

QUASI-JUDICIAL

REQUESTED COMMISSION ACTION:

Consent Ordinance Resolution Consideration/ Discussion Presentation

SHORT TITLE AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING WEST OF NE 18TH AVENUE AND NORTH OF EAST ATLANTIC BOULEVARD AND COMMONLY KNOWN AS 19 NE 18TH AVENUE FROM RD-1 (TWO-FAMILY RESIDENCE) TO RM-12 (MULTI-FAMILY RESIDENCE); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

This approximate 0.68 acre property is located at 19 NE 18th Avenue. The property is owned by Mucho Lucio Realty, LLC. This is a request to rezone the property from Two-Family Residence (RD-1) to Multi-Family Residence 12 (RM-12). The Land Use Designation for the parcel is Medium Residential (M) and therefore this request, if approved, will bring the Zoning District into conformance with the Land Use Designation. The applicant desires to use the property to expand the Child Care Facility currently operating on the adjacent property to the south, also owned by the applicant. The existing Child Care Facility will continue to provide the drop-off and parking for the Child Care Facility; and there will be no demonstrative changes to the existing single family lot or structure on the subject property. It will continue to look like a single family house. If this request is approved, the Applicant will have to apply for and receive a Special Exception approval for Child Care Facility. The Planning & Zoning Board recommended approval of this request in a 7-0 decision at the September 23, 2015 meeting.

- (1) Origin of request for this action: Mucho Lucio Realty, 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	09/10/15	Approval	Memo# 15-499 <i>[Signature]</i>
City Attorney	10/09/15 <i>[Signature]</i>	See Memo <i>[Signature]</i>	CAC# 2016-39 <i>[Signature]</i>

Planning and Zoning Board Approval Memo #15-068 (09/29/15)
 City Manager *[Signature]*

ACTION TAKEN BY COMMISSION:

Ordinance Workshop	Resolution	Consideration
1 st Reading <u>10/27/15</u> Approved	1 st Reading _____	Results: _____
2 nd Reading <u>11/10/15</u>	_____	_____
_____	_____	_____



City Attorney's Communication #2016-39
October 9, 2015

TO: Maggie Barszewski, AICP, Planner
FROM: Mark E. Berman, City Attorney
RE: Ordinance Rezoning – Mucho Lucio Realty / International Pre-School

As requested in your memorandum of October 5, 2015, Department of Development Services Memorandum #15-540, the following form of ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING WEST OF NE 18TH AVENUE AND NORTH OF EAST ATLANTIC BOULEVARD AND COMMONLY KNOWN AS 19 NE 18TH AVENUE FROM RD-1 (TWO-FAMILY RESIDENCE) TO RM-12 (MULTI-FAMILY RESIDENCE); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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



MARK E. BERMAN

MEB/jrm
l:cor/dev-srv/2016-39

Attachment

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING WEST OF NE 18TH AVENUE AND NORTH OF EAST ATLANTIC BOULEVARD AND COMMONLY KNOWN AS 19 NE 18TH AVENUE FROM RD-1 (TWO-FAMILY RESIDENCE) TO RM-12 (MULTI-FAMILY RESIDENCE); 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, in accordance with Section 155.2305.C, of the Pompano Beach Code of Ordinances, notice in accordance with said section has been mailed notifying residents within 500 feet of the subject property of two public hearings on this proposed Ordinance; 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 RD-1 (Two-Family Residence) to RM-12 (Multi-Family Residence) 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
10/12/15
l:ord/2016-17

Exhibit A

LEGAL DESCRIPTION:

LOTS 4,5,6, AND 7, BLOCK 10, PINEHURST, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 5, PAGE 13, OF THE PUBLIC RECORDS OF
BROWARD COUNTY FLORIDA.

**PLANNING AND ZONING BOARD/ LOCAL PLANNING AGENCY
MEMORANDUM #15-068**

DATE: September 29, 2015
TO: City Commission
FROM: Planning and Zoning Board/ Local Planning Agency
SUBJECT: REZONING – Multiple-family Residence 12 (RM-12) from
Two-family Residence (RD-1)
19 NE 18 Avenue
P & Z #15-13000008 MuchoLucio Realty LLC / BB International Preschool

At the meeting of the Planning and Zoning Board/ Local Planning Agency held on September 23rd, 2015, the Board considered the request by **BB INTERNATIONAL** on behalf of **MUCHOLUCIO REALTY LLC** requesting REZONING of the above referenced property.

As it is consistent with the goals, objectives, and policies of the Comprehensive Plan stated in Administrative Report 15-499, it is the unanimous recommendation of the Board that the REZONING request be approved.



Jim Beeson
Chairman
Planning and Zoning Board/ Local Planning Agency

MEMORANDUM

Development Services

ADMINISTRATIVE MEMORANDUM NO. 15-499

DATE: September 10, 2015

TO: Planning and Zoning Board

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

FROM: Maggie Barszewski, AICP, Planner *MB*

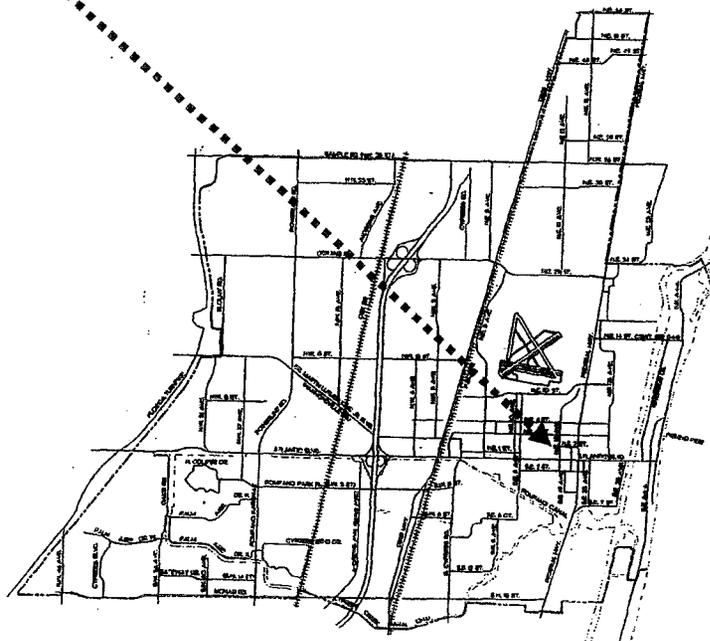
RE: Mucho Lucio Realty / International Pre school Rezoning
September 23, 2015 meeting

P&Z # 15-13000008

Request

This approximate 0.68 acre property is located at 19 NE 18th Avenue. The property is owned by Mucho Lucio Realty, LLC. This is a request to rezone the property from Two-Family Residence (RD-1) to Multi-Family Residence 12 (RM-12). The Land Use Designation for the parcel is Medium Residential (M) and therefore this request, if approved, will bring the Zoning District into conformance with the Land Use Designation. The applicant desires to use the property to expand the Child Care Facility currently operating on the adjacent property to the south, also owned by the applicant. The existing Child Care Facility will continue to provide the drop-off and parking for the Child Care Facility; and there will be no demonstrative changes to the existing single family lot or structure on the subject property. It will continue to look like a single family house. If this request is approved, the Applicant will have to apply for and receive a Special Exception approval for Child Care Facility.

19 NE 18th Avenue

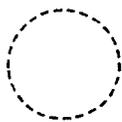


LEGEND

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

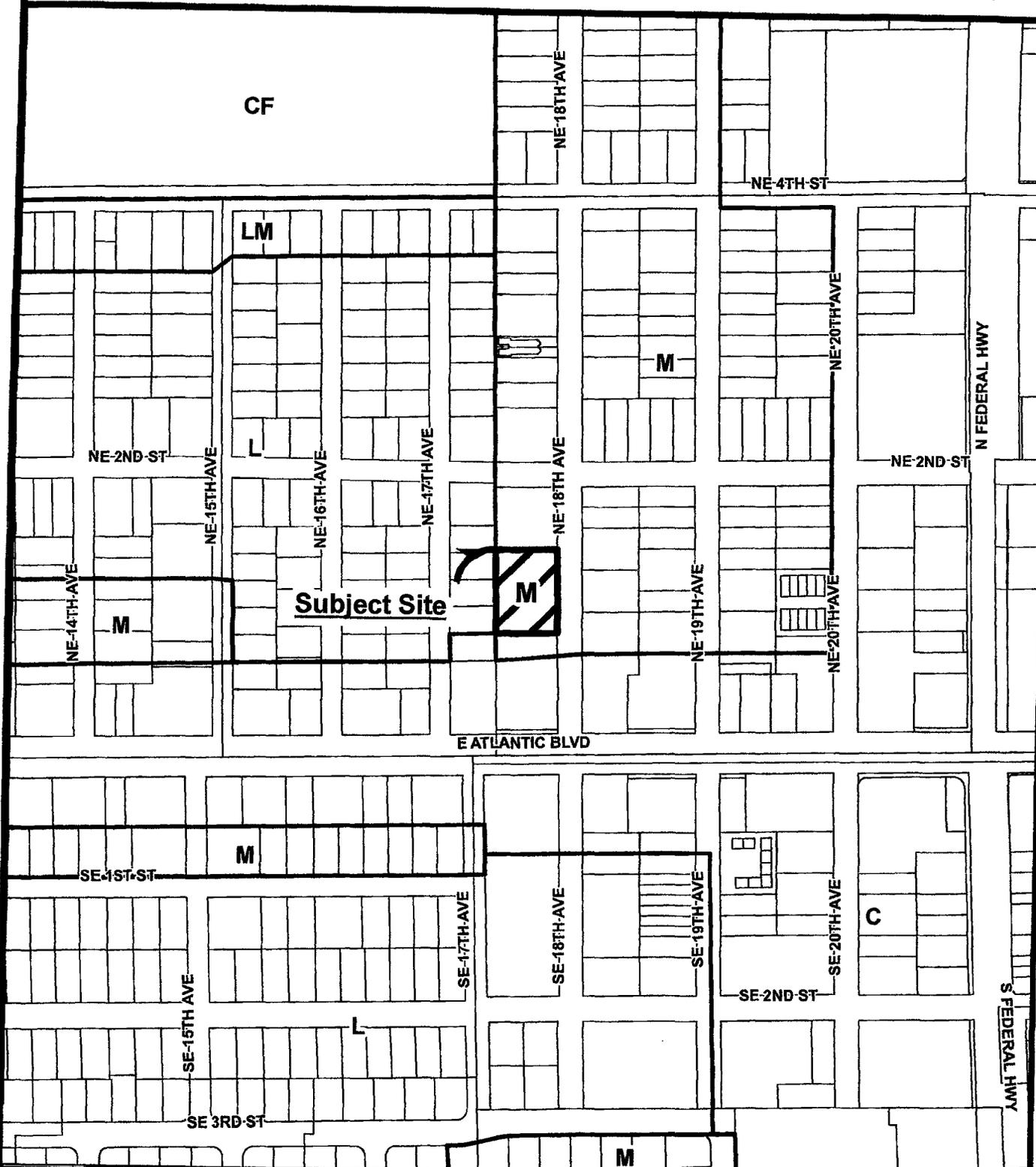
FOR ZONING MAP

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



Subject Site

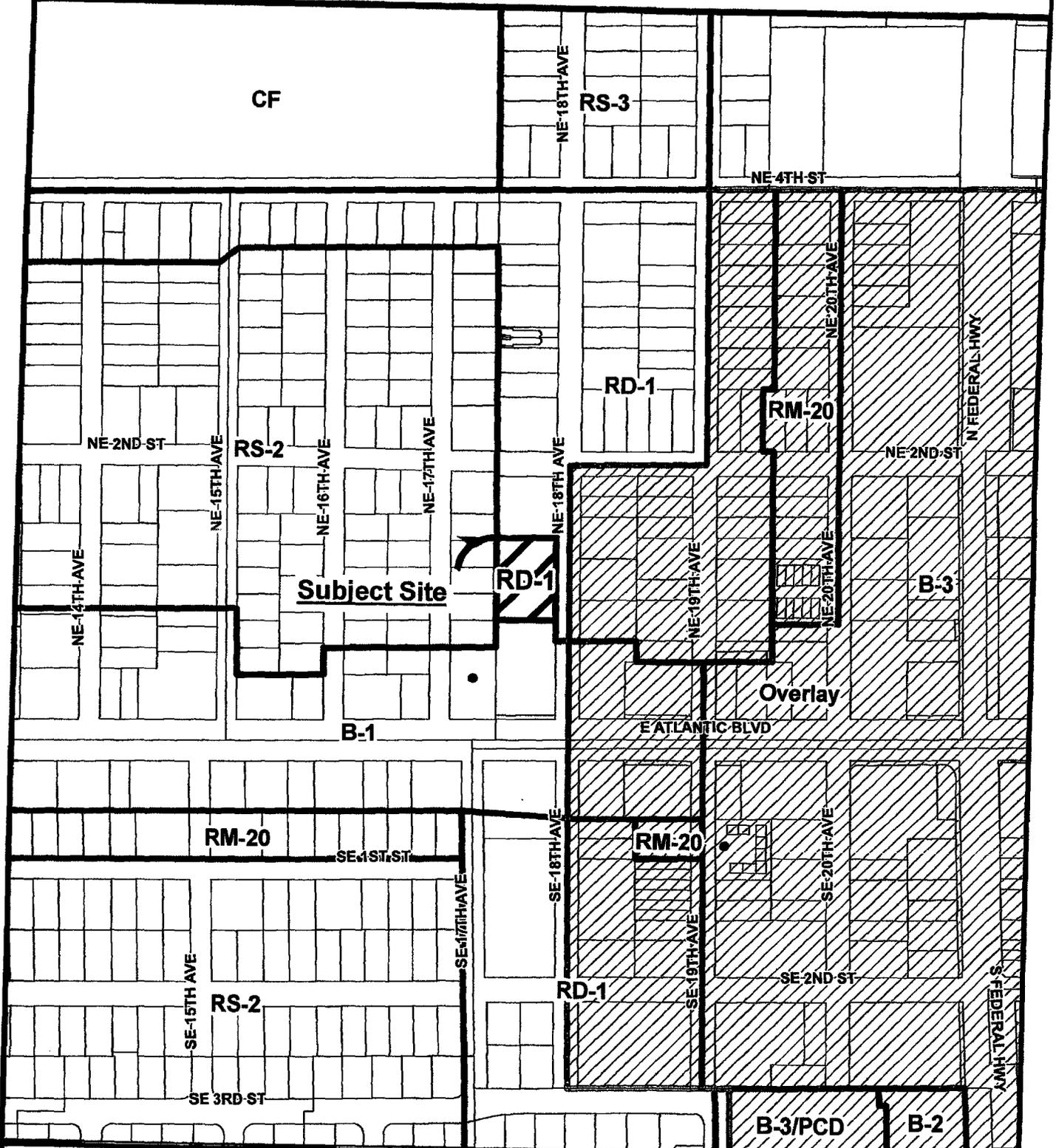
M

1 in = 333 ft

3

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES

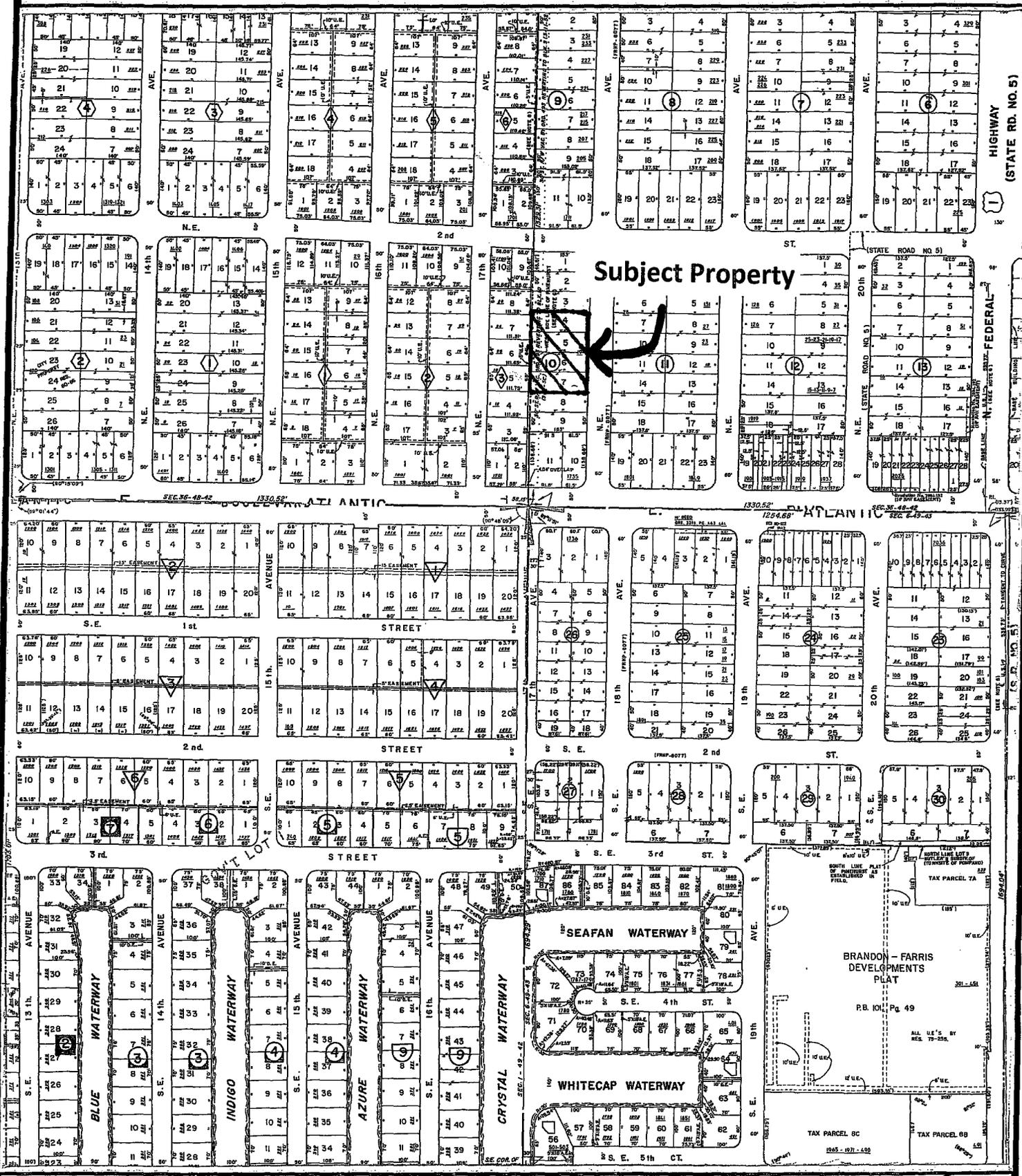
CITY OF POMPANO BEACH OFFICIAL ZONING MAP



1 in = 333 ft

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

BSO Scott Longo
scott_longo@sheriff.org Review Complete No Comments 08/13/2015

ENGINEERING DEPARTMENT Bob Lawson
bob.lawson@copbfl.com Review Complete No Comments 08-14-15:
No comments.

WASTE MANAGEMENT
Matthew.Edge@copbfl.com Assigned

PLANNING Maggie Barszewski
maggie.barszewski@copbfl.com Review Complete No Comments No Comment

LANDSCAPE REVIEW
Matthew.Edge@copbfl.com Assigned

BUILDING DIVISION Sal Pravata
salvator.pravata@copbfl.com Review Complete Pending Development Order No comments at this time

FIRE DEPARTMENT Jim Galloway
jim.galloway@copbfl.com Review Complete Pending Development Order

CRA Lorri Hall
lorri.hall@copbfl.com Review Complete No Comments No in the CRA. No comments.

UTILITIES Nathaniel Watson
nathaniel.watson@copbfl.com Review Complete No Comments 8-17-2015
No review comments at this time as the rezoning request in addition to stated interior renovation and minor exterior façade desires has no attached civil plan submittal proposing City owned utility connections.

ZONING Maggie Barszewski
maggie.barszewski@copbfl.com Review Complete Pending Development Order A Unity of Title will be necessary since the applicant will be using the existing adjacent day care for drop-off & parking.

Also, in a future site plan review, the Applicant must address the artificial grass being used at the existing daycare.

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

1. The rezoning was reviewed by DRC on August 19, 2015.
2. The property is located at 19 SE 18th Avenue.
3. The area to be rezoned is approximately 0.68 of an acre (approximately 29,621 square feet).
4. The Zoning and uses of adjacent properties are:
North – (RD-1) – Two-Family Residence, single family house
South – (B-1) – General Business, a Day Care Facility
East – (AOD) – Atlantic Blvd. Overlay District, single family house and a vacant lot
West – (RS-2) – Single Family Residence, single family houses
5. Access to this property is currently on NE 18th Avenue.
6. The Land Use Designation is (M) Medium Residential.

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

Policies

- 01.03.05 All Land Use Plan Map amendments and rezonings shall provide for the orderly transition of varying residential land use designations.
- 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.
- 01.03.00 Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan.
- 01.03.01 Eliminate or reduce nonconforming uses which are inconsistent with the land development regulations and the designations of the Future Land Use Plan map.
- 01.03.03 Encourage property owners to rezone the subject properties when initiating the development and/or redevelopment proposals to be consistent with the designations of the Land Use Plan Map.

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 of the request from Two-Family Residence (RD1) to Multi-Family Residence (RM-12) since the Board finds it to be compatible with the Comprehensive Plan Map and Policies previously stated in this report.

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 policies of the Comprehensive Plan previously stated in this report.

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

19 NE 18 th AVE.		RD-1	RM-12
STREET ADDRESS		Current	Proposed Zoning
PINEHURST		10	4-7
Subdivision		Block	Lot
Representative or Agent's interest in property (Owner, Lessee, Etc)			
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)
BB International	MUCHO Lucio Realty
Business Name (if applicable)	Business Name (if applicable)
Luciano Musella	Julia Musella, Vice President
Print Name and Title	Print Name and Title
Signature	Signature
7/20/15	7/28/2015
Date	Date
1735 E Atlantic Blvd.	2710 NE 58 th ST
Street Address	Street Address
Pompano Beach, FL 33060	FT. Lauderdale FL 33308
Mailing Address City/ State/ Zip	Mailing Address City/ State/ Zip
954-330-3919	954-560-5993
Phone Number	Phone Number
LUCIANO.MUSELLA24@gmail.com	italJulia@gmail.com
LUIGI.MUSELLA@gmail.com	
Email	Email
Indicate your preferred medium to receive agendas and notifications: <input type="checkbox"/> Mail <input checked="" type="checkbox"/> E-Mail	Indicate your preferred medium to receive agendas and notifications: <input type="checkbox"/> Mail <input checked="" type="checkbox"/> E-Mail

