

REQUESTED COMMISSION ACTION:

QUASI-JUDICIAL

Consent	<input checked="" type="checkbox"/>	Ordinance	Resolution	Consideration/ Discussion	Presentation
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SHORT TITLE AN ORDINANCE AMENDING SECTION 155.005 OF CHAPTER 155, OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REZONING A PARCEL OF PROPERTY BOUNDED ON THE EAST BY NW 18TH AVENUE, AND ON THE SOUTH BY WEST ATLANTIC BOULEVARD, FROM B-3 (RETAIL BUSINESS) TO B-3 (GENERAL BUSINESS) WITH A PCD (PLANNED COMMERCIAL/INDUSTRIAL OVERLAY); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

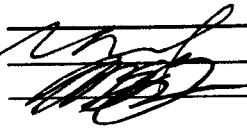
This 13 acre property is located at 1803 West Atlantic Boulevard and is used by Lou Bachrodt Chevrolet as a new and used auto dealership. The B-3 zoning district does not allow for truck sales and service, however, some form of truck sales (class 3-6) have been occurring on this site since it was incorporated into the City. The rezoning to B-3/PCD includes adoption of a Master Plan which establishes the area where truck sales and service will be permitted on the site and allows sales and service of class 1-8 trucks. Modifications to the PCD Zoning District requirements include a reduction of the front 25 foot right-of-way buffer required by Section 155.210(E)(4)(a) to reflect existing conditions. The buffers adjacent to residential areas are delineated on the Master Plan and reflect existing conditions.

- (1) Origin of request for this action: Lou Bachrodt Realty, Inc.
- (2) Primary staff contact: Robin M. Bird/Jean E. Dolan Ext. 5554
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

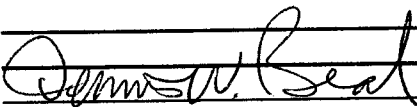
DEPARTMENTAL COORDINATION
Dev. Services
City Attorney

DATE
June 8, 2011
June 24, 2011

DEPARTMENTAL RECOMMENDATION
Approval
Prepared Ordinance

DEPARTMENTAL HEAD SIGNATURE


- Planning and Zoning Board
- _____
- City Manager

Memorandum #11-229


ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>
<u>Workshop</u>		
<u>1st Reading</u> <u>7/12/2011</u>	<u>1st Reading</u>	<u>Results:</u>
<u>2nd Reading</u> <u>7/26/2011</u>		<u>Results:</u>
_____	_____	_____
_____	_____	_____




City Attorney's Communication #2011-1302

June 24, 2011

TO: Jean E. Dolan, AICP, Principal Planner

FROM: Jill R. Mesojedec, FRP, Paralegal

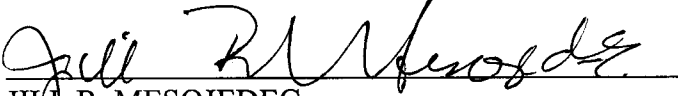
VIA: Gordon B. Linn, City Attorney 

RE: Ordinance for Rezoning for Lou Bachrodt Realty, Inc.
1803 West Atlantic Blvd.

As requested in your memorandum of June 23, 2011, Department of Development Services Memorandum No. 11-248, the following form of ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE AMENDING SECTION 155.005 OF CHAPTER 155 OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REZONING A PARCEL OF PROPERTY BOUNDED ON THE EAST BY NW 18TH AVENUE, AND ON THE SOUTH BY WEST ATLANTIC BOULEVARD, FROM B-3 (RETAIL BUSINESS) TO B-3 (GENERAL BUSINESS) WITH A PCD (PLANNED COMMERCIAL/INDUSTRIAL OVERLAY); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.


JILL R. MESOJEDEC

/jrm
l:cor/zoning/2011-1302

Attachment

ORDINANCE NO. 2011-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING SECTION 155.005 OF CHAPTER 155 OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REZONING A PARCEL OF PROPERTY BOUNDED ON THE EAST BY NW 18TH AVENUE, AND ON THE SOUTH BY WEST ATLANTIC BOULEVARD, FROM B-3 (RETAIL BUSINESS) TO B-3 (GENERAL BUSINESS) WITH A PCD (PLANNED COMMERCIAL/INDUSTRIAL OVERLAY); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisements in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be, and were, in fact, heard; and

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. FINDINGS: Based upon the application materials, the information provided at the public hearing, and all other information available, the City Commission hereby finds as follows:

(A) The property subject to this Ordinance is bounded on the east by N.W. 18th Avenue, and on the south by West Atlantic Boulevard.

(B) The proposed property is suited to the application of the flexible development controls envisioned by Section 155.210 of the Code of Ordinances of the City of Pompano Beach, Florida, relating to mixed commercial/industrial projects with limitations; and

(C) This rezoning Ordinance has been considered with an Application for the proposed Master Site Plan; and

(D) The property is owned by and under the unified control of Lou Bachrodt Realty, LLC, a Florida limited liability company.

SECTION 2. REZONING AND APPROVAL OF MASTER SITE PLAN: Section 155.005 of Chapter 155 of the Code of Ordinances of the City of Pompano Beach, Florida, is amended to include therein rezoning of the property more particularly described in Exhibit “A” from a present zoning classification of B-3 (Retail Business) to B-3 (General Business) with a modified PCD (Planned Commercial/Industrial Overlay District) as such zoning classification is defined in Chapter 155 of the Code of Ordinances of the City of Pompano Beach, Florida.

Pursuant to the requirements of Section 155.210 of the Code of Ordinances of the City of Pompano Beach, Florida, the Master Site Plan submitted for the subject property, attached hereto and made a part hereof as Exhibit “B,” is hereby adopted. All development of the property shall proceed in accordance with the Master Site Plan, as approved, and in accordance with the restrictions herein below.

SECTION 3. DEVELOPMENT RESTRICTIONS: Pursuant to the provisions of Section 155.210 of the Code of Ordinances of the City of Pompano Beach, Florida, development of the subject property shall proceed in accordance with:

- (i) the requirements of such section;
- (ii) the Master Site Plan hereby adopted;
- (iii) the underlying zoning designation for the property; and
- (iv) The following development conditions which are found to be consistent with the intent of Section 155.210:

- truck sales and service shall be permitted within the locations identified on the Master Site Plan;
- landscaping buffers along right of way frontage and east and west property lines shall be as shown on the Master Plan.
- a 25-foot vegetative and open space buffer shall be required along the northern property line.

SECTION 4. That the Planning Director is hereby directed to mark the zoning provided for in this Ordinance on the Official Zoning Map of the City of Pompano Beach.

SECTION 5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2011.

PASSED SECOND READING this _____ day of _____, 2011.

LAMAR FISHER, Mayor

ATTEST:

MARY L. CHAMBERS, CITY CLERK

GBL/jrm
6/24/11
L:ord/ch155/2011-335

**EXHIBIT A
LEGAL DESCRIPTION**

A portion of Blocks 1 and 3, HUNTERS MANOR, according to the plat thereof as recorded in Plat Book 19, Page 27 of the public records of Broward County, Florida, together with:

Portions of N.W. Second Street (now vacated) and N.W. 19th Avenue (now vacated), abutting said Blocks 1 and 3, HUNTERS MANOR; together with a portion of the East one-half of the Southwest one-quarter of the Southwest one-quarter of the Southwest one-quarter of Section 34, Township 48 South, Range 42 East, more particularly described as follows:

Beginning at the Northeast corner of Lot 6, Block 2, of said HUNTERS MANOR; thence South $89^{\circ} 55' 57''$ East along the North line of Block 3, HUNTERS MANOR, a distance of 671.23 feet to the Northeast corner of Lot 6, Block 3; thence South $00^{\circ} 23' 00''$ East along the East line of said Lot 6, a distance of 306.22 feet to the Southeast corner of said Lot 6; thence due West for a distance of 10.00 feet; thence South $00^{\circ} 23' 00''$ East, along the West right of way line of N.W. 18th Avenue, and along a line 10.00 feet West of and parallel with the East line of Blocks 3 and 1, HUNTERS MANOR, a distance of 550.71 feet to a point on the

North right of way line of Atlantic Boulevard; thence South $89^{\circ} 52' 31''$ West, along said North right of way line a distance of 661.63 feet to a point; thence North $00^{\circ} 21' 24''$ West, a distance of 859.15 feet to the Point of Beginning, less the following described property conveyed to Broward County for right of way by that certain Warranty Deed dated August 9, 1991 and recorded September 13, 1991, in Official Records Book 18742 at Page 396 of the public records of Broward County, Florida:

A portion of Lot 10, Block 1 of said HUNTERS MANOR together with: A portion of N.W. 19th Avenue (platted Hunter Drive now vacated) and also together with: A portion of the East 15 feet of the Southwest one-quarter of the Southwest one-quarter of the Southwest one-quarter of Section 34, Township 48 South, Range 42 East, all lying North of the North right of way line of West Atlantic Boulevard, and being all more fully described as follows:

Commencing at the Northeast corner of Lot 6, Block 2 of said HUNTERS MANOR, thence south $00^{\circ} 21' 24''$ East on the East line of said Lot 6 and the Southerly extension thereof, a distance of 855.42 feet to the Point of Beginning; thence continuing South $00^{\circ} 21' 24''$ East on said Southerly extension a distance of 3.75 feet; thence North $89^{\circ} 52' 36''$ East, on the North right of way line of West Atlantic Boulevard; a distance of 56.18 feet; thence North $86^{\circ} 18' 33''$ West, a distance of 56.32 feet to the Point of Beginning.

