

RESOLUTION NO. 19R-09-215

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO AQSR LAUDERHILL, LLC. D/B/A SONIC DRIVE, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A RESTAURANT, FAST FOOD WITH DRIVE THROUGH, AND WITH PARKING STALLS, AND WITH OUTDOOR SEATING USE ON A 1.15 ± ACRE SITE LEGALLY DESCRIBED AS SECTION 16, TOWNSHIP 49 SOUTH, RANGE 41 EAST, AND A PORTION OF LOTS 28, 29, AND 30, OR COMMERCIAL BOULEVARD SHOPPES NO. 1 ACCORDING TO THE PLAT THEROF, AS RECORDED IN PLAT BOOK 109, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 8188 WEST COMMERCIAL BOULEVARD, LAUDERHILL, FLORIDA; 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 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 AQSR Lauderhill, LLC d/b/a Sonic Drive, to allow within the General Commercial (CG) Zoning District a Restaurant, Fast Food with Drive Through and with Parking Stalls Use on a ± 1.15 acre site legally described as Section of 16, Township 49 South, Range 41 East, and a Portion of Lots 28, 29, and 30, or Commercial Boulevard Shoppes No. 1, Accordinat to the Plat thereof, as recorded in Plat Book 109, Page 28, of the Public Records of Broward County, Florida, more commonly known as 8188 West Commercial Boulevard, Lauderhill, Florida, is hereby approved subject to the following conditions:

1. This Special Exception Use development order for a single lane drive through in connection with a Restaurant, Fast Food Use with outdoor seating and parking stalls shall be specifically granted to AQSR Lauderhill, LLC D/B/A Sonic Drive Thru 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 AQSR Lauderhill, LLC D/B/A Sonic Drive Thru operates the use.

2. The single drive through lane is limited to the location and configuration as depicted on the 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. The 16 car stalls are limited to the location and configuration as depicted on the 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.
4. The hours of operation are limited to the following: Sunday-Thursday from 7:00a.m. to 1:00a.m. and Friday and Saturday from 7:00a.m. to 2:00a.m.
5. A trash receptacle shall be located between the service window where food is dispensed and the end of the drive through driveway.
6. Any violation of these conditions of approval may result in a public hearing before the City Commission and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both. Further, consistent with LDR Article IV, Part 1.0., Section 1.8, this development order may be revoked, suspended or modified based on the grounds stated herein. In addition, this development order is subject to post-approval review consistent with LDR Article IV, Part 4.0., Section 4.11.

Section 2. The Staff Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, is incorporated herein and is hereby adopted as the findings of fact as to this special exception.

Section 3. This Resolution shall take effect immediately upon its

passage.

DATED this _____ day of _____, 2019.

PASSED AND ADOPTED on first reading this _____ day of _____, 2019.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION _____
SECOND _____

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

Approved as to Form

W. Earl Hall
City Attorney