



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Staff Report

File #: LN-906

ZONING BOARD OF APPEALS
Meeting Date: AUGUST 20, 2026

SPECIAL EXCEPTION - SMAX LLC

Request: Special Exception
P&Z# 26-17000007
Owner: Smax LLC
Project Location: 1370 Dr. Martin Luther King Jr Blvd
Folio Number: 484234170010
Land Use Designation: I (Industrial)
Zoning District: I-1 (General Industrial)
Commission District: 4 (Beverly Perkins)
Agent: Andre Capi
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4228(A) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (I-1 zoning district) for Outdoor Storage (as a principal use).

The subject property is located along the south side of Dr. Martin Luther King Jr. Boulevard and the east side of N Andrews Avenue in the Northwest CRA.

ZONING REGULATIONS

155.4228. INDUSTRIAL: WAREHOUSING AND FREIGHT MOVEMENT USES

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A. Outdoor Storage (as a principal use)

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		S	P										P			

2. Definition

Outdoor storage as a principal use is the keeping, in an area that is not totally and permanently enclosed, of any finished goods, material, merchandise, boats, or vehicles in the same place for more than 24 hours, where such storage is the principal use of a lot. This use does not include a junkyard or salvage facility or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

3. Standards

Outdoor storage as a principal use shall comply with the following standards:

- a. Perimeter buffer and screening standards
 - i. The area(s) used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight feet high in accordance with Section 155.5302, Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.
 - ii. Perimeter buffers in accordance with Section 155.5203.F, Perimeter Buffers, shall be provided between the outdoor storage area(s) and the site's boundaries, with a type C buffer provided between an outdoor storage area and the front lot line, a type B buffer provided between an outdoor storage area and any side or rear lot line adjoining a street, and a type A buffer provided between an outdoor storage area and any other side or rear lot line.
 - iii. Development Existing on or Before April 27, 1999.
 - (A) Existing properties. Lawfully existing outdoor storage established prior to 1999, or lawfully existing outdoor storage established prior to annexation without a landscape plan approved on record shall comply with the perimeter buffer and screening standards of this section. Submission and approval of a landscape plan shall be required for compliance with this section. Upon compliance said outdoor storage facility shall be deemed a lawfully existing special exception use:
 - (1) A fully-opaque fence may be substituted for the wall where required.
 - (2) Any lot on public record prior to June 25, 1991, that is 100 feet or less in width may provide a five-foot wide perimeter buffer between an outdoor storage area and an interior side or street side lot line.
 - (3) Buffer and screening standards shall not apply to a property line abutting an active railroad siding servicing the property.
 - (4) Street trees shall be provided as required by the landscape ordinance.
 - b. Any repair of equipment shall be conducted on a paved surface or within an enclosed building.
 - c. All areas used for outdoor storage shall have a surface that avoids dust and safeguard groundwater.
 - d. If the outdoor storage area is covered, the covering shall include at least one of the predominant exposed roofing colors on the primary structure.
 - e. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.
 - f. Materials shall not be stored higher than the height of the screening.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. Existing Site Conditions:

The subject property is a vacant, triangular-shaped parcel consisting of approximately 6,074 square feet and located within the I-1 (General Industrial) zoning district with an Industrial Future Land Use designation. Historical records indicate that the property was previously larger and supported an industrial use; however, portions of the property were acquired through eminent domain in association with the FDOT/Broward County Andrews Avenue Extension project in the early 2000s. The remaining parcel has remained vacant following the acquisition and presents redevelopment challenges due to its limited size and irregular configuration under the current dimensional standards of the I-1 zoning district.

2. Proposed Use and Comprehensive Plan Consistency:

The applicant proposes to utilize the site for Outdoor Storage as a principal use to support the operations of Marine Max Electronics, located at 1114 Dr. Martin Luther King Jr. Boulevard. No structures are proposed as part of this application. Pursuant to Section 155.4228(A)(1), Outdoor Storage as a principal use requires Special Exception approval within the I-1 zoning district.

The current Site Plan application (PZ #26-12000016) was reviewed by the Development Review Committee (DRC) on July 15, 2026. During the review, the Project Planner identified dimensional and development standard deficiencies related to minimum required lot area (10,000 square feet required; 6,074 square feet provided) and minimum required parking spaces (1 space required; 0 spaces proposed). A separate Variance application (PZ #26-11000018) has been submitted in conjunction with this Special Exception application requesting relief from these standards. Approval of the requested Special Exception does not authorize deviation from applicable dimensional or development standards. Any relief from these standards is subject to separate review and approval through the associated Variance application.

Based on the site plan and supporting materials submitted with this application, the proposed development appears capable of complying with the applicable use-specific standards for Outdoor Storage as a principal use, including required screening, buffering, and landscaping requirements. The applicant has proposed landscaping and site improvements that exceed the minimum Code requirements and are intended to further the objectives of the following Comprehensive Plan policies:

- **Policy 01.04.04**

Special exception uses on major corridors including the city's gateway streets (Atlantic Boulevard, Dr. Martin Luther King, Jr. Boulevard and NW 31st Avenue) will be required to provide landscaping and beautification in excess of standard code requirements along all major street frontages.

