

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

June 08, 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. 2023-292/Application No. L-5818-23A

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairman Carrico and Honorable Members of the City Council:

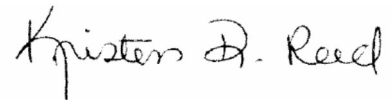
Pursuant to the provisions of Section 650.405 *Planning Commission Advisory Recommendation and Public Hearing*, the Planning Commission **APPROVED** Ordinance 2023-292 on June 08, 2023.

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Kristen D. Reed". The signature is written in a cursive style with a large initial 'K'.

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

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Jacksonville, FL 32202

Report of the Jacksonville Planning and Development Department **Large-Scale Future Land Use Map Amendment – June 2, 2023**

Ordinance/Application No.: 2023-292 / L-5818-23A

Property Location: 9412 Feagles Farm Road

Real Estate Number(s): 003447 0000, portion of

Property Acreage: 221.06 acres

Planning District: District 5, Northwest

City Council District: District 8

Applicant: City of Jacksonville

Current Land Use: Low Density Residential (LDR)

Proposed Land Use: Conservation (CSV)

Development Boundary: Suburban Development Area

Current Zoning: Planned Unit Development (PUD)

Proposed Zoning: Conservation (CSV)

RECOMMENDATION: ***APPROVE***

APPLICANT'S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

The agent for application 5497-20A (Ord. 2021-684-E) / Feagles Farm, agreed on the record at the Land Use and Zoning Committee that the applicant would authorize the City to sponsor the CSV land use and zoning change for on-site wetlands.

BACKGROUND

The 221.06-acre site is undeveloped. The site is on Feagles Farm Road, between Jones Road and Imeson Road and is surrounded to the north, south, and east by undeveloped properties. To the west, the area is being developed as a single-family subdivision. There is a single-family residential subdivision nearby to the northwest.

A rezoning application is not required for the transmittal round of legislation. A rezoning application will be filed during the adoption round of this large-scale future land use amendment.

The site is part of a 481.92-acre site that was changed in 2021 pursuant to Ordinance 2021-684-E from Agriculture-3 (AGR-3) to Low Density Residential (LDR) with a zoning change from Agriculture to PUD along with the extension of the Suburban Development Area in order to allow for residential develop.

There have been several proximate land use amendments over the years near the subject site. 98.86 acres of land was amended from AGR-2 to LDR to develop a single-family subdivision, per Ordinance 2005-1208-E. There have been three other land use amendments close to the site. In 2006, 227.63 acres were amended from AGR-3 and AGR-4 to LDR to allow for a single-family subdivision, pursuant to 2006-468-E. 33.27 acres from the same site were later amended from LDR to Neighborhood Commercial (NC) in 2010, pursuant to Ordinance 2010-627-E. An additional 28.87 acres of land from the same site were amended from LDR to Conservation (CSV) in 2018 pursuant to Ordinance 2018-856-E.

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

North: Land Use: AGR and LDR
Zoning: AGR and RLD-90
Property Use: Undeveloped and Single-Family Residential

South: Land Use: LDR and AGR
Zoning: AGR and PUD
Property Use: Undeveloped and Vacant

East: Land Use: CSV and AGR
Zoning: AGR
Property Use: Undeveloped

West: Land Use: LDR, AGR, and Mixed Use (MU)
Zoning: AGR and PUD
Property Use: Vacant

IMPACT ASSESSMENT

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

Land Use Amendment Impact Assessment - Application Number L-5818-23A

Development Analysis		221.06 / 9,629,373.6 Sq. Ft.	
Development Boundary	Suburban Development Area		
Roadway Frontage Classification / State Road	Mare Avenue - Unclassified		
Plans and/or Studies	Northwest Jacksonville Vision Plan		
Site Utilization	Current: Vacant / Undeveloped	Proposed: Conservation	
Land Use / Zoning	Current: LDR	Proposed: CSV	
Development Standards for Impact Assessment	Current: 5 DU/Acre	Proposed: 0	
Development Potential	Current: 1,105 DU	Proposed: 0	
Net Increase or Decrease in Maximum Density	Decrease of 1,105 DU		
Net Increase or Decrease in Potential Floor Area	N/A		
Population Potential	Current: 2,939 people	Proposed: N/A	
Special Designation Areas			
Aquatic Preserve	No		
Septic Tank Failure Area	No		
Evacuation Zone	Evacuation Zone E		
Airport Environment Zone	300' – OLF Whitehouse		
Industrial Preservation Area	No		
Cultural Resources	None		
Archaeological Sensitivity	High, Medium, and Low		
Historic District	No		
Coastal High Hazard	No		
Adaptation Action Area	Yes		
Groundwater Aquifer Recharge Area	Discharge		
Wellhead Protection Zone	No		
Boat Facility Siting Zone	No		
Brownfield	No		

Development Analysis		221.06 / 9,629,373.6 Sq. Ft.
Public Facilities		
Potential Roadway Impact	N/A	
Potential Public School Impact	N/A	
Water Provider	N/A	
Potential Water Impact	Decrease of 293,930 gpd	
Sewer Provider	N/A	
Potential Sewer Impact	Decrease of 220,447 gpd	
Potential Solid Waste Impact	Decrease of 2,873 tons per year	
Drainage Basin/Sub-basin	Basin: Trout River Sub-basin: Bay Drain	
Recreation and Parks	Cisco Gardens Park	
Mass Transit Access	None	
Natural Features		
Elevations	33'-20'	
Land Cover	2110: Improved pastures (monocult, planted forage crops – small portion) 6300: Wetland forested mix 6460: Mixed scrub-shrub wetland	
Soils	14: Boulogne fine sand, 0% to 2% slopes 51: Pelham fine sand, 0% to 2% slopes 58: Pottsburg fine sand, high, 0% to 3% slopes 78: Yonges fine sandy loam, 0% to 2% slopes 86: Yulee clay, depressional, 0% to 2% slopes	
Flood Zones	AE and 0.2% Annual Chance Flood Hazard Zones	
Wetlands	Yes	
Wildlife (applicable to sites greater than 50 acres)	No listed species observed (report dated 11-2-2020)	

Utility Capacity

No utility capacity analysis is required because the proposed land use for the subject site is Conservation. Development potential is generally limited to open space, resource and recreational uses.

Transportation

There are no transportation impacts because the proposed land use for the subject site is Conservation. Development potential is generally limited to open space, resource and recreational uses.

Schools

There is no impact to the Duval County Public School system because there is no residential component to the proposed land use category.

Airport Environment Zone

The site is located within the 300-foot Height and Hazard Zone for OLF Whitehouse. Zoning will limit development to a maximum height of 300 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

Future Land Use Element

Objective 2.6 Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities in accordance with the requirements of Section 163.3177, F.S.

Policy 2.6.16 Airport Height and Hazard zones (HH) exist around all military and civilian airports within the city limits of Jacksonville. The horizontal limits of the zones and limitations on heights of obstructions within these zones are defined for each military airport in Naval Facilities Engineering Command (NAVFAC) P-80.3 01/82, on file with the Planning and Development Department, and for each civilian airport in Title 14, Code of Federal Regulations (CFR), Part 77 guidelines, on file with the Planning and Development Department. In order to assure that Title 14, CFR, Part 77 guidelines and NAVFAC P-80.3 01/82 guidelines are not exceeded and that no structure or obstruction is permitted that would raise a minimal obstruction clearance altitude, a minimum vectoring descent altitude or a decision height, all cell towers and any structure or obstruction that would extend into an Airport (HH) requires, in writing, comment from the U.S. Navy. Although written documentation from the U.S. Navy for military HH and from the FAA or JAA for civilian HH is not required for proposed structure heights below the listed height, United States Code (USC) Title 14, CFR Part 77 still applies.

Archaeological Sensitivity – High, Medium, and Low Sensitivity

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

Historic Preservation Element

- Policy 1.2.2 The City shall continue to review new development for the potential of archeologically significant sites. The City shall utilize the most current version of the Archeological Sensitivity Predictive Model to identify areas of high probability for artifact concentrations.
- Policy 1.2.5 The Planning and Development Department shall maintain and update for planning and permitting purposes, a series of GIS data layers and maps depicting recorded archaeological sites, historic districts and local landmarks.

Adaptation Action Area

163 acres of the amendment site is located within the AAA. See attachment A. The AAA boundary is a designation in the City's 2045 Comprehensive Plan which identifies areas that experience coastal flooding due to extreme high tides and storm surge, and that is vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning. The AAA is defined as those areas within the projected limit of the Category 3 storm surge zone, those connected areas of the 100-year and 500-year Flood Zone, and additional areas determined through detailed flood analysis.

Conservation/Coastal Management Element

- Policy 13.1.2 The City shall recognize existing regulations, programs and policies that overlap with the AAA and that are currently in place to limit public investment and address appropriate development and redevelopment practices related to flooding. These regulations, programs and policies include but are not limited to the floodplain management ordinance, CHHA policies, the Local Mitigation Strategy and the Post Disaster Redevelopment Plan and shall only be applied in cases where such regulation would otherwise apply to a development or redevelopment project.
- Policy 13.3.1 The City shall consider the implications of the AAA when reviewing changes to the use, intensity and density of land lying within the AAA.
- Policy 13.3.6 In order to guide development away from the Adaptation Action Area (AAA) towards areas that are already high, dry, and connected, the Planning and Development Department shall explore the feasibility of offering density bonuses, transfers of development rights, clustering development entitlements, or other strategies to limit new development within the AAA or environmentally sensitive or special flood hazard areas, or as an incentive for a development's use of low impact development stormwater solutions.

Flood Zones

Approximately 161.5 acres of the subject site is located within the AE Flood Zone and 21.0 acres are in the 0.2% Annual Chance Flood Hazard zone. See attachment B. 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 flood zone is defined as an area within the 100-year floodplain or SFHA where flood insurance is mandatory.

The 0.2% 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. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

Conservation /Coastal Management Element (CCME)

- Policy 2.6.1 The City shall continue to define the surface hydrology of the area to determine flood plain vulnerability and sensitivity and will determine appropriate protection measures.
- Policy 2.6.3 The City shall protect appropriate floodplain areas for the public benefit and restore degraded floodplain areas by:
- A. Land acquisition or conservation easement acquisition;
 - B. Regulation, including setbacks, buffer zones, designated wildlife corridors, low density zoning, performance standards and open space requirements; and
 - C. Incentives, including tax benefits and transfer of development rights.
- Policy 13.7.10 The City has adopted and shall maintain a floodplain management ordinance that establishes engineering requirements to safeguard the public health, safety, and general welfare and minimizes public and private losses due to flooding through regulation and development of flood hazard areas. The ordinance shall include development and redevelopment regulations that:
- A. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 - B. Require the use of construction practices that will prevent or minimize future flood damage;

- C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- D. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- E. Minimize damage to public and private facilities and utilities;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- G. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- H. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

Wetlands

Review of City data indicates the existence of wetlands on the subject site and as such, the applicant submitted a wetland map for subject site. Further evaluation with the use of the City’s GIS system and photogrammetric analysis, was used to determine the 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 may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 206.06 Acres

General Location(s): Almost the entire subject site is wetlands. However, there are a few isolated packets of non-wetland areas as well as non-wetland areas along the southwest boundary of the property. (See Attachment C)

Quality/Functional Value: The wetland has a high functional value for water filtration attenuation and flood water capacity and is located in flood zones yet has an indirect impact on the City’s waterways.

Soil Types/ Characteristics: 35- Lynn Haven Fine Sand- The Lynn Haven series are 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.

78- Yonges fine sandy loam- The Yonges series consists of nearly level, poorly drained soils. The soils are moderately permeable and moderately slowly permeable. Generally the high water table is at a depth of less than 12 inches.

86- Yulee Clay- The Yulee Series consists of nearly level very poorly drained soils. They are on floodplains and in depressions. They are very slowly permeable. In areas in depressions, the high water table is generally at or above the surface for very long periods. In areas on flood plains, the high water table is generally at or near the surface and these areas are subject to frequent flooding for long periods.

Wetland Category: Category III

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

Environmental Resource Permit (ERP): No impact anticipated

Wetlands Impact: No impacts anticipated – site proposed for conservation

Associated Impacts: The wetland is associated with the AE and 0.2 Percent Annual Chance Flood Hazard flood zone.

Relevant Policies:

Conservation/Coastal Management Element (CCME)

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

Due to the limited access to the subject site and lack of road frontage one sign was posted in close proximity to the subject site by the City on May 10, 2023.

Forty-four (44) notices were mailed 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 May 15, 2023, for the large-scale land use amendment. No members of the public asked questions or provided input on the application.

Consistency Evaluation

Consistency with 2045 Comprehensive Plan Goals, Objectives and Policies

Future Land Use Element (FLUE)

Development Area

The subject site is in the Suburban Development 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 defined in this plan.

Goals, Policies and Objectives

Future Land Use Element

Policy 1.5.2 Permit no new development, expansion, or replacement of existing development in areas designated on the Future Land Use Map series as Conservation, unless development is undertaken by federal, state or local government in the public interest, and the impacts are mitigated.

Policy 1.5.10 In accordance with the Conservation/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.

Conservation/Coastal Management Element

Policy 4.4.1 The City shall encourage the placement of all watercourses, water bodies, buffer areas, and wetlands having high functional values to be placed in a Conservation land use category, Conservation zoning district and/or conservation easement as part of an application for a land use amendment, rezoning and/or site plan approval.

Policy 4.4.2 The City shall act as applicant for property owners who voluntarily place their high functional valued wetland into the Conservation land use category and/or Conservation zoning district.

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 Future Land Use Element of the 2045 Comprehensive Plan, LDR is a category intended to provide for low density residential development. Generally, single-family detached housing should be the predominant development typology in this category.

Conservation lands are 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. These will be protected through public or private nonprofit ownership and management over time.

A representative of a nearby property owner requested to put the subject site in the Conservation (CSV) Land Use category and the applicant agreed to authorize the City to apply to place the subject site into the CSV land use and zoning district in accordance with FLUE Policy 1.5.10 and CCME Policy 4.4.1. The City is acting as the applicant for this land use change in accordance with CCME Policy 4.4.2.

Any development of the site will be restricted to uses authorized in accordance with provisions contained in FLUE Policy 1.5.2 and the Conservation Land Use category description, which provides that development potential in Conservation 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.

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.

Northwest Vision Plan (2003)

The site falls within or near a traditional rural / conservation area which contains agricultural activities, some industrial / warehousing uses, conservation and recreational lands, and large-lot residential development. Placing the subject site into the conservation land use would be in keeping with the general character of the area as delineated by the Northwest Vision Plan.

Strategic Regional Policy Plan

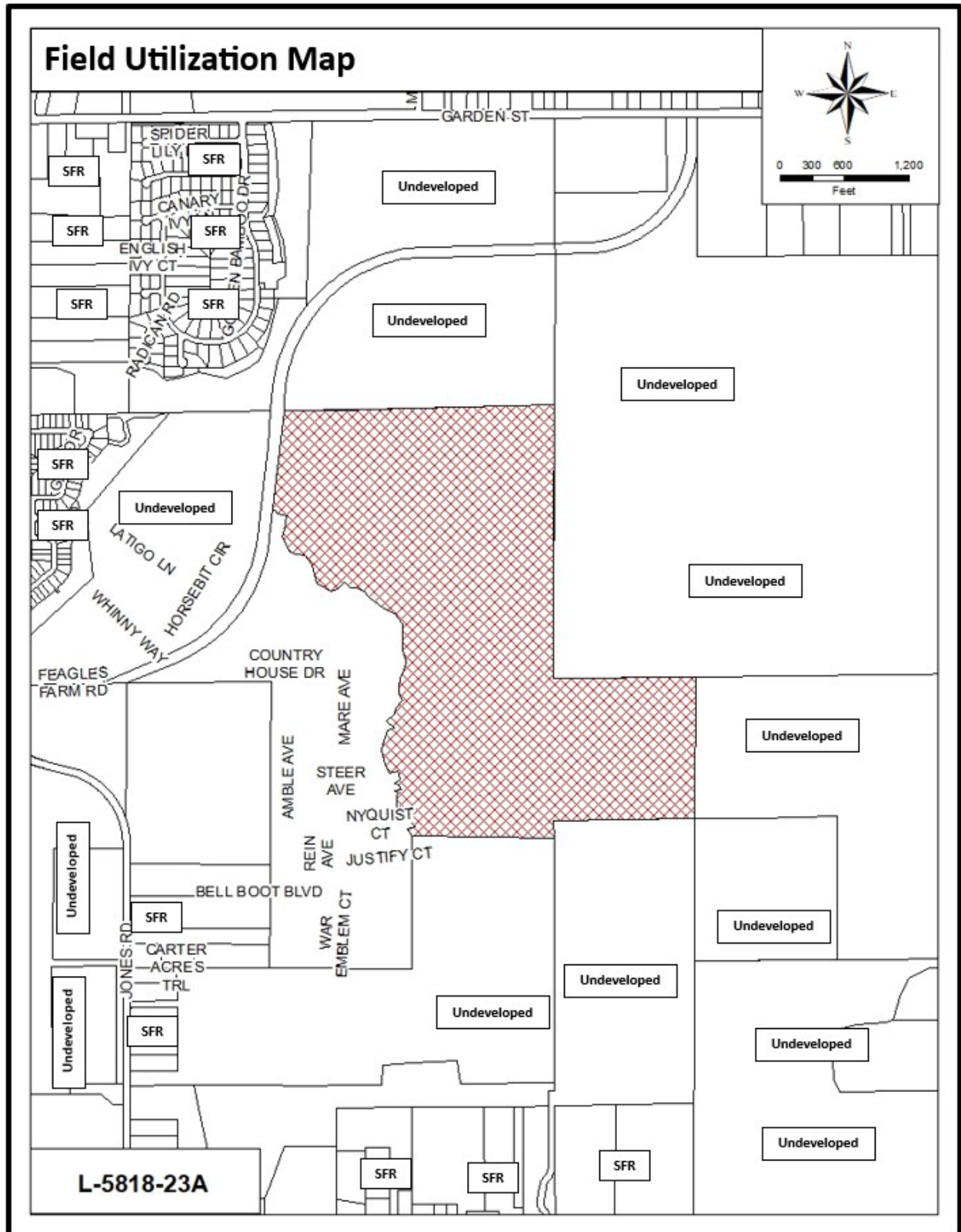
Policy 17 of the Strategic Regional Policy Plan provides the following selected policies:

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

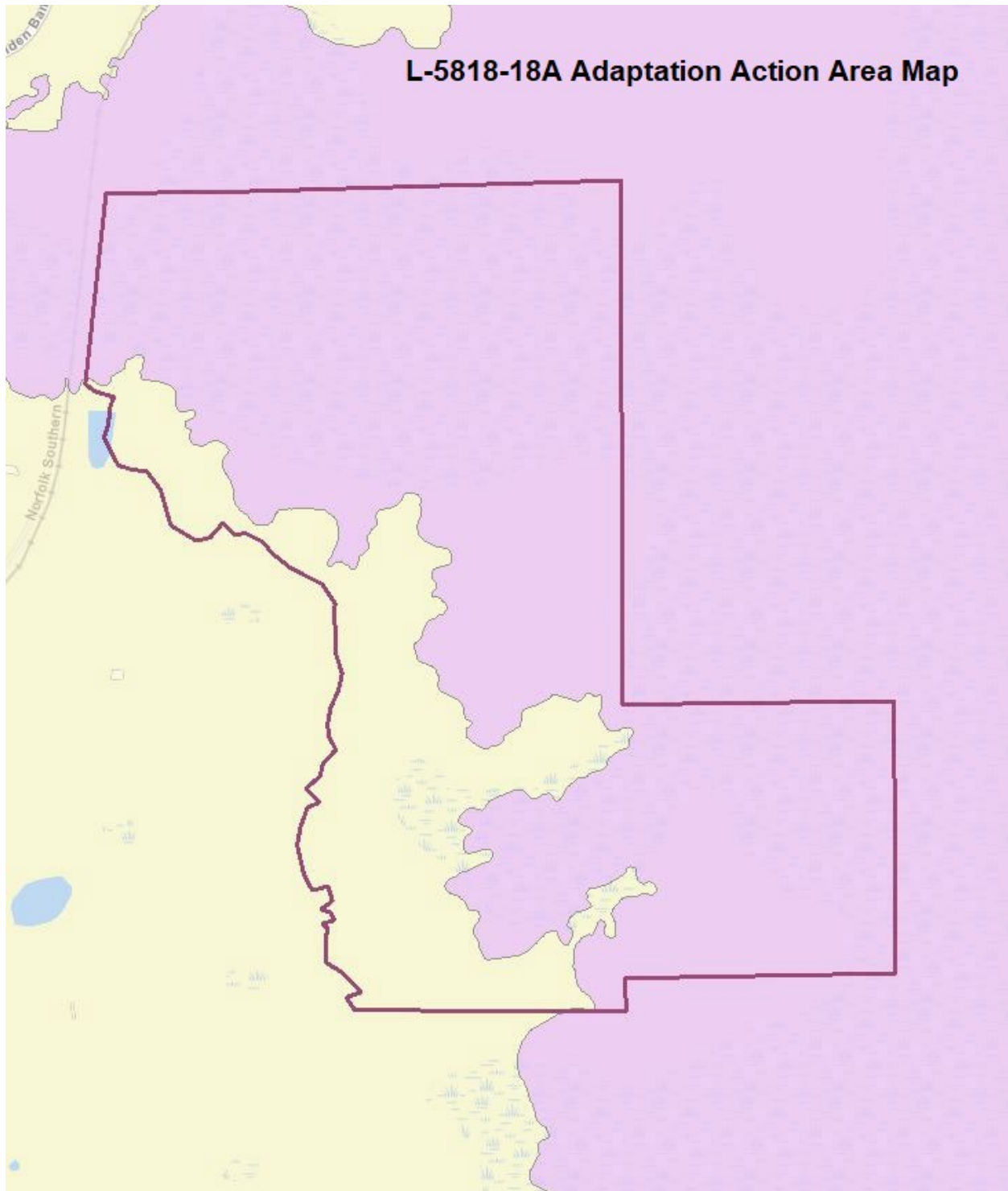
- Reduction of discharge of nutrients and pollutants into surface and groundwater.
- Reduction of new septic tank installations.
- Protection of functioning wetlands.
- Maintenance of riparian and wetland buffers.

In keeping with Policy 17, putting the subject site in the conservation land use would satisfy the four identified strategies of Policy 17 of the Strategic Regional Policy Plan.

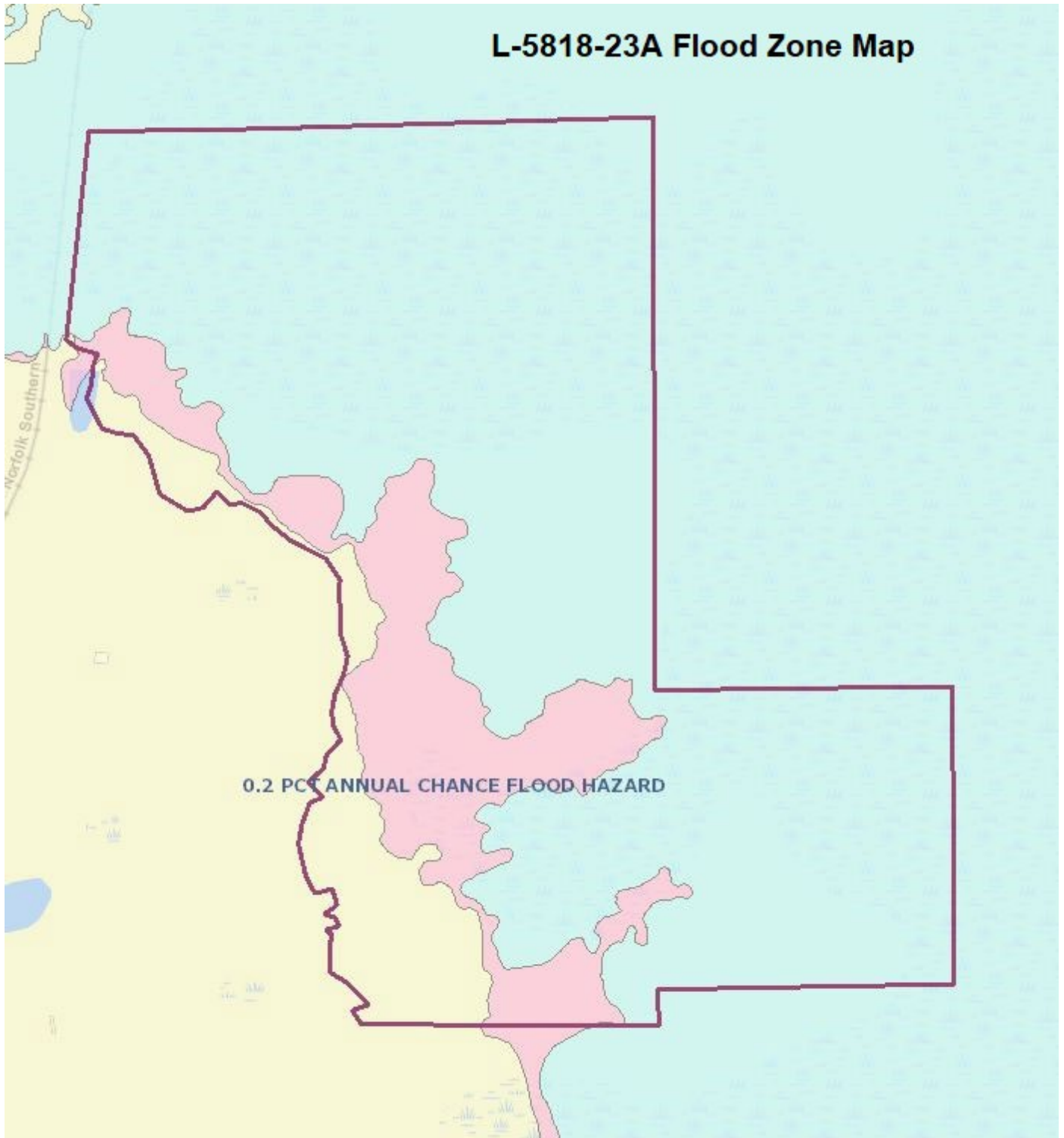
Field Utilization Map



Attachment A – Adaptation Action Area



Attachment B – Flood Zones



Attachment C – Wetlands (provided by applicant)

