

REQUEST:

Rezoning from Industrial (I) to Community Business (CB)

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| Case Number | 1Z12 |
| Applicant | Romelio Riveron |
| General Location | 610 NW 9 th Avenue |
| Property Size | 13,500 SF (.309 acres) |
| Zoning | Industrial (I) |
| Existing Use | Commercial |
| Proposed Use | Retail |
| Future Land Use Designation | Northwest Regional Activity Center |
| Applicable ULDR Sections | Sec. 47-24.4 Rezoning Criteria |
| Project Planner | Thomas Lodge, Planner II |

PROJECT DESCRIPTION:

The applicant is requesting to rezone a .309-acre parcel of land located on NW 9th Avenue, between NW 6th Street and NW 7th Street from Industrial (I) to Community Business (CB) in accordance with the current and existing use. The existing use of the site has and is currently used as retail. According to the applicant, the subject use has never been used for industrial purposes, and is looking to rezone to be compatible with the use. Property location and legal sketch is included in the plan sets.

REVIEW CRITERIA:

As per 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.
2. Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.
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 surrounding properties to the north and east have a Zoning designation of Industrial. The properties to the south are zoned Community Business, and across NW 9th Avenue to the west the properties are zoned Residential Mid Rise Multifamily/Medium High Density. The Land Use surrounding the site is Northwest Regional Activity Center. The applicant has provided a narrative response to the criteria, attached to the plan sets. Staff concurs with applicant's assessment.

Comprehensive Plan Consistency:

The site is designated Northwest Regional Activity Center on the City's Future Land Use Map. The proposed rezoning is consistent with the City's Comprehensive Plan in that the proposed commerce center uses are permitted in this land use category.

STAFF FINDINGS:

Staff recommends the Board approve this request consistent with:

ULDR Section Sec. 47-24.4 Rezoning Criteria

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.