

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2014-595
SEPTEMBER 18, 2014

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance 2014-595.

Location: 12375 Dunn Creek Road
Between Dunn Creek Road and New Berlin Road

Real Estate Numbers: 106524-0050

Current Zoning District: Residential Rural-Acre (RR-Acre)

Proposed Zoning District: Residential Low Density-60 (RLD-60)

Current Land Use Category: Low Density Residential (LDR)

Planning District: North, 6

City Council District: The Honorable Ray Holt, District 11

Owner: Louis Cherry
260 Black Camp Cap Road
Maggie Valley, North Carolina 28751

Agent : Kelly Smith
Atlee Development Group, Inc.
5851 Timuquana Road, Suite 301
Jacksonville, Florida 32210

Staff Recommendation: **APPROVE with the caveat rezoning to RLD-70**

GENERAL INFORMATION

Application for Rezoning Ordinance 2014-595 seeks to rezone 18.90 acres of land from the RR-Acre to RLD-60 Zoning District. According to the Property Appraiser's website, the subject property is currently developed with a 2 story single family structure that was built in 1962. 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. The minimum lot requirements for the proposed RLD-60 zoning

district include a minimum lot size of 6,000 square feet and 60-foot lot width. The primary housing type in the area is single-family with some duplexes located to the south. There was also a Minor Modification (MM-10-12) to an existing Planned Unit Development (PUD 2002-1157).

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 Low Density Residential (LDR) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The LDR functional land use is a category intended to provide for low density residential development. Generally, single-family detached housing should be the predominant development typology in this category.

Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan pursuant to Chapter 650 *Comprehensive planning for future development* of the Ordinance Code.

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

Yes. This rezoning furthers the Goals, Objectives and Policies of the Future Land Use Element (FLUE) 2030 Comprehensive Plan, including the following:

FLUE Goal 3

To achieve a well-balanced and organized combination of residential, nonresidential, recreational and public uses served by a convenient and efficient transportation network,

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

Objective 3.1: Continue to maintain adequate land designated for residential uses which can accommodate the projected population and provide safe, decent, sanitary and affordable housing opportunities for the citizens. Protect single-family residential neighborhoods by requiring that any other land uses within single-family areas meet all applicable requirements described in the Developmental Areas and the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and Land Development Regulations. The proposed RLD-70 zoning district allows development compatible with the surrounding lot sizes which are predominately a mix between 70 and 100 feet wide lots.

Objective 6.3: The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents. This application for rezoning will allow for the existence of a single-family development, thereby strengthening the viability of the residential area.

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

No. It is the opinion of the Planning and Development Department that the proposed rezoning does not appear to be in conflict with any portion of the City's land use regulations. Proposed lot size of 70 feet in width is generally compatible with the surrounding 100 foot wide parcels. The aforementioned lot sizes represent large lot single-family development and provide a greater variety of housing product types within the area.

SURROUNDING LAND USE AND ZONING

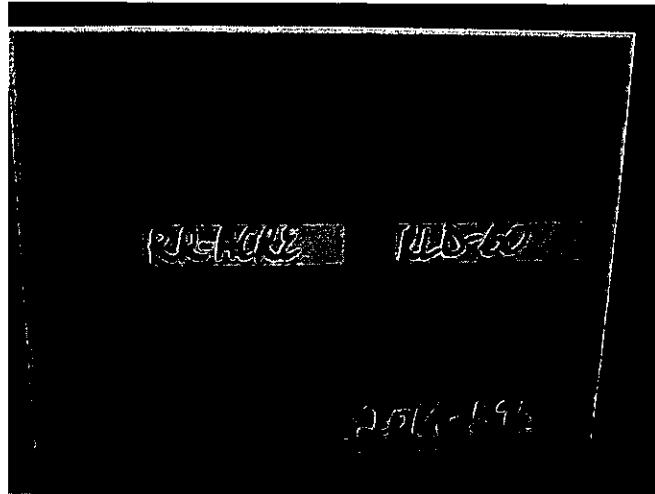
The subject property is located on Dunn Creek Road. The surrounding uses, land use category and zoning are as follows:

<u>Adjacent Properties</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use</u>
North	LDR	RR-Acre	Single-family
East	LDR	RLD-100A	Single-family
South	LDR	RR-Acre & PUD (2002-1157)	Single-family
West	LDR	RR-Acre	Single-family

The proposed rezoning to RLD-70 will be consistent and compatible with the surrounding residential with the surrounding 100 foot wide parcels.

SUPPLEMENTARY INFORMATION

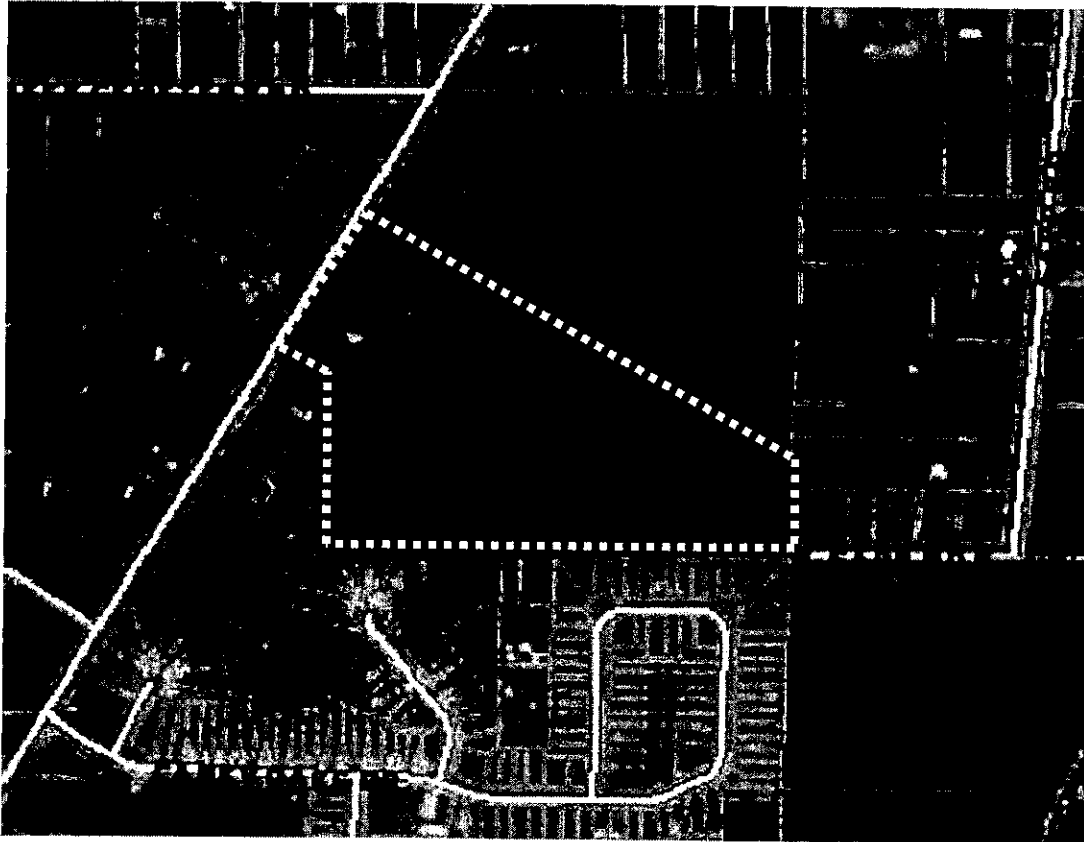
Upon visual inspection of the subject property on the required Notice of Public Hearing sign was posted on September 9, 2014:



RECOMMENDATION

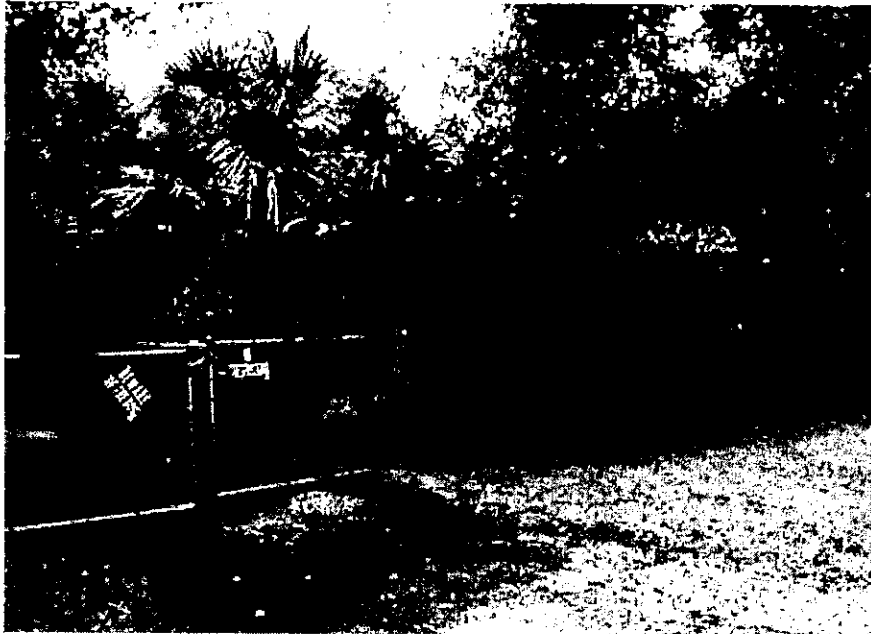
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2014-595** be **APPROVED** with the caveat rezoning to **RLD-70**.

Aerial View of subject property



Source: City of Jacksonville GIS 3.3

Subject property



Source: City of Jacksonville Planning and Development Department
Date: 9/9/14

View looking south off right-of-way from subject property



Source: City of Jacksonville Planning and Development Department
Date: 9/9/14

View looking south off right-of-way from subject property



Source: City of Jacksonville Planning and Development Department
Date: 9/9/14

View looking north off right-of-way from subject property

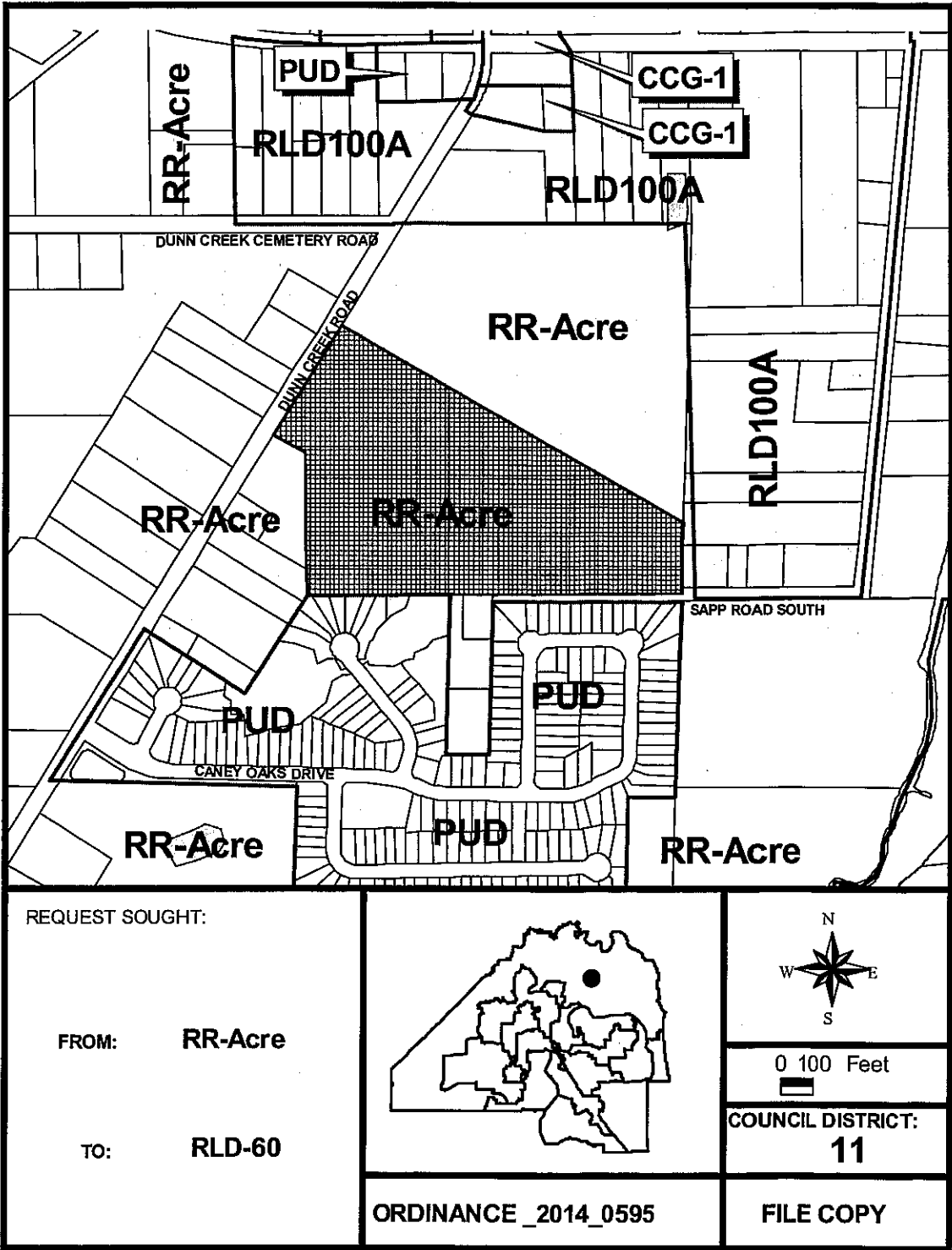


Source: City of Jacksonville Planning and Development
Date: 9/9/14

Single-family located northwest of subject site



Source: City of Jacksonville Planning and Development
Date: 9/9/14



Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # Staff Sign-Off/Date / N/A

Filing Date N/A Number of Signs to Post N/A

Hearing Dates:

1st City Council N/A Planning Commission N/A

Land Use & Zoning N/A 2nd City Council N/A

Neighborhood Association

Neighborhood Action Plan/Corridor Study

Application Info

Tracking # 668 Application Status FILED COMPLETE

Date Started 07/09/2014 Date Submitted 07/09/2014

General Information On Applicant

Last Name	First Name	Middle Name
SMITH	KELLY	L

Company Name

ATLEE DEVELOPMENT GROUP, INC.

Mailing Address

5851 TIMUQUANA RD # 301

City	State	Zip Code
JACKSONVILLE	FL	32210

Phone	Fax	Email
9043846964	9043846889	KELLY@ATLEEGROUP.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
CHERRY	LOUIS	L

Company/Trust Name

Mailing Address

260 BLACK CAMP GAP RD

City	State	Zip Code
MAGGIE VALLEY	NC	28751

Phone	Fax	Email
9045040189		KELLY@ATLEEGROUP.NET

Last Name	First Name	Middle Name
CHERRY	BRENDA	

Company/Trust Name

Mailing Address

260 BLACK CAMP GAR RD

City	State	Zip Code
MAGGIE VALLEY	NC	28751
Phone	Fax	Email
9043169960		KELLY@ATLEEGROUP.NET

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 106524 0050	11	6	RR-ACRE	RLD-60

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

Existing Land Use Category

Low Density Residential

Land Use Category Proposed?

If Yes, State Land Use Application # _____

Total Land Area (Nearest 1/100th of an Acre) 18.90

Justification For Rezoning Application

TO BRING PROPERTY INTO CONFORMITY WITH SURROUNDING PROPERTIES BEING DEVELOPED INTO 60 FOOT LOT DEVELOPMENTS

Location Of Property

General Location

EAST SIDE DUNN CREEK RD. SOUTH OF NEW BERLIN RD

House #	Street Name, Type and Direction	Zip Code
12375	DUNN CREEK RD	32218

Between Streets

DUNN CREEK RD and NEW BERLIN RD

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 8 1/2" 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**
18.90 Acres @ \$10.00 /acre: \$190.00
- 3) Plus Notification Costs Per Addressee**
40 Notifications @ \$7.00 /each: \$280.00
- 4) Total Rezoning Application Cost: \$2,470.00**

NOTE: Advertising Costs To Be Billed to Owner/Agent

453 N. Main St., Suite 302
Jacksonville, Florida 32218

(Space above this line reserved for recording office use only)

QUIT-CLAIM DEED

IDENTIFICATION OF GRANTOR

Grantor's name and address is: LOUIS CHERRY
12375 Dunn Creek Road
Jacksonville, FL 32218

The word "I" or "me" as hereafter used means the Grantor.

IDENTIFICATION OF GRANTEE

Grantee's names and address' LOUIS CHERRY and BRENDA CHERRY, HIS WIFE
are:
12375 Dunn Creek Road
Jacksonville, FL 32218

The word "you" as hereafter used means the Grantee.

MEANINGS OF TERMS

The terms "I," "me," "you," "grantor," and "grantee," shall be non-gender specific (i) male, (ii) feminine, or (iii) neuter, such as corporations, partnerships or trusts), singular or plural, as the context permits or requires, and include heirs, personal representatives, successors or assigns where applicable and permitted.

CONVEYANCE OF REAL PROPERTY

The Grantor, for and in consideration of the sum of \$10.00, to Grantor in hand paid by the Grantees, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantees, the following described land:

EXHIBIT 'A'

TO HAVE AND TO HOLD, the same in fee simple forever.

THIS IS THE HOMESTEAD OF THE GRANTOR.

DUIS CHERRY

(Date)

Signed in the presence of:

Signed in the presence of:

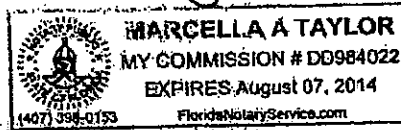
Dawn Roberson
Witness DAWN ROBERSON

Marcella Taylor
Witness Marcella Taylor

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 8 day of Feb, 2012, by
DUIS CHERRY, who is personally known to me or has produced _____ as
attestation.

Marcella Taylor
Notary Public - State of Florida



Agent Authorization

Date: July 9th, 2014

City of Jacksonville
Planning and Development Department
128 East Forsyth Street, Florida Theatre Building, Suite 700
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

RE# 106524-0050 a/k/a 12375 Dunn Creek Road, Jacksonville, FL 32218

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 Kenyon S. Atlee and/or Kelly Smith to act as agent to file application(s) for the 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.

Louis Cherry
Louis Cherry

Brenda Cherry
Brenda Cherry

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 9th day of July, 2014 by Louis Cherry and Brenda Cherry, who is personally known to me or has produced _____ as identification.

[Signature]
(Notary Signature)



MAP SHOWING BOUNDARY SURVEY OF

A PORTION OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF DUNN CREEK CEMETERY ROAD WITH THE CENTERLINE OF DUNN CREEK ROAD; THENCE NORTH $86^{\circ}51'54''$ EAST, A DISTANCE OF 28.72 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DUNN CREEK ROAD; THENCE SOUTH $31^{\circ}24'24''$ WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 435.02 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $59^{\circ}45'47''$ EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1355.76 FEET TO A POINT IN THE EASTERLY LINE OF SAID SECTION 34; THENCE SOUTH $02^{\circ}55'29''$ WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 269.52 FEET TO THE NORTH LINE OF SAPP ROAD; A 30 FOOT RIGHT OF WAY; THENCE SOUTH $89^{\circ}44'26''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 229.61 FEET; THENCE SOUTH $82^{\circ}19'12''$ WEST, A DISTANCE OF 650.59 FEET; THENCE NORTH $00^{\circ}02'24''$ WEST, A DISTANCE OF 519.70 FEET; THENCE NORTH $56^{\circ}47'04''$ WEST, A DISTANCE OF 119.65 FEET TO A POINT IN SAID EASTERLY RIGHT OF WAY OF DUNN CREEK ROAD; THENCE NORTH $31^{\circ}24'28''$ EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 435.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 18.90 ACRES, MORE OR LESS.

Exhibit 1

PORTION OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF DUNN CREEK EASTERLY ROAD WITH THE CENTERLINE OF DUNN CREEK ROAD; THENCE NORTH $89^{\circ}21'54''$ EAST, A DISTANCE OF 88.72 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DUNN CREEK ROAD; THENCE SOUTH $81^{\circ}24'28''$ WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 436.02 FEET TO THE CORNER OF BEGINNING; THENCE SOUTH $59^{\circ}48'47''$ EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1368.78 FEET TO A POINT IN THE EASTERLY LINE OF SAID SECTION 34; THENCE SOUTH $88^{\circ}28''$ WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 269.52 FEET TO THE NORTH LINE OF SAID SECTION 34, A 80 FOOT RIGHT OF WAY; THENCE SOUTH $89^{\circ}44'25''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 529.81 FEET; THENCE SOUTH $89^{\circ}19'12''$ WEST, A DISTANCE OF 669.59 FEET; THENCE NORTH $00^{\circ}02'24''$ EAST, A DISTANCE OF 519.70 FEET; THENCE NORTH $58^{\circ}47'04''$ WEST, A DISTANCE OF 119.86 FEET TO A POINT IN SAID EASTERLY RIGHT OF WAY OF DUNN CREEK ROAD; THENCE NORTH $81^{\circ}24'28''$ EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 436.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 18.90 ACRES, MORE OR LESS.

Property Ownership Affidavit

Date: July 9, 2014

City of Jacksonville

City Council / Planning and Development Department

117 West Duval Street, 4th Floor / 128 East Forsyth Street, Florida Theatre Building, Suite 700
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

I, Louis Cherry and Brenda Cherry hereby certify that we are the Owner(s) of the property described in the attached legal description, **Exhibit 1** in connection with filing application(s) for a Re-zoning for RE#106524-0050 a/k/a 12375 Dunn Creek Road, Jacksonville Florida which consist of 18.90 acres, submitted to the Jacksonville Planning and Development Department.

Louis Cherry
Louis Cherry

Brenda Cherry
Brenda Cherry

STATE OF Florida
COUNTY OF Duval

The foregoing affidavit was sworn and subscribed before me this 9th day of July, 2014 by Louis and Brenda Cherry who is personally known to me or has produced _____ as identification.

Kelly L. Smith
(Notary Signature)



Exhibit 1

DESCRIPTION OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF DUNN CREEK ROAD WITH THE CENTERLINE OF DUNN CREEK ROAD; THENCE NORTH $80^{\circ}51'54''$ EAST, A DISTANCE OF 10.72 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DUNN CREEK ROAD; THENCE SOUTH $81^{\circ}20'21''$ WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 435.02 FEET TO THE POINT OF BEGINNING; THENCE SOUTH $50^{\circ}45'47''$ EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1505.76 FEET TO A POINT IN THE EASTERLY LINE OF SAID SECTION 34; THENCE SOUTH $74^{\circ}58'$ WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 269.52 FEET TO THE NORTH LINE OF SAID 60 FOOT RIGHT OF WAY; THENCE SOUTH $89^{\circ}44'25''$ WEST, ALONG SAID NORTH LINE, A DISTANCE OF 829.81 FEET; THENCE SOUTH $89^{\circ}19'12''$ WEST, A DISTANCE OF 659.59 FEET; THENCE NORTH $09^{\circ}02'24''$ EAST, A DISTANCE OF 619.79 FEET; THENCE NORTH $58^{\circ}47'04''$ WEST, A DISTANCE OF 119.85 FEET TO A POINT IN SAID EASTERLY RIGHT OF WAY OF DUNN CREEK ROAD; THENCE NORTH $81^{\circ}24'26''$ EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 435.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 18.90 ACRES, MORE OR LESS.

PORTION OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA AND BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ON A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF DUNN CREEK
EASTERLY ROAD WITH THE CENTERLINE OF DUNN CREEK ROAD; THENCE NORTH 80°51'54" EAST, A
DISTANCE OF 88.72 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SAID DUNN CREEK ROAD; THENCE
NORTH 31°24'26" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 435.02 FEET TO THE
POINT OF BEGINNING; THENCE SOUTH 59°46'47" EAST, DEPARTING SAID EASTERLY RIGHT OF WAY LINE, A
DISTANCE OF 1366.76 FEET TO A POINT IN THE EASTERLY LINE OF SAID SECTION 34; THENCE SOUTH
68°39' WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 259.52 FEET TO THE NORTH LINE OF SAPP
ROAD, A 30 FOOT RIGHT OF WAY; THENCE SOUTH 69°44'25" WEST, ALONG SAID NORTH LINE, A DISTANCE
OF 329.51 FEET; THENCE SOUTH 89°10'18" WEST, A DISTANCE OF 669.59 FEET; THENCE NORTH 00°02'24"
EAST, A DISTANCE OF 519.70 FEET; THENCE NORTH 58°47'04" WEST, A DISTANCE OF 119.86 FEET TO A
POINT IN SAID EASTERLY RIGHT OF WAY OF DUNN CREEK ROAD; THENCE NORTH 31°24'26" EAST, ALONG
SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 435.02 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 18.90 ACRES, MORE OR LESS.