AKA: 1803 W Atlantic Boulevard

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

MEMORANDUM #11-31

DATE: June 28, 2011
TO: City Commission
FROM: Planning and Zoning Board/Local Planning Agency
SUBJECT: REZONING REQUEST - Lou Bachrodt Realty, LLC.

At the meeting of the Planning and Zoning Board/Local Planning Agency held on June 22, 2011, the Board considered the request by **LOU BACHRODT REALTY, LLC.** to rezone the property known as 1803 West Atlantic Boulevard from B-3 (General Business) to B-4 (Heavy Business).

At the meeting, upon recommendation of Staff, the applicant amended this rezoning request to seek a designation of B-3/PCD.

The Board unanimously recommends approval with the modification to the rezoning request that the property be rezoned to B-3/PCD, rather than B-4, and the truck sales be added to the PCD Master Plan as a permitted use on the property as well as all other regularly permitted B-3 uses. As a condition of rezoning to B-3/PCD, the Applicant will provide Staff with an acceptable Master Plan which illustrates the required buffers adjacent to the residential areas to the north, east and west, and specifically delineates the area in which truck sales will be permitted. This Master Plan will be attached to the Rezoning Ordinance as Exhibit B and will be included in the ordinance presented to the City Commission for first reading.



JIM BEESON
Chairman
Planning and Zoning Board/Local Planning Agency

original



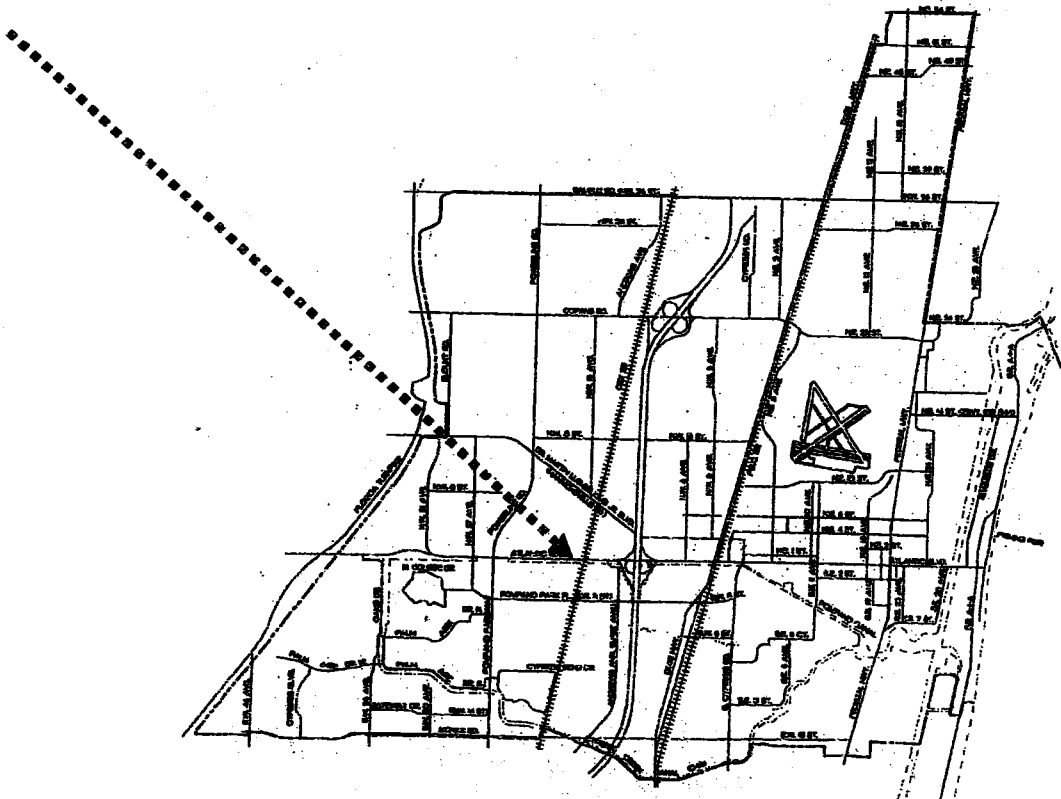
DEPARTMENT OF DEVELOPMENT SERVICES
CITY OF POMPANO BEACH
100 West Atlantic Boulevard - Room 316
Pompano Beach, FL 33060

ADMINISTRATIVE REPORT NO. 11-229

DATE: June 8, 2011
TO: Planning & Zoning Board
VIA: Robin M. Bird, Development Services Director *RB*
FROM: Jean E. Dolan, AICP, Principal Planner *JED*
RE: Rezoning - Lou Bachrodt Realty LLC (1803 W. Atlantic Boulevard)
June 22, 2011 Meeting P & Z #11-1300003

This 13 acre property is located at 1803 West Atlantic Boulevard and is used by Lou Bachrodt Chevrolet as a new and used auto dealership. The property owner is requesting to be rezoned from B-3 to B-4 to allow trucks sales on the property. The owner has agreed to recording restrictive covenants that will limit the property to B-3 uses plus truck sales and exclude all other B-4 uses. Staff has identified some issues with rezoning to B-4 and is recommending the rezoning request be revised to B-3/PCD with truck sales added to the Master Plan as an additional approved use.

Lou Bachrodt



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

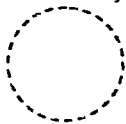
* LAC Local Activity Center

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

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

M-1 Marina Business
 M-2 Marina Industrial

* LAC Local Activity Center

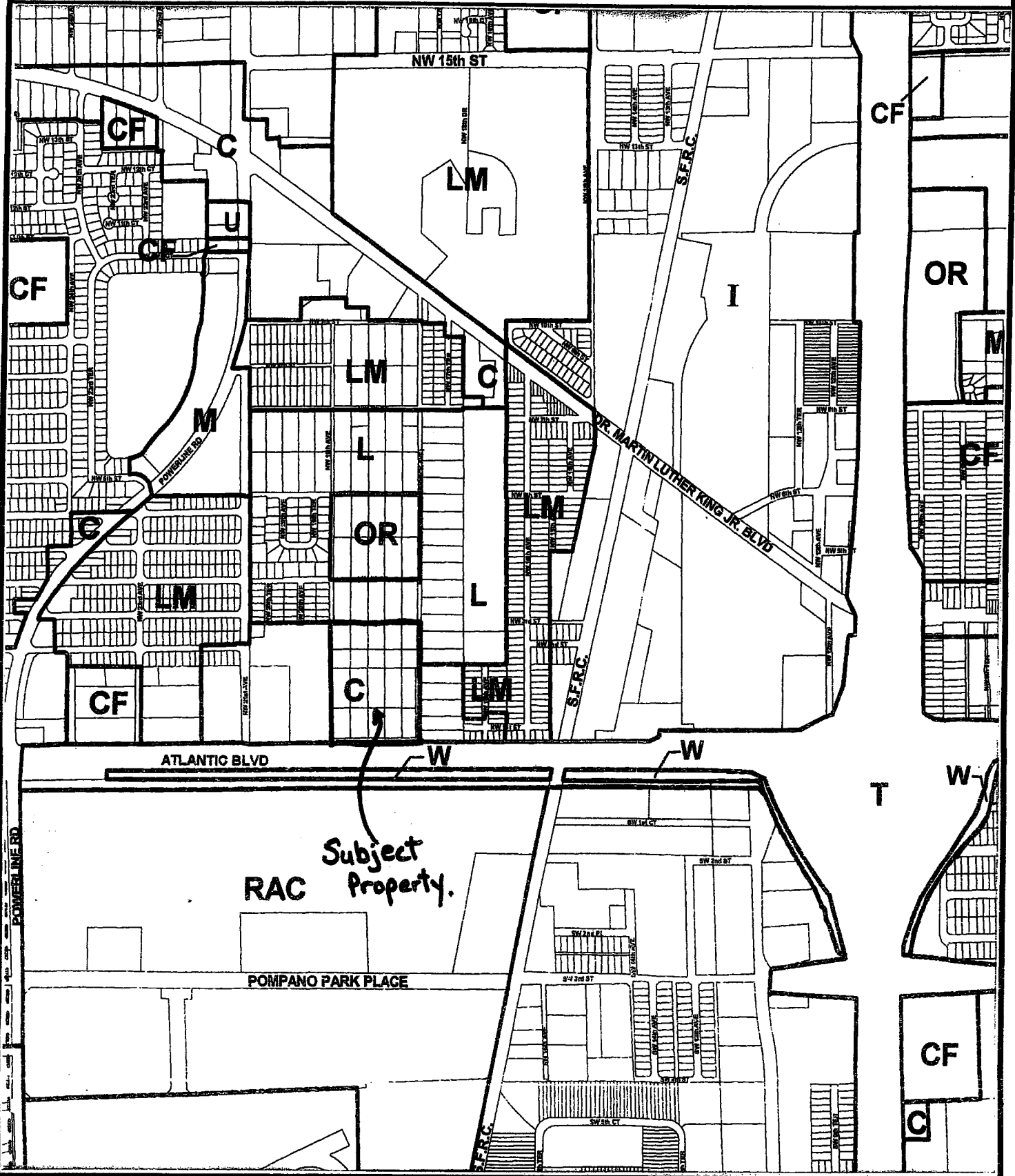
I-1 General Industrial
 I-1X Special Industrial
 O-IP Office Industrial Park

BP Business Parking
 BSC Planned Shopping Center

PCI Planned Commercial /
 Industrial Overlay

PR Parks & Recreation
 CR Commercial Recreation
 CF Community Facilities
 T Transportation
 PU Public Utility

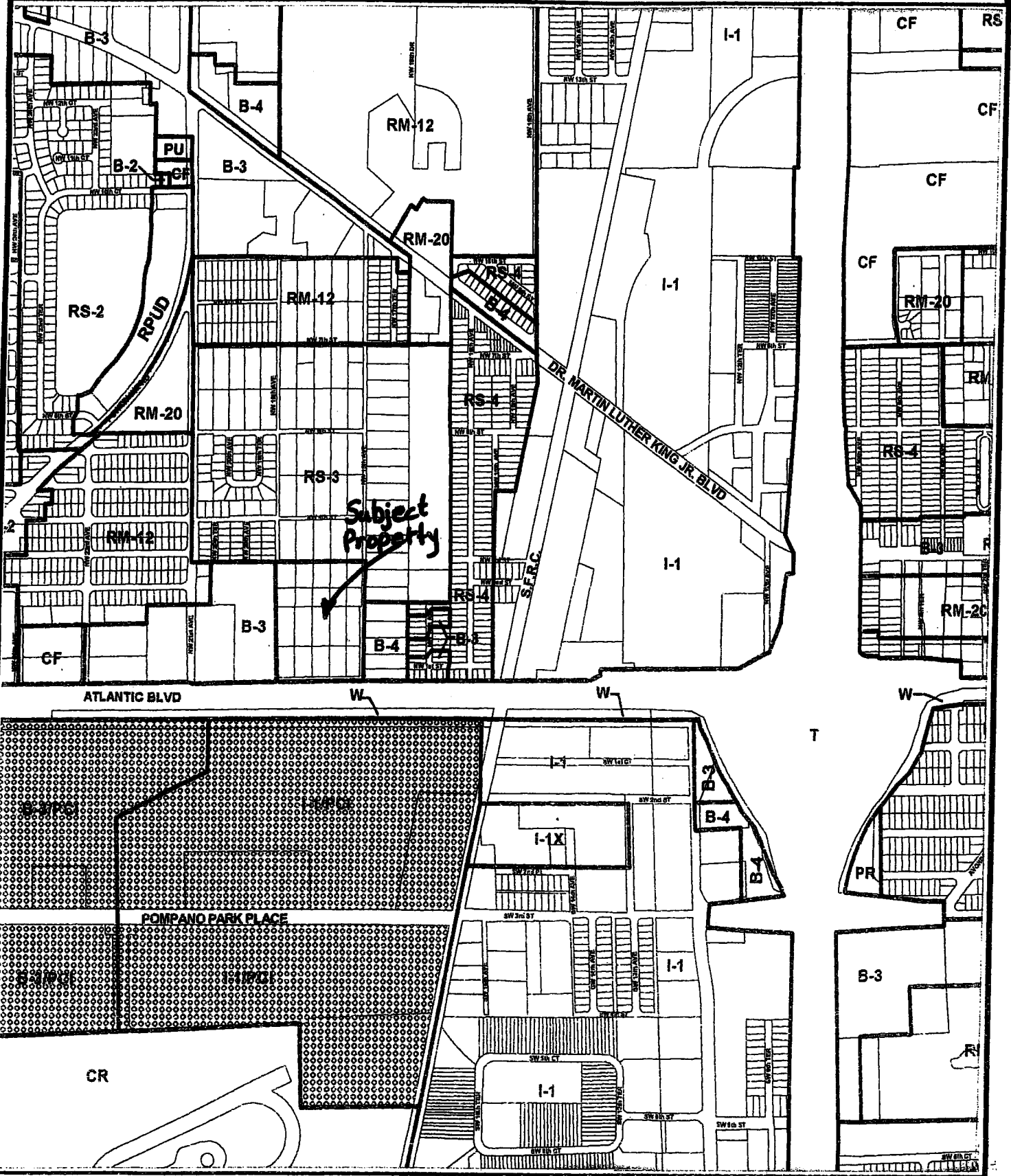
EXCERPT FROM THE CITY OF POMPANO BEACH
LAND USE MAP



SCALE: 1" = 1000'



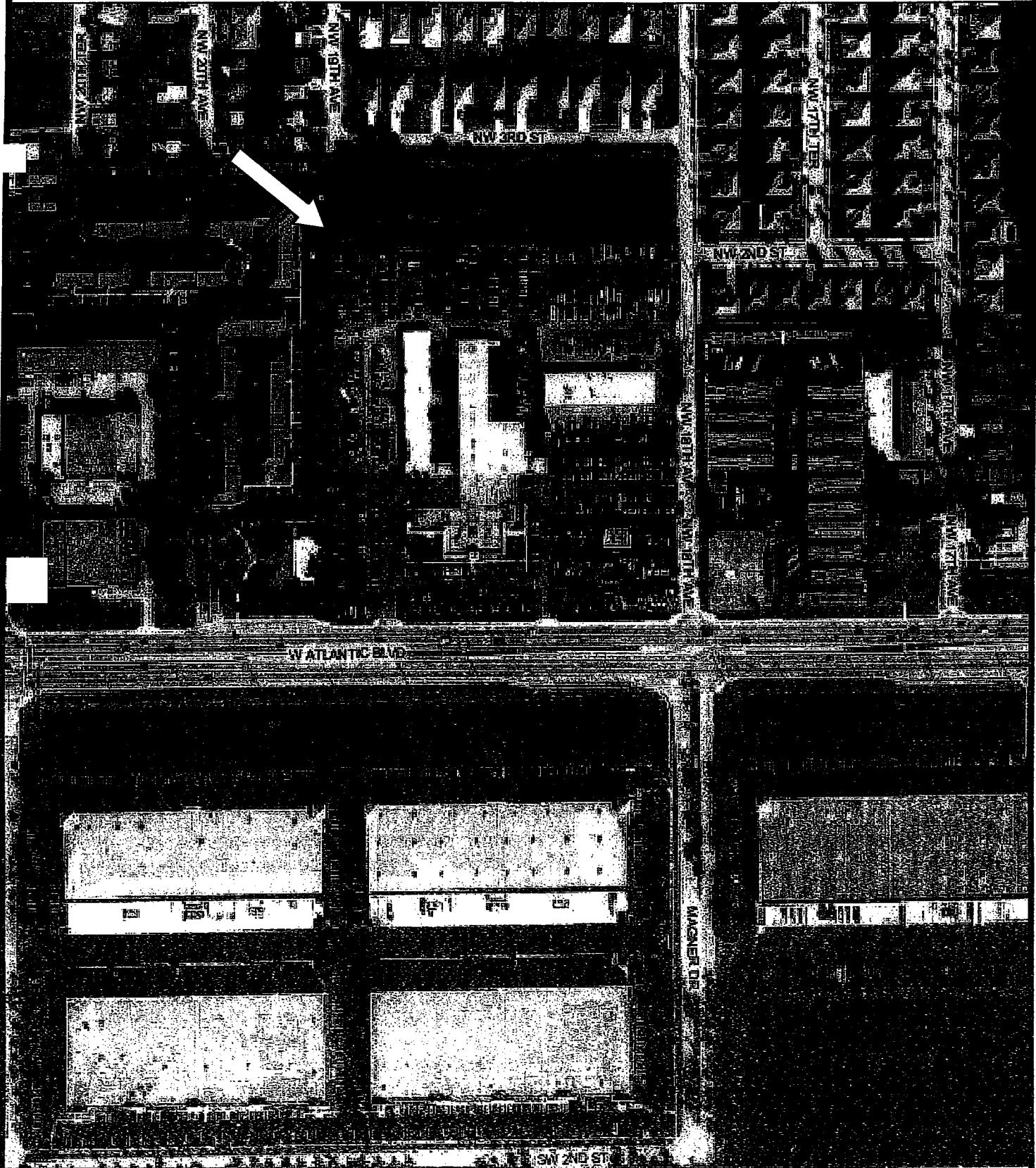
EXCERPT FROM THE CITY OF POMPANO BEACH
ZONING MAP



SCALE: 1" = 1000'

NORTH

EXCERPT FROM THE BROWARD COUNTY PROPERTY APPRAISER
AERIAL MAP

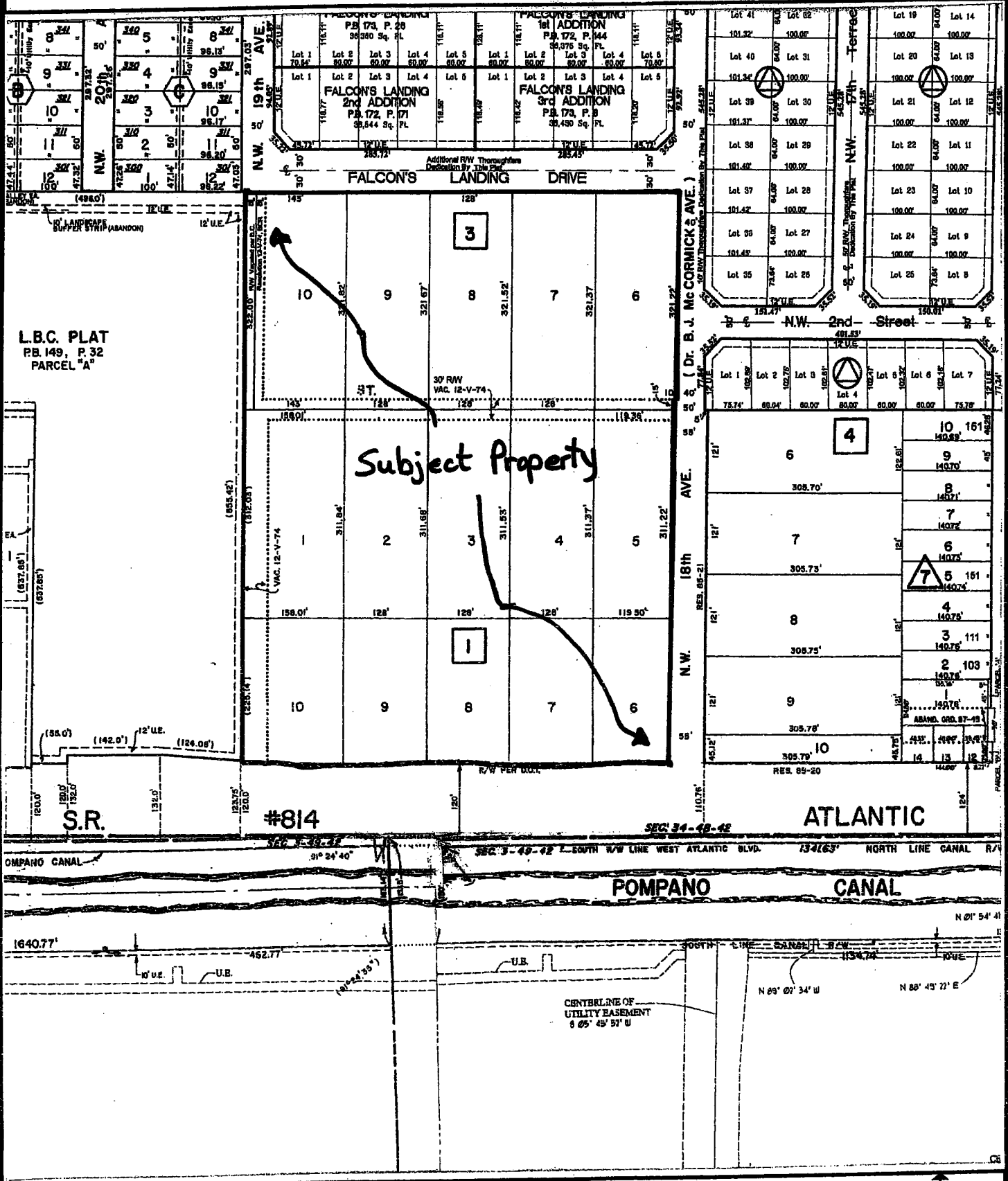


NTS

5

↑
NORTH

EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



SCALE: 1" = 200'

↑
NORTH

REVIEW & SUMMARY

- A. Pursuant to Section 157.31(A) [Major Review: Development Review Committee Report and Notice to Applicant], the Development Services Director has compiled the department comments from the May 18, 2011 Development Review (DRC) meeting which are summarized below:**

Planning Division: Approved to proceed to the Planning & Zoning Board.

Engineering Department: Approved - No comments.

Fire Department: This P&Z application is able to meet all of the Fire Department requirements at this time for Rezoning Only. However, the petitioner shall maintain all proper fire department access and water supply requirements as per chapter 18 of NFPA 1 as amended from time to time. *Additional comments may follow throughout the remainder of the permitting process. The buildings shall be in compliance with All NFPA Standards prior to receiving Fire Department approval.

Solid Waste: The Public Works Department has reviewed the project and has no questions, comments or concerns with the application. Specifically pertaining to solid waste, this application has satisfactorily met all requirements. *Additional comments may follow throughout the remainder of the permitting process.

Urban Forestry: No objection to rezoning.

Zoning:

- (1) Neither the B-3 or B-4 zoning districts allow for equipment sales. The Bobcats currently being displayed on the subject property should be removed.
- (2) Technically, the B-4 district allows "rental" of trucks but does not mention sales, however, historically, truck sales have been allowed in the B-4 district and will continue to be for purposes of this rezoning.
- (3) Zoning has no objections to the rezoning of this property from B-3 to B-4. Code Section 155.130(B) contains the requirements for the perimeter buffer when a nonresidential zoning district abuts a residential zoning district. The 25 foot landscape buffer on the north side of the subject property proposed by the Applicant is above and beyond the current Code requirements in width. Please note that the tree, hedge and wall requirements in the Code should also be the minimum required along the northern property line and along any other property line that abuts a residential district or use.
- (4) Should the current open space area to the north of the property be developed, or any of the existing site redeveloped, the buffer requirements in Code Section 155.130(B) will apply to all property lines adjacent to a residential district or use and the Retroactive Landscape Requirements in Code Section 155.132(B) may also apply.
- (5) Zoning does not object to limiting this B-4 district to the B-3 uses plus truck sales and service as proposed by the Applicant.

B. Zoning Department staff submits the following factual information which is relevant to this rezoning request:

1. The rezoning was reviewed by DRC on May 18, 2011.
2. The property is located on W. Atlantic Boulevard on the northwest corner of NW18th Avenue and W. Atlantic Boulevard.
3. The overall total site is 13 gross acres and a little over 1 acre of this is being used as the new and used automotive dealership.

4. The Zoning and uses of adjacent properties are:

North – (RS-3) - Single-Family Residential, Falcon’s Landing Neighborhood
South – (I-1/PCI) - Warehouse/Storage, Atlantic Business Park
East – (B-4 and RS-3) Warehouse/Retail and Pompano Springs Neighborhood
West – (B-3 Zoning with Residential Use) Multi-Family Residential, Eagle Point. Note: the City used “residential flex units” to allow this residential development in a commercial land use and zoning district.

5. Access to this property is from W. Atlantic Boulevard and NW 18th Avenue.
6. The Land Use Designation is Commercial.

C. The following goals, objectives and policies of the City’s Comprehensive Plan have been identified as pertinent to this rezoning:

Policies

- | | |
|----------|---|
| 01.03.04 | Consider the preservation of established single family neighborhoods in all rezonings, land use plan amendments and site plan approvals. |
| 01.03.06 | Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single family areas. |
| 01.03.11 | Consider the compatibility of adjacent land uses in all Land Use Plan amendments and rezonings. |
| 01.03.12 | The following criteria may be used in evaluating rezoning requests: <ol style="list-style-type: none">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. |

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.

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.

D. Analysis

As noted in the DRC comments provided by Zoning, the truck sales is not a clearly defined permitted use in B-4. After taking the facts under consideration, Staff has modified their position and is working with the Applicant to change the request from rezoning to B-4 to rezoning to B-3 with a PCD Overlay which will allow a Master Plan to be submitted that shows the area for the proposed truck sales, adds it as a permitted use, and maintains the availability of all other B-3 uses for the property. This eliminates the need to adopt restrictive covenants for the future uses on the property and eliminates any inconsistency with truck sales in a B-4 zoning district. This revised approach is more favorable for both the City and the Property Owner.

E. 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 with the modification to the rezoning request that the property be rezoned to B-3/PCD rather than B-4 and the truck sales be added to the PCD master plan as a permitted use on the property as well as all other regularly permitted B-3 uses. As a condition of rezoning to B-3/PCD, the Applicant will provide staff with an acceptable Master Plan which illustrates the required buffers adjacent to the residential areas to the north, east and west, and specifically delineates the area in which truck sales will be permitted. This Master Plan will be attached to the Rezoning Ordinance as Exhibit B and will be included in the ordinance presented to the City Commission for first reading.

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 goals, objectives and policies of the Comprehensive Plan, specifically:

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

- 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