

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2015-0440

AUGUST 6, 2015

The Planning and Development Department hereby forwards to the Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning **Ordinance 2015-0440**.

Location: 0 and 7061 Greenland Ridge Lane North; at the southeast quadrant of Interstate 295 and Phillips Highway west of Business Park Boulevard

Real Estate Numbers: 167854-0000 and 167857-0000

Current Zoning District: Residential Low Density-90 (RLD-90) and Residential Rural-Acre (RR-Acre)

Proposed Zoning District: Industrial Light (IL)

Current Land Use Category: Low Density Residential (LDR)

Proposed Land Use Category: Light Industrial (LI)

Planning District: Southeast - 3

City Council Representative: The Honorable Danny Becton, District 11

Planning Commissioner: Daniel Blanchard

Agent: Wyman Duggan, Esq.
Rogers Towers, P.A.
1301 Riverplace Boulevard, Suite 1500
Jacksonville, Florida 32207

Owner: McGirts, LLC
2650-2 Rosselle Street
Jacksonville, Florida 32204

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Rezoning **Ordinance 20145-0440** seeks to rezone 8.00 acres of land from Residential Low Density-90 (RLD-90) and Residential Rural-Acre (RR-Acre) to Industrial Light (IL). The subject property is within the Low Density Residential (LDR) functional land use category as defined by the Future Land Use Map (FLUM) series contained in the Future Land Use Element (FLUE) as adopted as part of the 2030 Comprehensive Plan, however, there is a companion small scale land use application 2015C-011 (Ordinance 2015-0439) requesting a change to the FLUM land use category from LDR to Light Industrial (LI).

The subject site consists of two undeveloped properties totaling 8.00 acres abutting Interstate 295 to the north and a property utilized for outside trailer storage to the east. The applicant proposes a future land use amendment from Low Density Residential (LDR) to Light Industrial (LI) and a rezoning from Residential Low Density-90 (RLD-90) and Residential Rural-Acre (RR-Acre) to Industrial Light (IL). The proposed land use amendment and rezoning changes are intended to allow for industrial and storage/warehousing uses according to the applicant.

According to the Development Areas Map in the Future Land Use Element, the site is located within the Suburban Development Area and Industrial Situational Compatibility Zone.

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 Low Density Residential (LDR) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. There is, however, a companion small scale land use application 2015C-011 (Ordinance 2015-0439) requesting a change to the FLUM land use category from LDR to Light Industrial (LI). The LI functional land use category is a category primarily intended to accommodate

light industrial, warehouse and office uses. If the amendment is adopted by City Council, this Application for Rezoning from RR-Acre and RLD-90 to IL will be 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. The Community Planning Division of the Planning and Development Department is recommending **denial** of this application based on its inconsistency with the 2030 Comprehensive Plan.

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

No. This rezoning is **inconsistent** with the following the Goals, Objectives and Policies of the 2030 Comprehensive Plan, including the following:

FLUE Policy 1.1.22 Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

FLUE Objective 3.2 Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

FLUE Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

FLUE Policy 3.2.2 The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

FLUE Policy 3.2.4 The City shall permit the 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 functional land use designation of LI is not compatible with the surrounding residential zoning districts. The property is not adjacent to the nearby industrial park, and would create an island of industrial uses continuous to residential properties. And while the undeveloped property lies within the “Industrial Situational Compatibility” area, it fronts a rural and unpaved road which would promote non-residential traffic.

The area surrounding the site is a mix of IL, RR-Acre, and RLD-90 zoning districts, with I-295 east to the north, residential homes to the south, and undeveloped residential properties to the east and west.

FLUE 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.

FLUE Policy 3.2.30 The area shown on the Industrial Preservation Map (Map L-23) as “Industrial Sanctuary” or “Areas of Situational Compatibility” are presumed to be appropriate for land use map amendments to industrial categories, subject to a case-by-case review of consistency with State and regional plans and the Comprehensive Plan.

Although the subject site is surrounded and accessed through an existing industrial park, it is not contiguous to surrounding LI designated lands and would result in development of an island of LI amidst LDR. As previously noted, the area surrounding the subject site is in an established residential neighborhood. Greenland Ridge Lane North is an unpaved road and the proposed amendment may introduce non-residential traffic into an established residential area. The proposed amendment is inconsistent with adjoining land uses creating an “island” of industrial uses. Due to the nature of the surrounding area, the proposed amendment is premature. Therefore, the proposed amendment is not a logical extension of existing industrial uses and is inconsistent with the Comprehensive Plan.

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

No. The proposed use would be compatible with the requested zoning district, and the Zoning Code provides for landscape and buffering requirements to address any incompatibility with residential uses adjacent to, or near industrial land uses. The majority of the area to the south, east and west 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 they may have on the non-compatible residential uses existing and allowed in the area adjacent to these industrial properties. Also, as mentioned above, the site is currently undeveloped, so it can be designed to minimize any adverse impacts to surrounding properties. The subject property meets the requirements of the zoning district as set forth in Section 656.305 of the Zoning Code.

SURROUNDING LAND USE AND ZONING

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

<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use(s)</u>
North	NA	NA	I-295 East Beltway
East	LDR	RLD-90	Modular trailer storage
South	LDR	RR-Acre	Single-family homes
West	LDR	RLD-90	Undeveloped land

The subject property is located on Greenland Ridge Lane North, which is a rural and unpaved road within an industrial business park small (cluster of LI land use) approximately a half mile from the Business Park Boulevard and Phillips Highway/U.S. 1 intersection. The area surrounding the site is a mix of IL, RR-Acre, and RLD-90 zoning districts, with I-295 east to the north, residential homes to the south, and a trailer storage lot to the east and undeveloped land to the west. Other industrial uses are located to the south behind the residential properties and to the east and west. These properties are host to numerous warehousing and small manufacturing facilities.

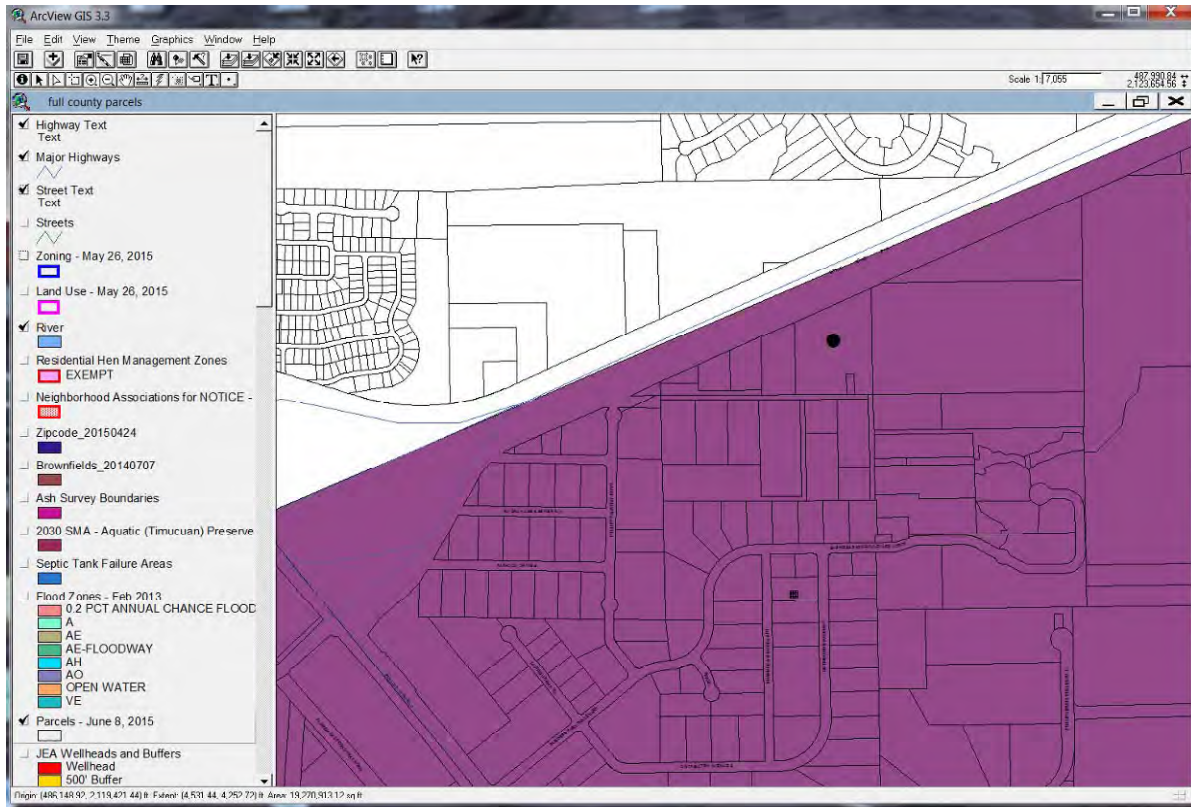
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on March 5, 2013 the required Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2015-0440** be **DENIED**.



Industrial Situational Compatibility Zone



Aerial view of the subject site facing north



Facing east from the Philips Parkway Dr/Greenland Ridge Ln intersection



Facing east along Greenland Ridge Ln N with the subject site on the left



Facing east along Greenland Ridge Ln N with the subject site on the left



Facing north into the subject site



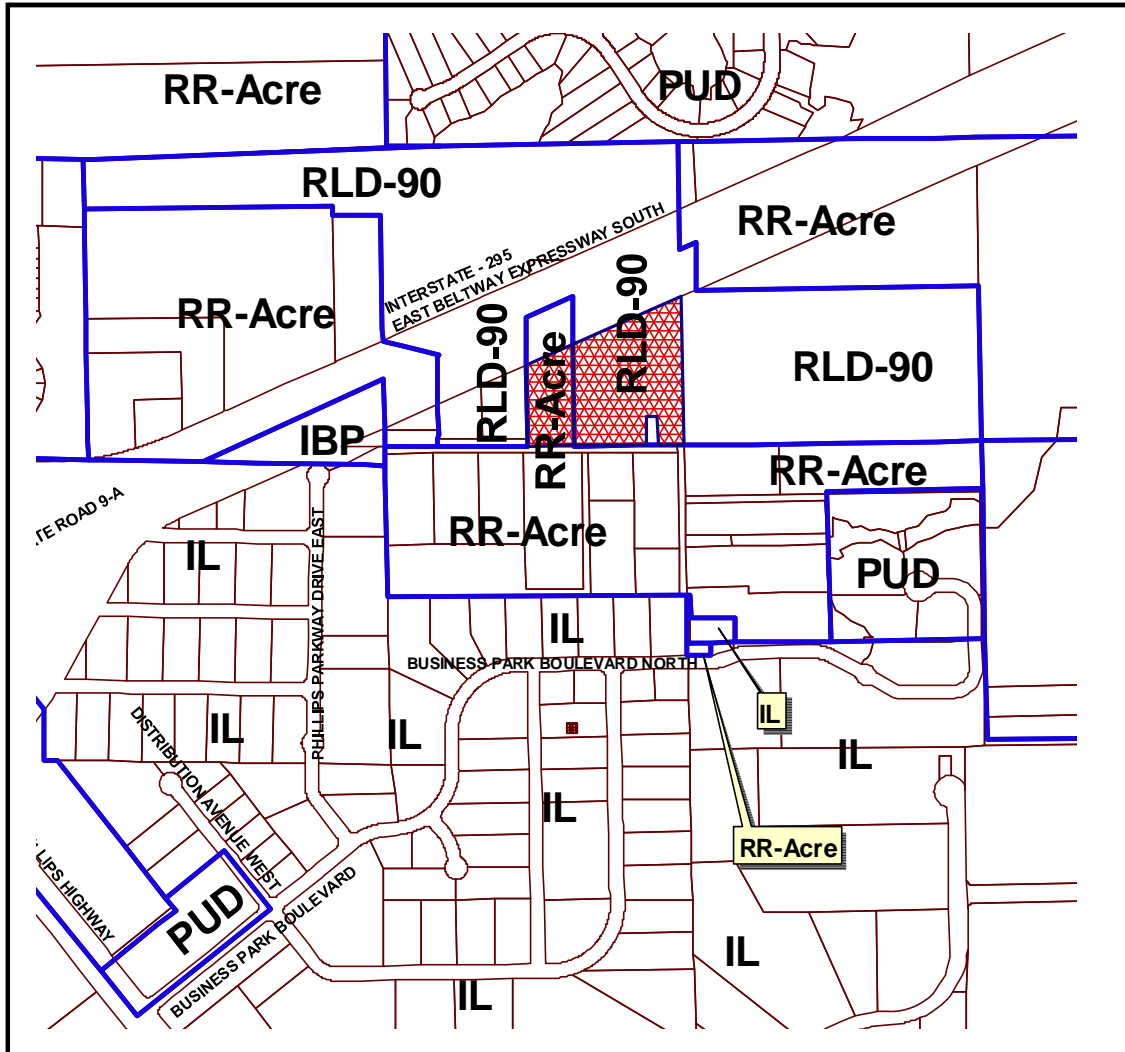
Facing west along Greenland Ridge Ln N with the subject site on the right



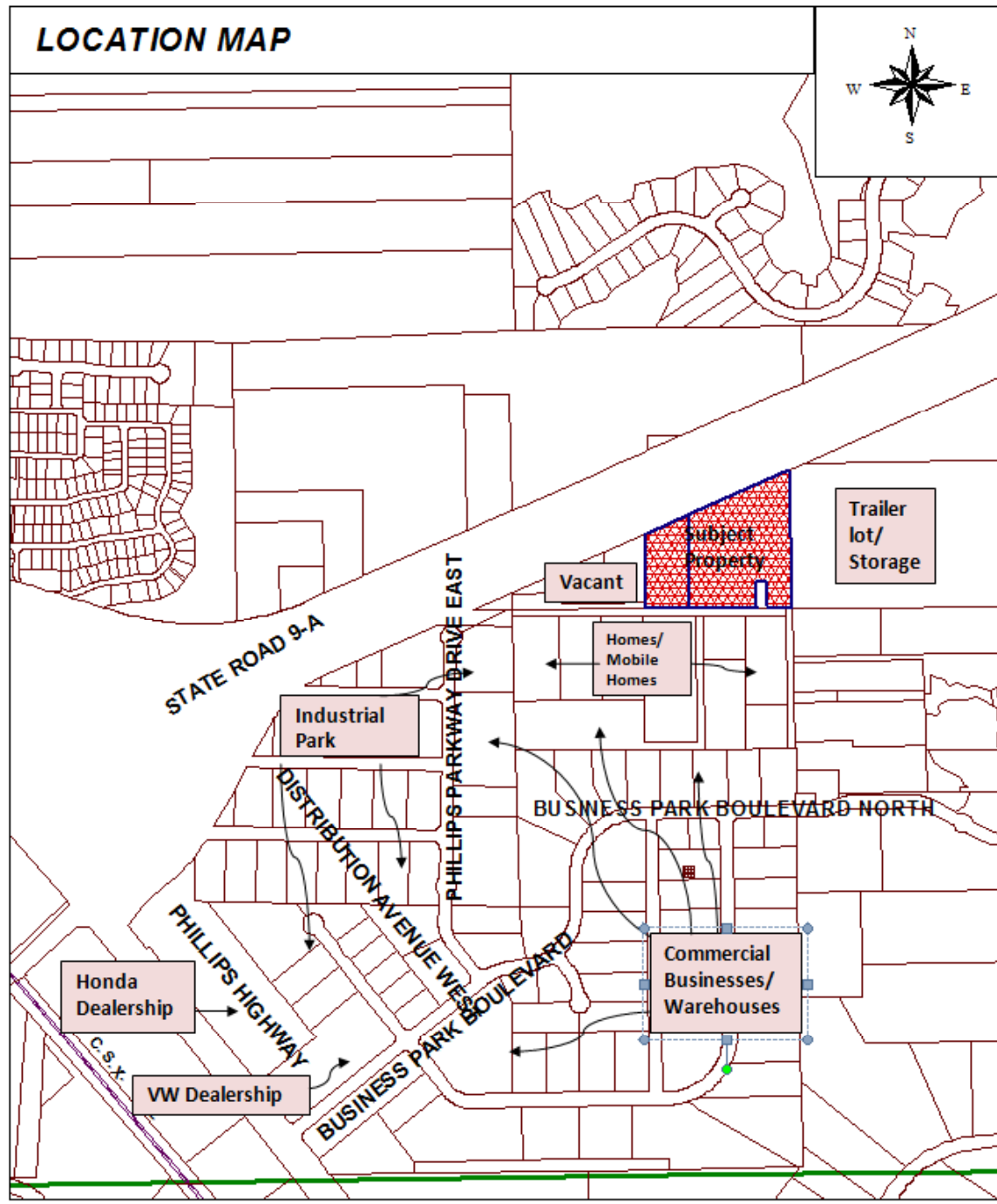
Facing west along Greenland Ridge Ln N with the subject site on the right



Facing southwest at the Greenland Ridge Ln/Philips Parkway Dr intersection



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-90 & RR-Acre</p> <p>TO: IL</p>		
<p>ORDINANCE NUMBER: ORD-2015-0440</p>	<p>TRACKING NUMBER: T-2015-0839</p>	<p>0100 Feet</p> <p>COUNCIL DISTRICT: 13</p>
<p>Exhibit 2</p>		



Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2015-0440 **Staff Sign-Off/Date** AH / 05/20/2015

Filing Date 05/15/2015 **Number of Signs to Post** 2

Hearing Dates:

1st City Council 08/11/2015 **Planning Commission** 08/06/2015

Land Use & Zoning 08/18/2015 **2nd City Council** N/A

Neighborhood Association N/A

Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 839

Application Status PENDING

Date Started 04/23/2015

Date Submitted 04/23/2015

General Information On Applicant

Last Name	First Name	Middle Name
DUGGAN	WYMAN	R
Company Name		
ROGERS TOWERS, P.A.		
Mailing Address		
1301 RIVERPLACE BOULEVARD, SUITE 1500		
City	State	Zip Code
JACKSONVILLE	FL	32207
Phone	Fax	Email
9043983911	9043960663	WDUGGAN@RTLAW.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
SEE	BELOW	
Company/Trust Name		
MCGIRTS, LLC		
Mailing Address		
2650-2 ROSSELLE STREET		
City	State	Zip Code
JACKSONVILLE	FL	32204
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				

	167854 0000	13	3	RLD-90	IL
Map	167857 0000	13	3	RR-ACRE	IL

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 #

5165

Total Land Area (Nearest 1/100th of an Acre) 8.00

Justification For Rezoning Application

TO BE CONSISTENT WITH COMPANION SMALL SCALE LAND USE AMENDMENT APPLICATION.

Location Of Property

General Location

SOUTHEAST QUADRANT OF I-295 AND U.S. 1

House #	Street Name, Type and Direction	Zip Code
7061	GREENLAND RIDGE LA N	32256

Between Streets

I-295 and GREENLAND RIDGE LANE NORTH

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
8.00 Acres @ \$10.00 /acre: \$80.00
- 3) Plus Notification Costs Per Addressee
15 Notifications @ \$7.00 /each: \$105.00
- 4) Total Rezoning Application Cost: \$2,185.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

ORDINANCE _____

Legal Description

The East ½ of the Southeast ¼ of the Northwest ¼ of Section 7, Township 4 South, Range 28 East, excepting Lot 28, block 106 Sweetwater an unrecorded subdivision, and the part lying in State Road recorded in the Official Records of Duval County, Florida, Book 7865, Page 188.

RE #167854-0000

Together with

07-4S-28E 1.946 PT SE1/4 OF NW1/4 RECD O/R 3879-658 (EX PT ST RD RECD O/R 7818-805)

RE #167857-0000

April 23, 2015

EXHIBIT 1
Page ___ of ___

EXHIBIT A - Property Ownership Affidavit

Date: _____

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: 167854-000 & 167857-000

To Whom it May Concern:

I _____ hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for land use amendment & rezoning submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Corporate Entity:*

Print Corporate Name:

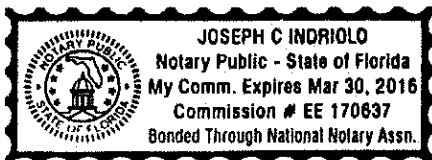
By _____
Print Name: _____

McIntosh, LLC
By [Signature]
Print Name: William M. Easton
Its: Manager

*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

Sworn to and subscribed and acknowledged before me this 23 day of April 2015, by, William Easton who is personally known to me or who has produced _____ as identification and who took an oath.



[Signature]
(Signature of NOTARY PUBLIC)
Joseph Indriolo
(Printed name of NOTARY PUBLIC)
03 30 2016
State of Florida at Large.
My commission expires:

EXHIBIT B - Agent Authorization Affidavit- Property Owner

Date: 4-23-15

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

Re: Agent Authorization for the following site location: 167854-0000 & 167857-0000

To Whom it May Concern:

You are hereby advised that the undersigned is the owner of the property described in Exhibit I attached hereto. Said owner hereby authorizes and empowers Rogers Towers, P.A. to act as agent to file application(s) for land use amendment & 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

If Owner is Individual:

If Owner is Corporate Entity:*

Print Corporate Name:

By _____
Print Name: _____

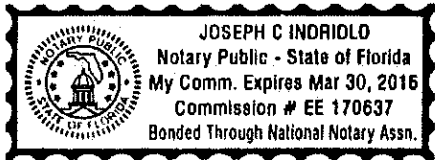
McGreys LLC
By W. M. Easton
Print Name: WILLIAM M. EASTON

Its: Manager

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

Sworn to and subscribed and acknowledged before me this 23 day of April 2015, by, William Easton, who is personally known to me or who has produced _____ as identification and who took an oath.



Joseph C. Indriolo
(Signature of NOTARY PUBLIC)

03-30-2016
(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires:

Tax Deed File No. 00-0336
Property Identification No. 167854-0000

Book 9755 Page 765

Tax Deed

Doc# 2000224897
Book: 9755
Page: 765
Filed & Recorded
09/28/2000 10:17:53 AM
HENRY W COOK
CLERK CIRCUIT COURT
DUVAL COUNTY
TRUST FUND \$ 1.00
DEED DOC STAMP \$ 84.00
RECORDING \$ 5.00

State of Florida

County of Duval

5 MIN. RETURN

RETURN TO GRANTEE PHONE # 6302049

FOR OFFICIAL USE ONLY

The following Tax Sale Certificate Numbered 13946 issued on MAY 31ST 1997 was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the day of September 27, 2000, offered for sale as required by law for cash to the highest bidder and was sold to MCGIRTS L. L. C., A FLORIDA LIMITED LIABILITY COMPANY

whose address is 300 EAST STATE STREET SUITE G
JACKSONVILLE, FL 32202

, being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

Now, on this 27TH day of SEPTEMBER, 2000, in the County of Duval, State of Florida, in consideration of the sum of \$11900.74 ~~TWO THOUSAND ONE HUNDRED AND SEVENTY DOLLARS AND 74/100'S~~ ELEVEN THOUSAND NINE HUNDRED DOLLARS AND 74/100'S Dollars, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:



07-4S-28E GS

E1/2 OF SE1/4 OF NW1/4 (EX LOT 28 BLK 106 SWEETWATER,
PT RECD D BK 672-151, PT IN STATE RD RECD O/R 7865-188)

Witness:

Debra S. Battaglia

Chief Assistant Clerk

Michael Riler

Deputy Clerk

Henry W Cook

(Seal)
Clerk of Circuit Court Duval County, Florida

State of Florida
County of Duval

On this 27TH day of SEPTEMBER, 2000, before me a Notary Public personally appeared Henry W. Cook, Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and office seal date aforesaid.

Mildred L. Watson

Documentary Stamp \$84.00

Recording fee \$6.00



Tax Deed File No. 12-2512

Property Identification No. 167857-0000

Tax Deed

State of Florida

County of Duval

RETURN TO GRANTEE

FOR OFFICE USE ONLY

The following Tax Deed Certificate Numbered **25750** issued on **May 27, 2009** was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the date of **Jun 04, 2014**, offered for sale as required by law for cash to the highest bidder and was sold to

McGirts, LLC 2650-2 Rosselle Street Jacksonville, FL 32204

being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

Now on this **4 day of June, 2014** in the County of Duval, State of Florida, in consideration of the sum **\$23,400.00 TWENTY THREE THOUSAND FOUR HUNDRED DOLLARS AND ZERO CENTS**

being the amount paid pursuant to Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:



07-4S-28E 1.946 PT SE1/4 OF NW1/4 RECD O/R 3879-658 (EX PT ST RD RECD O/R 7818-805)

Deputy Clerk

(Seal)

Clerk of the Court Duval County, Florida

Deputy Clerk

On this 4 day of June, 2014, before me a Notary Public personally appeared Ronnie Fussell, Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and office seal date aforesaid.

Documentary Stamp \$ 163.80

Recording Fee \$ 10.00



