

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2014-107

MARCH 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 2014-107**.

<i>Location:</i>	5675 Timuquana Road between Seaboard Avenue and Catoma Street
<i>Real Estate Number:</i>	103598-0000
<i>Current Zoning District:</i>	Commercial Neighborhood (CN)
<i>Proposed Zoning District:</i>	Commercial Community/General-1 (CCG-1)
<i>Current Land Use Category:</i>	Community/General Commercial (CGC)
<i>Planning District:</i>	Southwest, District 4
<i>City Council District:</i>	The Honorable Jim Love, District 14
<i>Applicant/Agent:</i>	Howard J. Smith, Esquire The Law Offices of Howard J. Smith 10110 San Jose Boulevard Jacksonville, Florida 32257
<i>Owner:</i>	Salim Kassab 9407 Pickwick Drive Jacksonville, Florida 32257
<i>Staff Recommendation:</i>	APPROVE

GENERAL INFORMATION

Application for Rezoning Ordinance **2014-107** seeks to rezone the western area portion of a 2.06 acre parcel from the Commercial Neighborhood (CN) to the Commercial Community/General-1 (CCG-1) zoning district. The site is within the CGC 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 residential development consistent with the CGC land use. The site has

frontage along Timuquana Road, a minor arterial road as classified by the Functional Highway Classification Map of the 2030 Comprehensive Plan. Also, staff would like to note that the subject property has a split zoning.

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 Community/General Commercial (CGC) functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. Per Section 656.313 of the Zoning Code, the CGC functional land use category allows a wide range of retail sales and services including general merchandise, apparel, food and related items. The CGC functional land use category allows outlets that offer a wide range of goods and services including general merchandise, apparel, food and related items. The proposed zoning district of CCG-1 (Community/General Commercial-1) allows uses permitted within the CGC functional land use category. The proposed CCG-1 zoning district is a primary zoning district within the CGC functional land use category. 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 and integrated land use fabric which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas. This application for rezoning will allow for commercial development, thereby strengthening the viability of the commercial area.

Future Land Use Element Policy 3.2.2 states 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 proposed rezoning is consistent in that it could promote viability and stability in this commercially developed area and it will be consistent with the existing CGC land use.

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

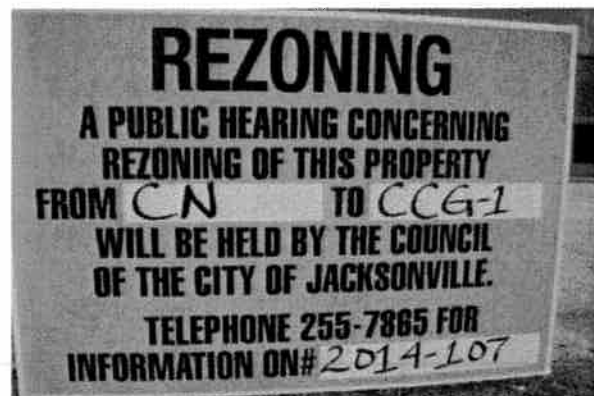
The subject property is located on Timuquana Road. The property is located at a commercial node along a commercial corridor. The surrounding uses, land use category and zoning are as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	LDR	RLD-60	Single-family
East	CGC	CCG-1	Shopping center
South	CGC	CCG-1	Shopping center
West	CGC	CN	Convenient store/Gas station

The proposed rezoning request is consistent and compatible with the surrounding uses.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on the required Notice of Public Hearing sign **was** posted on February 25, 2014.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2014-107** be **APPROVED**.



Aerial view of subject parcel
Geographic Information System



Subject site

Source: City of Jacksonville Planning and Development Department

Date: February 25, 2014



Existing Shopping Center containing subject site

Source: City of Jacksonville Planning and Development Department

Date February 25, 2014



View from subject site looking east off right-of-way
Source: City of Jacksonville Planning and Development Department
Date: February 25, 2014



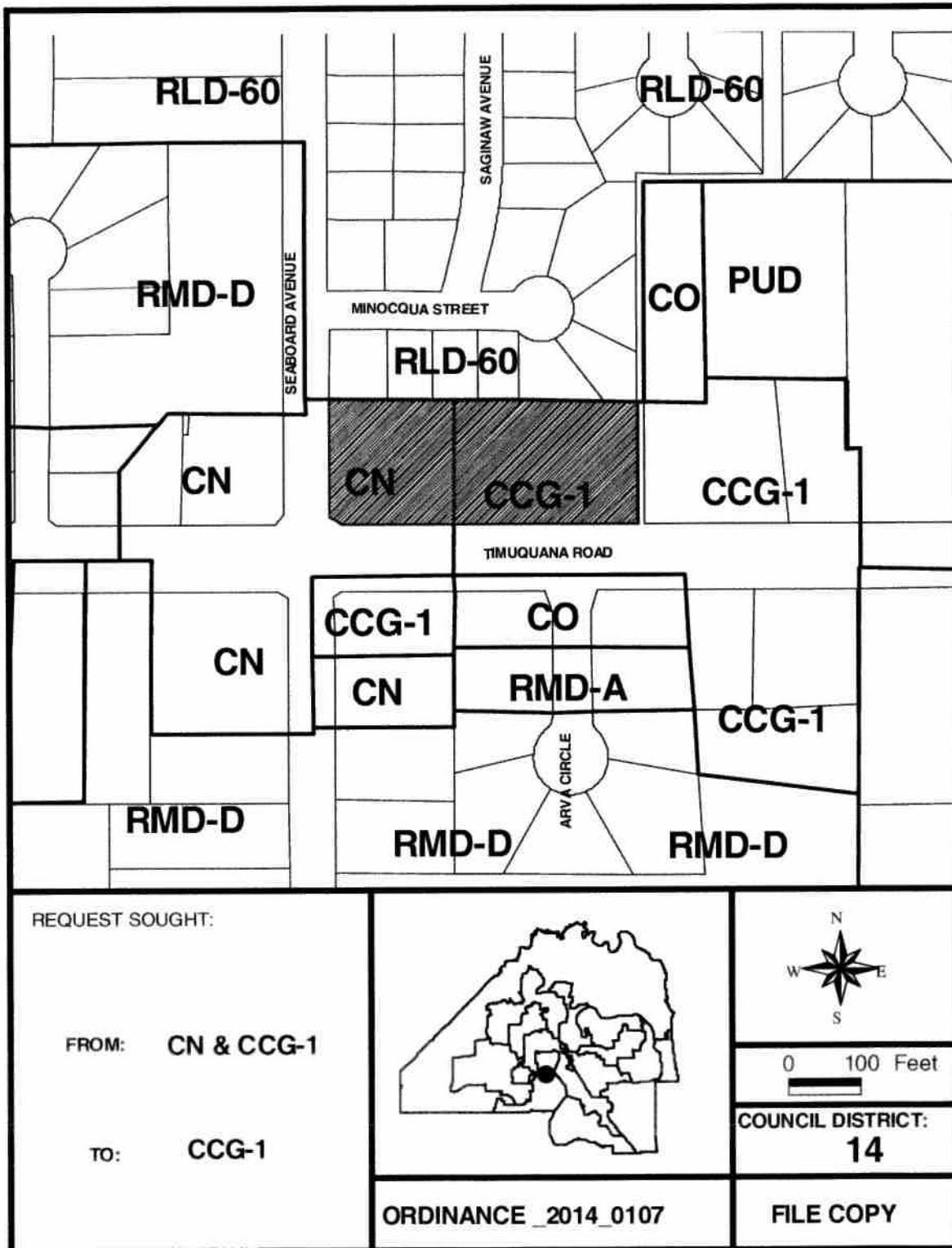
View from subject site looking west off right-of-way
Source: City of Jacksonville Planning and Development Department
Date: February 25, 2014



Commercial shopping center south of subject property
Source: City of Jacksonville Planning and Development Department
Date: February 25, 2014



Convenient store and gas station use located west of the subject site
Source: City of Jacksonville Planning and Development Department
Date: February 25, 2014



Application For Rezoning To Conventional Zoning District**Planning and Development Department Info****Ordinance #** 2014-107 **Staff Sign-Off/Date** ME / 02/10/2014**Filing Date** 01/03/2014 **Number of Signs to Post** 2**Hearing Dates:****1st City Council** 03/11/2014 **Planning Commission** 03/13/2014**Land Use & Zoning** 03/18/2014 **2nd City Council** N/A**Neighborhood Association** N/A**Neighborhood Action Plan/Corridor Study** N/A**Application Info****Tracking #** 534**Application Status** PENDING**Date Started** 12/17/2013**Date Submitted** 12/17/2013**General Information On Applicant**

Last Name	First Name	Middle Name
SMITH	HOWARD	J.

Company Name

LAW OFFICES OF HOWARD J. SMITH

Mailing Address

10110 SAN JOSE BOULEVARD

City	State	Zip Code
JACKSONVILLE	FL	32257

Phone	Fax	Email
9048864400	9048864040	HOWARD@HJSMITHLAW.COM

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

Last Name	First Name	Middle Name
KASSAB	SALIM	

Company/Trust Name**Mailing Address**

9407 PICKWICK DRIVE

City	State	Zip Code
JACKSONVILLE	FL	32257

Phone	Fax	Email
9042348229		

Last Name	First Name	Middle Name
BRKAT	BAEL	F.

Company/Trust Name**Mailing Address**

9407 PICKWICK DRIVE

City	State	Zip Code
JACKSONVILLE	FL	32257
Phone	Fax	Email

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	103598 0000	14	4	CN	CCG-1
Map	103598 0000	14	4	CCG-1	CCG-1

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) 0.82**Justification For Rezoning Application**

THE OVERALL PROPERTY IS CURRENTLY BEING USED AS A RETAIL SHOPPING CENTER. THE EAST 1/2 IS ZONED CCG-1, AND THE WEST 1/2 IS ZONED CN. THE LAND USE DESIGNATION FOR THE ENTIRE PROPERTY IS CCG. THIS APPLICATION IS TO REZONE THE WEST 1/2 TO CCG-1 IN ORDER TO MAKE IT CONSISTENT WITH THE REST OF THE SHOPPING CENTER. THE CN ZONING ON THE WEST 1/2 DIMINISHES THE VALUE OF THE PROPERTY, AS THERE ARE USE RESTRICTIONS IN CN THAT ARE INCONSISTENT WITH INTENDED AND COMMON RETAIL USES

Location Of Property**General Location**

NE CORNER OF TIMUQUANA ROAD AND SEABOARD AVENUE, ORTEGA

House #	Street Name, Type and Direction	Zip Code
5675	TIMUQUANA RD	32210

Between Streets

SEABOARD AVENUE and CATOMA STREET

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
0.82 Acres @ \$10.00 /acre: \$10.00
3) Plus Notification Costs Per Addressee
43 Notifications @ \$7.00 /each: \$301.00
4) Total Rezoning Application Cost: \$2,301.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

REVISED LEGAL 2/4/2014

ORDINANCE _____

Legal Description

PART OF PARCEL "B", TIMUQUANA HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 32, PAGE 12 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID PARCEL "B"; THENCE, NORTH 89°-48'-27" EAST, 188.88 FEET, ALONG THE NORTH LINE OF SAID PARCEL "B"; THENCE SOUTH 00°-11'-33" EAST, 187.99 FEET, TO THE NORTH LINE OF TIMUQUANA ROAD (A 104.0 FOOT RIGHT-OF-WAY); THENCE SOUTH 89°-48'-27" WEST, 178.46 FEET, ALONG THE NORTH LINE OF SAID TIMUQUANA ROAD; THEN NORTH 42°-38'-27" WEST, 17.62 FEET, TO A POINT IN THE EAST LINE OF SEABOARD AVENUE (A 60.0 FOOT RIGHT-OF-WAY); THENCE NORTH 00°-17'-27" WEST, 175.00 FEET, ALONG THE EAST LINE OF SEA SEABOARD AVENUE, TO THE POINT OF BEGINNING.

CONTAINING 35,579.08 SQUARE FEET AND/OR 0.8168 ACRES.

**PREPARED BY
AND RETURN TO:**
Howard J. Smith, P.A.
10110 San Jose Boulevard
Jacksonville, FL 32257

RE # 103598-0000

Consideration: \$0.00

Note to Clerk of Court: This Corrective Quit Claim Deed is being recorded to correct a title issue regarding the referenced property. No consideration was given for the Deed and the property is unencumbered. Accordingly, only minimal documentary stamp taxes are due on this Quit Claim Deed.

CORRECTIVE QUIT CLAIM DEED

This Corrective Quit Claim Deed is made this 12th day of December, 2013, by **Smith & Young Co.**, a Florida corporation ("Grantor"), whose address for purposes hereof is 3517 Hw. 17, Fleming Island, FL 32003, to **Salim Kassab and Basel F. Brkat**, as joint tenants with right of survivorship (collectively, "Grantee"), whose address for purposes hereof is 9407 Pickwick Drive, Jacksonville, FL 32257.

IN CONSIDERATION of the sum of \$10.00, and other valuable considerations, paid by Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby convey, transfer, remise, release and quit-claim to Grantee and Grantee's heirs, successors and assigns forever, that certain real property located in Duval County, Florida, described in **Exhibit "A"**, attached hereto and made part hereof.

SUBJECT TO all covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, to the only proper use and benefit of the Grantee and Grantee's heirs, successors and assigns forever.

This Corrective Deed is executed and delivered to correct the legal description in the Corporate Warranty Deed from Grantor to Grantee dated January 31, 2003, recorded at Official Records Book 10921, page 2073, of the current public records of Duval County, Florida.

EXECUTED AND DELIVERED as of the day and date above.

Signed, sealed and delivered
in our presence:

[Signature]
Witness # 1

CLAUDE PARKS
(Witness #1 Printed Name)


[Signature]
Witness #2
BERNARD H. SMITH
(Witness #2 Printed Name)

Smith & Young Co., a Florida corporation

By: [Signature]
Print Name: BERNARD E. SMITH
Its: PRESIDENT

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 12th day of December, 2013, by BERNARD E. SMITH, as PRESIDENT of Smith & Young Co., a Florida corporation, on behalf of the corporation. He/she is personally known to me or who has produced N/A as identification.

[Signature]
Notary Public, State and County of Florida

GARY L. JOHNSON
MY COMMISSION # EE 163391
EXPIRES: July 21, 2016
Bonded thru Budget Notary Services

Name of Notary Public
(Typed, Printed or Stamped)
My Commission expires: JULY 21, 2016

GARY L. JOHNSON
EE 163391

THIS INSTRUMENT PREPARED BY:
Enterprise Title
Enterprise Title & Escrow Inc.
3351 Hendricks Avenue
Jacksonville, Florida 32207

RECORD AND RETURN TO:
Salma Kassab
9407 Pickwick Drive
Jacksonville, Florida 32257

RE PARCEL ID # 181587 0000
BUYER'S TIN

Book 10921 Page 2073

Doc# 2003048901
Book: 10921
Pages: 2073 - 2074
Filed & Recorded
02/14/2003 12:15:06 PM
JIM FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY
RECORDING
TRUST FUND \$ 9.00
DEED DOC STAMP \$ 1.50
\$ 8,652.00

CORPORATE WARRANTY DEED

THIS INDENTURE made this 31st day of January, 2003 by Smith & Young Company, A Florida Corporation, hereinafter called Grantor, and whose address is P.O. Box 1834, Orange Park, Florida 32067-1834 to Salma Kassab, a single man and Basel P. Brkat, a single man as joint tenants with rights of survivorship, hereinafter called Grantee, and whose address is 9407 Pickwick Drive, Jacksonville, Florida 32257.

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee the following described land situate, lying and being in the County of Duval, State of Florida to wit:

That certain tract or parcel of land being a part of Parcel "B", Timuquana Heights, as recorded in Plat Book 32, page 12, of the current public records of Duval County, Florida, being more particularly described as beginning at the Northwest corner of said Parcel "B", Timuquana Heights, the same being situated in the Easterly right-of-way line of Seaboard Avenue (a 60 foot right-of-way as now established); thence North 89° 48' 27" East, along the Northeasterly boundary of said Parcel "B", 479.12 feet to the Northeast corner of said Parcel "B"; thence South 0° 17' 27", West, along the Easterly boundary of said Parcel "B", 188.0 feet to a point in the present right-of-way line of Timuquana Road (a 104 foot right-of-way, as now established); said Northerly right-of-way line; thence north 42° 38' 27" west, along said transition, 17.62 feet to an intersection with said easterly right-of-way line of Seaboard Avenue; thence North 0° 17' 27" East, along said easterly right-of-way line, 175.0 feet to the point of beginning. Said parcel of land being subject to a 12 X 12 DOT drainage Easement.

SUBJECT TO taxes accruing subsequent to December 31, 2002.
SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference shall not operate to reimpose same.
AND the said Grantor hereby covenants that it is lawfully seized of said land in fee simple and fully warrants the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer(s) and caused its corporate seal to be hereto affixed the day and year first above written.

Signed, sealed and delivered in our presence:

Christine A. Tassell
Witness Signature

Christine A. Tassell
Witness Printed Signature

Linda J. Stacy
Witness Signature
Linda J. Stacy
Witness Printed Signature

Bernard H. Smith, President
Smith & Young Company, A Florida Corporation

by Bernard H. Smith
ENTER SIGNATORY AND TITLE HERE
(Corporate Seal)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 31st day of January, 2003 by Bernard H. Smith, President Smith & Young Company, A Florida Corporation, on behalf of the corporation. He/She is personally known to me or has produced drivers license as identification.

Notary Public, State and County Aforesaid

Christine A. Tassell
Notary Signature

CHRISTINE A TASSELL
Notary Printed Signature

(Title or Rank)

(Serial No., if any)

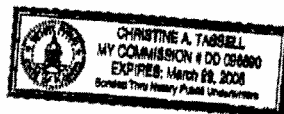


EXHIBIT B

Agent Authorization

Date: 12/13/13

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:

5675 Timuquana Road, Jacksonville, FL 32210, RE#103598-0000

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 Howard J. Smith to act as agent to file application(s) for Rezoning to CCG-1 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)

Salim Kassab
Salim Kassab

STATE OF FLORIDA
COUNTY OF DUVAL

Basel F. Brkat
Basel F. Brkat

The foregoing affidavit was sworn and subscribed before me this 13th day of December (month), 2013 (year) by Salim Kassab and Basel F. Brkat who is personally known to me or has produced Drivers' Licenses as identification.

K. Miller
(Notary Signature)

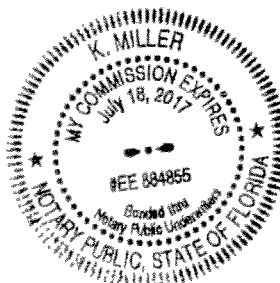


EXHIBIT A

Property Ownership Affidavit

Date: 12/13/13

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, Salim Kassab and Basel F. Brkat 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 Rezoning to CCG-1
submitted to the Jacksonville Planning and Development Department.

X Salim Kassab
(Owner's Signature) Salim Kassab
X Basel F. Brkat
Basel F. Brkat

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 13th day of
December (month), 2013 (year) by Salim Kassab and Basel F. Brkat
who is personally known to me or has produced Driver's Licenses
as identification.

X Miller
(Notary Signature)

