

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR****APPLICATION FOR REZONING ORDINANCE 2014-0278****MAY 22, 2014**

The Planning and Development Department hereby forwards to the Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance 2014-278.

***Location:*** 11822 Flynn Road  
Between Stonebridge Drive and Stonegate Drive

***Real Estate Number:*** 105678 0000

***Current Zoning District:*** Agricultural (AGR)

***Proposed Zoning District:*** Residential Low Density -90 (RLD-90)

***Current Land Use Category:*** Low Density Residential (LDR)

***Planning District:*** Southeast, District 3

***City Council Representative:*** The Honorable Matt Schellenberg, District 6

***Owner:*** John P. Foshee  
Fairway Farms, LLC  
2733 Kelsey Place  
Jacksonville, Florida 32257

***Agent:*** Eric Almond, P.E.  
Almond Engineering, P.A.  
3609 Hendricks Avenue  
Jacksonville, Florida 32207

***Staff Recommendation:*** APPROVE

**GENERAL INFORMATION**

Application for Rezoning Ordinance 2014-278 seeks to rezone approximately 5.42 acres of land from AGR to RLD-90. The subject property is within the LDR 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 and within the Suburban Development Area. The property is located on the west side of Flynn Road between Stonebridge Drive and Stonegate Drive. The property is currently

developed as a horse farm. The Applicant intends to develop the property with 12 single-family homes on 90 feet wide lots.

### 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. In accordance with Section 656.129 Advisory recommendation on amendment of Zoning Code or rezoning of land of the Zoning Code, the Planning and Development Department finds that the subject property is located in the LDR functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the **2030 Comprehensive Plan** and is consistent therewith. The RLD-90 Zoning District is a primary zoning district within the LDR functional land use category. Single-family residential development with a maximum density up to 7 units per acre may be permitted within the LDR Land Use category in the Suburban Development Area.

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

Yes. This rezoning does further the Goals, Objectives and Policies of the 2030 Comprehensive Plan, including the following:

***FLUE Policy 1.1.20*** As depicted on the FLUM series, Development Areas have been established to determine appropriate locations for the land uses and densities and consist of five tiers of development intensities ranging from high density infill development in the historic core to very low density in the outlying rural areas.

These include: the Central Business District (CDB); the Urban Priority Area (UPA); the Urban Area (UA); the Suburban Area (SA); and the Rural Area (RA).

These Development Areas determine for each land use plan category as provided in the Operative Provisions of this element.

The proposed rezoning to RLD-90 supports the intent of the Suburban Development Area in the LDR Land Use category.

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

No. The proposed rezoning does not conflict with any portions of the City's land use regulations. If approved, the subject property will be permitted to be developed with a single-family subdivision which is consistent with existing uses on the west, south, and east of the subject property. The subject property is a residual agriculturally zoned parcel surrounded by low density residential suburban development with similar zoning (RLD-90) on three sides of the property.

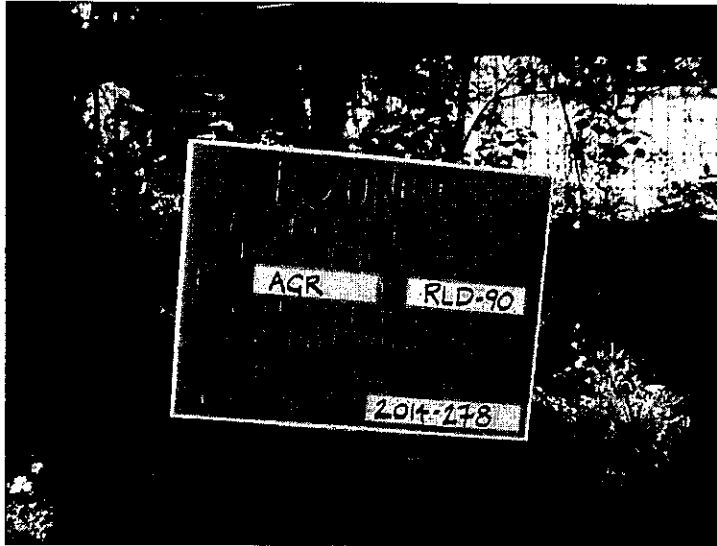
**SURROUNDING LAND USE AND ZONING**

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	LDR	RR-ACRE	Single-family
East	LDR	RLD-90/ RR-ACRE	Single-family
South	LDR	RLD-90	Single-family
West	LDR	RLD-90	Single-family

