

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING 2014-0696

NOVEMBER 20, 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 **2014-0696**.

Location: 3515 Rosselle Street; on the north side of Rosselle Street south of Interstate 10 and west of Nelson Street

Real Estate Number(s): 078933 0000

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

Proposed Zoning District: Residential Medium Density-B (RMD-B)

Current Land Use Category: Medium Density Residential (MDR)

Planning District: Northwest (5)

City Council Representative: The Honorable Jim Love, District 14

Planning Commission Representative: Lara Dietrich

Applicant/Owner: Beth B. Gibbs/Paul A. Gibbs
Beth Gibbs, LLC
603 S. Fletcher Avenue
Fernandina Beach, Florida 32034

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Rezoning 2013-05 seeks to rezone approximately 0.25 acres of land on the north side of Rosselle Street west of Nelson Street from the Residential Medium Density-A (RMD-A) Zoning District to the Residential Medium Density-B (RMD-B) Zoning District. The application is requesting a zoning district to allow for a multi-family use. The area is characterized by a single-family residential development pattern on lots ranging from approximately a tenth of an acre to ¼ of an acre.

The property is within the Medium Density Residential (MDR) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan.

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?

No. According to the category description 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 transitional uses between low density residential uses and higher density residential uses, commercial uses and public and semi-public use areas.

Compatibility with adjacent and abutting residential neighborhoods shall be achieved through the implementation of site design techniques including but not limited to: transitions in uses; buffering; setbacks; the orientation of open space; and graduated height restrictions to affect elements such as height, scale, mass and bulk of structures, pedestrian accessibility, vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise and odor.

While the proposed Zoning District may be sought as a primary zoning district allowed in the MDR Land Use Category meeting the requirements of Section 656.350 of the Zoning Code, this request does not provide for a gradual transition of densities and intensities with the surrounding area's current development trend of single-family residential homes that were built starting in the late 1940's through the 1960's. The application represents an isolated multi-family request/zoning district into an established single-family residential neighborhood area and may set a negative precedent for future erosion of the neighborhood and conversion to absentee landlord multi-family development. In addition, there are currently no other multi-family uses in the area that would substantiate the request. As such, an approval of this rezoning would constitute spot zoning and does not further the goals, objectives and policies of the 2030 Comprehensive Plan.

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

No. When applying the criteria of consistency with the 2030 Comprehensive Plan, the Planning and Development Department considers the combined factors of the goals, objectives, and policies of the plan along with the appropriate Functional Land Use categories as identified in the Future Land Use Map series (FLUMs) of the Future Land Use Element (FLUE). The fact

that the proposed zoning change requested is permissible within a given land use category does not automatically makes the rezoning consistent with the 2030 Comprehensive Plan.

The compatibility between the uses permitted in the requested zoning district and the existing residential uses in the surrounding area must be considered in reviewing a rezoning. When viewed in this context, the Planning and Development Department concludes that the proposed rezoning to RMD-B constitutes a spot zoning and is inconsistent with the following policies of the 2030 Comprehensive Plan:

FLUE Policy 1.1.1 states that “The City shall ensure that all new development and redevelopment after the effective date of the 2030 Comprehensive Plan is consistent with the Future Land Use Map series, and textual provisions of this and other elements of the 2030 Comprehensive Plan, as provided in Chapter 163 (Part II), Florida Statutes (F.S).”

FLUE Policy 1.1.2 states that “The Land Development Regulations shall include locational criteria and standards for densities or intensities of use for each future land use category as described in the Plan Category Description of the Operative Provisions. In order to ensure the development of a variety of neighborhoods and living environments, the Land Development Regulations shall include several zoning districts with different minimum lot size and density of development requirements in each residential land use category.”

FLUE Policy 1.1.7 states that the City shall provide for a “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.”

FLUE Policy 1.1.20 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl.

FLUE Policy 3.1.19 The City shall adopt criteria and standards in order to limit the location of single-family attached and multi-family housing units to the periphery of established single-family detached neighborhoods and non-residential nodes, along collectors, arterials, and rail transit corridors, unless the higher density residential development is a component of a mixed or multi-use project.

While this proposed RMD-B Zoning District request meets all of the criteria requirements for development in the MDR Land Use Category, the proposed rezoning allows for a multi-family use which currently does not exist in the area and does not provide for a gradual transition of densities and intensities with the surrounding area. It would disrupt the existing single-family residential character of the area. In addition there is no other multi-family uses/development in the area that would substantiate the placement of a similar use. Approval of this rezoning would constitute spot zoning and does not further the goals, objectives and policies of the 2030 Comprehensive Plan.

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. The subject property meets the lot requirements of the RMD-B Zoning District as set forth in Section 656.306 of the Zoning Code and is currently developed with a single-family home.

The proposed amendment is inconsistent with the adjoining land uses, is not an appropriate infill location, and is not a part of a mixed used or multi use development. The subject site is located within an older residential subdivision and established neighborhood. The proposed change represents an encroachment of a multi-family use into an established single-family residential neighborhood, possibly setting a negative precedent for future erosion/conversion of the neighborhood to/with multi-family uses and development.

SURROUNDING LAND USE AND ZONING

The square 0.25 acre parcel is located on the north side of Rosselle Street, west of Nelson Street. The surrounding land use categories, zoning and uses are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use
North	MDR	RMD-A	Single family dwellings
South	MDR	RMD-A	Single family dwellings
East	MDR	RMD-A	Single family dwellings
West	MDR	RMD-A	Single family dwellings

The proposed rezoning will constitute "spot zoning," that is an isolated zoning district unrelated to adjacent and nearby districts. The grant of this rezoning will permit development that deviates from the logical and orderly development pattern of the area and is inconsistent with the adjacent and nearby residential zoning districts.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on November 10, 2014 the required Notice of Public Hearing sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2014-0696** be **DENIED**.



Facing north into the subject site from Rosselle St.



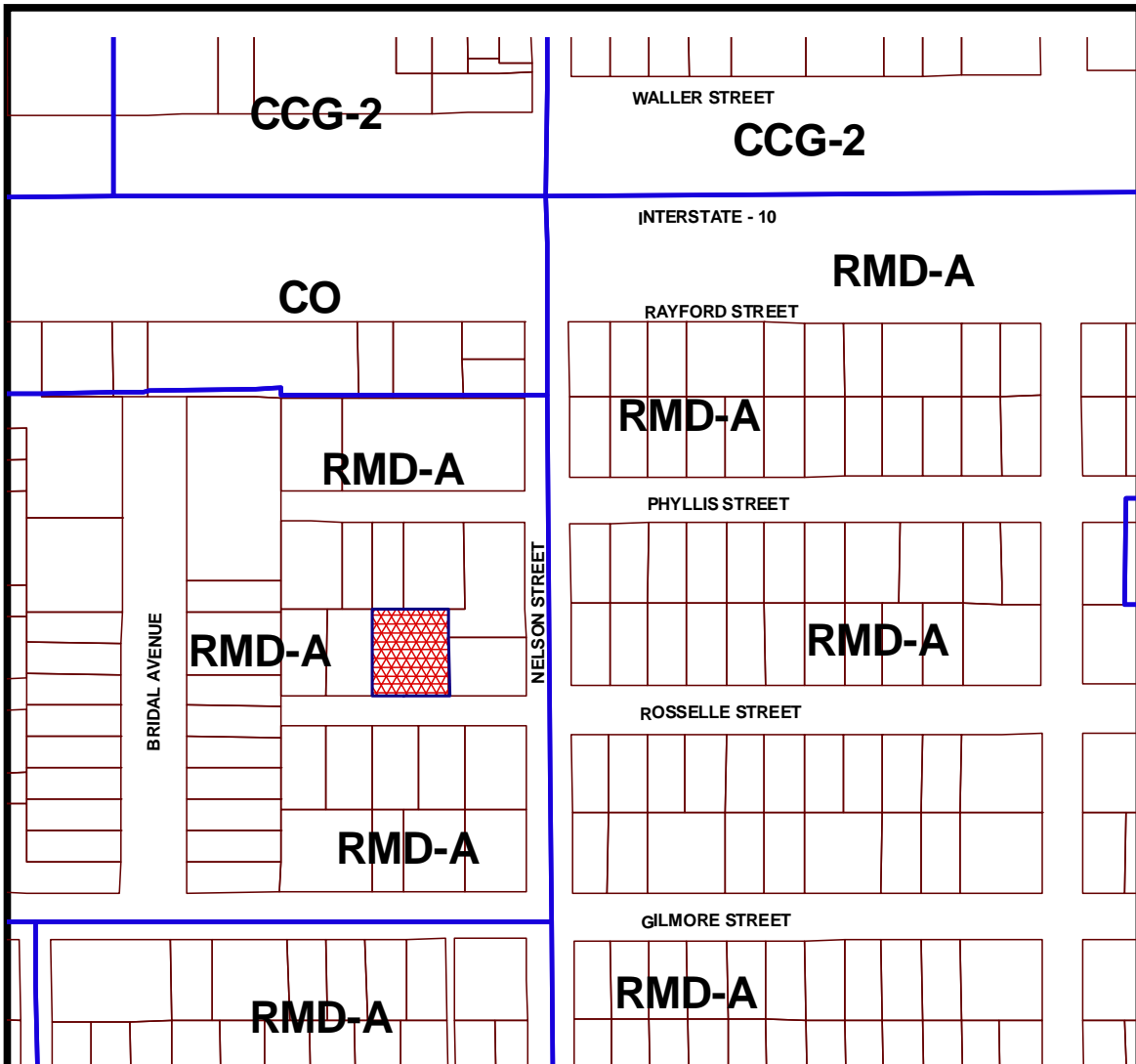
The subject site on the left facing north from Rosselle St.



