



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Staff Report

File #: LN-438

Zoning Board of Appeals

Meeting Date: April 20, 2023

SPECIAL EXCEPTION - ACG PB LLC

Request: Special Exception
P&Z# 23-17000001
Owner: ACG PB LLC
Project Location: 872 E McNab Road
Folio Number: 494212320010
Land Use Designation: C- Commercial
Zoning District: Community Business (B-2)
Agent: Rahil Sanghvi
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: B-2) for a hotel or motel.

The subject property is located on the south side of E McNab Road, approximately 1,000 feet west of Federal Highway.

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	

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 is currently vacant. The applicant intends to develop a 90-room hotel on the subject property and is in the process of amending the current plat note restriction (PZ #23-14000002) and abandoning several easements (PZ #23-27000003) on the property, which will allow for new development in some capacity.
2. In addition to the Special Exception requirement for a hotel in the B-2 Zoning District, the applicant must also obtain Building Design and Site Plan approval. Those two applications have not yet been filed; however, a conceptual site plan was provided with this Special Exception application. A preliminary review suggests the plans may need to be revised in order to comply with all applicable zoning standards, including but not limited to parking and landscaping. Code requirements will be more thoroughly vetted during formal DRC Site Plan review. This application's scope is limited to a request to allow a hotel use on the subject property.
3. In recent years the ZBA has granted a number of Special Exceptions for the hotel/motel use in multi-family residential zoning districts on the barrier island. Those approvals were usually associated with a conversion from existing older apartments to a hotel. This request is unique in that the subject property is located on the mainland, on vacant (undeveloped) property, and has a commercial zoning and land use designation.
4. Historically, Pompano has placed an emphasis on visitor accommodations on the barrier island. However, there are two nearby hotels on Federal Highway: a 48-room Executive Economy Lodge at 555 S Federal Highway, and a 102-room Hampton Inn at 900 S Federal Highway.
5. 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.
6. Over the past few years, E McNab Road between S Cypress Road and S Federal Highway has seen some modest streetscape improvements as well as some new development. A new PCD-designated self-storage facility is being constructed two parcels east of the subject property.
7. It should be noted that a Special Exception is required for a *Hotel* in the B-2 zoning district, but both a

Condo Hotel and Bed & Breakfast Inn are permitted by right.

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use):

- B-2 | vacant

Surrounding Properties (Zoning District | Existing Use):

- North: RM-20 | multi-family dwellings
- South: RMM-25 (City of Fort Lauderdale) | multi-family dwellings
- West: B-2 | Excelsior International Academy (pre-school and child care facility)
- East: PU | FPL substation

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:

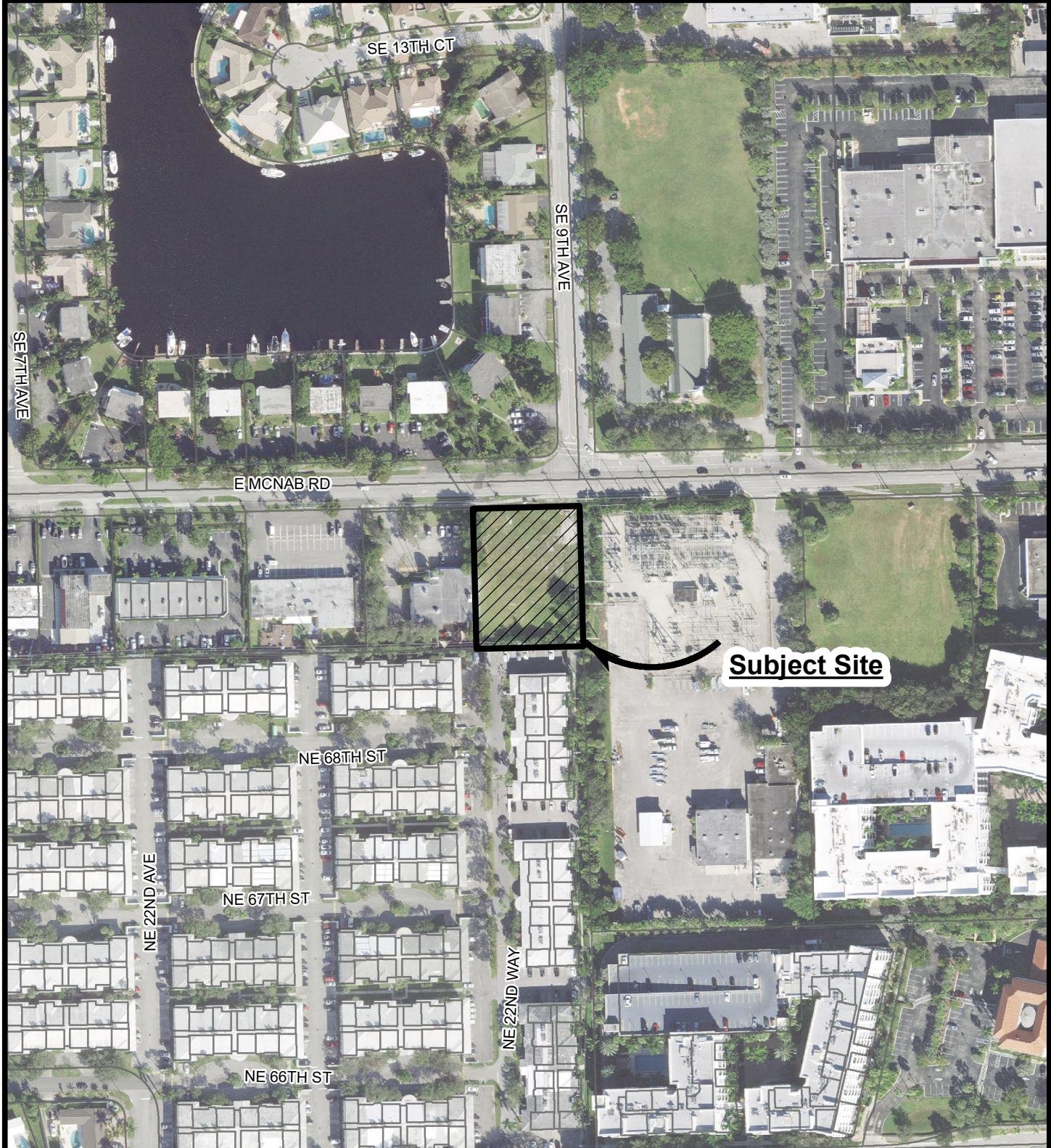
1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited 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 condition as part of the Order:

1. Obtain all necessary governmental permits and approvals, including easement abandonments, plat note amendment, Site Plan, and Building Design, building and zoning compliance permits, and a city-issued Business Tax Receipt.

CITY OF POMPANO BEACH OFFICIAL AERIAL MAP



1 in = 208 ft

872 E McNab Rd

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES