Development Review Report (DRR)

To: Daniel T. Keester-O'Mills, AICP, *Planning & Zoning Director*
From: Molly Howson, *City Planner*
RE: Special Exception Application No. 24-SE-017 (3831 NW 13 ST, 4942 31 34 0010)
Date: October 8, 2024

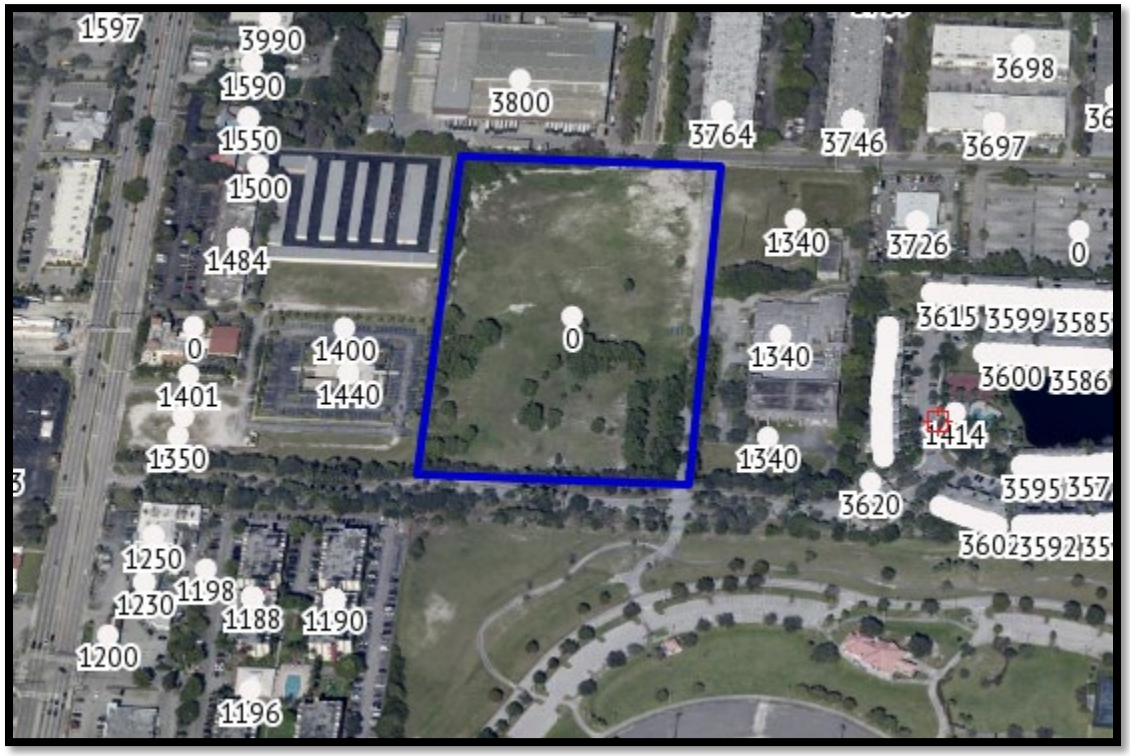
The applicant/petitioner, Vivian Diamond on behalf of Le Parc Lauderhill, LLC has filed a special exception application which proposed to amend a previously granted special exception use (Resolution NO. 19R-12-275) to increase the proposed unit count from 330 and 358 dwelling units. Figure 1, below, provides an aerial of the subject site located at 3831 NW 13 ST. The site is located on the east side of NW 40th AVE (AKA: North State Road 7/ US 441) and north of NW 13 ST and the Central Broward Regional Park (CBPR). The following information has been prepared for your consideration:

I. BACKGROUND INFORMATION

Requested Action

The Petitioner requests an amendment of a Special Exception Use (SEU) Development Order (Resolution No. 19R-12-275) which approved a multi-family development of 330 dwelling units to increase the maximum number of dwelling units to 358 within the Residential Multi-Family at 40 dwelling units per acre (RM-40) zoning district and within the Transit Oriented Corridor (TOC) on an approximately 9± acre site located at 3831 NW 13 Street, Lauderhill, Florida 33311.

Figure 1



Applicable Land Development Regulations

LDR Article IV., Part 1.0., Subsection 1.3.1., addresses the pre-application conference

Article IV, Section 1.3.2 – Completeness of Application, provides for the Department to review any land development order application

Article IV, Section 1.4.4 – Major Review, provides that within 45 days from the acceptance of the application for development subject to major review

Article III, Sections 2.3 and 2.4., and Schedule B – Allowable Land Uses; Additional requirements for Specific Uses; Allowable 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

LDR Article IV., Part 4.0., subsection 4.5.A. requires the application set forth in detail the proposed use

Article IV, Section 4.6 - Standards for approval, provides the City Commission, in reviewing any application for a special exception use, shall consider seven (7) specific standards

II. SITE INFORMATION

Legal Description:

A T & T NO. 1 Tract 1 Plat Book 127 Page 18 of the public records of Broward County, Florida

Address:

3831 NW 13 ST Lauderhill, Florida 33311

Tax Folio Number:

494231340010

Land Use/Zoning:

Existing Use(s):	Vacant land
Future Land Use Designation:	Transit Oriented Corridor (TOC)
Zoning Designation:	RM-40 Residential Multi-Family at 40 dwelling units per acre

Adjacent Designations:

	Existing Use	**Future Designation**	**Zoning**
North	Shipping and Distribution (United Parcel Service "UPS")	Transit Oriented Corridor (TOC)	Light Industrial (IL)
South	Residential Multi-Family followed by, Central Broward Regional Park CBRP	Transit Oriented Corridor (TOC)	Residential Townhome at 16 dwelling units per acre (RT-16) followed by Regional Park (PR)

East	AT&T Corporate office	Transit Oriented Corridor (TOC)	Light Industrial (IL)
West	Restaurant Bar (Lallo's Roti) and Self Service Storage Facillity	Transit Oriented Corridor (TOC)	CG (Commercial, General)

III. ZONING HISTORY

Existing Special Exceptions

Resolution NO. 19R-02-29

February 25, 2019 - The City Commission granted Resolution NO. 19R-02-29 to Le Parc at Lauderhill, LLC approving incentives to assist with the development of 182 garden apartments, 215 midrise apartments and a 3,500 square feet day care facility at the subject site.

Resolution NO. 19R-04-67

April 8, 2019 - The City Commission granted Resolution NO. 19R-04-67 to Le Parc at Lauderhill, LLC approving the development agreement between the City of Lauderhill and Le Parc at Lauderhill, LLC regarding the development of 182 garden apartments, 215 midrise apartments and a 3,500 square feet day care facility at the subject site.

Resolution NO. 19R-12-275

December 9, 2019 - The City Commission granted Resolution NO. 19R-12-275 to Le Parc at Lauderhill, LLC approving, with conditions, a special exception use (SEU) development order to allow within the multi-family (RM-40) zoning district a multi-family development at the subject site.

Violation

None

Existing Variances

None

Development History

In 2019 Special Exception Use (SEU) approval with conditions (19R-12-275) was granted to Le Parc of Lauderhill, LLC for construction of a multi-family development with the (RM-40) and (TOC) zoning districts.

In 2020, site plan approval was obtained through the Development Review Committee (DRC) for the construction of a multifamily development consisting of 330 dwelling units and associated, parking, waste facilities, and residential amenities to include a pool and clubhouse.

Staff shows that the zoning history to date provides for conditional approvals. Each of the SEU Resolutions, as well as the originally approved site plan, condition approvals on the dedication of the

NW 38th Avenue public roadway to facilitate connection between the Commercial Warehouse (CW) Arts and Entertainment (A&E) Overlay district with the Lauderhill Performing Arts Center (LPAC) and the Market Place site (Currently known as "The Hill").

Current application 24-SE-017
The applicant is seeking to amend the existing SEU approval to increase the proposed number of dwelling units from 330 apartments to 358 apartments; the site plan layout is otherwise substantially the same as the previously approved plan.

IV. PLANNING ANALYSIS

As stipulated in the Land Development Regulations, Article IV, Section 4.6, Standards for Approval, The Planning and Development Department 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.

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.

LDR Article III, Sections 2.3 and 2.4., and Schedule B. respectively address permitted and special exception uses. The LDR classifies a Multi-Family Development as allowed in the (RM-40) zoning district as a special exception use.

1. **The effect of such use on surrounding properties:** The subject property and all of the surrounding properties are designated Transit Oriented Corridor (TOC) in the Future Land Use Map Series. The property is zoned Residential Multi-Family at 40 dwelling units per acre (RM-40) on the City of Lauderhill Zoning Map and is located on the east side of NW 40 AVE (AKA: North State Road 7/ US 441) and is north of the Central Broward Regional Park (CBPR). The proposed Multifamily Use is part of a Conceptual Master Plan initiated by the City **(Attachment G)** connecting the 38th Avenue Arts and Entertainment district to a Proposed Mixed Use Master Plan (Commonly known as the Market Place Site or more recently "The Hill"). The Applicant agreed to deed over land for a public road 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.

2. **The suitability of the use in regards 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 (IL) Zoning District, to the South is Residential Multi-Family (RT-16) Zoning District, and to the West are both Commercial Entertainment (CE) Zoning District and General Commercial (CG) Zoning District.

Pursuant to 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 (Charrette) 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 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 to be developed with residential multi-family uses.

3. **Access, traffic generation, and road capacities:** Access to the property will be provided from NW 13 Street and NW 40th Avenue. A sixty (60) foot wide area of land will be deeded over to the City of Lauderhill in order to accommodate pedestrian and vehicular traffic circulation as a part of the 38th Avenue concept master plan (Ordinance No. 24O-08-126). The applicant has provided a traffic study as a part of the original site plan approval process.

4. **Economic benefits or liabilities**: The economic benefits of the Project are created by constructing a multifamily development consisting of 358 dwelling units on vacant property as shown in the proposed set of plans. The new construction will generate significantly more in property tax revenue than has been would otherwise be collected for undeveloped land. The construction of the Project will provide opportunities for local contractors, as well as individuals of other construction trades. Upon completion, the applicant intents on employing at least five positions to maintain the development including, but not limited to: property manager(s), leasing agent(s), receptionist(s), and maintenance personnel.

5. **Demands on utilities, community facilities, and public services:** The applicant worked with staff through the 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 Lauderhill**:
    - Element Policy 1.1.12, which addresses Transit Oriented Corridor (TOC) Uses, in the most applicable including sub-policy 1.2.12.1
      The Applicant will 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 1.1.12.1.e.

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 though 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 support commercial development within the immediate surrounding areas.

V. RECOMMENDATION/ACTION

Staff recommends **approval** of this special exception request for a multi-family development consisting of 358 dwelling units within the (RM-40) zoning district and with the Transit Oriented Corridor (TOC).

In order to ensure potential effects on the surrounding area is minimized, staff recommends the following conditions be imposed:

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 Site Plan Modification Approval is required from the Planning & Zoning Board (P&ZB), and subsequently the City Commission, for the proposed Multifamily Development in order to increase the height of two buildings from 7 to 8 stories and for the increase in number of dwelling units from 330 to 358.

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

4. The property management office will operate Monday through Friday from 9:00 a.m. to 6:00 p.m. and 9:00 a.m. to 3:00 p.m. on Saturdays.

5. 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.

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. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a site plan modification is submitted and subsequently approved within the one hundred eighty-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. Pursuant to Article IV Section 4.8. 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.

VI. ATTACHMENTS

1 - Resolution No. 19R-02-29
2 - Resolution No. 19R-04-67
3 - Resolution No. 19R-12-275
4 - LPAC 38th Ave Connection Exhibit

Attachment #1

Attachment "C"

RESOLUTION NO. 19R-02-29

A RESOLUTION OF THE CITY OF LAUDERHILL EXPRESSING CONCEPTUAL SUPPORT OF THE REQUEST FROM LE PARC AT LAUDERHILL, LLC TO GRANT INCENTIVES TO ASSIST WITH THE DEVELOPMENT OF 182 GARDEN APARTMENTS, 215 MID-RISE APARTMENTS, AND A 3,500 SQUARE FEET DAY CARE FACILITY ON A ± 9.93 ACRE SITE IN THE RESIDENTIAL MULTI-FAMILY (RM-40) ZONING DISTRICT WITHIN THE CITY OF LAUDERHILL; PROVIDING THAT LE PARC AT LAUDERHILL, LLC HAS INDICATED A DESIRE TO DEVELOP CERTAIN PROPERTY AS STATED; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

WHEREAS, Le Parc at Lauderhill, LLC has expressed an interest in developing a ± 9.93 acre site in the Residential Multi-family (RM-40) Zoning District to include: 182 Garden Apartments, 215 Mid-Rise Apartments and a 3,500 Square Feet Day Care Facility on; and

WHEREAS, Le Parc at Lauderhill, LLC is requesting incentives from the City of Lauderhill in order to assist with this development;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That the City commission of the City of Lauderhill hereby expresses its support of the following incentives to Le Parc at Lauderhill, LLC, subject to the condition that Le Parc at Lauderhill, LLC and the City enter into a development agreement for the development, on the property legally described as a Portion of Section 31, Township 40 South, Range 42 East of Tract 1, AT&T No. 1, according to the Plat thereof, as recorded in Plat Book 127, Page 18 of the Public Records of Broward County, Florida, more commonly described as the Vacant Property adjacent to and just south of the Intersection of N.W. 38th Avenue and N.W. 15th Street, Lauderhill, Florida:

1. Waiver of building permit fees;
2. Waiver of impact fees; and
3. Waiver of real estate taxes.

SECTION 2. The City Manager and all appropriate City officials are authorized to offer Green Roads the incentives deemed appropriate and necessary to fulfill the terms of this Resolution.

SECTION 3. This Resolution shall take effect immediately upon its passage.

DATED this 25 day of February, 2019.

PASSED AND ADOPTED on first reading this 25 day of February, 2019.

Attachment #1

Attachment "C"

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION	Bates
SECOND	Grant
M. BATES	Yes
H. BERGER	Yes
R. CAMPBELL	Yes
D. GRANT	Yes
K. THURSTON	Yes

Approved as to Form

W. Earl Hall
City Attorney

Attachment #2

Attachment "C"

RESOLUTION NO. 19R-04-67

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL APPROVING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAUDERHILL AND LE PARC AT LAUDERHILL, LLC REGARDING THE DEVELOPMENT OF A ± 9.93 ACRE SITE TO INCLUDE 182 GARDEN APARTMENTS, 215 MID-RISE APARTMENTS AND A 3,500 SQUARE FEET DAY CARE FACILITY; PROVIDING TERMS AND CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. The Development Agreement between the City of Lauderhill and Le Parc at Lauderhill, LLC regarding the development of ± 9.93 acre site to include 182 Garden Apartments, 215 Mid-rise apartments and a 3,500 square feet day care facility in exchange for certain waivers of fees and tax incentives, a copy of which is attached hereto and incorporated herein, is hereby approved.

SECTION 2. The City Manager and all appropriate city officials are authorized to execute this Agreement and any other documents required to fulfill the terms of this Resolution.

SECTION 3. This Resolution shall take effect immediately upon its passage.

DATED this 8 day of April, 2019.

PASSED AND ADOPTED on first reading this 8 day of April, 2019.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION	Bates
SECOND	Grant
M. BATES	Yes
H. BERGER	Yes
R. CAMPBELL	Yes
D. GRANT	Yes
K. THURSTON	Yes

Approved as to Form

W. Earl Hall
City Attorney

Attachment #3

Attachment "C"

RESOLUTION NO. 19R-12-275

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO LE PARC AT LAUDERHILL, LLC, A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW WITHIN THE RESIDENTIAL MULTIFAMILY (RM-40) ZONING DISTRICT A MULITFAMILY DWELLING UNITS ATTACHED USE ON A 9.93 ± ACRE SITE LEGALLY DESCRIBED AS TRACT 1, AT&T NO. 1 127-18B TRACT 1 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS FOLIO #494231340010, N.W. 40TH AVENUE., LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, this property is zoned Residential Multifamily (RM-40) Zoning District by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the Residential Multifamily zoning district by Special Exception approval only; and

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

Section 1. The Special Exception Use Order of Le Parc at Lauderhill, LLC., to allow within the Residential Multifamily (RM-40) Zoning District a Multifamily Dwelling Units Attached Use on a 9.93 ± acre site legally described as Tract 1, AT&T No. 1 127-18B Tract 1 of the Public Records of Broward County Florida, more commonly known as Folio #494231340010, N.W. 40th Avenue, Lauderhill, Florida, is hereby approved subject to 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., Section1.8, 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.

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 9 day of December, 2019.

PASSED AND ADOPTED on first reading this 9 day of December, 2019.

Attachment #3

Attachment "C"

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION	Bates
SECOND	Grant

M. BATES	Yes
H. BERGER	Yes
R. CAMPBELL	Yes
D. GRANT	Yes
K. THURSTON	Yes

Approved as to Form

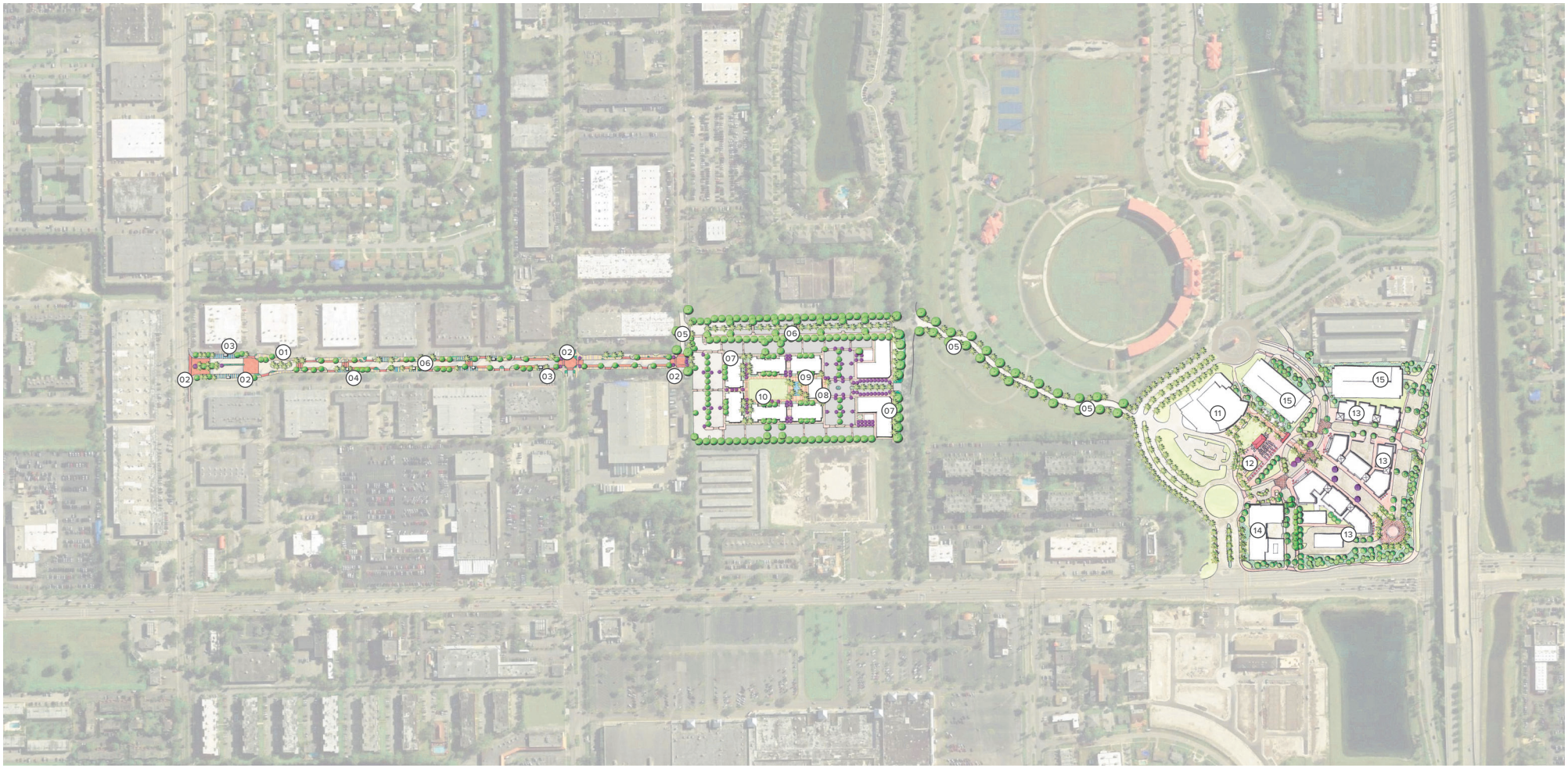
W. Earl Hall
City Attorney

Attachment "C"

Attachment #4

CITY OF LAUDERHILL

LPAC AND NW 38TH AVENUE CONNECTION



01 PARKLET PLAZA
02 ENHANCED PAVING
03 BUS SHELTER
04 VENDOR KIOSK
05 CONNECTOR ROADWAY
06 ROADWAY W/ PARALLEL PARKING
07 RESIDENTIAL BUILDING
08 COMMUNITY CENTER
09 POOL
10 EVENT LAWN
11 PERFORMING ARTS CENTER
12 BEER GARDEN
13 MIXED-USE LIFESTYLE CENTER
14 HOTEL
15 PARKING STRUCTURE

SCALE: 1"=200'
0' 200'