

RESOLUTION NO. 18R-11-273

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO ACADEMIC SOLUTIONS ACADEMY, INC., AT THE REQUEST OF THE APPLICANT, BUILDING HOPE PARKSIDE FOUNDATION, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AN EDUCATION, PRIMARY AND SECONDARY, CHARTER AND PRIVATE SCHOOL USE, FOR A SECONDARY CHARTER SCHOOL AT THE SITE OF 5 ABUTTING UNDEVELOPED LOTS, WITH A COMBINED 3.3 ACRES, LOCATED ON THE APPROXIMATE 6600 BLOCK OF W. COMMERCIAL BLVD, LAUDERHILL, FLORIDA AND IDENTIFIED BY THE FOLLOWING FOLIO NUMBERS; 494115140240, 494115140250, 494115140260, 494115140270, AND 494115140280; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, this property is zoned General Commercial (CG) by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the General Commercial zoning district by Special Exception approval only; and

WHEREAS City Staff recommends that the City Commission vote **IN FAVOR OF** of this Special Exception Use Development Order request, subject to the following *amended* conditions;

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

Section 1. The Special Exception Use Order of Academic Solutions Academy, Inc., based upon the request of the Applicant Building Hope Parkside Foundation, to allow within the General Commercial (CG) Zoning District an Education, Primary and Secondary Charter and Private School Use, for a Secondary Charter School at the Site of 5 abutting undeveloped lots, with a combined 3.3 acres, located on the approximate 6600 block of W. Commercial Boulevard, Lauderhill, Florida and identified by the following Folio Numbers: 494115140240, 494115140250, 494115140260, 494115140270, AND 494115140280, is hereby approved subject to the following *amended* conditions:

1. This special exception use development order for a charter secondary school, 9th to 12th Grade, use is specifically granted to Building Hope Parkside Foundation, as Owner and Academic Solutions Academy, Inc., as Operator and such development order cannot be sold, assigned, transferred or otherwise conveyed to other entities or persons without City Commission review and approval pursuant to the criteria for special

exception uses. Any change of corporate ownership of Owner or Operator affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision; provided, however, this limitation does not apply to a mortgagee in the event of foreclosure. Further, this special exception use development order shall automatically expire and become null and void if any of the uses cease to operate for three or more consecutive months.

2. The maximum number of students to be served is restricted to 700 students, the maximum number of students to be served per each five hour academic shift is 350 students, unless the Fire Rescue Division determines that the maximum occupancy load should be less.
3. The general days and hours of operation are Monday through Friday from 7:00 a.m. to 6:00 p.m. Any increase in either the general days or hours of operation or both is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase.
4. Before a local business tax receipt is issued, the approval of a site development plan to include approval of a tree removal and mitigation plan must be obtained
5. Before the approval of a site development plan is issued the approval of a management plan by planning staff is required to address public transit riders using bus stops on the North side of W. Commercial Blvd to safely travel to the school site located on the South side of W. Commercial Blvd. Considerations to include, school speed zone and management by school staff. Furthermore, the applicant must engage FDOT to ascertain the feasibility of a crosswalk for transit riding students traveling westbound.
6. The inventory of equipment and fixtures to be used on the premises shall be, at a minimum, those required by the School Board.
7. Subsequent to occupancy, if the Code Enforcement Division or Police Division receives three or more complaints against the uses within any one year period and such complaints are affirmed by the Code Enforcement Board, the City Commission may hold a duly noticed public to review the special exception uses and may add, modify, suspend or revoke any conditions of approval or the development order.
~~This special exception use development order shall be effective until November 26th, 2023 and shall then expire. The development order may be renewed for subsequent five-year periods.~~
8. If any of the uses requires as part of its operations Police Division Services, Academic Solutions Academy, Inc (ASA) shall be responsible for reimbursing the City for all such costs.

9. The City shall not issue or renew a local business tax receipt unless the local business tax receipt application includes evidence that a state license or similarly applicable document has been granted and is valid and unless a copy of an effective Emergency Management Plan is filed with the Fire Rescue Division. In addition, the Fire Rescue Division shall be provided by certified mail with a copy of any amendment to the Emergency Management Plan within 10-business days of the adoption of such amendment.
10. 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.

Section 2. The Staff Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, is incorporated herein and is hereby adopted as the findings of fact as to this special exception.

Section 3. This Resolution shall take effect immediately upon its passage.

DATED this _____ day of _____, 2019.

PASSED AND ADOPTED on first reading this _____ day of _____,
2019.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION
SECOND _____

M. BATES _____
H. BERGER _____
R. CAMPBELL _____
D. GRANT _____
K. THURSTON _____

Approved as to Form

W. Earl Hall
City Attorney