



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#19-0385

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: April 16, 2019

TITLE: Quasi-Judicial Ordinance – Rezoning from Residential Single
Family/Duplex/Low Medium Density (RD-15) to Community Business (CB)
through the Allocation of 0.3533 Acres of Commercial Flex – Town
Development Co. – 333 E. Sunrise Boulevard – Case No. R17066

Recommendation

It is recommended that the City Commission adopt an ordinance rezoning the site located at 333 E. Sunrise Boulevard from Residential Single Family/Duplex/Low Medium Density (RD-15) to Community Business (CB) District through the allocation of 0.3533 acres of commercial flex for 20,115 square feet of gas station and convenience store use.

Background

The applicant, Town Development Co., is requesting to rezone 15,390 square feet (0.3533 acres) of land located at 333 E. Sunrise Boulevard. The request is to rezone from Residential Single Family/Duplex/Low Medium Density (RD-15) to Community Business (CB). The applicant is proposing to construct a Cumberland Farms convenience store and fuel pumps. A location map depicting the current zoning district, and the sketch and legal description of the property is attached as Exhibit 1.

Pursuant to criteria outlined in the Unified Land Development Regulations (ULDR), Sections 47-24.4.D, Rezoning, and Section 47-25.2, Adequacy Requirements, the site plan with commercial flex allocation and rezoning request was presented to the Planning and Zoning Board (PZB) on January 16, 2019. The Board recommended approval of the rezoning by a vote of 5-3. The site plan was approved contingent upon City Commission approval of the rezoning. The rezoning application and applicant's narratives are provided as Exhibit 2. The PZB staff report and meeting minutes are attached as Exhibit 3 and Exhibit 4, respectively. A site plan for the Cumberland Farms convenience store and gas station is attached as Exhibit 5.

Review Criteria

As per Section 47-24.4.D of the City's Unified Land Development Regulations (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 Commercial Business (CB) is consistent with the City's Comprehensive Plan through the allocation of commercial flex acreage. The commercial use is permitted if the allocation of commercial flex acreage 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 519.35 acres available for commercial flex use. The area to be rezoned is 0.35 acres and if approved, 519 acres of commercial flex will remain for commercial flex allocation. The proposed rezoning complies with the requirements for commercial flex allocation.

2. The zoning district proposed is consistent with the City's Comprehensive Plan. 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 Commercial Business (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 Residential 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 acreage.

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 4th Avenue. The Community Business (CB) district is intended to be a lower intensity, transitional commercial zoning district, from the higher intensity zoning districts (B-1, B-2, and B-3) to a residential zone. This transition is crucial along Sunrise Boulevard as the Commercial zoning is shallow in nature, backing right up to a low density residential neighborhood. 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

Existing Zoning District	Proposed Zoning District
Residential Single Family/Duplex/Low Medium Density (RD-15)	Community Business (CB)
<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

Requirement	Existing Zoning District	Proposed Zoning District
	Residential Single Family/Duplex/Low Medium Density (RD-15)	Community Business (CB)
Building Height	35 feet	150 feet*
Building Length	None	N/A
Front Setbacks	25 feet	5 feet
Rear Setback	15-25 feet (when abutting a waterway)	0 to 15 feet (when contiguous to residential)
Side Setback	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)
Lot Size	3,000 to 6,000 square feet	None

*The maximum 150-foot building height is subject to neighborhood compatibility review when located within 100 feet of residential.

Adequacy Requirements

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. A water/sewer capacity letter was issued by the Public Works Department, stating that the additional demand from the proposed land use will generate a flow less than the combined permitted treatment plant capacities.

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 acreage 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 Community Business (CB) or Exclusive Use (X-Use), and the parcel proposed for CB or X-Use shall not be greater than ten (10) contiguous acres.

The applicant is proposing an allocation of commercial flex acreage 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

	Commercial Flex Acreage
Total Permitted	519.60
Assigned to Date	0.25
Pending	0.35
Remaining	519

Comprehensive Plan Consistency

Staff has determined the proposed development plan is generally consistent with the City's Comprehensive Plan goals, objectives and policies. The site has been evaluated to ensure that the proposed development plan furthers Future Land Use Element Policy 1.20.2, which 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. Future Land Use Element Policy, 1.20.6 also furthers this intent by continuing the utilization of intensity criteria contained in the Future Land Use Element to ensure that commercial development is compatible with adjacent residential land uses.

The neighborhood compatibility criteria of ULDR Section 47-25.3 includes 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 site plan has been evaluated to ensure the neighborhood compatibility criteria have been met, and it has been approved by the Planning and Zoning Board.

Public Participation

The proposed rezoning request is subject to the public participation requirements established in Section 47-27.4 of the ULDR. Multiple public participation meetings were

held on February 14, 2018; October 10, 2018; November 5, 2018; November 27, 2018; and December 5, 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, and the Central City CRA, the opportunity to learn about the proposed rezoning. The public participation affidavit is attached as Exhibit 6.

In addition, this request was subject to sign notification requirements established in Section 47-27.4 of the ULDR. The applicant posted two signs on the property and has submitted a sign affidavit, which is attached as Exhibit 7.

Resource Impact

There is no fiscal impact associated with this item.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Neighborhood Enhancement Cylinder of Excellence, specially advancing:

- Goal 7: Be a well-positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port and rail connections.
- Objective 2: Facilitate a responsive and proactive business climate.
- Initiative 1: Promote sustainable business practices and development; develop “Green Business” incentives such as fast track; reduce permit costs and business tax.

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

Attachments

Exhibit 1 – Location Map, Sketch and Legal Description
Exhibit 2 – Rezoning Application and Applicant’s Narratives
Exhibit 3 – January 16, 2019 PZB Staff Report
Exhibit 4 – January 16, 2019 PZB Meeting Minutes
Exhibit 5 – Site Plan
Exhibit 6 – Public Participation Affidavitate
Exhibit 7 – Public Sign Notice and Sign Affidavit
Exhibit 8 – Ordinance

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