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March 7, 2024

VIA FEDERAL EXPRESS AND EMAIL

The Honorable Council President Ronald B. Salem
City of Jacksonville
117 W. Duval Street, Suite 425
Jacksonville, Florida 32202
RSalem@coj.net

With copy to:

R. Brett James, Planning & Development Director
City of Jacksonville
214 N. Hogan Street, Suite 300
Jacksonville, Florida 32202
PDDirector@Jacksonville.gov
RJJames1@coj.net

Re: Notice of Appeal of a Written Interpretation by the Planning and Development Department Director (“Director”), of the City of Jacksonville’s “Comprehensive Plan” – Pursuant to Section 650.204, Ordinance Code

Dear Council President Salem:

As you are aware, this law firm represents Belvedere Terminals Company, LLC (“Belvedere”) in connection with its plans to construct and operate a bulk fuel storage yard facility (a fuel storage terminal with rail and truck delivery) in the City of Jacksonville, Florida (“Bulk Storage Yard” as defined in Section 656.1601, Ordinance Code).

To that end, and pursuant Section 650.204, Ordinance Code, we requested an official interpretation with respect to the allowance of Bulk Storage Yards in the Light Industrial future land use category (“LI”) of the City’s Comprehensive Plan (“Comp Plan”). Specifically, Belvedere

requested an official Planning and Development Department (the “Department”) interpretation from the Director that addressed the following inquiry:

Are Bulk Storage Yards permitted in areas designated as LI under the City’s Future Land Use Map?

(“Question Posed”)

This letter request for written interpretation is dated February 28, 2024 and is attached here as Exhibit 1 (“Written Interpretation Request”).

While the Director did not provide a clear “yes” or “no” answer to the question posed, the Director did respond with a letter dated March 4, 2024 which is attached hereto as Exhibit 2 (“Interpretation Letter”).

We are hereby providing you with our notice of appeal of the Interpretation Letter pursuant to Section 650.204, Ordinance Code. We respectfully request that you place this request for appeal of the Interpretation Letter of the Question Posed (via the appropriate legislation) on the next available City Council schedule for hearing and consideration by Council.

We look forward to your response and are available for any questions or concerns that you may have. Thank you.

Sincerely,



Jason R. Gabriel

Enc.

EXHIBIT "1"
Written Interpretation Request



Jason Gabriel
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February 28, 2024

VIA FEDERAL EXPRESS AND EMAIL

R. Brett James, Planning & Development Director
City of Jacksonville
214 N. Hogan Street, Suite 300
Jacksonville, Florida 32202
PDDirector@Jacksonville.gov
RJJames1@coj.net

Re: Request for Interpretation Pursuant to Section 650.204, Ordinance Code

Dear Mr. James:

Please be advised that this law firm represents Belvedere Terminals Company, LLC (“Belvedere”) in connection with its plans to construct and operate a bulk fuel storage yard facility (a fuel storage terminal with rail and truck delivery) in the City of Jacksonville, Florida (“Bulk Storage Yard” as defined in Section 656.1601, Ordinance Code).

To that end, and pursuant Section 650.204, Ordinance Code, we hereby request your official interpretation with respect to the allowance of Bulk Storage Yards in the Light Industrial future land use category (“LI”) of the City’s Comprehensive Plan (“Comp Plan”). Specifically, Belvedere requests an official Planning and Development Department interpretation from you that addresses the following inquiry:

Are Bulk Storage Yards permitted in areas designated as LI under the City’s Future Land Use Map?

As has been discussed throughout the course of our interactions with the City to date, the Bulk Storage Yard facility will be used for the *storage of fuel*, not the *refinement* or *manufacturing* of fuel – that is delivered by rail and then loaded onto trucks to distribute the fuel to retailers throughout the region.

Some brief points that have been raised with the City for your benefit and convenience:

- The LI category in the Comp Plan speaks to uses involving materials “that have previously been prepared, or raw materials that do not need refining” and it specifically includes storage / warehousing / distribution. It further permits *railroad yard* and *truck terminal* uses.

- The HI category in the Comp Plan is the most intense designation and differentiates from LI in that it authorizes the *processing, manufacturing, fabrication or refinement* of raw materials brought on to the site which include the manufacturing processes that involve flammable or explosive materials.

The ability to store such materials in HI does not preclude the storage of *already refined* or *manufactured* materials in LI. Additionally, HI specifically calls out petroleum *refinement*; meaning that in the absence of refinement, *storage* of petroleum is authorized in LI. In other words, HI allows for the storage of *raw* materials that may be further refined, manufactured or processed, whereas LI allows for the storage of already *refined* materials.

- Section 163.3201, Florida Statutes states that it is the intent of Florida law that adopted comprehensive plans are implemented by the adoption and enforcement of local regulations such as a zoning code (See AG 89-51). Accordingly, the LI introduction to Industrial Light (IL) zoning classification in the Zoning Code is explicit in its implementation of the Comp Plan uses. It specifically allows for the bulk storage of flammable liquids.

- The HI introduction to the IH classification in the Zoning Code differentiates the two categories by acknowledging that while you could certainly *store* fuel there, you could also *refine* and *process* it there as well. The contrast being that you could *store* fuel in LI as well, but not conduct refinement, distillation or manufacturing there.

- The IL zoning classification as set forth in Section 656.322(13) (13), consistent with the LI land use designation in the Comp Plan, specifically authorizes Bulk Storage Yards, (but not concrete batch mixing plants) including: “... bulk storage of flammable liquids and acids if storage not within a completely enclosed building or structure is visually screened by a six-foot fence or wall not less than 95 percent opaque.”

- Sec. 656.1601, Ordinance Code, defines Bulk Storage Yard as follows: Bulk storage yard *or* bulk *plant* means, as related to flammable liquids, a location where flammable or combustible liquids are received by tank vessel, pipelines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing the liquids by tank vessel, pipeline, tank car, tank vehicle or container.

- A review of the Florida Department of Environmental Protection Agency’s (“FDEP”) Storage Tanks public report shows more than forty (40) locations within the City which are both

situated in LI designated areas and maintain at least one above ground storage tank (the “Existing LI Sites”).

See the following link for searches: https://prodapps.dep.state.fl.us/www_stcm/reports/Stcm02.

For your benefit, a list depicting these Existing LI Sites is attached as Exhibit A. Of the more than 250 above ground storage tanks reviewed, the most common contents of those tanks is flammable liquid in the form of fuel.

- If an interpretation reversal were to occur – (that is, any interpretation other than, Bulk Storage Yards are permitted in LI) – it would be a contradiction to not only the plain language of the Comp Plan and the Zoning Code, but a 180 degree reversal of decades of interpretation and approvals which would immediately make the above-referenced identified sites *non-conforming* properties. In turn this would mean that that each LI site that contains fuel storage would have to obtain a land use amendment to HI if the operator of the site ever wanted to expand or substantially modify their petroleum storage use on that property.

We are in communication with several of these site owners / operators to make them aware of the actions that transpire with respect to this interpretation request.

- Finally, a land use amendment application (Ordinance 2023-257, a pending ordinance) was made based in good faith reliance on the City’s (and in turn, the Planning and Development Department’s) long-held historic administration of its Comp Plan in authorizing fuel storage or Bulk Storage Yard uses in the LI land use category of the Comp Plan. See the attached staff report issued as recently as June 16, 2023 for Belvedere, recommending approval of a Bulk Storage Yard facility in the proposed LI land use category (which is attached as Exhibit B).

We look forward to your response and are available for any questions or concerns that you may have. Thank you.

Sincerely,



Jason R. Gabriel

Enc.

cc: Karen Bowling, Chief Administrative Officer
Michael Fackler, General Counsel

EXHIBIT "A"

Existing LI Sites

Site Number	Name	Address	Type of Fuel	Number of Above Ground Tanks	Zoned	Notes	
1	Southeastern Freight Lines Inc-Jax	3335 Edgewood Ave N Jacksonville, FL 32205 720 Scotia Rd	Diesel, New Oil, Waste Oil	6	IL	IL and Conservation Eastment (2014)	Total Number of Sites with Above Ground Storage Tanks in Light Industrial Zones
3	Old Dominion Freight Inc	Jacksonville, FL 32254	Diesel	1	IL	IL (2014)	
5	Abf Freight System Inc	6900 Broadway Ave Jacksonville, FL 32254 575 Phelps St	Diesel	1	IL	Started out as IL (2014), added Billboard site (2015)	
6	Carolina Lumber Co	Jacksonville, FL 32206	Unleaded Gas, Diesel	2	IL	IL (2014)	
7	Cash Building Material Co	2161 Mccoys Creek Blvd Jacksonville, FL 32204 723 Scotia Rd	Diesel	1	IL	IL (2014)	
8	Averitt Express Inc	Jacksonville, FL 32254	Diesel	1	IL	IL (2014) RE: 111124-0000 (IL 2014) RE: 111123-0100 (IL 2014) RE: 111122-0050 (IL 2014) RE: 111123-0000 (IL 2014)	
16	FI Rock & Tank Lines Inc	5714 Buffalo Ave Jacksonville, FL 32208	Waste Oil, New/Lube Oil, Diesel	3	IL	2014 - 2016 (Res LD 3-7 Units Per AC) 2017 (Billboard Site and Retention Pond) 2020 (Res no longer, IL added)	
21	Groendyke Transport Inc-Jacksonville	6549 Robinson Rd Jacksonville, FL 32254	Diesel	1	IL		
23	Buckeye Terminal Llc-Jacksonville Trmnl	2617 Zoo Pkwy Jacksonville, FL 32226	Petroleum Additive, Unleaded Gas, Other Non Regulated, Diesel, Fuel Oil - Onsite Heat	19	IL	IL (2014)	
31	Paul Murray Oil Inc	2824 Florida Ave Jacksonville, FL 32206	Kerosene, Fuel Oil - Distribution, Diesel, Waste Oil	7	IL	IL (2014)	
32	Xpo Logistics Freight Inc-Njv	500 Ellis Rd S Jacksonville, FL 32254	Diesel	1	IL	IL (2014)	
33	Cool Transport Llc	5650 Witten Rd Jacksonville, FL 32254	Diesel	1	IL	IL (2014)	
40	Wwf Operating Company Llc	2198 W Beaver St Jacksonville, FL 32209	Hazardous Substance	5	IL		
48	Roosevelt Ready Mix Plant	7332 Roosevelt Blvd Jacksonville, FL 32244	Diesel	1	IL	IL (2014)	
59	Jenkins Plumbing	8774 4th Ave Jacksonville, FL 32208	Diesel	1	IL	IL (2014)	
66	Southern Bell-Jcvlfha 31033	9209 Haydon Rd Jacksonville, FL 32218	Misc Petrol - Based Product, Waste Oil	2	IL	2014 - 2021 (Utility) 2022 - IL	
69	Cingular Wireless	2096 Dennis St Jacksonville, FL 32204	Diesel	1	IL	IL (2014)	
75	Publix Super Market Warehouse	9786 W Beaver St Jacksonville, FL 32220	Diesel, New/Lube Oil, Unleaded Gas, Other Non Regulated	11	IL	IL (2014) - Submerged land as well	
77	American Construction Equipment	2918 Saint Augustine Rd Jacksonville, FL 32207	Diesel	1	IL	IL (2014)	
79	Packaging Corp Of America	659 Eastport Rd Jacksonville, FL 32218	Fuel Oil - Onsite Heat	1	IL	IL (PRC - earliest 2021)	
81	Republic Services Of Fl Lp	8619 Western Way Jacksonville, FL 32256	Diesel	1	IL	IL (2014) RE: 005550 - 0000 (IL 2014) RE: 005553 - 0010 (IL 2014) RE: 005553 - 0000 (IL 2014)	
85	Dantzler Lumber & Export Co	7850 W Beaver St Jacksonville, FL 32220	Hazardous Substance, Fuel Oil - Onsite Heat	3	IL		
86	Braddock Metallurgical In	14600 Duval Pl W Jacksonville, FL 32218	Ammonia Compound	1	IL		
89	Coca-Cola Beverages Florida Llc	1411 Huron St Jacksonville, FL 32254	Mineral Acid, Ammonia Compound	3	IL		
90	Winn-Dixie Stores Inc	5050 Edgewood Ct Jacksonville, FL 32254	Diesel	4	IL	IL (2014)	
93	K2 Inc	1302 Eastport Rd Jacksonville, FL 32218	Fuel Oil - Onsite Heat	1	IL	IL (2014)	
97	West Fraser Inc	109 Halsema Rd S Jacksonville, FL 32254	Diesel	1	IL	IL (2014)	
98	Cain & Bultman Inc	2145 Dennis St Jacksonville, FL 32204	Diesel	1	IL	IL (2014)	
99	Sysco International Food Group Inc	3100 Hilton St Jacksonville, FL 32209	Diesel	1	IL	IL (PRC - earliest 2021)	
101	J B Coxwell Contracting Inc	2820 Lloyd Road Jacksonville, FL 32254	Vehicular Diesel, Unleaded Gas	3	IL	IL (2014)	

102	Independent Waste Oil	343 Dennard Ave Jacksonville, FL 32254	Waste Oil, Other Non Regulated	7	IL	
103	Jacksonville Tank Farm	7107 Stuart Ave Jacksonville, FL 32205	New/Lube Oil	26	IL	IL (2014)
104	Bastech Inc.	3211 Powers Ave Jacksonville, FL 32207	Other Non Regulated, Fuel Oil	34	IL	IL (2014, retention pond as well)
105	Reichhold LLC 2	54 Wamsley Rd Jacksonville, FL 32254	Hazardous Substance Vehicular Diesel,	18	IL	
106	Heartland Express Of Iowa Inc.	10503 Busch Dr N Jacksonville, FL 32218	New/Lube Oil, Waste Oil	4	IL	IL (2014)
107	Univar Solutions USA Inc	155 Ellis Rd S Jacksonville, FL 32254	Hazardous Substance, Other Non Regulated	11	IL	
114	Phoenix Products	1727 Bennett St Jacksonville, FL 32206	Diesel	2	IL	RE: 115792-0000 (IL 2014) RE: 115792-0000 (IL 2014)
124	Metal Container Corp	1100 Ellis Rd N Jacksonville, FL 32254	Other Non Regulated, New/Lube Oil, Mineral Acid	6	IL	IL (PRC - earliest 2018, retention bond as well)
126	Airline Moving & Storage Inc	142 Stockton St Jacksonville, FL 32204	Waste Oil	3	IL	
129	United Site Service-Phillips Hwy Jacksonville	11574 Phillips Hwy Jacksonville, FL 32256	Unleaded Gas, Waste Oil, Kerosene	8	IL	IL (2014)
130	Eastport Road Ready Mix	1220 Eastport Rd Jacksonville, FL 32218	Diesel, New/Lube Oil	3	IL	IL (2014, retention pond added in 2015)
131	Transpremier Llc	7587 Wilson Blvd Jacksonville, FL 32210	Diesel	3	IL	IL (2014) RE: 004945 - 0000 (IL 2014)
132	10 Roads Express Llc	1509 Pickettville Rd Jacksonville, FL 32220	Diesel, New/Lube Oil, Waste Oil	5	IL	RE: 004949 - 0000 (IL 2014)
133	Comcast-Westside Hub	5555 Cassidy Rd Jacksonville, FL 32254	Diesel	4	IL	IL (2014)
134	Sysco Food Services-Jacksonville Inc	1501 Lewis Industrial Dr Jacksonville, FL 32254	Diesel	4	IL	IL (2014, retention pond as well)
136	Cemex - Eastport Ready-Mix Plant	750 Eastport Rd Jacksonville, FL 32218	New/Lube Oil, Waste Oil, Diesel	4	IL	IL (2014), retention pond and salt water marsh added

Report of the Jacksonville Planning and Development Department

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

Ordinance/Application No.: 2023-257 / L-5803-23A

Property Location: 0 Garden Street, between Paxton Road and Imeson Road

Real Estate Number(s): 003999 0800

Property Acreage: 101.87 Acres

Planning District: District 5, Northwest

City Council District: District 8

Applicant: Jason Gabriel, Esquire

Current Land Use: Agriculture (AGR)

Development Area: Suburban Development Area

Proposed Land Use: Light Industrial (LI)

Current Zoning: Agriculture (AGR)

Proposed Zoning: Planned Unit Development

RECOMMENDATION: APPROVE

APPLICANT'S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

To develop the property with bulk storage yard (petroleum fuel terminal, to be delivered by rail car). See justification narrative included as Attachment E for additional information.

BACKGROUND

The applicant proposes a Future Land Use Map amendment from Agriculture (AGR) to Light Industrial (LI) in the Suburban Development Area to develop the property with a bulk storage yard (petroleum fuel terminal, to be delivered by rail car). The entire project includes 2 additional parcels southeast of the subject site that are not subject to this land use amendment. Those parcels are already within the LI land use category. The proposed amendment to LI would unify the three properties under the same land use category. The

companion PUD rezoning is not required for the transmittal review and will be submitted later this year with the adoption of this Amendment.

The subject property is located at 0 Garden Street, between Paxton Road and Imeson Road. The south and east side of the property abuts Garden Street. Garden Street becomes Imeson Road which quickly doglegs south (please refer to the Location Map). Garden Street and Imeson Road are both Collector roadways. A Norfolk Southern railway runs along the northeast side of the amendment site. A JEA powerline easement is located on the west side of a 250-foot wide clearing.

The 101.87-acre land use amendment site is undeveloped. The two parcels southeast of the subject site that are part of the project are also undeveloped.

The land uses abutting the east of the site are LI on south half of the amendment site and Low Density Residential (LDR) on the north half of the site. As mentioned above, the change to LI would be an extension of the existing LI land use east and southeast of the site.

The area surrounding the site has been in flux over the last several years. Generally, the trend in the area has been toward residential development.

Land across the street south of the site was rezoned to PUD (Ordinance 2022-4-E) to permit single-family residential uses.

Approximately 70 acres of land ¼ mile west of the site was rezoned from AGR to PUD in 2006 (2006-479-E) to allow for development of a single-family subdivision. The PUD was amended in 2020 (Ordinance 2020-174-E) to make minor modifications to the original PUD. The existing PUD permits 211 single-family units. Upon inspection, the site has not been fully built out. As of April 28, 2023, approximately 40 homes have been completed.

The property further west was rezoned to RLD-50 in 2022 to permit development of single-family dwellings with 50-foot wide lots pursuant to Ordinance 2021-829.

The area surrounding the site includes single-family residential development east across the Norfolk Southern railroad tracks. There are JEA powerlines west of the site and 250 feet beyond the land used for the powerlines are single-family residences.

The site is located within the boundaries of the Suburban Development Area. More specific adjacent land use categories, zoning districts and property uses are as follows:

<u>North:</u>	Land Use: Low Density Residential (LDR), Agriculture AGR
	Zoning: Rural Residential – Acre (RR-Acre), Residential Low Density – 60, Planned Unit Development, and Agriculture (AGR)
	Property Use: Undeveloped

South: **Land Use:** LDR, AGR, and LI
Zoning: PUD, AGR, and IBP
Property Use: Undeveloped

East: **Land Use:** Light Industrial (LI) and LDR
Zoning: RR-Acre, RLD-60, and PUD
Property Use: Undeveloped, railroad tracks, and single-family residential

West: **Land Use:** AGR
Zoning: AGR
Property Use: Utility lines and single-family residential

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.

Impact Assessment Baseline Review

Development Analysis		101.87 Acres – 4,437,457 sq. ft.
Development Boundary	Suburban Development Area	
Roadway Frontage Classification / State Road	Garden Street – Collector Road	
Plans and/or Studies	5 – Northwest Vision Plan	
Site Utilization	Current: Undeveloped	Proposed: Bulk Storage Yard (Petroleum Fuel Terminal serviced by Rail Car)
Land Use / Zoning	Current: AGR / AGR	Proposed: LI / IL
Development Standards for Impact Assessment	Current: 2.5 DU / 1 Acre	Proposed: 0.4 FAR
Development Potential	Current: 40 SF DU	Proposed: 1,774,983 sq. ft.
Net Increase or Decrease in Maximum Density	Decrease of 40 DU	
Net Increase or Decrease in Potential Floor Area	Increase of 1,774,983 sq. ft.	
Population Potential	Current: 106 people	Proposed: 0 people

Development Analysis		101.87 Acres – 4,437,457 sq. ft.
Special Designation Areas		
Aquatic Preserve		No
Septic Tank Failure Area		No
Evacuation Zone		Evacuation Zone D
Airport Environment Zone		No
Industrial Preservation Area		No
Cultural Resources		None
Archaeological Sensitivity		High, Medium, Low
Historic District		No
Coastal High Hazard		No
Adaptation Action Area		Yes – Approximately 45.8 acres
Groundwater Aquifer Recharge Area		Discharge
Wellhead Protection Zone		No
Boat Facility Siting Zone		No
Brownfield		No
Public Facilities		
Potential Roadway Impact		8,550 net new daily trips
Potential Public School Impact		N/A
Water Provider		JEA
Potential Water Impact		Increase of 53,614 gpd
Sewer Provider		JEA
Potential Sewer Impact		Increase of 40,210 gpd
Potential Solid Waste Impact		Increase of 5,398 tons per year
Drainage Basin/Sub-basin		Basin: Trout River Sub-basin: Trout River and Ninemile Creek
Recreation and Parks		Dinsmore Center & Park
Mass Transit Access		None
Natural Features		
Elevations		17' to 21'
Land Cover		6170: Mixed Wetland Hardwoods 6250: Hydric Pine Flatwoods 6300: Wetland Forested Mixed 8320: Electrical Power Transmission Lines
Soils		38: Mascotte Fine Sand 51: Pelham Fine Sand 66: Surrency Loamy Fine Sand, Depressional 81: Stockade Fine Sandy loam, Depressional 82: Pelham Fine Sand, Pondered
Flood Zones		AE Flood Zone: 45.01 acres
Wetlands		59.63 acres
Wildlife (applicable to sites greater than 50 acres)		None or low likelihood per environmental assessment

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).

According to the Land Use application, the applicant intends to connect to JEA water and sewer services. The applicant will be required to provide a JEA letter of service availability with the companion PUD rezoning application during the adoption round of this large-scale amendment.

Future Land Use Element

Policy 1.2.8 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.

Development on sites located within the UPA, UA, and SA are permitted where connections to centralized potable water and/or wastewater are not available subject to compliance with the following provisions:

1. Single family/non-residential (estimated flows of 600 gpd or less) where the collection system of a regional utility company is not available through gravity service via a facility within a right-of-way or easement which abuts the property.
2. Non-residential (above 600 gpd) where the collection system of a regional utility company is not within 50 feet of the property.
3. Subdivision (non-residential and residential) where:
 - a. The collection system of a regional utility company is greater than ¼ mile from the proposed subdivision.
 - b. Each lot is a minimum of ½ acre unsubmerged property.
 - c. Installation of dryline sewer systems shall be installed when programmed improvements are identified in the Capital Improvements Element which will make connections to the JEA Collection Systems available within a five (5) year period.

Transportation

The subject site is 101.87 acres and is accessible from Garden St, a collector 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 Agriculture (AGR) to Light Industrial (LI).

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 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 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 94 daily trips. If the land use is amended to allow for this proposed LI development, this will result in 8,644 daily trips.

Transportation Planning Division **RECOMMENDS** the following:

The difference in daily trips for the proposed land use amendment will result in 8,550 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
AGR	210	10 SF DUs	$T = 9.43 (X)$	94	0	94
				Existing Scenario Total		94
Proposed Land Use Scenario	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
LI	110	1,774,983 SF	$T = 4.87 (X) / 1000$	8,644	0	8,644
				Proposed Scenario Total		8,644
				Proposed Net New Daily Total		8,550

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 1.2.5 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 (AAA)

The City of Jacksonville implemented the 2015 Peril of Flood Act (Chapter 2015-69, Laws of Florida) by establishing an Adaptation Action Area (AAA). The AAA boundary is an area that experiences coastal flooding due to extreme high tides and storm surge. The area is vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

Attachment A shows the portion of the property that is located within the AAA. New development within the AAA boundary is encouraged to address potential impacts of flooding through site design, clustering of development and other resiliency efforts.

Conservation/Coastal Management Element

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.

Future Land Use Element

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.

Evacuation Zone

The subject site is located in Evacuation Zones D and E. Because the application is for the site to go to the LI land use category, an analysis by EPD is not required.

Flood Zones

Attachment B shows the area of the subject site within the AE flood zone. This area is the same as the area in the Adaptation Action Area. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance. 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. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

Future Land Use Element (FLUE)

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

Conservation /Coastal Management 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

Wetlands

Review of the applicant's environmental assessment report and the City's GIS indicating the 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: 59.63 Acres

General Location(s): Throughout the application site (see Attachment C)

Quality/Functional
Value: Most of the wetlands on the application site have a high functional value for water filtration attenuation and flood water

capacity and are in flood zones yet have an indirect impact on the City's waterways.

A small wetland area of the property that is an isolated cypress swamp is considered to have a high functional value due to its water filtration attenuation and flood water storage capacity.

Soil Types/
Characteristics:

(66) Surrency loamy fine sand, depressional: The Surrency series consists of nearly level, very poorly drained, sandy and loamy marine sediments. They occur in depressions and are moderately permeable and moderately slowly permeable. Generally, the high water table is generally at or above the soil surface for very long periods.

(81) Stockade fine sands loam, depressional: The Stockade series consists of nearly level, very poorly drained soils and are formed in thick sandy and loamy marine sediments. They are located in depressions and are slow permeable sandy and loamy marine sediments. Generally, the high water table is generally at or above the soil surface for very long periods of time.

(82) Pelham fine sand, depressional: The Pelham series consists of poorly drained soils formed in thick deposits of sandy and loamy marine sediments. They are located in depressional flats and the high water table is at a depth of less than twelve inches from the soil surface.

Wetland Category: Category III

Consistency of
Permitted Uses: Any use must meet CCME Policies 4.1.3 and 4.1.6

Environmental Resource
Permit (ERP): A approved permit has not been provided by the applicant, however the application for an ERP from the St. Johns River Water Management District has been provided by the applicant.

Wetlands Impact: Approximately 30.18 acres of wetlands will be impacted due to planned site development. Wetlands mitigation will be required.

Associated Impacts: Much of the wetlands of the application site are associated with the AE flood zone. Development causing floodwater displacement will require mitigation.

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:
- (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 site inspection by the Planning and Development Department on April 28, 2023, the required notices of public hearing signs were posted. Twenty-eight (28) notices were mailed out to adjoining property owners informing them of the proposed land use change and pertinent public hearing and meeting dates.

A Citizen Information Meeting was held on May 1, 2023. No one from the public spoke on this land use amendment application.

CONSISTENCY EVALUATION

Consistency with 2045 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 defined in this Plan.

Future Land Use Element (FLUE):

- | | |
|---------------|---|
| 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. |
| Objective 1.1 | Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination. |
| Policy 1.1.7 | 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 1.1.9 | <p>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:</p> <ul style="list-style-type: none">• 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 1.1.13 Require mitigation of adverse land use impacts on adjacent uses during development and redevelopment through:

1. Creation of complementary uses;
2. Enhancement of transportation connections;
3. Use of noise, odor, vibration and visual/ aesthetic controls; and/or
4. Other appropriate mitigation measures such as requirements for buffer zones and landscaping between uses.

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.

Policy 1.2.8 Require new development and redevelopment in the Central Business District (CBD), Urban Priority Area (UPA), Urban Area (UA), and Suburban Area (SA) to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site.

Development on sites located within the UPA, UA and SA are permitted where connections to centralized potable water and/or wastewater are not available subject to compliance the following provisions:

1. Single family/non-residential (estimated flows of 600 gpd or less) where the collection system of a regional utility company is not available through gravity service via a facility within a right-of-way or easement which abuts the property.
2. Non-residential (above 600 gpd) where the collection system or a regional utility company is not within 50 feet of the property.
3. Subdivision (non-residential and residential) where:
 - a. The collection system of a regional utility company is greater than ¼ mile from the proposed subdivision.
 - b. Each lot is a minimum of ½ acre unsubmerged property.
 - c. Installation of greyline sewer systems shall be installed when programmed improvements are identified in the Capital Improvements Element which will make connections.

Goal 3	To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.
Objective 3.2	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 3.2.27	Compatibility of new non-residential developments or high density residential developments with adjacent and abutting residential neighborhoods shall be achieved through the implementation of site design techniques including but not limited to: transitions in uses; buffering; setbacks; the orientation of open space; and graduated height restrictions to affect elements such as height, scale, mass and bulk of structures, pedestrian accessibility, vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise and odor. In addition, all development on sites which abut a Low Density Residential and/or Rural Residential land use designation shall provide the following:

- A scale transition.
- When developing mixed uses, residential uses shall be arranged on the site to provide a use transition between new non-residential uses and the protected abutting residential land uses to the greatest extent feasible.
- Elements such as yards, open space, at-grade parking and perimeter walls shall be arranged, designed and landscaped in a manner compatible with adjacent areas to serve as a visual buffering element.

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	<p>The following rights shall be considered in local decision making:</p> <ol style="list-style-type: none"> 1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights. 2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances. 3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property. 4. The right of a property owner to dispose of his or her property through sale or gift.

According to the Category Description in the Future Land Use Element (FLUE), the Agriculture land use category is intended to provide for agricultural uses and to preserve the existing rural character of outlying areas of the City. 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 dependent uses. In order to preserve the rural character of these areas, residential uses are permitted at very low densities.

The Light Industrial (LI) land use category provides for the location of industrial uses that are able to be performed in such a manner as to control the external effects of the process, such as smoke, noise, soot, dirt, vibration, odor, etc. Uses within this category,

other than outside storage, shall be conducted within an enclosed building. Generally, light industrial uses involve materials that have previously been prepared, or raw materials that do not need refining. These uses do not create a noticeable amount of noise, dust, odor, smoke, glare, or vibration outside of the building or on the site in which the activity takes place. Site access to roads classified as collector or higher on the Highway Functional Classification Map is preferred.

Considering that the land use map amendment to LI is an extension of LI and HI from the south and southeast of the amendment site and the fact that the site has access to rail, the amendment is a logical extension of industrial land use. Therefore, the amendment to LI to permit industrial uses fosters economic development on undeveloped land with access to rail in conformance with FLUE Objective 3.2 and Policy 1.1.21.

Areas to the west and directly south of the site are developed or planned for development as residential in the LDR and AGR land use categories. The applicant is aware of the need to address compatibility with the existing and planned residential development to the south and west and provided a conceptual site plan (See Attachment D) depicting the location of proposed development within the site. The applicant also indicated the intent to provide setbacks and buffers along the Garden Street frontage. These compatibility site design measures must be included in the companion PUD rezoning application to ensure consistency with FLUE Goal 3, Objective 3.1, and Policies 1.1.7 and 3.2.27.

The property is accessible from Garden Street and Imeson Road, both collector roadways. The roads abutting the subject site are narrow (Imeson Road is approximately 20 feet across) and in need of maintenance. The operation of the proposed facility will require modification and improvement of the roads fronting the site and nearby along the route to be taken by fuel trucks utilizing the proposed facility. As residential uses increase as development progresses west and south of the subject site, a conflict could develop between the increasing volume of residential traffic and the industrial traffic generated by the intended use of the subject site. The applicant proposes to address these issues by removing the existing asphalt and base, rebuilding a 2-lane road with 2.5 inches of asphalt over 10 inches of base for each 12-foot lane, and adding 6-foot-wide shoulders. Additionally, the applicant proposes a new westbound right-turn lane into the project. The applicant shall also identify options to mitigate the conflict between residential and industrial traffic. Road improvements should be implemented after site clearing to prevent damage to the rebuilt road. These mitigation measures must be included in the companion PUD to ensure consistency with FLUE Goals 1 and 3, FLUE Objective 1.1.1, and FLUE Policies 1.1.9 and 1.1.13.

Development of the site must comply with centralized wastewater collection and potable water distribution requirements as described in Policy 1.2.8.

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 application site lies within the boundary of the Northwest Vision Plan. The property is in the Rural Residential zone. The plan does not identify specific recommendations for the subject site. A focus of the plan is to create centers to increase development and redevelopment within the district while protecting existing neighborhoods. The proposed infill development promotes a use that is inconsistent with the abutting and surrounding uses and potentially intrudes into existing nearby neighborhoods. Therefore the amendment is inconsistent with the Vision Plan.

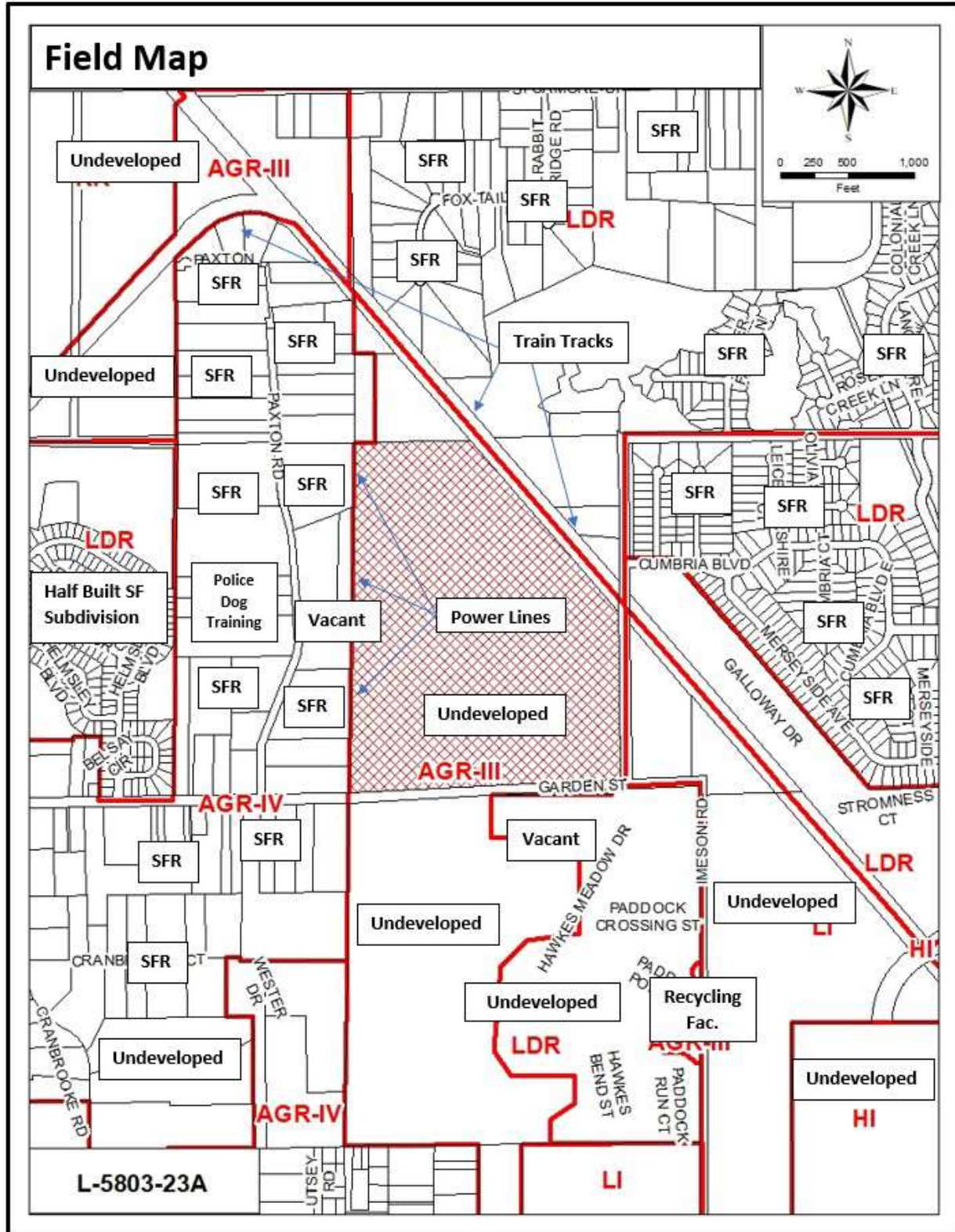
Strategic Regional Policy Plan

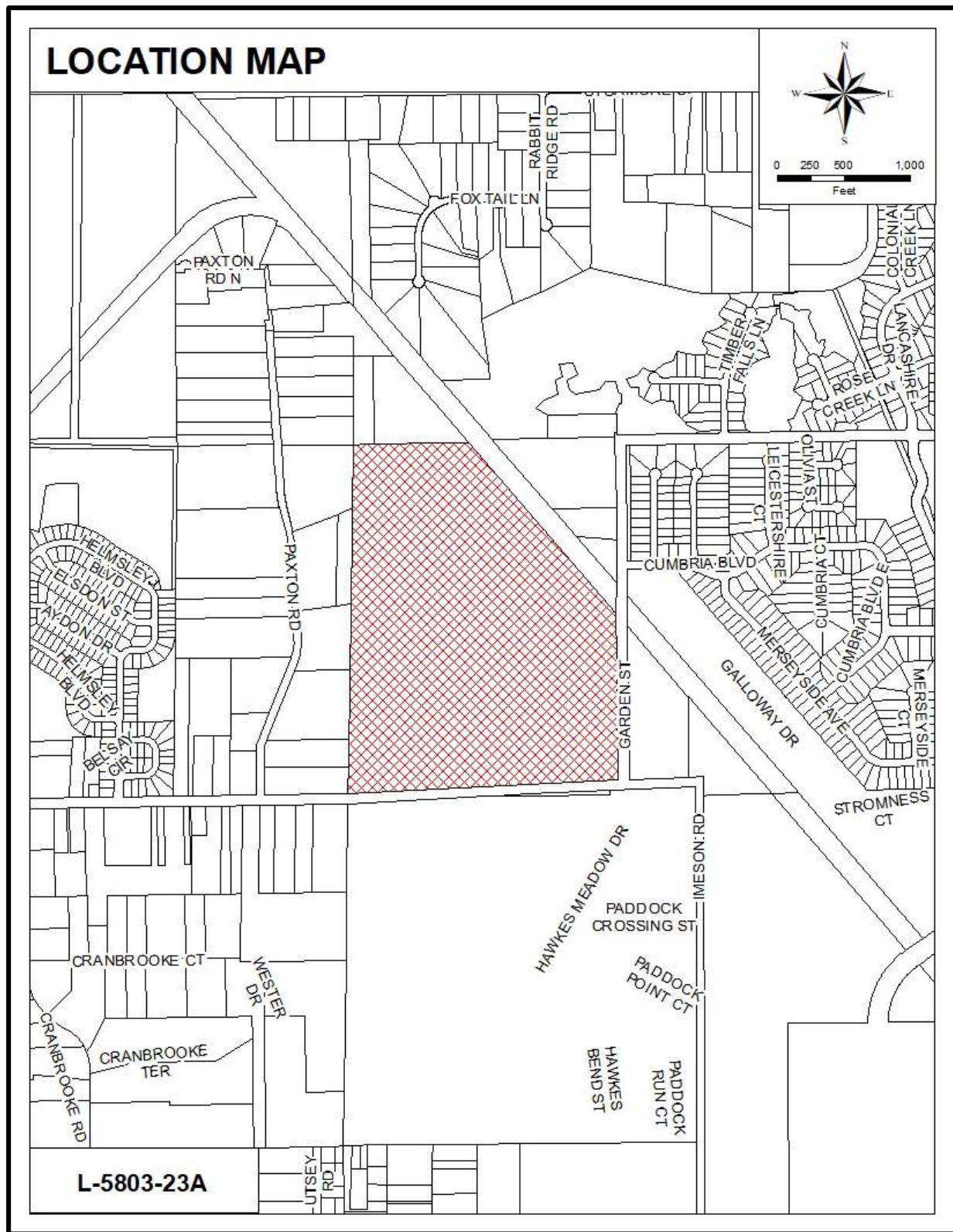
The intended use of the site ties into the existing railway infrastructure thus making use of an appropriate mode of transportation for the movement of goods to support industry in the area, therefore the amendment is consistent with the following goal of the Strategic Regional Policy Plan:

Goal:

In order to promote a diversified and vibrant regional economy, the Region supports an efficient multi-modal transportation framework to move people and goods, and NEFRC and its partners support over time the infrastructure investments needed to make it work. The framework maintains an environment that includes mobility options to move goods and people to support business and industry.

LAND USE AMENDMENT FIELD AND LOCATION MAPS

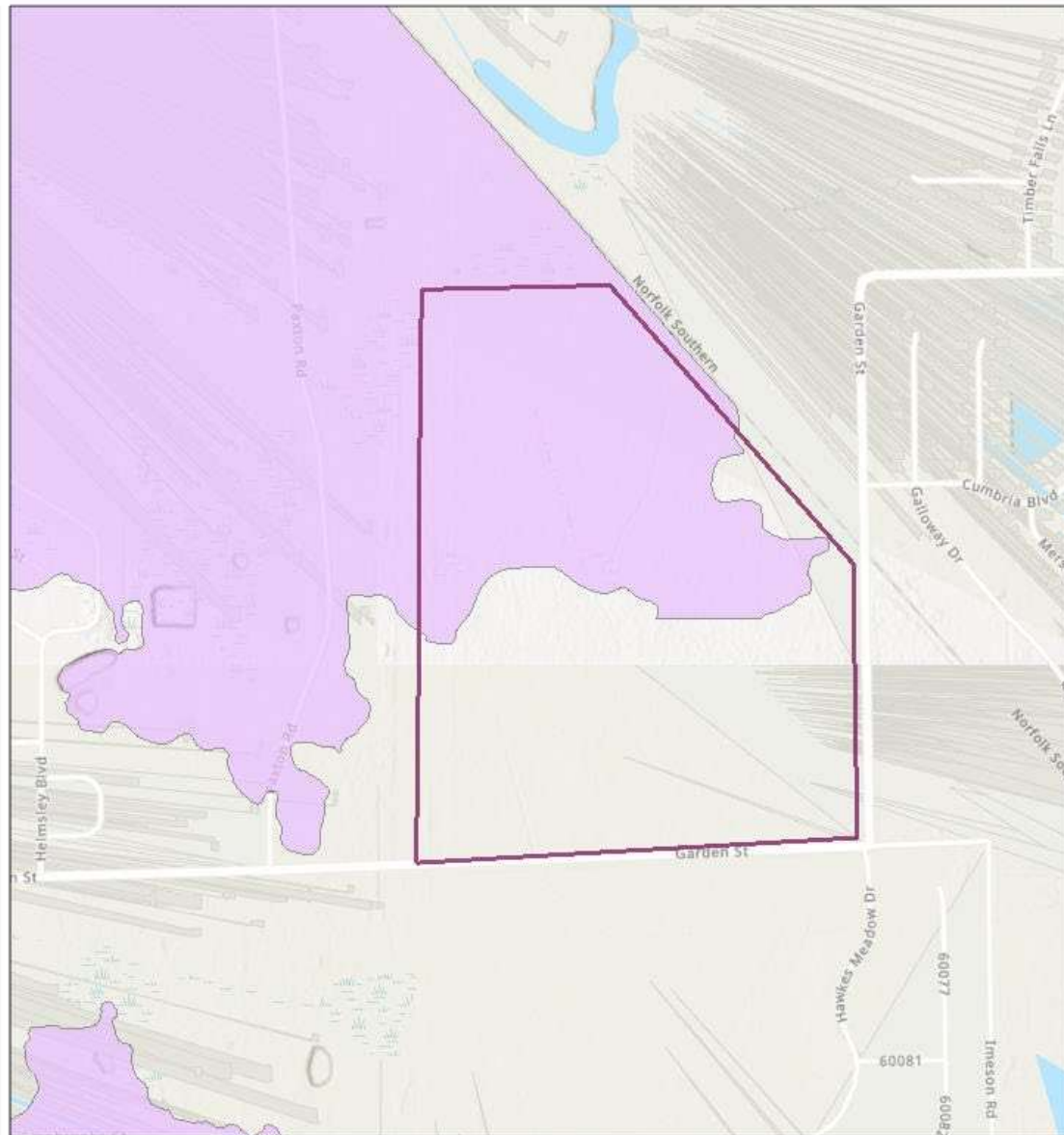




Attachment A

Adaptation Action Area (AAA)

Land Development Review



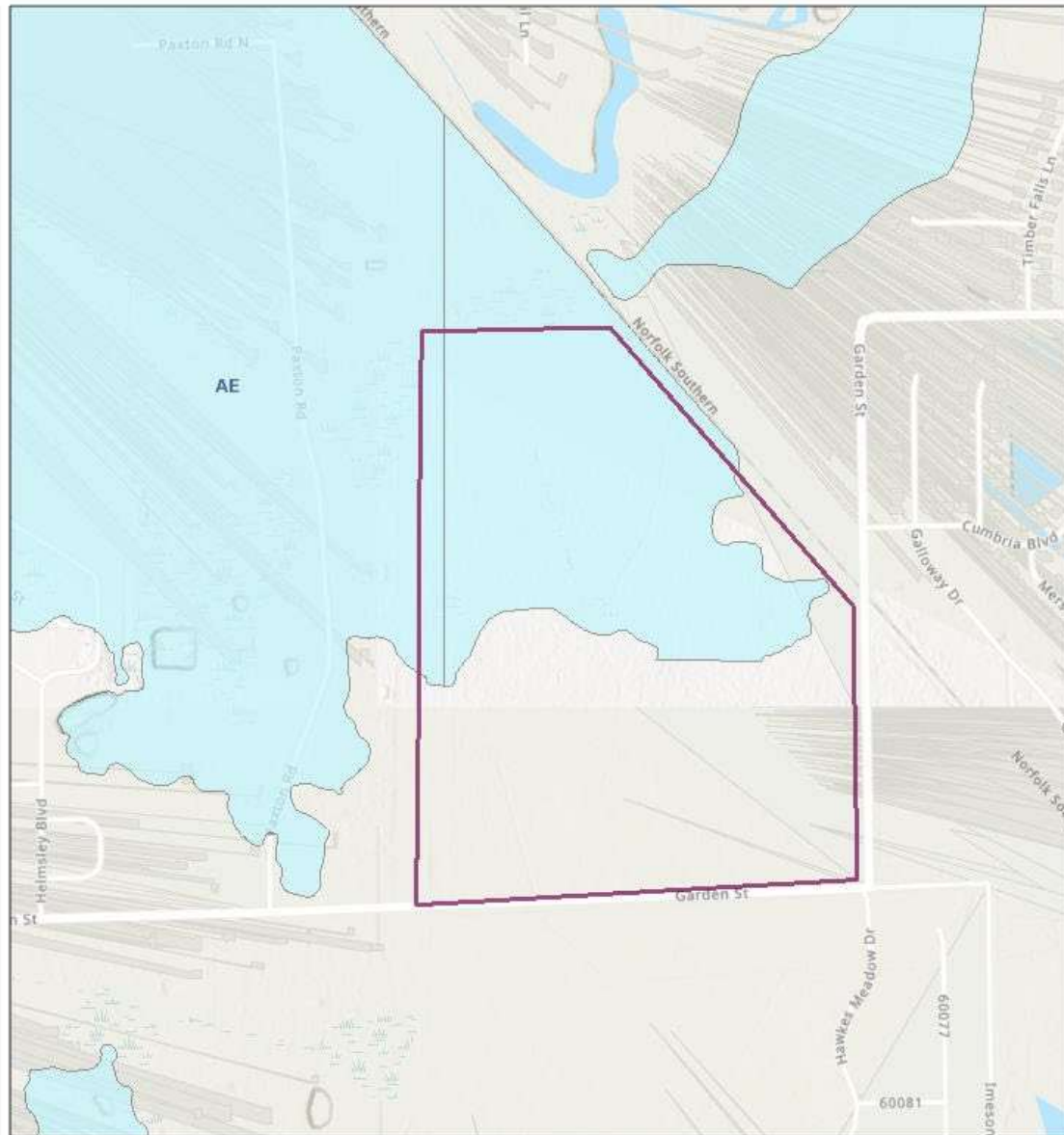
May 1, 2023

- 1111730_L-5803-23A
- Adaptation Action Area

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteem, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Attachment B AE Flood Zone

Land Development Review



May 1, 2023

1111730_L-5803-23A

Flood Zones January 2021

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

AE-FLOODWAY

AH

AO

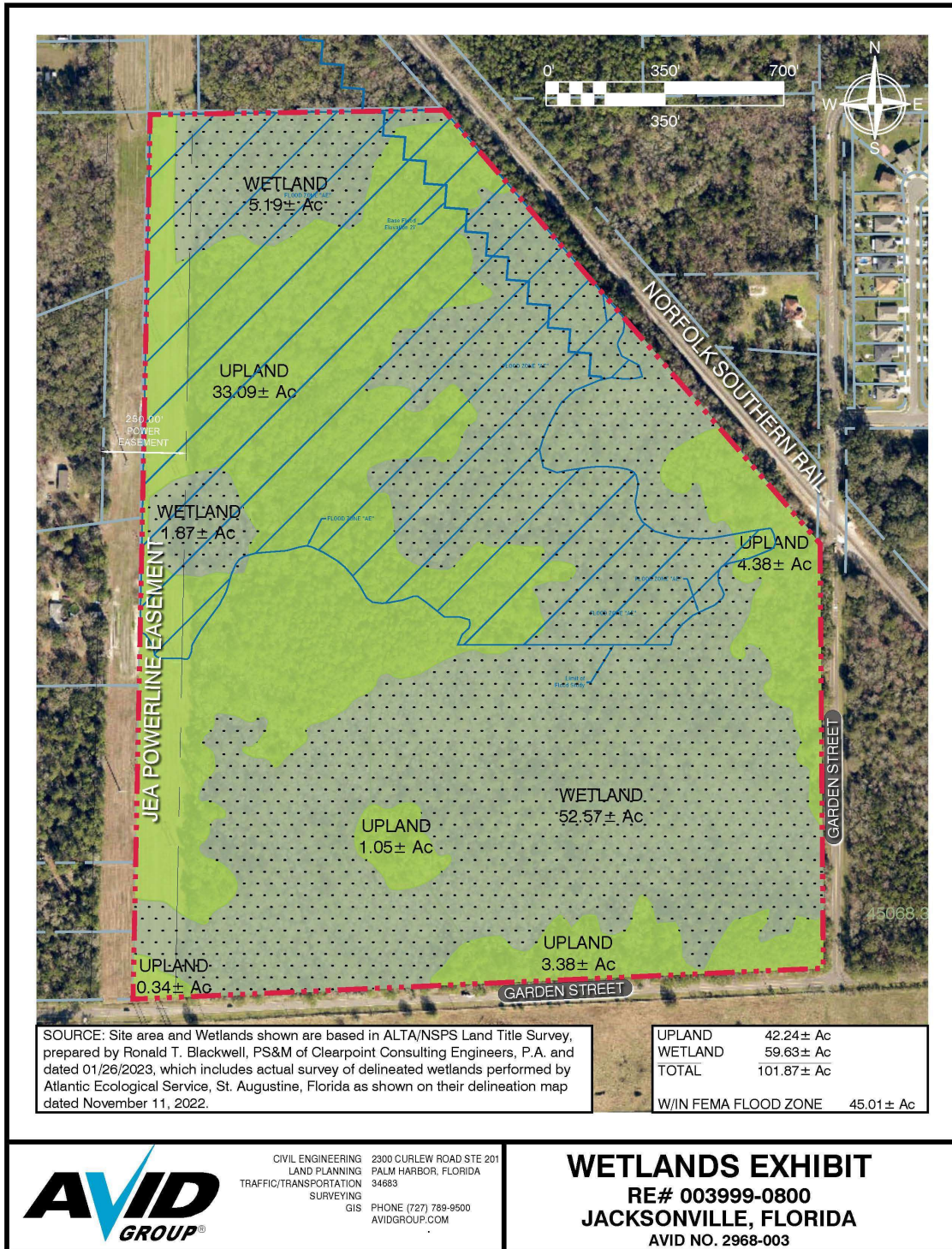
OPEN WATER

VE

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Attachment C

Wetlands



Attachment D Proposed Conceptual Plan



Attachment E

Justification Narrative (Provided by Applicant)

LAND USE AMENDMENT TO THE 2045 COMPREHENSIVE PLAN
RE# 003999-0800 (0 Garden St, Jacksonville, FL 32219)

JUSTIFICATION NARRATIVE

I. PROPERTY LOCATION AND SURROUNDING AREA

Subject property is 101.87 acres, m.o.l. located north and west of the 90-degree bend in Garden Street, east of the JEA powerline corridor and south of the Norfolk Southern Railroad right-of-way. The Property Appraiser's RE # is 003999-0800.

Subject property is located within the northwest quadrant of the Interstate 295 and Pritchard Road interchange. The property has direct access to Garden Street/Imeson Road. The entire route from subject property to the Imeson Road/Pritchard Road signalized intersection is developed with industrial uses. There are no residential uses along the route.

All four quadrants surrounding the interchange are predominantly developed with industrial uses, especially manufacturing and distribution uses that are oriented towards and dependent upon the locale's immediate proximity to access the Norfolk Southern and/or CSX railroad networks and the interstate highway system for facilitating both in- and out-bound receipt/distribution of materials and products to the marketplace.

Subject property is bounded on the north by the Norfolk Southern Railroad right-of-way and on the west by JEA powerline corridor, both of which serve as physical constraints and attributes to define the logical geographic transition of uses from industrial development to the residential development pattern that is located north of the railroad and west of the powerlines.

II. PROJECT INTENT (LAND USE, ZONING & DEVELOPMENT AREA AMENDMENTS)

The applicant intends to purchase and develop subject property with a bulk storage yard (petroleum fuel terminal, to be delivered by rail car). The project includes 2 additional parcels on the east side of Garden Street (Property Appraiser's RE # is 003999-0500 and 003999-0600). These other parcels are already within the LI (Light Industrial) land use category and are currently zoned PUD (Planned Unit Development). The proposed LI (Light Industrial) land use amendment for subject property, along with rezoning of all 3 parcels to PUD (Planned Unit Development) that will incorporate IL (Industrial Light)—type uses is consistent with the City's Comprehensive Plan and Land Development Code.

The property is currently located within what is essentially a remnant enclave/finger of Rural Development Area surrounded by Suburban Development Area. Subject property is immediately abutting the Suburban Development Area on its north, east, and south boundaries. The land use amendment is a logical extension of the Suburban Development Area for siting the proposed rail dependent industrial use.

III. SUPPORTING COMPREHENSIVE PLAN POLICIES:

The transportation and utility infrastructure are available to support the project and it can be permitted and developed in compliance with the City's zoning and land development standards for the PUD (Planned Unit Development) zoning district, including but not limited to setbacks and buffers, site access and circulation, stormwater management, etc.

In particular, approval of the land use amendment and project will support and further the intents of Future Land Use Element Policies 1.1.13, 1.1.17, 1.1.18, 1.1.19, 1.1.22, 2.7.1, 2.7.2, 3.2.1, and 3.2.6; and Transportation Element Goal 9 and Policies 9.1.2, and 9.1.3.

30645923 v2



A NEW DAY.

City of Jacksonville, Florida

Donna Deegan, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32203
(904) 630-CITY
www.Jacksonville.gov

March 4, 2024

Jason Gabriel, Esquire
Burr & Forman, LLP
50 North Laura Street, Suite 300
Jacksonville, Florida 32202

RE: Request for Interpretation Pursuant to Section 650.204, Ordinance Code

Dear Mr. Gabriel:

Pursuant to Section 650.204, Ordinance Code, the Planning and Development Director has the duty and authority to interpret provisions of the comprehensive plan. The Planning and Development Department received correspondence from you on February 28, 2024, requesting an official interpretation addressing the following inquiry:

Are Bulk Storage Yards permitted in areas designated as LI (Light Industrial) under the City's Future Land Use Map?

Your February 28, 2024 correspondence goes on to clarify that the Bulk Storage Yard facility will be used for the storage of fuel – not the refinement or manufacturing of fuel – that is, delivered by rail, transferred to storage tanks, and then loaded onto semi-trailer tanker trucks to distribute the fuel to retailers throughout the region.

Petroleum fuel is a flammable and explosive material and bulk storage of petroleum fuel, combined with the other activities associated with this use, including the transfer of the petroleum fuel from rail tanker cars into semi-trailer tanker trucks, creates the potential for hazardous, explosive and flammable conditions. While many safety protocols related to this use are required to minimize hazardous or explosive situations, these protocols are in place due to the inherently hazardous and explosive nature of the material and associated transportation activities related to the large-scale delivery to the site and subsequent distribution from the site.

According to the Plan Categories Descriptions section of the 2045 Comprehensive Plan, each category has a range of potentially permissible uses, which are not exhaustive, but are intended to be illustrative of the character of permitted uses. The plan category names indicate the dominant or principal use that is intended for development within the category.

The LI land use category permits storage and distribution uses without reference to those uses that include flammable or explosive materials and activities that involve potentially hazardous conditions. The general intent of the LI land use category is to provide for the location of industrial uses that have fewer

objectionable impacts on surrounding properties and that can be performed in such a manner as to control the external effects of the process, such as smoke, noise, soot, dirt, vibration, odor, etc. The LI land use category description also states that, generally, light industrial uses involve materials that have been prepared, or raw materials that do not need refining.

Conversely, the Heavy Industrial (HI) land use category specifically permits storage of flammable or explosive materials, and storage of other materials that potentially involve hazardous conditions. In addition to the list of principal and secondary uses permitted in the HI land use category found in Section 656.323, Ordinance Code, the general intent of the HI category provides that heavy industrial is to include activities that potentially involve hazardous conditions or commonly recognized offensive conditions and that heavy industrial uses are the most likely to produce adverse physical and environmental impacts on adjacent residential areas such as noise, land, air, and water pollution, as well as transportation conflicts. The HI land use category description also states that generally, permitted heavy industrial uses involve materials or products from extracted raw materials, or perform activities that potentially involve hazardous or commonly recognized offensive conditions. The general intent of the HI land use category provides that heavy industrial uses should be buffered by other less intense transitional land uses, such as office, light industrial or open space to protect residential and other sensitive land uses.

Based on the HI and LI category descriptions in the 2045 Comprehensive Plan and zoning code, the character of uses allowable in the HI land use category consists of uses that are inherently hazardous, explosive, and flammable, whereas the character of uses under the LI land use category are those that permit light industrial uses that have minimal and controllable external impacts. Therefore, bulk storage and transfer of petroleum fuel is a permitted use in the HI land use and is not a permitted use in the LI land use category due to the inherently hazardous, explosive and flammable nature of the proposed operation.

Additionally, pending Ordinance 2023-257 is a proposal to change the Future Land Use Map for a site located on Garden Street from Agriculture to Light Industrial. While the initial recommendation report dated June 16, 2023 acknowledges the proposed use of the site, the recommendation report is an analysis of the consistency of the proposed Future Land Use Map amendment, not a consistency review or recommendation on the proposed rezoning that has yet to be filed for consideration. A revised recommendation report for pending Ordinance 2023-257 was issued on September 29, 2023 (attached as Exhibit A) to acknowledge the use consistency issue prior to filing the rezoning application for consideration.

Exhibit A included in your February 28, 2024 correspondence provides a listing of 44 existing LI sites that you state contain above ground storage tanks. There are factual distinctions between the examples that you provided and the proposed bulk fuel storage/transfer project at issue in your request for interpretation. Significant among those distinctions is the volume of flammable materials that will be transported to and from the property, as well as the frequency of petroleum fuel transfers and handling. Section 656.1601 of the Zoning Code provides definitions for bulk storage yards and for accessory uses or structures and those definitions are included below to inform review of the listing.

Bulk storage yard, as related to flammable liquids, means a location where flammable or combustible liquids are received by tank vessel, pipelines, tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing the liquids by tank vessel, pipeline, tank car or container. This use contemplates that the

primary activity occurring on the site involves extremely large quantities of hazardous material being brought onto the property and transferred in large quantities as part of a wholesale distribution operation, which correspondingly creates a significantly larger potential for dangerous impacts on adjacent properties.

On the other hand, *Accessory use or structure* means a use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same premises. On the same premises with respect to accessory uses or structures shall be construed as meaning on the same lot or on contiguous lot in the same ownership. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory building. Sales and occasional deliveries of relatively smaller quantities of petroleum fuel found at a typical retail gas station does not present the same level of emergency threat as does a bulk storage yard, thereby entitling authorization of that use in less intense zoning categories.

Sincerely,



R. Brett James, LLA, AICP
Acting Director

City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904)255-7811
RJJames1@coj.net

Exhibit A

Report of the Jacksonville Planning and Development Department

Large-Scale Future Land Use Map Amendment

****REVISED** September 29, 2023**

Ordinance/Application No.: 2023-257 / L-5803-23A

Property Location: 0 Garden Street, between Paxton Road and Imeson Road

Real Estate Number(s): 003999 0800

Property Acreage: 101.87 Acres

Planning District: District 5, Northwest

City Council District: District 8

Applicant: Jason Gabriel, Esquire

Current Land Use: Agriculture (AGR)

Development Area: Suburban Development Area

Proposed Land Use: Light Industrial (LI)

Current Zoning: Agriculture (AGR)

Proposed Zoning: Planned Unit Development

RECOMMENDATION: ***APPROVE***

APPLICANT'S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

To develop the property with bulk storage yard (petroleum fuel terminal, to be delivered by rail car). See justification narrative included as Attachment E for additional information.

BACKGROUND

The applicant proposes a Future Land Use Map amendment from Agriculture (AGR) to Light Industrial (LI) in the Suburban Development Area to develop the property with a bulk storage yard (petroleum fuel terminal, to be delivered by rail car). The entire project includes 2 additional parcels southeast of the subject site that are not subject to this land use amendment. Those parcels are already within the LI land use category. The proposed amendment to LI would unify the three properties under the same land use category. The

companion PUD rezoning is not required for the transmittal review and will be submitted later this year with the adoption of this Amendment.

The subject property is located at 0 Garden Street, between Paxton Road and Imeson Road. The south and east side of the property abuts Garden Street. Garden Street becomes Imeson Road which quickly doglegs south (please refer to the Location Map). Garden Street and Imeson Road are both Collector roadways. A Norfolk Southern railway runs along the northeast side of the amendment site. A JEA powerline easement is located on the west side of a 250-foot wide clearing.

The 101.87-acre land use amendment site is undeveloped. The two parcels southeast of the subject site that are part of the project are also undeveloped.

The land uses abutting the east of the site are LI on south half of the amendment site and Low Density Residential (LDR) on the north half of the site. As mentioned above, the change to LI would be an extension of the existing LI land use east and southeast of the site.

The area surrounding the site has been in flux over the last several years. Generally, the trend in the area has been toward residential development.

Land across the street south of the site was rezoned to PUD (Ordinance 2022-4-E) to permit single-family residential uses.

Approximately 70 acres of land ¼ mile west of the site was rezoned from AGR to PUD in 2006 (2006-479-E) to allow for development of a single-family subdivision. The PUD was amended in 2020 (Ordinance 2020-174-E) to make minor modifications to the original PUD. The existing PUD permits 211 single-family units. Upon inspection, the site has not been fully built out. As of April 28, 2023, approximately 40 homes have been completed.

The property further west was rezoned to RLD-50 in 2022 to permit development of single-family dwellings with 50-foot-wide lots pursuant to Ordinance 2021-829.

The area surrounding the site includes single-family residential development east across the Norfolk Southern railroad tracks. There are JEA powerlines west of the site and 250 feet beyond the land used for the powerlines are single-family residences.

The site is located within the boundaries of the Suburban Development Area. More specific adjacent land use categories, zoning districts and property uses are as follows:

<u>North:</u>	Land Use: Low Density Residential (LDR), Agriculture AGR
	Zoning: Rural Residential – Acre (RR-Acre), Residential Low Density – 60, Planned Unit Development, and Agriculture (AGR)
	Property Use: Undeveloped

South: **Land Use:** LDR, AGR, and LI
 Zoning: PUD, AGR, and IBP
 Property Use: Undeveloped

East: **Land Use:** Light Industrial (LI) and LDR
 Zoning: RR-Acre, RLD-60, and PUD
 Property Use: Undeveloped, railroad tracks, and single-family residential

West: **Land Use:** AGR
 Zoning: AGR
 Property Use: Utility lines and single-family residential

The goal of this amendment is to entitle the property under a land use category that permits the filing of a companion zoning for bulk storage of petroleum fuel that is transported to the site by rail, potentially processed through blending with petroleum fuel additives, and transferred from the site by tanker trucks to fuel stations within the region. Petroleum fuel is a flammable and explosive material and bulk storage of petroleum fuel, combined with the potential processing and other activities associated with this use, creates the potential for hazardous conditions. While many safety protocols related to this use are required to minimize hazardous or explosive situations, these protocols are in place due to the inherently hazardous and explosive nature of the material and associated transportation activities related to delivery to the site and distribution from the site.

According to the Plan Categories Descriptions section of the 2045 Comprehensive Plan, each category has a range of potentially permissible uses, which are not exhaustive, but are intended to be illustrative of the character of permitted uses. The plan category names indicate the dominant or principal use that is intended for development within the category.

The LI land use category permits storage and distribution uses without reference to those uses that include flammable or explosive materials and activities that involve potentially hazardous conditions. The general intent of the LI land use category is to provide for the location of industrial uses that can be performed in such a manner as to control the external effects of the process, such as smoke, noise, soot, dirt, vibration, odor, etc.

The Heavy Industrial (HI) land use category specifically permits storage of flammable or explosive materials, and storage that potentially involves hazardous conditions. In addition to the list of principal and secondary uses permitted in the HI land use category, the general intent of the HI category provides that heavy industrial is to include activities that potentially involve hazardous conditions or commonly recognized offensive conditions and that heavy industrial uses are the most likely to produce adverse physical and environmental impacts on adjacent residential areas such as noise, land, air and water pollution, as well as transportation conflicts. The general intent of the HI land use category provides that heavy industrial uses should be buffered by other less intense

transitional land uses, such as office, light industrial or open space to protect residential and other sensitive land uses.

Based on language in the HI and LI land use categories, the character of the HI land use category is to permit activities and uses that are hazardous, explosive, and flammable, whereas the character of the LI land use category is to permit light industrial uses that have minimal and controllable external impacts. Therefore, bulk storage of petroleum fuel is a permitted use in the HI land use and is not a permitted use in the LI land use category and therefore, bulk storage of petroleum fuel will not be permitted on the property if the amendment to LI is approved for the site.

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.

Impact Assessment Baseline Review

Development Analysis		101.87 Acres – 4,437,457 sq. ft.
Development Boundary	Suburban Development Area	
Roadway Frontage Classification / State Road	Garden Street – Collector Road	
Plans and/or Studies	5 – Northwest Vision Plan	
Site Utilization	Current: Undeveloped	Proposed: Bulk Storage Yard (Petroleum Fuel Terminal serviced by Rail Car)
Land Use / Zoning	Current: AGR / AGR	Proposed: LI / IL
Development Standards for Impact Assessment	Current: 2.5 DU / 1 Acre	Proposed: 0.4 FAR
Development Potential	Current: 40 SF DU	Proposed: 1,774,983 sq. ft.
Net Increase or Decrease in Maximum Density	Decrease of 40 DU	
Net Increase or Decrease in Potential Floor Area	Increase of 1,774,983 sq. ft.	
Population Potential	Current: 106 people	Proposed: 0 people
Special Designation Areas		
Aquatic Preserve	No	
Septic Tank Failure Area	No	

Development Analysis		101.87 Acres – 4,437,457 sq. ft.
Evacuation Zone	Evacuation Zone D	
Airport Environment Zone	No	
Industrial Preservation Area	No	
Cultural Resources	None	
Archaeological Sensitivity	High, Medium, Low	
Historic District	No	
Coastal High Hazard	No	
Adaptation Action Area	Yes – Approximately 45.8 acres	
Groundwater Aquifer Recharge Area	Discharge	
Wellhead Protection Zone	No	
Boat Facility Siting Zone	No	
Brownfield	No	
Public Facilities		
Potential Roadway Impact	8,550 net new daily trips	
Potential Public School Impact	N/A	
Water Provider	JEA	
Potential Water Impact	Increase of 53,614 gpd	
Sewer Provider	JEA	
Potential Sewer Impact	Increase of 40,210 gpd	
Potential Solid Waste Impact	Increase of 5,398 tons per year	
Drainage Basin/Sub-basin	Basin: Trout River Sub-basin: Trout River and Ninemile Creek	
Recreation and Parks	Dinsmore Center & Park	
Mass Transit Access	None	
Natural Features		
Elevations	17’ to 21’	
Land Cover	6170: Mixed Wetland Hardwoods 6250: Hydric Pine Flatwoods 6300: Wetland Forested Mixed 8320: Electrical Power Transmission Lines	
Soils	38: Mascotte Fine Sand 51: Pelham Fine Sand 66: Surrency Loamy Fine Sand, Depressional 81: Stockade Fine Sandy loam, Depressional 82: Pelham Fine Sand, Pondered	
Flood Zones	AE Flood Zone: 45.01 acres	
Wetlands	59.63 acres	
Wildlife (applicable to sites greater than 50 acres)	None or low likelihood per environmental assessment	

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).

According to the Land Use application, the applicant intends to connect to JEA water and sewer services. The applicant will be required to provide a JEA letter of service availability with the companion PUD rezoning application during the adoption round of this large-scale amendment.

Future Land Use Element

Policy 1.2.8 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.

Development on sites located within the UPA, UA, and SA are permitted where connections to centralized potable water and/or wastewater are not available subject to compliance with the following provisions:

1. Single family/non-residential (estimated flows of 600 gpd or less) where the collection system of a regional utility company is not available through gravity service via a facility within a right-of-way or easement which abuts the property.
2. Non-residential (above 600 gpd) where the collection system of a regional utility company is not within 50 feet of the property.
3. Subdivision (non-residential and residential) where:
 - a. The collection system of a regional utility company is greater than ¼ mile from the proposed subdivision.
 - b. Each lot is a minimum of ½ acre unsubmerged property.
 - c. Installation of dryline sewer systems shall be installed when programmed improvements are identified in the Capital Improvements Element which will make connections to the JEA Collection Systems available within a five (5) year period.

Transportation

The subject site is 101.87 acres and is accessible from Garden St, a collector 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 Agriculture (AGR) to Light Industrial (LI).

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 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 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 94 daily trips. If the land use is amended to allow for this proposed LI development, this will result in 8,644 daily trips.

Transportation Planning Division **RECOMMENDS** the following:

The difference in daily trips for the proposed land use amendment will result in 8,550 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
AGR	210	10 SF DUs	T = 9.43 (X)	94	0	94
				Existing Scenario Total		94
Proposed Land Use Scenario	ITE Land Use Code	Potential Number of Units	Estimation Method	Gross Trips	Less Pass-By Trips	Daily Trips
LI	110	1,774,983 SF	T = 4.87 (X) / 1000	8,644	0	8,644
				Proposed Scenario Total		8,644
			Proposed Net New Daily Total			8,550

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 1.2.5 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 (AAA)

The City of Jacksonville implemented the 2015 Peril of Flood Act (Chapter 2015-69, Laws of Florida) by establishing an Adaptation Action Area (AAA). The AAA boundary is an area that experiences coastal flooding due to extreme high tides and storm surge. The area is vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure needs and adaptation planning.

Attachment A shows the portion of the property that is located within the AAA. New development within the AAA boundary is encouraged to address potential impacts of flooding through site design, clustering of development and other resiliency efforts.

Conservation/Coastal Management Element

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.

Future Land Use Element

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.

Evacuation Zone

The subject site is located in Evacuation Zones D and E. Because the application is for the site to go to the LI land use category, an analysis by EPD is not required.

Flood Zones

Attachment B shows the area of the subject site within the AE flood zone. This area is the same as the area in the Adaptation Action Area. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance. 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 on average 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. Any development within the floodplain will be required to comply with Chapter 652, the Floodplain Management Ordinance.

Future Land Use Element (FLUE)

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

Conservation /Coastal Management 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

Wetlands

Review of the applicant's environmental assessment report and the City's GIS indicating the 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: 59.63 Acres

General Location(s): Throughout the application site (see Attachment C)

Quality/Functional Value:

Most of the wetlands on the application site have a high functional value for water filtration attenuation and flood water capacity and are in flood zones yet have an indirect impact on the City's waterways.

A small wetland area of the property that is an isolated cypress swamp is considered to have a high functional value due to its water filtration attenuation and flood water storage capacity.

Soil Types/
Characteristics:

(66) Surrency loamy fine sand, depressional: The Surrency series consists of nearly level, very poorly drained, sandy and loamy marine sediments. They occur in depressions and are moderately permeable and moderately slowly permeable. Generally, the high water table is generally at or above the soil surface for very long periods.

(81) Stockade fine sands loam, depressional: The Stockade series consists of nearly level, very poorly drained soils and are formed in thick sandy and loamy marine sediments. They are located in depressions and are slow permeable sandy and loamy marine sediments. Generally, the high water table is generally at or above the soil surface for very long periods of time.

(82) Pelham fine sand, depressional: The Pelham series consists of poorly drained soils formed in thick deposits of sandy and loamy marine sediments. They are located in

depressional flats and the high water table is at a depth of less than twelve inches from the soil surface.

Wetland Category: Category III

Consistency of Permitted Uses: Any use must meet CCME Policies 4.1.3 and 4.1.6

Environmental Resource Permit (ERP): A approved permit has not been provided by the applicant, however the application for an ERP from the St. Johns River Water Management District has been provided by the applicant.

Wetlands Impact: Approximately 30.18 acres of wetlands will be impacted due to planned site development. Wetlands mitigation will be required.

Associated Impacts: Much of the wetlands of the application site are associated with the AE flood zone. Development causing floodwater displacement will require mitigation.

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:
- (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 site inspection by the Planning and Development Department on April 28, 2023, the required notices of public hearing signs were posted. Twenty-eight (28) notices were mailed out to adjoining property owners informing them of the proposed land use change and pertinent public hearing and meeting dates.

A Citizen Information Meeting was held on May 1, 2023. No one from the public spoke on this land use amendment application.

CONSISTENCY EVALUATION

Consistency with 2045 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 defined in this Plan.

Future Land Use Element (FLUE):

- | | |
|---------------|--|
| 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. |
| Objective 1.1 | Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination. |
| Policy 1.1.7 | 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 1.1.9 | 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 1.1.13 Require mitigation of adverse land use impacts on adjacent uses during development and redevelopment through:

1. Creation of complementary uses;
2. Enhancement of transportation connections;
3. Use of noise, odor, vibration and visual/ aesthetic controls; and/or
4. Other appropriate mitigation measures such as requirements for buffer zones and landscaping between uses.

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.

Policy 1.2.8 Require new development and redevelopment in the Central Business District (CBD), Urban Priority Area (UPA), Urban Area (UA), and Suburban Area (SA) to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site.

Development on sites located within the UPA, UA and SA are permitted where connections to centralized potable water and/or wastewater are not available subject to compliance the following provisions:

1. Single family/non-residential (estimated flows of 600 gpd or less) where the collection system of a regional utility company is not available through gravity service via a facility within a right-of-way or easement which abuts the property.
2. Non-residential (above 600 gpd) where the collection system or a regional utility company is not within 50 feet of the property.
3. Subdivision (non-residential and residential) where:
 - a. The collection system of a regional utility company is greater than ¼ mile from the proposed subdivision.
 - b. Each lot is a minimum of ½ acre unsubmerged property.
 - c. Installation of greyline sewer systems shall be installed when programmed improvements are identified in the Capital Improvements Element which will make connections.

Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving

the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

Objective 3.2 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 3.2.27 Compatibility of new non-residential developments or high density residential developments with adjacent and abutting residential neighborhoods shall be achieved through the implementation of site design techniques including but not limited to: transitions in uses; buffering; setbacks; the orientation of open space; and graduated height restrictions to affect elements such as height, scale, mass and bulk of structures, pedestrian accessibility, vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise and odor. In addition, all development on sites which abut a Low Density Residential and/or Rural Residential land use designation shall provide the following:

- A scale transition.
- When developing mixed uses, residential uses shall be arranged on the site to provide a use transition between new non-residential uses and the protected abutting residential land uses to the greatest extent feasible.
- Elements such as yards, open space, at-grade parking and perimeter walls shall be arranged, designed and landscaped in a manner compatible with adjacent areas to serve as a visual buffering element.

Property Rights Element (PRE)

Goal 1 The City will recognize and respect judicially acknowledged and constitutionally protected private property rights in accordance with the Community Planning Act established in Chapter 163, Florida Statutes.

Objective 1.1 Local decision making shall be implemented and applied with sensitivity for private property rights and shall not be unduly restrictive.

Policy 1.1.1 The City will ensure that private property rights are considered in local decision making.

Policy 1.1.2 The following rights shall be considered in local decision making:
1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

According to the Category Description in the Future Land Use Element (FLUE), the Agriculture land use category is intended to provide for agricultural uses and to preserve the existing rural character of outlying areas of the City. 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 dependent uses. In order to preserve the rural character of these areas, residential uses are permitted at very low densities.

