

City of Lauderhill

Special Exception Application No. 23-SE-004

NorthStar PPEC LLC

I. APPLICANT INFORMATION

PETITIONER

Michael Torres

STATUS OF PETITIONER

Business manager

II. BACKGROUND INFORMATION

Requested Action

The petitioner requests approval of a Special Exception Use Application to allow an Office, Medical, with Controlled Substance Provider use within the General Commercial (CG) zoning district for the plaza unit located at 3521 W. Broward Blvd, Lauderhill, Florida.

Applicable Land Development Regulations & City Codes:

Article IV, Part 4, Section 4.4. Approval for Special Exception Uses.

Article III, Section 2.3. Allowable land uses.

Article IV, 4.3 B. Existing zoning provisions and uses.

III. SITE INFORMATION

Location/Legal Description

3521 WEST BROWARD BOULEVARD, LAUDERHILL FLORIDA

LOTS 11, 12, AND PORTION OF 13 BLOCK 1 OF BROWARD ESTATES SEC 1 PLAT AS RECORDED IN PLAT BOOK 33 PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 3521 W. BROWARD BLVD, LAUDERHILL, FLORIDA



The 40,189 square foot (1± acre) site is a multi-tenant office building with 3 stories and falls within the General Commercial (CG) zoning district. Figure 1 is an aerial photograph highlighting in red the subject property and showing the general location of the property in relation to the surrounding roadways and uses. According to Broward County Property Appraiser, the building was erected in 1959.

Land Use/Zoning:

Existing Land Use	Commercial
Future Land Use Designation	Commercial
Zoning Designation	General Commercial (CG)

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Single Family Residential	Single Family Residential	RS-4A
South	City of Fort Lauderdale	City of Fort Lauderdale	City of Fort Lauderdale
East	Commercial	Commercial	General Commercial (CG)
West	Commercial	Commercial	General Commercial (CG)

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 proposed Office, Medical with Controlled Substance Provider use is for a State of Florida licensed Prescribed Pediatric Extended Care (PPEC) center. A PPEC is a licensed non-residential, day time treatment center for children with disabilities which are categorized as medically complex and technologically dependent. The center offers day time programming that is tailored to the needs of the disabled child and provides all day care. Medical professionals to include but not be limited to; pediatric doctor, registered nurse, licensed practical nurse, and a certified nursing assistant will visit the site on a rotating basis to provide daily therapy to the center's clients. NorthStar PPEC LLC's services are fully covered by Medicaid, which will provide a great benefit for underprivileged children in the surrounding area.

NorthStar PPEC LLC is proposing to operate from 7:00 a.m. to 7:00 p.m. Mondays through Fridays and Saturdays and Sundays from 7:00 a.m. to 2:00 p.m. Clients will be transported to and from the facility via a non-emergency medical transportation company. For security purposes, access codes will be necessary for entering the suite.

The medical programming for the Prescribed Pediatric Extended Care Center would be overseen by Dr. Alexis Perera, M.D. Dr. Perera holds a DEA license for the prescription of controlled substances. Due to a the on-staff doctor being licensed with the authority to prescribed controlled substances, the business is considered an Office, Medical with Controlled Substance Provider use. However, the proposed business will not be prescribing medication to their clients. No prescriptions will be written here by Dr. Perera, as this is a day time therapeutic care use and not the minor clients' medical specialist.

According to the Florida Department of Health, Dr. Perera is in good standing with the Florida Board of Medicine and has no complaints or disciplinary actions on file.

Based upon its review, staff finds the proposed use of an Office, Medical, with Controlled Substance Provider use to be consistent with the above considerations. As such, staff recommends approval of the special exception request.

VI. RECOMMENDATION/ACTION

Division recommendation. The Planning and Zoning Division recommends the City Commission adopt a resolution granting to NorthStar PPEC LLC to allow an Office, Medical, with Controlled Substance Provider use within a 4,200 square foot unit on a 44,189 square foot (1± acre) within the General Commercial (CG) zoning district and located at 3521 W. Broward Blvd subject to the following conditions

1. This Special Exception Use Development Order prohibits controlled substance prescriptions to anyone in connection with the Medical Office,
2. The Office, Medical, with Controlled Substance Provider use is restricted to a total of 4,200 square feet as indicated in the lease agreement. 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. This Special Exception Use Development Order for Office, Medical with Controlled Substance Provider shall be specifically granted to NorthStar PPEC LLC and shall cover the licensed practitioners of NorthStar PPEC LLC (to include both employee practitioners and independent contractors working for NorthStar PPEC LLC where for clarification, such independent contractor bills under the billing number of NorthStar PPEC LLC and the patients are patients of record of NorthStar PPEC LLC), and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another entity. Any change of corporate ownership affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision. Further, this special exception use development order shall automatically expire and become null and void if any entity other than NorthStar PPEC LLC operates the medical space. All practitioners, employees, agents and independent contractors are subject to and covered by the express terms and conditions of the Special Exception Use Development Order.
4. The general days and hours of operation are seven (7) days a week, Monday through Friday 7:00 a.m. to 7:00 p.m., Saturday and Sunday 7:00 a.m. to 2:00 p.m. Any increase in hours of operation is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase.
5. Complaints to Code Enforcement, Police or the Florida Board of Medicine may cause the SEU approval to be reviewed by the City Commission for possible revocation.
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, may be subject to modification, suspension and/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 approval is applied for 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.
10. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

VII. ATTACHMENTS

Attachment A: SEU Application Submittal

Attachment B: Floor Plan

Attachment C: SEU Conditions Affidavit

Attachment D: Inventory of equipment

Prepared by: Dominic Lindsay, Planning and Zoning Analyst

Date: June 12, 2023