

City of Jacksonville, Florida

Lenny Curry, Mayor

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May 4, 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. 2023-197/Application No. L-5731-22C

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 2023-197 on May 4, 2023.

P&DD Recommendation	APPROVE
PC Issues:	None
PC Vote:	6-0 APPROVE

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

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

Sincerely,

A handwritten signature in black ink that reads "Kristen D. Reed". The signature is written in a cursive, flowing style.

Kristen D. Reed, AICP
Chief of Community Planning Division
City of Jacksonville - Planning and Development Department
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Report of the Jacksonville Planning and Development Department

Small-Scale Future Land Use Map Amendment – April 14, 2023

Ordinance/Application No.: 2023-197 / L-5731-22C

Property Location: 0 1st Avenue between Parkway Boulevard and Joel Lee Road

Real Estate Number(s): 107887-0010, a portion of

Property Acreage: 0.21 of an acre

Planning District: District 6

City Council District: District 7

Applicant: Evin M. Herzberg

Current Land Use: Residential Low Density (RLD) - 0.21 of an acre

Proposed Land Use: Community General Commercial (CGC) – 0.21 of an acre

Development Area: Urban Development Area

Current Zoning: Residential Rural-Acre (RR-Acre) and Commercial Community/General-2 (CCG-2) – 1.05 acres

Proposed Zoning: Planned Unit Development (PUD) – 1.05 acres

RECOMMENDATION: APPROVE

APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

To permit logical extension of commercial land use line, permitting use of the property for commercial purposes.

BACKGROUND

The 0.21 of an acre subject site is a portion of property located on the east side of North Main Street North (SR 17) and on the west side of 1st Avenue between Parkway Boulevard and Joel Lee Road. According to the City’s Functional Highways Classification Map, Main Street North (SR 17) is a major arterial roadway and 1st Avenue is an unclassified roadway. Although the land use application site fronting on 1st Avenue is

within the Low Density Residential (LDR) land use category, the western half of the property is within the Community/General Commercial (CGC) category fronting on Main Street North. Access to the site will be from the portion of property that has frontage on Main Street North.

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 LDR to CGC to allow the property to be used for commercial purposes. A companion rezoning application is pending concurrently with the land use application via Ordinance 2022-198, which seeks to change the zoning district from Residential Rural-Acre (RR-Acre) and Commercial Community/General-2 (CCG-2) to Planned Unit Development (PUD).

Currently the site is undeveloped. Changing the land use category to CGC and zoning district to PUD would allow the property to be developed commercially. A majority of properties surrounding the application site are either vacant undeveloped land, single-family homes, or mobile homes.

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

North: Land Use: Low Density Residential (LDR)
Zoning: Residential Rural-Acre (RR-Acre) and Planned Unit Development (PUD)
Property Use: Mobile homes and single-family dwellings.

South: Land Use: LDR
Zoning: RR-Acre
Property Use: Single-family dwellings, vacant undeveloped land and mobile homes.

East: Land Use: LDR
Zoning: RR-Acre
Property Use: Single-family dwellings, vacant undeveloped land and mobile homes.

West: Land Use: Community/General Commercial (CGC), Light Industrial (LI) and Medium Density Residential (MDR)
Zoning: Commercial Community/General-2 (CCG-2), Industrial Light (IL) and PUD
Property Use: Vacant undeveloped land, CSX railroad tracks, and warehouse distribution.

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 to assess the potential impacts. Supplemental information related to these impacts is depicted as scenario 2 in the Impact Assessment Baseline Review Table and, as relevant, in the analysis following the table.

Land Use Amendment Impact Assessment

Land Use Amendment Impact Assessment - Application Number L-5731-22C

Development Analysis		0.21 of an acre
Development Boundary	Urban Development Area	
Roadway Frontage Classification / State Road	Main Street North / Major Arterial 1 st Avenue / Unclassified Road	
Plans and/or Studies	North Jacksonville Shared Vision and Master Plan	
Site Utilization	Current: Vacant	Proposed: Commercial
Land Use / Zoning	Current: LDR / RR-Acre	Proposed: CGC / PUD
Development Standards for Impact Assessment	Current: 5 DUs per acre	Proposed: Scenario 1: 0.35 FAR Scenario 2: 0.35 (20% non-residential) and 30 DUs/acre (80% residential)
Development Potential	Current: 1 Single family DUs	Proposed: Scenario 1: 3202 sq. ft. of commercial space Scenario 2: 640 sq. ft. of commercial space and 5 multi-family DUs
Net Increase or Decrease in Maximum Density	Scenario 1: Not applicable Scenario 2: Increase of 4 DUs	
Net Increase or Decrease in Potential Floor Area	Scenario 1: Increase of 3,202 sq. ft. Scenario 2: Increase of 640 sq. ft.	
Population Potential	Current: 2 People	Proposed: Scenario 1: 0 People Scenario 2: 11 People
Special Designation Areas		
Aquatic Preserve	No	
Septic Tank Failure Area	No	
Airport Environment Zone	150 Ft Height Restriction Zone – Jacksonville International Airport	
Industrial Preservation Area	No	
Cultural Resources	No	

Development Analysis		0.21 of an acre
Archaeological Sensitivity	Low Sensitivity	
Historic District	No	
Coastal High Hazard	No	
Adaptation Action Area	No	
Groundwater Aquifer Recharge Area	Discharge area	
Evacuation Zone	Zone E	
Wellhead Protection Zone	No	
Boat Facility Siting Zone	No	
Brownfield	No	
Public Facilities		
Potential Roadway Impact	Scenario 1: Increase of 95 Daily Trips Scenario 2: Increase of 25 Daily Trips	
Potential Public School Impact	De minimis	
Water Provider	JEA	
Potential Water Impact	Scenario 1: Decrease of 105.9 gpd Scenario 2: Increase of 941.0 gpd	
Sewer Provider	JEA	
Potential Sewer Impact	Scenario 1: Decrease of 79.4 gpd Scenario 2: Increase of 705.75 gpd	
Potential Solid Waste Impact	Scenario 1: Increase of 2.523 tons per year Scenario 2: Increase of 11.424 tons per year	
Drainage Basin/Sub-basin	Drainage Basin – Dunn Creek Sub-drainage Basin – Dunn Creek	
Recreation and Parks	Oceanway Center and Park	
Mass Transit Access	No bus service at this location	
Natural Features		
Elevations	35 to 37 feet above mean sea level	
Land Cover	1200 – Residential, Medium Density	
Soils	(32) Leon fine sand	
Flood Zones	No	
Wetlands	No	
Wildlife (applicable to sites greater than 50 acres)	Not applicable	

Utility Capacity

The calculations to determine the water and sewer flows contained in this report and/or this spreadsheet have been 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 established shall continue to be based on JEA’s Water, Sewer and Reuse for New Development Projects document (latest edition).

A JEA availability letter dated October 21, 2022, is included in the companion rezoning application. The letter indicates that a 16-inch water main and an existing 12-inch sewer force main are within the Main Street North right-of way. However, the applicant indicates in his application the there is a use of a well and private septic system.

Transportation

Background Information:

The subject site is 0.21 of an acre and is accessible from 1st Avenue, a unclassified facility. The proposed land use amendment is located within the Urban Development Area and Mobility Zone 3. The applicant proposes to change the existing land use from Low Density Residential (LDR) to Community General Commercial (CGC).

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 9 daily trips. If the land use is amended to allow for this proposed CGC development, this will result in 104 or 55 daily trips depending on the scenario.

Transportation Planning Division RECOMMENDS the following:

The difference in daily trips for the proposed land use amendment is an increase of 95 or 46 net new daily trips when compared to the existing land use. Transportation Planning Division recommends ongoing coordinating efforts with the City of Jacksonville Traffic Engineer.

Table A
Trip Generation Estimation Scenarios

Current Land Use	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
LDR	210	1 SF DU	T= 9.43 (X)	9	0	9
				Total Trips for Existing Land Use		9
Proposed Land Use-Scenario 1	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
CGC	822	3,202 SF	T = 54.45 (X) / 1000	174	70	104
				Total Trips for Proposed Land Use- Scenario 1		104
Proposed Land Use-Scenario 2	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
CGC	822	640 SF	T = 54.45 (X) / 1000	35	14	21
CGC-	220	5 MF DUs	T = 6.74 (X)	34	0	34
				Total Trips for Proposed Land Use- Scenario 2		55
				Scenario 1 Difference in Daily Trips		95
				Scenario 2 Difference in Daily Trips		46

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

School Capacity

While the proposed amendment includes a residential component, the site will generate fewer than 20 residential units. Therefore, the proposed development will have a de minimis impact on school capacity.

Archaeological Sensitivity

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of low sensitivity for the presence of archaeological resources. 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.

Airport Environment Zone

The site is located within the 150-foot Height and Hazard Zone for Jacksonville International Airport. Zoning will limit development to a maximum height of less than 150 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

Future Land Use Element

Objective 2.5 Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

Evacuation Zone

The subject site is within Evacuation Zone E. As such, the land use application was routed to the City's Emergency Preparedness Division (EPD) for review and comment. EPD was provided with the land use application and the development potential of the proposed land use amendment change. Per EPD, no impacts to countywide evacuation times are anticipated from the amendment proposed in L-5731-22C. Proximity to Main Street North indicates sufficient access to evacuation routes (I-295 and I-95). Site design techniques that minimize disruption to existing traffic flow are encouraged. Any development should incorporate appropriate mitigation techniques to reduce flood vulnerability and minimize impacts to the floodplain.

Conservation /Coastal Management Element (CCME)

Policy 7.1.6 The City shall not amend the Future Land Use Element or the Future Land Use Map series unless; the requested change can be determined to not exceed the established hurricane evacuation times; the requested change is for a lower density; or the requested change for increased density provides adequate remedies to reduce impacts on hurricane evacuation times which exceed the acceptable standard.

PROCEDURAL COMPLIANCE

Upon site inspection by the Planning and Development Department on March 31, 2023, the required notices of public hearing signs were posted. Thirty-three (33) 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 April 3, 2023, for the adoption of the small-scale land use amendment. One member of the public residing near the application site did not object to the application. However, the concern was regarding is the proposed stormwater retention pond for the project and the kids getting into it from the neighborhood. The applicant assured them the pond will be fenced for safety.

CONSISTENCY EVALUATION

Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies

Future Land Use Element (FLUE)

Development Area

Urban Area (UA): The UA is the second tier Development Area and generally corresponds with the densely developed portions of the City that have been in residential or employment generating uses prior to consolidation. It also includes major corridors which connect the other Development Areas. Similar to the Urban Priority Area (UPA), the intent of the UA is to encourage revitalization and the use of existing infrastructure through redevelopment and infill development, but at moderate urban densities which are transit friendly. Also similar to the UPA, the UA is intended to support multi-modal transportation and the reduction of per capita greenhouse gas emissions and vehicle miles traveled. Development is encouraged to employ urban development characteristics as further described in each land use plan category.

- 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 1.1.10 Gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.
- Policy 1.1.11 Encourage that new non-residential projects be developed in designated nodal and corridor development areas as provided in the Plan Category Descriptions of the Operative Provisions, in appropriate commercial infill locations, or as a Transit Oriented Development (TOD), as described in this element.
- 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 1.2.9 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 may be permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreation 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 3.2 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 3.2.4 The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

Property Rights Element

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 Descriptions of the Future Land Use Element (FLUE), LDR in the Urban Development Area is intended to provide for low-density residential development. Residential development is permitted at up to seven (7) dwelling units per acre where centralized water and sewer is available.

Community/General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods to reduce the number of Vehicle Miles Traveled. CGC in the Urban Development Area also allows for multi-family residential at densities up to 40 units per acre in the Urban Area, subject to the provision that residential uses shall not be the sole use and shall not exceed 80 percent of a development.

A JEA availability letter dated October 21, 2022, is included in the companion rezoning application. While the letter indicates that a 16-inch water main and an existing 12-inch sewer force main are within the Main Street North right-of way the application indicates the intent to use a private well and septic system. FLUE Policy 1.2.9 should be followed.

Although the application site abuts a residential land use category and zoning district on three sides of the site, it is a portion of a larger property in a commercial area with frontage on a major arterial roadway. Access can only be gained through the commercial area of the property. Amending the site to CGC allows for the expansion and increased viability of an underutilized commercial site, therefore the amendment site is consistent with FLUE Policy 1.1.11, Objective 3.2 and Goal 3.

The Comprehensive Plan allows expansion of commercial use adjacent to residential uses in certain cases. The land use amendment, which expands the CGC, enhances the existing CGC property to the west, which is under the same ownership. In addition, the

land use change does not encourage through-traffic into the residential areas. Therefore, it is consistent with FLUE Objective 3.2, and Policies 1.1.10 and 3.2.4.

A companion rezoning application is pending concurrently with the land use application which seeks to change the zoning District from RR-Acre and CCG-2 to PUD. The proposed use of the PUD allows for appropriate and innovative site design consistent with Policy 1.1.12.

The proposed small-scale amendment would have a negligible impact on the provision of both CGC and LDR designated land in the immediate area and overall for the City due to the minimal acreage subject to this amendment. The characteristics of the surrounding area demonstrate the amendment would result in compatible uses and development scale. The proposed land use would increase the size of the CGC portion of property to the west and improve the functionality of the proposed business. Therefore, the land use amendment is 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.

North Jacksonville Shared Vision and Master Plan

The application site is within the North Jacksonville Shared Vision and Master Plan area. The plan does not identify specific recommendations for the subject site. However, the site is located approximately 1.9 miles north of the River City Town Center where the center provides market based combination of retail shopping, commercial services, entertainment, workplaces, residential, civic facilities, and parks that address the everyday needs of the surrounding community.

Strategic Regional Policy Plan

The proposed amendment is consistent with the following Policy of the Northeast Florida Regional Council (NEFRC) Strategic Regional Policy Plan (March 2021), Regional Transportation Element Goal, Objective, and portions of Policy 4:

Goal: Create efficient connectivity within the Region, and with state, national, and global economies. Include centers of population and jobs that are well-connected, limit commute times for most residents and provide opportunities for all residents of the region to work if they choose.

Objective: Integrated Planning: The link between land use, resources and mobility.

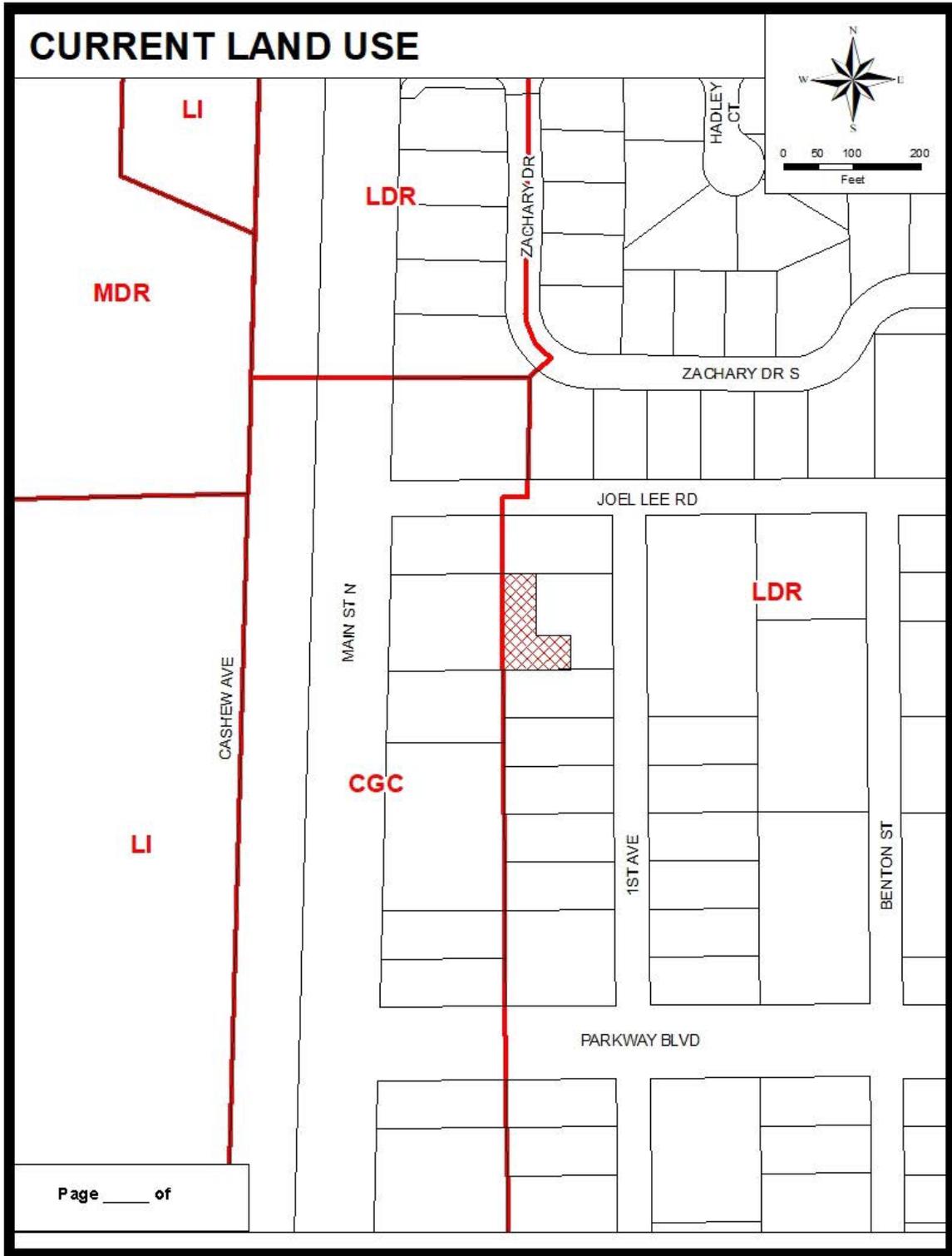
Policy 4: The Region supports strategies identified by the Regional Community Institute as they worked on First Coast Vision, including:

- Local governments as they identify areas appropriate for mixed-use development.
- Incentives for dense and/or mixed use development.

- Maintenance of a diversity of land use in the region.
- Infill and redevelopment.

CGC is a mixed use land use category. The proposed land use amendment to CGC reduces the non-conformity of a commercially used property and provides the opportunity for the potential of mixed use development. Therefore, the proposed amendment is consistent with Transportation Element Goal, Objective and Policy 4 of the Strategic Regional Policy Plan.

CURRENT LAND USE MAP



LAND UTILIZATION MAP

