



REQUEST: Rezoning from Residential Multifamily Mid Rise - Medium High Density (RMM-25) District to Northwest Regional Activity Center-Mixed-Use west (NWRAC-MUw) District

CASE NUMBER	UDP-Z24010		
APPLICANT	6 th on Powerline, LLC.		
AGENT	Stephanie Toothaker, Esquire, P.A.		
GENERAL LOCATION	500 - 538 NW 9 th Avenue and 537 NW 8 th Avenue East of NW 9 th Avenue, West of 8 th Avenue, South of NW 6 th Street Boulevard and North of NW 5 th Street		
PROPERTY SIZE	1.75 acres (75,500 square feet) 70,125 sf or 1.609 acres		
CURRENT ZONING	Residential Multifamily Mid Rise - Medium High Density (RMM-25)		
PROPOSED ZONING	Northwest Regional Activity Center- Mixed-Use West (NWRAC-MUw)		
LAND USE	Northwest Regional Activity Center (NWRAC)		
COMMISSION DISTRICT	3 - Pamela Beasley-Pittman		
NEIGHBORHOOD ASSOCIATION	Historical Dorsey-Riverbend Civic Association		
APPLICABLE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) SECTIONS	47-24.4, Rezoning 47-25.2, Adequacy Requirements		
NOTIFICATION REQUIREMENTS	Section 47-27.4.A.2.c, Public Participation Section 47-27.5.C.1, Mail Notice Section 47-27.5.C.3, Sign Notice		
SECTION 166.033, FLORIDA STATUTES	180-DAY EXPIRATION DATE	EXTENSION DATE (S)	
	March 22, 2025	N/A	
ACTION REQUIRED	Recommend Approval, Recommend Rezoning to a More Restrictive Zoning District, or Deny		
PROJECT PLANNER	Yvonne Redding, Urban Planner III	YMR	

PROJECT DESCRIPTION:

The applicant, Stephanie Toothaker, Esq., on behalf of the property owner 6th on Powerline, is seeking to rezone the properties located at 500 through 538 NW 9th Avenue and 537 NW 8th Avenue totaling 1.75 acres of land from Residential Multifamily Mid Rise-Medium High Density (RMM-25) District to Northwest Regional Activity Center-Mixed Use west (NWRAC-MUw) District. If approved, the NWRAC-MUw district will extend south to NW 5th Street on the west side of the block from NW 6th Street, west to NW 9th Avenue. The subject properties are currently comprised of a single-family residential uses and vacant land. Site plan applications for the subject properties have not been submitted at this time. The location map is attached as **Exhibit 1**. The sketch and legal description of the proposed rezoning is attached as **Exhibit 2**. The application and applicant's narrative responses to review criteria are provided as **Exhibit 3**.

REVIEW CRITERIA:

Pursuant to the City's Unified Land Development Regulations (ULDR) Section 47-24.4.D, Rezoning Criteria, 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 properties to NWRAC-MUw is consistent with its future land use designation Northwest Regional Activity Center (NWRAC). Please refer to the Comprehensive Plan Consistency section herein 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 of the properties to NWRAC-MUw will not adversely impact the character of development in or near the area under consideration. The Northwest-Progresso-Flagler Heights Redevelopment Plan promotes new infill development to help

support local commerce and community revitalization. In addition, rezoning of properties to NWRAC-MUe is in alignment with the goal of supporting redevelopment opportunities and is consistent with the vision outlined in the Northwest RAC Design Guidelines.

- 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 rezoning of the properties to NWRAC-MUw is compatible with the existing and proposed mix of uses in the surrounding area. The properties are surrounded by other properties zoned NWRAC-MUw to the north, RMM-25 to the east, Community Facility: House of Worship (CF-H) and RMM-25 to the south, and Exclusive Use Parking Lot (X-P) and Residential Single Family/Low Medium Density (RS-8) to the west. The proposed rezoning of the properties expands the NWRAC-MUw mixed use zoning southward along NW 9th Avenue, consistent with the underlying NWRAC land use. Further, pursuant to ULDR Section 47-13.29, future developments are required to meet the Northwest Regional Activity Center Design Standards, which include but are not limited to streetscape, building orientation, architectural requirements, open space, vehicular and pedestrian access, building materials, active ground floor uses and facades. These standards will be applied at time of site plan review.

Refer to Table 1, for a comparison of permitted uses in each district. For a detailed list of uses, refer to ULDR Section 47-5.19.- List of Permitted and Conditional Uses, RMM-25 Residential Mid Rise Multifamily/Medium High-Density District and ULDR Section 47-13.10. - List of Permitted and Conditional Uses, Northwest Regional Activity Center-Mixed Use west (NWRAC-MUw).

Table 1: General Comparison of Permitted Uses

EXISTING ZONING DISTRICT	PROPOSED ZONING DISTRICT
RMM-25	NWRAC-MUw
<u>Permitted Uses:</u> Residential Uses Public Purpose Facilities Child Day Care Facilities Accessory Uses, Buildings and Structures Urban Agriculture	<u>Permitted Uses:</u> Automotive Boats, Watercraft and Marinas Commercial Recreation Food and Beverage Sales and Service Lodging
<u>Conditional Uses:</u> Lodging Mixed-Use Development Nursing Home Facilities Child Day Care Facilities	Public Purpose Facilities Residential Uses Services/Office Facilities Storage Facilities
	<u>Conditional Uses:</u> Car Wash, Automatic Charter and Sightseeing Boat Marina Watercraft Repair, Minor Repair Watercraft Sales and Rental, New or Used Communication Towers, Structures, and Stations Hospital, Medical and Public Health Clinic Social Service Residential Facility Child Day Care Facilities Nursing Home Facilities

Refer to Table 2, for a general comparison of dimensional requirements for each district. For a complete list of dimensional requirements reference ULDR Section 47-5.36. - Table of Dimensional Requirements for the RMM-25 District and ULDR Section 47-13.31. - Table of Dimensional Requirements for the NWRAC-MUw District.

Table 2: Comparison of Dimensional Requirements

REQUIREMENTS	EXISTING ZONING DISTRICT	PROPOSED ZONING DISTRICT
	RMM-25	NWRAC-MUw
Maximum building height (ft.)	55 feet	45 feet
Minimum front yard (ft.):	25 feet	5 feet
When Abutting Residential	N/A	15 feet
Minimum side yard (ft.):	5 feet	5 feet
When Abutting Residential	N/A	15 feet
Minimum rear yard (ft.):	15 feet	5 feet
When Abutting Residential	N/A	15 feet
Corner yard (ft.):	No Less than 10 feet	5 feet
Minimum Building Shoulder Height (feet.):	None	25 feet (2 Stories) Min
Maximum Building Shoulder Height (feet.):	None	65 feet (5 Stories) Max

COMPREHENSIVE PLAN CONSISTENCY:

The proposed rezoning is consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element Goal 2, Objective 2.4, which encourages revitalization of redevelopment areas and redevelopment to be consistent with the Northwest/Progresso/Flagler Heights Redevelopment Plan; Goal 2 Objective FLU 2.3: Mixed-Use Development Multimodal Environment, which encourages mixed-use development to help support active and vibrant neighborhoods through well integrated land use combinations.

The City's Future Land Use Map indicates that the properties have a future land use designation of Northwest Regional Activity Center (NWRAC). The proposed rezoning and associated uses are consistent with the NWRAC future land use designation. The intent of the NWRAC is to encourage redevelopment and expansion of employment and housing opportunities within the area.

PUBLIC PARTICIPATION:

The application is subject to the public participation requirements established under ULDR Section 47-24.1.F.14. Per 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 October 14, 2024, to offer the neighborhood and surrounding properties the opportunity to learn about the proposed rezoning. The public participation meeting had one person from the public in attendance. The applicant also attended the Progresso Village Civic Association meeting on October 21, 2024, the Historic Dorsey Riverbend meeting on October 28, 2024, and the Home Beautiful Park meeting on November 6, 2024. The applicant's public participation meeting summary and affidavit are attached as **Exhibit 4**.

In addition, this request was subject to sign notification requirements established in ULDR, Section 47-27.4. The applicant posted five signs on the property and has met the requirements of this section. The photographs of the posted signs and applicant's affidavit are provided as **Exhibit 5**.

PLANNING & ZONING BOARD REVIEW OPTIONS:

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

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. Location Map
2. Sketch and Legal Description
3. Application and Applicant's Narrative Response to Review Criteria
4. Public Participation Meeting Summary and Affidavit
5. Photographs of Posted Public Notice Signs and Affidavit