



Staff Report

File #: LN-439

Zoning Board of Appeals
Meeting Date: July 20, 2023

SPECIAL EXCEPTION - Investments SWK, LLC

Request: Special Exception
P&Z# 23-17000002
Owner: Investments SWK, LLC
Project Location: 351 S Cypress Road
Folio Number: 494202300020
Land Use Designation: C- Commercial
Zoning District: Community Business (B-2)
Agent: Samson Numa
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 south side of SW 3rd Street (AKA: Pompano Park Place & Sgt Chris Reyka Place), and west of S Cypress Rd.

ZONING REGULATIONS

155.4211. INSTITUTIONAL: OTHER INSTITUTIONAL USES

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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 AND STAFF ANALYSIS

1. The subject property was developed in the 1980’s, where a four-story office building was constructed. The applicant intends to utilize approximately 2,150 square feet for a place of worship in Suite 200.
2. The subject property is within the “Nutter Subdivision,” plat; and since it was originally recorded there have been two amendments to the plat. One of the plat notes restricted the property to a 52,000 square foot office park and a 44,500 square foot of commercial use. While the proposed use of the property is in conformance with the land use category, the proposed place of worship is an assembly use and not an “office,” meaning that they must seek written confirmation from the Broward County Urban Planning Division that either the plat note is sufficient for the intended place of worship, or submit a revised plat note to the City & County Commission for approval.
3. The building is approximately 46,000 square feet. As an office use, the parking requirement is 1 space per 400 square feet, which is 115 parking spaces. Based on the site plan submitted there are more than 140 parking spaces. The property has sufficient parking to accommodate a change of use for 1,150 square feet of assembly area (the estimated occupancy for the area was not provided; however, estimating 1 parking space for every 75 square feet 16 parking spaces would be required).

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use):

- B-2 | vacant

Surrounding Properties (Zoning District | Existing Use):

- North: RM-20 | multi-family residential (Lakebridge Townhomes)
- South: B-2 | grocery store (Publix Supermarkets)
- West: CF | Public Safety Complex (City of Pompano Beach)
- East: RM-20 | multi-family residential (The Virginian Apartments)

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:

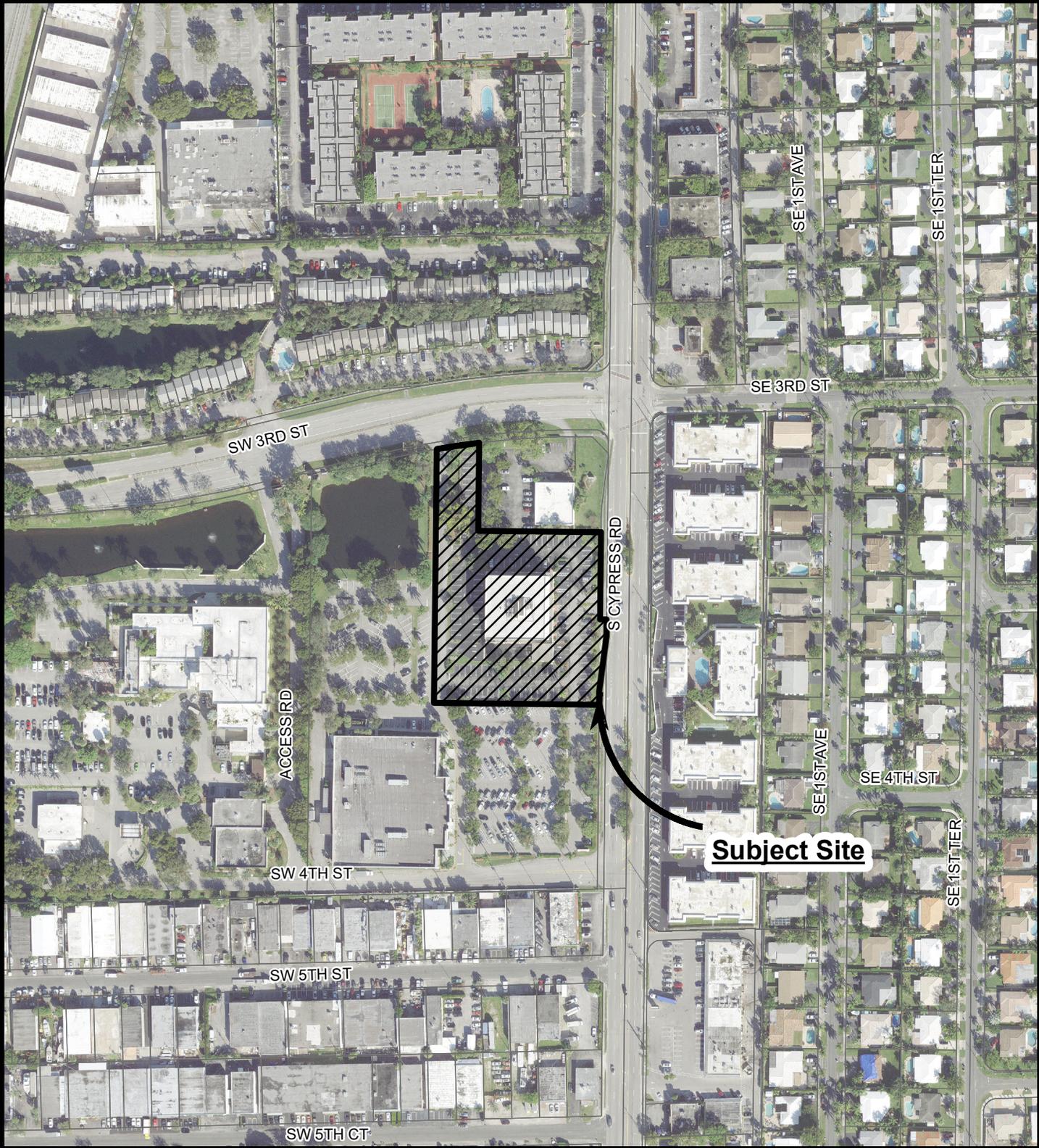
1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited 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, building and zoning compliance permits, and a zoning use certificate.
2. Prior to Zoning Use Certificate approval, obtain written confirmation from the Broward County Urban Planning Division that the proposed place of worship is permitted based on the recorded the plat note, or submit a revised plat note to the City & County Commission for approval.

CITY OF POMPANO BEACH OFFICIAL AERIAL MAP



1 in = 250 ft

351 S Cypress Rd

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES