



## Staff Report

**File #:** LN-314

Zoning Board of Appeals  
Meeting Date: July 21, 2022

### SPECIAL EXCEPTION - POMPANO REALTY USA LLC

**Request:** Special Exception  
**P&Z#** 22-17000006  
**Owner:** Pompano Realty USA LLC  
**Project Location:** 279 SW 26 Avenue  
**Folio Number:** 4842 26 00 0500  
**Land Use Designation:** C- COMMERCIAL  
**Zoning District:** Community Business (B-2)  
**Agent:** George G. Gentile  
**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-2) for a Local Liquor or Package Store.

The subject property is located at the Palm-Aire Marketplace shopping center, which is located on the south side of W Atlantic Boulevard and the west side of S Powerline Road.

### ZONING REGULATIONS

§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.

**PROPERTY INFORMATION**

1. The subject property has no open code compliance cases.
2. As this is a shopping plaza, there are several active business tax receipts for various commercial/retail uses, including a CVS, Rent a Center, nail salon, restaurants, barber shop, Dollar Tree, etc.
3. The applicant is proposing to utilize one of the shopping center's available tenant bays, comprising approximately 1,880 sq ft, as a local liquor store.
4. Ordinance 2016-48, adopted 3/8/2016, modified the definitions and separation requirements of certain alcoholic beverage establishments. For example, a Liquor or Package Store was divided into two district categories: Local Liquor or Package Store (less than 7,500 sq ft) and Regional Liquor or Package Store (7,500 sq ft or greater). A local liquor store requires Special Exception approval in all commercial zoning districts, whereas a regional liquor store requires Special Exception approval only in the B-1 and B-2 the commercial districts. The text amendments were initiated, in part, to limit the concentration of liquor stores in blighted areas.
5. Attached to this report is a map showing the locations of all local and regional liquor stores in Pompano Beach.
6. A local liquor store is subject to certain separation requirements including being located at least 1,000 ft from another local liquor store or a sexually oriented business, and a minimum of 500 ft from a child care facility, school, or place of worship. All separation requirements were verified when the applicant applied for a Zoning Use Certificate.

**LAND USE PATTERNS**

Subject property (Zoning | Existing Use):

- B-2 | Palm Aire Marketplace shopping center

Surrounding Properties (Zoning District | Existing Use):

- North: B-3 | Atlantic Plaza strip mall
- South: B-3/PCI | Wyndham Palm-Aire timeshare
- East: B-3/PCI | Walmart
- West: RM-45 | The Court at Palm Aire (senior living)

**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:

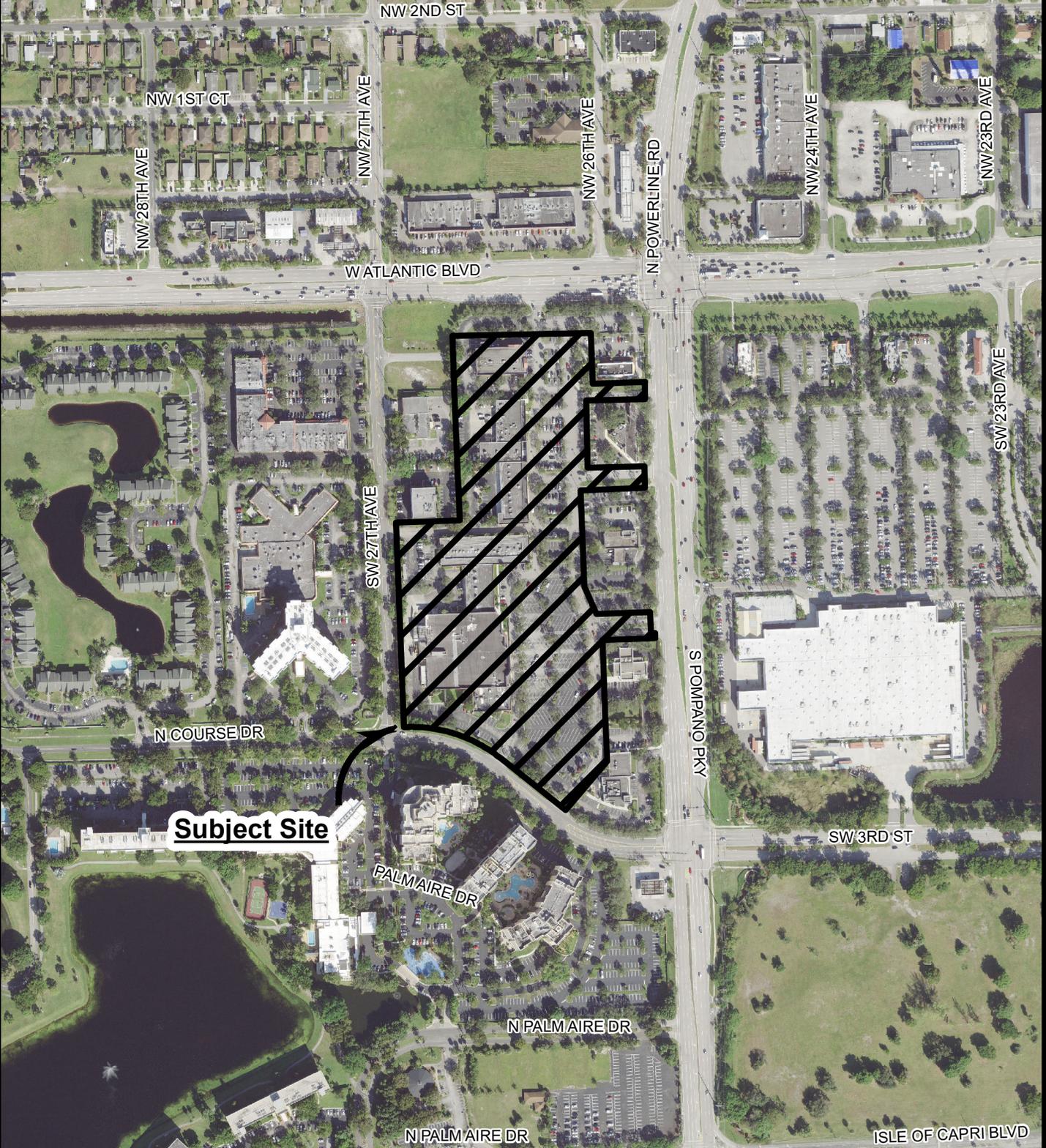
1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited 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 Zoning Use Certificate and Business Tax Receipt.

# CITY OF POMPANO BEACH AERIAL MAP



**Subject Site**

1 in = 417 ft

279 SW 26th Ave

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES

