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7040, 7050 W. Commercial Boulevard
Special Exception Application (“Application”)

G.I. of Commercial, LLC (“Applicant”) is the owner of two properties located at 7040 and 7050 W. Commercial Boulevard (PCN#s: 494115140110 and 494115140100, respectively) (collectively referenced as the “Property”). The Property is +/- 1.33 acres (58,000 square feet “SF”) and is generally located southeast of the intersection of W. Commercial Boulevard and NW 70th Avenue in the City of Lauderhill (“City”), Broward County (“County”). The Property has a County future land use map designation (“FLUM”) of Commerce (“C”) and a City FLUM of Commercial (“C”). The Property’s zoning designation is General Commercial (“CG”).

A portion of the Property (7050 W. Commercial Boulevard) is currently developed with a +/- 2,265 SF building – currently used as a Popeye’s fast food restaurant with drive-through (“Existing Popeye’s”). The portion of the Property located at 7040 W. Commercial Boulevard is currently vacant. The Petitioner intends to develop the vacant portion of the Property with a +/- 2,977 SF Popeye’s fast food restaurant with drive-through (“Project”).¹ In order to operate a fast food restaurant with drive through on the Property, the Applicant must obtain special exception approval. Accordingly, Applicant respectfully requests Special Exception approval of the Project (“Special Exception”). In support of the Special Exception, the Applicant will demonstrate compliance with Section 4.6 of the City’s Land Development Regulations (“LDR”). Pursuant to LDR Section 4.6, the Applicant will comply with the following: A. the effect of such use on surrounding properties; B. the suitability of the use in regard to its location, site characteristics, and intended purpose; C. access, traffic generation and road capacities; D. economic benefits or liabilities; E. demands on utilities, community facilities, and public services; F. compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill; and G. factors relating to safety, health, and general public welfare. Additionally, the Applicant will respond to the questions enumerated on the City’s Special Exception application form.

LDR Section 4.6

A. The effect of such use on surrounding properties.

First as mentioned above, the Project is not a new use in the area; it is merely a proposed relocation of the restaurant with a drive through approximately 50 feet east of its current location. In terms of uses in the surrounding area, the Property is located on an access road off of Commercial Boulevard, a main arterial road in the City. To the east of the Property is an automotive repair shop and gas station with convenience store use, to the west of the Property is a shopping center, and to the north of the Property is an access road and Commercial Boulevard. Additionally, while the uses on the opposite side of Commercial Boulevard are in a different City’s jurisdiction, the uses include a bank use with drive through, office space (general office, medical office, professional office) and a shopping center. In addition to the Project being compatible with surrounding uses, it should be noted that commercial development for properties adjacent

¹ Once the Project is constructed and ready to open, the Existing Popeye’s will close.

to Commercial Boulevard is consistent with the pattern of development in the area, and the traffic pattern along this corridor. The Existing Popeye's serves the needs of the surrounding community by providing a sustainable food option for lunch and dinner patrons, especially those in the residential neighborhood south of the Property. Further, the Property, along with all adjacent properties along Commercial Boulevard north of the residential community, are bordered to the south by an existing fence, providing a buffer between the commercial uses and residential use. Thus, the surrounding properties will not have any different impacts from the Project than already exist today with the Existing Popeye's.

B. The suitability of the use regarding its location, site characteristics, and intended purpose.

As mentioned above, the Property's north frontage abuts Commercial Boulevard, an area in the City where commercial development is intended and encouraged (as evidenced by the Property's land use and zoning designations). The Property has multiple access points for guests and will provide adequate circulation throughout the Property. The Project will serve the immediately surrounding area's needs for lunch and dinner. Additionally, it is important to note that the majority of all commercially zoned property in the City either directly abuts residentially zoned property or is located within 200 feet of same. The proposed use is suitable for the Property as it already exists in the immediate area, a mere 50 feet west of the proposed location. The Project will be an improvement over the Existing Popeye's. Additionally, the entire north frontage of the residential neighborhood to the south of the Property is bordered by commercial uses. Finally, as mentioned above, the commercial and residential uses are separated by an existing fence thereby ensuring that the residents will not be negatively impacted by the Project.

C. Access, traffic generation and road capacities.

The Property is located adjacent to Commercial Boulevard on an access road. Customers can enter the Property via two access road entrances: one located +/- 60 feet west of the Property and one located +/- 260 feet east of the Property. It is important to note that traffic driving west on Commercial Boulevard will also be able to enter the east access point via an existing left turn lane. In terms of access and circulation within the Property, it is anticipated that a two-way access road will line the Property's exterior boundary, creating a unified circulation between the Project and Adjacent Property. Regarding traffic generation, again, since this use is comparable in size, use and location to the Existing Popeye's, it is not anticipated to generate any more traffic than already exists today. The traffic will be at the same peak hours, concentrated around lunch and dinner mealtimes. As a result of the foregoing, the Project will also not impact the road capacities as the Existing Popeye's will close before the Project opens.

D. Economic benefits or liabilities.

The Project will create economic benefits to the City by allowing visitors to the Project to spend money in the City, and potentially attract customers to the other commercial uses in the area. As a result, the income generated by the Project will generate tax revenue for the City.

E. Demands on utilities, community facilities, and public services.

It is not anticipated that the Project will increase the demand on the utilities, community facilities and public services. The Project will provide ample lighting and security cameras to keep the Property and customers safe and secure. It is important to note that the Existing Popeye's has not had any negative impacts on the City's police services.

F. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderdale.

Per Policy 1.1.2 of the City's Future Land Use Element of its Comprehensive Plan, the proposed use is permitted within the Commercial future land use designation. Additionally, per the City's Comprehensive Plan, the City is nearly built-out, with less than 0.03% of land vacant remaining. Vacant land along a major thoroughfare has a negative impact on visitor's perception of an area. Therefore, creating a viable use, along a major corridor furthers the vision of economic vitality in the City. Objective 1.24 of the City's Future Land Use Element of its Comprehensive Plan, the City should "increase the City of Lauderhill's attractiveness to tourists through the maintenance of a land use pattern and Land Development Regulations aimed at enhancing the area's appearance." By developing the Project on the Property, the Applicant is enhancing the City's appearance. Further, as mentioned above, the County and City's FLUMs specifically intend for commercial development directly adjacent to major thoroughfares in the City.

G. Factors relating to safety, health, and general public welfare.

The Existing Popeye's is an established business in the Lauderhill community. The Applicant is the owner of the Existing Popeye's and will be the owner of the Project. They also intend to redevelop the Existing Popeye's into a vibrant retail use, thereby further enhancing the area. The Project will be a well-lit business with security camera surveillance to ensure guest's safety. The existing fence will mitigate the vehicular lights entering the Project's drive through. Additionally, the Project is proposing pedestrian connectivity throughout the site to ensure safe access to the entrance for visitors dining in. The Project is a use directly serving the surrounding community and is being designed in a way that contributes to the Commercial Boulevard corridor while minimizing its impacts on the adjacent residential community.

Application Form Questions:

STANDARDS FOR APPROVAL – EFFECTS ON PROPOSED USE/BUSINESS ON THE COMMUNITY

1) Describe how your business will affect the residents who live close by:

The Project is not a new use in the area; it is merely a proposed relocation of the restaurant with drive through use +/- 50 feet east of its current location. While a single family residential neighborhood is located directly south of the Property, the proposed location of the new Popeye's building will be further away from the residential use than the Existing Popeye's (situated 138.16 feet from the residential zoned property, where 141.34' feet separation will exist between the new Project building and residential property). Further, the Property, along with all adjacent properties along Commercial Boulevard north of the residential community, are bordered to the south by an existing fence, providing a buffer between the commercial uses and residential use. There is no direct access from the Property into the residential community. Accordingly, the residents who live close by will not have any different impacts from the Project than already exist today with the Existing Popeye's.

2) Describe how this business/use will affect neighboring businesses:

The Existing Popeye's is one of few food options in the surrounding area, and since the Project is replacing the existing restaurant with drive-through use, it is not generating any additional competition for the other restaurants in the surrounding area. Further, vacant property along a main arterial road is an eye sore. The Applicant is proposing not only developing a vacant, blighted property with a national and well-recognized brand, but also improving the property values of the surrounding businesses and introducing a new retail use where the Existing Popeye's is closed.

3) What site characteristics make this location suitable for your use/business:

The Project is not a new use in the area; it is merely a proposed relocation of the restaurant with drive through use +/- 50 feet east of its current location. There will be no new impacts on the surrounding area from the Project.

4) How will this use/business affect the community economically?

The Project will provide a lunch option for employees and guests of the surrounding businesses, and a dinner option for the residential community and visitors. This is an established Popeye's location that is consistently busy. Further, the income generated by the Project will generate tax revenue for the City.

ADDITIONAL DEMANDS ON UTILITIES, COMMUNITY FACILITIES, AND PUBLIC SERVICES

1) Describe any fire hazards associated with your business:

There are no fire hazards associated with the Project.

2) Describe what security measures your business will require:

The Project will provide ample lighting and security cameras to keep the Property and customers safe and secure. It is important to note that the Existing Popeye's has not had any negative impacts on the City's police services.

3) Describe any chemicals, fluids, gases or potentially hazardous substances that your business will use or store on site:

No chemicals, fluids, gases or potentially hazardous substances will be used or store on site.

4) Describe any activity in your business that will use water other than normal washing and toilet use:

No activity at the Project will use water other than normal washing and toilet use.

5) Describe any activity in your business that will utilize City park facilities:

The Project will not utilize or have an impact on City park facilities.

6) Describe any activity in your business that will generate noise, light or vibration:

The proposed use is a restaurant with drive through – a portion of the customers will utilize the drive through. It is not anticipated that the drive through ordering process will disturb the adjacent residential community. Regarding light from drive through traffic, while the cars will drive south toward the residential neighborhood to enter the drive through lane, an existing wall along the south of the Property will protect the residential neighborhood from light spillage from the car lights. It is not anticipated that any vibration will be generated by the Project.

7) Describe transit, automobile or pedestrian traffic that your business will create in the area:

The Property is located adjacent to Commercial Boulevard on an access road. Customers can enter the Property via two access road entrances: one located +/- 60 feet west of the Property and one located +/- 260 feet east of the Property. It is important to note that traffic driving west on Commercial Boulevard will also be able to enter the east access point via an existing left turn lane. In terms of access and circulation within the Property, it is anticipated that a two-way access road will line the property's exterior boundary, creating a unified circulation between the Project and Adjacent Property. Regarding traffic generation, again, since this use is comparable in size, use and location to the Existing Popeye's, it is not anticipated to generate any additional traffic than already exists today. In fact, the traffic will be at the same peak hours as the Existing Popeye's, concentrated around lunch and dinner mealtimes. The Project will also not impact the road capacities as the Existing Popeye's will close before the Project opens. Regarding pedestrian circulation, it is not anticipated that the proposed use will increase pedestrian traffic in the surrounding area (other than employees of businesses in the immediately surrounding area).

8) Describe any activity in your business that will involve alcohol, music or live entertainment:

The Project will not involve alcohol, music or live entertainment.

9) Describe any other aspects of your business about which you feel that the reviewer should know:

N/A