



**REQUEST:** Site Plan Level IV Review: Rezoning from Residential Multifamily Mid Rise/ Medium High Density (RMM-25) District to Exclusive Use – Parking Lot (X-P) District with Allocation of 0.49 acres of Commercial Flex for 5,100 Square-Foot Restaurant and 2,465 Square-Foot Retail Building and Parking Reduction

Case Number	ZR17003	
Applicant	2980 Investments, LLC.	
General Location	2980 N Federal Highway	
Property Size	46,140 Square-Feet / 1.0 acres	
Existing Zoning	West Parcel: Boulevard Business (B-1) East Parcels: Residential Multifamily Mid Rise/ Medium High Density (RMM-25)	
Proposed Zoning	West Parcel: Boulevard Business (B-1) East Parcels: Exclusive Use- Parking Lot (X-P)	
Existing Use	Vacant Land	
Proposed Use	Restaurant and Retail	
Future Land Use Designation	West Parcel: Commercial East Parcels: Medium-High Density	
Applicable Unified Land Development Regulations (ULDR) Sections	47-24.4, Rezoning Criteria 47-9.20, X- District Rezoning Criteria 47-28, Flexibility Rules 47-20.3, Parking Reduction 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements	
	Required	Proposed
Lot Density	N/A	N/A
Lot Size	N/A	43,965 square-feet
Lot Width	N/A	119 feet-10 inches- 200 feet
Building Height	150 feet	24 feet
Structure Length	N/A	89 feet x 85 feet
Floor Area	N/A	7,565 square-feet
Landscape Area	7,945 square-feet	8,085 square-feet
Parking	88	68
Setbacks/Yards	Required	Proposed
Front (W)	20 feet	20 feet
Side (N)	0 feet	10 feet
Side (S)	0 feet	32 feet-9 inches-42 feet-5 inches
Rear (E)	15 feet	195 feet-3 inches
Notification Requirements	ULDR Section 47-27.6 Sign Notice 15 days prior to meeting ULDR Section 47-27.6 Mail Notice (300 foot radius) 10 days prior to meeting ULDR Section 47-27.4. Public Participation	
Action Required	Approve, Approve with Conditions, or Deny	
Project Planner	Karlanne Grant, Planner II	

**PROJECT DESCRIPTION:**

The applicant proposes to construct a building consisting of a 5,100 square-foot restaurant and 2,465 square-foot retail building at 2980 N Federal Highway. The eastern parcels are proposed to be rezoned from Residential Multifamily Mid Rise/ Medium High Density (RMM-25) District to Exclusive Use – Parking Lot (X-P), to serve the proposed uses. The application also includes a request for an associated parking reduction to reduce the amount of required on-site parking from 88 to 68 spaces. In addition, the applicant is proposing to vacate the alley that transects the development site. The associated application is also scheduled on this agenda as Case No. V17001. The site plan, project narratives and the legal sketch and description of the area to be rezoned are included as part of Exhibit 1.

**PRIOR REVIEWS:**

This item was deferred at the June 21, 2017 Planning and Zoning Board (PZB) meeting at the applicant's request. The project was reviewed by the Development Review Committee (DRC) on February 14, 2017. All comments have been addressed and are available on file with the Department of Sustainable Development (DSD).

**REVIEW CRITERIA:**

Pursuant to the City's Unified Land Development Regulations (ULDR) Section 47-24.4.D., Rezoning Criteria, 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 proposed development is in the Medium-High land use, which permits rezoning to X-Exclusive use district, a district intended to protect the character of existing residential neighborhoods adjacent to commercial uses while supporting the viability of commercial areas. The X district provides a carefully regulated opportunity for certain low intensity commercial uses to be placed within a residential area such as the proposed parking lot.

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 parking area has been in existence for many years and is legally non-conforming. The re-investment in this commercial area precipitates providing adequate parking for commercial uses located on North Federal Highway.

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 use as a surface parking lot not only provides for a limited low intensity use for the Property, but also provides a buffer between the "back of house" of the commercial uses in the adjacent B-1 district, as well as providing much needed public parking in the area.

As per ULDR Section 47-9.20.C, an application for a rezoning to an X district shall be reviewed in accordance with the following criteria:

1. The proposed site and use meet the conditions and performance criteria provided in this section.
2. The height, bulk, shadow, mass and design of any structure located on the site is compatible with surrounding properties and is consistent with the goals and objectives for the location of the property as provided in the Comprehensive Plan.

No associated structures are proposed on the site associated with the proposed application for rezoning to X-P. The proposed improvements increase the site conformity by including additional

landscape and buffer treatments adjacent to the residential use, as well as a new pedestrian access path along Middle River Drive. In association with the rezoning request for the surface parking lot, 5,100 square-foot restaurant and 2,465 square-foot retail are proposed on the B-1 portion of the development. The proposed building is approximately 24-feet in height, a scale which is generally consistent with other development in the area. Additional Comprehensive Plan consistency analysis is included further below.

**Adequacy and Neighborhood Compatibility:**

The adequacy criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed development. The neighborhood compatibility criteria of ULDR Sec 47-25.3 include performance standards requiring all developments to be "compatible with, and preserve the character and integrity of adjacent neighborhoods... the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts".

The properties directly to the north and west are zoned B-1. To the south and east of the site, the properties are zoned B-1 and RMM-25, respectively. B-1 allows for an array of commercial uses such as restaurants, professional offices, and retail. The proposed restaurant and furniture store are generally consistent with the uses in the surrounding area. The project will serve the local neighborhood and capture customers traveling along Federal Highway.

The applicant has submitted narratives regarding the project's compliance with ULDR Section 47-24.4.D, Rezoning Criteria, 47-9.20, X- District Rezoning Criteria Section 47-25.2, Adequacy Requirements, and Section 47-25.3, Neighborhood Compatibility Requirements, attached with the site plan and submittal material, to assist the Board in determining if the proposal meets these criteria.

**Parking and Circulation:**

Vehicular ingress and egress into the site is provided from Federal Highway and Middle River Drive. A total of 88 parking spaces are required for the proposed uses, as follows:

Per ULDR Section 47-20, Parking Requirements:

Use	Ratio	Required
Restaurant greater than 4,000 square-feet	1/30 square feet of customer service area including outdoor dining area on the site (1,519 square feet +377 square feet = 63.2) + 1/250 square feet gross floor area (3,581 square feet= 14.32)	77.52
Retail	1/250 square feet gross floor area (2,465 square feet= 9.86)	9.86
Total Required		88

The applicant is proposing to provide 68 parking spaces as part of their request for a parking reduction. Pursuant to ULDR Section 47-20.3, Reductions and Exemptions, the following criteria apply:

- a. Adequacy requirements, as provided in Section 47-25.2; and

- b. The use, site, structure or any combination of same, evidences characteristics which support a determination that the need for parking for the development is less than that required by the ULDR for similar uses; or
- c. There is a public parking facility within seven hundred (700) feet of the parcel which the parking is intended to serve along a safe pedestrian path as defined by Section 47-20.4, which spaces may be used to provide parking for applicant's property without conflict with the need for public parking based on a report by the department which includes a report by the city's director of parking services and city engineer; or
- d. If the application is based on two (2) or more different users sharing the same parking spaces at different hours, that the peak hour(s) for each use will be at different hours; or
- e. If the application is based on two (2) or more different users sharing the same parking spaces at the same time because one use derives a portion of its customers as walk-in traffic from the other use, that the two (2) or more uses will share the same users; or
- f. Restrictions will be placed on the use of the property or actions will be taken such as providing company vans for car pooling of employees and patrons, or consistent use of mass transit will reduce the need for required parking and there are sufficient safeguards to ensure the restriction, action, or both, will take place; or
- g. Any combination of subsections A.5.a through e; and
- h. Notwithstanding the provisions of Section 47-20.19 and Section 47-3, Nonconforming Uses, Structures and Lots, parking legally permitted and associated with an established permitted use prior to or on the effective date of the ULDR (June 18, 1997) located within the Central Beach zoning districts of the Central Beach Regional Activity Center, and where the structure containing such permitted use is not voluntarily demolished by more than fifty (50) percent such parking shall be deemed to be conforming parking for the purposes of a change of use as regulated by Section 47-20 and Section 47-3, Nonconforming Uses, Structures and Lots and shall not be required to provide additional parking; and,
- i. In addition to the criteria provided above, that any alternative parking arrangement proposed will be adequate to meet the needs of the use the parking will serve and that reducing the required parking will be compatible with and not adversely impact the character and integrity of surrounding properties.

The traffic and parking analysis prepared by KBP Consulting, Inc., dated June 27, 2017 concluded the following:

The average peak period parking demand rate for the uses are as follows:

- Shopping Center: 3.76 vehicles per 1,000 square feet
- High-Turnover (Sit-Down) Restaurant: 10.60 vehicles per 1,000 square feet

Based upon the parking rates, the parking requirements for the Building are calculated as follows:

- Retail:  $2,465 \text{ SF} \times 3.76 \text{ spaces} / 1,000 \text{ SF} = 9.27 \text{ spaces} = 10 \text{ spaces}$
- Restaurant:  $5,477 \text{ SF} \times 10.60 \text{ spaces} / 1,000 \text{ SF} = 54.06 \text{ spaces} = 58 \text{ spaces}$

Based upon this analysis, the total parking supply required for the 2980 Retail / Restaurant Building is 68 parking spaces. Therefore, a proposed parking supply of 68 parking spaces is anticipated to be adequate.

In accordance with ULDR Section 47-25.2.M.4., Adequacy Requirements – Transportation Impact Studies, a traffic impact study is required when:

- a. The proposed development generates over one-thousand (1,000) daily trips; or

- b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half (½) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half (½) hour period.

The proposed 2980 Retail / Restaurant Building project is anticipated to generate 839 daily vehicle trips, 59 AM peak hour vehicle trips (32 inbound and 27 outbound) and 81 vehicle trips (44 inbound and 37 outbound) during the typical afternoon peak hour. When compared with the previous development on this site this represents a decrease of 31 daily vehicle trips, an increase in two (2) AM peak hour trips, and a decrease in 71 PM peak hour trips. Based on the analysis, the proposed project daily generated trips are all under one-thousand (1000) trips and therefore a traffic study is not required.

The traffic and parking statement is attached as Exhibit 2. The Transportation and Mobility Department concur with the Study's findings.

#### **Comprehensive Plan Consistency:**

The proposed use is consistent with the Commercial land use designation in that the proposed commercial uses are allowed in the Commercial land use category and the request for Commercial flex allocation is permitted in the Medium-High Residential land use category if approved through the Site Plan Level IV / Rezoning Application, and associated allocation of commercial flex, subject to consistency with the City's Comprehensive Plan and ULDR, Section 47-28, Flexibility Rules as well as Broward County Land Use Plan, Administrative Rules Document, Flex Rules and Regulations. The property is located in Flex Zone 40. The proposed project will allocate 0.49 acres of commercial flex. Should the project be approved, 93.85 acres will remain in that flex zone.

The proposed rezoning is generally consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 1, Objective 1.19, Neighborhood Compatibility, Policy 1.19.5, which states that it limits intensity of commercial development adjacent to residential neighborhoods through ULDR controls including height and floor area ratio limitations and buffering requirements as well as the Future Land Use Element, Goal 1, Objective 1.42, Protection of Residential Neighborhoods and Policy 1.20.1, which states that the City shall continue to maintain, through the ULDR, buffering provisions, which are necessary to protect residential areas from adjacent commercial developments.

#### **Public Participation**

The rezoning, allocation of flex and parking reduction request are subject to the public participation requirements established in ULDR, Section 47-27.4. According to the applicant, a public participation meeting was held on April 13, 2017 in order to offer the neighborhood associations surrounding the property the opportunity to learn about the proposed project.

The public participation meeting summary and affidavit are provided as Exhibit 3.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of 4 signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. Exhibit 4 contains the affidavit and pictures of the posted signs.

#### **STAFF FINDINGS:**

Staff recommends the Board approve this request consistent with:

ULDR Section 47-24.4, Rezoning Criteria

ULDR Section 47-9.20, X- District Rezoning Criteria  
ULDR Section 47-28, Flexibility Rules  
ULDR Section 47-20.3, Parking Reduction  
ULDR Section 47-25.2, Adequacy Requirements  
ULDR Section 47-25.3, Neighborhood Compatibility Requirements

**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 and associated site plan and parking reduction 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 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 47-26.B, Appeals.

**EXHIBITS:**

1. Site plan, Legal Sketch and Description of the Area to be Rezoned and Project Narratives
2. June 27, 2017 Traffic & Parking Statement prepared by KBP Consulting, Inc.
3. Public Participation Meeting Summary and Affidavit
4. Pictures of Public Notice Signs and Sign Affidavit