



REQUEST: Rezone 0.164 acres of land from Residential Single Family Duplex/Medium Density District (RD-15) to Residential Multifamily Low Rise/Medium Density District (RM-15)

Case Number	UDP-Z21002	
Property Owner/Applicant	3303 Community Development, LLC	
Agent	Jeremy Shir, Becker & Poliakoff	
General Location	3303 SW 15 th Avenue	
Property Size	0.164 acres (7,182 square feet)	
Current Zoning	Residential Single Family Duplex/Medium Density District (RD-15)	
Proposed Zoning	Residential Multifamily Low Rise/Medium Density District (RM-15)	
Existing Use	Vacant Residential	
Proposed Use	Multifamily Development	
Future Land Use Designation	Medium Density	
Applicable Unified Land Development Regulations (ULDR) Sections	Section 47-24.4, Rezoning Criteria	
Notification Requirements	Section 47-24.1, Public Participation Section 47-27.5, Sign Notice Section 47-27.5, Mail Notice (300-foot radius) 10 days prior to meeting	
Action Required	Recommend Approval, Recommend Rezoning to a More Restrictive Zoning District, or Deny	
Project Planner	Nicholas Kalargyros, Urban Planner	

PROJECT DESCRIPTION:

The applicant, 3303 Community Development, LLC., is proposing to rezone 0.164 acres of land located south of SW 32nd Place, north of SW 33rd Street, east of SW 16th Terrace and west of SW 15th Avenue from Residential Single Family Duplex/Medium Density District (RD-15) to Residential Multifamily Low Rise/Medium Density District (RM-15). The subject parcel is 0.74 acres (32,268 square feet) and an associated rezoning for the remaining portion of the property is also on the October 20, 2021 Planning and Zoning Board agenda (Case #UDP-Z21001). The rezoning applications are associated with a proposed 14-unit multifamily residential development on the subject site that is currently under review by the Development Review Committee (DRC). A location and zoning map are included as **Exhibit 1**. A sketch and legal description of the parcel of land proposed to be rezoned is included as **Exhibit 2**.

REVIEW CRITERIA:

Pursuant to 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 property the applicant is proposing to rezone is currently split into two zoning districts and has a split future land use. The western portion of the parcel has Medium-High Residential Future Land Use and is zoned Residential Single Family/Low Medium Density District RS-8. The eastern portion (approximately 1/4 of the parcel) has Medium Residential Future Land Use and is zoned Residential Single Family Duplex/Medium Density District RD-15.

The property is currently zoned Residential Single Family Duplex/Medium Density District RD-15 and is compatible with the Future Land Use designation of Medium. The proposed zoning of Residential Multifamily Low Rise/Medium Density District RM-15 is also consistent with the property's underlying Future Land Use Designation of Medium. The abutting property to the south has the same conflicting Future Land Uses of Medium and Medium High and is currently operating as a church with a surface parking lot. Multiple properties just south of the abutting property have a Future Land Use Designation of Medium and the applicant is proposing to rezone the property to the same district as those properties Residential Multifamily Low Rise/Medium Density District RM-15.

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 will not adversely affect living conditions and the character of development in the area under consideration. The property has an existing structure that has been vacant. The current zoning is restrictive and only detached single family homes, duplex/two family dwellings, zero-lot-line, and cluster developments are permitted as residential uses in the district. However, the pattern of development in the surrounding community includes a mix of residential housing types such as single family detached, duplex, townhomes, cluster and multifamily developments. Buildings in the surrounding area are between one and three stories tall. The proposed rezoning would not adversely impact the character of development in the neighborhood. The neighborhood has developed into a mixture of housing types and the Residential Multifamily Low Rise/Medium Density District RM-15 zoning permits a range of residential housing types.

3. *The character of the area surrounding the parcel proposed to be rezoned is compatible with the uses permitted in the proposed zoning district.*

The Property abuts an existing multi-family building to the west and an existing church and surface parking lot to the south. The property to the west is currently zoned Residential Low Rise Multifamily/Medium High-Density District (RML-25) with a Future Land Use of Medium-High Residential, the same zoning district the applicant is proposing. Both the zoning and future land use designation are consistent with the applicant's rezoning request. The neighboring property to the south has a Future Land Use of Medium Residential and Medium-High Residential. Currently a church with a surface parking lot is operating on the site. Permitted uses in the proposed zoning designation are compatible with existing uses in the surrounding neighborhood, maintaining the existing character.

Table 1 provides a comparison of permitted uses in the current and proposed zoning districts. For a detailed list of uses, refer to ULDR Section 47-5.12 List of Permitted and Conditional Uses, Residential Single Family/Duplex/Low Medium Density District (RD-15) and ULDR Section 47-5.16. List of permitted Residential Low Rise Multifamily/Medium Density District (RM-15) uses.

Table 1 – Comparison of Permitted Uses

RD-15	RM-15
Residential Uses	Residential Uses
Public Purpose Facilities	Lodging
Child Day Care Facilities	Mixed Use Development
Accessory Uses, Buildings and Structures	Public Purpose Facilities
Urban Agriculture	Child Day Care Facilities
	Accessory Uses, Buildings and Structures
	Urban Agriculture

In addition, the City adopted amendments to the ULDR, commonly known as Neighborhood Design Criteria Revisions (NDCR), which will be applied at the time of site plan review and which incorporate specific design criteria to help address common concerns focused on more positive redevelopment as it relates to two-family/duplex, townhouse and cluster residential developments. The criteria address placement of garages, front entries, vehicular use area, landscaping, etc. to ensure the design of such projects is compatible with surroundings.

COMPREHENSIVE PLAN CONSISTENCY:

The proposed rezoning is consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 2, Sustainable Development, Objective 2.1, Neighborhood Compatibility, Policy 2.1.1 by continuing to utilize intensity criteria contained in the Future Land Use Element to ensure that all new development is compatible with adjacent residential land uses.

The subject property has a Medium Residential Future Land Use Designation. The maximum density is 15 dwelling units per net acre. This designation serves as a transition from medium high and high density multifamily housing to single family neighborhoods, and shall be limited to locations on or within reasonable proximity to arterial or collector streets or generally near community facilities, office or commercial development. This designation is intended to encourage redevelopment and expansion of housing opportunities within the area. The proposed rezoning meets the intent of the Medium Residential Future Land Use designation.

PUBLIC PARTICIPATION

The rezoning request is subject to the public participation requirements established in ULDR Section 47-24.1.F.14 of the ULDR. The applicant held a public participation meeting on September 15, 2021, to offer the Edgewood Civic Association, and surrounding neighborhoods and properties the opportunity to learn about the proposed rezoning. The public participation meeting summary and affidavit are attached as **Exhibit 4**. In addition, this request was subject to sign notification requirements established in ULDR, Section 47-27.5. The applicant has installed two signs and has submitted a sign affidavit indicating proper sign notification was provided. The affidavit and photographs of the posted signs are provided as **Exhibit 5**.

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.

The applicant has submitted narratives outlining how the rezoning complies with the applicable section of the ULDR as described herein and is attached as Exhibit 3, to assist the Board in determining if the proposal meets the criteria.

EXHIBITS:

1. Location and Zoning Map
2. Sketch and Legal Description
3. Applicant's Narrative Responses
4. Public Participation Meeting Summary and Affidavit
5. Public Sign Notice Affidavit and Photos