**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on the required Notice of Public Hearing sign was posted:



*Source: City of Jacksonville Planning and Development Department  
Date: May 9, 2014*

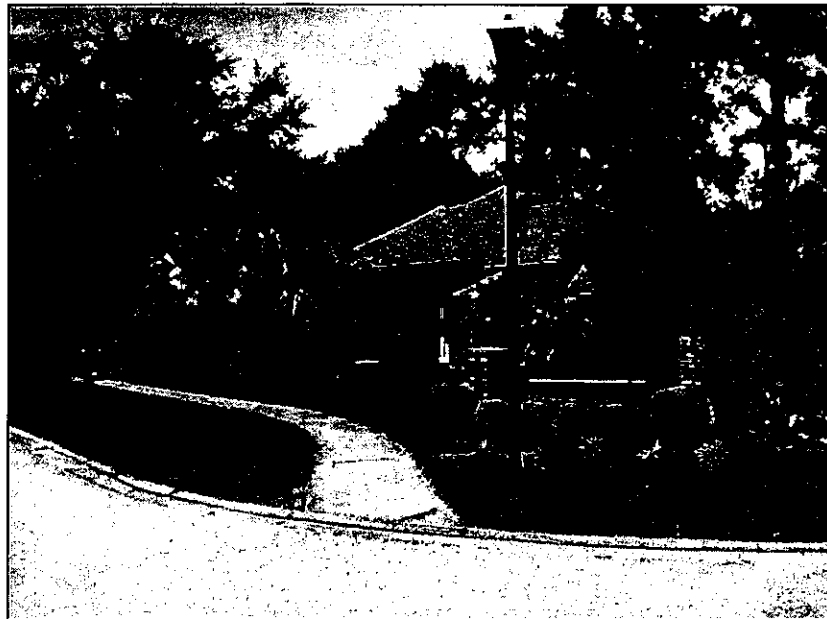
**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2014-278 be **APPROVED**.



**Property is currently developed as a horse farm.**

*Source: City of Jacksonville Planning and Development Department  
Date: May 9, 2014*



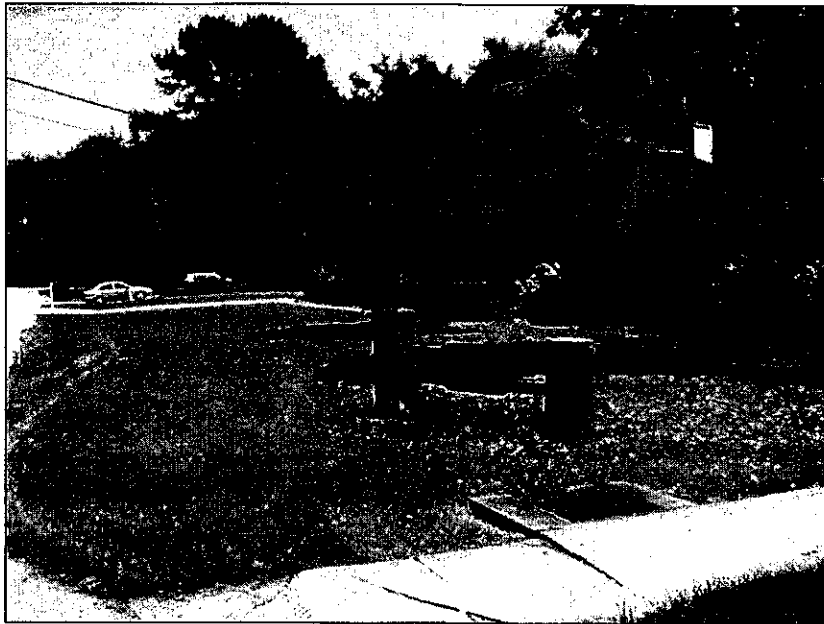
**Single-family subdivision to the south.**

