



REQUEST: Rezone from Community Facility (CF) District to Community Business (CB) District

CASE NUMBER	UDP-Z22015	
APPLICANT	1700 N Andrews, LLC	
AGENT	Debbie Orshesky, Esq.	
GENERAL LOCATION	1700 North Andrews Avenue (Eastern Portion of Parcel)	
EXISTING ZONING	Rezoning from Community Facility (CF) District	
PROPOSED ZONING	Community Business (CB) District	
LAND USE	Commercial	
COMMISSION DISTRICT	2 - Steven Glassman	
NEIGHBORHOOD ASSOCIATION	South Middle River Civic Association	
LOT SIZE	18,439 Square Feet (0.42 Acres)	
APPLICABLE ULDR SECTIONS	47-24.4., Rezoning 47-25.2., Adequacy Requirements	
NOTIFICATION REQUIREMENTS	Sec. 47-27.6, Sign Notice Sec. 47-27.4, Public Participation Sec. 47-27.6 Mail Notice	
SECTION 166.033, FLORIDA STATUTES	180-day Expiration Date	Extension Date (s)
	February 1, 2023	N/A
ACTION REQUIRED	Recommend the City Commission Approve the Rezoning, Recommend a More Restrictive Zoning District, or Deny the Rezoning	
PROJECT PLANNER	Adam R. Schnell, Urban Planner III	<i>AS</i> <i>CP</i>

PROJECT DESCRIPTION:

The applicant is seeking to rezone the eastern portion of the property located at 1700 North Andrews Avenue from Community Facility (CF) District to Community Business (CB) District. The site is located east of North Andrews Avenue, south of NE 17th Court, and north of NE 16th Place in the South Middle River Civic Association Neighborhood. The entire site is 1.19 acres, The applicant seeks to rezone the westernmost 0.42 acre from CF to CB and the remaining easternmost 0.77 acre from CF to Residential Low Rise Multifamily/Medium (RM-15) Density District, which is requested under an associated rezoning application (UDP-Z22014) also scheduled on this agenda. The site is currently vacant, and the applicant proposes to construct a commercial building on the portion of the site proposed to be rezoned to CB and eleven (11) townhouses on the portion of the property to be rezoned RM-15. The application, area maps, and sketch and legal description are attached as **Exhibit 1**. The applicant's narrative responses to criteria and conceptual site plan are attached as **Exhibit 2**.

REVIEW CRITERIA:

Pursuant to Section 47-24.4.D of the City's Unified Land Development Regulations (ULDR), an application for a rezoning shall be reviewed in accordance with the following criteria:

1. The zoning district proposed is consistent with the City's Comprehensive Plan.

Rezoning the property to CB is consistent with the underlying future land use of Commercial. The proposed rezoning is consistent with the City's Comprehensive Plan applicable goals, objectives, and policies, specifically Future Land Use Element Goal 1, Objective FLU 1.1, Policy FLU1.1.1.9, which ensures the use and densities of the requested zoning district are compliant with the standards of the underlying Future Land Use designation. Reference below section, titled Comprehensive Plan Consistency, for additional information.

2. *The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.*

The proposed rezoning expands the existing CB zoning district southbound along North Andrews Avenue, with an existing CB commercial corridor existing to the north and northwest of the site. It is not anticipated the rezoning will have an adverse impact on the surrounding commercial or residential uses. The CB zoning district is intended to meet the shopping and service needs of the community. The size and scale of development and allowable uses within the CB district are intended to limit impact on the surrounding residential neighborhoods to be served by the commercial business. The location and intention of the CB zoning district serve to provide the abutting community with easily accessible services. Any proposed commercial development abutting or within 100 feet of a residentially zoned and used property will have to comply with neighborhood compatibility requirements, including, but not limited to setbacks, buffer requirements, landscaping, walls, and building height restrictions.

The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

The character of the area proposed is suitable for the uses permitted in the proposed zoning district. The east frontage of the property abuts North Andrews Avenue, a transit corridor. Properties to the north and northwest across Andrews Avenue are zoned CB and contain an education center and restaurant. The intent of the CB zoning district is to support local residential neighborhoods with commercial serving uses and to be situated along corridors, such as North Andrews Avenue. Uses to the north and northwest consist of CB zoning, which are consist with the request. To the east exist single-family homes and townhouses within the RDs-15 and RM-15 zoning districts, containing single family homes, duplexes, townhouses, and multifamily development. Refer to Table 1 for a comparison of permitted uses in each district. For a detailed list of uses, refer to ULDR Section 47-8.10. - List of permitted and conditional uses, CF District and ULDR Section 47-6.10. - List of permitted and conditional uses, CB District.

Table 1: General Comparison of Permitted Uses

Existing Zoning District	Proposed Zoning District
Community Facility (CF)	Community Business (CB)
Public Facilities	Automotive
Utilities	Boats, Watercraft and Marinas
Accessory Uses, Buildings and Structures	Commercial Recreation
Urban Agriculture	Food and Beverage Service
Conditional Uses	Lodging
Cemetery, Crematory, Columbarium, Mausoleum	Public Purpose Facilities
College, University	Retail Sales
Detention Center, Jail	Services/Office Facilities
Helistop	Accessory Uses, Buildings and Structures
Hospital, Medical and Public Health Clinic	Urban Agriculture
Indoor Firearms Range	Conditional Uses
Marina	Marina
Social Service Residential Facility	Mixed Use Developments
Addiction Treatment Center	Social Service Residential Facility
	Hospital
	Adult Gaming Center
	Nursing Home

Reference Table 2 for a general comparison of dimensional requirements for each district. For a complete list of dimensional requirements reference ULDR Section 47-8.30. - Table of Dimensional Requirements and ULDR Section 47-6.20. - Table of dimensional requirements.

Table 2: Comparison of Dimensional Requirements

Requirements	Existing Zoning District	Proposed Zoning District
	Community Facility (CF)	Community Business (CB)
Maximum building height (ft.)	60'	150'
Maximum FAR	1.0	None
Minimum front yard (ft.):	25'	5'
Minimum side yard (ft.):	25'	5'
When Abutting Residential	N/A	10'
Minimum rear yard (ft.):	25'	0'
When Abutting Residential	N/A	15'
Corner yard (ft.)	25'	5'

COMPREHENSIVE PLAN CONSISTENCY

The property is designated Commercial on the City's Future Land Use Map. The proposed rezoning and associated uses are consistent with the Commercial future land use designation. The proposed rezoning is in alignment with Future Land Use Element Goal 1, Objective FLU 1.1, Policy FLU1.1.1.9 which ensures the use and densities of the requested zoning district are compliant with the standards of the underlying Future Land Use designation. The rezoning also promotes local economic development and the enhancement of small business development, furthering the Future Land Use Element, Goal 1, Objective ED 2.3 regarding small business development Initiatives, which prioritizes economic development efforts to attract and induce investment in local small businesses throughout the City.

PUBLIC PARTICIPATION

The application is subject to the public participation requirements established under ULDR Section 47-24.1. F.14. According to the applicant, mail notifications were sent to property owners within 300 feet of the subject property and a virtual public participation meeting was held on June 20, 2022, to offer the neighborhood and surrounding properties the opportunity to learn about the proposed rezoning.

In addition, this request was subject to sign notification requirements established in ULDR, Section 47-27.4. The applicant posted three signs on the property and has met the requirements of this section. The public participation meeting summary and affidavits are attached as **Exhibit 3**.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board shall consider the application and make a determination based on the review criteria of ULDR Section 47-24.4, Rezoning.

If the Planning and Zoning board determines that the application meets the criteria as provided in Section 47-24.4, Rezoning, the Planning and Zoning Board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant.

If the Planning and Zoning Board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the Planning and

Zoning Board shall deny the application and an appeal to the city commission may be filed by the applicant in accordance with Section 47-26B, Appeals.

EXHIBITS:

1. Application, Area Maps, and Sketch and Legal Description
2. Applicant's Narrative Responses to Criteria and Conceptual Site Plan
3. Public Participation Meeting Summary and Affidavits