



Staff Report

**File #:** LN-390

Zoning Board of Appeals  
Meeting Date: January 19, 2023

**MAJOR TEMPORARY USE PERMIT - Upper Pompano + Dixie Properties**

**Request:** Major Temporary Use Permit  
**P&Z#** 22-15000022  
**Owner:** Upper Pompano Properties & Investments LLC + Dixie Properties & Investments LLC  
**Project Location:** 1661 N Dixie Highway  
**Folio Number:** 4842 26 00 0380 / 4842 26 00 0383  
**Land Use Designation:** C- COMMERCIAL  
**Zoning District:** Heavy Business (B-4)  
**Agent:** Thomas W. Johnston, Esq.  
**Project Planner:** Scott Reale

**Summary:**

The Applicant Landowner is requesting a MAJOR TEMPORARY USE PERMIT from the provisions of Chapter 155: Article 4 [Use Standards] and Article 5 [Development Standards] of the City of Pompano Beach Zoning Code in order to utilize the existing site for various commercial uses without complying with the applicable use and development standards as required by Code.

The subject property is located in the Northwest CRA, on the west side of N Dixie Highway, between NW 16<sup>th</sup> Street and NE 17<sup>th</sup> Court.

**PROPERTY INFORMATION**

1. The subject property does not have any open code compliance cases.
2. The subject property has the following Business Tax Receipts:

| Business Name                | Classification                        |
|------------------------------|---------------------------------------|
| GREVGOLD INC                 | STORAGE WAREHOUSE-TENANT STORAGE      |
| AVIS RENT A CAR SYSTEM LLC   | VEHICLE LEASE/RENT CARS, TRUCKS, RV'S |
| BUDGET RENT A CAR SYSTEM INC | VEHICLE LEASE/RENT CARS, TRUCKS, RV'S |
| BUDGET TRUCK RENTAL LLC      | VEHICLE LEASE/RENT CARS, TRUCKS, RV'S |

|                                |   |
|--------------------------------|---|
| DIXIE PROPERTIES & INVESTMENTS | RENTAL BUILDING-COMML,BLDG<br>LEASE/RENT            |
| LEGENDS CEF                    | PROFESSIONAL-FUNERAL HOME<br>DIRECTOR/EMBAL 143-022 |

3. BTR inspectors have confirmed that other businesses are operating at this site without an active BTR.
4. On 8/15/2018, Development Order#17-12000057 was issued for the construction of an automobile and truck rental facility with associated landscaping and site improvements. This site plan approval was based on the use for Avis/Budget Car Rental. Additional commercial or retail uses were not proposed. The total required parking at the time of approval was 15 spaces: 5 spaces for the Avis/Budget building and 10 spaces for the warehouse building.
5. Four Major Temporary Use Permits (PZ #19-15000016; PZ #20-15000011; PZ #21-15000006; PZ #21-15000010) have previously been granted by the Board in order to allow business operations to continue to operate while the site plan improvements are implemented.
6. The last Temporary Use Permit included the following condition: “Minimum onsite parking requirements shall be exempt only for the duration of the Temporary Use Permit. All business owners must either comply with minimum parking requirements or sign an affidavit acknowledging that the minimum parking requirements must be satisfied prior to the expiration of Temporary Use Permit. Failure to comply with the parking requirements after the Temporary Use Permit expires may result in revocation of their Zoning Use Certificate and Business Tax Receipt.”
7. Over the past year, the property owner and applicants applying for a Zoning Use Certificate on this property have been required to sign an affidavit acknowledging the condition that minimum onsite parking requirements shall be waived only for the duration of the Major Temporary Use Permit. See *Affidavit for Temporary Parking* document attached.
8. As previously stated, the approved site plan does not account for the parking necessary for the additional businesses seeking to operate in the warehouse building. The property owners must submit a new site plan in order to address the deficiency in required parking. This was brought to the attention of the property owner and acknowledged over a year ago. Yet, a new site plan was never filed. Further, site landscaping required from the approved site plan has not materialized in what staff considers appropriate development timeframes.
9. Continuing to grant temporary relief is not the panacea. The property owner must file a new site plan to address the site’s parking deficit.

**LAND USE PATTERNS**

Subject property (Zoning District | Existing Use):

- B-4 | warehouse building and vehicle rental facility

Surrounding Properties (Zoning District | Existing Use):

- North: B-3, RD-1, RS-2 | auto repair & towing services and single-family dwellings
- South: B-3 | lawn maintenance and trucks
- East: T | Sand and Spur Equestrian Park
- West: RS-2 | single-family dwellings

**TEMPORARY USE PERMIT REVIEW STANDARDS**

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

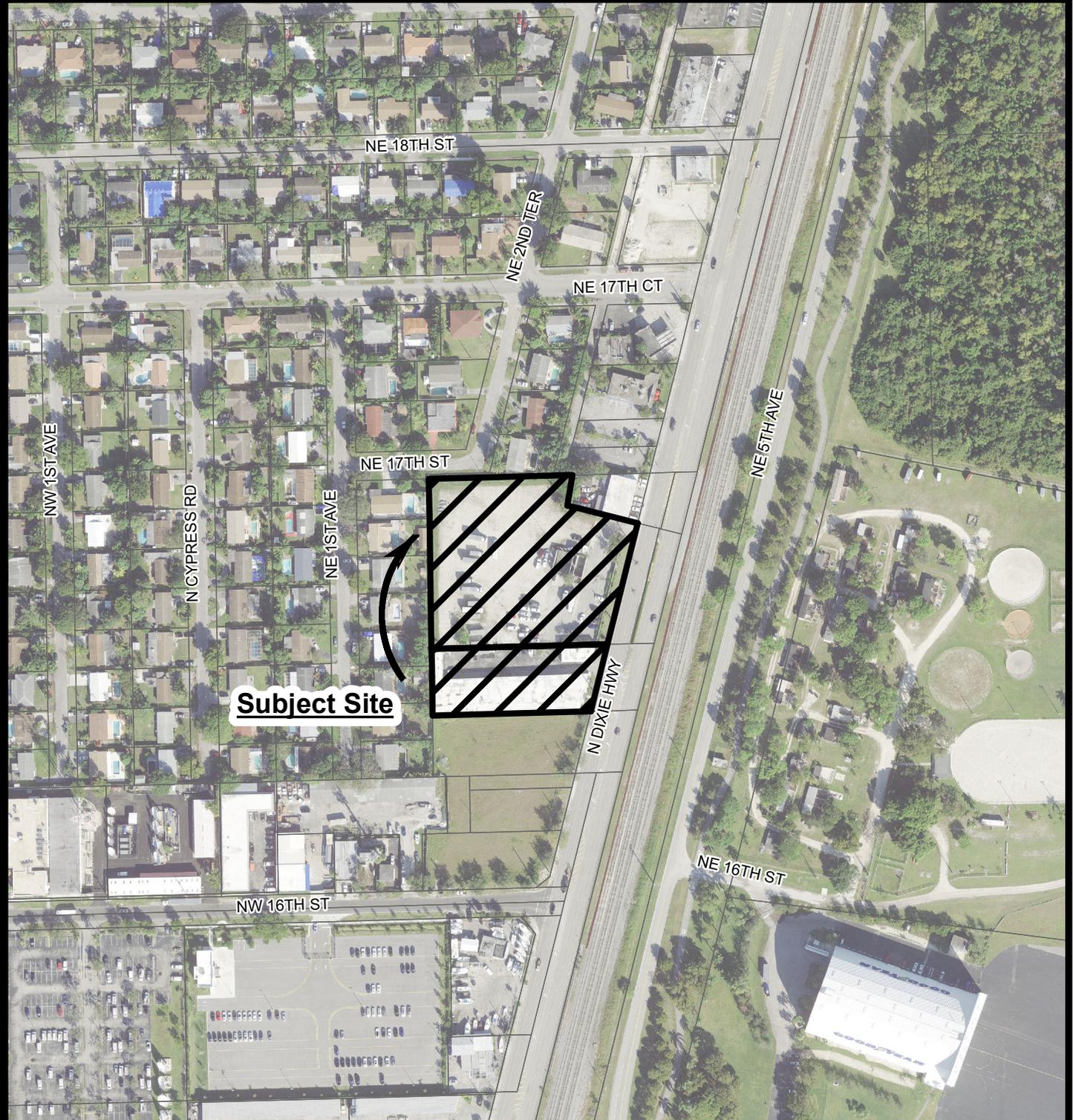
1. Is on its face temporary in nature;
2. Is in harmony with the spirit and intent of this Code;
3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
4. Does not have substantial adverse effects or noise impacts on any adjoining 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 conditions as part of the Order:

1. Within six months of this approval, submit a site plan with sufficient parking for the existing and proposed commercial and retail uses in the warehouse building.
2. Obtain a Zoning Use Certificate and Business Tax Receipt for all businesses operating without an active BTR. Until such time that the permits associated with the site plan are closed out, allowable uses that are not totally and permanently enclosed shall be strictly limited to automotive and light truck rental & display.
3. Minimum onsite parking requirements shall be exempt only for the duration of the Temporary Use Permit. All business owners must either comply with minimum parking requirements or sign an affidavit acknowledging that the minimum parking requirements must be satisfied prior to the expiration of Temporary Use Permit. Failure to comply with the parking requirements after the Temporary Use Permit expires may result in revocation of their Zoning Use Certificate and Business Tax Receipt.

# CITY OF POMPANO BEACH AERIAL MAP



**Subject Site**

**MAJOR  
TEMPORARY  
USE**

**DIXIE PROPERTIES &  
UPPER POMPANO PROPERTIES  
1661 N DIXIE HWY**

1 in = 250 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