*Source: City of Jacksonville Planning and Development Department  
Date: May 9, 2014*



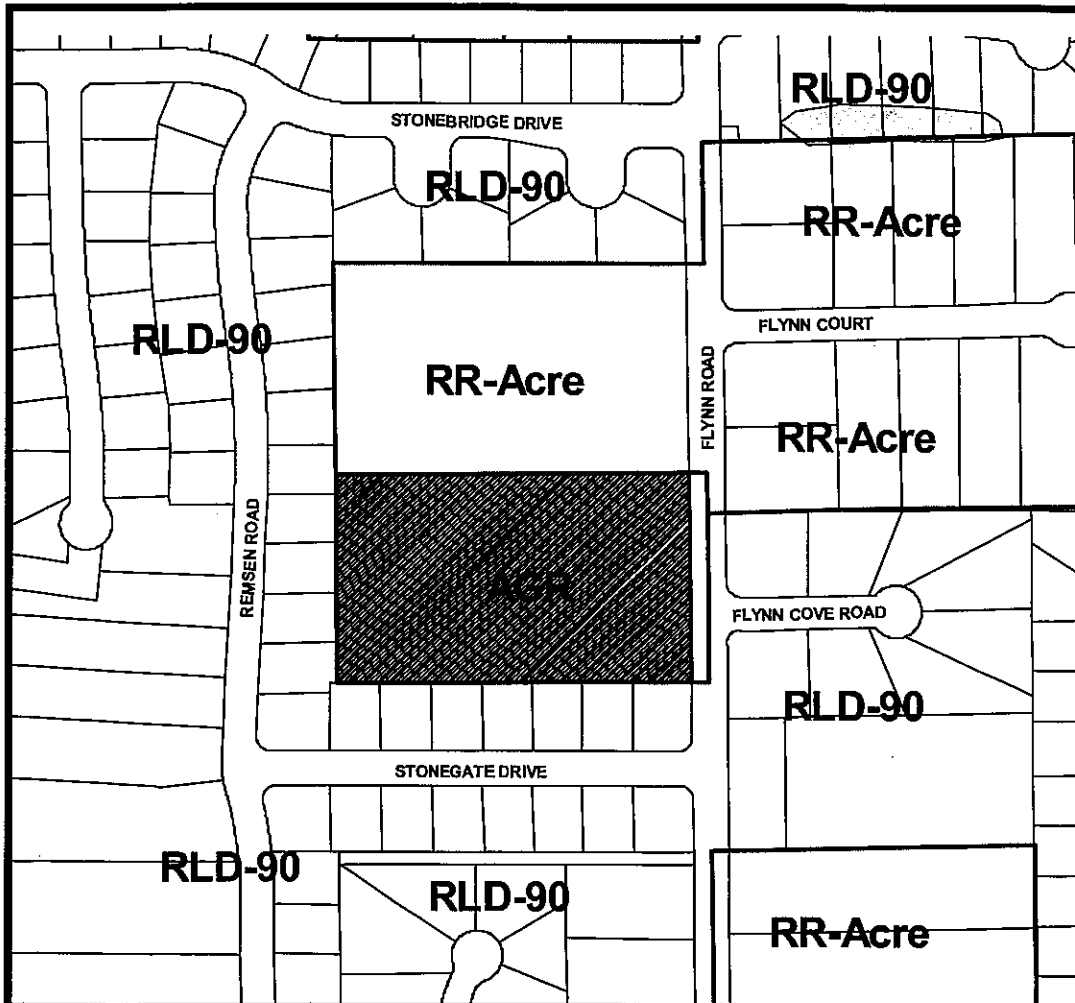
**Single-family residential (RR-ACRE) to the north.**

*Source: City of Jacksonville Planning and Development Department  
Date: May 9, 2014*



**Single-family subdivision to the east.**

*Source: City of Jacksonville Planning and Development Department  
Date: May 9, 2014*



<p>REQUEST SOUGHT:</p> <p>FROM:    <b>AGR</b></p> <p>TO:       <b>RLD-90</b></p>	<p>An inset map shows the outline of the council district with a small black dot indicating the location of the subject parcel in the southern part of the district.</p>	<p>A compass rose with cardinal directions N, S, E, W. Below it is a scale bar labeled '0 100 Feet'.</p>
	<p>ORDINANCE <u>2014_0278</u></p>	<p>COUNCIL DISTRICT: <b>6</b></p> <p>FILE COPY</p>

# Application For Rezoning To Conventional Zoning District



## Planning and Development Department Info

Ordinance # 2014-278 Staff Sign-Off/Date AAG / 04/14/2014

Filing Date 04/16/2014 Number of Signs to Post 2

### Hearing Dates:

1st City Council 04/22/2014 Planning Commission 05/22/2014

Land Use & Zoning 06/03/2014 2nd City Council 05/27/2014

Neighborhood Association OLDE MANDARIN NEIGHBORHOOD ASSOCIATION

Neighborhood Action Plan/Corridor Study NONE

## Application Info

Tracking # 587

Application Status PENDING

Date Started 03/26/2014

Date Submitted 03/26/2014

## General Information On Applicant

Last Name	First Name	Middle Name
ALMOND, P.E.	ERIC	J

Company Name  
ALMOND ENGINEERING, P.A.

Mailing Address  
3609 HENDRICKS AVENUE

City	State	Zip Code
JACKSONVILLE	FL	32207

Phone	Fax	Email
904	904	EALMOND@ALMONDENGINEERING.COM

## General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
FOSHEE	JOHN	P

Company/Trust Name  
FAIRWAY FARMS, INC.

Mailing Address  
2733 KELSEY PLACE

City	State	Zip Code
JACKSONVILLE	FL	32257

Phone	Fax	Email
904		

## Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

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



Map	108127 0000	11	6	CCG-1	CCG-2
-----	-------------	----	---	-------	-------

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

Land Use Category Proposed?

If Yes, State Land Use Application #	Land Use Category
	Community/General Commercial

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

**Justification For Rezoning Application**

OWNER WISHES TO DEVELOP PROPOERTY CONSISITENT WITH SURROUNDING ZONING DISTRICT (RLD-90). PROPOSED IS 12 RESIDENTIAL LOTS CONSISTENT WITHT HE RLD-90 ZONING AND DEVELOPMENT STANDARDS.

**Location Of Property**

**General Location**

House #	Street Name, Type and Direction	Zip Code
<input type="text" value="0"/>	<input type="text" value="PECAN PARK RD"/>	<input type="text" value="32218"/>

**Between Streets**

and

**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  
5.42 Acres @ \$10.00 /acre: \$60.00
- 3) Plus Notification Costs Per Addressee  
58 Notifications @ \$7.00 /each: \$406.00
- 4) Total Rezoning Application Cost: \$2,466.00

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

# FLYNN ROAD SUBDIVISION

11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
GENERAL PROJECT INFORMATION

**GENERAL**

City Development Number: 11822-2300  
 Property Address Number: 11822-2300  
 Zoning Description: RR-ACRE  
 CURRENT ZONING: ADR  
 PROPOSED ZONING: RR-ACRE  
 PROJECT NUMBER: 11822-2300

**PERMITS**

Final Zoning Approval: 05/14/11  
 Final Plat Approval: 05/14/11  
 Final Plat Approval: 05/14/11  
 Final Plat Approval: 05/14/11

**OWNER**

FLYNN ROAD SUBDIVISION  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111

**DESIGNER**

ALMOND ENGINEERING  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111

**CONTRACTOR**

ALMOND ENGINEERING & ASSOC.  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111

**REMARKS**

1. THIS PLAN IS THE PROPERTY OF ALMOND ENGINEERING & ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ALMOND ENGINEERING & ASSOCIATES, INC.

**SITE DATA SUMMARY**

LOT #	WIDTH	LENGTH	TOTAL AREA	MIN. AREA REQUIREMENT
1	50	167	8350.00	5000.00
2	50	156	7800.00	5000.00
3	50	156	7800.00	5000.00
4	50	99	4950.00	5000.00
5	50	149	7450.00	5000.00
6	50	109	5450.00	5000.00
7	50	177	8850.00	5000.00
8	50	224	11200.00	5000.00
9	50	211	10550.00	5000.00
10	50	184	9200.00	5000.00
11	50	184	9200.00	5000.00
12	50	184	9200.00	5000.00

TRACT	USE	OWNERSHIP
1	STORMWATER	HOA
2	LANDSCAPE	HOA
3	LANDSCAPE	HOA

## PROJECT CONTACTS

**OWNER**

FLYNN ROAD SUBDIVISION  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111

**DESIGNER**

ALMOND ENGINEERING  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111

**CONTRACTOR**

ALMOND ENGINEERING & ASSOC.  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111

## PROJECT CONTACTS

**OWNER**

FLYNN ROAD SUBDIVISION  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111

**DESIGNER**

ALMOND ENGINEERING  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111

**CONTRACTOR**

ALMOND ENGINEERING & ASSOC.  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111

## PROJECT CONTACTS

**OWNER**

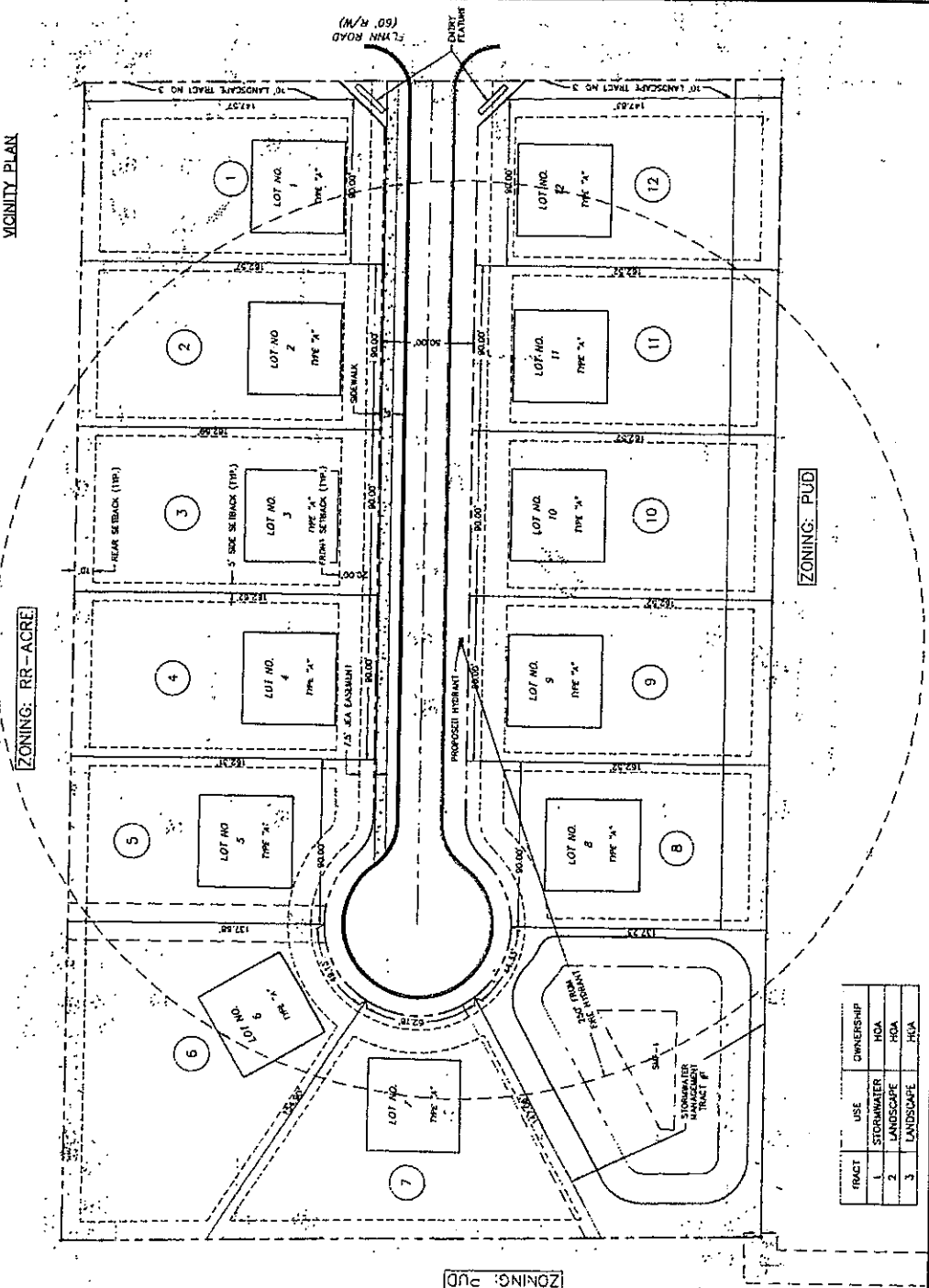
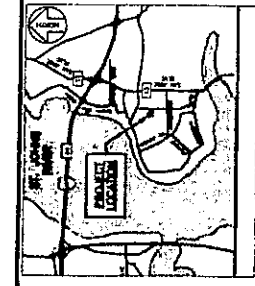
FLYNN ROAD SUBDIVISION  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111

**DESIGNER**

ALMOND ENGINEERING  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111

**CONTRACTOR**

ALMOND ENGINEERING & ASSOC.  
 11822 FLYNN ROAD, JACKSONVILLE, FL 32223  
 (904) 766-1111



**EXHIBIT A**

**Property Ownership Affidavit**

Date: March 14, 2014

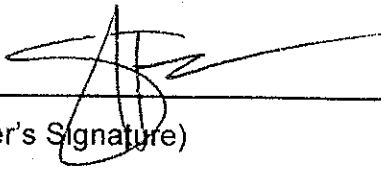
**City of Jacksonville**

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

Re: Ownership Certification

Gentleman:

I, John P Foshee/Fairway Farms, Inc. 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 11822 Flynn Road, Jacksonville, FL 32257  
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 14<sup>th</sup> day of  
March (month), 2014 (year) by John P. Foshee  
who is personally known to me or has produced \_\_\_\_\_  
as identification.

Elizabeth M Bailey  
(Notary Signature)



# EXHIBIT B

## Agent Authorization

Date: March 14, 2014

### City of Jacksonville

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

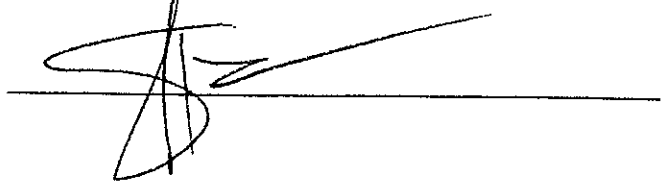
Re: Agent Authorization for the following site location:

11822 Flynn Road, Jacksonville, FL 32257

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 Eric J. Almond, P.E./Almond Engineering, P.A. to act as agent to file application(s) for Flynn Road Subdivision 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 14<sup>th</sup> day of March (month), 2014 (year) by John P. Foshee, who is personally known to me or has produced \_\_\_\_\_ as identification.

Elizabeth M. Bailey  
(Notary Signature)



Book 9126 Pg 1874

THIS INSTRUMENT PREPARED BY:  
H.L. Holbrook  
Holbrook, Akel, Cold, Stiefel & Ray, P.A.  
1 Independent Drive, Suite 2301  
Jacksonville, Florida 32202

RECORD AND RETURN TO:  
H.L. Holbrook  
1 Independent Drive, Suite 2301  
Jacksonville, Florida 32202

RE PARCEL ID #: 105678-000  
BUYER'S TIN:

FOR RECORDER	
Bk:	9126
Pg:	1874 - 1876
Doc#	98274259
Filed & Recorded	11/10/98
	10:46:05 A.M.
	HENRY W. COOK
	CLERK CIRCUIT COURT
	DUVAL COUNTY, FL
REC:	\$ 15.00
DEED	\$1,750.00

### WARRANTY DEED

THIS WARRANTY DEED made this 30th day of October, 1998 by Wilda Dee Johnson, an unmarried widow, hereinafter called Grantor, and whose address is 1500 Bishop Estates Road #31B, Jacksonville, FL 32259-4253 to Fairway Farms, Inc., a Florida corporation, hereinafter called Grantee and whose address is 2733 Kelsey Place, Jacksonville, FL 32257.

(Wherever used herein the term "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 and NO/100 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate, lying and being in Duval County, Florida, viz:

See Exhibit "A" Attached

This instrument prepared without benefit of title examination, title insurance or attorney's opinion of title.

25159

**SUBJECT TO** taxes accruing subsequent to December 31, 1997.  
**SUBJECT TO** covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.  
**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.  
**IN WITNESS WHEREOF**, the said Grantor has signed and sealed these presents the day and year first above written.

Book 9126 P. 1875

Signed, sealed and delivered in our presence:

Helen Holbrook  
Witness Signature

Helen Holbrook  
Witness Printed Signature

Mary F. Greenhill  
Witness Signature

Mary F. Greenhill  
Witness Printed Signature

Wilda Dee Johnson  
Wilda Dee Johnson

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 30th day of October, 1998 by Wilda Dee Johnson. She is personally known to me or has produced FL Drivers License as identification.

Notary Public, State and County Aforesaid

Mary F. Greenhill  
Notary Signature

\_\_\_\_\_  
Notary Printed Signature

\_\_\_\_\_  
(Title or Rank)

\_\_\_\_\_  
(Serial No., if any)



# ORDINANCE

---

## Legal Description

---

A part of Government Lots 1 and 5, Section 13, Township 4 South, Range 26 East, Duval County, Florida, being more particularly described as follows: COMMENING at the Northeast corner of said Section 13; then North 89°49'23" West, along the North line of said Section 13, a distance of 30.00 feet to a point situate in the Westerly right of way line of Flynn Road (a 60 foot right of way); thence South 00°39'57" East, along said Westerly right of way line, a distance of 1282.50 feet for a POINT OF BEGINNING; thence continue South 00°39'57" East, along said Westerly right of way line, a distance of 375.21 feet to the Northeast corner of Lot 41, Stonebridge Unit Two, as recorded in Plat Book 45, Pages 80, 80A, 80B and 80C of the Current Public Records of said County; thence North 89°29'58" West, along said North line of Lot 41 and along the North line of Lots 40, 39, 38, 37, 36 and 35, said plat of Stonebridge Unit Two, a distance of 629.86 feet to a point situate in the East line of Lot 33, said plat of Stonebridge Unit Two; thence North 00°39'57" West, along said East line of Lot 33 and along the Easterly line of Lots 32, 31 and 30, said plat of Stonebridge Unit Two and along the East line of Lot 15, Block 2, Stonebridge Unit One and recorded in Plat Book 39, Pages 81 and 81A of said Current Public Records, a distance of 374.88 feet; thence South 89°31'47" East, a distance of 629.85 feet to the POINT OF BEGINNING.