



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Staff Report

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**File #:** LN-379

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Zoning Board of Appeals

Meeting Date: December 15, 2022

### **SPECIAL EXCEPTION - BBA PROPERTY HOLDINGS, LLC**

**Request:** Special Exception  
**P&Z#** 22-17000014  
**Owner:** BBA Property Holdings, LLC  
**Project Location:** 140-160 NW 31<sup>st</sup> Avenue  
**Folio Number:** 4842 33 05 4120, 4842 33 05 4110  
**Land Use Designation:** C- COMMERCIAL  
**Zoning District:** General Business (B-3)  
**Agent:** Frank Youngman  
**Project Planner:** Scott Reale

#### **Summary:**

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4219(E) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: B-3) for a repair and maintenance facility for golf carts.

The subject property is located on the east side of NW 31<sup>st</sup> Avenue, between W Atlantic Boulevard and NW 2<sup>nd</sup> Street in the Northwest CRA.

#### **ZONING REGULATIONS**

#### **§155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES**

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##### **E. Automotive Repair and Maintenance Facility**

###### **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
														S	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	P									P				

## 2. Definition

An automotive maintenance facility is an establishment primarily engaged in providing repair and maintenance services for automotive vehicles such as passenger cars, sports utility vehicles, pickup and other light trucks, small vans, and motorcycles. The use includes oil change and lubrication shops (which primarily engage in checking and changing motor oil and lubricating the chassis of automobiles), automotive glass shops (which primarily engage in replacing, repairing, and/or tinting the windows and other glass in automobiles), and general automotive repair garages or shops (which primarily engage in providing a wide range of mechanical and electrical repair and maintenance services for automotive vehicles, including diagnosing, rebuilding, or reconditioning of engines and other mechanical and electrical systems). This use does not include automotive painting or body shops or establishments primarily engaged in the repair and servicing of large trucks, recreational vehicles, and trailers (which typically have greater impacts on adjacent properties), or tire sales and mounting, muffler/transmission sales and installation, and automotive parts and installation uses (which combine retail sales with installation and servicing of automotive components).

## **PROPERTY INFORMATION**

1. The subject property has no open code cases.
2. The subject property is predominately vacant, except for the southernmost portion which is currently used as parking for the adjacent Popeye's restaurant though a recorded Unity of Use declaration. Up until 2013, a plant nursery was located on the site. The applicant is proposing major site plan approval for a new golf cart dealership with repair and service known as Phoenix Golf Cart. Because of the repair and service component, the use requires a Special Exception in the B-3 zoning district. The site plan application, PZ #22-12000035, was presented to the Development Review Committee (DRC) on 12/7/2022. The proposed building comprises 9,660 square feet building with associated parking and landscaping.
3. Motor Vehicle Sales and Service uses that include service, repair, installation, and maintenance have specific standards that must be met, including providing a type B perimeter buffer provided around all perimeters of the site. Additionally, the use shall be designed so that the front façade is in compliance with Section §155.5602.C.7, Fenestration/Transparency.
4. The Site Plan will require landscaping in excess of standard code requirements, in order to comply with the following policies in the City's adopted Comprehensive Plan:
  - **Policy 01.04.04**  
Special exception uses on major corridors including the city's gateway streets (Atlantic Boulevard, Dr. Martin Luther King, Jr. Boulevard and NW 31st Avenue) will be required to provide landscaping and beautification in excess of standard code requirements along all major street frontages.
  - **Policy 01.07.21**  
Amend the Land Development Code to require special exception uses on major corridors including the city's gateway streets (Atlantic Boulevard, Dr. Martin Luther King, Jr. Boulevard and NW 31st Avenue) to provide landscaping and beautification in excess of standard code requirements along all major street frontages.
  - **Policy 01.08.03**  
Continue the construction of facilities such as roadway, drainage, water and sewer facilities and enhanced medians and other street section beautification efforts in the northwest Dr. Martin Luther King Jr. Blvd, NW 31<sup>st</sup> Avenue and Atlantic Boulevard corridors. Encourage auto-oriented and industrial development along these gateway corridor to provide an enhanced roadway frontage for both the building facades and the landscaping visible from the roadway to beautify the corridor.

5. Because the proposed use is limited to golf carts, staff finds the intensity and adverse effects of the proposed use to be negligible in comparison to "traditional" automotive motor vehicle repair. That said, it is still an auto-oriented development which requires enhanced landscaping, pursuant to the aforementioned Comprehensive Plan policies.

### **LAND USE PATTERNS**

Subject Property (Zoning District | Existing Use):

- B-3 | vacant

Surrounding Properties (Zoning District | Existing Use):

- North: B-3 | vacant/undeveloped
- South: B-3 | fast food restaurant (Popeye's Louisiana Kitchen)
- West: B-3 | gasoline filling station (Shell) and retail shopping center (Lincoln Park North)
- East: RD-1 and B-3 | vacant/undeveloped and duplex

### **SPECIAL EXCEPTION REVIEW STANDARDS**

A Special Exception shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception, as proposed:

1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. 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;
5. 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;
6. 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;
7. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
8. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
9. 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;
10. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;
11. 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;
12. Complies with all other relevant city, state and federal laws and regulations; and
13. 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 feet to a one-half mile radius from the subject site.

**Staff Conditions:**

As currently submitted, the proposed use does not fully comply with the Comprehensive Plan's policies on enhanced landscaping buffers and beautification efforts along NW 31<sup>st</sup> Avenue. Should the Board determine the applicant has provided competent substantial evidence sufficient to satisfy the thirteen Special Exception review standards, staff requests the Board include the following conditions as part of the Order:

1. Obtain all necessary governmental permits and approvals, including a Major Site Plan development order, building and zoning compliance permits, and a city-issued Business Tax Receipt.
2. Substantial conformance to the site plan submitted (PZ #22-12000035), with superior and enhanced landscaping consistent with Comprehensive Plan policies 01.04.04, 01.07.21, and 01.08.03.
3. Approval is limited to golf carts only and does not extend to "traditional" motor vehicles, i.e. cars and trucks.
4. All golf cart repairs and maintenance shall be conducted within an enclosed building.

# CITY OF POMPANO BEACH AERIAL MAP



1 in = 250 ft

140-160 NW 31st Avenue

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES