

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING 2017-0630

OCTOBER 5, 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 **2017-0630**.

Location: 0 University Boulevard
Southside of University Boulevard between Sandra
Road and Holly Avenue

Real Estate Numbers: 128841 0010, 128842 0000

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

Proposed Zoning: Residential Office (RO)

Current Land Use Category: Low Density Residential (LDR)

Planning District: Greater Arlington Beaches, District 2

Applicant / Agent: John Bayley
Interplan, LLC
604 Courtland Street, Suite 100
Orlando, FL 32804

Owner: Jonathan Brumleve
Professional Resource Development, Inc.
1200 Network Centre Drive
Effingham, IL 62401

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Rezoning **2017-0630** seeks to rezone approximately 0.18 acres Residential Low Density-60 (RLD-60) to Residential Office (RO). The subject properties are located within Low Density Residential functional land use category 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. The applicant is requesting to rezone the subject parcels to provide additional parking for the existing dental office located at the southeast corner of University

Boulevard and Sandra Road. Currently patients and staff park within the right of way along Sandra Road and due to the number of cars typically on site, stacking of vehicles is a frequent occurrence which can cause dangerous parking situations for patients and staff as well as other motor vehicles. The dental office is currently zoned Commercial Office (CO).

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 properties are for a rezoning to allow for a parking lot to serve an abutting dentist office. The dentist office is in the Residential Professional Institutional (RPI) land use category and the existing land use for the subject properties is Low Density Residential (LDR) a functional land use category according to the Future Land Use Map series (FLUMs), adopted as part of the *2030 Comprehensive Plan*. LDR in the Urban Area is intended to provide low density residential development. Commercial retail sale and service establishments can be considered a secondary use when the site is located at the intersection of roads classified as collector or higher on the Functional Highway Classification Map. However, logical extensions and expansions of pre-existing commercial retail sales and service establishments are exempt from the roadway classification and intersection requirements. Secondary uses are subject to the provisions of the *2030 Comprehensive Plan* and all applicable Land Development Regulations. New neighborhood commercial uses shall not be allowed, as secondary uses, where such uses would constitute an intrusion into an existing single-family neighborhood. Maintaining the LDR land use category on the site will not foster a pattern of land use changes in the area that could encroach in the residential areas. The LDR land use further protects from commercial encroachment in the neighborhood.

The parking area site is located off of University Boulevard which is classified as a collector roadway. The abutting dental office is located at the corner of University Boulevard and Sandra Road, a local roadway. Currently, the parking for the dental office is along Sandra Road. According to the applicant, patients' vehicles are currently being

double parked in the existing parking area, creating a dangerous situation. Additionally, the existing parking area is along the local road (Sandra Road) and is surrounded by residential properties; the overflow of parked cars is intruding into an established residential neighborhood. The proposed parking area would allow patients to park along University Boulevard, the collector roadway, and potentially alleviate additional traffic and dangerous situations from overflow parking along Sandra Road while controlling the visual nuisance. According to the Property Appraiser's database, the existing commercial use, the dental office, was constructed in 1968 and does not appear to have undergone any additions or expansions. The proposed use of the subject properties to serve as a parking area for the abutting dental office is a logical extension of the neighboring pre-existing service establishment. The Residential Office (RO) zoning district is an allowed secondary zoning district in the LDR land use category.

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) Policy 1.1.9

Permit development only if it does not exceed the densities and intensities established in the Future Land Use Element as defined by the Future Land Use map category description and their associated provisions.

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 1.1.16

Require mitigation of adverse land use impacts on adjacent uses during development and redevelopment through:

1. Creation of like uses;
2. Creation of complementary uses;
3. Enhancement of transportation connections;
4. Use of noise, odor, vibration and visual/aesthetic controls; and/or
5. Other appropriate mitigation measures such as requirements for buffer zones and landscaping between uses.

FLUE Policy 2.2.4

Maintain existing stable neighborhoods through coordinated rehabilitation and conservation action by the Building Inspection Division and Planning and Development Department. Protect residential areas from encroachment by incompatible land uses through proper zoning, and from through or heavy traffic by use of buffers and other mitigating measures.

FLUE Goal 3

To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

FLUE Policy 3.1.21

The City shall provide design standards in the Land Development Regulations to ensure compatibility with adjacent uses and to protect neighborhood scale and character through transition zones, bulk, massing, and height restrictions. The City shall consider the feasibility and effectiveness of developing design standards for each Development Area, not to include the Central Business District which has established design standards.

FLUE Policy 3.2.3

The City shall prohibit the expansion or replacement of commercial uses that do not meet applicable locational criteria of the 2030 Comprehensive Plan and have an adverse impact on adjoining or nearby uses. Consider office and high density residential development as a viable alternative in land use reviews.

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.

FLUE Policy 3.2.6

The City shall encourage neighborhood commercial uses to be located within one quarter mile of the intersections of roads classified as collector or higher on the Functional Highway Classification Map, except when such uses are an integral component of a mixed-use development. Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Rural Village or similar development. The City should prohibit the location of neighborhood commercial uses interior to residential neighborhoods in a manner that will encourage the use of local streets for non-residential traffic.

The proposed rezoning has been identified as being related to the following issues identified in the 2030 Comprehensive Plan:

Old Arlington Neighborhood Action Plan

This rezoning request is located within the boundaries of the Old Arlington Neighborhood Action Plan (2007). The recommendations for future development made by the Neighborhood Action Plan (NAP) focus on the desire to make the area more visually appealing and to discourage commercial developments from locating near single-family residential communities. The NAP suggests that commercial areas be reused rather than allowing new areas for commercial use. This site is surrounded by single-family residential uses; the existing dental office is shown as an existing office use on the NAP's current use map.

The NAP continues stating the intensification of commercial parcels where there are adjacent single-family residential uses may begin to erode the character of the area and have a detrimental effect on the viability of the residential uses over time. "It is recommended that future requests for intensification of zoning (through exceptions, rezonings, or Planned Unit Developments) should not be supported by the Planning and Development Department unless it can be demonstrated that there will be a benefit to the neighborhoods, including adjacent or nearby residential uses." The proposed parking area will remain in the LDR land use category requiring any future development to be consistent with this category and its limitations. The parking area will remove vehicle stacking of cars along the local road (Sandra Road) which is a visual nuisance to the surrounding neighborhood and a dangerous traffic concern. The parking could serve as a gradation of use and intensity with the abutting and surrounding residential area. The parking area could negatively the residential character of the existing.

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. However, the proposed zoning district would not be compatible with the adjoining residential zoning district and would allow the potential commercialization of the surrounding area. However, the rezoning would allow for the site to be used for additional parking for the adjoining dental office which would relieve the existing parking along Sandra Road.

SURROUNDING LAND USE AND ZONING

The surrounding uses, land uses, and zoning districts are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	LDR	RLD-60	Church
East	LDR	RLD-60	Single-family
South	LDR	RLD-60	Single-family
West	RPI	CO	Medical office

