

RESOLUTION NO. 21R-03-70

A RESOLUTION OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA GRANTING THE SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO UNIVERSITY PALMS, LLC., SUBJECT TO CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT THE CONTINUATION OF AN AUTOMOTIVE REPAIR AND SALES USE ON 1.30 ± ACRE SITE AS LEGALLY DESCRIBED HEREIN AND MORE COMMONLY KNOWN AS 4907 NORTH UNIVERSITY DRIVE, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, pursuant to the Land Development Regulations (LDR), this use is permitted in the General Commercial (CG) zoning district by Special Exception approval only; and

WHEREAS City Staff recommends that the City Commission vote IN FAVOR OF 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 University Palms, LLC., to allow in the General Commercial (CG) Zoning District the continuation of an automotive repair and sales use on a 1.30± square feet site as legally described herein and more commonly known as 4907 North University Drive, Lauderhill, Florida, is hereby approved, subject to the following conditions:

1. THIS SPECIAL EXCEPTION USE DEVELOPMENT ORDER FOR AN AUTOMOTIVE CENTER IS HEREBY RESTRICTED AND GRANTED SOLELY TO UNIVERSITY PALMS, LLC AND SUCH DEVELOPMENT ORDERER 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 UNIVERSITY PALMS, LLC OPERATES THE USES. ANY CHANGE OF CORPORATE 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 AUTOMOTIVE CENTER IS LIMITED TO A SIZE OF 18, 316 SQUARE FEET. CONSISTENT WITH THE LAND DEVELOPMENT REGULATIONS ARTICLE IV., PART 4.0.) SECTION 4.3.) THE EXPANSION, ALTERATION, ENLARGEMENT OR REMOVAL TO ANOTHER LOCATION OF THESE USES 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.

3. UNIVERSITY PALMS, LLC SHALL SUBMIT NO LATER THAN 45 DAYS AFTER THE EFFECTIVE DATE OF THIS RESOLUTION, A SITE PLAN MODIFICATION APPLICATION TO THE PLANNING AND ZONING SECTION FOR IMPROVEMENTS TO THE SITE INCLUDING THE ADDITION OF THE REQUIRED BUFFER AREA (MINIMUM 8' HIGH WALL WITH LANDSCAPING) ALONG THE REAR PROPERTY LINE AND SUCH APPLICATION APPROVAL SHALL BE DILIGENTLY PURSUED.
4. UNIVERSITY PALMS, LLC. SHALL COMPLETE ALL OF THE IMPROVEMENTS DETAILED IN THE APPLICATION NO LATER THAN SIX MONTHS AFTER SITE PLAN APPROVAL.
5. THE DAYS AND HOURS OF OPERATION ARE MONDAY THROUGH SATURDAY FROM 8:00 A.M. THROUGH 6:00 P.M. ANY AMENDMENTS TO THESE DAYS AND HOURS SHALL REQUIRE FURTHER SPECIAL EXCEPTION USE APPROVAL BY THE CITY COMMISSION.
6. 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.
7. UNIVERSITY PALMS, LLC SHALL POST AT THE ENTRANCE TO THE BUILDING AND IN THE PARKING LOT A "NO LOITERING SIGN".
8. CONSISTENT WITH LDR ARTICLE III., PART 5.0., PARAGRAPH 5.7.1.(1), ANY AND ALL VEHICLE INSPECTION, MAINTENANCE AND REPAIR WORK MUST COMPLETELY BE DONE INSIDE THE BUILDING WHERE THE BUSINESS OPERATES. FURTHER, OVERHEAD DOORS FACING THE RESIDENTIAL AREA SHALL BE CLOSED WHEN A VEHICLE IS BEING REPAIRED.
9. CONSISTENT WITH LDR ARTICLE III., PART 5.0., PARAGRAPH 5.7.1.(2), REPAIR GARAGES AND CAR WASHES SHALL STORE ALL MOTORIZED AND ANCILLARY VEHICLES, PARTS, AND MATERIALS INSIDE THE BUILDING WHEREIN THE BUSINESS IS LICENSED TO OPERATE.
10. CONSISTENT WITH LDR ARTICLE III., PART 5.0., PARAGRAPH 5.7.1.(3), ALL VEHICLES, PARTS, EQUIPMENT, AND MATERIALS MUST BE STORED INSIDE THE BUILDING WHEREIN THE BUSINESS IS LICENSED TO OPERATE.
11. IF THE CITY'S CODE ENFORCEMENT BOARD ASSESSES A LIEN FOR LANDSCAPING, TRASH OR OTHER UNSIGHTLY OR UNSAFE CONDITIONS, 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 OR REVOCATION.
12. IF THE CITY'S POLICE DEPARTMENT RECORDS MORE THAN THREE INSTANCES REGARDING NOISE, LOITERING, PARKING OR CRIMINAL ACTIVITY, EITHER FROM

OBSERVATION BY POLICE OFFICERS OR VERIFIED FROM COMPLAINTS BY THREE OR MORE UNRELATED INDIVIDUALS, WITHIN ANY NINETY (90) DAY PERIOD, 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 OR REVOCATION.

13. 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.

14. PERMISSION IS GRANTED TO ADD AND SUBSTITUTE TENANTS WITHOUT THE NEED FOR SPECIAL EXCEPTION USE APPROVAL FROM THE CITY COMMISSION, PROVIDED SUCH IS CONSISTENT WITH THE CODE OF ORDINANCES, THE LAND DEVELOPMENT REGULATIONS, AND THIS RESOLUTION.

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 _____, 2021.

PASSED AND ADOPTED on first reading this _____ day of _____, 2021.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION _____
SECOND _____

M. DUNN _____
D. GRANT _____
L. MARTIN _____
S. MARTIN _____
K. THURSTON _____

Approved as to Form

W. Earl Hall
City Attorney