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Applicant: James Batmasian

Application: Application for Special Exception to Allow an Automotive Repair and Service Facility in a B-3 Zoning District

Date: July 13, 2021

Written Narrative for Review Standard

An application for a Special Exception has certain review standards which must be addressed. These standards are listed below with the applicant's response. A Special Exception application shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception, as proposed:

a. Is consistent with the comprehensive plan;

Applicant Response: The Special Exception request to allow an automotive repair, service and maintenance use is consistent with the comprehensive plan. The comprehensive plan provides for commercial land uses that can be approved if within a land use designation of commercial. The proposed site of the automotive repair, service and maintenance use is designated commercial. The B-3 zoning district indicates that it includes "auto and boat sales and service uses."

b. Complies with all applicable zoning district standards;

Applicant Response: The Special Exception request complies with all applicable zoning district standards for the General Business (B-3) district including use standards, and intensity and dimensional standards. This was demonstrated in that this location was an operating Firestone location where, in addition to selling tires, they performed automotive repair, service and maintenance for many years.

c. Complies with all applicable use-specific standards in Article 4: Use Standards;

Applicant Response: The Special Exception request complies with all applicable use-specific standards in Article 4: Use Standards. The applicant is proposing an automotive repair and maintenance facility which is a Special Exception in the General Business (B-3) district. This use does not have specific standards but the Special Exception will comply with 155.4219(A) standards applicable to motor vehicle sales and service uses. Again, the fact that this use is virtually identical to the prior Firestone that existed and operated at this site for years indicates that this use complies with these standards.

d. Avoids overburdening the available capacity of existing public facilities and services, including but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection.

Applicant Response: The Special Exception will not overburden the available capacity of existing public facilities and services. The Firestone location at this site demonstrated that none of these capacities were exceeded.

e. Is appropriate for its location and is compatible with the general character of neighboring lands and the uses permitted in the zoning district(s) of neighboring lands. Evidence for this standard shall include, but not be limited to, population density, intensity, character of activity, traffic and parking conditions and the number of similar uses or special exception uses in this neighborhood;

Applicant Response: The Special Exception is appropriate for its location and is compatible with the general character of neighboring lands and the uses permitted within those lands. The property is located within the B-3 district which allows for medium intensity commercial uses, with car dealerships, quick serve restaurants, a boatyard, and shopping plazas. An automotive repair, service and maintenance use would fit in nicely with these uses and will not have an adverse effect on traffic or parking. The Firestone location at this site provided automotive repair and service for years without issue. Being located on U.S. 1, which is a major arterial highway, is an ideal location for such a use.

f. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading signs, lighting, and other site elements;

Applicant Response: The Special Exception will not cause adverse odor, noise, glare, or vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading signs, lighting and other site elements. The automotive repair and service work will take place within a garage as to not disturb the surrounding area and the site will not otherwise have adverse elements. The applicant is not aware of any issues that were ever caused during the operation of the Firestone location at this site.

g. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;

Applicant Response: The automotive repair and service use will be adequately screened and buffered in order to minimize the adverse visual impacts on neighboring lands. This will be done by having the repair and service work take place within a garage. The property is also setback sufficiently from the road and surrounding property so that repair and service work will not have an adverse impact. Again, the Firestone existed here without issue for many years.

h. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;

Applicant Response: This use will not have an adverse impact on water and air resources, scenic resources, and other natural resources. The history of the Firestone at this location demonstrated that this was not an issue.

i. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site and neighborhood;

Applicant Response: The Special Exception will maintain safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site and neighborhood. The site is entered by making a right turn in while traveling northbound on Federal Highway, a three lane road. This use will generate a low number of trips and therefore will not have an adverse impact on traffic. Since this is a renewal of a previously existing use, it has already been demonstrated that this was not a problem.

j. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district.

This use will not have an adverse impact on surrounding property values and will not prevent development of uses permitted in the zoning district. Since this is a request to continue a previous business use, it should not have any adverse impact.

k. Fulfills a demonstrated need for the public convenience and service of the population of the neighborhood for the special exception use with consideration given to the present availability of such uses;

Applicant Response: The use fulfills a demonstrated need for the public convenience and service of the population of the neighborhood. This location is ideal for an automotive repair and service use as it is a highly traveled road that can provide service for not just those within the immediate vicinity but also commuters using Federal Highway. Also, while this is a highly traveled road, the use is not so intense as to have a negative effect on traffic by having too many people constantly trying to turn in and out of the property. The Firestone location was deemed to be ideal for this use, and Firestone relocated only to a more modern facility.

l. Complies with all other relevant city, state and federal laws and regulations;

Applicant Response: The Special Exception complies with all relevant city, state and federal regulations.

m. For the purposes of determining impacts on neighboring properties and/or the neighborhood, the terms neighboring properties and neighborhood shall include the area affected by the requested special exception, which is typically an area of 500 ft to a one-half mile radius from the subject site. There is a residential area to the west of the site that is clearly within 500 ft. The applicant is not aware of any issues that were raised or any harm to this neighborhood caused when the Firestone location was operating, performing the same use as is contemplated here.

Respectfully submitted,

  
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JOHN VOIGT