



## Staff Report

**File #:** LN-198

Zoning Board of Appeals  
Meeting Date: November 18, 2021

### SPECIAL EXCEPTION - E POMPANO LLC

**Request:** Special Exception  
**P&Z#** 21-17000009  
**Owner:** E Pompano LLC  
**Project Location:** 2900 W Atlantic Blvd  
**Folio Number:** 4842 33 05 4000  
**Land Use Designation:** C - Commercial  
**Zoning District:** B-3 (General Business)  
**Agent:** Martin Emmett  
**Project Planner:** Scott Reale

### Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4219(H) (1) [Districts Where Permitted] of the City's Code of Ordinances in order to utilize the subject property (Zoning District: B-3) for a car wash.

The subject property is currently vacant and located in the Northwest CRA, on the north side of W Atlantic Boulevard, between NW 28<sup>th</sup> Avenue and NW 30<sup>th</sup> Avenue.

### ZONING REGULATIONS

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

##### H. Car Wash or Auto Detailing

##### 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	S

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

A car wash or auto detailing use is an establishment providing the washing of the exterior of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Interior cleaning and/or drying may be conducted manually by the vehicle operator or on-site attendants.

## 3. Standards

A car wash or auto detailing use shall comply with the following standards:

- a. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
- b. No overhead doors shall face the front lot line.
- c. Each lane shall be covered with a permanent canopy which shall have a maximum clearance height of 14 feet above grade, except where state or federal law requires a higher clearance.

## PROPERTY INFORMATION / LAND USE PATTERNS

Subject Property (Zoning District | Existing Use): B-3 | vacant/undeveloped land

Surrounding Properties (Zoning District | Existing Use):

- North: RS-4 | vacant land owned by Habitat for Humanity
- South: RM-45 | multi-family residential (Breezes at Palm Aire)
- West: B-3 | vacant land (currently in site plan review for Raceway gas station + convenience store)
- East: B-3 | Taco Bell fast food restaurant with drive-thru

The subject property has no open code compliance cases, no open permits, and no Business Tax Receipts.

Car Washes are only permitted by right in Industrial zoning districts; because the subject property is zoned General Business (B-3), Special Exception approval is required. If the Special Exception is approved, the property will require platting, site plan, and building design review. During that time, additional right-of-way dedications may be required for Atlantic Boulevard and the extension of NW 1<sup>st</sup> Street.

On April 18, 2019, the ZBA denied a similar Special Exception request (PZ #19-17000002) for a proposed car wash at 2851 W Atlantic Boulevard.

The application and conceptual site plan provided show a 3,200 sq. ft. car wash “tunnel” facility along with 18 vacuum stations. Site would be accessed by the adjacent property to the west through an existing access easement. The car wash itself is located toward the rear (north) of the property, near a single-family residential zoning district.

The Site Plan will require landscaping in excess of standard code requirements, in order to comply several 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.

Because of the adjacency to the residential single family zoning district and the aforementioned Comprehensive Plan policies, staff recommends providing additional enhanced landscaping around the entire site.

Additionally, the adopted *Transformation Corridor Study* for Atlantic Boulevard envisions this part of the City as a tech district with a “focus on creating a center of high tech and green technology office spaces.” The Transformation Plan’s desired built form along this block consists of development “to support 2-3 stories of commercial mixed use including front offices for industrial uses.” (See Exhibit “A”)

The applicant has provided responses to the thirteen Special Exception review standards and contends there is a demonstrated need for a car wash use in this area by providing a Needs Assessment Analysis, which is included in the application backup.

**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.

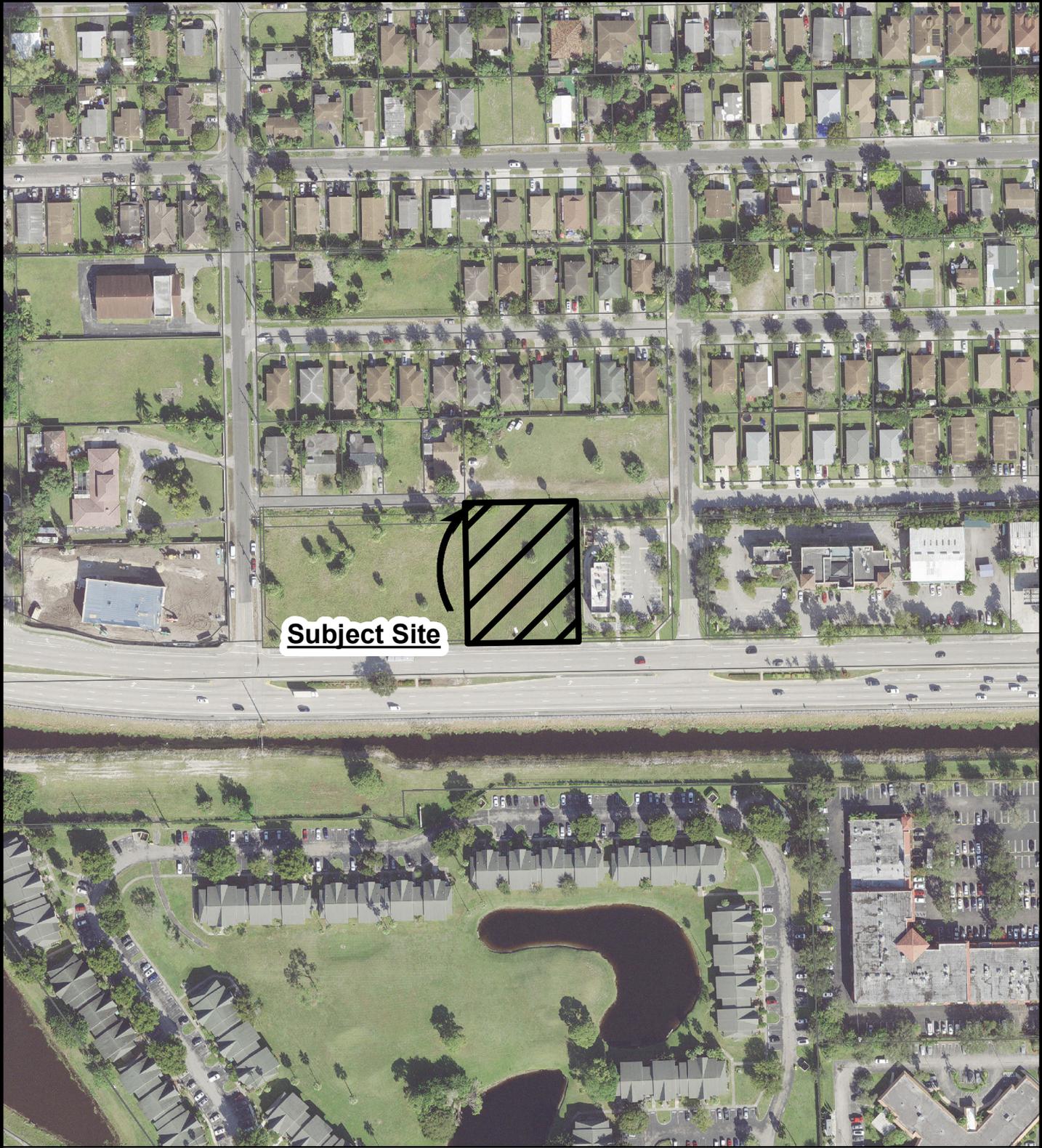
**Staff Conditions:**

As currently submitted, the proposed use does not comply with the Comprehensive Plan's policies on enhanced landscaping buffers and beautification efforts along Atlantic Boulevard. Additionally, staff believes the subject property's adjacency to a residential single-family zoning district necessitates a superior buffer to help mitigate potential negative effects of the proposed development.

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. Submit an application for Site Plan and Building Design within six (6) months of approval that complies with all applicable code requirements, demonstrating a Type B buffer, and an enhanced landscape plan for all street frontages, subject to staff approval.
2. Obtain all necessary governmental permits and approvals, including building and zoning compliance permits.
3. Outdoor vacuum station area shall be limited to vacuuming of vehicles. Professional car detailing is strictly prohibited.

# CITY OF POMPANO BEACH AERIAL MAP



**Subject Site**

1 in = 208 ft

2900 W Atlantic Blvd.

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES