

Current Owners: Living Trust of Merrill E. Pridemore and Nat Jack LLC
Project name: Powerline/MLK Commerce Center Rezoning
Project location: 2151, 2193, 2195, 2197, 2199 Martin Luther King Jr. Boulevard
PZ# 19-13000007

**Narrative Addressing
Rezoning from B-3 to B-4**

April 25, 2019
Updated September 13, 2019 with responses to DRC Comments

1. Background. Applicant, BTH Development Partners, LLC is under contract to purchase a 3.5 acre property generally located on the north side of Martin Luther King Blvd just west of Powerline Road. An aerial of the property is shown below.



The current land use designation of the Property is "Commercial" and the property is currently zoned B-3 (General Commercial). The Property is located along the Martin Luther King Blvd corridor of the City which is characterized by mostly heavy commercial and some industrial uses.

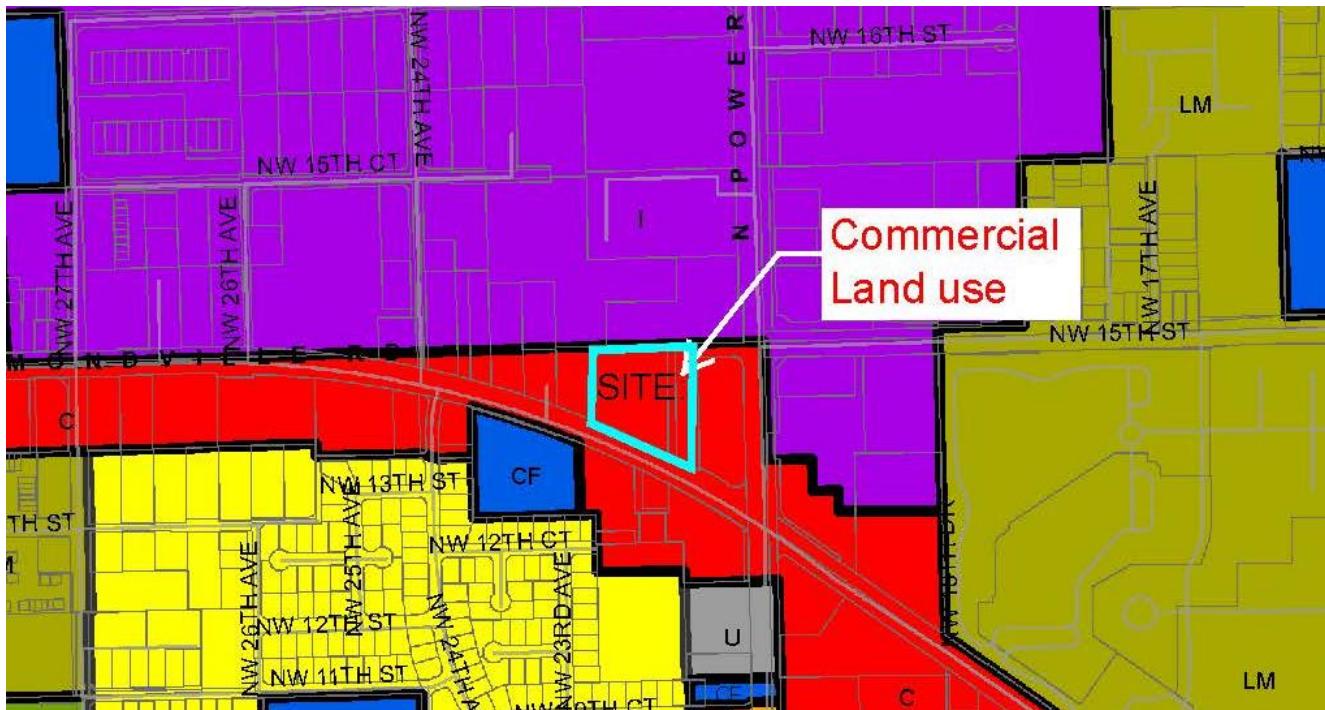
The Property statistics are as follows:

Land use: Commercial
Current zoning: B-3 (General Business)
Proposed zoning: B-4 (Heavy Business)
Site area: 3.52 acres

2. Surrounding land use designations. The Property is designated “Commercial” on the City’s Land Use Map. The map below illustrates the various land use designations that surround the property:

North: Industrial and Commercial
South: Commercial and Community Facility
East: Commercial and Industrial
West: Commercial and Industrial

Pompano Beach Land Use Map:



As shown above, the Property is located in an area which is characterized by predominantly heavy commercial and industrial uses. The proposed rezoning to B-4 (heavy commercial) is consistent with the Property's Commercial Land Use Designation and compatible with the land use categories which surround the Property.

3. Surrounding zoning designations. The Property is located in B-3 zoning district. The Applicant is proposing to rezone the Property to B-4 which would allow for contractors offices, warehousing and showrooms. The zoning districts which surround the Property are shown below.

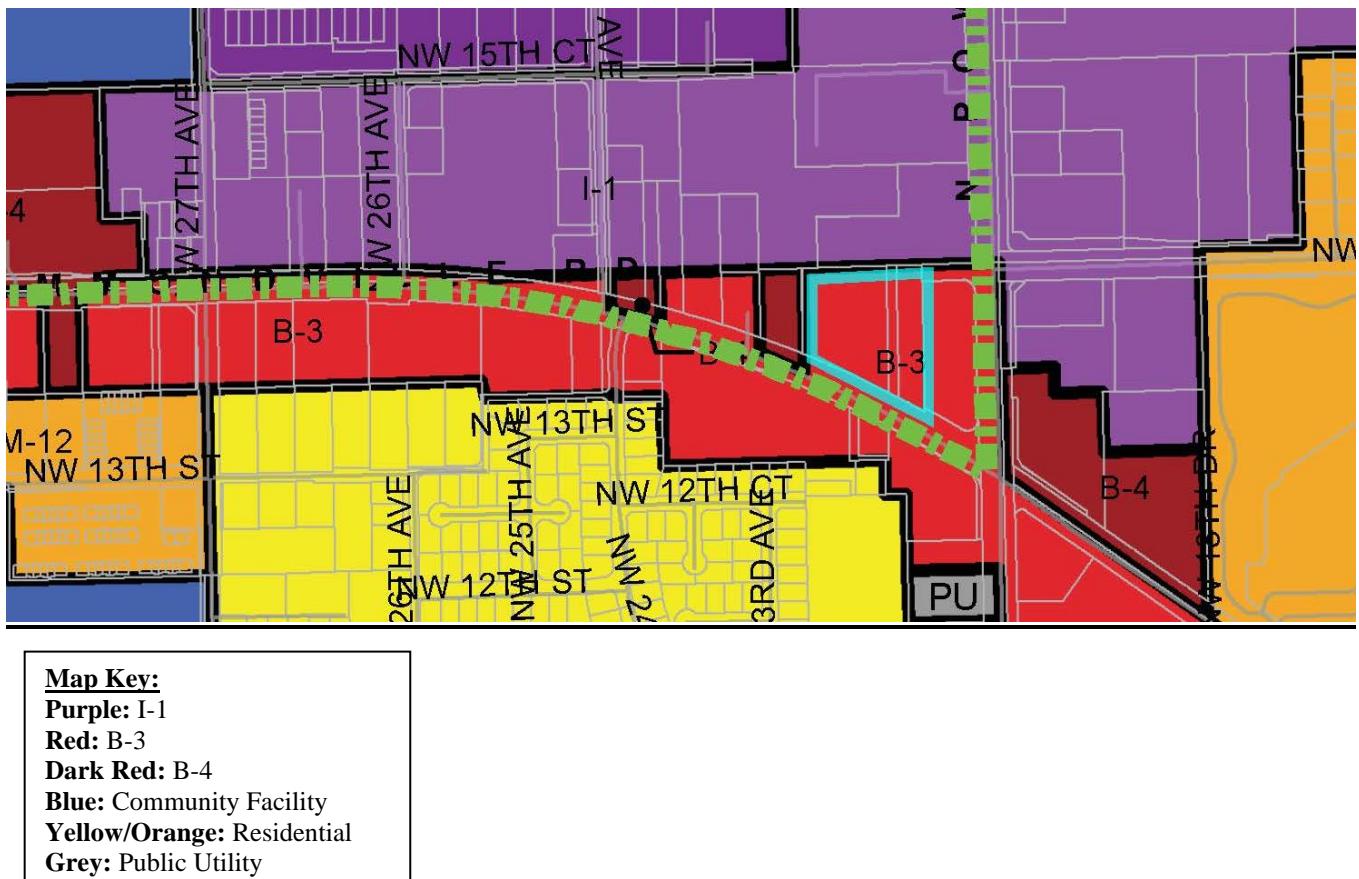
North: I-1 (Warehousing, distribution terminals, trucking parts storage sales)

South: B-3 (Chevron Gas Station)

East: B-3 (Diamond Dolls Club)

West: B-4 (Steeda - aftermarket installation and showroom of Ford performance automobile parts/equipment)

POMPANO BEACH ZONING MAP:



As shown in the map above, the Property abuts the B-4 zoning district to the West and I-1 Industrial property to the north. In addition, there are other properties along the corridor and in very close proximity that are also zoned B-4. Therefore, the proposed zoning designation is compatible with the existing uses and the existing surrounding zoning.

4. Proposed development. The development team for this Property consists of principals of a General Contracting company, Miller Construction, which has been in business for 46 years. As they are venturing into development of their own, they have identified a market need for contractors offices and warehousing/showroom operations for smaller scale tenants. Much of the new product being constructed focuses on very large warehousing/distribution/logistics centers, rather than smaller operations which still desire to have a Class A storefront on a smaller scale. This development is modest in size and will fill that gap. The building is designed with retail/office frontage, can easily be subdivided into multiple bays for smaller tenants. All of the storage and loading operations will occur in the rear which is not visible from the street and because of the target tenant mix, the loading has been designed for smaller trucks not capable of accommodating large semi-tractor trailer trucks typically seen with large warehousing/distribution/logistics centers.

5. Responses to DRC comments. The Rezoning Application was considered at a DRC meeting on June 5, 2019. Comments were issued by project planner, Maggie Barszewski (954) 786-7921 / Maggie.Barszewski@copbfl.com. Applicant's responses to the DRC comments are attached hereto as **EXHIBIT "A"**.

Respectfully submitted,



Nectaria M. Chakas, Esq.
LOCHRIE & CHAKAS, P.A.
Attorney for Applicant, BTH Development Partners, LLC

Attachments:

Exhibit A – Responses to DRC Comments for Rezoning

EXHIBIT “A”
RESPONSES TO DRC COMMENTS
FOR REZONING FROM B-3 to B-4

1. Demonstrate the reasons that this property should be rezoned to B-4 and how such a rezoning would meet the intent specified in the following Code provision:

155.3305.A. Purpose

The Heavy Business (B-4) district is established and intended to accommodate a wide and diverse range of moderate- to high-intensity retail, service, office, recreation/entertainment, and institutional uses that provide goods and services serving a community, city-wide, and regional customer bases. It also accommodates the city's major employment-generating non-industrial uses, as well as wholesaling, warehousing, and limited light manufacturing uses.

APPLICANT'S RESPONSE: The Applicant is proposing to rezone the Property to B-4 for the following reasons:

- a. The property has been vacant for several years and has not experienced an interest in conventional retail uses allowed under the B-3. The site is surrounded by industrial-related uses (to the north I-1 zoned property, to the west is B-4 property, and to the east is a gentlemen's club).**
- b. The B-4 allows for contractor offices, warehousing and showrooms not presently allowed in the B-3. While the City has seen warehouse/distribution uses developed in the city, the absorption rate is still high indicating that there is a strong market for these uses.**
- c. The rezoning of the site to B-4 will allow for contractor's offices (which is industry that the developer has been engaged in for over 46 years with Miller Construction) as well as the warehouse, showroom/retail-related uses which serve a variety of customer bases. Similar uses have been developed in other areas of the City but on a much larger scale for larger end users, but is not suitable nor feasible for small businesses. This proposed development is approximately 42,000 square feet in size and easily subdivided into multiple tenant bays for use by small business owner, which will fill missing component in the current marketplace.**
- d. The proposed development has been designed with architectural features associated with retail/office buildings to mitigate any perceived industrial appearance.**

2. Also demonstrate that the review standards have been met as stated in the following Code provisions:

§155.2307

A. Burden of Proof and Persuasion

The applicant bears the burden of demonstrating that an application complies with applicable review standards. The burden is not on the city or other parties to show that the standards are not met by the applicant.

APPLICANT'S RESPONSE: Acknowledged. The Applicant through this narrative and responses has addressed compliance with the applicable review standards.

§155.2403. GENERAL ZONING MAP AMENDMENT (REZONING)

C. General Zoning Map Amendment Review Standards

The advisability of a general amendment to the Official Zoning Map is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny a proposed General Zoning Map Amendment, the city shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is consistent with the Future Land Use Category and any applicable goals, objectives, and policies of the comprehensive plan.

APPLICANT'S RESPONSE: Pursuant to the City's Comprehensive Plan, the City's Commercial Land Use Category permits, among other uses:

- 1 – Office and business uses
- 2 - Wholesale, storage, light fabricating and warehouse uses, if deemed appropriate by the City.

The owner wishes to make the development available for contractors offices, warehousing/distribution with associated office and retail showroom not presently allowed in the B-3. The proposed use of the property is a hybrid of the above stated uses and therefore consistent with the underlying Commercial Land Use Category.

3. Review for consistency with City's Comprehensive Plan

The applicant must provide competent and substantial evidence that there is consistency with the following policies concerning compatibility:

Future Land Use

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

Response: The closest residential area is separated from this site by MLK Blvd and a Church. This property is not visible nor accessible from residential neighborhoods, and even if it was, the project has been designed with a very large landscape/retention area along MLK Blvd and the building itself is designed with a modern retail/office façade. All loading areas take place at the rear of the building which abuts an existing industrial development zoned I-1.

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

Response: The adjacent land uses are as follows:

North: Industrial land use category (Warehouses/Trucking)
South: Commercial Land Use Category (Gas Station) and Community Facility (Church)
East: Commercial (Diamond Dolls Gentleman's Club)
West: Industrial/Commercial (Automotive-related uses)

As shown on the map below the subject site (outlined in turquoise) directly abuts I-1 property and B-4 property. The only abutting property zoned B-3 is the Diamond Dolls Gentleman's Club located immediately east of the site. In fact, the zoning map below, clearly shows that the majority of parcels along the north side of MLK Blvd are already zoned either I-1 or B-4.



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

1. Density;

Response: The proposed development is approximately 41,520 sf in size. The building area is only 21.7% of the overall site.

2. Design;

Response: The project is designed with access from MLK Blvd (primary) and a secondary access (used for trucks/loading) from NW 15th Street. The architectural treatment of the building is an office-retail appearance.

3. Distance to similar development;

Response: The abutting property to the west is a more intensive automotive related use and the warehouse industrial development to the north is similar in nature, although not as updated and modern as the building proposed on this site.

4. Existing adjoining uses;

Response: The abutting properties are used for the following uses:

North: Industrial Warehouses

East: Diamond Dolls Gentlemen's Club

West: Automotive installation/repair use

5. Proposed adjoining uses;

Response: The Applicant is not aware of any “proposed” changes to the existing adjoining uses described above.

6. Readiness for redevelopment of surrounding uses; and

Response: The Applicant is not aware of any “proposed” changes to the existing adjoining uses described above.

7. Proximity to mass transit.

Response: The Property is serviced by Broward County Transit Route 60 on MLK Blvd. and Bus Stop #3497. In addition, as part of the platting process, the Applicant will be granting an 8'x40' long expanded sidewalk for a bus landing pad on the southeast corner of the site.

This is a request to intensify the Commercial Zoning designation from B-3 (General Business) to B-4 (Heavy Business). The applicant must demonstrate consistency with the above-listed policies concerning compatibility with the surrounding properties.

APPLICANT'S RESPONSE:

The proposed intensification to B-4 is consistent with the above policies given the character of the abutting and neighboring uses which are of greater intensity than what is proposed. In addition, the developer is willing to record a Declaration of Restrictions that deletes some of the less desirable uses that would be allowed under the B-4 category. A draft of the Declaration has been provided to the City. In light of the foregoing, the proposed rezoning is compatible with the surrounding properties, and applicant respectfully requests that the rezoning from B-3 to B-4 be approved.

End of responses to DRC comments.