



## Legislation Text

File #: LN-09, Version: 1

Zoning Board of Appeals  
Meeting Date: October 15, 2020

### SPECIAL EXCEPTION - PJA REALTY #4 LLC

**Request:** Special Exception  
**P&Z#** 20-17000011  
**Owner:** PJA Realty #4 LLC  
**Project Location:** 1321A South Dixie Highway West  
**Folio Number:** 4942 02 01 0070  
**Zoning District:** B-3 (General Business)  
**Agent:** Thomas W. Johnston  
**Project Planner:** Scott Reale

### Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4222(L) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: B-3) for a Local Liquor or Package Store.

### 155.4222. COMMERCIAL: RETAIL SALES AND SERVICE USES - RETAIL SALES

#### L. Local Liquor or Package Store

##### 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
												S	S	S	S

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

## 2. Definition

A local liquor or package store is an alcoholic beverage establishment with a gross floor area of less than 7,500 square feet and licensed by the state exclusively for the retail sale of liquor or spirits in sealed containers for consumption off the premises where sold.

## 3. Standards

Drive-through service is strictly prohibited.

The subject property has a COMMERCIAL (C) land use designation and is located on the west side of S Dixie Highway (southbound lanes) and north of SW 13<sup>th</sup> Court.

### LAND USE PATTERNS

Subject property (Zoning/Existing Use): B-3 / auto repair

Surrounding Properties (Zoning/Existing Uses):

- North - B-3 / unknown (no active BTR)
- South - B-3 / auto window tinting, grout/sealer distribution, fire extinguishing systems, irrigation equipment repair
- East - B-4 / paint & body shop
- West - B-3 / unknown (no active BTR)

### PROPERTY INFORMATION

1. The subject property does not have any open code compliance cases.
2. The subject property has one permit in plan review for wall installation (BP: 19-3691)
3. The subject property has an active BTR at one of the tenant bays for auto repair.
4. This section of Pompano Beach was annexed into the city in 1965 via Ordinance 64-114.
5. According to City records, the property obtained building permit approval and a certificate of occupancy in 1974 (BP: 74-2065) for a two-unit store.
6. BCPA shows the property contains a total of 8,992 square feet of GFA on a 20,000 square foot lot.
7. While a *regional liquor or package store*, which is defined as 7,500 square feet or more, would be permitted by right in the B-3 zoning district, a *local liquor or package store* requires a Special Exception. Alcoholic beverage establishment with a gross floor area of less than 7,500 square feet, are considered local liquor stores. The tenant space for this application would comprise approximately 1,400 square feet. Survey applicant provided identifies 13 parking spaces on the subject property.
8. The applicant argues the area's geographic isolation coupled with recent demographic trends demonstrate the need for such an establishment in this location.
9. Applicant purports - and Zoning Use Certificate review suggest - a proposed liquor store at this location would meet the minimum separation requirements from a sexually oriented business, child care facility, school, or place of worship.

**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:**

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 City-issued Business Tax Receipt.
2. With BSO to implement best CPTED practices, including but not limited to installing “no trespassing / no loitering” signage.