



Staff Report

File #: LN-237

Zoning Board of Appeals
Meeting Date: March 17, 2022

MAJOR TEMPORARY USE - TAL SHIAR PROPERTIES LLC

Request: Major Temporary Use
P&Z# 22-15000006
Owner: Tal Shiar Properties LLC
Project Location: SW 3rd Street (vacant lot)
Folio Number: 4942 02 02 0061/4942 02 02 0063/4942 02 02 0070
Land Use Designation: MH- Medium High 16-25 DU/AC and C- Commercial
Zoning District: Multiple-Family Residence 30 (RM-30) and General Business (B-3)
Agent: Alex Harding
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 vacant lots (Zoning Districts: RM-30 and B-3) for an off-site construction staging area and storage without complying with the applicable use and development standards as required by Code.

The subject property is located in the NW CRA along the north side of SW 3rd Street (Race Track Rd) between SW 4th Avenue and S Dixie Highway.

PROPERTY INFORMATION

1. The subject property is located on three undeveloped parcels and has no Business Tax Receipts or building permits.
2. The property has an open Code Enforcement case (Case #22010082) for vehicles parked on an unapproved surface and a fence installed without permits.
3. The request is to temporarily use the subject property as an off-site construction staging area, along with storage and parking for the nearby John Knox Village development improvements located at 651 SW 6th Street.
4. A Temporary Use Permit is required whenever construction-related activity, i.e. staging, storage, parking, is occurring off-site from the associated approved building permits. If the parking was located on the John Knox Village property, a Temporary Use Permit would not be required.
5. Conceptual site plan submitted with this application shows ingress/egress along SW 4th Avenue (west side) and the strip mall property (east side). Gates may not open onto swale/public right-of-way and cross access agreement with strip mall property owner must be obtained. Additionally, the southwest corner of proposed site area is located on public right-of-way. Fencing must be located along or inside of property line.

LAND USE PATTERNS

Subject Property (Zoning | Existing Use): RM-30 and B-3 | vacant land

Surrounding Properties (Zoning | Existing Use):

- North: RM-30 HR | multi-family residential
- South: LAC | John Knox Village
- East: B-3 | strip mall (laundry, convenience store, restaurant/entertainment)
- West: RM-30 | Assisted Living / Memory Care Facility

TEMPORARY USE PERMIT REVIEW STANDARDS

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

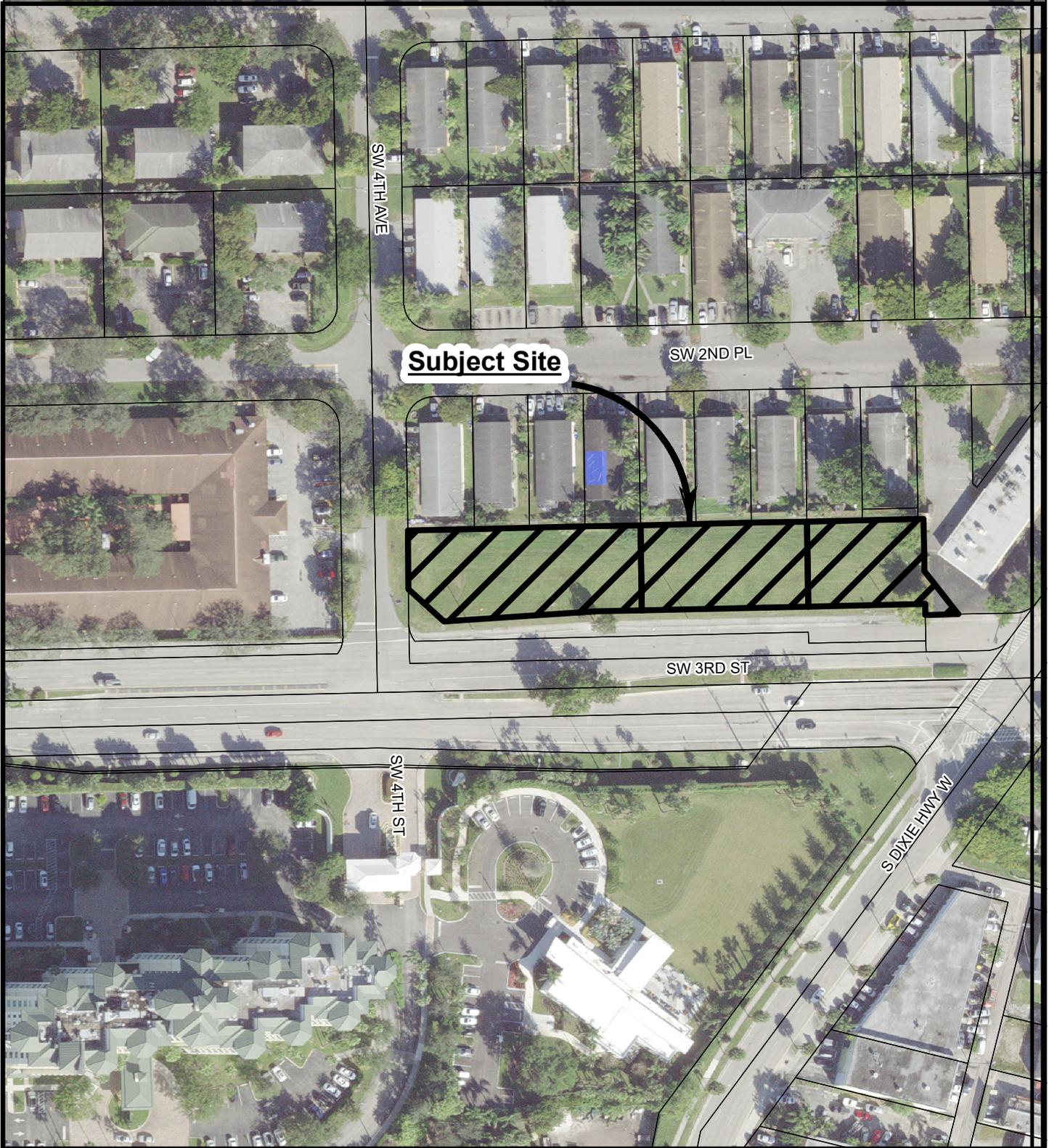
1. Is on its face temporary in nature;
2. Is in harmony with the spirit and intent of this Code;
3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
4. Does not have substantial adverse effects or noise impacts on any adjoining 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:

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.
2. Gates may not open onto swale area which is considered public right-of-way. Reconfigure plans so gates swing inward or slide directly along property line and fencing is located along or inside of property line.
3. If access is proposed through existing strip mall, obtain cross-access agreement with strip mall property owner.
4. Provide screening around the entire property. Materials shall not be stored higher than the height of the screening. All activities shall be conducted and materials shall be maintained in a manner that minimizes blight and dust to adjacent properties.
5. Prior to the expiration of this permit, drought-resistant sod shall be installed on the entire property.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 125 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES