

# City of Jacksonville, Florida

*Donna Deegan, Mayor*

City Hall at St. James  
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Jacksonville, FL 32202  
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October 5, 2023

The Honorable Ronald B. Salem, Pharm. D., President  
The Honorable Kevin Carrico, LUZ Chair  
And Members of the City Council  
117 West Duval Street  
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report / Ordinance No. 2023-593/Application No. L-5844-23C**

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

Pursuant to the provisions of Section 650.405 *Planning Commission Advisory Recommendation and Public Hearing*, the Planning Commission **APPROVED** Ordinance 2023-593 on October 5, 2023.

P&DD Recommendation                      APPROVE

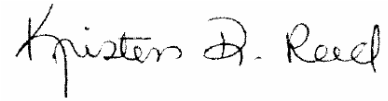
PC Issues:                                      Planning Commissioners expressed concern about the loss of industrial land to residential, but also determined that the site is well suited for multi-family development.

**PC Vote:                                      7-0 APPROVE**

Ian Brown, Chair	Aye
Jason Porter, Secretary	Absent
Marshall Adkison	Aye
Daniel Blanchard	Aye
Charles Garrison	Aye
David Hacker	Aye
Morgan Roberts	Aye
Jack Meeks	Aye

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

Sincerely,

A handwritten signature in black ink that reads "Kristen D. Reed". The signature is written in a cursive style with a large initial 'K' and a distinct 'D'.

Kristen D. Reed, AICP  
Chief of the Community Planning Division  
City of Jacksonville - Planning and Development Department  
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**Report of the Jacksonville Planning and Development Department**

**Small-Scale Future Land Use Map Amendment – September 29, 2023**

**Ordinance/Application No.:** 2023-593 / L-5844-23C

**Property Location:** 0 and 7447 Salisbury Road, between Belfort Road and Baymeadows Road

**Real Estate Number(s):** 152578-0000 and 152578-0010

**Property Acreage:** 39.21 acres

**Planning District:** District 3, Southeast

**City Council District:** District 11

**Applicant:** Wyman R. Duggan, Esquire

**Current Land Use:** Light Industrial (LI)

**Proposed Land Use:** Medium Density Residential (MDR) (31.11 acres) and Conservation (CSV) (8.10 acres)

**Current Zoning:** Industrial Light (IL)

**Proposed Zoning:** Planned Unit Development (PUD)

**Development Boundary:** Urban Development Area

**RECOMMENDATION: APPROVE**

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

To permit multi-family development.

**BACKGROUND**

The 39.21-acre subject site is located along the east side of Salisbury Road, an unclassified roadway that runs parallel to Interstate-95. The site is 1 mile southeast of the corner of I-95 and J. Turner Butler Boulevard (SR 202). The applicant is proposing a Future Land Use Map (FLUM) amendment from Light Industrial (LI) to Medium Density Residential (MDR) (31.11 acres) and Conservation (CSV) (8.10 acres) to allow for multi-family residential uses on the site while protecting environmentally sensitive land. The applicant is also proposing a companion rezoning from Industrial Light (IL) to Planned Unit Development (PUD), which is pending concurrently with this application, pursuant to Ordinance 2023-594.

The eastern portion of the site is surrounded by undeveloped land. North of the site, along Salisbury Road, are offices and 67 acres of land entitled for multi-family use (per PUD adopted under Ordinance 2007-512-E). There are two commercial businesses south of the site on Salisbury road. There is an electrical contracting business on the smaller of the two parcels that make up the site.

There has been one recent proximate land use change. The land use of a 5.29-acre site abutting the north side of the subject site was changed from Business Park (BP) to Light Industrial (LI) pursuant to Ordinance 2020-604-E to allow for outdoor storage and other uses consistent with the Light Industrial land use category. The site is currently undeveloped.

At the subject site, Salisbury Road and I-95 run parallel to each other and there is a 100-foot grass buffer between the two roads.

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

North: Land Use: Business Park (BP) and High Density Residential (HDR)  
Zoning: Industrial Business Park (IBP), PUD  
Property Use: Undeveloped; Commercial and Residential uses; and a Church

South: Land Use: Light Industrial (LI) and Medium Density Residential (MDR)  
Zoning: Industrial Light (IL), Public Buildings and Facilities – 1 (PBF-1), IBP, and PUD  
Property Use: Undeveloped, Commercial uses, and a Church

East: Land Use: MDR  
Zoning: Residential Medium Density – A (RMD-A)  
Property Use: Undeveloped and Wetlands

West: Land Use: Residential-Professional-Institutional (RPI), LI and BP  
Zoning: PUD and IL  
Property Use: I-95

## **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.

**Land Use Amendment Impact Assessment - Application Number L-5844-23C**

<b>Development Analysis</b>		<b>39.21 Acres / 1,707,987 sq. ft</b>	
Development Boundary	Urban Area		
Roadway Frontage Classification / State Road	Salisbury Road – Local Road		
Plans and/or Studies	Southeast (3) Vision Plan		
Site Utilization	Current: Mostly undeveloped with Electrical Contractor business on northwest corner	Proposed: To permit Multi-Family Development	
Land Use / Zoning	Current: LI / IL	Proposed: MDR (31.11 acres) and CSV (8.1 acres) / PUD (39.21 acres)	
Development Standards for Impact Assessment	Current: 0.4 FAR	Proposed: 15 DU/Acre	
Development Potential	Current: 683,195 sq. ft.	Proposed: 466 MF DU	
Net Increase or Decrease in Maximum Density	Increase of 466 DU		
Net Increase or Decrease in Potential Floor Area	Decrease of 683,195 sq. ft.		
Population Potential	Current: N/A	Proposed: 1095 people	
<b>Special Designation Areas</b>			
Aquatic Preserve	No		
Evacuation Zone	No		
Airport Environment Zone	NAS Jax – 500'		
Industrial Preservation Area	No		
Cultural Resources	No		
Archaeological Sensitivity	Low, Medium, High		
Historic District	No		
Coastal High Hazard	No		
Adaptation Action Area	Approximately 14 acres		
Groundwater Aquifer Recharge Area	Discharge		
Wellhead Protection Zone	No		
Boat Facility Siting Zone	No		
Brownfield	No		
<b>Public Facilities</b>			
Potential Roadway Impact	0 net new daily trips		
Potential Public School Impact	115 New Students		

<b>Development Analysis</b>		<b>39.21 Acres / 1,707,987 sq. ft</b>
Water Provider	JEA	
Potential Water Impact	Increase of 114,814 gpd	
Sewer Provider	JEA	
Potential Sewer Impact	Increase of 86,111 gpd	
Potential Solid Waste Impact	Decrease of 589 tons per year	
Drainage Basin/Sub-basin	Basin: Arlington River Sub-Basin: Pottsburg Creek	
Recreation and Parks	Touchton Road Park (2.2 miles north of site)	
Mass Transit Access	None (all access is west across I-95)	
<b>Natural Features</b>		
Elevations	11' to 27'	
Land Cover	1550: Other Light Industrial 4110: Pine Flatwoods 4340: Upland Mixed Coniferous/Hardwood 6170: Mixed Wetland Hardwoods 6300: Wetland Forested Mixed	
Soils	9: Arents, Sanitary Landfill 24: Hurricane and Ridgewood Soils – 0 to 5% slopes 32: Leon Fine Sand – 0 to 2% slopes 66: Surrency Loamy Fine Sand, Depressional – 0 to 2% slopes 69: Urban Land 81: Stockade Fine Sandy Loam, Depressional – 0 to 2% slopes 99	
Flood Zones	0.2% Chance, AE, AE Floodway	
Wetlands	Yes (Category II and III)	
Wildlife (applicable to sites greater than 50 acres)	N/A	

**Utility Capacity**

The calculations to determine the water and sewer flows contained in this report and/or this spreadsheet have been established by the City of Jacksonville Planning and Development Department and have been adopted by JEA solely for the purpose of preparing this report and/or this spreadsheet. The method of calculating water and sewer flows in order to properly size infrastructure shall continue to be based on JEA’s Water, Sewer and Reuse for New Development Projects document (latest edition).

The applicant has provided a JEA Availability Letter, dated August 4, 2022, as part of the companion rezoning application. According to the letter, there is an existing 10-inch and 16-inch water main available to the site and an 8-inch force main at the intersection of Salisbury Road and Belfort Road. Connection to the JEA-owned sewer system for the project will require the design and construction of an onsite privately owned and maintained pump station, and JEA dedicated force main (minimum 4-inch diameter).

## Future Land Use Element

### Policy 1.2.8

Require new development and redevelopment in the Central Business District (CBD), Urban Priority Area (UPA), Urban Area (UA), and Suburban Area (SA) to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site.

Development on sites located within the UPA, UA and SA are permitted where connections to centralized potable water and/or wastewater are not available subject to compliance the following provisions:

1. Single family/non-residential (estimated flows of 600 gpd or less) where the collection system of a regional utility company is not available through gravity service via a facility within a right-of-way or easement which abuts the property.
2. Non-residential (above 600 gpd) where the collection system of a regional utility company is not within 50 feet of the property.
3. Subdivision (non-residential and residential) where:
  - a. The collection system of a regional utility company is greater than 1/4 mile from the proposed subdivision.
  - b. Each lot is a minimum of ½ acre unsubmerged property.
  - c. Installation of dryline sewer systems shall be installed when programmed improvements are identified in the Capital Improvements Element which will make connections to the JEA Collection Systems available within a five (5) year period.

## **Transportation**

The subject site is 39.21 of an acre and is accessible from Salisbury Rd, a local facility. The proposed land use amendment is located within the Urban Development Area and Mobility Zone 1. The applicant proposes to change the existing land use from Light Industrial (LI) to Medium Density Residential (MDR).

## **Comprehensive Plan Consistency:**

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

## Transportation Element

### Policy 1.2.1

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

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

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

**Trip Generation Estimation:**

Table A provides the daily trip generation comparison between the current and proposed comprehensive plan land uses and the potential transportation impacts on the roadway network. The current land use may result in 3,327 daily trips, depending on the scenario. If the land use is amended to allow for this proposed MDR development, this could result in 3,141 daily trips.

**Transportation Planning Division RECOMMENDS the following:**

The difference in daily trips for the proposed land use amendment will result in no net new daily trips when compared to the existing land use. The Transportation Planning Division recommends ongoing coordinating efforts with FDOT and the City of Jacksonville Traffic Engineer to determine if a traffic operational analysis is needed.

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

Existing Land Use-Scenario	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
LI	110	683,195 SF	T = 4.87(X) / 1000	3,327	0	3,327
<b>Existing Scenario</b>						<b>3,327</b>
Proposed Land Use-Scenario	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
MDR	220	466 MF DUs	T = 6.74(X)	3,141	0	3,141
<b>Proposed Scenario</b>						<b>3,141</b>
<b>Difference in Daily Trips</b>						<b>0</b>

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

**School Capacity**

The 39.21-acre proposed land use map amendment has a development potential of 466 dwelling units and 115 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:

<p><b>Application Review Request:</b> COJ PDD: Baseline Checklist Review  <b>Proposed Name:</b> L-5844-23C Salisbury Rd  <b>Requested By:</b> Ed "Luke" Lueticovic  <b>Reviewed By:</b> W. Randall Gallup  <b>Due:</b> 6/26/2023</p> <p>Analysis based on maximum dwelling units: <b>466</b></p>						
SCHOOL <sup>1</sup>	CSA	STUDENTS GENERATED (Rounded) <sup>2</sup>	SCHOOL CAPACITY <sup>3</sup> (Permanent/Portables)	CURRENT ENROLLMENT 20- Day Count (2022/23)	% OCCUPIED	4 YEAR PROJECTION
Beaulec #230	4	58	1001	689	69%	75%
Southside #211	4	23	977	848	87%	82%
Englewood #90	4	34	1864	1726	93%	95%
		<b>115</b>				

**NOTES:**

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

<sup>2</sup> Student Distribution Rate

ES-125

MS-.051

HS-.074

0.250

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

<sup>3</sup> Does not include ESE & room exclusions

The analysis of the proposed residential development reveals no deficiency for school capacity within the CSA and adjacent CSAs. Potential school capacity impacts will be addressed through the Concurrency and Mobility Management System Office.

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.

<b>Application Review Request:</b> COJ PDD: School Impact Analysis <b>Proposed Name:</b> L-5844-23C Salisbury Rd <b>Requested By:</b> Ed "Luke" Lukacovic <b>Reviewed By:</b> W. Randall Gallup <b>Due:</b> 9/8/2023							
Analysis based on maximum dwelling units: <b>466</b>							
School Type	CSA <sup>1</sup>	2022-23 Enrollment/CSA	Current Utilization (%)	New Student/Development <sup>2</sup>	5-Year Utilization (%)	Available Seats - CSA <sup>3</sup>	Available Seats - Adjacent CSA 3&5
Elementary	4	5,510	82%	58	90%	609	2,833
Middle	4	3,690	76%	23	71%	774	1,219
High	4	924	72%	34	76%	148	1,651
<b>Total New Students</b>				<b>115</b>			

**NOTES:**

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

<sup>2</sup> Student Distribution Rate

ES-125

MS-051

HS-074

0.250

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

<sup>3</sup> Available CSA seats include current reservations

## **Archaeological Sensitivity**

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of low, medium, and high sensitivity for the presence of archaeological resources. Projects that move forward through the Site Review process may be required to perform a Professional Archaeological Reconnaissance Survey on the portion of the site that is in a high sensitivity area. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

### Historic Preservation Element

Policy 1.2.2 The City shall continue to review new development for the potential of archeologically significant sites. The City shall utilize the most current version of the Archeological Sensitivity Predictive Model to identify areas of high probability for artifact concentrations.

Policy 1.2.5 The Planning and Development Department shall maintain and update for planning and permitting purposes, a series of GIS data layers and maps depicting recorded archaeological sites, historic districts and local landmarks.

## **Airport Environment Zone**

The application site is located within the 500-foot Height and Hazard Zone for the Jacksonville Naval Air Station. 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 2.6 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 in accordance with the requirements of Section 163.3177, F.S.

Policy 2.6.16 Airport Height and Hazard zones (HH) exist around all military and civilian airports within the city limits of Jacksonville. The horizontal limits of the zones and limitations on heights of obstructions within these zones are defined for each military airport in Naval Facilities Engineering Command (NAVFAC) P-80.3 01/82, on file with the Planning and Development Department, and for each civilian airport in Title 14, Code of Federal Regulations (CFR), Part 77 guidelines, on file with the Planning and Development Department. In order to assure that Title 14, CFR, Part 77 guidelines and NAVFAC P-80.3 01/82 guidelines are not exceeded and that no structure or obstruction is permitted that would raise a minimal obstruction clearance altitude, a minimum vectoring

descent altitude or a decision height, all cell towers and any structure or obstruction that would extend into an Airport (HH) requires, in writing, comment from the U.S. Navy. Although written documentation from the U.S. Navy for military HH and from the FAA or JAA for civilian HH is not required for proposed structure heights below the listed height, United States Code (USC) Title 14, CFR Part 77 still applies.

### **Wetlands (Attachment A)**

Review of the City's GIS data indicates the potential existence of wetlands on the subject site and indicates the location, size, quality, and functional value of all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment is consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands classified as Category II are proposed for protection under the CSV land use category.

#### **Wetlands Characteristics:**

Approximate Size: 2.78 acres; Category II Wetlands (Floodway)  
14.12 acres; Category III Wetlands (Total)

General Location(s): Category II wetlands (2.78 acres) are located at the eastern end of the application site and is associated with the AE-Floodway of upper reaches of Pottsburg Creek. The Category III wetlands are adjacent to the AE-Floodway, but a larger portion of the wetland system is in the AE Flood Zone and 0.2 Percent Chance Flood Hazard Area (9.56 acres) and a smaller portion is located on the slopes upland (4.46 acres) of the property.

Quality/Functional Value:

The Category II wetlands located within the AE-Floodway have an extremely high functional value for water filtration attenuation and flood water capacity and have a direct impact on the City's waterways.

The Category III wetlands located in the AE Flood Zone and 0.2 Percent Chance Hazard Area have a high functional value for water filtration attenuation and stormwater capacity. It has an indirect impact on the City's waterways.

The Category III wetlands located on the slopes upland from the floodplain have a low functional value for water filtration attenuation and flood water capacity due to the site being a land fill at one time. The wetland area has an indirect impact on the City's waterways.

Soil Types/  
Characteristics:

Category II Soils

(67) Surrency Loamy fine sand - The Surrency series consists of nearly level, very poorly drained soils. In this site's situation the soils are located in the AE-Floodway. The soils are moderately permeable moderately slowly permeable. The high water table generally is at or above the soil surface for very long periods.

Category III Soils

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

(81) Stockade fine sands loam, depressional: The Stockade series consists of nearly level, very poorly drained soils and are formed in thick sandy and loamy marine sediments. They are in depressions and are slow permeable sandy and loamy marine sediments. Generally, the high-water table is generally at or above the soil surface for very long periods of time.

(2) Arents: Arents soils are completely manmade or altered, usually by filling. In this site's case, the site was a landfill. Analysis of aerial photographs in the City's GIS data indicates the presence of wetland vegetation. Therefore, the water table must be close to the soil surface.

Wetland Category:

Category II and III

Consistency of  
Permitted Uses:

Category II Wetlands: Uses permitted subject to the limitations of CCME Policy 4.1.5 shown below – conservation uses permitted.

Category III Wetlands: All uses subject to CCME Policy 4.1.6

Environmental Resource  
Permit (ERP):

Not provided by the applicant.

Wetlands Impact:

The wetlands located in the area of the old landfill is proposed for development.

Associated Impacts:

The Category II wetland area coincides with the AE-floodway and Category III wetlands in the Flood Zones AE and 0.2 Percent Chance Hazard Area. All wetlands on the site

including the area upslope in the old landfill area are associated with the Adaptation Action Area (AAA).

Relevant Policies: CCME Policies 4.1.3, 4.1.5 and 4.1.6

### **CCME Policy 4.1.3**

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

(a) Encroachment

Encroachment in Category I, II, or III wetlands is the least damaging and no practicable on-site alternative exists; and

(b) No net loss

Development is designed and located in such a manner that there is no net loss to the wetland functions including but not limited to:

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

(c) Floodplain protection

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

(d) Stormwater quality

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

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

(e) Septic tanks



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

- (f) Hydrology  
The design of the fill shall include measures to maintain the wetlands hydrology of the site.

**CCME Policy 4.1.5**

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

- (1) Conservation uses, provided the following standards are met:
  - (a) Dredge and fill  
Dredging or filling of the Category I and II wetlands shall not exceed more than 5% of the wetlands on-site; and
  - (b) Vegetation  
For Category I wetlands:  
All native vegetation outside the development area is maintained in its natural state  
  
For Category II wetlands:  
No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and

- (2) Residential uses, provided the following standards are met:
  - (a) Density/Dredge and fill  
  
Where lots, except for lots of record as defined in the Future Land Use Element, are located totally within the wetlands:
    - i density shall not exceed one (1) dwelling unit per five (5) acres; and
    - ii buildings shall be clustered together to the maximum extent practicable; and
    - iii dredging or filling shall not exceed 5% of the wetlands on-site; and
  - (b) Vegetation  
For Category I wetlands:  
All native vegetation outside the development area is maintained in

its natural state

For Category II wetlands:

No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and

- (3) Water-dependent and water-related uses, provided the following standards are met:

(a) Vegetation

For Category I wetlands:

All native vegetation outside the development area is maintained in its natural state

For Category II wetlands:

No more than 10% of the arial extent of the vegetation outside the development area may be altered or removed; and

(b) Boat facilities siting and operation

Boat facilities are further subject to Objectives 10.1, 10.2, 10.3, 10.5 and 10.6 and their related policies of this element.

- (4) Access to a permitted use, subject to the requirements of (a), (b), and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

- (5) Any use which can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

- (6) For Category II wetlands only, silvicultural uses are allowed, provided the following standards are met:

Best Management Practices: Silviculture

Such activities are conducted in compliance with the provisions of the "Silvicultural Best Management Practices Manual", as may be amended, published by the Florida Division of Forestry, Department of Agriculture and Consumer Services.

#### **CCME Policy 4.1.6**

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

- (1) Any use not otherwise listed below, provided all of the basic requirements outlined in Policy 4.1.3 above are met:

(a) Silvicultural uses, provided the following standards are met:

Best Management Practices: Silviculture

Such activities are conducted in compliance with the provisions of the "Silvicultural Best Management Practices Manual", as may be amended, published by the Florida Division of Forestry, Department of Agriculture and Consumer Services.

(b) Agricultural uses, provided the following standards are met:

Best Management Practices: Agriculture

Such activities are to be in compliance with Chapter 40C-44, F.A.C.

(2) Any use that can be shown to be clearly in the public interest, subject to the requirements of (a), (b), (d) and (f) as noted in the performance standards outlined in Policy 4.1.3 above.

### **Flood Zones (Attachment B)**

Approximately 0.92 of an acre of the subject site is within the 0.2 Percent Annual Chance Flood Hazard Area, 8.64 acres is within the AE Flood Zone, and 2.78 acres are within the AE-Floodway Zone. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm or Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100 years. There is a 1-percent chance that a storm of this magnitude will occur in any given year.

The 0.2 PCT Annual Chance Flood Hazard are areas within the 500-year floodplain and outside of the SFHA. Flood insurance is not mandatory within these flood zones. The areas are deemed to be subject to moderate flood hazards.

The AE Flood Zone are areas within the 100-year floodplain or SFHA where flood insurance is mandatory.

The AE-Floodway are areas within the 100-year floodplain or SFHA where flood insurance is mandatory if construction is allowed within the floodway. Areas located within AE Floodway zones should be left intact as construction and filling within these areas is severely restricted.

A majority of the on-site flood zones are proposed to be protected under the CSV land use.

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

Policy 2.6.1 The City shall continue to define the surface hydrology of the area to

determine flood plain vulnerability and sensitivity, and will determine appropriate protection measures.

- Policy 2.6.3 The City shall protect appropriate floodplain areas for the public benefit and restore degraded floodplain areas by:
- A. Land acquisition or conservation easement acquisition;
  - B. Regulation, including setbacks, buffer zones, designated wildlife corridors, low density zoning, performance standards and open space requirements; and
  - C. Incentives, including tax benefits and transfer of development rights.

- Policy 13.7.10 The City has adopted and shall maintain a floodplain management ordinance that establishes engineering requirements to safeguard the public health, safety, and general welfare and minimizes public and private losses due to flooding through regulation and development of flood hazard areas. The ordinance shall include development and redevelopment regulations that:
- A. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
  - B. Require the use of construction practices that will prevent or minimize future flood damage;
  - C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
  - D. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
  - E. Minimize damage to public and private facilities and utilities;
  - F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
  - G. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
  - H. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

**Adaptation Action Area (AAA) (Attachment C)**

Approximately 14.20 Acres of the amendment site is located within the AAA. The AAA boundary is a designation in the City's 2045 Comprehensive Plan which identifies areas that experience coastal flooding due to extreme high tides and storm surge, and that is vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning. The AAA is defined as those areas within the projected limit of the Category 3 storm surge zone, those connected areas of the 100-year and 500-year Flood Zone, and additional areas determined through detailed flood analysis.

The applicant is encouraged to consider site design measures, such as clustering development away from the AAA, to protect development from the impacts of flooding.

### Conservation/Coastal Management Element

- Policy 13.1.2 The City shall recognize existing regulations, programs and policies that overlap with the AAA and that are currently in place to limit public investment and address appropriate development and redevelopment practices related to flooding. These regulations, programs and policies include but are not limited to the floodplain management ordinance, CHHA policies, the Local Mitigation Strategy and the Post Disaster Redevelopment Plan and shall only be applied in cases where such regulation would otherwise apply to a development or redevelopment project.
- Policy 13.3.1 The City shall consider the implications of the AAA when reviewing changes to the use, intensity and density of land lying within the AAA.
- Policy 13.3.6 In order to guide development away from the Adaptation Action Area (AAA) towards areas that are already high, dry, and connected, the Planning and Development Department shall explore the feasibility of offering density bonuses, transfers of development rights, clustering development entitlements, or other strategies to limit new development within the AAA or environmentally sensitive or special flood hazard areas, or as an incentive for a development's use of low impact development stormwater solutions.

## **PROCEDURAL COMPLIANCE**

Upon site inspection by the Planning and Development Department on September 18, 2023, the required notices of public hearing signs were posted. Thirteen (13) 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 September 18, 2023. No speakers from the public attended to inquire about the application.

## **CONSISTENCY EVALUATION**

### **Consistency with 2045 Comprehensive Plan Goals, Objectives and Policies**

#### Future Land Use Element (FLUE)

##### *Development Area*

*Urban Area (UA):* The UA is the second tier Development Area and generally corresponds to the densely developed portions of the City that have been in residential or with employment generating uses prior to consolidation. It also includes major corridors which

connect the other Development Areas. Similar to the Urban Priority Area (UPA), the intent of the UA is to encourage revitalization and the use of existing infrastructure through redevelopment and infill development, but at moderate urban densities which are transit friendly. Also similar to the UPA, the UA is intended to support multi-modal transportation and the reduction of per capita greenhouse gas emissions and vehicle miles traveled. Development is encouraged to employ urban development characteristics as further described in each land use plan category.

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.

Objective 1.1 Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

Policy 1.1.9 Promote the use of Planned Unit Developments (PUD) zoning districts, cluster developments, and other innovative site planning and smart growth techniques in order to allow for appropriate combinations of complementary land uses, densities and intensities consistent with the underlying land use category or site-specific policy, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations. These techniques should consider the following criteria in determining uses, densities, intensities, and site design:

- Potential for the development of blighting or other negative influences on abutting properties
- Traffic impacts
- Site Access
- Transition of densities and comparison of percentage increase in density above average density of abutting developed properties
- Configuration and orientation of the property
- Natural or man-made buffers and boundaries
- Height of development
- Bulk and scale of development
- Building orientation
- Site layout
- Parking layout
- Opportunities for physical activity, active living, social connection and access to healthy food.

Policy 1.1.21 Rezoning and 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 and to allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business with the intent that this balance of uses shall:

A. Foster vibrant, viable communities and economic development opportunities;

B. Address outdated development patterns; and/or

C. Provide 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.

The projected growth needs and population projections must be based on relevant and appropriate data which is collected pursuant to a professionally acceptable methodology. In considering the growth needs and the allocation of land, the City shall also evaluate land use need based on the characteristics and land development pattern of localized areas. Land use need identifiers include but may not be limited to, proximity to compatible uses, development scale, site limitations, and the likelihood of furthering growth management and mobility goals.

Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

Policy 1.2.8 Require new development and redevelopment in the Central Business District (CBD), Urban Priority Area (UPA), Urban Area (UA), and Suburban Area (SA) to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site.

Development on sites located within the UPA, UA and SA are permitted where connections to centralized potable water and/or wastewater are not available subject to compliance the following provisions:

1. Single family/non-residential (estimated flows of 600 gpd or less) where the collection system of a regional utility company is not available through gravity service via a facility within a right-of-way or easement which abuts the property.

2. Non-residential (above 600 gpd) where the collection system of a regional utility company is not within 50 feet of the property.

