

# 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.: 2022-359**

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 w/recommendation to RLD-60**

Planning Commission Recommendation: **Approve**

Planning Commission Commentary: There were no speakers in opposition. The Commissioners felt the 40 foot wide lots were appropriate for the area. The increased density will prevent sprawl.

Planning Commission Vote: 5-1

David Hacker, Chair Aye

Alex Moldovan, Vice Chair Aye

Ian Brown, Secretary Aye

Marshall Adkison Nay

Daniel Blanchard Aye

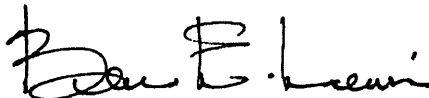
Jordan Elsbury Absent

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, appearing to read "Bruce E. Lewis". The signature is fluid and cursive, with the first name "Bruce" being the most prominent.

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 2022-0359**

**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 **2022-0359**.

***Location:*** 1904 New Berlin Road

***Real Estate Number:*** 106894-0000; 106887-0000

***Current Zoning District:*** Residential Rural-Acre (RR-Acre)

***Proposed Zoning District:*** Residential Low Density-40 (RLD-40)

***Current Land Use Category:*** Low Density Residential (LDR)

***Planning District:*** District 6—North

***Applicant/Agent:*** Brian Small  
Bird Dog  
3948 3<sup>rd</sup> Street South, 116  
Jacksonville, Florida 32250

***Owners:*** Carrie Thomas  
1925 Summit Ridge  
Fleming Island, Florida 32003

Sally Tesreau  
1904 New Berlin Road  
Jacksonville, Florida. 32218

***Staff Recommendation:*** **APPROVE** recommending RLD-60

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2022-0359** seeks to rezone 14.23± acres of land from Residential Rural-Acre (RR-Acre) to Residential Low Density-40 (RLD-60). The applicant seeks to rezone the property in order to allow for a higher density to what is allowed on site today. The department has reviewed the surrounding area and has seen many downzoning's over the last 20 years. No single family lots have been approved for lots smaller than 6,000 square feet during this

time, and the department recommends the proposed application should follow the development trends of the area and be approved with RLD-60 rather than the requested RLD-40.

The property is located in the Low Density Residential (LDR) land use category within the Suburban Development Area of the Future Land Use Element 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?***

The 14.23 acre subject site is located at 1904 and 1906 New Berlin Road, a collector road, along the west side of New Berlin Road, between Wages Way and Dunns View, both unclassified roads. The site is also located in Planning District 6, Council District 2 and the Suburban Development Area. The applicant seeks to rezone the property from RR-Acre to RLD-40.

According to the Future Land Use Element (FLUE), Low Density Residential (LDR) in the Suburban Development Area is intended to provide for low density residential development. Principal uses include single family and multifamily dwellings. The maximum gross density in the Suburban Development Area shall be 7 units/acre when centralized water and sewer are available.

#### ***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. Low Density Residential (LDR) in the Suburban Area is intended to provide for low-density residential development. Single-family dwellings are a principal use in the LDR land use category. The maximum allowable density for the LDR land use category is seven (7) units/acre when full urban services are available.

**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 (FLUE):**

**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.

**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.

**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.

**Recreation and Open Space Element (ROS):**

**Policy 2.2.2** The City shall require that all new single family and multi-family developments (residential developments) dedicate land for public parkland (active recreation parks) or provide monetary contribution to the appropriate department.

**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 RR-Acre to RLD-60 in order to permit the development of additional Single Family Development all while adhering to local, state, and federal regulations.

**SURROUNDING LAND USE AND ZONING**

The subject property is located on the west side of New Berlin Road between Starratt Road and Dunn Creek Road. New Berlin Road is developed with Single Family Dwellings and is developed between the RLD-80 and RR-Acre Zoning District, with some PUD allowing for smaller 6,000 Square foot lots. The recommended rezoning to RLD-60 would allow for the lot to be developed

with single family dwellings similar to those in the surrounding area. The surrounding Land Use Categories and Zoning Districts are as followed:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	LDR	RR-Acre	Single Family Dwelling
East	LDR	PUD/RR-Acre	Single Family Dwelling
South	LDR	RR-Acre/PUD	Single Family Dwelling
West	LDR	RLD-80	Single Family Dwellings/Creek

It is the opinion of the Planning and Development Department that the recommended rezoning to RLD-60 would be consistent and compatible with the surrounding uses.

### SUPPLEMENTARY INFORMATION

Upon email conformation, and the submittal of the Sign Posting Affidavit by the applicant, the required Notice of Public Hearing sign was posted.



### RECOMMENDATION

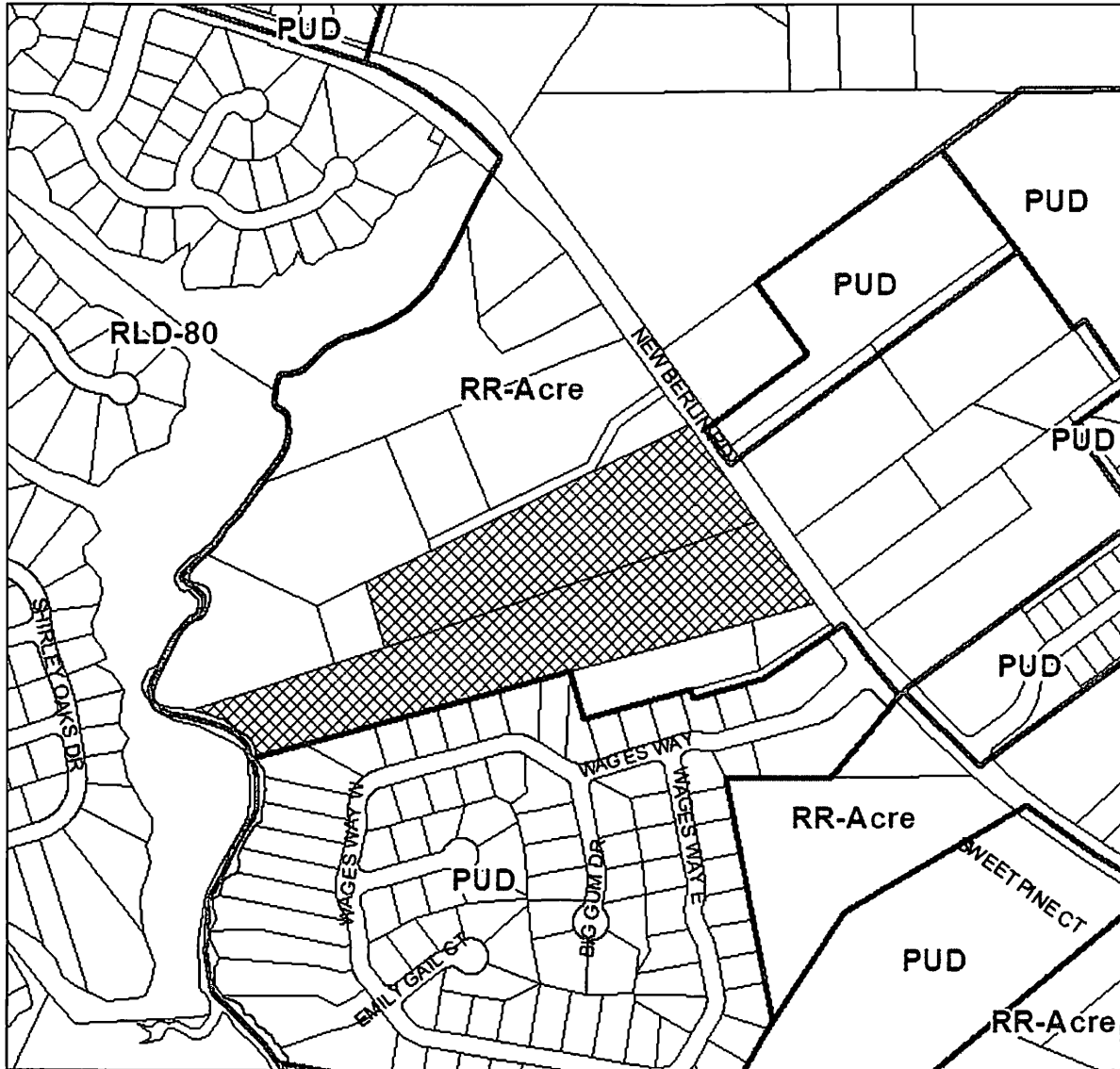
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2022-0359 be **APPROVED with a recommendation of RLD-60.**





View of the neighborhood to the south

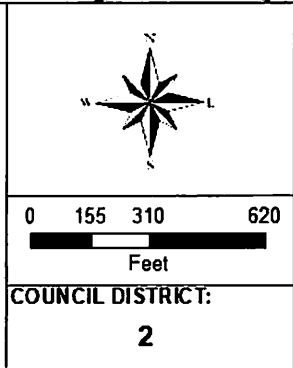
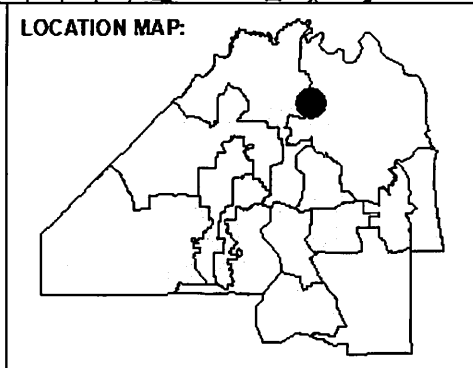




**REQUEST SOUGHT:**

**FROM: RR-ACRE**

**TO: RLD-40**



**ORDINANCE NUMBER**  
 ORD-2022-0359

**TRACKING NUMBER**  
 T-2022-4138

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

Legal Map

# Application For Rezoning To Conventional Zoning District

## Planning and Development Department Info

**Ordinance #** 2022-0359 **Staff Sign-Off/Date** CMC / 04/20/2022  
**Filing Date** 05/06/2022 **Number of Signs to Post** 3  
**Hearing Dates:**  
**1st City Council** 06/14/2022 **Planning Commission** 06/09/2022  
**Land Use & Zoning** 06/22/2022 **2nd City Council** N/A  
**Neighborhood Association** M&M DAIRY INC; THE EDEN GROUP INC  
**Neighborhood Action Plan/Corridor Study** N/A

## Application Info

**Tracking #** 4138 **Application Status** FILED COMPLETE  
**Date Started** 03/03/2022 **Date Submitted** 03/04/2022

## General Information On Applicant

**Last Name** SMALL **First Name** BRIAN **Middle Name**  
**Company Name** BIRD DOG  
**Mailing Address** 3948 3RD STREET SOUTH, 116  
**City** JACKSONVILLE **State** FL **Zip Code** 32250  
**Phone** 8433849333 **Fax** 904 **Email** BRIAN@BIRDDOGLAND.COM

## General Information On Owner(s)

### Check to fill first Owner with Applicant Info

**Last Name** THOMAS **First Name** CARRIE **Middle Name**  
**Company/Trust Name**  
**Mailing Address** 1925 SUMMIT RIDGE  
**City** FLEMING ISLAND **State** FL **Zip Code** 32003  
**Phone** **Fax** **Email**

**Last Name** TESREAU **First Name** SALLY **Middle Name**  
**Company/Trust Name**  
**Mailing Address** 1904 NEW BERLIN RD  
**City** JACKSONVILLE **State** FL **Zip Code** 32218  
**Phone** **Fax** **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	106894 0000	2	6	RR-ACRE	RLD-40
Map	106887 0000	2	6	RR-ACRE	RLD-40

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

**Existing Land Use Category**

LDR

**Land Use Category Proposed?**

**If Yes, State Land Use Application #**

**Total Land Area (Nearest 1/100th of an Acre) 14.23**

**Justification For Rezoning Application**

RESIDENTIAL DEVELOPMENT

**Location Of Property**

**General Location**

1906 NEW BERLIN ROAD

House #	Street Name, Type and Direction	Zip Code
1904	NEW BERLIN RD	32218

**Between Streets**

WAGES WAY and DUNNS VIEW

**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

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  
14.23 Acres @ \$10.00 /acre: \$150.00
- 3) Plus Notification Costs Per Addressee  
61 Notifications @ \$7.00 /each: \$427.00
- 4) Total Rezoning Application Cost: \$2,577.00

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

## EXHIBIT 1

### Legal Description

April 19, 2022

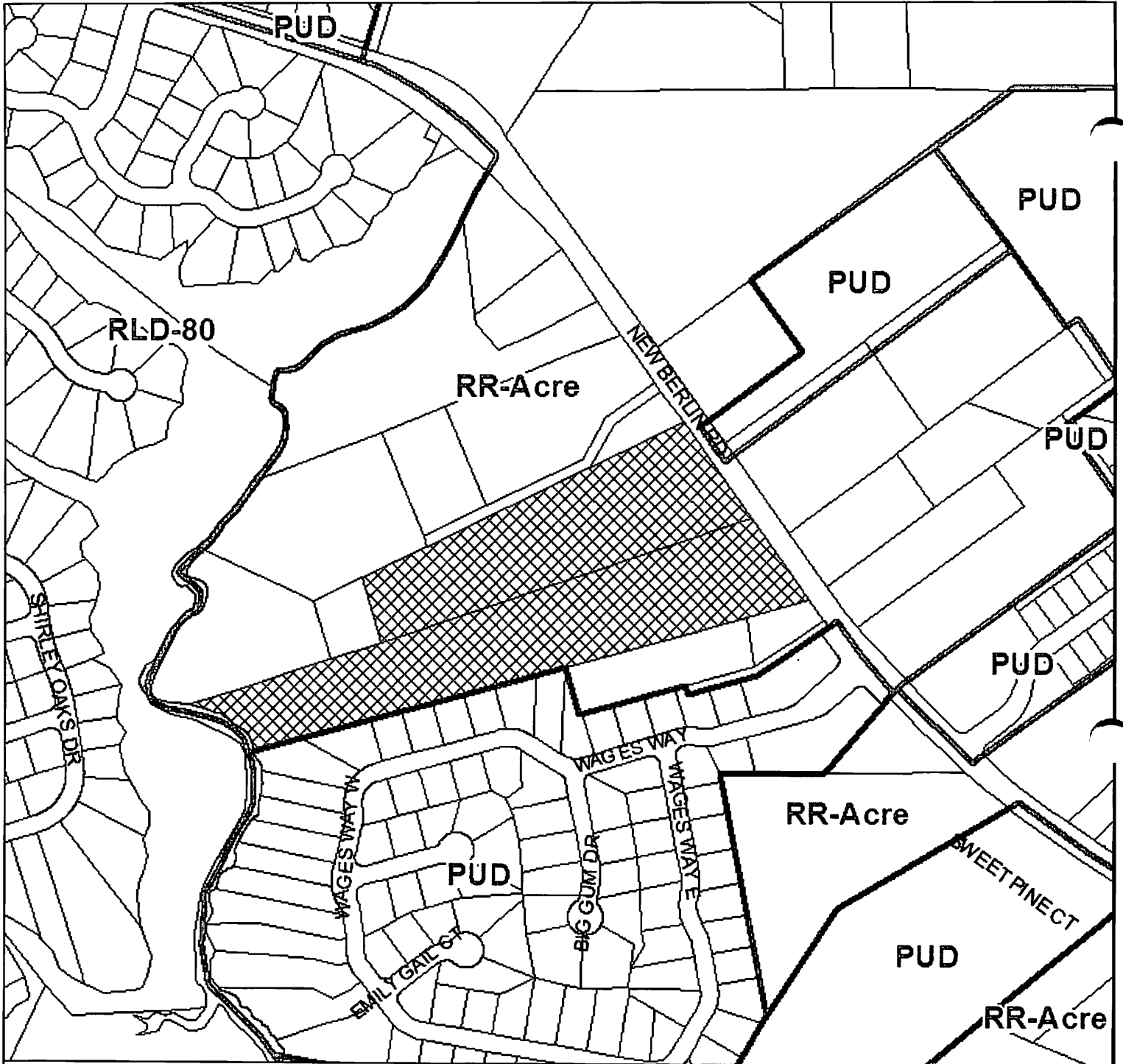
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#### **Parcel A- RE# 106894-0000**

Property Description Part of Section 32 of a subdivision of JOHN BROWARD GRANT, Section 37, Township One (1) North, Range 27 East, more particularly described as follows: Beginning at an iron pipe at the intersection of the South line of Section 37, Township One (1) North, Range 27 East and the West property line of the New Berlin Road; thence Northwest along the West property line of the New Berlin Road 650 feet to a Point of Beginning; Thence South 75 degrees 30 minutes West 1600 feet to an iron pipe in the East Bank of Dunns' Creek; thence Northerly along said Creek bank 200 feet to an iron pipe; thence North 71 degrees 41 minutes East 1520 feet to an iron pipe in the West property line of the New Berlin Road; thence South-Easterly along said property line 300 feet to the Point of Beginning.

#### **Parcel B- RE# 106887-0000**

Property Description A part of Section 32 of a subdivision of the JOHN BROWARD GRANT, Section 37, Township 1 North, Range 27 East, Duval County, Florida, and being a part of those lands described and recorded in Official Records Volume 787, page 444, of the current public records of said County and being more particularly described as follows: BEGIN at the Southeasterly corner of those lands described and recorded in Official Records Volume 5658, page 2226, of said current public records; thence North 71 degrees 30 minutes 00 seconds East along the Southerly line of said lands described and recorded in Official Records Volume 787, page 444, 152.74 feet to the point of beginning; thence North 29 degrees 21 minutes 40 seconds West, 188.95 feet to the Northerly line of said lands described and recorded in Official Records Volume 787, page 444; thence North 64 degrees 05 minutes 00 seconds East along said Northerly line, 1008.14 feet to the Westerly right-of-way line of New Berlin Road (a 66 foot R/W as now established); thence South 36 degrees 10 minutes 10 seconds East along said Westerly right-of-way line, 80.00 feet; thence South 64 degrees 05 minutes 00 seconds West, 15.00 feet; thence South 36 degrees 10 minutes 10 seconds East, 10.00 feet; thence North 64 degrees 05 minutes 00 seconds East, 15.00 feet to the Westerly right-of-way line of said New Berlin Road; thence South 36 degrees 10 minutes 10 seconds East along said Westerly right-of-way line, 241.33 feet to the Southeasterly corner of said lands described and recorded in Official Records Volume 787, page 444; thence South 71 degrees 30 minutes 00 seconds West along the Southerly line of said lands, 1064.67 feet to the point of beginning. AND BEING SUBJECT to a 35 foot easement for ingress and egress as described and recorded in Official Records Volume 5658, page 2226, of the current public records of Duval County, Florida

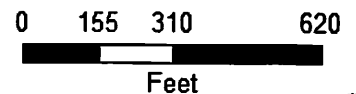
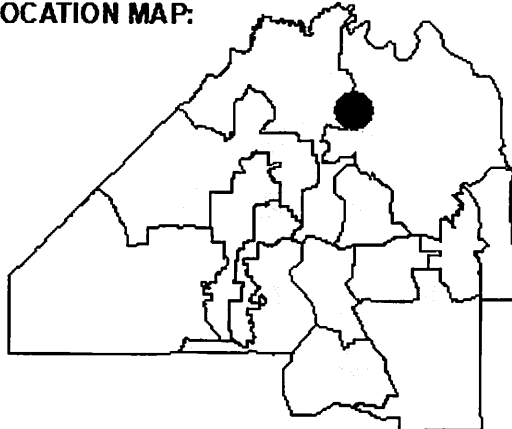


**REQUEST SOUGHT:**

**FROM: RR-ACRE**

**TO: RLD-40**

**LOCATION MAP:**



**COUNCIL DISTRICT:**

**2**

**TRACKING NUMBER**

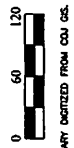
**T-2022-4138**

**EXHIBIT 2  
PAGE 1 OF 1**

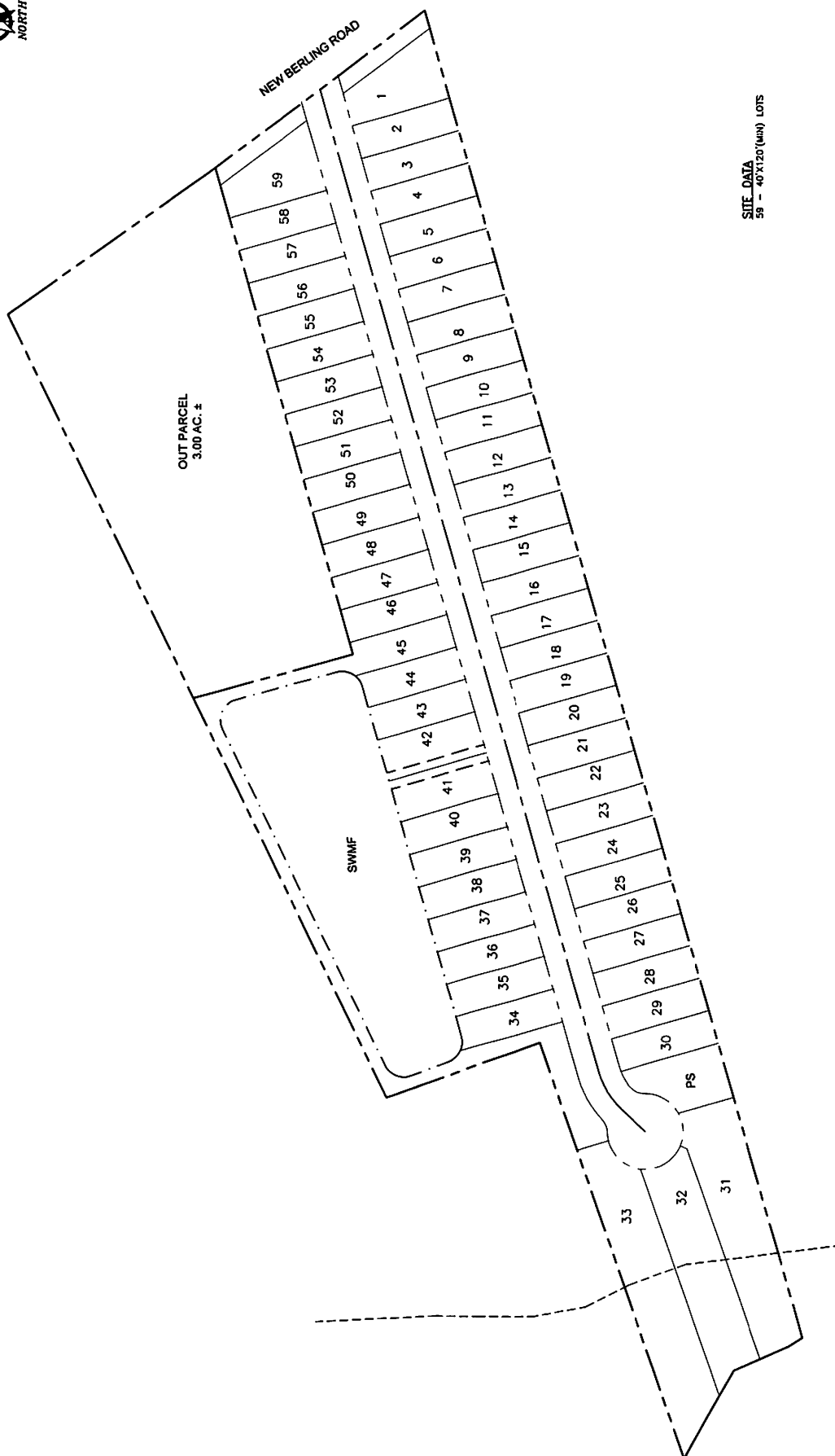
DOMINION ENGINEERING GROUP, INC.  
 PLANNERS AND ENGINEERS  
 4348 SOUTHPOINT BLVD, SUITE 201, JACKSONVILLE, FLORIDA 32216  
 TEL: 904-854-4500 REGISTRY NUMBER: 26821 FAX 904-854-4505  
 www.dem-eng.com

PRELIMINARY LAYOUT 2  
 FOR  
 NEW BERLIN ROAD

DATE:	
DESIGNER:	
CHECKED BY:	
SCALE:	AS SHOWN
JOB NO.:	
DATE:	
SHEET NO.:	C1
	OF XX



NOTES:  
 1. BOUNDARY DICTATED FROM COU G.S.

