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MEMORANDUM

To: City of Pompano Beach, Zoning Board of Appeals
David Recor, Development Services Director
Scott Reale,

From: Rod A. Feiner, Esq.

Date: October 22, 2021

Subject: Special Exception for Automatic Car Wash
2900 West Atlantic Ave.
Folio No. 4842 3305 4000

General Background

The project site is located at 2900 West Atlantic Boulevard and is approximately 35,000 sq. ft. in size and is currently not developed. It is located near the northeast corner of West Atlantic Boulevard (SR 82), east of NW 30th Avenue and south of NW 1st Street in the City of Pompano Beach, Broward County, Florida. The Folio No. is 4842 3305 4000. A copy of an aerial from the Broward County Property Appraiser is attached hereto.

The property has a Future Land Use Designation as "C" (Commercial) and is has been zoned B-3 (General Business). The Applicant desires to develop and operate an automatic car wash facility on the property. The car wash "tunnel" building will be approximately 3,200 sq.ft. with 18 vacuum stations, all as depicted on the conceptual site plan submitted with this application. A car wash is allowed in the B-3 Zoning District by special exception.

Request

For a special exception to allow a car wash to operate on the property.

Specific Criteria and Justification

a) Is consistent with the comprehensive plan.

The proposed car wash use is consistent with the comprehensive plan. The comprehensive plan has designated the parcel as commercial and a car wash is a commercial use. In addition, the car wash will comply with all zoning regulations and has provided a significant landscape buffer along West Atlantic Boulevard consistent with various City adopted policies.

b) Complies with all applicable zoning district standards.

The property is currently zoned B-3 (General Business). A car wash is a business which furthers the zoning district's intent to accommodate and serve the residents and businesses in the community at large. A car wash use is a permitted use by special exception within the B-3 zoning district as identified and defined in Section 155.4219.H. of the City's Land Development Code. A conceptual site plan for the car wash has been submitted with this special exception application to demonstrate that the property can be developed in compliance with the applicable zoning district standards.

c) Complies with all applicable use-specific standards in Article 4: Use Standards.

In Section 155.4219.H. of the Land Development Code there are several use standards set forth for a car wash use. The following standards are applicable to this use:

- a. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.***

The attached site plan has been designed to ensure proper functioning within the project site, including vehicle stacking, circulation, and turning movements. In fact the conceptual site plan demonstrates a large area for stacking prior to the use of the car wash and then a simple means in ingress/egress.

- b. No overhead doors shall face the front lot line.***

The building does not have any overhead doors. The car wash is a "tunnel" facility with a single entrance to the linear wash bay located on the east side of the building and a single exit located on the west side of the building. There are no driveways or bays facing West Atlantic Boulevard .

- c. Each lane shall be covered with a permanent canopy which shall have a maximum clearance height of 14 feet above grade, except where state or federal law requires a higher clearance.***

The car wash "tunnel" is an enclosed building. Permanent canopies will be provided over the pay stations as depicted on the attached site plan and architectural renderings.

d) 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.

The proposed car wash is not expected to overburden the available capacity of existing public facilities and services. The car wash facility uses oil-water separators and filters to recycle wash water and reduce consumption of potable water. At least half of the facility's monthly water usage is reclaimed. Stormwater management will be provided on-site in compliance with local and state regulatory standards. There will be no demand on schools. Demand on transportation facilities, police and fire protection are anticipated to be less than the impacts typical of other commercial uses that are allowed within the B-3 zoning district.

- e) **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.**

The car wash is appropriate for its location and is compatible with the general character of the neighborhood. The project site is surrounded by commercial uses to the east, west and south. There are residential properties to the north of NW 1st Street, which is separated by a public road, setbacks, and a buffer yard with a masonry wall and landscaping.

The neighborhood will benefit from having a car wash in the area because the closest car wash is located approximately 2 miles away. In addition, the daily trip generation for a car wash facility is less than that of many of the permitted commercial uses that could alternatively be developed on the property. Furthermore, parking, vehicle stacking, circulation and turning movements have been designed for proper functioning within the project site, all as depicted on the attached conceptual site plan.

- f) **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.**

The car wash is located adjacent to a major arterial roadway and is both zoned and proposed to be developed with commercial uses. The proposed car wash is unlikely to impact surrounding lands because the car wash facility is indoors and operates during a specific set of business hours. Furthermore, the car wash and vacuums will comply with the city's noise ordinance. No adverse odors, noise, glare or vibration are anticipated. Refuse will be contained within a dumpster enclosure. In addition, service deliveries for a car wash use are minimal, which means less traffic to the site and less impacts. Parking, loading, signs, lighting and other site elements will comply with the standards set forth in the City's Land Development Code.

- g) **Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands.**

The car wash adequately screens buffers or otherwise minimizes adverse visual impacts. The front of the property has a significant landscape buffer between the roadway and the vacuum station. In addition, there is additional landscaping provided along the rear of the property. Furthermore the

car wash itself occurs within an enclosed building which will mitigate any noise or other visual impacts. Otherwise, the site will meet all setback and buffer requirements contained within the City Code.

- h) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources.**

This project avoids deterioration of natural resources. The parcel is a vacant commercial lot, cleared of all vegetation other than a few palm trees and grass. In addition, the water from the car wash has a set drain and recycle system such that the water will not flow into either the stormwater system or percolate into the groundwater.

- i) 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.**

This project will maintain safe and convenient ingress and egress. The site itself adequately handles internal traffic circulation by directing traffic first to the car wash and then providing for either an immediate exit or after attending the vacuum coral. In addition, there is sufficient stacking for the ingress and egress into the car wash. Safe and adequate access is provided as well. Ingress and egress to the site will occur through Atlantic Boulevard on an already dedicated and approved 50' access opening.

- j) Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district.**

A car wash on this parcel will protect and will most likely increase property values in the surrounding area. Most of the adjoining parcels fronting Atlantic Boulevard have already been developed. This project is new investment in the area and will add to the value of surrounding properties. In addition, a car wash use will help serve the nearby residential areas. Convenience of household goods to a residential area also makes the residential area appreciate in value.

- k) 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.**

The proposed car wash fulfills a need in the sense that there are no other car washes in the vicinity. Please see Needs Study performed by BBG, Inc., which is attached hereto. Construction of this facility also shows a willingness of investors to invest in the neighborhood, increasing land values and creating new jobs.

- l) Complies with all other relevant city, state and federal laws and regulations.**

The proposed car wash will comply with all relevant laws and regulations.

- m) 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 ft to a one-half mile radius from the subject site.

The City's determination/definition of neighboring properties and neighborhood is accepted and the analysis contained herein, where applicable, references and utilizes these defined terms.