



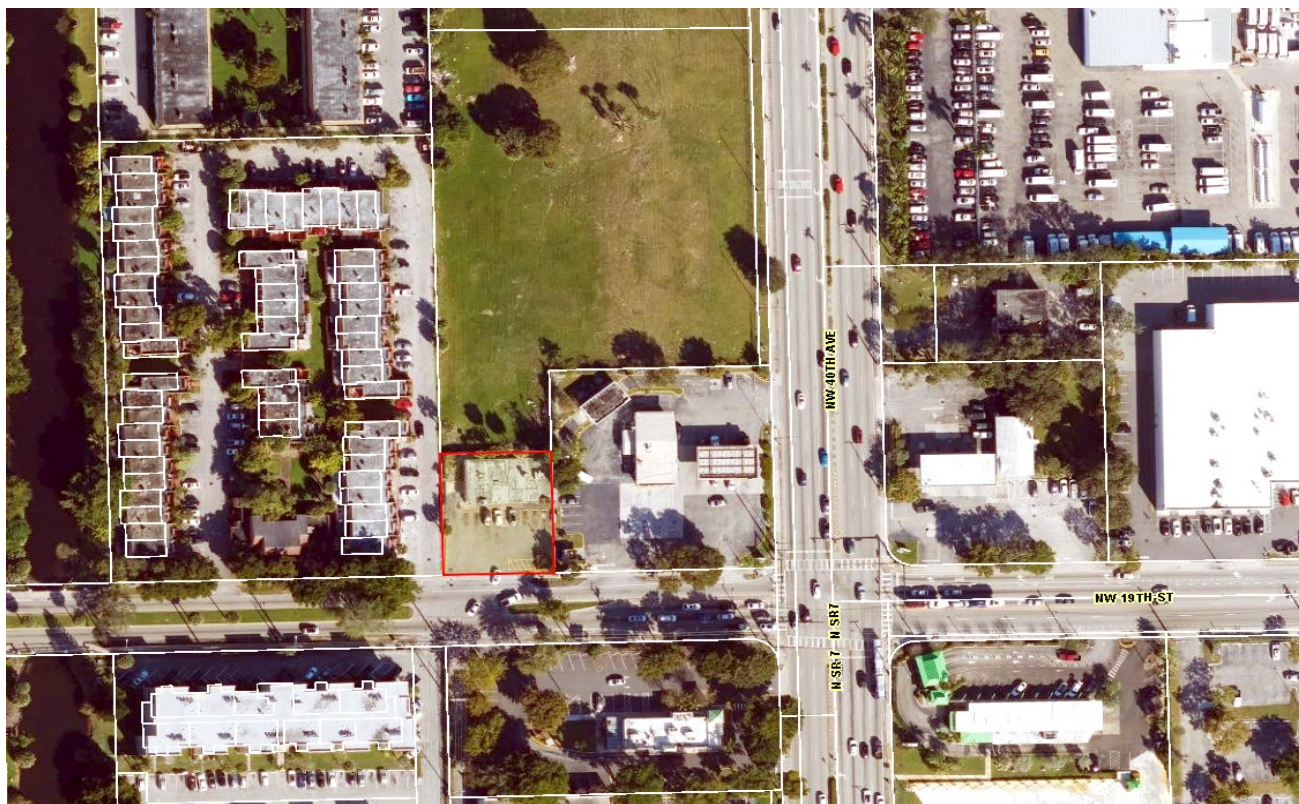
Development Review Report (DRR)

To: Kennie Hobbs, Jr., *City Manager*
Via: Daniel T. Keester-O'Mills, AICP, *Development Services Director*
From: Dominic Lindsay, *Associate Planner*
RE: Special Exception Application No. 25-SE-010 (4039 NW 19 ST)
Date: September 3, 2025

The applicant (Md Imran Hossan – Ryan Mart Inc. business owner/ tenant) has filed a Special Exception application on behalf of the property owner NTT R E Investments, LLC. The property is generally located near the NW corner of NW 19th ST and N State Road 7. The following table includes relevant information on the property and application request:

Property Address:	4039 NW 19 ST
Tax Folio ID(s):	494125280010
Property Owner:	NTT R E Investments, LLC
Applicant Name:	Md Imran Hossan, owner of Ryan Mart Inc. dba U Save Food Store
Zoning District(s):	CG (General Commercial)
Land Use Designation(s):	Commercial
Legal Description: 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.	
Applicant Request: The applicant is requesting a special exception approval modification of an existing Convenience Store (Ryan Mart Inc. dba U Save Food Store) to allow an extension of the closing time from 11pm to 2am. The subject property is located at 4039 NW 19th ST, Lauderhill, Florida within the Commercial General (CG) zoning district on an approximately 0.27± acre site.	
Application Type: Special Exception Special Exception uses which are essential or desirable for the orderly development of the City and for the public convenience or welfare but which, because of their particular characteristics or area requirements, should be given individual consideration with respect to adjacent property, under conditions as specified in these regulations because of public welfare, health or safety. <u>Approval of any special exception use application shall require four (4) votes by the City Commission. In the event that there shall be a quorum of fewer than four (4) Commissioners, approval must then be unanimous.</u> There are seven standards for approval. All standards must be addressed in order to grant a special exception.	

I. AERIAL & ADJACENT PROPERTIES



Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Commercial	Transit Oriented Corridor	General Commercial (CG)
South	Commercial	Transit Oriented Corridor	General Commercial (CG)
East	Commercial	Transit Oriented Corridor	General Commercial (CG)
West	Residential Multi-family	Transit Oriented Corridor	Residential Multi-Family at 22 units per acre (RM-22)

II. 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. PROPERTY HISTORY

Special Exceptions

- Resolution No. 21R-06-114 –Convenience Store Use in CG Zoning District
- Resolution No. 22R-07-132 –Post approval modification of Res. No. 21R-06-114 limiting the hours of operation from 24 hours per day 7 days a week to 6AM to 11PM, 7 days a week

Code Violations

- Case #: 24040096 – Notice of Violation to re-sod bare and deteriorated swale

Variances

- None

Development History

- The retail center (~3,306 sq. ft. building) was constructed approximately 1974.
- A site plan application was submitted in 2011 for the construction of a dumpster enclosure.

IV. 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 does not find that the proposed use is consistent with all of the above considerations. As such, staff recommends denial 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 a 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 extend the hours of operation within the Convenience Store Use. Although the Convenience Store Use is existing, staff is of the opinion that there will be an adverse effect to the surrounding properties based on the 778 calls for service for the period April 2024 through April 2025. As such, Staff concludes that extending the closing time until 2:00AM would not be appropriate 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 (Snappers Fish & Chicken). 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, 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 the use 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 Lauderdale. 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 although the convenience store is an existing use, the extended hours of operation may generate a greater demand on utilities and public services.
6. **Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderdale:** 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 that is open late can adversely impact the public safety, health, and general welfare unless such adverse impacts are substantially mitigated. According to a nationwide study by the National Association of Convenience Stores, operating a convenience store late at night, particularly after 11 p.m., increases the risk of crime compared to daytime hours. Robbers are attracted to late-night convenience stores due to high cash flow, minimal staffing, and potential for quick escape. Furthermore, this same study concludes that 69% of convenience store homicides were found to occur between 11 p.m. and 7 a.m. Staff concludes that as opposed to other commercial uses, a convenience store, especially one that remains open past 11 p.m. may be susceptible to increased crime.

Planning and Zoning staff has obtained from the Police Department the records of calls for service for this existing Convenience Store. The record shows that between months of April of 2024 and April of 2025 there were 778 calls for service. The record shows that between the months of March 2019 and March 2020 there were 893 calls for service. The record of these call types are included in the attachments of this report. The post approval modification which occurred in 2022 as a result of U Save Food Store's original conditions violation limited the hours of operation from 24 hours per day to the current 6am to 11pm schedule. The calls for service records show that there has been an almost 13% reduction in the calls for service after the 2022 post approval modification that limited the hours of operation to close at 11 p.m. Therefore, Staff does not recommend extension of closing time to 2 a.m.

Based on the planning analysis, staff recommends **denial** of this Special Exception Use approval.

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

V. RECOMMENDATION/ACTION

Planning and Zoning recommends the City Commission deny the request of Ryan Mart Inc. dba U Save Food Store to allow an increase in the hours of operation which is currently 6 a.m. to 11 p.m. to the proposed new hours of 6 a.m. to 2 a.m. Should the City Commission choose to approve the Special Exception Use request, Staff recommends 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. 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 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.

VI. ATTACHMENTS

1. *SEU Application Submittal*
2. *Resolution No. 21R-06-114 –Convenience Store Use in CG Zoning District*
3. Resolution No. 22R-07-132 –Post approval modification of Res. No. 21R-06-114 limiting the hours of operation from 24 hours per day 7 days a week to 6AM to 11PM, 7 days a week
4. Copy of U Save Food Store Calls for Service
5. Petitions for U Save Food Store