

CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

DATE: April 10, 2012

TO: Robert Baldwin, City Manager

VIA: Robert Daniels, Director *Robert Daniels*

FROM: Corinne Lajoie, AICP, Principal Planner, LEED Green Associate *CL*

SUBJECT: RZ-12-12: The applicant, Alan M. Levy, is requesting to rezone a property from Industrial General to Commercial located at 1249 Stirling Road (FIRST READING).

REZONE

To change the zoning of the property from Industrial General to Commercial.

PROPERTY INFORMATION:

EXISTING ZONING:	Industrial General (IG)
PROPOSED ZONING:	Commercial (C-4)
FUTURE LAND USE:	Commercial
OVERLAY:	Design District

The subject property is located on the south side of Stirling Road, within the recently created Design District. The property was recently purchased and updated by the current owner who is in the process of leasing the property.

REZONE

The applicant is requesting to change the zoning of the subject property from Industrial General (IG) to Commercial (C-4). The buildings on the property provide a great deal of open window area which is customarily associated with commercial property. In addition, the design of the site, with an abundance of parking and absence of dock loading, further supports commercial activity on the property. As such, the property has recently received interest from a home furnishings business interested in location at this property.

This property is located within the recently designated Dania Beach Design District, which encourages the congregations of design-focused industry in the city.

The applicant states the rezoning is necessary in order to expand the mix of future uses, further embracing the recently approved Design District Overlay and allow an expanded list of retail uses to better serve the design industry.

In accordance with Section 645-40 of the Unified Land Development Code, rezoning of property may be granted when:

- (1) The request is consistent with the city's comprehensive plan; and

(2) The request is consistent with all applicable redevelopment plans, corridor plans, neighborhood plans, and master plans approved by the city commission; and

(3) The request would not give privileges not generally extended to similarly situated property in the area, or result in an isolated district unrelated to adjacent or nearby districts; and

- a. The request furthers the city's adopted community redevelopment plan, if applicable; or
- b. An error or ambiguity must be corrected; or
- c. There exists changed or changing conditions which make approval of the request appropriate; or
- d. Substantial reasons exist why the property cannot be used in accordance with the existing zoning; or
- e. The rezoning is appropriate for the orderly development of the city and is compatible with existing (conforming) adjacent land uses and planned adjacent land uses.

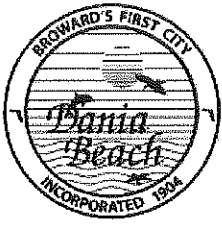
This change would provide consistency between the zoning and future land use designation and is consistent with the city's approved Design District overlay. Further, the proposed change of zoning is appropriate for the orderly redevelopment of the city and is compatible with existing (conforming) adjacent land uses and planned adjacent land uses.

PLANNING AND ZONING BOARD RECOMMENDATION

On March 21, 2012, the Planning and Zoning Board sitting as the Local Planning Agency, recommended approval of the rezoning request.

STAFF RECOMMENDATION

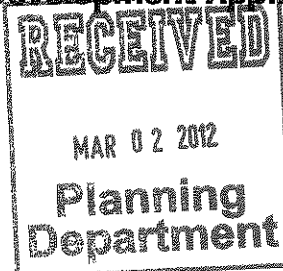
Approve



City of Dania Beach, Florida
 Department of Community Development
 Planning and Zoning Division
 (954) 924-6805 X3643
 (954) 922-2687 Fax

Standard Development Application

- Administrative Variance
- Land Use Amendment
- Plat
- Rezoning
- Site Plan
- Special Exception
- Variance
- Other: _____



Date Rec'd: _____

Petition No.: _____

(SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division. For more information please reference the **Dania Beach Land Development Code Part 6, Development Review Procedures and Requirements.**

Location Address: 1249 Stirling Rd, Dania Bch

Lot(s): _____ Block: _____ Subdivision: Lengthy Legal Attached

Recorded Plat Name: _____

Folio Number(s): 51-42-04-00-0062 Legal Description: _____

Applicant/Consultant (Legal Representative) (circle one) Alan M. Levy

Address of Applicant: 4901 NW 17th Way #103 Ft. Lauderdale, Fla. 33309

Business Telephone: 954-491-5505 Home: 561-368-6466 Fax: 954-491-5404

E-mail address: alevy@levyrai.com

Name of Property Owner: Stirling Design Center, LLL

Address of Property Owner: 4901 NW 17th Way #103 Ft. Lauderdale, Fla. 33309

Business Telephone: 954-491-5505 Home: 561-368-6466 Fax: 954-491-5404

Explanation of Request: Re-Zoning from I-G to C-4

For Plats please provide proposed Plat Name for Variances please attach **Criteria Statement** as per Section 625.40 of the Land Development Code.

Prop. Net Acreage: 1.25 Gross Acreage: _____ Prop. Square Footage: 54,279

Existing Use: _____ Proposed Use: _____

Is property owned individually, by a corporation, association, or a joint venture? Limited Liability Company

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize Manny Synalovski or Matt Jones (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
was acknowledged

By: [Signature]
(Owner / Agent signature*)

BEFORE ME THIS 2nd DAY OF March, 20 12

By:

Linda Nonemaker
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary [Signature]
(Signature of Notary Public - State of Florida)

NOTARY PUBLIC-STATE OF FLORIDA
Linda Nonemaker
Commission # DD792183
Expires: MAY 27, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

Personally known or Produced Identification _____

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF BEFORE PROCESSING OCCURS.

(4) *[Handwritten mark]* *[Handwritten mark]*
STIRLING DESIGN CENTER LLC

1327-H 46th STREET
BROOKLYN, NY 11219

PHONE 718-633-6700

FAX 718-633-0026

March 5, 2012

LETTER OF AUTHORIZATION

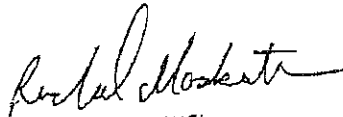
Re: Stirling Design Center LLC

I, hereby authorize Alan Levy to act on our behalf in the application for rezoning of our property located at 12-49 Stirling Rd.

Sincerely,



David Kahn
Stirling Design Center LLC



MOSKOVITS RACHEL
NOTARY PUBLIC, State of New York
No. 01M05018654
Certified in Kings County
Commission Exp. 10/4/2013

MANUEL SYNALOVSKI ASSOCIATES, LLC

1800 Eller Drive, Suite 500 • Fort Lauderdale, FL 33316 • Telephone 954.961.6806 • Facsimile 954.961.6807

Stirling Design Center
1249 Stirling Road
Dania Beach, FL
Rezoning Application
Review Criteria



- A. Currently, the Stirling Design Center has a tenant mix of showrooms and office uses. In order to expand the mix of future uses, and further embrace the recently approved Design District Overlay, the Stirling Design Center seeks the rezoning to C-4 to allow an expanded list of retail uses to better serve the design industry.
1. The proposed rezoning is consistent with the City's Comprehensive Plan and the newly created Design Overlay District.
 2. The proposed rezoning is consistent with all applicable redevelopment plans, corridor plans, neighborhood plans, and master plans approved by the City Commission including the newly created Design Overlay District.
 3. The proposed rezoning does not give privileges not generally extended to similarly situated property(s) in the area. The proposed rezoning will not result in an isolated district unrelated to adjacent or nearby districts. Quite the opposite, the proposed rezoning embraces and enhances the newly created Design Overlay District.
 - a. The proposed rezoning furthers the City's adopted Community Redevelopment Plan as it repurposes vacant space to service existing development and attract future development.
 - b. The proposed rezoning may correct an ambiguity related to the certain compatibility between retail and showroom uses.
 - c. The proposed rezoning responds to the changing condition of the newly created Design Overlay District and thus makes the approval of the rezoning appropriate.
 - d. The proposed rezoning expands appropriate and relevant uses limited by the existing zoning.
 - e. The proposed rezoning will promote orderly future development that is compatible and complimentary with existing, conforming adjacent land uses and planned adjacent land uses.
- B. The City Commission shall decide:
1. To approved the proposed rezoning by Ordinance.
 2. To approve the proposed rezoning by Ordinance with a modified version of the amendment that may be less restrictive than the current zoning district but more restrictive than the district requested by the proposed rezoning application.
 3. To approve the proposed rezoning by ordinance subject to stipulations volunteered by us that restricts the uses or standards to which our property may be redeveloped under the requested zoning.
 4. To deny the proposed rezoning.



**RZ-12-12 REZONING
NOTICE OF PUBLIC HEARING
CITY OF DANIA BEACH**

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Dania Beach Planning and Zoning Board sitting as the Local Planning Agency, on Wednesday, March 21, 2012 at 7:00 p.m., or as soon thereafter as possible in the Dania Beach City Commission Room, Administrative Center, 100 West Dania Beach Blvd., Dania Beach, Florida 33004, for the purpose of hearing any comments which might be made to the following request:

RZ-12-12 – A rezoning request (RZ-12-12) filed by Alan M. Levy, Agent for the property owner Stirling Design Center, LLC, for property generally located at 1249 Stirling Road, in Dania Beach, Florida, to rezone property from the “IG” (Industrial General) zoning classification to the “C-4” (General Commercial District) zoning classification.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE REQUEST MADE BY ALAN M. LEVY, AGENT FOR THE PROPERTY OWNER STIRLING DESIGN CENTER, LLC, TO REZONE PROPERTY GENERALLY LOCATED AT THE 1249 STIRLING ROAD, IN THE CITY OF DANIA BEACH, FLORIDA, AND LEGALLY DESCRIBED IN EXHIBIT “A”, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; CHANGING THE CURRENT ZONING CLASSIFICATION OF THE PROPERTY FROM INDUSTRIAL GENERAL (IG) TO GENERAL COMMERCIAL DISTRICT (C-4), SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE REQUEST MADE BY ALAN M. LEVY, AGENT FOR THE PROPERTY OWNER STIRLING DESIGN CENTER, LLC, TO REZONE PROPERTY GENERALLY LOCATED AT THE 1249 STIRLING ROAD, IN THE CITY OF DANIA BEACH, FLORIDA, AND LEGALLY DESCRIBED IN EXHIBIT “A”, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; CHANGING THE CURRENT ZONING CLASSIFICATION OF THE PROPERTY FROM INDUSTRIAL GENERAL (IG) TO GENERAL COMMERCIAL DISTRICT (C-4), SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Exhibit A: Legally Described as – The North 400 feet of the East ½ of the NW ¼ of the NE ¼ of the NE ¼, LESS the West 150 feet thereof, the North 35 feet thereof, and the East 30 feet thereof, in Section 4, Township 51 South, Range 42 East; said lands situate, lying and being in Broward County, Florida LESS the following portion thereof: BEGINNING at the Northwest corner of the above described parcel; thence North 87° 55' 38" East on an assumed bearing along the North line of said described parcel and along the South right-of-way line of Stirling Road, a distance of 154.94 feet; thence South 01° 24' 58" East along the East line of the said described parcel a distance of 13.58 feet; thence South 87° 07' 10" West a distance of 154.97 feet; thence North 01° 25' 27" West along the West line of the said described parcel a distance of 15.76 feet to the POINT OF BEGINNING.

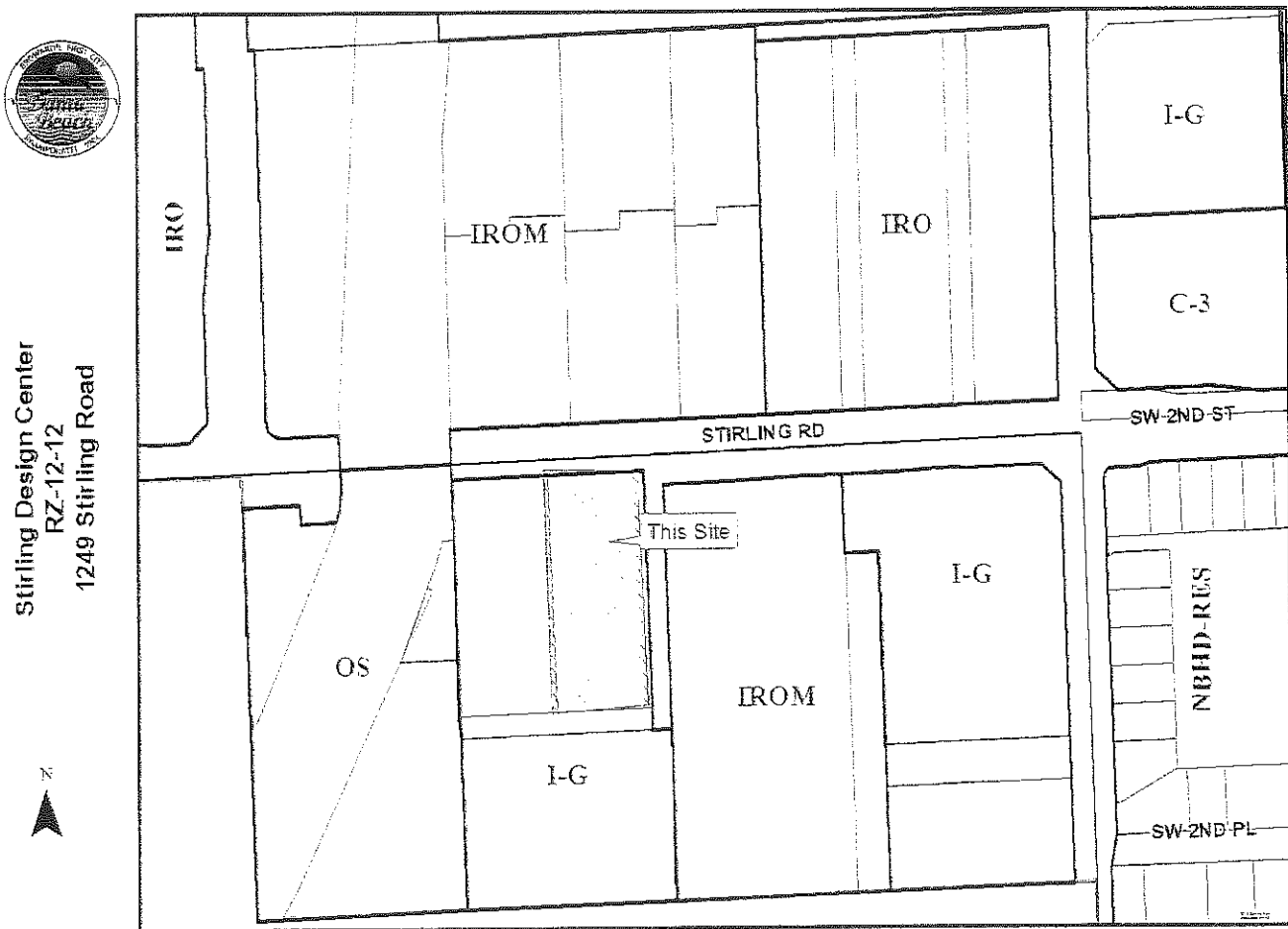
Copies of the proposed request are available for viewing in the Community Development Department, 100 West Dania Beach Blvd., Dania Beach, Florida between the hours of 8:00 a.m. and 4:00 p.m., Monday – Friday please call (954) 924-6805 x3645 for more information. Interested parties may appear at the public hearing and be heard with respect to the proposed petition.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office, 100 W. Dania Beach Blvd, Dania Beach, FL 33004. (954) 924-6800 x3623, at least 48 hours prior to the meeting.

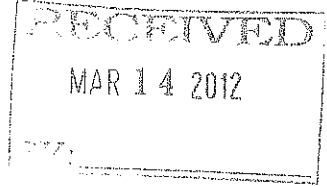
Please be advised that if a person decides to appeal any decision made by the Local Planning Agency, the Planning and Zoning Board or the City Commission with respect to any matter considered at this hearing, such person will need a verbatim record of the proceedings and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide or prepare such records.

Mailed - March 9, 2012

LOCATION MAP:



SUN-SENTINEL
PUBLISHED DAILY
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA
BOCA RATON, PALM BEACH COUNTY, FLORIDA
MIAMI, MIAMI-DADE COUNTY, FLORIDA



STATE OF FLORIDA
COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED LINDA HALL, WHO, ON OATH, SAYS THAT SHE IS A DULY AUTHORIZED REPRESENTATIVE OF THE CLASSIFIED DEPARTMENT OF THE SUN-SENTINEL, DAILY NEWSPAPER PUBLISHED IN BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A:

NOTICE OF PUBLIC HEARING

THE MATTER OF:

CITY OF DANIA BEACH
RE: RZ-12-12- REZONING

IN THE CIRCUIT COURT, WAS PUBLISHED IN SAID NEWSPAPER IN THE ISSUES OF:

MARCH 9, 2012

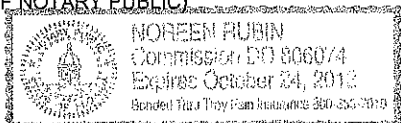
14071230

AFFIANT FURTHER SAYS THAT THE SAID SUN-SENTINEL IS A NEWSPAPER PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY AND THAT THE SAID NEWSPAPER HAS HERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MATTER OFFICE IN FORT LAUDERDALE, IN SAID BROWARD COUNTY. FOR THE PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF ADVERTISEMENT: AND AFFIANT FURTHER SAYS THAT SHE HAS PAID, NOR PROMISED, ANY PERSON, FIRM, OR CORPORATION, A REBATE, COMMISSION, OR REFUND, FOR THE PURPOSE OF SECURING PUBLICATION OF ADVERTISEMENT FOR PUBLICATION IN SAID NEWSPAPER.

(SIGNATURE OF LINDA HALL, AFFIANT)

SWORN TO AND SUBSCRIBED BEFORE ME
ON 09 MARCH, 2012, A.D.

(SIGNATURE OF NOTARY PUBLIC)



(NAME OF NOTARY, TYPED, PRINTED, OR STAMPED)

PERSONALLY KNOWN (X) OR PRODUCED IDENTIFICATION ()

**RZ-12-12 REZONING
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CITY OF DANIA BEACH**

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Office of Planning and Zoning
Community Development Department
Published - March 9, 2012
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