

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2014-46

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 2014-46**.

<i>Location:</i>	212 Oceanway Avenue between Oceanway Avenue and New Berlin Road
<i>Real Estate Number:</i>	107961-0020
<i>Current Zoning District:</i>	Residential Low Density-60 (RLD-60)
<i>Proposed Zoning District:</i>	Commercial Neighborhood (CN)
<i>Current Land Use Category:</i>	Low Density Residential (LDR)
<i>Proposed Land Use Category:</i>	Community/General Commercial (CGC)
<i>Planning District:</i>	North, District 6
<i>City Council District:</i>	The Honorable Ray Holt, District 11
<i>Applicant/Agent:</i>	James Morgan City of Jacksonville 214 N. Hogan Street Jacksonville, Florida 32202
<i>Owners:</i>	City of Jacksonville 214 N. Hogan Street Jacksonville, Florida 32202
<i>Staff Recommendation:</i>	APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance **2014-46** seeks to rezone a .24 acre parcel from Residential Low Density-60 (RLD-60) to Commercial Neighborhood (CN). The site is within the LDR 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. The subject property is currently owned by the City of Jacksonville and was a former Health Clinic. The property was declared surplus last year (Ordinance 2012-677) and according to the applicant, the City of Jacksonville has a potential buyer for the subject site.

There is a companion Small Scale Land Use Amendment Application Ordinance **2014-0045**, Application 2013C-026, which proposes to change the Future Land Use Map Series (FLUMs) of the 2030 Comprehensive Plan from Low Density Residential (LDR) to Community/General Commercial (CGC) and has recommended to approve.

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 and is inconsistent therewith. However, concurrent with this Application for Conventional Rezoning, an Application for Small Scale Land Use Amendment to Future Land Use Map Series-2030 Comprehensive Plan, Ordinance **2014-0045**, Application 2013C-026 was filed requesting amendment of the subject property's

functional land use categories from LDR to CGC. The CN zoning district is a primary zoning district within the CGC functional land use category.

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

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

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.

The subject property has access to full urban services, including mass transit, and is located in a developed area of the City. Therefore, the neighborhood commercial rezoning designation aids in maintaining a compact land use pattern and helps to maintain an increasingly efficient urban service delivery system, consistent with FLUE Policy 1.1.22.

FLUE Policy 3.2.2 The City shall promote, through the Land Development Regulations, infill and redevelopment of existing commercial areas in lieu of permitting new areas to commercialize.

The subject property has access to full urban services, including mass transit, and is located in a developed area of the City. Therefore, the neighborhood commercial rezoning designation aids in maintaining a compact land use pattern and helps to maintain an increasingly efficient urban service delivery system, consistent with FLUE Policy 1.1.22.

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 proposed land use rezoning encourages the reuse of an underutilized property within the suburban area of the City and is already served by infrastructure, utilities, and public facilities; the proposed land use rezoning is consistent with FLUE Objective 6.3.

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

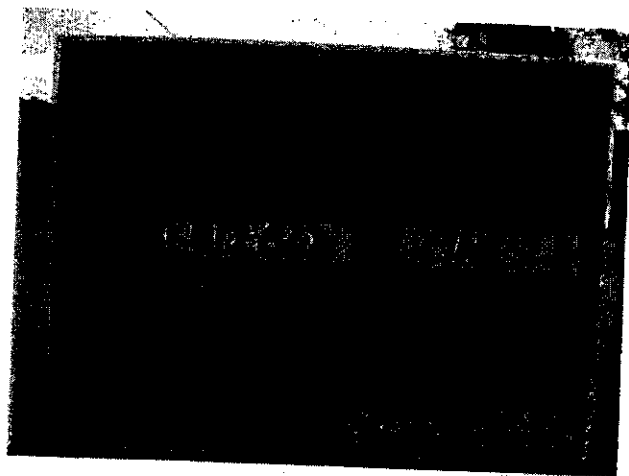
The subject property is located on Oceanway Avenue. The surrounding uses, land use category and zoning are as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	LDR	RLD-60	Single-family
East	CGC	CN	Commercial office
South	LDR/CGC	RLD-60/CN	Commercial office
West	LDR	RLD-60	Single-family

The proposed rezoning request is seeking to sell the surplus property, presently owned by the City of Jacksonville, for a commercial use that would be in keeping with the existing surrounding zoning districts.

