



REQUEST: Site Plan Level IV Review: Rezoning from Residential Single Family and Duplex/Medium Density (RD-15) District to Parking Lot (X-P) District with Site Plan Approval and Allocation of 0.58 Acres of Commercial Flex for 14,200 Square Feet of Retail Use

Case Number	ZR19003	
Applicant	Town Development, Co.	
Project Name	Sherwin Williams on NE 4 th Avenue	
General Location	1051 NE 4 th Avenue	
Property Size	67,067 square feet / 1.54 acres	
Current Zoning	Community Business (CB) and Residential Single Family and Duplex/Medium Density (RD-15)	
Proposed Zoning	Community Business (CB) and Parking Lot (X-P)	
Existing Use	Commercial – Surface Parking Lot	
Proposed Use	Retail and Parking Lot	
Future Land Use Designation	Commercial and Medium Density Residential	
Applicable ULDR Sections	47-24.4, Rezoning Requirements 47-9.20, X-District Rezoning Criteria 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements 47-28.1 Flexibility Rules	
	Required (CB)	Proposed (CB)
Lot Size	None	42,253 square feet/ 0.96 acres
Building Height	150 feet (max)	Building A - 30 feet Building B – 28 feet
Structure Length	N/A	Building A – 130.9 feet Building B – 95 feet
Landscape Area	7,967 square feet (minimum)	13,202 square feet
Parking	57 spaces	60 spaces
Setbacks/Yards	Required (CB)	Proposed (CB)
Front (N)	5 feet	16 feet
Side (E)	5 feet	14 feet
Side (W)	15 feet	60.2 feet
Rear Yard (S)	None	50 feet
Notification Requirements	ULDR Section 47-27.6 Sign Notice 15 days prior to meeting ULDR Section 47-27.4 Public Participation ULDR Section 47-27.6 Mail Notice (300 foot radius), 10 days prior to meeting	
Action Required	Recommend Approval, Recommend a Rezoning to a More Restrictive Zoning District, or Deny	
Project Planner	Linda Mia Franco, AICP, Principal Urban Planner	

PROJECT DESCRIPTION

The applicant, Town Development, Co., is proposing to construct two, one-story buildings fronting NE 4th Avenue with a surface parking lot to the rear of the buildings, totaling 14,200 square feet of Retail Use on a 67,067 square-foot (1.54 acres) parcel of land located at 1051 NE 4th Avenue. The site is currently vacant. The applicant is also proposing to rezone the existing portion of the property zoned Residential Single Family and Duplex/Medium Density District (RD-15) to Exclusive Use for Parking Lot (XP) with Commercial Flex allocation of 0.58 Acres. The residential portion of

the property has an underlying land use of Medium Residential Density. The application and applicant's narrative responses to development criteria are included as **Exhibit 1**. The proposed site plan is attached as **Exhibit 2**.

PRIOR REVIEWS

The Development Review Committee reviewed the proposal on August 27, 2019. All comments have been addressed and are available on file with the Department of Sustainable Development.

REVIEW CRITERIA

The following criteria apply to the proposed request:

ULDR Section 47-24.4, Rezoning Criteria
ULDR Section 47-9.20, X-District Rezoning Criteria
ULDR Section 47-25.2, Adequacy Requirements
ULDR Section 47-25.3, Neighborhood Compatibility Requirements
ULDR Section 47-28, Flexibility Rules

Rezoning Requirements:

Pursuant to Section 47-24.4.D, Rezoning Criteria 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 X-P for the portion of the property currently zoned RD-15 is consistent with the City's Comprehensive Plan. Pursuant to City's Unified Land Development Regulations (ULDR) Section 47-28.1.G.1, Flexibility Rules, allocation of Commercial Uses on Residential Land Use Designated Parcels, commercial use is permitted if the allocation of commercial flex does not exceed five percent of the total land use area within the flexibility zone that is designated for Residential. Currently, there are 519.6 acres available for commercial flex use. The area to be rezoned is 0.58 acres and if approved, 517.84 acres of commercial flex will remain for commercial flex allocation, refer to Table 1- Commercial Flex Acreage. 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 X-P, will permit the site to accommodate the parking for the proposed use and buffer the adjacent residential uses with ample landscape and a code-required wall abutting the residential use to the north and northwest of the property. The proposed one-story buildings are of similar scale to adjacent uses, and the recently approved Cumberland Farms Gas Station to the south. The buildings are oriented towards NE 4th Avenue. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration, since they are similar in scale.

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 Residential and Commercial with associated zoning classifications of General Business (B-2), Community Business (CB), and Residential Single Family/Duplex/Low Medium Density District (RD-15). The rezoning of the RD-15 zoned portion of the Property to X-P is consistent and compatible with the existing mix of uses along Sunrise Boulevard. The property is in the Central City Community Redevelopment Area, which is currently working with a consultant to develop new Zoning Districts and creating regulations that increase the potential for

redevelopment and encourage an appropriate mix of uses, open spaces, and neighborhood preservation through design enhancements, including pedestrian-oriented streetscapes.

Per ULDR Section 47-9.20.C, Rezoning Criteria, 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.

There are no structures on the existing site associated with the proposed application for rezoning to X-P. The proposed improvements include additional landscape and buffer treatments adjacent to the residential use. In association with the rezoning request for the surface parking lot, two one-story buildings totaling 14,200 square feet of Retail Use are proposed on the CB zoned portion of the development. The proposed buildings are approximately 28 and 30 feet in height, a scale, which is generally consistent with other development in the area. Additional compatibility and Comprehensive Plan consistency analysis is included in the Neighborhood Compatibility and Comprehensive Plan sections herein.

Adequacy and Neighborhood Compatibility

The adequacy criteria of ULDR Section 47-25.2, Neighborhood Compatibility Requirements, are used to evaluate the demand created on public services and facilities by a proposed development. The water and wastewater are serviced by the City of Fort Lauderdale. A capacity letter was issued by the City's Public Works Department on November 1, 2019, which identified that the project is within the City's Pump Station A-28 and proposed associated infrastructure that will service this project and the project's impact on capacity. The letter indicates that existing water and sewer infrastructure have capacity to support the proposed project with no improvements required. The capacity letter is attached as **Exhibit 3**.

The neighborhood compatibility criteria of ULDR Section 47-25.3 include performance standards requiring all developments to be "compatible with, and preserve the character and integrity of adjacent neighborhood, 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, and 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 General Business (B-2) zoning designation, 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 northwest are residential properties with Residential Single Family/Duplex/Low Medium Density (RD-15) zoning designation. According to the applicant, the project has been designed to be compatible with the scale of the adjacent structures. The proposed one-story buildings are of similar scale to adjacent uses, and the recently approved Cumberland Farms Gas Station to the south. The buildings are oriented towards NE 4th Avenue. The parking area is appropriately buffered with ample landscape and the code-required wall abutting the residential use to the north and northwest of the property.

Parking and Circulation:

Vehicular ingress and egress to the site are provided from NE 11th Street and NE 4th Avenue. Pursuant to ULDR Section 47-20, Parking Requirements, the parking breakdown of required parking is as follows:

Table 2 – Parking Summary

Use	Parking Ratio	Parking Required	Parking Provided
Retail 14,200 square feet	1 space / 250 SF	57	60

The applicant has provided sufficient parking per requirements.

A Trip Generation Statement dated December 11, 2019, and prepared by DC Engineers, INC. concluded that based on the proposed land uses, the proposed development is projected to generate a maximum 129 net new vehicle trips per day (vpd) with 15 vehicle trips occurring during the AM peak hour (8 entering and 7 exiting) and 38 vehicle trips occurring during the PM peak hour (18 entering and 20 exiting). The Trip Generation Statement is attached as **Exhibit 6**.

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.

Pursuant to City's ULDR, Section 47-28.1.G, Flexibility Rules, 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-use, 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.

The City's Comprehensive Plan permits commercial uses in residential land use designations through the allocation of commercial flex. Allocation of commercial flex is permitted but shall not exceed five percent of the total land use area within the flexibility zone that is designated for Residential. Currently, there are 519.60 acres available for commercial flex use. The area to be rezoned is 0.58 acres and if approved, 517.84 acres of commercial flex will remain for commercial flex allocation. Table 1 provides a summary of commercial flex acreage allocation to date.

Table 1 – Commercial Flex Acreage

	Commercial Flex Acreage
Total Permitted	519.60
Total Allocated	0.66
Pending	1.10
Remaining	517.84

PUBLIC PARTICIPATION

This application is subject to the public participation requirements established in ULDR Section 47-27.4, Public Participation. According to the applicant, they hosted various public participation

meetings where the project was presented on August 19, 2019, September 16, 2019, October 8, 2019 and November 18, 2019. The meeting notification was sent to the South Middle River Civic Association, Middle River Terrace Civic Association, and Progresso Village Civic Association and mail notice to property owners within 300 feet of the proposed project. In addition, the applicant presented the project on October 3, 2019, to the Central City Redevelopment Advisory Board (CCRAB). The applicant's summary of the public participation meetings, affidavits, mail notice and CCRAB minutes are provided as **Exhibit 4**.

In addition, this request is subject to sign notification requirements established in ULDR Section 47-27.4, Sign Notice. The applicant has installed a total of three 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 provided as **Exhibit 5**.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board shall consider the application, based on criteria outlined herein:

ULDR Section 47-24.4, Rezoning Criteria
ULDR Section 47-9.20, X-District Rezoning Criteria
ULDR Section 47-25.2, Adequacy Requirements
ULDR Section 47-25.3, Neighborhood Compatibility Requirements
ULDR Section 47-28, Flexibility Rules

The applicant has submitted narratives outlining how the project complies with the applicable sections of the ULDR, attached as Exhibit 1, to assist the Board in determining if the proposal meets these criteria.

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 recommend approval 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. Application and Applicant's Narrative Responses
2. Site Plan
3. Water & Sewer Capacity Letter
4. Public Participation Affidavit, Meeting Summary, Mailer and CCRAB meeting minutes
5. Sign Posting and Affidavit
6. Applicant's Traffic Statement, by DC Engineering, INC, dated December 11, 2019