

RESOLUTION NO. 19R-12-276

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO KIDDIE CARE, INC., A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW WITHIN THE COMMERCIAL OFFICE (CO) ZONING DISTRICT THE OPERATION OF A CHILDCARE USE WITH BEFORE AND AFTER CARE, ON A .497+ ACRE SITE 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, AND MORE COMMONLY KNOWN AS 5801 N.W. 19TH STREET, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, this property is zoned General Commercial Office (CO) District by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the Commercial Office zoning district by Special Exception approval only; and

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

Section 1. The Special Exception Use Order of Kiddie Care, Inc., to allow within the Commercial Office (CO) Zoning District the operation of a childcare use with before and after care, on a .497+ acre site legally described as a Portion of Tract A, Little Friends Subdivision, according to the plat thereof, as recorded in t Plat Book 84, Page 34 of the Public Records of Broward County Florida, and more commonly known as 5801 N.W. 19th Street, Lauderhill, Florida, is hereby approved 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. The City shall issue Kiddie Care, Inc. a Temporary Certificate of Use ("COU") at this time. The Development Review Committee ("DRC") will determine the time-certain deadline within which the applicant must complete all construction of improvements related to ADA and appropriate treatment for children's "drop-off and pick-up" area. If said construction of improvements is not completed by the designated due date, the Temporary COU shall expire. 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 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) or 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.

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.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION
SECOND

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

Approved as to Form

W. Earl Hall
City Attorney