

Staff Report

File #: LN-52

Zoning Board of Appeals

Meeting Date: December 17, 2020

VARIANCE - PRIME REALTY CAPITAL AND LGL REALTY

Request:	Variance
P&Z#	20-11000016
Owner:	Prime Realty Capital and LGL Realty
Project Location:	2240 NW 16 St., 2241 NW 15th Ct., 2281 NW 15 th Ct.
Folio Number:	4842 28 01 0289, 4842 28 01 0284, 4842 28 01 0290
Land Use Designation:	I- Industrial
Zoning District:	I-1X
Agent:	Charles Gusmano
Project Planner:	Jae Eun Kim

Summary:

Applicant Landowner is requesting Variances from the following provisions:

1. Section 155.5603(C) [Industrial Design Standards], of the Pompano Beach Zoning Code, in order to allow metals processing to be conducted outside rather than in an enclosed building as required by code.
2. Section 155.5203(D)(4) [Vehicular Use Area Landscaping (VUA)], of the Pompano Beach Zoning Code, in order to provide planting material for the 15% internal VUA landscaping requirements elsewhere onsite, rather than in required locations.
3. Section 155.5203(F)(3) [Required Buffer Types and Standards], of the Pompano Beach Zoning Code, in order to modify the Type C Option 1 Buffer requirements by: A) moving all trees to the exterior of the wall (rather than providing 1 canopy tree per 30 feet on the interior side of the wall); B) providing a picket fence along portions of the wall (rather than providing an opaque masonry wall at least 8 feet high along all portions); and C) eliminating continuous hedge requirements.
4. Section 155.5203(B)(2)(j) [Protection from Vehicular Damage] of the Pompano Beach Zoning Code in order to omit curbing along certain loading and vehicular use areas adjacent to retention area and install a safety railing rather than provide continuous curbing as required by code.

The property is located west of NW 27 Avenue and south of NW 16 Street.

This Variance application accompanies an application for Special Exception (PZ20-17000013) in order to utilize the subject property (Zoning District: I-1X) as a Junkyard or Salvage Yard.

ZONING REGULATIONS

155.5603. INDUSTRIAL DESIGN STANDARDS

C. Business Activities to be Conducted in Enclosed Buildings

Except as expressly provided otherwise in this Code, all business activities associated with industrial development shall be conducted within a totally and permanently enclosed building.

155.5203. LANDSCAPING

D. Vehicular Use Area Landscaping

4. Interior Landscaping Standards

a. Applicability

i. General

Except as otherwise provided in subsection ii below, landscaped planting areas making up at least 15 percent of the total area of a vehicular use area shall be provided and maintained within the interior of a vehicular use area in accordance with the following standards.

ii. Exceptions

(A) Where a vehicular use area is used for the storage of motor vehicles, boats, trailers, recreational vehicles, or heavy equipment, landscaped planting areas shall be provided and maintained within at least 15 percent of the interior of the vehicle storage area, and such planting areas shall be distributed within the vehicle storage area so as to avoid the appearance of an unbroken expanse of paved area.

(B) These standards shall not apply to parking decks or garages or to vehicle display areas.

(C) For all other uses, other suitable solutions or innovative designs to reduce heat-glare may be substituted when approved by the Development Services Director, provided landscaped planting areas shall be provided and maintained within at least 15 percent of the interior of the vehicular use area, and such planting areas shall be distributed within the vehicular use area so as to avoid the appearance of an unbroken expanse of paved area.

TABLE 155.5203.F.3: REQUIRED BUFFER TYPES AND STANDARDS	
WHERE REQUIRED ¹	REQUIRED BUFFER TYPE BY FUNCTION AND OPTIONAL SCREENING STANDARDS 2,3,4,5,6,7

WHERE REQUIRED ¹	REQUIRED BUFFER TYPE BY FUNCTION AND OPTIONAL SCREENING STANDARDS 2,3,4,5,6,7
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Between a proposed industrial use and land within a non-industrial zoning district, or as required per a use-specific standard in Article 4.	TYPE C BUFFER	
	This perimeter buffer functions as an opaque screen from the ground at least six feet. This type of buffer prevents visual contact between u a strong impression of total separation.	
	OPTION 1	OPTION 2
	At least 10 feet wide + An opaque masonry wall at least 8 feet high + understory tree per 30 linear feet + continuous hedge at least 5 feet high the exterior side of the wall or fence canopy tree per 30 feet on the interior side of the wall or fence	At least 25 feet wide + A wall or opaque fence at least 4 feet high + atop a berm at least 4 feet high + 1 understory tree per 15 linear feet on the exterior side of the wall or fence + 1 canopy tree per 30 linear feet on the interior side of the wall or fence

155.5203. LANDSCAPING

B. General Requirements for Landscaping

2. Installation

j. Protection from Vehicular Damage

Required landscaping areas shall be protected from vehicular damage by the installation of curbing, wheel stops, or other method approved by the Development Services Director.

LAND USE PATTERNS

Subject property (Zoning | Existing Use): I-1X (Special Industrial) | Recycling Facility

Surrounding Properties (Zoning District | Existing Use):

- North: I-1X | Broward County Transit Bus Repair Shop
- South: I-1 | Window and Door Manufacture
- East: I-1 | Merchant Retail, Showroom, Distributor & 1-1X | Engineering Construction Company
- West: I-1X | Roofing Contractor & Equipment Rental

The subject property has no open code compliance cases or no open permits.

A portion of the subject properties (2240 NW 16 St. & 2241 NW 15th Ct.) has been operating a metal material

processing facility, which is classified as a Junk yard or Salvage Facility, pursuant to §155.4226. D, Junkyard or Salvage Yard. The Applicant obtained site plan approval of the existing facility in 2012 (BP: 12-7207), and obtained variance approval (Appeal #: 12-02) on November 1, 2011. The variance approval granted: a) the metal recycling facility within 1,000 feet of another recycling facility and b) a 27 ft tall metal shredder to be visible from the street and adjoining properties.

The Applicant has since purchase the adjoining property, 2281 NW 15th Ct (west of the existing facility), and is requesting approval to expand the use to the new property. The site plan application (PZ 20-12000009) seeks to install new mechanical equipment for processing and to manage surface water runoff.

Staff believes that based on the site plan of the proposed development, the required hedge as a part of a type C buffer could be mitigated (i.e. some combination of hedges and/or trees throughout), and placed throughout the properties to achieve the intent of the buffer. If the Applicant were to work with City staff on an acceptable alternative to the hedge, a variance would not be needed. City staff, including Urban Forestry, are available to assist. However, the Applicant has instead chosen to apply for a variance to eliminate the required hedge.

VARIANCE REVIEW STANDARDS

A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

- a. There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
- c. Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;
- d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.
- e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
- f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
- g. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- h. The Variance is consistent with the comprehensive plan.

Staff Conditions:

The applicant has responded to each of the Variance review standards. Staff does not object to Request (1), (2), A of (3), & (4).

Staff finds that the Applicant has not provided sufficient grounds for approval and did not demonstrate how approval of requests B) and C) stated in Request (3) were in general harmony with the intent of the Code. A type C buffer is expressly required for junkyards & salvage yards, as defined in Section §155.4226. D [Junkyard or Salvage Yard], which requires an opaque masonry wall at least 8 feet high with a continuous hedge at least 5 feet high on the exterior side of the wall. These two elements consisting of a type C buffer are necessary to mitigate negative visual effects of the proposed use on abutting properties and streets, and furthermore are essential to promote a healthy environment. Therefore staff recommends disapproval B) and C) of the Request (3).

For the Board, B) and C) of Request (3) are listed below.

- B) providing a picket fence, rather than providing an opaque masonry wall at least 8 feet high
- C) eliminating continuous hedge requirements

Should the Board determine that the applicant has provided competent substantial evidence to satisfy the Variance review standards, staff recommends the following conditions be included as a part of the Order:

1. Successfully obtain approval of Special Exception (PZ 20-17000013) and Site Plan (PZ 20-12000009).
2. The gates fronting a street must be opaque and solid.
3. Maintain an overall minimum 25% pervious area.
4. The required landscape material and their placement for a type C shall be approved by the City's Urban Forestry.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 250 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES