

**RESOLUTION NO. 15R-06-129**

**A RESOLUTION OF THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA GRANTING TO LIVING WORD COMMUNITY CHURCH, INC. D/B/A GREATER HORIZONS ACADEMY A SPECIAL EXCEPTION USE DEVELOPMENT ORDER WITH CONDITIONS TO ALLOW WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A DAYTIME CHILD CARE USE ON AN APPROXIMATE 6.36 GROSS ACRE SITE, THE LEGAL DESCRIPTION BEING TRACT "A", OAKLAND SHOPPES PLAT, AS RECORDED IN PLAT BOOK 82, PAGE 37 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 5750 WEST OAKLAND PARK 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), this use is permitted in the General Commercial zoning district by Special Exception approval only; and

WHEREAS, the prior Resolution allowing Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy to operate a daytime child care use on the premises has expired and they need Commission approval in order to continue operating for an additional five years; and

WHEREAS City Staff recommends that the City Commission vote IN FAVOR OF this Special Exception Use Development Order request subject to the following amended conditions; and

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

Section 1. The Special Exception Use Development order of Living Word Community Church, Inc. d/b/a Greater Horizons Academy, to allow within the General Commercial (CG) zoning district a daytime child care use on an approximate 6.36 ± gross acre site legally described as Tract "A," Oakland Shoppes Plat, as recorded in Plat Book 82, Page 37 of the Public Records of Broward County, Florida, more commonly known as 5750 West Oakland Park Boulevard, Lauderhill, Florida, is hereby approved subject to the following conditions:

1. The daytime child care use is restricted to 6,608 $\pm$  square feet of indoor space and 2,300 $\pm$  square feet of outdoor space. Any expansion, alteration, enlargement or removal to another location of this use shall require an additional special exception development order from the City Commission.
2. The child care use days and hours of operation respectively are Monday through Friday from 6:15 A.M. to 7:00 P.M. Up to 8 additional special meetings or events can be held in the facility outside of the regular hours. Should the operators desire to extend the days or hours of operation, then an additional special exception use application will need to be filed with the Planning and Zoning Division and granted by the City Commission.
3. The maximum number of children that may be served by the child care use is 147 children, provided all health, safety and welfare issues are met.
4. The inventory of fixtures and equipment shall be that reasonably associated with operating a day care use.
5. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy may provide regular transportation services for children, to pick up children after school and camps. Additional special transportation services, such as a trip to the zoo or a park, may be allowed up to 3 times per calendar year upon one-week prior notice to Parks and Leisure Services Director.
6. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy shall not provide meals or snacks that require the use of cooking facilities.
7. This special exception use approval shall expire if the use shall cease to operate for a continuous period of one year.
8. This special exception use development order shall be valid through June 8<sup>th</sup>, 2020, the date the special exception use for the house of religious worship expires. The City Commission may extend the development order upon submission of a subsequent special exception use application within 6 months of the expiration of this special exception use development order.
9. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy must provide a Division of Children and Families Child Care license or certification from an accredited child care organization prior to renewal of the certificate of use.

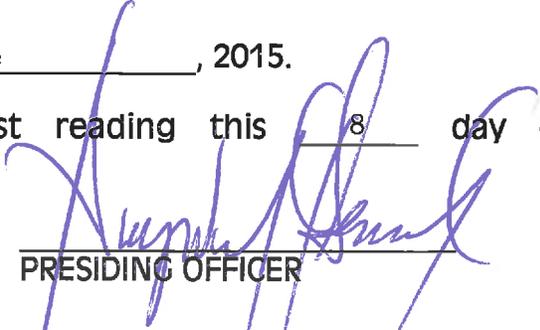
10. If the City's Code Enforcement Board assesses a lien for landscaping, trash, litter, or other unsightly or unsafe conditions, this special exception use development order may be brought before the City Commission to be reconsidered, at which time the development order or the conditions of approval may be subject to modification, suspension or revocation.
11. If the City's Police Division 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.
12. 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.

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 8 day of June, 2015.

PASSED AND ADOPTED on first reading this 8 day of June, 2015.

  
PRESIDING OFFICER

ATTEST:

  
CITY CLERK

MOTION  
SECOND

Bates  
Thurston

M. BATES  
H. BENSON  
H. BERGER  
K. THURSTON  
R. KAPLAN

Yes  
Yes  
Yes  
Yes  
Yes

Approved as to Form  
  
W. Earl Hall  
City Attorney



## **Supplemental Development Review Report**

The matter before the City Commission is a special exception use application (15-SE-005) to allow in the General Commercial (CG) zoning district the existing daytime child care use at 5750 West Oakland Park Boulevard to continue operating for an additional five year period. The matter is before the City Commission because the existing resolution allowing the child care use has expired and a new special exception use application to allow the use to continue operating has been filed. *The Planning and Zoning Division recommends the City Commission adopt a resolution granting to the Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy a special exception use development order with conditions to allow in the General Commercial (CG) zoning district a daytime child care use on an approximately 6.36 acre site legally described as a portion of Tract "A", The Oakland Shoppes, according to the plat thereof, as recorded in Plat Book 82, Page 37, of the public records of Broward County, Florida, more commonly known as The Living Word Fellowship Church, 5750 West Oakland Park Boulevard, Lauderhill, Florida.*

### **I. BACKGROUND**

On December 13<sup>th</sup>, 2004, the City Commission adopted Resolution No. 04R-12-286 which granted the Living Word Fellowship Church a special exception use development order to operate a private pre-school at 5770 West Oakland Park Boulevard, subject to ten conditions (See Attachment A). Figure 1 on the following page is an aerial photograph highlighting in cross-hatched red the subject property and showing its location in relation to the surrounding land uses and roadways.



## II. SPECIAL EXCEPTION USE APPLICATION

A special exception use application (015-SE-005) filed by the Living Word Fellowship Church, Inc. doing business as Greater Horizons Academy to allow in the General Commercial (CG) zoning district a private child care use on an approximately 6.36 acre site legally described as a portion of Tract "A", The Oakland Shoppes, according to the plat thereof, as recorded in Plat Book 82, Page 37, of the public records of Broward County, Florida, and more commonly known as the Living Word Fellowship Church, 5770 West Oakland Park Boulevard, Lauderhill, Florida.

## III. DATA & ANALYSIS

- A. Special exception use filing requirements. LDR Article IV., Part 4.0., subsection 4.5.A. requires the application set forth in detail the proposed use, including a site plan, floor plan, response to standards of approval and an inventory of fixtures and equipment to be used on said premises and any other documentation required by the Planning and Zoning Director (Director).

The application includes a site plan (See Attachment C) and a floor plan (See Attachment D). The response to the standards of approval has now been incorporated into the application, which previously was incorporated herein by reference. An inventory of fixtures and equipment was not provided but the Director does not need such document to make a recommendation on the application. The Director also has determined that additional documentation is not necessary in order to make a recommendation on the application. Consequently, the Division concludes the application is in conformance with LDR Article IV., Part 4.0., Subsection 4.5.A.

- B. Application acceptance requirements. LDR Article IV., Part 4.0., Subsection 4.5.B. provides the Division shall not accept a special exception use application if the property is subject to unpaid city liens, fines or fees.

The Division has confirmed with the Finance Division the property is not subject to unpaid city liens, fines or fees. Thus, the Division concludes the application is in conformance with LDR Article IV., Part 4.0., Subsection 4.5.B.

C. Review standards. LDR Article IV., Part 4.0., Section 4.6., Standards for approval, provides the City Commission, in reviewing any application for a special exception use, shall consider seven (7) specific standards. In addition, LDR Article III., Zoning Districts, Part 5.0., Special Regulations for Specific Land Use Classifications and Structures, Section 5.8. addresses the special standards and requirements for a child care use. The Planning and Zoning Division concludes that circumstances are not materially different than they were the last time the City Commission approved a child care use at this location. The Development Review Report supporting those findings and conclusions are incorporated herein by reference. Consistent with those findings and conclusions, the following conditions are recommended to be imposed in order to mitigate potential land use incompatibilities:

1. The daytime child care use is restricted to 6,608± square feet of indoor space and 2,300± square feet of outdoor space as is depicted on the floor plan and site plan. Any expansion, alteration, enlargement or removal to another location of this use shall require an additional special exception development order from the City Commission.
2. The child care use days and hours of operation respectively are Monday through Friday from 6:15 A.M. to 7:00 P.M. Up to 8 additional special meetings or events can be held in the facility outside of the regular hours. Should the operators desire to extend the days or hours of operation, then an additional special exception use application will need to be filed with the Planning and Zoning Division and granted by the City Commission.
3. The maximum number of children that may be served by the child care use is 147 children, provided all health, safety and welfare issues are met.
4. The inventory of fixtures and equipment shall be that reasonably associated with operating a day care use.
5. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy may provide regular transportation services for children, to pick up children after school and camps. Additional special transportation services, such as a trip to the zoo or a park, may be allowed up to 3 times per calendar year upon one-week prior notice to Parks and Leisure Services Director.

6. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy shall not provide meals or snacks that require the use of cooking facilities.
  7. This special exception use approval shall expire if the use shall cease to operate for a continuous period of one year.
  8. This special exception use development order shall be valid through June 8<sup>th</sup>, 2020, the date the special exception use for the house of religious worship expires. The City Commission may extend the development order upon submission of a subsequent special exception use application within 6 months of the expiration of this special exception use development order.
  9. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy must provide a Division of Children and Families Child Care license or certification from an accredited child care organization prior to renewal of the certificate of use.
  10. If the City's Code Enforcement Board assesses a lien for landscaping, trash, litter, 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.
  11. If the City's Police 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.
  12. 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.
- D. Public hearing procedure. Public hearing procedures are addressed in LDR Article IV., Part 4.0., Special Exception Uses, Section 4.9., Notice of hearing and Section 163.3184, Florida Statutes.

1. *Mailed notice.* LDR Article IV., Part 4.0., Subsection 4.9.A. provides all owners and occupants of property within 300 feet of the premises for which the special exception use is requested shall be given notice of the hearing by mail. On May 29<sup>th</sup>, 2015, the Division provided the required mailed notice and a list of those persons noticed is on file with the Division and incorporated herein by reference. Consequently, the application is in conformance with this requirement.
2. *Property Posted Notice.* LDR Article IV., Part 4.0., Subsection 4.9.B. provides that at least ten (10) days prior to the hearing, a sign shall be posted upon the property facing and visible from the street. The sign must be a minimum of three (3) square feet in size. Moreover, the Applicant must provide a notarized affidavit to the Division stating that the sign was posted on the appropriate day, that the sign remained posted for the duration of the time required for the posting, and that a photograph of the sign in place be submitted.

The Division finds the Applicant has provided an affidavit stating the property will be posted during the required periods and a photograph has been provided showing the property is posted. Those documents are on file with the Division and incorporated herein by reference.

3. *City Posted Notice.* The City Commission agenda has been posted at several locations before the City Commission public hearing.
4. *Legal Notice.* The Planning and Zoning Division has caused the hearing to be advertised in May 29<sup>th</sup>, 2015 edition of the Sun-Sentinel, a daily newspaper of general circulation within Broward County.

## V. ATTACHMENTS

Attachment A:	Resolution No. 04R-12-286
Attachment B:	Resolution No. 10R-04-89
Attachment C:	Reduced site plan with outdoor play area.
Attachment D:	Reduced floor plan.
Attachment E:	Proposed Resolution

## VI. FINDINGS AND CONCLUSIONS

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

- A. Pastor Tony Palmisano, on behalf of the Lessee, Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy has filed a special exception use application with the City of Lauderhill Planning and Zoning Division to allow the existing daytime child care use located at 5750 West Oakland Park Boulevard, Lauderhill, Florida to continue for another five year term. The City Commission has previously adopted two resolutions, each one allowing a child care use for a five-year term.
- B. The City's adopted Land Development Regulations (LDR) provide the City Commission has jurisdiction to approve special exception use applications and the LDR provide standards for the City Commission to consider when reviewing any special exception use application.
- C. The site is designated Commercial on the City's adopted Future Land Use Map Series and the Future Broward County Land Use Plan Map. The site is zoned General Commercial (CG) district, which is a zoning district consistent with the Future Land Use Map Series designation.
- D. The LDR allows a child care use as a special exception use in the General Commercial (CG) zoning district subject to the special regulations governing child care uses in Article III., Part 5.0., Section 5.8.
- E. The Division finds that the required filing documents have been included with the application and concludes the application is consistent with the requirements of LDR Article IV., Part 4.0., Subsection 4.5.A., which require the submittal of a floor plan.
- F. The Division finds the site is not subject to any unpaid city liens, fines or fees and concludes the application is consistent with the requirements of LDR Article IV., Part 4.0., Subsection 4.5.B.
- G. The Division concludes the application is consistent with LDR Article IV., Part 4.0., Section 4.6., Standards for approval, provided that conditions are imposed to mitigated potential land use incompatibilities.
- H. The City Commission public hearing on the renewal of the special exception use development order has been duly noticed: the Planning and Zoning Department has provided written mailed notice to all persons

within a 300 feet radius of the site, the City Clerk has advertised the public hearing in the Sun-Sentinel, the City Clerk has posted the agenda at City Hall, and the Applicant has posted the property.

## **VII. ALTERNATIVE ACTIONS**

LDR Article IV., Development Review Requirements, Part 4.0., Special Exception Uses, Subsection 4.5 (a) requires the City Commission to review the application and make its determination to:

- A. That the application is in compliance with the LDR applicable standards and minimum requirements or that vested rights exist with regard to any non-compliance and that a development order be issued granting approval of the application.
- B. That the application is not in compliance with the LDR applicable standards and minimum requirements but conditions have been determined to be reasonably necessary to ensure compliance with the LDR applicable standards and minimum requirements and that vested rights exist with regard to any non-compliance and that a development order be issued granting approval of the application with said conditions.
- C. That the application is not in compliance with the LDR applicable standards and minimum requirements and that a development order be issued denying the application.
- D. That the application be tabled for up to six months because the City Commission finds that available information is insufficient on which to base either approval or denial of the application and that a study be conducted to provide the City Commission with information sufficient to form a basis on which to approve or deny the application.

## **VIII. RECOMMENDED ACTION.**

- A. Division recommendation. The Planning and Zoning Division recommends the City Commission adopt a Resolution granting to the Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy a special exception use development order to allow in the General Commercial (CG) zoning district a daytime child care use on an approximately 6.36 acre site legally described as a portion of Tract "A", The Oakland Shoppes, according to the plat thereof, as recorded in Plat Book 82, Page

37, of the public records of Broward County, Florida, more commonly known as The Living Word Fellowship Church, 5750 West Oakland Park Boulevard, Lauderhill, Florida, subject to the following conditions.

1. The daytime child care use is restricted to 6,608± square feet of indoor space and 2,300± square feet of outdoor space as is depicted on the floor plan and site plan. Any expansion, alteration, enlargement or removal to another location of this use shall require an additional special exception development order from the City Commission.
2. The child care use days and hours of operation respectively are Monday through Friday from 6:15 A.M. to 7:00 P.M. Up to 8 additional special meetings or events can be held in the facility outside of the regular hours. Should the operators desire to extend the days or hours of operation, then an additional special exception use application will need to be filed with the Planning and Zoning Division and granted by the City Commission.
3. The maximum number of children that may be served by the child care use is 147 children, provided all health, safety and welfare issues are met.
4. The inventory of fixtures and equipment shall be that reasonably associated with operating a day care use.
5. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy may provide regular transportation services for children, to pick up children after school and camps. Additional special transportation services, such as a trip to the zoo or a park, may be allowed up to 3 times per calendar year upon one-week prior notice to Parks and Leisure Services Director.
6. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy shall not provide meals or snacks that require the use of cooking facilities.
7. This special exception use approval shall expire if the use shall cease to operate for a continuous period of one year.
8. This special exception use development order shall be valid through June 8<sup>th</sup>, 2020, the date the special exception use for the house of religious worship expires. The City Commission may extend the development order upon submission of a subsequent

special exception use application within 6 months of the expiration of this special exception use development order.

9. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy must provide a Division of Children and Families Child Care license or certification from an accredited child care organization prior to renewal of the certificate of use.
10. If the City's Code Enforcement Board assesses a lien for landscaping, trash, litter, 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.
11. If the City's Police Division 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.
12. 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.

The proposed resolution approving the special exception use application is included herein as Attachment E.

- B. City Commission action. The City Commission is scheduled to consider this special exception use application at its duly noticed June 8<sup>th</sup>, 2015 public hearing.

ATTACHMENT A

RESOLUTION NO. 04R-12-286

**A RESOLUTION APPROVING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, OF THE LIVING WORD FELLOWSHIP CHURCH TO ALLOW A PRIVATE PRE-SCHOOL USE IN THE GENERAL COMMERCIAL (C-3) ZONING DISTRICT ON AN APPROXIMATE ± 6.36 ACRE SITE LOCATED ON A PORTION OF TRACT "A", THE OAKLAND SHOPPES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 82, PAGE 37, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS THE LIVING WORD FELLOWSHIP CHURCH, 5770 WEST OAKLAND PARK BOULEVARD, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City of Lauderhill Zoning District Map shows the property is within the General Commercial (C-3) zoning district; and

WHEREAS, Land Development Regulations (LDR), Schedule B-2 allows in the General Commercial (C-3) zoning district the proposed use as a special exception use; and

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

Section 1. The Special Exception Use Development Order of the Living Word Fellowship Church to allow a private pre-school use in the General Commercial (C-3) zoning district on an approximate ± 6.36 acre site located on a portion of Tract "A", The Oakland Shoppes, according to the Plat thereof, as recorded in Plat Book 82, Page 37 of the Official Public Records of Broward County, Florida, more commonly known as the Living Word Fellowship Church, 5770 West Oakland Park Boulevard, Lauderhill, Florida, is hereby approved subject to those conditions contained in the Development Review Report.

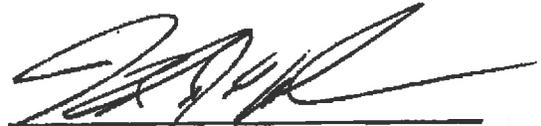
Section 2. The Development Review Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, is incorporated herein and is hereby adopted as the findings of fact as to this special exception.

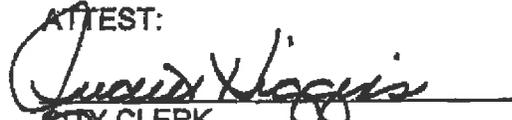
Section 3. This resolution shall take effect immediately upon its passage and adoption.

DATED this 13th day of December, 2004.

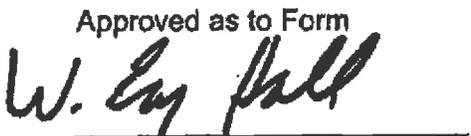
PASSED AND ADOPTED on first reading this 13th day of December, 2004.

ATTACHMENT A

  
PRESIDING OFFICER

ATTEST:  
  
CITY CLERK

MOTION	<u>Mirsky</u>
SECOND	<u>Holness</u>
M. BATES	<u>Yes</u>
H. BERGER	<u>Yes</u>
D. HOLNESS	<u>Yes</u>
L. MIRSKY	<u>Yes</u>
R. KAPLAN	<u>Yes</u>

Approved as to Form  
  
W. Earl Hall  
City Attorney

## ATTACHMENT A

1. The private child care use is restricted to 2,894± square feet of indoor space and 2,400± square feet of outdoor space. Any expansion, alteration, enlargement or removal to another location of this use shall require an additional special exception development order from the City Commission.
2. The child care use days and hours of operation shall be Monday through Friday from 6:30 a.m. to 7:00 p.m. The extension of the days or hours of operation or both shall require an additional special exception development order from the City Commission.
3. The maximum number of children that may be served in the child care use is 80 children.
4. The age of the children that may be served by the child care use shall be restricted to 6 weeks to 6 years.
5. The Living Word Fellowship Church must provide a child care certificate or license from an accredited organization before an occupational license and a certificate of occupancy is issued. Thereafter, Living Word Fellowship Church shall annual file, along with their occupational license application, documents verifying the facility has a valid child care license or certificate from an accredited organization. In addition, a list of all persons with a financial interest in the facility, along with affidavits from each stating whether or not that person was ever convicted of a crime shall be provided. Failure to timely provide such documentation shall result in the revocation of this special exception use development order by the Planning and Zoning Director. A finding that a person with a financial interest in the facility has been convicted of a crime shall result in a public hearing to determine whether or not the special exception use development order should be revoked.
6. This special exception use development order shall be valid through February 23<sup>rd</sup>, 2009, to coincide with the term of the special exception use development order for the house of religious worship. The Living Word may apply for an additional five year extension no earlier than August 23<sup>rd</sup>, 2008.
7. This special exception use development order shall automatically expire and shall become null and void unless the Development Review Committee approves a site plan modification application within 270 days of the effective date of this development order.

## ATTACHMENT A

8. If bus drivers are provided, such drivers shall have a validly issued and effective commercial driver's license.
  9. This special exception use development order shall automatically expire and shall become null and void upon the vacation of the space by Living Word Fellowship Church.
  10. Any violation of these conditions of approval shall result in a hearing before the City Commission that may result in the revocation of the special exception use development order and the occupational license.
- B. City Commission action. The City Commission is scheduled to consider this special exception use application at its duly noticed December 13<sup>th</sup>, 2004 public hearing.

ATTACHMENT B

RESOLUTION NO. 10R-04-89

**A RESOLUTION APPROVING THE RENEWAL OF A SPECIAL EXCEPTION USE DEVELOPMENT ORDER (04R-02-286) OF THE GREATER HORIZONS ACADEMY, SUBJECT TO CONDITIONS, WHICH ALLOWED IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A  $\pm$  7,400 SQUARE FEET PRIVATE PRE-SCHOOL ON AN APPROXIMATE  $\pm$  6.36 ACRE SITE DESCRIBED AS TRACT A, THE OAKLAND SHOPPES PLAT, AS RECORDED IN PLAT BOOK 82, PAGE 37 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 5750 WEST OAKLAND PARK 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), this use is permitted in the General Commercial zoning district by Special Exception approval only; and

WHEREAS City Staff recommends that the City Commission vote in FAVOR of this Special Exception Use Development Order renewal request;

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

Section 1. The renewal of the Special Exception Use Development Order (04R-02-286) of The Greater Horizons Academy which allowed a  $\pm$  7,400 square feet private pre-school on an approximate  $\pm$  6.36 acre site described as Tract A, the Oakland Shoppes Plat, as recorded in Plat Book 82, Page 37 of the Public Records of Broward County, Florida, more commonly known as 5750 West Oakland Park Boulevard, Lauderhill, Florida, is hereby approved subject to the conditions contained within the Staff report.

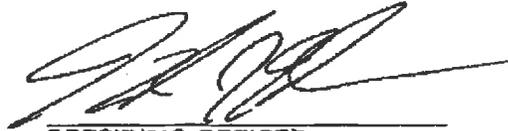
Section 2. The Staff Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, is incorporated herein and is hereby adopted as the findings of fact as to this special exception.

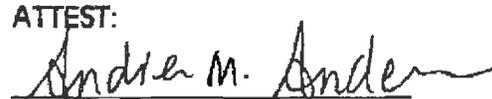
Section 3. This Resolution shall take effect immediately upon its passage.

