



## Staff Report

**File #:** LN-356

Zoning Board of Appeals  
Meeting Date: October 20, 2022

### SPECIAL EXCEPTION - AMWAY PROPERTIES LLC

**Request:** Special Exception  
**P&Z#** 22-17000011  
**Owner:** Amway Properties LLC  
**Project Location:** 1700 S Dixie Highway  
**Folio Number:** 4942 11 00 0150  
**Land Use Designation:** I- INDUSTRIAL  
**Zoning District:** Heavy Business (B-4)  
**Agent:** Rohan Keen  
**Project Planner:** Scott Reale

### Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4219(L) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: B-4) for used automobile and light truck sales with outdoor display.

The subject property is located on the east side of S Dixie Highway, between W McNab Road and SW 18<sup>th</sup> Street.

### ZONING REGULATIONS

#### §155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

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#### L. Used Automobile and Light Truck Sales with Outdoor Display

##### 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
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M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		S	P										S			

##### 2. Definition

A used automobile and light truck sales with outdoor display consists of premises on which used

automobiles, light trucks, motorcycles, mopeds, and golf carts, in operating condition are stored and displayed for sale or lease outdoors.

**PROPERTY INFORMATION**

1. The subject property is unplatted and was annexed into the city in 1969, under House Bill 2638. Shortly thereafter, City Ordinance 70-7 rezoned each parcel in this annexation area. Although County permitting records could not be obtained, the Broward County Property Appraiser indicates a principal structure first was built on the subject property in 1957.
2. In 2002 a Retroactive Landscape Plan (PZ #02-06000165) was approved. Subsequently, a Nonconforming Certificate (PZ #16-20000009) was also issued to document certain legal nonconformities existing on the property. The site itself is narrow and backs up to the Florida East Coast Railway tracks.
3. The subject property does not have a current Business Tax Receipt; however, for decades it had a BTR as an auto dealer with an outside display lot. That BTR lapsed at the end of 2020 and in order to reestablish the use, the property must obtain a new Special Exception. (If a nonconforming use ceases to operate or is discontinued for a period of six consecutive months or longer, or for 18 months during any three-year period, it shall not be reestablished and shall only be replaced with a conforming use, as per §155.7204.A). Used Automobile and Light Truck Sales with Indoor Display Only would be permitted by right; however, the applicant seeks to reestablish the outdoor display of used automobiles.
4. Several motor vehicle sales and service uses exist along S Dixie Highway, and as just noted, the very use for which the applicant is seeking approval was lawfully existing for decades. The applicant indicates no motor vehicle service or repairs will be conducted on the subject property, but will instead be conducted on the property to the south, which is owned by the same landowner. The applicant's narrative states the site will comply with the standards applicable to motor vehicle sales uses outlined in section §155.4219.A.2.a. However, only one display pad is permitted for every 100 feet of street frontage. The site has approximately 175 feet of frontage along S Dixie Highway and two display pads are shown on the conceptual site plan. The property will need to unify with the property to the south, thereby having the required frontage for two display areas. Otherwise, only one display area would be permitted.

**LAND USE PATTERNS**

Subject Property (Zoning District | Existing Use):

- B-4 | no active BTR

Surrounding Properties (Zoning District | Existing Use):

- North: B-4 | manufacturing and retail merchant (concrete statuary)
- South: B-4 | auto repair and service
- West: B-4 | contractor spec-plastering/stucco
- East: B-4 | FEC Railway tracks

**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.
2. Execute a Unity of Title with abutting property to the south, or the site is limited to one outdoor vehicle display pad not to exceed 500 square feet in area.
3. Substantial compliance with Retroactive Landscape Plan PZ #02-0600016 and the conceptual site plan submitted with this application.
4. Loading and unloading of vehicles shall be conducted on site. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular traffic on S Dixie Highway.

# CITY OF POMPANO BEACH AERIAL MAP



1 in = 208 ft

1700 S Dixie Highway

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES