

**ADDENDUM #1 (dated 03/14/2025) to the REPORT OF THE PLANNING
DEPARTMENT**

The Planning and Development Department hereby forwards to the Planning Commission; Land Use and Zoning Committee; and City Council its comments and recommendations on:

ORDINANCE 2024-0851

AN ORDINANCE ESTABLISHING THE NORTHEAST DEVELOPMENT REVIEW BOARD; IDENTIFYING LEGISLATIVE PURPOSE AND INTENT; AMENDING SECTION 30.204 (FUNCTIONS), PART 2 (PLANNING COMMISSION), CHAPTER 30 (PLANNING AND DEVELOPMENT DEPARTMENT), ORDINANCE CODE, TO PROVIDE THAT THE NORTHEAST DEVELOPMENT REVIEW BOARD SHALL REVIEW AND PROVIDE A RECOMMENDATION TO THE CITY COUNCIL REGARDING CERTAIN REZONING APPLICATIONS WITHIN THE NORTHEAST DEVELOPMENT AREA; CREATING A NEW PART 9 (NORTHEAST DEVELOPMENT REVIEW BOARD), CHAPTER 30 (PLANNING AND DEVELOPMENT DEPARTMENT), ORDINANCE CODE, TO ESTABLISH THE NORTHEAST DEVELOPMENT REVIEW BOARD (THE “BOARD”) AND TO PROVIDE FOR THE BOARD’S ORGANIZATION, MEMBERSHIP, POWERS AND DUTIES; AMENDING SECTION 656.101 (DEFINITIONS), SUBPART A (BASIC PROVISIONS), PART 1 (DEFINITIONS) AND SECTION 656.1601 (DEFINITIONS), PART 16 (DEFINITIONS), CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO AMEND THE DEFINITION OF “COMMISSION”; PROVIDING FOR CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

EVALUATION

The original staff report noted that, while this ordinance is not in conflict with the 2045 Comprehensive Plan, the proposal to create a second “Planning Commission” specific to Northeast Jacksonville (the Northeast Development Review Board or NDRB) unnecessarily replicates responsibilities of the Planning Commission as set forth in Chapter 30, Part 2, of the Jacksonville Ordinance Code. Further, creation of the NDRB sets unwanted precedence for more planning commission-like bodies to be created in the future. While the NDRB would increase the administrative burden and operating costs to the City of Jacksonville, the relevant concern involves the importance of consistent decision making from a single body charged with reviewing proposed land use changes, zoning code changes, and related functions listed in Code Section 30.204. Finally, the proposed legislation calls for NDRB meetings to be held at a location in northeast Jacksonville.

As this legislation was explored at various public meetings since introduction, additional challenges with creation of a NDRB were highlighted. The following provides a consolidated list of the negative implications related to creating a NDRB.

1. Duplicates Role of the Planning Commission. Creation of a NDRB duplicates the role provided by Planning Commission without any clear benefit. Decisions from the NDRB would flow to the Land Use & Zoning Committee and to City Council for final action. These governing bodies have not been beholden to Planning Commission decisions in the past. It is reasonable to assume that a decision from NDRB would carry similar gravitas.
2. Loss of Consistency. Loss of consistency in decision making between the Planning Commission and the NDRB is a significant concern. The NDRB, consisting of members solely from the northeast area of Jacksonville, would likely take a “not in my backyard” stance on unwanted projects even if these projects are serving the greater public good for the city as a whole.
3. NDRB is Distinctly Different from the DDRB. The Downtown Investment Authority (DIA) was established to provide a single, comprehensive organizational structure with a single, comprehensive method of addressing downtown redevelopment (Sec. 55.102). The Downtown Development Review Board (DDRB), in support of the DIA, among other tasks, was established to review various zoning decisions (note that Comprehensive Plan changes, including but not limited to Future Land Use Map and text amendments, would also be heard by the Planning Commission) (Sec. 656.361.9.C). The proposed NDRB would be distinctly different, making recommendations on zoning and Comprehensive Plan land use changes directly to the City Council, bypassing the Planning Commission for land use decisions. Not only is this distinctly different from the DDRB, it may violate Florida State Statutes with regards to establishing the local planning agency (F. S. § 163.3174). It is the view of the Planning Director that all development, growth, and change related to the land development code of our jurisdiction should occur through a single local planning agency, specifically, Jacksonville’s Planning Commission.
4. NDRB Increases Cost to Taxpayers. The annual cost increase that the City would experience resulting from the proposed NDRB is estimated to be approximately \$65,000 (labor and contracts). Additional labor is estimated to be 715 hours annually. These numbers do not include staff and equipment necessary for audio/visual requirements in support that are to be held in the northeast area. These are cost increases to the City, not simply costs “aligned” to supporting the NDRB. Sources for the cost increases: a) travel time to the meeting site in the Northeast district; b) evening meetings resulting in overtime or compensatory time; c) meeting preparation and support; d) additional citizens information meetings; e) contract cost for the court reporter and the official transcript; f) document printing and delivery for those board members who request hardcopies; and g) additional public notification costs. Establishing the NDRB would be contrary within a climate of reducing government costs.
5. Land Development Entitlements Already Established. Creation of the NDRB does not change land use and zoning entitlements that exist for Jacksonville (to include the northeast area). City code and state statutes limit a city government’s ability to deny reasonable requests (reference Code Sec. 656.125). In fact, nearly all of the recent development activity in the NDRB district is through by-right or long-ago land use and zoning changes. There’s been minimal land use or zoning changes in the NDRB district during the past twelve months.

