

RESOLUTION 2022-067

A RESOLUTION OF THE CITY COMMISSION OF LAUDERDALE LAKES, FLORIDA APPROVING, WITH CONDITIONS, APPLICATION NO. 03-PL-21, FURTHER AUTHORIZING AND DIRECTING THE CITY MANAGER TO PROVIDE A STATEMENT OF NO-OBJECTION TO BROWARD COUNTY GOVERNMENT AS IT PERTAINS TO APPLICATION NO. 03-PL-21, PROVIDING FOR AMENDMENT TO THE NOTE ON THE FACE OF THAT CERTAIN PLAT KNOWN AS "OAKLAND COMMERCIAL PROPERTIES NORTH" PARCEL ON A PORTION OF TRACT "A" AS SUCH IS RECORDED IN PLAT BOOK 118, PAGE 30 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, FROM "TRACT A-1 IS RESTRICTED TO A SERVICE STATION WITH 24 FUELING POSITIONS WHICH INCLUDES A CONVENIENCE STORE AND CARWASH. TRACT A-2 IS LIMITED TO 51,000 SQUARE FEET OF OFFICE, 144,900 SQUARE FEET OF RETAIL AND 25,600 SQUARE FEET OF WAREHOUSE" TO "TRACT A-1 IS RESTRICTED TO A SERVICE STATION WITH 24 FUELING POSITIONS WHICH INCLUDES A CONVENIENCE STORE AND CARWASH. TRACT A-2 IS LIMITED TO 51,000 SQUARE FEET OF OFFICE, 144,900 SQUARE FEET OF RETAIL AND 25,600 SQUARE FEET OF WAREHOUSE. TRACT A-3 IS LIMITED TO A 110,000 SF K-8 CHARTER SCHOOL AND 15,000 SQUARE FOOT DAYCARE/PRESCHOOL", A COPY OF SAID APPLICATION IS ATTACHED HERETO AS EXHIBIT A, AND A DRAFT COPY OF WHICH CAN BE INSPECTED IN THE OFFICE OF THE CITY CLERK; PROVIDING FOR THE ADOPTION OF RECITALS; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Assistance Unlimited, Inc. ("Applicant") is the owner of that certain developed land located at 4487-4695 North State Road 7 and 4645 North State Road 7 ("Property") within the City of Lauderdale Lakes ("City"). The Property is currently zoned B-2 (Community Business District) and Community Facilities (CF) District;

WHEREAS, the Applicant, through its agent, Kimley Horn & Associates ("Site Planner"), submitted Application No. 03-PL-21 ("Application") to the City requesting an amendment to the note on the face of the Plat known as the "Oakland Commercial Properties North" parcel on a portion of Tract "A" as recorded in Plat Book 118, Page 30 of the Public Records of Broward County, Florida, from "Tract A-1 is restricted to a service station with 24 fueling positions which

1 includes a convenience store and carwash. Tract A-2 is limited to 51,000 square feet of office,
2 144,900 square feet of retail and 25,600 square feet of warehouse” to “Tract A-1 is restricted to
3 a service station with 24 fueling positions which includes a convenience store and carwash. Tract
4 A-2 is limited to 51,000 square feet of office, 144,900 square feet of retail and 25,600 square feet
5 of warehouse. Tract A-3 is limited to an 110,000 SF K-8 Charter school and 15,000 square foot
6 daycare/preschool” within the City in connection with the proposed redevelopment and
7 expansion of the charter school and daycare center on the Property;

8 WHEREAS, the overall site is +/- 11.44 acres of developed land and zoned CF and B-2 (+/-
9 2.25-acre parcel, located at the northeast corner of the Property) with an underlying land use
10 designation of Commercial both on the City and Broward County Future Land Use Maps. Access
11 to the subject site is via NW 46th Street (shared access road);

12 WHEREAS, the City’s Development Service Department has reviewed the Application and
13 compiled a written Interoffice Memorandum (“Memorandum”), to be discussed at the City
14 Commission Meeting to be held on June 28, 2022, as revised, summarizing the facts of the
15 Applicant’s request including all relevant documents and transmitted such Memorandum and
16 Application to the Planning and Zoning Board (“Board”);

17 WHEREAS, at its December 7, 2021 Special Meeting, the Planning and Zoning Board tabled
18 the Memorandum and Application for further consideration at the next meeting. At its May 26,
19 2022 Regular Meeting, the Planning and Zoning Board unanimously provided a favorable
20 recommendation for the Application and Memorandum with conditions to be forwarded to the
21 City Commission;

WHEREAS, in addition to the Application, Applicant also has the following application for the Property which are co-pending and being considered by the City Commission concurrently:

(1) Application No. 3-RZ-21 Rezoning from B2 to CF District, (2) Variance(s) Approval from Subsection 1001.9(c) of Chapter 10 of the Land Development Regulations, and (3) Application No. 04-SP-21 for Major Site Plan Revision Approval (collectively the "Development Applications");

and

WHEREAS, based on the assessment and findings contained within this report, City Staff is recommending that the City Commission approve the Application subject to the following conditions:

(1) Concurrent approval by the City Commission of the Development Applications, including all such conditions as may be applicable to each respective application.

(2) That Applicant specifically delineate/represent tract A-2 and tract A-3 on a new survey/sketch of description for "Oakland Commercial Properties North" plat;

(3) Approval of that certain Final Site Plan prepare by Joshua D. Horning, P.E. of Kimley Horn and Associates, under Project 140553000, dated December 3, 2021 (including Sheet Numbers C0.00 through C1.02) (Exhibit B of Resolution 2022-069 and execution by Applicant of that certain Development Agreement (Exhibit C of Resolution 2022-069 in accordance with Section 1108.3 of the City's Land Development Regulations;

(4) Applicant's agreement to pay a proportionate fee/share of proposed expansion in lieu of taxes in an amount not to exceed Fifteen Thousand and No/100 (\$15,000.00) Dollars payable on or before October 1 for the next ten (10) consecutive fiscal years following approval by the City of the Development Applications. Applicant and City deem Applicant's annual contribution to be a fair and reasonable offset to a portion of the total costs of municipal services, which are funded by tax revenues, to be provided to the Property, and further such annual contribution will serve the best interest and welfare of the owners, employees, students and parents of the Central Charter School;

(5) Applicant shall acknowledge and agree to voluntarily contribute their fair share (not to exceed Twenty-Five percent (25%)) for design and construction of a Five (5) Foot sidewalk along the shared (easement) access road from/to North SR 7.

1 The estimated cost for the design and construction of the sidewalk is
2 approximately Seventy Thousand and No/100 (\$70,000.00) Dollars as of June,
3 2022; accordingly, Applicant acknowledges that its estimated contribution would
4 be approximately Seventeen Thousand Five Hundred and No/100 (\$17,500.00)
5 Dollars. In the event the City, the Applicant and the other adjacent property
6 owners fail to come to an agreement on moving forward with the design and
7 construction of the sidewalk within One Hundred Eighty (180) days from the date
8 of approval of this Application by the City Commission, this condition shall be null
9 and void;

10 (6) In conjunction with the Site Plan's proposed school expansion to One
11 Thousand Six Hundred (1,600) students at buildout, should the City notify the
12 Applicant within One Hundred Eighty (180) days of significant adverse traffic
13 impacts after buildout, the Applicant shall provide the City with an updated traffic
14 impact analysis report, within One Hundred Eighty (180) days of receiving notice
15 from the City, and shall within ninety (90) days mitigate such traffic impacts in
16 accordance with the updated traffic impact analysis report. Such mitigation may
17 include, but is not limited to signage, traffic signalization at N SR 7 and NW 46th
18 Street, and traffic patrol.

19 (7) Applicant shall agree and cooperate with the City to share the use of
20 Applicant's sports and recreational facilities, as stated in Article IX, Section 9 of the
21 Third Amended and Restated Interlocal Agreement for Public School Facility
22 Planning and allow at least six (6) official City sponsored athletic league
23 tournaments on its exterior recreational areas. The City shall provide security, and
24 indemnify the School for such activities, however nothing herein is intended or
25 shall be construed to as a waiver of its sovereign immunity, nor the City's consent
26 to be sued by any third parties in any matters arising out of such activities.
27 Advance notice shall be provided by City to School. In the event of a conflict of
28 scheduling, the School event shall take priority.

29 (8) Pursuant to LDR 508.15 (Drainage) and as determined by the Director of
30 Engineering/City Engineer, the Applicant shall require a duly licensed engineer to
31 prepare the drainage report including analysis and calculations necessary to (a)
32 assess the existing conditions within the access easement and (b) determine if any
33 off-site drainage improvements are required per South Florida Water
34 Management District (SFWMD) standards/regulations ("Report"). Applicant shall
35 design and construct any necessary on-site drainage improvements within One
36 Hundred Eighty (180) days from the receipt of the Report and shall eliminate the
37 need for any off-site drainage improvements; and

38 (9) Developer shall submit letters from all utility companies to the City confirming
39 that each respective utility company either has "no objection" to or has sufficient
40 capacity to serve the Applicant's Project.

1 NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF
2 LAUDERDALE LAKES AS FOLLOWS:

3 SECTION 1. ADOPTION OF RECITALS: The foregoing RECITALS are hereby ratified and
4 confirmed as being true, and the same are hereby made a part of this Resolution.

5 SECTION 2. AUTHORITY: Subject to Applicant's compliance with the City's Codes and
6 Ordinances, the specific conditions enumerated and set forth herein on pages 3 and 4 of this
7 Resolution, and such other conditions imposed by the City Commission during the public hearings
8 wherein this Application was considered, the City Commission hereby approves, authorizes and
9 directs the City Manager to provide a statement of no-objection or letter to such effect to
10 Broward County, Florida with respect to the Application, requesting an amendment to the note
11 on the face of the Plat known as the "Oakland Commercial Properties North" parcel on a portion
12 of Tract "A" as recorded in Plat Book 118, Page 30 of the Public Records of Broward County,
13 Florida, in substantially the form as attached hereto as Exhibit A, and incorporated herein by
14 reference.

15 SECTION 3. INSTRUCTIONS TO THE CITY CLERK: The City Clerk is hereby authorized to
16 take any and all action necessary to effectuate the intent of this Resolution.

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18 [REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]
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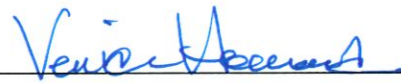
Resolution 2022-067

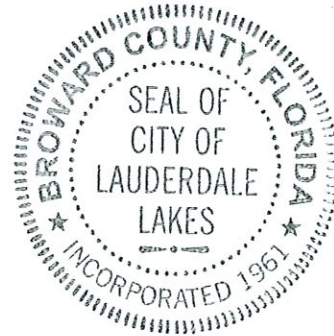
SECTION 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

ADOPTED BY THE CITY COMMISSION OF THE CITY OF LAUDERDALE LAKES AT ITS REGULAR MEETING HELD JUNE 28, 2022.


HAZELLE ROGERS, MAYOR

ATTEST:


VENICE HOWARD, CMC, CITY CLERK



Approved as to form and legality
for the use of and reliance by the
City of Lauderdale Lakes only:


Sidney C. Calloway, City Attorney

Sponsored by: Tanya Davis-Hernandez, Director of Development Services

VOTE:

APPROVED

Mayor Hazelle Rogers	<u>X</u> (For) ____ (Against) ____ (Other)
Vice-Mayor Marilyn Davis	<u>X</u> (For) ____ (Against) ____ (Other)
Commissioner Veronica Edwards Phillips	____ (For) ____ (Against) <u>X</u> (Other) <i>Absent</i>
Commissioner Karlene Maxwell-Williams	<u>X</u> (For) ____ (Against) ____ (Other)
Commissioner Beverly Williams	<u>X</u> (For) ____ (Against) ____ (Other)



July 18, 2022

Josie P. Sesodia, AICP, Director
Resilient Environment Department
Urban Planning Division
Plantation, FL 33324
Phone: 954-357-6666

Re: Amendment to the Note on the Face of the Plat known as "Oakland Commercial Properties North" – on a portion of Tract "A" as recorded in Plat Book 118, Page 30 of the Public Records of Broward County. (Folio Number: 494113210011) - Letter of No Objection

Ms. Sesodia,

Please be advised that the City of Lauderdale Lakes has no objection to amending the note of the "Oakland Commercial Properties North" Plat, in connection to the expansion of an existing Charter School.

At its June 28, 2022 Regular Meeting, the City of Lauderdale Lakes City Commission approved the above referenced Replat under Resolution 2022-067. The amendments include a change to the notation on the face of the plat to read:

From:

Tract A-1 is restricted to a service station with 24 fueling positions which includes a convenience store and carwash. Tract A-2 is limited to 51,000 square feet of office, 144,900 square feet of retail and 25,600 square feet of warehouse.

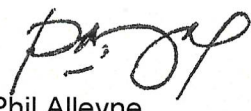
To:

Tract A-1 is restricted to a service station with 24 fueling positions which includes a convenience store and carwash. Tract A-2 is limited to 51,000 square feet of office, 144,900 square feet of retail and 25,600 square feet of warehouse. Tract A-3 is limited to a 110,000 SF K-8 Charter school and 15,000 square foot daycare/preschool.

Enclosed, please find a copy of the Resolution (No. 2022-067) and associated attachments relating to the approval.

If you have any questions, please contact Stephen Smith, Planner II, at 954-535-2495.

Regards,


Phil Alleyne
City Manager

Enclosures as Noted

Cc: Tanya Davis-Hernandez, AICP, Development Services Director, City of Lauderdale Lakes
Stephen Smith II, Planner II, City of Lauderdale Lakes

