

Legislation Text

File #: LN-535, **Version:** 1

Zoning Board of Appeals
Meeting Date: November 16, 2023

MAJOR TEMPORARY USE - 1380 OCEAN ASSOCIATES LLC

Request: Major Temporary Use
P&Z# 23-15000009
Owner: 1380 Ocean Associates LLC
Project Location: 1381 S Ocean Blvd
Folio Number: 494306580020
Land Use Designation: H-High 25-46 DU/AC
Zoning District: Planned Development - Infill (PD-I)
Agent: Tabitha Poche
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 City of Pompano Beach Zoning Code in order to temporarily utilize a vacant lot (Zoning District: PD-I) for off-site construction trailers without complying with the applicable use and development standards as required by Code.

The subject property is located on the west side of A1A (S Ocean Boulevard), approximately 500 feet north of Terra Mar Drive.

PROPERTY INFORMATION

1. The subject property is part of an approved Master Planned Development for Ritz Carlton Residences along the east and west sides of A1A. City Commission approved the PD-I rezoning application on 4/24/2018 (Ord. No. 2018-54) and the associated Major Site Plan (PZ: 18-12000019) was approved by the Planning & Zoning Board (PZB) on 8/22/2018, along with two subsequent Minor Deviations approved by the Development Services Director. The Development Orders remain active through 2024 through a series of executive orders. Building permits are in plan review for the parcel on the east side of A1A, but since there are no active building permits on the west parcel, the code requires a Major Temporary Use Permit for construction trailers. The ZBA approved a Temporary Use Permit for essentially the same request on the same parcel in May of 2022; however, since TUPs are valid for a maximum of one year and cannot be extended, this new TUP application is being presented to the ZBA to permit offsite construction trailers. Once building permits are pulled for the approved development on the west parcel, the construction trailers will no longer require a Major Temporary Use Permit. Access to the site will be through an existing curb cut along A1A.

LAND USE PATTERNS

Subject Property (Zoning | Existing Use): PD-I | vacant parcel

Surrounding Properties (Zoning | Existing Use):

- North: RM-45 | Independent and Assisted Living Facility (Fire Star Premier Residences of Pompano Beach)
- South: RM-45 HR | multi-family residential (Delphi Towers Condominiums)
- East: PD-I | Temporary Sales Center for Ritz Carlton Residences
- West: Intracoastal Waterway

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. 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 construction trailers and replace affected area with drought resistant sod.