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June 26, 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: Special Exception for 1820 NW 21 ST, folio 484227130010

Dear members of the Zoning Board of Appeals,

PlanW3st is representing applicant SES WPB, LLC in pursuit of Special Exception approval for the above-referenced properties. The properties are located south of Copans Road, at the intersection of NW 21st Street and NW 18th Avenue in Pompano Beach (refer to **Exhibit "A"** included with this narrative). Currently, the properties house a sexually-oriented gentlemen's club. The contract buyer ("Applicant") intends to use the property for an industrial tenant that obtains clean concrete from various sources for processing/crushing. The crushed concrete will be eventually converted into Limerock Bearing Ratio (LBR) material to be repurposed for construction and transported to jobsites as needed. The use involves using large trucks to bring the concrete loads into the site and utilizing a crushing machine to further crush the concrete into finer LBR material. Crushing machine and the LBR material will be stored onsite. Once a request is made for the material to be used at a jobsite, trucks will transport the material to the end-user/customer. Recycled concrete has several uses for a customer: as an aggregate for cement concrete, as an aggregate in sub-base layer, and as engineered fill sand. No improvements are needed to the site other than the required landscaping and buffers for the use and removal of surplus parking.

The subject parcel is located within the I Industrial Land Use designation, as well as the I-IX Special Industrial Zoning District. Since the described use is not defined within the zoning code, a request for use classification was requested from the City's Department of Development Services. The city confirmed, via Zoning Letter 23-02000107, that "[t]he proposed use described would be most closely related to an Industrial Waste-Related Service Uses *[sic]* pursuant to Section 155.4229...Waste-Related Service Uses are permitted in I-1 and I-1X Zoning Districts by Special Exception..." In order for the owner to obtain approval of the proposed use, which is not defined in the zoning code but most "closely related to" an Industrial Waste-Related Use, the property is required to obtain Special Exception and Variance approval from the Zoning Board of Appeals. We understand that a Special Exception shall only be approved on a finding that the request as proposed meets the following standards and we believe we meet them all:

1. Is consistent with the comprehensive plan;

The subject property is currently occupied by a sexually-oriented gentlemen's club and

lies within the I Industrial Land Use. According to the City's adopted Comprehensive Plan, light and heavy industrial uses, such as concrete recycling, are permitted uses within the I Industrial Land Use designation. The proposed use is consistent with the land use designation in which it will be located, as well as the adopted comprehensive plan.

2. Complies with all applicable zoning district standards;

The property is currently developed with several buildings that are lawfully non-conforming to setbacks, and will remain. This site went through site plan approval in 2010, and zoning as well as concurrency reviews were conducted at that time. The lot meets the minimum intensity and development standards of the I-1X zone.

3. Complies with all applicable use-specific standards in Article 4: Use Standards;

It is important to stress that the use is not defined in the zoning code and needed to be categorized to the closest use by the city. The city confirmed that the proposed concrete recycling use described would be most closely-related to an Industrial Waste-Related Service Use pursuant to Section 155.4229 and also subject to compliance with Section 155.4229.D, General Standards for All Waste-Related Service Uses. In addition, the use will be an outdoor use and must be in compliance with Section 155.4229.E, Additional Standards for Outdoor Waste-Related Service Uses.

In response to the standards listed in 155.4229.D:

1. *The use is not proposed in the I-1 General Industrial Zoning District, but in the I-1X Special Industrial Zoning District—the city's most intensive industrial zoning district.*
2. *As shown in the property survey, access to the property is via a paved public right-of-way with a width of 60 feet.*
3. *The required landscape buffer for the site will include a concrete wall, thus providing controlled access to the site to prevent unregulated dumping.*
4. *While there are no anticipated state licensing requirements for this undefined use, the use will comply with any additional regulations, permitting requirements, and permit conditions.*

In response to the standards listed in 155.4229.E:

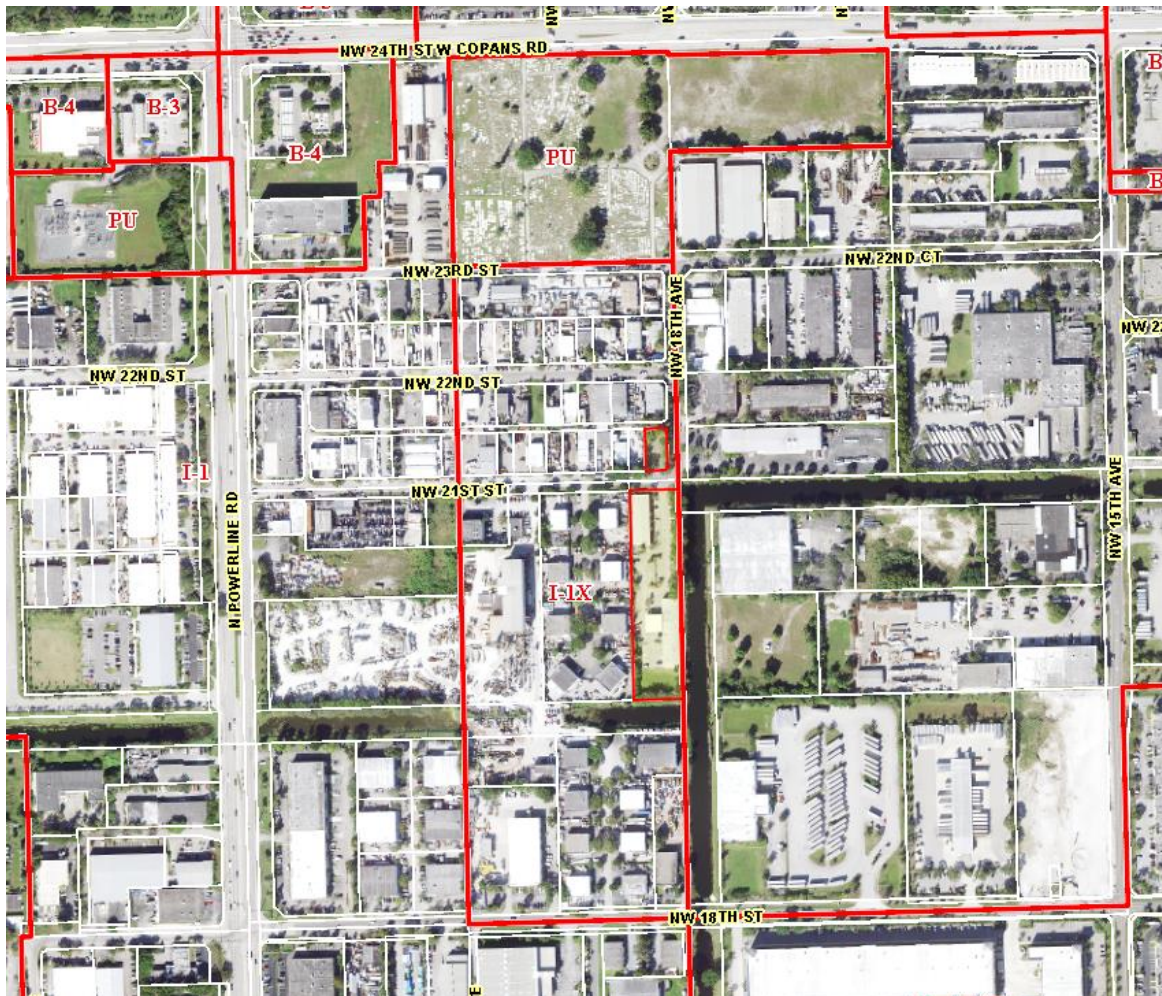
1. *The combined property has an area of 2.3 acres. The main parcel has more than 2 acres alone.*
2. *The lot is not at least 1,000 feet from at least one other lot containing a junkyard or an Outdoor Waste-Related Service Use. Aerial inspection shows a Junk Dealer located about 620 feet directly west of the subject site, with BTR records search confirming Gardner Foreign Auto Parts is located at 2090 NW 21st Street. This distance separation has also been confirmed by the city. The property is concurrently seeking a variance from this standard, as this use is not defined in the zoning code and is technically not defined as a Waste-Related use.*
3. *The use will include a substantial, code-compliant buffer and additional protective measures thereby reducing the off-site transmission of noise or dust. Additionally, the extent of the east side of the larger site abuts a 100-foot canal. Across the canal, the properties house a large enclosed building and a mostly vacant or underdeveloped site (see the following graphic).*



4. *A type C perimeter buffer will be provided around all perimeters of the site.*
 5. *While there are no known or anticipated state licensing requirements for this undefined use, but the use will comply with any additional regulations, permitting requirements, and permit conditions.*
 6. *The property is located within the Conical Zone of the Airpark Overlay. Per 155.3703.B.4 the height limit applicable to any structure, tree, or other object is 150 feet above the established airport elevation, which is higher than the zoning district height limitations. Additionally, the proposed use is not a landfill.*
5. 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;
- The property is existing and the use will not overburden the availability of public facilities. The use of the property, while more intensive in outdoor industrial use, is not more intensive in public access. It is the understanding of the owner that minor site plan approval may be required for the site, which typically includes concurrency review and approval at that time. This site went through site plan approval in 2010, and concurrency review for the gentlemen's club was conducted at that time.*
6. 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;

