



A NEW DAY.

City of Jacksonville, Florida

Donna Deegan, Mayor

Planning and Development Department
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Jacksonville, FL 32202
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January 18, 2024

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

**RE: Planning Commission Advisory Report
Ordinance No.: 2023-849**

Dear Honorable Council President Salem, Honorable Council Member and LUZ Chairperson Carrico 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**

Planning Commission Recommendation: **Approve**

Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: **7-0**

Charles Garrison, Chair	Aye
Tina Meskel, Vice Chair	Absent
Mark McGowan, Secretary	Aye
Lamonte Carter	Absent
Amy Fu	Aye
Julius Harden	Aye
Mon'e Holder	Aye
Ali Marar	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 blue ink that reads "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
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Jacksonville, FL 32202
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2023-0849

JANUARY 18TH, 2024

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 **2023-0849**.

Location: 0 Arnold Road

Real Estate Number: 019608-0050

Current Zoning District: Agriculture (AGR)

Proposed Zoning District: Industrial Light (IL); Conservation (CSV)

Current Land Use Category: Agriculture (AGR)

Proposed Land Use Category: Light Industrial (LI); Conservation (CSV)

Planning District: District 6—North

Council District: District 8

Applicant: Paul Harden
Law Office of Paul M. Harden
1431 Riverplace Blvd, Suite 901
Jacksonville, Florida 32207

Owner: Kathy Kite
3193 Arnold Road
Jacksonville, Florida 32218

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2023-0849** seeks to rezone 200.00± acres of land from Agriculture (AGR) to Industrial Light (IL) and Conservation (CSV). The applicant seeks to rezone 180.7 acres from AGR to IL and 19.3 acres from AGR to CSV. The property is currently located in the Agriculture (AGR) land use category within the Suburban Development Area of the Future Land Use Element of the 2045 Comprehensive Plan. Additionally, the applicant also has a

companion Land Use Application (2023-0848) to change the current Land Use Category from Agriculture (AGR) to Light Industrial (LI) and Conservation (CSV).

STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.125 of the Zoning Code, an applicant for a proposed rezoning bears the burden of proving, by substantial competent evidence, that the proposed rezoning is consistent with the City's comprehensive plan for future development of the subject parcel. In determining whether a proposed rezoning is consistent with the 2045 Comprehensive Plan, the Planning and Development Department considers several factors, including (a) whether it is consistent with the functional land use category identified in the Future Land Use Map series of the Future Land Use Element; (b) whether it furthers the goals, objectives and policies of the Comprehensive Plan; and (c) whether it conflicts with any portion of the City's land use regulations. Thus, the fact that a proposed rezoning is permissible within a given land use category does not automatically render it consistent with the 2045 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

1. Is the proposed rezoning consistent with the 2045 Comprehensive Plan?

The 200-acre subject site is located north of Arnold Road, between Arnold Road and Lannie Road. According to the City's Functional Highways Classification Map, this segment of Arnold Road is an unclassified private road.

The subject site currently includes undeveloped land. The applicant seeks an amendment to the Future Land Use Map series (FLUMs) of the Future Land Use Element (FLUE) of the 2045 Comprehensive Plan from Agriculture (AGR) in the Rural Development Area to Light Industrial (LI) and Conservation (CSV) in the Suburban Development Area to allow for industrial and conservation uses. The subject site currently includes a single-family dwelling with vacant land.

According to the Future Land Use Element (FLUE), the Agriculture (AGR) land use category is intended to provide for agricultural uses and to preserve the existing rural character of outlying areas of the City where full urban services and facilities will not be provided by the City during the planning time frame. Accordingly, the principal activities allowed in these categories are agriculture and related uses.

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, dust, odor, smoke, glare or vibration outside of the building or on the site in which the activity takes place.

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 proposed zoning change to IL and CSV is consistent with the proposed LI and CSV land use category.

The applicant has submitted a JEA Availability Letter, dated May 10th, 2023, which states that JEA does not have a water main or a sewer main available within 1/4 mile of this property at this time.

2. ***Does the proposed rezoning further the goals, objectives and policies of the 2045 Comprehensive Plan?***

Yes. The proposed rezoning is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2045 Comprehensive Plan. The proposed zoning change to IL and CSV is consistent with the proposed LI and CSV land use categories.

Future Land Use Element (FLUE):

Goal 1 To ensure that the character and location of land uses optimize the combined potentials for economic benefit, enjoyment, wellness and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

Policy 1.1.21 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. Fosters vibrant, viable communities and economic development opportunities;
- B. Addresses outdated development patterns;
- C. Provides sufficient land for future uses that allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and businesses and is not limited solely by the projected population.

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 1.5.10 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.

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

Property Rights Element (PRE):

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.

Airport Environment Zone

The site is located within the 150-foot Height and Hazard Zone for the Jacksonville International Airport. Zoning will limit development to a maximum height of less than 150 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).

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.

Wildlife

The applicant submitted a listed wildlife and habitat assessment report of the subject site for the Lauren Street and Kite Property, dated June 15, 2022, which includes the land use amendment (L-5825-A) application site. The report is on file with the Planning and Development Department. The assessment report is an evaluation of the property to identify on-site habitats and vegetative communities and to identify and document the presence of state or federally protected wildlife species occurring on-site. According to the report, no state or federally listed wildlife species were identified during the on-site assessment of the property. If USACE, SJRWMD, FDEP and/or local government permits are required for the project, USFWS and/or FWC may be notified and allowed to comment on listed species with the potential to occur on the subject property. During this comment period, additional information may be requested from the applicant to document whether the project proposes to impact any potentially occurring listed wildlife species. This request for additional information may take the form of informal correspondence or formal consultation. The species that are more likely to trigger a request for additional information will depend on the nature of the work being proposed and may include, but are not limited to, gopher tortoise, eastern indigo snake, wood stork and the frosted flatwoods salamander.

Wetlands

Review of the city's GIS data and a wetlands survey provided by the applicant indicates the potential existence of wetlands on the subject site and as such, this section identifies the general 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: 16.98 acres of Category II Wetlands (proposed for CSV land use); and 67.60 acres of Category III Wetlands (proposed for LI land use)

General Location(s): Category II wetlands (16.98 acres) are located at the southeast border of the application site and is associated with the AE-Floodway of Houston Creek and are proposed to be protected under the CSV land use category. The Category III wetlands (67.60 acres) are scattered throughout the rest of the property.

Quality/Functional

Value: The Category II wetlands have an extremely high functional value for water filtration attenuation and flood water capacity, are located within the 100-year AE floodway zone and have a direct impact on the City's waterways.

The Category III wetlands have a medium to high functional value for water filtration attenuation and stormwater capacity. Some of these wetlands are located in isolated pockets and not associated with flood zones. Some wetlands are in the AE Flood Zone and the 0.2 Percent Flood Hazard Area associated with the wetlands of Houston Creek but have an indirect impact to the City's waterways. The soils of these wetlands are depressional and, if flooded, the floodwaters do not drain back into the creek but dissipate by percolation into the soil and highwater table.

A small portion of the Category III wetlands is a Cypress Swamp (0.80 of an acre), and is located in the center of the property and is unique to the other wetlands because of the vegetation and is a natural stormwater retention basin due to its topography. Because of that and its high water filtration attenuation, the cypress swamp has a high functional value.

Soil Types/Characteristics: Category II Soils

(67) Surrency Loamy fine sand - The Surrency series consists of nearly level, very poorly drained soils. These soils formed in thick sandy and loamy marine sediments. The soils are moderately permeable moderately slowly permeable. In areas flood plains. The high water table generally is at or above the soil surface and is subject to frequent flooding for long periods.

(79) Yulee Clay frequently flooded – This soil series consists of nearly level, very poorly drained soils. These are soils formed in thick clayey marine sediments. They are located on floodplains and are very slowly permeable. In areas on floodplains, the high water table generally is at or near the surface and the areas are subject to frequent flooding for long periods.

Soil Types/Characteristics: 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.

(78) Yonges fine sandy loam – the Yonges series consists of nearly level poorly drained soils. The soils are slowly permeable and occur on low-lying areas of coastal plain and formed in loamy marine sediments. The high water table is at a depth of 10 inches for 2 to 6 months during most years.

(82) Pelham fine sand, depressional – The Pelham series consists of nearly level, poorly drained soils. These soils are formed in marine deposits of sandy and loamy sediments. The soil is moderately permeable and moderately slowly permeable. They are located in broad flatwood areas and the high water table is at a depth of 10 inches for 2 to four months of the year and 10 to 20 inches for 4 months or longer periods.

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. The Category II wetlands are proposed for CSV land use consistent with CCME Policy 4.1.5.

Category III Wetlands: All uses subject to CCME Policy 4.1.6. The proposed uses are consistent with CCME Policy 4.1.6, subject to mitigation requirements.

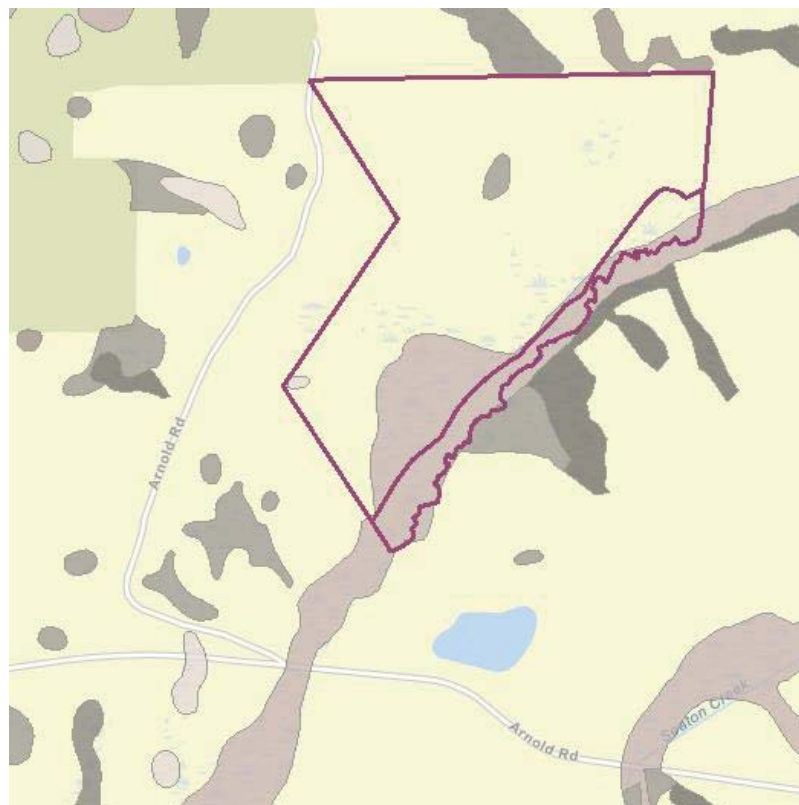
Environmental Resource

Permit (ERP): Not provided by the applicant.

Wetlands Impact: Category II wetlands are proposed for protection under the CSV land use category. Insufficient information has been provided to determine impacts to the Category III wetlands.

Associated Impacts: The Category II wetland area coincides with the AE-floodway and the Adaptation Action Area (AAA). Some of the Category III wetlands are associated with the AE Flood Zone and the 0.2 Percent Chance Hazard Area and the Adaptation Action Area (AAA) while others are not.

Relevant Policies: CCME Policies 4.1.3, 4.1.5 and 4.1.6



Wetlands Image

Source: JaxGIS, 1/11/2024

Flood Zones

Approximately 16.27 acres of the subject site is within the AE-Floodway, 24.53 acres is

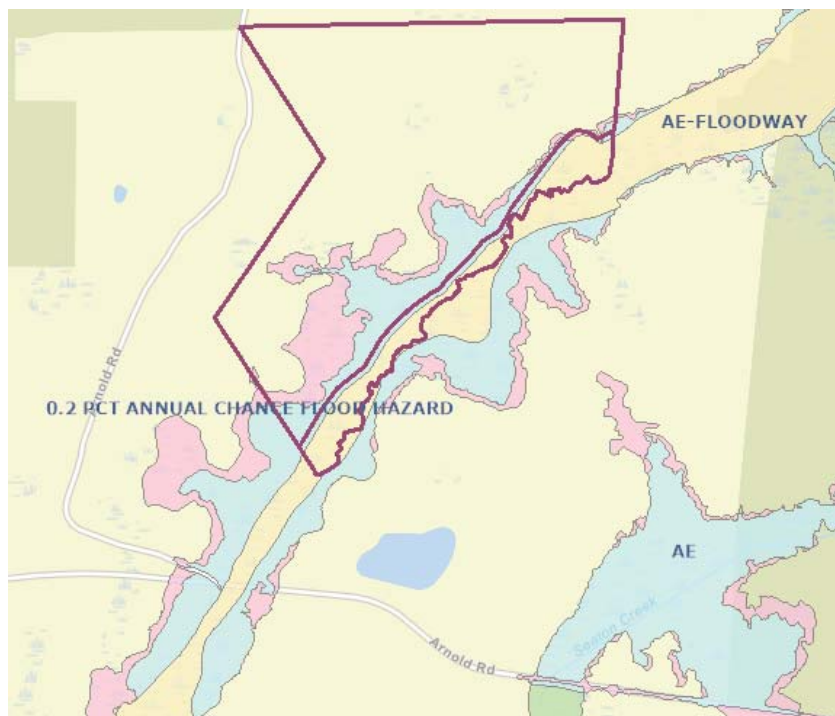
within the AE Flood Zone and 21.07 acres is located in the 0.2 Percent Chance Annual Hazard Area. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm 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 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. The AE-Floodway, along with a 25-foot-wide buffer, is proposed for protection under the CSV land use category.

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

The 0.2 PCT Annual Chance Flood Hazard area is 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.

Development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.



Flood Zone Image

Source: JaxGIS, 1/11/2024

Adaptation Action Area (AAA)

Approximately 67.20 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.

3. Does the proposed rezoning conflict with any portion of the City's land use regulations?

No. The proposed rezoning is not in conflict with any portion of the City’s land use regulations, once the applicant’s Companion Land Use Application is approved to change the land use category from AGR to LI and CSV. The applicant seeks to rezone the property from AGR to IL and CSV.

SURROUNDING LAND USE AND ZONING

The subject property is located between Arnold Road and Lannie Road, this segment of Arnold Road is an unclassified private road. The subject site currently includes undeveloped land. The surrounding area is developed with single-family dwellings, timber and pasture uses, vacant governmental, and vacant residential. The surrounding Land Use Categories and Zoning Districts are as followed:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	MU	PUD (2014-0531)	Timber; Single Family Dwelling
East	LDR	PUD (2014-0531)	Timber;
South	LDR; LI	PUD (2014-0531); PUD (2009-0153); AGR; IL	Timber; Vacant Governmental; Single-Family Dwelling
West	LI; ROS	PUD (2009-0153); ROS	Timber; Vacant Governmental

It is the opinion of the Planning and Development Department that the recommended rezoning to IL and CSV would be consistent and compatible with the surrounding uses as the PUD (2009-0153) to the southwest pertains to warehousing, light manufacturing, and industrial uses.

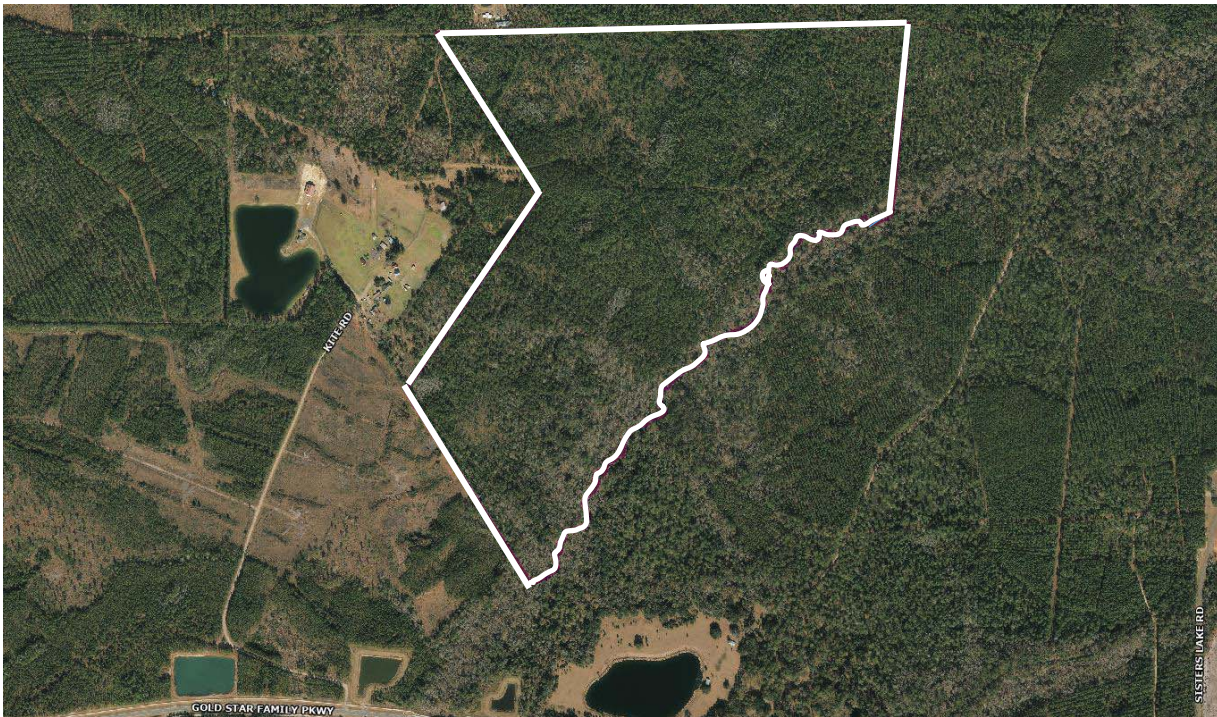
SUPPLEMENTARY INFORMATION

The applicant provided proof of posting on December 18th, 2023 to the Planning and Development Department, that the Notice of Public Hearing signs **were** posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2023-0849** be **APPROVED**.



Aerial Photo

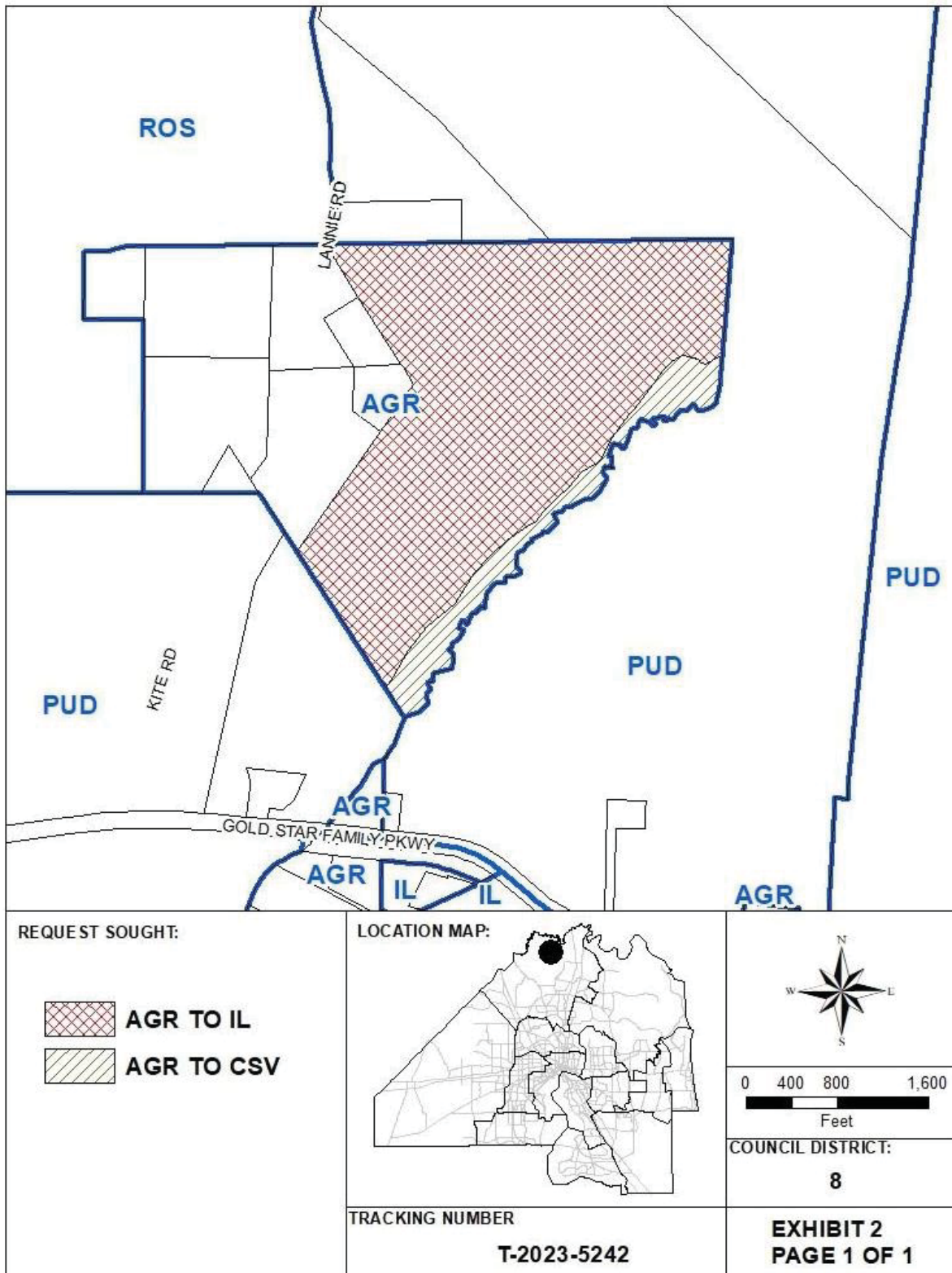
Source: *JaxGIS*, 12/14/2023



View of the Subject Site
Source: Planning & Development Department, 12/18/2023



View from property facing Gold Star Family Parkway
Source: Planning & Development Department, 12/18/2023



Legal Map

Source: Planning & Development Department, 10/17/2023