

ORDINANCE NO. 210-05-115

**(Space reserved for
recording information purposes)**

AN ORDINANCE GRANTING A VARIANCE REQUEST FROM G.I. OF COMMERCIAL, LLC., SUBJECT TO CONDITIONS, FOR RELIEF FROM THE LAND DEVELOPMENT REGULATIONS, ARTICLE IV, PART 3.0, SUBSECTION 3.1.3, MINIMUM DISTANCE REQUIREMENTS, TO ALLOW A VARIANCE FROM THE MINIMUM 200 FOOT SEPARATION DISTANCE REQUIREMENTS FOR OUTDOOR MENU BOARDS FROM ANY RESIDENTIALLY ZONED PROPERTIES ON AN APPROXIMATE ± 1.33 ACRE SITE IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT LEGALLY DESCRIBED AS LOTS 10 AND 11, COMMERCIAL BOULEVARD SHOPPES NO.2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 107, PAGE 43, OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 7040-7050 WEST COMMERCIAL BOULEVARD, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, G.I. of Commercial, LLC. wishes to provide an Outdoor Menu Board that can serve a double drive through and alleviate internal circulation congestion that is currently occurring at the Existing Popeye`s site; and

WHEREAS, the outdoor menu board for Popeyes is proposed to be located approximately 99.42 feet from an abutting residential property, where a minimum distance of 200 feet is required; and

WHEREAS, the Planning & Zoning Board recommends approval of the Variance, subject to conditions;

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

SECTION 1. The variance request from G.I. of Commercial, LLC., for relief from the Land Development Regulations, Article IV, Part 3.0, Subsection 3.1.3, Minimum Distance Requirements to allow a variance from the minimum 200 foot separation distance

requirements for outdoor menu boards from any residentially zoned properties on an approximate ± 1.33 acre site in the General Commercial (CG) Zoning District legally described as Lots 10 and 11, Commercial Boulevard Shoppes N. 2, according to the Plat thereof, as recorded in Plat Book 107, Page 43, of the Official Public Records of Broward County, Florida, more commonly known as 7040 - 7050 West Commercial Boulevard, Lauderhill, Florida, is hereby granted contingent upon the following conditions as also stated contained in the Staff Report, a copy of which is attached hereto and incorporated herein:

1. If this variance is not instituted, operated and maintained in full conformity with the terms and conditions of the board approval and the provisions of the Land Development Regulations then this variance is hereby declared to be an illegal use in violation of the zoning district regulations and shall be discontinued and removed forthwith.

2. A Recorded Deed Restriction shall be submitted before issuance of any Development Orders to condition that the property located at 7050 W Commercial Blvd shall subject to all Land Development Regulations governing Fast Food Restaurant with Drive Through Uses within the City of Lauderhill including separation requirements from the day that the proposed Popeyes Fast Food Restaurant located at 7040 W Commercial Blvd begins operation.

3. A Shared Access and Parking Agreement shall be provided at time of Site Plan Approval

4. An eight (8) foot high wall shall be required along South Property line pursuant Art III Sec 5.18.16 and shall meet all design standard in Schedule P. Said wall shall be erected before the operation of the proposed Restaurant, Fast Food Use, with Drive Through.

5. This variance shall expire 180 days after the date of final action on such variance unless a development order or permit is received within said period.

SECTION 3. The Staff Report and findings of fact which were prepared by the City staff, and all other substantial competent evidence presented at the Commission meeting, are incorporated herein and are hereby adopted as the findings of fact as to this variance.

SECTION 4. That all Ordinances or parts of Ordinances, all Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 5. This Ordinance shall take effect on the date of its passage and adoption.

Dated this _____ day of _____, 2021.

Passed on first reading this _____ day of _____, 2021.

Passed and adopted on second reading this _____ day of _____, 2021.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. DUNN	_____	_____
D. GRANT	_____	_____
L. MARTIN	_____	_____
S. MARTIN	_____	_____
K. THURSTON	_____	_____