

City of Jacksonville, Florida

Donna Deegan, Mayor

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

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. 2023-537/Application No. L-5838-23C

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 2023-537 on October 5, 2023.

P&DD Recommendation APPROVE

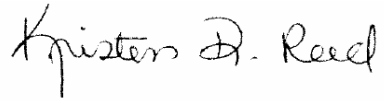
PC Issues: None

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, flowing style.

Kristen D. Reed, AICP
Chief of the Community Planning Division
City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7837
KReed@coj.net

Report of the Jacksonville Planning and Development Department

Small-Scale Future Land Use Map Amendment – September 15, 2023

Ordinance/Application No.: 2023-537 / L-5838-23C

Property Location: 0 and 1010 Mill Creek Road, between Regency Square Boulevard and Libby Road South

Real Estate Number(s): 120877 0010 and 121150 0100

Property Acreage: 4.24 acres

Planning District: District 2, Greater Arlington/Beaches

City Council District: District 1

Applicant: Wyman R. Duggan, Esquire

Current Land Use: Community/General Commercial (CGC)

Proposed Land Use: Medium Density Residential (MDR)

Current Zoning: Commercial Residential Office (CRO), 3.20 acres and Commercial Office (CO), 1.04 of an acre

Proposed Zoning: Residential Medium Density-C (RMD-C)

Development Boundary: Urban Development Area

RECOMMENDATION: APPROVE

APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

To permit multi-family development.

BACKGROUND

The 4.24 acre subject site is located along the west side of Mill Creek Road, a minor arterial road, between Regency Square Boulevard North, a collector road and Libby Road South , an unclassified road. The applicant is proposing a Future Land Use Map (FLUM) amendment from Community/General Commercial (CGC) to Medium Density Residential (MDR) to allow for multi-family residential uses on the site. The applicant is also proposing a companion rezoning from Commercial Residential Office (CRO) and Commercial Office (CO) to Residential Medium Density-C (RMD-C), which is pending concurrently with this application, pursuant to Ordinance 2023-538.

North and south of the application site is vacant is commercial land bordered between Mill Creek Road to the east and Strawberry Creek on the west. East of Mill Creek Road and west of Strawberry Creek are residential single-family subdivisions. Further south and southeast of the subject site beyond Regency Square Boulevard North are commercial uses. Strawberry Creek, draining north to south, is buffered by Category II wetlands.

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

North: Land Use: Community/General Commercial (CGC), Low Density Residential (LDR) and Professional-Professional-Residential (RPI)
 Zoning: Commercial Office (CO), Residential Low Density-60 (RLD-60) and Planned Unit Development PUD
 Property Use: Vacant land, Single-family dwellings and wetlands

South: Land Use: CGC
 Zoning: CO, Commercial Community/General-1 (CCG-1) and Commercial Community/General-2 (CCG-2)
 Property Use: Vacant land, warehouses, offices, service garage and stormwater retention lake

East: Land Use: RPI, LDR and Medium Density Residential (MDR)
 Zoning: RLD-60, Residential Low Density-50 (RLD-50), Residential Low Density-40 (RLD-40) and PUD
 Property Use: Vacant land, single-family dwellings and mobile home

West: Land Use: LDR
 Zoning: RLD-60
 Property Use: Strawberry Creek and further west single-family dwellings

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-5838-23C

Development Analysis	4.24 Acres / 184,694.4 sq. ft.	
Development Boundary	Urban Development Area	
Roadway Frontage Classification / State Road	Mill Creek Road – Minor Arterial	
Plans and/or Studies	Greater Arlington/Beaches Vision Plan	
Site Utilization	Current: Undeveloped	Proposed: Multi-family

Development Analysis		4.24 Acres / 184,694.4 sq. ft.
Land Use / Zoning	Current: CGC / CRO & CO	Proposed: MDR / RMD-C
Development Standards for Impact Assessment	Current: Scenario 1: 0.35 FAR Scenario 2: 30 multi-family residential units/acre	Proposed: 15 DU/Acre
Development Potential	Current: Scenario 1 – 64,643.0 square feet Scenario 2 – 127 multi-family dwelling units	Proposed: 63 multi-family dwelling units
Net Increase or Decrease in Maximum Density	Scenario 1: Increase of 63 multi-family units Scenario 2: Decrease of 64 multi-family units	
Net Increase or Decrease in Potential Floor Area	Scenario 1: Decrease of 64,643.0 square feet Scenario 2: Not applicable	
Population Potential	Current: Scenario 1 – Not applicable Scenario 2 - 298 people	Proposed: 148 people
Special Designation Areas		
Aquatic Preserve	No	
Evacuation Zone	No	
Airport Environment Zone	Eastern 1/3 rd portion of property: 150-Foot Height Restriction Zone for Craig Airport	
Industrial Preservation Area	No	
Cultural Resources	No	
Archaeological Sensitivity	Medium and High	
Historic District	No	
Adaptation Action Area	No	
Coastal High Hazard/Adaptation Action Area	No	
Groundwater Aquifer Recharge Area	No – Discharge area	
Wellhead Protection Zone	No	
Boat Facility Siting Zone	No	
Brownfield	No	
Public Facilities		
Potential Roadway Impact	Scenario 1: Increase of 0 net new daily trips. Scenario 2: Increase of 0 net new daily trips.	
Potential Public School Impact	Increase of 14 new students.	
Water Provider	JEA	
Potential Water Impact	Scenario 1: Increase of 11,573 gpd Scenario 2: Decrease of 9,576.6 gpd	
Sewer Provider	JEA	
Potential Sewer Impact	Scenario 1: Increase of 8,288.1 gpd	

Development Analysis		4.24 Acres / 184,694.4 sq. ft.
		Scenario 2: Decrease of 7,182 gpd
Potential Solid Waste Impact		Scenario 1: Increase of 60.371 tons per year Scenario 2: Decrease of 119.5 tons per year
Drainage Basin/Sub-basin		Basin: Arlington River Sub-basin: Strawberry Creek
Recreation and Parks		Arlingwood Park
Mass Transit Access		Bus Route 19; Bus Stop 433 at Regency Parking Lot & Arlington Expressway Service Road
Natural Features		
Elevations		17 to 39 feet above mean sea level
Land Cover		(6710) Mixed wetland hardwoods and (4340) Upland mixed coniferous/hardwood
Soils		(62) Rutlege mucky fine sand & (46) Ortega fine sand
Flood Zones		AE-Floodway and 0.2% Chance
Wetlands		Yes – Category II
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 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 July 8, 2023, as part of the companion rezoning application. According to the letter, there is an existing 16-inch water and a 12-inch gravity sewer force main along Mill Creek Road.

Both the land use amendment application and the companion rezoning application indicate that the site will be served by JEA water and sewer. The MDR land use category requires connection to centralized JEA and water and sewer to develop multi-family dwellings.

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 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.

Transportation

The subject site is 4.24 acres and is accessible from Mill Creek Rd, a minor arterial facility. The proposed land use amendment is located within the Urban Development Area and Mobility Zone 8. The applicant proposes to change the existing land use from Community General Commercial (CGC) 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 <i>Trip Generation Manual</i> , 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 would result in 2,619 or 681 daily trips. If the land use is

amended to allow for this proposed MDR development, this will result in 425 daily trips depending on the scenario.

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
Daily Trip Generation Estimation Scenarios

Existing Land Use-Scenario 1	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
CGC	821	64,643 SF	T = 67.52 (X) / 1000	4,365	1,746	2,619
				Total Trips for Existing Scenario 1 Land Use		2,619
Existing Land Use-Scenario 2	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
CGC- R	220	101 MF DUs	T = 6.74 (X)	681	0	681
				Total Trips for Existing Scenario 2 Land Use		681
Proposed Land Use	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
MDR	220	63 MF DUs	T= 6.74 (X)	425	0	425
				Total Trips for Proposed Land Use		425
				<i>Scenario 1 Difference in Daily Trips</i>		0
				<i>Scenario 2 Difference in Daily Trips</i>		0

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

School Capacity

The 4.24 acre proposed land use map amendment has a development potential of 63 dwelling units and 14 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:

In evaluating the proposed residential development for school concurrency as shown in "Attachment A".

The available seats in the CSA and adjacent CSAs include concurrency reservations.

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 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 as shown in "Attachment B".

Archaeological Sensitivity

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of 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 eastern 1/3 of the application site is located within the 150 foot Height and Hazard Zone for the Craig Airfield. Zoning will limit development to a maximum height of 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).

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.

Flood Zones

Approximately 1.50 acres of the subject site is within the AE-Floodway and 0.17 of an acre 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 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. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

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.

Wetlands

Review of City data and site plan submitted by the applicant indicates the potential existence of wetlands on the subject site and as such, based upon the city’s geographic information data, the Planning and Development Department has determined the general location, type(s), size, quality and functional value of the wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 1.60 Acres

General Location(s): Wetlands are located along the western portion of the property and is portion of a larger wetland system that buffers Strawberry Creek,

Quality/Functional Value: The wetland has an extremely high functional value for water filtration attenuation and flood water capacity, is located within the 100 year flood zone (AE-Floodway) and has a direct impact on the City’s waterways.

Soil Types/
Characteristics: (62) Rutlege mucky fine sand, 0 to 2% slopes, frequently flooded – The Rutlege series consists of nearly level, very poorly drained, sandy soils. They formed in thick sandy marine sediments. They are on flood plains. The soil is rapidly permeable. The high water table generally is at or near the surface, and areas are subject to frequent flooding for brief periods.

Wetland Category: Category II

Consistency of
Permitted Uses: Any development within the wetlands must meet the performance standards in CCME policies 4.1.3 and 4.1.5 below.

Environmental Resource
Permit (ERP): At present, no Environmental Resource Permit issued according to the St. Johns River Water Management District web site.

Wetlands Impact: The floodplain management code (Chapter 652) requires a 25 foot wide setback from the floodway. This setback requirement will prohibit development in the wetlands.

Associated Impacts: Wetlands are located in and associated with the AE-Floodway.

Relevant Policies:

Conservation/Coastal Management Element

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:

(1) Encroachment

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

(a) 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

(b) 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

(c) 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

(d) 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

(e) Hydrology

The design of the fill shall include measures to maintain the wetlands hydrology of the site.

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 aerial 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 aerial 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 aerial 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.

PROCEDURAL COMPLIANCE

Upon site inspection by the Planning and Development Department on August 25, 2023, the required notices of public hearing signs were posted. Fifty-three (53) 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 August 28, 2023. Two members of the public spoke in concern of the proposed development. Both had homes west of the creek and were worried about their property values and the impacts on the creek and the wetlands that buffer

it. The applicant stated no development will be in the wetlands/floodway and twenty-five (25) feet buffer area.

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 1.1.21 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.

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.

Policy 3.1.12 The City shall, through Land Development Regulations, require higher density residential development and supporting commercial facilities to locate on major arterial or collector roads used for mass transit routes, and in proximity to major employment areas in order to ensure the efficient use of land, public facilities, and services, and transportation corridors.

Conservation Coastal Management Element

Goal 4 To achieve no further net loss of the natural functions of the City's remaining wetlands, improve the quality of the City's wetlands resources over the long-term and improve the water quality and fish and wildlife values of wetlands.

Policy 4.1.7 The City's Land Development Regulations shall include standards and criteria for establishing and maintaining a minimum 15-foot, average 25-foot natural and undisturbed vegetative buffer around all wetlands. At a minimum, the standards and criteria shall also address the following:

- Requirements for buffers to be depicted on all site plans, development plans and other documents submitted for development review and permitting.
- Requirements for wetland boundaries to be measured from the state jurisdictional wetland line.
- The relationship of wetland buffers to other regulatory buffers and setbacks; and
- The criteria and process for consideration of exemptions from the buffer requirements where no other reasonable alternative exists.

Policy 13.7.15 No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in the Floodplain Management Ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

Policy 13.7.17 The City shall continue to implement the Florida Building Code and land development regulations to enhance flood mitigation measures in vulnerable areas to reduce future risks associated with high tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

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), Community/General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods in order to reduce the number of Vehicle Miles Traveled.

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. MDR in the Suburban Development Area permits residential densities at a minimum of 7 units per acre and up to 20 units per acre in the Urban Development Area where the subject site abuts a Low Density Residential (LDR) area and when both centralized water and sanitary sewer are available.

The applicant is proposing a change from CGC to MDR to allow for multi-family development for a site that is in the Urban Development Area, near a major employment center located south and southeast of the application site that abuts a minor arterial road. The proposed land use amendment converting land from vacant commercial land use to MDR will facilitate the provision of a variety of housing options near existing residential areas and nearby commercial areas. The provision of multi-family housing near commercial areas 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, 3.1.5 and 3.1.12.

The applicant has provided a JEA Availability Letter, dated July 8, 2023, as part of the companion rezoning application. According to the letter, there is an existing 16-inch water and a 12-inch gravity sewer force main along Mill Creek Road. Therefore, FLUE Policy 1.2.8 is satisfied.

The Category II wetlands are located entirely within the AE-Floodway and the 25-foot setback. According to the City's Floodplain Management Code (Chapter 652), development within the AE-Floodway and its 25-foot setback is prohibited. Since the wetlands are located within those parameters, CCME Goal 4, and Policies 4.1.7, 13.7.15 and 13.7.17 are satisfied.

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 property is located within the boundaries of the Greater Arlington/Beaches Vision Plan. The site is located within the Town and Country Redevelopment Area of the Vision Plan. While the plan does not provide specific recommendations for the subject site, it does recommend promoting greater density and diversity of land uses in appropriate locations under Guiding Sub-Principal 2.1.

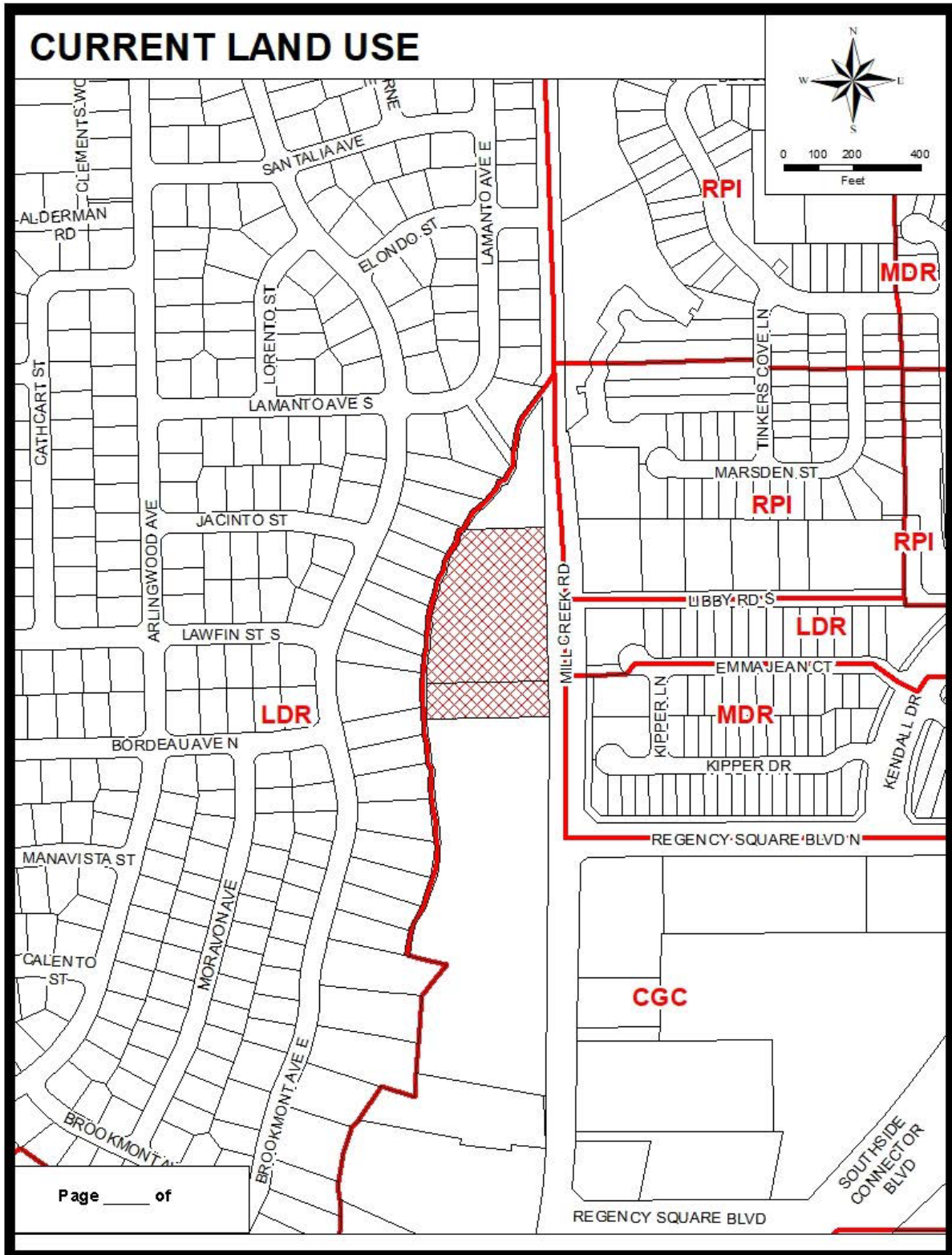
Strategic Regional Policy Plan

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

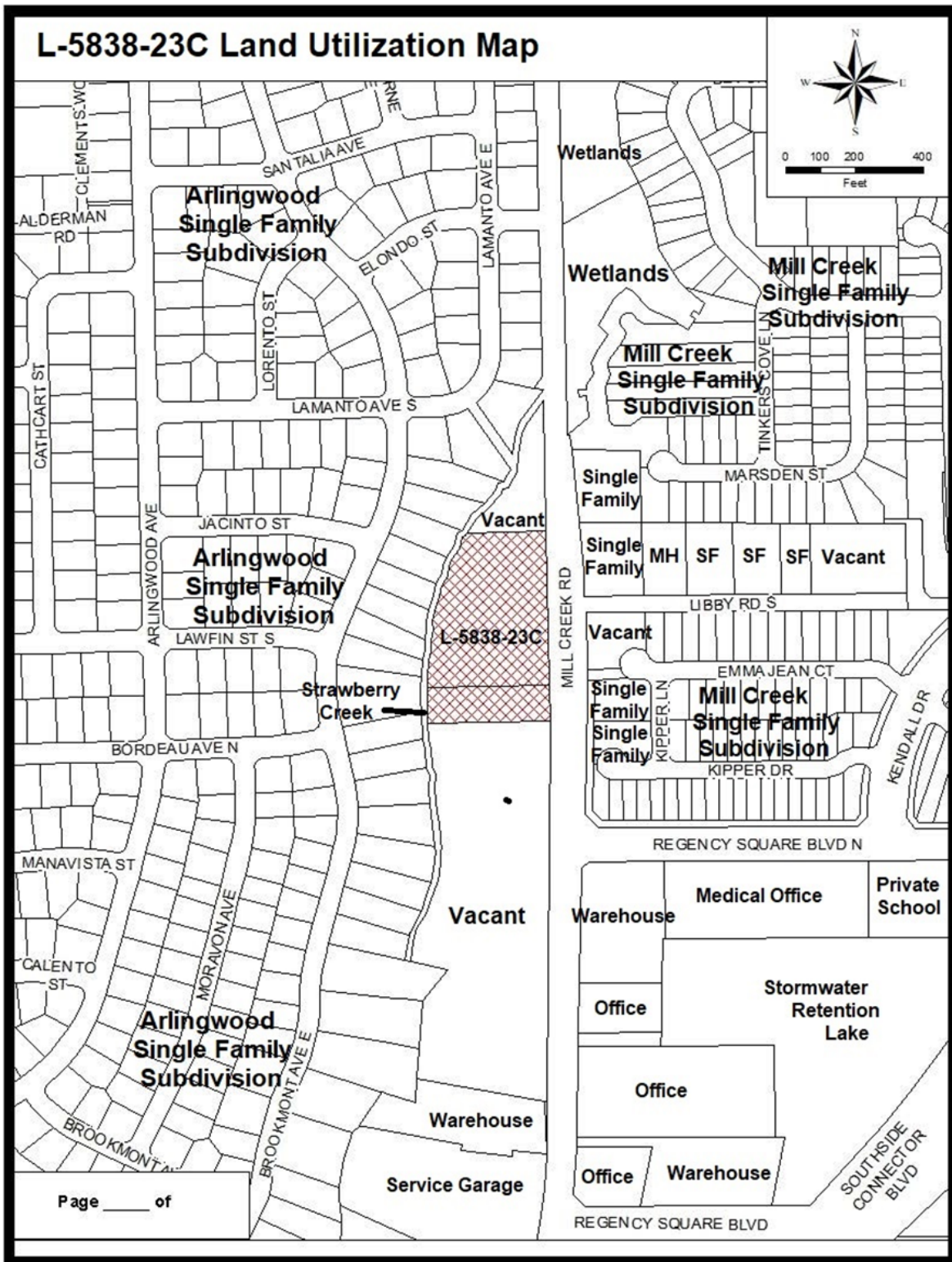
Goal: A safe, sanitary, efficient and resilient housing supply that provides lifestyle choice (agricultural, rural, suburban, and urban) and affordable options for all income, age and ability groups, equitably placed in vibrant, viable and accessible communities throughout the region.

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 – School Impact Analysis

Application Review Request: COJ PDD: School Impact Analysis Proposed Name: L-5838-23C Mill Creek Rd Requested By: Ed "Luke" Lukacovic Reviewed By: Shalene B. Estes Due: 8/22/2023							
Analysis based on maximum dwelling units: <u>63</u>							
School Type	CSA ¹	2022-23 Enrollment/CSA	Current Utilization (%)	New Student/Development ²	5-Year Utilization (%)	Available Seats - CSA ³	Available Seats - Adjacent CSA 4&5
Elementary	3	7,334	71%	7	75%	1,408	2,194
Middle	3	2,062	73%	3	56%	647	1,346
High	3	4,155	85%	4	85%	314	885
Total New Students				14			

NOTES:

¹ Proposed Development's Concurrency Service Area (CSA)

² 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.

³ Available CSA seats include current reservations

Attachment B

Application Review Request: COJ PDD: Baseline Checklist Review Proposed Name: L-5809-23C Mill Creek Rd Requested By: Ed "Luke" Lukacovic Reviewed By: W. Randall Gallup Due: 8/22/2023 Analysis based on maximum dwelling units: <u>63</u>						
SCHOOL ¹	CSA	STUDENTS GENERATED (Rounded) ²	SCHOOL CAPACITY ³ (Permanent/Portables)	CURRENT ENROLLMENT 20-Day Count (2022/23)	% OCCUPIED	4 YEAR PROJECTION
Parkwood Heights #208	3	7	473	290	61%	67%
Arlington MS #213	3	3	979	791	81%	80%
Parker #86	3	4	1866	1356	73%	79%
		14				

NOTES:

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

² 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.

³ Does not include ESE & room exclusions