

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2014-0129

APRIL 24, 2014

The Planning and Development Department hereby forwards to the Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance **2014-129**.

<i>Location:</i>	West side of Yellow Bluff Road Between New Berlin Road and Fritz Road
<i>Real Estate Number:</i>	106920 0000
<i>Current Zoning District:</i>	Planned Unit Development (PUD 2009-121-E)
<i>Proposed Zoning District:</i>	Residential Low Density-50 (RLD-50)
<i>Current Land Use Category:</i>	Community Commercial General (CGC)
<i>Proposed Land Use Category:</i>	Low Density Residential (LDR)
<i>Planning District:</i>	North, District 6
<i>City Council Representative:</i>	The Honorable Ray Holt, District 11
<i>Agent/Owner:</i>	Gregory E. Matovina Matovina and Company 2955 Hartley Road, Suite 108 Jacksonville, Florida 32257
<i>Staff Recommendation:</i>	APPROVE

GENERAL INFORMATION

Application for Rezoning **Ordinance 2014-129** seeks to rezone approximately 9.95+/- acres of land from PUD to RLD-50. The subject property is within the CGC functional land use category as defined by the Future Land Use Map (FLUM) series contained in the Future Land Use Element (FLUE) as adopted as part of the 2030 Comprehensive Plan and within the Suburban Development Area. There is a companion Small Scale Land Use Amendment Application 2013C-034 (Ordinance 2014-128) that proposes to amend the portion of the Land Use within the CGC functional Land Use Category to the LDR

functional land use category. The existing zoning, PUD 2009-121-E, permits the development of commercial uses similar to those permitted within the CCG-1 conventional zoning district, including a specified development area for professional and medical office uses, and another development area for more intense commercial uses. Previous PUD, 2005-1224-E, permitted a maximum of 78 multi-family units on site. The proposed rezoning to the conventional RLD-50 zoning district would allow single-family units on 50 foot wide lots.

The application site lies within the North Jacksonville Vision Plan Area. The plan does not identify specific recommendations for the subject site; however, the Plan does identify a summary of recommendations for future planning efforts in the vision plan area. One such recommendation was to create the intersection of Yellow Bluff Road and New Berlin Road as a commercial “Regional Center”. Therefore, establishing medium density housing near such areas of commerce along “Collector” roads is preferable for diminishing intensities of development thereby meeting consistency with the North Jacksonville Vision Plan.

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 CGC functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan.

There is a companion application for Small Scale Land Use Amendment 2013C-034 (Ordinance 2014-128) which proposes to change the Land Use from CGC to LDR. The LDR functional land use category within the Suburban Character Development area permits a gross density of up to 7 units per acre when full

urban services are available to the site, and allow single-family development.

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

Yes. This rezoning does not further the Goals, Objectives and Policies of the 2030 Comprehensive Plan, including the following:

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.

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.

Objective 3.4 Where feasible, the City shall encourage all new developments to conform to a compact and connected growth pattern with land use diversity and improved interrelationships among living, working, shopping, education and recreational activities.

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.

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

No. The proposed rezoning does not conflict with any portions of the City's land use regulations. If approved, the subject property contains 9.95 acres and will be permitted uses that are allowed by right within the RLD-50 Zoning District, such as single-family residential development, essential services, and accessory uses.

SURROUNDING LAND USE AND ZONING

South, west and north of the subject site are a mix of mobile homes and single-family dwellings in a LDR land use category and a RR-Acre zoning district. The one exception to this is there is a thin sliver of PUD zoning district between the application site and Caney Creek. This area consists of riverine wetlands functioning as a buffering system for the creek.

The surrounding uses, land use category and zoning are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RR-ACRE	Single-family
East	CGC	PUD (2005-834-E)	Approved commercial retail
	LDR	PUD (2006-523-E)	Approved single-family
South	LDR	RR-ACRE	Single-family
West	LDR	RR-ACRE	Single-family

SUPPLEMENTARY INFORMATION

On April 9, 2014 the Applicant submitted a sign posting affidavit and photos showing the sign was posted.



Source: Applicant, Greg Matovina
Date: April 9, 2014

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2014-129** be **APPROVED**.



Property is wooded and undeveloped.

*Source: City of Jacksonville Planning and Development Department
Date: February 28, 2014*



View from the subject property looking south toward New Berlin/Yellow Bluff intersection.

*Source: City of Jacksonville Planning and Development Department
Date: February 28, 2014*



Adjacent single-family residential.

*Source: City of Jacksonville Planning and Development Department
Date: February 28, 2014*



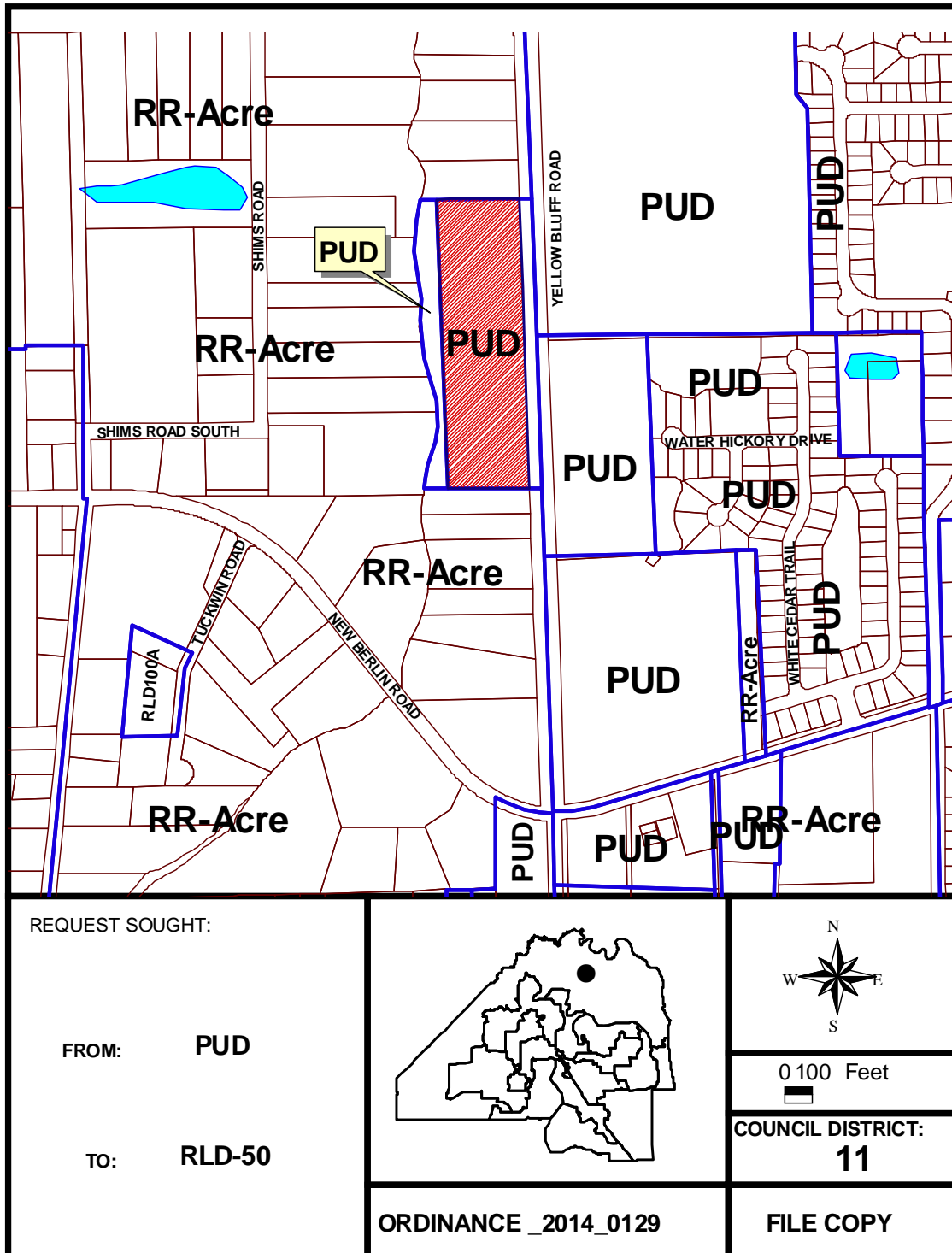
Approved PUDs across from the project site include permitted retail and townhome sites.

*Source: City of Jacksonville Planning and Development Department
Date: February 28, 2014*



Commercial node at the intersection of Yellow Bluff and New Berlin.

*Source: City of Jacksonville Planning and Development Department
Date: February 28, 2014*



Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2014-129 **Staff Sign-Off/Date** AAG / 11/08/2013

Filing Date 02/11/2014 **Number of Signs to Post** 4

Hearing Dates:

1st City Council 03/11/2014 **Planning Commission** 03/13/2014

Land Use & Zoning 03/18/2014 **2nd City Council** 03/25/2014

Neighborhood Association NONE

Neighborhood Action Plan/Corridor Study NONE

Application Info

Tracking # 499

Application Status PENDING

Date Started 10/30/2013

Date Submitted 10/30/2013

General Information On Applicant

Last Name

MATOVINA

First Name

GREGORY

Middle Name

E.

Company Name

MATOVINA & COMPANY

Mailing Address

2955 HARTLEY ROAD, SUITE 108

City

JACKSONVILLE

State

FL

Zip Code

32257

Phone

9042920778

Fax

9042929468

Email

GMATOVINA@MATOVINA.COM

General Information On Owner(s)

☐ Check to fill first Owner with Applicant Info

Last Name

GREGORY

First Name

MATOVINA

Middle Name

E.

Company/Trust Name

YELLOW BLUFF LLP

Mailing Address

2599 HARTLEY RD, SUITE 108

City

JACKSONVILLE

State

FL

Zip Code

32257

Phone

9042920778

Fax

9042929468

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	106920 0000	11	6	PUD	RMD-A
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Ensure that RE# is a 10 digit number with a space (##### #)

Land Use Category Proposed? ☒

If Yes, State Land Use Application #

2005-1244-E

Land Use Category

Medium Density Residential

Total Land Area (Nearest 1/100th of an Acre) 9.95

Justification For Rezoning Application

TO MAKE PROPERTY CONSISTENT WITH SURROUNDING PROPERTIES

Location Of Property

General Location

NORTH OF NEW BERLINE RD AND WEST OF YELLOW BLUFF RD

House #	Street Name, Type and Direction	Zip Code
12780	YELLOW BLUFF RD	32226

Between Streets

YELLOW BLUFF RD and SHIMS RD

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
9.95 Acres @ \$10.00 /acre: \$100.00
- 3) Plus Notification Costs Per Addressee
18 Notifications @ \$7.00 /each: \$126.00
- 4) Total Rezoning Application Cost: \$2,226.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

EXHIBIT B

Agent Authorization

Date: 10/17/13

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

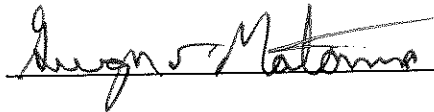
Re: Agent Authorization for the following site location:

106920-0000

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 Gregory E. Matovina to act as agent to file application(s) for 106920-0000 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)



STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 17th day of October (month), 2013 (year) by GREGORY E MATOVINA, who is personally known to me or has produced _____ as identification.


(Notary Signature)

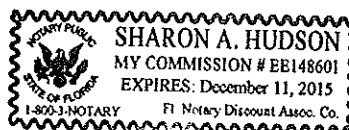


EXHIBIT A

Property Ownership Affidavit

Date: 10/17/13

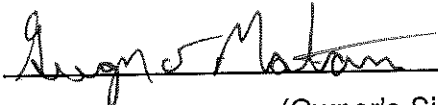
City of Jacksonville

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

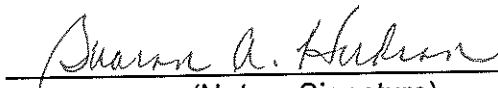
Gentleman:

I, Gregory E. Matovina 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 106920-0000,
submitted to the Jacksonville Planning and Development Department.


(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 17th day of
October (month), 2013 (year) by GREGORY E. MATOVINA
who is personally known to me or has produced _____
as identification.


(Notary Signature)

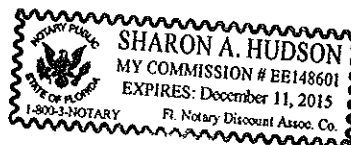


EXHIBIT A

Property Ownership Affidavit

Date: _____

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, Gregory E. Matovina 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 106920-0000, submitted to the Jacksonville Planning and Development Department.

Gregory E. Matovina

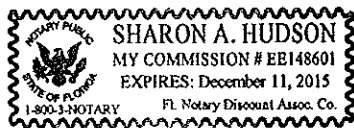
(Owner's Signature)

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 17th day of October (month), 2013 (year) by GREGORY E. MATOVINA who is personally known to me or has produced _____ as identification.

Sharon A. Hudson

(Notary Signature)



Prepared by, record and return to:
Amanda F. Smith, Esq.
Rogers Towers, P.A.
818 A1A North, Suite 208
Ponte Vedra Beach, Florida 32082

Consideration: \$175,000.00

COM13-09/4457233

SPECIAL WARRANTY DEED

THIS INDENTURE is made effective as of the 29th day of July, 2013, by VYSTAR CREDIT UNION, a state-chartered credit union, whose address is 4949 Blanding Boulevard, Jacksonville, Florida 32210 (herein, the "Grantor"), and YELLOW BLUFF, LLP, a Florida limited liability partnership, whose address is 2955 Hartley Road, Jacksonville, Florida 32257 (herein, the "Grantee").

Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns forever, all of that certain land (the "Land") in Duval County, Florida, more particularly described on Exhibit "A" attached hereto and made a part hereof, together with all tenements, hereditaments and appurtenances of Grantor belonging or in any wise appertaining to the Land (collectively, the "Property"), subject to those matters set forth on Exhibit "B" attached hereto and made a part hereof, without intending to reimpose same (the "Permitted Encumbrances").

TO HAVE AND TO HOLD the Property in fee simple forever.

Grantor and Grantee acknowledge and agree that, except for the Grantor's express covenants, representations and warranties set forth in this Special Warranty Deed, the sale of the Property is without any warranty, and that Grantor has made no, and expressly and specifically disclaims any and all, representations, guaranties or warranties, express or implied, or arising by operation of law or relating to the Property.

Furthermore, except for any claim the Grantee may have as a result of the breach by the Grantor of any express representation or warranty of Grantor set forth herein, Grantee does hereby release and forever discharge Grantor, its directors, shareholders, officers, employees, legal representatives, agents and assigns, from any and all actions, causes of action, claims and demands for, upon or by reason of any damage, loss or injury which heretofore have been or which hereafter may be sustained by Grantee resulting from or arising out of the presence of any hazardous materials or other environmental contamination on or in the vicinity of the Property, including the soil and/or groundwater (hereinafter referred to as the "Claims"). Grantee expressly waives, without limitation, any claims for contribution under the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, unless resulting from the acts or omissions of Grantor, during its period of ownership of the Property (and not caused by Grantee following this conveyance). This release applies to all such

Claims whether the actions causing the presence of hazardous materials on or in the vicinity of the Property occurred before or after this conveyance. This release extends and applies to, and also covers and includes, all statutory or common law Claims the Grantee may have against the Grantor. The provisions of any State, Federal, or Local law or statute providing in substance that releases shall not extend to claims, demands, injuries or damages which are unknown or unsuspected to exist at the time, to the person executing such release, are hereby expressly waived.

Except as otherwise set forth in this Special Warranty Deed or in the Permitted Encumbrances, the said Grantor does hereby fully warrant the title to said Property, and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed in its name as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

VYSTAR CREDIT UNION, a state-chartered
credit union

Shirley J. Burt
Print Name: SHERILY BURT
James L. Gussie
Print Name: JAMES L. GUSSIE

By: Kathy Bonaventura
Name: Kathy Bonaventura
Title: Senior Vice President/Chief Lending
Officer

STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 25 day of July, 2013, by Kathy Bonaventura, the Senior Vice President/Chief Lending Officer of VYSTAR CREDIT UNION, a state-chartered credit union, on behalf of the credit union. She (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.

Sherri L. James
Notary Public, State and County Aforesaid
Name: Sherri L. James
My Commission Expires: 3-2-15
My Commission Number is: EE 054095

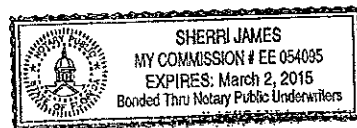


EXHIBIT "A"

Legal Description

Part of Section 33 of The John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County Florida, being more particularly described as follows:

Commence at the Intersection of the North line of said Section 33 and the Westerly line of Yellow Bluff Road (100 foot right of way), thence South $02^{\circ}36'00''$ East along said Yellow Bluff Road, 740.00 feet to the Southeast corner of those lands described in Official Records Book 3689, page 935, of the current public records of Duval County, Florida, and being the point of beginning; thence continue South $02^{\circ}36'00''$ East, along said Westerly right of way of Yellow Bluff Road, 1187.60 feet to a point lying in the North line and being the Northeast corner of those lands described in Official Records Book 5664, page 516, of the current public records of Duval County, Florida; thence South $87^{\circ}41'15''$ West along said North line, 453 feet, more or less, to the run of Caney Branch; thence Northerly along the run of said Caney Branch, 1187 feet, more or less, to a point that is South $87^{\circ}37'30''$ West, 495 feet, more or less, from the point of beginning; thence North $87^{\circ}37'30''$ East and ultimately along the South line of those lands described in Official Records Book 3689, page 935 of said Duval County public records, 495 feet, more or less to the point of beginning.

EXHIBIT "B"

Permitted Encumbrances

1. Taxes and assessments for the year 2013 and subsequent years, which are not yet due and payable, and taxes and assessments levied and/or assessed subsequent to the date hereof.
2. Easements, claims of easements, boundary line disputes, overlaps, encroachments or other matters not shown by the public records which would be disclosed by an accurate survey of the Land.
3. Any claim that any portion of the Insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
4. Title to any submerged land included within the land described herein is not insured under any owner's policy obtained in connection herewith.
5. The Inalienable rights of the public to use any navigable waters covering the lands described herein.
6. Any owner's policy obtained in connection herewith will not insure title to any lands lying below the mean or ordinary high water line of any navigable or tidally influenced waters.
7. The nature, extent or existence of riparian rights is not insured in any owner's policy obtained in connection herewith.
8. Notice Of Fair share Assessment Contract recorded in Official Records Book 14361, Page 454, of the public records of Duval County, Florida.

ORDINANCE _____

Legal Description

PART OF SECTION 33 OF THE JOHN BROWARD GRANT, SECTION 37, TOWNSHIP 1 NORTH, RANGE 27 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 33 AND THE WESTERLY LINE OF YELLOW BLUFF ROAD, (100 FOOT RIGHT OF WAY) THENCE SOUTH 02°36' 00" EAST. ALONG SAID YELLOW BLUFF ROAD, 740.00 FEET, TO THE SOUTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3689, PAGE 935, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, AND BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 02°36'00" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF YELLOW BLUFF ROAD, 1187.60 FEET TO A POINT LYING IN THE NORTH LINE AND BEING THE NORTHEAST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5664, PAGE 516 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA; THENCE SOUTH 87°41'15" WEST ALONG SAID NORTH LINE, 365.00 FEET; THENCE NORTH 02°36'00" WEST, A DISTANCE OF 1187.20 FEET; THENCE NORTH 87°37'30" EAST AND ULTIMATELY ALONG THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3689, PAGES 935 OF SAID DUVAL COUNTY PUBLIC RECORDS, 365.00 FEET TO THE POINT OF BEGINNING.

THUS LANDS DESCRIBED CONTAIN 9.95 ACRES MORE OR LESS.