

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.

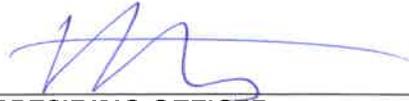
- 10. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a development permit or site plan approval is applied for within the one hundred eighty-day period.
- 11. If a use which has been granted a special exception 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 30 day of November, 2020.

PASSED AND ADOPTED on first reading this 30 day of November, 2020.



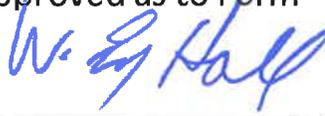
PRESIDING OFFICER

ATTEST:


CITY CLERK

MOTION M. Dunn
SECOND L. Martin

M. DUNN	<u>Yes</u>
D. GRANT	<u>Yes</u>
L. MARTIN	<u>Yes</u>
S. MARTIN	<u>Yes</u>
K. THURSTON	<u>Yes</u>

Approved as to Form


W. Earl Hall
City Attorney



City of Lauderhill

Attend via Computer:
<https://www.colvcm.com>

File Details

City Commission
Chambers at City Hall
5581 W. Oakland Park
Blvd.
Lauderhill, FL, 33313
www.lauderhill-fl.gov

File Number: 20R-3921

File ID: 20R-3921

Type: Resolution

Status: Agenda Ready

Version: 1

Reference:

In Control: City Commission Meeting

File Created: 11/05/2020

File Name: Special Exception - Popeyes (G.I. Commercial)

Final Action:

Title: 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

Notes:

Sponsors:

Enactment Date:

Attachments: RES-20R-11-238-Special X -GI Inc.pdf, DRR (20-SE-012) DRR Popeyes, Exhibit A - Special Exception Use Application with fee, Exhibit A1 - Special Exception Justification, Exhibit B - Deed, Exhibit B1 - Declaration of Restrictions - Draft, Exhibit C - Site Plan, Exhibit D - Survey - Vacant Property, Exhibit E - Floor Areas-Layout1, Exhibit F - Equipment plan-Layout1, Exhibit G - Traffic Statement, Exhibit G1 - Traffic Statement Review, Exhibit H - (20-SE-012) SEU Conditions Affidavit, Popeyes

Enactment Number:

Contact:

Hearing Date:

* **Drafter:** apetti@lauderdale-fl.gov

Effective Date:

Related Files:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 20R-3921

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

SPECIAL EXCEPTION APPLICATION NO.20-SE--12: WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A Restaurant, Fast Food, with drive through USE IS A SPECIAL EXCEPTION USE REQUIRING CITY COMMISSION APPROVAL. THE APPLICANT NEEDS CITY COMMISSION APPROVAL IN ORDER TO OPERATE THE PROPOSED USE.

SUMMARY & EXPLANATION:

THE APPLICANT IS PROPOSING A 2,977 SQUARE FOOT RESTAURANT, FAST FOOD RESTAURANT (POPEYES) WITH A DOUBLE DRIVE THROUGH WHICH REQUIRES SPECIAL EXCEPTION APPROVAL BY THE CITY COMMISSION.

AS SUCH, A SPECIAL EXCEPTION USE IS BEING REQUESTED TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A RESTAURANT, FAST FOOD, WITH DRIVE THROUGH USE ON A 0.66 ± ACRE PARCEL GENERALLY LOCATED ON THE SOUTHERN SIDE OF WEST COMMERCIAL BLVD BETWEEN NORTH UNIVERSITY DRIVE AND NW 70TH AVENUE.

Attachments: DEVELOPMENT REVIEW REPORT, SITE PLAN, FLOOR PLAN, AFFIDAVIT OF CONDITIONS

Cost Summary/ Fiscal Impact:

The Division finds the implementation of this Resolution/Ordinance

will not require a budget allocation or expenditure of City funds and concludes it does not have any direct fiscal impact on the City's budget.

Estimated Time for Presentation: 5 Minutes

Master Plan: Explain how this Agenda item advances one or more objectives

Goal 1: Clean, Green Sustainable Environment

- Increase mass transit ridership
- Reduce City energy consumption
- Reduce water consumption

Goal 2: Safe and Secure City of Lauderhill

- Crime in lower 50% in Broward
- Residents feel safe in neighborhood
- Reduce emergency fatalities

Goal 3: Open Spaces and Active Lifestyle for all ages

- Increase participation in youth sports
- Add new park land and amenities
- Increase attendance at cultural programs and classes

Goal 4: Growing Local Economy, Employment and Quality of Commercial Areas

- Increase commercial tax base
- Increase employment in Lauderhill businesses
- Decrease noxious and blighted uses in commercial areas

Goal 5: Quality Housing at all Price Ranges and Attractive Communities

- Neighborhood signs and active HOAs
- Housing & streets improved, litter reduced
- Increase proportion of single family homes and owner occupied housing

Goal 6: Efficient and Effective City Government, Customer Focused & Values Diversity

- Improves City efficiency
- Increase use of Information Technology
- Increases residents perception of Lauderhill as an excellent place to live

City of Lauderhill

Special Exception Application No.20-SE-0012

Popeyes

I. APPLICANT INFORMATION

PETITIONER

G.I. of Commercial, LLC

STATUS OF PETITIONER

Business owner

II. BACKGROUND INFORMATION

Requested Action

Request for a Special Exception Use development order to allow within the General Commercial (CG) Zoning District a Special Exception Use approval for a Restaurant, Fast Food, with drive through Use with double drive through lanes.

Applicable Land Development Regulations

- Article III, Section 2.3- Allowable land uses.
- Article III, Section 5.32.2- Restaurant, fast food with or without drive-through and high turnover with drive-through
- Article IV, Section 4.3 B- Existing zoning provisions and uses
- Article IV, Section 4.4- Approval for Special Exception Uses
- Article IV, Section 4.6- Standards for approval
- Schedule B- Allowable Uses

III. SITE INFORMATION

Address

7040 W Commercial Blvd

Lauderhill Florida 33319

Legal Description

COMMERCIAL BOULEVARD SHOPPES NO 2 107-43 B LOT 11 of the public records of Broward County, Florida

Folio

494115140110

Figure 1- Aerial of Property Outlined in Red



Land Use/Zoning:

Existing Land Use	Vacant Land
Future Land Use	Commercial
Zoning Designation	(CG) Commercial General

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	City of Tamarac	City of Tamarac	City of Tamarac
South	Single Family Homes	Low (5) Residential	RS-5
East	Auto Repair Use	Commercial	CG
West	Restaurant, Fast Food With Drive Through Lane	Commercial	CG

IV. ZONING HISTORY

Existing Special Exceptions

None.

Violations

None.

Existing Variances

None

V. PLANNING ANALYSIS

As stipulated in the Land Development Regulations, Article IV, Section 4.6 Standards for Approval, The Planning and Development Division has reviewed the proposed request pursuant to the following special exception considerations:

1. The effect of such use on surrounding properties.
2. The suitability of the use in regard to its location, site characteristics, and intended purpose.
3. Access, traffic generation and road capacities.
4. Economic benefits or liabilities.
5. Demands on utilities, community facilities, and public services.
6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderdale.
7. Factors relating to safety, health, and general public welfare.

1. The effect of such use on surrounding properties:

The subject site is bounded to the North by the City of Tamarac, to the East and West by properties zoned General Commercial and to the South by properties zoned for Residential Single Family. The proposed Fast Food Restaurant with a double drive through will help to ease the flow of interior traffic and reduce the impact of over stacking as compared to the existing Popeyes Fast Food Restaurant located directly west of the property that only has one drive through lane.

Staff concludes that as it pertains to the effect of the use on surrounding properties, this application is **in conformance** with LDR ART IV, 4.0 Section 4.6.A, standards for approval of a special exception use as the Use will have a negative impact on the Single-Family Neighborhood located to the South of the Subject Site.

2. The suitability of the use in regard to its location, site characteristics, and intended purpose:

The property is located along an arterial roadway and served by public transit. There is proposed ingress and egress from West Commercial Boulevard and ample room for internal circulation on site resulting in a better scenario than the existing Popeye's Restaurant located to the West of the property.

The Planning and Zoning Division concludes that the project **complies** with the suitability of the use in regards to the location and site characteristics.

The Planning and Zoning Division concludes that as it pertains to the suitability of the use in regards to intended purpose, this application is **not in conformance** with LDR ART IV, 4.0 Section 4.6.B, standards for approval of a special exception use as there is a 1,000 foot distance requirement from another freestanding Fast Food Restaurant with Drive Through pursuant Article 3 Section 5.32:

"All fast food and high turnover with drive-through restaurants shall be located a minimum of one thousand (1,000) feet from another freestanding fast food drive-through restaurant and a minimum of one thousand five hundred (1,500) feet from any public or private school measured by the airline measurement distance from property line to property line, or when located within a retail center shall be measured from the closest point of one (1) restaurant building to the other restaurant building, whichever is the closest."

- In order to conform with the 1,000 foot distance requirement, the applicant shall submit a Recorded Deed Restriction 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. Access, traffic generation and road capacities:

The Site Plan provides for adequate external and internal circulation. A traffic statement was provided and analyzed by the City's Traffic Consultant. The new scenario provides for two drive-through lanes that will help to ease the flow of internal traffic and help alleviate stacking. The outstanding comments shall be addressed within the Site Plan Approval process. Staff concludes that the application **is in conformance** with LDR ART IV, 4.0 Section 4.6.C, standards for approval of a special exception use.

4. Economic benefits or liabilities: The proposed Auto Repair Business will employ the following positions:

- a. General Manager at 55 k
- b. General Manager Assistant at 48 k
- c. Cashier \$9-14 an hour
- d. Cooks \$9-14 an hour
- e. Crew Members \$9-14 an hour

The new constructed building will bring in revenue to the City's Tax Role.

Staff concludes that as it pertains to economic benefits and liabilities, this application is in **conformance** with LDR ART IV, 4.0 Section 4.6.D, standards for approval of a special exception use.

5. Demands on utilities, community facilities, and public services:

The new construction of the building will create a demand on the City of Lauderhill's utilities, as the site is currently vacant.

The project will create a demand on community facilities, as there will be a newly constructed building that will require fire and police services.

Staff concludes that as it pertains to demands on utilities, community facilities, and public services, this application is in **conformance** with LDR ART IV, 4.0 Section 4.6.E, standards for approval of a special exception use as there is not foreseen adverse impact. If approved, the project will need to go through the Site Plan Approval process which will determine if additional developmental conditions are needed.

6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill:

The subject site is designated Commercial on the City's Future Land Use Map Series (FLUMS) and the Future Broward County Land Use Plan Map. Policy 2.1.2 of The Comprehensive Plan speaks to the intent of the Commercial Future land Use Designation as shown below:

POLICY 2.1.2 COMMERCIAL USES.

Provide for commercial land uses, at intensities which ensure compatibility with adjacent and surrounding land uses, especially the protection of adjacent residential uses.

The proposed Fast Food Restaurant with Drive Through **complies** with the comprehensive land use plans for Broward County and/or the City of Lauderhill LDR ART IV, 4.0 Section 4.6.F, as the newly proposed Fast Food Restaurant will result in a less impactful use than the existing Popeyes Restaurant located directly west of the property.

7. Factors relating to safety, health, and general public welfare:

Staff concludes that as it pertains to factors relating to the general public welfare, this application is **in conformance** with LDR ART IV, 4.0 Section 4.6.G, standards for approval of a special exception use as there are pending materials to be submitted to the City of Lauderhill.

The project will need to conform to all safety, health, and general public welfare standard as stipulated within the Comprehensive Plan, Code of Ordinance, and Land Development Code.

Based upon its review, staff finds the proposed use to be consistent with the above considerations. As such, staff recommends approval of the special exception request subject to the conditions outlined in section VI. Recommendation/Action.

VI. RECOMMENDATION/ACTION

Recommend approval of the special exception development order with 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.

VII. ATTACHMENTS

- A. Application submission for SEU
 - A1. Justification Statement
- B. Deed

- B1. Deed Restriction
- C. Site Plan
- D. Survey – Subject Property
- E. Floor Plan
- F. Equipment Plan
- G. Traffic Statement
- G1. Traffic Statement Review
- H. Affidavit

Prepared by: Chris Torres
City Planner

Date: November 18, 2020

APPLICATION NUMBER



SPECIAL EXCEPTION USE APPLICATION FOR

ENTER TYPE OF USE /BUSINESS:
Fast Food / Drive Through

Business Name: Popeyes

Business Address: 7040 W Commercial Boulevard, Laudershill, FL 33319

Business Telephone Number: 561-405-3324 / 561-405-3351

Business Email: hcalhoun@dmbblaw.com / lodom@dmbblaw.com

APPLICANT AND CONTACT INFORMATION

Applicant Name: G.I. of Commercial, LLC

Applicant Address: 7050 W Commercial Boulevard, Laudershill, FL 33319

Applicant Telephone Number: 561-405-3324 / 561-405-3351

Applicant Mobile Telephone Number N/A

Applicant Email address: hcalhoun@dmbblaw.com / lodom@dmbblaw.com

FILL IN BELOW THE CONTACT INFORMATION FOR ANYONE ELSE WHO SHOULD
RECEIVE COPIES OF NOTICES /CORRESPONDENCE

Name: N/A

Address:

Telephone Number: Mobile

Email address:

APPLICATION NUMBER _____

Name:

Address:

Telephone Number:

_____ Mobile _____

Email address:

INFORMATION ABOUT THE USE/ BUSINESS

Business Description (Please list all activities conducted at your business):

Fast food restaurant with drive through use.

Date the business opened or is expected to be opened: 02/01/2021

The Days and Hours of operation for the business:

**LIST NEXT TO EACH DAY, THE HOURS LIST NEXT TO EACH DAY THE YOU WILL
BE OPEN # OF EMPLOYEES ON DUTY**

Sunday 10:30 AM to 1 AM

Monday 10:30 AM to 1 AM

Tuesday 10:30 AM to 1 AM

Wednesday 10:30 AM to 1 AM

Thursday 10:30 AM to 1 AM

Friday 10:30 AM to 1 AM

Saturday 10:30 AM to 1 AM

How many persons will the proposed business employ?

65 Employees.

APPLICATION NUMBER _____

List the job titles and approximate salaries for the proposed employees?

General Manager /Salary \$55,000

General Manager Assistant / Salary \$48,000

Cashier / Pays between \$9 to \$14 per hour.

Cooks/ Pays between \$10 to \$15 per hour.

Crew members /Pays between \$9 to \$14 per hour.

Square footage of building space to be occupied by the business : 2,977 SF

INFORMATION ABOUT THE SITE

Property Owner Name:

G I. of Commercial, LLC

Property Owner Street Address:

7040 W Commercial Boulevard

City, State & Zip Code:

Lauderhill, FL 33319

Telephone #: 5614053324 / 561-405-3351

Email hcalhoun@dmblaw.com / lodom@dmblaw.com

STANDARDS FOR APPROVAL THE EFFECTS OF YOUR USE/BUSINESS ON THE COMMUNITY

Describe How your business will affect the residents who live close by:

Please see the justification statement

Describe how this business/use will affect neighboring businesses:

Please see the justification statement.

What site characteristics make this location suitable for your use/ business:

Please see the justification statement.

How will this use/ business affect the community economically?

Please see justification statement.

ADDITIONAL DEMANDS ON UTILITIES, COMMUNITY FACILITIES, AND PUBLIC SERVICES

Describe any fire hazards associated with your business: Please see justification statement.

Describe what security measures your business will require:

Describe any chemicals, fluids, gases or potentially hazardous substances that your business will use or store on site:

Describe any activity in your business that will use water other than normal washing and toilet use Please see justification statement.

Describe any activity in your business that will utilize City park facilities: Please see justification statement.

Describe any activity in your business that will generate noise, light or vibration:

Please see justification statement.

APPLICATION NUMBER

Describe transit, automobile or pedestrian traffic that your business will create in the area:

Please see justification statement.

Describe any activity in your business that will involve alcohol, music or live entertainment:

Please see justification statement.

Describe any other aspects of your business about which you feel that the reviewer should know: Please see justification statement.

ATTACH THESE DOCUMENTS TO THIS APPLICATION

1. Site Plan
2. Floor Plan
3. Inventory of Fixtures and Equipment
4. Legal Description
5. Certified Mailing list with two (2) sets of labels for all property owners within 300 feet of the site.
6. Copy of Lease (For Applicants who are renting)
7. Copy of Deed or Contract to Purchase (For Applicant who own or intends to own)
8. Letter from property owner authorizing you to apply for a special exception.

NOTE: STAFF MAY REQUIRE ADDITIONAL INFORMATION.

APPLICATION
NUMBER

AFFIDAVIT

I, John L. Courembis, DO HEREBY SWEAR OR AFFIRM

1. THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION AND THE ATTACHMENTS IS TRUE

AND CORRECT TO THE BEST OF MY KNOWLEDGE. 2. CONSISTENT WITH THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF LAUDERHILL, FLORIDA, SPECIFICALLY, SCHEDULE E, SUBSECTION 5.(9), PARAGRAPH (B), I WILL CAUSE A SIGN AT LEAST THREE (3) SQUARE FEET IN SIZE TO BE POSTED ON THE SUBJECT PROPERTY FACING AND VISIBLE FROM THE STREET AT LEAST TEN (10) DAYS PRIOR TO THE PUBLIC. MOREOVER, I CERTIFY THE SIGN WILL REMAIN POSTED FOR THE DURATION OF THE TIME REQUIRED FOR THE POSTING OF THE SUBJECT PROPERTY AND A PHOTOGRAPH OF THE SIGN POSTED ON THE SUBJECT PROPERTY WILL BE PROVIDED TO THE CITY OF LAUDERHILL PLANNING AND ZONING DEPARTMENT AT LEAST SEVEN (7) DAYS PRIOR TO THE PUBLIC HEARING. 3. I WILL CAUSE THIS SAME SIGN TO BE REMOVED WITHIN SEVEN (7) CALENDAR DAYS AFTER THE HEARING.

PRINT YOUR NAME: John L Courembis

SIGN YOUR NAME: _____

John L Courembis

DATE: 06/11/2020

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 11 DAY

OF June, 2020, BY John L Courembis, WHO IS

PERSONALLY KNOWN TO ME OR WHO HAS PRODUCED

AS IDENTIFICATION AND WHO DID TAKE AN OATH.

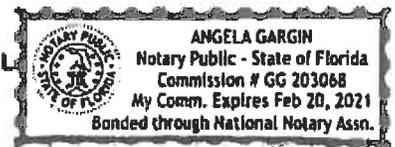
NOTARY PUBLIC SIGN: _____

Angela Gargin

PRINT: Angela Gargin

STATE OF FLORIDA AT LARGE SEAL

MY COMMISSION
EXPIRES: February 20, 2021



YOUR SUBMISSION

1. The original application with Attachments 1 -8 . 2. A check made payable to the City of Lauderhill for the appropriate fee amount.

APPLICATION NUMBER

Fees	
Special Exception Use Application Fee.....	\$800.00
Cost of Mailing (minimum amount or actual cost of mailing, whichever is greater).....	90.00
Criminal Background Check(for child/elder care facility, game room or convenience store) PER PERSON.....	38.50

Should you have any questions concerning this application, please call Planning and Zoning at 954-730-3050.

SIGN SPECIFICATIONS:

Sign will be three (3) feet by three (3) feet in size and of a durable material. The applicant is required to post the sign on the property for which approval is sought at least ten (10) days before the public hearing. No permit shall be required for such sign. The sign shall be posted upon the property so as to face, and be visible from, the street upon which the property is located.

SIGN must be WHITE background, BLACK letters.

SIGN must be securely attached to two, 2" x 4" posts (with nails or screws), and must be a minimum of 3' above ground level.

POSTS shall be set a minimum of 18" below ground level.

**CITY OF LAUDERHILL
NOTICE
OF
PUBLIC HEARING**

SPECIAL EXCEPTION

DATE:

TIME:

LOCATION:

**COMMISSION CHAMBERS
5581 WEST OAKLAND PK BLVD
LAUDERHILL, FLORIDA**

**FOR ADDITIONAL INFORMATION
PLEASE CALL 954-730-3050**

REAL ESTATE RESEARCH SERVICES

Alldata Real Estate Systems, Inc.
290 NE 51st Street
Ft. Lauderdale, FL
(954) 772-1800

Cutro & Associates, Inc.
1025 Yale Drive
Hollywood, FL
(954) 920-2205

Florida Real Estate Decisions, Inc.
1500 West Cypress Creek Road
Suite 409
Ft. Lauderdale, FL
(954) 761-9003

Florida Real Estate Decisions, Inc.
12765 W. Forest Hill Boulevard
Suite 1314
Wellington, FL
(561) 798-4423

Florida Real Estate Decisions, Inc.
16375 NE 18th Avenue
Suite 300
Miami, FL
(305) 757-6884

***The above mentioned companies have provided the required certified mailing list for previous applicants.**

This is not a recommendation just a list of companies who have provided this service in the past.

Please refer to the yellow pages for additional sources.

**SPECIAL EXCEPTION USE APPLICATION
ADDITIONAL REQUIREMENTS
FOR**

CHILD CARE/SCHOOLS

THE FOLLOWING REQUIREMENTS ARE IN ADDITION TO THOSE LISTED ON THE SPECIAL EXCEPTION USE APPLICATION. PLEASE SUBMIT THE FOLLOWING WITH YOUR APPLICATION (1 COPY ONLY):

1. Provide evidence of financial responsibility: Submit monthly profit and loss statements for a 1 year period and a bank statement showing sufficient resources to cover any losses.
2. Provide evidence of ownership of the property or a contract or option to purchase or lease.
3. Provide evidence of a letter submitted to the Department of Public Services, Social Services Division, acknowledging your desire operate a child care facility.
4. Evidence of past job and education experience or both showing that the applicant and employees of the applicant are qualified to operate a child care facility.
5. List of all persons with a financial interest in the facility, along with affidavits from each stating whether or not that person was ever convicted of a crime. Also provide a copy of each person's driver's license and social security number.
6. The owner or operator of any child care facility shall annually provide proof that said facility has obtained and will continue in effect a Comprehensive General Liability Insurance Policy in the minimum amount of three hundred thousand dollars (\$300,000.00) for bodily injury and property damage. Proof of such insurance policy shall be provided to the Finance Department in conjunction with the filing of the Local Business Tax Receipt application. Said owner or director shall also provide the Finance Department thirty (30) days prior notice of the expiration or cancellation of said insurance policy.
7. Demonstrate conformance with the usable indoor floor space, outdoor play area, staff-to-child ratio, and toilet and bath facility requirements in Florida Administrative Code Section 65C-22.002, as may be amended from time-to-time.
8. If transportation services are provided, the following requirements shall apply:
 - a. The transportation services requirements specified in the Florida Administrative Code as may be amended from time-to-time.
 - b. Annually provide proof that said facility has obtained and will continue in effect a Comprehensive General Liability Insurance Policy in the minimum amount of one million dollars (\$1,000,000.00) for bodily injury and property damage. Proof of such

APPLICATION NUMBER

insurance policy shall be provided to the Finance Department in conjunction with the filing of the Local Business Tax Receipt application. Said owner or director shall also provide the Finance Department thirty (30) days prior notice of the expiration or cancellation of said insurance policy.

9. Any other documentation that the Planning and Zoning Director deems relevant to the operation of such facility.

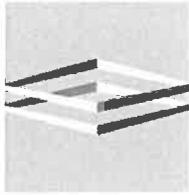
G.I. OF COMMERCIAL, LLC
7050 W. Commercial Blvd
Lauderhill, FL 33319

Authorization and Letter of Representation

G.I. OF COMMERCIAL, a Florida limited liability company, hereby authorizes Hope W. Calhoun, Esq., and/or the law firm of DUNAY, MISKEL AND BACKMAN, LLP, to represent G.I. OF COMMERCIAL, LLC, before all officials, bodies, instrumentalities and at any meetings and public hearings necessary in connection with their matters with the City of Lauderhill, Florida.

G.I. OF COMMERCIAL, LLC

By: John L. Courembis
Name: John L. Courembis
Title: OWNER



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay	Dwayne Dickerson
Bonnie Miskel	Ele Zachariades
Scott Backman	Matthew H. Scott
Eric Coffman	Christina Bilenki
Hope Calhoun	Lauren G. Odom

7040, 7050 W. Commercial Boulevard
Special Exception Application (“Application”)

G.I. of Commercial, LLC (“Applicant”) is the owner of two properties located at 7040 and 7050 W. Commercial Boulevard (PCN#:s: 494115140110 and 494115140100, respectively) (collectively referenced as the “Property”). The Property is +/- 1.33 acres (58,000 square feet “SF”) and is generally located southeast of the intersection of W. Commercial Boulevard and NW 70th Avenue in the City of Lauderhill (“City”), Broward County (“County”). The Property has a County future land use map designation (“FLUM”) of Commerce (“C”) and a City FLUM of Commercial (“C”). The Property’s zoning designation is General Commercial (“CG”).

A portion of the Property (7050 W. Commercial Boulevard) is currently developed with a +/- 2,265 SF building – currently used as a Popeye’s fast food restaurant with drive-through (“Existing Popeye’s”). The portion of the Property located at 7040 W. Commercial Boulevard is currently vacant. The Petitioner intends to develop the vacant portion of the Property with a +/- 2,977 SF Popeye’s fast food restaurant with drive-through (“Project”).¹ In order to operate a fast food restaurant with drive through on the Property, the Applicant must obtain special exception approval. Accordingly, Applicant respectfully requests Special Exception approval of the Project (“Special Exception”). In support of the Special Exception, the Applicant will demonstrate compliance with Section 4.6 of the City’s Land Development Regulations (“LDR”). Pursuant to LDR Section 4.6, the Applicant will comply with the following: A. the effect of such use on surrounding properties; B. the suitability of the use in regard to its location, site characteristics, and intended purpose; C. access, traffic generation and road capacities; D. economic benefits or liabilities; E. demands on utilities, community facilities, and public services; F. compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill; and G. factors relating to safety, health, and general public welfare. Additionally, the Applicant will respond to the questions enumerated on the City’s Special Exception application form.

LDR Section 4.6

A. The effect of such use on surrounding properties.

First as mentioned above, the Project is not a new use in the area; it is merely a proposed relocation of the restaurant with a drive through approximately 50 feet east of its current location. In terms of uses in the surrounding area, the Property is located on an access road off of Commercial Boulevard, a main arterial road in the City. To the east of the Property is an automotive repair shop and gas station with convenience store use, to the west of the Property is a shopping center, and to the north of the Property is an access road and Commercial Boulevard. Additionally, while the uses on the opposite side of Commercial Boulevard are in a different City’s jurisdiction, the uses include a bank use with drive through, office space (general office, medical office, professional office) and a shopping center. In addition to the Project being compatible with surrounding uses, it should be noted that commercial development for properties adjacent

¹ Once the Project is constructed and ready to open, the Existing Popeye’s will close.

to Commercial Boulevard is consistent with the pattern of development in the area, and the traffic pattern along this corridor. The Existing Popeye's serves the needs of the surrounding community by providing a sustainable food option for lunch and dinner patrons, especially those in the residential neighborhood south of the Property. Further, the Property, along with all adjacent properties along Commercial Boulevard north of the residential community, are bordered to the south by an existing fence, providing a buffer between the commercial uses and residential use. Thus, the surrounding properties will not have any different impacts from the Project than already exist today with the Existing Popeye's.

B. The suitability of the use regarding its location, site characteristics, and intended purpose.

As mentioned above, the Property's north frontage abuts Commercial Boulevard, an area in the City where commercial development is intended and encouraged (as evidenced by the Property's land use and zoning designations). The Property has multiple access points for guests and will provide adequate circulation throughout the Property. The Project will serve the immediately surrounding area's needs for lunch and dinner. Additionally, it is important to note that the majority of all commercially zoned property in the City either directly abuts residentially zoned property or is located within 200 feet of same. The proposed use is suitable for the Property as it already exists in the immediate area, a mere 50 feet west of the proposed location. The Project will be an improvement over the Existing Popeye's. Additionally, the entire north frontage of the residential neighborhood to the south of the Property is bordered by commercial uses. Finally, as mentioned above, the commercial and residential uses are separated by an existing fence thereby ensuring that the residents will not be negatively impacted by the Project.

C. Access, traffic generation and road capacities.

The Property is located adjacent to Commercial Boulevard on an access road. Customers can enter the Property via two access road entrances: one located +/- 60 feet west of the Property and one located +/- 260 feet east of the Property. It is important to note that traffic driving west on Commercial Boulevard will also be able to enter the east access point via an existing left turn lane. In terms of access and circulation within the Property, it is anticipated that a two-way access road will line the Property's exterior boundary, creating a unified circulation between the Project and Adjacent Property. Regarding traffic generation, again, since this use is comparable in size, use and location to the Existing Popeye's, it is not anticipated to generate any more traffic than already exists today. The traffic will be at the same peak hours, concentrated around lunch and dinner mealtimes. As a result of the foregoing, the Project will also not impact the road capacities as the Existing Popeye's will close before the Project opens.

D. Economic benefits or liabilities.

The Project will create economic benefits to the City by allowing visitors to the Project to spend money in the City, and potentially attract customers to the other commercial uses in the area. As a result, the income generated by the Project will generate tax revenue for the City.

E. Demands on utilities, community facilities, and public services.

It is not anticipated that the Project will increase the demand on the utilities, community facilities and public services. The Project will provide ample lighting and security cameras to keep the Property and customers safe and secure. It is important to note that the Existing Popeye's has not had any negative impacts on the City's police services.

F. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderdale.

Per Policy 1.1.2 of the City's Future Land Use Element of its Comprehensive Plan, the proposed use is permitted within the Commercial future land use designation. Additionally, per the City's Comprehensive Plan, the City is nearly built-out, with less than 0.03% of land vacant remaining. Vacant land along a major thoroughfare has a negative impact on visitor's perception of an area. Therefore, creating a viable use, along a major corridor furthers the vision of economic vitality in the City. Objective 1.24 of the City's Future Land Use Element of its Comprehensive Plan, the City should "increase the City of Lauderhill's attractiveness to tourists through the maintenance of a land use pattern and Land Development Regulations aimed at enhancing the area's appearance." By developing the Project on the Property, the Applicant is enhancing the City's appearance. Further, as mentioned above, the County and City's FLUMs specifically intend for commercial development directly adjacent to major thoroughfares in the City.

G. Factors relating to safety, health, and general public welfare.

The Existing Popeye's is an established business in the Lauderhill community. The Applicant is the owner of the Existing Popeye's and will be the owner of the Project. They also intend to redevelop the Existing Popeye's into a vibrant retail use, thereby further enhancing the area. The Project will be a well-lit business with security camera surveillance to ensure guest's safety. The existing fence will mitigate the vehicular lights entering the Project's drive through. Additionally, the Project is proposing pedestrian connectivity throughout the site to ensure safe access to the entrance for visitors dining in. The Project is a use directly serving the surrounding community and is being designed in a way that contributes to the Commercial Boulevard corridor while minimizing its impacts on the adjacent residential community.

Application Form Questions:

STANDARDS FOR APPROVAL – EFFECTS ON PROPOSED USE/BUSINESS ON THE COMMUNITY

1) Describe how your business will affect the residents who live close by:

The Project is not a new use in the area; it is merely a proposed relocation of the restaurant with drive through use +/- 50 feet east of its current location. While a single family residential neighborhood is located directly south of the Property, the proposed location of the new Popeye's building will be further away from the residential use than the Existing Popeye's (situated 138.16 feet from the residential zoned property, where 141.34' feet separation will exist between the new Project building and residential property). Further, the Property, along with all adjacent properties along Commercial Boulevard north of the residential community, are bordered to the south by an existing fence, providing a buffer between the commercial uses and residential use. There is no direct access from the Property into the residential community. Accordingly, the residents who live close by will not have any different impacts from the Project than already exist today with the Existing Popeye's.

2) Describe how this business/use will affect neighboring businesses:

The Existing Popeye's is one of few food options in the surrounding area, and since the Project is replacing the existing restaurant with drive-through use, it is not generating any additional competition for the other restaurants in the surrounding area. Further, vacant property along a main arterial road is an eye sore. The Applicant is proposing not only developing a vacant, blighted property with a national and well-recognized brand, but also improving the property values of the surrounding businesses and introducing a new retail use where the Existing Popeye's is closed.

3) What site characteristics make this location suitable for your use/business:

The Project is not a new use in the area; it is merely a proposed relocation of the restaurant with drive through use +/- 50 feet east of its current location. There will be no new impacts on the surrounding area from the Project.

4) How will this use/business affect the community economically?

The Project will provide a lunch option for employees and guests of the surrounding businesses, and a dinner option for the residential community and visitors. This is an established Popeye's location that is consistently busy. Further, the income generated by the Project will generate tax revenue for the City.

ADDITIONAL DEMANDS ON UTILITIES, COMMUNITY FACILITIES, AND PUBLIC SERVICES

1) Describe any fire hazards associated with your business:

There are no fire hazards associated with the Project.

2) Describe what security measures your business will require:

The Project will provide ample lighting and security cameras to keep the Property and customers safe and secure. It is important to note that the Existing Popeye's has not had any negative impacts on the City's police services.

3) Describe any chemicals, fluids, gases or potentially hazardous substances that your business will use or store on site:

No chemicals, fluids, gases or potentially hazardous substances will be used or store on site.

4) Describe any activity in your business that will use water other than normal washing and toilet use:

No activity at the Project will use water other than normal washing and toilet use.

5) Describe any activity in your business that will utilize City park facilities:

The Project will not utilize or have an impact on City park facilities.

6) Describe any activity in your business that will generate noise, light or vibration:

The proposed use is a restaurant with drive through – a portion of the customers will utilize the drive through. It is not anticipated that the drive through ordering process will disturb the adjacent residential community. Regarding light from drive through traffic, while the cars will drive south toward the residential neighborhood to enter the drive through lane, an existing wall along the south of the Property will protect the residential neighborhood from light spillage from the car lights. It is not anticipated that any vibration will be generated by the Project.

7) Describe transit, automobile or pedestrian traffic that your business will create in the area:

The Property is located adjacent to Commercial Boulevard on an access road. Customers can enter the Property via two access road entrances: one located +/- 60 feet west of the Property and one located +/- 260 feet east of the Property. It is important to note that traffic driving west on Commercial Boulevard will also be able to enter the east access point via an existing left turn lane. In terms of access and circulation within the Property, it is anticipated that a two-way access road will line the property's exterior boundary, creating a unified circulation between the Project and Adjacent Property. Regarding traffic generation, again, since this use is comparable in size, use and location to the Existing Popeye's, it is not anticipated to generate any additional traffic than already exists today. In fact, the traffic will be at the same peak hours as the Existing Popeye's, concentrated around lunch and dinner mealtimes. The Project will also not impact the road capacities as the Existing Popeye's will close before the Project opens. Regarding pedestrian circulation, it is not anticipated that the proposed use will increase pedestrian traffic in the surrounding area (other than employees of businesses in the immediately surrounding area).

8) Describe any activity in your business that will involve alcohol, music or live entertainment:

The Project will not involve alcohol, music or live entertainment.

9) Describe any other aspects of your business about which you feel that the reviewer should know:

N/A

**THIS INSTRUMENT PREPARED
BY AND PLEASE RETURN TO:
Michael I. Kotler, Esquire
Cohen Kotler, P.A.
54 Southwest Boca Raton Boulevard
Boca Raton, Florida 33432
Property Appraisers Parcel Identification
Folio No: 4941 15 14 0110**

WARRANTY DEED

THIS WARRANTY DEED, made this 24th day of January, 2020 by **DTRT Management Group, LLC**, a Florida Limited Liability Company, whose post office address is 12550 West Atlantic Boulevard, Coral Springs, Florida 33071, hereinafter called the Grantor, to **G.I. OF COMMERCIAL, LLC**, a Florida Limited Liability Company, whose post office address is 7050 W. Commercial Blvd., Lauderhill, Florida 33319, hereinafter called the Grantee.

(Wherever used herein the terms "Grantor(s)" and "Grantee(s)" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires)

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land, situate in Broward County, State of Florida, viz:

Lot 11, of **COMMERCIAL BOULEVARD SHOPPES 2**, according to the Plat thereof, as recorded in Plat Book 107, Page 43, of the Public Records of Broward County, Florida.

SUBJECT TO:

1. Comprehensive land use plans, zoning, restrictions, prohibitions and other requirements imposed by governmental authority;
2. Restrictions and matters appearing on the plat or otherwise common to the subdivision;
3. Public utility easements of record;
4. Taxes for the year 2020 and subsequent years.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to January 31, 2019.

In Witness Whereof, the said Grantor has signed and sealed these presents the day

and year first above written.

Signed, sealed and delivered in the presence of:

**DTRT MANAGEMENT GROUP,
LLC, a Florida Limited Liability
Company**

Brittany Feldman
Witness Signature

Brittany Feldman
Printed Name

[Signature]
Witness Signature

Adrian Salgado
Printed Name

By: Matthew Geller Manager
Matthew Geller, Manager

By: Edmundo Rodriguez, Jr. Manager
Edmundo Rodriguez, Jr. Manager

**STATE OF FLORIDA
COUNTY OF Broward**

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 24th day of January, 2020, by Matthew Geller and Edmundo Rodriguez, Jr., as Managers of DTRT Management Group, LLC, a Florida limited liability company, on behalf of the entity, who is personally known to me, or has produced _____ as identification.

[Signature]
Notary Public
Cynthia L. Hernandez
Printed Notary Name

My commission expires:



CYNTHIA L. HERNANDEZ
Commission # GG 217184
Expires May 13, 2022
Bonded thru Budget Notary Services

MG
ER

This Instrument Was Prepared By:

Hope W. Calhoun, Esquire
Dunay, Miskel and Backman, LLP
14 S.E. 4th Street, Suite 36
Boca Raton, FL 33432

Record and Return To:

Hope W. Calhoun, Esquire
Dunay, Miskel and Backman, LLP
14 S.E. 4th Street, Suite 36
Boca Raton, FL 33432

(Reserved)

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS (“Declaration”) made this _____ day of _____, 2020 by G.I. of Commercial, LLC (“Declarant”), a Florida limited liability company, its successors or assigns, with an address of 7050 West Commercial Boulevard, Lauderhill Fl, 33319 shall be for the benefit of the City of Lauderhill, a municipal corporation of the State of Florida, with an address of 5581 W. Oakland Park Boulevard, Lauderhill Fl 33313 (“City”).

WITNESSETH:

WHEREAS Declarant is currently the owner of 7040 West Commerical Boulevard (“Parcel A”) and 7050 West Commercial Boulevard (“Parcel B”), in the City, and each parcel is more particularly described on Exhibit “A” and Exhibit “B” attached respectively hereto and made a part hereof; and

WHEREAS Declarant currently operates a fast food restaurant with a drive thru on Parcel A (“Existing Restaurant”); and

WHEREAS Declarant intends to construct a new fast food restaurant with a drive thru on Parcel B (“New Restaurant”); and

WHEREAS, in order to operate a fast food restaurant with drive thru on Parcel B, the Declarant must obtain special exception approval (“Application”) from the City; and

WHEREAS the Declarant must obtain site plan approval for the New Restaurant; and

WHEREAS, the Declarant has submitted the Application to the City, and as inducement for consideration of same, has agreed to provide this Declaration which provides that no other fast food restaurant, with a drive thru will operate on Parcel A once the New Restaurant is opened; and

WHEREAS the City Commission approved the Application on _____.

NOW, THEREFORE, in consideration of the promises and covenants herein contained, Declarant hereby declares that the Property specifically referenced herein shall be owned, held, used, transferred, sold, conveyed, demised and occupied subject to the covenants, restrictions, and regulations hereinafter set forth, all of which shall run with the Property and any part thereof and which shall be binding upon all parties having any right, title or interest in such Property or any part thereof, including their heirs, successors and assigns.

1. **Recitations.** The recitations set forth above are true and correct and are incorporated into this Declaration by this reference.
2. **Property Development.** The Existing Restaurant will cease to operate on Parcel A, once the New Restaurant on Parcel B is open for business.
3. **Amendments.** This Declaration shall not be modified, amended or released as to any portion of the Property except by written instrument, executed by the then owner or owners of the portion of the Property affected by such modification, amendment, or release and approved in writing by the City. The appropriate governmental authority of the City shall execute a written instrument effectuating and acknowledging such modification, amendment or release. Any amendment, modification or release of this Declaration shall be recorded in the Public Records of Broward County, Florida.
4. **Recordation and Effective Date.** This instrument shall become effective once recorded in the Public Records of Broward County, Florida. Once recorded, this Declaration shall run with the Property for the sole benefit of the City and shall bind all successors and assigns to the title of the Property.
5. **Severability.** If any court of competent jurisdiction shall declare any section, paragraph or part thereof invalid or unenforceable, then such judgment or decree shall have no effect on the enforcement or validity of any other section, paragraph or part hereof, and the same shall remain in full force and effect.
6. **Captions, Headings and Titles.** Articles and paragraph captions, headings and titles inserted throughout this Declaration are intended as a matter of convenience only and in no way shall such captions, headings or titles define, limit or in any way affect the subject matter or any of the terms and provisions thereunder or the terms and provisions of this Declaration.
7. **Context.** Whenever the context requires or admits, any pronoun used herein may be deemed to mean the corresponding masculine, feminine or neuter form thereof, and the singular form of any nouns or pronouns herein may be deemed to mean the corresponding plural form thereof and vice versa.

[Signatures Appear on Following Page]

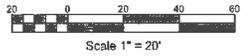
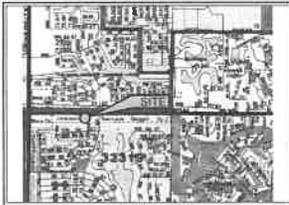
Parcel "A"

LEGAL DESCRIPTION:

DRAFT

Parcel "B"
LEGAL DESCRIPTION:

DRAFT

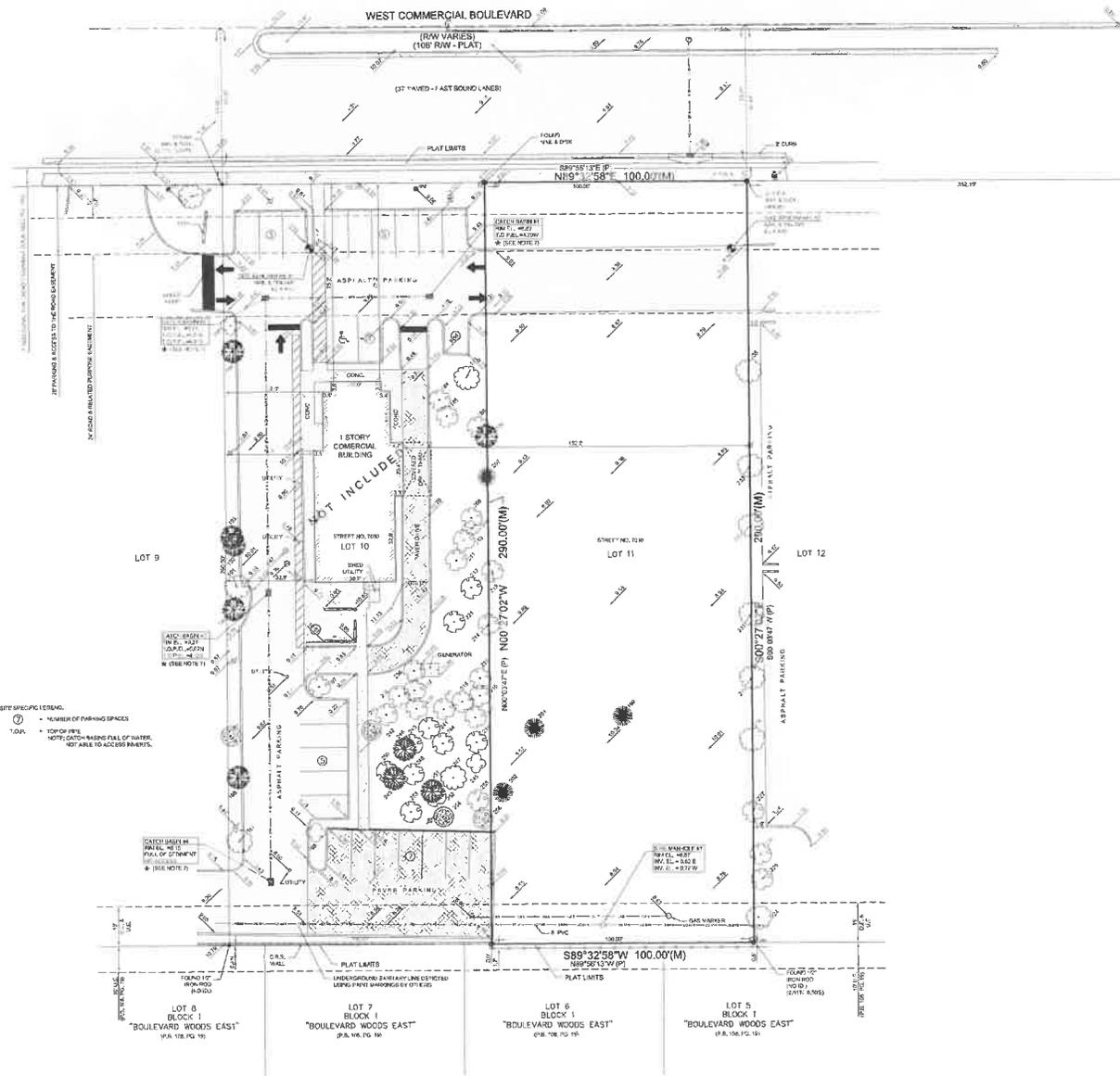


Scale 1" = 20'

- TREE LEGEND:
- OAK TREE
 - CYPRESS TREE
 - PITCH APPLE TREE
 - LANTERN PINE TREE
 - PALM TREE
 - STRANGLER FIG TREE
 - CABBAGE PALM TREE

TREE TABLE	TREE NO.	TREE TYPE
101	1.0	OAK
102	0.2	CYPRESS
103	0.8	CYPRESS
104	0.2	CYPRESS
105	0.8	OAK
106	1.8	CABBAGE PALM
107	0.4	PITCH APPLE
108	2.0	CABBAGE PALM
109	2.0	OAK
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- SITE SPECIFIC LEGEND:
- NUMBER OF PARKING SPACES
 - TOP OF TREE
 - NOTE CATCH BASINS FULL OF WATER, NOT ABLE TO ACCESS PARKERS.



- SURVEY NOTES:**
- Lands shown herein were not abstracted for consecutive rights-of-way of record by this office.
 - Area of subject is $\approx 29,000$ square feet (0.66 acres).
 - Boundaries shown herein are based on North Magnetic Vertical Datum of 1985 (NAVD 85).
 - Originaling benchmark = Leica Global Positioning System.
 - = existing elevation (NAVD 85 typical).
 - No underground improvements located.
 - Measured bearings shown herein are per bearings.
 - The bearing is to the South end of the line of view. Commenced B.M. being a bearing of N89°32'58" W.
 - The line to the back of a structure's number is "1.8 DEPT".
- * ALL CRANING OF STRUCTURES WERE FULL OF WATER AT THE TIME OF FIELD WORK. NOT ABLE TO ACCESS REVERTS OR PIPE SIZE.

LEGEND:

1	ASPHALT DRIVEWAY	1	CONCRETE DRIVEWAY
2	ASPHALT DRIVEWAY	2	CONCRETE DRIVEWAY
3	ASPHALT DRIVEWAY	3	CONCRETE DRIVEWAY
4	ASPHALT DRIVEWAY	4	CONCRETE DRIVEWAY
5	ASPHALT DRIVEWAY	5	CONCRETE DRIVEWAY
6	ASPHALT DRIVEWAY	6	CONCRETE DRIVEWAY
7	ASPHALT DRIVEWAY	7	CONCRETE DRIVEWAY
8	ASPHALT DRIVEWAY	8	CONCRETE DRIVEWAY
9	ASPHALT DRIVEWAY	9	CONCRETE DRIVEWAY
10	ASPHALT DRIVEWAY	10	CONCRETE DRIVEWAY
11	ASPHALT DRIVEWAY	11	CONCRETE DRIVEWAY
12	ASPHALT DRIVEWAY	12	CONCRETE DRIVEWAY
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98	ASPHALT DRIVEWAY	98	CONCRETE DRIVEWAY
99	ASPHALT DRIVEWAY	99	CONCRETE DRIVEWAY
100	ASPHALT DRIVEWAY	100	CONCRETE DRIVEWAY

PROJECT:
POPEYE'S RESTAURANT

ALTA / NSPS LAND TITLE SURVEY

This is not only the 888 map or plot and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, shall be available and adopted by the American Land Title Association and the National Society of Professional Surveyors and includes Banns 1, 2, 3, 4, 7, 8, & 11 (Observed) and 11 of said A.P. number. The 888 work was completed on 04/02/2020.

Date of Plot or Map: 04/2/2020

PROPERTY ADDRESS: 7043 W. Commercial Blvd., Fort Lauderdale, FL 33319

FLOOD ZONE: 300 (FIRM)

PROJECT NO.: 1011 COMMERCIAL BOULEVARD SHOPPING NO. 2, according to the 7043 Bannet, as recorded in Plat Book 197, Page 43, of the Public Records of Broward County, Florida.

Containing 29,000 square feet (0.66 acres).

MILLER LAND SURVEYING

101 LAKE AVENUE
LAKE WORTH, FL 33450
PHONE: (561) 226-0609 - FAX: (561) 582-0151
WWW.MILLERSURVEYING.COM

DATE: 04/1/2020

SCALE: 1" = 20'

DRAWN BY: P20003 (D)

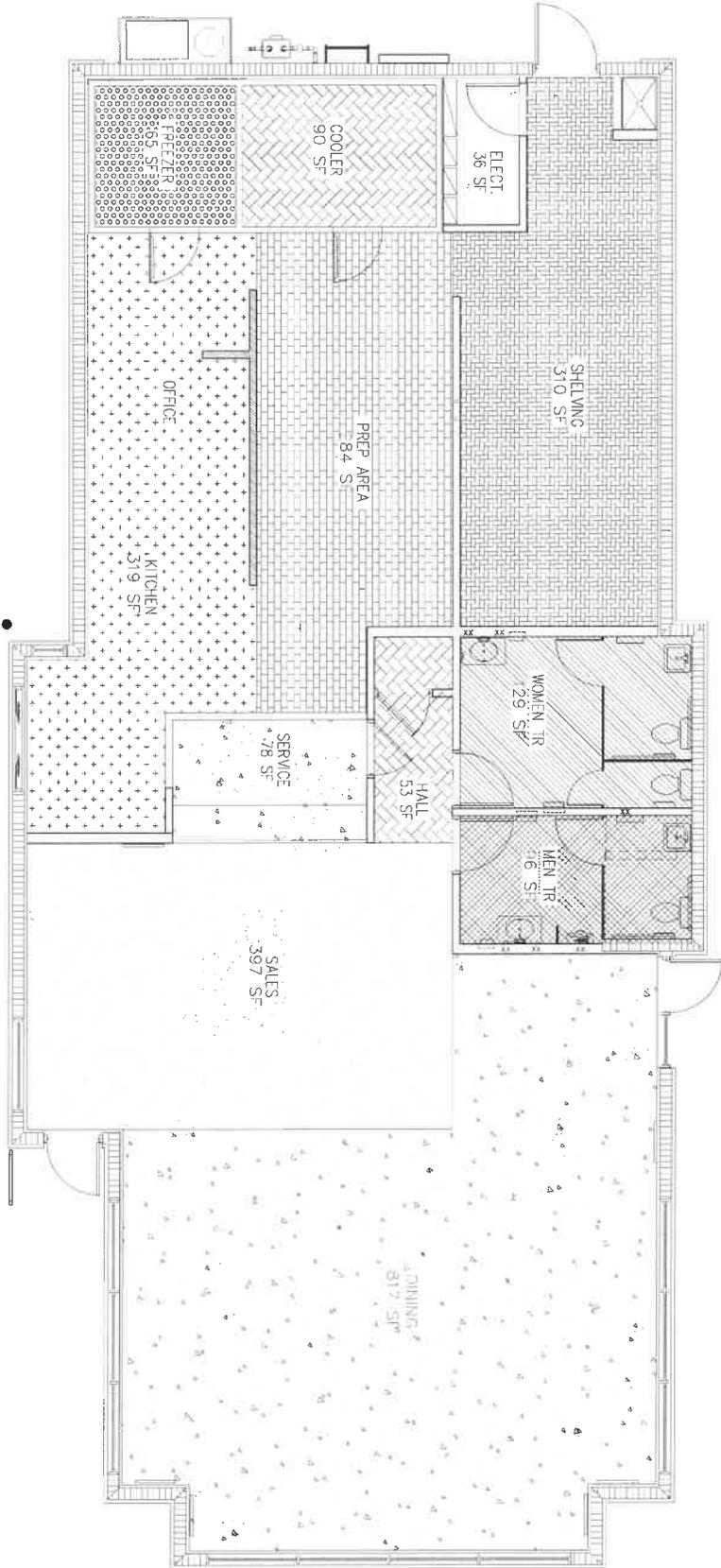
FIELD BY: MML/LSM

JOB NO.: 1011

DATE: 04/1/2020

PLAT NO.: 2047-A

W:\MILLER\DRAWINGS\2019\20040604_120305_01\20200320_345419.dwg



1 FLOOR PLAN GROSS AREA = 2977 SF
 FA SCALE: NOT TO SCALE

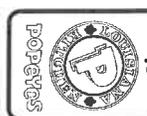


FLOOR PLAN- AREA

DESIGNER
 SHEET NUMBER
FA
 DATE
 11/16/2020

PROJ. NO. 0000
 SCALE AS SHOWN

ATLANTIC ENGINEERING SERVICES, INC.
 200 C2 GROSSMANOS DR-1E
 WEST PALM BEACH, FLORIDA 33413
 PHONE - (561) 358-4140
 FAX - (561) 395-1242
 CERT. DATE OF AUTHORIZATION NO.: 8393



METRO CHICKEN
 7040-7050 W. COMMERCIAL BLVD
 LAUDERHILL, FL 33319

REV.	DESCRIPTION	DATE

SCALE: 1/8" = 1'-0"
 11/16/2020
 STATE OF FLORIDA

KBP CONSULTING, INC.

MEMORANDUM

To: Steven M. Kelton, LEED GA
Hope W. Calhoun, Esq.

From: Karl B. Peterson, P.E.

Date: September 21, 2020

Subject: Popeyes Restaurant – Lauderdale, Florida
Traffic Circulation / Drive-Through Lane Analysis

There is an existing Popeyes fast food restaurant with drive-through lane located at 7050 W. Commercial Boulevard (State Road 870) in Lauderdale, Broward County, Florida. The subject site is located on the south side of W. Commercial Boulevard between NW 70th Avenue and N. University Drive (State Road 817). A project location map is presented in Attachment A to this memorandum.

Vehicular access to the site is provided by cross-access with properties to the east and west. To the east there is a right-in / right-out only driveway on W. Commercial Boulevard serving a gas station and convenience store in the southwest corner of the intersection at NW 70th Avenue and W. Commercial Boulevard. To the west there is a full median opening on W. Commercial Boulevard that provides direct access the adjacent office property. These driveways are accessible in both directions via internal drive aisles. A survey of the subject site is presented in Attachment B to this memorandum and the existing site plan is presented in Attachment C.

Plans have been developed to construct a new Popeyes restaurant (with drive-through lane) on the adjacent (vacant) property to the east and repurpose the existing Popeyes building as a retail building without a drive-through lane. The proposed site plan is presented in Attachment D to this memorandum. We understand that City staff has expressed some concerns relative to the circulation of traffic and drive-through operations on the existing site. More specifically, they have noted “over stacking” of the drive-through lane during peak hours. The purpose of this memorandum is to conduct a review of the proposed traffic circulation patterns and the proposed drive-through lane operations.

Traffic Circulation

Vehicular access to the existing Popeyes site is provided to and from the east and west on the north side of the building (parallel to W. Commercial Boulevard). Vehicular access is also provided to the rear (south) side of the site from the office development to the west. The existing site has two-way traffic flow on the north and west sides of the building. The single-lane drive-through facility is accessed from the north-south driveway on the west side of the site and exits to the east-west drive aisle on the north side of the site.

One of the challenges created by the existing traffic circulation pattern is the two-way traffic flow on the west side of the building. As mentioned previously, access to the drive-through lane is provided from this drive aisle. The drive-through lane capacity is approximately five (5) vehicles including one (1) vehicle at the menu board and one (1) vehicle prior to the menu board. As such, during peak times both the overall capacity of the drive-through lane and the capacity at and approaching the order board are exceeded.

KBP CONSULTING, INC.

When this condition occurs, vehicles queue in the southbound lane (and frequently block the northbound lane) of the north-south drive aisle. If the northbound lane is not blocked, this causes southbound non-drive-through traffic to utilize the northbound lane which is an unsafe condition. When both lanes are occupied / blocked, the overall traffic circulation on the site is compromised by effectively blocking north-south movement on the site.

The proposed site plan specifically addresses this issue by creating one-way (southbound) traffic flow on the west side of the building and one-way (northbound) traffic flow on the east side of the building. On the west side of the building there are two (2) travel lanes with the lane closest to the building designated for the drive-through lane. This single lane feeds two (2) lanes at two (2) separate menu boards. These lanes then merge to one lane on the approach to the pick-up window. This configuration provides a drive-through lane capacity of approximately eleven (11) vehicles and does not obstruct traffic flow on the site. This is a significant traffic circulation improvement when compared to the existing site.

Drive-Through Lane Operations

As noted, City staff has expressed concerns about “over stacking” of the drive-through lane during peak hours. This condition has been exacerbated by the ongoing COVID-19 pandemic conditions just as it has at many other drive-through facilities. Current drive-through demand at the subject Popeyes restaurant greatly exceeds typical drive-through demand; however, conditions are gradually returning to normal.

In order to assess the “normal” drive-through lane demand for this facility, we have reviewed drive-through lane data collected by our firm at a similar Popeyes restaurant located 3051 W. Atlantic Boulevard in Pompano Beach. This data was collected in late 2016 and is presented in Attachment E. According to this data collected during typical conditions we would expect to see average vehicle queues of approximately five (5) vehicles and reasonable maximum vehicle queues of approximately eight (8) vehicles.

As noted earlier, the proposed drive-through lane will have a maximum capacity of approximately eleven (11) vehicles. Given the drive-through queuing characteristics documented at a similar Popeyes restaurant during typical conditions, it is apparent that the proposed drive-through lane capacity will be sufficient as to minimize the likelihood that vehicle queues will negatively impact onsite traffic circulation. Furthermore, the proposed facility will include dual menu boards / ordering positions that will expedite the ordering process and reduce service times thereby reducing vehicle queues.

In view of the above, it is our opinion that the proposed Popeyes site plan provides improved site circulation and drive-through facilities when compared with the current facilities. Furthermore, it is expected that, under typical operating conditions (i.e. post-COVID-19) the drive-through lane facilities should be adequate as to minimize impacts to traffic circulation both onsite and on adjacent properties. If you have any questions or comments, please do not hesitate to contact me.

Attachment A

Popeyes – Lauderdale, Florida

Project Location Map



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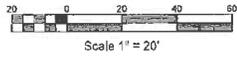
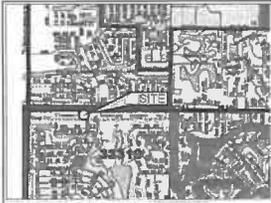
Project Location Map

Attachment A
Popeyes Restaurant
Lauderhill, Florida

Attachment B

Popeyes – Lauderdale, Florida

Site Survey



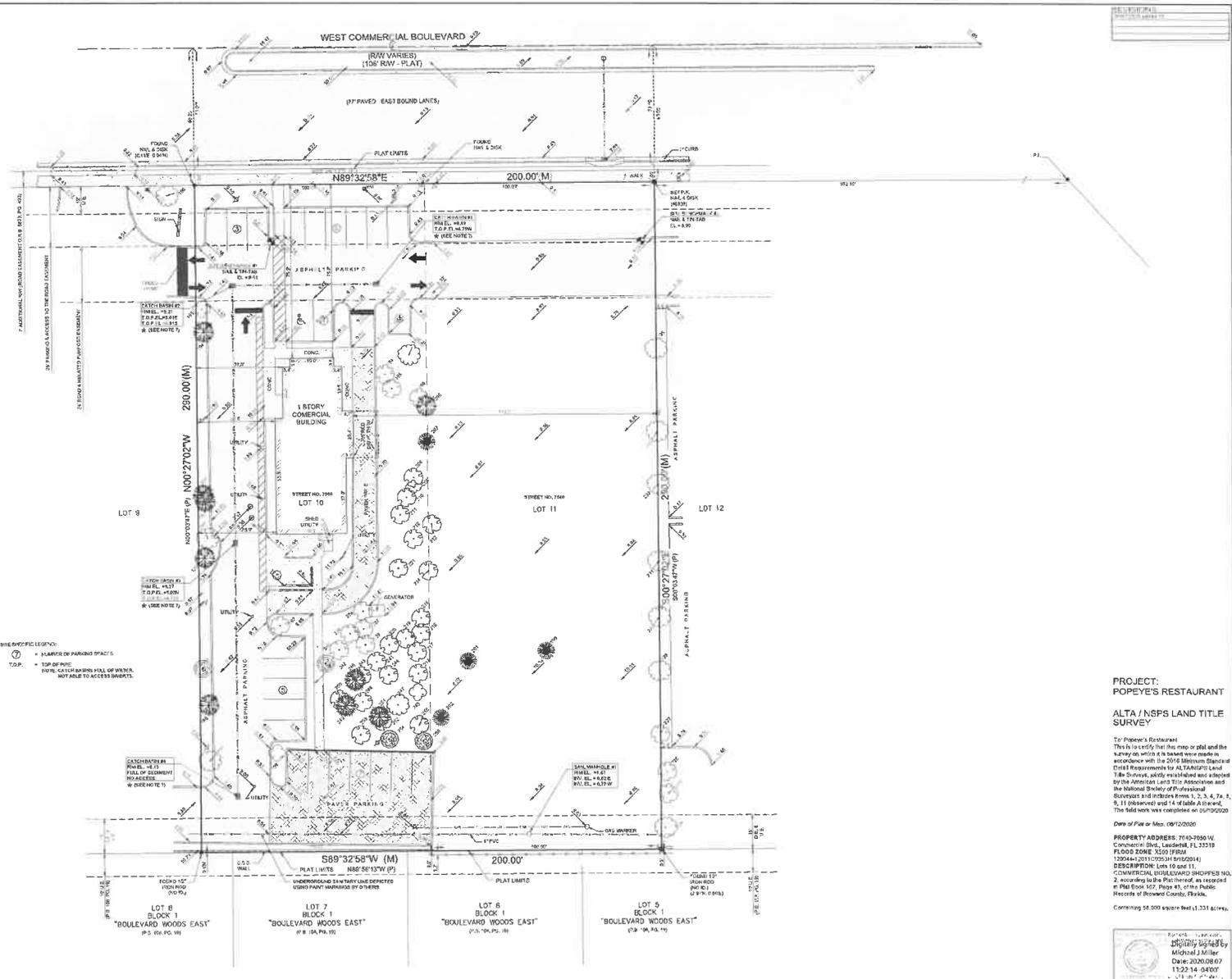
Scale 1" = 20'

- 1/4" LEGEND
- OAK TREE
 - CYPRESS TREE
 - PITCH APPLE TREE
 - UNKNOWN TREE
 - PALM TREE
 - STRAWBERRY FIG
 - CABBAGE PALM TREE

NUMBER	TRUNK DIA.	HT. (L)	TYPE
181	5.0"	0.0'	OAK
184	0.0"	0.0'	CYPRESS
185	0.0"	0.0'	CYPRESS
186	0.0"	0.0'	CYPRESS
187	0.0"	0.0'	OAK
188	5.2"	0.0'	CABBAGE PALM
189	0.0"	0.0'	PITCH APPLE
190	2.0"	0.0'	CABBAGE PALM
191	2.2"	0.0'	OAK
192	1.3"	0.0'	CABBAGE PALM
193	1.7"	0.0'	CABBAGE PALM
194	1.0"	0.0'	CABBAGE PALM
195	1.0"	0.0'	CYPRESS
196	1.0"	0.0'	CYPRESS
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300	1.0"	0.0'	CYPRESS

SITE SPECIFIC LEGEND:
 (Symbol) NUMBER OF PARKING SPACES
 T.O.P. TOP OF PIPE
 (Symbol) PIPE IN VIEW BURN HALL OF SPIN NOT ABLE TO ACCESS BARRETS

- SURVEY NOTES:**
- 1) Limits shown herein were not established for easements and/or right-of-way of record by this office.
 - 2) Area of subject lot is 50,000 square feet (1,133 acres).
 - 3) Elevation shown herein are based on North Atlantic Vertical Datum of 1988 (NAVD 88).
 - 4) Originating benchmark = Leica Global Positioning System.
 - 5) (Symbol) = existing elevation (NAVD 88 typical).
 - 6) No underground improvements located.
 - 7) Measured bearings shown herein are grid bearings. The assumed bearing line is South 186° 04' 54" West of W. Commercial Blvd. Having a bearing of N 89° 32' 58" E.
 - 8) This site's "Certificate of Subdivision" number is "13-6454".
 - 9) ALL DRAINAGE STRUCTURES HEREIN FULL OF WATER AT THE TIME OF FIELD WORK. NOT ABLE TO ACCESS INVERTS OR PIPE SIZE.



LEGEND

(Symbol)	PROPERTY LINE	(Symbol)	EXISTING CURB
(Symbol)	PROPOSED CURB	(Symbol)	EXISTING DRIVE
(Symbol)	PROPOSED DRIVE	(Symbol)	EXISTING SIDEWALK
(Symbol)	PROPOSED SIDEWALK	(Symbol)	EXISTING BIKEWAY
(Symbol)	PROPOSED BIKEWAY	(Symbol)	EXISTING UTILITY
(Symbol)	PROPOSED UTILITY	(Symbol)	EXISTING SIGN
(Symbol)	PROPOSED SIGN	(Symbol)	EXISTING LIGHT
(Symbol)	PROPOSED LIGHT	(Symbol)	EXISTING FENCE
(Symbol)	PROPOSED FENCE	(Symbol)	EXISTING WALL
(Symbol)	PROPOSED WALL	(Symbol)	EXISTING DOOR
(Symbol)	PROPOSED DOOR	(Symbol)	EXISTING WINDOW
(Symbol)	PROPOSED WINDOW	(Symbol)	EXISTING ROOF
(Symbol)	PROPOSED ROOF	(Symbol)	EXISTING FOUNDATION
(Symbol)	PROPOSED FOUNDATION	(Symbol)	EXISTING CONCRETE
(Symbol)	PROPOSED CONCRETE	(Symbol)	EXISTING BRICK
(Symbol)	PROPOSED BRICK	(Symbol)	EXISTING STONE
(Symbol)	PROPOSED STONE	(Symbol)	EXISTING METAL
(Symbol)	PROPOSED METAL	(Symbol)	EXISTING GLASS
(Symbol)	PROPOSED GLASS	(Symbol)	EXISTING WOOD
(Symbol)	PROPOSED WOOD	(Symbol)	EXISTING PLASTER
(Symbol)	PROPOSED PLASTER	(Symbol)	EXISTING GYPSUM
(Symbol)	PROPOSED GYPSUM	(Symbol)	EXISTING CEILING
(Symbol)	PROPOSED CEILING	(Symbol)	EXISTING FLOOR
(Symbol)	PROPOSED FLOOR	(Symbol)	EXISTING WALL
(Symbol)	PROPOSED WALL	(Symbol)	EXISTING ROOF
(Symbol)	PROPOSED ROOF	(Symbol)	EXISTING FOUNDATION
(Symbol)	PROPOSED FOUNDATION	(Symbol)	EXISTING CONCRETE
(Symbol)	PROPOSED CONCRETE	(Symbol)	EXISTING BRICK
(Symbol)	PROPOSED BRICK	(Symbol)	EXISTING STONE
(Symbol)	PROPOSED STONE	(Symbol)	EXISTING METAL
(Symbol)	PROPOSED METAL	(Symbol)	EXISTING GLASS
(Symbol)	PROPOSED GLASS	(Symbol)	EXISTING WOOD
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Attachment C

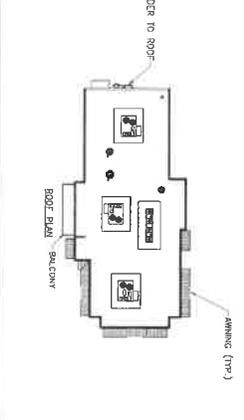
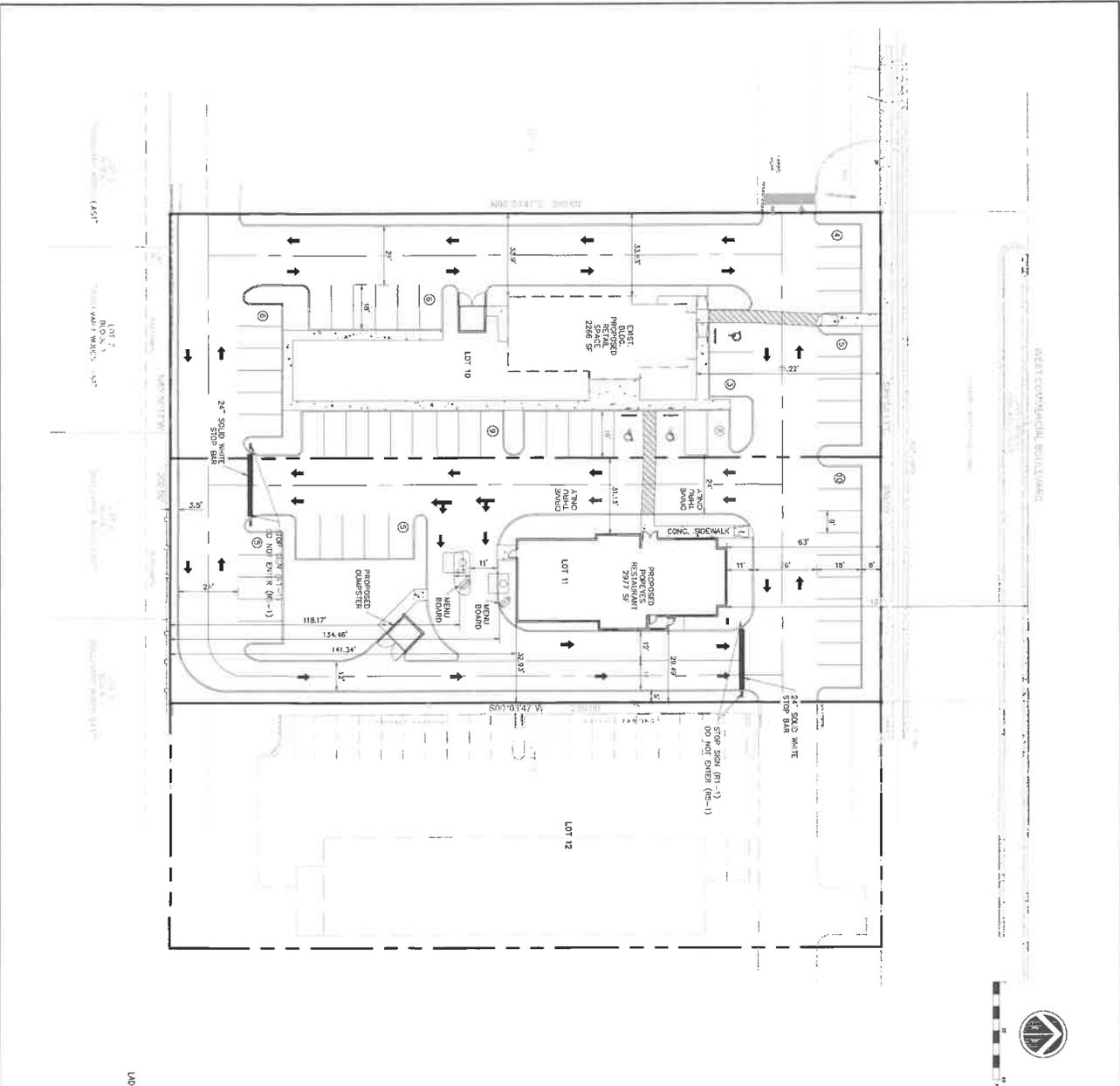
Popeyes – Lauderdale, Florida

Existing Site Plan

Attachment D

Popeyes – Lauderdale, Florida

Proposed Site Plan



SITE PLAN

NOTE
 1. ALL TRAFFIC CONTROL PAINTER MARKINGS WILL BE THE RESPONSIBILITY OF THE CONTRACTOR.

PROPERTY ADDRESS: 7040-7050 W. COMMERCIAL BLVD., LAUDERHILL, FL 33018
 FLOOD ZONE: X500 (FIRM 120004-12010333H 8/19/2014)
LEGAL DESCRIPTION:
 LOTS 10 AND 11, COMMERCIAL GOLFLEND SHIPMENTS NO. 2, ACCORDING TO THE PLAT HEREOF, AS RECORDED IN PLAT BOOK 107, PAGE 23, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

LAND AREA	ACRES	PERCENTAGE
56,500	1.33	100
PROP. SLOCS	2,977	5.13
EXISTING BLDG	2,285	3.91
ASPHALT	35,186	60.67
SEWER/LK	2,390	4.12
TOTAL IMPROVEMENTS	42,818	73.82
PROPOSED IMPROVEMENTS	15,182	26.18

REQUIREMENTS	PROVIDED
FRONT YARD	123'
SIDE YARD	29.49'
REAR	23.80'
REAR	147.34'

CLIENT USE	ESTIMATE NUMBER
RESTAURANT/CAFE	4841 15 14 0110
7040 PARCEL ID NUMBER	4841 15 14 0110
PLAT BOOK AND PAGE	107 23
ZONING DESIGNATION	CO-1
APPLICANT	ATLANTIC ENGINEERING SERVICES, INC.
DESIGNER	ATLANTIC ENGINEERING SERVICES, INC.
CITY OF LAUDERHILL	

DATE	DESCRIPTION	REV.
		1

ATLANTIC ENGINEERING SERVICES, INC.
 200 C2 CROSSWINDS DRIVE
 WEST PALM BEACH, FLORIDA 33411
 PHONE - (561) 358-4440
 FAX - (561) 366-3242
 CERTIFICATE OF AUTHORIZATION NO.: 5350

METRO CHICKEN
 7040-7050 W. COMMERCIAL BLVD
 LAUDERHILL, FL 33319

SP1
 SHEET NUMBER
 DATE: MAY 2020

ahmed mtiiaz Ahmed
 REGISTERED PROFESSIONAL ENGINEER
 NO. 12453
 EXPIRES 12/31/2020
 SEAL

Attachment E

Popeyes – Lauderdale, Florida

**Drive-Through Lane Data Collected at the
Popeyes Restaurant in Pompano Beach**

**Popeyes Restaurant
Pompano Beach, FL**

Drive-Through Lane Analysis

Location: 3051 W. Atlantic Boulevard

Time Period: 11:00 AM to 7:00 PM

Maximum Drive-Thru Lane Queue

Time	11/30/2016	12/1/2016
11:00 - 11:15	4	3
11:15 - 11:30	4	5
11:30 - 11:45	3	5
11:45 - 12:00	5	2
12:00 - 12:15	3	8
12:15 - 12:30	7	7
12:30 - 12:45	4	11
12:45 - 1:00	3	7
1:00 - 1:15	6	6
1:15 - 1:30	8	3
1:30 - 1:45	3	6
1:45 - 2:00	4	8
2:00 - 2:15	2	8
2:15 - 2:30	3	4
2:30 - 2:45	3	2
2:45 - 3:00	3	3
3:00 - 3:15	7	2
3:15 - 3:30	4	5
3:30 - 3:45	3	5
3:45 - 4:00	2	7
4:00 - 4:15	2	8
4:15 - 4:30	2	2
4:30 - 4:45	1	4
4:45 - 5:00	1	3
5:00 - 5:15	3	2
5:15 - 5:30	3	3
5:30 - 5:45	5	6
5:45 - 6:00	6	3
6:00 - 6:15	6	3
6:15 - 6:30	6	2
6:30 - 6:45	5	5
6:45 - 7:00	4	6
Maximum Queue:	8	11
Average Queue:	4	5
50th Percentile Queue:	3.5	5
85th Percentile Queue:	6.0	7.4
95th Percentile Queue:	7.0	8.0

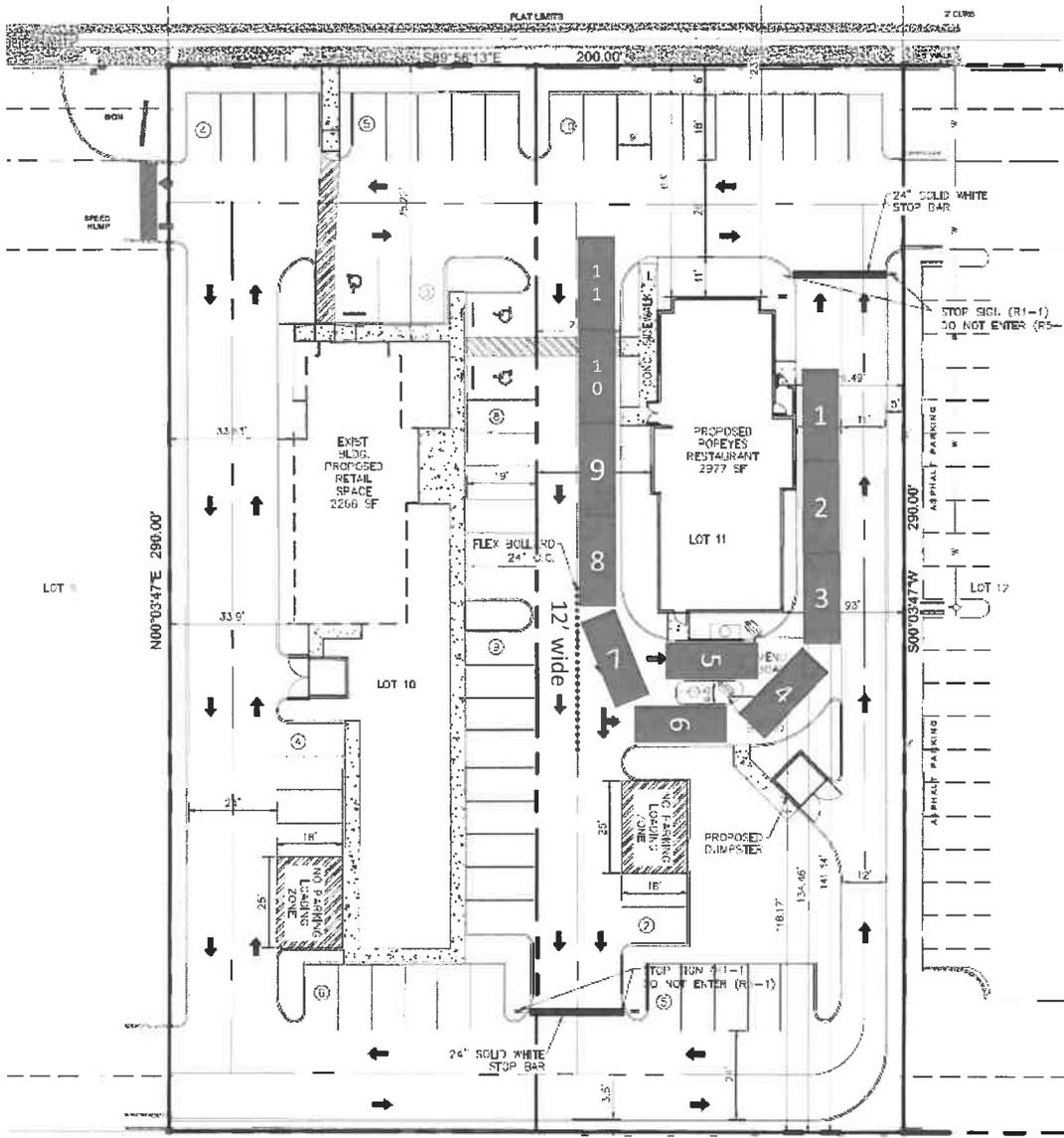


TABLE 1.1 - MINIMUM SPACE REQUIREMENTS AT VARIOUS PARKING ANGLES FOR DIFFERENT PARKING TYPES

Parking Space Type	Angle Width (feet)	Parking Space Width (feet)	Parking Space Length (feet)
Standard Parking	12'	9'	33'
25-30%	14'	9'	35'
40%	16'	9'	39'
50%	18'	9'	45'
60%	21'	9'	51'
70%	24'	9'	57'
80%	26'	9'	63'

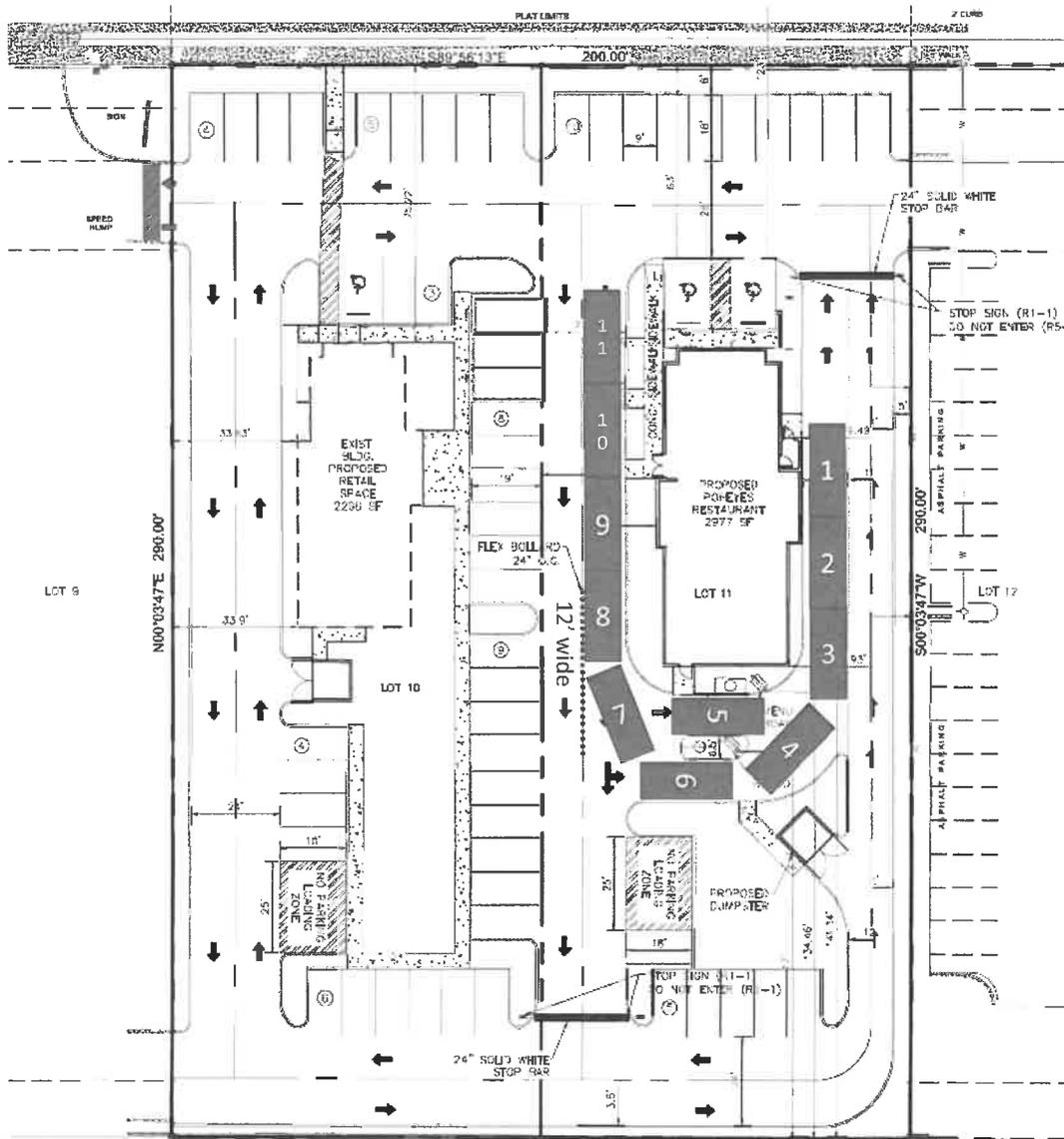
1.3.22. Retail stores, personal service shops, household repair or equipment shops: One (1) parking space for every two hundred (200) square feet of gross floor area.

1.3.19. Restaurants, fast-food restaurants, lounges, bars, nightclubs: If part of a shopping center: One (1) parking space for every fifty (50) square feet of customer-service floor area and one (1) parking space for every two hundred (200) square feet of all other area. All restaurants, fast-food restaurants, lounges, bars and nightclubs which are not part of a shopping center: One (1) parking space for every thirty (30) square feet of floor area in rooms for customer service, including customer waiting area.

Site Plan Received on 10/15/2020

- The 10th queue vehicle is on the ADA crosswalk.
- The 11th queue vehicle blocks the east-west internal road.
- The proposed Popeyes is larger than the site used for the queue data and therefore higher traffic and longer queues. The maximum queue of 8 would increase to 11. Thus, 11 queue spaces are needed.

Provided: 56 parking spaces



Potential Solution to be explored by applicant:

- Shift building south.
- Provide 2 ADA spaces on north side of building.
- Would provide for 11 spaces queues.
- Applicant to provide a turning template to make sure that vehicles can turn into and back out of parking spaces considering that the driving isle is effectively 12-feet when there are long queues and in-front of the bollards.

Maintains: 56 parking spaces

Note: This is an approximate representation which must be evaluated by applicant

SPECIAL EXCEPTION USE AFFIDAVIT OF COMPLIANCE WITH CONDITIONS OF APPROVAL

G.I. of Commercial, LLC (20-SE-012)

I, _____, being sworn, do hereby certify and affirm that the following statements are true:

I have read in its entirety the G.I. of Commercial, LLC. (20-SE-012) Development Review Report, any Supplemental Development Review Reports, and all attachments and exhibits associated with the special exception use application filed with the City of Lauderhill, Florida Planning and Zoning Division and understand its contents.

I have read and understand the below described conditions of approval and voluntarily agree to comply with all said 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.

SPECIAL EXCEPTION USE AFFIDAVIT OF COMPLIANCE WITH CONDITIONS OF APPROVAL

G.I. of Commercial, LLC (20-SE-012)

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.

**SPECIAL EXCEPTION USE AFFIDAVIT OF
COMPLIANCE WITH CONDITIONS OF APPROVAL**

G.I. of Commercial, LLC (20-SE-012)

12. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

Print your name: _____

Sign your name: _____

Date signed: _____

The foregoing instrument was acknowledged before me this _____ day of _____, 201____, by _____, who is personally known to me or who has produced _____ as identification and who did take an oath.

Notary public

Print your name: _____

Sign your name: _____

State of Florida at Large Seal

My Commission Expires: _____