

City of Lauderdale

7-Eleven, Inc.

Special Exception Application No. 17-SE-001

I. APPLICANT INFORMATION

PETITIONER

7-Eleven, Inc.

c/o Heidi Davis Knapick-Gunster
450 East Las Olas Boulevard, Suite 1400
Ft. Lauderdale, FL 33301

STATUS OF PETITIONER

Applicant for Owner

II. BACKGROUND INFORMATION

Requested Action

The Petitioner requests approval of a Special Exception Use Application to allow within the Commercial General (CG) zoning district for a 7-Eleven gas station and convenience store on a parcel of property located at the Inverness Center on the southeast corner of West Oakland Park Boulevard and NW 56 Avenue.

The applicant is the contract tenant of a parcel of property described as follows:

1. 5590 West Oakland Park Boulevard Property ID# TBD 4,285 SF
(Plat Book 77, Page 43 of the Public Records of Broward County, Florida)

The property is currently occupied with a vacant former Denney's Restaurant and Suds Club Coin Laundromat, located in the Inverness Center.

The parcel is zoned Commercial General (CG). See Figure 1.

Figure 1



Applicable Land Development Regulations

LDR Article IV., Part 1.0., Subsection 1.3.1., addresses the pre-application conference

LDR Article IV., Part 1.0., Subsection 1.3.2., provides for the Department to review any land development order application

LDR Article IV., Part 1.0., Subsection 1.4.4., provides that within 45 days from the acceptance of the application for development subject to major review

LDR Article IV., Part 4.0., subsection 4.5.A. requires the application set forth in detail the proposed use

LDR Article IV., Part 4.0., Subsection 4.5.B. provides the Department shall not accept a special exception use application if the property is subject to unpaid city liens, fines or fees

LDR Article III, Section 2.2., addresses assignment of zoning districts

LDR Article III, Sections 2.3 and 2.4., and Schedule B. respectively address permitted and special exception uses

Article IV., Part 4.0., Section 4.6., Standards for approval, provides the City Commission, in reviewing any application for a special exception use, shall consider seven (7) specific standards

LDR Article III, Sections 5.15.a (Amended, Ordinance No. 160-04-113, April 25, 2016), Convenience Store

III. SITE INFORMATION

Location/Legal Description

Legally described as Texaco Lauderhill, according to the plat thereof, as recorded in plat book 77, page 43 more commonly described as the southeast corner of West Oakland Park Boulevard and NW 56 Avenue, Lauderhill, Florida.

Land Use/Zoning:

Existing Land Use	Commercial
Future Land Use Designation	Commercial
Zoning Designation	General Commercial (CG)

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Commercial/Open Space	Commercial/ Open Space	CG/PO
South	Commercial	Commercial	CG
East	Commercial	Commercial	CG
West	Commercial	Commercial	CG

IV. ZONING HISTORY

Existing Special Exceptions

None

Violations

None

Existing Variances

None

V. PLANNING ANALYSIS

As stipulated in the Land Development Regulations, Article IV, Section 4.6, Standards for Approval, The Planning and Development Division has reviewed the proposed request pursuant to the following special exception considerations:

1. The effect of such use on surrounding properties.
2. The suitability of the use in regard to its location, site characteristics, and intended purpose.
3. Access, traffic generation and road capacities.
4. Economic benefits or liabilities.
5. Demands on utilities, community facilities, and public services.
6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderdale.
7. Factors relating to safety, health, and general public welfare.

LDR Article III, Sections 2.3 and 2.4., and Schedule B. respectively address permitted and special exception uses. The LDR classifies Convenience Store, which is allowed in the General Commercial (CG) zoning district as a special exception use.

1. The effect of such use on surrounding properties:

The proposed 7-Eleven will be located at the western corner of Inverness Shopping Center and surrounded by commercial uses. The proposed 7-Eleven will positively affect the Oakland Park Boulevard corridor and the residents who live close by providing them with a beautifully designed, clean, friendly new shopping

environment with gas service, which meets the needs of convenience-oriented guests and supplies a broad selection of fresh, high-quality products and services at everyday fair prices. By demolishing the restaurant (old Denny's) structure and renovating the existing laundry building for the convenience store, traffic will be reduced on the surrounding streets and within the shopping center as an entire, high-traffic use is being removed from the Property. Additionally, access and circulation will be greatly improved and open space increased, which will create a positive effect on the neighbors and neighboring businesses.

2. The suitability of the use in regard to its location, site characteristics, and intended purpose and access:

The proposed 7-Eleven convenience store with fuel sales is suitable for this location and its intended purposes. The Property, which contains a vacant Denny's restaurant that will be demolished and coin-laundry facility that will be remodeled, will revitalize this underutilized corner parcel, creating a high quality new convenience store and gas station facility to improve the site. 7-Eleven chose this Property because it is a highly visible, corner parcel which provides safe access and adequate site circulation for its convenience store and fueling operations. Lauderdale is also a City with positive growth statistics, an increased number of millennials, which is a significant part of 7-Eleven's customer base, and good traffic volumes. Oakland Park Boulevard is a vibrant east / west connector with cars traveling to and from I-95 which pass in front of the Property. With the demolition of the vacant restaurant use, the new use will reduce traffic trips from the Property. The Property is over 40,000 square feet and is suitable for the small convenience store.

3. Access, traffic generation and road capacities:

The site plan for the proposed 7-Eleven will utilize the existing ingress and egress points to and from West Oakland Park Boulevard and to and from South NW 56th Avenue. Both means of access remain right-in and right-out. The traffic generation for the proposed use is less than the previous development on the Property, as the Denny's restaurant, a high trip use, will be demolished and no additional use will be replaced. Because the 7-Eleven use will produce less traffic trips on the surrounding roadways, the road capacities will either be reduced or be maintained at current levels as a result of the proposed development. Additionally, the vehicular and pedestrian circulation patterns were carefully

designed on site to ensure safe and convenient circulation for both vehicles and pedestrians. Patrons will enjoy clear, precise, and predictable circulation patterns.

4. Economic benefits or liabilities:

The proposed 7-Eleven will provide many benefits to the City including positive economic impacts, new city revenues, additional direct jobs in store and indirect jobs for construction and new vendors/service contractors. 7-Eleven is also a great neighbor and corporate citizen and makes every effort to address the needs of the neighborhood and the City as a whole. Because the 7-Eleven is part of the Inverness Center, customers of 7-Eleven will also frequent the businesses in the shopping center, which will create economic viability and increase profits.

5. Demands on utilities, community facilities, and public services:

The proposed 7-Eleven will not create an adverse impact or increased demand on utilities, community facilities or public services. In fact, with the demolition of the Denny's restaurant structure and removal of the restaurant use from the Property all together, there will be much less demand on these services.

6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill:

The proposed 7-Eleven complies and is consistent with the City's Comprehensive Land Use Plans for Broward County and the City of Lauderhill. The Property is zoned Commercial General which permits commercial uses such as the proposed 7-Eleven. Lauderhill Comprehensive Land Use Plan Policy 2.1.2 encourages commercial land uses, at intensities which ensure compatibility with adjacent and surrounding land uses, especially the protection of adjacent residential uses. The closest residential uses are not adversely impacted by the proposed use. The proposed 7-Eleven is located within the Inverness Center and with the removal of the high intense Denny's restaurant use, it will reduce traffic on the surrounding roadways and improve the levels of service.

7. Factors relating to safety, health, and general public welfare:

The proposed 7-Eleven will provide the Oakland Park Boulevard corridor and the surrounding neighborhood with a convenient, clean and safe facility that meets

the needs of the community. The use is compatible with and will improve the general health, safety and public welfare of the area and the character of the properties within the immediate neighborhood. The 7-Eleven will provide a state-of-the-art site security system, healthy fresh foods prepared daily and necessities in close proximity to the public. 7-Elevens are designed to provide the public with convenient shopping and gas and this underutilized Property on an important corner parcel is a perfect location to provide these conveniences. The proposed use will not burden the existing roadways, because less traffic will be produced as a result of the proposed 7-Eleven. The site design provides safe vehicular and pedestrian access and the use will provide benefits to the general public welfare in terms of additional revenues, jobs and opportunities at this location. Based upon its review, staff finds the proposed use to be generally consistent with the above considerations. As such, staff recommends approval of the special exception request.

VI. RECOMMENDATION/ACTION

Staff recommends approval of the special exception request.

In order to ensure potential effects on the surrounding area is minimized, staff recommends the following conditions be imposed:

1. This special exception use development order to allow the a service station and convenience store is specifically granted to 7-Eleven, Inc. in care of the applicant, Heidi Davis Knapick-Gunster, and such development order cannot be conveyed to another person or entity. Any change of corporate ownership affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision. Notwithstanding, the service station and convenience stores may be operated by other business entities so long as there is no change in ownership as specified herein.
2. The convenience store use is restricted to 4,285 square feet of leasable space in a standalone building as shown on the floor plan, the street address being 5590 West Oakland Park Boulevard, Lauderhill, Florida. Consistent with Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of this use is prohibited and shall be unlawful unless the City Commission amends this development order or grants a new development order to allow such expansion, alteration, enlargement or removal to

another location. Notwithstanding the above, through the site plan modification process, the City Commission delegates to the Development Review Committee (DRC) the authority to allow the floor plan to be altered; however, the DRC is without authority to allow the expansion, enlargement, or removal of the use to another location.

3. The service station and convenience store days and hours of operation are seven days per week, 24 hours per day. Alcoholic beverage sales will be limited to beer and wine on the days and hours imposed by Land Development Regulations Article III., Part 5.0., Subsection 5.3.1.A.
4. 7-Eleven, Inc. shall provide an area of at least 33% (1414 square feet) of the 4,285 square feet building to be used for the preparation, display, sale and consumption of fresh or freshly prepared food and drinks. This area does not include canned, frozen, boxed, etc., products.
5. 7-Eleven, Inc. shall comply with all of the requirements of Section 812.173, Florida Statutes regarding security at convenience stores.
6. If the City's Code Enforcement Board assesses a lien for landscaping, trash or other unsightly or unsafe conditions, this special exception use development order may be brought before the City Commission to be reconsidered, at which time the development order or the conditions of approval may be subject to modification, suspension or revocation.
7. If the City's Police Department records more than three instances regarding noise, loitering, parking or criminal activity, either from observation by police officers or verified from complaints by three or more unrelated individuals, within any ninety (90) day period, the special exception use may be brought before the City Commission to be reconsidered, at which time the development order or the conditions of approval may be subject to modification, suspension or revocation.
8. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both.

The proposed resolution approving the special exception use application is included herein as Attachment C.

VII. ATTACHMENTS

1. Attachment A: Site Location Map
2. Attachment B: Application/Site Plan/Floor Plan
3. Attachment C: Resolution

VIII. Prepared By:
Stephen Tawes, ASLA, CLARB
City Planner
February 13, 2017

