

RESOLUTION NO. 21R-06-114

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO RYAN MART, INC. D/B/A U SAVE FOOD STORE, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT THE CONVEYANCE OF AN EXISTING CONVENIENCE STORE USE ON 0.27 ± ACRE SITE AS LEGALLY DESCRIBED HEREIN AND MORE COMMONLY KNOWN AS 4039 N.W. 19TH 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 Ryan Mart, Inc. d/b/a U Save Food Store, to allow in the General Commercial (CG) Zoning District the conveyance of an existing convenience store use on a 0.27 ± square feet site as legally described herein and more commonly known as 4039 N.W. 19th 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 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 AM 24 hours a day. 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". The Owner must provide the security plan to the City within 30 days of the passage of this Resolution. The

City has 30 days from the date of receipt to bring it through the approval process, then Owner has 90 days after the approval to implement the security plan. 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;

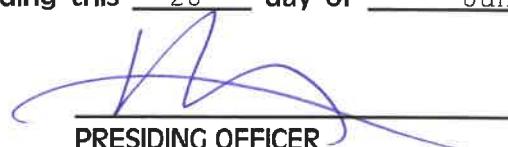
11. In the event of Commission approval, review of this Special Exception Development Order shall take place on an annual basis no later than one month after the date the SEU Development order is issued as allowed by Article IV, Section 4.11.2 of the City of Lauderhill's Land Development Regulations.

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.

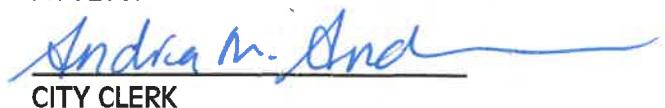
DATED this 28 day of June, 2021.

PASSED AND ADOPTED on first reading this 28 day of June, 2021.



PRESIDING OFFICER

ATTEST:



Andrea M. And
CITY CLERK

MOTION M. Dunn
SECOND L. Martin

M. DUNN	<u>Yes</u>
D. GRANT	<u>Yes</u>
L. MARTIN	<u>Yes</u>
S. MARTIN	<u>Yes</u>
K. THURSTON	<u>Yes</u>

Approved as to Form



W. Earl Hall
W. Earl Hall
City Attorney