

**RESILIENT ENVIRONMENT DEPARTMENT
URBAN PLANNING DIVISION
STAFF REPORT**

Rezoning 23-Z6 Staff Report

I. Rezoning Description.

A. Rezoning Details.

The Applicant proposes to rezone a site from B2: General Commercial Business District to B3: Intense Commercial Business District. The approximately 0.62 net acre site is located in the Broadview Park community, west of SR 7/US 441, south of SW 14th Street, and east of SW 40th Terrace. Figure 1 provides the proposed rezoning details and Figure 2 provides a general location map.

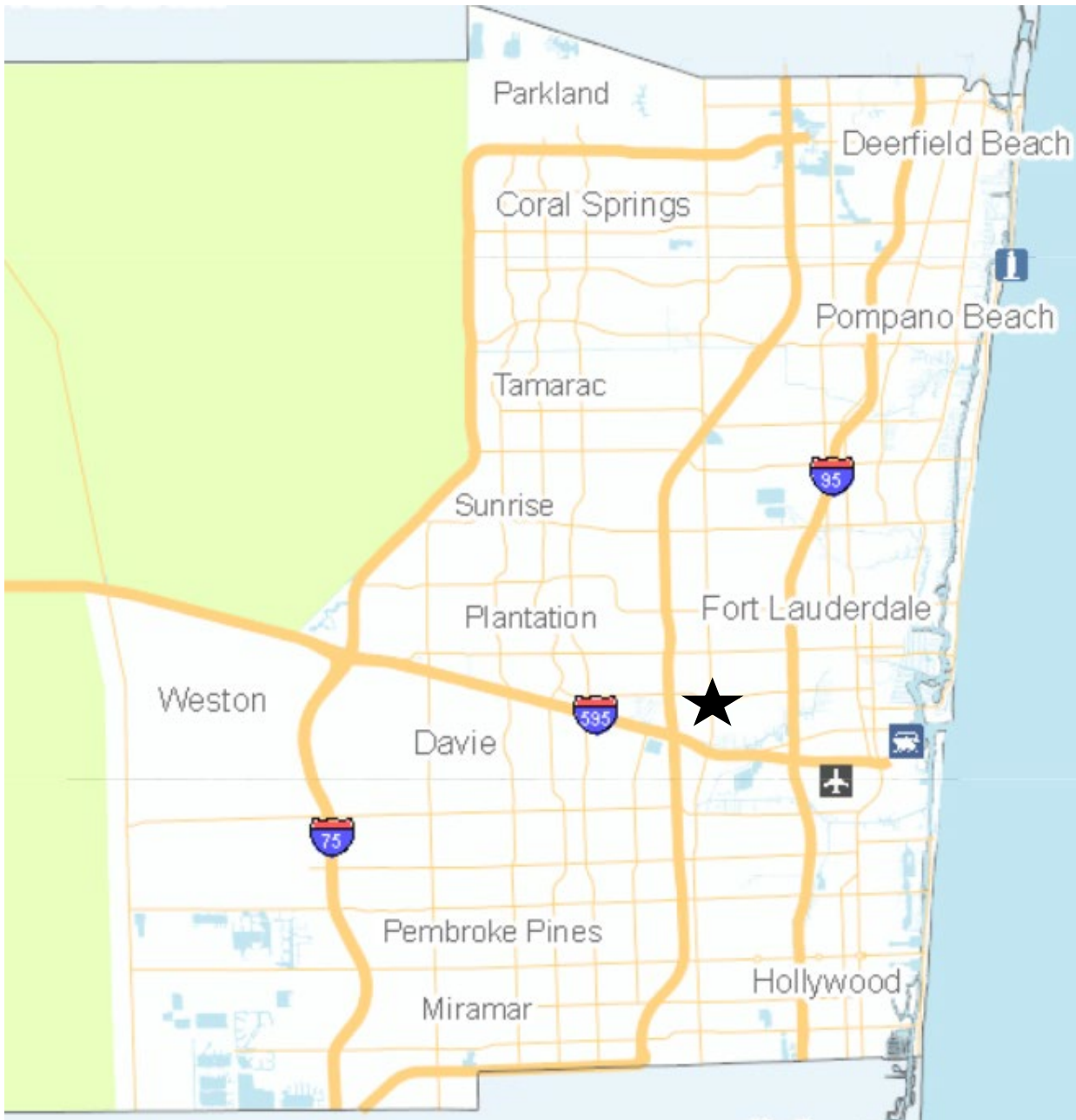
Figure 1: Proposed Rezoning Details

General Location Map Broadview Park (Attachment A)	West of SR 7/US 441, south of SW 14 th Street, and east of SW 40 th Terrace
Size	0.62 net acres (0.92 gross acres)
Effect of Rezoning	Consolidates the two zoning districts on the site into one zoning district.
Aerial Map (Attachment B)	Neighborhood Shopping Center
Current Zoning District (Attachment C)	B-2: General Commercial Business
Proposed Zoning District (Attachment D)	B-3 Intense Commercial Business.
BMSD Future Land Use Designation (Attachment E)	Commercial
BCLUP Future Land Use Designation (Attachment F)	Commerce
Commission District	District 5, Steve Geller
Applicant/Agent	Sharon Sharaby/Coker and Feiner
Property Owner	SDS Development & Trust, LLC Company
Folio Numbers	504113-02-0590, 504113-02-0591, 504113-02-0600

B. Staff Recommendation

The Resilient Environment Department's Urban Planning Division recommends that the Local Planning Agency (LPA) find the proposed rezoning consistent with the Broward County Comprehensive Plan.

Figure 2: General Location Map



C. Background

The overall development of the property has split zoning with B-3 along the US 441/SR 7 frontage and B-2 along the SW 40 Terrace Frontage. This request is for the B-2 zoned portion of the property. The proposed rezoning site is developed with a five bay commercial building. Access is provided at three locations on SR 7/US 441, and is part of a neighborhood commercial shopping center that includes two buildings. One building fronts SR 7/US 441 and is zoned B-3. The other building is set back to the rear property line and is zoned B-2.

Figure 3: Existing Development Data

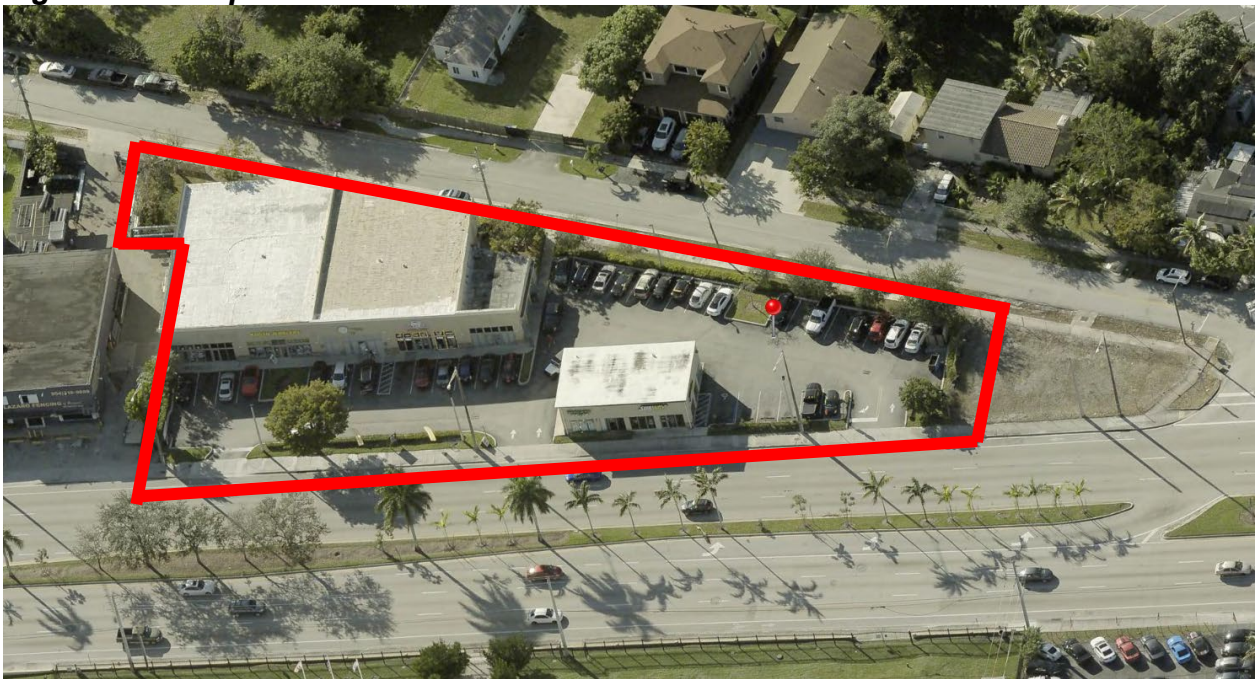
Folio	Year Built	Buildings	Building Feet	Square
504113020600	1964 (2000-extensive remodel)	2	2,823	
504113020591	1972	1	10,218	
504113020590	Not applicable	0	0	

Source: Broward County Property Appraiser, October 2023

The B-2 General Commercial Business District is primarily intended to meet the shopping and service needs of several residential neighborhoods or a substantial residential area. They are primarily located on major thoroughfares or arterials. All activities of permitted uses are limited to the interior of a building, except as specifically permitted in section 39-300, "Limitations of uses."

The B-3 Intense Commercial Business District is primarily intended to accommodate establishments and services catering to the business and industrial community, as well as services not used by residents on a regular basis. Such districts are not appropriate for locations which are contiguous to residential properties. Due to the size of permissible items which may be sold or maintained, display and storage are permitted outside.

Figure 4: Oblique Site View



Source: Broward County Property Appraiser, October 2023

Staff issued three Broward County Zoning Code violations in September of 2023. (See Figure 5). The Tattoo Shop Use is prohibited in the B-2 zoning district. Approval of the B-3 zoning district would serve, in part, to remedy this violation. The medical marijuana office is permitted in the B-2 zoning district; and would be permitted in the requested B-3 zoning district however, the applicant has been issued a Zoning violation for not first obtaining a Certificate of Use and has commenced construction without having been issued a building permit.

Figure 5: Code Violations

Case	Date Issued	Folio	Violation
23-1320	9/15/23	504113-02-0600	Section 39-296, Prohibited use – Tattoo Shop
23-1279	9/11/23	504113-02-0591	Section 39-19, Operation without Certificate of Use: Medical Office
23-1280	9/11/23	504113-02-0591	Section 39-15(a) Construction without Permit

Figure 6: Site Photos – October 17, 2023



II. Summary of Evaluation Criteria.

The Broward County Zoning Code, Section 39-30 requires the Board of County Commissioners to consider eleven (11) factors when evaluating a rezoning request. These factors are addressed below.

A. Ambiguity/Error.

The proposed rezoning affects three parcels that have split zoning, with B-3 zoning along the frontage on SR 7/US 441 and B-2 zoning in the rear along SW 40th Terrace. Split zoning is often used on large parcels to minimize the negative impacts to adjacent residential development. However, the property in question comprises several small parcels laid out and developed as one functional site plan. The lots are difficult to develop due to their size, as well as their irregular shape.

Staff finds that a single zoning district is most appropriate and the B-3 zoning district is most appropriate for SR 7/US 441 corridor.

B. Changing Conditions.

Broward County is nearly fully developed, but growth continues through urban infill and redevelopment. As this growth occurs, there is additional demand for land with the B-3 zoning district.

Staff finds the proposed rezoning provides additional land for the B-3 zoning district.

C. Applicant Testimony.

Verbal and written testimony from the applicant will be considered by the Local Planning Agency and Board of County Commissioners at public hearings.

D. Staff Recommendation.

See Section I.B.-Staff Recommendation

E. Public Testimony

Verbal and written testimony from the public will be considered by the Local Planning Agency and Board of County Commissioners at public hearings.

F. Consistency with Goals, Objectives, and Policies of the Broward County Comprehensive Plan.

The following goals, objectives and policies of the Broward County Comprehensive Plan are applicable:

- OBJECTIVE BMSD 1.1 – BMSD Future Land Use Map Broward County shall maintain a BMSD Future Land Use Map that designates the future location and extent of residential, commercial, industry, agriculture, recreation, conservation, education, public facilities, and other land uses.
 - POLICY BMSD 1.1.1 Future land use categories shall be available for designation on the BMSD Future Land Use Map that are consistent with the Broward County

Land Use Plan and associated maps, to allow various land uses by type and at assorted densities and intensities, including the following land use categories:

...

Commercial

Commercial Use Commercial future land use designation is intended to provide land for business, office, retail, service, and other commercial enterprises that support the resident and tourist populations of Broward County. Uses that may be permitted in areas designated Commercial are as follows:

1. Retail uses, restaurants, financial institutions, personal services.
2. stations, ice houses, propane gas sales and repair, new/used automobile, truck, motorcycle, boat and trailer display, sales Gas, and service, printing shops, and small-scale trade shops.
3. Office and business uses.

...

- POLICY BMSD 1.1.5 Future land uses shall be coordinated with the availability of public facilities and services.
- POLICY BMSD 1.1.7 Future land uses shall be compatible with adjacent land uses and shall protect existing single-family neighborhoods from incompatible development.
- POLICY BMSD 1.1.9 Land shall be designated for future land uses that encourage redevelopment.
- POLICY BMSD 3.1.4 Broward County will regulate development in Broadview Park through the administration of the Comprehensive Plan, Land Development Code, and Zoning Code.
- POLICY BMSD 3.1.5 Broward County will provide Code enforcement services to Broadview Park to ensure compliance with zoning regulations.

Staff finds the proposed rezoning is consistent with the goals, objectives, and policies of the Broward County Comprehensive Plan, including Broward Municipal Services District Element Objective BMSD 1.1 and Policies BMSD 1.1.1, BMSD 1.1.5, BMSD 1.1.7, BMSD 1.1.9, BMSD 3.1.4, and BMSD 3.1.5.

G. Comprehensive Plan Consistency: General Uses

The subject site is designated Commercial on the BMSD Future Land Use Map. The B-3 zoning district is a commercial zoning district that implements the Commercial future land use designation.

Staff finds the proposed B-3 Zoning District is consistent with the Commercial future land use designation.

H. Protection, Conservation, or Preservation of Environmentally Critical Areas and Natural Resources.

The Resilient Environment Department reviewed the proposed application based upon current conditions (Attachment G). A summary is provided in the table below.

Figure 7: Environmental Conditions

Type	Impact
Contaminated Sites within ¼-mile	None
Active Solid Waste Facilities within one (1) mile	None
Wetlands	None. Conceptual Dredge and Fill Review Report not required.
Filling of land	Environmental Resource License not required.
FEMA Special Flood Hazard Area	No
Upland Resources	Broward County Tree Removal License is required to remove or relocate trees.
Hazardous Material Facilities/Storage Tanks within ¼ mile	Nineteen (19). Spills on these sites may migrate onto the subject site.
Wellfield Zone of Influence	The site is located within a ¼ mile of a Wellfield Zone 3. Special restrictions apply pursuant to Broward County's Wellfield Protection Regulations.
SARA Title III Facilities within ¼ mile	One (1)
Air Permitted facilities within ½ mile	Two (2)
Facilities with potential odor or noise problems	None.
Specially Designated Areas	None.
Protected Natural Lands	None.
Marine and Riverine Resources	None.
Priority Planning Areas for Sea Level Rise	None.
Water Recharge Capability	Decrease.
Potable Water Impact	None.

Certain activities may require an Environmental Resource License. Prior to undertaking surface disturbing activities, contact the Environmental Permitting Division at 954-519-1483 or AWRLicense@broward.org for specific code requirements.

Staff encourages the following:

- 1. Removal of all invasive exotic vegetation, including Melaleuca, Brazilian pepper, Australian pine, and others as listed in the Exotic Pest Plant Council's List of Florida's Most Invasive Species during the development process. A management plan may be necessary to control re-invasion of same.*
- 2. Plans for development includes air quality measures or provisions that will support alternative methods of transportation. These measures include promoting the use of transit, promoting the use of ridesharing, promoting the use of alternative fuel vehicles (AFV) where appropriate and AFV infrastructure, bikeways and bike storage facilities, and the use of pedestrian friendly designs which will include native tree shaded areas.*
- 3. Broward County's preferred lighting standards be considered to minimize sky glow and lighting disturbance of wildlife.*
- 4. Development be coordinated with the NatureScape Broward Program.*

I. Consistency with Densities, Intensities, and General Uses Set Forth in the Broward County Comprehensive Plan.

Figure 8: Site and Surrounding Land Uses

Location	Existing Land Use	Allowed Density	Current Zoning	Current BMSD Future Land Use	Current Future Land Use-BCLUP
Subject Site	Neighborhood Shopping Center	Not applicable	B-2: General Commercial Business	Commercial	Commerce
North	Vacant, then used automobile sales (independent)	Not applicable	B-3: Intense Commercial Business	Commercial	Commerce
East	Peele Dixie Water Treatment Plant	Not applicable	B-3: Intense Commercial Business	Commercial	Commerce
South	Commercial plaza (auto repair, retail-motor parts, retail warehouse - fencing)	Not applicable	B-2: General Commercial Business	Commercial	Commerce
West	Single-family residential, duplex, vacant	Ten (10) du/acre	RD-10: Duplex/Attached One-Family	Low-Medium (10) Residential	Low-Medium (10) Residential

Staff finds the proposed B-3 zoning is consistent with the intensity and general uses set forth in the Broward County Comprehensive Plan.

J. Infrastructure Capacity.

The proposed rezoning site is served by the full complement of urban services. (See Attachments H to M).

Staff finds that infrastructure capacity for potable water, sanitary sewer, drainage, solid waste, and public transit is expected to be available to serve the rezoning site.

Staff recommends that if significant redevelopment of the site occurs, complete streets enhancements be provided.

K. Compatibility of Existing and Proposed Uses.

Compatibility is “a condition in which land uses or conditions can co-exist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted either directly or indirectly by another use or condition.” Staff evaluates compatibility based upon the characteristics of the proposed use in relation to the surrounding uses.

The site is located on a six-lane divided arterial roadway that is developed with a variety of predominantly smaller, strip commercial uses that serve the Broadview Park neighborhood and surrounding communities. The existing development follows a traditional step-down pattern, with the density and intensity decreasing from SR 7/US 441 toward the west. The uses permitted in the proposed B-3 zoning district are generally compatible with existing and proposed uses in the general vicinity.

Staff finds the proposed rezoning allows a circumstance in which land uses or conditions can co-exist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted either directly or indirectly by another use or condition.

L. Oceanfront Properties Considerations.

Not applicable.

III. Attachments (See Exhibit 2)

Attachment A: General Location Map

Attachment B: Existing Land Use (Aerial) Map

Attachment C: Current Zoning Map

Attachment D: Proposed Zoning Map

Attachment E: Broward Municipal Services District Future Land Use Map

Attachment F: Broward County Land Use Plan Future Land Use Map

Attachment G: Environmental Review Report

Attachment H: Potable Water Comments

Attachment I: Wastewater Comments

Attachment J: Drainage Comments

Attachment K: Solid Waste Comments

Attachment L: Public Transit Comments

Attachment M: Complete Streets Comments

Attachment N: Local Planning Agency Public Hearing Notice

Attachment O: Applicant Correspondence to Broadview Park Civic Association