DATED this 12th day of April, 2010.

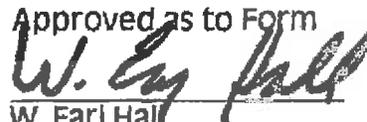
ATTACHMENT B

PASSED AND ADOPTED on first reading this 12th day of April, 2010.

  
PRESIDING OFFICER

ATTEST:  
  
CITY CLERK

MOTION	<u>Holness</u>
SECOND	<u>Berger</u>
M. BATES	<u>Absent</u>
H. BENSON	<u>Yes</u>
H. BERGER	<u>Yes</u>
D. HOLNESS	<u>Yes</u>
R. KAPLAN	<u>Yes</u>

Approved as to Form  
  
W. Earl Hall  
City Attorney

## ATTACHMENT B

13. Any violation of these conditions of approval shall result in a hearing before the City Commission that may result in the revocation of the special exception use development order and the occupational license or modifications to conditions.

The Division recommends this condition remain in place.

Attachments:

Attachment A – Resolution No. 04R-12-286

Attachment B – supporting documentation for Child Care Use

Division recommendation. The Planning and Zoning Division concludes the application is not in compliance with the Land Development Regulations applicable standards and minimum requirements and recommends that the Commission **approve with conditions** the Special Exception Use application subject to the below described conditions:

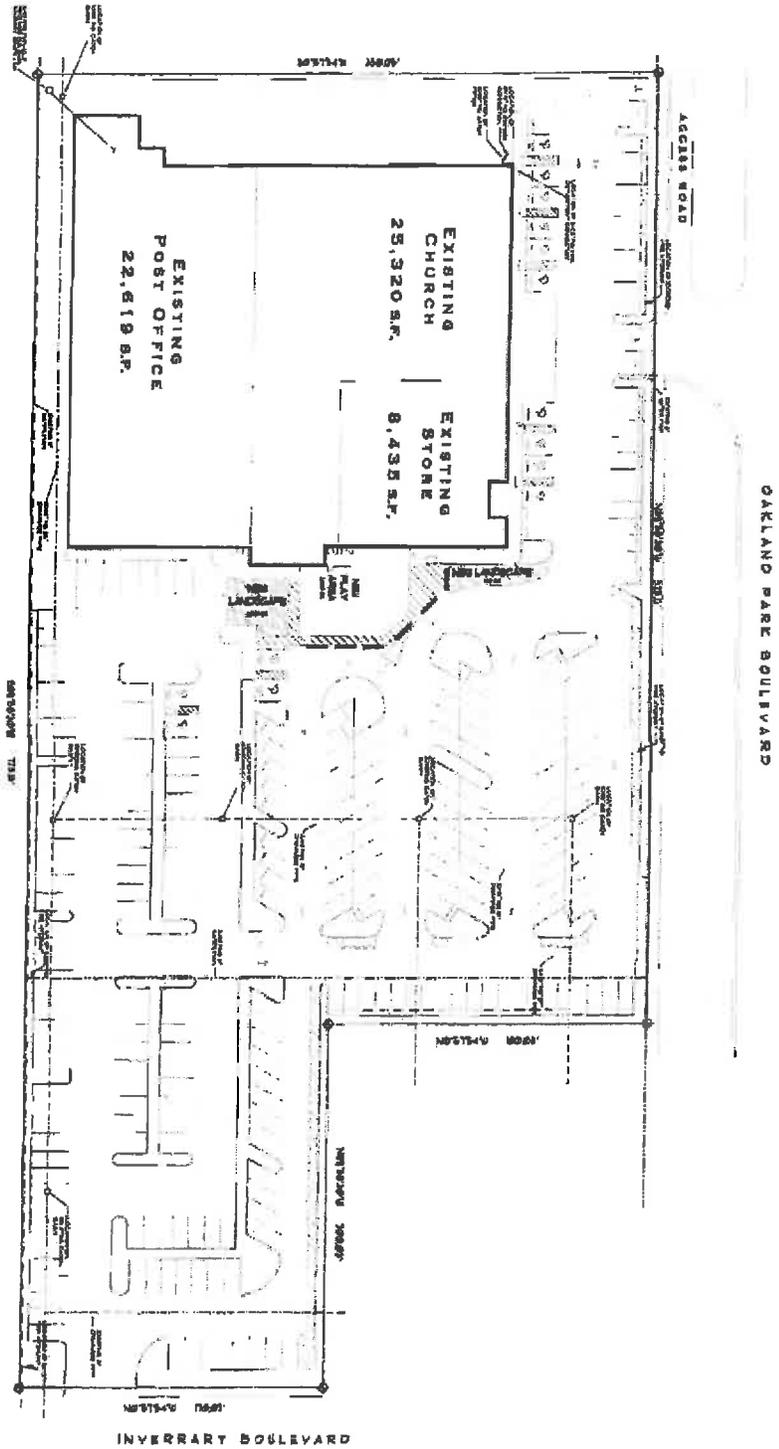
1. The day care use is restricted to 7,400+ square feet of space. Any expansion, alteration, enlargement or removal of this use to another location shall require the City Commission grant an additional special exception development order.
2. The day care center days and hours of operation respectively be Monday through Friday from 6:15 a.m. to 7:00 p.m. Up to 8 additional special meetings or events can be held on the facility outside of the regular hours. Should the operators desire to extend the days or hours of operation, then an additional special exception use application will need to be filed with the Department and granted by the City Commission.
3. The maximum number of children that may be served in the child care use is 147 children, provided all health, safety and welfare issues are met.
4. The ages of the children that may be served by the child care use shall be restricted to 6 weeks to 5 years for preschool uses, and from ages 5-12 for after school care uses.
5. The inventory of fixtures and equipment shall be that reasonably associated with operating a day care use.
6. The Living Word Fellowship Church, Inc. may provide regular transportation services for children to pick up children after school and camps. Additional special transportation services, such as a trip to the zoo or a park, may be allowed up to 3 times per calendar year upon one-week prior notice to the Parks and Leisure Services Director.

ATTACHMENT B

7. The Living Word Fellowship Church, Inc. shall not provide meals or snacks that require the use of cooking facilities.
8. This special exception use approval shall expire if the use shall cease to operate for a continuous period of one year.
9. This special exception use development order shall be valid through April 12, 2015, the date the special exception use for the house of religious worship expires. The City Commission may extend the development order upon submission of a subsequent special exception use application within 6 months of the expiration of this special exception use development order.
10. The Living Word Fellowship Church must provide a Department of Children and Families Child Care license or certification from an accredited child care organization prior to renewal of the Certificate of Use.
11. Any violation of these conditions of approval shall result in a hearing before the City Commission that may result in the revocation of the special exception use development order and the occupational license or modifications to conditions.

City Commission action. The Special Exception use application has been scheduled for the April 12, 2010 Commission meeting.

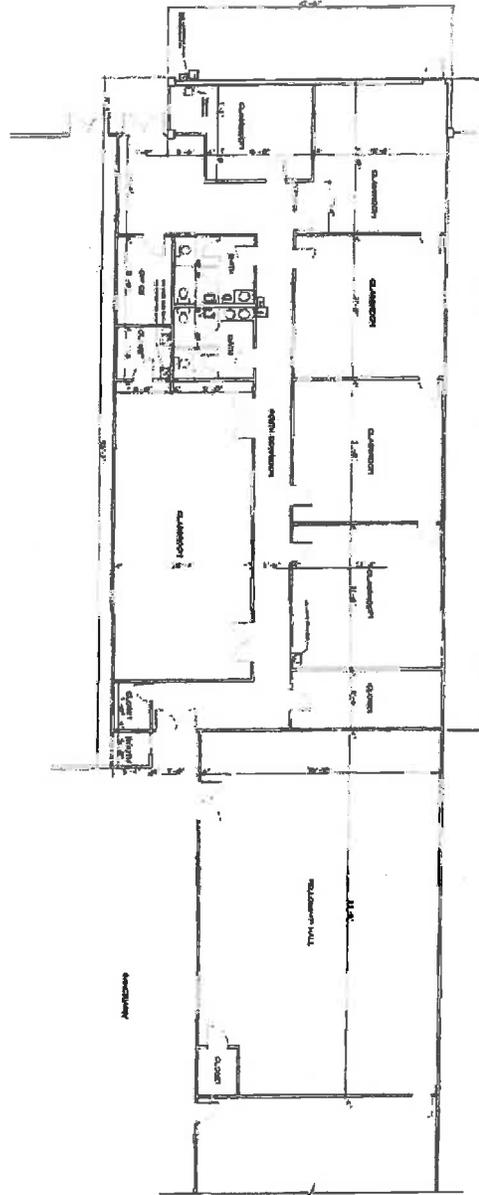
# ATTACHMENT C



EXISTING UTILITY PLAN  
SCALE: 1" = 20'-0"

LIVING WORD FELLOWSHIP CHURCH 8770 WEST OAKLAND PARK BOULEVARD LAUDERHILL, FLORIDA 33313	PROJECT NO. 040917	SHEET NO. UP-1
	ARCHITECT STEPHEN BRASGALLA ARCHITECT 4715 S.	DATE 11/1/15

# ATTACHMENT D



PROPOSED RENOVATION PLAN  
SCALE 1/8" = 1'-0"



Revisions  
 ▲  
 ▲  
 ▲  
 ▲  
 ▲

Project No. 040917

LIVING WORD FELLOWSHIP CHURCH  
 SITE REDEVELOPMENT  
 5770 WEST OAKLAND PARK BOULEVARD  
 LAUDERHILL, FLORIDA 33313

STEPHEN BRASGALLA, ARCHITECT  
 1100 S.W. 15th Avenue, Suite 100  
 Fort Lauderdale, Florida 33315  
 Phone: (954) 571-1111  
 Fax: (954) 571-1112  
 E-mail: sbrasgalla@stephenbrasgalla.com

*Handwritten signature and date:*  
 Stephen Brasgalla  
 1/26/06

DATE	DESCRIPTION
1/26/06	310
2/2/06	310
040917	310

FP-1

## **ATTACHMENT E**

### **RESOLUTION NO. 15R-06-###**

**A RESOLUTION OF THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA, GRANTING TO THE LIVING WORD COMMUNITY CHURCH, INC., D/B/A GREATER HORIZONS ACADEMY A SPECIAL EXCEPTION USE DEVELOPMENT ORDER WITH CONDITIONS TO ALLOW WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A DAYTIME CHILD CARE USE ON AN APPROXIMATELY 6.36 GROSS ACRE SITE, THE LEGAL DESCRIPTION BEING TRACT "A", OAKLAND SHOPPES PLAT, AS RECORDED IN PLAT BOOK 82, PAGE 37 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 5750 WEST OAKLAND PARK BOULEVARD, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, on December 13<sup>th</sup>, 2004, the City Commission adopted Resolution No. 04R-12-286 which granted the Living Word Fellowship Church a special exception use development order to operate a private pre-school at 5770 West Oakland Park Boulevard, subject to ten conditions; and

WHEREAS, on April 12<sup>th</sup>, 2010, the City Commission adopted Resolution No. 10R-04-89, which granted Greater Horizons Academy (the d/b/a for Living Word Fellowship Church, Inc.) a special exception use development order to continue operating the pre-school subject to 11 conditions; and

WHEREAS, Resolution No. 10R-04-89 has expired and the Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy has filed a special exception use application to allow the existing daytime child care to continue for another five year term.

