



Staff Report

File #: LN-709

ZONING BOARD OF APPEALS

Meeting Date: APRIL 17, 2025

MAJOR TEMPORARY USE - POMPANO 555 LLC

Request:	Major Temporary Use
P&Z#	25-15000004
Owner:	Pompano 555 LLC
Project Location:	551 S Dixie Hwy E
Folio Number:	494202220410
Land Use Designation:	C (Commercial)
Zoning District:	B-4 (Heavy Business)
Agent:	Dexter Stewart
Project Planner:	Scott Reale

Summary:

The Applicant Landowner is seeking a Major Temporary Use Permit to temporarily utilize a parcel for a mobile food truck lot, and to allow deviations from the applicable standards required by Article 4 [Use Standards] and Article 5 [Development Standards] of the Pompano Beach Zoning Code.

The property is located along the west side of northbound S Dixie Highway, between SW 5th Street and SW 6th Street

PROPERTY INFORMATION AND STAFF ANALYSIS

- 1. Zoning and Permitted Uses:** This property is located in the B-4 (Heavy Business) zoning district, which permits mobile vendors on private property in accordance with §115.18, “Mobile Vendor, Itinerant Merchant, or Peddler.” One of the key provisions is that mobile vendors cannot utilize off-street parking spaces designated for existing uses in a manner that reduces parking availability for the principal use of the building. Although there is an existing building on the subject property, no active Business Tax Receipt (BTR) exists for this address. Additionally, mobile vendors are prohibited from storing any equipment or apparatus related to their operations on-site, unless it is fully contained within a completely enclosed, permanent structure.

- 2. Temporary Use vs Site Planning Requirements:** While mobile vending is allowed within the B-4 Zoning District, it is important to emphasize that the manner in which the activity is conducted must align with the standards and regulations set forth by Code. Any permanent alterations that affect the function of the site, such as changes to infrastructure or layout, would require formal site planning or building permit approval. The applicant has requested a Major Temporary Use Permit to establish a food truck lot for a period of up to one year, and intends to commence operations imminently. It is important to note that this request bypasses the typical Development Review Committee (DRC) Site Plan review process, which is typically required for such operations.
- 3. Applicant's Proposal and Operations:** The applicant's narrative indicates that the food truck lot will operate from 6:00 PM to 11:00 PM, Wednesday through Sunday. The proposal includes a few onsite spaces, with additional spaces located off-site at nearby businesses that are closed during these hours. The applicant anticipates that the majority of food orders will be for take-out, and plans to partner with online food delivery services, including Uber Eats, DoorDash, GrubHub, and similar platforms. According to the conceptual site plan, the proposed lot will accommodate up to 13 food trucks, each with approximate dimensions of 17 ft x 10 ft.
- 4. Staff Considerations and Potential Impacts:** While staff acknowledges the potential benefits of this business model, there are several outstanding concerns and unknown variables that need to be addressed to ensure a well-informed decision by the ZBA. Key considerations include:

 - **Parking and Traffic Impacts:** There is limited information regarding the availability and adequacy of parking for both customers and food truck operators, particularly in the event of high demand. The applicant has indicated the use of offsite parking at neighboring businesses, but the ZBA should carefully consider the impact on parking availability for both the proposed food truck lot and existing uses along S Dixie Highway. Moreover, the impact on traffic flow, particularly in the event that the food truck lot attracts significant customer volume, has not been fully addressed.
 - **Bathroom Facilities:** The proposal does not mention the provision of restroom facilities for customers or food truck operators. It is important to consider whether adequate sanitary facilities will be provided to meet health and safety standards.
 - **Operation of Food Trucks:** There is no clarification regarding whether the food trucks will remain on-site overnight or whether they will leave daily. This raises questions about the potential for on-site storage of food trucks or any associated equipment overnight, as well as the overall security and maintenance of the site during non-operating hours.
 - **Site Functionality and Temporary Nature:** As the proposed food truck lot is intended to be a temporary use, staff recommends that the ZBA carefully evaluate the potential impacts on the neighborhood and the site's functionality, considering that temporary uses can sometimes present unforeseen challenges, especially without the standard review processes in place.
- 5. Conclusion:** While the staff is supportive of the applicant's business model and the potential for this food truck lot to add vibrancy to the area, it is important that the ZBA is made aware of the unknowns that could impact the neighborhood and the surrounding area. Staff encourages the ZBA to consider the adequacy of parking, potential traffic impacts, restroom facilities, and the logistics of food truck operations when making a decision. A well-informed decision will ensure that any temporary use of the property can be successfully integrated into the neighborhood without causing undue negative impacts.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- B-4 | building and parking lot (no BTR)

Surrounding Properties (Zoning District | Existing Use):

- North: B-4 | commercial plaza with various commercial/retail uses
- South: B-4 | production/recording studio
- East: B-4 | Voltage Battery
- West: B-4 | O'Reilly Auto Parts

TEMPORARY USE PERMIT REVIEW STANDARDS

A Temporary Use Permit shall be approved only on a finding that the temporary use as proposed:

1. Is on its face temporary in nature;
2. Is in harmony with the spirit and intent of this Code;
3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
4. Does not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
5. Is compatible with any principal uses on the site;
6. Is located on a site containing sufficient land area to allow the temporary use and associated structures, and accommodate any associated parking and traffic movement, without disturbing environmentally sensitive lands; and
7. Complies with all applicable use-specific standards in Section 155.4403.

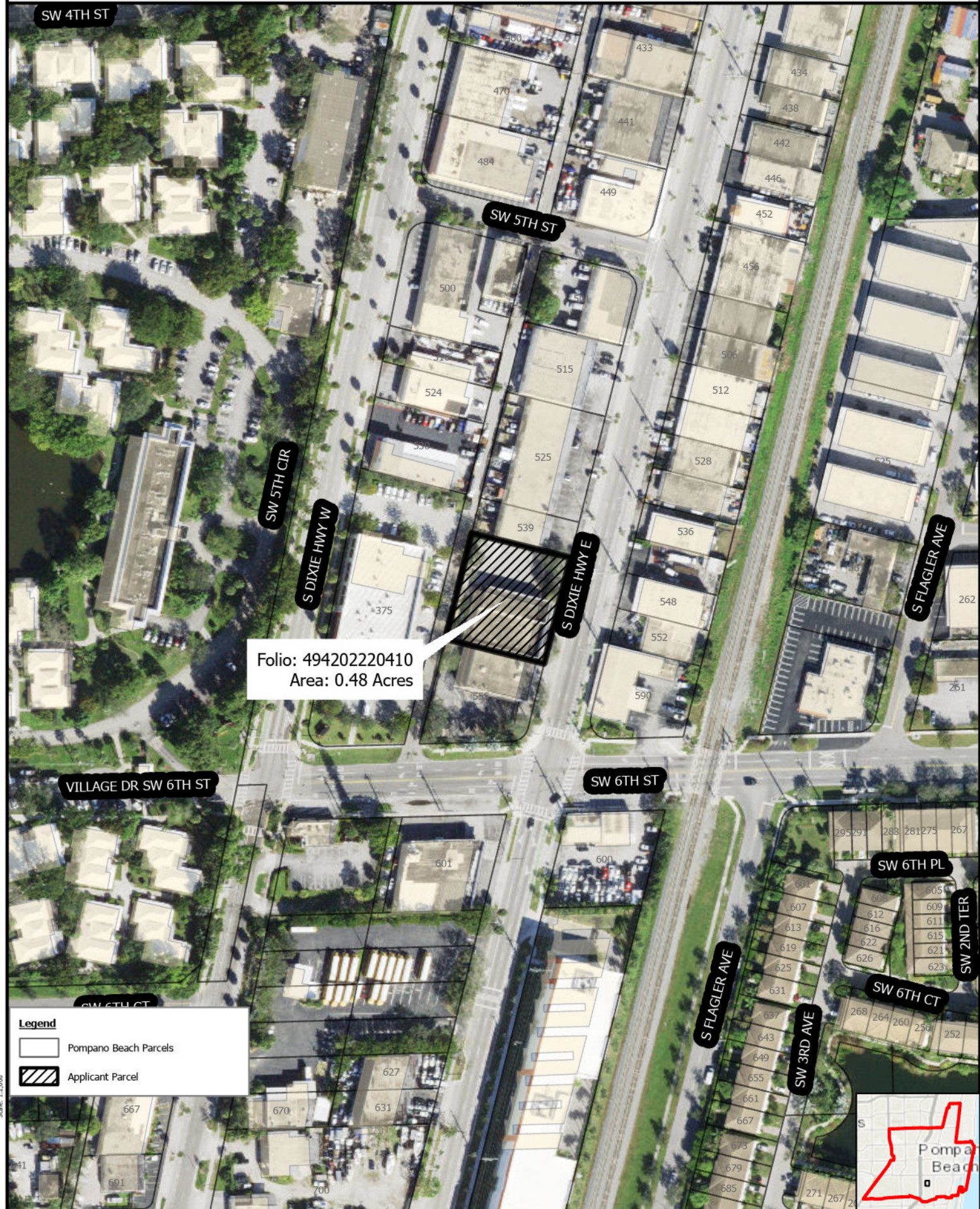
Staff Conditions:

Should the Board determine the applicant has provided competent substantial evidence sufficient to satisfy the seven Major Temporary Use Permit review standards, staff requests the Board include the following condition (s) as part of the Order:

1. Obtain all necessary governmental approvals and permits prior to the commencement of operations.
2. A scaled site layout drawing must be submitted, clearly indicating the proposed location and configuration of operations. Additionally, an operational plan must be developed in coordination with the Fire Department, detailing how food trucks will be inspected and regulated at the site.
3. The applicant shall ensure that adequate restroom facilities are provided for both vendors and customers during the hours of operation, in accordance with health and safety standards.
4. Should any ongoing adverse impacts be identified - including but not limited to public health, safety, welfare, or issues related to insufficient land area to accommodate parking and traffic flow - such impacts may be subject to review by the City or the Broward Sheriff's Office (BSO). The continued operation of the Temporary Use Permit may be subject to modification or revocation based on the findings of this review.

CITY OF POMPANO BEACH

AERIAL MAP



Legend

- Pompano Beach Parcels
- Applicant Parcel

Scale:
1:2,000

Pompano 555 LLC

551 S Dixie Hwy E

Major Temporary
Use

Created by:
Department of
Development Services

