



**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** April 15, 2014

**TITLE:** QUASI-JUDICIAL – SECOND READING OF ORDINANCE – Rezone from  
Residential Mid Rise Multifamily/Medium Density District (RMM-25) to  
Community Business (CB) with Commercial Flex Allocation – Case 9ZR13

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**Recommendation**

It is recommended that the City Commission adopt an ordinance rezoning 37,125 square feet of land, located north of Sunrise Boulevard between NE 9 Avenue and NE 10 Avenue, from Residential Mid Rise Multifamily/Medium Density District (RMM-25) to Community Business (CB) through allocation of commercial flex acreage.

**Background**

The applicant proposes to construct a 3,440 square-foot restaurant with a drive-thru component at 901 E. Sunrise Boulevard, west of NE 9<sup>th</sup> Avenue. Location map is included as Exhibit 1. Site Plan is included as Exhibit 2. The proposal also includes the development of an associated surface parking lot. The 37,125 square-foot parcel of land is proposed to be rezoned from Residential Mid Rise Multifamily/Medium Density District (RMM-25) to Community Business (CB). The existing Boulevard Business (B-1) zoning designation will remain on the portion of the property fronting on Sunrise Boulevard, where the existing auto rental facility will be retained. A letter of support provided to staff from the Lake Ridge Residents Association is attached as Exhibit 3.

Pursuant to criteria outlined in Unified Land Development Regulations (ULDR) Sections 47-24.4.D, Rezoning, 47-28, Flexibility rules, 47-25.3, Neighborhood Compatibility and 47-25.2, Adequacy Requirements, the rezoning was reviewed by the Planning and Zoning Board (PZB) on February 19, 2014, and recommended for approval by a vote of 8-0. The application and the record and report of the PZB are available as Exhibits 4, 5 and 6 respectively. The sketch and description are provided as part of the attached ordinance.

Pursuant to criteria outlined in ULDR Section 47-24.4.D, 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.

The development site is designated Medium-High Residential on the City's Future Land Use Map. The CB district provides the opportunity for certain low intensity commercial uses to be placed adjacent to a residential area in a manner compatible with the residential character of the area. The surface parking will accommodate employee parking, additional restaurant parking as well as additional parking for the auto rental facility, and will be buffered with significant landscaping improvements. The CB 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 .852 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 right-of-way to the west and east are zoned Boulevard Business (B-1) and have a Commercial Land Use Designation, consistent with the restaurant use. The properties to the north are zoned Residential Mid Rise Multifamily/Medium Density District (RMM-25) and have a Medium-High Land Use designation. The properties across Sunrise Boulevard to the south are zoned Boulevard Business (B-1) and have a Commercial Land Use designation. The proposed rezoning request would result in the development of a restaurant with surface parking 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 except for the automobile rental facility located towards Sunrise Boulevard. The proposed CB zoning district is intended to be restricted to low intensity business uses and serves as a buffer between the existing residential and commercial area. The properties to the west 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.

Vehicular ingress into the development site is provided from NE 9<sup>th</sup> Avenue and NE 10<sup>th</sup> Avenue only. A total of 93 parking spaces are required for the proposed development. Twenty-three (42) spaces are proposed on the restaurant site, and fifty-one (51) are proposed for the existing rental car site. To help with pedestrian connectivity in the area a new shaded pedestrian walkway will be provided along all three right-of-ways.

The City Commission shall hold a public hearing to consider the application and the record and recommendations forwarded by the Department and the Planning and Zoning Board (“PZB”) and shall hear public comment on the application when determining whether the rezoning request meets the criteria for rezoning.

### **Conditions**

1. The applicant will provide alternative small canopy trees to the proposed “Crape Myrtles” to provide shade canopy along Sunrise Blvd. as approved by the City Landscape Representative.
2. The applicant will provide bicycle racks at a location on the site plan as approved by Transportation and Mobility staff.

### **Resource Impact**

There is no fiscal impact associated with this action

### **Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specifically advancing:

- Goal 6: Be an inclusive community made up of distinct, complementary and diverse neighborhoods.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Community*.

#### Attachments:

Exhibit 1 – Location Map

Exhibit 2 – Site Plan

Exhibit 3 – Neighborhood Association Letter

Exhibit 4 – Applicant’s Narrative

Exhibit 5 – Staff Report from the February 19, 2014 PZB Meeting

Exhibit 6 – Approved Minutes from the February 19, 2014 PZB Meeting

Exhibit 7 – Ordinance

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