



## Staff Report

**File #:** LN-856

ZONING BOARD OF APPEALS

Meeting Date: MARCH 19, 2026

### SPECIAL EXCEPTION - A-1940 LLC

**Request:** Special Exception  
**P&Z#** 26-17000003  
**Owner:** A-1940 LLC  
**Project Location:** 1952 NE 49 ST  
**Folio Number:** 484307020022  
**Land Use Designation:** C (Commercial)  
**Zoning District:** B-3 (General Business)  
**Commission District:** Rhonda Sigerson-Eaton  
**Agent:** Mahitosh Debnath  
**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 (B-3 zoning district) for a Local Liquor or Package Store.

The subject property is located along the south side of NE 49<sup>th</sup> Street, between NE 19<sup>th</sup> Terrace and N Federal Highway in the Highlands.

### 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 AND STAFF ANALYSIS**

1. The subject property is a small commercial plaza consisting of two businesses: a restaurant (Kosta's Greek Eatery & Pizzeria) at 1940 NE 49<sup>th</sup> Street and a convenience store (Discount Beverage and Food) at 1952 NE 49<sup>th</sup> Street. The convenience store is already approved to sell beer and wine (2APS license) which is permitted by right; however, the business owner seeks to expand their alcoholic beverage license by offering packaged liquor sales.
2. The Zoning Code differentiates between local liquor stores and regional liquor stores. A local liquor store has a gross floor area of less than 7,500 square feet. A regional liquor store is essentially the same use, but has a gross floor area of at least 7,500 square feet. If the proposed tenant bay had an additional 5,500 sq ft, the liquor store use would be permitted by right because it would be considered a regional liquor store.
3. 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.
4. 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.
5. There are currently two open code enforcement cases associated with the subject property (Case Nos. 22-060006054 and 25-09000410), and the details for each are included in the agenda backup for informational purposes. Any outstanding code enforcement matters shall be resolved in accordance with City requirements and do not, in and of themselves, preclude consideration of the requested Special Exception.

**LAND USE PATTERNS**

Subject property (Zoning | Existing Use):

- B-3 | commercial plaza with restaurant and convenience store

Surrounding Properties (Zoning District / Existing Use):

- North: B-3 | Walmart
- South: B-3 | vacant lot
- East: B-3 | pawn shop
- West: RS-3 | single-family residence

**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:

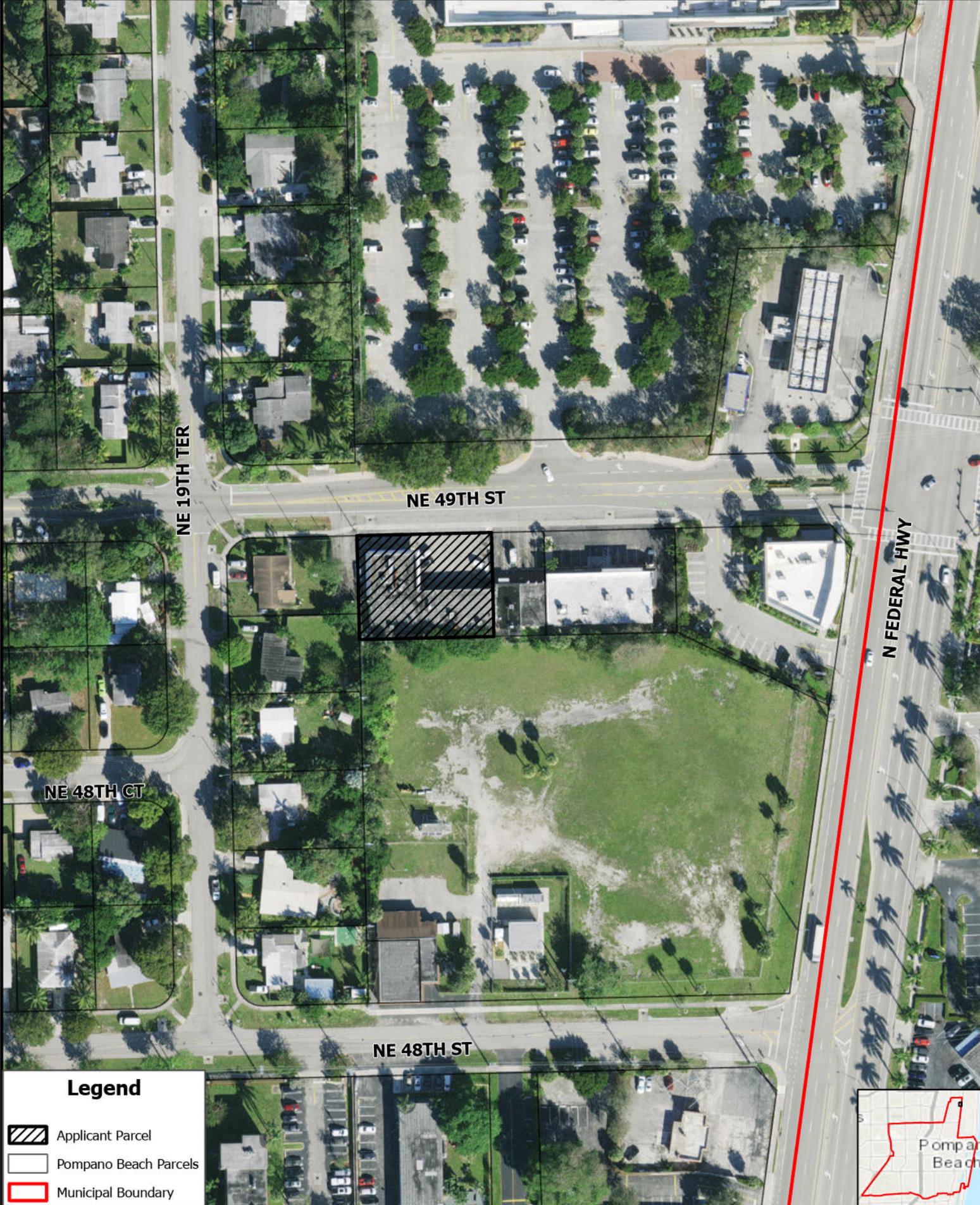
1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited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



**Legend**

-  Applicant Parcel
-  Pompano Beach Parcels
-  Municipal Boundary



Scale:  
1:1,400  
02/19/2026

1940-1952 NE 49 ST  
A-1940 LLC

Special  
Exception  
Created by:  
Department of  
Development Services

