

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR**

**APPLICATION FOR REZONING 2017-0381**

**JUNE 22, 2017**

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 **2017-0381**.

***Location:*** 3901 Carmichael Avenue  
North side of Carmichael Avenue, east of Beach  
Boulevard

***Real Estate Numbers:*** 129555 0100

***Current Zoning:*** Residential Medium Density-D (RMD-D)  
Commercial Residential Office (CRO)

***Proposed Zoning:*** Commercial Residential Office (CRO)

***Current Land Use Category:*** Medium Density Residential (MDR)  
Residential Professional Institutional (RPI)

***Proposed Land Use Category:*** Residential Professional Institutional (RPI)

***Planning District:*** Greater Arlington Beaches, District 2

***Applicant / Agent:*** Paul Harden, Esq.  
501 Riverside Avenue, Suite 901  
Jacksonville, FL 32202

***Owner:*** Mick Vorbeck  
Ellenton Investment, Inc.  
4470 Northgate Court  
Sarasota, FL 34234

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

### **GENERAL INFORMATION**

Application for Rezoning **2017-0381** seeks to rezone approximately 2.94 acres Residential Medium Density-D (RMD-D) and Commercial Residential Office (CRO) to CRO. The subject property is located within both the Medium Density Residential (MDR) and Residential Professional Institutional (RPI) functional land use categories as defined by the Future Land Use Map (FLUM) series contained in the Future Land Use Element (FLUE) as adopted as part of the 2030 Comprehensive Plan. There is a companion Application for a Semi-Annual Land Use Amendment to the Future Land Use Map Series **2017C-009 (Ordinance 2017-0380)** that seeks to amend the land use category from MDR and RPI to RPI. Staff is recommending that Ordinance 2017-0380 be **approved**.

The applicant is requesting to rezone the RMD-D half of the property to CRO in order to bring the lot into a contiguous zoning district that is compatible with the existing development of the property and adjoining parcels to the east.

### **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 subject property features a split land use which is the Medium Density Residential (MDR) and Residential Professional Institutional (RPI) functional land use categories according to the FLUMs (Future Land Use Map series) adopted as part of the 2030 Comprehensive Plan. There is a companion application for Semi-Annual amendment to the Future Land Use Map Series **2017C-009 (Ordinance 2017-0380)** that seeks to amend the land use category from MDR and RPI to RPI, which staff has provided a recommendation to approve.

The CRO zoning district is a primary zoning district in the RPI category. The Residential Professional Institutional (RPI) land use category is a mixed-use category intended to accommodate office, limited commercial retail and service establishments, institutional

and medium density residential uses. Large scale institutional uses, which require supporting residential and office components, are also permitted; as are office-professional uses as well as mixed use development utilizing the “Traditional Neighborhood Design” (TND) concept, which are predominantly residential but also include a broad mixture of supporting recreational, commercial, public facilities and services, subject to the standards and criteria in the Land Development Regulations.

Therefore, the proposed rezoning will be 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. This rezoning is supported by the following Objectives and Policies of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

*Future Land Use Element (FLUE) 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 proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

*FLUE Policy 1.1.10*

Gradual Transition of densities and intensities between land uses in conformance with the provisions of this element shall be achieved through zoning and developmental review process.

*FLUE Policy 1.1.22*

Future development orders, development permits and plan amendments shall maintain compact and compatible land use patterns, maintain an increasingly efficient urban service delivery system and discourage urban sprawl as described in the Development Areas and the Plan Category Descriptions of the Operative Provisions.

*FLUE Policy 3.1.3*

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

*FLUE Policy 3.2.1*

The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

*FLUE Policy 3.2.4*

The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, and does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

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

No. It is the opinion of the Planning and Development Department that the proposed rezoning will not be in conflict with any portion of the City's land use regulations. The proposed zoning district would be compatible with the adjoining properties to the east and with the general character of the surrounding area. Additionally, currently the east half of the subject parcel is zoned CRO; the rezoning of the western half of the parcel will create a contiguous zoning district for the entire parcel. Finally, the companion land use application 2017C-009 (2017-0380) would amend the land use category to a compatible land use category.

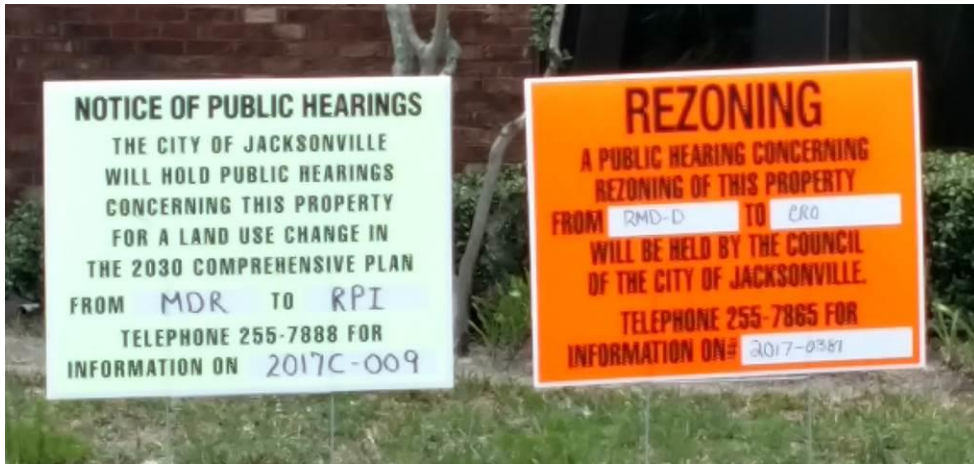
**SURROUNDING LAND USE AND ZONING**

The subject property is located on the north side of Carmichael Avenue, east of Beach Boulevard. The surrounding uses, 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	RMD-D/CRO	MDR/RPI	Multi-family/Single-family
East	CRO	RPI	Single-family
South	CRO/PUD/PBF-2	RPI/PBF	Offices/Cemetery
West	RMD-D	MDR	Multi-family

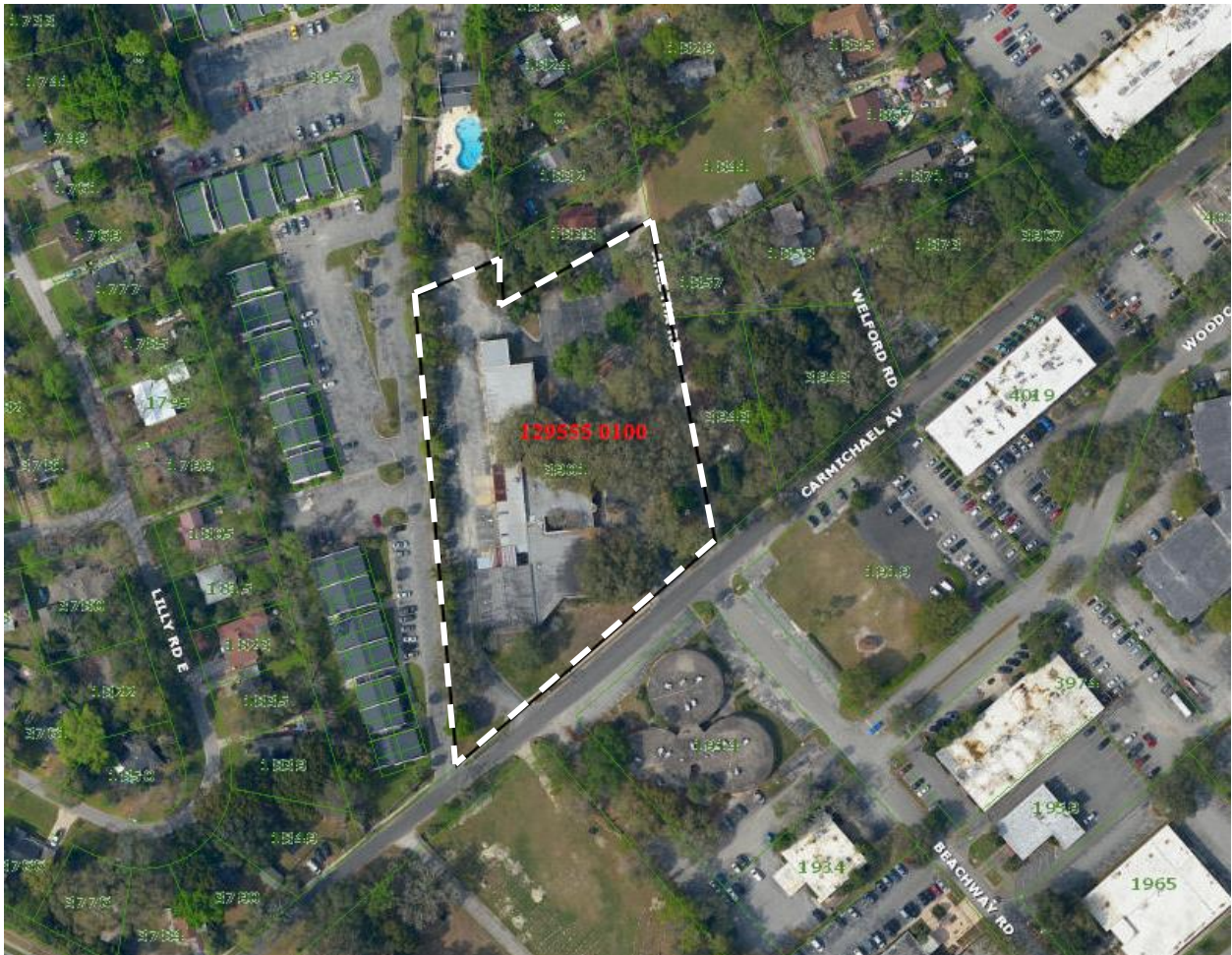
**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on May 31, 2017, 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 **2017-00381** be **APPROVED**.



**Aerial**

*Source: Staff, Planning and Development Department  
Date: 05.22.2017*





**Subject Property**

*Source: Staff, Planning and Development Department*

*Date: 05.22.2017*



**Office use to the south of subject property**

*Source: Staff, Planning and Development Department*

*Date: 05.22.2017*





**Multi-family property to the west of subject property**  
*Source: Staff, Planning and Development Department*  
*Date: 05.22.2017*

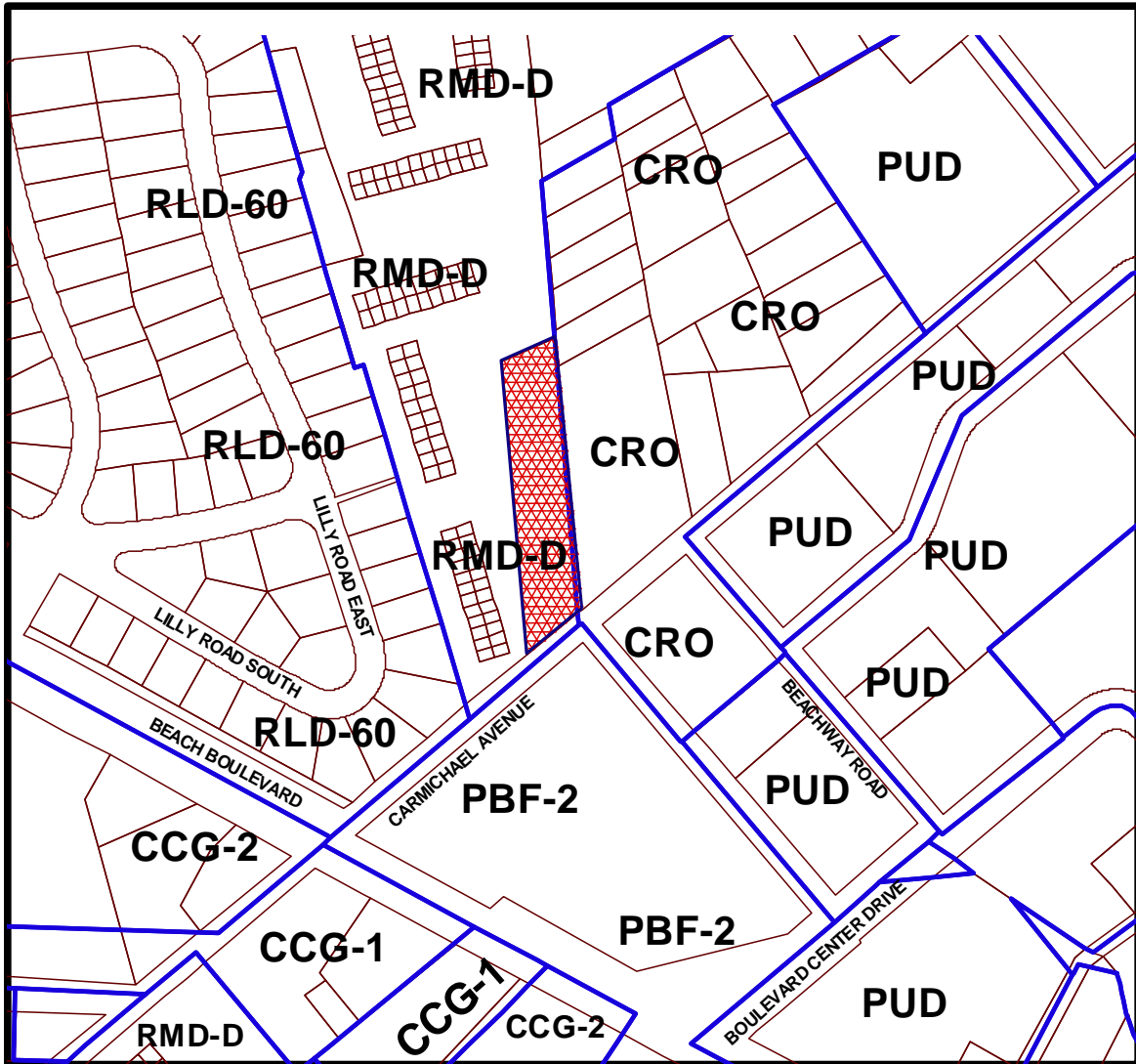


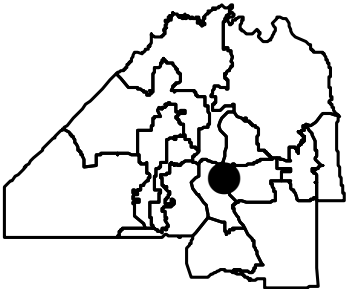
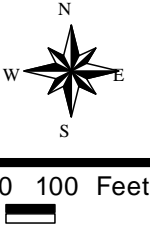
**Cemetery to the southwest of subject property**  
*Source: Staff, Planning and Development Department*  
*Date: 05.22.2017*





**Single-family to the east of subject property**  
*Source: Staff, Planning and Development Department*  
*Date: 05.22.2017*



<p>REQUEST SOUGHT:</p> <p>FROM: RMD-D</p> <p>TO: CRO</p>		 <p>COUNCIL DISTRICT: <b>05</b></p> <p>Page 1 of 1</p>
<p>TRACKING NUMBER: <b>T-2017-1436</b></p>		