

Staff Report

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**File #:** LN-167

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PLANNING AND ZONING

Meeting Date: JANUARY 26, 2022

**KZ COPANS REZONING**

**Request:** Rezoning from PU to I-1  
**P&Z#** 20-13000006  
**Owner:** Westview Community Cemetery of Pompano Beach FL, Inc.  
**Project Location:** 1900 NW 24<sup>th</sup> Street (Copans Road)  
**Folio Number:** Portion of 484227000160  
**Land Use Designation:** Community Facilities (CF)  
**Zoning District:** Public Utilities (PU)  
**Commission District:** District 4 (Beverly Perkins)  
**Agent:** TBD  
**Project Planner:** Jean Dolan (954-786-4045 / Jean.Dolan@copbfl.com)

**APPLICANT'S REQUEST**

The request is to rezone approximately 4.5 acres located west of Interstate 95, immediately south of and adjacent to West Copans Road, north of NE 22 Court and east of Powerline Road. The subject property is currently vacant and is within the boundary of the Westview Community Cemetery. The property does not contain any burials or other cemetery related facilities or buildings. With the exception of the cemetery property, all other properties adjacent to the subject site are used primarily for industrial and heavy commercial uses.

The proposed use of the subject property is "general industrial", which would allow the property to be developed for light industrial uses, such as manufacturing, assembly, fabrication, processing, distribution, warehousing, research and development, and other industrial uses consistent with the I-1 General Industrial zoning of the surrounding area.

The change in land use and zoning of the subject property will allow the site to be sold for development as an industrial use, the proceeds from which will allow the remaining portion of the cemetery to be improved.

**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

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 Comprehensive Plan have been identified as pertinent to this rezoning:**

**Policy 01.03.03**

Encourage property owners to rezone the subject properties when initiating development and/or redevelopment proposals to be consistent with the designations on the Future Land Use Map.

**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 01.03.13**

Future industrial land uses shall be located with access to major transportation facilities including highways, airports, railroads, and seaports.

**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.

**Policy 01.08.01**

Follow the recommendation of the Community Redevelopment Plans in all Land Use Plan amendments and rezonings.

**Policy 06.01.04**

The City shall require that all new residential, commercial and industrial development be serviced by centralized wastewater systems.

**Policy 06.03.03**

Broward County Water and Wastewater Services should require that all new residential, commercial and industrial development be serviced by centralized wastewater systems where financially feasible.

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Review all land use plan map and text amendments, rezonings and site plan applications to ensure that there is sufficient potable water resources available to serve the proposed development and the land uses are consistent with the wellfield protection zone regulations.

**Objective 01.23.00 - Economic Development**

Expand the economic base by attracting Class A office space and higher education institutional uses, continuing to support the industrial and manufacturing sectors while protecting tourism as well as the quality of life and delivery of services to local residents.

**Policy 01.23.05**

Discourage rezonings that permit additional self-storage and warehouse uses along the City's gateway corridors which include Atlantic Boulevard, Dr. Martin Luther King, Jr. Boulevard and NW 31st Avenue.

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

1. The Land Use Designation is Community Facility but is concurrently being amended to Industrial.
2. The rezoning was reviewed by the DRC on August 4, 2021.
3. The property is located south of and adjacent to West Copans Road, north of NE 22 Court and east of Powerline Road.
4. The subject property to be rezoned is 4.5 acres.
5. The property is not currently platted but will be platted before development of the industrial use.
6. The existing zoning and land use designations of adjacent properties are as follows:

| Direction | Zoning Designation | Land Use   |
|-----------|--------------------|--|
| North     | I-1, B-3, B-4, OIP | Industrial                                       |
| East      | I-1, B-4           | Industrial                                       |
| South     | I-1X               | Industrial                                       |
| West      | PU (Cemetery)      | Community Facility (being amended to Industrial) |

**C. Analysis**

As a criteria for rezoning the Applicant must 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 12 policies in the Comprehensive Plan, provided in Section 'A' of this report, that are relevant to this rezoning request. These policies generally require: rezoning consistent with the land use designation; compatibility with adjacent properties; adequate public facilities and service capacity to accommodate the demands of the project, consistency with the NWCRA redevelopment plans and support for existing cultural resources as well as the industrial tax base of the City.

It is Staff's conclusion that the I-1 rezoning is in conformance with the Industrial land use designation being requested concurrently with the rezoning. The I-1 zoning district is compatible with the properties immediately adjacent to the subject property. Staff will ensure appropriate buffers are provided on the west property line between this industrial portion of the site and the cemetery to remain to ensure the existing cemetery is treated

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with the utmost respect, which is the Applicant's intention.

There is mass transit service to the site.

Staff finds there is substantial evidence to support this rezoning request.

### **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 1

Recommend approval of the rezoning request being processed concurrently with the land use plan amendment for Industrial land use as the Board finds the rezoning application is consistent with the pertinent Comprehensive Plan goals, objectives and policies.

#### Alternative Motion 2

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

#### Alternative Motion 3

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

Staff recommends alternative motion number 1.