

Legislation Text

File #: LN-15, **Version:** 2

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

Meeting Date: JANUARY 27, 2021

FS 103 SITE REZONING

Request: Rezoning
P&Z# 20-13000001
Owner: Whitney, LLC, 40th Street LLC, Clermont Realty LLC & Newtown Hall, LLC
Project Location: 3500 NE 16th Terrace
Folio Number: 484224190060
Land Use Designation: CF
Zoning District: CF
Commission District: 2
Agent: Christina Bilenki, Esq. (561-405-3323)
Project Planner: Jean Dolan (954-786-4045) / jean.dolan@copbfl.com

Summary:

APPLICANT'S REQUEST

The Applicant is processing three concurrent applications for the 0.45 gross acre property at 3500 NE 16th Terrace, which is adjacent and west of the shopping center on the SW corner of Sample Road and US 1 and was previously the site of Fire Station 103. The three applications include a local-only land use plan amendment (LUPA) to change the property from Community Facility (CF) to Residential (Low-Medium 10); a commercial flex request to allow local business uses on a residential land use classification and a rezoning to B -1 to allow the commercial use. The purpose of these three applications is to allow an office use in the existing structure on the site for the management staff of the adjacent shopping center. This report will focus on the rezoning request.

The City's Future Land Use Map shows the site as Community Facility (CF) while the County's Land Use Plan shows it as Residential (LM-10). The concurrent LUPA will make the City and the County's plan both show a LM -10 land use designation. The concurrent commercial flexibility request will limit the commercial entitlements on the property to the conceptual site plan submitted with the flexibility request which limits development to the existing building. The rezoning to B-1 will allow any of the commercial uses allowed in a B-1 zoning district to locate in the existing building. The Applicant is currently planning an office use.

SITE-SPECIFIC ZONING MAP AMENDMENT (REZONING) REVIEW STANDARDS

In determining whether to adopt or deny a proposed Zoning Map Amendment, the City shall weigh the relevance of information submitted by the applicant and consider the extent to which the proposed amendment is consistent with the Future Land Use Category and any applicable goals, objectives and policies of the Comprehensive Plan. Accordingly, the review criteria for a Site Specific Rezoning Application is as follows:

Section [155.2404.C](#), Site-Specific Zoning Map Amendment Review Standards

1. The applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment:
 - a. Is consistent with the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan and all other applicable city-adopted plans.

A. The following policies of the newly updated and adopted Comprehensive Plan have been identified as pertinent to this rezoning:

Policy 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

Policy 01.03.12

The following criteria may be used in evaluating rezoning requests:

- A. Density;
- B. Design;
- C. Distance to similar development;
- D. Existing adjoining uses;
- E. Proposed adjoining uses;
- F. Readiness for redevelopment of surrounding uses; and.
- G. Proximity to mass transit.

Policy 01.06.01

Consider and minimize the impacts that land use amendments, rezonings or site plan approvals have on natural resources, including wetlands, and culturally, historically, archaeologically and paleontologically significant resources.

Policy 01.06.12

Review all land use plan map amendments, rezonings and site plan applications to ensure that there is sufficient wastewater collection and treatment facilities, potable water resources available and if reuse water is available, require it be used, and that they pose no noxious impacts to the Biscayne Aquifer.

B. Findings of Fact. Development Services Department Staff submits the following factual information which is relevant to this Rezoning Application:

1. The rezoning was reviewed by the DRC on July 15, 2020 and October 21, 2020.
2. The property is located south of Sample Road on NE 16th Terrace just west of the shopping center at the intersection of Sample Road and Federal Highway.

3. The subject property to be rezoned is 0.45 acres.
4. The property is platted.
5. The existing zoning and uses of adjacent properties are as follows:

Direction	Zoning/ Land Use Designation	Use
North	C/B-3	Vacant
East	C/B-3	Shopping Center
South	LM 10/RM 12	Apartments
West	L-5/RS-3	Single Family Homes

6. The Land Use Designation of the site is currently CF but is being changed to LM 10 with a local-only LUPA and then concurrent commercial flexibility is being requested to allow the B-1 zoning and office use.

C. Analysis

The criteria for rezoning requires the Applicant provide competent, substantial evidence that the proposed amendment is consistent with the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan and all other applicable city-adopted plans.

There are four policies in the Comprehensive Plan, provided in Section 'A' of this report, that are relevant to this rezoning request. These policies require: rezoning consistent with the land use designation; minimal negative impacts to existing residential and compatibility with adjacent properties; adequate public facilities and service capacity to accommodate the demands of the project and access to mass transit.

It is Staff's conclusion that the B-1 rezoning will be in conformance with the land use designation once the local LUPA changing the land use category to LM-10 and the Commercial Flexibility request are approved. Approval of both of those applications must occur prior to this rezoning to ensure compatibility with the Comprehensive Plan land use category.

The B-1 zoning district is compatible with the properties immediately adjacent to the subject property. The B-1 zoning will allow appropriate local-scale business uses and the conceptual site plan associated with the Commercial Flexibility limits the intensity of the site to the existing building. The conceptual plan increases the buffers between the adjacent residential uses to the south and west. It also modifies the traffic pattern by making the primary access point from the shopping center access to the east of the parcel. The proposed office use is less intense than the CF uses allowed by right on the parcel based on its current CF land use and zoning and thus will result in a reduction in demands on public facilities and services.

There is mass transit services to the area and the new connection with the shopping center will provide better access to the site from the bus stops in the area.

Staff is therefore of the opinion that there is substantial evidence to support this request.

Staff Conditions:

D. Department Recommendation

Given the information provided to the Board, as the finder of fact, the Development Services Department provides the following recommendation, and alternative motions, which may be revised or modified at the Board's discretion.

Alternative Motion I

Recommend approval of the rezoning request as the Board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals and policies and is compatible with adjacent land uses with the following conditions:

1. The local land use plan amendment is approved prior to the rezoning.
2. The commercial flexibility request is approved prior to the rezoning.

Alternative Motion II

Table this application for additional information as requested by the Board.

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the Comprehensive Plan Goals and Policies listed in Section 'A' of this report.

Staff recommends alternative motion number I.