



Staff Report

File #: LN-886

ZONING BOARD OF APPEALS

Meeting Date: JUNE 18, 2026

SPECIAL EXCEPTION - RL FAMILY PROPERTY OWNER LLC / EL FAMILY PROPERTY OWNER LLC ETA

Request: Special Exception
P&Z# 26-17000005
Owner: RL Family Property Owner LLC / EL Family Property Owner LLC ETA
Project Location: 1440 SW 28 Ave
Folio Number: 494204000422
Land Use Designation: I (Industrial)
Zoning District: I-1 (General Industrial)
Commission District: 5 (Darlene Smith)
Agent: Ryan McCallen
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4229(B) [Districts Where Permitted] of the City’s Zoning Code in order to establish a Waste-Related Service Use, specifically a biomedical waste treatment and transfer facility, within the I-1 zoning district.

The subject property is located on the east side of SW 28th Avenue between Gateway Drive (SW 14th Street) and West McNab Road (SW 15th Street).

ZONING REGULATIONS

155.4229. INDUSTRIAL: WASTE-RELATED SERVICES USES

A. Purpose

Waste-Related Services Uses are solid waste management facilities regulated and permitted by the Florida Department of Environmental Protection's Bureau of Solid & Hazardous Waste. These uses are recognized as having potential negative impacts on the quality of air, water, soil, and other natural resources. It is further recognized that improper disposal and management of solid waste results in or contributes to air and water pollution, land blight, and nuisance conditions.

B. 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

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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C. Definition

A waste-related services use includes any of the following facilities:

1. Construction and Demolition Debris Disposal Facility

A construction and demolition debris disposal facility is a Solid Waste Management Facility permitted by the state for the disposal of construction and demolition debris, as provided for in FL SS 403.703.

2. Land Clearing Debris Disposal Facility

A land clearing debris disposal facility is a solid waste management facility permitted by the state for the disposal of land clearing debris, as provided for in FL SS 403.703 and FAC 62-701.200.

3. Materials Recovery Facility

A materials recovery facility is a solid waste management facility that provides for the extraction from solid waste of recyclable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials, as provided for in FAC 62-701.200.

4. Solid Waste Transfer Station

A solid waste transfer station is a solid waste management facility, the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility, as provided for in FAC 62-701.200. Operations at such facilities may include separation of incidental amounts of recyclable materials or unauthorized waste.

5. Tire Disposal or Recycling Facility

A tire disposal or recycling facility is a solid waste management facility, the primary purpose of which is tire disposal or tire recycling, as provided for in FAC 62-701.200.

6. Waste Composting Facility

A waste composting facility is a solid waste management facility where solid waste is processed using composting technology, as provided for in FAC 62-709.201. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter.

7. Waste-to-Energy Plant

A waste-to-energy plant is a facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result, as provided in FL SS 403.7061. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

D. General Standards for All Waste-Related Service Uses

Waste-Related Service Uses shall comply with the following standards:

1. In the I-1 District, all of the use's operation, including storage and sorting, shall occur and be located within a fully enclosed structure;

2. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet;
3. Access to the property shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping; and
4. The use shall comply with state solid waste management regulations, permitting requirements, and permit conditions.

E. Additional Standards for Outdoor Waste-Related Service Uses

A Waste-Related Service Use is considered to be an Outdoor use if all or a portion of the use's operations, including storage and sorting, are located outside of a fully enclosed structure. In addition to the general standards listed in Section 155.4229.D, Outdoor Waste-Related Service Uses shall be required to comply with the following standards:

1. The use shall be located on property with an area of at least one acre;
2. The lot shall be located at least 1,000 feet, as measured by airline distance from property line to property line, from another lot containing a junkyard or an Outdoor Waste-Related Service Use;
3. The use shall include measures to reduce the off-site transmission of noise or dust to the maximum extent practicable;
4. A type C perimeter buffer shall be provided around all perimeters of the site; and
5. The applicant shall provide documentation of compliance with state solid waste management regulations for minimum distance separation from water bodies and airports.
6. The Applicant shall comply with §155.3707.C.5 related to landfills located within the Air Park Overlay.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. Existing Site Conditions:

The subject property consists of an existing industrial building located within the I-1 (General Industrial) zoning district and designated Industrial on the Future Land Use Map. The site was developed in 2009 through Site Plan PZ #09-12000011 for the construction of a 25,695 square foot warehouse/office building. Previous tenants have utilized the site as a metals processing shop and a wholesale distribution and assembly of raw materials. The property is situated within an established industrial area characterized by warehouse, manufacturing, distribution, contractor, and related industrial uses.

2. Proposed Use:

The applicant proposes to occupy the existing building with a biomedical waste treatment and transfer facility operated by Daniels Health. According to the applicant, the facility will receive biomedical waste generated by hospitals, medical offices, nursing facilities, and similar healthcare providers.

The applicant states that biomedical waste will arrive at the facility in sealed containers, be unloaded and processed within the building, and subsequently be treated through an on-site autoclave sterilization system or transferred to appropriately permitted facilities for further processing or disposal. Administrative office functions will also occur on-site.

3. Waste-Related Services Use Classification:

Section 155.4229 regulates Waste-Related Services Uses as Special Exceptions within the I-1 zoning district. Although the Code does not specifically identify biomedical waste treatment facilities within the listed Waste-Related Services Use categories, the proposed operation includes the transfer, storage, handling, and treatment of regulated waste streams. Staff has therefore classified the proposed operation as a Waste-Related Services Use subject to Special Exception approval.

4. Compliance with Use-Specific Standards:

The applicant represents that all waste handling, storage, sorting, transfer, and treatment activities will occur entirely within the existing building. The property has frontage on SW 28th Avenue, a paved public roadway that exceeds the minimum width required by the Code. The applicant further indicates that access to the operational areas will be secured through fencing, gates, and controlled access measures intended to prevent unauthorized entry and dumping.

The applicant states that all required federal, state, county, and local permits will be obtained prior to commencement of operations, including permits issued by the Florida Department of Health and any other applicable regulatory agencies. Based upon the information submitted, the applicant has presented evidence intended to demonstrate compliance with the general standards of Section 155.4229(D). The Board must determine whether the evidence presented is sufficient to establish compliance with those standards.

5. Operational Characteristics:

According to the applicant, waste materials will be transported to the site in sealed containers and processed entirely within an enclosed building. The applicant indicates that treated waste will either be rendered non-infectious through steam sterilization using an autoclave system or transferred to appropriately permitted facilities. The applicant further states that facility operations are not expected to generate significant odor, dust, glare, vibration, or other off-site impacts commonly associated with certain waste management facilities.

The Board should consider the operational characteristics of the proposed facility, including waste handling procedures, truck traffic, loading activities, and treatment processes, when evaluating potential impacts on surrounding properties.

6. Hazardous Waste Component:

In addition to biomedical waste operations, the applicant requests authorization to store and transfer certain hazardous waste materials generated by healthcare facilities, subject to obtaining all required state permits.

Staff notes that the application materials indicate such materials would remain sealed within approved containers and would be stored within a designated area inside the building. The Board should consider whether the requested Special Exception approval should encompass hazardous waste transfer and storage activities and whether additional conditions are warranted should approval be granted.

Staff further notes that hazardous waste storage and transfer activities are identified as a component of the proposed operation but are not described as the primary function of the facility. The Board should determine whether the information provided is sufficient to evaluate the potential impacts of such activities and whether any limitations on the scope of hazardous waste operations should be incorporated into the approval.

7. Compatibility Considerations:

The subject property is located within an established industrial area containing warehouse, manufacturing, distribution, contractor, and utility-related uses. The nearest residentially zoned properties are separated from the site by intervening industrial development and transportation corridors. Staff notes that the proposed use will occupy an existing industrial building and is proposed as an indoor operation that does not involve outdoor storage, processing, or other outdoor waste-related activities regulated under Section

155.4229(E). The Board should consider whether the operational characteristics of the proposed facility, including waste handling, treatment processes, truck activity, and any proposed hazardous waste component, are compatible with the existing character of the surrounding industrial area.

LAND USE PATTERNS

Subject property (Zoning | Existing Use): I-1 | industrial building (no active BTR)

Surrounding Properties (Zoning District / Existing Use):

- North: I-1 | metal finishing (plating/anodizing)
- South: I-1 | elevator supply
- East: I-1 | vacant/undeveloped parcel
- West: I-1 | light industrial / electronics manufacturing

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

STAFF FINDINGS

Staff finds that the applicant has presented evidence intended to demonstrate that:

- The proposed use is located within the I-1 (General Industrial) zoning district, where Waste-Related Services Uses may be permitted through Special Exception approval;

- The proposed facility will utilize an existing industrial building and does not require expansion of the building footprint or outdoor operational areas;
- All waste handling, storage, transfer, and treatment activities are proposed to occur within a fully enclosed structure;
- Access to operational areas is proposed to be controlled through fencing, gates, and other security measures;
- The applicant represents that all required federal, state, county, and local permits and approvals will be obtained and maintained, including permits associated with any proposed hazardous waste storage or transfer activities;
- The applicant contends that facility operations will not create significant adverse impacts related to odor, dust, noise, glare, vibration, or traffic;
- The applicant contends that the proposed use is compatible with surrounding industrial land uses and development patterns; and
- The applicant contends that the facility fulfills a public need by providing biomedical waste treatment and transfer services within the South Florida region.

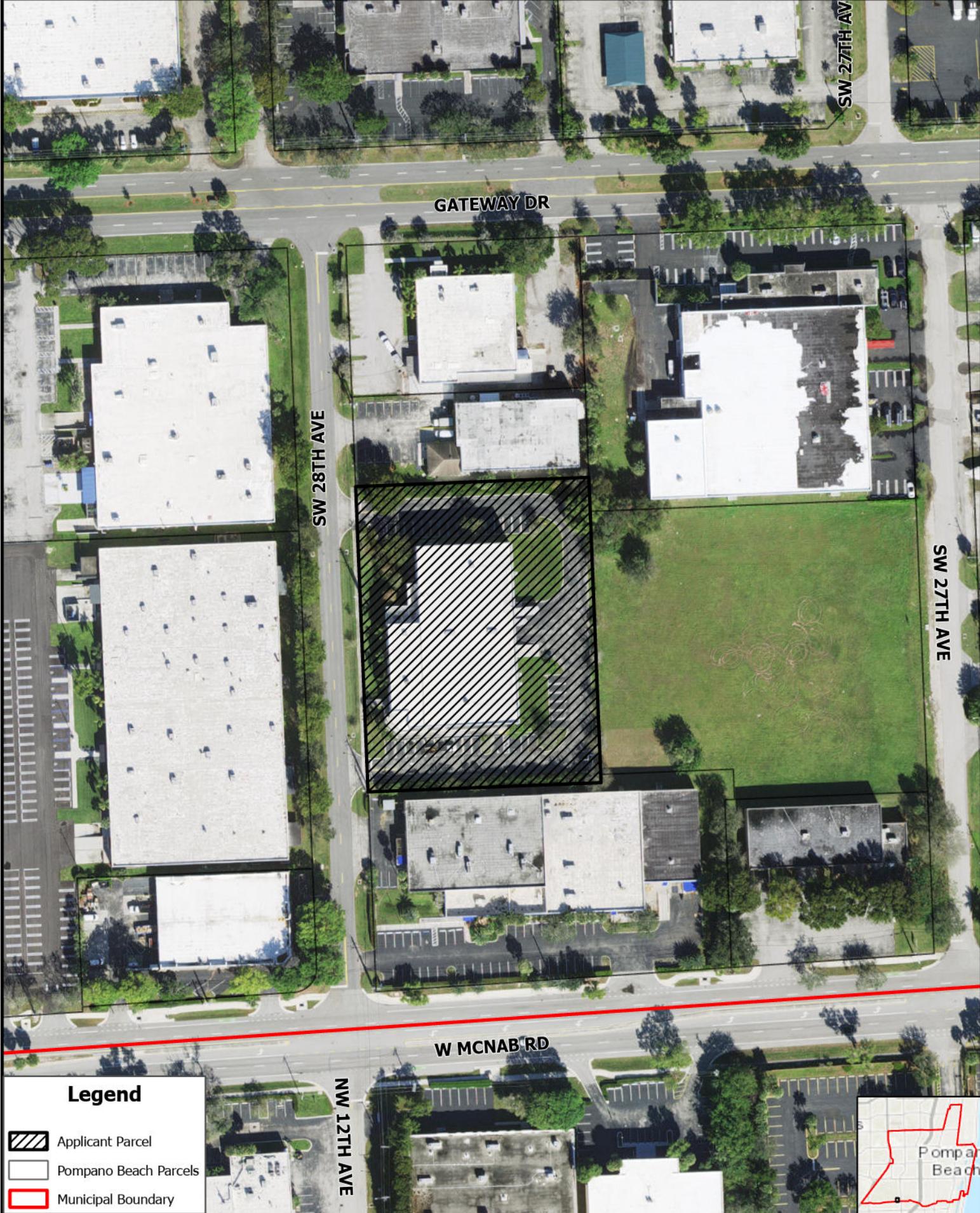
The Board must determine whether the evidence presented is sufficient to satisfy each of the Special Exception review standards.

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. The applicant shall obtain and maintain all required federal, state, county, and local permits, licenses, and approvals necessary for operation of the facility.
2. Development and operation of the facility shall be in substantial compliance with the plans, narratives, and operational descriptions submitted with the Special Exception application.
3. All loading, unloading, handling, storage, sorting, transfer, treatment, and processing activities associated with the Waste-Related Services Use shall occur entirely within a fully enclosed building. No outdoor storage of biomedical waste, hazardous waste, untreated waste materials, or waste containers shall be permitted.
4. Access to operational areas shall be secured through fencing, gates, controlled access measures, or similar devices designed to prevent unauthorized access and unregulated dumping.
5. Any hazardous waste storage or transfer activities shall be limited to those described in the application materials and authorized by applicable state and federal permits and shall remain entirely within the enclosed building.
6. The approval shall not exempt the applicant from compliance with any applicable requirements of the Florida Department of Health, Florida Department of Environmental Protection, Broward County, or any other governmental agency having jurisdiction.

CITY OF POMPANO BEACH AERIAL MAP



Legend

-  Applicant Parcel
-  Pompano Beach Parcels
-  Municipal Boundary



Scale:
1:1,500
06/01/2026

1440 SW 28 AVE
El Family Property Owner LLC ETA

Special
Exception
Created by:
Department of
Development Services

