

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

October 4, 2022

The Honorable Terrance Freeman, President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

RE: Planning Commission Advisory Report
Ordinance No.: 2022-635 **Application for: 1364 Fouraker Road**

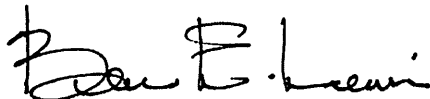
Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairperson Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 656.129 *Advisory recommendation on amendment to Zoning Code or rezoning of land* of the Zoning Code, the Planning Commission voted to recommend approval with no conditions.

Planning Commission Vote: 8-0

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,



Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7820
blewis@coj.net

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2022-635

SEPTEMBER 22, 2022

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 2022-635.

Location: 1364 Fouraker Road between Lenox Avenue and Fouraker Forest Road

Real Estate Numbers: 008629-0150, 008629-0050, 008633-0000, 008664-0150

Current Zoning District: Planned Unit Development (PUD 2009-107)

Proposed Zoning District: Residential Low Density-60 (RLD-60)

Current Land Use Category: Community General Commercial (CGC)

Proposed Land Use Category: Low Density Residential (LDR)

Planning District: Northwest, District 5

Applicant/Agent: Michael Herzberg, AICP
12483 Aladdin Road
Jacksonville Florida 32223

Owner: Doyle D. Carter
1364 Fouraker Road
Jacksonville Florida 32221

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning Ordinance 2022-635 seeks to rezone 5.94 acres from Planned Unit Development (PUD) Zoning District to the RLD-60 Zoning District. The site was the subject of rezoning Ordinance 2009-107, which was approved for a funeral home. Prior to the 2009 PUD, the property was zoned Residential Rural-Acre. The property currently has one single family dwelling.

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 the Community General Commercial (CGC) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. However, there is a companion Application for Small Scale Land Use Amendment to the Future Land Use Map Series L-5730-22C (Ordinance 2022-634) that seeks to amend the portion of the site that is within the Community General Commercial (CGC) land use category to Low Density Residential (LDR). Staff is recommending that Application for Small-scale Land Use Amendment to the Future Land Use Map Series L5730-22C be approved. 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?

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 Objective 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.

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. The proposed rezoning will allow for single family dwellings which are the predominate use in the area. It will also provide for a greater variety of housing types.

SURROUNDING LAND USE AND ZONING

The subject property is located on Fouraker Road with the surrounding uses, land use categories and zoning as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	LDR	PBF-1	JFRD Station
East	LDR	RLD-60	Single family dwellings
South	LDR	PUD (17-227)	Single family dwellings (60 & 70 foot widths)
West	LDR	PUD (17-227) RR-Acre	Single family dwellings (60 & 70 foot widths) Single family dwellings

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on September 12, 2022, 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 **2022-635** be **APPROVED**.



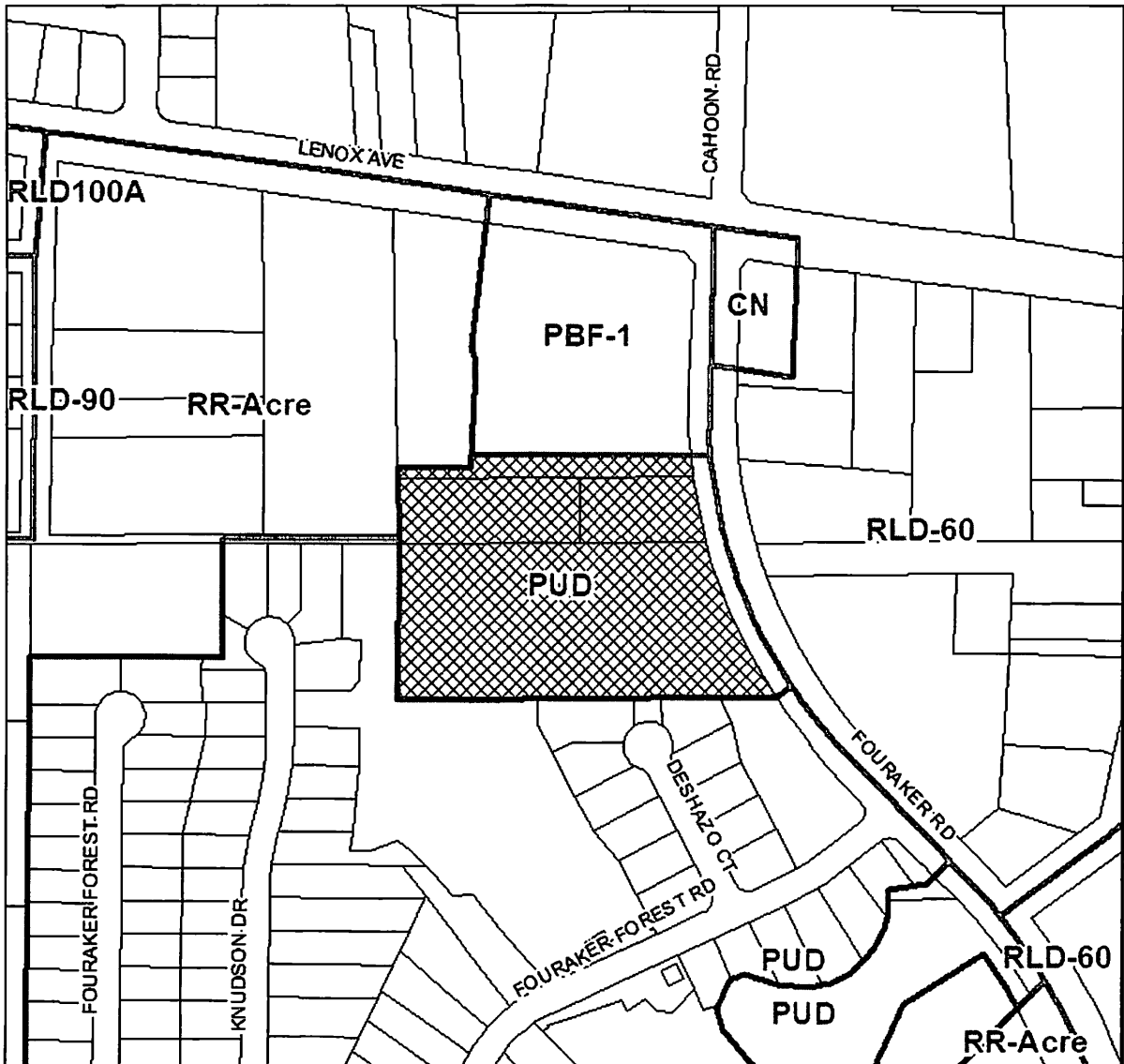
Aerial view of subject property



View of subject property



View of subject property



<p>REQUEST SOUGHT:</p> <p>FROM: PUD</p> <p>TO: RLD-60</p>	<p>LOCATION MAP:</p>	<p>0 100 200 400 Feet</p>
<p>ORDINANCE NUMBER ORD-2022-0635</p>	<p>TRACKING NUMBER T-2022-4172</p>	<p>COUNCIL DISTRICT: 12</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2022-0635 **Staff Sign-Off/Date** BEL / 05/04/2022
Filing Date N/A **Number of Signs to Post** 2
Hearing Dates:
1st City Council 09/27/2022 **Planning Commission** 09/22/2022
Land Use & Zoning 10/04/2022 **2nd City Council** 10/11/2022
Neighborhood Association HAMMOND FOREST HOA, WEST JAX CIVIC ASSOC.
Neighborhood Action Plan/Corridor Study NONE

Application Info

Tracking # 4172 **Application Status** PENDING
Date Started 03/21/2022 **Date Submitted** 04/07/2022

General Information On Applicant

Last Name HERZBERG **First Name** EVIN **Middle Name** M
Company Name
Mailing Address
 12483 ALADDIN RD
City JACKSONVILLE **State** FL **Zip Code** 32223
Phone 9046257431 **Fax** 9046257431 **Email** EVINHERZBERG@GMAIL.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name CARTER **First Name** DOYLE **Middle Name** D
Company/Trust Name
Mailing Address
 1364 FOURAKER ROAD
City JACKSONVILLE **State** FL **Zip Code** 32221
Phone 9046257431 **Fax** **Email** EVINHERZBERG@GMAIL.COM

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s) 2009-107

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 008629 0150	12	5	PUD	RLD-60
Map 008629 0050	12	5	PUD	RLD-60
Map 008633 0000	12	5	PUD	RLD-60

Map 008664 0150 12 5 PUD RLD-60

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

Existing Land Use Category

CGC

Land Use Category Proposed?

If Yes, State Land Use Application #

5730

Total Land Area (Nearest 1/100th of an Acre) 5.94

Justification For Rezoning Application

RETURNING THE PROPERTY TO THE FORMER RESIDENTIAL DESIGNATION

Location Of Property

General Location

WEST SIDE OF FOURAKER ROAD, BETWEEN LENOX AVENUE AND FOURAKER FORREST RC

House #	Street Name, Type and Direction	Zip Code
1364	FOURAKER RD	32221

Between Streets

LENOX AVENUE and FOURAKER FORREST 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**
 5.94 Acres @ \$10.00 /acre: \$60.00
- 3) Plus Notification Costs Per Addressee**
 47 Notifications @ \$7.00 /each: \$329.00
- 4) Total Rezoning Application Cost: \$2,389.00**

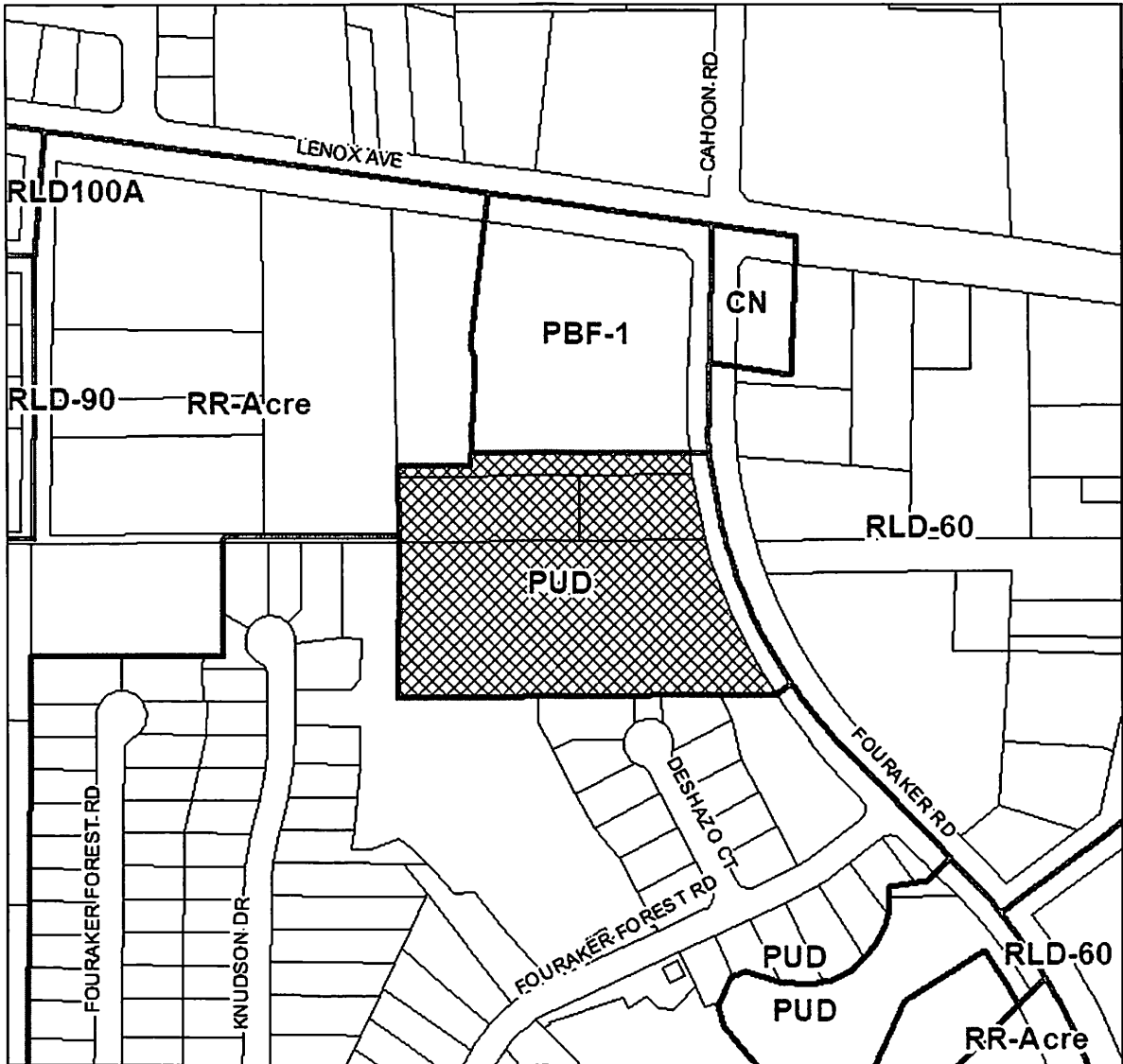
NOTE: Advertising Costs To Be Billed to Owner/Agent

Legal Description

April 7, 2022

A PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 SECTION 27, TOWNSHIP 2 SOUTH, RANGE 25 EAST AND A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 114 OF SECTION 27, TOWNSHIP 2 SOUTH, RANGE 25 EAST, DUVAL COUNTY, FLORIDA. BEING THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 6810, PAGE 1242, OFFICIAL RECORDS VOLUME 2755, PAGE 468, OFFICIAL RECORDS VOLUME 11244, PAGE 29, AND A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 13955, PAGE 333, ALL OF THE CURRENT PUBLIC RECORDS OF SAID DUVAL COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

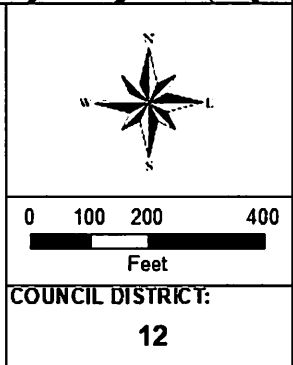
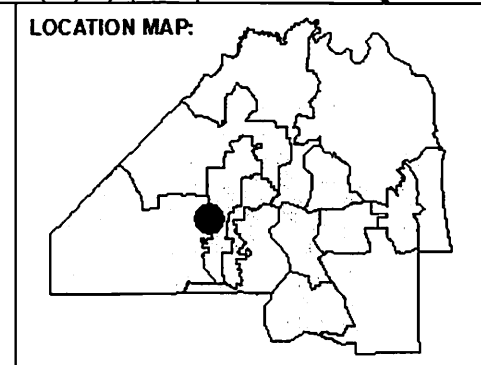
FOR A POINT OF BEGINNING, COMMENCE AT THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS VOLUME 7655, PAGE 468, SAID POINT BEING ON THE WESTERLY LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE NORTH 00°34'59" EAST, ALONG LAST SAID WESTERLY LINE, A DISTANCE OF 282.75 FEET TO THE NORTHWEST CORNER OF SAID OFFICIAL RECORDS VOLUME 7655, PAGE 468, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID OFFICIAL RECORDS VOLUME 11244, PAGE 29; THENCE NORTH 00°42'02" EAST, ALONG THE WESTERLY LINE OF LAST SAID LANDS AND THE WESTERLY LINE OF SAID OFFICIAL RECORDS VOLUME 13955, PAGE 333, SAID LINE BEING THE WESTERLY LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 145.03 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 13461, PAGE 1053, OF THE CURRENT PUBLIC RECORDS OF SAID DUVAL COUNTY; THENCE NORTH 89°19'40" EAST, ALONG THE SOUTHERLY LINE OF LAST SAID LANDS, A DISTANCE OF 134.45 FEET; THENCE NORTH 02°12'44" EAST, ALONG THE EASTERLY LINE OF LAST SAID LANDS, A DISTANCE OF 21.64 FEET TO A POINT ON THE NORTHERLY LINE OF SAID OFFICIAL RECORDS VOLUME 13955, PAGE 333; THENCE NORTH 89°19'40" EAST, ALONG LAST SAID NORTHERLY LINE, A DISTANCE OF 396.16 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF FOURAKER ROAD (AN 80 FOOT RIGHT OF WAY AS NOW ESTABLISHED). SAID RIGHT OF WAY BEING A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 994.93 FEET; THENCE ALONG SAID CURVE, AN ARC LENGTH OF 487.18 FEET, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 18°49'29" EAST AND A CHORD DISTANCE OF 471.65 FEET TO THE SOUTHERLY LINE OF SAID OFFICIAL RECORDS VOLUME 7655, PAGE 468; THENCE SOUTH 89°14'09" WEST, ALONG LAST SAID SOUTHERLY LINE, A DISTANCE OF 688.31 FEET TO THE POINT OF BEGINNING. CONTAINING 5.94 ACRES, MORE OR LESS.



REQUEST SOUGHT:

FROM: PUD

TO: RLD-60



TRACKING NUMBER
T-2022-4172

EXHIBIT 2
PAGE 1 OF 1