

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

October 21, 2021

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

RE: Planning Commission Advisory Report
Ordinance No.: 2021-577 **Application for: Pointe Grand PUD**

Dear Honorable Council President Newby, Honorable Council Member and LUZ Chairperson Diamond and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve with Conditions**

Planning Commission Recommendation: **Approve**

This rezoning is subject to the following exhibits:

1. The original legal description dated May 28, 2021
2. **The revised written description dated October 5, 2021**
3. The original site plan dated May 17, 2021

Recommended Planning Commission Conditions to the Ordinance:

Planning Commission conditions:
Deleted all conditions

Planning Department conditions:

1. Noah Road shall be built or rebuilt to current city standards from Palm Lake Drive westward to the proposed driveway. The western end of Noah Road shall terminate in a city standard cul-de-sac.
2. Sidewalks shall be built on Noah Road from the proposed entrance to Palm Lake Drive.
3. A traffic study shall be provided to determine the need for a left turn lane, a right turn lane, and a traffic signal warrant analysis at the intersection of Palm Lake Drive and Eastport Road. Turn lanes shall be built to FDOT Standards with the deceleration length based on the speed limit and the queue length for the left turn lane determined by the traffic study but shall be a minimum of 50'.

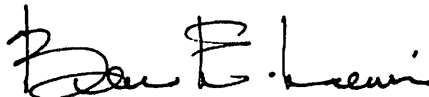
Recommended Planning Commission Conditions that can be incorporated into the Written Description: **None**

Planning Commission Commentary: The agent submitted a revised site plan which changed the access from Noah Road to Main Street and the Commissioners felt there was no need to for the conditions. There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote:	6-0
David Hacker, Chair	Aye
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Abstain
Joshua Garrison	Aye
Dawn Motes	Absent
Jason Porter	Aye

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

Sincerely,



Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7820
blewis@coj.net

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2021-0577 TO
PLANNED UNIT DEVELOPMENT

SEPTEMBER 23, 2021

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendation regarding Application for Rezoning Ordinance 2021-0577 to Planned Unit Development.

Location: 0 Main Street North (SR 5); between Noah Road and Eastport Road

Real Estate Number(s): 109453 0000; 109490 0100

Current Zoning District(s): Industrial Light (IL)
Commercial Community General-2 (CCG-2)

Proposed Zoning District: Planned Unit Development (PUD)

Current Land Use Category: Light Industrial (LI)
Community General Commercial (CGC)

Proposed Land Use Category: Medium Density Residential (MDR)

Planning District: North, District 6

Applicant/Agent: Steve Diebenow, Esq.
One Independent Drive, Suite 1200
Jacksonville, Florida 32202

Owner: Northside Trees LLC
114 Locha Drive
Jupiter, FL 33458

Staff Recommendation: **APPROVE WITH CONDITIONS**

GENERAL INFORMATION

Application for Planned Unit Development 2021-0577 seeks to rezone 19.71± acres of land from Industrial Light (IL) and Commercial Community General-2 (CCG-2) to PUD. The rezoning to PUD is being sought to develop the currently vacant lots into 300 multi-family units. According to the submitted site plan, the applicant will be developing the property with 10 apartment buildings, built 3-stories high with 12 to 36 units in each building.

There is a companion Land Use Amendment (L-5573-21C / 2021-0576) that seeks to amend the property from the Light Industrial (LI) and Community General Commercial (CGC) land use categories to Medium Density Residential (MDR).

CRITERIA FOR REVIEW

Pursuant to the provisions of Section 656.125 of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria of an application for rezoning to Planned Unit Development.

(A) Is the proposed zoning district consistent with the 2030 Comprehensive Plan?

Yes. The subject site is located on the east side of Main Street North (SR 5), a state road and at the end and south side of Noah Road. According to the City's Functional Highways Classification Map, Main Street North is a major arterial roadway while Noah Road is a local roadway. The property site is currently located within the CGC and LI land use categories and is proposed to go to MDR with a companion land use amendment (Ordinance 2021-576).

According to the Future Land Use Element (FLUE), 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 40 units per acre in the Urban Area, subject to the provision that residential uses shall not be the sole use and shall not exceed 80 percent of a development.

The LI land use category 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. Site access to industrial areas are preferred from roads classified as collector or higher on the Highway Functional Classification Map is preferred.

The MDR land use category in the Urban Development Area is a category intended to provide compact medium density residential development. Plan amendment requests for new MDR

designations are preferred in locations which are supplied with full urban services and in locations which serve as a transition between commercial and residential land uses. Residential uses are permitted at up to 20 dwelling units per acre.

(B) Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?

Yes. This proposed rezoning to Planned Unit Development is consistent with the 2030 Comprehensive Plan, and furthers the following goals, objectives and policies contained herein, including:

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 may be permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

In reference to the attached JEA Availability Letter, 2021-4050, the proposed Urban/Suburban Area development must maintain connection to City water and sewer.

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.

Approval of this application and its companion would allow for medium density residential in an appropriate urban area. The property is vacant and has services readily available for redevelopment. The City supports smart adaption of vacant properties, which support the residential needs for its citizens.

(C) Does the proposed rezoning conflict with any portion of the City's land use Regulations?

The written description and the site plan of the intended development meets all portions of the City's land use regulations and furthers their intent by providing specific development standards.

Pursuant to the provisions of Section 656.341(d) of the Zoning Code, the Planning and Development Department, Planning Commission and City Council (including the appropriate committee) shall evaluate and consider the following criteria for rezoning to Planned Unit Development district:

(1) Consistency with the 2030 Comprehensive Plan

In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the subject property is within the following functional land use categories as identified in the Future Land Use Map series (FLUMs): Light Industrial (LI) and Community General Commercial (CGC). There is a companion Application for Small-Scale Land Use Amendment to the Future Land use Map Series L-5573-21C (Ordinance 2021-0576) that seeks to amend the portion of land that is within the Light Industrial (LI) and Community General Commercial (CGC) land use categories to Medium Density Residential (MDR). The Planning and Development Department finds that the proposed PUD is consistent with the 2030 Comprehensive Plan, as evaluated in Criteria (B).

(2) Consistency with the Concurrency Mobility and Management System

Pursuant to the provisions of Chapter 655 Concurrency and Mobility Management System of the Ordinance Code, the development will be required to comply with all appropriate requirements of the Concurrency and Mobility Management System (CMMSO) prior to development approvals. Therefore, the applicant/agent/owner will need to apply for Concurrency/Mobility for this proposed project prior to permitting/plan submittal with the City of Jacksonville.

(3) Allocation of residential land use

This proposed Planned Unit Development intends to utilize lands for 300 residential units in MDR. This proposed development will not exceed the projected holding capacity reflected in Table L-20, Land Use Acreage Allocation Analysis for 2030 Comprehensive Plan's Future Land Use Element, contained within the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

(4) Internal compatibility

This proposed PUD is consistent with the internal compatibility factors. An evaluation of the internal compatibility of a proposed Planned Unit Development shall be based on the following factors:

- The existence or absence of, and the location of open spaces, plazas, recreational areas and common areas: A minimum of 10,000 square feet of active recreation will be provided including a clubhouse, fitness center, and pool.
- The use of existing and proposed landscaping: According to the submitted written description, landscaping will be installed along right-of-ways and in open space areas. The applicant will coordinate with the Planning Department and City's Landscape Architect to meet the required landscaping.
- Traffic and pedestrian circulation patterns: Pedestrian access will be provided per Section 654.133 with the exception that sidewalks will not be provided along Main Street North.

(5) External Compatibility

Based on the written description of the intended plan of development and site plan, the Planning and Development Department finds that external compatibility is achieved by the following:

- Those areas of the proposed PUD located on or near its perimeter and the conditions and limitations thereon: The proposed PUD abuts commercial properties to the south and industrial uses to the south and east. Nearby residential uses include multi-family developments and some single-family lots.
- The Comprehensive Plan and existing zoning on surrounding lands: The adjacent uses, zoning and land use categories are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	PBF	PBF-1	JEA Utilities/Interstate Ramp
South	CGC/LI	CCG-2/IL	Open Storage/Retail
East	LI	IL	Single-Family Home/Timber/Vacant
West	HI	IL	Anheuser Busch Brewery

(6) Intensity of Development

The proposed development is consistent with the MDR functional land use category. The PUD is appropriate at this location because the subject property is near another multi-family development, is within the Dunn & Main Neighborhood Action Plan, and provides a gradual transition amongst the surrounding uses.

- The existing residential density and intensity of use of surrounding lands: Surrounding residential uses are designated as low to medium density and range in zoning from RLD-60 to a multi-family PUD. The proposed density and development are compatible with the surrounding uses.
- The availability and location of utility services and public facilities and services: The subject site will be serviced by JEA for city water and sewer—with existing water and force mains located along Main Street. Additionally, in a memo provided by JEA dated September 2, 2021, the proposed project design shall meet the JEA Design Standards in effect at the time of construction plan approval. JEA also notes that because the utility connections are along Main Street North, that penetrations in the landscape buffer will be required for water meters and pump station connection.

School Capacity:

Based on the Development Standards for impact assessment, the 19.71± acre proposed PUD rezoning has a development potential of 300 multi-family dwelling units. 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:

**School Impact Analysis
PUD 2021-0577
Development Potential: 300 Units**

School Type	CSA	2020-21 Enrollment/CSA	Current Utilization (%)	New Student/Development	5-Year Utilization (%)	Available Seats - CSA	Available Seats - Adjacent CSA 1&8 (MS - 2&7)
Elementary	7	2,938	82%	50	84%	456	8,715
Middle	1	7,607	89%	21	98%	617	606
High	7	2,168	98%	27	89%	497	1,096
Total New Students				98			

*Total Student Generation Yield: 0.333
Elementary: 0.167
Middle: 0.073
High: 0.093*

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.

SCHOOL	CONCURRENCY SERVICE AREA	STUDENTS GENERATED (Rounded)	SCHOOL CAPACITY (Permanent/ Portables)	CURRENT ENROLLMENT 20 Day Count (2020/21)	% OCCUPIED	4 YEAR PROJECTION
San Mateo ES #218	7	50	667	559	84%	89%
Oceanway MS #62	1	21	1009	1052	104%	83%
First Coast HS #265	7	27	2212	2168	98%	103%

- Does not include ESE & room exclusions
- Analysis based on a **maximum 300 dwelling units** – PUD 2021-0577
- The access to and suitability of transportation arteries within the proposed PUD and existing external transportation system arteries: Below are comments that were received from the City’s Traffic Engineer:
 - Noah Road shall be built or rebuilt to current city standards from Palm Lake Drive westward to the proposed driveway. The western end of Noah Road shall terminate in a city standard cul-de-sac. Sidewalks shall be built on Noah Road from the proposed entrance to Palm Lake Drive.
 - A traffic study shall be provided to determine the need for a left turn lane, a right turn lane, and a traffic signal warrant analysis at the intersection of Palm Lake Drive and Eastport Road. Turn lanes shall be built to FDOT Standards with the

deceleration length based on the speed limit and the queue length for the left turn lane determined by the traffic study but shall be a minimum of 50’.

(7) Usable open spaces plazas, recreation areas.

Per the submitted written description, the applicant will provide a minimum of 10,000 square feet of active recreation space including a clubhouse, fitness center, and pool.

(8) Impact on wetlands

According to the attached Land Use Memo, there are approximately 3.4 acres of Category III wetlands located on the southeast portion of the property. Development which would impact wetlands will be permitted in accordance with local, state, and federal requirements.

(9) Listed species regulations

No wildlife survey was required as the project is less than the 50-acre threshold.

(10) Off-street parking including loading and unloading areas.

Parking for residential use shall be provided at a rate of 1.5 spaces per unit. All other uses shall provide parking pursuant to Part 6 of the Zoning Code.

(11) Sidewalks, trails, and bikeways

Sidewalks will not be developed on Main Street, but will be otherwise provided pursuant to Section 654.133. The following are comments received by the Transportation Division of the Planning and Development Department:

This development is subject to mobility fee review. Pursuant to Policy 4.1.5 of the Transportation Element of the 2030 Comprehensive Plan, the applicant must provide for the convenient and safe access by and securing of bicycles on site. The bicycle parking must be consistent with the requirements outlined in Part 6 of the Zoning Code.

SUPPLEMENTAL INFORMATION

Upon visual inspection of the subject property on September 14, 2021, the required Notice of Public Hearing sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2021-0577 be **APPROVED WITH CONDITIONS** with the following exhibits:

1. The original legal description dated May 28, 2021
2. The revised written description dated September 9, 2021
3. The original site plan dated May 17, 2021

Based on the foregoing, it is the recommendation of the Planning and Development Department that the application for Rezoning 2021-0577 be **APPROVED WITH THE FOLLOWING CONDITIONS**:

1. Noah Road shall be built or rebuilt to current city standards from Palm Lake Drive westward to the proposed driveway. The western end of Noah Road shall terminate in a city standard cul-de-sac.
2. Sidewalks shall be built on Noah Road from the proposed entrance to Palm Lake Drive.
3. A traffic study shall be provided to determine the need for a left turn lane, a right turn lane, and a traffic signal warrant analysis at the intersection of Palm Lake Drive and Eastport Road. Turn lanes shall be built to FDOT Standards with the deceleration length based on the speed limit and the queue length for the left turn lane determined by the traffic study but shall be a minimum of 50’.



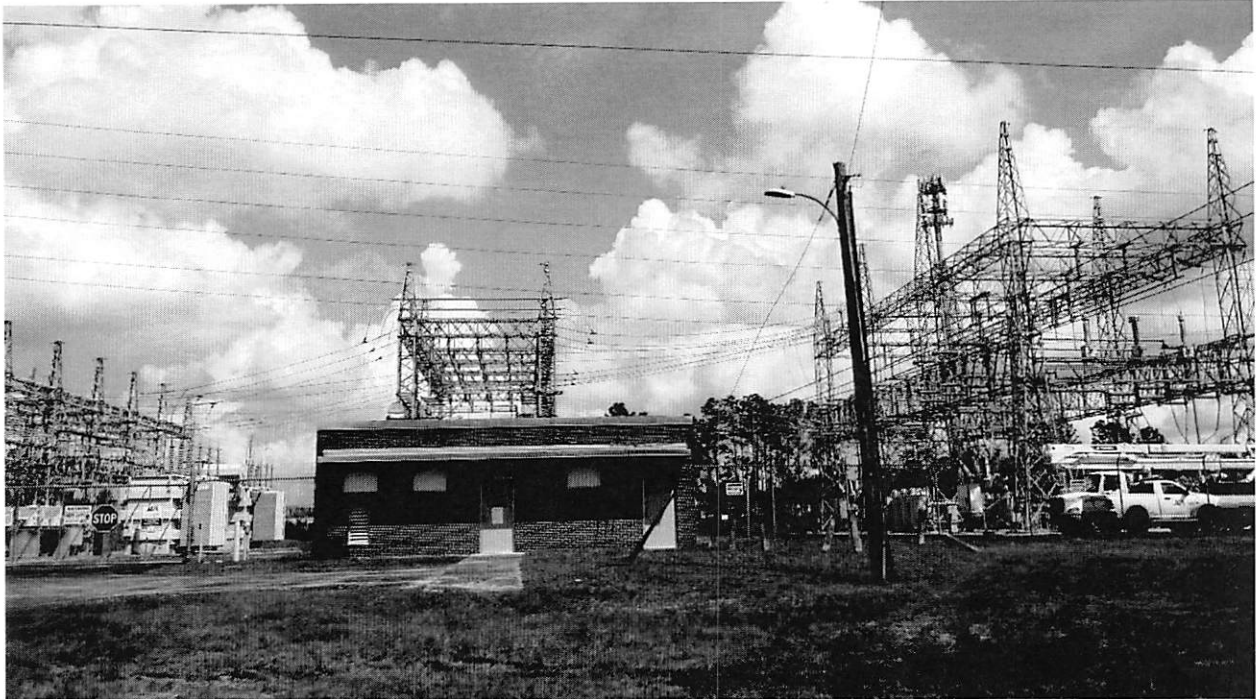
Source: Planning & Development Department, 09/14/2021

Aerial view of the subject property, facing North.



Source: Planning & Development Department, 09/14/2021

View of subject property from Noah Road.



Source: Planning & Development Department, 09/14/2021

View of neighboring property north of the subject property.