SUPPLEMENTARY INFORMATION

Public notice sign was posted on site and observed by staff on the subject property on February 3, 2014.



RECOMMENDATION

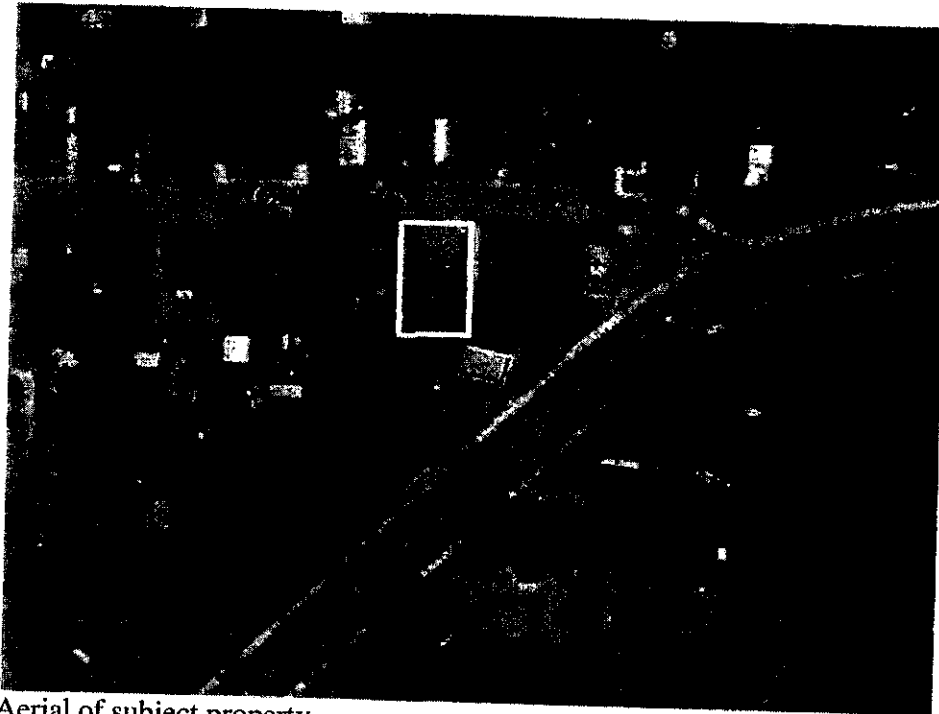
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2014-46** be **APPROVED**



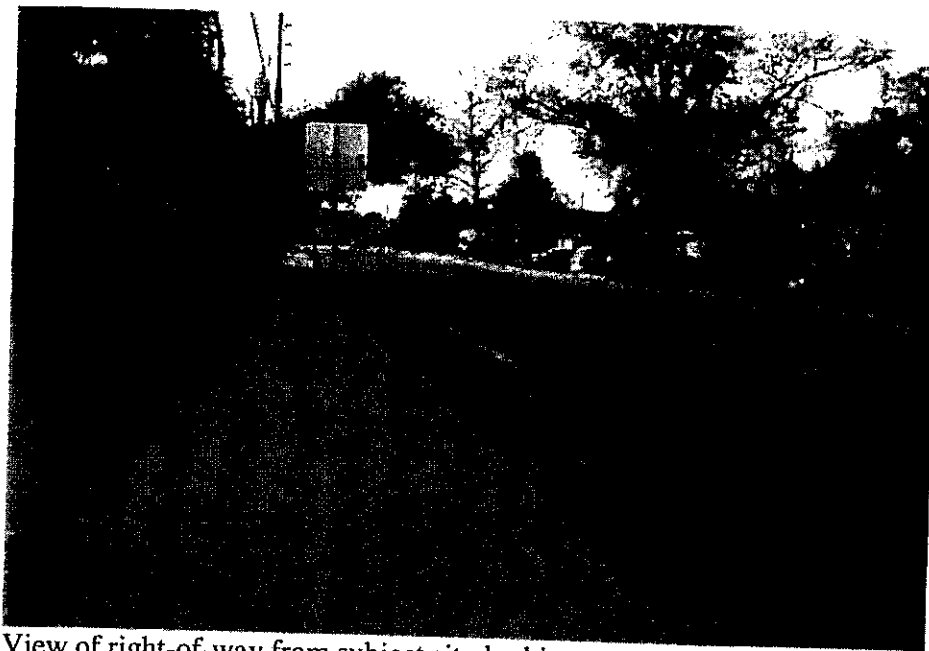
Subject property

Source: City of Jacksonville Planning and Development Department

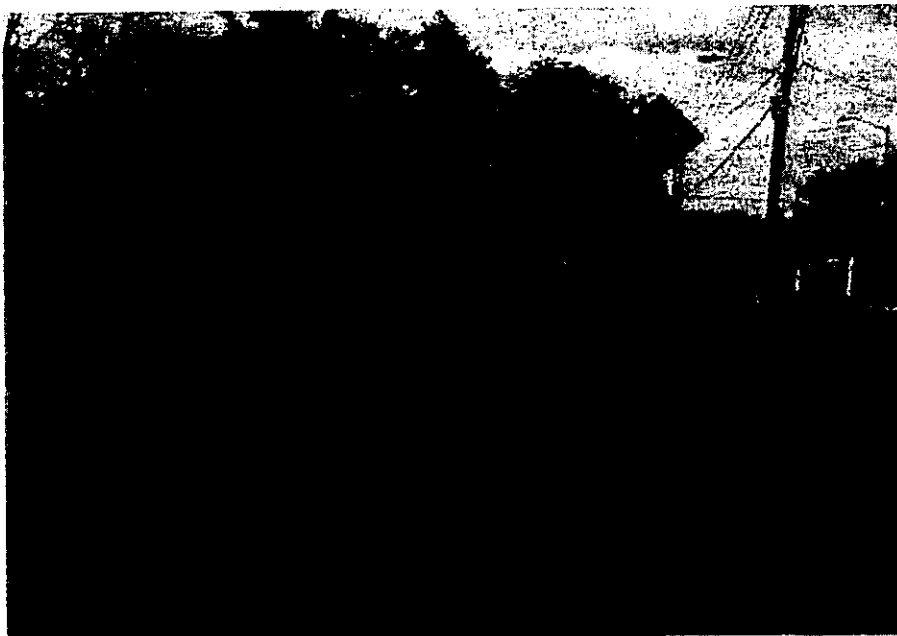
Date: February 3, 2014



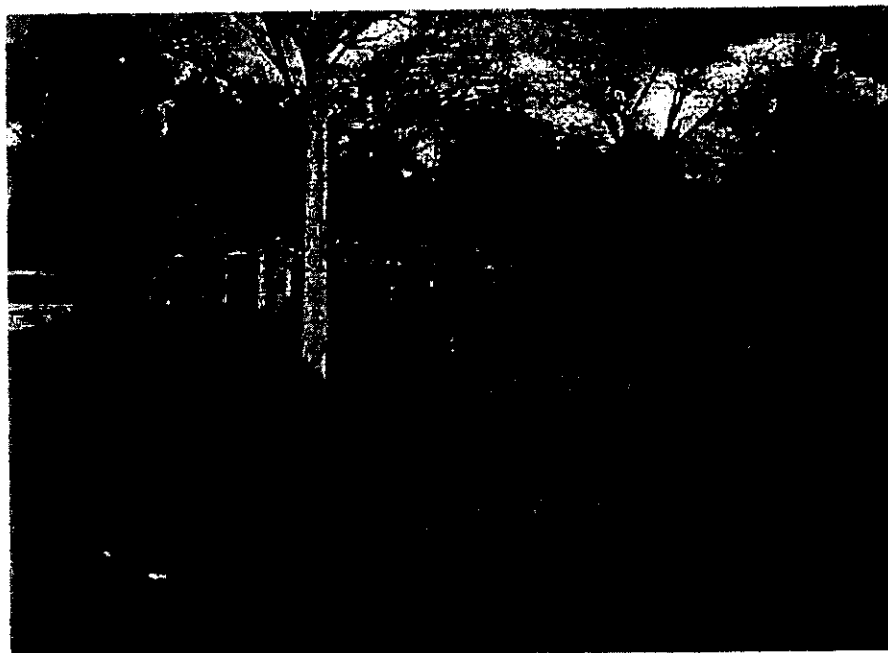
Aerial of subject property
Source: ArcView GIS 3.3
Date: January 31, 2014



View of right-of-way from subject site looking west
Source: City of Jacksonville Planning and Development Department
Date: February 3, 2014



View of right-of-way from subject site looking east
Source: City of Jacksonville Planning and Development Department
Date: February 3, 2014



Single-family located northeast of subject property
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 #** 2014-46 **Staff Sign-Off/Date** ME / 01/10/2014**Filing Date** 08/02/2013 **Number of Signs to Post** 1**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** N/A**Neighborhood Action Plan/Corridor Study** N/A**Application Info****Tracking #** 443 **Application Status** FILED COMPLETE**Date Started** 08/02/2013 **Date Submitted** 08/02/2013**General Information On Applicant**

Last Name	First Name	Middle Name
MORGAN	JAMES	M

Company Name

CITY OF JACKSONVILLE

Mailing Address

214 N. HOGAN ST

City	State	Zip Code
JACKSONVILLE	FL	32202

Phone	Fax	Email
9042558737	9042558948	MORGAN@COJ.NET

General Information On Owner(s)**Check to fill first Owner with Applicant Info**

Last Name	First Name	Middle Name
MORGAN	JAMES	M

Company/Trust Name

CITY OF JACKSONVILLE

Mailing Address

214 N. HOGAN ST

City	State	Zip Code
JACKSONVILLE	FL	32202

Phone	Fax	Email
9042558737	9042558948	MORGAN@COJ.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 107961 0020 11 6 RLD-60 CN

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

Land Use Category Proposed? ☒

If Yes, State Land Use Application #

Land Use Category

Community/General Commercial

Total Land Area (Nearest 1/100th of an Acre) 0.24

Justification For Rezoning Application

THE PROPERTY IS AN ABANDONED HEALTH CLINIC THAT IS OWNED BY THE CITY OF JACKSONVILLE. IT IS ZONED RESIDENTIAL, HOWEVER THE USE HAS ALWAYS BEEN COMMERCIAL. THE CITY HAS A BUYER FOR THE PROPERTY. THE POTENTIAL BUYER CAN ONLY USE THE PROPERTY IF IT IS ZONED COMMERCIAL AND WILL NOT BUY IT IF THE ZONING IS NOT CHANGED. THE BUYER INTENDS TO REHAB THE BUILDING AND OPEN A BAKERY IN IT.

Location Of Property

General Location

OCEAWAY

House # Street Name, Type and Direction
212 OCEANWAY AV

Zip Code
32218

Between Streets

OCEANWAY AVE.

and NEW BERLIN 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
0.24 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



3199 839

THE FOLLOWING INSTRUMENT WAS PREPARED BY:

DOCUMENTARY WARRANTY DEED

OFFICIAL RECORDS Warranty Deed

THIS INSTRUMENT, Made this 11th day of March, A.D. 1971 BETWEEN
MARION A. SCOTT, unmarried,
of the County of Duval, State of Florida, part y of the first part, and

CITY OF JACKSONVILLE, a municipal corporation

of the County of Duval, State of Florida, part y of the second part,
WITNESSETH That the said part y of the first part, for and in consideration of the sum of
Two Thousand Two Hundred and Fifty (\$2,250.00) Dollars,
to him in hand paid by the said part y of the second part, the receipt whereof is hereby acknow-
ledged, has granted, bargained and sold to the said part y of the second part, its
successors and assigns forever, the following described land, situate, lying and being in the
County of Duval - State of Florida, to wit:

Lot 37 and West 1/2 Lot 38, Block 1, Pine 'Do
Subdivision, according to plat thereof,
recorded in Plat Book 13, page 92, current
public records, Duval County, Florida.

THIS INSTRUMENT WAS PREPARED BY:

F. J. SIMPSON

LEGAL COUNSEL, CITY OF JACKSONVILLE
P. O. BOX 1111, JACKSONVILLE, FLORIDA



And the said part y of the first part do hereby fully warrant the title to said land, and will defend
the same against the lawful claims of all persons whatsoever.

IN WITNESS WHEREOF, the said part y of the first part has hereunto set his hand and
seal the day and year first above written.

SIGNED AND SEALED IN OUR PRESENCE:

[Signature of Marion A. Scott] (SEAL)
[Signature of F. J. Simpson] (SEAL)

(SEAL)

STATE OF FLORIDA

COUNTY OF DUVAL

Before me personally appeared Marion A. Scott, unmarried,

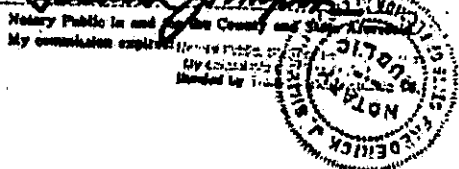
and known to me to be the individual described in and who executed the foregoing instrument, and
acknowledged to and before me that he executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 11th day of March

1971, at Jacksonville, Duval County and State of Florida.

71-13175
Mar 10 12:01 PM '71

RECORDED IN PUBLIC
RECORDS OF DUVAL COUNTY, FLA.
L. Wayne Wright
CLERK OF PUBLIC RECORDS



1 Introduced by the Council President at the request of the Mayor:



2012-677.kf

ORDINANCE 2012-677-Z

5 AN ORDINANCE DECLARING THAT CERTAIN PARCEL OF
6 REAL PROPERTY (R.E. NUMBER 107961-0020)
7 LOCATED AT 212 OCEANWAY AVENUE, IN COUNCIL
8 DISTRICT 11, TO BE SURPLUS TO THE NEEDS OF THE
9 CITY; AUTHORIZING ITS SALE, AND AUTHORIZING
10 THE MAYOR AND THE CORPORATION SECRETARY TO
11 EXECUTE ANY AND ALL DOCUMENTS NECESSARY FOR
12 SUCH SALE, IN ACCORDANCE WITH THE PROVISIONS
13 OF PART 4, CHAPTER 122, ORDINANCE CODE,
14 PROVIDING AN EFFECTIVE DATE.

15
16 **BE IT ORDAINED** by the Council of the City of Jacksonville:

17 **Section 1. Declaration of Surplus.** The City hereby
18 declares that certain parcel of real property at 212 Oceanway
19 Avenue, in Council District 11, known as R.E. Number 107961-0020,
20 as more particularly described in Exhibit 1, attached hereto and
21 incorporated herein by this reference, to be surplus to the needs
22 of the City of Jacksonville. The subject property consists of a
23 1,630 square foot concrete block building situated on a 75 x 100
24 foot lot. The subject parcel was acquired in 1971 and was utilized
25 for many years by the Duval County Health Department (DCHD). DCHD
26 no longer has a need for the building. A copy of the certificate
27 from the Chief of Real Estate for the surplus of real property,
28 required by Rule 3.102 (Preparation of Bills), is attached hereto
29 as Exhibit 2.