

***City of Lauderhill***

5 Star Seal Coating, Inc.

Special Exception Application No.18-SE-018

***I. APPLICANT INFORMATION***

**PETITIONER**

Souad Mhidra (owner)

5 Star Seal Coating, Inc  
4100 Lake Side Drive  
Tamarac, FL 33319

**STATUS OF PETITIONER**

Business Owner (tenant)

***II. BACKGROUND INFORMATION***

**Requested Action**

The application is before the City Commission because the Land Development Regulations (LDR) Article IV., Section 4.10.6 requires the City Commission to make a determination on the special exception use application for a vehicular related use through the special exception process. 31 Avenue Investments, LLC, property owner, has given permission for their tenant, 5 Star Seal Coating, Inc., to apply for special exception use approval to operate an automotive repair shop within the General Commercial (CG) zoning district at 1391 NW 31<sup>st</sup> Avenue, Lauderhill, FL.

**Applicable Land Development Regulations**

**LDR Article IV., Part 4.0., subsection 4.5.A.** requires the application set forth in detail the proposed use and Special exception use filing requirements.

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

**LDR Article III, Sections 2.3 and 2.4., Article IV., Sec. 4-10, and Schedule B** respectively address permitted and special exception uses

**LDR Article IV., Part 4.0., 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.

**III. SITE INFORMATION**

Location/Legal Description

The 0.51 ± acre site is located on the east side of NW 31<sup>st</sup> Avenue and south of NW 14<sup>th</sup> St. The site is legally described as a portion of Section 31, Township 49 South, Range 42 East, of the public records of Broward County, Florida, more commonly known as at 1391 NW 31<sup>st</sup> Avenue, Lauderhill, FL.

*Figure 1. Site Location*



**Land Use/Zoning:**

Existing Land Use	Commercial/Automotive Repair Use
Future Land Use Designation	Commercial
Zoning Designation	General Commercial (CG)

**Adjacent Designations:**

	Existing Use	Future Designation	Zoning
North	NW 14 <sup>th</sup> Street, Kwik Stop Convenience Store	Commercial	General Commercial (CG)
South	Don Bailey Carpet Store	Commercial	General Commercial (CG)
East	NW 31 <sup>st</sup> Avenue, then Landfill	Commercial	City of Fort Lauderdale
West	Don Bailey Carpet Store Driveway	Commercial	General Commercial (CG)

***IV. ZONING HISTORY*****Existing Special Exceptions**

On September 14, 2009, the City of Lauderhill Commission adopted Resolution No. 09R-09-217, granting to the previous business owner, Crosstown Motors, Inc. a Special Exception Use Development Order with conditions to allow a new/used car dealership with the outdoor display and storage of vehicles with accessory minor vehicular repair services. As a condition of approval, the special exception use development order could not be assigned, subleased, or transferred. The site has been developed, and has operated as an automobile sales and repair use since being annexed into Lauderhill in 2006; formerly Mr. B's Auto Sales and Repairs.

**Violations**

The applicant was issued a Notice of Violation (NOV) was issued for operating without a Certificate of Use (COU). However, the tenant has since complied through the filing of the special exception application, and immediate closure of the business. Staff has confirmed violation compliance with the Code Enforcement Division.

**Existing Variances**

None

***V. 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 regarding 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 Lauderdale.
7. Factors relating to safety, health, and general public welfare.

The previously approved special exception for Crosstown Motors, Inc. was for the sale, outdoor storage of vehicles and the accessory minor vehicle repair. The current application provides that the services will include tire sales, wheel alignments and oil changes.

The proposed hours of operation are 7 days per week; Monday through Thursday from 9:00 a.m. to 5:00 p.m. and on Friday, Saturday and Sundays, from 9:00 a.m. to 6:00 p.m., which is consistent with the previously approved business' hours of operation.

The Division finds that the continuation of an automotive use will not generate additional noise, odors, vibration, and traffic generation which will adversely affect the surrounding land uses. However, staff is conducting a study to identify and address noxious uses, specific to businesses along NW 31<sup>st</sup> Avenue. If this use is determined to be a noxious use, then this use may possibly be amortized at a future date, yet to be determined.

Noise that adversely impacts adjacent properties can be generated by vehicular sound systems, horns, gunning engines, vehicular repair and outdoor communication systems. Thus, to mitigate potential adverse noise impacts, the Division recommends the following conditions be imposed:

- O        *AUTOMOTIVE OR VEHICULAR REPAIR, SHALL ONLY BE PERMITTED TO TAKE PLACE INSIDE THE BUILDING.***

Traffic issues associated with the use also may adversely impact the neighboring properties. Based on these and other findings and conclusions contained herein, the Division concludes the proposed use will not generate adverse impacts on the surrounding areas due to traffic issues, if appropriate conditions are imposed. Thus, to mitigate potential adverse traffic impacts, the Division recommends the following condition be imposed:

- o ***THE TEST DRIVING OF VEHICLES THROUGH RESIDENTIAL ZONED AREAS IN THE CITY OF LAUDERHILL, SUCH AS WEST KEN LARK, IS PROHIBITED.***

Finally, operational issues associated with the use may adversely impact the surrounding properties. Operational issues can include such matters as the inventory of equipment and fixtures to be used on the premises (including the types and number of vehicles), the days and hours of operation, and signage. The Division finds the proposed use will not generate adverse impacts on the surrounding areas due to operational issues, if appropriate conditions are imposed. Thus, to mitigate potential adverse operational issues impacts, the Division recommends the following conditions be imposed:

- o ***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 AND 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.***
- o ***THE INVENTORY OF OTHER EQUIPMENT AND FIXTURES TO BE USED ON THE PREMISES SHALL BE THOSE CONSISTENT WITH A TYPICAL AUTOMOTIVE REPAIR USE.***
- o ***NO VEHICLES SHALL BE STORED OR DISPLAYED ON THE OUTSIDE OF THE PROPERTY. ALL VEHICLES PARKED ON SITE SHALL BE OPERABLE AND READY FOR IMMEDIATE USE.***

Staff concludes that as this application is to allow the continuation of an existing automotive use, on a site that is located on an arterial roadway, surrounded by compatible commercial land uses, impacts on the surrounding properties will remain the same. Furthermore, a vehicular related use is a commercial use that generally is suitable for location within areas designated and zoned for commercial uses. Thus, the Division concludes the use is suitable in regard to its location.

Based upon its review, staff finds the proposed use to be generally consistent with the above considerations. As such, staff recommends approval of the special exception application, with conditions.

## **VI. RECOMMENDATION/ACTION**

Division recommendation. The Planning and Zoning Division recommends the City Commission **adopt** a resolution granting to 5 Star Seal Coating, Inc., a special exception use development order to allow in the General Commercial

(CG) zoning district the conveyance of an existing automotive center, subject to the following conditions:

- a. 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.
- b. 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.
- c. 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.
- d. Minor automotive or vehicular repair, shall completely take place inside the building where the business operates.
- e. 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.
- f. The inventory of other equipment and fixtures to be used on the premises shall be those consistent with a typical Auto repair use.

- g. 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 14<sup>th</sup> Street sidewalk.
- h. 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 14<sup>th</sup> Street or NW 31<sup>st</sup> Avenue, block any internal driveway on the property, or obstruct any fire lane.
- i. 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.
- j. 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.
- k. 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, it conditions, or both.

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.

## **VII. ATTACHMENTS**

- a. Attachment A: Resolution No. 09R-09-217
- b. Attachment B: Application
- c. Attachment C: Site Plan
- d. Attachment D: Special Exception Conditions Affidavit

## **VIII. Prepared By:**

Shani Langrin,  
Planning & Zoning  
January 15, 2019