



## Legislation Text

File #: LN-03, Version: 2

Zoning Board of Appeals  
Meeting Date: January 21, 2021

### **SPECIAL EXCEPTION JMPM INVESTMENT CO LTD (*Re-Hearing Request*)**

**Request:** Special Exception  
**P&Z#** 20-17000009  
**Owner:** JMPM Investment Co LTD  
**Project Location:** 929 SW 8 Street  
**Folio Number:** 4942 02 03 0870  
**Zoning District:** I-1 (General Industrial)  
**Agent:** Paul Orr  
**Project Planner:** Scott Reale

#### **Summary:**

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4219(L) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: I-1) for used automobile and light truck sales with outdoor display.

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

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#### **L. Used Automobile and Light Truck Sales with Outdoor Display**

##### **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
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M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
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##### **2. Definition**

A used automobile and light truck sales with outdoor display consists of premises on which used automobiles,

light trucks, motorcycles, mopeds, and golf carts, in operating condition are stored and displayed for sale or lease outdoors.

The property has an I - INDUSTRIAL land use designation and is located on SW 8<sup>th</sup> Street, between S Andrews Avenue and I-95.

Following are the land use patterns of the surrounding properties.

- a) North - I-1 (General Industrial) / Warehousing
- b) South - SW 8<sup>th</sup> Street
- c) East - Interstate 95
- d) West - I-1 (General Industrial) / Warehousing

The subject property has an active Business Tax Receipt for VEHICLE LEASE/RENT CARS, TRUCKS, RV'S. However, the Zoning Use Certificate specifies, "NO OUTDOOR STORAGE - INDOOR ONLY."

Additionally, the subject property has two open code compliance cases:

Date	Case #	Type	Description
2/5/2019	20040013	Zoning Violations	PROPERTY IS VIOLATING ZONING USE CERTIFICATE/GUIDELINES. PROPERTY IS VIOLATING ZONING USE CERTIFICATE/GUIDELINES. VEHICLE BEING DISPLAYED OUTDOOR FACING THE 95 (SEE NO OUTDOOR DISPLAY AFFIDAVIT) VEHICLES BEING WORKED ON OUTDOOR. ALL ACTIVITIES ARE TO BE ENCLOSED. LANDSCAPE VIOLATIONS, NO LIVING GROUND COVER, HEDGES, TREES ETC.
2/13/2019	19020108	Zoning Violations	Vehicle being stored and advertised outdoors.

A detailed report for each case is included in the materials backup.

By way of history, this property actually obtained Special Exception approval (PZ# 15-17000011) from the ZBA for used automobile sales with outdoor display in 2015. However, the Order ultimately expired because the required Minor Site Plan was never completed. Nevertheless, staff approved a Zoning Use Certificate to allow used vehicle sales with indoor display only because that use is permitted by right in the I-1 zoning district. However, the open code violations suggest noncompliance.

Additionally, a Variance was granted in 1978 (#78-54) in order to provide three parking spaces for a building addition, rather than 16 parking spaces as required by code.

While no building permits are currently in plan review, there are a couple of old open building permits (BP# 12-6528; BP# 06-5398) that should be closed out, finaled, or withdrawn.

The conceptual site plan submitted with this application suggests that additional relief will be required, specifically for landscaping and the perimeter buffer requirements.

### **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:

- a) Is consistent with the comprehensive plan;
- b) Complies with all applicable zoning district standards;
- c) Complies with all applicable use-specific standards in Article 4: Use Standards;
- d) 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;
- e) 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;
- f) 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;
- g) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
- h) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- i) 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;
- j) Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;
- k) 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;
- l) Complies with all other relevant city, state and federal laws and regulations; and
- m) 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:**

Staff does not find the Applicant has met the necessary prerequisites for granting a Special Exception, specifically standards 2 and 3 regarding compliance with all applicable zoning standards and use-specific standards. However, should the Board determine the Applicant has provided competent substantial evidence to satisfy the 13 Special Exception Review standards, Staff recommends the Board include the following conditions as part of the Order.

1. Obtain all necessary governmental permits and approvals including Building and Zoning Compliance permits.
2. Provide required perimeter buffer around all perimeters of the site, or successfully obtain relief.
3. Address/remedy all open code violations.
4. Close out, final, or withdraw any open building permits.