



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Staff Report

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**File #:** LN-54

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Zoning Board Of Appeals  
Meeting Date: December 17, 2020

### **SPECIAL EXCEPTION - PRIME REALTY CAPITAL AND LGL REALTY**

**Request:** Special Exception  
**P&Z#** 20-17000013  
**Owner:** Prime Realty Capital and LGL Realty  
**Project Location:** 2240 NW 16<sup>th</sup> St., 2241 NW 15<sup>th</sup> St., 2281 NW 15<sup>th</sup> Ct.  
**Folio Number:** 4842 28 01 0289, 4842 28 01 0284, 4842 28 01 0290  
**Land Use Designation:** I-Industrial  
**Zoning District:** I-1X  
**Agent:** Charles Gusmano  
**Project Planner:** Scott Reale

### **Summary:**

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4228(D) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: I1-X) as a Junkyard or Salvage Yard.

The property is located west of NW 27<sup>th</sup> Avenue and south of NW 16<sup>th</sup> Street.

This Special Exception application accompanies Variance application PZ 20-11000016, which is scheduled to be heard at the same public hearing.

### **ZONING REGULATIONS**

155.4228. INDUSTRIAL: WAREHOUSING AND FREIGHT MOVEMENT USES

D. Junkyard or Salvage Yard

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

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
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## **2. Definition**

A junkyard or salvage yard is a building, structure, or parcel of land, or portion thereof, used for the collection, storage and sale of paper, rags, scrap metal, bottles, or discarded material. Where such materials are a by-product of a permitted use, such activity shall be considered outdoor storage and must comply fully with all applicable provisions.

## **3. Standards**

A junkyard or salvage yard shall comply with the following standards:

- The facility shall be located on a site with an area of at least one acre;
- A type C perimeter buffer shall be provided around all perimeters of the site;
- A lot containing a junkyard shall be located at least 1,000 feet, as measured by airline distance from property line to property line, from a lot containing another junkyard or an Outdoor Waste-Related Service Use;
- Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet; and
- Access to the property shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.

## **PROPERTY INFORMATION**

The subject property has no open code compliance cases or no open permits.

A portion of the subject property (2240 NW 16<sup>th</sup> Street and 2241 NW 15<sup>th</sup> Court) has been operating a metal material processing facility, which is classified as a Junk yard or Salvage Facility, pursuant to §155.4226. D, Junkyard or Salvage Yard. The Applicant obtained site plan approval of the existing facility in 2012 (BP: 12-7207), and obtained variance approval (Appeal #: 12-02) on November 1, 2011. The variance approval granted: a) the metal recycling facility within 1,000 feet of another recycling facility and b) a 27 ft tall metal shredder to be visible from the street and adjoining properties.

The Applicant has since purchase the adjoining property, 2281 NW 15<sup>th</sup> Ct (west of the existing facility), and is requesting approval to expand the use to the new property. The site plan application (PZ 20-12000009) seeks to install new mechanical equipment for processing and to manage surface water runoff. And, as previously indicated, a number of variances are being requested in conjunction with this Special Exception request.

## **LAND USE PATTERNS**

Subject property (Zoning | Existing Use): I-1X (Special Industrial) | Recycling Facility

Surrounding Properties (Zoning District | Existing Use):

- North: I-1X | Broward County Transit Bus Repair Shop
- South: I-1 | Window and Door Manufacture
- East: I-1 | Merchant Retail, Showroom, Distributor & I-1X | Engineering Construction Company
- West: I-1X | Roofing Contractor & Equipment Rental

## **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:

- a) Is consistent with the comprehensive plan;
- b) Complies with all applicable zoning district standards;
- c) Complies with all applicable use-specific standards in Article 4: Use Standards;
- d) 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;
- e) 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;
- f) 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;
- g) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
- h) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- i) 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;
- j) Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;
- k) 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;
- l) Complies with all other relevant city, state and federal laws and regulations; and
- m) 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:**

Applicant has responded to the Special Exception review criteria. Staff does not inherently object to the request; however, criteria #3 (*complies with all applicable use-specific standards in Article 4: Use Standards*) will only be met if relief is obtained for the required buffer type and screening requirements.

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. Successfully obtain relief from required buffer and screening standards identified in Variance application PZ# 20-11000016.
2. Obtain all necessary governmental permits and approvals including a development order for Site Plan PZ# 20-12000009, and building and zoning compliance permits.



# CITY OF POMPANO BEACH AERIAL MAP



1 in = 250 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES