



Staff Report

File #: LN-326

PLANNING AND ZONING BOARD
Meeting Date: SEPTEMBER 28, 2022

1741 NW 33 ST REZONING

Request: Rezoning
P&Z# 22-13000010
Owner: ST 33, LLC; LC 33, LLC and DS 33, LLC
Project Location: 1741 NW 33 Street
Folio Number: 484222220020
Land Use Designation: Industrial
Zoning District: I-1 (Industrial)
Commission District: 4 (Beverly Perkins)
Agent: Amanda Martinez (561-405-3336)
Project Planner: Maggie Barszewski (954-786-7921 / maggie.barszewski@copbfl.com)

Summary:

This approximate 4.71-acre property is located at 1741 NW 33rd Street, on the north side of NW 33rd Street, between N. Powerline Road and NW 16th Avenue. The applicant is requesting to rezone the property from I-1 (General Industrial) to I-1X (Special Industrial). The subject property is occupied by a 41,821-square foot industrial building which is currently used as a wholesale bakery. The Owners / Applicants (ST 33, LLC; LC 33, LLC; & DS 33, LLC) intend to expand the types of industrial uses allowed for potential tenants with this rezoning. The Applicant is volunteering to record a Declaration of Restrictive Covenants to remove sexually oriented businesses and fortune telling as permitted uses for the property should this rezoning be approved. This rezoning request was reviewed by the Development Review Committee (DRC) on August 3, 2022.

Staff Review:

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 City's Comprehensive Plan Land Use Element have been identified as pertinent to this rezoning:

Policy 01.03.04 - Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals.

Policy 01.03.06 - Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas.

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.

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 the DRC on August 3, 2022.
- 2. The property is located at 1741 NW 33rd Street on the north side of NW 33rd Street, between N. Powerline Road and NW 16th Avenue.
- 3. The subject property to be rezoned is 4.71 acres.
- 4. The property is platted.
- 5. The Land Use Designation is I (Industrial).
- 6. The existing zoning and uses of adjacent properties are as follows:

DIRECTION	LAND USE	ZONING	CURRENT USE
NORTH	C	B-3	Costco Wholesale Store
SOUTH	I	I-1X	Coastal Waste & Recycling/ Malcolm Drilling Co.
EAST	I	I-1	Rental Industrial buildings
WEST	I	I-1X	Costco parking lot/Storage Yard

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 4 policies in the Comprehensive Plan, provided in Section A of this report, that are relevant to this rezoning request. These policies generally require: compatibility with adjacent properties; and minimal impact on residential.

The I-1X zoning district is permitted in the Industrial land use category. It is staff's contention that the I-1X zoning district is compatible with the I-1X properties immediately adjacent to the subject property to the west and south, and with the I-1 properties on the east. Costco to the north with a Commercial land use designation and B-3 zoning have the rear of their building adjacent to the subject property and thus the I-1X zoning would be reasonable compatible.

Due to the minimum separation requirement standards found in Section 155.4224.A.4 (Sexually Oriented Business) and Section 155.4229E.2. (Waste-Related Services Uses), these two uses are currently precluded from locating on the subject property until the existing uses of this type that are already located in the area are permanently closed. Furthermore, staff has determined that the voluntary exclusion of Sexually Oriented Businesses and Fortune Tellers offered by the Applicant will support the industrial nature of the area.

Staff finds there is competent substantial evidence to support this request. The applicant should provide staff with the above-mentioned Voluntary Restrictive Covenant prior to the City Commission hearing on the rezoning.

Staff Recommendation:

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

Alternative Motion 1: Recommend approval of the rezoning request as the Board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use goals, objectives, and policies, and all applicable Zoning Code standards. The applicant should provide staff with the Voluntary Restrictive Covenant prior to the City Commission hearing on this rezoning and the Covenant can be recorded after second reading of the proposed rezoning ordinance.

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 rezoning request is not consistent with the

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Future Land Use goals, objectives, and policies of the comprehensive plan cited in this report, as required in Section 155.2404.C.

Staff recommends Alternative Motion 1.

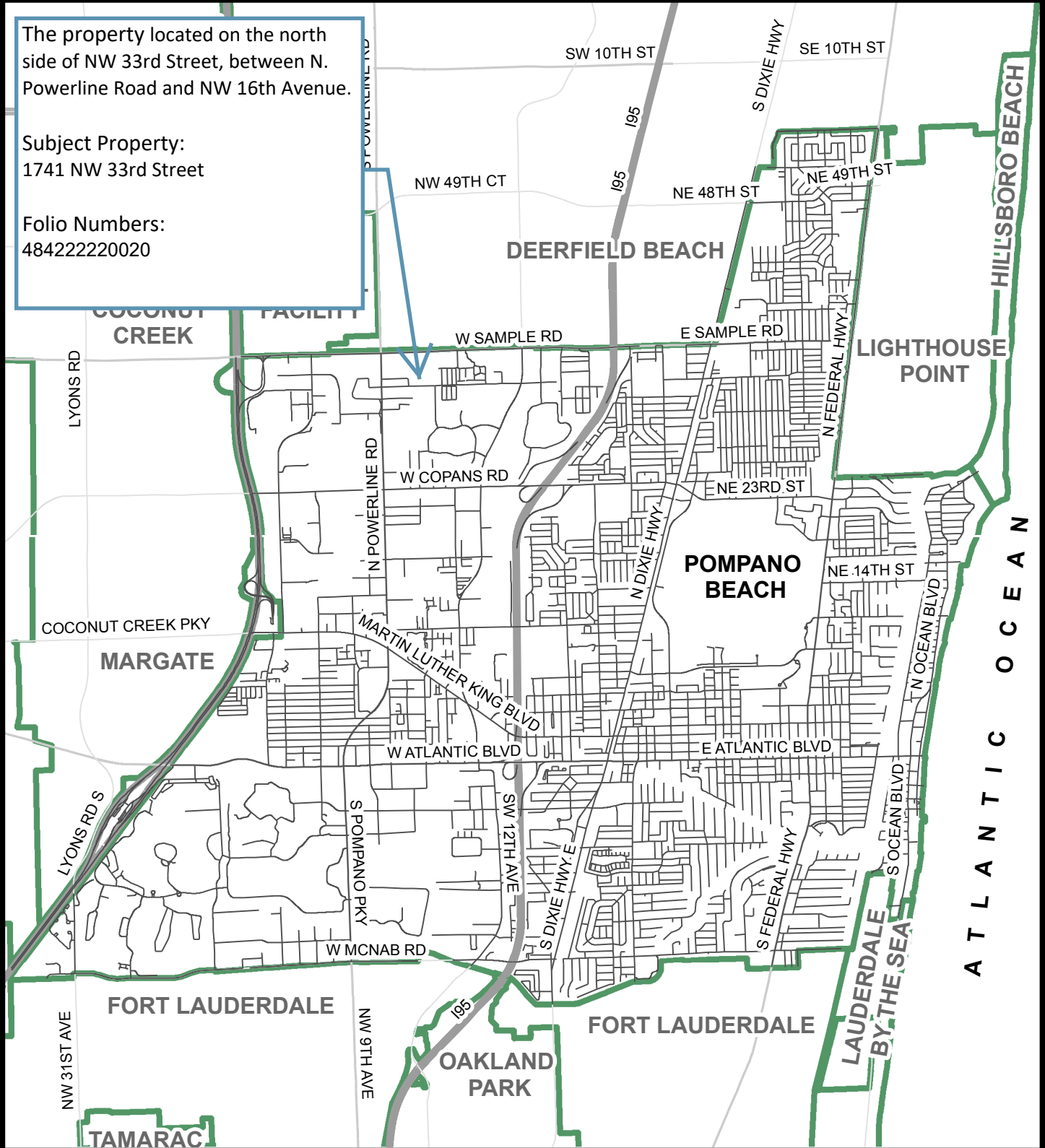
CITY OF POMPANO BEACH LOCATION MAP



The property located on the north side of NW 33rd Street, between N. Powerline Road and NW 16th Avenue.

Subject Property:
1741 NW 33rd Street

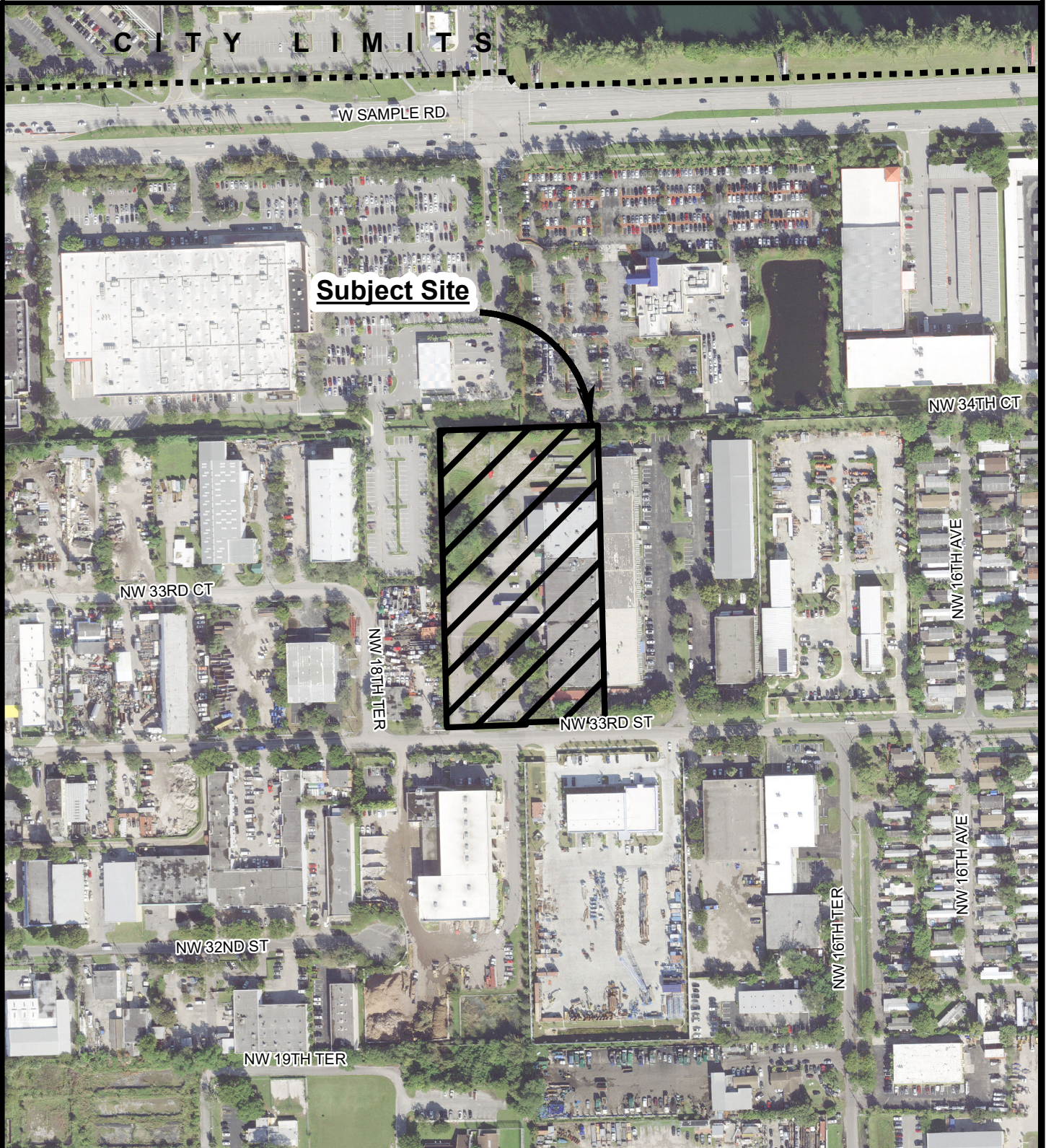
Folio Numbers:
484222220020



1 in = 1 miles

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DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP



1 in = 292 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

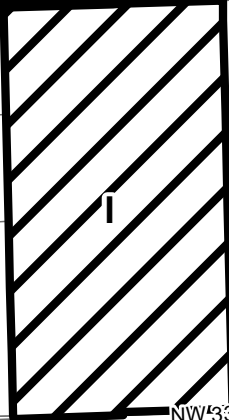
CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



C I T Y L I M I T S

W SAMPLE RD

C
Subject Site



NW 33RD CT

NW 18TH TER

NW 33RD ST

NW 34TH CT

NW 16TH AVE

LM

NW 32ND ST

NW 16TH TER

NW 16TH AVE

NW 19TH TER

U

1 in = 292 ft

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CITY OF POMPANO BEACH OFFICIAL ZONING MAP



C I T Y L I M I T S

W SAMPLE RD

B-3

Subject Site

I-1

B-4

NW 34TH CT

NW 16TH AVE

NW 33RD CT

NW 18TH TER

I-1

I-1

NW 33RD ST

I-1

B-4

MH-12

NW 16TH AVE

NW 16TH TER

NW 32ND ST

I-1X

NW 19TH TER

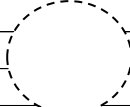
PU

I-1

1 in = 292 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	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
		>	I-1X
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
		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