

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2016-0242

MAY 5, 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 **2016-0242**.

Location: 0 Garden Street,
between Jones Road & Flora Springs Road South.

Real Estate Numbers: 002872-0002

Current Zoning District: Planned Unit Development (PUD 2006-1164)

Proposed Zoning District: Conservation (CSV)

Current Land Use Category: Neighborhood Commercial (NC)

Proposed Land Use Category: Conservation (CSV)

Planning District: Northwest, District 5

Planning Commissioner: Ben Davis

City Council District: The Honorable Katrina Brown, District 8

Applicant/Agent: City of Jacksonville
214 N. Hogan Street, Suite 300
Jacksonville, FL 32202

Owner: Kenyon Atlee
Sierra Oaks, LLC
5851 Timuquana Road, #301
Jacksonville, FL 32210

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance **2016-0242** seeks to rezone 0.49 acres from Planned Unit Development (PUD 2006-1164) to Conservation (CSV). The property is currently located in the

Neighborhood Commercial Future Land Use Category, and was planned as a commercial center, based on the existing PUD (2006-1164). The majority of this parcel was rezoned by ordinance 2016-0004, to RLD-80. The remainder of the parcel is approximately .049 acres of the remainder of the 2006 PUD. This portion of the property was left out of the previous rezoning and land use amendment, because the subject property is predominantly wetland. The owner agreed to allow the city to rezone this property CSV, as the development rights were transferred to the St. Johns River Water Management District. The property is surrounded by the new RLD-80 district to the south, and to the north is additional conservation and wetland area, located in an adjacent PUD district.

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, with the approval of **2016-0241**, the subject property will be located in the CSV functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The CSV land use category allows for conservation lands with valuable environmental resources, such as sensitive vegetation, high value habitat, wetlands, high aquifer recharge potential, carbon sinks and unique coastal areas. The area designated for the proposed rezoning is predominately wetland, with only .04 acres not located in the wetland designated area.

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 objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

Policy 4.1.19: *“The City shall sponsor placing “Environmentally Sensitive Lands” into Conservation land use category and zoning district and/or conservation easement, where there is a willing property owner.”* As the proposed area is almost entirely designated as wetlands, rezoning this area ensures that this wetland will be protected and preserved in perpetuity.

Policy 4.4.1: *“The City shall encourage the placement of all watercourses, water bodies, buffer areas, and wetlands having high functional values to be placed in a Conservation land use category, Conservation zoning district and/or conservation easement as part of an application for a land use amendment, rezoning and/or site plan approval process.”* As previously mentioned, the majority of the land acreage of the subject site is designated as wetland. Additionally, the owner has requested Water Management District mitigation credits for this land, adding an additional protection to this sensitive area.

Objective 4.4.3: *“The City shall act as applicant for property owners who voluntarily place their high functional valued wetland into the Conservation land use category and/or Conservation zoning district.”* The City has brought this application forward, with no cost to the owner, as there is significant benefit to the public by conserving wetland areas.

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 will be preserved by placing it in the CSV zoning district as set forth in Section 656.333 of the Zoning Code.

SURROUNDING LAND USE AND ZONING

The subject property is located on the north side of Garden Street. The surrounding uses, land use category and zoning are as follows:

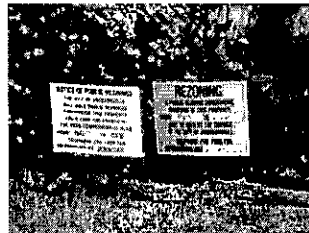
Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	AGR-IV	PUD	Wetlands
East	LDR	RLD-80	Vacant Residential
South	LDR	RLD-80	Vacant Residential
West	LDR	RLD-80	Vacant Residential

The property is a parcel of PUD zoned property, intended originally for neighborhood commercial uses. The City is proposing to place this environmentally sensitive and valuable land into the Conservation (CSV) Zoning District, with the approval of 2016-0241, for the purposes of preserving the remainder of the property currently zoned PUD 2006-1164, which would otherwise be an unbuildable, and geographically isolated commercial property. Protecting

this .49 acres of wetlands and approval of the companion would be consistent with the 2030 Comprehensive Plan

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on April 4, 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 Ordinance 2016-0242 be **APPROVED**.



Aerial

*Source: Staff, Planning and Development Department
Date: April 4, 2016*



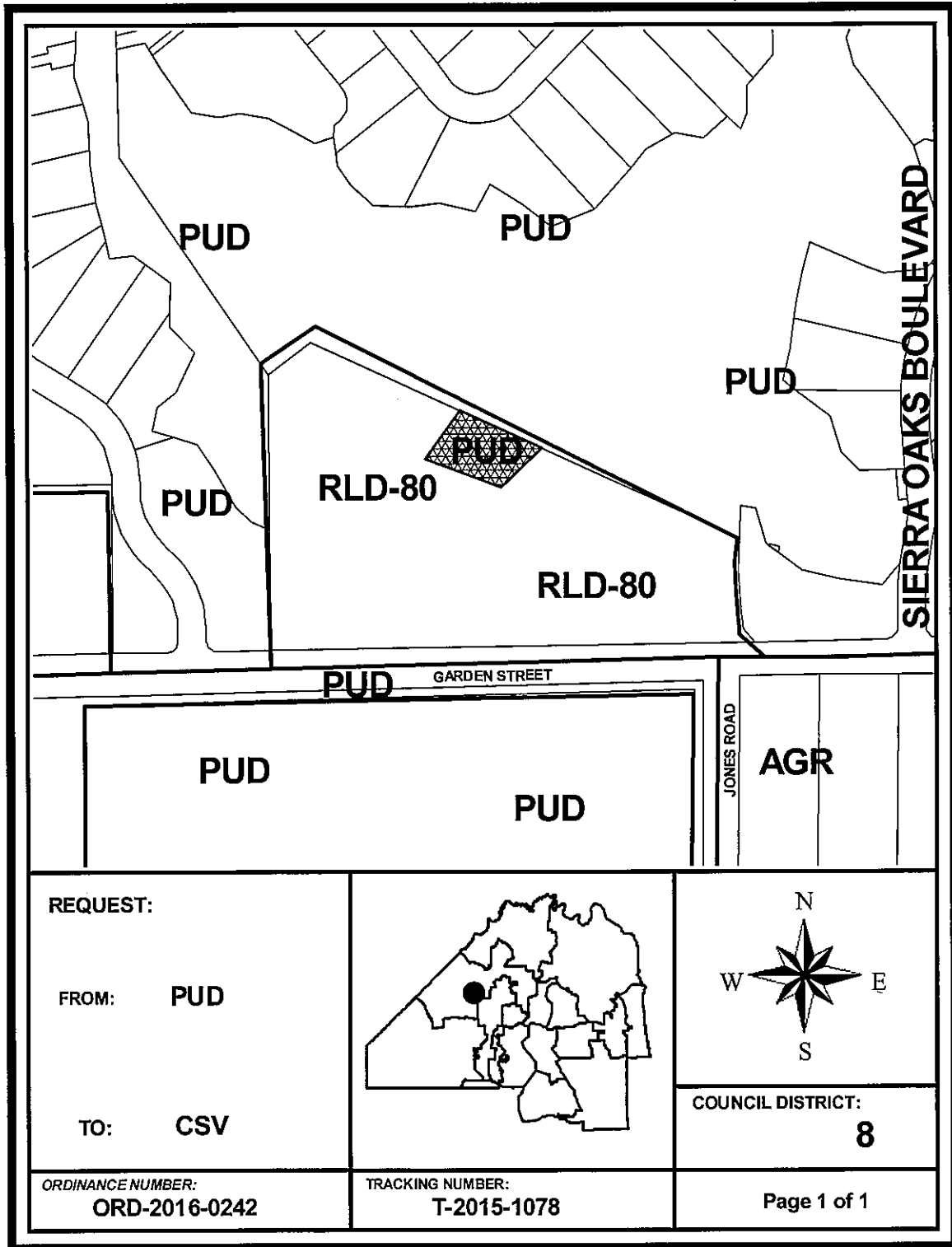
Subject property

Source: Staff, Planning and Development Department
Date: April 4, 2016



NC Land Use and PUD Zoning District property to the south

Source: Staff, Planning and Development Department
Date: April 4, 2016



Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2016-0242 **Staff Sign-Off/Date** CAP / 03/29/2016
Filing Date 03/31/2016 **Number of Signs to Post** 1
Hearing Dates:
1st City Council 05/10/2016 **Planning Commission** 05/05/2016
Land Use & Zoning 05/17/2016 **2nd City Council** N/A
Neighborhood Association CISCO GARDEN CIVIC ASSOCIATION
Neighborhood Action Plan/Corridor Study N/A

Application Info

Tracking # 1078 **Application Status** PENDING
Date Started 03/10/2016 **Date Submitted** 03/10/2016

General Information On Applicant

Last Name	First Name	Middle Name
JACKSONVILLE	CITY OF	
Company Name		
CITY OF JACKSONVILLE		
Mailing Address		
214 NORTH HOGAN STREET, SUITE 300		
City	State	Zip Code
JACKSONVILLE	FL	32202
Phone	Fax	Email
9042557800	9042557882	COMMUNITYPLANNING@COJ.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
ATLEE	KENYON	S
Company/Trust Name		
SIERRA OAKS, LLC		
Mailing Address		
5851 TIMUQUANA RD #301		
City	State	Zip Code
JACKSONVILLE	FL	32210
Phone	Fax	Email
9043846964		KELLY@ATLEEGROUP.NET

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

Map RE#	Council District	Planning From Zoning District	To Zoning District

Map	002872 0002	8	5	PUD	CSV
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Ensure that RE# is a 10 digit number with a space (##### #####)

Existing Land Use Category

NC

Land Use Category Proposed? **If Yes, State Land Use Application #**

5193

Total Land Area (Nearest 1/100th of an Acre) 0.49**Justification For Rezoning Application**

THE OWNER AUTHORIZES THE CITY OF JACKSONVILLE TO USE THE PROPERTY FOR CONSERVATION USES.

Location Of Property**General Location**

INTERSECTION OF JONES RD AND GARDEN ST

House #	Street Name, Type and Direction	Zip Code
0	GARDEN ST	

Between Streets

JONES RD and GARDEN ST

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
 0.49 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee
 Notifications @ \$7.00 /each:
- 4) Total Rezoning Application Cost:

NOTE: Advertising Costs To Be Billed to Owner/Agent

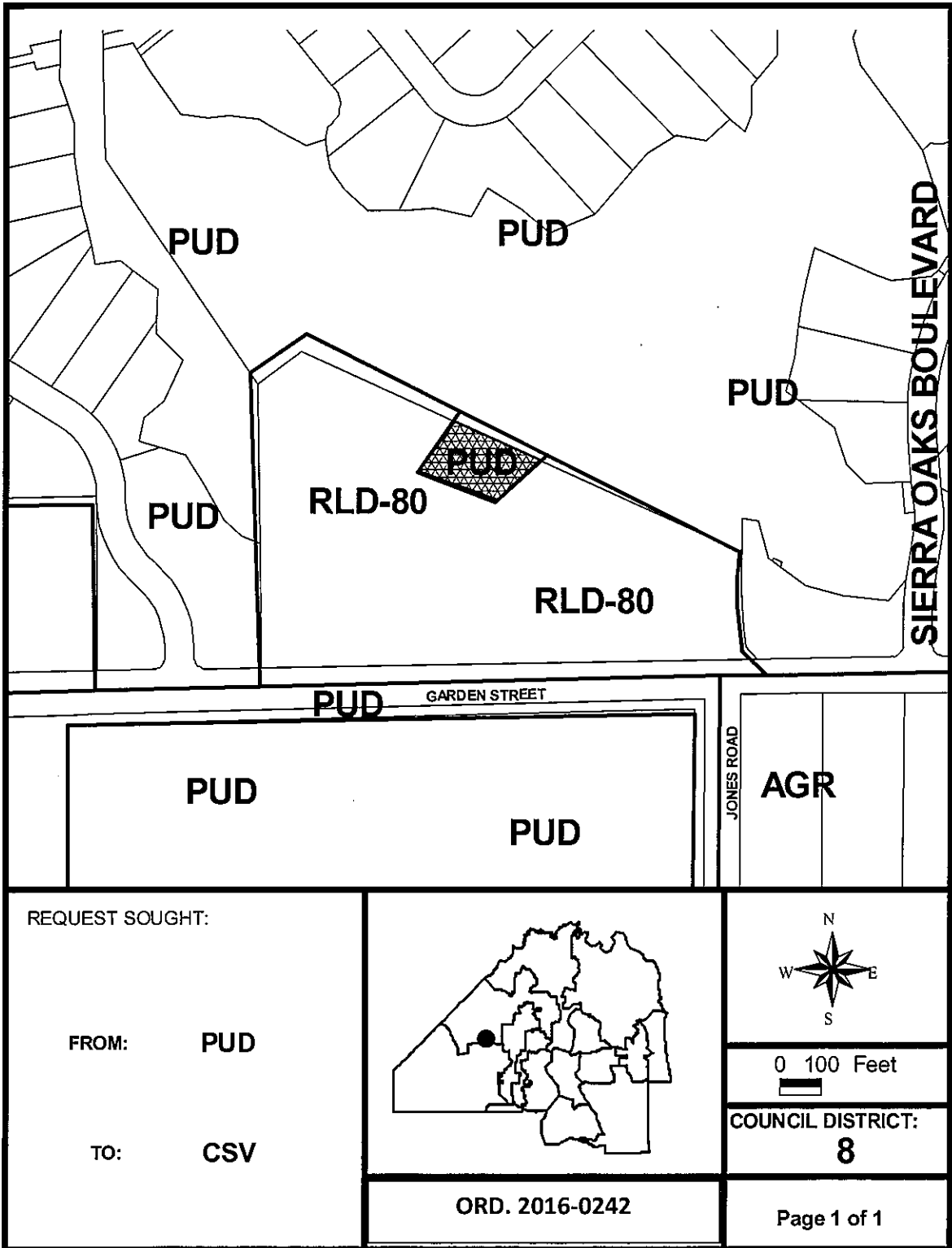
ORDINANCE _____

Legal Description

A PORTION OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 25 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF COMMENCEMENT, AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF GARDEN STREET (AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) AND THE EASTERLY LINE OF SIERRA OAKS WEST, AS RECORDED IN PLAT BOOK 57, PAGES 94, 94A THROUGH 94H, INCLUSIVE OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 01D-03'-13" WEST, ALONG SAID EASTERLY LINE AND IT'S NORTHERLY PROLONGATION, 590.72 FEET; THENCE NORTH 53D-22'-47" EAST, ALONG THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 15924, PAGE 1097, OF SAID CURRENT PUBLIC RECORDS, 110.25 FEET; THENCE SOUTH 65D-59'-07" EAST, CONTINUING ALONG LAST SAID LINE, 350.77 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 37D-04'-19" WEST, 136.98 FEET; THENCE SOUTH 69D-52'-08" EAST, 173.09 FEET; THENCE NORTH 45D-28'-34" EAST, 130.78 FEET, TO SAID SOUTHERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 15924, PAGE 1097; THENCE NORTH 65D-59'-07" WEST ALONG LAST SAID LINE, 192.49 FEET TO THE POINT OF BEGINNING.

CONTAINING .49 ACRES MORE OR LESS



SIERRA OAKS, LLC.

5851 TIMUQUANA ROAD, SUITE 301 • JACKSONVILLE, FLORIDA 32210 • 904.384.6964 • 904.384.6889 (FAX)

Kristen Reed, AICP
City Planner Supervisor
City of Jacksonville
Planning and Development Department
Ed Ball Building
214 N. Hogan Street, Suite 300
Jacksonville, FL 32202
(904)255-7882

AUTHORIZATION LETTER

The purpose of this letter is to notify the City of Jacksonville of its intended future use of:

a ½ acre portion of RE#002872-0002. See attached Exhibit A.

The Owner intends to place the property under Conservation Easement and hereby authorizes the City of Jacksonville to complete a land-use change and re-zoning of the parcel to CSV at the expense of the City.

Owner: SIERRA OAKS, LLC

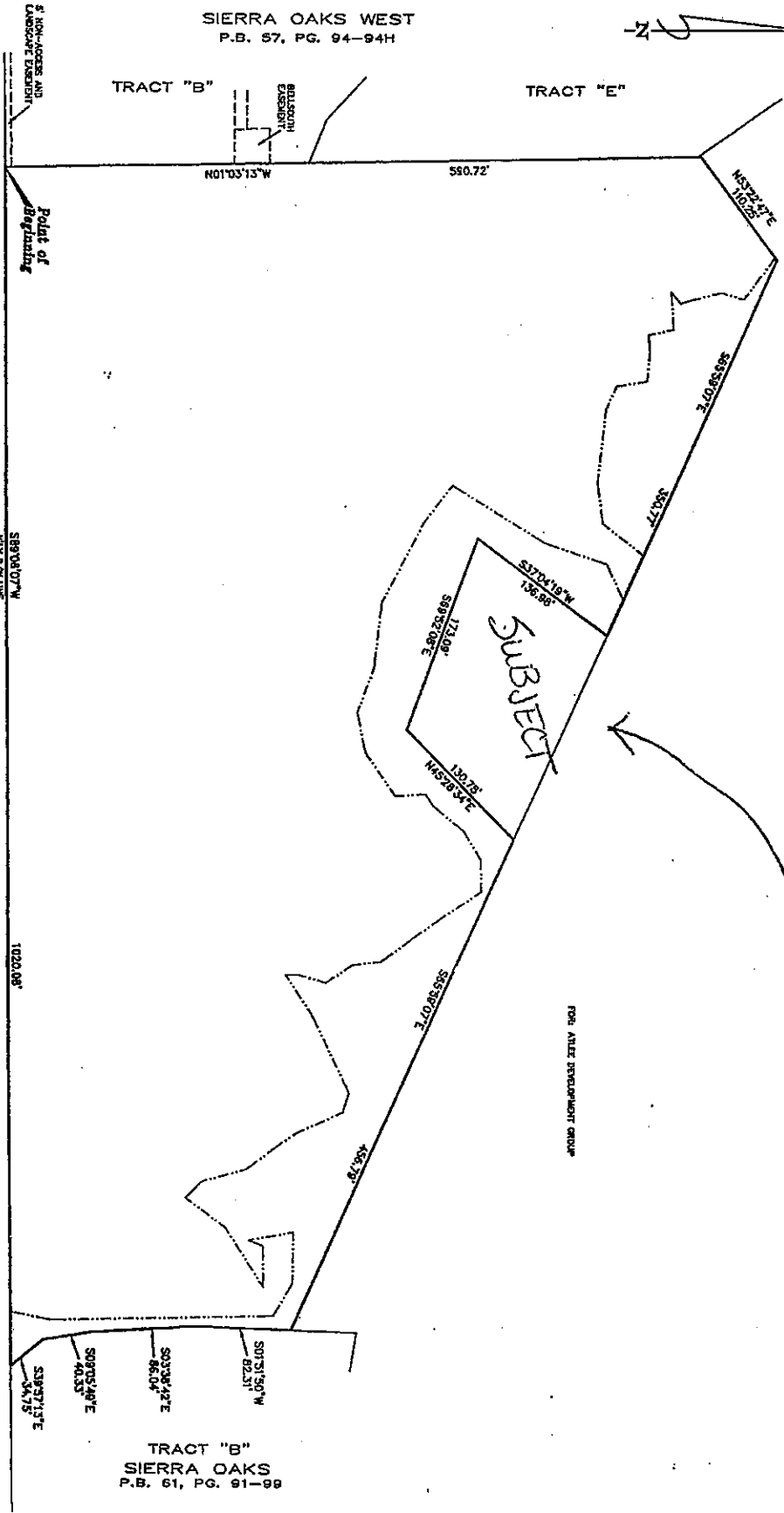
By: Kenyon S. Atlee
Kenyon S. Atlee, Member

Date: 1/28/16

EXHIBIT H

Map Showing

A PORTION OF SECTION 17, TOWNSHIP 1 SOUTH, RANGE 35 EAST, COUNTY OF FLORIDA, SPAN NO. 98
PARTICULARY DESCRIBED AS FOLLOWS:



GENERAL NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON STATE PLATE COORDINATE SYSTEM, FLORIDA, LAST ZONE, AND 1983 (1980 NOS. ADJUSTMENTS) AND ARE REFERENCED TO THE NORTHERLY MERIDIAN OF WAY LINE OF GARDEN STREET AS SHOWN ON THIS MAP.
2. THIS MAP WAS MADE WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
3. THE DRAWING MAY HAVE BEEN ENLARGED OR REDUCED FROM THE ORIGINAL, UNLESS THE DRAWING SCALE IS SHOWN.
4. THIS MAP DOES NOT REPRESENT A BOUNDARY SURVEY.
5. CROSS REFERENCES PREVIOUS SURVEYS BY CLARY, FILE NOS. 115-222, 115-223.

LEGEND

- N/W - RIGHT OF WAY
- - PLAT RECORDS BOOK
- - PLAT BOOK
- - PLAT



FILE NO. 115-356

JOB NO. 2015-049-2 DRAFTING: JRS

CAD FILE: 2015-049-2.dwg

CHECKED BY:

DATE: 12-07-15

REVISION	DATE	BY	DESCRIPTION

THESE PLATS OR PARTS THEREOF ARE THE PROPERTY OF CLARY & ASSOCIATES, INC. AND ARE LOANED TO YOU FOR YOUR INFORMATION ONLY. YOU ARE NOT TO REPRODUCE OR TRANSMIT IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CLARY & ASSOCIATES, INC. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION IS STRICTLY PROHIBITED AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

Clary & Associates
PROFESSIONAL SURVEYORS & APPRAISERS
1410 W. 22ND STREET
SUITE 201
MARIETTA, FLORIDA 32909
PH: 321-439-1111
WWW.CLARYANDASSOCIATES.COM

PROJECT: B. CLARY P.E. & CLARY, INC. NO. 8577
FILE NO. 115-356

SIERRA OAKS, LLC.

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