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November 26, 2020

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

Via Electronic Mail: sreale@copbfl.com

RE: Variance for NW 15th AV (484227530010)

Dear members of the Zoning Board of Appeals,

PlanW3st is representing applicant Paramount Park, LLC in pursuit of a Variance for the above-referenced property. The property, owned by the Paramount Park LLC, is located at the northwest corner of NW 18th Street and NW 15th Avenue in Pompano Beach (refer to **Exhibit "A"** included with this narrative). The property obtained Major Temporary Permit from the ZBA in September 2020 for temporary use of a vacant lot to park trucks. Since then, the property owner submitted for Minor Site Plan review. If you recall from the September 2020 ZBA meeting, the property previously obtained Major Site Plan approval (in January 2020) in order to construct two 1-story flex space warehouse/office buildings and associated sitework, and was ready for construction until COVID-19 changed the norm. Due to the pandemic, the property's investors decided to hold off on constructing the project pending the outcome of the nation and how the market moves after the pandemic subsides. This was the reason the applicant requested the Temporary Permit in September. The applicant decided shortly after to make the use permanent and therefore submitted for site plan approval to certify this.

Zoning comment 7 of the November 18, 2020 DRC comment report requires a continuous curb for off-street parking spaces in accordance with code section 155.5102(C)(9)(a). While we are providing curbing in the required parking areas and where protection of the landscaped areas requires curbing, the middle row cannot provide curbing for several reasons. These include the prevention of proper drainage, the difference in multiple truck dimensions from the truck wheels to the end of the truck, the blocking of the fire lane, and the blocking of the camera views. Because of these reasons, we believe that we meet all review standards as specified in code section 155.2420 [Variance] and understand that this permit shall only be approved on a finding that the temporary use as proposed:

- 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 property is currently vacant and will be redeveloped into a permanent Truck Terminal in compliance with all code requirements. No variances are being sought for setback,

parking, or landscaping requirement reductions (or any reductions in general). Additionally, curbing is being proposed wherever landscaping needs protection, in accordance with code section 155.5203(B)(2)(j) [Protection from Vehicular Damage]. The truck parking spaces are not required off-street parking spaces. These spaces are not to park typical automobiles; rather they are meant for short-term storage (less than 24 hours) of long semis transporting goods.

The area between the middle two rows of truck parking is being provided to meet Fire Prevention requirements for life safety. This area must remain clear at a minimum of 8-10 feet to prevent vehicle fires from spreading or expanding. As this area is remaining clear for life safety purposes, the best drainage point for the middle of the site is here. Providing curbing between the middle rows of truck parking spaces (where there will be no landscaping to protect) will cause a pooling effect in the middle of the site as it will block the thereof. The purpose of curbing as required by code section 155.5102(C)(9)(a), is to stop the wheels of off-street parking as a wheel stop would do. Since semi-trucks have larger tires and different dimensions from the back wheel to the back end of the trailer, the curbing will not be effective in stopping the wheel the way it would a compact car. Further, since the area in the middle of the two rows of truck parking is consistent in measurement, the back of two semis will not only block the fire clearance lane but will also potentially come close to hitting each other. The applicant proposes cameras showing the fire clearance lane so that Fire and BSO can access as needed and to further monitor the site's security. Semis blocking the fire clearance lane will block the camera view potentially causing not only a life safety issue but also creates blind spots for potential criminal activity. Finally, the applicant's operation of the site includes a computed/mobile program application as well as an employee that will assign each truck a respective parking spot and assist in the proper parking of the truck as it comes on the site. This is part of the site security as well.

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

The fact that the drainage point needs to be provided in the middle of the area it is draining is not a result of the actions of the landowner. The drainage plan, drawn by engineer Bob Smith, takes into account the site and its existing features as well as what is being proposed in order to provide the proper drainage. It is the expert opinion of the engineer of record that the design not include curbing between the two middle rows of truck parking as it will pool the middle of the site and keep the site from draining as it is required to do by state and county requirements. Not draining per these requirements will cause adverse impact on the surrounding properties and public street. Further, proper site security and the requirement of the fire clearance lane comes directly from BSO and the City's Fire Prevention Division, respectively; not the landowner.

- 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;

As mentioned in the beginning of this letter, the property was approved for an industrial development that was ready to be constructed early this year, but was affected by the ongoing pandemic. The property owner lost investors' interest in the property due to the pandemic as well as the unclear outlook of the future with that market. The owner found

an operator that was in need of truck parking due to the high demand of goods being ordered and shipped—also due to the ongoing pandemic. If the two rows of parking are deleted from the proposal, not only will the operator back out of the deal (as the truck parking lot will not accommodate enough trucks), but the owner will likely not be able to develop the site for any other use based on his experience with the original project. If a project that is in high demand is not possible, there is little hope for any other project to be built during these hard times. On the flip side, if the parking row is built with the curbing, the drainage will be ineffective and the middle of the site will pool for a good portion of the year. These spaces will not be used by the truck drivers and will likely remain unused. This would be the same effect as if they were never built in the first place, causing an undue and unnecessary hardship on the owner.

- 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 applicant landowner is not arguing that curbing is necessary nor that it is a better alternative to wheel stops. This is absolutely the best form of wheel stopping for parking lots as it looks better, provides for less maintenance, and reduces tripping hazards. Curbing was proposed as a wheel stop in the original approval of the site. For the purposes of a truck terminal, and especially if it conflicts with life safety, site security, and drainage, the middle two rows of truck parking should not be required to provide curbing. Additionally, two sites nearby do not include curbing for truck parking: the Publix truck terminal two sites to the west of the subject property (1731 NW 18 ST) and a large industrial development on the block north of this one (2121 NW 15 ST). Understanding that these were probably developed prior to the current code being in effect, there was flexibility in the previous code related to this requirement where there is only flexibility in providing alternatives to vehicular protection of landscaping.



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

As previously mentioned, we are providing curbing for the required parking near the proposed building as well as along the east and west rows of truck parking. The only location on the site where curbing will provide a challenge to the development is between the middle two rows of truck parking.

- 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 following:

- A. Preserve and enhance present advantages and overcome present handicaps that exist in the city
- B. Encourage the most appropriate use of land, water, and resources;
- C. Deal effectively with future problems that may result from the use and development of land;
- D. Facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services;
- F. Maintain and protect the character and stability of the community and its established neighborhoods

As previously mentioned, the variance is being requested to properly drain the site as well as provide adequate site security and meet life safety requirements. These are done with the intention of promoting public health, safety, and general welfare.

- 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;

As defined in f. above, further described in this letter, and shown in the proposed site plan, the variance will be doing the opposite: it will be keeping the fire clearance lane clear, it will provide better camera view to maintain site security, and it will allow for proper drainage of a brand-new site. While the use and operation of the site will be monitored within and along site perimeters, the modified buffer will keep most of the operation out of view while providing some visibility for first responders.

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

As detailed in f. above, the variance promotes several goals and policies of the comprehensive plan. Additionally, granting the variance will have a positive effect on the proposed development. The development proposed is a permitted industrial use going in to an industrially-zoned lot. The development as a whole will meet all code requirements and will enhance the neighborhood and surrounding area.

Thank you for your consideration. We respectfully request you grant the property a Variance as justified above.

Please do not hesitate to contact me with any questions.

A handwritten signature in blue ink, appearing to read 'P. West'.

Paola A. West, ISA-CA, CFM
Land Planner

Exhibit "A"



Parcel Information

Folio Number: 484227530010

Owner: PARAMOUNT PARK LLC

Situs Address: NW 15 AVE POMPANO BEACH
FL 33069

Legal: PARAMOUNT PARK 183-371 B
PARCEL A LESS PAR OF LAND
LYING IN SE1/4 OF NW1/4 OF
SEC 27-48-42 DESC AS: COMM
AT CENTER OF SEC 27, WALG
S/L OF SE1/4 OF