

RESOLUTION NO. 24R-02-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA GRANTING TO UNLIMITED SMOKE & FOOD STORE, LLC., SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG), ZONING DISTRICT A CONVENIENCE STORE USE IN A +/- 1200 SQUARE FEET UNIT LEGALLY DESCRIBED AS UNITS 1 AND 2 OF B-PLAZA CONDOMINIUM, ACCORDING TO THE DECLARATION THEREOF, AS RECORDED IN BOOK 34684, PAGE 978, OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; MORE COMMONLY KNOWN AS 8717 AND 8723 N.W. 50TH STREET., 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 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 Unlimited Smoke & Food Store, LLC. to allow in the General Commercial (CG) Zoning District a convenience store use in a +/- 1,200 square feet unit legally described Units 1 and 2 of B-Plaza Condominium, according to the Declaration thereof, as recorded in Book 34684, Page 978, of the Official Public Records of Broward County, Florida, more commonly known as 8717 and 8723 N.W. 50th Street, Lauderhill, Florida, is hereby approved, subject to the following conditions:

1. This special exception use development order to allow the Convenience Store is specifically granted to Unlimited Smoke & Food Store, 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. Further, this special exception use development order shall automatically expire and become null and void if any entity other than Unlimited Smoke & Food Store, LLC operates the convenience store.

2. The Convenience Store use is restricted to approximately 1,200 square feet of leasable space located at 8717 - 8723 NW 50th ST Lauderhill, 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 submittal of a safety plan approved by the Lauderhill Police Department is required prior to the city issuance of conveyance of an associated Certificate of Use (COU).

4. The convenience store days and hours of operation are Monday through Friday 8AM-10PM, Saturday 9AM-10PM and Sunday 10AM-10PM. 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.

5. Unlimited Smoke & Food Store, LLC shall comply with all of the requirements of Section 812.173, Florida Statutes regarding security at convenience stores as well as comply with all provisions required in Article VII Section 12-106-Convenience Stores of the Code of Ordinances and Article III Sec 5.15.A of the Land Development Code. Such conditions must be met and required at time of Certificate of Use.

6. 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.

7. Tobacco products and associated paraphernalia, to include but not be limited to smoking pipes and smoking devices, are limited to occupying 15% or less of the business floor area.

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.

9. 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.

10. 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.

11. 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