



## Staff Report

**File #:** LN-347

Zoning Board of Appeals  
Meeting Date: September 15, 2021

### SPECIAL EXCEPTION - R I P HOLDINGS

**Request:** Special Exception  
**P&Z#** 22-17000010  
**Owner:** R I P Holdings  
**Project Location:** 2200 N Federal Highway  
**Folio Number:** 4843 30 15 0230  
**Land Use Designation:** C- COMMERCIAL  
**Zoning District:** General Business (B-3)  
**Agent:** Shane Zalonis  
**Project Planner:** Scott Reale

### Summary:

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

The subject property is located on the east side of N Federal Highway, between NE 22<sup>nd</sup> Street and NE 23<sup>rd</sup> Street.

### ZONING REGULATIONS

#### 155.4209. INSTITUTIONAL: HEALTH CARE USES

- ...
- D. Specialty Hospital
  - 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	

## 2. Definition

A specialty hospital is a hospital which offers a restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders which include: Specialty medical hospitals; specialty rehabilitation hospitals; specialty psychiatric hospitals, which may include beds licensed to offer intensive residential treatment programs; specialty substance abuse hospitals, which may include beds licensed to offer intensive residential treatment programs; and an addictions receiving facility.

## 3. Standards

A specialty hospital shall comply with the following standards:

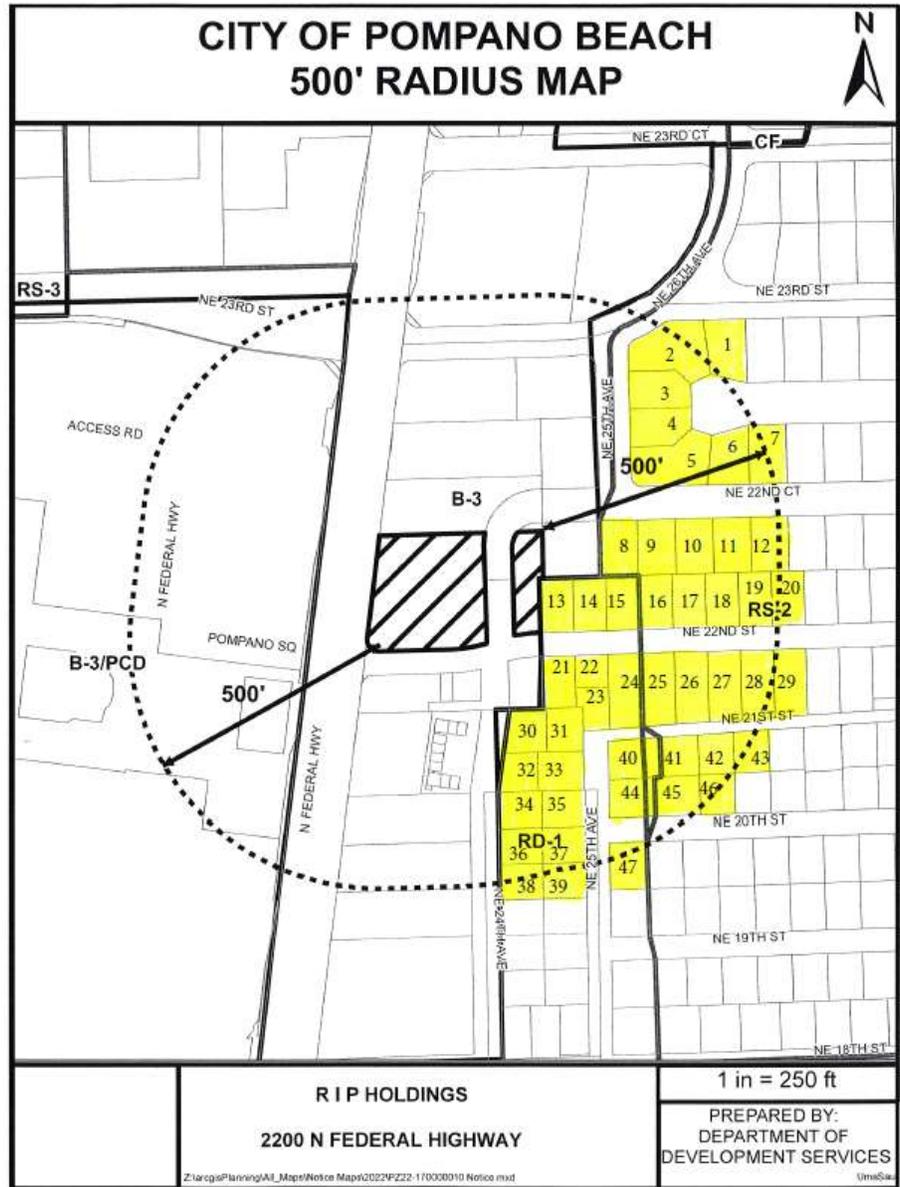
- a) Separation from Residential Uses. The hospital shall be at least 500 feet from a Residential Zoning District.
- b) Overnight Treatment. Overnight treatment is permitted.
- c) Hours of Operations. The hospital may be open 24 hours per day.
- d) The specialty hospital shall be located on a site that has an area of at least three acres and fronts on or has direct access to and from an arterial or collector street.
- 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.
- f) A perimeter security plan is required and shall address at a minimum vehicular and pedestrian access to site, parking areas, and lighting.
- g) Outdoor recreation and/or passive space shall be provided for both patients and visitors.

## PROPERTY INFORMATION

1. The subject property has no open code cases.
2. Until late 2021, the subject property had been the home of Diamond Strike Lanes (bowling alley) and RIPS Sports Bar & Grill. The applicant landowner intends to demolish the building and replace it with a 10,860 sq ft Specialty Hospital, which requires approval via Special Exception. The business model is essentially a 24-hour Urgent Care Facility with a free standing emergency room (FSER), whereby an ambulance may drop off patients experiencing a medical emergency.
3. There are seven use-specific standards required for a Specialty Hospital, and the applicant is seeking relief on two of them through a concurrent Variance application, PZ #22-11000016. Specifically, the applicant needs relief from the minimum separation distance from a residential zoning district as well as the minimum lot area.
4. According to the 500' radius map prepared by the Development Services Department, forty-seven (47) residentially-zoned properties are located within 500' of the subject property. It should be noted that the subject property is actually located on two separate parcels; the smaller parcel is a parking lot parcel on the east side of NE 24th Avenue. In 2010, a Unity of Title agreement merged the two parcels into one tax folio, resulting in additional properties being located within the 500' separation requirement.
5. The 500-foot separation requirement was created, in part, to protect adjacent residential neighborhoods from potential adverse impacts; however, the applicant contends the proximity to residential is actually a benefit to the community in terms of response times and drive times to the facility during an emergency. According the applicant, nearest emergency room is located at Broward Health North, which is 2.6 miles away from the subject property, with an 8-13 minute drive time. The applicant contends the proximity fulfills a demonstrated need to service the population of the neighborhood.
6. The applicant's narrative states other uses permitted by right in the B-3 zoning district - such as restaurants - generate significantly more daily trips than the proposed use. However, staff questions the

appropriateness of a relatively intense use so close to a single-family residential district. Of particular concern is the ambulance's proposed drop off location on the east side of the property, which is across the street from a residential neighborhood. The applicant's narrative suggests that similar HCA-operated FSER's have an average of less than 1 ambulance visit per day. Additionally, it should be noted that the drive-thru of a nearby fast food establishment, Chick-fil-A, has caused traffic backup along N Federal Highway, although they have taken measures to help alleviate some of the backup. The aforementioned parking lot parcel tied to the subject property is currently used by Chick-fil-A for overflow parking.

7. As previously noted, the applicant is also seeking relief from the minimum 3-acre requirement for a Specialty Hospital. According the survey submitted, the subject property comprises 1.6 acres, and that includes the smaller stand-alone parking lot parcel. The applicant contends the requirement is unwarranted because the emergency room component - which effectively makes the use a Specialty Hospital - is a standalone department of a hospital, and the facility does not require the amount of land a full hospital would.



**LAND USE PATTERNS**

Subject property (Zoning | Existing Use):

- B-3 | former bowling alley

Surrounding Properties (Zoning District | Existing Use):

- North: B-3 | retail (Mattress Firm and Jimmy John’s)
- South: B-3 | restaurant (Big Louie’s Pizzeria), law firm, realtor
- East: B-3 and RD-1 | 10-unit apartment building and single-family dwelling
- 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:

- a. Is consistent with the comprehensive plan;
- b. Complies with all applicable zoning district standards;
- c. Complies with all applicable use-specific standards in Article 4: Use Standards;
- d. 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;
- 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 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;
- 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;
- g. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
- h. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- 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;
- j. Allows for the protection of property values and the ability of neighboring lands to develop 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;
- l. Complies with all other relevant city, state and federal laws and regulations; and
- 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 of 500 feet to a one-half mile radius from the subject site.

**Staff Conditions:**

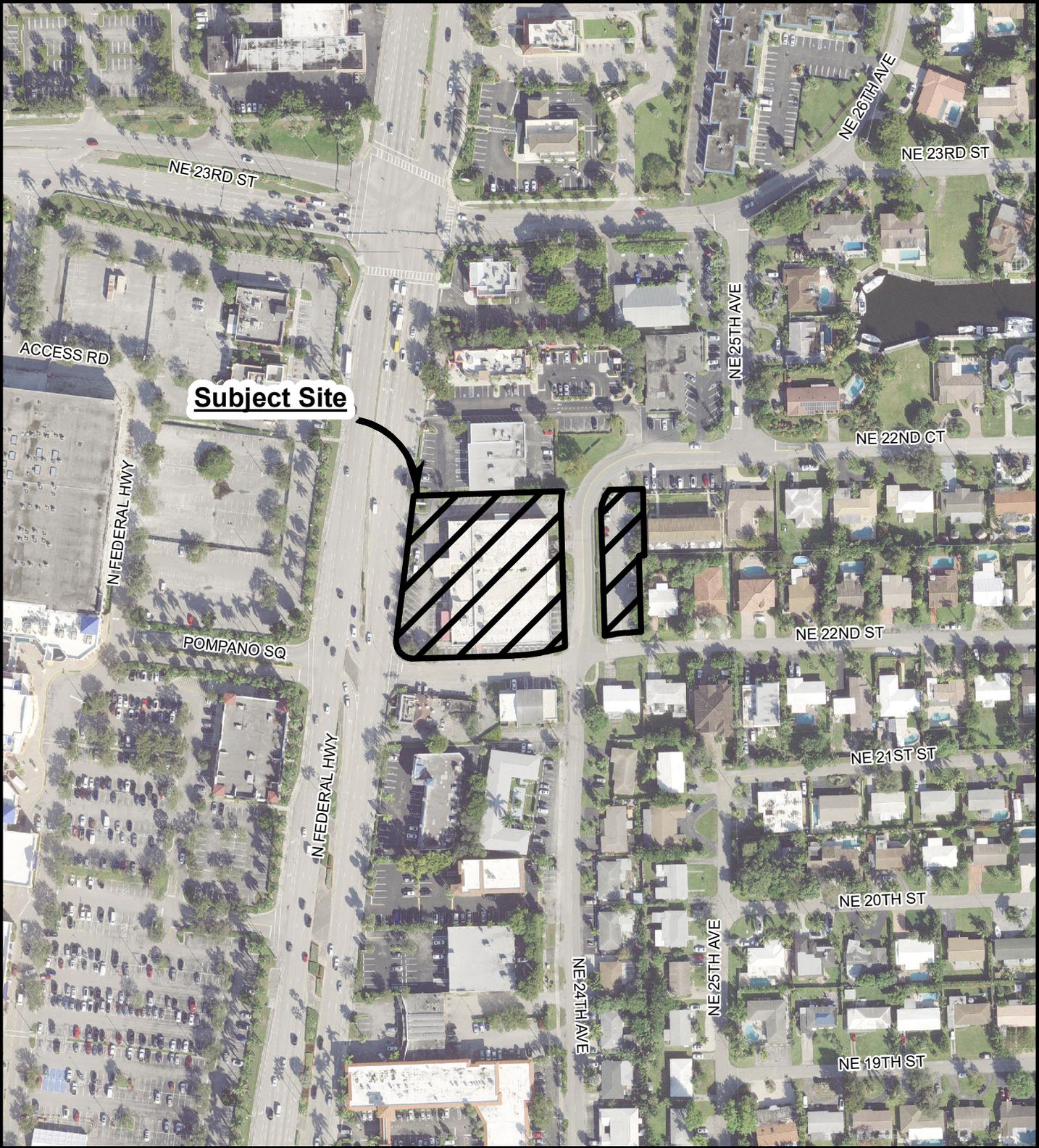
**STAFF REVIEW AND RECOMMENDATION**

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 residential zoning district, which conflicts with provision §155.4209(D)(3)(a), and is located on a property that has less than 3-acres of lot area, which conflicts with provision §155.4209(D)(3)(d). However, the applicant has submitted a concurrent Variance application requesting relief from these provisions.

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. Successfully obtain relief (Variance) from the residential separation and the minimum lot area requirements.
2. Obtain all necessary governmental permits and approvals including Major Site Plan, Major Building Design, building and zoning compliance permits, and a city-issued Business Tax Receipt.
3. Within six months, submit a Site Plan application for the intended use.
4. During Site Plan review, consider relocating the ambulance driveway and drop-off further away from the residential neighborhood to the east.
5. Should the average number of daily ambulance visits be significantly greater than the other FSER’s referenced in applicant’s narrative (0.4 and 0.8 ambulance visits per day), Development Services reserves the right to revoke the facility’s Zoning Use Certificate.

# CITY OF POMPANO BEACH AERIAL MAP



1 in = 208 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES