



Legislation Text

File #: LN-565, **Version:** 1

Zoning Board of Appeals
Meeting Date: February 15, 2024

SPECIAL EXCEPTION - CITY OF POMPANO BEACH

Request: Special Exception
P&Z# 24-17000002
Owner: City of Pompano Beach
Project Location: 2714 NW 4 Court
Folio Number: 4842 33 73 0010
Land Use Designation: L-LOW 1-5 DU/AC and C-Commercial
Zoning District: Single-Family Residence 9 (RS-3) and Community Business (B-2)
Agent: Paola West
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4208(G) (1) [Districts Where Permitted] of the City’s Zoning Code in order to utilize the subject property (Zoning District: RS-3) for a BSO Police Substation.

The property is located at the southwest corner of the intersection of NW 4th Court and NW 27th Avenue, in the Northwest CRA.

ZONING REGULATIONS

§155.4208. INSTITUTIONAL: GOVERNMENT USES

G. Police Station

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	S	S	S	S	S	S	S	S	S	S		P	P	P	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		P		P		P	P	P	P	P

2. Definition

A police station is a building or part of a building that is used as a police station or substation and at which duly authorized officers perform law enforcement functions. Accessory uses may include offices, meeting areas, dining areas, storage, and maintenance facilities.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The applicant is proposing a 2,749 sq ft BSO police substation facility on the subject property. This project is identified in the city's Capital Improvement Plan. An associated Minor Site Plan was approved on 9/7/2021 via PZ #21-12000014.
2. The subject property has split zoning: the eastern two-thirds is zoned B-2 which allows a police substation by right; however, the western one-third of the property is zoned RS-3, which requires Special Exception approval for this use.
3. The ZBA previously granted a Special Exception for a police substation on this site on 1/16/2020 via PZ #19-17000008; however, the Order expired as do all Special Exceptions after two years if an associated Zoning Compliance Permit (Building Permit) is not pulled or if the Order is not formally renewed before the expiration date. According to the applicant's narrative, there were design and civil changes during the site plan process which led to unintended delays. Compounded by the pandemic, the applicant inadvertently failed to request an extension within the required timeframe. Thus, a new Special Exception application has been filed. Unlike the rudimentary conceptual site plan submitted in 2019, this application includes an approved site and landscape, a recorded plat, and the support of the CRA and surrounding community.
4. A Type "C" perimeter landscape strip properly buffers the use from adjacent residential. Staff finds the BSO-substation use to be appropriate, warranted, and an essential asset to the neighborhood.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- B-2 and RS-3 | vacant lot

Surrounding Properties (Zoning District | Existing Use):

- North: B-2 and RS-3 | single-family dwellings
- South: B-2 and RS-3 | single-family dwelling, parking, and convenience store
- West: RS-3 | single-family dwelling
- East: B-3 | church and church parking

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:

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. Obtain all necessary governmental permits and approvals, including a Zoning Use Certificate and Business Tax Receipt for the use.
2. Building permit plans shall be in substantial compliance with the approved Site Plan, PZ #21-12000014.