

ADMINISTRATIVE MEMORANDUM NO. 19-064

**TO:** Planning and Zoning Board  
**VIA:** David L. Recor, ICMA-CM, Director of Development Services  
**VIA:** Jennifer Gomez, AICP, Assistant Director of Development Services  
**FROM:** Maggie Barszewski, AICP, Planner *MB*  
**SUBJECT:** Sample 95 Rezoning Request  
Rezoning Request P&Z #19-13000001/ March 27, 2019 P&Z Meeting  
**DATE:** March 15, 2019

## APPLICANT'S REQUEST

Richard Coker, Esq., on behalf of Duke Sample 4, LLC, is requesting to rezone a portion of the subject property from Office-Industrial Park (O-IP) to General Industrial (I-1) in order to bring the entire property under one Zoning District. The fact that the property is within two zoning districts has recently effected the applicant, as one of their tenants submitted an application requesting to use a portion of the site for outdoor storage. Outdoor storage is permitted in the I-1 Zoning District, but not permitted in the O-IP district regulations. The property's dual zoning is shown in Attachment I, where the existing 95,295 square foot industrial building lies within the I-1 Zoning designation and the balance of the property including the truck well, loading area, and non-building area is within the O-IP Zoning. The total property includes 6.853 acres, with 4.46 acres of that property being the subject of this requested rezoning. This rezoning request was reviewed by the Development Review Committee (DRC) on February 6, 2019.

This approximate property is located on the south side of NW 33 Street, approximately 1,050 west of the North Andrews Avenue Extension. The address is 3135 North Andrews Avenue.

## 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:**

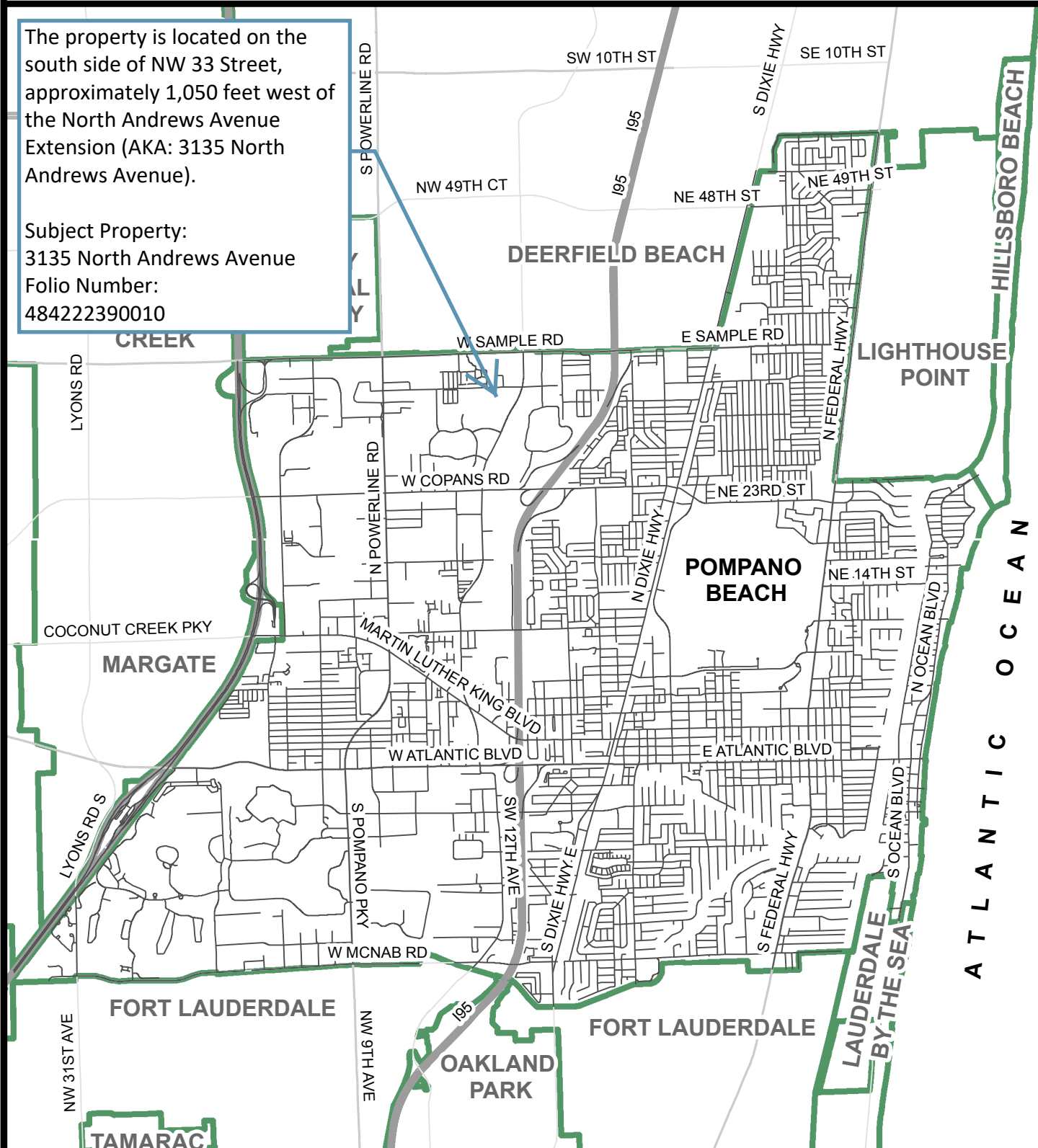
**Policy 01.03.11** Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings.

# CITY OF POMPANO BEACH LOCATION MAP



The property is located on the south side of NW 33 Street, approximately 1,050 feet west of the North Andrews Avenue Extension (AKA: 3135 North Andrews Avenue).

Subject Property:  
3135 North Andrews Avenue  
Folio Number:  
484222390010

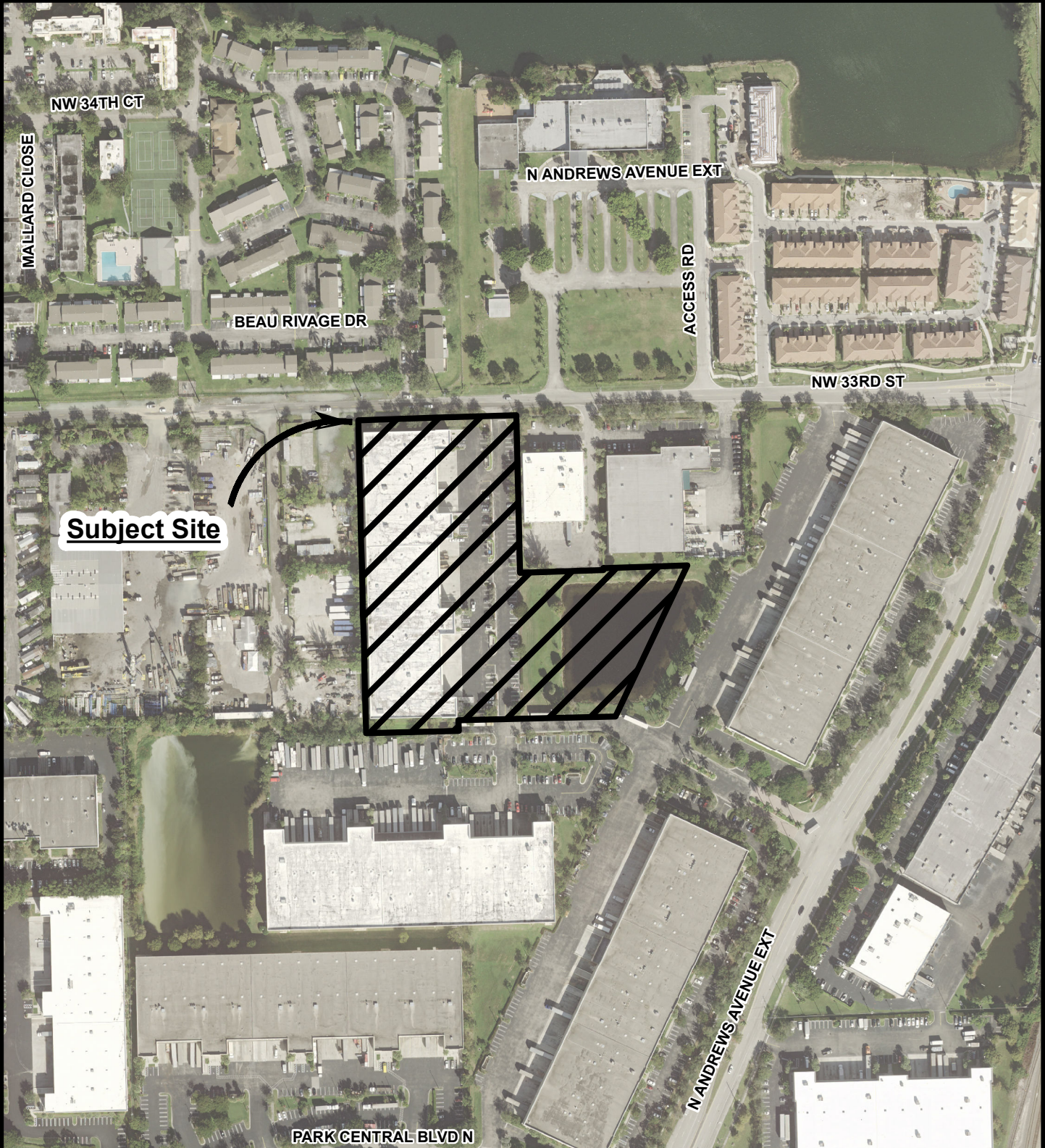


1 in = 1 miles

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



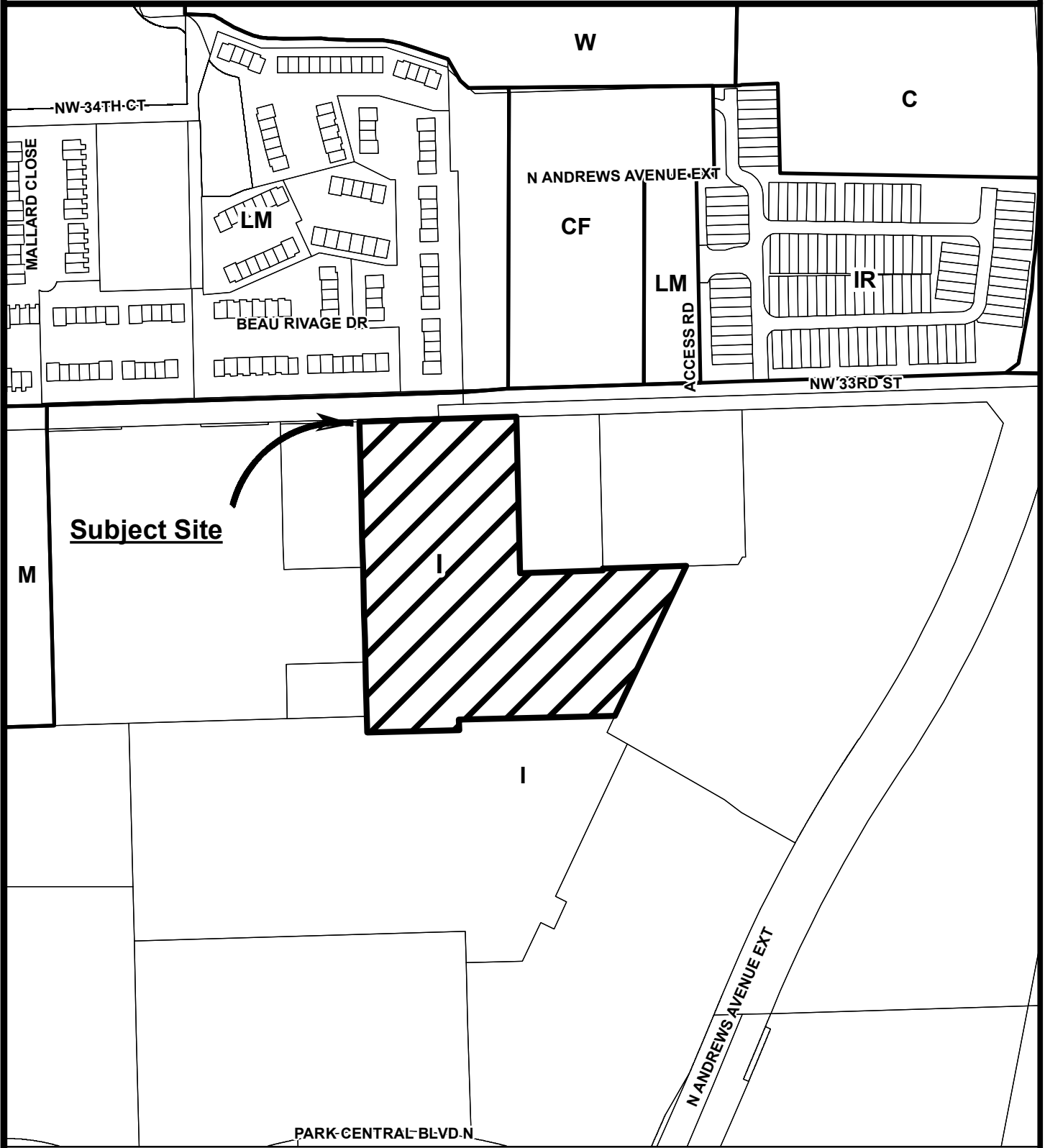
CITY OF POMPANO BEACH  
AERIAL MAP



1 in = 292 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

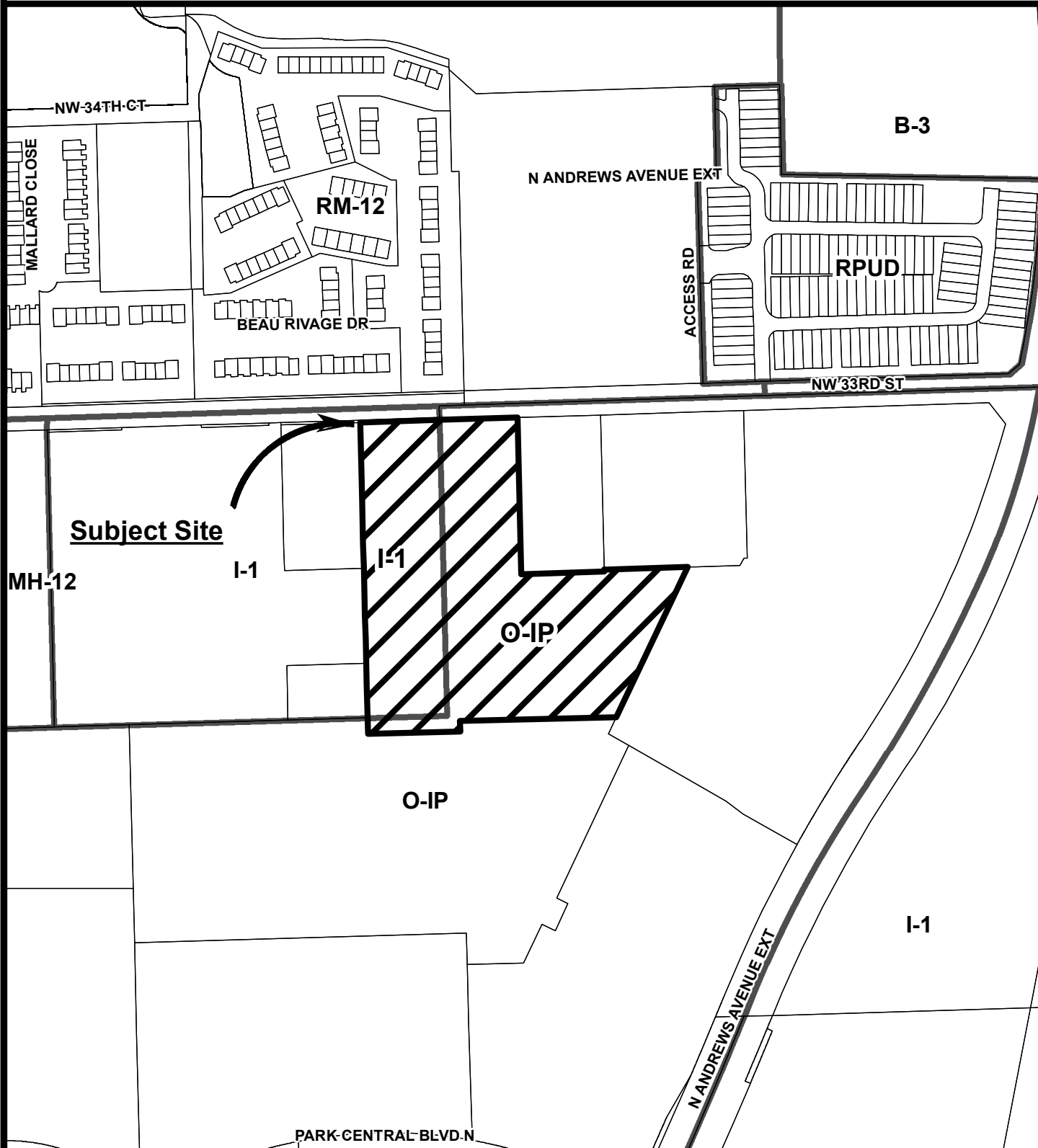
# CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 292 ft

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DEPARTMENT OF  
DEVELOPMENT SERVICES

# CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 292 ft

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# LEGEND

## FOR LAND USE PLAN

Symbol      Classification Units/ Acre

Gross Residential Density

Residential

E      Estate  
L      Low  
LM      Low- Medium  
M      Medium  
MH      Medium-High  
H      High

C      Commercial

CR      Commercial Recreation

\*      I      Industrial

T      Transportation

U      Utilities

CF      Community Facilities

OR      Recreation & Open Space

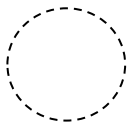
W      Water

RAC      Regional Activity Center

Boundaries

City of Pompano Beach

13 Number



Reflects the maximum total number of units permitted within the dashed line of Palm Aire & Cypress Bend being 9,724 and 1,998

\*      **Existing**  
>      **Proposed**

## FOR ZONING MAP

Symbol      District

RS-1      One-Family Residence

RS-2      One-Family Residence

RS-3      One-Family Residence

RS-4      One-Family Residence

RD-1      Two- Family Residence

RM-12      Multi-Family Residence

RM-20      Multi-Family Residence

RM-30      Multi-Family Residence

RM-45      Multi-Family Residence

RM-45/HR      Overlay

RPUD      Residential Planned Unit Dev.

AOD      Atlantic Boulevard Overlay District

MH-12      Mobile Home Park

B-1      Limited Business

B-2      Neighborhood Business

B-3      General Business

B-4      Heavy Business

RO      Residence Office

M-1      Marina Business

M-2      Marina Industrial

I-1      General Industrial

I-1X      Special Industrial

O-IP      Office Industrial Park

BP      Business Parking

BSC      Planned Shopping Center

PCI      Planned Commercial /  
Industrial Overlay

PR      Parks & Recreation

CR      Commerical Recreation

CF      Community Facilities

T      Transportation

PU      Public Utility



**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.

**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 February 6, 2019.
2. The property is located at 3135 North Andrews Avenue, which is on the south side of NW 33 Street, approximately 1,050 west of the North Andrews Avenue Extension.
3. The subject property to be rezoned is approximately 6.853 acres of industrial- developed land with approximately 4.46 acres requested for this rezoning.
4. The property is platted.
5. The existing zoning and uses of adjacent properties are as follows:

Direction	Zoning/ Land Use Designation	Use
North	RM-12/LM	Multi-family Residential units
East	O-IP/I	B&I Overseas Holding, LLC
South	O-IP/I	Industrial Distribution
West	I-1/I	Industrial Distribution

6. The Land Use Designation is Industrial (I).

**C. Analysis**

In the review criteria it states that 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 two policies listed in Section ‘A’ of this report, as being relevant in the consideration of this rezoning request. Policies 01.03.11 and 01.03.12 of the Future Land Use Element require minimal negative impacts to existing residential and compatibility with adjacent properties. The applicant states in the narrative that the portion of the property being rezoned will be compatible with the adjacent industrial uses since it is located within an industrial park and is surrounded by industrial uses.

It is Staff’s opinion that the I-1 rezoning would be compatible with the properties immediately adjacent to the subject property since they are industrial. The multi-family residential to the north is separated by NW 33 Street and would not be impacted by this rezoning, since the Type C Buffer standards of the Zoning Code (Section 155.5203.F.3. Required Buffer Types and Standards) applies to the property, as it is abutting non-industrial uses.

Furthermore, any possible future permit application for outdoor storage use must demonstrate compliance with the Zoning Code and provide adequate screening and landscaping (specifically the standards of Section 155.4303.W. Outdoor Storage (as an accessory use) or 155.4228.A. Outdoor Storage (as a principal use) as applicable).

Staff is therefore of the opinion that there is a reasonable basis to support this request for rezoning since it is compatible with the surrounding existing uses.

### **Department Recommendation**

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

#### Alternative Motion I

Recommend approval of the rezoning request as the Board finds the rezoning application is consistent with the aforementioned pertinent Future Land Use policies.

#### Alternative Motion II

Table this application for additional information as requested by the Board.

#### Alternative Motion III

Recommend denial as the Board finds that the request is not consistent with the Future Land Use Goals, Objectives and Policies listed in Section 'A' of this report.

Staff recommends alternative motion number I.