



Agenda Item No.

DEVELOPMENT REVIEW REPORT

The matter before the City Planning and Zoning Board (Board), sitting as the Local Planning Agency, is a proposed Ordinance amending the Land Development Regulations pertaining to Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses along Broward Blvd and Martin Luther King Blvd/ NW 31st Avenue by amending Schedule H, Nonconforming Land Use Provisions to add section 1.18, Amortization Period for Automobile Uses along Broward Blvd and Martin Luther King Blvd/ NW 31st Avenue. The matter is before the Board because Land Development Regulations Article VII., Section 9, requires the Board make a recommendation to the City Commission on Land Development Regulation amendments. *The Department recommends the Board enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.*

I. BACKGROUND

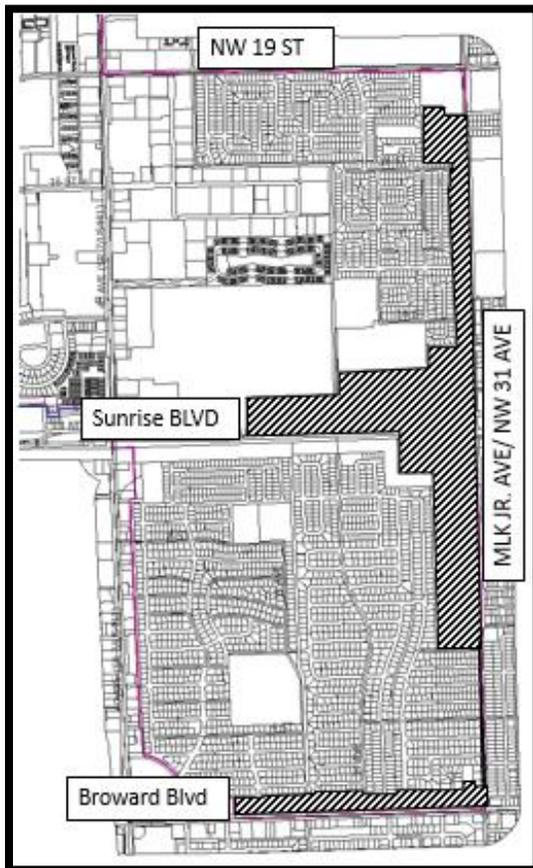
Approximately 203.12 acres of nonresidential land were annexed between the years 2001 to 2010 from Unincorporated Broward County to the City of Lauderhill (see **Exhibit A**). As such, there were many uses grandfathered in from their previous Zoning Code that would not be permitted today based on their proximity to the abutting Residentially Zoned Districts and Commercial Facility Zoned Districts such as Automobile Repair Uses.

On March 26, 2018, the Lauderhill City Commission approved **Resolution 18R-03-47 (Exhibit B)**, initiating a Finding of Necessity Report ("Report") to determine if expansion of the State Road 7 Community Redevelopment Agency ("CRA") was warranted to incorporate the NW 31 Avenue corridor, W Sunrise Blvd, and W Broward Blvd corridor ("Corridors") within City Limits creating the South East CRA ("SE CRA").

On September 28, 2018, EDSA & Carras Community Investment, Inc. collaborated to publish the Report which found several indications of blight within the Study area as defined by Section 163.355 F.S. Said findings concluded the need to expand the CRA along the subject Corridors. The report identified certain challenges facing the study area, which included poor general community appearance and unsafe conditions including homelessness creating unsafe conditions for the surrounding community. See **Exhibit C** for a copy of the Report.

Public Outreach meetings were held on both December 11, 2018 and December 13, 2018 in order to gain public input for a proposed expansion to the State Road 7 CRA's boundaries which would be located within the annexed areas as shown in **Exhibit D**. Both business owners and residents were given the opportunity to identify components that they wished to see incorporated into the overall SE CRA Community Redevelopment Plan ("CRP") including building aesthetics, streetscape design, innovation, transit, economic factors, and desired uses within the subject area (See **Attachment E**).

See Subject Area below:



It was determined that the proposed SE CRA would establish a well-balanced, mixed-use, commercial corridor that would coexist with the immediate abutting residential communities. Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses were not included among the desired uses identified by the immediate abutting business owners and residences.

On November 14, 2019 The City of Lauderhill's Planning and Zoning Division sent out letters to both Business Owners and Residents indicating that the Amortization of various uses discussed at the November 18, 2019 City Commission workshop (**See Exhibit F**) with the inclusion of Automotive Uses. See **Exhibit G** for the minutes from the 2019 November 18 meeting.

II. PROPOSED AMENDMENTS

Below is the proposed Ordinance (**Attachment J**) amending the Land Development Regulations' Schedule H by adding 1.18 Automotive Uses along Broward Blvd and Martin Luther King Blvd/ NW 31st Avenue to amortize Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses within the proposed CRA Expansion Area encompassing Broward Blvd and Martin Luther King Blvd/ NW 31st Avenue within five (5) years from the adoption date of this Ordinance.

Sec. 1.18, AMORTIZATION PERIOD FOR AUTOMOTIVE USES ALONG BROWARD BLVD AND MARTIN LUTHER KING JR AVE./N.W. 31ST AVE: Any Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses along Broward Blvd and Martin Luther King Jr Ave./N.W. 31ST Ave lawfully in existence as of April 12, 2021 and which under the terms of the Land Development Regulations, Schedule H. would be a nonconforming use shall be allowed to continue until April 12, 2026. Thereafter, such use shall be prohibited. If a court of competent jurisdiction determines that the amortization period set forth in this section is invalid for any reason, and if the City Commission then revises this amortization period, then the commencement of the amortization period shall date back to the date of the passage of this legislation and shall be considered as a single amortization period.

III. DATA & ANALYSIS

Data means factual information used as a basis for reasoning, discussion or calculation. Data must be based upon professionally reliable sources and the most recently available data should be used. Analysis involves an examination of the data, any assumptions, any employed methodologies, any applicable regulations, and deducing findings of facts and conclusions needed in order to make a recommendation.

The Department concludes the applicable Land Development Regulations (LDR) include: Article IV., Part 2.0, Section 2.4., on criteria, Section 2.9 on procedural requirements and Section 2.10 on public notice requirements; and Article III., Part 2.0., Sections 2.3 and 2.4 and Schedule B on permitted and special exception uses.

- A. Florida statutes. Section 163.3202, Florida Statutes, requires a local government to adopt land development regulations that implement their adopted Comprehensive Plan. Paragraph 163.3202(2)(b), Florida Statutes, requires the land development regulations contain provisions addressing the use of land and water.

The LDR is one of the documents adopted to implement the Comprehensive Plan.

The proposed Ordinance is a land development regulation that addresses the use of land and water, specifically, it pertains to all Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses along Broward Blvd and Martin Luther King Jr Ave./N.W. 31ST and located within the proposed SE CRA Area Expansion Area. Thus, the Department concludes the proposed Ordinance is consistent with the above-identified state statutory requirements.

- B. LDR. Land Development Regulations Article IV., Development Review Requirements, Part 2.0., pertains to zoning map amendments and zoning regulation amendments. It requires a zoning regulation amendment be in conformance with the six (6) factors identified in Section 2.4., the procedural requirements of Section 2.9., and the public notice requirements of Section 2.10.
1. **Factors.** Article IV., Part 2.0., Section 2.4 requires the Board to consider and evaluate zoning regulation amendments in relation to all pertinent factors, but with reference to six (6) specific factors. These six (6) factors are addressed below in relation to the proposed Land Development Regulations amendment.

a. *The character of the district and its peculiar suitability for particular uses.*

The existing Automotive Uses along MLK BLVD/ NW 31 Avenue are located within the proposed SE CRA Subject Area which directly abut and adversely impact single-family residences.

Pursuant Article III Section 5.7, there is a distance requirement of three hundred fifty (350) from any property that abuts zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 zoning districts or that abuts a water body zoned PO district and if the land use is located on property with a depth equal to or less than three hundred fifty (350) feet. This land use also is prohibited in the General Commercial zoning district if the land use is located on property where the front or rear property lines are three hundred fifty (350) feet or less from property zoned RS-4, RS-5, RM-5, RM-8, RM-10, RM-18, and RM-22 districts.

Staff concludes that the Existing all Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses along Broward Blvd and MLK BLVD/ NW 31 Avenue do not meet the intended distance requirements to single family.

Furthermore, Staff concludes that the Automotive Related Uses within the subject area are a nuisance as they are causing an unsafe environment along MLK BLVD/31st Ave by allowing patron's vehicles to spill over into the Right Of Way and blocking off sidewalks as shown in picture below:



The Future Land Use of the Subject Area is comprised of Low Medium (10) Residential, Commercial, Transit Oriented Corridor, and Community Facility (**Attachment E**). The intent for the mentioned Future Land Use Areas are listed below:

- POLICY 2.1.2 COMMERCIAL USES.
Provide for commercial land uses, at intensities which ensure compatibility with adjacent and surrounding land uses, especially the protection of adjacent residential uses.
- POLICY 2.1.1 RESIDENTIAL USES.
Provide for a variety of housing types and densities, which offer convenient and affordable housing opportunities to the City's permanent and seasonal population, while maintaining a desired quality of life and adequate public services and facilities.
- POLICY 2.1.6 COMMUNITY FACILITIES USES.
Provide for recreational, social, educational, civic, judicial, medical, faith-based, and cultural facilities, which are open to the public or a designated portion of the public.
- POLICY 2.1.13 Transit Oriented Corridor Uses.

