

**ReVive SurgiCenter LLC
1347 E. Sample Road, Suite 102
Special Exception Justification Statement
Ambulatory Surgical Center - Specialty Medical Facility**

ReVive SurgiCenter LLC (“Applicant”), with consent from CCDV Holdings LLC (“Property Owner”), hereby requests special exception approval to operate an ambulatory surgical center to be located at 1347 E. Sample Road, Suite 102 (“Property”) in the City of Pompano Beach (“City”). The Property has a zoning designation of B-3 (General Business) and Future Land Use designation of Commercial. The proposed ambulatory surgical center use is classified as a specialty medical facility per City Zoning Code (“Code”) Section 155.4209.B.1.2. Per the Consolidated Use Table in Appendix A of the City’s Code, a specialty medical facility is permitted within the B-3 zoning district with special exception approval. As such, the Applicant is requesting special exception approval to allow the specialty medical facility to be located on the property.

Background and Business Operations

Dane C. Pohlman, D.O., owns and operates Pohlman Pain Associates, an interventional pain medicine, physical medicine & rehabilitation clinic with locations in Coral Springs and Delray Beach. The Property was purchased to expand their medical office practice and add an ambulatory surgical center. The ambulatory surgical center is a specialty medical facility in name only and in essence is an accessory use associated with a medical office to be located within the same building. Dr. Pohlman’s medical specialty has evolved dramatically over the past decade with the growing demand for options outside of opioid medication or large surgeries to treat smaller musculoskeletal and other orthopedic conditions. The facility will provide quick and efficient access to minimally invasive outpatient procedures to treat a variety of orthopedic conditions.

Special Exception Criteria Analysis

Per Section 155.4209.D of the City’s Code, Applicant must demonstrate compliance with the following criteria to obtain special exception approval. Each of the criteria are listed below in **bold** with Applicant’s justification below each in *italics*.

1. Is consistent with the comprehensive plan;

The Applicant is proposing an ambulatory surgical center, classified as a specialty medical facility, to provide access to efficient, minimally invasive outpatient procedures for the treatment of a variety of orthopedic conditions. The Property for the proposed use

has a future land use designation of Commercial. The Commercial land use designation permits uses including 'community facilities', which the proposed specialty medical facility would fall under. Additionally, the proposed use is consistent with the following goals, policies, and objectives of the City's Comprehensive Plan.

Future Land Use Element Policy 01.01.12

The City's Future Land Use Map will be in conformance with the County's Land Use Plan and will implement the County's regional vision including provision of essential public services and facilities, enhanced sustainability and livability and give priority to protecting public beach access sites.

Future Land Use Element Policy 01.04.03

Except for schools, regional and community facilities shall be located close to major traffic corridors and mass transit routes adequate to carry the volume of traffic generated by such facilities.

Approval of the proposed special exception and associated variance application would improve these policies by providing essential medical services in the area which is located along a major traffic corridor (Sample Road), less than a half mile from Federal Highway. While Policy 01.04.03 references the amount of traffic associated with such facilities, the proposed ambulatory surgical center is anticipated to treat approximately 30 people per day, with limited traffic to the building.

2. Complies with all applicable zoning district standards;

The specialty medical facility is proposed to be located within an existing office building within the B-3 zoning district. Medical office uses are permitted by right within the B-3 zoning district, and specialty medical facilities are permitted by way of special exception. The proposed development is in compliance with the remaining standards (the non-use standards) of the B-3 zoning district as there are no modifications to the building or site included with this request.

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

The Use Standards for specialty medical facilities are provided in Part 2 of Article 4 of the City's Code. This section requires the following standards for a specialty medical facility:

- a) Separation from Residential Uses. The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District.***

Concurrent with the special exception application, Applicant is seeking a variance from the distance separation from residential uses requirement as the Property is located within 500 feet from the RS-4 zoning district.

- b) Overnight Treatment. Overnight treatment is prohibited.***

Complies. There will be no overnight treatment at the proposed facility. The hours of operation are Monday through Friday from 8:00 a.m. to 5:00 p.m.

- 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.**

Complies. As mentioned above, the hours of operation are Monday through Friday from 8:00 a.m. to 5:00 p.m.

- 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;**

The granting of this special exception will not adversely impact any public facilities or services. The existing +/-5,490 sq. ft. building was previously used by another commercial user, which means it has existing connections to water and wastewater facilities with the capacity to service other commercial uses. Based on the size of the building and the Applicant's experience operating similar facilities, the proposed use will have minor impacts on public facilities. Stormwater management and drainage capacity for the Property would remain unchanged. The proposed special exception will have no impact on schools.

- 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;**

The proposed specialty medical facility is compatible with the general character of the surrounding area and the uses permitted in the B-3 zoning district. The Applicant intends to operate an ambulatory surgical center within Suite 102 of the Property, which will have a medical office within the building. The B-3 district permits medical office use and allows for other health care uses with special exception approval. The proposed use will not generate more traffic and will not require more parking spaces than what is existing on the Property. The location of the Property is exceptional for the proposed use as it is located adjacent to Sample Road, less than a half mile from Federal Highway, and a little over a mile from I-95. There are existing office buildings to the east of the Property, and a retail store to the west. The building is small at approximately +/- 5,490 sq. ft. and is not anticipated to interfere in any way with the neighboring community to the north. The Property includes a parking lot to the north of the building which separates the facility from residential properties to the north. The parking lot has an existing privacy wall on three sides to further separate it from the residential property to the north.

- 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;

The granting of this special exception will not create adverse impacts on the surrounding lands and neighborhood. The proposed specialty medical facility complies and will not impact surrounding properties with any odors, noises, glare, or vibration impacts associated with refuse collection, service delivery, parking and loading, signs, or lighting. There will be limited traffic associated with the facility, as it is anticipated to treat approximately 30 people per day. The proposed use will not generate more traffic than the other office and retail uses in the area and will not require more parking spaces than what is existing on the Property. All operations will occur indoors, and the machinery does not create loud noises or odors. Based on the size of the facility, it will not generate a significant amount of garbage or waste.

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

The proposed specialty medical facility is to be located within an existing office building. Operations within the proposed facility are all located indoors with no treatment-related activities occurring outside the building. The building sits on Sample Road and has an access road/alley on the north side, creating naturally buffering with these roadways.

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

The proposed special exception will not adversely impact any of the area's natural resources. As stated, the business operations will take place within the building and will not cause any odors or pollution. The Applicant is not proposing any alterations to the existing structure.

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;

The Applicant will utilize the existing traffic flow pattern developed on the Property with ingress and egress points located along NE 13th Terrace and the access road in the rear of the building. Parking spaces are located along NE 13th Terrace as well as a parking lot located to the north of the building. No modifications to the site parking or the traffic flow pattern are included with this request.

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

The proposed use by the Applicant at the Property will not have an adverse effect on

neighboring property values. The special exception approval will bring an ambulatory surgical center that will help contribute to the City's economic tax base and provide an essential medical service to the City's residents. The proposed special exception will utilize and enhance an existing building with a premium medical service. Moreover, Applicant proposes making a significant investment into improving the building which, if anything, will benefit the neighborhood.

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;

The Applicant has seen their practice evolve dramatically over the last decade with significant improvements allowing for minimally invasive options for patients dealing with a variety of orthopedic conditions, including a growing demand for treatment options other than opioid medications and more invasive surgeries. South Florida has a large population of individuals over the age of 65, which is a major aspect of the Applicant's practice which offers options to these individuals looking to maintain their function and quality of life. The Applicant has established clinics in Coral Springs and Delray Beach. The proposed specialty medical facility will be an asset to the Pompano Beach community.

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

The Applicant will comply with all other relevant laws and regulations and, concurrently, is going through authorization with the Florida Agency for Health Care Administration (AHCA), which requires compliance with all applicable laws and regulations to approve and license the ambulatory surgical center facility.

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.

There will be no adverse impacts on the surrounding lands and neighborhood. The surrounding area located within 500 feet has been included in determining the impacts on the surrounding properties. As mentioned above, the Applicant has submitted a variance application concurrent with the special exception application due to the Property being located within 500 feet of the RS-4 zoning district.