


REQUEST: Rezoning from Residential Single Family and Duplex/Medium Density (RD-15) District, Residential Mid Rise Multifamily/Medium High Density (RMM-25) District and General Business (B-2) District to Community Business (CB) District

CASE NUMBER	UDP-Z22029
APPLICANT	Barbill Ventures Corporation
PROPERTY ADDRESS	1714 W. State Road 84
EXISTING ZONING DISTRICT	Residential Single Family and Duplex/Medium Density (RD-15) District, Residential Mid Rise Multifamily/Medium High Density (RMM-25) District and General Business (B-2)
PROPOSED ZONING DISTRICT	Community Business (CB) District
LAND USE	Medium-High Residential
COMMISSION DISTRICT	4 – Warren Sturman
NEIGHBORHOOD ASSOCIATION	Edgewood Civic Association
APPLICABLE ULDR SECTIONS	Section 47-24.4 Rezoning Criteria
NOTIFICATION REQUIREMENTS	Section 47-27.5, Sign Notice prior to meeting Section 47-27.5, Mail Notice
SECTION 166.033, FLORIDA STATUTES	The Applicant waives the statutory deadline
ACTION REQUIRED	Recommend Approval, Recommend Rezoning to a More Restrictive Zoning District, or Deny
PROJECT PLANNER	Yvonne Redding, Urban Planner III 

PROJECT DESCRIPTION:

The applicant is requesting to rezone 37,554 square feet (0.86 acres) of land located at 1714 W. State Road 84 from Residential Single Family and Duplex/Medium Density (RD-15) District, Residential Mid Rise Multifamily/Medium High Density (RMM-25) District and General Business (B-2) District to Community Business (CB) District to allow for future expansion of the existing generator repair and parts store. No further amenities or improvements are anticipated at this time. The location map is attached as **Exhibit 1**. The application, narrative responses to criteria, and sketch and legal description of the property proposed to be rezoned are attached as **Exhibit 2**.

The property was allocated commercial flex in 1996 (DRC Case No. 129-R-96) to allow for future redevelopment of the site. On April 17, 1984, The City Commission reviewed and approved Ordinance No. C-84-29, rezoning a portion of the property from R-3 to General Business (B-2) district (Case No. 4-Z-84). A copy of the ordinance is included as part of Exhibit 2. This application is consistent with the City’s Unified Land Development Regulations (ULDR) Sec. 47-28.3.E, allocation of nonresidential flex acreage on residential designated parcels, which requires a rezoning to CB or XP district.

REVIEW CRITERIA:

Pursuant to the City’s Unified Land Development Regulations (ULDR) Section 47-24.4.D, Rezoning Criteria, 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 CB is consistent with the underlying future land use of Medium-High Residential, subject to flex allocation. The property was allocated commercial flex in 1996 to allow for future redevelopment of the site. Please see the Comprehensive Plan Consistency section of this report for additional analysis.

2. *The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.*

The CB zoning district is intended to meet the shopping and service needs of the community. The size and scale of development and allowable uses within the CB district are intended to limit impact on the surrounding residential neighborhoods to be served by the commercial business. The location and intention of the CB zoning district serves to provide the abutting community with easily accessible services. Any proposed commercial development abutting or within 100 feet of a residentially zoned and used property will have to comply with neighborhood compatibility requirements, including, but not limited to setbacks, buffer requirements, landscaping, walls, and building height restrictions.

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 character of the area proposed is suitable for the uses permitted in the proposed zoning district. The northern frontage of the property abuts State Road 84, a transit corridor. Properties to the south are zoned residential and contain single family homes as well as multifamily developments. The intent of the CB zoning district is to support local residential neighborhoods with commercial serving uses and to be situated along corridors, such as State Road 84.

A general comparison of permitted uses in the current and proposed zoning district is provided in Table 1. A comparison of current and proposed dimensional standards for each district is provided in Table 2. Refer to Table 1 for a comparison of permitted uses in each district. For a detailed list of uses, refer to ULDR Section 47-5.12 - List of permitted and conditional uses; RD-15 District, ULDR Section 47-5.19 - List of permitted and conditional uses; RMM-25 District, ULDR Section 47-6.10 - List of permitted and conditional uses; CB District, and ULDR Section 47-6.12 - List of Permitted and Conditional Uses; B-2 District.

Table 1: Comparison of Zoning District Uses

Existing Zoning Districts			Proposed Zoning District
Residential Single Family and Duplex/Medium Density (RD-15) District	Residential Mid Rise Multifamily/Medium High Density (RMM-25) District	General Business (B-2)	Community Business (CB) District
<u>Permitted Uses:</u> Residential Uses Single Family Dwelling Single Family Dwelling, Attached: Cluster Single Family Dwelling, Zero-lot-line Dwelling Single Family Dwelling, Duplex/Two (2) Family Dwelling Community Residence, 3 residents maximum Community Residence, 4 to 10 residents; 1,000' distance separation	<u>Permitted Uses:</u> Residential Uses Single Family Dwelling Single Family Dwelling, Attached: Cluster Single Family Dwelling, Zero-lot-line Dwelling Single Family Dwelling, Duplex/Two (2) Family Dwelling Single Family Dwelling, Attached: Townhouses Multifamily Dwelling: Coach Home Multifamily use. Community Residence, 3 residents maximum Community Residence, 4 to 10 residents; 1,000' distance separation	<u>Permitted Uses:</u> Automotive Parts & Supplies Store Automotive Service Station Marine Parks and Supply Store Bakery Store Bar, Cocktail Lounge, Nightclub Cafeteria Candy, Nut store Convenience Store Fruit and Produce Store Ice Cream/Yogurt Store Package Liquor Store Restaurant Supermarket Hotel	<u>Permitted Uses:</u> Automotive Parts & Supplies Store Automotive Service Station Marine Parks and Supply Store Bakery Store Bar, Cocktail Lounge, Nightclub Cafeteria Candy, Nut store Convenience Store Fruit and Produce Store Ice Cream/Yogurt Store Package Liquor Store Restaurant Supermarket Hotel Museum

		Museum School Department Store Florist Hardware Store Pharmacy Financial Institution Hair Salon Medical Clinic Professional Office Hospital	School Department Store Florist Hardware Store Pharmacy Financial Institution Hair Salon Medical Clinic Professional Office
Public Purpose Facilities			
Child Day Care Facilities			
Accessory Uses, Buildings and Structures			Accessory Uses, Buildings and Structures
			Child Day Care Outdoor dining and Sidewalk Cafe
<u>Conditional Uses:</u> Community Residence, 4 to 10 residents; less than 1,000' distance separation Community Residence, more than 10 residents/Community Residence, no license or certification available	<u>Conditional Uses:</u> Community Residence, 4 to 10 residents; less than 1,000' distance separation Community Residence, more than 10 residents/Community Residence, no license or certification available Bed and Breakfast Dwelling Hotel Mixed-use Development House of Worship School Social Service Residential Facility, Level II, III, IV Small and Intermediate Child Day Care Facility Nursing Homes	<u>Conditional Uses:</u> Mixed Use Development Social Service Residential Facility Food Distribution Center Pain Management Clinic Adult Gaming Center Child Day Care Facility Helistop Medical Cannabis Dispensing Facility Yacht Club	<u>Conditional Uses:</u> Mixed Use Development Social Service Residential Facility Hospital Yacht Club
Urban Agriculture	Urban Agriculture		Urban Agriculture

Table 2: Comparison of Dimensional Standards

	Existing Zoning Districts			Proposed Zoning District
	Residential Single Family and Duplex/Medium Density (RD-15) District	Residential High Rise Multifamily/Medium High Density (RMH-25) District	General Business (B-2)	Community Business (CB) District
Density	15 units per acre (maximum)	25 units per acre (maximum) Flex unit policy is applied mixed use development, 30 sleeping rooms per acre (bed and breakfast and hotel use)	N/A	N/A

Building Height	35 feet (maximum)	100 feet (maximum)	150 Feet*	150 Feet*
Building Length	N/A	200 feet (maximum)	N/A	N/A
Floor Area Ratio (FAR)	N/A	N/A	N/A	N/A
Front Setback	25 feet (maximum)	25 feet (maximum)	5 Feet*	5 Feet*
Rear Setback	20 feet (maximum) <u>When abutting a waterway</u> 15 Feet	20 feet (maximum) <u>When abutting a waterway</u> 15 Feet	0 Feet or 15 Feet <u>When abutting residential property</u>	0 Feet or 15 Feet <u>When abutting residential property</u>
Side Setback	5 feet - up to 22 ft. in height	20 feet (maximum)	0 Feet or 15 Feet <u>When abutting residential property</u> *	0 Feet or 10 Feet <u>When abutting residential property</u> *
Lot Size	6,000 Square feet (minimum)	N/A	N/A	N/A
Landscape Area	N/A	Vehicle Use Area Requirements (Varies on lot size)	N/A	N/A

*An increase in the maximum dimensional requirements is subject to the requirements of a site plan level III permit.

COMPREHENSIVE PLAN CONSISTENCY:

The City’s Future Land Use Map indicates this property has a future land use designation of Medium-High Residential. The proposed uses are consistent with this land use designation, subject to allocation of commercial flex acreage. The property was allocated commercial flex in 1996 to allow for future redevelopment of the site. This application is consistent with the City’s Unified Land Development Regulations (ULDR) Sec. 47-28.3.E, allocation of nonresidential flex acreage on residential designated parcels, which requires a rezoning to CB or XP district.

The proposed rezoning is consistent with the City’s Comprehensive Plan applicable goals, objectives, and policies, specifically Future Land Use Element Goal 1, Objective FLU 1.1, Policy FLU1.1.1.9, which ensures the use and densities of the requested zoning district are compliant with the standards of the underlying Future Land Use designation. The proposed rezoning is also consistent with the City’s Comprehensive Plan Goals, Objectives and Policies, including the Economic Development Element, Goal 2, Objective 2.2 – Support economic development throughout the City’s neighborhoods through infrastructure improvements and investment in development.

PUBLIC PARTICIPATION

The proposed rezoning request is subject to the public participation requirements established in the ULDR, Section 47-27.4. This section states that public outreach should include any city-recognized civic associations within 300 feet of the property. According to the City’s official civic association list and map, there are none within 300 feet of the proposal and therefore, the mail notice was not required. However, on January 27, 2023, the applicant mailed a meeting notice to surrounding neighbors providing them with the opportunity to attend the public participation meeting on February 7, 2023.

Mail notification requirement to property owners within 300 feet of property proposed to be rezoned shall be sent at least 10 days prior to the PZB meeting. The mail notices were sent on February 28, 2023. In addition, this request is subject to public sign notification requirements established in ULDR, Section 47-27.4. Three signs were posted on the property fronting all street frontages. The public participation notice and affidavit are attached as **Exhibit 3**. The public sign notice affidavit is attached as **Exhibit 4**.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board shall consider the application and make a determination based on the criteria in ULDR Section 47-24.4, Rezoning Criteria.

If the Planning and Zoning Board determines the application meets 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 criteria for the rezoning and if consented to by 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 ULDR Section 47-26.B, Appeals.

Project narratives outlining how the rezoning complies with the applicable sections of the ULDR are attached as Exhibit 2, to assist the Board in determining if the proposal meets the criteria.

EXHIBITS:

1. Location Map
2. Application, Narrative Responses to Criteria, and Sketch and Legal Description of the Property
3. Public participation notice and affidavit
4. Public Sign Notice Affidavit