



# ORDINANCE 2020-0689

## REZONING REQUEST

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The proposal is to rezone approximately +/-113.47 acres of property from RLD90/RMD-A to a PUD.





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# ABOUT BROWARD POINT PENINSULA

## What is important to know in this section:

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- History of Area

## Why is this Important?

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- Current zoning is not compatible to 2021 situation.
- City Council may not know all aspects of Broward Pointe



# History of the Peninsula

## 1950's

Before Highway 95 – contiguous piece of Property



- Railroad built in early 1900s
- BEFORE Highway 95 existed
- Broward Road connected Main Street to Lem Turner
  - Merritt Creek did not exist
  - There was a third exit
  - In 1959 – highway 95 construction resulted in Exit 2 removal
  - In 1986, sale Darby Lumber resulted in loss of Exit 3
  - This resulted in one way off the peninsula – Exit 1

## 2021

- One way Out over an active railroad crossing
- 75 Homes
- All current homes are zoned RLD90

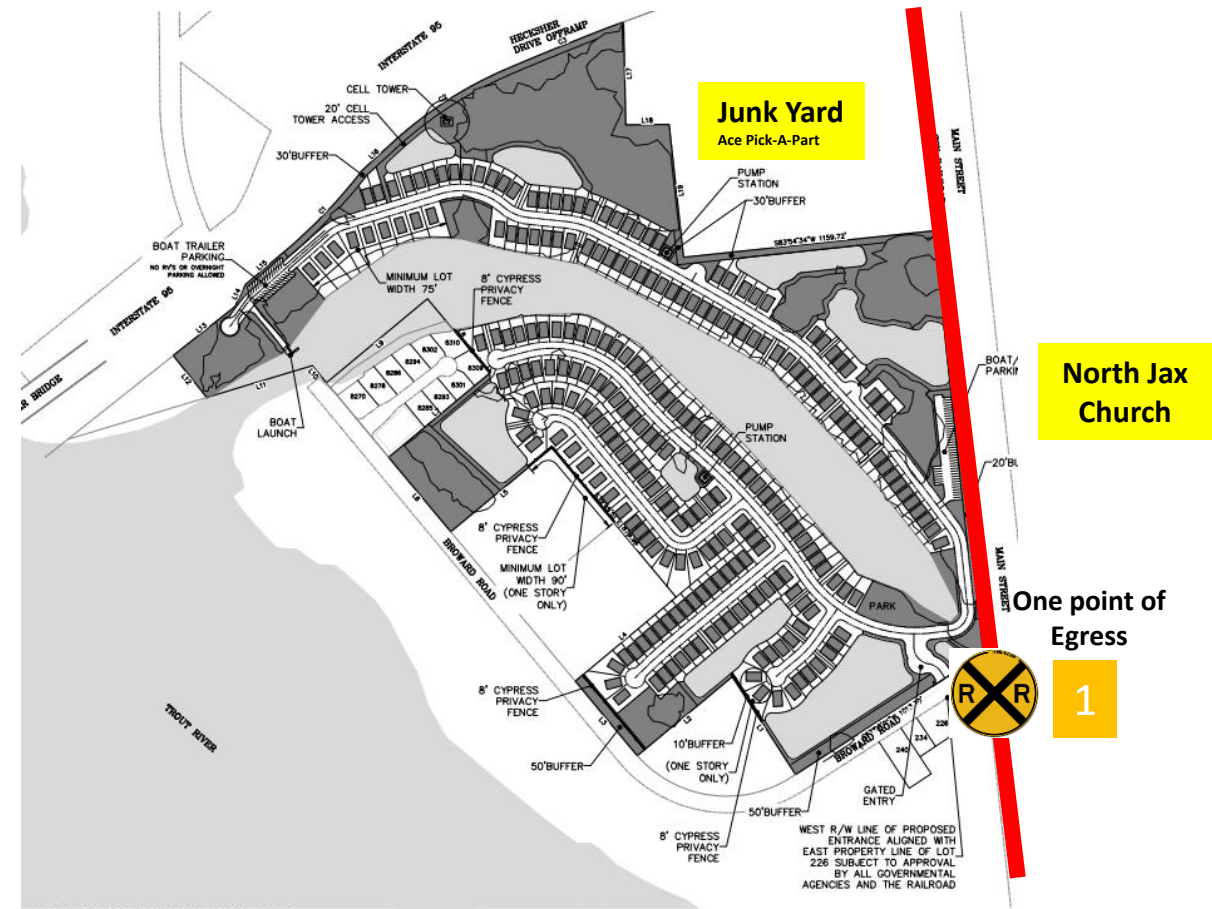


Current Zoning is not safe for additional 246 homes.



# Our Topic Today - Preventing a High Risk Situation

The proposed development will create **high risk situation** over an active railroad with one point of ingress/egress.





# SAFETY CONCERNS



Since the purpose of the Jacksonville zoning code is to:

- promote health
- promote safety
- promote morals,
- and general welfare of the public
- to regulate the use of land and buildings
- and to implement the comprehensive plan adopted pursuant to Chapter 650

The next few slides will illustrate our safety concerns if Rezoning is approved. Rezoning would substantially increase the number of allowed residents within this area which only has one way out, over a railroad, in a water locked peninsula.



# Safety Concern #1 - High Incidents of Blockage

	Today	Proposed															
Number of entry / exit points	1	1															
Homes in Proposed Affected Area	75	<b>75+246 = 321</b>															
Lot Sizes	90 Feet Low Density	<table border="1"><thead><tr><th>Lot Size</th><th># of Homes</th><th>% of Homes</th></tr></thead><tbody><tr><td>50</td><td>140</td><td>57%</td></tr><tr><td>60</td><td>63</td><td>26%</td></tr><tr><td>75</td><td>26</td><td>11%</td></tr><tr><td>90</td><td>17</td><td>7%</td></tr></tbody></table>	Lot Size	# of Homes	% of Homes	50	140	57%	60	63	26%	75	26	11%	90	17	7%
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- What causes the exit/entry point to be blocked?
- Flooding
  - CSX Trains stuck
  - Main Street Accidents
  - Traffic issues on either road
  - Positioned between two primary Evacuation routes





# Safety Concern #1 – Increased Risk with Active Railroad

## Broward Road width at 9 Feet per Lane

With the exponential growth in North Jacksonville, N Main Street has become increasingly busy, resulting in a rise in accidents and traffic jams and delays.

North Jax Monthly September 2021

### BROWARD RD WIDTH IS LESS THAN DESIRED

1

According to the National Association of City Transportation Officials: “Lane width should be considered within the overall assemblage of the street. Travel lane widths of 10 feet generally provide adequate safety in urban settings while discouraging speeding. Cities may choose to use 11-foot lanes on designated truck and bus routes (one 11-foot lane per direction) or adjacent to lanes in the opposing direction.”

- Road will traverse salt marsh
- Roads maintained by the newly formed HOA. This road will be expensive to maintain which means future homeowners can look forward to extremely high HOA fees.

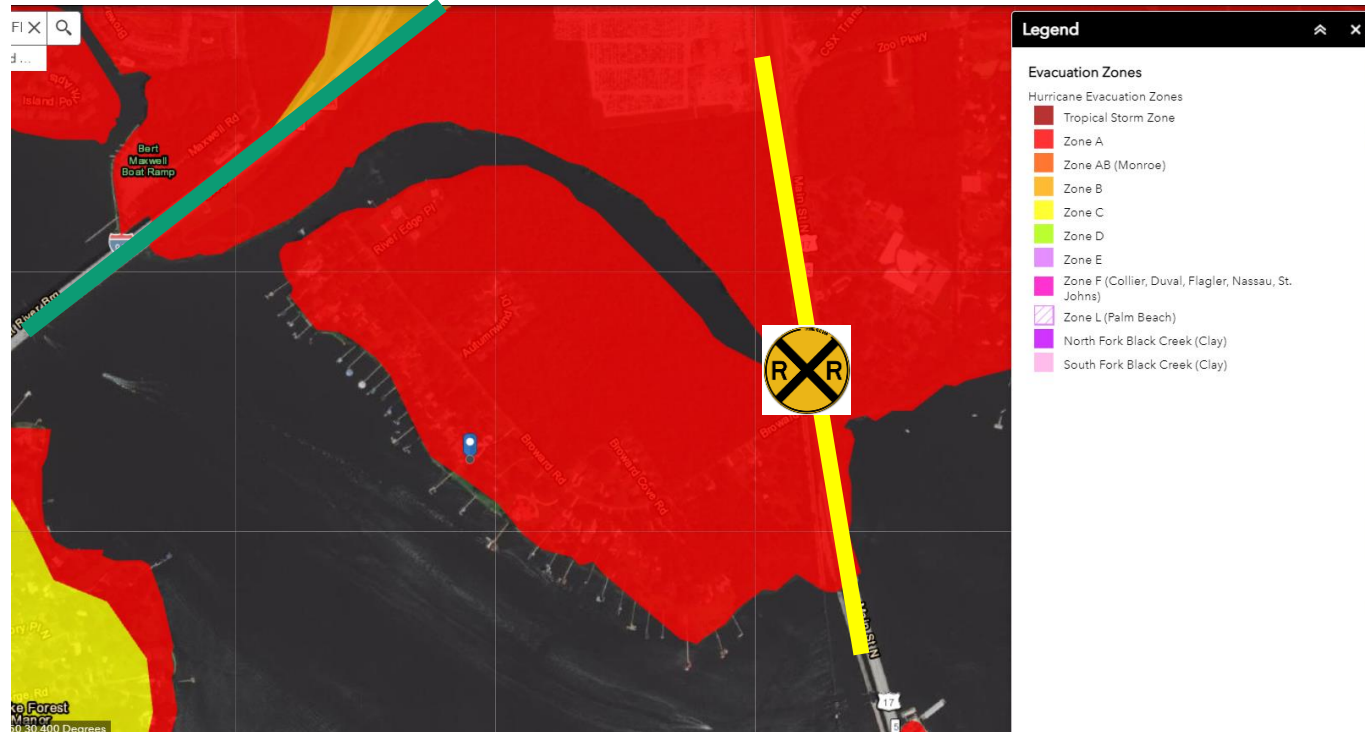
2





## Safety Issue #2 – No Time to Evacuate

Because of the unique interaction of river systems with the Atlantic Ocean, our evacuation zones are more complex than those in most counties. The City of Jacksonville and Duval County Emergency Management have worked closely with the National Oceanographic and Atmospheric Administration, National Weather Service, North East Florida Regional Planning Council, and public safety experts to provide our community with the most up-to-date maps available.



ZONE "A" RED: The area most vulnerable to damage from hurricane, evacuation required in Category 1 - 5.

This zone is most vulnerable and evacuated first.

**Broward community evacuation happens at the same time the railroad is moving rail cars and preparing for hurricane.**





# Safety Issue #3 – Increasing the risk of Flooding Wetland Map vs Hydric Soil View



This Wetland Flag Map was produced 2/22/2018

Upland Area – Approx. = 88 Acres  
Wetlands – Approx. = 23

The Storm Resiliency and Infrastructure Task Force and Adaptation Action Area Working Group are both looking at protecting communities through adequate risk management. Removing trees, salt marsh and wetlands that can absorb rising waters during future storms will increase risk of flooding in the area.

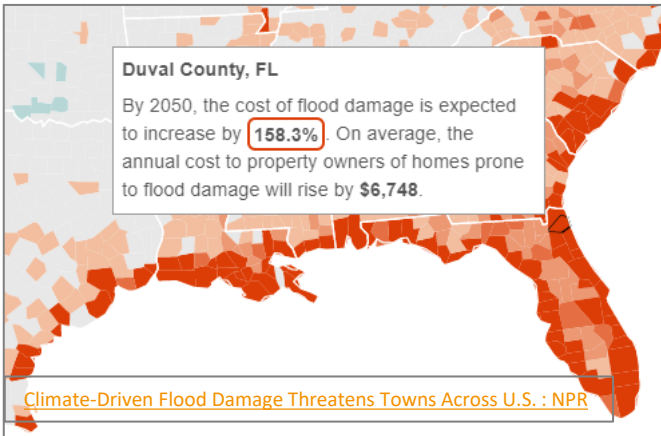
According to a study performed by Duval Soil and Water Conservation - The Hydric Map units are, #22, #35 and #68. Areas mapped as Hydric Soils are often associated with potential Wetlands.





# Safety Issue #3 – Recent Events with Flooding

- Recent storms like - Mathew, Irma and Faye caused significant issues
- No utilities for 2 weeks
- Trees blocked the road





# Safety Issue #3 – As of 3/27/21 FloodFactor.com

## Extreme Risk, Flood Insurance Required

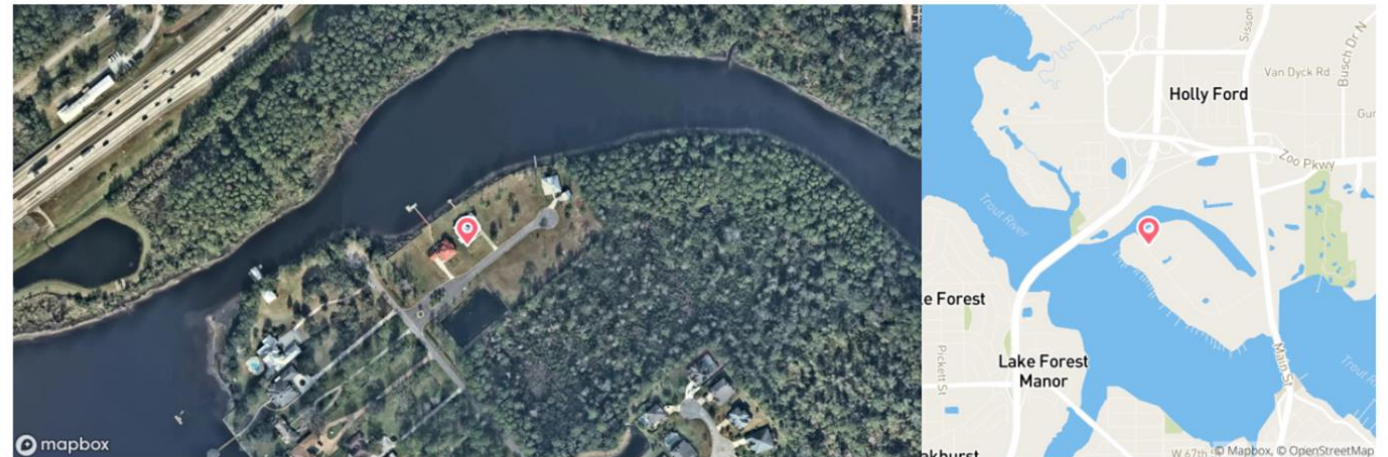
### LOCAL RISK OVERVIEW

### Flood risks beyond this property.

Explore the risks for your neighborhood, zip code, and state and find more solutions that can protect your community.

	Hollyford <a href="#">View page</a>	32218 <a href="#">View page</a>
Risk status ⓘ	Increasing	Increasing
This year # properties at risk ⓘ	64	2,496
In 30 years # properties at risk ⓘ	264	4,075
% Change in properties at risk ⓘ	<b>+312.5%</b>	+63.3%

- This is example of one area **without** 240+ homes added to peninsula.
- FEMA Zone AE =The designation AE indicates areas at high risk for flooding and provides the base flood elevations (BFEs) for them.



River Edge Pl, Jacksonville, Florida

FEMA Zone (est.): AE Flood insurance: required ⓘ



## Safety Issue #3 - We agree.....



...with **40** Subject Matter experts, **50** public meetings – and the City Council approved Resiliency report

1. Jacksonville's Biggest Threat: **flooding and intense storms**
2. Insurance **Rates will Rise**: Federal flood insurance is **running with substantial deficit**
3. Sellers should have to disclose previous flooding – does not exist in current sales agreement
4. **Encourage more resilient building/Development Practices**
5. **Green infrastructures provide Flood protection**
6. **The city should require wetland and surface water buffers**
7. **The city should purchase and protect existing high risk lands to curb future flooding – see South Shores and Ken Knight Drive neighborhoods**

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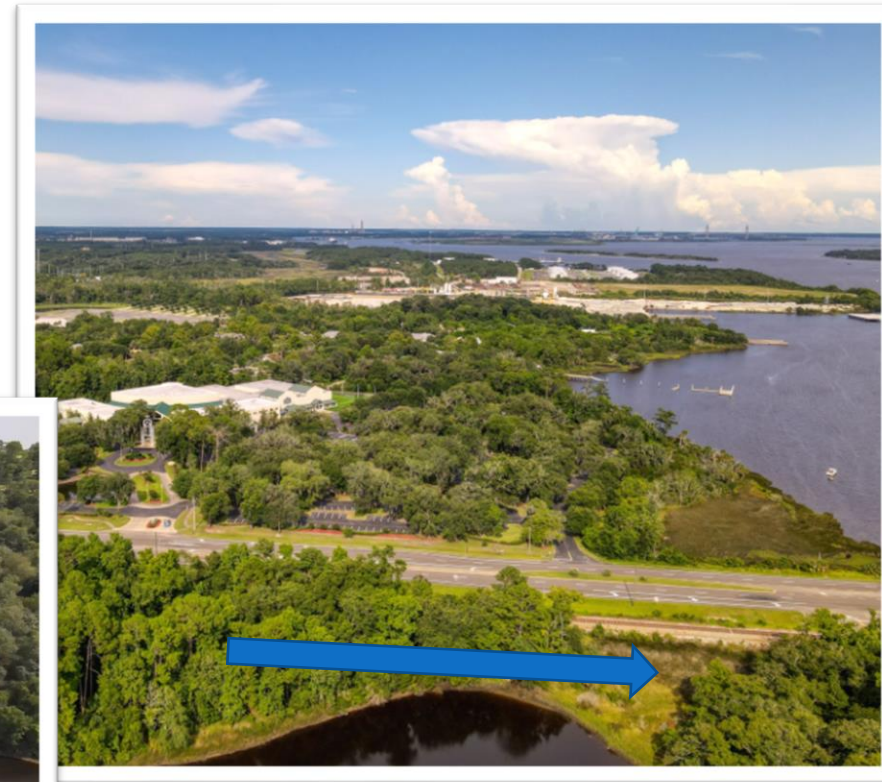
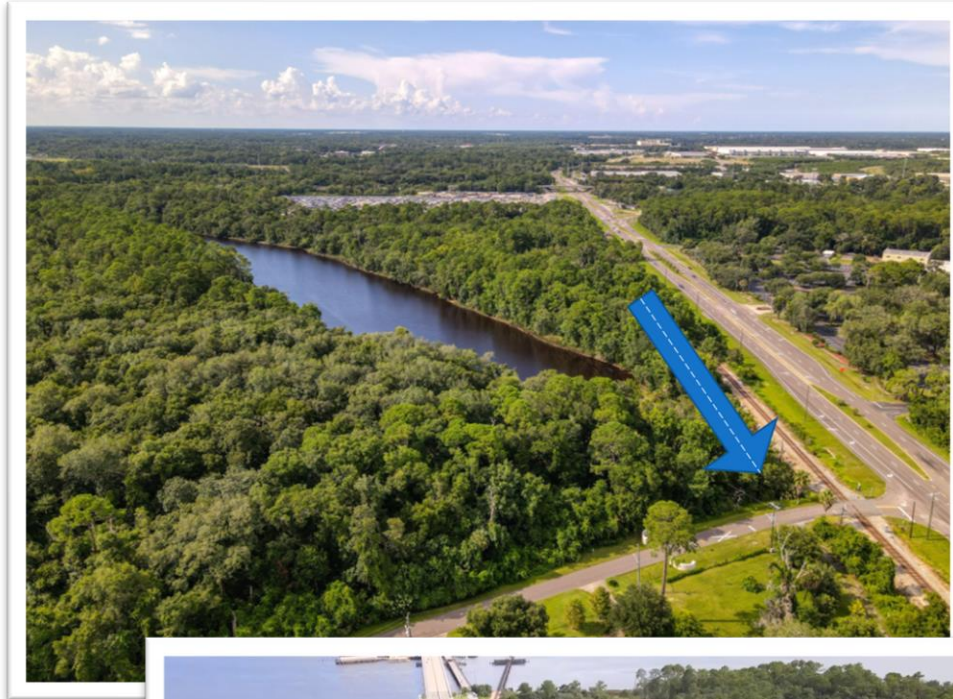
# Safety concern #4 – Parallel Road is planned to be 20 feet from railroad with high flooding risk due to wetland mitigation

TRAFFIC WITHIN CRASH ZONE WITH CURRENT PLAN

FDOT – says lateral crash zone must be evaluated in special circumstances for 25 feet from center line of nearest track rail

Any person driving a school bus and approaching a railroad-highway grade crossing shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and shall not proceed until he or she can do so safely when a highway sign is indicating that a train is approaching or when the driver can hear or see an approaching train. Drivers of commercial vehicles shall slow before crossing the tracks and check that the tracks are clear of an approaching train.

[Chap06.pdf \(fdot.gov\)](#)





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# LEGITIMATE PUBLIC PURPOSE

Once safety issues are mitigated, the following slides will represent competent evidence that maintaining the current zoning, accomplishes a Legitimate Public Purposes.

The community is NOT opposed to development (if done responsibly and safety factors are overcome), we are opposed to changing the zoning at the expense of harming the community & environment. We support the zoning code which promotes safety and general welfare.

Aside from the safety concerns, approving this Rezoning request would:

1. Create significant adverse impacts upon property values
2. Detract from the character and quality of life in the general area or neighborhood by creating excessive noise and traffic
3. Cause lots to be inconsistent with the existing and proposed land uses and zoning of adjacent and nearby properties



# 1 Significant Impact to Property Values

## Section 656.125

### Property Value & Assessment

Any change in rezoning can NOT result in significant adverse impacts upon property values of adjacent or nearby properties or in the general area more than the types of uses currently permitted.

	Today	Proposed
Property Values	400k-3.2M	Starting at 200-400K

### What happens when density is changed in this Peninsula?

- Build Time = 2 years, we are at high end of market in 2021,
  - Mortgage Market on a peak cycle
  - Values will go down before all lots are sold. Builder will be forced to reduce sale price to move property.
- Homes located in Broward Pointe become less desirable
- Values will go down, tax collections decrease, reasons:

Issue	What will have changed from Today?
Density with only one way out	Plan shows high Density, small lots
Junk Yard Views	Visuals Change, no longer have trees
Interstate 95 Noise	Noise decibel changes, no longer have trees
Railroad traffic delays	Increase traffic by 400%

- Increase in Vehicles = Parking Issues
- Flood Insurance Impacts

### Mortgage Market Landscape 2021

- Interest rate forecasted to increase
- Foreclosures moratorium expected to expire this year, which will increase inventory
- Large regional builders typically do not have any stake in the community impact
- Industry is forecasting home prices will moderate

Source: Freddie Mac, MBA and NAR



# 1 Examples of Homes Located in the Peninsula







# 1 Land Use for Adjacent Properties

Based on majority of current lot sizes and no adjacent properties, lot size should be increased to RLD 100A or greater to mitigate the risk of flooding and safety concerns.

Adjacent Property	Land Use Category
North	Industrial Light
South	Estate Homes
East	Water
West	Estate Homes



Junk Yard (Ace Pick-A-Part, FACING SOUTH)



## 2 Character Altering

### Section 656.125

#### Character Altering

Rezoning cannot negatively affect or alter the character of the character area or corridor.

### Present

- Established neighborhood with professionals, business owners or retirees
- All current owners meet or exceed the minimum lot size requirement of 90 feet

90 Feet



100 Feet



### After

- Density and Lot Size Change
- New homes are targeted for first time or step up home buyers

40 ft



50 ft





# 3 Quality of Life– Noise from Interstate 95

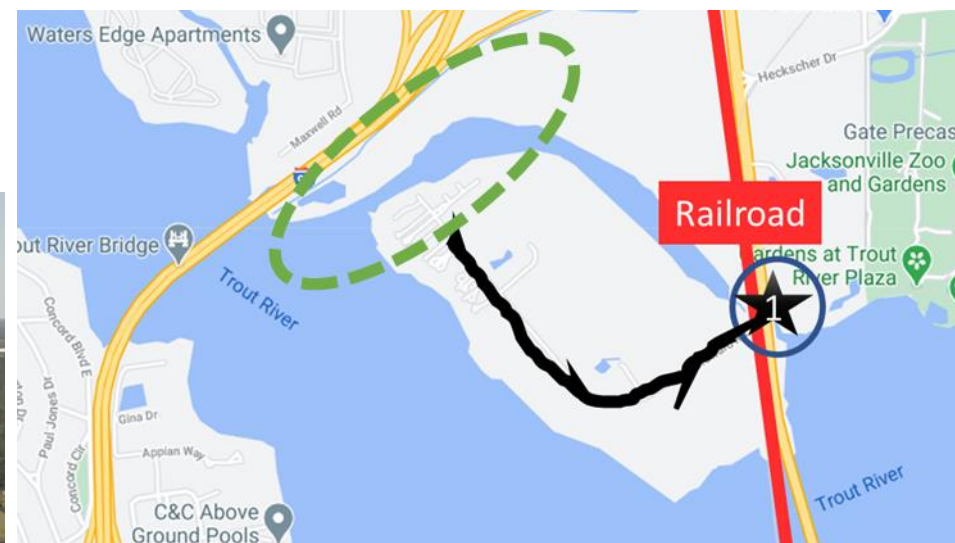
## Section 656.125

### Quality of Life Impacts

Any change in rezoning must NOT detract from the character and quality of life in the general area or neighborhood by creating excessive traffic, noise, lights, vibration, fumes, odors, dust, physical activities or other detrimental effects or nuisances.

National Institute for Occupational Safety and Health (NIOSH) has said noise should be controlled below a level equivalent to 85 decibels (dBA) to minimize induced hearing loss. They recommend less than 15 minutes exposure per day.

Item	Current	Future
Vehicles Traveling I-95	300,000-400,000 vehicles per day	400,000-500,000 cars per day
Noise Level in Home	With Trees and Vegetation – <u>51 dBA</u>	<b>?? Without buffer</b>
Noise Level Outside at bulk head	With Trees and Vegetation – <u>69 dBA</u>	<b>?? Without buffer</b>
Noise level on land nearest to I-95	With Trees and Vegetation – 81 dBA	<b>?? Without buffer</b>





## 4 Environmental Destruction

### Section 656.125

#### Environmental Destruction

Whether the rezoning and subsequent future development would result in the destruction of natural resources such as wetlands, protected trees or exceptional specimen trees.

#### • Concerns

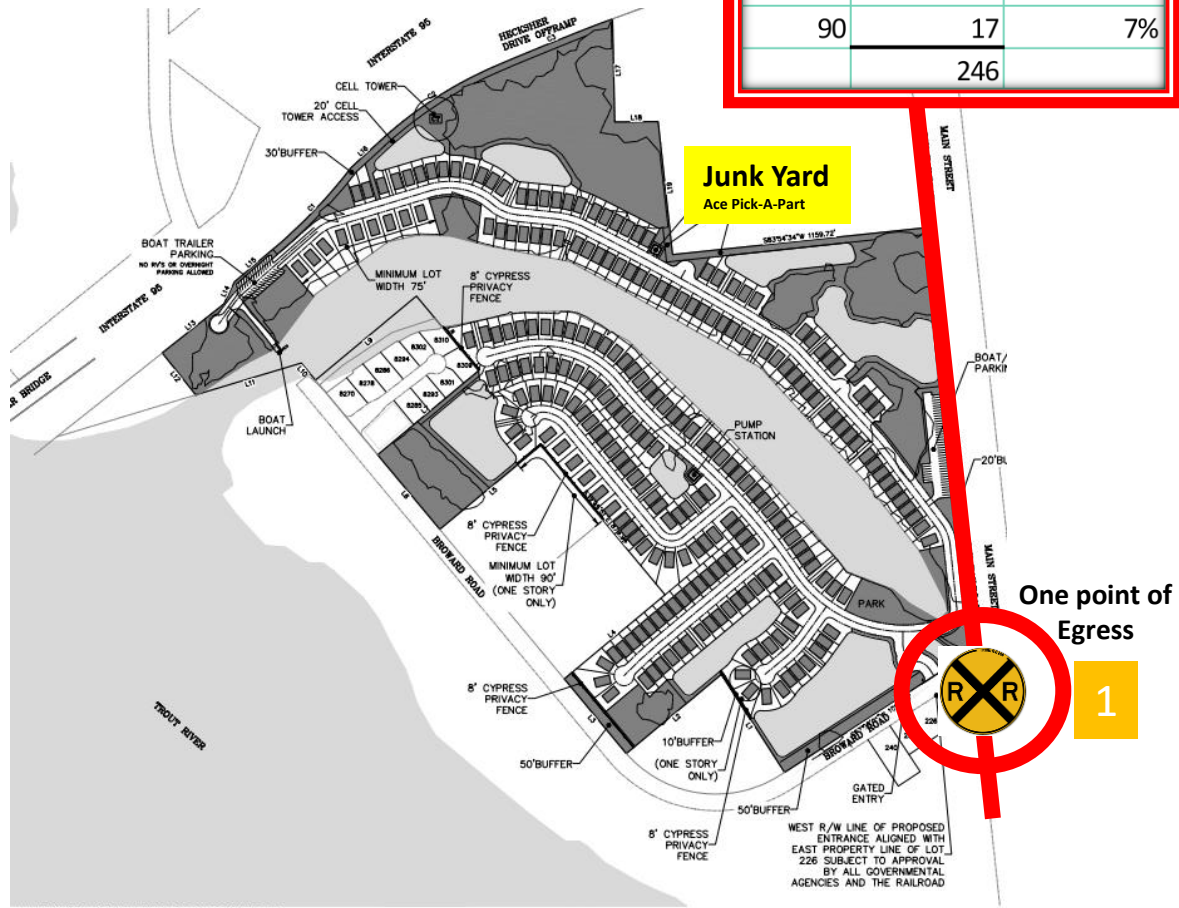
- Historic Resources
- Sound/View scape
- Air/Water Quality
- Listed / Nuisance Species
- Wetlands Destruction
- Flood Risk

#### • Solution

- Vegetative Natural Buffers / Lot Size Additional flooding with strain on water drainage
- Adherence to the COJ 2030 Comp Plan

# Site Summary 9/2 - Curtis Hart (Hart Resources LLC)

Lot Size	# of Homes	% of Homes
50	140	57%
60	63	26%
75	26	11%
90	17	7%
	246	



**Proposed: PUD**  
**Proposed # of Units: 246**  
**Density: 2.9 Lots/NET Ac. (65% of lot)**

**Proposed Total Site Summary**

- Land Use: LDR/MDR
- Minimum Lot Size: 50x120
- Minimum Sq Footage: 6,000 SF
- Minimum Lot Width: 50 Foot
- Front Setback: 20'
- Second Front(on corner lot): 15'
- Side Setback: 5'
- Rear Setback: 10'
- JEA proposed to provide water, sewer and electrical
- **Storm Water System: Wet Detention Ponds**
- **Fire Protection: As required via hydrants**

- The Plan:
- Adds **246** new residents behind one point of ingress/egress
  - Creates numerous hazards
  - Evacuations only work when residents can evacuate
  - Fire hydrants only work when fire trucks can reach hydrants.
  - Creates major flooding risk by removing effective natural “absorbing” vegetation by clear cutting & adding Fill Dirt.

# Has the applicant worked with Community?

Action Speak Louder than Words.....

2020

9/21/2020  
Original application submitted to city

11/17/2020  
Applicant cited for not posting signs on property

Over 2 months  
11/18/2020  
Applicant posted signs

2021

01/2021  
1st Neighborhood Meeting @ Community Center to understand the plan and ask questions

April 2021  
Site Plan provided for final planning report  
**<5%**  
of community Represented in Site Plan

Over 2 months  
05/10/21  
Neighborhood meeting to present our concerns,  
Builder/Developer invited, but, did not show

Over 2 months  
06/10/2021  
Presented documented concerns as a Neighborhood. No changes were made  
Community told no changes to be made

July 2021  
Planning Commission approved w/one condition

September 2, 2021  
Added more homes to Site Plan



## Summary

- >60 days delay in notifying public of Rezoning request
- The final approved report was submitted and dated **April 2021**
- The neighborhood presented all concerns to Builder/Develop/Lobbyist **6/10/21**.
- Builder/Develop/Lobbyist said no additional changes to be made on **6/10/21**
- **In July, at Planning Commission, applicants claim they addressed concerns of the community.**
- **September 2<sup>nd</sup>, added more homes to the Site Plan**



# The Elephant in the Room....

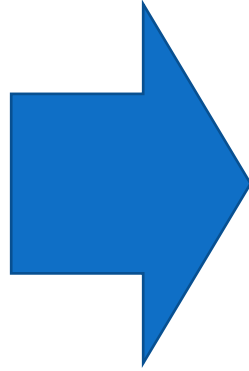


- We believe, these applicants think they can bull doze through this irresponsible Rezoning request because the property is located in a predominantly minority section of Jacksonville.
- This seems to be a theme based on the article recently written by Claire Goforth: Environmental Justice in Jax.
- Allen Moore said it best: the disproportionate effects in poor communities can partially be blamed on poor environmental regulation enforcement and also leaders unwillingness to address residents concerns.
- **Be part of the solution, take a stand and Stop the abuse of minority communities in Jacksonville!**



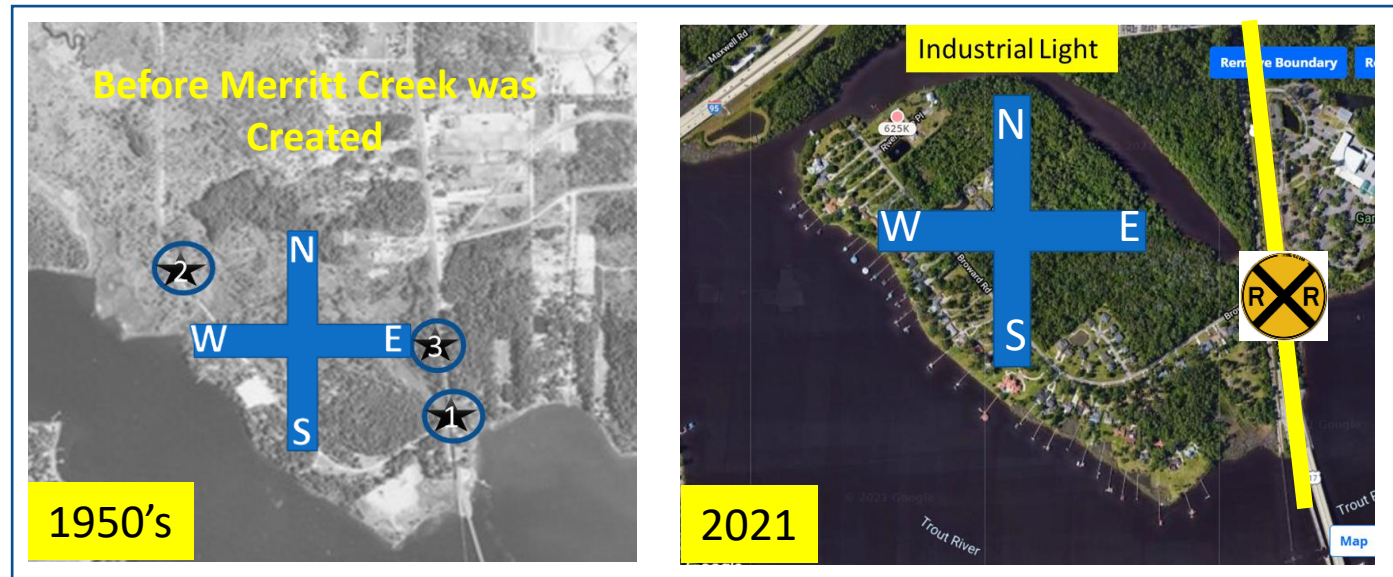
# They will say..... Down Zoning?

- The applicants will refer to this Rezoning request as “Down Zoning” in an attempt to make the case that it’s a better alternative to the existing zoning of RLD-90/RMD-A.



In reality, the existing zoning is inappropriate as well, as it was established over 60 years ago in 1959, at a time when there were more than one point of ingress/egress. The fact that the land owner failed to secure a special easement or secure land necessary to access the additional (North) parcel of land created by dredging Merritt Creek, is not the City’s responsibility. The facts are clear:

- The South parcel is a water locked peninsula with one point of ingress/egress across an active railroad and
- The North parcel is landlocked.







# What would our Neighboring Counties do in this situation? Deny..

## St Johns County – Recent Case Law

- St John: Case: Deerfield Forest Ventures vs. St Johns County
- Outcome – **DENIED due to one point of ingress/egress over active railroad.**

## Flagler – Part of the Municipal Code

### ARTICLE IV. - SUBDIVISION REGULATIONS | Code of Ordinances | Flagler County, FL | Municode Library

- *Road Plans.*
  - Roads in subdivisions shall be planned in conformity with the County Comprehensive Plan or other official maps or plans, if any.
  - The proposed subdivision road layout shall be coordinated with the roads system of the surrounding area or with plans for roads in said area on file in the county planning office.
  - Where, in the opinion of the county engineer, it is desirable to provide for road access to an adjoining property, proposed roads shall be extended by dedication to the boundary of such property and a temporary turnaround provided.
  - Any subdivision with fifty (50) or more lots shall have at least two (2) points of ingress/egress by a paved road that connects to the county road system.



# Legitimate Public Purpose? Findings of Fact Supporting Denial



**Community Goal:** The Broward Pointe community wants to ensure **major safety concerns are addressed** & proposed Rezoning will be compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area or will not deviate from an established or developing logical and orderly development pattern.

A change in current zoning will result in significant impact, safety concerns and detract from the quality of life on the peninsula:

1 Safety Concerns	2 Property Value & Assessment	3 Character Altering	4 Impact on Quality of Life	5 Environmental Destruction
<p>Safety for all residents who reside in the peninsula and planned new development.</p> <ul style="list-style-type: none"> <li>• Important to know the history of the road</li> <li>• Peninsula has unique constraints</li> <li>• <u>Risk is directly correlated to population using the Broward/Main exit</u></li> </ul>	<p>Rezoning will result in significant adverse impacts upon property values of adjacent or nearby properties or in the general area more than the types of uses currently permitted.</p>	<p>Rezoning will negatively affect or alter the character of the character area or corridor.</p>	<p>Rezoning <u>will</u> detract from the character and quality of life in the general area or neighborhood by creating excessive noise.</p>	<p>Rezoning will result in the destruction of natural resources such as wetlands and further impair the Trout River which feeds the St Johns River.</p>



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# OPPOSITION

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Thank you for listening.

Vote “No”. You will not be alone.



## Opposition – Minutes from North CPAC

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- Business
- **Oppose 2020 - 0689 – Plan Unit Development (PUD): Broward Key:** This application seeks to rezone approximately 113.47+/-1 acres from RLD-90 RMD-A to Planned Unit Development (PUD) to permit 243 single family homes with 50 foot wide and 6,000 square foot lots. The CPAC opposes the project based on the dangerous access to the site, and the developers have failed to meet with members of the community.



# Opposition Letter from Duval Soil and Water Conservation



## Duval Soil and Water Conservation District

260 US 301, North - Baldwin, FL 32234  
904-299-3112

DuvalSWCD@gmail.com  
www.duvalsoilandwater.com  
Facebook: @jaxsoilandwater

Jennifer Casey, Chair  
James Cook, Vice Chair  
John Barnes, Secretary  
Allen L. Moore, Treasurer  
Ashantae Green, Historian

Ms. Dorothy Parker Gillette  
226 Broward Road  
Jacksonville, FL 32218

Re: Broward PUD rezoning (Ordinance #2020-689)

Dear Ms. Gillette,

This letter is submitted as a result of your written request (see attached), dated March 10, 2021, to provide a response to the concerns outlined in the subject request, that references the Broward PUD rezoning (Ordinance #2020-689) proposal.

The Duval Soil and Water Conservation District (DSWCD) was created in July of 1953 under the authority created by the Soil Conservation Act, passed by the Florida Legislature in 1937. The DSWCD was organized by concerned citizens of Duval County to help landowners and users to conserve land, water, forests, wildlife and related natural resources. Our mission is to deliver natural resources conservation technology and education to local landowners and users and to promote the wise use of land and best management practices that will conserve, improve

The peninsula on Merritt Creek and the Trout River is one of Duval County's lesser-known natural treasures. The serene peninsula is home to bald eagles and an organic pecan farm, while the sensitive estuary of Merritt Creek is home to sizeable dolphin, tarpon and manatee populations and is a spawning site for shrimp and crab populations that inhabit the Trout River.

The proposed Broward PUD rezoning (Ordinance #2020-689) includes plans to alter the delineated area to make provisions for the construction of approximately 243 new homes. The proposed development also includes the installation of streets, driveways, sidewalks, stormwater management facilities and other pertinent areas, as outlined in the proposed PUD.

At least 135 homeowners in the neighborhood situated on the Merritt Creek peninsula will be affected. They have presented a signed petition and have communicated their concerns to our board in writing and in person through many representatives. Their concerns include clear cutting of entire peninsula, no planned bulkhead, potential pollution of associated waterways

Page 1 of 2

from storm water seepage and pesticide runoff, traffic congestion, drainage complications, and harm to sea life in Merritt Creek and to wildlife on the peninsula. Deforestation will leave the peninsula susceptible to strong winds off the St. Johns and Trout Rivers. Dredging of Merritt Creek to create deep water access will result in damage to both the creek and the wetlands that are filled in.

In addition, our findings revealed the associated, undisturbed, woody areas on the peninsula have soils delineated as Hydric Soils on the attached Soils Map from the Web Soil Survey provided the USDA Natural Resources Conservation Service. The Hydric Map units are, #22, #35 and #68. Areas mapped as Hydric Soils are often associated with potential Wetlands. Please see the attached Soils report and Hydric Soils List for additional information.

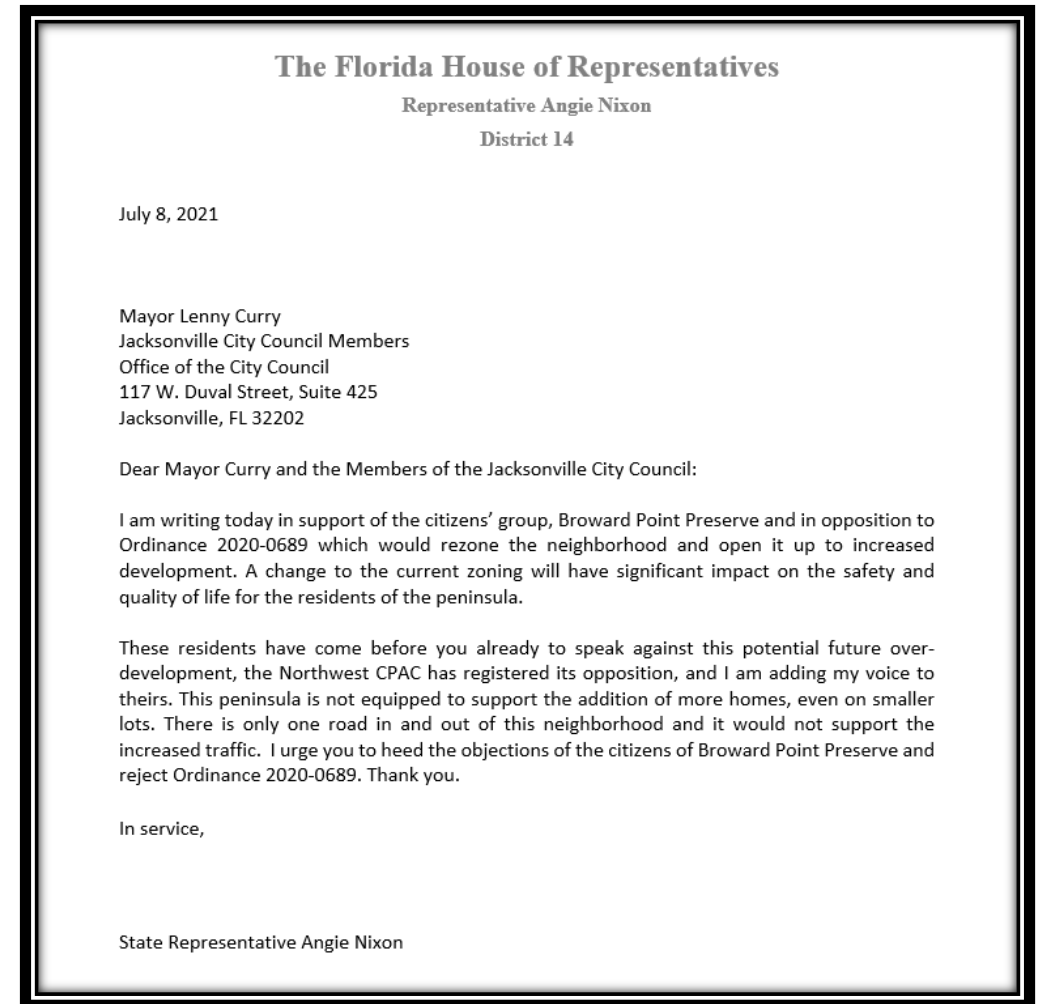
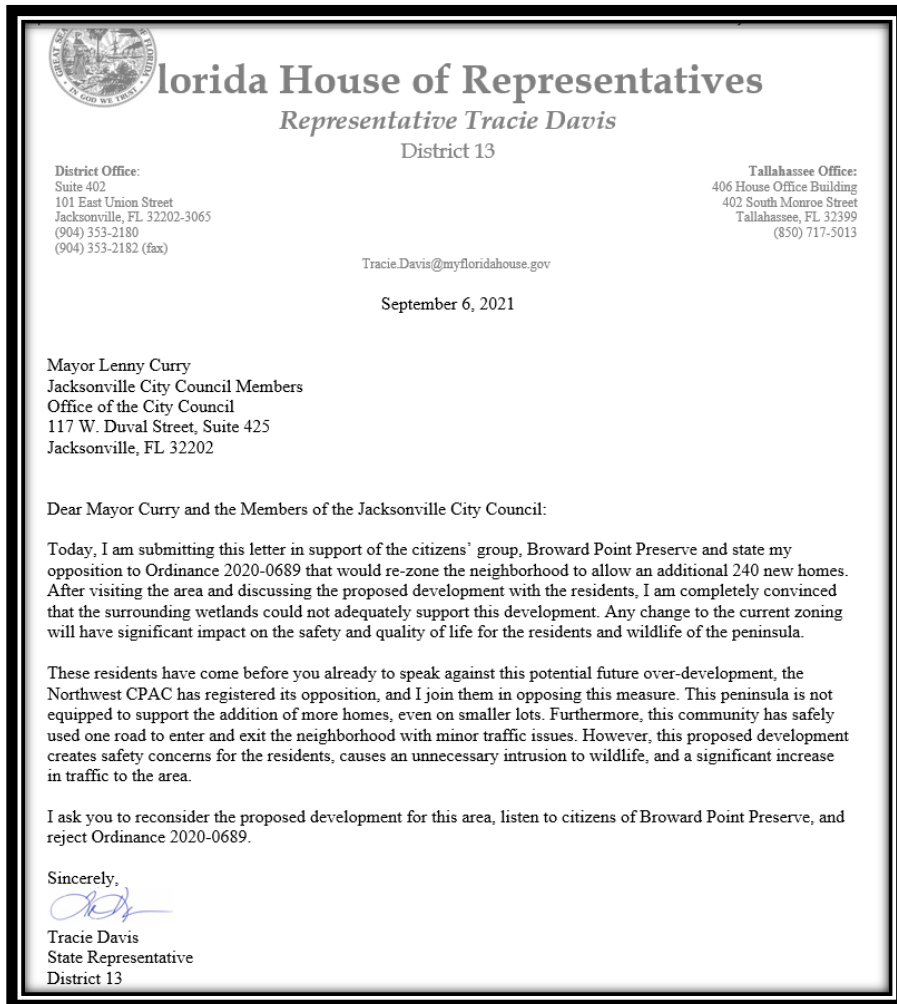


# Opposition - St Johns Riverkeeper

## According to the St Johns Riverkeeper Assessment of Broward Point in 2019

- “This 2019 rezoning will leave communities near the Trout River more vulnerable to future storms and flooding. Further, it leaves the current residents of Broward Cove and surrounding property **at risk for increased flooding**. This proposal to impact 50+ acres of land comes at a time when the City of Jacksonville has two task force’s looking at ways to lessen and reduce current and future flooding at great expense. **This is an example of development in the wrong place, threatening future home buyers and current residents alike.**
- The Storm Resiliency and Infrastructure Task Force and Adaptation Action Area Working Group are both looking at protecting communities through adequate risk management. **Removing trees, salt marsh and wetlands that can absorb rising waters during future storms will increase risk of flooding in the area.**
- In addition, this project **threatens water quality because of the loss in forested wetlands and riparian land and from the addition of waterfront homes and lawns that will become a contributor of stormwater runoff.** Unfortunately, the ecological health and integrity of the St. Johns River system is threatened due to years of wetland loss, development, and the cumulative impacts of a growing population. This has been documented in the annual St. Johns River Report Card which consistently ranks wetlands loss as a major factor in the River’s health.
- The magnitude of wetland loss in Duval County is profound and solutions to remedy the problems are expensive. The most affordable and effective solution is to protect valuable wetlands that protect our homes, businesses and our river.
- St. Johns Riverkeeper is a Florida nonprofit, membership-based corporation. The St. Johns Riverkeeper mission is to be an independent voice that defends, advocates, and activates others to protect and restore the St. Johns River. We are dedicated to the protection, preservation and restoration of the ecological integrity of the lands and waters of the St. Johns River watershed for current users and future generations.”

# Opposition - State Representatives Opposing – District 13 and 14





# THANK YOU

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Drone Footage - Videos/Images Available:

<https://www.dropbox.com/sh/ncmsqtz15yrv2g6/AADzgECagRTA80XbOuGcE4LPa?dl=0>