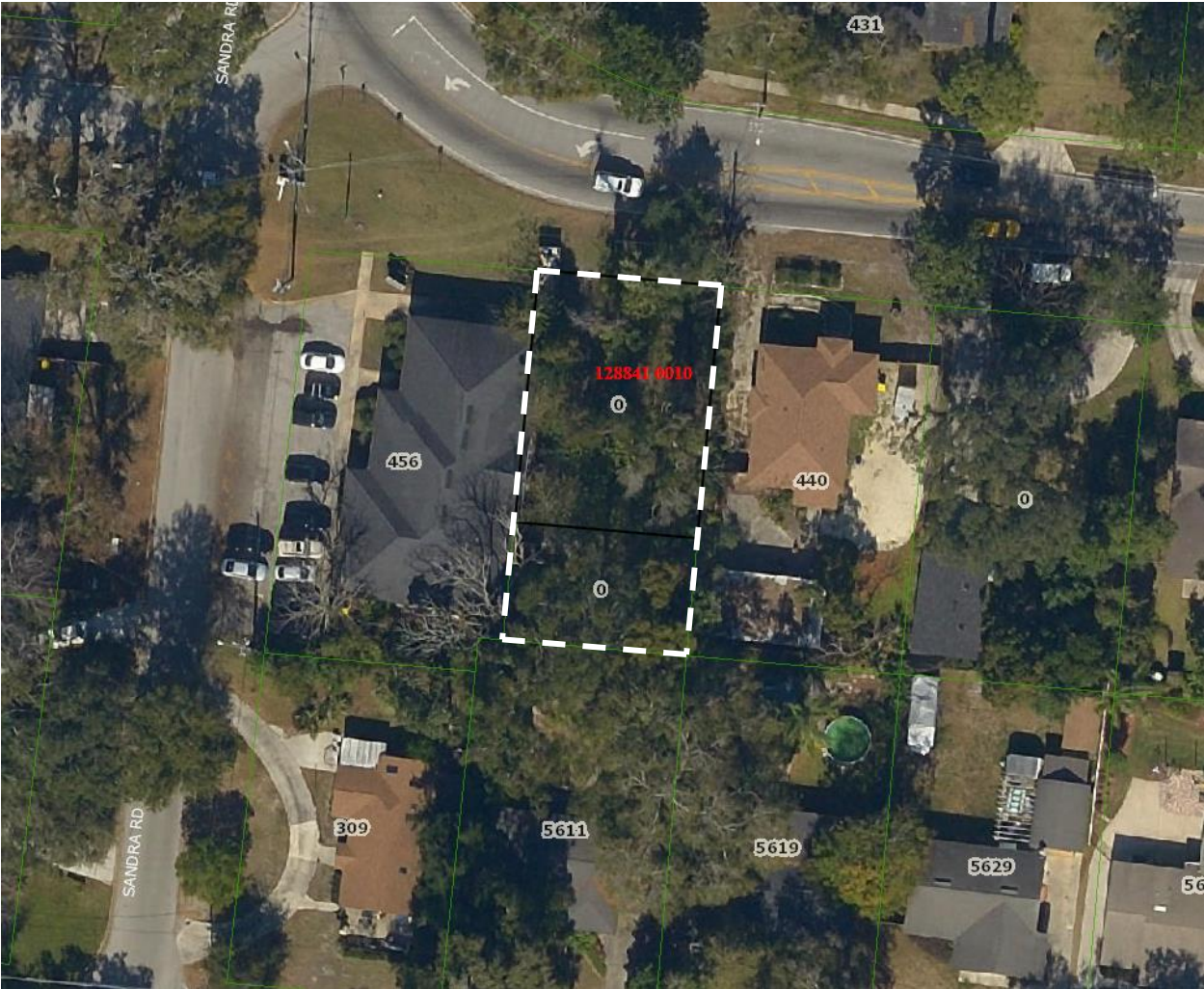
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on September 20, 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 **2017-00630** be **DENY**.



Aerial

*Source: Staff, Planning and Development Department
Date: 08.18.2017*



Subject Property

*Source: Staff, Planning and Development Department
Date: 09.20.2017*



Adjoining property to the east

*Source: Staff, Planning and Development Department
Date: 09.20.2017*



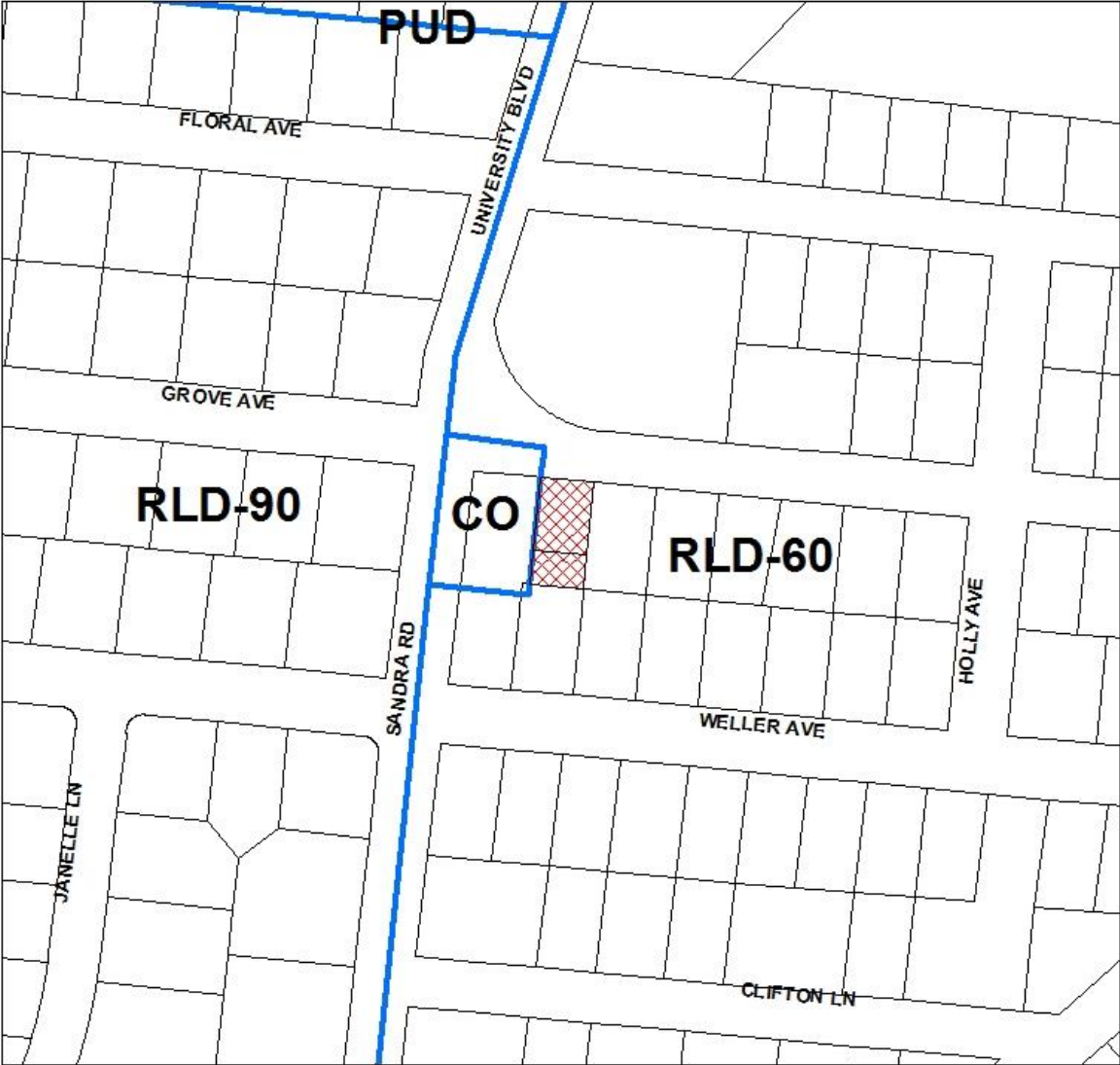
Adjoining property to the west, associated dental office
Source: Staff, Planning and Development Department
Date: 09.20.2017

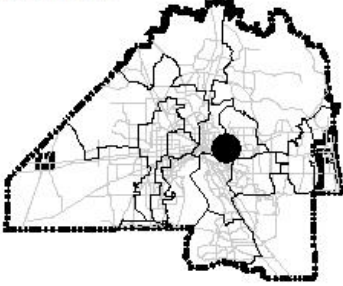



Stacked parking along Sandra Road associated with dental office
Source: Staff, Planning and Development Department
Date: 09.20.2017



Adjoining property to the north, across University Boulevard
Source: Staff, Planning and Development Department
Date: 09.20.2017



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-60</p> <p>TO: RO</p>	<p>LOCATION MAP:</p> 	 <p>0 62.5 125 250 Feet</p> <p>COUNCIL DISTRICT: 1</p>
<p>ORDINANCE NUMBER: ORD-2017-0630</p>	<p>TRACKING NUMBER: T-2017-1498</p>	<p>Page 1 of 1</p>