

City of Lauderhill

Special Exception Application No. 19-SE-015

Kiddie Care, Inc

I. APPLICANT INFORMATION

PETITIONER

Jennifer McNally

STATUS OF PETITIONER

Business Owner and Operator, Kiddie Care, Inc.

II. BACKGROUND INFORMATION

Requested Action

The petitioner requests approval of a Special Exception Use Application to allow within the Commercial Office (CO) zoning district a Daytime Childcare use with before and after care at 5801 NW 19 ST, Lauderhill, 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.

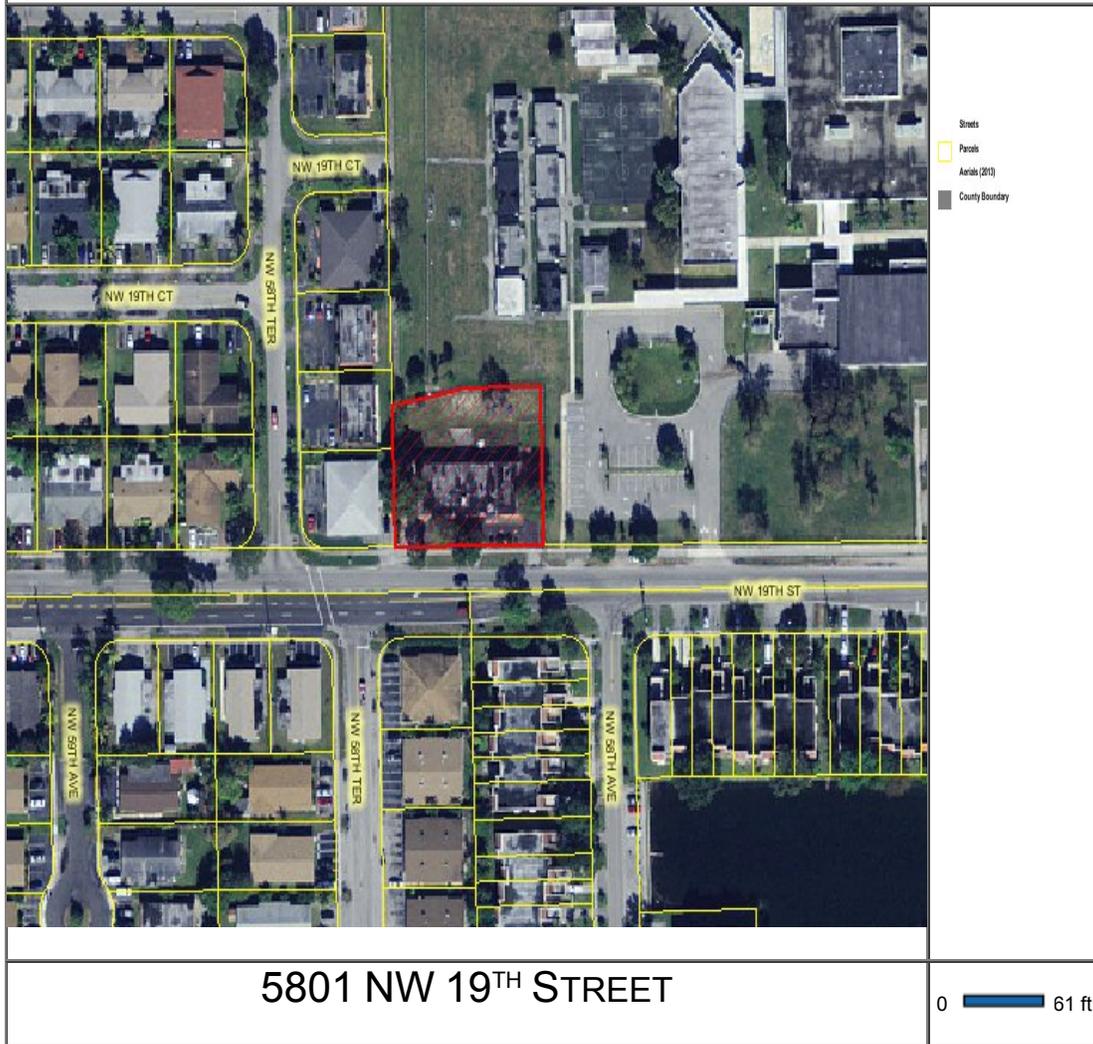
III. SITE INFORMATION

Location/Legal Description

A PORTION OF TRACT A, LITTLE FRIENDS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 84, PAGE 34 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, THE STREET ADDRESS BEING 5801 NW 19 STREET, LAUDERHILL, FLORIDA.

FIGURE 1

CHILD CARE WITH BEFORE AND AFTER CARE



The site is a 4,505 square foot building located on a 21,633 square foot (0.497+ acre) site within the Commercial Office, CO zoning district.. The building is generally located on the south half of the subject property and a “U-shaped” driveway is located in front of the building. 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 1975. Based on City of Lauderdale records the site has been the home to Education and Childcare uses since it was constructed. Most recently, the site was home to a Daytime Childcare use with transportation, Ave Marie and Friends Preparatory School.

Land Use/Zoning:

Existing Land Use	Commercial
Future Land Use Designation	Community Facility
Zoning Designation	Commercial Office

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Community Facility	Community Facility	CF
South	NW 19 ST ROW then RM-8 & City of Sunrise	Low Medium Density Residential	RM-8
East	Commercial Office	Community Facility	CO
West	Residential Multifamily	Medium Density Residential	RM-18

IV. ZONING HISTORY

Existing Special Exceptions

(18-SE-001)

On March 5th 2018 Special Exception Use approval was granted to Kiddie Care Inc. to allow in the (CO) Commercial Office zoning district a Childcare, Day use with before and after care.

Kiddie Care, Inc. agreed to 9 conditions associated with this Special Exception Use approval.

Condition number five (5) stated:

Within 45 days of the effective date of this development order, the applicant shall file a site plan modification application to, among other things, provide for a clearly delineated five feet wide pedestrian path from the sidewalk in the NW 19th Street public right-of-way to the front entrance of the building and from the building to the dumpster enclosure. Provide for an appropriate treatment for the children “drop-off and pick-up” area. Also provide the required dumpster enclosure needed to dispose of food waste. 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.

Kiddie Care Inc. did not file a site plan modification application within 45 days of the effective date of this development order.

Based on not meeting the conditions of Special Exception Use approval, (18-SE-001) and associated resolution No. 18R-03-39 have been deemed null and void and further Special Exception Use approval is required in order to operate a Childcare, Day Use with before and after care on the subject site.

On November 26th, 2019 Kiddie Care Inc. filed for new Special Exception Use approval as outlined above. On December 2, 2019 Kiddie Care Inc. filed a Site Plan Modification application for treatment of “drop-off and pick-up” area. They will need to amend their submitted Site Plan Modification application to include dumpster area improvements and ADA improvements.

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 stand-alone commercial building abutting a Community Facility zone occupied by an Educational, Primary School use to the North, Community Facilities (CF) zoning district to the West, and Multi Family Residential zoning district to the East. There is a public street right of way to the South NW 19th Street. The site has been home to Education and Childcare Uses for over 30 years.

Staff finds that there have not been any substantial changes to the character of development in or near the subject area since the last Special Exception Use approval, 18-SE-001, was granted in 2018 to Kiddie Care Inc.. The resolution 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, Inc. to allow a daytime child care use on a 0.497± acre site zoned Commercial Office (CO) district and legally described as a portion of Tract A, Little Friends Subdivision, according to the plat thereof, as recorded in Plat Book 84, Page 34 of the public records of Broward County, Florida, more commonly known as 5801 NW 19 Street, 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, 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. Within 60 days of the effective date of this development order, the applicant shall obtain site plan modification approval to, among other things, provide for a clearly delineated five feet wide pedestrian path pedestrian path from the sidewalk in the NW 19th Street public right-of-way to the front entrance of the building and from the building to the dumpster enclosure. Provide for an appropriate treatment for the children’s “drop-off and pick-up” area. Also provide the required dumpster enclosure needed to dispose of food waste.
3. Construction of improvements related to ADA and appropriate treatment for children’s “drop-off and pick-up” area must be completed prior to the approval of a Certificate of Use for the operation of the Childcare, Day use with before and after care. Construction of additional improvements, not related to ADA or “drop-off and pick-up” area, required through the site plan modification process such as dumpster, landscape, and lighting improvements shall be constructed within 180 days of receipt of the site plan modification approval.
4. The child care use is restricted to a total of 4,505 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.

5. 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.
6. 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.
7. 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.
8. Kiddie Care, 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) of a Local Business Tax Receipt (LBTR) is issued for the use. Kiddie Care shall annually file with its City LBTR application a copy of their valid state child care licenses.
9. 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.
10. 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

Attachment D: Resolution No. 18R-03-39

Prepared by: Molly Howson, Associate City Planner

Date: December 2nd, 2019