

# *City of Lauderdale*

Special Exception Application No. 19-SE-011

Pedipeec, Inc

## **I. APPLICANT INFORMATION**

### PETITIONER

Daniel Miller

### STATUS OF PETITIONER

Business Owner and Operator, Pedipeec, Inc.

## **II. BACKGROUND INFORMATION**

### Requested Action

The petitioner requests approval of a Special Exception Use Application to allow a Childcare use with before and after care within the General Office (CO) zoning district for the property located at 3810 Inverrary Blvd Suites 101-104, 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.

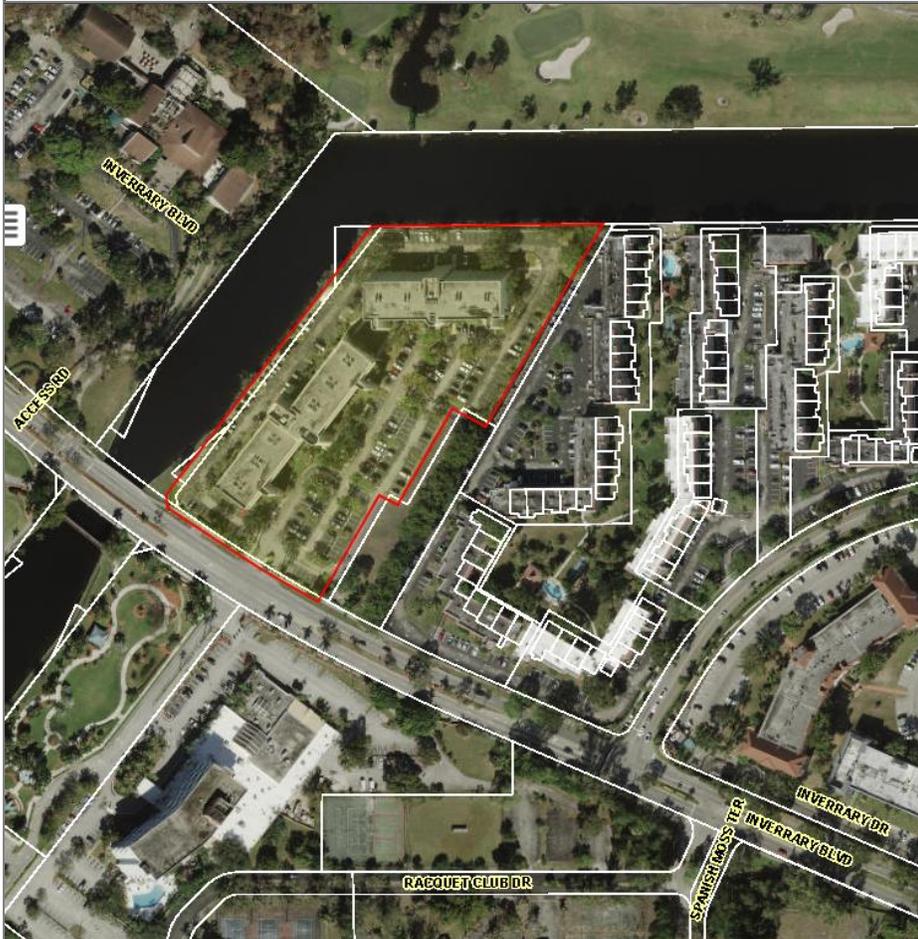
## **III. SITE INFORMATION**

### Location/Legal Description

DAVENPORT COMMERCIAL SUBDIVISION 100-14 B TRACT A LESS PT DESC'D AS, BEG AT SE COR SAID PLAT, NLY ALG E/L 397.26, WLY 65.50, SWLY 190, WLY 34.50, SLY 210.50, ELY 100.06 TO POB, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 3810 INVERRARY BLVD. SUITE 101-104, LAUDERHILL, FLORIDA

# FIGURE 1

## CHILD CARE WITH BEFORE AND AFTER CARE



3810 INVERRARY BLVD

The 227,005 square foot (5.21+ acres) site is developed with two buildings within the Commercial Office, CO zoning district. The building is generally located along the northern portion of the property consist of approximately 65,059 square feet and the building located along the western portion of the property consist of approximately 91,087 square feet. 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 1982. Based on City of Lauderdale records the site has been the home to General Office uses, Religious Facility uses, and Medical Office uses since it was constructed.

Land Use/Zoning:

Existing Land Use	Commercial
Future Land Use Designation	Office Park
Zoning Designation	Commercial Office

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Recreation- Open Space	Irregular (9) Residential	CR
South	Multifamily Residential (More than 10 Units) and Recreation- Open Space	Recreation Open Space and Irregular (9) Residential	RM-50 and PO
East	Multifamily Residential (More than 10 Units)	Irregular (9) Residential	RM-45
West	Multifamily Residential (More than 10 Units) and Recreation- Open Space	Commercial Recreation	S-1

**IV. ZONING HISTORY**

Existing Special Exceptions

None.

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 proposed Childcare, Day with before and after care will be located in a fenced outdoor area between both buildings and will be ancillary to the Primary Medical Office Use (With Non-Controlled Substance Practitioner). The business primarily operates as a Medical Office for children but will require outdoor equipment to use for physical therapy sessions.

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 Pedipec, Inc. to allow a daytime child care use on a 227,005 square foot (5.21+ acres) zoned Commercial Office (CO) district and legally described DAVENPORT COMMERCIAL SUBDIVISION 100-14 B TRACT A LESS PT DESC'D AS, BEG AT SE COR SAID PLAT, NLY ALG E/L 397.26,WLY 65.50, SWLY 190,WLY 34.50,SLY 210.50,ELY 100.06 TO POB, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 3810 INVERRARY BLVD. SUITE 101-104, 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 Pedipec, 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 Pedipec, 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 Pedipec, Inc. is sold, assigned, transferred or otherwise conveyed to another person.
2. The child care use is restricted to a total of 1,662 square feet as indicated on the proposed site plan within the fenced outdoor area between both existing buildings (**Attachment A**).

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 a.m. to 7:00 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. The Childcare use with before and after care shall be ancillary to the Primary Medical Office Use (With Non-Controlled Substance Practitioner).
5. Within 45 days of the effective date of this development order, the applicant shall file a site plan modification application for all site plan related modifications. Said improvements (not related to ADA) shall be constructed within 180 days of receipt of the site plan modification application, any improvements to meet State of Florida ADA requirements shall be constructed within 90 days of receipt of the site plan modification application.
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. Pedipec, Inc. shall provide to the Finance Department evidence a Prescribed Pediatric Extended Care license has been granted for child care consistent with this development order before a Certificate of Use (COU) of a Local Business Tax Receipt (LBTR) is issued for the use. Pedipec, Inc. shall annually file with its City LBTR application a copy of their valid state child care licenses.
8. 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.

9. 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.

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: Site plan

Attachment B: Floor plan

Attachment C: Special Exception Use application

Prepared by: Chris Torres, City Planner

Date: October 21, 2019