

# City of Jacksonville, Florida

*Lenny Curry, Mayor*

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August 18, 2022

The Honorable Terrance Freeman, President  
The Honorable Kevin Carrico, LUZ Chair  
And Members of the City Council  
117 West Duval Street  
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report / Ordinance No. 2022-543/Application No. L-5674-22C**

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairman Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 650.405 *Planning Commission Advisory Recommendation and Public Hearing*, the Planning Commission **APPROVED** Ordinance 2022-543 on August 18, 2022.

P&DD Recommendation	APPROVE
PC Issues:	None
<b>PC Vote:</b>	<b>7-0 APPROVE</b>

David Hacker, Chair	Aye
Alexander Moldovan, Vice-Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Joshua Garrison	Aye
Jason Porter	Aye
Jordan Elsbury	Absent

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If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

*Kristen D. Reed*

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

**Small-Scale Future Land Use Map Amendment – August 12, 2022**

**Ordinance/Application No.:** 2022-543 / L-5674-22C

**Property Location:** 8406 New Kings Road (U.S. 1) between New Kings Road and Grant Avenue

**Real Estate Number(s):** A portion of 040067-0050

**Property Acreage:** 3.82 acres

**Planning District:** District 5, Northwest

**City Council District:** Council District 10

**Applicant:** Cyndy Trimmer, Esquire

**Current Land Use:** MDR (3.82 acres)

**Proposed Land Use:** CGC (3.82 acres)

**Development Area:** Urban Development Area

**Current Zoning:** RMD-MH (3.82 acres) and CCG-2 (1.17 acres)

**Proposed Zoning:** ROS (4.99 acres)

***RECOMMENDATION: APPROVE***

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

Applicant requests this land use amendment to unify the property under a single land use designation.

**BACKGROUND**

The 3.82 acre subject site is located on the west side of New Kings Road (U.S. 1). New Kings Road is classified as a major arterial road. The application site is a portion of property which contains a recreational vehicle (RV) park within the Medium Density Residential (MDR) land use category. The remaining portion of the park is within the Community/General Commercial (CGC) land use category. The applicant would like to change the land use category of the subject site from Medium Density Residential (MDR) to Community/General Residential (CGC). In addition, the applicant is requesting to change the zoning of the RV park from Residential Medium Density-Mobile Home (RMD-MH) (3.82 acres) and Commercial Community/General-2 (CCG-2)

(1.17 acres) to Recreation Open Space (ROS) so that the whole park will have a consistent CGC land use category and ROS zoning district. The companion rezoning is pending concurrently with this land use amendment application pursuant to Ordinance 2022-544.

The area surrounding the amendment site is a mix of uses consisting of residential dwellings, vacant land, and commercial uses in the Low Density Residential (LDR), Medium Density Residential (MDR) and Community/General Commercial (CGC) land use categories.

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

North: Land Use: LDR and CGC

Zoning: Commercial Community/General-1 (CCG-1), CCG-2, Rural Residential-Acre (RR-Acre), ROS, Commercial Office) and Planned Unit Development (PUD)

Property Use: Church, single family dwellings, RV campgrounds, retail and mobile homes

South: Land Use: LDR, CGC and Residential-Professional-Institutional (RPI)

Zoning: CCG-2, Residential Low Density-60 (RLD-60) and Commercial residential Office (CRO)

Property Use: Single-family dwellings, mobile homes, shopping center, church and vacant land

East: Land Use: CGC, LDR and MDR

Zoning: CCG-2, RMD-MH, CO, RLD-60

Property Use: RV park, motel, office, vacant land, warehouse, open storage, service garage, and single family dwellings

West: Land Use: LDR

Zoning: RR-Acre

Property Use: Single-family dwellings, mobile homes and vacant land

## **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 as shown in this section.

Where there is not an associated site specific policy or note on the Annotated FLUM, the impact assessment incorporates supplemental information for non-residential land use categories that permit residential uses in order to assess the potential impacts.

Supplemental information related to these impacts are depicted as scenario 2 in the Impact Assessment Baseline Review Table and, as relevant, in the analysis following the table.

**Land Use Amendment Impact Assessment - Application Number L-5674-22C**

<b>Development Analysis</b>		<b>3.82 Acres</b>
Development Boundary	Urban Development Area	
Roadway Frontage Classification / State Road	New Kings Road / Major Arterial	
Plans and/or Studies	Northwest Jacksonville Vision Plan Kings-Soutel CRA (Ord. 2006-591-E) and Overlay District	
Site Utilization	Current: RV Park	Proposed: RV Park
Land Use / Zoning	Current: MDR / RMD-MH	Proposed: CGC / ROS
Development Standards for Impact Assessment	Current: 15 Multi-family DUs per acre	Proposed: Scenario 1: 0.35 FAR (non-residential) Scenario 2: 0.35 FAR (20%), 30 DU per Acre (80%)
Development Potential	Current: 57 Multi-family DUs	Proposed: Scenario 1: 58,240 sq. ft. of commercial space Scenario 2: 11,648 sq. ft. of commercial space and 91 multi-family DUs
Net Increase or Decrease in Maximum Density	Scenario 1: Decrease of 57 DUs Scenario 2: Increase of 34 DUs	
Net Increase or Decrease in Potential Floor Area	Scenario 1: Increase of 58,240 sq. ft. Scenario 2: Increase of 11,648 sq. ft.	
Population Potential	Current: 133 People	Proposed: Scenario 1: 0 People Scenario 2: 213 People
<b>Special Designation Areas</b>		
Aquatic Preserve	No	
Septic Tank Failure Area	No	
Airport Environment Zone	No	
Industrial Preservation Area	No	
Cultural Resources	No	
Archaeological Sensitivity	High and Low Sensitivity	
Historic District	No	
Coastal High Hazard	No	
Adaptation Action Area	Yes; located within wetland area (0.05 of an acre)	
Groundwater Aquifer Recharge Area	Discharge area	
Evacuation Zone	Zone E	
Wellhead Protection Zone	750 foot wellhead buffer zone	
Boat Facility Siting Zone	No	
Brownfield	Brownfield Study Area	

<b>Development Analysis</b>		<b>3.82 Acres</b>
<b>Public Facilities</b>		
Potential Roadway Impact	Scenario 1: Increase of 1,975 daily trips Scenario 2: Increase of 609 daily trips	
Potential Public School Impact	Increase of 21 new students	
Water Provider	JEA	
Potential Water Impact	Scenario 1: Decrease of 10,483 gpd Scenario 2: Increase of 8,572.4 gpd	
Sewer Provider	JEA	
Potential Sewer Impact	Scenario 1: Decrease of 7,862 gpd Scenario 2: Increase of 6,429.3 gpd	
Potential Solid Waste Impact	Scenario 1: Decrease of 55.02 tons per year Scenario 2: Increase of 107.04 tons per year	
Drainage Basin/Sub-basin	Drainage Basin – Trout River Sub-drainage Basin – Ninemile Creek	
Recreation and Parks	Elizabeth R. Powell Park	
Mass Transit Access	Bus Stop at 5306 New Kings Road and Patterson Avenue; Route 4	
<b>Natural Features</b>		
Elevations	10 to 20 feet above mean sea level	
Land Cover	1300 – Residential High Density	
Soils	55% (66)-Surrency loamy fine sand, depressional, 35% (51) Pelham fine sand and 10% (63) Sapelo fine sand	
Flood Zones	No	
Wetlands	Category III Wetlands – 0.19 of an acre	
Wildlife (applicable to sites greater than 50 acres)	Not applicable	

### 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).

A JEA letter of service availability has been provided and is on file with the Planning and Development Department. The letter, dated May 20, 2022, identifies an existing 16-inch water main and an existing 6-inch sanitary sewer force main along the New Kings Road right-of-way adjacent to the application site property. In addition, sewer special conditions require connection to the JEA-owned sewer system for the project will require the design and construction of an onsite, privately owned and maintained pump station, and a 4-inch diameter JEA dedicated force main.

### Transportation

The Planning and Development Department completed a transportation analysis and determined that the proposed amendment will result in an increase of 1,975 net new

daily external trips under scenario 1 and an increase of 609 under scenario 2. This analysis is based upon the comparison of what potentially could be built on that site (as detailed in FLUE Policy 1.2.16 Development Standards for Impact Assessment) versus the maximum development potential. Trips generated by the new development will be processed through the Concurrency and Mobility Management System Office. A copy of the transportation analysis is on file with the Planning and Development Department.

**Background Information:**

The subject site is 3.82 acres and is accessible from New Kings Road (US 1), a major arterial facility. The proposed land use amendment is located within the Urban Development Area and Mobility Zone 9. The applicant proposes to change the existing land use from Medium Density Residential (MDR) to Community General Commercial (CGC).

**Comprehensive Plan Consistency:**

The Trip Generation Analysis is consistent with most recent version of the Transportation Element (TE) of the City of Jacksonville Comprehensive Plan (TE Objective 2.4 and Policies 1.2.1 and 2.4.2).

Transportation Element

Policy 1.2.1 The City shall use the Institute of Transportation Engineers *Trip Generation Manual*, latest edition, to determine the number of trips to be produced or attracted to a particular land use when assessing a traffic impact.

Objective 2.4 The City shall coordinate the mobility circulation system with the future land uses shown on the Future Land Use Map series in order to ensure that roads, road improvements and other mobility alternative improvements are provided as necessary to support development in an economically efficient and environmentally sound manner.

Policy 2.4.2 The City shall amend the adopted Comprehensive Plan to incorporate the data and analysis generated by a periodic regional transportation model and study and facilitate the implementation of the study recommendations.

**Trip Generation Estimation:**

Table A provides the daily trip generation comparison between the current and proposed comprehensive plan land uses and the potential transportation impacts on the roadway network. The current land use would result in 384 daily trips. If the land use is amended to allow for this proposed CGC development, this will result in 2,359 or 993 daily trips depending on the scenario.

**Transportation Planning Division RECOMMENDS the following:**

The difference in daily trips for the proposed land use amendment is an increase of 1,975 or 609 net new daily trips when compared to the existing land use. US 1 is subject to FDOT review and access management requirements. The Transportation

Planning Division recommends ongoing coordinating efforts with FDOT and the City of Jacksonville Traffic Engineer.

**Table A**  
**Trip Generation Estimation Scenarios**

Current Land Use	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
MDR	220	57 MF DU	T = 6.74 (X)	384	0	384
				<i>Total Trips for Existing Land Use</i>		<b>384</b>
Proposed Land Use- Scenario 1	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
CGC	822	58,420 SF	T = 67.52 (X) / 1000	3,932	1,573	2,359
				<i>Total Trips for Proposed Land Use- Scenario 1</i>		<b>2,359</b>
Proposed Land Use- Scenario 2	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
CGC- N	822	11,648 SF	T = 54.45 (X) / 1000	634	254	380
CGC- R	220	91 MF DUs	T = 6.74 (X)	613	0	613
				<i>Total Trips for Proposed Land Use- Scenario 2</i>		<b>993</b>
				<b>Scenario 1 Difference in Daily Trips</b>		<b>1,975</b>
				<b>Scenario 2 Difference in Daily Trips</b>		<b>609</b>

Source: Trip Generation Manual, 11th Edition, Institute of Engineers

### School Capacity

The 3.82 acre proposed land use map amendment has a development potential of 91 dwelling units and 21 new students. 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 as shown in "Attachment A".



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. Note that the percentage occupied may not appear correct due to ESE space requirements as shown in "Attachment B".

#### **Archaeological Sensitivity**

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

#### **Adaptation Action Area (AAA)**

The AAA boundary is an area that experiences coastal flooding due to extreme high tides and storm surge. The area is vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning. The AAA boundaries include those areas within the projected limits of the Category 3 storm surge zone and those contiguous areas of the 100-year and 500-year Flood Zones.

Approximately 0.05 of an acre of the subject site is within the Adaptation Action area and subject to coastal flooding during cataclysmic hurricane storms. The AAA area is within 10 to 11 feet above mean sea level elevation and within the wetlands area of the site. The City will continue to enforce building standards and requirements to minimize structural damage to property in hazardous coastal areas. Future City expenditures for infrastructure improvements will be limited to meeting the needs of existing residents and resource protection.

#### Conservation/Coastal Management Element

Policy 11.5.2 The City shall consider the implications of the AAA when reviewing changes to the use, intensity and density of land lying within the AAA.

#### Future Land Use Element

Policy 1.5.14 In accordance with the Conservation and Coastal Management Element, the City shall encourage environmentally sensitive areas to be placed in a Conservation land use category, Conservation zoning district, and/or conservation easement.

#### **Brownfield Study Area**

This site is located within a Brownfields Study Area designated by Resolution 2011-383-A, and as defined in F.S. 376.79(5). Since the property is located within a Brownfields Study Area, the owner may request that the property be designated as a Brownfield Site. Not all properties located within the Brownfield Study Area are contaminated. A Brownfield Site is property where the expansion, redevelopment, or reuse of the property may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant. Tax credits may be available for properties designated as a Brownfield Site.

## **Evacuation Zone**

The subject site is within Evacuation Zone E. As such, the land use application was routed to the City's Emergency Preparedness Division (EPD) for review and comment. EPD was provided with the land use application and the development potential of the proposed land use amendment change. Per EPD, the proposed properties in land use amendment L-5674-22C will be near New Kings Road, indicating sufficient access to I-295 (0.94 road miles) and I-95 (8.83 road miles), primary evacuation routes.

In consideration of the surrounding evacuation zones (Zone A, Zone C, Zone D, and Zone E), nearest evacuation routes, and the estimate of 993 – 2,359 additional daily trips, the development of the proposed property could create a localized impact to the traffic flow on I-295 and I-95 during an emergency evacuation scenario. The changes proposed through land use amendment application L-5674-22C would have a minimal impact on countywide evacuation clearance time within Duval County. Site design techniques that minimize disruption to existing traffic flow are encouraged. Any development should incorporate appropriate mitigation techniques to reduce flood vulnerability and minimize impacts to the floodplain.

## **Conservation /Coastal Management Element (CCME)**

Policy 7.1.6 The City shall not amend the Future Land Use Element or the Future Land Use Map series unless; the requested change can be determined to not exceed the established hurricane evacuation times; the requested change is for a lower density; or the requested change for increased density provides adequate remedies to reduce impacts on hurricane evacuation times which exceed the acceptable standard.

## **KingSoutel Crossing CRA**

The subject site is located within the boundary of the "Old Kings District" of the KingSoutel Crossing Community Redevelopment Area (CRA). The KingSoutel Crossing (KSC) CRA was enacted in 2008, pursuant to Ordinance 2006-591-E. It was established to jumpstart housing, retail and commercial development in an underserved, but budding area in Northwest Jacksonville.

The KSC Advisory Board reviewed the application on July 21, 2022. The applicant stated that the owners would like to phase out the mobile home park section of the property and strictly have the property use for recreation vehicles (RV). The RV Park would be for out-of-town workers that are temporarily working in Jacksonville and when their job is done would leave. The CRA Advisory Board stated that the RV Park does not fit the redevelopment scheme for the KingsSoutel Crossing CRA. The Advisory Board, by a 2-2 vote, voted to oppose the approval for the land use amendment, L-5674-22C (Ordinance 2022-543) and its companion rezoning (Ordinance 2022-544) and requested that their disapproval be implemented throughout the regulatory review and development process.

## **Wellhead Buffer Zone**

The land use amendment site is within the 750-foot buffer of a wellhead. The Environmental Quality Division (EQD) reviewed the application for possible impacts and

did not have any environmental concerns. However, EQD identified the Wellhead Protection Well as Briarwood Estates MHP. It is a public supply well with identifier J-1774. Any well work on this parcel must be conducted by a licensed well contractor.

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

**Policy 1.2.3** The City shall implement the Wellhead Protection Ordinance to protect its potable water supply source. Improperly constructed or maintained Hawthorne Group and Floridan Aquifer private wells in proximity to a Public Potable Water well within Duval County are potentially harmful to the drinking water supply of the City of Jacksonville. A Pathway Focused Approach to prevent migration of contamination from the shallow aquifer into the Floridan aquifer is reasonable and prudent to protect public water supplies. The intent of this policy is to protect and safeguard the health, safety and welfare of the residents of Duval County by establishing a Pathway Focused Approach to wellhead protection that safeguards the Floridan aquifer from intrusion of any contaminants that may jeopardize present and future public water supply wells.

Within Wellhead Protection Areas, the following shall apply:

1. Within a 500-foot radius around an existing Public Potable Water well, those actions and uses established by the Florida Department of Environmental Protection in Rule 62-521.400, Fla. Admin. Code shall be prohibited.
2. Pursuant to Chapter 366 City of Jacksonville Municipal Code, no existing private wells shall be deepened and no new wells shall be constructed within designated Wellhead Protection Areas that penetrate a portion of the Hawthorne Group or the Floridan Aquifer without first obtaining a well construction permit from the City of Jacksonville Environmental Quality Division (EQD) as provided in Environmental Protection Board Rule 8 and including a review of areas of known contamination at or near the proposed or existing well location. All new wells within such areas must be fully grouted.
3. Pursuant to Chapter 366 City of Jacksonville Municipal Code, abandonment of existing wells shall be in accordance with applicable SJRWMD requirements and a copy of the plugging and abandonment report shall be submitted to the EQD.

**Wetlands**

Review of City data and the applicant's site plan indicates the existence of wetlands on the subject site and as such based upon the city's geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment may

be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies

Wetlands Characteristics:

Approximate Size: 0.19 of an acre

General Location(s): Wetlands are located at the northwest corner of the application site but is a part of a larger isolated wetland system.

Quality/Functional Value: The wetland has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation, size and/or the lowering of the hydro-period due to nearby site grading or drainage/retention improvements. In addition the wetland has no clear or significant impact on the City's waterways.

Soil Types/ Characteristics: Surrency loamy fine sand, depressional (66) – The Surrency series consists of nearly level, very poorly drained soils that occur in depressions. These soils formed in thick sandy and loamy marine sediments. The soils are moderately permeable moderately slowly permeable. Generally, the high water table is at or above the surface.

Wetland Category: Category III

Environmental Resource Permit (ERP): None provided by applicant.

Wetlands Impact: Site plan shows no encroachment into wetlands for development.

Relevant Policies:

Conservation/Coastal Management Element

**Policy 4.1.3**

The following performance standards shall apply to all development, except public utilities and roadways, permitted within Category I, II, and III wetlands:

- (a) Encroachment  
Encroachment in Category I, II, or III wetlands is the least damaging and no practicable on-site alternative exists; and
- (b) No net loss  
Development is designed and located in such a manner that there is no

net loss to the wetland functions including but not limited to:

- i the habitat of fish, wildlife and threatened or endangered species,
- ii the abundance and diversity of fish, wildlife and threatened or endangered species,
- iii the food sources of fish and wildlife including those which are threatened or endangered,
- iv the water quality of the wetland, and
- v the flood storage and flood conveyance capabilities of the wetland; and

(c) Floodplain protection

Buildings are built at an elevation of sufficient height to meet the designated flood zone standards as set forth by the Federal Emergency Management Agency. The design must be in conformance with Chapter 652 (Floodplain Regulations) of the Ordinance Code; and

(d) Stormwater quality

In the design and review of developments which will discharge stormwater into the Category I, II, or III wetlands the following performance standards shall be used to protect water quality:

- i Issuance of a Management and Storage of Surface Waters permit pursuant to Chapter 40C-4 or 40C-40, F.A.C. or a stormwater permit issued pursuant to Chapter 40C-42, F.A.C., provides assurances necessary for compliance with subsections (i) - (iv) above provided the stormwater management system is constructed in accordance with the permit; and
- ii Regular monitoring and maintenance program on an annual basis for the performance of stormwater treatment systems

(e) Septic tanks

Septic tanks, drainfields and/or greywater systems are located outside the Category I, II, or III wetland area and not within 75 feet of the mean high water line of tidal bodies or within 75 feet of any wetland unless the Duval County Health Department grants a variance for a hardship case pursuant to the provisions of Section 381.0065, F.S. Where public utilities are available, development is required to connect to these facilities; and

(f) Hydrology

The design of the fill shall include measures to maintain the wetlands hydrology of the site.

### **Policy 4.1.6**

The permitted uses within Category III wetlands shall be limited to the following land uses and associated standards, provided such use is consistent with the Future Land Use Map series (FLUMs)

- (1) Any use not otherwise listed below, provided all of the basic requirements outlined in Policy 4.1.3 above are met:
  - (a) Silvicultural uses, provided the following standards are met:  
Best Management Practices: Silviculture  
Such activities are conducted in compliance with the provisions of the "Silvicultural Best Management Practices Manual", as may be amended, published by the Florida Division of Forestry, Department of Agriculture and Consumer Services.
  - (b) Agricultural uses, provided the following standards are met:  
Best Management Practices: Agriculture  
Such activities are to be in compliance with Chapter 40C-44, F.A.C.
- (2) Any use that can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

## **PROCEDURAL COMPLIANCE**

Upon site inspection by the Planning and Development Department on July 22, 2022, the required notices of public hearing signs were posted. Thirty-two (32) 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 August 1, 2022. No members of the public were present at the meeting.

## **CONSISTENCY EVALUATION**

### **Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies Future Land Use Element (FLUE)**

#### *Development Area*

*Urban Area (UA):* The UA is the second tier Development Area and generally corresponds with the densely developed portions of the City that have been in residential or employment generating uses prior to consolidation. It also includes major corridors which connect the other Development Areas. Similar to the Urban Priority Area (UPA), the intent of the UA is to encourage revitalization and the use of existing infrastructure through redevelopment and infill development, but at moderate urban densities which are transit friendly. Also similar to the UPA, the UA is intended to support multi-modal transportation and the reduction of per capita greenhouse gas

emissions and vehicle miles traveled. Development is encouraged to employ urban development characteristics as further described in each land use plan category.

Policy 1.1.5 The amount of land designated for future development should provide for a balance of uses that:

- A. Fosters vibrant, viable communities and economic development opportunities;
- B. Addresses outdated development patterns;
- C. Provides sufficient land for future uses that allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and businesses and is not limited solely by the projected population.

Policy 1.1.11 Encourage that new non-residential projects be developed in designated nodal and corridor development areas as provided in the Plan Category Descriptions of the Operative Provisions, in appropriate commercial infill locations, or as a Transit Oriented Development (TOD), as described in this element.

Policy 1.1.21 Future amendments to the Future Land Use Map series (FLUMs) shall include consideration of their potential to further the goal of meeting or exceeding the amount of land required to accommodate anticipated growth and the projected population of the area and to allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business consistent with FLUE Policy 1.1.5. The projected growth needs and population projections must be based on relevant and appropriate data which is collected pursuant to a professionally acceptable methodology. In considering the growth needs and the allocation of land, the City shall also evaluate land use need based on the characteristics and land development pattern of localized areas. Land use need identifiers include but may not be limited to, proximity to compatible uses, development scale, site limitations, and the likelihood of furthering growth management and mobility goals.

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.

**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.

**Objective 3.2** Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

**Policy 3.2.4** The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

#### Property Rights Element

**Goal 1** The City will recognize and respect judicially acknowledged and constitutionally protected private property rights in accordance with the Community Planning Act established in Chapter 163, Florida Statutes.

**Objective 1.1** Local decision making shall be implemented and applied with sensitivity for private property rights and shall not be unduly restrictive.

**Policy 1.1.1** The City will ensure that private property rights are considered in local decision making.

**Policy 1.1.2** The following rights shall be considered in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

According to the Future Land Use Element (FLUE), MDR in the Urban Development Area is intended to provide compact medium density residential development. Plan

amendment requests for new MDR designations are preferred in locations that are supplied with full urban services and in locations that serve as a transition between commercial and residential land uses. Multi-family and single-family dwellings are the predominant development typology in this category. The maximum gross density in the Urban Development Area shall be 20 units per acre, and the minimum gross density shall generally be greater than seven (7) units per acre.

Community/General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods in order to reduce the number of Vehicle Miles Traveled. CGC in the Urban Development Area also allows for multi-family residential at densities up to 40 units per acre in the Urban Area, subject to the provision that residential uses shall not be the sole use and shall not exceed 80 percent of a development.

According to the City's GIS infrastructure map and a JEA letter of service availability has been provided and is on file with the Planning and Development Department. The letter, dated May 20, 2022, identifies an existing 16-inch water main and an existing 6-inch sanitary sewer force main along the New Kings Road right-of-way adjacent to the application site property. In addition, the property has a public supply well. Therefore, FLUE Policy 1.2.9 is satisfied.

The proposed small-scale amendment would have a negligible impact on the provision of CGC in the immediate area and overall, for the City due to the adjacent CGC areas abutting this amendment site. The characteristics of the surrounding area demonstrate the amendment to CGC would result in compatible uses and development scale. The proposed land use would unify the entire parcel under one land use category and would result in a logical extension of the abutting CGC land use. Therefore, the land use amendment is consistent with FLUE Policies 1.1.5 and 1.1.21.

The proposed amendment to CGC promotes a compact and compatible land development pattern by providing for a logical extension of commercial uses that surround the application site on three sides. The amendment also provides an organized and balanced combination of uses, consistent with FLUE Policy 1.1.22 and Goal 3.

Although the proposed amendment is going to the CGC, the proposed RV park in the ROS zoning district is a permitted use as a secondary zoning district. Therefore, the proposed amendment is to facilitate expansion of nearby commercial entitlements with frontage on New Kings Road (U.S. 1), a major arterial road. Therefore, the proposed application is consistent with FLUE Objective 3.2, Policies 1.1.11 and 3.2.4.

The proposed amendment does not hinder the private property rights of the owner of record; has no impact on the right of the property owner to possess or control his or her interest in the property; maintains the owner's ability to use, maintain, develop and

improve the property; protects the owner's right to privacy and security; and maintains the ability of the property owner to dispose of the property at their discretion. Therefore, the amendment is consistent with PRE Goal 1, Objective 1.1 and Policies 1.1.1 and 1.1.2.

### **Northwest Jacksonville Vision Plan**

The subject property is located within the boundaries of what is identified as of the Northwest Vision Plan (September 2003). While the Vision Plan does not specifically address the commercial areas throughout the district, the Plan recommends strategies to improve the visual appearance of corridors with landscaping, street trees, gateways, and signs. These methods should be considered in reviving commercial properties. Therefore, the proposed land use amendment is compatible with the Northwest Jacksonville Vision Plan.

### **Strategic Regional Policy Plan**

The proposed amendment is consistent with the following Policy of the Northeast Florida Regional Council (NEFRC) Strategic Regional Policy Plan (March 2021), Regional Transportation Element Goal, Objective, and portions of Policy 4:

**Goal:** Create efficient connectivity within the Region, and with state, national, and global economies. Include centers of population and jobs that are well-connected, limit commute times for most residents and provide opportunities for all residents of the region to work if they choose.

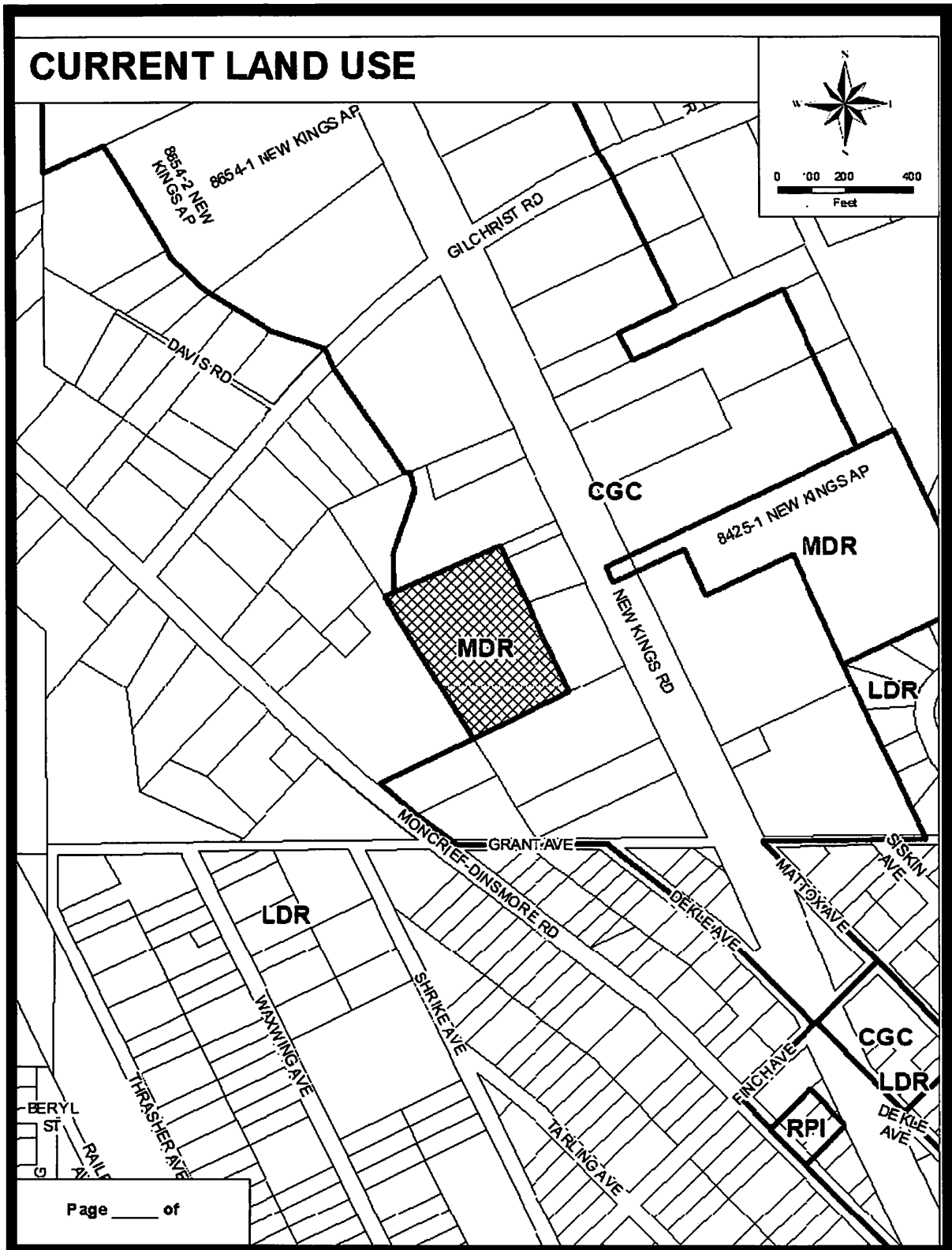
**Objective:** Integrated Planning: The link between land use, resources and mobility.

**Policy 4:** The Region supports strategies identified by the Regional Community Institute as they worked on First Coast Vision, including:

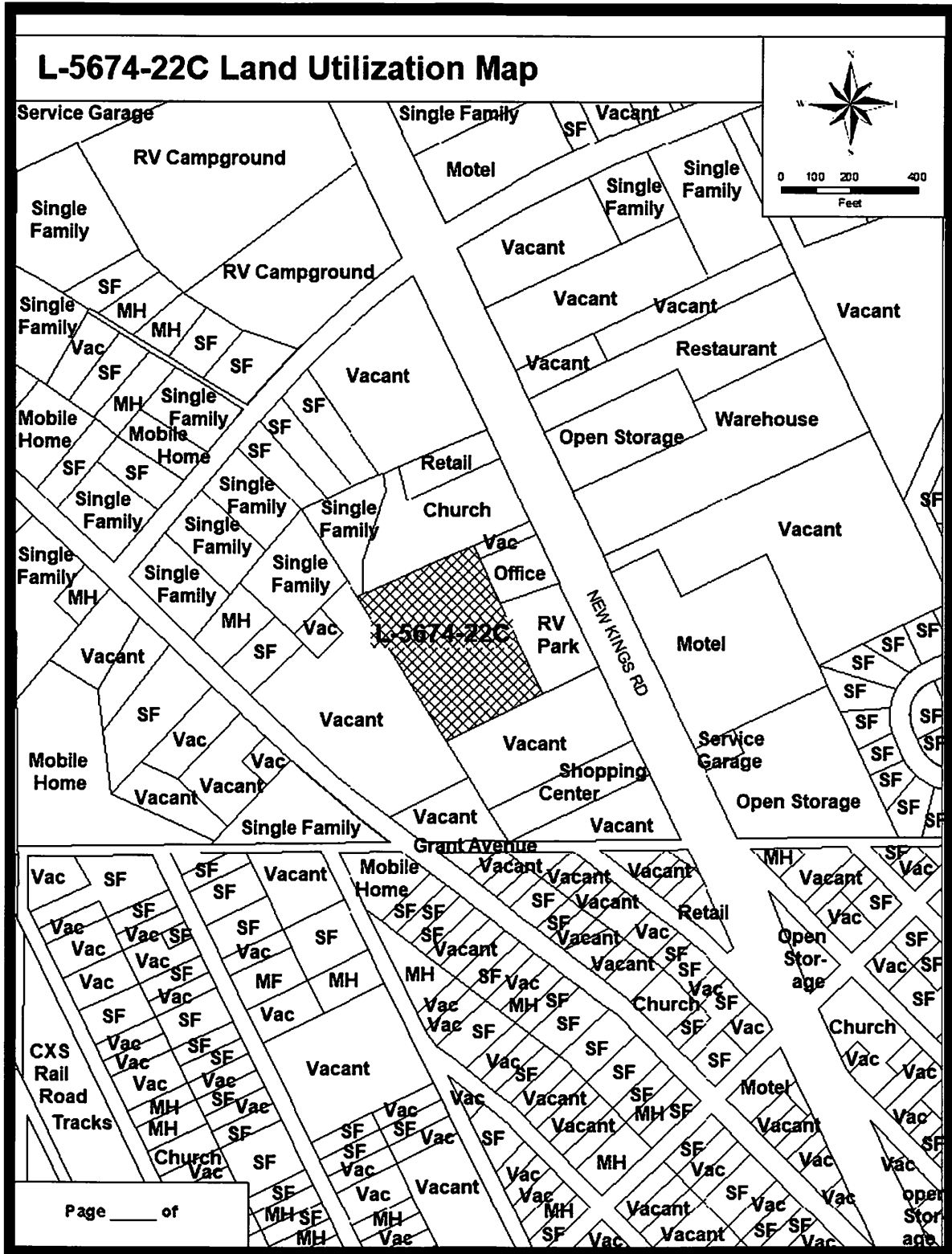
- Local governments as they identify areas appropriate for mixed-use development.
- Incentives for dense and/or mixed use development.
- Maintenance of a diversity of land use in the region.
- Infill and redevelopment.

CGC is a mixed use land use category. The proposed land use amendment to CGC reduces the non-conformity of a commercially used property and provides the opportunity for the potential of mixed use development. Therefore, the proposed amendment is consistent with Transportation Element Goal, Objective and Policy 4 of the Strategic Regional Policy Plan.

# CURRENT LAND USE AMENDMENT MAP



# LAND USE AMENDMENT LAND UTILIZATION MAP



**Application Review Request:** COJ PDD: School Impact Analysis  
**Proposed Name:** L-5674-22C New Kings Road  
**Requested By:** Ed "Luke" Lukacovic / Helena Parola  
**Reviewed By:** Shalene B. Estes  
**Due:** 6/29/2022

Analysis based on maximum dwelling units: **91**

School Type	CSA <sup>1</sup>	2021-22 Enrollment/CSA	Current Utilization (%)	New Student/Development <sup>1</sup>	5-Year Utilization (%)	Available Seats - CSA <sup>2</sup>	Available Seats - Adjacent CSA 2&7
Elementary	1	10,520	53%	11	58%	8,314	3,373
Middle	1	7,527	88%	4	86%	807	791
High	1	8,087	80%	6	72%	1,116	1,778
<b>Total New Students</b>				<b>21</b>			

**NOTES:**

<sup>1</sup> Proposed Development's Concurrently Service Area (CSA)

<sup>2</sup> Available CSA seats include current reservations

<sup>3</sup> Student Distribution Rate

ES-.125

MS-.051

HS-.074

0.250

The Student Distribution Rate is calculated for each school type by dividing the total number of public school students enrolled in that school type in Duval County (104,757) by the number of total permitted housing units (418,708) for the same year, generating a yield of 0.250.

<b>Application Review Request:</b> COJ PDD: Baseline Checklist Review <b>Proposed Name:</b> L-5674-22C New Kings Road <b>Requested By:</b> Ed "Luke" Lukacovic / Helena Parola <b>Reviewed By:</b> Shalene B. Estes <b>Due:</b> 6/29/2022						
Analysis based on maximum dwelling units: <b>91</b>						
SCHOOL <sup>1</sup>	CSA	STUDENTS GENERATED (Rounded) <sup>3</sup>	SCHOOL CAPACITY <sup>2</sup> (Permanent/Portables)	CURRENT ENROLLMENT 20 Day Count (2021/22)	% OCCUPIED	4 YEAR PROJECTION
S.A. Hull ES #169	1	11	433	162	37%	70%
Jean Ribault MS #212	1	4	1041	690	66%	68%
Jean Ribault HS #96	1	6	1683	1378	82%	84%
		21				

**NOTES:**

<sup>1</sup> Attendance school may not be in proposed development's Concurrency Service Area (CSA)

<sup>2</sup> Does not include ESE & room exclusions

<sup>3</sup> Student Distribution Rate

ES-.125

MS-.051

HS-.074

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0.250

The Student Distribution Rate is calculated for each school type by dividing the total number of public school students enrolled in that school type in Duval County (104,757) by the number of total permitted housing units (418,708) for the same year, generating a yield of 0.250.