

City of Jacksonville, Florida

Lenny Curry, Mayor

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

March 3, 2022

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

RE: Planning Commission Advisory Report / Ordinance No. 2022-071/Application No. L-5527-21A

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

Pursuant to the provisions of Section 650.405 *Planning Commission Advisory Recommendation and Public Hearing*, the Planning Commission **APPROVED** Ordinance 2022-071 on March 3, 2022.

P&DD Recommendation	APPROVE
PC Issues:	None
PC Vote:	7-0 APPROVE

David Hacker, Chair	Aye
Alexander Moldovan, Vice-Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Aye
Joshua Garrison	Aye
Jason Porter	Aye
Jordan Elsbury	Aye

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

Sincerely,

Kristen D. Reed

Kristen D. Reed, AICP
Chief of 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

Large-Scale Future Land Use Map Amendment – February 25, 2022

Ordinance/Application No.: 2022-071 / L-5527-21A

Property Location: On the east side of Philips Highway between Energy Center Drive and Severn Street

Real Estate Number(s): 168152-0110, and portions of 167907-0010, 168152-0220 and 168152-0310

Property Acreage: 81.49 Acres

Planning District: District 3, Southeast

City Council District: District 11

Applicant: Cyndy Trimmer, Esquire

Current Land Use: Business Park (BP) - 42.72 acres, Low Density Residential (LDR) – 34.37 acres and Community/General Commercial (CGC) – 4.40 acres

Proposed Land Use: Light Industrial (LI) - 30.09 acres, Medium Density Residential (MDR) - 25.60 acres, Community/General Commercial (CGC) – 3.76 acres and Conservation (CSV) – 22.04 acres

Development Area: Suburban Area

Current Zoning: Agriculture (AGR) – 43.07 acres, Residential Rural (RR-Acre) – 25.77 acres, Commercial Office (CO) – 11.01 acres and Residential Low Density-60 (RLD-60) – 2.54 acres

Proposed Zoning: Planned Unit Development (PUD) -54.48 acres and Industrial Light (IL) – 27.91 acres

RECOMMENDATION: **APPROVE**

APPLICANT'S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

Applicants seek to amend the land use to permit development of a multi-family project with commercial development fronting Philips Highway. In addition, applicants seek to

retain light industrial uses towards the northeastern corner of the parcels while preserving Davis Creek by converting surrounding land to Conservation.

BACKGROUND

The 81.49 acre subject site is located on the northeast side of Philips Highway and on the southeast side of Energy Center Drive. Energy Center Drive is a private road. Therefore, access will be from Philips Highway, a major arterial roadway according to the City's Functional Highway's Classification Map. The application site consists of four (4) parcels located within the Suburban Development Area.

The site is currently undeveloped and the applicant seeks an amendment to the Future Land Use Map series (FLUMs) of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan from Business Park (BP), Low Density Residential (LDR) and Community/General Commercial (CGC) to Light Industrial (LI), CGC, Medium Density Residential (MDR) and Conservation (CSV) in order to develop multi-family residential with commercial development fronting Philips Highway and to place the AE-Floodway zone into Conservation. Two companion rezoning applications are pending concurrently with the land use application via Ordinances 2022-072 and 2022-073, which seeks to change the zoning district from Agriculture (AGR), Residential Rural (RR-Acre), Commercial Office (CO) and Residential Low Density-60 (RLD-60) to Planned Unit Development (PUD) and Industrial Light (IL).

Recent nearby development projects are located within the close proximity of the land use amendment site. The Jacksonville Electric Authority (JEA) Greenland Energy Center (Ordinance 2009-531-E and 2009-532-E), located to the north and abutting to the application site, is a natural gas power generating and potable water treatment facility. South and adjacent to the application property is the 135 lot Copperleaf single-family subdivision (Ordinance 2015-699-E). Immediately south and east of the Copperleaf subdivision is the mixed use community "Bayard Smart Code Overlay" (Ordinances 2009-156-E and 2009-157-E). This area promotes various uses and varieties of building setback lines, separations and buffering.

The area is generally characterized by industrial and utility uses to the north and residential and commercial to the south. The adjacent land use categories, zoning districts and property uses of the land use amendment site are as follows:

North: Land Use: Public Buildings and Facilities (PBF) and BP
Zoning: PUD, AGR, Industrial Business Park (IBP)
Property Use: Stormwater retention lake, power facility and open storage

South: Land Use: LDR and Mixed Use (MU)
Zoning: PUD, RR-LD-60 and CO
Property Use: Vacant undeveloped land, single family dwellings, office, mobile homes and the Bayard Community Multi-Use Area

East (across I-95): MU

Zoning: PUD

Property Use: Wetlands and the Bayard Community Multi-Use Area

West: Land Use: LI, CGC, and MDR

Zoning: IL, PUD, CO and Industrial Business Park (IBP)

Property Use: Philips Highway, vacant undeveloped lands, stormwater retention lake, open storage, single family dwellings, Philips Highway and rail road track

IMPACT ASSESSMENT

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

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

Impact Assessment Baseline Review

Development Analysis		81.49 acres
Development Boundary	Suburban Area	
Roadway Frontage Classification / State Road	Philips Highway / major arterial roadway	
Plans and/or Studies	Southeast Vision Plan and U.S. 1 Corridor Study	
Site Utilization	Current: Undeveloped	Proposed: Multi-family housing, commercial, industrial, and conservation
Land Use / Zoning	Current: BP (42.72 ac), LDR (34.37 ac), and CGC (4.4 ac) / AGR, RR-Acre, CO, and RLD-60	Proposed: LI (30.09 ac), CSV (22.04 ac), MDR (25.6 ac), and CGC (3.76 ac) / PUD

Development Analysis		81.49 acres
Development Standards for Impact Assessment	Current: Scenario 1: BP (0.35 FAR) LDR (5 DU/Acre) and CGS (0.35 FAR) Scenario 2: BP at 20% and 15 DU/Acre at 80%) LDR (5 DU/Ac) CGC (0.35 FAR at 20% and 15 DU/Acre at 80%)	Proposed: Scenario 1: LI (0.4 FAR) LDR (5 DU/Acre and CGC (0.35 FAR) Scenario 2: LI (0.4 FAR) MDR (15 DU/Acre) CGC (0.35 FAR at 20% and 15 DU/Acre at 80%)
Development Potential	Current: Scenario 1: BP (651,309 Sq. Ft.); LDR (171 units); CGC (67,082 Sq. Ft.) Scenario 2: BP (130,262 Sq. Ft. and 512 units); LDR (171 units); CGC (13,416 Sq. Ft. and 52 units)	Proposed: Scenario 1: LI (524,288 Sq. Ft.); CSV (0); MDR (384 units); CGC (57,325 Sq. Ft.) Scenario 2: LI (524,288 Sq. Ft.); CSV (0); MDR (384 units); CGC (11,465 Sq. Ft. and 45 units)
Net Increase or Decrease in Maximum Density	Scenario 1: Increase of 213 units Scenario 2: Decrease of 306 units	
Net Increase or Decrease in Potential Floor Area	Scenario 1: Decrease of 136,778 Sq. Ft. Scenario 2: Increase of 392,075 Sq. Ft.	
Population Potential	Current: Scenario 1: 454 people Scenario 2: 1,779 people	Proposed: Scenario 1: 902 people Scenario 2: 1,008 people
Special Designation Areas		
Aquatic Preserve	No	
Septic Tank Failure Area	No	
Airport Environment Zone	No	
Industrial Preservation Area	No	
Cultural Resources	No	
Archaeological Sensitivity	Low, Medium and High	
Historic District	No	
Coastal High Hazard/Adaptation Action Area	No	
Groundwater Aquifer Recharge Area	No, discharge	
Wellhead Protection Zone	No	
Boat Facility Siting Zone	No	
Brownfield	No	
Public Facilities		
Potential Roadway Impact	Scenario 1: No net new trips Scenario 2: No net new trips	
Potential Public School Impact	141 New students	
Water Provider	JEA	
Potential Water Impact	Scenario 1: Increase of 40,971 gpd Scenario 2: Decrease of 39,284 gpd	
Sewer Provider	JEA	
Potential Sewer Impact	Scenario 1: Increase of 30,728 gpd	

Development Analysis		81.49 acres
		Scenario 2: Decrease of 29,463 gpd
Potential Solid Waste Impact		Scenario 1: Increase of 1,121.4 tons/year Scenario 2: Increase of 2,106 tons/year
Drainage Basin/Sub-basin		Julington Creek Basin and Big Davis Creek Sub-basin
Recreation and Parks		Genovar Park and Greenland Park
Mass Transit Access		Bus Route 84
Natural Features		
Elevations		7 - 14 feet above mean sea level
Land Cover		2410 (tree nurseries); 4410 (pine plantation); 4430 (forest regeneration); 6170 (mixed wetland hardwoods); 7410 (rural land in transition without positive indicators of intended activity); 5300 (reservoirs – pits, retention ponds, dams); 3300 (mixed upland nonforested)
Soils		(22) Evergreen Wesconnett complex, (24) Hurricane and Ridgewood soils, (32) Leon fine sand, (35) Lynn Haven fine sand and (62) Rutlege mucky fine sand
Flood Zones		AE Floodway; AE; and 0.2 % Annual Chance Flood Hazard
Wetlands		Category II wetlands
Wildlife (applicable to sites greater than 50 acres)		Wildlife survey provided; summarized in staff report

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 indicated on the land use amendment application that the site will be served by JEA. JEA letters dated March 24, 2021 for both zoning application sites identifies service availability. There is an existing 24-inch water main along Philips Highway and an existing 8-inch water main along Pinnacle Point Drive. In addition there is an existing 6-inch sanitary sewer force main along Pinnacle Point Drive.

Transportation

The Planning and Development Department completed a transportation analysis, which is on file with the Planning and Development Department. In accordance with development standards for impact assessments established in the Future Land Use Element Policy 1.2.16, the existing land uses have the following development potential:

- LDR land use category (ITE Code 210) has a development potential of 171 single-family homes, which could generate 1,614 average daily trips.
- BP land use category with 100% non-residential (ITE Code 770) has a development potential of 651,309 SF, which could generate 8,102 average daily trips.

- BP with 80% residential and 20% non-residential land use category (ITE Code 770) results in a development potential of 130,262 SF of commercial space, which could generate 1,620 average daily trips and 512 multi-family dwelling units (ITE Code 220) which could generate 3,748 average daily trips.
- CGC land use category with 100% non-residential (ITE Code 820) has a development potential of 67,082 SF, which could generate 2,911 average daily trips.

The **proposed** land uses have the following development potential:

- CGC with 80% residential and 20% non-residential land use category (ITE Code 820) results in a development potential of 13,416 SF of commercial space, which could generate 582 average daily trips and 52 multi-family dwelling units (ITE Code 220) which could generate 381 average daily trips.
- MDR land use category (ITE Code 220) results in a development potential of 384 multi-family dwelling units which could result in 2,811 average daily trips.
- LI land use category (ITE Code 110) results in a development potential of 524,288 SF of industrial space, which could generate 2,600 average daily trips.
- CGC land use category with 100% non-residential (ITE Code 820) has a development potential of 57,325 SF, which could generate 2,488 average daily trips.
- CGC with 80% residential and 20% non-residential land use category (ITE Code 820) results in a development potential of 11,465 SF of commercial space, which could generate 497 average daily trips and 45 multi-family dwelling units (ITE Code 220) which could generate 329 average daily trips.
- CSV land use category does not result in any average daily trips.

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

Supplemental Transportation Information

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

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

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

Mobility needs vary throughout the city and in order to quantify these needs, the city was divided into 10 Mobility Zones. The Mobility Strategy Plan identifies specific transportation strategies and improvements to address traffic congestion and mobility needs for each mode of transportation. The project site is located in Mobility Zone 1.

The subject site is accessible via Philips Highway, a principal arterial facility and is subject to FDOT review and access management requirements. The proposed developments will have significant impacts on the roadway network and the Transportation Planning Division recommends ongoing coordinating efforts with the FDOT and COJ Traffic Engineer Division to ensure that a traffic operational analysis is provided to address the specific external impacts as a result of this land use amendment.

School Capacity

Based on the impact assessment standards detailed in FLUE Policy 1.2.16, the 81.49 acre proposed land use map amendment has a development potential of 429 multi-family dwelling units. The proposed development was analyzed in accordance with the adopted level of service standards (LOS) for school capacity as established in the Interlocal Agreement (ILA) and the Public Schools and Facilities Element. The ILA was entered into in coordination with the Duval County Public School System (DCPS) and the other municipalities within Duval County.

School concurrency LOS is the methodology used to analyze and to determine whether there is adequate school capacity for each school type (elementary, middle, and high school) to accommodate a proposed development. The LOS (105% of permanent capacity) is based on Concurrency Service Areas (CSAs), not the closest school in the area for elementary, middle and high schools, as well as on other standards set forth in the City of Jacksonville School Concurrency Ordinance.

In evaluating the proposed residential development for school concurrency, the following results were documented:

- Elementary School
 - Concurrency Service Area (CSA) 5
 - 2020/2021 enrollment: 8,312
 - Current utilization: 85%
 - New student development from amendment: 71
 - 5-year utilization: 94%
 - Available seats in CSA 5: 768
 - Available seats in adjacent CSA(s) 3 and 4: 1,749

- Middle School
 - CSA 5
 - 2020/2021 enrollment: 2,343
 - Current utilization: 83%
 - New student development from amendment: 31
 - 5-year utilization: 88%
 - Available seats in CSA 1: 136
 - Available seats in adjacent CSA(s) 3 and 4: 580

- High School
 - CSA 5
 - 2020/2021 enrollment: 7,615
 - Current utilization: 98%
 - New student development from amendment: 39
 - 5-year utilization: 98%
 - Available seats in CSA 5: 39
 - Available seats in adjacent CSA(s) 3 and 4: 174

The analysis of the proposed 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 380.06, F.S

Supplemental School Information:

The following additional information regarding the capacity of the assigned neighborhood schools was provided by the Duval County School Board. This is not based on criteria utilized by the City of Jacksonville School Concurrency Ordinance. Note that the percentage occupied may not appear correct due to ESE space requirements.

- Bartram Springs Elementary #161
 - CSA 5
 - Amendment student generation: 71
 - School Capacity including permanent spaces and portables: 964
 - Current enrollment 20 day count for 2020/2021: 996
 - Percent Occupied: 103%

- 4-year projection: 116%
- Twin Lakes Academy Middle School #253
 - CSA 4
 - Amendment student generation: 31
 - School Capacity including permanent spaces and portables: 1,462
 - Current enrollment 20 day count for 2020/2021: 1,128
 - Percent Occupied: 77%
 - 4-year projection: 72%
- Atlantic Coast High School #268
 - CSA 5
 - Amendment student generation: 39
 - School Capacity including permanent spaces and portables: 2,443
 - Current enrollment 20 day count for 2020/2021: 2,311
 - Percent Occupied: 95%
 - 4-year projection: 97%

Archaeological Sensitivity

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

Historic Preservation Element

Policy 1.2.6 The Planning and Development Department shall maintain and update for planning and permitting purposes, a U.S.G.S. series of topographic maps upon which recorded archaeological sites are shown.

Flood Zones

Approximately 56.91 acres of the subject site are located within flood zones of which 22.70 acres are within the AE-Floodway, 14.80 acres are within the AE flood zone and 19.41 acres are within the in the 0.2 Percent Annual Chance Flood Hazard flood zone. Flood zone designations are assigned by the Federal Emergency Management Agency (FEMA). FEMA defines the various flooding characteristics of different lands based on a 100-year storm. The 100-year storm or Special Flood Hazard Area (SFHA) refers to a flood occurring from a storm event that happens an average of every 100 years. This does not mean that a storm of this type will happen every 100-years. There is a 1-percent chance that a storm of this magnitude will occur in any given year.

The 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 flood zone is defined as areas within the 100-year floodplain or SFHA where flood insurance is mandatory.

The 0.2 Percent Annual Chance Flood Hazard Flood Zone is an area 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. Most of the land located within the floodway, along with a 25 foot wide floodway buffer, is proposed to be placed in the CSV land use category.

Future Land Use Element (FLUE)

Policy 1.4.4 The City shall require all development within the 100-year flood plain to be in strict conformance with all applicable federal, State, regional and local development regulations.

Conservation / Coastal Management (CCME)

Policy 2.7.1 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 2.7.3 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.

Wetlands

The applicant submitted two wildlife reports covering the entire application site which indicates the existence of wetlands on the subject site. The reports identified several wetland types found on the application site and they are as follows: mixed wetland hardwoods, wet prairies, bay swamp, hydric pines, stream and waterways, and ditches. The Department also reviewed aeriels, soils and elevations to determine quality and functional value of the wetlands. Based on the information noted below, the proposed amendment is consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

On August 11, 2021, the City of Jacksonville's Waterways Commission reviewed and unanimously approved the land use amendment. This Commission's approval was also based on the applicant's consideration to place environmentally sensitive lands located within the AE-Floodway into the Conservation (CSV) land use category for protection.

Wetlands Characteristics:

Approximate Size: 42.94 Acres

General Location(s): Wetlands are located in the middle, draining east to west of the application site. The wetlands of the property is a portion of a larger wetland system that buffers Big Davis Creek that eventually drains into Julington Creek.

Quality/Functional The wetland has an extremely high functional value for water filtration attenuation and flood water capacity, is located within the 100 year flood zone, and has a direct impact on the City's waterways.

Soil Types/
Characteristics:

(22) Evergreen-Wesconnett complex, depressional, 0-2% slopes – The Evergreen series consists of nearly level, very poorly drained soils. These soils formed in decomposed organic materials underlain by thick sandy marine sediments. They are located in depressions. The Wesconnett series consists of nearly level, very poorly drained, sandy soils. These soils are formed in thick sandy marine sediments and are found in depressions. Generally, the water table is at or above the surface for long periods

(35) Lynn Haven fine sand – consists of nearly level and gently sloping, very poorly drained, sandy soils. These soils formed in thick beds of sandy marine sediments. They are on flats and in seep areas on side slopes. The soils are moderately permeable and moderately slowly permeable and moderately rapidly permeable. Generally, the high water table is at or near the surface.

(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 soils are 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: Uses located within Category II wetlands are generally limited to conservation, residential, water-dependant/water related and silviculture, subject to CCME Policies 4.1.3 and 4.1.5

Environmental Resource Permit (ERP): ERP #154147-1 Formal Wetland Determination issued 11/6/2018 on a portion of the application site south of Big Davis Creek,

Wetlands Impact: 22.04 acres of these wetlands are proposed to be placed in the CSV land use category. The proposed PUD reflects clustering outside the proposed CSV lands.

Associated Impacts: Wetlands of the site are located in the flood zones of Big Davis Creek.

Relevant Policies: CCME Policies 4.1.3 and 4.1.5 – see below

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:

- (a) Encroachment
Encroachment in Category I, II, or III wetlands is the least damaging and no practicable on-site alternative exists; and
- (b) No net loss
Development is designed and located in such a manner that there is no net loss to the wetland functions including but not limited to:
 - i the habitat of fish, wildlife and threatened or endangered species,
 - ii the abundance and diversity of fish, wildlife and threatened or endangered species,
 - iii the food sources of fish and wildlife including those which are threatened or endangered,
 - iv the water quality of the wetland, and
 - v the flood storage and flood conveyance capabilities of the wetland; and
- (c) Floodplain protection
Buildings are built at an elevation of sufficient height to meet the designated flood zone standards as set forth by the Federal Emergency Management Agency. The design must be in conformance with Chapter 652 (Floodplain Regulations) of the Ordinance Code; and

- (d) **Stormwater quality**
In the design and review of developments which will discharge stormwater into the Category I, II, or III wetlands the following performance standards shall be used to protect water quality:
- i Issuance of a Management and Storage of Surface Waters permit pursuant to Chapter 40C-4 or 40C-40, F.A.C. or a stormwater permit issued pursuant to Chapter 40C-42, F.A.C., provides assurances necessary for compliance with subsections (i) - (iv) above provided the stormwater management system is constructed in accordance with the permit; and
 - ii Regular monitoring and maintenance program on an annual basis for the performance of stormwater treatment systems
- (e) **Septic tanks**
Septic tanks, drainfields and/or greywater systems are located outside the Category I, II, or III wetland area and not within 75 feet of the mean high water line of tidal bodies or within 75 feet of any wetland unless the Duval County Health Department grants a variance for a hardship case pursuant to the provisions of Section 381.0065, F.S. Where public utilities are available, development is required to connect to these facilities; and
- (f) **Hydrology**
The design of the fill shall include measures to maintain the wetlands hydrology of the site.

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.

Wildlife Survey

The applicant submitted two revised wildlife site assessments in May 2021; on file with the Planning and Development Department. Listed wildlife species utilizing the subject property were not observed during the site assessment. However, listed species with the potential to occur on the subject property were included due to the existing habitat. If the St. Johns River Water Management District (SJRWMD), and/or local government permits are required for the proposed development, U.S. Fish and Wildlife Service (USFWS) and/or Fish and Wildlife Conservation (FWC) may be notified and allowed to comment on listed species with the potential to occur on the subject property. Additional information may be requested from the applicant to document whether the project proposes to impact any potentially occurring listed wildlife species.

PROCEDURAL COMPLIANCE

Upon site inspection by the Planning and Development Department on June 10, 2021, the required notices of public hearing signs were not yet posted. One hundred and fifteen (115) notices were mailed out to adjoining property owners informing them of the proposed land use change and pertinent public hearing and meeting dates.

The Citizen Information Meeting was held on June 14, 2021. Eight (8) members of the public spoke out and were in objection to the proposed land use amendment. Many were from the Copperleaf Community subdivision located southeast of the application site.

Concerns raised were reduced property values, increased traffic due to increased density, reduced security, privacy and increased flooding. According to one nearby resident the application site was flooded during Hurricane Mathew. One person stated that all of the wetlands and flood plain areas that are associated with Big Davis Creek should be placed into conservation. School bus stop safety for children was also another issue.

CONSISTENCY EVALUATION

Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies

Future Land Use Element (FLUE)

Development Area

Suburban Area (SA): The SA is the third tier Development Area and generally corresponds with the urbanizing portions of the City in areas that have usually been developed after consolidation. Development should generally continue at low densities with medium density development at major corridor intersections and transit stations. Development at these locations should promote a compact and interconnected land

development form and is therefore encouraged to employ urban development characteristics as further described in each land use plan category.

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.

Policy 1.1.5 The amount of land designated for future development should provide for a balance of uses that:

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

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

Objective 1.5 Maintain, enhance and conserve natural and environmental resources, especially coastal resources, and ensure that all development and redevelopment within the coastal area is consistent with the Conservation/Coastal Management Element, including the Hurricane Evacuation Plan, and Aquifer Recharge Sub-element.

Policy 1.5.14 In accordance with the Conservation and Coastal Management Element, the City shall encourage environmentally sensitive areas to be placed in a Conservation land use category, Conservation zoning district, and/or conservation easement.

Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

Objective 3.1 Continue to maintain adequate land designated for residential uses which can accommodate the projected population and provide safe, decent, sanitary and affordable housing opportunities for the citizens. Protect single-family residential neighborhoods by requiring that any other land uses within single-family areas meet all applicable requirements described in the Development Areas and the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and Land Development Regulations.

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

Policy 3.1.6 The City shall provide 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.

Recreation and Open Space Element (ROSE)

Policy 2.2.2 The City shall require that all new single family and multi-family developments (residential developments) dedicate land for public parkland (active recreation parks) or provide monetary contribution to the appropriate department.

Policy 2.2.5 All multiple-family developments of 100 units or more shall provide 150 square feet of active recreation area per dwelling unit. There may be one are for each 100 units, or the areas may be combined, subject to approval by the Planning and Development Department.

Conservation/Coastal Management Element (CCME)

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.

Objective 4.1 The City shall protect and conserve the natural functions of its existing wetlands, including estuarine marshes. In order to achieve this objective and its associated policies, the City shall continue to work

with the applicable regional, state and federal agencies charged with these regulatory responsibilities.

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 Category Description of the Future Land Use Element (FLUE), the LI land use category in the Suburban Development Area is intended to provide for the location of industrial uses which have fewer objectionable impacts than Heavy Industrial (HI) on residential areas such as noise, odor, toxic chemicals and wastes. Principal uses in the LI category include but are not limited to light assembly and manufacturing, packaging, processing, storage and warehousing.

CGC land use category in the Suburban Area is intended to provide development in a nodal development pattern. Principal uses in the CGC category include, but are not limited to, commercial retail sales and service establishments including auto sales; restaurants; hotels and motels; offices; and multi-family dwelling units at a density of up to 20 dwelling units per acre.

MDR in the Suburban Area is intended to provide compact low to medium density mixed use development. Plan amendment requests for new MDR designations are preferred in locations which serve as a transition between commercial and residential land uses. Principal uses in the MDR category are primarily multi-family and single-family dwellings when the predominant surrounding development typology within the MDR category is single-family. The maximum gross density in the Suburban Area shall generally be 20

units per acre and the minimum gross density shall be greater than seven (7) units per acre.

The CSV land use identifies 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. The CSV category includes areas that are protected through public or private nonprofit ownership and management. Development potential in these areas is generally limited to open space, resource and recreational uses. Conservation areas may include regional, state or national forests, parks, sanctuaries, preserves and Special Management Areas. More specific uses and activities permitted in these areas are guided by the approved management plans for each area when such plans exist.

The property remains undeveloped but is entitled to single family development and multi-family uses under the current BP, CGC and LDR land use categories. There are a variety of uses north and west of the site such as JEA facilities, a warehouse, open storage and residential areas west of Philips Highway and railroad tracks. South of the site are single family homes and vacant land. The balanced land use mix of the area creates the need for a variety of housing types to accommodate anticipated growth. The proposed amendment to MDR provides housing opportunities for nearby commercial and industrial developments and enhances the combination of uses in the area. As a result, the proposed land use change is consistent with FLUE Goal 1 and 3, Objective 3.1, and Policies 1.1.5, 1.1.21 and 3.1.6.

Conversion of the amendment site to CGC, LI and MDR would result in an area-wide development pattern consisting of a mix of residential and non-residential uses that positions residential in proximity to non-residential areas. The proposed amendment is therefore consistent with FLUE Goal 3, Objective 3.1 and Policy 3.2.1.

Any development resulting from the proposed land use amendment shall comply with ROSE Policies 2.2.2 and 2.2.5 regarding the provision of recreation and open space and will be evaluated for consistency during the site plan review.

The subject site has environmentally sensitive lands identified as a flood zone floodways and Category II wetlands. A portion of the proposed amendment is being sought to place these areas in CSV land use category in order to protect and conserve this environmentally sensitive property. Additionally, the proposed CSV designation offers a land use that preserves the fabric and character along Big Davis Creek that drains into Julington Creek and optimizes the existing natural resources of the area. For these reasons, the proposed amendment is consistent with FLUE Objective 1.5 and Policy 1.5.14, as well as CCME Goal 4 and Objective 4.1.

The proposed land use amendment to CSV enhances the balance of a mix of uses in the area, consistent with FLUE Policies 1.1.5 and 1.1.21.

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.

US 1 Corridor Study

The subject property is located within the boundaries of the US 1 Corridor study in the Southern Segment. The Southern Segment is the area of the study which has the greatest amount of residences. The study suggests that redevelopment and infill in the Northern Segment should be given preference over allowing the Southern Segment to expand. However, the study was published in 2001 before the majority of the development in this part of the Southern Segment. The proposed development would be creating residential areas to support the commercial uses abutting Philips Highway that were not in existence at the time of the study.

Vision Plan Consistency

The subject site is located within the boundaries of the Southeast Jacksonville Vision Plan (March, 2010). There are no specific recommendations for this area within the Plan. The Plan encourages a variety of development to meet the demands for future population growth and to attract employment opportunities to the area. The proposed amendment to MDR would allow for the development of housing options and the proposed CGC and LI land use will support the economic growth of the area, which is encouraged within the Plan. In addition the plan suggests preserving streams and rivers, flood zones and wetlands. Placing the site's flood zone floodway and its associated wetlands in the Conservation (CSV) land use category will protect this area from development impacts.

Strategic Regional Policy Plan

The proposed amendment is consistent with the following Goal of the Strategic Regional Policy Plan, Natural Resources of Regional Significance section, and the Economic Development Element:

Goal 2.3: An environment that is conducive to the creation and relocation of new businesses as well as the expansion of existing businesses in the northeast Florida region.

Policy 4: The Region supports preservation of ecosystem services for clean air, water, habitat for wildlife populations and flood control.

Policy 21: The Region supports diverse and sufficient housing stock to provide choices for all households, from single persons to extended families with children.

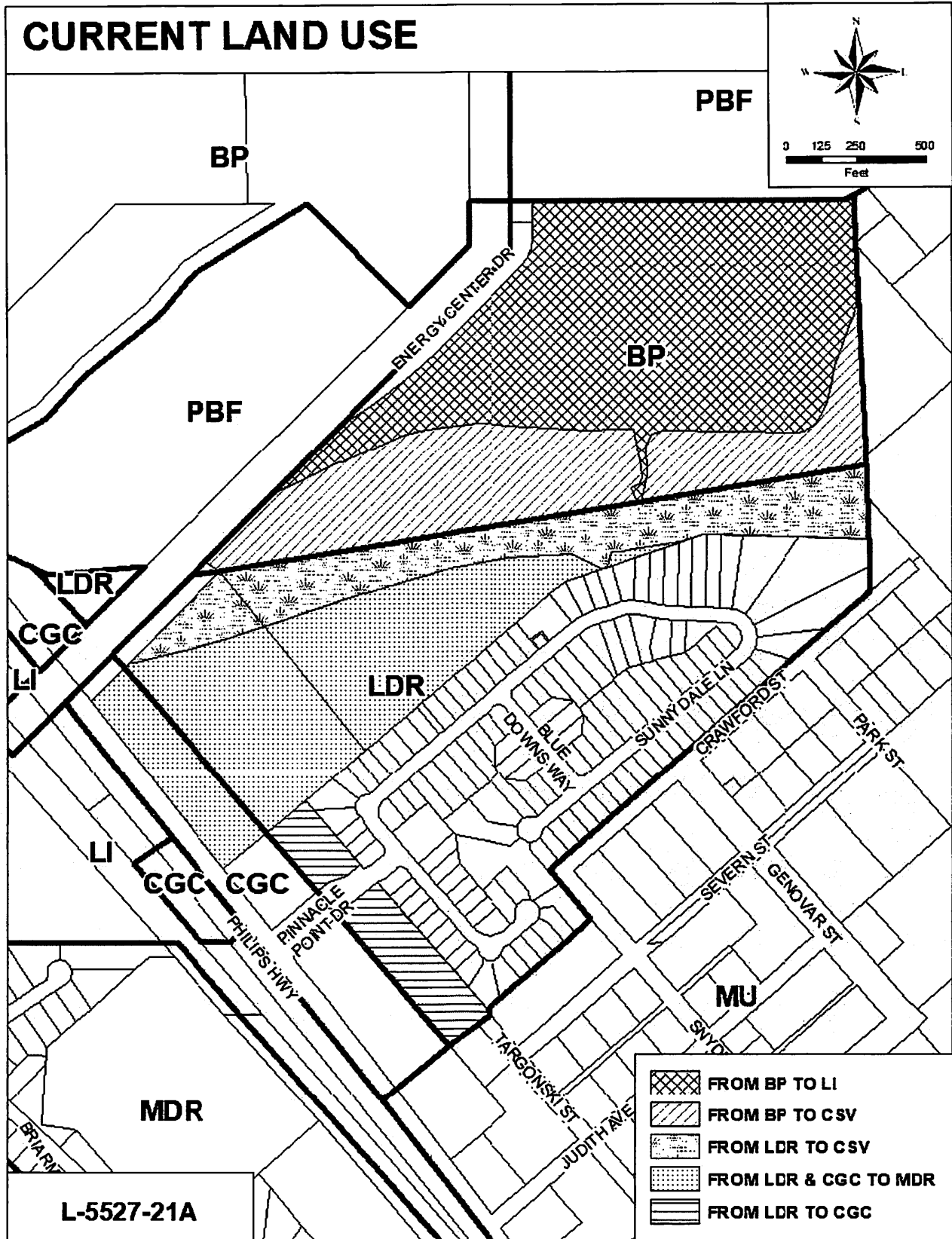
The proposed land use amendment promotes an environment that is conducive to the expansion of existing businesses thereby providing an opportunity to further local

economic growth, thereby creating consistency with Goal 2.3 of the Strategic Regional Policy Plan, Economic Development Element.

In addition, the proposed land use amendment would increase opportunities for residential development, providing a wider range of housing needs in the northeast Florida region and creating a location for the development of new housing stock for the area. Therefore, the proposed amendment is also consistent with Policy 21 of the Strategic Regional Policy Plan.

Also, the proposed land use amendment would preserve ecosystem services by placing the environmentally sensitive subject areas of the application site into Conservation. Therefore, the proposed amendment is consistent with Policy 4 of the Strategic Regional Policy Plan.

CURRENT LAND USE AMENDMENT MAP



LAND USE AMENDMENT LAND UTILIZATION MAP

