

# City of Jacksonville, Florida

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*Lenny Curry, Mayor*

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

December 8, 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.: 2022-831**

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 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

Planning Commission Recommendation: **Approve**

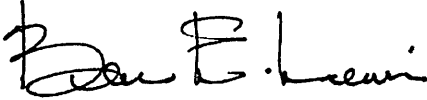
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 6-0

Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Jordan Elsbury	Absent
Joshua Garrison	Aye
David Hacker	Absent

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

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 2022-0831**

**DECEMBER 8, 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 **2022-0831**.

***Location:*** 940 New Berlin Road, between Pulaski Road and New Berlin Road

***Real Estate Number:*** 106672 0000; 106668 0100; 106668 0000

***Current Zoning District:*** Commercial Office (CO)

***Proposed Zoning District:*** Commercial Community/ General-1 (CCG-1)

***Current Land Use Category:*** Community General Commercial (CGC)

***Planning District:*** North, District 6

***Applicant/ Agent:*** Staci Rewis, Esq.  
Driver, McAfee, Hawthorne and Diebenow, PLLC  
One Independent Drive, Suite 1200  
Jacksonville, FL 32202

***Owner:*** Oxbow Jax LLC  
8650 Old Kings Road South, Suite 12  
Jacksonville, FL 32217

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2022-0831** seeks to rezone approximately 0.94± acres of a property from Commercial Office (CO) to Commercial Community/ General-1 (CCG-1) in order to up zone the property to allow for more commercial uses compatible with the surrounding New Berlin Road commercial corridor. 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.

**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. CGC land use in the Suburban Development Area is intended to provide development in a nodal development pattern. Nodal sites with two or more boundaries on a transportation right-of-way are preferred locations for these uses.

Principal uses in the CGC land use category include commercial retail sales and service establishments including auto sales; restaurants; hotels and motels; offices, business and professional offices.

The CCG-1 zoning district is a primary zoning district in the CGC land use category. The proposed rezoning from CO to CCG-1 is consistent with the CGC land use category in the Urban Development Area.

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

Yes. The proposed rezoning is consistent with the listed objectives, policies and goals of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan.

**Future Land Use Element**

**Policy 1.1.11** Encourage that new non-residential projects be developed in designated nodal and corridor development areas as provided in the Plan Category Descriptions of the Operative Provisions, in appropriate commercial infill locations, or as a Transit Oriented Development (TOD), as described in this element.

*The proposed rezoning will facilitate commercial development within an existing commercial corridor and is appropriate for commercial infill, and is therefore compatible with the above policy.*

**Goal 3** To achieve a well-balanced and organized combination of residential, nonresidential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

*The proposed rezoning will enhance the viability of an existing commercial area without negatively affecting the fabric and character of the City's neighborhoods, and is therefore compatible with the above goal.*

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

No. The proposed rezoning is not in conflict with any portion of the City's land use regulations. If approved as recommended by the Staff of the Planning and Development Department, the subject property will be rezoned to CCG-1 to allow for additional commercial uses.

**SURROUNDING LAND USE AND ZONING**

The subject site is located at the southwest corner of New Berlin Road and Pulaski Road. Both New Berlin Road and Pulaski Road are classified as collector roads. The subject property is currently vacant. Surrounding uses include a mix of single family residential and commercial uses ranging from offices to commercial retail. It is the opinion of the Planning and Development Department that the requested rezoning to CCG-1 will be consistent and compatible with the surrounding uses.

The adjacent land use categories and zoning districts are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use</b>
<b>North</b>	RPI/CGC	CRO/ PUD 2006-0867	Vacant, Retail
<b>South</b>	CGC/LDR	CO/ RLD-60	Vacant, Single Family Dwellings
<b>East</b>	LDR	RLD-60/CO	Single Family Dwellings
<b>West</b>	CGC	CO	Vacant, Single Family Dwellings, Office

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **November 29, 2022** by the Planning and Development Department, the required Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2022-0831 be **APPROVED**.



Aerial view of the subject property, facing north.



