



Legislation Text

File #: LN-549, Version: 1

Zoning Board of Appeals
Meeting Date: December 14, 2023

SPECIAL EXCEPTION - CCDV HOLDINGS LLC

Request: Special Exception
P&Z# 23-17000011
Owner: CCDV Holdings LLC
Project Location: 1347 E Sample Road
Folio Number: 484213030490
Land Use Designation: C- COMMERCIAL and L- LOW 1-5 DU/AC
Zoning District: General Business (B-3) and Single-Family Residence 4 (RS-4)
Agent: Matthew Scott
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 the subject property (Zoning District: B-3) for a Specialty Medical Facility.

The property is located on the north side of E Sample Road and on the east side of NE 13th Terrace.

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 AND STAFF ANALYSIS

1. The applicant is proposing an ambulatory surgical center in an existing office building along E Sample Road. The building was constructed in 1986 when zoning and building permits were under the purview of Broward County. The property was annexed into the City as part of the 2004 Pompano Beach Highlands annexation via Resolution No. 2004-323.
2. The applicant's narrative states the ambulatory surgical center facility will provide minimally invasive outpatient procedures to treat a variety of orthopedic conditions. Staff has categorized this use as a *Specialty Medical Facility*, which requires Special Exception approval in the B-3 Zoning District. The BCPA tax folio for the property includes a parking lot behind the building which is zoned RS-4; however, the proposed medical use itself will be conducted entirely within the existing building.
3. No significant changes to the site are proposed; however, a building permit (BP #23-3882) to remodel and convert the interior of Suite 102 for this medical use is currently in plan review.
4. The facility will comprise approximately 3,764 sq ft. A *Specialty Medical Facility* has a parking requirement of 1 space per 200 sq ft of floor area for treatment + 1 space per 300 sq ft for the remaining areas. With 8 parking spaces fronting the west side of the building along NE 13th Terrace and an additional 16 spaces in the parking lot behind the building, the site has sufficient parking for the proposed use. Parking and building square footage breakdowns are detailed in the conceptual site plan submitted with this application.
5. There are three use-specific standards for a *Specialty Medical Facility*, and the applicant is seeking relief on one of them through a concurrent Variance application, PZ #23-11000020. Specifically, the applicant needs relief from the minimum 500 ft separation distance from a single-family residential (RS) zoning district.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- B-3 and RS-4 | office building (B-3) and parking lot (RS-4)

Surrounding Properties (Zoning District | Existing Use):

- North: RS-4 | single-family dwelling
- South: RM-30 | multi-family dwelling
- West: B-3 | retail sales of cell phones and accessories
- East: B-3 | professional office

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:

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 single-family residential (RS) zoning district, which conflicts with provision §155.4209(B)(3)(a). However, the applicant has submitted a concurrent Variance application requesting relief from this provision.

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 from an RS zoning district.
2. Obtain all necessary governmental permits and approvals, including a Zoning Use Certificate and Business Tax Receipt for the use.

