

RESOLUTION NO. 25R-09-202

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, GRANTING/DENYING NTT R E INVESTMENTS, LLC, FOR RYAN MART, INC. D/B/A U SAVE FOOD STORE, A SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO EXTEND THE HOURS OF OPERATION FROM 6:00AM - 11:00PM TO 6:00AM - 2:00AM FOR AN EXISTING CONVENIENCE STORE USE IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT ON A 0.27± ACRE SITE LOCATED AT 4039 NW 19TH STREET, LAUDERHILL, FLORIDA; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ryan Mart Inc., dba U Save Food Store, has filed a Special Exception application on behalf of the property owner NTT R E Investments, LLC, requesting a special exception use development order to extend the hours of operation from 6:00AM -11:00PM to 6:00AM - 2:00AM, for a convenience store located within the Commercial General (CG) zoning district on an approximately 0.27± acre site; and

WHEREAS, the subject property is legally described as Tract A, of Plaza 19, According to the map or plat thereof as recorded in plat book 80, page 42, public records of Broward County, Florida, and located at 4039 NW 19th Street, Lauderhill, FL; and

WHEREAS, the property was originally given a special exception use development order in 2021, via Resolution No. 21R-06-114, to operate a convenience store; and

WHEREAS, in 2022, after a public hearing, the City Commission modified Resolution No. 21R-06-114, by changing the hours of operation from 24 hours per day, 7 days a week, to 6AM to 11PM, 7 days a week, in an effort to reduce criminal activity at the business; and

WHEREAS, City Staff has analyzed the application and the City's Code of Ordinances and finds that the request does not meet the criteria as set forth in the code of ordinances.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, THAT:

Section 1. The above recitations are true and incorporated herein.

Section 2. The City Commission having considered all testimony and evidence presented at the Commission meeting, including the staff report, and pursuant to the City's Code of Ordinances, hereby finds that the request meets/does not meet the criteria as set forth in Article IV, Section 4.6 "Standards of Approval" of the City's Land Development Regulations.

Section 3. The Special Exception Use Development Order for Property located at 4039 NW 19th Street on an approximately 0.27± acre site requesting an extension of hours of operation

from 6:00AM -11:00PM to 6:00AM - 2:00AM, for the existing convenience store known as Ryan Mart Inc., dba U Save Food Store, is hereby approved/denied.

Section 4. If the special exception use development order is approved, it will supersede the previous resolutions (Resolution No. 21R-06-114 and Resolution No. 21R-06-114) and be subject to the following conditions:

1. This special exception use development order to allow the Convenience Store is specifically granted to NTT R E Investments, and such development order cannot be conveyed to another person or entity (Article IV, Part. 4.0, Section 4.10. Conveyance of uses that are subject to special exception approval.). 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 convenience store 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 2,400 square feet of leasable space located at 4039 NW 19th Street, 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 Convenience Store days and hours of operation are 7 days per week 6:00am – 2:00am. 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. The property owner, NTT R E Investments and all tenants 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.
5. 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.
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.

7. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a Certificate of Use (COU) is submitted and subsequently approved 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 5. If the special exception use development order is denied, Resolution No. 21R-06-114, shall remain in full force and effect.

Section 6. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED this _____ day of _____, 2025.

DENISE D. GRANT, MAYOR
PRESIDING OFFICER

ATTEST:

ANDREA M. ANDERSON, MMC
CITY CLERK

MOTION _____
SECOND _____

Approved as to Form

R. CAMPBELL _____
M. DUNN _____
D. GRANT _____
J. HODGSON _____
S. MARTIN _____

Hans Ottinot
City Attorney