

City of Lauderhill

Special Exception Application No. 22-SE-003

Med-Ped Associates, P.A.

I. APPLICANT INFORMATION

PETITIONER

Med-Ped Associates, P.A.

STATUS OF PETITIONER

Property Owner/ Marcina Joseph

II. BACKGROUND INFORMATION

Requested Action

The petitioner is requesting 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 property located at 1600 N State Road 7 (NW 40 Avenue), Lauderhill, Florida.

Dr. Rufus Joseph operates Med-Ped Associates, P.A. as a full service pediatric practice and has operated this business at the subject location since obtaining the initial Certificate of Use (COU) in 1997. At the time, the business was established as the Use of Office, Medical with Controlled Substance Provider, but did not require Special Exception Use approval and was allowed within the City as Permitted by right. Dr. Joseph is looking to expand his services with the addition of Dr. Johanne Thurel. Dr. Joseph and Dr. Thurel are both in good standing with the Florida Board of Medicine and have no disciplinary actions on record. The addition of new professionals, licensed to prescribe controlled substances triggers the need for this business to require the approval of the City Commission to prescribe controlled substances.

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

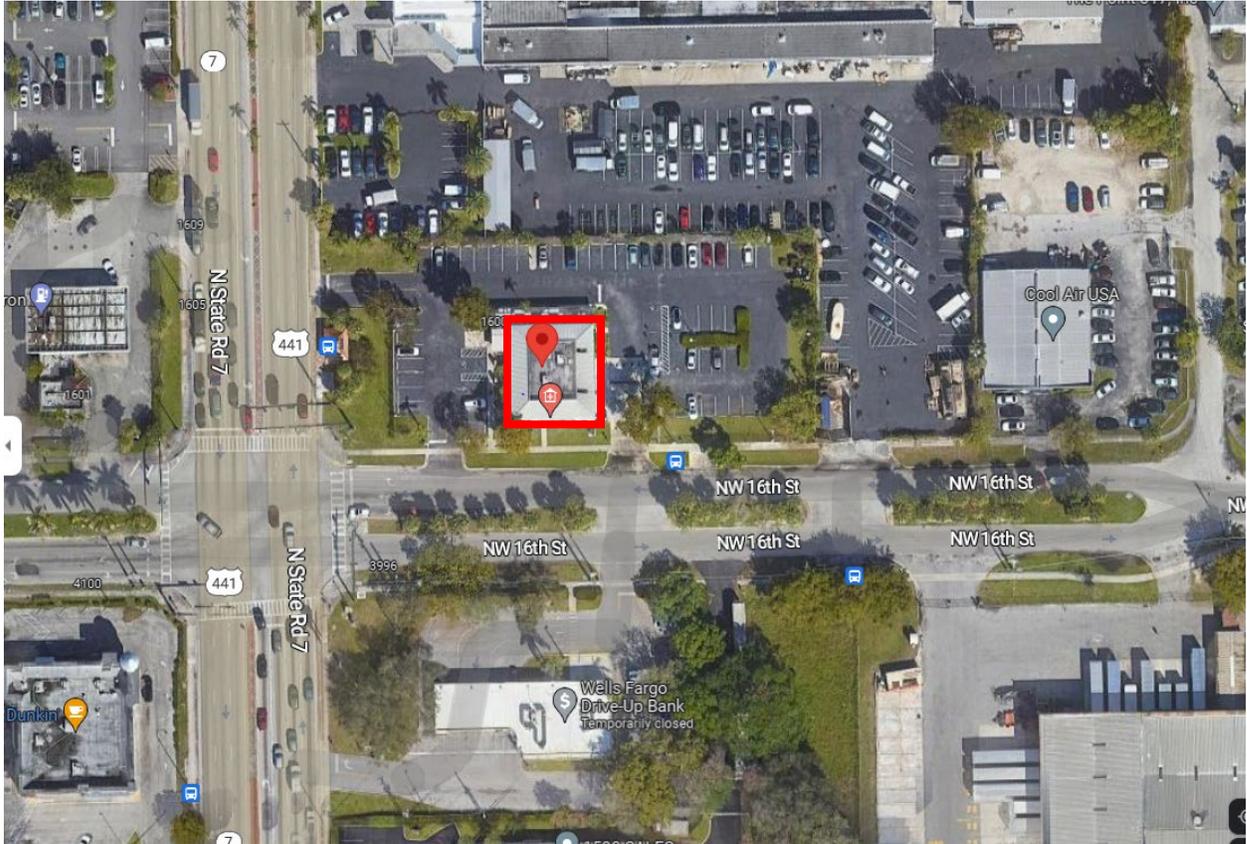
Article IV Section 4.4 Approval for Special Exception Uses

III. SITE INFORMATION

Legal Description

Portion of tracts c & d of industrial 100 unit 2 plat as recorded in plat book 85 page 2 of the public records of Broward County, Florida.

Figure 1: 1600 North State Road 7



The site consists of one building, a one story building with multiple tenants consisting of approximately 4,791 square feet. The unit to be occupied by Med-Ped Associates, P.A. consists of 2,500 square feet. Figure 1 is an aerial photograph highlighting in red the subject site 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: Transit Oriented Corridor
Zoning Designation: 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 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 Lauderhill.
7. Factors relating to safety, health, and general public welfare.

Med-Ped Associates, P.A. is a medical doctor's office seeing pediatric patients both sick and well. Med-Ped Associates, P.A. has been in business with Lauderhill since 1997 and has a great reputation in the community. Its hours of operation are Monday through Friday 9:00 a.m. to 5:00 p.m. and Saturday 9:00 a.m. to 12:00 p.m.

Dr. Joseph and Dr. Thurnel have the ability to prescribe controlled substances. Based on the requirements of the Land Development Regulation, staff has applied recommended conditions standard to all controlled substance providing practitioners within the City of Lauderhill in order to ensure compliance with the applicable land development requirements.

VI. RECOMMENDATION/ACTION

The Planning and Zoning Department recommends the City Commission adopt a resolution granting to Med-Ped Associates, P.A. a Special Exception Use to allow an Office, Medical, with controlled substance provider use on a 4,791 square feet site within the General Commercial (CG) zoning district located at 1600 N State Road 7 to the following conditions:

1. This Special Exception Use Development Order allows for no controlled substance prescriptions to anyone other than a patient in connection with a procedure performed or to be performed at the Medical Office.

2. The Office, Medical, with Controlled Substance Provider use is restricted to a total of 2,500 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 Med-Ped Associates, P.A. and shall cover the licensed practitioners of Med-Ped Associates, P.A. (to include both employee practitioners and independent contractors working for Med-Ped Associates, P.A. where for clarification, such independent contractor bills under the billing number of Med-Ped Associates, P.A. and the patients are patients of record of Med-Ped Associates, 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 Med-Ped Associates, 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 six (6) days a week, Monday through Friday 9:00 a.m. to 5:00 p.m., Saturday 9:00 a.m. to 12:00 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. Any doctor hired to operate under Doctor Rufus Joseph of Med-Ped Associates, P.A. is required to obtain an individual Certificate of Use.
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.

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- Affidavit of Conditions

Attachment C- Floor Plan

Attachment D- Inventory of Equipment