



Development Review Report (DRR)

To: City Commission
From: Daniel T. Keester-O’Mills, AICP, *Planning & Zoning Director*
RE: Special Exception Application No. 24-SE-011 (1267 NW 40 Avenue)
Date: October 9, 2024

The applicant (URBN Design Group) is representing the landowner, Yoram Izhaki (Lauderhill Mall Investments, LLC), and has filed a special exception application. Figure 1, below, provides an aerial of the subject site located on the NW corner of NW 12 Street and NW 40th Avenue (AKA: North State Road 7). The following information has been prepared for your consideration:

I. BACKGROUND INFORMATION

Requested Action

The Petitioner requests conveyance of a Special Exception Use to Lauderhill Mall Investments, LLC to allow the development of three new buildings for a mixed-use development (233 dwelling units and 14,186 square feet of commercial) within the Commercial General (CG) zoning district on the south portion of the Lauderhill Mall property approximately 3.23± acre site located at 1267 NW 40 Avenue, Lauderhill, Florida.

Figure 1



Applicable Land Development Regulations

LDR Article III, Sections 3.8, Mixed use development, provide the purpose, intent, uses, standards, minimum requirements, and review process applicable for this use

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., Section 1.3.1., addresses the pre-application conference

LDR Article IV., Section 1.3.2., provides for the Department to review any land development order application

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

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

LDR Article IV., Section 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

Article IV., Section 4.6., Standards for approval, provides the City Commission, in reviewing any application for a special exception use, shall consider seven (7) specific standards

LDR Article IV, Section 4.10., Conveyance of uses that are subject to special exception approval.

II. SITE INFORMATIONLegal Description:

A portion of LAUDERHILL MALL SOUTH OUT PARCELS, Lots 5 through 7, according to the Plat thereof recorded in Plat Book 183, Page 374 of the public records of Broward County, Florida.

Address:

1267 NW 40 Avenue, Lauderhill, FL

Tax Folio Number(s):

494136380050, 494136380060 and 49413680070

Land Use/Zoning:

Existing Use(s):	Commercial – south side of Lauderhill Mall: Automotive service and retail uses, and parking lot
Future Land Use Designation:	Transit Oriented Corridor (TOC)
Zoning Designation:	Community, Commercial (CC)

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Lauderhill Mall – Commercial, Retail, Restaurant, Personal Services	Transit Oriented Corridor	CC (Commercial, Community)

South	Commercial – Restaurants, Offices, Retail	Transit Oriented Corridor	CG (Commercial, General)
East	Commercial – Automotive Uses, Offices	Transit Oriented Corridor	CG (Commercial, General)
West	Residential – Single Family	Residential (Low)	RS-4 (Residential, Single-Family)

III. ZONING HISTORY

Existing Special Exceptions

Resolution No. 24R-06-115 – Alive and Well Community Partners (1229 NW 40 Avenue)

- Approval of a medical office with controlled substance provider

Resolution No. 21R-11-254 – Broward Community & Family Health (1295 NW 40 Avenue)

- Approval of a medical office with controlled substance provider

Resolution No. 21R-06-115 – Soaphia Laudrhill, LLC (4271 NW 12 Street)

- Approval of a self-service laundromat

Resolution No. 20R-06-107 – Brightstar Credit Union (Outparcel)

- Approval of a financial institution with a drive-through

Resolution No. 20R-02-47 – Broward County Water and Wastewater Services (Outparcel #2)

- Approval of a government office

Resolution No. 19R-04-84 – Kradle to Kindergarten Preschool II, Inc (1267 NW 40 Avenue)

- Approval of a preschool use with before & after care

Resolution No. 14R-09-231 – Joy’s Roti Delights, LLC (1205 NW 40 Avenue)

- Approval of a restaurant bar with outdoor seating, live entertainment and extended hours

Resolution No. 13R-04-100 – Lauderhill Mall Investment, LLC (1599 NW 40 Avenue)

- Approval of a drive-through lane (amending hours of operation)

Resolution No. 13R-03-63 - Interamerican Medical Center Group, LLC (1531 NW 40 Avenue)

- Approval for a medical office with controlled substance practitioner.

Violations

One open violation:

- 24010299 – Outstanding balance of a COU

Existing Variances

None

Development History

- The Lauderhill Mall opened in 1966, and the original building footprint was about 400,000 square feet.

- Over the years, a couple buildings were renovated & repurposed. In 2016, the building on the west side of the mall was renovated for a self-storage operator, and building at the south east corner of the property was renovated for Joys Roti restaurant.
- The property largely remained the same until 2021, when the Broward County Bus Transfer Station was constructed alongside a new outparcel building fronting on State Road 7.
- The following year (2022) a new financial intuition, Brightstar Credit Union, was constructed.

IV. PLANNING ANALYSIS

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

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.

LDR Article III, Sections 2.3 and 2.4., and Schedule B. respectively address permitted and special exception uses. The LDR classifies the proposal as a Mixed Use Development, which is allowed in the General Commercial (CG) zoning district as a special exception use.

1. **The effect of such use on surrounding properties:** The subject property and all of the surrounding properties are designated Transit Oriented Corridor in the Future Land Use Map Series. The property is zoned Community Commercial (CC) on the City of Lauderhill Zoning Map and located along State Road 7. The applicant is proposing to renovate a portion of an underutilized parking lot & redevelop a single-story commercial use into 3 mixed-use buildings. As such, Staff concludes that this is an appropriate location for the proposed use as it pertains to the use's effect on the surrounding properties.
2. **The suitability of the use in regards to its location, site characteristics, and intended purpose and access:** The proposal is located within the Transit Oriented Corridor, and therefore the redevelopment of underutilized parking area is aligned with the general vision for the area. The applicant has filed a site plan application, which is currently under review by the Development Review Committee (DRC). Staff and the applicant are working together to ensure that the proposed development is successful for both future residents of the development and customers

and businesses of the Lauderhill Mall. Staff finds that the Use is suitable in regard to location, characteristics and purpose.

3. **Access, traffic generation and road capacities:** The applicant has designed the development to maintain the southern entrances of the Lauderhill Mall, but must ensure there is sufficient and clear parking for all site users. A traffic analysis has been submitted and reviewed by consultants (on behalf of the City) to ensure sufficient access, traffic generation and road capacities. The applicant is addressing comments made to ensure compliance with all applicable regulations. As such, Staff has issued a condition of approval that the applicant demonstrate conformance to this criteria prior to site plan approval
4. **Economic benefits or liabilities:** Staff concludes that the proposed mixed-use development will provides both direct and indirect economic benefits. The direct benefits are the creation of jobs within the City of Lauderhill and collection of taxes (sales tax, property tax, business tax receipt, etc.). The proposed development will include temporary jobs for the construction of the development, followed by permanent jobs for the commercial space and managing the residential development (property managers, leasing agents, maintenance, etc.). The indirect economic benefits could include sales taxes collected due to employee expenditures within the City. Economic liabilities may include an increase in public services for residents and businesses.
5. **Demands on utilities, community facilities, and public services:** The applicant continues to work with staff through the site plan approval process to address concerns regarding demands on utilities, community facilities, and public services. Staff has included a condition of approval to obtain site plan approval, prior to building permit submittals.
6. **Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill:** This property is located within the city's Transit Oriented Corridor (TOC) land use designation. The City of Lauderhill's Comprehensive Plan, Land Use Element, Policy 1.1.12 includes several policies related to the Transit Oriented Corridor. The following objectives, policies and sub-policies have been identified as supportive of the applicant's proposal:

Policy 1.1.12 Transit Oriented Corridor Uses

Provide for mixed use development along transit oriented corridor, such as SR 7 / US 441, consistent with the requirements of the Broward County Land Use Plan's Transit Oriented Corridor future land use category.

SUBPOLICY 1.1.12.1 SR 7 / US 441 Transit Oriented Corridor

- b) Additional or expanded stand-alone automobile oriented uses such as: large surface parking lots, gas stations/auto repair/car washes; auto dealers; self/equipment storage; "big box"/warehouse; single-family detached dwelling units; carwashes; and drive-through facilities are discouraged and should be prohibited by the local government, or limited unless designed in a manner that is consistent with the design concepts of the City's 2004-2005 Charrette Plan to encourage pedestrian and

transit usage. The intent of this policy is to ensure future development is consistent with the pedestrian and transit oriented urban design concepts of the Charrette.

OBJECTIVE 1.12 REDEVELOPMENT

To promote the redevelopment and renewal of blighted areas, the City shall community redevelopment areas.

POLICY 1.12.2 EMPLOYMENT & HOUSING OPPORTUNITIES

Continue to encourage redevelopment and expansion of employment and housing opportunities for all income levels, including very low, low and moderate-income households, within identified redevelopment areas, in the City of Lauderhill.

7. **Factors relating to safety, health, and general public welfare:** The Project seeks to improve the general health, safety, and welfare of the area. Specifically, an underutilized parking lot and redevelopment of an older commercial building will be revitalized through the construction of a new mixed-use. The construction of a vibrant use on the Property will serve as a crime deterrent, as there will be more activity and eyes on the property. The aesthetically pleasing Project will turn the asphalt parking into a thriving economic development and help to support commercial development within the immediate surrounding areas.

V. RECOMMENDATION/ACTION

Staff recommends approval of this special exception request for a mixed-use development consisting of 233 dwelling units and 14,186 square feet of commercial use. In order to ensure potential effects on the surrounding area is minimized, staff recommends the following conditions be imposed:

1. This special exception use development order for a mixed-use development with 233 dwelling units and 14,186 square feet of commercial use shall be granted to Lauderhill Mall Investments, LLC and such development order cannot be conveyed to another person or 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. Notwithstanding, the service station and convenience stores may be operated by other business entities so long as there is no change in ownership as specified herein.
2. The mixed-use development, as proposed in the City's site plan application (23-SP-001), is restricted to the south portion of the property. 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 or grants a new 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, or removal of the use to another location.
3. 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.
 4. 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.
 5. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, a site plan application consistent with the request is submitted and subsequently approved within the one hundred eighty-day period.
 6. The site plan application (23-SP-001) must demonstrate substantial conformance with the city's Land Development Regulations (LDR), and all applicable Code of Ordinances, prior to the issuance of any development order.
 7. 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.
 8. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

VI. ATTACHMENTS

1. 23-SP-001 – Excerpts from Site Plan for Laudhill Village (Reviewed by DRC February 2024)

