

REQUESTED COMMISSION ACTION: **QUASI-JUDICIAL**

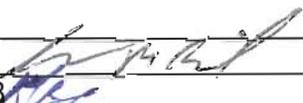
Consent _____ X Ordinance _____ Resolution _____ Consideration/ Discussion _____ Presentation _____

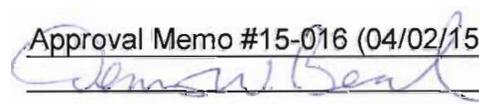
SHORT TITLE AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING NORTH OF FAIRWAY DRIVE AND WEST OF NW 30TH AVENUE FROM B-3 (GENERAL BUSINESS) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

This approximate 2.54-acre property is located at 930 NW 31 Avenue. The property is owned by the 1 Three 453 LLC. The petitioner, John Glorieux, is requesting this rezoning in order to expand his business (the Pompano Pet Lodge) located on the adjacent property to the south. The request is to rezone the subject property from B-3 (General Business) to B-4 (Heavy Business). The Land Use Designation for the parcel is C (Commercial) so the zoning will remain consistent with the Land Use Designation. The applicant has voluntarily submitted a Declaration of Restricted Covenants (see Memo No. 15-219) to restrict uses that would otherwise be allowed in a B-4 Zoning District but are not compatible with this location's neighboring uses. The voluntary Declaration of Restricted Covenants will be recorded by the City Clerk's Office following second reading if this rezoning is approved. The Planning & Zoning Board recommended approval of this request in a 7-0 decision at the March 25, 2015 meeting.

- (1) Origin of request for this action: 1 Three 453, LLC.
- (2) Primary staff contact: Robin M. Bird/ Maggie Barszewski Ext. 7921
- (3) Expiration of contract, if applicable: N/A
- (4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Dev. Services	03/13/15	Approval	Memo# 15-132 
City Attorney	04/29/15	See Memo	CAC# 2015-908 

Planning and Zoning Board
 City Manager  Approval Memo #15-016 (04/02/15) 

ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration
Workshop		
1 st Reading _____	1 st Reading _____	Results: _____
2 nd Reading _____	_____	Results: _____
_____	_____	_____
_____	_____	_____



City Attorney's Communication #2015-908

April 29, 2015

TO: Maggie Barszewski, AICP, Planner
FROM: Gordon B. Linn, City Attorney
RE: Rezoning Ordinance for Pompano Pet Lodge

As requested, the following form of ordinance, relative to the above-referenced matter, has been revised and is attached:

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING NORTH OF FAIRWAY DRIVE AND WEST OF NW 30TH AVENUE FROM B-3 (GENERAL BUSINESS) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

GORDON B. LINN

GBL/jrm
l:cor/dev-srv/2015-908

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING NORTH OF FAIRWAY DRIVE AND WEST OF NW 30TH AVENUE FROM B-3 (GENERAL BUSINESS) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

WHEREAS, a public hearing before the City Commission was held pursuant to the aforesaid notice, at which hearing the parties in interest and all other citizens so desiring, had an opportunity to be, and were, in fact, heard; now, therefore,

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

SECTION 1. That the City Commission of the City of Pompano Beach, having considered the evidence and argument presented at the public hearing, finds:

SECTION 2. That the property more particularly described in Exhibit "A" attached hereto and made a part hereof ("Property"), which property is hereby rezoned from a present zoning classification of B-3 (General Business) to B-4 (Heavy Business), as said zoning classification is defined by Chapter 155 of the Code of Ordinances of the City of Pompano Beach, Florida.

SECTION 3. That the Development Services 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 4. 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 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this ____ day of _____, 2015.

PASSED SECOND READING this ____ day of _____, 2015.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

GBL/jrm
4/29/15
l:ord/155/2015-289

Exhibit A

LEGAL DESCRIPTION:

TRACT "A", LESS THE EAST 25 FEET OF "FLOWERS
DISTRIBUTION CENTER" ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 139 AT PAGE 42 OF THE
PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

MEMORANDUM NO. 15-219

DATE: April 30, 2015
TO: Robin M. Bird, Development Services Director
FROM: Maggie Barszewski, AICP, Planner 
SUBJECT: Rezoning Ordinance for Pompano Pet Lodge

P & Z # 15-13000002

The applicant of the Pompano Pet Lodge has voluntarily submitted the attached the Declaration of Restrictive Covenants (DRC) restricting the uses that would otherwise be allowed in the B-4 Zoning District. The original will be held until the City Commission's second reading of the Rezoning Ordinance that was requested by the applicant. If the rezoning Ordinance is approved, the City Clerk will record this DRC instrument.

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned, JOHN GLORIEUX and LAURIE GLORIEUX, the only Authorized Members ("AMBR") of 1THREE453, LLC, a Florida limited liability company whose mailing address is 1113 SE 9th Street, Fort Lauderdale, FL 33316, being the owner of that certain real property located in the City of Pompano Beach, the County of Broward, the State of Florida and described on Exhibit "A" attached hereto and made a part hereof ("Property"), voluntarily makes the following Declaration of Restrictions ("Declaration") covering the Property, specifying that this Declaration shall constitute a covenant running with the land and that this Declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime shall be for the benefit of the City of Pompano Beach, Florida.

1. The Property as shown on attached Exhibit "A" shall be used for any or all uses permitted by the City of Pompano Beach Code in a B-4 zoning district which includes Boarding Kennels.

2. Permitted Uses that are eliminated from existing B-4 Heavy Business District list and therefore a prohibited use on the Property are as follows:

(A) Permitted Uses that are eliminated:

Amusement arcade

Auto repair & maintenance facility

Thrift stores

Pawn Brokers

Lawn care, pool, or pest control service

Laundry, dry cleaning, carpet cleaning or dyeing facility

Metal working, welding, plumbing, gas, steam or water pipe fitting

Outdoor Storage as a principal use

Used automobile & light truck sales with indoor display only

Used automobile & light truck sales with outdoor display

Automobile painting or body shop

Automobile wrecker service

3. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration may be amended or removed only by the City of Pompano Beach, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors or assigns. Any amendment to this Declaration or termination thereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarant or its successors in title or assigns from applying to the City of Pompano Beach, Florida, for modification of this Declaration or termination hereof.

4. Invalidation of any one portion of this Declaration or any portion of this document by judgment or court order in no way shall affect any other provisions, which shall remain in full force and effect.

5. This Declaration is executed for the purpose of protecting the health, safety, and welfare of the citizens of the City of Pompano Beach.

IN WITNESS WHEREOF, We have set our hands and seal this 7 day of ~~March~~^{April}, 2015.

Signed, sealed and delivered in the presence of:

1THREE453, LLC, a Florida limited liability company

Gloria Soto

Witness Print Name: Gloria Soto

Gayle Grant

Witness Print Name: Gayle Grant

By: [Signature]
Name: John Glorieux
Title: AMBR

By: [Signature]
Name: Laurie Glorieux
Title: AMBR

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing was acknowledged before me this 7 day of ~~March~~^{April}, 2015, by John Glorieux and Laurie Glorieux, sole Authorized Members of 1THREE453, LLC, a Florida limited liability company, who are personally known to me or produced their Florida driver's license(s) as identification.

Gayle A. Grant
Notary Public, State of Florida

My Commission Expires: _____

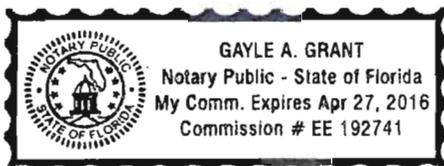


EXHIBIT "A"

Tract "A", Less the East 25 feet thereof, FLOWERS DISTRIBUTION CENTER, according to the Plat thereof, as recorded in Plat Book 139, Page 42, of the Public Records of Broward County, Florida.

Parcel No. 484233-41-0010

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-016**

DATE: April 2nd, 2015
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: REZONING – B-4 (Heavy Business) from B-3 (General Business)
930 NW 31st Avenue
P & Z #15-13000002 1THREE453, LLC

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on March 25th, 2015, the Board considered the request by **1THREE453, LLC**, requesting REZONING of the above referenced property.

It is the unanimous recommendation of the Board that the REZONING request be approved.



Jim Beeson
Chairman
Planning and Zoning Board/ Local Planning Agency

ADMINISTRATIVE MEMORANDUM NO. 15-132

DATE: March 13, 2015

TO: Planning and Zoning Board

VIA: Robin M. Bird, Development Services Director *RB*

FROM: Maggie Barszewski, AICP, Planner *MB*

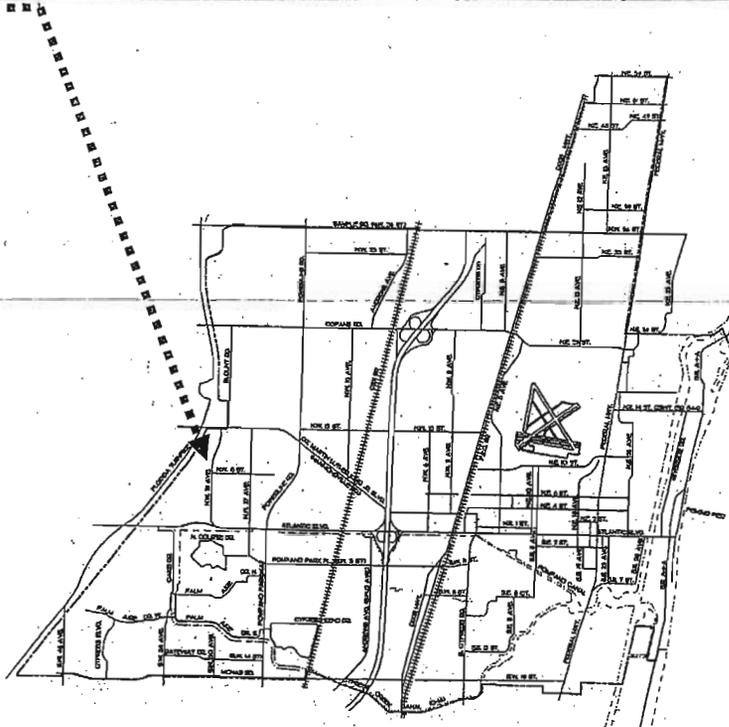
RE: Pompano Pet Lodge Rezoning
March 25, 2015 meeting

P&Z # 15-13000002

Request

This approximate 2.54-acre property is located at 930 NW 31 Avenue. The property is owned by the 1 Three 453 LLC. The petitioner, John Glorieux, is requesting this rezoning in order to expand his business (the Pompano Pet Lodge) located on the adjacent property to the south. The request is to rezone the subject property from B-3 (General Business) to B-4 (Heavy Business). The Land Use Designation for the parcel is C (Commercial) so the zoning will remain consistent with the Land Use Designation.

930 NW 31 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
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

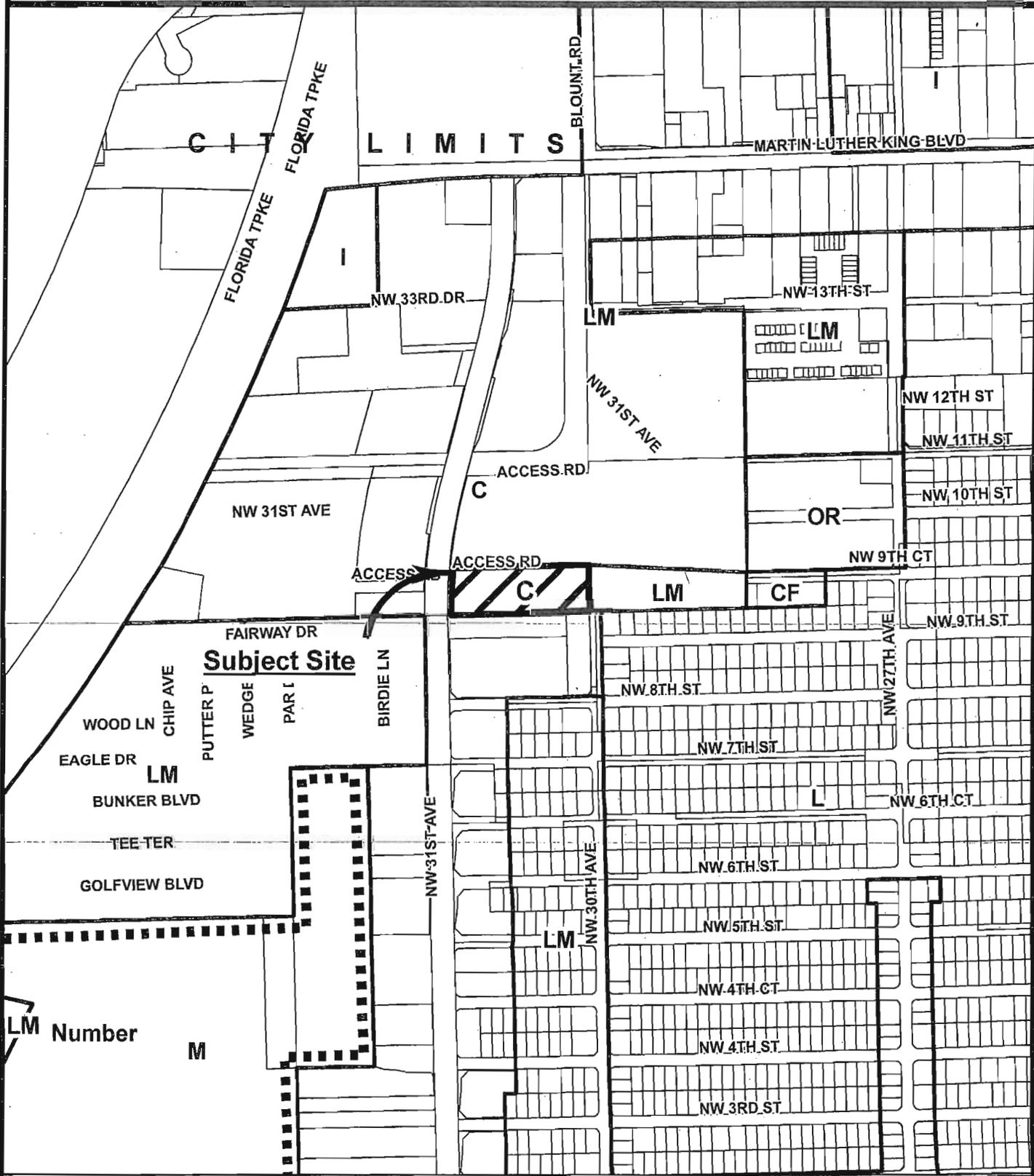
FOR ZONING MAP

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

* Existing
> Proposed

CITY OF POMPANO BEACH OFFICIAL LAND USE MAP



1 in = 600 ft

3/13/2015 MacKer

3

\\GISDBSVR\arcgisserver\directories\arcgis\Planning\AI_Maps\P&Z Packets\2015\151300002_maps.mxd

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

CITY OF POMPANO BEACH AERIAL MAP



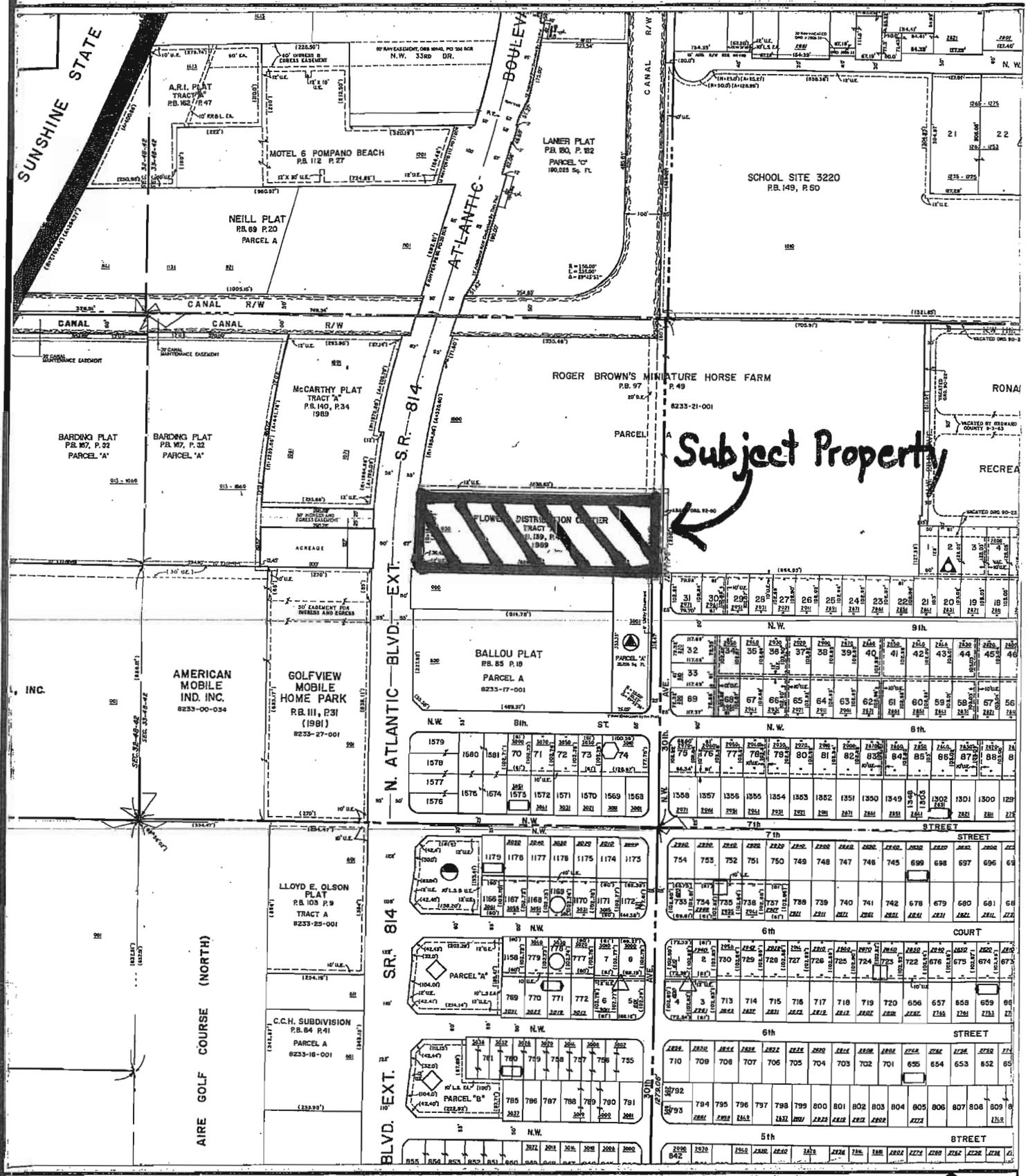
Subject Site

1 in = 600 ft

5

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

EXCERPT FROM THE CITY OF POMPANO BEACH PLAT MAP



Subject Property



SCALE: **NTS**

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 February 19, 2015 Development Review (DRC) meeting which are summarized below:

Zoning: Maggie Barszewski - Applicant has uploaded a digital-sealed survey and shall be providing a physical copy of the sealed survey at the meeting. Other than that the submittal is complete and Zoning has no issues.

BSO: Scott Longo - I have no issue with the rezoning.

What I would like to know for future development is the following;

- What will the hours of operation be?

.If you are open past 11 pm you will need to follow ORD. 115.26

- Make sure that there is a CPTED Plan

All hedges need to be at a height no higher than 2.5 feet

Tree canopies – Natural Surveillance should be 3ft to 8ft clearance depending on the size of the tree.

Maintain tree and shrub growth to be within CPTED Standards

Also not to block the illumination of the light source.

Utilities: William Herrmann - No drawings available to review

Planning: Chris Clemens - No Comments

Building Division: Salvator Pravata - Pompano Pet Lodge Rezoning

930 NW 31 Ave.

PZ15-13000002

The building department has no objection to the requested REZONING approval from B-3 to B-4

CRA: CRA - No objections.

Fire Dept.: Jim Galloway - This P&Z application is able to meet all of the Fire Department requirements at this time for Site Plan Review. 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.

Engineering Dept.: Bob Lawson - 02-17-15: NRN

Waste Management: Russell Ketchem – No Comments

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

1. The rezoning was reviewed by DRC on February 19, 2015.
2. The property is located at 930 NW 31 Avenue.
3. The area to be rezoned is approximately 2.54 acres (approximately 110,815 square feet).
4. The Zoning and uses of adjacent properties are:
North – (CF) – Community Facility, School
South – (B-4) – Heavy Business, Pompano Pet Lodge
West – (B-3) – General Business, Vacant
East – (CF) – Community Facility, School
5. Access to this property is from NW 31 Avenue.
6. The Land Use Designation is (C) Commercial.

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

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:

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.

D. Recommendation:

Given the information provided to the Board, as the findings 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 B-3 (General Business) to B-4 (Heavy Business) based on Compatibility with the following policies:

- 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:
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.

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:

- 01.03.06** 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:
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



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

Rezoning Application

Rezoning Review

Site Specific Planned Development

930 NW 31 Ave		RS-1 B-3	RS-1 B-4
STREET ADDRESS		Current	Proposed Zoning
Subdivision	Block	Lot	
Representative or Agent's interest in property (Owner, Lessee, Etc)	Lessee		
Has any previous application(s) been filed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If Yes, give date of hearing and finding			

Agent or Representative	Landowner (Owner of Record)
POMPANO PET LODGE	13453 13453 LLC
Business Name (if applicable)	Business Name (if applicable)
JOHN GLORIEUX Pres	JOHN GLORIEUX Mgr Partner
Print Name and Title	Print Name and Title
<i>[Signature]</i>	<i>[Signature]</i>
Signature	Signature
1/21/15	1/21/15
Date	Date
900 NW 31 Avenue	1113 SE 9 ST
Street Address	Street Address
Pompano, FL 33069	Ft Laud, FL 33316
Mailing Address City/ State/ Zip	Mailing Address City/ State/ Zip
954 972-5584	954 270-4999
Phone Number	Phone Number
John@PompanoPetLodge.com	John.Glorieux@gmail.com
Email	Email
Indicate your preferred medium to receive agendas and notifications: <input checked="" type="checkbox"/> Mail <input type="checkbox"/> E-Mail	Indicate your preferred medium to receive agendas and notifications: <input checked="" type="checkbox"/> Mail <input type="checkbox"/> E-Mail





100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 Fax: 954.786.4666

Rezoning Application

OWNER'S CERTIFICATE

This is to certify that I am the owner of the subject lands described in this application and that I have authorized the filing of the aforesaid application for rezoning.

Owner's Name:
(Print or Type)

John Glorieux

Address:

1113 SE 9 ST.

Fr. Laud., FL 33316

(Zip Code)

Phone:

954 270-4999

Email address:

John@PompanoPetLodge.com

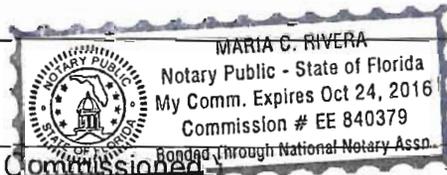
John Glorieux
(Signature of Owner or Authorized Official)

SWORN AND SUBSCRIBED before me this

22nd day of

January, 2015

NOTARY PUBLIC, STATE OF FLORIDA



(Name of Notary Public: Print, stamp, or Type as Commissioned)

Personally know to me, or

Produced identification:

(Type of Identification Produced)



100 W. Atlantic Blvd Pompano Beach, FL 33060
Phone: 954.786.4634 Fax: 954.786.4666

Rezoning Application

Acknowledgement receipt of the Florida NPDES Stormwater Permitting Program for Construction Activity

I John Glorieux am the Managing Partner of the proposed application for
(Print Name) (Title)

Development approval and authorized to sign on behalf of the owner. I hereby acknowledged that I have been given a copy of the Florida National Pollutant Discharge Elimination System (NPDES) Permitting Program for construction activity.

Signature: 
Date: 1/27/15

