



City of Lauderhill

City Commission
Chambers at City Hall
5581 W. Oakland Park
Blvd.
Lauderhill, FL, 33313
www.lauderhill-fl.gov

File Details

File Number: 24R-5670

File ID: 24R-5670

Type: Resolution

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Reference:

In Control: City Commission
Meeting

File Created: 05/28/2024

File Name: Special Exception Alive & Well medical office bldg

Final Action:

Title: RESOLUTION NO. 24R-06-115: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL GRANTING TO ALIVE AND WELL COMMUNITY PARTNERS A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT THE CONVEYANCE OF AN OFFICE, MEDICAL, WITH CONTROLLED SUBSTANCE PRACTITIONER USE ON A 27± ACRE SITE LEGALLY DESCRIBED AS AN UNPLATTED PARCEL OF LAND WITHIN SECTION 36, TOWNSHIP 49 SOUTH, RANGE 41 EAST, FOLIO NUMBER 4941-36-00-0012, MORE COMMONLY KNOWN AS THE LAUDERHILL MALL AND MORE PARTICULARLY DESCRIBED AS 1229 N.W. 40TH AVENUE, LAUDERHILL, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Notes:

Sponsors:

Enactment Date:

Attachments: RES-24R-06-115-Special X - Alive & Well Medical Office.pdf, Attachment A - SEU Application, Attachment B - Development Review Report (DRR), Attachment C - Public Notice Affidavit, Attachment D - (Unsigned) SEU Conditions Affidavit, Attachment E - Final Order from Board of Medicine

Enactment Number:

Contact:

Hearing Date:

* **Drafter:** apetti@lauderhill-fl.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File 24R-5670

RESOLUTION NO. 24R-06-115: A RESOLUTION OF THE CITY COMMISSION OF

THE CITY OF LAUDERHILL GRANTING TO ALIVE AND WELL COMMUNITY PARTNERS A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT THE CONVEYANCE OF AN OFFICE, MEDICAL, WITH CONTROLLED SUBSTANCE PRACTITIONER USE ON A 27± ACRE SITE LEGALLY DESCRIBED AS AN UNPLATTED PARCEL OF LAND WITHIN SECTION 36, TOWNSHIP 49 SOUTH, RANGE 41 EAST, FOLIO NUMBER 4941-36-00-0012, MORE COMMONLY KNOWN AS THE LAUDERHILL MALL AND MORE PARTICULARLY DESCRIBED AS 1229 N.W. 40TH AVENUE, LAUDERHILL, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Request Action:

Pass a Special Exception Use with conditions for a medical office with controlled substance provider as requested by Alive and Well Community Partners, in a 3,840 square feet unit within the Lauderhill Mall as legally described herein and more commonly known as 1229 NW 40 Avenue.

Need:

To approve a special exception use with conditions.

Summary Explanation/ Background:

The Applicant (ALIVE AND WELL COMMUNITY PARTNERS) is requesting special exception approval to allow a medical office with a provider authorized to issue controlled substances at the subject property (1229 NW 40 Avenue, Lauderhill, FL). If approved by the City Commission, the proposed tenant will occupy approximately 3,840 square feet within the Lauderhill Mall. The proposed medical office provides medical care for the community. Their services include primary care, gynecologist exams, lab testing, electrocardiograms, nebulizer treatments, urgent care, IV infusions and basic x-rays. The office will employ health care providers, phlebotomists, managers and patient service specialists. They have another office in Miami Gardens, and at this location their normal hours of operation will be: Monday - Friday 9 AM - 4 PM, and Saturday 9 AM - 2 PM. Dr. Alicia Chilito will be the only doctor on staff that holds a DEA license to prescribe controlled substances to patients. Dr Chilito (the licensed practitioner) is clear to practice their profession in the state of Florida.

The Land Development Regulations provide two factors for consideration when approving a Special Exception for this use: (1) whether the practitioner has been disciplined within the last ten (10) years, and whether the practitioner has owned, operated or been employed in a pain management clinic within the last ten (10) years. Staff confirms that there are no outstanding discipline cases against this doctor, nor are there any disciplinary actions within 10 year. While performing this query on the Department of Health's public portal, Staff found the doctor's profile case was considered by the Board of Medicine and a final order was issued on December 2, 2011 related to a case (Case #: 2010-09208). A copy of the Administrative Complaint & Final Order are attached to this report for reference.

Based on our review, Staff finds that the Applicant has demonstrated compliance with all applicable special exception considerations and recommends approval of the request subject 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 medical procedure performed

or to be performed.

2. The Office, Medical, with Controlled Substance Provider use is restricted to a total of 3,840 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 Alive and Well Community Partners LLC and shall cover the licensed practitioners of Alive and Well Community Partners, LLC. 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 Alive and Well Community Partners, LLC 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 8:00 a.m. to 5:00 p.m., Saturdays 9:00 AM - 5:00 PM and closed on Sundays. 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. Alive and Well Community Partners, LLC 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.

Attachments:

Attachment A: SEU Application

Attachment B: Development Review Report (DRR)

Attachment C: Public Notice Affidavit

Attachment D: SEU Conditions Affidavit

Attachment E: Final Order from Board of Medicine

Cost Summary/ Fiscal Impact:

The Planning & Zoning Department finds that the implementation of this resolution/ordinance

will not require a budget allocation or expenditure of city funds and concludes it does not have any direct fiscal impact on the city's budget.

Estimated Time for Presentation:

5 minutes