The parcels are located in the middle of the I-1X Special Industrial Zoning District—the City’s most intensive zoning district. The subject parcels are surrounded by I-1X parcels to the north, south, and west, with the canal being the easternmost boundary of the I-1X zone. In this area, the I-1X District is limited to 30 acres and bordered by I-1 General Industrial to the west, east, and south, and PU Public Utilities to the north. The property meets the minimum size for the proposed use and abuts a street that meets the required width for the proposed use. The parcels are also located in the city’s most intensive and heaviest zoning district. Additionally, as waste-related uses are permitted by Special Exception in both the I-1 and I-1X zoning districts, the use is appropriate for its location and is compatible with surrounding lands.



7. 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:

The use does not generate odor or glare. The use utilizes a crushing machine that moves on tracks (Powerscreen PREMIERTRAK 400X/R400X). The machine does not generate more noise and vibration than other waste-related uses in the vicinity and will operate with

a diesel engine. A vibration can be felt when standing on the crusher's catwalks, but from the ground the vibration is minimal. The use will not be generating public access the way the gentlemen's club does, so parking, loading, and delivery will not be of concern. Delivery of concrete on trucks will come from Powerline Road and on to NW 21st Street; a 1,200-foot distance on a road that can accommodate this type of traffic. Lighting and signage impacts will be the same as any general industrial use, and will be code-compliant. To keep the crushed material from blowing away, the applicant will be installing additional spray bars at the jaw chamber inlet and on the discharge of the product conveyor. A water tank will hook up to these and this additional protection measure will help keep the dust level low while crushing. While the material is in stockpiles, the material will either be routinely watered with a water truck or be kept covered with tarps to avoid blow-away. Drainage will be assessed and redesigned for approval if required.

8. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;

Upgrades will be made to the site to accommodate the required buffer. These include a new substantial and code-compliant buffer that will include a 10-foot concrete wall. The buffer, as shown on the proposed landscape plan, will eliminate any potential visual impacts to neighboring lands. Although the buffer will be provided on all perimeters of the site, it is important to note that the extent of the east side of the larger site abuts a 100-foot canal, which will further buffer the use from the eastern neighbors. Across the canal, the properties house a large enclosed building and a mostly vacant or underdeveloped site.

9. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;

The property is already developed. The change in use proposed involves going from a commercial sexually-oriented business to an industrial outdoor use that will recycle concrete. No new buildings are proposed at this time and the site will be altered to meet the buffer and site requirements for the use. Understanding that a minor site plan may be required for the change of use, reviews will be conducted to ensure the site and use meet all code requirements before operating. Additional protection measures to keep the material from blowing will be implemented, as described under standard 7. The use will not deteriorate water and air resources, scenic resources, or natural resources. A wall is proposed to enclose the property in addition to a silt fence around the entire perimeter; therefore, the canal will further be protected from any potential impacts from the use.

10. 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;

As previously mentioned, the site is developed and has site plan approval from 2010. A requirement for waste-related uses is that the lot containing the use front on a paved public street with a right-of-way at least 60 feet wide. Vehicular access and delivery of concrete will come from Powerline Road and on to NW 21st Street; about a 1,200-foot distance on a road that meets this width and can accommodate this type of traffic. Understanding that a minor site plan may be required for the change of use, reviews will be conducted to ensure the site and use further meet code regarding pedestrian and proper ingress/egress requirements before operating.

11. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;

The current use is a sexually-oriented business that has not seen any success in the past years, possibly due to its location within an intensive industrial area with low visibility. The proposed industrial use is appropriate for this area and responds to a need, especially in construction that rarely utilizes recycled materials. The applicant proposes to make significant buffer improvements to an already site plan-approved site. The buffer will eliminate any potential adverse impacts to adjacent lands and will allow a much-needed use to remain operating successfully.

12. 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;

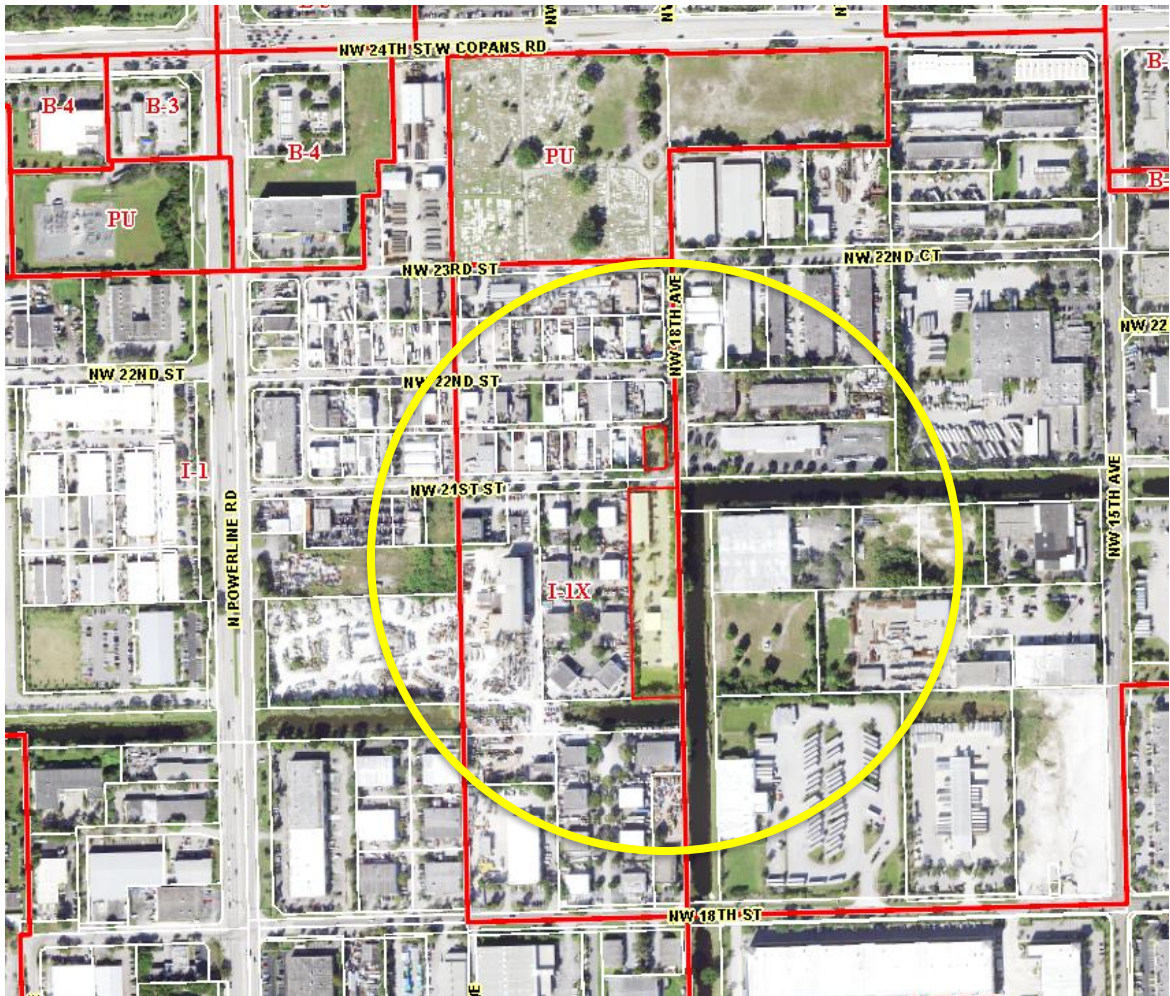
In demolition projects, there are 2 options for concrete: keep and use, or dispose. It is no secret that recycling is good for the planet. But recycling needs to go further than a milk carton or reusing a plastic trash bag—especially when it comes to large scale needs, like development. Recycling in construction is not something common today, but is growing as sustainability is being incorporated into more business practices. There are multiple sources that confirm this need to change. According to one article from projectsite.com, “[t]he largest volume of [building and construction] waste currently comes from the demolition of buildings, with only 1/3 of construction waste being reused.” (<https://projectsight.trimble.com/reclaimed-recycled-building-materials/>) According to concretenetwork.com, recycling concrete from demolition projects can also result in costs savings from transporting and eliminates the cost of disposal. With no slowdown in sight for construction, and recent tighter regulation of landfills, an alternative means of concrete disposal is necessary worldwide. (https://www.concretenetwork.com/concrete/demolition/recycling_concrete.htm) As this proposed use is industrial and needs to be properly located, Broward County’s largest industrial submarket is the ideal location to continue this trend, specifically within Pompano Beach’s most intensive industrial zoning district.

13. Complies with all other relevant city, state and federal laws and regulations; and

The proposed use and site will comply with all relevant city state and federal laws and regulations. The applicant understands that a minor site plan most likely will be required, which will provide a compliant site plan. The property and use will comply with any staff conditions if or when they are issued during the site plan approval process.

14. 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.

The image shows the approximate extents of the neighboring properties. The entire area surrounding the parcels is industrially-zoned.

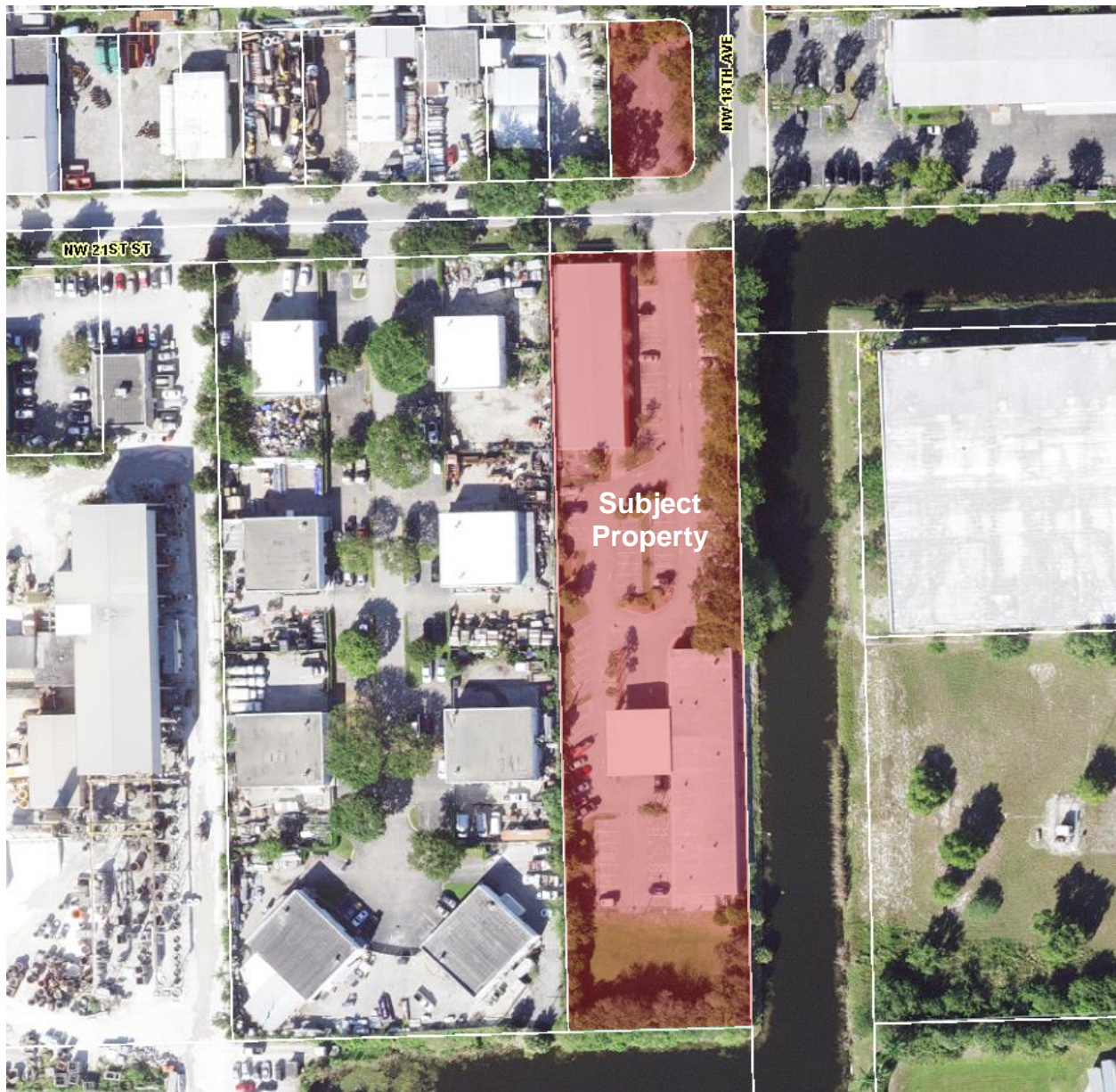


Thank you for your consideration. We respectfully request approval is granted as justified above.

Please do not hesitate to contact me with any questions.

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

Exhibit "A"



Parcel Id: 484227120010

Owner: PP SUNSHINE OWNER LLC
%KENDRALYNN SMITH

Situs Address: 2121 NW 15 AVE POMPANO
BEACH FL 33069