



Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman
Hope Calhoun

Dwayne Dickerson
Ete Zachariades
Matthew H. Scott
Matthew Kwasman
Christina Bilenki

Lauren G. Odom
Nicole Jaeger
Rachael Bond Palmer

February 15, 2022

Zoning Board of Appeals
100 West Atlantic Blvd.
Pompano Beach, FL 33060

RE: Special Exception Justification Statement for Hotel Use

Owner/Applicant: AC 27, LLC

Property Addresses: 3208 NE 11 Street and 1020 N Riverside Drive

Dear Board Members:

AC 27, LLC (“Owner” or “Applicant”), through undersigned counsel, hereby requests Special Exception Approval, pursuant to Section 155.2406 of the City Code, to convert an existing assisted living facility into a hotel with 21 rooms (“Project”). The site for the Project includes two contiguous parcels with addresses of 3208 NE 11 Street and 1020 N Riverside Drive (collectively “Property”) which are generally located on the western side of the City’s barrier island approximately 1 mile north of Atlantic Blvd. The Property has a land use designation of Medium High Residential and a zoning designation of RM-20. Hotel use is permitted under these land use and zoning categories with Special Exception Approval. This application should be granted because the request meets all applicable criteria under the Code, the Project entails substantially improving an otherwise dilapidated set of structures and repurposing them with a desirable use for the area, and the proposed hotel use is fundamentally consistent and compatible with the neighborhood.

The subject Property includes two parcels, each with structures constructed over fifty years ago. Over the years, the structures have undergone small renovations and have functioned together as an assisted living facility. Together, the two parcels measure approximately 0.575 acres. Currently, the assisted living facility is no longer in operation, and the Property is rundown.

Applicant proposes keeping the existing building footprints but drastically upgrading them by renovating interior areas, adding new landscaping, cleaning up and painting the exterior areas, restriping the parking spaces, and improving the pool area. The vision is to take an underutilized, tired Property and convert it to a revitalized, clean hotel a little over a block from the beach. The City has recently made improvements to the beachfront area, making an already popular tourist destination even more desirable for visitors. Applicant hopes the conversion of this Property to a hotel will help meet the increasing demand for hotel rooms in the City.

Below are the specific Code criteria for Special Exceptions in italics and bold with Applicant’s responses below each.

1. Is consistent with the comprehensive plan;

The future land use designation for this Property is Medium High Residential, which allows for up to 25 residential units per acre and other uses. Under the Future Land Use Element of the City's Comprehensive Plan (the "Plan"), "hotels, motels and similar lodging" are specifically listed as permitted uses for the Residential future land use category. (See Subsection 3.02, Land Use Implementation). **Most notably, the Plan expressly encourages the Intended Use, stating that it is the City's policy to "Support and promote hotels, motels and other tourist accommodations in designated residential, commercial and commercial recreation land use designations."** (See Policy 01.03.10). The proposed use is consistent with the Comprehensive Plan.

2. Complies with all applicable zoning district standards;

The zoning district for this Property is RM-20. This zoning district permits up to 20 residential units per acre and double that amount for hotel rooms, via special exception approval. The Property is approximately 0.575 acres, meaning 11 residential units would be permitted on site or 22 hotel rooms. Applicant is proposing 21 hotel rooms. As stated above, Applicant does not propose changing the existing building footprints, height, setbacks, or other dimensions. If approved, Applicant will prepare and record either a unity of title or unity of control to formally tie the parcels together for development purposes. Accordingly, the application complies with applicable zoning district standards.

3. Complies with all applicable use-specific standards in Article 4: Use Standards;

The Project will comply with all applicable use-specific standards including obtaining required state licensure.

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;

The proposed hotel will not overburden existing public facilities and services as the Project does not propose increasing the size of the buildings or number of rooms on site. Rather, Applicant proposes reusing the existing facility. Typically, a hotel use is less burdensome on public facilities, such as police and fire, than an assisted living facility. Thus, the Project will likely result in either a net negative or neutral impact on facilities and services. More generally, a small hotel such as this has a de minimis impact on services and facilities.

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;

The proposed hotel is appropriate for the location and compatible with the area. The Property is on the City's barrier island, which is a major tourist destination, and is about one block from the beach. This is an area where tourists and visitors are looking for lodging. Moreover, there are no single-family homes in the vicinity of the Property. Instead, the neighborhood has a mix of apartment complexes, condominiums, hotels, and commercial uses. The Property has sufficient parking to accommodate the proposed use and many visitors use Uber or Lyft to come to and from similar uses.

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;

There will not be any such impact to surrounding lands. The proposed hotel will not have event space or a bar/restaurant, which are the types of accessory uses to hotels that can generate noise or parking issues.

7. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;

Applicant proposes cleaning up the landscaping and adding new landscaping around the Project. There are no adverse visual impacts to screen.

8. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;

There will be no change or introduction of activities which will negatively affect water or air resources, scenic resources, or 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;

Parking at the Property will not change in any material way. Existing ingress and egress are adequate and safe.

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

The proposed use is appropriate for this area and will not negatively impact property values or surrounding uses. Again, there are similar uses in the vicinity, so the compatibility is self-evident. Allowing for the hotel use will cause the Property and existing structures to be rehabilitated and improved, which will positively impact the area. In point of fact, this is the type of project that should be encouraged, as there are positive economic externalities to individual property owners improving dated properties.

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;

For many years, the City has been a top-tier domestic vacation destination. Recent improvements made by the City to the beach area have caused the City's popularity to grow. To keep pace with the burgeoning demand, new hotels of various size and price point are needed in the beach area. New hotels will help the City ensure it captures interested visitors. Increased tourism is beneficial to the local economy including those living and working in the nearby vicinity. Those staying on the Property will frequent local stores and restaurants, which is in "service of the population of the neighborhood."

Based on recent data from the Greater Fort Lauderdale Convention and Visitors Bureau, demand for hotel rooms in Broward County has been steadily increasing recently as domestic travel has grown during the

Covid pandemic. If approved, this Project will help support that positive growth in tourism being experiences by the County.

12. Complies with all other relevant city, state and federal laws and regulations; and

Applicant intends to apply for a state license and understands if the special exception application is approved Applicant would need to show proof of licensure prior to obtaining a business tax receipt.

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.

As stated above, the area surrounding the proposed hotel has a mix of apartment complexes, condominiums, other hotels, and small commercial uses. The proposed Project is compatible with this higher density, active, beach area.

Respectfully,

DUNAY, MISKEL AND BACKMAN, LLP

A handwritten signature in blue ink that reads "Matthew H. Scott". The signature is written in a cursive style with a large initial "M" and "S".

Matthew H. Scott

MHS/kgq