REQUEST: Site Plan Level IV Review: Rezoning from Industrial (I) District to Commercial Recreation (CR) District with Allocation of 16 Acres of Commercial Flexibility Acreage, and Conditional Use approval of the associated site plan which includes indoor sports and recreational activities.

Case Number	ZR19004	
Property Owner/Applicant	Dezer Powerline, LLC. / Dunkin Properties, LLC. / Joluc Powerline, LLC.	
Agent	Michael Pizzi, Esq. .	
Project Name	Xtreme Action Park	
General Location	5300 Powerline Road	
Property Size	16 acres	
Existing Use	Existing warehouse, recreational uses, surface parking	
Zoning	Industrial	
Proposed Zoning	Commercial Recreation (CR)	
Future Land Use Designation	Industrial	
Applicable Unified Land Development Regulations (ULDR) Sections	47-11, Commercial Recreation Districts 47-24.3, Conditional Use 47-24.4, Rezoning 47-25.2, Adequacy Requirements 47-25.3, Neighborhood Compatibility Requirements 47-28.1.G, Flexibility Rules	
	Existing (I)	**Proposed (CR)**
Density	N/A	N/A
Lot Size	N/A	One acre
Height	150	Existing height – 40 feet
Lot Width	100 feet	50 feet
Front Yard	5 feet	25 feet
Side Yard	5 feet	25 feet
Rear Yard	5 feet	25 feet
Parking	562	562
Notification Requirements	ULDR Section 47-27.2, Sign Notice 15 days prior to meeting ULDR Section 47-27.4, Public Participation ULDR Section 47-27.5, Mail Notice 10 days prior to meeting	
Action Required	Recommend approval, recommend approval to more restrictive zoning, or deny	
Project Planner	Yvonne Redding, Urban Planner III	

PROJECT DESCRIPTION:
The applicant, Dezer Powerline, LLC., and Dunkin Properties, Inc., is proposing to rezone the property located at 5300 Powerline Road from Industrial District (I) to Commercial Recreation District (CR) to allow for the amusement type uses within the existing buildings. These uses include but are not limited to: Arcade machines, Go-Kart race track, basketball courts, virtual reality machines, lasor tag, miniture golf and skating rink. The property has an underlying land use of Industrial, which requires allocation of 16 acres of Commercial flexibility acreage.

The Location Map, Zoning District Map, Future Land Use Map, and Sketch and Legal of the land area proposed to be rezoned are included as **Exhibit 1**. The Application, Applicant's Narrative responses to the applicable Unified Land Development Regulations (ULDR) code criteria, and the existing Site Plan are provided as **Exhibit 2**.

PRIOR REVIEWS:
The application was reviewed by Development Review Committee (DRC) on March 10, 2020. The DRC Report and complete application is available on file with the Department of Sustainable Development (DSD).

REVIEW CRITERIA:
The following criteria apply to the proposed request:

- ULDR Section 47-11, Commercial Recreation Districts
- ULDR Section 47-24.4, Rezoning
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements
- ULDR Section 47-28.1.G Flexibility Rules

REZONING CRITERIA
Pursuant to the ULDR Section 47-24.4, Rezoning, the rezoning request is subject to the following criteria:

1. The zoning district proposed is consistent with the City's Comprehensive Plan.

   The Property is currently zoned Industrial and has an underlying future land use designation of Industrial. A more detailed analysis of the consistency with the City's Comprehensive Plan is located in the Comprehensive Consisitency section contained herein.

2. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration.

   The proposed CR zoning district will be compatible with the character of development in and around the area and will support similar uses as exist along Powerline Road. The properties to the north of the subject site are zoned Industrial (I) and the properties to the west and south are zoned Industrial and Heavy Commercial/Light Industrial Business (B-3) zoning districts. To the east of the site is the Interstate-95 corridor.

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.

   General Industrial District (I) is intended for industrial and manufacturing use while the Commercial Recreation District is intended to regulate both outdoor and indoor sports and recreational activities of a commercial nature. A general comparison of permitted uses in the current and proposed zoning district are provided in Table 1. A comparison of current and proposed dimensional standards for each district are provided in Table 2.

   For the complete list of uses, refer to ULDR Section 47-7.10, List of Permitted and Conditional Uses; General Industrial (I) and ULDR Section 47-11.21, List of Permitted and Conditional Uses; Commercial Recreation (CR).

Table 1: General Comparison of Zoning District Uses

Existing Zoning District	Proposed Zoning District
Industrial District (I)	Commercial Recreation (CR)
Permitted Uses: • Automotive • Manufacturing/Processing of Products • Public Purpose Facilities • Storage Facilitates • Wholesale Sales/Rental Services • Urban Agriculture •	Permitted Uses: • Active and Passive Park
Conditional Uses:	Conditional Uses:
• Marina • Marine Service Station • Shipyard • Tugboat Service • Acid Manufacturing • Asphalt Manufacturing • Cement and Lime Manufacturing • Fertilizing Plants or Fertilizer Mixing • Manufacturing of Explosives • Manufacturing of Plastics, Rubber Leather Products • Meat Packing, Plants, Stock or Slaughter Yards • Private Recycling	• Bowling Centers • Professional sports clubs • Racing and track facilities • Physical fitness centers • Golf courses • Coin-operated amusement centers • Amusement parks • Sports and private recreation clubs • Amusement and recreation services • Sporting and recreational camps • Recreational vehicle parks • Marina

Table 2: Comparison of Dimensional Standards*

	Existing Zoning District	Proposed Zoning District
	Industrial (I)	Commercial Recreation (CR)
Density	N/A	N/A
Building Height	150 (maximum)	Height as approved with the site plan
Building Length	N/A	N/A
Floor Area Ratio (FAR)	N/A	N/A
Front Setback	5 feet	25
Rear Setback	5 feet	25
Side Setback	5 feet	25
Lot Size	N/A	N/A

ADEQUACY AND NEIGHBORHOOD COMPATIBILITY

The adequacy criteria of ULDR Section 47-25.2 are used to evaluate the demand created on public services and facilities by a proposed development. The existing uses are not expected to generate any additional need for sanitary and sewer facilities as well as potable water. Stormwater will be retained on site in accordance with the Broward County Department of Environmental Regulations criteria and is not expected to generate any additional need for wastewater facilities.

The neighborhood compatibility criteria of ULDR Section 47-25.3 include performance standards requiring all developments to be "compatible with, and preserve the character and integrity of adjacent neighborhoods... the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods. These improvements or modifications may include, but shall not be limited to, the placement or orientation of buildings and entryways, parking areas, bufferyards, alteration of building mass, and the addition of landscaping, walls, or both, to ameliorate such impacts".

The proposed rezoning to CR District with the existing structures and associated surface parking lot are in conformance with the pattern of the development in and around the area. The CR district is intended to promote high quality, planned recreational facilities within the private sector as well promoting economic growth and revitalization. The development uses are arranged under one unified site with exisitng infrastructure, ingress and egress for vehicles and pedestrians and parking. The application does not present additional impacts such as traffic, noise odors, shadow, scale, visal nuisances, or other similar adverse effects to adjacent neighborhoods.

COMPREHENSIVE PLAN CONSISTENCY:

The City's Future Land Use Map indicates that the proposed project has a land use designation of Industrial. The proposed request to rezone from Industrial to Commercial Recreation and the request for Commercial flexibility acreage allocation is permitted in the Industrial land use category if approved through the Site Plan Level IV/Rezoning application, and associated allocation of Commercial flexibility acreage, subject to consistency with the City's Comprehensive Plan, Goal 1, Objective 1.36, Us of Flexibility and Irregular Density Provision and ULDR, Section 47-28, Flexibility Rules as well as Broward County Land Use Plan (commonly known as BrowardNext), Administrative Rules Document, Flex Rules and Regulations. The proposed project will allocate 16 acres of Commercial flexibility acreage. Should the project be approved, 499.58 of Commercial flexibility acreage remains. The City is required to monitor and track the allocation of flexibility acreage. The table below provides a summary of allocation for Commercial flexibility acreage and remaining balance of Commercial flexibility acreage if the project is approved.

Table 1: Summary of Commercial Flexibility Acreage

	Commercial Flexibility Acreage
Total Permitted	517.59
Assigned to Date	2.01
Pending	16.00
Remaining	499.58

The proposed CR zoning designation is consistent with the City's Comprehensive Plan in that the proposed rezoning is permitted in the Industrial land use category, subject to the allocation of Commercial flexibility acreage pursuant to the Compressive Plan and ULDR Section 47-28, Flexibility Rules. The Industrial future land use category permits commercial recreational uses if flexibility acreage is allocated to the property.

The proposed use is consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 1, Objective 1.35.1, The City will continue to foster a land use pattern that protects the area's tourism attractions, such as the beach, natural, and marine areas.

PUBLIC PARTICIPATION:

The application is subject to the public participation requirements established in ULDR Section 47-27.4, which applies to projects within 300 feet of City-recognized civic associations. There are no City-recognized civic associations for this area.

In addition, this request is subject to mail notice and sign notification requirements established in ULDR Section 47-27.4. The applicant has installed a total of three signs on the property and has submitted a sign affidavit indicating proper sign notification was provided. The affidavit and photographs of the posted signs, reflecting the meeting date of November 18, 2020, are provided as **Exhibit 3**.

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board shall consider the application and make a decision based on the following criteria:

- ULDR Section 47-24.2, Rezoning
- ULDR Section 47-24.3, Conditional Use
- ULDR Section 47-25.2, Adequacy Requirements
- ULDR Section 47-25.3, Neighborhood Compatibility Requirements
- ULDR Section 47-28.1.G, Flexibility Rules

The applicant has submitted narratives outlining how the project complies with the applicable sections of the ULDR as described herein and attached as **Exhibit 2**, to assist the Board in determining if the proposal meets these criteria.

If the Planning and Zoning Board determines that the application meets the rezoning criteria as provided in this section, the Planning and Zoning Board shall recommend that the rezoning, including the associated site plan, be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant.

If the Planning and Zoning Board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the Planning and Zoning Board shall deny the application and an appeal to the City Commission may be filed by the applicant in accordance with Section 47-26B, Appeals.

EXHIBITS:

1. Location Map, Zoning District Map, Future Land Use Map, Sketch and Legal
2. Application, Applicant's Narratives, and Site Plan
3. Public Sign Notice and Affidavit