

April 14, 2021

Zoning Board of Appeal
City of Pompano Beach
100 West Atlantic Blvd.
Pompano, Florida 33060

**RE: Sec. 155.2406 Special Exception
951 SW 12th Ave.
KEITH Project # 09293.01**

Dear Board Members:

PC Realty of Florida, LLC, is requesting approval of a special exception for outdoor storage as a principal use for the property located at 951 SW 12th Avenue (Andrews Avenue). This request was approved by the Board in July of 2017. The applicant site plan was approved as well as by the Architectural Appearance Committee. Since the approvals Covid delayed the implementation of the project and the plans have expired. As a result, the site plan and special exception need to be resubmitted and approved. The project use is exactly the same and the only change in the site plan is the addition of an increased drainage area. Consistent with the previous approval the applicant proposes to store vehicles on the property which then containerized and transported off-site. There is no salvage or repair of any of the vehicles on-site.

Below are the responses to the special exception criteria as well as the standards for outdoor storage as a principal use found in Article 4. A site plan which has been submitted to the city under a separate application is included as back-up to visually address some of the criteria.

A Special Exception application 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;

Response: The applicant believes granting the special exception would be consistent with the Pompano Beach Comprehensive Plan. In particular:

Policy 01.03.13 Future industrial land uses shall be located with access to major transportation facilities including highways, airports, railroads, and seaports.

Policy 01.16.01 The City shall emphasize re-development and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources.

Description of Industrial Use in the Comprehensive Plan

Industrial land use primarily provides for activities which are connected with the manufacturing, assembly, processing or storage of products and goods. Major industrial uses are located in the northwest and southwest portions of the City. The 2005 Existing Land Use

Study found approximately 1,823 acres or 11.5% of the City in active industrial use with about 3.8% of the City (or 604 acres) of industrial land set aside for future use.

- b. Complies with all applicable zoning district standards;
Response: Concurrent with the Special Exception application, the applicant has submitted a site plan application which complies with all applicable zoning district standards.
- c. Complies with all applicable use-specific standards in Article 4: Use Standards;
Response: The use standards in Article 4 are addressed below.
- 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;
Response: The applicant believes the storage of vehicles does not overburden available public facilities. There are practically no demands water, sewer, parks or schools. Drainage will be retained on-site. The existing roadway system is more than adequate to meet the needs of this applicant and the surrounding industrial area.
- 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;
Response: The storage of vehicles is compatible with the general character of neighboring lands. The site is centrally located in the industrially zoned area bounded by Atlantic Boulevard to the north, Interstate-95 to the east, McNab Road to the south and the CXS Railroad to the west. The character in the area includes heavy truck traffic from nearby warehouses and storage yards for various businesses. The property was previously granted a special exception for outdoor storage in 1998/1999; however, that use has been discontinued.
- 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;
Response: The storage of vehicles will not emit and adverse odor, noise glare or vibration on surrounding lands. As shown on the site plan all service delivery, parking and loading are all performed on-site with no impact to the surrounding lands.
- g. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
Response: As shown on the site plan, the applicant proposes a Type "C" which includes an eight (8) foot high opaque masonry wall and landscaping along SW 12th Avenue to adequately screen the property from neighboring lands.
- h. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
Response: There are no scenic or natural resources in the surrounding area. The storage of vehicles is not expected to significantly deteriorate water or air resources. All vehicles will be stored on a hard dustless surface which is properly drained.
- 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;
Response: There are proper access openings onto SW 12th Avenue and onto SW 9th Street which is a private road owned by the applicant. There are safe access routes for pedestrians from the parking areas to the building as well as a sidewalk along SW12th Avenue. All vehicle maneuvering is on site and shown on the site plan.
- j. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;

Response: The storing of vehicles should not affect the property values of the surrounding area nor prevent a neighbor from redeveloping their land. The storage area will be screened from view with an eight (8) foot high fence and/or wall and landscaping will be provided for additional screening.

- 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;

Response: The storage of vehicles and the operation of containerizing those vehicles for shipping is a public convenience and a necessary service for both the local business population and international clientele.

