

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING ORDINANCE 2015-487

NOVEMBER 5, 2015

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 **Ord. 2015-487**.

Location: 5651 Colcord Avenue
between University Boulevard and Garden Cliff
Court

Real Estate Numbers: 129040-0000

Current Zoning District: Commercial Residential Office (CRO)

Proposed Zoning District: Commercial Neighborhood (CN)

Proposed Land Use Category: Neighborhood Commercial (NC)

Current Land Use Category: Residential Professional and Institutional (RPI)

Planning District: Greater Arlington/Beaches, District 2

Planning Commissioner: Tony Robbins

City Council District: The Honorable Al Ferraro, District 2

Agent: Randy Taylor/Stephanie Murphy
Taylor Sig & Design, Inc.
4162 St. Augustine Road
Jacksonville, Florida 32207

Owner: Arthur Wells
AJ Wells Roofing & Construction
5651 Colcord Avenue
Jacksonville, Florida 32211

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Rezoning **2015-487** seeks to rezone approximately 0.22 acres of land from the Commercial Residential Office (CRO) to the Commercial Neighborhood (CN) zoning district. The site is within the RPI functional land use category as defined by the Future Land Use Map series (FLUMs) contained in the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan. The applicant stated in the rezoning application that the request needed to permit on-site signage. While signage is permitted in the CRO zoning district, the CN would allow for larger signage. There is also a companion Small Scale Land Use Application 2015C-020 (2015-685) in order to change the land use from RPI to NC. The site is located within the boundaries of the Old Arlington Neighborhood Action Plan and has been found not to be consistent with that 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?

No. 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 that the subject property is located in the RPI functional land use category according to the Future Land Use Map series (FLUMs) adopted as part of the 2030 Comprehensive Plan. While the CN zoning district is a secondary district in the RPI functional land use category, the proposed rezoning to the secondary district is not consistent with the 2030 Comprehensive Plan locational requirements listed in the RPI category that requires secondary uses to also be in compliance with all applicable Land Development Regulations. Pursuant to the Land Development Regulations listed in 656.350, supplemental criteria and standards for secondary zoning districts, the site must be located at the intersection of two streets classified as principal arterial, arterial or collector and such regulation precludes consideration for an intersection with a limited access facility as one or both of the two intersecting roads. Arlington Expressway is

classified as a limited access facility. While the proposed accompanying land use amendment to the NC land use category would resolve this consistency issue, the Department is recommending denial of the proposed land use amendment.

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

No. The proposed rezoning is inconsistent with the goals, objectives and policies of the 2030 Comprehensive Plan, including the following:

Goal 1 To ensure that the character and location of land uses optimize the combined potentials for economic benefit and enjoyment and protection of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses and environmental degradation.

Objective 1.1 Ensure that the type, rate and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages the proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

Future Land Use Element Policy 1.1.10 states the gradual transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and development review process.

Future Land Use Element Policy 3.1.20 states the City shall recognize and maintain neighborhoods through the development and implementation of district plans and/or neighborhood plans, which identify the needs of the City's neighborhoods and the opportunities to improve and maintain those neighborhoods in light of continued growth and development pressures within and surrounding them.

The area surrounding the subject site is an established and viable neighborhood where low intensity professional and medical offices compliment the transition from the expressway to the single-family uses. The applicant states in the application that they filed the rezoning to allow for larger signage. There is no evidence in the application or in review of the request that the rezoning is needed to promote the success and viability of the site or immediate area. Likewise, the three properties located on the north side of the Colcord Avenue are single-family homes that have been converted into businesses. If the applicant is granted the rezoning for the subject property, a precedent will be set for the remaining two properties to intensify their use and then there potential for a trickle-down effect into the nearby single-family neighborhood. Such an impact could destabilize the neighborhood. Therefore, the proposed rezoning is inconsistent with FLUE Goal 1, Objective 1.1 and Policy 1.1.10.

The proposed rezoning is inconsistent with FLUE Policy 3.1.20 as the Old Arlington Neighborhood Action Plan and the Greater Arlington/Beaches Vision Plan do not support

intensification of commercial uses and incompatible land uses without a demonstrated public benefit. The applicant has failed to demonstrate a public benefit related to the proposed zoning and states that the intent of the application is to permit on-site signage which is already permitted in current CRO zoning district, but as a smaller scale than is permitted in the CN zoning district.

As stated above, the proposed rezoning is inconsistent with the objectives and policies of the 2030 Comprehensive Plan.

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

Yes. Section 656.125(c)(2) cautions against the creation of “spot zoning”, that is an isolated zoning district unrelated to adjacent and nearby districts. Additionally, Section 656.125(c)(5) states that a “legitimate public purpose” may not be achieved when the proposed rezoning would “detract from the character and quality of life in the general area or neighborhood by creating excessive traffic, noise, lights, vibration, fumes, odors, dust, physical activities or other detrimental effects or nuisances.”

SURROUNDING LAND USE AND ZONING

The subject property is located at 5651 Colcord Avenue, which also has other adjoining properties surrounding land uses and zoning districts are as follows:

Adjacent Properties	Land Use Category	Zoning District	Current Use
North	RPI/CGC	CRO/CCG-1	Arlington Expressway/Commercial Shopping Center
East	RPI	CRO	Professional Office
South	RPI	CRO	Professional Office
West	RPI	CRO	Professional Office

The predominant development pattern in the immediate area is professional office located in the Residential Professional and Institutional (RPI) land use category. To the north of the subject site is Community/General Commercial (CGC) land use category.

SUPPLEMENTARY INFORMATION

Staff acknowledges receipt of posted public notice sign by applicant on the subject property on was posted October 21, 2015:



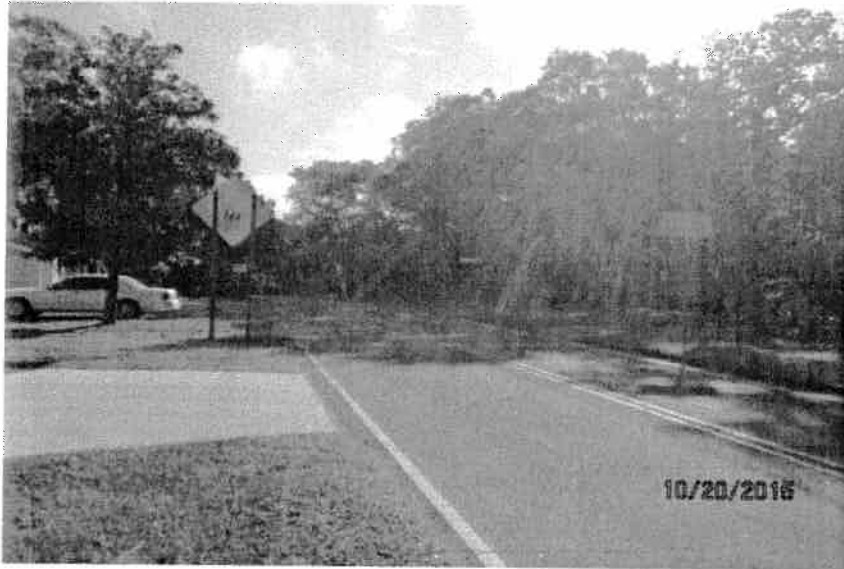
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning **2015-487** be **DENIED**.



Subject site

*Source: City of Jacksonville, Planning & Development Department
Date: October 20, 2015*



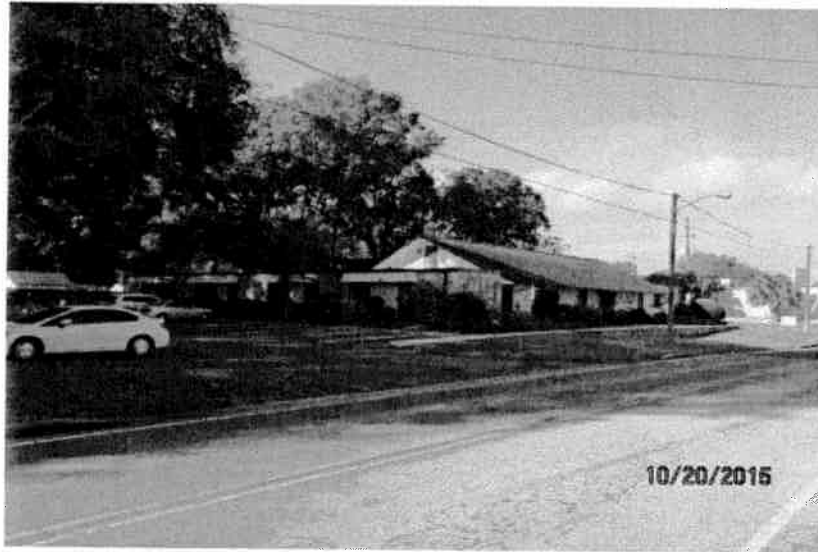
View looking east off right-of-way from subject property

Source: City of Jacksonville, Planning & Development Department
Date: October 20, 2015



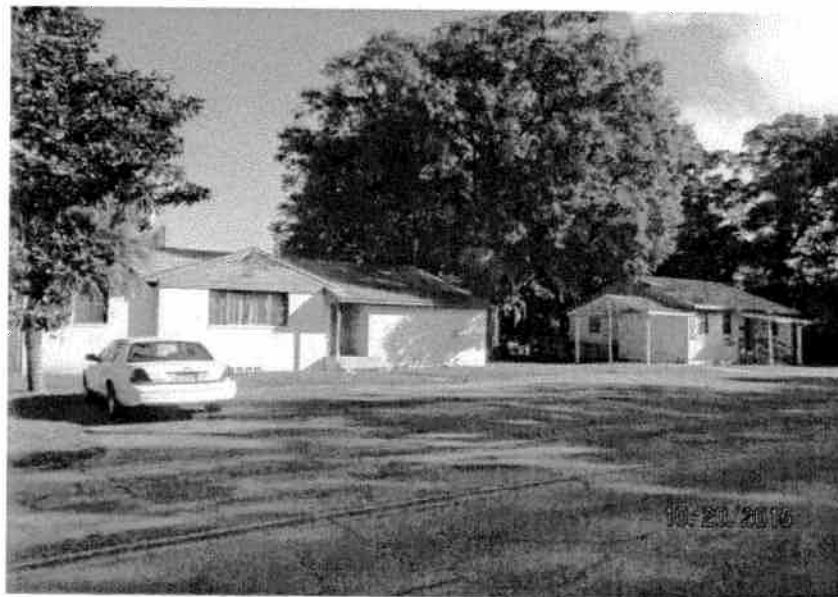
View looking west off right-of-way from subject property

Source: City of Jacksonville, Planning & Development Department
Date: October 20, 2015



View of professional offices located west

Source: City of Jacksonville, Planning & Development Department
Date: October 20, 2015



Commercial office to the adjacent west of subject site

Source: City of Jacksonville, Planning & Development Department
Date: October 20, 2015



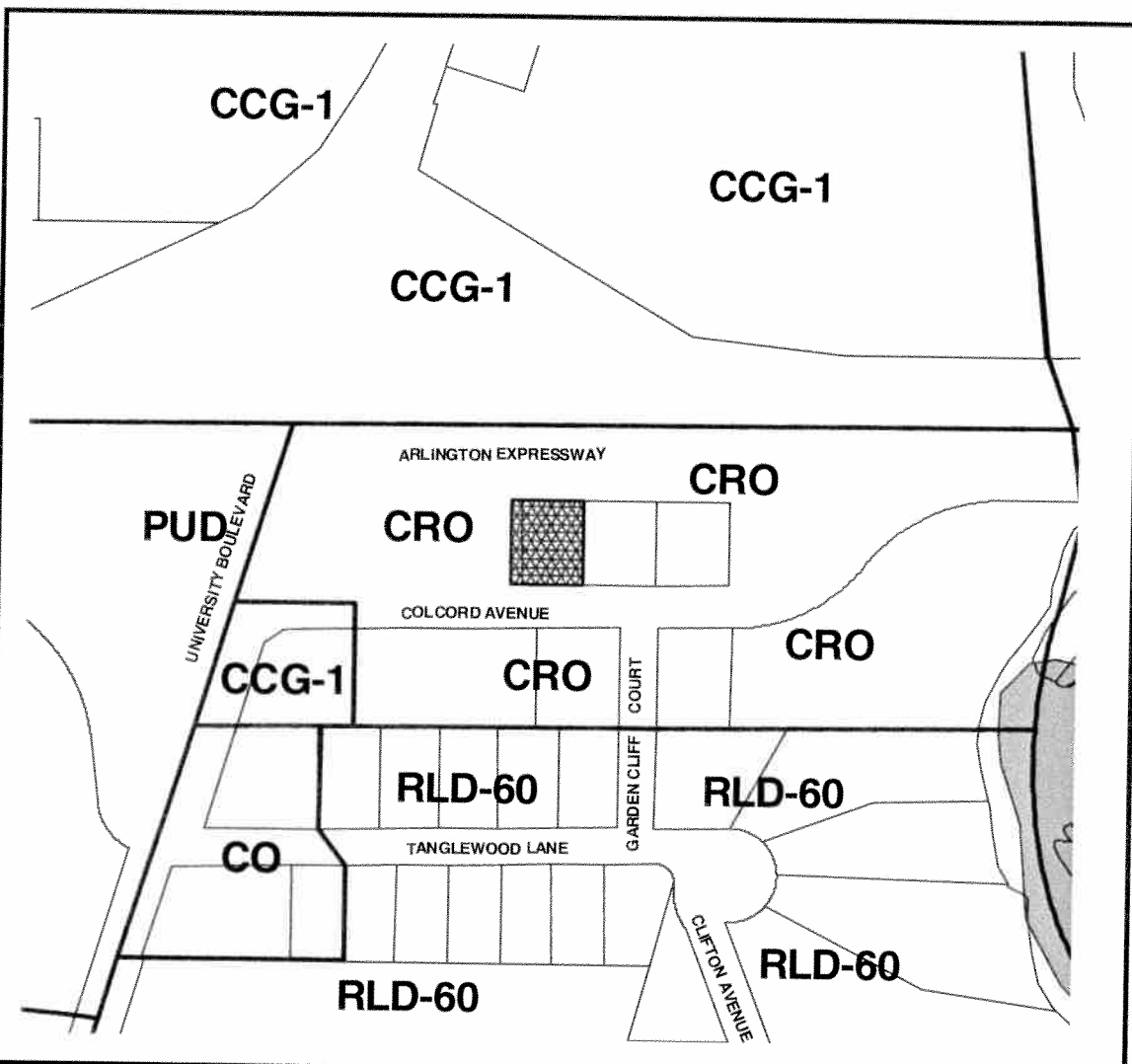
Commercial shopping center located north of subject site

*Source: City of Jacksonville, Planning & Development Department
Date: October 20, 2015*



Aerial of subject property

Source: City of Jacksonville, Geographic Information System
Date: October 20, 2015



<p>REQUEST SOUGHT:</p> <p>FROM: CRO</p> <p>TO: CN</p>		
<p>ORDINANCE NUMBER: ORD-2015-0487</p>	<p>TRACKING NUMBER: T-2015-0836</p>	<p>0 100 Feet</p> <p>COUNCIL DISTRICT: 1</p> <p>Exhibit 2</p>