The subject site on the left facing east along Rosselle St.



The subject site on the right facing west along Rosselle St.



<p>REQUEST SOUGHT:</p>		
<p>FROM: RMD-A</p> <p>TO: RMD-B</p>		<p>0 100 Feet</p> <p>COUNCIL DISTRICT: 9</p>
<p>ORDINANCE -2014-0696</p>		<p>FILE COPY</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2014-0696 **Staff Sign-Off/Date** AH / 09/25/2014

Filing Date 10/28/2014 **Number of Signs to Post** 2

Hearing Dates:

1st City Council 11/25/2014 **Planning Commission** 11/20/2014

Land Use & Zoning 12/02/2014 **2nd City Council** N/A

Neighborhood Association MURRAY HILL

Neighborhood Action Plan/Corridor Study

Application Info

Tracking # 698 **Application Status** PENDING

Date Started 09/17/2014 **Date Submitted** 09/17/2014

General Information On Applicant

Last Name	First Name	Middle Name
GIBBS	BETH	B
Company Name		
BETH GIBBS LLC		
Mailing Address		
603 S FLETCHER AVE		
City	State	Zip Code
FERNANDINS BEACH	FL	32034
Phone	Fax	Email
9043345694	9046968551	BGIBBS19@ATT.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
GIBBS	PAUL	A
Company/Trust Name		
BETH GIBBS LLC		
Mailing Address		
603 S FLETCHER AVE		
City	State	Zip Code
FERNANDINS BEACH	FL	32034
Phone	Fax	Email
9043345694	9046968551	BGIBBS19@ATT.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				

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

Existing Land Use Category

Land Use Category Proposed?

