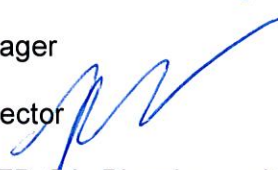





**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: January 12, 2016

TO: Robert Baldwin, City Manager

VIA: Marc LaFerrier, AICP, Director 

FROM: Corinne Lajoie, AICP, LEED GA, Planning and Zoning Manager 

SUBJECT: **SE-123-15/SE-81-15/VA-83-15/VA-84-15/SP-80-15:** The applicant, Corporate Property Services, Inc., on behalf of the property owner Griffin Road Three LLC, is requesting Special Exceptions, variances, and site plan approvals for the property generally located at 2071 Griffin Road.

REQUEST

SPECIAL EXCEPTION

1. To allow a fast food restaurant use; per Section 115-40.
2. To allow outdoor seating; per Section 115-80

VARIANCE

1. To allow a free standing fast food restaurant; code requires fast food to be part of a building at least 50,000 square foot, per Section 115-50, condition number 63.
2. To allow a drive through; code does not allow drive-through, per Section 115-50, condition number 63.

SITE PLAN

To allow the construction of a fast food restaurant with drive-through and outdoor seating.

PROPERTY INFORMATION

EXISTING ZONING: Industrial-Research-Office-Commercial (IROM)

LAND USE DESIGNATION: Industrial

The subject property is approximately half an acre in size (.59 acres) located at the north east corner of Anglers Avenue and Griffin Road. The property is currently a vacant outparcel to the property which includes an existing Fairfield Inn Suites and Homewood Suites on the north side of the parcel. The property is immediately east of a site which is under construction for a new Dunkin Donuts.

SPECIAL EXCEPTION

Fast Food

The first Special Exception the applicant is requesting is to allow fast food use. The City's Land Development Code (LDC) allows fast food as a Special Exception use with

conditions which the proposed development does not meet. The conditions are as follows:

- (1) fast food restaurant must be physically attached by a common wall to a shopping center containing in excess of fifty thousand (50,000) square feet of gross floor area, and
- (2) contain no drive-in or drive-through facility.

Outdoor Seating

The second Special Exception is to allow outdoor seating use. The applicant has proposed an amendment to the LDC to allow outdoor seating in IROM zoning district as a Special Exception use with conditions which the proposed development does meet. The conditions are as follows:

- (1) Accessory to fast food restaurant containing at least 500 square feet of floor area;
- (2) Requires Special Exception approval;
- (3) A minimum of 500 feet of separation between outdoor seating and residentially used or zoned land;
- (4) Music shall not be permitted to be performed or amplified within outdoor seating areas; and
- (5) Outdoor seating requires its own Certificate of Use.

Section 630-50 of the Land Development Code states, the City Commission or Planning and Zoning Board, if applicable, shall review the application to determine whether the Special Exception use complies with the following criteria standards:

(1)"That the use is permitted as a special exception use as set forth in the use regulations of part 1 of this code."

(2)"That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located."

(3)"That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning."

(4)"That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities."

(5)"That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets."

(6)"That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community."

(7)"That the use will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community."

(8)"That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance."

(9)"That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the comprehensive plan."

(10)"That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character."

(11)"That the use will not overburden existing public services and facilities."

The applicant provided a justification statement identifying how both of their requests are consistent with the Special Exception criteria.

VARIANCE

Free Standing Fast Food

The proposed development is for a stand-alone, 3,435 square foot fast food restaurant. The LDC envisions such uses to be part of a much larger structure. However, the subject property would not allow such development, due to the limited size of the parcel (.56 acres) and the neighboring development within the Griffin Road Mixed Use Project.

Drive-Through

The proposed development will provide drive through service. The condition of use identified in the LDC prohibits this type of service. The applicant has indicated that, "the drive through plays an integral role with the restaurant operation and dining experience" and is therefore requesting a variance to allow the use.

Section 625 of the City's LDC states, the City Commission or Planning and Zoning Board, if applicable, shall hold its public hearing and, after consideration of the staff recommendation and public input, if any, may deny, approve or approve with conditions the application for variance, based upon its determination that the request meets the criteria identified in Section 625-40, which are identified below.

(1) "That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city."

(2) "That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community."

(3) "That the requested variance is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan, as amended from time to time, and all other similar plans adopted by the city."

(4) "That the plight of the petitioner is due to unique circumstances of the property or petitioner which would render conformity with the strict requirements of the subject regulations unnecessarily burdensome."

(5) "That the variance requested is the minimum variance that is necessary to afford relief to the petitioner, while preserving the character, health, safety and welfare of the community."

The applicant provided a justification statement identifying how both requests are consistent with the Variance criteria.

SITE PLAN

The proposed site plan includes the construction of a 3,425 square foot fast food restaurant with drive through on a parcel approximately half (.56) acre in size. The property will have access internally within the Griffin Road Mixed Use project, which consists of the existing Fairfield Inn and Suites, and the Homewood Suites. Approximately half of the required parking for the restaurant will be provided within the parcel lines, the remainder will be located to the east of the development access drive. An off-site parking agreement is required.

Development Review Committee (DRC)

The site plan was reviewed by the DRC, which includes representative from the BSO Fire, Public Services, the City's landscape consultant and the Planning Division. The following comments that have not yet been addressed.

1. The proximity to the airport will require FAA review. 3rd time requested
2. Sheet L-1 "Parking Analysis" table identifies 30 parking spaces to be provided by adjacent development. Per Section 265-80, entitled Off-Site Parking Facilities:
 - C – "a written agreement shall be executed by the parties concerned, approved as to form by the City Attorney and filed with the application for a building permit along with proof of proper recordation in Broward County Public Records". See additional regulations in LDC. 3rd time requested.
3. Sheet L-1 "Parking Analysis" identified 42 spaces required, but does not reflect the outdoor seating, which results in 43 spaces required. Additionally, the number of parking spaces identified as provided on site differ from tables provided on Sheet C-0 and C-1. Revise accordingly.
4. Dumpster not provided on site. Per Section 290-70(E), provide restrictive covenant providing for perpetual joint use and maintenance of enclosure. Must be recorded in Broward County Public Records prior to issuance of building permit. 3rd time requested.
5. Provide fire flow calculations, which must bear the seal of the engineer of record (BSO Fire).

CITY COMMISSION PREVIOUS ACTION

On November 24, 2015 the City Commission approved on first reading the applicant request for a text amendment to the City's LDC to allow outdoor seating as a Special Exception use with conditions.

STAFF RECOMMENDATION

Approve, provided all outstanding DRC comments are addressed prior to issuance of a building permit. Please note that each of the Special Exceptions and Variances must be approved in order to approve the proposed Site Plan.