



Staff Report

**File #:** LN-215

Zoning Board of Appeals  
Meeting Date: January 20, 2022

**MAJOR TEMPORARY USE - POMPANO FORD LINCOLN, INC.**

**Request:** Major Temporary Use  
**P&Z#** 21-15000013  
**Owner:** Pompano Ford Lincoln, Inc.  
**Project Location:** 2741 N Federal Highway  
**Folio Number:** 4843 19 00 0190; 4842 24 13 0040  
**Land Use Designation:** C- Commercial  
**Zoning District:** General Business (B-3)  
**Agent:** Deena Gray  
**Project Planner:** Scott Reale

**Summary:**

The Applicant Landowner is requesting a Major Temporary Permit from the provisions of Chapter 155: Article 5 [Development Standards] of the City of Pompano Beach Zoning Code in order to establish a temporary parking area that does not meet the applicable development standards as required by Code.

The subject property is located west of North Federal Highway and north of NE 28<sup>th</sup> Street.

**PROPERTY INFORMATION**

1. The ZBA previously granted approval for temporary gravel parking on a portion of the property via PZ #19-15000014 on 11/21/2019. Temporary Use Permits are valid for a maximum of one year, and cannot be extended. The subject property now has an open code case (Case # 241780) for vehicles parked on an unapproved surface. This new application request includes an additional parcel immediately east of the original approval. This parcel has an existing building with a demo permit (BP#21-3783) currently in plan review.
2. The subject property, which includes the main automobile dealership site on the south side of NE 28<sup>th</sup> Street, has an active business tax receipt for an auto dealer with outdoor display lot, as well as for auto repair and maintenance.
3. The conceptual site plans presented with a rezoning (Ord. 2018-34) and nonresidential flex allocation (Reso. 2018-82) included a new parking garage on the north lot of the subject property. The plans also called for the installation of an 8-foot wall along the north and west lot lines. To date the applicant has not filed a site plan for the parking garage or wall; however, a 6-foot wood fence and roll gate was constructed (BP#19-3594), along with landscaping to help buffer the property from the adjacent single-family residential neighborhood on NE 28<sup>th</sup> Court.

4. Staff recommends that the “new” additional parcel included with this application request provide similar buffering along NE 17<sup>th</sup> Avenue, including street trees, a perimeter landscape strip, and an opaque wood fence. Additionally, staff recommends limiting the access at NE 28<sup>th</sup> Court to egress (exit) only.
5. The conceptual site plan provided shows cross-access between the new and existing parking areas, with a fence blocking off access at both NE 17<sup>th</sup> Avenue and the “flag pole” portion of the lot on NE 28<sup>th</sup> Street. The cross access necessitates a Unity of Title or similar control mechanism to join the two parcels for zoning purposes.

**LAND USE PATTERNS**

- A. Subject property (Zoning / Existing Use):
  - B-3 / Automobile Dealer with Outdoor Vehicle Display
- B. Surrounding Properties (Zoning District / Existing Use):
  - North: RS-4 / single-family homes
  - South: B-3 / Pompano Ford Lincoln (main lot)
  - East: B-3 / chiropractic clinic
  - West: RS-4 / single-family homes

**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. Obtain all necessary governmental approvals.
2. Address/remedy all open code enforcement violations.
3. Prior to expiration of this approval, replace entire gravel parking area with drought-resistant sod.
4. NE 28<sup>th</sup> Court access shall be limited to egress (exit) only. Vehicles shall only enter temporary parking area from NE 28<sup>th</sup> Street.
5. Maintain a perimeter buffer that complies with residential compatibility standards. Other landscaping and irrigation components must comply with zoning code requirements, including but not limited to tree protection, tree removal and mitigation, and/or tree relocation.
6. Provide buffering along NE 17<sup>th</sup> Avenue, including installation of street trees, a perimeter landscape strip, and an opaque wood fence.
7. Execute a Unity of Title (or similar unity of control mechanism) to combine the two subject parcels.
8. Approval is limited to temporary storage of excess vehicle inventory. No vehicle service, repair, installation, and/or maintenance is permitted on the north lots.