

City of Lauderhill

Special Exception Application No. 23-SE-007

Primary Dental Partners P.A.

I. APPLICANT INFORMATION

PETITIONER

Primary Dental Partners P.A. / Dr. Eyad Shehadeh

STATUS OF PETITIONER

Business Owner

II. BACKGROUND INFORMATION

Requested Action

The petitioner is requesting approval of a Special Exception Use Application to allow Office, Medical with controlled substance Provider, Dentist within the General Commercial (CG) zoning districts for the property located at 5950 W. Oakland Park Blvd Suite 101, Lauderhill, Florida.

Applicable Land Development Regulations & City Codes:

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

III. SITE INFORMATION

Legal Description

Portion of Tract A of The Oakland Shoppes Plat as recorded in Plat Book 82 Page 3 of the Public Records of Broward County, Florida.



Figure 1: 5950 W. Oakland Park Blvd

The site is 62,325± square feet, consisting of a three story building 41,070± square feet within the CG Zoning district. The proposed unit is 1,604 square feet. 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 roadway and uses.

Land Use/Zoning:

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

Adjacent Designations:

	Existing Land Use	Future Land Use Designation	Zoning
North	Commercial	Commercial	CG
South	Multi-family Residential	Residential	RM-18
East	Commercial	Commercial	CG
West	Commercial	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 Zoning 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.

Primary Dental Partners P.A. currently has three locations including two locations in Hollywood, FL (3039 Johnson St & 6517 Taft St, Suite 201) and one location in Plantation, FL (973 N Nob Hill Rd). Primary Dental Partners P.A. provides general dentistry diagnosis and treatments such as, fillings, crowns, root-canals, extractions and cleanings. Medications will only be prescribed to patients in relation to dental procedures. Both Dr. Eyad Shehadeh and Dr. Ricardo Hernandez own Primary Dental Partners P.A. and have the ability to prescribe controlled substances with no disciplinary actions on record. The proposed hours of operation are Monday through Friday 8:30 a.m. to 5:00 p.m. The business will employ as many as 6 which include receptionists, dental assistants, and the dentists.

Primary Dental Partners P.A. is located in Mendez Medical Center, which is the same building that Oscar Mendez, M.D., P.A is located in. Oscar Mendez, M.D., P.A. was granted a Special Exception for and Office Medical with Controlled Substance Provider (Res NO. 21R-03-56). The Mendez Medical Center proposes to have multiple medical service providers in the building to provide comprehensive medical care for the medical center's visitors.

VI. RECOMMENDATION/ACTION

The Planning and Zoning Department recommends the City Commission adopt a resolution granting to Primary Dental Partners P.A. a Special Exception Use to allow an Office, Medical, with Controlled Substance Provider, Dental use in 1,604 square feet unit within a 41,070± square feet site within the General Commercial (CG) zoning district located at 5950 W Oakland Park Blvd to the following conditions:

1. This Special Exception Use development order allows for no controlled substance prescriptions to anyone other than a dental patient in connection with a dental procedure performed or to be performed.
2. This Special Exception Use development order allows for no prescription refills.
3. The Office, Medical, with Controlled Substance Provider use is restricted to a total of 1,604± square feet as indicated on the lease agreement. 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
4. The general days and hours of operation are five (5) days a week, Monday through Friday 8:30 a.m. to 5:00 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. This Special Exception Use development order for Office, Medical, and Dental with a Controlled Substance Provider shall be specifically granted to Primary Dental Partners P.A.. and shall cover the licensed dentists. In addition to Primary Dental Partners P.A. receiving a certificate of use, each dentist is required to apply for a certificate of use. This special exception use development order shall automatically expire and become null and void if any entity other than Primary Dental Partners P.A. operates the dentist office. All doctors, 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

Any violation of these conditions may result in a public hearing before the City Commission in order to determine whether this special exception use development order should be revoked, suspended or modified.

VII. ATTACHMENTS

Attachment A- SEU Application Submittal
Attachment B- Site Plan
Attachment C- Affidavit