

**REQUEST:** Site Plan Level IV; Rezoning; from Residential Mid Rise Multifamily/Medium Density District (RMM-25) to Exclusive Use – Parking Lot (X-P) with Commercial Flex Allocation for proposed Restaurant

<b>Case Number</b>	8ZR13
<b>Applicant</b>	North Federal 2650 LLC / Chick-Fil-A
<b>General Location</b>	North of NE 26 Street between Middle River Drive and North Federal Highway
<b>Property Size</b>	37,492 SF (.86 acres)
<b>Zoning</b>	Existing: Residential Mid Rise Multifamily/Medium Density District (RMM-25)  Proposed: Exclusive Use – Parking Lot (X-P)
<b>Existing Use</b>	Vacant Lot
<b>Proposed Use</b>	Parking lot for proposed restaurant
<b>Future Land Use Designation</b>	Commercial, Medium-High Residential
<b>Applicable ULDR Sections</b>	47-9.20, X-District Rezoning Criteria 47-24.4, Rezoning Criteria 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility 47-28, Flexibility Rules 47-23.9, Interdistrict Corridor Requirements
<b>Project Planner</b>	Thomas Lodge, Planner II

**PROJECT DESCRIPTION:**

The applicant proposes to construct a 3,497 square-foot restaurant with a drive-thru component at 2650 N. Federal Highway, north of NE 26<sup>th</sup> Street. The proposal includes the development of a surface parking lot, east of and directly across the alley that lies adjacent to the site and west of Middle River Drive. This 10,000 square-foot (.229 acre) parcel of land is proposed to be rezoned from Residential Mid Rise Multifamily/Medium Density District (RMM-25) to Exclusive Use - Parking lot (X-P) to serve the restaurant use. The associated plat is also scheduled on this agenda. The legal sketch and description of the area to be rezoned is included as part of the plan sets.

**PRIOR REVIEWS:**

The Development Review Committee reviewed the proposal on September 24, 2013. All comments have been addressed.

**REVIEW CRITERIA:**

As per the City’s Unified Land Development Regulations (ULDR) Section 47-24.4.D, 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.

The parking lot site is designated Medium-High Residential on the City’s Future Land Use Map. The X district provides the opportunity for certain low intensity commercial uses to be placed within a residential area in a manner compatible with the residential character of the area. The surface parking will accommodate employee parking and additional restaurant parking and will be buffered with significant landscaping improvements. The X-P zoning designation is consistent with the City’s Comprehensive Plan in that the proposed rezoning is permitted in this land use category, subject to the allocation of commercial flexibility acreage. The property is located in Flex Zone 46, which has 58.75 commercial acres available for allocation. Applicant is requesting an allocation of .229 acres of commercial flexibility.

2. Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.

The surrounding properties across the alley to the west are zoned Boulevard Business (B-1) and have a Commercial Land Use Designation, consistent with the restaurant use. The properties to the north and south are zoned Residential Mid Rise Multifamily/Medium Density District (RMM-25) and have a Medium-High Land Use designation. The properties across Middle River Drive to the east are zoned Residential Single Family/Duplex/Low Medium Density District (RD-15) and have a Low Residential Land Use designation. The proposed rezoning request would result in the development of a surface parking lot and no additional uses which would significantly impact the character of the surrounding area.

3. 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.

This site is currently vacant. The proposed X-P zoning district is intended to be restricted to parking only and serves as a buffer between the existing residential and commercial area. The properties to the east and north of the site include one and two-story single-family homes and duplexes. The properties to the south and west include a mix of commercial uses. The proposed rezoning would not represent a substantial change to the character of the surrounding area.

As per ULDR Section 47-9.20.C, an application for a rezoning to an X district shall be reviewed in accordance with the following criteria:

1. The proposed site and use meet the conditions and performance criteria provided in this section.
2. The height, bulk, shadow, mass and design of any structure located on the site is compatible with surrounding properties and is consistent with the goals and objectives for the location of the property as provided in the comprehensive plan.

There are no structures proposed on the site under application for rezoning to X-P. In association with the rezoning request for the surface parking lot, a one-story, 3,497 square-foot restaurant including a drive thru facility is proposed on the B-1 portion of the development. The proposed restaurant is approximately 22-feet in height, a scale which is generally consistent with other development in the area.

The applicant has provided narrative responses to all criteria, including Section 47-25.2, Adequacy Requirements and Section 47-25.3, Neighborhood Compatibility Requirements provided in the plans sets. Staff concurs with applicant's assessment.

**Parking, Traffic and Circulation:**

Vehicular ingress into the parking lot is provided from Middle River Drive and from the restaurant site across the alley to the west. The lot can also be accessed from the south from the adjacent site. A two-way ingress/egress from North Federal Highway is the primary access for the restaurant site. A total of 38 parking spaces are required for the proposed development. Twenty-three (23) spaces are proposed on the restaurant site, and fifteen (15) are proposed on the X-P site as follows:

As per ULDR Sec. 47-20, Parking Requirements

Restaurant < 4,000 SF (3,800 square feet with outdoor seating) @ 1/100 square feet = 38

**TOTAL** 38 parking spaces required  
38 parking spaces provided

To help with pedestrian connectivity in the area a pedestrian walkway is provided from the existing sidewalk along North Federal Highway to the main entrance of the building, including an outdoor seating area. To help further improve the pedestrian experience in this area, the applicant is also proposing a shaded seating structure within the 20-foot Interdistrict yard requirement. The City's ULDR do not currently permit this structure as proposed. However, staff is currently in the process of drafting amendments to ULDR Sec. 47-23.9, Interdistrict Corridor Requirements to allow these and similar uses in the 20-foot required yard to further a more engaging and pedestrian-friendly, active environment along the corridor. The proposed structure is conditioned upon the approval of the ULDR amendment.

**STAFF FINDINGS:**

Staff recommends the Board approve this request with condition as stated below, and consistent with:

ULDR Sections:

- 47-9.20, X-District Rezoning Criteria
- 47-24.4, Rezoning Criteria
- 47-25.2, Adequacy Requirements
- 47-25.3, Neighborhood Compatibility
- 47-28, Flexibility Rules
- 47-23.9, Interdistrict Corridor Requirements

**Conditions:**

1. The placement of shade structure as currently proposed is subject to approval of ULDR amendment to Section 47-23.9, Interdistrict Corridor Requirements.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

If the Planning and Zoning Board determines that the application meets the criteria as provided in this section, 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.