

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 AN EXISTING 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

WHEREAS, this property is zoned General Commercial (CG) by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the General Commercial (CG) zoning district by Special Exception Use Development Order approval only; and

WHEREAS, this existing site is already a Restaurant with a Drive-Through and it would be rehabilitated to again be a Restaurant with an existing Drive-Through; and

WHEREAS City Staff recommends that the City Commission **VOTE IN FAVOR OF** this Special Exception Use Development Order request for the revitalization of an existing use, subject to the following conditions;

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

Section 1. The Special Exception Use Order of Florida Investments 7, LLC. to allow in 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 Turn Over Restaurant and maintaining the Drive-Through Use on an existing 1.33 +/- acre site legally described as Commercial Boulevard Shoppes #2 Lots 4-5, according to the Plat thereof as recorded in 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, is hereby approved, 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.

Section 2. The Staff Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, is incorporated herein and is hereby adopted as the findings of fact as to this special exception.

Section 3. This Resolution shall take effect immediately upon its passage.

DATED this _____ day of _____, 2024.

PASSED AND ADOPTED on first reading this _____ day of _____,
2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION
SECOND

M. DUNN
D. GRANT
L. MARTIN
S. MARTIN
K. THURSTON

Approved as to Form

Angel Petti Rosenberg
City Attorney