6. Where Does it Stop? The detrimental impacts of creating a NDRB would grow worse if this resulted in additional areas being removed from the jurisdiction of the Planning Commission. The problems are the same as those stated above.
7. Northeast Jacksonville Representation. Northeast residents have representation through various means. The North Citizen Planning Advisory Committee (CPAC) District 6 covers all north Jacksonville, over half of which consists of the proposed NDRB district. A planning commissioner, in accordance with the code, also lives in and represents District 6. And the NDRB crosses two city council districts and one of the at-large members is assigned to this area. The elected and appointed members are required to vote based on the established criteria of substantial, competent evidence as presented to them during public hearings. This process is intended to create a consistent voting pattern for effective governance for the Jacksonville citizens.

Legitimate concerns for the pattern of development in northeast Jacksonville may exist. That is, there may be solutions for development of the area that better meet the public good (keeping in mind that reducing entitlements is often not an option). Following are options to consider instead of the proposed NDRB.

1. Area Development Plan. Plans have been developed for many areas of the city. These plans vary widely depending on the need at the time. They are used to guide development and change within specific boundaries. There is not a specific plan for northeast Jacksonville, but one could be developed. Most recently, Council funded a \$200,000 plan for Durkeeville and Councilmember Boylan is pushing a similar effort for Mandarin.
2. Northeast Area Advocacy Group (NAAG). A citizens group could be formally established to coordinate positions to proposed land use and or zoning changes. This would be somewhat of a duplication of the CPAC, but the NAAG would be keenly focused on northeast issues and ideally better postured to influence development they considered unsuitable for the area.
3. Improve North CPAC's Ability to Assess and Influence Northeast Proposals. At present, none of the CPACs seem to wield much influence in the development process. Maybe there are process or system changes that could be implemented to improve their effectiveness, in particular, their need to base recommendations on substantial, competent evidence.
4. Create a Northeast CPAC. The North CPAC could be split to create a North and Northeast CPAC. Obviously, the Northeast CPAC would be keenly focused on all-things northeast and consist of residents of the area. This option seems to hold considerable promise for the northeast district, especially if combined with plan development.
5. Expand the Existing Overlay or Create a New Overlay. The Cedar Point Sawpit Rd Overlay, covering roughly the eastern half of the proposed NDRB area, allows residential density up to one dwelling unit per acre. Where possible, this overlay could be expanded or a new overlay created to better regulate future development across northeast Jacksonville.
6. Assess the Environmental Risks Created by Land Development in Northeast Jacksonville. Environmental concerns with development have been raised by some constituents. An

environmental assessment could be prepared of the area as related to development impacts. Findings from the study could be used to make more informed land development decisions. Such studies can easily reach over \$1 million in cost.

7. Build Time into the Process for Citizens to Learn and Respond. This already occurs through the standard, public hearing process. Notification of land use and zoning changes are mailed to property owners within 350 feet of the site, notice signs are posted, and the request is advertised in the Daily Record. There is a tight timeline to get the action through the Planning Commission. However, applicants have the option to defer the action if, for example, they want to hold community meetings. And deferrals are common at the Land Use & Zoning Committee for those actions that have considerable opposition. But if there's a need to build either increased awareness or prescribed community engagement, the codified timelines could be extended and processes could be revised; they would be applicable to all land use and zoning requests, not just those for the northeast area.

As an addendum, this staff reports adds and clarifies information in the original staff report, which remains in effect. The Planning Department continues to recommend **DENIAL** for Ordinance of 2024-0851.

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

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GENERAL INFORMATION

The bill amends Ordinance Code Chapter 30 – Planning and Development Department – to create a new Part 9 – Northeast Development Review Board – to establish a mechanism for a specialized review program that can evaluate applications for land use and zoning changes in the northeast part of the city and more closely take into consideration the unique needs of existing property owners to balance the historical development patterns and property uses with the need to recognize new growth opportunities that are increasingly presented in the area. It also amends Chapter 656 – Zoning Code – to include the Northeast Development Review Board in its definitions.

EVALUATION

A. The need and justification for the change

The proposed legislation is being requested to create a separate review board to ensure consistent development within the Northeast Development Area and to provide clarity and direction for developers/property owners when evaluating investment opportunities. The main objectives of the

review board would be to preserve environmentally sensitive areas from unnecessary and incompatible encroachment; and recognizing the existing rural nature of the area and existing development patterns in evaluating requests for land use and zoning changes to appropriately locate higher density and intensity uses in areas where traditional low-density development and environmentally and industrially sensitive areas will not be detrimentally impacted.

B. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.

The proposed ordinance does not conflict with the 2045 Comprehensive Plan.

I. RECOMMENDATION

Staff has reviewed the proposed legislation and finds the proposed change would place undue financial and time burdens on the Planning & Development Department even though venues exist for the citizens to voice concerns and opposition to zoning applications at the Planning Commission, Land Use and Zoning Committee, and City Council public hearings and the North Citizens Planning Advisory Committee (CPAC).

The Planning Commission is adequately meeting the need and applying decisions fairly and consistently across the city. The Commission is made up of nine voting members and two non-voting representatives from the Duval County School District and military installations within the City of Jacksonville. These members representative of each of the six planning districts; they along with three at-large members are tasked to review and vote on zoning applications with the understanding that they are the voice of their planning district's citizens. Creating a separate review board for a particular portion of the city unnecessarily duplicates responsibilities of the Planning Commission and sets an unwanted precedent for more review boards to be created in the future.

If the Northeast Development Review Board (NDRB) is established, the Department will be required to replicate its administrative support efforts. Adding additional burden, meetings for the new board are proposed to be held at a location within the Northeast Development Area; this will require Department staff to travel to public hearings creating a time and cost burden to the Department. If the legislation is approved, the Department will require additional staff and resources in order to maintain the current service level.

The Planning and Development Department forwards a recommends of **DENIAL** for Ordinance **2024-0851**.