

RESOLUTION NO. 15R-02-33

A RESOLUTION GRANTING TO KRADLE TO KINDERGARTEN PRESCHOOL II, INC. A SPECIAL EXCEPTION USE DEVELOPMENT ORDER WITH CONDITIONS TO ALLOW IN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT DAYTIME CHILDCARE AND BEFORE AND AFTER-SCHOOL CARE WITH TRANSPORTATION SERVICES ON A 44.5 ± ACRE SITE LEGALLY DESCRIBED AS AN UNPLATTED PARCEL OF LAND SITUATED ON THE NORTHEAST ¼ OF SECTION 36, TOWNSHIP 49 SOUTH, RANGE 41 EAST, TAX FOLIO NUMBER 49-41-36-00-0012, MORE COMMONLY KNOWN AS THE LAUDERHILL MALL AND MORE PARTICULARLY DESCRIBED AS 1269 N.W. 40TH AVENUE, BAYS 8-11, 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 Community 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 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 Kradle to Kindergarten Preschool II, Inc., to allow within the Community Commercial (CC) zoning district day-time childcare and before and after-school care with transportation services on a 44.5 ± acre site legally described as an unplatted parcel of land situated on the Northeast ¼ of Section 36, Township 49 South, Range 41 East, Tax Folio Number 49-41-36-00-0012, more commonly known as the Lauderhill Mall and more particularly described as 1269 N.W. 40th Avenue, Bays 8-11, Lauderhill, Florida, is hereby approved subject to the following amended conditions:

1. This special exception use development order for a daytime child care and before and after-school care uses with transportation services is specifically granted to Kradle to Kindergarten Preschool II, 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 business other than Kradle to Kradle to Kindergarten Preschool II, Inc., operates the land uses. Any change of corporate ownership effecting 51% percent or more of the interest of the business or any of its assets in any manner shall trigger this provision.

2. The land uses are restricted to 9,500 square feet of indoor space and 5,200 square feet of outdoor space as is depicted in the attachments. 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 or grants a new 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 site plan and floor plan to be altered; however, the DRC is without authority to allow the expansion, enlargement, or removal of the use to another location.
3. The daytime child care days and hours of operation is Monday through Friday from 6:30 a.m. 6:30 p.m., but may remain open one-half hour earlier and close one-half hour later in order to accommodate early and late pick-up. Any increase in the hours of operation is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase.
4. The before-care day and after-school care days and hours of operation is Monday through Friday from 6:30 am to 8:00 am and 2:30 p.m. to 6:30 p.m. respectively. These uses may remain open one-half hour earlier and close one-half hour later. Any increase in the hours of operation is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase.
5. The inventory of equipment and fixtures shall include those typically associated with child care uses.
6. No more than 75 children shall be allowed within the playground at one time.
7. The provision of transportation services is limited to two fifteen seat vans. The hours of operation shall be between 2:00 pm and 7:00 pm and the buses shall be parked in the area reserved for the facility. When transportation services are initiated, the certificate of use shall be amended.

8. A site plan modification and building permit shall be secured and improvements constructed within a reasonable period of time. Such improvements include but are not limited to pedestrian paths, building entrances, drop-off and pick-up area, parking area, wall light replacement, parking lot lighting, and decorative fence enclosed playground with equipment.
9. If the City receives three or more noise complaints against the uses within any one year period from three or more persons at different addresses, the City Commission may hold a duly noticed public hearing to review the special exception use and may add, modify, suspend or revoke any conditions of approval or the development order.
10. The City shall not issue a Certificate of Use until Kradle to Kindergarten Preschool II, Inc. constructs the improvements required by the site plan modification development order.
11. Before a local business tax receipt is issued, Kradle to Kindergarten Preschool II, Inc. shall provide evidence of a child care license from the state licensing agency.
12. This special exception use development order shall automatically expire and shall become null and void upon the vacation of the space.
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.

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 9 day of February, 2015.

PASSED AND ADOPTED on first reading this 9 day of February, 2015.



PRESIDING OFFICER

ATTEST:

Andra M. Anderson
CITY CLERK

MOTION
SECOND

Benson
Thurston

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

Yes
Yes
Yes
Yes
Yes

Approved as to Form
W. Earl Hall
W. Earl Hall
City Attorney