

THE ZONING BOARD OF APPEALS
CITY OF POMPANO BEACH, FLORIDA

Date: January 24, 2022

Landowner: Upper Properties & Investments, LLC and Dixie Properties & Investments, LLC
Case No.: 21-15000010
Address: 1661 N Dixie Highway
Zoned: Heavy Business (B-4)
Folio(s): 484226000383
484226000380

Legal Description:

26-48-42 PARCEL DESC AS: COMM AT PT ON W/L OF FEC RR R/W BEING 2050.72 FROM S/L OF SAID SEC 26, NW 40 TO POB, SW 209.19, W 351.64, N 300, E 270.68, SW 59.19, SE 155 TO POB, LESS R/W FOR ST RD 811 PER OR 21796/903, AND LESS POR DESC AS: COMM AT PT ON W/L FEC RR R/W BEING 2163.84 FROM S/L SEC 26, SLY 113.12, WLY 195 TO POB NW 13.05, NE 54.66, E 17.54, SW 59.20 TO POB

and

26-48-42 PORTION OF S 1/2 OF NE 1/4 OF SE 1/4 OF SAID SEC DESC AS: COMM AT INTERSEC OF S/L SEC 26 & W R/W/L FEC RR, NLY ALG W R/W/L 1730.80 TO POB, W 361.80, N 117.80, E 393.14, SLY ALG SAID W R/W/L 122.22 TO POB, LESS R/W FOR OLD DIXIE HWY

REQUEST:

Applicant Landlord 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 utilize the existing site for various commercial uses without complying with the applicable use and development standards as required by Code.

* * * * *

ORDER

WHEREAS, upon presentation of the Applicant's request for a Major Temporary Use Permit at a public hearing before the Zoning Board of Appeals ("Board"), and upon review and consideration of all testimony, evidence and argument presented at said hearing, the Board finds that competent substantial evidence was presented to allow 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 utilize the existing site for various commercial uses without complying with the applicable use and development standards as required by Code.

THEREFORE, the Applicant's request for the above Major Temporary Use Permit is GRANTED, conditioned on applicant fulfilling the following:

1. Substantial compliance with the approved Site Plan (PZ: 17-12000057), and obtain final zoning compliance and building permit approvals prior to the expiration of this approval.
2. Obtain a Zoning Use Certificate and Business Tax Receipt for all proposed uses. Until such time that the permits associated with the site plan are closed out, allowable uses. Until such time and permanently enclosed shall be strictly limited to automotive and light truck rental & display and those uses denoted in applicant's Exhibit "E".

Upper Pompano + Dixie Properties
William M. Murphy
550 S Andrews Avenue, Suite 450
Fort Lauderdale, FL 33301

EXHIBIT F

3. Minimum onsite parking requirements shall be exempt only for the duration of this Temporary Use Permit. All business owners must either comply with the minimum parking requirements or sign an affidavit acknowledging that the minimum parking requirements must be satisfied prior to the expiration of this temporary use permit. Failure to comply with the parking requirements after the Temporary Use Permit expires may result in revocation of their Zoning Use Certificate and Business Tax Receipt.

This matter was heard before the Zoning Board of Appeals, and the Board pronounced its decision on January 20, 2022.

DocuSigned by:

Dan Yaffe

Dan Yaffe, Chairman, Zoning Board of Appeals

Filed with Development Services Department 27 day of January, 2022

Martha Lawson

Martha Lawson, Head Secretary Development Services

ORDINANCE NO. 2021- 88**CITY OF POMPANO BEACH
Broward County, Florida**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING ON THE WEST SIDE OF DIXIE HIGHWAY, SOUTH OF NE 17TH COURT AND COMMONLY KNOWN AS 1661 N. DIXIE HIGHWAY FROM B-3 (GENERAL BUSINESS) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

WHEREAS, pursuant to Section 155.2305.C, of the Pompano Beach Code of Ordinances, notice in accordance with said section has been mailed notifying owners of real property within 500 feet of the subject parcel of the first City Commission public hearing on this proposed Ordinance; and

WHEREAS, a public hearing before the City Commission was held pursuant to the aforesaid notice, at which hearing the parties in interest and all other citizens so desiring, had an opportunity to be, and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That the City Commission of the City of Pompano Beach, having considered the evidence and argument presented at the public hearing, finds that the Applicant has provided, as part of the record of the public hearing on the application, competent substantial evidence that the proposed amendment is consistent with the Future Land Use Category and any

applicable goals, objectives and policies of the Comprehensive Plan and all other applicable city adopted plans.

SECTION 2. That the property more particularly described in Exhibit "A," attached hereto and made a part hereof ("Property"), which Property is hereby rezoned from a present zoning classification of B-3 (General Business) to B-4 (Heavy Business) as said zoning classification is defined by Chapter 155 of the Code of Ordinances of the City of Pompano Beach, Florida.

SECTION 3. That the Development Services Director is hereby directed to mark the zoning provided for in this Ordinance on the Official Zoning Map of the City of Pompano Beach.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this 14th day of September, 2021.

PASSED SECOND READING this 28th day of September, 2021.

DocuSigned by:
Rex Hardin
502CB780EB3F480...

REX HARDIN, MAYOR

ATTEST:

DocuSigned by:
Asceleta Hammond
62AB0835850F4A1...

ASCELETA HAMMOND, CITY CLERK

/jrm
8/31/21
l:ord/2021-266

DocuSigned by:



Exhibit A

Legal Description

26-48-42 PARCEL DESC AS: COMM AT PT ON W/L OF FEC RR R/W BEING 2050.72 FROM S/L OF SAID SEC 26, NW 40 TO POB, SW 209.19, W 351.64, N 300, E 270.68, SW 59.19, SE 155 TO POB, LESS R/W FOR ST RD 811 PER OR 21796/903, AND LESS POR DESC AS: COMM AT PT ON W/L FEC RR R/W BEING 2163.84 FROM S/L SEC 26, SLY 113.12, WLY 195 TO POB NW 13.05, NE 54.66, E 17.54, SW 59.20 TO POB, and

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