



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 Scrap Metal Processing Plant Uses by amending Schedule H, Nonconforming Land Use Provisions to add section 1.16, Amortization Period For Scrap Metal Processing Plant 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 Scrap Metal Processing Plant Uses.

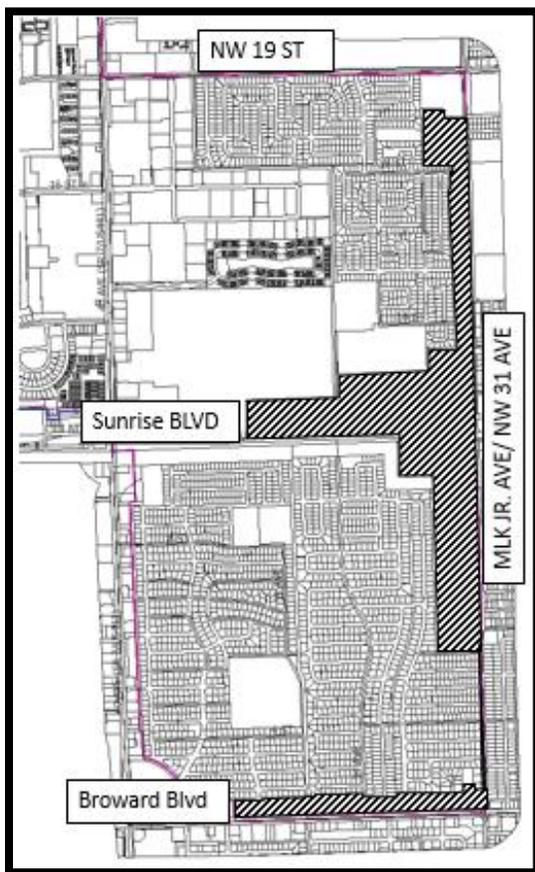
On March 26, 2018, the Lauderhill City Commission approved **Resolution 18R-03-47 (Exhibit B)**, initiating a Finding of Necessity Report to determine if expansion of the State Road 7 Community Redevelopment Agency ("CRA") was warranted to incorporate the NW 31 Avenue corridor, W Sunrise Blvd, and W 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 Necessity Report ("Report") finding several indications of blight within the Study area as defined by Section 163.355 F.S. Said findings concluded the need for the Expansion of the CRA along the subject Corridors. The Report identified the Junkyards

and scrapyards along 31st Ave as Dangerous Uses and Facilities housing quantities of environmentally dangerous materials. Said uses are currently abutting Single Family Neighborhoods and Elementary Schools. 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 opportunities to partake in identifying components that would be incorporated into the overall SE CRA Conceptual Plan 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 expansion would establish a well-balanced, mixed-use, commercial corridor that would coexist with the immediate abutting residential communities. Scrap Metal Processing Plants were not included in the desired uses

identified by the immediate abutting business owners and residences.

From May 2017 to August 2019, multiple violations were issued for an existing Scrap Metal Processing Plant located at 1157 NW 31st Ave. Said violations included Fires, Hot Work without permits, the operation of an illegal Shredder, and Debris Piles growing to dangerous heights. The use of the shredder caused dust/metal particles to become airborne within the confines of the abutting elementary school's playground and also caused disturbance to the abutting Fire Station. See **Exhibits F1 through F14** for associated violations from 2017 to 2019.

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 Junkyard uses. The Public voiced various concerns with the existing Scrap Metal Processing Plant located at 1157 NW 31st Ave. 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 Scrap Metal Processing Plant Uses within the City of Lauderhill and classifying them as a nonconforming uses within the Not Zoned Area of the City as well as prohibiting them Citywide.

On August 31, 2020, the Environmental and Consumer Protection Division of Broward County conducted a Hazardous Facility Inspection Report for the Property Located at 1157 NW 31st Ave. The report the facility DOES NOT MEET the requirements of Chapter 27 Articles X (Storage Tanks), XII (Hazardous Material), and XIII (Wellfield Protection) of the Broward County Natural Resource Protection Code and Florida Administrative Code 62-761 (Storage Tank Systems) as multiple hazardous chemicals/materials were not stored properly. The exposure of said hazardous chemicals/materials continues to put the public's health at risk and does not comply with Broward County's Environmental Standards. Refer to **Exhibit J** for a copy of Broward County's Report.

II. PROPOSED AMENDMENTS

Attachment K is a proposed Ordinance amending the Land Development Regulations' Schedule H by adding 1.16 Scrap Metal Processing Plant Uses to amortize Scrap Metal Processing Plant Uses within the proposed CRA Expansion Area encompassing NW 31st Avenue 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 Scrap Metal Processing Plant 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 proposed SE CRA Plan, with recommendation from the Public, recommends a commercial/ residential mixed use corridor with educational/ community facility uses with the addition of public park space.

The existing subject area is currently occupied by Scrap Metal Processing Plant Uses that directly abut single family residences and community facility uses.

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 Scrap Metal Processing Plant 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. Scrap Metal Processing Plant 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 Scrap Metal Processing Plant 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 2 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 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 2.20.2 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 2.13.2 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 2.13.1 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 2.1.13.1.b, "Additional or expanded standalone automobile oriented uses such as: large surface parking lots, gas stations/auto repair/car washes; auto dealers; self/equipment storage; "big box"/warehouse; single-family detached dwelling units; carwashes; and drive-through facilities are discouraged and should be prohibited by the local government, or limited unless designed in a manner that is consistent with the design concepts of the City's Charrette Plan to encourage pedestrian and transit usage. The intent of this policy is to ensure future development is consistent with the pedestrian and transit oriented urban design concepts of the Charrette. It is not intended to produce future development that is designed exactly as presented in the Charrette."
- SUBPOLICY 2.1.13.1.c "Provide for pedestrian connectivity among the various uses, including connectivity to adjacent residential development and transit stations and stops, through minimization of curb cuts, provision of planting strips and street trees, addition of sidewalks at least eight feet wide where appropriate, minimum building height to public space ratios of at least 1:6, creation of greenways and promenades, and other means as appropriate or recommended in the Charrette Plan.

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 the City has areas set aside for junkyard uses that are compatible with Scrap Metal Processing Plant uses within the Light Industrial zoning district by process of Special Exception. The Intent to allow these uses would be to preserve and protect all residential zoning districts within the vicinity.

- 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- Violation 1709167
Exhibit F2- FDEM
Exhibit F3- FDOEP
Exhibit F4- OER FIRE
Exhibit F5- Violation 1809167
Exhibit F6- Violation Shedder
Exhibit F7- Violation 86805
Exhibit F8-Violation 87573
Exhibit F9- Violation 88261
Exhibit F10- 9-26-19 School Letter
Exhibit F11- Violation 90994
Exhibit F12- Violation 90994
Exhibit F13- Violation 90994
Exhibit F14- Violation 93295
Exhibit G- Amortization Letter to Public
Exhibit H-Nov 18th City Commission Workshop Minutes
Exhibit I-ORD-200-02
Exhibit J-Broward County Inspection Report
Exhibit K-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 Scrap Metal Processing Plant 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 uses 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, Scrap Metal Processing Plant 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 6, 2020 Planning and Zoning Board regular meeting.
- C. City Commission action. First reading of the proposed Ordinance is tentatively scheduled October 26, 2020 and second reading on November 30, 2020.