REQUEST: Rezoning from Residential Single Family / Medium Density District (RDs-15) and Residential Low Rise Multifamily/Medium High Density District (RML-25) to Residential Single Family Cluster Dwellings/Medium Density District (RC-15)

Case Number	Z17009		
Applicant	Development 4Life Partners, LP.		
General Location	501 NW 17th Street		
Property Size	211,421 square feet / 4.85 acres		
Existing Zoning	Residential Single Family / Medium Density District (RDs-15) and Residential Low Rise Multifamily/Medium High Density District (RML-25)		
Proposed Zoning	Residential Single Family Cluster Dwellings/Medium Density District (RC-15)		
Existing Use	Vacant Church		
Proposed Use	Townhouse Development		
Future Land Use Designation	Medium Density Residential		
Applicable ULDR Sections	Section 47-5.14. - List of permitted and conditional uses, RC-15 Residential Single Family / Cluster Dwellings / Low Medium Density District Section 47-24.4 Rezoning Criteria		
Notification Requirements	Section 47-27.4 Public Participation Section 47-27.6 Sign Notice 15 days prior to meeting Section 47-27.6 Mail Notice (300 foot radius), 10 days prior to meeting		
	Required (RDs-15) Single Family	**Required (RML-25) Townhouse**	**Proposed (RC-15) Townhouse**
Lot Size	6,000 square feet	7,500 square feet	7,500 square feet
Density	15 du/net acre	25 du/net acre	15 du/net acre
Building Height	35 feet	35 feet	35 feet
Structure Length	Not Applicable	200 feet	200 feet
Floor Area	700 square feet	750 square feet per dwelling unit	750 square feet per dwelling unit
Parking	2/dwelling unit	2/dwelling unit and 0.25 guest parking	2/dwelling unit and 0.25 guest parking
Setbacks/Yards	**Required (RDs-15) Single Family**	**Required (RML-25) Townhouse**	**Proposed (RC-15) Townhouse**
Front	25 feet	25 feet	25 feet
Side	5 feet	10 feet	10 feet
Rear	15 feet	20 feet	20 feet
Project Planner	Nicholas Kalargyros, Planner II		NK EL.

PROJECT DESCRIPTION:

The applicant is requesting to rezone approximately 4.85 acres of land located on the north side of NW 17th Street, east of NW 6th Avenue, south of NW 17th Court and west of NW 3rd Avenue from Residential Single Family / Medium Density District (RDs-15) and Residential Low Rise Multifamily/Medium High Density District (RML-25) to Residential Single Family Cluster Dwellings/Medium Density District (RC-15) in order to allow for a future townhouse development. A site plan proposing townhouses may not be reviewed by staff until the site is rezoned to a

district which allows townhouses as a permitted use. Any proposed development on the site would be reviewed as part of the site plan review process. The Planning and Zoning Board application and a sketch and legal description of the property proposed to be rezoned is attached as Exhibit 1. The applicant is processing a concurrent plat application, which is also scheduled on the August 15, 2018 agenda as Item 3, Case Number PL17007.

PRIOR REVIEWS:

The project was originally reviewed by the Planning and Zoning Board (PZB) on February 21, 2018. A motion to defer the application was approved by a vote of 6-0 so the applicant could obtain additional public input. The PZB Minutes from February 21, 2018 are provided as Exhibit 2.

The applicant met with the South Middle River Civic Association on March 14, 2018, May 9, 2018 and June 26, 2018 to obtain additional public input and revised their submittal based on comments received from the Board, the public, and staff. The applicant reconfigured the plat to allow space between buildings as retention areas and changed the plat note restriction to read: "This plat is restricted to 46 townhouse units" from "This plat is restricted to 49 townhouse units." The South Middle River Civic Association voted in favor of the proposed plat at their June 26, 2018 general membership meeting.

REVIEW CRITERIA:

As per Section 47-24.4.D of the City's Unified Land Development Regulations (ULDR), a rezoning application shall be reviewed in accordance with the following criteria:

1. The zoning district proposed is consistent with the City's Comprehensive Plan;

   The existing zoning RDs-15 and proposed zoning district of RC-15 both have a maximum density of 15 dwelling units per acre. Although the majority of the site is zoned RDs-15, a small portion is zoned RML-25; however, the underlying land use remains the same with medium density residential land use, which has a maximum density of 15 units per acre. The proposed rezoning will bring this portion of the site into compliance with the underlying land use. Furthermore, the proposed rezoning provides for a transition between the commercial business uses along Andrews Avenue and the single family residential within the neighborhood. Please refer to the Comprehensive Plan Consistency section herein for additional analysis.

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 support targeted redevelopment, while maintaining community character. The proposed use is consistent with the underlying land use and neighboring zoning districts. The proposed zoning district requirements and design standards will be applied at time of site plan review that will collectively guide the design of the streetscape, open space, and compatible building design.

   In addition, the City recently adopted amendments to the ULDR, commonly known as Neighborhood Design Criteria Revisions (NDCR), which went into effect in June of 2017. The amendments 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 to ensure the design of such projects are compatible. The criteria addresses the placement of garages, front entries, vehicular area, pavement and landscaping in a manner that lessens the impact of such aspects in place of greater presence of the residential uses. For example, garages are limited in the amount of area they can occupy on the front portion of the lot in order to create stronger front entrances and a positive public realm experience. The residential uses subject to these requirements are listed below. As noted, townhouse projects, such as the applicant's, will be subject to these criteria at time of site plan review.

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 surrounding properties have a land use designation of Medium Density Residential to the north, east, south, and west of the property, a Medium-High Density Residential designation to the northeast, and Parks designation to the northwest of the property. The zoning classifications to the north, south and west of the property is RDs-15, to the east of the property is Residential Mid Rise Multifamily/Medium High Density (RML-25) and Residential Single Family / Medium Density District (RDs-15), and to the northeast of the property is and Park (P). Adjacent uses include existing residential duplexes and multifamily residential buildings to the north, east and west of the property and single family residential homes to the south.

   The proposed rezoning introduces townhouses, which is a permitted use in the RC-15 zoning district, in order to provide for a transition to the higher density areas to the north, thereby bridging the lower medium density of single family homes and duplexes to the higher density of multifamily residential uses. Additional permitted uses include new cluster dwellings, zero-lot-line dwellings, and two family/duplex dwellings. The applicant has indicated that a townhouse project is anticipated to be developed on the site and the concurrent plat application contains a restrictive note for 46 townhouse units. A comparison of permitted and proposed uses in each district is listed below in Table 1.

Table 1: Permitted Uses Comparison

Existing Zoning		**Proposed Zoning**
RDs-15 Residential Single Family/ Medium Density District	**RML-25** Residential Low Rise Multifamily/ Medium High Density District	**RC-15** Residential Single Family Cluster Dwellings/Medium Density District
- One (1) Single Family Dwelling, Standard - Existing Cluster Dwellings - Existing Two Family/Duplex Dwelling - Existing Zero-lot-line Dwelling	- One (1) Single Family Dwelling, Standard - Cluster Dwellings - Zero-lot-line Dwelling - Two Family/Duplex Dwellings - Townhouses - Coach Home - Multifamily Dwelling	- One (1) Single Family Dwelling, Standard - Cluster Dwellings - Zero-lot-line Dwelling - Two Family/Duplex Dwellings - Townhouses - Existing Dwelling Units

COMPREHENSIVE PLAN CONSISTENCY:

The City's Future Land Use Map indicates that the property has a land use designation of Medium Density Residential, maximum density of 15 dwelling units per acre. . The proposed zoning district, RC-15, is consistent with the underlying land use. The existing zoning RDs-15 and proposed zoning district of RC-15 both have a maximum density of 15 dwelling units per acre. Although the majority of the site is zoned RDs-15, a small portion is zoned RML-25; however, the underlying land use remains the same with medium density residential land use, which has a maximum density of 15 units per acre. The proposed rezoning will bring this portion of the site into compliance with the underlying land use. Furthermore, the proposed rezoning provides for a transition between the commercial business uses along Andrews Avenue and the single family residential within the neighborhood.

The rezoning is also generally consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 1, Objective 1.19: continue to evaluate and revise existing zoning in established single family neighborhoods to be consistent with existing density, scale and intensity. The proposed zoning district is consistent with the existing density, scale and intensity in that the proposed district maintains the same density, scale and intensity as the current zoning district.

The applicant has provided narrative responses to all criteria, which are attached to the plan sets as part of Exhibit 3. Staff concurs with applicant's assessment.

Public Participation

The rezoning request is subject to the public participation requirements established in ULDR Section 47-27.4. According to the applicant, public participation meetings were held during the South Middle River Civic Association monthly meetings on April 25th 2017 and October 24th, 2017, providing neighbors an opportunity to learn about the proposed project. The property owner hosted a meeting at the site on November 8th, 2017 to present changes based on neighborhood input. Subsequent to the deferral at the PZB meeting on February 21, 2018, the applicant met with the South Middle River Civic Association three additional times on March 14, 2018, May 9, 2018 and June 26, 2018 to obtain additional public participation. During the most recent meeting the South Middle River Civic Association voted in favor of supporting the proposed rezoning. The public participation meeting summary and affidavit as well as the letter of support from South Middle River Civic Association are provided as Exhibit 4.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of five signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. Exhibit 5 contains the affidavit and pictures of the posted signs.

On Monday, August 6, 2018, the City received a letter from Steve Kantner with a petition signed by residents of the South Middle River neighborhood opposing the rezoning request. The letter and petition is attached as Exhibit 6.

STAFF FINDINGS:

Staff recommends the Board approve this request consistent with:

- ULDR Section 47-5.14, List of permitted and conditional uses, RC-15 Residential Single Family/Cluster Dwellings/Low Medium Density District; and,
- ULDR Section 47-24.4, Rezoning Criteria

PLANNING AND 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 47-26.B. Appeals.

EXHIBITS:

1. Application, Location, Sketch and Legal of Property
2. Planning and Zoning Board Meeting Minutes for February 21, 2018
3. Applicant's Narrative Responses
4. Applicant's Summary of Public Participation Meetings and South Middle River Civic Association Letter of Support
5. Public Notice Sign Photos and Affidavit
6. South Middle River Neighborhood Letter and Petition