

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

June 9, 2022

The Honorable Samuel Newby, President
The Honorable Rory Diamond, LUZ Chair
And Members of the City Council
117 West Duval Street
Jacksonville, Florida 32202

RE: Planning Commission Advisory Report / Ordinance No. 2022-240/Application No. L-5647-21C

Dear Honorable Council President Newby, Honorable Council Member and LUZ Chairman Diamond 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 2022-240 on June 9, 2022.

P&DD Recommendation

APPROVE

PC Issues:

There were no speakers in opposition at the meeting. However, the Commissioners inquired about how the changes would impact surrounding industrial properties and if residential development would be appropriate next to heavy industrial sites. The Commission also noted that the area is already transitioning to uses such as breweries and indoor recreation.

PC Vote:

7-0 APPROVE

David Hacker, Chair

Aye

Alexander Moldovan, Vice-Chair

Aye

Ian Brown, Secretary

Aye

Marshall Adkison

Aye

Daniel Blanchard

Aye

Joshua Garrison

Absent

Jason Porter

Aye

Jordan Elsbury

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

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Report of the Jacksonville Planning and Development Department

Small-Scale Future Land Use Map Amendment – June 3, 2022

Ordinance/Application No.: 2022-240 / L-5647-21C

Property Location: 1505, 1720, and 1802 Dennis Street, between Interstate 95 (I-95) and Margaret Street

Real Estate Number(s): 075459 0000; 076737 0000; 077741 0100

Property Acreage: 7.25 acres

Planning District: District 5, Northwest

City Council District: District 9

Applicant: Cyndy Trimmer, Esquire

Current Land Use: Light Industrial (LI) (3.84 acres)
Heavy Industrial (HI) (3.41 acres)

Proposed Land Use: Community/General Commercial (CGC) with Site Specific FLUE Policy 4.4.31

Current Zoning: Industrial Light (IL) (3.84 acres)
Industrial Heavy (IH) (3.41 acres)

Proposed Zoning: Planned Unit Development (PUD)

Development Boundary: Urban Priority Area

RECOMMENDATION: **APPROVE**

APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

To permit mixed-use development of the property which will provide a transition from downtown to this changing area consistent with Neighborhood Action Plans, an Urban Land Institute Technical Assistance Panel report, and planned improvements for McCoys Creek and the Emerald Trail.

BACKGROUND

The 7.25 acre subject site consists of three separate parcels, containing parking, industrial uses, and vacant land. The site is located just west of Interstate 95 (I-95), a limited access highway, between I-95 and Margaret Street, an unclassified road. One Parcel is located along the north side of Dennis Street, an unclassified road, while the

other two parcels are located along the south side of Dennis Street. The applicant is proposing a Future Land Use Map (FLUM) amendment from Light Industrial (LI) and Heavy Industrial (HI) to Community/General Commercial (CGC) with site specific FLUE Policy 4.4.31 (detailed below and included as Exhibit 3, dated April 28, 2022, to the Ordinance. The proposed site specific policy is to allow for continued use of the portion of the subject site located at 1082 Dennis Street as industrial until that portion of the site is redeveloped consistent with the CGC land use category. The applicant is also proposing a companion rezoning from Industrial Light (IL) and Industrial Heavy (IH) to Planned Unit Development (PUD) which is pending concurrently with this amendment, pursuant to Ordinance 2022-241.

Policy 4.4.31

Pursuant to the authority granted by Sec. 163.3187(1)(c), Florida Statutes, Ordinance 2022-240 for a small scale amendment is approved subject to the following site specific condition:

- The following light industrial uses shall be allowed as principal uses within the Community/General Commercial (CGC) designation on the parcel located at 1082 Dennis Street (RE# 075459 0000) until such time as that portion of the property is redeveloped consistent with the CGC land use category:
 - Wholesaling, warehousing, storage or distribution establishments (but not concrete batch mixing plants) and similar uses; and
 - Light manufacturing, processing, packaging or fabricating.
 - Building trades contractors with outside storage yards and heavy construction equipment.

The site specific condition is intended to permit continued operation of an existing industrial distribution operation while supporting a new mixed-use development that is in line with the changing nature of the Rail Yard District area adjacent to the Central Business District (CBD) consistent with FLUE Policies 2.3.1 and 3.3.34. With the exception of the existing industrial operation, the remainder of the site is underutilized and abandoned. The proposed urban infill project introducing vertically and horizontally integrated commercial, office, and residential uses will serve to revitalize the area in furtherance of FLUE Policy 1.1.25. Moreover, the site is located in close proximity to the pending Emerald Trail and McCoys Creek improvements and will advance FLUE Policies 2.7.3, FLUE Objective 3.4 and FLUE Policy 3.4.1. Finally, the proposed mixed-use project addresses challenges identified in the Urban Land Institute Rail Yard District Technical Assistance Panel and furthers objectives outlined in the North Riverside Neighborhood Action Plan and the Kings Road-Beaver Street Neighborhood Action Plan consistent with FLUE Policy 1.1.23.

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

North: Land Use: HI, Public Buildings and Facilities (PBF)
Zoning: IH, Public Buildings and Facilities-1 (PBF-1)
Property Use: Industrial, Railroad, JTA Bus Depot

South: Land Use: LI, Recreation and Open Space (ROS)
 Zoning: IL, PBF-1
 Property Use: Industrial, McCoy's Creek Bouelvard Park

East: Land Use: Central Business District (CBD)
 Zoning: Commercial Central Business District (CCBD)
 Property Use: Directly east-Interstate-95; East of I-95-convention center, warehouse, church

West: Land Use: HI, LI
 Zoning: IH, IL
 Property Use: Industrial, Storage

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.

Impact Assessment Baseline Review

Development Analysis		
Development Boundary	Urban Priority Area	
Roadway Frontage Classification / State Road	Dennis Street ; Ives Street; Ernest Street; Margaret Street; Harper Street – Unclassified Roadways Interstate-95 (I-95) – Limited Access Highway	
Plans and/or Studies	Northwest Jacksonville Vision Plan and North Riverside NAP	
Site Utilization	Current: Industrial, Parking, Undeveloped	Proposed: Mixed use
Land Use / Zoning	Current: HI (3.41ac) and LI (3.84ac) / IH and IL	Proposed: CGC / PUD
Development Standards for Impact Assessment	Current: HI - 0.4 FAR LI- 0.4 FAR	Proposed: Scenario 1: 100% non-residential at 0.35 FAR Scenario 2: 80% residential at 45 DU/Acre

Development Analysis		
		20% non-residential at 0.35 FAR
Development Potential	Current: HI - 59,415 Sq. Ft. LI - 66,908 Sq. Ft. Total - 126, 323 Sq. Ft.	Proposed: Scenario 1: 110,533 Sq. Ft. Scenario 2: 22,106 Sq. Ft. 261 MF DUs
Net Increase/Decrease in Maximum Density	<u>Scenario 1:</u> Not applicable <u>Scenario 2:</u> Increase of 261 DUs	
Net Increase/Decrease in Potential Floor Area	<u>Scenario 1:</u> Decrease of 15,790 Sq. Ft. <u>Scenario 2:</u> Decrease of 104,217 Sq. Ft.	
Population Potential	Current: Not applicable	Proposed: <u>Scenario 1:</u> Not applicable <u>Scenario 2:</u> 613 people
Special Designation Areas		
Aquatic Preserve	No	
Septic Tank Failure Area	No	
Evacuation Zone	Zone C	
Airport Environment Zone	500' Height – Herlong	
Industrial Preservation Area	Situational Compatibility	
Cultural Resources	No	
Archaeological Sensitivity	Low	
Historic District	No	
Coastal High Hazard Area	No	
Adaptation Action Area	No	
Groundwater Aquifer Recharge Area	No	
Wellhead Protection Zone	No	
Boat Facility Siting Zone	No	
Brownfield	Pilot Area	
Public Facilities		
Potential Roadway Impact	Scenario 1: Increase of 3,871 net new daily trips Scenario 2: Increase of 1,874 net new daily trips	
Potential Public School Impact	Scenario 1: Not applicable Scenario 2: 64 new students	
Water Provider	JEA	
Potential Water Impact	Scenario 1: Increase of 1,087 gallons per day Scenario 2: Increase of 58,001 gallons per day	
Sewer Provider	JEA	

Development Analysis	
Potential Sewer Impact	Scenario 1: Increase of 815 gallons per day Scenario 2: Increase of 43,501 gallons per day
Potential Solid Waste Impact	Scenario 1: Decrease of 214 tons per year Scenario 2: Increase of 322 tons per year
Drainage Basin/Sub-basin	Upstream of Trout River/McCoy Creek
Recreation and Parks	McCoy's Creek Boulevard Park
Mass Transit Access	Approximately 800 ft. from JTA Route 12
Natural Features	
Elevations	11-20 feet
Land Cover	1550: Other Light Industrial
Soils	69: Urban Land
Flood Zones	No
Wetlands	No
Wildlife (applicable to sites greater than 50 acres)	No

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).

The applicant has provided a JEA letter of service availability dated January 29, 2021, which was submitted with the companion PUD rezoning application identifying that the site has existing connection points to both sewer and water access, which may be utilized if in good condition.

Future Land Use Element

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.

Transportation

The subject site is 7.25 acres and is accessible from Dennis Street, Harper Street, Margaret Street, and Ernest Street, all local facilities. The proposed land use amendment is currently located within the Urban Priority Development Area and Mobility Zone 9. The

applicant proposes to change the existing land use from Light Industrial (LI) and Heavy Industrial (HI) to Community General Commercial Professional Institutional (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 existing land use of LI and HI results in 607 daily trips. If the land use is amended to allow for this CGC development, this will result in 4,478 or 2,481 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 3,871 or 1,874 net new daily trips (depending on the scenario) when compared to the existing land use. The Transportation Planning Division recommends ongoing coordinating efforts with the City of Jacksonville Traffic Engineer to ensure that a traffic operational analysis is provided to address the specific external impacts as a result of this land use amendment.

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
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LI	110	59,415 SF	$T = 4.87 (X) / 1000$	289	0	289
HI	140	66,908 SF	$T = 4.75 (X) / 1000$	318	0	318
Existing Scenario Total						607
Proposed Land Use Scenario 1	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
CGC	821	110,533 SF	$T = 67.52 (X) / 1000$	7,463	2,985	4,478
Proposed Scenario 1 Total						4,478
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	22,106 SF	$T = 54.45 (X) / 1000$	1,204	482	722
CGC-R	220	261 MF DUs	$T = 6.74 (X)$	1,759	0	1,759
Proposed Scenario 2 Total						2,481
Proposed Net New Daily Total Scenario 1						3,871
Proposed Net New Daily Total Scenario 2						1,874

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

School Capacity

The 7.25 acre proposed land use map amendment has a development potential of 261 dwelling units and, under scenario 2, 64 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, the following results were documented:

Application Review Request: COJ PDD: School Impact Analysis Proposed Name: L-5647-21C Dennis Street Requested By: Ed "Luke" Lukacovic / Krista Fogarty Reviewed By: Shalene B. Estes Due: 4/20/2022							
Analysis based on maximum dwelling units: 261							
School Type	CSA ¹	2021-22 Enrollment/CSA	Current Utilization (%)	New Student/Development ³	5-Year Utilization (%)	Available Seats - CSA ²	Available Seats - Adjacent CSA 2&7
Elementary	1	10,651	54%	32	59%	8,062	3,373
Middle	1	7,527	88%	13	86%	807	791
High	1	8,087	80%	19	72%	1,116	1,778
Total New Students				64			

NOTES:

¹ Proposed Development's Concurrent Service Area (CSA)

² Available CSA seats include current reservations

³ 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.

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.

Application Review Request: COJ PDD: Baseline Checklist Review Proposed Name: L-5647-21C Dennis Street Requested By: Ed "Luke" Lukacovic / Krista Fogarty Reviewed By: Shalene B. Estes Due: 4/20/2022 Analysis based on maximum dwelling units: <u>261</u>						
SCHOOL ¹	CSA	STUDENTS GENERATED (Rounded) ³	SCHOOL CAPACITY ² (Permanent/Portables)	CURRENT ENROLLMENT 20 Day Count (2021/22)	% OCCUPIED	4 YEAR PROJECTION
Smart Pope Livingston #149 K-2	1	16	852	421	49%	66%
Susie Tolbert ES #128 3-6	1	16	548	273	50%	66%
Lake Shore MS #69	2	13	1328	986	74%	75%
Riverside HS #33	2	19	1844	1610	87%	96%
		64				

NOTES:

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

² Does not include ESE & room exclusions

³ 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.

Archaeological Sensitivity

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of low sensitivity for the presence of archaeological resources. 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.

Evacuation Zone

The subject site is within Evacuation Zone C. 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. Their complete analysis is below.

EPD Response:

The proposed property in land use amendment L-5647-21C will be in close proximity to Dennis Street, indicating sufficient access to I-95 (0.15 road miles) and I-10 (0.88 road miles), primary evacuation routes.

In consideration of the surrounding evacuation zones (Zone A , Zone B, and Zone C), nearest evacuation routes, and the increase of 1,874 - 3,871 additional daily trips, the development of the proposed property could create a localized impact to the traffic flow on I-95 and I-10 during an emergency evacuation scenario. The changes proposed through land use amendment application L-5647-21C 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.

Airport Environment Zone

The site is located within the 500 foot Height and Hazard Zone for the Herlong Recreational Airport. Zoning will limit development to a maximum height of 500 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.

Industrial Zones

The subject property is located within the "Industrial Situational Compatibility" Zone. "Industrial Sanctuary" and "Industrial Situational Compatibility" Zones are areas identified on the Industrial Preservation Map (Map L-23) of the Future Land Use Map series of the Future Land Use Element of the 2030 Comprehensive Plan as strategically located industrial lands for future industrial expansion and economic development.

An evaluation and analysis was provided by the applicant to justify the conversion of the industrial lands to the proposed CGC land use category. The analysis concludes that the site should be evaluated in the context of the changing nature of the area along with the importance of the areas surrounding the Central Business District (CBD). The analysis provides evaluations of the North Riverside NAP, FLUE policies, the Zoning Code, the report from the ULI Rail Yard District Technical Assistance Panel, and the Emerald Trail and McCoys Creek improvements in relation to the subject site. Conclusions of the analysis determine that CGC is a more appropriate land use category for the subject site. See attached for the full analysis.

Future Land Use Element

Policy 3.2.33 Where there is not an adopted neighborhood plan and/or study recommending the contrary, within the "Area of Situational Compatibility", as shown on the Industrial Preservation Map (Map L-23), lands designated Heavy Industrial or Light Industrial on the Future Land Use Map that are strategically located to provide access to rail facilities or trucking routes; serve ports; or serve airport multi-modal requirements, shall not be converted to a non-industrial land use category unless the applicant demonstrates to the satisfaction of the City that the site cannot be reasonably used for any of industrial uses. Reasonable demonstration for suitability of industrial uses may include but is not limited to the following: Access to arterial road network, access to rail, proximity to existing residential, industrial vacancy rates in the vicinity, size of parcel and potential for redevelopment. Conversion of these lands shall only be permitted for construction of mixed use development consistent with the requirements for job creation as defined by Policy 3.2.34.

Brownfield Pilot Area

The property is located within the Downtown Brownfield Pilot Area. The City of Jacksonville designated properties in the downtown area as a Pilot Program Brownfield Area by City Council Resolution Number 2000-125-A. The property owner may request the property be designated a Brownfield Site. 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. The property owner may qualify for tax credits.

PROCEDURAL COMPLIANCE

Upon site inspection by the Planning and Development Department on April 20, 2022, the required notices of public hearing signs were posted. Twenty-eight (28) 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 April 27, 2022. No members of the public attended to speak on the proposed amendment.

CONSISTENCY EVALUATION

Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies

Future Land Use Element (FLUE)

Development Area

Urban Priority Area (UPA): The UPA is the first tier Development Area and generally includes the historic core of the City and major connecting corridors. The intent of the UPA is to encourage revitalization and the use of existing infrastructure through redevelopment and infill development at urban densities which are highly supportive of transit and result in the reduction of per capita greenhouse gas emissions and vehicle miles traveled. Development is expected to employ urban development characteristics as further described in each land use plan category. The UPA does not include the Central Business District Land Use Category boundaries.

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 1.1.12 Promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.

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 1.1.25 The City will encourage the use of such smart growth practices as:

1. Interconnectivity of transportation modes and recreation and open space areas;
2. A range of densities and types of residential developments;
3. A mix of uses including office, commercial, and residential which encourage internal capture of trips;
4. Use of the Development Areas;
5. Revitalization of older areas and the downtown, and

6. Purchase of land through the Preservation Project to remove it from development and preserve it as open space, recreation or conservation use.

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.

Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

Policy 3.2.33 Where there is not an adopted neighborhood plan and/or study recommending the contrary, within the "Area of Situational Compatibility", as shown on the Industrial Preservation Map (Map L-23), lands designated Heavy Industrial or Light Industrial on the Future Land Use Map that are strategically located to provide access to rail facilities or trucking routes; serve ports; or serve airport multi-modal requirements, shall not be converted to a non-industrial land use category unless the applicant demonstrates to the satisfaction of the City that the site cannot be reasonably used for any of industrial uses. Reasonable demonstration for suitability of industrial uses may include but is not limited to the following: Access to arterial road network, access to rail, proximity to existing residential, industrial vacancy rates in the vicinity, size of parcel and potential for redevelopment. Conversion of these lands shall only be permitted for construction of mixed use development consistent with the requirements for job creation as defined by Policy 3.2.34.

Policy 3.2.7 The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

Objective 6.3 The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

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 Future Land Use Element (FLUE), Light Industrial (LI) is a category which provides for the location of industrial uses which have fewer objectionable impacts than Heavy Industrial (HI) on residential areas such as noise, odor, toxic chemical and wastes.

Heavy Industrial (HI) is a category in which uses are generally the most likely to produce adverse physical and environmental impacts on adjacent residential areas such as noise, land, air and water pollution and transportation conflicts. For this reason, heavy industrial land uses should be buffered by other less intense transitional land uses, such as office, light industrial or open space, etc., to protect residential and other sensitive land uses; i.e., schools, health care facilities, etc. Heavy industrial uses shall be located with convenient access to the transportation network that includes major highways, railroads, airports and port facilities. Site access to roads classified as arterial or higher on the Highway Functional Classification Map is preferred; except for sites located within the DIA's jurisdictional boundaries. Sites with railroad access and frontage on two highways are preferred locations for heavy industrial development.

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 also allows for multi-family residential at densities up to 60 units per acre in the Urban Priority Area, subject to the provision that residential uses shall not be the sole use and shall not exceed 80 percent of a development.

The applicant is proposing a change from HI and LI to CGC with site specific FLUE Policy 4.4.31. The proposed site specific policy is to allow for continued use of the portion of the subject site located at 1082 Dennis Street as industrial until that portion of the site is redeveloped consistent with the CGC land use category. The proposed CGC designation is consistent and compatible with the existing mix of uses in the surrounding area, including the nearby Downtown area, consistent with FLUE Goal 1 and Policies 3.2.1 and 3.2.7. Further, the site offers an infill redevelopment opportunity on a site that has existing infrastructure consistent with FLUE Objective 6.3 and the intent of the urban priority development area.

While CGC is a commercial category, it also allows for residential development. The companion PUD rezoning application indicates the intent to develop the site with a mix of uses to include office, commercial, entertainment, recreational, residential, and other complimentary uses. The proposed use of the site as a mixed use development continues to maintain compatibility with the surrounding area, consistent with FLUE Goal 3. Additionally, the proposed companion PUD rezoning allows for an opportunity to offer innovative site design techniques, consistent with FLUE Policy 1.1.12.

The subject site is located within the Industrial Situational Compatibility Zone. The site is currently designated as HI and LI, both industrial categories. Pursuant to FLUE Policy 3.2.33, within the Industrial Situational Compatibility Zone, lands designated as HI or LI shall not be converted to a non-industrial category unless the applicant demonstrates that the site cannot be reasonably used for any industrial uses. The applicant has provided the attached analysis justifying the change to a non-industrial category, CGC. The analysis provides evaluations of the North Riverside NAP, FLUE policies, the Zoning Code, the report from the ULI Rail Yard District Technical Assistance Panel, and the Emerald Trail and McCoys Creek improvements in relation to the subject site. Conclusions of the analysis determine that CGC is a more appropriate land use category for the subject site.

The applicant has provided a JEA letter of service availability dated January 29, 2021, which was submitted with the companion PUD rezoning application identifying that the site has existing connection points to both sewer and water access, which may be utilized if in good condition, consistent with FLUE Policy 1.2.9.

The proposed amendment would encourage reuse of the site within the Urban Priority Development Area, where access to full urban services, including public transit, is available, along with a mix of uses in the surrounding area. The proposed reuse of the site as a mixed use office, commercial and residential development will broaden the uses in the area, which is primarily industrial. As such, the proposed amendment is consistent with FLUE Goal 3 and Policies 1.1.22 and 1.1.25.

The proposed small scale amendment would have little impact on the amount of industrial designated land throughout the City. The proposed land use amendment to CGC and the companion PUD permits a mix of uses accommodating anticipated growth by providing additional acreage for office, commercial and residential uses, and by fostering vibrant, viable communities, and economic development opportunities. Thus, the proposed amendment is consistent with FLUE Policies 1.1.5 and 1.1.21.

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.

Neighborhood Action Plan

The subject site is located within the boundaries of the North Riverside Neighborhood Action Plan (2003). The Plan identifies economic development and employment opportunities as critical needs to attracting new residents and enterprises to North Riverside. Marketing the area as a neighborhood of choice and the construction of new homes and commercial uses will help spark overall neighborhood improvement such as neighborhood appearance and crime reduction, which result indirectly from revitalization efforts. The redevelopment of the subject site with a mix of residential, office and commercial uses could potentially spur additional residential and economic development furthering the overall intent and recommendations of the North Riverside Neighborhood Action Plan.

Northwest Jacksonville Vision Plan

The subject property is located within the boundaries of the Historic Intown character area of the Traditional Building area of the Northwest Jacksonville Vision Plan. Theme 1 of the plan focuses on strengthening existing and creating new neighborhoods while promoting intown development. The Plan recommends the revitalization of urban neighborhoods with entertainment, restaurants, grocery stores and other commercial uses to target the residential and service needs of the surrounding area. Consistent with the Northwest Jacksonville Vision Plan, the proposed land use amendment would provide a mix of uses allowing residential, office and commercial development, as well as provide a redevelopment opportunity.

Strategic Regional Policy Plan

The proposed amendment is consistent with the following Goal of the Strategic Regional Policy Plan Regional Transportation Element Goal, Objective, and portions of Policy 4:

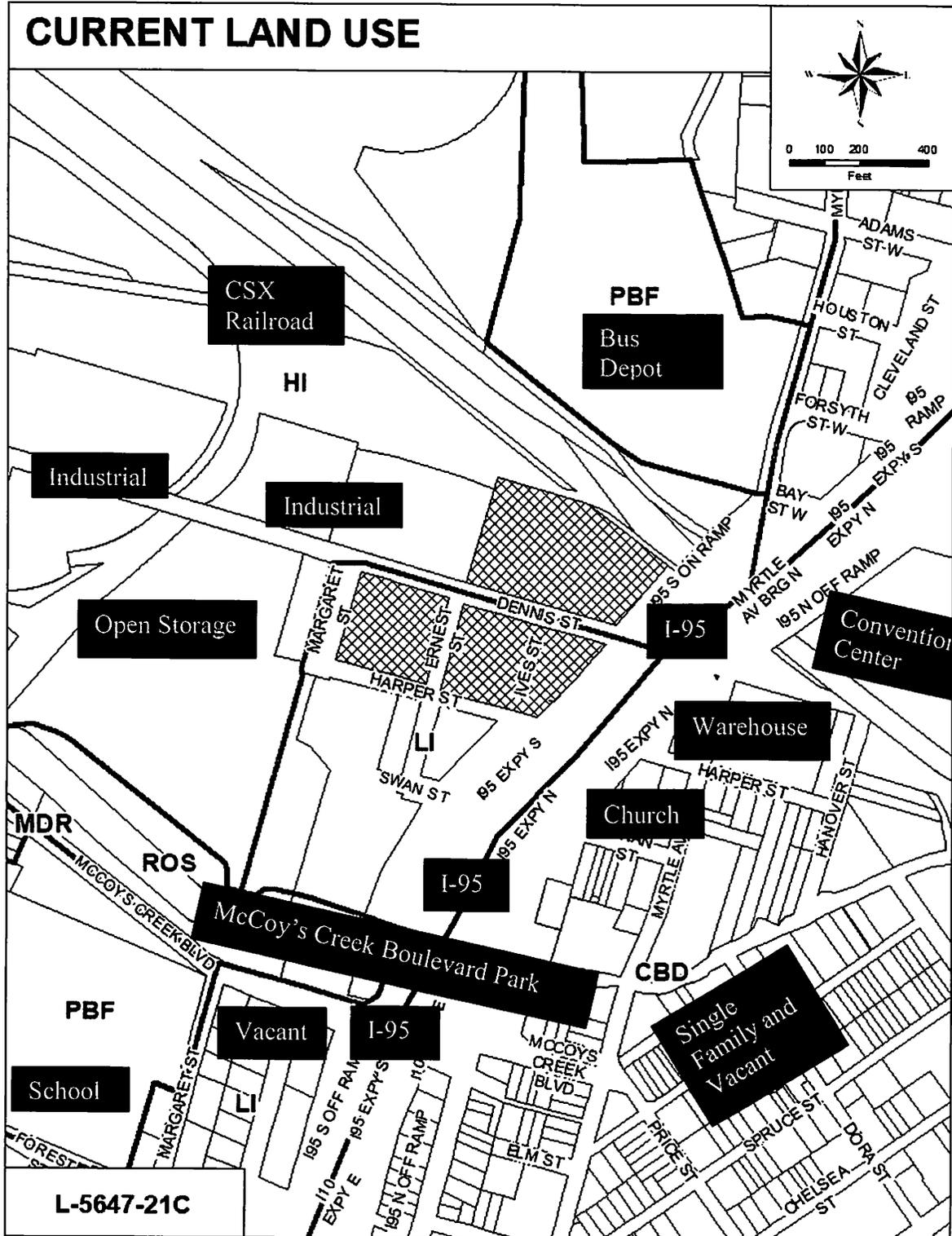
Objective: Integrated Planning: The link between land use, resources and mobility.

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 provides the opportunity for infill and redevelopment of a potentially mixed use project in an appropriate area of the City. Therefore, the proposed amendment is consistent with Transportation Element Goal, Objective and Policy 4 of the Strategic Regional Policy Plan.

LAND USE AMENDMENT
FIELD / LOCATION / CURRENT LAND USE MAP



LAND USE AMENDMENT
EVALUATION OF THE AREA OF
SITUATIONAL COMPATIBILITY FOR INDUSTRIAL USES



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To: City of Jacksonville Community Planning Division
From: Driver, McAfee, Haythorne & Diebenow
Date: 4/25/2022
Re: 1505, 1720, & 1802 Dennis Street

MEMORANDUM

The purpose of this memorandum is to analyze a proposed land use amendment at 1505, 1720, and 1802 Dennis Street (RE#s 076737 0000; 077741 0100; and 075459 0000) (the "Property") from Heavy Industrial ("HI") and Light Industrial ("LI") to Community General Commercial ("CGC"). See Exhibit 1. The Property is correspondingly zoned Industrial Heavy ("IH") and Industrial Light ("IL"). See Exhibit 2.

The Property is located in an Area of Situational Compatibility ("ASC") generally bounded by Myrtle Avenue North and Beaver Street West to the north, I-95 and Kings Road to the east, and I-95 and McCoy's Creek Boulevard to the south. The ASC continues westward generally around the railroad tracks out to I-295 and beyond. See Exhibit 3. An ASC signifies that this is a potential location where the "City [seeks] to protect and preserve existing industrial areas of the City from premature fragmentation by intrusive residential and commercial uses and promote the expansion of industrial uses in those areas." See § 656.399.38 of the Jacksonville Municipal Code (the "Code").

Conversion of industrially planned land within an ASC is evaluated by and subject to specific provisions of the City's Future Land Use Element in the 2030 Comprehensive Plan ("FLUE") and the Code. See, e.g., Ordinance 2017-93. The relevant portions of the FLUE and Code are analyzed below in context with the relevant neighborhood action plans, results of a Urban Land Institute ("ULI") technical assistance panel, and projects already underway in the area.

FLUE

The applicable Objective Policies regarding ASCs contained in the FLUE are outlined below with analysis following.

Policy 3.2.33

Where there is not an adopted neighborhood plan and/or study recommending the contrary, within the "Area of Situational Compatibility", as shown on the Industrial Preservation Map (Map L-23), lands designated Heavy Industrial or Light

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Industrial on the Future Land Use Map that are strategically located to provide access to rail facilities or trucking routes; serve ports; or serve airport multi-modal requirements, shall not be converted to a non-industrial land use category unless the applicant demonstrates to the satisfaction of the City that the site cannot be reasonably used for any of industrial uses. Reasonable demonstration for suitability of industrial uses may include but is not limited to the following: Access to arterial road network, access to rail, proximity to existing residential, industrial vacancy rates in the vicinity, size of parcel and potential for redevelopment. Conversion of these lands shall only be permitted for construction of mixed-use development consistent with the requirements for job creation as defined by Policy 3.2.34.

While the policies protecting industrial land are important, they must be evaluated in conjunction with policies geared toward revitalization of Downtown and its surrounding areas.

Objective 2.3

Continue to strengthen Downtown Jacksonville as the regional center of finance, government, retail and cultural activities in Northeast Florida.

Policies 2.3.1

Recognize the Central Business District (CBD) *and its periphery* as a significant urban area of the City appropriate for residential and mixed use projects at higher densities/intensities than the remainder of the city.

THE NORTH RIVERSIDE NEIGHBORHOOD ACTION PLAN

The Property lies within the eastern boundary of the North Riverside Neighborhood Action Plan (the "North Riverside NAP") in the ~~Mixon~~ Town community. See Exhibit 4. The North Riverside NAP points out that vacant properties comprised nearly one quarter (1/4) of the study area and were mostly concentrated in ~~Mixon~~ Town and that the industrial uses within ~~Mixon~~ Town often created significant land use issues in terms of incompatibility. See pg. 10 of North Riverside NAP. However, it noted that the vacant properties provided "significant development opportunities for the future." See pg. 10 of North Riverside NAP. Most of the structures studied in the North Riverside NAP were in below-standard condition, and the area of ~~Mixon~~ Town had "a more deteriorated housing stock, with a larger percentage of deteriorated, dilapidated, and vacant single-family homes than the west planning area." See pgs. 11-12 of North Riverside NAP.

The Property includes the vacant Caribbean Cold Storage Plant as well as the vacant and undeveloped parcel located at 1720 Dennis Street. The potential development opportunities with a commercial land use could act as a catalyst in the area, revitalizing the vacant cold storage plant and the "deteriorated housing stock" within ~~Mixon~~ Town. A commercial land use would also better connect ~~Mixon~~ Town with the urban core and more-affluent Brooklyn area.

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The Riverside NAP also expressed concerns about contamination of McCoy's Creek. See pg. 16 of North Riverside NAP. De-intensifying the Property's land use from light and heavy industrial to commercial could facilitate a reduction in contamination considering the Property's northern proximity to the creek. See FLUE Goal 7.

The North Riverside NAP also points out that one of the strengths of the area is its proximity to the Downtown Urban Core. See pg. 16 of North Riverside NAP. Transitioning the Property's land use from industrial to commercial would allow the Property to serve the growing number of residents flocking to the urban core, especially the nearby Brooklyn Area, which features numerous class a multi-family complexes, such as 220 Riverside and Vista Brooklyn. See Exhibit 5. Attracting consumers into Mixon Town would assist the local businesses in the area as well as the local residents, whose median income is substantially less than that of Duval County generally. See pg. 6 of North Riverside NAP.

THE KINGS ROAD – BEAVER STREET NEIGHBORHOOD ACTION PLAN

While not located within the Kings Road – Beaver Street Neighborhood Action Plan (the "Kings/Beaver NAP"), the Property is adjacent to its southern boundary. See Exhibit 6. The Kings/Beaver NAP noted that like the North Riverside NAP, the industrial areas (which are located south of Kings Road like the Property) have many issues, including vacant warehouses and inadequate facilities, potential environmental concerns, and the expansion needs of area businesses. See pg. 12-1 of Kings/Beaver NAP. Transitioning the Property's land use to commercial would permit a new influx of potential investment into the area and ameliorate potential environmental concerns surrounding McCoy's Creek.

In addition to the two NAPs, the Property does not abut a road classified on the Functional Highway Classification System. See FLUE Policy 3.2.33. The nearest classified road is Myrtle Avenue North, which is only a collector road and is a narrow, two-lane street with limited to no sidewalks. The Myrtle Avenue North tunnel only has a nine (9) foot clearance, making it difficult or impossible for large industrial trucks to head north on that road.

Policy 3.3.34

The City shall create a formula for the calculation of capital investment and direct and indirect job creation in various commercial and industrial land uses. This formula shall be used to ensure that the conversion of industrial lands in Situational Compatibility Areas will result in the creation of mixed-use developments that shall have comparable potential for support of the industrial base in the City of Jacksonville.

Although no specific formula has been developed to evaluate this criterion, the amount of capital invested or will be invested in the Dennis & Ives Project rivals most industrial developments. In this case the Property would be developed for a multitude of uses, including creative office, retail, restaurant, music venue, brewery, and multi-family. Each of those uses will either directly or indirectly create jobs and facilitate additional consumer investment in the area. The project is

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already activating the vacant Caribbean Cold Storage Plant and utilizing the vacant parcel directly south of the plant for off-street parking.

THE CODE

Sec. 656.399.42. - Criteria for establishing an industrial sanctuary and area of situational compatibility overlay zone.

(b) In order for an area to qualify for establishment as an area of situational compatibility overlay zone under this Subpart P, the area shall meet all of the following criteria:

- (1) The area of situational compatibility is located in the Future Land Use Map series of the 2030 Comprehensive Plan designated for industrial use;
- (2) The area of situational compatibility is presently zoned for industrial use;
- (3) The area of situational compatibility consists of industrial uses;
- (4) The area of situational compatibility may be described by a reasonably delineated boundary line.
- (5) The area of situational compatibility is an area that may be suitable for industrial uses under certain circumstances.

Two of the three parcels comprising the Property are not actually being used for traditional industrial uses. Despite previously being used as cold storage, 1505 Dennis was vacant at the time the Property was acquired by the current landowner. Likewise, 1720 Dennis was vacant and undeveloped. Only 1802 Dennis, the smallest parcel of the three, is used for true industrial purposes, as the current tenant warehouses and sells pipes and other plumbing-related items. The total area of the Property is 7.14 acres, and 1802 Dennis comprises approximately 1.61 acres. The market demand for the area simply does not support traditional industrial uses as compared to mixed-use commercial.

Furthermore, a substantial portion of the ASC is vacant and/or presently supports non-industrial uses. The northwest boundary of the ASC is zoned CCG-2, and there are other areas zoned CCG-2, CO, CRO, and PBF-1; there are also numerous residential properties within this particular ASC. Therefore, sound planning principles support removal of the property from the ASC.

ULI RAIL YARD DISTRICT TECHNICAL ASSISTANCE PANEL

The ULI comprised a Technical Assistance Panel ("TAP") who published a report on the Rail Yard District (the "TAP Report"). See Exhibit 7. The TAP noted that many of the incoming businesses in the area are "bringing new life to the District by repurposing old vacant warehouses into retail, tap rooms, sports and event spaces." See pg. 13 of TAP Report. However, the major barrier to those entrepreneurial endeavors is the area's land use and zoning, deterring such economic investment in the community. See pg. 16 of TAP Report.

The TAP Report also placed the Property within the Stockton Street Subdistrict, which is generally bounded by the rails to the north, I-95 and I-10 to the east and south, and King Street to the west.

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The TAP noted that “the ~~subdistrict~~ has the potential to be a walkable urban mixed-use area” and that “changing the zoning north of the creek [where the Property is located] from heavy industrial to urban mixed-use industrial would go a long way in helping to turning this area into a walkable urban destination.” See pg. 25 of the TAP Report (emphasis added). Converting the area north of McCoy's Creek to commercial use would also coincide with the City's Emerald Trail and McCoy's Creek improvement plan creating a truly pedestrian friendly destination. See pg. 25 of TAP Report; see also Exhibit 8. The TAP's recommendation for the area north of McCoy's Creek includes:

- Creation of an urban mixed-use industrial classification to allow for repurposing vacant warehouses into retail, event, showroom, high tech/data and industrial/manufacturing spaces along with residential and open public spaces
- Consideration of less intense mixed-use industrial in residential areas
- Activation of open spaces/vacant lots with interim recreation, food trucks

EMERALD TRAIL AND MCCOYS CREEK

The City's McCoy's Creek and Emerald Trail improvements are intended to transform the land just south of the Property. See Exhibit 8. Recognizing that the Property is exceptionally situated to activate McCoy's Creek and the Emerald Trail, Applicant is already working with Groundwork Jax to explore options for providing connectivity between the planned improvements and to Downtown. For example, the proposed mixed-use development could serve as the connection point between Downtown and existing businesses in the area such as Lemonstreet Brewery and Tabula Rasa Brewery. Moreover, the Property affords unique opportunities for outdoor amenitized space geared to draw in Emerald Trail and McCoy's Creek visitors such as an expansive vantage point to observe the railyard system. See FLUE Policy 6.3.6; see also Exhibit 9.

CONCLUSION

Although the Property lies within an ASC, that fact in and of itself is not a basis to deny a proposed land use amendment from HI and LI to CGC. Instead, the proposed amendment should be evaluated in the context of the changing nature of the area and the opportunities the proposed change affords to satisfy good urban planning principles. The 2030 Comprehensive Plan recognizes the importance of the areas surrounding the Central Business District. The North Riverside NAP contains numerous observations regarding the vacant and often incompatible industrial uses within the ASC. The FLUE policies support conversion of the Property from HI and LI to CGC. The criteria in the Code for establishing an ASC are no longer satisfied. The ULI TAP Report, neighborhood action plans, and incoming projects such as the McCoy's Creek and Emerald Trail improvements all suggest that commercial land use would result in a more efficient land use that would benefit the general public. In short, factors supporting removal of the Property from the ASC far outweigh the original justification for its inclusion, and show that CGC is now a more appropriate land use category.