



Resilient Environment Department
URBAN PLANNING DIVISION

1 N. University Drive, Box 102 • Plantation, Florida 33324 • 954-357-6634 • FAX
954-357-6521 Zoning@broward.org • Broward.org/Planning

Rezoning Application Instructions and Checklist

Please read the following instructions carefully prior to filing your application.

The Process

1. Any rezoning request will be scheduled for a hearing before the Broward County Zoning Local Planning Agency (LPA) who will make a recommendation for approval or denial to the Board of County Commissioners.
2. Following the hearing by the LPA, a final hearing will be scheduled before the Board of County Commissioners, who may either accept or reject the recommendation of the LPA.

Before submitting this application, you should review it with the following sections:

Zoning Section

One N. University Dr., Ste 102-A • Plantation, FL 33324
954-357-6618/6635/9791

Planning Section

One N. University Dr., Ste 102-A • Plantation, FL 33324
954-357-5657

Complete and submit your application with the following:

- Two current sealed boundary surveys (if the property is undeveloped) or two as-built surveys (if the property is developed) plus 18 copies of the survey (boundary or as-built) of the petitioned property indicating the gross and net acreage, legal description, all rights-of-way and easements of record.
- Proof of property ownership (warranty deed).
- Fee of **\$750** for each zoning district requested, except "Planned Development District" (PDD) and "Planned Employment Center" (PEC) for which the fee is **\$800 plus \$15 per acre. Please make checks payable to Broward County Board of Commissioners.** Checks must be drawn on a bank within Florida.
- A letter or document from the water and sewer provider indicating there is capacity available for any increased needs due to future development. *not required. see email from Jo.*
- A written explanation of how this application meets the criteria for [Section 39-30\(a\)\(1\)](#).

Petitioners, petitioner's agents, the owner of the subject property and all property owners within 500 feet (1,000 feet in rural or agricultural areas) of the petition area will be notified of all public hearings (at least 10 days prior to LPA and County Commission hearings). The petitioner or authorized agent is required to attend the hearings.



All information and case files concerning rezoning matters are of public record and available for inspection at our offices upon request.



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 PDMInfo@broward.org • Broward.org/Planning

Application for Rezoning

Property Owner Information			
Last Name Sharaby	First Name Sharon	Middle Initial	Suffix
Address 5310 SW 10 Ter	City Fort Lauderdale	State FL	Zip 33312
Phone	Mobile Phone (954) 394-6615	FAX	Email thuy@turnerplanningsolutions.com
Authorized Agent Information			
Last Name Feiner	First Name Rod	Middle Initial	Suffix
Company Name Coker & Feiner		Title or Position Attorney	
Address 1401 South Andrews Avenue	City Fort Lauderdale	State FL	Zip 33316
Phone (954) 761-3636	Mobile Phone	FAX	Email rafeiner@coker-feiner.com
Petitioner Information (if different from owner)			
Last Name	First Name	Middle Initial	Suffix
Company Name		Title or Position	
Address	City	State	Zip
Phone	Mobile Phone	FAX	Email
Legal Description and Folio Number (or indicate per attached survey)			
COLLIER GROVES 22-42 B LOT 102 & LOT 102A LESS E 12 FOR RD, LOT 100A N1/2 LESS E 12 & LOT 100 N 45 EXCEPT S 20 OF N 45 OF E 90, LOT 101A LESS E 12 & LOT 101			

Proposed Zoning District(s)	Existing Zoning District(s)	Future Land Use Designation
1. <u>B-3</u> Acreage _____	1. <u>B-2</u> Acreage _____	1. <u>Commerce</u> Acreage _____
2. _____ Acreage _____	2. _____ Acreage _____	2. _____ Acreage _____

Proposed Use of Property Commercial	Existing Use of Property Commercial
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Residential/Commercial Flexibility

- | | | | | | |
|------------------------------|------------------------------|-------------------------------|---------------------------------|-------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5% Residential to Commercial | 20% Industrial to Commercial | 20% Commercial to Residential | Employment Center to Commercial | Residential Flexibility Units | Reserve Units |

Number of Units: _____

If plat is in process, please indicate number: _____ -UP- _____
 If site plan is in process, please indicate number: _____ -SP- _____

Location and acreage of any contiguous property owned or controlled by the petitioner or owner of this property

Owner Certification

This is to certify that I am the owner of the property described on the attached survey and I have authorized the filing of this request. I understand that I or my representative must attend the hearing to present the case.

[Signature]
Owner's Signature

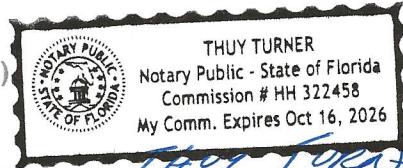
Sharon Sharaby
Print Name

NOTARY PUBLIC

**STATE OF FLORIDA
COUNTY OF BROWARD**

The foregoing instrument was acknowledged before me, the undersigned Notary Public, by means of physical presence or online notification, this 7th day of August, 2023, by Sharon Sharaby who is: Personally Known to me, or Produced Identification Type of identification produced _____.

(NOTARY SEAL)



[Signature]
Signature of Notary Public - State of Florida

THUY TURNER
Name of Notary Typed, Printed or Stamped

LAW OFFICES
COKER & FEINER
1404 SOUTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33316-1840

RICHARD G. COKER, JR., P.A.
ROD A. FEINER
KATHRYN R. COKER

TELEPHONE (954)761-3636
TELEFAX (954)761-1818

rgcoker@coker-feiner.com
rafeiner@coker-feiner.com
krcoker@coker-feiner.com

MEMORANDUM

Date: August 15, 2023
To: Heather Cunniff
Broward County Urban Planning Division
From: Rod A. Feiner, Esq.
Re: SDS Development & Trust, LLC
1417 SW 40 Ave/S State Road 7

GENERAL PROJECT DESCRIPTION

GENERAL NATURE OF THE REQUEST

The Applicant and Owner, SDS Development & Trust, LLC (“Applicant” or “SDS”), owns the properties which are located at 1413-1417 SW 40 Ave/S State Road 7. The property has been developed as one commercial shopping center. An aerial of the property is attached hereto. The property is currently split zoned with approximately the western 40 feet of the property, that being immediately adjacent to State Road 7, being zoned B-3 and the remainder of the SDS property being zoned B-2. In addition, one building on the SDS property is located in an area where the property is zoned B-3 while the remaining buildings are within the B-2 zoning district. SDS is requesting that the portion of its property currently zoned B-2 be changed to B-3.

RE-ZONING REQUEST

A re-zoning from the B-2 Zoning District to the B-3 Zoning District.

RE-ZONING REVIEW STANDARDS

1. *Whether there exists an error or ambiguity which must be corrected.*

The Applicant asserts that there is an error or ambiguity which should be corrected. The property is currently split-zoned between B-2 and B-3 even though it has been developed and is being utilized as one development. This, this Applicant asserts, is a mistake or ambiguity. In addition, it is appropriate to re-zone the B-2 portion of the property to B-3 as the property to the north of the SDS property is currently

zoned B-3, the property east of the SDS property is zoned for utilities and the property further south of the SDS property is also zoned B-3. State Road 7 is also a major arterial roadway and it makes sense for properties to be zoned B-3 when they are adjacent to an arterial roadway. In addition, SW 49th Terrace serves as a buffer between the SDS property and the residential property to the west and the subject property does not have access to SW 49th Terrace.

2. *Whether there exists changed or changing conditions which make approval of the request appropriate.*

There exists changed or changing conditions which make approval of the request appropriate. SW 49th Terrace is not readily accessible from the Owner's parcel and thus trips will not be placed onto this roadway. In addition, State Road 7 has increased traffic and usage which make the B-3 Zoning District appropriate for the entire subject property. There are also changed circumstances in that the parcels near the site are now also zoned B-3 which make the proposed re-zoning compatible with the surrounding properties.

3. *The testimony of any applicants, their agents or representatives.*

Such testimony will be presented at the hearing.

4. *The recommendation of staff.*

The recommendation of Staff and will be presented at the hearing.

5. *The sworn and unsworn testimony of the public.*

The testimony of the public will take place at the hearing. The Applicant has offered to meet with the surrounding civic association.

6. *Whether the request is consistent with the goals, objectives, policies, and intent of the Broward County Comprehensive Plan*

The request is consistent with the goals, objectives, polices and intent of the Broward County Comprehensive Plan. The proposed B-3 Zoning District is consistent with the current Land Use Designation given to the property in the Broward County Comprehensive Plan which makes the requested rezoning consistent with the County Comprehensive Plan.

7. *Whether the request is consistent with the densities, intensities, and general uses set forth in the Broward County Comprehensive Plan and the Land Use Element Map.*

The requested rezoning is consistent with the general uses set forth in the Broward County Comprehensive Plan. The proposed rezoning is from B-2 to B-3, both commercial districts, thus making the uses consistent with the Comprehensive Plan while also making any density issue not applicable. In addition, there is B-3 zoned property to both the north and south of the SDS property, making the proposed re-zoning consistent with the intensity and general uses set forth in the Broward County Comprehensive Plan.

8. *Whether the request will protect, conserve, or preserve environmentally critical areas and natural resources*

The subject property is part of a commercial shopping center located adjacent to State Road 7. This item is primarily not applicable. However, the Owner does have all appropriate surface water management approvals for this project, is retaining its storm water as required by the Code and the property will continue to abide by all environmental and surface water regulations and requirements.

9. *Whether the request will place an undue burden on existing infrastructure and whether capacity exists for any projected increase that may be generated.*

The request will not place an undue burden on existing infrastructure. As previously mentioned, the property has already been developed and is currently occupied. Changing the zoning from B-2 to B-3 will not create an additional burden on existing infrastructure.

10. *Whether the permitted uses in a requested rezoning are compatible with existing and proposed uses in the general vicinity; except, however, nonconforming uses of neighboring lands, structures, or buildings shall not be considered as support for approval of any request.*

The permitted uses in the requested rezoning are compatible with existing and proposed uses in the general vicinity. The front portion of the SDS Property is currently zoned B-3 and the adjacent northern corner of the property is also zoned B-3. In addition the properties to the north of the subject site up to the intersection with Davie Road are all zoned B-3. B-3 zoning also exists on properties that are located south of the subject property. To the east of the property is a utility station which is zoned for utility uses and there is a roadway which buffers the subject property from the properties to the west. In addition, there is no direct access from this roadway to the subject property which means that traffic from the subject property will be placed onto State Road 7 and not the buffering roadway.

11. *Whether, for oceanfront properties, the following goals would be supported:*

1. *The need to protect and restore beaches, particularly dunes and vegetation, through techniques such as conservation, easements, re-vegetation, elevated walkways, and clustering of development;*
2. *The need to ensure the protection and enhancement of sea turtle nesting;*
3. *The extent to which the regulations regarding construction seaward of the coastal construction line would affect a property owner's ability to develop the uses in a requested zoning district; and*
4. *The location of marinas, boat ramps, and other water-dependent uses in a manner which protects manatees in those areas which they frequent.*

Not applicable as the property in question is not oceanfront.

From: [Rod Feiner](#)
To: elsvacker@gmail.com; viktor262@aol.com; courtneyyounce@gmail.com; rickpelaeza@gmail.com; Orit Beilis
Cc: Thuy Turner; Saiphoo, Cyril; broadviewparkcivic@gmail.com
Subject: SDS Development & Trust
Date: Thursday, July 20, 2023 7:08:59 PM
Attachments: [sds aerial.pdf](#)

Good Evening –

Please be advised that I represent SDS Development & Trust, LLC. SDS owns the property that is located at 1417 S State Road. The property is currently developed with a retail shopping center. An aerial depicting the property is attached hereto.

The property is currently split-zoned. This is depicted in the aerial. The frontage of the property adjacent to US 441 has B-3 Zoning and the rear half of the property has B-2 Zoning. My client is proposing to re-zone the back half of the property from B-2 to B-3. An application has not yet been filed with the County. Re-zoning the rear of the property to B-3 will make the zoning will match the front of the property and the zoning will match the zoning the surrounding area. The properties across US 441 are currently zoned B-3, the property to the south of my client's property is zoned B-3 and the properties north of my client's property, north of SW 14th Street are also zoned B-3. In addition, SW 28th Terrace serves as an additional buffer between the property and your neighborhood.

No redevelopment of the shopping plaza is proposed. The re-zoning is proposed to make the property compatible with its surrounding zoning.

We would like an opportunity to address your Board to see if you have any questions or comments about the planned re-zoning. I know that your Association is not having any formal meetings until September but my client would like to make a presentation to your Board of Directors in the near future. Perhaps this could occur at a special set meeting of the Board. I was thinking that, if Board Members were not present, then we could have a virtual meeting via Zoom or some other method. Then, if you wanted us to make a presentation to all of the members of the Association we could also do that at a special meeting.

I look forward to hearing from you and look forward to speaking to you all.

Sincerely,

Rod

Rod A. Feiner, Esq.
Coker & Feiner
1404 South Andrews Avenue
Fort Lauderdale, Florida 33316
Telephone: (954) 761-3636
Facsimile: (954) 761-1818
rafeiner@coker-feiner.com

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From: [Sesodia, Josie](#)
To: [Thuy Turner](#)
Cc: [Rod Feiner](#); [Cunniff, Heather](#); [Saiphoo, Cyril](#)
Subject: RE: Rezone Application
Date: Thursday, August 10, 2023 1:37:24 PM
Attachments: [image002.png](#)

Hi Thuy:

Verification of water and wastewater on capacity availability will not be required, unless new construction is being proposed.

Thanks

Jo



JOSIE P. SESODIA, AICP DIRECTOR

Resilient Environment Department

URBAN PLANNING DIVISION

1 North University Drive, Box 102, Plantation, FL 33324

jsesodia@broward.org | 954 357-6602

<https://www.broward.org/Planning>

From: Thuy Turner <thuy@turnerplanningsolutions.com>
Sent: Thursday, August 10, 2023 12:16 PM
To: Cunniff, Heather <HCUNNIFF@broward.org>; Saiphoo, Cyril <CSAIPHOO@broward.org>
Cc: Rod Feiner <rafeiner@coker-feiner.com>; Sesodia, Josie <JSESODIA@broward.org>
Subject: RE: Rezone Application

Hi Heather and Cyril,

I want to follow up on the email below with a question about the application which I never received a response. Can you help me with my question please?

Thank you,

Thuy



Thuy (twee) Turner, AICP, LEED AP BD+C

Turner Planning Solutions LLC

Phone: 954-610-1633

From: Thuy Turner
Sent: Sunday, August 6, 2023 10:52 AM
To: hcunniff@broward.org; csaiphoo@broward.org
Cc: Rod Feiner <rafeiner@coker-feiner.com>
Subject: Rezone Application

Hi Heather and Cyril,

Thank you again for meeting with us a couple weeks ago for the rezoning of the property at 1417 SW 40 Avenue. We are working on putting the packet together and on the application, there is request for a letter or document from the water and wastewater on capacity availability. Is that required for our application since the site is existing commercial and rezoning from B-2 to B-3?

Please advise and thank you for your time.

Thuy



Thuy (twee) Turner, AICP, LEED AP BD+C
Turner Planning Solutions LLC
Phone: 954-610-1633

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.



SKETCH AND LEGAL DESCRIPTION

BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com
CERTIFICATE OF AUTHORIZATION LB#3870



LEGAL DESCRIPTION: REZONING FROM B-2 TO B-3

A PORTION OF LOT 100, ALL OF LOTS 101 THROUGH 106, INCLUSIVE, AND THE SOUTH 12 FEET OF LOT 107, "**COLLIER GROVES**", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 42, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 100; THENCE NORTH 14°51'24" EAST ALONG WESTERLY LINE OF SAID LOT 100 FOR 5.50 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 14°51'24" EAST ALONG THE WESTERLY LINE OF SAID LOTS 100 THROUGH 107, INCLUSIVE, 375.08 FEET; THENCE NORTH 86°52'23" EAST ALONG A LINE LYING 12 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT 107 FOR 26.84 FEET TO A POINT ON THE EAST LINE OF LOT 107; THENCE SOUTH 01°57'35" EAST ALONG THE EAST LINE OF LOTS 100 THROUGH 107, INCLUSIVE, 337.02 FEET; THENCE SOUTH 86°57'25" WEST 89.66 FEET; THENCE SOUTH 01°57'35" EAST 20.00 FEET; THENCE SOUTH 86°57'25" WEST 45.71 FEET TO THE **POINT OF BEGINNING**

SAID LANDS LYING AND BEING IN BROWARD COUNTY, FLORIDA, AND CONTAINING 27,155 SQUARE FEET (0.6233 ACRES), MORE OR LESS.

NOTES:

1. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OR AN ELECTRONIC SIGNATURE AND ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN WITH THE WEST LINE OF LOTS 100-107 BEING N14°51'24"E.
3. THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
4. ALL RECORDED DOCUMENTS ARE PER BROWARD COUNTY PUBLIC RECORDS.

CLIENT: SDS DEVELOPMENT & TRUST LLC

SCALE: NA

DRAWN: R.V.

ORDER NO.: 71709

DATE: 8/15/23

PARCEL TO REZONE

BROWARD COUNTY, FLORIDA

FOR: SDS DEVELOPMENT SITE

SHEET 1 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

- JOHN F. PULICE, PROFESSIONAL SURVEYOR AND MAPPER LS2691
- VICTOR R. GILBERT, PROFESSIONAL SURVEYOR AND MAPPER LS6274
- DONNA C. WEST, PROFESSIONAL SURVEYOR AND MAPPER LS4290
STATE OF FLORIDA



SKETCH AND LEGAL DESCRIPTION

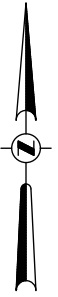
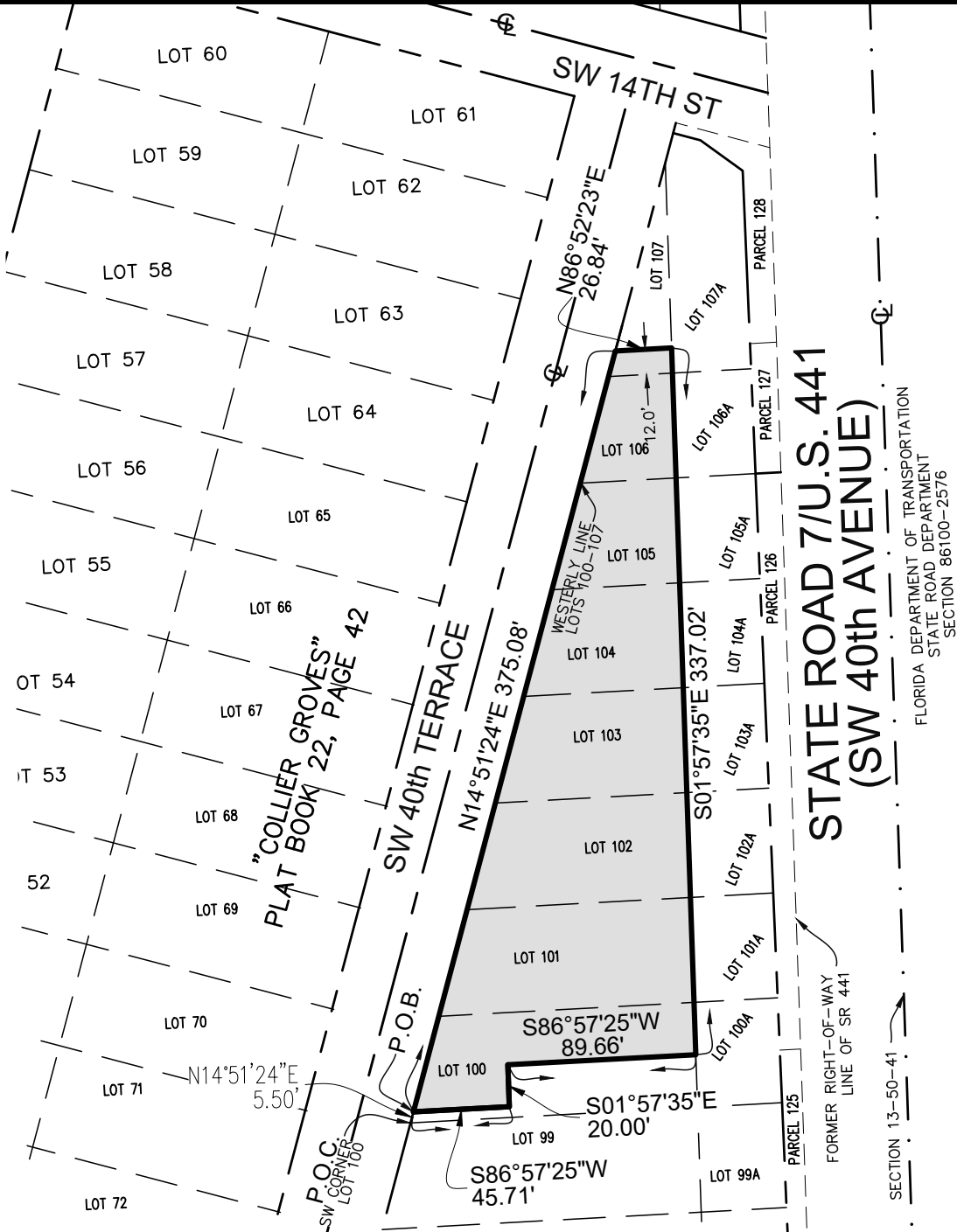
BY

PULICE LAND SURVEYORS, INC.

5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351

TELEPHONE: (954) 572-1777 • E-MAIL: surveys@pulicelandsurveyors.com

CERTIFICATE OF AUTHORIZATION LB#3870



CLIENT: SDS DEVELOPMENT & TRUST LLC

SCALE: 1"=80'

DRAWN: R.V.

ORDER NO.: 71709

DATE: 8/15/23

PARCEL TO REZONE

BROWARD COUNTY, FLORIDA

FOR: SDS DEVELOPMENT SITE

SHEET 2 OF 2

THIS DOCUMENT IS NEITHER FULL NOR COMPLETE WITHOUT SHEETS 1 AND 2

LEGEND & ABBREVIATIONS:

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT