City of Lauderhill

City Commission
Chambers at City Hall
5581 W. Oakland Park Blvd.
Lauderhill, FL, 33313
www.lauderhill-fl.gov

File Details

File Number: 25-1557

File ID:	25-1557	**Type:**	Quasi-Judicial	**Status:**	Agenda Ready
Version:	1	**Reference:**		**In Control:**	City Commission Meeting
*** Requester:**	Daniel Keester-O'Mills			**File Created:**	01/28/2025
File Name:				**Final Action:**	

Title: **RESOLUTION NO. 25R-02-22: A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO EAGLES NEST COMMUNITY CHARTER SCHOOL A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW WITHIN THE LIGHT INDUSTRIAL (IL) ZONING DISTRICT A CHARTER PRIMARY SCHOOL WITH TRANSPORTATION SERVICES, WITH BEFORE AND AFTER SCHOOL CARE PROGRAMS 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; AND PROVIDING FOR AN EFFECTIVE DATE.**

Notes:			
		Agenda Date:	02/10/2025
Sponsors:		**Enactment Date:**	
Attachments:	RES. NO. 25R-02-22, Attachment A - Application, Attachment B - Development Review Report (DRR), Attachment C - Narrative, Attachment D - Floor Plan, Attachment E - Survey, Attachment F - Public Notice Affidavit, Attachment G - Conditions of Approval (UNSIGNED)	**Enactment Number:**	
Contact:		**Hearing Date:**	
*** Drafter:**	dkeester@Lauderhill-fl.gov	**Effective Date:**	

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File 25-1557

Request Action:

Seeking consideration for the approval of a special exception use to allow a development order, with

conditions, to allow in the Light Industrial (IL) zoning district the continued operation of a charter primary school with transportation services with before and after care programs. The petitioner operates a charter school at 3698 NW 15 Street, Lauderhill, FL in an existing 31,667 square feet building.

Need:

Action is needed to deny or approve with conditions a special exception use.

Summary Explanation/ Background:

The Petitioner, Jeff Katims, representing the Owner (Flamingo Properties Corp, Inc.) on behalf of the Applicant Eagles Nest Community Charter School and filed a special exception use. The subject site is the site of an existing charter school. The city's land development regulations would not allow a charter school to remain in this zoning district; however, the state statues requires that charter schools be treated equally to public schools & public schools are listed as a special exception use in this zoning district.

Staff has prepared a report that outlines the city's requirements, relevant applications, adjacent uses, and a list of conditions (if approved by the City Commission). The Planning and Zoning Department has reviewed the information submitted by the Applicant and determined that they have not satisfied the conditions of approval, subject to the additional conditions (below), for granting a special exception. As such, Staff recommends the City Commission deny this application; however, if the City Commission feels that the applicant has met all the standards, we ask that the following conditions be included as part of the order:

1. This special exception use development order for a charter primary school (Kindergarten to Eight 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.
2. The 31,667 charter school is restricted to the property legally described herein and the location and maximum floor area size is limited to the existing floor plan occupied by Eagle’s Nest Community Charter School, Inc.. 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 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 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 programs days and hours of operation are limited to Monday through Friday from 7:00 a.m. to 8:00 a.m. and the after school care program days and hours are Monday through Friday from 3:00 p.m. to 6:00 p.m.. Saturday school academic enrichment during the school year from 9:00 a.m. to 12:00 p.m.. Extra-curricular days and hours of operation are allowed as needed. 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. Eagle’s Nest Community Charter Schools, Inc. shall operate grades K-8 and the addition of grades to include 9 - 12 is prohibited unless approved through a separate special exception by the City Commission.
5. 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.
6. The inventory of equipment and fixtures to be used on the premises shall be, at a minimum, those required by the School Board.
7. 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 hearing to review the special exception uses and may add, modify, suspend or revoke any conditions of approval or the development order.
8. This special exception development order shall be effective until July 1, 2029.
9. If any of the uses requires as part of its operations Police Department 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.

Cost Summary/ Fiscal Impact:
The Planning & Zoning Department finds that the implementation of this resolution 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.

Attachments:
Attachment A - Application
Attachment B - Development Review Report (DRR)
Attachment C - Narrative
Attachment D - Floor Plan
Attachment E - Survey
Attachment F - Public Notice Affidavit
Attachment G - Conditions of Approval (UNSIGNED)

Budget Code Number(s): _____

Procurement Information: [check all that apply]

[ ] RFP/Bid [ ] Emergency Purchase [ ] SBE
[ ] Proposal/Quote [ ] State Grant Funds [ ] Local Preference
[ ] Piggyback Contract [ ] Federal Grant Funds
[ ] Sole Source [ ] Matching Required