

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
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Jacksonville, FL 32202
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November 17, 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. 2022-545/Application No. L-5698-22C

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 2022-545 on November 17, 2022.

P&DD Recommendation

APPROVE

PC Issues:

One of the Planning Commissioners expressed concern that the reduction in entitlements would not be consistent with the highest and best use of the property and would impact property value.

PC Vote:

6-0 APPROVE

Alexander Moldovan, Chair

Aye

Ian Brown, Vice-Chair

Absent

Jason Porter, Secretary

Aye

Marshall Adkison

Absent

Daniel Blanchard

Aye

Jordan Elsbury

Aye

Joshua Garrison

Aye

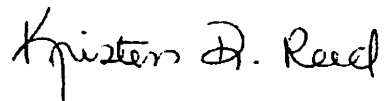
David Hacker

Aye

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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, AICP
Chief of Community Planning Division
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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.: 2022-545 / L-5698-22C
Property Location: 0 Bernard Road
Real Estate Number(s): 106220 0000 (portion of)
Property Acreage: 19.00 Acres
Planning District: District 6, North
City Council District: District 7
Applicant: Cyndy Trimmer, Esquire
Current Land Use: Rural Residential (RR)
Proposed Land Use: Recreation and Open Space (ROS)
Development Area: Suburban Development Area
Current Zoning: Planned Unit Development (PUD)
Proposed Zoning: Recreation and Open Space (ROS)

RECOMMENDATION: Approve

APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

The applicant requests this land use amendment to permit recreational uses.

BACKGROUND

The applicant proposes a future land use map amendment from Rural Residential (RR) to Recreation and Open Space (ROS) and a rezoning from Planned Unit Development (PUD) to Recreation and Open Space (ROS) on a 19.00-acre portion of the property. The companion rezoning is pending concurrently with this land use amendment application pursuant to Ordinance 2022-546. The subject site does not have road frontage on Bernard Road. An application for a waiver of road frontage has been applied for pursuant to Ordinance 2022-792, which is running concurrently with this application. Additionally, access to the site runs through JEA-owned land and a JEA easement area. JEA has granted the applicant use via a Use and Hold Harmless

agreement for the proposed access route, which is included in the waiver of road frontage application.

The portion of the property subject to the land use amendment is currently being operated as a paintball facility (Paintball Adventures) and has been for approximately 3 years. This use is not allowed on land designated as RR so the land use amendment and rezoning are being sought to bring the current use into compliance.

The area surrounding the subject site is undeveloped to the east and south. The area 350' north of the site, across a power line easement, is undeveloped along with two (2) single family homes. There is a road abutting the west portion of the subject site and then a pond. The pond is approximately 1000' wide and single-family residential development abuts the pond's west and north side. The residences on the north side of the pond come to within 150' of the part of the amendment site that includes the access road. Those residences are approximately 600' from the main portion of the amendment site.

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

North: Land Use: RR
Zoning: PUD
Property Use: Undeveloped, Power lines, single-family residences

South: Land Use: RR
Zoning: PUD
Property Use: Undeveloped

East: Land Use: RR
Zoning: PUD
Property Use: Undeveloped

West: Land Use: LDR
Zoning: PUD
Property Use: Pond, 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 as shown in this section.