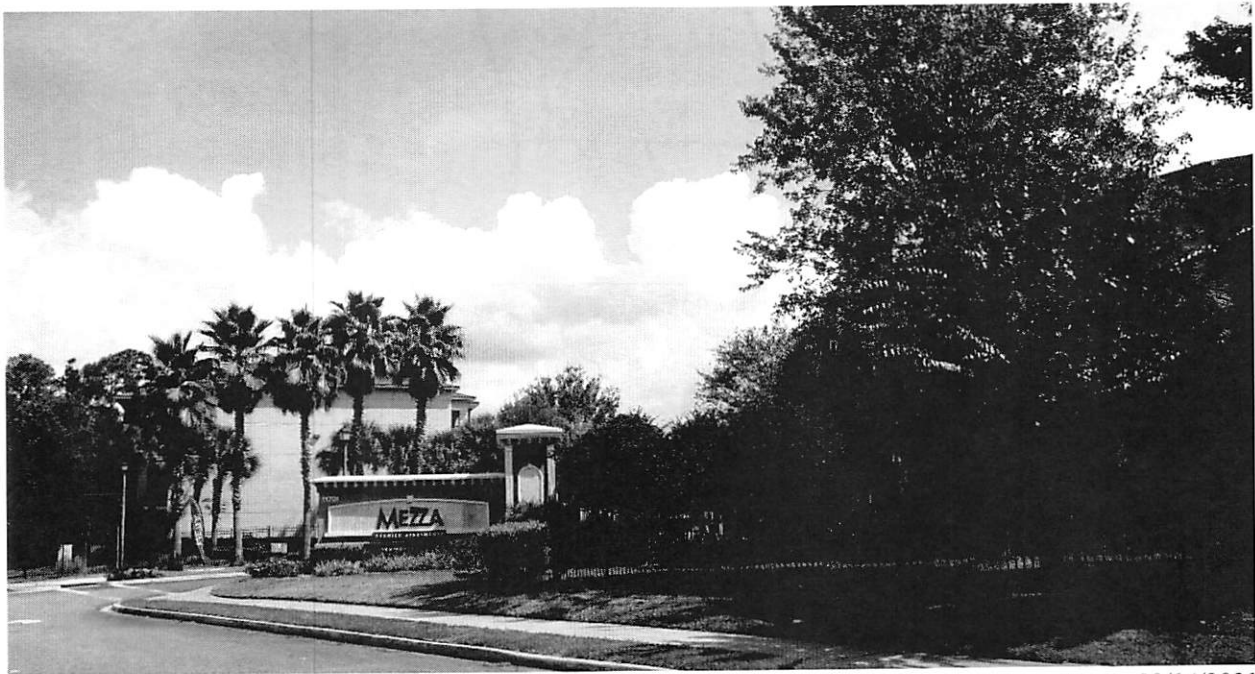
Source: Planning & Development Department, 09/14/2021

View of Noah Road, facing west.



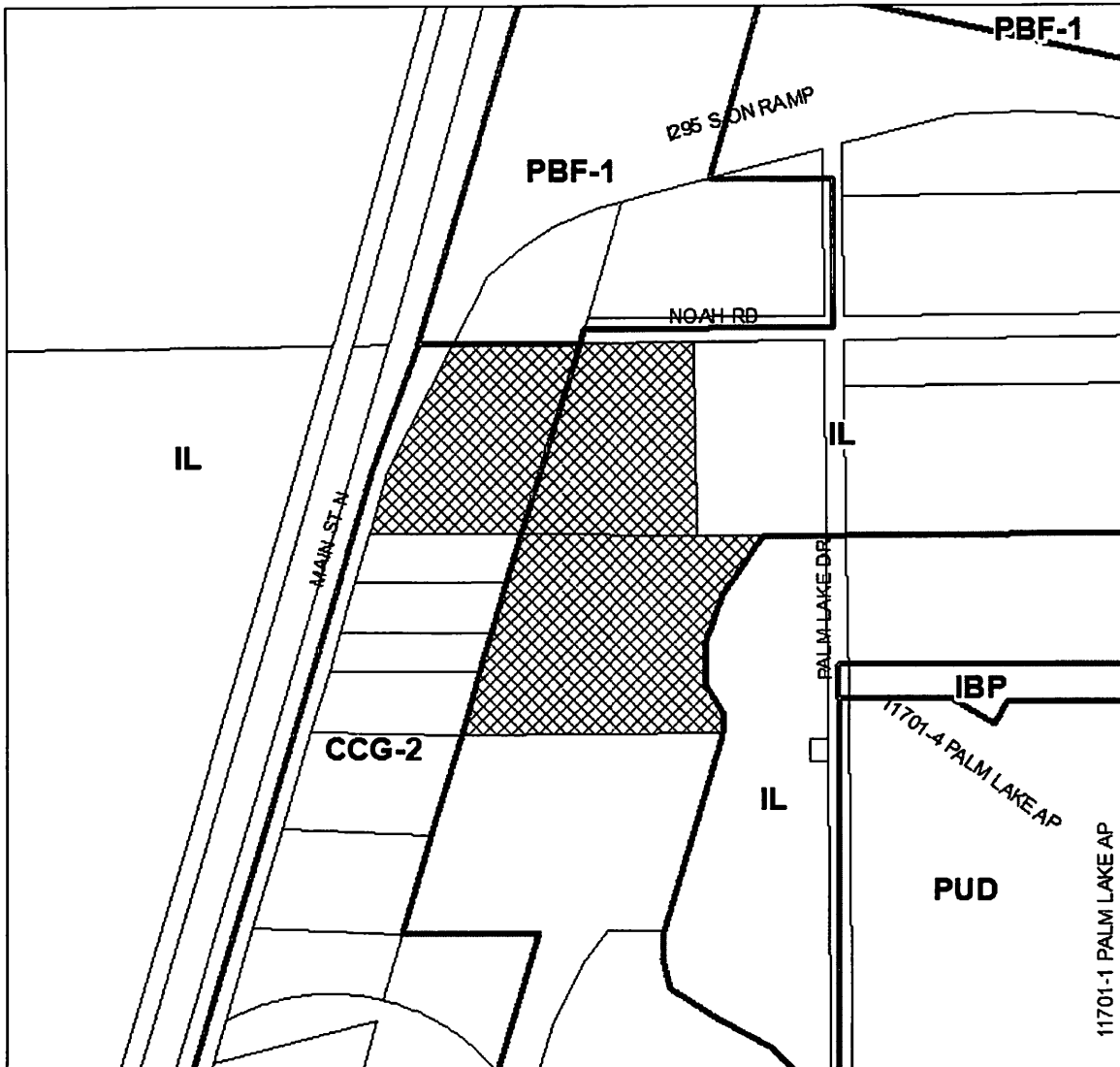
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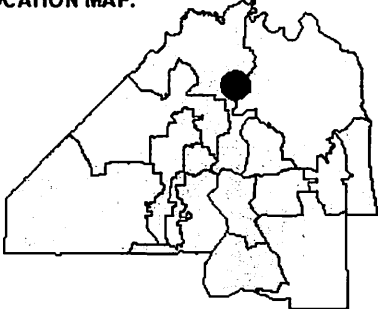
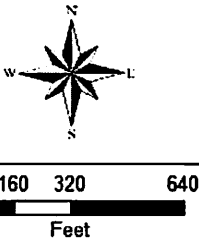
View of nearby apartment complex, located at 11701 Palm Lake Drive.



Source: Planning & Development Department, 09/14/2021

View of nearby apartment complex, located at 11701 Palm Lake Drive.



<p>REQUEST SOUGHT:</p> <p>FROM: IL & CCG-2</p> <p>TO: PUD</p>	<p>LOCATION MAP:</p> 	
<p>ORDINANCE NUMBER</p> <p>ORD-2021-0577</p>	<p>TRACKING NUMBER</p> <p>T-2021-3569</p>	<p>COUNCIL DISTRICT:</p> <p>7</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>

Application For Rezoning To PUD

Planning and Development Department Info

Ordinance # 2021-0577 **Staff Sign-Off/Date** KPC / 08/06/2021
Filing Date 08/09/2021 **Number of Signs to Post** 4
Hearing Dates:
1st City Council 09/28/2021 **Planning Comission** 09/23/2021
Land Use & Zoning 10/05/2021 **2nd City Council** 10/12/2021
Neighborhood Association M & M DAIRY INC; THE EDEN GROUP INC.
Neighborhood Action Plan/Corridor Study DUNN & MAIN NAP

Application Info

Tracking # 3569 **Application Status** PENDING
Date Started 05/28/2021 **Date Submitted** 05/28/2021

General Information On Applicant

Last Name DIEBENOW **First Name** STEVE **Middle Name**
Company Name
Mailing Address
 ONE INDEPENDENT DRIVE, STE. 1200
City JACKSONVILLE **State** FL **Zip Code** 32202
Phone 9043011269 **Fax** 9043011279 **Email** SDIEBENOW@DMPHLAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name N/A **First Name** N/A **Middle Name**
Company/Trust Name
 NORTHSIDE TREES LLC
Mailing Address
 114 LOCHA DRIVE
City JUPITER **State** FL **Zip Code** 33458
Phone 9043011269 **Fax** **Email**

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 109453 0000	7	6	IL	PUD
Map 109490 0100	7	6	CCG-2,IL	PUD

Ensure that RE# is a 10 digit number with a space (##### #)

Existing Land Use Category

Land Use Category Proposed?**If Yes, State Land Use Application #**

5573

Total Land Area (Nearest 1/100th of an Acre) 19.71**Development Number****Proposed PUD Name** POINTE GRAND PUD**Justification For Rezoning Application**

APPLICANT SEEKS TO REZONE THE PROPERTY TO ALLOW FOR A MULTIFAMILY DEVELOPMENT WHILE ALLOWING FOR FLEXIBILITY IN SITE DESIGN RELATED TO BUILDING SEPARATION, PARKING, AND LANDSCAPE BUFFERING TO ADDRESS SITE CONSTRAINTS.

Location Of Property**General Location**

SOUTHEAST OF CORNER OF MAIN STREET N AND INTERSTATE 295

House #	Street Name, Type and Direction	Zip Code
0	MAIN ST N	32218

Between Streets

NOAH ROAD and EASTPORT ROAD

Required Attachments For Formal, Complete application

The following items must be labeled as exhibits and attached to application in the order prescribed below. All pages of the application must be on 8½" X 11" paper with provision for page numbering by the staff as prescribed in the application instructions manual. Please check each item below and the PUD Check List for inclusion of information required.

- Exhibit 1** A very clear, accurate and legible legal description of the property that must be only and entirely placed on the JP&DD formatted forms provided with the application package. The legal description may be either lot and block or metes and bounds.
- Exhibit A** Property Ownership Affidavit – Notarized Letter(s).
- Exhibit B** Agent Authorization - Notarized letter(s) designating the agent.
- Exhibit C** Binding Letter.
- Exhibit D** Written description in accordance with the PUD Checklist and with provision for dual page numbering by the JP&DD staff.
- Exhibit E** Scalable site plan with provision for dual page numbering by the JP&DD staff drawn at a scale large enough to clearly indicate the following: (a) North arrow and scale; (b) Property lines and dimensions of the site; (c) Building locations and building lot coverage; (d) Parking area; (e) Required Landscaped Areas; (f) All ingress and egress locations (driveways, alleys and easements) within 660 feet; (g) Adjacent streets and rights-of-way; (h) jurisdictional wetlands; and (i) existing site conditions and improvements that will be undisturbed.
- Exhibit F** Land Use Table
- Exhibit G** Copy of the deed to indicate proof of property ownership.

Supplemental Information

Supplemental Information items are submitted separately and not part of the formal application

- Exhibit H** Aerial Photograph.

- Exhibit I** Listed Species Survey (If the proposed site is greater than fifty acres).
- Exhibit J** Other Information as required by the Department (i.e.-*building elevations, *signage details, traffic analysis, etc.).
- Exhibit K** Site Location Map.

Public Hearings And Posting Of Signs

No application will be accepted until all the requested information has been supplied and the required fee has been paid. Acceptance of a completed application does not guarantee its approval by the City Council. The applicant will be notified of public hearing dates on this application upon the filing of the application. The applicant or authorized agent **MUST BE PRESENT** at the public hearings. The required SIGN(S) must be POSTED on the property BY THE APPLICANT within 5 days after the filing of an application. The sign(s) may be removed only after final action of the Council and must be removed within 10 days of such action.

The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper **AT LEAST 14 DAYS IN ADVANCE OF THE PUBLIC HEARING.** (The Daily Record - 10 North Newnan Street, Jacksonville, FL 32202 • (904) 356-2466 • Fax (904) 353-2628) Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish **PROOF OF PUBLICATION** to the Planning and Development Department, 214 North Hogan Street, Ed Ball Building, Suite 300, Jacksonville, Florida, 32202, prior to the public hearing.

Application Certification

I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. I also attest that all required information for this rezoning application is completed and duly attached in the prescribed order. Furthermore, if the package is found to be lacking the above requirements, I understand that the application will be returned for correct information.

Agreed to and submitted

Filing Fee Information

- 1) Rezoning Application's General Base Fee:** \$2,269.00
- 2) Plus Cost Per Acre or Portion Thereof**
19.71 Acres @ \$10.00 /acre: \$200.00
- 3) Plus Notification Costs Per Addressee**
13 Notifications @ \$7.00 /each: \$91.00
- 4) Total Rezoning Application Cost (Not to Exceed \$15,000.00):** \$2,560.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

LEGAL DESCRIPTION

May 28, 2021

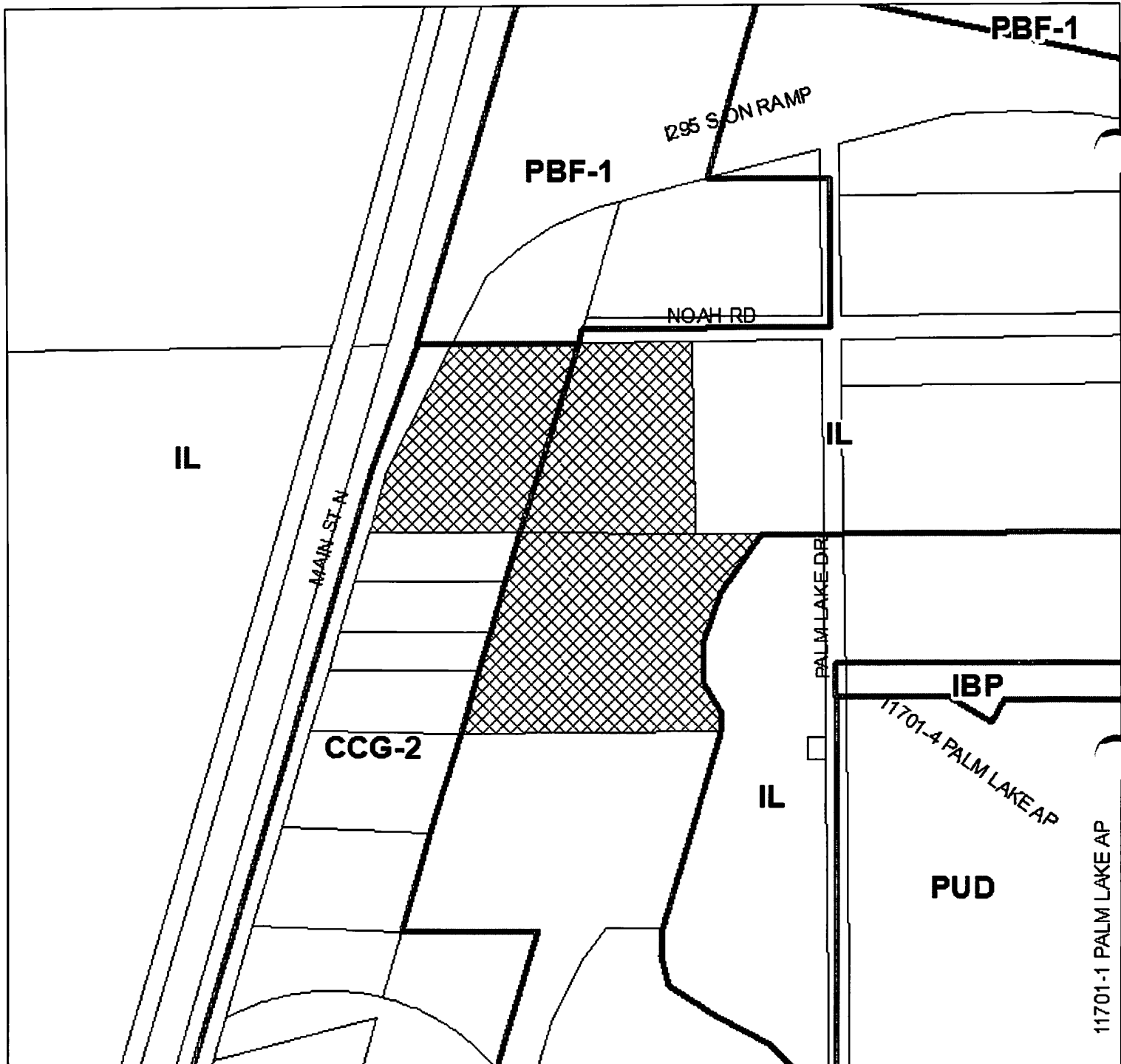
PARCEL A

A PART OF LOT 9C, COMMISSIONERS PLAT AS RECORDED IN CHANCERY ORDER BOOK 115, PAGES 282 THROUGH 289 OF THE FORMER PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; TOGETHER WITH A PART OF THE NORTHEAST 1/4 OF SECTION 14 OF A SUBDIVISION OF THE JOHN BROWARD GRANT, SECTION 46, TOWNSHIP 1 SOUTH, RANGE 27 EAST, ALSO BEING A PART OF THOSE LANDS DESCRIBED IN DEED BOOK 1443, PAGES 565 AND 566, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 14, SAID POINT LYING ON THE SOUTHERLY RIGHT OF WAY LINE OF NOAH ROAD (A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 89°32'00" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE NORTHERLY LINE OF SECTION 14 A DISTANCE OF 1408.24 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00° 39'00" EAST ALONG A LINE TO ITS INTERSECTION WITH THE EASTERLY PROJECTION OF THE SOUTHERLY LINE OF SAID LOT 9-C A DISTANCE OF 574.66 FEET; THENCE SOUTH 89°32'00" WEST ALONG SAID SOUTHERLY LINE OF LOT 9-C AND ITS EASTERLY PROJECTION THEREOF A DISTANCE OF 941.26 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF MAIN STREET - U.S. NO. 17 (RIGHT-OF-WAY WIDTH VARYING AS SHOWN ON STATE ROAD DEPARTMENT RIGHT-OF-WAY MAP SECTION 72060-2503, SHEET 3;) THENCE NORTH 16°24'34" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF MAIN STREET A DISTANCE OF 277.01 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE; THENCE NORTH 27°41'53" EAST CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF MAIN STREET TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE AFOREMENTIONED SOUTHERLY RIGHT OF WAY LINE OF NOAH ROAD A DISTANCE OF 351.15 FEET; THENCE NORTH 89°32'00" EAST ALONG SAID SOUTHERLY LINE OF NOAH ROAD AND ITS WESTERLY PROJECTION THEREOF A DISTANCE OF 693.25 FEET TO THE POINT OF BEGINNING.

PARCEL B

A PART OF THE NORTHEAST QUARTER OF SECTION 14 OF THE SUBDIVISION OF THE JOHN BROWARD GRANT, GOVERNMENT SECTION 46, TOWNSHIP 1 SOUTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA, ACCORDING TO PLAT RECORDED IN PLAT BOOK 1, PAGES 7 AND 8 OF THE FORMER PUBLIC RECORDS OF SAID COUNTY, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 14; THENCE SOUTH 00° 39'00" EAST ALONG THE EASTERLY BOUNDARY OF SAID SECTION 14, A DISTANCE OF 574.00 FEET; THENCE SOUTH 89°32'00" WEST LEAVING SAID EASTERLY LINE, A DISTANCE OF 1208.93 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 34°45'47" WEST, A DISTANCE OF 205.25 FEET; THENCE SOUTH 19°16'16" WEST, A DISTANCE OF 144.93 FEET; THENCE SOUTH 00°42'53" WEST, A DISTANCE OF 130.67 FEET; THENCE SOUTH 30° 56'54" EAST, A DISTANCE OF 102.18 FEET; THENCE SOUTH 01 ° 39'04" WEST, A DISTANCE OF 51.99 FEET; THENCE SOUTH 89°38'00" WEST, A DISTANCE OF 750.73 FEET; THENCE NORTH 16°29'59" EAST, A DISTANCE OF 599.51

FEET; THENCE NORTH 89°32'00" EAST, A DISTANCE OF 695.91 FEET TO THE POINT OF BEGINNING.

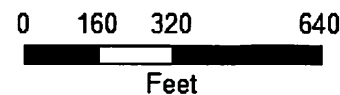
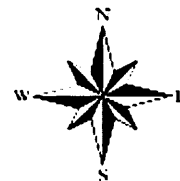
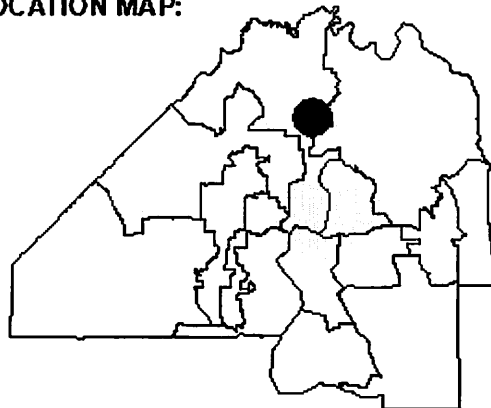


REQUEST SOUGHT:

FROM: IL & CCG-2

TO: PUD

LOCATION MAP:



COUNCIL DISTRICT:

7

TRACKING NUMBER

T-2021-3569

**EXHIBIT 2
PAGE 1 OF 1**

PUD WRITTEN DESCRIPTION

POINTE GRAND PUD

September 16, 2021

I. PROJECT DESCRIPTION

A. Number of acres, location of site, existing use, surrounding uses, types of businesses, and proposed uses: Applicant proposes to rezone approximately 19.71 acres of property in the San Mateo area from CCG-2 and IL to allow for a multifamily development on the property located at 0 Main Street and 0 Palm Lake Drive, Jacksonville, FL 32218 (RE#'s 109490-0100 and 109453-0000) as more particularly described in Exhibit 1 (the "Property") and conceptually depicted in the Site plan filed herewith.

In accordance with House Bill 487, a companion small scale land use application has been filed which will convert the land use from CGC and LI to MDR. Upon approval of the land use application, the proposed use contemplated by the PUD will be compatible with the land use.

The proposed use is a suitable transition from the commercial uses along Main Street and the light industrial and residential uses to the east and south. The use will compliment such surrounding uses and will provide housing for nearby uses. Much of the industrial-zoned land is vacant.

The surrounding land use and zoning designations are as follows:

<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>	<i>Existing Use</i>
North	PBF/LI	PBF-1	I-295 ramp, JEA facility
East	LI/BP/MDR	IL/IBP/PUD	Trucking business, vacant land, apartments
South	LI/CGC	IL/CCG-2	Vacant land, tree farm
West	CGC/HI	CCG-2/IL	Commercial businesses, Main Street, Anheuser Busch Brewery property

B. Project name: Pointe Grand PUD.

C. Project engineer: Terratory Development Consultants.

D. Project developer: Hillpointe, LLC.

E. Project agent: Driver, McAfee, Hawthorne & Diebenow, PLLC

F. Current land use designation: CGC and LI.

- G. Requested land use designation: MDR.
- H. Current zoning district: CCG-2 and IL.
- I. Requested zoning district: PUD.
- J. Real estate numbers: 109490-0100 and 109453-0000.

II. QUANTITATIVE DATA

- A. Total acreage: 19.71 acres
- B. Total amount of open space: 10,000 sq. ft. minimum
- C. Total amount of land coverage of all buildings and structures: 9.80 acres

III. STATEMENTS

- A. How does the proposed PUD differ from the usual application of the Zoning Code?

A PUD is utilized in this instance to permit the development of multifamily units, while allowing for flexibility in site design related to building separation, parking, and landscape buffering to address site constraints.

Parking at a ratio of 1.5 spaces per unit is established for residential use.

Landscape buffering between multifamily and adjacent industrial and commercial land is decreased to a minimum of six (6) feet as depicted in the site plan attached as Exhibit E.

Building separation has been decreased to thirty (30) feet for multifamily uses on the same lot.

- B. Describe the intent for the continued operation and maintenance of those areas and functions described herein and facilities which are not to be provided, operated or maintained by the City.

The continued operation and maintenance of the areas and functions described herein and facilities which are not to be provided, operated or maintained by the City will be the sole responsibility of the owner of the Property.

IV. USES AND RESTRICTIONS

- A. Permitted Uses:
 - 1. Single-family dwellings.

2. Multiple-family dwellings.
3. Townhomes, subject to Section 656.414.
4. Housing for the elderly.
5. Family day care homes meeting the performance standards and development criteria set forth in Part 4.
6. Foster care homes.
7. Community residential homes of six or fewer residents meeting the performance standards and development criteria set forth in Part 4.
8. Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.
9. Churches, including a rectory or similar use, meeting the performance standards and development criteria set forth in Part 4.
10. Parks, playgrounds and playfields or recreational or community structures meeting the performance standards and development criteria set forth in Part 4.
11. Country clubs meeting the performance standards and development criteria set forth in Part 4.
12. Home occupations meeting the performance standards and development criteria set forth in Part 4.

B. Permissible Uses by Exception:

1. Cemeteries and mausoleums but not funeral home or mortuaries.
2. Schools meeting the performance standards and development criteria set forth in the Part 4.
3. Bed and breakfast establishments meeting the performance standards and development criteria set forth in Part 4.
4. Day care centers meeting the performance standards and development criteria set forth in Part 4.
5. Nursing homes.

6. Residential treatment facilities.
7. Private clubs.
8. Commercial Neighborhood Retail Sales and Service or Professional Office structurally integrated with a multi-family use, not exceeding 25% of the structure which it is a part.
9. Emergency shelter homes.
10. Community residential homes of seven to 14 residents meeting the performance standards and development criteria set forth in Part 4.
11. Boarding houses.
12. Group care homes.

C. Permitted Accessory Uses and Structures:

1. As permitted in Section 656.403.
2. In connection with multiple-family dwellings, including housing for the elderly, coin-operated laundromats and other vending machine facilities, day care centers, establishments for sale of convenience goods, personal and professional service establishments; provided, however, that these establishments shall be designed and scaled to meet only the requirements of the occupants of these multiple-family dwellings or housing for the elderly and their guests with no signs or other external evidence of the existence of these establishments.
3. In connection with housing for the elderly, in projects with a minimum of 150 bedrooms, facilities for the sale of alcoholic beverages to occupants and their guests in accordance with (i) a Special Restaurant Exception beverage license issued pursuant to F.S. Ch. 561, as may be amended from time to time, and (ii) Part 8 of the City's Zoning Code; provided, that there are no signs or other external evidence of the existence of these facilities.

V. DESIGN GUIDELINES

A. Lot Requirements:

1. Minimum lot requirements (width and area):
 - a. Single family dwellings:
 1. Width – Forty (40) feet.

2. Area – Four Thousand (4,000) square feet.
- b. All other uses: 6,000 square feet for the first two family units and 2,100 square feet for each additional unit not to exceed 20 units per acre.
2. Maximum lot coverage by all buildings. Fifty percent (50%). Impervious surface ratios as required by Section 654.129.
3. Multiple-family dwellings on same lot. A multiple-family dwelling with four units or more that directly faces, or backs up to, another multiple-family dwelling with at least four units shall provide a separation of at least thirty feet.
4. Minimum yard requirements.
 - a. Multiple-family dwellings (for attached fee simple multi-family dwellings, the lot shall refer to the number of units in the structure):
 1. Front – Twenty (20) feet.
 2. Side – Ten (10) feet.
 3. Rear – Twenty (20) feet.
 - b. Multiple-family with more than one principal structure on lot:
 1. Front – Twenty (20) feet.
 2. Side – Twenty (20) feet.
 3. Rear – Twenty (20) feet.
 - c. Single-family dwellings located on individual lots:
 1. Front – Twenty (20) feet.
 2. Side – Three (3) feet, or zero lot line provided ten feet on one side between buildings.
 3. Rear – Ten (10) feet.
 - d. All other uses:
 1. Front – Twenty (20) feet.
 2. Side – Twenty (20) feet.
 3. Rear – Twenty (20) feet.
 - e. Accessory use structures used in conjunction with multiple-family:
 1. Front – Accessory uses or structures shall not be permitted in a required front yard.
 2. Side – Ten (10) feet.
 3. Rear – Ten (10) feet.

5. Maximum height of structures:

- a. Single-family dwellings, rooming houses, boarding houses, day care centers – Thirty-five (35) feet.
- b. All other uses – Forty-five (45) feet; provided, however, that height may be unlimited where all required yards are increased by one foot for each one foot of building height or fraction thereof in excess of 45 feet.

B. Ingress, Egress and Circulation:

1. *Parking Requirements.* Parking for residential use shall be provided at a rate of 1.5 spaces per unit. All other uses shall provide parking pursuant to Part 6 of the Zoning Code.
2. *Vehicular Access.* Vehicular access to the Property shall be by way of Noah Road, substantially as shown in the Site plan.
3. *Pedestrian Access.* Sidewalks will not be developed along Main Street, but will be otherwise provided pursuant to Section 654.133. Within the development sidewalks shall be provided throughout to provide for internal pedestrian circulation.

C. Signs: Signs for this development shall be consistent with the requirements of Part 13 of the Zoning Code.

D. Landscaping:

Landscaping will be installed and maintained along rights-of-way and in open space areas as depicted in the Site plan and in coordination with the City Landscape Architect. To improve site design and function, the location of landscaping may vary from the specific provisions of the Landscape and Tree Protection Regulations set forth in Part 12 of the Zoning Code. Accordingly, landscaping will be coordinated through the City Landscape Architect and the Planning and Development Department.

E. Uncomplimentary use buffering: An uncomplimentary land use buffer of at least six (6) feet will be provided as shown on the site plan.

F. Recreation and Open Space: A minimum of 10,000 square feet of active recreation space will be provided which includes a clubhouse, fitness center and pool.

G. Utilities: Essential services, including water, sewer, gas, as required to serve the project shall be permitted on the site. Water, sanitary sewer and electric will be provided by JEA.

H. Wetlands: Development which would impact wetlands will be permitted in accordance with local, state and federal requirements.

VI. JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT CLASSIFICATION FOR THIS PROJECT

In accordance with Section 656.341(d) of the Code the PUD meets the applicable Criteria for review as follows:

A. Consistency with the Comprehensive Plan. The proposed PUD is consistent with the general purpose and intent of the City's 2030 Comprehensive Plan and Land Use Regulations, will promote the purposes of the City's 2030 Comprehensive Plan and specifically contributes to:

1. Policy 1.1.9 - Permit development only if it does not exceed the densities and intensities established in the Future Land Use Element as defined by the Future Land Use map category description and their associated provisions.
2. 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.
3. Policy 1.1.16 - Require mitigation of adverse land use impacts on adjacent uses during development and redevelopment through:
 1. Creation of like uses;
 2. Creation of complementary uses;
 3. Enhancement of transportation connections;
 4. Use of noise, odor, vibration and visual/ aesthetic controls; and/or
 5. Other appropriate mitigation measures such as requirements for buffer zones and landscaping between uses.
4. Policy 1.1.24 - The City will encourage new development to locate in the Urban Core, Southwest, North, and Northwest planning districts through such measures as economic incentives, greater marketing assistance, etc.
5. Objective 1.2 - Manage the use of land in the City by approving new development and redevelopment only if necessary public facilities are provided concurrent with the impacts of development. Ensure the availability of adequate land suitable for utility facilities necessary to support proposed development. Verify prior to development order issuance that all new development and redevelopment will be served with potable water, wastewater, solid waste disposal, stormwater

management facilities, and parks that meet or exceed the adopted Levels of Service established in the Capital Improvements Element.

6. 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.
 7. Policy 1.3.5 - Access to new residential parcels with frontage along two or more roadways shall be located on the roadway with the lower functional class, or the lower average daily traffic (ADT) inclusive of development traffic for roadways of the same functional class, unless it can be demonstrated in a traffic study submitted to the Traffic Engineering Division and JPDD that such access restrictions would present a safety hazard, would cause undue congestion or delay on adjacent road facilities, would cause environmental degradation, or would hinder adequate traffic circulation.
 8. 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.
 9. Policy 3.1.5 - The City shall provide for development of a wide variety of housing types by area, consistent with the housing needs characteristics and socioeconomic profiles of the City's households as described in the Housing Element.
 10. Policy 4.1.8B - The City shall evaluate all proposed amendments to the Comprehensive Plan as to their compliance with the area's vision plan and any existing neighborhood plans and studies. Priority shall be given to those amendments with the greatest potential to further the goals and objectives of the vision plans and neighborhood plans and studies.
 11. 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.
- B. Consistency with the Concurrency Management System.** All development will secure necessary approvals from the CMMSO and pay all required fees in accordance with Chapter 655 of the Code.

C. **Allocation of residential land use.**

MDR - URBAN AREA USES The uses provided herein shall be applicable to all MDR sites within the Urban Area.

Principal Uses . . . Multi-family dwellings.

The MDR Urban Area intent is to provide compact medium density residential development. The proposed use will satisfy the principal use intended for these sites. The development will not exceed the maximum density of 20 units per acre that are contemplated in the MDR Urban Area.

