

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING Ord. 2015-0065

FEBRUARY 19, 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 **Ord. 2015-0065**.

Location: Near the southeast quadrant of the intersection of
Lem Turner Road and Interstate I-295 West
3191 Armsdale Road

RE Number: 014523-0025

Current Zoning District: Planned Unit Development (PUD 2006-0729-E)
Rural Residential-Acre (RR-Acre)
Community/Commercial General-1 (CCG-1)

Proposed Zoning District: Public Buildings and Facilities-1 (PBF-1)

Current Land Use Category: Community/General Commercial (CGC)
Medium Density Residential (MDR)

Planning District: North (6)

Planning Commissioner: North, 6 – Lisa King

City Council District: The Honorable Ray Holt, District 11

Applicant/Agent: Ray Spofford
England-Thims & Miller, Inc.
14775 Old St. Augustine Road
Jacksonville, Florida 32258

Owner: Robert Franques
Jacksonville Transportation Authority
100 North Myrtle Avenue
Jacksonville, Florida 32204

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ord. 2015-0065 seeks to rezone an approximately 10.13 acre parcel from PUD, CCG-1 and RR-Acre to the PBF-1 zoning district. The property was developed with an 11,000 square feet commercial building in 2007 (North Jax Motorsports), parking and stormwater facilities. The purpose of the application is to allow for redevelopment of the site as a JTA public mass transit station.

The site is located within the area designated as the Suburban Development Area and is within the notice zone of the Eden Group and Garden City Neighborhood Association.

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 CGC and MDR functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan and is inconsistent therewith. The PBF-1 zoning district is a primary zoning district within both the CGC and MDR functional land use categories. A description of the CGC functional land use category follows:

CGC - GENERAL INTENT

Community General Commercial (CGC) is a category intended to provide for a wide variety of retail goods and services which serve large areas of the City and a diverse set of neighborhoods. Uses should generally be developed in nodal and corridor development patterns. Nodes are generally located at major roadway intersections and corridor development should provide continuity between the nodes and serve adjacent neighborhoods in order to reduce the number of Vehicle Miles Traveled. Development within the category should be compact and connected and

should support multi-modal transportation. All uses should be designed in a manner which emphasizes the use of transit, bicycle, and pedestrian mobility, ease of access between neighboring uses, and compatibility with adjacent residential neighborhoods. Transit-Oriented Developments (TOD), as defined in this element, are encouraged when in close proximity to an existing or planned JTA mass transit system station or Rapid Transit System (RTS). Density, location and mix of uses shall be pursuant to the Development Areas as set forth herein.

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

Yes. The proposed amendment is consistent with the following policies of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

FLUE Policy 1.1.8 Require that all new non-residential projects be developed in nodal areas, in appropriate commercial infill locations, or as part of mixed or multi-use developments such as Planned Unit Developments (PUDs), cluster developments, Traditional Neighborhood Design (TND) developments, and Locally Designated Historic Preservation Districts, as described in this element.

The proposed development will be in a nodal area and where it is intended that in conjunction with nearby residential and commercial activity it will serve as a catalyst for, and will function as, a multiple use development and transit oriented development.

Traffic Element (TE) Policy 1.5.2

The City shall coordinate with the Jacksonville Transportation Authority (JTA) and the North Florida TPO [through the Congestion Management System (CMS)] to steadily increase the number of riders using JTA bus routes within the City by 2020.

TE Policy 1.5.6

The City will continue to cooperate with the North Florida TPO and JTA in planning a high capacity transit system for Duval County. This system should be focused to serve the CBD and provide intermodal connections to other systems such as buses, bicycling, pedestrians, parking garages, and major attractions.

TE Policy 1.5.11

The City will continue its support of an enhanced transit system. The Rapid Transit System (RTS) is in the planning stage. While this system will be developed in phases, it will eventually provide major corridor transit service with a high level of frequency and speed of travel. This will be accomplished by using a mix of dedicated lanes within the street system and exclusive transit-way facilities, combined with the use of Intelligent Transportation System (ITS) technology solutions to move transit vehicles faster between destinations. The ITS solutions includes signal priority for transit vehicles, new fare collections systems, and real time travel information for riders. Other fixed route

buses and feeder buses will be able to access the transitway to allow faster travel times and increased mobility for travelers. This system will allow higher capacities, improved travel time and performance characteristics, significantly better frequency of service with comfortable, safe stations and vehicles.

The development is a proposed to be a bus terminal.

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 PBF-1 zoning district as set forth in the Zoning Code and will be required to be developed with compliance to all provisions of the Land Development Manual and other federal, state and local regulations.

SURROUNDING LAND USE AND ZONING

The 10.13 acre parcel is located to the southeast of the intersection of Lem Turner Road and I-295 West. The property is developed with a retail building and stormwater retention. Specifically, the interstate highway and high capacity JEA transmission line is to the north, Gardenview Baptist Church and JEA substation is to the east, retail to the south and a WalMart across Lem Turner to the west. The surrounding land use categories, zoning and uses are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	CGC/MDR	RR-Acre	Church and Transmission Line
East	MDR/LDR	RR-Acre	Church
South	CGC	CCG-1	Retail
West	CGC	CCG-1	Retail

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

SUPPLEMENTARY INFORMATION

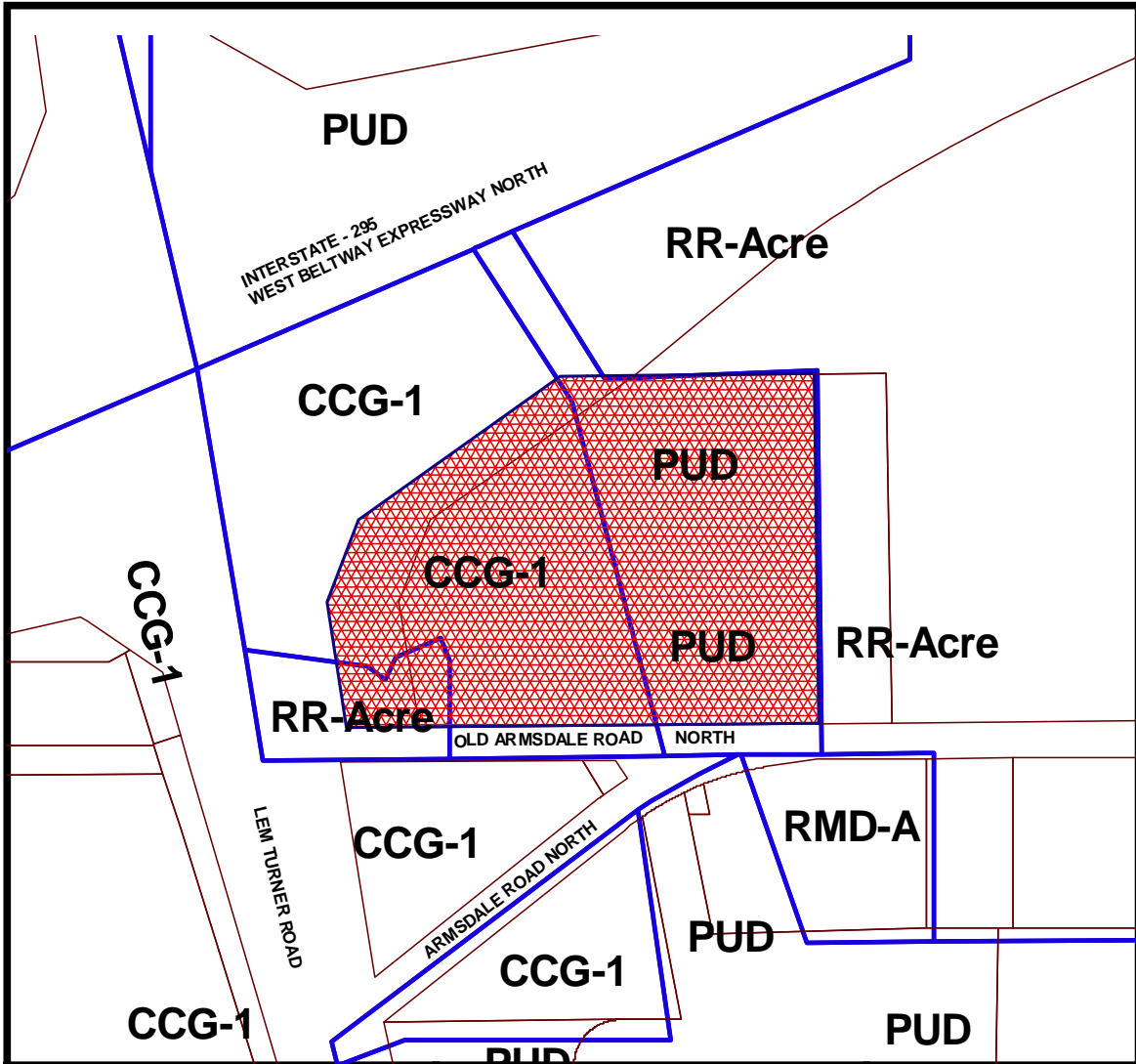
Upon visual inspection of the subject property on February 11, 2015 the required Notice of Public Hearing sign **was** posted.



Figure 1. Subject property viewed looking north from Old Armsdale Road showing existing building and sign posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **ORD. 2015-0065** be **APPROVED**.



<p>REQUEST SOUGHT:</p> <p>FROM: PUD, CCG-1 & RR-Acre</p> <p>TO: PUD</p>		<p>N W E S</p> <p>0 100 Feet</p> <p>COUNCIL DISTRICT: 11</p> <p>ORDINANCE -2015-0065</p> <p>FILE COPY</p>
---	--	--

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2015-0065 **Staff Sign-Off/Date** PMD / 12/08/2014

Filing Date 01/26/2015 **Number of Signs to Post** 8

Hearing Dates:

1st City Council 01/27/2015 **Planning Commission** 02/19/2015

Land Use & Zoning 03/03/2015 **2nd City Council** 02/24/2015

Neighborhood Association EDEN GROUP; GARDEN CITY NEIGHBORHOOD ASSOCIATION
Neighborhood Action Plan/Corridor Study

Application Info

Tracking # 734 **Application Status** PENDING
Date Started 11/06/2014 **Date Submitted** 11/24/2014

General Information On Applicant

Last Name	First Name	Middle Name
SPOFFORD	RAY	
Company Name		
ENGLAND-THIMS & MILLER, INC.		
Mailing Address		
14775 OLD ST. AUGUSTINE ROAD		
City	State	Zip Code
JACKSONVILLE	FL	32258
Phone	Fax	Email
9042653189	9046469485	SPOFFORDR@ETMINC.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
FRANQUES	ROBERT	
Company/Trust Name		
JACKSONVILLE TRANSPORTATION AUTHORITY		
Mailing Address		
100 N. MYRTLE AVENUE		
City	State	Zip Code
JACKSONVILLE	FL	32204
Phone	Fax	Email
9046303135		RTFRANQUEST@JTAFLA.ORG

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) R-2006-0729

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

019463 0100	11	6	PUD	PBF-1
-------------	----	---	-----	-------

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

Existing Land Use Category

CGC

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 10.10

Justification For Rezoning Application

SITE TO BE USED TO FACILITATE TRANSIT IN THE FORM OF BUS RAPID TRANSIT AT A CONVENIENT, EASILY ACCESSIBLE LOCATION NEAR AN INTERSTATE INTERCHANGE WITH A MINOR ARTERIAL ROADWAY.

Location Of Property

General Location

SOUTHEAST QUADRANT OF I-295 AND LEM TURNER ROAD

House #	Street Name, Type and Direction	Zip Code
3191	ARMSDALE RD	

Between Streets

INTERSTATE 295 and ARMSDALE 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
10.10 Acres @ \$10.00 /acre: \$110.00
- 3) Plus Notification Costs Per Addressee
8 Notifications @ \$7.00 /each: \$56.00
- 4) Total Rezoning Application Cost: \$2,166.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

EXHIBIT A

Property Ownership Affidavit

Date: 11/24/14

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, Robert Frangues 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 a rezoning,
submitted to the Jacksonville Planning and Development Department.

[Signature]
(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 24 day of
November (month), 2014 (year) by Robert Frangues
who is personally known to me or has produced _____
as identification.

[Signature]
(Notary Signature)

GLORIA J. STEPHENS
Notary Public, State of Florida
My Comm. Expires Sep. 25, 2017
Commission No. FF 34039

EXHIBIT B

Agent Authorization

Date: 11 / 24 / 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: Agent Authorization for the following site location:

3191 Armsdale Road

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 England-Thims & Miller, Inc. to act as agent to file application(s) for a rezoning 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)


Robert Franques

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 24 day of November (month), 2014 (year) by Robert Franques, who is personally known to me or has produced _____ as identification.


(Notary Signature)

GLORIA J. STEPHENS
Notary Public, State of Florida
My Comm. Expires Sep. 25, 2017
Commission No. FF 34039

This instrument prepared by:
RAYMOND G. ROBISON
Fox, Wackeen, Dungey, Beard,
Bush, Goldman, Kilbride,
Waters & McCluskey, LLP
3473 SE Willoughby Blvd.
Stuart, Florida 34994
TD01S49

SPECIAL WARRANTY DEED

Ad Valorem Tax Identification #019463-0100

THIS INDENTURE, made this 12th day of JUNE, 2014, between TD BANK, NA, a national banking association, whose address is 101 North State Road 19, Palatka, Florida 32177, Grantor*, and JACKSONVILLE TRANSPORTATION AUTHORITY, an agency of the State of Florida, whose address is 100 North Myrtle Avenue, Jacksonville, Florida 32204, Grantee*,

WITNESSETH, that said Grantor, for and in consideration of the sum of \$10.00 and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Duval County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED AND MADE A PART HEREOF

SUBJECT TO taxes accruing subsequent to December 31, 2013, zoning regulations in force and effect, restrictions, easements and road rights-of-way of public record;

and said Grantor does hereby warrant the title to said land for any acts of Grantor, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

**Grantor" and "Grantee" are used for singular or plural, as context requires.

SIGNATURE PAGE TO FOLLOW

SIGNATURE PAGE TO SPECIAL WARRANTY DEED

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, Sealed and Delivered in the presence of:

TD BANK, NA, a national banking association

Catherine M Sheridan
Name: CATHERINE M SHERIDAN
Please Print, Type or Stamp

By: Cynthia Mack
CYNTHIA MACK, Vice President

Carl Deane
Name: Carl Deane
Please Print, Type or Stamp
As to Grantor

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF PUTNAM

Sworn to and subscribed before me this 12th day of June, 2014, by CYNTHIA MACK, as Vice President of TD BANK, NA, a national banking association, on behalf of said association, who: [] is personally known to me, or [] has produced _____ as identification, and who did take an oath.

(NOTARY SEAL)



Catherine M Sheridan
Name: _____
Typed, printed or stamped
I am a Notary Public of the State of Florida
having a commission number of _____
and my commission expires: _____

EXHIBIT "A"

A portion of Section 33, Township 1 North, Range 26 East, Duval County, Florida and all being more particularly described as follows:

Commencing at the Southeast corner of Section 33, said point being situate in the centerline of Armsdale Road (a 60 foot right of way as now established); thence North $00^{\circ} 56' 11''$ West along the East line of said Section 33, a distance of 30.00 feet to a point lying on the Northerly right of way line of said Armsdale Road; thence South $89^{\circ} 30' 49''$ West, along said Northerly right of way line, a distance of 1540.00 feet to the point of beginning; thence continuing South $89^{\circ} 30' 49''$ West, along said Northerly right of way line of Armsdale Road, a distance of 811.71 feet to a point lying on the Easterly right of way line of Lem Turner Road (a variable width right of way as now established); thence North $09^{\circ} 04' 24''$ West, along said right of way line, a distance of 218.03 feet to the intersection with the easterly limited access right of way line of Interstate Highway No. 295 (a variable width right of way as now established); thence North $21^{\circ} 05' 34''$ East along said limited access right of way line, a distance of 149.78 feet; thence North $54^{\circ} 30' 39''$ East along said limited access right of way line, a distance of 427.34 feet; thence North $89^{\circ} 30' 49''$ East departing said limited access right of way line, a distance of 434.42 feet; thence South $00^{\circ} 56' 11''$ East, a distance of 600.02 feet to the intersection with said Northerly right of way line and to the point of beginning.