



## Legislation Details (With Text)

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**Title:** APPELLATE REMAND TO APPROVE  
 KAJA PROPERTIES - ORDER GRANTING CERTIORARI

**Sponsors:**

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**Attachments:** 1. Agreed Order Granting Cert\_Kaja Properties v COPB.pdf, 2. 06.18.2024 ZBA Public Notice\_23-17000007.pdf, 3. 01.18.2024 Applicant PP Presentation.pdf, 4. 00\_Updated Staff Report\_11.16.2023.pdf, 5. 11.16.0223\_Updated Site Plan.pdf, 6. 11.16.2023\_Updated Landscape Plan.pdf, 7. 11.16.2023\_ECW Presentation ZBA Rehearing Request.pdf, 8. 11.16.2023\_FDOT Meeting Summary Email.pdf, 9. 11.16.2023\_Peak Hour Exhibit.pdf, 10. 11.16.2023\_Rehearing Request.pdf, 11. 11.16.2023\_Traffic Impact Statement.pdf, 12. 11.16.2023\_Video Files.pdf, 13. 11.16.2023\_Pompano Queuing Study.pdf, 14. 11.16.2023\_FDOT Pre-App Letter.pdf, 15. 11.16.2023\_ZBA Public Notice\_23-17000007.pdf, 16. 09.21.2023\_Staff Report\_23-17000007.pdf, 17. 09.21.2023\_00\_Application-OwnersCert\_23-17000007.pdf, 18. 09.21.2023\_01\_Narrative\_23-17000007.pdf, 19. 09.21.2023\_02\_Survey pg 1\_23-17000007.pdf, 20. 09.21.2023\_02\_Survey pg 2\_23-17000007.pdf, 21. 09.21.2023\_03\_Plat\_23-17000007.pdf, 22. 09.21.2023\_04\_Site Plan\_23-17000007.pdf, 23. 09.21.2023\_05\_Landscape Plan\_23-17000007.pdf, 24. 09.21.2023\_06\_Feasibility Analysis Report\_23-17000007.pdf, 25. 09.21.2023\_07\_Hialeah Queuing Study\_23-17000007.pdf, 26. 09.21.2023\_08\_Queueing Exhibit\_23-17000007.pdf, 27. 09.21.2023\_09\_Vacuum Sound Data\_23-17000007.pdf, 28. 09.21.2023\_10\_Common Noise Levels - INAD\_23-17000007.pdf, 29. 09.21.2023\_11\_Neighborhood Meeting Summary\_23-17000007.pdf, 30. 09.21.2023\_12\_ECW Company Overview\_23-17000007.pdf, 31. 09.21.2023\_13\_Building Size Exhibit\_23-17000007.pdf, 32. 09.21.2023\_Legal Description\_23-17000007.pdf, 33. 09.21.2023\_23-17000007 Aerial Map.pdf, 34. 09.21.2023\_ZBA Public Notice\_23-17000007.pdf, 35. 09.21.2023\_Fire Memo 23-17000007.pdf

Date	Ver.	Action By	Action	Result
2/15/2024	1	Zoning Board of Appeals		
1/18/2024	1	Zoning Board of Appeals		
12/14/2023	1	Zoning Board of Appeals		
11/16/2023	1	Zoning Board of Appeals		
9/21/2023	1	Zoning Board of Appeals		DENIED

Zoning Board of Appeals  
Meeting Date: June 18, 2024

### APPELLATE REMAND TO APPROVE KAJA PROPERTIES - ORDER GRANTING CERTIORARI

**Request:** Special Exception  
**P&Z#** 23-17000007  
**Owner:** Kaja Properties Inc.

**Project Location:** 3685 N Federal Highway  
**Folio Number:** 484318010100  
**Land Use Designation:** C- Commercial  
**Zoning District:** General Business (B-3)  
**Agent:** Paola West  
**Project Planner:** Scott Reale

**Summary:**

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4219(H)(1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: B-3) for a Car Wash.

The property is located on the west side of N Federal Highway between Sample Road and NE 39<sup>th</sup> Street. The parcel is considered a “through-lot” with NE 18<sup>th</sup> Terrace abutting the west lot line.

**ZONING REGULATIONS**

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

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**H. Car Wash or Auto Detailing**

**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	S

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 car wash or auto detailing use is an establishment providing the washing of the exterior of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes. Interior cleaning and/or drying may be conducted manually by vehicle operator or on-site attendants. Interior cleaning and/or drying may be conducted manually by the vehicle operator or on-site attendants.

**3. Standards**

A car wash or auto detailing use shall comply with the following standards:

- a. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
- b. No overhead doors shall face the front lot line.
- c. Each lane shall be covered with a permanent canopy which shall have a maximum clearance height of 14 feet above grade, except where state or federal law requires a higher clearance.

**PROPERTY INFORMATION AND STAFF ANALYSIS**

- 1. The applicant is proposing to demolish the existing buildings on the subject property and redevelop the site with a drive-thru car wash facility containing a 4,902 sq ft enclosed building area, 11 vacuum stations, and associated parking and landscaping. Car washes require Special Exception approval in the B-3 zoning district. A Pre-Application Meeting - PZ #23-12000036 - was held on 8/8/2023 to discuss the conceptual site plan for the car wash.
- 2. This Special Exception application was first heard by the ZBA on 9/21/2023, where the Board voted to deny the car wash use. (Two Board members voted in opposition to the use; four Board members voted in support of the requested use.) However, an associated Variance application, PZ #23-11000018, was granted, in order to allow

drive-through service to be located less than 100 feet from a residential zoning district.

3. On 10/19/2023, the Board granted a rehearing request for the Special Exception, after the applicant presented new evidence that not readily available at the 9/21/2023 meeting, including a FDOT meeting summary, additional queuing study, and a Traffic Impact Statement. Additionally, the conceptual site plan has been modified to provide an additional means of egress along NE 18<sup>th</sup> Terrance on the west side (rear) of the property, which previously was intended to be used only for emergency/fire access. Staff believes the secondary means of egress may help to reduce congestion along N Federal Highway, which was one of the main concerns of the Board at the initial public hearing.
4. The property immediately to the south is a Wawa convenience store and gas station; the property to the north is a tire and auto repair business; and the property north of that was recently approved by the ZBA for automobile parts sales with installation for wrapping vehicles with vinyl in an enclosed facility. Thus, it does not seem out of character for an automotive related use to operate at this site.
5. If the Special Exception is approved, the property will require Site Plan and Building Design review.

### **LAND USE PATTERNS**

Subject property (Zoning District | Existing Use):

- B-3 | empty building

Surrounding Properties (Zoning District | Existing Use):

- North: B-3 | tire and auto repair
- South: B-3 | convenience store and gas station (Wawa)
- West: RM-12 | nonprofit/exempt (Pompano Beach Power Squardon)
- East: B-2A (Lighthouse Point) | multi-tenant shopping center

### **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 Site Plan, Building Design, and Zoning Use Certificate and Business Tax Receipt for the use.
2. Close out all open building permits.
3. Substantial compliance with the updated conceptual site plan submitted with this application.
4. No operation associated with the use shall occur in a manner that impedes the normal free flow of vehicular or pedestrian traffic on adjacent rights-of-way, i.e. N Federal Highway and NE 18<sup>th</sup> Terrace.