If Yes, State Land Use Application #

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

Justification For Rezoning Application

MULTI FAMILY USE REQUESTED

Location Of Property**General Location****House #****Street Name, Type and Direction****Zip Code****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
0.00 Acres @ \$10.00 /acre: \$0.00
- 3) Plus Notification Costs Per Addressee
69 Notifications @ \$7.00 /each: \$483.00
- 4) Total Rezoning Application Cost: \$2,483.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

LOT 20 & 21 AND THE WEST 20 FEET OF LOT 19, A SUBDIVISION OF
LOT 12, BLOCK 71, EDGEWOOD
ACCORDING TO PLAT THEROF RECORDED IN PLAT BOOK 6, PAGE 89,
OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

9/17/2014

EXHIBIT A

Property Ownership Affidavit

Date: 10/29/14

City of Jacksonville

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

Re: Ownership Certification

Gentleman:

I, Elizabeth Gibbs 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 re-zoning 3515 Roselle St Jacksonville, FL
submitted to the Jacksonville Planning and Development Department.

Elizabeth Gibbs
(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 21 day of
October (month), 2014 (year) by Elizabeth Gibbs
who is personally known to me or has produced _____
as identification.

[Signature]
(Notary Signature)

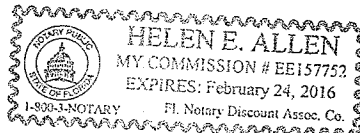


EXHIBIT A

Property Ownership Affidavit

Date: 9/17/14

City of Jacksonville

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

Re: Ownership Certification

Gentleman:

I, Paul A Gibbs 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 Re-Zoning,
submitted to the Jacksonville Planning and Development Department.

Paul A Gibbs
(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 17th day of
September (month), 2014 (year) by Paul A Gibbs
who is personally known to me or has produced _____
as identification.

H. E. Allen
(Notary Signature)

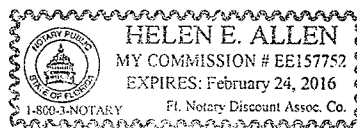


EXHIBIT B

Agent Authorization

Date: 9/17/14

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:

3515 Roselle St. Jacksonville, FL 32205

Gentleman: N/A

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

_____ to act as agent to file application(s) for
_____ 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 _____ day of
_____ (month), _____ (year) by _____,
who is personally known to me or has produced _____ as
identification.

(Notary Signature)

Prepared by and Return to:
Sunshine Title Corporation

8613 Old Kings Road South, Suite 100
Jacksonville, Florida 32217
Our File Number: STC #104521
078933-0000

For official use by Clerk's office only

STATE OF Florida)
COUNTY OF Duval)

SPECIAL WARRANTY DEED

THIS INDENTURE, made this October 31, 2013, between Pioneer Property Holdings, LLC, a Florida Limited Liability Company, whose mailing address is: 3721 Dupont Station Court South, Jacksonville, Florida 32217, party of the first part, and Beth Gibbs, LLC, a Florida Limited Liability Company, whose mailing address is: 603 South Fletcher Avenue, Fernandina Beach, Florida 32034, party/parties of the second part,

WITNESSETH:

First party, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto second party/parties, his/her/their heirs and assigns, the following described property, to wit:

Lots 20 and 21 and the West 20 feet of Lot 19, a subdivision of Lot 12, Block 71, Edgewood according to plat thereof recorded in Plat Book 6, Page 89, of the current public records of Duval County, Florida.

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.


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 party of the first part hereby covenants with said party of the second part, that it is lawfully seized of said land in fee simple: that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, first party has signed and sealed these present the date set forth on October 31, 2013.

Signed, sealed and delivered
in the presence of:

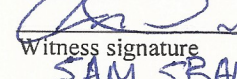
Pioneer Property Holdings, LLC, a Florida Limited Liability
Company



Witness signature

Carole James

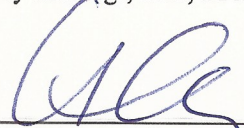
Print witness name



Witness signature

SAM SBALBI

Print witness name

By: 

Print Name: Christian A. Allen, President of Christian Allen, Inc.
Title: Managing Member

State of Florida
County of Duval

THE FOREGOING INSTRUMENT was acknowledged before me this October 31, 2013 by Christian A. Allen, President of Christian Allen, Inc., Managing Member of Pioneer Property Holdings, LLC, a Florida Limited Liability Company who is personally known to me or who has produced a Drivers License as identification.



