



ADMINISTRATIVE MEMORANDUM NO. 18-148

DATE: April 17, 2018

TO: Planning & Zoning Board

VIA: David L. Recor, ICMA-CM, Development Services Director 
Jennifer Gomez, AICP, Assistant Development Services Director

FROM: Maggie Barszewski, AICP, Planner 

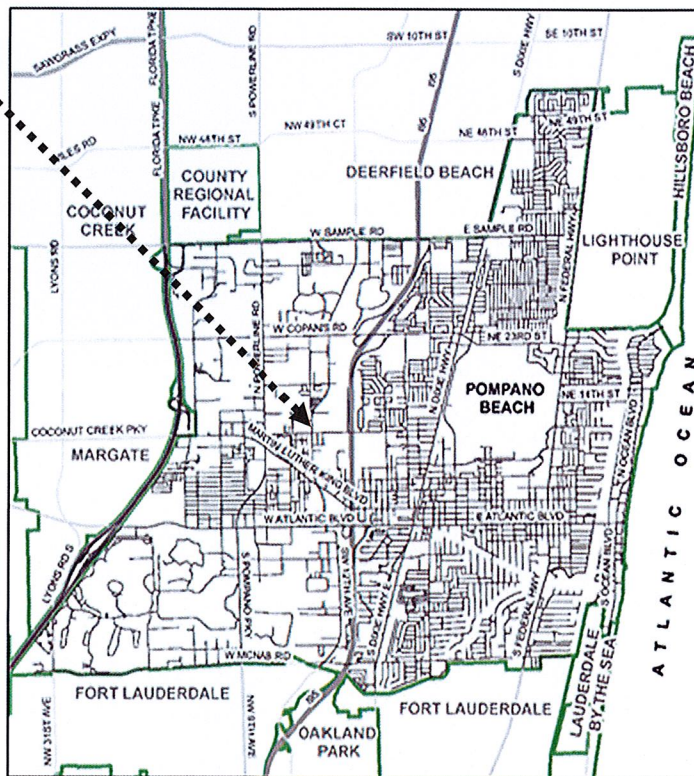
RE: Rezoning – From RM-12 (Multiple-Family Residence) to CF (Community Facility) for
property Located at 1641 NW 15th Street
April 25, 2018 Meeting

P & Z #17-1300

P & Z #17-13000008

The following is a brief summary of information on the subject property and surrounding properties. This approximate 4.7-acre property is located at 1641 NW 15th Street. The applicant is requesting to rezone the property from RM-12 (Multiple-Family Residence) to CF (Community Facility) in order to add a full-time school to the property. The subject site currently consists of the worship hall, an administration area, and 11 weekend-school classrooms. The applicant's short-term plan is to expand the educational uses starting with preschool and elementary-grade levels. The long-term plan is to eventually provide preschool to 12th grade education. The existing classrooms will serve for the short-term preschool and elementary-grade phase; however for the long-term preschool – 12th grade phase, new construction will be necessary. This rezoning request was reviewed by the Development Review Committee (DRC) on February 7, 2018.

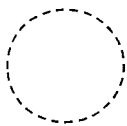
Subject Site: 1641 NW 15th Street
Folio number(s): 484227410010



LEGEND

FOR LAND USE PLAN

<u>Symbol</u>	<u>Classification Units/ Acre</u>
	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
LAC	Local Activity Center
RAC	Regional Activity Center
	Boundaries
	City of Pompano Beach
	Number



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

>

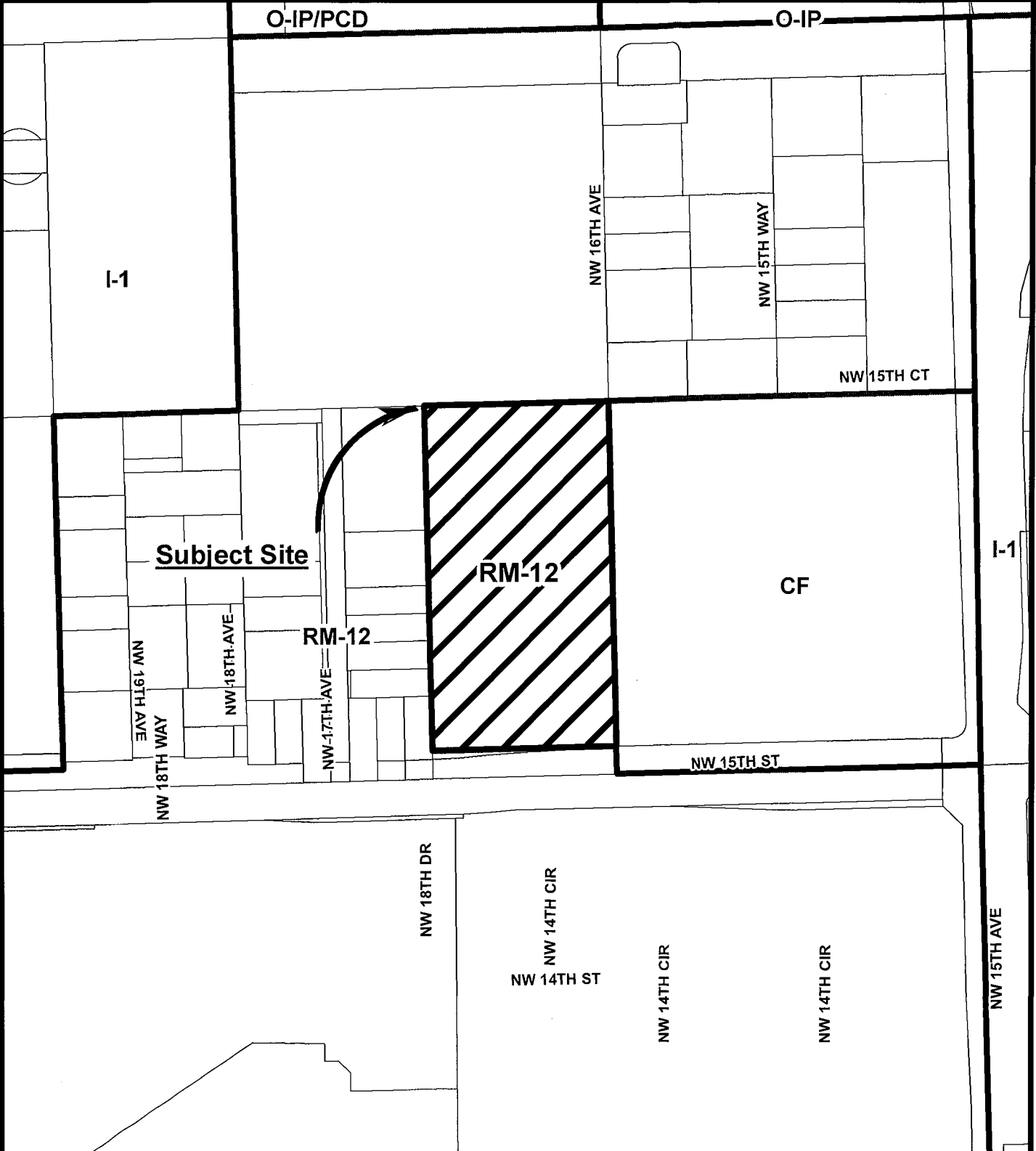
*	Existing
>	Proposed

FOR ZONING MAP

<u>Symbol</u>	<u>District</u>
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
M-1	Marina Business
M-2	Marina Industrial
LAC	Local Activity Center
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



CITY OF POMPANO BEACH
OFFICIAL ZONING MAP



1 in = 250 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP



1 in = 250 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

[illegible]

NORTH

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:

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 DRC on February 7, 2018.
2. The Community Redevelopment Agency (CRA) commented at DRC that the request is "not in conflict with the CRA Redevelopment Plan, Goals, or Objectives."
3. All other DRC comments concerned future considerations to be addressed at the time of site plan review.
4. The property is located at 1641 NW 15th Street.
5. The overall site is 4.7 acres and currently consists of the worship hall, an administration area, and 11 classrooms.
6. The property is platted.
7. The Zoning and uses of adjacent properties are as follows:

Adjacent Property	Zoning District	Existing Use
North	RM-12 (Multiple-Family Residence)	Single family homes & vacant properties
South	RM-12 (Multiple-Family Residence)	Golden Farms Housing Authority Development Multi-family units
East	CF (Community Facility)	C. Robert Markham Public Elementary School
West	RM-12 (Multiple-Family Residence)	Single family homes & vacant properties

8. The Land Use Designation is LM (Low Medium).
9. Section 3.02.A.5 of the Comprehensive Plan's Land Use Element states that Community Facilities is a permitted use in residentially-designated land "to serve the residential area, such as schools, day care centers, churches, clinics, nursing homes, governmental administration, police and fire protection facilities, libraries and civic centers.

10. The Islamic Center received a Special Exception approval for a 'House of Worship' on May 18, 2006 (see Attachment 1). Religious education is permitted as an accessory use to 'House of Worship.'
11. 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.

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.

This request is consistent with the Future Land Use Category as stated in Section B.8. of this report. Furthermore, Policies 01.03.11 and 01.03.12 of the Future Land Use Element require compatibility with adjacent properties. It is staff's opinion that rezoning to CF is consistent with the CF to the east and the RM-12 residential to the north, west and south.

To further demonstrate compatibility through addressing any community concerns, the applicant did hold a voluntary Neighborhood Meeting per Section 155.2302 of the Code. The meeting was held on March 14, 2018 from 5:30 to 7:30 at the Islamic Center of South Florida (the subject property). Notices were sent out to all property owners within 500 feet. Staff attended the meeting; however no residents attended the meeting and therefore, no minutes were taken. This meeting met all the requirements of Section 155.2302 of the Code.

As noted in this report, the Islamic Center received a Special Exception approval for a 'House of Worship' on May 18, 2006, with an accessory use of religious education. The Center received a Certificate of Occupancy in 2008. At that time, along the western and northern boundaries which abut the residential use, a 17-foot landscape buffer with a 6-foot masonry wall was installed that exists to this day. Therefore, adequate buffering separates this use from the adjacent residential properties. The property adjacent to the east is zoned CF. NW 15th Street lies to the south, separating the subject property from the multifamily Housing Authority project. Rezoning this property to CF will align the zoning with the actual use that has existed on the property for the past 10 years. The applicant's eventual intent is to merely expand the number religious-education classrooms on the property.

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; is consistent with other applicable city-adopted plans (the CRA Redevelopment Plan); and the nature of this community facility can serve the surrounding residential community.

D. P&Z Review & Recommendation

Given the information provided to the Board, as the finder of fact, staff 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 following pertinent Future Land Use policies.

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:

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.

STAFF RECOMMENDS ALTERNATIVE MOTION I

Attachment 1

PROCEEDINGS BEFORE THE ZONING BOARD OF APPEALS CITY OF POMPAÑO BEACH, FLORIDA

IN RE APPEAL:

APPEAL #06-68

ISLAMIC CENTER OF SOUTH FLORIDA
507 N.E. 6th Street
Pompano Beach, Florida 33060

Lots 1 through 24, FERNANDER/WRIGHT SUBDIVISION, according to the plat thereof as recorded in Plat Book 159, Page 6, of the public records of Broward County, Florida.

AKA: 1501 N.W. 16th Avenue

ZONED: RM-12

PETITIONER:

ISLAMIC CENTER OF SOUTH FLORIDA

Requests:

SPECIAL EXCEPTION approval in accordance with the provisions of Section 155.165 of Chapter 155 of the Code of Ordinances in order to construct a House of Worship in an RM-12 (Multiple Family) residential zoning district.

IT IS THE DETERMINATION OF THE ZONING BOARD OF APPEALS THAT THIS
REQUEST FOR SPECIAL EXCEPTION MEETS THE CRITERIA AS SET FORTH IN SECTION
155.082 OF THE CODE OF ORDINANCES AS FOLLOWS:

- 1) The proposed **SPECIAL EXCEPTION** use will be consistent with the City's Comprehensive Plan.
- 2) The proposed **SPECIAL EXCEPTION** use will be in harmony with the general character of the neighborhood. In determining whether the proposed **SPECIAL EXCEPTION** use will be in harmony with the character of the neighborhood, consideration shall be given, but not limited to, population, density, intensity, character of activity, traffic and parking conditions and the number of similar uses or **SPECIAL EXCEPTION** uses in the neighborhood.
- 3) There exists a need for the public convenience and service of the population of the neighborhood for the **SPECIAL EXCEPTION** use with consideration given to the present availability of such uses.
- 4) The proposed **SPECIAL EXCEPTION** use shall not create a traffic hazard or nuisance with consideration given, but not limited to, location of existing uses, turning movements in relation to the access to public roads and intersections or its location in relation to other buildings or proposed buildings on or near the site within the neighborhood, the traffic pattern from such buildings by reason of the **SPECIAL EXCEPTION'S** location near a vehicular or pedestrian entrance or crossing to a public or private school, park playground or hospital or other public use or place of public assembly.
- 5) The proposed **SPECIAL EXCEPTION** use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding property, or the neighborhood with consideration given, but not limited to, noise, vibration, fumes, odors, dust, glare, other environmental hazard, or physical activity which will be generated and is otherwise present in the area.
- 6) The proposed **SPECIAL EXCEPTION** use will not adversely affect the health, safety, security, morals or general welfare of the neighborhood.
- 7) The proposed **SPECIAL EXCEPTION** use will not, with consideration given to existing development in the area and development permitted under the current zoning provisions, overburden existing public services and facilities including schools, police and fire protection, water and sanitary sewer, public roads, storm drainage, and other public improvements and will not create a hazard by virtue of its site and location to residents, visitors or workers in the neighborhood.

- 8) The **SPECIAL EXCEPTION** use conforms with all other specific standards set forth in the Code of Ordinances or the Comprehensive Plan.

ACCORDINGLY, THE **SPECIAL EXCEPTION** REQUEST BY THE ISLAMIC CENTER OF SOUTH FLORIDA, IS HEREBY GRANTED.

This Approval is subject to the following condition:

Petitioner must maintain substantial conformance to the site plan submitted.


This Approval shall become effective and final fifteen (15) days from the date of passage provided, however, that in the event an appeal, as provided for in Section 155.025, has been timely filed, no action may be taken on the order by the Zoning Board of Appeals until the conclusion of the appeal before the City Commission.

In accordance with the provisions of Section 155.024 (J) of the Code of Ordinances, the relief granted by the Zoning Board of Appeals is limited to the authority vested in the Board and does not exempt the petitioner or owner from the responsibilities of obtaining all applicable permits and/or approvals as may be required by law, or by the City, for both new and existing structures.

Any variance, special exception, temporary permit or other decision of the Zoning Board of Appeals shall expire and become null and void 180 days after said action unless, within the said 180 day period, or other time period as ordered by the Board, any and all permits and/or approvals required by law, or by the City, including building permits, have been properly acquired or unless within the 180 day period, a request is made consistent with the Code of Ordinances seeking an extension of time for the variance, special exception or other specific order that has been approved by the Board. If no approval or permit is required, the use allowed by the Zoning Board of Appeals must be commenced within the said 180 day period unless otherwise provided by the Board or unless within the 180 day period a request is made consistent with the Code of Ordinances seeking an extension of time for the variance, special exception or other specific order that has been approved by the Board.

Any request for an extension from the time frames as required by an order of the Zoning Board of Appeals must be made by the petitioner or owner and it shall be the petitioner's or owner's burden to establish a good and sufficient cause for the extension of time. There shall be no more than five (5) extensions of time in any one case, each of which shall be no greater than 180 days, or in the aggregate in excess of 900 days for any variance, special exception or other specific order of the Zoning Board of Appeals.

DONE AND ORDERED this 18th day of May, 2006.


DANIEL H. YAFFE
Chairman
Zoning Board of Appeals

lrh
5.21.06