



**REQUEST:** Rezoning from Residential Multifamily Mid Rise - Medium High Density (RMM-25) District to Northwest Regional Activity Center-Mixed-Use East (NWRAC-MUe) District

<b>CASE NUMBER</b>	UDP-Z22016		
<b>APPLICANT</b>	Water Tower Apartments, LLC.		
<b>AGENT</b>	Jason Crush, Crush Law, P.A.		
<b>GENERAL LOCATION</b>	628 NW 3rd Avenue; East of NW 3rd Avenue, West of NW 2nd Avenue, South of NW 7th Street and North of 610 NW 3rd Avenue		
<b>EXISTING ZONING</b>	Residential Multifamily Mid Rise - Medium High Density (RMM-25)		
<b>PROPOSED ZONING</b>	Northwest Regional Activity Center- Mixed-Use east (NWRAC-MUe)		
<b>LAND USE</b>	Northwest Regional Activity Center (NWRAC)		
<b>COMMISSION DISTRICT</b>	2 – Steven Glassman		
<b>NEIGHBORHOOD ASSOCIATION</b>	Progresso Village Civic Association, Inc.		
<b>LOT SIZE</b>	0.92 acres (40,500 square feet)		
<b>APPLICABLE ULDR SECTIONS</b>	47-24.4, Rezoning 47-25.2, Adequacy Requirements		
<b>NOTIFICATION REQUIREMENTS</b>	Section 47-27.4.A.2.c, Public Participation Section 47-27.5.C.1, Mail Notice Section 47-27.5.C.3, Sign Notice		
<b>SECTION 166.033, FLORIDA STATUTES</b>	<b>180-day Expiration Date</b>	<b>Extension Date (s)</b>	
	February 6, 2023	N/A	
<b>ACTION REQUIRED</b>	Approve, Approve with Conditions, or Deny		
<b>PROJECT PLANNER</b>	Nicholas Kalargyros, Urban Planner	<i>NJK</i>	<i>EP</i>

**PROJECT DESCRIPTION:**

The applicant is seeking to rezone two properties generally located at 628-642 NW 3rd Avenue; on the east side of NW 3rd Avenue, west of NW 2nd Avenue, south of NW 7th Street and north of NW 3rd Avenue, totaling 0.92 acres of land from Residential Multifamily Mid Rise - Medium High Density (RMM-25) District to Northwest Regional Activity Center-Mixed Use east (NWRAC-MUe) District. If approved, the NWRAC-MUe District will extend northbound between NW 2nd Avenue and NW 3rd Avenue, up to NW 7th Street and would encompass 628 NW 3rd Avenue and 642 NW 3rd Avenue, excluding 620 NW 3rd Avenue. The existing sites are currently comprised of vacant land, multifamily residential uses, and the South Florida Montessori Academy. At this time, development plans on the subject parcels have not been submitted with the rezoning application.

The application, survey, and area map are attached as **Exhibit 1**. A sketch and legal description of the area proposed for rezoning is attached as **Exhibit 2**. The applicant's narrative responses to criteria are attached as **Exhibit 3**.

**REVIEW CRITERIA:**

Pursuant to criteria outlined in the City's Unified Land Development Regulations (ULDR) Section 47-24.4.D, Rezoning, the rezoning application shall be reviewed in accordance with the following:

1. The zoning district proposed is consistent with the City's Comprehensive Plan.

Rezoning the property to NWRAC-MUe is consistent with the Northwest Regional Activity Center (NWRAC) future land use. The NWRAC is intended to encourage redevelopment and expansion of employment and housing opportunities within the area. The proposed rezoning is consistent with the City's Comprehensive Plan applicable goals, objectives, and policies, specifically Future Land Use Element Goal 2, Objective 2.4, which encourages revitalization of redevelopment areas and redevelopment to be consistent with the Northwest/Progresso/Flagler Heights Redevelopment Plan. Reference below section, titled Comprehensive Plan Consistency, 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 property to NWRAC-MUE will not adversely impact the character of development in or near the area under consideration. The land proposed for rezoning is surrounded by properties zoned RMM-25 to the north, south and west, and NWRAC-MUE to the 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-MUE is in alignment with the neighborhood's goal of supporting redevelopment opportunities and has the potential of increasing a mix of uses including housing opportunities and local employment. A mix of uses can support new businesses and ensure higher levels of purchasing power through increases in density, helping to fortify the economic vitality of existing future businesses in the Progresso Village neighborhood.

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 rezoning is intended to promote and enhance a mixture of residential and non-residential uses which supports the character of the area and provides for a wide range of employment, shopping, services, cultural and residential opportunities within the NWRAC. Rezoning to NWRAC-MUE would ensure compliance with the development standards outlined in ULDR Section 47-13.29, Design Standard Applicability, that future development on the subject sites will be required to meet. The Northwest Regional Activity Center Design Standards, include but are not limited to building requirements, open space, vehicular and pedestrian access, parking, landscaping, as well as neighborhood compatibility standards which will be applied as applicable during the development review process at the time of site plan application.

Refer to Table 1, 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, RMM-25 Residential Mid Rise Multifamily/Medium High-Density District and ULDR Section 47-13.10. - List of Permitted and Conditional Uses, Northwest Regional Activity Center-Mixed Use east (NWRAC-MUE).

**Table 1: General Comparison of Permitted Uses**

<b>Existing Zoning District - RMM-25</b>	<b>Proposed Zoning District - NWRAC-MUE</b>
Residential Uses	Automotive
Public Purpose Facilities	Boats, Watercraft and Marinas
Child Day Care Facilities	Commercial Recreation
Accessory Uses, Buildings and Structures	Food and Beverage Sales and Service
Urban Agriculture	Lodging
<b>Conditional Uses</b>	Public Purpose Facilities
Lodging	Residential Uses
Mixed-Use Development	Services/Office Facilities
Nursing Home Facilities	Storage Facilities
Child Day Care Facilities	<b>Conditional Uses</b>
	Car Wash, Automatic
	Charter and Sightseeing Boat
	Marina
	Watercraft Repair, Minor Repair
	Watercraft Sales and Rental, New or Used
	Communication Towers, Structures, and Stations
	Hospital, Medical and Public Health Clinic
	Social Service Residential Facility
	Child Day Care Facilities
	Nursing Home Facilities

Refer to Table 2, 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-MU District.

**Table 2: Comparison of Dimensional Requirements**

<b>Requirements</b>	<b>Existing Zoning District RMM-25</b>	<b>Proposed Zoning District NWRAC-MUe</b>
<b>Maximum building height (ft.)</b>	55'	65' By Right (110' Performance Standard +Incentive Request)
<b>Minimum front yard (ft.):</b>	25'	0'
When Abutting Residential	N/A	15'
<b>Minimum side yard (ft.):</b>	5'	0'
When Abutting Residential	N/A	15'
<b>Minimum rear yard (ft.):</b>	15'	0'
When Abutting Residential	N/A	15'
<b>Corner yard(ft.)</b>	No Less than 10'	None
<b>Min. Building Shoulder Height (ft.):</b>	None	25' (2 Stories) Min
<b>Max. Building Shoulder Height (ft.):</b>	None	65' (5 Stories) Max

**COMPREHENSIVE PLAN CONSISTENCY**

The property is designated Northwest Regional Activity Center (NWRAC) on the City's Future Land Use Map. The proposed rezoning and associated uses are consistent with the NWRAC future land use designation. The intent of the NWRAC is to encourage redevelopment and expansion of employment and housing opportunities within the area. Further, the proposed rezoning is consistent with the City's Comprehensive Plan applicable goals, objectives, and policies, specifically Future Land Use Element Goal 2, Objective 2.4, which encourages revitalization of redevelopment areas and redevelopment to be consistent with the Northwest/Progreso/Flagler Heights Redevelopment Plan.

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 Progreso Village Neighborhood contains a mixture of single family and small multifamily developments. The expansion of the NWRAC-MUe zoning district will help support the diversification of housing types through the promotion of larger multifamily development opportunities. An increase in local purchasing power will further support local commerce. Furthermore, the overlying Master Plan requirements that would apply to the NWRAC-MUe Zoning District, promotes the integration of active first floor commercial uses, such as coffee shops, restaurants, and bars, helping to promote a walkable community by providing opportunities to establish local shops and stores.

**PUBLIC PARTICIPATION**

The application is subject to the public participation requirements established under ULDR Section 47-24.1. F.14. Per the applicant, mail notifications were sent to property owners within 300 feet of the subject property and a virtual public participation meeting was held on September 7, 2022, to offer the neighborhood and surrounding properties the opportunity to learn about the proposed rezoning. The public participation meeting had six people in attendance.

In addition, this request was subject to sign notification requirements established in ULDR, Section 47-27.4. The applicant posted two signs on the property and has met the requirements of this section. The public participation meeting summary, public notice sign, mail notice and affidavits are attached as **Exhibit 4**.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board shall consider the application based on the review criteria of ULDR Section 47-24.4, Rezoning, found herein.

If the Planning and Zoning Board determines that the application meets the criteria as provided in Section 47-24.4, Rezoning, 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. Application, Location Map, and Survey
2. Sketch and Legal Description
3. Applicant's Narrative Responses to Review Criteria
4. Public Participation Meeting Summary, Public Sign Notice, Mail Notice and Affidavits