

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**APPLICATION FOR REZONING ORDINANCE 2015-842****JANUARY 19, 2016**

The Planning and Development Department hereby forwards to the Downtown Development Review Board, Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2015-842**.

Location: 601 Adams Street East; on the west side of Hogans Creek between Catherine Street and Palmetto Street

Real Estate Numbers: 073305-0100

Current Zoning District: Commercial Residential Office (CRO)

Proposed Zoning District: Commercial Central Business District (CCBD)

Current Land Use Category: Central Business District (CBD)

Planning District: Urban Core (1)

City Council Representative: The Honorable Reggie Gaffney, District 7

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

Owner: Duval County Land Trust No. 073305-0100
PO Box 817058
Hollywood, Florida 33081

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2015-842** requests rezoning of 7.42 acres of land from the CRO to CCBD zoning district. The subject property is located at 601 Adams Street East; on the west side of Hogans Creek just north of the Maxwell House Coffee facility and is developed as a horizontal parking lot. The subject property is within the CBD 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. According to the application, this rezoning is sought to permit an off-street parking lot and make the zoning consistent with the surrounding properties and commercial development in the area. Although an intended use has been stated by the applicant, analysis within this report is based on the suitability of the proposed CCBD zoning district, regardless of intended use. To that end, the site is within the Downtown Zoning Overlay; specifically, the site is encompassed by three (3) districts: the Cathedral District, the Institutional District, and the Stadium District. The Downtown Zoning Overlay allows for additional uses by district.

Because the intended and historic use of the property is commercial surface parking, it is appropriate to mention section 656.361.5, Jacksonville Code of Ordinances, which, in part, states:

“A Commercial Surface Parking Lot, as that term is defined in Section 656.361.3, shall only be allowed, by exception pursuant to the procedures contained in this section, in the following downtown districts: Brooklyn and Riverside, LaVilla, Church, Cathedral, Riverfront, Institutional, and a portion of Riverfront-Area I bounded by Main Street, Duval Street, Liberty Street, Bay Street, Hogan's Creek and the St. Johns River.”

Based on the above, in addition to this rezoning, an exception would need to be approved prior to use of the property for commercial surface parking.

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 Central Business District (CBD) functional land use category according to the FLUMs (Future Land Use Map series) adopted as part of the 2030 Comprehensive Plan. The Central Business District (CBD) category is a mixed land use category that is coterminous with the Downtown jurisdictional

area of the Downtown Investment Authority (DIA). The category allows medium to high density residential, commercial, industrial, institutional, recreational, and entertainment uses, as well as transportation and communication facilities. All the area in the CBD is included within the boundaries of the Downtown developments of regional impact (DRI). The exact location, distribution, and density/intensity of various types of land use in the DIA's Downtown jurisdictional area will be guided by the site development plans approved as part of the development order for the Downtown DRI(s). The site is located within the Cathedral District area.

Therefore, the proposed rezoning is consistent with the FLUMs adopted as part of the 2030 Comprehensive Plan.

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

Yes. It is the opinion of the Planning and Development Department that the proposed rezoning furthers the Future Land Use Element (FLUE) Policy 3.2.2 of the 2030 Comprehensive Plan, which states that the City shall promote infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize. The applicant has indicated that the proposed rezoning request to CCBD will be to formally permit a parking lot, understanding surface parking facilities must comply with other portions of the Downtown Overlay District standards.

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.

SURROUNDING LAND USE AND ZONING

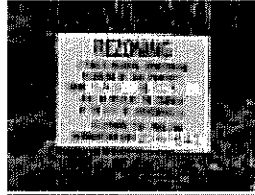
The surrounding uses, land use category and zoning are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	CBD	ROS	Hogans Creek
East	CBD	ROS	Hogans Creek
South	CBD	IL	COJ jail/Maxwell House
West	CBD	PBF-1/PBF-2	JSO offices/warehouse

The proposed rezoning is consistent and compatible with the adjacent and nearby commercial and industrial zoning districts.

