



Development Review Report (DRR)

To: Daniel T. Keester-O'Mills, AICP, *Development Services Director*
From: Nadine Fearon, *Associate Planner*
RE: Special Exception Application No. 25-SE-001 _ 2801 NW 55 Avenue (Salmos 23 NO. 8)
Date: April 8, 2025 (Consideration by the City Commission on April 28, 2025)

The applicant (Odelys Bello) is representing business, Cornerstone Health Management for (Salmos 23 NO. 8, LLC), whom has filed a Special Exception application on behalf of the property owner Sarepta No. 6. Figure 1, below, provides an aerial of the subject site located on NW 55 avenue, approximately one block south of W. Oakland Park Blvd. The following information has been prepared for your consideration:

I. BACKGROUND INFORMATION

Requested Action

The Petitioner requests conveyance of a Special Exception Use for Salmos 23 NO. 8, LLC. to allow continued use of an existing Assisted Living Facility (ALF), Special Residential Facility (Category 3) within the Residential Multi-Family (RM-18) zoning district. The existing facility has 105 beds and provides assisted living care to elderly patients. The new owner proposes to increase the number of beds to 128 beds. The Special Residential Facility is located on an approximately 4.09± acre site at 2801 NW 55 Avenue, Lauderhill, Florida.

Figure 1



Applicable Land Development Regulations (LDR)

LDR Article III, Part Section 5.36.3. The design of all special residential facility parcels shall be residential in character and shall be in harmony with surrounding land uses, including structures, height, profile, building materials, colors and landscaping.

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

LDR Article IV., Part 1.0., Subsection 1.3.2., provides for the Department to review any land development order application to determine its completeness.

LDR Article IV., Part 1.0., Subsection 1.4.4., provides that within 45 days from the acceptance of the application for development subject to major review.

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

LDR Article IV., Part 4.0., Subsection 4.5.B. provides the Department shall not accept a special exception use application if the property is subject to unpaid city liens, fines or fees.

LDR Article III, Section 2.2., addresses assignment of zoning districts.

LDR Article III, Sections 2.3., and 2.4., and Schedule B., respectively address permitted and special exception uses.

LDR Article IV., Part 4.0., Section 4.6., Standards for approval.

LDR Schedule H., Section 1.1 Address Non-conforming land use provisions specific to continuance, change, and discontinuance of existing uses.

II. SITE INFORMATION**Legal Description:**

CALCUTTA FIRST ADDITION PORTION OF TRACT B PLAT BOOK 80 PAGE 17 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Address:

2801 NW 55 Avenue, Lauderdale, Florida

Tax Folio Number(s):

4941 26 21 0021

Land Use/Zoning:

| | |
|-------------------------------------|----------------------------------|
| Existing Use(s): | Assisted Living Facility |
| Future Land Use Designation: | Low Medium (10) Residential |
| Zoning Designation: | RM-18 (Multi-Family Residential) |

Adjacent Designations:

| | Existing Use | Future Designation | Zoning |
|--------------|--|--|--|
| North | Commercial (Shopping Center) | Commercial | CG (General Commercial) |
| South | Residential Multi-Family (Pre-school & Townhouses) | Low Medium (10) Residential | RM-18 & RM-10 (Residential Multi-Family) |
| East | Residential Multi-Family (Stonebridge Garden Condominiums) | Medium High (25) Residential | RM-22 (Residential Multi-Family) |
| West | Residential Multi-Family (Royal Palms at Inverrary) | High (50) Residential & Medium High (25) Residential | RM-45 & RM-22 (Residential Multi-Family) |

ZONING HISTORYExisting Special Exception Use (SEU)

Resolution No. 18R-06-119

Violations

None

Existing Variances

None

Development History

- The Property had previously received Special Exception Use (SEU) approval in September of 1986. The resolution that was granted, Resolution NO.86-165, was to operate an Adult Congregate Living Facility, currently known as a Special Residential Facility.
- SEU Resolution NO. 86-165 did not provide for an expiration date. LDR Article IV Section 4.10.3 requires that the conveyance of a Special Residential Facility (Category 3) is prohibited without further Special Exception Use approval.
- SEU Resolution NO. 18R-06-119 granted Colonial Assisted Living at Fort Lauderdale, LLC, a special exception to allow the continued use of a Special Residential Facility (Category 3) at the subject property with 105 sleeping rooms.

III. PLANNING ANALYSIS

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

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.

1. **The effect of such use on surrounding properties:** The subject property is zoned RM-18, and is surrounded by commercial development to the north, low medium to high density residential development to the south, east, and west. The building was built in 1986 specifically for the use of an Adult Congregate Living facility (Special Residential Facility). The Department concludes that the operation of a 24 hour per day, seven days per week assisted living facility typically does not generate noise, odors, vibrations, emissions or traffic that would adversely affect surrounding land uses. Code Enforcement records for the property do not indicate a history of issues related to noise, odor, vibrations, emissions or traffic.
2. **The suitability of the use in regards to its location, site characteristics, and intended purpose and access:** The site is zoned RM-18. An Assisted Living Facility is classified in the Land Development Regulations (LDR) as a Special Residential Facility (Category 3). The site was developed with the express purpose of housing an Adult Congregate Living facility, categorized by the Lauderdale Land Development Regulations as a Special Residential Facility (Category 3). The Department concludes that the proposed conveyance of the existing use is suitable with regard to its location, site characteristics, and intended purpose.
3. **Access, traffic generation and road capacities:** Staff finds the existing facility has not proven to be of high impact in regards to access. Traffic generation and road capacities. Staff concludes that with the prohibition of expansion the conveyance of this facility will not have an effect on traffic generation.
4. **Economic benefits or liabilities:** Staff concludes that the Special Residential Facility provides both direct and indirect economic benefits. The direct benefits are the continuation of jobs within the City of Lauderdale. The applicant advised Salmos 23 NO. 8 & Sarepta NO. 6 will have up to 55 employees on staff with salaries ranging from \$25,000/annually - \$70,000/annually. 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 Special Residential Facility is an existing use and concludes that the continued operation of the use would generate a greater demand on utilities and community facilities with the increase in amount of beds from 105 to 128.
6. **Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderdale:** Staff finds the site is designated Residential on the City's Future Land Use Map Series (FLUMS) and the Future Broward County Land Use Plan Map. Both the City and the County Plan's allow special residential facility uses within this land use category.

7. **Factors relating to safety, health, and general public welfare:** Staff concludes the proposed use is suitable with regard to its location due to the proposed conveyance but not an expansion of this existing facility. As such, staff recommends approval of the special exception request.

IV. RECOMMENDATION/ACTION

The Department recommends approval based on the above research by staff. Based on the 30+ year history of the property as an Adult Congregate Living Facility/Special Residential Facility (Category 3) the Department concludes the proposed use is suitable with regard to its location. Should the City Commission determine the application complies with the LDR applicable standards and minimum requirements and vote to grant approval then the Department recommends the City Commission adopt the following conditions as part of their order:

1. This Special Exception Use development order shall be specifically granted to Salmos 23 NO. 8 and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another entity. Further, this special exception use development order shall automatically expire and become null and void if any entity other than Salmos 23 NO. 8 operates this Special Residential Facility (SRF). All employees, agents and independent contractors are subject to, and covered by, the express terms and conditions of this Special Exception Use Development Order.
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 shall require the City Commission to grant an additional Special Exception Use Development Order.
3. Maintain existing generators to provide power source for all basic mechanical operations of the facility sufficient to cover a large enough living area to accommodate all of its occupants with the basic necessities of life for a minimum of ninety-six (96) hours shall be installed in the following businesses located within the geographical boundaries of the city: Long-term Care Facilities, nursing homes and other related health care facilities that are required to be licensed under Florida Statutes, Chapter 400, as may be amended from time to time.
4. 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.
5. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.
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 conditions of approval, may be subject to modification, suspension and/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., Section 1.8, 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.

V. ATTACHMENTS

1. Resolution No. 18R-06-119

RESOLUTION NO. 18R-06-119

A RESOLUTION GRANTING TO COLONIAL ASSISTED LIVING AT FORT LAUDERDALE, LLC, A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE RESIDENTIAL MULTI-FAMILY AT 18 DWELLING UNITS PER ACRE (RM-18) ZONING DISTRICT A 105 SLEEPING ROOM SPECIAL RESIDENTIAL FACILITY ON A \pm 4.3 NET ACRE SITE LEGALLY DESCRIBED AS CALCUTTA FIRST ADDITION B, THAT PART OF TRACT B LYING WITHIN THE FOLIO DESCRIPTION PROP COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT B THENCE SOUTH 0 DEGREES 55 MINUTES 10 SECONDS EAST, ALONG THE WEST LINE OF SAID TRACT B A DISTANCE OF 490.69 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE, THENCE SOUTH 89 DEGREES 58 MINUTES AND 30 SECONDS EAST, PARALLEL TO THE NORTH LINE OF SAID TRACT B A DISTANCE OF 439.34 FEET TO A POINT ON THE EAST LINE OF SAID TRACT B AND THE POINT OF TERMINATION OF SAID LINE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 80, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; MORE COMMONLY KNOWN AS LAUDERHILL MANOR LOCATED AT 2801 N.W. 55TH AVENUE, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, this property is zoned Residential Multi-Family at 18 dwelling units per acre (RM-18) by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the Residential Multi-Family at 18 dwelling units per acre (RM-18) zoning district by Special Exception approval only; and

WHEREAS City Staff recommends that the City Commission APPROVE this Special Exception Use Development Order request, however, if the City Commission wishes to approve it, then approval should be 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 Colonial Assisted Living at Fort Lauderdale, LLC, to allow within the Residential Multi-Family at 18 dwelling units per acre (RE-18) Zoning District a 105 sleeping room special residential facility on a \pm 4.3 net acre site on property legally described as Calcutta First Addition B That Part of Tract B Lying within the Folio Description Prop Commencing at the Northwest corner of said Tract B thence South 0 degrees 55 minutes 10 seconds East, along the West line of said Tract B a distance of 490.69 feet to the Point of Beginning of the herein described line; thence South 89 degrees 58 minutes and 30 seconds East, parallel to the North line of said Tract B a distance of 439.34 feet to a point on

the East line of said Tract B and the Point of Termination of said line according to the Plat thereof, as recorded in Plat Book 80, Page 17, of the Public Records of Broward County, Florida; more commonly known as Lauderhill Manor located at 2801 NW 55 AVE, Lauderhill, Florida, is hereby approved subject to the following conditions:

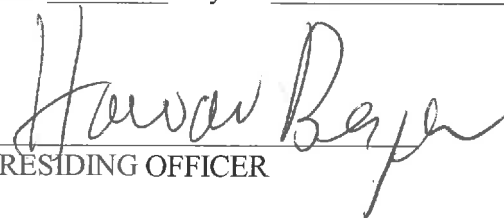
1. Consistent with Land Development Regulations Article Iv., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of this use shall require the City Commission to grant an additional Special Exception Use Development Order.
2. The special residential facility is restricted to residents at least 55 years of age.
3. Within 180 days Colonial Assisted Living will obtain Site Plan Modification approval for proposed exterior site changes to include but not be limited to; façade improvements, fence/wall improvements.
4. Provide generators which are capable of providing a power source for all basic mechanical operations of the facility sufficient to cover a large enough living area to accommodate all of its occupants with the basic necessities of life for a minimum of ninety-six (96) hours shall be installed in the following businesses located within the geographical boundaries of the city: Long-term Care Facilities, nursing homes and other related health care facilities that are required to be licensed under Florida Statutes, Chapter 400, as may be amended from time to time.
5. Complaints to Code Enforcement, Police or any administrative agency may cause the SEU approval to be reviewed by the City Commission for possible revocation.
6. This Special Exception Use development order shall be specifically granted to the Colonial Assisted Living at Fort Lauderdale and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another entity. Further, this special exception use development order shall automatically expire and become null and void if any entity other than the Colonial Assisted Living at Fort Ladue operates this SRF. All employees, agents and independent contractors are subject to, and covered by, the express terms and conditions of this Special Exception Use Development Order.
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., Section 1.8, 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.

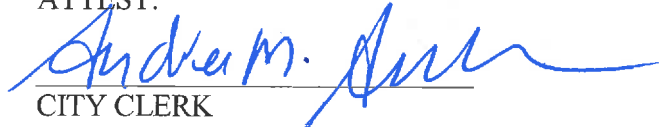
Section 3. This Resolution shall take effect immediately upon its passage.

DATED this 11 day of June, 2018.

PASSED AND ADOPTED on first reading this 11 day of June, 2018.


PRESIDING OFFICER

ATTEST:


CITY CLERK

MOTION
SECOND

Bates

Thurston

M. BATES
H. BENSON
H. BERGER
K. THURSTON
R. KAPLAN

Yes

Yes

Yes

Yes

Absent

Approved as to Form



W. Earl Hall
City Attorney