

# 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

November 4, 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.: 2021-418**

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: **Deny**

Planning Commission Recommendation: **Approve for the northern property  
Deny for the southern property**

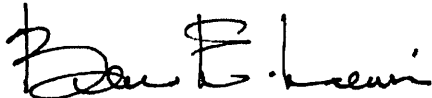
This rezoning is subject to the following exhibits:

Planning Commission Commentary: There were no speakers in opposition. The Commissioners were concerned about allowing the proposed uses to the south side of the road.

Planning Commission Vote:	5-0
David Hacker, Chair	Absent
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Aye
Joshua Garrison	Aye
Dawn Motes	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 written in a cursive style with a large initial "B".

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 2021-418**

**NOVEMBER 4, 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 **2021-418**.

***Location:*** 1239 & 1240 32<sup>nd</sup> Street; south of Railroad & east of Franklin Street

***Real Estate Numbers:*** 132367-0000; 132377-0000

***Current Zoning District:*** Residential Low Density-60 (RLD-60)

***Proposed Zoning District:*** Industrial Light (IL)

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

***Proposed Land Use Category:*** Light Industrial (LI)

***Planning District:*** Urban Core, District 1

***Owner/Applicant:*** Ethelbert Emmanuel Worrell  
D. I. I. E. E. L.  
1239 32<sup>nd</sup> Street East  
Jacksonville, FL 32206

***Staff Recommendation:*** **DENY**

**GENERAL INFORMATION**

Application for Rezoning Ordinance **2021-418** seeks to rezone a parcel, approximately 0.59 acres, from the RLD-60 to the IL zoning district in order to bring an illegal business into compliance in order to allow the property owner to run his business there. The subject properties are located across 32<sup>nd</sup> Street East from each other. RE# 132367-0000 (1239 32<sup>nd</sup> Street E) is located directly south of the railroad and adjacent to an industrial business. RE#132377-0000 (1240 32<sup>nd</sup> Street E) is located adjacent to a mobile home and is at the corner of 32<sup>nd</sup> Street and Poplar Street. The area immediately surrounding the subject properties to the south and west are residentially zoned. The properties to the east are in the IL & IH zoning districts and the Industrial Situational Compatibility zone.

There is a companion Large Scale Land Use Amendment, L-5343-18A (Ord. 2019-484) requesting that the subject properties be changed from Low Density Residential to Light Industrial.

This application was originally filed with City Council on July 27, 2021 for just the northern parcel RE# 132367-0000. The rezoning and land use amendment were supported by the department because it is directly adjacent to the railroad and a property with a similar zoning and land use. However, the applicant decided to add their southern property to this application. The Department does not support the southern parcel being rezoned and changing the land use because it is adjacent to residential on the west and south.

On August 4, 2021, the Urban Core CPAC opined on the original application from July 27, 2021. They are in opposition to the application. Their letter of opposition is included in the folder.

### **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?***

No. Zoning application Ordinance 2021-418 has a companion land use application, Ordinance 2021-417 / L-5561-21C, that seeks a change to the land use from Low Density Residential (LDR) to Light Industrial (LI). The 0.59 acre subject site is located at 1239 and 1240 32nd Street East, between Franklin Street and Poplar Street, both of which are local roads. The southern parcel of the land use amendment is in an established single-family residential with houses surrounding the parcel to the north, west and south.

LI is a category, which provides for the location of industrial uses, which have fewer objectionable impacts than Heavy Industrial (HI) on residential areas such as noise, odor, toxic chemical and wastes. Site access to roads classified as collector or higher on the Highway Functional Classification Map is preferred.

The proposed land use amendment to LI is to allow for the operation of an existing towing and auto repair business. This would allow for an uncomplimentary use in the middle of a residential neighborhood with industrial entitlements that would negatively affect the residential character

and fabric of the neighborhood. The proposed LI land use is inconsistent with the 2030 Comprehensive Plan. The Planning and Development Department recommends Denial of the proposed request for the LI land use category. Further analysis of the proposed land use change is provided in the companion land use amendment staff report.

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

No, the proposed rezoning does not further the following goals, objectives, and policies of the 2030 Comprehensive Plan's Future Land Use Element:

**Policy 3.1.3**

Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process to review and grant, when appropriate, relief from the scale transition requirements.

The northern parcel is located between a single family home in RLD-60 and an industrial/manufacturing uses in the IL zoning district and the Situational Compatibility Zone for Industrial uses. This property directly abuts a railyard.

The southern parcel is in an established single-family residential with houses surrounding the parcel to the north, west and south.

This neighborhood is unique because a transition between industrial uses and residential uses is lacking. The Longbranch/Tallyrand area is comprised solely of industrial or residential uses. There are no commercially zoned (CCG-1/2, CRO, CN, CO, etc.) properties in the neighborhood.

***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 pending approval of the Land Use Companion Application (L-5561-21C).

**SURROUNDING LAND USE AND ZONING**

The northern parcel is located directly south of a railyard and has the following surrounding uses:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North			Railyard
East	LI	IL	Industrial/Manufacturing
South	Proposed LI	Proposed IL	Part of application
West	LDR	RLD-60	Single Family Home

The properties immediately adjacent to the northern parcel to the west and south are residentially zoned and developed with single family homes. To the east and north are industrial activities.

The southern parcel is located among single family homes and has the following surrounding uses:

<b>Adjacent Property</b>	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Current Use(s)</b>
North	Proposed LI	Proposed IL	Part of application
East	LI	IL	Industrial/Manufacturing
South	LDR	RLD-60	Single Family Dwellings
West	LDR	RLD-60	Single Family Home

The properties immediately adjacent to the subject site to the north, west, and south are residentially zoned and developed with single-family homes. To the east and across Poplar Street are industrial activities.

**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on June 21, 2021, the required Notice of Public Hearing sign **was** posted. The additional southern parcel signs was posted on October 14, 2021 with proof from the applicant provided.



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance **2021-418** be **DENIED**.



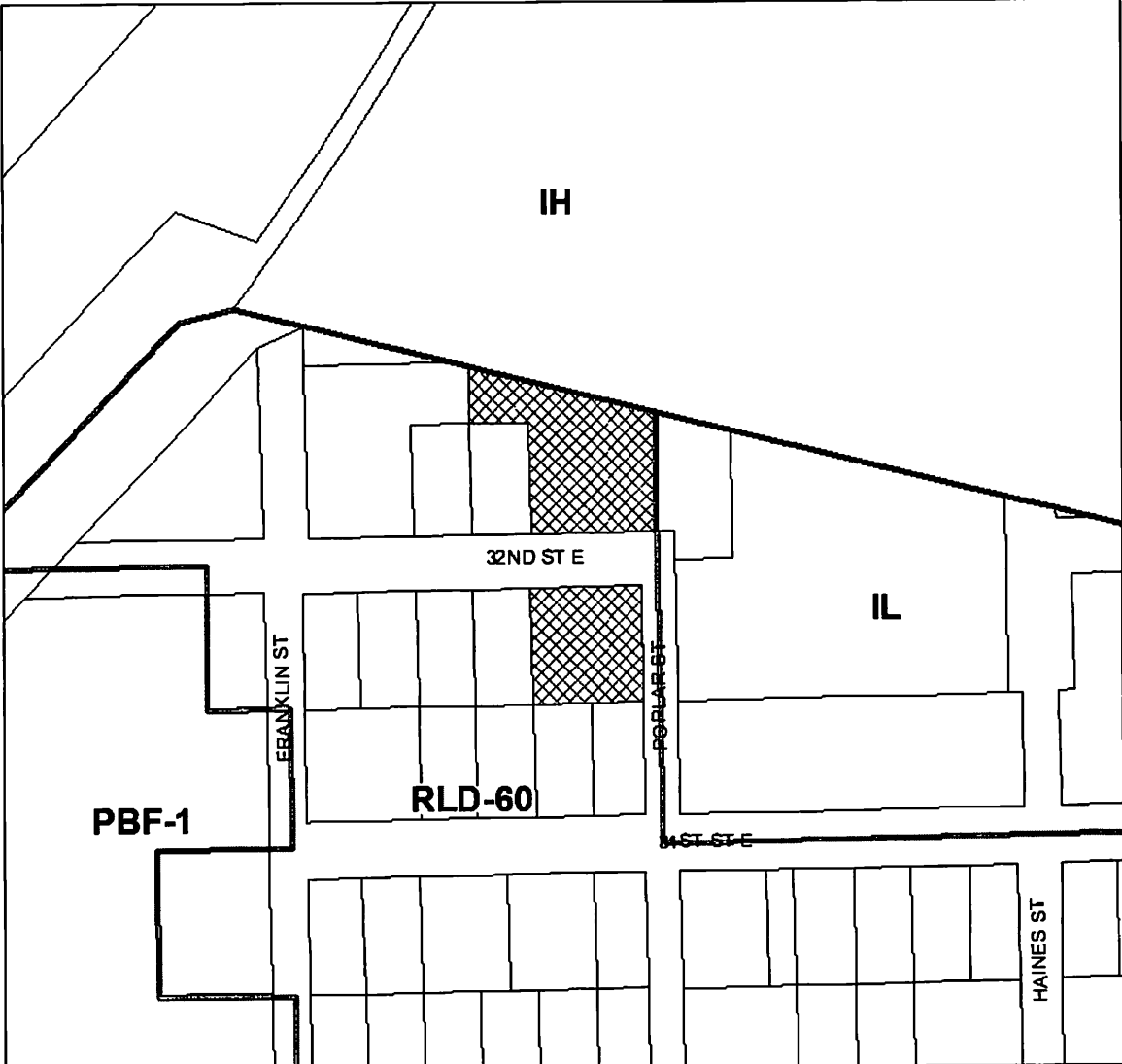
**Aerial**



**Subject Property**

*Source: COJ, Planning & Development Department  
Date: 06/21/2021*





**REQUEST SOUGHT:**  
  
**FROM: RLD-60**  
**TO: IL**

**LOCATION MAP:**

**TRACKING NUMBER**  
**T-2021-3550**

0 45 90 180  
Feet

**COUNCIL DISTRICT:**  
**7**

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

## Application For Rezoning To Conventional Zoning District

### Planning and Development Department Info

**Ordinance #** 2021-0418 **Staff Sign-Off/Date** CMQ / 09/15/2021  
**Filing Date** 10/12/2021 **Number of Signs to Post** 3  
**Hearing Dates:**  
**1st City Council** 11/09/2021 **Planning Commission** 11/04/2021  
**Land Use & Zoning** 11/16/2021 **2nd City Council** 11/23/2021  
**Neighborhood Association** EAST 21ST ST NEIGHBORHOOD ASSOCIATION; HISTORIC EASTSIDE COMMUNITY DEV CORP; WE MAKE THE SHIRTS  
**Neighborhood Action Plan/Corridor Study**

### Application Info

**Tracking #** 3550 **Application Status** PENDING  
**Date Started** 05/14/2021 **Date Submitted** 05/14/2021

### General Information On Applicant

**Last Name** WORRELL **First Name** ETHELBERT **Middle Name** EMMANUEL  
**Company Name** D.I.I.E.E.L. ENT, LLC  
**Mailing Address** 1239 E 32ND STREET  
**City** JACKSONVILLE **State** FL **Zip Code** 32206  
**Phone** 9042328177 **Fax** **Email** SPRINGFORWARDDUVAL@GMAIL.COM

### General Information On Owner(s)

Check to fill first Owner with Applicant Info

**Last Name** LYLE **First Name** IGRINE **Middle Name**  
**Company/Trust Name**  
**Mailing Address** 1239 E 32ND STREET  
**City** JACKSONVILLE **State** FL **Zip Code** 32206  
**Phone** 9042328177 **Fax** **Email** SPRINGFORWARDDUVAL@GMAIL.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 132367 0000	7	1	RLD-60	IL
Map 132377 0000	7	1	RLD-60	IL

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 #**

5561

**Total Land Area (Nearest 1/100th of an Acre)** 0.59

**Justification For Rezoning Application**

**Location Of Property**

**General Location**

<b>House #</b>	<b>Street Name, Type and Direction</b>	<b>Zip Code</b>
1239	32ND ST E	

**Between Streets** and

**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**

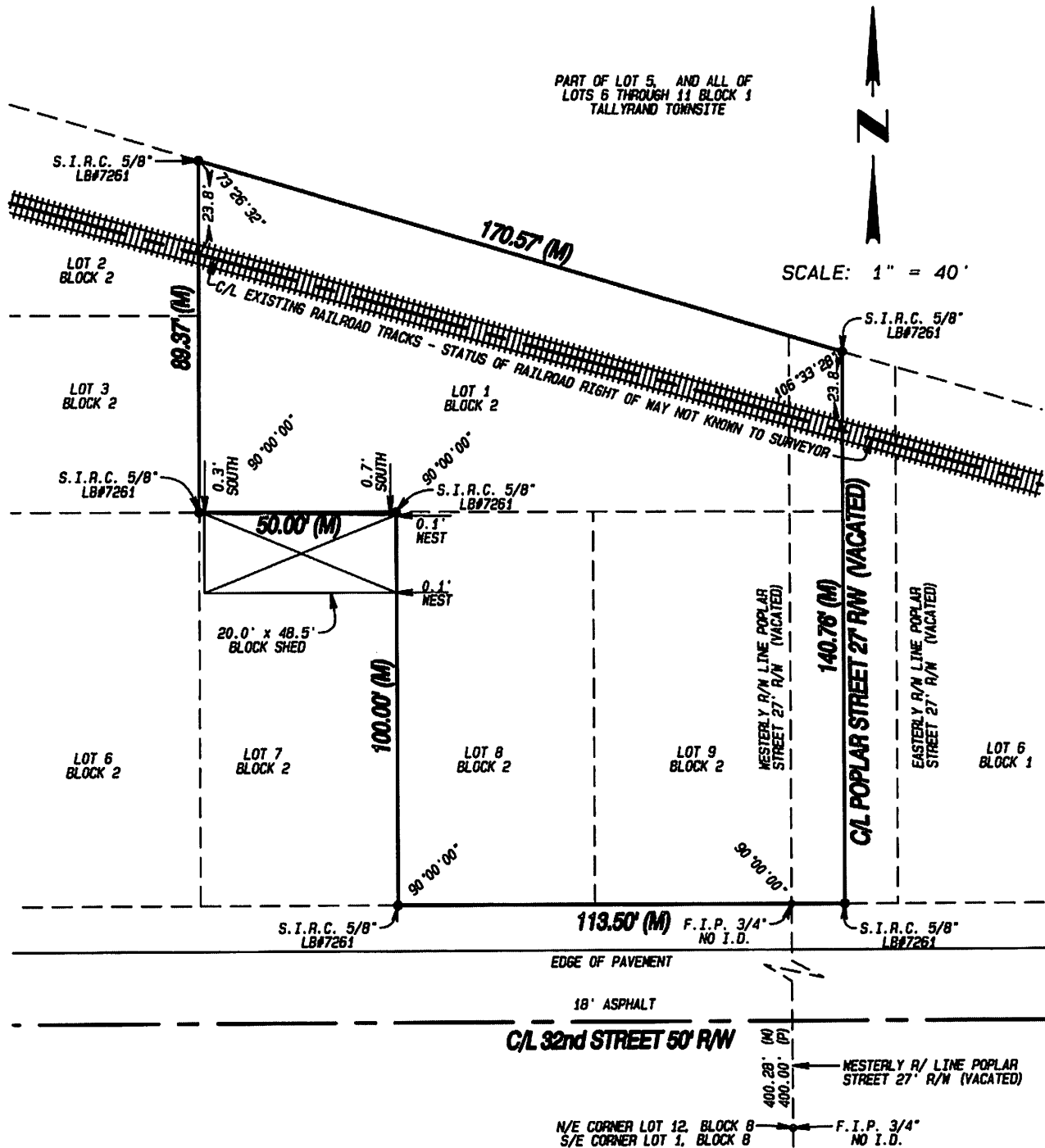
- 1) Rezoning Application's General Base Fee: \$2,000.00
- 2) Plus Cost Per Acre or Portion Thereof  
0.59 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee  
42 Notifications @ \$7.00 /each: \$294.00
- 4) Total Rezoning Application Cost: \$294.00

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

# MAP OF BOUNDARY SURVEY

## DESCRIPTION:

LOTS 1, 8 AND 9 BLOCK 2 OF "ST. ELMO" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 32 OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.



### SURVEY NOTES:

- #1 UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED BY THIS SURVEY.
- #2 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP PANEL NO. 120077 0155 E, EFFECTIVE 08/15/89, THE PROPERTY DESCRIBED HEREON APPEARS TO LIE IN ZONE "X".
- #4 THIS SURVEY PERFORMED WITHOUT BENEFIT OF AN ABSTRACT, TITLE SEARCH, TITLE OPINION OR TITLE INSURANCE.
- #4 DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF AND ARE PLAT AND MEASURED UNLESS SHOWN OTHERWISE.

NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE SCOPE OF ANY OTHER LIABILITY OR OBLIGATION TO THE EXTENT PERMITTED BY LAW.

CERTIFIED TO AND FOR THE EXCLUSIVE BENEFIT OF:

EMMANUEL WORRELL

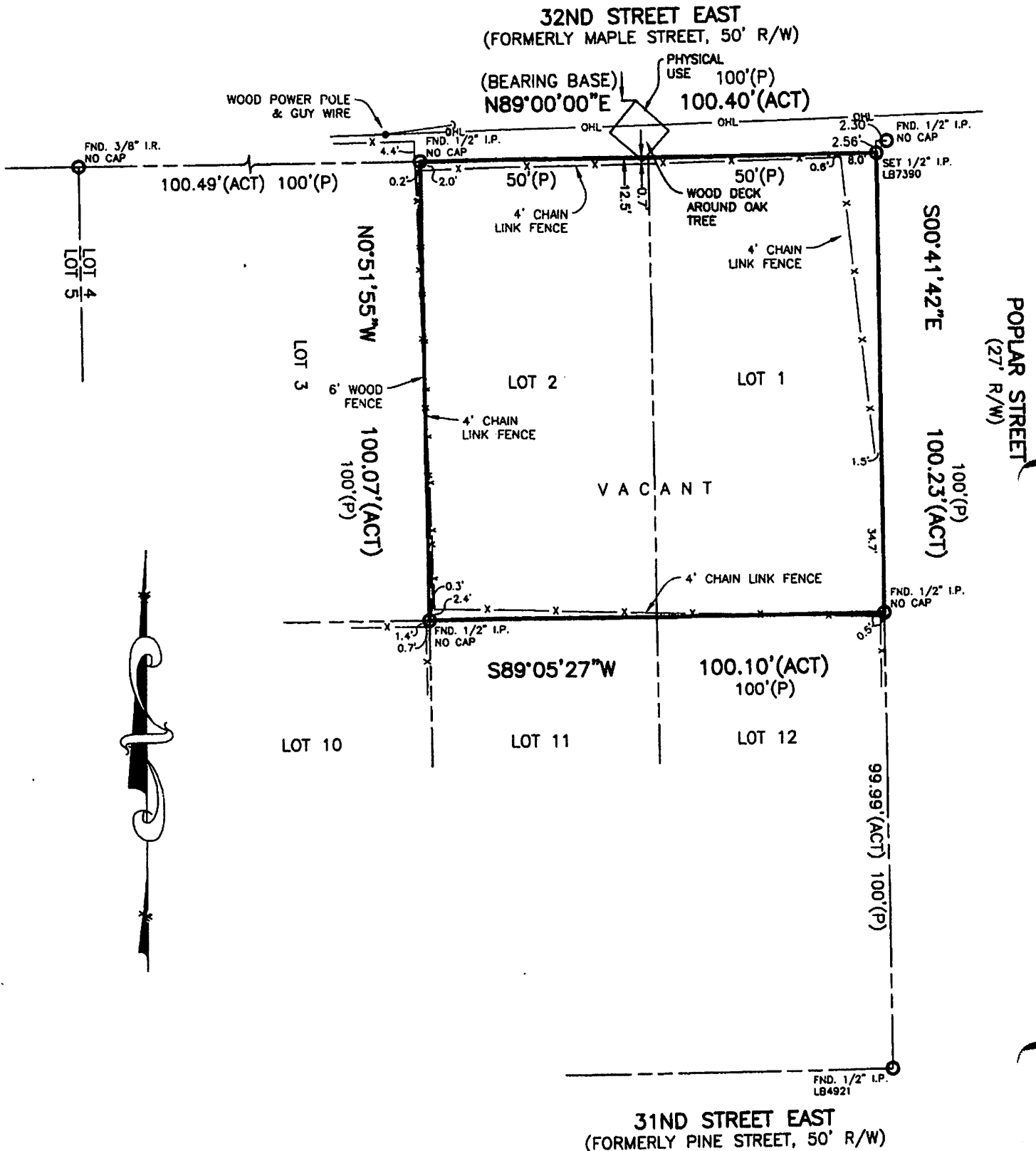
STREET ADDRESS: VACANT LOTS 32nd STREET JACKSONVILLE, FL. 32206

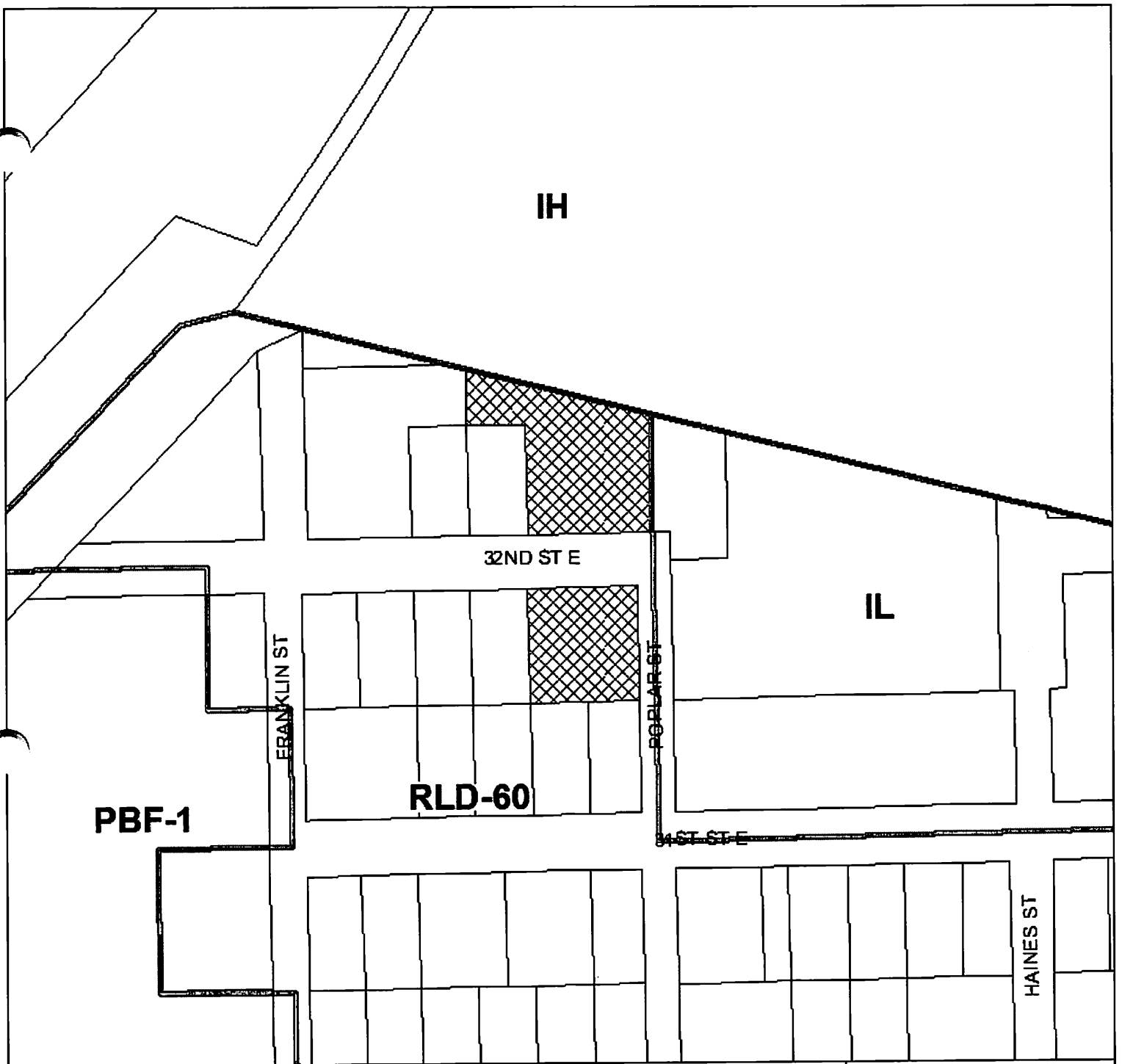
# MAP SHOWING BOUNDARY SURVEY OF LOTS 1 & 2, BLOCK 5, AS SHOWN ON MAP OF ST. ELMO

AS RECORDED IN PLAT BOOK 2, PAGE 57, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FL  
CERTIFIED TO: CATHERINE WORRELL

SCALE: 1"=30'

DATE: 04/01/21



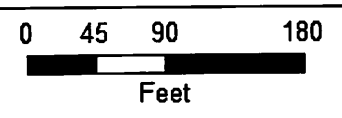
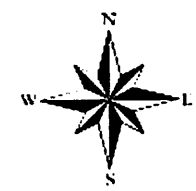
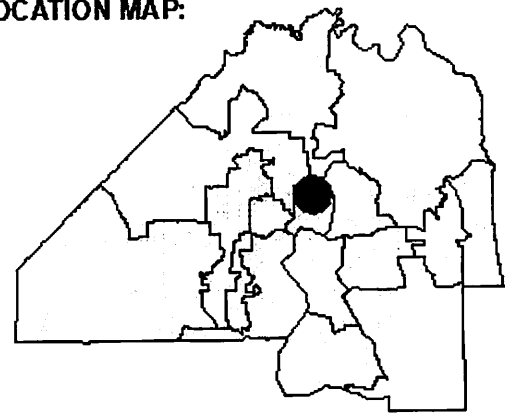


**REQUEST SOUGHT:**

**FROM: RLD-60**

**TO: IL**

**LOCATION MAP:**



**COUNCIL DISTRICT:**

**7**

**TRACKING NUMBER**

**T-2021-3550**

**EXHIBIT 2  
PAGE 1 OF 1**