

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-0368

JUNE 18, 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 2015-0368**.

Locations: 2070 Imeson Road between Commonwealth Avenue and Pritchard Road

Real Estate Number: 004884-0000

Current Zoning District: Agriculture (AGR)

Proposed Zoning District: Industrial Light (IL)

Current Land Use Category: Light Industrial (LI)

Planning District: Northwest, District 5

Planning Commissioner: Lara Diettrich

City Council District: The Honorable Reginald L. Brown, District 10

Applicant/Agent: Dean Gilliland
Expansion Commercial
4480 Deerwood Lake Parkway, Suite 121
Jacksonville, FL 32216

Owner: Robert M. Smith
12433 Trailblazer Drive
Jacksonville, FL 32220

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2015-368** seeks to rezone 1.94 acres of land from Agriculture (AGR) to Industrial Light (IL). The site is within the LI 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 proposed change in zoning district would be compatible with the existing Future Land Use category. In 2014, the City Council approved ordinance 2014-350, a rezoning of two properties to the south along

Imeson from AGR to IL. The property has frontage on Imeson Road, a Collector Street, as classified by the Functional Highway Classification Map of the 2030 Comprehensive Plan. The proposed use would allow the continued use of the site as a commercial auto repair shop, or other potential industrial uses in the future.

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. The Planning and Development Department finds that the subject property is located in a Light Industrial (LI) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The LI functional land use is a category intended to provide for industrial uses which have fewer objectionable impacts than Heavy Industrial (HI) on residential areas such as noise, odor, toxic chemical and wastes.

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 3.2.2: The City shall promote, thorough the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize. The current functional land use designation of LI allows for a mix of zoning districts, including light industrial. The area surrounding this property is a mix of IL, RR-Acre, AGR, CSV and PUD zoning districts. The property is currently developed as a commercial auto repair shop. The property adjacent to the west is a large city owned property, zoned for conservation, currently undeveloped. Located to the south are other industrial uses and a few residential structures mixed in.

Objective 3.2.19: The City shall prohibit expansion or new development of non-industrially designated land uses in industrially designated areas unless the use is determined to be an accessory and complimentary use to the industrial area, unless otherwise provided for herein... Although there are areas of remaining Agricultural zoning districts within the vicinity of the proposed IL zoning, the area at large is clearly intended to be a small industrial cluster, as the underlying land use is LI. Provided the use meets all required screening and buffering criteria set forth in the zoning code, it is the intent of the 2030 Comprehensive Plan to promote the continued economic viability of the industrial areas by protecting them from non-industrial uses.

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

No. The propose use would be compatible with the requested zoning district, and the Zoning Code provides for landscape and buffering requirements to address the incompatibility of residential uses adjacent to, or near industrial land uses. The area has been designated with the LI functional land use category to allow for a mix of less intense industrial uses, but to also limit the impact that non-compatible residential uses may have on uses allowed in the industrial zoning districts. Also, as mentioned above, the site is currently used for auto repair, so there would be no increased impact to the surrounding property.

SURROUNDING LAND USE AND ZONING

The subject property is located on Imeson Road, within a small cluster of LI land use. There has been one rezoning of a similar nature, in 2014. 2014-350 changed the zoning designation for two parcels just south along Imeson Road, from AGR to IL. The site is currently used for an auto repair facility; the recently rezoned property to the south is host to a warehouse and small manufacturing facility. The intended rezoning would be compatible with the land use designation of LI, and is clearly an area intended for transition to industrial zoning. The current use is of an industrial nature and would continue in an industrial fashion. Approval of this application would be consistent with previous actions taken by the Council.

The surrounding uses, land use category and zoning are as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	CSV	CSV	Vacant/City Owned
East	RPI	PUD	Residential
South	CSV/LI	AGR/CSV/IL	Vacant/Residential/Warehouse
West	CSV	CSV	Vacant/City Owned

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on the required Notice of Public Hearing sign was posted on June 1, 2015.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2015-368** be **APPROVED**.



Aerial

*Source: City of Jacksonville Planning and Development Department
Date: June 1, 2015*



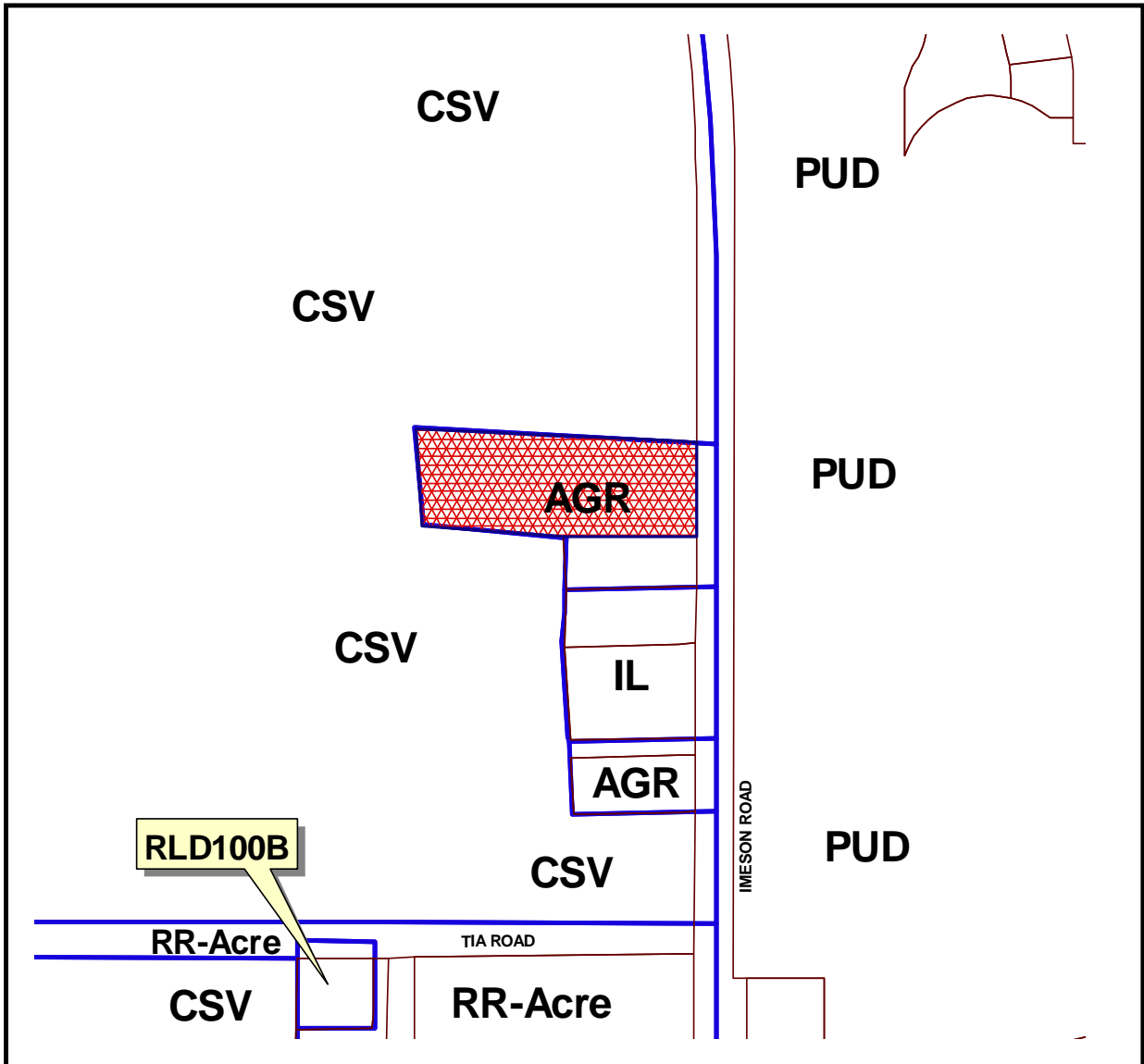
Subject property

*Source: City of Jacksonville Planning and Development Department
Date: June 1, 2015*



Residential and industrial uses to the south

*Source: City of Jacksonville Planning and Development Department
Date: May 20, 2015*



<p>REQUEST SOUGHT:</p> <p>FROM: AGR</p> <p>TO: IL</p>		<p>COUNCIL DISTRICT:</p> <p style="text-align: center;">10</p>
<p>ORDINANCE NUMBER:</p> <p>ORD-2015-0368</p>	<p>TRACKING NUMBER:</p> <p>T-2015-0834</p>	<p style="text-align: center;">Exhibit 2</p>

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Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Case # 2015-0368 **Staff Sign-Off/Date** CAP / 04/14/2015

Filing Date 05/01/2015 **Number of Signs to Post** 2

Hearing Dates:

1st City Council 06/23/2015 **Planning Commission** 06/18/2015

Land Use & Zoning 07/21/2015 **2nd City Council** 07/28/2015

Neighborhood Association CISCO GARDEN CIVIC ASSOCIATION

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 834

Application Status PAID

Date Started 04/20/2015

Date Submitted 04/20/2015

General Information On Applicant

Last Name	First Name	Middle Name
GILLILAND	DEAN	R
Company Name		
EXPANSION COMMERCIAL		
Mailing Address		
4480 DEERWOOD LAKE PARKWAY, SUITE 121		
City	State	Zip Code
JACKSONVILLE	FL	32216
Phone	Fax	Email
9046354481	8884356156	DEAN@EXPANSIONCOMMERCIAL.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
SMITH	ROBERT	M
Company/Trust Name		
Mailing Address		
12433 TRAILBLAZER DRIVE		
City	State	Zip Code
JACKSONVILLE	FL	32220
Phone	Fax	Email
9046959040		

Last Name	First Name	Middle Name
SMITH	BETTY	J
Company/Trust Name		
Mailing Address		

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
1.94 Acres @ \$10.00 /acre: \$20.00
3) Plus Notification Costs Per Addressee
9 Notifications @ \$7.00 /each: \$63.00
4) Total Rezoning Application Cost: \$2,083.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

ORDINANCE _____

Legal Description

A part of Lots 2 and 3, Section 11 Township 2 South Range 25 East, Duval County, Florida, being more particularly described as beginning at a point in the westerly right of way line of Imeson Road as now established, 1176.15 feet North of the North Right of Way line of the A.C.L. Railroad as now established; thence Northerly along said westerly right of way line of Imeson Road, 184.4 feet; thence Westerly with an interior angle of $93^{\circ} 12'$ a distance of 494.87 feet; thence Southerly with an interior angle of $83^{\circ} 30' 50''$ a distance of 172.22 feet; thence Easterly with an interior angle of $98^{\circ} 07' 10''$ a distance of 487.6 feet to the point of beginning.

4/20/15

EXHIBIT A

Property Ownership Affidavit

Date: April 16, 2015

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 M. and Betty J. Smith 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 2010 Imeson Road, submitted to the Jacksonville Planning and Development Department.

Robert M. Smith Betty J. Smith
(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 16th day of April (month), 2015 (year) by _____ who is personally known to me or has produced _____ as identification.

Robbie J. Cox
(Notary Signature)

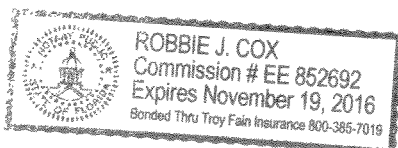


EXHIBIT B

Agent Authorization

Date: April 16, 2015

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:

2070 Imeson Road, Jacksonville, FL 32216

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 Dean R. Gilliland to act as agent to file application(s) for Robert M and Betty J. Smith 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.

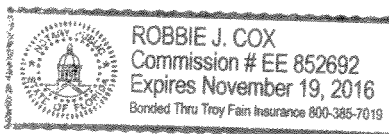
(Owner's Signature)

Robert M Smith Betty J. Smith

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 16th day of April (month), 2015 (year) by _____, who is personally known to me or has produced _____ as identification.

Robbie J. Cox
(Notary Signature)



This Warranty Deed Made the 10th day of February A. D. 19 60 by
ALBERT LEE MANN and LETTIE C. MANN, his wife,

hereinafter called the grantor, to

ROBERT MARTIN SMITH and BETTY JEAN SMITH, his wife,

whose postoffice address is Route 5, Box 577, Jacksonville, Fla
hereinafter called the grantee:

(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)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

Part of Lots 2 and 3, Section 11, Township 2 South, Range 25 East, recorded in Official Record Book 10, Page 107, current public records of Duval County, Florida.

Subject to that certain mortgage given by the grantors to Mary Ethel Smith, dated January 19, 1956, recorded January 20, 1956, in Official Records Book 10, Pages 108-11, current public records, which said mortgage the grantees herein covenant and agree to pay.

Subject also to that certain easement in Official Record Vol. 10, Page 107, current public records of Duval County, Florida, but this reference shall not be deemed to reimpose the same.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any-wise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 59.



In witness whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Patricia A. Rogers
Albert S. Rogers, Jr.

Albert Lee Mann L.S.
Lettie C. Mann L.S.

STATE OF FLORIDA
COUNTY OF DUVAL

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

Albert Lee Mann and Lettie C. Mann,
his wife,

to me known to be the person S described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 10th day of February, A. D. 19 60.

Notary Public, State of Florida at Large

SPACE BELOW FOR RECORDERS USE
60- 8494