

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-278

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 2015-278**.

Locations: 0 Interstate 95 South, between Belair Road South and Emerson Street

Real Estate Numbers: 125824-0000 & 125825-0000

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

Proposed Zoning District: Commercial / Community General (CCG-1)

Current Land Use Category: Low Density Residential (LDR)

Proposed Land Use Category: Community General / Commercial (CGC)

Planning District: Southeast, District 3

Planning Commissioner: Daniel Blanchard

City Council District: The Honorable Don Redman, District 4

Applicant/Agent: Steve Diebenow, Esq.
One Independent Drive, Suite 1200
Jacksonville, FL 32202

Owner: SLG Investment Partnership LLLP
6740 Epping Forest Way North, Unit 108
Jacksonville, FL 32217

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2015-278** seeks to rezone 0.2 acres of land from Residential Low Density 60 (RLD-60) to Community / Commercial General 1 (CCG-1). 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, 2015-277, proposing to

amend the Future Land Use from LDR to CGC. 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 Interstate 95, a Freeway, as classified by the Functional Highway Classification Map of the 2030 Comprehensive Plan. The proposed use would be for overflow parking for the adjacent Sports complex.

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 (2015-277) is approved, the Planning and Development Department finds that the subject property will be located in a Community/General Commercial (CGC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The CGC functional land use 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. 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 Interstate 95, a Freeway Classification as noted on the Functional Highway Classification Map of the 2030 Comprehensive Plan. The site currently has one off site sign facing Interstate 95, and is accessed through the adjacent commercial center to the south. The site would serve as overflow parking, and would not be accessed through the residential area. In addition the site will have a substantial buffer of natural vegetation between the residential areas and the commercially zoned area.

Objective 3.2.8 The City shall encourage the reorientation and combined use of existing curb cuts and/or parking lots to minimize the negative impacts of non-residential development on adjacent residential uses and the transportation system. As mentioned previously, this property is accessed through the adjacent PUD zoning to the south, and would buffer the existing residential to the west with a large natural vegetative buffer. Traffic would be limited to the internal access to the existing commercial center, and would not promote access through the resident 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 is undeveloped, and is only used to house a single off site sign. The proposed rezoning would allow for the adjacent commercial center to use a portion of this property for overflow parking, during peak attendance events at the Jacksonville Ice and Sports Complex.

SURROUNDING LAND USE AND ZONING

The subject property is located on Interstate 95. The surrounding uses, land use category and zoning are as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	LDR	RLD-60	Single-family
East	LDR	RLD-60	Interstate 95 South
South	BP	PUD	Ice Rink/ Sports Complex
West	LDR	RLD-60	Single-family

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

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on the required Notice of Public Hearing sign was posted on May 4, 2015.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2015-278** be **APPROVED**.



Subject Property with existing drycleaners on site

*Source: City of Jacksonville Planning and Development Department
Date: May 4, 2015*



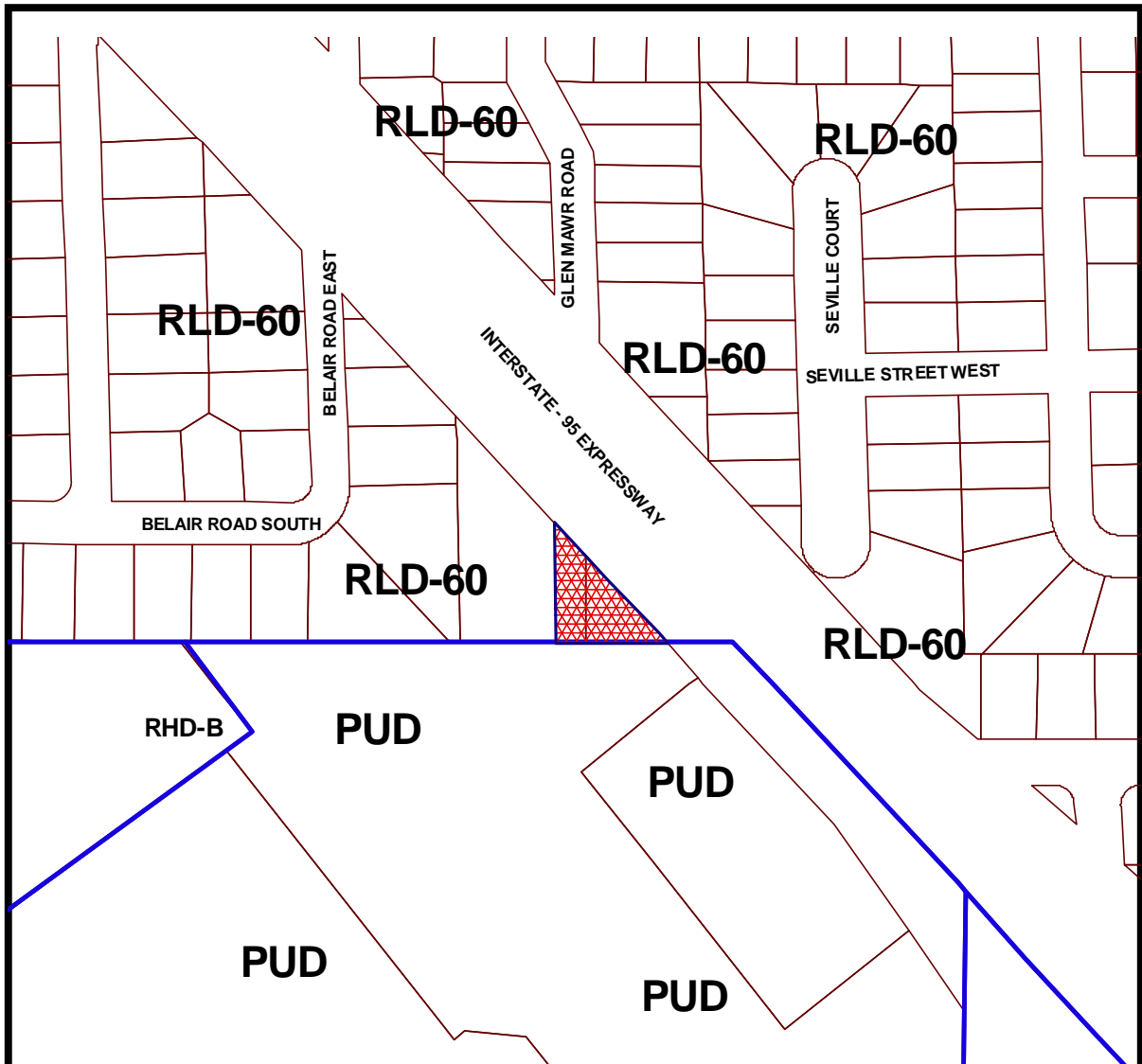
Interstate 95 to the east

*Source: City of Jacksonville Planning and Development Department
Date: May 4, 2015*



Adjacent Jacksonville Ice and Sports Complex

*Source: City of Jacksonville Planning and Development Department
Date: May 4, 2015*



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-60</p> <p>TO: CCG-1</p>		<p>COUNCIL DISTRICT: 4</p> <p>ORDINANCE -2015-0278</p> <p>FILE COPY</p>
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Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2015-0278 **Staff Sign-Off/Date** CAP / 04/30/2015

Filing Date 04/06/2015 **Number of Signs to Post** 2

Hearing Dates:

1st City Council 05/26/2015 **Planning Comission** 05/21/2015

Land Use & Zoning 06/02/2015 **2nd City Council** 06/09/2015

Neighborhood Association SPRINGPARK NEIGHBROHHOD ASSOCIATION

Neighborhood Action Plan/Corridor Study

Application Info

Tracking # 772 **Application Status** PENDING
Date Started 01/22/2015 **Date Submitted** 01/22/2015

General Information On Applicant

Last Name	First Name	Middle Name
DIEBENOW	STEVE	

Company Name

Mailing Address

ONE INDEPENDENT DRIVE, STE. 1200

City	State	Zip Code
JACKSONVILLE	FL	32202

Phone	Fax	Email
9043011269	9043011279	SDIEBENOW@DMPHLAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
NA	NA	

Company/Trust Name

SLG INVESTMENT PARTNERSHIP, LLLP

Mailing Address

6740 EPPING FOREST WAY NORTH UNIT 108

City	State	Zip Code
JACKSONVILLE	FL	32217

Phone	Fax	Email

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				

	125824 0000	4	3	RLD-60	CCG-1
Map	125825 0000	4	3	RLD-60	CCG-1

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 #

5156

Total Land Area (Nearest 1/100th of an Acre) 0.20

Justification For Rezoning Application

TO CREATE CONSISTENCY BETWEEN THE ZONING REGULATIONS GOVERNING THE SUBJECT PARCELS AND THE ZONING REGULATIONS GOVERNING THE PARCELS SOUTH OF THE SUBJECT PARCELS.

Location Of Property

General Location

I-95 SOUTH, JUST NORTH OF THE EMERSON STREET EXIT

House #	Street Name, Type and Direction	Zip Code
0	I 95 XY S	32207

Between Streets

I-95EXPRESSWAY SOUTH and PHILIPS HIGHWAY

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**
 0.20 Acres @ \$10.00 /acre: \$10.00
- 3) **Plus Notification Costs Per Addressee**
 Notifications @ \$7.00 / each:
- 4) **Total Rezoning Application Cost:**

NOTE: Advertising Costs To Be Billed to Owner/Agent

ORDINANCE _____

Legal Description

Lots 16 and 17, except those portions lying within the right of way of Interstate 95, Rogero's addition to Spring Park as per plat in Plat Book 13, Page 2, current public records of Duval County, Florida, being the same property conveyed in Official Records Book 5603, page 985 of said public records.

Together with that portion of closed Eleanore Road, South of Interstate-95.

EXHIBIT B

Agent Authorization

Date: JAN 20, 2015

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

Re: Agent Authorization for the following site location:

RE #s 125824-0000 and 125825-0000

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 DRIVER, MCAFEE, PEEK & HAWTHORNE, P.L. to act as agent to file applications for a rezoning and land use amendment for the above-referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such applications.

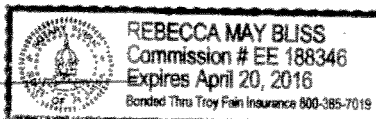
SLG Investment Partnership, LLLP

By: Barbara Jaffer
Name: Barbara Jaffer LLC
Its: _____

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 19th day of January, 2015 by Barbara Jaffer who is personally known to me or has produced _____ as identification.

Rebecca Bliss



Page _____ of _____

Page _____ of _____

EXHIBIT A

Property Ownership Affidavit

Date: JAN 20, 2015

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:

RE #s 125824-0000 and 125825-0000

To Whom it May Concern:

I Barbara Jaffe, hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing applications for a rezoning and a land use amendment submitted to the Jacksonville Planning and Development Department.

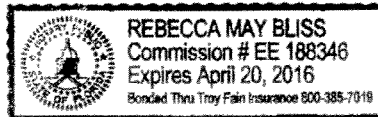
SLG Investment Partnership, LLLP

By: Barbara Jaffe
Name: Barbara Jaffe
Its: _____

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 19th day of January, 2015 by Barbara Jaffe who is personally known to me or has produced _____ as identification.

Rebecca May Bliss
(Notary Signature)



This instrument prepared by,
record and return to:
DONALD C. WRIGHT, ESQ.
Rogers Towers, P.A.
1301 Riverplace Blvd., Suite 1500
Jacksonville, FL 32207

WARRANTY DEED

THIS INDENTURE, made this 19th day of December, 2007, between, **SIDNEY J. GEFEN and LOIS I. GEFEN, his wife**, Grantor, and **SLG Investment Partnership, LLLP, a Florida limited Liability Limited Partnership**, Grantee, the mailing address of which is 6740 Epping Forest Way North, Unit 108, Jacksonville, Duval County, Florida 32217;

W I T N E S S E T H:

Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, does hereby grant, bargain, sell and convey to Grantees and Grantees' heirs, successors and assigns forever that certain land (the "Land") situated in Duval County, Florida, more particularly described as follows:

Lots 10 to 15 (except part in State Road), Rogeros Addition to Spring Park, according to plat thereof recorded in Plat Book 13, page 2 of the current public records of Duval County, Florida, being the same property conveyed in Official Records Book 8409, page 257 of the current public records of Duval County, Florida, together with part of closed road conveyed in Official Records Book 8664, page 302 of said public records.

Property Appraisers Parcel Identification Number
125824-0000

Together with all tenements, hereditaments and appurtenances of Grantor belonging or in any wise appertaining to the Land (collectively, the "Property"), subject to the following permitted encumbrances (the "Permitted Encumbrances"):

Note to Recording Clerk:

Minimum documentary stamps have been affixed to this Deed transferring unencumbered property between spouses pursuant to Fla. Admin. Code R. 12B-4.013(31).

Please Record and Return To:
DONALD C. WRIGHT
Rogers Towers
1301 Riverplace Blvd., Suite 1500
Jacksonville, Florida 32207

1. Real estate taxes for the current year and subsequent years;
2. Easements, covenants, conditions, restrictions and reservations of record, reference to which shall not operate to reimpose same;
3. Matters which a current survey or careful inspection of the Property and any improvements thereon would reveal;
4. Laws, codes, rules and regulations of any governmental authority having jurisdiction over the Property.

Except as set forth in the Permitted Encumbrances, Grantor hereby covenants to warrant and defend the title to the Land against the lawful claims of all persons whomsoever if Grantees or any successors or assigns of Grantees have not obtained a commitment of a title insurance company agreeing to issue an owner's policy or an owner's title insurance policy insuring title to the Property.

Grantor represents that Grantor does not now reside and has never resided on the Property and has never filed for homestead exemption with respect thereto and that the address of Grantor's residence and homestead is 6740 Epping Forest Way North, Unit 108, Jacksonville, Florida 32217.

The preparer of this instrument has not examined title to the lands herein described, and no warranty or other representation is made by the preparer, and no other opinion (either express or implied) is given by the preparer as to the marketability or condition of the title thereto, the quantity of lands included therein, the location of the boundaries thereof, or the existence of liens, unpaid taxes or encumbrances thereon.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:

[Handwritten signature of Lawrence L. Jaffe]

Print Name: LAWRENCE L. JAFFE

[Handwritten signature of Sidney J. Gefen]

SIDNEY J. GEFEN

[Handwritten signature of Donald C. Wright]

Print Name: DONALD C. WRIGHT

[Handwritten signature of Lois I. Gefen]

LOIS I. GEFEN

Address:
6740 Epping Forest Way North
Unit 108
Jacksonville, FL 32217

Please Record and Return To:
DONALD C. WRIGHT
Rogers Towers
1301 Riverplace Blvd., Suite 1500
Jacksonville, Florida 32207

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 19th day of December, 2007, by SIDNEY J. GEFEN and LOIS I. GEFEN, his wife, who are personally known to me or have produced N/A as identification.

[Handwritten signature of Notary Public]

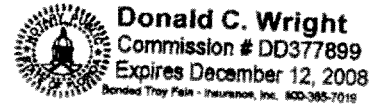
Notary Public, State of Florida

Print Name: _____

My Commission Expires:

My Commission Number:

JAX\1119116_1



This instrument prepared by,
record and return to:
DONALD C. WRIGHT, ESQ.
Rogers Towers, P.A.
1301 Riverplace Blvd., Suite 1500
Jacksonville, FL 32207

WARRANTY DEED

THIS INDENTURE, made this 19th day of December, 2007, between, **SIDNEY J. GEFEN and LOIS I. GEFEN, his wife**, Grantors, and **SLG Investment Partnership, LLLP, a Florida Limited Liability Limited Partnership**, Grantee, the mailing address of which is 6740 Epping Forest Way North, Unit 108, Jacksonville, Duval County, Florida 32217;

W I T N E S S E T H:

Grantors, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantors, do hereby grant, bargain, sell and convey to Grantee and Grantee's successors and assigns forever that certain land (the "Land") situated in Duval County, Florida, more particularly described as follows:

Lots 16 and 17, except those portions lying within right of way of Interstate 95, Rogero's addition to Spring Park as per plat in Plat Book 13, Page 2, current public records of Duval County, Florida, being the same property conveyed in Official Records Book 5603, page 985 of said public records, together with part of closed road in Official Records Book 8664, page 985 of said public records.

Property Appraisers Parcel Identification Number
125825-0000.

Together with all tenements, hereditaments and appurtenances of Grantors belonging or in any wise appertaining to the Land (collectively, the "Property"), subject to the following permitted encumbrances (the "Permitted Encumbrances"):

Note to Recording Clerk:

This Deed conveys unencumbered property from individual grantors to a limited liability limited partnership owned solely by the individual grantors for no consideration and is exempt from Florida documentary stamp taxes pursuant to Kuro, Inc. v. State of Florida, 713 So. 2d 1021 (Fla. 2d DCA 1998).

Please Record and Return To:
DONALD C. WRIGHT
Rogers Towers
1301 Riverplace Blvd., Suite 1500
Jacksonville, Florida 32207

1. Real estate taxes for the current year and subsequent years;
2. Easements, covenants, conditions, restrictions and reservations of record, reference to which shall not operate to reimpose same;
3. Matters which a current survey or careful inspection of the Property and any improvements thereon would reveal;
4. Laws, codes, rules and regulations of any governmental authority having jurisdiction over the Property.


Except as set forth in the Permitted Encumbrances, Grantors hereby covenant to warrant and defend the title to the Land against the lawful claims of all persons whomsoever if Grantee or any successor or assign of Grantee has not obtained a commitment of a title insurance company agreeing to issue an owner's policy or an owner's title insurance policy insuring title to the Property.

Grantors represent that Grantors do not now reside and have never resided on the Property and have never filed for homestead exemption with respect thereto and that the address of Grantors' residence and homestead is 6740 Epping Forest Way North, Unit 108, Jacksonville, Florida 32217.

The preparer of this instrument has not examined title to the lands herein described, and no warranty or other representation is made by the preparer, and no other opinion (either express or implied) is given by the preparer as to the marketability or condition of the title thereto, the quantity of lands included therein, the location of the boundaries thereof, or the existence of liens, unpaid taxes or encumbrances thereon.


IN WITNESS WHEREOF, the said Grantors have caused this instrument to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:


Print Name: LAURENCE L. TAPPE


SIDNEY J. GEFEN


Print Name: DONALD C. WRIGHT



LOIS I. GEFEN

Address:
6740 Epping Forest Way North
Unit 108
Jacksonville, FL 32217

Please Record and Return to:
DONALD C. WRIGHT
Rogers Towers
1301 Riverplace Blvd., Suite 1500
Jacksonville, Florida 32207

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 19th day of December, 2007, by SIDNEY J. GEFEN and LOIS I. GEFEN, who are personally known to me or have produced N/A as identification.


Notary Public, State of Florida
Print Name: _____
My Commission Expires:
My Commission Number:

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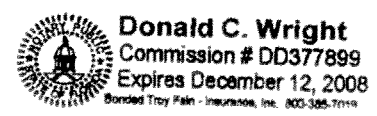
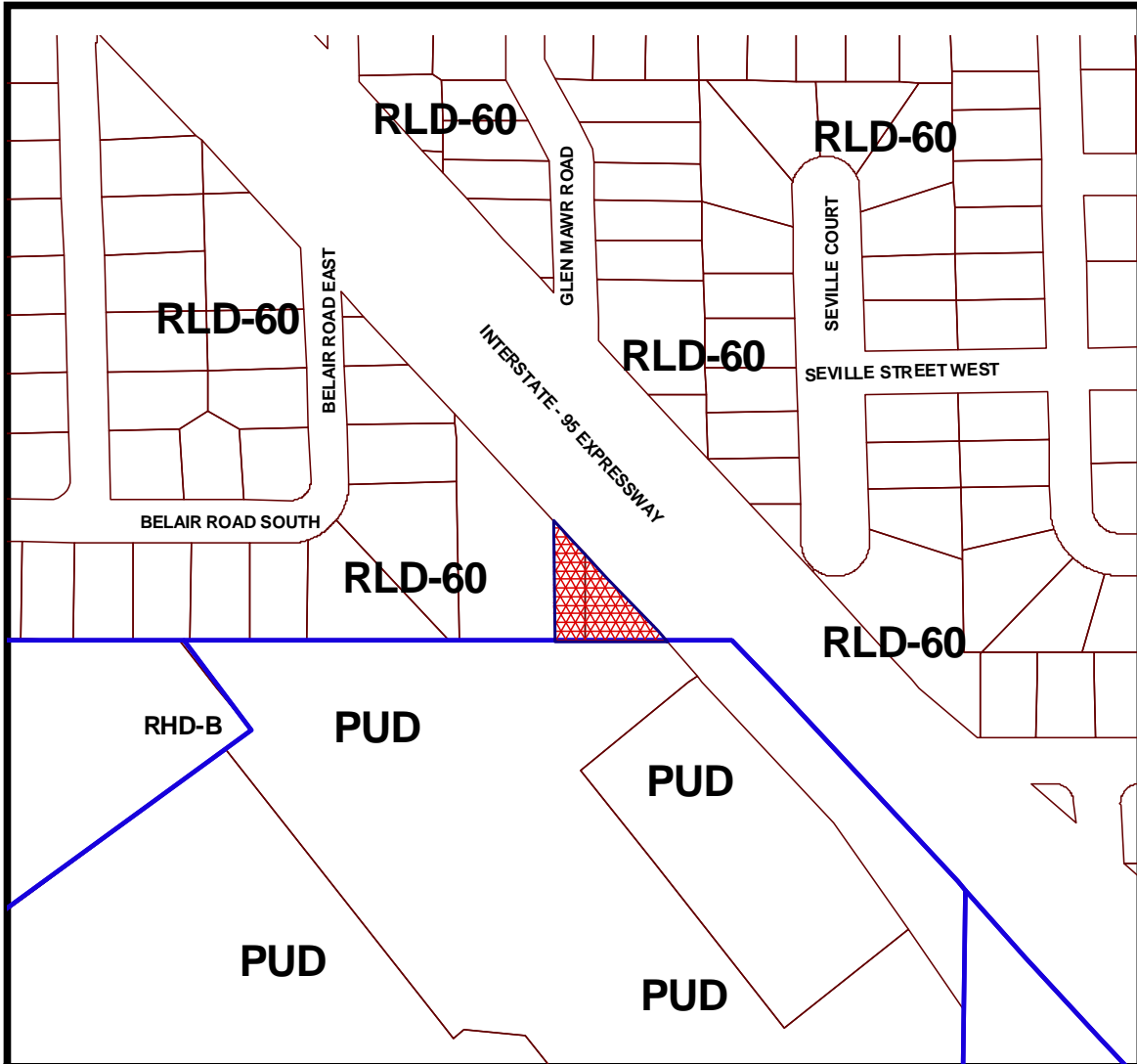


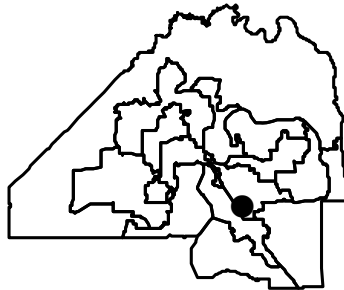
EXHIBIT 2



REQUEST SOUGHT:

FROM: RLD-60

TO: CCG-1



0 100 Feet



COUNCIL DISTRICT:

4

ORDINANCE -2015-0278

FILE COPY

