



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

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May 23, 2024

The Honorable Ronald B. Salem, Pharm. D., President  
The Honorable Kevin Carrico, LUZ Chair  
And Members of the City Council  
117 West Duval Street  
Jacksonville, FL 32202

**RE: Planning Commission Advisory Report / Ordinance No. 2024-306/Application No. L-5902-24C**

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

Pursuant to the provisions of Section 650.405 *Planning Commission Advisory Recommendation and Public Hearing*, the Planning Commission **APPROVED** Ordinance 2024-306 on May 23, 2024.

P&DD Recommendation

DENY

PC Issues:

The applicant provided a presentation with photographs of the area and included information in support the proposed amendment. Three speakers spoke in favor of the amendment. One speaker owned property adjacent to the subject property and explained that the current business on site does not cause additional traffic and does not create noise for the area. Another speaker included an interpretation of the Comprehensive Plan analysis and why the current use should be consistent with the RPI land use category.

There was no additional discussion from the Planning Commission.

**PC Vote:**

**7-0 APPROVE**

Planning Commission Report  
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|                         |        |
|-------------------------|--------|
| Charles Garrison, Chair | Aye    |
| Lamonte Carter          | Aye    |
| Amy Yimin Fu            | Aye    |
| Julius Harden           | Aye    |
| Moné Holder             | Absent |
| Ali Marar               | Aye    |
| Michael McGowan         | Aye    |
| Jack Meeks              | Absent |
| Tina Meskel             | Aye    |

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

Sincerely,



**Helena A. Parola, MAURP**

***City Planner Supervisor***

City of Jacksonville - Planning and Development Department

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Jacksonville, FL 32202

(904) 255-7842

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**Report of the Jacksonville Planning and Development Department**

**Small-Scale Future Land Use Map Amendment – May 17, 2024**

**Ordinance/Application No.:** 2024-306 / L-5902-24C

**Property Location:** 226 Jackson Road, between I-295 North and Lee Road

**Real Estate Number(s):** 162942-0000

**Property Acreage:** 2.10 acres

**Planning District:** District 2

**City Council District:** District 1

**Applicant:** Zach Miller, Esq.

**Current Land Use:** Medium Density Residential (MDR)

**Proposed Land Use:** Residential/Professional/Institutional (RPI)

**Development Area:** Suburban Development Area

**Current Zoning:** Residential Medium Density-A (RMD-A)

**Proposed Zoning:** Planned Unit Development (PUD)

***RECOMMENDATION: DENY***

**APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT**

The applicant requests a land use change from MDR to RPI to permit the continued operation of a professional office building with ancillary vehicular use area for the parking/storage of fleet vehicles (limousines and buses) associated with the existing business.

**BACKGROUND**

The 2.10-acre subject site is located at 226 Jackson Road, between I-295 North and Lee Road and approximately 1000 feet north of Atlantic Boulevard (SR-10). According to the City’s Functional Highways Classification Map, Jackson Road is a local roadway. The applicant seeks an amendment to the Future Land Use Map series (FLUMs) of the Future

Land Use Element (FLUE) of the 2045 Comprehensive Plan from MDR to RPI in the Suburban Development Area to bring an existing non-conforming use into compliance. A companion rezoning application is pending concurrently with the land use application via Ordinance 2024-307, which seeks to change the zoning district from Residential Medium Density-B (RMD-B) to Planned Unit Development (PUD).

A Stop Work Order and Property Hold was issued to the property at the end of January 2024. The owner cleared approximately 75,000 square feet of trees in 2022 without a permit. Landscaping issues will need to be resolved before any permits are issued.

The application site is predominantly surrounded by residential uses to the north and east. Car dealerships accessed by Atlantic Boulevard are to the south and residential and there are light industrial uses to the west. Additionally, located south of the site, across Park Street, is West Riverside Elementary within the Public Buildings and Facilities land use category. More specific adjacent land use categories, zoning districts and property uses are as follows:

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

North: Land Use: Medium Density Residential (MDR)  
Zoning: Residential Medium Density-A (RMD-A) and Public Buildings and Facilities – 1 (PBF-1)  
Property Use: Single Family Residential and Archie Dickinson Park

South: Land Use: MDR and Community/General Commercial (CGC)  
Zoning: Planned Unit Development (PUD), Commercial/ Residential/Office (CRO), Commercial Community / General – 2 (CCG-2) and RMD-A  
Property Use: Open Car Storage, Single Family Residential, and Car Dealerships

East: Land Use: MDR  
Zoning: RMD-A  
Property Use: Single-Family Residential

West: Land Use: Residential-Professional-Institutional (RPI) and Light Industrial (LI)  
Zoning: CRO and Industrial Light (IL)  
Property Use: Open storage of vehicles

## **IMPACT ASSESSMENT**

Potential impacts of a proposed land use map amendment have been analyzed by comparing the Development Impact Standards for the subject site's existing vs. proposed land use categories unless maximum density/intensity is noted on the Annotated FLUM or is in a site specific policy. Development Impact Standards are detailed in FLUE Policy

1.2.16, *Development Standards for Impact Assessment*. These standards produce development potentials as shown in this section.

Where there is not an associated site specific policy or note on the Annotated FLUM, the impact assessment incorporates supplemental information for non-residential land use categories that permit residential uses in order to assess the potential impacts. Supplemental information related to these impacts are depicted as scenario 2 in the Impact Assessment Baseline Review Table and, as relevant, in the analysis following the table.

## **Land Use Amendment Impact Assessment**

### **Land Use Amendment Impact Assessment - Application Number L-5902-24C**

| <b>Development Analysis</b>                      |   | <b>2.10 Acres – 91,476 sq. ft.</b>   |  |
|--|---|--|--|
| Development Boundary                             | Suburban  |  |  |
| Roadway Frontage Classification / State Road     | Jackson Rd – Local Road   |  |  |
| Plans and/or Studies                             | Arlington/Beaches   |  |  |
| Site Utilization                                 | Current:<br>Open storage of vehicles for existing limousine business and office | Proposed:<br>Same – Land use amendment is to bring current use into compliance |  |
| Land Use / Zoning                                | Current:<br>MDR / RMD-A   | Proposed:<br>RPI / PUD   |  |
| Development Standards for Impact Assessment      | Current:<br>15 DU/Acre  | Proposed:<br>Scenario 1: 0.5 FAR<br>Scenario 2: 15 DU/Acre                     |  |
| Development Potential                            | Current:<br>31 DU   | Proposed:<br>Scenario 1: 45,738 sq. ft.<br>Scenario 2: 31 DU                   |  |
| Net Increase or Decrease in Maximum Density      | Scenario 1: Decrease of 31 DU<br>Scenario 2: No change                          |  |  |
| Net Increase or Decrease in Potential Floor Area | Scenario 1: Increase of 45,738 sq. ft.<br>Scenario 2: None                      |  |  |
| Population Potential                             | Current:<br>72 People   | Proposed:<br>Scenario 1: N/A<br>Scenario 2: 72 People                          |  |
| <b>Special Designation Areas</b>                 |   |  |  |
| Aquatic Preserve                                 | No  |  |  |
| Evacuation Zone                                  | No  |  |  |
| Airport Environment Zone                         | 150' - Herlong  |  |  |
| Industrial Preservation Area                     | No  |  |  |
| Cultural Resources                               | None  |  |  |
| Archaeological Sensitivity                       | High and Low  |  |  |
| Historic District                                | No  |  |  |

|  |  |                                    |
|--|--|------------------------------------|
| <b>Development Analysis</b>                          |  | <b>2.10 Acres – 91,476 sq. ft.</b> |
| Coastal High Hazard                                  | No   |                                    |
| Adaptation Action Area                               | No   |                                    |
| Groundwater Aquifer Recharge Area                    | 0”-4” and Discharge  |                                    |
| Wellhead Protection Zone                             | No   |                                    |
| Boat Facility Siting Zone                            | No   |                                    |
| Brownfield   | No   |                                    |
| <b>Public Facilities</b>                             |  |                                    |
| Potential Roadway Impact                             | Scenario 1: 287 net new daily trips<br>Scenario 2: 0 net new daily trips                                   |                                    |
| Potential Public School Impact                       | Scenario 1: 0 new students<br>Scenario 2: 6 new students   |                                    |
| Water Provider                                       | JEA  |                                    |
| Potential Water Impact                               | Scenario 1: Decrease of 4,075 gpd<br>Scenario 2: N/A   |                                    |
| Sewer Provider                                       | Septic (per e-mail communication with applicant, on file with the Planning and Development Department)     |                                    |
| Potential Sewer Impact                               | Scenario 1: Decrease of 3,056 gpd<br>Scenario 2: N/A   |                                    |
| Potential Solid Waste Impact                         | Scenario 1: Decrease of 7.42 tons per year<br>Scenario 2: N/A  |                                    |
| Drainage Basin/Sub-basin                             | Downstream of Trout River / Jones Creek  |                                    |
| Recreation and Parks                                 | Archie Dickinson Park  |                                    |
| Mass Transit Access                                  | Routes 10 and 23 (on Atlantic Blvd.)   |                                    |
| <b>Natural Features</b>                              |  |                                    |
| Elevations   | 37’ to 40’   |                                    |
| Land Cover   | 1100: Residential, low density - less than 2 dwelling units/acre<br>4340: Upland mixed coniferous/hardwood |                                    |
| Soils  | 71: Urban land – Leon – Boulogne complex – 0-2% slopes   |                                    |
| Flood Zones  | No   |                                    |
| Wetlands   | No   |                                    |
| Wildlife (applicable to sites greater than 50 acres) | N/A  |                                    |

**Utility Capacity**

The calculations to determine the water and sewer flows contained in this report and/or this spreadsheet have been by the City of Jacksonville Planning and Development Department and have been adopted by JEA solely for the purpose of preparing this report and/or this spreadsheet. The method of calculating water and sewer flows in order to properly size infrastructure established shall continue to be based on JEA’s Water, Sewer and Reuse for New Development Projects document (latest edition).

The applicant provided a JEA letter of availability, dated May 8, 2024. Existing water service may be used if in good condition, and there are no conflicts with the proposed construction. While the applicant stated on the land use and rezoning applications that the site would be served by central sewer, the applicant later stated in an e-mail, on file with the Planning and Development Department, that the owner intends to remain on an existing septic system.

### **Transportation**

The subject site is 210 acres and is located at 226 Jackson Road, a local road, north of Atlantic Boulevard (SR 10). The proposed land use amendment is located within the Suburban Development Area and Mobility Zone 2. The applicant proposes to change the existing land use from Medium Density Residential (MDR) to Residential Professional Institutional (RPI).

### **Comprehensive Plan Consistency:**

The Trip Generation Analysis is consistent with the most recent version of the Transportation Element (TE) of the City of Jacksonville Comprehensive Plan (TE Objective 2.4 and Policies 1.2.1 and 2.4.2).

#### Transportation Element

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

Policy 1.2.1 The City shall use the Institute of Transportation Engineers *Trip Generation Manual*, latest edition, to determine the number of trips to be produced or attracted to a particular land use when assessing a traffic impact.

Policy 2.4.2 The City shall amend the adopted Comprehensive Plan to incorporate the data and analysis generated by a periodic regional transportation model and study and facilitate the implementation of the study recommendations.

### **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 MDR land use would result in 209 trips. If the land use is amended to allow for this proposed RPI development, this will result in 496 or 209 daily trips depending on the scenario.

### **Transportation Planning Division RECOMMENDS the following:**

The difference in daily trips for the proposed land use amendment has 287 or zero 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 |
|---|-------------------|---------------------------|----------------------|--|--------------------|-------------|
| MDR   | 220               | 31 MF DUs                 | T = 6.74 (X)         | 209  | 0                  | 209         |
|   |                   |                           |                      | <i>Total Trips for Existing Land Use- Scenario</i>   |                    | <i>209</i>  |
| Proposed Land Use-Scenario 1                | ITE Land Use Code | Potential Number of Units | Estimation Method    | Gross Trips  | Less Pass-By Trips | Daily Trips |
| RPI   | 710               | 45, 738 SF                | T = 10.84 (X) / 1000 | 496  | 0                  | 496         |
|   |                   |                           |                      | <i>Total Trips for Proposed Land Use- Scenario 1</i> |                    | <i>496</i>  |
| Proposed Land Use-Scenario 2                | ITE Land Use Code | Potential Number of Units | Estimation Method    | Gross Trips  | Less Pass-By Trips | Daily Trips |
| RPI   | 220               | 31 MF DUs                 | T = 6.74 (X)         | 209  | 0                  | 209         |
|   |                   |                           |                      | <i>Total Trips for Proposed Land Use- Scenario 2</i> |                    | <i>209</i>  |
| <b>Scenario 1 Difference in Daily Trips</b> |                   |                           |                      |  |                    | <b>287</b>  |
| <b>Scenario 2 Difference in Daily Trips</b> |                   |                           |                      |  |                    | <b>0</b>    |

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

### School Capacity

Based on the impact assessment standards detailed in FLUE Policy 1.2.16, the 2.10 acre proposed land use map amendment has a development potential of 31 dwelling units. The proposed development was analyzed in accordance with the adopted level of service standards (LOS) for school capacity as established in the Interlocal Agreement (ILA) and the Public Schools and Facilities Element. The ILA was entered into in coordination with the Duval County Public School System (DCPS) and the other municipalities within Duval County.

School concurrency LOS is the methodology used to analyze and to determine whether there is adequate school capacity for each school type (elementary, middle, and high school) to accommodate a proposed development. The LOS (105% of permanent capacity) is based on Concurrency Service Areas (CSAs), not the closest school in the area for elementary, middle and high schools, as well as on other standards set forth in the City of Jacksonville School Concurrency Ordinance.

In evaluating the proposed residential development for school concurrency, the following results were documented:



Application Review Request: COJ PDD: School Impact Analysis  
 Proposed Name: L-5902-24C  
 Requested By: Eric Hinton  
 Reviewed By: LeVonne Griggs  
 Due: 4/29/2024

Analysis based on maximum dwelling units: 31

| School Type        | CSA <sup>1</sup> | 2023-24 Enrollment/CSA | Current Utilization (%) | New Student/Development <sup>2</sup> | 5-Year Utilization (%) | Available Seats - CSA <sup>3</sup> | Available Seats - Adjacent CSA 4&5 |
|--------------------|------------------|------------------------|-------------------------|--------------------------------------|------------------------|------------------------------------|------------------------------------|
| Elementary         | 3                | 7,334                  | 71%                     | 3                                    | 75%                    | 1,459                              | 2,293                              |
| Middle             | 3                | 2,062                  | 73%                     | 1                                    | 56%                    | 671                                | 1,381                              |
| High               | 3                | 4,155                  | 82%                     | 2                                    | 85%                    | 328                                | 1,056                              |
| Total New Students |                  |                        |                         | 6                                    |                        |                                    |                                    |

**NOTES:**

<sup>1</sup> Proposed Development's Concurrency Service Area (CSA)

<sup>2</sup> Student Distribution Rate

ES-.125

MS-.051

HS-.074

0.250

The Student Distribution Rate is calculated for each school type by dividing the total number of public school students enrolled in that school type in Duval County (104,757) by the number of total permitted housing units (418,708) for the same year, generating a yield of 0.250.

<sup>3</sup> Available CSA seats include current reservations

The available seats in the CSA and adjacent CSAs include concurrency reservations.

The analysis of the proposed residential development does not reveal any deficiency for school capacity within the CSA.

Public School Facilities Element

Policy 2.3.2 The City will coordinate with DCPS to establish plan review procedures to manage the timing of Future Land Use Map amendments and other land use decisions so that these decisions coordinate with adequate school capacity.

Policy 2.3.3 The City will take into consideration the DCPS comments and findings on the availability of adequate school capacity in the evaluation of comprehensive plan amendments, and other land use decisions as provided in Section 163.3177(6)(a), F.S. and development of regional impacts as provided in 1380.06, F.S

Objective 3.1 Adopted Level of Service (LOS) Standards  
 Through the implementation of its concurrency management systems and in coordination with the DCPS, the City shall ensure that the capacity of schools is sufficient to support new residential developments at the adopted level of service (LOS) standards within the period covered in the five-year schedule of capital improvements and the long range planning period. These standards shall be consistent with the Interlocal Agreement agreed upon by the DCPS, the City and the other municipalities. Minor deviations to the LOS standards may occur, so

long as they are limited, temporary and with scheduled capacity improvements, school capacity is maximized to the greatest extent feasible.

Policy 3.1.1 The LOS standards set forth herein shall be applied consistently for the purpose of implementing school concurrency, including determining whether sufficient school capacity exists to accommodate a particular development application, and determining the financial feasibility of DCPS Five-Year Capital Facilities Plan and the City’s Capital Improvement Plan.

**Supplemental School Information:**

The following additional information regarding the capacity of the assigned neighborhood schools was provided by the Duval County School Board. This is not based on criteria utilized by the City of Jacksonville School Concurrency Ordinance. Note that the percentage occupied may not appear correct due to EE space requirements.

| Application Review Request: COJ PDD: Baseline Checklist Review<br>Proposed Name: L-5902-24C<br>Requested By: Eric Hinton<br>Reviewed By: Levonne Griggs<br>Due: 4/29/2024<br>Analysis based on maximum dwelling units: 31 |     |   |  |   |            |                   |
|---|-----|---|--|---|------------|-------------------|
| SCHOOL <sup>1</sup>   | CSA | STUDENTS GENERATED (Rounded) <sup>2</sup> | SCHOOL CAPACITY <sup>3</sup> (Permanent/Portables) | CURRENT ENROLLMENT 20-Day Count (2023/24) | % OCCUPIED | 4 YEAR PROJECTION |
| Lone Star #233  | 3   | 3   | 615  | 333                                       | 54%        | 63%               |
| Landmark #256   | 3   | 1   | 1672   | 1017                                      | 61%        | 60%               |
| Terry Parker #86  | 3   | 2   | 1862   | 1410                                      | 76%        | 74%               |
|   |     | 6   |  |   |            |                   |

NOTES:  
<sup>1</sup> Attendance school may not be in proposed development’s Concurrency Service Area (CSA).

