



Legislation Text

File #: LN-548, Version: 1

Zoning Board of Appeals
Meeting Date: December 14, 2023

VARIANCE - CCDV HOLDINGS LLC

Request: Variance
P&Z# 23-11000020
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 a VARIANCE from Section §155.4209(B)(3)(a) [Specialty Medical Facility Standards], of the Pompano Beach Zoning Code, in order to allow a Specialty Medical Facility to be located less than 500 feet from a Single-Family (RS) Zoning District, rather than requiring the facility to be located at least 500 feet from a Single-Family (RS) Zoning District as required by code.

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

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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:

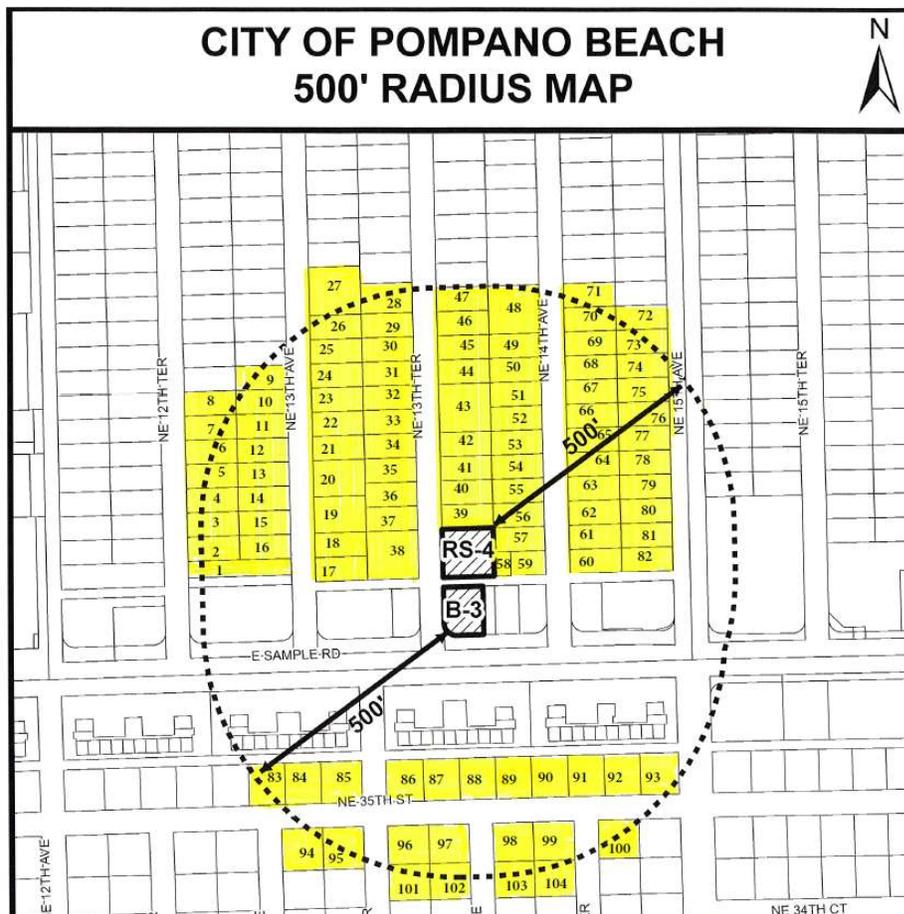
a. Separation from Residential Uses. The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District.

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. This use is considered a *Specialty Medical Facility*, which requires Special Exception approval in the B-3 Zoning District. The applicant has concurrently applied for a Special Exception via PZ #23-1700011.
2. One of the use-specific standards for a *Specialty Medical Facility* requires that the facility be located at least 500 ft from a single-family residential (RS) zoning district. The applicant is seeking relief from this code provision because a number of single-family dwellings are located within this 500 ft of the subject property.



3. According to the radius map prepared by city staff, a total of 104 parcels with an RS- zoning designation are located within 500 feet of the subject property: 82 parcels zoned RS-4 are located north of the subject property with an additional 22 parcels zoned RS-3 located south of the property (south of Sample Road). It should be noted the BCPA tax folio for the subject property includes a parking lot behind the building. Since the building itself is legally joined with the parking lot (same BCPA tax folio ID), staff is compelled to include that parcel when measuring the distance separation. If the parking lot was excluded, fewer RS-zoned properties would fall within the 500 ft radius, but relief would still be required.
4. Because of the proximity of the Cresthaven neighborhood south of Sample Road and the Highlands neighborhood north of Sample Road, most if not all B-3 zoned parcels along this stretch of E Sample Road fall within 500 ft of an 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

VARIANCE REVIEW STANDARDS

A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
- c) Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;
- d) The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.
- e) The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
- f) The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
- g) The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- h) The Variance is consistent with the comprehensive plan.

Staff Conditions:

Should the Board determine that the applicant has provided competent substantial evidence to satisfy the eight Variance review standards, staff recommends the Board include the following conditions as a part of the Order:

1. Successfully obtain a Special Exception for a *Specialty Medical Facility*.