

RESOLUTION NO. 20R-01-32

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO SUNFIRE HIGH SCHOOL A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT AN EDUCATION, SECONDARY CHARTER OR PRIVATE SHOOOL USE FOR A 11,763+ SQUARE FEET BUILDING LOCATED ON AN APPROXIMATE 1.38 ± ACRE SITE LEGALLY DESCRIBED AS LOTS 8 AND 9, BLOCK 2, BOULEVEARD SHOPPES NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 106, PAGE 37 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 4800 NORTH UNIVERSITY DRIVE, LAUDERHILL, FLORIDA; 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 **AGAINST** this Special Exception Use Development Order request; however, if the City Commission does vote in favor of the Development Order then it would recommend that the approval be 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 Sun Fire High School to allow within the General Commercial (CG) Zoning District an education, secondary charter or private school use for a ± 11,763 square feet building located on an approximate ± 1.38 acre site legally described as Lots 8 and 9, Block 2, Boulevard Shoppes No. 2., according to the Plat therefore, as recorded in Plat Book 106, Page 37 of the Public Records of Broward County, Florida, more commonly known as 4800 North University Drive, Lauderhill, Florida, is hereby approved subject to the following *amended* conditions:

1. This special exception use development order for a charter secondary school without transportation services use is specifically granted to SunFire Academy of Oakland Park, Inc.

D/B/A SunFire High School and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another person. Further, this special exception use development order shall automatically expire and become null and void if SunFire Academy of Oakland Park, Inc. D/B/A SunFire High School is sold, assigned, transferred or otherwise conveyed to another person.

2. The charter secondary school without transportation services use is restricted to the location legally described herein and the maximum floor area size is limited to 11,763 adjusted square feet. 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 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. The days and hours of operation are limited to Monday through Friday from 7:00 a.m. to 6:00 p.m. Any increase in either the 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. A site plan modification shall be required to address and document all safety requirements and protocols associated with the Marjory Stoneman Douglas High School Public Safety Act. There are pending concerns with the safety of the Staff and Students for the newly proposed Charter School, as such, the applicant must provide proof of compliance with all the items stipulated in Section 1001.212, Florida Statutes and Section 1006.1493, Florida Statutes referring to the Florida Safe Schools Assessment Tool.
5. The maximum number of students is restricted to 350 to be divided into two shifts, unless the Fire Rescue Department determines that the maximum occupancy load should be smaller. It shall be unlawful to serve students who are under

- 15 years of age unless the City Commission amends this development order to allow such change.
6. Upon approval of the special exception, a two hundred fifty thousand dollar (\$250,000.00) surety bond or other type of credit will be submitted to the City of Lauderhill as a Condition of approval before the Issuance of a Certificate of Use.
 7. The owner or director of any school shall annually provide proof that said school has obtained and will continue in effect a comprehensive general liability insurance policy in the minimum amount of one million dollars (\$1,000,000.00) for bodily injury and property damage and shall name the City of Lauderhill as an additional insured. Proof of such insurance policy shall be provided to the Finance Department in conjunction with the filing of the local business tax receipt application. Said owner or director shall also provide the Finance Department thirty (30) days prior notice of the expiration or cancellation of said insurance policy.
 8. An eight (8) foot high fence shall be installed along the property lines butting the existing canal around the property in order to protect the students should the Special Exception be approved for the Charter School use.
 9. The applicant shall provide proof of compliance with all the items stipulated in Section 1001.212, Florida Statutes and Section 1006.1493, Florida Statutes referring to the Florida Safe Schools Assessment Tool.
 10. A dumpster enclosure for any onsite dumpster shall required and be fitted with a hose, bib and drain.
 11. Student parking shall be prohibited within the parking area east of the building entrance and no parking shall be allowed behind the building.
 12. Subsequent to occupancy, if the Code Enforcement Division receives three or more complaints against the use within any one year period, the City Commission may hold a duly noticed public to review the special exception use and may add, modify, suspend or revoke any conditions of approval or the development order.
 13. If the City's Police Department records more than five (5) incidents regarding noise, loitering, parking or criminal activity, either from observation by police officers or verified from complaints by three (3) or more unrelated individuals,

within the school year, the matter may be brought before the City Commission in order to determine whether the local business tax receipt and/or certificate of use should be revoked, suspended or modified.

- 14. SunFire Academy of Oakland Park, Inc. D/B/A SunFire High School shall annually provide the City with a payment equal to the value of the real estate taxes owed to the City that would be lost due to its tax-exempt status.
- 15. This special exception use development order shall automatically expire and become null and void if SunFire Academy of Oakland Park, Inc. D/B/A SunFire High School ceases to operate the charter secondary school center.
- 16. A qualified Guardian, Safe-School Officer or School Resource Officer shall be on premises at all time during school operating hours, pursuant to Florida Statutes, Section 1006.12.
- 17. 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 _____, 2020.

PASSED AND ADOPTED on first reading this _____ day of _____, 2020.

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