



## Staff Report

**File #:** LN-244

Zoning Board of Appeals  
Meeting Date: March 17, 2022

### SPECIAL EXCEPTION - AC 27 LLC

**Request:** Special Exception  
**P&Z#** 22-17000002  
**Owner:** AC 27 LLC  
**Project Location:** 3208 NE 11<sup>th</sup> St + 1020 N Riverside Dr  
**Folio Number:** 4843 30 01 0850/4843 30 01 0670  
**Land Use Designation:** MH-Medium High 16-25 DU/AC  
**Zoning District:** Multiple-Family Residence 20 (RM-20)  
**Agent:** Matthew Scott  
**Project Planner:** Scott Reale

### Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4225(C) (1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: RM-20) for a hotel or motel.

The subject property is located on two parcels, at the southeast corner of the intersection of N Riverside Drive and NE 11<sup>th</sup> Street.

### ZONING REGULATIONS

§155.4225. COMMERCIAL: VISITOR ACCOMMODATION USES

- ...  
 C. Hotel or Motel  
 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	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
S	P	P		P		P							P	P	P	P

2. Definition

A hotel or motel is a state-licensed building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis. Such uses may include kitchenettes, microwaves, and refrigerators for each lodging unit. Each room which is accessible by a lock-out key is considered a separate lodging unit for purposes of Zoning and Land Use. Accessory uses may include, but are not limited to, restaurants, bars or lounges, nightclubs, conference and meeting rooms, business centers, newsstands, gift shops, sale of tanning products, rental of beach chairs and umbrellas, exercise and fitness facilities, swimming pools, etc., subject to any applicable use-specific standards. This use type does not include condo hotels, bed and breakfast inns, or rooming or boarding houses. Hotels and motels are considered synonymous uses. On any parcel designated residential on the Future Land Use Map, for density purposes two lodging units shall be equal to one dwelling unit and the maximum number of dwelling units permitted for the parcel of land will be calculated based on the gross area of the property.

3. Standards

A hotel or motel shall comply with the following standards:

- a. In the I-1 District, Hotels are permitted only if located directly abutting a principal arterial street.
- b. Up to 15 percent of the gross floor area of a hotel or motel may be devoted to business-related accessory uses other than eating or drinking establishments-including conference and meeting rooms, business centers, retail services such as newsstands and gift shops, and similar uses. Such uses may have a patron entrance from outside the principal building.

**PROPERTY INFORMATION**

1. The two properties - 1020 N Riverside Drive and 3208 NE 11<sup>th</sup> Street - were developed separately. Based on business applications from the 1990s, 1020 N Riverside Drive was operating a motel (Coral Shell Motel), and there were 12 rooms. 3208 NE 11<sup>th</sup> Street was operating an Assisted Living Facility with 10 bedrooms. In 1995, an application was submitted to combine the two properties and became a 50 bed assisted living facility.
2. Because the property has not operated as a hotel/motel for several years and is located in a multi-family residential zoning district, the use can only be reestablished via Special Exception.
3. The “density” for hotels and assisted living facilities differs from the number of permanent multi-family units. The maximum number of hotel rooms is allowed to be twice the number of permanent dwelling units, and the same is true for assisted living facilities (two “sleeping rooms” per each dwelling unit, regardless of the number of bathrooms or kitchens).
4. The Land Use category for this property is MH (Medium High = 25 dwelling units per acre), and the zoning designation is RM-20 (maximum density of 20 units per acre). Given the size of the property, the maximum number of dwelling units is 5 for 3208 NE 11<sup>th</sup> Street (approximately 13,039 square feet) and 6 for 1020 N Riverside Drive (approximately 12,008 square feet). Combined, the property is .575 acres (25,047 square feet), allowing for a totaling 11 dwelling units or 22 hotel lodging units.
5. The applicant is proposing 21 lodging units. The parking requirement for hotels of this size is 1 space per lodging unit. The survey and conceptual site plan submitted with this application show 21 parking spaces.
6. The subject property has two open code cases: one for an alleged driveway in disrepair (no case #) and the other for a past due certification of a backflow preventer (case # 22020019).
7. The applicant’s narrative acknowledges the property is in need of repairs, and has committed to renovating the property including upgrading the parking, landscaping, building façade and pool area.
8. There are a variety of visitor accommodation uses located on the barrier island including condo-hotel, bed & breakfast, hotel, motel, and short-term rentals, many of which are located in multi-family residential zoning districts. In recent years the ZBA has granted a number of Special Exceptions for the hotel/motel use in the RM-20 zoning district.
9. Applicable Comprehensive Plan policy:
  - 01.03.10 - Support and promote hotels, motels and other tourist accommodations in designated residential, commercial and commercial recreational land use designations.

10. Zoning Code: *The Multiple-Family Residence 20 (RM-20) district is established and intended to accommodate primarily multifamily dwellings (including townhouse development) including community residences and recovery communities at moderate densities. The district also accommodates single-family and two-family dwellings, zero-lot-line development, and continuing care retirement communities. Limited neighborhood-serving nonresidential uses, as well as office buildings, financial institutions, hotels/motels, and condo hotels, are allowed as Special Exceptions.*

### **LAND USE PATTERNS**

Subject Property (Zoning District | Existing Use): RM-20 | unoccupied structure

Surrounding Properties (Zoning District | Existing Use):

- North: RM-20 | multi-family residential
- South: RM-20 | multi-family residential
- West: RM-45 | multi-family residential
- East: RM-20 | multi-family residential

### **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:

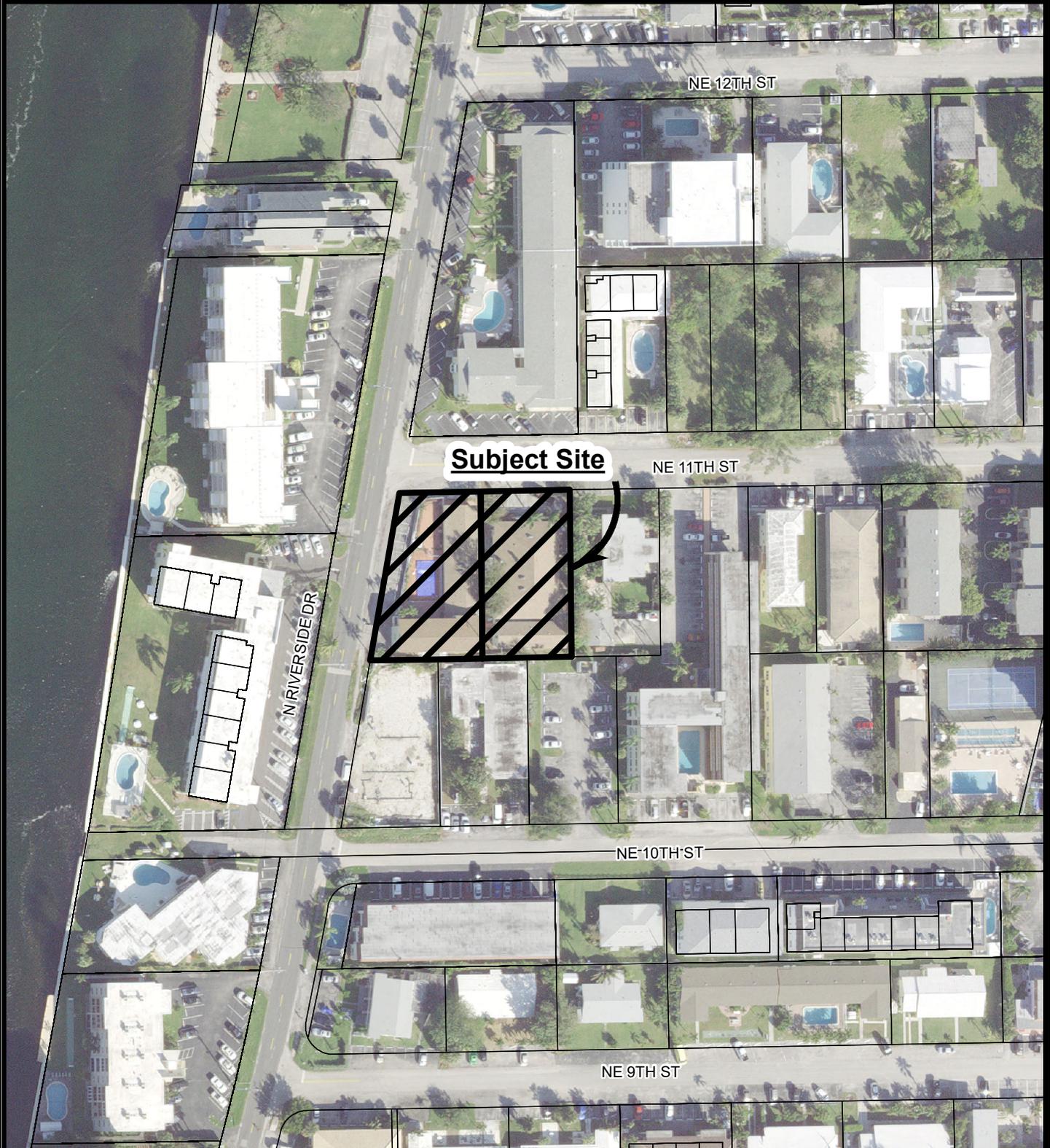
1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited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

1. Close out all open code violations.
2. Obtain all necessary governmental permits and approvals, including a Change of Certificate of Occupancy and a Business Tax Receipt for the hotel/motel use.
3. Obtain Unity of Title or similar covenant declaration that unifies the two parcels for zoning purposes.

# CITY OF POMPANO BEACH AERIAL MAP



**Subject Site**

1 in = 125 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES