



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Staff Report

File #: LN-31

Zoning Board of Appeals

Meeting Date: November 19, 2020

SPECIAL EXCEPTION - ALEXANDER WILLIAMS

Request: Special Exception
P&Z# 20-17000012
Owner: Alexander Williams
Project Location: 410 NE 5th Avenue
Folio Number: 484236000300
Land Use Designation: L-Low 1-5 DU/AC
Zoning District: RS-1 (Single-Family Residence 1)
Agent: Rebecca Smith, Tubten Kunga Center for Wisdom
Project Planner: Scott Reale, AICP

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: RS-1) as a Place of Worship.

The property is located at the southeast corner of NE 5th Avenue and NE 5th Street.

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.

LAND USE PATTERNS

Subject property (Zoning / Existing Use): RS-1 | single-family dwelling

Surrounding Properties (Zoning District / Existing Use):

- North: RS-1 | single-family dwelling
- South: RS-1 | single-family dwelling
- East: RS-1 | single-family dwelling
- West: TO-DPOD | single-family dwelling

The subject property has no open code compliance cases, no open permits, and no Business Tax Receipts. Original building permits could not be found, but according to BCPA the subject property was developed in 1920. Known as the Frank Austin House, the property is listed in the Cultural Resource Roster from the Florida Master Site File as a bungalow-style home built around 1924, and was one of the first homes to be placed on Pompano's Historic Register of Historic Places.

The property is located along NE 5th Avenue, which is a busy cut-through street in Old Pompano between Atlantic Blvd and NE 10th Street. A new row of parking pavers is proposed along NE 5th Street for members of the Center. The applicant has submitted a concurrent Variance application, PZ20-11000011, requesting relief from certain parking standards. The applicant's narrative contends the Center has about 30 members, and cars will be parked on the property for about two to three hours, three times per week. There are a number of Places of Worship in and around Old Pompano.

The applicant's narrative states they intend to preserve the integrity of the historic building. However, it is unclear what upgrades may be required as a result of the change of use from single-family dwelling to Place of Worship. Between the parking and required improvements, it is likely a Certificate of Appropriateness will be required from the Historic Preservation Committee.

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 finds the application does not meet all the Special Exception review standards. Specifically, the addition of another Place of Worship in this section of Old Pompano - which has the lowest density (L) and most restrictive residential district (RS-1) - may not be compatible with the character of the historic neighborhood. Moreover, a new row of parking spaces that requires backing out onto a street may negatively impact neighborhood traffic flow. The row of parking is additionally not compatible with the general character of the parking of the neighboring lands. And while the narrative suggests impacts would be minimal because there are only about 30 members who meet three times a week, an approved Special Exception for a Place of Worship at this location could ultimately lead to a facility with a larger congregation and/or more frequent services. Finally, because the property is on the Historic Register, staff recommends the applicant present to the Historic Preservation Committee to first obtain a Certificate of Appropriateness for the parking and any required improvements to the property. 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. Successfully obtain relief from certain parking requirements identified in Variance application PZ20-11000011.
2. Obtain all necessary governmental permits and approvals including building and zoning compliance permits, and a Certificate of Appropriateness.
3. Protect, relocate, or mitigate for any trees impacted by new parking area.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 208 ft