

# *City of Lauderhill*

Special Exception Application No.19-SE-014

Le Parc at Lauderhill, LLC

## ***I. APPLICANT INFORMATION***

### PETITIONER

LE PARC AT LAUDERHILL, LLC

### STATUS OF PETITIONER

Property Owner

## ***II. BACKGROUND INFORMATION***

### Requested Action

Request for a Special Exception Use Development Order to allow within the Residential Multi-Family (RM-40) Zoning District a Multifamily Dwelling Units, Attached Use.

### Applicable Land Development Regulations

- Article III, Section 2.3- Allowable land uses.
- Article III, Section 3.1.15- Residential multi-family at forty (40) dwelling units per gross acre (RM-40) zoning district.
- 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***

### Address

NW 40TH AVE

Lauderhill Florida 33311

Legal Description

Tract 1, A T & T NO. 1 127-18 B TRACT 1 of the public records of Broward County, Florida

Folio

4942-3134-0010



		Corridor	
South	SW 13 STREET	Medium Residential (16)	Multi-Family Transitional Zoning District (RT-16)
East	AT&T	Transit Orientated Corridor	Light Industrial (IL)
West	Lallos, Multi-Tenant Shopping Plaza, and Public Storage Facility	Transit Orientated Corridor	Commercial Entertainment Zoning District (CE) and General Commercial Zoning District (CG)

**IV. ZONING HISTORY**

Existing Special Exceptions

None.

Violations

None

Existing Variances

None

Other Entitlements

The property was rezoned from Light Industrial (IL) to Residential Multi-Family (RM-40) as approved by the City Commission on February 24, 2014 (**ORD.14O-02-106**). Please see **Attachment A** for a copy of **ORD.14O-02-106**.

A Resolution (**No.19R-02-29**) was approved and granted to Le Parc at Lauderhill, LLC on February 25, 2019 by the City Commission Conceptually Supporting the development of 182 garden Apartments, 215 midrise apartments, and a 3,500 square feet Day Care facility as well as waiving all building permit fees, impact fees, and real estate taxes. Please see **Attachment B** for a copy of **Resolution No.19R-02-29**.

A Resolution (**No.19R-04-67**) was approved and granted to Le Parc at Lauderhill, LLC on April 8<sup>th</sup>, 2019 by the City Commission for a Development Agreement regarding the development of 182 garden Apartments, 215 midrise apartments, and a 3,500 square feet Day Care facility in exchange for certain waivers of fees and tax incentives. Please see **Attachment C** for a copy of **Resolution No.19R-04-67**.

**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.

LDR Article III, Sections 2.3 and 2.4., and Schedule B. respectively addresses permitted and special exception uses. The LDR classifies Multifamily Dwelling Units, Attached Use, which is allowed in the Residential Multi-Family (RM-40) zoning district as a special exception use.

1. The effect of such use on surrounding properties:

The proposed Multifamily Dwelling Units, Attached Use is part of a City initiated Concept Master Plan (**Attachment D**) connecting the 38th Avenue Arts and Entertainment district to a Proposed Mixed Use Master Plan (Commonly known as the Market Place Site). The Applicant intends to Deed over land to the City of Lauderhill for the purposes of facilitating both vehicular and pedestrian traffic for the proposed 38th Avenue Concept Master Plan in order to assist the City with developing the immediate area. As such, the City Commission passed two Resolutions (**Attachment B and Attachment C**) to additionally incentivize the Applicant to develop a Multifamily Development in order to aid in sprawling development within the surrounding area.

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

The property is zoned Residential Multi-Family (RM-40) and is bordered to the North and East by Light Industrial Zoning District (IL), to the South is Residential Multi-Family Transitional Zoning District (RT-16), and to the West are both Commercial Entertainment Zoning District (CE) and General Commercial Zoning District (CG).

Pursuant Article III, Section 3.1.15.A, the purpose and intent of the residential multi-family at forty (40) dwelling units per gross acre (RM-40) zoning district is to:

- “Allow vacant commercial and light industrial lands and underutilized or obsolete commercial and light industrial uses to be developed or redeveloped with residential multi-family uses;
- Provide for market rate housing;
- Allow limited commercial uses as accessory to the residential uses;
- Encourage the most appropriate use and re-use of land and water by providing a zoning district with flexible development standards; and

- Implement the recommendations of the Strategic Redevelopment Plan for SR-7 and the Citizen's Master Plan (Charette) for SR-7 which call for the development and redevelopment of some areas zoned commercial and light industrial district with residential uses.

The RM-40 zoning district corresponds to the transit oriented corridor future land use designation in the future land use element of the Comprehensive Plan.”

The suitability of the proposed Multifamily Dwelling Units, Attached Use meets the overall intent of the RM-40 zoning district as the property (currently vacant) was originally rezoned from Light Industrial to RM-40 by the City Commission on February 24, 2014 (**Attachment A**) to be developed with residential multi-family uses. Furthermore, the applicant is proposing to provide market rate housing along with limited commercial uses accessory to residential uses.

3. Access, traffic generation and road capacities:

Access to the Property will be provided from NW 13 Street and NW 40<sup>th</sup> Ave. An approximate 60 foot wide area of land will be Deeded over to the City of Lauderdale in order to accommodate pedestrian and vehicular circulation as part of the 38th Avenue Concept Master Plan. The applicant will provide a traffic study as part of the Site Plan Approval process.

4. Economic benefits or liabilities:

The economic benefits of the Project are created by constructing a multifamily development consisting of 330 dwelling units on Vacant Property as shown in the proposed set of plans (**Attachment E**). The new construction will generate more property tax revenue than has been collected from this Property in many years. The applicant intends on employing at least five employees included but not limited to a manager, Leasing Agent, Receptionist, and Maintenance Personnel. Further, the construction component of the Project will provide an opportunity for jobs for local residents.

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

The applicant will work with City Staff through a Site Plan Approval Process to address concerns regarding 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:

Element Policy 2.1.13, which addresses Transit Oriented Corridor (TOC) uses, is the most applicable portion of the Comprehensive Plan (**Attachment F**). Sub-policy 2.1.13.1 has five applicable paragraphs.

- i. Pursuant SUBPOLICY 2.1.13.1.b, "Additional or expanded standalone automobile oriented uses such as: large surface parking lots, gas stations/auto repair/car washes; auto dealers; self/equipment storage; "big box"/warehouse; single-family detached dwelling units; carwashes; and drive-through facilities are discouraged and should be prohibited by the local government, or limited unless designed in a manner that is consistent with the design concepts of the City's Charrette Plan to encourage pedestrian and transit usage. The intent of this policy is to ensure future development is consistent with the pedestrian and transit oriented urban design concepts of the Charrette. It is not intended to produce future development that is designed exactly as presented in the Charrette."

As part of the Site Plan Approval process, the applicant must comply with all developmental requirements which will include a design that encourages both pedestrian and transit usage as required by the City's Charrette Plan.

- ii. Pursuant SUBPOLICY 2.1.13.1.c "Provide for pedestrian connectivity among the various uses, including connectivity to adjacent residential development and transit stations and stops, through minimization of curb cuts, provision of planting strips and street trees, addition of sidewalks at least eight feet wide where appropriate, minimum building height to public space ratios of at least 1:6, creation of greenways and promenades, and other means as appropriate or recommended in the Charrette Plan.  
The Applicant intends to Deed a 60 foot wide area of land which will help to facilitate pedestrian and vehicular circulation as part of the 38th Avenue Concept Master Plan in order to meet the intent of SUBPOLICY 2.1.13.1.c.
- iii. Pursuant SUBPOLICY 2.1.13.1.e "The SR 7/US 441 Transit Oriented Corridor shall include design features that promote and enhance pedestrian mobility consistent with the Charrette Plan, including connectivity to transit stops and stations, based on the following characteristics:
  - a. Integrated transit stop with shelter, or station (within the TOC area).
  - b. Wide (5 feet shall be the minimum consistent with ADA requirements) pedestrian and bicycle paths that minimize conflicts with motorized traffic and are adequately landscaped, shaded and provide opportunities for shelter from the elements.
  - c. Buildings should front the street (zero or minimal setbacks are encouraged).
  - d. Vehicle parking strategies that encourage and support transit usage (such as parking that does not front the street, shared parking, parking structures, and/or reduced parking ratios).

- e. Streets (internal and adjacent to the TOC) should be designed to discourage isolation and provide connectivity (such as streets in the grid pattern).

The Applicant intends to Deed a 60 foot wide area of land which will help to facilitate pedestrian and vehicular circulation as part of the 38th Avenue Concept Master Plan and also provide ample internal and external walking paths in order to meet the intent of SUBPOLICY 2.1.13.1.e.

- iv. Pursuant SUBPOLICY 2.1.13.1.d, "The SR 7/US 441 Transit Oriented Corridor shall incorporate public plazas, urban open space or green space/pocket park uses that are integrated within the Transit Oriented Corridor and that are consistent with the recommendations of the Charrette Plan."

The proposed Site Plan is part of a City initiated Concept Master Plan (**Attachment D**) connecting the 38th Avenue Arts and Entertainment district to a Proposed Mixed Use Master Plan (Commonly known as the Market Place Site). As part of the overall plan, the intended Deeded 60 foot wide area of land will serve as a Connector Road that will connect to Broward County Regional Park. The project also proposes a dog park and a multipurpose outdoor space in order to meet the intent of SUBPOLICY 2.1.13.1.d.

- v. Pursuant SUBPOLICY 2.1.13.1.f "The SR 7/US 441 Transit Oriented Corridor shall include internal pedestrian and transit amenities, consistent with the Charrette Plan, to serve the residents and employees (such as seating on benches or planter hedges, shade, light fixtures, trash receptacles, information kiosks, bicycle parking) or other amenities that could be incorporated into adjacent publicly accessible areas and plaza (such as clocks, fountains, sculpture, drinking fountains, banners, flags and food and refreshment vendor areas."

The project proposes both internal and external pedestrian paths, a dog park, a multipurpose outdoor space, and a sculpture to serve the residents and employees in order to meet the intent of SUBPOLICY 2.1.13.1.f.

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

The Project will improve the general health, safety, and welfare of the area. Specifically, a vacant lot that can accumulate trash, encourage loitering, and decrease adjacent property values will be revitalized through the construction of a new use. The construction of a vibrant use on the Property will serve as a crime deterrent. The aesthetically pleasing Project will turn an underutilized, vacant parcel into a thriving economic development and help to sprawl development within the immediate surrounding areas.

Based upon its review, staff finds the proposed use to be generally consistent with the above considerations. As such, staff recommends approval of the special exception request.

VI. RECOMMENDATION/ACTION

Recommend approval of the special exception development order with the following conditions:

1. This Special Exception Use development order for a Multifamily Dwelling Units, Attached Use shall be specifically granted to Le Parc at Lauderhill, LLC and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another entity without further Special Exception approval from the City Commission. Further, this special exception use development order shall automatically expire and become null and void if any entity other than Le Parc at Lauderhill, LLC operates the use.
2. A separate Special Exception shall be required to operate a Child Care Use as shown on Sheet A-3.1.1 (**Attachment E**) of the Submitted Plans for this application.
3. A Site Plan Approval is required for the New Construction of the proposed Multifamily Development consisting of 330 Dwelling Units as provided by the applicant (**Attachment E**).
4. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.
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 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.

VII. ATTACHMENTS

- A. ORD.14O-02-106

- B. No.19R-02-29
- C. No.19R-04-67
- D. 38th Avenue Concept Connection Master Plan
- E. Completed Set of Plans
- F. Comp Plan Element Policy 2.1.13
- G. Application submission
- H. Affidavit

Prepared by: Chris Torres  
City Planner  
Date: November 26, 2019