



Staff Report

File #: LN-216

Zoning Board of Appeals
Meeting Date: January 20, 2022

SPECIAL EXCEPTION - MELRO CO.

Request: Special Exception
P&Z# 21-17000012
Owner: Melro Co.
Project Location: 1979 N Federal Highway
Folio Number: 4842 25 07 0015
Land Use Designation: C - Commercial
Zoning District: General Business (B-3) / Planned Development (PCD)
Agent: Mark Doyle, CEO
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4209(B) (1) [Districts Where Permitted] of the City's Code of Ordinances in order to utilize the subject property (Zoning District: B-3/PCD) for a Specialty Medical Facility.

The property is located on an outparcel at Pompano Citi Centre, west of N Federal Highway and south of Copans Road.

ZONING REGULATIONS

155.4209. INSTITUTIONAL: HEALTH CARE USES

- ...
- B. Specialty Medical Facility
 - 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 | 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 |

2. Definition

A specialty medical facility is a facility, regardless of size, offering specialized treatment and services including, but not limited to, ambulatory surgical facilities, dialysis centers, substance abuse treatment facilities, outpatient rehabilitation facilities, birthing facilities, and urgent care facilities (not including a 24-hour urgent care facility). This use also includes medical or dental offices which are larger than 5,000 sq ft gfa.

3. Standards

A specialty medical facility shall comply with the following standards:

- a. Separation from Residential Uses. The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District.
- b. Overnight Treatment. Overnight treatment is prohibited.
- c. Hours of Operations. The facility shall not offer treatment or similar services between the hours of 10:00 p.m. and 7:00 a.m.

PROPERTY INFORMATION

- 1. The subject property has an active Business Tax Receipt as a retail merchant for cellular sales, and previously included a Pier 1 Imports.
- 2. Ordinance No. 2002-68, adopted 9/24/2002, rezoned Pompano Citi Centre to B-3/PCD. The associated Master Site Plan clarified that medical offices are a permitted use. However, the applicant is proposing a *Specialty Medical Facility*, which requires approval via Special Exception.
- 3. The applicant has concurrently submitted a Variance application in order to allow the facility to be located less than 500 feet from a Two-Family (RD-) Zoning District.
- 4. The applicant has provided responses to the thirteen Special Exception review standards and contends there is a demonstrated need for a Specialty Medical Facility in this area. However, the Special Exception cannot be approved unless relief is obtained from the aforementioned residential separation requirement.

LAND USE PATTERNS

Subject property (Zoning / Existing Use):

- B-3/PCD / cellular sales

Surrounding Properties (Zoning District / Existing Use):

- North: B-3/PCD / Pompano Citi Centre
- South: B-3/PCD / Pompano Citi Centre
- East: B-3 / shopping plaza (various retailers)
- West: B-3/PCD / Pompano Citi Centre

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:

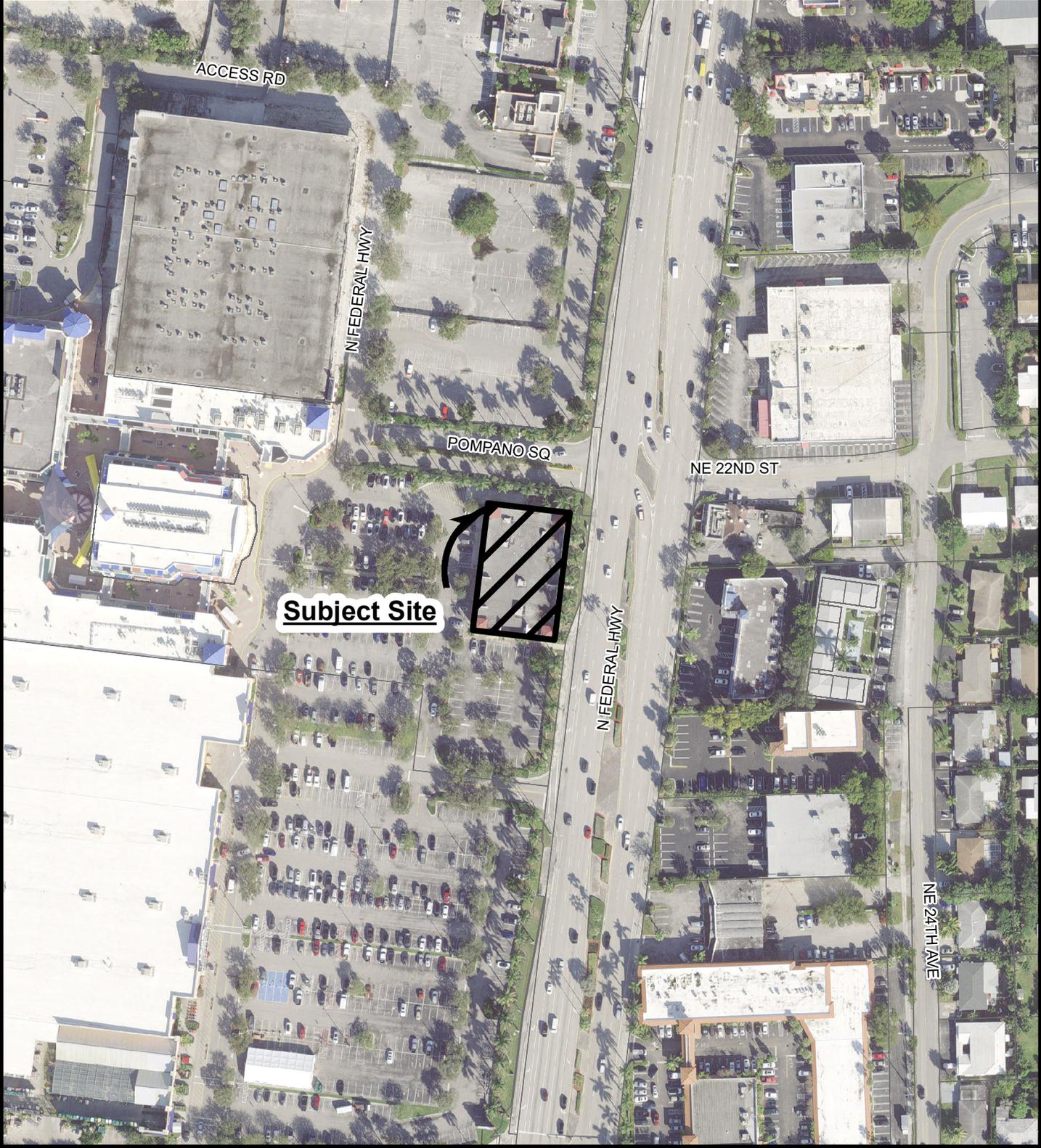
STAFF REVIEW AND RECOMMENDATION

As currently submitted, the proposed use does not meet Special Exception review standard “c: *complies with all applicable use-specific standards in Article 4: Use Standards*. Specifically, the proposed use is located on a property that is within 500 feet from a Two-Family (RD) zoning district with conflicts with provision §155.4209(B)(3)(a). However, the applicant has submitted a concurrent Variance application, PZ 21-11000020, requesting relief from the separation requirement, which appears to be very minimal in nature.

Should the Board determine the applicant has provided competent substantial evidence sufficient to satisfy the thirteen Special Exception review standards, staff request the Board include the following conditions as part of the Order:

1. Successfully obtain relief (Variance) from the separation requirement between a Specialty Medical Facility and an RD-1 zoning district.
2. Obtain all necessary governmental permits and approvals, including building and zoning compliance permits.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 167 ft

AERIAL MAP

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES