**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 <sup>th</sup> Avenue and NE 10 <sup>th</sup> 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

portion of the development site to CB will provide additional depth to enable the applicant to unify the development site and redevelop it while providing an appropriate buffer area from the residential properties directly to the north.

3. The character of the area proposed for rezoning is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

The rezoning of the property to CB is compatible with the character of the surrounding area, which includes a mixture of land uses primarily characterized by commercial uses along Sunrise Boulevard and residential northward. The parcel to be rezoned is surrounded by the medium-density residential (RMM-25) district to the north as well as the commercial (B-1) district to the south and partially east and west.

The proposed rezoning to CB would permit the development site to be unified under commercial zoning and redeveloped. With the proposed redevelopment improvements to pedestrian connections and enhanced landscaping will be provided along NE 9<sup>th</sup> Avenue, NE 10<sup>th</sup> Avenue and Sunrise Boulevard to foster a safer and more comfortable pedestrian environment. In addition, a bufferyard wall with landscaping is proposed along the northern boundary of the site, adjacent to the residential uses. The restaurant, including drive -thru facility, is proposed on the CB portion of the development site. The proposed restaurant is approximately 29-feet in height, a scale which is generally consistent with other development in the area.

The applicant has provided narrative responses to all criteria, including Section 47-25.2, Adequacy Requirements and Section 47-25.3, Neighborhood Compatibility Requirements provided in the plans sets. Staff concurs with applicant's assessment.

#### Parking, Traffic and Circulation:

Vehicular ingress into the parking lot is provided from NE 9<sup>th</sup> Avenue and NE 10<sup>th</sup> Avenue, with no access provided from Sunrise Boulevard. Existing road closures in the vicinity of the project prevent vehicular traffic exiting the development site to enter into the neighborhood northward. A total of 42 parking spaces are required for the proposed development. The applicant is proposing to provide thirty-eight (38) spaces for the restaurant site and fifty-four (54) for the auto rental facility as follows. It is anticipated the parking spaces will be shared by all uses for the development site.

As per ULDR Sec. 47-20, Parking Requirements		
Restaurant < 4,000 SF (3,440 square feet with outdoor seating)	@ 1/100 square feet	= 35
Auto rental facility 1,570 square feet	@ 1/250 square feet	= 7

TOTAL
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42 parking spaces required 92 parking spaces provided

To further pedestrian connectivity in the area, a new shaded seven (7) foot sidewalk will be provided along Sunrise Blvd. and new shaded five (5) foot sidewalks will be provided along the two roadways leading into the neighborhood to the north.

The applicant has provided with your plans package an Executive Summary, prepared by Cathy Sweetapple & Associates, stating the daily trips anticipated with this new development will fall below the ITP Trip Generation, 9th Edition threshold and thereby do not require a full traffic impact study.

#### STAFF FINDINGS:

Staff recommends the Board approve this request with condition as stated below, and consistent with:

ULDR Sections: 47-24.4, Rezoning Criteria 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility 47-28, Flexibility Rules

# **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.