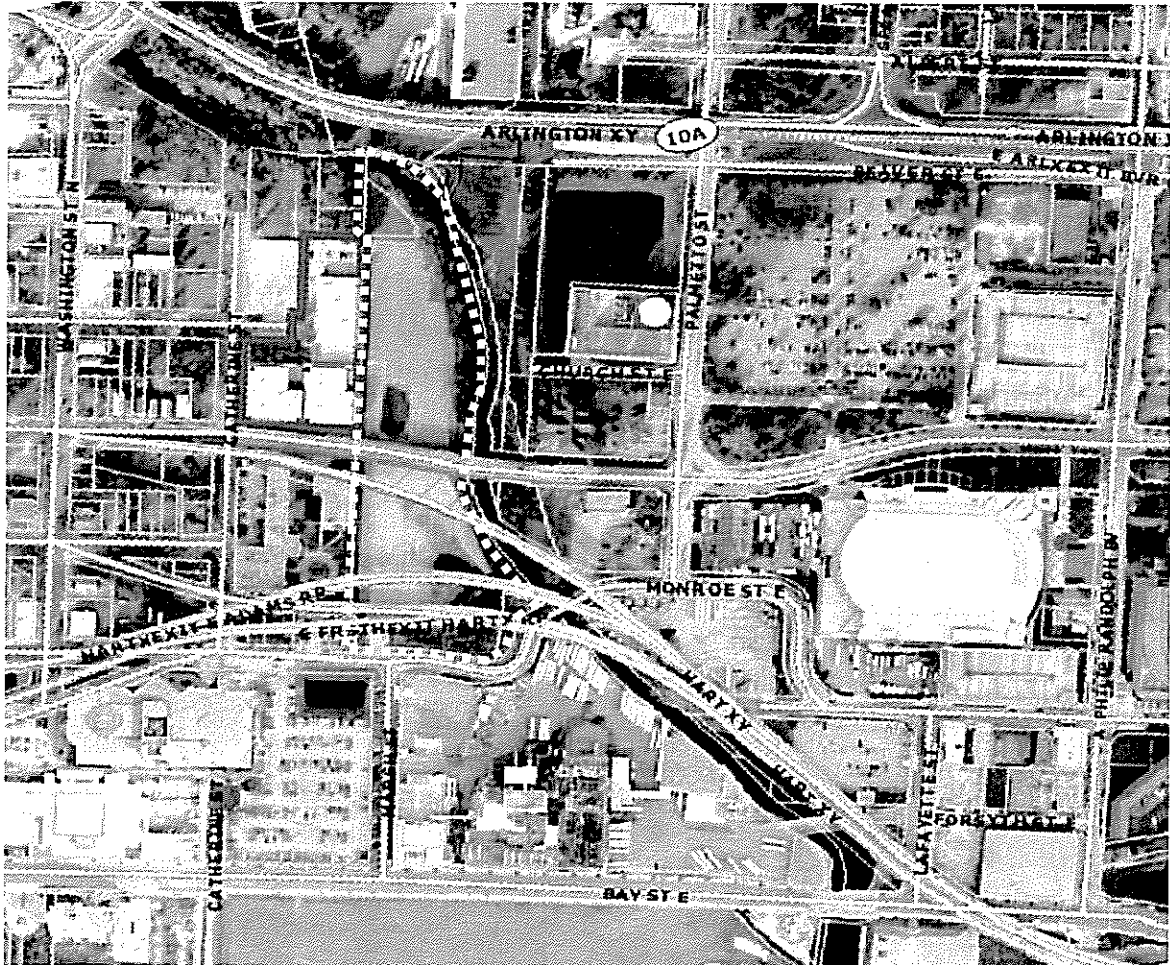
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on 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 **2015-842** be **APPROVED**.



Aerial view of the subject site facing north



View of the subject site facing north from Adams St.



View of the subject site facing northeast from Adams St



View from the subject site facing south towards Bay St.



View of the subject site on the left facing east along Adams St.



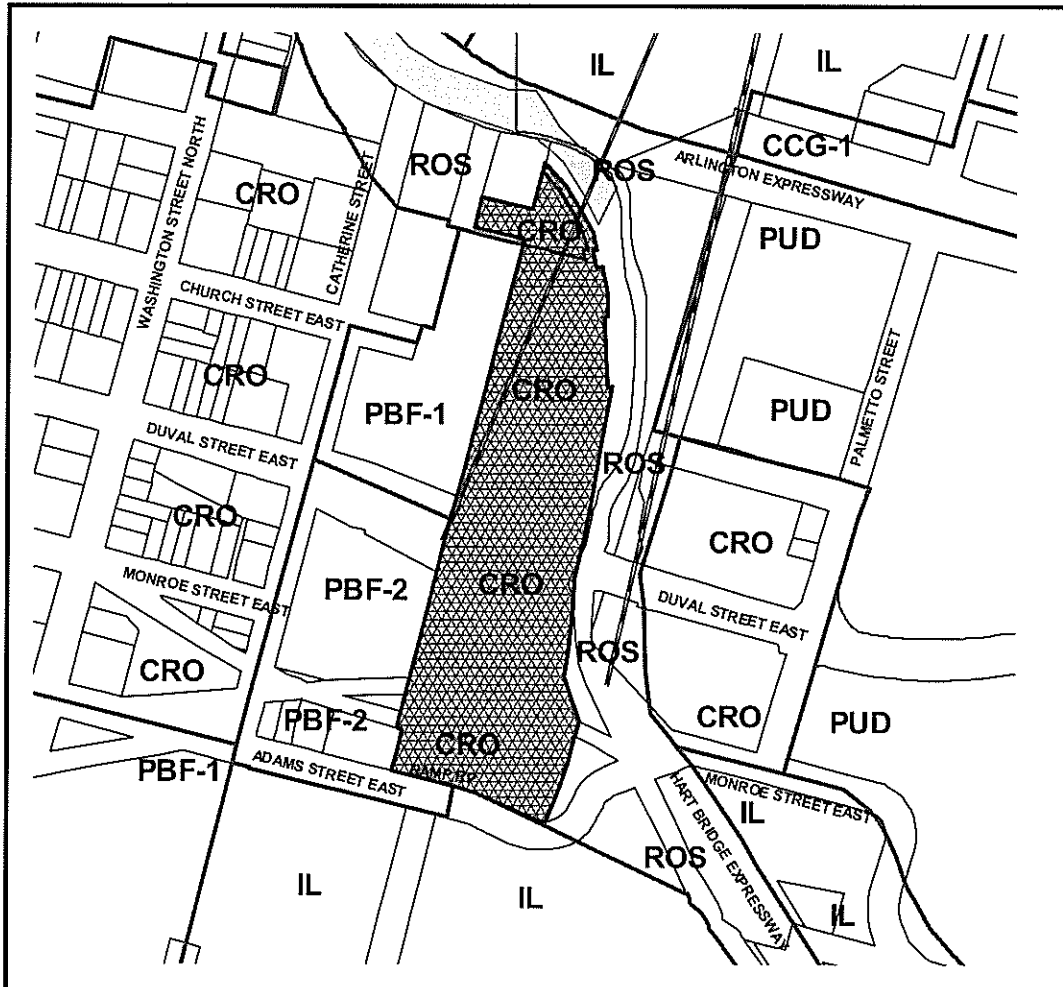
View of the subject site facing northeast from Adams St



Internal picture of the subject site facing north



Internal picture of the subject site facing northeast



<p>REQUEST SOUGHT:</p> <p>FROM: CRO</p> <p>TO: CCBD</p>		<p>0 100 Feet</p> <p>COUNCIL DISTRICT:</p> <p>7</p>
<p>ORDINANCE NUMBER:</p> <p>2015-842</p>	<p>TRACKING NUMBER:</p> <p>T-2015-0971</p>	<p>Exhibit 2</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2015-0842 Staff Sign-Off/Date AH / 11/02/2015

Filing Date 12/08/2015 Number of Signs to Post 5

Hearing Dates:

1st City Council 01/26/2016 Planning Commission 01/21/2016

Land Use & Zoning 02/02/2016 2nd City Council N/A

Neighborhood Association SPRINGFIELD CIVIC ASSOC.

Neighborhood Action Plan/Corridor Study DOWNTOWN NAP

Application Info

Tracking # 971

Application Status PENDING

Date Started 10/15/2015

Date Submitted 10/15/2015

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
DUVAL COUNTY LAND TRUST NO. 073305-0100

Mailing Address
P.O. BOX 817058

City	State	Zip Code
HOLLYWOOD	FL	33081

Phone	Fax	Email

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) 2001-120-E; 2006-335-E

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

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

Existing Land Use Category

Land Use Category Proposed?

If Yes, State Land Use Application #

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

Justification For Rezoning Application

TO PERMIT OFF-STREET SURFACE PARKING LOT.

Location Of Property

General Location

House #	Street Name, Type and Direction	Zip Code
<input type="text" value="601"/>	<input type="text" value="ADAMS ST E"/>	<input type="text" value="32202"/>

Between Streets

and

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**
7.42 Acres @ \$10.00 /acre: \$80.00
- 3) Plus Notification Costs Per Addressee**
19 Notifications @ \$7.00 /each: \$133.00
- 4) Total Rezoning Application Cost:** \$2,213.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

ORDINANCE

Legal Description

10/16/2015

PARCEL 14: A part of the J. Bellamy Grant, Section 38, Township 2 South, Range 26 East, bounded on the North by Hogan's Creek, on the East by Hogan's Creek and the Seaboard Air Line Railway right of way, on the South by a line parallel with and 105 feet North of the North line of Adams Street as extended East and on the West by the right of way of the St. Johns River Terminal Company, but excepting from the above described land that part thereof conveyed to the City of Jacksonville by Deed dated December 23, 1901, and recorded in Deed Book 9, page 189, current public records, Duval County, Florida.

PARCEL 15: That part of the J. Bellamy Grant, Section 38, Township 2 South, Range 26 East, described as follows: Beginning in the North line of Adams Street where the East line of Marsh Street if extended North would intersect therewith; thence North 105 feet, more or less; thence Easterly parallel with the North line of Adams Street to the West line of the right of way of the Old Fernandina and Jacksonville Railroad (now Seaboard Air Line Railway); thence Southerly along the West line of said right of way to the North line of Adams Street; thence Westerly along the North line of Adams Street to the place of beginning.

PARCEL 16: That part of the J. Bellamy Grant, Section 38, Township 2 South, Range 26 East, being a lot or parcel of land situate on the northerly side of Adams Street, East of the right of way for main line and tracks of St. Johns River Terminal Company, in the City of Jacksonville, Duval County, Florida, more particularly described as follows:

Beginning at a point in the northerly line of Adams Street 60 feet measured along said street line East of the point where the West line of Marsh Street (if extended) would cross the northerly line of Adams Street; and running thence Northwestwardly along the northerly line of Adams Street, 105 feet; thence Northeastwardly along a line parallel with the Westerly line of Marsh Street (if extended) 105 feet; thence Southeastwardly along a line parallel with the northerly line of Adams Street, 105 feet; thence Southwestwardly along a line parallel with the Westerly line of Marsh Street (if extended) 105 feet to the point of beginning.

Excepting from said parcels 14, 15 and 16, above, those parts thereof taken by the Jacksonville Expressway Authority by Order of Taking entered in the Circuit Court of Duval County, Florida, in Case No. 66-1013L, on May 27, 1966 of record in Official Record Book 2594, page 153, being the fee simple title in 20 parcels for pier footings and being designated as Parcel No. 36, the description thereof commencing on page 157 of said Official Record Book 2594.

LESS AND EXCEPTING that part taken by Order of Taking recorded in Official Records Volume 9000, page 852 of the current public records of Duval County, Florida.

EXHIBIT 1

EXHIBIT A

Property Ownership Affidavit

Date: 10-15-15

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, Benjie Spedding 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 rezoning / concurrency
submitted to the Jacksonville Planning and Development Department.

Benjie Spedding
(Owner's Signature)

STATE OF FLORIDA
COUNTY OF ~~DUVAL~~ Brevard

The foregoing affidavit was sworn and subscribed before me this 15 day of
October (month), 2015 (year) by Benjie Spedding
who is personally known to me or has produced FL DL
as identification.

Raphael Lopez
(Notary Signature)



Raphael Lopez
State of Florida
MY COMMISSION # FF 220169
Expires: May 1, 2019

EXHIBIT B

Agent Authorization

Date: 10-15-15

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:

073305-0100

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 Rogers Towers, P.A. to act as agent to file application(s) for rezoning / concurrency 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.

Benjie Spesling

(Owner's Signature)

STATE OF FLORIDA
COUNTY OF ~~DUVAL~~ Broward

The foregoing affidavit was sworn and subscribed before me this 15 day of October (month), 2015 (year) by Benjie Spesling, who is personally known to me or has produced FL DL as identification.

Raphael Lopez
(Notary Signature)



Raphael Lopez
State of Florida
MY COMMISSION # FF 220169
Expires: May 1, 2019

Page _____ of _____



Detail by Entity Name

Florida Limited Liability Company

CLEAR BLUE INVESTMENTS LLC

Filing Information

Document Number L10000065531
FEI/EIN Number N/A
Date Filed 06/18/2010
State FL
Status ACTIVE

Principal Address

3661 N 47TH AVE.
HOLLYWOOD, FL 33021

Changed: 04/27/2011

Mailing Address

3661 N 47TH AVE.
HOLLYWOOD, FL 33021

Changed: 04/27/2011

Registered Agent Name & Address

Sperling, BENJIE
3661 N 47TH AVE.
HOLLYWOOD, FL 33021

Name Changed: 02/01/2015

Address Changed: 04/27/2011

Authorized Person(s) Detail

Name & Address

Title MGRM

SPERLING, BENJIE
3661 N 47 AVE
HOLLYWOOD, FL 33021

Annual Reports

Report Year	Filed Date
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2013 03/22/2013
2014 02/28/2014
2015 02/01/2015

Document Images

02/01/2015 -- ANNUAL REPORT

View image in PDF format

02/28/2014 -- ANNUAL REPORT

View image in PDF format

03/22/2013 -- ANNUAL REPORT

View image in PDF format

04/29/2012 -- ANNUAL REPORT

View image in PDF format

04/27/2011 -- ANNUAL REPORT

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06/18/2010 -- Florida Limited Liability

View image in PDF format

[Florida Limited Liability](#)

View image in PDF format

IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT, IN AND FOR DUVAL COUNTY, FLORIDA

CIVIL ACTION NO: 16-2008-CA-010109-XXXX-MA
DIVISION: CV-G

SPACE FOR RECORDING ONLY F.S. §695.26

IBERIABANK, a Louisiana corporation, as successor in interest to CAPITALSOUTH BANK f/k/a MONTICELLO BANK, an Alabama banking corporation,

Plaintiff(s)

vs.

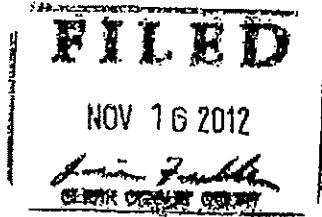
HOGAN'S CREEK STATION, L.L.C., et al

Defendant(s)

AMENDED

CERTIFICATE OF TITLE

This Document Is Amending OR BK 16128 PG 2204 (2)
This Document Is being Amended to Reflect the true and/or Correct Legal Description of the Property Purchased



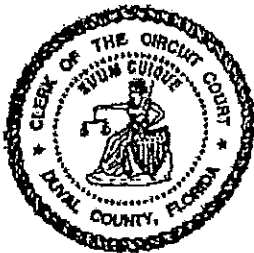
The undersigned Clerk of the Court certifies that he executed and filed a Certificate of Sale in this action on Oct 18, 2012 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Duval County, Florida:

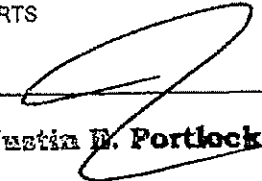
See Exhibit "A"

was sold to Duval County Land Trust No. 073305-0100, Clear Blue Investment LLC as trustee only, with full power and authority to protect, conserve, sell, lease, encumber or otherwise manage and dispose of the property under Florida Statutes section 689.071 whose address is: PO Box 817058 , Hollywood, FL 33081

WITNESS my hand and the seal of the court on Nov 16, 2012 , as Clerk of the Circuit Court.



JIM FULLER
CLERK OF THE CIRCUIT AND COUNTY COURTS

By:  Deputy Clerk

Justin B. Portlock

EXHIBIT A

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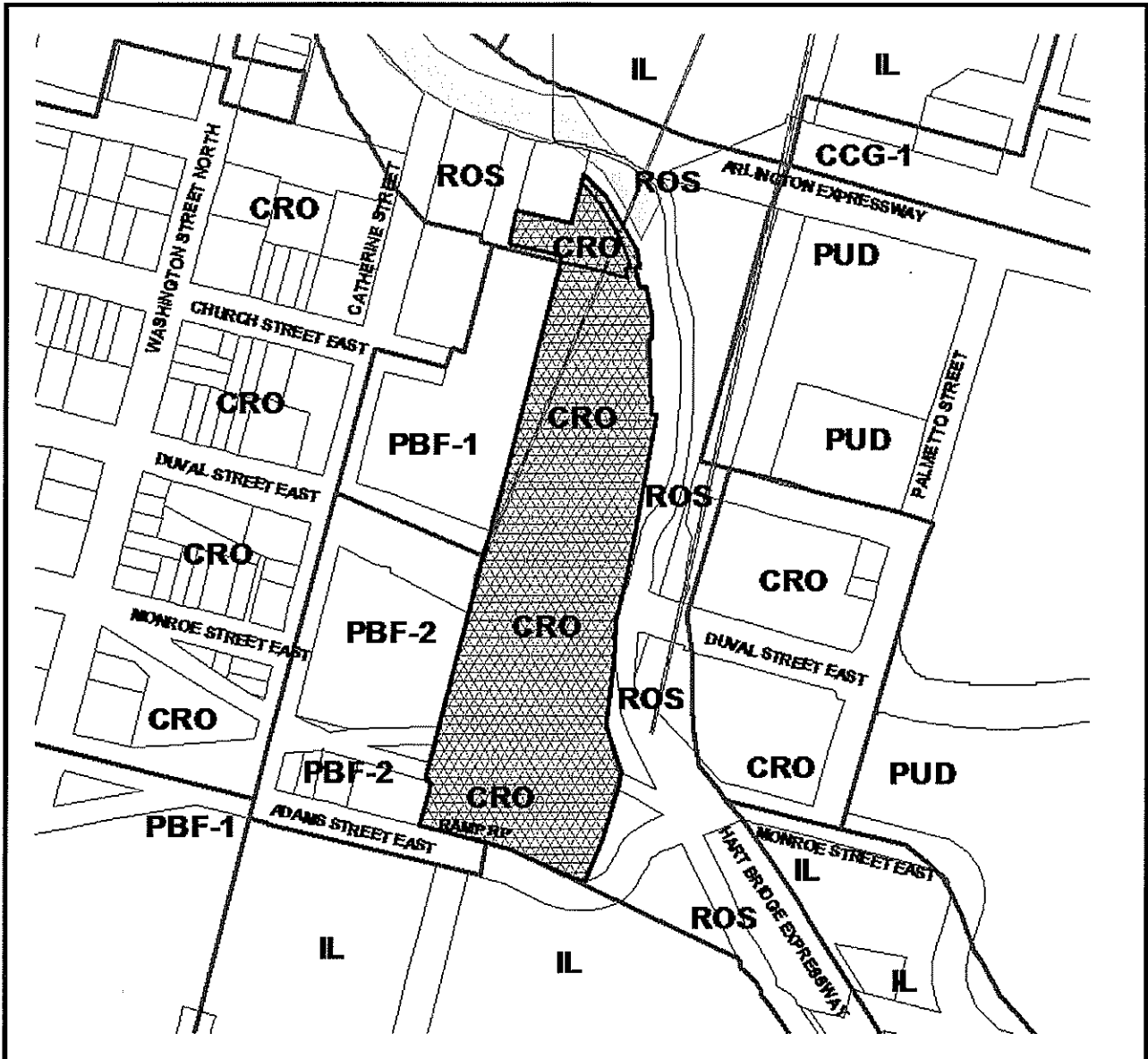
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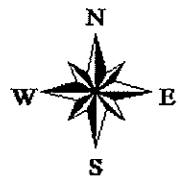
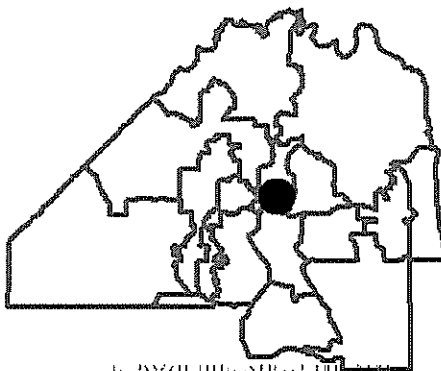
LESS AND EXCEPTING that part taken by Order of Taking recorded in Official Records Volume 9000, page 852 of the current public records of Duval County, Florida.



REQUEST SOUGHT:

FROM: CRO

TO: CCBD



0 100 Feet

COUNCIL DISTRICT:

7

ORDINANCE NUMBER:

ORD-0000-0000

TRACKING NUMBER:

T-2015-0971

Exhibit 2