



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Staff Report

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**File #:** LN-393

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Zoning Board of Appeals

Meeting Date: February 16, 2023

### **SPECIAL EXCEPTION - MX Mud Cleaner USA Inc.**

**Request:** Special Exception  
**P&Z#** 22-17000015  
**Owner:** MX Mud Cleaner USA Inc  
**Project Location:** 620 E Sample Road  
**Folio Number:** 484224020230  
**Land Use Designation:** C- Commercial  
**Zoning District:** General Business (B-3)  
**Agent:** Peter Markarian  
**Project Planner:** Scott Reale

#### **Summary:**

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4219(J) (3) [Standards] of the Pompano Beach Zoning Code in order to allow accessory auto service for scooters, mopeds, and motorcycles (with an engine limitation of up to 250cc).

The property is located on the south side of E Sample Road, between NE 5<sup>th</sup> Avenue and N Dixie Highway.

#### **ZONING REGULATIONS**

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

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J. New Automobile and Light Truck Sales

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
														P	P

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

2. Definition

A new automobile and light truck sales use consists of premises on which new automobiles, light trucks, collector cars, motorcycles, mopeds, and golf carts in operating condition are displayed for sale or lease.

3. Standards

A new automobile and light truck sales use shall comply with the following standards:

a. New automobile and light truck sales agencies, excluding those that sell or lease collector cars, motorcycles, mopeds, and golf carts, may have accessory used car sales and auto service. Agencies that sell or lease collector cars, motorcycles, mopeds, and golf carts may have accessory auto service subject to Special Exception approval.

## **PROPERTY INFORMATION**

1. Original permit records could not be found as the subject property was not annexed into the city until the 2004 Highlands annexation via Reso 2004-323. According to the Broward County Property Appraiser's website, the parcel was originally developed around 1953, with improvements made in 1973. This is consistent with development patterns in the area.
2. The subject property contains 6,500 sq ft and a 1,186 sq ft building was recently demolished.
3. The proposed use is considered New Automobile and Light Truck Sales and is permitted by right in the B-3 zoning district; however, because scooter, moped, and motorcycle service and repairs are also proposed, Special Exception approval is required. The applicant has voluntarily limited these motorized bikes to those of up to 250cc.
4. The applicant must obtain Building Design and Minor Site Plan approval, and a Pre-Application Conference took place on 1/17/2023 (PZ #22-12000049). The applicant has revised plans based on the initial comments, although it may need to be further revised in order to comply with all applicable zoning, development, and use standards, particularly perimeter buffer standards applicable to motor vehicle sales and service uses. Code requirements will be more thoroughly vetted during formal DRC Site Plan review.
5. The applicant states that storage, display, and usage of the mopeds will be totally and permanently enclosed within the principal building.
6. The applicant has provided responses to the 13 Special Exception review standards, and staff finds the location to be appropriate for the proposed use. Because the proposed use is limited to mopeds, staff finds the intensity and adverse effects of the proposed use to be negligible in comparison to "traditional" automotive motor vehicle repair. Staff's primary concern is that the conceptual site plan may need to be significantly revised, perhaps necessitating relief from one or more code provisions given the relatively small size of the site.

## **LAND USE PATTERNS**

Subject Property (Zoning District | Existing Use):

- B-3 | vacant

Surrounding Properties (Zoning District | Existing Use):

- North: B-2c (Deerfield Beach) | vacant/undeveloped and billboard
- South: B-3 | single-family dwelling
- West: B-3 | art gallery
- East: B-3 | rental building-commercial

## **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:

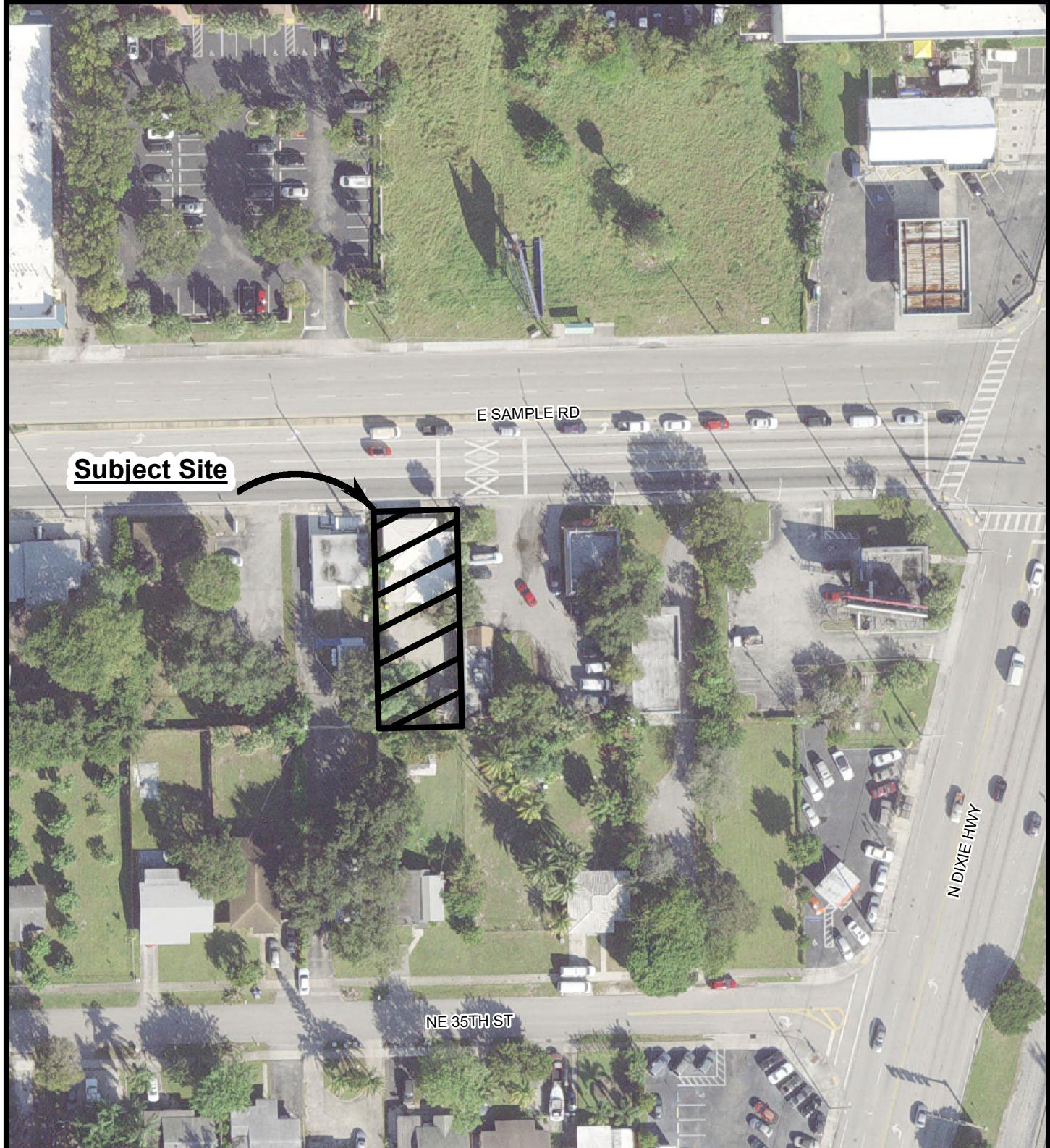
1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited 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 Minor Site Plan development order, Building Design development order, building and zoning compliance permits, and a city-issued Business Tax Receipt.
2. Approval is limited to service and repair of scooters, mopeds, and motorcycles (with a limitation of up to 250cc) and does not extend to “traditional” motor vehicles, i.e. cars and trucks.

# CITY OF POMPANO BEACH AERIAL MAP



1 in = 83 ft

**620 E Sample Road**