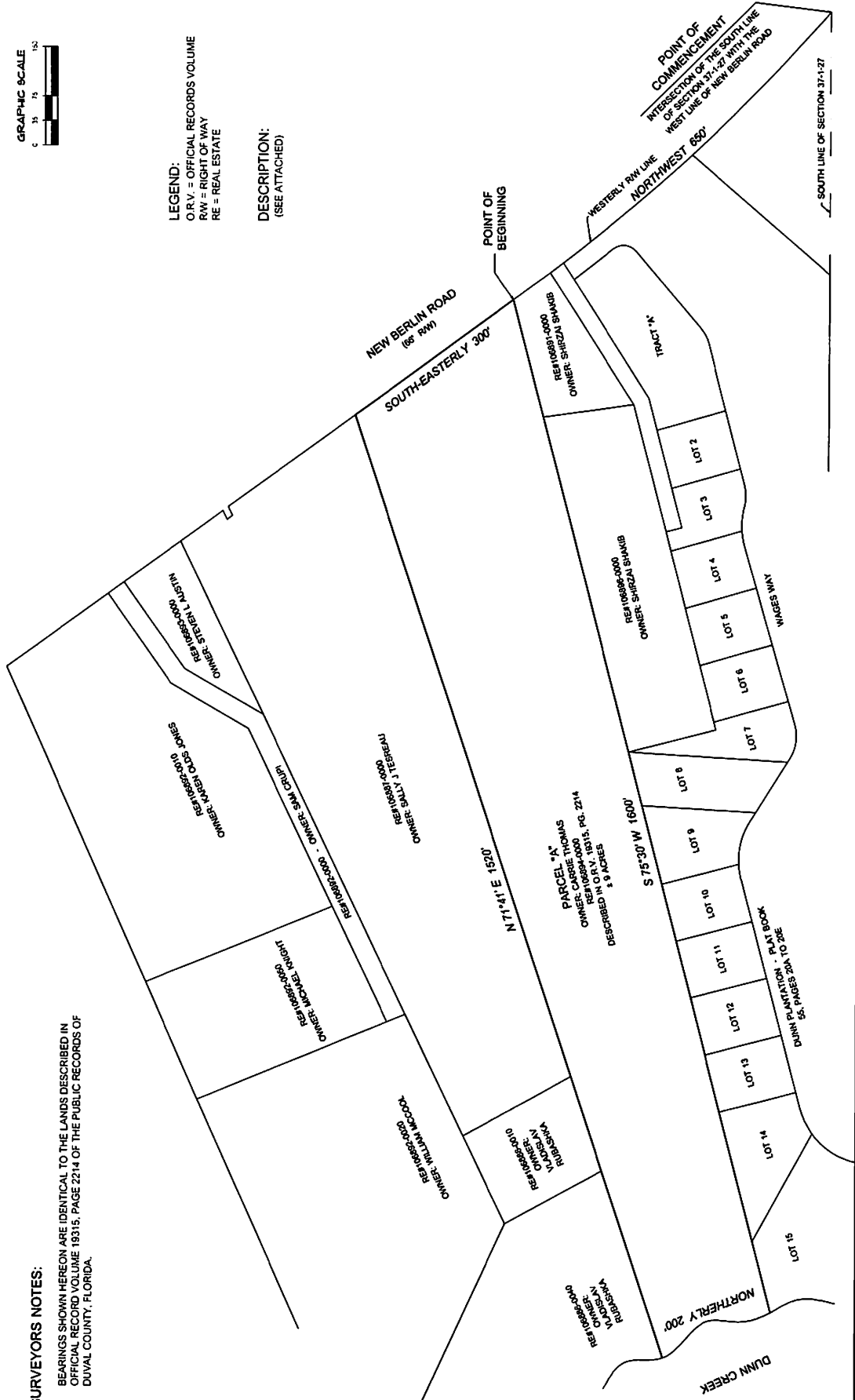


SITE DATA  
 59' - 40" X 120' (MIN) LOTS

**SKETCH OF LEGAL DESCRIPTION  
OF A PART OF SECTION 32 OF A SUBDIVISION OF THE JOHN BROWARD GRANT,  
SECTION 37, TOWNSHIP 1 SOUTH, RANGE 21 EAST,  
DUVAL COUNTY, FLORIDA.  
\*\* SKETCH - NOT A BOUNDARY SURVEY \*\***

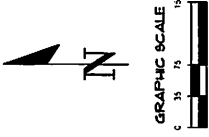
**SURVEYORS NOTES:**

1. BEARINGS SHOWN HEREON ARE IDENTICAL TO THE LANDS DESCRIBED IN OFFICIAL RECORD VOLUME 19315, PAGE 2214 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



**LEGEND:**  
O.R.V. = OFFICIAL RECORDS VOLUME  
R.W. = RIGHT OF WAY  
RE = REAL ESTATE

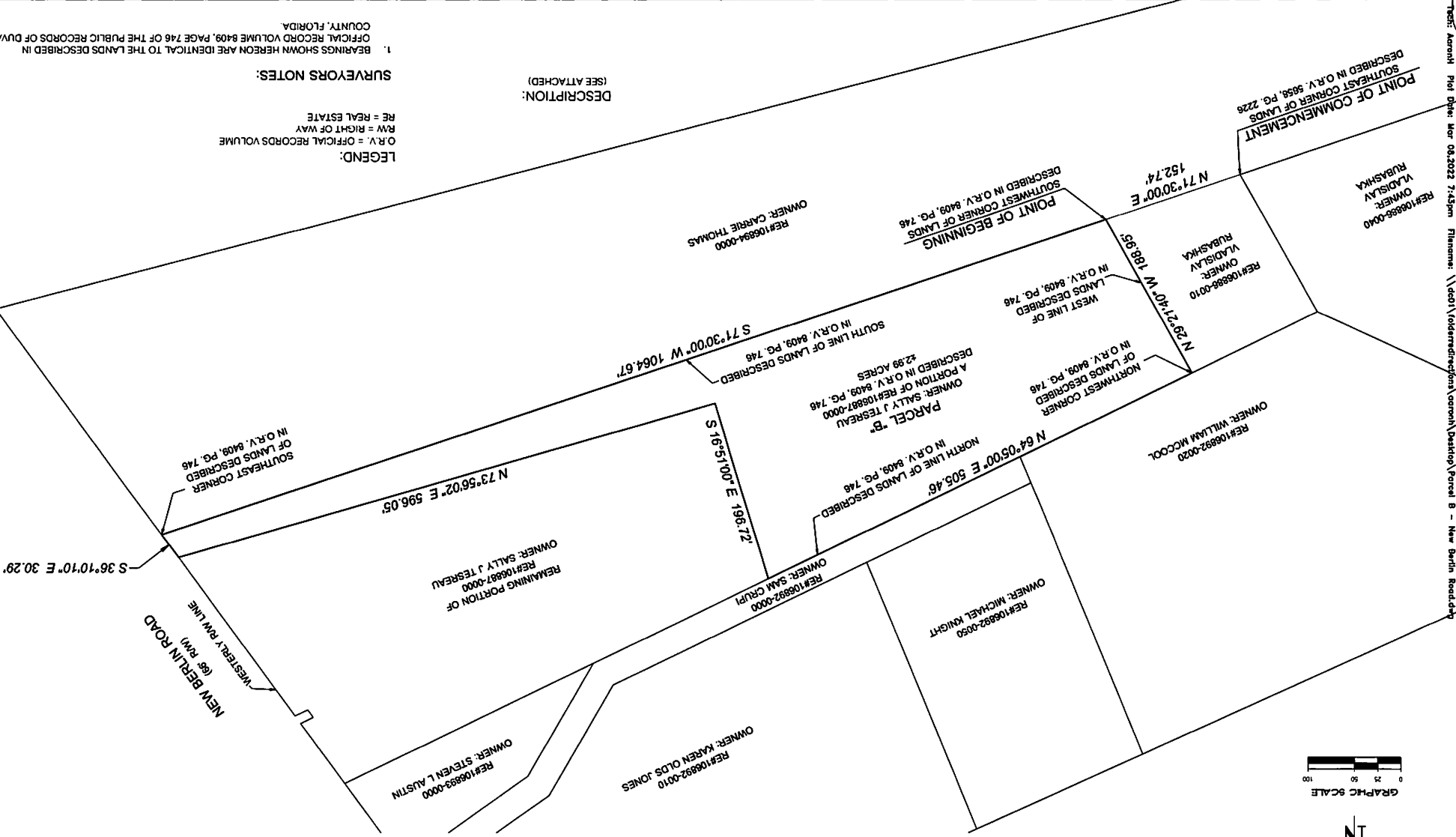
**DESCRIPTION:**  
(SEE ATTACHED)





**SKETCH OF LEGAL DESCRIPTION  
OF A PART OF SECTION 32 OF A SUBDIVISION OF THE JOHN BROWARD GRANT,  
SECTION 37, TOWNSHIP 1 SOUTH, RANGE 21 EAST,  
DUVAL COUNTY, FLORIDA.**

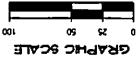
**\*\* SKETCH - NOT A BOUNDARY SURVEY \*\***



**LEGEND:**  
O.R.V. = OFFICIAL RECORDS VOLUME  
R/W = RIGHT OF WAY  
RE = REAL ESTATE

**SURVEYORS NOTES:**  
1. BEARINGS SHOWN HEREON ARE IDENTICAL TO THE LANDS DESCRIBED IN OFFICIAL RECORD VOLUME 8409, PAGE 746 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

**DESCRIPTION:**  
(SEE ATTACHED)



This map prepared by  
AARON H. HICHLAN  
Certified Professional Surveyor No. L.S. 3073  
OFFICIAL RECORD VOLUME 8409, PAGE 746 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.  
DATE: 08/20/22

1 OF 1

NO.	DATE	DESCRIPTION
1	08/20/22	DUVAL COUNTY

DEG SURVEYING, INC.  
CORPORATION  
1000 UNIVERSITY BLVD., SUITE 100  
DUVAL COUNTY, FLORIDA 32202

1000 University Blvd  
Duval County, FL 32202  
www.deg-surveying.com  
904.241.1234



1000 University Blvd  
Duval County, FL 32202  
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904.241.1234