



Staff Report

File #: LN-180

Zoning Board of Appeals
Meeting Date: October 21, 2021

SPECIAL EXCEPTION - BATMASIAN

Request: Special Exception
P&Z# 21-17000008
Owner: James H. Batmasian
Project Location: 3051 N Federal Highway
Folio Number: 484224140020
Land Use Designation: C- Commercial
Zoning District: B-3 (General Business)
Agent: John Voigt
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section §155.4219(D) [Automotive Parts Sales with Installation] and Section §155.4219(E) [Automotive Repair and Maintenance Facility] of the City's Code of Ordinances in order to utilize the subject property (Zoning District: B-3) to provide repair and maintenance services for automotive vehicles.

The property is located on the west side of N Federal Highway (U.S. 1) between NE 29th Street and NE 31st Street.

ZONING REGULATIONS

155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

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
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M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
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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 two open code compliance violation cases which are included in the report backup.
 - a. Code Case #20120034 for operating a business without a current Business Tax Receipt
 - b. Code Case #21080072 for outdoor storage and improperly maintained landscaping areas.
2. There are no current business tax receipts associated with the property. Previous uses included auto service repair, but the BTR lapsed in 2020 when the business closed.
3. The subject property was developed in the early 1970s via permit #72-5614 for a Firestone Sales & Service Building. This part of Pompano was unincorporated at the time.
4. According to permit records, the subject property has three open building permits:
 - a. 12-11064 ASPHALT AND STRIPING
 - b. 04-3984 INT. ALT. AG16
 - c. 03-8178 SITEWORK/SPRINKLERS AG16
5. A retroactive landscape plan was approved in 2003 (PZ 03-06000110); however, the code violation suggests the subject property has not maintained the required landscaping. The conceptual site/landscape plan attached with this application, along with the applicant’s presentation, suggests the property is being improved and will include a Type “C” buffer along the west property line abutting residential. Although the Federal Highway Corridor Study encourages pedestrian-oriented redevelopment, this property has maintained this configuration for almost 50 years and the proposed improvements include more landscaping and fewer parking spaces between Federal Highway and the building.
6. Because the BTR for an automotive repair and maintenance facility lapsed, Special Exception approval is required in order to reestablish the use in a B-3 zoning district.
7. Concurrent with this Special Exception request is an application for a Variance in order to retain service bay entrances, overhead doors, and roll up doors on the street-facing façade of the building.

LAND USE PATTERNS

Subject property (Zoning / Existing Use):

- B-3 / vacant building

Surrounding Properties (Zoning District / Existing Use):

- North: B-3 / fast-food restaurant (McDonald's)
- South: B-3 / auto repair and service
- East: B-3A (Lighthouse Point) / boat sales
- West: RS-4 / single-family dwellings

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

Staff Conditions:

Should the Board determine the applicant has provided competent substantial evidence sufficient to satisfy the thirteen Special Exception review standards, staff request the Board include the following conditions as part of the Order:

1. Obtain all necessary governmental permits and approvals, including building and zoning compliance permits with all necessary final inspections, zoning use certificate and city-issued Business Tax Receipt.
2. Close out all open building permits and address all open code violations.
3. Substantial compliance to the site/landscape plans submitted and compliance with §155.4219(A), standards applicable to motor vehicle sales and service uses.
4. Successfully obtain relief for the existing overhead doors facing Federal Highway. Any repair of the vehicles or equipment shall be conducted within an enclosed building.

CITY OF POMPANO BEACH AERIAL MAP



Subject Site

1 in = 167 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES