

City of Lauderhill

Special Exception Application No. 21-SE-005
Ryan Mart, Inc D/B/A U Save Food Store

I. APPLICANT INFORMATION

PETITIONER

Ryan Mart, Inc. D/B/A U Save Food Store
Shahriar Hasan
4039 NW 19 ST
Lauderhill, FL 33313

STATUS OF PETITIONER

Business Owner

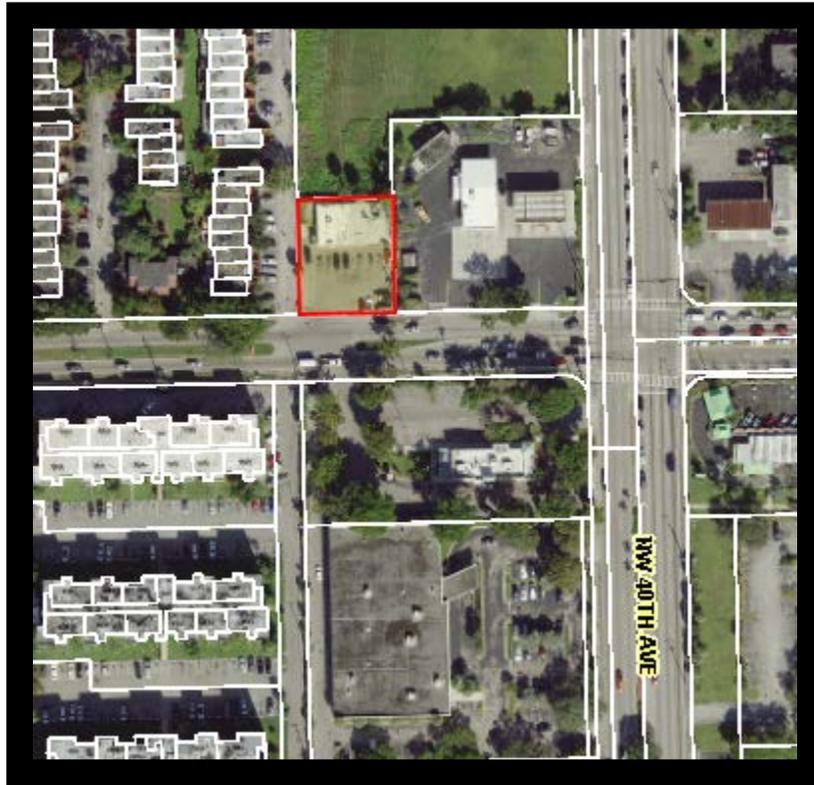
II. BACKGROUND INFORMATION

Requested Action

The Petitioner requests conveyance of a Special Exception Use to Ryan Mart, Inc D/B/A U Save Food Store to allow continued use within the Commercial General (CG) zoning district of an Existing Convenience Store on an approximately 0.27± acre site located at 4039 NW 19 ST, Lauderhill, Florida.

Figure 1 below that provides an aerial of the subject site located on the along NW 19th ST approximately 200 feet West of State Road 7 (NW 40th Avenue):

Figure 1



Applicable Land Development Regulations

LDR Article IV., Part 1.0., Subsection 1.3.1., addresses the pre-application conference

LDR Article IV., Part 1.0., Subsection 1.3.2., provides for the Department to review any land development order application

LDR Article IV., Part 1.0., Subsection 1.4.4., provides that within 45 days from the acceptance of the application for development subject to major review

LDR Article IV., Part 4.0., subsection 4.5.A. requires the application set forth in detail the proposed use

LDR Article IV., Part 4.0., Subsection 4.5.B. provides the Department shall not accept a special exception use application if the property is subject to unpaid city liens, fines or fees

LDR Article III, Section 2.2., addresses assignment of zoning districts

LDR Article III, Sections 2.3 and 2.4., and Schedule B. respectively address permitted and special exception uses

Article IV., Part 4.0., Section 4.6., Standards for approval, provides the City Commission, in reviewing any application for a special exception use, shall consider seven (7) specific standards

LDR Article III, Sections 5.15.a (Amended, Ordinance No. 160-04-113, April 25, 2016), Convenience Store

III. SITE INFORMATION

Legal Description

PLAZA 19 80-42 B TRACT A, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA,
MORE COMMONLY KNOWN AS 4039 NW 19TH STREET, LAUDERHILL, FLORIDA

Address

4039 NW 19st St, Lauderdale, Florida

Land Use/Zoning:

Existing Land Use	Commercial
Future Land Use Designation	Transit Oriented Corridor
Zoning Designation	General Commercial (CG)

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Commercial	Transit Oriented Corridor	CG
South	Commercial	Transit Oriented Corridor	CG
East	Commercial	Transit Oriented Corridor	CG
West	Multi-family Residential	Transit Oriented Corridor	RM-22

IV. ZONING HISTORY

Existing Special Exceptions

None

Violations

None

Existing Variances

None

V. PLANNING ANALYSIS

As stipulated in the Land Development Regulations, Article IV, Section 4.6, Standards for Approval, The Planning and Development Division has reviewed the proposed request pursuant to the following special exception considerations:

1. The effect of such use on surrounding properties.
2. The suitability of the use in regard to its location, site characteristics, and intended purpose.
3. Access, traffic generation and road capacities.
4. Economic benefits or liabilities.
5. Demands on utilities, community facilities, and public services.
6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderdale.
7. Factors relating to safety, health, and general public welfare.

Based upon its review, staff finds the proposed use to be generally consistent with the above considerations. As such, staff recommends approval of the special exception request.

LDR Article III, Sections 2.3 and 2.4., and Schedule B. respectively address permitted and special exception uses. The LDR classifies Convenience Store, which is allowed in the General Commercial (CG) zoning district as a special exception use.

1. **The effect of such use on surrounding properties:** The subject property and all of the surrounding properties are designated Transit Oriented Corridor in the Future Land Use Map Series. The property is zoned General Commercial (CG) on the City of Lauderdale Zoning Map and located along NW 19th ST approximately 200 feet West of State Road 7. The Applicant is proposing to take over an existing Convenience Store Use within a commercial plaza. As the Convenience Store Use is existing, there will not be an adverse effect to the remainder of the commercial plaza or surrounding properties. As such, Staff concludes that this is an appropriate location for the proposed use as it pertains to the use's effect on the surrounding properties.
2. **The suitability of the use in regards to its location, site characteristics, and intended purpose and access:** The existing Convenience Store is located within a small commercial plaza that is also the location of a restaurant use. The existing convenience store is located near the major thoroughfare of ST RD 7 (NW 40th AVE). The intended purpose is to continue to provide a service where the immediate community can continue to purchase everyday essential products. As the Use is in existence and is proposed to be Conveyed with the exact operational plan, Staff finds that the use is suitable in regard to location, characteristics and purpose.

3. **Access, traffic generation and road capacities:** Staff finds that there is existing access along NW 19th Street. The proposed Use will continue to exist with the same square footage and is not proposing any changes to the site. As such, Staff concludes conforms to this criteria as the intensity of the use will remain the same in regards to Access, traffic generation and road capacities.

4. **Economic benefits or liabilities:** Staff concludes that the proposed convenience store provide both direct and indirect economic benefits. The direct benefits are the continuation of 6 jobs within the City of Lauderhill. An additional benefit is the collected sales tax and local business receipt tax. The indirect economic benefits could include sales taxes collected due to employee expenditures within the City. The economic liabilities would include the continued use of public services.

5. **Demands on utilities, community facilities, and public services:** Staff finds that the convenience store is an existing use and concludes that the continued operation of the use would not generate a greater demand on utilities and community facilities.

6. **Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill:** Staff finds that a convenience store is a commercial use. The site and all abutting sites are designated Transit Oriented Corridor on the City's Future Land Use Map and the Future Broward County Land Use Plan. Both the City and the County plans allow for convenience stores within the Transit Oriented Corridor designation. Staff finds that the application is in conformance with the City and County Comprehensive plans.

7. **Factors relating to safety, health, and general public welfare:** Staff concludes that a convenience store can adversely impact the public safety, health, and general welfare unless such adverse impacts are substantially mitigated. Staff concludes that as opposed to other commercial uses, a convenience store is susceptible to increased crime. Staff concludes that the convenience store use shall be operated consistent with all applicable Florida State Statutes governing Convenience Businesses and regarding Security and training to include but not be limited to Florida State Statute Sections 812.171, 812.173, and 812.174. Staff concludes that

through Special Exception Use conditions the adverse impacts of such can be substantially mitigated and that this application is in conformance with LDR Article IV, Part 4.0, Section 4.6.

Planning and Zoning staff has obtained from the Police Department the records of calls for service for this existing laundromat facility. The record shows that between months of March of 2019 and March of 2020 there were 893 calls for service. The record shows that between the months of March 2020 and March 2021 there were 843 calls for service. The record of these calls types are included in the attachments of this report. Staff has recommended conditions that are aimed at reducing calls for service, including the requirement to provide a security plan, limiting hours of operation, and the recommendation that a condition be placed provided the City Commission the authority to review the Special Exception Use approval on an annual basis.

In order to help prevent crime, the proposed Convenience Store Use must also 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.

VI. RECOMMENDATION/ACTION

Staff recommends approval of this special exception request for conveyance of a convenience store with prepared foods.

In order to ensure potential effects on the surrounding area is minimized, staff recommends the following conditions be imposed:

1. This special exception use development order to allow the Convenience Store is specifically granted to Ryan Mart, Inc. D/B/A U Save Food Store 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 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 19 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 convenience store days and hours of operation are Sunday through Saturday 8AM to 8 PM. 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. Ryan Mart, Inc. D/B/A U Save Food Store 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 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.
6. 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.
7. 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.
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.
10. Property Owner or Operator must provide a security plan that demonstrates how they will prevent loitering and reduce the amount of police call associated with

trespassing or the presence of "bad actors". In addition to said security plan the property owner or operator shall also provide a property maintenance plan that demonstrates how they will maintain cleanliness in compliance with the Code of Ordinances;

11. In the event of Commission approval, review of this Special Exception Development Order shall take place on an annual basis no later than one month after the date the SEU Development order is issued as allowed by Article IV, Section 4.11.2 of the City of Lauderhill's Land Development Regulations.

VII. ATTACHMENTS

- A. SEU application submittal
- B. 4037-4039 NW 19th Street, Site plan
- C. 4039 NW 19th Street, Floor Plan
- D. Inventory of fixtures and equipment
- E. SEU Conditions Affidavit

VIII. Prepared By:
Molly Howson
Acting City Planner
March 25, 2021