D. **Internal compatibility.** The Site plan attached as Exhibit E addresses access and circulation within the site. Access to the site is available from Noah Road. Location of the access point shown on the Site plan as well as final design of the access point is subject to the review and approval of the City Traffic Engineer and the Planning and Development Department.

E. **External compatibility/ Intensity of development.** The proposed development is complimentary to other development in the area. The proposed rezoning allows for development of multifamily homes that will serve as a transition from the mix of light industrial and medium density residential to the east with the commercial uses along Main Street to the west.

The Property is primarily bordered by I-295, Main Street, commercial uses, vacant land, a few light industrial uses and a multifamily development. Surrounding property uses include the I-295 ramp and a JEA facility to the north, a trucking business, vacant land, and apartments to the east, vacant land and a tree farm to the south, and commercial businesses, Main Street and vacant Anheuser Busch Brewery property to the west. Surrounding land use and zoning designations include PBF/LI to the north, LI/BP/MDR to the east, LI/CGC to the south and CGC/HI to the west.

As indicated on the attached Site plan, the proposed development is designed to minimize the impact on the surrounding commercial and industrial uses by incorporating a combination of buffering and landscaping to buffer the proposed development from the adjacent properties. The PUD also includes landscaping signage, lighting, and architectural controls to ensure that the proposed uses are compatible with the surrounding uses and zoning districts.

F. **Usable open spaces, plazas, recreation areas.** Open space will be substantially provided as shown on the Site plan attached as Exhibit E. More specifically, applicant will provide a minimum of 10,000 square feet of recreation space to include a clubhouse, fitness center and pool.

G. **Impact on wetlands.** Development which would impact wetlands will be permitted in accordance with local, state and federal requirements.

- H. **Listed species regulations.** The Property is less than fifty (50) acres and therefore a listed species survey is not required.
- I. **Off-Street parking including loading and unloading areas.** The proposed PUD provides 1.5 spaces per residential unit which is consistent with market demand and will be consistent with the requirements of Part 6 of the Zoning Code for all other uses.
- J. **Sidewalks, trails and bikeways.** External sidewalks will be provided along Noah Road. The location of all sidewalks is conceptual and final sidewalk plans are subject to review and approval of the Planning and Development Department.

EXHIBIT F
POINTE GRAND PUD

Land Use Table

Total gross acreage	<u>19.71</u> Acres	<u>100</u> %
Amount of each different land use by acreage		
Single family	_____ Acres	_____ %
Total number of dwelling units	_____ D.U.	
Multiple family	<u>3.0</u> Acres	<u>15</u> %
Total number of dwelling units	<u>300</u> D.U.	
Commercial	_____ Acres	_____ %
Industrial	_____ Acres	_____ %
Other land use (Hospital and related uses)	_____ Acres	_____ %
Active recreation and/or open space	<u>0.2</u> Acres	<u>1</u> %
Passive open space	<u>16.6</u> Acres	<u>84</u> %
Public and private right-of-way	_____ Acres	_____ %

The land use estimates in this table are subject to change within the allowable densities and intensities of use, as set forth in the PUD Written Description. The maximum coverage by buildings and structures is subject to the PUD Written Description.

SITE NOTES:

- 1. TRACT AREA IS 71 ACRES, SHOWN AS 70.19 ACRES.
- 2. BUILDING FOOTPRINTS ARE 100' MAXIMUM WIDE AND 150' MAXIMUM DEEP.
- 3. PROPOSED BUILDING FOOTPRINTS ARE 100' MAXIMUM WIDE AND 150' MAXIMUM DEEP.
- 4. EXISTING UTILITIES ARE SHOWN AS DOTTED LINES.
- 5. EXISTING UTILITIES ARE SHOWN AS DOTTED LINES.
- 6. EXISTING UTILITIES ARE SHOWN AS DOTTED LINES.
- 7. EXISTING UTILITIES ARE SHOWN AS DOTTED LINES.
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- 10. EXISTING UTILITIES ARE SHOWN AS DOTTED LINES.
- 11. EXISTING UTILITIES ARE SHOWN AS DOTTED LINES.
- 12. EXISTING UTILITIES ARE SHOWN AS DOTTED LINES.

PROPERTY SURVEY SUMMARY

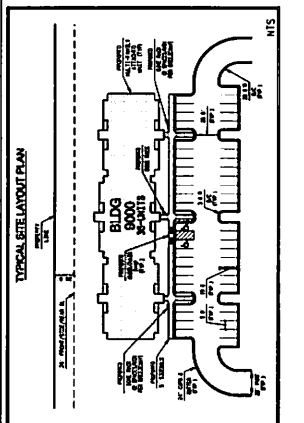
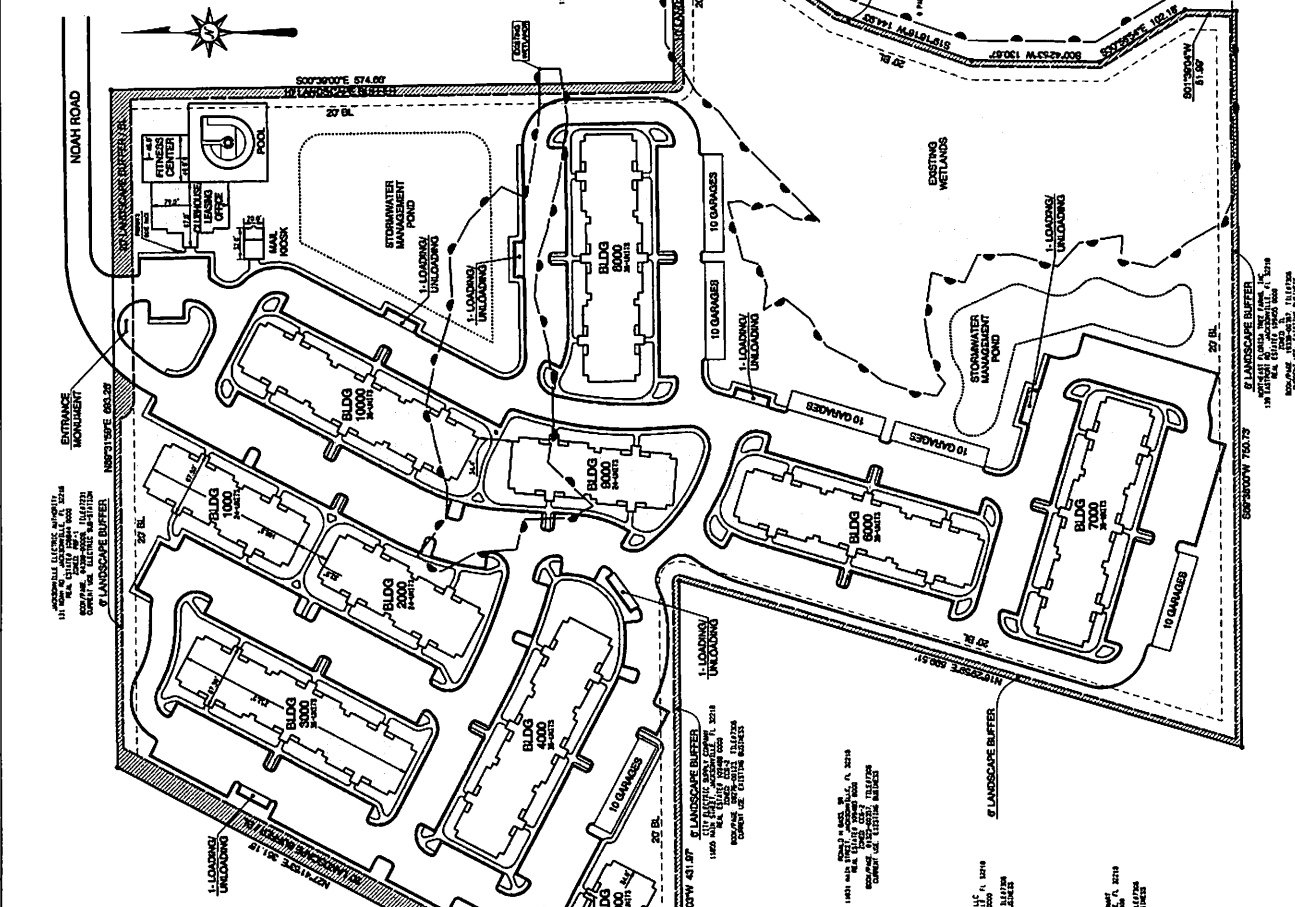
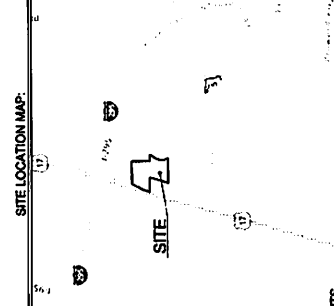
ACRES	70.19
FEET	3,048
SQUARE FEET	3,048,000
PERCENTAGE	100%

PROPERTY SURVEY SUMMARY

ACRES	128.00
FEET	5,600
SQUARE FEET	5,600,000
PERCENTAGE	100%

REFERENCES:

- 1. 11/15/2018 PLANNING BOARD MEETING
- 2. 11/15/2018 PLANNING BOARD MEETING
- 3. 11/15/2018 PLANNING BOARD MEETING
- 4. 11/15/2018 PLANNING BOARD MEETING
- 5. 11/15/2018 PLANNING BOARD MEETING
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- 12. 11/15/2018 PLANNING BOARD MEETING



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MEMORANDUM

To: Jacksonville Planning and Development Department
From: Steve Diebenow
Re: 0 Main Street (RE# 109490 0100) – Area of Situational Compatibility
Date: March 24, 2021

The purpose of this memo is to analyze a proposed land use amendment at 0 Main Street (RE# 109490-0100) (the “Property”) from Community General Commercial (CGC) and Light Industrial (LI) land uses to Medium Density Residential (MDR) land use. **See Exhibit 1.** In addition to being split planned, the approximately 10.8 acre Property is also split zoned CCG-2 and IL. **See Exhibit 2.**

The Property is located in an approximately 100 acre Area of Situational Compatibility (ASC) that is bound by Main Street to the west, I-295 to the north, Palm Lake Drive to the east and Eastport Road to the south. **See Exhibit 3.** An ASC signifies that this is a potential location where the “City [seeks] to protect and preserve existing industrial areas [] from premature fragmentation by intrusive residential and commercial uses and promote the expansion of industrial uses in those areas.” See Section 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 Comprehensive Plan (FLUE) and the Code. **See for example Ordinance 2017-93.** Each of the relevant portions of the FLUE and the Code are analyzed below.

FLUE

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

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.

The North Jacksonville Dunn Avenue and Main Street Neighborhood Action Plan

The portion of the Property fronting Main Street (varying between 250' to 330' in depth) lies within the North Jacksonville Dunn Avenue and Main Street Neighborhood Action Plan (NAP). See Exhibit 4. The front 480' of the Property along Main Street is planned CGC, not industrial. See Exhibit 5. The entire Property is located entirely within the San Mateo District. See the map on page 9 of the NAP.

The San Mateo District is described on page 5 of the NAP as follows:

District # 5 - San Mateo District: The San Mateo District receives its name from the community located to the east and runs from the Broward River on the south to 9A. The west side of the roadway is dominated by the CSX Rail Road (no crossings) and a sod farm for spray irrigation of treated affluent from the beer manufacturing process. The east side of Main Street contains retail, mobile home park, gas station, office and commercial services. (emphasis added).

According to the **Profile of the Corridor** on page 6 of the NAP:

- The Dunn and Main Segments can be described as middle-income areas with median incomes of approximately \$50,000.
 - o Potential upside exists along and east of Main Street.
 - o This translates to current home affordabilities of \$150,000, possibly higher and a median rental apartment affordability of \$1,000 per month.
 - o The area household types are typically supportive of attached for-sale housing (townhouses or condominiums), smaller-lot homes and rental apartments.
- Over time, significant opportunities for attached and detached for sale housing, as well as rental apartments will occur. (emphasis added).

The NAP even proposes a specific transportation improvement on page 8 to facilitate growth of the San Mateo District by working around a transient industrial use, the railroad, that is almost exclusively located south of Eastport Road and entirely west of Main Street:

Main Street/Eastport Road Overpass – will eliminate the stopping of traffic on Main Street at Eastport Road by CSX trains moving cargo to

JaxPort, which is an inconvenience to area motorists and a possible hindrance to police, fire and rescue.

The only industrial uses contemplated anywhere in the NAP are limited exclusively to the Busch District which is south of the San Mateo District. See page 13 of the NAP. The NAP makes recommendations “contrary” to this ASC and therefore a proposed land use amendment consistent with the NAP is entirely appropriate.

Even assuming that no NAP existed, the Property does not have easy access to an arterial road network due to its proximity to the I-295 on ramp. The on ramp starts half-way along the Property’s western boundary line, virtually eliminating any controlled access to Main Street for industrial uses and slow-moving tractor trailers. While the Property does have access to Palm Lake Drive from Noah Road, any industrial use on the Property would be exiting the area only after passing a single-family residential use at 11912 Palm Lake Drive and a 440 unit multi-family development at 11701 Palm Lake Drive. The Property does not have access to any rail connections. See Exhibit 6 for all of the above.

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 in a 300+ unit multi-family development rivals most industrial developments. In this case the Property would be developed with a \$30-40 million +/- project and employ 10-20 employees. Furthermore, conversion of the eastern side of the Property from IL to MDR land use results in an area-wide development pattern containing a mix of residential and non-residential uses that positions residential in proximity to vacant industrially planned lands.

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. (emphasis added).

Contrary to 656.399.42(b)(2) above, a little less than half of the Property (~5.3 acres) is planned for Industrial Uses. See **Exhibit 1**. Furthermore, and contrary to 656.399.42(b)(2) and (3) above, the majority of the ASC is vacant and presently supports non-industrial uses. Compare **Exhibit 3 to Exhibit 6**. According to COJ GIS aerials, of the ~100 acre ASC:

- ~44.1 acres planned LI and vacant (including ~5.3 acres of the Property)
- ~25.0 acres planned CGC and developed as follows:
 - Vacant/timber (~5.5 acres of the Property)
 - Warehouse/Flex (1.45 acres)
 - Retail (1.45 acre & 1.16 acres)
 - Retail furniture warehouse (1.86 acres)
 - Open furniture storage (2.9 acres)
 - Utilities – Bell South (2.9 acres)
 - Warehouse storage (2 acres)
 - Vacant (5.7 acres)
- ~21.8 acres planned PBF including a JEA electric station, on ramp and retention for I-295
- ~4.9 acres planned LI but presently used as single family residential
- ~3.2 acres planned LI but include on ramp and retention for I-295

A small segment of railroad track is located in the southwest corner of the ASC near the intersection of Eastport Road and Main Street; however, it does not serve any parcels in the ASC. See **Exhibit 6**. Furthermore, the railroad track itself is planned CGC. Compare **Exhibit 1 to Exhibit 6**. The railroad tracks in this area are primarily located south of Eastport Road (outside of this ASC) and west of Main Street (adjacent to an Industrial Sanctuary). While the property across Main Street to the west lies within an Industrial Sanctuary, the existing uses are agricultural including: timber, water storage and a sod farm. This area, including the Property, does not even qualify as an ASC under the Code.

Sec. 656.399.46. - Area of situational compatibility overlay zone buffer requirements.

Table 399-2 requires 50' between RMD and IL/IH zoning districts.

- (c) Within an area of situational compatibility overlay zone, the buffer requirements will not be required if the proposed use is adjacent to vacant property.

There are no actual IL uses located adjacent to the Property. **See Exhibit 6.** Land to the north is zoned PBF-1 and Noah Road is an existing 70' right-of-way which qualifies as a required buffer in accordance with 656.399.46(a) of the Code. **See Exhibit 2.** Land to the west is zoned IH and Main Street is an existing 100' right-of-way which also qualifies as a required buffer in accordance with 656.399.46(a) of the Code. **See Exhibit 2.** Land to the south is zoned IL but remains vacant so no buffer is required per 656.399.46(c) of the Code. **See Exhibit 2.** Land to the east is zoned IL but has existing residential uses. **See Exhibit 2 and Exhibit 6.** Any buffer requirement from the adjacent land to the east can be dealt with in the proposed rezoning or through a site-specific land use text amendment.

CONCLUSION

Although the Property technically lies within an ASC, the fact that the Property is located in an ASC is not a basis to deny a proposed land use amendment from CGC and LI to MDR. The existing NAP contains numerous recommendations contrary to this ASC. The FLUE policies support conversion of the eastern portion of the Property from LI to MDR. The criteria in the Code for establishing an ASC have not been met. Finally, all buffer requirements either have been met due to the existing surrounding conditions or can be met through the planning review and approval process.