

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 18-065

DATE: March 20, 2018

TO: Planning & Zoning Board

VIA: David L. Recor, ICMA-CM, Development Services Director *[Signature]*
Jennifer Gomez, AICP, Assistant Development Services Director *[Signature]*

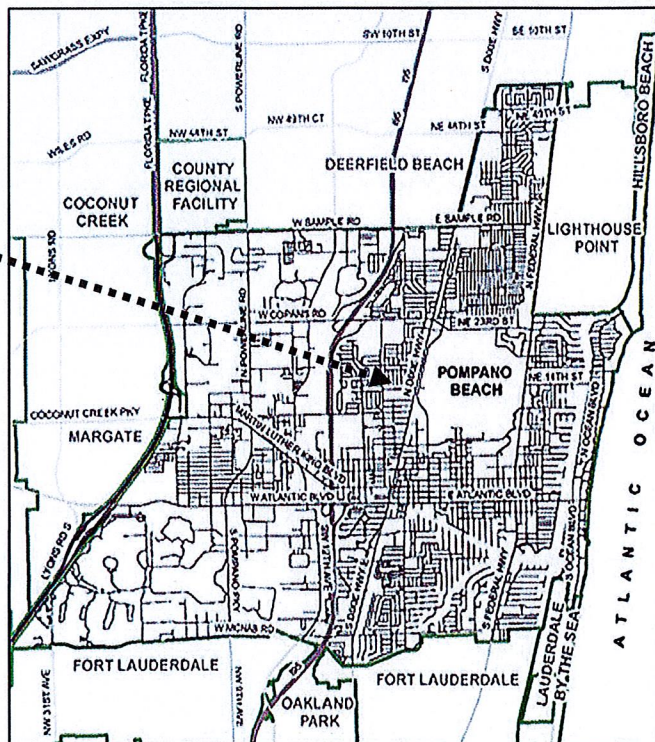
FROM: Maggie Barszewski, AICP, Planner *[Signature MB]*

RE: Rezoning – From B-2 (Community Business) to B-4 (Heavy Business) for property
Located at 140 NW 16 Street
February 28, 2018 Meeting

P & Z #17-13000007

The following is a brief summary of information on the subject property and surrounding properties. This approximate 3.301-acre property is located at 140 NW 16 Street. The applicant is requesting to rezone the property from B-2 (Community Business) to B-4 (Heavy Business) in order to develop the property. The subject site currently has four small buildings consisting of a total of 6,808 square feet. The contract purchaser of the property, "Pompano Imports," contends that the current zoning is inappropriate and ineffective, denying any appropriate use of the property. In the Narrative, the applicant provides ancillary information regarding the type of work proposed to be conducted on the property, which is not required for a Rezoning Application and cannot and has not been considered by staff when reviewing this request. Although the applicant is requesting a rezoning to B-4, they are offering to restrict the property to limit certain types of B-4 uses that they believe would be in conflict with the surrounding properties (see *attachment I List of Voluntary Prohibited Uses*). This rezoning request was reviewed by the Development Review Committee (DRC) on December 6, 2017.

Subject Site: 140 NW 16 Street
Folio number(s): 484226000430



A. The following policies of the City's Comprehensive Plan Land Use Element 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:

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. 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 DRC on December 6, 2017.
2. The property is located at 140 NW 16 Street.
3. The overall site is 3.301 net acres and currently has four buildings totaling approximately 6,808 square feet.
4. The last business license on record for the property was for a manufacturing business and contractors office, both initiated in 1994, with the former becoming inactive in 2008 and the latter in 2007.
5. The property is not platted.
6. The Zoning and uses of adjacent properties are as follows:

Subject Property	Adjacent Property	Zoning District	Existing Use
West of Dixie Highway	North	I-1 (General Industrial)	Industrial /Warehouse/Storage
	South	RD-1 (Two-Family Residential) & B-3 (General Business)	Lawfully Existing Non-Conforming Warehouses
	East	B-3 (General Business)	Marine Repair and Sales Uses
	West	CF (Community Facility)	Comcast Parking Lot

7. The Land Use Designation is C (Commercial).
8. 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.

C. Analysis

In the review criteria it states that the applicant must provide 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.

To meet the above-listed criteria, considering the compatibility of adjacent land uses is required in Policy 01.03.11. In addressing this, the applicant provides for compatibility by offering voluntary restrictions to limit the B-4 uses that would otherwise be allowed in the existing building. For clarification in the table below, Staff has identified those uses that would be added if this rezoning were to be approved with the voluntary restrictions offered by the applicant.

Uses Allowed in B-4, not allowed in B-2 (with restrictions)	Zoning Code Section
Telecommunication facility on a new freestanding tower	155.4204.F.
Place of worship as principal use instead of Special Exception	155.4211.D.
New Automobile and Light Truck Sales	155.4219. J.
Automotive repair & maintenance facility	155.4219.E.
Car wash or auto detailing	155.4219.H. [<i>Special Exception Use</i>]
Parking deck or garage (as principal use)	155.4219. O.
Parking Lot (as a principal use)	155.4219. P.
Plant nursery, wholesale	155.4230. A.
Showroom, wholesale	155.4230. B.
Other wholesale use	155.4230. C.

The B-4 uses that will be permitted on the subject property as a result of the Voluntary Declaration of Restricted Uses can be found listed in Attachment II.

In light of the voluntary restrictions, staff believes that the applicant has adequately provided competent substantial evidence in addressing the Comprehensive Plan's Policy regarding incompatibility that could otherwise have resulted from an approval of this B-4 rezoning request.

Staff is of the opinion that there is a reasonable basis to support this request for rezoning because there is General Industrial zoning located to the north of the subject property, and existing non-conforming warehouses located to the south. The rezoning would be compatible with the surrounding existing uses. Furthermore, the applicant is volunteering to record a Declaration of Restrictive Covenant restricting the more intense uses that are allowed in B-4, which will prevent those uses to apply to this property. This will provide the required compatibility with the surrounding uses, thereby employing the principals of the Comprehensive Plan and meeting those requirements.

D. P&Z Review & Recommendation

Given the information provided to the Board, as the finder of fact, staff 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 policies.

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 following pertinent Future Land Use policies.

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:

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.

STAFF RECOMMENDS ALTERNATIVE MOTION I

Attachment 1
List of Voluntary Prohibited Uses

**USES THAT WILL NOT BE ALLOWED AT 140 NW 16TH STREET A/K/A:
THE WEST 468.27 FEET OF THE NORTH ½ OF THE NORTH ½ OF THE
SE ¼ OF THE SE ¼, LESS THE NORTH 25 FEET FOR COUNTY ROAD,
LESS THE EAST 7.77 FEET OF THE SOUTH 100 FEET, OF SECTION
26, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BROWARD COUNTY,
FLORIDA.**

- Community residential home with seven to 14 residents
- Continuing care retirement community
- Rooming or boarding house
- Newspaper or magazine publishing
- Radio or television station
- Community center
- Library
- Museum
- Senior center
- Youth center
- Adult day care center
- Child care facility
- College or university
- School, elementary
- School, high
- School, middle
- Specialty arts school
- Vocational or trade school
- Correctional facility
- Courthouse facility
- Fire or EMS station
- Fire training facility
- Government administrative offices
- Police station
- Post office
- Medical office
- Specialty medical facility
- Urgent care facility 24 hours
- Specialty hospital
- General hospital
- Medical or dental lab
- Nursing home facility
- Arboretum or botanical garden
- Community garden
- Civic center

- Lodge or club
- Transportation passenger station/terminal
- Solar energy collection system (as a principal use)
- Utility use, minor
- Animal grooming
- Animal shelter or kennel
- Pet hotel
- Pet shop
- Veterinary hospital or clinic
- Boat or marine parts sales without installation
- Boat or marine parts sales with installation
- Boat or marine repair and servicing
- Boat sales or rental
- Boat towing service
- Docking facility, recreational boat
- Marina
- Yacht club
- Business service center
- Conference or training center
- Day labor service
- Employment agency
- Parcel services
- Telephone call center
- Travel agency
- Amusement arcade
- Arena, stadium, or amphitheater
- Auditorium or theater
- Bowling alley or skating rink
- Golf driving range
- Miniature golf course
- Motion picture theater
- Racquet sports facility
- Sport shooting and training range
- Other indoor commercial or membership recreation/entertainment use
- Other outdoor commercial or membership recreation/entertainment use
- Bar or lounge
- Brewpub
- Hall for Hire
- Nightclub
- Restaurant
- Specialty eating or drinking establishment
- Automotive painting or body shop
- Automotive parts sales without installation

- Automotive parts sales with Installation
- Automotive wrecker service
- Battery exchange station
- Gasoline filling station
- Used Automobile and Light Truck sales with indoor display only
- Used Automobile and Light Truck sales with outdoor display
- Automobile and Light Truck rental
- Muffler/transmission sales and installation
- Taxi or limousine service facility
- Tire sales and mounting
- Heavy Truck/recreational vehicle/trailer rental
- Contractor's office
- Art, music, dance studio
- Bank or financial institution
- Check cashing or payday loan store
- Crematory
- Dry cleaning or laundry drop-off establishment
- Fortune-telling establishment
- Funeral home or mortuary
- Laundromat
- Lawn care, pool, or pest control service
- Personal and household goods repair establishment
- Personal services establishment
- Tattoo or body piercing establishment
- Antique store
- Art gallery
- Auction house
- Book or media shop
- Consignment boutique
- Grocery or convenience store
- Drug store or pharmacy
- Flea market
- Home and building supply center
- Local liquor or package store
- Regional liquor or package store
- Beer or wine store
- Pawn shop
- Thrift shop
- Retail sales establishment, large
- Indoor mall or marketplace
- Other retail sales establishment
- Self-storage or mini-warehouse facility

- Condo hotel
- Bed and breakfast inn
- Hotel or motel
- Educational, scientific, or industrial research and development
- Fuel oil or bottled gas distribution
- Laundry, dry cleaning, carpet cleaning, or dyeing facility
- Audio and visual recording and production studio
- Printing or other similar reproduction facility
- Repair of scientific or professional instruments
- Tool repair shop
- Cabinet or furniture manufacturing and woodworking
- Food and/or beverage products manufacturing (without slaughtering)
- Manufacturing, assembly, or fabrication, light
- Warehouse, distribution or storage

Attachment II
List of Permitted Uses on Subject Property in B-4
As a Result of the Voluntary Declaration of Restricted Uses

Place of Worship

Automotive repair & maintenance facility

New Auto & Light Truck sales

Parking Deck or garage (as principal use)

Parking Lot (as principal use)

Professional office

Plant nursery, wholesale

Showroom, wholesale

Other wholesale uses