

August 29, 2022

Via Site Upload

Scott Reale, AICP
Senior Planner
City of Pompano Beach
Department of Development Services
Planning and Zoning Division
100 W. Atlantic Boulevard
Pompano Beach, FL 33060

Re: Special Exception for Specialty Hospital
2200 N Federal Highway

Dear Mr. Reale:

R I P Holdings LLC owns the approximately 1.63-acre parcel located at 2200 N Federal Highway (“Property”) in the City of Pompano Beach (“City”). The Property is identified by folio #484330150230 and is zoned General Business (“B-3”). The Property is split in two lots by NE 24th Avenue. The west lot is developed with a bowling alley that ceased operations in late 2021, while the east lot is developed with a parking lot that is used as overflow parking by customers from the Chick-Fil-A to the north.

HCA Florida Northwest Hospital is the contract purchaser of the Property and the applicant (“Applicant”). The Applicant is proposing to develop the west lot (“Project Site”) with a free-standing emergency room (FSER) approximately 10,860 square feet in size. The City has determined this facility is classified as “Specialty Hospital” under the City’s Code.¹ The east lot would become open space, although the Applicant is also open to continuing its current use as overflow parking.

The proposed FSER is a hospital-owned and operated facility that would be open 24 hours a day, 7 days a week. The facility is anticipated to provide a mix of services commonly classified as ‘urgent care’, where the patient would either walk in, drive themselves, or have themselves driven to the facility; as well as services typically classified as ‘emergency care’. The local EMS authority dictates which facilities patients are transported to based on a variety of factors that the FSER operator does not control. The Applicant would work very closely with EMS to help direct patients to where they will be best served. As standard practice with all HCA hospitals and

¹ The term ‘specialty hospital’ refers to this use classification in the City of Pompano Beach City Code, Section 155.4209.D. It does not refer to the term ‘specialty hospital’ as defined by the Agency for Health Care Administration (AHCA). All references to ‘specialty hospital’ in this application and all associated documents are to be interpreted strictly as pertaining to the definition used by the City of Pompano Beach Zoning Code.

FSERs, the Applicant's emergency department leaders will meet quarterly with the relevant EMS agencies to determine the types of patients and services that can be routed to the proposed FSER.

At this time, a Special Exception is requested pursuant to Section 155.4209.D of the City's Code of Ordinances ("City Code") to permit the Property to be used for a specialty hospital. The special exception review standards are satisfied as follows:

a) Is consistent with the comprehensive plan;

The proposed specialty hospital is consistent with the comprehensive plan and the Commercial land use designation. The Commercial land use designation permits uses including 'community facilities', which the proposed FSER would fall under. In addition, the proposed FSER would further the following policy:

Future Land Use Element Policy 01.01.12

The City's Future Land Use Map will be in conformance with the County's Land Use Plan and will implement the County's regional vision including provision of essential public services and facilities, enhanced sustainability and livability and give priority to protecting public beach access sites.

Approving this Special Exception would improve provision of essential medical public services in this area, where the nearest emergency room is currently 2.6 miles away as described further under Criterion k.

b) Complies with all applicable zoning district standards;

The proposed specialty hospital is permitted as a special exception pursuant to Section 155.4209.D of the City's Code. The proposed use complies with all applicable zoning district standards.

c) Complies with all applicable use-specific standards in Article 4: Use Standards.

Pursuant to Section 155.4209.D of the City Code, a specialty hospital shall comply with the following standards:

a. Separation from Residential Uses. The hospital shall be at least 500 feet from a Residential Zoning District.

The eastern boundary of the Project Site is approximately 115 feet from the Two-Family Residence (RD-1) district to the southeast and 245 feet from the Single-Family Residence 2 (RS-2) to the northeast. The Applicant is applying for a variance from this distance

separation requirement, provided under separate cover.

b. Overnight Treatment. Overnight treatment is permitted.

Although the use standards permit overnight treatment, the proposed FSER will serve patients solely on an outpatient basis and the facility would not have any beds. The average length of stay for other HCA-operated FSERs is 102 minutes. If a patient requires a higher level of care, HCA Healthcare will work with their internal transfer center to coordinate the transfer to any HCA or non-HCA acute care Hospital for an elevated level of care.

c. Hours of Operations. The hospital may be open 24 hours per day.

The FSER would be open 24 hours a day as all emergency services providers have to provide those services at any time of day.

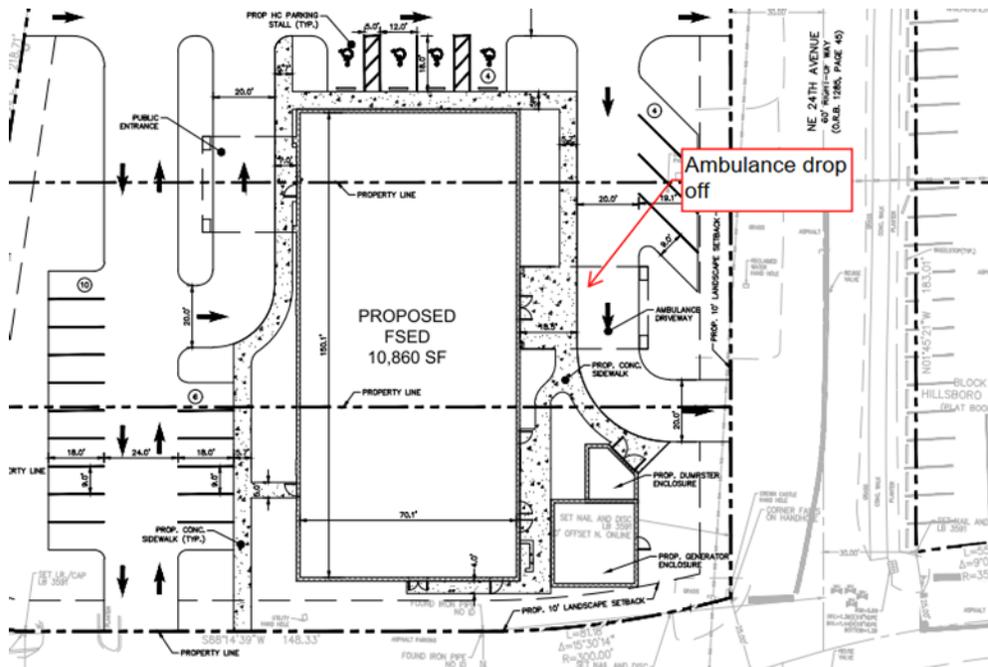
d. The specialty hospital shall be located on a site that has an area of at least three acres and fronts on or has direct access to and from an arterial or collector street.

The FSER cannot meet the three-acre requirement, as the Project Site is 1.63 acres. The Applicant is applying for a variance from this requirement, provided under separate cover.

The Project Site fronts onto N Federal Highway, which is a major arterial street.

e. Vehicular access and circulation systems and exterior signage shall be designed to provide safe and separate emergency vehicle access to the specialty hospital, with minimal conflicts with other vehicular or pedestrian traffic in the area.

As shown in the below site plan excerpt, drop-off and pick-up for patients arriving in their own vehicles is at the front of the building adjacent to the main entrance, while the ambulance drop-off is in the rear of the building separate from other vehicular or pedestrian traffic.



f. A Perimeter Security Plan is required and shall address at a minimum vehicular and pedestrian access to site, parking areas, and lighting.

If the Special Exception is approved, the Applicant will prepare a perimeter security plan as part of the site plan submittal.

g. Outdoor recreation and/or passive space shall be provided for both patients and visitors.

Recreational facilities of this nature are not needed because there are no overnight stays and this is an outpatient facility only. As noted elsewhere in this document, this is not a typical use envisioned under these use-specific standards.

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 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.

The Project Site is bordered by casual restaurant uses (Chick-Fil-A, Jimmy John's, Big Louie's Pizzeria) and regional-serving commercial uses (outdoor furniture and mattress stores) to the south and north. To the east, the Project Site is bordered by the east parking lot, a multi-family

building in the B-3 district to the northwest and a single-family dwelling in the RS-2 district to the southeast. Single-family residences are farther to the east.

The proposed facility is appropriate for its location due to the lack of other emergency rooms within close proximity of the Project Site, as described in more detail under Criterion k. The use category 'Specialty hospital' is permitted via Special Exception in the B-3 district and is permitted by-right in the B-4 district. The other districts that permit this use by-right are General Industrial (I-1), Office Industrial Park (OIP), CF (Community Facility), PCD (Planned Commercial/Industrial District), and LAC (Local Activity Center). While most of Pompano Beach west of Interstate 95 consists of industrial districts that would permit the use by-right, it is important for an FSER to be near the residential communities it serves to reduce the amount of travel time in an emergency.

Please also note that an FSER is not a typical use classified under 'Specialty Hospital' – examples given in the Code definition include specialty medical hospital, specialty rehabilitation hospital, specialty psychiatric hospital, and specialty substance abuse hospital. The FSER would be a small 10,860-square-foot building and would generate far fewer impacts than any of these example uses.

In the B-3 district, a wide range of uses are permitted by-right. Two typical commercial uses were considered: a 28,400-square-foot retail establishment and a 28,400-square-foot high-turnover restaurant. According to Institute of Transportation Engineers (ITE) trip generation rates, the retail would generate approximately 3,188 daily trips and the restaurant would generate 2,555 daily trips. By contrast, the proposed 10,860-square-foot free-standing emergency room would generate 271 daily trips, 90 percent fewer than these commercial uses.

In addition to these standard commercial uses, other by-right uses include: colleges, grade schools, courthouses, fire or EMS stations, and police stations. All of these by-right uses are expected to have far greater noise and traffic impacts on the surrounding neighborhoods. Fire, EMS, and police stations in particular are worth noting due to the frequency of emergency vehicle trips and the accompanying siren noise. While the free-standing emergency room would generate some ambulance trips, they are expected to be far less frequent than any of those three uses. Other HCA-operated free-standing emergency rooms located in Boynton Beach and Palm Beach Gardens have experienced long term ambulance visits that average .4 and .8 ambulance visits per day respectively.

Accordingly, the proposed use is compatible with the general character of neighboring lands and the uses permitted in the zoning district(s) of neighboring lands.

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.

The proposed use will have the same or fewer impacts than other uses in the B-3 zoning district, as described under Criterion e above. The proposed use is also consistent with other uses in the surrounding area regarding odor, noise, glare and vibration impacts and will not negatively affect the surrounding area.

g) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;

A 10-foot-wide landscape buffer is proposed on all sides of the Project Site. This would be a substantial improvement over the existing conditions. The bowling alley has a minimal landscape strip along N Federal Highway and almost no landscaping on the other sides of the Project Site, including on the east side which faces towards the residential uses.

h) Avoids significant deterioration of water and air resources, scenic resources, and other natural resources.

The proposed specialty hospital avoids any deterioration of natural resources. The parcel is a developed lot in a commercial area.

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.

The Project Site is surrounded by right-of-ways on three sides: N Federal Highway on the west, NE 22nd Street on the south, and NE 24th Avenue on the east. Vehicular access points are proposed on all three roads.

j) Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district.

Please see response to Criterion e. The proposed use is consistent with the existing uses in the neighboring areas and is not expected to negatively affect the property values of neighboring lands or the ability to develop other 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.

The proposed special exception for a free-standing emergency room (classified as ‘specialty hospital’) satisfies a current need in the community. The service area of the proposed facility has a median age of 47.9 years, with 65 percent of the population older than 35 years. Higher age is

strongly correlated with an increase in emergency room visits. The nearest emergency rooms to the Project Site are as follows:

- Broward Health North, 2.6 miles, 8-13 minute drive time
- Broward Health Imperial Point, 3.9 miles, 12-17 minute drive time
- Holy Cross: 5.49 miles, 15-20 minute drive time
- Boca Raton Regional Hospital: 9.4 miles, 20-25 minute drive time

The FSER would provide nearby emergency services—that are currently at least 8-13 minutes away—to the surrounding residents. The resulting time savings could be significant in an emergency situation.

l) Complies with all other relevant city, state and federal laws and regulations.

The proposed FSER will comply with all relevant city, state and federal laws and regulations. An FSER is licensed through the Florida Agency for Healthcare Administration (AHCA). The Centers for Medicare and Medicaid Services (CMS) requires free-standing emergency rooms to be classified as ambulatory healthcare occupancies.

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 500 ft. to a one-half mile radius from the subject site.

The proposed use is not anticipated to have any negative impacts on neighboring properties within a 500 foot to one-half mile radius. To the contrary, the FSER will provide life-saving services to the nearby residents, as the nearest existing emergency room is 8 to 13 minutes away. This amount of time could be critical in a life-threatening emergency. Please also see response to Criterion e.

Sincerely,

GREENSPOON MARDER LLP



Julian Bobilev, AICP