

Memo

To: Kennie Hobbs, Jr., Assistant City Manager/ Finance Director
CC: Sean Henderson, Deputy Finance Director
Zachery Davis-Walker, Operations Administrator

From: Chris Torres, City Planner

Date: 3/23/2021

Re: University Palms, LLC 21-SE-001

Please note the following regarding the requested Special Exception Development Order Application for the property located at the property located at 4907 North University Drive.

- The Applicant UNIVERSITY PALMS, LLC is requesting an update to Resolution No. 13R-10-228 Special Exception Use Development Order (attached) to enable automotive use tenants to operate on the site owned by Applicant without the need for additional Special Exception Use approval on a tenant-by-tenant basis. The intent of this Resolution is to allow the continuance of the entitlements established in Resolution No. 13R-10-228 for an Automotive Center within the subject property located at 4907 North University Drive and add a condition allowing tenants to add and substitute without the need for additional Special Exception approval from the City Commission. See Legal Description below:

THE NORTH 150.00 FEET OF THE SOUTH 754.78 FEET OF TRACT J, CITY OF LAUDERHILL SECTION ONE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 81, PAGE 4 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 4907 NORTH UNIVERSITY DRIVE, LAUDERHILL, FLORIDA

See Aerial/ Site Plan below:

- 1.6.1. If for any reason a nonconforming use of land ceases or is discontinued for a period of one (1) year or more, the building shall not thereafter be used for a nonconforming use.
 - 1.6.2. If for any reason the nonconforming use of a building ceases or is discontinued for a period of one (1) year or more, the building shall not thereafter be used for a nonconforming use.
 - 1.6.3. Any part of a building, structure or land occupied by a nonconforming use which is changed to or occupied by a conforming use shall not thereafter be used or occupied by a nonconforming use.
- Special Exception Uses must comply with the standards specified in Land Development Regulations, Article IV, Section 4.6 Standards for Approval.

Planning and Zoning Staff concludes that the existing Automotive Center Use conforms with all Standards specified in Article IV, Section 4.6.

The Planning and Zoning Division recommends the City Commission adopt a resolution granting to UNIVERSITY PALMS, LLC a Special Exception Use development order to amend Resolution No. 13R-10-228 for the continuation of the Automotive Center Use and to grant permission to add and substitute tenants without the need for an additional Special Exception on a 1.30± acre site zoned General Commercial (CG) district and legally described as THE NORTH 150.00 FEET OF THE SOUTH 754.78 FEET OF TRACT J, CITY OF LAUDERHILL SECTION ONE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 81, PAGE 4 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 4907 NORTH UNIVERSITY DRIVE, LAUDERHILL, FLORIDA. 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.

- 11.11. IF THE CITY'S CODE ENFORCEMENT BOARD ASSESSES A LIEN FOR LANDSCAPING, TRASH OR OTHER UNSIGHTLY OR UNSAFE CONDITIONS, THISSPECIAL EXCEPTION USE DEVELOPMENT ORDER MAY BE BROUGHT BEFORE THE CITY COMMISSION TO BE RECONSIDERED, AT WHICH TIME THE DEVEOPMENT 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 DEVEOPMENT 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 THISSPECIAL 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.

Please let me know if you have any further questions.

Attachments

1. Special Exception Application
2. Site Plan
3. Affidavit