

Meeting Date: September 27, 2011

Agenda Item

19
Memorandum No. 11-352

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

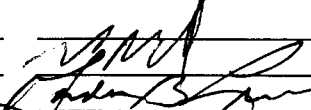

Consent	X	Ordinance	Resolution	Consideration/ Discussion	Presentation
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SHORT TITLE AN ORDINANCE AMENDING SECTION 155.005 OF CHAPTER 155, OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY REZONING A PARCEL OF PROPERTY LYING EAST OF NORTH ANDREWS AVENUE EXTENSION AND APPROXIMATELY 925 FEET NORTH OF COPANS ROAD FROM I-1 (INDUSTRIAL) TO I-1 (INDUSTRIAL) WITH A PCD (PLANNED COMMERCIAL/INDUSTRIAL) OVERLAY.

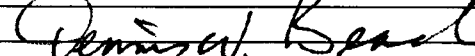
Summary of Purpose and Why:

The property owner is requesting rezoning from I-1 to I-1/PCD to allow changes to the development to occur with deviations from the Code which were previously approved as variances. This unique, cold storage use, has very few employees and thus requires less parking then the traditional warehouse use as reflected on the cover sheet of the PCD Master Plan. The Applicant has met the conditions of the Planning and Zoning Board and the approved PCD Master Plan is attached to the draft ordinance as Exhibit B.

- (1) Origin of request for this action: KTR South Florida, LLC
- (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

<u>DEPARTMENTAL COORDINATION</u>	<u>DATE</u>	<u>DEPARTMENTAL RECOMMENDATION</u>	<u>DEPARTMENTAL HEAD SIGNATURE</u>
<u>Dev. Services</u>	<u>July 15, 2011</u>	<u>Approval</u>	
<u>City Attorney</u>	<u>July 29, 2011</u>	<u>Prepared Ordinance</u>	

Planning and Zoning Board Memorandum #11-38

City Manager 

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>	
<u>Workshop</u>			
<u>1st Reading</u> <u>9/13/2011</u>	<u>1st Reading</u>	<u>Results:</u>	<u>Results:</u>
<u>APPROVED</u>			
<u>2nd Reading</u> <u>9/27/2011</u>			



City Attorney's Communication #2011-1481

July 29, 2011

TO: Jean E. Dolan, AICP, Principal Planner
FROM: Gordon B. Linn, City Attorney
RE: Rezoning Ordinance for KTR South Florida, LLC

As requested in your memorandum of July 28, 2011, Department of Development Services Memorandum No. 11-319, 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 LYING EAST OF NORTH ANDREWS AVENUE EXTENSION AND APPROXIMATELY 925 FEET NORTH OF COPANS ROAD FROM I-1 (INDUSTRIAL) TO I-1 (INDUSTRIAL) 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.

GORDON B. LINN

/jrm
l:cor/zoning/2011-1481

Attachment

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 LYING EAST OF NORTH ANDREWS AVENUE EXTENSION AND APPROXIMATELY 925 FEET NORTH OF COPANS ROAD FROM I-1 (INDUSTRIAL) TO I-1 (INDUSTRIAL) 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, advertisement 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; now, therefore,

WHEREAS, the City Commission of the City of Pompano Beach finds that the rezoning of the property described herein is reasonably related to the public health, safety and welfare and is in conformance with the Land Use Element of the City's Comprehensive Plan; now, therefore,

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 lies east of the North Andrews Extension and approximately 925 feet north of Copans Road, and is more particularly described in Exhibit “A” attached hereto and made a part hereof (“Property”); and

(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) The rezoning of the property described herein is consistent with the Comprehensive Plan; the rezoning complies with all requirements of the Zoning Code; and the rezoning is reasonably related to the public health, safety and welfare.

(d) The property is owned by and under the unified control of KTR South Florida, LLC, a Florida limited liability company. The Unified Control document shall be binding upon all successors for the continuing operation and maintenance of such areas, functions, and facilities as are not provided, operated, or maintained at general public expense.

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 I-1 (Industrial) to I-1 (Industrial) with a PCD (Planned Commercial/Industrial) Overlay 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

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
7/29/11
l:ord/ch155/2011-377

EXHIBIT "A"

Parcel "A", and the South 100 feet, as measured at right angles, of Parcel "B", "Mutual Employee's Plat", according to the Plat thereof as recorded in Plat Book 117, Page 21, of the Public Records of Broward County, Florida.

Said lands situate in Broward County, Florida and containing 660,617 square feet (15.1657 acres) more or less.

ADDITION TO EXISTING DISTRIBUTION CENTER

Prepared for KTR Capital Partners
at 2800 North Andrews Ave
in Pompano Beach, Florida 33064

PROJECT NAME:

TOTAL SITE AREA: 660,657 SF (15.17 acres)
EXISTING BLDGS: 194,494 SF (4.46 acres) - GROUND FLOOR ONLY
PROPOSED BLDG: 45,984 SF (1.05 acres)
LOT COVERAGE: 240,478 SF (5.52 acres) - INCLUDES EXIST GROUND FLOOR AREA (194,494 SF) PLUS NEW ADDITION (45,984 SF) (36% Lot Coverage - 65% max. allowed as per Pompano Beach code)
GROSS BLDGS AREA: 250,374 SF = (240,478 ground flr. + 9,896 mezz.)
TOTAL IMPERVIOUS: 460,026 SF (10.56 ACRES - 69.63%)
VEHICULAR AREA: 209,875 SF
BLDG.'S FOOTPRINT: 240,478 SF
MISC. CONCRETE: 9,673 SF
TOTAL PERVIOUS: 200,631 SF (4.60 acres - 30.37%)
INTERIOR LANDSCAPE: 33,818 SF (16.11% of vehicular area)
CURRENT USE: INDUSTRIAL (Office/warehouse, ref. storage)
PROPOSED USE: SAME
CURRENT ZONING: I-1 GENERAL INDUSTRIAL
PROPOSED ZONING: I-1/PCI OVERLAY

SITE STATISTICS

PARKING REQUIRED: 20 stalls for first 10,000 s.f./500
240 stall for remaining 240,154 s.f./1,000
TOTAL STALLS REQ'D: 261
REGULAR PARKING STALLS: 105
H/C PARKING STALLS: 5
TOTAL STALLS PROVIDED: 110 (I-1/PCI OVERLAY)
TRUCK STORAGE: 79 (47 new stalls and 32 in front of the building)
 (NOT REQUIRED)

PARKING CALCULATIONS

DWGS INDEX:

LOCATION MAP

ARCHITECTURAL:
 A-00 COVER SHEET
 S-10 SURVEY
 A-01 SITE DEMOLITION PLAN
 A-02 SITE PLAN
 A-03 PHOTOMETRIC SITE PLAN
 A-04 FIRE DEPT. SITE PLAN AND PARTIAL LIFE SAFETY PLAN
 A-10 PARTIAL FLOOR PLAN - DRY STORAGE
 A-11 PARTIAL FLOOR PLAN - DOCK EXPANSION
 A-14 OVERALL ELEVATIONS
CIVIL ENGINEERING:
 C-1 PAVING AND DRAINAGE PLAN
 C-1A EROSION AND SEDIMENT CONTROL PLAN
 C-1B EROSION AND SEDIMENT CONTROL DETAILS
 C-1D EROSION AND SEDIMENT CONTROL DETAILS
 C-2 PAVEMENT, MARKING AND SIGNING PLAN
 C-3 PAVEMENT AND DRAINAGE DETAILS
 C-4 WATER AND SEWER PLAN

NOT TO SCALE

LANDSCAPE ARCHITECTURE:
 LP1 LANDSCAPE PLAN
 LP2 LANDSCAPE PLAN LIST
 LP3 SPECIFICATIONS AND DETAILS
 TP1 EXISTING TREE INVENTORY PLAN
 TP2 EXISTING TREE INVENTORY PLAN
 TP3 EXISTING TREE INVENTORY PLAN
 IR1 CONCEPTUAL IRRIGATION - EXISTING CONDITIONS
 IR2 CONCEPTUAL IRRIGATION - PROPOSED MODIFIED

PROJECT NAME:

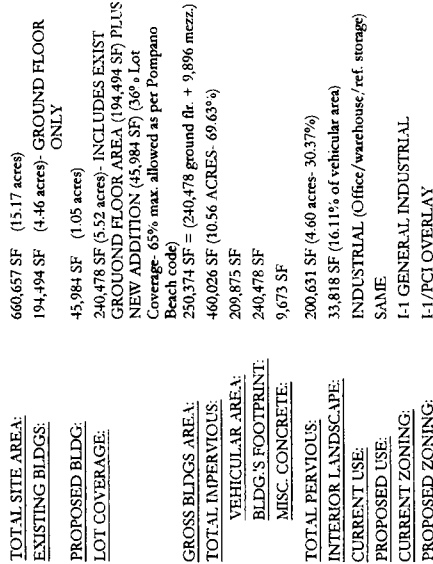
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 C-1D EROSION AND SEDIMENT CONTROL DETAILS
 C-2 PAVEMENT, MARKING AND SIGNING PLAN
 C-3 PAVEMENT AND DRAINAGE DETAILS
 C-4 WATER AND SEWER PLAN

LEGAL DESCRIPTION

Parcel "A" and the South 100 feet, as measured at right angles, of Parcel "B", "Mutual Enterprise's Plot", as recorded to the Plat thereof as recorded in Plat Book 17, Page 21, of the Public Records of Broward County, Florida. Said ten is situated in Broward County, Florida and containing 660,617 square feet (15.1657 acres) more or less.



