

Staff Report

File #: LN-349

PLANNING AND ZONING BOARD

Meeting Date: NOVEMBER 16, 2022

NW 31ST AVE WAREHOUSES REZONING

Request: Rezoning from B-3 & B-4 to I-1
P&Z# 22-13000011
Owner: Pompano Beach Hospitality LLC
Project Location: 1201 NW 31 Ave
Folio Number: 484233280010; 484233000323; 484233000328
Land Use Designation: C (Commercial)
Zoning District: B-3 (General Commercial)
Commission District: 5 (Cyndy Floyd)
Agent: Jonathan Cady (jcady@keithteam.com)
Project Planner: Jean Dolan (954-786-4045 / jean.dolan@copbfl.com)

APPLICANT'S REQUEST

The applicant is requesting to rezone the property at 1201 NW 31st Avenue from General Business (B-3) and a small portion of Heavy Business (B-4) to Industrial (I-1) to build an unspecified industrial use. The Applicant is concurrently processing a change to the Land Use Plan to change the land use designation from Commercial to Industrial. The Broward County land use plan has the site designated "Commerce" which allows either Commercial or Industrial uses so no concurrent County land use plan amendment is required.

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 Comprehensive Plan have been identified as pertinent to this rezoning:

Policy 01.23.01

To create balanced communities, encourage the expansion of neighborhood-serving retail and office uses in

areas dominated by the industrial, and manufacturing sectors if appropriate to better serve the local community.

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.

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 01.04.04

Special exception uses on major corridors including the city's gateway streets (Atlantic Boulevard, Dr. Martin Luther King, Jr. Boulevard and NW 31st Avenue) will be required to provide landscaping and beautification in excess of standard code requirements along all major street frontages.

Policy 01.07.21

Amend the Land Development Code to require special exception uses on major corridors including the city's gateway streets (Atlantic Boulevard, Dr. Martin Luther King, Jr. Boulevard and NW 31st Avenue) to provide landscaping and beautification in excess of standard code requirements along all major street frontages.

Policy 01.08.03

Continue the construction of facilities such as roadway, drainage, water and sewer facilities and enhanced medians and other street section beautification efforts in the northwest Dr. Martin Luther King Jr. Blvd, NW 31st Avenue and Atlantic Boulevard corridors. Encourage auto-oriented and industrial development along these gateway corridor to provide an enhanced roadway frontage for both the building facades and the landscaping visible from the roadway to beautify the corridor.

Policy 01.03.04

Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

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 currently Commercial (C) but approval of the concurrent local land use

plan amendment to Industrial (I) will allow for the proposed rezoning.

2. The rezoning was reviewed by the DRC on September 21, 2022.
3. The property is located at 1201 NW 31st Avenue east of the Turnpike and south of Dr. Martin Luther King, Jr. Boulevard.
4. The subject property to be rezoned is 5.19 net acres.
5. The property is partially platted.
6. The existing land use and zoning designations of adjacent properties are as follows:

EXISTING AND PLANNED USE OF ADJACENT AREAS

Land Use	Site	North	South	East	West
Future Land Use Map Designation	Commercial	Commercial	Commercial	Commercial	FL Turnpike
Existing Uses	Travelodge Motel	Budgetel Motel	Mobile Gas	Vacant (Request in for Residential Flex)	FL Turnpike

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.

The policies in the Comprehensive Plan relevant to this rezoning request are provided in Section 'A' of this report. These policies generally require: rezoning consistent with the land use designation; compatibility with adjacent properties, and recognition of NW 31st Avenue as a gateway corridor into the City. It is intended for these gateway corridors to be beautified and for rezonings to allow additional industrial uses such as self-storage and warehouse to be discouraged.

It is Staff's conclusion that the rezoning to General Industrial (I-1) will be in conformance with the land use designation if the concurrent land use plan amendment application changing the underlying land use to Industrial is approved. Staff does not consider industrial compatible with the adjacent commercial land uses; the actions by the City to issue flex units on several of the frontage parcels on the east side of NW 31st Avenue to support a change to a residential character on this corridor; or the goals, objectives and policies related to recognizing NW 31st Avenue as a "gateway corridor" into the City.

There is mass transit service to the site.

Staff finds there is not substantial evidence to support this request.

Department Recommendation

Per the City Attorney, all motions for land development applications must be made in the affirmative and if the Board intends to recommend denial of the request, they must vote NO on the motion to approve.

(1) Motion to recommend approval of the proposed rezoning as the Board finds it to be compatible with

the Goals, Objectives and Policies in the Comprehensive Plan. If the application is approved, the Applicant will be required to provide an analysis by a qualified professional that no protected or endangered flora or fauna are using the site prior to site plan approval.

(2) Motion to table the proposed rezoning to allow further analysis of any issues raised by the Board, Staff, Applicant or the general public.

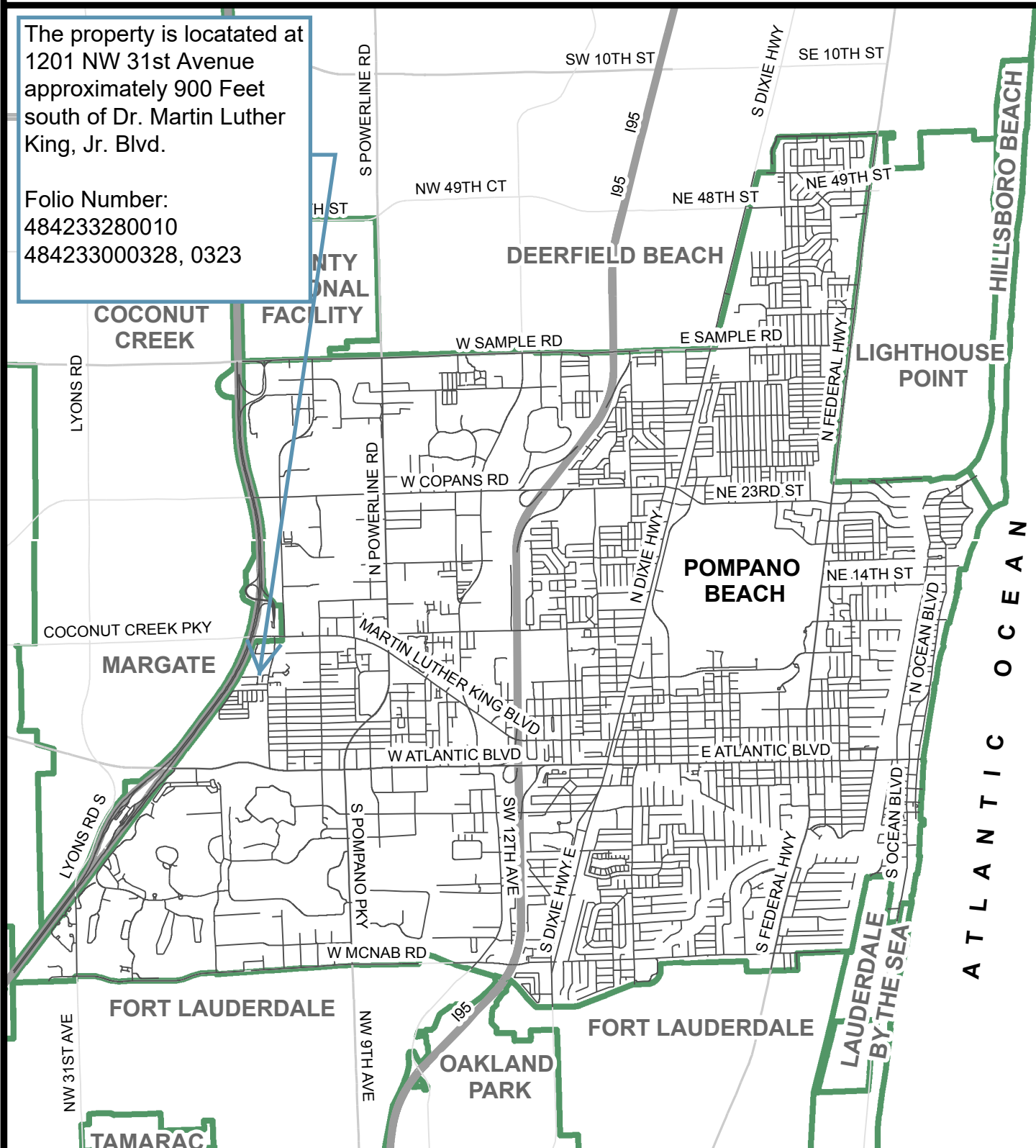
Staff recommends the Board vote NO on motion number (1) because the project is not compatible with the Goals, Objectives and Policies in the Comprehensive Plan particularly those specifically related to NW 31st Avenue.

CITY OF POMPANO BEACH LOCATION MAP



The property is located at
1201 NW 31st Avenue
approximately 900 Feet
south of Dr. Martin Luther
King, Jr. Blvd.

Folio Number:
484233280010
484233000328, 0323



1 in = 1 miles

CITY OF POMPANO BEACH AERIAL MAP



1 in = 458 ft

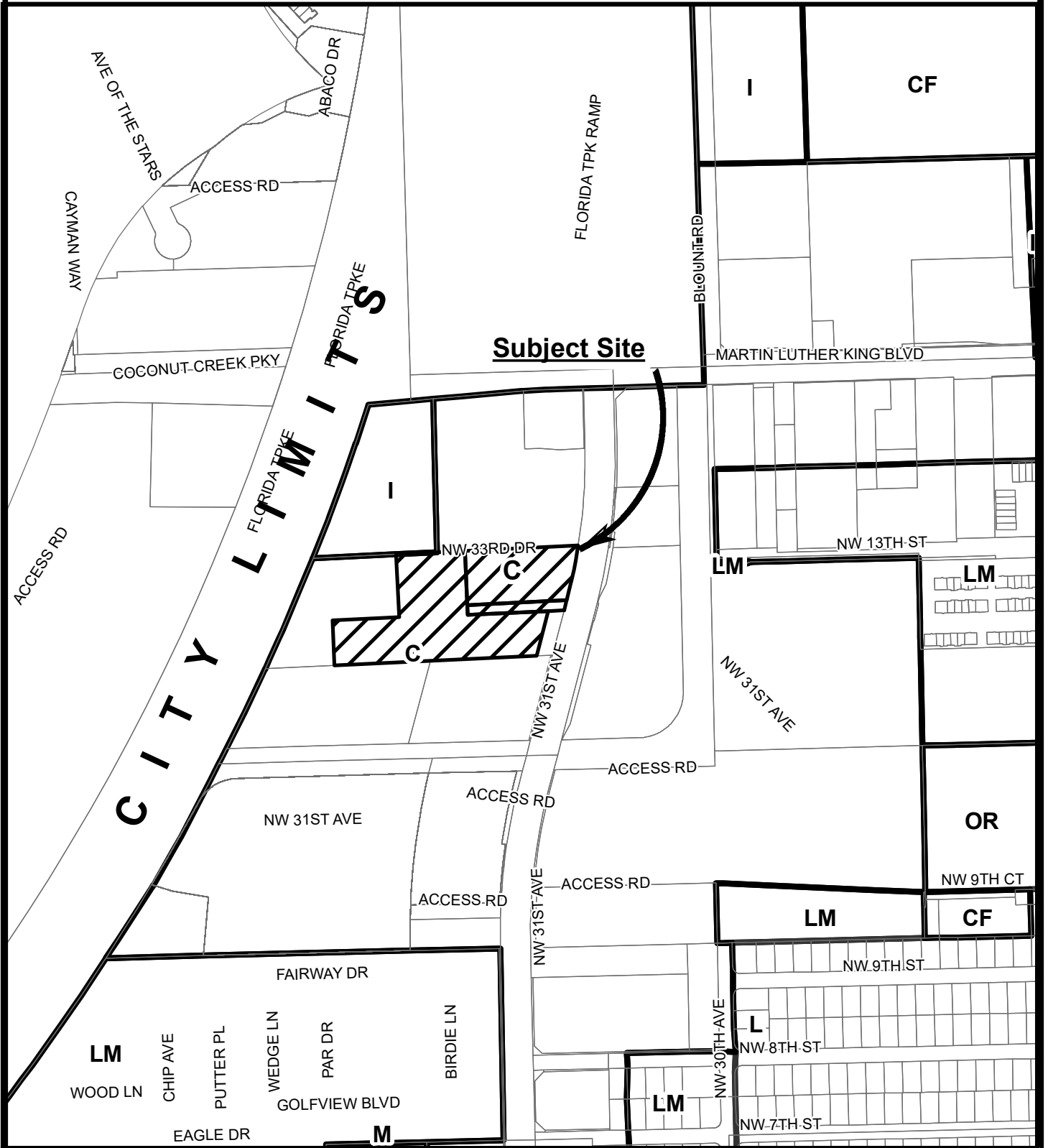
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AdkBob

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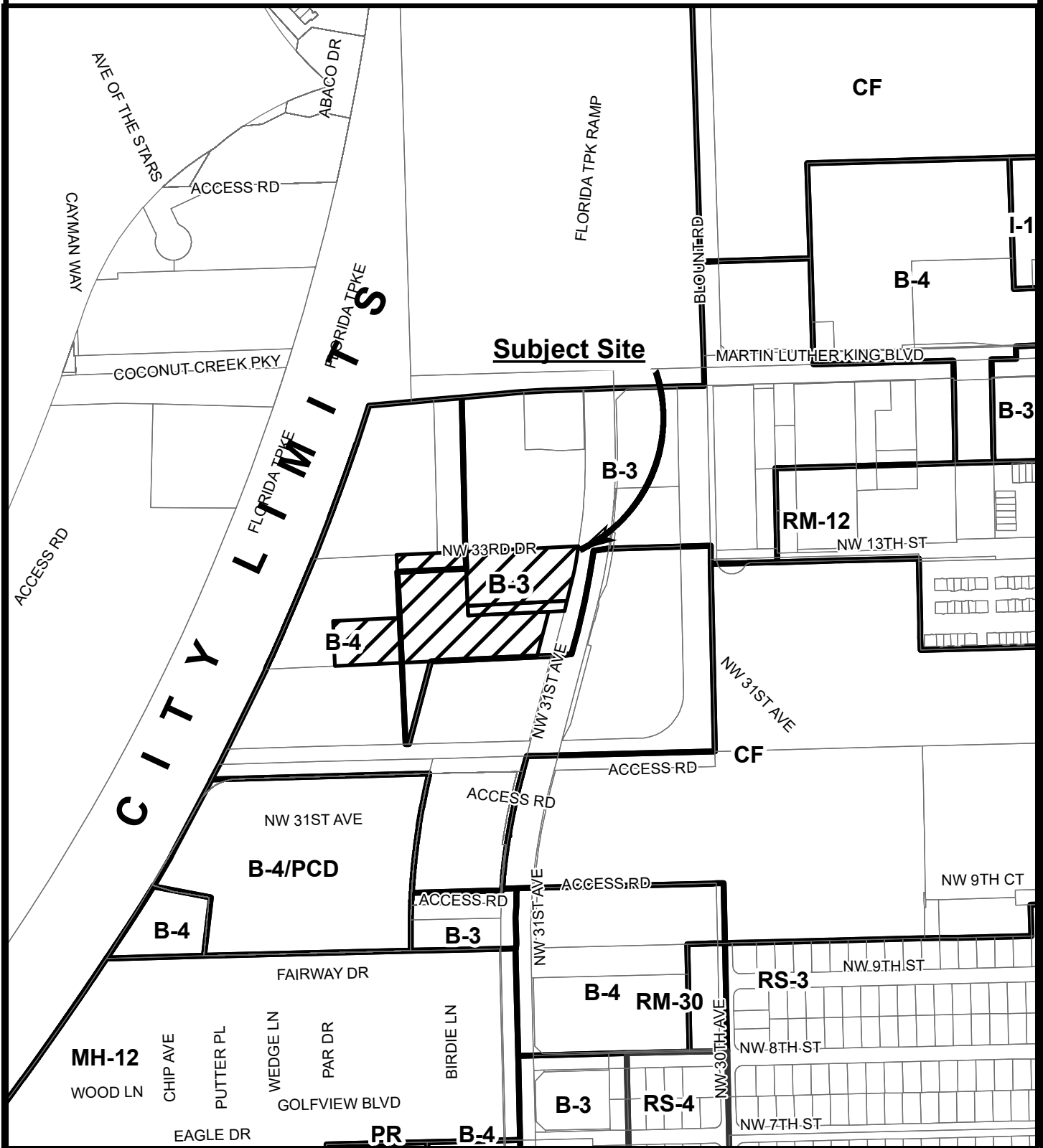
PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 458 ft

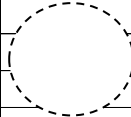
CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 458 ft

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DEVELOPMENT SERVICES

LEGEND

	FOR LAND USE PLAN			FOR ZONING MAP	
	Symbol	Classification Units/ Acre		Symbol	District
				RS-1	Single-Family Residence 1
	L	Low (1-5 DU/AC)		RS-2	Single-Family Residence 2
	LM	Low- Medium (5-10 DU/AC)		RS-3	Single-Family Residence 3
	M	Medium (10-16 DU/AC)		RS-4	Single-Family Residence 4
	MH	Medium-High 16-25 DU/AC)		RS-L	Single-Family Residence Leisureville
	H	High (25-46 DU/AC)			
	12	Irregular Density		RD-1	Two- Family Residence
	36	Irregular Density			
				RM-7	Multiple-Family Residence 7
★	C	Commercial		RM-12	Multiple-Family Residence 12
	CR	Commercial Recreation		RM-20	Multiple-Family Residence 20
				RM-30	Multiple-Family Residence 30
>	I	Industrial		RM-45	Multiple-Family Residence 45
				MH-12	Mobile Home Park
	T	Transportation			
				B-1	Limited Business
	U	Utilities		B-2	Neighborhood Business
			★	B-3	General Business
	CF	Community Facilities		B-4	Heavy Business
				M-1	Marina Business
	OR	Recreation & Open Space		CR	Commerical Recreation
	W	Water	>	I-1	General Industrial
				I-1X	Special Industrial
	RAC	Regional Activity Center		O-IP	Office Industrial Park
				M-2	Marina Industrial
	LAC	Local Activity Center			
				TO	Transit Oriented
	DPTOC	Downtown Pompano		PR	Parks & Recreation
		Transit Oriented Corridor		CF	Community Facilities
		Number		PU	Public Utility
				T	Transportation
				BP	Business Parking
				LAC	Local Activity Center
		* Current			
		> Proposed		RPUD	Residential Planned Unit Dev.
				PCD	Planned Commercial Development
				PD-TO	Planned Development - Transit Oriented
				PD-I	Planned Development - Infill
				RM-45 HR	Multiple-Family Residence 45 High Rise-Overlay
				AOD	Atlantic Boulevard Overlay District
				CRAO	Community Redevelopment Area Overlay
				NCO	Neighborhood Conservation Overlay
				APO	Air Park Overlay
				DP	Downtown Pompano Beach Overlay