

Legislation Text

File #: LN-545, **Version:** 1

Zoning Board of Appeals
Meeting Date: December 14, 2023

MAJOR TEMPORARY USE PERMIT - 20 NORTH OCEANSIDE OWNER LLC

Request: Major Temporary Use Permit
P&Z# 23-15000012
Owner: 20 North Oceanside Owner LLC
Project Location: 20 North Ocean Blvd.
Folio Number: 484331450010
Land Use Designation: C- Commercial
Zoning District: General Business (B-3)/Planned Commercial Development (PCD)/Atlantic Boulevard Overlay (AOD)
Agent: Andrea Harper
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting a Major Temporary Permit from the provisions of Chapter 155: Article 4 [Use Standards] and Article 5 [Development Standards] of the Pompano Beach Zoning Code in order to temporarily utilize a parcel for a sales center with associated parking and landscaping without complying with the applicable use and development standards as required by Code.

The property is located at the northeast corner of the intersection of A1A (N Ocean Blvd) and E Atlantic Blvd.

PROPERTY INFORMATION

1. The subject property, sometimes referred to as Oceanside Parcel "A", is currently leased to the City for public parking. The property has entitlements for a 24-story building consisting of 77 dwelling units and 303 hotel units, as per rezoning Ord. No. 2006-38, in conjunction with Site Plan PZ #06-12000032 and Major Building Design PZ #15-12100040. The approvals have remained active through a combination of Interim Use Permits, City Resolutions, and tolling and extension of development orders via States of Emergency issued by the Governor through Executive Orders.
2. The applicant is seeking approval to temporarily utilize the northern portion of the site to erect a +/- 6,132 sq ft sales center, along with 17 parking spaces and associated landscaping. Access to the site will be from an existing curb cut along A1A. The ZBA has approved a number of Temporary Use Permits for sales centers on the barrier island in recent years.
3. The applicant's narrative states the sales center will be required for approximately 12 months while the aforementioned development goes through building permit approval. The southern portion of the site is expected to remain as public parking, subject to an updated lease agreement between the City and landowner.

LAND USE PATTERNS

Subject Property (Zoning | Existing Use): B-3/PCD/AOD | parking lot

Surrounding Properties (Zoning | Existing Use):

- North: B-2/RM-45 HR/AOD | parking lot
- South: B-3/PCD/AOD and B-2/AOD | parking lot (part of existing site) and various retail/commercial (south side of Atlantic Blvd)
- East: RM-45 HR/AOD | multi-family residential (Sea Monarch Condo)
- West: B-3/PCD/AOD | parking lot and multi-family residential (Plaza at Oceanside)

TEMPORARY USE PERMIT REVIEW STANDARDS

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 the applicant has provided competent substantial evidence sufficient to satisfy the seven Major Temporary Use Permit review standards, staff requests the Board include the following conditions as part of the Order:

1. Obtain all necessary governmental approvals, including building, tree, and zoning compliance permits.
2. Substantial compliance with conceptual site plan submitted with this application.
3. Provide hedges and basic landscaping around the sales center and parking area, to be approved by the city's Urban Forester.
4. If permits for the associated development are not obtained prior to expiration of this Temporary Use Permit, applicant must reapply for a new Temporary Use Permit or remove sales center and replace affected area with drought resistant sod.