



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Staff Report

File #: LN-396

Zoning Board of Appeals

Meeting Date: January 19, 2023

SPECIAL EXCEPTION - 4791 N Federal Hwy LLC

Request: Special Exception
P&Z# 22-17000016
Owner: 4791 N FEDERAL HWY LLC
Project Location: 4791 N Federal Hwy
Folio Number: 4843 18 00 0091
Land Use Designation: C- COMMERCIAL
Zoning District: General Business (B-3)
Agent: Troy Carter
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4219(E) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: B-3) for an automotive repair and maintenance facility.

The property is located on the west side of N Federal Highway and the south side of NE 48th Street.

ZONING REGULATIONS

155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

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E. Automotive Repair and Maintenance Facility

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
														S	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		P	P									P				

2. Definition

An automotive maintenance facility is an establishment primarily engaged in providing repair and maintenance services for automotive vehicles such as passenger cars, sports utility vehicles, pickup and other light trucks, small vans, and motorcycles. The use includes oil change and lubrication shops (which primarily engage in checking and changing motor oil and lubricating the chassis of automobiles), automotive glass shops (which primarily engage in replacing, repairing, and/or tinting the windows and other glass in automobiles), and general automotive repair garages or shops (which primarily engage in providing a wide range of mechanical and electrical repair and maintenance services for automotive vehicles, including diagnosing, rebuilding, or reconditioning of engines and other mechanical and electrical systems). This use does not include automotive painting or body shops or establishments primarily engaged in the repair and servicing of large trucks, recreational vehicles, and trailers (which typically have greater impacts on adjacent properties), or tire sales and mounting, muffler/transmission sales and installation, and automotive parts and installation uses (which combine retail sales with installation and servicing of automotive components).

PROPERTY INFORMATION

1. The applicant is proposing to utilize the subject property as a quick lube oil change service station which falls under the classification of *Automotive Repair and Maintenance Facility* and requires a Special Exception in the B-3 zoning district. A Variance application, PZ #22-11000019, was also submitted in order to allow service bay doors to face right-of-way.
2. The subject property was first developed around 1960 when the property was part of unincorporated Broward County. Business Tax Receipt and permit archives show the property has been utilized as a gas station, auto repair facility, and most recently for used car sales. All auto-oriented Business Tax Receipts have lapsed (since 2019) so the property has lost its nonconforming status.
3. According to the Code Compliance Director, the property has one open structural violation (case #19-06004486).
4. The conceptual site plan provided involves significant modifications to previous site circulation and will require Minor Site Plan approval (not yet filed). The plan proposes site access from the property to its west which contains a duplex. It does not appear the site has provided the required type B perimeter buffer along all perimeters of the site.
5. The Transformation Plan for Federal Highway calls for an emphasis on the pedestrian with residential and mixed-use buildings, and limiting uses with drive-thru facilities. Any redevelopment and adaptive reuse of this corner property should be in harmony with the adopted Transformation Plan, which specifically states, "...the development of new drive-thru facilities should be heavily discouraged, and existing drive-thru should be eliminated as sites redevelop over time." The auto-oriented use and layout of this proposal is in direct conflict with innovative urban planning and design standards.

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use):

- B-3 | no current use

Surrounding Properties (Zoning District | Existing Use):

- North: B-3 | Broward County pump station facility
- South: B-3 | animal hospital
- West: B-3 | duplex (subject property access from this site)
- East: B-3a (Lighthouse Point) | used car sales

SPECIAL EXCEPTION REVIEW STANDARDS

A Special Exception shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception, as proposed:

1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. 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;
5. 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;
6. 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;
7. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
8. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
9. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site and neighborhood;
10. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;
11. 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;
12. Complies with all other relevant city, state and federal laws and regulations; and
13. For purposes of determining impacts on neighboring 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 feet to a one-half mile radius from the subject site.

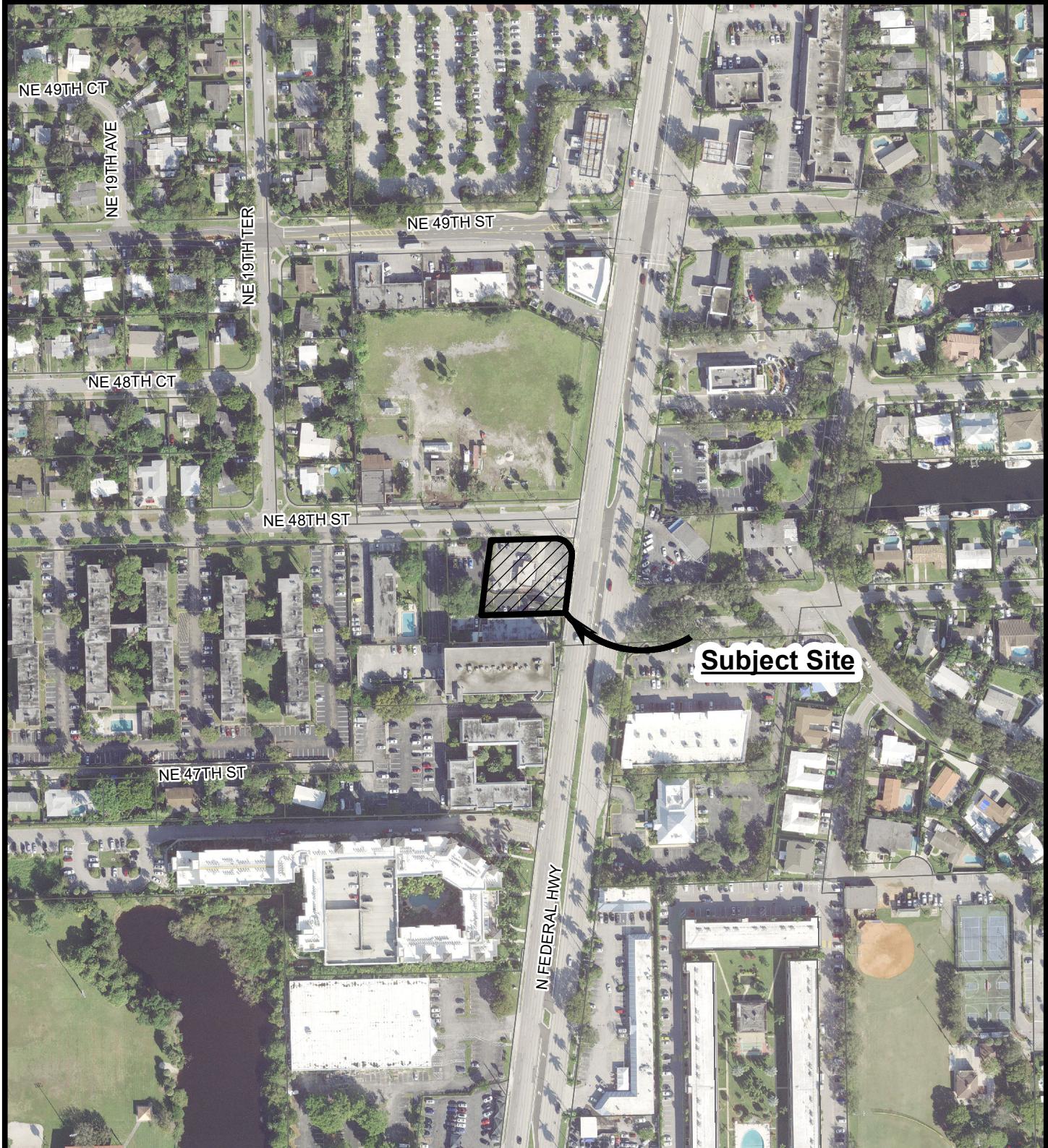
Staff Conditions:

Staff objects to the proposed Special Exception and believes there are more appropriate uses for this site. Many commercial uses are permitted by right in the B-3 zoning district. Additionally, B-3 zoning allows for multifamily housing through flex allocation.

Should the Board determine the applicant has provided competent substantial evidence sufficient to satisfy the thirteen Special Exception review standards, staff requests the Board include the following conditions as part of the Order:

1. Obtain all necessary governmental permits and approvals, including a Minor Site Plan development order, building and zoning compliance permits, and a city-issued Business Tax Receipt.
2. Successfully obtain a Variance for service bay doors facing right-of-way or revise plans as necessary to eliminate the need for a Variance.
3. Obtain cross-access agreement with adjacent properties (west and south).
4. Provide the required type B perimeter buffer along all perimeters of the site
5. No vehicle service, repair, installation, or maintenance shall be made except within the building.

CITY OF POMPANO BEACH OFFICIAL AERIAL MAP



1 in = 250 ft

4791 N Federal Highway