



Staff Report

File #: LN-504

Zoning Board of Appeals
Meeting Date: August 17, 2023

SPECIAL EXCEPTION - 3225 NE 7 Street LLC

Request: Special Exception
P&Z# 23-17000005
Owner: 3225 NE 7 Street LLC
Project Location: 3225 NE 7 Street
Folio Number: 484331090220
Land Use Designation: MH- Medium-High 16-25 du/ac
Zoning District: Multiple-Family Residence 20 (RM-20)
Agent: Ginete Hernandez
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 property is located on the barrier island, on the north side of NE 7th Street, between N Riverside Drive and N Ocean Blvd (A1A).

ZONING REGULATIONS

§155.4225. COMMERCIAL: VISITOR ACCOMMODATION USES

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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 AND STAFF ANALYSIS

- 1. The subject property has no open code compliance cases, no open building permits, and no Business Tax Receipts.
- 2. Although original building permits could not found in the city’s digital archives, the Broward County Property Appraiser’s website and the city’s index card file suggest the property was developed in the mid-1950s. Business Tax Receipts and Zoning Use Certificate records show that the property has operated as an 8-unit rental property for decades, alternating between apartments and a hotel/motel. However, the most recent use was for rental apartments; therefore, the hotel/motel use can only be reestablished through Special Exception approval.

Folio # 8331-09-022

Block _____ Lot 23 Subdivision Atlantic View

Building Permit No. 558^{N.Y.} Year 1952 Building Permit No. _____ Year 67^{sign}

Building Permit No. 691^{N.Y.} Year 56 Building Permit No. 3980 Year 67

Name _____ Mrs. J. A. Agnew EDWARDS

Address _____ 3225 N. E. 7th Street

Contractor _____ owner

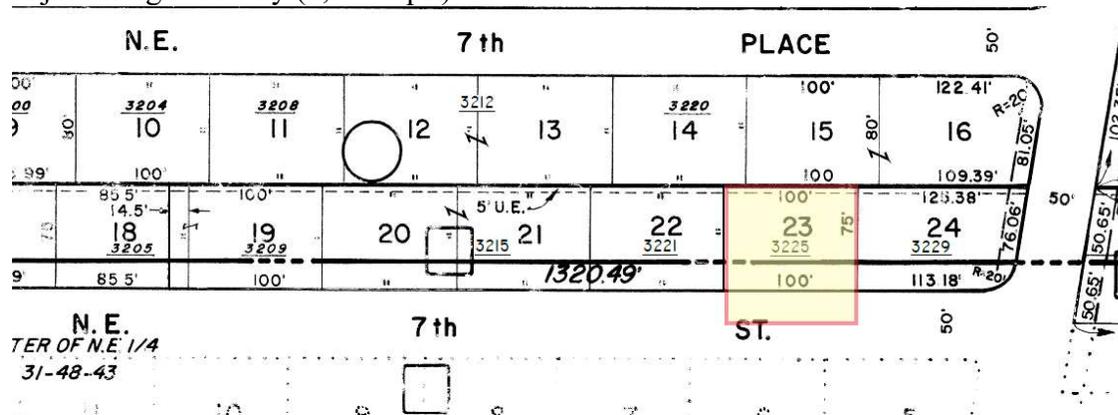
ike's Carter Pools - pool

° No Plans

FORM B-2 - 1-24-15C

- 3. The allowable density for hotels 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.

Further, visitor accommodation uses can use gross density to determine the maximum number of rooms. Gross density is the net acreage of the subject property (7,500 sq ft) plus the area to the centerline of the adjacent right-of-way (2,500 sq ft).



4. The Land Use category for this property is MH (Medium High = 25 dwelling units per acre). The gross density allows for a total of 11 hotel lodging units. However, the applicant is proposing 8 lodging units, which is the number of units currently existing on the subject property.
5. The parking requirement for hotels of this size is 1 space per lodging unit. Aerial and street imagery suggest the site has sufficient parking (9 spaces) for the proposed hotel/motel use. It should be noted that the existing parking spaces encroach onto the NE 7th Street right-of-way; however, this is an extremely common legal nonconformity with older properties on the barrier island.
6. 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.
7. 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.
8. 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 | 8-unit multi-family dwelling (no active BTR)

Surrounding Properties (Zoning District | Existing Use):

- North: RM-20 | parking lot
- South: RM-20 | multi-family dwellings (townhomes under construction)
- West: RM-20 | duplex (no active BTR)
- East: RM-20 | duplex (no active BTR)

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. Obtain all necessary governmental permits and approvals, including a Change of Certificate of Occupancy, and a Zoning Use Certificate and Business Tax Receipt for the hotel/motel use with a maximum of eight (8) lodging units.

CITY OF POMPANO BEACH AERIAL MAP



Subject Site

1 in = 167 ft

3225 NE 7 St

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES