



**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: January 27, 2015

TO: Robert Baldwin

VIA: Marc LaFerrier, AICP, Director

FROM: Corinne Lajoie, AICP, LEED G. A., Principal Planner *CL Lajoie*

SUBJECT: **RZ-82-14:** The applicant, Michael Vonder Meulen/Keith & Associates, Inc., on behalf of the property owner Broward County Board of County Commissioners, is requesting to rezone a property located at 4980 SW 40 Avenue (SECOND READING).

REZONE

To rezone the property from General Industrial (IG) to Industrial, Research, Office, Commercial (IROC).

PROPERTY INFORMATION

EXISTING ZONING: General Industrial (IG)
LAND USE DESIGNATION: Utilities

The subject property is located on the east side of SW 40 Avenue where the existing Broward County Water Facility is currently located. This property was annexed into the City of Dania Beach in 2001. Prior to that time the property was located in unincorporated Broward County. In 2010 the City underwent a complete zoning code rewrite, known as OneCode, which in part, changed the old Broward County zoning districts of properties incorporated into the City and provided a City zoning designation on them. Previous to the OneCode, this property had a Broward County zoning designation of A-3. Today the property is zoned General Industrial (IG), which does not permit water treatment plants. The facility today is considered to be a legal non-conforming use which cannot be expanded.

REZONING

The applicant is requesting to rezone the property from General Industrial (IG) to Industrial, Research, Office, Commercial (IROC) to allow expansion of the existing water treatment plant by constructing a new 2.5 million gallon water tank and related support facilities within the existing 4.75 acres site. The applicant indicates in their application submittal that the planned improvements are necessary to comply with State regulations.

Section 645-40 of the Land Development Code states, the city commission and planning and zoning board shall hold its public hearing and, after consideration of the staff recommendation and public input, if any, may deny, approve or approve with conditions the application for special exception, based upon its determination that:

- (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.

Additional city approvals for this project are necessary. In addition to this rezoning request, the applicant has also applied for a special exception to allow the use, a variance to waive minimum buffer requirements and site plan approval for construction of a new tank and site improvements. These requested will be heard by the City Commission at a later date.

PLANNING AND ZONING BOARD

On November 19, 2014 the Planning and Zoning Board recommended approval of the rezoning.

CITY COMMISSION ACTION

On December 9, 2014 the City Commission approved the rezoning request on first reading.

The rezoning application meets all applicable regulations as illustrated by the applicant's justification statement. Approve second and final reading of the rezoning ordinance.