**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.**

WHEREAS, the Eagles Nest Community Charter School (hereafter "Eagles Nest") is located on property that is zoned Light Industrial (IL) by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), charter schools are not permitted in the Light Industrial (IL) zoning district but they are allowed pursuant to section 1002.33(18)(a), Florida Statutes which requires that municipalities treat public and private charter schools equally and public schools are allowed in the Light Industrial zoning district; and

WHEREAS, Eagles Nest was granted a special exception on July 14, 2014, and after five years of operation, it was granted a second special exception on March 9, 2019; and

WHEREAS, as set forth in the Planning Analysis Report, City staff recommends that the City Commission vote **AGAINST** this Special Exception Use Development Order request; however, if the City Commission does vote in favor of the Development Order then City Staff would recommend that the approval be subject to the conditions as set forth herein.

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

Section 1. The above whereas clauses are true and incorporated herein.

Section 2. The Special Exception Use Order for Eagles Nest 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 located on a Portion of Tract E, Industrial 100 Unit 2, according to the Plat therefore, as recorded in Plat Book 85, Page 2 of the Public Records of Broward county, Florida, more commonly known as 3698 N.W. 15th Street, Lauderhill, Florida, is hereby **APPROVED** subject to the following conditions:

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 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 square feet 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 Eagles Nest. 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 an increase.

4. Eagles Nest 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 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 3. The Staff Report, as prepared by City staff, and all other substantial competent evidence presented at the Commission meeting, are incorporated herein and hereby adopted as the findings of fact as to this special exception.

Section 4. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED this _____ day of _____, 2025.

_____
DENISE D. GRANT, MAYOR
PRESIDING OFFICER

ATTEST:

_____
ANDREA M. ANDERSON, MMC
CITY CLERK

MOTION _____
SECOND _____

R. CAMPBELL _____
M. DUNN _____
D. GRANT _____
J. HODGSON _____
S. MARTIN _____

Approved as to Form

_____
Hans Ottinot
Interim City Attorney