

REQUEST: Site Plan Level IV; Rezoning; from Residential Mid Rise Multifamily/Medium Density District (RMM-25) to Community Business (CB) with Commercial Flex Allocation for proposed Restaurant

Case Number	9ZR13
Applicant	RWL 8, LLC. / Pollo Tropical/Hertz Car Rental
General Location	North of Sunrise Blvd between NE 9 th Avenue and NE 10 th Avenue
Property Size	51,638 SF (1.185 acres)
Zoning	Existing: Residential Mid Rise Multifamily/Medium Density District (RMM-25) Proposed: Community Business (CB)
Existing Use	Car Rental Use with an existing multi-family building and two single family dwellings.
Proposed Use	Proposed restaurant with drive-thru facility and related parking and maintaining the existing car rental use
Future Land Use Designation	Commercial, Medium-High Residential
Applicable ULDR Sections	47-24.4, Rezoning Criteria 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility 47-28, Flexibility Rules
Project Planner	Yvonne Redding, Planner II

PROJECT DESCRIPTION:

The applicant proposes to rezone a 37,125 square-foot parcel of land from Residential Mid Rise Multifamily/Medium Density District (RMM-25) to Community Business (CB) to construct a 3,440 square-foot restaurant with a drive-thru component at 901 E. Sunrise Boulevard. The proposal includes the development of a surface parking lot, south of the existing residential properties. The legal sketch and description of the area to be rezoned is included as part of the plan sets. 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.

PRIOR REVIEWS:

The Development Review Committee reviewed the proposal on October 8, 2013. All comments have been addressed.

REVIEW CRITERIA:

As per the City's Unified Land Development Regulations (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.

The development site as depicted on the site plan is split between two separate zoning districts. A portion along Sunrise Boulevard is designated as Commercial land use and zoned B-1, while the northern portion of the site is designated Residential and zoned RMM-25. The proposal includes allocation of Commercial Flexibility Acreage to the portion of the site designated Residential in order to rezone this portion to CB. With the allocation of Commercial Flexibility Acreage, the proposed rezoning to CB will be 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.

The character of development in or near the area supports the proposed rezoning in that there is a strong pattern of viable commercial uses along the Sunrise Boulevard corridor and supporting residential uses including multifamily spanning northward. The proposed rezoning of the northern

CONDITIONS OF APPROVAL:

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

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.