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VIA HAND DELIVERY

October 15, 2017

Keven Klopp
Director
Development Services
City of Hallandale Beach
400 South Federal Highway
Hallandale Beach, FL 33009

Re: Variance Application related to 908 W. Hallandale Beach Boulevard

Dear Mr. Klopp:

This firm represents Dunn's River Island Cafe Jamaican Restaurant / JRIC Industries, LLC (the "Applicant"), the tenant of 908 W. Hallandale Beach Boulevard ("Property"). Please consider this letter the Applicant's letter of intent in support of an application seeking a variance related to parking for the proposed restaurant at the Property.

Property. The Property is located within the commercial corridor just east of I-95, at the northeast corner of the intersection of NW 9 Terrace and Hallandale Beach Boulevard. The Property is approximately 8,147 square feet in size and identified by the Broward County Property Appraiser by Id No. 5142 28 42 0010. The Property contains a commercial building constructed in approximately 1963 which is approximately 4,536 square feet in size. The Property contains four (4) parking spaces, as well as portions of six (6) additional spaces which lie mostly within the NW 9 Terrace right of way abutting the Property. The existing building on the Property was constructed in 1963 and housed a series of commercial uses over the decades. Historically, parking for the Property was served via a combination of the on-site spaces and the adjacent street spaces.

Variances. The Applicant intends to adaptively reuse the existing structure on the Property and introduce a restaurant use into space that was previously occupied

by commercial uses. It's important to note that because commercial uses were established on the Property prior to the current parking regulations, those commercial uses were grandfathered and not required to meet current parking regulations. However, the change of use of the Property, from commercial use to restaurant use, triggers the requirement to comply with current parking regulations for the proposed restaurant use. Accordingly, the Applicant's request triggers a variance to permit expansion of the non-conforming parking condition and a variance of the number of required parking spaces. Based on the calculation made by City staff, the parking requirement for this restaurant use is one (1) space per four (4) seats or one (1) space per one hundred (100) gross square feet, whichever is higher. The proposed restaurant use at the Property triggers the need for approximately forty-six (46) spaces. As previously indicated, the Property exists with only four (4) parking spaces.

Parking Availability. As mitigation, the Applicant has entered into a ten-year lease which entitles the Applicant access to up to forty-nine (49) parking spaces on the adjacent Lakeside Shoppes shopping center property. ("Lease for Off-site Parking"). Those spaces are allocated on a shared basis, rather than reserved exclusively for the use of the Applicant. These spaces are well within the 450 feet distance contemplated by the City's regulations. However, these spaces are not exclusive to the Applicant's use, which has required the instant application.

Attached are three parking analyses of the Lakeside Shoppes center. First, we have prepared an analysis of the maximum parking demand of the center under the City's regulations. This analysis assumes that each use is parked separately, with no adjustment based on the fact that the site is a shopping center. That analysis shows that the center has a parking surplus of approximately 54 spaces today. That surplus is more than enough to account for the parking requested in this application.

At staff's request, we have also prepared a shared parking analysis of the Lakeside Shoppes. Using standard Urban Land Institute assumptions about the three categories of use that make up the Lakeside center, our analysis shows that an expected daily parking demand peaks at 106 spaces, resulting in a surplus of over a hundred spaces.

Finally, we have provided a modified shared parking analysis that adds the Dunn's River use as if it was part of the Lakeside Shoppes. This analysis will provide us a better picture of the impact of the Applicant's use on the center. If we assume that all parking for Dunn's River needed to be accommodated on the Lakeside

Shoppes site, there would still be a “real world” parking surplus of approximately 83 spaces at peak times.

In sum, parking of the Applicant’s restaurant on the Lakeside Shoppes property would result in the center retaining surplus parking under the City’s regulations and under expected actual use.

Variance Requests. The Applicant hereby requests the below variances:

- 1) Variance of Section 32-925(5), to intensify the existing parking nonconformity associated with the previous retail use to allow for the restaurant use; and,
- 2) Variance of Section 32-455(c)(2), to permit four (4) on-site parking spaces where forty-six (46) would be required.

Variance Analysis. The Applicant satisfies the variance criteria delineated in Section 32-965 as follows:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not generally applicable to other lands, structures or building in the same zoning district.*

The existing structure on the Property was constructed in 1963. The existing structure has remained in continuous use since that time and does not face structural concerns. The adaptive reuse, repurposing, of this existing older building is a condition which is peculiar to the Property and a few other structures within the area. However, other structures in the area are grandfathered for the uses which persist on those properties, including restaurants. The Property is also unique in that its historical development has left very limited parking area available on the site, with the majority of parking serving the building located partially in the right of way.

Additionally, the Property is located on a corner, just off of one of the City’s main thoroughfares: Hallandale Beach Boulevard. This section of the commercial corridor is optimal for small businesses to buffer the less intense areas north of the Property from the bustle of the thoroughfare. The location of the property is a unique condition which lends itself to the proposed use and limits the Property’s ability to come into compliance with the City’s current requirements.

- (2) The special conditions and circumstances do not result from the actions of the applicant.*

The existing development on the Property, the Property's limited size and awkward proportions, and the Property's location along a main thoroughfare do no result from the actions of the Applicant.

- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same district.*

Granting the variance will not confer any special privilege denied to other lands, buildings or structures in the same district. Other similarly situated properties already contain restaurant uses and are grandfathered from current regulations. Parcels without grandfathered status may request a variance similar to this variance.

- (4) Literal interpretation of the provisions of this chapter would deprive the applicant of the rights commonly enjoyed by the properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardships on the applicant.*

Other parcels with similar age, layout, and locational constraints contain restaurants simply because they contained restaurants because there were restaurants operating in those spaces before the current regulations went into effect. They are no better suited for restaurant uses than the Property. Literal interpretation of the regulations would deprive the applicant of the ability to operate a restaurant within an existing structure within a commercial district and would work unnecessary and undue hardship on the Applicant.

- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

The Applicant has made long-term arrangements to provide for off-site parking in satisfaction of current Code requirements. Additionally, in reality, more spaces are accommodated than will be practically be required by the proposed use.

(6) The grant of the variance will be in harmony with the general intent and purpose of this chapter.

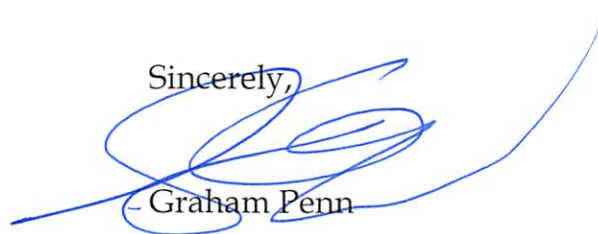
The Code distinguishes between requirements for new construction and requirements for renovations and additions to existing structures. It is understood that existing structures face layout constraints that new construction does not face. In spite of the unique circumstances of this property, the Applicant is complying with the intent of the Code by providing for the vast majority of the currently required spaces within the adjacent Lakeside Shoppes. The Applicant is certainly complying with the intent of the Code.

(7) Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The variance will not be injurious to the area. There is ample parking provided for the Property and there will be valet services available which will further provide parking management solutions. The Lakeside Shoppes center currently has a significant parking surplus and will retain that surplus with the additional parking demand from the Dunn's River use. The Applicant has agreed to keep the lease in place for the required ten year period in order to ensure that the parking remains in place.

Conclusion. This application meets all of the standards of the City regulations. I look forward to your review and approval. If you have any questions or concerns, please do not hesitate to phone me at 305 377-6229 or email me at gpenn@brzoninglaw.com.

Sincerely,



- Graham Penn

LAKESIDE SHOPPING CENTER PARKING AS INDIVIDUAL USES

Address	Size	Use	Parking Rate	Parking Required
1020	4,184	IHOP Restaurant	1 per 100	41.84 42
920	1,500	Check and Go	1 per 250	6
924	1,500	Little Caesars Take out	1 per 250	6
928	1,250	Sky Net Wireless	1 per 300	4.16 5
932-944	3,250	RX Pro Drug Store	1 per 300	10.83 11
948	1,000	Mike Campbell Insurance	1 per 250	4
952	1,000	Ajiaco's Restaurant	1 per 100	10
956	1,000	GD Cargo	1 per 250	4
960	1,000	Candyland Boutique	1 per 300	3.33 4
964	900	Wellness Center	1 per 250	3.6 4
968	1,000	Tax Preparer	1 per 250	4
972	3,250	Church	1 per 250	13
976	975	Retail	1 per 300	3.25 4
1000	10,281	Dollar Store	1 per 300	34.27 35
1004 (suite 100 and 300)	3,359	Offices	1 per 250	13.44 14
1008	1,375	Offices	1 per 250	5.50 6
1012-16	2,585	Offices	1 per 250	10.34 11
Total Required	39,409			178 183
Parking Provided				232
Existing Surplus per Code				54 Spaces 49

EXHIBIT A

Shopping Center Site Plan



Lakeside Shopping Center – Shared Parking Analysis to Determine Actual Utilization

Office Parking (Required) = 64

Retail Parking (Required) = 56

Restaurant (Required) = 58

Use	Weekday 12 to 7	Weekday 7 to 5	Weekday 5 to 9	Weekday 9 to 12	Weekend 12 to 7	Weekend 7 to 5	Weekend 5 to 9	Weekend 9 to 12
Office	4 (5%)	64 (100%)	20 (30%)	4 (5%)	0 (0%)	7 (10%)	0 (0%)	0 (0%)
Retail	3 (5%)	28 (50%)	42 (75%)	6 (10%)	3 (5%)	56 (100%)	42 (75%)	6 (10%)
Restaurant	6 (10%)	29 (50%)	44 (75%)	24 (40%)	9 (15%)	44 (75%)	58 (100%)	29 (50%)
Total	13	121	106	34	12	107	100	35

**Lakeside Shopping Center – Shared Parking Analysis to Determine Actual Utilization
With Applicant's Use**

Office Parking (Required) = 64

Retail Parking (Required) = 56

Restaurant (Required) = 58

Dunn's River Restaurant (Required) = 49

Use	Weekday 12 to 7	Weekday 7 to 5	Weekday 5 to 9	Weekday 9 to 12	Weekend 12 to 7	Weekend 7 to 5	Weekend 5 to 9	Weekend 9 to 12
Office	4 (5%)	64 (100%)	20 (30%)	4 (5%)	0 (0%)	7 (10%)	0 (0%)	0 (0%)
Retail	3 (5%)	28 (50%)	42 (75%)	6 (10%)	3 (5%)	56 (100%)	42 (75%)	6 (10%)
Restaurant	11 (10%)	54 (50%)	81 (75%)	43 (40%)	17 (15%)	81 (75%)	107 (100%)	29 (50%)
Total	18	146	143	53	20	144	149	35