



Staff Report

File #: LN-197

Zoning Board of Appeals
Meeting Date: November 18, 2021

MAJOR TEMPORARY USE PERMIT - ESS-NY FL FV Florida Sub LLC

Request: Major Temporary Use Permit
P&Z# 21-15000008
Owner: ESS-NY FL JV Florida Sub LLC
Project Location: 900 E Sample Road
Folio Number: 4942 24 01 0041
Land Use Designation: C- Commercial
Zoning District: B-3 (General Business)
Agent: Shaun Staley
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting a Major Temporary Permit from the provisions of Chapter 155: Article 4 [Use Standards] and Article 5 [Development Standards] of the City of Pompano Beach Zoning Code in order to temporarily utilize an enclosed trailer with equipment to remediate petroleum contamination in soil and groundwater on the subject property (Zoning District: B-3) without complying with the applicable use and development standards as required by code.

The property is located on the south side of E Sample Road between N Dixie Highway and NE 10th Terrace.

PROPERTY INFORMATION

1. The subject property has an unrelated code violation for graffiti on a construction fence. (Case #243317)
2. The subject property was previously a Speedway gasoline filling station. According to permit records, the underground fuel tanks were removed in 2018 via permit BP #18-673, and the property was completely demolished in 2020 via permit BP #20-4095. The property is now vacant.
3. The request is to install and operate a temporary environmental remediation system to remediate impacted soil and groundwater caused by the former use. Remediation systems are common on older and former gas station sites, and the Board has reviewed and approved similar systems on other sites throughout the City.

LAND USE PATTERNS

Subject property (Zoning / Existing Use):

- B-3 / vacant site (former gas station)

Surrounding Properties (Zoning District / Existing Use):

- North: B-3 / various retail and personal services, including appliance store, professional massage, beauty shop, tattoo studio, and barbershop
- South: B-3 / self-storage units, misc. retail merchants
- East: B-3 Sample Plaza Center (shopping center)
- West: B-3 / parking lot

TEMPORARY USE PERMIT REVIEW STANDARDS

Temporary Use Permit shall be approved only on a finding that the temporary use as proposed:

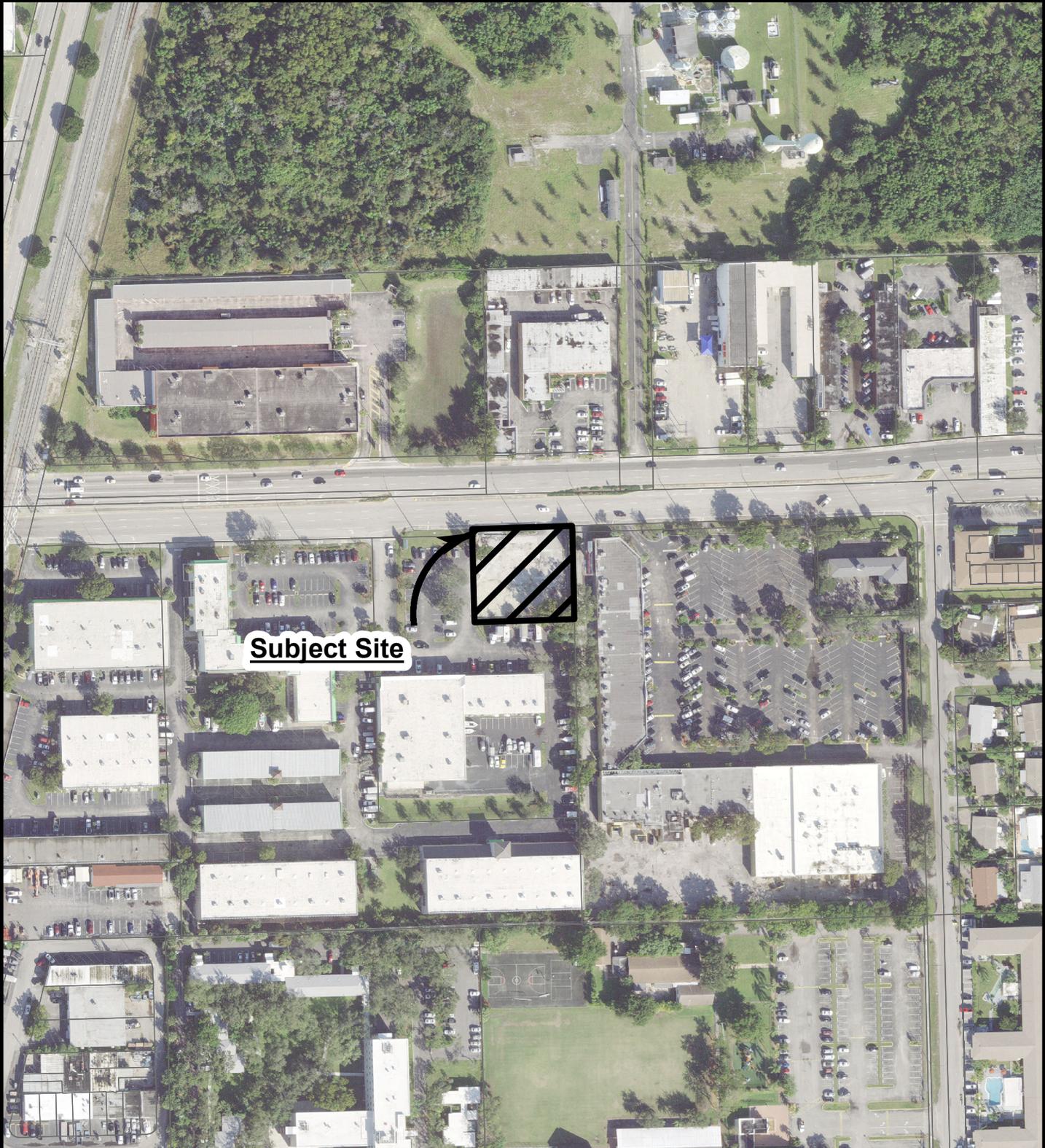
1. Is on its face temporary in nature;
2. Is in harmony with the spirit and intent of this Code;
3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
4. Does not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
5. Is compatible with any principal uses on the site;
6. Is located on a site containing sufficient land area to allow the temporary use and associated structures, and accommodate any associated parking and traffic movement, without disturbing environmentally sensitive lands; and
7. Complies with all applicable use-specific standards in Section 155.4403.

Staff Conditions:

Should the Board determine the applicant has provided competent substantial evidence sufficient to satisfy the seven Major Temporary Use Permit review standards, staff request the Board include the following conditions as part of the Order:

1. Remediation equipment shall comply with the screening standards for mechanical equipment to the maximum extent practicable.
2. Remediation equipment must be uninstalled and removed from the subject property prior to the expiration of this approval.
3. Install drought-resistant sod or drought-resistant ground cover on the entire site upon completion of the remediation system.

CITY OF POMPANO BEACH AERIAL MAP



Subject Site

1 in = 208 ft

900 E Sample Rd

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES