

PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-073

DATE: December 4, 2015

TO: City Commission

FROM: Planning and Zoning Board/ Local Planning Agency

SUBJECT: REZONING – General Business (B-3) from
Community Business (B-2) & Single-family Residence 4 (RS-4)
350 & 400 W Copans Road
P & Z #15-13000009 AN IMPORTS OF FORT LAUDERDALE, INC & NAPLETON
INVESTMENT PARTNERSHIP, LP / MERCEDES POMPANO

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on November 18th, 2015, the Board considered the request by **LINDA C. STRUTT** on behalf of **AN IMPORTS OF FORT LAUDERDALE, INC & NAPLETON INVESTMENT PARTNERSHIP, LP** requesting REZONING of the above referenced property.

As it is consistent with the goals, objectives, and policies of the Comprehensive Plan stated in Administrative Report 15-498, it is the recommendation of the Board by a 5-2 vote (Dwight Evans and Walter Syrek dissenting) that the REZONING request be approved subject to the following:

Prior to the placement on the City Commission agenda, the applicant must do the following:

1. Voluntarily restrict the property to B-2 uses as well as the use(s) in B-3 that apply to this project;
2. Include in the voluntary restriction that no building shall let light spill into the neighborhood;
and
3. The applicant must also attempt to hold another meeting with the residents where most residents are able to attend the meeting.



Fred Stacer
Chairman
Planning and Zoning Board/ Local Planning Agency


MEMORANDUM


Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-618

DATE: September 18, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Development Services Director 

FROM: Maggie Barszewski, AICP, Planner 

RE: Copans AMG/Mercedes Rezoning
November 18, 2015 meeting

P&Z # 15-13000009

The property owner and applicant AN Imports of Ft. Lauderdale, Inc. and Napleton Investment Partnership, LP. has held two neighborhood meetings that meet the requirements of Section 155.2302 of the Zoning Code. I attended the first meeting held on October 12, 2015. The neighborhood residents voiced concern about the following issues:

- Landscape maintenance problems with the subject property;
- Drainage concerns with developing the subject property;
- Damage to houses and the residential streets that could be caused by the construction and construction vehicles;
- An increase in the use of the residential streets by test-driving vehicles due to an expansion of the car dealership business.

The applicant requested tabling consideration of the rezoning request from the October P&Z hearing to the November meeting so that they would be able to address some of the concerns of the neighborhood and hold another neighborhood meeting. I notified the applicant that I would not be able to attend the second neighborhood meeting (held on November 10); but they were to get the names addresses and phone numbers of all attendees, as well as provide a summary of the neighborhood concerns, and the ultimate consensus of those in attendance. The applicant provided the attachment to accommodate my request.

Notes – Mercedes community meeting

Start: 7:13pm

- Review of rezoning from B2 to B3. Going over uses of zoning districts. Showed them on charts. Explained that they need new use of new sales. Side by side chart – still a commercial use consistent with what is allowed.
 - o Q: does the area start from the park (includes the park)? Starts at the corner of the dealership. Could not schedule the walk through.
- Andrea talks about draining issues. Ponding issues where water collects before. Surveyor went out and analyzed. Water collects in the cul-de-sac and another area. Reached out to the city about our concerns.
 - o Q: what have you been doing since Walmart left? Going to city to take care of that. It is under the city's control because it is not on our property.
- The drainage is not actually going back into the residential area. The biggest issue is 1302, 1304 ?? The city could put in a catch basin or clean up the asphalt to slope. The city has the money set aside to take care of it.
 - o Q: how often will they maintain the area where the concrete wall is? --- they will be taking care of it weekly.
 - o There are hedges near the fence that cause a problem – manager answered; he is a stickler for clean premises. Explained to them how hard he works and this place will be a showplace.
 - o There is a problem with snakes, they have killed many. The grass hasn't been cut regularly. They like the new company that started Monday, they have been doing a good job. – they don't know who will be continuously maintaining the property. --- the city is aware that the fence is on our property and could possibly be cited.
- AMG is top of the line for Mercedes.
 - o Will the building obscure the view? – showed the picture; it will be elevated so it won't be a concrete façade in their faces. There won't be any neon signs or lighting going backwards. All lighting faces the roadway; city won't allow bright/neon lights.
 - o Will it include movie theatre/golf course? – no, it will just be a showroom. Only a little over 10,000 sq ft.

- How do I get the cars from the showroom? – there will be car elevators to move the cars from there to the parking lot. There's no parking around the building. There won't be a massive influx of vehicles.
- There will be no new entrance/exit to the showroom.
- In the construction contracts, the hours will be m-f 7-5, sat 8-4. This will be on file for record. ****THEY ASKED FOR A COPY****
- Set to be heard by the planning and zoning board on Nov. 18 at 7p.
- Asked about the map on the notice --- explained about situation with the city. We are not rezoning any part of the residential neighborhood.
- Asked clarifying question that zoning will only be from B2 to B3. Confirmed.
- When will the roads be fixed? She has an issue that Mercedes has the benefit of using the roads and the citizens have to pay the taxes – that is a city issue; it is ultimately a public right of way
- Where will the trucks come in when the construction begins? – they won't be coming down 3rd.
- Why are we here if you're going ahead with the project any? They are test driving and speeding through the neighborhood. It is an inconvenience to the residents. There is no benefit to the residents, they can't afford the vehicles.
- They want them to fix the roads. They believe they have pull.
- Wants them to note something about the state of the roads for approval
- Maybe do a survey about whether they want concrete or chain fence
- Shows list of names company sent notices too
- They want test driving to stop through the community. Go on federal highway or I-95.

**SIGN-IN FOR 11/10/15 MEETING
ADDRESS SHEET
HODGEN/POMPANNO (MERCEDES)**

Mary Montgomery
665 N.W. 20th Street
Pompano Beach, FL 33060
754-234-5787

Leila Montgomery
673 N.W. 20th Street
Pompano Beach, FL 33060
954-729-7692

Minnie Campfield
616 NW 21 Court
Pompano Beach, FL 33060
954-943-8685

Lillie Grooms
609 NW 21 Court
Pompano Beach, FL 33060
954-941-6862
MGrooms@bellsouth.net

Walter McDougal
632 NW 21st Court
Pompano Beach, FL 33060
954-781-8542
wmcdougal@bellsouth.net

Omer Davis
640 NW 21 Court
Pompano Beach, FL 33060
954-941-7091

Juarilyn Pinkney
384 N.W. 19th Court
Pompano Beach, FL 33060
954-870-0217
Kendall38437@gmail.com

Robin Thompson
1880 NW 19 Court
Pompano Beach, FL 33060
954-907-6960

Ola Gay-Jones
697 NW 20 Court
Pompano Beach, FL 33060
954-943-7698

Mary Saddler
571 NW 21 Court
Pompano Beach, FL 33060
954-817-0636
marysaddler@gmail.com

Sharon Montgomery
673 NW 20 Street
Pompano Beach, FL 33060
954-234-0148
SharonMiller702@yahoo.com

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-498

DATE: September 10, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Development Services Director

FROM: Maggie Barszewski, AICP, Planner

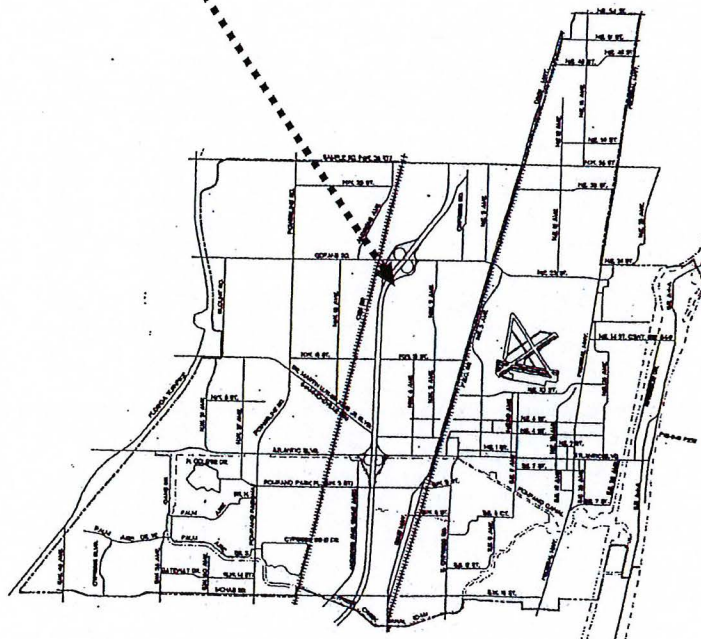
RE: Copans AMG/Mercedes Rezoning
September 23, 2015 meeting

P&Z # 15-13000009

Request

This approximate 2.9974 acre property is located south of the Copans Road I-95/ramp and north of NW 21 Ct. The property is owned by AN Imports of Ft. Lauderdale, Inc. and Napleton Investment Partnership, LP. This is a request to rezone the subject property from Community Business (B-2) & Single Family Residential 4 (RS-4) to General Business (B-3). The portion currently zoned B-2 is approximately 2.67 acres and the portion zoned RS-4 is approximately .32 of an acre. The Land Use Designation for the entire parcel is Commercial (C) and therefore this request, if approved, would bring the RS-4 portion of the property into conformance with the Land Use designation. The applicant has a concurrent Plat request proposing to restrict the property to 15,000 square feet of commercial use.

South of Copans Rd. I-95 Ramp



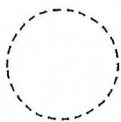
LEGEND

FOR LAND USE PLAN

Symbol Classification Units/ Acre

	Gross Residential Density
	Residential
E	Estate
L	Low
LM	Low- Medium
M	Medium
MH	Medium-High
H	High
* C	Commercial
CR	Commercial Recreation
I	Industrial
T	Transportation
U	Utilities
CF	Community Facilities
OR	Recreation & Open Space
W	Water
RAC	Regional Activity Center
	Boundaries
	City of Pompano Beach

13 Number



Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

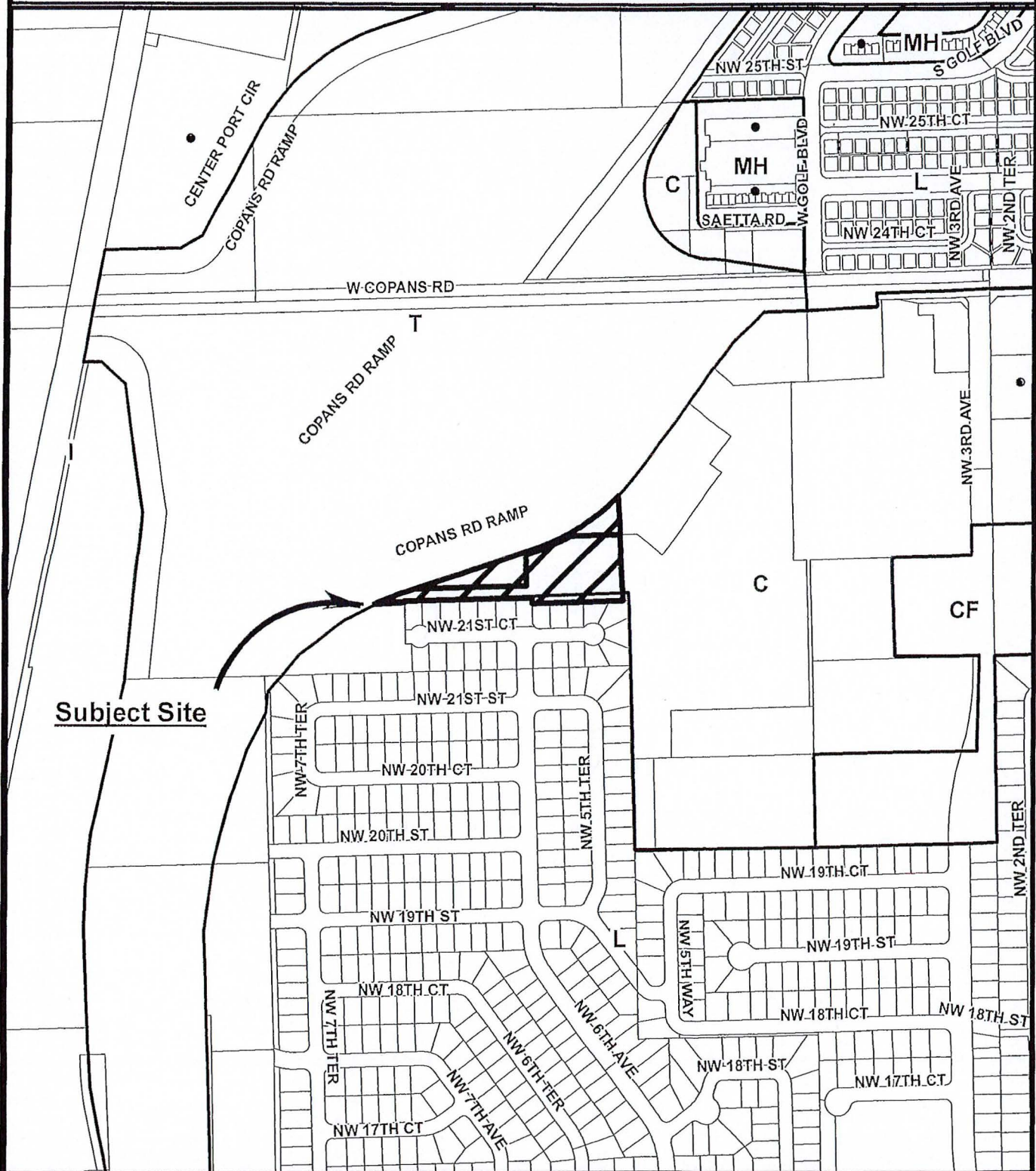
*	Existing
>	Proposed

FOR ZONING MAP

Symbol District

RS-1	One-Family Residence
RS-2	One-Family Residence
RS-3	One-Family Residence
* RS-4	One-Family Residence
RD-1	Two- Family Residence
RM-12	Multi-Family Residence
RM-20	Multi-Family Residence
RM-30	Multi-Family Residence
RM-45	Multi-Family Residence
RM-45/HR	Overlay
RPUD	Residential Planned Unit Dev.
AOD	Atlantic Boulevard Overlay District
MH-12	Mobile Home Park
B-1	Limited Business
* B-2	Neighborhood Business
> B-3	General Business
B-4	Heavy Business
RO	Residence Office
M-1	Marina Business
M-2	Marina Industrial
I-1	General Industrial
I-1X	Special Industrial
O-IP	Office Industrial Park
BP	Business Parking
BSC	Planned Shopping Center
PCI	Planned Commercial / Industrial Overlay
PR	Parks & Recreation
CR	Commerical Recreation
CF	Community Facilities
T	Transportation
PU	Public Utility

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 500 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP



[illegible]

NORTH

REVIEW & SUMMARY

- A. Pursuant to Section 157.31(A) [Major Review: Development Review Committee Report and Notice to Applicant], the Development Services Director has compiled the department comments from the September 2, 2015 Development Review (DRC) meeting which are summarized below:

BSO Scott Longo

Review Complete No Comments 08/25/2015

CRA Lorri Hall

Review Complete No Comments

ENGINEERING DEPARTMENT Bob Lawson

Review Complete No Comments 08-28-15: No Comments.

BUILDING DIVISION Sal Pravata

Review Complete No Comments 9/1/2015

UTILITIES Nathaniel Watson

Review Complete Pending Development Order 8-24-2015

Neither the narrative nor the survey indicates how the rezoning and desired development shall impact the existing 15' utility easement in the subject area that accommodates an active City owned utility infrastructure. Please provide details regarding development in proximity of the existing utility easement.

PLANNING Chris Clemens

Review Complete Pending Development Order Glad to see the community was engaged. Was there a sign-in sheet? What was the outcome? Was there an agreement? Were there objections? What is this proposed development going to do to the drainage system?

FIRE DEPARTMENT Jim Galloway

Review Complete Pending Development Order This P&Z application is able to meet all of the Fire Department requirements at this time for Site Plan Review. However, the petitioner shall maintain all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time.

*Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

In accordance with NFPA 1 chapter 11 section 11.10.1 Minimum radio signal strength for fire department communications shall be maintained at a level determined by the AHJ.

ZONING Maggie Barszewski

Review Complete Pending Development Order The survey refers to a Mediated Settlement Agreement that was recorded and restricts the subject property to serving as retention area for adjacent properties. Since in the Project Narrative you indicate that the purpose for the rezoning is to eventually build a two-story building on the site, please provide information as to how you will accommodate the restrictions that have been placed on the property.

To avoid confusion, the location map should be revised since the indicated subject site includes property to the southwest that is apparently not supposed to be a part of the subject property to be rezoned.

A neighborhood meeting in accordance with Section 155.2302 is strongly encouraged to ensure that the concerns of the neighborhood to the south can be sought and addressed. In the Project Narrative, it was stated that an "informational meeting" was held with the homeowners association for that community, however, the Development Services staff was not notified. If the requirements of this section were met, please provide verification.

The following Comp Plan Policies will be used in the review of this application:

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

01.03.12 The following criteria may be used in evaluating rezoning requests:

1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and.
7. Proximity to mass transit.

B. Zoning Department staff submits the following factual information which is relevant to this rezoning request:

1. The rezoning was reviewed by DRC on September 2, 2015.
2. The property is located south of the Copans Road I-95 ramp and north of NW 21 Ct.
3. The area to be rezoned is approximately 2.9974 acres.
4. The Zoning and uses of adjacent properties are:
North – (T) – Transportation, I-95
South – (RS-4) – Single Family Residential, housing units
East – (B-3) – General Business, Automotive Showroom buildings and parking-
West – (T) – Transportation, I-95
5. Access to this property is currently through the adjacent parcel with the same owner and eventually connecting to NW 3rd Avenue.
6. The Land Use Designation is (C) Commercial.

C. The following goals, objectives and policies of the City's Comprehensive Plan have been identified as pertinent to this rezoning:

Objective

- 01.03.00 Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan.

Policies

- 01.03.01 Eliminate or reduce nonconforming uses which are inconsistent with the land development regulations and the designations of the Future Land Use Plan map.
- 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.
- 01.03.04 Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.
- 01.03.11 Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.
- 01.03.12 The following criteria may be used in evaluating rezoning requests:
1. Density;
 2. Design;
 3. Distance to similar development;
 4. Existing adjoining uses;
 5. Proposed adjoining uses;
 6. Readiness for redevelopment of surrounding uses; and.
 7. Proximity to mass transit.

D. Recommendation:

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

Alternative Motion I

Table this rezoning request to give staff additional time to research the history of the property.

Alternative Motion II

Recommend approval of the rezoning of the subject property from Community Business (B-2) & Single Family Residential (RS-4) to General Business (B-3) since the Board finds it consistent with the Comprehensive Plan Map, Objectives and Policies as stated previously.

Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the objectives and policies of the Comprehensive Plan included in this report.

STAFF RECOMMENDS ALTERNATIVE MOTION I



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

Rezoning Application

100 W. Atlantic Blvd Pompano Beach, FL 33060

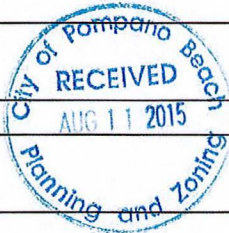
Phone: 954.786.4634 Fax: 954.786.4666

Rezoning Review

☒ Site Specific ☐ Planned Development

400 W. Copans Road		RS-4 & B-2	B-3
STREET ADDRESS		Current	Proposed Zoning
Copans AMG (in progress)			
Subdivision	Block	Lot	
Representative or Agent's interest in property (Owner, Lessee, Etc)	Representative is consultant (attorney will act as agent)		
Has any previous application(s) been filed?	Yes <input type="radio"/> No <input checked="" type="radio"/>		
If Yes, give date of hearing and finding	Plat application in progress. No previous zoning applications.		

Agent or Representative	Landowner (Owner of Record)
Linda Strutt Consulting, Inc.	AN Imports of Ft. Lauderdale, Inc.
Business Name (if applicable)	Business Name (if applicable)
Linda C. Strutt, AICP	James R. Bender, President
Print Name and Title	Print Name and Title
<i>Linda C. Strutt, President</i>	<i>James R. Bender</i>
Signature	Signature
<i>Linda C. Strutt</i>	<i>5/5/15</i>
Date	Date
<i>4/20/15</i>	c/o Auto Nation, 200 S.W. 1st Ave., 14th Floor
Street Address	Street Address
227 Goolsby Blvd., Deerfield Beach, FL 33442	Ft. Lauderdale, FL 33301
Mailing Address City/ State/ Zip	Mailing Address City/ State/ Zip
954-426-4305	954-769-6680 (Chip Sabadash)
Phone Number	Phone Number
linda@struttconsulting.com	SabadashC@autonation.com
Email	Email
Indicate your preferred medium to receive agendas and notifications: <input type="radio"/> Mail <input checked="" type="radio"/> E-Mail	Indicate your preferred medium to receive agendas and notifications: <input type="radio"/> Mail <input checked="" type="radio"/> E-Mail



P&Z



City of Pompano Beach
Department of Development Services
Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060

Phone: 954.786.4634 Fax: 954.786.4666

Rezoning Application

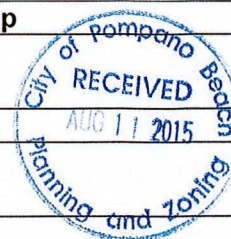
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If Yes, give date of hearing and finding	Plat application in progress. No previous zoning applications.		

Agent or Representative	Landowner (Owner of Record)
Linda Strutt Consulting, Inc.	Richard P. Brandstatter, Director of Real Estate
Business Name (if applicable)	Business Name (if applicable)
Linda C. Strutt, AICP	Napleton Investment Partnership, LP
Print Name and Title	Print Name and Title
<i>Linda C. Strutt</i> Linda C. Strutt	<i>Richard P Brandstatter</i> Richard P Brandstatter
Signature	Signature
<i>4/20/15</i>	<i>RBrandstatter</i>
Date	Date 4/30/15
	1 E. Oak Hill Drive, Suite 100
Street Address	Street Address
227 Goolsby Blvd., Deerfield Beach, FL 33442	Westmont, IL 60559
Mailing Address City/ State/ Zip	Mailing Address City/ State/ Zip
954-426-4305	630-455-2945
Phone Number	Phone Number
linda@struttconsulting.com	rick@napleton.com
Email	Email
Indicate your preferred medium to receive agendas and notifications: <input type="radio"/> Mail <input checked="" type="radio"/> E-Mail	Indicate your preferred medium to receive agendas and notifications: <input checked="" type="radio"/> Mail <input type="radio"/> E-Mail



P&Z