Palomar Suites
1790 Alton Road
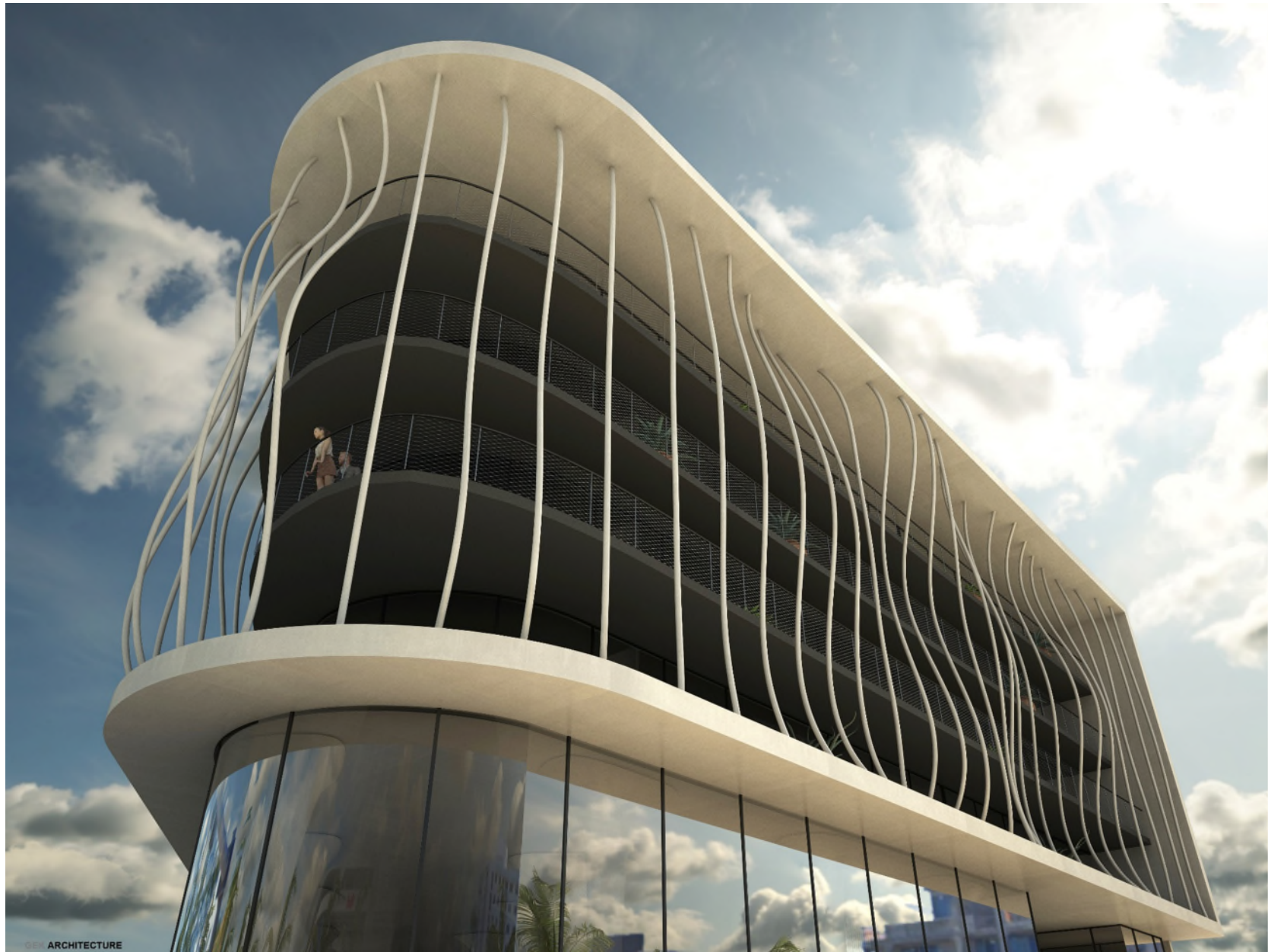
PB21-0428

March 23, 2021

(a) Except as otherwise provided in these land development regulations, prohibited uses in the CD-2 commercial medium intensity district in the Sunset Harbour Neighborhood, generally bounded by Purdy Avenue, 20th Street, Alton Road and Dade Boulevard, are the following:

1. Hotels, apartment hotels, suite hotels and hHostels; **however, this prohibition shall not apply to hotels and suite hotels on CD-2 properties with a lot line on Dade Boulevard and with a lot line within 100 feet of the western ROW line of Alton Road;**
2. Outdoor entertainment establishments;
3. Neighborhood impact establishments;
4. Open air entertainment establishments;
5. Bars;
6. Dance halls; and
7. Entertainment establishments (as defined in section 114-1 of this Code).;
8. Pawnshops;
9. Tobacco and vape dealers;
10. Check cashing stores;
11. Convenience stores;
12. Occult science establishments;
13. Souvenir and T-shirt shops;
14. Tattoo studios.

1790 Alton Road

Chronology for Hotel - Zoning Reliance

November 19, 2020	Entered into contract to purchase property
December 4, 2020	Meeting with Tom Mooney regarding hotel use on property; confirmed hotel use and entitlements
Dec 2020 – Jan 2021	Negotiation of agreement with Kimpton Hotels
December 14, 2020	Land acquisition loan approved
February 1, 2021	Contract for purchase of property goes hard; deposits are now non-refundable
February 10, 2021	Commission discussed and refers hotel prohibition in Sunset Harbour

Spot Zoning

- Defined as:

  "piecemeal **rezoning** of small parcels of land to a greater density, leading to disharmony with the surrounding area." *Southwest Ranches Homeowner's Association v. Broward County*, 502 So. 2d 931 935 (Fla. 4th DCA 1987) (emphasis added)

- Challengers must show that decision has <u>no relationship </u>to public health, safety, morals, or welfare