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

Section 1. This resolution grants to the Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy a special exception use development order to allow in the General Commercial (CG) zoning district a daytime child care use on an approximately 6.36 acre site legally described as a portion of Tract "A", The Oakland Shoppes, according to the plat thereof, as recorded in Plat Book 82, Page 37, of the public records of Broward County, Florida, more commonly known as The Living Word Fellowship Church, 5750 West Oakland Park Boulevard, Lauderhill, Florida, subject to the following conditions:

## ATTACHMENT E

1. The daytime child care use is restricted to 7,400<sub>+</sub> square feet of indoor space and 2,400<sub>+</sub> square feet of outdoor space. Any expansion, alteration, enlargement or removal to another location of this use shall require an additional special exception development order from the City Commission.
2. The child care use days and hours of operation respectively are Monday through Friday from 6:15 A.M. to 7:00 P.M. Up to 8 additional special meetings or events can be held in the facility outside of the regular hours. Should the operators desire to extend the days or hours of operation, then an additional special exception use application will need to be filed with the Planning and Zoning Division and granted by the City Commission.
3. The maximum number of children that may be served by the child care use is 147 children, provided all health, safety and welfare issues are met.
4. The inventory of fixtures and equipment shall be that reasonably associated with operating a day care use.
5. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy may provide regular transportation services for children, to pick up children after school and camps. Additional special transportation services, such as a trip to the zoo or a park, may be allowed up to 3 times per calendar year upon one-week prior notice to Parks and Leisure Services Director.
6. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy shall not provide meals or snacks that require the use of cooking facilities.
7. This special exception use approval shall expire if the use shall cease to operate for a continuous period of one year.
8. This special exception use development order shall be valid through June 8<sup>th</sup>, 2020, the date the special exception use for the house of religious worship expires. The City Commission may extend the development order upon submission of a subsequent special exception use application within 6 months of the expiration of this special exception use development order.

## ATTACHMENT E

9. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy must provide a Division of Children and Families Child Care license or certification from an accredited child care organization prior to renewal of the certificate of use.
10. If the City's Code Enforcement Board assesses a lien for landscaping, trash, litter, 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.
11. If the City's Police Division 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.
12. 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.

Section 2. This Resolution shall take effect immediately upon its passage.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

PASSED AND ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
PRESIDING OFFICER

ATTEST:  
  
\_\_\_\_\_

**ATTACHMENT E**

CITY CLERK

MOTION  
SECOND

\_\_\_\_\_  
\_\_\_\_\_

M. BATES  
H. BENSON  
H. BERGER  
R. KAPLAN  
K. THURSTON

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved as to Form

\_\_\_\_\_  
W. Earl Hall  
City Attorney

**SPECIAL EXCEPTION USE AFFIDAVIT OF  
COMPLIANCE WITH CONDITIONS OF APPROVAL**

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I, Debi Palmisano, being sworn, do hereby certify and affirm that the following statements are true:

1. I have read in its entirety the Development Review Report, any Supplemental Development Review Reports, and all attachments and exhibits associated with the special exception use application filed with the City of Lauderdale, Florida Planning and Zoning Division and understand its contents.
2. I have read and understand the below described conditions of approval and voluntarily agree to comply with all said conditions:
  - a. The daytime child care use is restricted to 6,608± square feet of indoor space and 2,300± square feet of outdoor space as is depicted on the floor plan and site plan. Any expansion, alteration, enlargement or removal to another location of this use shall require an additional special exception development order from the City Commission.
  - b. The child care use days and hours of operation respectively are Monday through Friday from 6:15 A.M. to 7:00 P.M. Up to 8 additional special meetings or events can be held in the facility outside of the regular hours. Should the operators desire to extend the days or hours of operation, then an additional special exception use application will need to be filed with the Planning and Zoning Division and granted by the City Commission.
  - c. The maximum number of children that may be served by the child care use is 147 children, provided all health, safety and welfare issues are met.
  - d. The inventory of fixtures and equipment shall be that reasonably associated with operating a day care use.
  - e. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy may provide regular transportation services for children, to pick up children after school and camps. Additional special transportation services, such as a trip to the zoo or a park, may be allowed up to 3 times per calendar year upon one-week prior notice to Parks and Leisure Services Director.

## SPECIAL EXCEPTION USE AFFIDAVIT OF COMPLIANCE WITH CONDITIONS OF APPROVAL

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- f. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy shall not provide meals or snacks that require the use of cooking facilities.
  - g. This special exception use approval shall expire if the use shall cease to operate for a continuous period of one year.
  - h. This special exception use development order shall be valid through June 8<sup>th</sup>, 2020, the date the special exception use for the house of religious worship expires. The City Commission may extend the development order upon submission of a subsequent special exception use application within 6 months of the expiration of this special exception use development order.
  - i. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy must provide a Division of Children and Families Child Care license or certification from an accredited child care organization prior to renewal of the certificate of use.
  - j. If the City's Code Enforcement Board assesses a lien for landscaping, trash, litter, 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.
  - k. If the City's Police Division 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.
  - l. 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.
3. 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
-

**SPECIAL EXCEPTION USE AFFIDAVIT OF  
COMPLIANCE WITH CONDITIONS OF APPROVAL**

resolution adopting the special exception use application and any certificate of use associated with the special exception use approval.

Print your name: Debi Palmisano

Sign your name: Debi Palmisano Debi Palmisano

Date signed: 5-26-15

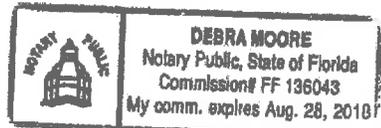
The foregoing instrument was acknowledged before me this 26 day of May, 2015, by Debrah Palmisano, who is personally known to me or who has produced A DRIVER'S LICENSE as identification and who did take an oath.

