



**REQUEST:** Rezone from Community Facility (CF) District to Residential Multifamily Low Rise/Medium Density (RM-15) District

<b>CASE NUMBER</b>	UDP-Z22014	
<b>APPLICANT</b>	1700 N Andrews, LLC	
<b>AGENT</b>	Debbie Orshesky, Esq.	
<b>GENERAL LOCATION</b>	1700 North Andrews Avenue (Eastern Portion of Parcel)	
<b>EXISTING ZONING</b>	Community Facility (CF) District	
<b>PROPOSED ZONING</b>	Residential Multifamily Low Rise/Medium Density (RM-15) District and Community Business (CB) District.	
<b>LAND USE</b>	Medium Residential	
<b>COMMISSION DISTRICT</b>	2 - Steven Glassman	
<b>NEIGHBORHOOD ASSOCIATION</b>	South Middle River Civic Association	
<b>LOT SIZE</b>	33,860 Square Feet (0.77 Acres)	
<b>APPLICABLE ULDR SECTIONS</b>	47-24.4., Rezoning 47-25.2., Adequacy Requirements	
<b>NOTIFICATION REQUIREMENTS</b>	Sec. 47-27.6, Sign Notice Sec. 47-27.4, Public Participation Sec. 47-27.6 Mail Notice	
<b>SECTION 166.033, FLORIDA STATUTES</b>	<b>180-day Expiration Date</b>	<b>Extension Date (s)</b>
	February 1, 2023	N/A
<b>ACTION REQUIRED</b>	Recommend the City Commission Approve the Rezoning, Recommend a More Restrictive Zoning District, or Deny the Rezoning	
<b>PROJECT PLANNER</b>	Adam R. Schnell, Urban Planner III	<i>AS</i> <i>CP</i>

**PROJECT DESCRIPTION:**

The applicant is seeking to rezone the east portion of 1700 North Andrews Avenue from Community Facility (CF) District to Residential Low Rise Multifamily/Medium Density (RM-15) District. The site is located east of North Andrews Avenue, south of NE 17th Court, and north of NE 16th Place in the South Middle River Civic Association Neighborhood. The entire site is 1.19 acres, and the applicant is seeking to rezone the easternmost 0.77 acres from CF to RM-15 and the remaining westernmost 0.42 acres from CF to Community Business (CB) District, which is requested under an associated rezoning application (Case No. UDP-Z22015) also scheduled on this agenda. The site is currently vacant, and the applicant proposes to construct eleven (11) townhouses on the portion of the property to be rezoned RM-15 and a commercial building on the portion of the site to be rezoned CB. Surrounding uses consist of townhouses and single-family homes to the east and south, and commercial businesses to the north and east along the North Andrews Corridor.

The application, area maps, and sketch and legal description of the land proposed to be rezoned are attached as **Exhibit 1**. The applicant's narrative responses to criteria and conceptual site plan are attached as **Exhibit 2**.

**REVIEW CRITERIA:**

Pursuant to Section 47-24.4.D of the City's Unified Land Development Regulations (ULDR), 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 RM-15 is consistent with the underlying future land use of Medium Residential. 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.

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.*

It is not anticipated that the rezoning will have any adverse impacts on the character of development in the area. The proposed rezoning expands the existing RM-15 zoning district that currently exists to the north and east of the site. Rezoning from CF to RM-15 decreases the intensity of future development and creates a transition area between existing residential uses to the east, south, and north of the site from existing and proposed commercial uses on N. Andrews Avenue.

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 is suitable for the uses permitted in the proposed zoning district. The proposed RM-15 zoning is the same zoning designation as properties to the north and east of the site, which contain single-family, and townhouse uses and the Residential Single Family / Medium (RDs-15) Density District containing single family uses located to the south and southeast of the site.

Refer to Table 1 for a comparison of permitted uses for the property's existing and proposed zoning districts. For a detailed list of uses, refer to ULDR Section 47-8.10. - List of permitted and conditional uses, CF District and ULDR Section 47-5.16. - List of permitted and conditional uses, RM-15 District.

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

<b>Existing Zoning District</b>	<b>Proposed Zoning District</b>
<b>Community Facility (CF)</b>	<b>Residential Multifamily (RM-15 )</b>
<b>Permitted Uses</b>	<b>Permitted Uses</b>
Public Facilities	Residential
Utilities	Lodging
Accessory Uses, Buildings and Structures	Public Purpose Facilities
Urban Agriculture	Child Day Care Facilities
<b>Conditional Uses</b>	Accessory Uses, Buildings and Structures
Cemetery, Crematory, Columbarium, Mausoleum	Urban Agriculture
College, University	<b>Conditional Uses</b>
Detention Center, Jail	Community Residence 4-10
Helistop	Community Residence, more than 10
Hospital, Medical and Public Health Clinic	Bed and Breakfast Dwelling
Indoor Firearms Range	Mixed Use Development
Marina	House of Worship
Social Service Residential Facility	School
Addiction Treatment Center	Social Service Facility, Level II
	Social Service Residential Facility
	Child Day Care Facilities, Large
	Nursing Home
	Watercraft Sales and Rental, new or used when accessory to a Marina

Refer to Table 2 for a general comparison of the dimensional requirements for the property's existing and proposed zoning districts. For a complete list of dimensional requirements reference ULDR Section 47-8.30. - Table of Dimensional Requirements and ULDR Section 47-5.34. - Table of Dimensional Requirements for the RM-15 and RM-15 Districts.

**Table 2: Comparison of Dimensional Requirements**

Requirements	Existing Zoning District	Proposed Zoning District
	Community Facility ( CF)	Residential Multifamily Low Rise/Medium Density (RM-15)
Maximum building height (ft.)	60'	35'
Maximum FAR	1.0*	N/A
Minimum front yard (ft.):	25'	25'
Minimum side yard (ft.):	25'	5' to 10'
When Abutting Water	N/A	20'
Minimum rear yard (ft.):	25'	15' to 20'
When Abutting Water	N/A	20'
Corner yard(ft.)	25'	25% of lot width but not less than 10', nor greater than 25'

**COMPREHENSIVE PLAN CONSISTENCY**

The property is designated Medium Residential on the City's Future Land Use Map. The proposed rezoning and associated uses are consistent with the Medium Residential future land use designation. The proposed rezoning aligns with 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 rezoning creates a residential buffer between the North Andrews Avenue corridor and existing low density residential neighborhoods, which is supported by Future Land Use Element, Goal 2, Objective FLU 2.1: which encourages the protection of existing and future residential neighborhoods from impacts created by more intense adjacent uses.

**PUBLIC PARTICIPATION**

The application is subject to the public participation requirements established under ULDR Section 47-24.1. F.14. According to 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 June 20, 2022, to offer the neighborhood and surrounding properties the opportunity to learn about the proposed rezoning. The public participation meeting had four people in attendance.

In addition, this request was subject to sign notification requirements established in ULDR, Section 47-27.4. The applicant posted three signs on the property and has met the requirements of this section. The public participation meeting summary and affidavits are attached as **Exhibit 3**.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

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

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, Area Maps, and Sketch and Legal Description
2. Applicant's Narrative Responses to Criteria and Conceptual Site Plan
3. Public Participation Meeting Summary and Affidavits