



Staff Report

File #: LN-217

Zoning Board of Appeals
Meeting Date: January 20, 2022

VARIANCE - MELRO CO

Request: Variance
P&Z# 21-11000020
Owner: Melro Co.
Project Location: 1979 N Federal Highway
Folio Number: 21-11000020
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 a VARIANCE from Section 155.4209(B)(3)(a) [Specialty Medical Facility Standards], of the City of Pompano Beach Code of Ordinances, in order to allow a Specialty Medical Facility to be located approximately 430 feet from a Two-Family (RD) Zoning District, rather than requiring the facility to be located at least 500 feet from a Two-Family (RD) Zoning District as per code.

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

...
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:

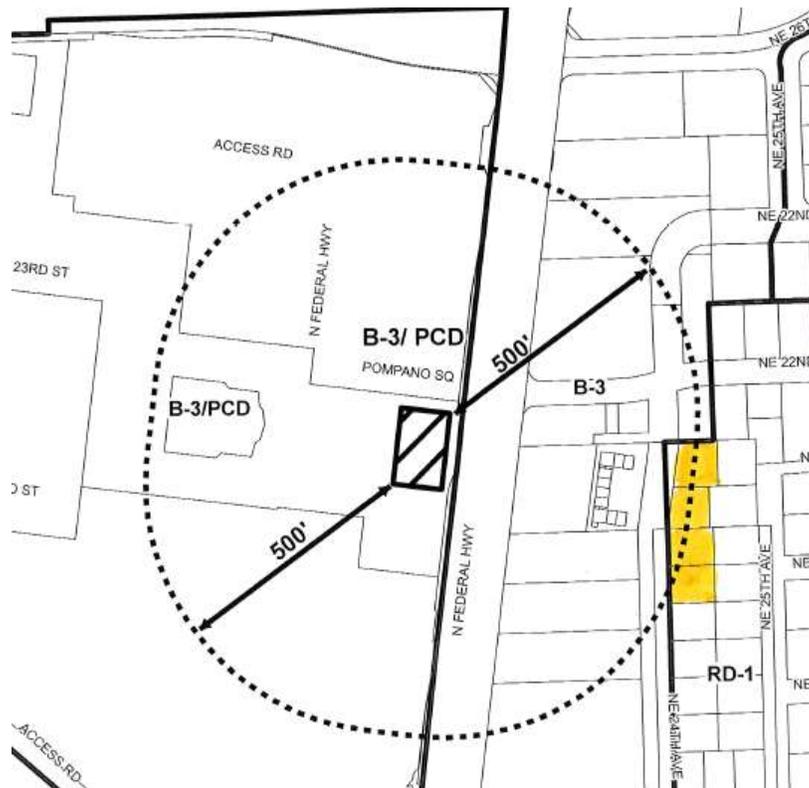
a. Separation from Residential Uses. The facility shall be at least 500 feet from a Single Family (RS) or

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. An application for that use has been concurrently submitted, and one of the use-specific standards is that specialty medical facilities must be located at least 500 feet from a Single-Family or Two-Family Zoning District.
3. According to the 500' radius map prepared by the Development Services Department, only four (4) RD-1 zoned properties are located within 500' of the subject property, and they are separated from the subject property by Federal Highway and an existing commercial development. Therefore, staff finds this variance request to be minimal with little or no impact on the Vacca Villa subdivision.



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

VARIANCE REVIEW STANDARDS

A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

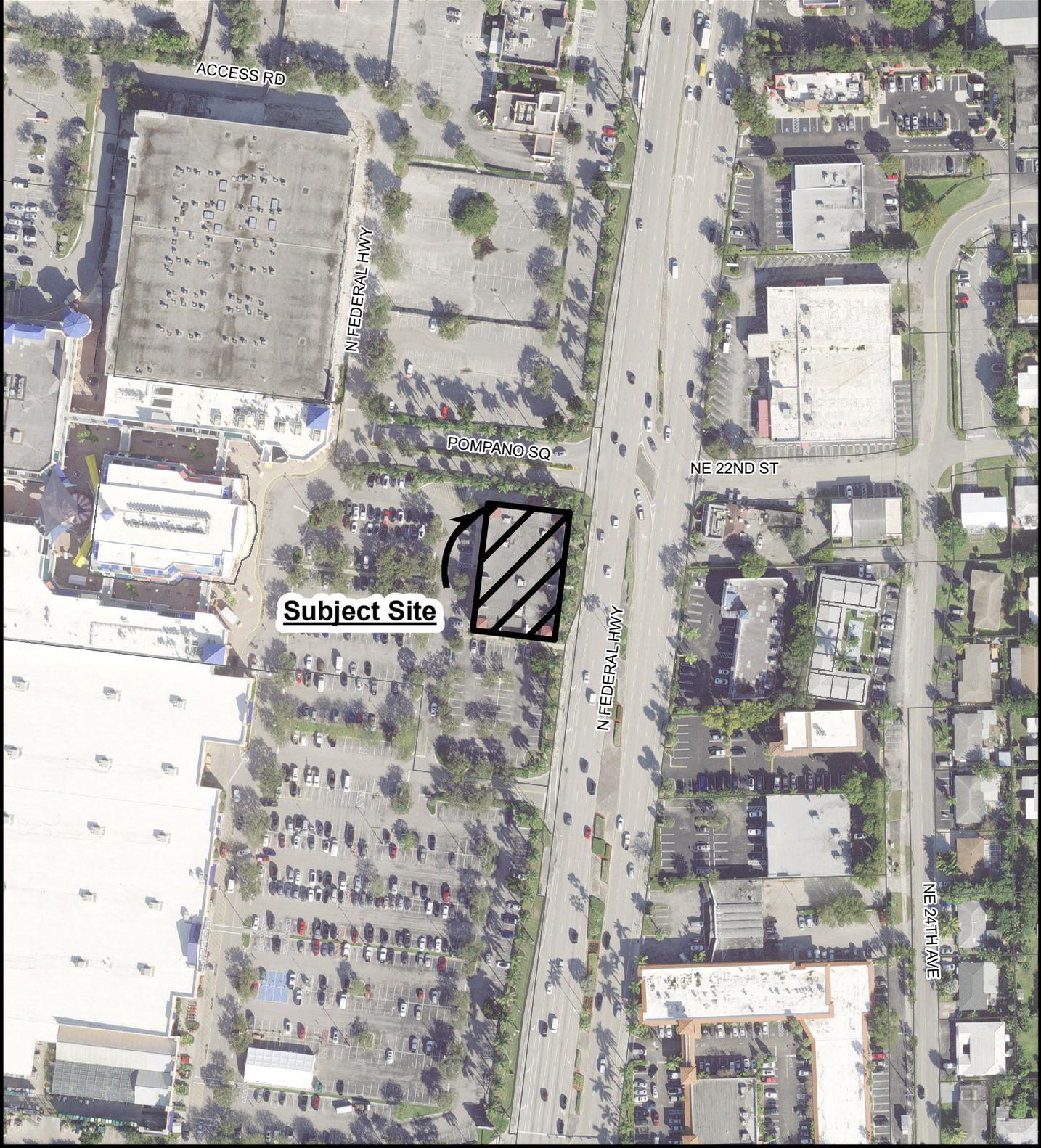
- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
- c) Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;
- d) The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.
- e) The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
- f) The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
- g) The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- h) The Variance is consistent with the comprehensive plan.

Staff Conditions:

Should the Board determine that the applicant has provided competent substantial evidence to satisfy the eight Variance review standards, staff recommends the Board include the following conditions as a part of the Order:

1. Obtain all necessary governmental permits and approvals, including building and zoning compliance permits with all necessary final inspections, zoning use certificate and city-issued Business Tax Receipt.
2. Successfully obtain a Special Exception for a *Specialty Medical Facility*.

CITY OF POMPANO BEACH AERIAL MAP



Subject Site

1 in = 167 ft

AERIAL MAP

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES