



Agenda Item No. G.2.

## 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 Food Distribution Center Uses by amending Schedule H, Nonconforming Land Use Provisions to add section 1.17, Amortization Period for Food Distribution Center Uses. 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 Food Distribution Center Uses.

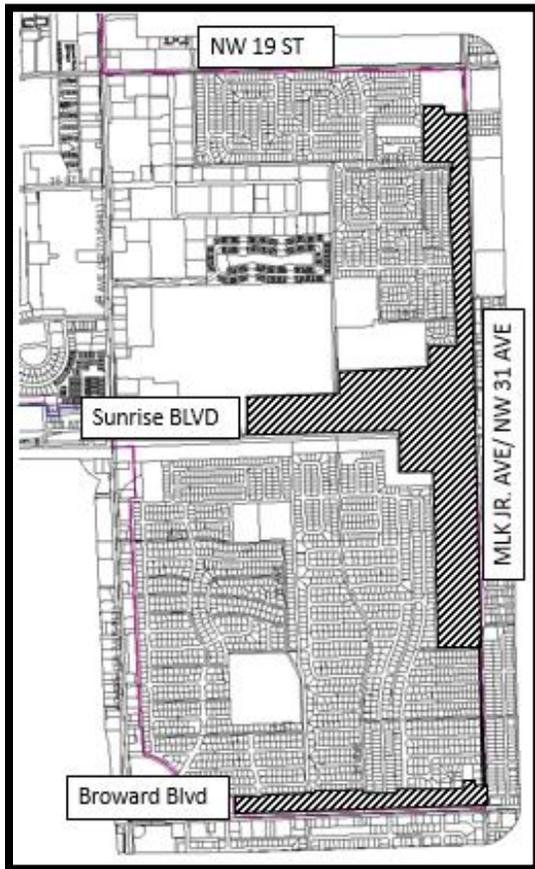
On March 26, 2018, the Lauderhill City Commission approved **Resolution 18R-03-47 (Exhibit B)**, initiating a Finding of Necessity Report ("Report") to determine if expansion of the State Road 7 Community Redevelopment Agency ("CRA") was warranted to incorporate the NW 31 Avenue corridor, W Sunrise Blvd, 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. Food Distribution Center Uses were not included among the desired uses identified by the immediate abutting business owners and residences.

From December 1, 2014 to September 28, 2020, there were approximately 1,005 Service Calls for a Food Distribution Center located at 1 NW 33<sup>rd</sup> Terrace. The Service calls included but were not limited to: Assault With And Without a weapon, Child/Elderly Abuse, Disturbance Nuisance- Unknown Weapon, Felony Warrant, Fight in progress, Larceny, Mentally Ill Person, Passing Out, Overdose, Theft, Trespassing, Suicide Attempt, and Vandalism. See **Exhibits F1 to F3** for a list of associated Service Calls from December 1, 2014 to September 28, 2020.

As a result of the numerous service calls and complaints of the homeless population traversing the surrounding residential properties, the City of Lauderhill sent out multiple letters proposing the installation of an iron rod security fence with heavy landscaping on the south side of 33<sup>rd</sup> terrace in order to buffer the properties from the Existing Food Distribution Center as a temporary solution while a permanent fix was explored the by City staff and the Commission. At an HOA meeting with Broward Estates on April 1, 2019, the City Received numerous letters of support for the mentioned 33<sup>rd</sup> Terrace Fence Proposal (**see Exhibit F4**).

On August 26, 2019, the City Commission passed Resolution 19R-08-165 for the installation of a fence at 1 NW 33<sup>rd</sup> Terrace as recommended by the Evaluation Committee. **See exhibit F5**.

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 G**) with the inclusion of Food Distribution Center uses. The Public was informed and showed an overall support of the uses that were proposed to be amortized with the inclusion of the Food Distribution Center. See **Exhibit H** for the minutes from the 2019 November 18 meeting.

On February 24, 2020, the Lauderhill City Commission approved ORD 20O-02-106 (**Exhibit I**) Defining Food Distribution Center Uses within the City of Lauderhill and classifying them as a nonconforming uses within the Community Facility Zoning District as well as prohibiting them Citywide.

## **II. PROPOSED AMENDMENTS**

**Attachment J** is a proposed Ordinance amending the Land Development Regulations' Schedule H by adding 1.17 Food Distribution Center Uses to amortize Food Distribution Center Uses within the Community Facility Zoning District within five (5) years from the

adoption date of this Ordinance.

### **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 Food Distribution Center Uses 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 Food Distribution Center is located within the Community Facility Zoning District and the proposed SE CRA Subject Area.

Pursuant Article III Section 3.6.1.A, the intent of the district is shown below:

A. *Purpose and intent. The purposes of the Community Facility (CF) zoning district are:*

*1.To provide locations for public, semi-public, and private uses and activities that benefit and service the community, such as civic and cultural facilities, educational facilities, governmental facilities, medical and veterinarian facilities, public assembly facilities and religious facilities; and*

*2.To encourage the most appropriate use and re-use of land and water by providing a zoning district with flexible development standards; and*

*3.To encourage community facility uses to serve as focal points for the surrounding community.*

The proposed SE CRA Plan, with recommendations from the Public, proposes experiential commercial retail with educational/community facility components such as cultural centers.

The existing subject area is currently occupied by Food Distribution Center Uses that directly abut and adversely impact single-family residences and those community facility uses as intended by the LDR. As previously mentioned, there were approximately 1,005 service calls to the existing Food Distribution Center from 2014 to present.

Staff concludes that the Existing Food Distribution Center does not meet the intent of the Community Facility Zoning District and the vision of the Proposed SE CRA CRP as it is adversely affecting the community.

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 Food Distribution Center Uses 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. Food Distribution Center Uses 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 Food Distribution Center Uses 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 Food Distribution Center 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 F1- 2014-2017 Service Calls  
Exhibit F2- 2017- 2019 Service Calls  
Exhibit F3- 2019- Present Service Calls  
Exhibit F4- Broward Estates Letters of Support  
Exhibit F5- Res 19R-08-165  
Exhibit G- Amortization Letter to Public  
Exhibit H-Nov 18<sup>th</sup> City Commission Workshop Minutes  
Exhibit I-ORD-200-02  
Exhibit J-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 the Food Distribution Center 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 the Food Distribution Center 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, Food Distribution Center Uses 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 the October 27, 2020 Planning and Zoning Board regular meeting.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled November 30, 2020 and second reading on December 14, 2020.