

**REZONING CRITERIA NARRATIVE (PROPOSED ZONING: B-1)  
ULDR SECTION 47-24.4.D.  
Holman Automotive, Inc. (“Applicant”)**

The Applicant is seeking to develop an automotive sales facility for the sale of new and certified pre-owned BMW vehicles at property generally located at 1441 South Federal Highway, contiguous parcels in the City of Fort Lauderdale (the “Overall Site”) consisting of the following contiguous parcel ID numbers: 504215103610 (currently zoned B-1), 504215103620 (currently zoned B-1), 504215103630 (currently zoned B-1), 504215103640 (currently zoned B-1), 504215103650 (currently zoned B-1); 504215103660 (currently zoned ROC); 504215103670 (currently zoned ROC); 504215103740 (currently zoned B-1), 504215103730 (currently zoned B-1), 504215103720 (currently zoned B-1), 504215103710 (currently zoned B-1); 504215103700 (currently zoned RMM-25) and 504215103690 (currently zoned RMM-25). In accordance with the application submitted, the Applicant proposes to rezone portions of the Overall Site presently zoned ROC, and RMM-25, together with a contiguous parcel identified by parcel ID 504215103680 (currently zoned RMM-25) (the “Property”) to the City of Fort Lauderdale’s (the “City”) B-1 zoning district (“B-1”). As outlined herein, the rezoning application satisfies all of the requirements of Unified Land Development Regulation (“ULDR”) Section 47-24.4.D.

**1. THE ZONING DISTRICT PROPOSED IS CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN.**

The proposed B-1 zoning district is in compliance with the City’s Comprehensive Plan. The Property has a South Regional Activity Center land use designation. Such a designation encourages a variety of uses. Further, given existing commercial development to the north and south of the Property along South Federal Highway, the proposed use by the Applicant would complement the area. Furthermore, the proposed B-1 zoning is intended to provide for the location of commercial business establishments dependent upon high visibility and accessibility to major trafficways, in a manner which maintains and improves the character of the major arterials of the City. If approved, this rezoning request will result in the Overall Site being developed as an automobile sales facility. The proposed development is consistent with the intent and purposes of the City’s B-1 zoning district in that the proposed development will not significantly impact the character of existing residential neighborhoods in the surrounding area of the Property while at the same time supporting the commercial viability of the Property and promoting business in the City. Given that the Overall Site abuts a major trafficway (Federal Highway), the proposed rezoning is appropriate to allow for an automobile sales facility which maintains and improves the character of the City while at the same time limiting any potential detrimental effect on nearby residential neighborhoods. The proposed development of the Property is consistent with the existing land use as it does not interfere with the goal of fostering an eclectic atmosphere for the area.

**2. SUBSTANTIAL CHANGES IN THE CHARACTER OF DEVELOPMENT IN OR NEAR THE AREA UNDER CONSIDERATION SUPPORTS THE PROPOSED REZONING.**

The Applicant proposes to rezone the Property in order to develop an automobile sales facility on the Overall Site. The rezoning contemplated herein will permit the cohesive development of the Overall Site in a manner that will allow for the creation of a business that will enhance the useful enjoyment of the surrounding neighborhood and bring commercial activity to the City within a mixed use area. It has been the intent of the City to expand the depth of the B-1 corridor along this portion of South Federal Highway. Furthermore, the pattern of development surrounding the vicinity of the Property has been undergoing a transition to an increasing number of non-residential uses that has left small patches of residential and residential office districts that are not conducive to development and are increasingly incompatible with the more established urban environment. Adjacent properties fronting along Federal Highway are zoned B-1, and remaining parcels to the north, south, and west include residential office districts and medium high density residential zoning. The proposed rezoning will bring the Property into better conformity with the character of development in the surrounding area.

**3. THE CHARACTER OF THE AREA PROPOSED IS SUITABLE FOR THE USES PERMITTED IN THE PROPOSED ZONING DISTRICT AND IS COMPATIBLE WITH SURROUNDING DISTRICTS AND USES.**

The proposed B-1 rezoning is compatible with surrounding zoning districts and uses. The Property abuts a B-1 zoning district situated along Federal Highway. The surrounding zoning districts support the rezoning contemplated herein in that this rezoning will permit the development of the automobile sales facility in harmony with the surrounding zoning districts and existing uses. The proposed development is consistent with the intent and purposes of the City's B-1 zoning district in that the proposed development will not significantly impact the character of existing residential neighborhoods in the surrounding area of the Property while at the same time supporting the commercial viability of the Property and promoting business in the City. The zoning is appropriate to allow for an automobile sales facility which improves the character of the City while at the same time limits any potential detrimental effect on nearby residential neighborhoods. Considering the Overall Site was underutilized prior to this redevelopment plan, the proposed rezoning will allow for needed redevelopment on the Overall Site.



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April 23, 2015

Mr. Tom Lodge  
City of Fort Lauderdale  
Department of Sustainable Development  
Urban Design & Planning Division

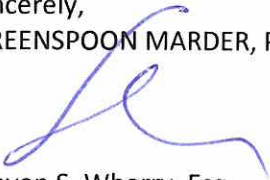
**Re: Holman Automotive, Inc. Rezoning Application for 1440 S. Federal Hwy. (Case # Z15002)**

Dear Tom,

Enclosed please find the attached responses to ULDR Sec. 47-25.2 Adequacy criteria regarding Holman rezoning application (Case #Z12002).

Please let me know if your office has questions or requires any further information about this request.

Sincerely,  
GREENSPOON MARDER, P.A.



Steven S. Wherry, Esq.

Enclosures.

Please see responses to ULDR Sec. 47-25 Adequacy requirements indicated in bold text below:

Sec. 47-25.2. - Adequacy requirements.

- A. Applicability. The adequacy requirements set forth herein shall be used by the city to evaluate the demand created on public services and facilities created by a proposed development permit.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- B. Communications network. Buildings and structures shall not interfere with the city's communication network. Developments shall be modified to accommodate the needs of the city's communication network, to eliminate any interference a development would create or otherwise accommodate the needs of the city's communication network within the development proposal.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- C. Drainage facilities. Adequacy of stormwater management facilities shall be evaluated based upon the adopted level of service requiring the retention of the first inch of runoff from the entire site or two and one-half (2½) inches of runoff from the impervious surface whichever is greater.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- D. Environmentally sensitive lands.
1. In addition to a finding of adequacy, a development shall be reviewed pursuant to applicable federal, state, regional and local environmental regulations. Specifically, an application for development shall be reviewed in accordance with the following Broward County Ordinances which address environmentally sensitive lands and wellfield protection which ordinances are incorporated herein by reference:

- a. Broward County Ordinance No. 89-6.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- b. Section 5-198(I), Chapter 5, Article IX of the Broward County Code of Ordinances.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- c. Broward County Ordinance No. 84-60.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

2. The applicant must demonstrate that impacts of the proposed development to environmentally sensitive lands will be mitigated.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- E. Fire protection. Fire protection service shall be adequate to protect people and property in the proposed development. Adequate water supply, fire hydrants, fire apparatus and facilities shall be provided in accordance with the Florida Building Code, South Florida Fire Code and other accepted applicable fire and safety standards.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

F. Parks and open space.

1. The manner and amount of providing park and open space is as provided in Section 47-38A, Park Impact Fees, of the ULDR.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

2. No building permit shall be issued until the park impact fee required by Section 47-38A of the ULDR has been paid in full by the applicant.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- G. Police protection. Police protection service shall be adequate to protect people and property in the proposed development. The development shall provide improvements which are consistent with Crime Prevention Through Environmental Design (CPTED) to minimize the risk to public safety and assure adequate police protection.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

H. Potable water.

1. Adequate potable water service shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of potable water systems in accordance with city engineering standards, the Florida Building Code, and applicable health and environmental regulations. The existing water treatment facilities and systems shall have sufficient capacity to provide for the needs of the proposed development



and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which potable water treatment capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended from time to time. Improvements to the potable water service and system shall be made in accordance with city engineering standards and other accepted applicable engineering standards.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

2. Potable water facilities.

- a. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- b. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the development.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- c. Where the county is the projected service provider, a similar written assurance will be required.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

I. Sanitary sewer.

1. If the system is tied into the city treatment facility, the available capacity shall be determined by subtracting committed capacity and present flow from the design capacity. If there is available capacity, the city shall determine the impact of the proposed development utilizing Table 3, Water and Wastewater, on file with the department.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

2. If there is adequate capacity available in the city treatment plant to serve the proposed development, the city shall reserve the necessary capacity to serve the proposed development.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

3. Where the county is the projected service provider, a written assurance will be required.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

4. Where septic tanks will be utilized, the applicant shall secure and submit to the city a certificate from the Broward County Health Unit that certifies that the site is or can be made suitable for an on-site sewage disposal system for the proposed use.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- J. Schools. For all development including residential units, the applicant shall be required to mitigate the impact of such development on public school facilities in accordance with the Broward County Land Development Code or section 47-38C. Educational Mitigation, as applicable and shall provide documentation to the city that such education mitigation requirement has been satisfied.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- K. Solid waste.

1. Adequate solid waste collection facilities and service shall be obtained by the applicant in connection with the proposed development and evidence shall be provided to the city demonstrating that all solid waste will be disposed of in a manner that complies with all governmental requirements.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

2. Solid waste facilities. Where the city provides solid waste collection service and adequate service can be provided, an adequacy finding shall be issued. Where there is another service provider, a written assurance will be required. The impacts of the proposed development will be determined based on Table 4, Solid Waste, on file with the department.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- L. Stormwater. Adequate stormwater facilities and systems shall be provided so that the removal of stormwater will not adversely affect adjacent streets and properties or the public stormwater facilities and systems in accordance with the Florida Building Code, city engineering standards and other accepted applicable engineering standards.



**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

M. Transportation facilities.

1. The capacity for transportation facilities shall be evaluated based on Table 1, Generalized Daily Level of Service Maximum Volumes, on file with the department. If a development is within a compact deferral area, the available traffic capacity shall be determined in accordance with Table 2, Flowchart, on file with the department.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

2. Regional transportation network. The regional transportation network shall have the adequate capacity, and safe and efficient traffic circulation to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the adopted traffic elements of the city and the county comprehensive plans, and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is needed in order to evaluate the impacts of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit such a study to the city which will be considered by the DRC in its review. Roadway improvements needed to upgrade the regional transportation network shall be made in accordance with the city, the county, and Florida Department of Transportation traffic engineering standards and plans as applicable.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

3. Local streets. Local streets shall have adequate capacity, safe and efficient traffic circulation, and appropriate functional classification to serve the proposed development. Adequate capacity and safe and efficient traffic circulation shall be determined by using existing and site-specific traffic studies, the city's comprehensive plan and accepted applicable traffic engineering standards. Site-specific traffic studies may be required to be made and paid for by the applicant when the city determines such a study is required in order to evaluate the impact of the proposed development on proposed or existing roadways as provided for in subsection M.4. An applicant may submit to the city such a study to be considered as part of the DRC review. Street improvements needed to upgrade the capacity or comply with the functional classification of local streets shall be made in accordance with the city engineering standards and acceptable applicable traffic engineering standards. Local streets are those streets that are not classified as federal, state or county roadways on the functional classification map adopted by the State of Florida.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

4. Traffic impact studies.



**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application. Trip generation is unknown at this time.**

- a. When the proposed development may generate over one thousand (1,000) daily trips;  
or

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- b. When the daily trip generation is less than one thousand (1,000) trips; and (1) when more than twenty percent (20%) of the total daily trips are anticipated to arrive or depart, or both, within one-half ( $\frac{1}{2}$ ) hour; or (2) when the proposed use creates varying trip generation each day, but has the potential to place more than twenty percent (20%) of its maximum twenty-four (24) hour trip generation onto the adjacent transportation system within a one-half ( $\frac{1}{2}$ ) hour period; the applicant shall submit to the city a traffic impact analysis prepared by the county or a registered Florida engineer experienced in trafficways impact analysis which shall:

- i. Provide an estimate of the number of average and peak hour trips per day generated and directions or routes of travel for all trips with an external end.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- ii. Estimate how traffic from the proposed development will change traffic volumes, levels of service, and circulation on the existing and programmed trafficways.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- iii. If traffic generated by the proposed development requires any modification of existing or programmed components of the regional or local trafficways, define what city, county or state agencies have programmed the necessary construction and how this programming relates to the proposed development.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- iv. A further detailed analysis and any other information that the review committee considers relevant.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- v. The traffic impact study may be reviewed by an independent licensed professional engineer contracted by the city to determine whether it adequately addresses the impact and the study supports its conclusions. The cost of review by city's consultant shall be reimbursed to the city by the applicant.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- vi. When this subsection M.4.b. applies, the traffic study shall include an analysis of how the peak loading will affect the transportation system including, if necessary, an operational plan showing how the peak trips will be controlled and managed.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- 5. Dedication of rights-of-way. Property shall be conveyed to the public by plat, deed or grant of easement as needed in accordance with the Broward County Trafficways Plan, the city's comprehensive plan, subdivision regulations and accepted applicable traffic engineering standards.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- 6. Pedestrian facilities. Sidewalks, pedestrian crossing and other pedestrian facilities shall be provided to encourage safe and adequate pedestrian movement on-site and along roadways to adjacent properties. Transit service facilities shall be provided for as required by the city and Broward County Transit. Pedestrian facilities shall be designed and installed in accordance with city engineering standards and accepted applicable engineering standards.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- 7. Primary arterial street frontage. Where a proposed development abuts a primary arterial street either existing or proposed in the trafficways plan, the development review committee (DRC) may require marginal access street, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and level traffic.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- 8. Other roadway improvements. Roadways adjustments, traffic control devices, mechanisms, and access restrictions may be required to control traffic flow or divert traffic, as needed to reduce or eliminate development generated traffic.



**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

9. Street trees. In order to provide for adequate landscaping along streets within the city, street trees shall be required along the length of the property abutting a street. A minimum of fifty percent (50%) of the required street trees shall be shade trees, and the remaining street trees may be provided as flowering or palm trees. These percentages may be varied based on existing or proposed physical conditions which may prevent the ability to comply with the street tree requirements of this subsection. The street trees shall be planted at a minimum height and size in accordance with the requirements of Section 47-21, Landscape and Tree Preservation Requirements, except in the downtown RAC districts the requirements of Sec. 47-13.20.H.8 shall apply. The location and number of street trees shall be determined by the department based on the height, bulk, mass and design of the structures on the site and the proposed development's compatibility to surrounding properties. The requirements for street trees, as provided herein, may be located within the public right-of-way as approved by the entity with jurisdiction over the abutting right-of-way.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

N. Wastewater.

1. Wastewater. Adequate wastewater services shall be provided for the needs of the proposed development. The proposed development shall be designed to provide adequate areas and easements which may be needed for the installation and maintenance of a wastewater and disposal system in accordance with applicable health, environmental and engineering regulations and standards. The existing wastewater treatment facilities and systems shall have adequate capacity to provide for the needs of the proposed development and for other developments in the service area which are occupied, available for occupancy, for which building permits are in effect or for which wastewater treatment or disposal capacity has been reserved. Capital expansion charges for water and sewer facilities shall be paid by the developer in accordance with Resolution 85-265, as it is amended for time to time. Improvements to the wastewater facilities and system shall be made in accordance with the city engineering and accepted applicable engineering standards.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- O. Trash management requirements. A trash management plan shall be required in connection with non-residential uses that provide prepackaged food or beverages for off-site consumption. Existing non-residential uses of this type shall adopt a trash management plan within six (6) months of the effective date of this provision.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

P. Historic and archaeological resources.

1. If a structure or site has been identified as having archaeological or historical significance by any entity within the State of Florida authorized by law to do same, the applicant shall be responsible for requesting this information from the state, county, local governmental or other entity with jurisdiction over historic or archaeological matters and submitting this information to the city at the time of, and together with, a development permit application. The reviewing entity shall include this information in its comments.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**

- Q. Hurricane evacuation. If a structure or site is located east of the Intracoastal Waterway, the applicant shall submit documentation from Broward County or such agency with jurisdiction over hurricane evacuation analysis either indicating that acceptable level of service of hurricane evacuation routes and hurricane emergency shelter capacity shall be maintained without impairment resulting from a proposed development or describing actions or development modifications necessary to be implemented in order to maintain level of service and capacity.

**Not applicable to general rezoning application. The Applicant will address this criterion with relation to its specific site plan as part of its site plan application.**