

**Report of the Jacksonville Planning and Development Department**

**Small-Scale Future Land Use Map Amendment – January 3, 2020**

**Ordinance/Application No.:** 2019-869 / L-5416-19C

**Property Location:** 5236 and 5250 110<sup>th</sup> Street, south side of 110<sup>th</sup> Street between Catoma Street and Ortega farms Boulevard

**Real Estate Number(s):** 1031350-0000 and 103351-0000

**Property Acreage:** 9.11 Acres

**Planning District:** District 4, Southwest

**City Council District:** The Honorable Randy DeFoor, District 14

**Applicant:** City of Jacksonville

**Current Land Use:** Low Density Residential (LDR)

**Development Area:** Urban

**Proposed Land Use:** Low Density Residential (LDR) with FLUE Site Specific Policy 4.4.14

**Current Zoning:** Residential Low Density- 60 (RLD-60)

**Proposed Zoning:** No Zoning Change Proposed

***RECOMMENDATION: APPROVE with Site Specific Policy 4.4.14***

**APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT**

To provide consistency with the settlement agreement between the City of Jacksonville and Patriot’s Landing, Inc., Ordinance 2019-868.

**BACKGROUND**

The proposed amendment adds Site Specific Policy 4.4.14; the current LDR land use designation will remain. Due to the property’s location within Accident Potential Zone 2 for Naval Air Station Jacksonville, the City of Jacksonville and the site developer, in agreement with the US Navy, Patriot’s Landing, Inc., entered into a settlement agreement (Ordinance 2019-868) to resolve the entitlement to density of the property based upon the application of Part 10 of the Zoning Code and corresponding policies in the City’s 2030 Comprehensive Plan. The agreement permits up to 20% total coverage by buildings and structures in the subdivision.

The addition of Site Specific Policy 4.4.14 limiting lot coverage of the subject property, provides consistency with the agreed upon settlement agreement.

Proposed site specific policy 4.4.14 is included below:

Future Land Use Element (FLUE), Policy 4.4.14

Pursuant to the authority granted by Sec. 163.3187(1)(c), Florida Statutes, Ordinance 2019-869 for a Small-Scale Amendment is approved subject to the following site specific conditions:

1. Pursuant to the Settlement Agreement between the City of 6 Jacksonville and Patriot's Landing, Inc., dated \_\_\_\_\_, the total coverage by all buildings and structures within the Subdivision shall not exceed twenty percent of the total area of the Subdivision (the "20% Coverage Restriction"). By way of example and not limitation, if the total area of the Subdivision is 9.11 acres, the total coverage by all buildings and structures within the Subdivision shall not exceed 79,366.32 square feet of land area (9.11 x 43,560 x 0.2).
2. Development shall be exempt from the APZ 2/II density limitations established within the Future Land Use Element, and the directly related implementing land development regulations.

The adjacent land use categories, zoning districts and property uses are as follows:

North: Land Use: LDR  
Zoning: RLD-60  
Property Use: single-family residential

South: Land Use: LDR  
Zoning: RLD-60  
Property Use: single-family residential

East: Land Use: LDR  
Zoning: RLD-60  
Property Use: single-family residential

West: Land Use: LDR  
Zoning: RLD-60  
Property Use: single-family residential

## **IMPACT ASSESSMENT**

Potential impacts of a proposed land use map amendment have been analyzed by comparing the Development Impact Standards for the subject site's existing vs. proposed land use categories unless maximum density/intensity is noted on the Annotated FLUM or is in a site specific policy. Development Impact Standards are detailed in FLUE Policy 1.2.16, *Development Standards for Impact Assessment*. These standards produce development potentials consistent with the current entitlements as shown below.

### **Impact Assessment Baseline Review**

<b>Development Analysis</b>		
Development Boundary	Urban Area	
Roadway Frontage Classification / State Road	110 <sup>th</sup> Street – Local Road	
Plans and/or Studies	Southwest Jacksonville Vision Plan	
Site Utilization	Current: Undeveloped land	Proposed: Residential
Land Use / Zoning	Current: LDR / RLD-60	Proposed: LDR with Site Specific Policy 4.4.14 / RLD-60
Development Standards for Impact Assessment	Current: 5 units/acre	Proposed: 5 units/acre subject to Site Specific Policy 4.4.14
Development Potential	Current: 45 units	Proposed: 45 units subject to Site Specific Policy 4.4.14
Net Increase or Decrease in Maximum Density	none	
Net Increase or Decrease in Potential Floor Area	none	
Population Potential	Current: 119 people	Proposed: 119 people subject to Site Specific Policy 4.4.14
<b>Special Designation Areas</b>		
Aquatic Preserve	No	
Septic Tank Failure Area	No	
Airport Environment Zone	150 foot Height Restriction Zone, Accident Potential Zone 2 (APZ2) and Military Notice Zone for NAS Jacksonville	
Industrial Preservation Area	No	
Cultural Resources	No	
Archaeological Sensitivity	Low, Medium and High Sensitivity. High Sensitivity located in the southeastern portion of the property.	
Historic District	No	
Coastal High Hazard/Adaptation Action Area	No	
Groundwater Aquifer Recharge Area	Discharge	
Wellhead Protection Zone	No	
Boat Facility Siting Zone	No	
Brownfield	No	
<b>Public Facilities</b>		
Potential Roadway Impact	No	
Potential Public School Impact	No	

<b>Development Analysis</b>	
Water Provider	JEA
Potential Water Impact	No
Sewer Provider	JEA
Potential Sewer Impact	No
Potential Solid Waste Impact	No
Drainage Basin/Sub-basin	Ortega River / Venetian Terrace Ditch
Recreation and Parks	Timucuan Elementary Park
Mass Transit Access	No – Service with Bus Routes off of Timucua Road and Blanding Boulevard
<b>Natural Features</b>	
Elevations	11-18 feet
Land Cover	4110 Pine Flatwoods
Soils	63 – Sapelo fine sand, 0 to 2 percent slopes; 51 – Pelham fine sand, 0 to 2 percent slopes; 38 – Mascotte fine sand, 0 to 2 percent slopes
Flood Zones	No
Wetlands	No
Wildlife (applicable to sites greater than 50 acres)	N/A

### **Utility Capacity**

The calculations to determine the water and sewer flows contained in this report and/or this spreadsheet have been established by the City of Jacksonville Planning and Development Department and have been adopted by JEA solely for the purpose of preparing this report and/or this spreadsheet. The method of calculating water and sewer flows in order to properly size infrastructure shall continue to be based on JEA’s Water, Sewer and Reuse for New Development Projects document (latest edition).

According to the land use amendment application, the site will be served by JEA for both water and sewer.

### **Infrastructure Element, Sanitary Sewer Sub-Element**

Policy 1.1.1 JEA shall provide for regional wastewater facilities associated with development within the Urban Area as defined in the Future Land Use and Capital Improvements Element, excluding improvements within the service area of an investor-owned public utility company of regional status.

### **Airport Environment Zone**

The site is located within the 150-foot Height and Hazard Zone for the Naval Air Station Jacksonville. Zoning will limit development to a maximum height of less than 150’, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

Additionally, the site is located within the Accidental Potential Zone 2 (APZ2) and a Military Notice Zone for NAS Jacksonville. Pursuant to Sec 656.1005.2, the APZ2 zone limits the maximum density of a site to 2 units/acre and requires a recorded Airport Notice Zone Acknowledgment be applied to the policy. Pursuant to Sec. 656.1010, Ordinance Code, for any new proposed residential use within an Airport Notice Zone, and Airport Notice Zone Acknowledgement shall be executed by the owner of the property upon which a such proposed residential use is being constructed and shall be recorded in the public records of Duval County, Florida prior to issuance of building permits for multi-family uses or residential uses that are not subject to a final plat or subdivision.

#### Future Land Use Element

**Objective 2.5** Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

**Policy 2.5.4** The Military AICUZ map, including noise and accident potential zones (APZ), is included in Map L-22. This map also includes the Lighting Regulation Zone referred to in Policy 2.5.7. Overall, Map L-22 is referred to as the Military and Civilian Influence Zones Map. Military Influence Zones are defined in the Transportation Element. The following sub-policies refer to the Navy Instruction Manual (OPNAV Instruction 11010.36.B), on file with the Planning and Development Department, excepting the density and intensity standards included in Table 3.

**Policy 2.5.4B** Within the APZ 2 area depicted on Map L-22, the City does not permit single family residential density greater than 2 dwelling units per acre. Residential structures that are unable to achieve a 30 decibel (dB) noise level reduction are not permitted. Uses not allowed in APZ 1 may be allowed in APZ 2, however they too are subject to conditions regarding disclosure and noise attenuation in construction. As listed in the Instruction Manual, mobile home parks, hospitals, motels, churches, schools and similar uses are not allowed.

**Policy 2.5.6** To ensure safety and education of citizens occupying properties that are located near military and civilian airports, the City requires disclosure of airport proximity to prospective owners or lessees in the Military and Civilian Influence Zones depicted on Map L-22.

#### **Archaeological Sensitivity**

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of low, medium and high 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.

## **PROCEDURAL COMPLIANCE**

Upon site inspection by the Planning and Development Department on December 13, 2019, the required notice of public hearing sign was posted. One hundred and thirty-seven (137) notices were mailed out to adjoining property owners informing them of the proposed land use change and pertinent public hearing and meeting dates.

The Citizen Information Meeting was held on December 9, 2019. One citizen was in attendance from the public looking for additional information and understanding of the proposed changes.

## **CONSISTENCY EVALUATION**

### **Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies**

#### **Future Land Use Element (FLUE)**

##### Future Land Use Element

Objective 2.5 Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

Policy 2.5.4 The Military AICUZ map, including noise and accident potential zones (APZ), is included in Map L-22. This map also includes the Lighting Regulation Zone referred to in Policy 2.5.7. Overall, Map L-22 is referred to as the Military and Civilian Influence Zones Map. Military Influence Zones are defined in the Transportation Element. The following sub-policies refer to the Navy Instruction Manual (OPNAV Instruction 11010.36.B), on file with the Planning and Development Department, excepting the density and intensity standards included in Table 3.

Policy 2.5.4B Within the APZ 2 area depicted on Map L-22, the City does not permit single family residential density greater than 2 dwelling units per acre. Residential structures that are unable to achieve a 30 decibel (dB) noise level reduction are not permitted. Uses not allowed in APZ 1 may be allowed in APZ 2, however they too are subject to conditions regarding disclosure and noise attenuation in construction. As listed in the

Instruction Manual, mobile home parks, hospitals, motels, churches, schools and similar uses are not allowed.

Policy 2.5.6 To ensure safety and education of citizens occupying properties that are located near military and civilian airports, the City requires disclosure of airport proximity to prospective owners or lessees in the Military and Civilian Influence Zones depicted on Map L-22.

According to the Category Description of the Future Land Use Element (FLUE), the LDR Future Land Use Category is intended to provide for low density residential development. Generally, single-family detached housing is the predominant development typology in the category.

Due to the property's location within Accident Potential Zone 2 for Naval Air Station Jacksonville, the City of Jacksonville and the site developer, Patriot's Landing, Inc., in agreement with the US Navy, entered into a settlement agreement (Ordinance 2019-866) to resolve the entitlement to density of the property based upon the application of Part 10 of the Zoning Code and corresponding policies in the City's 2030 Comprehensive Plan. The agreement permits up to 20% total coverage by buildings and structures in the subdivision.

Proposed FLUE Site Specific Policy 4.4.14, authorizes the development of the property as specified in the Settlement Agreement. Specifically, proposed site specific policy 4.4.14 is included below:

Future Land Use Element (FLUE), Policy 4.4.14

Pursuant to the authority granted by Sec. 163.3187(1)(c), Florida Statutes, Ordinance 2019-869 for a Small-Scale Amendment is approved subject to the following site specific conditions:

3. Pursuant to the Settlement Agreement between the City of 6 Jacksonville and Patriot's Landing, Inc., dated \_\_\_\_\_, the total coverage by all buildings and structures within the Subdivision shall not exceed twenty percent of the total area of the Subdivision (the "20% Coverage Restriction"). By way of example and not limitation, if the total area of the Subdivision is 9.11 acres, the total coverage by all buildings and structures within the Subdivision shall not exceed 79,366.32 square feet of land area (9.11 x 43,560 x 0.2).
4. Development shall be exempt from the APZ 2/II density limitations established within the Future Land Use Element, and the directly related implementing land development regulations.

Site Specific Policy 4.4.14 is consistent with the Settlement Agreement and therefore, satisfies Part 10 of the Zoning Code and the corresponding policies of the 2030

Comprehensive Plan, specifically providing consistency with FLUE Objective 2.5 and Policies 2.5.4, 2.5.4b and 2.5.6

### **Vision Plan**

The subject property is located within the boundaries of the Southwest Jacksonville Vision Plan. The proposed amendment to continue the current use with a site specific policy regarding to the entitlement to density on the site is consistent with one of the Plan's Guiding Themes to "strengthen existing neighborhoods and create new neighborhoods." The Plan contains recommendations regarding the preferred development of planned communities that encompass a complete range of land uses. The site is located in an area of residential development, the proposed amendment is generally consistent with the intent of the Plan.

### **Strategic Regional Policy Plan**

The proposed amendment is consistent with the following Policy of the Strategic Regional Policy Plan:

Objective: Housing options that provide choices to all of our residents and promote demographic and economic diversity as one way to ensure that our communities are viable and interesting places for the long term.

Policy 21: The Region supports diverse and sufficient housing stock to provide choices for all households, from single persons to extended families with children.

The proposed land use amendment seeks to develop new housing options, and is therefore consistent with Policy 21 of the Northeast Florida Regional Council's Strategic Regional Policy Plan as it will increase and diversify the existing housing stock.



**LAND USE AMENDMENT SITE LOCATION AND CURRENT LAND USE MAP**



**COMPANION SETTLEMENT AGREEMENT ORDINANCE 2019-868**

See following pages

1 Introduced by Council Member DeFoor:  
2  
3

4 **ORDINANCE 2019-868**

5 AN ORDINANCE APPROVING AND AUTHORIZING THE  
6 MAYOR AND CORPORATION SECRETARY TO EXECUTE AND  
7 DELIVER A SETTLEMENT AGREEMENT BETWEEN THE  
8 CITY OF JACKSONVILLE AND PATRIOT'S LANDING,  
9 INC., CONCERNING A SINGLE FAMILY RESIDENTIAL  
10 SUBDIVISION WITHIN THE NAS JAX APZ 2/II,  
11 LOCATED AT 5236 110<sup>TH</sup> STREET AND 5250 110<sup>TH</sup>  
12 STREET, BETWEEN CATOMA STREET AND ORTEGA FARMS  
13 BOULEVARD; PROVIDING AN EFFECTIVE DATE.  
14

15 **BE IT ORDAINED** by the Council of the City of Jacksonville:

16 **Section 1. Approval of Settlement Agreement.** The  
17 Settlement Agreement between the City of Jacksonville and Patriot's  
18 Landing, Inc., is hereby approved in substantially the same form as  
19 **Exhibit 1, attached hereto.** The Mayor and Corporation Secretary are  
20 authorized to execute said Agreement on behalf of the City.

21 **Section 2. Effective Date.** This Ordinance shall become  
22 effective upon the signature by the Mayor or upon becoming  
23 effective without the Mayor's Signature.  
24

25 Form Approved:  
26

27 /s/ Shannon K. Eller

28 Office of General Counsel

29 Legislation Prepared by: Shannon K. Eller

30 GC-#1323077-v2-2019-868\_PATRIOTS\_LANDING\_SETTLEMENT\_

## SETTLEMENT AGREEMENT

**THIS SETTLEMENT AGREEMENT** (this “Agreement”) is made and entered into as of \_\_\_\_\_, 2020, by and between the CITY OF JACKSONVILLE, a Florida municipal corporation (the “City”), and PATRIOT’S LANDING, INC., a Florida corporation (“PLI”), as follows:

### RECITALS

**WHEREAS**, PLI is currently the owner of two parcels of real property located in Duval County, Florida, at 5236 110<sup>th</sup> Street and 5250 110<sup>th</sup> Street, more particularly described as follows (the “Property”):

Parcel 1:

The West ½ of Lot 8, and the Easterly 25 feet of Lot 10, Block 33, Ortega Farms, a subdivision according to the plat thereof recorded in Plat Book 3, page 79 of the public records of Duval County, Florida.

Parcel 2:

The East ½ of Lot 8, Block 33, (except the northerly 267.83 feet) Ortega Farms, a subdivision according to the plat thereof recorded in Plat Book 3, page 79, in the public records of Duval County, Florida; and

**WHEREAS**, the Property is located within the RLD-60 zoning district under the City’s Zoning Code (the “Current Zoning”); and

**WHEREAS**, PLI has undertaken to develop the Property into a residential subdivision of single family detached homes (the “Subdivision”); and

**WHEREAS**, as initially proposed, the Subdivision contained single family lots, consistent with the Property’s Current Zoning (the “Initial Configuration”); and

**WHEREAS**, a question has arisen between PLI and the City regarding PLI’s entitlement to density based upon the application of Part 10 of the Zoning Code (“Part 10”) and corresponding policies in the City’s 2030 Comprehensive Plan (the “Comprehensive Plan”), and upon the location

of the Property within Accident Potential Zone 2/II as described in the Comprehensive Plan and Part 10 (the “Entitlement Question”); and

**WHEREAS**, the Accident Potential Zone 2/II affecting the Property pertains to Naval Air Station Jacksonville (“NAS JAX”); and

**WHEREAS**, pending the resolution of the Entitlement Question, PLI has elected to proceed with the recording of a plat (the “Initial Plat”) subdividing the Property into lots and a parcel shown on the Initial Plat as Tract A (the Tract), with the intention of subsequently replatting the Tract into lots in accordance with the resolution of the Entitlement Question; and

**WHEREAS**, in consideration of the unique circumstances surrounding the development of the Subdivision and after consultation among PLI, the City and the Commanding Officer of NAS JAX, the latter through the installation’s Community Planning and Liaison Officer, PLI and the City (each a “Party” and together the “Parties”) have determined to resolve the Entitlement Question under the terms of this Agreement.

**NOW, THEREFORE, IN CONSIDERATION OF** the foregoing Recitals, the mutual covenants set forth herein, and for other good and valuable consideration, the Parties agree as follows:

1. The Recitals set forth hereinabove form an integral part of this Agreement. In construing this Agreement, all resort to the Recitals shall be had to the extent necessary to give full effect to the manifest intent of the Parties expressed herein.
2. As used in this Agreement, the following terms shall have the meanings ascribed:
  - (a) *Building* means a structure, either temporary or permanent, having a roof impervious to weather and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. The term *building* does not include any structure or portion thereof, the height of which does not equal or exceed 30 inches above the general ground level of the graded lot.

- (b) *Structure* means that which is built or constructed, an edifice of any kind or a piece of work artificially built up or composed of parts joined together in some definite manner. The term *structure* shall be construed as if followed by the words or part thereof and shall include buildings. The term *structure* does not include any structure or portion thereof, the height of which does not equal or exceed 30 inches above the general ground level of the graded lot.
- (c) *Coverage* means that percentage of Subdivision land area that is covered or occupied by buildings and structures, excluding roof eaves, awnings, and other shelters, tents, or coverings over unenclosed areas.
- (d) *Initial footprint* means the coverage of all buildings and structures constructed on a subdivision lot as authorized under the initial building permit issued by the City for the lot.
- (e) *End user* means the owner of a lot within a subdivision occupying a single family residence thereon.

3. PLI shall be entitled to develop the Property and the Subdivision under and subject to

the following conditions:

- (a) The Subdivision may be developed into as many single family lots as are permitted in compliance with this Agreement, and applicable City permitting requirements. PLI may proceed with the recording of the Initial Plat and the subsequent replatting of the Tract into lots consistent with this Agreement, and applicable City permitting requirements. For purposes of this Agreement, the term Subdivision includes the Initial Plat and the replatting of the Tract.
- (b) The total coverage by all buildings and structures within the Subdivision shall not exceed twenty percent of the total area of the Subdivision (the “20% Coverage Restriction”). By way of example and not limitation, if the total area of the Subdivision is 9.11 acres, the total coverage by all buildings and structures within the Subdivision shall not exceed 79,366.32 square feet of land area (9.11 x 43,560 x 0.2).
- (c) Prior to the recording of the Subdivision plat, PLI shall record in the public records of Duval County, Florida, the following:
  - (i) A restriction in favor of and enforceable by the City subjecting the Property to the 20% Coverage Restriction; and,
  - (ii) A restriction in favor of and enforceable by the City subjecting each lot within the Subdivision to the limitation that no building or structure may be added to the lot or to any building or structure on the lot beyond the initial footprint for the lot, and requiring that such restriction be stated on the face of each deed conveying a lot to the initial end user.

- (d) Each initial end user of a lot within the Subdivision, prior to purchasing the same, must execute an Airport Notice Zone Acknowledgement as required under Sec. 656.1005.2, Ordinance Code.

4. The City shall initiate and process administratively a site-specific text amendment to the Comprehensive Plan authorizing the development of the Property as specified in paragraph 3 above, subject to the 20% Coverage Restriction (the “Plan Amendment”). The City shall use reasonable efforts to bring about the adoption of the Plan Amendment in an expeditious manner.

5. PLI shall pay all costs of publishing notices required by law for the Plan Amendment.

6. This Agreement and the Plan Amendment resolve the Entitlement Question and authorize development of the Property in compliance with this Agreement and applicable City permitting requirements.

7. If the Plan Amendment has not been adopted and become final on or before March 15, 2020, then this Agreement shall be deemed null and void. For purposes of this paragraph, final means that the time for a third party challenge to the Plan Amendment has expired without a timely challenge, or if timely challenged, that the challenge has been denied and all appeals therefrom have been exhausted.

8. This Agreement shall inure to the benefit of PLI and its successors and assigns.

9. This Agreement shall be deemed effective as of the date and year first above-written.

**IN WITNESS WHEREOF**, each Party has caused this Agreement to be executed on its behalf as of the date and year first above-written.

“City”

**CITY OF JACKSONVILLE**, a Florida municipal corporation

By: \_\_\_\_\_  
LENNY CURRY, MAYOR  
CITY OF JACKSONVILLE  
117 West Duval Street, Suite 400  
Jacksonville, Florida 32202

Attest:

\_\_\_\_\_  
James McCain,  
Corporation Secretary

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020,  
by \_\_\_\_\_.

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_.  
Type of Identification Produced \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

*Form Approved*  
*Office of General Counsel*

By: \_\_\_\_\_



**“PLI”**

**PATRIOT’S LANDING, INC.**

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020,  
by \_\_\_\_\_.

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_.  
Type of Identification Produced \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public