

City of Lauderhill

Special Exception Application No.19-SE-005

Eagles' Nest Community Charter School, Inc.

I. APPLICANT INFORMATION

PETITIONER

Christine Mentis

STATUS OF PETITIONER

Principal

II. BACKGROUND INFORMATION

Requested Action

Do not adopt a resolution granting to Eagles' Nest Community Charter Schools, Inc. a Special Exception Use Development Order with Conditions to allow an Education, Charter, Primary School use with transportation services, with before and after care programs in a 31,667± square feet building located on a 2.07± acre site within the Light Industrial (IL) zoning district.

Proposed Application

Eagles' Nest Community Charter Schools, Inc. proposes to the lease of the entire building (31,937± square feet) from Flamingo Properties Corp. to operate an existing grades K-8th charter school. The Eagles Nest Community Charter Schools, Inc. State of Florida school charter allows for the operation of grades K-12 however the applicant does not intend to operate beyond grade 8 for the immediate future. Based on this and the current floor plan of the school providing for grades k-8 only, the future expansion to add grades 9-12 will require additional Special Exception Use approval from the City Commission at a later date.

Eagles Nest Community Charter Schools, Inc. employs up to 30 people including one Principal, three Administrative Assistants, 19 teachers, one bookkeeper, and six other staff to support the maximum population of 800 students.

Class sessions are proposed Monday and through Friday from 8:00 a.m. to 3:00 p.m. Before school care programs will be provided on Monday through Friday from 7:00 am - 8:00 am while after school care programs will be provided from 3:00 pm

- 7:30 pm. Students will be provided with catered meals at the cafeteria under guidelines of the Department of Agriculture National School Lunch Program. Transportation services are to be provided using a private, for hire bus service to transport students to and from school. No buses will be parked on the school site.

Applicable Land Development Regulations

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

A portion of Tract E, Industrial 100 Unit 2, according to the plat thereof, as recorded in Plat Book 85, Page 2 of the public records of Broward County, Florida, more commonly known as 3698 NW 15 Street, Lauderhill, Florida.

3698 NW 15 Street, Lauderhill, FL, 33311

Folio #4942 31 24 0027

Location Map



Land Use/Zoning:

Existing Land Use	Industrial
Future Land Use Designation	Industrial
Zoning Designation	(IL) Light Industrial

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Warehouse building with light industrial uses	Industrial	(IL) Light Industrial
South	Georgetown townhouses at 10 dwelling units per acre	Medium (16) Density Residential	(RT-16) Residential Townhouse, 16

			dwelling units per acre
East	Fassmer Service America, an industrial warehouse use	Industrial	(IL) Light Industrial
West	UPS off-site parking lot	Industrial	(IL) Light Industrial

IV. ZONING HISTORY

Existing Special Exceptions

On May 27th, 1998, the City Commission adopted Resolution No. 98R-5-101, which granted The Smart School, Inc. a special exception use development order without conditions to operate a charter middle school on a portion of the premises.

On July 14th, 2008, the City Commission adopted Resolution No. 08R-07-174, which granted Raising Individual Student Excellence (RISE) Education Schools, Inc. a special exception use development order with conditions to allow a charter elementary school (Grades K – 5th) with transportation services and after-school childcare services on the remaining portion of the premises. After The Smart School, Inc. vacated the premises in 2009, RISE occupied the entire premises but did not get special exception use approval for such occupation until the City Commission adopted Resolution No. 13R-12-265 on December 9, 2013.

In 2014, RISE received failing grades for a second year and chose to sublease the space to the Applicant, Eagles Nest Community Charter Schools, Inc..

On July 14, 2014, The City Commission adopted Resolution No. 14R-07-139 which granted to Eagles Nest Community Charter School, Inc. a special exception use development order with conditions to operate within a portion of the building, a charter primary school with transportation services, with before and after are programs, and with the ability to share space with another charter school.

On September 29, 2014 The City Commission adopted Resolution No. 14R-09-232 which granted to Eagles Nest Community Charter School, Inc. a special exception use development order with conditions to operate within a portion of the building, a charter primary school with transportation services, with before and after are programs, to fully occupy the building. On March 19, 2019 Resolution No. 14R-02-232 expired.

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.

1. The effect of such a use on surrounding properties

The site is developed with a freestanding building and is the site of the existing Eagles' Nest Community Charter School. It is bordered to the North, East, and West by industrial land uses and to the south by residential townhouse uses.

Staff concludes that the land use will not generate incompatibilities that adversely impact the surrounding land uses as it pertains to light pollution, noise, vibration, or air or water pollution and that the application is **in conformance** with LDR Article IV, Section 4.6 as it pertains to the effect of such use on surrounding properties.

2. The suitability of the use in regard to its location, site characteristics, and intended purpose.

Staff finds that the Zoning District Map shows that the subject property is located within the (IL) Light Industrial zoning district. Staff finds that the LDR do not provide a section describing the character, intent or purposes of the Light Industrial zoning district. Notwithstanding, the general purpose or intent of any industrial zoning district is primarily to accommodate the manufacturing, assembly, processing or storage of products.

Staff finds that the existing and proposed use of a K-8 charter school with transportation and before and after care can be classified as a community facility use. Staff finds that community facility uses, particularly schools, are not suitable in areas zoned industrial because such a location would expose children to the adverse impacts generated by industrial uses. These impacts can include; noise, odor, smoke, heat, glare, vibration, and heavy truck traffic.

The site has been improved for the use of a charter school. These improvements include a widening of the public sidewalk along NW 15 ST to be 5', a dumpster enclosure upgrade to include a hose bib and connection to the sanitary sewer, these upgrades were required based on food service being provided by the school. These improvements also include an outdoor play area for younger children at the rear of the school. However, the school currently serves K-8th grade and there are not locations on site for the expansion of the outdoor area to serve the older children.

Thus, staff concludes that the uses are **not in conformance** with LDR Article IV, Section 4.6 as it pertains to the suitability of the uses with regard to location, site characteristics, and intended purpose.

3. Access, traffic generation and road capacities.

Staff finds that direct vehicular access to the subject property is available from two driveways connecting to NW 15 Street. Internal circulation operates in a clockwise direction with the drop and pick up area for students being driven to school on the west side of the building and drop off and pick up area for the students riding the bus on the north side of the building. Staff concludes that the site has adequate vehicular access.

Staff finds the site is located on a local road. Since such roads are not subject to capacity standards, the Division concludes that road capacity is not applicable.

Staff concludes that the application is **in conformance** with LDR Article IV, Section 4.6 as it pertains access, traffic generation, and road capacities.

4. Economic benefits or liabilities.

Staff finds that the use of a charter school generates both economic benefits and liabilities. The primary direct economic benefit is the maintenance of 30 jobs held by the staff at the existing charter school. The salaries of these jobs range from

\$13,000 to \$60,000. The indirect economic benefits could include the sales taxes collected from employee and student expenditures within the City of Lauderhill.

One economic liability is the opportunity costs associated with not using the site and building for light industrial or heavy commercial uses. The City has a lack of industrial space and the continues occupancy of this building for a school precludes attracting an industrial tenant seeking 30,000+ square feet of space. Further the proposed use could generate less sales tax revenues than a typical similarly sized light industrial or heavy commercial use. A second economic liability is the location of the school within an industrial area could discourage other industrial uses from location within the area of the school. A third economic liability is the potential for the school to purchase the property and file for tax exempt status.

Based on the above findings, staff concludes that the economic liabilities outweigh the economic benefits and therefore, the application is **not in conformance** with LDR Article IV, Section 4.6 as it pertains to economic benefits and liabilities.

5. Demands on utilities, community facilities, and public services.

Staff finds that although the Eagles' Nest Community Charter School has approval from the State of Florida to operate a school of up to 800 students, the current population of the school is 360 K-8th graders. The school's growth is limited to the capacity of the building and the site as determined by Florida Fire Code. The applicant's response to the standards of approval states that the school would not generate any additional demands for utilities, community facilities, and public services. Staff finds that the application does not contain any evidence demonstrating that the school will generate a demand on utilities more than, equal to, or less than a similarly sized industrial use. Staff concludes this application is **in conformance** with LDR Article IV Section 4.6 as it pertains to the 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.

The site is designated Industrial on the City's Future Land Use Map Series (FLUMS) and the Broward County Future Land Use Plan Map. Both the City and County Plans allow for community facility uses within that designation. Thus, this special exception use application is **in conformance** with LDR Article IV Section 4.6 as it pertains to the City and County Comprehensive Plans.

7. Factors relating to safety, health, and general public welfare.

The site is located on NW 15th Street which is a local two lane street within the (IL) Light Industrial zoning district. The division finds that the use of a Primary School within an Industrial area can have adverse impacts to safety, health, and general public welfare. Although the school has made improvements to the subject site to address pedestrian accessibility, the properties surrounding the site have not been designed for the passage of school age pedestrians. Although the Georgetown townhouse development abuts the south property line, pedestrian access is not available. Therefore, students walking to this site from the surrounding residential neighborhoods are required to walk along NW 19th ST or 441 (ST RD 7) in order to walk to school. They must cross access ways and driveways which serve light industrial and heavy commercial uses. Heavy trucks and commercial vehicles are typically associated with these uses. The concentration of heavy trucks and commercial vehicles in the area is not compatible with the pedestrian passage of primary school age. Therefore, staff concludes that this application is **not in conformance** with LDR Article IV, Part 4.0., Section 4.6. as it pertains to safety, health, and general welfare.

VI. RECOMMENDATION/ACTION

- A. The Planning and Zoning division recommends **denial** of the Special Exception Use application for an Education, Charter, Primary School use with transportation services, with before and after care programs however If the City Commission chooses to approve this application, then the Division recommends the following conditions be imposed:
1. This special exception use development order for a charter primary school, Kindergarten to Eighth Grade, with private transportation services and before and after school care uses is specifically granted to Eagles Nest Community Charter Schools, Inc. and such development order cannot be sold, assigned, transferred or otherwise conveyed to another person 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. 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 31,937± square foot charter school with private transportation services and before and after school care use is restricted to the property legally described herein and the location and maximum floor area size is limited to the existing floor plan occupied by Eagle's Nest Community Charter School

Inc.. Consistent with Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of these uses 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 uses to another location.

3. The school days and hours of operation are limited to Monday through Friday from 8:00 a.m. to 3:00 p.m. The before school care programs days and hours of operation are limited to Monday through Friday from 7:00am to 8:00am and the after school care program days and hours are Monday through Friday from 3:00pm to 7:30pm. Extra-curricular days and hours of operation are allowed as needed. Any increase in either the days or hours of operation or both is prohibited and shall be unlawful unless the City Commission allows such increase.
4. Eagle's Nest Community Charter Schools, Inc. shall operate grades K-8 and the addition of grades to include 9-12 is prohibited unless approved through further Special Exception Use approval by the City Commission at a later date.
5. The maximum number of students to be served at any time is restricted to 800 students, unless the Fire Rescue Division determines that the maximum occupancy load should be less.
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.
8. This special exception use development order shall be effective until June 24, 2024 15th and shall then expire.

9. If any of the uses requires as part of its operations Police Division Services, Eagles Nest Community Charter Schools, Inc.. shall be responsible for reimbursing the City for all such costs.
10. 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.
11. 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.

VII. ATTACHMENTS

- A. SEU Application 2019
- B. Letter of SEU expiration
- C. 14R-07-139
- D. 14R-09-232
- E. Landlord letter of authorization
- F. Survey and site plan
- G. Floor plan
- H. LHPD calls for service

Prepared by: Molly Howson, Associate Planner

Date: June 3, 2019