

City of Lauderdale

Special Exception Application No. 20-SE-008

Kiddie Care Broward, Inc

I. APPLICANT INFORMATION

PETITIONER

Jennifer McNally

STATUS OF PETITIONER

Business Co-Owner and Operator, Kiddie Care Broward, Inc.

II. BACKGROUND INFORMATION

Requested Action

The petitioner requests approval of a Special Exception Use Application to allow within the General Commercial (CG) zoning district a Childcare, Daytime use with before and after care at 3269 W Broward Blvd, Lauderdale, Florida.

Applicable Land Development Regulations & City Codes:

Article IV, Part 4, Section 4.4. Approval for Special Exception Uses.

Article III, Section 2.3. Allowable land uses.

Article IV, 4.3 B. Existing zoning provisions and uses.

III. SITE INFORMATION

Location/Legal Description

BROWARD MANOR B, A PORTION OF TRACT A, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 16 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, THE STREET ADDRESS BEING 3269 W. BROWARD BLVD, LAUDERHILL, FLORIDA.

FIGURE 1

CHILD CARE WITH BEFORE AND AFTER CARE



The subject site falls within the General Commercial (CG) zoning district. The subject location is a 4,131 unit on a 15,465+ square foot site which is an attached building and parking lot that spans three parcels which are all under the same ownership, Niche Investments, Inc. The complete incorporated site is 41,609 square feet or 0.96 acres. The building is generally located on the North side of Broward Boulevard and East of NW 33rd Avenue. Figure 1 is an aerial photograph highlighting in red the subject property and showing the general location of the property in relation to the surrounding roadways and uses.

According to Broward County Property Appraiser, the building was erected in 1960. Based on City of Lauderhill records the site was home to a Community Outreach Center, Church, School, and Daycare at the time of annexation into the City of Lauderhill in 2005, from Unincorporated Broward County. Education. The building is currently occupied by a church, Hope Outreach Love Center, and a small 25

student religious school, Hope For the Future Christian Academy. Most recently, the subject unit was home to Small Miracles Daycare, a Childcare, Day use with before and after Care.

Land Use/Zoning:

Existing Land Use	Commercial
Future Land Use Designation	Commercial
Zoning Designation	General Commercial

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Single family residential zoning district	Low Density (5) Residential	RS-5A
South	W. Broward Blvd ROW then City of Fort Lauderdale	Commercial	(CG)
East	House of Religious Worship	Commercial	(CG)
West	Restaurant, Fast Food with Drive Thru	Commercial	(CG)

IV. ZONING HISTORY

In 2005 the area of Broward Estates/Broward Manor was annexed into the City of Lauderhill from Unincorporated Broward County. During the time of annexation the subject site was home to Hope Outreach Love Center, a community center that included an outreach center, a church, a religious school, and a daycare. The site also included a thrift store that was operated by the church.

In 2014 the units within the plaza units required extensive maintenance work. Particularly the subject daycare unit. The property owner at the time, Pastor Lloyd, who also ran the businesses within the plaza was not able to keep the daycare occupied based fire code requirements and spent two years working to renovate this unit and bring this unit and the building up to fire code standards for the uses.

During this period the use of Childcare was amended in the City Land Development Regulations to no longer be an allowable use with the General Commercial (CG) zoning district. By the time the units were ready for re occupancy the use of a new Childcare was prohibited and the vesting status on the previous Childcare use had expired based on vesting lasting for one year from the time the use ceases to operate at a specific location.

In 2015 the property owner and business owner sold the building spanning three parcel to Niche Investments but continued at the site as the tenant and operator of the church and school.

In 2016 staff and the Lauderhill City Commission reviewed the issue of vesting the Childcare use as the one year vesting period had expire, and determined that based on the ongoing work to the site performed by the property owner/tenant operator between 2014 and 2016, the use would still be considered vested and a new childcare could locate at 3269 W. Broward Blvd.

In June of 2017, Small Miracles Learning Center was approved for a Certificate of use for a Childcare, Daytime use with before and after care. In August of 2019 Small Miracles Learning Center closed for business at this location.

Although the use has been deemed vested at this location, it has been determined by staff that approval of a Special Exception Use Development order is required prior to this applicant applying for a Certificate of Use for a Childcare.

Violations

None.

Existing Variances

None

V. PLANNING ANALYSIS

As stipulated in the Land Development Regulations, Article IV, Section 4.6 Standards for Approval, the Planning and Development Division has reviewed the proposed request pursuant to the following special exception considerations:

1. The effect of such use on surrounding properties.
2. The suitability of the use in regard to its location, site characteristics, and intended purpose.
3. Access, traffic generation and road capacities.
4. Economic benefits or liabilities.
5. Demands on utilities, community facilities, and public services.
6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill.
7. Factors relating to safety, health, and general public welfare.

The subject site is a commercial plaza within a commercial zoning district. The site has been occupied by a daycare use in the past, over the last 20 years. The subject location has ample parking. Additionally, the subject unit has outdoor space in the rear.

In December 2019 the applicant for this site Jennifer McNally on behalf of Kiddie Care, Inc was granted a Special Exception Use Development order for the use of a Childcare, Day, with before and after care at 5801 NW 19 ST, 19R-12-276 . Should this application be approved, this will be Kiddie Care’s second location in Lauderhill.

The applicant, Jennifer McNally, owner, is a State of Florida licensed child care provider and will be the operator at the proposed childcare facility.

Staff finds that no new daycares center would be permitted within the Zoning district as new sites for daycare uses are prohibited in General Commercial under the current zoning code. Additionally, staff finds that need for accessible childcare service within the area remains.

Staff finds that the size of the existing daycare space is not being proposed to be expanded and therefore, staff does not expect and increased impact on roadways, utilities, community facilities, or public services.

Staff finds that there have not been any substantial changes to the character of development in or near the subject area since the last approved Certificate of Use, COU#21684, granted in 2017 to the operator Small Miracles Learning Center. The Certificate of Use (COU) application for which is attached.

Based upon its review, staff finds the proposed use of Childcare, Day with before and after care to be consistent with the above considerations. As such, staff recommends approval of the special exception request.

VI. RECOMMENDATION/ACTION

Division recommendation. The Planning and Zoning Division recommends the City Commission adopt a resolution granting to Kiddie Care Broward, Inc. to allow in the General Commercial (CG) zoning district a Childcare, Daytime use with before and aftercare 03.36± acre site legally described as Broward Manor B, a portion of Tract A, according to the plat thereof, as recorded in Plat Book 33 84, Page 16 of the public records of Broward County, Florida, more commonly known as 3269 W. Broward Blvd, Lauderhill, Florida, 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 Kiddie Care Broward, Inc 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 Kiddie Care, Inc, operates the uses. 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 Kiddie Care, Inc. is sold, assigned, transferred or otherwise conveyed to another person.

2. The child care use is restricted to a total of 4,131 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, reduction or removal of the use to another location.
3. The general days and hours of operation are Monday through Friday from 6:30 a.m. to 6:30 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. 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. 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.
6. Kiddie Care Broward, Inc. shall provide to the Finance Department evidence a state childcare license has been granted for child care consistent with this development order before a Certificate of Use (COU) or a Local Business Tax Receipt (LBTR) is issued for the use. Kiddie Care Broward, Inc shall annually file with its City COU application a copy of their valid state child care licenses.
7. If the City's Code Enforcement Board assesses a lien for landscaping, trash or other unsightly or unsafe conditions, 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 or revocation.

8. If the City's Police Department or Code Department records more than three instances regarding noise, loitering, parking or criminal activity, either from observation by police officers or verified from complaints by three or more unrelated individuals, within any ninety (90) day period, the special exception use 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 or revocation.
9. 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.
10. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a development permit or site plan approval, if appropriate, is applied for within the one hundred eighty-day period.
11. If the use which has been granted a Special Exception shall cease to operate for a period of one (1) year, the Special Exception Use approval shall expire
12. I understand that I am swearing or affirming under oath the truthfulness of the claims made in this affidavit and that the punishment for knowingly making a false statement may include the modification, suspension or revocation of any resolution adopting the special exception use application and any certificate of use associated with the special exception use approval.

Any violation of these conditions may result in a public hearing before the City Commission in order to determine whether this special exception use development order should be revoked, suspended or modified.

VII. ATTACHMENTS

Attachment A: Special Exception Use application

Attachment B: April 2016 email reference vested Childcare

Attachment C: Site Plan

Attachment D: Floor Plan

Attachment E: Inventory of Fixtures and Equipment

Attachment F: Authorization from Property Owner

Prepared by: Molly Howson, Associate City Planner

Date: June 12, 2020