

**Staff Report on  
Proposed 2015B Series Text Amendment  
To The Future Land Use Element of  
2030 Comprehensive Plan**

**ORDINANCE 2015-627**

As indicated in EXHIBIT 1 for Ordinance 2015-306, a text amendment is being proposed to amend the Future Land Use Element (FLUE) as it relates to phasing allocations within the Downtown Consolidated Development of Regional Impact (DRI). The Consolidated Downtown DRI is an older DRI and has a limited amount of Phase I development rights remaining, particularly within the Southbank. The intent of the City of Jacksonville (City) and the Downtown Investment Authority (DIA) is to revitalize Downtown. To further this goal, the City is proposing to modify FLUE Policies 2.3.16 and 2.3.10 to allow, as an interim measure, developers within the DRI to have certainty about access to DRI Phase II and Phase III development rights prior to the expiration of DRI Phase I.

The proposed text amendment will permit by Notice of Proposed Change (NOPC) to the DRI, and on a development-by-development basis, assignment of Phase II and Phase III entitlements; providing that those entitlements are available and that a Transportation Mobility Agreement has been entered into. This is consistent with current language in the City's 2030 Comprehensive Plan, which contemplates the application of the Mobility Plan within Downtown.

Over the past several years, the City has aggressively taken steps to revitalize Downtown. To that end, the City and the DIA adopted Ordinance 2014-560-E, which updated the two (2) Downtown Community Redevelopment Area Plans, incorporating them into an overall Business Investment and Development Plan. The public, including the real estate community, has been paying close attention to the revitalization efforts and, as a result, the City and DIA are experiencing an increase in redevelopment proposals for Downtown Jacksonville. Without this proposed Comprehensive Plan Text Amendment, Downtown mixed use, large scale redevelopment efforts will be unable to obtain necessary funding commitments.

Background

The Florida Legislature has designated certain Florida jurisdictions as Dense Urban Land Areas (DULA), including the City of Jacksonville. Within the City, developments are exempt from DRI review under §380.06, Florida Statutes and master developers of approved DRIs have the right to rescind the DRI under

§380.115, Florida Statutes. The Florida Legislature has also amended Section 163.3180, Florida Statutes, to make transportation concurrency optional, and to encourage local governments that repeal transportation concurrency to adopt an alternative mobility funding system, which the City has done.

Ordinance 2011-241-E adopted the 2030 Mobility Plan (Mobility Plan) within the Comprehensive Plan. As part of the Mobility Plan, a comprehensive 2030 Multi-Modal Transportation Study was undertaken. Specific to Downtown, FLUE Policy 2.3.16 (Policy) was adopted to require that transportation mitigation associated with the Consolidated Downtown DRI be governed by the DRI for Phase I and to replace the Phase II and Phase III DRI transportation mitigation requirements with the Mobility Plan. Further, the Policy directs the City to rescind or abandon the DRI by the end of Phase I (December 31, 2017), in order fully implement within Downtown the Mobility Plan's transportation mitigation.

The Amendment will allow the DIA to accelerate the allocation of DRI Phase II and Phase III development rights if a project developer submits a site specific NOPC to specifically apply the Mobility Plan as the transportation mitigation for those allocated DRI Phase II and Phase III development rights. Such transition has already been agreed to by the Florida Department of Economic Opportunity (DEO), f/k/a Department of Community Affairs, as evidenced in the Objections, Recommendations and Comments Report (ORC Report) comments associated with the 2011 adoption of the Mobility Plan. This Comprehensive Plan Amendment conforms the Policy to the Mobility Plan ORC Report comment. In addition, the Policy amendment is consistent with the Florida Legislature's encouragement of a mobility funding based system to mitigate for project transportation impacts. The proposed Comprehensive Plan Text Amendment to the FLUE Policy 2.3.16 and the FLUE Policy 2.3.10 is consistent with the Comprehensive Plan and City land development regulations.

#### Staff Recommendation

The Planning and Development Department recommends **Approval** of the text amendment in the attached **EXHIBIT 1** and submitted as **Ordinance 2015-627**.



1 agencies, for review and comment; and

2 WHEREAS, by various letters and e-mails, the DEO and other state  
3 reviewing agencies transmitted their comments, if any, regarding this  
4 proposed amendment; and

5 WHEREAS, the Planning and Development Department reviewed the  
6 proposed revisions, considered all comments received, prepared a  
7 written report and rendered an advisory recommendation to the Council  
8 with respect to these proposed text amendments; and

9 WHEREAS, the Planning Commission, as the Local Planning Agency,  
10 held a public hearing on this proposed amendment to the 2030  
11 *Comprehensive Plan*, with due public notice having been provided, and  
12 reviewed and considered all comments received during the public  
13 hearing, and made a recommendation to the City Council; and

14 WHEREAS, pursuant to Section 650.408 *Ordinance Code*, the Land Use  
15 and Zoning (LUZ) Committee held a public hearing in accordance with the  
16 requirements of Chapter 650, Part 4, *Ordinance Code*, on this proposed  
17 amendment and has made its recommendation to the City Council; and

18 WHEREAS, pursuant to Section 163.3184(3), *Florida Statutes* and  
19 Chapter 650, Part 4, *Ordinance Code*, the City Council held a public  
20 hearing with public notice having been provided on this proposed  
21 amendment to the 2030 *Comprehensive Plan*; and

22 WHEREAS, the City Council further considered all oral and written  
23 comments received during public hearings, including the data collection  
24 and analysis portions of this proposed amendment to the 2030  
25 *Comprehensive Plan*, the recommendations of the Planning and Development  
26 Department and the Planning Commission, the final recommendations of  
27 the LUZ Committee, and the comments, if any, of the DEO and the other  
28 state agencies; and

29 WHEREAS, in the exercise of its authority, the City Council has  
30 determined it necessary and desirable to adopt this proposed amendment  
31 to the 2030 *Comprehensive Plan* to preserve and enhance present

1 advantages, encourage the most appropriate use of land, water and  
2 resources, consistent with public interest, overcome present  
3 deficiencies, and deal effectively with future problems that may result  
4 from the use and development of land within the City of Jacksonville;  
5 now therefore,

6 **BE IT ORDAINED** by the Council of the City of Jacksonville:

7 **Section 1. Purpose and Intent.** This ordinance is adopted to  
8 carry out the purpose and intent of, and exercise the authority set out  
9 in the Local Government Comprehensive Planning and Land Development  
10 Regulation Act, Sections 163.3161 through 163.3248, *Florida Statutes*  
11 and Chapter 166, *Florida Statutes*, as amended.

12 **Section 2. Amendment to Comprehensive Plan.** The 2030  
13 *Comprehensive Plan* is hereby amended to include this revision to the  
14 text of the 2030 *Comprehensive Plan* in the Future Land Use Element from  
15 the 2015B Series which has been initiated by the Planning and  
16 Development Department, as more particularly set forth in Exhibit 1,  
17 attached hereto, dated August 21, 2015 and incorporated herein by  
18 reference.

19 **Section 3. Disclaimer.** The amendment granted herein shall  
20 not be construed as an exemption from any other applicable local,  
21 state, or federal laws, regulations, requirements, permits or  
22 approvals. All other applicable local, state or federal permits or  
23 approvals shall be obtained before commencement of the development or  
24 use and issuance of this amendment is based upon acknowledgement,  
25 representation and confirmation made by the applicant(s), owner(s),  
26 developer(s) and/or any authorized agent(s) or designee(s) that the  
27 subject business, development and/or use will be operated in strict  
28 compliance with all laws. Issuance of this amendment does not approve,  
29 promote or condone any practice or act that is prohibited or restricted  
30 by any federal, state or local laws.

31 **Section 4. Effective Date.** This ordinance shall become

1 effective upon the signature by the Mayor or upon becoming effective  
2 without the Mayor's signature.

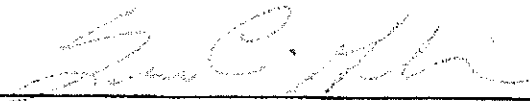
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4 Form Approved:

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8 Office of General Counsel

9 Legislation Prepared By: Kristen Reed

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Ordinance 2015-627

2015B Series Text Amendment

City of Jacksonville 2030 Comprehensive Plan

Future Land Use Element

**GOAL 2**

To enhance and preserve for future generations geographic areas with unique economic, social, historic or natural resource significance to the City.

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**Objective 2.3 Continue to strengthen Downtown Jacksonville as the regional center of finance, government, retail and cultural activities for Northeast Florida.**

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**2.3.10**

The Downtown DRI shall maintain adopted Levels of Service in the 2030 Comprehensive Plan for all public facilities (drainage, sanitary sewer, solid waste, potable water, recreation, and when applicable, schools) reviewed under concurrency, except for transportation facilities, which shall be governed by the Consolidated Downtown DRI Development Order through Phase I, and the Mobility Plan for development authorized for Phases II and III of the DRI.

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**2.3.16**

The City and DIA shall continue encouraging development and redevelopment within the CBD. Growth within the CBD will be exempt from the Mobility Plan requirements and governed by the Consolidated Downtown DRI Development Order through Phase I. Previously approved transportation improvements in Phase II and Phase III will be replaced by the improvements included in the Mobility Plan for Mobility Zone 10. Prior to proceeding with development rights authorized in Phases II or III of the Downtown DRI, the City shall either rescind or abandon the DRI pursuant to Section 380.06, F.S., or adopt a project specific Notice of Proposed Change ("NOPC") acknowledging the authorized Phase II and Phase III development rights will be governed by the City Mobility Fee System.

# **FOR YOUR INFORMATION**

## **2015B SERIES LARGE-SCALE TEXT AMENDMENT TO THE 2030 COMPREHENSIVE PLAN - ADOPTION ROUND**

**Ordinance #: 2015-627**

**Large-Scale Text Amendment #1: Future Land Use Element**

### **Text Amendment Issues:**

- Amendment relating to adding the right to proceed into Phase II and III of the Consolidated Downtown DRI as to any project for which a project specific Notice of Proposed Change (NOPC) is adopted acknowledging such project shall be governed by the City Mobility Fee System.

### **SCHEDULED PUBLIC MEETING / PUBLIC HEARING DATES**

<b>Introduction of Ordinance to City Council:</b>	<b>September 8, 2015</b>
<b>Planning Commission's Local Planning Agency (LPA) Public Hearing:</b>	<b>October 8, 2015</b>
<b>1<sup>st</sup> City Council's Public Hearing:</b>	<b>October 13, 2015</b>
<b>LUZ Committee's Public Hearing:</b>	<b>October 20, 2015</b>
<b>2<sup>nd</sup> City Council's Public Hearing:</b>	<b>October 27, 2015</b>

Assigned Staff Planner: Kristen Reed, 255-7837



**RESOLUTION 2015-09-02**

**A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY (DIA) RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF JACKSONVILLE MAKE CERTAIN AMENDMENTS TO THE TEXT OF THE CITY OF JACKSONVILLE 2030 COMPREHENSIVE PLAN BY ADOPTING ORDINANCE 2015-0627.**

**WHEREAS**, the City Council has initiated certain amendments to the text of the 2030 Comprehensive Plan ("Plan") by introduction of Ordinance 2015-0627, attached hereto as Exhibit A; and

**WHEREAS**, those amendments have been initiated in accordance with the procedures and requirements set forth in Chapter 650, Part 4, Ordinance Code to facilitate the appropriate and timely implementation of the Plan, and has provided the necessary supporting data and analysis to support and justify the amendments determined to be required and accordingly has proposed certain amendments to the Plan's text, which are more particularly set forth in Exhibit 1 to Ordinance 2015-0627; and

**WHEREAS**, the proposed text amendments to the Future Land Use Element of the Plan affect the Consolidated Downtown Development of Regional Impact ("DRI") Development Order; and

**WHEREAS**, pursuant to Ordinance 2014-0560-E the Downtown Investment Authority ("DIA") is the *master developer* of the Consolidated Downtown DRI; and

**WHEREAS**, the proposed amendments to the Plan's text promote development within Downtown Jacksonville by permitting access to Phase II and Phase III development rights providing that: those rights exist and have not been previously encumbered; a site-specific Notice of Proposed Change ("NOPC") is submitted pursuant to Chapter 380, Florida statutes; and those rights are mitigated through the City's Mobility Fee System; and

**WHEREAS**, the City Council considered all oral and written comments received during public hearings for transmittal of the proposed text amendments; and

**WHEREAS**, the proposed text amendments were transmitted for review by regional and State agencies pursuant to Chapter 163, Florida Statutes; and

**WHEREAS**, by various letters and e-mails, the DEO and other state reviewing agencies transmitted their comments, if any, regarding this proposed amendment; and

**WHEREAS**, none of the responding agencies proffered an objection to the proposed text amendments; and

**WHEREAS**, DIA finds that adoption of Ordinance 2015-0627 furthers the goals and strategic objectives of the Downtown Northbank and Southside Community Redevelopment Area Plans, now therefore,

**BE IT RESOLVED**, By the Downtown Investment Authority:

**Section 1.** The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

**Section 2.** The DIA respectfully recommends to the City Council of the City of Jacksonville that they adopt Ordinance 2015-0627.

**Section 3.** This Resolution 2015-09-02 shall become effective upon its approval by the DIA this 30<sup>th</sup> day of September, 2015.

WITNESS:

**DOWNTOWN INVESTMENT AUTHORITY**

\_\_\_\_\_  
Jim Bailey, Chairman

VOTE: In Favor: \_\_\_\_\_ Opposed: \_\_\_\_\_ Abstained: \_\_\_\_\_

