



City of Lauderhill

City Commission
Chambers at City Hall
5581 W. Oakland Park
Blvd.
Lauderhill, FL, 33313
www.lauderhill-fl.gov

File Details

File Number: 24R-5541

File ID: 24R-5541

Type: Resolution

Status: Agenda Ready

Version: 1

Reference:

In Control: City Commission
Meeting

File Created: 02/09/2024

File Name: Special Exception - Unlimited Smoke & Food
Convenience Store

Final Action:

Title: RESOLUTION NO. 24R-02-36: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA GRANTING TO UNLIMITED SMOKE & FOOD STORE, LLC., SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG), ZONING DISTRICT A CONVENIENCE STORE USE IN A +/- 1200 SQUARE FEET UNIT LEGALLY DESCRIBED AS UNITS 1 AND 2 OF B-PLAZA CONDOMINIUM, ACCORDING TO THE DECLARATION THEREOF, AS RECORDED IN BOOK 34684, PAGE 978, OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; MORE COMMONLY KNOWN AS 8717 AND 8723 N.W. 50TH STREET., LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Notes:

Sponsors:

Enactment Date:

Attachments: RES-24R-02-36-Special X - Convenience
Store-Unlmted Smoke & Food Store.pdf, Attachment
A - Application & DRR Report, Attachment B - Floor
Plan, Attachment C - Affidavit of Conditions
2-22-24.pdf

Enactment Number:

Contact:

Hearing Date:

* **Drafter:** apetti@laudershill-fl.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 24R-5541

RESOLUTION NO. 24R-02-36: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA GRANTING TO UNLIMITED SMOKE &

FOOD STORE, LLC., SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG), ZONING DISTRICT A CONVENIENCE STORE USE IN A +/- 1200 SQUARE FEET UNIT LEGALLY DESCRIBED AS UNITS 1 AND 2 OF B-PLAZA CONDOMINIUM, ACCORDING TO THE DECLARATION THEREOF, AS RECORDED IN BOOK 34684, PAGE 978, OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; MORE COMMONLY KNOWN AS 8717 AND 8723 N.W. 50TH STREET., LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Request Action:

Pass a Special Exception Use with conditions for a convenience store as requested by Unlimited Smoke & Food Store, LLC. in a 1,200 square feet unit on a property commonly known as 8717 and 8723 NW 50 Street.

Need:

To approve a special exception use with conditions.

Summary Explanation/ Background:

The Applicant (UNLIMITED SMOKE & FOOD STORE, LLC) is requesting special exception approval to allow a convenience at the subject property (8717 - 8723 NW 50th ST, Lauderhill, FL). If approved by the City Commission, the proposed tenant will occupy approximately 1,200 square feet within a commercial plaza. The same owner currently operates another convenience store in Sunrise, FL, which the Applicant indicates has operated under the same management for 3 years. The company has 2 employees. The Applicant is proposing to take over an existing convenience store; however, due to the fact that the previous operator did not obtain a special exception the new owner is required to obtain approval from the City Commission prior to the issuance of an approved Certificate of Use. While a convenience store provides both direct and indirect economic benefits such as, additional full time jobs to the City of Lauderhill, as well as the collected sales tax and local business receipt tax there are also potential adverse impacts to public safety, health and general welfare unless impacts are substantially mitigated. The Applicant has referenced in their application several efforts to address criminal activity (installed cameras, alarm system and panic alarm), however, the Applicant must adhere to all provisions in the Land Development Regulations related to convenience stores, which staff recommends as a condition of the Applicant (if approved by the City Commission). Based on our review, Staff finds that the Applicant has demonstrated compliance with all applicable special exception considerations and recommends approval of the request subject to the following conditions:

1. This special exception use development order to allow the Convenience Store is specifically granted to UNLIMITED SMOKE & FOOD STORE, LLC 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. Further, this special exception use development order shall automatically expire and become null and void if any entity other than UNLIMITED SMOKE & FOOD STORE, LLC operates the convenience store.
2. The Convenience Store use is restricted to approximately 1,200 square feet of leasable space located at 8717 - 8723 NW 50th 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 submittal of a safety plan approved by the Lauderhill Police Department is required prior to the city issuance of conveyance of an associated Certificate of Use (COU).

4. The convenience store days and hours of operation are Monday through Friday 8AM-10PM, Saturday 9AM-10PM and Sunday 10AM-10PM. 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.

5. UNLIMITED SMOKE & FOOD STORE, LLC 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.

6. 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.

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. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a development permit or site plan approval is applied for within the one hundred eighty-day period.

9. 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.

10. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

Attachments:

Attachment A. Application & Development Review Report

Attachment B. Floor Plan

Attachment C. Affidavit of Conditions

Cost Summary/ Fiscal Impact:

The Planning & Zoning Department finds that the implementation of this resolution/ordinance will not require a budget allocation or expenditure of city funds and concludes it does not have any direct fiscal impact on the city's budget.

Estimated Time for Presentation: 5 minutes (if necessary)

Master Plan:

Goal 1: Clean, Green Sustainable Environment

- ☐ Increase mass transit ridership ☐ Reduce City energy consumption
☐ Reduce water consumption

Goal 2: Safe and Secure City of Lauderhill

- ☐ Crime in lower 50% in Broward ☐ Residents feel safe in neighborhood

☐ Reduce emergency fatalities

Goal 3: Open Spaces and Active Lifestyle for all ages

☐ Increase participation in youth sports ☐ Add new park land and amenities

☐ Increase attendance at cultural programs and classes

Goal 4: Growing Local Economy, Employment and Quality of Commercial Areas

☒ Increase commercial tax base ☒ Increase employment in Lauderhill businesses

☐ Decrease noxious and blighted uses in commercial areas

Goal 5: Quality Housing at all Price Ranges and Attractive Communities

☐ Neighborhood signs and active HOAs ☐ Housing & streets improved, litter reduced

☐ Increase proportion of single family homes and owner occupied housing

Goal 6: Efficient and Effective City Government, Customer Focused & Values Diversity

☐ Improves City efficiency ☐ Increase use of Information Technology

☐ Increases residents perception of Lauderhill as an excellent place to live