



CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

DATE: August 9, 2011

TO: Robert Baldwin, City Manager

VIA: Robert Daniels, Director *Robert Daniels*

FROM: Corinne Lajoie, AICP, Principal Planner *CL*
Kristin Dion, AICP, Planner *KD*

SUBJECT: **SE-10-11:** The applicant, John Bartley, on behalf of Dan's Deals on Wheels Auto Transport and Sales, LLC is requesting a special exception, per Section 115-40 of the Unified Land Development Code, to allow outdoor vehicle storage on a property located at 4601 SW 44th Avenue.

PROPERTY INFORMATION:

EXISTING ZONING	Industrial General (I-G)
LAND USE	Industrial
OVERLAY DISTRICT	Westside Master Plan Study Area – Sub Area 1 Griffin Road West

Dan's Deals on Wheels Auto Transport and Sales, LLC is an auto transport and sales company located in the Town of Davie which stores its vehicles at 4601 SW 44th Avenue in Dania Beach. The applicant obtained approval of a text amendment on January 11, 2011, per Ordinance 2011-001, to change the Industrial General (I-G) zoning district to allow interim overnight parking for passenger vehicles and tractor trailers as a special exception use. The applicant is now applying for special exception approval for the outdoor storage of passenger vehicles, trailers, and tractor-trailers. Per city code, this special exception may be granted, subject to the following conditions:

1. Onsite parking and storage of vehicles shall not be visible from right-of-way.
2. Use shall not be permitted within the Community Redevelopment Area.
3. A five foot (5') wide perimeter landscaped buffer shall be required on all sides of the property.
4. Use must be separated from any arterial roadway by a minimum of 500 feet.
5. Outdoor activities and movement of vehicles shall be permitted only between the hours from 7:00 a.m. to 7:00 p.m.

The property is located approximately 570 feet from Griffin Road. The applicant has also submitted a landscape plan with a proposed five foot wide perimeter buffer.

In accordance with Section 630-50 of the Unified Land Development Code, Special Exceptions may be granted with the following provisions:

- (1) That the use is permitted as a special exception use as set forth in the use regulations of Part 1 of this code.
- (2) That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located.
- (3) That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning.
- (4) That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities.
- (5) That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- (6) That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community.
- (7) That the use will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community.
- (8) That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance.
- (9) That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the comprehensive plan.
- (10) That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character.
- (11) That the use will not overburden existing public services and facilities.

The use is compatible with the uses along SW 44th Avenue. The entire street has existing industrial and outdoor storage uses. The applicant has provided a landscape plan indicating a proposed five foot perimeter buffer as required by the special exception provisions. However, the applicant's property is located within the West Side Master Plan (the Plan) study area. The Plan recommends marine uses for this location and recommends residential uses for the parcels adjacent to the marine use area.

STAFF RECOMMENDATION

Staff recommends approval, provided a five foot landscape buffer is permitted and installed, with a sunset period of 5 years due to the recommendations within the West Side Master Plan for marine uses in this location.

**DAN'S DEALS ON WHEELS AUTO TRANSPORT &
SALES, LLC.**

4601 SW 44TH AVE.

DANIA, FL 33314

OFFICE (954) 583-1347 / FAX (954) 583-2783

VI-1014026

06-16-2011

City of Dania

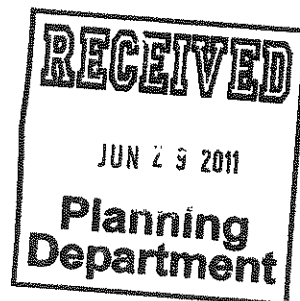
To whom it may concern:

I, Daniel Jaramillo give John Bartley at All South Florida Construction Management Inc., authorization to act as my representative in the variance of above named property.

Should need any further information, do not hesitate to call me!

Sincerely,

Daniel Jaramillo





City of Dania Beach, Florida
 Department of Community Development
 Planning and Zoning Division
 (954) 924-6805 X3643

General Development Application

- Administrative Variance
- Assignment of Flex/Reserve Units
- Land Use Amendment
- Plat
- Plat Delegation Request
- Rezoning
- Site Plan
- Special Exception
- Trafficway Waiver
- Variance
- Roadway Vacation
- Other: _____

Date Rec'd: 3/31/11
 Petition No.: SE 10/11

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City's Building Department.

Location Address: 4601 SW 44 Ave, Ft. Lauderdale, FL 33316

Lot(s): See attached Block: _____ Subdivision: _____

Recorded Plat Name: Newmans Survey (Plat Book 2 Page 26 Public Records)

Folio Number(s): 5401-25-01-0550 Legal Description: See Attached

Applicant/Consultant/Legal Representative (circle one) Dan's Deals on Wheels Auto Sales & Transport, LLC

Address of Applicant: c/o Hagen & Hagen, P.A. 3531 Griffin Rd., Ft. Lauderdale, FL 33312
Max M. Hagen

Business Telephone: 954-987-0515 Home: _____ Fax: 954-964-3764

Name of Property Owner: Dan's Deals on Wheels Auto Sales & Transport, LLC

Address of Property Owner: 5300 South St. Rd. 7, Hollywood, FL 33021

Business Telephone: 954-583-1347 Home: _____ Fax: 954-583-2783

Explanation of Request: See Attached
 For **Plats** please provide proposed **Plat Name** for **Variances** please attach **Criteria Statement** as per Article 10.13 of Chapter 28, Zoning Code.

Prop. Net Acreage: 1 1/2 Gross Acreage: 1 1/2 Prop. Square Footage: _____

Existing Use: Overnight Storage Proposed Use: Overnight Storage

Is property owned individually, by a corporation, or a joint venture? LLC

CORPORATION NOTARIZED SIGNATURE:

This is to certify that the below referenced corporation is the owner of subject lands described above and that I, Max M Hagen, as a duly authorized officer, have authorized (Applicant/Consultant/Representative) _____ to make and file the aforesaid application.

Sworn to and subscribed before me

This 22 day of Feb 2011

Corporation Name: Dan's Deals on Wheels Auto Sales & Transport, LLC

Signature: _____

By: Dan Jaramillo, President

Date: _____

Dan Jaramillo
(Print Name)

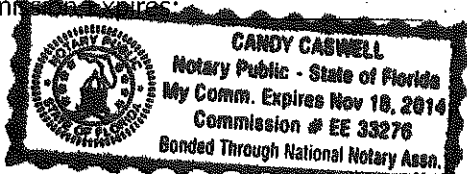
Pres

(Print Title)

Sign Name of Notary Public
State of (Florida)

Candy Caswell
Print Name of Notary

Commission Expires: _____
Seal:



5300 So. S.R. 7 Hollywood, FL 33021
Street Address, City, State and Zip Code

954-583-1347 ; 954-583-0783
Telephone No. & Fax No.

JOINT VENTURE/PARTNERSHIP NOTARIZED SIGNATURE:

This is to certify that the below referenced that the duly authorized persons are the owners of subject lands described above and that all partners have authorized (Applicant/Consultant/Representative) _____ to make and file the aforesaid application.

Sworn to and subscribed before me

This _____ day of _____ 20____

Signature: _____

Date: _____

(Print Name)**

Sign Name of Notary Public
State of ()

Print Name of Notary

Street Address, City, State and Zip Code

Commission Expires: _____
Seal:

Telephone No. & Fax No.

****Each partner must sign. Attach duplicate sheets as required.**

I understand that site plan and variance approval automatically expires within 12 months of City Commission approval, pursuant to Ordinance No. 2005-040.

Max M Hagen
Applicant/Owner signature

Max M Hagen
Print Name

3/28/11
Date

APPLICANT, CONSULTANT, OR LEGAL REPRESENTATIVE NOTARIZED SIGNATURE

Sworn to and subscribed before me

This 28 day of March 2011

Applicant/Consultant/Representative:

Signature: Max M Hagen

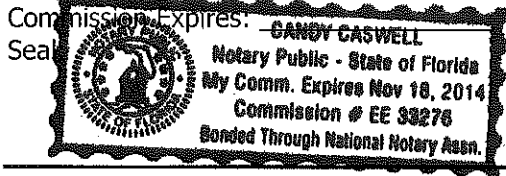
Date: 3/28/11

Max M Hagen
(Print Name)

Sign Name of Notary Public
State of (Florida)

Candy Caswell
Print Name of Notary

Street Address, City, State and Zip Code



Telephone No. & Fax No.

INDIVIDUAL OWNER NOTARIZED SIGNATURE:

This is to certify that I am the fee simple owner of subject lands described above and that I have authorized (Applicant/Consultant/Representative) _____ to make and file the aforesaid application.

Sworn to and subscribed before me
This _____ day of _____ 20____

Owner: _____

Signature: _____

Date: _____

Sign Name of Notary Public
State of (_____)

(Print Name)

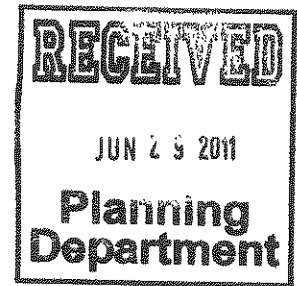
Print Name of Notary

Street Address, City, State and Zip Code

Commission Expires: _____
Seal:

Telephone No. & Fax No.

Criteria Statement
Dan's Deals on Wheels
4601 SW 44 Avenue
Dania Beach FL 33314



- (1) That the use is permitted as a special exception use as set forth in the use regulations of Part 1 of this code.

On January 11, 2011 the Dania Beach City Commission approved a Text change to allow outdoor vehicle storage in the I-G zoning district as a special exception use.

- (2) That the use will not cause a detrimental impact to the value of existing contiguous uses in the general area, and to the zoning district where it is to be located.

The site is located in an industrial area. In fact the entire block is zoned Industrial General except for the two lots on Griffin Road which are zoned Commercial

- (3) That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning.

Directly to the east are companies with similar outdoor storage and to the west are mobile homes. The business Dan's Deals on Wheels has been in the neighborhood for over 11 years, is a good neighbor, always keeping the property neat and clean.

- (4) That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities.

Granting of this special exception use will require the installation of a five foot wide perimeter landscape buffer on all sides of the property and the parking and storage of vehicles will not be visible from any right-of way. (See preliminary landscape and site plat attached)

- (5) That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

The granting of this special exception use will also require that all outdoor activities and movement of vehicles will only occur between the hours of 7 am and 7 pm. All parking and loading will be done within the boundaries of the property and will not be visible from the street.

- (6) That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community.

There will not be any detrimental environmental impacts on any of the contiguous properties.

- (7) That the use will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community.

There have been no complaints that current use has any negative impact on traffic, parking or the health, safety and welfare of the community.

- (8) That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance.

The property is approximately 57,750 square feet with two long driveways to accommodate ingress and egress at the site. The interior of the property has two structures which are approximately +/- 5,000 square feet each leaving enough open space to provide adequate circulation of vehicles within the confines of the site. (See preliminary landscape and site plan and aerial attached)

- (9) That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the comprehensive plan.

