



TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Greg Chavarria, City Manager

DATE: September 19, 2023

TITLE: Public Hearing – Quasi-Judicial Ordinance Rezoning from Residential Multifamily Mid Rise Medium High Density (RMM-25) District to Northwest Regional Activity Center- Mixed Use West (NWRAC-MUw) District – 639 NW 9th Ave, LLC – Case No. UDP-Z23004 – (**Commission District 3**)

Recommendation

Staff recommends the City Commission consider adopting the rezoning of 0.852 acres (37,125 square feet) of land from Residential Multifamily Mid Rise Medium High Density (RMM-25) District to Northwest Regional Activity Center - Mixed-Use west (NWRAC-MUw) District.

Background

The applicant, 639 NW 9th Ave, LLC, is proposing to rezone the parcels of land located at 639, 635, 631, 627, 623 NW 9th Avenue from Residential Multifamily Mid-Rise / Medium-High Density (RMM-25) District to Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw) District. The parcels have an underlying land use designation of Northwest Regional Activity Center (NWRAC). If approved, the NWRAC-MUw District will extend northbound towards NW 7th Street. Development plans for the subject parcels have not been submitted with the rezoning application.

On July 19, 2023, the Planning and Zoning Board (PZB), acting as the local planning agency, reviewed the application and recommended approval of the rezoning (by a vote of 7-0). The location map, zoning district map, future land use map, and sketch and legal description are attached as Exhibit 1. The application and applicant's responses to criteria are attached as Exhibit 2. The July 19, 2023, Planning and Zoning Board Staff Report and Meeting Minutes are attached as Exhibit 3 and Exhibit 4, respectively.

Review Analysis

Pursuant to the ULDR Section 47-24.4, Rezoning, 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 NWRAC-MUw is consistent with the underlying future land use designation of Northwest Regional Activity Center. Please refer to the Comprehensive Plan Consistency section herein 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 parcels to NWRAC-MUw will not adversely impact the character of development in or near the area under consideration. The Property is surrounded by properties zoned RMM-25 to the north and west, Industrial (I) and Community Business (CB) to the east, and NWRAC-MUw to the south. Rezoning of properties to NWRAC-MUw is in alignment with the neighborhood's goal of supporting redevelopment opportunities and has the potential of increasing housing opportunities and local employment. Housing is needed to support new businesses and ensure higher levels of purchasing power, helping to fortify the economic vitality of existing and future businesses in the neighborhood. A recent project within the same block is "909 Sistrunk" to the south approved in 2019, which included a rezoning application (Case Number Z18004) and associated site plan application (Case Number R19028) for a mixed-use development.

- 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 zoning district is intended to promote and enhance the existing mix of uses and character of the area by providing for a wide range of employment, shopping, services, cultural and residential opportunities with a mix of residential and non-residential uses. The NWRAC area generally includes a higher intensity of uses along the corridors which transition to lower densities and intensities of the surrounding neighborhood. The rezoning of the Property to NWRAC-MUw is compatible with the existing and proposed mix of uses in the surrounding area along Sistrunk Boulevard and Powerline Road. The parcels are surrounded by properties zoned RMM-25 to the north and west, Industrial (I) and Community Business (CB) to the east, and NWRAC-MUw to the south. The proposed rezoning of the parcels expands the NWRAC-MUw mixed use zoning northward, consistent with the underlying NWRAC land use. Further, pursuant to ULDR Section 47-13.29, future developments are required to meet the Northwest Regional Activity Center Design Standards, which include but are not limited to building orientation, architectural requirements, open space, vehicular and pedestrian access, building materials, active ground floor uses and facades. Additional standards for parking facilities, landscaping, signage, and streetscapes will also be applied during the development review process at the time of site plan application to further ensure neighborhood compatibility.

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

Table 1: Comparison of Permitted Uses	
Existing Zoning District (RMM-25)	Proposed Zoning District (NWARC-MUw)
Residential Uses	<u>Automotive</u>
Public Purpose Facilities	Boats, Watercraft and Marines
Child Day Care Facilities	Commercial Recreation
Accessory Uses, Buildings and Structures	Food and Beverage Sales and Service
Urban Agriculture	Lodging
Conditional Uses	Public Purpose Facilities
Lodging	Residential Uses
Mixed-Use Development	Services/Office Facilities
Nursing Home Facilities	Storage Facilities
Child Day Care Facilities	Conditional Uses
	Car Wash, Automatic
	Charter and Sightseeing Boat
	Marina
	Watercraft Repair, Minor Repair
	Watercraft Sales and Rental, New or Used
	Communication Towers, Structure, and Stations
	Hospital, Medical and Public Health Clinic
	Social Service Residential Facility
	Child Day Care Facilities
	Nursing Home Facilities

Reference Table 2 below 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-MUw District.

Table 2: Comparison of Dimensional Requirements		
Requirements	Existing Zoning District RMM-25	Proposed Zoning District NWRAC-MUw
Building Height	55 feet	45 feet by right 65 feet with City Commission Review and Approval Pursuant to the Performance Standard in Section 47-13.52.B
Floor Area Ratio (FAR)	None	None
Minimum Front Yard*	25 Feet	0 feet Primary Street 5 feet Secondary Street 15 feet when abutting residential
Minimum Side Yard*	5 Feet 20 Feet when abutting a waterway	0 feet Primary Street 5 feet Secondary Street 15 feet when abutting residential
Minimum Rear Yard*	15 Feet 20 Feet when abutting a waterway	0 feet Primary Street 5 feet Secondary Street 15 feet when abutting residential
Minimum Corner Yard*	25% of lot width but not less than 10 ft. nor greater than 25 ft.	0 feet Primary Street 5 feet Secondary Street 15 feet when abutting residential
Shoulder Height	N/A	25 feet (2 stories) minimum 65 feet (5 stories) maximum

* Yard dimensions in this district are the minimum requirements. In no case shall the dimensional requirements be less than an amount equal to one-half (½) the height of the building, when this is greater than the above specified yard minimums. Modification of required yards may be permitted subject to the requirements of Modification of Yards.

Comprehensive Plan Consistency

The property is designated Northwest Regional Activity Center on the City's Future Land Use Map. The proposed rezoning and associated uses are consistent with this future land use designation, which is intended to encourage redevelopment and expansion of employment and housing opportunities within the area. 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 surrounding neighborhood contains a mixture of single family residential and small multifamily developments. The proposed rezoning will promote and enhance the existing and proposed mix of uses and character of the NWRAC by providing for a wide range of employment, shopping, services, cultural and residential opportunities, with a mixture of residential and non-residential uses.

Public Participation

The proposed rezoning request is subject to the public participation requirements established in ULDR, Section 47-27.4. This section states that public outreach should include any city-recognized civic associations and properties within 300 feet of the property. The applicant conducted a virtual public participation meeting on May 22, 2023, to provide an opportunity for comments from the public. The public participation meeting had two people in attendance. The applicant's public participation meeting summary and affidavit are attached as Exhibit 5.

In addition, this request is subject to mail notice and sign notification requirements established in ULDR Section 47-27.5. A mail notification requirement to property owners within 300 feet of the properties was completed and mailed on July 3, 2023. The applicant installed a total of three signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The affidavit and photographs of the posted signs, reflecting the PZB meeting date of July 19, 2023, are provided as Exhibit 6.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the Press Play Fort Lauderdale Strategic Plan 2024, specifically advancing:

- The Business Development Focus Area.
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Create a responsive and proactive business climate to attract emerging industries.

This item advances the Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Prosperous.

This item also supports the Advance Fort Lauderdale 2040 Comprehensive Plan, specifically advancing:

- The Business Development Focus Area
- The Economic Development Element
- Goal 1: Enhance the economic competitiveness of Fort Lauderdale through policies that encourage retention and recruitment of business and industry which provide living-wage employment and increased training and competitiveness of the local workforce.

Attachments

Exhibit 1 – Location Map, Zoning Map, Future Land Use Map, Sketch and Legal Description

Exhibit 2 – Application and Applicant’s Responses to Criteria

Exhibit 3 – July 19, 2023, PZB Staff Report

Exhibit 4 – July 19, 2023, PZB Meeting Minutes

Exhibit 5 – Public Participation Meeting Summary and Affidavit

Exhibit 6 – Public Notice Signs and Affidavits

Exhibit 7 – Ordinance

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