



Staff Report

File #: LN-344

Zoning Board of Appeals
Meeting Date: September 15, 2022

SPECIAL EXCEPTION - 33 NW 33rd ST INDUSTRIAL LLC

Request: Special Exception
P&Z# 22-17000009
Owner: 33 NW 33rd Street Industrial LLC
Project Location: NW 33 Street (parking lot on north side of street)
Folio Number: 4842 21 07 0070
Land Use Designation: I- INDUSTRIAL
Zoning District: General Industrial (I-1)
Agent: Christopher Lall
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 City's Zoning Code in order to utilize the subject property (Zoning District: I-1) for Outdoor Storage (as a principal use).

The subject property is located on the north side of NW 33rd Street, between Florida's Turnpike and NW 27th Avenue.

ZONING REGULATIONS

§155.4228. INDUSTRIAL: WAREHOUSING AND FREIGHT MOVEMENT USES

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 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.

d. All areas used for outdoor storage shall have a surface that avoids dust and safeguard groundwater.

PROPERTY INFORMATION/HISTORY

1. The subject property was developed as an additional parking lot to serve the adjacent Festival Marketplace/Festival Flea Market immediately to its north in the early 1990s. The subject property obtained site plan approval under PRA #93-7145, and was approved under building permit #94-6689. The development order conditioned the approval of the site plan on a pending rezoning request (from I-1 to I-1/PCI), which subsequently was adopted by City Commission via Ord. 94-30. According to the rezoning application, the reason for the request was to "allow for the provision of additional parking to support the Festival Flea Market." More recently, a rezoning application (P&Z: 19-13000011) was approved by the City Commission (Ord. 20-57) which removed the Master Plan and the subject property reverted back to I-1 (General Industrial) zoning. It should also be noted that the Festival Flea Market property was recently rezoned from B-3 to I-1 via PZ #22-13000002, and the Festival Flea Market will likely be demolished.

2. The subject property has an open code violation (Case #22020025) for commercial vehicles being stored on the property without approval to do so. The applicant plans to remedy this by obtaining Major Temporary Use Permit approval via application PZ #22-15000013, as well as obtaining Special Exception approval for principal outdoor storage which would allow the use in perpetuity. The applicant's narrative states the outdoor storage will primarily consist of FedEx and Amazon fleet

vehicles as many of the nearby distribution centers currently have insufficient parking.

3. Approval of this Special Exception would be conditioned on the applicant landowner obtaining a Minor Site Plan development order in order to provide the necessary perimeter buffer and screening standards for principal outdoor storage. The applicant's narrative and conceptual site and landscape plans affirm they intend to comply with the screening standards, including a Type "C" buffer along NW 33rd Street, a Type "B" buffer along NW 27th Avenue, and a Type "A" buffer along the north and west property lines. Moreover, the applicant acknowledges additional landscaping and new trees will be provided, as prescribed by code.

LAND USE PATTERNS

Subject Property (Zoning | Existing Use): I-1 | parking lot

Surrounding Properties (Zoning | Existing Use):

- North: B-3 | Festival Flea Market
- South: I-1 | warehouse/distribution
- East: I-1 | warehouse/storage
- West: Florida's Turnpike

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:

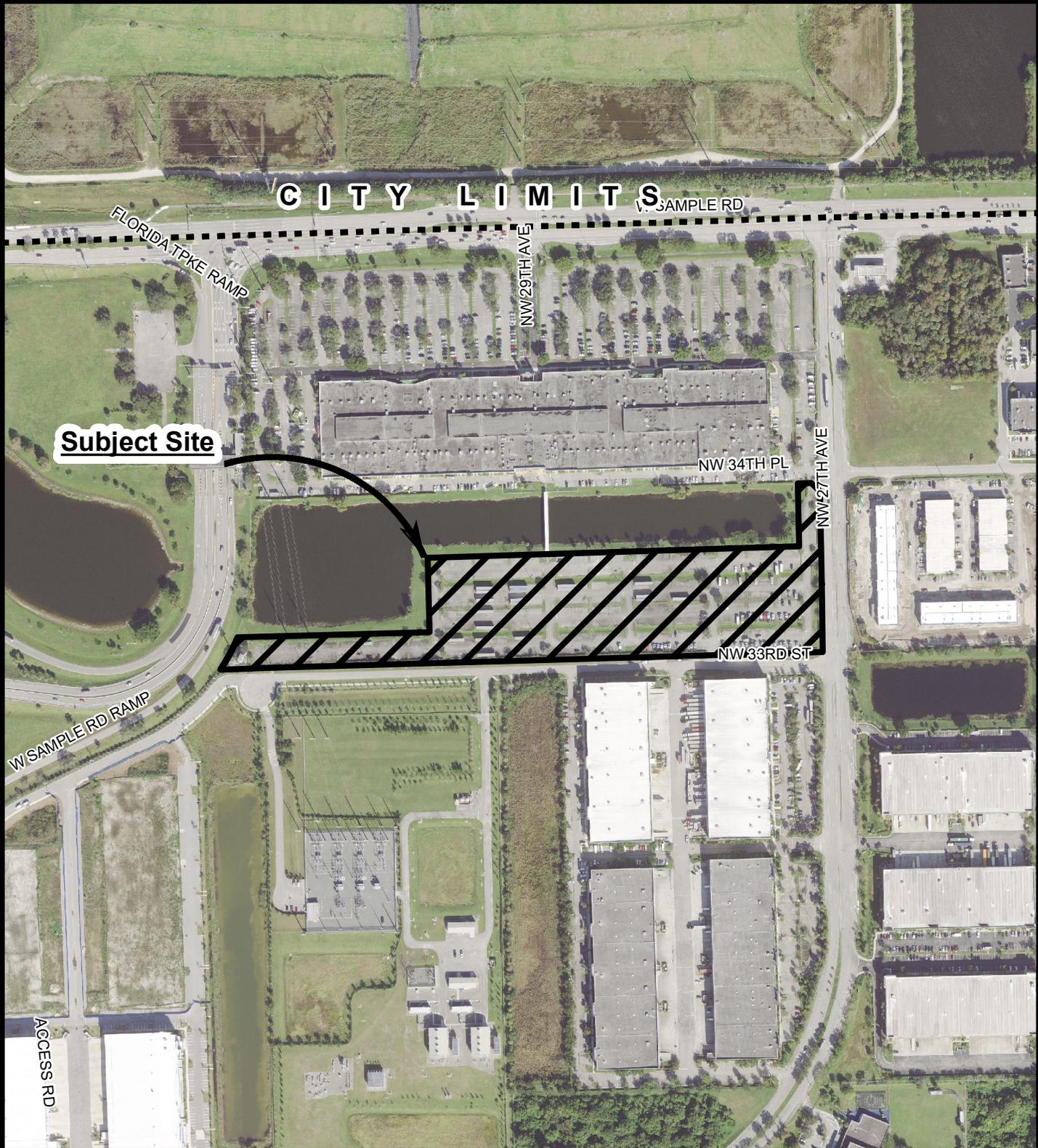
1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited 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 Zoning Use Certificate and Business Tax Receipt.
2. Submit an application for Site Plan within six (6) months of approval that complies with all use-specific standards for outdoor storage as a principal use (§155.4228.A.3), as well as all other applicable site plan development standards.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 417 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES