

City of Jacksonville, Florida

Donna Deegan, Mayor

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July 1, 2023

The Honorable Ronald B. Salem, Pharm. D., 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. 2023-325/Application No. L-5797-23C

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

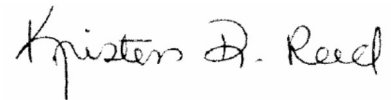
Pursuant to the provisions of Section 650.405 *Planning Commission Advisory Recommendation and Public Hearing*, the Planning Commission **APPROVED** Ordinance 2023-325 on June 22, 2023.

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

Alexander Moldovan, Chair	Aye
Ian Brown, Vice-Chair	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Absent
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, flowing style.

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

Small-Scale Future Land Use Map Amendment – June 16, 2023

Ordinance/Application No.: 2023-325 / L-5797-23C

Property Location: 0 Brandy Branch Road, on the south side of Brandy Branch Road, west of Canal Street between US 301 and Duval/Nassau County Line

Real Estate Number(s): 000890 0100, a portion of

Property Acreage: 39.31 acres

Planning District: District 4, Southwest

City Council District: District 12

Applicant: Paul Harden, Esquire

Current Land Use: Low Density Residential (LDR)

Proposed Land Use: Agriculture (AGR)

Development Area: Rural Development Area

Current Zoning: Planned Unit Development (PUD)

Proposed Zoning: Planned Unit Development (PUD)

RECOMMENDATION: **APPROVE**

APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

To develop consistent with the AGR land use category.

BACKGROUND

The 39.31 acre subject property is undeveloped and is located on the south side of Brandy Branch Road, a local roadway, and north of Interstate 10 and west of US 301. The applicant is proposing an amendment to the Future Land Use Map series (FLUMs) from Low Density Residential (LDR) to Agriculture (AGR), with a companion rezoning application from Planned Unit Development (PUD) to PUD to allow development for an Travel Trailer RV Park. The companion rezoning, Ordinance 2023-326 is pending concurrently with this application.

The site is a portion of a larger parcel that included a land use category change from Agriculture-IV (AGR-IV) to LDR in 2007 with Ordinance 2007-360-E. Ordinance 2007-611-E was adopted limiting development of the larger parcel to no more than 200 dwelling

units as a result of the State of Florida Division of Administrative Hearings (DOAH) Case #07-3539GM. The applicant proposes to take a portion of the site that was part of the remedial amendment and change the land use back to the Agriculture (AGR) land use category.

The land use amendment site is mostly undeveloped with one single family home surrounded by undeveloped land and other residential homes. More specific uses along with the zoning and land use categories of the surrounding area are listed below.

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

North: Land Use: Agriculture (AGR)
 Zoning: Agriculture (AGR)
 Property Use: undeveloped land, timber land, single-family residential, service area with outdoor trucks

South: Land Use: AGR
 Zoning: AGR
 Property Use: Vacant undeveloped land (owned by JEA)

East: Land Use: AGR
 Zoning: AGR and Planned Unit Development (PUD)
 Property Use: Undeveloped land, timber land, US Highway 301

West: Land Use: Low Density Residential (LDR), AGR
 Zoning: Planned Unit Development (PUD), AGR
 Property Use: Undeveloped land, timber land

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.

Development Analysis L-5797-23C/ 0 Brandy Branch Road / 39.31 acres		
Development Boundary	Rural Area	
Roadway Frontage Classification / State Road	Brandy Branch Road – unclassified roadway	
Plans and/or Studies	Southwest Jacksonville Vision Plan	
Site Utilization	Current: vacant	Proposed: Travel Trailer RV Park

Development Analysis L-5797-23C/ 0 Brandy Branch Road / 39.31 acres		
Land Use / Zoning	Current: LDR	Proposed: AGR
Development Standards for Impact Assessment	Current: 5 units/acre	Proposed: 1 unit/2.5 acres
Development Potential	Current: 196 units	Proposed: 15 units
Net Increase or Decrease in Maximum Density	Decrease of 181 units	
Net Increase or Decrease in Potential Floor Area	N/A	
Population Potential	Current: 521 people	Proposed: 39 people
Special Designation Areas		
Aquatic Preserve	NO	
Septic Tank Failure Area	NO	
Evacuation Zone	NO	
Airport Environment Zone	NO	
Industrial Preservation Area	NO	
Cultural Resources	NO	
Archaeological Sensitivity	Low Sensitivity	
Historic District	NO	
Coastal High Hazard	NO	
Adaptation Action Area	NO	
Groundwater Aquifer Recharge Area	0-4 inches	
Wellhead Protection Zone	NO	
Boat Facility Siting Zone	NO	
Brownfield	NO	
Public Facilities		
Potential Roadway Impact	No net new daily trips	
Potential Public School Impact	De minimus	
Water Provider	JEA	
Potential Water Impact	Decrease of 48,146 gallons per day	
Sewer Provider	JEA	
Potential Sewer Impact	Decrease of 36,110 gallons per day	
Potential Solid Waste Impact	Decrease of 470.6 tons per year	
Drainage Basin/Sub-basin	Brady / Yellow Branch / Unnamed Ditch	
Recreation and Parks	NO	
Mass Transit Access	NO	
Natural Features		
Elevations	75-86 feet	
Land Cover	4430: Forest regeneration	
Soils	51: Pelham fine sand, 0 to 2 percent slopes; 63: Sapelo fine sand, 0 to 2 percent slopes; 66:	

Development Analysis L-5797-23C/ 0 Brandy Branch Road / 39.31 acres	
	Surrency loamy fine sand, depressional, 0 to 2 percent slopes
Flood Zones	NO
Wetlands	YES: 6460 Mixed Scrub-shrub wetland; 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).

A JEA letter dated August 4, 2022 was provided by the applicant. There is an existing water main along Chaffee Road S, approximately 8.5 miles from the site. There is an existing sewer force main along Normandy Boulevard, approximately 9 miles from the site. According to the written description of the companion PUD zoning, the property will be served by a regional utility for sewer, water and electric power. The extension of utility services in the Rural Area would have to comply with Policy 1.1.2 of the Sanitary Sewer Sub-element of the Infrastructure Element.

Infrastructure Element- Sanitary Sewer Sub-Element

Policy 1.1.2

The JEA shall not invest in sanitary sewer facilities in the Rural Area as defined in the Future Land Use and Capital Improvements Element, except where necessary to protect the public health or safety or encourage mixed use or regional economic development. On an annual basis and as substantial updates to related policies are adopted, the Planning and Development Department shall provide JEA with a copy of the most current Development Areas Map and Comprehensive Plan policies relating to the provision of water and sewer facilities in relation to the Development Areas.

Transportation

The subject site is 39.31 acres and is accessible from Brandy Branch Rd, a local facility. The proposed land use amendment is located within the Rural Development Area and Mobility Zone 5. The applicant proposes to change the existing land use from Low Density Residential (LDR) to Agriculture (AGR).

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

Objective 2.4 The City shall plan for future multi-modal transportation needs, including the need for right-of-way, in order to support future land uses shown on the Future Land Use Map series.

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.

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.

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

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 1,849 daily trips. If the land use is amended to allow for this proposed AGR development, this will result in 141 daily trips.

Transportation Planning Division RECOMMENDS the following:

The difference in daily trips for the proposed land use amendment will result in no 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.

Table A						
Trip Generation Estimation Scenarios						
Current Land Use Scenario	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
LDR	210	196 SF DUs	T = 9.43 (X)	1,849	0	1,849
				Existing Scenario 1 Total		1,849
Proposed Land Use Scenario	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
AGR	210	15 SF DUs	T = 9.43 (X)	141	0	141
				Proposed Scenario 1 Total		141
				Proposed Net New Daily Total		0

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

Aquifer Recharge

The site is located within an area identified as being in the 0 to 4 inch per year aquifer recharge area. This range is below the threshold of 12 inches or more per year which would constitute a prime recharge area as defined in the Infrastructure Element – Aquifer Recharge Sub-Element (IE-AR). Prime aquifer recharge areas are the primary focus of groundwater resource protections. However, development resulting from the proposed land use amendment will be reviewed during the site plan review and permitting process for compliance with the land development regulations that have been established to protect groundwater resources. Such regulations address issues such as drainage systems, septic systems, and landscape/irrigation regulations.

Infrastructure Element –Aquifer Recharge Sub-Element

Policy 1.2.3 The City shall continue to coordinate with the SJRWMD and utilize the best available resources and information including the latest update of the Floridan Aquifer Recharge GIS grid coverage to protect the functions of the natural groundwater aquifer recharge areas and to discourage urban sprawl.

Policy 1.2.7 Within two years of establishment by the SJRWMD and the Water Resources Management Plan of prime recharge areas for the Floridan Aquifer, the Planning and Development Department shall prepare maps of such designated areas showing the special zoning and land use consideration the City has established for such areas as designated by the latest update of the Floridan Aquifer Recharge GIS grid coverage.

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 rezoning may be consistent with the Conservation/Coastal Management Element (CCME) wetlands policies.

Wetlands Characteristics:

Approximate Size: 2.9 acres

General Location(s): The eastern portion of the property.

Quality/Functional Value: The wetland has a low functional value for water filtration attenuation and flood water storage capacity due to its isolation and size. In addition the wetland has no clear or significant impact on the City’s waterways.

Soil Types/Characteristics: 51: Pelham fine sand, 0 to 2 percent slopes; 63: Sapelo fine sand, 0 to 2 percent slopes; 66: Surrency loamy fine sand, depressional, 0 to 2 percent slopes

Wetland Category: Category III

Consistency of Permitted Uses: Uses permitted within Category III wetlands are subject to CCME Policies 4.1.3 and 4.1.6

Environmental Resource Permit (ERP): Not provided by applicant

Wetlands Impact: The PUD site plan avoids development of the wetland areas.

