



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman
Hope Calhoun

Dwayne Dickerson
Ele Zachariades
Matthew H. Scott
Christina Bilenki
Lauren G. Odom

Pompano Fire Station
3500 NE 16th Terrace
Request for Rezoning Statement of Use and Justification
Submitted: June 8, 2020

WHITNEY LLC, 40TH STREET LLC, 40th STREET LLC, and CLERMONT REALTY LLC (collectively referred to herein as "Petitioner") are the owners of the 0.36-net (0.45-gross) acre property located at 3500 NE 16th Terrace, which is generally located on the northeast corner of 16th Terrace and NE 35th Street ("Property") in the City of Pompano Beach ("City"). The Property is designated Community Facilities on the City's Land Use Map and is zoned CF, Community Facilities. It is further designated as Low-Medium (10) Residential on the Broward County ("County") Future Land Use Map. The Property is also located within a Flex-Receiving Area. The Property is currently unused, however it was developed as a neighborhood Community Center and last used as a City Fire Department Station. Petitioner is proposing to utilize the Property for office use and to integrate the Property and use with the adjacent Shopper's Haven shopping center ("Shopping Center"). As such, at this time, Petitioner respectfully requests approval of the following application:

- Rezone the Property from CF to B-3, General Business, to allow for consistency and integration with the Shopping Center as an office use.

Concurrently with this request, Petitioner has submitted a request to amend the underlying land use designation for the Property from CF to RM-10, Residential Medium-ten (10) units per acre, in order to reinstate compatibility between the local and County's existing RM land use designation for the Property. Also concurrently with this request, Petitioner has submitted a request for the assignment of a 0.45-acre commercial flexibility allocation to allow for utilization of the Property's existing 2,418 square-foot structures as an office for the management of the adjacent Shopping Center.

Rezoning Justification

In order to support the rezoning request, Petitioner will demonstrate compliance with Section 154.61 and 154.62 of the City's Code of Ordinances ("Code"). More specifically, Petitioner will demonstrate that the rezoning 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.

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;

DRC

PZ20-13000001
10/21/20

DRC

PZ20-13000001
7/15/20

The Rezoning is consistent with the Future Land Use category and any applicable goals, objectives and policies of the City's Comprehensive Plan and all other applicable city-adopted plans. Specifically, the request is consistent with the following Policies:

- *01.03.03 Encourage property owners to rezone the subject properties when initiating the development and/or redevelopment proposals to be consistent with the designations of the Land Use Plan Map.*
 - The requested Rezoning will allow for compatibility with the ultimate Commercial land use designation proposed for the Property through the allocation of commercial flex. In addition, the proposed Rezoning will increase compatibility with the existing commercial character of the area adjacent to the east and north of the Property, while it will also provide an orderly transition from the low and medium-density residential uses to the west and south of the Property.
- *01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.*
 - The Rezoning request will provide for orderly transition of the proposed low-intensity commercial use from the residential land use designations to the west and south, and into the heavier commercial uses to the east and north of the Property. The Property is adjacent to commercial businesses to the north and east. The adjacent properties immediately to the south are zoned RM-12, Multiple-Family Residence 12, and the adjacent properties immediately to the west are zoned RS-3, Single-Family Residential 3. The adjacent property to the north is vacant and undeveloped with a commercial land use designation. This Rezoning will ensure consistency with the Shopping Center and provide a transition between the single-family residential zoning district to the west, the multiple-family residential district to the south, and the more intense, established commercial uses to the east and north of the Property.
- *01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.*
 - The proposed B-3 zoning district is compatible with adjacent land uses. The Property abuts the large-scale Shopping Center, while to the north along Sample Road, commercial uses are the predominant land use. The adjacent properties to the south are zoned RM-12. The proposed B-3 district is compatible with, and provides a transition from, the adjacent Shopping Center to the east and the commercial parcels immediately north, both of which are zoned B-3, to the low and medium-density residential uses to the south and west. Further, with the concurrent request for Allocation of Flex applied for an office use on the Property, the rezoning will support the use of the Property as a neighborhood office use and will serve and integrate the adjacent Shopping Center as its office space.
- *01.03.12 The following criteria may be used in evaluating rezoning requests:*
 1. *Density;*
 - The proposed Rezoning, as it is requested concurrently with a nonresidential flex allocation request, will not impact or alter the existing density on the Property.
 2. *Design;*

DRC

**PZ20-13000001
10/21/20**

DRC

**PZ20-13000001
7/15/20**

- The proposed Rezoning and concurrent applications will not entail or result in the redevelopment of the Property. As such, the design criteria is not applicable.
3. *Distance to similar development;*
- The proposed Rezoning is consistent with the adjacent properties immediately to the east and north, which are zoned B-3. While the adjacent properties are currently designated the requested B-3 zoning district, there does not exist a community-serving office use in the immediate proximity. The proposed Rezoning will be consistent with the adjacent properties, while its use, with the allocation of commercial flex, will not be redundant for the area.
4. *Existing adjoining uses;*
- Both existing and proposed adjoining uses will be compatible with the Rezoning request. Further, the proposed office use for the Property with allocation of flex will directly serve the existing adjoining commercial Shopping Center.
5. *Proposed adjoining uses;*
- The surrounding area along Federal Highway is anticipated to see redevelopment in coming years, which is projected to strengthen the commercial and medium-density residential character of the community. As such, the proposed Rezoning and intended use for the Property are in harmony with the proposed adjoining uses.
6. *Readiness for redevelopment of surrounding uses; and*
- As noted above, the surrounding area along Federal Highway is anticipated to see redevelopment in coming years. The proposed Rezoning will not only allow for the reactivation of the Property, which will directly improve the area and interest for redevelopment, but the proposed redevelopment will be in harmony with the intent for the redevelopment of surrounding uses, which are anticipated to be commercial, mixed, and residential use in nature.
7. *Proximity to mass transit.*
- The Property is in direct proximity to mass transit with existing bus service located along both Sample Road to the north and Federal Highway to the east.
- The Rezoning will meet all above criteria, with regard to density, design, distance to similar development, existing adjoining uses, proposed adjoining uses, readiness for redevelopment of surrounding uses, and proximity to mass transit. Specifically, the proposed rezoning will not result in density that is unsuitable or inappropriate for the property and context. Both existing and proposed adjoining uses will be comparable and compatible with the Rezoning request. As noted above, the surrounding area is anticipated for redevelopment in coming years, which is likely to maintain or strengthen the commercial and medium-density residential character of the community. Finally, as noted above, the Property is in direct proximity to mass transit with existing bus service located along both Sample Road to the north and Federal Highway to the east.

With the above foregoing, the Rezoning request complies with the goals, policies and objectives of the Comprehensive Plan.

DRC

**PZ20-13000001
10/21/20**

DRC

**PZ20-13000001
7/15/20**