

City of Lauderhill

Special Exception Application No.19-SE-008

AQSR Lauderhill, LLC DBA Sonic Drive Thru

I. APPLICANT INFORMATION

PETITIONER

AQSR Lauderhill, LLC

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 conveyance of ownership to Sonic Restaurant, an existing free standing fast food restaurant with a drive through lane and car stalls.

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

8188 West Commercial Boulevard

Lauderhill Florida 33351

Legal Description

A portion of Lots 28 and 30 and Lot 29, Commercial Boulevard Shoppes No. 1 according to the plat thereof, as recorded in Plat Book 109, Page 28 of the public records of Broward County, Florida

Folio

4941-16-08-0290



Figure 1, Restaurant Site, Sonic Drive Thru

Land Use/Zoning:

Existing Land Use	Commercial
Future Land Use	Commercial
Zoning Designation	CG – Commercial General

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Commercial	Commercial, City of Tamarac	Commercial, City of Tamarac
South	Buffer wall, Canal ROW, Single Family Houses	Low (5) Density Residential	Residential Single Family at 5 units per acre
East	Restaurant, Fast Food, with Drive Through	Commercial	General Commercial (CG)
West	Commercial Retail	Commercial	General Commercial (CG)

IV. ZONING HISTORY

Existing Special Exceptions

Resolution No. 09R-10-249 Granting to Main and Main Development Group a Special Exception Use development order subject to conditions, to allow a single drive-through lane in conjunction with a freestanding restaurant building.

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

The Planning and Zoning division understands that a land use can create incompatibilities with the surrounding land uses based on several factors such as noise, odor, glare, and light pollution. These incompatibilities were considered as the site plan was being developed in an effort to mitigate any adverse impacts of this use on the surrounding land uses. Staff finds that an 8' high buffer wall with 5' landscape strips was required and constructed on the South side of the property at the time of development. This wall helps to buffer the Restaurant, Fast Food, Drive Through use from the single family residential zoning district to the South. Additionally, the building was constructed with a 75' rear setback to increase this buffer through distance separation.

In 2009 Main and Main Development Group were granted a Special Exception Use Development Order, No. 09R-10-249, to allow a 1,645± square feet drive-through Sonic Restaurant with 52 outdoor seats and 21 carhop parking stalls on this 1.15± site at 8188 W. Commercial Boulevard in the General Commercial (CG) zoning district.

In 2012 Site Plan approval was obtained by Main and Main Development Group to construct a 1,645± restaurant building with a single drive through lane, outdoor seating and carhop parking stalls. The number of approved carhop parking stalls was reduced to 16 stalls through the site plan review process. In 2013 Main and Main Development Group D/B/A Sonic Beach Lauderhill opened operations.

On August 27th, 2018 the City Commission approved Ordinance No. 180-07125 amending the Land Use Classification of Restaurants and amending LDR ART III Section 5.32 Restaurants, to provide for a distance separation standard between Restaurant, Fast Food and High Turn Over with Drive Through uses. This distance separation standard provides for a 1000 foot separation between these uses as well as 1,500 foot distance separation between these uses and any public or private school. This Sonic Restaurant is not in conformance with these distance separation standard and is considered a legal non-conforming use. The use may continue to operate until such time as the use of the land or the building ceases to operate for a period of one (1) year or more or until the use of the land or building is changed to a conforming use.

On August 28, 2019, AQSR Lauderhill LLC D/B/A Sonic Drive Thru applied for a Special Exception Use approval for a change of ownership to the existing Sonic. The conveyance of a Drive Through use requires Special Exception Use approval from the City Commission.

AQSR Lauderhill, LLC D/B/A Sonic Drive Thru proposes to operate the business similarly to previous ownership with two changes. AQSR Lauderhill, LLC will not provide alcoholic beverages at the restaurant as were provided by the previous ownership. Staff determines that the lack of alcoholic beverage services reduces the intensity of the use. AQSR proposes longer hours of

operation than were operated by previous ownership. The new proposed hours of operation for the Restaurant, Fast Food, Drive Through are 7:00a.m. to 1:00a.m. Sunday through Thursday and 7:00a.m. to 2:00a.m. on Friday and Saturday. Staff determines that these hours are in conformance with the Land Development Regulations Art III 5.32 Restaurants, for hours of operations for restaurants on an arterial or collector roadways.

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 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 and parking stalls shall be specifically granted to AQSR Lauderhill, LLC D/B/A Sonic Drive Thru 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 AQSR Lauderhill, LLC D/B/A Sonic Drive Thru operates the use.
2. The single drive through lane is limited to the location and configuration as depicted on the 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.
3. The 16 car stalls are limited to the location and configuration as depicted on the 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-Thursday from 7:00a.m. to 1:00a.m. and Friday and Saturday from 7:00a.m. to 2:00a.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., Section1.8, 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

1. Application submission
2. Resolution No. 09R-10-249
3. Site Plan
4. Affidavit

Prepared by: Molly Howson
Associate Planner

Date: September 12, 2019