



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Staff Report

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**File #:** LN-123

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Zoning Board of Appeals

Meeting Date: May 20, 2021

### **MAJOR TEMPORARY USE - OB PROPERTIES LLC**

**Request:** Major Temporary Use  
**P&Z#** 21-15000003  
**Owner:** OB Properties LLC  
**Project Location:** 2901 N Federal Highway  
**Folio Number:** 4842 24 13 0011  
**Land Use Designation:** C- Commercial  
**Zoning District:** B-3 (General Business)  
**Agent:** Michael Hill  
**Project Planner:** Scott Reale

#### **Summary:**

The Applicant Landowner is requesting a Major Temporary 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 temporarily utilize an enclosed trailer with equipment to remediate petroleum contamination in soil and groundwater on the subject property (Zoning District: B-3) without complying with the applicable use and development standards as required by Code.

The property is located west of North Federal Highway, between NE 28<sup>th</sup> Street and NE 31<sup>st</sup> Street.

#### **PROPERTY INFORMATION**

1. The subject property does not have any open code compliance violations.
2. The subject property was annexed into the City of Pompano Beach by House Bill 1779, in September 2000.
3. The subject property has an active business tax receipt for a restaurant and ice cream parlor (Dairy Queen).
4. The request is to continue operating a temporary soil and groundwater remedial system to remove petroleum impacted soil and groundwater. Building Permit #18-3880, for environmental cleanup, was approved but has not yet been closed out. Major Temporary Use Permits for the same request were previously approved (PZ #18-15000011 and PZ #19-15000013), and if approved, the applicant expects the project to be completed prior to the expiration of this permit.

## **LAND USE PATTERNS**

Subject property (Zoning / Existing Use):

- B-3 / Restaurant with Outdoor Seating, Take-Out Restaurant & Ice Cream Parlor

Surrounding Properties (Zoning District / Existing Use):

- North: B-3 / Restaurant (The Hen and the Hog)
- South: B-3 / Auto Dealer, Outdoor Display Lot
- East: B-3A (Lighthouse Point Zoning) / Parking Lot
- West: B-3 / Multi-Family Apartments

## **TEMPORARY USE PERMIT REVIEW STANDARDS**

Temporary Use Permit shall be approved only on a finding that the temporary use as proposed:

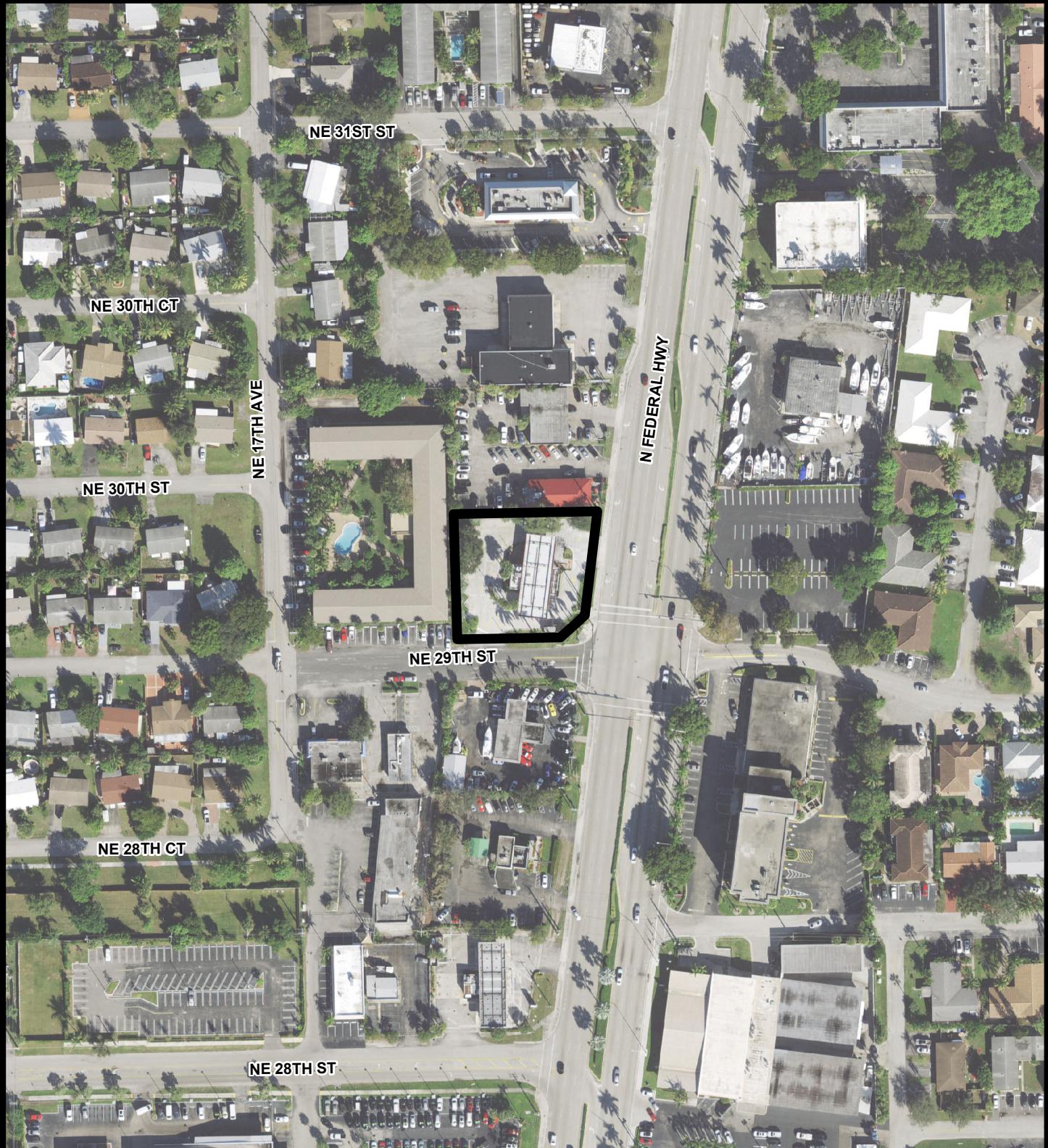
1. Is on its face temporary in nature;
2. Is in harmony with the spirit and intent of this Code;
3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
4. Does not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
5. Is compatible with any principal uses on the site;
6. 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; and
7. Complies with all applicable use-specific standards in Section 155.4403.

**Staff Conditions:**

Should the Board determine the applicant has provided competent substantial evidence sufficient to satisfy the seven Major Temporary Use Permit review standards, staff request the Board include the following conditions as part of the Order:

1. Remediation equipment shall comply with the screening standards for mechanical equipment to the maximum extent practicable.
2. Remediation equipment must be uninstalled and removed from the subject property prior to the expiration of this approval.

# CITY OF POMPANO BEACH AERIAL MAP



1 in = 167 ft