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Owner/Applicant: James Batmasian

Property Address: 3051 N. Federal Highway
Pompano Beach, FL 33064

Application: Text Amendment to Section 155.4219

Companion Applications: Minor Site Plan and Special Exception

Date: August 9, 2022

UPDATED LETTER OF INTENT

The applicant is the owner of the former Firestone parcel located at 3051 N. Federal Highway on the west side of U.S. 1. The property is bounded to the north by a McDonald's, to the west by single-family residential, to the southwest by multi-family residential, and to the south by an automobile service use. On the east side is N. Federal Highway with the city of Lighthouse Point industrial district across the street to the east. The property is zoned B-3 and recently the applicant received a special exception to allow for a resumption of the Firestone automotive service use. The applicant, however, has opted to propose a less intensive use in the form of a luxury and specialty used car sales location.

Full service new car dealerships are allowed in B-3 zoning districts, but used car sales are relegated to B-4 districts and less desirable areas. There is no distinction in the Code for used cars between high-end and mass market. The applicant proposes a Text Amendment to allow for Luxury Used Automobiles within B-3 zoning district as a permitted use with a number of significant limitations on size, appearance, operation and value of the vehicles sold.

A copy of applicant's proposed APPENDIX A: CONSOLIDATED USE TABLE is attached as Exhibit "A." The applicant's proposed definition of Used Luxury Automobiles is attached as Exhibit "B." The applicant's proposed Section 155.421.W. entitled "Used Luxury Automobile

Sales with Indoor/Outdoor Display” is attached as Exhibit “C.” The updated responses to the Text Amendment Criteria are attached as Exhibit “D.”

Respectfully submitted,



JOHN D. VOIGT, ESQUIRE

APPENDIX A: CONSOLIDATED USE TABLE

P = PERMITTED PRINCIPAL USE S = USE ALLOWED AS A SPECIAL EXCEPTION A = PERMITTED ACCESSORY USE
T = TEMPORARY USE ALLOWED WITH A MAJOR TEMPORARY USE PERMIT t = TEMPORARY USE ALLOWED WITH A MINOR TEMPORARY USE PERMIT
√ = TEMPORARY USE ALLOWED WITHOUT TEMPORARY USE PERMIT I = INTERIM USE ALLOWED WITH AN INTERIM USE PERMIT BLANK CELL = PROHIBITED USE

Use Category (Principal Uses) and/or Use Type		Residential Districts												Commercial Districts				Industrial Districts				Special Districts				Planned Development Districts				Use-Specific Standards					
		RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4	M-1	CR	I-1	I-X	OIP	M-2	TO	PR	CF	PJ	T	BP		RPUD	PCD	PD-TO	LAC	PD-1
Principal Uses																																			
Commercial Uses																																			
Motor Vehicle Sales and Service Uses	Battery exchange station															S	P			P	P											P			155.4219.G
	Car wash or auto detailing															S	S			P	P											P			155.4219.H
	Gasoline filling station														P	P	P			P	P	P									P		P	155.4219.I	
	New Automobile and Light Truck sales															P	P			P	P										P			155.4219.J	
	Used Automobile and Light Truck sales with indoor display only																P			P	P										P			155.4219.K	
	Used Automobile and Light Truck sales with outdoor display																S			S	P										S			155.4219.L	
	Automobile and Light Truck rental															P	P			P	P										P			155.4219.M	
	Muffler/transmission sales and installation															S	P			P	P										P			155.4219.N	
	Parking deck or garage (as principal use)														P	P	P			P	P	P		P	P					P	P	P	P	155.4219.O	
	Used luxury automobile sales with indoor/outdoor display															P	P														P			155.4219.W	

P&Z

EXHIBIT "A"

PZ22-81000002

8/17/2022

CHAPTER 155: ZONING CODE

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PART 5 TERMS AND USES DEFINED

...

The following words, terms and phases, when used in this code, shall have the meaning ascribed to them in this section.

Used Automobile and Light Truck Sales with Outdoor Display
Premises on which used automobiles, light trucks, motorcycles, mopeds, and golf carts, in operating condition are displayed for sale or lease outdoors.

Used luxury automobile sales with Indoor/Outdoor Display

A Used Luxury Automobile Sales with Indoor/ Outdoor Display consists of on-site used luxury automobiles, where each vehicle shall be advertised and sold for no less than \$60,000. Used luxury vehicles must be in operating condition and may be displayed for sale completely within a showroom or where the majority of vehicles are displayed outside.

Utility, Major

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services. Examples of major utility uses include potable water treatment plants, water towers, wastewater treatment plants, gas compressor stations, and electrical substations.

CHAPTER 155: ZONING CODE

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155.4219 COMMERCIAL:MOTOR VEHICLE SALES AND SERVICE USES

...

W. Used Luxury Automobile Sales with Indoor/Outdoor Display

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														P	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
													P			

2. Definition

A Used Luxury Automobile Sales with Indoor/ Outdoor Display consists of on-site used luxury automobiles, where each vehicle shall be advertised and sold for no less than \$60,000. Used luxury vehicles must be in operating condition and may be displayed for sale completely within a showroom or where the majority of vehicles are displayed outside.

