

**May 3, 2016 Board of Adjustment
Staff Recommendations**

PETITIONER: Ryan Thomas, Thomas Engineering Group, agent for Hauppauge Route 111 Associates, LLC (proposed Burger King)

LOCATION: Northwest corner of Northwest 29th Street and State Road 7

ZONING: TOC-C Corridor

INTRODUCTION

The subject property is a 1.06 acre vacant piece of land located at the northwest corner of Northwest 29th Street and State Road 7. Abutting this site to the north is a stand-alone Walgreens pharmacy located at 3000 North State Road 7, and to the east are medical offices located at 5667 Northwest 29th Street. This site shares driveway access to both State Road 7 and Northwest 29th Street with the existing pharmacy and medical offices.

HEARING NO.: BA-14-2016

SECTION OF CODE: Sections 9.7(H)

Code requires new development in the TOC-C Corridor district to construct buildings that occupy a minimum of 70% of the front property line. Petitioner is requesting permission to construct a freestanding Burger King fast food restaurant and separate retail building that occupy about 40% of the front property line.

The proposed development consists of two buildings, a Burger King restaurant and a general retail building. Due to the nature of Burger King's business operations, the proposed building is relatively small at 2,673 square feet, with drive thru facilities. Prior to submitting an application to the Development Review Committee, the developer met with staff and initially proposed a single building freestanding Burger King for this site. In order to increase frontage build-out, the applicant agreed to add a retail component to the Burger King development. The retail building is located at the front of the property, on the "build-to-line," and runs parallel with State Road 7 in an attempt to fill as much frontage as possible. The Burger King maintains a perpendicular orientation towards State Road 7 in order to facilitate a safe vehicle routing for the drive-through window.

Staff finds that the addition of the retail component to this development meets the intent of the frontage build-out requirement, but due to the natures of the uses, the size of the property, and existing driveway connections, a practical hardship exists. Staff finds that the granting of this variance will not create a nuisance to the City, and would otherwise result in a hardship for the applicant if this request was denied. **Staff recommends approval of this variance.**

RECOMMENDATION: APPROVE

APPROVE WITH
CONDITIONS

DENY



Director of Economic Development.

26 APR 16
Date

HEARING NO.: BA-15-2016

SECTION OF CODE: 9.7(C)

Code requires all new primary structures built within the TOC-C Corridor district to be located on the established "build-to-line." Petitioner is requesting permission to build a Burger King that is setback an additional 64 feet from the established "build-to-line."

As previously mentioned in this recommendation, Burger King is proposing an east/west orientation that puts the building perpendicular to State Road 7 in order to accommodate the drive-through window. The variance justifications submitted by the applicant explains that Burger King is being pushed back off of State Road 7 in order to satisfy driveway permitting requirements from the Florida Department of Transportation (FDOT). Moving Burger King west, away from State Road 7, provides for enhanced onsite vehicle circulation, and alleviates possible vehicular congestion at the State Road 7 driveway caused by traffic existing the drive-through.

Staff finds that there are significant design challenges for developing this site with drive-through facilities, including satisfying the requirements of multiple permitting agencies. Staff finds that the granting of this variance will not create a nuisance to the City, and would otherwise result in a hardship for the applicant if this request was denied. **Staff recommends approval of this variance.**

RECOMMENDATION: APPROVE

APPROVE WITH
CONDITIONS

DENY



Director of Economic Development.

26 APR 16
Date