



Development Review Report (DRR)

To: Daniel T. Keester-O'Mills, AICP, *Planning & Zoning Director*
From: Nadine Fearon, *Associate Planner*
RE: Special Exception Application No. 24-SE-015 (4581 N. University Drive)
Date: October 28, 2024

The applicant (Yacell Del Toro Tejera) is representing the Petitioner, Filiberto Jose Herdocia (Owner of Dental Blush Sunrise), and has filed a special exception application. Figure 1, below, provides an aerial of the subject site located on N. University Drive (NW 76 Avenue) between NW 47 Street and NW 45 Court (the property is west of Promanade Plaza, LLC). The following information has been prepared for your consideration:

I. BACKGROUND INFORMATION

Requested Action

The Petitioner requests a Special Exception Use to allow Filiberto Jose Herdocia (Owner of Dental Blush Sunrise) a dental office, which includes a medical provider authorized to prescribe controlled substances, within the General Commercial (CG) zoning district on an approximately 3.86± acre site located at 4581 N. University Drive, Lauderhill, Florida 33311.

Figure 1



Applicable Land Development Regulations

LDR Article IV., Part 1.0., Subsection 1.3.1., addresses the pre-application conference

Article IV, Section 1.3.2 – Completeness of Application, provides for the Department to review any land development order application

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

Article III, Sections 2.3 and 2.4., and Schedule B – Allowable Land Uses; Additional requirements for Specific Uses; 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

Article IV, Section 4.5.B – Application for Approval, 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

II. SITE INFORMATION

Legal Description:

CITY OF LAUDERHILL SEC 1 81-4 B TR G LESS N 175

Address:

4581 N. University Drive, Lauderhill, Florida 33311

Tax Folio Number(s):

4941 16 01 9240

Land Use/Zoning:

Existing Use(s):	Commercial – Shopping Center: Retail Stores / Personal Use Stores / Medical Uses Offices / Specialty Food, Bakery Store / Restaurant Bar / Restaurant – Sit Down, High Turnover
Future Land Use Designation:	Commercial
Zoning Designation:	General Commercial (CG)

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Gas Station & Vacant Land	Commercial	General Commercial (CG)
South	Shopping Center (Eating & Drinking Establishments, Retail, etc.)	Commercial	General Commercial (CG)

East	Residential (Single-Family Houses)	Residential	Single Family Residential (RS-4)
West	Shopping Center (Offices, Retail, Eating and Drinking Establishments, Personal Services, etc.)	Commercial	General Commercial (CG)

III. ZONING HISTORY

Existing Special Exceptions

- The City Commission granted a resolution (16R-01-16) authorizing a dental office (SUNRISE VILLAGE DENTAL, LLC) operated by Dr. Steven Cossrow. The previous business operated from February 3, 2016 through September 18, 2024. Special exceptions are non-transferrable, and thus automatically expired when Sunrise Village Dental, LLC ceased operations.

Violations

None

Existing Variances

None

Development History

- The existing building was constructed in 1984 on an approximate +/- 3.86 acres parcel. The building is approximately 41,199 square feet of which only 1,300 square feet used for the proposed dental office, which includes a medical provider authorized to prescribe controlled substances.
- Dr. Filiberto Jose Herdocia also owns two other dental offices in Florida:
 - *Dental Blush Miami* located at 12260 SW 8 Street, Suite 226, Miami, FL 33184, and
 - *Dental Blush Cape Coral* located at 1227 Del Prado Blvd., Suite 106, Cape Coral, FL 33990

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 an Office, Medical, with Controlled Substance Provider, Dental Use, 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 Commercial in the existing and Future Land Use Map Series. The property is zoned CG (Commercial, General) on the City of Lauderhill Zoning Map and located along N. University Drive (NW 76 Avenue) between NW 47 Street and NW 45 Court (the property is west of Promenade Plaza). The Applicant is proposing to continue operations of a recently closed dental office, which includes a medical provider authorized to prescribe controlled substances. Sun Village Dental, LLC is the previous dental office which operated from February 3, 2016 through September 18, 2024. Staff does not anticipate adverse effects to the surrounding properties. 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 proposed dental office, which includes a medical provider authorized to prescribe controlled substances is located along N. University Drive (NW 76 Avenue) between NW 47 Street and NW 45 Court (the property is west of Promenade Plaza is along a major thoroughfare (University Drive (NW 76 Avenue). The intended purpose is to continue to provide a service where the immediate community can continue to receive dental care of their choice. Since this location has included a dental office since 2016, Staff finds that the use is suitable in regard to location, characteristics and purpose.
3. **Access, traffic generation and road capacities:** Staff finds that there are existing accesses along N. University Drive (NW 76 Ave). The proposed use will continue to exist with the same square footage and is not proposing any changes to the site. As such, Staff determines conformity to this criteria as the intensity of the use will remain the same in regards to access, traffic generation and road capacities.
4. **Economic benefits or liabilities:** Staff concludes that the proposed dental office, which includes a medical provider authorized to prescribe controlled substances provides both direct and indirect economic benefits. The direct benefits are the continuation of jobs and affordable healthcare within the City of Lauderhill. The applicant advised that Dental Blush Sunrise, will have up to 6 employees on staff with the following estimated salaries: doctor \$600.00/day, front desk \$20/hour, hygienist \$30/hour and dental assistant \$20/hour. An additional benefit is the

collected sales tax and local business receipt tax. The indirect economic benefits could include sales taxes collected due to employee expenditures within the City. The economic liabilities would include the continued use of public services and support of other neighboring businesses.

5. **Demands on utilities, community facilities, and public services:** Staff finds that the dental office, which includes a medical provider authorized to prescribe controlled substance is taking over a previously operated dental office and that the continued responsible operation of the use should not generate a greater demand on utilities and community facilities.
6. **Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderdale:** Staff finds that the dental office, which includes a medical provider authorized to prescribe controlled substances is a commercial use. Both the City and the County plans allow for dental office, which includes a medical provider authorized to prescribe controlled substances use within a commercial corridor. Staff finds that the proposed use is in conformance with the City and County Comprehensive plans.
6. **Factors relating to safety, health, and general public welfare:**
Staff acknowledges that the dental office, which includes a medical provider authorized to prescribe controlled substances can adversely impact the public safety, health, and general welfare unless such adverse impacts are substantially mitigated. The applicant advised security camera surveillance will be installed to ensure the safety of guest and community.

Consistent with the City's Land Development Regulations (LDR) Article III Section 5.28.1 *Medical*, the City Commission shall consider whether the practitioner has been disciplined within the last ten (10) years. Staff has included three attachments to this report: a valid dental license issued by the State of Florida Department of Health for "FILIBERTO JOSE HERDOCIA", and two copies of final orders and settlement agreements issued by the State of Florida Board of Dentistry: Case No. 2016-25160 and Case No. 2022-20363. The final orders include the administrative complaint. The status of both of these complaints on the Department of Health's website are "Satisfied."

Staff concludes that through Special Exception Use conditions the adverse impacts of such can be substantially mitigated and that this application is in conformance with LDR Article IV, Part 4.0, Section 4.6.

V. RECOMMENDATION/ACTION

Staff recommends **approval** of this special exception request for Dental Office, which includes a Medical Provider authorized to prescribe controlled substance.

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 allows for no controlled substance prescriptions to anyone other than a dental patient in connection with a dental procedure performed or to be performed and no prescription refills.
2. This special exception use development order is granted to Dr. Filiberto Jose Herdocia, who must maintain an active dental license at all times. All employees and staff of Dental Blush must maintain all relevant licenses and certifications to provide care for the patients of the business. Any further disciplinary actions by the Department of Health may result in the revocation, modification or suspension of the COU and/or Special Exception.
3. Dental office, which includes a medical provider authorized to prescribe controlled substances is restricted to a total of 1,300± square feet as indicated on the lease agreement. Consistent with Land Development Regulations Article IV, Section 4.3.B., the expansion, alteration or enlargement or removal to another location outside the approved plaza 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. This Special Exception Use development order to allow a dental office, which includes a medical provider authorized to prescribe controlled substances is specifically granted to Dental Blush Sunrise and shall cover the licensed dentists. In addition to Dental Blush Sunrise receiving a Certificate of Use, each dentist is required to apply for a Certificate of Use and to maintain an active and valid dental license at all times. This special exception use development order shall automatically expire and become null and void if any entity other than Dental Blush Sunrise operates the dental 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.
5. The dental office, which includes a medical provider authorized to prescribe controlled substance use is restricted to 1,300 square feet of leasable space located at 4581 N. University Drive, Lauderhill, Florida 33351. 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.

6. The general days and hours of operation are (6) days a week, Monday – Friday 9am – 6pm and Saturdays 9am – 3pm. Any increase in hours of operation is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase.
7. If there are any code enforcement violations or liens, Police or Florida Board of Medicine complaints, or any disciplinary actions by the Department of Health, they are grounds for this Special Exception Use Development Order to 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 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.
9. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a Certificate of Use (COU) is submitted and subsequently approved 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. Pursuant to Article IV Section 5.3.11. of the Land Development Regulations, a discontinuance of operations for a period of one year would forfeit any legal nonconformities related to the proximity of residential zoning districts.
11. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.
12. Property Owner or Operator must provide a security plan that demonstrates how they will prevent and reduce the amount of police calls associated with trespassing or the presence of other loitering. In addition to said security plan the property owner or operator shall also provide a property maintenance plan that demonstrates how they will maintain cleanliness in compliance with the Code of Ordinances.

VI. ATTACHMENTS

1. *Copy of Dental License from State of Florida*
2. *Copy of the Final Order issued by the State of Florida Board of Dentistry – Case No. 2016-25160*
3. *Copy of the Final Order issued by the State of Florida Board of Dentistry – Case No. 2022-20363*