3. Subdivision (non-residential and residential) where:
  - a. The collection system of a regional utility company is greater than 1/4 mile from the proposed subdivision.
  - b. Each lot is a minimum of 1/2 acre unsubmerged property.
  - c. Installation of dryline sewer systems shall be installed when programmed improvements are identified in the Capital Improvements Element which will make connections to the JEA Collection Systems available within a five (5) year period.

Policy 1.5.10 In accordance with the Conservation/Coastal Management Element, the City shall encourage environmentally sensitive areas to be placed in a Conservation land use category, Conservation zoning district, and/or conservation easement.

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 3.1.5 The City shall provide opportunities 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.

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 that are able to be performed in such a manner as to control the external effects of the process, such as smoke, noise, soot, dirt, vibration, odor, etc. Uses within this category, other than outside storage, shall be conducted within an enclosed building. Generally, light industrial uses involve materials that have previously been prepared, or raw materials that do not need refining. These uses do not create a noticeable amount of noise, dusts, odor, smoke, glare, or vibration outside of the building or on the site in which the activity takes place.

Medium Density Residential (MDR) is a category intended to provide compact medium to high density residential development and transitional uses between low density residential uses and higher density residential uses, commercial uses and public and semi-public use areas. Multi-family housing such as apartments, condominiums, townhomes and rowhouses should be the predominant development typologies in this category. Plan amendment requests for new MDR designations are preferred in locations between commercial and residential land uses. MDR in the Urban Development Area permits residential densities at a minimum of 7 units per acre and up to 20 units per acre, when both centralized water and sanitary sewer are available. When, as in this case, the site is located within the Urban Area and does not abut land in the LDR or RR land use category and is not within the Coastal High Hazard Area, the maximum gross density shall be 30 units/acre.

Conservation lands are areas with valuable environmental resources, such as sensitive vegetation, high value habitat, wetlands, high aquifer recharge potential, carbon sinks and unique coastal areas. Some resource systems are highly sensitive and easily destroyed by indiscriminate human activity. These will be protected through public or private nonprofit ownership and management over time.

The applicant is proposing a change from LI to MDR to allow for multi-family development for a site in the Urban Development Area. The uses north, west (across I-95) and south of the site include a broad mix of uses including several churches, commercial uses, light manufacturing, and planned and existing residential complexes. The provision of multi-family housing near a mix of uses is complementary to meeting the employment needs of the area while also meeting the goal of creating a land use pattern that minimizes vehicle miles traveled. Therefore, the amendment is consistent with FLUE Goals 1 and 3, Objective 1.1, and Policies 1.1.21, 1.1.22, and 3.1.5.

The eastern portion of the property consists of environmentally sensitive lands that are in the AE, AE-Floodway, and the 0.2% Annual Chance Flood Hazard flood zones, the AAA, and Category II wetlands. The eastern portion of the site is undeveloped and contains wetlands with high functional value. Those areas are protected by changing the land use on the eastern portion of the site to Conservation (CSV). Therefore, the amendment is consistent with FLUE Policy 1.5.10.

The applicant has provided a JEA Availability Letter, dated August 4, 2022. According to the letter, there is an existing 10-inch and a 16-inch water main available to the site and

an 8-inch force sewer main at the intersection of Salisbury Road and Belfort Road. Connection to the JEA-owned sewer system for the project will require the design and construction of an onsite privately owned and maintained pump station, and JEA dedicated force main (minimum 4-inch diameter). Therefore, FLUE Policy 1.2.8 is satisfied.

The companion PUD rezoning provides an opportunity to permit development in a manner that promotes compatibility and an appropriate transition to surrounding uses, consistent with FLUE policy 1.1.9.

The proposed amendment does not hinder the private property rights of the owner of record; has no impact on the right of the property owner to possess or control his or her interest in the property; maintains the owner's ability to use, maintain, develop and improve the property; protects the owner's right to privacy and security; and maintains the ability of the property owner to dispose of the property at their discretion. Therefore, the amendment is consistent with PRE Goal 1, Objective 1.1 and Policies 1.1.1 and 1.1.2.

### **Vision Plan**

The subject site is located within the boundaries of the Southeast Vision Plan. Sub-Principle 2.1 of the Vision Plan calls for the provision and promotion of compatible mixed-use development, infill and redevelopment in stable and declining areas and the creation of a range of housing opportunities and choices, where appropriate. As established in the Comprehensive Plan consistency review section of this report, the amendment enhances the availability of housing opportunities in the Urban Development Area where there is access to full urban services and facilities. Therefore, the amendment is consistent with this principle of the Southeast Vision Plan.

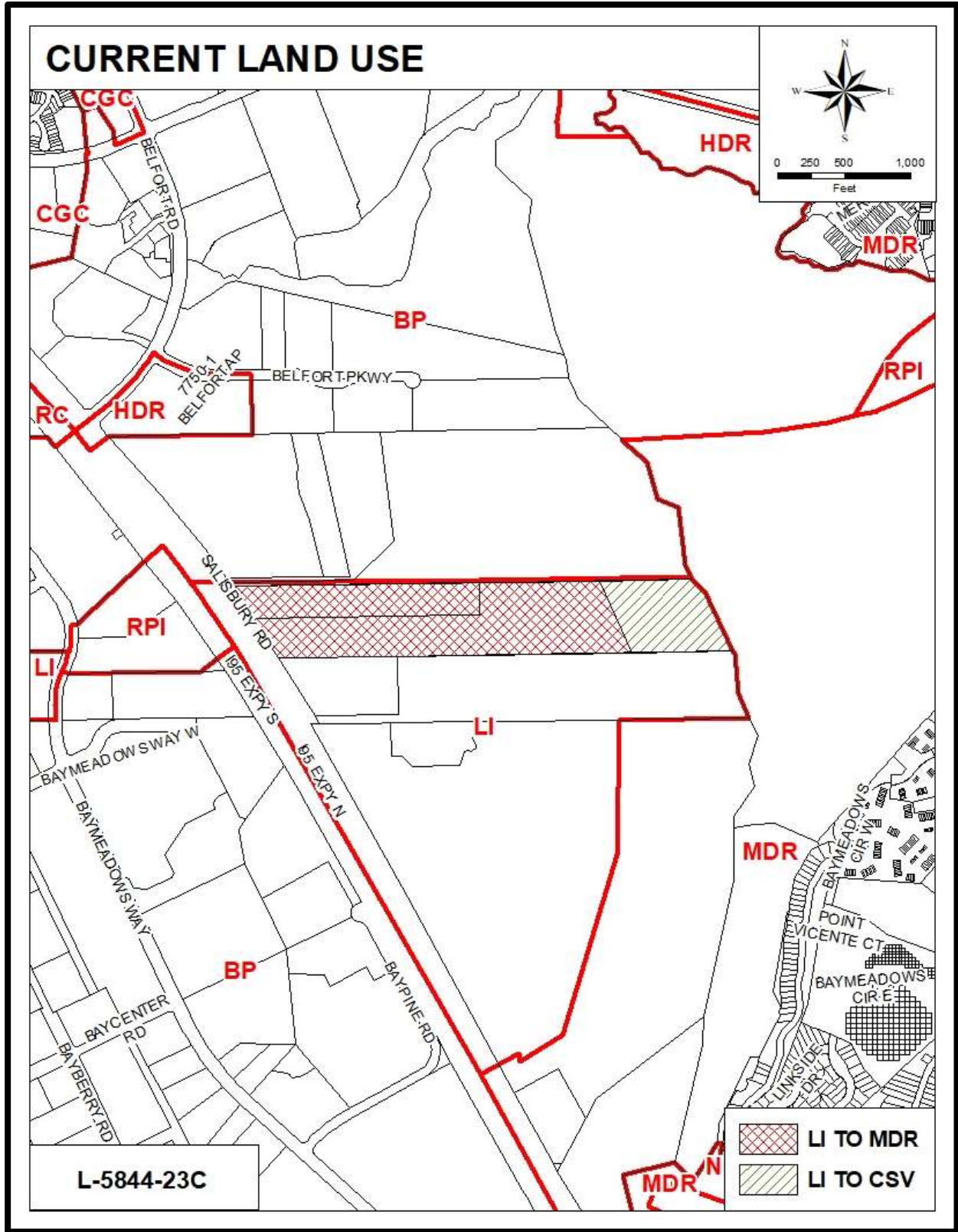
### **Strategic Regional Policy Plan**

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

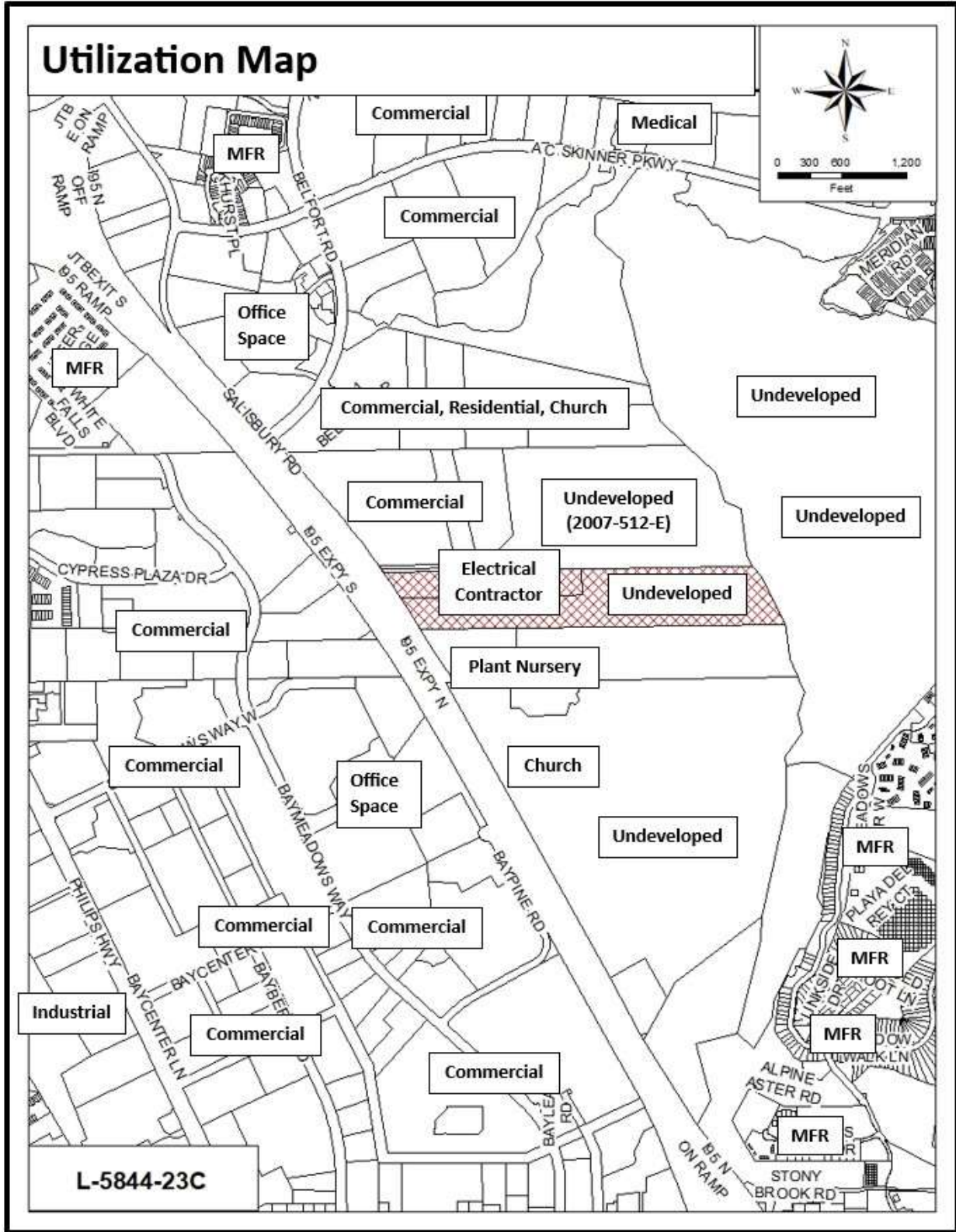
Goal: A safe, sanitary, efficient and resilient housing supply that provides lifestyle choice (agricultural, rural, suburban, and urban) and affordable options for all income, age and ability groups, equitably placed in vibrant, viable and accessible communities throughout the region.

The proposed land use amendment would increase opportunities for residential development, providing a wider range of housing in the northeast Florida region and create a location for the development of new housing stock for the area. Therefore, the proposed amendment is consistent with the Strategic Regional Policy Plan.

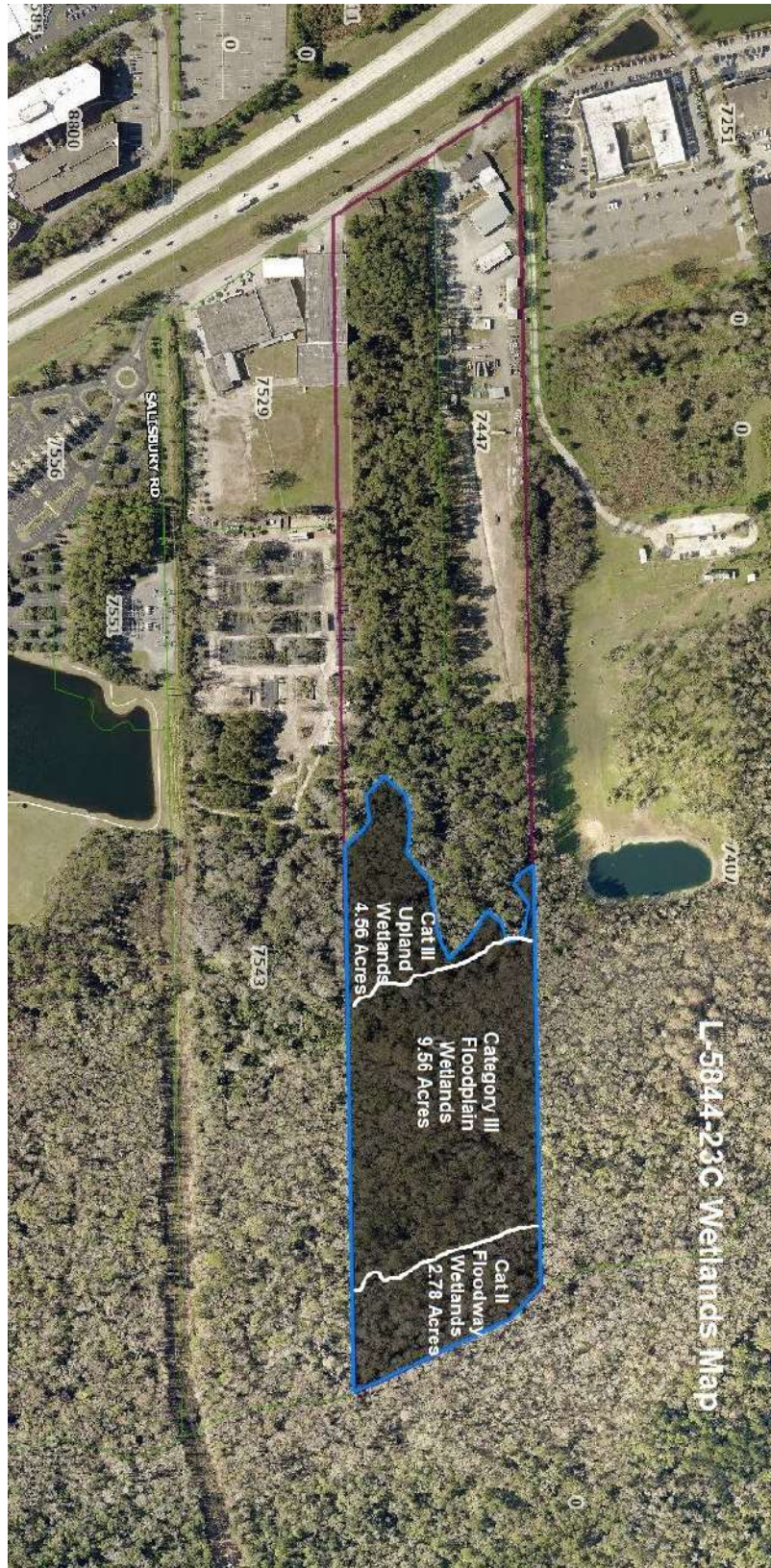
# CURRENT LAND USE MAP



# LAND UTILIZATION MAP



# Attachment A – Wetlands



Attachment B – Flood Zones



### Attachment C – Adaptation Action Area (Purple Shading)