LEGAL DESCRIPTION

Deviations Requested for PCI Reasoning

Code Section	Description of Deviation
155.206(g)(3)	To rear an 11.5 foot rear yard setback, rather than a 30 foot rear yard setback as required by Code, as previously approved as variance under Appeal #99-65.
155.131(d)(4)	To eliminate the required five foot (5') landscape strip between abutting parallel rows of parking, as previously approved as variance under Appeal #99-65.
155.131(d)(1)	To have parking rows with as many as 15 spaces, rather than limit parking rows to not more than 10 spaces, as required by the Code, as previously approved as a variance under Appeal #99-65.
155.131(b)(2)	To provide a ten foot (10') perimeter landscape strip along the right of way line, rather than provide a 20 foot landscape strip as required by the Code.

DEVIATIONS TABLE

OWNER:
 KTR CAPITAL PARTNERS
 824 South Military Trail
 Deerfield Beach, FL 33442
 T 954-491-0948 F 954-491-0949
 E-mail: abraham@ktrcapital.com
 Contact: EDWARD BERKHEIMER

ARCHITECT:
 HNM ARCHITECTURE, LLC (A.326000726)
 625 Cass Loma Blvd., Suite #106
 Boynton Beach, FL 33435
 T 561-731-2225 F 561-731-5717
 E-mail: hnm@hnmarch.com
 Contact: ADAM RYDZEWSKI

SURVEYOR:
 AVTROM & ASSOCIATES, INC.
 50 S.W. 2nd Ave., Suite 102
 Boca Raton, FL 33432
 T 954-992-2594 F 561-394-7125
 E-mail: avtrom@avtrom.com
 Contact: JOHN DOUGAN

CIVIL ENGINEER:
 CAMERO & ASSOCIATES, INC.
 7400 SW 50th Terrace, Suite 204
 Miami, Florida 33155
 T 305-665-7602 F 305-666-8488
 E-mail: jorge@camerogroup.com
 Contact: JORGE CAMERO

LANDSCAPE ARCHITECTURE:
 LYNN BENDER LANDSCAPE ARCHITECTURE
 5610 Adam Way
 Lake Worth, FL 33467
 T 561-644-3277 F 561-644-3237
 E-mail: lynn@lynnbender.com
 Contact: LYNN BENDER

GENERAL CONTRACTOR:
 BUTTERS CONSTRUCTION & DEVELOPMENT
 6820 Lyons Technology Circle, Suite 100
 Coconut Beach, FL 33073
 T 954-570-8111 F 954-570-8444
 E-mail: nbutters@butter.com
 Contact: MARK BUTTERS

DEVIATIONS TABLE

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PROJECT TEAM:

OWNER:
 KTR CAPITAL PARTNERS
 824 South Military Trail
 Deerfield Beach, FL 33442
 T 954-491-0948 F 954-491-0949
 E-mail: abraham@ktrcapital.com
 Contact: EDWARD BERKHEIMER

ARCHITECT:
 HNM ARCHITECTURE, LLC (A.326000726)
 625 Cass Loma Blvd., Suite #106
 Boynton Beach, FL 33435
 T 561-731-2225 F 561-731-5717
 E-mail: hnm@hnmarch.com
 Contact: ADAM RYDZEWSKI

SURVEYOR:
 AVTROM & ASSOCIATES, INC.
 50 S.W. 2nd Ave., Suite 102
 Boca Raton, FL 33432
 T 954-992-2594 F 561-394-7125
 E-mail: avtrom@avtrom.com
 Contact: JOHN DOUGAN

CIVIL ENGINEER:
 CAMERO & ASSOCIATES, INC.
 7400 SW 50th Terrace, Suite 204
 Miami, Florida 33155
 T 305-665-7602 F 305-666-8488
 E-mail: jorge@camerogroup.com
 Contact: JORGE CAMERO

LANDSCAPE ARCHITECTURE:
 LYNN BENDER LANDSCAPE ARCHITECTURE
 5610 Adam Way
 Lake Worth, FL 33467
 T 561-644-3277 F 561-644-3237
 E-mail: lynn@lynnbender.com
 Contact: LYNN BENDER

GENERAL CONTRACTOR:
 BUTTERS CONSTRUCTION & DEVELOPMENT
 6820 Lyons Technology Circle, Suite 100
 Coconut Beach, FL 33073
 T 954-570-8111 F 954-570-8444
 E-mail: nbutters@butter.com
 Contact: MARK BUTTERS

ADDITION TO EXISTING DISTRIBUTION CENTER

Prepared for KTR Capital Partners
at 2800 North Andrews Ave
in Pompano Beach, Florida 33064

EXHIBIT "B"

PCI MASTER SITE PLAN
COVER & STATISTICS

A-0.0

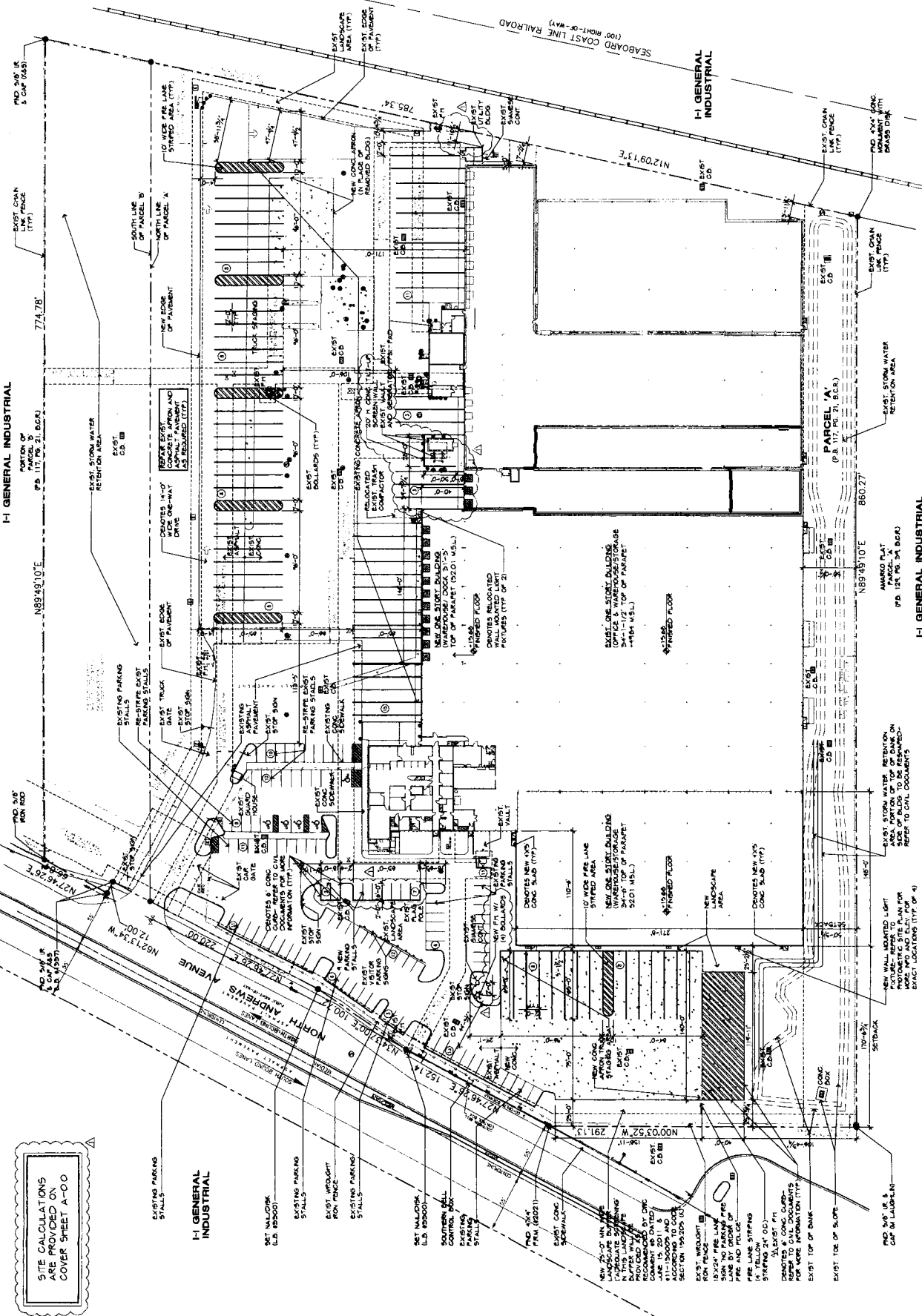
ADDITION TO EXISTING DISTRIBUTION CENTER

Prepared for KTR Capital Partners
at 2800 North Andrews Ave
in Pompano Beach, Florida 33064

DATE: 2011-06-28	BY: MWH
DATE: 2011-08-15	BY: AR
DATE: 2011-08-15	BY: AS NOTED (11-03)
PROJECT: EXHIBIT 'B' PCI MASTER SITE PLAN	
SHEET: A-0.2	

HNH ARCHITECTURE
10000 W. BOULEVARD, SUITE 100
POMPAHO BEACH, FLORIDA 33064
TEL: 954-781-1111
WWW.HNHARCHITECTURE.COM

REVISIONS:
1. 08/15/11: AS NOTED (11-03)



SITE CALCULATIONS ARE PROVIDED ON COVER SHEET A-0.0

SITE PLAN

A-0.2

PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

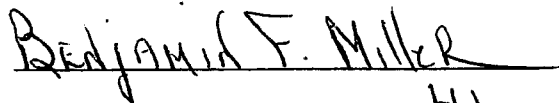
MEMORANDUM #11-38

DATE: July 28, 2011
TO: City Commission
FROM: Planning and Zoning Board/Local Planning Agency
SUBJECT: REZONING REQUEST - KTR SOUTH FLORIDA, LLC.

At the meeting of the Planning and Zoning Board/Local Planning Agency held on July 27, 2011, the Board considered the request by KTR SOUTH FLORIDA, LLC. to rezone the property known as 2800 North Andrews Avenue from I-1 (General Industrial) to I-1/PCD (General Industrial-Planned Commercial/Industrial District).

It is the recommendation of the Board that the subject property be rezoned, as requested, with the deviations from the Code as noted on the PCD Master Plan cover sheet, subject to the following conditions:

- 1) Additionally, prior to site plan approval for this PCD, applicant to correct the PCD Master Plan cover sheet to note the proposed zoning is I-1/PCD.
- 2) Ensure the parking calculations are correct and address Staff comments received at the July 20, 2011, Development Review Committee hearing regarding the number of parking spaces shown on the Master Plan and in the tabular data provided on the cover sheet.



BENJAMIN F. MILLER
Vice Chairman
Planning and Zoning Board/Local Planning Agency

lrh



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

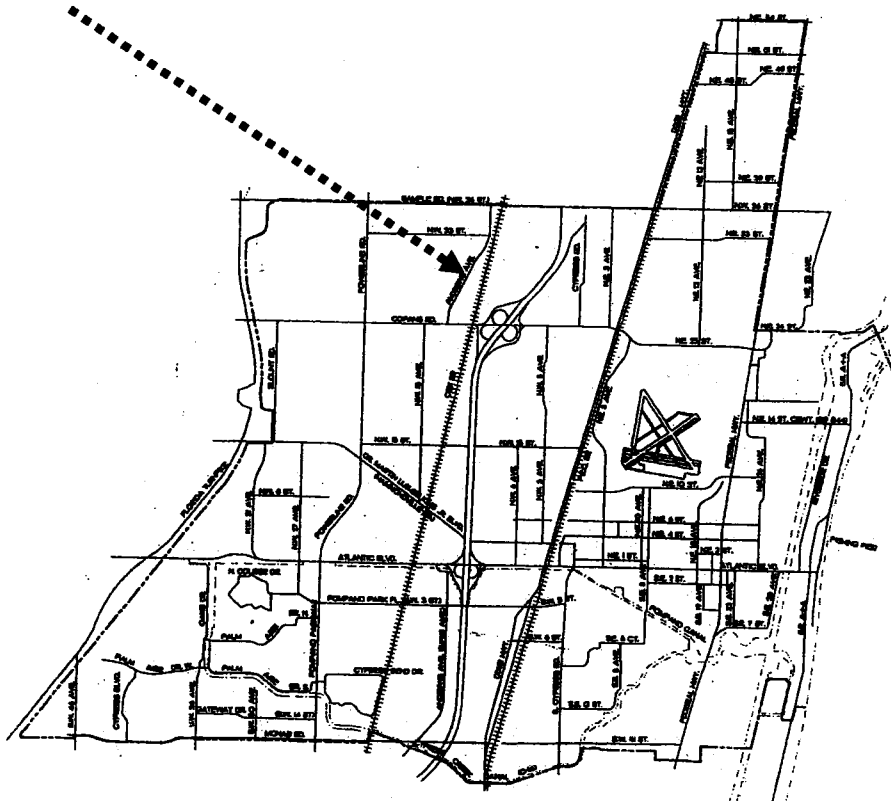
ADMINISTRATIVE REPORT NO. 11-300

DATE: July 15, 2011
TO: Planning & Zoning Board
VIA: Robin M. Bird, Development Services Director
FROM: Jean E. Dolan, AICP, Principal Planner
RE: Rezoning - KTR Capital Partners, 2800 North Andrews Avenue
July 27, 2011 Meeting

P & Z #11-13000005

This 15.17 acre property is located in the Northwest CRA at 2800 N. Andrews Avenue north of Copans and south of Sample Road and is developed in an office/warehouse/distribution use. The property owner is requesting rezoning from I-1 to I-1/PCD to allow changes to the development to occur with deviations from the Code which were previously approved as variances. The adoption of the PCD overlay and PCD Master Plan will eliminate the need for the Applicant to reapply for the variances before the revised site plan for the project is approved.

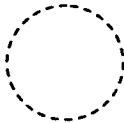
2800 N. Andrews Avenue



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

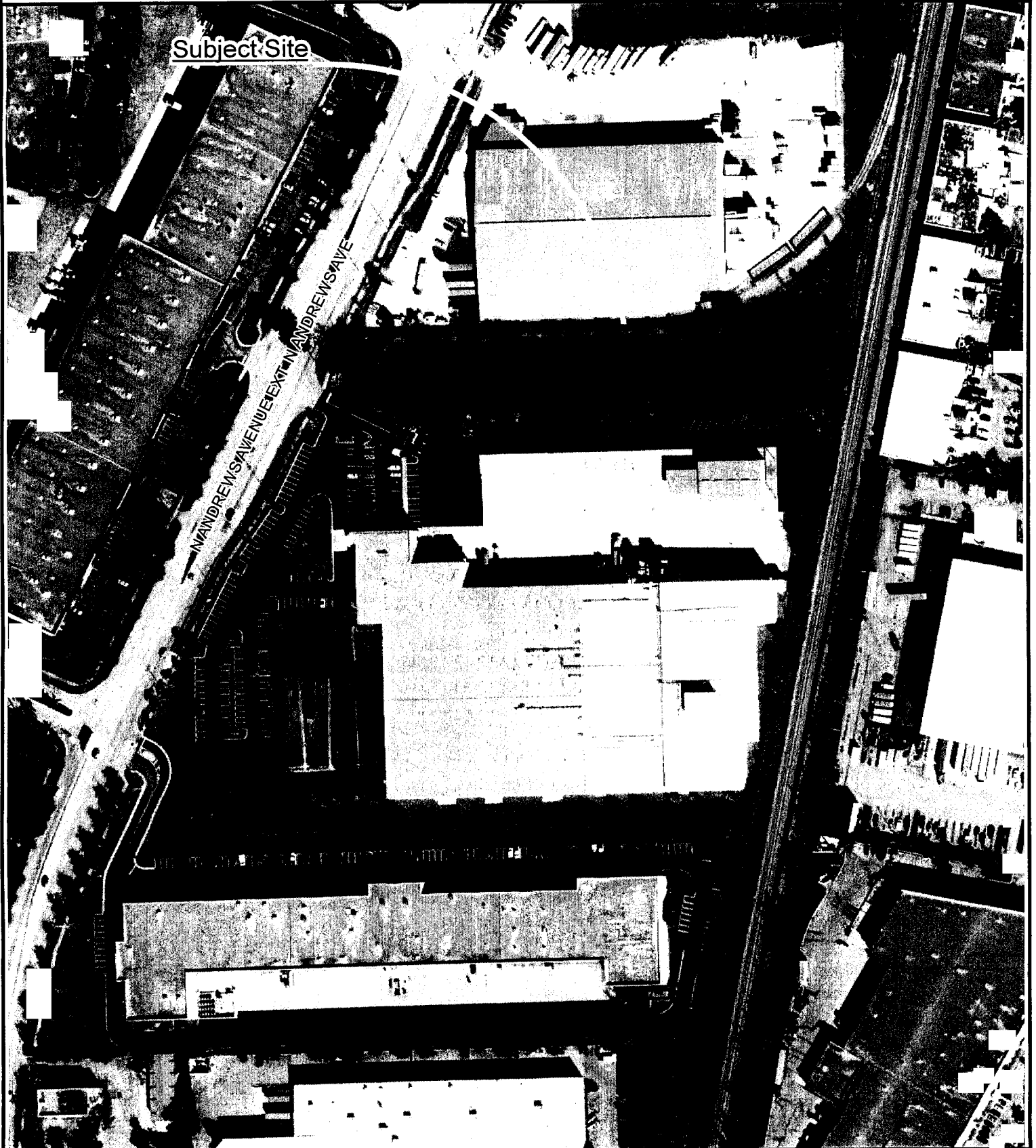
FOR ZONING MAP

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	Commerical Recreation
CF	Community Facilities
T	Transportation
PU	Public Utility

* Existing
> Proposed

EXERPT FROM THE BROWARD COUNTY PROPERTY APPRAISER
AERIAL MAP



1 inch = 200 feet

5



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: The applicant has requested a zoning change from I-1 to I-1/PCI. There is no conflict with the land use plan. Planning has no objections to this rezoning. This is a preliminary concurrency review; a final concurrency review will be conducted at the time of site plan submittal.

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.

Zoning:

1. Code Section 155.210(B) requires 7.5 acres for rezoning to I-1/PCI. The subject parcel is 15.17 acres and, therefore, meets this requirement.
2. Code Section 155.210(D)(1)(a) requires a recorded plat be submitted with the PCI application. Please provide a copy of the recorded Mutual Employee's Plat as applicable to the PCI Master Plan. Check the plat notes for changes that may need to be made to accommodate the increase in square footage for the project, if any.
3. Code Section 155.210(E)(4)(a) requires an "average" 25 foot wide landscape buffer adjacent to a major arterial road, which, in this case, is North Andrews Avenue. The right-of-way buffer shown is 25 feet for the 291 feet adjacent to the new truck staging area and appears to be 10' for the 473 feet abutting North Andrews Avenue. This 10-foot buffer was approved as part of a variance granted under Appeal #99-65. Code Section 155.210(G) allows the City Commission to approve modifications to the conditions in Code Section 155.210 and it is assumed that the justification that allowed the variance for this buffer can also be used to justify the deviation from the 25 foot buffer requirement for the PCI overlay. This deviation will be requested as part of the rezoning approval.
4. Code Section 155.210(E)(4)(c) allows actual setbacks to be established through approval of the PCD Master Plan but suggests a standard 50 foot setback between principal buildings

and major arterials and 25 foot setbacks on other property lines. The Plan shows a 170 foot setback to the new one-story warehouse/storage building in the south portion of the site and the setback to the existing building closest to N. Andrews appears (on the survey) to be approximately 150 feet. The setback to the south property line is shown as a little over 50 feet. The setback from the existing utility building to the rear property line appears to be only 11.5 feet (which was a previously approved variance under Appeal #99-65). The setback to the north property line is approximately 210 feet. It is assumed that the justification for the rear property line setback variance can be used again to justify the modification allowed to the setbacks under Section 155.210(G). This deviation will be requested as part of the rezoning approval.

5. 155.210(E)(4)(e) requires all utility lines to be constructed underground within the PCI. This will be a condition of building permit approval so please ensure the design for the project includes underground utilities (electric, phone, cable television and internet, etc).
6. If Sheet A-2.0, currently titled "Site Plan" is meant to be the PCI Master Plan, please rename the drawing as such for purposes of the rezoning approval. The site plan will be reviewed as a separate approval by the Planning and Zoning Board while the I-1/PCI Master Plan will go to City Commission for two-readings of a rezoning ordinance.
7. Specific landscape plans were not included as part of the PCI Master Plan. Without approved deviations shown on the PCI Master Plan, the project will need to meet the requirements of the landscape code within the vehicular use areas and proposed buffer areas. If the landscape variances previously approved for the project under Appeal #99-65 are still relevant to the project, a landscape plan should be included as part of the PCI Master Plan to allow for landscape code deviations.
8. The overhead doors and truck staging area associated with the new One-Story Warehouse building on the southern portion of the site abutting N. Andrews Avenue must be screened from view from North Andrews Avenue. This screening should be shown on the PCI Master Plan as a detail within the proposed 25 foot landscape buffer. Some guidance on "adequate screening" can be found in Code Section 155.205(K) which establishes the screening requirements for outdoor storage areas abutting the right-of-way.

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

1. The rezoning was reviewed by DRC on June 15, 2011.
2. The property is platted and is located on the east side of North Andrews Avenue, north of Copans Road and south of Sample Road.
3. The overall total site is 15.17 acres.
4. The Zoning and uses of adjacent properties are:

North – (I-1) – Industrial/Warehouse
South – (I-1) – Industrial/Warehouse
East – (I-1/PCI) – Industrial/Warehouse (Centerport)
West – (O-IP) – Industrial/Warehouse
5. Access to this property is from North Andrews Avenue.
6. The Land Use Designation is Industrial.

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

Policies

- 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.

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.

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 of the rezoning request from I-1 to I-1/PCD with the deviations from the Code as noted on the PCD Master Plan cover sheet. Prior to site plan approval for this PCD, correct the PCD Master Plan cover sheet to note that the proposed zoning is I-1/PCD.

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

**Public Hearing #11-14
KTR South Florida, LLC
Rezoning to I-1/PCD
11-1300005**

Additional Condition of Approval:

Ensure that the parking calculations are correct and address staff comments received at the July 20th DRC hearing regarding the number of parking spaces shown on the Master Plan and in the tabular data provided on the cover sheet.



City of Pompano Beach
 Department of Development Services
 Planning & Zoning Division
 100 W. Atlantic Blvd Pompano Beach, FL 33060
 Phone: 954.786.4634 Fax: 954.786.4666



1113000005
Request for Rezoning

A mandatory meeting must be scheduled no less than 10 business days prior to a regularly scheduled DRC meeting with the Development Services Director. The DRC meets the 1st and 3rd Wednesday of each month.

To the City Commission and to the Planning and Zoning Board of the City of Pompano Beach, Florida. Please take notice that the undersigned requests a change of zoning classification for the following described property:

Subdivision: Mutual Employee's Plat, Plat Book 117-21B Block: Parcel A and S / 100' of Parcel B Lot(s): _____

or Acreage: Section: _____
 Street address of above: 2800 N. Andrews Avenue, Pompano Beach, Florida

Petitioner's interest in property (owner, lessee, etc.): Agent to Owner

Does petitioner have any financial interest in properties near or adjacent to this property? If so, explain:
No

Improvements located on property: 194,275 square feet of warehouse and ancillary office

Present zoning: I-1 Rezone to: I-1 PCF

The reason the petitioner is requesting the rezoning is as follows:
See Exhibit A

(A separate sheet may be attached for additional information.)

Dated this 26th day of May, 20 11

KTR SOUTH FLORIDA, LLC

Print Property Owner's Name

Property Owner's Signature
300 Barr Harbor Drive, Suite 150

Mailing Address
Conshohocken, PA 19428

(954) 421-0948 (Zip Code)

Telephone Number
bstitchberry@ktrcapital.com

Email Address

BONNIE MISKEL, ESQ.

Print Petitioner's Name

Petitioner's Signature
5355 Town Center Road, Suite 801

Mailing Address
Boca Raton, FL 33486

(561) 368-7700 (Zip Code)

Telephone Number
Bnmiskel@sidsmlaw.com

Email Address

Note: Three (3) copies of this application with original signatures (keep one for your records), three (3) sealed surveys and if any improvements are on this property, one (1) photograph must accompany this request.

\$1,125.00	Rezoning Fee	1,125.00
50.00	First Rezoning Sign	50.00
25.00	Additional Rezoning Sign	
25.00	Additional Rezoning Sign	
25.00	Additional Rezoning Sign	
	Total	1,175.00

Receipt No. _____

SIEGEL, LIPMAN, DUNAY, SHEPARD & MISKEL, LLP

GARY S. DUNAY
KENNETH W. LIPMAN
BONNIE MISKEL
JONATHAN L. SHEPARD
CARL E. SIEGEL

THE PLAZA • SUITE 801
5355 TOWN CENTER ROAD
BOCA RATON, FLORIDA 33486

(561) 368-7700
FAX: (561) 368-9274

WWW.SLDSMLAW.COM

SCOTT BACKMAN
LINDA B. LYMAN

Exhibit A

Justification Statement

The Subject property is located at 2800 North Andrews Avenue in the City of Pompano Beach, Florida ("City"). This property was developed years ago. In 1999, the building was expanded. In order to expand the building, four (4) variances were needed. Those variances related to a rear yard setback, the width of a landscaping strip between abutting parallel rows of parking, a variance to allow 15 spaces in a row where only 10 are permitted, and a variance to allow a ten foot perimeter landscape strip along the right of way (collectively referred to as "the Variances"). The Variances were conditioned upon the Site Plan that had been submitted reflecting the expansion area and the development conditions existing at the time.

The expansion was constructed in accordance with the Site Plan and the Variances. The owner now has a new tenant who is interested in expanding the building further over a portion of the property that was currently shown with no development which will require the submittal of a new Site Plan. As the former Site Plan was incorporated into the Variances, the original Variances would be impacted by such a submittal which would either require the submittal of new variance requests or this application.

The purpose of this application is to put of record through the use of the PCI Masterplan the existing conditions created by the construction of the expansion in 1999 while allowing further development of the property. The new expansion will not create the need for additional variances, but rather, has eliminated the need for one of the original variances approved. Additionally, the new tenant intends to use the property for Cold Storage. The tenant will have less than 10 employees. Nearly half of the property will be used for cold storage with refrigeration and freezer areas that will virtually be unoccupied except when removing inventory. The proposed use has a very low demand on parking and traffic. The proposed Masterplan is also being utilized as a more creative design is needed to accommodate this very unique use. The typical design requirements involved in a normal warehouse operation are not applicable; one such example is the necessity for more parking. The PCI overlay allows this unique use and the flexibility needed to attract a quality tenant. It should be noted that because the old Site Plan was incorporated into the Variances, no expansion of the site could be achieved without the need for variances. The area surrounding this use is industrial. This request is consistent with the underlying zoning and Comprehensive Plan designation.

OWNERS CERTIFICATE

This is to certify that I am the owner of the subject lands described in this **PETITION FOR REZONING** and that I have authorized the filing of the aforesaid petition for rezoning.

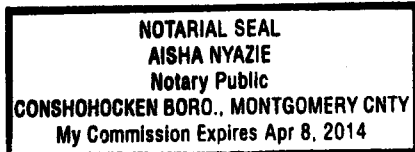
Owner's Name: KTR SOUTH FLORIDA, LLC
Address: (Print or Type)
300 Barr Harbor Drive, Suite 150
Conshohocken, PA 19428
Phone: (954) 421-0948 (Zip Code)

[Signature]
(Signature of Owner)
By Stephen Butte on behalf of KIF Property Trust, Managing Member

SWORN AND SUBSCRIBED before me this 26th day of May, 20 11.

Aisha Nyazie
NOTARY PUBLIC, STATE OF ~~FLORIDA~~ PA
Aisha Nyazie
(Name of Notary Public: Print, stamp, or Type as Commissioned.)

Personally known to me, or
 Produced identification: _____
(Type of Identification Produced)



KTR SOUTH FLORIDA, LLC

Statement of Interest in Property and Authorization to File Petitions

KTR SOUTH FLORIDA, LLC, authorizes SIEGEL, LIPMAN, DUNAY, SHEPARD & MISKEL, LLP, as agent, to submit and process any and all development applications to the City of Pompano Beach and represent Owner at any public hearings necessary for the approval and development of the proposed development.

KTR SOUTH FLORIDA, LLC

Signature: _____

[Handwritten Signature]
By: Stephen Butte on behalf of
KIF Property Trust, Managing Member

Phone: (954) 421-0948

PA
State of ~~Florida~~
County of Montgomery

The foregoing instrument was acknowledged before me this 26th day of May, 2011, by Stephen Butte, on behalf of KIF Property Trust, Managing Member of KTR South Florida, LLC, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign: Aisha Nyazie
Print: Aisha Nyazie
My Commission Expires: _____

(Seal)
NOTARIAL SEAL
AISHA NYAZIE
Notary Public
CONSHOHOCKEN BORO., MONTGOMERY CNTY
My Commission Expires Apr 8, 2014