

# *City of Lauderhill*

Special Exception Application No.20-SE-0012

Popeyes

## ***I. APPLICANT INFORMATION***

### PETITIONER

G.I. of Commercial, LLC

### STATUS OF PETITIONER

Business owner

## ***II. BACKGROUND INFORMATION***

### Requested Action

Request for a Special Exception Use development order to allow within the General Commercial (CG) Zoning District a Special Exception Use approval for a Restaurant, Fast Food, with drive through Use with double drive through lanes.

### 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

7040 W Commercial Blvd

Lauderhill Florida 33319

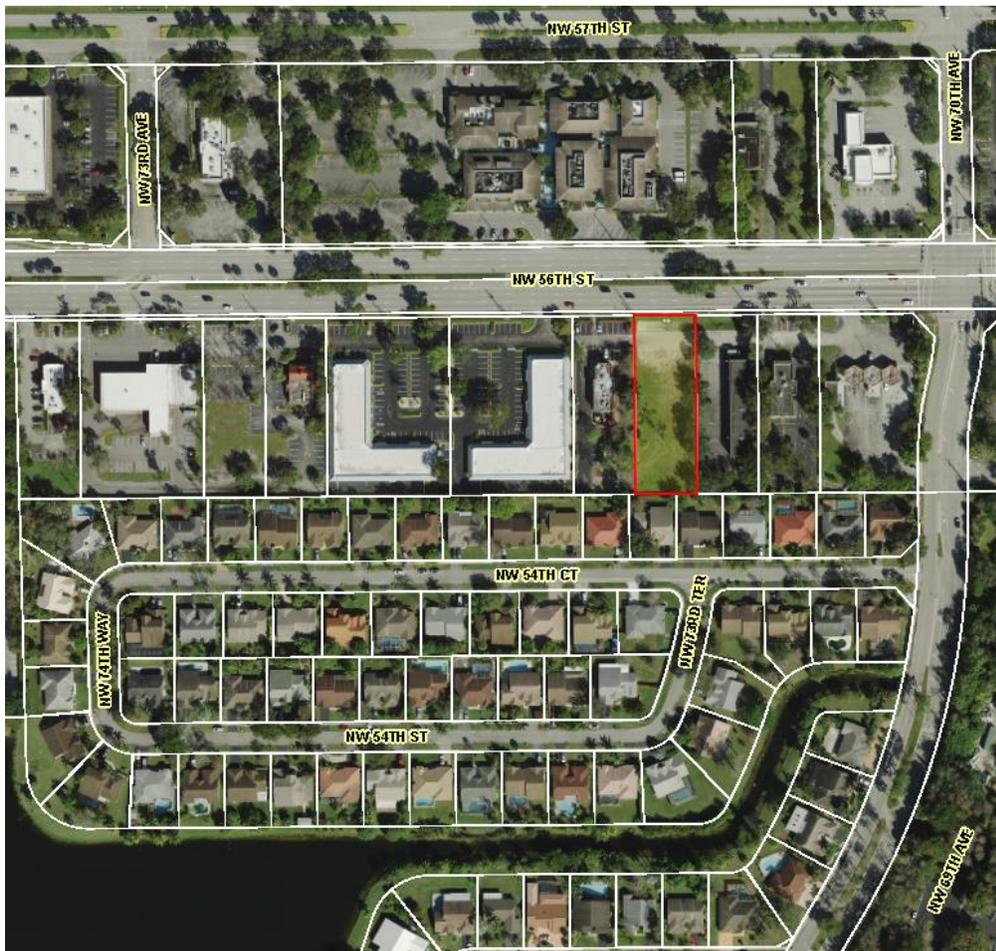
Legal Description

COMMERCIAL BOULEVARD SHOPPES NO 2 107-43 B LOT 11 of the public records of Broward County, Florida

Folio

494115140110

**Figure 1- Aerial of Property Outlined in Red**



Land Use/Zoning:

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

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	City of Tamarac	City of Tamarac	City of Tamarac
South	Single Family Homes	Low (5) Residential	RS-5
East	Auto Repair Use	Commercial	CG
West	Restaurant, Fast Food With Drive Through Lane	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.

**1. The effect of such use on surrounding properties:**

The subject site is bounded to the North by the City of Tamarac, to the East and West by properties zoned General Commercial and to the South by properties zoned for Residential Single Family. The proposed Fast Food Restaurant with a double drive through will help to ease the flow of interior traffic and reduce the impact of over stacking as compared to the existing Popeyes Fast Food Restaurant located directly west of the property that only has one drive through lane.

Staff concludes that as it pertains to the effect of the use on surrounding properties, this application is **in conformance** with LDR ART IV, 4.0 Section 4.6.A, standards for approval of a special exception use as the Use will have a negative impact on the Single-Family Neighborhood located to the South of the Subject Site.

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

The property is located along an arterial roadway and served by public transit. There is proposed ingress and egress from West Commercial Boulevard and ample room for internal circulation on site resulting in a better scenario than the existing Popeye's Restaurant located to the West of the property.

The Planning and Zoning Division concludes that the project **complies** with the suitability of the use in regards to the location and site characteristics.

The Planning and Zoning Division concludes that as it pertains to the suitability of the use in regards to intended purpose, this application is **not in conformance** with LDR ART IV, 4.0 Section 4.6.B, standards for approval of a special exception use as there is a 1,000 foot distance requirement from another freestanding Fast Food Restaurant with Drive Through pursuant Article 3 Section 5.32:

*“All fast food and high turnover with drive-through restaurants shall be located a minimum of one thousand (1,000) feet from another freestanding fast food drive-through restaurant and a minimum of one thousand five hundred (1,500) feet from any public or private school measured by the airline measurement distance from property line to property line, or when located within a retail center shall be measured from the closest point of one (1) restaurant building to the other restaurant building, whichever is the closest.”*

In order to conform with the 1,000 foot distance requirement, the applicant shall submit a Recorded Deed Restriction before issuance of any Development Orders to condition that the property located at 7050 W Commercial Blvd shall subject to all Land Development Regulations governing Fast Food Restaurant with Drive Through Uses within the City of Lauderdale including separation requirements from the day that the proposed Popeyes Fast Food Restaurant located at 7040 W Commercial Blvd begins operation

**3. Access, traffic generation and road capacities:**

The Site Plan provides for adequate external and internal circulation. A traffic statement was provided and analyzed by the City's Traffic Consultant. The new scenario provides for two drive-through lanes that will help to ease the flow of internal traffic and help alleviate stacking. The outstanding comments shall be addressed within the Site Plan Approval process. Staff concludes that the application **is in conformance** with LDR ART IV, 4.0 Section 4.6.C, standards for approval of a special exception use.

- 4. Economic benefits or liabilities:** The proposed Auto Repair Business will employ the following positions:
- a. General Manager at 55 k
  - b. General Manager Assistant at 48 k
  - c. Cashier \$9-14 an hour
  - d. Cooks \$9-14 an hour
  - e. Crew Members \$9-14 an hour

The new constructed building will bring in revenue to the City's Tax Role.

Staff concludes that as it pertains to economic benefits and liabilities, this application is in **conformance** with LDR ART IV, 4.0 Section 4.6.D, standards for approval of a special exception use.

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

The new construction of the building will create a demand on the City of Lauderhill's utilities, as the site is currently vacant.

The project will create a demand on community facilities, as there will be a newly constructed building that will require fire and police services.

Staff concludes that as it pertains to demands on utilities, community facilities, and public services, this application is in **conformance** with LDR ART IV, 4.0 Section 4.6.E, standards for approval of a special exception use as there is not foreseen adverse impact. If approved, the project will need to go through the Site Plan Approval process which will determine if additional developmental conditions are needed.

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

The subject site is designated Commercial on the City's Future Land Use Map Series (FLUMS) and the Future Broward County Land Use Plan Map. Policy 2.1.2 of The Comprehensive Plan speaks to the intent of the Commercial Future land Use Designation as shown below:

*POLICY 2.1.2 COMMERCIAL USES.*

*Provide for commercial land uses, at intensities which ensure compatibility with adjacent and surrounding land uses, especially the protection of adjacent residential uses.*

The proposed Fast Food Restaurant with Drive Through **complies** with the comprehensive land use plans for Broward County and/or the City of Lauderhill LDR ART IV, 4.0 Section 4.6.F, as the newly proposed Fast Food Restaurant will result in a less impactful use than the existing Popeyes Restaurant located directly west of the property.

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

Staff concludes that as it pertains to factors relating to the general public welfare, this application is **in conformance** with LDR ART IV, 4.0 Section 4.6.G, standards for approval of a special exception use as there are pending materials to be submitted to the City of Lauderhill.

The project will need to conform to all safety, health, and general public welfare standard as stipulated within the Comprehensive Plan, Code of Ordinance, and Land Development Code.

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 double drive through lane drive in connection with a 2,977 square foot Restaurant, Fast Food Use, with Drive Through shall be specifically granted to G.I. of Commercial, LLC for the operation of a Popeyes Restaurant 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 G.I. of Commercial, LLC operates the use.
2. The 2,977 square foot Restaurant, Fast Food Use with double drive through lane 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.
3. A Variance is required for the outdoor menu board's proximity to the residential zoning district pursuant Article III Section 5.32.G.

4. A Recorded Deed Restriction shall be submitted before issuance of any Development Orders to condition that the property located at 7050 W Commercial Blvd shall be subject to all Land Development Regulations governing Fast Food Restaurant with Drive Through Uses within the City of Lauderhill including separation requirements from the day that the proposed Popeyes Fast Food Restaurant located at 7040 W Commercial Blvd begins operation.
5. A Shared Access and Parking Agreement shall be provided at time of Site Plan Approval.
6. An eight (8) foot high wall shall be required along South Property line pursuant Art III Sec 5.18.16 and shall meet all design standard in Schedule P. Said wall shall be erected before the operation of the proposed Restaurant, Fast Food Use, with Drive Through.
7. Drive Through hours of operation are limited to the following:  
Drive through lanes: Monday through Sunday from 10:30 a.m. to 1:00 a.m.
8. A trash receptacle shall be located between the service window where food is dispensed and the end of the drive through driveway for each drive through lane.
9. 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.
10. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a development permit or site plan approval is applied for within the one hundred eighty-day period.
11. If a use which has been granted a special exception shall cease to operate for a continuous period of one (1) year, the special exception approval shall expire.
12. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

**VII. ATTACHMENTS**

- A. Application submission for SEU
  - A1. Justification Statement
  - B. Deed

- B1. Deed Restriction
- C. Site Plan
- D. Survey – Subject Property
- E. Floor Plan
- F. Equipment Plan
- G. Traffic Statement
- G1. Traffic Statement Review
- H. Affidavit

Prepared by: Chris Torres  
City Planner

Date: November 18, 2020