Source: Planning & Development Department, 11/29/2022

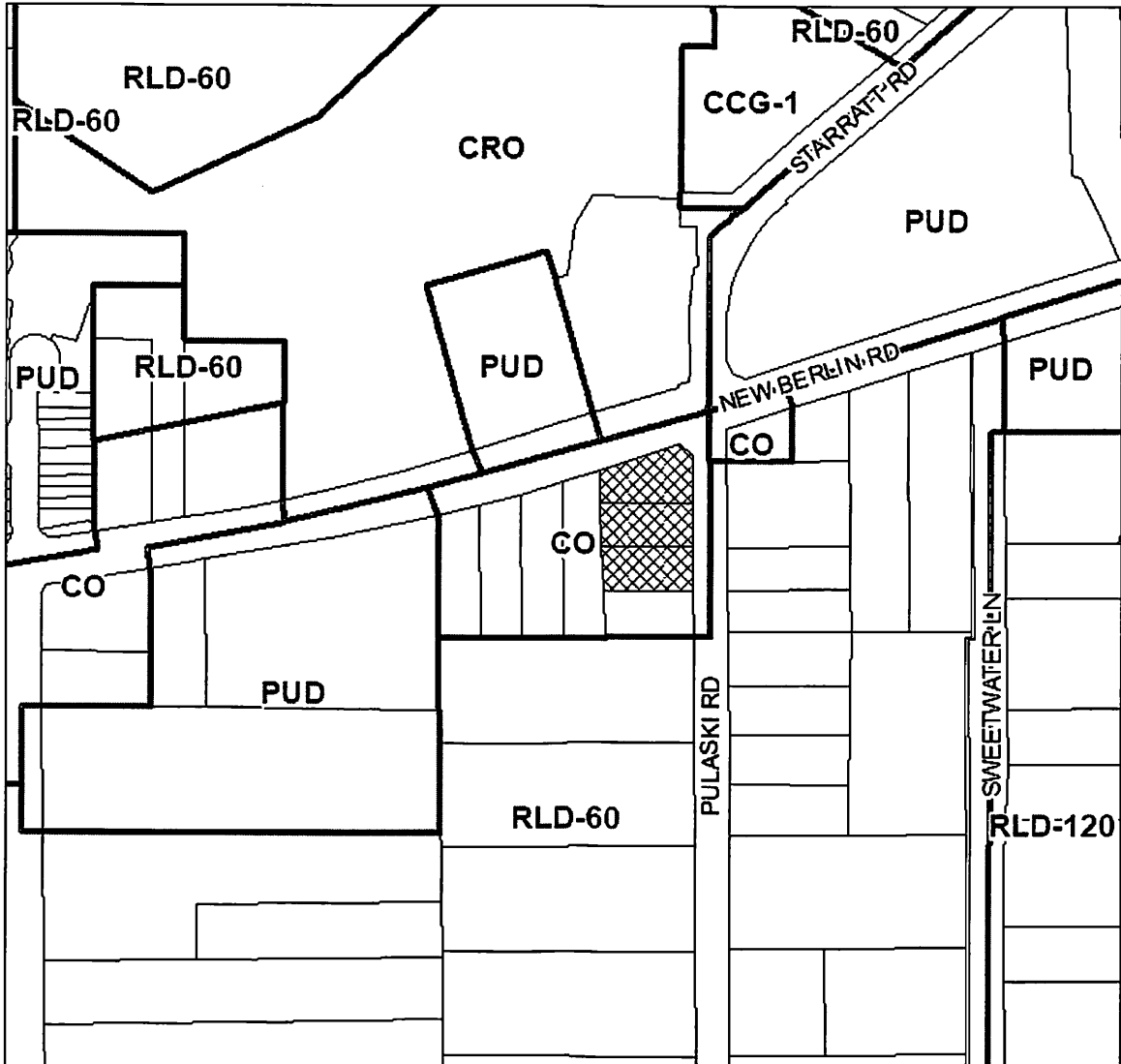
View of the subject property from New Berlin Road.

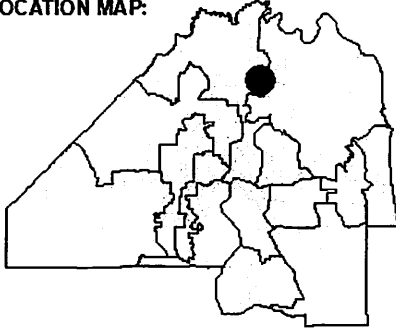
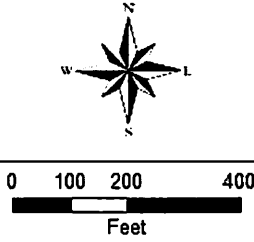


*Source: Planning & Development Department, 11/29/2022*

**View of the subject property from Pulaski Road.**





<p><b>REQUEST SOUGHT:</b></p> <p><b>FROM:</b> CO</p> <p><b>TO:</b> CCG-1</p>	<p><b>LOCATION MAP:</b></p> 	 <p><b>COUNCIL DISTRICT:</b></p> <p>7</p>
<p><b>ORDINANCE NUMBER</b></p> <p>ORD-2022-0831</p>	<p><b>TRACKING NUMBER</b></p> <p>T-2022-4514</p>	<p><b>EXHIBIT 2</b></p> <p><b>PAGE 1 OF 1</b></p>

## Application For Rezoning To Conventional Zoning District

### Planning and Development Department Info

**Ordinance #** 2022-0831 **Staff Sign-Off/Date** KPC / 10/18/2022  
**Filing Date** N/A **Number of Signs to Post** 2  
**Hearing Dates:**  
**1st City Council** 12/13/2022 **Planning Comission** 12/08/2022  
**Land Use & Zoning** 01/04/2023 **2nd City Council** 01/10/2023  
**Neighborhood Association** M & M DAIRY INC; THE EDEN GROUP INC.  
**Neighborhood Action Plan/Corridor Study** N/A

### Application Info

**Tracking #** 4514 **Application Status** SUFFICIENT  
**Date Started** 09/12/2022 **Date Submitted** 09/12/2022

### General Information On Applicant

**Last Name** REWIS **First Name** STACI **Middle Name**  
**Company Name**  
 DRIVER, MCAFEE, HAWTHORNE AND DIEBENOW, PLLC  
**Mailing Address**  
 ONE INDEPENDENT DRIVE, SUITE 1200  
**City** JACKSONVILLE **State** FL **Zip Code** 32202  
**Phone** 9043011269 **Fax** 9043011279 **Email** SREWIS@DRIVERMCAFEE.COM

### General Information On Owner(s)

Check to fill first Owner with Applicant Info

**Last Name** N/A **First Name** N/A **Middle Name**  
**Company/Trust Name**  
 OXBOW JAX LLC  
**Mailing Address**  
 8650 OLD KINGS ROAD SOUTH, SUITE 12  
**City** JACKSONVILLE **State** FL **Zip Code** 32217  
**Phone** 9047445965 **Fax** **Email** MICHAEL.SETZER@TSGREALTY.COM

### 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	106672 0000	7	6	CO	CCG-1
Map	106668 0100	7	6	CO	CCG-1
Map	106668 0000	7	6	CO	CCG-1

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 #**

**Total Land Area (Nearest 1/100th of an Acre) 0.94**

**Justification For Rezoning Application**

THE REZONING FROM CO TO CCG-1 INTENDS TO ALLOW COMMERCIAL USES ALONG NEW BERLIN ROAD AND PULASKI ROAD TO FURTHER THE COMMERCIAL NODE AT THIS AREA. THE USES WILL PROVIDE ADDITIONAL USES AND SERVICES TO THE SURROUNDING NEIGHBORHOOD.

**Location Of Property**

**General Location**

INTERSECTION OF NEW BERLIN ROAD AND PULASKI ROAD AND SOUTH OF STARRATT RO

House #	Street Name, Type and Direction	Zip Code
940	NEW BERLIN RD	32218

**Between Streets**

NEW BERLIN ROAD and PULASKI 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  
0.94 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee  
20 Notifications @ \$7.00 /each: \$140.00
- 4) Total Rezoning Application Cost: \$2,150.00

**NOTE: Advertising Costs To Be Billed to Owner/Agent**

**EXHIBIT "1"**

**Property**

**PARCEL 1**

Part of the Northeast 1/4 of Section 10, Subdivision of the John Broward Grant, Section 37, Township 1 North, Range 27 East, Duval County, Florida being more particularly described as follows:

**BEGINNING** at the intersection of the Westerly right of way line of Pulaski Road and the Southerly right of way line of New Berlin Road, both being a 60 foot right of way as now established; thence South 00 degrees 04 minutes 30 seconds East along the said Westerly right of way line of Pulaski Road a distance of 135.0 feet; thence South 89 degrees 56 minutes West a distance of 160.0 feet; thence North 00 degrees 04 minutes 30 seconds West and parallel to said Westerly right of way line of Pulaski Road a distance of 86.59 feet to a point in the said Southerly right of way line of New Berlin Road; thence North 73 degrees 05 minutes East along said Southerly right of way line a distance of 167.17 feet to the POINT OF BEGINNING.

LESS AND EXCEPT those lands as described in Official Records book 7300, page 2135.

**PARCEL 2**

**LOT 6, PART OF THE NE 1/4 OF SECTION 10, SUBDIVISION OF THE JOHN BROWARD GRANT, U.S. SECTION 37, TOWNSHIP 1 NORTH, RANGE 27 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF PULASKI ROAD AND THE SOUTHERLY RIGHT OF WAY LINE OF NEW BERLIN ROAD, BOTH BEING A 60' RIGHT OF WAY AS NOW ESTABLISHED; THENCE S. 0°04'30" E. ALONG SAID WESTERLY RIGHT OF WAY LINE OF PULASKI ROAD A DISTANCE OF 215.0 FEET; TO THE POINT OF BEGINNING;**

**THENCE CONTINUE S. 0°04'30" E. ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 80.0 FEET; THENCE S. 89°56' W. A DISTANCE OF 160.0 FEET; THENCE N. 0°04'30" W. AND PARALLEL TO SAID WESTERLY RIGHT OF WAY LINE OF PULASKI ROAD A DISTANCE OF 80.0 FEET; THENCE N. 89°56' E. A DISTANCE OF 160.0 FEET TO THE POINT OF BEGINNING.**

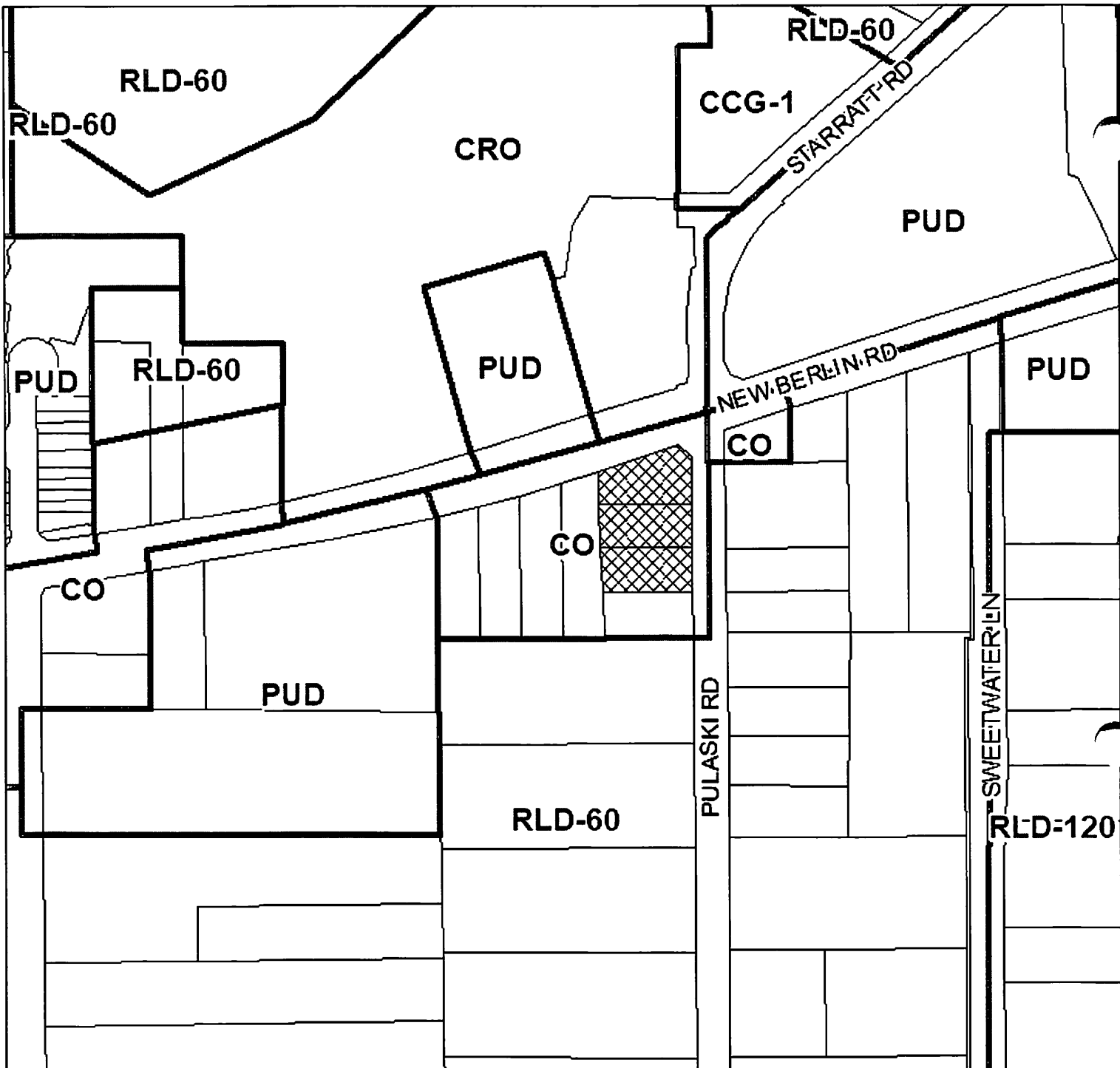
**PARCEL 3**

**LOT 7, PART OF THE NE 1/4 OF SECTION 10, SUBDIVISION OF THE JOHN BROWARD GRANT, U.S. SECTION 37, TOWNSHIP 1 NORTH, RANGE 27 EAST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCE AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF PULASKI ROAD AND THE SOUTHERLY RIGHT OF WAY LINE OF NEW BERLIN ROAD, BOTH BEING A 60' RIGHT OF WAY AS NOW ESTABLISHED; THENCE S. 0°04'30" E. ALONG SAID WESTERLY RIGHT OF WAY LINE OF PULASKI ROAD A DISTANCE OF 135.0 FEET; TO THE POINT OF BEGINNING;**

**THENCE CONTINUE S. 0°04'30" E, ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 80.0 FEET; THENCE S. 89°56' W. A DISTANCE OF 160.0 FEET; THENCE N. 0°04'30" W. AND PARALLEL TO SAID WESTERLY RIGHT OF WAY LINE OF PULASKI ROAD A DISTANCE OF 80.0 FEET; THENCE N. 89°56' E. A DISTANCE OF 160.0 FEET TO THE POINT OF BEGINNING.**

LESS AND EXCEPT ANY PART IN ROAD RIGHT OF WAY FROM ALL PARCELS

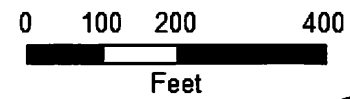
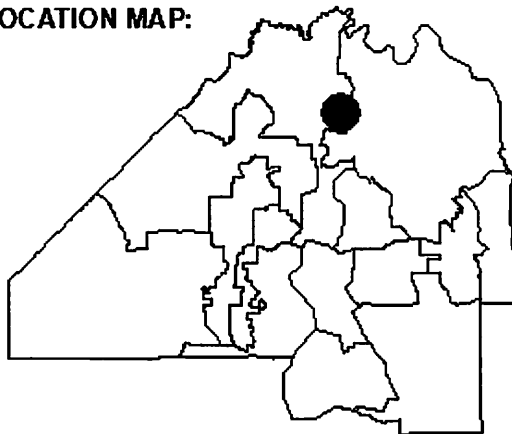


**REQUEST SOUGHT:**

**FROM:** CO

**TO:** CCG-1

**LOCATION MAP:**



**COUNCIL DISTRICT:**

**7**

**TRACKING NUMBER**

**T-2022-4514**

**EXHIBIT 2  
PAGE 1 OF 1**