

RESOLUTION NO. 24R-10-259

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING LAUDERHILL MALL INVESTMENTS, LLC. A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A MIXED-USE DEVELOPMENT INCLUSIVE OF 233 DWELLING UNITS AND 14,186 SQ. FT. OF COMMERCIAL USES ON A 3.23± ACRE SITE LEGALLY DESCRIBED AS A PORTION OF THE "LAUDERHILL MALL SOUTH OUT PARCELS" PLAT AS RECORDED IN PLAT BOOK 183, PAGE 374, OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 1267 N.W. 40TH AVENUE, 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 (CG) zoning district by Special Exception Use Development Order approval only; and

WHEREAS City Staff recommends that the City Commission **VOTE IN FAVOR OF** this Special Exception Use Development Order request for a mixed-use development inclusive of 233 dwelling units and 14,186 square feet of commercial uses, 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 Lauderhill Mall Investments, LLC. in the General Commercial (CG) Zoning District a mixed-use development inclusive of 233 dwelling units and 14,186 square feet of commercial uses on a 3.23+/- acre site legally described as a Portion of the "Lauderhill Mall South Out Parcels" Plat as recorded in Official Records Book 183, Page 374, of the Official Public Records of Broward County, Florida; more commonly known as 1267 N.W. 40th Avenue, Lauderhill, Florida, is hereby approved, subject to the following conditions:

1. This special exception use development order for a mixed-use development with 233 dwelling units and 14,186 square feet of commercial use shall be granted to Lauderhill Mall Investments, LLC 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 mixed-use development, as proposed in the City`s site plan application (23-SP-001), is restricted to the south portion of the property. 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. If there are any code enforcement violations or liens, 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 and/or revocation.

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. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, a site plan application consistent with the request is submitted and subsequently approved within the one hundred eighty-day period.

6. The site plan application (23-SP-001) must demonstrate substantial conformance with the city`s Land Development Regulations (LDR), and all applicable Code of Ordinances, prior to the issuance of any development order.

7. 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.

8. 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 _____, 2024.

PASSED AND ADOPTED on first reading this _____ day of _____,
2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION
SECOND

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

Approved as to Form

Angel Petti Rosenberg
City Attorney