



Staff Report

File #: LN-159

Zoning Board of Appeals
Meeting Date: July 15, 2021

MAJOR TEMPORARY PERMIT - U-HAUL OF FLORIDA

Request: Major Temporary Permit
P&Z# 21-15000004
Owner: U-Haul Company of Florida
Project Location: 1120 NE 48 Street
Folio Number: 484213010023
Land Use Designation: I- Industrial
Zoning District: I-1 (General Industrial)
Agent: Heidi Davis Knapik - Gunster
Project Planner: Daniel Keester-O'Mills

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 utilize an existing building and lot for Automobile and Light Truck and Trailer Rental with Self-Storage and accessory Retail Sales without complying with the applicable development standards as required by Code.

The Applicant Landowner is requesting a Major Temporary Permit from the provisions of section 155.4219(A) (2) [Standards Applicable to Motor Vehicle Sales and Service Uses] of the City of Pompano Beach Zoning Code in order to utilize an existing building and lot for Automobile and Light Truck and Trailer Rental without complying with the applicable use standards as required by Code.

The property is located at the southeast corner of N Dixie Highway and NE 48th Street.

I. ZONING REGULATIONS

155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

A. Standards Applicable to Motor Vehicle Sales and Service Uses

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.

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](http://library.amlegal.com/nxt/gateway.dll?f=javascript&f=javascript&x=Advanced&jump_vpc=first&jump_xsl=querylink.xsl&jump_sel=title;path;content-type;home-title;item-bookmark&jump_d=florida(pompanobeach_zoning)&jump_q=%5bfield%20folio-destination-name:'155.5203.F'%5d&jump_md=target-id=JD_155.5203.F>) <[http://library.amlegal.com/nxt/gateway.dll?f=javascript&f=javascript&x=Advanced&jump_vpc=first&jump_xsl=querylink.xsl&jump_sel=title;path;content-type;home-title;item-bookmark&jump_d=florida\(pompanobeach_zoning\)&jump_q=%5bfield%20folio-destination-name:'155.5203.F'%5d&jump_md=target-id=JD_155.5203.F>](http://library.amlegal.com/nxt/gateway.dll?f=javascript&f=javascript&x=Advanced&jump_vpc=first&jump_xsl=querylink.xsl&jump_sel=title;path;content-type;home-title;item-bookmark&jump_d=florida(pompanobeach_zoning)&jump_q=%5bfield%20folio-destination-name:'155.5203.F'%5d&jump_md=target-id=JD_155.5203.F>)>, Perimeter Buffers;

c. The use shall be designed so that the front façade is in compliance with Section [155.5602.C.7](http://library.amlegal.com/nxt/gateway.dll?f=javascript&f=javascript&x=Advanced&jump_vpc=first&jump_xsl=querylink.xsl&jump_sel=title;path;content-type;home-title;item-bookmark&jump_d=florida(pompanobeach_zoning)&jump_q=%5bfield%20folio-destination-name:'155.5602.C.7'%5d&jump_md=target-id=JD_155.5602.C.7>) <[http://library.amlegal.com/nxt/gateway.dll?f=javascript&f=javascript&x=Advanced&jump_vpc=first&jump_xsl=querylink.xsl&jump_sel=title;path;content-type;home-title;item-bookmark&jump_d=florida\(pompanobeach_zoning\)&jump_q=%5bfield%20folio-destination-name:'155.5602.C.7'%5d&jump_md=target-id=JD_155.5602.C.7>](http://library.amlegal.com/nxt/gateway.dll?f=javascript&f=javascript&x=Advanced&jump_vpc=first&jump_xsl=querylink.xsl&jump_sel=title;path;content-type;home-title;item-bookmark&jump_d=florida(pompanobeach_zoning)&jump_q=%5bfield%20folio-destination-name:'155.5602.C.7'%5d&jump_md=target-id=JD_155.5602.C.7>)>, Fenestration/Transparency.

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

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.

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.

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

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.

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.

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

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.

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

M. Automobile and Light Truck Rental

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

An automobile/light truck rental use consists of premises on which automobiles and light trucks in operating condition are displayed for rental.

U. Heavy Truck/Recreational Vehicle/Trailer Rental

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
														S	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 heavy truck/recreational vehicle/trailer rental use consists of premises on which heavy trucks, recreational vehicles, and trailers in operating condition are displayed for rental.

II. PROPERTY INFORMATION

1. Owner's Representative: Heidi Davis Knapik
2. The subject property does not have any open code compliance cases.
3. The subject property was annexed into the City of Pompano Beach by House Bill 1779, in September 2000.
4. The subject property has one permit for tree removal (BP # 18-6844) that is not closed.
5. The subject property has maintained active business tax receipts for the following classifications since 2016: (1) VEHICLE LEASE/RENT CARS, TRUCKS, RV'S; (2) MERCHANTS-RTL \$10,000.01 TO \$20,000.00; and (3) RENTALS-EQUIPMENT.
6. Development Applications:
 - a. On February 18, 2016, the Zoning Board of Appeals granted the Applicant Landlord a Temporary Permit (Appeal #15-15000014) to utilize an existing building and lot for Automobile and Light Truck and Trailer Rental and accessory Retail Sales without complying with the applicable development and use standards as required by Code.
 - i. The development order was granted subject to 6 conditions. One of those conditions was to submit for site plan approval within 6 months of the Temporary Permit.
 - ii. A site plan application was submitted (P&Z: 16-12000059) and presented to the members of the Development Review Committee (DRC) at a "Pre-Application Meeting," but the plans never moved forward.
 - iii. The site plan is considered inactive, due to length of time that has elapsed since they were originally reviewed.
 - b. On February 15, 2018, the Zoning Board of Appeals granted the Applicant Landlord a Temporary Permit (Appeal #17-15000017) to continue to utilize the building/ lot without complying with the development standards.
 - i. The development order was granted subject to one condition. The condition was

- to, again, submit for site plan approval within six months of the Temporary Permit.
- ii. A site plan application was submitted (P&Z: 18-12000032), and presented to the DRC at a Pre-Application Meeting. They met with staff to review the conceptual plan, but the project did not advance or receive final approvals.
- iii. The site plan is considered inactive, due to length of time that has elapsed since they were originally reviewed.
- c. On June 8, 2021, a new conceptual site plan was reviewed by the DRC at a Pre-Application Meeting (P&Z: 21-12000027). The Applicant was advised that the Temporary Permits had expired.

III. LAND USE PATTERNS

- A. Subject property (Zoning / Existing Use): - I-1 (General Industrial District) / Automobile and Light Truck and Trailer Rental and accessory Retail Sales
- A. Surrounding Properties (Zoning District / Existing Use):
 - a) North - I-1 (General Industrial District) / Wholesale Merchant (ABC Supply Co.)
 - b) South - I-1 (General Industrial District) / Warehouse/ Distribution Center (Under Construction)
 - c) East - I-1 (General Industrial District) / Marine/Boat Repair and Servicing
 - d) West - C-1c (Deerfield Beach Zoning) / Gas Station and Convenience Store

TEMPORARY USE PERMIT REVIEW STANDARDS

- A. 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 that the Applicant has met the necessary prerequisites for the granting a Major Temporary Permit, Staff requests the Board include the following conditions as a part of their order:

- 1. Close out and final or withdraw open permit (BP # 18-6844).
- 2. Obtain site plan approval within four (4) months of this approval.
- 3. Obtain all necessary governmental permits and approvals within six (6) months.