

RESOLUTION NO. 24R-10-263

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING DENTAL BLUSH SUNRISE A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A DENTAL OFFICE, WHICH INCLUDES A MEDICAL PROVIDER AUTHORIZED TO PRESCRIBE CONTROLLED SUBSTANCES, ON A 3.86± ACRE SITE LEGALLY DESCRIBED AS "CITY OF LAUDERHILL SECTION 1" A PORTION OF TRACT G, AS RECORDED IN PLAT BOOK 81, PAGE 4 OF THE OFFICIAL PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 4581 N. UNIVERSITY DRIVE, LAUDERHILL, FLORIDA; 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 Use Development Order approval only; and

WHEREAS City Staff recommends that the City Commission **VOTE IN FAVOR OF** this Special Exception Use Development Order request for a dental office, which includes a medical provider authorized to prescribe controlled substances, 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 Dental Blush Sunrise to allow in the General Commercial (CG) Zoning District a Dental Office, which includes a medical provider authorized to prescribe controlled substances, on a 3.86+/- acre site legally described as "City of Lauderhill Section 1" a portion of Tract G, as recorded in Official Records Book 81, Page 4, of the Public Records of Broward County, Florida; more commonly known as 4581 N. University Drive, Lauderhill, Florida, 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 Dr. Filiberto Jose Herdocia, who must maintain an active dental license at all times. All employees and staff of Dental Blush must maintain all relevant licenses and certifications to provide care for the patients of the business. Any further disciplinary actions by the Department of Health may result in the revocation, modification or suspension of the COU and/or Special Exception.

3. Dental office, which includes a medical provider authorized to prescribe controlled substances is restricted to a total of 1,300± square feet as indicated on the lease agreement. Consistent with Land Development Regulations Article IV, Section 4.3.B., the expansion, alteration or enlargement or removal to another location outside the approved plaza 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.

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 to Dental Blush Sunrise and shall cover the licensed dentists. In addition to Dental Blush Sunrise receiving a Certificate of Use, each dentist is required to apply for a Certificate of Use and to maintain and active and valid dental license at all times. This special exception use development order shall automatically expire and become null and void if any entity other than Dental Blush Sunrise operates the dental office. 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 dental office, which includes a medical provider authorized to prescribe controlled substance use is restricted to 1,300 square feet of leasable space located at 4581 N. University Drive, Lauderhill, Florida 33351. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

12. Property Owner or Operator must provide a security plan that demonstrates how they will prevent and reduce the amount of police calls associated with trespassing or the presence of other loitering. 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.

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 _____ day of _____, 2024.

PASSED AND ADOPTED on first reading this _____ day of _____, 2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION _____

SECOND

M. DUNN

D. GRANT

L. MARTIN

S. MARTIN

K. THURSTON

Approved as to Form

Angel Petti Rosenberg
City Attorney