



Staff Report

File #: LN-02

Zoning Board of Appeals

Meeting Date: September 17, 2020

INTERIM USE - COMMUNITY REDEVELOPMENT AGENCY

Request: Interim Use Permit
P&Z# 20-42000001
Owner: Pompano Beach Community Redevelopment Agency
Project Location: 10 NE 1st Street
Folio Number: 4842 35 08 0250
Zoning District: TO-DPOD (Transit Oriented - Downtown Pompano Overlay District)
Agent: Lauren Grosso
Project Planner: Scott Reale

Summary:

Pursuant to section 155.2415 of the Pompano Beach Zoning Code, the applicant is requesting Interim Use Permit approval in order to develop and utilize a portion of the subject property as an outdoor patio area adjacent to 44 NE 1st Street on vacant land being leased from the CRA (adjacent to the Civic Plaza). The applicant plans to place a food trailer there and run operations while completing the buildout to 44 NE 1st Street. The proposal includes providing outdoor dining on the patio and with CRA permission place tables at the civic plaza area as well. The CRA is in support of this to start another phase of the redevelopment of Old Town.

As per code sections 155.2415(C)(6) and (7), an Interim Use Permit requires review and recommendation by the Planning & Zoning Board and a final decision by the Zoning Board of Appeals. At the August 26, 2020 P&Z meeting, the Board unanimously recommended approval of the project. The applicant is not requesting any specific waivers from the Zoning Code.

The property has a DPTOC - DOWNTOWN POMPANO TRANSIT ORIENTED CORRIDOR land use designation and is located in the Northwest CRA along the south side of NE 1st Street, between N Flagler Avenue and NE 1st Avenue. The subject property is within MM2 Mixed Use Main Street 2 Use Area of the Downtown Pompano Overlay District.

Following are the land use patterns of the surrounding properties.

- a. North - NE 1st Street
- b. South - W Atlantic Boulevard
- c. East - NE 1st Avenue
- d. West - FEC Railway

The subject property has no open code compliance cases and no open building permits. However, a building permit has been filed (BP# 20-4559) for an awning and interior renovations for the associated restaurant, and is currently in plan review, pending approval of the Interim Use Permit application.

A development order for an Interim Use may be approved by the ZBA for up to five years. This request is the fifth of its nature since the original adoption of the Interim Use process in 2012. The most recent request for interim use was in 2015 for a public parking lot on the southern portion of the same property. The case was heard at the April 2015 Planning and Zoning Board meeting, and granted at the August 2015 Zoning Board of Appeals meeting via PZ # 15-42000001.

The applicant has addressed the ten (10) review standards required for granting an Interim Use Permit. Staff finds the request is appropriate for the area, as this area has conducted major streetscape improvements and has commenced redevelopment for the future Downtown Pompano. Restaurants have historically been lacking in this area and this offers an opportunity to stimulate outdoor economic activity. The owners of the restaurant were one of the first businesses to obtain approval for the Business Activity in Public Spaces “Outdoor Dine and Shop” program. The Interim Use will allow them to continue this basic use in the event the program is dissolved post-COVID and there is no longer a need to restrict occupancy.

INTERIM USE PERMIT REVIEW STANDARDS

An application for an Interim Use Permit shall be approved only on a finding that there is competent substantial evidence in the record that the Interim Use, as proposed:

- a. Complies with the standards in Section 155.4403.E, Interim Commercial Use or Section 155.4403.F, Interim Industrial Use, as applicable;
- b. Is consistent with the comprehensive plan;
- c. Is consistent with any adopted Master Plan;
- d. Will not create a traffic hazard or nuisance with consideration given to, but not limited to, location of existing uses, turning movements in relation to the access to public roads and intersections or its location in relation to other buildings or proposed buildings on adjacent properties;
- e. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property or the neighborhood, with consideration given to, but not limited to, noise, vibration, fumes, odors, dust, glare, other environmental hazards, or physical activity that will be generated and is otherwise present in the area; and
- f. Will not adversely affect the health, safety, security, morals, or general welfare of the neighborhood;
- g. Will not, with consideration given to the existing development in the area and development permitted under the current zoning provisions, overburden existing public services and facilities, including police and fire protection, water, sanitary sewer, public road, storm drainage, and other public improvements, and will not create a hazard by virtue of its site and location to residents, visitors, or workers in the neighborhood;
- h. Will be in harmony with the general character of the neighborhood, with consideration given to, but not limited to, population density, intensity, character of activity, traffic and parking conditions, and the number of similar uses in the neighborhood; and
- i. Is consistent with CPTED standards for natural surveillance, natural access control, territorial reinforcement, and maintenance.
- j. Additionally, an Interim Commercial Use shall comply with the following standards:
 1. Will benefit the neighborhood and will be open to the public;
 2. Is an outdoor use that would otherwise be allowed in the zoning district in which it is located as

- either a Permitted Use, Special Exception Use, or Accessory Use; and
3. Is a community serving use.

Staff Conditions:

Should the Board determine that the applicant has provided competent substantial evidence to satisfy the ten (10) Interim Use Permit review standards, staff recommends the Board include the following conditions as part of the Order:

1. Obtain all necessary governmental permits and approvals, building and zoning compliance permits, and Business Tax Receipt for restaurant and outdoor seating.
2. Site lighting must comply with zoning code requirements.
3. Provide bollards or planters to clearly separate vehicular, sidewalk, and dining areas.
4. Substantial conformance to the plan submitted.

CITY OF POMPANO BEACH
AERIAL MAP



1 in = 208 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES