

LAW OFFICES

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January 11, 2022

Chairman Dan Yaffe  
Zoning Board of Appeals  
City of Pompano Beach  
100 W. Atlantic Blvd.  
Pompano Beach, FL 33060

Re: Southwest Eighth Street, Inc. - Major Temporary Use Permit Application, Narrative and Rationale

Dear Chairman Yaffe and Board members:

At the close of 2021, Southwest Eighth Street, Inc., purchased via contract, from the former owner the industrial property located at 1406 SW 8 Street. In attempting prior to closing to receive a Zoning Use Certificate which is a prerequisite to obtaining a Business Tax Receipt, the City reviewer gave the following response:

"I have received your Zoning Use Certificate application back from zoning review. The application of Tower Events and Seating Services USA, Inc., at the proposed address of 1406 SW 8 St. has been denied. The planner comments read: warehousing and outdoor storage. No site plan on file. Out-door storage as a principal use requires Special Exception approval in the I-1 zoning district."

Background and general information: The owner of the property, Southwest Eighth Street, Inc., and its sister corporation, Tower Events and Seating Services USA, Inc., are planning on using the site as an enclosed warehouse for its grandstand and outdoor event staging and seating services in question, which was developed many years ago. The property sits between SW 8 St., and SW 9 St., approximately half way between Andrews Avenue on the east and CSX Railroad on the west. All other businesses up and down this street are industrial and heavy industrial. Some of the uses are produce storage, warehousing, commercial laundry, heavy crane rental, and truck, van rental and maintenance.

The proposed use by Applicant compared to its neighbors is benign. The Applicant is in the business of providing staging and seating for outdoor sporting events. Applicant has just purchased this fully developed site, which contains several structures, parking, and landscaping for an amount in excess of \$5 million. Applicant and its sister corporation

have as their business model and plan, the storage, servicing and off-site maintenance of thousands of steel and aluminum grandstands and temporary seating.

Applicant has been awarded a five-year contract with a five-year option to supply all of the staging and seating to the Miami Dolphins, who have recently acquired a contract with the Fédération Internationale de l'Automobile (FIA), the international body which stages and hosts Formula 1 Grand Prix racing events internationally.

Miami has desired for several decades to be a player in this international auto racing arena and has been vigorously competing with other venues around the globe, and has been awarded for the first time an opportunity to stage the Formula 1 Grand Prix of Miami. To accomplish this task, there will be a need to provide seating in the area of the Hard Rock Stadium either in or near Miami Gardens for this racing venue. Applicant will be furnishing a minimum of 55,000 seats for this event, and will be using this property year in and year out for its location to furnish seating and grandstands for events throughout all of south Florida, as there are many events staged and presented throughout the year, year after year, and more large outdoor events are being planned in the future.

This particular site contains a warehouse comprised of 21,324 square feet, with a small office building of approximately 1,400 on the north side facing SW 8 St. and another building on the south side comprising approximately 2,150 square feet. See attached Exhibit 1 – Survey #1.

The property has sufficient parking as shown on the survey and will present itself as an ideal site, as this property is close to access with the Florida Turnpike, Andrews Avenue, Powerline Road, and I-95 in north and south directions. Applicant can deliver its employees and materials within a matter of a few hours to most venues in south Florida.

This new business coming into Pompano Beach will bring much needed activity and business stimulus, together with many jobs which will be year around.

The plan is to use the principal structure to store the aluminum segments of the seating and staging, and to store free-style, in standing racks, in the surrounding yard, (see Exhibit 2 - survey #2 with the highlighting) in a vertical storage racks for the galvanized steel piping and supports. Also see Exhibit 3 in green and blue showing the approximate location of the placement of some of the outside galvanized "racked" storage.

See Exhibit 4 which is an overhead of the entire area showing the CSX Railroad tracks on the west and Andrews Avenue on the east, with Applicant's property approximately halfway in the center of the photo, boxed in with red lines, sandwiched between SW 8 St. and SW 9 St.

Please also observe the wrecking yard on the southwest corner of this photograph and to its north, the U-Haul rental and maintenance complex. There is also another heavy industrial site, across from U-Haul to the north, which houses aerial cranes and other heavy equipment.

Exhibit 5 depicts the stacking of some of the outside galvanized poles and piping on another site, not at this site, and Exhibit 6 depicts typical installations of this seating and staging equipment at the ATP Tennis Tournament in Atlanta, Georgia, as an example.

Exhibit 7 is a letter by Applicant directed to Whom It May Concern dated December 17, 2021, and this fairly and accurately describes Applicant's business services and product, and their intended use of this proposed site.

Applicant respectfully reserves its right, without making any waiver, to contest if it has to the two determinations and considerations by the review planners of the City that the principal business of Applicant is of warehousing and outdoor storage, as Applicant maintains those are accessory uses since its principal occupation and principal business plan is set forth in Exhibit 7 and consists of providing services of leasing, renting and erecting scaffolding and seating for outdoor sporting and other events.

Since receiving the decision of the City reviewer on Applicant's application for Zoning Use Certificate, and receiving the comment that "no site plan on file" may be true for a quick check of the Zoning Department records, a more thorough examination of all City records including the Building Department was performed by City employee Beverly Zink at the request of Applicant. Ms. Zink was able to notify Applicant that there were 45 documents found on microfiche in the Bldg. Dept., and three documents were site plan, the last copy being Exhibit 8-A and its associated page is Exhibit 8-B. It is clear the site plan was modified a few times during application for a building permit in 1983, and the final iteration is dated April 18, 1983, signed and sealed by the architect of record. The City's file copy of the approved plan for the construction and development of this site was issued by the City on May 31, 1983, permit #83-1223, and Zoning Review passed the site plan as identified by the inspection stamp by B. Sisk on May 24, 1983 (see Exhibit 8-B). Hence, for that date and time almost 40 years ago, Exhibit 8-A is in fact the original and official site plan for the property. It was easy to see why a reviewer may have missed this document as it required Ms. Zink a considerable amount of time to comb through all of the records maintained by the City on microfiche. One must keep in mind that more than 40 years ago the requirements of a site plan were far less than the current requirements. Modern site plans require a lot more detail than the plan approved when this structure was prepared. Nonetheless, there is an official site plan of record which the City and Applicant now have.

Within the spirit of continuity and correctness and since Applicant is facing a deadline of its first major event in south Florida that being the Formula 1 Miami Grand Prix, set for April 22, 2022, Applicant does not have sufficient time within which to either challenge or negotiate with staff concerning its original decision, when it denied the Zoning Use Certificate, but rather with a positive attitude of establishing this business here in Pompano Beach and using this newly acquired facility, and providing for the outdoor grandstand needs for seating, staging and portability here in south Florida and elsewhere in Florida, Applicant has decided to defer in favor of applying for a Major Temporary Use Permit. Therefore, Applicant moves to acquire a Major Temporary Use Permit as is

permitted for this property under §155.4228 (C) Warehouse, Distribution and Storage, in this I-1 district as defined by the code and contained in page 494-495 of the zoning code (see attached Exhibit 9).

In support of this application, Applicant is seeking a Major Temporary Use Permit for industrial use pursuant to §155.2412 Major Temporary Industrial Use of the City zoning code. Applicant is seeking relief from the requirements of land use zoning requirements covering all of Articles 4 and 5 of the Development Requirements and Standards of code. Applicant, if successful would appreciate an order specifically specifying that the Major Temporary Use Permit cover all of the requirements for this Applicant under Articles 4 and 5 of the Development Requirements and Standards.

A Major Temporary Use Permit for one (1) year (or longer) shall be approved only on the finding that the Temporary Use, as proposed is:

a. *Is on its face temporary in nature;*

Applicant is seeking this permit so the business can become active and established immediately on this site. This site is ideal for this purpose as it contains a large well-established CBS industrial building which has been on this site for many years, two out-buildings, necessary and sufficient parking, partial landscaping, and sufficient use for Applicant's purpose in storing its aluminum seating and staging indoors, with some of its galvanized piping and supports on vertical storage racks in the yard. The nature of this permit is for one year, to allow Applicant to apply for and receive site plan approval for the entire site, including all the vicissitudes of site plan requirements of the Code as set forth in §155.4212 (major temporary use for one year) and its subsets.

b. *Is in harmony with the spirit and intent of the Code;*

The spirit and intent of the Code is to encourage the development of industrial uses such as the present one in industrial zoning settings, which this is, and specifically approved and allowed in I-1 zoning districts. Although Applicant is not in the warehousing distribution and storage business, by virtue of some of its equipment being stored outside, and not all of it being in a totally and permanently enclosed building, Applicant is requesting this relief accordingly. See Exhibit H - §155.4228 *Industrial Warehousing and Freight Movement Uses A: Outdoor Storage as a Principal Use vs. (C) Warehouse Distribution and Storage*, where this use is permitted. §155.4228 does permit and allow with a Special Exception outdoor storage as a principal use in I-1 zoning districts with a Special Exception (see Exhibit H – page 492). This property is an ideal fit for Applicant's use and will be a compatible use with its industrial neighbors.

c. *Is not detrimental to property or improvements in the surrounding area, or to the public health, safety or general welfare;*

Applicant's staging, most of it, will be stored inside the existing building. The existing site has a surrounding fence and gates, and will not be open to the general public. The general public will not be solicited to store any of its products or goods on the site, but the

storage which Applicant will make use of is for its own seating, staging, scaffolding and support members. This particular use is the least intense use on this particular street as all of the neighbors as can be seen in the overhead photos have uses which are much more intense, and bordering on I-1X uses. There will be no detriment to property or improvements of surrounding properties.

*d. Does not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;*

There are no residential neighbors as can be seen in the overhead photos and the City's zoning maps. This particular property lies in the middle of this particular block and is surrounded by industrial uses, and it creates little or no noise as compared with the neighbors. There will be occasional forklift usage and trailer trucks backing in and out and loading and unloading during daytime hours, but this particular use is the least intense that will occur on this street. There will not be any substantial or other adverse impacts or noise impacts on adjoining permanent uses in the nearby industrial neighborhoods.

*e. Is compatible with any principal uses on this site;*

All of the uses on this site will be the uses of Applicant and no other company or individual. The use is simply storage of part of the grandstand material on the outside, and the balance of all of the aluminum sections and pieces of the staging and scaffolding on the inside of the building. This is certainly compatible with the I-1 nature of this site, and comports to the standards of Articles 4 and 5 of the City's zoning code.

*f. 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;*

This site is completely developed. Applicant does not foresee in the near future any additional development, but only wishes to make use of the existing three buildings on the property, and has way more property than is necessary for this particular use as this site is over 2 acres in size. All parking is established as can be seen in the attached exhibits and photos. All City standards have been met with the exception of some buffering and obtaining a Special Exception accordingly (see Applicant's accompanying Special Exception application).

*g. Complies with all applicable use-specific standards in §155.4403;*

This property complies with all of the requirements for a Temporary Use Permit as found and required in §155.4403 and for certain use specific standards set forth in Article 4. Applicant is requesting both Article 4 and Article 5 coverage and inclusion in any order issued concerning this application.

#### CONCLUSION

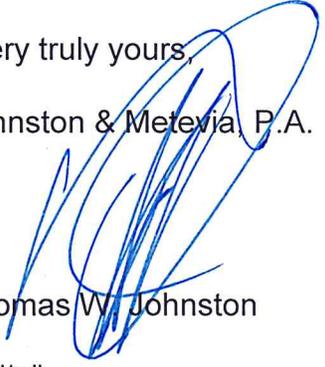
Applicant feels it has factually complied with all of the requirements for a Major Temporary Use Permit as are enumerated by the ordinance allowing same, and for the good grounds

and standards as set forth herein with the exhibits, will be proceeding during the next year to comply with any other requirements which the City requires, including any buffers, the creation of an "as built" site plan if necessary (Applicant is still in search of an original site plan) and has filed a formal request of the City and County all site plans and building plans of record in case this property was developed before annexation. This site will be maintained during the next year, with requisite cleanliness, safety, quietness and efficiency of operation.

If this request for Major Temporary Use Permit is granted, this will permit Applicant to immediately make use of its newly purchased site, and maintain its tight "time-line" for delivering, assembling, maintaining and positioning all of the necessary 55,000 seats which will provide comfortable grandstand space for the tens of thousands of local, national and international automobile enthusiasts which attend this, the first Formula 1 Miami Grand Prix. The benefit of having this Major Temporary Use Permit will provide Applicant a one-year window of opportunity to address any issues including buffers, and any other issues including the approval of the accompanying Special Exception application use at this site, as stated in that application, and permit Applicant to comply with all City requests concerning zoning and use as dictated by our code. This particular use, by Applicant and its sister corporation, Tower Events and Seating Services USA, Inc., will provide the necessary staging and seating for the operators (Miami Dolphins) of the Formula 1 Miami Grand Prix, and transform our south Florida community into a more favorable international automobile venues and sporting opportunities attracting many millions of tourism dollars to our south Florida economy.

Very truly yours,

Johnston & Metevia, P.A.



Thomas W. Johnston

TWJ/mjj

File No. 21-36