

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

**APPLICATION FOR REZONING ORDINANCE 2015-0845**

**JANUARY 21, 2016**

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 2015-0845**.

***Locations:*** The northwest corner of the intersection of Martin Luther King Jr. Parkway and Myrtle Avenue, with a portion located at 1326 20<sup>th</sup> Street West, between Martin Luther King Parkway and 20<sup>th</sup> Street West

***Real Estate Numbers:*** 045987 0000 & 045988 0000

***Current Zoning District:*** Planned Unit Development (PUD)(2006-0772)

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

***Current Land Use Category:*** Low Density Residential (LDR)  
Community / General Commercial (CGC)

***Proposed New Land Use*** Community / General Commercial (CGC)

***Planning District:*** Urban, District 1

***Planning Commissioner:*** Abel Harding

***City Council District:*** The Honorable Katrina Brown, District 8

***Applicant/Agent:*** L. Charles Mann  
165 Arlington Road  
Jacksonville, FL 32205

***Owner:*** Angela Sutton  
4412 Wesley Drive  
Tallahassee, FL 32303

***Staff Recommendation:*** **DENY**

### GENERAL INFORMATION

Application for Rezoning Ordinance **2015-0845** seeks to rezone 0.5 acres from Planned Unit Development (PUD) (2006-0772) to Commercial Community / General – 1 (CCG-1). The property is located on the northwest corner of Martin Luther King Jr. Parkway, and Myrtle Avenue, and the house located on the rear portion of the subject site is addressed off of 20<sup>th</sup> Street West. The site is currently zoned for a town home community, which was never constructed. The property currently has a split land use designation, with the rear 3 lots designated LDR, and the front 2 lots designated CGC. The proposed companion land use amendment (2015-0844) if approved, would move the western portion of the subject site to the CGC land use, however, the Planning and Development Department has recommend denial of the proposed land use change. Although the site borders a major collector road, the only access to the site is from the locally designated 20<sup>th</sup> Street West. All commercial traffic would enter and exist along this predominantly residential street. The eastern portion of the site is currently vacant, and used as overflow parking for the surrounding commercial uses, while the western residential structure is vacant an partially boarded up, although there does appear to be some activity, as there was a vehicle stored in the car port.

### 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?***

No. The Planning and Development Department finds that the subject property, with the proposed denial of the companion small scale land use amendment (2015-0844) will be located in both the CGC functional land use category and the LDR functional land use category, according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The LDR land use category is a category intended to provide for low density residential development. Generally, single family detached housing should be the predominant typology in this category. The site is within the Urban Priority Development Area as set forth in the 2030 Comprehensive Plan. The proposed CCG-1 zoning district would be incompatible with the rear portion of the property, which, with a denial of the application for land use amendment, would remain in the LDR land use category. The site is too small to accommodate a full mixed use development.

Therefore, the proposed rezoning is inconsistent 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?***

No. The proposed amendment is **inconsistent** with the following policies of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

Policy 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 rezoning would expand the commercial zoning district further into the residentially zoned portion of the neighborhood. The expansion of commercial uses would encroach on existing residential homes, and could negatively impact the residential character of the area. The existing commercial zoning district is located along Myrtle Avenue, and does not extend beyond the first two block of each street, on both sides, for the entirety of this portion of Myrtle Avenue. The proposed rezoning could set a precedent, which could lead to further erosion of the residential areas though continued encroachment of commercial uses.

Policy 4.1.8B: *“The City shall evaluate all proposed amendments to the comprehensive Plan as their compliance with the area’s vision plan and any existing neighborhood plans and studies. Priority shall be given to those amendments with the greatest potential to further the goals and objectives of the vision plans and neighborhood plans and studies.”* The subject property is located in the 29<sup>th</sup> and Chase Neighborhood Action Plan (NAP). This NAP recommends against the further encroachment of commercial uses into the residential areas. The proposed rezoning, as submitted, conflicts with the goals and objectives of this plan, and therefore should not be given a favorable consideration.

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

Yes. The proposed change in Zoning District is **inconsistent** with the Low Density Residential (LDR) future land use category as defined in the Future Land Use Element of the 2030 Comprehensive Plan. The LDR land use category predominantly allows for single family detached homes, and with a recommendation of denial for the proposed future land use amendment (2015-0844), the proposed CCG-1 Zoning district, as proposed, would conflict with the portion of the property in the LDR land use. Additionally, the property is currently in a PUD zoning district (2006-0772), changing only the eastern portion of the property to CCG-1, while leaving the remainder in the LDR land use in a PUD zoning district, would leave the existing home as a nonconforming use in the PUD zoning district.

Additionally, 656.125(c)(3) "Uses permitted under the proposed rezoning will not be consistent or compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area or will deviate from an established or developing logical and orderly development pattern."

### SURROUNDING LAND USE AND ZONING

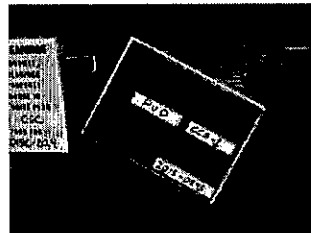
The subject property is located on 20<sup>th</sup> Street West. The surrounding uses, land use category and zoning are as follows:

<u>Adjacent Properties</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use</u>
North	CGC/LDR	CCG-2 / RLD-60	Office / Single Family
East	CGC	CCG-2	Office
South	MDR	RMD-B	Multi-Family
West	LDR	RLD-60	Single Family

The requested CCG-1 District is **inconsistent** with the existing LDR land use portion of the property and is uncomplimentary to the RLD-60 Zoning District to the west.

### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on January 6, 2016, the required Notice of Public Hearing signs were posted.



### RECOMMENDATION

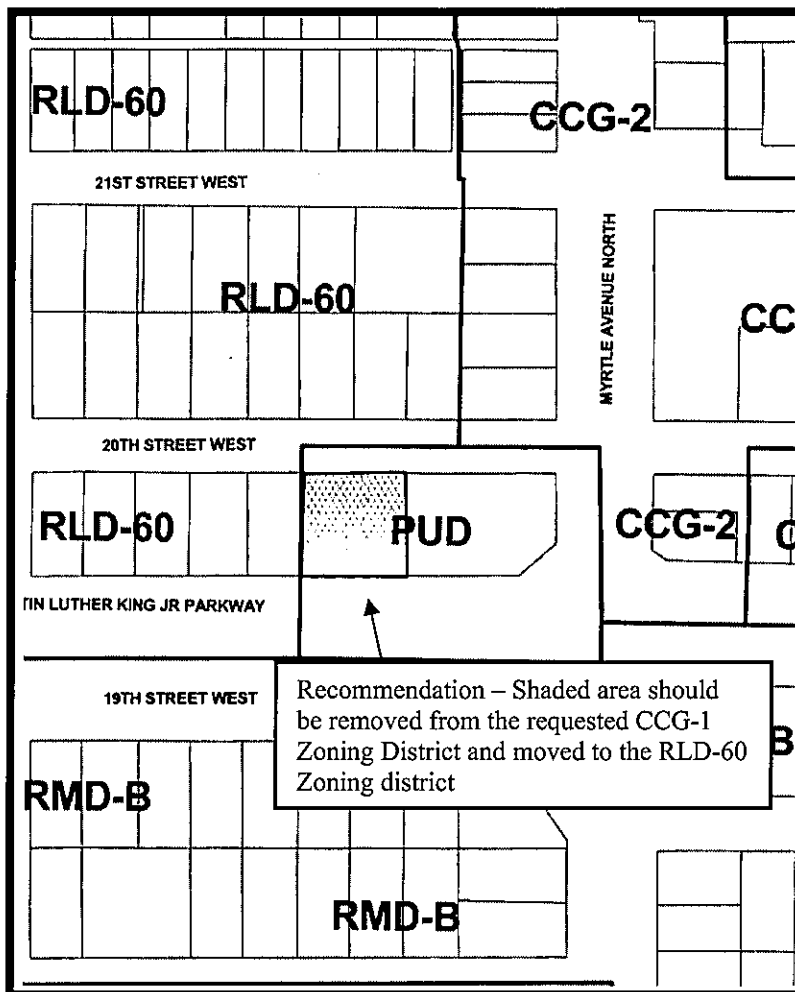
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2015-0845 be **DENIED**.

Please Note: The Planning and Development Department finds that consistency with the Comprehensive Plan and the 29<sup>th</sup> & Chase NAP would be attained if the legal description for the zoning request to CCG-1 was reduced to only include the western portion of the proposed CCG-1 Zoning district property, the vacant lots 1, 2 & 3, as opposed to the current property boundaries which include the lot with a single family residential structure. Lots 1, 2 & 3 within the property boundaries Are currently vacant and are contiguous to the existing CGC land use fronting Myrtle Avenue, and would include the proposed additional lot 3, as noted in the recommendation in the proposed amendment to the future land use designation (2015-0844). A boundary change to the

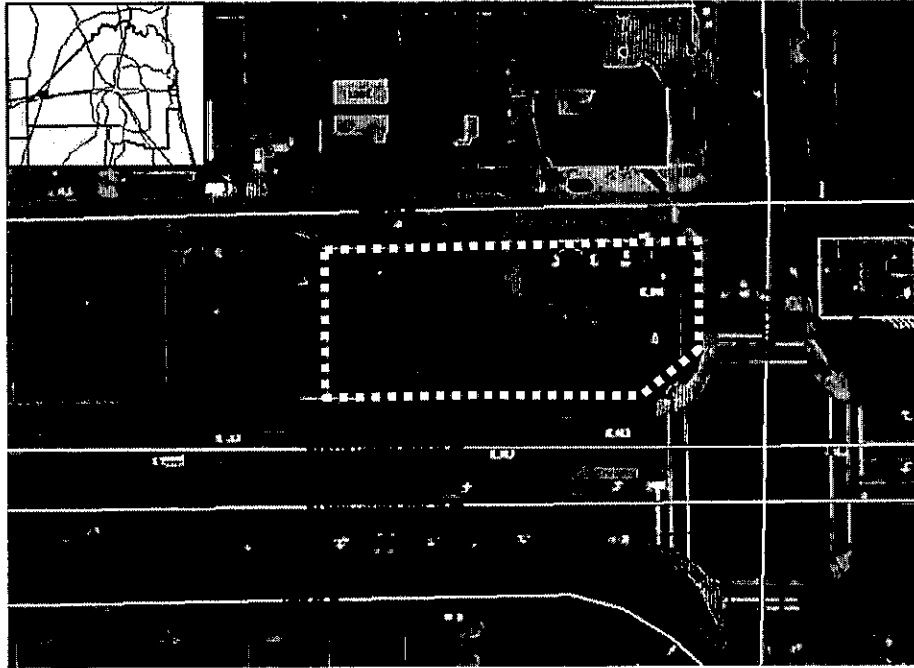
amendment would eliminate conflicts with the 2030 Comprehensive Plan and the 29<sup>th</sup> & Chase NAP.

As described, a change to the legal description for a reduction in the proposed CCG-1 Zoning District, and a change to lots 4 & 5 to RLD-60 zoning district, would continue to maintain compatible land use patterns and protect the neighborhood from potential negative impacts providing a gradation of uses. The revised CCG-1 boundary would be consistent with the character of the adjacent uses and the established pattern of CGC land use along Myrtle Avenue and the change from PUD to RLD-60 for the western portion of the property would be consistent with the LDR land uses, and the surrounding residential homes. The existing residential character would be maintained fulfilling FLUE Goal 1 and Policies 1.1.10, 1.1.22, 3.1.3 and 3.2.4 and the 29<sup>th</sup> & Chase NAP.

Please see proposed revised boundary description map below to better understand which of the proposed CCG-1 zoning request should be changed to RLD-60 to meet the above description.



Source: City of Jacksonville Planning and Development Department  
Date: January 6, 2016



Aerial

*Source: City of Jacksonville Planning and Development Department  
Date: January 6, 2016*



Subject Property (CGC future land use)

*Source: City of Jacksonville Planning and Development Department  
Date: January 6, 2016*



**Subject property (LDR future land use)**

*Source: City of Jacksonville Planning and Development Department  
Date: January 6, 2016*



**Residential property directly across 20<sup>th</sup> Street West**

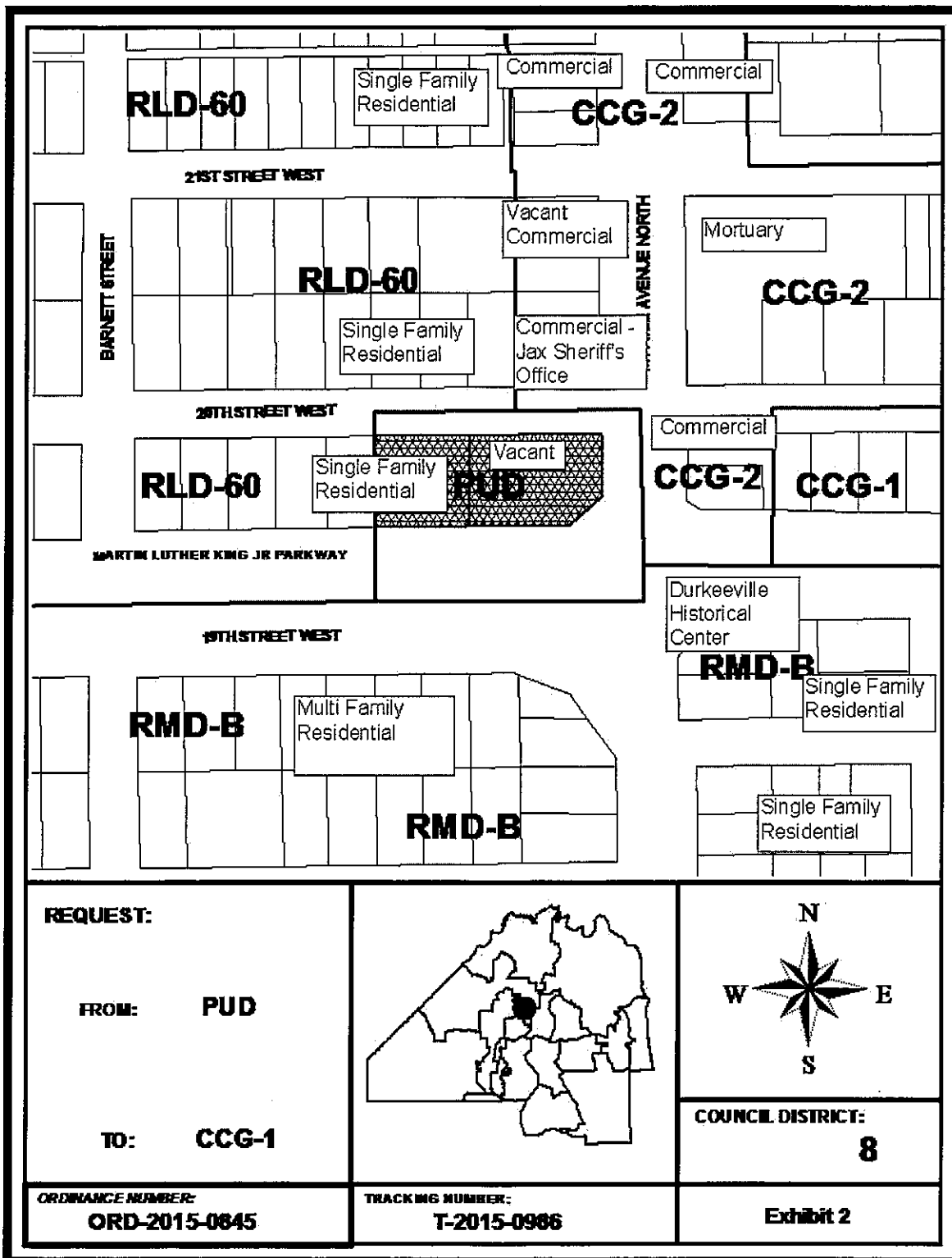
*Source: City of Jacksonville Planning and Development Department  
Date: January 6, 2016*



**Commercial property across 20<sup>th</sup> Street West, facing Myrtle Avenue**

*Source: City of Jacksonville Planning and Development Department  
Date: January 6, 2016*





**Application For Rezoning To Conventional Zoning District**

**Planning and Development Department Info**

**Ordinance #** 2015-0845 **Staff Sign-Off/Date** CAP / 11/24/2015  
**Filing Date** 11/30/2015 **Number of Signs to Post** 3

**Hearing Dates:**

**1st City Council** 01/26/2016 **Planning Commission** 01/21/2016  
**Land Use & Zoning** 02/02/2016 **2nd City Council** 02/09/2016

**Neighborhood Association** GOOD NEIGHBOR M.A.N.I.A.  
**Neighborhood Action Plan/Corridor Study** 29TH & CHASE NAP

**Application Info**

**Tracking #** 986 **Application Status** PENDING  
**Date Started** 11/08/2015 **Date Submitted** 11/09/2015

**General Information On Applicant**

Last Name	First Name	Middle Name
MANN	L. CHARLES	

**Company Name**  
 N/A

**Mailing Address**  
 165 ARLINGTON ROAD

City	State	Zip Code
JACKSONVILLE	FL	32205

Phone	Fax	Email
9047211546	904	CHARLIEMANN1@COMCAST.NET

**General Information On Owner(s)**

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
SUTTON	ANGELA	

**Company/Trust Name**  
 ANGELA SUTTON

**Mailing Address**  
 4412 WESLEY DRIVE

City	State	Zip Code
TALLAHASSEE	FL	32303

Phone	Fax	Email
9047211546		CHARLIEMANN1@COMCAST.NET

**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				

	045987 0000	8	1	PUD	CCG-1
Map	045988 0000	8	1	PUD	CCG-1

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 #

5181

Total Land Area (Nearest 1/100th of an Acre) 0.50

**Justification For Rezoning Application**

TO PERMIT DEVELOPMENT OF THE PROPERTY

**Location Of Property**

**General Location**

NW CORNER OF MARTIN LUTHER KING PARKWAY AND MYRTLE AVE

House #	Street Name, Type and Direction	Zip Code
1326	20TH ST W	

**Between Streets**

MARTIN LUTHER KING JR. PARKWAY and 20TH STREET WEST

**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  
0.50 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee  
72 Notifications @ \$7.00 /each: \$504.00
- 4) Total Rezoning Application Cost: \$2,514.00

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

Michael Corrigan, Tax Collector  
 Duval County/City of Jacksonville  
 Comments - taxcollector@coj.net  
 Inquiries - (904)630-1916  
 www.coj.net/tc  
 Date: 11/20/2015 Time: 14:56:34  
 Location: P06 Clerk: MHL  
 Transaction 0786786

**Duval County, City Of Jacksonville**  
**Michael Corrigan , Tax Collector**  
 231 E. Forsyth Street  
 Jacksonville, FL 32202

**General Collection Receipt**

Date: 11/19/2015  
 Email: CPopoli@coj.net

Miscellaneous  
 Item: CR - CR349450  
 Receipt 0786786.0001-0001 2,514.00  
 Total Paid 2,514.00  
 CHECK 000849 2,514.00  
 Total Tendered 2,514.00  
 Paid By: LEONARD C MANN  
 Thank You

Name: L. Charles Mann  
 Address: 165 ARLINGTON ROAD, JACKSONVILLE, FL32205  
 Description: REZONING TRACKING NUMBER T-986, REZONING .50 ACRES FROM PUD  
 TO CCG-1 AT RE#S 045987-0000 & 045988-0000, LOCATED AT 1326 20TH STREET WEST.

Acct	SubsidNo	UserCode	Project	ProjectDtl	Grant	GrantDtl	DocNo	Amount
								2514.00

**Total Due: \$2,514.00**

**Michael Corrigan , Tax Collector**  
**General Collections Receipt**  
**City of Jacksonville, Duval County**

Account No: CR349450  
 REZONING/VARIANCE/EXCEPTION  
 Name: L. Charles Mann  
 Address: 165 ARLINGTON ROAD, JACKSONVILLE, FL32205  
 Description: REZONING TRACKING NUMBER T-986, REZONING .50 ACRES FROM PUD TO CCG-1 AT RE#S 045987-0000 & 045988-0000, LOCATED AT 1326 20TH STREET WEST.

Date: 11/19/2015

**Total Due: \$2,514.00**

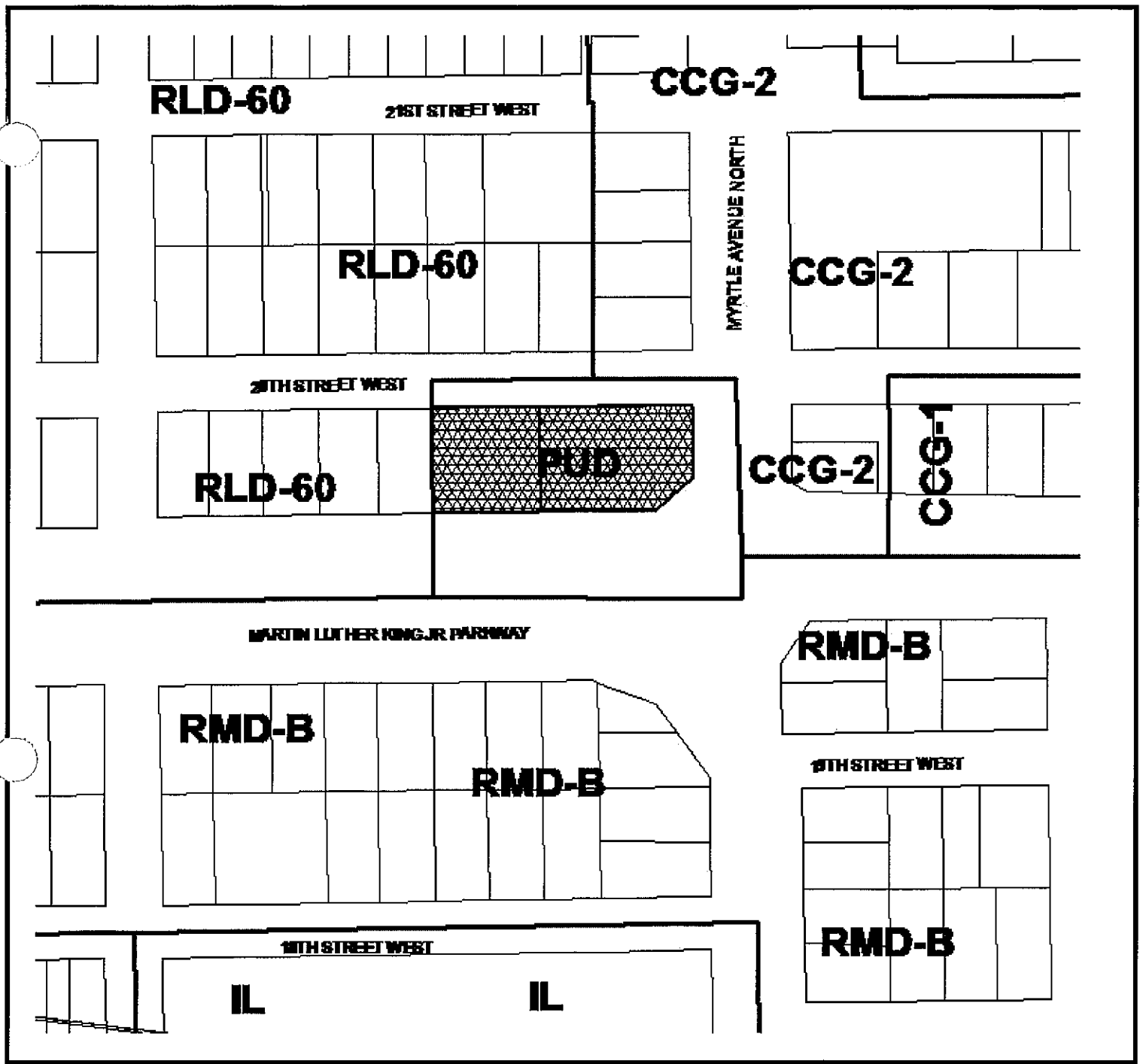
**ORDINANCE** \_\_\_\_\_

**Legal Description**

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Lots 1,2,3,4 & 5 Blk 20 Grand Blvd. according to Plat thereof as recorded in Plat Book 3,  
Pages 89 and 90 of the Public Records of Duval County, Florida, (except any part in expressway.)

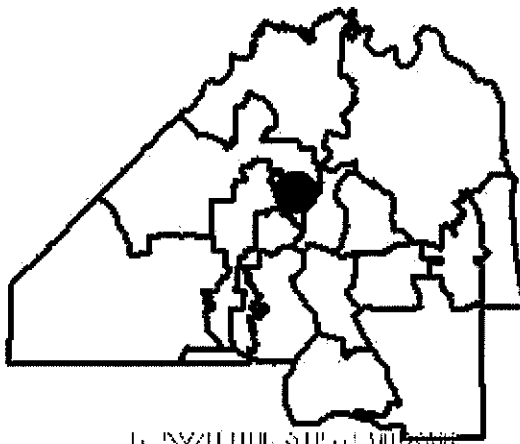
11/9/15



**REQUEST SOUGHT:**

**FROM: PUD**

**TO: CCG-1**



0 100 Feet

**COUNCIL DISTRICT:**

**8**

**ORDINANCE NUMBER:**

**ORD-0000-0000**

**TRACKING NUMBER:**

**T-2015-0986**

**Exhibit 2**

EXHIBIT A

Property Ownership Affidavit

Date: October 30, 2015

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

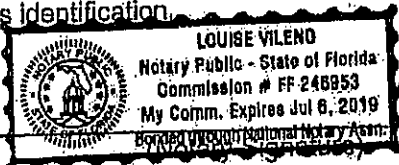
Gentleman:

I, Angela Sutton 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 Small Scale Land Use Change and Rezoning  
submitted to the Jacksonville Planning and Development Department.

Angela Sutton  
(Owner's Signature)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 2<sup>nd</sup> day of  
November (month), 2015 (year) by Angela Sutton  
who is personally known to me or has produced \_\_\_\_\_  
as identification.



Louise Vileno



EXHIBIT B

Agent Authorization

Date: October 30, 2015

**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:

Lots 1, 2, 3, 4 and 5 except part in State Rd. Block 20 Grand Blvd. RF# 045988-0000

Gentleman:

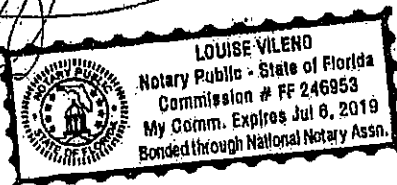
You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers L. Charels Mann to act as agent to file application(s) for Small Scale Land Use change and rezoning for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

Angela Sutton  
(Owner's Signature)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 2<sup>nd</sup> day of November (month), 2015 (year) by Angela Sutton, who is personally known to me or has produced \_\_\_\_\_ as identification.

Louise Vileño  
(Notary Signature)



This Document Prepared By and Return to:  
Barbara G. Sweet  
Crossland Title Services, LLC  
1563 Alford Place Ste 1  
Jacksonville, FL 32207

Parcel ID Number 045987-0000

## Warranty Deed

This Indenture, Made this 8th day of May, 2009 Between Urban Core Enterprises, Inc. *l/w/a* First Coast Business Investment Corp, a corporation existing under the laws of the State of Florida grantor, and Angela Sutton whose address is: 4412 Wesley Drive, Tallahassee, FL 32303, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10) DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Duval State of Florida to wit:

Lots 1, 2, and 3; Block 20, GRAND BOULEVARD, according to the plat thereof as recorded in Plat Book 3, Pages 89 and 90, of the Public Records of Duval County, Florida, except any part in expressway.

Subject to current taxes, easements and restrictions of record.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.  
Signed, sealed and delivered in our presence:

Urban Core Enterprises, Inc.  
*l/w/a* First Coast Business Investment Corp.

Sandra L. Hood

Printed Name: Sandra L. Hood  
Witness

Janetta Norman (Seal)

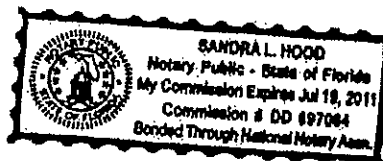
Janetta Norman, Chairperson  
P.O. Address: 2933 Myrtle Avenue North, Jacksonville, FL  
32209

Latrice A. Wright  
Printed Name: Latrice A. Wright  
Witness

### STATE OF FLORIDA COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 8th day of May, 2009 by Janetta Norman, Chairperson of Urban Core Enterprises, Inc. *l/w/a* First Coast Business Investment Corp, a Florida Corporation, on behalf of the corporation she is personally known to me or has produced her Florida driver's license as identification.

Sandra L. Hood  
Notary Public



**General Warranty Deed**

Made this January 18, 2006 A.D. By **LESLIE WILLIAMS**, joined by his spouse, **ARLENE WILLIAMS** whose address is: 8825 SHINDLER CROSSING DRIVE, JACKSONVILLE, FL 32222, hereinafter called the grantor, to **ANGELA SUTTON, A MARRIED WOMAN**, whose post office address is: 4412 WESLEY DRIVE, TALLAHASSEE, FL 32303, hereinafter called the grantee:

(Whoever 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 Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

LOT 4 AND 5, BLOCK 20, GRAND BOULEVARD, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE(S) 89 AND 90, PUBLIC RECORDS OF Duval COUNTY, Florida

Parcel ID Number: 045988-0000

**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.

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, 2005.

**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:

*Gayle Elliott*  
Witness Printed Name GAYLE ELLIOTT

*Donna Page*  
Witness Printed Name DONNA PAGE

*Leslie Williams* (Seal)  
LESLIE WILLIAMS  
Address: 8825 SHINDLER CROSSING DRIVE,  
JACKSONVILLE, FL 32222

*Arlene Williams* (Seal)  
ARLENE WILLIAMS  
Address: 8825 SHINDLER CROSSING DRIVE,  
JACKSONVILLE, FL 32222

State of FLORIDA.  
County of DUVAL

The foregoing instrument was acknowledged before me this January 18, 2006, by **LESLIE WILLIAMS AND ARLENE WILLIAMS**, who is/are personally known to me or who has produced **DRIVERS LICENSES** as identification.

*Gayle Elliott*  
Notary Public  
Print Name: GAYLE ELLIOTT  
My Commission Expires:



①

10-560

