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**ORDINANCE NO. O-2020-XXX**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, APPROVING THE APPLICATION FOR REZONING FROM B-2, GENERAL BUSINESS DISTRICT TO B-3, COMMERCIAL - INDUSTRIAL DISTRICT FOR THE VACANT PROPERTY LOCATED AT 880 W. PROSPECT ROAD; AS MORE PARTICULARLY DESCRIBED HEREIN AND CONTAINING 0.88 ACRES MORE OR LESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Application # CD20-04ZVRZCU, filed by Oakland Park Storage Builders, LLC, has been made requesting rezoning from B-2, General Business District to B-3, Commercial – Industrial District, for real property located in Oakland Park, Florida; and

**WHEREAS**, the City of Oakland Park Future Land Use Map designates this real property for Industrial Use with flexibility acres having been granted to this site by Ordinance O-92-16; and

**WHEREAS**, rezoning from B-2, General Business District to B-3, Commercial – Industrial District is consistent with the permitted uses and density requirements as identified in the City of Oakland Park Comprehensive Plan given the flexibility allocation and as specifically guided by Policy 1.7.2, Policy 1.8.1, and Policy 3.5.1; and

**WHEREAS**, the proposed rezoning to B-3, Commercial - Industrial is compatible with the surrounding existing zoning designations of I-1, Industrial, B-2, General Business, TR, Transportation, and U, Utility in the City of Fort Lauderdale for properties in this vicinity; and

**WHEREAS**, the applicant requests to rezone the site that consists of 0.88 acres; and

1           **WHEREAS**, said application was heard and considered before the Oakland Park  
2 Planning and Zoning Advisory Board and at the said public hearings all objections, if  
3 any, were heard;

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5           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**  
6 **OF THE CITY OF OAKLAND PARK, FLORIDA THAT:**

7           **SECTION 1.** That the forgoing “WHEREAS” clauses are hereby ratified and  
8 confirmed as being true and correct and are hereby made a part of this Ordinance upon  
9 adoption thereof.

10          **SECTION 2.** The City Commission, of the City of Oakland Park, Florida, after  
11 hearing any and all comments and objections made during the course of duly advertised  
12 and scheduled public hearings hereby finds that this rezoning request is consistent with  
13 the following goals, objectives, and policies of the City of Oakland Park Comprehensive  
14 Plan:

15          Objective 1.7: Use the Land Development Code to implement land use policies that  
16 correspond to the categories on the Future Land Use Map.

17          Policy 1.7.1: Land use densities and intensities shall be consistent with the Future Land  
18 Use Map, Section 3 of the Land Use Implementation.

19          Policy 1.7.3: Through the Land Development Code and Zoning Ordinance, establish  
20 different intensities of commercial development compatible with adjacent and  
21 surrounding uses.

22          Policy 1.11.1 The City shall continue to regulate the land use categories as depicted on  
23 the future land use map according to the Land Use implementation section of this  
24 Comprehensive Plan, consistent with the Broward County Land Use Plan.

25          Policy 3.5.1 Reject rezoning and variance applications that could be detrimental to  
26 neighborhood viability and stability. Items to be considered during the rezoning or  
27 variance process include, but are not limited to, compatibility and types of uses,  
28 building placement, mass and scale, lighting and noise conditions, traffic patterns,  
29 hours of operation, and buffering and aesthetics.

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31          **SECTION 3.** The City Commission of the City of Oakland Park, Florida, hereby  
32 approves the rezoning request filed by Oakland Park Storage Builders, LLC requesting

- 1 Rezoning from B-2; General Business District to B-3, Commercial - Industrial for the  
2 vacant property located at 880 W. Prospect Road, more legally described as:

PARCEL 1:

A parcel of land located in the Northwest one-Quarter (NW 1/4) of Section 22, Township 49 South, Range 42 East, said parcel containing portions of Lots 11 and 12 of Block 2, PROSPECT GARDENS, as recorded in Plat Book 22, Page 26, Public Records of Broward County, Florida, said parcel being bound as follows:

On the North by the Southerly right-of-way line of Prospect Road as shown on Broward County's Right-of-Way Map, Section 86518-2602 (Sheet 2 of 6), dated March 30, 1981, said right-of-way line being 50.00 feet South of and parallel with the North line of the Northwest One-Quarter (NW 1/4) of said Section 22;

On the East by the Westerly limited access line of I-95 as shown on the Florida State Road Department's Right-of-Way Map, Section 86070-2412 (Sheet 10), dated March 3, 1970, and last revised November 6, 1972, said Westerly limited access line being shown on said map as 190.00 feet Westerly of and parallel with the baseline of survey on said map;

On the South by the South line of said Lot 12 of Block 2, said line also being the North right of way line of Lena Boulevard (now known as Northwest 43rd Court), as shown on said Plat of Prospect Gardens.

On the West by a line 80.00 feet Easterly of and parallel with the centerline of right-of-way of Powerline Road as shown on the Florida State Road Department's Right-of-Way Map, Section 86550-2608 (Sheets 14 and 15), dated March 9, 1970;

LESS therefrom all that portion of the above described parcel which lies Northwesterly of the chord of a circular curve which is concave to the Southeast, having a radius of 35.00 feet, and being tangent to said Southerly right-of-way line of Prospect Road and being tangent to a line 80.00 feet Easterly of and parallel with the centerline of right-of-way of Powerline Road as shown on the above referenced Right-of-Way Map, Section 86550-2608;

ALSO LESS therefrom all that portion of the above described parcel conveyed by and described in the Deed recorded in Official Records Book 7485, Page 291, Public Records of Broward County, Florida.

PARCEL 2:

Part of Lots Nine (9) and Eleven (11) in Block Two (2) of PROSPECT GARDENS, according to the Plat thereof, recorded in Plat Book 22, Page 26, Public Records of Broward County, Florida, described as follows:

Commencing at the Southeast corner of the West-Half of Lot Nine (9); West 135.7 feet to a point of beginning; continue West 14.3 feet; thence North to the North line of Lot Eleven (11); thence East 82.82 feet; Southwest 171.9 feet to the Point of Beginning.

SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE at the Southeast corner of the West-Half of Lot 9; thence, South  $87^{\circ}58'37''$  West, a distance of 135.7 feet to the Point of Beginning (POB); thence South  $21^{\circ}24'57''$  West, a distance of 141.69 feet to a point lying on the North right-of-way line of Lena Road (N.W. 43rd Court); thence South  $87^{\circ}58'37''$  West, a distance of 73.00 feet, to a point lying on a curve concave to the West, through which a radial line bears North  $89^{\circ}35'26''$  East; thence North along said curve lying 80.00 feet East of and parallel to the centerline of Powerline Road (S.R.D. S-809); having a radius of 2371.83 feet, a central angle of  $01^{\circ}48'43''$  and an arc length of 75.00 feet, to a Point of Tangency (P.T.); thence North  $02^{\circ}13'37''$  West, a distance of 55.00 feet to the beginning of a curve concave to the West, having a radius of 3899.82 feet, a central angle of  $01^{\circ}47'30''$ , and an arc length of 121.95 feet to a point through which a radial line bears North  $85^{\circ}59'13''$  East; thence North  $42^{\circ}04'41''$  East, a distance of 50.47 feet to a point lying on the South right-of-way line of Prospect Road; thence North  $88^{\circ}10'30''$  East along said right-of-way, a distance of 164.20 feet to a point lying on the West right-of-way of Interstate 95 (I-95); thence South  $21^{\circ}24'57''$  West along said right-of-way, a distance of 171.90 feet to the Point of Beginning.

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1     **LEGAL DESCRIPTION:**  
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4             **SECTION 4.** If any clause, section or other part of this Ordinance shall be held  
5 by any Court of competent jurisdiction to be unconstitutional or invalid, such  
6 unconstitutional or invalid part shall be considered as eliminated and in no way affecting  
7 the validity of the other provisions of this Ordinance.

8             **SECTION 5.** All Ordinances or parts of Ordinances in conflict herewith are  
9 hereby repealed to the extent of such conflicts.  
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11            **SECTION 6.** This Ordinance shall be effective upon its passage and adoption  
12 by the City Commission of the City of Oakland Park.  
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14     **PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK,**  
15 **FLORIDA, ON FIRST READING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.**  
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18                                     J. BOLIN                     \_\_\_\_\_  
19                                     M. CARN                     \_\_\_\_\_  
20                                     T. LONERGAN             \_\_\_\_\_  
21                                     S. GUEVREKIAN          \_\_\_\_\_  
22                                     M. SPARKS                 \_\_\_\_\_  
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24     **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**  
25 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS \_\_\_\_ DAY OF**  
26 **\_\_\_\_\_ 2020.**  
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29   CITY OF OAKLAND PARK, FLORIDA  
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34   MAYOR MATTHEW SPARKS  
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J. BOLIN  
M. CARN  
T. LONERGAN  
S. GUEVREKIAN  
M. SPARKS

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ATTEST:

\_\_\_\_\_  
RENEE M. SHROUT, CMC, CITY CLERK

LEGAL NOTE:

I hereby certify that I have approved the form of this Ordinance. (O-2020-XXX)

\_\_\_\_\_  
DONALD J. DOODY, CITY ATTORNEY