



**Blossman Gas of Louisiana, Inc.
Variance Request Application
Proposed Propane Storage Facility
261 S. Andrews Avenue**

April 18, 2024

City of Pompano Beach
Department of Development Services
Planning and Zoning Division
100 W. Atlantic Boulevard
Pompano Beach, FL 33060

Re: Variance for Above Ground Tanks and Fence Screening for a Propane Storage Facility

Narrative for Justification of Criteria for Variances:

Background

Blossman Gas of Louisiana Inc. currently owns the 0.79+/- acres vacant lot located at 261 S. Andrews Avenue ("Property") in the City of Pompano Beach ("City"). The Property is zoned Industrial ("I-1") with a land use designation of Industrial. Blossman Gas of Louisiana, Inc. ("Blossman") is the owner of the Property and is proposing to develop the property for a propane storage facility. Blossman is the largest family-owned business in America and is dedicated to providing customer service and family-values of a small company. Blossman has been providing their high-quality services to their customers for nearly 70 years and desires to bring its business to the City of Pompano Beach.

Request:

The Applicant requests the following Variances from Sec. 155.4228.A.3. Outdoor Storage (as a principal use):

- 1) Sec. 155.4228.A.3.e: *Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.*

- 2) Sec. 155.4228.A.3.a.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.*

The Applicant hereby requests a variance from these Sections to allow for above ground tanks and to allow the storage tanks to exceed the height of the proposed perimeter fencing which is proposed to be similar to adjacent storage tank facilities that surround the subject property.



The applicant proposes to install perimeter buffer trees and landscaping at heights that will screen the outdoor storage from all approaching angles and from neighborhood properties. The applicant requests the Development Services Director to make a Recommendation of Approval to grant the Variance to the Zoning Board of Appeals based on the following justification for how the proposal satisfies review standards found in 155.2420.D (review standards in *Italics*, Applicant response in **Bold**; Responses to Variance 1 or 2 is as noted):

a. There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;

V1) The extraordinary and exceptional conditions justifying this request are the result of the realignment of S. Andrews Avenue which reshaped the subject parcel affecting its industrial use. Roughly ten years ago, the realignment project cut into the frontage and through the northeast corner, removing approximately 35 feet from the north property line at the frontage and 17 feet at the south property line. The result was an approximately 10.4% lot size reduction.

In addition, there are extremely few parcels in the Andrews Industrial District or vicinity whose use relies on delivery vehicles, outdoor operations, or large equipment storage that are less than one acre (subject property is 0.79 acres). Developing a similar industrial use on the subject property is very difficult due to the spatial requirements of the code. Undergrounding propane tanks restricts the tank's location to one part of the site due to additional site requirements from berming and mounding earth. Further, other agency requirements regulate minimum distances between tanks, fill-up equipment, or vehicle areas that necessitate placement of site features. All site design options have been exhausted besides the present proposal, leaving inadequate space for on-site infrastructure including storm water facilities, retention areas, or vehicle movement areas, hindering any further development.

V2) The orientation of the realigned S. Andrews corridor and the surroundings of the subject property are unique and do not apply to other developed lots in this area. Opaque fencing as would be required by code would be adequate to screen the view from a square lot on a square grid, however this parcel has, as mentioned, a cut-off orientation making site placement challenging.

The same use as proposed, propane storage tanks, exists on three sides which are much larger, square lots. The metal fencing as existing on those properties best fits the subject property as it allows the fence line the flexibility to be adjusted to the context of siting tanks, vehicle turning areas, fill-up areas, and most importantly landscaping placed to block the visual of the tanks.



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

No actions of the landowner contributed to any exceptional conditions. The S. Andrews Avenue realignment creating present conditions and causing the hardship is the result of a transportation project to better align and widen the roadway and improve vehicle traffic.

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;

V1) The physical conditions created by the road realignment restrict the land's use for the proposed propane storage facility due to the irregular shape and frontage for an industrial parcel. Other I-1 zoned lands nearby that are used for shipping or outdoor storage benefit from deeper lots as originally designed in the platting of the industrial district allowing for adequate truck access, turnaround, and circulation. Historic aerial imagery indicates the "Surgeon Collision" plat of which the subject property is a part, has historically been the optimal location for propane storage facilities due to access to the Pompano Terminal railroad wyes, interstate system, and local transportation network.

As a result, the subject property has been vacant since the realignment around 2013. The lack of space for vehicle ingress and egress, depth, and frontage orientation prevent development for the proposed use. The dimensions of the propane tanks further restrict truck circulation, a condition found uniquely on this parcel, as neighboring propane storage facilities remain in use, however they are over one acre and were not affected by the S. Andrews Avenue realignment, so they are not thusly restricted.

A variance allowing the storage of propane in above ground tanks relieves this hardship by allowing the needed space to place infrastructure, circulation areas, and truck turnarounds. The variance removes the constraints of locating required storm water improvements for the stormwater conveyance infrastructure required of this specific site. Sites with conventional grid orientation on a minimum of one acre – typical of the Andrews Industrial District – benefit from the additional space needed to place stormwater and other infrastructure. The subject property's orientation limits their placement away from required perimeter buffers, setbacks, and proposed landscaping, and site beautification. The request allows for adequate space to locate the stormwater infrastructure and propane tanks such that, without mounding a berm over them, may be placed in a way to alleviate such spatial constraints.

V2) The exceptional circumstances placed on the site and infrastructure from the curving frontage are unrestricted with the proposed metal fencing as this allows for the flexibility to



place tanks in areas where the site can be seen and monitored, while also being 125 feet away of the Andrews frontage – evenly placed with the same sized propane tanks to the south. The proposed tank location will be better screened than neighboring properties, with a new six-foot metal fence, new trees, shrubs, and new groundcover allowing for easy identification of the industrial site as well as beautification of the Andrews Ave corridor.

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

V1/V2) No special privilege is conferred to the owner by granting the variance. The proposed variance would be very similar in character to similarly situated adjacent properties immediately to the south and west which are used for the outdoor storage of propane tanks. These properties, unaffected by the realignment, have above ground tanks with minimal visual screening.

In exhausting other design alternatives, the applicant finds that the variance for above ground tanks and metal fencing is necessary to best accommodate the placement of two proposed tanks which have a similar setback from the S. Andrews Avenue frontage as neighboring properties. This keeps them far from moving vehicles and limits visual impacts. The applicant proposes screening and landscaping at or beyond code requirements to block any visual impacts.

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

V1) The requested variance from Section 155.4228.A.3 is the minimum required for reasonable use of the land. The variance request allows for a proposed site plan with additional landscape screening on all sides that meets or exceeds the city's minimum standards, improving the S. Andrews Avenue appearance. The site plan with above ground tanks proposes the lowest impact to the site while additionally providing for a safe and sufficient use of the property.

V2) The added flexibility of the metal fence is the minimum necessary to reasonable use the land and adequately landscape the site as the fence may be sited to better accommodate the difficult site restrictions.

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

V1) The applicant finds the requested variance is in harmony with the purpose and intent of City Code as its granting will allow for the sufficient use of the property, matching the character of its surroundings. The applicant finds the Code's intent is to provide for sufficient use of industrial lands while improving their appearance from rights-of-way and neighboring



areas. The proposed variance fulfills this intent by proposing a site plan that develops a vacant lot while also improving the Andrews Industrial District's visual appearance through landscaping and screening and to a higher standard than older adjacent development.

V2) With the use of metal fencing, landscaping will be seen through the fence rather than be blocked by an opaque wall, contributing to greenspace and the overall industrial appearance.

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; and

V1/V2) The request for variance will not adversely affect the health or safety of those living or working in the neighborhood. Above ground storage would reduce the time for fire, EMS, or law enforcement officials to determine if hazardous conditions exist. Above ground tanks and six-foot metal fencing allow for law enforcement to better visually monitor the area in the case of trespassing, vandalism, etc.

h. The Variance is consistent with the comprehensive plan.

V1/V2) The proposed variance request complies with the Comprehensive Plan based on the following findings:

1) The proposed request meets the City's intent to reduce instances of inconsistent land uses by locating similar industrial uses together and away from unlike uses and residential areas as envisioned by the City's Future Land Use Plan. The proposal complies by implementing the following Objectives and Policies:

Objective 01.03.00

Inconsistent Land Uses. Annually review and periodically update adopted land development regulations and established procedures that encourage the elimination or reduction of uses inconsistent with the City's character and Future Land Use Plan.

Policy 01.03.08

Establish criteria to protect residential areas and other land uses that are adjacent to industrial and commercial areas from excessive, odors, traffic and parking impacts.

The proposed request implements this policy by proposing a landscape plan that limits any adverse visual impacts or traffic impacts to surrounding areas. *There are no residential uses nearby.*

Policy 01.03.13



Future industrial land uses shall be located with access to major transportation facilities including highways, airports, railroads, and seaports.

The City's Future Land Use Map (FLUM) envisions the Andrews Industrial District as the most appropriate area for the proposed use and site plan. The proposed request allows for and is consistent with the Comprehensive Plan by locating a similar, transportation-based industrial use that relies on major transportation corridors in an Industrial Future Land Use area.

2) The proposed request implements the following Economic Development objectives and policies:

Objective 01.23.00

Economic Development. Expand the economic base by attracting Class A office space and higher education institutional uses, continuing to support the industrial and manufacturing sectors while protecting tourism as well as the quality of life and delivery of services to local residents.

Policy 01.23.01

To create balanced communities, encourage the expansion of neighborhood-serving retail and office uses in areas dominated by the industrial, and manufacturing sectors if appropriate to better serve the local community.

The proposed request promotes economic development while bolstering the health and safety of the community by supplying an energy amenity in propane gas that directly benefits residents and businesses. The proposed request allows for a service that is accessible in an emergency by offering a safe and accessible energy delivery service during power outages.

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