

Staff Report

File #: LN-389

Zoning Board of Appeals

Meeting Date: February 16, 2023

MAJOR TEMPORARY USE PERMIT - Amkin Atlantic Square

Request: Major Temporary Use Permit
P&Z# 22-15000021
Owner: Amkin Atlantic Square
Project Location: 2798 E Atlantic Blvd
Folio Number: 494306010040
Land Use Designation: ETOC - East Transit Oriented Corridor
Zoning District: Transit Oriented (TO) - East Overlay District (EOD)
Agent: William Parker
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting a MAJOR TEMPORARY USE 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 construct a temporary deck over existing asphalt for outdoor dining at an existing restaurant without complying with the applicable use and development standards as required by Code.

The subject property is located in the East CRA, on the south side of E Atlantic Boulevard, and the west side of 28th Avenue.

PROPERTY INFORMATION

1. The subject property has an active Business Tax Receipt for a restaurant (Flamingo Seafood).
2. The property is located on the site of a former gas station that is part of the overall Atlantic Square Plaza. The property will likely be redeveloped in the next few years, which is predominately why the applicant is seeking temporary relief rather than going through formal DRC site plan review.
3. The 5,675 sq ft wooden deck is proposed along the front of the property facing Atlantic Boulevard with Cocoplum shrubs in planters and a 36 inch railing along the deck's perimeter to provide appropriate separation from the vehicular use area.
4. Staff concurs with the applicant's assertion that the deck will actually improve overall safety as many motorists currently use the property as a "cut through" and make illegal U-turns at Atlantic Boulevard and SE 28th Avenue.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- TO-EOD | restaurant (Flamingo Seafood)

Surrounding Properties (Zoning District | Existing Use):

- North: TO-EOD | Harbor Village (various retail/commercial uses)
- South: TO-EOD | multi-family dwellings
- East: TO-EOD | parking lot / former church
- West: TO-EOD | restaurant (Umberto's Pizza) and Atlantic Square Plaza (various retail/commercial uses)

TEMPORARY USE PERMIT REVIEW STANDARDS

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

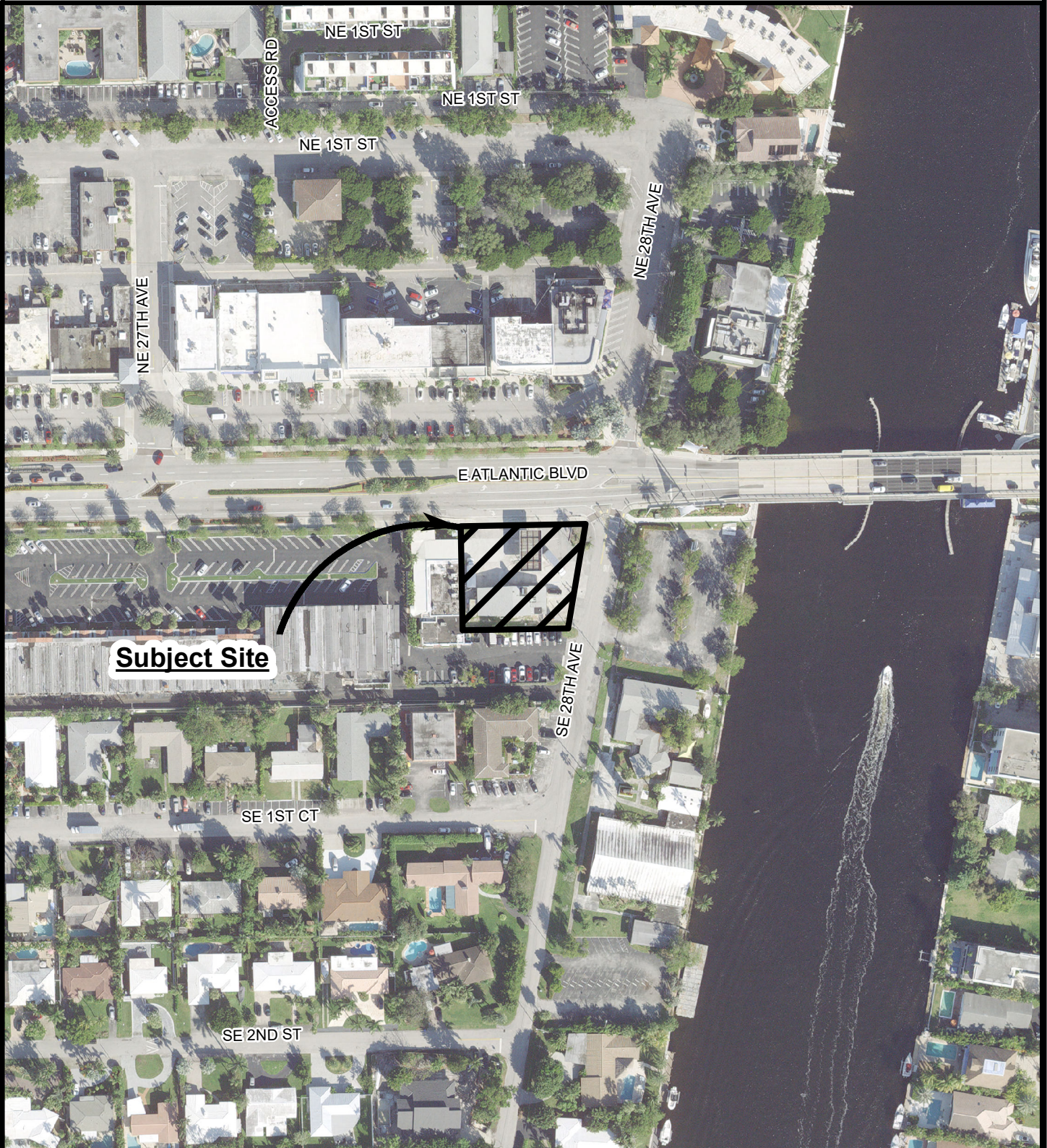
1. Is on its face temporary in nature;
2. Is in harmony with the spirit and intent of this Code;
3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
4. Does not have substantial adverse effects or noise impacts on any adjoining 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 requests the Board include the following condition (s) as part of the Order:

1. Obtain all necessary governmental approvals and permits.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 167 ft

2798 E Atlantic Blvd

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES