



GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 50673-00001
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June 24, 2021

VIA ELECTRONIC MAIL
Maggie.Barszewski@copbfl.com

Ms. Maggie Barszewski, AICP
Planner
City of Pompano Beach
100 West Atlantic Blvd.
Pompano Beach, FL 33060

**Re: Request for Rezoning – KZ Copans LLC, Portion of Property Located at
1900 W. Copans Road, Pompano Beach, Florida**

Dear Ms. Barszewski,

Please accept this letter in conjunction with the attached application for KZ Copans LLC ("the Applicant"), to rezone a 4.4949-acre site located at 1900 W. Copans Road in the city of Pompano Beach (the "Property") from Public Utility (PU) zoning to General Industrial (I-1) zoning. The Property is located West of Interstate 95, immediately South of and adjacent to West Copans Road, North of NE 22 Court and East of Powerline Road.

The Property is currently vacant land that is contained within the boundaries of the Westview Community Cemetery. The eastern most portion of the Property that is the subject of this rezoning request is vacant and does not now and has not ever contained any internments. The cemetery is owned and run by the Westview Community Cemetery of Pompano Beach, FL., Inc., a Florida non-profit corporation located in Pompano Beach.

The Property is surrounded by industrial development. The zoning proposed for the Property is General Industrial (I-1), which is consistent with the uses allowed by **Section 155.3401 of the City's Zoning Code**, including but not limited to, light industrial uses such as manufacturing, assembly, fabrication, processing, distribution, warehousing, research and development , but not heavy or hazardous manufacturing processes.

"The **General Industrial (I-1)** district is established and intended to accommodate a wide range of light and moderate manufacturing, assembly, fabrication, processing, distribution, warehousing, research and development, and other **industrial** uses—but not heavy or hazardous manufacturing processes."

ACTIVE:12456848.1

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Las Olas Centre 450 East Las Olas Boulevard, Suite 1400 Fort Lauderdale, FL 33301 p 954-462-2000 f 954-523-1722 GUNSTER.COM

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Proposed development of the site will be subject to the regulations contained in the **City's Zoning Code, Section 155.5603 Industrial Design Standards**, the focus of which is to minimize potential negative impacts on adjacent land uses and improve the appearance of industrial development in the City.

The City of Pompano Beach's adopted Future Land Use Map designation for the Property is CF (Community Facility). It is designated Recreation and Open Space on the County Land Use Plan. A concurrent Small-Scale Future Land Use Map amendment is being processed under City PZ Case No. 20-92000004 to amend the City's future land use designation of the site from Community Facility (CF) to Industrial (I), and to amend the County's future land use designation from Parks and Recreation (PR) to Commerce. The County Plan permits industrial uses, if it is determined by the local government that such use is compatible with surrounding planned land uses.

It would be our intention to have both the future land use and the rezoning run concurrently. As such, we are requesting that the rezoning be scheduled to coincide with the land use application that is being scheduled for the **September 22, 2021 Planning and Zoning Board** meeting.

Please feel free to contact me at 954.468.1391, should you have any questions in this regard.

Sincerely,



Heidi Davis Knapik

Cc: *sent via email*
Jacob Zebede, KZ Copans LLC
Cecelia Ward, AICP JC Consulting

Attachment: Rezoning Application

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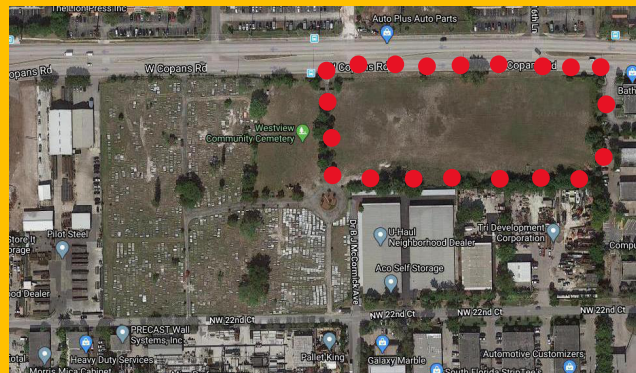
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KZ COPANS, LLC
Rezoning Application
Digital Submission
June 25, 2021

City of Pompano Beach

Proposed Rezoning
From Public Utilities (Pu)
To Industrial (I-1)



● 1900 West Copans Road – Rezoning Site

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REZONING REQUEST - WRITTEN NARRATIVE

This application is a request to rezone approximately **4.4979 acres in size** located west of Interstate 95, immediately south of and adjacent to West Copans Road, north of NE 22 Court and east of Powerline Road.

Part 1 - Existing Land Use

1. The subject property is **4.4979 acres in size** and is contained within the boundary of the Westview Community Cemetery located on West Copans Road in the City of Pompano Beach.
2. The property is vacant land and does not contain any burials or other cemetery related facilities or buildings.
3. With the exception of the cemetery property, all other properties adjacent to the subject site are used primarily for industrial and heavy commercial uses.

Part 2 - Explanation of Need

The proposed use of the subject property is “general industrial”, which would allow the property to be developed for light industrial uses, such as manufacturing, assembly, fabrication, processing, distribution, warehousing, research and development , and other industrial uses, but not heavy or hazardous manufacturing processes, consistent with the I-1 General Industrial zoning of the surrounding area, as reflected in Table 1 of this application.

The change in land use and zoning of the subject property will allow the site to be sold for development as an industrial use, the proceeds from which will allow the remaining portion of the cemetery to be improved.

Part 3 -Future Land Use

1. The existing designation of the subject property under the City of Pompano Beach adopted and certified municipal land use plan is Community Facility (CF). It is designated PR (Parks and Recreation) on the County Land Use Plan.
2. A small-scale future land use map amendment has been filed with the City and the County, proposing a change in land use as follows:
 - a. The City of Pompano Beach adopted Future Land Use Map designation for the property is CF (Community Facility). It is designated Recreation and Open Space on the County Land Use Plan.
 - b. The proposed land use designation for the City’s Plan is Industrial (I) and Commerce (C) for the County’s Plan consistent with the surrounding land uses.
 - c. The County Plan permits Industrial uses, if it is determined by the local government that such use is compatible with surrounding planned land uses.

such as manufacturing, wholesaling, and storage, warehouse, as is being proposed for the subject property.

	Table 1- Future Land Use				
	Future Land Use Designation of Subject Property	North	South	East	West
City Future Land Use Designation	Proposed Industrial (I)	Industrial (I)	Industrial (I)	Industrial (I)	Community Facility (CF)
County Future Land Use Designation	Proposed Commerce (C)	Commerce (C)	Commerce (C)	Commerce (C)	Recreation and Open Space (Existing Cemetery)

Part 4 - Zoning

1. The property is currently zoned Public Utilities (Pu), which permits utility uses intended to serve the community, including the existing cemetery, which is categorized as institutional open space under the City's zoning code.
2. The proposed zoning is General Industrial (I-1), which is consistent with the area adjacent to the subject property, as reflected in Table 2.

	Proposed Zoning Subject Property	Table 2 – Proposed Zoning Consistent with Zoning of Surrounding Area				
		North	South	East	West	West of Existing Cemetery
City Zoning	I-1 General Industrial	I-1 General Industrial B-3/B-4 Heavy Commercial O-1P Office Industrial Park	I-IX Special Industrial	I-1 General Industrial B-4 Heavy Commercial Zoning	Pu - Public Utilities	I-1 General Industrial

Part 5 - Compatibility with Surrounding Uses

1. The proposed use of subject property for general industrial use is compatible with the surrounding uses, which include self-storage and warehouse related uses, in addition to light industrial manufacturing and retail/ wholesale businesses, as reflected in **Table 2**, below.

Table 2 – Compatible with Existing Surrounding Industrial Uses						
	Subject Property	North	South	East	West	West of Remaining Portion of Cemetery
Uses	Proposed Warehouse/ Distribution/ Storage/	Existing Light Industrial/ Heavy Commercial Uses: <ul style="list-style-type: none"> • Mac Papers • Mini Mac Retail Store • America Billiards • Office Furniture Solutions • Auto Plus Auto Parts • Kitchen and Home Improvements • Sink Outlet 	Existing Light Industrial/ Heavy Commercial Uses: <ul style="list-style-type: none"> • U Haul Neighborhood Dealer • Ace Self Storage • Tri Development Corp. 	Existing Light Industrial/ Heavy Commercial Uses: <ul style="list-style-type: none"> • Bathroom Place • Discount Computer Surplus 	Existing Westview Community Cemetery	Existing Light Industrial/ Heavy Commercial Uses: <ul style="list-style-type: none"> • Value Store it – Self Storage • U Haul Neighborhood Dealer • Pilot Steel

Part 6 - Proposed Development

Maximum allowable development:

The proposed use of the subject property is “general industrial”, which would allow for light industrial uses, such as manufacturing, assembly, fabrication, processing, distribution, warehousing, research and development, and other industrial uses, but not heavy or hazardous manufacturing processes, consistent with the I-1 General Industrial zoning of the surrounding area.

As specified under the City’s general industrial zoning provisions, the subject property would be limited to a maximum 65% lot coverage, which would permit a maximum of 509,414 SF of general industrial development on the subject property, with a maximum height of 45 ft.

For the purposes of determining changes in intensity of use, the updated application has applied the existing vested rights under the Community Facility Land Use category, which allows up to 293,893 SF of community facility use on the site based on a 25% maximum lot coverage and 60 ft height limit = 1.5 Floor Area Ratio (FAR):

The net difference as a result of the proposed land use change from community facility use to a general industrial is an additional +215,521 SF of development that would be permitted on the subject property.

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Part 7 - Applicability of City Industrial Design Standards

1. The proposed development of the site is for similar light industrial/special industrial uses and will be subject to the regulations contained in the ***City's Zoning Code, Section 155.5603 Industrial Design Standards.***

Part 8 - Consistent with the City Plans

1. The rezoning request is consistent with the City of Pompano Beach Comprehensive Plan, as reflected in ***Exhibit G.***
2. **Consistent with the City of Pompano Beach Northwest Community Redevelopment (NWCRA) Plan:** The subject property is located in the Northwest Community Redevelopment Area, and is consistent with the NWCRA Plan, as reflected in ***Exhibit H.***

EXHIBITS

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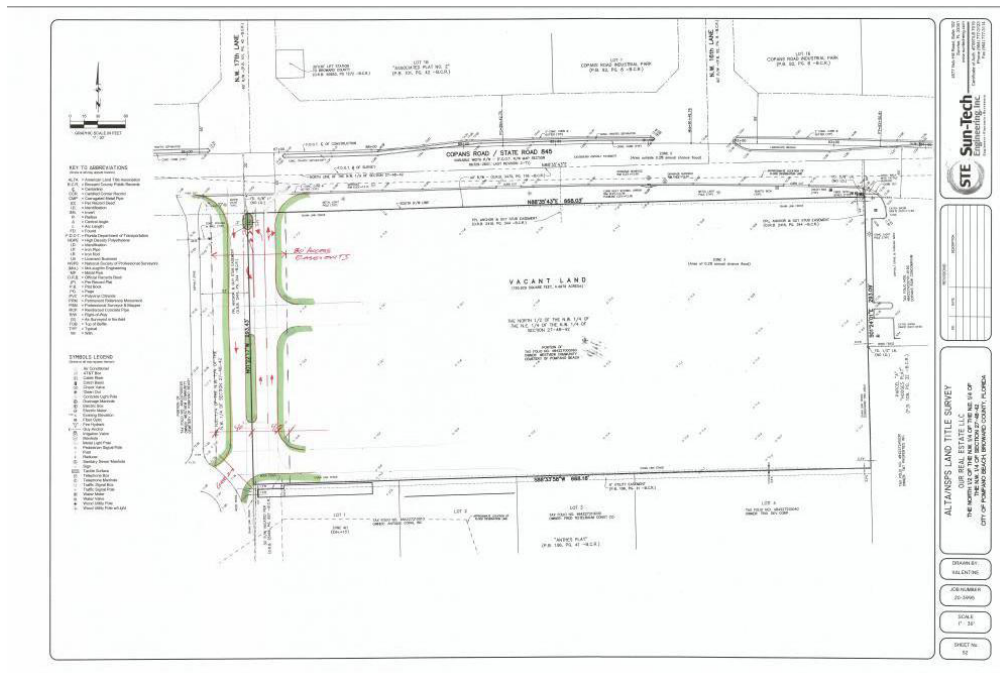
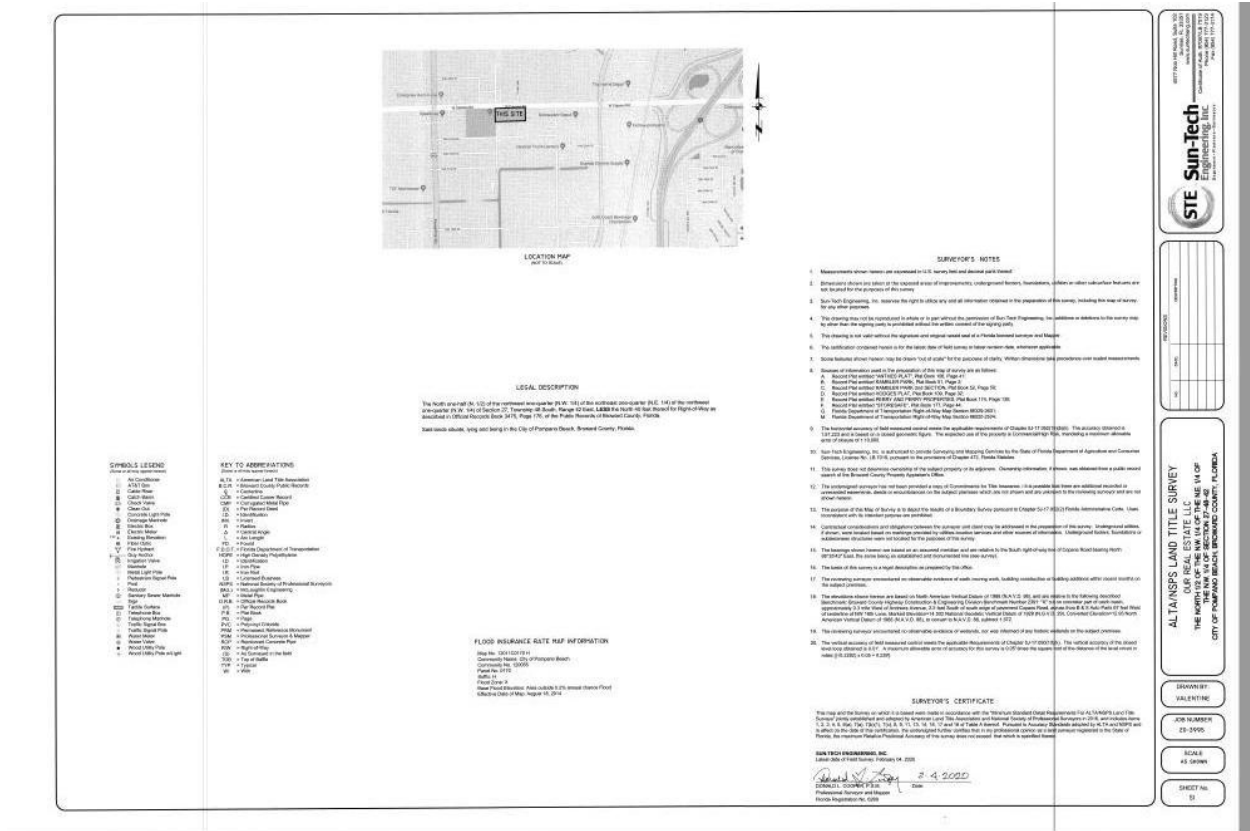
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Exhibit A- Current Survey



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APPLICATION FOR REZONING- KZ Copans, LLC

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Attachment 1 - Legal Description – In WORD

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APPLICATION FOR REZONING- KZ Copans, LLC

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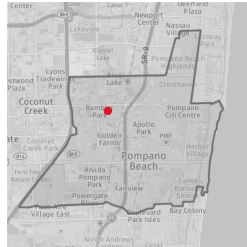
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Exhibit B - Location Map

City of Pompano Beach

Location Map



● Amendment
Site Location



LOCATION MAP
(NOT TO SCALE)

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APPLICATION FOR REZONING- KZ Copans, LLC

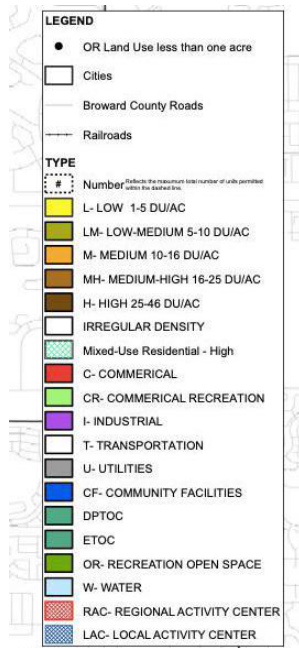
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Exhibit C – City Future Land Use – Application in Process

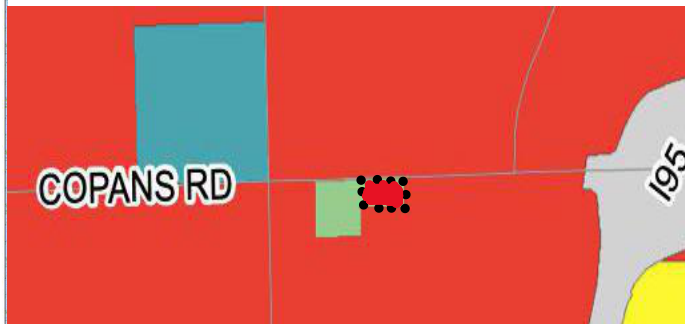


Proposed City of Pompano Beach Future Land Use



Proposed Industrial Land Use

Exhibit D –County Future Land Use – Application in Process



Proposed Commerce Land Use

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APPLICATION FOR REZONING- KZ Copans, LLC

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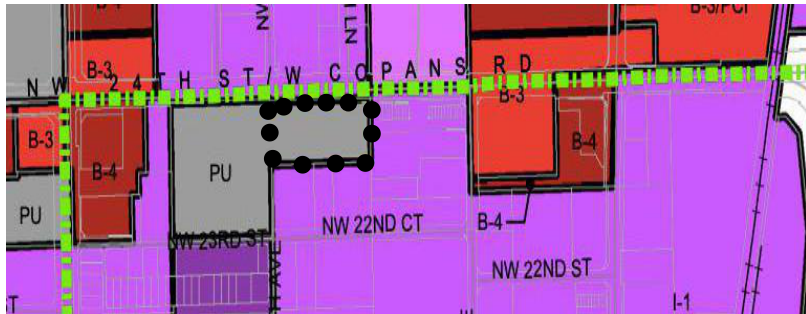
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9/22/2021

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8/4/2021

Exhibit E- Existing Zoning

ZONING DISTRICTS	
RESIDENTIAL ZONING DISTRICTS	
	RS-1 - SINGLE-FAMILY RESIDENCE
	RS-2 - SINGLE-FAMILY RESIDENCE
	RS-3 - SINGLE-FAMILY RESIDENCE
	RS-4 - SINGLE-FAMILY RESIDENCE
	RS-L - SPECIAL SINGLE-FAMILY RESIDENCE
	RD-1 - TWO-FAMILY RESIDENCE
	RM-7 - MULTIPLE-FAMILY RESIDENCE
	RM-12 - MULTIPLE-FAMILY RESIDENCE
	RM-20 - MULTIPLE-FAMILY RESIDENCE
	RM-30 - MULTIPLE-FAMILY RESIDENCE
	RM-45 - MULTIPLE-FAMILY RESIDENCE
	MH-12 - MOBILE HOME PARK
COMMERCIAL ZONING DISTRICTS	
	B-1 - LIMITED BUSINESS
	B-2 - COMMUNITY BUSINESS
	B-3 - GENERAL BUSINESS
	B-4 - HEAVY BUSINESS
	M-1 - MARINA COMMERCIAL
	CR - COMMERCIAL RECREATION
INDUSTRIAL ZONING DISTRICTS	
	I-1 - GENERAL INDUSTRIAL
	I-1X - SPECIAL INDUSTRIAL
	O-IP - OFFICE INDUSTRIAL PARK
	M-2 - MARINA INDUSTRIAL
SPECIAL ZONING DISTRICTS	
	TO - TRANSIT ORIENTED
	PR - PARKS AND RECREATION
	CF - COMMUNITY FACILITIES
	PU - PUBLIC UTILITIES
	T - TRANSPORTATION
	BP - BUSINESS PARKING
	LAC - LOCAL ACTIVITY CENTER
	W - WATER

Official City of Pompano Zoning Map –
Updated April 2, 2020



● Existing PU Zoning

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APPLICATION FOR REZONING- KZ Copans, LLC