The Light Industrial (LI) land use category provides for the location of industrial uses that are able to be performed in such a manner as to control the external effects of the process, such as smoke, noise, soot, dirt, vibration, odor, etc. Uses within this category, other than outside storage, shall be conducted within an enclosed building. Generally, light industrial uses involve materials that have previously been prepared, or raw materials that do not need refining. These uses do not create a noticeable amount of noise, dust, odor, smoke, glare, or vibration outside of the building or on the site in which the activity takes place. Site access to roads classified as collector or higher on the Highway Functional Classification Map is preferred.

Considering that the land use map amendment to LI is an extension of LI and HI from the south and southeast of the amendment site and the fact that the site has access to rail, the amendment is a logical extension of industrial land use. Therefore, the amendment to LI to permit industrial uses fosters economic development on undeveloped land with access to rail in conformance with FLUE Objective 3.2 and Policy 1.1.21.

Areas to the west and directly south of the site are developed or planned for development as residential in the LDR and AGR land use categories. The applicant is aware of the need to address compatibility with the existing and planned residential development to the south and west and provided a conceptual site plan (See Attachment D) depicting the location of proposed development within the site. The applicant also indicated the intent to provide setbacks and buffers along the Garden Street frontage. These compatibility site design measures must be included in the companion PUD rezoning application to ensure consistency with FLUE Goal 3, Objective 3.1, and Policies 1.1.7 and 3.2.27.

The property is accessible from Garden Street and Imeson Road, both collector roadways. The roads abutting the subject site are narrow (Imeson Road is approximately 20 feet across) and in need of maintenance. The operation of the proposed facility will

require modification and improvement of the roads fronting the site and nearby along the route to be taken by fuel trucks utilizing the proposed facility. As residential uses increase as development progresses west and south of the subject site, a conflict could develop between the increasing volume of residential traffic and the industrial traffic generated by the intended use of the subject site. The applicant proposes to address these issues by removing the existing asphalt and base, rebuilding a 2-lane road with 2.5 inches of asphalt over 10 inches of base for each 12-foot lane, and adding 6-foot-wide shoulders. Additionally, the applicant proposes a new westbound right-turn lane into the project. The applicant shall also identify options to mitigate the conflict between residential and industrial traffic. Road improvements should be implemented after site clearing to prevent damage to the rebuilt road. These mitigation measures must be included in the companion PUD to ensure consistency with FLUE Goals 1 and 3, FLUE Objective 1.1.1, and FLUE Policies 1.1.9 and 1.1.13.

Development of the site must comply with centralized wastewater collection and potable water distribution requirements as described in Policy 1.2.8.

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 application site lies within the boundary of the Northwest Vision Plan. The property is in the Rural Residential zone. The plan does not identify specific recommendations for the subject site. A focus of the plan is to create centers to increase development and redevelopment within the district while protecting existing neighborhoods. The proposed infill development promotes a use that is inconsistent with the abutting and surrounding uses and potentially intrudes into existing nearby neighborhoods. Therefore the amendment is inconsistent with the Vision Plan.

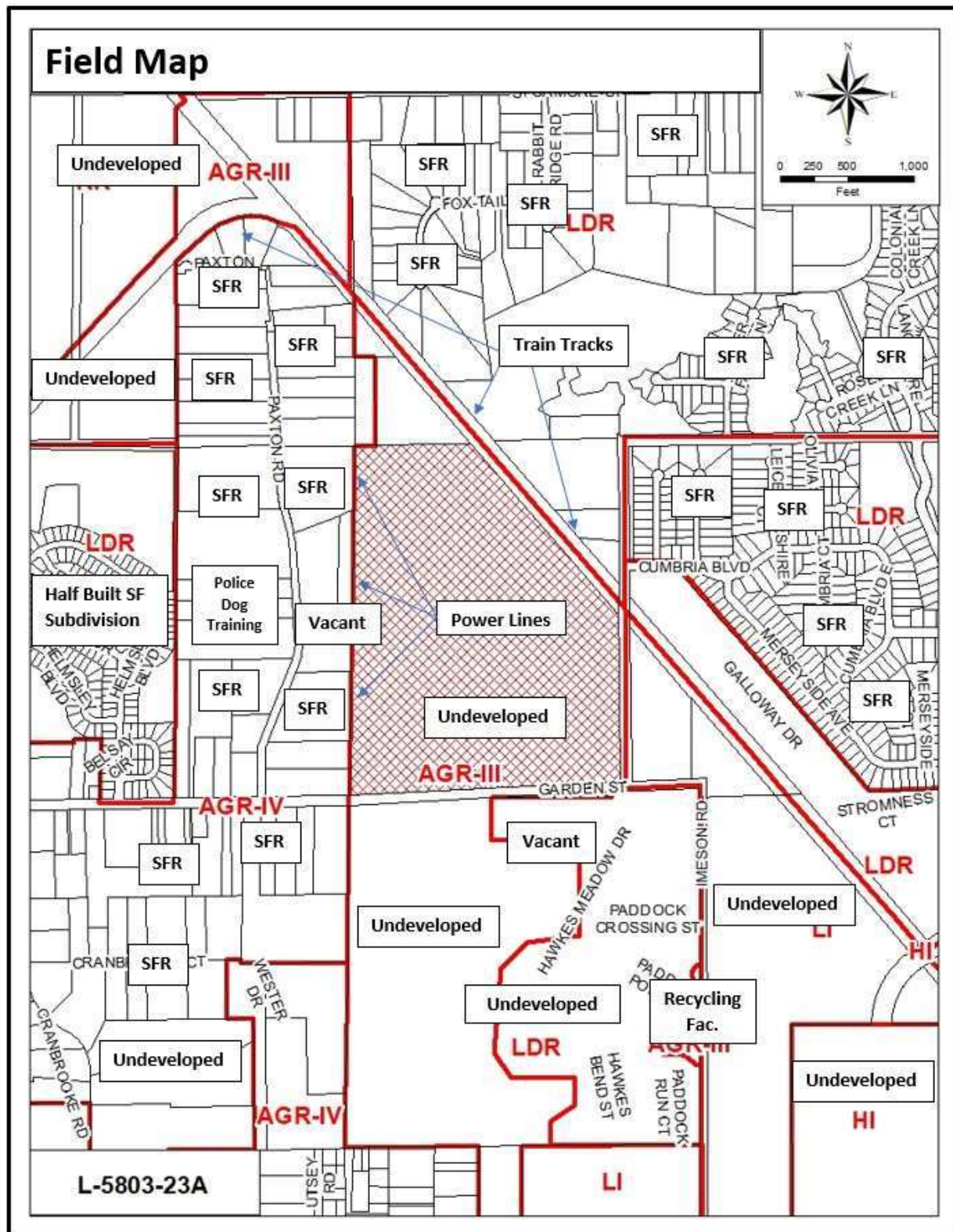
Strategic Regional Policy Plan

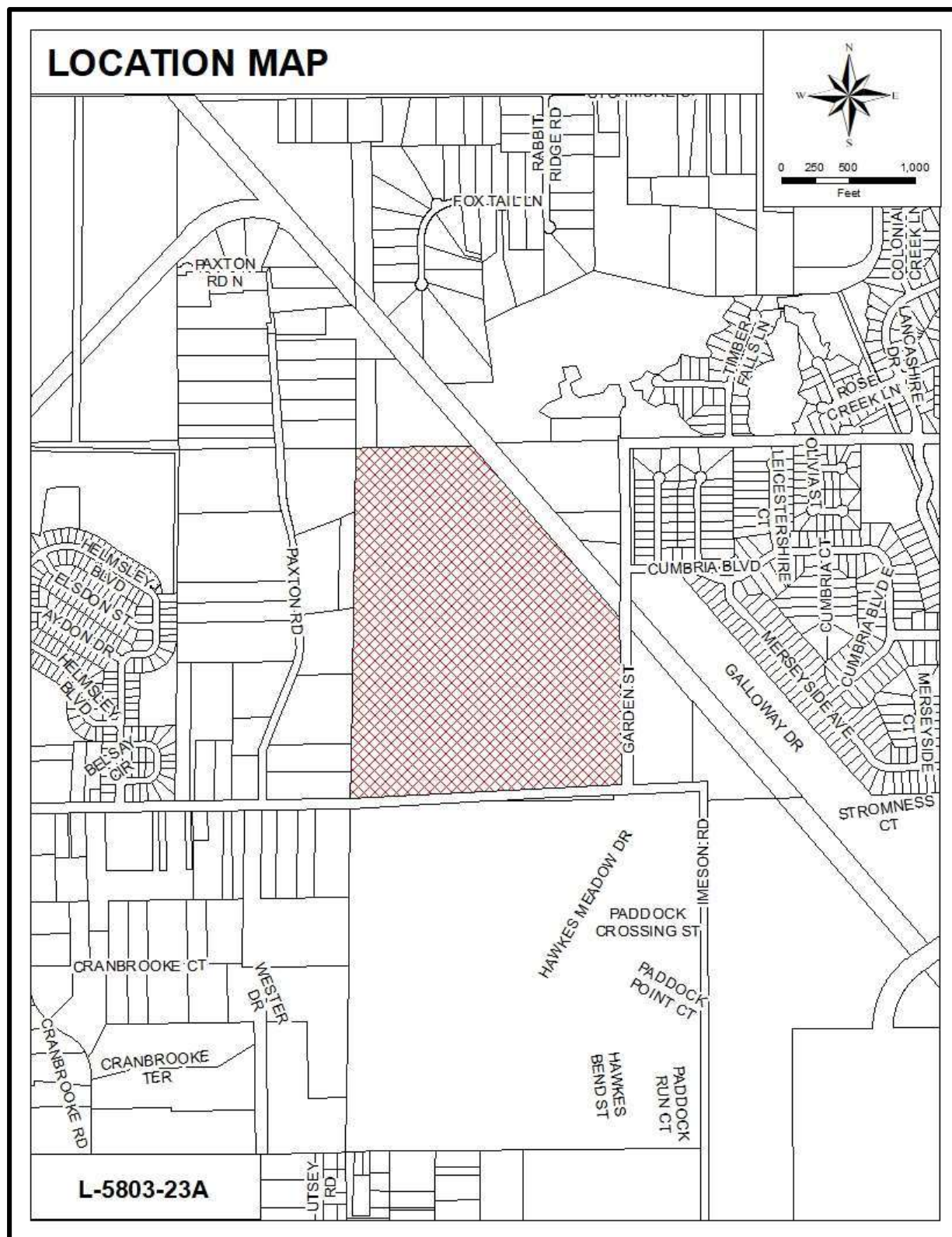
The intended use of the site ties into the existing railway infrastructure thus making use of an appropriate mode of transportation for the movement of goods to support industry in the area, therefore the amendment is consistent with the following goal of the Strategic Regional Policy Plan:

Goal:

In order to promote a diversified and vibrant regional economy, the Region supports an efficient multi-modal transportation framework to move people and goods, and NEFRC and its partners support over time the infrastructure investments needed to make it work. The framework maintains an environment that includes mobility options to move goods and people to support business and industry.

LAND USE AMENDMENT FIELD AND LOCATION MAPS

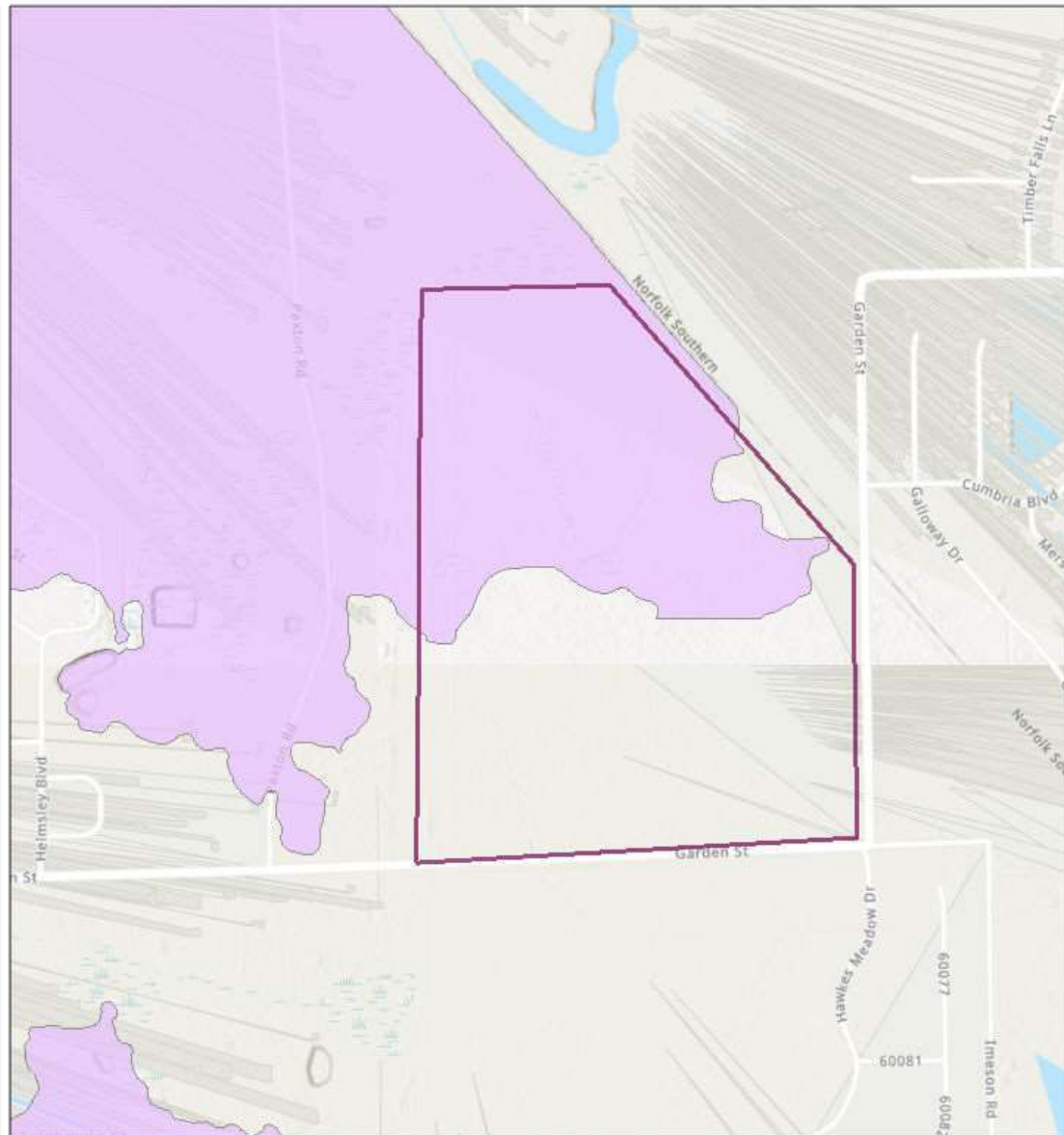




Attachment A

Adaptation Action Area (AAA)

Land Development Review



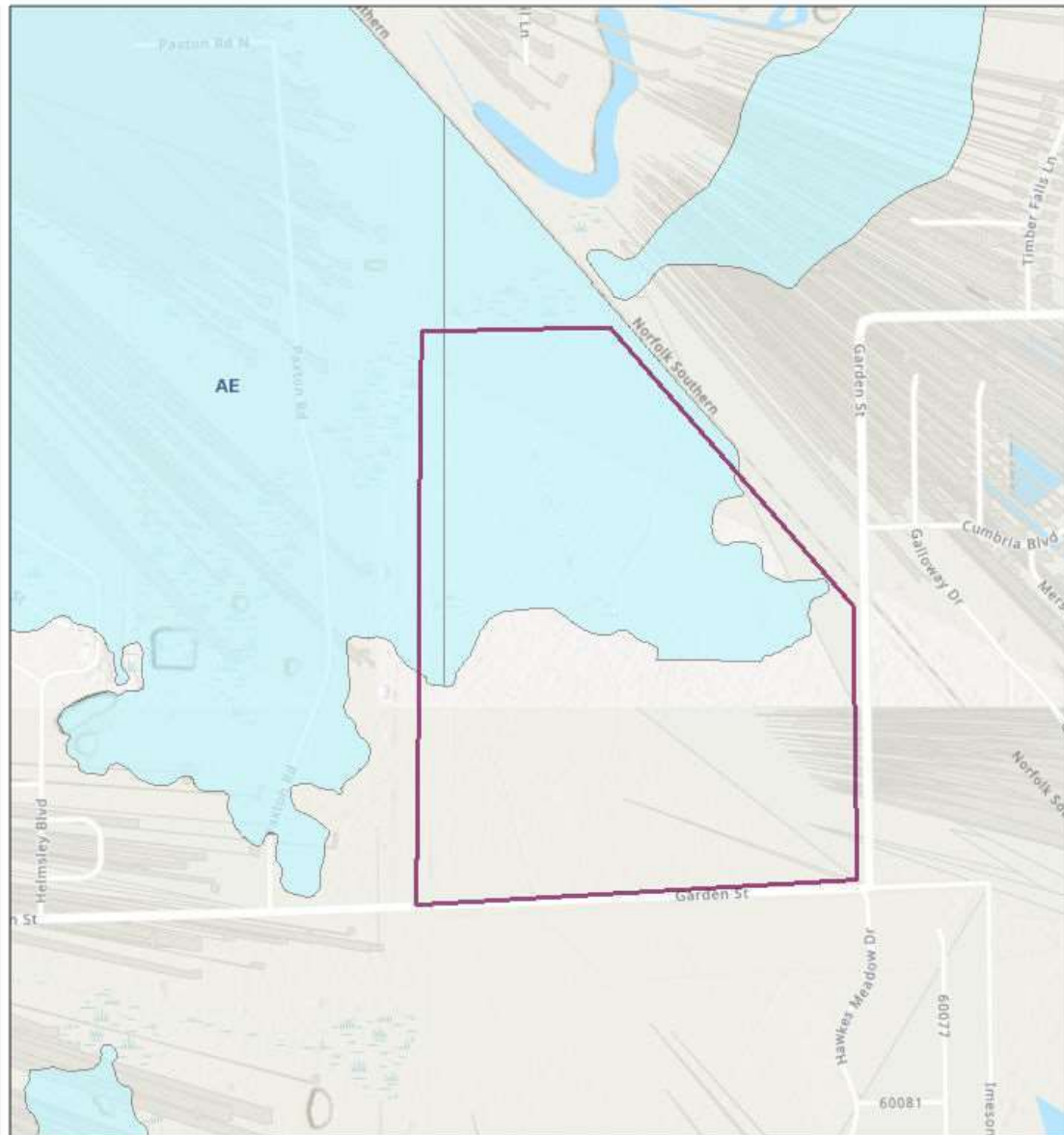
May 1, 2023

- 1111730_L-5803-23A
- Adaptation Action Area

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteem, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS-user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Attachment B AE Flood Zone

Land Development Review



May 1, 2023

1111730_L-5803-23A

Flood Zones January 2021

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

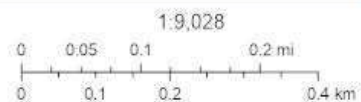
AE-FLOODWAY

AH

AO

OPEN WATER

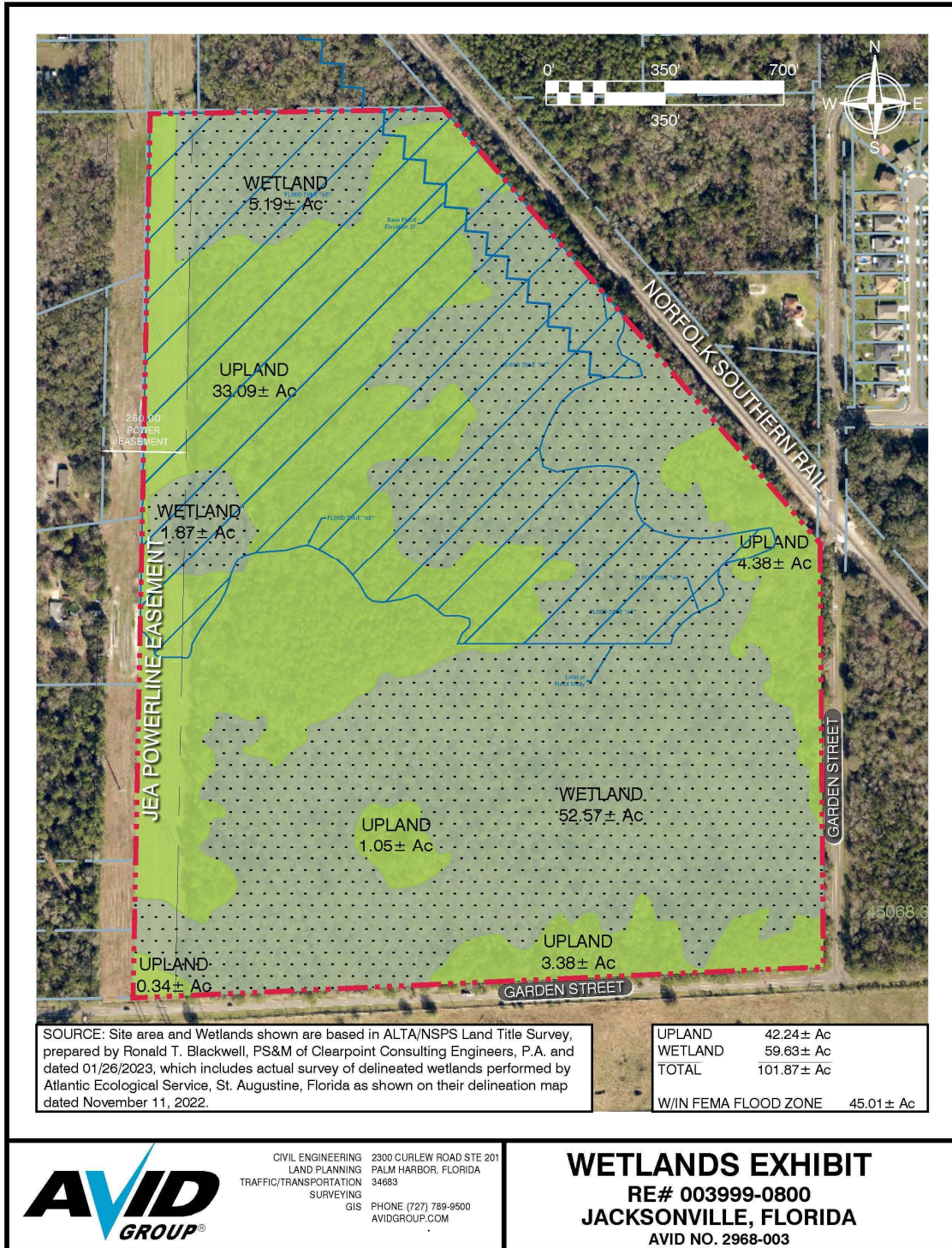
VE



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasystemen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS-user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Attachment C

Wetlands



Proposed Conceptual Plan



Attachment E

Justification Narrative (Provided by Applicant)

LAND USE AMENDMENT TO THE 2045 COMPREHENSIVE PLAN
RE# 003999-0800 (0 Garden St, Jacksonville, FL 32219)

JUSTIFICATION NARRATIVE

I. PROPERTY LOCATION AND SURROUNDING AREA

Subject property is 101.87 acres, m.o.l. located north and west of the 90-degree bend in Garden Street, east of the JEA powerline corridor and south of the Norfolk Southern Railroad right-of-way. The Property Appraiser's RE # is 003999-0800.

Subject property is located within the northwest quadrant of the Interstate 295 and Pritchard Road interchange. The property has direct access to Garden Street/Imeson Road. The entire route from subject property to the Imeson Road/Pritchard Road signalized intersection is developed with industrial uses. There are no residential uses along the route.

All four quadrants surrounding the interchange are predominantly developed with industrial uses, especially manufacturing and distribution uses that are oriented towards and dependent upon the locale's immediate proximity to access the Norfolk Southern and/or CSX railroad networks and the interstate highway system for facilitating both in- and out-bound receipt/distribution of materials and products to the marketplace.

Subject property is bounded on the north by the Norfolk Southern Railroad right-of-way and on the west by JEA powerline corridor, both of which serve as physical constraints and attributes to define the logical geographic transition of uses from industrial development to the residential development pattern that is located north of the railroad and west of the powerlines.

II. PROJECT INTENT (LAND USE, ZONING & DEVELOPMENT AREA AMENDMENTS)

The applicant intends to purchase and develop subject property with a bulk storage yard (petroleum fuel terminal, to be delivered by rail car). The project includes 2 additional parcels on the east side of Garden Street (Property Appraiser's RE # is 003999-0500 and 003999-0600). These other parcels are already within the LI (Light Industrial) land use category and are currently zoned PUD (Planned Unit Development). The proposed LI (Light Industrial) land use amendment for subject property, along with rezoning of all 3 parcels to PUD (Planned Unit Development) that will incorporate IL (Industrial Light)—type uses is consistent with the City's Comprehensive Plan and Land Development Code.

The property is currently located within what is essentially a remnant enclave/finger of Rural Development Area surrounded by Suburban Development Area. Subject property is immediately abutting the Suburban Development Area on its north, east, and south boundaries. The land use amendment is a logical extension of the Suburban Development Area for siting the proposed rail dependent industrial use.

III. SUPPORTING COMPREHENSIVE PLAN POLICIES:

The transportation and utility infrastructure are available to support the project and it can be permitted and developed in compliance with the City's zoning and land development standards for the PUD (Planned Unit Development) zoning district, including but not limited to setbacks and buffers, site access and circulation, stormwater management, etc.

In particular, approval of the land use amendment and project will support and further the intents of Future Land Use Element Policies 1.1.13, 1.1.17, 1.1.18, 1.1.19, 1.1.22, 2.7.1, 2.7.2, 3.2.1, and 3.2.6; and Transportation Element Goal 9 and Policies 9.1.2, and 9.1.3.

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