

RESOLUTION NO. 22R-06-129

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO 441 ARTHOUSE/MATTHEW JACOCKS, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A COMMERCIAL MIXED-USE DEVELOPMENT PROJECT WITH 245 MULTI-FAMILY UNITS LOCATED IN THE TRANSIT ORIENTED CORRIDOR (TOC) ON A 4.7 ± ACRE VACANT SITE LEGALLY DESCRIBED AS PARCEL 1: A PORTION OF TRACT "A", LAUDERHILL SHOPPES NO. THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT 82, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY AND PARCEL 2: A PORTION OF TRACT "A", LAUDERHILL SHOPPES NO. THREE LOTS ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT 82, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, LESS THAT PORTION OF SAID TRACT "A", LYING NORTH OF WESTERLY EXTENSION OF THE SOUTH LINE OF PARCEL "A" PHILLIPS LAUDERHILL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 76, PAGE 12 OF THE PUBLIC RECORDS OF BROWARD COUNTY AND AS LEGALLY DESCRIBED HEREIN; 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 441 Arthouse/Matthew Jacocks to allow in the General Commercial (CG) Zoning District a commercial mixed-use development project with 245 multifamily units located in the Transit Oriented Corridor (TOC) on a 4.7± acre site as legally described herein, is hereby approved, subject to the following conditions:

1. This application approval shall be contingent upon the approval of the Site Plan, traffic impact analysis, and CPTED review.
2. 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. Further, consistent with LDR Article IV, Part 1.0., Section 1.8, this development order may be revoked, suspended or modified based on the

grounds stated herein. In addition, this development order is subject to post-approval review consistent with LDR Article IV, Part 4.0., Section 4.11.

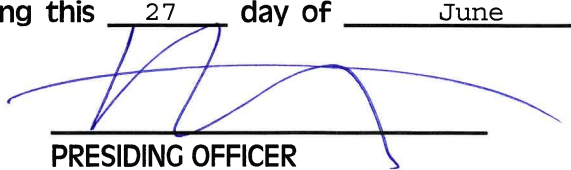
3. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a development permit or site plan approval is applied for within the one hundred eighty-day period.
4. If a use which has been granted a special exception shall cease to operate for a continuous period of one (1) year, the special exception approval shall expire.
5. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.
6. The owner shall work with city staff and provide a security plan and security cameras.
7. The owner agrees to maintain the easement and install landscaping, buffer, and wall in accordance with the approved site plan. The dog run is permitted to be located within this buffer area to satisfy these requirements.
8. The development must have a professional management company hired and active and the owner agrees not to allow condo conversions of the units.

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 27 day of June, 2022.

PASSED AND ADOPTED on first reading this 27 day of June, 2022.


PRESIDING OFFICER

ATTEST:


CITY CLERK

MOTION
SECOND

S. Martin

L. Martin

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

Yes
Yes
Yes
Yes
Yes

Approved as to Form



W. Earl Hall
City Attorney



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: 22R-4640

File ID: 22R-4640

Type: Resolution

Status: Agenda Ready

Version: 1

Reference:

In Control: City Commission Meeting

File Created: 06/14/2022

File Name: Special Exception Application No.21-SE-020

Final Action:

441 Arthouse/ Matthew Jacocks

Title: RESOLUTION NO. 22R-06-129: A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO 441 ARTHOUSE/MATTHEW JACOCS, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A COMMERCIAL MIXED-USE DEVELOPMENT PROJECT WITH 245 MULTI-FAMILY UNITS LOCATED IN THE TRANSIT ORIENTED CORRIDOR (TOC) ON A 4.7 ± ACRE VACANT SITE LEGALLY DESCRIBED AS PARCEL 1: A PORTION OF TRACT "A", LAUDERHILL SHOPPES NO. THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT 82, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY AND PARCEL 2: A PORTION OF TRACT "A", LAUDERHILL SHOPPES NO. THREE LOTS ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT 82, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, LESS THAT PORTION OF SAID TRACT "A", LYING NORTH OF WESTERLY EXTENSION OF THE SOUTH LINE OF PARCEL "A" PHILLIPS LAUDERHILL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 76, PAGE 12 OF THE PUBLIC RECORDS OF BROWARD COUNTY AND AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

Notes:

Sponsors: Giles

Enactment Date:

Attachments: RES-22R-06-129-Special X - 441 Arthouse.pdf, DRR(21-SE-002) DRR 441 Arthouse Final, 21-SE-020_Arthouse Conditions Affidavit REVISED.pdf

Enactment Number:

Contact:

Hearing Date:

* **Drafter:** slangrin@lauderdale-fl.gov

Effective Date:

Related Files:

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 22R-4640

RESOLUTION NO. 22R-06-129: A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO 441 ARTHOUSE/MATTHEW JACOBS, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A COMMERCIAL MIXED-USE DEVELOPMENT PROJECT WITH 245 MULTI-FAMILY UNITS LOCATED IN THE TRANSIT ORIENTED CORRIDOR (TOC) ON A 4.7 ± ACRE VACANT SITE LEGALLY DESCRIBED AS PARCEL 1: A PORTION OF TRACT "A", LAUDERHILL SHOPPES NO. THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT 82, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY AND PARCEL 2: A PORTION OF TRACT "A", LAUDERHILL SHOPPES NO. THREE LOTS ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT 82, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, LESS THAT PORTION OF SAID TRACT "A", LYING NORTH OF WESTERLY EXTENSION OF THE SOUTH LINE OF PARCEL "A" PHILLIPS LAUDERHILL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 76, PAGE 12 OF THE PUBLIC RECORDS OF BROWARD COUNTY AND AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE.

Request action:

Pass a Resolution to approve a Special Exception Use Development Order.

Need:

Within the General Commercial (CG) Zoning District, mixed-use is a special exception use requiring City Commission approval. The applicant needs City Commission approval in order to develop the site as a mixed-use project.

Summary Explanation/ Background:

The site in question is a 4.7± acre vacant site located on State Road 7/ 441 between NW 21 Street and NW 19th Street. The applicant is seeking to develop the property with a 50,597 square foot mixed-use residential community including a total of 245 residential units and 10,000 square feet of commercial retail uses on the ground floor of one of the three proposed building. The conditions were revised at the city commission meeting as moved by the city commission.

Attachments:

Attachment A- Development Review Report

Attachment B- Special Exception Use Application

Cost Summary/ Fiscal Impact:

The Department finds 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

Master Plan: Explain how this Agenda item advances one or more objectives

Goal 1: Clean, Green Sustainable Environment

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

Goal 2: Safe and Secure City of Lauderdale

- ☐ 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 Lauderdale 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 Lauderdale as an excellent place to live

City of Lauderdale

Special Exception Application No.21-SE-002

441 Arthouse

I. APPLICANT INFORMATION

PETITIONER

441 Arthouse/Matthew Jacocks

STATUS OF PETITIONER

Contract Purchaser

II. BACKGROUND INFORMATION

Requested Action

Request for a Special Exception Use development order to allow the development of a commercial mixed-use project with residential density within the General Commercial (CG) zoning district.

The proposed development includes 10,000 square feet of commercial retail and office space, 245 multi-family residential units, as well as amenities for the private use of residents. The private amenities provided include; a pool with common patio, two outdoor garden or bbq areas and a dog run.

The residential units are a combination of studio, 1 bedroom, and two bedroom units. The provided parking is a combination of publically accessible parking for the commercial units as well as gated entry parking for the use of residents.

Applicable Land Development Regulations

- Article III, Section 2.3- Allowable land uses.
- Article IV, Section 4.3 B- Existing zoning provisions and uses
- Article IV, Section 4.4- Approval for Special Exception Uses
- Article IV, Section 4.6- Standards for approval
- Schedule B- Allowable Uses

III. SITE INFORMATION

Legal Description

Parcel 1: A portion of Tract "A", LAUDERHILL SHOPPES NO. THREE, according to the Plat thereof, as recorded in Plat Book 82, Page 3 of the Public Records of Broward County, Florida.

Parcel 2: A portion of Tract "A", LAUDERHILL SHOPPES NO. THREE, according to the Plat thereof, as recorded in Plat Book 82, Page 3 of the Public Records of Broward County, Florida, less that portion of said Tract "A", lying North of the Westerly extension of the South line of Parcel "A" PHILLIPS LAUDERHILL, according to the Plat thereof, as recorded in Plat Book 76, Page 12 of the Public Records of Broward County, FL.

Folios

Parcel 1: 4941 25 32 0010

Parcel 2: 4941 25 32 0030

Figure 1- Aerial of Property

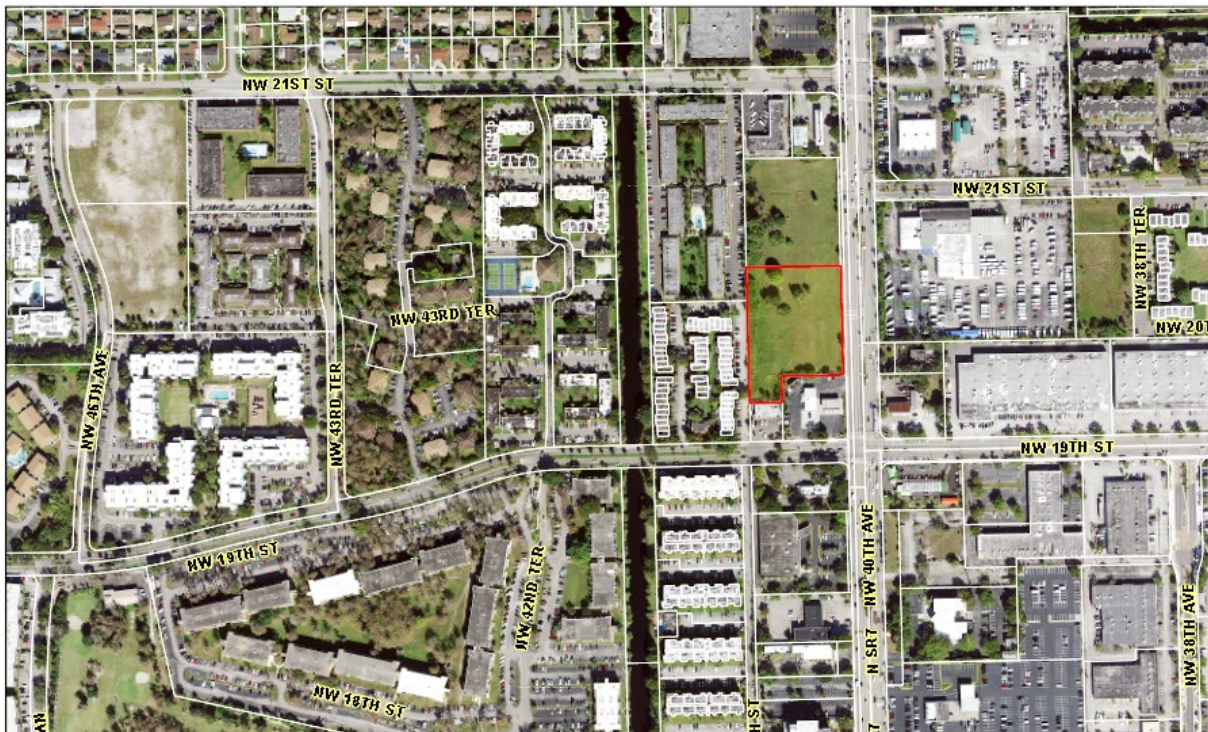


Figure 1 is an aerial photograph the proposed project includes the parcel highlighted in red and the parcel north of it and shows the general location of the property in relation to the surrounding roadways. The site is generally located on the west side of North State Road 7/U.S. 441 between NW 19 Street and NW 21 Street. Properties is a total area of 4.7± acres.

Land Use/Zoning:

Existing Land Use	Commercial (vacant land)
Future Land Use	Transit Oriented Corridor
Zoning Designation	(CG) Commercial General

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Commercial	Transit Oriented Corridor	CG
South	Commercial	Transit Oriented Corridor	CG
East	Commercial	Commercial (Lauderdale Lakes)	Lauderdale Lakes/B3
West	Multi-family residential (more than 10 units)	Medium-High (25) Residential	RM-22

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 Lauderdale.
7. Factors relating to safety, health, and general public welfare.

The City Commission in reviewing the Special Exception Use for approval shall consider the following criteria as provided in LDR Art. IV Sec. 4.6. Standards of approval:

1. The effect of such use on surrounding properties:

The proposed mixed-use project will have a positive effect on the surrounding community, as the intent of the Transit Oriented Corridor is to create a vibrant mixed-use community. The residential component will create less of an impact on the existing residential communities as opposed to a traditional commercial project.

2. The suitability of the use in regard to its location, site characteristics, and intended purpose:

The site is located on State Road 7/ U.S. 441, which is a major roadway and is suitable for a mixed-use development with residential and commercial uses. Mixed Use developments adding density to the corridor is the recommendation of the Strategic Redevelopment Plan for Sr-7 and the Citizen's Master Plan for State Road 7. These plans call for the development and redevelopment of some areas zoned commercial and light industrial district with residential uses.

3. Access, traffic generation and road capacities:

The site is located on State Road 7/ U.S. 441, which is a major corridor and has, based on evaluations conducted at the time of initiation of the Transit Oriented Corridor (TOC) zone by the Broward County, the capacity to accommodate the proposed traffic generation. However, the applicant must work with the applicable agencies to maintain the appropriate level of service.

The applicant is proposing a single access point along State Road 7/ U.S. 441 for ingress and egress. Should Use approval be granted, the applicant is required to have a reviewed traffic study sufficiently responding to The City on any and all traffic concerns by the time of consideration of the Site Plan by the Development Review Committee (DRC) and City Commission (CC).

4. Economic benefits or liabilities:

The site is currently vacant, the proposed mixed-use development will provide 245 residential units and 10,000 square feet of commercial retail uses which will add to the City's Tax Role and will aid to increase the services provided to the public.

The applicant is seeking tax abatements and other development incentives as part of the proposed development project. The project as proposed would be catalytic in nature and promote further redevelopment along the corridor. As such, the overall economic impact would be positive.

5. Demands on utilities, community facilities, and public services:

The proposed project will create a demand on the City of Lauderhill's fire, police, and utilities services as the site is vacant. All applicable impact fees will be required to be paid at time of building permit.

6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill:

The proposed project is in compliance with Comprehensive Land Use Plans for Broward County and the City of Lauderhill and specifically supports the intent for the Broward County and City of Lauderhill Transit Oriented Corridor (TOC).

7. Factors relating to safety, health, and general public welfare:

The project will need to conform to all safety, health, and general public welfare standard as stipulated within the Comprehensive Plan, Code of Ordinance, and Land Development Code. The project will enhance the safety, health, and general public welfare of the existing community.

Based upon its review, staff finds the proposed use to be consistent with the above considerations and recommends the following conditions should the City Commission decide to move forward with a recommendation of approval:

1. This application approval shall be contingent upon the approval of the Site Plan and the traffic impact analysis.
2. 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. Further, consistent with LDR Article IV, Part 1.0., Section 1.8, this development order may be revoked, suspended or modified based on the grounds stated herein. In addition, this development order is subject to post-approval review consistent with LDR Article IV, Part 4.0., Section 4.11.
3. 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.
4. 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.
5. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

VI. ATTACHMENTS

- A. Application submission for SEU
- B. Affidavit
- C. Renderings

SPECIAL EXCEPTION USE AFFIDAVIT OF COMPLIANCE WITH CONDITIONS OF APPROVAL

441Arthouse/ Matthew Jacocks (21-SE-020)

I, Matthew Jacocks, being sworn, do hereby certify and affirm that the following statements are true:

I have read in its entirety the (21-SE-020) Development Review Report, any Supplemental Development Review Reports, and all attachments and exhibits associated with the special exception use application filed with the City of Lauderhill, Florida Planning and Zoning Department and understand its contents. *I further acknowledge that Special Exception Use applications are reviewed and approved by the Lauderhill City Commission in a quasi-judicial hearing and my attendance at the hearing is required to ensure all facts pertaining to the matter are put on record.*

I have read and understand the below described conditions of approval and voluntarily agree to comply with all said conditions:

1. This application approval shall be contingent upon the approval of the Site Plan, traffic impact analysis, and CPTED review.
2. 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. Further, consistent with LDR Article IV, Part 1.0., Section 1.8, this development order may be revoked, suspended or modified based on the grounds stated herein. In addition, this development order is subject to post-approval review consistent with LDR Article IV, Part 4.0., Section 4.11.
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8. The development must have a professional management company hired and active and the owner agrees not to allow condo conversions of the units.

**SPECIAL EXCEPTION USE AFFIDAVIT OF
COMPLIANCE WITH CONDITIONS OF APPROVAL**

441Arthouse/ Matthew Jacocks (21-SE-020)

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.

I understand that I am swearing or affirming under oath the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include the modification, suspension or revocation of any resolution adopting the special exception use application and any certificate of use associated with the special exception use approval.

Print your name: Matthew Jacocks

Sign your name: [Signature]
Date signed: 6-30-22

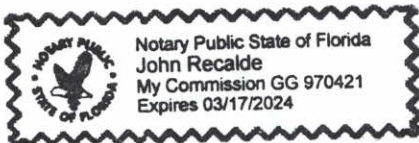
The foregoing instrument was acknowledged before me this 30 day of June, 2022, by Matthew Jacocks, who is personally known to me or who has produced FLDL as identification and who did take an oath.

Notary public

Print your name: John Recalde

Sign your name: [Signature]

State of Florida at Large Seal



My Commission Expires: 03/17/2024