

RESOLUTION NO. 20R-11-238

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA GRANTING TO G.I. OF COMMERCIAL, LLC. A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A RESTAURANT, FAST FOOD, WITH DRIVE THROUGH USE ON A .66 ± ACRE SITE LEGALLY DESCRIBED AS COMMERCIAL BOULEVARD SHOPPES NO 2, 107-43 B LOT 11 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 7040 W. COMMERCIAL BLVD., LAUDERHILL, FLORIDA; PROVIDING FOR FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; 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 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 G.I. of Commercial, LLC, to allow in the General Commercial (CG) Zoning District a restaurant, fast food, with drive through use on a .66 ± acre site legally described as Commercial Boulevard Shoppes No 2, 107-43 B Lot 11, 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 7040 W. Commercial Boulevard, Lauderhill, Florida, is hereby approved subject to the following conditions:

1. This Special Exception Use development order for a double drive through lane drive in connection with a 2,977 square foot Restaurant, Fast Food Use, with Drive Through shall be specifically granted to G.I. of Commercial, LLC for the operation of a Popeyes Restaurant 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 G.I. of Commercial, LLC operates the use.

2. The 2,977 square foot Restaurant, Fast Food Use with double 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. A Variance is required for the outdoor menu board's proximity to the residential zoning district pursuant Article III Section 5.32.G.
4. 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.
5. A Shared Access and Parking Agreement shall be provided at time of Site Plan Approval.
6. 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.
7. Drive Through hours of operation are limited to the following:
Drive through lanes: Monday through Sunday from 10:30 a.m. to 1:00 a.m.
8. A trash receptacle shall be located between the service window where food is dispensed and the end of the drive through driveway for each drive through lane.
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. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a development permit or site plan approval is applied for within the one hundred eighty-day period.
- 11. If a use which has been granted a special exception shall cease to operate for a continuous period of one (1) year, the special exception approval shall expire.
- 12. 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 _____, 2020.

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

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION _____
SECOND _____

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

Approved as to Form

W. Earl Hall
City Attorney