Development Review Report (DRR)

To: Daniel T. Keester-O'Mills, AICP, *Planning & Zoning Director*
From: Molly Howson, *City Planner*
RE: 7240 W. Commercial Blvd Site Plan Application No. 24-SP-004 and Waiver Application (24-W-001)
Date: November 13, 2024

The Petitioner (Hope Calhoun, attorney with Miskel Backman, LLP) has filed a Site Plan and a Waiver application on behalf of Florida Investment 7, LLC. The following information has been prepared for your consideration:

I. BACKGROUND INFORMATION

Requested Action

This is a two-part request: The first request is for a Site Plan development order to approve the Site Plan, (24-SP-004), for the rehabilitation of an existing 2,375 square feet structure previously utilized as a restaurant with a drive-through; to a sit down/high turnover restaurant and maintaining the drive-through use as well as the development of a 7000 square foot, five-unit retail building within the General Commercial (CG) Zoning District. The second request is for a Waiver, (24-W-001), from the provision of LDR Article III Sec. 5.32.2 Restaurant, fast food with or without drive-though and high turnover with drive-through, Sec. 5.32.2.H. to allow an outdoor menu board or ordering, pick-up, or pay station within 200 feet of a residentially zoned property within the General Commercial (CG) Zoning District.

Applicable Land Development Regulations

Article IV, Section 1.3.2 – Completeness of Application, provides for the Department to review any land development order application

Article IV, Section 1.4.4 – Major Review, provides that within 45 days from the acceptance of the application for development subject to major review

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 3.2.5 - Waivers

Article IV, Section 4.3.B - Existing zoning provisions and uses

Article IV, Section 4.4 - Approval for Special Exception Uses

Article IV, Section 4.5.B – Application for Approval, provides the Department shall not accept a special exception use application if the property is subject to unpaid city liens, fines or fees

Article IV, Section 4.6 - Standards for approval, provides the City Commission, in reviewing any application for a special exception use, shall consider seven (7) specific standards

Article IV, Section 4.10 - Conveyance of uses that are subject to special exception approval.

Schedule B - Allowable Uses

II. SITE INFORMATION

Legal Description

Lots 4-5, COMMERCIAL BOULEVARD SHOPPES NO 2, according to the plat thereof, as recorded in the Plat Book 107, Page 43, of the Public Records of Broward County, Florida.

Address

7240 W. Commercial Blvd. (NW 56 Street)

Figure 1, below, provides an aerial of the subject site located on the south side of West Commercial Blvd, approximately ¼ mile east of N. University Drive.

Parcel A –Restaurant Site with Drive-Through (Proposed Renovation) (Folio #: 4941-15-14-0050)
Parcel B – Vacant Parcel (Proposed Retail: 5 Tenant Bays) (Folio #: 4941-15-14-0040)

Parcel A has a stand-alone building which is bordered to the west and east by commercially zoned sites with active commercial businesses and to the south with residential uses. The building was constructed in 1988 as a fast food restaurant with a single drive-through lane use. The first operator of the building was "Long John Silver," which remained open until July 2003. The subsequent operator of the building was "The Real Taste of Little Italy" from 2003 to 2007. Most recently, "La Granja Parilla & Seafood" operated a restaurant from 2007 until 2013; however, there have been no businesses operating since 2013.

Parcel B is also bordered to the west and east by commercially zoned sites and residential homes to the south. City records consistently illustrate both Parcel A and Parcel B together, but this property has only been utilized as a surface parking to present.

Land Use/Zoning:

Existing Use(s):	Restaurant with drive-through
Future Land Use Designation:	Commercial
Zoning Designation:	Commercial, General (CG)

Adjacent Designations:

	Existing Use(s)	**Future Designation**	**Zoning**
North	Fast food Restaurant	City of Tamarac - Commercial	City of Tamarac – MU-G
South	Single-Family Houses	Low (5) Residential	(RS-5) Residential Single-Family
East	Offices & Medical Uses	Commercial	(CG) Commercial, General
West	Retail & Automotive Uses	Commercial	(CG) Commercial, General

III. ZONING HISTORY

Existing Special Exceptions

On August 26, 2024 Special Exception Use Resolution NO. 24R-08-173 was granted to Florida Investments 7, LLC for the rehabilitation of a previously utilized restaurant with drive-through use which makes up a component of this overall site plan application. Resolution NO. 24R-08-173 included several conditions, prior to commencing operations, including filing a site plan application. *This Site Plan and Waiver application seek to address the outstanding conditions.*

Violations

None

Existing Variances

None

IV. PLANNING ANALYSIS

Site plan

Staff finds that Site Plan was submitted for review by the Development Review Committee and had its first hearing on May 21, 2024 where comments were made from each discipline. Upon resubmittal of the site plan, the DRC members performed a second review which was heard by the DRC on September 17, 2024. The DRC members found that the site plan comments had been sufficiently addressed by the applicant, and the site plan was approved with conditions by the DRC.

The Planning and Zoning Department included within this conditioned approval, a requirement for the applicant to obtain a Waiver from the City Commission from the provision of LDR Article III Sec. 5.32.2.H., to allow an outdoor menu board or ordering, pick-up, or pay station within 200 feet of a residentially zoned property.

Staff finds that the site plan application is generally in conformance with the zoning district requirements specified in LDR Article III. Additionally, the Department concludes that the site plan is generally in

conformance with the relevant standards as they pertains to; Zoning, Building, Engineering, Fire, and CPTED (PD). As such, staff recommends approval of the site plan.

Waiver

As stipulated in the Land Development Regulations, Article IV, Section 3.0 Waivers, Section 3.2.5. Finding and conclusions. A waiver shall not be granted unless findings and conclusions to support the waiver review factors exist. The Planning and Zoning Department has reviewed the proposed request pursuant to the following Waiver considerations:

A. The waiver does not adversely affect the neighboring area
B. The waiver does not significantly diminish the provision of public facilities
C. The waiver does not create an unsafe situation; and
D. The waiver does not result in the grant of special privilege in the same waiver would be granted under similar circumstances on other property for another applicant or owner

The waiver request for the subject site is to reduce the code provided 200' foot distance between menu board and residentially zoned property, to the distance provided for on the DRC approved site plan of approximately 104 feet.

Staff finds that based on the configuration of the commercial lots along this section of W. Commercial Blvd, and in order to meet the required building setback from W. Commercial Blvd., it is not practically feasible for a site plan for a Restaurant, sit down/high turnover with drive-through use to meet the provision of Article III Sec. 5.32.2.H.

The site provides, and the site plan calls for, an 8 foot high masonry wall with landscaped hedges to be located on the southern property boundary and abutting the referenced residentially zoned property. These site features will aid in mitigating the noise generated by the restaurant menu/order boards from adjacent residentially properties.

Examples of existing Restaurant, Fast food with drive through Uses within this area of W. Commercial Blvd that also do not meet the code provision of Article III Sec. 5.32.2.H include:

- Dunkin Donuts located at 7340 W Commercial Blvd and which provides an approximate 110 foot distance between its menu/order board and residentially zoned property
- Popeyes Louisiana Kitchen location at 7040 W. Commercial Blvd and which provides an approximate 105 foot distance between its menu/order board and residentially zoned property

The Department puts forth that in this specific location a Waiver from the subject provision is appropriate and recommends approval of such.

Based upon its review, staff finds the proposed Site Plan and Waiver to be consistent with the above considerations. As such, staff recommends approval of the Site Plan and the Waiver requests subject to the conditions outlined in section V. Recommendation/Action.

V. RECOMMENDATION/ACTION

Staff recommends **approval** of the site plan and waiver requests for rehabilitation of a restaurant with drive-through and a 7000 sq. ft., 5 unit retail development, subject to the following conditions:

1. The property owner shall abide by any pre-existing dedications, restrictions, covenants, and easements that run with the land.

2. Prior to building and engineering permit approval, all outstanding comments issued by the Development Review Committee (DRC) must be addressed.

3. Within 180 days of an approved site plan development order, the property owner shall file for Building permits with the City of Lauderhill building department.

4. The single drive-through lane and associated menu/order board must be in substantial conformance to the approved site plan. Any expansion, alteration, enlargement or removal to another location of this use shall require additional site plan approval from the DRC and special exception use development order from the City Commission.

5. The property owner shall provide for adequate maintenance of the landscaping, right-of-way areas, and swale areas.

6. The property owner shall maintain the CPTED related site elements approved as a part of the DRC site plan approval.

VI. ATTACHMENTS

A. Special Exception Use (SEU) Resolution No. 24R-08-173