



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Staff Report

File #: LN-397

Zoning Board of Appeals

Meeting Date: January 19, 2023

SPECIAL EXCEPTION - ESTATE OF WALTER J. GLOWACKI

Request: Special Exception
P&Z# 22-17000017
Owner: Estate of Walter J. Glowacki
Project Location: 3341 N Dixie Hwy
Folio Number: 4842 24 02 0640
Land Use Designation: C- COMMERCIAL
Zoning District: Heavy Business (B-4)
Agent: Larry Castaneda
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4219(L) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: B-4) for Used Automobile and Light Truck Sales with Outdoor Display.

The property is located on the west side of N Dixie Highway and the north side of NE 33rd Court.

ZONING REGULATIONS

155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

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L. Used Automobile and Light Truck Sales with Outdoor Display

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

A used automobile and light truck sales with outdoor display consists of premises on which used automobiles, light trucks, motorcycles, mopeds, and golf carts, in operating condition are stored and displayed for sale or lease outdoors.

PROPERTY INFORMATION

1. The subject property was developed via Broward County Permit #85-4182 as a 9,972 sq ft retail/commercial building with CO issuance in early 1986. The subject property became part of the city in 2004 through the Highlands annexation (Resolution 2004-323).
2. Business Tax Receipt records show the property has always had some motor vehicular use component, primarily for tires and vehicle repairs. Current BTRs on the subject property include the following:

Business Name	Classification
SUN AUTO COMPLETE SUPPLIES INC	REPAIR SVC-AUTO REPAIR
BEST CHOICE TIRES INC	REPAIR SVC-AUTO TIRE REPAIR
GLOWACKI, WALTER J	RENTAL BUILDING-INDUSTL,BLDG LEASE/RENT

3. The subject property has no open code cases and no open building permits.
4. The applicant is proposing to utilize the site for Used Automobile and Light Truck Sales with Outdoor Display, which requires Special Exception approval in the B-4 Zoning District. Although the principal building has overhead doors facing Dixie Highway and NE 33rd Court, relief is not required because there is already an active BTR for motor vehicle sales and service uses on the subject property and is therefore considered legally nonconforming.
5. The applicant states in their narrative that the vehicles for sale will be luxury in nature with most business conducted online. Additionally, the conceptual site plan provided illustrates changes to the site layout (identifies areas to display the vehicles for sale, and upgraded fencing), which comply with the applicable use-specific standards for motor vehicle sales and service uses.
6. The use requires one parking space per 400 sq ft of indoor sales display area and office space. Parking spaces used for vehicle display are not eligible for compliance with minimum off-street parking requirements. The conceptual site plan suggests the site can accommodate the parking requirement.
7. As noted in the adopted Transformation Plan for Dixie Highway, the “desired built form” for North Dixie Highway is to develop zoning code regulations supportive of 1 to 3 stories of retail and residential/commercial mixed use frontages along North Dixie Highway. However, almost all parcels along North Dixie Highway, including the subject property, are zoned commercial. Therefore, the applicant should not be held to this standard until such time that substantial redevelopment is proposed.

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use):

- B-4 | auto repair

Surrounding Properties (Zoning District | Existing Use):

- North: B-4 | tire sales and auto repair
- South: B-4 | used automobile sales with outdoor display
- West: RS-4 | single-family dwelling
- East: T and I-1 | FEC railroad and Dixie Industrial Center (warehouses)

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:

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 building and zoning compliance permits, and a city-issued Business Tax Receipt.
2. Substantial conformance to the site plan submitted.
3. No vehicle service, repair, installation, or maintenance shall be made except within the building.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 125 ft

3341 N Dixie Highway