

Special Exception Narrative
P6 International, LLC

P6 International, LLC ("Applicant") seeks Special Exception approval for the commercial property located at 1321A South Dixie Highway, West ("Property") to engage in the business of a selling liquor as defined in the City of Pompano Beach Land Development Code for use as a "local liquor store" in a B-3 zoning district.

Applicant P6 International, LLC has signed a lease with owner PJA Realty #4, LLC, for the use of the premises located at 1321A S. Dixie Highway, West, for the exclusive use as a LOCAL LIQUOR STORE. Now the emphasis here is on the word "local" as the zoning code provides two types of liquor stores: 1) the larger square footage being a "regional" liquor store §155.4222 K, and 2) the smaller being the "local" liquor store §155.4222 L (see attached code section Exhibit A).

The issue here is the minimum square footage requirements in the code, §155.4222 K requires a number of items, all of which are individual issues, and all of which have been met by this Applicant with the exception of: in the code of ordinances it does matter whether the liquor store is a "regional" store or a "local" store since the minimum square footage requirement is a "regional" store, 7,500 square feet. Apparently the drafters made a distinction as to the minimum amount of square footage between a regional or large supermarket style liquor store from the smaller variety of a local liquor store being the "mom & pop" type of operation that appeals not to a region, but to a local customer base surrounding the location for single-family, condominium, townhouse, and rental apartment residents as the customer base.

Applicant is aware of the square footage being different for the larger regional type store, vs. the small store. As the local store is far smaller in size and scale, therefore the usage, impact and intensity of use in the B-3 zoning district is the far less larger regional store.

In this instance, Applicant has met all of the requirements including the distancing requirement in §155.4501, from schools, churches and other liquor stores. See the attached diagram showing City staff have performed a review of this distancing issue, and finds there to be "NO CONFLICTS" with this application (see Exhibit B).

General Information: The location of this business is at the south end of the City, almost abutting McNab Road which is the south city limits for Dixie Highway in this neighborhood. This neighborhood is not now served nor has been served in the past, by either a local or regional liquor store. This part of Pompano is experiencing a "boom" time expansion with developers buying large tracts of land and rezoning the property within the last ten years and specifically the last five years, adding several hundreds of units within walking distance of this Applicant's location. Since this property is cut off at the east by the Florida East Coast Railway, this application does not impact the residential housing units to the east in Lyon's Park, since there is no way to physically access those residences and businesses as McNab Road terminates its eastern direction at the intersection of the FEC railroad tracks on its east end, and Dixie Highway.

Therefore, there is a large population that is “not currently served” by a local liquor store in the surrounding area. In fact, you would have to drive several miles to the nearest beer and wine store, being Publix on S. Cypress and NW 3rd Street (Racetrack Road) but Publix does not sell liquor at that location. A resident would therefore have to drive a further distance to patronize either a regional or local liquor store. What appears on the Applicant’s survey shows no liquor stores south of Atlantic Blvd., along the Dixie Highway corridor within immediate reception of the residences in this south Pompano area.

Therefore, this constitutes and creates by the very demographics, which impact this area of new and burgeoning residential areas, a “need” for this type of business in this particular area of this very community which is NOT served. It is this “need” that Applicant seeks to satisfy.

Fortunately or unfortunately, there is not economically useful business space in this particular given area for a regional liquor store, and therefore Applicant’s request is for a “local” liquor store, and their location has some 1,400 square feet which shows on its face that will have a small impact in the area it would serve, but serve an area which has a need that is currently not being met or satisfied by a liquor store. The code provides that a local liquor store is allowed to be less the 7,500 square feet

This is exactly what the designers and authors of the zoning code have created by placing this discretion for a “local” store in the hands of the Zoning Board of Appeals, by permitting the ZBA to carefully study the factual situations of this Applicant’s application, and if merit is found, allowing the relief of a Special Exception for approval of less than 7,500 square feet, which Applicant would argue is more attuned to the supermarket style/regional liquor store than a local liquor store, which would serve directly an adjacent residential community.

Applicant meets all other City zoning and planning requirements in filing this application in attempting to establish this “local” liquor store at the identified location, and seeks the Board’s approval of its application for a Special Exception, so this need and demand for a local liquor store that is convenient and where the residents do not have to travel a number of miles to obtain this product is met.

History: This neighborhood is unusual because there is immediately across the street from this location on the west side of Dixie Highway which travels in a 3-lane dedicated south bound configuration, new and burgeoning residential areas, as this particular area has not been well populated in the past, and has had a sprinkling of single-family homes and trailer parks which have now been removed in exchange for a number of multi-family housing projects. Dixie Highway East comprises the northbound lanes abuts the FEC railroad tracks and this area is abutted on the south by veterinarian hospital, and on both sides and to the north by various industrial I-1, B-4 and B-3 uses including plumbing supply wholesale, wholesale lumber, warehousing and other utility-type installation businesses north to Atlantic Blvd. There is a predominance of auto-oriented repair facilities including paint and body shops, garages, auto parts shops to the north along

Dixie Highway and in the median. By granting this application, a local liquor store would be a nice fit as Applicant is not asking to have one placed inside a residential neighborhood, but segregating it with other B-3, B-4 and I-1 uses with plenty of access either by motor vehicle or on foot, to the new residences which lie on the west side of Dixie Highway. The zoning code by its very nature, anticipates a smaller square footage for a local liquor store (see Exhibit A).

Zoning Code Criteria. §155.4225 C (1) of the zoning code sets out the following review standards for Special Exceptions:

a. Is consistent with the Comprehensive Plan;

The Comprehensive Plan is compatible with this use and this use is compatible with the Comprehensive Plan. The very fact that this use is a permitted use for the sale of alcoholic beverages in B-3, with or without a Special Exception is proof of that fact. In this circumstance, a Special Exception is permitted if the square footage is less than the required square footage, and the Zoning Board of Appeals deems there is merit in Applicant's design and application.

b. Complies with all applicable zoning district standards;

This property complies fully with the B-3 zoning district as set forth in §155.4222 K. It fits the standard as set forth for this type of sale and service with a Special Exception.

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

This property was constructed many years ago and is likely 40-50 years old, having existed on this site with several small businesses and the same type of strip-store and warehousing complex. According to the zoning code, this property has been used over and over again for retail sales uses in a B-3 district, and because of its age, is likely grandfathered in for issues such as lot coverage, ingress, egress, parking, paving, drainage, landscaping, site appearance and signage have been satisfied many years ago. This site meets the requirements of Article 4. Applicant has had a recent review in an attempt to acquire a Zoning Use Certificate by the City (see attached – see bottom of page 1, filled out by reviewer showing the property complies with the zoning code with the exception of the square footage which can be cured with the granting of a Special Exception). This review is current and timely, and is dated August 31, 2020. This is no outdoor storage on this site. See attached exhibit showing the two principals Sherly Moroncy and Elie Petiote are the corporate principals and the company's corporate status is current. See Exhibit B – Alcoholic Beverage Establishment showing the approximate location of the proposed use showing radius circles of 300' and 1,000' where there are no schools, churches or other liquor establishments within that area; and it further shows the buffer to the east of the FEC railway and the buffer to the west being I-95.

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, stormwater management and police and fire protection;

The proposed use of a retail local liquor store will not overburden the available capacity of existing public facilities and services. Applicant is unaware any public facilities that would be overburdened by the proposed local liquor store type uses at this location, and refer the Board to Exhibit showing the aerial of the proposed location on South Dixie Highway, West. Because of the location of this property, it abuts the aforementioned residential clientele and shows its proximity within walking distance to the new and future residential development.

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. 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;

As mentioned in the general statement above, and in the previous questions, the general character of the neighborhood lands consist of a wide variety of commercial and industrial uses, with assorted I-1, B-3 and B-4 uses in the surrounding area, with residential uses abutting this property to the west and north. There will be more than adequate parking on this site provided and between the existing businesses. This particular use is extremely compatible and a less intense use than the surrounding uses of the neighborhood and buildings. This particular use is in harmony with the population density, intensity, character of activity, traffic and parking conditions and is ideal for the granting of a Special Exception use in this neighborhood.

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;

This particular business and site will only be open and operate during normal business hours and is consistent or better than other types of establishments along the Dixie Highway Corridor. Property is located in an area as above described and characterized, with I-95 as the buffer on the west side and the FEC railway as the buffer on the east side, with both 3-lanes in each direction of Dixie Highway, north and south. In the medians are these larger commercial uses, separating the two roadways and this particular location for this use backs up against a residential neighborhood, which it hopes to serve. This specific use avoids significant adverse odor, noise, glare, and vibration impacts on the surrounding lands regarding refuse collection, service delivery and parking loading and unloading, signage, lighting and other site requirements.

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

As mentioned above, this property is completely compatible and/or specifically advantageous for the stated purpose of a local liquor store, and provides easy ingress

and egress from both directions of Dixie Highway and to the residential to the west. It is extremely compatible with the I-1, B-3 and B-4 neighbors including the residential to the west.

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

The proposed use will not cause any deterioration of water, air resources, scenic resources or other natural resources. The property use is a completely enclosed one-story facility, and is less intense than other uses and surrounding properties.

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;

The ingress and egress of this property are through the parking lot and front door facing east and is easily accessible from Dixie Highway, and the surrounding residential neighborhood, adjacent to and west of this site. This property has been constructed many years ago and has previously been approved by the City, Sheriff, Fire Plans Review, and is ideal for this specific purpose.

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

This use is consistent with existing uses in the surrounding area and will not negatively impact the property values of neighboring lands or the ability to develop other uses permitted in this zoning district. The investment made by Applicant is and will be more substantial, and outpaces the investments and various mixed uses of surrounding properties on its east side, north and south on Dixie Highway, West and East.

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;

As stated above, this application clearly and definitively states the “need” for this use and the granting of this Special Exception. Need being one of the principal requirements, it can be clearly seen that there is no liquor store competition anywhere in the surrounding area, from Powerline Road to the west and west of Powerline, to the east bounded by the FEC railway, which serves as a barrier, and none to the south outside the city limits past McNab Road, and to the north to Atlantic Blvd. There are just no liquor stores available to the public in this area, and a resident would have to drive several miles to obtain alcoholic beverages, which is this application is granted, this need would be fulfilled by the establishment of this business at this site. This site is an excellent fit for this application, and although small in nature, this local liquor store would be in harmony the residential customers and consumers to the west, and those travelling along Dixie Highway going south. Applicant has made a demographic examination of the area, which is the first key to planning a successful business venture, and thusly in their survey, have

established that there is a need, and this is why they are willing to make this financial investment and satisfy that need at this location. It is unlikely that additional square footage would add anything of value to this business if it were 7,500 square feet or more, but its intensity would only have a greater impact which might be in a negative sense with a regional liquor store or larger liquor store at this location, and it is just not economically viable to have a regional liquor store at this location in the city. The City Commission in its wisdom have allowed the Zoning Board of Appeals to examine application after application, for a Special Exception so a local liquor store, by its very nature requiring less than 7,500 square feet can locate in an area which has no such service and allow that service to benefit and community. This is exactly the need and application which Applicant is making for this location and a request for a Special Exception.

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

The property now complies with all relevant City, State and Federal laws and regulations, and shall do so in the future. This site has approved site plan, and will be under the scrutiny of the State of Florida alcohol beverage control officials, in inspecting the location and granting a license and making sure all of the requirements are valid. If this application is granted, Applicant will refile its request for a Zoning Use Certificate, and at that time, anticipates there will be no inspection issues with any of the disciplines including the Fire Department which due to communication and time restraints when the Zoning Use Certificate was reviewed, coordination was not available. The business cannot open until the Fire Department makes its inspection, and the property satisfied all of those requirements. Therefore, the granting of this Special Exception will have a number of reviews in the future. All of the relevant City, State and Federal laws and regulations will have to be satisfied and complied with before this business is allowed to open its doors for the first time.

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 ft. to a one-half mile radius from the subject area

As mentioned many times in this application rationale, this specific B-3 “mom & pop” type business, is a good fit with the neighboring residential area, and the ever expanding residential area, and will fit the need and convenience for that purpose and will serve as a companion business with other small businesses that will be able to move into this area to serve that expanding residential population. In this area, several trailer parks have been removed, and new construction has provided many hundreds of new housing units which are in the same neighborhood and will be “positively” affected by having this specific type of “local” liquor store service. See Exhibit B for proximity of the city search, and compatibility with the 300’ and 1,000’ radiuses which demonstrates the compatibility and agreement with the local zoning codes for this type of use.

This specific use meets the City’s Comprehensive Plan and Future Land Use Elements, Goals, Objectives and Policies of the City.