



Staff Report

File #: LN-346

Zoning Board of Appeals
Meeting Date: September 15, 2022

VARIANCE - R I P HOLDINGS LLC

Request:	Variance
P&Z#	22-11000016
Owner:	R I P Holdings LLC
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 a VARIANCE from the following provisions:

1. Section §155.4209(D)(3)(a) [Specialty Hospital Standards], of the City of Pompano Beach Zoning Code, in order to allow a Specialty Hospital to be located adjacent to a residential zoning district, rather than requiring the hospital to be located at least 500 feet from a residential zoning district as required by code.

2. Section §155.4209(D)(3)(d) [Specialty Hospital Standards], of the City of Pompano Beach Zoning Code, in order to allow a Specialty Hospital to be located on 1.6-acre site rather than requiring the hospital to be located on a site that has at least 3 acres as required by code.

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

ZONING REGULATIONS

§155.4209. INSTITUTIONAL: HEALTH CARE USES

...
D. Specialty Hospital

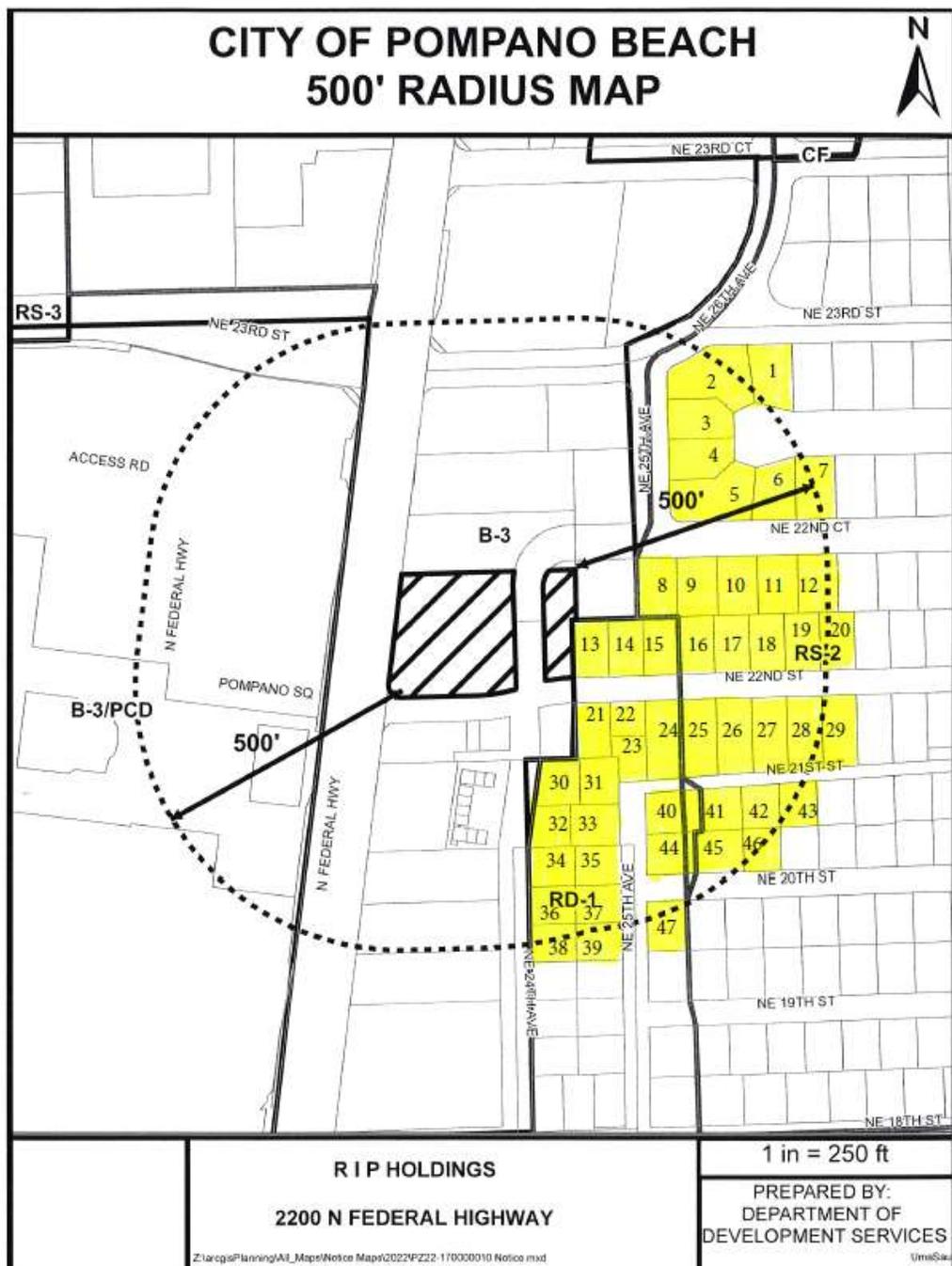
...
3. Standards

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. An application for that use has been concurrently submitted (PZ #22-17000010). 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: (1) a minimum separation distance from a residential zoning district and (2) a 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.
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. 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. The applicant contends the requirement is unwarranted because the emergency room component - which 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

VARIANCE REVIEW STANDARDS

A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
- c) Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;
- d) The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.
- e) The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
- f) The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
- g) The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- h) The Variance is consistent with the comprehensive plan.

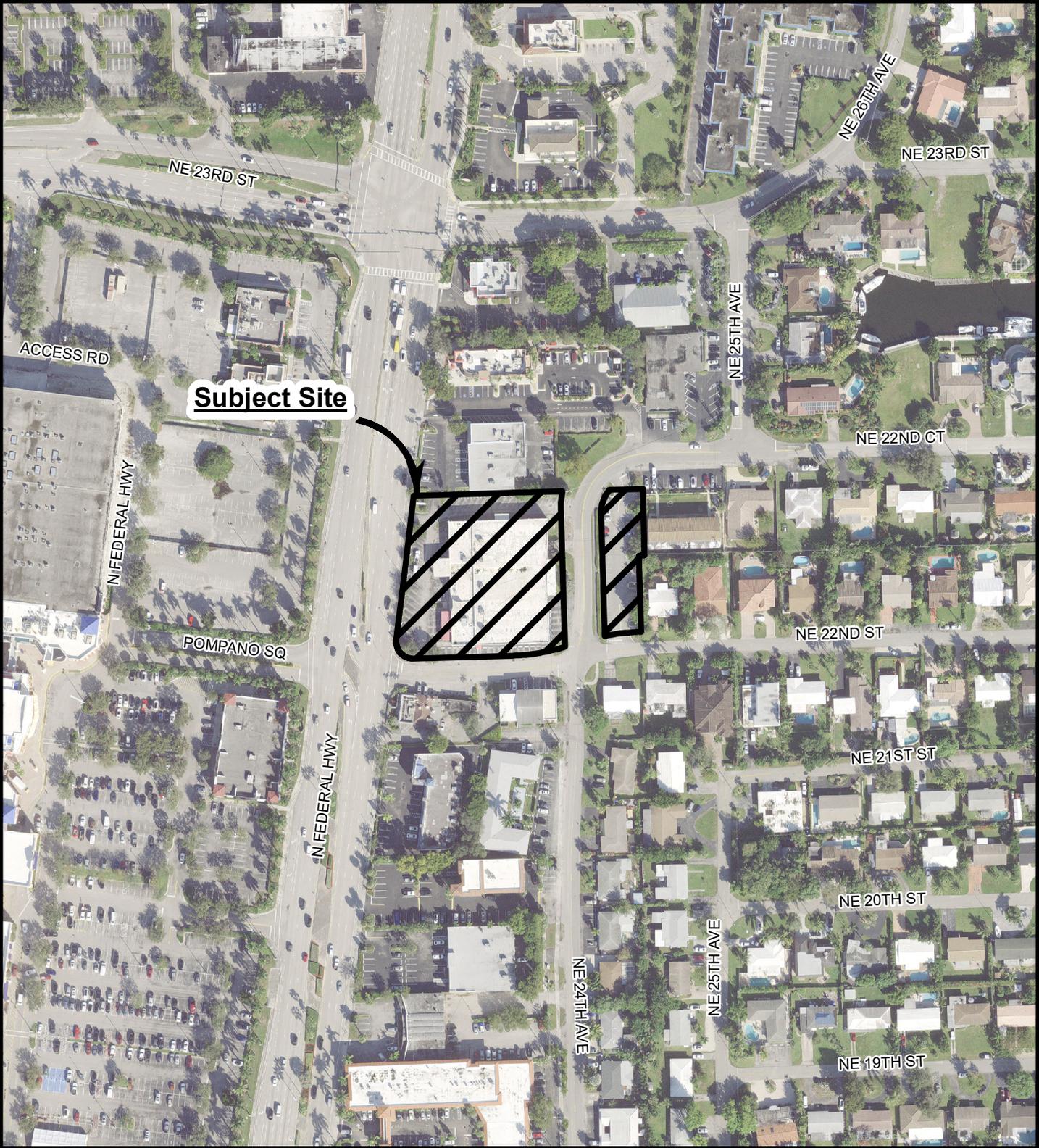
Staff Conditions:

Staff objects to the proposed variance application. There are other viable commercial properties throughout the city that would not require a separation variance. Both the City's Zoning Code and Comprehensive Plan aim to protect the character of existing single- and two-family residential development from negative impacts resulting from more intense adjacent forms of development.

Should the Board determine that the applicant has provided competent substantial evidence to satisfy the eight Variance review standards, staff recommends the Board include the following conditions as a part of the Order:

1. 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.
2. Successfully obtain a Special Exception for a *Specialty Hospital*.
3. Within six months, submit a Site Plan application for the intended use.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 208 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES