



Agenda Item No.

## DEVELOPMENT REVIEW REPORT

The Matter Before the City of Lauderhill's Planning and Zoning/City Commission is a Resolution of the City Commission of the City of Lauderhill, Florida, Granting a Site Development Plan Application to Prospect Real Estate Group, LLC on behalf of Parabens Group, LLC, for a Proposed Mixed-Use Development consisting of 265 dwelling units and 10,000+/- square feet of commercial space on a 6.43 +/- Arce Site in the General Commercial (CG) Zoning District; legally described as Commercial Boulevard Shoppes No. 1 Lot 8 through lot 17 and more commonly known as 8356 W Commercial Blvd Lauderhill, Florida; Providing for Findings and Conclusions; Providing for Conflicts; Providing for an effective date (Requested by City Manager, Desorae Giles-Smith)

### I. BACKGROUND

The subject property comprised of approximately 6.43+/- acres (See Figure 1):

#### Land Use/Zoning:

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

The table below shows the surrounding land uses and zoning districts.

#### Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	City of Tamarac/ Commercial	City of Tamarac/ Commercial	City of Tamarac/ CG
South	Canal then Single Family Homes Plaza	Low (5) Residential	RS-5
East	Commercial	Commercial	CG
West	Commercial	Commercial	CG

Figure 1



Source: Broward County Property Appraiser (Aerials 2020)

Please note the following regarding historical data for the subject property:

- On September 14, 2022, Special Exception Use Resolution NO. 22R-09-211 for approval in the (CG) General Commercial Zoning District of a Mixed Use Development inclusive of up to 275 Dwelling Units and 9,000+/- square feet of Commercial space was granted by the City of Lauderhill's City Commission
- On September 14, 2022, Special Exception Use Resolution NO. 22R-09-212 for approval in the (CG) General Commercial Zoning District for the allocation of up to 275 Flexible Residential Dwelling Units within a Mixed Use was granted by the City of Lauderhill's City Commission

The Applicant, Prospect Real Estate Group, LLC, intends to develop a Mixed-Use Development with five stories and a height of 53' 4" and consisting of 265 dwelling units and 10,000+/- square feet of commercial space on a 6.43 +/- Acre Site in the General Commercial (CG) Zoning District at the property located at 8356 W Commercial Blvd and inclusive of lots .

## **II. DATA & ANALYSIS**

- A. Pre-application meeting. Land Development Regulations Article IV, Part 1.0., subsection 1.3.1., provides for a pre-application process. It provides for the Applicant to meet with Division staff to discuss the development review process, the type of review required (whether major or minor), and to be informed of which other City staff members to confer with about the application.

The Applicant held a pre-application meeting with the Division in to discuss the development review process. The Division explained that the site plan requires major review, that the normal time periods associated with the site plan application review would be followed, that the Development Review Committee (DRC) would make the determination on whether to forward the application to the Planning and Zoning Board (Board), before it is forwarded to the Board, and that the Board makes the final determination on site plans, unless pre-empted by the City Commission.

- B. Application filing and acceptance date. Land Development Regulations Article IV., Part 1.0., subsection 1.3.2., provides for the Division to review any land development order application to determine its completeness and to issue a letter within five (5) working days determining whether or not the application is complete. If the land development order application is complete, then the Division must accept the application. If the land development order application is incomplete, the Division is required to reject the application and forward to the Applicant a notice of incompleteness specifying the data missing from the submitted application. In the event the Division fails to review the application within the required time, the Land Development Regulations provide for the Division to accept the application for processing.

In November of 2021, the Applicant filed with the Division a site plan application..

- C. Application review period. Land Development Regulations 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, the City Planner shall compile the individual staff reports, prepare a written development review report with proposed findings and a recommendation, and notify the Applicant of the date the application will be presented to the Development Review Committee, Beautification Committee, Planning and Zoning Board, and City Commission, or any combination of the above.

The site plan application was filed with the Division in November Of 2021 and accepted by the Division. The original site plan submittal included a drive through coffee restaurant and a two commercial buildings providing for restaurant and retail Uses. The Division provided the Applicant review agency written comments and notice of the DRC hearing for the site plan application. The site plan application was denied without prejudice at the first DRC Meeting two more time with the DRC in December of 2021 and February of 2022 the site plan was approved by the DRC on 3<sup>rd</sup> hearing and proceeded to the Planning and Zoning Board where it was approved on May 29, 2022.

- D. Application amendments. Land Development Regulations Article IV, Part 1.0., subsection 1.3.5., provides an application for a development permit may be revised by the Applicant after it has been accepted. The City Planner is charged with the responsibility to examine the amendment to determine whether any portion of the review process must be repeated. If any such portion is repeated, the time limits may be extended up to an additional 45 days.

The Division finds the site plan application was amended with a Site Plan Modification submittal in September of 2022 to remove the restaurant and retail buildings and propose in their place, a Mixed-Used development consisting of 265 dwelling unit and 10,000+/- square feet of commercial space. This modified site plan went through a series for DRC hearings for a total of four. The proposed drive through coffee restaurant was removed from the proposal in October of 2022 and the modification proceeded with the Mixed-Use Development. Having satisfied the majority of the comments provide through these reviews by the DRC members, the Site Plan Modification application was approved by the DRC on April 4, 2023.

- E. Platting requirements. The Broward County Land Use Plan, Administrative Rules Document, Article VII., addresses platting requirements, exemptions and definitions. Section 7.3., states that “No unit of local government may grant an application or a building permit for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been approved by the Broward County Commission and recorded in the official records of Broward County subsequent to June 4, 1953.”

The Division finds the Inverrary Commercial Boulevard Shoppes NO.1 Plat was recorded in Plat Book 109, Page 28.

- F. Future land use and zoning requirements. Land Development Regulations Article III, Part 2.0., Section 2.2., addresses assignment of zoning districts. State law and the City’s LDR require that a property have a zoning district that is consistent with its future land use designation.

The Division finds the property is currently zoned General Commercial (CG) and consistent with the future land use designation

- G. Permitted land uses. Land Development Regulations Article III, Part 2.0., Sections 2.3., and 2.4., and Part 5.0, and Schedule B respectively address permitted and special exception uses. State law and the City’s LDR require that a land use be in conformance with the uses allowed in the zoning district.

The Division finds the site plan provides for a Mixed-Use Development consisting of 265 dwelling units and 10,000+/- square feet of commercial space LDR Schedule B provides that within the General Commercial (CG) zoning district a Mixed-Use Development Use is a Special Exception Use.

Special Exception Use Resolution NO. 22R-09-211, granted on September 14, 2022 by the City of Lauderhill City Commission provides for this Use approval.

### III. Development Zoning Data

#### SITE DATA

APPLICATION NAME	COMMERCIAL COMMONS	MAXIMUM BUILDING HEIGHT	100'
APPLICATION NUMBER	22-SP-003	PROPOSED BUILDING HEIGHT <sup>1*</sup>	53'-4"
FUTURE LAND USE DESIGNATION	COMMERCIAL	REQUIRED PARKING	545 SP.
EXISTING ZONING	CG / C-3 GENERAL COMM	RESTAURANT (1 SP./30 SF)	66 SP.
OVERLAY	GATEWAY ROAD	RETAIL (1 SP./200 SF)	29 SP.
ID NUMBER(FOLIO)	494-1160-800-80	RESIDENTIAL PARKING	450 SP.
EXISTING USE	VACANT	1.5 SP / STUDIO & 1 BDRM (160 D.U.)	240 SP.
PROPOSED USE	MIXED-USE	2 SP / 2+ BDRM (80 D.U.)	160 SP.
		2 SP. /1 & 2 BDRM + DEN (25 D.U.)	50 SP.
GROSS SITE AREA	6.43 AC.	COMM LOADING (1 SP / 10,000 SF)	1 SP.
NET SITE AREA	5.43 AC.	RES LOADING (1 SP / 100 D.U.)	2 SP.
RESIDENTIAL AREA (INCLUDING CORRIDORS)	278,301 SF.	ADA PARKING <sup>2*</sup>	12 SP.
STUDIO (579 SF)	5,790 SF		
1 BDRM (681 SF)	102,150 SF	PROPOSED PARKING	552 SP.
2 BDRM (1,030 SF)	72,100 SF	GARAGE PARKING	470 SP.
3 BDRM (1,200 SF)	12,000 SF	SURFACE PARKING	82 SP.
1 BDRM + DEN (915 SF)	4,575 SF		
2 BDRM + DEN (1,097 SF)	21,940 SF	COMM LOADING	1 SP.
AMENITY / LEASING	1,940 SF.	RES LOADING	2 SP.
COMMERCIAL SQUARE FOOTAGE	9,676 SF.	ADA PARKING <sup>2*</sup>	12 SP.
RETAIL	5,705 SF.	AREA BREAKDOWN	
RESTAURANT	3,971 SF.	PERVIOUS	(30%) 1.64 AC.
CUSTOMER SERVICE AREA	1,982 SF.	LANDSCAPED	0.97 AC.
DWELLING UNITS	265 D.U.	PERVIOUS PAVERS <sup>3*</sup>	0.17 AC.
STUDIO	10 D.U.	GREEN ROOF <sup>4*</sup>	0.50 AC.
1 BDRM	150 D.U.	IMPERVIOUS	4.11 AC.
2 BDRM	70 D.U.	BUILDING	2.36 AC.
3 BDRM	10 D.U.	PAVEMENT	1.75 AC.
1 BDRM + DEN	5 D.U.		
2 BDRM + DEN	20 D.U.		
GROSS DENSITY	41.2 D.U. / AC.	<sup>1*</sup> MAIN ROOF IS 53'-4" HT. ARCHITECTURAL FEATURES EXTEND TO 65'-4" HT. REFER ARCHITECTURE PLANS	
SEU APPROVAL	UP TO 275 D.U.	<sup>2*</sup> ADA PARKING INCLUDED WITHIN TOTAL	
		<sup>3*</sup> ACTUAL AREA ON PLANS IS DOUBLE. PER CITY CODE, ONLY 1/2 PERVIOUS PAVERS CAN COUNT TOWARD PERVIOUS AREA.	
		<sup>4*</sup> AREA IS DOUBLE PER CITY CODE, "GREEN" ROOF MAY COUNT DOUBLE TOWARD MEETING PERVIOUS AREA.	

### IV. ATTACHMENTS

Attachment A: Site Plan Application

Attachment B: SEU Resolutions

Attachment C: Site Plans

### V. FINDINGS AND CONCLUSIONS

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

- A. Staff finds the Site Plan application is scheduled for a duly noticed Planning and Zoning Board Hearing on July 5, 2023 and a City Commission hearing on January 10, 2023. At those public hearings, the Planning and Zoning board and the City

Commission will review and make a decision on support of and approval of respectively, the Site Plan application.

- B. Staff finds the Site Plan application notice has been published in the legal notice section of the Sun-Sentinel, a newspaper of general circulation within the County, at least 10 days before the Board public hearing.
- C. The Division finds a pre-application meeting was held with the Applicant and or agents before the site plan application was filed. The Division informed the Applicant that the site plan would require major review and approval by the Planning and Zoning Board.
- D. The Division finds the Applicant filed a site plan application in January 2020 the Applicant filed with the Division a site plan application. The Division did not issue a completeness letter specifically for the site plan.
- E. The Division finds the plans were denied without prejudice at three consecutive DRC meetings and approved at the fourth DRC meeting on April 4<sup>th</sup>, 2023.
- F. The Division finds that the Development Review Report and other agency comments were provided to the Applicant before each Development Review Committee meeting and within 45 days of acceptance and concludes the written comments were timely provided to the Applicant.
- G. The Division concludes the site plan application is in conformance with the general zoning district requirements specified in LDR Article III, Section 2.5., Article II., Part 2.0., Section 5.1., pertaining to accessory uses and structures. All Conditions of Approval and Comments shall be address before the issuance of a building permit.
- H. The Division finds the site plan application provides for circulation and parking and concludes it is in conformance with LDR Article III, Section 2.6., Article III, Part 6.0., Section 6.5., on parking standards and requirements. All Conditions of Approval and Comments shall be address before the issuance of a building permit.
- I. The Division finds the site plan application has addressed loading and concludes it is in conformance with LDR Schedule S, Article 4.0., Transect Zone 4, Table 9D on loading standards and requirements. All Conditions of Approval and Comments shall be address before the issuance of a building permit.
- J. The Division finds the site plan application is in conformance with the landscaping standards and requirements specified in Land Development Regulations Article III, Section 2.7., and Schedule J. All Conditions of Approval and Comments shall be address before the issuance of a building permit.
- K. The Division generally defers the Police Division to determine whether the site plan application is in conformance with Article III, Section 3.9., pertaining to Crime Prevention Through Environmental Design.

- L. The Division concludes the application is in conformance with LDR Article III, Section 3.9., on evidence of title based on the records maintained by the Broward County Property Appraiser.
- M. The Division finds the site plan application provides for signage and will be reviewed under a separate permit.
- N. The Division concludes the application is in conformance with LDR Article III, Section 2.10., Article V., Surface Water Management, and Schedule K on flood hazard areas.
- O. The Division defers to the DEES/City Engineer on whether the site plan application is in conformance with the engineering standards and requirements.
- P. The Division concludes the application is in conformance with Land Development Regulations Article IV, § 7.1., 7.2., and 7.3., on concurrency and subject to associated conditions as provided for by the City Engineer.
- Q. The Division concludes the site plan application is generally in conformance with applicable site plan standards and requirements of Article IV., Part 5.0. but conditions have been determined to be reasonably necessary to ensure compliance with the Land Development Regulations and are presented below should the City Commission approve this Site Plan application:
  - 1. The applicant shall be subject to any pre-existing dedications, restrictions, covenants, and easements that run with the land.
  - 2. The Site Plan was reviewed and approved by the Development Review Committee and forwarded to the Planning and Zoning Board and the City Commission for Final Approval.
  - 3. The applicant shall satisfy outstanding Planning and Zoning Comments pertaining to the modification of the roof top amenity and pool deck. Staff may require the applicant to resubmit to the DRC for modification to the approved site plan specific to the roof deck amenity area.
  - 4. The applicant shall satisfy the outstanding Engineering comments in relation to an upgraded lift station to serve the development and set timeline for upsize of the forcemain, to be approved by the City Engineer.
  - 5. The applicant shall satisfy the outstanding Fire comments in relation to the Fire Hydrant locations to serve the development, to be approved by the Fire Marshall.
  - 6. The property owner shall provide for adequate maintenance of the landscaping, right-of-way areas, water body maintenance areas, and swale areas. Provide Maintenance Agreement to be reviewed by Legal.
  - 7. The applicant shall satisfy the Land Development Regulation requirements provided for in LDR ART II - Public Art Program as they pertain to Public Art.
  - 8. The applicant shall provide to the City sufficient evidence of traffic approval from Broward County, whom governs the W. Commercial Blvd corridor, before the issuance of a building permit.
  - 9. The applicant shall provide sufficient evidence of a dedication or covenant



associated with Lot parcel folio number to memorialize the restriction related the acreage already being assigned to residential dwelling units and not being eligible to be included in calculations for future residential development.

## **VI. ALTERNATIVE ACTIONS**

The proposed Ordinance is before the Board/LPA as required by The City of Lauderdale's Land Development Regulations (LDR) Article IV., Part 2.0., and Article VI., Section 4 requires the Board/LPA to make a recommendation to the City Commission on Site Plan applications.

### **ALTERNATIVE A:**

Staff recommends the Planning and Zoning Board enter into the record this Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance **be Approved with conditions** because the application **is consistent** with LDR Article IV, Part 2.0. , Section 2.4 on the character of the district and its peculiar suitability for particular uses.

### **The conditions of approval as indicated below:**

1. The applicant shall be subject to any pre-existing dedications, restrictions, covenants, and easements that run with the land.
2. The Site Plan was reviewed and approved by the Development Review Committee and forwarded to the Planning and Zoning Board and the City Commission for Final Approval.
3. The applicant shall satisfy outstanding Planning and Zoning Comments pertaining to the modification of the roof top amenity and pool deck. Staff may require the applicant to resubmit to the DRC for modification to the approved site plan specific to the roof deck amenity area.
4. The applicant shall satisfy the outstanding Engineering comments in relation to an upgraded lift station to serve the development and set timeline for upsize of the forcemain, to be approved by the City Engineer.
5. The applicant shall satisfy the outstanding Fire comments in relation to the Fire Hydrant locations to serve the development, to be approved by the Fire Marshall.
6. The property owner shall provide for adequate maintenance of the landscaping, right-of-way areas, water body maintenance areas, and swale areas. Provide Maintenance Agreement to be reviewed by Legal.
7. The applicant shall satisfy the Land Development Regulation requirements provided for in LDR ART II - Public Art Program as they pertain to Public Art.
8. The applicant shall provide to the City sufficient evidence of traffic approval from Broward County, whom governs the W. Commercial Blvd corridor, before the issuance of a building permit.



9. The applicant shall provide sufficient evidence of a dedication or covenant associated with Lot parcel folio number to memorialize the restriction related the acreage already being assigned to residential dwelling units and not being eligible to be included in calculations for future residential development.

#### ALTERNATIVE B:

That the application is **not** in compliance with LDR Article IV, Part 2.0. , Section 2.4 on the character of the district and its peculiar suitability for particular uses. As such, the City Commission shall **deny** the application.

### **VII. RECOMMENDED ACTION**

PZD recommendation. Based upon its review, staff finds the proposed development to be consistent with the above considerations and recommends the following conditions should the City Commission decide to move forward with a recommendation of approval:

1. The applicant shall be subject to any pre-existing dedications, restrictions, covenants, and easements that run with the land.
2. The Site Plan was reviewed and approved by the Development Review Committee and forwarded to the Planning and Zoning Board and the City Commission for Final Approval.
3. The applicant shall satisfy outstanding Planning and Zoning Comments pertaining to the modification of the roof top amenity and pool deck. Staff may require the applicant to resubmit to the DRC for modification to the approved site plan specific to the roof deck amenity area.
4. The applicant shall satisfy the outstanding Engineering comments in relation to an upgraded lift station to serve the development and set timeline for upsize of the forcemain, to be approved by the City Engineer.
5. The applicant shall satisfy the outstanding Fire comments in relation to the Fire Hydrant locations to serve the development, to be approved by the Fire Marshall.
6. The property owner shall provide for adequate maintenance of the landscaping, right-of-way areas, water body maintenance areas, and swale areas. Provide Maintenance Agreement to be reviewed by Legal.
7. The applicant shall satisfy the Land Development Regulation requirements provided for in LDR ART II - Public Art Program as they pertain to Public Art.
8. The applicant shall provide to the City sufficient evidence of traffic approval from Broward County, whom governs the W. Commercial Blvd corridor, before the issuance of a building permit.
9. The applicant shall provide sufficient evidence of a dedication or covenant associated with Lot parcel folio number 4941 160 80180 to memorialize the restriction related the acreage already being assigned to residential dwelling units and not being eligible to be included in calculations for future residential development.

Reviewed By:  
Molly Howson, Acting Planning Director  
July 2023