- l. Complies with all other relevant city, state and federal laws and regulations.; and

Response: The applicant will comply with all relevant city, state and federal laws.

- 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 ft to a one-half mile radius from the subject site.

Response: As mentioned in Criteria e above, the storage of vehicles is compatible with the general character of neighboring lands. The site is centrally located in the industrially zoned property bounded by Atlantic Boulevard to the north, Interstate-95 to the east, McNab Road to the south and the CXS Railroad to the west. The character in the area includes heavy truck traffic from nearby warehouses and storage yards for various businesses. The nearest residentially zoned or used property is over 1,070 feet away and separated from the industrial uses by Interstate-95.

Special Exception Uses also have Use-Specific Standards set forth in Article 4: Use Standards.

Sec. 155.4228.A Outdoor Storage (as a principal use)

Standards. Outdoor storage as a principal use shall comply the following standards:

- a. Perimeter buffer and screening standards

- i. The area(s) used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight feet high in accordance with Section [155.5302](#), Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

Response: As shown on the site plan, all outdoor storage areas will be screened with an eight (8) foot high fence and/or wall as well as appropriate landscape screening.

- ii. Perimeter buffers in accordance with Section [155.5203.F](#), Perimeter Buffers, shall be provided between the outdoor storage area(s) and the site's boundaries, with a type C buffer provided between an outdoor storage area and the front lot line, a type B buffer provided between an outdoor storage area and any side or rear lot line adjoining a street, and a type A buffer provided between an outdoor storage area and any other side or rear lot line.

Response: A site plan and landscape plan has been submitted to the City through the site plan approval process which complies with the perimeter buffer in accordance with Sec 155.5203.F.

- iii. Development Existing on or Before April 27, 1999.

Outdoor storage facilities existing on or before April 27, 1999 shall comply with the following standards by April 27, 2001. Upon compliance said outdoor storage facility shall be deemed a lawfully existing special exception use.

- A. A 25-foot-wide landscaped area shall be provided between the front lot line and any outdoor storage area. Street trees shall be provided as required by the landscape ordinance. Screening shall consist of a combination of walls or fences, perms, shrubs, trees and ground cover. Chain link fencing shall not be allowed in the front landscape strip.
- B. A 15-foot-wide landscaped area shall be provided between the street side lot line and any outdoor storage area. Street trees shall be provided as required by the landscape ordinance. Screening shall

consist of a combination of walls or fences, berms, shrubs, trees and ground cover. If a property owner elects to construct a six-foot high solid fence or wall the width of the landscape strip may be reduced to 7.5 feet.

- C. A ten-foot-wide landscaped area shall be provided between the side and rear lot lines and any outdoor storage area provided, however, that any lot on public record prior to June 25, 1991 is 100 feet or less in width shall be required to provide a five-foot wide landscaped area. One ornamental tree shall be provided for each 25 feet of lot length and width. This requirement shall not apply to a property line abutting an active railroad siding servicing the property.
- D. All repairs of equipment shall be done on a paved surface.
Response: This section is not applicable. This use did not exist prior to April 27, 1999.
- b. Any repair of equipment shall be conducted within an enclosed building.
Response: There are no repairs performed on the vehicles being stored on the property. Any equipment being used which needs to be repaired will be taken off-site or repaired within an enclosed building.
- c. Customers and vehicles shall be allowed to circulate through the area used for outdoor storage.
Response: As shown on the site plan, vehicles, including emergency vehicles, will be allowed to circulate through the outdoor storage area.
- d. All areas used for outdoor storage shall have a surface that avoids dust and safeguard groundwater.
Response: Civil drawings submitted with the site plan application address the dustless surfaces used for the vehicle storage area as well as safeguard stormwater and groundwater.

Based on the information provided via this letter and site plan, the applicant respectfully requests approval of the special exception for outdoor storage.

Sincerely,



Mike Vonder Meulen, AICP
Keith & Associates, Inc.

CC: Barry Mittelberg, Esq.