



Legislation Text

File #: 2020-02, Version: 2

MOTION TO ADOPT PROPOSED ORDINANCE NO. 2020-02 ON SECOND AND FINAL READING.

PROPOSED ORDINANCE 2020-02 IS AN ORDINANCE OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 155, THE COMPREHENSIVE ZONING CODE OF THE CITY OF PEMBROKE PINES, BY SPECIFICALLY AMENDING SECTION 155.027, ENTITLED "ZONING MAP," TO RE-ZONE THE APPROXIMATE 1.6-ACRE PARCEL OF LAND GENERALLY LOCATED SOUTH OF PINES BOULEVARD AND WEST OF SW 64TH WAY, LOCATED AT 6460 PINES BOULEVARD, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; RE-ZONING FROM THE CURRENT ZONING OF B2-A (PLANNED BUSINESS CENTER) TO B-3 (GENERAL BUSINESS), SUBJECT TO THE RECORDATION OF A DECLARATION OF RESTRICTIVE COVENANTS ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY EXPLANATION AND BACKGROUND:

1. Dwayne Dickerson, at the request of his client 6500 Pines Holdings, LLC., has submitted a zoning change application for the property located at 6460 Pines Boulevard (FKA: Carter Financial Plaza, Pines Village Plaza). The applicant requests to rezone a +- 1.6 Acre portion of the property from B2-A (Planned Business Center) to B-3 (General Business) in order to redevelop the site into a 7-Eleven convenience store with gas station. As part of this rezoning request, the applicant has voluntarily provided the City with a restrictive covenant restricting the uses on this property to the following:

- Service station, convenience store, and accessory automatic car wash use within the B-3 (General Business) district.
- All permitted uses within the B-2 (Community Business) district.

2. Background

According to the property appraiser website, the existing building on this site was built in 1966. A variance (ZV 2000-12) to allow an out parcel to be located on the subject property was denied by the Board of Adjustment on February 3, 2000. A related site plan amendment application to expand the building (SP 99-68) was reviewed and ultimately withdrawn by the applicant in 2000 as a result of the outparcel request not being granted. A uniform sign plan for this property (SN 2012-22) was approved by the Planning and Zoning Board on November 8, 2012. The Planning and Zoning Board at its May 25, 2017 meeting denied variance requests for the property that would have reduced the required setbacks and buffers for the property. A related site plan (SP 2016-27) had been submitted in 2016 but ultimately was never heard at a meeting as the variances were denied.

Over the years, the previous owner of the site (Carter Financial Group, LLC) received several violations for property maintenance which have resulted in a significant monetary lien on the property. The property ultimately fell under foreclosure. The current owner acquired the property in early 2019

in foreclosure proceedings.

3. The existing zoning and land use plan designations of the surrounding properties are as follows:

North: **Pines Boulevard / McArthur High School - City of Hollywood**

East: **Zoning:** B-2A (Planned Business Center) **Land Use:** Commercial

South: **Zoning:** R-1C (One Family Dwelling) **Land Use:** Residential (Low 5)

West: **Zoning:** R-1C (One Family Dwelling) **Land Use:** Residential (Low 5)

4. Existing Zoning District (B2-A)

The underlying B2-A (Planned Business Center) zoning district was codified with the adoption of the Broward County zoning code in 1969. This commercial district was created with the following purpose:

“The B2-A Planned Business Center District is intended for locations where there is a need for proper design of buildings and structures, access, circulation, and relation to surrounding areas to provide for efficient functioning of the permissible uses, especially business uses; and for adequate protection to adjacent and nearby residential areas. These objectives can be only defined in general terms, and their realization can only be attained by adequate yards, setbacks, and limitation on principal and accessory uses where the plot is contiguous or near residentially zoned property.”

There are currently fifteen (15), B2-A zoned properties within the City. The B2-A constitutes one of the City's smallest zoning districts by acreage.

In 1992, the City Commission passed Ordinance 1013, which established land use separation / alternative bufferyard regulations between residential and non-residential uses. The establishment of these new land separation criteria ultimately replaced the goals and objectives established within the B2-A district. Other planned districts such as PCD (Planned Commercial District) and PD-SL (Planned Development Small Lot) districts have recently been adopted and allow for better tools to ensure proper harmony between commercial and residential uses. The City has not rezoned a property to the B2-A designation in decades and it is likely that staff will look at ways to reduce the amount of B2-A zoned property in the future.

5. Compatibility with Adjacent Use

Staff reviewed this rezoning application and finds that the zoning change, as proposed, is compatible with the underlying commercial land use designation as well as the existing gas station use to the east. The voluntary deed restriction offered by the applicant on the subject property ensures that certain intense commercial uses first allowed in the B-3 (General Business) district such as Vehicle Sales, Tire and Battery Stores, Tattoo Parlors, Home Improvement Centers, Pet Hotels, and Storage of Rental Vehicles will not be permitted uses on this property should it not be developed as a convenience store and gas station.

6. Compatibility with Comprehensive Plan Policy

Further, staff has determined that the rezoning and future redevelopment of this property as

proposed is consistent with the following policies of the comprehensive plan:

Policy 1.6 - Continue to implement land development regulations providing for all residential densities to be properly buffered from non-residential activities.

Policy 1.7 - Continue to evaluate all land use amendment requests for compatibility with the surrounding development and land uses.

Policy 1.8 - Continue to implement land development regulations to insure compatibility and buffering between adjacent residential and nonresidential uses.

Policy 2.2 - Continue to identify areas to attract major employers, small business enterprises, and high tech/service based economic sectors.

Policy 6.3 - Continue to implement land development regulations to insure that any uses found inconsistent with the community's character are not permitted.

Policy 7.4 - Through the development review process, the City shall continue to ensure safe and convenient on-site vehicular and pedestrian movement, off-street parking, access control management techniques, right-of-way dedications and acquisitions, and adequate access for service and emergency vehicles.

Policy 12.4 - Adequate vehicular parking shall continue to be provided for new development in accordance with the land development regulations.

Policy 18.2 - Continue to implement land development regulations to insure compatibility and buffering between adjacent residential and Non-residential uses.

Policy 18.6 - The City of Pembroke Pines shall continue to minimize the impacts of existing incompatible uses through the implementation of the land development and zoning codes, such as buffering and setback regulations.

7. The Planning and Zoning Board at its December 12, 2019 meeting voted to transmit this application to the City Commission with a favorable recommendation.

8. City Planning and Economic Development staff is currently reviewing a site plan (SP 2019-13) for the property. The site plan has been scheduled for review and recommendation by the Planning and Zoning Board on January 23, 2020. The site plan will ultimately require City Commission approval for the alternate bufferyard being proposed.

8. City staff is in agreement with the Planning and Zoning Board's recommendation and requests City Commission to pass proposed ordinance no. 2020-02 on first reading. Second and final reading is tentatively scheduled for February 19, 2020.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** None.
- b) **Amount budgeted for this item in Account No:** Not Applicable.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project:** Not Applicable
- e) **Detail of additional staff requirements:** Not Applicable