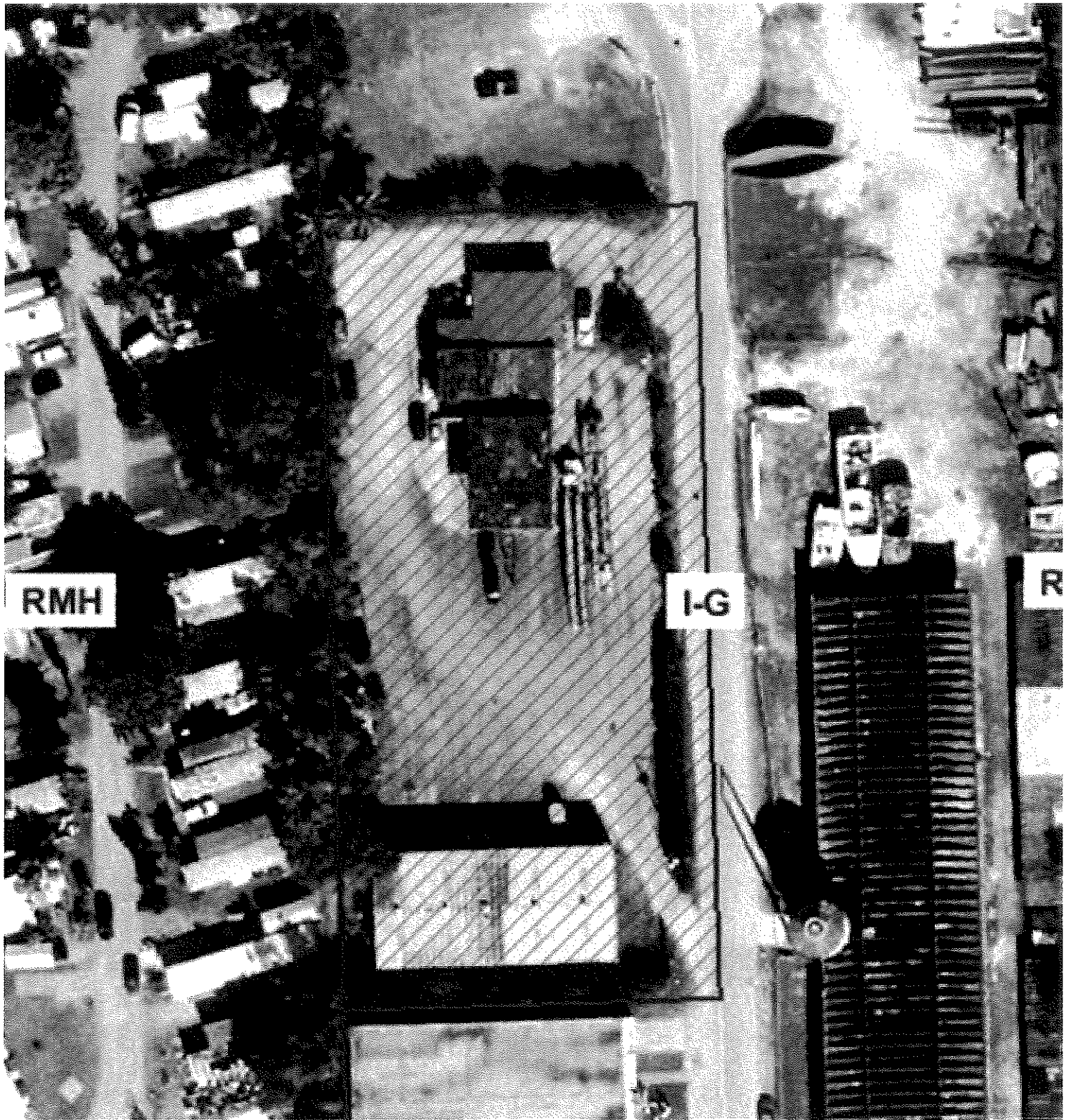
Granting of the special exception use will not have a detrimental effect on the future development. When the text amendment to allow the special exception use was approved by the City Commission, it was understood that there may be a sunset period of five years attached to any approvals. (Minutes from January 11, 2011 City Commission attached.)

- (10) That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character.

The use will not as there are similar uses located on Sw 44th Avenue.

- (11) That the use will not overburden existing public services and facilities.

There are no public utilities or facilities in this area that will be overburdened by this use.



PASSENGER VEHICLES, TRAILERS AND TRACTOR-TRAILERS AS A SPECIAL EXCEPTION USE IN THE I-G ZONING DISTRICT AND PROVIDING FOR CONDITIONS OF USE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of Ordinance #2011-001.

Kristin Dion, City Planner, was available to answer questions.

Mayor McElyea opened the Public Hearing.

Gary Brooks, attorney for the applicant, provided a history of the business requesting the zoning change. He explained that they have been in the neighborhood for 11 years, and they are a good neighbor, keeping the property clean and neat. Attorney Brooks pointed out that this company has 13 employees that would lose their jobs if this request is not approved. He noted that the approval of this ordinance would allow them to apply for a special exception in the I-G zoning district with a sunset period of five years. Attorney Brooks further stated that they have agreed to all the conditions established by the City.

Bob Mikes, 601 NW 7th Street, noted there should be another way to achieve the request without opening up a type of zoning that could give us a problem in the future. He asked for the request to be continued until the City Attorney has time to devise another solution. Mr. Mikes remarked that the five feet buffer will not work.

City Attorney Ansbro responded that the Planning and Zoning Board was sympathetic with the applicant. He noted that this was tailored by staff to meet the requirements of the business. City Attorney Ansbro indicated that there have been no complaints from the adjacent neighbors. Lastly, he advised that the applicant would still be required to apply for a special exception use if the zoning is changed.

Mr. Mikes expressed concern with the depreciation of home values if the zoning is changed.

Seeing as there was no one else to speak in favor or opposition, Mayor McElyea closed the Public Hearing.

Vice-Mayor Castro motioned to adopt Ordinance #2011-001, on second reading; seconded by Commissioner Duke.

Vice-Mayor Castro clarified for the record that the approval tonight is just to enable the applicant to apply for a special exception; it does not give them any rights.

Kristin Dion, City Planner, explained the criteria at the request of Commissioner Anton.

The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Duke	Yes	Mayor McElyea	Yes



SE-10-11
NOTICE OF PUBLIC HEARING
CITY OF DANIA BEACH

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Commission, on Tuesday, August 9, 2011 at 7:00 p.m., or as soon thereafter as possible in the Dania Beach City Commission Room, Administrative Center, 100 West Dania Beach Blvd., Dania Beach, Florida 33004, for the purpose of hearing any comments which might be made to the following request:

SE-10-11 – John Bartley, representing the property owner, Dan's Deals on Wheels Auto Transport and Sales, LLC., has applied for a special exception to allow outdoor vehicle storage within the "I-G" (Industrial General) Zoning District per section 115-40 of the Unified Land Development Code, for property located at 4601 SW 44th Avenue, in the City of Dania Beach.

Property is legally described as: The North 350 feet of the South 960 feet of Tract 30, less the East 480 feet thereof, in Section 25, Township 50 South, Range 41 East, of NEWMANS SURVEY, according to the Plat thereof recorded in Plat Book 2, Page 26, of the Public Records of Miami-Dade County, Florida, said land lying and being in Broward County, Florida, there is hereby reserved for road purpose the East 10 feet of said parcel.

Copies of the proposed request(s) are available for viewing in the Community Development Department, 100 West Dania Beach Blvd., Dania Beach, Florida between the hours of 8:00 a.m. and 4:00 p.m., Monday – Friday please call (954) 924-6805 x3645 for more information. Interested parties may appear at the public hearing and be heard with respect to the proposed petition.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office, 100 W. Dania Beach Blvd, Dania Beach, FL 33004, (954) 924-6800 x3623, at least 48 hours prior to the meeting.

Please be advised that if a person decides to appeal any decision made by the Local Planning Agency, the Planning and Zoning Board or the City Commission with respect to any matter considered at this hearing, such person will need a verbatim record of the proceedings and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to based. The city does not provide or prepare such record pursuant to f.s. 286.0105.

Lou Ann Patellaro
Building and Planning Operations Mgr.

Friday, July 29, 2011

Dans Deals on Wheels



SE-10-11

**NOTICE OF PUBLIC HEARING
CITY OF DANIA BEACH**

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Lou Ann Patellaro
Building and Planning
Operations Mgr
July 29, 2011

SUN SENTINEL PROOF

Customer: CITY OF DANIA Contact: LOUANN PATELLARO Phone: 2165790300
Ad Number: 14011770
Insert Dates: 07/29/2011

Printed By: CH21 Date: 07/18/2011

Price: 190.00

Signature of Approval: _____ Date: _____