

**RESOLUTION NO. 19R-04-84**

**A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO KRADLE TO KINDERGARTEN PRESCHOOL II, INC., SUBJECT TO CONDITIONS, TO ALLOW IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT AN EDUCATION, PRESCHOOL USE WITH BEFORE AND AFTER CARE ON A ± 44.5 ACRE SITE ON AN UNPLATTED PARCEL OF LAND SITUATED IN THE NORTHEAST OF SECTION 36, TOWNSHIP 49 SOUTH, RANGE 41 EAST, FOLIO NUMBER 49-41-36-00-0012, MORE COMMONLY KNOWN AS THE LAUDERHILL MALL, 1267 N.2. 40<sup>TH</sup> AVENUE, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, this property is zoned Community Commercial (CC) 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** of this Special Exception Use Development Order request, subject to the following conditions;

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

Section 1. The Special Exception Use Order of Kradle to Kindergarten Preschool II, Inc., to allow within the Community Commercial (CC) Zoning District an Education, Preschool Use with before and after care on a ± 44.5 acre site on an unplatted parcel of land situated in the Northeast Section of 36, Township 49 South, Range 41 East, Folio Number 49-41-36-00-0012, more commonly known as the Lauderhill Mall, 1267 N.2. 40<sup>TH</sup> Avenue, Lauderhill, Florida, is hereby approved subject to the following conditions:

1. This Special Exception Use development order shall be specifically granted to Kradle to Kindergarten Preschool II, Inc. and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another entity. Further, this special exception use development order shall automatically become null and void if any entity other than Kradle to Kindergarten Preschool II, Inc. operates this use. All employees, agents, and independent contractors are subject to, and covered by, the express terms and conditions of this Special Exception Development Order.

2. The uses are restricted to 9,500 square feet of indoor space and 5,200 feet of outdoor space. 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.
3. The daytime child care and preschool days and hours of operation are Monday through Friday 7:00 a.m. to 6:00 p.m. but may remain open one-half an hour earlier and one-half an hour later in order to accommodate early and late drop-off and pick-up. Any increase in these hours of operation is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase
4. The inventory of fixtures and equipment shall include those typically associated with child care and pre-school uses.
5. Before a local business tax receipt is issued, Krandle to Kindergarten Preschool II, Inc. shall provide evidence of a preschool license from the state licensing agency.
6. This special exception use development order shall automatically expire and shall become null and void upon the vacation of the space.
7. Complaints to Code Enforcement or may cause the SEU approval to be reviewed by the City Commission for possible revocation.
8. 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. Further, consistent with LDR Article IV, Part 1.0., Section 1.8, this development order may be revoked, suspended or modified based on the grounds stated herein. In addition, this development order is subject to post-approval review consistent with LDR Article IV, Part 4.0., Section 4.11.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND ADOPTED on first reading this \_\_\_\_\_ day of \_\_\_\_\_,  
2019.

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PRESIDING OFFICER

ATTEST:

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CITY CLERK

MOTION  
SECOND

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M. BATES  
H. BERGER  
R. CAMPBELL  
D. GRANT  
K. THURSTON

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Approved as to Form

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W. Earl Hall  
City Attorney