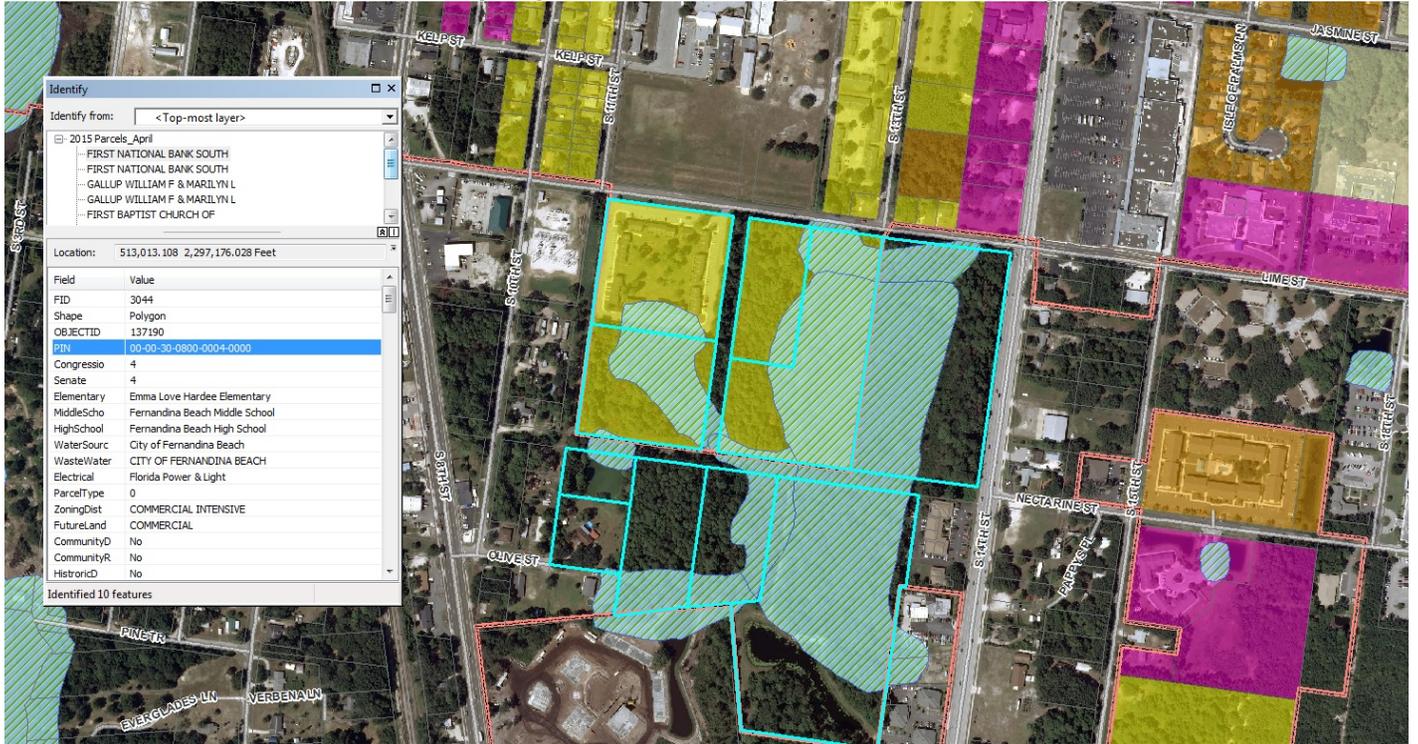
With 2016 Floodplain Layer





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AREA 4: Previously unplatted residential properties containing wetlands



With 2016 Floodplain Layer

