

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2014-19

FEBRUARY 13, 2014

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 2014-19**.

<i>Location:</i>	1859 Hickman Road between Beach Boulevard and Carranza Drive
<i>Real Estate Numbers:</i>	136036-0000 and 136036-0010
<i>Current Zoning District:</i>	Commercial Residential Office (CRO)
<i>Proposed Zoning District:</i>	Public Buildings and Facilities-2 (PBF-2)
<i>Current Land Use Category:</i>	Residential Professional Institutional (RPI)
<i>Planning District:</i>	Southeast, District 3
<i>City Council District:</i>	The Honorable Don Redman, District 4
<i>Applicant/Agent:</i>	T.R. Hainline, Esquire Rogers Towers, P.A. 1301 Riverplace Boulevard, Suite 1500 Jacksonville, Florida 32207
<i>Owners:</i>	Genesis Health, Inc. Brooks Rehab Center 3599 University Boulevard, South Jacksonville, Florida 32216
<i>Staff Recommendation:</i>	APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance **2014-19** seeks to rezone a 5.08 acres parcel from the Commercial Residential Office (CRO) to the Public Buildings and Facilities-2 (PBF-2) zoning district. The site is within the RPI functional land use category as defined by the Future Land Use Map series (FLUMs) contained in the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. According to the applicant, the request for the rezoning is to allow for professional nursing facility to serve patients on the subject property. The overall site has frontage along Beach Boulevard, a collector road as classified by the Functional Highway Classification Map of the 2030 Comprehensive Plan.

Per Section 656.311 of the Zoning Code, the requested rezoning PBF-2 is classified as a secondary zoning district in the RPI functional land use category. It should be noted that the following supplemental criteria and standards for secondary zoning districts apply to the subject rezoning from the CRO to PBF-2 zoning district.

656.305 (l) Supplemental criteria states:

- 1) The site shall have frontage on a principal arterial, minor arterial or collector street as classified on the Functional Highway Classification Map of the 2030 Comprehensive Plan.

Yes. Although the subject property has frontage on Hickman Road, a local road, the overall subject site has frontage along Beach Boulevard, a collector road as classified by the Functional Highway Classification Map of the 2030 Comprehensive Plan.

- 2) The minimum lot area shall be two acres.

Yes. The lot area for the proposed rezoning is 5.08 acres.

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 Residential Professional Institutional (RPI) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. The proposed PBF-2 zoning district is a secondary zoning district within the RPI functional land use category. The subject property does meet the supplemental criteria and standards for secondary zoning districts which states for the PBF-2 District: (1) The site shall have frontage on a principal arterial, minor arterial or collector street as classified on the Functional Highway Classification Map of the 2030 Comprehensive Plan. The subject property overall will be accessed off Beach Boulevard, a collector road as classified by the Functional Highway Classification Map of the 2030 Comprehensive Plan. (2) The minimum lot area shall be two (2) acres. The subject site has 5.08 acres. Therefore, the proposed rezoning is consistent 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?*

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

Objective 3.2: Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

The proposed rezoning is consistent in that it could promote integrated development patterns regarding employment, commercial, and residential areas.

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

No. It is the opinion of the Planning and Development Department that the proposed rezoning does not appear to be in conflict with any portion of the City's land use regulations.

SURROUNDING LAND USE AND ZONING

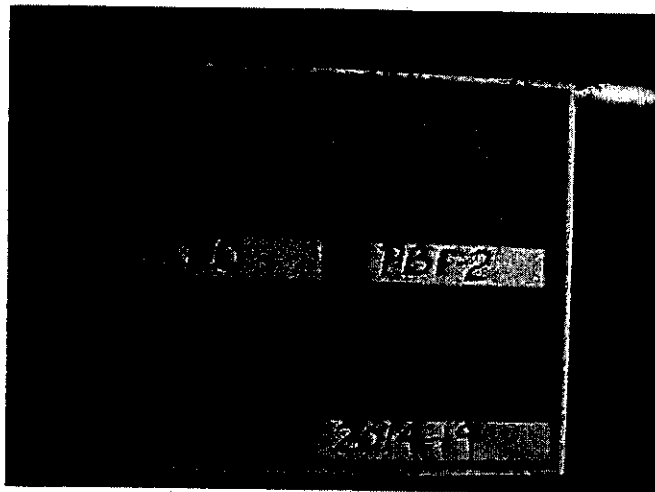
The subject property is located on Hickman Road. The surrounding uses, land use category and zoning are as follows:

<u>Adjacent Properties</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use</u>
North	CGC	CCG-2	Vacant
East	PBF	PBF-2	Private nursing
South	RPI	CRO	Medical office
West	PBF	CRO	Hospital

The proposed rezoning request is seeking to allow for a professional nursing facility to serve patients on the subject property n assisted living and independent living care use that would be in keeping with the existing zoning districts.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on the required Notice of Public Hearing sign was posted on February 3, 2014.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2014-19 be **APPROVED**.

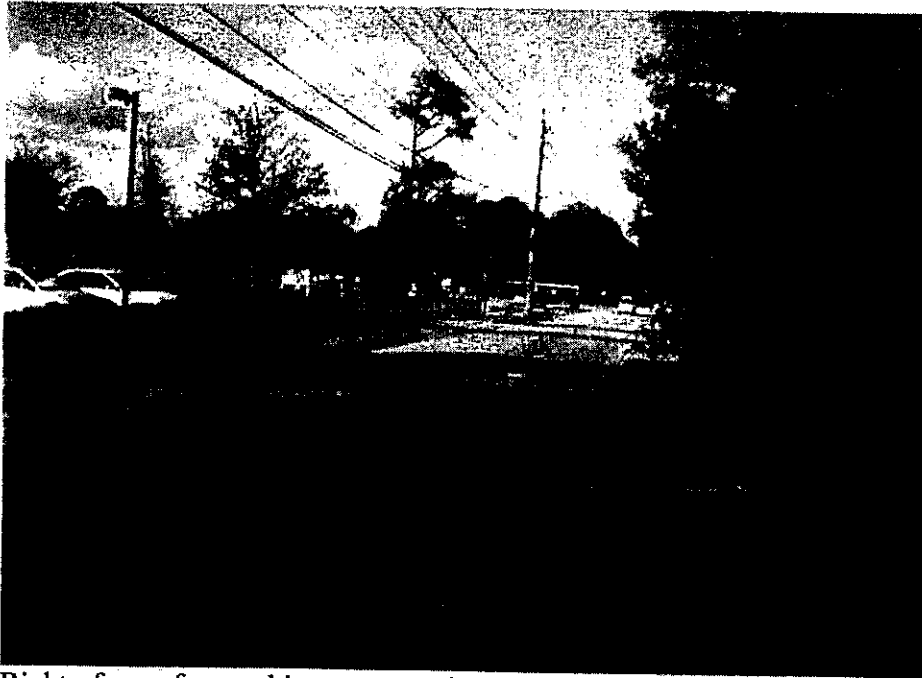


The subject site at 1859 Hickman Road
Source: City of Jacksonville Planning and Development Department
Date: February 3, 2014

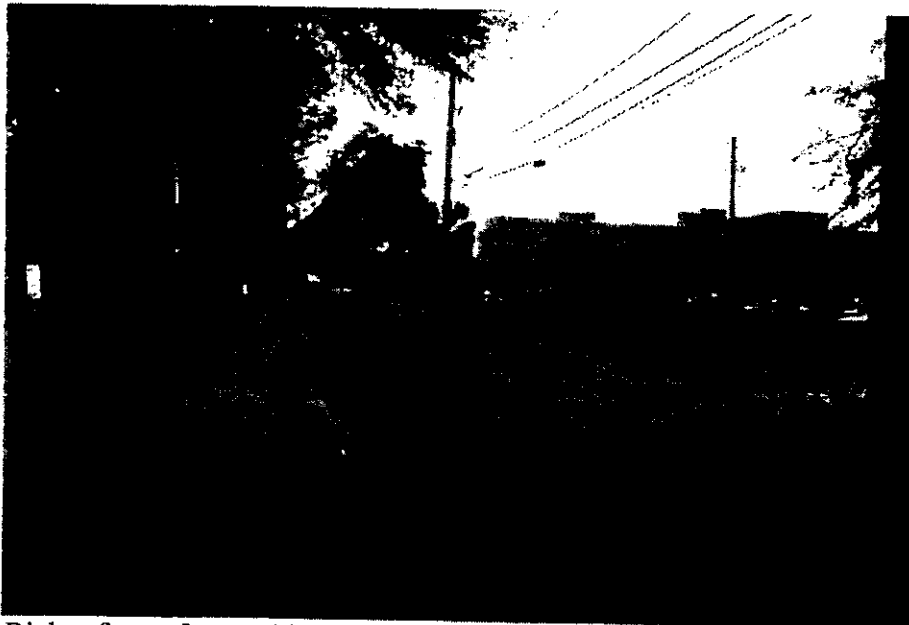
Aerial of subject property



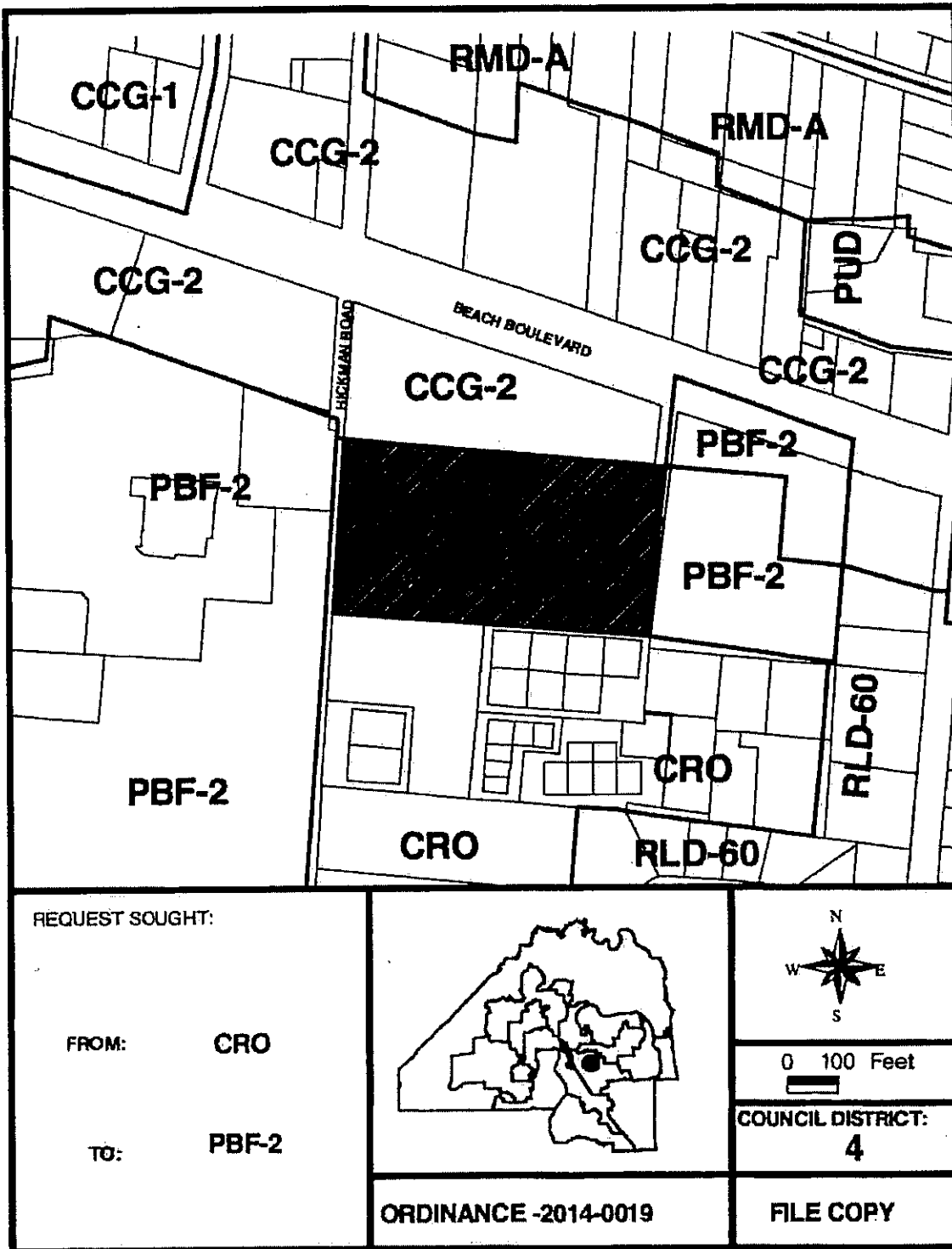
Aerial of subject property
Geographic Information System



Right-of-way from subject property looking south
Source: City of Jacksonville Planning and Development Department
Date: February 3, 2014



Right-of-way from subject property looking north
Source: City of Jacksonville Planning and Development Department
Date: February 3, 2014



Application For Rezoning To Conventional Zoning District**Planning and Development Department Info****Ordinance #** 2014-19 **Staff Sign-Off/Date** ME / 01/09/2014**Filing Date** 12/10/2013 **Number of Signs to Post** 2**Hearing Dates:****1st City Council** 02/11/2014 **Planning Commission** 02/13/2014**Land Use & Zoning** 02/19/2014 **2nd City Council** 02/25/2014**Neighborhood Association** GREATER SAN SOUCI NEIGHBORHOOD**Neighborhood Action Plan/Corridor Study****Application Info****Tracking #** 504**Application Status** PENDING**Date Started** 11/04/2013**Date Submitted** 11/18/2013**General Information On Applicant****Last Name****First Name****Middle Name**

HAINLINE

T.R.

Company Name

ROGERS TOWERS, P.A.

Mailing Address

1301 RIVEPLACE BOULEVARD, SUITE 1500

City**State****Zip Code**

JACKSONVILLE

FL

32207

Phone**Fax****Email**

9043465531

9043960663

THAINLINE@RTLAW.COM

General Information On Owner(s)☐ **Check to fill first Owner with Applicant Info****Last Name****First Name****Middle Name**

HEALTH

GENESIS

Company/Trust Name

GENESIS HEALTH, INC.

Mailing Address

BROOKS REHAB CENTER, 3599 UNIVERSITY BLVD S

City**State****Zip Code**

JACKSONVILLE

FL

32216

Phone**Fax****Email**

9043457600

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	136036 0000	4	3	CRO	PBF-2
Map	136036 0010	4	3	CRO	PBF-2

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

Land Use Category Proposed?

If Yes, State Land Use Application #

Land Use Category

Residential-Professional-Institutional

Total Land Area (Nearest 1/100th of an Acre) 5.08

Justification For Rezoning Application

THIS PROPERTY IS A PART OF THE BROOKS REHABILITATION CENTER CAMPUS AND WILL BE DEVELOPED WITH A SKILLED NURSING FACILITY TO SERVE BROOKS PATIENTS.

Location Of Property

General Location

ON HICKMAN ROAD, SOUTH OF BEACH BOULEVARD

House #	Street Name, Type and Direction	Zip Code
1859	HICKMAN RD	32216

Between Streets

BEACH BOULEVARD and CARRANZA DRIVE

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
5.08 Acres @ \$10.00 /acre: \$60.00
- 3) Plus Notification Costs Per Addressee
30 Notifications @ \$7.00 /each: \$210.00
- 4) Total Rezoning Application Cost: \$2,270.00

NOTE: Advertising Costs To Be Billed to Owner/Agent



ROBERT M. ANGAS ASSOCIATES, INC.

www.rmangas.com

tel 904-842-8560 • fax 904-842-4165

14775 Old St. Augustine Road • Jacksonville, Florida 32258

October 24, 2013
Brooks - Beach Boulevard

Work Order No. 13-114.00
File No. 122F-15.00D

Zoning Parcel "A"

Lot 9, together with a portion of a 30 wide street as depicted on Map of Abbie I. Ryar's Subdivision recorded in Plat Book 7, page 26 of the current Public Records of Duval County, Florida, also being those lands described and recorded in Official Records Book 5450, page 675 and Official Records Book 8426, page 1689, of said current Public Records, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the Southerly right of way line of State Road No. 10, a variable width right of way as presently established and the Easterly right of way line of Hickman Road, a variable width right of way as presently established; thence South $04^{\circ}19'36''$ West, along said Easterly right of way line, 307.34 feet to the Northwesterly corner of said Lot 9 and the Point of Beginning.

From said Point of Beginning, thence South $84^{\circ}21'50''$ East, departing said Easterly right of way line, along the Northerly line of said Lot 9 and the Easterly prolongation thereof, 619.90 feet; thence South $04^{\circ}39'43''$ West, 355.14 feet to the intersection with the Easterly prolongation of the Southerly line of said Lot 9; thence North $84^{\circ}47'35''$ West, along said Easterly prolongation and said Southerly line of Lot 9, a distance of 617.73 feet to the Southwesterly corner of said Lot 9, said point lying on said Easterly right of way line of Hickman Road; thence North $04^{\circ}19'36''$ East, along said Easterly right of way line, 359.81 feet to the Point of Beginning.

Containing 5.08 acres, more or less.

EXHIBIT "1"

EXHIBIT A

Property Ownership Affidavit

Date:

City of Jacksonville
City Council and Planning Commission
117 West Duval Street, City Hall
Jacksonville, FL 32202

Re: 1859 Hickman Road Property

Real Estate Parcel #: 136036-0000 & 136036-0010

Gentlemen:

I, Genesis Health Inc. hereby certify that I am the Owner of the property described in the attached legal description, Exhibit 1 in connection with filing application for a conventional rezoning from CRO to PBF-1 submitted to the Jacksonville Planning and Development Department.

Genesis Health, Inc.

By: [Signature]

(Owner's Signature)

Its: President & CEO

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed before me this 15 day of November, 2013, by Douglas M. Bannas as President & CEO of Genesis Health Inc. S/he (check one) ☒ is personally known to me or ☐ has proved to me on basis of satisfactory evidence to be the person who executed this instrument.

Notary Public, State of Florida

Name: Julie Smith

My Commission Expires: 11-13-2017

My Commission Number is: FF038007

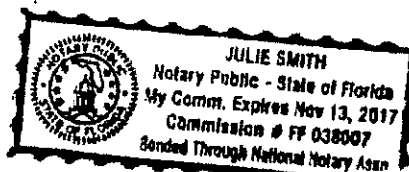


EXHIBIT B

Agent Authorization

Date:

City of Jacksonville
City Council and Planning Commission
117 West Duval Street, City Hall
Jacksonville, FL 32202

Re: Agent Authorization for the following site location:

1859 Hickman Road

Gentlemen:

You are hereby advised that the undersigned are the owners of the property described in Exhibit 1 attached hereto. Said owners hereby authorize and empower Rogers Towers to act as agents to file application(s) for a conventional 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.

Genesis Health, Inc.

By: [Signature]
(Owner's Signature)

Its: President + CEO

STATE OF FLORIDA
COUNTY OF DUVAL

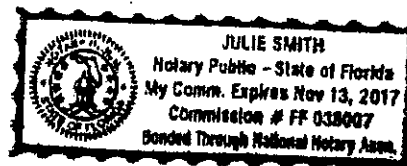
Sworn to and subscribed before me this 15 day of November, 2013, by Douglas M. Dacres President + CEO of Genesis Health, Inc. S/he (check one) ☒ is personally known to me or ☐ has proved to me on basis of satisfactory evidence to be the person who executed this instrument.

Notary Public, State of Florida

Name: Julie Smith

My Commission Expires: 11-13-2017

My Commission Number is: FF 038007



Book 8426 Pg 1689

5 MIN. RETURN
PHONE # 398-1419

Book 8426 Pg 1689

Bk: 8426
Pg: 1689 - 1691
Doc# 96182664
Filed & Recorded
08/30/96
01:59:49 P.M.
HENRY W. COOK
CLERK CIRCUIT COURT
DUVAL COUNTY, FLORIDA
REC. \$ 15.00
DEED \$4,389.00

Bk: 8426
Pg: 1689 - 1691
Doc# 96182664
Filed & Recorded
08/30/96
01:59:49 P.M.
HENRY W. COOK
CLERK CIRCUIT COURT
DUVAL COUNTY, FLORIDA
REC. \$ 15.00
DEED \$4,389.00

THIS INDENTURE is made, executed and delivered this 30th day of August, 1996, between THERON B. MOORE, II, a single man ("Grantor"), and GENESIS SUPPORT SYSTEMS, INC., a Florida not-for-profit corporation (Federal Tax I.D. No. 59-2249338) ("Grantee"), whose post office address is 3627 University Boulevard, Suite 840, Jacksonville, of the County of Duval, State of Florida;

whereby Grantor, bargain, sell and convey to Grantee and Grantee's heirs, successors and assigns forever that certain land (the "Land") situated in Duval County, Florida, more particularly described in Exhibit "A" attached hereto and made a part hereof (Property Appraiser's Parcel Identification Number 136036-0000), together with all tenements, hereditaments and appurtenances of Grantor belonging or in any wise appertaining to the Land (collectively, the "Property"), subject to real estate taxes for the current year and subsequent years (the "Permitted Encumbrances").

Except as set forth in the Permitted Encumbrances, Grantor hereby covenants to warrant and defend the title to the Land against the lawful claims of all persons whomsoever.

Record →
Index →
This instrument prepared by:
H. Joseph O'Shields
Rogers, Towers, Bailey, Jones & Gay
1301 Riverplace Blvd., Suite 1500
Jacksonville, Florida 32202

AJ01GENESIS/MOORE/DEED

Book 8426 PG 1690

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed the day and year first above written.

Signed, sealed and delivered in the presence of:


Name: Simon D. Rothstein


THERON B. MOORE, II


Name: Joseph A. Shields

Address:
1861 Hickman Road
Jacksonville, Florida 32216

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 30th day of August, 1996, by Theron B. Moore, II. He (check one) ☒ is personally known to me or ☐ has produced a driver's license as identification.


Notary Public, State of Florida
Name: Simon D. Rothstein

My Commission Expires: July 4, 2000
My Commission Number is: 60-561914

SEAL

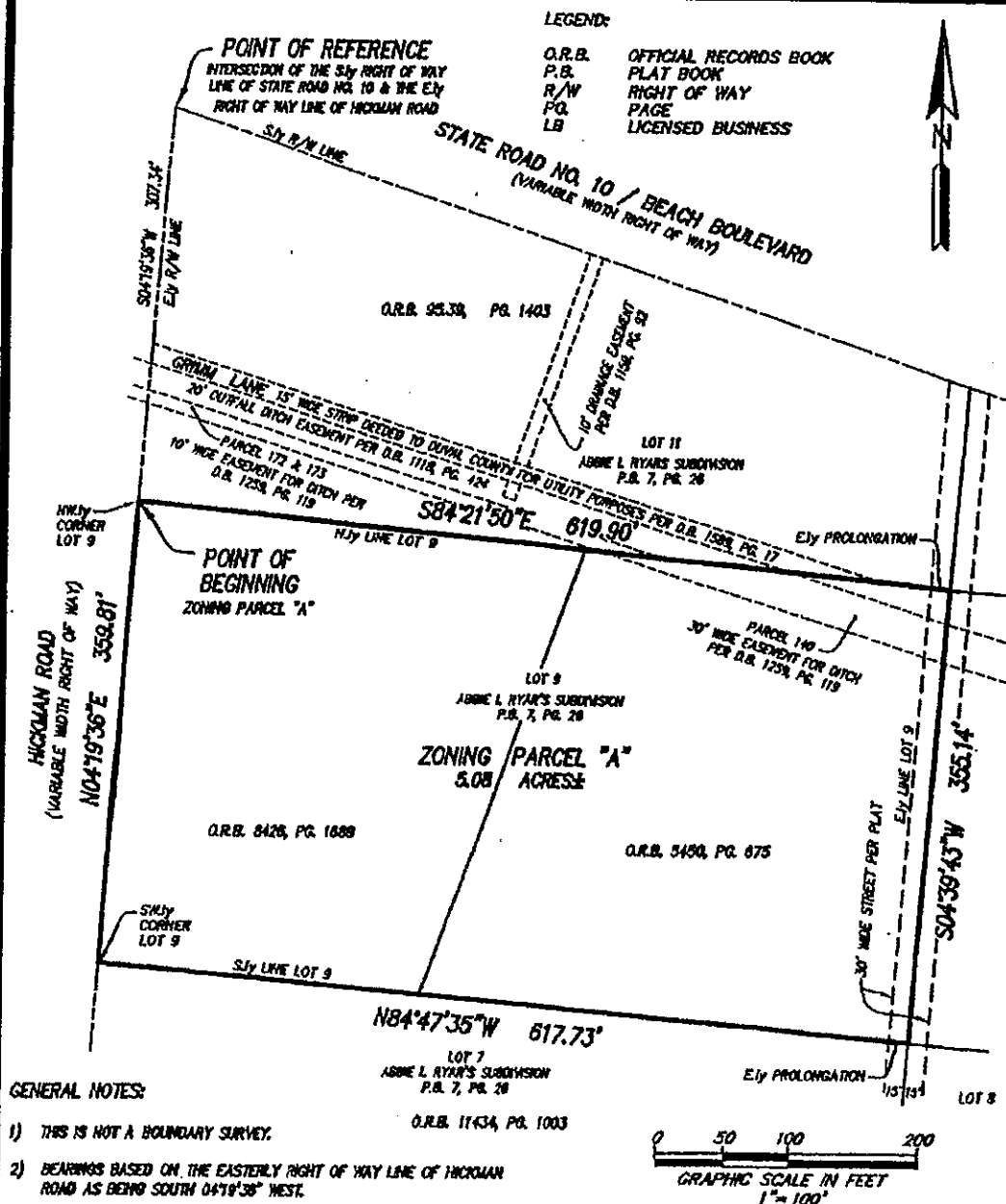
Book 8426 Pg 1691

EXHIBIT "A"

Part of Lot 9, as shown on the Map of Abbie I. Ryars Subdivision, as same is recorded in Plat Book 7, page 26, of the public records of Duval County, Florida, being further described as follows:

Begin at the Northwest corner of said Lot 9; thence South 84°42'30" East, along the North line thereof, 340.0 feet; thence South 18°57'10" West, 368.6 feet to the South line of said Lot 9; thence North 85°11'30" West, along said South line, 245.0 feet to the Southwest corner of said Lot 9; thence North 4°01'20" East, along the West line thereof, 360.36 feet to the Point of Beginning.

LOT 9, TOGETHER WITH A PORTION OF A 30 FOOT WIDE STREET AS DEPICTED ON MAP OF ABBIE I. RYAR'S SUBDIVISION RECORDED IN PLAT BOOK 7, PAGE 26 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, ALSO BEING THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 5450, PAGE 675 AND OFFICIAL RECORDS BOOK 8426, PAGE 1689, OF SAID CURRENT PUBLIC RECORDS,
BEING MORE PARTICULARLY DESCRIBED IN SEPARATE ATTACHMENT.



NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



14775 Old St. Augustine Road, Jacksonville, FL 32258
Tel: (904) 842-8550 Fax: (904) 842-4168
Certificate of Authorization No.: LB 3824

SCALE: 1"=100'

SCOTT A. GRAHAM
PROFESSIONAL SURVEYOR AND MAPPER
STATE of FLORIDA LS No. 5548

