





REQUEST: Rezoning from Residential Multifamily Mid Rise/Medium High Density (RMM-25) District and Exclusive Use Parking (X-P) to Northwest Regional Activity Center-Mixed Use Northeast (NWRAC-MUne) District

CASE NUMBER	UDP-Z23017	
APPLICANT	Neal H. Mitchell, BDM Ventures Florida LLLP, Wayne P. and Jean M. Shallenberger	
AGENT	Stephanie J. Toothaker, Esq, Toothaker.org	
GENERAL LOCATION	823, 816, 820, 824 #1-5 NW 1st Avenue, 801 N. Andrews Avenue, 804, 808, and 812 NW 1st Avenue	
PROPERTY SIZE	53,970 square feet (1.239 acres)	
CURRENT ZONING	Residential Multi-family Mid-Rise / Medium High-Density (RMM-25) and Exclusive Use Parking (X-P)	
PROPOSED ZONING	Northwest Regional Activity Center – Mixed Use Northeast (NWRAC-MUne)	
EXISTING USE	Multifamily Residential, Retail and Automotive Sales	
LAND USE	Northwest Regional Activity Center	
COMMISSION DISTRICT	2 - Steven Glassman	
NEIGHBORHOOD ASSOCIATION	Progresso Village Civic Association, Inc.	
APPLICABLE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR) SECTIONS	Section 47-24.4, Rezoning Section 47-25.2, Adequacy Requirements	
NOTIFICATION REQUIREMENTS	ULDR Section 47-27.4, Public Participation ULDR Section 47-27.5, Mail Notice 10 days prior to meeting ULDR Section 47-27.5, Sign Notice 15 days prior to meeting	
SECTION 166.033, FLORIDA STATUES	180-DAY EXPIRATION DATE	EXTENSION DATE(S)
	August 21, 2024	N/A
ACTION REQUIRED	Recommend approval, recommend approval to more restrictive zoning, or deny	
PROJECT PLANNER	Nancy Garcia, Urban Planner II	 

PROJECT DESCRIPTION

The applicant is proposing to rezone 53,970 square feet of land (1.239 acres) located at 823, 816, 820, 824 #1-5 NW 1st Avenue, 801 N. Andrews Avenue, 804, 808, and 812 NW 1st Avenue from Residential Multifamily Mid-Rise/Medium-High Density (RMM-25) District and Exclusive Use Parking (X-P) District to Northwest Regional Activity Center – Mixed Use Northeast (NWRAC-MUne) District. The parcels have an underlying land use designation of Northwest Regional Activity Center (NWRAC). The parcels are also located within the Northwest-Progresso-Flagler Heights Community Redevelopment Area. The request to rezone the properties is intended to unify the block under the same NWRAC-MUne zoning that the eastern portion of the block is currently zoned. No site plan has been submitted at this time.

The location map is included as **Exhibit 1**. The application and applicant's responses to criteria, and sketch and legal description are provided as **Exhibit 2**.

REVIEW CRITERIA

Pursuant to the ULDR Section 47-24.4, Rezoning, 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 NWRAC-MUne is consistent with the underlying future land use designation of Northwest Regional Activity Center. 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 parcels to NWRAC-MUne will not adversely impact the character of development in or near the area under consideration. The site is surrounded by properties zoned RMM-25 to the west and NWRAC-MUne to the north and east. The Northwest-Progresso-Flagler Heights Redevelopment Plan promotes the renovation of existing structures with new infill development to help support local commerce and community revitalization. Rezoning of properties to NWRAC-MUne is in alignment with the goal of supporting redevelopment opportunities and is consistent with the vision outlined in the Northwest RAC Design Guidelines Plan.

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.

The proposed zoning district is intended to promote and enhance the existing mix of uses and character of the area. The NWRAC area generally includes a higher intensity of uses along the corridors which transition to lower densities and intensities of the surrounding neighborhood. The rezoning of the Property to NWRAC-MUne is compatible with the existing and proposed mix of uses along North Andrews Avenue.

The parcels are surrounded by properties zoned RMM-25 to the west and NWRAC-MUne to the north and east. The proposed rezoning of the parcels expands the NWRAC-MUne zoning westward, 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 building orientation, architectural requirements, open space, vehicular and pedestrian access, building materials, active ground floor uses and facades. Additional standards for parking facilities, landscaping, signage, and streetscapes will also be applied during the development review process at the time of site plan application to further ensure neighborhood compatibility.

Refer to Table 1 below 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, Residential Multifamily Mid Rise/ Medium High RMM-25 District, ULDR Section 47-9.10, Permitted uses, X- Exclusive Use District, and ULDR Section 47-13.10, List of Permitted and Conditional uses, Northwest Regional Activity Center-Mixed Use Northeast (NWRAC-Mune).

Table 1: General Comparison of Zoning District Uses

Existing Zoning District		Proposed Zoning District
Residential Multifamily Mid Rise/ Medium High (RMM-25) District	Exclusive Use Parking (X-P) District	Northwest Regional Activity Center-Mixed Use Northeast (NWARC-MUne) District
<u>Permitted Uses</u> Residential Uses Public Purpose Facilities Child Day Care Facilities Accessory Uses, Buildings and Structures Urban Agriculture	<u>Permitted Uses</u> Parking Lot	<u>Permitted Uses</u> Automotive Boats, Watercraft and Marines Commercial Recreation Food and Beverage Sales and Service Lodging Public Purpose Facilities Residential Uses Services/Office Facilities Storage Facilities
<u>Conditional Uses</u> Lodging		

Mixed-Use Development Nursing Home Facilities Child Day Care Facilities		Conditional Uses Car Wash, Automatic Charter and Sightseeing Boat Marina Watercraft Repair, Minor Repair Watercraft Sales and Rental, New or Used Communication Towers, Structure, and Stations Hospital, Medical and Public Health Clinic Social Service Residential Facility Child Day Care Facilities Nursing Home Facilities
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Reference Table 2 below 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, ULDR Section 47-9.21, Performance standards for Permitted Uses for X- Exclusive Use District and ULDR Section 47-13.31, Table of Dimensional Requirements for the NWRAC-MUne District.

Table 2: Comparison of Dimensional Requirements

	Existing Zoning District		Proposed Zoning District
	Residential Multifamily Mid Rise/ Medium High (RMM-25) District*	Exclusive Use Parking (X-P) District	Northwest Regional Activity Center-Mixed Use Northeast (NWARC-MUne) District
Building Height	55 feet	65 feet	120 feet
Floor Area Ratio (FAR)	None	None	None
Minimum Front Yard	25 Feet	20 feet when abutting residential. All other yards for a parking garage shall be that necessary to meet the street tree requirements provided in Section 47-9.22.C.1.b.	0 feet Primary Street 5 feet Secondary Street 15 feet when abutting residential
Minimum Side Yard	5 Feet 20 Feet when abutting a waterway	20 feet when abutting residential. All other yards for a parking garage shall be that necessary to meet the street tree requirements provided in Section 47-9.22.C.1.b.	0 feet Primary Street 5 feet Secondary Street 15 feet when abutting residential
Minimum Rear Yard	15 Feet 20 Feet when abutting a waterway	20 feet when abutting residential. All other yards for a parking garage shall be that necessary to meet the street tree requirements provided in Section 47-9.22.C.1.b.	0 feet Primary Street 5 feet Secondary Street 15 feet when abutting residential
Minimum Corner Yard	25% of lot width but not less than 10 ft. nor greater than 25 ft.	20 feet when abutting residential. All other yards for a parking garage shall be that necessary to meet the street tree requirements	0 feet Primary Street 5 feet Secondary Street 15 feet when abutting residential

		provided in Section 47-9.22.C.1.b.	
Shoulder Height	N/A	N/A	25 feet (2 stories) minimum 65 feet (5 stories) maximum

* Yard dimensions in this district are the minimum requirements. In no case shall the dimensional requirements be less than an amount equal to one-half (½) the height of the building, when this is greater than the above specified yard minimums. Modification of required yards may be permitted subject to the requirements of Modification of Yards

COMPREHENSIVE PLAN CONSISTENCY

The City’s Future Land Use Map indicates this property has a future land use designation of Northwest Regional Activity Center. The Northwest Regional Activity Center designation is intended to encourage redevelopment and expansion of employment and housing opportunities within the area while enhancing the existing and proposed mix of uses and character of the NWRAC with a wide range of employment, shopping, services, cultural and residential opportunities, and a mixture of residential and non-residential uses.

The proposed rezoning is consistent with the City’s Comprehensive Plan applicable goals, objectives, and policies, including without limitation Future Land Use Element, Goal 2, Objective 2.4, Encourage Revitalization of Redevelopment Areas, which encourages revitalization of redevelopment areas and redevelopment to be consistent with the Northwest-Progresso-Flagler Heights Redevelopment Plan and 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.

PUBLIC PARTICIPATION

The proposed rezoning request is subject to the public participation requirements established in ULDR, Section 47-27.4. This section states that public outreach should include any city-recognized civic associations and properties within 300 feet of the property. The applicant conducted a virtual public participation meeting on January 31, 2024, to provide an opportunity for comments from the public. The applicant’s public participation meeting summary and affidavit are attached as **Exhibit 3**.

In addition, this request is subject to mail notice and sign notification requirements established in ULDR Section 47-27.4. A mail notification requirement to property owners within 300 feet of the properties was completed and mailed on March 1, 2024. The applicant installed a total of three signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The affidavit and photographs of the posted signs, reflecting the meeting date of January 31, 2024, are provided as **Exhibit 4**.

PLANNING & ZONING BOARD REVIEW OPTIONS

The Planning and Zoning Board shall consider the application and make a decision based on the criteria in ULDR Section 47-24.2, Rezoning Criteria.

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.

The applicant has submitted narratives outlining how the project complies with the applicable sections of the ULDR as described herein and attached as **Exhibit 2**, to assist the Board in determining if the proposal meets these criteria.

EXHIBITS

1. Location Map
2. Application, Applicant's Responses to Criteria, Sketch and Legal Description
3. Public Participation Meeting Summary and Affidavit
4. Public Sign Notice and Affidavit