

RESOLUTION NO. 17R-02-71

A RESOLUTION GRANTING TO 7-ELEVEN, INC. A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A GAS SERVICE STATION AND CONVENIENCE STORE BUILDING CONSISTING OF 4,285 SQUARE FEET ON AN APPROXIMATELY 0.918 ACRE SITE LEGALLY DESCRIBED AS TRACT A OF TEXACO LAUDERHILL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 77, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; LOCATED AT 5590 WEST OAKLAND PARK BLVD, 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 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 7-Eleven, Inc. to allow within the General Commercial (CG) Zoning District a gas service station and convenience store building consisting of 4,285 square feet on an approximately 0.918 acre site on property legally described as Tract A of Texaco Lauderhill, according to the Plat thereof, as recorded in Plat Book 77, Page 43 of the Public Records of Broward County, Florida located at 5590 West Oakland Park Boulevard, Lauderhill, Florida, is hereby approved subject to the following conditions:

1. This special exception use development order to allow the a service station and convenience store is specifically granted to 7-Eleven, Inc. in care of the applicant, Heidi Davis Knapick-Gunster, and such development order cannot be conveyed to another person or entity. 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. Notwithstanding, the service station and convenience stores

may be operated by other business entities so long as there is no change in ownership as specified herein.

2. The convenience store use is restricted to 4,285 square feet of leasable space in a standalone building as shown on the floor plan, the street address being 5590 West Oakland Park Boulevard, Lauderdale, Florida. 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 or grants a new 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, or removal of the use to another location.
3. The service station and convenience store days and hours of operation are seven days per week, 24 hours per day. Alcoholic beverage sales will be limited to beer and wine on the days and hours imposed by Land Development Regulations Article III., Part 5.0., Subsection 5.3.1.A.
4. 7-Eleven, Inc. shall provide an area of at least 33% (1414 square feet) of the 4,285 square feet building to be used for the preparation, display, sale and consumption of fresh or freshly prepared food and drinks. This area does not include canned, frozen, boxed, etc., products.
5. 7-Eleven, Inc. shall comply with all of the requirements of Section 812.173, Florida Statutes regarding security at convenience stores.
6. 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.
7. If the City's Police 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.

- 8. 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.

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 _____, 2017.

PASSED AND ADOPTED on first reading this _____ day of _____, 2017.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION _____
SECOND _____

M. BATES _____
H. BENSON _____
H. BERGER _____
K. THURSTON _____
R. KAPLAN _____

Approved as to Form

W. Earl Hall
City Attorney