<sup>2</sup> Student Distribution Rate  
 ES-.125  
 MS-.051  
 HS-.074  
 0.250

The Student Distribution Rate is calculated for each school type by dividing the total number of public school students enrolled in that school type in Duval County (104,757) by the number of total permitted housing units (418,708) for the same year, generating a yield of 0.250.

<sup>3</sup> Does not include ESE & room exclusions

**Airport Environment Zone**

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

### Future Land Use Element

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

### **Archaeological Sensitivity**

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of Low 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 1.2.2 The City shall continue to review new development for the potential of archeologically significant sites. The City shall utilize the most current version of the Archeological Sensitivity Predictive Model to identify areas of high probability for artifact concentrations.

Policy 1.2.5 The Planning and Development Department shall maintain and update for planning and permitting purposes, a series of GIS data layers and maps depicting recorded archaeological sites, historic districts and local landmarks.

### **Aquifer Recharge:**

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

### Infrastructure Element – Aquifer Recharge Sub-Element (IE-AR)

Policy 1.2.3 The City shall continue to coordinate with the SJRWMD and utilize the best available resources and information including the latest update of the Floridian Aquifer Recharge GIS grid coverage to protect the

functions of the natural groundwater aquifer recharge areas and to discourage urban sprawl.

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

## **PROCEDURAL COMPLIANCE**

Upon site inspection by the Planning and Development Department on April 16, 2024, the required notices of public hearing signs were posted. Twenty-nine (29) notices were mailed out to adjoining property owners informing them of the proposed land use change and pertinent public hearing and meeting dates.

The Citizen Information Meeting was held on April 29, 2024, for the adoption of the small-scale land use amendment. The applicant and one member of the public were in attendance for this item. The attendee stated that he owned the property across the street from the site and expressed support for the application.

## **CONSISTENCY EVALUATION**

### **Consistency with 2045 Comprehensive Plan Goals, Objectives and Policies**

#### Future Land Use Element (FLUE)

##### *Development Area*

*Suburban Area (UA):* 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.

Goal 1 To ensure that the character and location of land uses optimize the combined potentials for economic benefit, enjoyment, wellness and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

Policy 1.1.7 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 1.1.21

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 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 1/4 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 the JEA Collection Systems available within a five (5) year period.

Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreation and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

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

Policy 3.2.4 Permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

Property Rights Element

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

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

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

Policy 1.1.2 The following rights shall be considered in local decision making:  
 1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.  
 2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

According to the Category Descriptions of the Future Land Use Element (FLUE), Medium Density Residential (MDR) is a category intended to provide compact medium to high density residential development and can serve as transitional uses between low density residential uses and higher density residential uses, commercial uses and public and semi-public use areas. Multi-family housing such as apartments, condominiums, townhomes and rowhouses should be the predominant development typologies in this category. MDR in the Suburban Area is intended to provide compact medium density development.

Residential/Professional/Institutional (RPI) is a category primarily intended to accommodate medium to high density residential, office, and institutional uses. Limited neighborhood commercial retail and service establishments which serve a diverse set of neighborhoods may also be a part of single or mixed-use developments. RPI is generally intended to provide transitional uses between commercial, office, and residential uses, although it may also provide a transition between industrial and residential uses when industrial uses pose no health or safety risks to residents. Plan amendment requests for new RPI designations are preferred in locations which are supplied with full urban services. RPI in the Suburban Development Area is intended to provide low to medium density residential development. Development which includes medium density residential and professional office uses is preferred. Limited neighborhood commercial retail and service establishments which serve a diverse set of neighborhoods are also encouraged in order to reduce the number of Vehicles Miles Traveled.

The applicant provided a JEA letter of availability, dated May 8, 2024. Existing water service may be used if in good condition, and there are no conflicts with the proposed construction. The letter states that the site is staying on an existing private septic system. While the applicant stated on the land use application that the site would be served by central sewer, the applicant recently stated via e-mail that the owner intends to remain on septic. The owner will need to conform with the provisions of FLUE Policy 1.2.8.

The Comprehensive Plan allows expansion of commercial use adjacent to residential uses in certain cases. The land use amendment expands a non-residential use into an established residential neighborhood and three parcels south of a 10-acre park (Archie Dickinson Park). The request to RPI does not provide a logical transition between the residential uses surrounding the site to the north and east with the commercial uses south of the site. RPI in the suburban area is intended to provide development such as medium density residential and professional office uses. Therefore, it is inconsistent with FLUE Goal 3, Objective 3.2, and Policies 1.1.7 and 3.2.4.

Prior to the establishment of the existing business, approximately one year ago, the parcel was undeveloped with trees covering the entire site. The developer removed all the trees

on the 2.10 acre parcel without obtaining a permit for the tree removal. In order to comply with FLUE Goal 1, the owner of the property must satisfy the conditions required to remediate the situation. The owner has been made aware of steps necessary for remediation.

Neighborhood Commercial is defined as commercial and office development, usually located on a collector or arterial street at the edge of a neighborhood, serving the daily needs of contiguous neighborhoods, including convenience goods and personal services. The intensity of neighborhood commercial development shall be limited in order to protect the character of nearby residential development.

Commercial Retail Sales and Service Establishments are defined in Chapter 16 of the zoning code as businesses that sell food and drugs, including pharmacies, new wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair), art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops, musical instruments, florist or gift shops, delicatessens, bakeries, home furnishing and appliances (including repair incidental to sales), office equipment or furniture antiques, hardware, new automobile parts and accessories (including rebuilt parts). Service establishments such as Barber or beauty salon, shoe repair, restaurants, interior decorators, athletic clubs, fitness centers, laundromat or dry cleaners, tailors or dressmakers, broadcasting offices and studios, funeral homes, marinas, blueprinting, radio and television repair shops, travel agencies, employment offices but not day labor pools, home equipment rental and similar uses.

The intent of the amendment is to allow for a limousine service, which is not a neighborhood commercial retail and service use, as permitted in the RPI land use category and the definition of Neighborhood Commercial from the 2045 Comprehensive Plan and pursuant to Part 16 of the zoning code. Therefore, the use is not permitted in RPI and the amendment is not necessary to allow for reasonable use of the property.

The land use amendment is incompatible with the predominantly residential uses surrounding the site to the north and east and does not foster a vibrant community or protect the fabric and character of the neighborhood. Therefore, the land use amendment is inconsistent with FLUE Goal 3 and Policy 1.1.21.

The proposed amendment does not hinder the private property rights of the owner of record; has no impact on the right of the property owner to possess or control his or her interest in the property; maintains the owner's ability to use, maintain, develop and improve the property; protects the owner's right to privacy and security; and maintains the ability of the property owner to dispose of the property at their discretion. Therefore, the amendment is consistent with PRE Goal 1, Objective 1.1 and Policies 1.1.1 and 1.1.2.

### **Greater Arlington / Beaches Vision Plan**

The subject property is located within the boundaries of the Greater Arlington/Beaches Vision Plan. While the plan does not provide specific recommendations for the subject site, redevelopment of the site supports Principle 2.1 of promoting greater density and



diversity of land uses. However, by clearcutting the parcel without authorization, the amendment is contrary to Objective 1.2.3: Protect and preserve waterways and scenic assets.

Because the use of the site is inconsistent with the residential character of the areas north and east of the site, as well as establishing a non-residential land use at the site, thus encroaching on the surrounding neighborhood, the amendment is also inconsistent with Objective 2.1.3: Cultivate neighborhood stability by protecting residential areas from incompatible uses. The paramount goal is the enhancement of neighborhoods. Therefore, the proposed application is inconsistent with goals outlined in the Greater Arlington/Beaches Vision Plan.

### **Strategic Regional Policy Plan**

The proposed amendment is inconsistent with the following Objective of the Northeast Florida Regional Council (NEFRC) Strategic Regional Policy Plan (March 2021), Regional Health element:

Strategic Issue: Housing and Health

Objective: Housing options that provide choices to all of our residents and promote demographic and economic diversity as one way to ensure that our communities are viable and interesting places for the long term.

The land use change to RPI would take land out of the MDR land use category, thus limiting housing options in a residential area.

# CURRENT LAND USE MAP



L-5902-24C

# LAND UTILIZATION MAP