Notary public

Print your name: Debra Moore

Sign your name: Debra Moore

State of Florida at Large Seal



My Commission Expires: \_\_\_\_\_



# City of Lauderhill, FL

Suites 141-142  
5581 West Oakland Park Blvd.  
Lauderhill, FL

## File Details

**File Number: 12R-1345**

**File ID:** 12R-1345

**Type:** Resolution

**Status:** Quasi-Judicial First Reading

**Version:** 1

**Reference:**

**In Control:** P & Z Department

**File Created:** 05/19/2015

**File Name:** Greater Horizons Academy

**Final Action:**

**Title:** RESOLUTION NO. 15R-06-129: A RESOLUTION OF THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA GRANTING TO LIVING WORD COMMUNITY CHURCH, INC. D/B/A GREATER HORIZONS ACADEMY A SPECIAL EXCEPTION USE DEVELOPMENT ORDER WITH CONDITIONS TO ALLOW WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A DAYTIME CHILD CARE USE ON AN APPROXIMATELY 6.36 GROSS ACRE SITE, THE LEGAL DESCRIPTION BEING TRACT "A", OAKLAND SHOPPES PLAT, AS RECORDED IN PLAT BOOK 82, PAGE 37 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 5750 WEST OAKLAND PARK BOULEVARD, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

**Notes:**

**Sponsors:**

**Enactment Date:**

**Attachments:** GREATER HORIZONS.pdf, GHA Affidavit.pdf, RES-15R-06-129-Special X-Horizons Academy Daycare.pdf

**Enactment Number:**

**Contact:**

**Hearing Date:**

\* **Drafter:** ehahn@lauderhill-fl.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Commission	06/08/2015					

### Text of Legislative File 12R-1345

RESOLUTION NO. 15R-06-129: A RESOLUTION OF THE COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA GRANTING TO LIVING WORD COMMUNITY CHURCH, INC. D/B/A GREATER HORIZONS ACADEMY A SPECIAL EXCEPTION

USE DEVELOPMENT ORDER WITH CONDITIONS TO ALLOW WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT A DAYTIME CHILD CARE USE ON AN APPROXIMATELY 6.36 GROSS ACRE SITE, THE LEGAL DESCRIPTION BEING TRACT "A", OAKLAND SHOPPES PLAT, AS RECORDED IN PLAT BOOK 82, PAGE 37 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 5750 WEST OAKLAND PARK BOULEVARD, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

**Request Action:**

Adopt the resolution subject to the following conditions

1. The daytime child care use is restricted to 6,608± square feet of indoor space and 2,300± square feet of outdoor space. Any expansion, alteration, enlargement or removal to another location of this use shall require an additional special exception development order from the City Commission.
2. The child care use days and hours of operation respectively are Monday through Friday from 6:15 A.M. to 7:00 P.M. Up to 8 additional special meetings or events can be held in the facility outside of the regular hours. Should the operators desire to extend the days or hours of operation, then an additional special exception use application will need to be filed with the Planning and Zoning Division and granted by the City Commission.
3. The maximum number of children that may be served by the child care use is 147 children, provided all health, safety and welfare issues are met.
4. The inventory of fixtures and equipment shall be that reasonably associated with operating a day care use.
5. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy may provide regular transportation services for children, to pick up children after school and camps. Additional special transportation services, such as a trip to the zoo or a park, may be allowed up to 3 times per calendar year upon one-week prior notice to Parks and Leisure Services Director.
6. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy shall not provide meals or snacks that require the use of cooking facilities.
7. This special exception use approval shall expire if the use shall cease to operate for a continuous period of one year.
8. This special exception use development order shall be valid through June 8th, 2020, the date the special exception use for the house of religious worship expires. The City Commission may extend the development order upon submission of a subsequent special exception use application within 6 months of the expiration of this special exception use development order.

9. The Living Word Fellowship Church, Inc. d/b/a Greater Horizons Academy must provide a Division of Children and Families Child Care license or certification from an accredited child care organization prior to renewal of the certificate of use.
10. If the City's Code Enforcement Board assesses a lien for landscaping, trash, litter, 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.
11. If the City's Police Division 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.
12. 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.

**Need:**

The resolution allowing Living World Fellowship Church, Inc. d/b/a Greater Horizons Academy to operate a daytime child care use on the premises has expired and they need Commission approval in order to continue operating for an additional five years.

**Summary Explanation/ Background:**

On December 13th, 2004, the City Commission adopted Resolution No. 04R-12-286 which granted the Living Word Fellowship Church a special exception use development order to operate a private pre-school at 5770 West Oakland Park Boulevard, subject to ten conditions. When the approval of that resolution expired, on April 12th, 2010, the City Commission adopted Resolution No. 10R-04-89, which granted Greater Horizons Academy (the d/b/a for Living Word Fellowship Church, Inc.) a special exception use development order to continue operating the pre-school subject to 11 conditions. That resolution also has expired and a new special exception use application has been filed to allow the continuation of the daytime child care use for another five years.

**Attachments:**

Supplemental Development Review Report

**Cost Summary/ Fiscal Impact:**

The Division finds the implementation of this Resolution/Ordinance will not require a budget allocation or expenditure of City funds and concludes it does not have any direct fiscal impact on the City's budget.

**Estimated Time for Presentation:**

2-5 minutes

**Master Plan:**

**Goal 1: Clean, Green Sustainable Environment**

- Increase mass transit ridership
- Reduce City energy consumption
- Reduce water consumption

**Goal 2: Safe and Secure City of Lauderdale**

- Crime in lower 50% in Broward
- Residents feel safe in neighborhood
- Reduce emergency fatalities

**Goal 3: Open Spaces and Active Lifestyle for all ages**

- Increase participation in youth sports
- Add new park land and amenities
- Increase attendance at cultural programs and classes

**Goal 4: Growing Local Economy, Employment and Quality of Commercial Areas**

- Increase commercial tax base
- Increase employment in Lauderdale businesses
- Decrease noxious and blighted uses in commercial areas

**Goal 5: Quality Housing at all Price Ranges and Attractive Communities**

- Neighborhood signs and active HOAs
- Housing & streets improved, litter reduced
- Increase proportion of single family homes and owner occupied housing

**Goal 6: Efficient and Effective City Government, Customer Focused & Values Diversity**

- Improves City efficiency
- Increase use of Information Technology
- Increases residents perception of Lauderdale as an excellent place to live

The availability of a child care use in proximity to neighborhoods may increase residents' perception of Lauderdale as an excellent place to live