Associated Impacts: No impacts.

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.

CCME 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.
- 2) 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.

- 3) 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.

- 4) 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 submittal of the sign posting affidavit and photos of the posted signs on May 23, 2023, it was determined that 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 May 30, 2023. No members of the public were present.

CONSISTENCY EVALUATION

Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies

Future Land Use Element (FLUE)

Development Area

Rural Area (RA): The RA consists of all lands outside of the SA and corresponds with predominantly undeveloped portions of the City with land uses such as Agriculture, Recreation, Conservation, or Public Buildings Facilities. Development should occur at very low densities which create little demand for new infrastructure and community serving supporting uses, unless development occurs under the Multi-Use Category, as a Rural Village or as a Master Planned Community as defined in this element. Development may occur within the Rural Area provided that it is consistent with the Operational Provisions and the Land Use category descriptions. Otherwise, development beyond such boundaries is considered urban sprawl and is to be discouraged.

Goal 1 To ensure that the character and location of land uses optimize the combined potentials for economic benefit, enjoyment, wellness 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 1.1.9 Promote the use of Planned Unit Developments (PUD) zoning districts, cluster developments, and other innovative site planning and smart

growth techniques in order to allow for appropriate combinations of complementary land uses, densities and intensities consistent with the underlying land use category or site specific policy, and innovation in site planning and design, subject to the standards of this element and all applicable local, regional, State and federal regulations. These techniques should consider the following criteria in determining uses, densities, intensities, and site design:

- Potential for the development of blighting or other negative influences on abutting properties
- Traffic Impacts
- Site Access
- Transition of densities and comparison of percentage increase in density above average density of abutting developed properties
- Configuration and orientation of the property
- Natural or man-made buffers and boundaries
- Height of development
- Bulk and scale of development
- Building orientation
- Site layout
- Parking layout
- Opportunities for physical activity, active living, social connection, and access to healthy food

Policy 1.1.21 Rezoning and 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 and to allow for the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business with the intent that this balance of uses shall:

- A. Foster vibrant, viable communities and economic development opportunities;
- B. Address outdated development patterns; and/or
- C. Provide 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.

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.

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 3.1.15 The City shall limit residential in the Rural Development Area as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions; and to locations most suitable for development, avoiding wetlands, natural habitat and other significant natural resources. Large contiguous parcels under common ownership, in the Agricultural Land Use Category, which are suitable for agriculture use, should be left intact through proper site design, and such other methods as clustering, etc.

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 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. However, LDR designations in the Rural Development Area are discouraged because they would potentially encourage urban sprawl.

According to the Future Land Use Element (FLUE), the Agriculture (AGR) land use category is intended to provide for agricultural uses. Most AGR lands are located in the Rural Area of the City where full urban services and facilities will not be provided by the City during the planning time frame. Accordingly, the principal activities allowed in these categories are agriculture and related uses, such as farming, horticulture, forestry and logging, storage, processing and wholesale distribution of farm supplies and products, and other resource based activities, such as conservation, recreation, and mining activities. In order to preserve the rural character of these areas, residential uses are permitted at very low densities.

The amendment reverts a portion of the larger parcel back to the AGR land use category as it was prior to the land use change to LDR in 2007. The AGR land use is appropriate in the rural development area and discourages urban sprawl. The amendment to AGR results in a compatible land use for the area that will optimize the potential for economic benefits and will avoid wetlands and protect natural resources. The proposed land use is consistent with the neighboring properties and will allow future agriculture and recreation uses on the property. Therefore, the amendment is consistent with FLUE Goals 1 and 3 and Policies 1.1.21 and 3.1.15.

The companion PUD rezoning (Ordinance 2023-326) identifies the primary use for the site for a Travel Trailer RV Park. The PUD allows for innovative site planning in considering road access, site circulations and placement of the Recreational Vehicles. Additionally, the PUD site plan shows the wetlands on site will be avoided. Therefore, the proposed land use change is consistent with FLUE Policy 1.1.9, 3.1.15 and the Rural Development Area intent.

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.

Southwest Jacksonville Vision Plan

The subject property is located within the boundaries of the Rural/Conservation Character Area of the Southwest Jacksonville Vision Plan (2003). Guiding Theme 2 of the Vision Plan is to protect the rural character and open spaces in the western areas of the planning district. The preservation of agricultural land, open space, scenic vistas and natural resources is encouraged in the rural/conservation character area of the vision plan. The proposed land use change back to the property's original agricultural land use is consistent with the Southwest Vision Plan.

Strategic Regional Policy Plan

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

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

Policy 4: The two regional support strategies identified by the Regional Community Institute are: Incentives to private landowners to maintain wise forestry practices and maintain ecosystem services on their lands and Maintenance of a diversity of land use in the region.

The land use amendment avoids development of the wetlands on site and is intended to be used for an RV Park that will not negatively affect the rural area with unintended development and urban sprawl.

