

RESOLUTION NO. 14R-07-139

A RESOLUTION GRANTING TO EAGLES NEST COMMUNITY CHARTER SCHOOLS, INC. A SPECIAL EXCEPTION USE DEVELOPMENT ORDER WITH CONDITIONS TO ALLOW WITHIN THE LIGHT INDUSTRIAL (IL) ZONING DISTRICT A CHARTER PRIMARY SCHOOL WITH TRANSPORTATION SERVICES, WITH BEFORE AND AFTER SCHOOL CARE PROGRAMS, AND THE ABILITY TO SHARE SPACE WITH ANOTHER CHARTER SCHOOL IN A ±31,667 SQUARE FEET BUILDING LOCATED ON A ±2.07 ACRE SITE LEGALLY DESCRIBED AS A PORTION OF TRACT E, INDUSTRIAL 100 UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 85, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 3698 NW 15TH STREET, LAUDERHILL, FLORIDA.

WHEREAS, this property is zoned Light Industrial (IL) by the City of Lauderhill Zoning Map; and

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

WHEREAS City Staff recommends that the City Commission vote **AGAINST** this Special Exception Use Development Order request; and

WHEREAS, however, in the alternative, if the City Commission votes to approve this Special Exception Use Development Order request, then City Staff recommends the following conditions be applied;

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

Section 1. The Special Exception Use Development order of Eagles Nest Community Charter Schools, Inc., to allow within the Light Industrial (IL) zoning district a charter primary school with transportation services, with before and after school care programs, and the ability to share space with another Charter school in a ±31,667 square feet building located on a ± 2.07 acre site legally described as a Portion of Tract E, Industrial 100 Unit 2, according to the Plat thereof, as recorded in Plat Book 85, Page 2 of the Public Record of Broward County, Florida, more commonly known as 3698 N.W. 15th Street, Lauderhill, Florida, is hereby approved subject to the following *amended* conditions:

1. This special exception use development order for a charter primary school, Kindergarten to Eighth Grade, with private transportation services and before and after school care uses is specifically granted to Eagles Nest Community Charter Schools, Inc. and such development order cannot be sold, assigned, transferred or otherwise conveyed to another person. 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. Further, this special exception use development order shall automatically expire and become null and void if any of the uses cease to operate for three or more consecutive months.
2. The 31,667[±] square foot charter school with private transportation services and before and after school care use is restricted to the property legally described herein and the location and maximum primary school floor area size is limited to 16,797[±] square feet and with 3,757[±] square feet of shared space as displayed on the floor plan. Consistent with Land Development Regulations Article IV., Part 4.0., Section 4.3., the expansion, alteration, enlargement or removal to another location of these uses 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 or removal of the uses to another location.
3. The school days and hours of operation are limited to Monday through Friday from 8:00 a.m. to 3:00 p.m. The before school care programs days and hours of operation are limited to Monday through Friday from 7:00am to 8:00am and the after school care program days and hours are Monday through Friday from 3:00pm to 7:30pm. Extra-curricular days and hours of operation are allowed as needed. Remedial instruction is permitted as needed on Saturdays between the hours of 8:00 a.m. to 3:00 p.m. Any increase in either the days or hours of operation or both is prohibited and shall be unlawful unless the City Commission allows such increase.
4. The maximum number of students to be served at any time is restricted to 800 students, unless the Fire Rescue Division determines that the maximum occupancy load should be less.
5. The inventory of equipment and fixtures to be used on the premises shall be, at a minimum, those required by the School Board.

6. Subsequent to occupancy, if the Code Enforcement Division or Police Division receives three or more complaints against the uses within any one year period and such complaints are affirmed by the Code Enforcement Board, the City Commission may hold a duly noticed public to review the special exception uses and may add, modify, suspend or revoke any conditions of approval or the development order.
7. Before a local business tax receipt is issued, the NW 15th Street sidewalk shall be widened to five feet, a safe, clearly delineated five feet wide pedestrian pathway from the NW 15th Street sidewalk to the front entrance of the building to serve the uses, and an appropriate dumpster enclosure shall be constructed. Eagles Nest Community Charter Schools, Inc. may bond any of the site plan modification improvements in order to allow the school to timely open; however, the dumpster enclosure must be constructed before food may be provided.
8. This special exception use development order shall be effective until March 15th, 2019 and shall then expire. The development order may be renewed for subsequent five (5) year periods provided additional industrial space is not needed as determined by the inventory of vacant industrial space within the industrial park and provided that the school has performed satisfactorily during the five (5) year period.
9. If any of the uses requires as part of its operations Police Division Services, Eagles Nest Community Charter Schools, Inc. shall be responsible for reimbursing the City for all such costs.
10. The City shall not issue or renew a local business tax receipt unless the local business tax receipt application includes evidence that a state license or similarly applicable document has been granted and is valid and unless a copy of an effective Emergency Management Plan is filed with the Fire Rescue Division. In addition, the Fire Rescue Division shall be provided by certified mail with a copy of any amendment to the Emergency Management Plan within 10-business days of the adoption of such amendment.
11. 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.

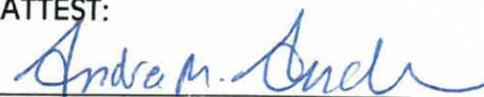
Section 3. This Resolution shall take effect immediately upon its passage.

DATED this 14 day of July, 2014.

PASSED AND ADOPTED on first reading this 14 day of July, 2014.


PRESIDING OFFICER

ATTEST:


CITY CLERK

MOTION	<u>Bates</u>
SECOND	<u>Thurston</u>
M. BATES	<u>Yes</u>
H. BENSON	<u>Yes</u>
H. BERGER	<u>Yes</u>
K. THURSTON	<u>Yes</u>
R. KAPLAN	<u>Yes</u>

Approved as to Form


W. Earl Hall
City Attorney