

RESOLUTION NO. 20R-01-31

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO BODY & MIND WORKS, INC. A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AN OFFICE, MEDICAL, WITH CONTROLLED SUBSTANCE PROVIDER AND URGENT CARE FACILITY ON A 1.0 ± ACRE SITE ON PROPERTY LEGALLY DESCRIBED AS INDUSTRIAL 100 UNIT 2 PT OF TRS C & DESC AS COMM SW COR OF SEC 31, NLY 3765, ELY 100, NLY 50 TO POB, CONT NLY 145, ELY 300, SLY 145, WLY 300 TO POB, AS RECORDED IN OFFICIAL RECORDS BOOK 85 PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY; FLORIDA; MORE COMMONLY KNOWN AS 1600 N.W. 40TH AVENUE; PROVIDING FOR AN EFFECTIVE DATE

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

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

WHEREAS City Staff recommends that the City Commission vote in FAVOR of this Special Exception Use Development Order request, 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 Body & Mind Works, Inc., to allow an office, medical, controlled substance provider and urgent care facility within the General Commercial (CG) Zoning District on an approximate 1.0 ± acre site on property legally described as Industrial 100 Unit 2 PT of TRS C & DESC as COMM SW COR of SEC 31, NLY 3765, ELY 100, NLY 50 to POB, CONT NLY 145, ELY 300, SLY 145, WLY 300 to POB, as recorded in official records book 85, Page 2 of the Public Records of Broward County; Florida; more commonly known as 1600 N.W. 40TH AVENUE; is hereby approved subject to the following conditions:

1. This Special Exception Use development order for an Office, Medical with Controlled Substance Provider shall be specifically granted to BODY & MIND WORKS, INC. and shall cover the licensed Nurse Practitioner, Jonelle Rivas Gibson and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another entity. Further, this special exception use

development order shall automatically expire and become null and void if any entity other than BODY & MIND WORKS, INC. operates the use.

2. This Special Exception Use development order allows for no controlled substance prescriptions to anyone other than a patient on the day of an appointment.
3. This Special Exception Use development order allows for no prescription refills.
4. Complaints to Code Enforcement, Police or the Florida Board of Medicine may cause the SEU approval to be reviewed by the City Commission for possible revocation.
5. 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.

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 _____, 2020.

PASSED AND ADOPTED on first reading this _____ day of _____, 2020.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION
SECOND

M. BATES
H. BERGER
R. CAMPBELL
D. GRANT
K. THURSTON

Approved as to Form

W. Earl Hall
City Attorney