



Staff Report

File #: LN-243

Zoning Board of Appeals
Meeting Date: March 17, 2022

SPECIAL EXCEPTION - SELBY OF FLORIDA LLC

Request: Special Exception
P&Z# 22-17000003
Owner: Selby of Florida LLC
Project Location: 800 N Federal Highway
Folio Number: 4843 31 23 0010
Land Use Designation: C-Commercial
Zoning District: General Business (B-3)
Agent: Jim Frogner
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 Code of Ordinances in order to utilize the subject property (Zoning District: B-3) for a Specialty Medical Facility.

The property is located on the east side of N Federal Highway between NE 8th Street and NE 9th Street.

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
														S	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		P		P				P					P		P	P

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, commonly known as the Beachway Plaza, has several active Business Tax Receipts for various commercial and retail uses. In 2017, the subject property obtained a Special Exception for a Quest Medical Lab.
- 2. The subject property does not have any open code compliance cases.
- 3. The subject property has the following open business permits:
 - a. 09-9107 WINDOWS & DOORS
 - b. 09-1029 ELECTRICAL REPAIRS/BEACHWAY
- 4. The applicant is proposing a *Specialty Medical Facility*, which requires approval via Special Exception. The proposed facility will be 6,500 square feet.
- 5. The applicant has concurrently submitted a Variance application (PZ #22-11000003) in order to allow the facility to be located less than 500 feet from a single-family and two-family residential zoning district.
- 6. The applicant has provided responses to the thirteen Special Exception review standards and contends there is a demonstrated need for a Specialty Medical Facility in this area. Further, a breakdown of the existing uses at the shopping center suggests there is sufficient parking. However, the Special Exception cannot be approved unless relief is obtained from the aforementioned residential separation requirement.

LAND USE PATTERNS

Subject property (Zoning / Existing Use):

- B-3 / Beachway Plaza Shopping Center (various commercial uses)

Surrounding Properties (Zoning District / Existing Use):

- North: B-3 / car dealership (Acura)
- South: B-3 / car dealership (BMW)
- East: RD-1 and RS-2 / two-family dwellings and single-family dwellings
- West: CF / Pompano Community Park

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:

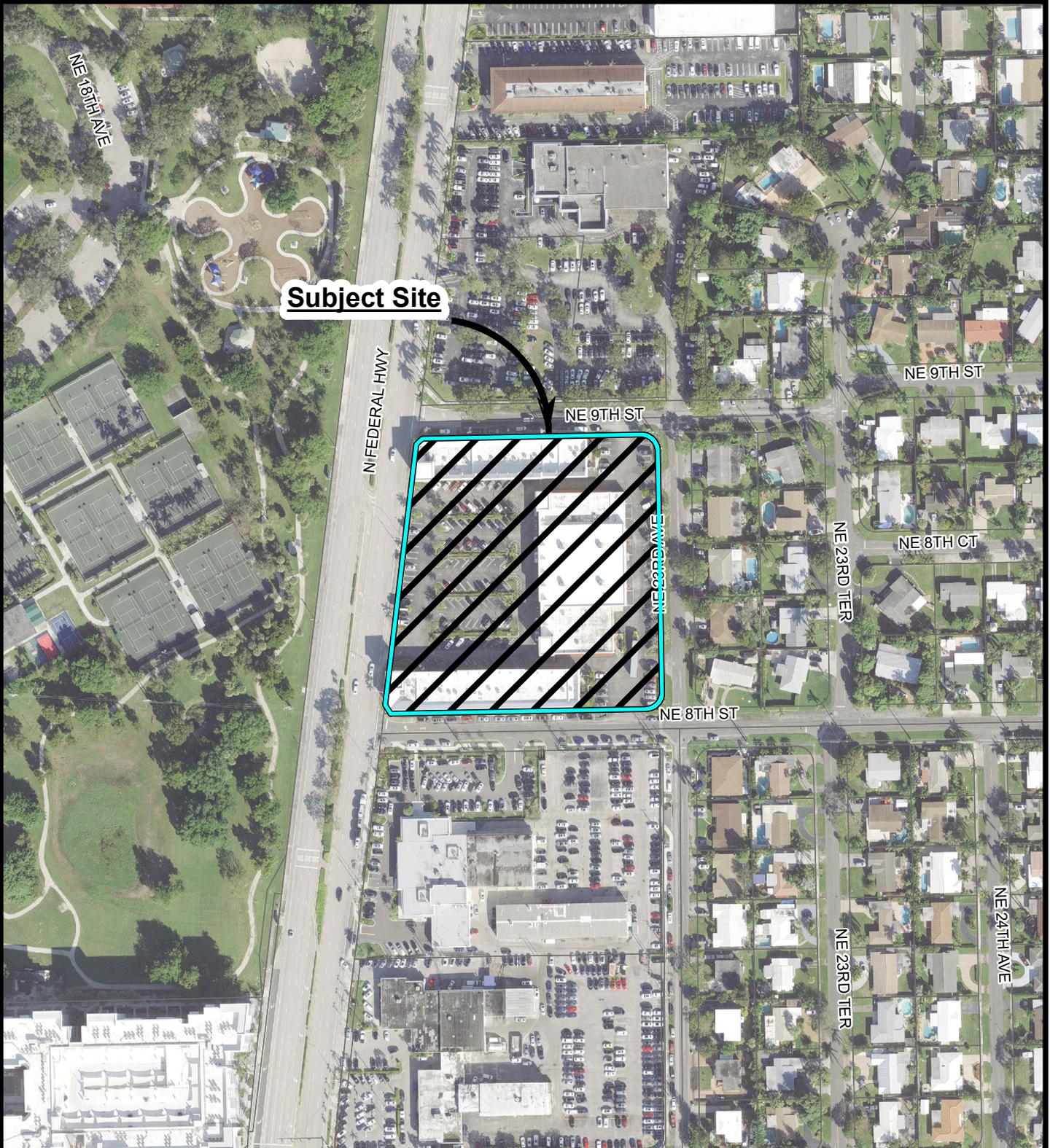
STAFF REVIEW AND RECOMMENDATION

As currently submitted, the proposed use does not meet Special Exception review standard “*c: complies with all applicable use-specific standards in Article 4: Use Standards.*” Specifically, the proposed use is located on a property that is within 500 feet from a residential zoning district which conflicts with provision §155.4209(B) (3)(a). However, the applicant has submitted a concurrent Variance application requesting relief from the separation requirement.

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. Successfully obtain relief (Variance) from the separation requirement between a Specialty Medical Facility and an RD-1 and RS-2 zoning district.
2. Obtain all necessary governmental permits and approvals, including building and zoning compliance permits.
3. Close out, final, or withdraw all open building permits.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 208 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES