

# 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

June 9, 2022

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.: 2022-312**

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**

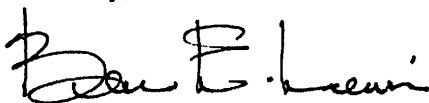
Planning Commission Recommendation: **Approve**

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

Planning Commission Vote:	6-0
David Hacker, Chair	Aye
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Jordan Elsbury	Absent
Joshua Garrison	Absent
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 that reads "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 2022-0312****JUNE 9, 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 2022-0312.

***Location:*** 9085 Commonwealth Avenue

***Real Estate Number:*** 004766-0000

***Current Zoning District:*** Commercial Neighborhood (CN)

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

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

***Planning District:*** Northwest, District 5

***Agent/Applicant:*** Rafael Morla, P.E.  
Mar Engineering Group  
1836 Melrose Plantation Drive  
Jacksonville, FL 32223

***Owner:*** Michele Mosley  
Mosley Properties Holdings LLC  
9085 Commonwealth Ave.  
Jacksonville, FL 32220

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

**GENERAL INFORMATION**

Application for Rezoning Ordinance 2022-0312 seeks to rezone 2.41± acres of a property from Commercial Neighborhood (CN) to Commercial Community General-1 (CCG-1) in order to bring the entire parcel under the same zoning district and utilize the property for the existing commercial business. The subject property has approximately 582 feet of frontage along Commonwealth Avenue, split zoned with the western portion of the property zoned Commercial Neighborhood (CN), and the eastern portion of the property zoned Commercial Community General-1 (CCG-1). 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. According to the Future Land Use Element (FLUE), CGC land use in the Suburban Development Area is intended to provide development in a nodal development pattern. 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.

According to a JEA letter of availability, dated March 8, 2022, there is no available water main within ¼ mile of the subject property at this time. An existing 12-inch sewer force main is located on Commonwealth Avenue.

The proposed rezoning from CN to CCG-1 is consistent with the CCG land use category in the Suburban Development Area.

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 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 1.2.9**

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.

*The subject properties is located in the Suburban Area and according to the JEA Availability letter dated March 8, 2022, submitted with the application, the site has access to sewer service but JEA does not have a water main available ¼ mile of this property at this time.*

**Objective 3.2**

Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric, which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

*The property is currently split-zoned between Commercial Community General-1 (CCG-1) and Commercial Neighborhood (CN) to the west side of the property. Approval of the rezoning to bring the entire parcel under the same zoning district will comply with Objective 3.2 by promoting the existing commercial properties.*

**Airport Environment Zone**

The site is located within the 300-foot Height and Hazard Zone for the OLF Whitehouse Outlying Field. Zoning will limit development to a maximum height of 300 feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d). See Objective 2.5 of the Future Land Use Element below:

**Objective 2.5**

Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

**Aquifer Recharge**

The site is located within an area identified as being in the 0 to 4 inch per year aquifer recharge area. This range is below the threshold of 12 inches or more per year which would constitute a prime recharge area as defined in the Infrastructure Element – Aquifer

Recharge Sub-Element (IE-AR). Prime aquifer recharge areas are the primary focus of groundwater resource protections. However, development resulting from the proposed land use amendment will be reviewed during the site plan review and permitting process for compliance with the land development regulations that have been established to protect groundwater resources. Such regulations address issues such as drainage systems, septic systems, and landscape/irrigation regulations.

**Policy 1.2.8**

Within two years of establishment by the SJRWMD and the Water Resources Management Plan of prime recharge areas for the Floridian Aquifer, the Planning and Development Department shall prepare maps of such designated areas showing the special zoning and land use consideration the City has established for such areas as designated by the latest update of the Floridian Aquifer Recharge GIS grid coverage.

**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 CN to CCG-1 in order bring the entire parcel under the same zoning district and utilize the property for the existing commercial business.

**SURROUNDING LAND USE AND ZONING**

The subject property is located on the north side of Commonwealth Avenue, classified as a collector roadway. This section of Commonwealth Avenue is primarily zoned for single-family dwellings with commercial zoning at the intersection of Commonwealth Avenue and Jones Road. The intersection includes properties zoned CCG-1/CN with uses including convenience store gas station, warehousing and storage. Properties to the north and south are developed with single-family dwellings. 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>	LDR	RR-Acre	Single Family Dwelling
<b>South</b>	LDR	RLD-60	Single Family Dwelling
<b>East</b>	CGC	CCG-1	Warehouse/ Storage
<b>West</b>	CGC	CN	Vacant

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.

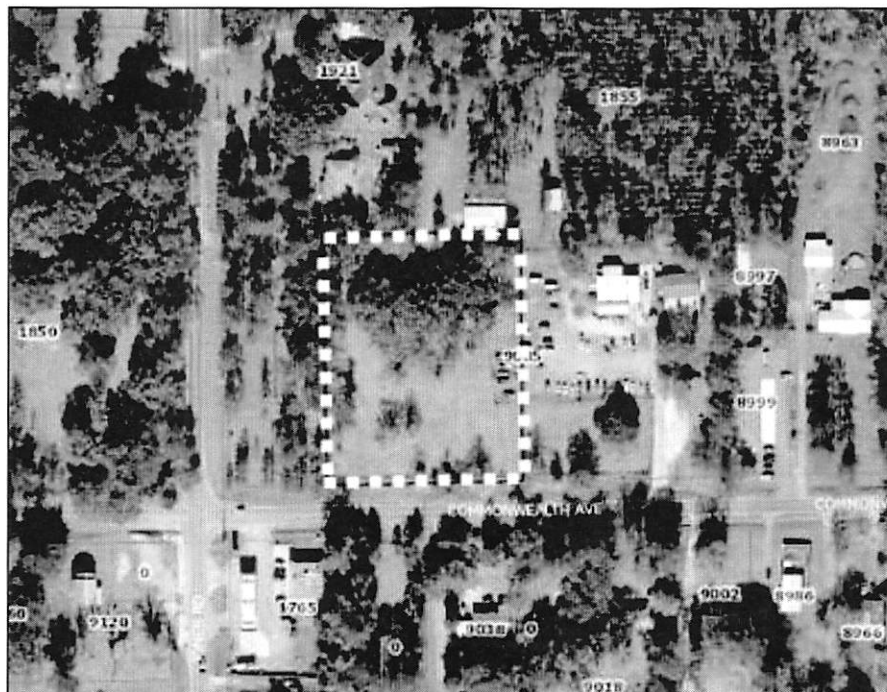
**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on **May 5, 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 **2022-0312** be **APPROVED**.



**Aerial View**

**Source: JaxGIS Map**



**View of the Subject Property**

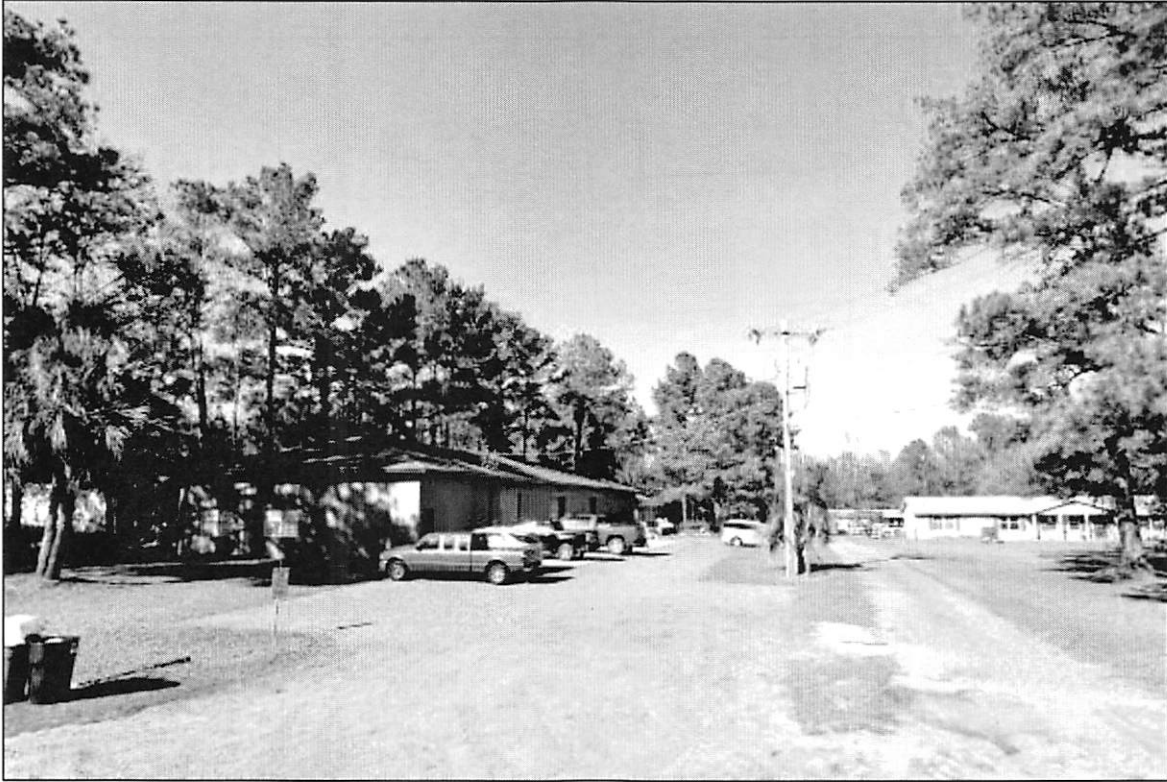
**Source: GoogleMaps**



**View of Subject Property**

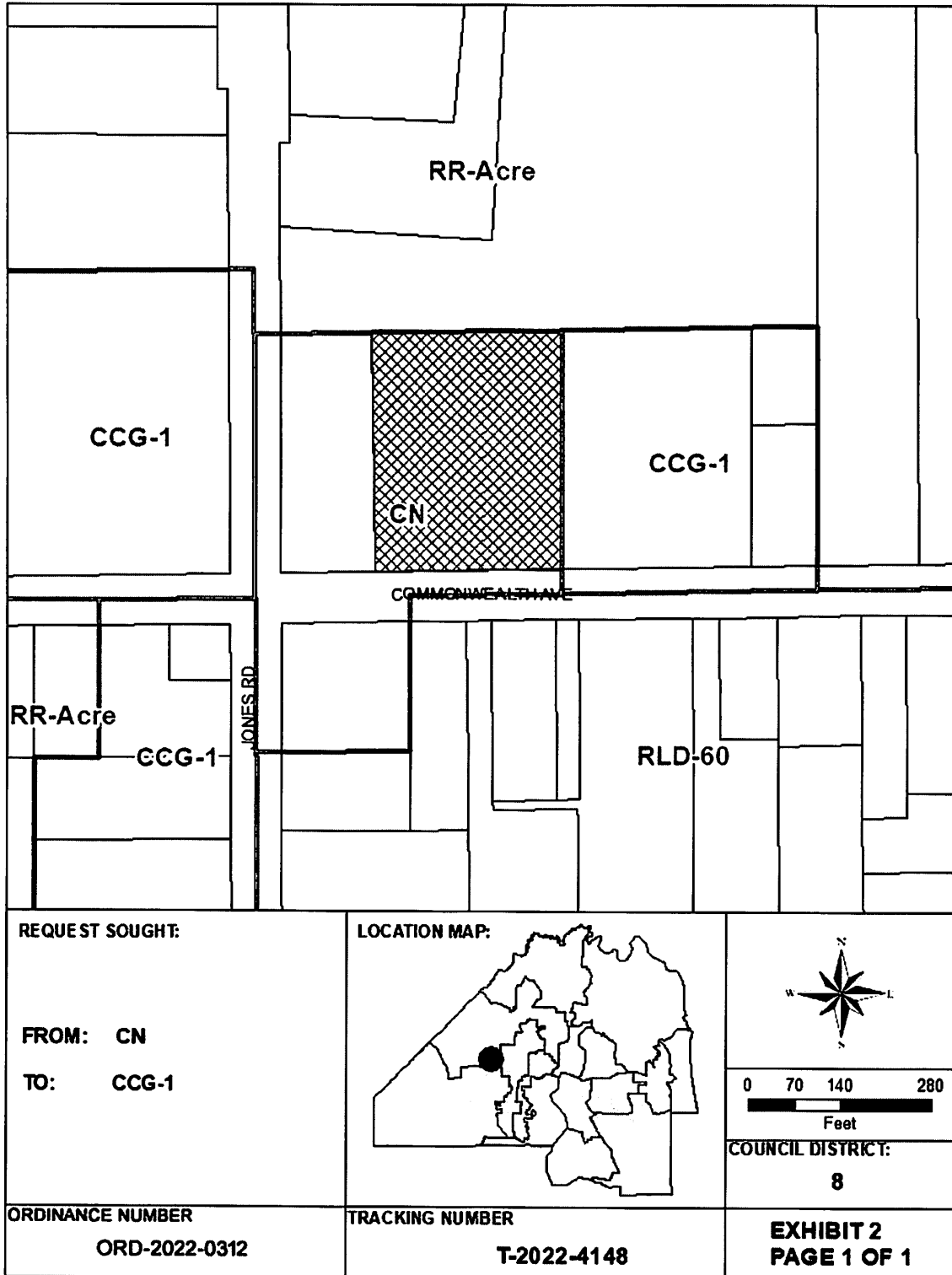
**Source: GoogleMaps**





**View of Property to the East**

**Source: GoogleMaps**



**Legal Map**  
 Source: JaxGIS Map

### Application For Rezoning To Conventional Zoning District

#### Planning and Development Department Info

**Ordinance #** 2022-0312 **Staff Sign-Off/Date** ELA / 03/29/2022  
**Filing Date** 04/26/2022 **Number of Signs to Post** 1  
**Hearing Dates:**  
**1st City Council** 05/24/2022 **Planning Commission** 05/19/2022  
**Land Use & Zoning** 06/07/2022 **2nd City Council** N/A  
**Neighborhood Association** CISCO GARDEN CIVIC ASSOCIATION  
**Neighborhood Action Plan/Corridor Study** N/A

#### Application Info

**Tracking #** 4148 **Application Status** FILED COMPLETE  
**Date Started** 03/08/2022 **Date Submitted** 03/08/2022

#### General Information On Applicant

**Last Name** MORLA **First Name** RAFAEL **Middle Name** A  
**Company Name** MAR ENGINEERING GROUP  
**Mailing Address** 1836 MELROSE PLANTATION DRIVE  
**City** JACKSONVILLE **State** FL **Zip Code** 32223  
**Phone** 9042481966 **Fax** **Email** RMORL96640@AOL.COM

#### General Information On Owner(s)

Check to fill first Owner with Applicant Info

**Last Name** MOSLEY **First Name** MICHELE **Middle Name**  
**Company/Trust Name** MOSLEY PROPERTIES HOLDINGS LLC  
**Mailing Address** 9085 COMMONWEALTH AVENUE  
**City** JACKSONVILLE **State** FL **Zip Code** 32220  
**Phone** 9048383204 **Fax** **Email** MOSLEYMECHANIX@YAHOO.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 004766 0000	8	5	CN	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)** 2.41

#### Justification For Rezoning Application

THE PROPERTY IS ZONED CN AND CCG-1 BY EQUAL PORTIONS OF THE TOTAL SITE AREA. THIS REZONING APPLICATION IS TO REZONE THE CN PORTION TO CCG-1. THIS WILL PROVIDE A UNIFORM ZONING FOR THE ENTIRE PROPERTY.

### Location Of Property

#### General Location

CLOSE TO INTERSECTION OF COMMONWEALTH AVENUE WITH JONES ROAD.

House #	Street Name, Type and Direction	Zip Code
9085	COMMONWEALTH AVE	32220

#### Between Streets

JONES ROAD and MCCAUL 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  
2.41 Acres @ \$10.00 /acre: \$30.00
- 3) Plus Notification Costs Per Addressee  
20 Notifications @ \$7.00 /each: \$140.00
- 4) Total Rezoning Application Cost: \$2,190.00

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

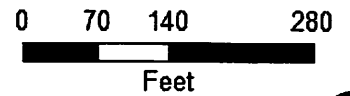
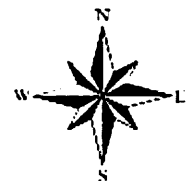
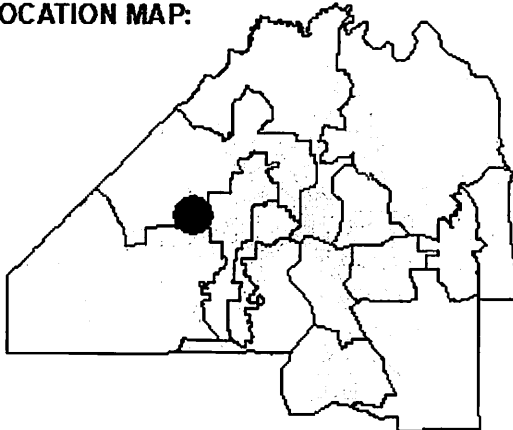


**REQUEST SOUGHT:**

**FROM: CN**

**TO: CCG-1**

**LOCATION MAP:**



**COUNCIL DISTRICT:**

**8**

**TRACKING NUMBER**

**T-2022-4148**

**EXHIBIT 2  
PAGE 1 OF 1**

