

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR
APPLICATION FOR REZONING 2016-247

MAY 5, 2016

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 **2016-247**.

Location: 9120 Cocoa Avenue
Between Mill Creek Road and Lamson Street

Current Zoning District: Residential Medium Density-A (RMD-A)

Proposed Zoning District: Commercial Community/General-2 (CCG-2)

Current Land Use Category: Medium Density Residential (MDR)

Proposed Land Use Category: Community/General Commercial (CGC)

Planning District: Greater Arlington/Beaches, District 2

Planning Commissioner: Chris Hagan

City Council District: The Honorable Joyce Morgan, District 1

Applicant/Agent: Calvin L. Burney
Transportation Planning Group, Inc.
13909 Soutel Drive
Jacksonville, Florida 32208

Owner(s): Mounir Itani
Sarah Enterprises, LLC
9120 Cocoa Avenue
Jacksonville, Florida 32211

Staff Recommendation: **DENY**

GENERAL INFORMATION

Application for Rezoning **2016-247** seeks to rezone approximately 0.19-acre parcel of land from RMD-A to CCG-2 zoning district. The parcel has a dilapidated mobile home that will be

removed. The property owner intends to use the parcel for vehicle storage for the automotive repair business that is located directly south across the street at 9120 Cocoa Avenue.

The project is located with the Woodland Acres Neighborhood Action Plan and is a part of the Woodland Acres Land Use and Zoning Study area.

There is a companion Application for Small Scale Land Use Amendment to the Future Land Use Map Series of the 2030 Comprehensive Plan, **Ordinance 2016-0246 (Application 2016C-004)** requesting to change the functional land use category of the subject property from Medium Density Residential (MDR) to Community General Commercial (CGC). The Planning and Development Department has submitted its report on the companion Small-Scale Land Use Amendment 2016C-004 and recommends that the same be **denied**.

The proposed amendment is inconsistent with the Woodland Acres Neighborhood Plan Study and the Land Use and Zoning Study. A proposed zoning plan for Woodland Acres was developed in 1978 to “better suit the community’s needs”. One of the stated reasons was to discourage encroachment of commercial use.

The Woodland Acres Land Use and Zoning Study (2007) echoes the sentiments of the earlier study. The 2007 study states:

Given the mix of uses in the census tract encompassing the study area, Woodland Acres is sufficiently served by commercial acreage without any changes to existing land use designations. The commercial development needs to be built so as to be a good neighbor to residential development because of the location of commercial land use categories adjacent to residential categories. (Page 20)

The Department is recommending that land use amendments not be supported in the Woodland Acres area, unless they can be determined to enhance neighborhood character and be consistent with the guidelines and findings of this Study. (Page 21)

The Planning and Development Department recognizes the development pressure within the Woodland Acres study area. Woodland Acres has the opportunity to be developed and redeveloped into a walk-able community that provides the residents different types of housing, schools, retail and recreational uses.

The subject property is located within the boundaries of the Arlington/Beaches Vision Plan. The Plan encourages compatibility with existing neighborhoods with an overall goal to enhance neighborhoods. The amendment is inconsistent with the following objectives of the plan:

Objective 1.1.2 Building use, scale and character should be compatible with neighborhoods.

Objective 2.1.3 Cultivate neighborhood stability by protecting residential area from incompatible uses. The paramount goal is the enhancement of the neighborhoods.

Objective 2.3.2 Non-residential sighting criteria shall be compatible with neighborhood scale, character and enhance quality of life.

The proposed amendment encourages further encroachment of non-residential development adjacent to an established single-family neighborhood. Furthermore, nearby commercial uses, as well as those directly abutting the site, are in large part auto-oriented and have established a pattern of auto oriented use which would extend onto the subject property should the land use change be approved. Additional encroachment of intense commercial uses into the Woodland Acres neighborhood threatens the stability of the existing residential uses. Therefore, the proposed amendment is inconsistent with the recommendations set forth in the Arlington/Beaches Vision 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. The Planning and Development Department finds that the subject property is located in a Medium Density Residential (MDR) functional land use category according to the FLUMs (Future Land Use Map series) adopted as part of the 2030 Comprehensive Plan. The MDR future land use category is intended to provide compact medium to high density residential development and transitional uses between low density residential uses and higher density residential uses, commercial uses and public and semi-public use areas. Multi-family housing such as apartments, condominiums, townhomes and row houses should be the predominant development typologies in this category. MDR is generally intended to provide transitional uses between commercial and single family residential uses.

The CGC Future Land Use Category is intended to provide compact development which should generally be developed in nodal and corridor development patterns while promoting the

revitalization or advancement of existing commercial districts and the use of existing infrastructure through infill development and redevelopment. Development that includes residential uses is preferred to provide support for commercial and other uses. Plan amendment requests for new CGC designations are preferred in locations which are supplied with full urban services and which abut a roadway classified as an arterial or higher on the Functional Highway Classification Map.

The property subject to the proposed amendment is located on Cocoa Avenue, which is classified as a local road, approximately 500 feet from the intersection with Mill Creek Road, also a local road. Therefore, the proposed amendment is not consistent with the CGC Future Land Use Category preference for new designations to be in locations which abut roadways classified as arterial or higher. Additionally, the amendment does not present a situation where expansion of the CGC district constitutes infill development or redevelopment in a manner that promotes the revitalization of an existing commercial district as called for in the CGC Future Land Use Category.

The proposed use has negative impacts on the existing neighborhood by not buffering the existing residential homes to the west, east and north. There will be no transition of scale between the business and existing homes thus not meeting the intent of FLUE Policy 3.1.3. Therefore, while the proposed uses are consistent with the category description of the functional land use category, the intensity and scale of the project is not consistent with the intent of the 2030 Comprehensive Plan.

The applicant has not provided any evidence that the proposed rezoning would serve a legitimate public purpose. Therefore, the proposed rezoning does not meet the standards and criteria under Section 656.125 Limitations on rezoning of land.

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

No. This rezoning would not further the following objective and policies of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

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 development review process.

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 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.

FLUE Policy 3.1.20 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.

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, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

FLUE Policy 4.1.8B The City shall evaluate all proposed amendments to the Comprehensive Plan as to their compliance with the area's vision plan and any existing neighborhood plans and studies. Priority shall be given to those amendments with the greatest potential to further the goals and objectives of the vision plans and neighborhood plans and studies.

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

Yes. The proposed rezoning of the subject parcel from RMD-A to CCG-2 would conflict with the City's land use regulations as it relates to parking of vehicles.

SURROUNDING LAND USE AND ZONING

The 0.77-acre parcel is located on Cocoa Avenue between Mill Creek Road and Orkney Road. Surrounding land uses, zoning districts and uses are as follows:

Adjacent Property	Land Use Category	Zoning District	Current Use(s)
North	MDR	RMD-A	Single family dwellings
East	CGC	CO	Auto dealer (United Imports)
South	CGC	CCG-2	Auto repair garage (ZX Auto Center)
West	MDR	RMD-A	Single family dwellings

Extending the CCG-2 Zoning District across Cocoa Avenue would introduce the CCG-2 Zoning District to a new location and would promote the intensification and encroachment of commercial development in the area. Single-family dwellings that surround and are immediately adjacent to the subject property will be negatively impacted with noise, vibrations and light glare. Therefore, the requested CCG-2 Zoning District is inconsistent and incompatible with the character of the mixed use neighborhood.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on April 20, 2016, 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 **2016-247** be **DENIED**.



Aerial view of property.



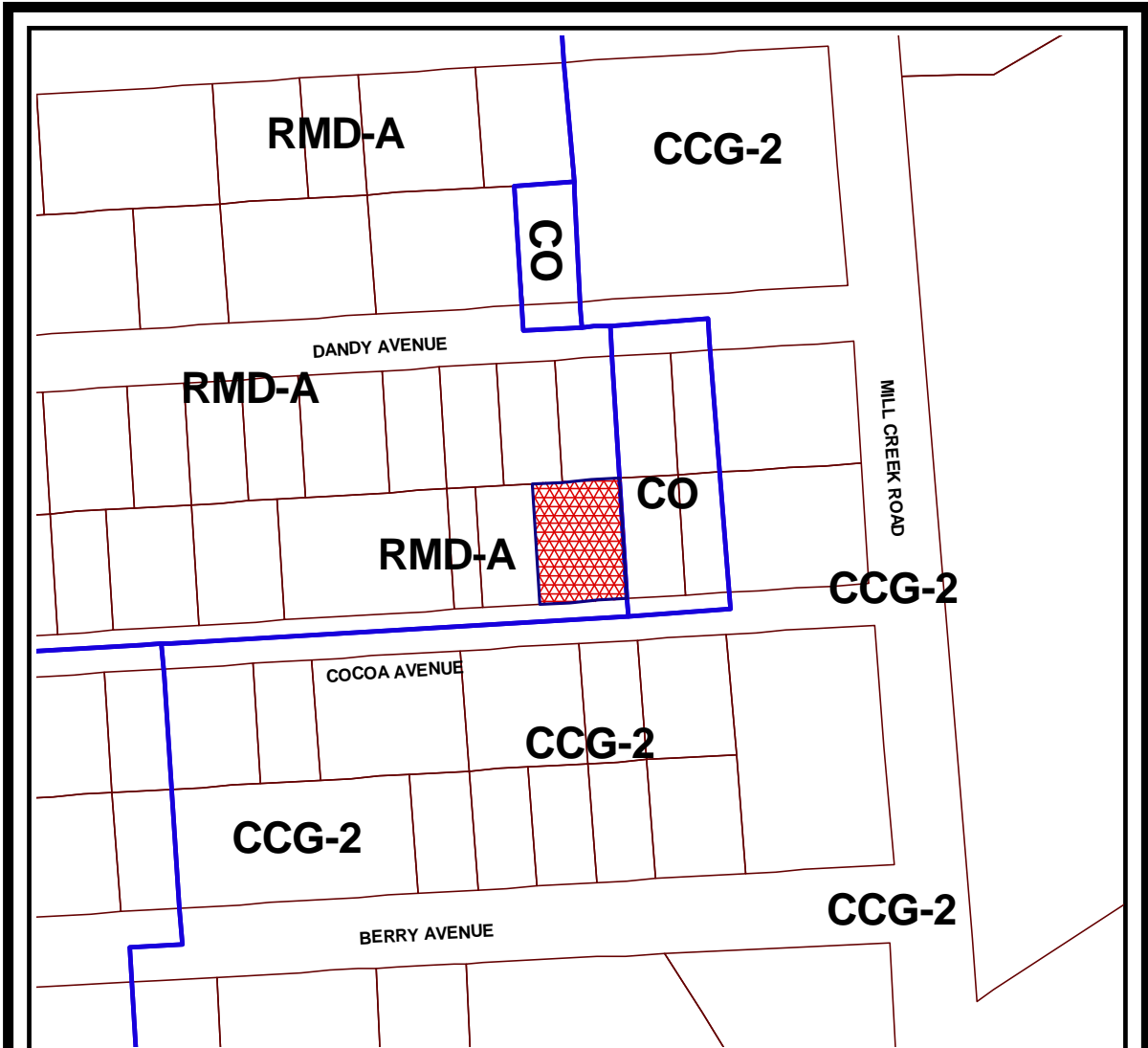
Autos parking within the right of way.



Autos parking within the right of way.



View of subject property.



<p>REQUEST:</p> <p>FROM: RMD-A</p> <p>TO: CCG-2</p>		
<p>ORDINANCE NUMBER: ORD-2016-0247</p>	<p>TRACKING NUMBER: T-2015-1074</p>	<p>COUNCIL DISTRICT: 1</p> <p>Page 1 of 1</p>