



REQUEST: Site Plan Level IV Review: 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-Z23004	
Property Owner/Applicant	639 NW 9 th Ave, LLC	
Agent	Stephanie J. Toothaker, Esq, Toothaker.org	
General Location	639,635,631,637,623 NW 9 th Avenue	
Existing Zoning District	Residential Multi-family Mid-Rise / Medium High-Density (RMM-25)	
Proposed Zoning	Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw)	
Land Use Designation	Northwest Regional Activity Center	
Commission District	3 - Pamela Beasley-Pittman	
Neighborhood Association	Home Beautiful Park Civic Association	
Applicable Unified Land Development Regulations (ULDR) Sections	Section 47-24.4, Rezoning Section 47-25.2, Adequacy Requirements	
Notification Requirements	ULDR Section 47-27.2, Sign Notice 15 days prior to meeting ULDR Section 47-27.4, Public Participation ULDR Section 47-27.5, Mail Notice	
Section 166.033, Florida Statutes	180-day Expiration Date	Extension Date(s)
	November 15, 2023	N/A
Action Required	Recommend approval, recommend approval to more restrictive zoning, or deny	
Project Planner	Karlanne Devonish, Principal Urban Planner	CP

PROJECT DESCRIPTION

The applicant, 639 NW 9th Ave LLC, is proposing to rezone the parcels of land located at 639, 635, 631, 627, 623 NW 9th Avenue from Residential Multifamily Mid-Rise/Medium-High Density (RMM-25) District to Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw) District. The parcels have an underlying land use designation of Northwest Regional Activity Center (NWRAC). The location map, zoning and future land use map, and sketch and legal description are included as **Exhibit 1**. The application and applicant's responses to criteria 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-MUw 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-MUw will not adversely impact the character of development in or near the area under consideration. The Property is surrounded by properties zoned RMM-25 to the north and west, Industrial (I) and Community Business (CB) to the east, and NWRAC-MUw to the south. Rezoning of properties to NWRAC-MUw is in alignment with the neighborhood's goal of supporting redevelopment opportunities and has the potential of increasing housing opportunities and local employment. Housing is needed to support new businesses and ensures higher levels of purchasing power, helping to fortify the economic vitality of existing and future businesses in the neighborhood. Recent projects within the same block include "909 Sistrunk" to the south, which included a rezoning application (Case No. Z18004) and associated site plan application (Case number R19028) for a mixed-use development which was approved in 2019.

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 by providing for a wide range of employment, shopping, services, cultural and residential opportunities with a mix of residential and non-residential uses. 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-MUw is compatible with the existing and proposed mix of uses in the surrounding area along Sistrunk Boulevard and Powerline Road. The parcels are surrounded by properties zoned RMM-25 to the north and west, Industrial (I) and Community Business (CB) to the east, and NWRAC-MUw to the south. The proposed rezoning of the parcels expands the NWRAC-MUw mixed use zoning northward, 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 and ULDR Section 47-13.10, List of Permitted and Conditional uses, Northwest Regional Activity Center-Mixed Use west (NWRAC-MUw).

Table 1: Comparison of Permitted Uses	
Existing Zoning District (RMM-25)	Proposed Zoning District (NWRAC-MUw)
Residential Uses	Automotive
Public Purpose Facilities	Boats, Watercraft and Marines
Child Day Care Facilities	Commercial Recreation
Accessory Uses, Buildings and Structures	Food and Beverage Sales and Service
Urban Agriculture	Lodging
Conditional Uses	Public Purpose Facilities
Lodging	Residential Uses
Mixed-Use Development	Services/Office Facilities
Nursing Home Facilities	Storage 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

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 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 RMM-25	Proposed Zoning District NWRAC-MUw
Building Height	55 feet	45 feet by right 65 feet with City Commission Review and Approval Pursuant to the Performance Standard in Section 47-13.52.B
Floor Area Ratio (FAR)	None	None
Minimum Front Yard*	25 Feet	0 feet Primary Street 5 feet Secondary Street 15 feet when abutting residential
Minimum Side Yard*	5 Feet 20 Feet when abutting a waterway	0 feet Primary Street 5 feet Secondary Street 15 feet when abutting residential
Minimum Rear Yard*	15 Feet 20 Feet when abutting a waterway	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.	0 feet Primary Street 5 feet Secondary Street 15 feet when abutting residential
Shoulder Height	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 property is designated Northwest Regional Activity Center on the City's Future Land Use Map. The proposed rezoning and associated uses are consistent with this future land use designation, which is intended to encourage redevelopment and expansion of employment and housing opportunities within the area. The proposed rezoning is also supported by Future Land Use Element, 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 surrounding neighborhood contains a mixture of single family residential and small multifamily developments. The proposed rezoning will promote and enhance the existing and proposed mix of uses and character of the NWRAC by providing for a wide range of employment, shopping, services, cultural and residential opportunities, with a mixture of residential and non-residential uses.

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 May 22, 2023, 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 July 3, 2023. 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 July 19, 2023, 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.

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.

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.

EXHIBITS

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