



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Staff Report

File #: LN-719

ZONING BOARD OF APPEALS

Meeting Date: MAY 15, 2025

SPECIAL EXCEPTION - DANIEL PEREZ

Request: Special Exception
P&Z# 25-17000002
Owner: Daniel Perez
Project Location: 3301 NW 5 Ter
Folio Number: 484223200750
Land Use Designation: M (Medium 10-16 DU/AC)
Zoning District: RM-20 (Multiple-Family Residence 20)
Agent: Flavia Perez
Project Planner: Scott Reale

Summary:

The Applicant Landowner requests SPECIAL EXCEPTION approval as required by Section 155.4207(B)(1) [Districts Where Permitted] of the Pompano Beach Zoning Code to utilize the subject property (RM-20 zoning district) for an Elementary School.

The property is located in the Loch Lomond neighborhood along the west side of NW 5th Terrace, between NW 32nd Street and NW 34th Street.

ZONING REGULATIONS

§155.4207. INSTITUTIONAL: EDUCATION USES

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B. School, Elementary

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				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	P

2. Definition

An elementary school is a public or private school offering general, technical, or alternative instruction at the elementary school level that operates in buildings or structures or on premises on land leased or owned by the educational institution for administrative purposes and meets the state requirements for an elementary school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, and other facilities that further the educational mission of the institution.

PROPERTY INFORMATION/STAFF ANALYSIS

1. The subject property has operated as a child care facility since its construction in 1973, pursuant to Building Permit #73-5862. At the time, such use was permitted by right in multi-family zoning districts. Under current zoning regulations, however, the use is now classified as a Lawful Special Exception, as it would otherwise require approval through the Special Exception process.
2. The applicant now seeks to expand their educational operations to include an elementary school, initially serving approximately 20 students. It is important to note that an elementary school is not currently a permitted use at this location. The Zoning Code distinguishes between child care facilities and elementary schools. Unlike the existing daycare, the elementary school does not qualify as a Lawful Special Exception, as it was never previously approved or established at the site. Therefore, Special Exception approval is required.
3. According to the applicant's narrative, the proposed elementary school is licensed through the Florida Department of Business and Professional Regulation (DBPR). The narrative further states that the school would be compatible with the existing preschool use and that the property is adequately equipped to accommodate the additional use, citing substantial renovations completed in recent years. No changes to traffic circulation or ingress/egress are proposed.
4. Given the scale of the initial enrollment (approximately 20 students) and the compatibility with surrounding residential and institutional uses, staff finds that the proposal meets the criteria for a Special Exception under the City's Zoning Code.

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use):

- RM-20 | Happy Feet Learning Academy (child daycare)

Surrounding Properties (Zoning District | Existing Use):

- North: RM-20 | Pompano Palms Apartments (17-unit multi-family dwelling)
- South: RM-20 | quadplex (multi-family dwelling)
- West: I-1/PCI | industrial/warehouse/storage/distribution (various uses)
- East: RM-20 | The Loch Lomond Club (townhouse development)

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 and substantial evidence demonstrating compliance with the thirteen Special Exception review criteria, staff recommends the following conditions be incorporated into the Board's Order of Approval:



1. Obtain all necessary governmental permits and approvals, including a Zoning Use Certificate and Business Tax Receipt. The applicant shall maintain all required state and local licenses for the operation of a private school.
2. The elementary school shall be limited to a maximum enrollment of 20 students, unless otherwise approved through a future modification. Any expansion beyond the approved enrollment, hours of operation, or site configuration shall require additional review and approval.

CITY OF POMPANO BEACH

AERIAL MAP



Legend

-  Pompano Beach Parcels
-  Applicant Parcel

Scale:
1:1,500

Daniel Perez

3301 NW 5 TER

Special
Exception

Created by:
Department of
Development Services

