



Staff Report

File #: LN-205

Zoning Board of Appeals
Meeting Date: December 16, 2021

SPECIAL EXCEPTION - 2300 W SAMPLE ROAD LLC

Request: Special Exception
P&Z# 21-17000011
Owner: 2300 W Sample Road LLC
Project Location: 2300 W Sample Road
Folio Number: 4842 21 04 0020
Land Use Designation: C- Commercial
Zoning District: General Business (B-3)
Agent: John Rapp
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4209(B) (1) [Districts Where Permitted] of the City's Zoning Code in order to utilize a portion of an existing building (Zoning District: B-3) as a dialysis center which is considered a Specialty Medical Facility.

The property is located on the south side of W Sample Road, between NW 27th Avenue and N Powerline Road.

ZONING REGULATIONS

§155.4209. INSTITUTIONAL: HEALTH CARE USES

- B. Specialty Medical Facility
 - 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
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M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
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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 no open code compliances and no open building permits.
- 2. The property was developed in the mid-1980s, shortly after this part of the city was annexed into Pompano Beach. Permit 84-1058 was issued a CO on 12/20/1984 for a bank and professional office building comprising 31,800 sq ft.
- 3. Over the years, the uses of have changed. Current BTRs include internet sales, transportation service, window cleaning, professional offices including acupuncture, property management, home health care services, office call center, nonprofit (unspecified), office-marketing, and prosthetic assembly. Additionally, the Pompano Beach Veterans Center is located on the ground floor of this building.
- 4. According to the applicant, the dialysis center will occupy approximately 4,400 sq ft. of the building. Because this use offers specialized treatment, it is considered a Specialty Medical Facility which requires Special Exception approval in the B-3 zoning district.
- 5. The applicant contends they will comply with all the use-specific standards for a Specialty Medical Facility. The site has ample parking and the nearest residential zoning district is well over a mile away.

LAND USE PATTERNS

Subject property (Zoning / Existing Use):

- B-3 / commercial building (various uses)

Surrounding Properties (Zoning District / Existing Use):

- North: B-3 c (Deerfield Beach) / shopping center
- South: B-4 / U-Haul
- East: B-3 / Dunkin' Donuts
- West: B-3/PCI / Sample Commons shopping center

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 request the Board include the following conditions as part of the Order:

1. Obtain all necessary governmental permits and approvals, including building and zoning compliance permits.
2. Compliance with all use-specific standards for a Specialty Medical Facility.

CITY OF POMPANO BEACH AERIAL MAP



Subject Site

1 in = 250 ft

2300 W Sample Road

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES