



DEVELOPMENT REVIEW REPORT

ORDINANCE NO. 190-08-

The matter before the Planning and Zoning Board (Board), sitting as the Local Planning Agency (LPA), is a proposed Ordinance of the City of Lauderhill, Florida; amending the City of Lauderhill Comprehensive Plan pursuant to Florida Statutes Chapter 163 to reflect changes in State requirements since the last update; to be consistent with the Broward County Land Use Plan (BCLUP); approving its transmittal to the appropriate agencies for Objections, Recommendations and Comments (ORC).

The proposed Ordinance is before the Board/LPA because LDR Article VI., Section 4 requires the Board/LPA to make a recommendation to the City Commission on LDR amendments. *The Planning and Zoning Division recommends the Board forward the record to the City Commission with a recommendation the proposed Ordinance be adopted.*

I. BACKGROUND

The Comprehensive Plan includes Elements adopted by the City Commission and can only be modified through the amendment process established by Chapter 163, Florida Statutes. The components of the Comprehensive Plan include the Goals, Objectives, and Policies (GOP's) for each of the nine required plan elements. In addition, the Comprehensive Plan include support documents. These documents contain the support Data, Inventory and Analysis upon which the Plan was based.

The nine Elements or areas of study that comprise the Comprehensive Plan update consist of:

1. FUTURE LAND USE
2. TRANSPORTATION ELEMENT
3. HOUSING ELEMENT
4. INFRASTRUCTURE ELEMENT
5. CONSERVATION ELEMENT
6. RECREATION AND OPEN SPACE ELEMENT
7. INTERGOVERNMENTAL COORDINATION ELEMENT

8. CAPITAL IMPROVEMENTS ELEMENT
9. PUBLIC SCHOOL FACILITIES ELEMENT

The comprehensive plan establishes a community's policies and priorities regarding future development while aiming to preserve the environmental features and community character of the area

The comprehensive plan serves as a blueprint for future commercial and residential land uses, housing, and conservation, as well as cultural and recreational amenities. An important component of the comprehensive plan is identifying the new infrastructure and growth demands needed to support the future physical and economic development of the community. Strategic investments made now in infrastructure, housing, recreational amenities, and education will create communities where families will want to live, where companies will want to do business, where jobs will be available, and where people will come to work and play.

II. Proposed Amendment

The following is the Comprehensive Plan process local governments must follow:

1. At least every seven years, pursuant to [Rule Chapter 73C-49, Florida Administrative Code](#), local governments determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated.

The City has not transmitted a Comprehensive Plan amendment since 2009 and has not complied with the requirement of Section 163.3191(4), Florida Statutes to submit the Evaluation and Appraisal Notification (EAR) letter, which was due on June 1, 2013. (See Attachment 1, 1-A, 1-B, 1-C)

As indicated in Attachment 1, the minutes from the City Commission Workshop of March 16, 2015, summarize the history of the Comprehensive Plan Evaluation and Appraisal Notification (EAR) with the State. The additional attachments (1-A, 1-B, 1-C) supplement the discussion findings.

2. Notify the state land planning agency by letter of this determination.

The City notified Florida Department of Economic Opportunity on May 1, 2018. DEO acknowledged receipt May 3, 2018 of the Evaluation and Appraisal Notification Letter. The acknowledgement indicated the Comprehensive Plan amendments should be transmitted to the DEO by May 3, 2019. (See Attachment 2, 2-A)

3. If the local government determines amendments to the comprehensive plan are necessary, the local government shall prepare and transmit the proposed amendments to the State Land Planning Agency within one year of such determination.

The City contracted with the consultant, Calvin Giordano & Associates, to prepare the Comprehensive Plan Update Amendment on March 7, 2018. (See Attachment 3)

4. Any local government failing to timely submit a notification letter or proposed amendments within one year of notification may not amend its comprehensive plan until it complies with the requirements.

The Florida Department of Economic Opportunity notified the City on May 14, 2019 of the failure to submit the Comprehensive Plan Evaluation and Appraisal Amendments by May 3, 2019. (See Attachment 4)

The City has scheduled the Transmittal to the State in October 2019. Please see the attached Time Line. (See Attachment 5)

- The evaluation and appraisal should address changes in state requirements since the last update of the comprehensive plan and update the plan based on changes to local conditions.

The City of Lauderhill Comprehensive Plan addresses all changes to State and County requirements since its last update in 2009

The Comprehensive Plan has been updated to comply with the State for the Evaluation and Appraisal Notification (EAR) since 2013 and Broward County Land Use Plans. . (See Attached Comprehensive Plan)

Evaluation and Appraisal Notification Schedule

Local Government Name	First Round Due Date	Second Round Due Date
Lauderhill	6/1/2013	6/1/2020

<http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/evaluation-and-appraisal-of-comprehensive-plans>

III. Data & Analysis

The Planning and Zoning Department has determined amendments to the comprehensive plan are necessary to reflect changes in state requirements and Broward County since 2013. Local governments are required to prepare and transmit within one-year plan amendments for review pursuant to s. [163.3184](#).

If a local government fails to provide an evaluation and appraisal report, under the statute, the penalty shall be the local government will not be allowed to amend its Comprehensive Plan.

The Evaluation Appraisal Report requires the local government to examine its ***entire*** Comprehensive Plan at least once every seven years to reflect the changes in State requirements since the last update of the Comprehensive Plan. The local government notifies the State Planning agency of its determination. The local government determines what amendments are necessary to comply with State and County requirements and transmits within one year such plan amendments for review by the State.

If a local government fails to submit an Evaluation and Appraisal Report letter or update its Comprehensive Plan it may not amend its Comprehensive Plan until such time as it complies with Section 163.3191, Evaluation and Appraisal of the Comprehensive Plan.

The potential redevelopment of several parcels that require Land Use Plan Amendments are currently under discussion with staff. These projects shall require Land Use Plan Amendments, which without State coordinated review and approval of the City's Comprehensive Plan; the developments Land Use Plan Amendments may not proceed further.

IV. Review By Others

The proposed amendment was reviewed by the Planning and Zoning Department and Administration.

V. Consistency

In accordance with Subsection 163.3191, Florida Statutes, the proposed Amendment is consistent with the State Comprehensive Plan provisions.

VI. Attachments

Attachment 1-March 16 2015 - City Commission Workshop Meeting Minutes
Attachment 1-A-DEO Letter of Notification- June 2013 Letter
Attachment 1-B-Lauderhill EAR Notification Acknowledgement Letter
Attachment 1-C-DEO Letter 2015-2nd Notification of Failure since 2013 Letter
Attachment 2-Lauderhill EAR Notification Acknowledgement Letter (003)
Attachment 2-A- Florida DEO-Eubanks Letter-Failure to Submit EAR
Attachment 3-Calvin, Giordano & Assoc. PO
Attachment 4-Florida DEO-Eubanks Letter-Failure to Submit EAR May 14, 2014
Attachment 5-Lauderhill EAR-Based Comp Plan Amendments July 2019 update

VII. Findings and Conclusions

The Department further concludes the proposed amendment is consistent with the State Comprehensive Plan, Chapter 163, Florida Statutes and the Broward County Land Use Plan. The Department finds the Local Planning Agency (LPA) public hearing on the proposed map amendment was duly advertised in the Sun-Sentinel, a newspaper of general circulation within Broward County. Consequently, the Department concludes the notice requirements for the LPA public hearing have been met.

VIII. Alternative Actions

The Board/LPA 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 the recommendation that the proposed Ordinance not be adopted.

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 the 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, identify any additional data and analysis needed to support the proposed Ordinance, and forward the record to the City Commission with the recommendation that the proposed Ordinance be tabled for up to six months in order to allow staff time to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

IX. Recommended Action

A. Planning and Zoning Department recommendation. The Planning and Zoning Department recommends the Planning and Zoning Board, acting as the Local Planning Agency, forward the proposed amendment to the City Commission, with a recommendation of approval.

B. Planning and Zoning Board recommendation. The proposed Ordinance is scheduled on the agenda for the regular August 2019 Board hearing, being held on August 29, 2019.

C. City Commission transmittal recommendation. Scheduled for September 12, 2019

D. Prepare Transmittal to State and Review Agencies of Preliminary Documents: October 2019

E. State Coordinated Review: November through January

F. City Commission adoption hearing. January 2020

G. State Coordinated Review-Final: February 2020 (no challenges are contemplated for the updated Comprehensive Plan)