



# City of Lauderhill

City Commission  
Chambers at City Hall  
5581 W. Oakland Park  
Blvd.  
Lauderhill, FL, 33313  
www.lauderhill-fl.gov

## File Details

**File Number:** 24R-5765

**File ID:** 24R-5765

**Type:** Resolution

**Status:** Agenda Ready

**Version:** 1

**Reference:**

**In Control:** City Commission Meeting

**File Created:** 08/12/2024

**File Name:** RESOLUTION - SPECIAL EXCEPTION FOR 7240 W COMMERCIAL BLVD

**Final Action:**

**Title:** RESOLUTION NO. 24R-08-173: A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO FLORIDA INVESTMENTS 7, LLC A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT THE CONVEYANCE AND REHABILITATION OF THE EXISTING 2,375 SQUARE FEET STRUCTURE PREVIOUSLY UTILIZED AS A RESTAURANT WITH A DRIVE-THROUGH; TO A SIT DOWN/HIGH TURNOVER RESTAURANT AND MAINTAINING THE DRIVE-THROUGH USE ON A 1.33 ± ACRE SITE LEGALLY DESCRIBED AS COMMERCIAL BOULEVARD SHOPPES #2 LOTS 4 - 5, ACCORDING TO THE PLAT THEREOF AS RECORDED IN THE OFFICIAL RECORDS BOOK 107, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 7240 W. COMMERCIAL BLVD A/K/A N.W. 56TH STREET, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

**Notes:**

**Sponsors:**

**Enactment Date:**

**Attachments:** RES-24R-08-173-Special X - Florida Investment Restaurant.pdf, Attachment A - SEU Application, Attachment B - DRR Report (24-SE-005) - 7240 W Commercial Blvd, Attachment C - (unsigned) Public Notification Affidavit \_ (24-SE-005), Attachment D - (unsigned) SEU Conditions (24-SE-005)

**Enactment Number:**

**Contact:**

**Hearing Date:**

\* **Drafter:** dkeester@Lauderhill-fl.gov

**Effective Date:**

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

**Text of Legislative File 24R-5765**

**RESOLUTION NO. 24R-08-173: A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO FLORIDA INVESTMENTS 7, LLC A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT THE CONVEYANCE AND REHABILITATION OF THE EXISTING 2,375 SQUARE FEET STRUCTURE PREVIOUSLY UTILIZED AS A RESTAURANT WITH A DRIVE-THROUGH; TO A SIT DOWN/HIGH TURNOVER RESTAURANT AND MAINTAINING THE DRIVE-THROUGH USE ON A 1.33 ± ACRE SITE LEGALLY DESCRIBED AS COMMERCIAL BOULEVARD SHOPPES #2 LOTS 4 - 5, ACCORDING TO THE PLAT THEREOF AS RECORDED IN THE OFFICIAL RECORDS BOOK 107, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 7240 W. COMMERCIAL BLVD A/K/A N.W. 56TH STREET, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**Request Action:**

Consider a Special Exception Use with conditions for a sit down/high turnover restaurant and maintaining the existing drive-through as requested by Florida Investment 7, LLC, in on a 1.33 acre site legally described herein and more commonly known as 7240 W Commercial Blvd.

**Need:**

Applicant is requesting approval of a special exception use with conditions.

**Summary Explanation/ Background:**

The Applicant (Florida Investment 7, LLC) represented by Hope Calhoun (attorney with Miskel Backman, LLP) is requesting special exception approval to allow a restaurant to maintain a drive-through at the subject property (7240 W Commercial Blvd, Lauderhill, FL). If approved by the City Commission, the proposed tenant will redevelop the building and property; the applicant has filed a site plan application (24-SP-004) for consideration by the Development Review Committee (DRC).

The Land Development Regulations require that all drive-through restaurants be located a minimum of one thousand feet (1,000 ft.) from another freestanding fast food drive-through restaurant; however, existing buildings are not subject to the distance separation requirement (Article III Section 5.32 Restaurants).

Staff recommends **APPROVAL** of this special exception request for conveyance of a restaurant with drive-through, subject to the following conditions:

1. This Special Exception Use (SEU) development order to allow within the General Commercial (CG) Zoning District to rehabilitate the existing 2,375 square feet structure previously utilized as a restaurant; to a sit down/high turnover restaurant and maintaining the drive-through use with a single lane shall be specifically granted to Florida Investments 7, LLC and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another entity without further Special Exception approval from the City Commission. Further, this special exception use development order shall automatically expire

and become null and void if any entity other than Florida Investments 7, LLC operates the use.

2. The single drive-through lane is limited to the location and configuration as depicted on an approved site plan. Any expansion, alteration, enlargement or removal to another location of this use shall require an additional special exception use development order from the City Commission.

3. Provided that the operator will not sell alcoholic beverages, restaurant hours of operation are limited to the following: Monday through Saturday from 5:30am to 2:00am and Sunday from 6:00am to 2:00 am. If applicant seeks alcohol license, the hours of operation must be amended, in accordance with Article III, Section 5.3 - Alcoholic beverage uses.

4. A trash receptacle shall be located between the service window where food is dispensed and the end of the drive-through driveways for drive-through lane.

5. Dumpster enclosure. Each restaurant shall have access to a dumpster enclosure equipped with a drain, hose and bib and shall be constructed consistent with the standards and requirements identified in the Land Development Regulations.

6. The restaurant drive-through lane, outdoor menu board or ordering, pick-up or pay station shall be located a minimum distance of two hundred (200) feet from any residentially zoned property. This property does not meet this requirement; therefore, a waiver will be required.

7. All fast food drive-through and high turnover drive-through restaurants shall comply with Schedule P, Design Standards and Guidelines.

8. If there are any code enforcement violations or liens, this Special Exception Use Development Order may be brought before the City Commission to be reconsidered, at which time the development order, or the conditions of approval, may be subject to modification, suspension and/or revocation.

9. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both. Further, consistent with LDR Article IV, Part 1.0., Section 1.8, this development order may be revoked, suspended or modified based on the grounds stated herein. In addition, this development order is subject to post-approval review consistent with LDR Article IV, Part 4.0., Section 4.11.

10. If a Use which has been granted a special exception ceases to operate for a continuous period of one (1) year, the special exception approval shall expire.

11. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

**Attachments:**

Attachment A: SEU Application

Attachment B: Development Review Report (DRR)

Attachment C: Public Notice Affidavit

Attachment D: SEU Conditions Affidavit

**Cost Summary/ Fiscal Impact:**

The Planning & Zoning Department finds that the implementation of this resolution/ordinance will not require a budget allocation or expenditure of city funds and concludes it does not have any direct fiscal impact on the city's budget.

**Estimated Time for Presentation:**5 minutes