- **Policy 01.07.21**

Amend the Land Development Code to require special exception uses on major corridors including the city's gateway streets (Atlantic Boulevard, Dr. Martin Luther King, Jr. Boulevard and NW 31st Avenue) to provide landscaping and beautification in excess of standard code requirements along all major street frontages.

- **Policy 01.08.03**

Continue the construction of facilities such as roadway, drainage, water and sewer facilities and enhanced medians and other street section beautification efforts in the northwest Dr. Martin Luther King Jr. Blvd, NW 31st Avenue and Atlantic Boulevard corridors. Encourage auto-oriented and industrial development along these gateway corridors to provide an enhanced roadway frontage for both the building facades and the landscaping visible from the roadway to beautify the corridor.

Based on the proposed site improvements and conditions of approval, staff finds the proposed Outdoor Storage use is generally consistent with these Comprehensive Plan policies. Although the proposed use is industrial in nature, the enhanced landscaping, buffering, and screening improvements proposed along Dr. Martin Luther King Jr. Boulevard, a designated gateway corridor, are intended to improve the visual character of the corridor while maintaining compatibility with the surrounding industrial area.

3. Compatibility Considerations:

The subject property is located within an established industrial area characterized by warehouse, manufacturing, contractor, distribution, and utility-related uses. The surrounding properties are zoned I-1 and developed with industrial or warehouse uses. The nearest residentially zoned properties are separated from the site by Andrews Avenue and the CSX railroad corridor, thereby limiting the potential for adverse impacts on residential neighborhoods.

Outdoor storage associated with warehouse, contractor, utility supply, and distribution uses is common among permitted and established industrial uses throughout the surrounding industrial area. The proposed use would not introduce a land use type inconsistent with the established industrial development pattern. Furthermore, the subject property is surrounded by arterial roadways and industrial development, limiting the potential for land use conflicts with sensitive uses.

Given the industrial character of the surrounding area and the prevalence of outdoor storage activities associated with permitted industrial uses in the I-1 zoning district, the proposed use appears generally compatible with surrounding industrial development. Based on the site plan and supporting materials submitted with this application, and subject to compliance with the applicable provisions of the Zoning Code and the conditions of approval, the proposed use is not anticipated to create significant adverse impacts related to noise, traffic, visual character, or other operational characteristics on surrounding properties.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- I-1 | vacant industrial parcel

Surrounding Properties (Zoning District | Existing Use):

- North: I-1 | storage yard and office/warehouse
- South: Andrews Avenue right-of-way; I-1 | vacant industrial parcel
- West: Andrews Avenue right-of-way; I-1 | vacant industrial parcel
- East: Dr. Martin Luther King Jr. Boulevard; I-1 | industrial/cold storage facility

SPECIAL EXCEPTION REVIEW STANDARDS

A Special Exception shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception, as proposed:

1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection;
5. Is appropriate for its location and is compatible with the general character of neighboring lands and the uses permitted in the zoning district(s) of neighboring lands. Evidence for this standard shall include, but not be limited to, population density, intensity, character of activity, traffic and parking conditions and the number of similar uses or special exception uses in the neighborhood;
6. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
7. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
8. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
9. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site and neighborhood;
10. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;
11. Fulfills a demonstrated need for the public convenience and service of the population of the neighborhood for the special exception use with consideration given to the present availability of such uses;
12. Complies with all other relevant city, state and federal laws and regulations; and
13. For purposes of determining impacts on neighboring properties and/or the neighborhood, the terms neighboring properties and neighborhood shall include the area affected by the requested special exception, which is typically an area of 500 feet to a one-half mile radius from the subject site.

Staff Conditions:

Should the Board determine the applicant has provided competent substantial evidence sufficient to satisfy the thirteen Special Exception review standards, staff requests the Board include the following conditions as part of the Order:

1. Obtain all necessary governmental permits and approvals, including Site Plan, Building, and Zoning Compliance Permits.
2. Approval and satisfaction of the associated Variance application (PZ #26-11000018) prior to issuance of permits associated with the Special Exception approval.
3. Substantial compliance with the site plan submitted with this application and associated Site Plan application PZ #26-12000016, including enhanced landscaping and beautification improvements consistent with Comprehensive Plan Policies 01.04.04, 01.07.21, and 01.08.03.

CITY OF POMPANO BEACH
AERIAL MAP



Legend

-  Applicant Parcel
-  Pompano Beach Parcels

Scale:
1:1,200
07/30/2026

1370 Dr Martin Luther King Jr Blvd
SMAX LLC

Special
Exception

Created by:
Department of
Development Services

