

**RESOLUTION NO. 09R-10-249**

**A RESOLUTION GRANTING TO MAIN AND MAIN DEVELOPMENT GROUP A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW A SINGLE DRIVE-THROUGH LANE IN CONJUNCTION WITH A FREESTANDING RESTAURANT BUILDING ON A ± 2.0 NET ACRE SITE IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT LOCATED ON ALL OF LOT 29 AND A PORTION OF LOTS 28 AND 30, COMMERCIAL BOULEVARD SHOPPES NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 109, PAGE 28, OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)**

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. The City Commission of the City of Lauderhill hereby grants to Main and Main Development Group a Special Exception Use Development Order to allow a single drive-through lane in conjunction with a freestanding restaurant building on ± 2.0 net acre site in the General Commercial (CG) Zoning District located on all of Lot 29 and a portion of Lots 28 and 30, Commercial Boulevard Shoppes No. 1, according to the Plat thereof, as recorded in Plat Book 109, Page 28, of the Official Public Records of Broward County, Florida, subject to the following conditions as contained in the Staff Report:

1. This special exception use development order for a drive-through lane is specifically granted to Main and Main Development Group and such development order can not be assigned, leased, subleased, transferred or otherwise conveyed to another person. Further, this special exception use development order shall automatically expire and become null and void if any person other than Main and Main Development Group operates the drive-through lane.
2. The drive-through is limited to a single one-way semi-circular lane, as is depicted on the approved site plan. Consistent with Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of this use is prohibited and shall be unlawful unless the City Commission amends this development order or grants a new development order to allow such expansion, alteration, enlargement or removal to another location.

3. To mitigate noise, any communication equipment associated with the drive-through facility is prohibited from being located south of the building. Such equipment and machines must be located to the east or west of the building. Further, the communication equipment shall include a volume control limiting the outside volume to a maximum 55 decibels as required by the City Code of Ordinances.
4. To mitigate glare and light pollution, the DRC shall ensure that any site plan recommended for approval eliminates glare and light pollution. The DRC shall not allow any light poles or fixtures to exceed a height of 25 feet, may require such light poles or fixtures to have a shorter height, and shall require that shields be used along the south side of light pole light fixtures to protect the residential area.
5. The days and hours of operation are Monday through Thursday from 10:00 a.m. to 10:00 p.m., on Friday and Saturday from 10:00 a.m. to midnight, and on Sunday from 10:00 a.m. through 8:00 p.m. Any increase in the hours of operation is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase.
6. The inventory of equipment and fixtures shall exclude any and all amusement devices and equipment that encourages loitering and a sign shall be posted on the premises to prohibit loitering.
7. If a site plan development order for the development is not received within six months from the date this special exception use development order is granted, then consistent with LDR Article IV, Part 4.0., Section 4.8., this development order shall automatically become null and void for lack of prosecution.
8. 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 therein. In addition, this development order is subject to post-approval review consistent with LDR Article IV, Part 4.0., Section 4.11.

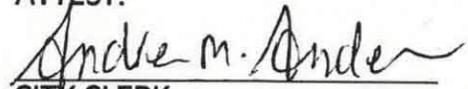
Section 2. This Resolution shall take effect immediately upon its passage.

DATED this 26th day of October, 2009.

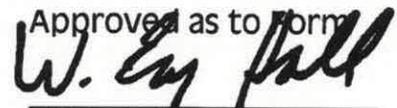
PASSED AND ADOPTED on first reading this 26th day of October, 2009.

  
\_\_\_\_\_  
PRESIDING OFFICER

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

MOTION	<u>Bates</u>
SECOND	<u>Benson</u>
M. BATES	<u>Yes</u>
H. BENSON	<u>Yes</u>
H. BERGER	<u>Yes</u>
D. HOLNESS	<u>Yes</u>
R. KAPLAN	<u>Yes</u>

Approved as to form  
  
\_\_\_\_\_  
W. Earl Hall  
City Attorney

