

August 21st, 2020

Pompano Beach Zoning Board of Appeals
City of Pompano Beach
100 West Atlantic Boulevard
Pompano Beach, FL 33060

RE: Special Exception -The New Auto Toy Store
Location: 929 SW 8th Street
Folio #: 494220030870 & 494220030880

Dear Members of the Zoning Board of Appeals;

On behalf of The New Auto Toy Store, lessee, and JPM Investment Co. LTD, property owner, NUTEK Engineering LLC., is requesting consideration of a special exception to allow the outdoor display of used vehicles found in Sec. 155-4219. The property is located at 929 SW 8th Street which is on the north side of a dead-end street which abuts Interstate-95. A two-story building which totals 8,000 square feet exists on the site. The New Auto Toy Store intends to use 34 feet of property west of the existing building to display high-end, luxury and exotic vehicles. Since these vehicles had previous owners, they are considered by the City to be used vehicles. The average sale of vehicles at the New Auto Toy Store range between \$50,000 and \$300,000. The Auto Toy Store and New Auto Toy Store have been operating in Broward County for more than 20 years and had previously operated in Pompano Beach along US-1 (701 North Federal Highway).

The property has an existing variance granted which provides a maximum amount of parking to three (3) vehicles. The Special Exception application shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception meets the requirements below:

a. Is consistent with the comprehensive plan;

Response: The request is consistent with the following Goals, Objectives and Policies of the Pompano Beach Comprehensive Plan.

Goal 0100.00 The attainment of a living environment which provides the maximum physical, economic and social wellbeing for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

Policy 010102 Review all proposals for development or redevelopment and base the approval of same on the continued maintenance of all adopted Level of Service Standards.

Policy 0103.B Future industrial land uses shall be located with access to major transportation facilities including highways, airports, railroads, and seaports.

b. Complies with all applicable zoning district standards;

Response: The proposed use will meet all required standards in the H1 zoning district. The building and property does have a variance for the number of required parking spaces.

c. Complies with all applicable use-specific standards in Article 4: Use Standards;

Response: Below are the responses to the Additional Use Standards in Articles 4

1. Motor Vehicle Sales and Service uses that include service, repair, installation, and/or maintenance shall comply with the following standards:

a. In all Zoning Districts, no service, repair, installation, and/or maintenance shall be made except within garages or other buildings designed for these purposes.

Response: Acknowledged.

b. A type B perimeter buffer shall be provided along all perimeters of the site except where a type C perimeter buffer is required by Section 155.5203.F, Perimeter Buffers;

Response: A type B buffer is proposed as shown on the conceptual site plan.

c. The use shall be designed so that the front facade is in compliance with Section 155.5602.C.7, Fenestration/Transparency.

Response: The front facade is an existing building.

d. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.

Response: Acknowledged.

e. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent right-of-ways.

Response: Acknowledged. Also the property is located at the end of a dead-end street.

f. All vehicles, trucks, and trailers shall be maintained in a condition that they may be moved under their own power at any time except when the boat is under repair in garages, body shops, or other buildings.

Response: The applicant intends to sell only high-end, luxury and exotic vehicles.

g. Vehicles, trucks, and trailers shall not be stored as a source of parts.

Response: Acknowledged.

h. Vehicles, trucks, and trailers that are repaired and awaiting removal shall be stored for no more than 30 consecutive days. Vehicles, trucks, and trailers abandoned by its lawful owner before or during the repair process may remain on site after the 30 day period,

provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle, truck, and trailer from the premises using the appropriate legal means.

Response: Acknowledged.

2. Motor Vehicle Sales and Service uses that include the sale or rental of new or used vehicles, trucks, and trailers shall comply with the following standards:

a. Vehicle, truck, and trailer display pads may be located within a perimeter buffer provided they comply with the following standards:

- i. The use shall not have more than one display pad for every 100 feet of street frontage.
- ii. The display pads shall not exceed 500 square feet in area and may be elevated up to two feet above adjacent displays or grade level.

Response: Acknowledged. The applicant does not intend to place any vehicles in the type B buffer.

b. No vehicle, truck, and trailer shall be displayed on the top of a building.

Response: Acknowledged.

c. Vehicles, trucks, and trailers may be displayed in a vehicular use area provided the parking spaces used for display shall not be eligible for compliance with Minimum Off-Street Parking requirements.

Response: Acknowledged.

d. No materials for sale, other than vehicles, trucks and trailers, shall be displayed between the principal structure and the street.

Response: Acknowledged.

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, storm water management, and police and fire protection;

Response: The outdoor display of high-end, luxury and exotic vehicles will not overburden the existing public facilities. The existing building is already serviced with water and sewer. The property is also located on a dead-end street (off Andrews Avenue).

e. Is appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;

Response: The applicant believes the use is compatible with the surrounding lands. Again, the site abuts Interstate-95 and is surrounded on all other sides by industrially zoned property. The property is located on a dead-end street.

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 outdoor display of high-end, luxury and exotic vehicles will not create any adverse odor, noise glare or vibration on surrounding properties. More noise and vibration is generated by the abutting Interstate-95 than from the parked vehicle.

g. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;

Response: The site will be properly screened with landscaping and/or fencing pursuant to the City's Zoning Code. See conceptual site plan included with the application.

h. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;

Response: There should be no affect to water and air resources. There are no natural resources in the area.

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;

Response: The property is located on an under-utilized dead-end roadway which has access to Andrews Avenue. The site/building already has safe and convenient access and traffic flow to the public right-of-way (SW 8th Street).

j. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district; and

Response: The applicant proposes to make significant improvements to the site and building as part of this application. These improvements should protect and enhance neighboring property values.

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 owners have improved over 60% of the building apart from ground improvements to be aesthetically pleasing. These improvements increased the curb appeal of the structure which brings benefit to neighborhood.**

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

Response: The proposed use and site will comply with all relevant city state and federal laws and regulations. The property does have an existing variance for the required number of parking spaces.

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 feet to a one-half mile radius from the subject site. **Response: The neighborhood surrounding this property has overall benefited from the land improvements performed by the owners. The business has also not had any negative effect on the neighborhood.**

Our office looks forward to discussing the proposed Special Exception request with the Zoning Board of Appeals.

Sincerely,

Paul H. Orr P.E. #64898
NUTEK ENGINEERING LLC
CC: Jonathan Frank, The Auto Toy Store
John Murray, JPM Investment Co. LTD