

# 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

September 9, 2021

The Honorable Samuel Newby, President  
The Honorable Rory Diamond, LUZ Chair  
And Members of the City Council  
City Hall  
117 West Duval Street  
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report  
Ordinance No.: 2021-536**

Dear Honorable Council President Newby, Honorable Council Member and LUZ Chairperson Diamond 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**

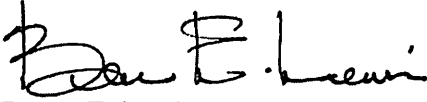
Planning Commission Commentary: There were two speakers in opposition. Their concerns were the loss of animal habitat, wetlands and potential flooding. The Commissioners pointed out that the parcel has development rights through the CO zoning. An incremental increase in uses is reasonable.

Planning Commission Vote: 5-0

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

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 2021-0536**

**SEPTEMBER 9, 2021**

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 **2021-0536**.

***Location:*** 1010 Mill Creek Road; Between Regency Square Boulevard and Elondo Street

***Real Estate Number:*** 121150-0100

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

***Proposed Zoning District:*** Commercial, Residential and Office (CRO)

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

***Planning District:*** District 2—Greater Arlington/Beaches

***Applicant/Agent:*** Charles Blumstein, Esq.  
P.O. Box 330583  
Atlantic Beach, Florida 32233

***Owner:*** Mireya's Land, LLC  
1010 Mill Creek Road  
Jacksonville, Florida 32211

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

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2021-0536** seeks to rezone 3.23± acres of a subject property from Commercial Office (CO) to Commercial, Residential and Office (CRO). The request is being sought to expand the list of allowable uses and better market the property for potential buyers. The property is currently undeveloped and partially covered in Category II wetlands.

**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 the subject property to be located in the 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.

**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. According to the Future Land Use Element (FLUE), CGC located in the Urban Development Area is intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure through infill development and redevelopment. The CGC land use is a mixed use category. Development that includes both residential and commercial uses supports both uses.

**To ensure compliance with the provisions of the Comprehensive Plan, the proposed zoning application will be reviewed in relation to the following goals, objectives, polices or text of the 2030 Comprehensive Plan:**

**Future Land Use Element:**

**Policy 1.2.9**

Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

In reference to the attached JEA Availability Letter, **2021-2937**, the proposed development shall connect to City water and sewer with an estimated flow of 3,500 gpd.

**Goal 3**

To achieve a well-balanced and organized combination of residential, non-residential, 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 at the subject site would promote the balance of residential uses within the immediate area and create an opportunity for a greater variety of housing options for local citizens.

**Objective 6.3**

The City shall accommodate growth in Jacksonville by encouraging and facilitating new 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 rezoning to CRO would allow for residential infill on a traditionally underutilized commercial parcel along Mill Creek Road.

**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 from CO to CRO in order to permit for the development of multi-family dwellings.

**SURROUNDING LAND USE AND ZONING**

The subject property is located on Mill Creek Road between Regency Square Boulevard and Elondo Street. Moreover, this segment is developed almost exclusively with single-family dwellings. Other properties are either undeveloped or contain a sporadic mix of commercial and office uses. The proposed rezoning to CRO would render the development to have a minimum of 6,000 square feet for the first two (2) family units and 2,100 square feet for each additional unit—which, in terms of density, would complement the abutting residential lots to the east of the subject property. Nonetheless, adjacent land uses and zoning districts are as follows:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	CGC	CO	JEA Facility
East	RPI/LDR	RLD-60/RLD-50	Single-Family Dwellings
South	CGC	CO	Undeveloped/Strawberry Creek
West	LDR	RLD-60	Single-Family Dwellings

It is the opinion of the Planning and Development Department that the requested rezoning to CRO will be consistent and compatible with the surrounding uses.

**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on **September 2, 2021** 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 **2021-0536** be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 08/10/21

Aerial view of the subject site and parcel, facing north.

Figure B:



Source: Planning & Development Dept, 09/02/21

View of the subject property, facing west along Mill Creek Road.



<p><b>REQUEST SOUGHT:</b></p> <p><b>FROM:</b> CO</p> <p><b>TO:</b> CRO</p>	<p><b>LOCATION MAP:</b></p>	<p><b>COUNCIL DISTRICT:</b></p> <p>1</p>
<p><b>ORDINANCE NUMBER</b></p> <p>ORD-2021-0536</p>	<p><b>TRACKING NUMBER</b></p> <p>T-2021-3583</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 #** 2021-0536 **Staff Sign-Off/Date** ATW / 07/26/2021  
**Filing Date** 08/04/2021 **Number of Signs to Post** 2  
**Hearing Dates:**  
**1st City Council** 09/14/2021 **Planning Commission** 09/09/2021  
**Land Use & Zoning** 09/21/2021 **2nd City Council** N/A  
**Neighborhood Association** FREE4LIFE FOUNDATION, INC; OLD ARLINGTON, INC; REVITALIZE ARLINGTON, INC  
**Neighborhood Action Plan/Corridor Study** N/A

### Application Info

**Tracking #** 3583 **Application Status** FILED COMPLETE  
**Date Started** 06/10/2021 **Date Submitted** 06/14/2021

### General Information On Applicant

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
BLUMSTEIN	CHARLES	
<b>Company Name</b>		
BLUMSTEIN LAW		
<b>Mailing Address</b>		
P.O. BOX 330583		
<b>City</b>	<b>State</b>	<b>Zip Code</b>
ATLANTICBEACH	FL	32233
<b>Phone</b>	<b>Fax</b>	<b>Email</b>
9043860704	904	CHIPBLUM@AOL.COM

### General Information On Owner(s)

Check to fill first Owner with Applicant Info

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
MIREYAS	LAND	LLC
<b>Company/Trust Name</b>		
MIREYAS LAND LLC		
<b>Mailing Address</b>		
1010 MILL CREEK RD		
<b>City</b>	<b>State</b>	<b>Zip Code</b>
JACKSONVILLE	FL	32211
<b>Phone</b>	<b>Fax</b>	<b>Email</b>
9043860704		CHIPBLUM@AOL.COM

### Property Information

**Previous Zoning Application Filed For Site?**

**If Yes, State Application No(s)**

<b>Map RE#</b>	<b>Council District</b>	<b>Planning District</b>	<b>From Zoning District(s)</b>	<b>To Zoning District</b>
Map 121150 0100	1	2	CO	CRO

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)** 3.23**Justification For Rezoning Application**

TO PERMIT RESIDENTIAL INFILL DEVELOPMENT.

**Location Of Property****General Location**

WESTSIDE OF MILL CREEK ROAD @ LIBBY ROAD SOUTH

House #	Street Name, Type and Direction	Zip Code
1010	MILL CREEK RD	32211

**Between Streets**

REGENCY SQUARE BLVD and ELONDO 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**  
      **3.23 Acres @ \$10.00 /acre: \$40.00**
- 3) Plus Notification Costs Per Addressee**  
      **42 Notifications @ \$7.00 /each: \$294.00**
- 4) Total Rezoning Application Cost: \$2,334.00**

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

# **EXHIBIT 1**

## **Legal Description**

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The Southerly 450 feet of Tract "C", ARLINGWOOD UNIT TWO, as recorded in Plat Book 25, Pages 5 and 5A of the current public records of Duval County, Florida.

**July 26, 2021**

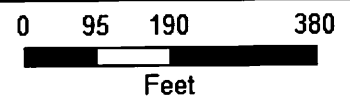
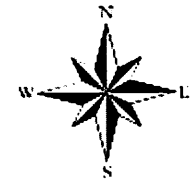
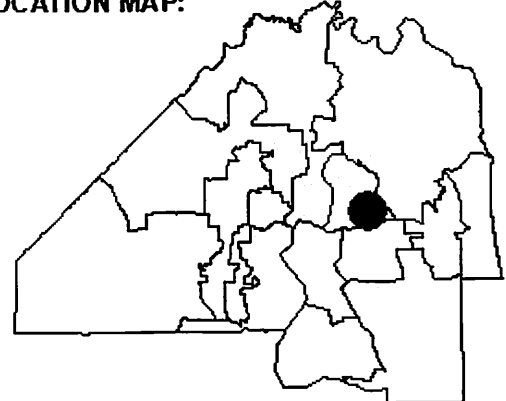
**Exhibit 1  
Page 1 of 1**



**REQUEST SOUGHT:**

**FROM:** CO  
**TO:** CRO

**LOCATION MAP:**



**COUNCIL DISTRICT:**  
**1**

**TRACKING NUMBER**  
**T-2021-3583**

**EXHIBIT 2**  
**PAGE 1 OF 1**