Impact Assessment Baseline Review

Development Analysis	19.00 Acres – 827,640 sq. ft.	
Development Boundary	Suburban Development Area	
Roadway Frontage Classification / State Road	None – Application for waiver of road frontage has been applied for pursuant to Ordinance 2022-792.	
Plans and/or Studies	North Vision Plan	
Site Utilization	Current: Paintball Facility (non-conforming)	Proposed: Paintball Facility
Land Use / Zoning	Current: RR / PUD	Proposed: ROS / ROS
Development Standards for Impact Assessment	Current: 1 DU / Acre	Proposed: 0.15 FAR
Development Potential	Current: 19 SF DU	Proposed: 124,146 sq. ft.
Net Increase or Decrease in Maximum Density	Decrease of 19 DU	
Net Increase or Decrease in Potential Floor Area	Increase of 124,146 sq. ft.	
Population Potential	Current: 50 people	Proposed: 0 people
Special Designation Areas		
Aquatic Preserve	No	
Septic Tank Failure Area	No	
Evacuation Zone	Zone E	
Airport Environment Zone	300' – Jacksonville International Airport	
Industrial Preservation Area	No	
Cultural Resources	None	
Archaeological Sensitivity	Low	
Historic District	No	
Coastal High Hazard	No	
Adaptation Action Area	No	
Groundwater Aquifer Recharge Area	Discharge	
Wellhead Protection Zone	No	
Boat Facility Siting Zone	No	
Brownfield	No	
Public Facilities		
Potential Roadway Impact	Increase of 4,759 net new daily trips	
Potential Public School Impact	N/A	
Water Provider	Well	
Potential Water Impact	Decrease of 5,054 gpd	
Sewer Provider	Septic	
Potential Sewer Impact	Decrease of 3,790 gpd	
Potential Solid Waste Impact	Increase of 149 tons per year	
Drainage Basin/Sub-basin	Major: Dunn Creek Sub-Basin: Dunn Creek	
Recreation and Parks	Tom Marshall Park – 2 miles away	
Mass Transit Access	None	
Natural Features		
Elevations	30' to 21'	
Land Cover	6170: Mixed wetland hardwoods	

Development Analysis	19.00 Acres – 827,640 sq. ft.
	6250: Hydric pine flatwoods 6300: Wetland forested mixed 8370: Surface water collection basins
Soils	32: Leon fine sand, 0% to 2% slopes 35: Lynn Haven fine sand, 0% to 2% slopes 66: Surrency loamy fine sand, depressional, 0% to 2% slopes
Flood Zones	0.2% Annual Chance Flood Hazard – 1.85 acres
Wetlands	Category III - 15.3 acres
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).

Water and waste services are provided by well and septic systems, respectively.

Transportation

The subject site is 19 acres and is accessible from Wade Road, an unclassified facility. The proposed land use amendment is located within the Suburban Development Area and Mobility Zone 3. The applicant proposes to change the existing land use from Rural Residential (RR) to Recreation Open Space (ROS).

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).

Objective 2.4 of the Transportation Element (TE) of the 2030 Comprehensive Plan requires that 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 1.2.1 of the TE of the 2030 Comprehensive Plan requires the City to 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.

Policy 2.4.2 of the TE of the 2030 Comprehensive Plan requires that 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.

These Comprehensive Plan policies ensure that the transportation impact related to land use amendments are captured in the Long Range Transportation Plan (LRTP) that is conducted every 5 years. This analysis includes the cumulative effect of all land use amendments that were approved within this time period. This plan identifies the future transportation needs and is used to create cost feasible roadway needs that can be funded by the City’s Mobility Strategy Plan.

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 179 daily trips. If the land use is amended to allow for this proposed ROS development, this will result in 4,938 daily trips.

Transportation Planning Division RECOMMENDS the following:

The difference in daily trips for the proposed land use amendment will result in 4,759 net new daily trips when compared to the existing land use. The Transportation Planning Division recommends ongoing coordinating efforts with the City of Jacksonville Traffic Engineer.

**Table A
Trip Generation Estimation Scenarios**

Current Land Use Scenario	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
RR	210	19 SF DUs	T = 9.43 (X)	179	0	179
				Existing Scenario Total		179
Proposed Land Use Scenario	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
ROS	435	124,146 sq. ft.	T = 39.78 (X) / 1000	4,938	0	4,938
				Proposed Scenario Total		4,938
				Proposed Net New Daily Total		4,759

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

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. EPD determined that the impact of the subject small scale land use amendment on countywide evacuation timing would be negligible.

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.

Airport Environment Zone

The site is located within the 300-foot Height and Hazard Zone for Jacksonville International Airport. Zoning will limit development to a maximum height of 300-feet, 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).

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.

Wetlands

Review of City data indicates the potential 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 rezoning may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

- Approximate Size: 15.3 acres
- General Location(s): Most of the subject site except some western portions of the subject site and the access road.
- Quality/Functional Value: The wetland has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation and size. In addition the wetland has no clear or significant impact on the City's waterways.

Soil Types/ Characteristics: (66) Surrency Loamy Fine Sand: very poorly drained, depressional

Wetland Category: Category III

Consistency of Permitted Uses: Uses permitted within Category III wetlands are subject to CCME Policies 4.1.3 and 4.1.6

Environmental Resource Permit (ERP): Not provided by applicant or on record with the St. Johns River Water Management District.

Wetlands Impact: Insufficient information to determine impacts.

Associated Impacts: No impacts.

Conservation/Coastal Management Element

CCME 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;
- (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.

CCME 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 18, 2022, the required notice of public hearing sign was posted. Thirty (30) notices were mailed 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 had any questions for the applicant.

CONSISTENCY EVALUATION

Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies

Development Area:

Suburban Area (SA): The SA is the third tier Development Area and generally corresponds with the urbanizing portions of the City in areas that have usually been developed after consolidation. Development should generally continue at low densities with medium density development at major corridor intersections and transit stations. Development at these locations should promote a compact and interconnected land development form and is therefore encouraged to employ urban development characteristics as further described in each land use plan category.

Future Land Use Element (FLUE):

Goal 1 To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

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 1.1.22 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.

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 3.1 Continue to maintain adequate land designated for residential uses which can accommodate the projected population and provide safe, decent, sanitary and affordable housing opportunities for the citizens. Protect single-family residential neighborhoods by requiring that any other land uses within single-family areas meet all applicable requirements described in the Development Areas and the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and Land Development Regulations.

Property Rights Element (PRE)

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 Category Description of the Future Land Use Element (FLUE), Rural Residential (RR) is a category intended to provide rural estate residential opportunities

in the suburban and rural areas of the City. Generally, single-family detached housing will be the predominant land uses in this category.

According to the Category Description of the FLUE, the Recreation and Open Space (ROS) land use category includes lands used for activities that are associated with outdoor recreation. Principal uses include parks, playgrounds, golf courses, driving ranges, marinas, fairgrounds and spectator sports facilities in public and private ownership. Secondary uses include dude ranches, riding academies, boarding stables, private camps, campgrounds, travel trailer parks, country clubs, private clubs, rifle or pistol shooting ranges, archery ranges, hunting and fishing camps and similar other recreational uses, and public schools.

The request for a land use change and rezoning to Recreation and Open Space is to allow an existing paintball facility to come into compliance. The owners were cited because the facility is not allowed to operate within a Rural Residential area.

The subject site is surrounded to the east and south by undeveloped land. It abuts undeveloped land to the north with power lines and two (2) single-family dwellings past the power lines, and a pond across a dirt access road to the west. A row of houses comes to within 150' of the access road and approximately 600' from the active portion of the subject site.

Paintballs are water soluble, biodegradable, and made of food grade materials and will not result in degradation of the land. The subject site naturally supports the current use and provides recreational opportunities and is buffered from the surrounding community. Thus, the land use amendment comports with Goals 1 and 3.

The amendment will not have a significant impact on the amount of land available for housing in the area, will limit urban sprawl, and will enhance the viability of the subject site, in conformance with Goal 3 and Policies 1.1.5 and 1.1.22.

The proposed amendment to ROS for would have a negligible impact on the need for residential land uses. The proposed land use would not affect the balance of uses and the existing development pattern of the area as previously described. Therefore, the amendment is consistent with FLUE Policy 1.1.5.

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.

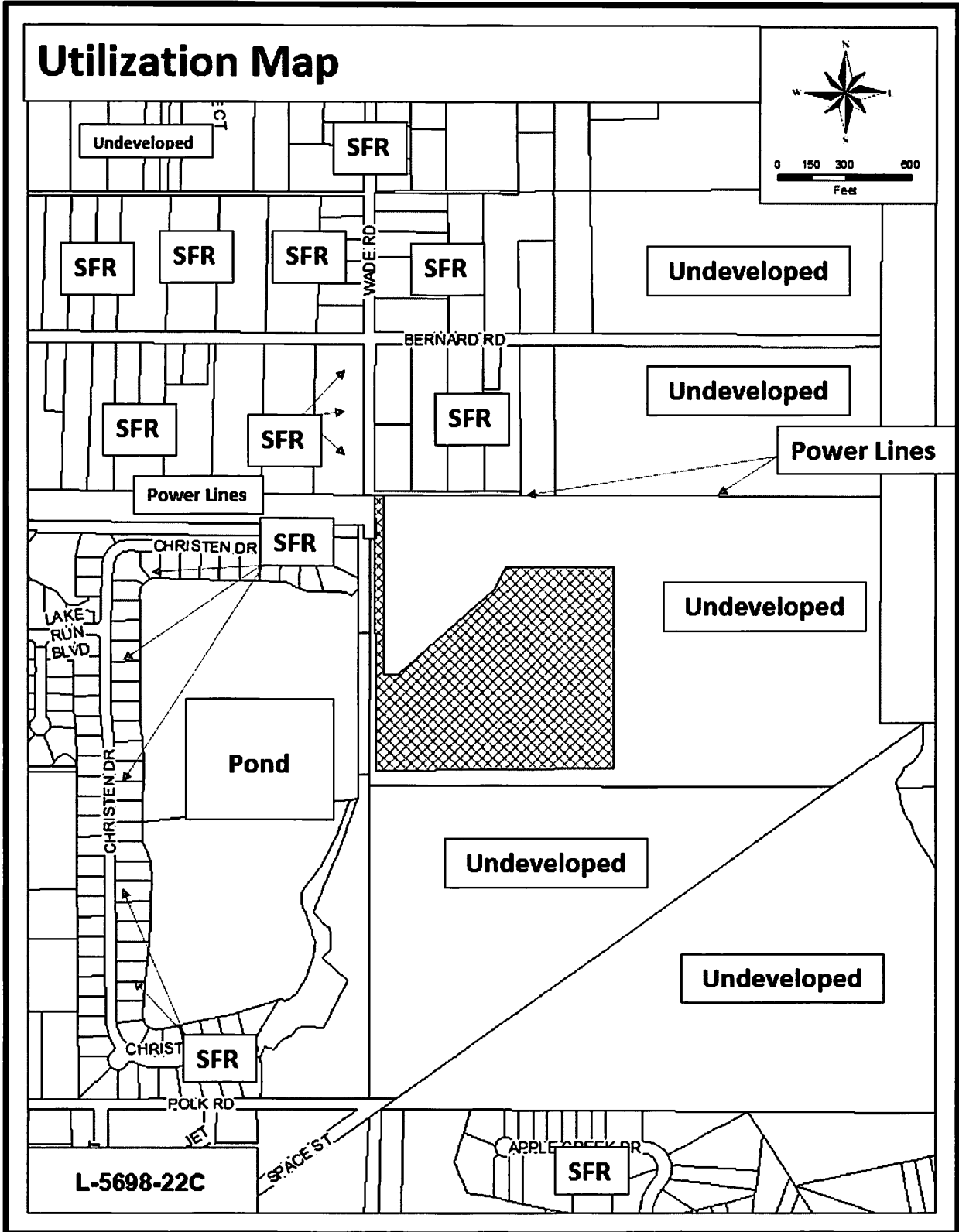
Vision Plan

The application sites lie within the North Jacksonville Vision Plan area. While the plan does not give specific guidance for the subject area or guidance concerning this type of private entertainment facility, the intent of the land use change precludes construction of homes on a largely natural area and is not in conflict with any provisions of the plan.

Strategic Regional Policy Plan

The proposed amendment is not inconsistent with any provision of the Strategic Regional Policy Plan.

CURRENT UTILIZATION MAP



CURRENT LAND USE AND LOCATION MAP

