

Decorative Concrete Specialists of South Florida
Special Exception Use
P24-134 (Heavy Industrial Concrete Plant in Industrial Zoning District)



SUMMARY

Applicant's Request:	The request is for a Special Exception Use (SEU) to allow a Concrete Plant to be located in the Industrial Zoning District as per Section 158.136 (C) (8) of the Zoning Code.
Applicant/Owner:	Jorge Mercado
Location:	The property is located at 2134 and 2174 NW Commerce Lakes Drive.
Project Planner:	Daniel Robinson, Planner III

Project Description

The applicant is requesting a special exception use (SEU) to allow a concrete plant in the Industrial Zoning District. Section 158.136(C)(8) of the Zoning Code lists other heavy industrial development not listed but that are considered to have high intensity use with potential impact on surrounding land uses and to be located within heavy industrial land use districts as a special exception use within the Industrial (IN) Zoning District. The Zoning Code lists a special exception use as a use that may be permitted only following the review and specific approval thereof by the City Council. The proposed special exception use will allow the operation of a concrete plant at this location as depicted in the attached Exhibit A – Conceptual Site Plan.

Background

In 2019 The property was rezoned to Service Commercial to bring the property into compatibility with the existing Land Use of Service Commercial. The rezoning was requested to develop a warehouse building with open storage for a concrete fencing business. The business owner now wants to expand his business into a concrete plant. As this is a heavy industrial use the Future Land Use and Zoning is required to be updated appropriately. On February 10, 2025, Lot 13 was approved by City Council for the update of the Future Land Use to Heavy Industrial and the Zoning to Industrial. On November 12, 2024, Lot 14 was approved by City Council for the update of the Future Land Use to Heavy Industrial and the Zoning to Industrial.

This project was originally scheduled for the June 3, 2025, Planning and Zoning Board meeting. Staff requested the tabling of this project due to truck traffic concerns. The Board tabled P24-134 to a date uncertain.

An ESAL (Equivalent Single Axel Load) (attached) was provided to analyze the additional load being put on City roads from the concrete trucks proposed as part of this Special Exception Use. The additional loading on city roads will cause faster deterioration of the roadway if the roadways being utilized are not built to a high enough structural capacity to handle the concrete truck weight. Per this analysis, it was agreed that the applicant would need to provide 1" of additional asphalt from the project's southern driveway north to Commerce Centre Drive along Commerce Lakes Drive. The City's legal department and the property owner have put together a Cost Responsibility Agreement (attached). Based on the cost estimate from the City's contractor contract pricing and this agreement, the developer has agreed to provide the City a payment of \$40,082.31 upon approval of the SEU and prior to Public Works construction permits being issued. The City will coordinate the additional work and the timing of the asphalt with the roadway work already planned in the area of Commerce Centre Drive.

Public Notice Requirements

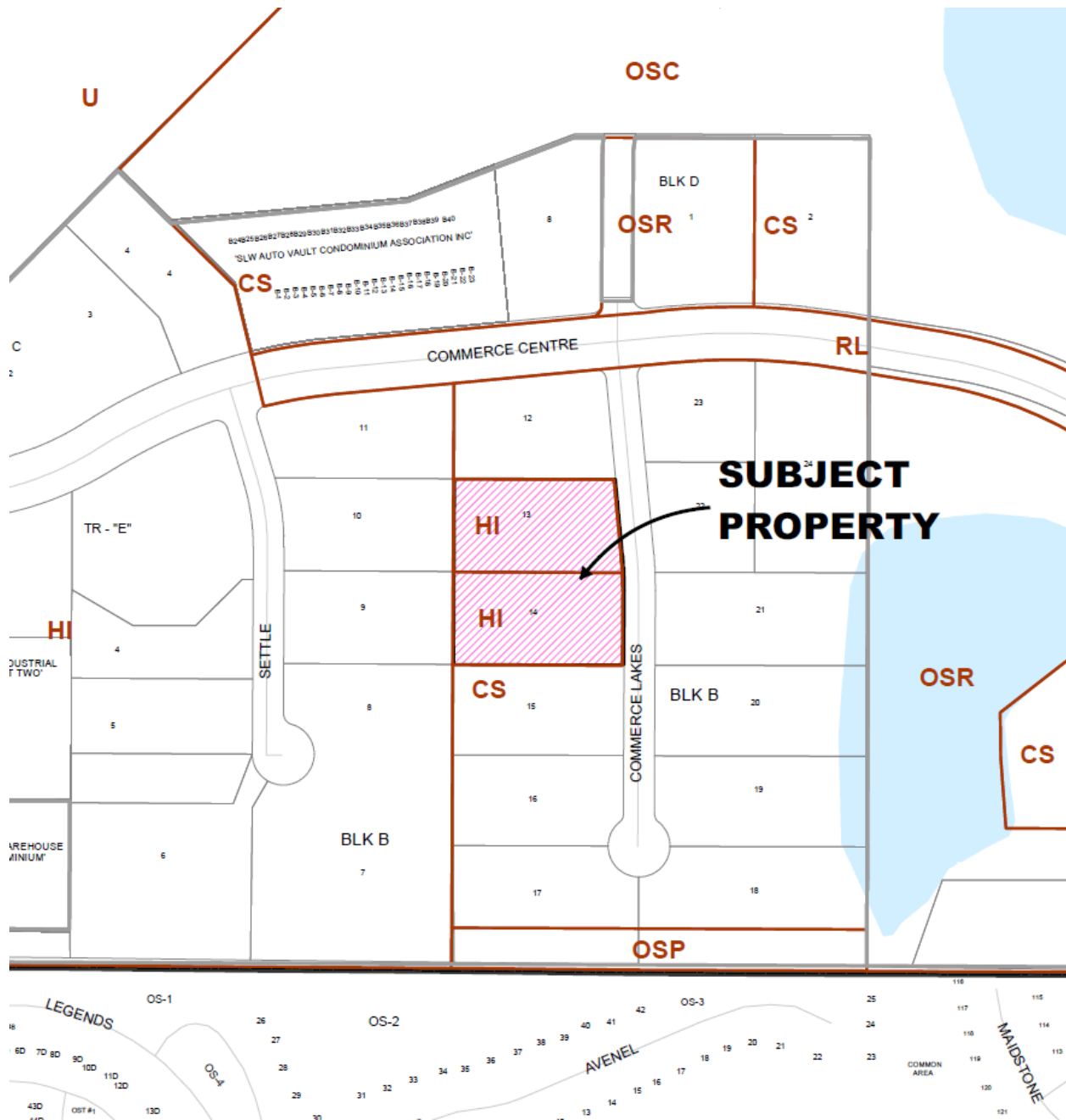
Public notice was sent to owners within 750 feet.

Location and Site Information

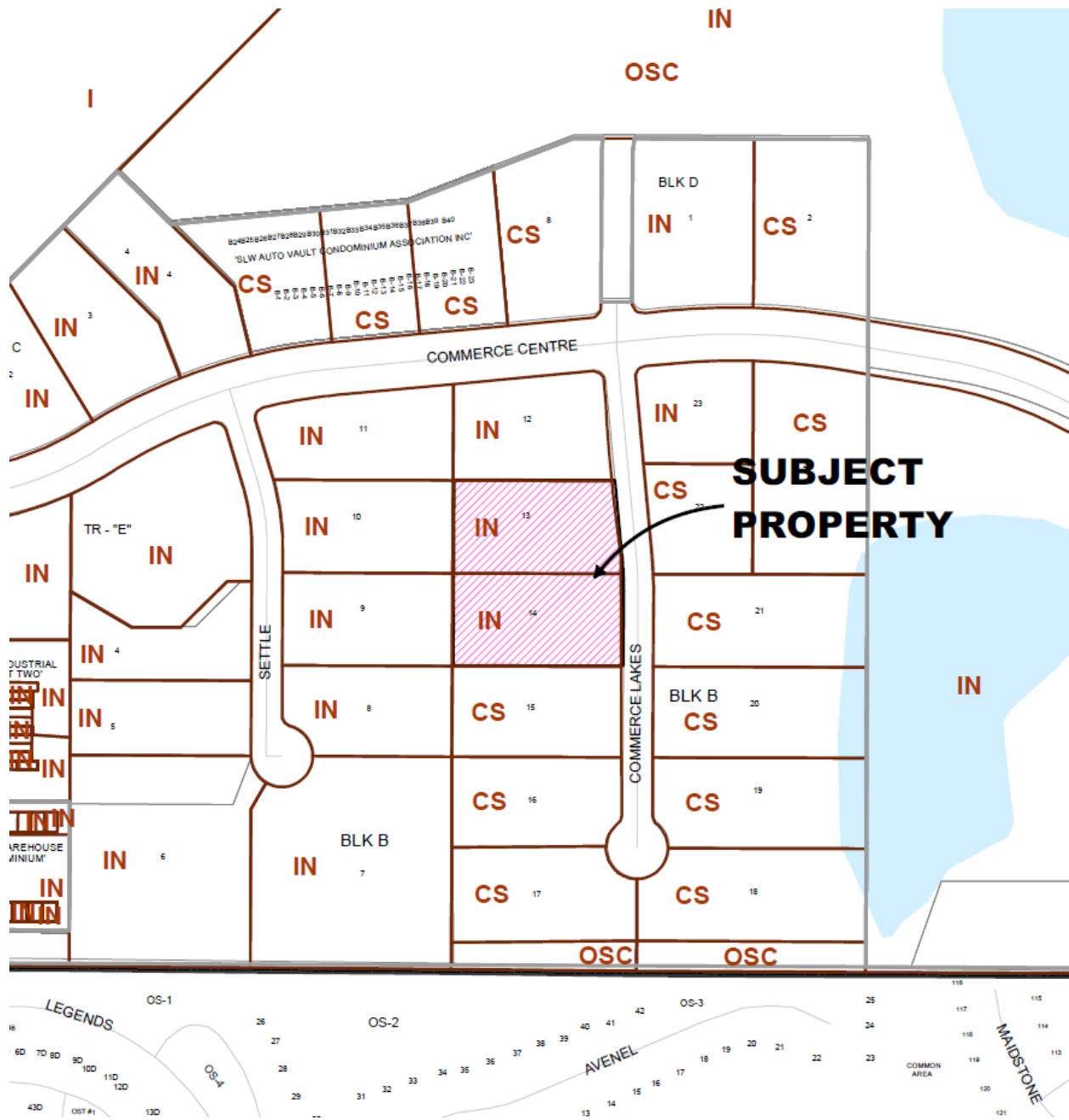
Parcel Number:	3315-703-0003-000-5 and 3315-703-0002-000-8
Property Size:	3.67 Acres
Legal Description:	Go Team Industrial Park-Unit Three-Block B Lots 13 & 14
Current "Future Land Use:"	Heavy Industrial (HI)
Existing Zoning:	Industrial (IN)
Existing Use:	Open storage and warehouse building

Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	Service Commercial	Industrial	Vacant
South	Service Commercial	Service Commercial	Warehouse
East	Service Commercial	Service Commercial	Open storage yard
West	Heavy Industrial	Industrial	Warehouse



Existing Land Use



Existing Zoning

PROJECT ANALYSIS

Special exceptions are uses that would only be allowed under certain conditions and are reviewed to be compatible with the existing neighborhood. Approval of a special exception application shall only be granted by the City Council if it meets the criteria established under Section 158.260 (A) through (L) as noted below. The applicant's response to the criteria is attached. Staff's review is provided below.

Evaluation of Special Exception Criteria (Section 158.260)

(A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or any other emergency.

- Applicant Reply: There is adequate ingress and egress to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or any other emergency.
- Staff findings: The conceptual plan demonstrates that the site has adequate ingress and egress for vehicles, the proposed development will allow for pedestrian safety and convenience. The Public Works Department shall review the transportation element of the project when the site plan is submitted to confer if the site is in compliance with the adopted level of service and requirements of Chapter 156 of City Code, and Public Works Policy 19-01pwd.

(B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

- Applicant Reply: There is Adequate off-street parking, loading areas, and adequate stacking may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
- Staff findings: Required off-street parking shall be provided with site plan approval. The concrete yard will provide for loading areas. The concrete plant will have machines running outside during business hours. Air quality permits will be secured in accordance with the guidelines set forth by the Florida Department of Environmental Protection (FDEP).

(C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

- Applicant Reply: There is Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.
- Staff findings: Adequate utilities are available to service the development.

(D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.

- Applicant Reply: Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties. (This is not applicable because the cement plant will have sophisticated filters which will address any buffering issues).

- Staff findings: The Landscape Plan shall meet all requirements of the Landscape Code. No additional landscaping is required by Code.

(E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

- Applicant Reply: All Signs to the proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties.
- Staff findings: Signs shall meet the requirements of Chapter 155 of the Code of Ordinances.

(F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

- Applicant Reply: Yes, all Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
- Staff findings: Yard setbacks and open space are adequate, to properly serve the proposed development and to ensure compatibility with adjoining properties.

(G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.

- Applicant Reply: Yes, the use as proposed will be in conformance with all stated provisions and requirements of this chapter.
- Staff findings: The proposed use of concrete plant is a Special Exception Use in the Industrial Zoning District. Section 158.136(C)(8) of the Zoning Code lists other heavy industrial development not listed but that are considered to have high intensity use with potential impact on surrounding land uses and to be located within heavy industrial land use districts as a special exception use within the Industrial (IN) Zoning District. The proposed operation of a concrete plant at this location shall conform to all Code Requirements and Setbacks.

(H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

- Applicant Reply: The Establishment and operation of the proposed use not impair the health, safety, welfare, or convenience of residents and workers in the City.
- Staff findings: By adhering to City Code of Ordinances and Regulations, the establishment and operation of the proposed use are not anticipated to impair the health, safety, welfare, or convenience of residents and workers in the City.

(I) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

- Applicant Reply: The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, and because of the hours of operation.

- Staff findings: The business shall abide by the City's noise ordinance. Operations The plant will operate between 7:00 AM - 5:00 PM, Monday through Saturday, with expected daily and weekly production estimates to be provided based on market demand.

(J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

- Applicant Reply: The use as proposed for development will be compatible with the existing or permitted uses of adjacent property.
- Staff findings: The concrete plant use as shown on the attached conceptual plan will be compatible with the existing or permitted uses of adjacent property. The neighboring properties are open storage and warehouse type uses. The additional loading on city roads will cause faster deterioration of the roadway if the roadways being utilized are not built to a high enough structural capacity to handle the concrete truck weight. It was agreed that the applicant would need to provide 1" of additional asphalt from the project's southern driveway north to Commerce Centre Drive along Commerce Lakes Drive. Please see Traffic Memo and backup documents for further information.

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

PLANNING AND ZONING BOARD ACTION OPTIONS

Section 158.260 (A) through (L) of the City code, then the Board may pass a:

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions

If the board finds that the special exception use application is inconsistent with the criteria as listed in Section 158.260 (A) through (L) of the City code, then the Board may pass a:

- Motion to recommend denial to the City Council

Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to table or continue the hearing or review to a future meeting.