

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**  
**APPLICATION FOR REZONING ORDINANCE 2013-430**

**SEPTEMBER 5, 2013**

The Planning and Development Department hereby forwards to the Downtown Development Review Board and the City Council its comments and recommendation regarding Application for Rezoning Ordinance **2013-430**.

<b><i>Location:</i></b>	715 Forest Street and 820 Price Street between Forest and Price Streets
<b><i>Real Estate Numbers:</i></b>	089332-0000 and 089334-0005
<b><i>Current Zoning District:</i></b>	Commercial Residential Office (CRO)
<b><i>Proposed Zoning District:</i></b>	Commercial Community/General-1 (CCG-1)
<b><i>Current Land Use Category:</i></b>	Central Business District (CBD)
<b><i>Planning District:</i></b>	Urban Core (1)
<b><i>City Council Representative:</i></b>	The Honorable Warren Jones, District 9
<b><i>Owner:</i></b>	Michael Spencer 1061 Riverside Avenue, Suite 101 Jacksonville, Florida 32204
<b><i>Agent:</i></b>	Paul Harden, Esq. 501 Riverside Avenue, Suite 901 Jacksonville, Florida 32202
<b><i>Staff Recommendation:</i></b>	<b>APPROVE</b>

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2013-430** requests rezoning of two parcels with a total of .39 acres from the CRO to CCG-1 zoning district. The subject properties are located in the Brooklyn area and are developed as office and warehouse space. The subject property is within the CBD functional land use category as defined by the Future Land Use Map (FLUM) series contained in the Future Land Use Element (FLUE) as adopted as part of the 2030 Comprehensive Plan. According to the application, this

rezoning is sought to make the property consistent with the surrounding commercial in the area.

### **STANDARDS, CRITERIA AND FINDINGS**

Pursuant to Section 656.125 of the Zoning Code, an applicant for a proposed rezoning bears the burden of proving, by substantial competent evidence, that the proposed rezoning is consistent with the City's comprehensive plan for future development of the subject parcel. In determining whether a proposed rezoning is consistent with the 2030 Comprehensive Plan, the Planning and Development Department considers several factors, including (a) whether it is consistent with the functional land use category identified in the Future Land Use Map series of the Future Land Use Element; (b) whether it furthers the goals, objectives and policies of the Comprehensive Plan; and (c) whether it conflicts with any portion of the City's land use regulations. Thus, the fact that a proposed rezoning is permissible within a given land use category does not automatically render it consistent with the 2030 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

***1. Is the proposed rezoning consistent with the 2030 Comprehensive Plan?***

Yes. The Planning and Development Department finds that the subject property is located in a Central Business District (CBD) functional land use category according to the FLUMs (Future Land Use Map series) adopted as part of the 2030 Comprehensive Plan. This category represents a mixed land use category that is coterminous with the jurisdictional boundary of the Jacksonville Downtown Development Authority. The exact location, distribution, and density/intensity of the various types of land uses will be guided by the site development plans approved as part of the appropriate development order for Riverside/Brooklyn Overlay downtown DRI's which depicts the subject property in a commercial land use. The requested CCG-1 zoning district is a primary zoning district within the CBD Functional Land Use Category and is consistent with the FLUMS portion of the 2030 Comprehensive Plan.

***2. Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?***

Yes. It is the opinion of the Planning and Development Department that the proposed rezoning could further Future Land Use Element (FLUE) Policy 3.2.2 of the 2030 Comprehensive Plan, which states that the City shall promote infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

The applicant has indicated that the proposed rezoning request to CCG-1 will be for a restaurant use at the subject site areas.

3. *Does the proposed rezoning conflict with any portion of the City's land use regulations?*

No. The proposed rezoning is not in conflict with any portion of the City's land use regulations. If approved, the subject properties contain .39 acres thus allowing each to be developed for future development.

**SURROUNDING LAND USE AND ZONING**

The surrounding uses, land use category and zoning are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	CBD	CRO	Vacant commercial
East	CBD	CRO	City of Jacksonville
South	CBD	CRO	City of Jacksonville
West	CBD	CCG-2	Retail use

The proposed rezoning is consistent and compatible with the adjacent and nearby commercial and residential zoning districts.

**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on the required Notice of Public Hearing signs **were** posted.

**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2013-430 be **APPROVED**.

Public notice sign



Source: City of Jacksonville Planning & Development Department  
Date: 7/17/2013

View off right-of-way looking northwest off subject property



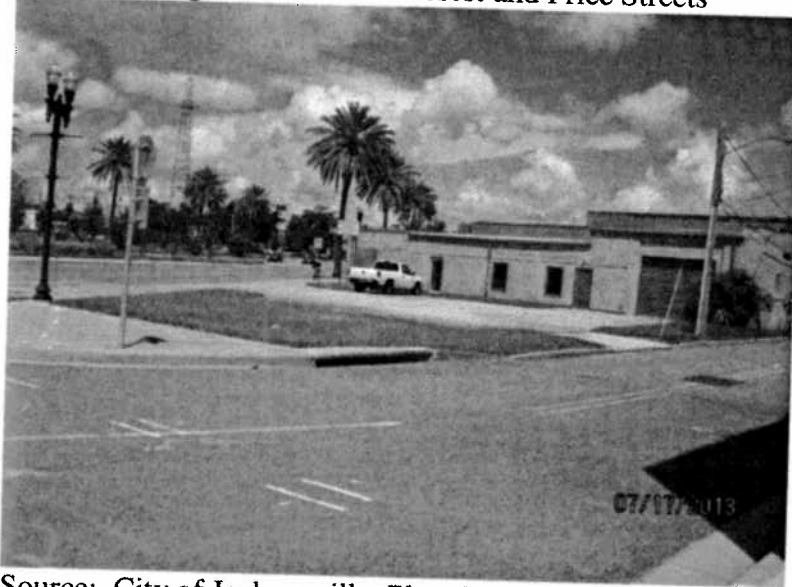
Source: City of Jacksonville, Planning & Development Department  
Date: 7/17/2013

View off right-of-way looking southeast off subject property



Source: City of Jacksonville, Planning & Development Department  
Date: 7/17/2013

View showing intersection of Forest and Price Streets

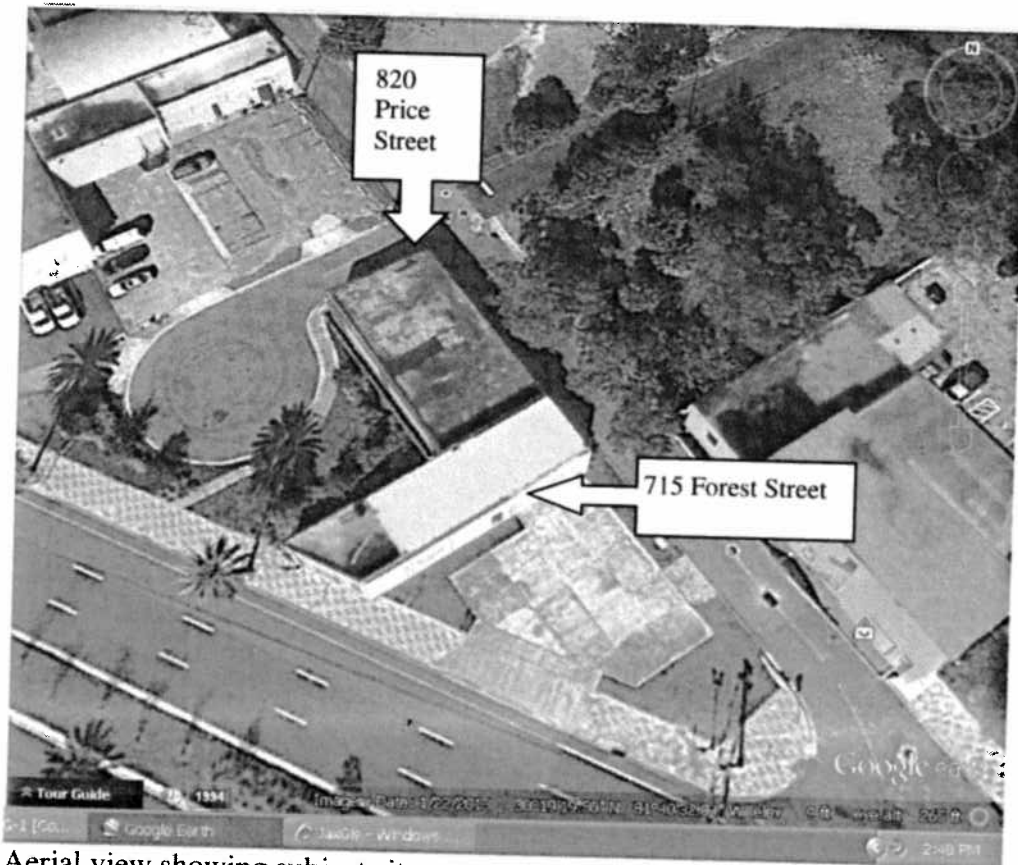


Source: City of Jacksonville, Planning & Development Department  
Date: 7/17/2013

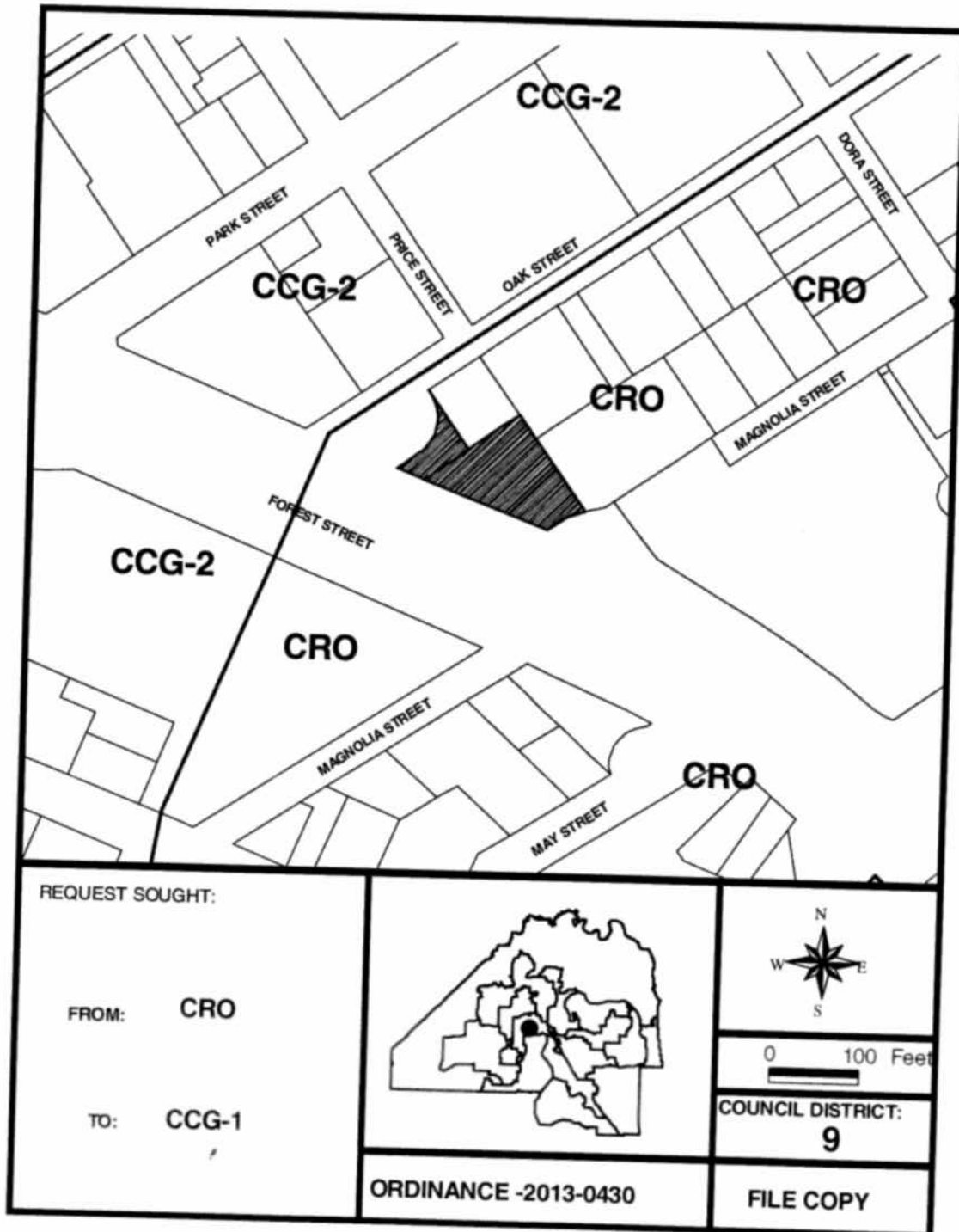
View showing 820 Price Street site location



Source: City of Jacksonville, Planning & Development Department  
Date: 7/17/2013



Aerial view showing subject sites



**Application For Rezoning To Conventional Zoning District****Planning and Development Department Info****Ordinance #** 2013-430 **Staff Sign-Off/Date** ME / 07/01/2013**Filing Date** 06/10/2013 **Number of Signs to Post** 2**Hearing Dates:****1st City Council** 08/13/2013 **Planning Commission** 08/15/2013**Land Use & Zoning** 08/20/2013 **2nd City Council** N/A**Neighborhood Association** N/A**Neighborhood Action Plan/Corridor Study** DOWNTOWN**Application Info****Tracking #** 383**Application Status** PENDING**Date Started** 04/30/2013**Date Submitted** 05/02/2013**General Information On Applicant**

Last Name	First Name	Middle Name
HARDEN	PAUL	M.

**Company Name**

LAW OFFICE OF PAUL M. HARDEN

**Mailing Address**

501 RIVERSIDE AVENUE, SUITE 901

City	State	Zip Code
JACKSONVILLE	FL	32202

Phone	Fax	Email
9043965731	9043995461	PAUL_HARDEN@BELLSOUTH.NET

**General Information On Owner(s)**☐ Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
SPENCER	MICHAEL	

**Company/Trust Name****Mailing Address**

1061 RIVERSIDE AVE., SUITE 101

City	State	Zip Code
JACKSONVILLE	FL	32204

Phone	Fax	Email

**Property Information****Previous Zoning Application Filed For Site?****If Yes, State Application No(s)**

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District



Map	089332 0000	9	1	CRO	CCG-1
Map	089334 0005	9	1	CRO	CCG-1

Ensure that RE# is a 10 digit number with a space (##### #)

#### Land Use Category Proposed?

If Yes, State Land Use Application #

Land Use Category

Central Business District

Total Land Area (Nearest 1/100th of an Acre) 0.39

#### Justification For Rezoning Application

TO DEVELOP IN ACCORDANCE WITH SURROUNDING COMMERCIAL AREA.

#### Location Of Property

##### General Location

NORTHWEST QUADRANT OF FOREST AND PRICE STREETS

##### House #

715

##### Street Name, Type and Direction

PRICE ST

##### Zip Code

32204

##### Between Streets

PARK STREET

and RIVERSIDE AVENUE

#### Required Attachments For Formal, Complete application

The following items must be attached to each application in the order prescribed below. All pages of the application must be on 8½" X 11" paper with provision for page numbering by the staff as prescribed in the application instructions manual. Please check each item below for inclusion of information required.

- Exhibit 1** ☒ A very clear, accurate and legible legal description of the property on the form provided with application package (Exhibit 1). The legal description (which may be either lot and block or metes and bounds) should not be a faint or distorted copy that is difficult to read or duplicate.
- Exhibit A** ☒ Property Ownership Affidavit – Notarized Letter(s).
- Exhibit B** ☒ Agent Authorization - Notarized letter(s) designating the agent.

#### Supplemental Information

Supplemental Information items are submitted separately and not part of the formal application

- ☒ One copy of the Deeds to indicate proof of property ownership.

#### Public Hearings And Posting Of Signs

No application will be accepted until all the requested information has been supplied and the required fee has been paid. Acceptance of a completed application does not guarantee its approval by the City Council. The applicant will be notified of public hearing dates on this application upon the filing of the application. The applicant or authorized agent **MUST BE PRESENT** at the public hearings. The required SIGN(S) must be **POSTED** on the property **BY THE APPLICANT** within 5 days after the filing of an application. The sign(s) may be removed only after final action of the Council and must be removed within 10 days of such action.

The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper **AT LEAST 14 DAYS IN ADVANCE OF THE PUBLIC HEARING**. (The Daily Record - 10 North Newnan Street, Jacksonville, FL 32202 • (904) 356-2466 • Fax (904) 353-2628) Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish **PROOF OF**

PUBLICATION to the Planning and Development Department, 214 North Hogan Street, Ed Ball Building, Suite 300, Jacksonville, Florida, 32202, prior to the public hearing.

**Application Certification**

I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. I also attest by my signature that all required information for this rezoning application is completed and duly attached in the prescribed order. Furthermore, if the package is found to be lacking the above requirements, I understand that the application will be returned for correct information.

☒ Agreed to and submitted

**Filing Fee Information**

- 1) Rezoning Application's General Base Fee: \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof  
0.39 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee  
26 Notifications @ \$7.00 /each: \$182.00
- 4) Total Rezoning Application Cost: \$2,192.00

**NOTE: Advertising Costs To Be Billed to Owner/Agent**

# EXHIBIT A

## Property Ownership Affidavit

Date: MAY 1, 2013

City of Jacksonville  
City Council / Planning and Development Department  
117 West Duval Street, 4<sup>th</sup> Floor / 214 North Hogan Street, Ed Ball Building, Suite 300  
Jacksonville, Florida 32202

Re: Ownership Certification

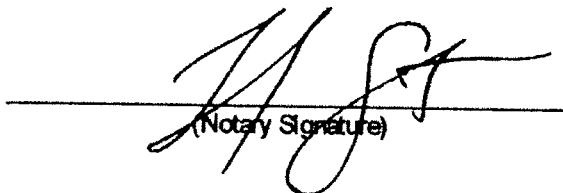
Gentleman:

I, MICHAEL D. SPENCER hereby certify that I am the  
Owner of the property described in the attached legal description, **Exhibit 1** in connection with  
filing application(s) for \_\_\_\_\_  
submitted to the Jacksonville Planning and Development Department.

  
(Owner's Signature)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 1<sup>st</sup> day of May  
(month), 2013 (year) by Michael D. Spencer who is personally  
known to me or has produced \_\_\_\_\_ as identification.

  
(Notary Signature)



JENNIFER L. GRANT  
Notary Public, State of Florida  
My Comm. Expires Aug. 29, 2014  
Commission No. EE 14214

# EXHIBIT B

## Agent Authorization

Date: MAY 1, 2013

City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, Ed Ball Building, Suite 300  
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

RE#s 089332-0000, 089334-0005

Gentleman:

You are hereby advised that the undersigned is the owner of the property described in **Exhibit 1** attached hereto. Said owner hereby authorizes and empowers

Paul M Harden to act as agent to file application(s) for  
Re-zoning for the above referenced property and in  
connection with such authorization to file such applications, papers, documents, requests and  
other matters necessary for such requested change.

  
(Owner's Signature)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 1<sup>st</sup> day of  
May (month), 2013 (year) by Michael D. Spencer  
who is personally known to me or has produced \_\_\_\_\_ as  
identification.

  
(Notary Signature)



JENNIFER L. GRANT  
Notary Public, State of Florida  
My Comm. Expires Aug. 29, 2014  
Commission No. EE 14214

# ORDINANCE

## Legal Description

A PORTION OF BLOCK 32, BROOKLYN, AS RECORDED IN DEED BOOK "AJ", PAGE 723, OF SAID FORMER PUBLIC RECORDS OF DUVAL COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST NORTHERLY CORNER OF SAID BLOCK 32, SAID POINT ALSO LYING AT THE INTERSECTION OF THE SOUTH-WESTERLY RIGHT OF WAY LINE OF "PRICE STREET, (A 33 FOOT RIGHT OF WAY), WITH THE SOUTH-EASTERLY RIGHT OF WAY LINE OF OAK STREET, (A 33 FOOT RIGHT OF WAY); THENCE SOUTH 54°49'38" WEST, ALONG SAID SOUTH-WESTERLY RIGHT OF WAY LINE OF OAK STREET, A DISTANCE OF 42.84 FEET TO AN INTERSECTION WITH A LINE COMMON TO SOUTH-WESTERLY BOUNDARY OF THE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 3383, PAGE 007 AND THE NORTH-EASTERLY BOUNDARY OF THE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 9955, PAGE 1821 ALL OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY THENCE SOUTH 35°31'58" EAST, ALONG LAST SAID LINE 4.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 35°31'58" EAST, ALONG LAST SAID LINE, 70.20 FEET TO AN INTERSECTION WITH THE NORTH-WESTERLY BOUNDARY OF THE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS 12988, PAGE 2274 OF SAID CURRENT PUBLIC RECORDS, THENCE SOUTH 54°49'38" WEST, ALONG LAST SAID BOUNDARY 56.73 FEET TO AN INTERSECTION WITH THE NORTH-EASTERLY RIGHT OF WAY LINE OF FOREST STREET (A VARIABLE WIDTH RIGHT OF WAY) AS SHOWN ON STATE ROAD 15 (C THE POINT OF CURVATURE OF A CURVE BEING CONCAVE NORTH-WESTERLY AND HAVING A RADIUS OF 43.00 FEET; THENCE ALONG AND AROUND THE ARC OF SAID CURVE AN ARC DISTANCE OF 85.08 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 16°17'00" EAST, 58.56 FEET; THENCE NORTH 25°09'11" EAST, 7.95 FEET TO THE POINT OF BEGINNING;

CONTAINING 2117 SQUARE FEET, OR 0.05 ACRES, MORE OR LESS.

and

Block 32, (Except the Northwest 75 feet thereof), of BROOKLYN, according to plat recorded in Deed Book "AJ", at page 723, of the public records of Duval County, Florida, being that property described in that deed to the mortgagees herein recorded in Deed Book 1475, at page 44, of the public records of Duval County, Florida. LESS AND EXCEPT that portion described in Order of Taking recorded in Official Records 9868, page 181.

This document prepared by: Jim Morgan  
as agent for the City of Jacksonville, FL  
Return to: Real Estate Division, DPW  
10<sup>th</sup> Floor, Ed Bell Bldg.  
RER 049333-0000 (for reference)

## QUIT CLAIM DEED

THIS QUIT CLAIM DEED, made this 9 day of June, 2011, by the CITY OF JACKSONVILLE, a Municipal Corporation in the County of Duval, State of Florida, whose address is 117 West Duval Street, Jacksonville, Florida 32202, hereinafter referred to as "Grantor," to MICHAEL D. SPENCER, whose mailing address is 1061 Riverside Ave., Suite 101, Jacksonville, Florida 32204, hereinafter referred to as "Grantee."

WITNESSETH: that Grantor, for and in consideration of the sum of TWO THOUSAND FOUR HUNDRED DOLLARS (\$2,400.00) and other good and valuable consideration to them in hand paid by the Grantee, the receipt and legal sufficiency of which is hereby acknowledged, does remise, release, and quit claim to the Grantee, its successors and assigns forever, the land situate, lying and being in the County of Duval, State of Florida, as described in EXHIBIT "A" attached hereto and incorporated herein by this reference.

This deed was prepared without benefit of a survey or title examination.

TO HAVE AND HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of Grantor, either in law or in equity, to the only proper use, benefit and behoof of Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name and on the day and year first above written, pursuant to the authority of Ordinance 2011-278-E.

### WITNESSES

(Sign) Alice W. Newman  
(Print) Alice W. Newman

(Sign) Ivy Dwyer-Frazer  
(Print) Ivy Dwyer-Frazer

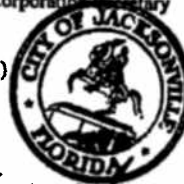
CITY OF JACKSONVILLE,  
a Municipal Corporation

By: John Peyton  
John Peyton, Mayor

ATTEST

Neill W. McArthur Jr.  
Neill W. McArthur Jr., Corporation Secretary

(Corporate Seal)

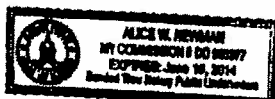


### STATE OF FLORIDA COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 9 day of June, 2011, by John Peyton and Neill W. McArthur Jr., the Mayor and Corporation Secretary respectively, of the City of Jacksonville, a municipal corporation, on behalf of the corporation, pursuant to the authority of Ordinance 2011-278-E. Such persons are personally known to me.

Alice W. Newman  
Print Name: Alice W. Newman

NOTARY PUBLIC, State of Florida at Large  
My Commission Expires:



Derek Igou  
Deputy Chief Administrative Officer  
For Mayor John Peyton  
Under Authority of:  
Executive Order No. 10-02

FORM APPROVED

Neill W. McArthur Jr.  
ASSISTANT GENERAL COUNSEL

Prepared by:  
Rova Bond  
Beaches Title Services, LLC  
484 Jacksonville Drive  
Jacksonville Beach, Florida 32250

File Number: 1001-018

### General Warranty Deed

Made this December 22, 2005 A.D. By Robert Stark conveying non homestead, whose address is: 4513 Huntington Road, Jacksonville, FL 32210, hereinafter called the grantor, to Michael Spencer, whose post office address is: 100 Lomas Street, Suite 109, Jacksonville, FL 32204, hereinafter called the grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

Block 32, (Except the Northwest 75 feet thereof), of BROOKLYN, according to plat recorded in Deed Book "AJ", at page 723, of the public records of Duval County, Florida, being that property described in that deed to the mortgagees herein recorded in Deed Book 1475, at page 44, of the public records of Duval County, Florida. LESS AND EXCEPT that portion described in Order of Taking recorded in Official Records 9868, page 181.

Parcel ID Number: 089332-0000

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2005.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Printed Name

Rova Bond

Witness Printed Name

JESSICA J. KAPKE

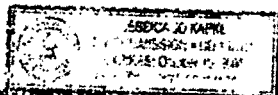
State of Florida  
County of Duval

Robert Stark

Address: 4513 Huntington Road, Jacksonville, FL 32210

Address:

The foregoing instrument was acknowledged before me this 22nd day of December, 2005, by Robert Stark, who is/are personally known to me or who has produced driver's license as identification.



Notary Public  
Print Name

JESSICA J. KAPKE

My Commission Expires

DEED Individual Warranty Deed - Original File  
Clover's Choice