



Staff Report

File #: LN-343

Zoning Board of Appeals
Meeting Date: September 15, 2022

MAJOR TEMPORARY USE - 33 NW 33rd ST INDUSTRIAL LLC

Request: Major Temporary Use
P&Z# 22-15000013
Owner: 33 NW 33rd Street Industrial LLC
Project Location: NW 33 Street (parking lot on north side of street)
Folio Number: 4842 21 07 0070
Land Use Designation: I- INDUSTRIAL
Zoning District: General Industrial (I-1)
Agent: Christopher Lall
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 existing parking lot for outdoor storage for overnight parking of commercial vehicles without complying with the applicable use and development standards as required by Code.

The subject property is located on the north side of NW 33rd Street, between Florida’s Turnpike and NW 27th Avenue.

PROPERTY INFORMATION/HISTORY

1. The subject property was developed as an additional parking lot to serve the adjacent Festival Marketplace/Festival Flea Market immediately to its north in the early 1990s. The subject property obtained site plan approval under PRA #93-7145, and was approved under building permit #94-6689. The development order conditioned the approval of the site plan on a pending rezoning request (from I-1 to I-1/PCI), which subsequently was adopted by City Commission via Ord. 94-30. According to the rezoning application, the reason for the request was to “allow for the provision of additional parking to support the Festival Flea Market.” More recently, a rezoning application (P&Z: 19-13000011) was approved by the City Commission (Ord. 20-57) which removed the Master Plan and the subject property reverted back to I-1 (General Industrial) zoning.
2. Although additional parking for the Festival Flea Market may have once been needed, market conditions have changed and parking is rarely an issue. Nevertheless, the ZBA denied the applicant’s request for temporary overnight parking of commercial vehicles at their June meeting. Staff met with

the applicant subsequent to the meeting and it was recommended the applicant procure a parking study to demonstrate the Festival Flea Market has sufficient stand-alone parking on its main site. Development Services reviewed and concurred with the report's findings, which suggest the southern lot is not necessary for surplus parking. It should be noted that the Festival Flea Market property was recently rezoned from B-3 to I-1 via PZ #22-13000002. The Festival Flea Market will likely be demolished.

3. Although the subject property has an open code violation (Case #22020025) for commercial vehicles being stored on the property without approval to do so, the applicant landowner has filed a Special Exception application (PZ #22-17000009) - which is on tonight's ZBA meeting agenda - in order to use the site for outdoor storage (as a principal use), suggesting that they intend to use the subject property in this capacity for the long term. In August, the Board voted to rehear the requested temporary use permit, and that is the specific request being considered this evening.
4. Approval of a Major Temporary Use Permit would allow this use for up to one year, and should provide the landowner sufficient time to site plan the property with the necessary screening and landscape buffering required for principal outdoor storage.

LAND USE PATTERNS

Subject Property (Zoning | Existing Use): I-1 | parking lot

Surrounding Properties (Zoning | Existing Use):

- North: B-3 | Festival Flea Market
- South: I-1 | warehouse/distribution
- East: I-1 | warehouse/storage
- West: Florida's Turnpike

TEMPORARY USE PERMIT REVIEW STANDARDS

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

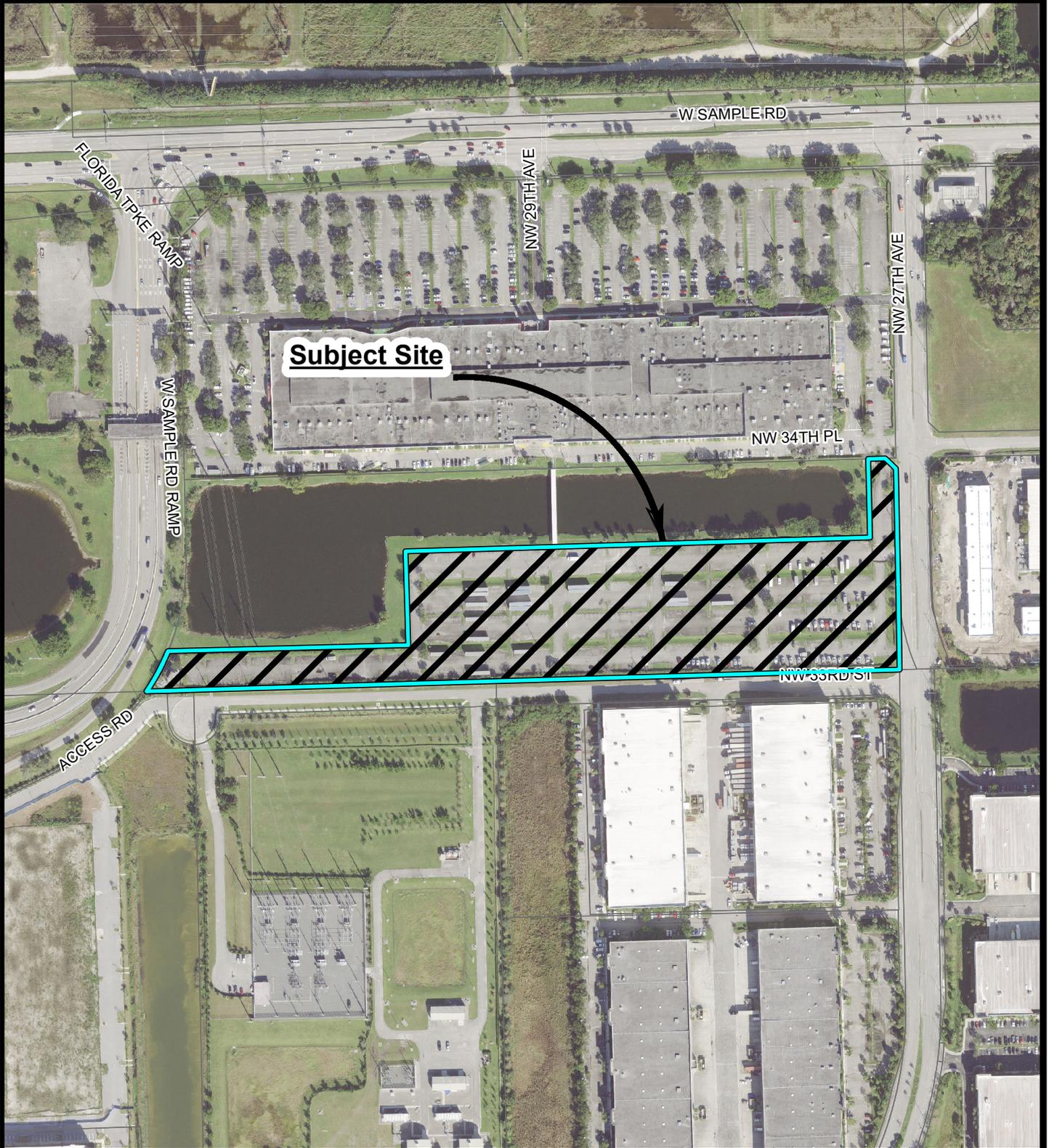
1. Is on its face temporary in nature;
2. Is in harmony with the spirit and intent of this Code;
3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
4. Does not have substantial adverse effects or noise impacts on any adjoining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

1. Obtain all necessary governmental approvals, including building and zoning compliance permits.
2. Address all outstanding violations associated with Code Case #22020025.
3. No mechanical work or vehicle repairs are permitted on the subject property.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 333 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES