

City of Jacksonville, Florida

Lenny Curry, Mayor

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

April 6, 2023

The Honorable Terrance Freeman, 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. 2023-037/Application No. L-5738-22C

Dear Honorable Council President Freeman, 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 2023-037 on April 6, 2023.

P&DD Recommendation

DENY

PC Issues:

Commissioners expressed a desire for confirmation from JEA that their concerns have been addressed and the desire to have input from Solid Waste regarding the Certificate of Necessity (CON) process as it relates to the subject site.

PC Vote:

5-1 APPROVE

Alexander Moldovan, Chair

Aye

Ian Brown, Vice-Chair

Aye

Jason Porter, Secretary

Aye

Marshall Adkison

Nay

Daniel Blanchard

Aye

Jordan Elsbury

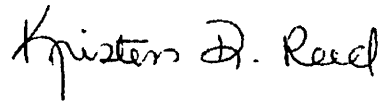
Aye

David Hacker

Absent

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 style with a large initial 'K'.

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

Fogarty, Krista

From: Reed, Kristen
Sent: Thursday, April 6, 2023 3:14 PM
To: Parola, Helena; Fogarty, Krista
Subject: FW: Greeland Biomass 11651 Davis Creek Road East (Ordinance 2023-37 and 2023-38)

For the file and for LUZ on 4/18.

From: Ross, Regina D. <rossrd@jea.com>
Sent: Thursday, April 6, 2023 3:07 PM
To: Cyndy K. Trimmer <CTrimmer@drivermcafee.com>
Cc: Reed, Kristen <KReed@coj.net>; Huxford, Folks <FHUXFORD@coj.net>; Michael D. Sittner <MSittner@drivermcafee.com>
Subject: RE: Greeland Biomass 11651 Davis Creek Road East (Ordinance 2023-37 and 2023-38)

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Good Afternoon Cyndy:

I am writing to confirm that JEA and Mr. Powell reached an agreement to allow his application to move forward based upon the condition that, should any fumes from his concrete crushing operation interfere with JEA's operations, upon notice, Mr. Powell will cease the concrete crushing operations until all issues are remedied. Sometime before Mr. Powell begins operations, we can draft a simple agreement noting the condition for each of the party's records.

Thanks,

Regina D. Ross
Chief Legal Officer
Direct: (904) 665-6844
Mobile: (904) 899-3711
Email: rossrd@jea.com



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From: Cyndy K. Trimmer <CTrimmer@drivermcafee.com>
Sent: Thursday, April 6, 2023 2:57 PM
To: Ross, Regina D. <rossrd@jea.com>
Cc: Reed, Kristen Gierman (KReed@coj.net) <kreed@coj.net>; Huxford, Folks (fhuxford@coj.net) <fhuxford@coj.net>; Michael D. Sittner <MSittner@drivermcafee.com>
Subject: Greeland Biomass 11651 Davis Creek Road East (Ordinance 2023-37 and 2023-38)

[External Email - Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.]

Hi Regina,

We had Planning Commission today, and the request was made that, since JEA put the initial concerns in writing, we get written confirmation that Mr. Powell addressed the concerns and that we are in agreement with moving forward with the concrete crushing approval provided that the operation will pause in the event JEA notifies Mr. Powell that fumes are interfering with the JEA station until such concerns are resolved.

Can you please reply back to this email, which includes the chief of the Current Planning Division and the chief of the Community Planning Division, so we have something for the record and not just my representation?

Thanks so much,

Cyndy

DMH D

Cyndy K. Trimmer
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Report of the Jacksonville Planning and Development Department

Small-Scale Future Land Use Map Amendment –February 17, 2023

Ordinance/Application No.: 2023-37 / L-5738-22C

Property Location: 11651 Davis Creek Road East

Real Estate Number(s): a portion of 168068 1100

Property Acreage: 18.77 acres

Planning District: District 3, Southeast

City Council District: District 11

Applicant: Cyndy Trimmer, Esquire

Current Land Use: Business Park (BP)

Proposed Land Use: Heavy Industrial (HI)

Current Zoning: Agriculture (AGR) and Planned Unit Development (PUD)

Proposed Zoning: Planned Unit Development (PUD)

Development Boundary: Suburban Area

RECOMMENDATION: **DENY**

APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

Applicant requests this land use amendment to allow for concrete recycling to occur in conjunction with existing wood recycling facility.

BACKGROUND

The subject site is 18.77 acres and is located south of Davis Creek Road East, an unclassified road, and east of Philips Highway (US-1) a principal road. The site is a portion of a larger parcel which currently contains a wood recycling facility. The applicant is proposing a Future Land Use Map (FLUM) amendment from Business Park (BP) to Heavy Industrial (HI). The applicant is also proposing a companion rezoning from Agriculture (AGR) and Planned Unit Development (PUD) to Planned Unit Development (PUD) which is pending concurrently with this amendment, pursuant to Ordinance 2023-38.

There have been two proximate land use amendments within recent years. Property abutting the subject site to south and property just east of the subject site were included in a land use amendment in 2009, which changed the land use on approximately 159.16 acres from BP, Residential-Professional-Institutional (RPI), Community/General Commercial (CGC), Light Industrial (LI) and Low Density Residential (LDR) to Public Buildings and Facilities (PBF), pursuant to Ordinance 2009-531-E. The amendment site includes the location of the current JEA water treatment facility located along Energy Center Drive. More recently, in 2022, another land use change was approved on properties to the southeast of the subject site. Ordinance 2022-071-E resulted in a change from BP, LDR, and CGC to LI, Medium Density Residential (MDR), CGC and Conservation (CSV) on approximately 81.49 acres. Currently, this site remains undeveloped.

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

North: Land Use: LI
Zoning: IL
Property Use: Building Trades Contractor, Warehousing

South: Land Use: BP, PBF, LI, CSV, MDR, LDR
Zoning: PUD, IL
Property Use: Undeveloped, Conservation

East: Land Use: BP, PBF, LI
Zoning: PUD, IL
Property Use: Undeveloped, JEA Water Treatment Facility

West: Land Use: BP
Zoning: AGR, IBP
Property Use: Undeveloped

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		
Development Boundary	Suburban Area	
Roadway Frontage Classification / State Road	No road frontage	
Plans and/or Studies	Southeast Jacksonville Vision Plan	
Site Utilization	Current: Wood recycling	Proposed: Wood recycling & concrete crushing
Land Use / Zoning	Current: BP	Proposed: HI
Development Standards for Impact Assessment	Current: Scenario 1: 100% non-residential at 0.35 FAR Scenario 2: 20% non-residential at 0.35 FAR and 80% residential at 15 DU/Acre	Proposed: 0.4 FAR
Development Potential	Current: Scenario 1: 286,167 sq. ft. Scenario 2: 225 DUs AND 57,233 sq. ft.	Proposed: 327,048 sq. ft.
Net Increase/Decrease in Maximum Density	Scenario 1: not applicable Scenario 2: Decrease of 225 DUs	
Net Increase/Decrease in Potential Floor Area	Scenario 1: Decrease of 40,881 Sq. Ft. Scenario 2: Increase of 269,815 Sq. Ft.	
Population Potential	Current: Scenario 1: not applicable Scenario 2: 528 people	Proposed: not applicable
Special Designation Areas		
Aquatic Preserve	No	
Septic Tank Failure Area	No	
Evacuation Zone	Zone E – No residential permitted in HI	
Airport Environment Zone	No	
Industrial Preservation Area	No	
Cultural Resources	No	
Archaeological Sensitivity	Low, Medium, High	
Historic District	No	
Coastal High Hazard Area	No	
Adaptation Action Area	No	
Groundwater Aquifer Recharge Area	No	

Development Analysis	
Wellhead Protection Zone	No
Boat Facility Siting Zone	No
Brownfield	No
Public Facilities	
Potential Roadway Impact	Scenario 1: No net new daily trips Scenario 2: No net new daily trips
Potential Public School Impact	Not applicable
Water Provider	Private Well
Potential Water Impact	Scenario 1: Decrease of 15,260 Gallons per day Scenario 2: Decrease of 45,052 Gallons per day
Sewer Provider	Private Septic
Potential Sewer Impact	Scenario 1: Decrease of 11,445 Gallons per day Scenario 2: Increase of 33,789 Gallons per day
Potential Solid Waste Impact	Scenario 1: Increase of 395 Tons per year Scenario 2: Increase of 337 Tons per year
Drainage Basin/Sub-basin	Julington Creek / Big Davis Creek
Recreation and Parks	Genovar Park
Mass Transit Access	None
Natural Features	
Elevations	11-31 feet
Land Cover	3300: Mixed Upland, nonforested 4410: Pine Plantation 6440: Emergent aquatic vegetation 7410: Rural land in transition
Soils	32: Leon Fine Sand 35 Lynn Haven Fine Sand 49: Pamlico Muck 62: Rutledge Muck
Flood Zones	0.2 percent annual chance flood hazard and AE flood zones
Wetlands	0.13 of an acre / Category III
Wildlife (applicable to sites greater than 50 acres)	n/a

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 indicated that the site is currently served by septic and well utility service and did not provide a JEA availability letter. Per the City's infrastructure maps, both water and sewer mains run along the Davis Creek Road East right of way, adjacent to the subject site. According to Florida Statutes Chapter 381, construction permits may not be issued for an onsite sewage treatment and disposal system in any area used or zoned for industrial or manufacturing purposes where a publicly owned or investor owned sewage treatment system is available (located within one-fourth mile) or where the system will receive toxic, hazardous, or industrial waste. The applicant should contact the Florida Department of Environmental Protection for additional information.

Future Land Use Element

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

Transportation

The subject site is 18.77 acres and is accessible from Davis Creek Road and Energy Center Drive, both unclassified facilities. The proposed land use amendment is located within the Suburban Development Area and Mobility Zone 1. The applicant proposes to change the existing land use from Business Park (BP) to Heavy Industrial (HI).

Comprehensive Plan Consistency:

The Trip Generation Analysis is consistent with 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 *Trip Generation Manual*, latest edition, to determine the number of trips to be produced or attracted to a particular land use when assessing a traffic impact.

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 3,560 or 2,229 daily trips depending on the scenario. If the land use is amended to allow for this proposed HI development, this will result in 1,553 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 0 net new daily trips when compared to the existing land use. The Transportation Planning Division recommends ongoing coordinating efforts with the City of Jacksonville Traffic Engineer to determine if a traffic operational analysis is needed as a result of this land use amendment.

Table A
Trip Generation Estimation Scenarios

Current Land Use-Scenario 1	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
BP	770	386,167 SF	T = 12.44 (X) / 1000	4,804	0	4,804
Total Trips for Existing Land Use- Scenario 1						4,804
Current Land Use-Scenario 2	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
BP- N	770	57,233 SF	T = 12.44 (X) / 1000	712	0	712
BP- R	220	225 MF DUs	T = 6.74 (X)	1,517	0	1,517
Total Trips for Existing Land Use- Scenario 2						2,229
Proposed Land Use-Scenario 1	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
HI	140	327,048 SF	T = 4.75 (X) / 1000	1,553	0	1,553
Total Trips for Proposed Land Use						1,553
Scenario 1 Difference in Daily Trips						0
Scenario 2 Difference in Daily Trips						0

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

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 on the portion of the site that is in a high sensitivity area. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

Historic Preservation Element

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

Flood Zones

Approximately 0.79 of an acre of the subject site is located within either the 0.2 PCT Annual Chance Flood Hazard or AE flood zones. 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 0.2 PCT Annual Chance Flood Hazard flood zone is defined as 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. The AE flood zone is defined as an area within the 100-year floodplain or SFHA where flood insurance is mandatory. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

Conservation /Coastal Management Element (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.

Policy 11.3.18 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.

Wetlands

Review of City data 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 all wetlands located within the boundaries of the application site. Based on the information noted below, the proposed amendment is consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 0.17 of an acre

General Location(s): Small area near northwest property line

Quality/Functional Value: The wetland has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation, size and/or the lowering of the hydro-period due to nearby site grading or drainage/retention improvements. In addition the wetland has no clear or significant impact on the City’s waterways.

Soil Types/ Characteristics: (35) Lynn Haven fine sand - gently sloping, poorly drained, sandy, generally found on flats and in steep areas of side slopes, formed in thick beds of sandy marine sediment. The wetland soils areas have water tables near or above the ground surface.

(62) Rutledge Muck - The Rutledge series consists of nearly level, very poorly drained, sandy soils, The high water table is generally at or near the surface, and areas are subject to frequent flooding for brief periods.

Wetland Category: Category III

Consistency of Permitted Uses: All permitted uses. Must meet CCME Policies 4.1.3 and 4.1.6

Environmental Resource Permit (ERP): Not provided by the applicant

Wetlands Impact: The site plan avoids the wetlands area

Associated Impacts: The wetlands are within the AE and 0.2 Percent Annual Chance Flood Hazard flood zones

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:

- (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 4.1.6

The permitted uses within Category III 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) Any use not otherwise listed below, provided all of the basic requirements outlined in Policy 4.1.3 above are met:

- (a) Silvicultural uses, 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.

- (b) Agricultural uses, provided the following standards are met:

Best Management Practices: Agriculture

Such activities are to be in compliance with Chapter 40C-44, F.A.C.

- (2) Any use that 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.

PROCEDURAL COMPLIANCE

Upon site inspection by the Planning and Development Department on February 2, 2023, the required notices of public hearing signs were posted. Thirteen (13) 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 January 30, 2023. No members of the public attended to speak on the proposed amendment.

CONSISTENCY EVALUATION

Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies

Future Land Use Element (FLUE)

Development Area

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

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 1.1.12 Promote the use of Planned Unit Developments (PUDs), cluster developments, and other innovative site planning and smart growth techniques in all commercial, industrial and residential plan categories, in order to allow for appropriate combinations of complementary land uses, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations.

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

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

- 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 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

- Objective 3.2 Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

- 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 3.2.7 The City shall implement the locational criteria of this element for commercial and industrial uses consistent with the character of the areas served, availability of public facilities, and market demands.

Objective 6.3 The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

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), Business Park (BP) in the Suburban Area is intended to provide compact low to medium intensity office development. Development which includes low to medium density residential uses is preferred on sites located outside of areas identified as an Industrial Sanctuary. Plan amendment requests for new BP designations are preferred in locations which are supplied with full urban services and with site access to roads classified as arterial or higher on the Highway Functional Classification Map.

Heavy industrial (HI) uses are generally the most likely to produce adverse physical and environmental impacts on adjacent residential areas such as noise, land, air and water pollution and transportation conflicts. For this reason, heavy industrial land uses should be buffered by other less intense transitional land uses, such as office, light industrial or open space, etc., to protect residential and other sensitive land uses; i.e., schools, health care facilities, etc. Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

Heavy industrial uses shall be located with convenient access to the transportation network that includes major highways, railroads, airports and port facilities. Site access to roads classified as arterial or higher on the Highway Functional Classification Map is preferred; except for sites located within the DIA's jurisdictional boundaries. Sites with railroad access and frontage on two highways are preferred locations for heavy industrial development.

The subject site is 18.77 acres and is located south of Davis Creek Road East, an unclassified road, and east of Philips Highway (US-1) a major arterial road. The site has no road frontage, but is part of a larger parcel that has approximately 80 feet of road frontage along Philips Highway. A portion of that frontage is used for access to Energy Center Drive. However, according to the site plan included with the companion proposed Planned Unit Development (PUD), access to the subject site is through the adjacent properties along Davis Creek Road East, to the north. The subject site is located approximately 1,000 feet to the north of a recently designated area of Medium Density Residential (MDR) and approximately 1,300 feet north of an existing residential development, designated as Low Density Residential (LDR).

The applicant is proposing a change from BP to HI and a companion rezoning from Agriculture (AGR) to Planned Unit Development (PUD) to allow for additional industrial uses, including concrete recycling, on the site which is currently operating as a wood recycling facility. The subject site is located at the southern edge of an existing business park which contains mostly LI designated industrial uses. The proposed change to HI would provide a location for industrial infill redevelopment, compatible with uses in the existing industrial area, consistent with FLUE Objectives 3.2 and 6.3 and Policy 3.2.1.

While the proposed amendment to HI would be compatible with the LI uses to the north, it would also allow for intense industrial uses in proximity to both proposed and existing residential neighborhoods to the south. Therefore, the proposed amendment to HI, would not result in a compact and compatible land use pattern but rather would introduce incompatible and intense industrial uses to an area with less intense uses, including residential neighborhoods. As such, the proposed amendment is inconsistent with FLUE Goals 1 and 3, Policies 1.1.5, 1.1.22, and 3.1.3. Additionally, the locational criteria for the HI land use category states a preference for sites that have site access to arterial roads, frontage along two highways and railroad access. According to the site plan included as part of the companion PUD rezoning, the site only has access along Davis Creek Road East, an unclassified road. Therefore, the proposed amendment is inconsistent with FLUE Policy 3.2.7.

The subject site is near a JEA water treatment facility, which is located at the end of Energy Center Drive. JEA was provided a copy of the proposed land use and zoning applications and has expressed concern with the proposed use of concrete recycling occurring near the facility, particularly the possible impacts that fugitive dust could have on the facility. The proposed amendment is therefore inconsistent with Goal 1 of the FLUE. The full comment from JEA is on file with the department is included as an attachment to this report.

The applicant has indicated that the site is currently served by septic and well utility service. Per the City's infrastructure maps, both water and sewer mains run along the Davis Creek Road East right of way, adjacent to the subject site. The use of a septic tank on an industrially designated site will be subject to the requirements of Florida Statutes Chapter 381.

The applicant has filed a companion PUD rezoning application. The companion PUD could include use restrictions and site design standards to promote compatibility with nearby uses consistent with FLUE Policy 1.1.12.

The proposed small-scale land use amendment from BP to HI, both industrial categories, has a negligible impact on the overall amount of industrially designated lands throughout the City, 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.

Vision Plan

The application site lies within the Southeast Vision Plan area. Guiding Principle 2.2.3 places a focus on protecting neighborhoods from potential negative impacts of development. The proposed amendment would allow for a change from LI to HI. Heavy Industrial is the most intense industrial land use category and such uses may be accompanied by impacts that are incompatible with the nearby residential development, including but not limited to traffic, noise, lighting, odors, airborne debris, and mass and scale of buildings. The proposed amendment, therefore, has the potential to negatively impact the nearby existing and proposed residential neighborhoods. As such, the proposed development is inconsistent with Guiding Principle 2.2.3 of the Southeast Vision Plan.

Strategic Regional Policy Plan

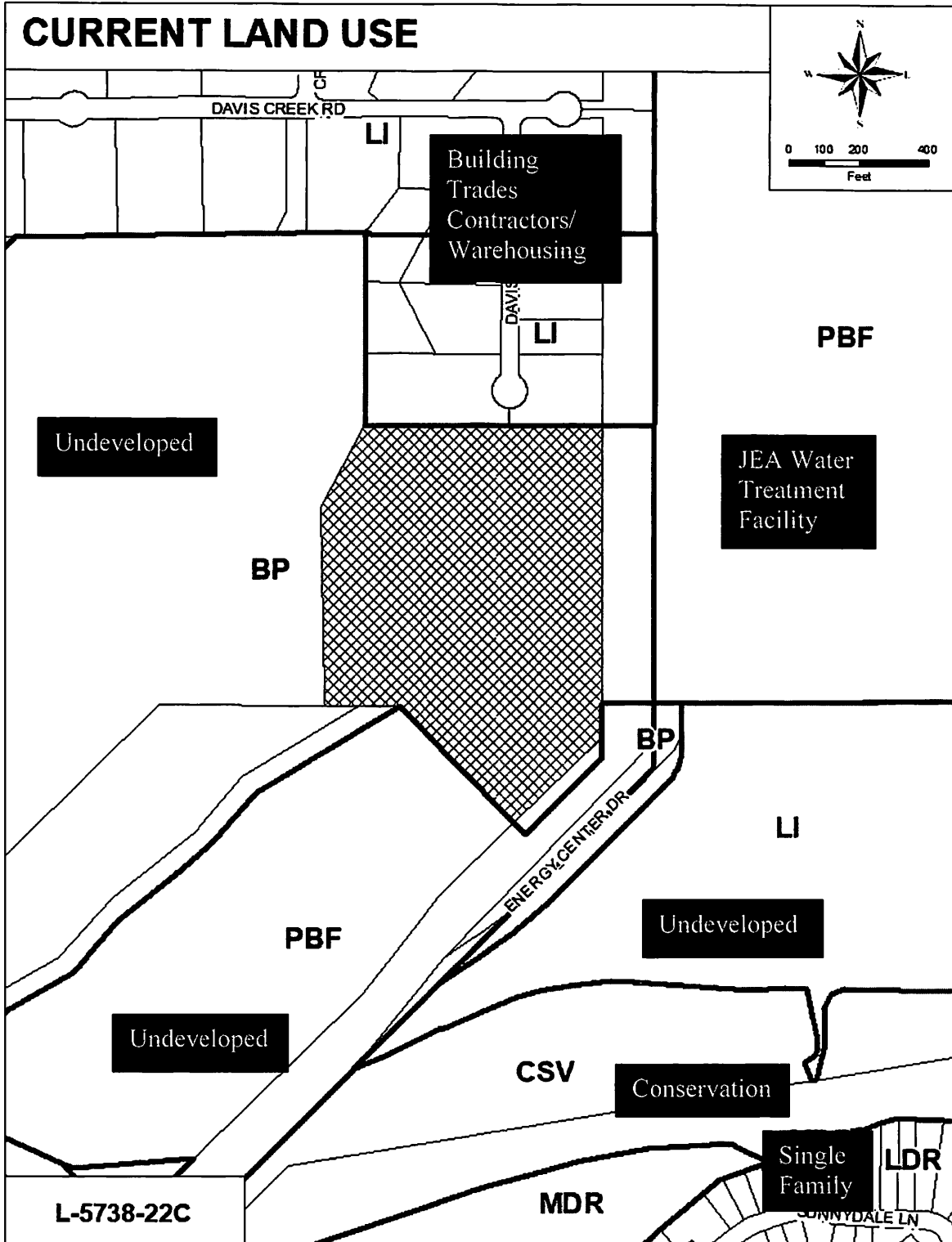
The proposed amendment is inconsistent with the following Objective of the Strategic Regional Policy Plan:

Objective: Housing stock that is safe and free from environmental hazards that can be detrimental to health.

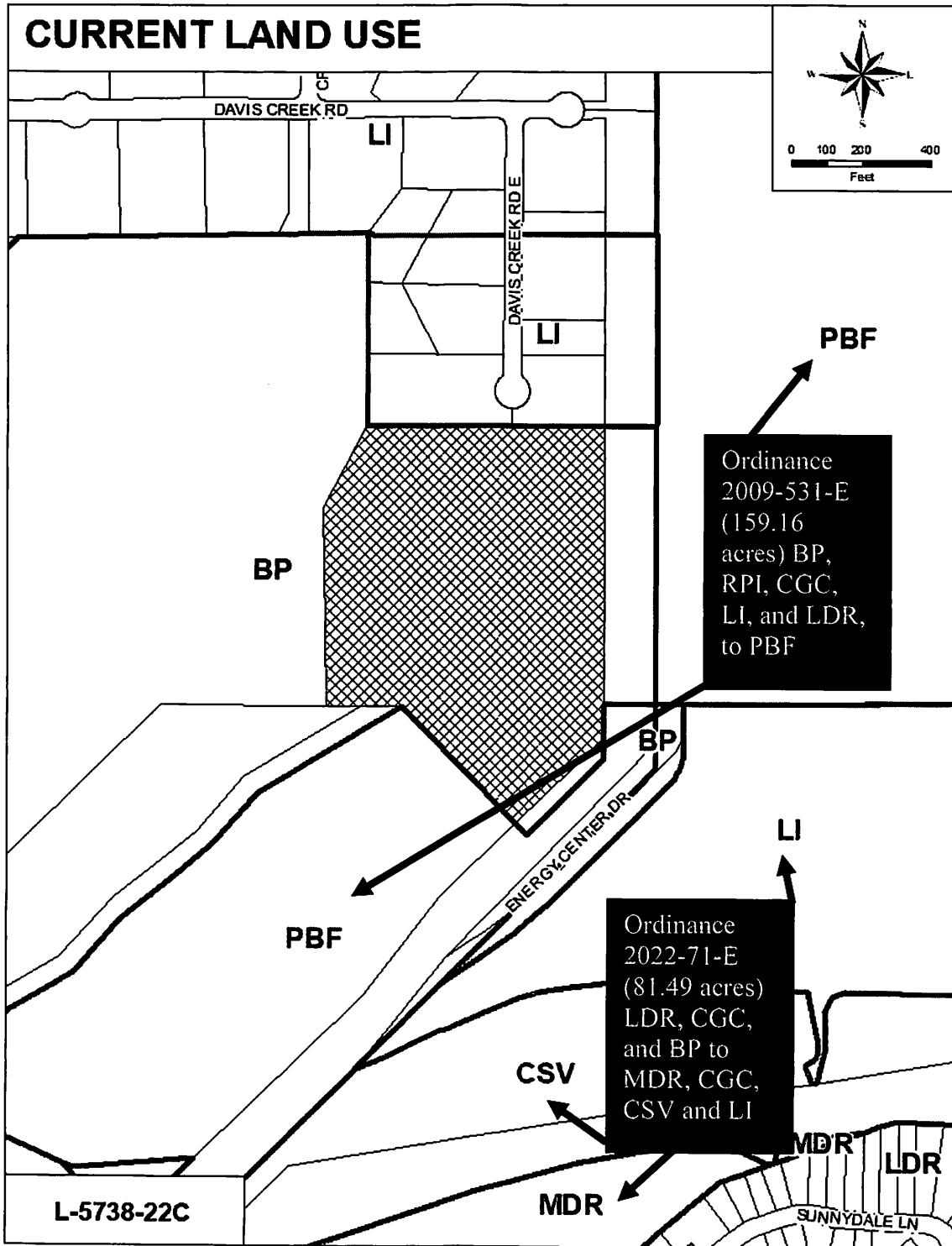
The proposed land use amendment would increase opportunities for intense industrial development to occur near residential neighborhoods. The intense industrial uses permitted within the HI land use category may cause negative environmental impacts including but not limited to traffic, noise, lighting, odors, airborne debris, and mass and

scale of buildings. Therefore, the proposed amendment is inconsistent with the Strategic Regional Policy Plan.

LAND USE AMENDMENT
FIELD / LOCATION / CURRENT LAND USE MAP



PROXIMATE LAND USE AMENDMENTS MAP



Attachment A- JEA Memo

Fogarty, Krista

From: West, Susan R <westsr@jea.com>
Sent: Thursday, February 16, 2023 11:48 AM
To: Fogarty, Krista
Cc: Reed, Kristen
Subject: RE: Proposed Land Use Amendment near JEA facility

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JEA has serious concerns regarding the potential for fugitive dust being blown in the area around the inlet filters to G61 and G62 combustion turbines located at Greenland Energy Center, which is located just east of this proposed facility. A Vulcan facility is located adjacent to the JEA Kennedy Generating Station and there have been an abundance of issues due to fugitive dusting. Recent maintenance to the Kennedy Generating Station revealed that there was a double digit degradation in unit performance due to compressor fouling.

While regulations may be in place regarding fugitive dust, JEA is concerned regarding the enforcement of those regulations and the impacts of fugitive dust on the performance of the electrical generating system which is critical to supplying electricity to the community.

Susan R. West, PE
Manager W/WW System Planning
Direct: (904) 665-7980
Mobile: (904) 477-2391

From: Fogarty, Krista <KFogarty@coj.net>
Sent: Wednesday, February 8, 2023 9:57 AM
To: West, Susan R <westsr@jea.com>
Cc: Reed, Kristen <KReed@coj.net>
Subject: FW: Proposed Land Use Amendment near JEA facility

[External Email - Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email.]

Susan,

Sorry for the double email. We just thought it might be helpful if you had a copy of the companion PUD written description, as well.

Please let me know if you need any further information.

Thank you!

Attachment A- JEA Memo (cont)

From: Fogarty, Krista
Sent: Wednesday, February 8, 2023 9:53 AM
To: westsr@jea.com
Subject: Proposed Land Use Amendment near JEA facility

Good Morning Susan,

I'm a planner in the Community Planning Division. We are processing a request for a land use amendment to Heavy Industrial located at 11651 Davis Creek Road East. The applicant wishes to do concrete recycling at the site, which is located across Energy Center Drive from the JEA Greenland Water Treatment Plant. Does JEA have any comments on the proposed application?

Thank you,
Krista Fogarty, AICP
City Planner III
City of Jacksonville | Planning and Development Department
214 N. Hogan Street, Suite 300
Jacksonville, FL 32202
(904)-255-7825
www.coj.net