



Development Review Report (DRR)

To: Daniel T. Keester-O’Mills, AICP, *Planning & Zoning Director*
From: Nadine Fearon, *Associate Planner*
RE: Special Exception Application No. 24-SE-012 (3101 – 3105 W. Broward Blvd.)
Date: September 9, 2024

The applicant (Hope Calhoun) is representing the Petitioner, Jaimon & Lissy, Inc. (Owner of Flamingo Liquors), and has filed a special exception application. Figure 1, below, provides an aerial of the subject site located on the NW corner of Broward Blvd. and NW 31 Avenue (the property is west Advance Auto Parts). The following information has been prepared for your consideration:

I. BACKGROUND INFORMATION

Requested Action

The Petitioner requests conveyance of a Special Exception Use to Jaimon & Lissy, Inc. to allow continued use within the Commercial General (CG) zoning district of an Existing Package Store on an approximately 0.76± acre site located at 3101-3105 W. Broward Blvd., Lauderhill, Florida 33311.

Figure 1



Applicable Land Development Regulations

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

Article IV, Section 1.3.2 – Completeness of Application, provides for the Department to review any land development order application

Article IV, Section 1.4.4 – Major Review, provides that within 45 days from the acceptance of the application for development subject to major review

Article III, Sections 2.3 and 2.4., and Schedule B – Allowable Land Uses; Additional requirements for Specific Uses; Allowable Uses

Article III, Section 5.32.1 - General, the following shall apply to all restaurants, including restaurant bars

Article IV, Section 4.3.B - Existing zoning provisions and uses

Article IV, Section 4.4 - Approval for Special Exception Uses

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

Article IV, Section 4.5.B – Application for Approval, provides the Department shall not accept a special exception use application if the property is subject to unpaid city liens, fines or fees

Article IV, 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

Article IV, Section 4.10 - Conveyance of uses that are subject to special exception approval.

Article III, Section 5.3.1. In general - All alcoholic beverage establishments shall be subject to the following general standards and requirements.

II. SITE INFORMATION

Legal Description:

6-50-42 BEG AT SE COR OF SEC,N 340.43,W 165,S 341.3,E 140 TO POB LESS S 50 & LESS E 35 FOR CO RDS & LESS COMM AT SE COR OF SEC 6,W 62.38 N 50 TO POB,NE 38.87 TO PT ON LINE 35 W OF E/L OF SEC 6, S 27.46,W 27.46 TO POB LESS 30 X 35 PAR DESC IN OR 16287/513 and 6-50-42 BEG AT SE COR SEC 6,W 140,NW 50.13 FOR POB,CONT NW 225.71, W 12.31,S 225,E 28.49 TO POB LESS OR 6461/693.

Address:

3101-3105 W. Broward Blvd., Lauderhill, Florida 33311

Tax Folio Number(s):

504206000330 and 504206000300

Land Use/Zoning:

Existing Use(s):	Commercial – Shopping Center: Package Store / Fast Food In-Line Restaurant
Future Land Use Designation:	Commercial
Zoning Designation:	General Commercial (CG)

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Vacant Land	Low Medium (10) Residential	Single Family Residential Annexed (RS-4A)
South	Commercial – Fast Food	Commercial (City of Fort Lauderdale)	B-2 (City of Fort Lauderdale)
East	Commercial - Retail	Commercial (Unincorporated Broward County)	B-1 (Unincorporated Broward County)
West	Commercial – Place of Religious Worship	Commercial	CG (Commercial, General)

III. ZONING HISTORY

Existing Special Exceptions

None

Violations

None

Existing Variances

None

Development History

- The existing building was constructed in 1957 on an approximate +/- 0.76 acres parcel. The building is approximately 5,000 square feet of which only 4,000 square feet used for the Package Store while the other 1,000 is used for a restaurant.

Nonconformities

- LDR’s Article IV Section 5.3.11.A prohibits to Package Stores from abutting or adjacent to residential zoning districts; however, Flamingo Liquor abuts Residential RS-4A to the north. Based on the records available to staff, a “package store” use has been in operation since the 1960’s and never ceased operations for a period greater than one year. The City of Lauderdale annexed this area in 2003 and a package store use is allowed by special exception at this location. Due to the change in ownership the LDR’s Article IV Section 4.10. – “Conveyance of uses that are subject to special exception approval” this type of use must seek approval of the City Commission for approval. The previous operator did not comply with this distance separation requirement.

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 Lauderhill.
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 a Package 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 Commercial in the Future Land Use Map Series. The property is zoned General Commercial (CG) on the City of Lauderhill Zoning Map and located at the northwest corner of West Broward Blvd and NW 31st Avenue. The Applicant is proposing to take over an existing Package Store Use. As the Package Store Use is existing, Staff does not anticipate adverse effects to the 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 Package Store is located at the northwest corner of West Broward Blvd and NW 31st Avenue. The existing Package Store is along a major thoroughfare (Broward Blvd.). The intended purpose is to continue to provide a service where the immediate community can continue to purchase their beverage of choice. Since the property has been operating as Package Store since the 1960's, 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 are existing accesses along NW 31st Avenue and West Broward Blvd. The proposed use will continue to exist with the same square footage and is not proposing any changes to the site. As such, Staff determines conformity 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 Package store provides both direct and indirect economic benefits. The direct benefits are the continuation of jobs within the City of Lauderhill. The applicant advised that Flamingo Liquor, will have up to 5 employees on staff with Sales Clerk estimated salaries to be \$17.00/hour. 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 and support of other neighboring businesses.

5. **Demands on utilities, community facilities, and public services:** Staff finds that the Package Store is an existing use and that the continued responsible operation of the use should 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 Package Store is a commercial use. Both the City and the County plans allow for Package Store within the Commercial Corridor designation. Staff finds that the proposed use is in conformance with the City and County Comprehensive plans.
6. **Factors relating to safety, health, and general public welfare:** Staff acknowledges that a Package store can adversely impact the public safety, health, and general welfare unless such adverse impacts are substantially mitigated. The applicant advised the property has security camera surveillance, 24-hour alarm system, protective windows within the store to limit public access and well lit, property to ensure the safety of guest and community. The applicant is the owner of the property and committed to maintaining a clean and safe environment. 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.

V. **RECOMMENDATION/ACTION**

Staff recommends **approval** of this special exception request for conveyance of a Package Store.

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 Package Store is specifically granted to Jaimon & Lissy, Inc. d/b/a Flamingo Liquors 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 package store may be operated by other business entities so long as there is no change in ownership as specified herein.
2. The Package Store use is restricted to 4,000 square feet of leasable space located at 3101-3105 W. Broward Blvd., Lauderhill, Florida 33311. 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. Package Store allowable days and hours of operation are Sundays 12:00 pm - 12:00 am and Monday through Saturday 9:30 am – 9:00 pm. The Land Development Regulations Article III., Part 5.3., Subsection 5.3.11.B. prohibits the sale of alcoholic beverage Sundays, midnight to 12:00 noon and Monday – Saturday, 9:00pm – 9:30am.
4. 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.
5. 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.
6. 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.
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. Pursuant to Article IV Section 5.3.11. of the Land Development Regulations, a discontinuance of operations for a period of one year would forfeit any legal nonconformities related to the proximity of residential zoning districts.
8. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.
9. Property Owner or Operator must provide a security plan that demonstrates how they will prevent and reduce the amount of police calls associated with trespassing or the presence of other loitering. 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.

VI. ATTACHMENTS

None