

City of Lauderhill

Special Exception Application No.20-SEU-004

South Florida Customz

I. APPLICANT INFORMATION

PETITIONER

Margarita Otis Clayton

STATUS OF PETITIONER

Business Owner

II. BACKGROUND INFORMATION

Requested Action

Request for a Special Exception Use General Development Order for an Automotive, Repair use within the General Commercial (CG) Zoning District.

Applicable Land Development Regulations

Article IV, Part 4, Section 4.4. Approval for Special Exception Uses.

Article III, Section 2.3. Allowable land uses.

Article IV, 4.3 B. Existing zoning provisions and uses.

III. SITE INFORMATION

Location/Legal Description

COMM SE COR OF N ½ OF S ½ OF NE ¼ OF SE ¼ OF SEC, N 50, W 255.28, N 611.62, E 4, N 99.80, E 48.75 TO POB, CONT E 150, S 150, W 150, N 150 TO POB, LESS 25 FT RADIUS LYING IN NE COR OF ABOVE DESC PARCEL, AS RECORDED IN OFFICIAL RECORDS BOOK 31 PAGE 49 OF THE PUBLIC RECORDS BOOK 31 AND PAGE 49 OF THE PUBLIC RECORDS OF BROWARD COUNTY AND MORE COMMONLY KNOWN AS 1391 NW 31 AVE, LAUDERHILL, FLORIDA.

Location Map



Land Use/Zoning:

Existing Land Use	Commercial
Future Land Use Designation	Commercial
Zoning Designation	CG General Commercial

Adjacent Designations:

	Existing Use	Future Designation	Zoning
North	Commercial	Low Medium (10) Residential	CG General Commercial
South	Commercial	Commercial	CG General Commercial
East	Fort Lauderdale Land Fill	NW 31 Avenue R.O.W.	NW 31 AVE R.O.W. then City of Fort Lauderdale
West	Commercial Alley	Commercial	CG General Commercial

IV. ZONING HISTORY

Existing or Historical Special Exceptions

September 14th, 2009

Resolution NO. 09R-09-217, Granted to Crosstown Motors for an Automotive, Sales and Repair Use for the operation of a new and used car dealership with accessory minor automotive repair.

January 28th, 2019

Resolution NO. 19R-01-27, Granted to 5 Star Seal Coating for the conveyance of an Automotive, Repair use for the operation of an automotive repair shop for tire sales and installation and minor automotive repair.

Violations

None.

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 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.

The site in question is a stand-alone commercial building located on the arterial roadway of NW 31st AVE. This site is on the Southwest corner of NW 31st Avenue and NW 14th Street. The site is bordered to the North, South, and West by commercially zoned properties and to the East by the NW 31st Avenue right of way. The subject site and surrounding neighborhood to the North, South, and West was a part of Unincorporated Broward County until it was annexed into the City of Lauderhill in 2006. The subject site was an Automotive Use at the time of annexation.

Margarita Otis Clayton on behalf of South Florida Customz proposes to operate an Automotive, Repair use for the sale and installation of tires, wheels, and automotive sound systems. South Florida Customz currently operates two other locations which operate the same uses. These locations are South Florida Customz, Pompano Beach, which has been in operation for 3 ½ years and South Florida Customz, Deerfield Beach which has been in operation for 26 years. Should Special Exception Use approval be granted this will be the third South Florida Customz location in Broward County.

The proposed hours of operation are Sundays from 10:00 a.m. to 5:00 p.m. and on Monday through Saturday from 9:00 a.m. to 6:00 p.m. Staff finds these hours of operation to be consistent with industry norms for such uses.

South Florida Customz proposes to operate an Automotive, Repair use for the sales and installation of tire and wheel and sound system. Any and all other repair work beyond this scope is prohibited to include minor motor vehicle repair not specific to tire, wheel, and sound system sales and installation.

On September 14, 2009, the City of Lauderhill Commission adopted Resolution No. 09R-09-217, granting to, 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.

On January 28th, 2019, the City of Lauderhill Commission adopted Resolution NO. 19R-01-27, granting to 5 Star Seal Coating a Special Exception Use Development Order with

conditions for the conveyance of an Automotive, Repair use for the operation of an automotive repair shop for tire sales and installation and minor automotive repair.

The site has been developed, and has operated as an automotive sales and repair use since being annexed into Lauderhill in 2006. Prior to the operation of Crosstown Motors the site was operated as Mr. B's Auto Sales and Repair, RoRo New and Used Tires, Inc., and Gus Tire Lube.

Although prohibited in the (CG) General Commercial zoning district where the property is within 350 feet of property zoned single family residential, consistent with Land Development Regulations Article III, Part 5.7 Section 5.7.1 E.; the land use may be allowed if: The premises were improved for a vehicular related use; a substantial portion of the improvements (ie, at least the main building) still exist, and the existing improvements are substantially utilized in the operation of the land use.

Staff concludes that this application is to allow the continuation of an existing automotive use, on a site that was improved for an Automotive land use and on which the improvements still remain and are substantially utilized in the operation of the Automotive land use. The subject site is surrounded by compatible commercial land uses and that the impacts on the surrounding properties should remain the same as existing.

Staff acknowledges that the City of Lauderhill Commission is currently reviewing several uses which are considered to have the possibility of negative impacts to the surrounding residential community, of which automotive uses are one. Staff has reviewed with the applicant this matter and the applicant understands that there is a possibility of future amortization of Automotive Uses within this area which could affect the operation of this proposed use.

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

Planning and Zoning recommends approval of the Special Exception Use application for an Automotive, Repair Use. Recommend approval of the special exception development order with the following conditions:

1. This Special Exception Use development order for an Automotive, Repair Use shall be specifically granted to South Florida Customz and such development order cannot be assigned, leased, subleased, transferred or otherwise conveyed to

another entity. Further, this special exception use development order shall automatically expire and become null and void if any entity other South Florida Customz operates the 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 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 Special Exception Use development order is issued with the applicant's understanding and agreement that in the event the City Commission should vote to amortize the use in the future this Special Exception Use development order will be null and void on the date set for amortization by the City Commission and the operator shall cease to operate the use.
4. This development order is for the sale and installation of tires and rims and the sale and installation of automotive sound systems. Minor repair work beyond these specified activities is prohibited. Major repair work is prohibited.
5. All work of sales and installation shall take place within the building where the business operates.
6. The outdoor storage of vehicles, tires, and equipment is prohibited.
7. The days and hours of operation are limited to Sunday from 10:00 a.m. to 5:00 p.m. and Monday through Saturday from 9:00 a.m. to 6:00 p.m..
8. The sound levels at the residential property line shall not exceed 55 decibels, and the sound levels within the abutting and adjoining commercially 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.
9. Should the property owner receive more than three violations for excessive noise, within a one year period, the City Commission may hold a public hearing to review the Special Exception Use and may modify or add conditions or suspend or revoke this development order.

10. 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.

VII. ATTACHMENTS

- A. Application submission, South Florida Customz
- B. Site Plan, 1391 NW 31st Avenue
- C. Floor Plan, 1391 NW 31st Avenue
- D. Site Photos, 1391 NW 31st Avenue
- E. Inventory of Fixtures and Equipment
- F. SEU Conditions Affidavit

Prepared by:
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Associate City Planner
City of Lauderhill
Date: 2/14/20