

RESOLUTION NO. 19R-01-27

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING TO 5 STAR SEAL COATING, INC. THE CONVEYANCE OF A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, WITH CONDITIONS, TO ALLOW THE CONTINUED OPERATION IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT OF AN AUTOMOTIVE REPAIR SHOP ON AN APPROXIMATELY ±0.51 ACRE SITE LOCATED ON THE EAST SIDE OF N.W. 31ST AVENUE AND SOUTH OF N.W. 14TH STREET, LEGALLY DESCRIBED AS A PORTION OF SECTION 31, TOWNSHIP 49 SOUTH, RANGE 42 EAST AND MORE COMMONLY KNOWN AS 1391 N.W. 31ST AVENUE, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, this property is zoned General Commercial (CG) Zoning District by the City of Lauderhill Zoning Map; and

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in this 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 conditions;

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

Section 1. The Special Exception Use Order of 5 Star Seal Coating, Inc. to allow an automotive repair shop within the General Commercial (CG) Zoning District on an approximate ± 0.51 acre site on property located on the East side of N.W. 31st Avenue and South of N.W. 14th Street, legally described as a Portion of Section 31, Township 49 South, Range 42 East, more commonly known as 1391 N.W. 31st Avenue, Lauderhill, Florida, is hereby approved subject to the following conditions:

1. This special exception use development order for an automotive repair shop is specifically granted to 5 Star Seal Coating, Inc. and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to another person unless the City Commission approves through the special exception use process such conveyance. Further, this special exception use development order shall automatically expire and become null and void if any person other than 5 Star Seal Coating, Inc. operates this use. Any change of corporate ownership affecting 51% or more of the interest of the business or any of its assets in any manner shall trigger this provision.

2. The automotive repair use is restricted to a 0.51± acre site identified in the legal description. 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.
3. This development order for the minor repair of vehicles and the sales, installation, replacement of tires, and oil changes on the premises but major repair is prohibited. Minor repair includes, but is not limited to, the following: performing tune-ups; replacing and adjusting lights; changing fluids and disposing of same in proper containers; replacing starters and alternators; replacing belts; replacing windows, skylights and mirrors; routine adjustments; changing tires; and replacing brake pads and servicing brakes. Major repair includes but is not limited to: rebuilding, reconditioning or re-assembly of engines; transmission work; body work; frame-straightening; painting, other than touch ups; exhaust system work; welding and brake re-lining.
4. Minor automotive or vehicular repair, shall completely take place inside the building where the business operates.
5. The days and hours of operation are limited to Monday through Thursday from 9:00 a.m. to 5:00 p.m. and on Friday, Saturday and Sunday from 9:00 a.m. to 6:00 p.m. Any increase in either the days or hours of operation or both is prohibited and shall be unlawful unless the City Commission amends this development order to allow such increase.
6. The inventory of other equipment and fixtures to be used on the premises shall be those consistent with a typical Auto repair use.
7. Within 18 months of special exception use approval, apply for and receive a site plan modification development order and consistent with such order construct a safe, clearly delineated five feet wide pedestrian pathway from the building entrance to either the NW 31 Avenue sidewalk or the NW 14th Street sidewalk.
8. Any vehicle which is displayed or stored outside shall not be stored or displayed in such a manner so as to block or obstruct

any accessway onto NW 14th Street or NW 31st Avenue, block any internal driveway on the property, or obstruct any fire lane.

9. The sound levels at the residential property line shall not exceed 55 decibels, and the sound levels within the abutting and adjoining commercial zoned areas shall not exceed 65 decibels on weekdays from 8:00 a.m. to 6:00 p.m.; and 55 decibels at all other times.
10. Should the property owner receive more than three violations for excessive noise, within any one-year period, the City Commission may hold a public hearing to review the special exception use and may modify or add conditions.
11. Any violation of these conditions of approval may result in a public hearing before the City Commission and result in the modification, suspension or revocation of this special exception, 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 _____ day of _____, 2019.

PASSED AND ADOPTED on first reading this _____ day of _____, 2019.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION
SECOND

M. BATES
H. BERGER
R. CAMPBELL
D. GRANT
K. THURSTON

Approved as to Form

W. Earl Hall
City Attorney