

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING Ord. 2016-0152

MARCH 17, 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 **Ord. 2016-0152**.

Location: 8020 Moncrief Dinsmore Road
At the intersection of Moncrief Dinsmore Road and
New Kings Road

RE Number: 022009-0000

Current Zoning District: Commercial Office (CO)

Proposed Zoning District: Commercial Residential Office (CRO)

Current Land Use Category: Residential Professional Institutional (RPI)

Planning District: Northwest (5)

Planning Commissioner: Ben Davis

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

Owner: Christopher and Gwendolyn Cunningham
C & L Cunningham Professional Care
and Rehabilitative Services, Inc.

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning **Ord. 2016-0152** seeks to rezone a 0.75 acre parcel from the CO to the CRO zoning district. The site is located in the RPI functional land use category and the Urban Development Area. The site was developed in 1998 with a mobile home with addition and a circle driveway. The previous use has been for a child day care facility. The purpose of the application is to provide for physical therapy and rehabilitative health care services with a residential use.

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 RPI functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan and is consistent therewith.

Allowable uses within the RPI functional land use category in the Urban Development Area include:

Multi-family dwellings; Office; Business and Professional Office; Institutional; Large scale institutional uses, which require supporting residential and office components; Commercial retail sales and service establishments limited to 50 percent of the site area; Live/Work Units; Financial institutions; Restaurants (without drive-in or drive-thru facilities) and so forth...

The proposed multi-family and institutional use is allowed as a primary use.

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

Yes. The proposed amendment is consistent with the following policies of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

FLUE Policy 1.1.8

Require that all new non-residential projects be developed in either nodal areas, in appropriate commercial infill locations, or as part of mixed or multi-use developments such as Planned Unit Developments (PUDs), cluster developments, Traditional Neighborhood Design (TND) developments, and Locally Designated Historic Preservation Districts, as described in this element.

The proposed institutional use is adjacent to both commercial and residential uses and contributes toward an historic functioning neighborhood having a mixed use character.

FLUE Policy 3.1.3

Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

The subject property with a professional office use combined with a residential use provides a graduated buffer transition between intense commercial uses to the east, such as open storage across New Kings Road and the adjoining motel to the south, to single family uses to the west and northwest.

FLUE Policy 3.1.10

The City shall include incentives in the Land Development Regulations for projects serving the elderly that are accessible to medical services, transportation, and other necessary support systems.

The proposed use strengthens the sustainability and vitality of the area by provided needed community services.

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. The subject property can meet the lot requirements and development standards of the CRO zoning district as set forth in Section 656.321 of the Zoning Code.

SURROUNDING LAND USE AND ZONING

The 0.75 acre parcel is located at the intersection of Moncrief-Dinsmore Road and New Kings Road and is developed with a mobile home structure and annex.

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

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	CGC	CCG-2	Undeveloped; Open Storage
East	CGC	CCG-2	Neighborhood Shopping Center
South	LDR	RLD-60	Motel
West	LDR	RLD-60	Single Family Residences

Therefore, the proposed rezoning is consistent and compatible with the adjacent and nearby commercial and residential zoning districts and forms a transition buffer between uncomplimentary uses.

SUPPLEMENTARY INFORMATION



Figure 1. Subject property viewed looking south from Moncrief Dinsmore Road showing notice sign posted.

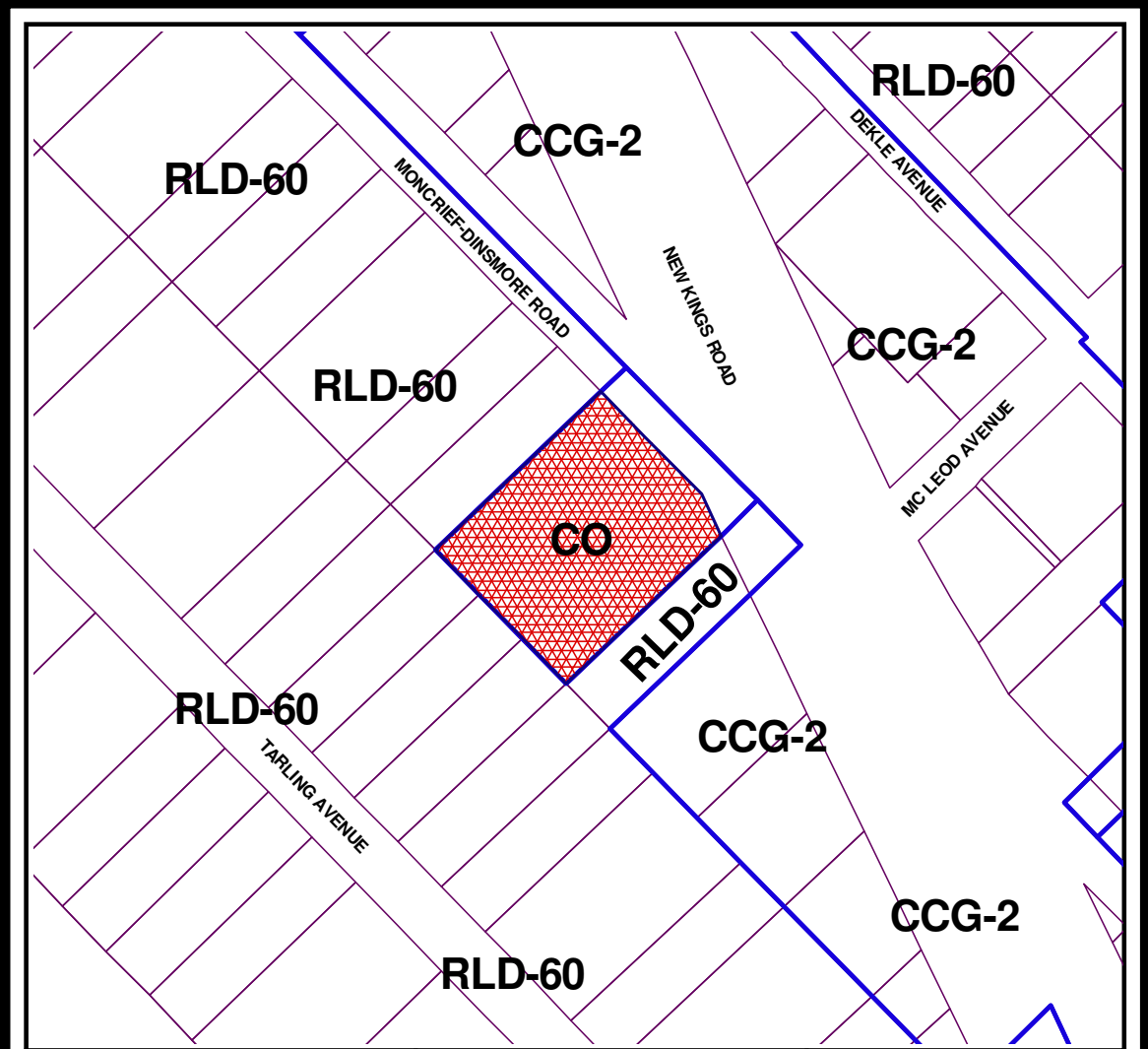


Figure 2. Subject property viewed looking southwest from Moncrief Dinsmore Road.

Upon visual inspection of the subject property on March 10, 2016, 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 **ORD. 2016-0152** be **APPROVED**.



<p>REQUEST:</p> <p>FROM: CO</p> <p>TO: CRO</p>		
<p>ORDINANCE NUMBER: ORD-0000-0000</p>	<p>TRACKING NUMBER: T-2016-1027</p>	<p>COUNCIL DISTRICT: 10</p> <p>Exhibit 2</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2016-0152 **Staff Sign-Off/Date** PMD / 01/22/2016

Filing Date 02/23/2016 **Number of Signs to Post** 1

Hearing Dates:

1st City Council 02/23/2016 **Planning Comission** 03/17/2016

Land Use & Zoning 04/05/2016 **2nd City Council** 03/22/2016

Neighborhood Association

Neighborhood Action Plan/Corridor Study

Application Info

Tracking # 1027

Application Status PENDING

Date Started 01/06/2016

Date Submitted 01/06/2016

General Information On Applicant

Last Name	First Name	Middle Name
CUNNINGHAM	GWENDOLYN	LISA
Company Name		
C & L CUNNINGHAM PROFESSIONAL CARE AND REHABILITATIVE SERVICES, INC.		
Mailing Address		
3741 JACOB LOIS DRIVE		
City	State	Zip Code
JACKSOONVILLE	FL	32218
Phone	Fax	Email
9046276031	904	GPRINCE@EWC.EDU

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
CUNNINGHAM	GWENDOLYN	LISA
Company/Trust Name		
C & L CUNNINGHAM PROFESSIONAL CARE AND REHABILITATIVE SERVICES, INC.		
Mailing Address		
3741 JACOB LOIS DRIVE		
City	State	Zip Code
JACKSOONVILLE	FL	32218
Phone	Fax	Email
9046276031	904	GPRINCE@EWC.EDU

Last Name	First Name	Middle Name
CUNNINGHAM	CHRISTOPHER	MICHAEL
Company/Trust Name		
Mailing Address		
3741 JACOB LOIS DRIVE		

City	State	Zip Code
JACKSONVILLE	FL	32218
Phone	Fax	Email
9045680703		LALISACUNNINGHAM@GMAIL.COM

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) 2004-1102

Map	RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map	022009 0000	10	5	CO	CRO

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

Existing Land Use Category

RPI

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 0.75

Justification For Rezoning Application

THIS REZONING WILL ALLOW THE ORGANIZATION TO PROVIDE COMPREHENSIVE SOCIAL, HEALTH AND NUTRITIONAL SERVICES TO CLIENTS WHILE OPERATING UNDER ONE ZONING STRUCTURE AND LAND USE. TO EFFECT THESE COMMUNITY SERVICES AS DESIGNED WITH OUR COLLABORATIVE AGENCY PARTNERS FOR A ONE STOP POINT OF SERVICES FOR RESIDENTS WITHOUT HINDRANCES TO THE OPERATION OR TAX SALES PENALTIES WILL CALL FOR SUCH A REZONING. THE AREA IS DEFICIENT IN SERVICES THAT AID IN CLOSING THE HEALTH DISPARAGING GAPS THAT EXIST MEDICALLY

Location Of Property

General Location

NORTHWEST CORNER OF NEW KINGS ROAD AND MONCRIEF DINSMORE

House #	Street Name, Type and Direction	Zip Code
8020	MONCRIEF RD	32219

Between Streets

FINCH and NEW KINGS ROAD

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
0.75 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee
35 Notifications @ \$7.00 /each: \$245.00
- 4) Total Rezoning Application Cost: \$2,255.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

ORDINANCE _____

Legal Description

5-98 19-15-26E.74 LINCOLN VILLAS LOTS 13, 14, 15
BLK 37

EXHIBIT A

Property Ownership Affidavit

Date: Jan 5, 2016

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, Gwendolyn L. Cunningham 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 re-zoning and small scale land use change
submitted to the Jacksonville Planning and Development Department.

Gwendolyn L. Cunningham
(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 5th day of
January (month), 2016 (year) by Gwendolyn L. Cunningham
who is personally known to me or has produced FDC / ID
as identification.

Hazel Clayton
(Notary Signature)



EXHIBIT B

Agent Authorization

Date: January 5, 2016

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:

8020 Moncrief Dinsmore Road

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 Green Cunningham to act as agent to file application(s) for Rezoning and small scale land use change 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)

Green R. Cunningham

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 5 day of January (month), 2016 (year) by Green R. Cunningham, who is personally known to me or has produced FDL/ID as identification.

Hazel Clayton
(Notary Signature)



Prepared by:
Heidi, Mrs. Patricia Gibbs, P.A.
Heidi L. Heald, Jr.
1330 Business Center Drive, Suite 4
Ft. Lauderdale, Florida 33309

Site Price: \$15,000.00

Corporate Warranty Deed

THIS INDENTURE, made this 13th day of December, 2013 A.D., between Triad Financial Services, Inc., a corporation existing under the laws of the State of Florida, Grantor, and Christopher M. Cunningham and Gwori L. Cunningham, his wife, whose address is 2741 Jacobs Lois Dr. W., Jacksonville, FL 32217, Grantee,

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Duval, State of Florida, to wit:

Lot 13, 14 and 15, Block 37, Lincoln Villas, according to the map or plat thereof, as recorded in Plat Book 5, Page(s) 98, of the Public Records of Duval County, Florida

Together with 1998 HOME double wide mobile home ID// FLHML3B127317297A & FLHML3B127317297B.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel ID Number: 022009-0000

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

Signatures on Following Page

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Signed and Sealed in Our Presence: Triad Financial Services, Inc., a Florida corporation

Witness Sign Name: [Signature]
Witness Print Name: Tara M. Suddeth

By: [Signature]
Name: Michael T. Olsson
Title: President
4336 Pablo Oaks Court
Jacksonville, Florida 32224

Witness Sign Name: [Signature]
Witness Print Name: Angie Brinson

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this December 13, 2013, by Michael T. Olsson, the President of Triad Financial Services, Inc., a corporation existing under the laws of the State of Florida, on behalf of the corporation.

He is personally known to me or has produced personally known as identification.

(Affix Notary Stamp)

Notary Sign Name: [Signature]
Notary Print Name: CAROLYN M. WILLOUGHBY
Notary Public, State of Florida
Notary Commission Expires: MAY 13, 2017