Provide for mixed use development along transit corridor, such as SR 7/US 441, consistent with the requirements of the Broward County Land Use Plan's Transit Oriented Corridor future land use category.

Based upon the recommended uses for the proposed SE CRA Corridor Plan and the Intent for the above-mentioned Future Land Use Categories for the subject Area, the Department concludes that all Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses along Broward Blvd and MLK BLVD/ NW 31 Avenue are not suitable for the Proposed SE CRA area/ Subject Area.

- b. *Conservation of the value of buildings and encouraging the most appropriate use of land and water throughout the City.*

The Subject Site is located within the Proposed Expansion of the SE CRA. The proposed plan identifies ideal uses that will that would benefit the community through increased property values, improved aesthetics, and reduce intensified uses that directly abut single family homes and community facility uses. The Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses along Broward Blvd and MLK BLVD/ NW 31 Avenue are not uniform with the overall character of the surrounding districts and they are not among those desired uses for the proposed SE CRA Community Redevelopment Plan ("CRP"). The Department concludes the amortization of all Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses along Broward Blvd and MLK BLVD/ NW 31 Avenue would conserve the value of buildings and encourage the most appropriate use of land and water.

- c. *The applicable portions of the adopted City Comprehensive Plan and programs such as land use, trafficways, recreation, schools, neighborhoods, drainage and housing, and so forth.* The proposed Ordinance is consistent with the following Comprehensive Plan provisions:

- Goal 1 Future Land Use Element: The City Commission shall

provide for a distribution of land use by type, density, and intensity to meet the needs of the current and future resident and seasonal population in a manner that; promotes compatible development, redevelopment, and urban infill; promotes a land use pattern that supports a multimodal transportation system, with an emphasis on pedestrian-ways and walkability; protects and improves the natural and physical characteristics of the City; and, ensures the timely, cost-effective provision of public facilities and services.

- Policy 1.1.1 Residential Uses: Provide for a variety of housing types and densities, which offer convenient and affordable housing opportunities to the City's permanent and seasonal population, while maintaining a desired quality of life and adequate public services and facilities.
- Policy 1.20.2 Protection Of Residential Areas: The Lauderhill Land Development Regulations shall protect, whenever possible, existing and planned residential areas, including single-family neighborhoods, from disruptive land uses and nuisances.
- Policy 1.13.2 Nonconforming Uses: The City of Lauderhill shall promote the elimination of nonconforming uses through:

AMORTIZATION. The maintenance of Land Development Regulations that address the amortization of nonconforming uses.

- Policy 1.13.1 Residential & Non-Residential Uses: Ensure that commercial, industrial and other non-residential land use plan designations are located in a manner, which facilitates service to residential areas, but does not adversely impact existing and designated residential areas.
- SUBPOLICY 1 2.1.2.1 ALLOWABLE USES IN THE COMMERCIAL FUTURE LAND USE DESIGNATION

The following uses are allowable in the Commercial future land use designation:

1. Retail sales of merchandise or services.
2. Office and business.

3. Wholesale, storage, light fabricating and warehouse uses.
4. Hotels, motels, and similar lodging.
5. Community facilities.
6. Commercial recreation.
7. Recreation and open space.
8. Special Residential Facilities Categories (2) and (3), subject to the allocation of residential flexibility, reserve, bonus, or affordable housing dwelling units as set forth in Subpolicy 1.1.2.2 and pursuant to meeting the density requirements of Subpolicy 1.1.1.2. and other applicable provisions as set forth in the Broward County Land Use Plan.
9. Residential units within the same structure as commercial uses for the owner, manager or caretaker of the commercial uses.
Other residential uses may be allowable, without the need to amend the Future Land Use Map Series and the Broward County Land Use Plan, subject to the allocation of residential flexibility, or redevelopment dwelling units as set forth in Subpolicy 1.1.2.3.
10. Transportation facilities, including roadways, bikeways, pedestrianways, greenways, and other transportation uses, not including expressways, airports, and heliports.
11. Public utilities and facilities required to serve the commercial area, including water and wastewater pump stations; water, wastewater, electric, gas, cable, and fiber optic transmission lines; other low intensity utilities, which shall not include solid waste transfer stations, wastewater treatment plants, resource recovery plants, electrical power plants, and similar operations.
12. Communication facilities, including telecommunication facilities and wireless communication facilities, including but not limited to, antenna support structures, antennas, and accessory buildings and equipment; provided such facilities are:
 - a. Compatible with the design, scale, architecture and type of the commercial use.
 - b. Camouflaged and do not negatively impact the commercial use due to emissions, lighting, signage, or other impediments associated with the facility.

The Department concludes the proposed Ordinance is consistent

with the City's Comprehensive Plan.

- d. *The needs of the City for land areas for specific purposes to serve population and economic activities.*

The Department concludes that the proposed SE CRA Expansion will help to serve the population and promote economic activities. The proposed CRA plan does not include Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses.

- e. *Whether there have been substantial changes in the character of development of areas in or near an area under consideration for rezoning.*

The Division concludes that since 2000 there have been substantial changes in the character of development in or near the subject site. To the west, the formerly underutilized AT&T antenna site has been rezoned to Regional Park (PR) district and has been redeveloped as a 110 acre regional park, with a 5,000 permanent seat stadium, a water play area, and other recreational facilities. The overall site also accommodates the City's 1,200 seat Performing Arts Center and 10,000 square foot neighborhood library. In September 2019, a 1.87 acre of land located on the Northeast Corner of Sunrise Blvd and State Road 7 was rezoned from Commercial Entertainment (CE) to General Commercial (CG) as part of a City initiated Conceptual Site Plan.

- f. *The facts and opinions presented to the Planning and Zoning Board through hearings.*

This Development Review Report represents the Department's written findings of facts, conclusions and recommendations.

2. **Procedure.** The LDR Article IV., Part 2.0., Section 2.9 addresses the procedure for zoning regulation amendments. It requires the Board to make a recommendation to the City Commission at a duly noticed public hearing on changes to zoning regulations and for the Board to forward its recommendation to the City Commission. The Department has interpreted this provision to apply to LDR amendments consistent with state law.
3. **Public notice.** The LDR Article IV., Part 2.0., Section 2.10 addresses

public notice. Subsection 2.10.1 requires a change in zoning be published in a newspaper of general circulation in Broward County at least 10 days prior to the date of hearing. Notice of the proposed Ordinance changing the LDR was advertised in the Sun-Sentinel, a newspaper of general circulation within the County. Proof of publication is provided with the agenda package and is included herein by reference.

IV. ATTACHMENTS

Exhibit A – Annexation History
Exhibit B – 18R-03-47
Exhibit C – CRA Necessity Report
Exhibit D- Annexed Areas Map
Exhibit E- SE CRA Development Plan
Exhibit F- Amortization Letter to Public
Exhibit G-Nov 18th City Commission Workshop Minutes
Exhibit H-Ordinance

V. 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 Department finds that Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses within the SE CRA Expansion Area not in Compliance with the Goals, Objectives, and Policies of the Futures Land Uses Element of the Comprehensive Plan.
- B. The Department finds that Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses within the Community Facility Zoning District and also within the Subject Area not in accordance to the desirable uses within the proposed SE CRA Corridor Plan.
- C. The Department concludes that, by process of Amortization, all Automotive Sales, Car Rental uses, Automotive Repair (Major) uses, Automotive Repair (Minor) uses, and Car Wash and Auto Detailing uses along Broward Boulevard and Martin Luther King Jr. Boulevard/ NW 31st Avenue should only be allowed continued to 5 years from the adopted date of this Ordinance in order to come into compliance with both the City of Lauderhill's Comprehensive Plan and the proposed SE CRA Expansion Plan.

- D. The Department concludes the proposed Ordinance amending the LDR is in conformance with the standards and requirements specified in Land Development Regulations Article IV., Part 2.0., Section 2.4., Basis for Recommendations.
- E. The Department finds the proposed Ordinance amending the LDR have been duly noticed and concludes it is in conformance with the public notice requirements.

VI. ALTERNATIVE ACTIONS

The Board has one of the following alternative actions at its disposal:

- A. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted.
- B. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support the Board's recommendation, and forward the record to the City Commission with a recommendation that the proposed Ordinance be denied.
- C. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, amend the findings and conclusions contained herein to support any necessary conditions, and forward the record to the City Commission with a recommendation that the proposed Ordinance be adopted with conditions.
- D. Enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing and table the proposed Ordinance until the specified information is provided.

VII. RECOMMENDED ACTION

- A. Department recommendation. The Department recommends the Board enter into the record the Development Review Report and all other substantial competent evidence presented at the hearing, adopt the findings and conclusions contained herein, and forward the record to the City Commission with a recommendation that the proposed Ordinance amending the LDR be adopted.

- B. Board recommendation. The proposed Ordinance is scheduled for March 16, 2021 Planning and Zoning Board regular meeting.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled March 29, 2021 and second reading on April 12, 2021.