

RESOLUTION NO. 22R-07-132

A RESOLUTION OF THE CITY OF LAUDERHILL CITY COMMISSION REVIEWING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER PREVIOUSLY ISSUED TO RYAN MART, INC. D/B/A U SAVE FOOD STORE VIA RESOLUTION NO. 21R-06-114, FOR ANNUAL POST-HEARING REVIEW AND AS A RESULT OF A VIOLATION OF THE CONDITIONS OF THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER; PROVIDING A PUBLIC HEARING TO DISCUSS WHETHER A MODIFICATION, SUSPENSION, OR REVOCATION OF THE SPECIAL EXCEPTION OR ITS CONDITIONS IS NECESSARY FOR THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER GRANTED TO RYAN MART, INC. D/B/A U SAVE FOOD STORE ON JUNE 28, 2021, 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 (REQUESTED BY CITY MANAGER, DESORAE GILES-SMITH).

WHEREAS, Ryan Mart, Inc. d/b/a U Save Food Store was previously granted a Special Exception Use Development Order subject to conditions via Resolution No. 21R-06-114 on June 28, 2021; and

WHEREAS, the Land Development Regulations, Article IV, Section 4.11.1 provide for post-approval review of Special Exception Use Development Orders by the City Commission; and

WHEREAS, condition #11 of the original Special Exception called for annual review of this Special Exception, and that annual review was due as of June 28, 2022; and

WHEREAS, potential violations of the various conditions require a public hearing back before the City Commission to determine whether the Special Exception requires modification, suspension or revocation of the use development order itself or its conditions;

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

Section 1. The review of Special Exception Use Order previously granted via Resolution No. 21R-06-114 to 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, hereby results in the following findings by the City Commission:

The Special Exception is hereby modified to continue to include the original conditions, as well as the following conditions as modified effective July 11, 2022:

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 Lauderdale, 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 hereby modified to be permanently reduced effective 10 days from now (on July 21, 2022) to operate 6AM to 11PM, 7 days a week. 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. The police shall report back with a status as to whether there is any change in the level of police incidents in the next 90 days.

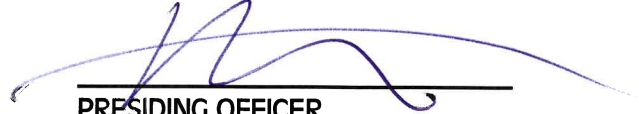
7. Any violation of these conditions of approval may result in a public hearing before the City Commission at any time deemed necessary and may result in the modification, suspension or revocation of this special exception use development order or its conditions or both.
8. If a use which has been granted 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. A review shall be conducted at least annually each year, and may be reviewed sooner if determined to be necessary by city staff or the city commission.
12. The business must hire an approved bonded, licensed and insured security company to operate on business premises from 3PM to 11PM every day. The company must be approved by the city, and the city must be provided with at least fifteen (15) days notice of any change in the hired security company. The business may hire a private police special duty detail paid for by the business, in lieu of a hired bonded, licensed and insured security company if it chooses to do so.

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 11 day of July, 2022.

PASSED AND ADOPTED on first reading this 11 day of July, 2022.



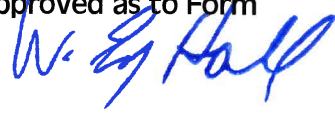
PRESIDING OFFICER

ATTEST:


CITY CLERK

MOTION L. Martin
SECOND K. Thurston

M. DUNN Absent
D. GRANT Yes
L. MARTIN Yes
S. MARTIN Yes
K. THURSTON Yes

Approved as to Form


W. Earl Hall
City Attorney