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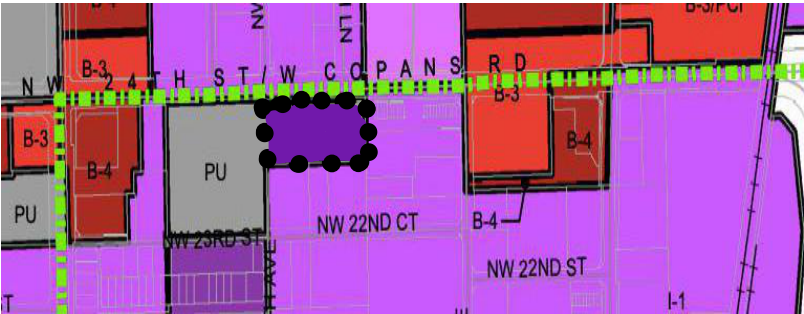
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8/4/2021

Exhibit F – Proposed Zoning

ZONING DISTRICTS	
RESIDENTIAL ZONING DISTRICTS	
	RS-1 - SINGLE-FAMILY RESIDENCE
	RS-2 - SINGLE-FAMILY RESIDENCE
	RS-3 - SINGLE-FAMILY RESIDENCE
	RS-4 - SINGLE-FAMILY RESIDENCE
	RS-L - SPECIAL SINGLE-FAMILY RESIDENCE
	RD-1 - TWO-FAMILY RESIDENCE
	RM-7 - MULTIPLE-FAMILY RESIDENCE
	RM-12 - MULTIPLE-FAMILY RESIDENCE
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	RM-45 - MULTIPLE-FAMILY RESIDENCE
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COMMERCIAL ZONING DISTRICTS	
	B-1 - LIMITED BUSINESS
	B-2 - COMMUNITY BUSINESS
	B-3 - GENERAL BUSINESS
	B-4 - HEAVY BUSINESS
	M-1 - MARINA COMMERCIAL
	CR - COMMERCIAL RECREATION
INDUSTRIAL ZONING DISTRICTS	
	I-1 - GENERAL INDUSTRIAL
	I-1X - SPECIAL INDUSTRIAL
	O-IP - OFFICE INDUSTRIAL PARK
	M-2 - MARINA INDUSTRIAL
SPECIAL ZONING DISTRICTS	
	TO - TRANSIT ORIENTED
	PR - PARKS AND RECREATION
	CF - COMMUNITY FACILITIES
	PU - PUBLIC UTILITIES
	T - TRANSPORTATION
	BP - BUSINESS PARKING
	LAC - LOCAL ACTIVITY CENTER
	W - WATER

Official City of Pompano Zoning Map –
Proposed Zoning Map



Proposed General Industrial
I-1 Zoning

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Exhibit G – Consistent with City of Pompano Beach Comprehensive Plan

City of Pompano Beach Comprehensive Plan March 2, 2018

*Land Use Element - Adopted January 2010 Consolidated Version with Amendments Through
ETOC G:\Planning\COMPREHENSIVE PLAN FOLDER\Adopted Comprehensive Plan
Elements\Adopted FLUE with ETOC.doc*

II. FUTURE LAND USE ELEMENT GOALS, OBJECTIVES AND POLICIES

Goal

01.00.0 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.

Objective Inconsistent Land Uses

01.03.00 Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan.

01.03.13 Future industrial land uses shall be located with access to major transportation facilities including highways, airports, railroads, and seaports.

Objective Smart Growth Initiative

01.16.00 The City will promote "Smart Growth" type initiatives providing for energy efficient development and land use patterns which also account for existing and future electrical power generation and transmission systems in an effort to discourage urban sprawl and reduce greenhouse gasses.

Policies

01.16.01 The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

LAND USE IMPLEMENTATION

Section 3. Zoning as to Permitted Uses and Densities

3.01 City zoning as to permitted uses and densities must be in compliance with or be more restrictive than the requirements of the Land Use Plan. For purposes of this section "more restrictive" means zoning which permits less than all of the uses permitted by the Land Use Plan

on a parcel of land, or, for a parcel of land designated residential by the Land Use Plan Map, a lower residential density than permitted by the Land Use Plan.

3 .02 City zoning as to permitted uses and densities shall be in compliance with the City's Land Use Plan if the following requirements are met:

F. Industrial

Each parcel of land within an area designated in an Industrial land use category by the City's Land Use Plan Map must be zoned in an industrial zoning district which excludes electrical power plants but permits one or more of the following uses, but no other uses:

1. Light and heavy industrial uses.
2. Heavy commercial uses including new and used automobile, truck, motorcycle, boat and trailer display, sales, and service; newspaper, magazine, and printing plants; bakeries, carpentry, cabinet shops and other trade shops; motion picture studios; ice houses; propane gas sales and repair; and salvage yards.
3. Educational, scientific and industrial research facilities, research laboratories. and medical or dental laboratories.
4. Office uses.
5. Transportation and communication facilities.
6. Recreation and open space, cemeteries, and commercial recreation uses, as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for industry.
7. Community facilities and utilities.
8. Ancillary commercial uses within buildings devoted to primary industrial uses.
9. Wholesaling uses.
10. The following uses may also be permitted if certified by the Broward County Planning Council in the City land use plan as long as the total area of these uses does not consume more than 20 percent of the industrial Land designated on the Future Broward County Land Use Plan Map (Series) within a flexibility zone, and as long as the location of these uses do not preclude or adversely affect the future use of surrounding areas for industrial uses:
 - a. Commercial and retail business uses.
 - b. Hotel, motel and similar lodging.
11. Vocational Schools

Exhibit H– Consistent with the City of Pompano Beach Northwest CRA Plan
Adoption Date: November 9, 2010
Amended Date: October 23, 2018

1. The subject property is located within the Pompano Beach NWCRA Area. The proposed to allow for general industrial use is consistent with the NW CRA Plan, specifically with the uses contained within Sub-Area No. # 3- Northwest Industrial area, as further discussed below:
 - A. As noted in the City’s adopted NWCRA Plan, “Industrial and warehouse uses are the predominant uses in the northwest quadrant, generally west of I-95 and north of NW 15 Street. This industrial area is enhanced by the access to I-95 and the Florida Turnpike, as well as to the CSX and FEC railroad lines.”
 - B. The NWCRA Plan includes seven geographic sub-areas that are described in general by their major characteristics. The subject property is located in **Sub-Area No. 3 – Northwest Industrial**. This sub-area is predominantly industrial, and according to the NWCRA Plan, this sub-area is “...a busy and active area that contributes many jobs to the local economy. It owes its success to an advantageous location with access to two major rail corridors and I-95. The recent extension of Andrews Avenue through the heart of this area will only serve to improve its connectivity to the region.”
 - C. The NWCRA Plan also notes that the major zoning designation in the NWCRA is the General Industrial District, I-1. According to the Plan, I-1 is the district in the northwest corner of the CRA Area. Bounded on all sides by major arterial streets, it provides easy access to heavy traffic.
2. The proposed rezoning to provide for general industrial warehouse uses also supports the following General Industrial Project Objectives of this area of the NWCRA:

Project Objectives

- Provide economic stimulation and increase investment in the area.
 - Recruit businesses to relocate in the area.
 - Provide incentives for existing industries and recruited industries.
3. The proposed amendment is also consistent with the following objectives and policies contained within the City’s Comprehensive Plan, as they relate to the NWCRA area:

Objective Community Redevelopment

01.08.00 Amend the Land Use Plan map and Zoning map to support new development and redevelopment in the Community Redevelopment Areas.

Policies

01.08.01 Follow the recommendation of the Community Redevelopment Plans in all Land Use Plan amendments and rezonings.

Objective Urban Infill

01.11.00 Identify Urban Infill Areas and Community Redevelopment Areas, adopted pursuant to Chapter 163, Part III, Florida Statutes within the existing urban service area of the City of Pompano Beach.

Policies

01.11.03 Redevelopment activities in the Community Redevelopment Areas shall be guided by their respective Community Redevelopment Plans, adopted pursuant to Chapter 163, Part III, Florida Statutes.

Objective Urban Infill Criteria

01.12.00 Establish criteria which encourage development of urban infill and community redevelopment areas to promote economic development, increase housing opportunities and maximize the use of existing public facilities and services.

Policies

01.12.01 Designated Urban Infill Areas and Community Redevelopment Areas, adopted pursuant to Chapter 163, Part III, Florida Statutes shall be excepted from any applicable transportation roadway concurrency requirements.