

RESOLUTION NO. 24R-08-174

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO PLAY, LEARN, AND GROW OF TAMARAC, LLC., A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A CHILDCARE, DAY USE WITH BEFORE AND AFTER CARE ON AN APPROXIMATE 14.02 ± ACRE SITE AS LEGALLY DESCRIBED HEREIN LOCATED AT 7342 - 7562 W. COMMERCIAL BOULEVARD, 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), "Childcare" is not listed as a permitted use in the General Commercial (CG) zoning district, however, the subject property has continuously included a childcare facility; and

WHEREAS, the previous childcare facility (Alpha Preschool Academy) began operating on the subject property in 2014, and has maintained their Certificate of Use; and

WHEREAS, prior to the childcare uses, a preschool operated at this location from 2000 - 2011 (Family Montessori Center Corp); and

WHEREAS, in 2013, the City Commission adopted changes to the Land Development Regulations (LDR's) that created a new use "Childcare" and made distinction between those operating during the day and those operating nights and weekends. Childcare uses were not listed as permitted in this zoning district; and

WHEREAS, however, pursuant to Schedule H "Non-conforming land uses," since there has not been a period of more than a year between businesses, it qualifies as a legally existing nonconforming use; and

WHEREAS City Staff recommends that the City Commission **VOTE IN FAVOR OF** this Special Exception Use Development Order as a legal nonconforming use;

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

Section 1. The Special Exception Use Order of Play, Learn and Grow of Tamarac, LLC. to allow in the General Commercial (CG) Zoning District a childcare day use with before and after care on an approximate 14.02± acre site as legally described herein located at 7342-7562 W. Commercial Blvd., Lauderhill, Florida, is hereby approved, subject to the following conditions:

1. This special exception use development order for a child care use with before and after care services is specifically granted to Play, Learn, and Grow of Tamarac, LLC 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 any person other than Play, Learn, and Grow of Tamarac, LLC operates the use. Any change of corporate ownership affecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision. This special exception use development order shall automatically expire and become null and void if the use shall cease to operate. Moreover, this special exception use development order shall automatically expire and become null and void if Play, Learn, and Grow of Tamarac, LLC is sold, assigned, transferred or otherwise conveyed to another person.

2. The child care use is restricted to a total of 3,500 square feet (sq. ft.) within the building & 1,890 sq. ft. of outdoor play area. 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, reduction or removal of the use to another location.

3. The general days and hours of operation are Monday through Friday from 7:00 am to 6:00 pm. 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. The maximum child capacity of the child care use is limited to the maximum child capacity set on the Broward County DCF childcare license and allowable by State Fire Code. It shall be unlawful to serve more than the specified maximum capacity unless the City Commission, sitting as the Board of Adjustment, amends the special exception use development order to allow such revisions.

5. If there are any code enforcement violations or liens, this Special Exception Use Development Order may 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.

6. 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.

7. 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.

8. 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.

9. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

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 _____, 2024.

PASSED AND ADOPTED on first reading this _____ day of _____, 2024.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION
SECOND

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

Approved as to Form

Angel Petti Rosenberg
City Attorney