



Staff Report

File #: LN-368

Zoning Board of Appeals
Meeting Date: November 17, 2022

SPECIAL EXCEPTION - B&E PROPERTIES GROUP LLC

Request: Special Exception
P&Z# 22-17000013
Owner: B&E Properties Group LLC
Project Location: 2310 NW 3rd Avenue
Folio Number: 484226AK0010
Land Use Designation: C- COMMERCIAL
Zoning District: Community Business (B-2)
Agent: Jennifer Eads
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4211(D) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: B-2) for a Place of Worship.

The subject property is located on the east side of NW 3rd Avenue, approximately 230 feet south of Copans Road in the Northwest CRA.

ZONING REGULATIONS

155.4211. INSTITUTIONAL: OTHER INSTITUTIONAL USES

... D. Place of Worship

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		S	S	S	S	S	S		S	S	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
						P		P		P			P	P	P	P

2. Definition

A place of worship is a building or structure, together with its accessory buildings and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and education. The building or structure and its accessory buildings and uses are maintained and controlled by a religious body. Places of worship include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, and cooking and eating facilities. A place of worship may include other uses that generally exist as principal uses—e.g., adult day care center, child care facility, school, cemetery, playground, or other recreational facility. Such uses are treated as principal uses and subject to the standards and limitations applicable to such uses.

3. Standards

A decision-making authority may grant modifications of the standards applicable to places of worship on finding that the modification is necessary to eliminate a substantial burden on religious practice, as guaranteed by the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000 (42 U.S.C. Sec. 2000), as amended. In doing so, the decision-making authority may impose conditions consistent with RLUIPA that will substantially secure the objectives of the modified standard and substantially mitigate any potential adverse impact on the environment or adjacent properties.

PROPERTY INFORMATION

1. The subject property, known as Copans Plaza, was developed in the late 1980s as commercial condominium tenant bays. There are no open code violations associated with the property.
2. The applicant is proposing to utilize Unit #1 of the commercial condo complex, comprising approximately 2,306 sq ft, as a *Place of Worship*. Because the property is zoned Community Business (B-2), a Special Exception is required for this use. The applicant's narrative indicates they have approximately 75 congregants.
3. The parking requirement for a *Place of Worship* is 1 space per 5 persons of maximum occupancy capacity in assembly space, and the site appears to have sufficient parking. According to the applicant's narrative, the assembly space will be 1,058 sq ft. Staff does not object to the proposed use; however, it should be noted there is another church within the same plaza occupying a different tenant bay. Parking could potentially become an issue if both places of worship hold services at the same time. That said, according to city records, there is only one other business with an active business tax receipt in the plaza.

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use):

- B-2 | place of worship and liquor store

Surrounding Properties (Zoning District | Existing Use):

- North: B-2 | gas station and convenience store
- South: B-3 | funeral services, general contractor's office
- West: B-3 | Copans Motors and McDonald's restaurant
- East: B-2 | Pep Boys

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:

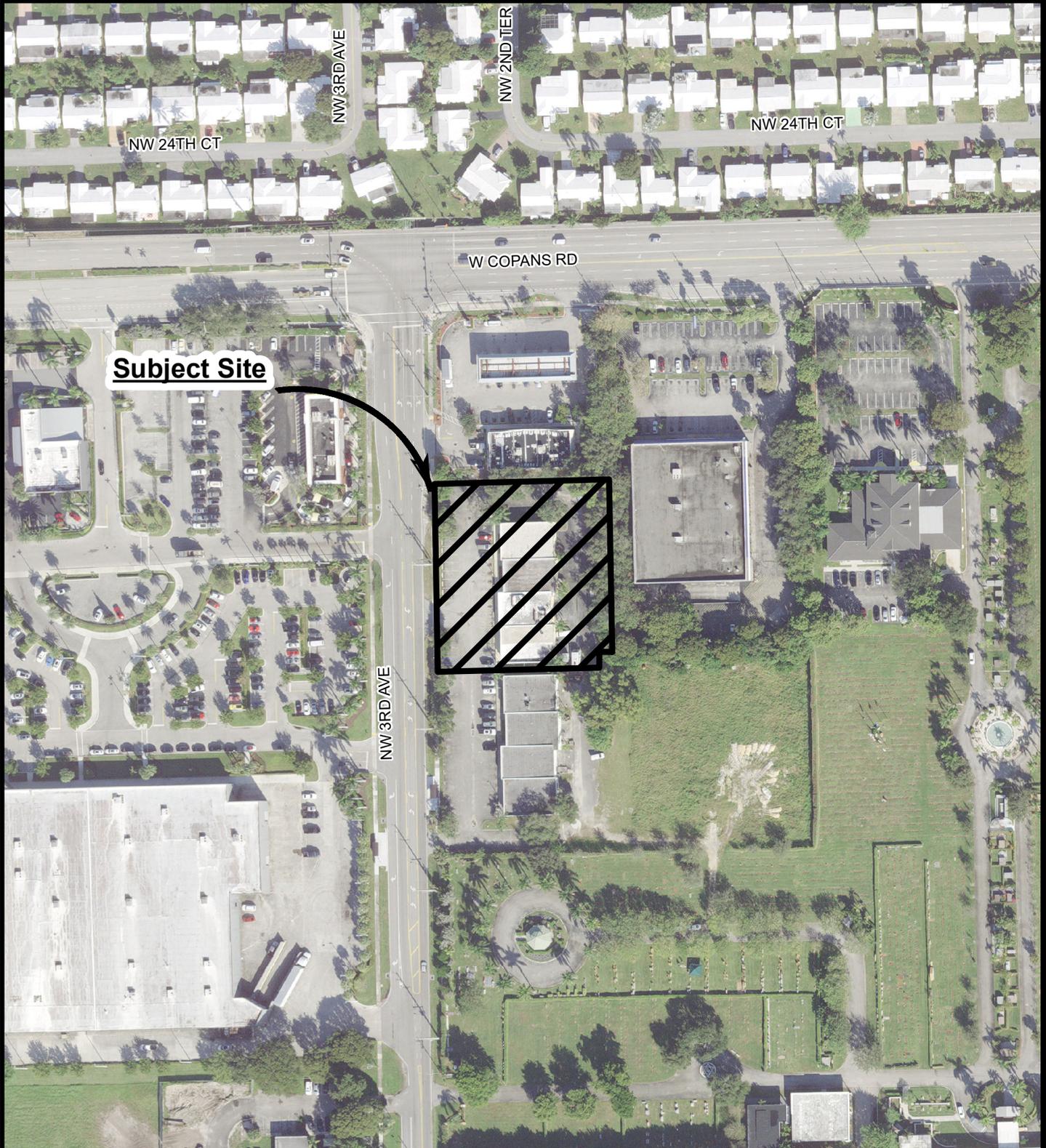
1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection;
5. 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;
6. 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;
7. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
8. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
9. 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;
10. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;
11. 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;
12. Complies with all other relevant city, state and federal laws and regulations; and
13. 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 condition as part of the Order:

1. Obtain all necessary governmental permits and approvals, including a Change of Use to New Assembly and other requirements denoted in the Fire Marshal's memo.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 167 ft

2310 NW 3rd Avenue

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES