



Staff Report

File #: LN-236

Zoning Board of Appeals
Meeting Date: March 17, 2021

MAJOR TEMPORARY USE - SAMPLE ROAD INVESTMENTS II LLC

Request: Major Temporary Use
P&Z# 22-15000005
Owner: Sample Road Investments II LLC
Project Location: 610 E Sample Road
Folio Number: 4842 24 02 0220/4842 24 02 0350
Land Use Designation: C - Commercial
Zoning District: General Business (B-3)
Agent: Ronal Pierre
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting a Major Temporary Permit from the provisions of Chapter 155: Article 4 [Use Standards] and Article 5 [Development Standards] of the City of Pompano Beach Zoning Code, in order to temporarily utilize a portion of a developed property (B-3 zoning) for outdoor storage and storage containers without complying with the applicable development standards as required by Code.

The subject property comprises two adjacent parcels, one located along E Sample Road and the other located along NE 35th Street, both located between NE 5th Avenue and N Dixie Highway.

PROPERTY INFORMATION

1. The subject property had a lapsed Business Tax Receipt for office-sales (Spalluto Garden Gallery). There are no open building permits. The property does not currently have any open Code Enforcement cases, but was previously cited for storage containers and multiple items being stored in the rear of the property.
2. The request is to temporarily use a portion of the subject property for outdoor storage and storage containers in order to ship used clothes and home appliances overseas, which are brought to the site from various parties. The applicant further contends that shipping containers are typically only outdoors for a couple of days at a time.
3. An existing office building fronts much of Sample Road, which helps to screen the outdoor storage area from view.
4. The applicant’s narrative does not provide a timeline for how long this business model is proposed. As per §155.4402.B.2, prohibited temporary uses and structures of retail sales or display of goods, products, or services from a shipping container are a prohibited in all zoning districts, and temporary portable storage units are prohibited in the B-3 zoning district (§155.4403.C.1). Further, outdoor storage (even as an accessory use) is prohibited in the B-3 zoning district, so it does not appear this site is appropriate for the proposed temporary use.

LAND USE PATTERNS

Subject Property (Zoning | Existing Use): B-3 | unapproved business use

Surrounding Properties (Zoning | Existing Use):

- North: B-2c (Deerfield Beach) | medical center
- South: RM-12 | triplex
- East: B-3 | single-family dwelling
- West: B-3 | duplex

TEMPORARY USE PERMIT REVIEW STANDARDS

Temporary Use Permit shall be approved only on a finding that the temporary use as proposed:

1. Is on its face temporary in nature;
2. Is in harmony with the spirit and intent of this Code;
3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
4. Does not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
5. Is compatible with any principal uses on the site;
6. Is located on a site containing sufficient land area to allow the temporary use and associated structures, and accommodate any associated parking and traffic movement, without disturbing environmentally sensitive lands; and
7. Complies with all applicable use-specific standards in Section 155.4403.

Staff Conditions:

Staff finds the applicant has provided insufficient information with regard to the use being temporary in nature, and because of the various provisions prohibiting storage containers and outdoor storage in B-3 zoning, the request does not appear to be in harmony with the Code.

Should the Board determine the applicant has provided competent substantial evidence sufficient to satisfy the seven Major Temporary Use Permit 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, and a city-issued Business Tax Receipt.
2. Screen containers and other outdoor storage from view from rights-of-way adjacent properties.

CITY OF POMPANO BEACH OFFICIAL ZONING MAP



E. SAMPLE RD

Subject Site

N DIXIE HWY

NE 35TH ST

1 in = 125 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES