

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-236

MAY 7, 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 2015-236**.

Locations: 446 Golfair Boulevard
between Boulevard & Perry Street

Real Estate Numbers: 087623-0000

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

Proposed Zoning District: Commercial Neighborhood (CN)

Current Land Use Category: Low Density Residential

Proposed Land Use Category: Neighborhood Commercial (NC)

Planning District: Urban, District 1

Planning Commissioner: Vacant

City Council District: Vacant, District 7

Applicant/Agent: Paul M. Harden, Esq.
501 Riverside Avenue, Suite 901
Jacksonville, FL 32202

Owner: Kathryn Gunn
446 Golfair Boulevard
Jacksonville, FL 32202

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2015-236** seeks to rezone .47 acres of property from RLD-60 to CN. The site is within the LDR functional land use category as defined by the Future Land Use Map series (FLUMs) contained in the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. The application has a companion small scale land use amendment, 2015-235, proposing to amend the Future Land Use from LDR to NC. If this

ordinance is passed, the proposed change in zoning district would be compatible with the proposed Future Land Use category. The property has frontage on Golfair Boulevard, a Minor Arterial road as classified by the Functional Highway Classification Map of the 2030 Comprehensive Plan. The property is developed with a 6,855 square foot commercial building built in 1925.

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. Provided the companion small scale land use amendment (2015-235) is approved, the Planning and Development Department finds that the subject property will be located in a Neighborhood Commercial (NC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The NC functional land use is a category intended to provide for is a category primarily intended to provide commercial retail and service establishments which serve the daily needs of nearby residential neighborhoods. These uses shall generally be located within walking distance of residential neighborhoods in order to reduce the number of Vehicles Miles Traveled Density, location and mix of uses shall be pursuant to the Development Areas as set forth in the 2030 Comprehensive Plan.

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

Objective 3.2.4: The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations. The proposed zoning change

would be located on a parcel of land located adjacent to a residential area. The property is located along Golfair Boulevard, which has a Minor Arterial Road Classification as noted on the Functional Highway Classification Map of the 2030 Comprehensive Plan. The site currently has nonconforming commercial dry cleaners that serve the existing neighborhood. The property would be accessed off the Minor Arterial, and would not encourage through traffic in the residential area.

Objective 3.2.6 The City shall encourage neighborhood commercial uses to be located within one quarter mile of the intersections of roads classified as collector or higher on the Functional Highway Classification Map, except when such uses are an integral component of a mixed-use development, Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Rural Village or similar development. The City should prohibit the location of neighborhood commercial uses interior to residential neighborhoods in a manner that will encourage the use of local streets for nonresidential traffic. The proposed rezoning is located with frontage along Golfair boulevard. The historic use of the property was for commercial activities that supported the residential area. The location of the proposed commercial would keep commercial traffic on Golfair Boulevard, a Minor Collector, and not encourage through traffic on the local residential streets.

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

No. It is the opinion of the Planning Department that the proposed rezoning, in conjunction with the proposed small scale land use amendment, would not conflict with the land development regulations of the city. The site has been used for commercial activity since the current 6,855 square foot structure's construction in 1925. The use as a drycleaner dates back at least to the 1950s, and has existed as a legal nonconforming use since the adoption of the current zoning code. The use would serve the residents that surround this property, and the CN zoning district would limit the type and intensity of uses that would be allowed on this property to those that are compatible with the surrounding neighborhood.

SURROUNDING LAND USE AND ZONING

The subject property is located on Golfair Boulevard. The surrounding uses, land use category and zoning are as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	MDR	RMD-B	Single-family
East	LDR	RLD-60	Single-family
South	LDR	RLD-60	Single-family
West	LDR	RLD-60	Single-family/Daycare

The proposed rezoning request is seeking to allow for commercial redevelopment consistent with the NC land use.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on the required Notice of Public Hearing sign was posted on April 21, 2015.



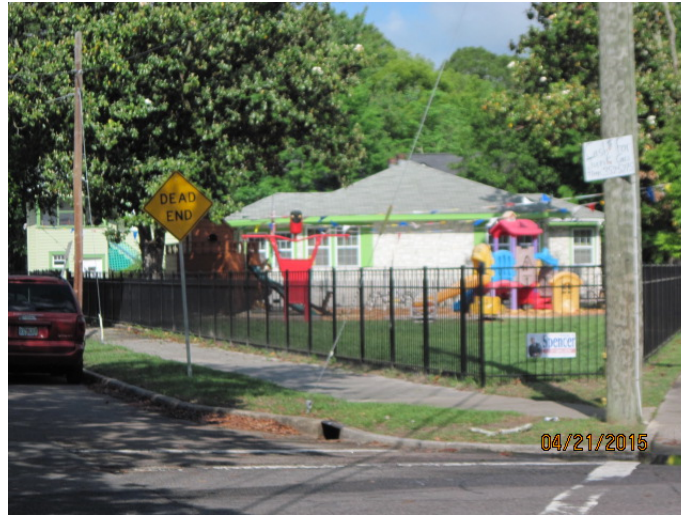
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2015-236** be **APPROVED**.



Subject Property with existing drycleaners on site

*Source: City of Jacksonville Planning and Development Department
Date: April 21, 2015*



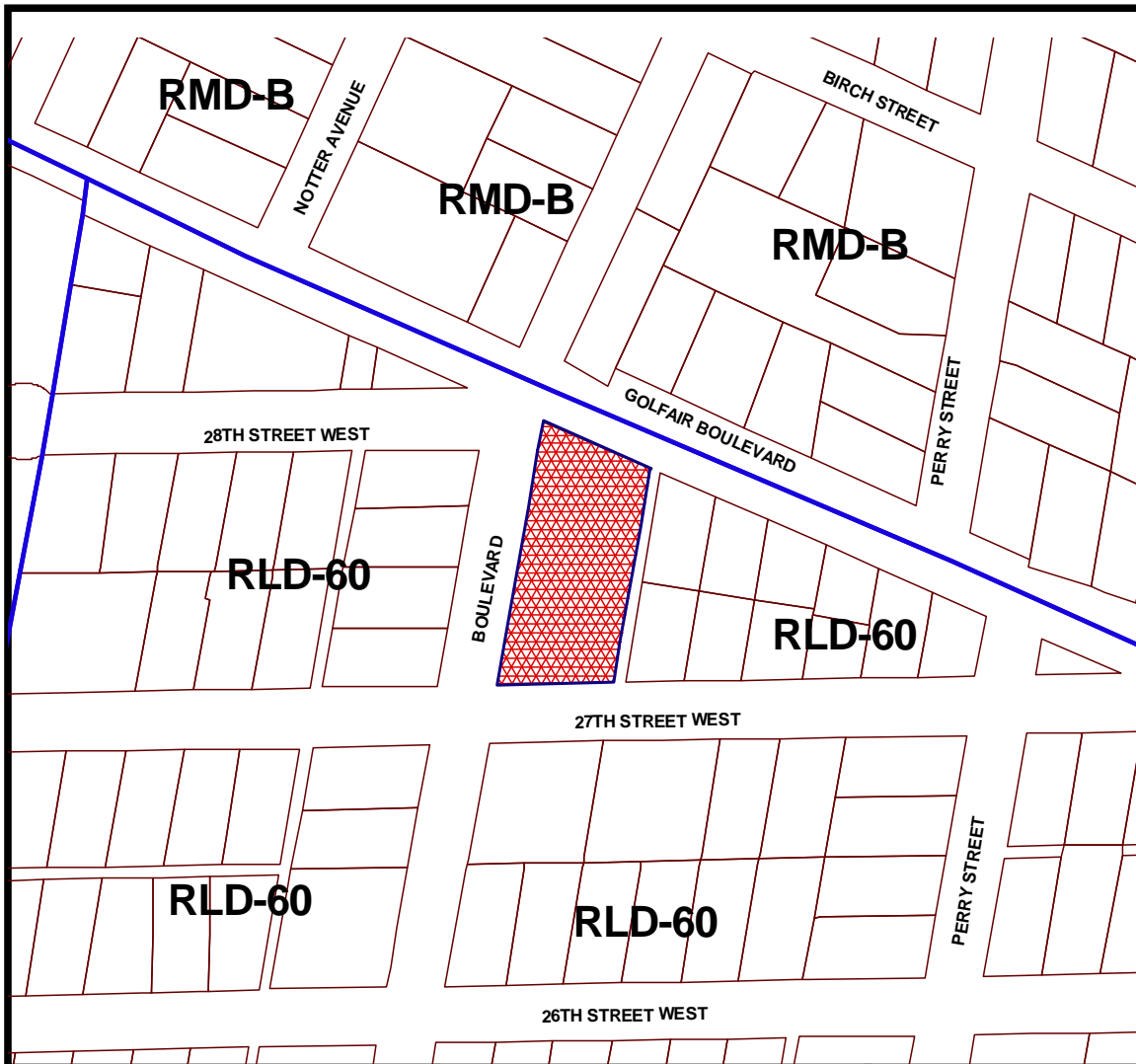
Daycare facility across Boulevard from subject property

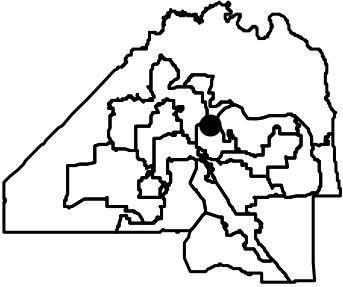


*Source: City of Jacksonville Planning and Development Department
Date: April 21, 2015*



Residential uses across Golfair Boulevard

*Source: City of Jacksonville Planning and Development Department
Date: April 21, 2015*



REQUEST SOUGHT:		
FROM: RLD-60		
TO: CN	COUNCIL DISTRICT: 7	
ORDINANCE -2015-0236	FILE COPY	



April 13, 2015

TO: Kristen Reed, City Planner Supervisor
Christian Popoli, City Planner I

FROM: Lisa S. Ransom, City Planner III

SUBJECT: Land Use Application 2015C-005
Conventional Rezoning Application 2015-236

Metro North Neighborhood Action Plan Ordinance 2005-461-E

Historical Background

The Metro North community resulted from an expansion of residential growth from Downtown Jacksonville. The neighborhood was partially platted and sparsely settled in the nineteenth century. The majority of the development occurred during the first quarter of the twentieth century. The development of Metro North was an extension of the nearby Springfield area. This was during a period known as the “Jacksonville Renaissance,” a time of economic and population growth that sprung from the rebuilding effort that followed the Great Fire of 1901. (Metro North Plan, page 1).

The Subject Property

Located at 446 Golfair Boulevard, according to the Property Appraiser Database, the subject parcel is a neighborhood shopping center and was constructed in 1925. The total site contains approximately one-half of an acre.

Property Detail

RE #	087623-0000
<u>Tax District</u>	USD1
<u>Property Use</u>	1692 SHOP CTR NBHD
# of Buildings	1
Legal Desc.	03-015 55-2S-26E SPRINGFIELD, NORTHWEST PORTION
<u>Subdivision</u>	01500 SPRINGFIELD, N.W. PORTION
Total Area	20288



Existing Conditions Building frontage/ Source: Google Maps



Building frontage and the single-family homes on the opposite side of Golfair Boulevard
Source: Google Maps



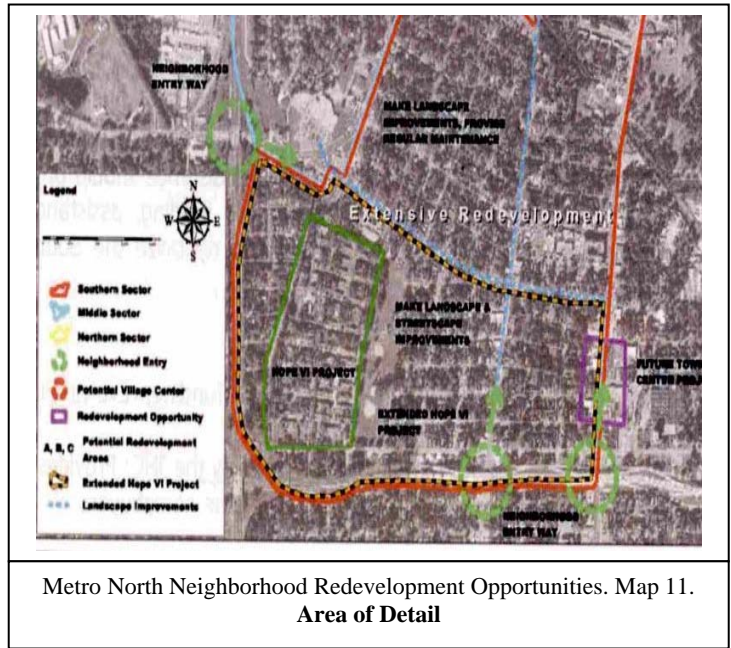
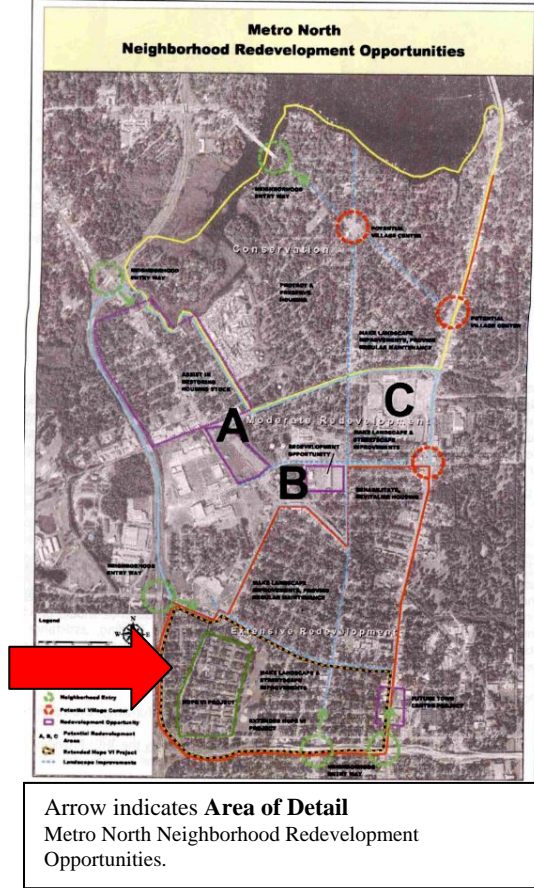
The parcel is zoned Residential Low Density-60 (RLD-60) with a future land use designation of Low Density Residential (LDR). A future land use amendment is proposed for the subject property to change the existing land use to Neighborhood Commercial (NC) with a Commercial Neighborhood (CN) zoning district.

According to Section 656.312 of the Jacksonville Ordinance Code, the Neighborhood Commercial Category allows retail uses, office commercial uses and services establishments which serve the daily needs of contiguous residential neighborhoods. Neighborhood Commercial sites should abut a roadway classified as a collector or higher facility on the adopted Functional Highway Classification Map. Sites with two or more property boundaries on transportation rights-of-way will be considered preferred locations for neighborhood serving uses.

The Metro North Neighborhood Action Plan identifies several areas "in need of revitalization or redevelopment". According to Map 11 "Metro North Neighborhood Redevelopment Opportunities" the subject property is located within the "Extensive Redevelopment" portion of the study area. Map 11 also recommends *extensive landscaping and streetscape improvements.* See Map below.



Map 11.



Arrow indicates Area of Detail
Metro North Neighborhood Redevelopment Opportunities.

In the Section titled “Neighborhood Commercial/Retail & Economic Development” (page 50), it states that “neighborhood commercial areas and corridors are close to the single family housing in the community. It further states that “the City should develop strategies for improving neighborhood commercial structures and businesses on the basis of short-and long-term strategies. The Long Term strategy would adopt a site plan overlay and architectural guidelines to use as a framework for developers interested in the larger under-used commercial sites”.

However, the Metro North NAP study supports “neighborhood retail and professional office use”. In addition, based on the Neighborhood Commercial/Retail and Economic Development section (page 50), the plan identifies both strategies and recommendations that support commercial revitalization. The proposed reuse of an existing commercial building is consistent with the recommendations of the plan.

Therefore, the Neighborhood Planning Section finds that the Small Scale Land Use Amendment Application #2015C-005 and Conventional Rezoning Ordinance #2015-236 are consistent with the recommendations of the Metro North NAP.

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2015-0236 **Staff Sign-Off/Date** CAP / 04/07/2015
Filing Date 04/13/2015 **Number of Signs to Post** 3

Hearing Dates:

1st City Council 05/12/2015 **Planning Comission** 05/07/2015
Land Use & Zoning 05/20/2015 **2nd City Council** 05/26/2015

Neighborhood Association SPRINGWOOD OAKS / NORWOOD NEIGHBORHOOD ASSOC
Neighborhood Action Plan/Corridor Study METRO NORTH

Application Info

Tracking # 802 **Application Status** PENDING
Date Started 03/05/2015 **Date Submitted** 03/05/2015

General Information On Applicant

Last Name	First Name	Middle Name
HARDEN	PAUL	M.

Company Name

LAW OFFICE OF PAUL M. HARDEN

Mailing Address

501 RIVERSIDE AVENUE, SUITE 901

City	State	Zip Code
JACKSONVILLE	FL	32202

Phone	Fax	Email
9043965731	9043995461	PAUL_HARDEN@BELLSOUTH.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
GUNN	KATHRYN	

Company/Trust Name

Mailing Address

446 GOLFAIR BOULEVARD

City	State	Zip Code
JACKSONVILLE	FL	32202

Phone	Fax	Email
9043561306	9043995461	PAUL_HARDEN@BELLSOUTH.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				

087623 0000	7	1	RLD-60	CN
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Ensure that RE# is a 10 digit number with a space (##### #)

Existing Land Use Category

LDR

Land Use Category Proposed?

If Yes, State Land Use Application #

5159

Total Land Area (Nearest 1/100th of an Acre) 0.47

Justification For Rezoning Application

REVISE LAND USE FROM LDR TO NC WITH COMPANION REZONING FROM RLD 60 TO CN TO ALLOW FOR EXISTING AND HISTORICAL ISSUES.

Location Of Property

General Location

House #	Street Name, Type and Direction	Zip Code
446	GOLFAIR BV	32202

Between Streets

PERRY STREET and BOULEVARD

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.

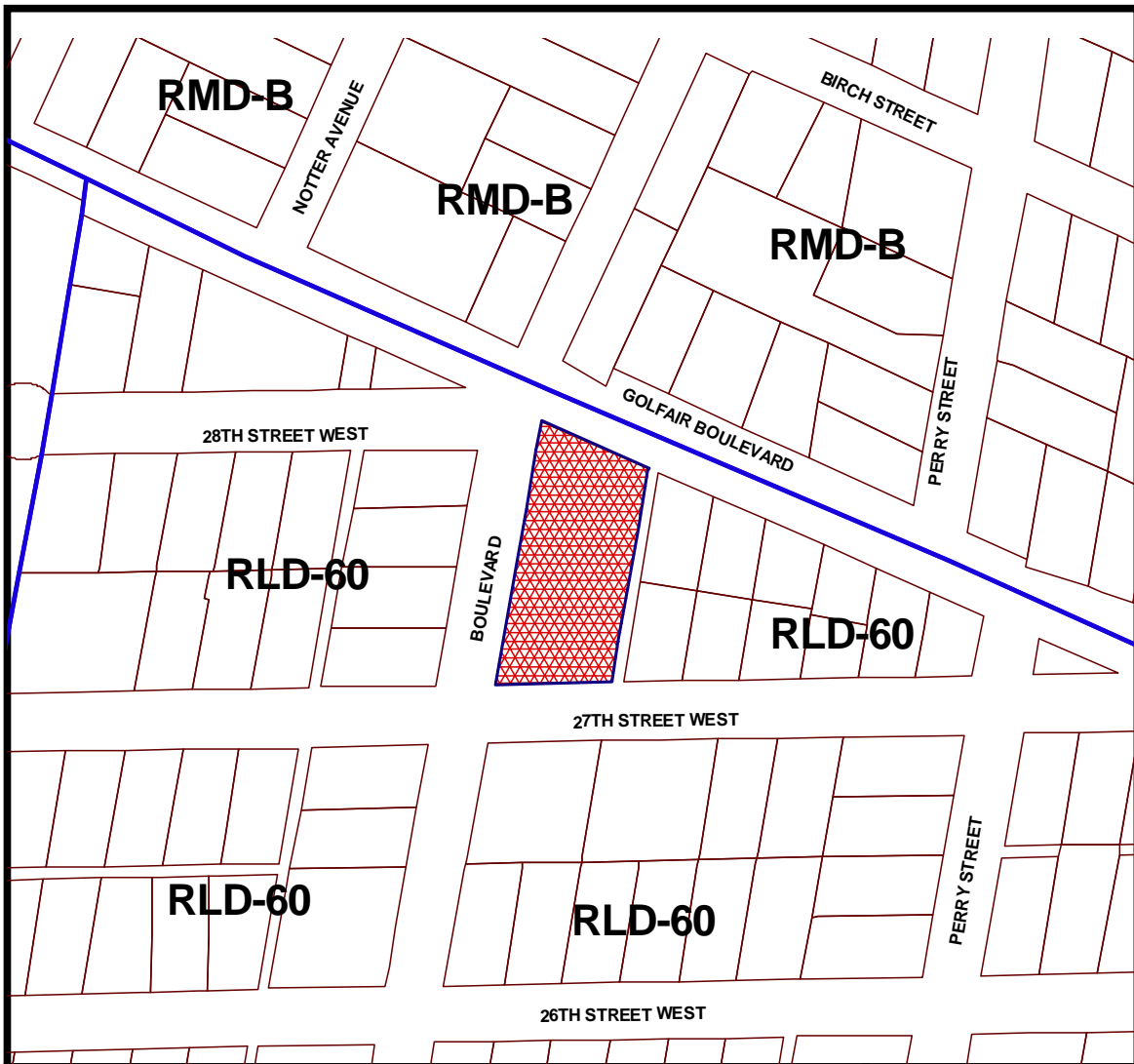
Agreed to and submitted

Filing Fee Information

- 1) Rezoning Application's General Base Fee: \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof
0.47 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee
87 Notifications @ \$7.00 /each: \$609.00
- 4) Total Rezoning Application Cost: \$2,619.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

Exhibit 2



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-60</p> <p>TO: CN</p>	<p>An inset map of the city shows the location of the subject property, marked with a black dot in the central-eastern part of the city.</p>	<p>A north arrow is shown with cardinal directions N, S, E, and W. Below it is a scale bar indicating 0 to 100 feet.</p> <p>COUNCIL DISTRICT: 7</p> <p>ORDINANCE -2015-0236</p> <p>FILE COPY</p>
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TITLE NOT EXAMINED

VOL 653562163
OFFICIAL RECORDS

This instrument prepared by
FRANCIS COOPER MOSLEY
BOYER-TANZLER & MOTYER
Suite 3030 Independent Life Building
Jacksonville, Florida 32202

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE executed this 27th day of ~~March~~ ^{June}, 1988, by Kathryn A. Starling, as Personal Representative of the estate of William David Starling, deceased, hereinafter referred to as Grantor, to Kathryn A. Starling, his wife, whose post office address is 2051 Forest Boulevard, Jacksonville, Florida 32216, hereinafter referred to as Grantee, which term shall include their heirs, personal representatives, successors, grantees, and assigns.

WITNESSETH THAT, said Grantor, pursuant to Order of the Circuit Court, in and for Duval County, Florida, entered on April 7, 1987, in File Number 87-538-CP, entitled "In Re: Estate of William David Starling, Deceased," does hereby, for and in consideration of the sum of \$10.00 and other good and valuable considerations, in hand paid, grant, bargain, sell, alien, remise, release, convey and confirm unto said Grantee, the following described land located in Duval County, Florida, to wit:

The lands situate in Duval County, State of Florida, more particularly described as follows:

Lot 6, except that part thereof conveyed to the City of Jacksonville, Florida, by deed recorded in Deed Book 257, page 12, public records of Duval County, Florida, and Lots 7, 8, 9 and 10 in Block 20, Springfield (northwest portion), according to plat thereof recorded in Plat Book 3, page 15 of the public records of Duval County, Florida.

The lands situate in Duval County, State of Florida, more particularly described as follows:

All right, title and interest, if any, of the grantor in and to that certain alley lying easterly of Lots 6, 7, 8, 9 and 10, Block 20, Springfield, northwest portion, according to the plat thereof recorded in Plat Book 3, page 15 of the public records of Duval County, Florida, said alley running from Golfair Boulevard in a southerly direction to West 27th Street, all as shown on a certain survey made by Harlo G. Everett, registered land surveyor #1209, dated August 5, 1966.

TOGETHER with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same unto the said Grantee, their heirs, personal representatives, successors, grantees and assigns in fee simple forever.

AND the said Grantor does hereby covenant to and with the Grantee that in all things preliminary to and in and about said sale and this conveyance, the orders of said Court and the laws of the State of Florida have been complied with in all respects.

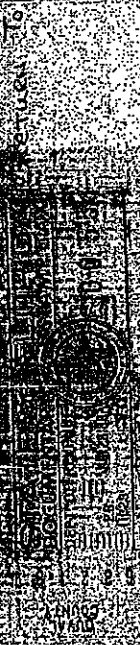
IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Francis C. Mosley
[Signature]

Kathryn A. Starling
Kathryn A. Starling
Personal Representative of
of the Estate of William
David Starling

FRANCIS COOPER MOSLEY, ESQUIRE
SUITE 3030
INDEPENDENT LIFE BUILDING
JACKSONVILLE, FLORIDA 32202



STATE OF FLORIDA)
) SS
COUNTY OF DUVAL)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Kathryn A. Starling, as Personal Representative of the Estate of William David Starling, deceased, to me well know to be the person described and who executed the foregoing instrument and she acknowledged to and before me that she executed the same.

WITNESS my hand and official seal in the County of Duval, Florida, last aforesaid, this 27th day of March, 1988.

Francis C. Mosley
Notary Public, State of Florida at _____

My Commission Expires: _____

Notary Public, State of Florida
My Commission Expires April 24, 1992
Bonded thru Troy Fair - Insurance Co., Inc.

88- 61867
88 JUN 28 P 4: 27

HENRY W. COOK
CLERK OF CIRCUIT COURT

Exhibit 1

LEGAL DESCRIPTION

Lot 6, except that part thereof conveyed to the City of Jacksonville, Florida, by deed recorded in Deed Book 257, page 12, public records of Duval County, Florida; and Lots 7, 8, 9 and 10 in Block 20, Springfield (northwest portion), according to plat thereof recorded in Plat Book 3, page 15 of the public records of Duval County, Florida.

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