

# City of Jacksonville, Florida

*Lenny Curry, Mayor*

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August 5, 2021

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

**RE: Planning Commission Advisory Report / Ordinance No. 2021-365/Application No. L-5567-21C**

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

Pursuant to the provisions of Section 650.405 *Planning Commission Advisory Recommendation and Public Hearing*, the Planning Commission **APPROVED** Ordinance 2021-365 on August 5, 2021.

P&DD Recommendation

**APPROVE**

PC Issues:

None

**PC Vote:**

**6-0 APPROVE**

Joshua Garrison, Chair

Aye

Dawn Motes, Vice-Chair

Absent

David Hacker, Secretary

Aye

Marshall Adkison

Aye

Daniel Blanchard

Aye

Ian Brown

Aye

Alexander Moldovan

Aye

Jason Porter

Absent

Planning Commission Report  
August 5, 2021  
Page 2

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

Sincerely,

*Kristen D. Reed*

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Report of the Jacksonville Planning and Development Department

Small-Scale Future Land Use Map Amendment – July 30, 2021

**Ordinance/Application No.:** 2021-365 / L-5567-21C

**Property Location:** 0 Lem Turner Road, on the north side of Capper Road between Lem Turner Road and Bolyard Drive

**Real Estate Number(s):** 020399 0300

**Property Acreage:** 1.79 Acres

**Planning District:** District 6, North

**City Council District:** District 8

**Applicant:** Fred Atwill

**Current Land Use:** Community / General Commercial (CGC)

**Proposed Land Use:** Residential-Professional-Institutional (RPI)

**Development Area:** Suburban Development Area

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

**Proposed Zoning:** Residential Medium Density-A (RMD-A)

**RECOMMENDATION:** **APPROVE**

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

Market areas increasing demand for affordable workforce housing options

**BACKGROUND**

The 1.79 acre subject site is located on the north side of Capper Road, which is classified as a collector road, between Lem Turner Road, a minor arterial roadway, and Bolyard Drive. The site is one property west of the intersection with Lem Turner Road.

The applicant seeks an amendment to the Future Land Use Map series (FLUMs) of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan from CGC to RPI in order to develop the site with a residential use. Currently, the site is undeveloped. Commercial uses front Lem Turner Road and Capper Road to the north, east and south of the subject site. Single-family residential uses are west and southwest of the site. A

companion rezoning application is pending concurrently with the land use application via Ordinance 2021-366, which seeks to change the zoning district from PUD to RMD-A.

The site is buffered from single-family residential to the west by a wetland system and creek that flows into the Trout River.

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

North: Land Use: CGC

Zoning: PUD

Property Use: Self storage, shopping center

South: Land Use: CGC, Low Density Residential (LDR)

Zoning: Commercial Community General-1 (CCG-1), Commercial Community General-2 (CCG-2), Residential Rural -Acre (RR-Acre)

Property Use: undeveloped commercial land, paint store, open storage, single-family residential

East: Land Use: CGC, Neighborhood Commercial (NC)

Zoning: Commercial Neighborhood (CN), PUD

Property Use: Convenience store, shopping center

West: Land Use: CGC and LDR

Zoning: PUD, Residential Low Density-90 (RLD-90)

Property Use: undeveloped commercial land, single-family residential

## **IMPACT ASSESSMENT**

Potential impacts of a proposed land use map amendment have been analyzed by comparing the Development Impact Standards for the subject site's existing vs. proposed land use categories unless maximum density/intensity is noted on the Annotated FLUM or is in a site specific policy. Development Impact Standards are detailed in FLUE Policy 1.2.16, *Development Standards for Impact Assessment*. These standards produce development potentials as shown in this section.

Where there is not an associated site specific policy or note on the Annotated FLUM, the impact assessment incorporates supplemental information for non-residential land use categories that permit residential uses in order to assess the potential impacts. Supplemental information related to these impacts are depicted as scenario 2 in the Impact Assessment Baseline Review Table and, as relevant, in the analysis following the table.

