

RESOLUTION NO. 2025R-07-125

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA, GRANTING LAUDERHILL MALL DENTAL, P.A., A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT A DENTAL OFFICE WHICH INCLUDES A MEDICAL PROVIDER AUTHORIZED TO PRESCRIBE CONTROLLED SUBSTANCE, WITHIN A 1,500 SQ. FT UNIT ON A 27.59± ACRE SITE LOCATED AT 1249 & 1267 NW 40 AVE LAUDERHILL, FLORIDA, AND MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the property owner, Lauderhill Mall Investment LLC, on behalf of Lauderhill Mall Dental, is requesting a special exception use development order to allow a medical provider authorized to prescribe controlled substances, within the Community Commercial (“CC”) zoning district, within a 1,500 sq. ft unit located at 1249 and 1267 NW 40th Ave, Lauderhill, Florida 33311; and

WHEREAS, the subject property is also legally described as 36-49-41 BEG SE COR OF SEC, NLY 1911.74, W 50 TO POB, N 1655, W 150N 150, W 765.26, S 1805.60, ELY 918.26 TO POB, LESS NW 16 ST & PT INC IN INSTR# 113531785 & LESS PT PLATTED AS LAUDERHILL MALL SOUTH PARCELS; and

WHEREAS, City Staff has analyzed the application and the City’s Code of Ordinances and finds that the request meets the criteria as set forth in the code of ordinances.

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

Section 1. The above recitations are true and incorporated herein.

Section 2. The City Commission, having considered all testimony and evidence presented at the Commission meeting, including the staff report, and pursuant to the City’s Code of Ordinances, hereby finds that the request meets the criteria as set forth in section Article IV, Section 4.6 of the City’s Code of Ordinances.

Section 3. The Special Exception Use Development Order for property located at 1249 and 1267 NW 40th Ave., Lauderhill, Florida 33311, is hereby approved, subject to the following conditions:

1. This special exception use development order allows for no controlled substance prescriptions to anyone other than a dental patient in connection with a dental procedure performed or to be performed and no prescription refills.

2. This special exception use development order is granted to the property owner, Lauderhill Mall Investment LLC, on behalf of Lauderhill Mall Dental. The property owner may delegate authority of the approval to tenants to operate a doctor's office on-premise. Pursuant to section 1.3.11, Transfer of Development Orders or Approvals, should the property be sold, transferred or otherwise re-assigned the new owner shall notify the Development Services Department of the City updated contact information within five (5) days of change of ownership.
3. The dental office, which includes a medical provider authorized to prescribe controlled substance use is restricted to 1,500 square feet of leasable space located at 1249 and 1267 NW 40th Ave, Lauderhill, Florida 33313. 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.
4. This Special Exception Use development order to allow a dental office, which includes a medical provider authorized to prescribe controlled substances is specifically granted the property owner. Each medical office is required to obtain a Certificate of Use (COU) and each dentist is required to apply for a Certificate of Use, as well as maintain an active and valid dental license at all times. All doctors, employees, agents and independent contractors are subject to, and covered by, the express terms and conditions of this Special Exception Use Development Order.
5. The general days and hours of operation are (6) days a week, Monday – Friday 9am – 6pm and Saturdays 9am – 3pm. Any increase in hours of operation is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase.
6. If there are any code enforcement violations or liens, Police or Florida Board of Medicine complaints, or any disciplinary actions by the Department of Health, they are grounds for this Special Exception Use Development Order to 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 Certificate of Use (COU) is submitted and subsequently approved 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. 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.
10. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED this _____ day of _____, 2025.

DENISE D. GRANT, MAYOR
PRESIDING OFFICER

ATTEST:

ANDREA M. ANDERSON, MMC
CITY CLERK

MOTION _____
SECOND _____

Approved as to Form

R. CAMPBELL _____
M. DUNN _____

Hans Ottinot

D. GRANT _____
J. HODGSON _____
S. MARTIN _____

City Attorney