



Staff Report

File #: LN-514

Zoning Board of Appeals
Meeting Date: September 21, 2023

SPECIAL EXCEPTION - Kaja Properties Inc.

Request: Special Exception
P&Z# 23-17000007
Owner: Kaja Properties Inc.
Project Location: 3685 N Federal Highway
Folio Number: 484318010100
Land Use Designation: C- Commercial
Zoning District: General Business (B-3)
Agent: Paola West
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4219(H)(1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: B-3) for a Car Wash.

The property is located on the west side of N Federal Highway between Sample Road and NE 39th Street. The parcel is considered a “through-lot” with NE 18th Terrace abutting the west lot line.

ZONING REGULATIONS

§155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

- ...
- H. Car Wash or Auto Detailing**
 - 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	S

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

A car wash or auto detailing use is an establishment providing the washing of the exterior of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Interior cleaning and/or drying may be conducted manually by the vehicle operator or on-site attendants.

3. Standards

A car wash or auto detailing use shall comply with the following standards:

- a. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
- b. No overhead doors shall face the front lot line.
- c. Each lane shall be covered with a permanent canopy which shall have a maximum clearance height of 14 feet above grade, except where state or federal law requires a higher clearance.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The property was developed in the 1970s and has had a variety of uses. There are currently two buildings on the site, one of which has a Business Tax Receipt for a restaurant. The property was annexed into Pompano Beach on 9/14/2004 via Resolution 2004-323. The most recently approved plan was a Retroactive Landscape Plan approved in 2006 via PZ #06-06000010.
2. The applicant is proposing to demolish the existing buildings and redevelop the site with a drive-thru car wash facility containing a 4,902 sq ft enclosed building area, 11 vacuum stations, and associated parking and landscaping. Car washes require Special Exception approval in the B-3 zoning district. A Pre-Application Meeting - PZ #23-12000036 - was held on 8/8/2023 to discuss the conceptual site plan for the car wash. The Zoning reviewer noted that while drive-through service is an allowable accessory use in the B-3 zoning district, such facilities shall be located at least 100 feet from any residential zoning district. The conceptual site plan provided shows the drive-through entrance and stacking located very close to the west property line; NE 18th Terrace has a 50 ft width which separates the subject property from a residential zoning district to the west. Unless modifications are made, the development, as proposed, would require both Special Exception approval and a Variance from the 100 ft minimum separation from the adjacent residential zoning district. The applicant has concurrently filed a Variance application - PZ #23-11000018 - for relief from this code provision.
3. It should be noted that the affected residentially-zoned property does not actually contain any dwelling units and is, in fact, a social club. Technically no dwelling units are located within 100 feet of the drive through facility; however, the code speaks to residential zoning districts and not whether there are any dwelling units on the residentially zoned property. Additionally, the site will be accessed along existing curb cuts on Federal Highway, and the gate shown along NE 18th Terrace is intended to be used for emergency/fire access only.
4. While the City's adopted Transformation Plan for Federal Highway discourages the proliferation of new auto-oriented uses, the site is ripe for redevelopment. Additionally, the property immediately to the south is a Wawa convenience store and gas station; the property to the north is a tire and auto repair business; and the property north of that was recently approved by the ZBA for automobile parts sales with installation for wrapping vehicles with vinyl in an enclosed facility. Thus, it does not seem out of character for an automotive related use to operate at this site.
5. In addition to addressing the thirteen Special Exception review standards, the applicant has submitted a feasibility "needs assessment" analysis report, a queuing exhibit and study of a similar South Florida car wash drive-through, and exhibits showing the sound levels of the vacuums. Moreover, the applicant conducted a voluntary outreach "Neighborhood Meeting" on 8/21/2023 via Zoom (notices were sent to landowners of property within 500 ft of the subject property). Although there were only two attendees from the public, the notes from that meeting are also included in the applicant's backup.
6. If the Special Exception is approved, the property will require Site Plan and Building Design review.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- B-3 | restaurant (Michael’s Café II)

Surrounding Properties (Zoning District | Existing Use):

- North: B-3 | tire and auto repair
- South: B-3 | convenience store and gas station (Wawa)
- West: RM-12 | nonprofit/exempt (Pompano Beach Power Squardon)
- East: B-2A (Lighthouse Point) | multi-tenant shopping center

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:

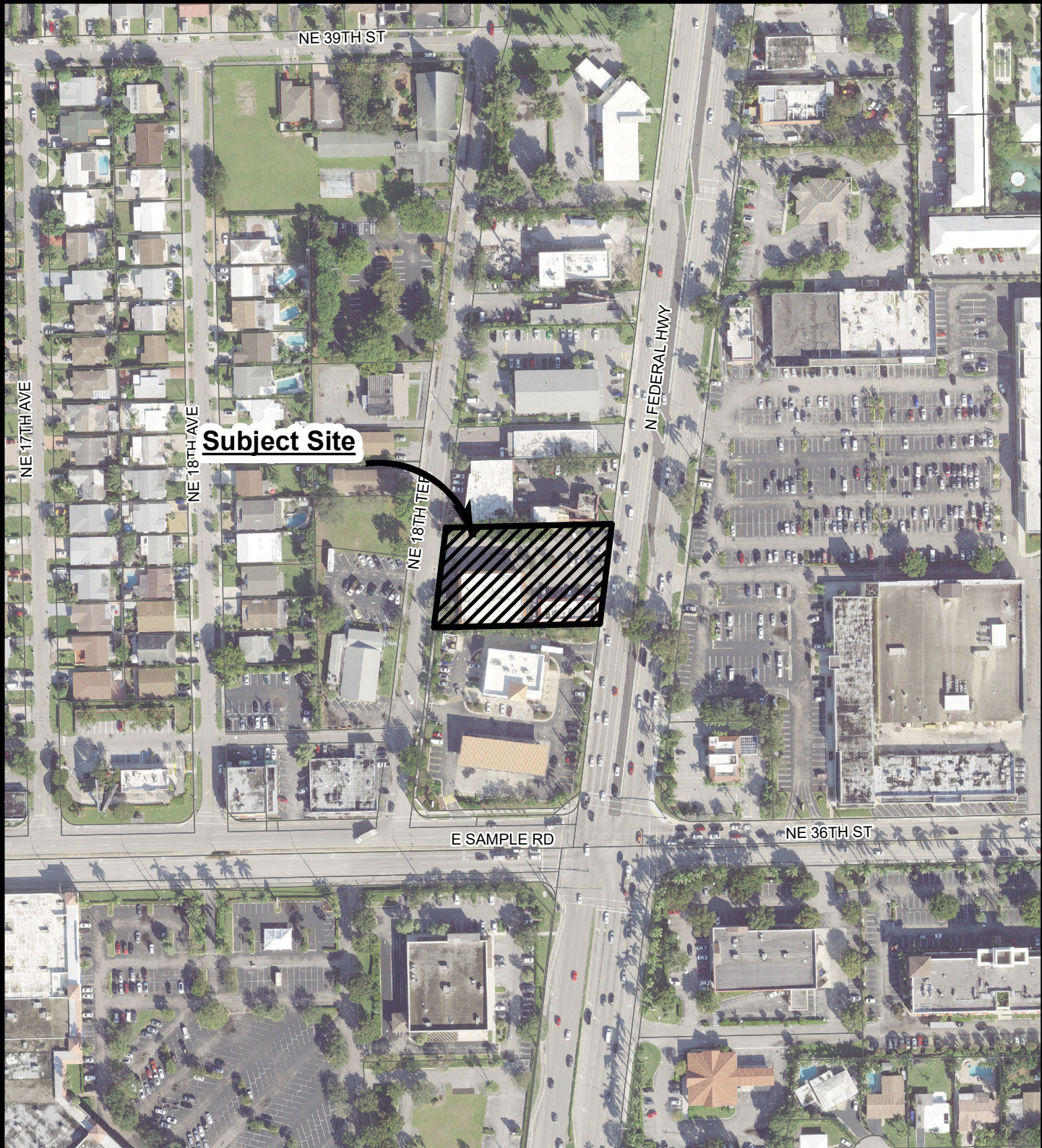
1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited 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:

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 Site Plan, Building Design, and Zoning Use Certificate and Business Tax Receipt for the use.
2. Close out all open building permits.
3. Substantial compliance with the conceptual site plan submitted with this application.
4. Successfully obtain relief (Variance) from the 100 ft separation requirement between a drive-through facility and a residential zoning district, or revise plans to comply with separation requirements.
5. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent rights-of-way, i.e. N Federal Highway and NE 18th Terrace.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 208 ft

3685 N Federal Highway

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES