



Staff Report

File #: LN-505

Zoning Board of Appeals
Meeting Date: August 17, 2023

SPECIAL EXCEPTION - Shabtai Investments Inc.

Request: Special Exception
P&Z# 23-17000006
Owner: Shabtai Investments Inc.
Project Location: 3749 N Federal Highway
Folio Number: 484318010130
Land Use Designation: C- Commercial
Zoning District: General Business (B-3)
Agent: Zack Ramsey
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4219(D) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: B-3) for Automotive Parts Sales with Installation to wrapping vehicles with vinyl in an enclosed facility.

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

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D. Automotive Parts Sales with Installation

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 parts sales with installation use consists of the on-site sale and subsequent installation of various automobile parts and accessories, including but not limited to brakes, batteries, and audio systems. Such uses do not include the sale of gasoline or other fuels.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property has an active Business Tax Receipt for an auto dealer with outdoor display of vehicles.
2. The subject property has an open structural violation case dating back to 2016 (Case Number 16-06002823) for an interior remodel without permits. This case can be closed when building permit #17-1846 is closed. Additionally, the subject property has an active violation (Case Number 23-65000831) regarding a Building Safety Inspection Program (BSIP) Recertification Fee.
3. The property was annexed into Pompano Beach on 9/14/2004 via Resolution 2004-323. Permit archives from Broward County are limited, but suggest the site has been used primarily as a used car dealership since at least the 1980s. Although this use and the proposed use both fall under the broad umbrella of motor vehicle sales and services uses, the specific business model that the applicant is proposing closely aligns with automotive parts sales with installation, which requires a Special Exception in the B-3 zoning district.
4. While the City's adopted Transformation Plan for Federal Highway discourages new auto-oriented uses, wrapping vehicles with vinyl is arguably a continuation of a related motor vehicle use that the building was designed and used for. Additionally, the property immediately to the south is a tire and auto repair business; thus, it does not seem out of character for an automotive related use to continue operating at this site.
5. The applicant states that all business activity will occur entirely within the existing building, which is consistent with code requirements.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- B-3 | Drive Oz Motors (used car dealership)

Surrounding Properties (Zoning District | Existing Use):

- North: B-3 | 1st Step Behavioral Health (drug rehab & mental health treatment center)
- South: B-3 | EF Tire & Auto Repair
- West: RM-12 | triplex
- 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 a Zoning Use Certificate and Business Tax Receipt for the use.
2. Close out open code violations (#16-06002823 and #23-65000831) and close out building permit #17-1846.
3. Approval is primarily limited to wrapping vehicles with vinyl in an enclosed facility. Should other uses become the predominant business model, a new Zoning Use Certificate and possibly a new Special Exception will be required.
4. 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 = 250 ft

3749 N Federal Hwy

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES