REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-242

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 **Ord. 2015-242**.

Staff Recommendation:	APPROVE
Applicant/Owner:	Amanda Tomlinson 209 Clear Creek Court Saint Augustine, Florida 32095
City Council District:	The Honorable Matt Schellenberg, District 6
Planning Commissioner:	Daniel Blanchard
Planning District:	Southeast, District 3
Current Land Use Category:	Low Density Residential (LDR)
Proposed Zoning District:	Residential Low Density-100A (RLD-100A)
Current Zoning District:	Residential Rural-Acre (RR-Acre)
Real Estate Number:	159091-0250
Location:	0 Julington Creek Road between Louis Street and Julington Oaks Drive

GENERAL INFORMATION

Application for Rezoning **2015-242** seeks to rezone approximately .50 acres of land from the Residential Rural-Acre (RR-Acre) to the Residential Low Density-100A (RLD-100A) zoning district. 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 <u>2030 Comprehensive Plan</u>. According to the applicant, the request for the rezoning is to build a single-family home.

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 <u>2030 Comprehensive Plan</u>, 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 <u>2030 Comprehensive Plan</u>, as a determination of consistency entails an examination of several different factors.

1. Is the proposed rezoning consistent with the <u>2030 Comprehensive Plan</u>?

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 LDR functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan and is consistent therewith. The RLD-100A Zoning District is a primary zoning district within the LDR functional land use category.

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

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

<u>Objective 3.1</u> 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 singlefamily residential neighborhoods by requiring that any other land uses within single-family areas meet all applicable requirements described in the Development Areas and the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and Land Development Regulations.

<u>Policy 3.1.1</u>: The City shall develop through the Planning and Development Department an incentive program to promote infilling of residential development on vacant land designated for residential use on the Future Land Use Map series. These incentives will be reflected in the Zoning Code of the City's Land Development Regulations.

A review of the request indicates that rezoning to RLD-100A would be similar to the surrounding lots. The request is consistent with the underlying functional land use categories.

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 site is accessed from Julington Creek Road, which is classified as a local roadway.

SURROUNDING LAND USE AND ZONING

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

Adjacent	Land Use	Zoning	Current
Properties	Category	District	Use
North	LDR	RR-Acre & PUD	Single-family
East	LDR	RR-Acre & PUD	Single-family
South	LDR	RLD-90	Single-family
West	LDR	RR-Acre & RLD-60	Single-family

The proposed rezoning will allow for a single-family use that would be in keeping with the existing zoning districts. Therefore, the proposed rezoning to RLD-100A will be consistent and compatible with the adjacent properties established in the vicinity.

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SUPPLEMENTARY INFORMATION

Staff acknowledges receipt of posted public notice sign from the applicant on the subject property as it **was** posted on April 13, 2015. Upon visit of the subject site on April 23, 2015, the public notice sign was not available.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2015-242 be APPROVED**.

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Subject site

Date: April 22, 2015 Source: City of Jacksonville, Planning & Development Department



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

Date: April 22, 2015 Source: City of Jacksonville, Planning & Development Department

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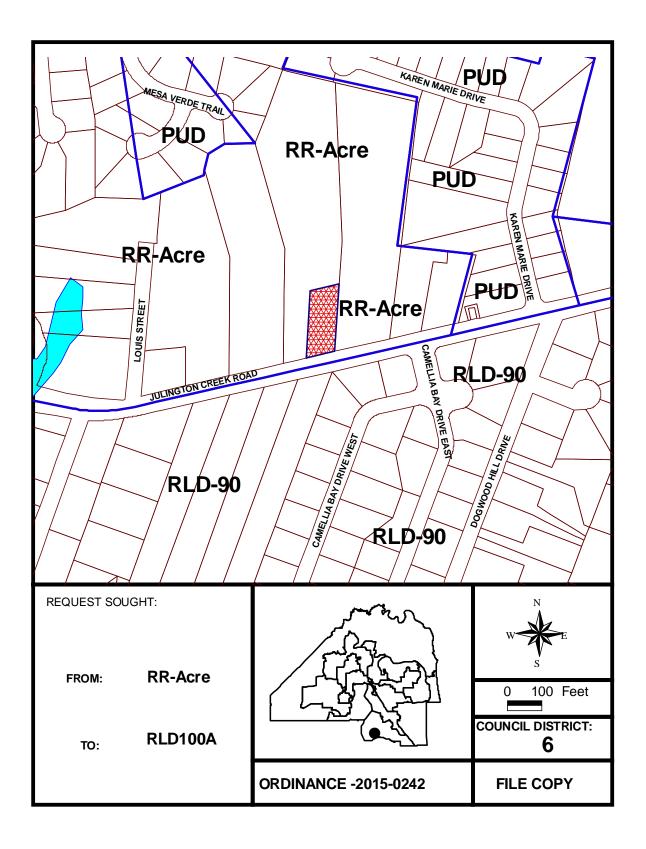
View off right-of-way looking west from subject site

Date: April 22, 2015 Source: City of Jacksonville, Planning & Development Department



Single-family located southwest of subject site

Date: April 22, 2015 Source: City of Jacksonville, Planning & Development Department



Application For Rezoning To Conventional Zoning District

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Supplemental Information items are submitted separately and not part of the formal

application

[3] 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
0.50 Acres @ \$10.00 /acre: \$10.00
3) Plus Notification Costs Per Addressee
21 Notifications @ \$7.00 /each: \$147.00
4) Total Rezoning Application Cost: \$2,157.00
NOTE: Advertising Costs To Be Billed to Owner/Agent

EXHIBIT B - Agent Authorization Affidavit- Property Owner 20)4 Date: City of Jacksonville **Planning and Development Department** 214 North Hogan Street, Suite 300, Jacksonville, Florida 32202 Re: Agent Authorization for the following site location: <u>#F159091-0250</u> (Julington CKrd) 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 <u>hersel-</u>, <u>AMANDA</u> to act as agent to file application(s) for 1) TOMUISON for the above-referenced property and in connection with such VEZONILIO authorization to file such applications, papers, documents, requests and other matters necessary for such requested change. If Owner is Corporate Entity:* If Owner is Individual: **Print Corporate Name:** Ву ____ Print Name: HMANDA Print Name:_____ lamin sch Its: *If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc. **STATE OF FLORIDA** COUNTY OF DUVAL 97. 10 MS Sworn to and subscribed and acknowledged before me this day of GIOMINED, who is personally known to me or who has 2014, by as identification and who took an oath. produced Ъ (Signature of NOTARY PUBLIC) (Printed name of NOTARY PUBLIC) 8105-285-053 soucareri nii 3 yen't meti toobre 6102, A heutotoo seriqx 3 State of Florida at Large. Seect HE # noiseimmo. My commission expires: LAURIE A. WEAVER

Doc # 2014250895, OR BK 16967 Page 1083, Number Pages: 2, Recorded 11/04/2014 at 02:50 PM, Ronnie Fussell CLERK CIRCUIT COURT DUVAL COUNTY RECORDING \$18.50 DEED DOC ST \$0.70

PREPARED BY AND RETURN TO: GRANTEE Parcel Identification Numbers: 159091-0200 SALE PRICE \$10.00

SPACE ABOVE THIS LINE FOR RECORDING DATA

Quit Claim Deed

THIS DEED, made the 16th day of October, 2014 by Roland K. Danese and Brenda Sue Danese, Husband and Wife, whose post office address is 3623 Julington Creek Road, Jacksonville, FL 32223 herein called the Grantors, to Trey Tomlinson and Amanda Tomlinson, Husband and Wife whose post office address is 209 Clear Creek Court, Saint Augustine, FL 32095, hereinafter called the Grantees: (Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

W I T N E S S E T H: That the Grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in **Duval** County, State of Florida, viz.:

See Exhibit "A" attached hereto and by reference made a part hereof.

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 Grantors hereby covenant with said Grantees that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good right and lawful authority to sell and convey said land, and hereby quit claims the title to said land.

IN WITNESS WHEREOF, the said Grantors have signed and sealed these presents the day and year first above written.

Sig aled and delivered in the presence of: 8ignatur H Printed N Witness #2 Signature ANN CADY

Danese

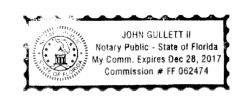
Brenda Sue Danese

Witness #2 Printed Name

STATE OF FLORIDA COUNTY OF Duval

The foregoing instrument was acknowledged before me this 16^{th} day of October, 2014 by Roland K. Danese and Brenda Sue Danese, Husband and Wife who are personally known to me or have produced A $0r_1 v_{11} c_{12}$ as identification.

SEAL



Notar Gullett II onn

Printed Notary Name

My Commission Expires:

File No.: DANESE1

Legal Description 12/31/2014

EXHIBIT "A"

MAP SHOWING SURVEY OF

THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND, SITUATE, LYING AND BEING A PART OF LOT 21, AS SHOWN ON THE PLAT OF JULIAN PLACE, AS RECORDED IN PLAT BOOK 18, PAGE 81, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND A PART OF LOT 16 OF A SUBDIVISION OF THE JOSEPH HAGAN GRANT, SECTION 45, TOWNSHIP 4 SOUTH, RANGE 27 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF LOUIS STREET (A 50 FOOT RIGHT OF WAY AS NOW ESTABLISHED) WITH THE NORTHERLY RIGHT OF WAY LINE OF JULINGTON CREEK ROAD (A 60 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE NORTH 7700' EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF JULINGTON CREEK ROAD, A DISTANCE OF 563.41 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE ALONG SAID NORTHERLY RIGHT OF WAY LINE NORTH 7700' EAST, A DISTANCE OF 100.00 FEET TO THE SOUTHWESTERLY CORNER OF OFFICIAL RECORDS 3933, PAGE 153; THENCE MORTH 4'01'50" EAST, ALONG WESTERLY LINE OF OFFICIAL RECORDS 3933, PAGE 153 A DISTANCE OF 227.70 FEET; THENCE SOUTH 77'00' WEST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 4'01'50" WEST, A DISTANCE OF 227.80 FEET TO THE POINT OF BEGINNING, CONTAINING 0.50 ACRES