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August 28, 2023

Zoning Board of Appeals
City of Pompano Beach
100 West Atlantic Boulevard, Dept. 1510
Pompano Beach, Florida 33060

Via Electronic Mail: scott.reale@copbfl.com

RE: Variance for 3685 N FEDERAL HWY POMPANO BEACH FL 33064, folio 484318010100)



Dear members of the Zoning Board of Appeals,

PlanW3st is representing applicant NATIONAL EXPRESS WASH PARENT INTERMEDIATE HOLDCO LLC in pursuit of Variance approval for the above-referenced property. The property is a total of 0.86 acres, located north of Sample Road, between North Federal Highway and NE 18th Terrace in Pompano Beach (refer to **Exhibit “A”** included with this narrative). Currently, the property has 2 buildings that will be demolished. The contract buyer (“Applicant”) intends to develop the property with a new 4,902 sq. ft. express car wash with related site and landscape modifications. This project was reviewed by the Development Review Committee (DRC) at the August 8th, 2023 Pre-Application Meeting, where comments were issued requiring both a Special Exception for the use and relief for the distance of the drive-thru facility from a residential zoning district. The Zoning designation is B-3 General Business District, and the Land Use Designation is C Commercial—both which allow a car wash; the zoning by Special Exception. We are hereby requesting variance from the following code section:

155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

• • •

3. Standards

A use with drive-through service shall comply with the following standards:

- a. The drive-through service facilities shall be located at least 100 feet from any residential zoning district.

• • •

We understand that a Variance shall only be approved on a finding that the request as proposed meets the following standards and we believe we meet them all:

- 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 proposed express car wash operates as a tunnel building that tandem vehicles need to drive through to get washed. The car wash building is 239 feet long overall, with the tunnel portion measuring 112 feet, which needs to be laid out in an east-west orientation to ensure proper site access, adequate on-site stacking, and compliance with building setbacks. The entire building is considered a drive-through service facility and is located approximately 50 feet from the west property line (which is also defined as the residential zoning boundary). Due to the site dimensions (151.50 feet x 250 feet) and the lot’s rectangular shape, the lot can only accommodate the car wash building in this orientation to fit within the lot length. No other orientation is possible for the proposed building to meet code requirements as the lot is 250-foot long. A north-south orientation would still not meet the 100-foot separation and would trigger multiple relief requests related to stacking and access, minimally. This condition is not applicable to an office building, auto repair shop, gasoline station/convenience store, or multifamily residential building as is the pattern of the lands and structures in the vicinity. It is important to note that uses within the area are primarily commercial and while the west parcel is within residentially-zoned land, the use is a commercial social club.

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

Related to the variance request, the shape of the lot and the needed orientation is not the fault of the owner. As previously mentioned, no other orientation is possible for the proposed building to meet code requirements due to the length of the lot. A north-south orientation would still not meet the 100-foot separation and would trigger multiple requests for relief in addition to conflicting with adequate first response access.

- 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;

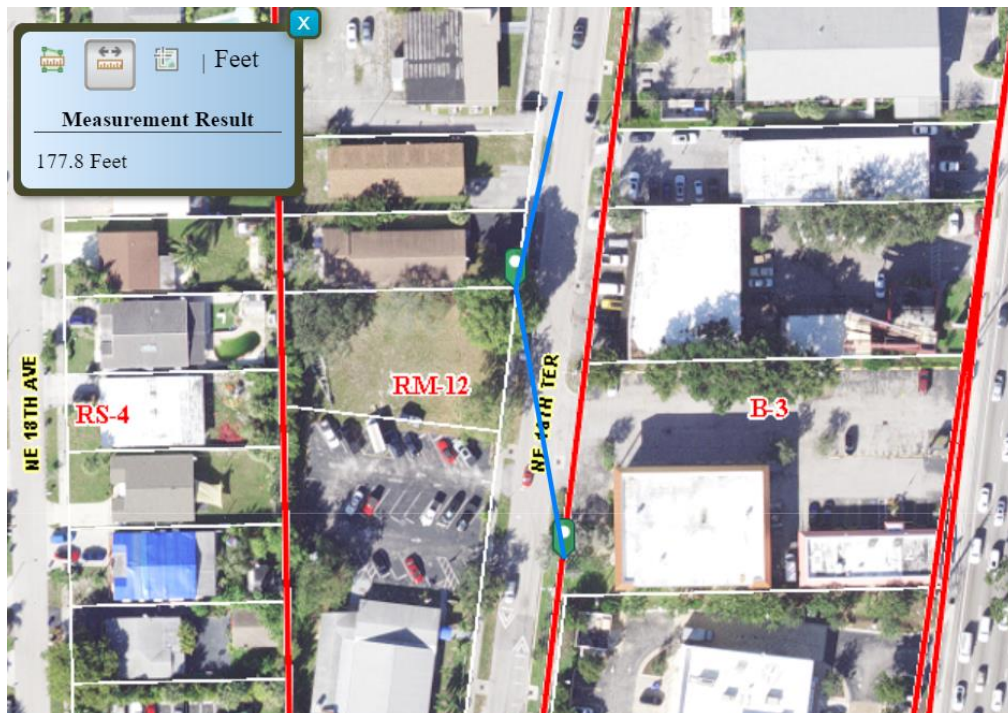
The use requires special exception, which is also an application being submitted concurrently with this variance request. Similar to a special exception, without a variance of 1 foot the use proposed will not be possible at the subject site at all. No other orientation or layout is an option for the proposed building to meet code requirements due to the length of the lot. A north-south orientation would still not meet the 100-foot separation and would trigger multiple requests for relief in addition to conflicting with adequate first response access.

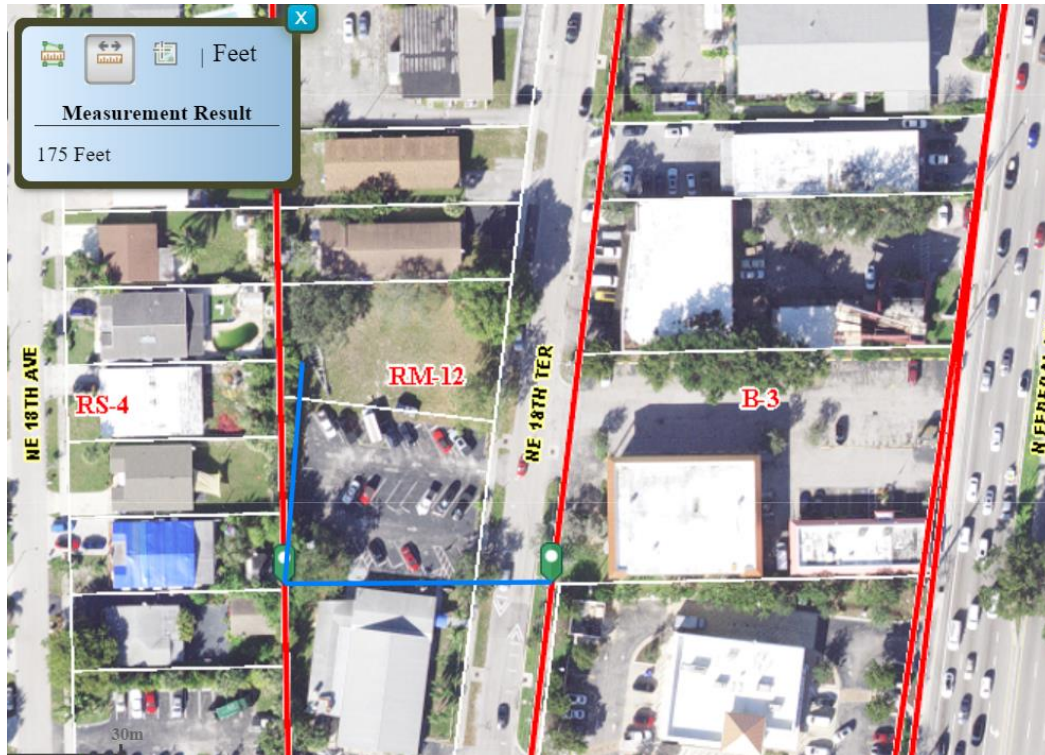
- d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

The car wash is considered in its entirety a drive-through facility and thus, the entire building must be considered for the separation requirement. The entire corridor along Federal Highway in this area is commercial in nature, as the proposed use is. The proposed car wash abuts an RM-20 zoning district, but the use within the adjacent parcel is a social club—a commercial use. The feasibility analysis/needs study included with this submittal, prepared by BBG Real Estate Services, identifies two nearby car washes as competitors to the proposed one. Sparkling Image is located at 5190 N Federal Highway in Lighthouse Point where Pompano Beach regulations do not apply. The property is located in the town's B-3A zoning district, where a car wash is permitted by right and not subject to separation requirements. Lighthouse Carwash is located at 1048 Sample Road in Pompano Beach. This parcel is located within a larger B-3 zoning district, but adjacent (to the west of) an RM-30 multi-family zoning district and an RS-3 single-family district. Both zoning districts house true residential uses, which is a condition not similar to western neighbor.



The nearest residential zoning line is considered to be the property line, though right-of-way is not zoned. As designed, the westernmost portion of the building would be located more than 100 feet from the closest multi-family and single-family lot. As confirmed with the Business Tax Receipt Division, a car wash has been approved at 1048 Sample Road since 2016. As justified, the variance would not confer any special privilege on this applicant that is denied to other properties or buildings similarly situated





- e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;

As shown in the site plan, a variance of 1 foot is the minimum necessary to allow this use to function safely and properly. The use proposed will not be possible at the subject site without this variance or the special exception approval. No other orientation or layout is an option for the proposed building to meet code requirements due to the length of the lot and the use of the building. A north-south orientation would still not meet the 100-foot separation and would trigger multiple requests for relief in addition to conflicting with adequate first response access.

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

The variance request is in harmony with the purpose and intent of the code as defined in section 155.1103 [General Purpose and Intent]. As the general purpose of the code is to promote the public health, safety, and general welfare, as well as implement the goals, objectives, and policies of the City of Pompano Beach Comprehensive Plan, the variance will assist in implementing with the all of following:

A. Preserve and enhance present advantages and overcome present handicaps that exist in the city.

- The separation requirement should be considered from existing uses rather than zoning district boundaries.*

B. Encourage the most appropriate use of land, water, and resources;

- The proposed car wash is proposed in the most appropriate and compatible area of the city. It would accommodate the demand in traffic and provide the proper access and circulation. Additionally, not only would the new business provide an updated,*

- code-compliant site, but also conserve and recycle the water and wastewater it generates. Every community should have an express car wash for their residents to wash in an environmentally conscious manner. As justified in our Special Exception application, this is a needed service in the area we are proposing to be located in.*
- C. Deal effectively with future problems that may result from the use and development of land;*
- The proposed car wash would accommodate the demand in traffic and stacking, and provide the proper access and circulation. Additionally, the new site would be updated and fully code-compliant site.*
- D. Facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services;*
- By rebuilding new, the use is able to accommodate all use-related traffic, stacking, and access, and circulation. No spill-out of stacking or traffic would happen as the new business will not be utilizing an existing building to be renovated.*
- E. Conserve, develop, utilize, and protect natural and historic resources;*
- The new site plan proposes to protect 5 existing trees and relocate 4 existing trees.*
- F. Maintain and protect the character and stability of the community and its established neighborhoods*
- The new project will not change the character or stability of the community or its established neighborhoods as this is a commercial use going into a commercial major corridor.*
- I. Promote sustainable development and reduce greenhouse gas emissions by encouraging less auto-dependent development patterns, renewable energy use, energy conservation, water conservation, vegetation, urban agriculture, recycling and waste reduction, and hazard-resilient development.*
- While the use is auto-oriented, it is a service use for the automobile and is compatible and appropriate for its location along a major arterial. The car wash promotes water conservation as well as recycling and waste reduction. Washes are completely environmentally friendly and save substantial water in comparison to other car wash businesses or washing at home. The feasibility analysis/needs study included with this submittal, prepared by BBG Real Estate Services, indicates that the presence of a convenient express car wash in the market area will likely reduce the number of residents that wash their vehicles at home. Washing a vehicle at home tends to use 100 plus gallons of water per vehicle. The facility proposes 2,000 gallon holding tanks that will recycle the water used by the facility. Approximately 90 percent of the facility's water will be recycled by taking the water runoff and containing it inside the building, then drained to the re-use tank for future car washes. A sand-oil separator treatment system will be used to pre-treat the water before being discharged to the wastewater system. Additionally, all soaps used are biodegradable.*

Additionally, the variance request is in harmony with the general purposes of commercial base zoning districts as defined in section 155.3301 [General Purposes of Commercial Base Zoning Districts], which are established for the general purpose of ensuring there are lands in the city that provide a wide range of office, retail, service, institutional, industrial, and related uses to meet household and business needs, and more specifically to:

- A. Provide appropriately located lands for the full range of commercial uses needed by the city's residents, businesses, and workers, consistent with the goals, objectives, and policies of the comprehensive plan and any functional plans and small area plans adopted by the city;*
- The proposed car wash is proposed in the most appropriate and compatible area of the city. It would accommodate the demand in traffic and provide the proper access*

and circulation. Additionally, not only would the new business provide an updated, code-compliant site, but also conserve and recycle the water and wastewater it generates. Consistency with the comprehensive plan has been further explained under standard f.

C. Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses;

- Compatibility is further explained under General Purposes of Commercial Base Zoning Districts, letter B above. Consistency with the comprehensive plan has been further explained under Variance Standard f.*

D. Create suitable environments for various types of mixed-use development, where business, office, retail, and residential uses are designed and integrated in compatible ways;

- The proposed car wash is proposed in the most appropriate and compatible area of the city. It would accommodate the demand in traffic, access, stacking, and circulation. The location chosen allows the business to be used not only by the employees and visitors of nearby commercial uses, but also the residential areas to the west.*

G. Minimize the impact of commercial development on residential uses;

- While the use is proposed in a commercially-zoned area, west of the property is zoned multi-family residential. Although the use directly west is not residential, the site plan proposes a wall along the west property line to buffer views into the site and any additional impacts of the use.*

H. Promote sustainable development in terms of energy efficiency and conservation, greenhouse gas reductions, food security, materials recycling, and similar sustainability goals.

- Sustainability as it applies to this use and variance is further explained under General Purpose and Intent, letter I above.*

- 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 not adversely affect the health or safety of the neighborhood. Proposing a different orientation with a smaller building footprint that meets the separation requirement will force car washes to happen at a much slower rate. This will cause vehicular stacking and access to spill out onto Federal Highway—a major arterial with higher speed traffic. This would be an actual unsafe condition for pedestrians and motorists traveling southbound on Federal Highway. The variance eliminates this detriment to public welfare.

- h. The Variance is consistent with the comprehensive plan.*

The subject property lies within the C Commercial Land Use and U Utilities designation of the City's Future Land Use Map. According to the City's adopted Comprehensive Plan, retail uses and business uses are permitted in this designation. The proposed car wash use is consistent with the land use designation in which it will be located. Additionally, the proposed use and project is consistent with the following policies of the City's Comprehensive Plan:

Policy 01.01.06 All site plan applications shall provide pedestrian facilities, such as but not limited to sidewalks and street trees (where not in conflict with underground utilities and

permitted by City Engineer)

- The proposed site plan incorporates the existing sidewalk along North Federal Highway and provides a pedestrian walkway connecting from the public sidewalk on North Federal into the site, to the front of the building, and also out onto NE 18th Terrace. A new 5-foot public sidewalk will be constructed along NE 18th Terrace within the proposed right-of-way dedication portion.

Policy 01.02.02 Approve site plans, plats and other development approvals on the condition that the applicant will dedicate right-of-way according to the requirements of the Broward County Trafficways Plan and the City's Street standards in Chapter 100 of the City's Code of Ordinances.

- A new 5-foot public sidewalk will be constructed along NE 18th Terrace within the proposed right-of-way dedication portion. No additional right-of-way is required for North Federal Highway.

Policy 01.03.06: Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single-family areas.

- While the lots west of NE 18th Terrace are zoned RM-12 (Multifamily Residential 12 District), the use established currently on those lots is a commercial social club. The established residential neighborhood of the area is west of these lots and north and will not be impacted by the proposed—thus remaining preserved.

Policy 01.05.01 Continue to require all substantial improvement, new development and redevelopment to be consistent with the minimum finished floor elevations as specified in the Federal Emergency Management Agency Flood Insurance requirements, the South Florida Building Code, Chapter 152 of the City's Code of Ordinances and future maps being prepared to determine appropriate finished floor elevations and crown of road elevations based on adopted sea level rise projections.

- As the project will be constructed new, it will be required to follow all federal, state, county, and city minimums with respect to floodplain management and flood protection.

Policy 01.06.06 Require permits for new development/redevelopment to include landscape plans for native vegetation, reestablishment or creation of tree canopy, and require the removal of exotic vegetation species.

- The project's proposed landscape plan includes minimum 50% native species and will remove any and all invasive exotic species currently onsite.

Policy 01.14.01 The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and manmade resource.

- The proposed project is an infill project and will be utilizing an existing developed site with existing public services and infrastructure.

Policy 01.14.07 All site plans will be reviewed for Crime Prevention Through Environmental Design (CPTED) design principles such as lighting, street design, natural surveillance, natural access control, and territorial reinforcement. CPTED infrastructure such as security lighting, security cameras, bollards and other access control methods will be required based on the specific needs of the project.

- The proposed project includes a CPTED plan, that includes several security features,

such as cameras, covering the site. The plan that was reviewed by BSO for an optional Site Plan Pre-Application Meeting. Comments have been issued and will be addressed prior to site plan approval.

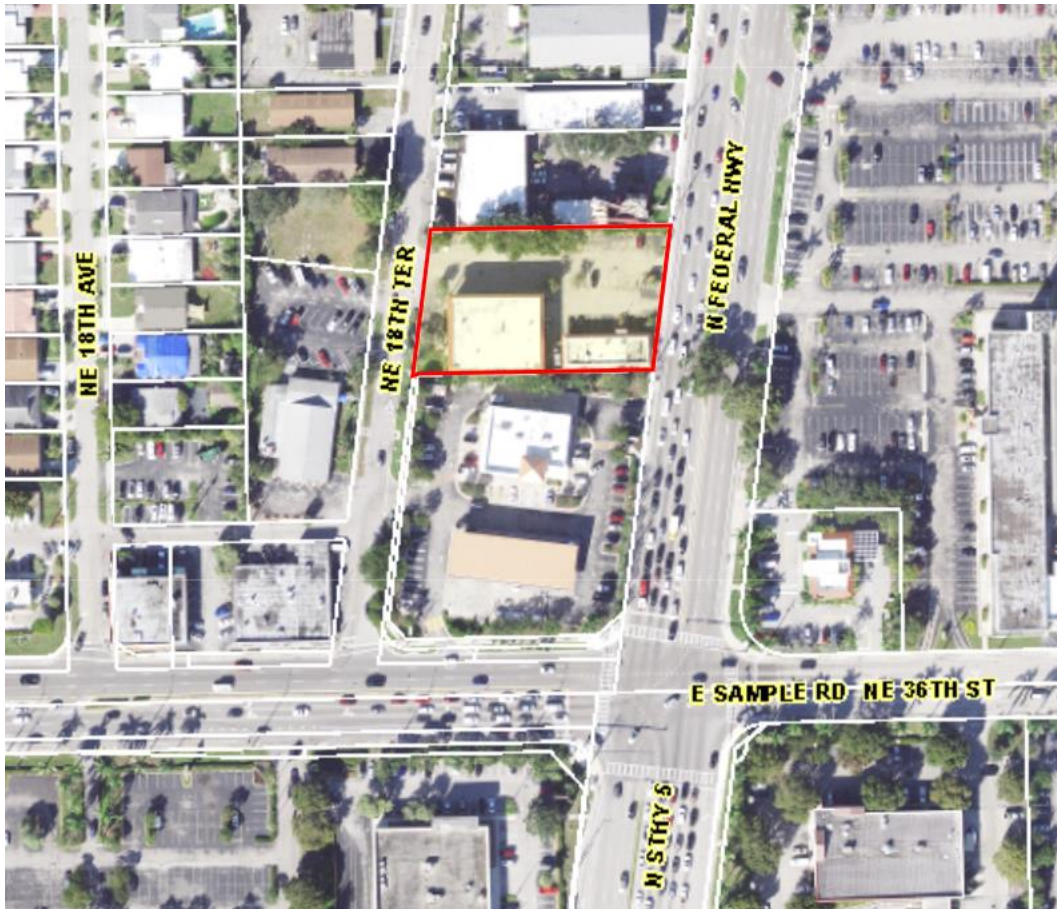
Thank you for your consideration. We respectfully request approval is granted as justified above.

Please do not hesitate to contact me with any questions.



Paola A. West, AICP, ISA-CA
Principal, Senior Land Planner

Exhibit "A"



Parcel Id:	484318010100
Owner:	KAJA PROPERTIES INC
Situs Address:	3685 N FEDERAL HWY POMPANO BEACH FL 33064

SITE RENDERINGS



