



## Legislation Details (With Text)

**File #:** LN-515      **Version:** 1      **Name:**  
**Type:** ZBA Submission      **Status:** Passed  
**File created:** 8/31/2023      **In control:** Zoning Board of Appeals  
**On agenda:** 9/21/2023      **Final action:** 9/21/2023  
**Title:** SPECIAL EXCEPTION - GMD Investment Properties LLC

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Report\_23-17000008.pdf, 2. 00\_Application-OwnersCert\_23-17000008.pdf, 3. 01\_Narrative\_23-17000008.pdf, 4. 02\_Survey\_23-17000008.pdf, 5. 03\_Site Plan\_23-17000008.pdf, 6. 04\_Landscape Plan\_LP-1\_23-17000008.pdf, 7. 04\_Landscape Plan\_LP-2\_23-17000008.pdf, 8. Applicant's ZBA Presentation 9.21.23.pdf, 9. Legal Description\_23-17000008.pdf, 10. 23-17000008 Aerial Map.pdf, 11. ZBA Public Notice\_23-17000008.pdf, 12. Code Violation 23-09001274.pdf, 13. Fire Memo 23-17000008.pdf

Date	Ver.	Action By	Action	Result
9/21/2023	1	Zoning Board of Appeals	APPROVED	

Zoning Board of Appeals

Meeting Date: September 21, 2023

### SPECIAL EXCEPTION - GMD Investment Properties LLC

**Request:** Special Exception  
**P&Z#** 23-17000008  
**Owner:** GMD Investment Properties LLC  
**Project Location:** 2401 NW 24 Avenue  
**Folio Number:** 484228010431  
**Land Use Designation:** I- Industrial and C- Commercial  
**Zoning District:** General Industrial (I-1) and General Business (B-3)  
**Agent:** Matthew Scott  
**Project Planner:** Scott Reale

### Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4228(A) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the portion of the subject property that is zoned I-1 for Outdoor Storage (as a principal use).

The property is located along the north side of Martin Luther King Jr. Blvd. and on the west side of NW 24<sup>th</sup>

Avenue, about ¼ mile west of Powerline Road.

## **ZONING REGULATIONS**

### **155.4228. INDUSTRIAL: WAREHOUSING AND FREIGHT MOVEMENT USES**

...

#### **A. Outdoor Storage (as a principal use)**

##### **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

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		S	P										P			

##### **2. Definition**

Outdoor storage as a principal use is the keeping, in an area that is not totally and permanently enclosed, of any finished goods, material, merchandise, boats, or vehicles in the same place for more than 24 hours, where such storage is the principal use of a lot. This use does not include a junkyard or salvage facility or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

##### **3. Standards**

Outdoor storage as a principal use shall comply the following standards:

###### **a. Perimeter buffer and screening standards**

i. The area(s) used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight feet high in accordance with Section 155.5302, Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall .

ii. Perimeter buffers in accordance with Section 155.5203.F, Perimeter Buffers, shall be provided between the outdoor storage area(s) and the site's boundaries, with a type C buffer provided between an outdoor storage area and the front lot line, a type B buffer provided between an outdoor storage area and any side or rear lot line adjoining a street, and a type A buffer provided between an outdoor storage area and any other side or rear lot line.

###### **iii. Development Existing on or Before April 27, 1999.**

(A) Existing properties. Lawfully existing outdoor storage established prior to 1999, or lawfully existing outdoor storage established prior to annexation without a landscape plan approved on record shall comply with the perimeter buffer and screening standards of this section. Submission and approval of a landscape plan shall be required for compliance with this section. Upon compliance said outdoor storage facility shall be deemed a lawfully existing special exception use:

(1) A fully-opaque fence may be substituted for the wall where required.

(2) Any lot on public record prior to June 25, 1991, that is 100 feet or less in width may provide a five-foot wide perimeter buffer between an outdoor storage area and an interior side or street side lot line.

(3) Buffer and screening standards shall not apply to a property line abutting an active railroad siding servicing the property.

(4) Street trees shall be provided as required by the landscape ordinance.

b. Any repair of equipment shall be conducted on a paved surface or within an enclosed building.

c. All areas used for outdoor storage shall have a surface that avoids dust and safeguard groundwater.

d. If the outdoor storage area is covered, the covering shall include at least one of the predominant exposed roofing colors on the primary structure.

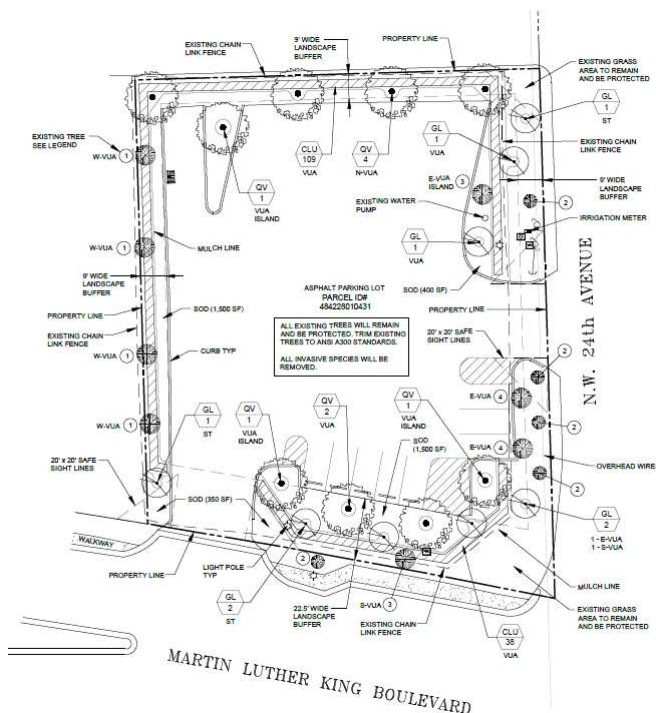
e. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

f. Materials shall not be stored higher than the height of the screening.

- d. All areas used for outdoor storage shall have a surface that avoids dust and safeguard groundwater.

## **PROPERTY INFORMATION AND STAFF ANALYSIS**

1. The subject property has an approved site plan on file via PRA No. 99-2756 for a parking lot. BTR records show a charter bus service operated from the site through 2017, but there has not been a business with a valid BTR since that time.
2. The applicant seeks approval to operate a business on the 0.59-acre site that provides storage containers to area construction sites. Empty containers and trucks used to deliver the containers will be stored on the subject property. Because there is no principal building on the site and because most of the site will be utilized for this purpose, the use is considered Outdoor Storage as a Principal Use, which requires Special Exception approval in the I-1 zoning district.
3. Note that the site has split zoning. While most of the subject property is zoned I-1, the southernmost portion fronting Martin Luther King Jr. Blvd. is zoned B-3, which prohibits outdoor storage. Therefore, if the Special Exception is granted, the outdoor storage area may only be located within the portion of the site zoned I-1. The applicant's narrative, conceptual site and landscape plans suggest this configuration will be honored. Plans show much of the portion of the site zoned B-3 will be heavily buffered, obscuring views from MLK Blvd.





4. Although the site has existing curb cuts along both MLK and NW 24<sup>th</sup> Avenue, the applicant's narrative states vehicles will enter and exist along NW 24<sup>th</sup> Avenue, which should help keep traffic flowing along MLK.
5. The surrounding uses are predominately industrial including but not limited to outdoor storage, so the use suggests compatibility with existing development patterns.
6. The applicant has indicated they intend to seek a Minor Administrative Adjustment to reduce the required landscape buffers along the west, north, and east lot lines by 10% (from 10 ft to 9 ft).

### **LAND USE PATTERNS**

Subject property (Zoning District | Existing Use):

- I-1 and B-3 | parking lot

Surrounding Properties (Zoning District | Existing Use):

- North: I-1 | hauling service (Coastal Waste & Recycling)
- South: B-3 | commercial / retail plaza
- West: I-1 | hauling service (Coastal Waste & Recycling)
- East: B-4 and I-1 | outdoor storage

### **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 Zoning Use Certificate and Business Tax Receipt for the use.
2. Close out all open Building Permits.
3. Outdoor storage shall be strictly limited to the area of the site zoned I-1. Outdoor storage is prohibited in the B-3 area of the subject property.
4. Substantial compliance with the conceptual site plan and landscape plan submitted with this application. Permit plans shall indicate fence/wall height and type, and where outdoor storage will be staged. Permit plans shall provide parking islands on the end of each parking row and include continuous curbing throughout vehicular use area.
5. Compliance with all outdoor storage screening standards. Materials shall not be stored higher than the height of the screening. Applicant shall successfully obtain relief of the proposed 1 ft reduction in the required 10 ft landscape buffer width along the north, east, and west lines, or submit plans that fully comply with perimeter buffer and screening standards for principal outdoor storage.