



**REQUEST:** Site Plan Level IV Review: Rezoning from Residential Single Family/Duplex/Low Medium Density (RD-15) to Community Business (CB) with Site Plan Approval and Allocation of 0.462 Acres of Commercial Flex for 20,115 Square Foot Gas Station and Convenience Store Use

<b>Case Number</b>	R17066	
<b>Applicant</b>	Town Development Co.	
<b>General Location</b>	333 E. Sunrise Boulevard	
<b>Legal Description</b>	Progresso 2-18 D Lot 25 LESS S 15 For ST, 26, 27 BLK 183	
<b>Property Size</b>	59,325 square feet / 1.36 acres	
<b>Current Zoning</b>	Boulevard Business (B-2)/Community Business (CB)/ Residential Single Family/Duplex/Low Medium Density (RD-15)	
<b>Proposed Zoning</b>	Boulevard Business (B-2)/Community Business (CB)	
<b>Existing Use</b>	The existing site consists of multiple vacant lots.	
<b>Proposed Use</b>	Cumberland Farms Convenience Store with Gas Station	
<b>Future Land Use Designation</b>	Commercial and Residential Medium	
<b>Applicable ULDR Sections</b>	47-24.4, Rezoning Requirements 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements 47-28.1, Flexibility Rules	
	<b>Required (B-1)</b>	<b>Proposed</b>
<b>Lot Size</b>	N/A	64,658 square feet / 1.48 acres
<b>Building Square Feet</b>	N/A	5,618 square feet
<b>Density</b>	N/A	N/A
<b>Building Height</b>	150 feet maximum	33 feet 4 inches
<b>Floor Area Ratio</b>	N/A	0.09
<b>Landscape Area</b>	N/A	11,951 square feet
<b>Vehicular Use Area</b>	1,620 square feet	36,536 square feet
<b>Parking Spaces</b>	57	53*
<b>Setbacks/Yards</b>	<b>Required</b>	<b>Proposed</b>
Front (East)	5 feet	83 feet
Side (North)	None	67 feet 6 inches
Side (South)	None	32 feet 6 inches
Rear (West)	5 feet	5 feet
<b>Notification Requirements</b>	Section 47-27.6 Sign Notice 15 days prior to meeting Section 47-12.5 Mail Notice 10 days prior to meeting Section 47-27.4 Public Participation	
<b>Action Required</b>	Approve, Approve with Conditions, or Deny	
<b>Project Planner</b>	Tyler Laforme, Urban Planner	

\*Parking reduction credit applied per ULDR Section 47-20.3.A.4.b, Central City CRA

**PROJECT DESCRIPTION:**

The applicant proposes to construct a Cumberland Farms convenience store and gas station, totaling 5,618 square feet on a 64,658 square-foot (1.484 acres) parcel of land located at 333 East Sunrise Boulevard. The applicant is also proposing to rezone the residential portion of the site (RD-15) to Community Business (CB). The site currently consists of multiple vacant lots. The proposed site plan application and applicant's narrative responses to criteria are included as **Exhibit 1** and **Exhibit 2**, respectively.

**PRIOR REVIEWS:**

The site plan was reviewed by the Development Review Committee (DRC) on November 28, 2017. All comments have been addressed and are available on file with the Department of Sustainable Development.

**REVIEW CRITERIA:**

The following Unified Land Development Regulations (ULDR) criteria apply to the proposed request:

- ULDR Section 47-24.4, Rezoning Requirements;
- ULDR Section 47-25.2, Adequacy Requirements;
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements;
- ULDR Section 47-28.1, Flexibility Rules

**Rezoning Requirements:**

As per Section 47-24.4.D of the City's Unified Land Development Regulation (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.

The proposed rezoning to CB is consistent with the City's Comprehensive Plan through the allocation of Commercial Flex. The commercial use is permitted if the allocation of commercial flex does not exceed five percent (5%) of the total land use area within the flexibility zone that is designated for Residential use. Currently there are 518.95 acres available for commercial flex use. The area to be rezoned is 0.46 acres and if approved, 518.49 acres of commercial flex will remain for commercial flex allocation. The proposed rezoning complies with the requirements for commercial flex allocation.

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 to CB, in association with the B-2 and other CB portions of the property will allow the entire site to be used and function as a Convenience store and fueling station. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration. Future uses allowed by the Community Business (CB) zoning designation will complement the surrounding businesses which include an automotive repair shop, a used car dealership, a Home Depot and an autobody repair shop.

3. The character of the area surrounding the parcel proposed to be rezoned is compatible with the uses permitted in the proposed zoning district.

The surrounding properties have a Land Use designation of Medium and Commercial, with associated zoning classifications of Boulevard Business (B-2), Community Business (CB), and Residential Single Family/Duplex/Low Medium Density (RD-15). The rezoning of the property to Community Business (CB) is consistent and compatible with the existing mix of land uses along Sunrise Boulevard. Additionally, the proposed zoning district is compatible with the neighboring zoning districts and applicable land use designation of Residential Medium with allocation of Commercial flex.

The area which is to be rezoned is contiguous to properties with the Community Business (CB) and the General Business (B-2) zoning districts and is located at the corner of Sunrise Boulevard and NE 4<sup>th</sup> Avenue. In addition, the property is located in the Central City Community Redevelopment Area.

Please refer to Table 1 below for a comparison of permitted uses in each district. For a detailed list of uses, refer to ULDR Section 47-5.12, List of permitted and conditional uses; RD-15 Residential Single Family/Duplex/Low Medium Density and ULDR Section 47-6.10, List of Permitted and



Conditional Uses; CB, Community Business. Table 2 includes a comparison table of key dimensional requirements.

**Table 1 – Comparison of Uses**

<b>Existing Zoning District</b>	<b>Proposed Zoning District</b>
<b>Residential Single Family/Duplex/Low Medium Density (RD-15)</b>	<b>Community Business (CB)</b>
<u>Permitted Uses:</u> Single Family Dwelling Single Family Dwelling, Attached: Cluster Single Family Dwelling, Attached: Duplex/Two family Single Family Dwelling, zero lot line Community Residences, 3 resident maximum Family Community Residence, 4 to 10 residents Active and Passive Park Social Service Residential Facility, Level 1 Family Day Care Home <u>Accessory Uses:</u> Urban Agriculture	<u>Permitted Uses:</u> Automotive Boats, Watercraft and Marinas Commercial recreation Food and Beverage Service Lodging Mixed-Use Developments Public Purpose Facilities Retail Services Services/Office Facilities <u>Accessory Uses:</u> Catering services Child Day Care Film Processing Outdoor dining and Sidewalk Cafes Urban Agriculture

**Table 2 – Comparison of Dimensional Requirements**

<b>Requirement</b>	<b>Existing Zoning District</b>	<b>Proposed Zoning District</b>
	<b>Residential Single Family/Duplex/Low Medium Density (RD-15)</b>	<b>Community Business (CB)</b>
<b>Building Height</b>	35 feet	150 feet
<b>Building Length</b>	None	N/A
<b>Front Setbacks</b>	25 feet	5 feet
<b>Rear Setback</b>	15 -25 feet (when abutting a waterway)	0 to 15 feet (when contiguous to residential)
<b>Side Setback</b>	5 feet – up to 22 feet in height, above that is additional 1 foot per 1 foot of additional height	0 to 10 feet (when contiguous to residential)
<b>Lot Size</b>	3,000 to 6,000 square feet	None

**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. Water and wastewater is serviced by the City of Fort Lauderdale. The City's Public Works Department provided a water/sewer capacity letter, dated October 16, 2018 and included as **Exhibit 3**, stating that the additional demand from the proposed land use will generate a flow less than the combined permitted treatment plant capacities.

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, buffer yards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts".

The project is adjacent to and across from other commercial uses and properties with the Boulevard Business (B-2) zoning designation, including an auto sales and repair shop to the west, a Home Depot retail store to the east and multiple automotive dealerships as well as drive-thru restaurants to the south, across Sunrise Boulevard.

To the north are residential properties with the Residential Single Family/Duplex/Low Medium Density (RD-15) zoning designation. The applicant has proposed placing the building close to Sunrise Boulevard in order to provide for a wide rear setback and landscaping buffer, including shrubs and canopy trees adjacent to the residential uses to mitigate adverse effects from the proposed project as well as any impacts from traffic, odors, noise, shadow, building scale and visual nuisances. In addition, the fuel pumps are located on the southernmost portion of the property to minimize any adverse effects from emissions or noise.

**Flexibility Rules:**

Pursuant to City's ULDR, Section 47-28.1.G, Allocation of Commercial Uses on Residential Land Use Designated Parcels, commercial land use is permitted if the allocation of Commercial Flex is accompanied by a rezoning of the development site to community business (CB) or exclusive use (X-Use), and no more than five percent (5%) of the total area within a flexibility zone which is designated residential on the city's plan, may be rezoned to CB or X-us, and the parcel proposed for CB or X-use shall not be greater than ten (10) contiguous acres.

The applicant is proposing a Flexibility allocation of commercial to the portion of the property designated residential land use as well as a rezoning of a portion of the site to CB zoning. This portion of the site does not exceed the five percent (5%) of total area of Commercial Flex Acreage, nor is the portion to be rezoned greater than 10 acres.

**Table 3 – Citywide Flex Zone**

	<b>Commercial Flex Acreage</b>
<b>Total Permitted</b>	518.95
<b>Assigned to Date</b>	0
<b>Pending</b>	0.71
<b>Remaining</b>	518.49

**Parking and Circulation:**

The vehicular ingress and egress to the site is located on NE 3<sup>rd</sup> Avenue at the northwest portion of the site, and NE 4<sup>th</sup> Avenue at the northeast portion of the site. There is also a one-way ingress from Sunrise Boulevard, as approved by the Florida Department of Transportation, see approval letter dated December 14, 2017 and attached as **Exhibit 4**. Pursuant to ULDR Section 47-20.3.A.4.b, an application for a parking reduction within the Central City Community Redevelopment area is reviewed and approved administratively. The project is providing a total of 53 parking spaces as follows:

<b>ULDR Section 47-20: Parking Requirements</b>			
<b>Use Type</b>	<b>Ratio</b>	<b>Required</b>	<b>Proposed</b>
Convenience store/Automotive service station with fuel pumps	1 space per 150 square feet	56.5	53
<b>TOTAL</b>		<b>57</b>	<b>53</b>

Pursuant to ULDR Section 47-20.3, Reductions and Exemptions, the reduction was applied based on the following criteria:



1. Impact on public services and facilities by the proposed development have been evaluated and addressed, as evaluated under Adequacy Requirements.
2. 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, and which was evaluated based on the most current edition of the Institute of Transportation Engineers(ITE) Parking Generation Manual.

According to the ITE Parking Generation Manual 4<sup>th</sup> Edition a Gasoline/Service Station with Convenience Market (Land Use code 945) the peak parking demand for the proposed 16 fuel pumps station would result in a total demand of 19 parking spaces. The applicant is meeting the ITE Parking Generation Manual demand and also providing an additional 24 parking spaces for a total of 53 parking spaces on site.

The proposed convenience store and gas station use is expected to increase the net amount of traffic generated on the property by more than the 1,000 vehicles per day, therefore a traffic study dated November 30, 2018 and prepared by Traf Tech Engineering Inc. is provided as **Exhibit 5**. The AM Peak Hour trips associated with the proposed use represents 5.9% of the daily traffic volume, and the PM Peak Hour represent 5.9% of the daily traffic volume. The generated peak traffic volumes do not meet or exceed the 20% criteria, however, a further traffic analysis is required due to the net generated traffic threshold being met (refer to Exhibit 4).

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

Staff has determined the proposed development plan is generally consistent with the City's Comprehensive Plan goals, objectives and policies, and Commercial and Residential Medium land designations. The site has been evaluated to ensure that the proposed development plan furthers Future Land Use Element Policy 1.19.5 regarding limiting the intensity of commercial development adjacent to residential neighborhoods through ULDR controls including height and floor area ratio limitations and buffering requirements.

As it relates to the proximity of the site to adjacent residential uses, Future Land Use Element Policy 1.20.2 states that non-residential uses shall be planned with setbacks, buffer landscaping and traffic patterns leading away from residential areas when non-residential uses are adjacent to residential areas. Per Future Land Use Policy 1.1.4, which is implemented to ensure safe and convenient on-site vehicular movement, off-street parking, pedestrian safety measures and adequate access for service and emergency vehicles, the development site has been designed to minimize vehicular and pedestrian conflicts with the adjacent NE 3<sup>rd</sup> Ave, NE 4<sup>th</sup> Ave, and Sunrise Boulevard corridors. This includes creating landscape buffers on all sides of the site and providing the main entrances on the secondary roadways. Also, where adjacent to the residential properties, a minimum 10' landscape buffer has been provided, as well as a much larger building setback from the north property line.

#### **Public Participation:**

This application is subject to the public participation requirements established in ULDR Section 47-27.4. According to the applicant, the required public participation meetings were held on February 14, 2018, October 10, 2018, November 5, 2018, and November 27, 2018 to offer the neighborhoods surrounding the property, South Middle River Civic Association Board of Directors, Middle River Terrace Civic Association Board of Directors, and South Middle River General Membership, the opportunity to learn about the proposed project. The public participation meeting summary is provided as **Exhibit 6**.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4. The applicant has installed two signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The affidavit and photographs of the posted signs are included as part of **Exhibit 7**.

**STAFF FINDINGS:**

Staff recommends the Board approve this request consistent with:

- ULDR Section 47-24.4, Rezoning Requirements;
- ULDR Section 47-25.2, Adequacy Requirements;
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements;
- ULDR Section 47-28.1, Flexibility Rules

The applicant has provided narrative responses to the criteria (included as Exhibit 2) to assist the Board in determining if the proposal meets these criteria. Staff concurs with applicant's assessment.

**PLANNING & ZONING BOARD REVIEW OPTIONS:**

If the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for rezoning and associated Site Plan, the Planning and Zoning Board shall approve 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. Site Plan and Applications
2. Applicant's Narrative Responses
3. October 16, 2018 Water Sewer Capacity Letter
4. December 14, 2017, FDOT Pre Approval Letter
5. November 30, 2018 Traffic Analysis prepared by Traf Tech Engineering, Inc.
6. Public Participation Meeting Summary
7. Sign Postings and Affidavit