

RESOLUTION NO. 22R-12-183

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA TO SUPPORT THE DELEGATION REQUEST FOR THE REMOVAL OF THE 70-FOOT BUILDING SETBACK LINE ALONG STATE ROAD 7/US 441 FROM THE SUBJECT PROPERTIES COMPRISING A 4.7 ± ACRE SITE LEGALLY DESCRIBED AS LAUDERHILL SHOPPES NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 82, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, MORE COMMONLY KNOWN AS FOLIO 4941-25-32-0010 AND 4941-25-31-0030 LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That the City Commission supports the delegation request for the removal of the 70-foot building setback line along State Road 7/US 441 from the subject properties comprising a 4.7 ± acre site legally described as Lauderhill Shoppes No. 3, according to the Plat thereof, as recorded in Plat Book 82, Page 3 of the Public Records of Broward County, more commonly known as folio 4941-25-32-0010 and 4941-25-31-0030.

SECTION 2. Transmittal. The City of Lauderhill, Florida staff is authorized to transmit the resolution and delegation request to Broward County staff for processing.

SECTION 3. Findings and Conclusions. The report prepared by the Planning and Zoning staff is attached hereto, is incorporated herein, and are hereby adopted as the findings of fact and conclusions of law to support the Resolution restricting the plat as noted above.

SECTION 4. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

DATED this 12 day of December, 2022.

PASSED AND ADOPTED on first reading this 12 day of December, 2022.



PRESIDING OFFICER

ATTEST:



CITY CLERK

MOTION L. Martin
SECOND D. Grant

M. DUNN Yes
D. GRANT Yes
L. MARTIN Yes
S. MARTIN Yes
K. THURSTON Absent

Approved as to Form


City Attorney



City of Lauderhill

City Commission
Chambers at City Hall
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File Details

File Number: 22R-4884

File ID: 22R-4884	Type: Resolution	Status: Agenda Ready
Version: 2	Reference:	In Control: City Commission Meeting
		File Created: 11/29/2022
File Name: 441 Arthouse, Delegation Request for removal of 70-foot building setback line		Final Action:

Title: RESOLUTION NO. 22R-12-183: A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA TO SUPPORT THE DELEGATION REQUEST FOR THE REMOVAL OF THE 70-FOOT BUILDING SETBACK LINE ALONG STATE ROAD 7/US 441 FROM THE SUBJECT PROPERTIES COMPOSING A 4.7± ACRE SITE LEGALLY DESCRIBED AS LAUDERHILL SHOPPES NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 82, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, MORE COMMONLY KNOWN AS FOLIO 4941-25-32-0010 AND 4941-25-31-0030 LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Notes:

Sponsors: Giles

Enactment Date:

Attachments: RES-22R-12-183-Delegation Request-Arthouse 441.pdf, Arthouse Delegation Request DRR, Delegation Request - Justification, Delegation Request, Broward County - Final, Lauderhill Delegation Application - Signed, Plat

Enactment Number:

Contact:

Hearing Date:

* **Drafter:** slangrin@laudershill-fl.gov

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 22R-4884

RESOLUTION NO. 22R-12-183: A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA TO SUPPORT THE DELEGATION REQUEST FOR THE

REMOVAL OF THE 70-FOOT BUILDING SETBACK LINE ALONG STATE ROAD 7/US 441 FROM THE SUBJECT PROPERTIES COMPOSING A 4.7± ACRE SITE LEGALLY DESCRIBED AS LAUDERHILL SHOPPES NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 82, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, MORE COMMONLY KNOWN AS FOLIO 4941-25-32-0010 AND 4941-25-31-0030 LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Request Action:

441 Arthouse, Delegation Request for removal of 70-foot building setback line

Need:

Within the City of Lauderhill a resolution of support from the City of Lauderhill is required in order for a delegation request to be approved by the Broward County Commission.

Summary Explanation/ Background:

The subject site is identified on the Broward County Property Appraiser as folio 4941-25-32-0010; 4941-25-32-0030 (the "Property"). The Property is 4.7± acres, comprised of 2 vacant undeveloped parcels generally located on the west side of US 441/State Road 7 between NW 19th and 21st Streets in the City of Lauderhill ("City"), Broward County ("County"). The Property has a future land use designation on the City's Future Land Use Map of Transportation Oriented Corridor (TOC) and a zoning designation of General Commercial ("CG").

On June 27, 2022, the Applicant, M Jacocks on behalf of 441 Arthouse received approval of a special exception to develop the 441 Arthouse, a mixed-use development. The site plan proposes a development of 245 residential units and approximately 9,230 square feet of commercial use on the Property. The applicant is currently in the DRC Site Plan process, approval of the site plan, as proposed, is contingent on the removal of the 70-foot building setback line.

Because the building setback line is shown on a recorded plat approved by the County Commission, the county requires the municipality to agree to the applicant's delegation request that the County Commission approve removal of the 70-foot building setback line; in order to file a delegation request at the Broward County Urban Planning Division, the City of Lauderhill Resolution of approval must accompany the applicant's county application.

Attachments:

Attachment A- Development Review Report

Cost Summary/ Fiscal Impact:

The Division finds 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

Master Plan: Explain how this Agenda item advances one or more objectives

Goal 1: Clean, Green Sustainable Environment

- Increase mass transit ridership
- Reduce City energy consumption
- Reduce water consumption

Goal 2: Safe and Secure City of Lauderhill

- Crime in lower 50% in Broward
- Residents feel safe in neighborhood
- Reduce emergency fatalities

Goal 3: Open Spaces and Active Lifestyle for all ages

- Increase participation in youth sports
- Add new park land and amenities
- Increase attendance at cultural programs and classes

Goal 4: Growing Local Economy, Employment and Quality of Commercial Areas

- Increase commercial tax base
- Increase employment in Lauderhill businesses
- Decrease noxious and blighted uses in commercial areas

Goal 5: Quality Housing at all Price Ranges and Attractive Communities

- Neighborhood signs and active HOAs
- Housing & streets improved, litter reduced
- Increase proportion of single family homes and owner occupied housing

Goal 6: Efficient and Effective City Government, Customer Focused & Values Diversity

- Improves City efficiency
- Increase use of Information Technology
- Increases residents perception of Lauderhill as an excellent place to live



DEVELOPMENT REVIEW REPORT

RESOLUTION NO. XX

The item before the Planning and Zoning Board (Board) is a proposed Resolution of the City of Lauderhill, Florida; to consider removal of the 70-foot building setback line along State Road 7/US 441 from the subject properties as shown on the Lauderhill Shoppes No. 3 Plat as recorded in 1974 at Plat Book 82-Page 3, of the Public Records of Broward County, Providing for an effective date.

The Department recommends the Board enter into the record the 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 adopted.

I. BACKGROUND

2001 Property Ventures, LLC ("Applicant") is the owner of the property identified on the Broward County Property Appraiser as PCN # 49-41-25-32-0010; 49-41-25-32-0030 (the "Property"). The Property is 4.7± acres, comprised of 2 vacant undeveloped parcels generally located on the west side of US 441/State Road 7 between NW 19th and 21st Streets in the City of Lauderhill ("City"), Broward County ("County"). The Property has a future land use designation on the City's Future Land Use Map of Transportation Oriented Corridor (TOC) and a zoning designation of General Commercial ("CG").

On June 27, 2022, the Applicant received approval of a special exception to develop the 441 Arthouse, a mixed-use development consisting of 245 residential units and approximately 9,230

square feet of commercial use on the Property. The applicant is currently in the DRC process, the site plan approval is contingent on the removal of the 70-foot building setback line.

Because the building setback line is shown on a recorded plat approved by the County Commission, the county requires the municipality to agree to the applicant's delegation request that the County Commission approve removal of the 70-foot building setback line; in order to file a delegation request at the Broward County Urban Planning Division, the City of Lauderhill Resolution of approval must accompany the applicant's county application.

II. ANALYSIS OF DELEGATION REQUEST

The codification of the 70-foot building setback along US 441/State Road 7 was prior to the recordation of the plat in 1974, and long prior to the creation of the Transit Oriented Corridor (TOC) land use designation. The requirement of the 70-foot building setback line along US 441/State Road 7 was codified decades ago when the area was suburban in nature. At the time, the setbacks were considered necessary to accommodate future widening of US 441/State Road 7 including bus bays, turn lanes, sidewalks, etc. in accordance with the Broward County Trafficways Plan requirements for a 200-foot right of way.

In 2007, Broward County amended the trafficways plan reducing the right of way requirement from 200' to 150' along this segment of US 441/State Road 7.

The TOC encourages a more urban design form to take advantage of transit accessibility, improvements, and features that encourage walkability between residential and nonresidential uses in order to minimize vehicular trips. TOC developments typically are on major thoroughfares with existing transit service; such TOC development often provide less building setback than 70'.

The subject property has 668' of frontage long US 441/State Road 7 but only 290' of depth. Given the depth of the subject properties, a 70-foot building setback can be considered an impediment to the design of an urban form mixed use development consistent with the goals of the TOC.

Further it is noted that there are service stations abutting the subject property to the south and the north (the intersections at NW 19th Street and NW 21st Street) that do not meet the 70-foot building setback. It appears fueling stations are within 20' and 50' respectively from US441/State Road 7 right of way.

III. ATTACHMENTS

Exhibit A – Application and recorded plat
Exhibit B- Resolution

IV. 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. The Department finds the proposed request is consistent with the Goals, Objectives, and Policies of the Futures Land Uses Element of the Comprehensive Plan as it removes an impediment to the provision of development consistent with the TOC goals and permitted uses.
- B. The Department concludes the proposed Resolution is in conformance with the standards and requirements specified in Land Development Regulations Article IV., Section 1.4., Basis for Recommendations. Cite code if needed?
- C. The Department finds the proposed Resolution has been duly noticed and concludes it is in conformance with the public notice requirements.

V. ALTERNATIVE ACTIONS

The Board has one of the following alternative actions at its disposal:

- A. Enter into the record the 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 Resolution be adopted.
- B. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support the Board's recommendation, and forward the record to the City Commission with a recommendation that the proposed Resolution be denied.
- C. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support any necessary conditions, and forward the record to the City Commission with a recommendation that the proposed Resolution be adopted with conditions.
- D. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing and table the proposed Resolution until the specified information is provided.

VI. RECOMMENDED ACTION

- A. Department recommendation. The Department recommends the Board enter into the record the 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 Resolution be adopted.
- B. Board recommendation. The proposed Resolution is scheduled for October 25, 2022, Planning and Zoning Board regular meeting.

- C. City Commission action. The hearing of the proposed Resolution is tentatively scheduled for November 28, 2022.