TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Variance
V 7-1-01 McDonald's Corporation/The Barclay Group No. 8, LTD, 351 SW 136 Avenue/Generally located at the southwest corner of Financial Boulevard and SW 136 Avenue, approximately 650 feet south of State Road 84.

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:

V 7-1-01 McDonald's Corporation/The Barclay Group No. 8, LTD (B-2)

REPORT IN BRIEF:

The applicant is proposing to construct a 3,699 square foot fast food restaurant on the 1.29 acre subject site. No vehicular access points on SW 136 are proposed, and the existing two-way access point along Financial Boulevard will not be modified. In order to develop the site as proposed two variances have been requested. The first variance is required because the subject site abuts a residential development and the Code states that there be at least 100 feet separation between the uses. The second variance has been requested to allow the petitioner to place a freestanding sign closer than 200 feet from another sign within the same complex as required.

Staff cannot support the variances that have been requested to develop this site. The applicant's requests to reduce the separation between a fast food use and residential use, and to reduce freestanding sign separation are completely self-created. The intent of the Code's separation between fast food and residential use is to provide adequate separation between this intense use which may pose negative external impacts such as noise and odor. The location of structures on the subject site are irrelevant as the Code requires that the lot lines between fast food use and residential use be 100 feet apart.

Furthermore, staff can find no reason why the applicant cannot locate the freestanding sign an additional 16 feet away from Eckerd's sign. Placement of a sign near the corner of Financial Boulevard and SW 136 Avenue will be adequate to identify any business on the subject site. Staff is of the opinion that this site can be developed with a use permitted within the B-2, Community Business District without requesting any variances.

Staff notes the applicant has submitted a parking study pursuant to Section 12-210 of the Land Development Code. The Code allows for a parking study to provide alternate parking ratios for specific uses based on the unique characteristics of the site and/or use. The alternative parking rate study, conducted by Kimberly-Horn and Associates demonstrates

that the 40 parking spaces provided are adequate to serve the facility. McDonald's restaurant is unique in that 60 percent of its business is drive through and the 1 space per 50 square feet of building area is not necessary. Should the applicant's variances be approved the study will incorporated in to a restrictive covenant and recorded by the Town Clerk.

PREVIOUS ACTIONS: The item was tabled at the request of the applicant from the November 20, 2001 to the December 4, 2001 meeting (Motion carried, 5-0).

The item was tabled at the request of staff from the December 4, 2001 to the December 19, 2001 meeting (Motion carried 5-0).

The item was tabled at the request of staff from the December 19, 2001 to the February 6, 2002 meeting (Motion carried 5-0).

CONCURRENCES: At the January 9, 2002 Planning and Zoning Board meeting Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to deny (Motion carried 4-1 with Ms. Moore being opposed).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to deny

Attachment(s): Planning report, Justification letter, Alternate Parking Rate Study, Land use map, Subject site map, Aerial

Application #: V 7-1-01 **Revisions:**
Exhibit "A" **Original Report Date: 2/15/2002**

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

Owner:
Name: The Barclay Group No. 8, LTD
Address: 1123 Overcash Drive
City: Dunedin, FL 34698
Phone: (727)733-7585

Agent:
Name: McDonald's Corporation
Address: 5200 Town Center Circle, Suite 600
City: Boca Raton, FL 33486
Phone: (561)391-8003

BACKGROUND INFORMATION

Date of Notification: October 17, 2001 **Number of Notifications:** 47

Application History: The item was tabled at the request of the applicant from the October 24, 2001 to the November 27, 2001 meeting (Motion carried, 3-1 Vice-Chair Bender opposed and Chair Stahl was absent).

The item was tabled at the request of staff from the November 27, 2001 to the December 12, 2001 meeting (Motion carried 5-0).

The item was tabled at the request of staff from the December 12, 2001 to the January 9, 2002 meeting (Motion carried 5-0).

Application Request: Two (2) variances **FROM:** Section 12-34(X)(3)(a) of the Land Development Code, Restaurant's, which requires a minimum of 100 feet, shortest airline measurement, between the nearest points on any lot to be occupied for fast food restaurant purposes and any lot which is occupied, zoned or land use plan designated residential **TO:** reduce the minimum separation to zero (0) feet; **FROM:** Section 12-242(A)(4) of the Land Development Code, Distance of sign to other objects or property, states that no freestanding sign may be located closer than 200 feet from another freestanding sign within the same center or complex when said freestanding sign is visible from the public right-of-way **TO:** reduce the minimum separation by sixteen (16) feet.

Address/Location: 351 SW 136 Avenue/Generally located at the southwest corner of Financial Boulevard and SW 136 Avenue, approximately 650 feet south of State Road 84.

Future Land Use Plan Designation: Commercial

Zoning: B-2, Community Business District

Existing Use: Vacant land

Proposed Use: McDonald's Restaurant

Parcel Size: 1.29 acres (56,192 square feet)

	Surrounding Uses:	Surrounding Land Use Plan Designation:
North:	Shenandoah Square Shopping Center	Commercial
South:	Eckerds Drug Store	Commercial
East:	Mobile Homes	Special Residential (10 DU/AC)
West:	Poinciana Parc, mix of detached single-family homes and townhomes	Residential (5 DU/AC)

Surrounding Zoning:

North: B-2, Community Business District
South: B-2, Community Business District
East: MH-8, Mobile Home
West: PURD, Planned Unit Residential Development

ZONING HISTORY

Related Zoning History: Town Council approved Ordinance 97-1 for vacation of right-of-way on January 8, 1997.

Town Council approved the site plan, SP 3-9-99 Eckerd at Davie, on July 21, 1999.

Previous Request on same property: Town Council approved the West Park East Parcel Plat on April 1, 1987, with access provided from Shenandoah Parkway with a "right turn in and right turn out only" restriction, and from SW 136 Avenue with a "right turn in only" restriction.

Variance petition, V 4-1-98 Avid Engineering, Inc./The Barclay Group No. 8, LTD, to reduce required parking by 4 spaces was withdrawn by the applicant on September 10, 1998.

Town Council approved site plan, SP 4-6-98 Walgreens at Shenandoah, subject to submission of declaration of restrictions in acceptable form and a revised site plan, on October 7, 1998. Declaration of restrictions preclude the following uses: parking lot rental, pawn shop, animal hospital, bingo establishment, bowling alley, skating rink, dance hall, night club, game room including arcades, movie theater, performing arts facility, pool room and repair shop.

Town Council denied variance petition, V 6-3-00 Todd Pressman/Mobil Oil Corporation/The Barclay Group No. 8, LTD, on August 30, 2000, which requested multiple variances to allow development of a gas station.

APPLICATION DETAILS

The applicant is proposing to construct a 3,699 square foot fast food restaurant on the 1.29 acre subject site. No vehicular access points on SW 136 are proposed, and the existing two-way access point along Financial Boulevard will not be modified. In order to develop the site as proposed two variances have been requested. The first variance is required because the subject site abuts a residential development and the Code states that there be at least 100 feet separation between the uses. The second variance has been requested to allow the petitioner to place a freestanding sign closer than 200 feet from another sign within the same complex as required.

Applicable Codes and Ordinances

Section 12-34(X)(3)(a) of the Land Development Code, regarding Restaurant's, requires a minimum of 100 feet, shortest airline measurement, between the nearest points on any lot to be occupied for fast food restaurant purposes and any lot which is occupied, zoned or land use plan designated residential.

Section 12-242(A)(4) of the Land Development Code, Distance of sign to other objects or property, states that no freestanding sign may be located closer than 200 feet from another freestanding sign within the same center or complex when said freestanding sign is visible from the public right-of-way.

Section 12-210 Shared Parking. Recognizing that certain combination of uses required less parking then traditional parking ratios based on off-peak hour parking, an applicant may submit a request to allow staff to analyze the validity of such request, based on the following two options:

(1) A petitioner shall submit a formal request, "Parking Study" to be reviewed by the Development Services Director and indicate tenant uses, square footage, the required parking per code, and ratio used, and hours of operation. The total parking, uses utilizing shared parking, overlap hours of operation, and the requested reduced number of spaces are to be included. Upon approval, the shared parking study submitted to the Town shall be in the form of a restrictive covenant and recorded by the Town Clerk. Recordation costs are to be reimbursed by the applicant. The Covenant will provide that the Town may collect costs and attorney fees, if litigation is necessary to enforce them.

(2) A Parking Study may also provide alternative parking ratios for specific uses based on the unique characteristics of the site and/or use. Such alternative parking ratios shall be presented to the Development Services Director, in the manner as stated above, and shall provide verifiable documentation of the appropriateness of the ratios.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 3. Planning Area 3 is bound by I-595 on the north side, I-75 on the west side, SW 14 Street on the south side and Flamingo Road on the east side. The planning area consists of residential uses developed at a density of 3 to 10 dwellings per acre, including the Shenandoah development, occupying

the western half of the planning area, and several mobile home subdivisions.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives and Policies: Policy 17-6 Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Policy 17-7 Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

Staff Analysis

Staff cannot support the variances that have been requested to develop this site. The applicant's requests to reduce the separation between a fast food use and residential use, and to reduce freestanding sign separation are completely self-created. The intent of the Code's separation between fast food and residential use is to provide adequate separation between this intense use which may pose negative external impacts such as noise and odor. The location of structures on the subject site are irrelevant as the Code requires that the lot lines between fast food use and residential use be 100 feet apart.

Furthermore, staff can find no reason why the applicant cannot locate the freestanding sign an additional 16 feet away from Eckerd's sign. Placement of a sign near the corner of Financial Boulevard and SW 136 Avenue will be adequate to identify any business on the subject site. Staff is of the opinion that this site can be developed with a use permitted within the B-2, Community Business District without requesting any variances.

Staff notes the applicant has submitted a parking study pursuant to Section 12-210 of the Land Development Code. The Code allows for a parking study to provide alternate parking ratios for specific uses based on the unique characteristics of the site and/or use. The alternative parking rate study, conducted by Kimberly-Horn and Associates demonstrates that the 40 parking spaces provided are adequate to serve the facility. McDonald's restaurant is unique in that 60 percent of its business is drive through and the 1 space per 50 square feet of building area is not necessary. Should the applicant's variances be approved the study will incorporated in to a restrictive covenant and recorded by the Town Clerk.

Findings of Fact

Variances:
Section 12-309(B)(1):
The following findings of facts apply to the variance request.

(a) There are no special circumstances or conditions applying to the land or building for which the variances are sought, which circumstances or conditions are peculiar to such land or building and do apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this

chapter would not deprive the application of the reasonable use of such land or building for which the variances are sought, and that alleged hardship is self-created by any person having an interest in the property.

(b) The granting of the variances is not necessary for the reasonable use of the land or building and that the variances as requested are not the minimum variances that will accomplish this purpose.

(c) Granting of the requested variances will not be in harmony with the general purpose and intent of this chapter and will be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the negative, staff recommends **denial**, of petition V 7-1-01.

Planning & Zoning Board Recommendation

At the January 9, 2002 Planning and Zoning Board meeting Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to deny (Motion carried 4-1 with Ms. Moore being opposed).

Exhibits

1. Justification letter
2. Alternate Parking Rate Study
3. Land use map
4. Subject site map
5. Aerial

Prepared by: _____ Reviewed by: _____

Revised Justification for Application No. V7-1-01
(McDonalds Corporation Variance)

McDonalds Corporation is proposing to construct a 3,699 square foot fast food restaurant with drive through and a playground area at the Southwest corner of Southwest 136th Avenue and Financial Boulevard ("Property"). The Property is currently zoned B-2 Community Business District with a commercial land use designation. The properties to the north and south of the McDonalds site are zoned B-2. Property to the west is zoned PRD and the property on the east side of Southwest 136th Avenue is zoned MH-8. The Property is a portion of the West Park – East Parcel Plat ("Plat") (the majority of the Property is a portion of Parcel A with a sliver of Parcel B of the Plat). An Eckerds Pharmacy has been developed to the south of the Property and infrastructure has been designed in conjunction with that previously constructed Eckerd development to the south. No additional vehicular access connection is proposed along Southwest 136th Avenue and the existing two access points along Financial Boulevard will remain the same. A private drive connects Financial Boulevard to the Eckerds store and has been recorded in the Public Records as an Access Easement to serve same. That access drive has divided a 1.3 acre vacant area, a portion of which (the portion of the vacant parcel to the east of the access road) comprises the area upon which the McDonalds is proposed to be constructed.

Based on the Table of Permitted Uses in the Land Development Code, a fast food restaurant is a permitted use within the B-2 Zoning District. However, there are three elements of the proposed site layout that do not comply with the current code requirements.

The applicant is requesting 2 variances from the Town Code of Ordinances. They are as follows: 1) a variance from Section 12-34(X)(3)(a) of the Code of Ordinances to permit a fast food restaurant use a distance of 47.5 feet from the nearest point of a lot zoned residential; and 2) a variance from Section 12-242(A)(4) to permit a freestanding sign to be located approximately 182 feet from another freestanding sign.

A variance may be approved upon consideration of, where applicable, the following:

(a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property;

Parking Variance- As referenced above, the south portion of Tract A of the Plat and a portion of Tract B of the Plat has already been developed by an Eckerds. As a requirement to that development, easements and infrastructure were installed. In particular, an access drive was constructed to provide access to Financial Boulevard,

thus, eliminating the necessity for the use of Shenandoah Parkway for full access. The easement has been utilized for the benefit of the Eckerds parcel and will continue to benefit that parcel. That easement, however, cuts off the westerly portion of the balance of the vacant site and eliminates approximately 25% of the vacant land. The property to the west of the access drive is not large enough for development. At best, the area can only be used for parking or open space. That access easement limits where any retail or office use may be located. The circumstances associated with that easement were not a result of the McDonalds. They did not create the easement by virtue of the design and location of the improvements on the Property and by the construction of that easement in the location provided, the location creates a hardship from the point of construction of improvements on the balance of the Property.

Distance Separation Variance - Section 12-34(X)(3)(a) requires 100 feet from the nearest point of a lot zoned residential to any fast food restaurant. The actual nearest point to the lot as defined in your Code being developed for the McDonalds use is 47.5 feet. Under Section 12-503 of the Code, a lot is "an area of land separated from other parcels of land by a subdivision plat, deed of record, or metes and bounds description, but that is **undivided by any street or private road and occupied by or designated to be developed for principal buildings or principal uses . . . ."** Based on that definition, the lot is the portion of vacant land north of the Eckerds east of the access drive. As is evident by the site plan, that easement meanders but at the closest point to the residentially zoned land is 47.5 feet. The most northerly portion of the Property is over 110 feet from the residentially zoned property. The distance separation variance is not required for all of the Property, but only the south 60%. Attached as Exhibit "A" to this justification is a graphic depiction of that portion of the McDonalds site which is within 100 feet of the separation requirement. McDonalds has been very careful to design this site to move the majority of the traffic and activity outside of the 100 feet separation area. The only improvement within that area is a few parking spaces and the dumpster. Parking and the location of a dumpster are permitted directly adjacent to residential for all other B-2 uses and there are no distant separation requirements for a parking lot alone. To mitigate any potential impact on the residents, McDonalds has agreed to provide for an extensive landscape area between the actual development site and the wall running along the residentially zoned property.

The uses permitted in the B-2 Zoning District range from shops to bowling alleys, and from offices to restaurants. With the bifurcation of the driveway through the Property, there is a physical limitation that eliminates many of the uses that would otherwise be permitted on this Property. For example, a bowling alley or skating rink could never fit with the open space and parking requirements, not to mention the mass of the building. Particularly, in this particular classification, there is a 30% vegetative requirement. Right off the bat, 30% of this site must be pervious. The only uses that may be developed here end up being small shops or small offices. The Eckerds Drug Store could not fit on this site if it had not been developed to the south of the Property due to the size of the building, the number of parking spaces required and the open space limitations. When you consider the design issues resulting from the driveway that was not a requirement for development of this site but another property and that is now part of the public records

and we must work around, and the condition of the market, there is no other use that will work on this site based on those limitations. In the several years that the owner has held this Property (in a good economy), the only other use that the owner was approached with was a gas station. Mobil previously applied for approval by the Town and was denied.

Sign Separation Variance- The Eckerds store installed a monument sign in the landscape area along Southwest 136th Avenue approximately 26 feet south of their north property line. As the first developer in, they chose a location convenient to them and with no consideration of the Property to their north. The Town also did not consider the impacts of the location of the Eckerds' sign on the property to the north at the time of approval. By locating the sign in the location installed, they essentially precluded any signage on the undeveloped property to the north along 136th Avenue. McDonalds is simply requesting to be treated equally to the Eckerds and to be allowed the same visibility as the Eckerds was allowed. If this request is not approved, the only signage would be permitted on Financial Boulevard which is heavily landscaped and which would preclude McDonalds from the same visibility that the Eckerds store was given. The necessity for a variance was not created by the McDonalds, rather, was created actions taken by Eckerds in connection with the location of the Eckerds sign. Eckerds chose to locate their sign on 136th because 136th is the more heavily traveled thoroughfare, unlike Shenandoah Parkway or Financial Boulevard. Further, both Shenandoah Parkway and Financial Boulevard are more heavily landscaped and the location of signage is more difficult on those rights-of-way as a result. If the sign is located any further north on 136th, it would require a setback variance. This is the minimum request that could be made. Staff probably should have required Eckerds to reserve space on its signage for developer of the Property. However, since that was not done, Eckerds is under no obligation to share its signage on 136th to the detriment of the Property to the North. Strict application of the Code would prevent McDonalds from being given the same treatment that Eckerds has been given. This is a case of two properties similarly situated adjacent to one another where one would be given preference for visibility from 136th Avenue depriving the other of the same visibility.

It should be noted that Eckerds was somewhat limited in the location of their signage due to the single access off of Southwest 136th Avenue. It should also be noted that McDonalds and Eckerds are sharing access so that two driveways were not required on 136th thus facilitating traffic movements on that roadway.

(b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is a minimum variance that will accomplish this purpose; and

Distance Separation Variance- During a prior submittal of a Walgreens store on the property south of the Property, there was much discussion about deed restricting the property to preclude fast food restaurant use. During those discussions, meetings were held with the neighboring homeowner's association and residents that attended the

meetings and an agreement was reached where fast food restaurants would not be excluded from the development. This use is something that was discussed previously with the residents, it was understood that it was one of the few uses that could be developed on the site because of the size and because of the location of the access easement and it was ultimately agreed to by the parties before the Town Council. McDonalds has done everything in its power to minimize any impacts from their development and has located all of their uses outside the 100 foot separation requirement with the exception of the dumpster and a few parking spaces (either use is not prohibited in and of itself) and as discussed above, is providing a greater buffer than the Eckerds and it's improvements are much further away from the residential line. The area depicted on the attached Exhibit "A" is the minimum variance needed to develop the site. This McDonalds facility is replacing an existing facility on State Road 84. McDonalds has proposed a smaller facility than that existing facility on State Road 84.

Sign Variance – In order to provide the developer of the Property with equal treatment to that given Eckerds, and comparable visibility on Southwest 136th Avenue, which is the main thoroughfare, this is the minimum variance needed. As discussed above, Eckerds installed a sign in the landscape area along Southwest 136th Avenue, approximately 26 feet south of the north property line. Their signage is located on the north side of the access easement onto the site which will also be shared by McDonalds. Based on Code required sign setbacks, the McDonalds sign has been positioned 184 feet north of the Eckerds sign. If the sign is to be moved any further north along Southwest 136th Avenue, McDonalds would be required to obtain a further variance from the setback off of Financial Boulevard. As such, this is the minimum variance necessary in order to install the sign along Southwest 136th Avenue. The applicant is simply wishing to be given equal treatment to the Eckerds store.

(c) That granting the variance will be in harmony with the general purpose and intent of this chapter will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Distance Separation Variance- The B-2 Zoning District is intended to implement the commercial designation of the Town of Davie Comprehensive Plan by providing for business areas to service the shopping and limited service needs of several neighborhoods or the local community. Retail stores are intended to include convenience, fashion and durable goods. The B-2 zoning classification is the first B zoning classification that permits fast food restaurants without conditions. There is no doubt that this fast food use is consistent with the Town of Davie Comprehensive Commercial Designation. There is also no doubt that a fast food use is obviously a service to neighborhoods and the local community. In fact, the reason the McDonalds is relocating from the State Road 84 location is to better serve those communities that frequent their facility. A fast food restaurant is certainly more of a local neighborhood and local community need than a regional community need. Further, the existing McDonalds employs approximately 36 employees, the majority of those employees are from Davie. Relocation of the existing facility to the corner of 136th and Financial boulevard keeps employment opportunities in Davie and promotes further economic development within the town limits.

Sign Variance - The Code has been adopted to not only provide for a "rational pattern" of land use regulations and uses, but also to provide for rules that treat uses or property similarly situated equally. As discussed above, signage approvals should be implemented in such a way that property owners are treated equally and are not given unfair marketing advantages based on who comes in the door first. It is not rational for properties similar situated to be treated differently. This is not a case where one owner owns two properties and is attempting to get twice as much signage. The installation of a sign at the proposed location is in harmony with the surrounding properties. Other than the location, the sign complies with all other code requirements.

LAW OFFICES
TUCKER & TIGHE, P.A.

THOMAS J. TIGHE
LEONARD WILDER
JASON A. SHEPELRICH
.....
MORRIS C. TUCKER (RET'D)

RECEIVED
MAY 02 2001
By

SUITE 710 • CUMBERLAND BUILDING
800 EAST BROWARD BOULEVARD
FORT LAUDERDALE, FLORIDA 33301
Phone (954)467-7744/Fax (954)467-7905
E-mail: tighel@ix.netcom.com

May 1, 2001

Tom Willi, Administrator
Town of Davie
6591 Orange Drive
Davie, FL 33314-3399

Re: Shenandoah Community Association, Inc. -- Construction of McDonald's at SW 136th Avenue and Financial Boulevard

Dear Mr. Willi:

This law firm represents Shenandoah Community Association, Inc. Recently, representatives of Shenandoah Community Association, Inc. met with officials from McDonald's corporation in regard to McDonald's desire to construct a restaurant on the corner of 136th Avenue and Financial Boulevard. Shenandoah's Board of Directors reviewed McDonald's proposed site plan and thus has no objection to the set back restriction, site elevation plan, and the architectural renderings. Accordingly, please allow this letter to serve as formal notice that Shenandoah Community Association, Inc. has no objection whatsoever to the proposed site plan concerning the construction of a McDonald's restaurant on the corner of 136th Avenue and Financial Boulevard.

If you have any questions, please do not hesitate to give me or Shenandoah's property manager, Bob Funke (954-424-0459), a call.

Very truly yours,

LW:sa

LEONARD WILDER
For the Firm.

cc: The Honorable Harry Venis, Mayor - Town of Davie
Mark Kutney, Chairman of Zoning/Planning Board - Town of Davie
Scott J. McClure, Planner - Town of Davie
Rosangela A. DeMeno, McDonald's Corp.
Shenandoah Community Association, Inc.
Phoenix Management Services, Inc.

E:\OFFICE\MPWIN\MPDOCS\SHENANDO\WILLI.LET

LAW OFFICES
TUCKER & TIGHE, P.A.

THOMAS J. TIGHE
LEONARD WILDER
JASON A. SHEPELRICH
GLENN J. WEBBER (OF COUNSEL)
.....
MORRIS C. TUCKER (RET'D)

SUITE 710 • CUMBERLAND BUILDING
800 EAST BROWARD BOULEVARD
FORT LAUDERDALE, FLORIDA 33301
Phone (954)467-7744/Fax (954)467-7905
E-mail:law@tuckertighe.com

November 5, 2001

Tom Willi, Administrator
Town of Davie
6591 Orange Drive
Davie, FL 33314-3399

Re: Shenandoah Community Association, Inc. -- Construction of McDonald's at SW 136th Avenue and Financial Boulevard

Dear Mr. Willi:

This law firm represents Shenandoah Community Association, Inc. I recently received from Chris Gratz, in the Development Services Department, a copy of McDonald's variance request and the alternate parking rate study published by Kimley-Horn and Associates, Inc. Mr. Gratz was unsure if Shenandoah was aware of McDonald's variance request when it endorsed McDonald's site plan as set forth in my letter to you dated May 1, 2001.

Upon discussing this matter with Shenandoah's Board of Directors, I have been authorized to advise that Shenandoah Community Association, Inc. has no objection to the site plan and McDonald's variance request. Specifically, the Association feels that the number of parking spaces that McDonald's would like to provide would be sufficient to meet the restaurant's needs. This is based upon the study conducted by Kimley-Horn on behalf of McDonald's. In addition, this firm, on behalf of Shenandoah, independently verified that at least 14 municipalities in Broward and Palm Beach Counties [Boca Raton, Coconut Creek, Coral Springs, Deerfield Beach, Delray Beach, Hallandale Beach, Hollywood, Lighthouse Point, Miramar, North Lauderdale, Oakland Park, Plantation, Sunrise, and Tamarac] would require an average of 37 parking spaces for a fast food restaurant consisting of 3,699 square feet of which 1,485 square feet is dedicated as part of the customer service area.

Based upon the above, Shenandoah Community Association, Inc. hopes that McDonald's reasonable variance request will be granted so that construction can begin.

If you have any questions, please do not hesitate to give me or Shenandoah's property manager, Bob Funke (954-424-0459), a call.

Very truly yours,

LW:sa

LEONARD WILDER
For the Firm.

cc: The Honorable Harry Venis, Mayor
The Honorable Judy Paul, Vice-Mayor
The Honorable Geraldine Clark, Council Member
The Honorable Tom Truex, Council Member
The Honorable Susan Starkey, Council Member
Mark Kutney, Director of Development Services
Scott J. McClure, Planner
Chris Gratz, Planning & Zoning
Robert Stamm, McDonald's Corporation
Shenandoah Community Association, Inc.
Phoenix Management Services, Inc.

D:\OFFICE\WPWIN\WPDOCS\SHENANDO\WILLI.LET

COMPARATIVE STUDY OF PARKING REQUIREMENTS FOR FAST FOOD RESTAURANTS WITHIN BROWARD COUNTY MUNICIPALITIES

JURISDICTION	CODE REQUIREMENT FORMULA	# OF SPACES FOR A 3,699 S.F. BLDG WITH 1,485 S.F. OF CUSTOMER SERVICE AREA	STANDARD SPACE SIZE
Broward County	1 space per 50 square feet of customer service area and seating plus 1 per 200 square feet of remaining floor area	41 parking spaces	9' X 18'
Coconut Creek	1 space per 100 square feet of customer service area, plus 1 space per 300 non-customer service area	22 parking spaces	10' X 20'
Coral Springs	1 space per 100 square feet of building area	37 parking spaces	9' X 18'
Fort Lauderdale	1 space per 100 square feet of gross floor area	37 parking spaces	8.8' X 18'
Hollywood	60% times the gross floor area of building, plus 1 per 60 square feet of the resulting floor area	37 parking spaces	9' X 19'
Lighthouse Point	1 space per 50 square feet of floor area in rooms for customer service	30 parking spaces	9' X 18'
Oakland Park	1 space per 40 square feet of customer service area	37 parking spaces	9' X 18'
Pembroke Pines	1 space per 50 square feet of floor area serving the public	30 parking spaces	10' X 20'
Plantation	1 space per 75 square feet of gross floor area	49 parking spaces	9' X 18'
Pompano Beach	1 space per 50 square feet of floor area devoted to customer service	30 parking spaces	10' X 20'
Miramar	1 space per 100 square feet of building area	37 parking spaces	9' X 18'
North Lauderdale	1 space per 40 square feet of floor area in rooms for customer service	37 parking spaces	9' X 18'
Sunrise	1 space per 50 square feet of floor area in rooms for customer service	30 parking spaces	10' X 20'

AVERAGE NUMBER OF PARKING SPACES: 35 Parking Spaces

Kimley-Horn
and Associates, Inc.

ALTERNATE PARKING RATE STUDY

McDONALD'S
DAVIE, FLORIDA

Prepared for:
McDonald's Corporation
Boca Raton, Florida

040912000
June 2001
© Kimley-Horn and Associates, Inc.
4431 Embarcadero Drive
West Palm Beach, Florida 33407
561/845-0665 TEL
561/882-3703 FAX

Joseph B. Pollock, Jr., P.E.
Florida Registration Number 19562
Engineering Business Number 696
6/28/01

Kimley-Horn
and Associates, Inc.

TABLE OF CONTENTS

SECTION **PAGE**

INTRODUCTION 1

STUDY SITES 3

DATA COLLECTION 4
- Bay Colony Site 4
- North Pompano Site 7
- Sunset Strip Site 10

RESULTS 13

CONCLUSION 16

LIST OF FIGURES

Figure #	Title	Page
1	McDonald's Davie Site Location Map	2
2	McDonald's Bay Colony Site Location Map	5
3	McDonald's North Pompano Site Location Map	8
4	McDonald's Sunset Strip Site Location Map	11

LIST OF TABLES

Table #	Title	Page
1	Observed Parking Demand McDonald's Bay Colony	6
2	Observed Parking Demand McDonald's North Pompano	9
3	Observed Parking Demand McDonald's Sunset Strip	12
4	Summary of Observed Peak Parking Demand Rates	13
5	Parking Demand & Supply Based on Average of Three Peak Periods	15
6	Parking Demand & Supply Based on Average of Two Highest Peak Periods	15
7	Parking Demand & Supply Based on Highest Observed Peak Period	15

INTRODUCTION

A McDonald's Restaurant has been proposed to be located in the southwest quadrant of the intersection of Financial Boulevard and 136th Avenue in Davie, Florida. Figure 1 shows the general site location. The restaurant is proposed to have 3,699 square feet of building area and 40 parking spaces associated with the restaurant.

According to the Town of Davie Code, one parking space is required for each 50 square feet of gross floor area. Application of the Code requirements would yield 74 parking spaces on site.

Kimley-Horn and Associates, Inc. was retained to perform parking observations at three similar McDonald's sites in Broward County. The purpose of the study was to determine an appropriate alternate rate for parking demand at McDonald's restaurants. This rate would then be applied to the Davie site to determine whether or not the proposed supply of 40 spaces is expected to adequately handle the parking demand.

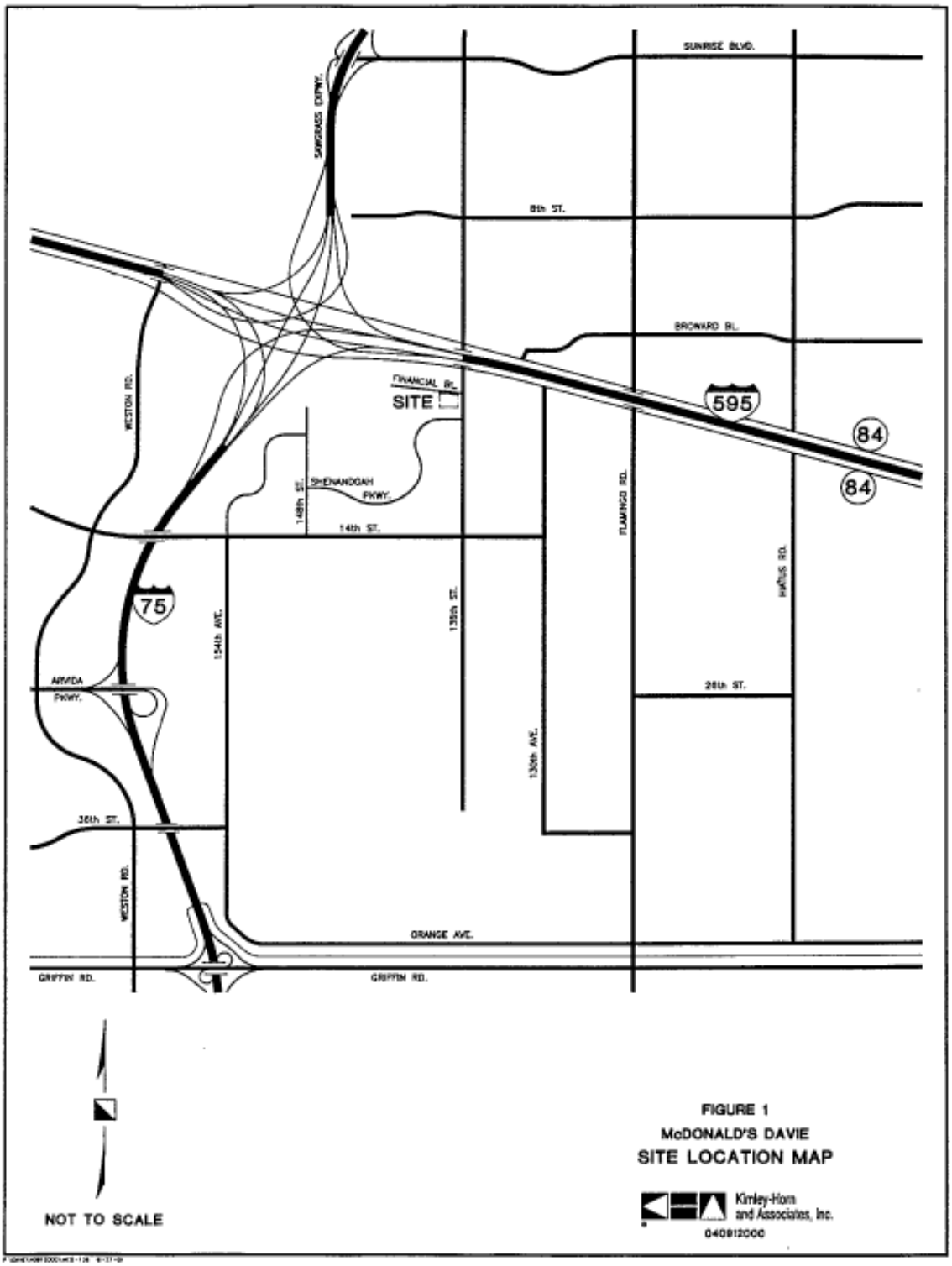


FIGURE 1
McDONALD'S DAVIE
SITE LOCATION MAP

Kimley-Horn and Associates, Inc.
040912000

STUDY SITES

In order to develop an appropriate alternate parking demand rate, parking observations were performed at three different McDonald's sites in Broward County. The three sites were:

- Bay Colony
  6360 N. Federal Highway
  Fort Lauderdale, Florida 33308
- North Pompano
  3091 N. Federal Highway
  Pompano Beach, Florida 33064
- Sunset Strip
  2260 N. University Drive
  Sunrise, Florida 33322

Observations were conducted at each of the three restaurants on Friday, June 22, 2001 and Saturday, June 23, 2001. The observations were conducted in ten-minute intervals for a four-hour period each day, beginning at 11:00 a.m. and ending at 3:00 p.m. The intervals were chosen in order to capture the parking demand associated with the lunchtime peak each day. A detailed summary for each site is included in the next section.

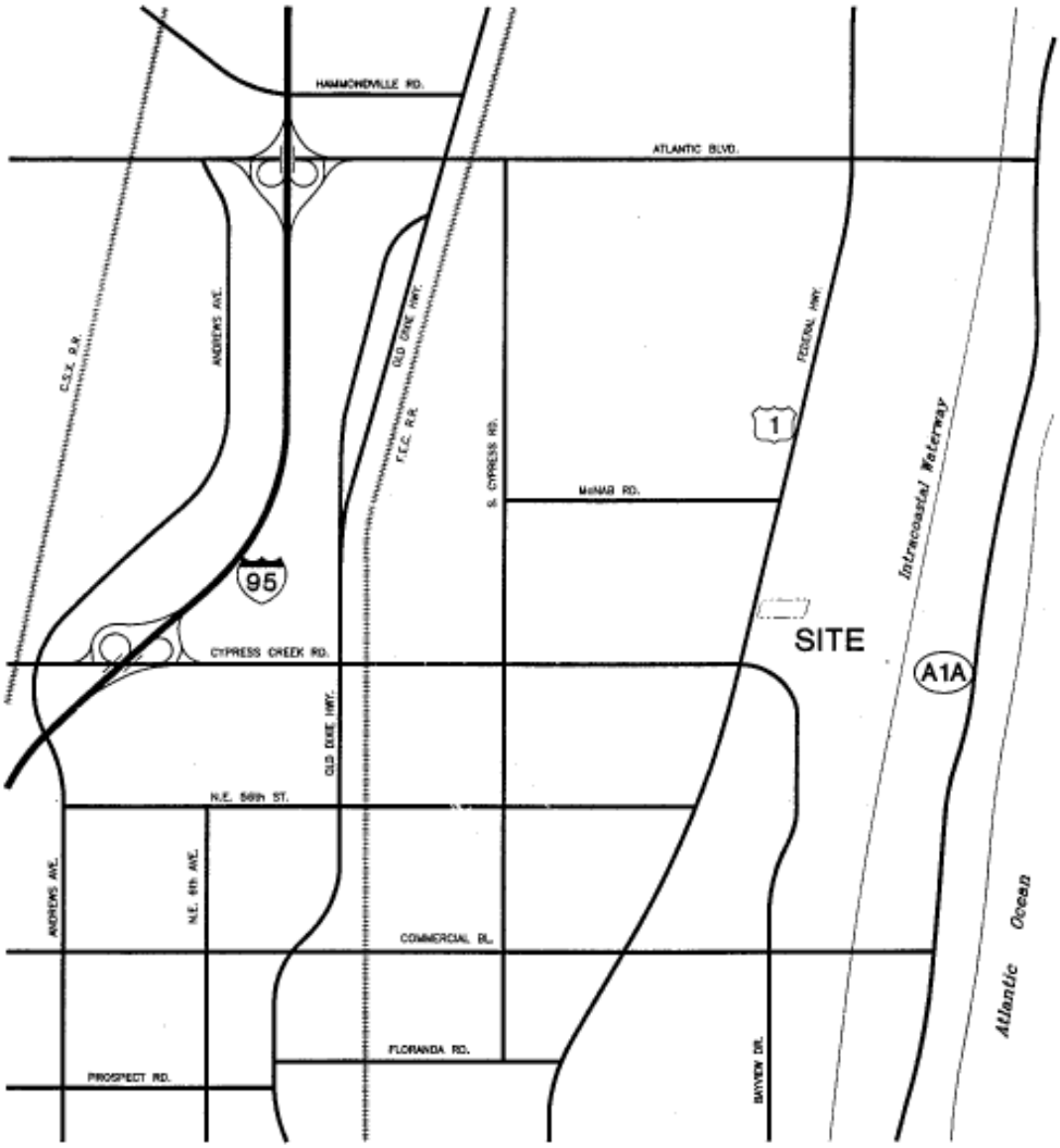
DATA COLLECTION

A summary of the data collected on a site-by-site basis is included as follows:

Bay Colony Site

The Bay Colony site is located on the east side of North Federal Highway north of the 62nd Street (Cypress Creek Boulevard) intersection in Fort Lauderdale, Florida. The general location of the Bay Colony site is shown in Figure 2. The store is comprised of 4,359 square feet of building area and has 34 parking spaces provided on site.

Table 1 provides the actual number of parking spaces that were observed to be occupied during each ten-minute interval on both Friday and Saturday. As shown on the table, the peak number of occupied spaces was 15 on Friday and 9 on Saturday. The table also provides the demand rate during each ten-minute interval on both Friday and Saturday. The demand rate was calculated by dividing the number of occupied parking spaces by the store square footage (in thousands of square feet) in order to determine the parking demand per 1,000 square feet. As shown in the table, the peak demand was 3.44 spaces per 1,000 square feet on Friday and 2.06 spaces per 1,000 square feet on Saturday.



NOT TO SCALE

FIGURE 2
McDONALD'S BAY COLONY
SITE LOCATION MAP

Kimley-Horn and Associates, Inc.
040912000

Kimley-Horn
and Associates, Inc.

TABLE 1
OBSERVED PARKING DEMAND
McDonald's -- Bay Colony

size: 4,359 S.F.

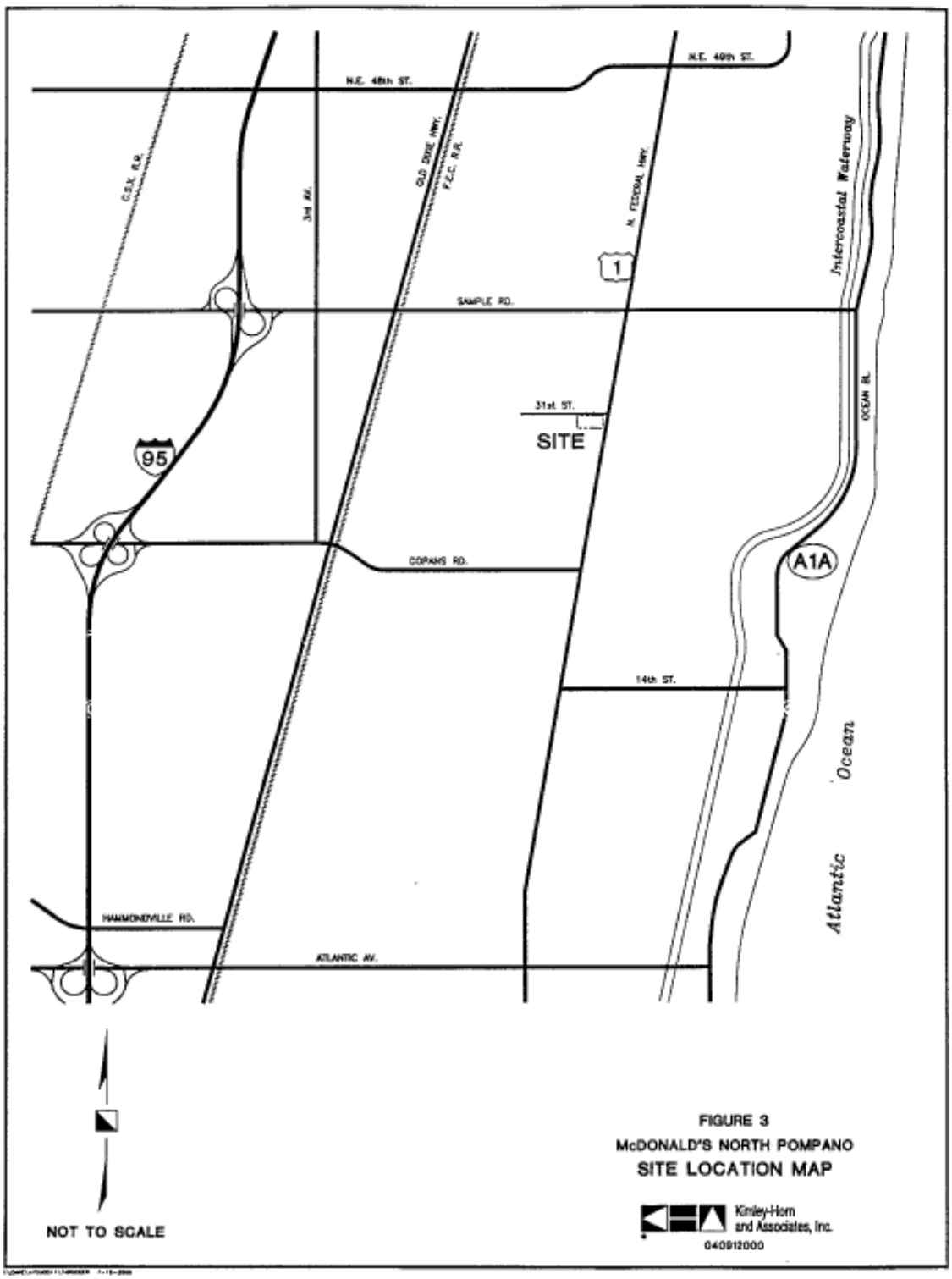
	FRIDAY		SATURDAY	
	Parking Spaces	Parking Spaces / 1,000 S.F.	Parking Spaces	Parking Spaces / 1,000 S.F.
11:00 AM			6	1.38
11:10 AM			5	1.15
11:20 AM			5	1.15
11:30 AM	10	2.29	6	1.38
11:40 AM	6	1.38	7	1.61
11:50 AM	9	2.06	4	0.92
12:00 PM	9	2.06	3	0.69
12:10 PM	**15**	**3.44**	4	0.92
12:20 PM	10	2.29	7	1.61
12:30 PM	11	2.52	7	1.61
12:40 PM	11	2.52	8	1.84
12:50 PM	12	2.75	5	1.15
1:00 PM	10	2.29	7	1.61
1:10 PM	3	0.69	**9**	**2.06**
1:20 PM	12	2.75	6	1.38
1:30 PM	10	2.29	6	1.38
1:40 PM	12	2.75	2	0.46
1:50 PM	7	1.61	4	0.92
2:00 PM	6	1.38	3	0.69
2:10 PM	5	1.15	4	0.92
2:20 PM	4	0.92	4	0.92
2:30 PM	5	1.15	5	1.15
2:40 PM	7	1.61	4	0.92
2:50 PM	4	0.92	5	1.15
3:00 PM	4	0.92	6	1.38
PEAK	**15**	**3.44**	**9**	**2.06**

p:\0409\2000\mcdona.ale\bayco\

North Pompano Site

The North Pompano site is located on the southwest quadrant of the intersection of North Federal Highway and 31st Street in Pompano Beach, Florida. The general location of the North Pompano site is shown in Figure 3. The store is comprised of 3,640 square feet of building area and has 36 parking spaces provided on site.

Table 2 provides the actual number of parking spaces that were observed to be occupied during each ten-minute interval on both Friday and Saturday. As shown on the table, the peak number of occupied spaces was 19 on Friday and 32 on Saturday. The table also provides the demand rate during each ten-minute interval on both Friday and Saturday. The demand rate was calculated by dividing the number of occupied parking spaces by the store square footage (in thousands of square feet) in order to determine the parking demand per 1,000 square feet. As shown in the table, the peak demand was 5.22 spaces per 1,000 square feet on Friday and 8.79 spaces per 1,000 square feet on Saturday.



NOT TO SCALE

FIGURE 3
McDONALD'S NORTH POMPANO
SITE LOCATION MAP

Kimley-Horn and Associates, Inc.
040912000

Kimley-Horn and Associates, Inc.

TABLE 2
OBSERVED PARKING DEMAND
McDonald's -- North Pompano

size: 3,640 S.F.

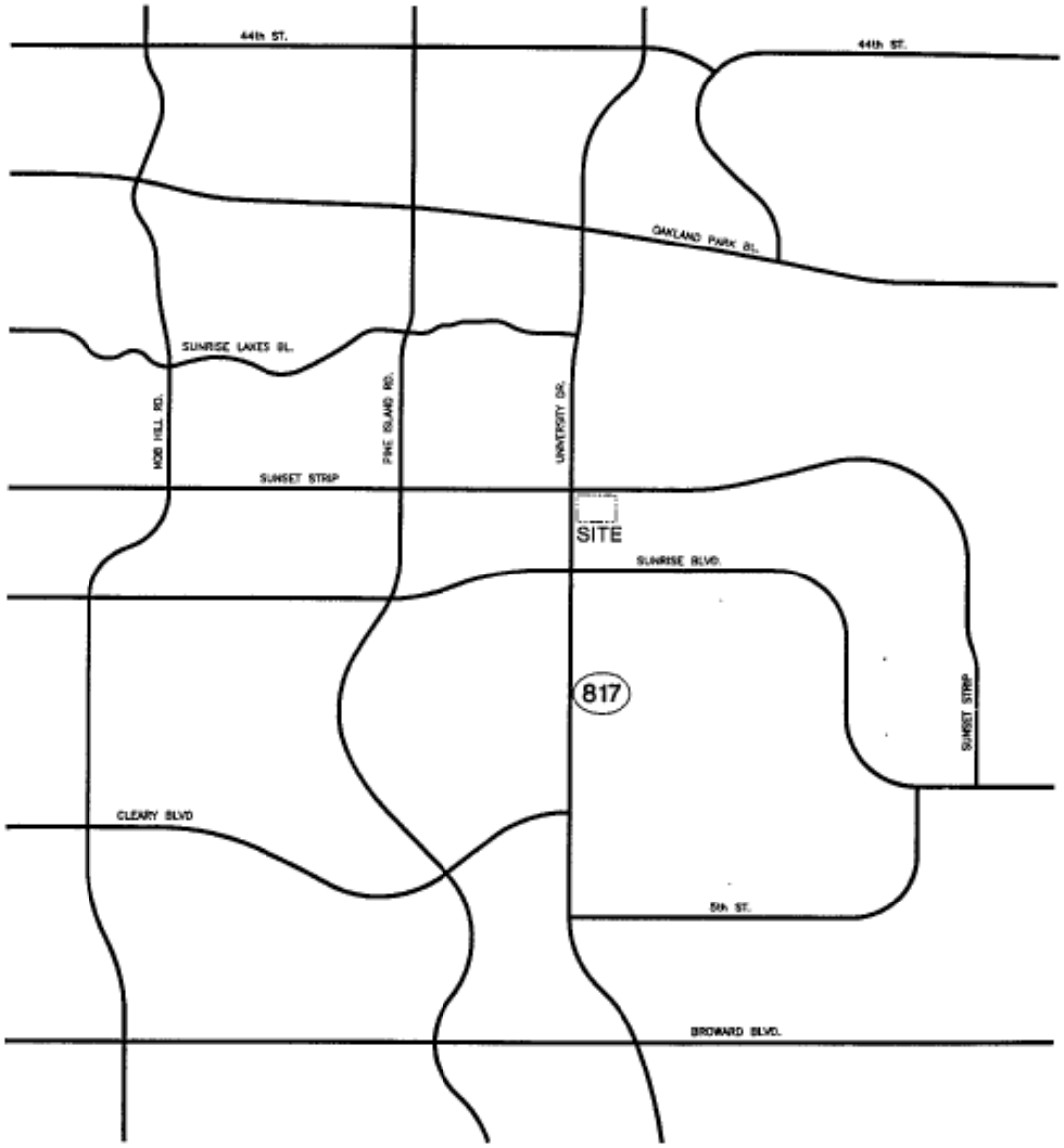
	FRIDAY		SATURDAY	
	Parking Spaces	Parking Spaces / 1,000 S.F.	Parking Spaces	Parking Spaces / 1,000 S.F.
11:00 AM	10	2.75	14	3.85
11:10 AM	8	2.20	12	3.30
11:20 AM	9	2.47	14	3.85
11:30 AM	10	2.75	14	3.85
11:40 AM	8	2.20	13	3.57
11:50 AM	11	3.02	13	3.57
12:00 PM	9	2.47	19	5.22
12:10 PM	12	3.30	22	6.04
12:20 PM	12	3.30	22	6.04
12:30 PM	16	4.40	26	7.14
12:40 PM	**19**	**5.22**	25	6.87
12:50 PM	14	3.85	**32**	**8.79**
1:00 PM	13	3.57	29	7.97
1:10 PM	16	4.40	24	6.59
1:20 PM	12	3.30	17	4.67
1:30 PM	12	3.30	17	4.67
1:40 PM	11	3.02	14	3.85
1:50 PM	15	4.12	12	3.30
2:00 PM	12	3.30	13	3.57
2:10 PM	13	3.57	14	3.85
2:20 PM	9	2.47	12	3.30
2:30 PM	9	2.47	11	3.02
2:40 PM	12	3.30	10	2.75
2:50 PM	9	2.47	8	2.20
3:00 PM	8	2.20	10	2.75
PEAK	**19**	**5.22**	**32**	**8.79**

p:\0409-12009\mcdaus.xls\northpomp

Sunset Strip Site

The Sunset Strip site is located in the southeast quadrant of the intersection of University Drive and Sunset Strip in Sunrise, Florida. The general location of the Sunset Strip site is shown in Figure 4. The store is comprised of 3,571 square feet of building area and has 44 parking spaces provided on site.

Table 3 provides the actual number of parking spaces that were observed to be occupied during each ten-minute interval on both Friday and Saturday. As shown on the table, the peak number of occupied spaces was 29 on Friday and 24 on Saturday. The table also provides the demand rate during each ten-minute interval on both Friday and Saturday. The demand rate was calculated by dividing the number of occupied parking spaces by the store square footage (in thousands of square feet) in order to determine the parking demand per 1,000 square feet. As shown in the table, the peak demand was 8.12 spaces per 1,000 square feet on Friday and 6.72 spaces per 1,000 square feet on Saturday.



NOT TO SCALE

FIGURE 4
McDONALD'S SUNSET STRIP
SITE LOCATION MAP

Kimley-Horn and Associates, Inc.
040912000

Kimley-Horn and Associates, Inc.

TABLE 3
OBSERVED PARKING DEMAND
McDonald's -- Sunset Strip

size: 3,571 S.F.

	FRIDAY		SATURDAY	
	Parking Spaces	Parking Spaces / 1,000 S.F.	Parking Spaces	Parking Spaces / 1,000 S.F.
11:00 AM	14	3.92	11	3.08
11:10 AM	18	5.04	10	2.80
11:20 AM	14	3.92	11	3.08
11:30 AM	13	3.64	10	2.80
11:40 AM	15	4.20	16	4.48
11:50 AM	17	4.76	17	4.76
12:00 PM	22	6.16	9	2.52
12:10 PM	18	5.04	10	2.80
12:20 PM	18	5.04	12	3.36
12:30 PM	22	6.16	17	4.76
12:40 PM	23	6.44	15	4.20
12:50 PM	20	5.60	19	5.32
1:00 PM	24	6.72	17	4.76
1:10 PM	**29**	**8.12**	17	4.76
1:20 PM	24	6.72	21	5.88
1:30 PM	18	5.04	**24**	**6.72**
1:40 PM	18	5.04	19	5.32
1:50 PM	15	4.20	16	4.48
2:00 PM	16	4.48	**24**	**6.72**
2:10 PM	15	4.20	20	5.60
2:20 PM	15	4.20	16	4.48
2:30 PM	15	4.20	16	4.48
2:40 PM	14	3.92	15	4.20
2:50 PM	14	3.92	14	3.92
3:00 PM	13	3.64	14	3.92
PEAK	**29**	**8.12**	**24**	**6.72**

p:\049PJ1000\mcdata.xls\summ

RESULTS

A summary of the peak parking demand rates observed for each of the three sites is provided in Table 4.

TABLE 4
SUMMARY OF OBSERVED PEAK PARKING DEMAND RATES

	FRIDAY	SATURDAY
	Parking Spaces per 1,000 s.f.	Parking Spaces per 1,000 s.f.
Bay Colony	3.44	2.06
North Pompano	5.22	8.79
Sunset Strip	8.12	6.72

In order to determine an appropriate parking demand rate for the proposed Davie site, the average of the peak observed parking demand rates for the three sites was calculated. As shown in Table 5, the average peak parking demand rates for Friday and Saturday were 5.59 and 5.86 parking spaces per 1,000 square feet respectively.

To provide for efficient parking operations and vehicular turnover within the parking area on site, it is desirable to provide a buffer of 10% to 15% between the supply of parking on a site and the parking demand. Therefore, as shown in Table 5, the observed peak demand rates were adjusted upward by 15% to determine an appropriate parking supply rate. By applying the Saturday peak hour supply rate to the proposed Davie site, the supply that is expected to be required is 25 parking spaces.

In a review of the data that was collected, it was apparent that the observed parking

demand at the Bay Colony site was significantly lower than the observed demand at the other two sites. Therefore, to perform a more conservative analysis, the average of the peak observed parking demand was calculated at the North Pompano and Sunset Strip sites only and is presented in Table 6. Again, to determine an appropriate parking supply rate, the observed demand rate for this scenario was adjusted upward by 15%. By applying the highest (Saturday) peak hour supply rate to the Davie site, a parking supply of 33 spaces is expected to be necessary to adequately handle demand.

An additional analysis was undertaken to determine the necessary parking supply if the highest of the peak demand rates at any of the three sites was experienced at the Davie site. Table 7 shows the highest peak parking demand rate observed out of all three sites on Friday and Saturday. To determine the peak supply rate, the rates were adjusted upward by 15%. By applying this peak supply rate to the Davie site, the expected parking supply needed would be 38 parking spaces.

Kimley-Horn and Associates, Inc.

TABLE 5
PARKING DEMAND AND SUPPLY
BASED ON AVERAGE OF THREE PEAK PERIODS

	FRIDAY	SATURDAY
Average Peak Parking Demand Rate	5.59 spaces / 1,000 s.f.	5.86 spaces / 1,000 s.f.
Average Parking Supply Rate (+15%)	6.43 spaces / 1,000 s.f.	6.74 spaces / 1,000 s.f.
SUPPLY REQUIRED-- DAVIE SITE (3,699 S.F.)	24 spaces	25 spaces

TABLE 6
PARKING DEMAND AND SUPPLY
BASED ON AVERAGE OF TWO HIGHEST PEAK PERIODS

	FRIDAY	SATURDAY
Average Peak Parking Demand Rate	6.67 spaces / 1,000 s.f.	7.76 spaces / 1,000 s.f.
Average Parking Supply Rate (+15%)	7.67 spaces / 1,000 s.f.	8.92 spaces / 1,000 s.f.
SUPPLY REQUIRED-- DAVIE SITE (3,699 S.F.)	29 spaces	33 spaces

TABLE 7
PARKING DEMAND AND SUPPLY
BASED ON HIGHEST OBSERVED PEAK PERIOD

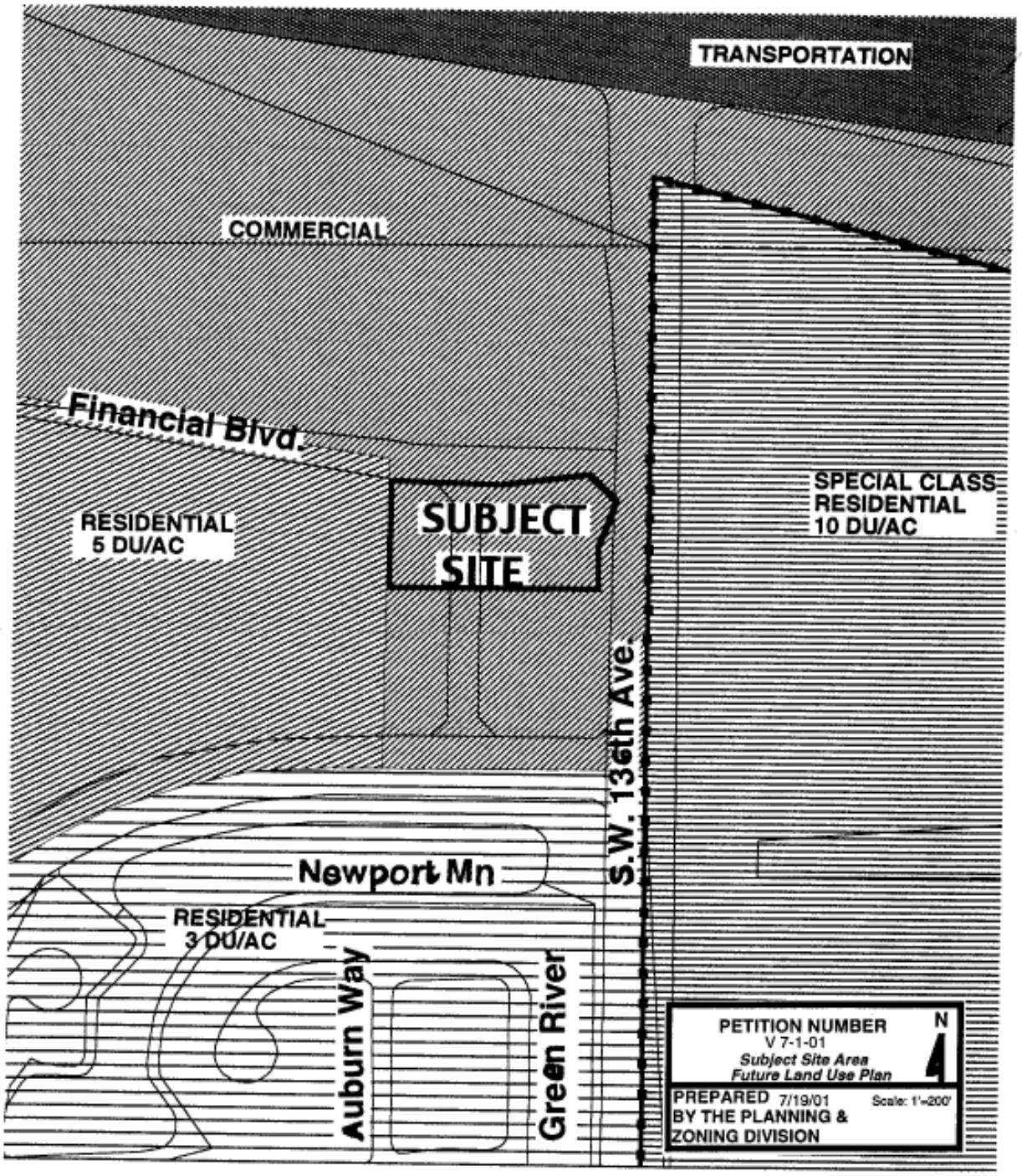
	FRIDAY	SATURDAY
Peak Parking Demand Rate	8.12 spaces / 1,000 s.f.	8.79 spaces / 1,000 s.f.
Average Parking Supply Rate (+15%)	9.34 spaces / 1,000 s.f.	10.11 spaces / 1,000 s.f.
SUPPLY REQUIRED-- DAVIE SITE (3,699 S.F.)	35 spaces	38 spaces

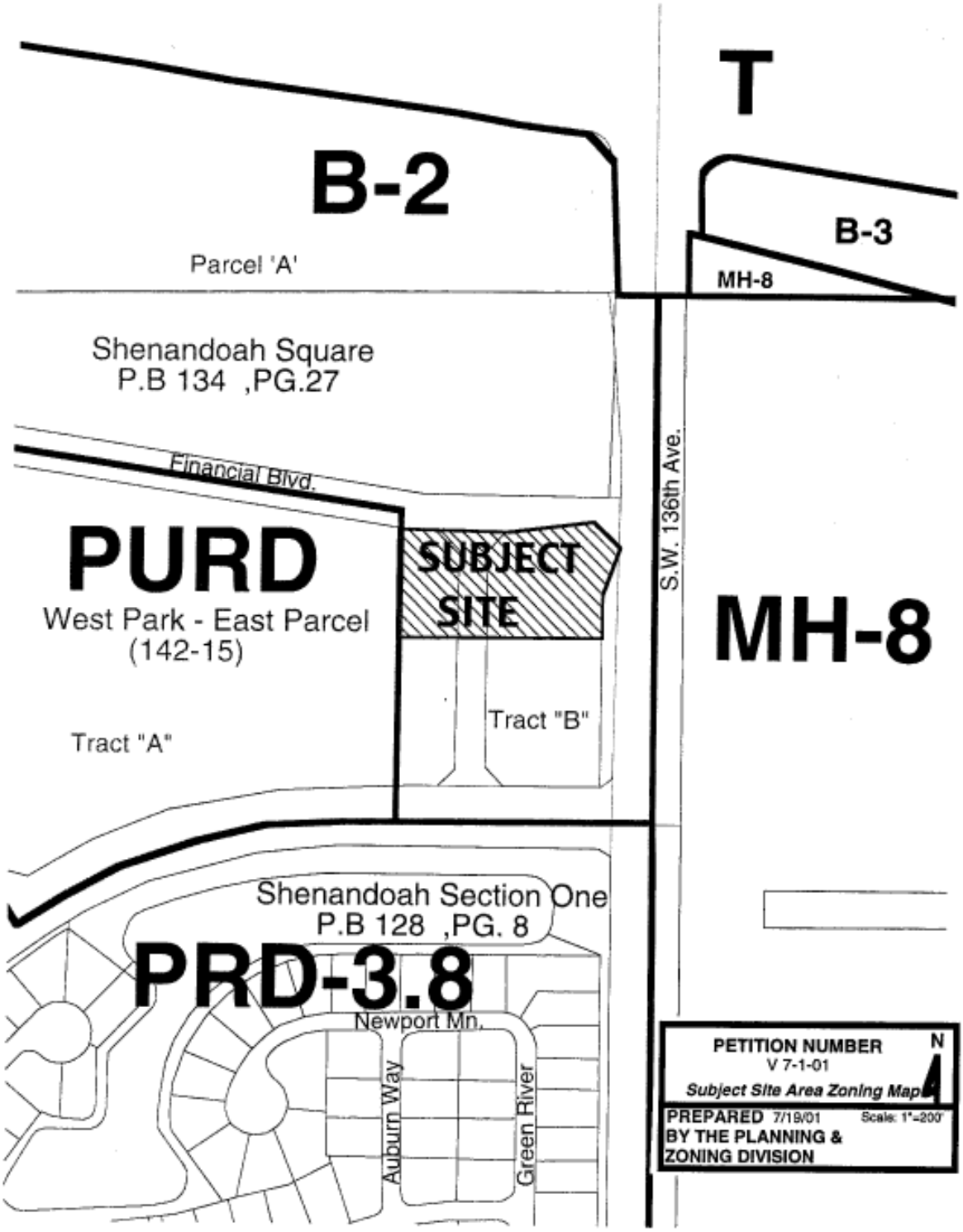
p:\0409\12000\mcdata.xls\supply

CONCLUSION

As documented in the report, a new McDonald's store is proposed to be built in the Town of Davie with 40 parking spaces provided on site. As prescribed in the Town of Davie Code, a total of 74 parking spaces would be necessary for this site.

Based on observations conducted at ten-minute intervals during the four-hour lunchtime peak periods on a Friday and Saturday at other McDonald's restaurants in Broward County of similar activity level and size to the Davie store, average peak parking demand and supply rates were determined. Based on the average of the three sites, it was determined that 25 parking spaces would be required on site. If a more conservative analysis including only the two sites with the highest parking demand is utilized, then the analysis indicates that 33 parking spaces would be required. To employ an even more conservative analysis, if the highest overall peak rate derived from the observations is used, a total of 38 parking spaces would be required at the Davie site. Therefore, based on these observations and the data analysis of parking conditions at similar McDonald's sites, it is expected that the 40 parking spaces that are proposed to be provided at the Davie site will be able to adequately and efficiently handle the parking demand.


TRANSPORTATION
COMMERCIAL
Financial Blvd.
RESIDENTIAL
5 DU/AC
SUBJECT
SITE
SPECIAL CLASS
RESIDENTIAL
10 DU/AC
S.W. 136th Ave.
Newport Mn
RESIDENTIAL
3 DU/AC
Auburn Way
Green River
PETITION NUMBER
V 7-1-01
Subject Site Area
Future Land Use Plan
N
PREPARED 7/19/01
BY THE PLANNING &
ZONING DIVISION
Scale: 1"=200'


T
B-2
B-3
MH-8
Parcel 'A'
Shenandoah Square
P.B 134 ,PG.27
Financial Blvd.
S.W. 136th Ave.
PURD
West Park - East Parcel
(142-15)
SUBJECT
SITE
MH-8
Tract "B"
Tract "A"
Shenandoah Section One
P.B 128 ,PG. 8
PRD-3.8
Newport Mn.
Auburn Way
Green River
PETITION NUMBER
V 7-1-01
Subject Site Area Zoning Map
N
PREPARED 7/19/01
Scale: 1"=200'
BY THE PLANNING &
ZONING DIVISION

595
SITE
FINANCIAL BLVD.
S.W. 136 AVE.
N
DATE FLOWN
JANUARY 1998
SCALE: nts
V 7-1-01