

# *City of Lauderhill*

Special Exception Application No. 21-SE-002

OSCAR MENDEZ, M.D., P.A.

## **I. APPLICANT INFORMATION**

### PETITIONER

Oscar Mendez

### STATUS OF PETITIONER

Business Owner and Operator

## **II. BACKGROUND INFORMATION**

### Requested Action

The petitioner requests approval of a Special Exception Use Application to allow an Office, Medical, with Controlled Substance Provider use within the General Commercial (CG) zoning district for the property located at 5950 W. Oakland Park Blvd, Lauderhill, Florida.

### Applicable Land Development Regulations & City Codes:

Article III, Section 2.3. Allowable land uses.

Article III, Section 5.28. Offices.

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

Article IV, Section 4.4. Approval for Special Exception Uses.

## **III. SITE INFORMATION**

### Legal Description

THE OAKLAND SHOPPES 82-37 B TR A,E 178 OF W 313

# FIGURE 1

## PROPOSED OFFICE, MEDICAL, WITH CONTROLLED SUBSTANCE PROVIDER



5950 W. OAKLAND PARK BLVD

The 62,325 square foot (1.43+ acres) site is developed with a three story multi-tenant building consisting of approximately 41,070 square feet within the General Commercial (CG) zoning district. Figure 1 is an aerial photograph highlighting in red the subject property and showing the general location of the property in relation to the surrounding roadways and uses.

According to Broward County Property Appraiser, the building was constructed in 1981. Based on City of Lauderhill records the site has been the home to General Office and Educational uses since it was constructed.

Land Use/Zoning:

Existing Land Use	Commercial
Future Land Use Designation	Commercial
Zoning Designation	General Commercial (CG)

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Commercial Plaza	Commercial	General Commercial (CG)
South	Multifamily	Medium (16) Residential	Residential Multi-Family (RM-18)
East	Dollar Store	Commercial	General Commercial (CG)
West	Funeral Home	Commercial	General Commercial (CG)

**IV. ZONING HISTORY**

Existing Special Exceptions

None.

Violations

None.

Existing Variances

None

**V. 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.

The proposed Office, Medical with Controlled Substance Provider use is for a State of Florida licensed Comprehensive Family Medical Practice for Patients that are eighteen and older. Their services include Echocardiograms, Electrocardiograms, General Primary Care, Immigration Physicals, Lab Work, School Physicals, Sonograms, and Well Woman Exams.

The Florida State Surgeon identified the site as a Health Professional Shortage Area which makes the proposed Office, Medical with Controlled Substance Provider use ideal at the proposed location.

The Applicant is proposing to operate from 7:00 a.m. to 7:00 p.m. Mondays through Fridays and Saturdays from 8:00 a.m. to 6:00 p.m.

The proposed facility will initially have forty-one employees and will continued hiring to a maximum of seventy employees based on future needs.

Dr. Oscar Mendez currently holds a license for the prescribing of controlled substances, as such; the business is considered an Office, Medical with Controlled Substance Provider use. Although Dr. Mendez may prescribe controlled substances to his patients (depending on their medical diagnosis), there will not be any dispensing of controlled substances on site.

Dr. Oscar Mendez is in good standing with the Florida Board of Medicine and have no complaints or disciplinary actions on file.

Based upon its review, staff finds the proposed use of an Office, Medical, with Controlled Substance Provider use to be consistent with the above considerations. As such, staff recommends approval of the special exception request.

## **VI. RECOMMENDATION/ACTION**

Division recommendation. The Planning and Zoning Division recommends the City Commission adopt a resolution granting to OSCAR MENDEZ, M.D., P.A. to allow an Office, Medical, with Controlled Substance Provider use on a 62,325 square foot (1.43+ acres) within the General Commercial (CG) zoning district and located at 5950 W. Oakland Park Blvd subject to the following conditions:

1. This special exception use development order for an Office, Medical, with Controlled Substance Provider use is specifically granted to OSCAR MENDEZ, M.D., P.A. and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another person. Further, this special exception use development order shall automatically expire and become null and void if any person other than OSCAR MENDEZ, M.D., P.A., operates the use. 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. This special exception use development order shall automatically expire and become null and void if the use shall cease to operate. Moreover, this special exception use development order shall automatically expire and become null and void if OSCAR MENDEZ, M.D., P.A. is sold, assigned, transferred or otherwise conveyed to another person.

2. The Office, Medical, with Controlled Substance Provider use is restricted to a total of 18,300 square feet (3,800 square feet on the 1<sup>st</sup> floor and 14,500 square feet on the third floor) as indicated on the proposed site plan. 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 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, reduction or removal of the use to another location.
3. The general days and hours of operation are 7:00 a.m. to 7:00 p.m. Mondays through Fridays and Saturdays from 8:00 a.m. to 6:00 p.m. Any increase in either the days or hours of operation or both is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase.
4. 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.
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 or Code 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 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.
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.

Any violation of these conditions may result in a public hearing before the City Commission in order to determine whether this special exception use development order should be revoked, suspended or modified

## **VII. ATTACHMENTS**

Attachment A: SEU Application Submittal

Attachment B: Site Plan/Survey

Attachment C: Floor plan 1<sup>st</sup> floor and 3<sup>rd</sup> floor

Attachment D: SEU Conditions Affidavit

Prepared by: Chris Torres, City Planner

Date: February 25, 2021