

2015-0020
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2015-0020

FEBRUARY 5, 2015

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 **2015-0020**.

<i>Location</i>	South of Normandy Boulevard between County Road 217 and McClelland Road
<i>Current Zoning District:</i>	Planned Unit Development-Satellite Community (PUD-SC)
<i>Proposed Zoning District:</i>	Industrial Light (IL)
<i>Current Land Use Category:</i>	Agriculture-iii (AGR-iii) and Agriculture-iv (AGR-iv)
<i>Proposed Land Use Category:</i>	Light Industrial (LI)
<i>Planning District:</i>	Southwest- District 4
<i>Planning Commissioner:</i>	Southwest, 4 – Chris Hagan
<i>City Council District:</i>	The Honorable Ray Holt, District 11
<i>Agent:</i>	Paul Harden, Esquire 501 Riverside Avenue, Suite 901 Jacksonville, Florida 32202
<i>Owner:</i>	Timber Diamond Investments LLC, Et al. 9995 Gate Parkway, Suite 330 Jacksonville, Florida 32246
<i>Staff Recommendation:</i>	APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance **2015-0020** seeks to rezone approximately 94 acres of undeveloped land from PUD-SC to IL. There is a companion Application for Semi-Annual Land Use Amendment to the Future Land Use Map Series of the 2030 Comprehensive Plan, **Ordinance 2015-0019 (Application #2014-A-003)** that changes the functional land use category of the subject property from Agriculture-iii (AGR-iii) to Light Industrial (LI).

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 district consistent with the functional land use category identified in 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 AGR-iii and AGR-iv functional land use categories according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. However, a companion Application for Semi Annual Land Use Amendment to Future Land Use Map Series-2030 Comprehensive Plan, i.e. Ordinance 2015-0019 (**Application 2014-A-003**) was filed requesting amendment of the subject property's functional land use category from AGR-iii and AGR-iv to LI. The IL zoning district is a primary zoning district within the proposed LI functional land use category, and the subject property meets the primary criteria and standards. If the amendment is adopted by the City Council, this Application for Rezoning from PUD-SC to IL will be 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. The proposed rezoning is consistent with the following Goals, Objectives, and Policies of the 2030 Comprehensive Plan, Future Land Use Element:

Objective 1.1 Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

Policy 1.1.11 Encourage that new non-residential projects be developed in designated nodal and corridor development areas as provided in the Plan Category Descriptions of the Operative Provisions, in appropriate commercial infill locations, or as a Transit Oriented Development

Policy 1.1.24 The City will encourage new development to locate in the Urban Core, Southwest, North and Northwest planning districts through such measures as economic incentives, greater marketing assistance, etc.

Objective 3.2 Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas

Policy 3.2.24 Based on criteria in this element, the City shall review the need for new Industrial Land Use areas in the western area of the City (I-10/ US-90/ SR 301 area) by 2012 in lieu of expanding the urban residential development pattern in this area.

It encourages development to be clustered in an area such as this one to form more compact and compatible land use patterns. Normandy Blvd. is classified as a principal arterial roadway. Since the site is located along a major corridor and less than 2 miles from the 301 intersection, it is appropriate for industrial use so the proposed land use amendment to LI is appropriate and is consistent with FLUE Policy 1.1.1, 1.1.24 and 3.2.24. The proposed land use amendment to LI would allow for additional employment and commerce opportunities for the nearby residential areas while promoting the viability of an industrial area along the Normandy Boulevard corridor and the Maxville/301 node. Therefore, the proposed amendment is consistent with FLUE Policy 1.1.11 and Objective 3.2.

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 requirements of the IL zoning district as set forth in the Zoning Code.

SURROUNDING LAND USE AND ZONING

The area surrounding the subject site is predominately vacant agricultural land. Abutting the subject property directly east is a Florida Power and Light transmission line. North of the site is vacant timberland with the Loblolly Mitigation Preserve ½ mile northwest of the subject property. Immediately northwest of the site are 2 single family residences with access off Normandy Boulevard. Directly west are 3 lots containing single family residences. Maxville is 1 ½ miles west on Normandy Blvd and access to Highway 301 is approximately 2 miles west of the subject property.

The area along Normandy Boulevard west of Cecil Commerce Center has historically been rural in nature and is characterized by agricultural uses including timberlands and farms, along with site-built and manufactured single-family homes situated on large lots. In recent years, the Jacksonville Electric Authority (JEA) has installed centralized water and sewer service along Normandy Boulevard to serve new developments in the area, thus making it possible to develop land at higher residential densities. In response to the arrival of centralized utilities, there has been an increase in the number of land use amendments and rezoning applications along Normandy Boulevard and nearby side roads as the area is transitioning away from agricultural uses towards suburban-scale residential uses.

The subject property is currently a portion of a 1,748 acre rural Village located south of Normandy Boulevard, west of McClelland Road within the Southwest Planning District in the Agriculture area of the City, as the site is undeveloped. According to the Future Land Use Element, Rural Villages are permitted within various Agricultural land uses in order to maximize the preservation of natural areas, not contribute to urban sprawl, reduce the need for residents of the surrounding lands to travel to the City's Urban area for work, recreation and shopping and encourage the interconnection of roadways and bikeways, greenways and trails in these areas. The Rural Village shall be designed to serve the retail, office, industrial, civic, government uses and service needs of the residents of the village. Office and industrial acreage should range from less than 50 and no more than 200 acres or around 10% of the land area. Rural Villages shall be zoned as Planned Unit Development Satellite Community (PUD-SC).

The Diamond D Ranch, a 600-acre working horse and cattle ranch, is located to the east of the subject site near the intersection of Solomon and Manning Cemetery Roads. Access to the site will be from Normandy Boulevard, a two-lane principal road. Currently there are no sidewalks along Normandy in the subject site area.

SUPPLEMENTARY INFORMATION

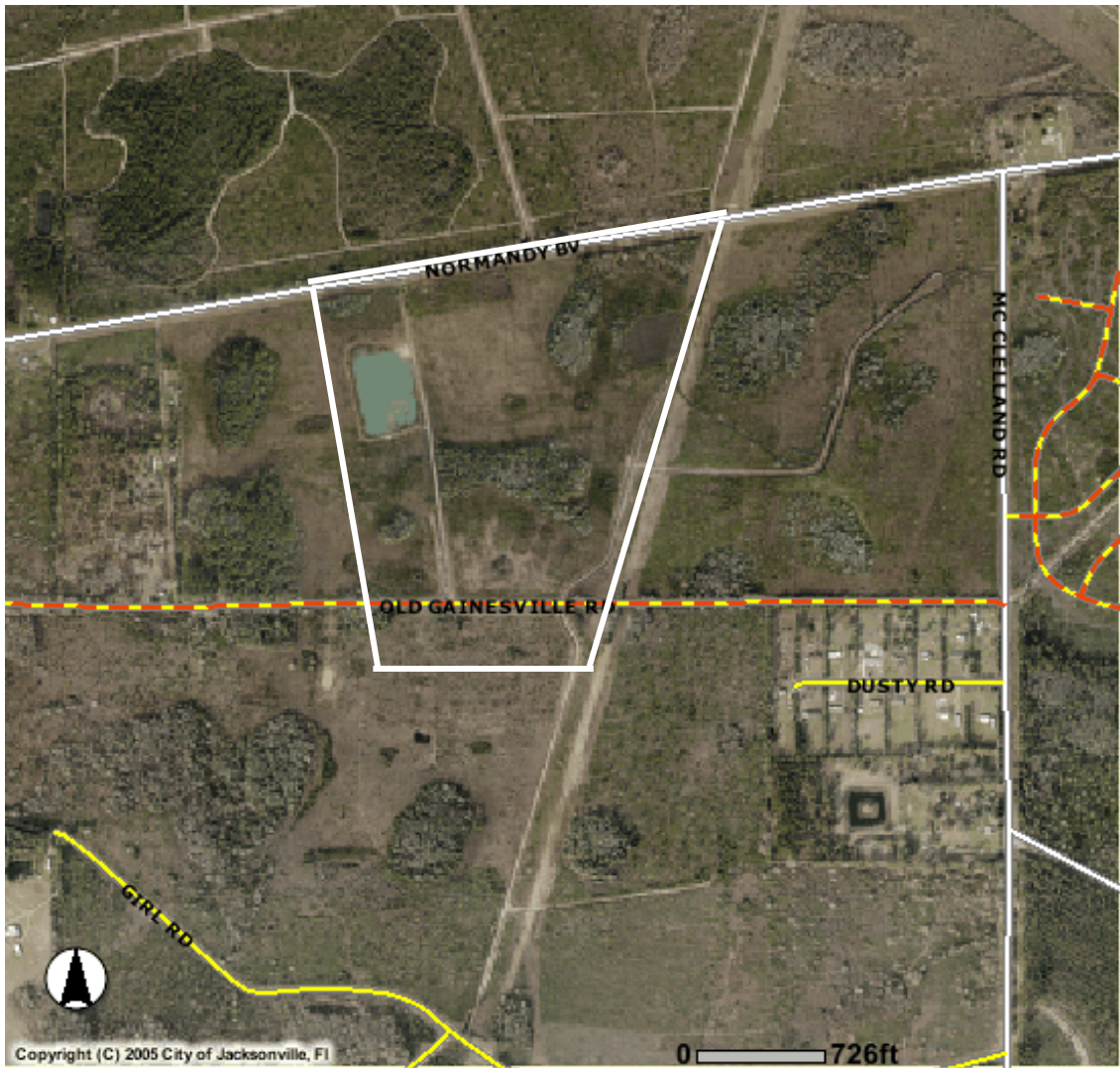
The applicant posted public hearing signs on December 23, 2014 as noted below. Staff went out to subject site on January 28, 2015 and public notice signs were not available.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2015-0020** be **APPROVED**.

Aerial Photo



Source: City of Jacksonville Geographic Information System
Date: January 28, 2015

View off subject site looking west off right-of-way

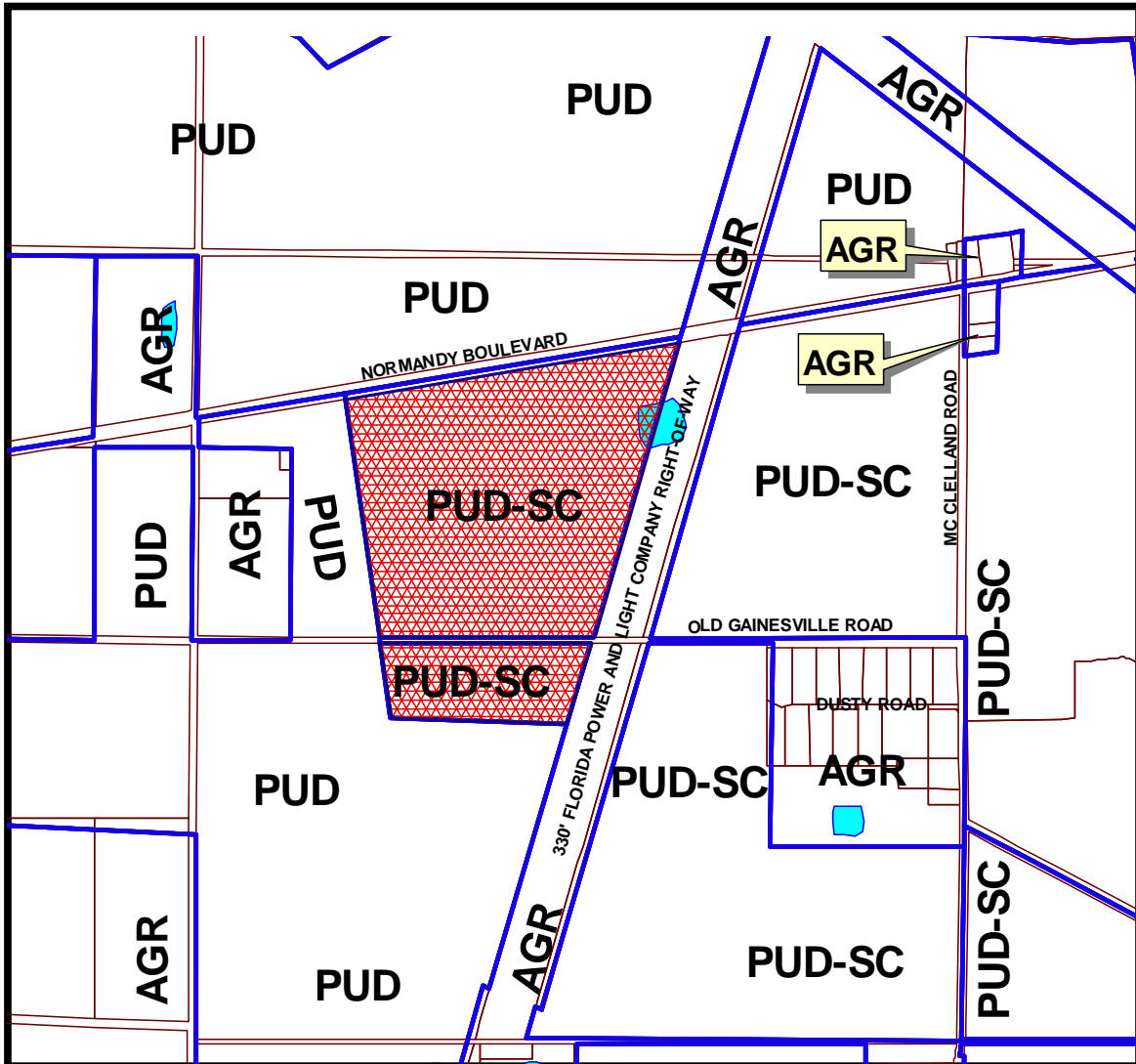


*Source: City of Jacksonville Planning and Development Department
Date: January 28, 2015*

View off subject site looking east off right-of-way



*Source: City of Jacksonville Planning and Development Department
Date: January 28, 2015*



<p>REQUEST SOUGHT:</p> <p>FROM: PUD-SC</p> <p>TO: IL</p>		<p>N W E S</p> <p>000 Feet</p> <p>COUNCIL DISTRICT: 11</p> <p>ORDINANCE -2015-0020</p> <p>FILE COPY</p>
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Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2015-0020 **Staff Sign-Off/Date** ME / 12/18/2014
Filing Date 11/13/2014 **Number of Signs to Post** 12

Hearing Dates:

1st City Council 02/10/2015 **Planning Commission** 02/05/2015
Land Use & Zoning 02/18/2015 **2nd City Council** 02/24/2015

Neighborhood Association
Neighborhood Action Plan/Corridor Study

Application Info

Tracking # 721 **Application Status** PENDING
Date Started 10/24/2014 **Date Submitted** 11/13/2014

General Information On Applicant

Last Name	First Name	Middle Name
HARDEN	PAUL	M

Company Name
 LAW OFFICES OF PAUL HARDEN

Mailing Address
 501 RIVERSIDE AVENUE, SUITE 901

City	State	Zip Code
JACKSONVILLE	FL	32202

Phone	Fax	Email
9043955731	904	PAUL_HARDEN@BELLSOUTH.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
TIMBER	DIAMOND	INVESTMENTS

Company/Trust Name
 DIAMOND TIMBER INVESTMENTS LLC ET AL

Mailing Address
 9995 GATE PARKWAY, SUITE 330

City	State	Zip Code
JACKSONVILLE	FL	32246

Phone	Fax	Email
9043965731	9043995461	PAUL_HARDEN@BELLSOUTH.NET

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)
Map			

	001131 2000	11	4	PUD-SC	IL
Map	001271 0000	11	4	PUD-SC	IL

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 #

5135

Total Land Area (Nearest 1/100th of an Acre) 93.57

Justification For Rezoning Application

COMPANION TO EXISTING LAND USE APPLICATION 2014-0003-4-11

Location Of Property

General Location

SOUTH OF NORMANDY BOULEVARD, WEST OF MCCLELLAND ROAD

House #	Street Name, Type and Direction	Zip Code
0	NORMANDY BV	32234

Between Streets

COUNTY ROAD 217 and MCCLELLAND ROAD

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**
93.57 Acres @ \$10.00 /acre: \$940.00
- 3) Plus Notification Costs Per Addressee**
5 Notifications @ \$7.00 /each: \$35.00
- 4) Total Rezoning Application Cost:** \$2,975.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

EXHIBIT A - Property Ownership Affidavit

Date: October 29, 2014

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

Re: Property Owner Affidavit for the following site location:
0 Normandy Boulevard, Jacksonville, Florida

To Whom it May Concern:

I Brian Brown hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Conventional Rezoning (PUD SC to IL) submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Entity:*

Print Name:

Diamond Timber Investments LLC et al.

By _____

By Brian Brown

Print Name: _____

Print Name: Brian Brown

Its: Managing Member

*If Owner is Entity, please provide documentation illustrating that signatory is an authorized representative of Entity; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

**STATE OF FLORIDA
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 29th day of October 2014, by Brian Brown, who is personally known to me or who has produced _____ as identification and who took an oath.

Laura A. Patterson
(Signature of NOTARY PUBLIC)

Laura A. Patterson
(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: _____

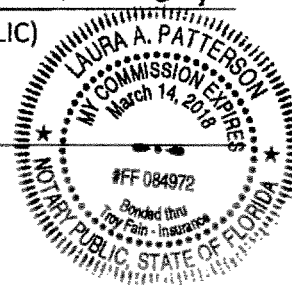


EXHIBIT B - Agent Authorization Affidavit- Property Owner

Date: October 29, 2014

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

Re: Agent Authorization for the following site location: 0 Normandy Boulevard, Jacksonville, Florida

To Whom it May Concern:

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 Conventional Rezoning (PUD SC to IL) 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.

If Owner is Individual:

If Owner is Entity:*

Print Name:

Diamond Timber Investments LLC et al.

By _____

By Brian Brown

Print Name: _____

Print Name: Brian Brown

Its: Managing Member

*If Owner is Entity, please provide documentation illustrating that signatory is an authorized representative of Entity; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 29th day of October 2014, by Brian Brown, who is personally known to me or who has produced _____ as identification and who took an oath.

Laura A. Patterson
(Signature of NOTARY PUBLIC)

Laura A. Patterson
(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: _____

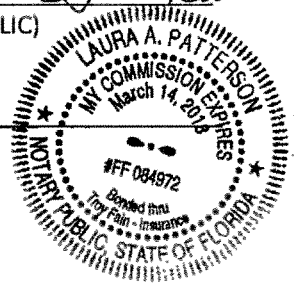


EXHIBIT A

Property Ownership Affidavit

Date: May 15, 2014

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

Re: Ownership Certification

Gentleman:

I, Brian Brown, Registered Agent, 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 Large Scale FLUM and Rezoning submitted to the Jacksonville Planning and Development Department.

Brian Brown

(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 15 day of May
(month), 2014 (year) by Brian Brown who is personally
known to me or has produced _____ as identification.

Stephanie Jill Hoover
(Notary Signature)



STEPHANIE JILL HOOVER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE871452
Expires 3/24/2017

EXHIBIT B

Agent Authorization

Date: May 15, 2014

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# 001131-2000

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 Large Scare FLUM and Rezoning of 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.

Brian Brown

(Owner's Signature)

Registered Agent

(Title)

Diamond Timber Investments, LLC

(Company Name)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 15 day of May (month), 2014 (year) by Brian Brown, who is personally known to me ~~or has produced~~ _____ as identification.

Stefanie Jill Hoover
(Notary Signature)



STEFANIE JILL HOOVER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE871452
Expires 3/24/2017

ORDINANCE

Legal Description

DESCRIPTION: Industrial Area

A Tract of land situated in Portions of Sections 26 and 35, Township 3 South, Range 23 East, as shown on Plat of "Maxville Farms" recorded in Plat Book 3 on page 94 of the Public Records of Duval County, Florida; Said Tract being more particularly described as follows:

Commence at an Iron Pipe at the Southwest Corner of Section 26 and run N 00 deg 07 min 02 sec W, along the West line of said Section 26, a distance of 1479.40 feet to the Southerly right of way line of Normandy Boulevard (State Road No. 225), thence run N 50 deg 23 min 47 sec E, along said right of way line, 1082.60 feet to a Concrete Monument and the Point of Beginning; Thence leave said right of way line and run S 07 deg 57 min 28 sec E, 2150.24 feet to an Iron Rod; thence run S 87 deg 50 min 05 sec E, 1233.31 feet to an Iron Rod on the Westerly line of a 110' Florida Power and Light Company Right of Way for Power Transmission as described in Official Records Book 4114, Page 294 and Official Records Book 5620, page 582 of the public records of said County; thence run N 16 deg 07 min 01 sec E, along said westerly line, 1698.23 feet to an Iron Rod on said southerly right of way line (Normandy Boulevard); thence run S 50 deg 23 min 47 sec W, along said right of way line, 1315.75 feet to the Point of Beginning

LESS and EXCEPT

That portion of the above described lands, lying within a 30' Right of Way as shown on The Maxville Farms, a plat as recorded in Plat Book 3 on page 94 of the public records of Duval County, Florida; Said 30' lying 15 feet North of and 15 feet South of, as measured perpendicular to the dividing line between said Sections 26 and 35