

March 19, 2018

Jennifer Gomez  
Assistant Development Services Director  
City of Pompano Beach  
City Hall Main Building  
100 West Atlantic Boulevard  
Pompano Beach, Florida 33060

Re: Rezoning of Property at 140 NW 16th Street

Dear Ms. Gomez,

Sunco TH LLC, as Trustee of the 140 NW 16<sup>th</sup> Street Land Trust, the property owner, respectfully requests that the property that is subject to this Application ("Site") be rezoned from B-2 Community Business to B-4 Heavy Business with limitations. This application for rezoning is being submitted pursuant to Section 155.2404 of the City's Zoning Code.

The current zoning on the Site is B-2 – Community Business. The current land use Designation is Commercial.

The Applicant contends the current zoning is inappropriate and ineffective denying any appropriate use of the property. Inclusive of the request for B-4 Heavy Business, our client is aware there are undesirable uses the City would prefer not in this location. Therefore the Applicant will provide the City a recordable Declaration of Covenants which contains a list of uses that would not be allowed on this property.

The contract purchaser, Pompano Imports (hereafter "Developer") is proposing to utilize the property as a satellite facility for their showroom located on North Federal Highway. The intended function is for new vehicle delivery, preparation, detailing, parking and display, which includes removing the plastic covers used when transporting cars, preparing the automobiles for delivery to customers including cleaning the vehicles both inside and outside, waxing and detailing. The proposed use would be very non-intrusive to the surrounding properties – there would be no public use or public vehicular access to the facility. The traffic and noise would be minimal and there would be no

work performed after business hours. There will be approximately 10 employees on the Site and business hours will be 9:00 am to 5:00 pm.

This use of the property best fits within the B-4 District and it will not include any of the "intense" characteristics of a normal B-4 use; e.g. noise, traffic, extensive hours of operation or large/bulky structures. Furthermore, this use will be less intrusive to the community than many of the B-2 Community Business, uses that are currently allowed:

- Banks
- Restaurants
- Convenience stores
- Gasoline filling stations
- Parcel Services
- Auditorium or Theater
- Bowling Alley
- Bar/Lounge
- Nightclub

The B-2 District also allows buildings with a height of more than 50 feet – there will be no structures of more than 15 feet on this Site.

The Developer is a long-standing member of the Pompano Beach community with approximately 150 employees at the Federal Highway site. South Motors operates the Vista BMW located on Federal Highway and has for many years. Their existing facility has no room for growth. The Developer purchased a restaurant next to their dealership and plans to expand their showroom, but they need room off-site for their vehicle preparation services.

The Pompano Beach Code requires that the rezoning requested "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 existing Future Land Use Category on the property is Commercial, and the use as a vehicle prep facility is compatible with the Commercial category. The use is also consistent with the following Goals, Objectives and Policies of the Pompano Beach Future Land Use Element:

***Goal 01.00.00 — The attainment of a living environment which provides the maximum physical, economic and social well-being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.***

As stated above, this use will be less intrusive to the community than many of the B-2 Community Business, uses that are currently allowed; e.g. banks, restaurants, convenience stores, gasoline filling stations, parking deck or garage. There will be minimal noise and no odors as associated with filling stations and restaurants. Also,

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there will be no public access; and therefore, minimal traffic to the Site. The current B-2 zoning does not meet this Goal as evidenced by the lack of use and proposals for over 10 years.

***Objective 01.02.00 - Protect the existing and future right of way from building encroachments and ensure proper accessibility with the roadway and transit network.***

Subsequent to the rezoning and upon site plan approval the Developer will relocate the fence currently in the future right-of-way for NW 16<sup>th</sup> and dedicate the necessary right-of-way to complete the 30' to the centerline required.

***Policy 01.02.03 - Approve site plans, plats and other development approvals on the condition that the applicant will dedicate right-of-way according to the requirements of the Broward County Trafficways Plan and Master Arterial Street Plan.***

Developer understands and intends to accommodate this requirement.

***Policy 01.02.04 - The City shall not issue building permits or development orders for construction within identified rights-of-way in order to protect the transportation corridors identified on the Broward County Trafficways Plan and Master Arterial Street Plan.***

Developer is aware and will remedy the current nonconformity upon site plan approval subject to approval of this rezoning application.

***Policy 01.02.05 - All property to be platted, or newly created lots are encouraged to be directly accessible from a publicly dedicated and improved road, which satisfies the right of way requirements of the Broward County Trafficways Plan and/or Master Arterial Street Plan.***

This property is directly accessible from a publicly dedicated and improved road, which satisfies the right of way requirements of the Broward County Trafficways Plan and/or Master Arterial Street Plan..

***Policy 01.02.06 - Right of way dedications shall be fee simple, except in situations where right of way, required by Broward County Trafficways Plan, may be given by easement for roads which may be widened within 10 years.***

Understood and agreed.

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***Policy 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.***

The Land Use Designation for this property is Commercial. This Application for B-4 is consistent with the designations of the Land Use Plan Map. The property does not have frontage on an arterial or major road and is directly across the street from I-1 Industrial uses.

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

Any of the uses to be permitted on the site subsequent to rezoning will have zero negative impacts on existing residential areas. The property will be developed in accordance with current code requirements, no tall buildings, minimal noise, odors, and traffic. The impact will also be substantially less than it could be with B-2 uses that are currently allowed on the Site. The site is not contiguous to any residential use. The immediate contiguous uses to the east and south are in fact B-3 and B-4 uses. There will be zero emissions of dust, smoke, fumes and noise. All traffic generated will be to and from Dixie Highway, therefore the residential property in the area will not be impacted by the proposed use or zoning change.

***Policy 01.03.07 — Require the provision of decorative structural or vegetative buffers between different density residential land uses, and residential and non-residential land uses unless the applicant can demonstrate by evidence that the proper buffer is provided.***

The site will be properly buffered with vegetation to limit the view of the proposed facility from the street and surrounding structures in accordance with code requirements.

***Policy 01.03.08 — Establish criteria to protect residential areas and other land uses that are adjacent to industrial and commercial areas from excessive noise, odors, traffic and parking impacts.***

The intended use will have limited noise, odors, traffic and parking – substantially less than many currently allowed B-2 uses. The site is surrounded by B-4 uses. To the west is Comcast Cable parking and satellite dish installation. To the south is a warehouse containing B-4 uses which has just been restored with new roofs after sustaining damage from February 16, 2016 tornado. To the east is a marine repair facility and on the north side of NE 16<sup>th</sup> Street the uses are I-1 industrial.

***Policy 01.03.09 — Discourage Land Use Plan Map amendments, rezonings or other methods that would place residential units into or adjoining industrial land use designations.***

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As the Site is surrounded by a significant number of industrial land uses, rezoning the property to B-4 would prevent any land use plan map amendments from placing residential units abutting industrial. A map showing the Site and the surrounding businesses is attached as "Exhibit #1".

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

Please see Exhibit #1 attached. The use is compatible with the adjacent land uses.

***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.***

1. The Developer/Applicant is not incurring any density issues.
2. Site and building design will be in accordance with code requirements and aesthetically pleasing.
3. While the Dixie Highway corridor has many used car sale facilities, this development is a satellite use for a new car dealership located on Federal Highway in Pompano Beach.
4. Proposed change is 100% compatible with adjoining uses.
5. The zoning change will not have any new proposed adjoining uses.
6. The site will be redeveloped with a very moderate use and improvements and will easily accommodate and encourage redevelopment.
7. They are nearby bus routes and stops along Dixie Highway

## **Summary**

The Site to be rezoned is located within the Kendall Crossing area as noted in the City of Pompano Beach, Transportation Corridor Studies Transformation Plan ("Study") which has been approved by the City. While this Study targets this area with "...more of a residential focus, with multifamily apartments, townhomes, and single family detached homes adjacent to neighborhood serving retail and services". The Study designates the Site for "Commercial Mixed Use Frontage" and not specifically for residential use; therefore, the intended use is not contrary to the Study. Further as demonstrated above in Policy 01.03.09 until such time the nearby Industrial uses are eliminated, residential in this location would be a direct conflict with the Comprehensive Plan.

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The Land Use and Zoning Maps shown in the Study do not represent historical reality. The abutting properties to the south and west of the Site each have Low Medium (LM) residential land use, however each contain compatible uses with the B-4 zoning the Applicant is requesting. To the west is Comcast Cable parking and satellite dish installation. To the south is a warehouse use which has just been restored with new roofs after sustaining damage from February 16, 2016 tornado. To the east is a marine repair facility and on the north side of NE 16<sup>th</sup> Street the uses are industrial. Furthermore, as the property to the East is zoned commercial B-3 and the properties to the South are legally non-conforming B-4 warehouses (Exhibit #1), spot zoning is not even feasible.

Mr. Dennis Mele also had a telephone conference with Kim Briesemeister and Max Wemyss with the CRA on February 7<sup>th</sup>, 2018. Thus, all DRC comments have been addressed. We believe that the proposed rezoning and use meets the intent of the Code of Ordinances, Comprehensive Plan and the Transportation Corridor Studies Transformation Plan, and will be an asset to the area. Pertinent Goals, Objectives and Policies have been specifically addressed. Should City Staff, the Planning and Zoning Board or City Commission desire any other items to be specifically addressed, the Applicant will gladly do so. We hope you will approve our request to rezone this property.

Very truly yours,

GREENSPOON MARDER, P.A.

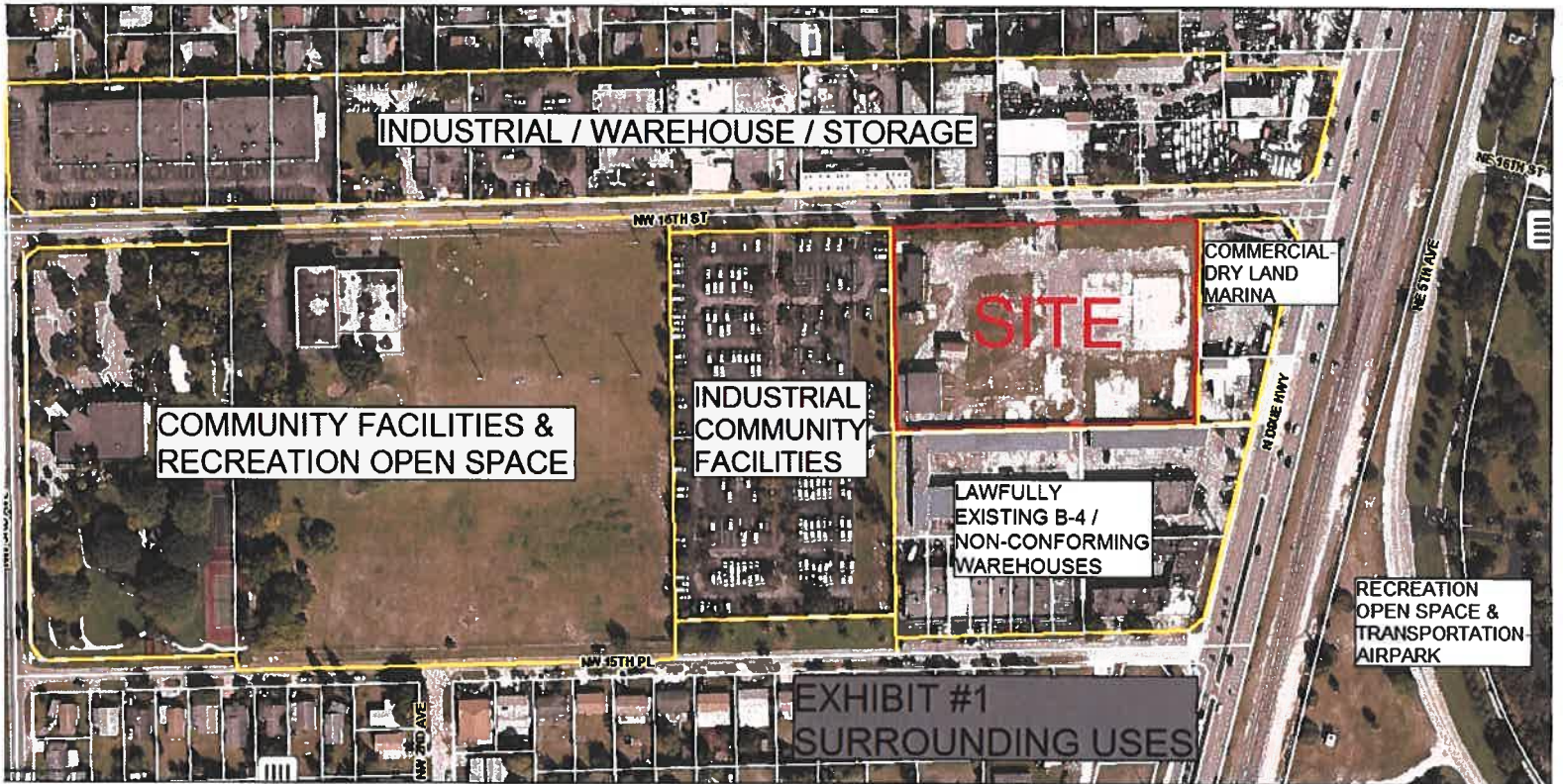


Sarah Stewart, AICP  
Land Planner

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EXHIBIT #1



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