

**Troy F. Carter, P.E.**  
**904 TOMLINSON DRIVE**  
**LUTZ, FL, 33549**

01/19/2023

CITY OF POMPANO BEACH

# PROJECT #22-102 TAKE 5 @ POMPANO BEACH

ZBA MEETING:

SPECIAL EXCEPTION 22-17000016

VARIANCE 22-11000019

# DEVELOPER

DRIVEN BRANDS

440 S. CHURCH STREET

CHARLOTTE, NC, 28202

CONTACT: FIONA NJOMIN

# OWNER

DOUGLAS THIEME

2881 NE 26<sup>TH</sup> PLACE

FT. LAUDERDALE, FL, 33306

CONTACT: DOUGLAS THIEME



**THE STAY  
IN YOUR CAR  
10 MINUTE  
OIL CHANGE.**



# LOCATION

NW CORNER OF THE  
INTERSECTION OF N FEDERAL  
HIGHWAY AND



# PLANNING AND ZONING

• Jurisdiction: City of Pompano Beach

- Current Zoning: General Business (B3)
- FLU: C-Commercial
- Special Exception Request: Per code, automotive repair and maintenance facility use is allowed as a special exception
- Variance Request: Per code, Street-facing facades of the ground level floor for uses involving repair, servicing and/or maintenance shall not include service bay entrances, overhead doors, sliding glass doors, removable panels, or



The General Business (B-3) district is established and intended to accommodate a diverse range of moderate-intensity retail, service, office, recreation/ entertainment, visitor accommodation, and institutional uses that serve the residents and businesses in the community at large (e.g., most retail sales and service uses, restaurants, offices, banks, restaurants, gasoline filling stations, marinas, auto and boat sales and service uses, theaters, hotels, child care facilities, vocational or trade schools, health care facilities, places of worship). It also accommodates complementary residential uses (e.g., live-work and upper-story dwellings) and moderate- to high-density multifamily development (either stand-alone or mixed with commercial development), community residences, and recovery communities.

## B-3 PURPOSE



ZONING MAP

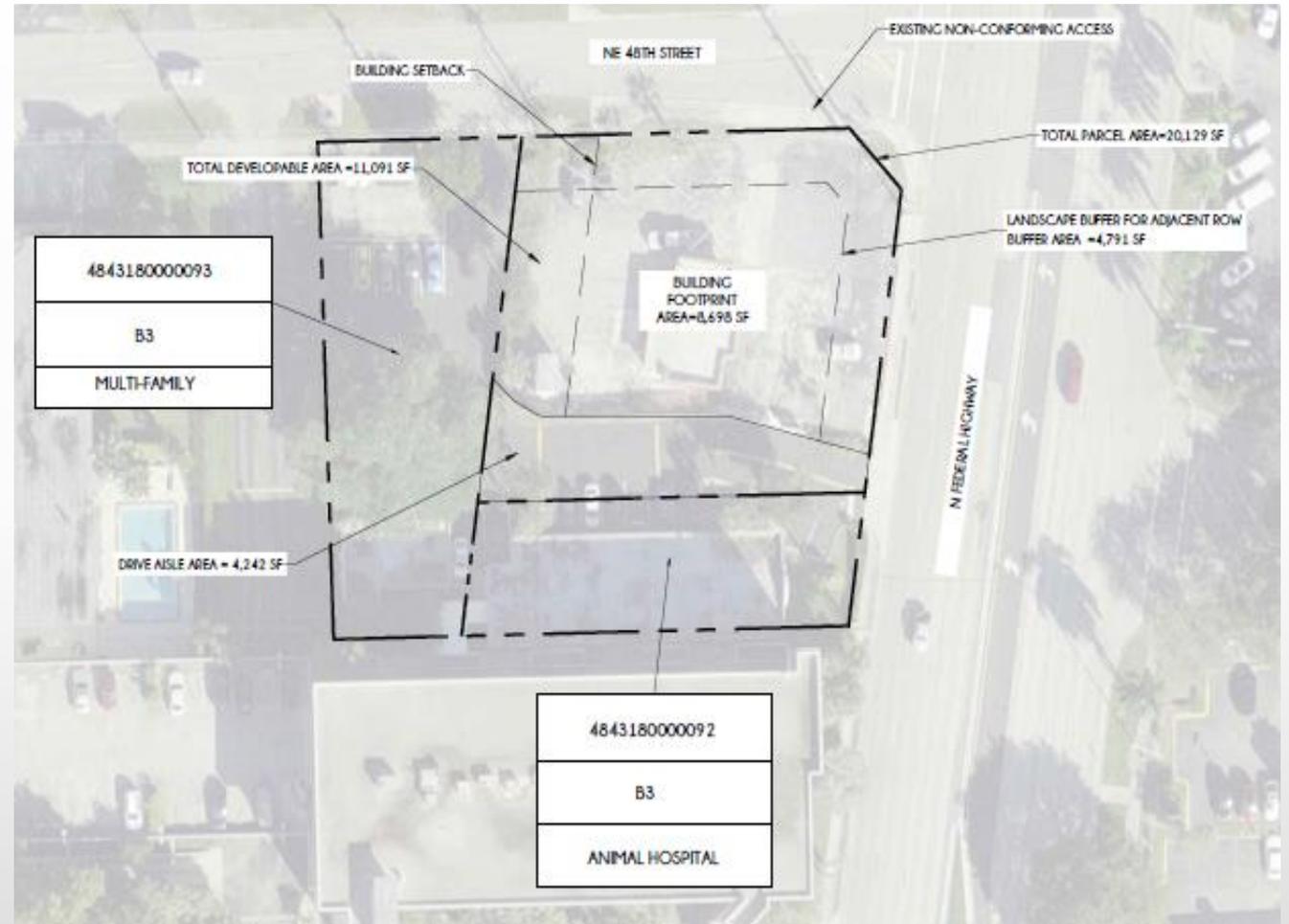
FLU MAP

# SITE BACKGROUND

## PARCEL CONSTRAINTS

1. Developable Area
2. Access
3. Corner or “Double Front”

HISTORICAL USAGE: Site was used for auto-oriented uses for 59 years.





# SPECIAL EXCEPTION REVIEW STANDARDS

A. Is consistent with the comprehensive plan;

**Applicant's Narrative: The subject property falls under a commercial future land use designation of Commercial per the Future Land Use Map dated 08/11/2021. The proposed use is consistent with the future land map designation and the comprehensive plan.**

B. Complies with all applicable zoning district standards;

**Applicant's Narrative: The applicant is requesting one variance from the use-specific standards for automotive repair uses. The applicant is requesting that these items be heard in connection with each other. Historically, this site was used as a used car dealership which would also fall under a special exception use for this designation.**

C. Complies with all applicable use-specific standards in Article 4: Use Standards;

**Applicant's Narrative: Please refer to the following section USE STANDARDS (A-H) for detailed narrative related to use-specific standards.**

D. 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;

**Applicant's Narrative: (Transportation) Regarding traffic/transportation, please refer to the attached trip generation estimate for the proposed development. (Water/Sewer) This estimate shows the estimated daily trip generation is 120 trips per day. This is a low trip generator for commercial based uses. Regarding water/sewer, the proposed development will only have one bathroom. The business model for this oil change is that customers remain in their vehicle. Based on this the typical utility demand for this type of development is 1 ERU. (School System) Because this is a commercial development, there will be no impact to school concurrency. (Stormwater) The existing condition of the site is entirely impervious area. In the proposed condition, there will be a reduction in impervious surface which will generate less runoff and reduce the amount of flow into the storm sewer system. (Police) The proposed property is a vacant building and poses the potential risk for vandalism and vagrancy. The redevelopment of this property will enhance the property and surrounding community. (Fire) The proposed building will comply with all fire**

# SPECIAL EXCEPTION REVIEW STANDARDS (CONT.)

E. 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;

**Applicant's Narrative: Most of the N Federal Highway corridor carries the zoning designation of B-3. Along this corridor, there are several automotive intense uses including automotive sales, repairs, and service stations. The N Federal Highway corridor is abutted by high density residential. The sector of the city north of E Sample Road has a high ratio of residential to commercial with commercial being restricted to N Federal Highway corridor. The proposed development is consistent with the commercial intensity and uses in the neighboring lands and will not overburden the transportation infrastructure while providing a valuable commercial service to the adjacent, high-density residential areas.**

F. 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;

**Applicant's Narrative: The proposed use is for minor automotive servicing. The applicant will be performing oil change services to customers. Based on these services there will be no significant adverse odor, noise, glare or vibratory impacts on the surrounding lands.**

G. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;

**Applicant's Narrative: The proposed development meets all requirements for screening and buffering.**

H. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;

**Applicant's Narrative: The proposed oil change facility will be compliant with all environmental regulations. An oil/water separator will be used to ensure no discharge of oil into the sanitary sewer system. Oil will be stored in environmentally safe containers and disposed of using standard**

# SPECIAL EXCEPTION REVIEW STANDARDS

(CONT.)

Maintains safe and convenient ingress and egress of traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site and neighborhood;

**Applicant's Narrative: The existing site has a full access onto NE 48<sup>th</sup> street. The applicant is proposing a cross access connection with the property to the south. The applicant has met with FDOT who has given conceptual approval.**

J. Allows for the protection of property value and the ability of neighboring lands to develop uses permitted in the zoning district;

**Applicant's Narrative: The existing site is currently vacant. The proposed development will improve property values by adding a convenient business service to the community. The proposed use will not impact or limit the development of any of the adjacent parcels.**

K. 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;

**Applicant's Narrative: The proposed development provides a specific automotive service centered entirely on convenience. While there are other auto related uses in the area, there are none specifically focused solely on quick lube service. Given the ratio of residential density to available automotive uses, this use will provide a valued convenience to the community.**

L. Complies with all other relevant city, state and federal laws and regulations;

**Applicant's Narrative: The proposed development will comply with all other relevant regulations.**

M. For purposes of determining impacts on the neighborhood 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' up to one-half mile radius from the subject subject site.

**Applicant's Narrative: Acknowledged**

# MOTOR VEHICLE SERVICE USE STANDARDS

## USE STANDARDS (A-H)

A. In all Zoning Districts, no service, repair, installation, and/or maintenance shall be made except within garages or other buildings designed for these purposes.

***Applicant's Narrative: The proposed development will comply. All service will take place within the proposed building.***

B. A type B perimeter buffer shall be provided along all perimeters of the site except where a type C perimeter buffer is required by Section [155.5203.F](#), Perimeter Buffers;

***Applicant's Narrative: Type B buffers are provided around the perimeter of the site.***

C. The use shall be designed so that the front façade is in compliance with Section [155.5602.C.7](#), Fenestration/Transparency.

***Applicant's Narrative: The applicant is requesting a variance from this use-specific standards for automotive repair uses. The applicant is requesting that these items be heard in connection with each other. Please refer to the variance request package.***

D. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

***Applicant's Narrative: The proposed development will comply. The provided conceptual plan meets all stacking requirements and provides for safe traffic circulation and turning movements.***

E. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent right-of-ways.

***Applicant's Narrative: The proposed development will comply. The site does not directly connect to any public ROW. There is additional stacking available within the private drive aisles which***

# MOTOR VEHICLE SERVICE USE STANDARDS (CONT.)

F. All vehicles, trucks, and trailers shall be maintained in a condition that they may be moved under their own power at any time except when the boat is under repair in garages, body shops, or other buildings.

***Applicant's Narrative: The proposed development will comply. No vehicles will be stored onsite.***

G. Vehicles, trucks, and trailers shall not be stored as a source of parts.

***Applicant's Narrative: The proposed development will comply. No vehicles will be stored onsite.***

H. Vehicles, trucks, and trailers that are repaired and awaiting removal shall be stored for no more than 30 consecutive days. Vehicles, trucks, and trailers abandoned by its lawful owner before or during the repair process may remain on site after the 30 day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle, truck, and trailer from the premises using the appropriate legal means.

***Applicant's Narrative: The proposed development will comply. No vehicles will be stored onsite.***

# VARIANCE REVIEW STANDARDS

## REVIEW STANDARDS (A-H)

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;

***Applicant's Narrative: The special use standards for automotive repair prohibit overhead doors from facing the ROW. In most cases, provisions are made for corner lots. Because this is a corner lot with double frontage along the ROW of NE 48<sup>th</sup> street and N Federal Highway, it is not possible to orientate the structure to not have a bay door facing the ROW. There are other auto service uses within the city that are not on corner lots which have overhead doors facing the ROW.***

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

***Applicant's Narrative: The condition of the lot's location in reference to the ROW's is not a condition created by the owner.***

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;

***Applicant's Narrative: The application of this code would fully prohibit the structure.***

D. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

***Applicant's Narrative: The variance would not confer any special privilege. It would allow for the reasonable use***

# VARIANCE REVIEW STANDARDS

(CONT.)

E. The extent of the variance is the minimum necessary to allow a reasonable use of the land or structure;

***Applicant's Narrative: The minimum extent of the variance would be to allow for the overhead doors to face one of the adjacent ROW's. This proposed variance is the minimum necessary deviation to allow for this use.***

F. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;

***Applicant's Narrative: The proposed variance is in harmony with the general purpose of the code but is necessary for the development due to uncontrollable site constraints.***

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

***Applicant's Narrative: The variance has no effect on health or safety. The overhead doors would be facing public ROW and would have no impact on public welfare.***

H. The Variance is consistent with the comprehensive plan.

# Conclusion

The proposed variance application demonstrates that the variance is necessary for this development and is due to uncontrollable site constraints. The proposed special exception application demonstrates that the review standards are met as allowable given the site constraints. The applicant requests this variance be heard simultaneous to the accompanying special exception.

# COMMENTS / QUESTIONS

