

Report of the Jacksonville Planning and Development Department

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

Ordinance/Application No.: 2019-867 / L-5415-19C

Property Location: 5469 110th Street, south of Timucua Road and East of Wesconnett Boulevard

Real Estate Number(s): 103162-0000

Property Acreage: 9.99 Acres

Planning District: District 4, Southwest

City Council District: The Honorable Garrett Dennis, District 9

Applicant: City of Jacksonville

Current Land Use: Medium Density Residential (MDR)

Development Area: Urban

Proposed Land Use: Medium Density Residential (MDR) with FLUE Site Specific Policy 4.4.13

Current Zoning: Residential Medium Density- A (RMD-A) and Residential Medium Density-B (RMD-B)

Proposed Zoning: No Zoning Change Proposed

RECOMMENDATION: ***APPROVE with Site Specific Policy 4.4.13***

APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

To provide consistency with the settlement agreement between the City of Jacksonville and Ortega Place, LLC, Ordinance 2019-866.

BACKGROUND

The proposed amendment adds Site Specific Policy 4.4.13; the current MDR 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, Ortega Place, LLC, 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. The addition of Site Specific Policy 4.4.13 limiting lot coverage of the subject property, provides consistency with the agreed upon settlement agreement.

Proposed site specific policy 4.4.13 is included below:

Future Land Use Element (FLUE), Policy 4.4.13

Pursuant to the authority granted by Sec. 163.3187(1)(c), Florida Statutes, Ordinance 2019-867 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 Ortega Place, LLC, 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 9.999 acres, the total coverage by all buildings and structures within the Subdivision shall not exceed 87,111.288 square feet of land area (9.999 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: MDR and LDR

Zoning: RMD-C and RLD-60

Property Use: single-family residential and undeveloped residential land

South: Land Use: LDR

Zoning: RR-Acre and RLD-60

Property Use: single-family residential

East: Land Use: PBF and LDR

Zoning: PBF-1 and RLD-60

Property Use: Timucuan Elementary School and Park; and single-family residential

West: Land Use: MDR and LDR

Zoning: RMD-C and 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

Development Analysis		
Development Boundary	Urban Area	
Roadway Frontage Classification / State Road	110 th Street – Local Road	
Plans and/or Studies	Southwest Jacksonville Vision Plan	
Site Utilization	Current: Undeveloped land	Proposed: Residential
Land Use / Zoning	Current: MDR / RMD-C and RMD-A	Proposed: MDR with Site Specific Policy 4.4.13 / RMD-C and RMD-A
Development Standards for Impact Assessment	Current: 15 units/acre	Proposed: 15 units/acre subject to Site Specific Policy 4.4.13
Development Potential	Current: 149 units	Proposed: 149 units subject to Site Specific Policy 4.4.13
Net Increase or Decrease in Maximum Density	none	
Net Increase or Decrease in Potential Floor Area	none	
Population Potential	Current: 350 people	Proposed: 350 people subject to Site Specific Policy 4.4.13
Special Designation Areas		
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 Sensitivity	
Historic District	No	
Coastal High Hazard/Adaptation Action Area	No	
Groundwater Aquifer Recharge Area	Discharge	
Wellhead Protection Zone	Northern portion of property within the 750-foot buffer	
Boat Facility Siting Zone	No	
Brownfield	No	
Public Facilities		
Potential Roadway Impact	No	

Development Analysis	
Potential Public School Impact	No
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
Natural Features	
Elevations	16-24 feet
Land Cover	4110 Pine Flatwoods
Soils	63 – Sapelo fine sand, 0 to 2 percent slopes
Flood Zones	No
Wetlands	6170 – Mixed Wetland Hardwoods - along the eastern portion and of the site (isolated – not connected to a waterway)/Category III wetlands
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.

Wellhead Buffer Zone

The northern portion of the land use amendment site is within the 750-foot buffer of a wellhead. The Environmental Quality Division will review the final development plans for any concerns in the wellhead buffer zone.

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.

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.

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-one (131) 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. No one from the public was in attendance.

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.

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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 MDR Future Land Use Category is intended to provide compact medium to high density residential development. However, according to the developer for the property, a single family residential development is intended for the site.

Due to the property's location within Accident Potential Zone 2 for Naval Air Station Jacksonville, the City of Jacksonville and the site developer, Ortega Place, LLC, 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 4.4.13, authorizes the development of the property as specified in the Settlement Agreement. Specifically, proposed site specific policy 4.4.13 is included below:

Future Land Use Element (FLUE), Policy 4.4.13

Pursuant to the authority granted by Sec. 163.3187(1)(c), Florida Statutes, Ordinance 2019-867 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 Ortega Place, LLC, 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 9.999 acres, the total coverage by all buildings and structures within the Subdivision shall not exceed 87,111.288 square feet of land area (9.999 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.

Site Specific Policy 4.4.13 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

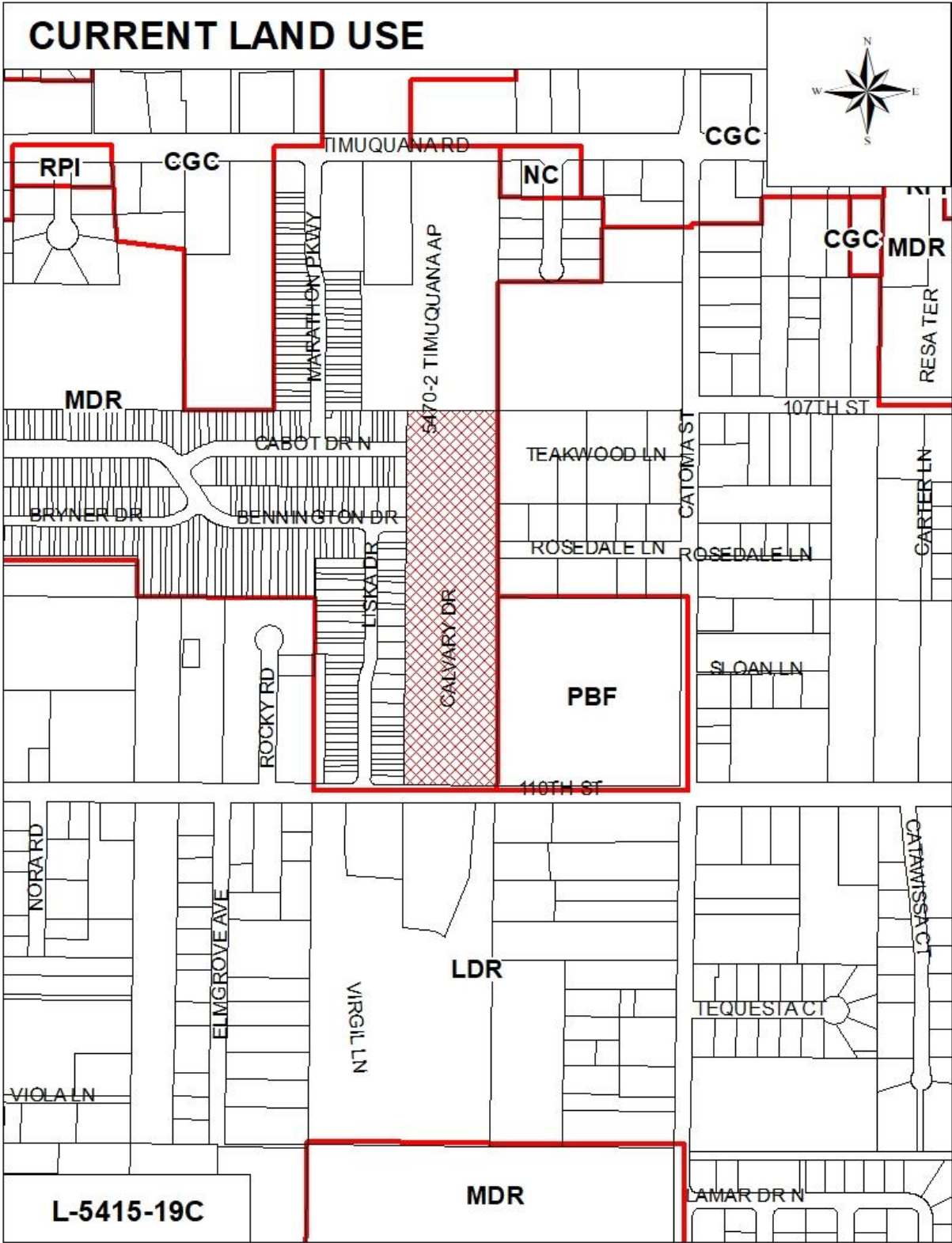
The proposed amendment is consistent with the following Policy of the Strategic Regional Policy Plan:

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 2019-866

See following pages

1 Introduced by Council Member Dennis:
2
3

4 **ORDINANCE 2019-866**

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 ORTEGA PLACE, LLC,
9 CONCERNING A SINGLE FAMILY RESIDENTIAL
10 SUBDIVISION WITHIN THE NAS JAX APZ 2/II,
11 LOCATED AT 5469 110TH STREET, BETWEEN SEABOARD
12 AVENUE AND CATOMA STREET; PROVIDING AN
13 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 Ortega
18 Place, LLC, 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-#1323074-v2-2019-866_ORTEGA_PLACE_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 ORTEGA PLACE, LLC, a Florida limited liability company (the “Company”), as follows:

RECITALS

WHEREAS, the Company is currently the owner of that certain parcel of real property located in Duval County, Florida, at 5469 110th Street, more particularly described as Lot 5, Block 29, ORTEGA FARMS, according to the map or plat thereof, recorded in Plat Book 3, Page(s) 79, Public Records of Duval County, Florida (the “Property”); and

WHEREAS, the Property is located within the RMD-A and RMD-C zoning districts under the City’s Zoning Code (the “Current Zoning”); and

WHEREAS, the Company 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 the Company and the City regarding the Company’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, in consideration of the unique circumstances surrounding the development of the Subdivision and after consultation among the Company, the City and the Commanding Officer of NAS JAX, the latter through the installation's Community Planning and Liaison Officer, the Company 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. The Company 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.
- (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 9.999 acres, the total coverage by all buildings and structures within the Subdivision shall not exceed 87,111.288 square feet of land area (9.999 x 43,560 x 0.2).
- (c) Prior to the recording of the Subdivision plat, the Company 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. The Company 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 the Company 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.

SIGNATURES ON THE FOLLOWING PAGES

“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: _____

“Company”

ORTEGA PLACE, LLC

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