

FESTIVAL INDUSTRIAL DRIVEWAY STACKING DISTANCE VARIANCE REQUEST

The Industrial Redevelopment - Flea Market Site Major Site Plan (PZ24-12000024) application is for the development of industrial warehouses on the existing 24 +/- acre Festival Marketplace (Festival Flea Market) site generally located at 2900 West Sample Road in the City of Pompano Beach (“City”). The site plan proposes to demolish the existing building and construct three warehouse buildings that vary in size from approximately 115,000 square feet (Building 1), 60,200 square feet (Building 2), and 298,500 square feet (Building 3), with ancillary office space. A total of 422 parking spaces are provided on the site plan. Access to the development is via two (2) driveways on Sample Road and two (2) driveways on NW 27th Avenue. Sample Road is functionally classified as a State Principal Arterial and NW 27th Avenue is a County Collector. Therefore, jurisdiction over Sample Road rests with FDOT, and jurisdiction over NW 27th Avenue rests with Broward County.

According to Table 155.5101.G.8.B of the City Zoning Code (“City Code”) provided below, each of the four (4) driveways on the site plan requires a driveway stacking distance of 100 feet. This provision of the Code does not account for large parcels with multiple driveways or take into consideration the requirements of other agencies that regulate access to roadways in the City. Given that there are four (4) driveways on this property, it is reasonable to assume vehicular traffic will be distributed among the four (4) driveways. Therefore, the stacking distance applicable to

TABLE 155.5101.G.8.B: MINIMUM STACKING LANE DISTANCE FOR PARKING LOT ENTRANCE DRIVEWAYS	
NUMBER OF OFF-STREET PARKING SPACES ¹	MINIMUM STACKING LANE DISTANCE (FT) ²
1 - 49	25
50 - 249	50
250 - 499	100
500 or more	100 + 15 ft for every additional 50 spaces beyond 500
NOTES: 1. Entrances into parking structures may be credited towards the stacking lane distance requirement provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle. 2. Stacking lane distance is measured from the intersection of the driveway with the street right-of-way, along the centerline of the stacking lane, to its intersection with the centerline of the first entrance into a parking area or other internal intersecting driveway.	

properties with only one (1) driveway should not apply in this instance where there are four (4) driveways.

The Applicant spent many months developing a site plan that meets the access requirements of FDOT for those driveways along Sample Road. FDOT reviewed the site plan and traffic study prepared by the Applicant which distributes traffic to the four (4) driveways on the property consistent with accepted traffic engineering principles. Based on input from FDOT, a channelized ingress driveway at the main entrance was designed and incorporated in the site plan. After months of review, the driveway design was determined to be acceptable, and a preliminary access approval was issued by FDOT. See attached. The secondary driveway on Sample Road was approved by FDOT as part of the permitting process for the RaceTrac gas station, also located at the property.

Similarly, the Applicant coordinated with Broward County regarding the access and stacking for the driveways along NW 27th Avenue. Broward County's review also considered that the traffic from the development would be distributed among the four (4) driveways. Adjustments were made to the driveway and access drives along the eastern portion of the property to address the comments received by the County reviewer. The stacking shown at the driveways on NW 27th Avenue reflects the comments received.

The Applicant is requesting a variance from Table 155.5101.G.8.B to allow a minimum stacking lane distance of 50' to meet the conditions of the proposed site plan. The requested 50' minimum distance meets the minimum required distance in Table 155.5101.G.8.B when traffic is distributed to each driveway. The driveways as shown on the proposed site plan meet the minimum stacking lane distance and throat depth requirements of the applicable permitting agencies based as defined by those agencies.

Driveway	Total Throat Depth as Measured by Permitting Agency
Sample Road Westernmost Driveway – Jurisdiction of FDOT	100'
Sample Road Easternmost Driveway – Jurisdiction of FDOT	70'
NW 27 th Ave Northernmost Driveway – Jurisdiction of Broward County	140.8'
NW 27 th Ave Southernmost Driveway – Jurisdiction of Broward County	131.6'

The analysis below demonstrates that the requested variances meet the standards for approval contained in Section 155.2420 of the City Code.

- 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;***

The subject property is 24+/- acres and has frontage along two (2) roads under the functional jurisdiction of FDOT and Broward County. There are four (4) platted driveways on the property. The development plan includes three (3) buildings in one unified development where traffic is distributed among the four (4) driveways. Given the distribution of the parking spaces throughout the site, it is reasonable to assume that traffic will be distributed among the four (4) driveways on the property. The required stacking in Table 155.5101.G.8.B of the City Code does not account for large parcels with multiple driveways or take into consideration the requirements of other agencies that regulate access to roadways in the City, such as in the instance case. These conditions of the land and buildings are unique to this property and do not generally apply to other parcels in the vicinity or citywide.

- b. ***The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;***

The required stacking in Table 155.5101.G.8.B of the City Code is based solely upon the number of parking spaces on site; the same standards apply throughout the City, regardless of the size of the property or the requirements of other agencies that regulate roadways in the City. The conditions referred to above in paragraph a. are based on the size of the lot and the agencies with authority over the relevant roadways; they 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;***

The subject property is larger than most parcels in the city. However, the stacking lane distance requirement does not take into consideration the extraordinary and exceptional conditions that relate to this property such as its size, location on two major street frontages and multiple governmental review agencies that regulate access. Applying the requirement without considering the extraordinary and exceptional conditions of the property would unreasonably restrict the utilization of the land that would not be applied to the property if it were subdivided into smaller parcels, like other smaller parcels located in the city.

- d. The variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated;***

The City Code allows any property owner in the City to request a variance related to the stacking lane distance. Each application is considered on the individual merits and particular circumstances. This property has unique circumstances that do not apply to most parcels in the City. Therefore, the variance would not confer any special privilege on the applicant 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;***

The Applicant is requesting the minimum necessary variance to allow an appropriate level of development on the property consistent with the other permitting agencies that regulate access on the adjacent roadways. The stacking length submitted with this variance request are based upon the lengths necessary and required by the relevant agencies.

- f. The variance is in harmony with the general purpose and intent of this Code and preserves its spirit;***

The variance will provide for a reasonable application of the City Code that is consistent with accepted traffic engineering principles. In this case, the City Code provides a very general standard that does not consider large parcels with multiple driveways where traffic is logically divided amongst the driveways. The site plan was reviewed by both FDOT and Broward County and the driveways as proposed were determined to be acceptable. The variance will allow for a development that provides for adequate traffic circulation and meets accepted traffic engineering safety standards. Therefore, the variance requested is in harmony with the general purpose and intent of the Code and preserves its spirit of logically and appropriately guiding access and stacking onto property in the City.

- 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***

The variance will allow for redevelopment of the property as industrial warehouse use. This use is permitted in the underlying land use and zoning designations on the property. Further, the use is consistent and compatible with the surrounding nonresidential uses in the area. The variance is consistent with common engineering practices, and the proposed access was reviewed by FDOT and Broward County which both have permitting authority regarding the driveways on the property. For these reasons, 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.

h. The variance is consistent with the comprehensive plan.

The City Commission approved a land use plan amendment for the property that changed the underlying land use plan designation from Commercial to Industrial. The variance will allow for an industrial development that is consistent with the uses permitted in the underlying Industrial land use plan category. Therefore, the variance is consistent with the prior actions taken by the City regarding the comprehensive plan.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

JARED W. PERDUE, P.E.
SECRETARY

November 15, 2024

Chris Lall
Langan Engineering and Environmental Services
110 E Broward Boulevard, Suite 1500, Fort Lauderdale 33301

Dear Chris Lall,

RE: Variance Committee Review to allow for **Category E Driveway**

Applicant/Property Owner: FESTIVAL REAL ESTATE LLC

Broward County **City of Pompano Beach** **State Road:** 834 **Section:** 86028000 **MP:** 5.4

Access Class: 03 **Posted Speed:** 45 mph **SIS:** N/A **Site Acreage:** 25.1

Development Size: 483,806 SF Warehouse; 20 Pump Fuel Station & 5,500 SF Convenience Store

Project Name & Address: Festival Flea Market - 2900 W Sample Rd, Pompano Beach, FL 33073

AMRC Meeting Date: 11/7/2024

Request: Utilize the existing full signalized access on the south side of SR 834 approximately 834 feet west of NW 27th Avenue.

This request is: **Approved with Conditions**

Conditions / Comments:

- ☐ A minimum driveway length of 100 feet, as measured from the ultimate right-of-way line to the first conflict point shall be provided.
- ☐ Coordinate signal timing optimization with Broward County.
- All existing driveways not approved in this letter must be fully removed and the area restored.
- Drainage mitigation is required for any impacts within FDOT right-of-way (i.e. increased runoff or reduction of existing storage).
- A Storm Water Pollution Prevention Plan must be submitted with the application if there will be more than one acre of "disturbed area" (as defined by the Florida Department of Environmental Protection (FDEP))
- If additional right-of-way is required to implement the proposed improvements, the applicant shall donate the right-of-way to the Department.

Comments:

Please note that the dimensions between driveways are measured from the near edge of pavement to near edge of pavement and dimensions between median openings are measured from centerline to centerline unless otherwise indicated. The purpose of this letter is to document the conceptual review of the approximate location of driveway(s) to the State Highway system and to note any required improvements. Earlier Department decisions on this request shall be voided unless expressly approved herein. If the above concept is approved, the applicant may submit engineering plans to the Department for permitting. The Department's personnel shall review these plans for compliance with this letter as well as current Department standards and/or specifications. Final design must consider the existing roadway profile and any impacts to the existing drainage system. **Please note that this letter does not guarantee permit approval.** The permit may be denied based on the review of the submitted engineering plans. Be aware that any approved median openings may be modified (or closed) in the future, at the sole discretion of the Department.

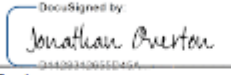
Chris Lall – Festival Flea Market Access Management Review Committee Letter

Committee approvals and conditions which are at variance with Department rules or standards are not binding in the permitting process for more than **12 months**.

Please contact the Access Management Manager - Tel. # 954-777-4363 or e-mail: D4AccessManagement@dot.state.fl.us with any questions regarding the Pre-Approval Letter.

For right-of-way dedication requirements go to: <https://osp.fdot.gov>. Click on Statewide Permit News. Scroll down to District 4. Scroll down to Additional Information and Examples and choose Right-of-way Donations/Dedications.

THE DISTRICT ACCESS MANAGEMENT REVIEW COMMITTEE

	With the above ruling I	Agree	Disagree
Jonathan Overton, P.E. District Traffic Operations Engineer	 DocuSigned by Jonathan Overton 044093436550454	☒	November 15, 2024
¹ James Poole, P.E. District Design Engineer	 DocuSigned by James Poole 60112012077607401	☒	November 15, 2024
Antonio Castro, P.E. District Maintenance Engineer	 DocuSigned by Antonio Castro 649660345000480	☒	November 15, 2024

¹Authorized by John Olson P.E. to be in responsible charge and have full signature authority for the Design Office on 11/06/2024 and 11/07/2024.

cc: Anthony Beecher
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