3. Standards

a. The minimum parcel size shall be 1.0 acres.

b. A minimum building of 7,500 square feet with 1,200 indoor showroom required.

c. Outdoor display of vehicles shall not impede site circulation.

d. Type C buffer adjacent to residential property.

e. The use shall not be permitted within the community redevelopment agency (CRA) boundaries as established by ordinance No.90-9 and Resolution No.2002-11. This prohibition shall survive the life of said CRA and shall be applicable currently, and in the future, to all uses that are located within said boundaries.

f. The use shall not be permitted within the Atlantic Boulevards Overlay (AOD) district boundaries as established by Ordinance No.99-27 and amended.

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EXHIBIT "C"

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Property Address: 3051 N. Federal Highway
Pompano Beach, FL 33064

Date: August 9, 2022

UPDATED RESPONSES TO SECTION 155.2402. TEXT AMENDMENT CRITERIA

The applicant is the owner of the former Firestone parcel located at 3051 N. Federal Highway. The property is bounded by Federal Highway to the east with the City of Lighthouse Point industrial areas on the east side of Federal Highway. There is a McDonald's immediately to the north, and single family residential to the west. To the south is an auto shop, and to the southwest is multi-family residential.

The property is zoned B-3, which permits new car sales, but not used car sales, which are limited to zoning section B-4. A review of the existing used car sales locations in the B-4 zoning area on Dixie Highway show mostly lower-end establishments that appear to have been banished to Dixie Highway because of their characteristics and their lack of an attractive appearance. In the B-3 district on Federal Highway there are new car sales as well as some existing used car sales that apparently continue as nonconforming uses.

The applicant obtained a special exception to continue the auto servicing in a Firestone-type operation, but has chosen to move forward in a different direction. The applicant is hopeful to put a high-end, luxury used car sales on the site. The applicant seeks a text amendment to Section 155.4219 of the City Code to allow a luxury used automobile sales with great restrictions on appearance and methods of operation of said dealership. The most significant of which is a minimum sales price of \$60,000.00 per vehicle, in addition to restrictions on size of the parcel as well as building size.

Any application for a Text Amendment must respond to the following criteria as to whether and to the extent to which a proposed amendment meets the following:

1. Is consistent with the comprehensive plan;

Applicant's Response:

The applicant has reviewed the entire 164 pages of the City's comprehensive plan and has found nothing about proposed luxury used automobile sales that would be contrary to this comprehensive plan. Certainly element 1, the future land use element, would be most applicable. Since car sales already exist in the City of Pompano Beach, I believe it is safe to say that these policy considerations have been previously addressed and the proposed use is found to be adequate. Certainly, none of the other 13 elements would be brought into consideration other than element 12 on climate change. The subject location will have EV charging stations and include electric vehicles among the inventory, which would help address climate change considerations.

2. Does not conflict with any provision of this Code or the Code of Ordinances;

Applicant's Response:

The applicant is not aware of any provision of the code which would be in conflict with luxury used car sales. Certainly, said location would have to comply with all such Code provisions.

3. Is required by changed conditions;

Applicant's Response:

As a result of the pandemic, new car sales stalled and used cars have been at a premium. There has also been a renewed emphasis on high-end, luxury and customized performance vehicles which are not generally sold at mass market dealerships. The applicant would suggest that the luxury used automobile sales would be a less intensive use than the Firestone-type of repair facility, and would be more appropriate for Federal Highway and adjoining residential neighborhoods as demonstrated by the existence of other automobile sales locations within the vicinity.

4. Addresses a demonstrated community need;

Applicant's Response:

The applicant has experience in the luxury used automobile business and believes there is a need and a market for these types of vehicles. Normally used car lots are a mixture of almost any cars available to the seller. Here the goal is to have a collection of high-end and exotic vehicles that would be unlike anything else found in the city. The minimum price allowed under the proposed text amendment is \$60,000.00 per vehicle.

5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;

Applicant's Response:

The applicant submits that automobile sales have already been demonstrated to be consistent with the purpose and intent of this zoning district in that many exist in the immediate vicinity. Certainly, this different type of sales location would be compatible and not redundant with the other automobile sales locations. The applicant would submit that this is efficient development within this City district.

6. Would result in a logical and orderly development pattern; and

Applicant's Response:

Given the existence of many automobile sales locations in the vicinity, the applicant would say that offering a different version of such a site would be logical and would constitute an orderly development pattern for the district.

7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Applicant's Response:

As demonstrated by the existing automobile sales locations on Federal Highway in this immediate vicinity, there is no reason to believe that luxury used automobile sales would result in any significantly adverse impacts on the environment. Certainly, the volume of sales and on-site work performed would be less than a full-scale larger new car site. As a specialty seller, this will be maintained as more of a boutique location that should not have such a negative impact. The minimum \$60,000.00 price per vehicle ensures the boutique nature of the business.

Respectfully submitted,

