



Development Review Report (DRR)

To: Daniel T. Keester-O’Mills, AICP, *Planning & Zoning Director*
From: Molly Howson, *City Planner*
RE: Special Exception Application No. 24-SE-009 (7356 W Commercial Blvd)
Date: August 6, 2024

The Petitioner, Carolina Perez, Owner and Operator of Play, Learn and Grow of Tamarac, LLC, has filed a Special Exception Use application. Figure 1, below, provides an aerial of the subject site located on the south side of Commercial Blvd & east of NW 76 Avenue (AKA: N University Drive). The following information has been prepared for your consideration:

I. BACKGROUND INFORMATION

Requested Action

The petitioner requests approval of a Special Exception Use Application to allow within the General Commercial (CG) zoning district a Daytime Childcare use with before and after care at 7356 W Commercial Blvd , Lauderhill, Florida on an approximately 14.02 acre site.

Figure 1



Applicable Land Development Regulations

LDR Article III, Section 2.2., addresses assignment of zoning districts

LDR Article III, Sections 2.3 and 2.4., and Schedule B. respectively address permitted and special exception uses

LDR Article IV., Section 1.3.2., provides for the Department to review any land development order application

LDR Article IV., Section 1.4.4., provides that within 45 days from the acceptance of the application for development subject to major review

LDR Article IV., Section 4.5.A. requires the application set forth in detail the proposed use

LDR Article IV., Section 4.5.B. provides the Department shall not accept a special exception use application if the property is subject to unpaid city liens, fines or fees

Article IV., Section 4.6., Standards for approval, provides the City Commission, in reviewing any application for a special exception use, shall consider seven (7) specific standards

II. SITE INFORMATION

Legal Description

C & U SHOPPING CENTER 81-26 B POR TR A AND ALL OF TR A OF PLAT C&U SHOPPING CTR ADD 100-45 B DESC AS:COMM SW COR OF TR A OF C&U SHOPPING CENTER 81-26 B,E 498.33 TO POB,CONT E 546.69,N 643,W 535.12,S 642.90 TO POB AKA:PARCEL 1 TOG WITH POR TR A C&U SHOPPING CENTER 81-26 B DESC AS:BEG SW COR TR A OF SAID PLAT, N 450,E 200,N 43,E 150,N 150,E 159.90,S 642.90,W 498.33 TO POB AKA:PARCEL 2 , OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, THE STREET ADDRESS BEING 7342-7562 W COMMERCIAL BLVD, LAUDERHILL, FLORIDA.

Address:

7240 W. Commercial Blvd. (NW 56 Street)

Tax Folio Number(s):

494115020010

Land Use/Zoning:

Existing Use(s)	Commercial/ Retail – Shopping Center
Future Land Use Designation	Commercial
Zoning Designation	(CG) Commercial, General

Adjacent Designations:

	Existing Use(s)	Land Use Designation	Zoning
North	Commercial – Automotive, Financial Institution & Restaurant	City of Tamarac - Commercial	City of Tamarac – MU-G
South	Shopping Center & Single-Family Residences	Commercial and Low (5) Residential	CG (Commercial, General) and RS-5
East	Retail & Single-Family Residences	Commercial and Low (5) Residential	CG (Commercial, General) and RS-5
West	Commercial & Mixed Use Residential	Commercial	CG (Commercial, General) and RS-5

III. ZONING HISTORY

Existing Special Exceptions

None. Based on City of Lauderhill records the site has been the home to Education and Childcare uses since it was constructed. Most recently, the site housed “Alpha Academy” (a Daytime Childcare use).

Violations

Code Enforcement Violation CE # 24040188: This violation is for lack of current City of Lauderhill Certificate of Use (COU). The Petitioner is seeking approval of a Special Exception Use (SEU) application in effort to obtain COU and remedy the violation; however, the City Commission must authorize any SEU approval.

Existing Variances

None

IV. PLANNING ANALYSIS

As stipulated in the Land Development Regulations, Article IV, Section 4.6 Standards for Approval, the Planning and Development Division has reviewed the proposed request pursuant to the following special exception considerations:

1. The effect of such use on surrounding properties.
2. The suitability of the use in regard to its location, site characteristics, and intended purpose.
3. Access, traffic generation and road capacities.
4. Economic benefits or liabilities.
5. Demands on utilities, community facilities, and public services.
6. Compliance with the Comprehensive Land Use Plans for Broward County and/or the City of Lauderhill.
7. Factors relating to safety, health, and general public welfare.

Play, Learn, and Grow of Tamarac proposes to continue to operate a “Childcare, Day” Use. The tenant space occupied by the tenant includes 3,500 square feet (sq. ft.) of indoor area and 1,890 square feet (sq. ft.) of outdoor play area. The facility will service children whose ages will range from 1 to 5 years. The client capacity is limited to 84 children as provided for on the approved Broward County Child Care Facility License. The hours of operation are proposed to be: Monday through Friday from 7am to 6pm. Transportation is not offered and child pick-up and drop-off will be done by parents/guardians between the following hours: drop off will be 7 am – 9 am and pick up will be 2:30 pm – 6 pm.

Staff finds that there have not been any substantial changes to the character of development in or near the subject area since the Use was operated by “Alpha Pre-School Academy.”

Based upon its review, staff finds the proposed use of “Childcare, Day” with before and after care to be consistent with the above considerations. As such, staff recommends approval of the special exception request with conditions.

V. RECOMMENDATION/ACTION

The Planning and Zoning Department recommends the City Commission approve a resolution granting Play, Learn, and Grow of Tamarac, LLC to operate a daytime child care use on the subject site.

1. This special exception use development order for a child care use with before and after care services is specifically granted to Play, Learn, and Grow of Tamarac, LLC 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 Play, Learn, and Grow of Tamarac, LLC operates the use. 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 Play, Learn, and Grow of Tamarac, LLC is sold, assigned, transferred or otherwise conveyed to another person.
2. The child care use is restricted to a total of 3,500 square feet (sq. ft.) within the building & 1,890 sq. ft. of outdoor play area. 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 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, reduction or removal of the use to another location.
3. The general days and hours of operation are Monday through Friday from 7:00 am to 6:00 pm 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.
4. 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.
5. If there are any code enforcement violations or liens, 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 and/or revocation.
6. 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.
7. Any special exception approval granted by the City Commission shall expire one hundred eighty (180) days after the date of approval, unless a Certificate of Use (COU) is submitted and subsequently approved within the one hundred eighty-day period.

8. If a use which has been granted a special exception shall cease to operate for a continuous period of one (1) year, the special exception approval shall expire.
9. The owner shall execute a trespass agreement for the police department to keep on file for enforcement.

Any violation of these conditions may result in a public hearing before the City Commission in order to determine whether this special exception use development order should be revoked, suspended or modified

VI. ATTACHMENTS

1. Code Enforcement Violation 24-040188

Case Overview

Property/Incident Information

Owner	Address	Site Address
LAUDERHILL S C LLC	500 N BROADWAY #201 JERICHO, NY 11753	Folio: 494115020010 Address: 7356 W COMMERCIAL BLVD, LAUDERHILL, FL 33319
Case Status	Open	Case # 24040188
		Date Next Inspection 5/5/2024

Notes It is unlawful for any person to conduct business in the city of Lauderhill without firstly obtaining a valid and or current certificate of use.
Please remit payment in full within 10 days in the amount of \$2035.85

Documents Issued

<u>Date Issue</u>	<u>Document Type</u>
4/25/2024	Notice of Violation

Violations

Ordinance/Regulation	Section	Description	Date Complied
Code of Ordinance - Chapter 12	Section 12-3(b):	It shall be unlawful for any person, either directly or indirectly, to conduct any business that is illegal or is not authorized within the city limits. Further, it shall be unlawful for any person, either directly or indirectly, to conduct or enter into any legitimate and authorized business, profession or occupation within the city without first: (1) Making application for and being issued a certificate of use and a local business tax receipt by the city; (a) If the real property which is to be used for the operation of a business is subject to unpaid city liens, fines, fees, or code violations the city shall not issue or renew a certificate of use until such time as all liens, fines or fees on the property are fully paid, including interest due and any assessable costs and until all code violations are brought into compliance. (2) Paying all required local business taxes and associated fees; (3) Paying renewal local business taxes and filing necessary documentation to obtain time...	Not in Compliance - Reinspection Date: 5/5/2024