

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR****APPLICATION FOR REZONING ORDINANCE 2016-0579****SEPTEMBER 22, 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 **2016-0579**.

***Location:*** 12246 Brady Road; on the south side of Brady Road between Flynn Road and Orange Picker Road

***Real Estate Numbers:*** 105719-0000

***Current Zoning District:*** Residential Rural-Acre (RR-Acre), Residential Low Density-100B (RLD-100B)

***Proposed Zoning District:*** Residential Low Density-90 (RLD-90)

***Current Land Use Category:*** Low Density Residential (LDR)

***Planning District:*** Southeast, District 3

***Planning Commissioner:*** Daniel Blanchard

***City Council District:*** The Honorable Matt Schellenberg, District 6

***Applicant/Agent:*** Curtis Hart  
8051 Tara Lane  
Jacksonville, Florida 32216

***Owner:*** Samuel Burney  
12117 Brady Road  
Jacksonville, Florida 32223

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

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2016-0579** seeks to rezone 2.85 acres from Residential Rural-Acre (RR-Acre) and Residential Low Density-100B (RLD-100B) to Residential Low Density-90 (RLD-90) for the purpose of developing the property with a small single-family subdivision. The site has frontage on Brady Road and contains a mix of buildable land. JEA electric and water service is available to the site. Though the properties adjacent to the north across Brady Road and to the east have an RR-Acre Zoning designation, most of the immediate area is developed consistent with RLD-90 Zoning District. The proposed lot size is consistent with those found in the surrounding area.

## **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 LDR functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The LDR category, in the Suburban Development Area, permits low density residential development up to 7 dwelling units per acre. The proposed use is permitted in the LDR land use category of which single-family development is the predominant use. Low Density Residential (LDR) is a category intended to provide for low density residential development. Generally, single-family detached housing should be the predominant development typology in this category. Mixed use developments utilizing the Traditional Neighborhood Development (TND) concept, which is predominantly residential but includes a broad mixture of secondary recreational, commercial, public facilities and services may also be permitted. Principal uses include single family and Multi-family dwellings; Commercial retail sales and service establishments when incorporated into mixed use developments. The rezoning request is compatible with the existing Land Use category of LDR. In addition The maximum gross density in the Suburban Area shall be 7 units/acre when full urban services are available to the site and there shall be no minimum density; except as provided herein.

- The maximum gross density shall be 2 units/acre and the minimum lot size shall be half an acre when both centralized potable water and wastewater are not available.
- The maximum gross density shall be 4 units/acre and the minimum lot size shall be ¼ of an acre if either one of centralized potable water or wastewater services are not available.

The proposed Rezoning request is consistent with the following Goals, Policies and Objectives of the Future Land Use Element (FLUE) as set forth in the 2030 Comprehensive Plan:

### **Comprehensive Land Use Policy Analysis**

FLUE Goal 1: To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while

minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

FLUE Policy 1.1.22: Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

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 Policy 3.1.1 The City shall develop through the Planning and Development Department an incentive program to promote infilling of residential development on vacant land designated for residential use on the Future Land Use Map series. These incentives will be reflected in the Zoning Code of the City's Land Development Regulations.

FLUE Policy 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.

FLUE Objective 6.3 The City shall accommodate growth in Jacksonville by encouraging and facilitating new infill development and redevelopment on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of City residents.

The property is located in the Mandarin area on Brady Road south of Orange Picker Road. The property is completely surrounded by the LDR land use and residential subdivisions on the south, east and west side of the property. The site is appropriate for infill residential development and therefore consistent with Policies 3.1.1 and 3.1.6 and Objective 6.3. The proposed rezoning to RLD-90 promotes a pattern of compatible uses consistent with FLUE Policy 1.1.22 and facilitates the stability and viability of existing residential development. The rezoning provides additional housing opportunities for the area consistent with Objective 3.1 and Policies 3.1.6 of the FLUE. The proposed rezoning protects the character of the nearby residential area and optimizes the combined potentials for economic benefit as required by FLUE Goal 1. The rezoning is consistent with the LDR Land Use Category description and demonstrates full consistency with the other identified Policies as described above in order to be deemed consistent with the general intent of the Comprehensive Plan.

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

Yes. The proposed amendment is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan: The resulting development will be below the maximum density of 7 units per acre, and will result in the development of the property with a few lots for single family homes. The proposed rezoning will allow the property to be developed in a lot pattern that is similar to the surrounding area, and increase the available housing stock in the area. New residential homes built on the subject site would be considered infill residential development, surrounded by more compact and denser residential lots.

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 rezoned from RR-Acre to RLD-90 Zoning District as set forth in Section 656.313 of the Zoning Code.

**SURROUNDING LAND USE AND ZONING**

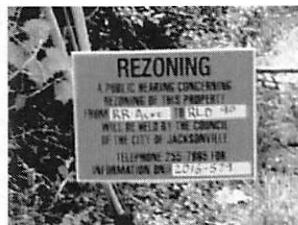
The subject property is located on the west side of Hood Landing Road. The surrounding uses, land use category and zoning are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	LDR	RR-Acre	Single Family
East	LDR	RR-Acre/RLD-100B/PUD	Single Family
South	LDR	RLD-100B	Single Family
West	LDR	RLD-100B	Single Family

The property is a single parcel of land located adjacent to two large lots, one with a split zoning of RR-Acre and RLD-100B to the east and RLD-100B to the west. The surrounding area has been developed in a similar pattern to what's proposed for this land with smaller lot sizes, consistent with the RLD-90 lot requirements for size, dimensions and setbacks.

**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on September 8, 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 2016-0579 be **APPROVED**.



