



Staff Report

File #: LN-04

Zoning Board of Appeals
Meeting Date: September 17, 2020

SPECIAL EXCEPTION MACEDONIA MISSIONARY BAPTIST CHURCH

Request: Special Exception
P&Z# 20-17000010
Owner: Macedonia Missionary
Project Location: 2340 NW 3rd Street
Folio Number: 4842 33 02 1500
Zoning District: RM-12 (Multiple-Family Residence 12)
Agent: Dr. Ophelia Sanders
Project Planner: Scott Reale

Summary:

Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4206(B)(1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: RM-12) as a Child Care Facility.

155.4206. INSTITUTIONAL: DAY CARE USES

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B. Child Care Facility

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		P	P	P	P

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		P		P		P	P	P	P	P

2. Definition

A child care facility is a place or child care arrangement, other than an occupied residence, that is licensed by

Broward County's Child Care Licensing and Enforcement Section per the Broward County Child Care Ordinance (Chapter 7), as amended, that provides care for more than five children unrelated to the operator and that receives a payment, fee, grant, or some other form of compensation for any of the children in child care, whether or not operated for profit. A child care facility can include a before and/or after care program. A child care facility includes public school programs referenced in Section 402.3025(1)(b), Florida Statutes- A child care facility does not include arrangements exempted from licensure. Arrangements exempt from licensure include the following:

- a. Public school programs referenced in Section 402.3025(1)(a), Florida Statutes;
- b. Summer camps having children in full-time residence;
- c. Bible or other religious schools normally conducted during vacation periods and sponsored and supervised by a recognized religious group or institution;
- d. Summer day camps for school age children;
- e. Operators of transient public lodging establishments, as defined in Chapter 509, Florida Statutes, that provide child care services solely for the guests of their establishment (Such child care is subject to the personnel screening requirements of the Broward County Child Care Ordinance.);
- f. Drop-in child care (as defined in this section); and
- g. All programs that provide child care exclusively for children grades six and above, regardless of location.

Accessory uses include recreational facilities, food preparation and eating areas, and offices and storage facilities used by supervisory staff. This use does not include family child care homes or large family child care homes, which are accessory uses to a dwelling.

3. Standards

A child care facility shall comply with the following standards:

- a. The facility shall comply with all applicable regulations, including licensing requirements, in the Broward County Child Care Ordinance (Chapter 7 of the Broward County Code of Ordinances), as amended.
- b. Outdoor play areas in the facility shall be:
 - i. Safely segregated from accessways, and parking, loading, or service areas; and
 - ii. Not operated for outdoor play activities after 8:00 p.m.
- c. Vehicular access and circulation shall:
 - i. Be designed to enhance the safety of children as they arrive and leave the facility;
 - ii. Provide a designated passenger pick-up and delivery area that includes at least one loading/unloading space per 20 children and is located adjacent to the child care facility in such a way that children do not have to cross vehicular accessways to enter or exit the facility.

The subject property has a LM - LOW-MEDIUM 5-10 DU/AC land use designation and is located in the Northwest CRA on the south side of NW 3rd Street, between N Powerline Road and NW 23rd Avenue.

LAND USE PATTERNS:

- A. Subject property (Zoning) / Existing Use: - RM-12 (Residential Multi-Family 12) / Church
- B. Surrounding Properties (Zoning District) / Existing Use:
 - a) North - B-2 and RM-12 (Community Business and Residential Multi-Family 12 / Vacant and Multi-Family Residential)
 - b) South - RM-12 (Residential Multi-Family 12) / Multi-Family Residential
 - c) East - RM-12 (Residential Multi-Family 12) / Multi-Family Residential
 - d) West - B-3 (General Commercial) / Commercial

The subject property has no code compliance cases, no Business Tax Receipts, and no open building permits.

The applicant previously obtained Special Exception approval (PZ# 15-17000006) for a Child Care Facility at the subject property in 2015. However, an extension was never requested and the Order automatically expired on October 1, 2016.

The applicant has addressed the Special Exception review standards and use-specific standards for a Child Care Facility, including licensing by the Broward County Childcare Ordinance, a fenced outdoor play area, and designated drop off / pick up area. A narrative, photos, and conceptual site plan help show how these standards will be implemented.

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. Substantial compliance to the plans submitted.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 250 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES