

RESOLUTION NO. 21R-06-130

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO INTERVENTIONAL PAIN M.D. L.L.C. A SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AN OFFICE, MEDICAL, WITH CONTROLLED SUBSTANCE PROVIDER USE ON A 0.78± ACRE SITE LEGALLY DESCRIBED AS CITY SHOPPES 107-44 B LOT 1 ACCORDING TO THE PLAT THEREOF AND AS RECORDED IN THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 7501 W. OAKLAND PARK 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 (CG) zoning district by Special Exception approval only; and

WHEREAS City Staff recommends that the City Commission vote IN FAVOR OF 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 Interventional Pain M.D. LLC, to allow in the General Commercial (CG) Zoning District an office, medical, with controlled substance provider use on a 0.78± acre site legally described as City Shoppes 107-44 B Lot 1, according to the Plat thereof as recorded in the Official Public Records of Broward County, Florida, more commonly known as 7501 W. Oakland Park Boulevard, Lauderhill, Florida, is hereby approved, subject to the following conditions:

1. This special exception use development order for an Office, Medical, with Controlled Substance Provider use is specifically granted to Interventional Pain M.D., L.L.C., and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another person. Further, this special exception use development order shall automatically expire and become null and void if any person or entity other than Interventional Pain M.D., L.L.C. operates the use. Any change of corporate ownership affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger

this provision. This special exception use development order shall automatically expire and become null and void if the use shall cease to operate. Moreover, this special exception use development order shall automatically expire and become null and void if Interventional Pain M.D., L.L.C. is sold, assigned, transferred or otherwise conveyed to another person.

2. The Office, Medical, with Controlled Substance Provider use is restricted to a total of 2,000 square feet as proposed. Consistent with Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of this use is prohibited and shall be unlawful unless the City Commission amends this development order to allow such expansion, alteration, enlargement or removal to another location. Notwithstanding the above, through the site plan modification process, the City Commission delegates to the Development Review Committee (DRC) the authority to allow the floor plan to be altered; however, the DRC is without authority to allow the expansion, enlargement, reduction or removal of the use to another location.
3. The general days and hours of operation are 9:00 a.m. to 5:00 p.m. Mondays, Wednesdays, and Fridays and 9:00 a.m. to 1:00 p.m. on Tuesdays and Thursdays. Any increase in hours to operate earlier than 7:00 a.m. or later than 7:00 p.m. Sunday through Saturday is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase which is categorized under an Office, Medical, after hours Use.
4. 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.
5. If the City's Code Enforcement Board assesses a lien for landscaping, trash or other unsightly or unsafe conditions, this special exception use development order may be brought before the City Commission to be reconsidered, at which time the development order or the conditions of approval may be subject to modification, suspension or revocation.
6. If the City's Police Department or Code Department records more than three instances regarding noise, loitering, parking or criminal activity, either from observation by police officers or verified from complaints by three or more unrelated individuals, within any ninety (90) day period, the special exception use may be brought before the City Commission to be reconsidered, at which time the development

order or the conditions of approval may be subject to modification, suspension or revocation.

- 7. 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.
- 8. 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.
- 9. 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 _____, 2021.

PASSED AND ADOPTED on first reading this _____ day of _____, 2021.

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