

**ZONING AMENDMENT  
& SIDEWALK WAIVER STAFF REPORT****Date: August 18, 2005****NAME**

Angel C. Robinson

**LOCATION**1750 Navco Road  
(North side of Navco Road at the North terminus of  
Columbus Avenue)**CITY COUNCIL  
DISTRICT**

District 4

**PRESENT ZONING**

R-1, Single-Family Residential

**PROPOSED ZONING**

I-1, Light Industry

**AREA OF PROPERTY**

0.42± acres

**CONTEMPLATED USE**

Millwork and shutter shop

**It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.**

**REASON FOR REZONING**

ordinance necessary and desirable.

Changes in conditions in the area make a change in the

**TIME SCHEDULE  
FOR DEVELOPMENT**

Completion within one year

**ENGINEERING  
COMMENTS**

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**TRAFFIC ENGINEERING  
COMMENTS**

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards.

**URBAN FORESTRY  
COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 60" Live Oak Tree and 48" Live Oak Tree located on the North East side of existing wood framed

building. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

**REMARKS**

The applicant is requesting Rezoning and Sidewalk Waiver approval, to rezone a parcel from R-1, Single-Family Residential, to I-1, Light Industrial, for construction of a millwork and shutter shop, which is an I-1 use.

The site is triangular in shape, and is bounded by CSX railroad and Interstate-10 rights-of-way to the North, which combined are approximately 480 wide; Navco Road to the Southeast, with a 60-foot right-of-way; and an unopened right-of-way to the West, which separates the site from a large area of I-1 zoned property. The site is 0.42± acres and is a legal lot of record.

The Zoning Ordinance states that an amendment is to be made only when one or more of the following conditions prevail: there is a manifest error in the ordinance; changes in conditions in a particular area make a change in the ordinance necessary and desirable; an increased need for business or industrial sites in addition to sites that are available, make it necessary and desirable to rezone an area or extend the boundaries of an existing district; the subdivision of land into urban building sites makes reclassification necessary and desirable.

The applicant indicates that changes in conditions in the area make this change necessary, stating that adjacent properties are not used residentially; that the site is surrounded by railroad tracks, an interstate, industrially zoned property, a church, a business, and a substation. The applicant further states that this surrounding development makes the site unsuitable for residential use, but that the applicant intends to maintain the residential appearance of the property from the street.

This area is shown on the General Land Use component of the Comprehensive Plan as residential. However, the Comprehensive Plan is meant to be a general guide, not a detailed lot and district plan or mandate for development. The Planning Commission and City Council may consider individual cases based on additional information such as the classification requested, the surrounding development, the timing of the request and the appropriateness and compatibility of the proposed use and zoning classification.

In 2004, the site was granted a variance to allow a custom cabinet and shutter shop, a “light industrial” use. Given that the site is on an isolated piece of property, surrounded by industrial areas, rights-of-way, and commercial uses, the property seems unsuitable for residential use. As the property to the West is zoned I-1, rezoning the site would function as a slight extension of this zoning district. Furthermore, rezoning the site would not seem to negatively impact the largely residential area to the Southeast, as there are a roadway and other non-residential uses between the site and these residences. However, maintenance of the residential appearance, or placement of a buffer along the Navco Road frontage (per Section IV.D.1 of the Zoning Ordinance), should be required to further promote the visual separation of the industrial and residential areas.

Regarding the Sidewalk Waiver, the applicant states that there are no sidewalks in the vicinity of the site; that the vicinity is developed and unlikely to be required to build sidewalks; and that, because the site is surrounded by rights-of-way, the sidewalk would never connect to any other

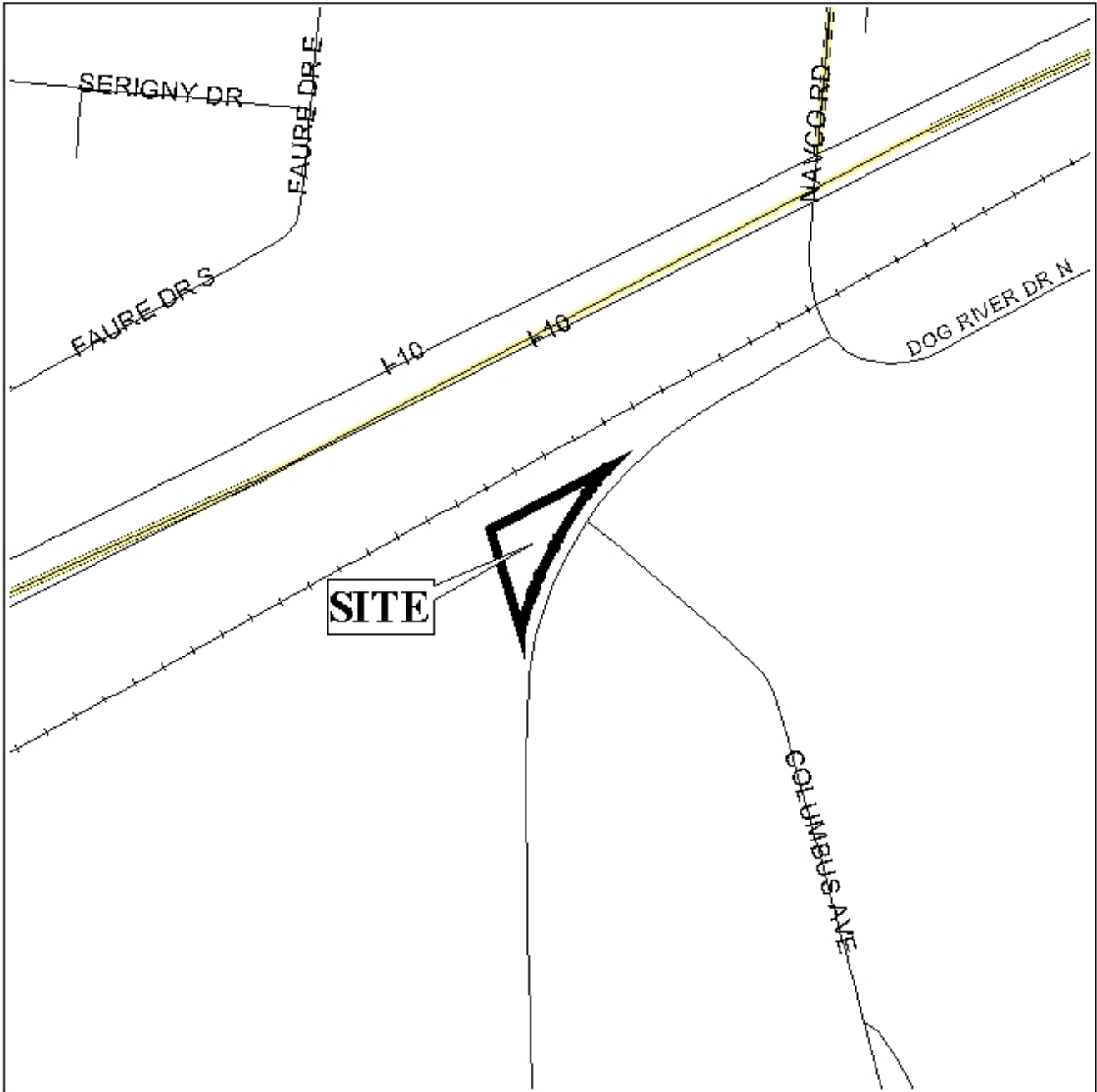
sidewalk. It should be noted that the Commission has rarely allowed the absence of sidewalks in an area as justification for waiving sidewalk requirements. Further, it has been the policy of the Commission to approve sidewalk waivers only in cases where there was an engineering reason or physical barrier that made installation of the sidewalk impracticable.

Aerial photos and a cross-section show that there is an open ditch where the sidewalk would have been constructed; thus, the infrastructure is incompatible with sidewalk construction.

**RECOMMENDATION**      ***Rezoning***      Based on the preceding, the application is recommended for approval, subject to the following conditions: 1) maintenance of the residential appearance of the site, as offered by the applicant, or provision of a buffer along the Navco Road frontage, per Section IV.D.1 of the Zoning Ordinance; 2) compliance with Urban Forestry comments (Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64). Preservation status is to be given to the 60” Live Oak Tree and 48” Live Oak Tree located on the North East side of existing wood framed building. Any work on or under these trees is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger); 3) compliance with landscaping and tree planting requirements of the Ordinance, to be coordinated with Urban Forestry; and 4) full compliance with all municipal codes and ordinances.

***Sidewalk Waiver***      Based on the preceding, it is recommended that this request be granted.

## LOCATOR MAP



APPLICATION NUMBER 5 & 6 DATE August 18, 2005

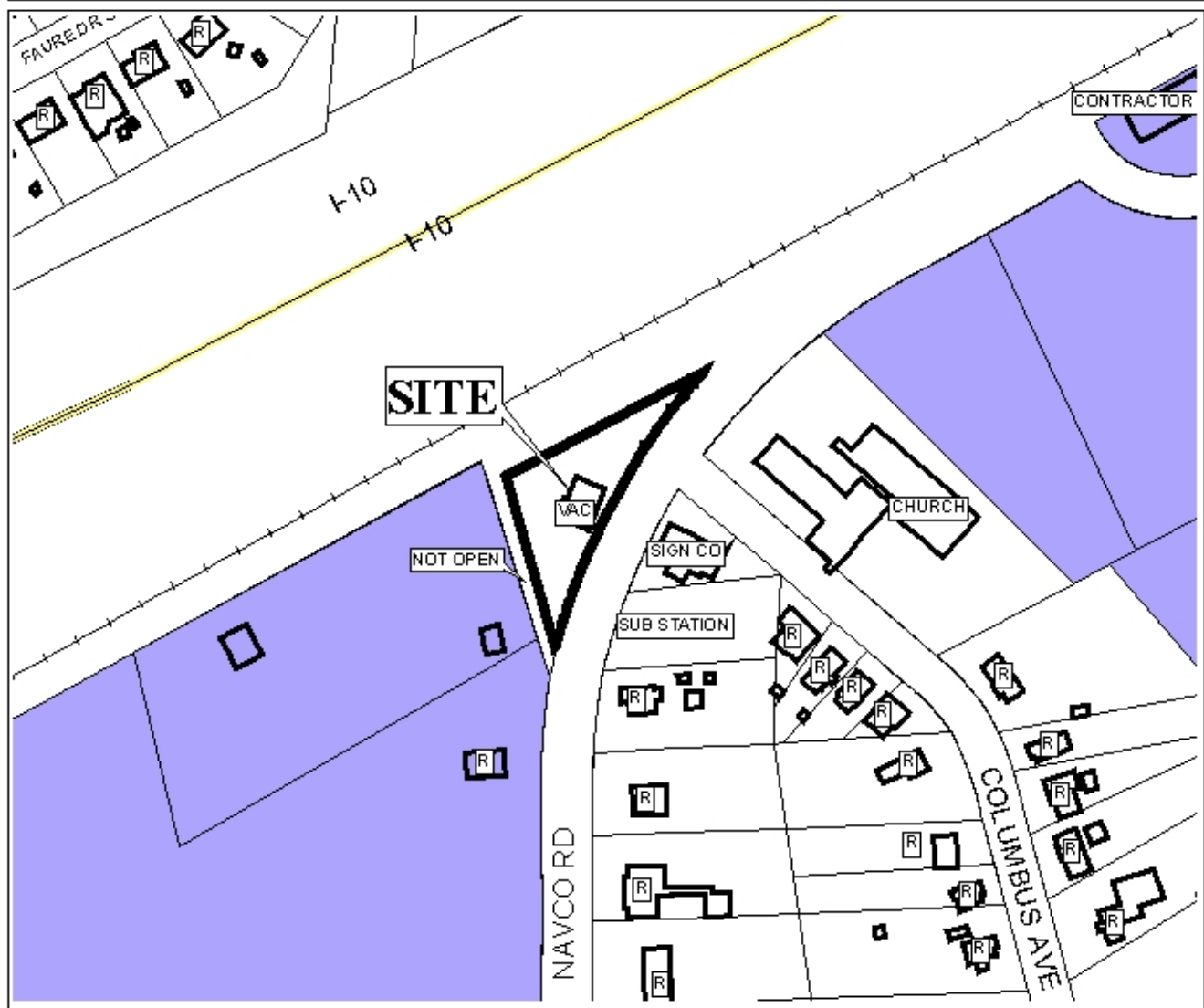
APPLICANT Angel C. Robinson (Ben Cummings, Agent)

REQUEST Rezoning from R-1 to I-1, Sidewalk Waiver



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# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by mixed land use

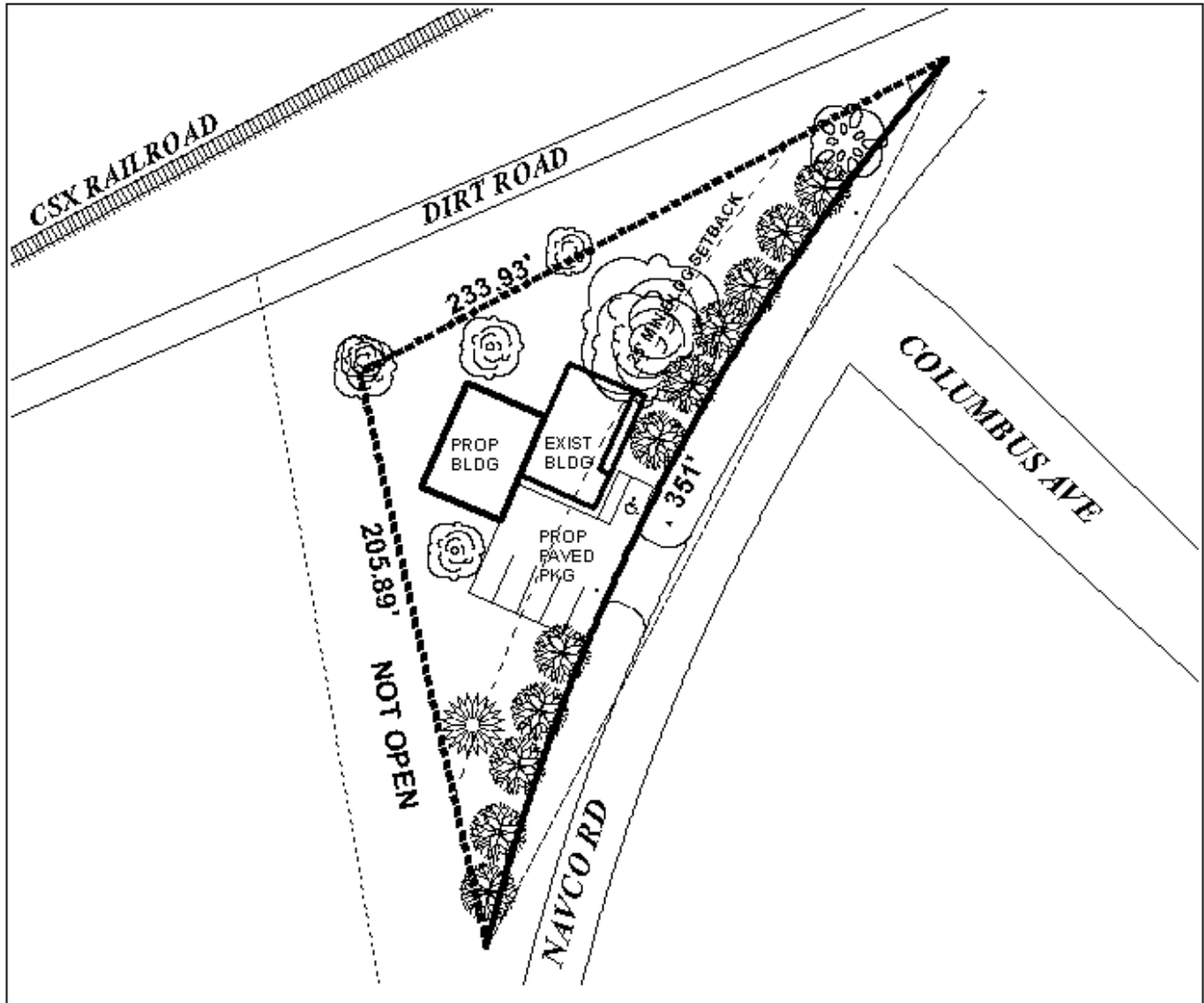
APPLICATION NUMBER 5 & 6 DATE August 18, 2005  
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LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2
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## SITE PLAN



The site plan illustrates the existing buildings and landscaping along with the proposed building, parking, and landscaping.

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