### **Land Use Amendment Impact Assessment**

<b>Development Analysis of 1.79 acres/ 77,972.4 square feet</b>	
Development Boundary	Suburban Development Area
Roadway Frontage Classification / State Road	Capper Road– Collector Roadway Lem Turner Road– Minor Arterial Roadway
Plans and/or Studies	North Jacksonville Vision Plan

<b>Development Analysis of 1.79 acres/ 77,972.4 square feet</b>		
Site Utilization	Current: Undeveloped	Proposed: Residential
Land Use / Zoning	Current: CGC / PUD	Proposed: RPI / RMD-A
Development Standards for Impact Assessment	Current: Scenario 1: 0.35 FAR  Scenario 2: 20% non-residential at 0.35 FAR and 80% residential at 15 units/acre	Proposed: Scenario 1: 0.5 FAR  Scenario 2: 10% non-residential (at 0.50 FAR) and 90% residential (at 15 units/acre)
Development Potential	Current: Scenario 1: 27,290.34 square feet  Scenario 2: 5,458 square feet of non-residential CGC uses and 21 dwelling units	Proposed: Scenario 1: 38,986.2 sq. ft. of RPI space  Scenario 2: 3,898.62 sq. ft. of RPI space and 24 dwelling units
Net Increase or Decrease in Maximum Density	Scenario 1: Not Applicable Scenario 2: Increase of 3 dwelling units	
Net Increase or Decrease in Potential Floor Area	Scenario 1: Increase of 11,695.86 sq. ft. Scenario 2: Decrease of 1,559.38 sq. ft.	
Population Potential	Current: Scenario 1: Not Applicable  Scenario 2: 49 people	Proposed: Scenario 1: Not applicable  Scenario 2: 56 people
<b>Special Designation Areas</b>		
Aquatic Preserve	No	
Septic Tank Failure Area	No	
Airport Environment Zone	No	
Industrial Preservation Area	No	
Cultural Resources	No	
Archaeological Sensitivity	High	
Historic District	No	
Coastal High Hazard/Adaptation Action Area	No	
Groundwater Aquifer Recharge Area	Discharge Area	
Wellhead Protection Zone	No	
Boat Facility Siting Zone	No	
Brownfield	No	

<b>Development Analysis of 1.79 acres/ 77,972.4 square feet</b>	
<b>Public Facilities</b>	
Potential Roadway Impact	Scenario 1: No net new daily trips Scenario 2: No net new daily trips
Potential Public School Impact	7 new students
Water Provider	JEA
Potential Water Impact	Scenario 1: Increase of 1,371.4 gallons a day Scenario 2: Increase of 705.68 gallons a day
Sewer Provider	JEA
Potential Sewer Impact	Scenario 1: Increase of 1,028.5 gallons a day Scenario 2: Increase of 529.26 gallons a day
Potential Solid Waste Impact	Scenario 1: Increase of 18.7 tons per year Scenario 2: Increase of 5.3 tons per year
Drainage Basin/Sub-basin	Trout River Sub-Basin, Trout River Basin
Recreation and Parks	Garden City Elementary Playground, Ray Greene Park
Mass Transit Access	Routes 3 and 102 off of Lem Turner Road
<b>Natural Features</b>	
Elevations	11-14 feet above mean sea level
Land Cover	(1400) Commercial and services
Soils	(63) Sapelo fine sand, 0 to 2 percent slopes; (69) Urban Land
Flood Zones	No
Wetlands	No
Wildlife (applicable to sites greater than 50 acres)	Not Applicable

### **Utility Capacity**

The calculations to determine the water and sewer flows contained in this report and/or this spreadsheet have been 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 established shall continue to be based on JEA's Water, Sewer and Reuse for New Development Projects document (latest edition).

The applicant provided a JEA Availability letter dated 5/19/21. Water and sewer connections for the subject site are available under special conditions. The water special conditions require private fire protection analysis for the review of fire protection requirements. The sewer special conditions require the design and construction of an onsite, privately owned and maintained pump station and a JEA dedicated force main for connection to the JEA owned sewer system.

### **Transportation**

The Planning and Development Department completed a transportation analysis, which is on file with the Planning and Development Department, and determined that the trip

generation comparison between the current development potential and the proposed development potential will result in no net new trips for scenario 1 and no net new trips for scenario 2. This analysis is based upon the comparison of what potentially could be built on that site versus the maximum development potential. Trips generated by the new development will be processed through the Concurrency and Mobility Management System Office.

#### 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.

#### Capital Improvements Element

**Policy 1.6.1** Upon adoption of the Mobility Plan implementing ordinance, the City shall cease transportation concurrency and use a quantitative formula for purposes of assessing a landowner's mobility fee for transportation impacts generated from a proposed development, where the landowner's mobility fee shall equal the cost per vehicle miles traveled (A); multiplied by the average vehicle miles traveled per Development Area (B); multiplied by the daily trips (C); subtracted by any trip reduction adjustments assessed to the development.

**Objective 2.4** of the Transportation Element (TE) of the 2030 Comprehensive Plan requires that the City shall coordinate the mobility circulation system with the future land uses shown on the Future Land Use Map series in order to ensure that roads, road improvements and other mobility alternative improvements are provided as necessary to support development in an economically efficient and environmentally sound manner.

**Policy 2.4.2** of the TE of the 2030 Comprehensive Plan requires that the City shall amend the adopted Comprehensive Plan to incorporate the data and analysis generated by a periodic regional transportation model and study and facilitate the implementation of the study recommendations.

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

Mobility needs vary throughout the city and in order to quantify these needs, the city was divided into 10 Mobility Zones. The Mobility Strategy Plan identifies specific transportation strategies and improvements to address traffic congestion and mobility needs for each mode of transportation. The project site is located in Mobility Zone 4.

The subject site is accessible via Capper Road, a collector facility which is located west of Lem Turner Road. Neither scenario of the RPI land use amendment will have significant impacts on the external roadway network.

### **School Capacity**

The Planning and Development Department determined that the proposed amendment from CGC to RPI has the development potential under scenario 1 as 100% non-residential and under scenario 2 as 90% residential. Under scenario 2, the proposed amendment could result in development of 24 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:

- **Elementary School**
  - Concurrency Service Area (CSA) 1
  - 2020/2021 enrollment: 11,133
  - Current utilization: 60%
  - New student development from amendment: 4
  - 5-year utilization: 67%
  - Available seats in CSA 1: 6,195
  - Available seats in adjacent CSA(s): 2 and 8 is 4,772
  
- **Middle School**
  - CSA 1
  - 2020/2021 enrollment: 7,607
  - Current utilization: 89%
  - New student development from amendment: 1
  - 5-year utilization: 98%
  - Available seats in CSA 1: 625
  - Available seats in adjacent CSA(s): 2 and 7 is 604
  
- **High School**
  - CSA 1



- 2020/2021 enrollment: 8,520
- Current utilization: 84%
- New student development from amendment: 2
- 5-year utilization: 76%
- Available seats in CSA 1: 965
- Available seats in adjacent CSA(s): 2 and 8 is 1,166

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

**Supplemental School Information**

The following additional information regarding the capacity of the assigned neighborhood schools is provided by the Duval County School Board. This information 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.

- Garden City Elementary #59
  - CSA 1
  - Amendment student generation: 4
  - School Capacity including permanent spaces and portables: 606
  - Current enrollment 20 day county for 2020/2021: 387
  - Percent Occupied: 64%
  - 4-year projection: 72%
  
- Highlands Middle School #244
  - CSA 1
  - Amendment student generation: 1
  - School Capacity including permanent spaces and portables: 1,071
  - Current enrollment 20 day county for 2020/2021: 751
  - Percent Occupied: 70%
  - 4-year projection: 77%
  
- Jean Ribault High School #96

- CSA 1
- Amendment student generation: 2
- School Capacity including permanent spaces and portables: 1,683
- Current enrollment 20 day county for 2020/2021: 1,415
- Percent Occupied: 84%
- 4-year projection: 85%

### **Archaeological Sensitivity**

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of 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 1.2.6 The Planning and Development Department shall maintain and update for planning and permitting purposes, a U.S.G.S. series of topographic maps upon which recorded archaeological sites are shown.

## **PROCEDURAL COMPLIANCE**

Upon site inspection by the Planning and Development Department on June 29, 2021, the required notices of public hearing signs were not posted. Twenty-two (22) 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 June 28, 2021 via a virtual Zoom meeting. No members of the public attended to discuss the proposed amendment.

## **CONSISTENCY EVALUATION**

### **Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies**

#### **Future Land Use Element (FLUE)**

##### *Development Area*

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

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 1.1.5** The amount of land designated for future development should provide for a balance of uses that:
- A. Fosters vibrant, viable communities and economic development opportunities;
  - B. Addresses outdated development patterns;
  - C. Provides for sufficient land for future uses that allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and businesses and is not limited solely by the projected population.

- Policy 1.1.10** Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

- Policy 1.1.21** Future amendments to the Future Land Use Map series (FLUMs) shall include consideration of their potential to further the goal of meeting or exceeding the amount of land required to accommodate anticipated growth and the projected population of the area and to allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business consistent with FLUE Policy 1.1.5. The projected growth needs and population projections must be based on relevant and appropriate data which is collected pursuant to a professionally acceptable methodology. In considering the growth needs and the allocation of land, the City shall also evaluate land use need based on the characteristics and land development pattern of localized areas. Land use need identifiers include but may not be limited to, proximity to compatible uses, development scale, site limitations, and the likelihood of furthering growth management and mobility goals.

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

- Policy 1.2.9** Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

- Goal 3** To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.
- 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.
- Objective 3.2** Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.
- Objective 6.3** The City shall accommodate growth in Jacksonville by encouraging and facilitating new 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.

**Pending Property Rights Element (PRE) (Ordinance 2021-334)**

- Goal 1** The City will recognize and respect judicially acknowledged and constitutionally protected private property rights in accordance with the Community Planning Act established in Chapter 163, Florida Statutes.
- Objective 1.1** Local decision making shall be implemented and applied with sensitivity for private property rights and shall not be unduly restrictive.
- Policy 1.1.1** The City will ensure that private property rights are considered in local decision making.
- Policy 1.1.2** The following rights shall be considered in local decision making:
1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
  2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

According to the Category Description within the Future Land Use Element (FLUE), CGC in the Suburban Area is intended to provide development in a nodal development pattern. 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.

RPI in the Suburban Area is intended to provide low to medium density development. Development which includes medium density residential and professional office uses is preferred. The maximum gross density in the Suburban Area is 20 units/acre. Plan amendment requests for new RPI 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.

The 1.79 acre subject amendment site is intended to provide for the development of additional housing options in the area. The development of the property with additional housing options would further the goal to provide sufficient land for residential choices in the City. Therefore, the proposed land use amendment is consistent with FLUE Policies 1.1.5 and 1.1.21.

The proposed amendment is located within the North Planning District and Suburban Development Area with full access to urban services. The subject site is located in an area that can support a development at up to 20 units per acre along the Capper Street corridor, which is an established area with a mix of residential and commercial closer to Lem Turner Road, a minor arterial roadway. The property is currently vacant and provides an opportunity for infill development. The applicant proposes to increase the opportunity for medium density residential development, which will maintain the character of the area and the current land use pattern satisfying FLUE Objective 1.1 and Policies 1.1.10 and 1.1.22. The proposed amendment encourages use of an underutilized property, which has access to centralized services and sustains the viability of the surrounding residential area satisfying Objective 1.1, Policy 1.2.9, and Objective 6.3 of the FLUE.

The proposed RPI designation allows for both the development of low intensity commercial uses and medium density residential consistent with the character of this portion of Capper Street providing consistency with FLUE Goal 3 and Objectives 3.1 and 3.2.

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 North Vision Plan calls for creation of a Dunn Avenue Village Center to be located at the intersection of Lem Turner Road and Dunn Avenue (S.R. 104), approximately ¾ of a mile north of the amendment site. The Plan states “The Dunn Avenue Center will cause the redevelopment of an underutilized shopping center that will help to transform the suburban neighborhoods of Dunn Avenue into a more cohesive community by providing a pedestrian oriented gathering place for shopping, entertainment, and civic functions.” The development of this property results in another neighborhood to utilize the commercial uses provided by the Village Center and is therefore consistent with the Vision Plan.

### **Strategic Regional Policy Plan**

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

**Objective: Improve Quality of Life and Provide Quality Places in Northeast Florida**

**Policy 3: Local governments are encouraged to offer incentives or make development easier in areas appropriate for infill and redevelopment.**

The proposed land use amendment would create opportunities for housing choice, while maintaining the corridor development pattern of Capper Road and providing for redevelopment of an infill site. Therefore, the proposed amendment is consistent with Policy 3 of the Strategic Regional Policy Plan, Communities and Affordable Housing Element.

# LOCATION, CURRENT LAND USE AND FIELD MAP

