

**LAW OFFICES
DOUMAR, ALLSWORTH, LAYSTROM, VOIGT,
ADAIR & DISHOWITZ, LLP**

JOHN H. ADAIR, III, P.A.
EMERSON ALLSWORTH, P.A.
E. SCOTT ALLSWORTH, P.A.
MARK E. ALLSWORTH, P.A.
BENJAMIN R. DISHOWITZ, P.A.
C. WILLIAM LAYSTROM, JR., P.A.

**1177 SOUTHEAST THIRD AVENUE
FORT LAUDERDALE, FLORIDA 33316-1109
BROWARD (954) 762-3400
TOLL FREE (866) 242-9488
TELEFAX (954) 525-3423
EMAIL: JDVOIGT@AOL.COM
WEBSITE: SFLALAW.COM**

WILLIAM J. LAYSTROM, P.A.
MATTHEW J. MYTYCH, P.A.
JOHN D. VOIGT, P.A.

OF COUNSEL
JODIE SIEGEL, P.A.
JEFFREY S. WACHS, P.A.

Owner/Applicant: James Batmasian

Application: Text Amendment to Section 155.4219

Companion Applications: Minor Site Plan and Special Exception

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

Date: May 12, 2022

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 dealerships, but not used car dealerships, which are limited to zoning section B-4. A review of the existing used car dealerships in the B-4 zoning area on Dixie Highway show mostly lower-end dealerships 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 dealerships as well as some existing used car dealerships 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, full-service dealership on the site. The applicant seeks a Text Amendment to Section 155.4219 of the City Code to allow such a high-end dealership with great restrictions on appearance and methods of operation of said dealership.

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 a proposed luxury used car dealership that would be contrary to this comprehensive plan. Certainly element 1, the future land use element, would be most applicable. Since car dealerships 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 dealership 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 an approved automobile dealership. Certainly, said dealership 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 automobile dealership 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 dealerships within the vicinity.

4. Addresses a demonstrated community need;

Applicant's Response:

The applicant has experience in the luxury used car 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 dealer. Here the goal is to have a collection of high-end and exotic vehicles that would be unlike anything else found in the city.

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 an automobile dealership has 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 dealership would be compatible and not redundant with the other dealerships. 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 dealerships in the vicinity, the applicant would say that offering a different version of such dealerships 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 dealerships on Federal Highway in this immediate vicinity, there is no reason to believe that the luxury dealership 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 dealership. As a specialty dealership, this will be maintained as more of a boutique dealership that should not have such a negative impact.

Respectfully submitted,
