

**AD-24-11**

**LOCATION:** 7320 103<sup>rd</sup> Street

**REAL ESTATE NUMBER:** 014518-0000

**DEVIATION SOUGHT:**

1. Reduce the perimeter landscape buffer area between vehicle use area and abutting property from 5 feet minimum width required along the east property boundary to 0 feet.

**PRESENT ZONING:** CCG-1

**CURRENT LAND USES:** CGC

**PLANNING DISTRICT:** 4

**COUNCIL DISTRICT:** 14

**SIGNS POSTED:** 1

**OWNER:**

Vicente Tome  
Burger King Company, LLC  
5707 Blue Lagoon Drive  
Miami, Florida 33126

**AGENT:**

John Stoeckel  
MH Stokes Consulting LLC  
9872 Montague Street  
Tampa, Florida 33626

**STANDARDS, CRITERIA AND FINDINGS**

<p><b>1. Is this situation unique or similar to other properties in the neighborhood?</b></p>	<p><b><u>Recommendation:</u></b> Similar. The subject property is a 1.05-acre parcel located along 103<sup>rd</sup> Street. The subject property is located within the Commercial Community General-1 (CCG-1) zoning district, which allows for commercial retail sales and service establishments.</p> <p>The applicant is seeking to make improvements to the property as a Burger King drive-thru restaurant. The applicant is seeking to reduce the perimeter landscape buffer area between the vehicle use area (VUA) and the abutting property along the east property line from 5 feet required to 0 feet. The site plan shows the separation from the drive-thru area and a one-way drive aisle abutting the east property line with the curb on the property line, therefore no buffer is being provided.</p> <p>This situation is similar to other properties in the neighborhood as there are several commercial properties along 103<sup>rd</sup> street that would require similar requests, should they make improvements in the future.</p> <p><b><u>Findings:</u></b></p>
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<p><b>2. There are practical or economic difficulties in carrying out the strict letter of the regulation in that...</b></p>	<p><b><u>Recommendation:</u></b> Yes. There are practical and economic difficulties associated with carrying out the strict letter of the regulation as the proposed development would be functionally and operationally limited without accommodating a drive aisle for efficient flow of traffic adjacent to the drive-thru area.</p> <p><b><u>Findings:</u></b></p>
<p><b>3. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish a result that is in the public interest.</b></p>	<p><b><u>Recommendation:</u></b> Yes. The request is not based upon a desire to reduce the cost of developing the site. Rather, granting of the deviation would allow the applicant to ensure that cars can safely maneuver around the property and next to the drive-thru lane without an additional buffer in the way. The current configuration of the site did not have this buffer either, but the site plan shows a concrete curb that will separate the two sites.</p> <p><b><u>Findings:</u></b></p>
<p><b>4. The proposed deviation will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation, in that...</b></p>	<p><b><u>Recommendation:</u></b> Yes. Staff finds no evidence that the proposed deviation is likely to diminish property values in the surrounding area or alter the essential character of the area given the neighboring properties being commercial in nature and likely to need similar deviations once developed.</p> <p><b><u>Findings:</u></b></p>
<p><b>5. The proposed deviation will not be detrimental to the public health, safety, or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law, in that...</b></p>	<p><b><u>Recommendation:</u></b> Yes. The proposed deviation is unlikely to have a detrimental effect on the public health, safety or welfare, nor create a public expense or potential nuisance. Rather, having the drive aisle in between the drive-thru lane and adjacent property will positively facilitate the flow of traffic, especially with an additional egress point along 103<sup>rd</sup> Street as shown on the site plan.</p> <p><b><u>Findings:</u></b></p>
<p><b>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</b></p>	<p><b><u>Recommendation:</u></b> Yes. The proposed deviation is in harmony with the spirit and intent of the Zoning Code, which seeks to allow development of sites, encourage adequate vehicle use areas (VUA's), and promote the health, safety and general welfare of the public as outlined in the 2045 Comprehensive Plan.</p>

	<b><u>Findings:</u></b>
7. The City landscape architect has/has not recommended the proposed deviation.	The City landscape architect has recommended approval for the proposed deviation request.
8. The existing violation was not created by the applicant with an intent to violate the Zoning Code.	N/A

**PLANNER RECOMMENDATION: APPROVE**  
**DATE OF REPORT: 5/7/2024**



The Notice of Public Hearing signs were posted.



Aerial view of the subject site



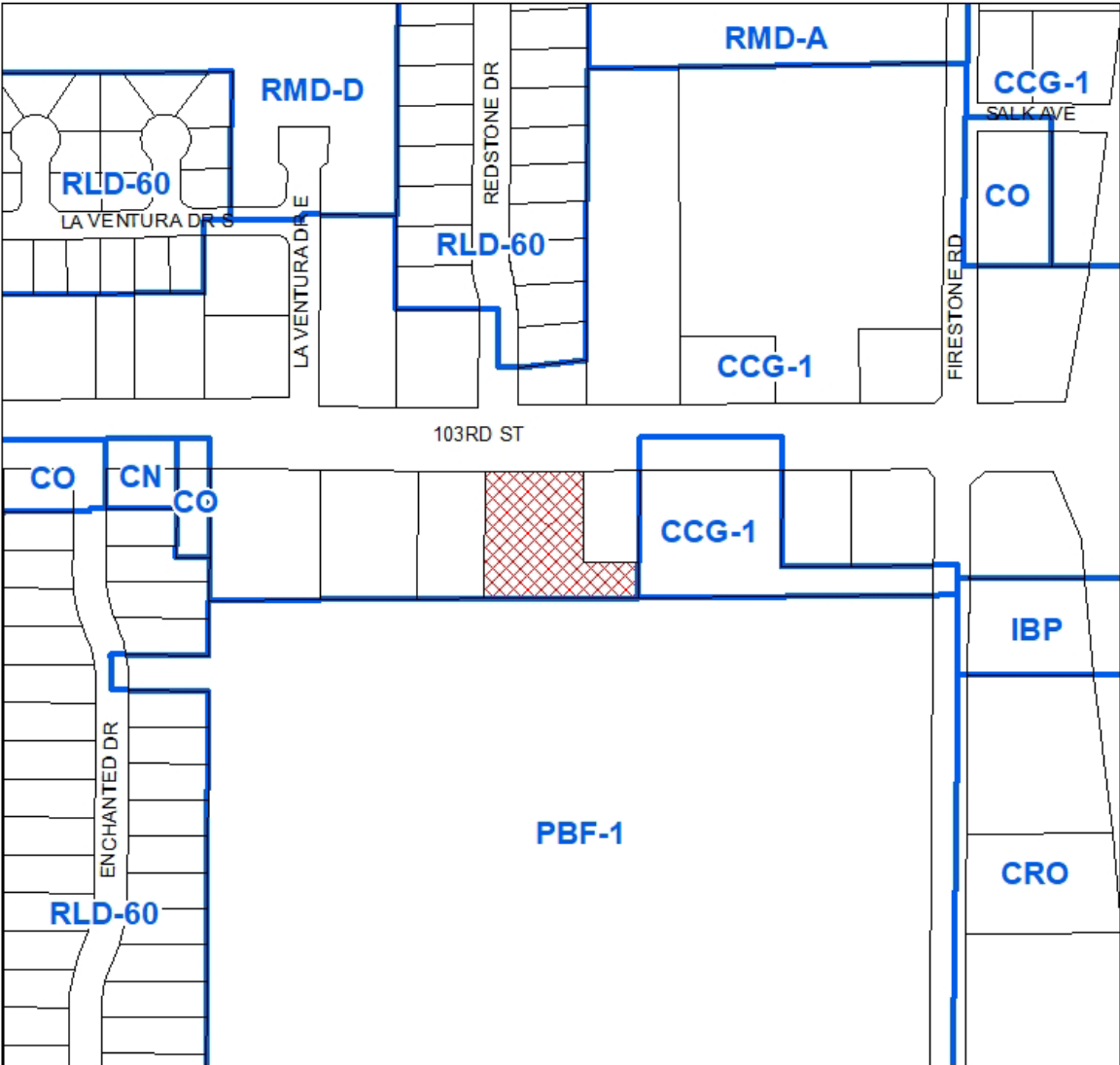
**View of the subject property from 103<sup>rd</sup> Street.**

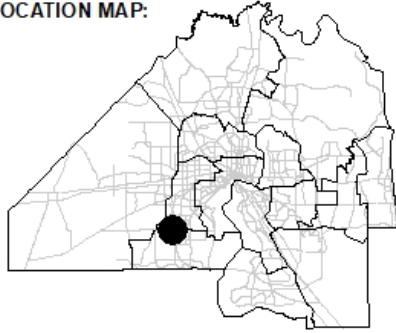
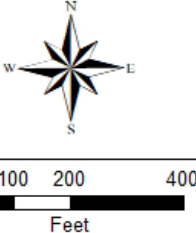


**View of the subject property from 103rd Street.**



**View of the drive aisle with proposed deviation.**



<p><b>REQUEST SOUGHT:</b></p> <p><b>REDUCE THE PERIMETER LANDSCAPE BUFFER AREA BETWEEN VEHICLE USE AREA AND ABUTTING PROPERTY FROM 5 FEET MINIMUM WIDTH REQUIRED ALONG:</b></p> <p><b>EAST BOUNDARY TO 0 FEET</b></p>	<p><b>LOCATION MAP:</b></p>  <p><b>TRACKING NUMBER</b></p> <p><b>T-2024-5399</b></p>	 <p><b>COUNCIL DISTRICT:</b></p> <p><b>14</b></p> <p><b>EXHIBIT 2</b></p> <p><b>PAGE 1 OF 1</b></p>
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Legal Map