

RESOLUTION NO. 22R-09-211

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING PROSPECT REAL ESTATE GROUP, LLC., ON BEHALF OF PARABENS GROUP, LLC, PROPERTY OWNER, A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A MIXED USE DEVELOPMENT INCLUSIVE OF UP TO 275 DWELLING UNITS AND 9,000 ± SQUARE FEET OF COMMERCIAL SPACE ON A 6.42 ± ACRE SITE LEGALLY DESCRIBED AS COMMERCIAL BOULEVARD SHOPPES NO. 1 B LOT 8 THROUGH LOT 17, INCLUSIVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 109 PAGE 28 OF THE PUBLIC RECORDS OF BROWARD COUNTY, 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 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 Prospect Real Estate Group, LLC. on behalf of Parabens Group, LLC., to allow in the General Commercial (CG) Zoning District a mixed use development inclusive of up to 275 dwelling units and 9,000 square feet of commercial space on a 6.42 ± acre site legally described as Commercial Boulevard Shoppes No. 1 B Lots 8 through Lot 17, inclusive, according to the Plat thereof, as Recorded in the Plat Book 109, Page 28 of the Official Public Records of Broward County, Florida, is hereby approved, subject to the following amended conditions:

1. This Special Exception Use Development Order for mixed-use with residential use development is specifically granted to Prospect Real Estate Group, LLC and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another developer. Further, this special exception use development order shall automatically expire and become null and void if any developer other than Prospect Real Estate Group, LLC, proposes such development. Any change of corporate ownership of the developer affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision. A change in the business entity name will not

trigger this provision so long as there is not a change in corporate owners or principals of the developer affecting 51% or more of the interest of the business. Notwithstanding the foregoing, all conditions stated herein shall run with the land regardless of any subsequent changes in ownership or changes in entity name.

2. 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. A waiver from the provision of Article III, Section 3.8 must be granted by the City Commission in order for a site plan providing for a mixed-use project with more than 5,000 square feet of commercial space to be applied for.
4. Prospect Real Estate Group, LLC, or any successor thereof, agrees to construct the agreed upon amount of required landscaping and amenities, subject to modification as may be deemed necessary by the city and agreed upon by the applicant. City shall have final approval and applicant understands this Special Exception is contingent upon meeting this requirement. If an agreement cannot be reached, this Special Exception Use Development Order shall become null and void.
5. A Special Exception Use Development Order for the allocation of city-wide residential flex units is required in order for a site plan for a mixed-use development to be applied for. Further, this Special Exception Use Development Order shall be null and void should a Special Exception Use Development Order for the allocation of city-wide residential flex units not be obtained.
6. 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.
7. If there are any code enforcement violations or liens, 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, or both may be subject to modification, suspension or revocation.
8. 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 is applied for within the one hundred eighty (180) 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.

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

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 14 day of September, 2022.

PASSED AND ADOPTED on first reading this 14 day of September, 2022.



PRESIDING OFFICER

ATTEST:


CITY CLERK

MOTION L. Martin
SECOND S. Martin

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

Approved as to Form

W. Earl Hall
City Attorney

RESOLUTION NO. 22R-09-212

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING PROSPECT REAL ESTATE GROUP, LLC., ON BEHALF OF PARABENS GROUP, LLC., A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOCATE IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT THE DISTRIBUTION OF UP TO 275 FLEXIBLE RESIDENTIAL DWELLING UNITS WITHIN A MIXED USE DEVELOPMENT AND SUBJECT TO AN APPROVED SITE PLAN ON A 6.42 ± ACRE SITE LEGALLY DESCRIBED AS COMMERCIAL BOULEVARD SHOPPES NO. 1 B LOT 8 THROUGH LOT 17, INCLUSIVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 109 PAGE 28 OF THE PUBLIC RECORDS OF BROWARD COUNTY, 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 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 Prospect Real Estate Group, LLC. on behalf of Parabens Group, LLC., to allocate in the General Commercial (CG) Zoning District the distribution of up to 275 flexible residential dwelling units within a mixed use development and subject to an approved site plan on a 6.42 ± acre site legally described as Commercial Boulevard Shoppes No. 1 B Lots 8 through and including Lot 17, according to the Plat thereof, as Recorded in the Plat Book 109, Page 28 of the Official Public Records of Broward County, Florida, is hereby approved, subject to the following amended conditions:

1. This special exception use development order for mixed-use with residential use development, and to provide for the distribution of up to 275 flexible units of residential space, is specifically granted to Prospect Real Estate Group, LLC and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another developer. Further, this special exception use development order shall automatically expire and become null and void if any developer other than Prospect Real Estate Group, LLC, proposes such development. Any change of corporate ownership of the developer affecting 51% percent

or more of the interest of the business or any of its assets in any manner shall trigger this provision. A change in the business entity name will not trigger this provision so long as there is not a change in corporate owners or principals of the developer affecting 51% or more of the interest of the business. Notwithstanding the foregoing, all conditions stated herein shall run with the land regardless of any subsequent changes in ownership or changes in the entity name.

2. 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. Prior to the approval of a site plan which provides for residential dwelling units at the subject site, a Declaration of Restrictive Covenants shall be recorded in the Broward County Official Public Records Book restricting the inclusion of the acreage that comprises lots 16 and 17 of Commercial Boulevard Shoppes as recorded in Plat Book 109, Page 28 B of the Official Public Records of Broward County, Florida from being included in the calculation for residential density, thereby restricting the development of additional residential dwelling units.
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. Prospect Real Estate Group, LLC, or any successor thereof, agrees to construct the agreed upon amount of required landscaping and amenities, subject to modification as may be deemed necessary by the city and agreed upon by the applicant. City shall have final approval and applicant understands this Special Exception is contingent upon meeting this requirement. If an agreement cannot be reached, this Special Exception Use Development Order shall become null and void.
6. If there are any code enforcement violations or liens, 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.

7. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless site plan approval is applied for within the one hundred eighty (180) 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.

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.

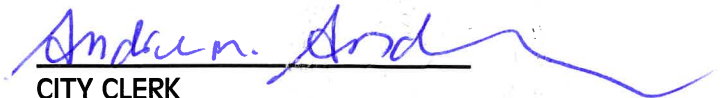
DATED this 14 day of September, 2022.

PASSED AND ADOPTED on first reading this 14 day of September, 2022.



PRESIDING OFFICER

ATTEST:



CITY CLERK

MOTION	<u>D. Grant</u>
SECOND	<u>S. Martin</u>

M. DUNN	<u>Yes</u>
D. GRANT	<u>Yes</u>
L. MARTIN	<u>Yes</u>
S. MARTIN	<u>Yes</u>
K. THURSTON	<u>Yes</u>

Approved as to Form



W. Earl Hall
City Attorney