

February 15, 2022

## Narrative

For

### A Specialty Medical Facility over 5,000 Square Feet.

The project is located at 800 North Federal Highway in the City of Pompano Beach. The shopping center was first constructed in 1973 with major expansion in the 80's and further improvements and DRC approval in 2007.

The owner has a lease agreement with Humana for approximately 6,500 square feet to provide medical health and wellness care for area residents. The Humana Market Analysis depicts a large segment of existing Humana members and new senior care is needed in the Pompano Beach area. The move to this facility follows a strategic shift to allow continued health care minimizing drive time for current and new members. There is adequate handicapped parking and regular spaces to function as a commercial center including the proposed specialty medical use. A medical use up to 5,000 square feet is a permitted use in the B-3 zoning district, however, the only space available at this location is approximately 6,500 square feet. A "regular & permitted" medical use that does not need any zoning approval becomes a **specialty medical use** that does require a special exception in the B-3 zoning district.

The city code per Section 155.2406 Special Exception is outlined below:

#### 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.

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| Specialty medical facility parking | 1 per 200 sq ft floor area for treatment +1 per 300 sq ft for remaining areas |
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**Because the proposed use of a Specialty Medical Facility abuts the RD zoning district and is only 120 feet away, a variance request accompanies this request for the special exception.**

**A Special Exception application 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;

**Yes:** The projects B-3 zoning district is consistent with the C-Commercial Future Land Use designation as shown on the COPB FLU map. The B-3 district permits specialty medical facility subject to a special exception.

**2.** Complies with all applicable zoning district standards;

**Yes:** The shopping center was last approved by the COPB DRC in 2007 for a major retrofit and façade and parking lot improvements. There have been no changes since then other than tenant improvements. A variance has been requested because of the proximity of the RD district on the east. It is typical in planning-speak to have mid-to-high density housing as second tier sites when commercial uses front on major arterial roadways. If approved, the residential uses are not impacted by the request for the specialty medical use because the bay housing the proposed facility has existed since the 1980's and supported numerous tenants.

**3.** Complies with all applicable use-specific standards in Article 4: Use Standards;

**Yes:** The proposed Humana medial use is over 5,000 sf. Therefore, the use is classified by the city as a Specialty Medical Use which requires a Special Exception in the B-3 zoning district. By meeting the requirements, applying and obtaining approval of the special exception and separation variance, the project will be in compliance with 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, storm water management, and police and fire protection;

**Yes:** The existing structure constructed in 1983, is connected to City and County utilities, is not expanding in the physical sense. Thus, the existing capacity provides adequate services and avoids overburdening existing utilities, transportation, schools and other public facilities. Additionally, there is a Broward County Transit public bus stop along the project's frontage.

**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;

**Yes:** The location is appropriate for a commercially zoned shopping center that supports a medical use. The site is located on U.S. Highway 1, an arterial classified roadway supporting intense vehicular traffic. Likewise, a commercial traffic corridor such as U.S. 1 captures that traffic to

buttress the commercial uses to ensure healthy businesses. High density residential (RD) zoning, is typical for “2<sup>nd</sup> tier” residential zoning on side streets. The Market Analysis Map (included) depicts the great number of households that are active members of Humana Medical in Pompano Beach. Additionally, the data shown presents that this location offers the best opportunity to continue serving existing patient base as well as extending senior care services to an even broader local population.

**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;

**Yes:** Since first developed, the site has undergone major site modifications most recently in 2007. Additionally, tenant improvements have been on-going since the site’s inception: therefore, the latest and most modern lighting, electrical, plumbing have been reviewed and approved by the city in connection with the numerous building permits on file in city records. New improved site lighting, refuse collection areas (3) and parking and loading, signage and pavement markings are well maintained, thus, avoiding significant impacts to surrounding residential sites. The majority of parking is on the project’s road frontage buffering the residential dwellings on the east. The parking in the rear of the project that abuts the residential street is for site employees and has little vehicular movement during normal business hours.

**7.** Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;

**Yes:** The site is extremely well maintained and landscaped. The east elevation of the project has mature landscaping, both hedge and tree material providing for a positive visual impact. Terminal islands with Type D curbing support mature trees. The structures are well maintained and painted minimizing any adverse impact. The buildings themselves act as a buffer from the majority of parking on the west elevation screening the residences on the east from traffic and noise.

**8.** Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;

**Yes:** There is adequate water service & drainage on site, and there is little or no impact to air, scenic or other natural resources because the center has existed in the same configuration as approved by the City of Pompano Beach in the 1970’s.

**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;

**Yes:** The site’s location with frontage on U.S. Highway 1 situated between NE 9<sup>th</sup> Street and NE 10<sup>th</sup> Street allows for traffic circulation on all 4 elevations. There are six (6) ingress/egress points as shown on the site plan and survey, providing safe and convenient circulation and flow for both vehicles and pedestrians. Pedestrian walkways and pavement markings are recent and visible providing for pedestrian circulation away from traffic allowing for pedestrian safety. Project entry off U.S. 1 meets FDOT standards.

**10.** Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;

**Yes:** the appearance and mature landscaping on the east that is adjacent to the RD residential district is well maintained and has limited parking reducing vehicle “come-and-go” during business hours. The commercial vehicle traffic providing deliveries to the site is 100% captured on site by using the U.S. Hwy 1 ingress/egress without passing by residential dwellings on the east. Thus the site protects neighboring lands from intense vehicular traffic typical to the B-3 business 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;

**Yes:** Humana Health Care is the intended tenant for the bay within the existing commercial building. Humana, one of the nation’s largest healthcare provider’s is an integral service provided to Medicare members. As noted earlier, the Demographic Study and Market Analysis provided depicts a large population of existing Humana members as well as a large segment of senior population in Pompano Beach that will utilize the facility because of the proximity to their homes. The location within the Humana member’s neighborhood will provide convenience and limited travel for existing members as well as the senior member population in the city.

**12.** Complies with all other relevant city, state and federal laws and regulations; and

**Yes:** The shopping center meets the intent of the city code for the B-3 district and any state and federal regulations pertaining to the medical use will be met by the Humana organization through their licensing.

**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 ft to a one-half mile radius from the subject site.

**Yes:** In this case, a medical specialty use must maintain a distance of 500 feet from residential use. The location of the facility is approximately 114 feet from the RD zoned district, however, the east elevation of the center is actually the “backside.” The shopping center has existed since the 80’s and is well maintained with mature landscaping on the east which borders the residential district. Since the shopping center fronts US-1, it acts as a buffer for the 2<sup>nd</sup> tier residential area by mitigating traffic noise from US-1. Further, the marketing study does note that a large population in the area (see map) will utilize the facility saving drive time outside city limits.

**It is with greatly appreciated that the City consider approving the Specialty Medical Use to support the City of Pompano Beach population and senior care.**