



November 20, 2020

**SUN RECYCLING, CITY OF POMPANO BEACH. VARIANCE SUMMARY**

**Project No:** PZ 20-12000009

**Reviewer:** Jae Eun Kim (954) 545-7778: [JaeEunKim@copbfl.com](mailto:JaeEunKim@copbfl.com)

**Applicant:** LGL Systems, LLC and Prime Realty Capital, LLC

**Location:** Folio Numbers 484228010289 / 4484228010284 / 484228010290  
Sun 1, 2241 NW 15<sup>th</sup> Court, Pompano Beach, Florida

**Request:** Variance Application in support of a Minor Site Plan Application, P&Z # 20-1200009

**Project Summary:**

LGL Systems, LLC and Prime Realty Capital, LLC (Owners) have provided the City of Pompano (City) with an application for a Minor Site Plan approval for modifications to the Sun 1 Site. The Sun 1 Site, located at 2241 NW 15<sup>th</sup> Court, Pompano Beach, Florida, is zoned Special Industrial (I-1X) and is currently used for the processing of metal materials (Junk yard or Salvage Facility).

The Site Plan for the current operations was approved by the City on 23 January 2012 (Development Order Planning and Zoning No. 11-12000034). The current operations generate ferrous metals. The Owners are proposing this Minor Site Plan modification to allow for further processing of the ferrous metals. The application for the Minor Site Plan (P&Z No. 20-12000009) describes the following modifications to the existing site.

- The Site will be expanded to include the property located adjacent to and west of the original property (Parcel number 484228010290).
- The existing site is owned by LGL Systems, LLC and the site for expansion is owned by Prime Realty Capital, LLC.
- The proposed expansion of the site includes the proposed following site development:
  - The expansion of the Site to include the 0.88-acre property to the west for a total site area of 3.72 acres.
  - The Site will be 75 percent (%) impervious and 25% pervious.
  - There will be new processing equipment and a new Break Area Structure.
  - The surface water management system is revised to manage surface water runoff from the expanded area.
  - The site plan also demonstrates compliance with required buffers and landscaping.

In order to accomplish the proposed site development shown in the Site Plan Application, the Owner is requesting the following variances:



**Variance 1:** to *Section 155.5603.C, Business Activities to be Conducted in Enclosed Buildings*

A Variance from Section 155.5603.C of the City of Pompano Beach Florida Code of Ordinances (Code) to allow for the metals processing to be performed without a building.

**Variance 2:** to *Section 155.5203.D.4, 15% VUA Interior Green Area*

A Variance from *Section 155.5203.D.4* which requires 15% landscape planting areas within the Vehicular Use Area, (VUA) to be provided and maintained within the interior of the VUA area.

This Variance is requesting optional design solutions to the placement of the interior VUA landscape areas.

**Variance 3:** to *Section 155.5203.F.3, Type C Buffer, Option 1*

A Variance from *Section 155.5203.F.3, Type C Buffer* to modify the location of the required interior wall tree, allow for picket fencing in locations and the removal of a hedge due to drainage modifications.

This Variance is requesting optional design solutions to the location of trees, a hedgerow and solid walls within the Type C, Option 1 Buffer Areas.

**Variance 4:** to *Section 155.5102.C.9, Continuous Curbing*

A Variance from *Section 155.5102.C.9, Curbing* to allow for railing and walls to be provided in lieu of curbing as needed for drainage modifications and presence of existing concrete walls adjacent to the Vehicular Use Area, (VUA).

This Variance is requesting optional curbing solutions to allow for railing on the west and north and existing walls on the south and east sides of the property, respectively.

Thank you for your attention to this request and feel free to call me with any questions at 954-802-6292 or email me at [jill@jbcplanning.com](mailto:jill@jbcplanning.com).

Respectfully submitted,



Jill B. Cohen, PLA, AICP,  
President, JBC Planning & Design

11.20.20

Date:



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**SUN RECYCLING, CITY OF POMPANO BEACH, VARIANCE**

**Project No: PZ 20-12000009**

**Reviewer:** Jae Eun Kim (954) 545-7778: [JaeEunKim@copbfl.com](mailto:JaeEunKim@copbfl.com)

**Variance 1:** to Section 155.5603.C, Business Activities to be Conducted in Enclosed Buildings

*a. There are extraordinary and exceptional conditions pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity.*

**Response:** This Applicant is proposing to add (expand) the existing metals processing operations to the adjacent western parcel. The existing metals processing facility was previously approved by the City of Pompano in 2011 and built in 2012. The existing metals processing is not located in an enclosed building. As such, this request is unique to this site and does not apply to other lands or structures in the vicinity.

*b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner.*

**Response:** The existing conditions and circumstances are not a result of any action of the Applicant. The expansion of the facility will allow for further processing of recovered metals. The additional processing provides for a more sustainable future, meeting the recycling demands of the community and surrounding areas of the Project.

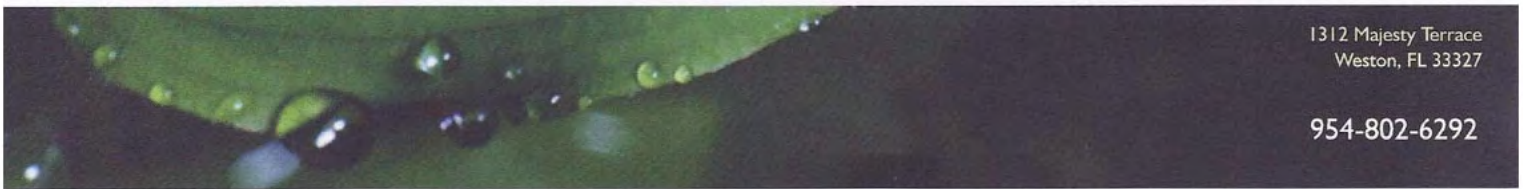
*c. Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship.*

**Response:** The Applicant is proposing expansion of an existing facility that is used for the processing of metals. The expansion will include the installation of additional processing equipment, designed for further processing of the recycled metal materials. The expansion of the site and the proposed use are the same as the existing site and existing use, metals processing.

The Applicant has been operating the existing facility since approved by the City in 2012 without an enclosure. The cost to enclose this structure in a building would be cost prohibitive for the facility expansion which has been functioning without incident for nearly 10 years and would create an undue hardship on the Applicant since no other metal processing facilities in the County are required to be enclosed. Without the variance requested, the exceptional condition resulting —would preclude the Petitioner from continuing it's operation to service the needs of the residents of Pompano Beach and would essentially eliminate the most valuable use intended for this property. Approval of this variance is the only feasible way to effectively address the hardship of enclosing the facility in a building.

*d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.*

**Response:** The requested variance would not confer any special privilege upon the Applicant as the existing facility, and other near-by facilities, as noted in response 'c' above, are not in enclosed buildings. Moreover, approval of this request would in a sense, 'even the playing field' since it is uncommon to enclose these types of structures.





*e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure.*

**Response:** The Applicant's request to expand the metal processing operations to the west will allow for continued and improved operation of the metals processing, a business that provides a recycled material, reducing the need for new resources. The current operation is not in a building, and neither are several other metals processing operations within the City. To require a building for this expansion would prevent the reasonable use of the land. The Applicant is not any change to the ingress and egress points or for a business which is thriving and providing an environmental benefit for the City.

*f. The Variance is in harmony with the general purpose and intent of the Code and preserves its spirit.*

**Response:** The code was prepared to minimize structures being visually obtrusive to neighboring properties and for uses to be safe, efficient and financially affordable for the type of use to continue providing needed services for the community. This Project will meet all these requirements and allow for the continued use and expansion of an existing facility to provide a sustainable solution for recycling. Without question therefore, the requested variance is in harmony with the general purpose and intent of the Code, and the property itself, and preserves the spirit of both.

*g. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.*

**Response:** The Variance relates only to the enclosure of a building on a processing facility which will not adversely interfere with or be detrimental to the public welfare. The same such metals processing facility has been operating on the existing parcel without a covered building since 2012.

*h. The Variance is consistent with the comprehensive plan.*

**Response:** The Variance is consistent with the Comprehensive Plan as it relates solely to the enclosure of a 'structure' in a building within the Industrial Zoning District. The Industrial Land Use Element addresses manufacturing, assembly, processing and storage and does not require these facilities to be enclosed within a structured building. The use of this proposed request is therefore consistent with the elements of processing within the Industrial Land Use.

Thank you for your attention to this request and feel free to call me with any questions at 954-802-6292 or email me at [jill@jbcplanning.com](mailto:jill@jbcplanning.com).



Jill B. Cohen, PLA, AICP,  
President, JBC Planning & Design

11.8.20  
Date:



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**SUN RECYCLING, CITY OF POMPANO BEACH, VARIANCE**

**Project No: PZ 20-12000009**

**Reviewer:** Jae Eun Kim (954) 545-7778: [JaeEunKim@copbfl.com](mailto:JaeEunKim@copbfl.com)

**Variance 2:** *to Section 155.5203.D.4, 15% VUA Interior Green Area*

A variance from *Section 155.5203.D.4.* which requires 15% landscape planting areas within the Vehicular Use Area, (VUA) to be provided and maintained within the interior of the VUA area.

This Variance is requesting optional design solutions to the placement of the interior VUA landscape areas. (See Exhibit at the end of this section)

*a. There are extraordinary and exceptional conditions pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity.*

**Response:** There are extraordinary and exceptional conditions for the continued operation and expansion of the metals processing facility. In order to move the metal materials both onto and off the site, large transport trucks must be able to enter and exit the site on a regular basis throughout the day. There must be expanses of sufficient paved areas with wide turning radii for these transport trucks to operate safely and efficiently. As such, the presence of interior green area within the paved operating areas would be detrimental to the use, as well as, provide visual obstructions to both the drivers and the workers of the facility. Furthermore, curbed 'islands' of green within the paved operating areas would likely be either run over, suffer from the vehicle exhaust and/or die from desiccation and loss of water/irrigation.

The Applicant has provided more than the required 15% VUA green area on-site as an expansion of the surrounding green areas where the proposed plantings may flourish, have adequate soil and water and prevent visual obstructions and damage for this type of operation. The current existing metals processing facility was previously approved by the City of Pompano in 2011 and built in 2012. As such, this request is unique to this site and does not apply to other lands or structures in the vicinity. This Applicant is proposing to add (expand) the western parcel to an existing metals processing facility to the east and increase the green area overall in an alternative and sustainable distribution of the planting areas.

*b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner.*

**Response:** The extraordinary conditions and circumstances are not a result of any action of the Applicant; but rather requested for the continued safe operations of the facility. The Variance will provide for the expansion of the facility with the same standard of operating procedures as existing to meet the recycling demands of the community and surrounding areas of the Project.

*c. Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship.*



**Response:** The Project involves an expansion of an existing facility that is used for the processing of metals. The expansion will include the installation of additional processing equipment, designed for further processing of the recycled metal materials. The presence of interior 'green areas' would not prevent the use of the property for this purpose, but rather restrict the movement of transport trucks and the most valuable utilization of the property. Without the variance requested, the exceptional condition resulting —would preclude the Applicant from the continued operation efficiently and the most valuable use of the property.

*d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.*

**Response:** The requested variance would not confer any special privilege upon the Applicant, but rather allow for an alternative design solution, providing the required 15% of the VUA landscape area as an extension of the perimeter buffer. This design solution provides the required landscape area in a manner that is consistent with the most efficient use of the property to allow for the expansion of the existing use. This Variance would not confer a special privilege, but allows for the continued safe operation of the facility.

*e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure.*

**Response:** The Variance request is the minimum required to allow for the reasonable use of the land and to allow for the expansion of the facility. The Variance will allow for the movement of large trucks within the property, without negatively impacting the safety of the users and the existing and proposed landscaping. In fact, the expansion will allow for a sustainable business to continue serving the City residents utilizing Best Management Practices (BMP), to continue and expand the use for a business which is thriving and providing an environmental benefit for the City and community.

*f. The Variance is in harmony with the general purpose and intent of the Code and preserves its spirit.*

**Response:** The code was prepared to provide green areas to minimize heat and glare and avoid pavement expanses. This Project meets the intent of the code by providing more than required green area in locations to allow for the continued use and expansion of an existing facility and to provide an expansion of a facility that provides a sustainable solution for recycling .

*g. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.*

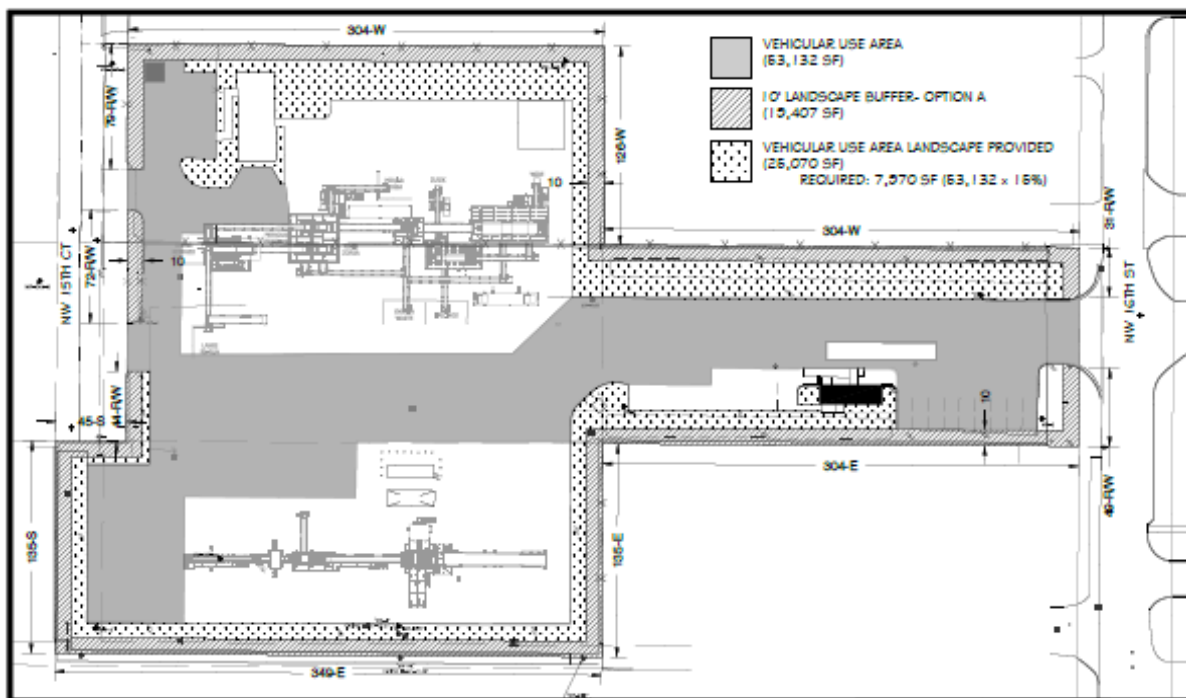
**Response:** The Variance relates only to the green area location within a processing facility which will not adversely interfere with or be detrimental to the public welfare. The same such metals processing facility has been operating on the existing property without the interior green area since 2012.

*h. The Variance is consistent with the comprehensive plan.*

**Response:** The Variance is consistent with the Comprehensive Plan as it relates solely to the location of the VUA Green within the Industrial Zoning District which is not addressed in the Comprehensive Plan.

Thank you for your attention to this request and feel free to call me with any questions at 954-802-6292 or email me at [jill@jbcplanning.com](mailto:jill@jbcplanning.com).







November 20, 2020

## **SUN RECYCLING, CITY OF POMPANO BEACH, VARIANCE**

**Project No: PZ 20-12000009**

**Reviewer:** Jae Eun Kim (954) 545-7778: [JaeEunKim@copbfl.com](mailto:JaeEunKim@copbfl.com)

### **Variance 3: to Section 155.5203.F.3, Type C Buffer, Option 1**

A Variance from Section 155.5203.F.3. Type C Buffer to modify the location of the required interior wall tree, allow for picket fencing in locations and the removal of a hedge due to drainage modifications.

This Variance is requesting optional design solutions to the location of trees, a hedgerow and solid walls within the Type C, Option 1 Buffer Areas. (See Exhibit at the end of this section)

*a. There are extraordinary and exceptional conditions pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity.*

**Response:** The requested Variance for the Type C, Option 1, Buffer Areas are based on two extraordinary and exceptional conditions. The first involves the requirement to manage the stormwater from the 25-year, 3-day storm on-site, and the second, the request from the Broward Sheriff's Office (BSO) to provide visual (natural) surveillance into the site as part of the Crime Prevention Through Environmental Design, (CPTED) Plan for the site and overall neighborhood security.

The requirement for on-site management of the stormwater from the 25-year, 3-day storm, without discharge, creates an extraordinary and exceptional condition. To manage the stormwater, the side slopes of the existing Retention Area #2 (on the existing west side) were designed with a retaining wall on both the east and west sides. The retaining wall will create the following conditions:

- On the north side of the site, east of the existing Retention Area #2, the existing hedgerow along the proposed wall will need to be removed to construct a retaining wall. The resulting condition will be a drive aisle with an elevation of 13.5 feet and the bottom of the retention area at elevation 9.0 feet. The drop between the existing grade of the drive aisle and the bottom of the retention area will exceed 42 inches and therefore, as required by the South Florida Building Code, a railing will be required in lieu of a hedge for safety.
- The extension of Retention Area #2 providing for the 'expansion' portion of the site to the west, will also include retaining walls extending a minimum of 4.5 feet below grade. The (new) retaining wall on the western and northern boundary of Retention Area #2 will also be the walls for the Type C Buffer for the expansion area, extending 8-feet above the existing grade. The 8-foot plus (4.5') high perimeter walls will restrict the spread and growth of the required interior canopy trees. As a solution to this, the required interior wall canopy trees, were placed on the exterior side of the wall where they would have more suitable planting and irrigation conditions to flourish.

The second circumstance, involving a request by the BSO for natural surveillance, involves placement of picket fencing between the perimeter walls in areas to allow for visibility into the site predominantly on the northern NW 16th Street and southern NW 15th Court sides and along the sides as directed by the BSO Representative. The required planting and required height along these segments will not be modified, only the visual opacity for safety.



*b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner.*

**Response:** The extraordinary conditions and circumstances are not a result of any action of the Applicant; but rather to provide for the required additional on-site water retention to serve the site and provision of natural surveillance required for the CPTED Plan.

*c. Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship.*

**Response:** Although providing the full Type 'C' Buffer as enumerated in the code would not preclude the use of the property, it would substantially limit the usable area of the existing and proposed expansion of the facility that is used for the processing of metals. On the other hand, the proposed alternative design solutions would provide buffer planting that can be more easily maintained, thrive better and allow for a site which will provide for natural site surveillance by the BSO.

*d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.*

**Response:** The requested Variance would not confer any special privilege upon the Applicant that has not been granted or denied to other property owners, but rather to provide relief for the Type C Buffer in response to engineering (drainage) and safety (CPTED) needs as required by other reviewing agencies. The relief would allow for a more efficient use of the space to allow for the intended use.

*e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure.*

**Response:** The Variance request is the minimum necessary to implement the Type C Buffer, Option 1 to allow for the expansion of the facility without causing detriment with the additional retention area, inclusion of Best Management Practices (BMP's) and provision of site surveillance.

*f. The Variance is in harmony with the general purpose and intent of the Code and preserves its spirit.*

**Response:** The code was prepared to provide perimeter buffer requirements to minimize viewing into the site and adjacent to other properties. The plantings and screening provided meet or exceed the requirements and therefore the intent and spirit of the Code has been met.

*g. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.*

**Response:** The Variance relates only to the location of plantings within the buffer within a processing facility which will not adversely interfere with or be detrimental to the public welfare. The same such metals processing facility has been operating on the existing parcel with a similar buffer design since 2012. The design provided as well, has been modified further to meet the principles of CPTED by allowing some views into the site to be unobstructed through the use of picket fencing as requested by the BSO Sheriff for CPTED concerns.

*h. The Variance is consistent with the comprehensive plan.*

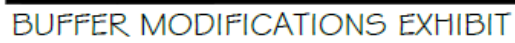
**Response:** The Variance is consistent with the Comprehensive Plan as it relates solely to the buffer planting within the Industrial Zoning District which is not addressed in the Comprehensive Plan.

Thank you for your attention to this request and feel free to call me with any questions at 954-802-6292 or email me at [jill@jbcplanning.com](mailto:jill@jbcplanning.com).



Jill B. Cohen, PLA, AICP,  
President, JBC Planning & Design

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**SUN RECYCLING, CITY OF POMPANO BEACH, VARIANCE**

**Project No: PZ 20-12000009**

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**Variance 4:** *to Section 155.5102.C.9, Continuous Curbing*

A Variance from *Section 155.5102.C.9. Curbing* to allow for railing and walls to be provided in lieu of curbing as needed for drainage modifications and presence of existing concrete walls adjacent to the Vehicular Use Area, (VUA).

This Variance is requesting optional curbing solutions to allow for railing on the west and north and existing walls on the south and east sides of the property, respectively.

(See Exhibit at the end of this section)

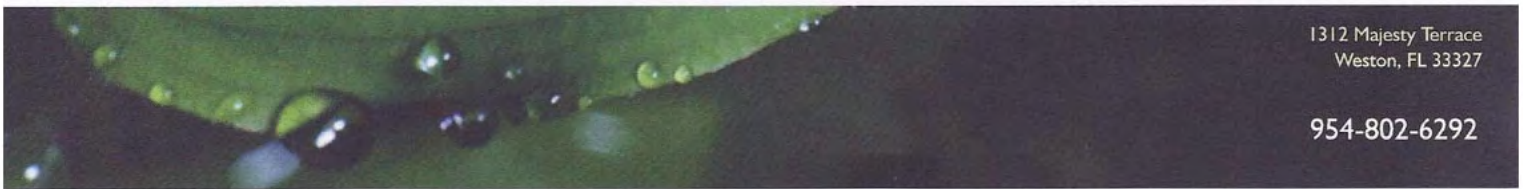
*a. There are extraordinary and exceptional conditions pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity.*

**Response:** There are two extraordinary and exceptional conditions which are unique to this site, and the reason for this Variance request. The first involves the requirement to manage the stormwater from the 25-year, 3-day storm on-site, and the second, the presence of existing concrete walls adjacent to the VUA green areas.

The requirement for on-site management of the stormwater from the 25-year, 3-day storm, without discharge, creates an extraordinary and exceptional condition. To manage the stormwater, the side slopes of the existing Retention Area #2 (on the existing west side) were designed with a retaining wall on both the east and west sides. The retaining wall will create the following conditions:

- On the north side of the site, east of the existing Retention Area #2, a proposed retaining wall will need to be constructed. The resulting condition will be a drive aisle with an elevation of 13.5 feet and the bottom of the retention area at elevation 9.0 feet. The drop between the existing grade of the drive aisle and the bottom of the retention area will exceed 42 inches and therefore, as required by the South Florida Building Code, a railing will be required in lieu of curbing for safety.
- Likewise, the extension of Retention Area #2 providing for the 'expansion' portion of the site to the west, will also include retaining walls extending a minimum of 4.5 feet below grade. The (new) retaining wall on the western and northern boundary of Retention Area #2 will be adjacent the VUA green area and include walls in excess of 42 inches and therefore, as required by the South Florida Building Code, a railing will be required in lieu of curbing for safety.

The second unique circumstance, occurring on the south and east sides of the property, is the presence of existing 15-foot high walls flush to the existing pavement. These walls effectively prevent vehicles from entering into the VUA green area, which also meets and exceeds the intent of the requirement of continuous curbing.





*b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner.*

**Response:** The extraordinary conditions and circumstances are not a result of any action of the Applicant; but rather to provide for the required additional on-site water retention to serve the site and to accommodate an existing condition which more than adequately meets the intent of preventing vehicles from disturbing the VUA green areas.

*c. Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship.*

**Response:** Providing curbing in the circumstances listed above would not preclude the use of the property, it would however, be a redundancy which is not necessary since the protection of the landscape areas adjacent to the VUA is provided through the alternative design solutions employed.

*d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.*

**Response:** The requested limited variance would not confer any special privilege upon the Applicant that has not been granted or denied to other property owners, but rather to provide relief to the use of continuous curbing in areas where a railing and the existing walls will serve the same purpose and as required by other reviewing agencies. The relief would allow for a more efficient use of the space to allow for the continued and intended use.

*e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure.*

**Response:** The Variance requested is the minimum necessary and appropriate for the design of the site, allowing for a surface water system and protection of the VUA green area that is consistent with both City and County requirements.

*f. The Variance is in harmony with the general purpose and intent of the Code and preserves its spirit.*

**Response:** The code was prepared to provide continuous curbing requirements to minimize disturbance into the VUA green areas. The proposed railing and use of the existing walls in lieu of curbing in areas, meet or exceed the requirements and therefore the intent and spirit of the Code has been met.

*g. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.*

**Response:** The Variance relates only to the location of continuous curbing adjacent to the VUA green areas within a processing facility which will not adversely interfere with or be detrimental to the public welfare. The lack of curbing in areas will not likely be visible either to the neighborhood or adjacent areas. On the other hand, failure to provide railings will impede drainage flow and create a detriment to the site and vicinity.

*h. The Variance is consistent with the comprehensive plan.*

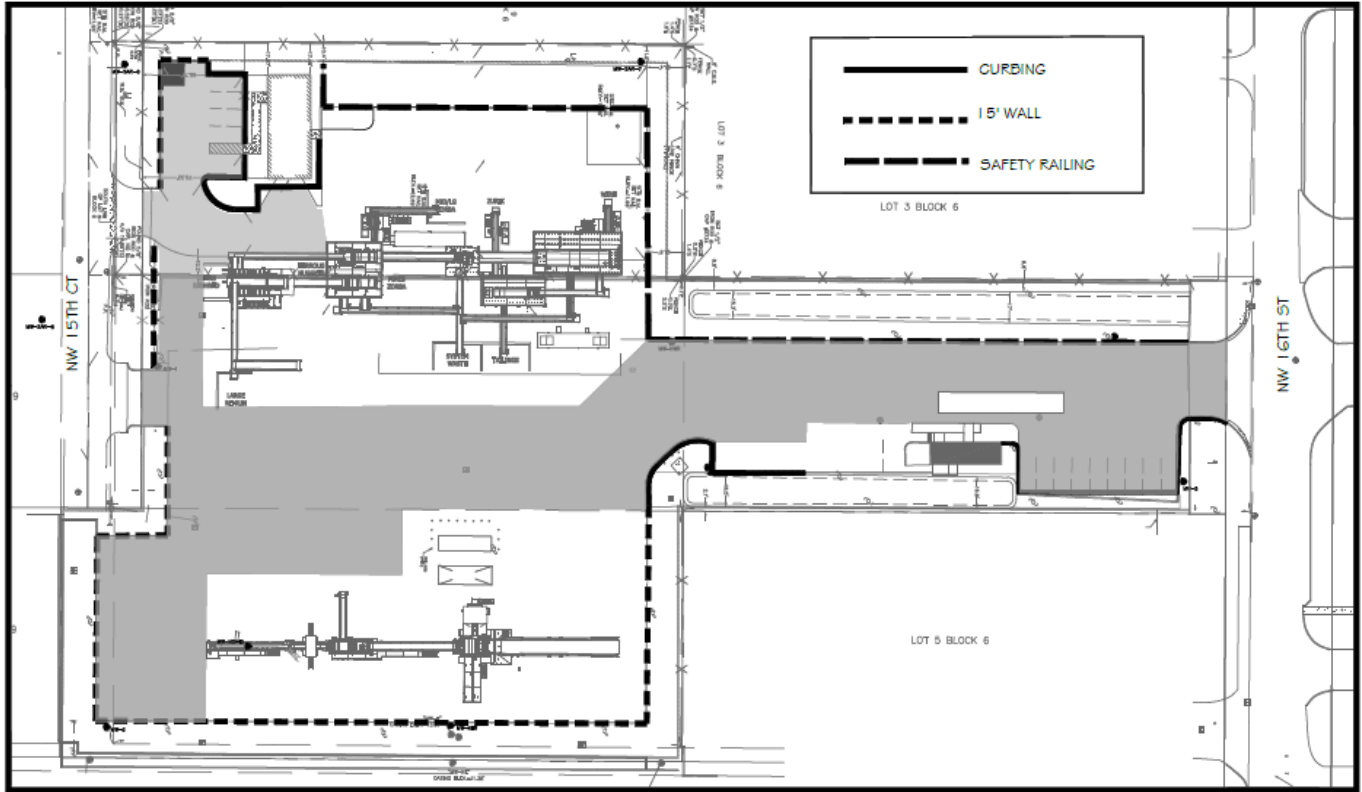
**Response:** The Variance is consistent with the Comprehensive Plan as it relates solely to the curbing provided within the Industrial Zoning District which is not addressed in the Comprehensive Plan.

Thank you for your attention to this request and feel free to call me with any questions at 954-802-6292 or email me at [jill@jbcplanning.com](mailto:jill@jbcplanning.com).



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CURBING MODIFICATIONS EXHIBIT