

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**

**APPLICATION FOR REZONING ORDINANCE 2015-0585**

**SEPTEMBER 17, 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 **2015-0585**.

***Location:*** 6535 San Juan Avenue; on the north side of San Juan Avenue between Lane Avenue and Jammes Road

***Real Estate Numbers:*** 011867-0000

***Current Zoning District:*** Industrial Business Park (IBP)

***Proposed Zoning District:*** Residential Medium Density-D (RMD-D)

***Current Land Use Category:*** Business Park (BP)

***Planning District:*** Southwest, 4

***Planning Commissioner:*** Chris Hagan

***City Council District:*** The Honorable Garrett Dennis, District 9

***Applicant/Agent:*** Ronald Bongiovanni, P.E.  
Anchor Engineering of Florida, Inc.  
4000-11 St. Johns Avenue  
Jacksonville, Florida 32205

***Owner:*** Ben Tingle  
Noble House Retirement of Jacksonville, LLC  
PO Box 37523  
Jacksonville, Florida 32236

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2015-0585** seeks to rezone 1.09 acres of land from the IBP Zoning District to the RMD-D Zoning District. The site was the subject of rezoning Ordinance 2005-688 which approved the rezoning of the one (1) acre property from RMD-E to IBP as well

as the companion Small Scale Land Use Amendment 2005C-006 (Ordinance 2005-687) that amended the land use category from Medium Density Residential (MDR) to Business Park (BP).

The property is currently undeveloped and there is a similar retirement/nursing home use on the adjacent property to the west owned and operated by the same owner of this property. The overall site has frontage along San Juan Avenue, which is classified as a minor arterial roadway along this corridor.

### **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 an isolated Business Park (BP) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The BP functional land use is a category was sought to provide for a low intensity commercial development.

The site is within the BP 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. In addition to the secondary and supporting uses allowed in all industrial categories, nursing homes and similar other public facilities meeting the performance standards and criteria in the Land Development Regulations will also be allowed in this category. The location, type, scale and density/intensity of the supporting and secondary uses shall be compatible with the overall character of the existing, as well as the proposed future development of the area. Residential uses may be allowed within this category including single and multi-family residences, which were originally designed and legally built as single and multi-family residences prior to adoption of the Comprehensive Plan, and newly constructed units, live/work lofts, and other mixed use projects as long as they are outside any airport environ as identified in the Land Development Regulations, outside the Coastal High Hazard Area and within a density range of 1 to 20 units per acre. According to the applicant, the request for the rezoning is to allow for a nursing home/multi-family use development.

Generally, nursing homes and residential uses may also be allowed within this category. The predominant development in this area is multi-family residential uses and the proposed rezoning to RMD-D is consistent with the surrounding MDR future land use category and RMD-D zoning districts.

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?***

FLUE Objective 3.1: 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 single-family 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.

FLUE Objective 3.1.6: The city shall provide for development of a wide variety of housing types by area, consistent with the housing needs characteristics and socioeconomic profiles of the City's households as described in the Housing Element.

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

No. It is the opinion of the Planning and Development Department that the proposed rezoning does not appear to be in conflict with any portion of the City's land use regulations. The proposed rezoning will allow a continuance of residential/multi-family development in the area and provide a greater variety of housing types and services.

**SURROUNDING LAND USE AND ZONING**

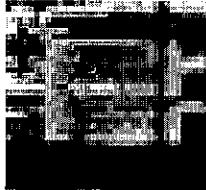
The subject property is located on San Juan Avenue with the surrounding uses, land use categories and zoning as follows:

<b>Adjacent Properties</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use</b>
North	LDR	RLD-90	Single-family home
East	MDR	RMD-D	Single-family home
South	RPI/CGC	CO and CCG-1	Commercial/retail uses
West	MDR	RMD-D	Retirement home/multi-family

The proposed rezoning to RMD-D will be consistent and compatible with the surrounding residential uses in the area.

**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on September 3, 2015, the required Notice of Public Hearing sign was posted:



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2015-0585** be **APPROVED**.



**Aerial view of the subject property facing north**



**The subject property facing north from San Juan Ave.**



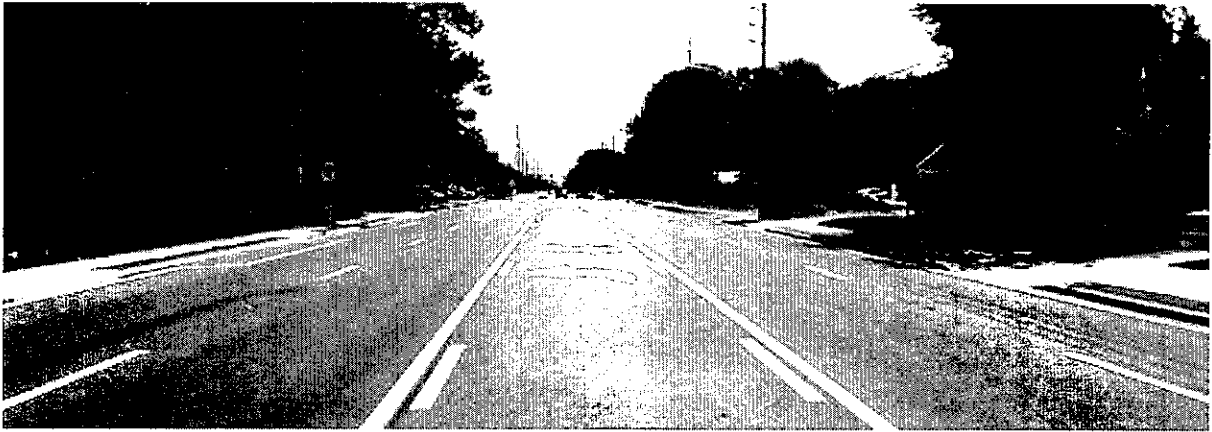
**The subject property facing north from San Juan Ave.**



**Facing west along San Juan Ave.**



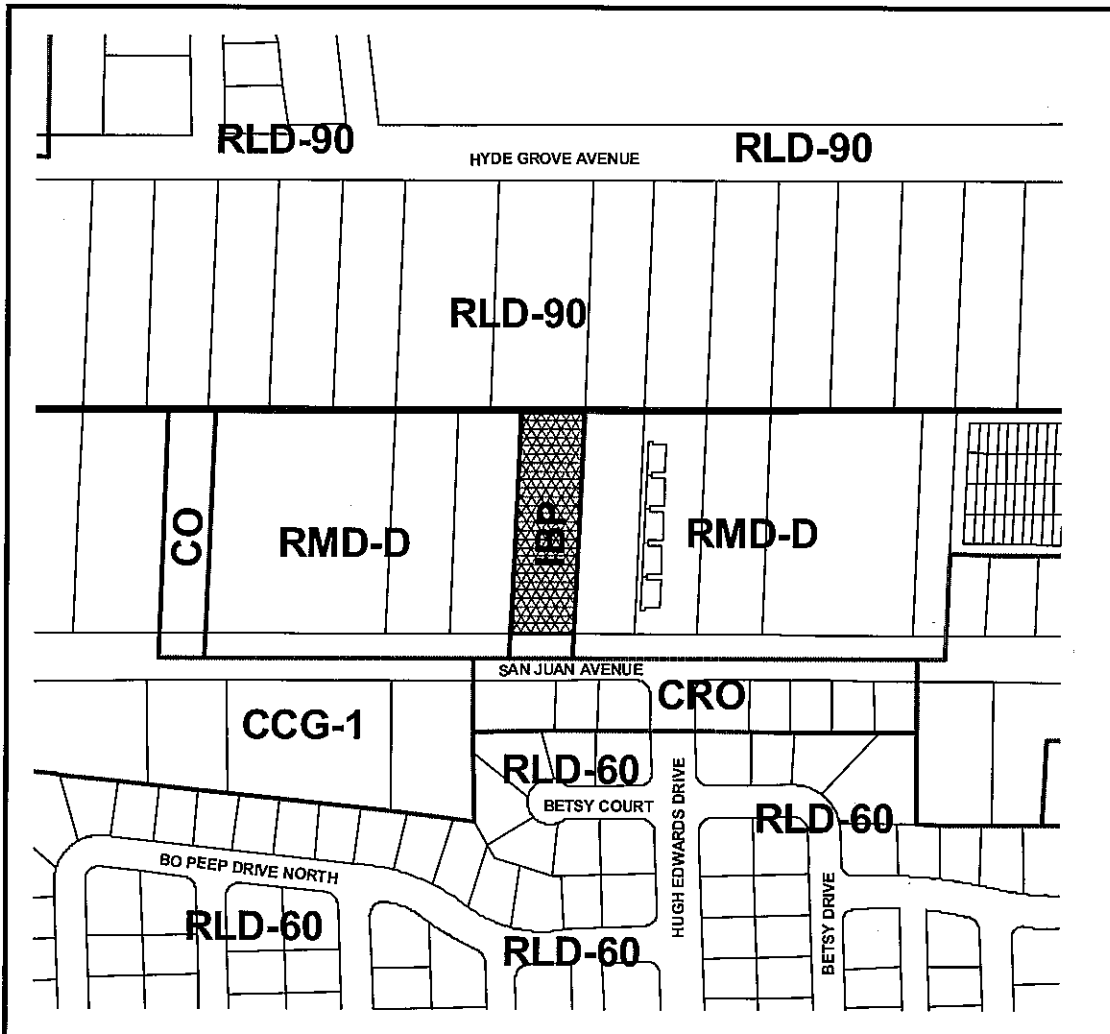
**Facing west along San Juan Ave.**



Facing east along San Juan Ave.



Adjacent use to the west of the subject site



<p>REQUEST SOUGHT:</p> <p><b>FROM:</b> IBP</p> <p><b>TO:</b> RMD-D</p>		<p>0 100 Feet</p> <p>COUNCIL DISTRICT: <b>9</b></p>
<p>ORDINANCE NUMBER: <b>ORD-2015-0585</b></p>	<p>TRACKING NUMBER: <b>T-2015-0875</b></p>	<p><b>Exhibit 2</b></p>



## Application For Rezoning To Conventional Zoning District

### Planning and Development Department Info

Ordinance # 2015-0585 Staff Sign-Off/Date AH / 08/07/2015

Filing Date 08/25/2015 Number of Signs to Post 1

### Hearing Dates:

1st City Council 09/22/2015 Planning Commission 09/17/2015

Land Use & Zoning 10/06/2015 2nd City Council N/A

Neighborhood Association N/A

Neighborhood Action Plan/Corridor Study N/A

### Application Info

Tracking # 875 Application Status PENDING  
Date Started 06/22/2015 Date Submitted 06/22/2015

### General Information On Applicant

Last Name	First Name	Middle Name
BONGIOVANNI	RONALD	J

### Company Name

ANCHOR ENGINEERING OF FLORIDA, INC.

### Mailing Address

4000-11 ST. JOHNS AVENUE

City	State	Zip Code
JACKSONVILLE	FL	32205

Phone	Fax	Email
9043881259	904	ANCHORENGFL@AOL.COM

### General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
TINGLE	BENJAMIN	

### Company/Trust Name

NOBLE HOUSE RETIREMENT OF JACKSONVILLE, LLC

### Mailing Address

P.O. BOX 37523

City	State	Zip Code
JACKSONVILLE	FL	32236

Phone	Fax	Email
4046681243	4046931973	RTMTCOMMUNITIES@AOL.COM

### Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

Map RE#	Council District	Planning From Zoning District	From Zoning District(s)	To Zoning District
Map				

011867 0000 9 4 IBP RMD-D

Ensure that RE# is a 10 digit number with a space (##### #)

**Existing Land Use Category**

BP

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 1.09

**Justification For Rezoning Application**

NOBLE HOUSE RETIREMENT OF JACKSONVILLE, LLC OWNS AND OPERATES AN EXISTING ELDERLY CARE FACILITY ON THE ADJACENT PROPERTY TO THE WEST AND WOULD LIKE TO EXPAND THEIR FACILITY.

**Location Of Property**

**General Location**

House #	Street Name, Type and Direction	Zip Code
6535	SAN JUAN AV	32210

**Between Streets**

JAMMES ROAD and LANE AVENUE SOUTH

**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  
1.09 Acres @ \$10.00 /acre: \$20.00
- 3) Plus Notification Costs Per Addressee  
31 Notifications @ \$7.00 /each: \$217.00
- 4) Total Rezoning Application Cost: \$2,237.00

**NOTE: Advertising Costs To Be Billed to Owner/Agent**

# ORDINANCE

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## Legal Description

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Lot 31, Hyde Grove, a subdivision according to the plat thereof recorded at Plat Book 18, Page 76, in the Public Records of Duval County, Florida. . . . Excepting therefrom that part thereof taken by State Road Department in the Official Records Volume 2329, page 56. Duval County, Florida

Parcel Identification Number      011867-0000

June 22, 2015

Exhibit 1  
Page 1 of 1

**EXHIBIT A**

**Property Ownership Affidavit**

Date: June 10, 15

**City of Jacksonville**  
City Council / Planning and Development Department  
117 West Duval Street, 4<sup>th</sup> Floor / 214 North Hogan Street, Edward Ball Building, Suite 300  
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

I, Ben Tingle dba Noble Home Realty, LLC 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 Property Rezoning  
submitted to the Jacksonville Planning and Development Department.

[Signature]  
dba. (Owner's Signature) Noble Home Realty, LLC

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 10<sup>TH</sup> day of  
June (month), 2015 (year) by Ben Tingle  
who is personally known to me or has produced FL Drivers License  
as identification.

[Signature]  
(Notary Signature)

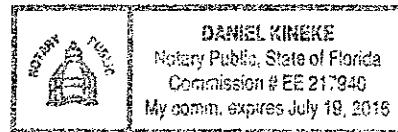


EXHIBIT B

Agent Authorization

Date: June 10, 15

**City of Jacksonville**

City Council / Planning and Development Department  
117 West Duval Street, 4<sup>th</sup> Floor / 214 North Hogan Street, Edward Ball Building, Suite 300  
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

RR 6535 SAN JUAN Ave.

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 Ronald J. Bongiovanni, PE to act as agent to file application(s) for Property 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.

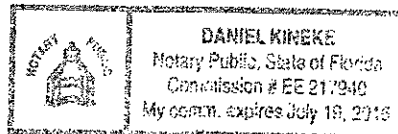
(Owner's Signature)

[Handwritten Signature]  
d. A. Noble Hon of Gr. Ac

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 10<sup>th</sup> day of June (month), 2015 (year) by Rev Noble, who is personally known to me or has produced FL Drivers License as identification.

[Handwritten Signature]  
(Notary Signature)



Prepared by and return to:

Timothy Shippee  
Hathaway & Reynolds, PA  
50 A1A North, Suite 108  
Ponte Vedra Beach, FL 32082

File Number: HRP14108

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(Space Above This Line For Recording Data)

## Warranty Deed

This Warranty Deed made this 7<sup>th</sup> day of August, 2014, between Elvira Demdam and Romeo F. Demdam, wife and husband, individually and as Trustees of the Demdam Living Trust dated January 6, 2010 whose post office address is 6561 San Juan Avenue, Jacksonville, FL 32210, grantor, and Noble House Retirement of Jacksonville, LLC, a Florida limited liability company whose post office address is P.O. Box 37523 Jacksonville, FL 32210, grantee:

(Whenever 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, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Duval County, Florida, to-wit:

Lot 30, Hyde Grove, a subdivision according to the plat thereof recorded at Plat Book 18, Page 76, in the Public Records of Duval County, Florida. Except part in road right of way.

and

Lot 31, Hyde Grove, a subdivision according to the plat thereof recorded at Plat Book 18, Page 76, in the Public Records of Duval County, Florida. Excepting therefrom that part thereof taken by State Road Department in Official Records Volume 2329, page 56, Duval County, Florida.

Parcel Identification Number: 0118660000

**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.

**SUBJECT TO** covenants, conditions, restrictions, easements of record and taxes for the current year.

**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 as specified herein.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

*Timothy Shippee*  
Witness 1 Signature  
Timothy Shippee

Witness 1 Printed Name

*Bianca Evans*  
Witness 2 Signature

Bianca Evans  
Witness 2 Printed Name

The Demdam Living Trust dated January 6, 2010

By: *Elvira Demdam*  
Elvira Demdam, Trustee

By: *Romeo F. Demdam*  
Romeo F. Demdam, Trustee

*Romeo F. Demdam*  
Romeo F. Demdam

*Elvira C. Demdam*  
Elvira C. Demdam

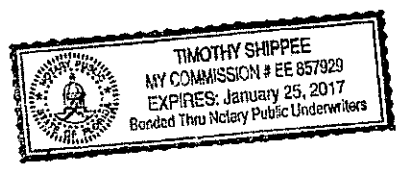
State of FL  
County of St. Johns

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of August, 2014, by Romeo F. Demdam and Elvira C. Demdam, individually and as Trustees of the Demdam Living Trust dated January 6, 2010, they () are personally known to me or () have produced Valid D.L. as identification.

*Timothy Shippee*  
Notary Public

Printed Name: Timothy Shippee

My Commission Expires: \_\_\_\_\_







## Detail by Entity Name

### Florida Limited Liability Company

NOBLE HOUSE RETIREMENT OF JACKSONVILLE, LLC

### Filing Information

Document Number	L14000033713
FEI/EIN Number	46-4995308
Date Filed	02/27/2014
Effective Date	03/01/2014
State	FL
Status	ACTIVE

### Principal Address

6561 San Juan Avenue  
Jacksonville, FL 32210

Changed: 04/30/2015

### Mailing Address

P O BOX 422673  
ATLANTA, GA 30342

### Registered Agent Name & Address

TINGLE, BEN  
5400 Water Oak Lane  
Unit 105  
Jacksonville, FL 32210

Address Changed: 04/30/2015

### Authorized Person(s) Detail

#### **Name & Address**

Title MGRM

TINGLE, BEN  
6561 San Juan Avenue  
Jacksonville, FL 32210

Title MGM

HATLEY, RHONDA  
6561 San Juan Avenue  
Jacksonville, FL 32210

**Annual Reports**

<b>Report Year</b>	<b>Filed Date</b>
2015	04/30/2015

**Document Images**

04/30/2015 -- ANNUAL REPORT

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02/27/2014 -- Florida Limited Liability

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