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



**The subject property ahead on the right facing east along Brady Rd.**





**The subject property on the right facing east along Brady Rd.**



**The subject property facing south from Brady Rd.**

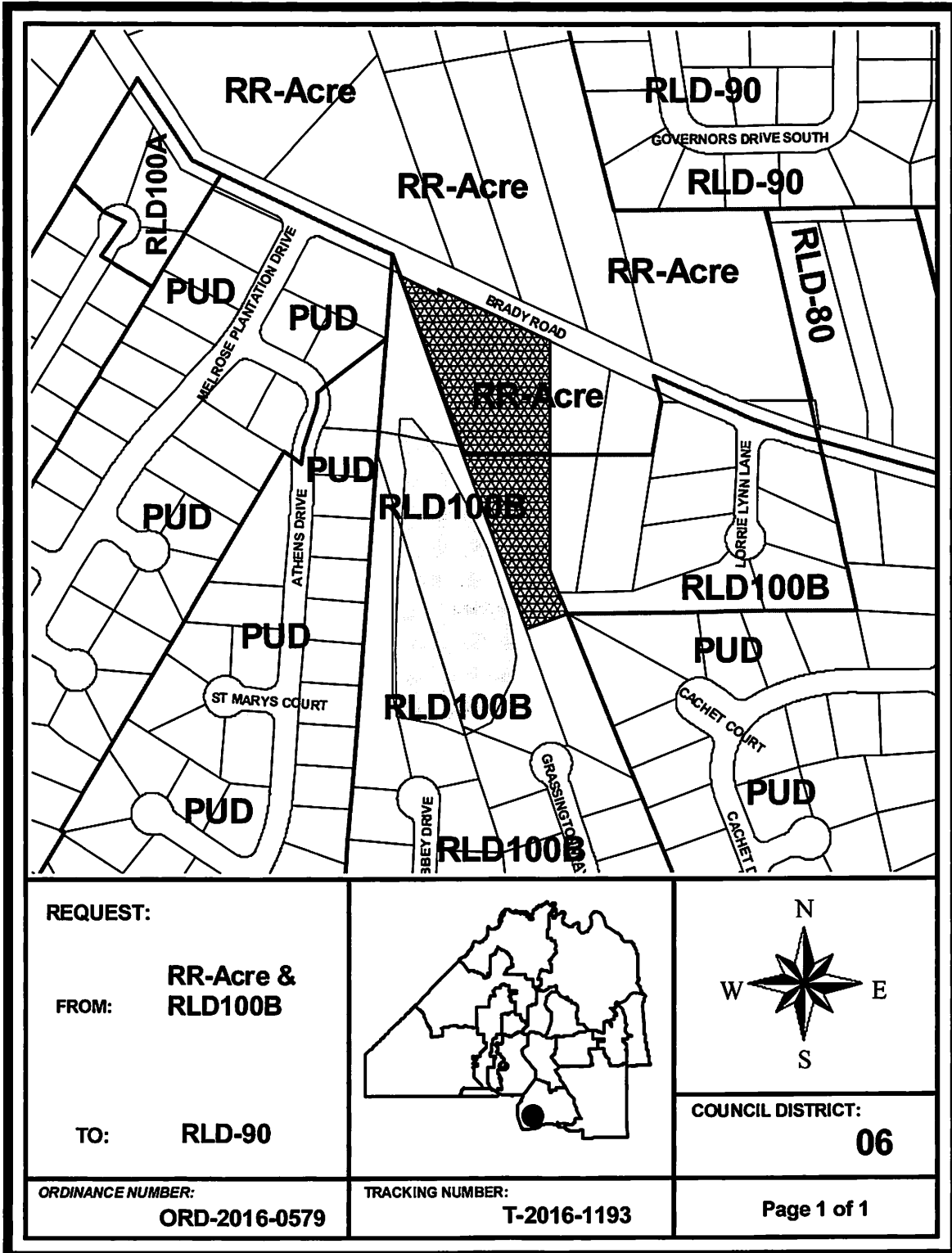


**The subject property ahead on the left facing west along Brady Rd.**



**The subject on the left facing west along Brady Rd.**





# Application For Rezoning To Conventional Zoning District

## Planning and Development Department Info

Ordinance # 2016-0579 Staff Sign-Off/Date AAG / 08/01/2016

Filing Date 08/23/2016 Number of Signs to Post 2

### Hearing Dates:

1st City Council 09/27/2016 Planning Commission 09/22/2016

Land Use & Zoning 10/04/2016 2nd City Council N/A

Neighborhood Association OLDE MANDARIN NEIGHBORHOOD ASSOCIATION,  
RIVERCHASE ASSOCIATION, INC., PLANTATION SOUTH HOA

Neighborhood Action Plan/Corridor Study

## Application Info

Tracking # 1193

Application Status PENDING

Date Started 07/21/2016

Date Submitted 07/22/2016

## General Information On Applicant

Last Name	First Name	Middle Name
HART	CURTIS	L

Company Name  
HART RESOURCES LLC

Mailing Address  
8051 TARA LANE

City	State	Zip Code
JACKSONVILLE	FL	32216

Phone	Fax	Email
9049935008		CURTISHART1972@ATT.NET

## General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name	First Name	Middle Name
BURNEY	SAMUEL	R

Company/Trust Name

Mailing Address  
12117 BRADY ROAD

City	State	Zip Code
JACKSONVILLE	FL	32223

Phone	Fax	Email
9047596008		

## 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	105719 0000	6	3	RR-ACRE	RLD-90

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**

AREA IS SURROUNDED BY 90 FOOT LOTS

**Location Of Property**

**General Location**

House #	Street Name, Type and Direction	Zip Code
<input type="text" value="12246"/>	<input type="text" value="BRADY RD"/>	<input type="text" value="32223"/>

**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  
2.85 Acres @ \$10.00 /acre: \$30.00
- 3) Plus Notification Costs Per Addressee  
38 Notifications @ \$7.00 /each: \$266.00
- 4) Total Rezoning Application Cost: \$2,296.00

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

**EXHIBIT A - Property Ownership Affidavit**

Date: 7-20-16

City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, Suite 300,  
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location:  
12246 Brady Rd, Jacksonville, FL 32223 Property ID# 105719 0000

To Whom it May Concern:

I Samuel R. Burey hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Re zoning submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Corporate Entity:\*

Print Corporate Name:

By Samuel R. Burey  
Print Name: Samuel R. Burey

By \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

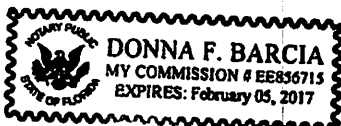
\*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF FLORIDA  
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 21<sup>st</sup> day of July 2016, by Samuel R. Burey, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

Donna F. Barcia  
(Signature of NOTARY PUBLIC)

DONNA F. BARCIA  
(Printed name of NOTARY PUBLIC)



State of Florida at Large.  
My commission expires: Feb. 5, 2017

**EXHIBIT B - Agent Authorization Affidavit- Property Owner**

Date: 7-20-16

City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, Suite 300,  
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location: 12246 Brady Rd, Jacksonville, FL 32223  
Property ID # 105719 0000

To Whom it May Concern:

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 Curtis Hart to act as agent to file application(s) for 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.

If Owner is Individual:

If Owner is Corporate Entity:\*

Print Corporate Name:

By Samuel R. Burney  
Print Name: Samuel R. Burney

By \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

\*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

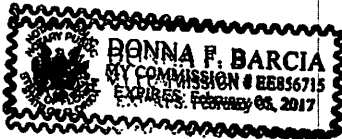
STATE OF FLORIDA  
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 21<sup>st</sup> day of July 2016, by Samuel R. Burney, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

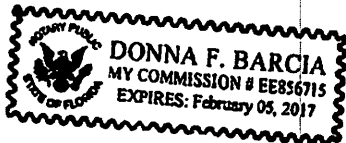
Donna F. Barcia

(Signature of NOTARY PUBLIC)

DONNA F. BARCIA  
(Printed name of NOTARY PUBLIC)



State of Florida at Large.  
My commission expires: Feb. 5, 2017



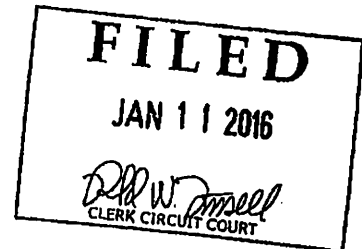


In The Circuit Court  
For Duval County, Florida  
Circuit Civil  
Case No.: 2015-CA-004505  
Division: CV-B

Samuel R. Burney,  
Plaintiff

vs.

Evelyn R. Halyard, Shiryl Holmes,  
unknown heirs of Nathan Perryman,  
deceased, and all those persons claiming  
under Nathan Perryman,  
Defendants



**Final Judgment to Quiet Title**

THIS CAUSE came before this court at a scheduled hearing on Friday, January 8, 2016 in Hearing Room 705 in the Duval County Courthouse. On the complaint by the Plaintiff to quiet title, the court finding that all interested persons have been served proper notice of the complaint and hearing or have waived noticed thereof; that the material allegations of the complaint are true; and that that the title to the property should be quieted in favor of the Plaintiff, it is

**ADJUDGED that:**

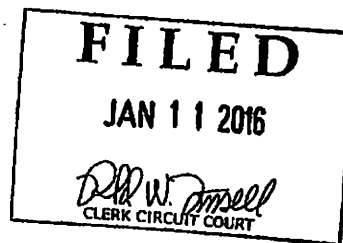
**1. Property** The property which is the subject of this action is described as follows: 12246 Brady Road, Jacksonville, Florida 32223. RE#105719-0000. 3.6418 acres, more or less. This real property is more particularly described as follows: LOT 1, JOHN M.J. BOWDEN TRACT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 26 OF THE CURRENT PUBLIC RECORDS, PART OF GOVERNMENT LOT 1, SECTION 13 AND PART OF GOVERNMENT LOT 1, SECTION 24, TOWNSHIP 4 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WEST LINE OF SAID LOT 1, JOHN M.J. BOWDEN TRACT WITH THE SOUTHERLY LINE OF BRADY ROAD (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE SOUTH 64°52'20" EAST, 101.20 FEET, ALONG THE SOUTHERLY LINE OF SAID BRADY ROAD, TO A TRANSITION IN SAID RIGHT-OF-WAY LINE THENCE NORTH 21°36' 20" WEST, 14.59 FEET, ALONG SAID TRANSITION LINE; THENCE SOUTH 64°52'20" EAST, 263.41 FEET, CONTINUING ALONG SAID SOUTHERLY LINE OF BRADY ROAD; THENCE SOUTH 00°08'41" EAST, 493.39 FEET, TO THE WEST LINE OF SAID GOVERNMENT LOT 1, SECTION 24; THENCE SOUTH 21°36'30" EAST, 495.96 FEET, ALONG SAID WEST LINE, TO THE NORTHEAST CORNER OF LOT 36, COVENTRY, AS RECORDED IN PLAT BOOK 41, PAGES 19, 19A, 19B AND 19C OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 61°58'50" WEST, 166.42 FEET, ALONG THE NORTH LINE OF

In The Circuit Court  
For Duval County, Florida  
Circuit Civil  
Case No.: 2015-CA-004505  
Division: CV-B

**Samuel R. Burney,  
Plaintiff**

vs.

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unknown heirs of Nathan Perryman,  
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SAID LOT 36, TO ITS NORTHWEST CORNER; THENCE NORTH 19°34'05" WEST, 1079.71 FEET, ALONG THE EAST LINE OF LOT 35 OF SAID COVENTRY, TO THE POINT OF BEGINNING.

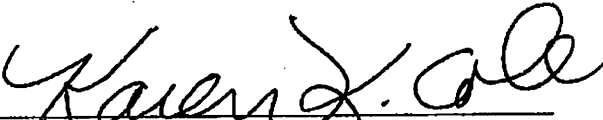
**2. Confirmation of Legal Description.** The complaint contains this allegation:

As heir of her father and her mother, Maude Evelyn Reddick sought to convey all of her interests in the Property to her brother, Walter Perryman, so that he could become the sole owner of the Property and other lands. The conveyances from Maude Reddick are recorded in Deed Book 1733, page 114 and in ORV 529, page 345, both of the current public records of Duval County, Florida. They are referred to in this pleading as the *Maude Reddick Deeds*. This quiet title action became necessary because the descriptions in the Maude Reddick Deeds are defective in part, and, therefore, it is necessary to arrive at a court determination that the Property lies within the descriptions of the lands which are not defective (and, to arrive at the finding that the Plaintiff is the sole owner of the Property). The conclusion that the Property is located within the portions of the descriptions in the Maude Reddick Deeds which are sufficient is supported by the Affidavit by Harlo G. Everett, Registered Land Surveyor.

The referenced Affidavit by Harlo G. Everett dated June 19, 2015 was filed in this case at the time of the filing of the complaint. Relying on that Affidavit, this court holds that that the Property is located within the descriptions in the Maude Reddick Deeds.

**3. Title Quieted.** The title is quieted in favor of the Plaintiff, Samuel R. Burney, against the possible interests of Evelyn R. Halyard, Sheryl Holmes, unknown heirs of Nathan Perryman, deceased, and all those persons claiming under Nathan Perryman, if alive, and, if deceased, their unknown spouses, heirs, devisees, creditors, and all natural persons and legal entities claiming under any of them.

**Done and ordered in Jacksonville, Duval County, Florida on the 8<sup>th</sup> day of January, 2016.**

  
\_\_\_\_\_  
Karen K. Cole, Circuit Judge

July 21, 2016

Exhibit 1

LEGAL DESCRIPTION

LOT 1, JOHN M.J. BOWDEN TRACT, ACCODING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 26 OF THE CURRENT PUBLIC RECORDS, PART OF GOVERNMENT LOT 1, SECTION 13 AND PART OF GOVERNMENT LOT 1, SECTION 24, TOWNSHIP 4 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA, MORE PARTICULARY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE WEST LINE OF SAID LOT 1, JOHN M.J. BOWDEN TRACT WITH THE SOUTHERLY LINE OF BRADY ROAD (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE SOUTH 64°-52'-20" EAST, 101.20 FEET, ALONG THE SOUTHERLY LINE OF SAID BRADY ROAD, TO A TRANSITION IN SAID RIGHT-OF-WAY LINE; THENCE NORTH 21°-36'-20" WEST, 14.59 FEET, ALONG SAID TRANSITION LINE; THENCE SOUTH 62°-52'-20" EAST, 263.41 FEET, CONTINUING ALONG SAID SOUTHERLY LINE OF BRADY ROAD; THENCE SOUTH 00°-08'-41" EAST, 493.39 FEET, TO THE WEST LINE O SAID GOVERNMENT LOT 1, SECTION 24: THENCE SOUTH 21°-36'-30" EAST, 102.80 FEET, ALONG SAID WEST LINE, TO THE NORTHWEST CORNER OF LOT 81, MANDARIN PLACE, UNIT FOUR, AS RECORDED IN PLAT BOOK 42, PAGES 82 AND 82A OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 70°-24'-28" WEST, 98.25 FEET, TO A POINT IN THE EAST LINE OF LOT 5, COVENTRY, AS RECORDED IN PLAT BOOK 41, PAGES 19, 19A, 19B AND 19C OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 19°-34'-05" WEST, 809.87 FEET, ALONG THE EAST LINE OF SAID LOT 5, TO THE POINT OF BEGINNING.

CONTAINING 124,181.3 SQUARE FEET AND/OR 2.8508 ACRES.



