

City of Lauderdale

Special Exception Application No.19-SE-009

Jamaica House Restaurant Broward, Inc. DBA Jamaica Restaurant II

I. APPLICANT INFORMATION

PETITIONER

Anthony Amos

STATUS OF PETITIONER

Business ownership

II. BACKGROUND INFORMATION

Requested Action

Request for a Special Exception Use development order to allow within the General Commercial (CG) Zoning District a single lane drive through in conjunction with a Restaurant, Fast Food, with drive through Use with Outdoor seating on an existing Restaurant, Fast Food with drive through site.

Applicable Land Development Regulations

- Article III, Section 2.3- Allowable land uses.
- Article III, Section 5.32.2- Restaurant, fast food with or without drive-through and high turnover with drive-through
- Article IV, Section 4.3 B- Existing zoning provisions and uses
- Article IV, Section 4.4- Approval for Special Exception Uses
- Article IV, Section 4.6- Standards for approval
- Schedule B- Allowable Uses

III. SITE INFORMATION

Address

3351 W. Broward Blvd.

Lauderhill Florida 33319

Legal Description

Tracts A and B, Browns Broward, according to the plat thereof as recorded in Plat Book 103, Page 48 of the public records of Broward County, Florida

Folio

5042-06-43-0010 and 5042-06-43-0020



Figure 1, Restaurant Site with Drive Through, Jamaica House

Land Use/Zoning:

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

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Alley, City of Lauderhill Public Land	Commercial	General Commercial (CG)
South	W. Broward Blvd ROW then City of Fort Lauderdale, Commercial	W. Broward Blvd ROW	W. Broward Blvd ROW then City of Fort Lauderdale
East	Cooperative Feeding Center	Commercial	General Commercial (CG)
West	Battery Express, Automotive repair	Commercial	General Commercial (CG)

IV. ZONING HISTORY

Existing Special Exceptions

None. The previous drive through restaurant to occupy this site was annexed into the City without the need for Special Exception use approval.

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.

In 2005 this site was annexed into the City of Lauderhill as part of an annexation that included areas that were formerly Unincorporated Broward County. The subject site was operated by King Fish and Chips which operated the Restaurant, Fast Food with drive through use until 2012. In 2012 there was a change of ownership and Edna's Restaurant operated the Restaurant, Fast Food with drive through use until 2013. In 2013 there was a change of ownership and Moby's Fish and Chicken operated the Restaurant, Fast Food with drive through use. In 2014 Moby's Fish and Chicken closed the business and the site has not been occupied since that time. These previous operators of the use did not hold Special Exception Use approval as is was not a requisite of the Land Development Regulations at the time.

On July 23, 2018 3351 W. Broward LLC purchase the property at which time the owner and applicant Anthony Amos applied for building permitting to upgrade the façade, interior of the site and to add the outdoor seating component. He stated that his intent was to operate a Restaurant with Drive Through.

On August 27, 2018 the Lauderhill City Commission passed Ordinance 18O-07-125, which, among other things, provided for a required 1000 foot distance separation standard between free standing restaurant drive through uses. There is an existing Popeye's restaurant within 1000 feet of the subject site and the site is therefore nonconforming.

The City of Lauderhill finds that, based on the building permitting and communication between staff and ownership, the drive through was intended for use at the time the owner purchased the property and that it was not vacated prior to the passage of Ordinance 18O-07-125. Further discussed in memo date from City Attorney's office included as attachment 2. Therefore staff concludes that the nonconforming use may continue to operate.

Anthony Amos owns and operates an existing restaurant, Jamaica House, located at 19555 NW 2nd Avenue in Miami, Florida. He is looking to expand his restaurant business with this new location in the City of Lauderhill. Mr. Amos is the property owner and will operate the business under Jamaica House Restaurant Broward, Inc. DBA Jamaica House Restaurant II

Based upon its review, staff finds the proposed use to be consistent with the above considerations. As such, staff recommends approval of the special exception request subject to the conditions outlined in section VI. Recommendation/Action.

VI. RECOMMENDATION/ACTION

Recommend approval of the special exception development order with the following conditions:

1. This Special Exception Use development order for a single lane drive through in connection with a Restaurant, Fast Food Use with outdoor seating shall be specifically granted to Jamaica House Restaurant Broward, Inc. DBA Jamaica House Restaurant II and such development order cannot be assigned, leased, subleased, transferred or

otherwise conveyed to another entity without further Special Exception approval from the City Commission. Further, this special exception use development order shall automatically expire and become null and void if any entity other than Jamaica House Restaurant II operates the use.

2. Site Plan Modification application and approval is required prior to building permitting for proposed exterior improvements, to include: reuse of the existing drive through lane, ADA, façade improvement, outdoor seating area, landscaping and lighting.
3. The single drive through lane and outdoor seating configuration is limited to the location and configuration as depicted on an approved site plan. Any expansion, alteration, enlargement or removal to another location of this use shall require an additional special exception use development order from the City Commission.
4. The hours of operation are limited to the following: Sunday through Saturday from 7:00a.m. to 12:00a.m..
5. A trash receptacle shall be located between the service window where food is dispensed and the end of the drive through driveway.
6. 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. Further, consistent with LDR Article IV, Part 1.0., Section 1.8, this development order may be revoked, suspended or modified based on the grounds stated herein. In addition, this development order is subject to post-approval review consistent with LDR Article IV, Part 4.0., Section 4.11.

VII. ATTACHMENTS

- A. Application submission
- B. Drive Through Legal Opinion, City of Lauderhill
- C. Proposed Site Plan
- D. Affidavit

Prepared by: Molly Howson
Associate Planner

Date: October 1, 2019