



Agenda Item No. G.2.

## DEVELOPMENT REVIEW REPORT

The matter before the City Planning and Zoning Board (Board), sitting as the Local Planning Agency, is a proposed An Ordinance Of The City Of Lauderhill, Florida Amending The Land Development Regulations (LDR) To Amend Article III, Zoning Districts, Section 5.32.2, Restaurant, Fast Food With Or Without Drive-Through And High Turnover With Drive-Through; Providing For Land Development Regulations For Existing Restaurant, Fast Food With Or Without Drive-Through And High Turnover With Drive-Through Buildings; Providing For Findings And Conclusions; Providing For Conflicts; Providing For An Effective Date (Requested By City Manager, Desorae Giles-Smith).

*The Department recommends the Board enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.*

### **I. BACKGROUND**

Staff has identified a need to provide for land development regulation for Existing Restaurant, Fast Food With Or Without Drive-Through And High Turnover With Drive-Through Buildings within the City of Lauderhill.

The objective of this ordinance amendment is to provide an exception to the distance separation requirements established in Article III, Section 5.32.2.E for Existing Buildings originally improved for a Restaurant, fast food with or drive-through and high turnover with drive-through use. The proposed Ordinance will ultimately still require a Special Exception for buildings originally improved for a Restaurant, fast food with or drive-through and high turnover with drive-through uses.

Additionally, the Ordinance will provide for flexibility in the number of drive-through lanes that can be proposed for new Restaurant, fast food with or drive-through and high turnover with drive-through uses.

## II. PROPOSED AMENDMENTS

Below is the proposed Ordinance (**Attachment A**) Amending The Land Development Regulations (LDR) To Amend Article III, Zoning Districts, Section 5.32.2, Restaurant, Fast Food With Or Without Drive-Through And High Turnover With Drive-Through; Providing For Land Development Regulations For Existing Restaurant, Fast Food With Or Without Drive-Through And High Turnover With Drive-Through Buildings:

5.32.2. Restaurant, fast food with or without drive-through and high turnover with drive-through: A restaurant located in a freestanding structure that includes a drive-through service. The following conditions apply:

- A. An illuminated entrance sign located in proximity to beginning of the drive-through lane;
- B. Communication equipment associated with the drive-through shall be oriented away from areas zoned residential district;
- C. Lighting associated with the drive-through shall be shielded from areas zoned residential district; and
- D. A trash receptacle shall be located between the service window where food is dispensed and the end of the driveway and shall be installed no later than December 31, 2012.
- E. 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.
- F. Existing Buildings originally improved for a Restaurant, fast food with or drive-through and high turnover with drive-through use are not subject to the distance separation requirements established in Article III, Section 5.32.2.E.
- ~~F-G~~ Exterior walk-up windows or counters shall not be permitted.
- ~~G-H~~ The restaurant drive-through lane, outdoor menu board or ordering, pick-up or pay station shall be located a minimum distance of two hundred (200) feet from any residentially zoned property.
- ~~H-I~~ All fast food drive-through and high turnover drive-through restaurants shall comply with Schedule P, Design Standards and Guidelines.
- ~~I-J~~ The drive-through shall not be located along the principal road frontage.
- ~~J-K~~ The entire length of the drive-through between the ordering and pickup locations must be screened from view by architectural or landscape elements,
- K. The drive-through is limited to one (1) lane width.

Further, unless site conditions are unduly restrictive, a drive-through by-pass lane shall be provided.

### **III. DATA & ANALYSIS**

Data means factual information used as a basis for reasoning, discussion or calculation. Data must be based upon professionally reliable sources and the most recently available data should be used. Analysis involves an examination of the data, any assumptions, any employed methodologies, any applicable regulations, and deducing findings of facts and conclusions needed in order to make a recommendation.

The Department concludes the applicable Land Development Regulations (LDR) include: Article IV., Part 2.0, Section 2.4., on criteria, Section 2.9 on procedural requirements and Section 2.10 on public notice requirements; and Article III., Part 2.0., Sections 2.3 and 2.4 and Schedule B on permitted and special exception uses.

- A. Florida statutes. Section 163.3202, Florida Statutes, requires a local government to adopt land development regulations that implement their adopted Comprehensive Plan. Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain provisions addressing the use of land and water.

The LDR is one of the documents adopted to implement the Comprehensive Plan.

The proposed Ordinance is a land development regulation that addresses land development regulation for Restaurant, Fast Food With Or Without Drive-Through And High Turnover With Drive-Through Buildings within the City of Lauderhill. Thus, the Department concludes the proposed Ordinance is consistent with the above-identified state statutory requirements.

- B. LDR. Land Development Regulations Article IV., Development Review Requirements, Part 2.0., pertains to zoning map amendments and zoning regulation amendments. It requires a zoning regulation amendment be in conformance with the six (6) factors identified in Section 2.4., the procedural requirements of Section 2.9., and the public notice requirements of Section 2.10.
1. **Factors**. Article IV., Part 2.0., Section 2.4 requires the Board to consider and evaluate zoning regulation amendments in relation to all pertinent factors, but with reference to six (6) specific factors. These six (6) factors

are addressed below in relation to the proposed Land Development Regulations amendment.

a. *The character of the district and its peculiar suitability for particular uses.*

Staff concludes that the proposed Ordinance meets the intent of the above criteria as provides an avenue for Existing Buildings originally improved with Restaurant, Fast Food With Or Without Drive-Through And High Turnover With Drive-Through Buildings to continue to be utilized for their originally intended use within the City of Lauderhill.

Additionally, the Ordinance will provide for flexibility in the number of drive-through lanes that can be proposed for new Restaurant, fast food with or drive-through and high turnover with drive-through uses.

b. *Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the City.*

Staff concludes that the proposed Ordinance Conserves the value of buildings and encouraging the most appropriate use of land and water throughout the City by conserving existing Buildings originally improved with Restaurant, Fast Food With Or Without Drive-Through And High Turnover With Drive-Through Uses within the City of Lauderhill.

c. *The applicable portions of the adopted City Comprehensive Plan and programs such as land use, trafficways, recreation, schools, neighborhoods, drainage and housing, and so forth.* The proposed Ordinance is consistent with the following Comprehensive Plan provisions:

- Goal 1 Future Land Use Element: The City Commission shall provide for a distribution of land use by type, density, and intensity to meet the needs of the current and future resident and seasonal population in a manner that; promotes compatible development, redevelopment, and urban infill; promotes a land use pattern that supports a multimodal transportation system, with an emphasis on pedestrian-ways and walkability; protects and improves the natural and physical characteristics of the City; and, ensures the

timely, cost-effective provision of public facilities and services.

- d. *The needs of the City for land areas for specific purposes to serve population and economic activities.*

Staff concludes that the proposed Ordinance will help to revitalize our commercial corridors by activating Existing Vacant Buildings originally improved with Restaurant, Fast Food With Or Without Drive-Through And High Turnover With Drive-Through Uses and allowing them to continue to be utilized for their originally intended use within the City of Lauderhill which will help serve the population and help grow the local economy.

- e. *Whether there have been substantial changes in the character of development of areas in or near an area under consideration for rezoning.*

The above standard does not apply as this would be a City-Wide Text Amendment and not focused on a certain area within the City of Lauderhill.

- f. *The facts and opinions presented to the Planning and Zoning Board through hearings.* This Development Review Report represents the Department's written findings of facts, conclusions and recommendations.

2. **Procedure.** The LDR Article IV., Part 2.0., Section 2.9 addresses the procedure for zoning regulation amendments. It requires the Board to make a recommendation to the City Commission at a duly noticed public hearing on changes to zoning regulations and for the Board to forward its recommendation to the City Commission. The Department has interpreted this provision to apply to LDR amendments consistent with state law.
3. **Public notice.** The LDR Article IV., Part 2.0., Section 2.10 addresses public notice. Subsection 2.10.1 requires a change in zoning be published in a newspaper of general circulation in Broward County at least 10 days prior to the date of hearing. Notice of the proposed Ordinance changing the LDR was advertised in the Sun-Sentinel, a newspaper of general circulation within the County. Proof of publication is provided with the agenda package and is included herein by reference.

## **IV. ATTACHMENTS**

Exhibit A – Proposed Text Amendment

## **V. FINDINGS AND CONCLUSIONS**

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

- A. The Department finds the proposed Ordinance is in Compliance with the Goals, Objectives, and Policies of the Futures Land Uses Element of the Comprehensive Plan as it provides for clear land development regulation pertaining to Restaurant, Fast Food With Or Without Drive-Through And High Turnover With Drive-Through intended within the City of Lauderhill.
- B. The Department concludes the proposed Ordinance amending the LDR is in conformance with the standards and requirements specified in Land Development Regulations Article IV., Part 2.0., Section 2.4., Basis for Recommendations.
- C. The Department finds the proposed Ordinance amending the LDR have been duly noticed and concludes it is in conformance with the public notice requirements.

## **VI. ALTERNATIVE ACTIONS**

The Board has one of the following alternative actions at its disposal:

- A. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.
- B. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support the Board's recommendation, and forward the record to the City Commission with a recommendation that the proposed Ordinance be denied.
- C. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support any necessary conditions, and forward the record to

the City Commission with a recommendation that the proposed Ordinance be adopted with conditions.

- D. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing and table the proposed Ordinance until the specified information is provided.

## **VII. RECOMMENDED ACTION**

- A. Department recommendation. The Department recommends the Board enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance amending the LDR be adopted.
- B. Board recommendation. The proposed Ordinance is scheduled for May 25, 2021 Planning and Zoning Board regular meeting.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled June 14, 2021 and second reading on June 28, 2021.