



Development Review Report (DRR)

To: Daniel T. Keester-O'Mills, AICP, *Planning & Zoning Director*
From: Dominic Lindsay, *Planning & Zoning Analyst*
RE: Special Exception Application No. 24-SE-013 (5950 West Oakland Park Blvd)
Date: September 5, 2024

The applicant/petitioner, Oscar Mendez is the business owner of Oscar Mendez, M.D., P.A. dba Mendez Medical Center, and has filed a Special Exception Use application. Figure 1, below, provides an aerial of the subject site located on the southern side of W Oakland Park Blvd and east of NW 60th Ave (the property is to the west of Dollar Tree). The following information has been prepared for your consideration:

I. BACKGROUND INFORMATION

Requested Action

The Petitioner requests approval of a Special Exception Use to allow expansion of an existing Office, Medical, with Controlled Substance Provider use within the General Commercial (CG) zoning district on an approximately 1.43± acre site located at 5950 W. Oakland Park Blvd, Lauderhill, Florida.

Figure 1



Applicable Land Development Regulations

Article III. Section 2.3 Allowable Uses

Article III Section 5.28 Offices

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

Article IV, Section 4.4 Approval for Special Exception Uses

II. **SITE INFORMATION**

Legal Description:

THE OAKLAND SHOPPES 82-37 B TR A,E 178 OF W 313

Address:

5950 W Oakland Park Blvd, Lauderhill, Florida

Tax Folio Number(s):

494126270060

Land Use/Zoning:

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

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Commercial Shopping Center – Retail, Restaurants, Grocery, Bank, etc.	Commercial	CG (Commercial, General)
South	Multifamily – Inverrary Village	Residential	Residential Multi-Family (RM-18)
East	Commercial – Retail (Dollar Store)	Commercial	CG (Commercial, General)
West	Commercial – Place of worship	Commercial	CG (Commercial, General)

III. ZONING HISTORY

Existing Special Exceptions

Resolution 21R-30-56 granting approval for an Office, Medical with Controlled Substance Provider.

Violations

None

Existing Variances

None

Development History

The building (41,070 sq. ft. building) was constructed in approximately 1980.

IV. 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.

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 an Office, Medical with Controlled Substance Provider Use, which is allowed in the General Commercial (CG) zoning district as a special exception use.

1. **The effect of such use on surrounding properties:** The subject property is zoned General Commercial (CG) on the City of Lauderhill Zoning Map and located along W Oakland Park Blvd. The Applicant is proposing to expand an existing Office, Medical with Controlled Substance Provider Use to encompass the entire building. As the Office, Medical with Controlled Substance Provider Use has been existing since 2021, there will not be an adverse effect to the surrounding properties. Furthermore, the applicant will not be altering the structure or otherwise change the nature of the ongoing and existing medical office operation. As such, Staff concludes that this is

an appropriate location for the proposed use as it pertains to the use's effect on the surrounding properties.

2. **The suitability of the use in regards to its location, site characteristics, and intended purpose and access:** The existing medical office is located on the south side of W Oakland Park Blvd and east of NW 60th Ave and is along a major thoroughfare (W Oakland Park Blvd). The intended purpose is to continue to provide medical care and services to the community. The Florida Department of Health identified the site as a Health Professional Shortage Area which makes the Office, Medical with Controlled Substance Provider use ideal at the location. The Office, Medical with Controlled Substance Provider use is currently a State of Florida licensed Comprehensive Family Medical Practice for Patients that are eighteen and older. Their services include Echocardiograms, Electrocardiograms, General Primary Care, Immigration Physicals, Lab Work, School Physicals, Sonograms, and Well Woman Exams. Since the property was built in 1980 for General office Uses and the Medical Office with Controlled Substance Provider Use is in existence, Staff finds that the Use is suitable in regards to location, characteristics and purpose.
3. **Access, traffic generation and road capacities:** Staff finds that there is existing access along W Oakland Park Blvd. The Use will continue to exist with a proposed expansion of square footage from 18,300 square feet to 41,070 square feet in order to encompass the entire building. Of note, the applicant is not proposing any alterations to the site and the site has separate ingress and egress lanes for vehicles. As such, Staff concludes that the subject site conforms to this criteria as the intensity of the use will remain the same in regards to Access, traffic generation and road capacities.
4. **Economic benefits or liabilities:** Staff concludes that the proposed Office, Medical Use provides both direct and indirect economic benefits. Mendez Medical Center has approximately 40 employees on staff. The direct benefits are the continuation of jobs within the City of Lauderhill. An additional benefit is the collected sales tax and local business receipt tax. The indirect economic benefits could include sales taxes collected due to employee expenditures within the City. The economic liabilities would include the continued use of public services.
5. **Demands on utilities, community facilities, and public services:** Staff finds that the Office, Medical with Controlled Substance Provider Use is an existing use and concludes that the continued operation of the use would not generate a greater demand on utilities and community facilities.
6. **Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill:** Staff finds that a Medical Office is a commercial use. The subject site and the abutting sites to the east and west within the City of Lauderhill are designated Commercial on the City's Future Land Use Map and the Future Broward County Land Use Plan. Both the City and the County plans allows for Medical Office Uses within this commercial corridor. Staff finds that the proposed use is in conformance with the City and County Comprehensive plans.

7. **Factors relating to safety, health, and general public welfare:** Staff concludes that a medical office will not adversely impact the public safety, health, and general welfare. Although Dr. Mendez may prescribe controlled substances to his patients (depending on their medical diagnosis), there will not be any dispensing of controlled substances on site. Dr. Mendez is in good standing with the Florida Board of Medicine and has no complaints or disciplinary actions on file. Furthermore, the medical office has existing security cameras and an alarm system to help deter crime.

V. **RECOMMENDATION/ACTION**

Staff recommends approval of this special exception request for an Office, Medical with Controlled Substance Provider Use.

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 allows for no controlled substance prescriptions to anyone other than a patient in connection with a medical procedure performed or to be performed.
2. The Office, Medical, with Controlled Substance Provider use is restricted to a total of 41,070 square feet (the entire building) 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 OSCAR MENDEZ, M.D., P.A. and shall cover the licensed practitioners of OSCAR MENDEZ, M.D., P.A. (to include both employee practitioners and independent contractors working for OSCAR MENDEZ, M.D., P.A.) where for clarification, such independent contractor bills under the billing number of OSCAR MENDEZ, M.D., P.A. and the patients are patients of record of OSCAR MENDEZ, M.D., P.A., 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 OSCAR MENDEZ, M.D., P.A. 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 7:00 a.m. to 7:00 p.m. Mondays through Fridays and Saturdays from 8:00 a.m. to 6:00 p.m. Any increase in either the days or hours of operation or both is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase.
5. OSCAR MENDEZ, M.D., P.A. shall be required to comply with, and operate in accordance with, all standards and requirements by the State of Florida, the Florida Board of Medicine, and the City when operating a Medical Office with Controlled Substance Practitioner.
6. 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.
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.
8. 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.
9. 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.
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.
11. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

VI. ATTACHMENTS

None.