

RESOLUTION NO. 13R-10-228

A RESOLUTION GRANTING TO UNIVERSITY PALMS, LLC A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, WITH CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT THE CONVEYANCE OF AN EXISTING AUTOMOTIVE CENTER ON A ± 1.30 ACRE SITE LEGALLY DESCRIBED AS THE NORTH 150.00 FEET OF THE SOUTH 754.78 FEET OF TRACT J (AS MEASURED AT THE RIGHT ANGLES TO THE SOUTH LINE OF SAID TRACT J), CITY OF LAUDERHILL SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE PLAT BOOK 81, PAGE 4 OF THE PUBLIC RECORDS OR BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 4907 NORTH UNIVERSITY DRIVE, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

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

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

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 within the General Commercial (GC) zoning district the conveyance of an existing automotive center on a ± 1.30 acre site legally described as the North 150.00 feet of the South 754.78 feet of Tract J (as measured at the right angles to the south line of said Tract J), City of Lauderhill Section One, according to the Plat thereof, as 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, 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(A 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 ATICLE III., PART5.0., 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.

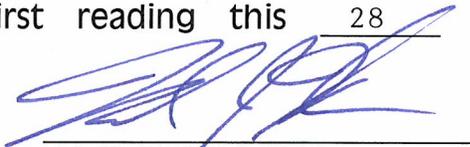
9. CONSISTENT WITH LDR ARTICLE III., PART 5.0., PARAGRAPH 5.7.1.(2), REPAIR GARAGES AND CAR WASHES SHALL STORE ALL MOTORIZED AND ANCILLARY VEHICLES, PARTS, AND MATERIALS INSIDE THE BUILDING WHEREIN THE BUSINESS IS LICENSED TO OPERATE.
10. CONSISTENT WITH LDR ARTICLE III., PART 5.0., PARAGRAPH 5.7.1.(3), 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.

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 28 day of October, 2013.

PASSED AND ADOPTED on first reading this 28 day of October, 2013.



PRESIDING OFFICER

ATTEST:

Andrew M. Oran
CITY CLERK

MOTION
SECOND

Bates
Benson

M. BATES
H. BENSON
H. BERGER
K. THURSTON
R. KAPLAN

Yes
Yes
Yes
Yes
Yes

Approved as to Form

W. Earl Hall
W. Earl Hall
City Attorney



Agenda Item No.

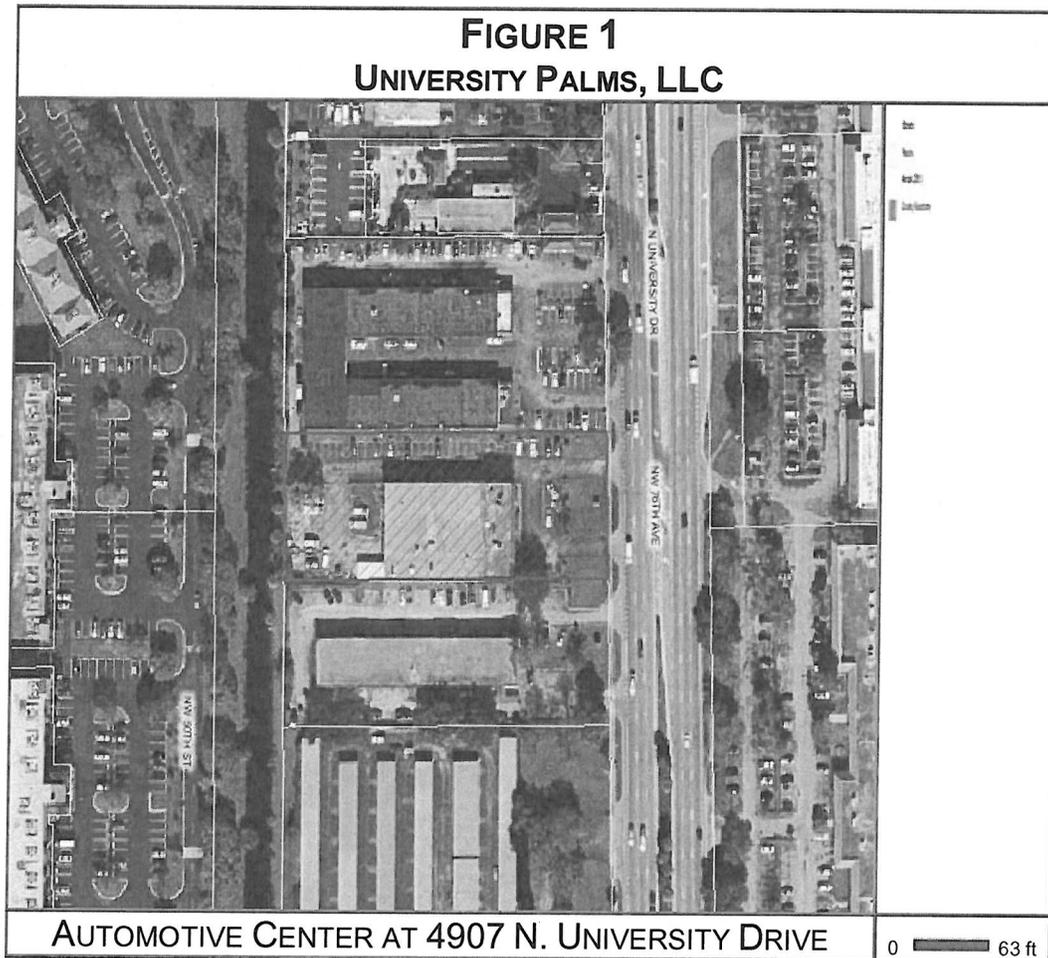
SUPPLEMENTAL DEVELOPMENT REVIEW REPORT

The matter before the City Commission, sitting as the Board of Adjustment, is a special exception use application (13-SE-014) to allow within the General Commercial (CG) zoning district the conveyance of an automotive center on property located 4907 North University Drive, Lauderhill, Florida. The application is before the City Commission because the Land Development Regulations require the City Commission to make a determination on the conveyance of any vehicular related use through the special exception use process. *Planning and Zoning Section staff recommends the City Commission, sitting as the Board of Adjustment, adopt a resolution granting to University Palms, LLC., a special exception use development order with conditions to allow within the General Commercial zoning district the conveyance of an existing automotive center on a 1.30 acre site legally described as the north 150.00 feet of the south 754.78 feet of Tract J (as measured at right angles to the south line of said 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 described as 4907 N. University Drive, in Lauderhill, Florida.*

I. BACKGROUND

According to the Broward County Property Appraiser, the 1.30± acre subject property was built in 1979 and is developed with a 18,316 square foot building, which size does not include an additional 48 square feet in overhangs. The front 33 feet of the building is two stories in height and serves as office space for the various automotive related businesses. The remaining 113 feet of the building contains bays where the repairs occur. The building is generally centrally located between the east and west property lines but abuts the south property line. Figure 1 is an aerial photograph highlighting in

red the subject property and showing the general location of the property in relation to the surrounding roadways and Figure 1 is an aerial photograph highlighting in red the subject property and showing the general location of the property in relation to the surrounding roadways and use.



On September 29th, 1982, the City Commission adopted Resolution No. 82-166, which granted Vincent Sudano d/b/a Maaco Auto Painting, a special exception use development order to operate an automotive body repair shop or equivalent (See Attachment A). Since that time, the building has been continually occupied by automotive related uses. On June 3rd, 2013 University Palms, LLC acquired the property and on June 18th, 2013 University Palms, LLC filed a special exception use application with the Planning and Zoning Section because the Land Development Regulations provide that the conveyance of any vehicular related use requires City Commission approval through the special exception use process.

II. PROPOSED APPLICATION

A special exception use application (13-SE-014) filed by Mordechai Bilia, on behalf of University Palms, LLC., to allow in the General Commercial (CG) zoning district the conveyance of an existing automotive center on a 1.30 acre site legally described as the north 150.00 feet of the south 754.78 feet of Tract J (as measured at right angles to the south line of said 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 described as 4907 N. University Drive, in Lauderhill, Florida. The proposed days and hours of operation are Monday through Saturday from 8:00 am to 6:00 pm. and the business will be closed on Sunday. The special exception use application is on file with the Planning and Zoning Section and is incorporated herein by reference.

The application notes that a Community Appearance Committee application has been filed with the Planning and Zoning Section to approve the front façade of the building and to make other aesthetic improvements to the remaining parts of the building. In addition, a site plan modification application will be filed to make various site improvements, including the installation of an eight feet high wall along the rear property line.

III. DATA & ANALYSIS

- A. Changes in circumstances. Based on an aerial photograph dated January 1993, staff finds there have not been any substantial changes in the character of development in or near the area subject to this special exception use application (See Attachment B). Staff notes that the properties abutting to the north and south of the subject property also are developed and used for automotive related purposes. Since there have not been any substantial changes, staff concludes that the data and analysis included with the above-described resolution and this Supplemental Development Review Report can be used as the data and analysis to support the recommendations made herein.

Notwithstanding the above, the previous resolution did not provide a series of conditions to help mitigate any potential incompatibilities associated with the proposed vehicular related use. Thus, staff concludes that should the City Commission choose to approve the conveyance of this automotive center through the special exception use process, the following conditions of approval should be imposed:

- 1. THIS SPECIAL EXCEPTION USE DEVELOPMENT ORDER FOR AN AUTOMOTIVE CENTER IS HEREBY RESTRICTED AND GRANTED SOLELY TO UNIVERSITY PALMS, LLC AND SUCH DEVELOPMENT ORDER 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 OWNERSHIP 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 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 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 (A 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 AM THROUGH 6:00 PM. 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, THE SPECIAL EXCEPTION USE 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.**

B. Public hearing procedure. Public hearing procedures are addressed in LDR Article IV., Part 4.0., Special Exception Uses, Section 4.9., Notice of hearing and Section 163.3184, Florida Statutes.

1. *Mailed notice.* LDR Article IV., Part 4.0., Subsection 4.9.A. provides all owners and occupants of property within 300 feet of the premises for which the special exception use is requested shall be given notice of the hearing by mail. On or before October 18th, 2013, the Section provided the required mailed notice and a list of those persons noticed is on file with the Section and incorporated herein by reference. Consequently, the application is in conformance with this requirement.
2. *Property Posted Notice.* LDR Article IV., Part 4.0., Subsection 4.9.B. provides that at least ten (10) days prior to the hearing, a sign shall be posted upon the property facing and visible from the street. The sign must

be a minimum of three (3) square feet in size. Moreover, the Applicant must provide a notarized affidavit to the Section stating that the sign was posted on the appropriate day, that the sign remained posted for the duration of the time required for the posting, and that a photograph of the sign in place be submitted. The Applicant has provided an affidavit stating the property will be posted during the required periods and a photograph will be provided showing the property is posted. Those documents are incorporated herein by reference. The Section verified conformance with the sign requirement by visual inspection and a copy of the photograph showing the posted sign is in the file. Thus, the application is in conformance with this requirement.

3. *City Posted Notice.* The City Clerk has caused the City Commission agenda to be posted at City Hall prior to the City Commission public hearing.

V. ATTACHMENTS

- Attachment A: Resolution No. 82-166
- Attachment B: Real Estate Data, Inc. aerial photograph of Township 49 South, Range 42 East, Section 16 dated January 1993.

VI. FINDINGS AND CONCLUSIONS

Based upon the information contained in this Development Review Report, the following findings of fact and conclusions of law are offered:

- A. The Planning and Zoning Division (PZD) finds the 0.83 acre site is zoned General Commercial (CG) district and has been continually used as a car wash since 1970.
- B. PZD finds that Wash Depot I, Inc. has owned the property since 1997 and has entered into a sales agreement with Green Light Car Wash, Inc. (GLCW). The Land Development Regulations provide that the conveyance of a vehicular related use requires City Commission approval through the special exception use process and GLCW has filed such application with the Division.
- C. PZD finds that there have not been any substantial changes in the character of development in or near the area subject to this special exception use application, that the City Commission previously approved the addition of an oil change facility to the car wash, and that over \$500,000 of improvements are proposed to the premises.

- D. PZD concludes the application for conveyance is not in compliance with the LDR applicable standards and minimum requirements but conditions have been determined to be reasonably necessary to ensure compliance.
- E. PZD finds the City Commission public hearing on the proposed special exception use application has been duly noticed: written mailed notice to all persons within a 300 feet radius of the site has been provided, notice of the hearing on the application was advertised in the Sun-Sentinel, and the property has been posted with a sign noticing the hearing.

VII. ALTERNATIVE ACTIONS

LDR Article IV, Part 1.0., requires the City Commission to review the application and make its determination:

- A. That the application is in compliance with the LDR applicable standards and minimum requirements or that vested rights exist with regard to any non-compliance and that a development order is issued granting approval of the application.
- B. That the application is not in compliance with the LDR applicable standards and minimum requirements and that a development order should not be issued approving the application.
- C. That the application is not in compliance with the LDR applicable standards and minimum requirements but conditions have been determined to be reasonably necessary to ensure compliance with the LDR applicable standards and minimum requirements and that vested rights exist with regard to any non-compliance and that a development order is issued granting approval of the application with said conditions.
- D. That the application be tabled for up to six months because the City Commission finds that available information is insufficient on which to base either approval or denial of the application and that a study is conducted to provide the City Commission with information sufficient to form a basis on which to approve or deny the application.

VIII. RECOMMENDED ACTION

- A. Section recommendation. The Planning and Zoning Section recommends the City Commission **adopt** a resolution granting to Green Light Car Wash, LLC a special exception use development order to allow within the General Commercial

zoning district the conveyance of an existing automated car wash on a 0.83 acre site, legally described as all of Tract "A," Lazear's Subdivision, according to the plat thereof, as recorded in Plat Book 68, Page 46, of the public records of Broward County, Florida, the street address being 1890 NW 40th Avenue, 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 order 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 ownership 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 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 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 (a 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 am through 6:00 pm. 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, the special exception use 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.
- B. City Commission action. The City Commission, sitting as the Board of Adjustment, is scheduled to consider the special exception use application at its duly noticed October 28th, 2013 regular public meeting.

ATTACHMENT A

RESOLUTION NO. 82-166

A RESOLUTION APPROVING A SPECIAL EXCEPTION USE REQUEST BY VINCENT SUDANO, d/b/a MAACO AUTO PAINTING, TO OPERATE A MAACO AUTOMOBILE BODY REPAIR SHOP (OR EQUIVALENT) AS DESCRIBED IN ARTICLE IV-1/2, SPECIAL EXCEPTION USES, OF THE CODE OF THE CITY OF LAUDERHILL, ON PROPERTY LOCATED AT 4907 N. UNIVERSITY DRIVE, IN THE CITY OF LAUDERHILL, BROWARD COUNTY, FLORIDA.

WHEREAS, the City Council of the City of Lauderhill has reviewed the special exception use request of Vincent Sudano, d/b/a Maaco Auto Painting, to operate a Maaco automobile body repair shop (or equivalent) within the City of Lauderhill,

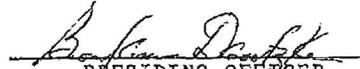
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAUDERHILL, FLORIDA:

SECTION 1. That the special exception use request of Vincent Sudano, d/b/a Maaco Auto Painting, to operate a Maaco automobile body repair shop (or equivalent) on property located at 4907 N. University Drive, City of Lauderhill, Broward County, Florida, is herein approved and authorized.

SECTION 2. This resolution shall take effect immediately upon its passage.

DATED this 29th day of September, 1982.

PASSED AND ADOPTED on first reading this 29th day of September 1982.


PRESIDING OFFICER

ATTEST:

CITY CLERK


MAYOR

MOTION	<u>Brown</u>
SECOND	<u>Benson</u>
J. MULLIN	<u>Yes</u>
H. BENSON	<u>Yes</u>
B. CLARK	<u>Yes</u>
J. BROWN	<u>Yes</u>
B. DANTZKER	<u>Yes</u>

ATTACHMENT A



CITY OF LAUDERHILL

1080 NORTHWEST 47TH AVENUE
LAUDERHILL, FLORIDA 33313

September 13, 1982

TELEPHONE 584-9521
AREA CODE 305

MAYOR
EUGENE CIPOLLONI
CITY COUNCIL
BEN DANTZKER
JACK BROWN
BUDDY CLARK
JOHN E. MULLIN
HAYWARD J. BENSON, JR.
CITY CLERK
MURIEL TROMBLEY
CITY ATTORNEY
ANTHONY J. TITONE

NOTICE

There will be a public hearing before the City Council of the City of Lauderhill, Florida, on Wednesday, September 29, 1982, at 7:30 p.m., in the Council Chambers, 1080 N.W. 47th Avenue, Lauderhill, Florida, regarding the request of Maaco Auto Painting for a Special Exception Use as per Article IV-1/2 of the Code of Ordinances of the City of Lauderhill titled Special Exception Uses, Section 4-1/2.1(5), to operate an automobile body repair shop on property located at the north 150 feet of the south 755 feet of Tract J, City of Lauderhill Section One, as recorded in Plat Book 81, at Page 4 of the official public records of Broward County, more commonly described as being located at 4907 North University Drive, in the City of Lauderhill, Florida.

All interested persons may attend the public hearing and be heard regarding the proposed Special Exception Use Request.

CITY OF LAUDERHILL

Muriel Trombley
Muriel Trombley
City Clerk

10/1/82
City Clerk

ATTACHMENT A

City of Lauderdale

PLANNING AND ZONING BUILDING DEPARTMENT

DATE: September 20, 1982

SUBJECT: Special Exception request for an Auto Body Repair Shop at 4907 North University (Applicant: Emerson Allsworth for Maaco Auto Repair).

TO: Mayor Cipolloni and City Council

FROM: Laurence Leeds, City Planner
Thru: J. W. Smith, Director, Building/Planning & Zoning
Depts., Building Official

Use/Location

Applicant proposes a 4500 sq. ft. Auto Body Repair/Painting facility in an existing commercial building on University Drive, just south of N.W. 50th St. The subject property abuts University Drive to the east, vacant commercial property to the south, planned multi-family to the west, and an existing auto repair facility to the north (University Square Auto Center).

The abutting multi-family property is setback 80' from the rear yard parking area (across canal), and 195' from the shop itself. (Based on approved plans, the nearest multi-family building will be setback about 200' from the parking area).

City council previously denied a request from Aleet Rustproofing Co. at the same location. The current request is similar except that it specifically excludes rustproofing/undercoating, and cars will be stored inside overnight (see attached letters).

Parking

Parking analysis indicates it may be difficult to store disassembled vehicles indoors during operating hours. Parking lot screening is necessary if this use is approved.

Recommendation

In evaluating this use in terms of the 'standards for approval', (attached), the following should be considered:

- (A) Have adequate setbacks been provided for the adjacent multi-family property in terms of potential fumes, noise, etc.?

ATTACHMENT A

(page 2)

- (B) Will the proposed use adversely affect the abutting residential property any greater than existing auto repair facilities directly to the north?
- (C) Major auto repair is inconsistent with contemplated retail-office usage contemplated for University Drive. Inasmuch as the proposed use will occupy an existing 'Auto Repair' type building; will the use adversely effect future retail/office development of the area?

Staff recommends any approval be subject to the following:

- (A) Applicant to provide 6' wood fence/wall and shade trees along the south and west side of rear parking area (to screen parking lot from adjoining residential and commercial property).
- (B) Emerson Allsworth's 'letters of intent' dated July 23, and July 27th.



Laurence Leeds,
City Planner

LL/jlb

ATTACHMENT A

LAW OFFICES

ALLSWORTH, DOUMAR, PADULA, CAZEL & CURTIS

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

EMERSON ALLSWORTH, P.A.
RAYMOND A. DOUMAR, P.A.
MICHAEL J. PADULA, P.A.
THOMAS E. CAZEL, P.A.
CHARLES L. CURTIS, P.A.

FORT LAUDERDALE, FLORIDA 33316
1177 SOUTHEAST THIRD AVENUE
TELEPHONE
AREA CODE 305/525-3441
DIRECT MIAMI LINE 945-3172

ASSOCIATES:
ELWOOD M. OBRIG
C. WILLIAM LAYSTROM, JR.
DONNA M. POOLE

OF COUNSEL:
HENRY R. SCHULER, JR., P.A.
C. WILLIAM LAYSTROM

July 23, 1982

Mr. Jim Smith
Building Department
City of Lauderhill
5454 N.W. 19th Street
Lauderhill, Florida

LETTER OF INTENT

Re: Vincent Sudano d/b/a Maaco Auto Painting

Dear Mr. Smith:

On behalf of the above applicant, we wish to file this letter of intent which is accompanying a completed application for Special Exception use for Vincent Sudano d/b/a Maaco Auto Painting to operate a Maaco automotive & painting shop at 4907 North University Drive, Lauderhill.

The proposed hours of operation will be 8:00 a.m. to 5:30 p.m. weekdays and 8:00 - 1:00 p.m. Saturdays. The maximum number of employees present during operating hours will be 6. The use of the property and operating procedures will consist of the parking of the vehicle until time to work on it at which time it will be taken in doors where the work is performed. No cars will be parked outside overnight. The work will consist of painting, light body and cosmetic work on motor vehicles. All painting will be in an approved spray booth with no pollutants being emitted into the atmosphere.

Respectfully submitted,



EMERSON ALLSWORTH

EA:pa

ATTACHMENT A

LAW OFFICES

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OF COUNSEL:

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C. WILLIAM LAYSTROM

July 27, 1982

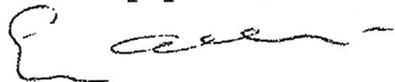
Mr. Larry Leeds
Lauderhill Building Department
5454 N.W. 19th Street
Lauderhill, Florida

Re: Vincent Sudano d/b/a Maaco Auto Painting
4907 North University Drive, Laudershill

Dear Mr. Leeds:

Please be advised that the above applicant for a special exception does not intend to perform undercoating or rustproofing of vehicles upon the premises should such special exception be granted.

Sincerely yours,



EMERSON ALLSWORTH

EA:pa

ATTACHMENT B

112

BROWARD COUNTY
FLORIDA



TWP 49
RNG 41
SEC 1B

LEGEND

- 1. COMMERCIAL BLDG.
- 2. BLDG. FOOTPRINT
- 3. BLDG. FOUNDATION
- 4. BLDG. EXCAVATION
- 5. UNIVERSITY BLDG.

APPROXIMATE
SCALE
1" = 300'

JANUARY
1983
PHOTO

THE UNIVERSITY CENTER
OF MIAMI
1301 MIAMI AVENUE
MIAMI, FL 33136
The National Cartographic Center
10000 W. BIRCHWOOD DRIVE
FORT WORTH, TEXAS 76133
PHOTOGRAPHS TAKEN UNDER
PERMISSION OF THE
FEDERAL BUREAU OF
SURVEYING

TRW-REDI
Property Data
COPY NO. 993





City of Lauderhill, FL

Suites 141-142
5581 West Oakland Park
Blvd.
Lauderhill, FL

File Details

File Number: 12-0060

File ID: 12-0060

Type: Quasi-Judicial

Status: Agenda Ready

Version: 1

Reference:

In Control: P & Z Department

File Created: 10/10/2013

File Name: Special X - University Palms, LLC conveyance

Final Action:

Title: RESOLUTION NO. 13R-10-228: A RESOLUTION GRANTING TO UNIVERSITY PALMS, LLC A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, WITH CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT THE CONVEYANCE OF AN EXISTING AUTOMOTIVE CENTER ON A ± 1.30 ACRE SITE LEGALLY DESCRIBED AS THE NORTH 150.00 FEET OF THE SOUTH 754.78 FEET OF TRACT J (AS MEASURED AT THE RIGHT ANGLES TO THE SOUTH LINE OF SAID TRACT J), CITY OF LAUDERHILL SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE PLAT BOOK 81, PAGE 4 OF THE PUBLIC RECORDS OR BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 4907 NORTH UNIVERSITY DRIVE, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Notes:

Sponsors:

Enactment Date:

Attachments: SDRR for University Palms WITH ATTACHMENTS.pdf, RESO13R-10-228_Special X-University Palms auto conveyance.pdf

Enactment Number:

Contact:

Hearing Date:

* **Drafter:** ehahn@laudershill-fl.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Commission	10/28/2013					

Text of Legislative File 12-0060

RESOLUTION NO. 13R-10-228: A RESOLUTION GRANTING TO UNIVERSITY PALMS, LLC A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, WITH CONDITIONS, TO ALLOW IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT THE CONVEYANCE OF AN EXISTING AUTOMOTIVE CENTER ON A ± 1.30 ACRE SITE LEGALLY DESCRIBED AS THE NORTH 150.00 FEET OF THE SOUTH 754.78 FEET OF TRACT J (AS MEASURED AT THE RIGHT ANGLES TO THE SOUTH LINE OF SAID TRACT J), CITY OF LAUDERHILL SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE PLAT BOOK 81, PAGE 4 OF THE PUBLIC RECORDS OR BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 4907 NORTH UNIVERSITY DRIVE, LAUDERHILL, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Request Action:

Adopt the resolution

Need:

The Land Development Regulation Article IV., Part 4.0., Section 4.10 provides that the conveyance of vehicular related uses requires City Commission approval through the special exception use process and the purchaser needs the City Commission to approve the conveyance.

Summary Explanation/ Background:

On September 29th, 1982, the City Commission adopted Resolution No. 82-166, which granted Vincent Sudano d/b/a Maaco Auto Painting, a special exception use development order to operate an automotive body repair shop or equivalent. Since that time, the building has been continually occupied by automotive related uses. On June 3rd, 2013 University Palms, LLC acquired the property and on June 18th, 2013 University Palms, LLC filed a special exception use application with the Planning and Zoning Section because the Land Development Regulations provide that the conveyance of any vehicular related use requires City Commission approval through the special exception use process.

Recommend passing A RESOLUTION GRANTING TO UNIVERSITY PALMS, LLC A SPECIAL EXCEPTION USE DEVELOPMENT ORDER TO ALLOW IN THE GENERAL COMMERCIAL ZONING DISTRICT THE CONVEYANCE OF AN EXISTING AUTOMOTIVE CENTER ON A 1.30 ACRE SITE LEGALLY DESCRIBED AS THE NORTH 150.00 FEET OF THE SOUTH 754.78 FEET OF TRACT J (AS MEASURED AT THE RIGHT ANGLES TO THE SOUTH LINE OF SAID TRACT J), CITY OF LAUDERHILL SECTION ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE PLAT BOOK 81, PAGE 4 OF THE PUBLIC RECORDS OR 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(A 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.

Attachments:

Supplemental Development Review Report.

Cost Summary/ Fiscal Impact:

The Division finds the implementation of this Resolution will not require a budget allocation or expenditure of City funds and concludes it does not have any direct fiscal impact on the City's

budget.

Estimated Time for Presentation:

1 - 2 minutes

Master Plan:

Goal 1: Clean, Green Sustainable Environment

- Increase mass transit ridership
- Reduce City energy consumption
- Reduce water consumption

Goal 2: Safe and Secure City of Lauderhill

- Crime in lower 50% in Broward
- Residents feel safe in neighborhood
- Reduce emergency fatalities

Goal 3: Open Spaces and Active Lifestyle for all ages

- Increase participation in youth sports
- Add new park land and amenities
- Increase attendance at cultural programs and classes

Goal 4: Growing Local Economy, Employment and Quality of Commercial Areas

- Increase commercial tax base
- Increase employment in Lauderhill businesses
- Decrease noxious and blighted uses in commercial areas

Approving the conveyance will allow the new owner to lease vacant space, thereby generating employment opportunities

Goal 5: Quality Housing at all Price Ranges and Attractive Communities

- Neighborhood signs and active HOAs
- Housing & streets improved, litter reduced
- Increase proportion of single family homes and owner occupied housing

Goal 6: Efficient and Effective City Government, Customer Focused & Values Diversity

- Improves City efficiency
- Increase use of Information Technology
- Increases residents perception of Lauderhill as an excellent place to live