



Legislation Text

File #: LN-564, Version: 1

Zoning Board of Appeals
Meeting Date: February 15, 2024

SPECIAL EXCEPTION - AG-TREP POMPANO PROPERTY OWNER LLC

Request: Special Exception
P&Z# 24-17000001
Owner: Ag-Trep Pompano Property Owner LLC
Project Location: 2240 NW 22 Street
Folio Number: 4842 28 10 0100
Land Use Designation: I- Industrial
Zoning District: General Industrial (I-1)
Agent: Tess Cavellier
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 City’s Zoning Code in order to utilize the subject property (Zoning District: I-1) for Outdoor Storage (as a principal use) for overnight parking of trucks associated with a truck driver training institute.

The property is located on the south side of NW 22nd Street, approximately 750 feet west of N 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 applicant is proposing a truck driver training institute on the subject property, which is located in a mostly industrial area off of Powerline Road known as Power Park. Overnight storage of semi-tractor trailer trucks used for onsite training is part of the business model, and that is what triggers the need for a Special Exception.
2. The subject property was annexed into Pompano Beach in 1983 as part of House Bill 923. There have been a variety of uses throughout the years, including a truck parking lot and a construction yard; however, because these uses have discontinued, and because there has not been an active Business Tax Receipt since 2020, a new Special Exception is required.
3. The property obtained site plan approval in 1996 (PRA No. 96-0143) for trucking; however, most of the required improvements were never completed. Similarly, a Variance was granted in 2015 (PZ #15-11000030) in order to allow a 5 ft landscape strip between a building and the vehicular use area, rather

than provide an 8 ft landscape strip as per code. However, the approval was conditioned on the implementation of Site Plan application PZ #15-12000069, which never obtained a development order. Therefore, the Variance is null and void.

4. The property has an active code case with Building Safety Compliance (Case #22-06006271) related to the previous tenant. However, the current landowner is addressing these issues through BP #23-9194 which is currently in plan review.
5. If the Special Exception is approved, the site will require compliance with perimeter buffer and screening standards for principal outdoor storage, as well as an overall minimum 20% pervious area, consistent with I-1 zoning district standards.
6. Staff finds the proposed use to be appropriate and compatible with the surrounding neighborhood, and the closest residential district is over half a mile away.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- I-1 | former truck parking lot and construction yard

Surrounding Properties (Zoning District | Existing Use):

- North: I-1 | contractor's office
- South: I-1 | Bridge Point industrial/warehouse
- West: I-1 | pervious area for Bridge Point industrial/warehouse
- East: I-1 | merchant/wholesale/fabrication

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 a Building Permit and Zoning Compliance Permit for the required improvements, and a Zoning Use Certificate and Business Tax Receipt for the use.
2. Close out Building Safety Compliance Case #22-06006271.
3. Building permit plans shall comply with all use-specific standards for outdoor storage as a principal use, including perimeter buffer and screening standards, and maintain an overall minimum 20% pervious area on the site.