



Development Review Report (DRR)

To: Daniel T. Keester-O'Mills, AICP, *Planning & Zoning Director*
From: Nadine Fearon, *Associate Planner*
RE: Special Exception Application No. 24-SE-005 (7240 W Commercial Blvd)
Date: August 6, 2024

The Petitioner (Hope Calhoun, attorney with Miskel Backman, LLP) has filed a special exception application on behalf of Florida Investment 7, LLC. Figure 1, below, provides an aerial of the subject site located on the south side of Commercial Blvd, approximately ¼ mile east of N. University Drive. The following information has been prepared for your consideration:

I. BACKGROUND INFORMATION

Requested Action

Request for a Special Exception Use development order to allow within the General Commercial (CG) Zoning District to rehabilitate the 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.

Figure 1

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



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 5.32.1 - General, the following shall apply to all restaurants, including restaurant bars

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 4.5.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 INFORMATIONLegal 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)

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

None. The previous restaurant with drive-through was constructed prior to the requirement to obtain a special exception use.

Violations

None

Existing Variances

None

IV. PLANNING ANALYSIS

As stipulated in the Land Development Regulations, Article IV, Section 4.6 Standards for Approval, The Planning and Zoning Department 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.

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 built 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 building was also home to, "The Real Taste of Little Italy" from 2003 to 2007 when La Granja Parilla & Seafood took over until 2013. Since 2013, the property has been vacant to present.

Parcel B is also bordered to the west and east by commercially zoned sites and residential homes to the south. This property was only developed with partial surface parking to present.

A Site Plan Modification is required and the application submitted to the Planning and Zoning Department to address all exterior improvements, existing and proposed. This application will require the approval of the Development Review Committee and Planning and Zoning Board.

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.

V. RECOMMENDATION/ACTION

Staff recommends **approval** of this special exception request for conveyance of a restaurant with drive-through, subject to the following conditions:

1. This Special Exception Use (SEU) development order to allow within the General Commercial (CG) Zoning District to rehabilitate the existing 2,375 square feet structure previously utilized as a restaurant; to a sit down/high turnover restaurant and maintaining the drive-through use with a single lane shall be specifically granted to Florida Investments 7, LLC 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 Florida Investments 7, LLC operates the use.
2. The single 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. Provided that the operator will not sell alcoholic beverages, restaurant hours of operation are limited to the following: Monday through Saturday from 5:30am to 2:00am and Sunday from 6:00am to 2:00 am. If applicant seeks alcohol license, the hours of operation must be amended, in accordance with Article III, Section 5.3 – Alcoholic beverage uses.
4. A trash receptacle shall be located between the service window where food is dispensed and the end of the drive-through driveways for drive-through lane.
5. Dumpster enclosure. Each restaurant shall have access to a dumpster enclosure equipped with a drain, hose and bib and shall be constructed consistent with the standards and requirements identified in the Land Development Regulations.
6. 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. This property does not meet this requirement; therefore, a waiver will be required.
7. All fast food drive-through and high turnover drive-through restaurants shall comply with Schedule P, Design Standards and Guidelines.
8. If there are any code enforcement violations or liens, this Special Exception Use Development Order may be brought before the City Commission to be reconsidered, at which time the development order, or the conditions of approval, may be subject to modification, suspension and/or revocation.
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. If a Use which has been granted a special exception ceases to operate for a continuous period of one (1) year, the special exception approval shall expire.
11. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

VI. ATTACHMENTS

N/A