

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
TUESDAY, APRIL 18, 2017 – 6:30 P.M.**

Cumulative

| Board Members | Attendance | June 2016-May 2017 | |
|----------------------------|-------------------|---------------------------|---------------|
| | | Present | Absent |
| Leo Hansen, Chair | P | 10 | 0 |
| Catherine Maus, Vice Chair | P | 9 | 1 |
| Theron Clark | A | 5 | 5 |
| Stephanie Desir-Jean | A | 7 | 3 |
| Howard Elfman | P | 10 | 0 |
| Steven Glassman | P | 10 | 0 |
| Rochelle Golub | A | 8 | 2 |
| Richard Heidelberger | P | 9 | 1 |

It was noted that a quorum was present at the meeting.

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Eric Engmann, Urban Design and Planning
Jim Hetzel, Urban Design and Planning
Florentina Hutt, Urban Design and Planning
Tyler LaForme, Urban Design and Planning
Randall Robinson, Urban Design and Planning
Mohammed Malik, Chief Zoning Examiner
Benjamin Restrepo, Transportation Planner, Department of Transportation and Mobility
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Hansen called the meeting to order at 6:33 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Mr. Glassman, seconded by Mr. Elfman, to approve.

Mr. Glassman noted a formatting error on p.3.

In a voice vote, the **motion** passed unanimously [as amended].

III. PUBLIC SIGN-IN / SWEARING-IN

At this time all individuals wishing to speak on Agenda Items were sworn in. Chair Hansen advised that individuals are allotted three minutes in which to speak, and representatives of community organizations are allotted five minutes.

IV. AGENDA ITEMS

Index

| <u>Case Number</u> | <u>Applicant</u> |
|--------------------|--|
| 1. PL16001** | FLL Property Ventures, LLC |
| 2. R17001** | RSJ 14 th Court Property Investments, LLC |
| 3. V17002** | BR ArchCo Flagler Village, LLC |
| 4. R16042 | Waterstone Holiday Inn, LLC |
| 5. Z17004* ** | Project Andrews, LLC |
| 6. T17001* | City of Fort Lauderdale |

Special Notes:

Local Planning Agency (LPA) items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

Chair Hansen noted that there has been a request for the deferral of Item 5.

Motion made by Mr. Elfman, seconded by Vice Chair Maus, to grant the request for deferral. In a voice vote, the **motion** passed unanimously.

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|--------------------------|--------------------------------|
| 1. CASE: | PL16011 |
| REQUEST:** | Plat Review |
| APPLICANT: | FLL Property Ventures, LLC |
| PROJECT NAME: | Brightline Parking Garage Plat |
| GENERAL LOCATION: | 155 NW 3 rd Avenue |

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| ABBREVIATED LEGAL DESCRIPTION: | A parcel of land lying within Block 10, Town of Fort Lauderdale, as recorded in Plat Book B, page 40, of the public records of Dade County, Florida, and being more particularly described as follows, said lands situate in the City of Fort Lauderdale, Broward County, Florida. |
| CURRENT ZONING: | Regional Activity Center – West Mixed Use (RAC-WMU) |
| CURRENT LAND USE: | Downtown Regional Activity Center (D-RAC) |
| COMMISSION DISTRICT: | 2 |
| CASE PLANNER: | Jim Hetzel |

Disclosures were made at this time.

Cathy Donn, representing the Applicant, explained that this request would plat a parcel of land for use by Brightline, which will be an express train service providing inter-city travel throughout the state of Florida. The proposed plat, which includes 576 parking spaces on seven floors, also provides two small retail spaces on the ground floor.

The Application would re-plat eight lots from the old Town of Fort Lauderdale-Dade County plat. The site plan for this project was approved in May 2016, at which time the developer moved to secure committed financing for the project. The lender requires that the development property for the garage be isolated by a plat in a way by which neither the garage property nor the adjacent property could present any future encumbrance to each other. The re-plat also affords the Applicant an opportunity to dedicate the right-of-way on a side street to the west and give two right-of-way corners at the intersections of 3rd and 4th Avenues.

The Applicant will dedicate two permanent sidewalk easements along the three adjacent local streets. No adverse effects are anticipated on the ongoing garage construction as it relates to the plat review process.

Jim Hetzel, representing Urban Design and Planning, stated that the Plat Review request proposes to plat 1.01 acre of land for the Brightline parking garage. The City approved the garage Site Plan in May 2016. The plat is restricted to 220,000 sq. ft. of a parking structure which is accessory to the passenger rail station, with 2000 sq. ft. of commercial use inside the garage.

The Application was reviewed by the Development Review Committee (DRC) in November 2016, and all comments have been addressed. Staff recommends approval of the Application.

There being no questions from the Board at this time, Chair Hansen opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

Motion made by Vice Chair Maus, seconded by Mr. Elfman, to approve with Staff conditions. In a roll call vote, the **motion** passed 5-0.

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| 2. CASE: | R17001 |
| REQUEST:** | Site Plan Level III Review: Conditional Use for Mixed Use Development in Community Business (CB) District, consisting of 9 Residential Flexibility Units and 2,350 Square Feet of Office space, and 26 Multi-Family Residential Units in Residential Multifamily Low Rise/Medium Density (RM-15) District with Allocation of 2 Residential Reserve Units. |
| APPLICANT: | RSJ 14 th Court Property Investments, LLC |
| PROJECT NAME: | Middle River Terrace Apartments |
| GENERAL LOCATION: | 1405 NE 7 th Avenue |
| ABBREVIATED LEGAL DESCRIPTION: | Parcel A of Bronwyn Batiste Plat, according to the Plat thereof as recorded in Plat Book 177, page 115, of the Public Records of Broward County, Florida |
| CURRENT ZONING: | Community Business (CB) and Residential Multifamily Low Rise/Medium Density (RM-15) |
| CURRENT LAND USE: | Commercial and Medium Residential 15 Dwelling Units/Acre |
| COMMISSION DISTRICT: | 2 |
| CASE PLANNER: | Jim Hetzel |

Disclosures were made at this time.

Jonathan Keith, representing the Applicant, stated that the subject property consists of 1.7 acre and currently has two zoning categories: the eastern portion is Community Business (CB), while the western two-thirds is zoned Multi-Family Residential/Medium Density (RM-15).

The project will consist of six mixed-use live/work units along Old Dixie Highway and 26 multi-family apartment units at the rear of the property. Mr. Keith noted that Old Dixie Highway is currently under construction by the Florida Department of Transportation (FDOT) and the City of Fort Lauderdale. The Applicant is working with these entities to coordinate the installation of the required streetscape along the CB-zoned area, and has provided 10 on-street parking spaces along E 14th Court at the request of the City.

The six live/work units will include two-car garages, which face inward on the property, as do the project's other parking areas. The request is for Site Plan Level III review, as well as approval of the Plat Note Amendment. The property is presently platted for 33 townhouse units. Broward County requires the Applicant to modify the plat note to allow the live/work and apartment units.

Mr. Keith showed renderings of the property and the live/work units, which were reviewed by both City Staff and the local civic association. The project abuts a City park

to the south, apartments to the west and southwest, and single-family homes to the north.

Mr. Heidelberger asked if the space between buildings might have included more green space if the Applicant were not required to provide on-street parking. Mr. Keith replied that the buildings meet minimum setback requirements along both Old Dixie Highway and NE 14th Court. He added that the Applicant is working with his own and the City's landscape architects to add more trees along NE 14th Court.

Mr. Glassman requested a clearer definition of what "live/work space" would entail, as well as how the project would coordinate with work on Old Dixie Highway. Mr. Keith advised that current plans for the Application reflect the design under construction on Old Dixie Highway: the Applicant has worked closely with FDOT, their consultants, and the City to coordinate the timing of construction, landscaping and sidewalk placement, and street lighting.

Mr. Keith continued that the project's first floor includes more than 500 sq. ft. of work element, such as work space, a two-car garage, and individual bathrooms, while living space is upstairs. He further clarified that CB zoning has a list of allowed uses within its zoning districts. The Applicant is presently focusing on uses such as office or light retail.

Mr. Hetzel of Urban Design and Planning stated that the request is for Site Plan Level II conditional use for a mixed-use development in the CB district, consisting of nine residential flex units and 2350 sq. ft. of office space in the RM-15 district, as well as the allocation of two residential flex reserve units.

The site contains split land use and split zoning, as the western portion's underlying land use is Residential and is zoned RM-15, while the eastern portion has a land use of Commercial and is zoned CB. The project has been reviewed by the DRC and comments have been addressed.

Mr. Hetzel referred the Board members to Table 1 of the Staff Report, which breaks down the flex and reserve allocations according to the underlying land use designations. Flex allocations must be specific to these land use designations. The Applicant has provided information on public participation and outreach, as well as sign notification requirements.

The Board is asked to approve conditional use for a mixed-use project in the CB zoning district. The Application also requests allocation of two reserve units in the RM-15 portion of the property and nine flex units to the CB portion of the property. Staff has attached the following condition:

- The Applicant shall coordinate with the Florida Department of Transportation in the City on the final design of the sidewalk along Dixie Highway to ensure that it meets ULDR standards for a 7 ft. clear pedestrian path, transitions safely from

adjacent properties, and includes a landscape buffer with street trees along the right-of-way. Design shall be finalized before final DRC approval is provided.

Chair Hansen asked if oak trees currently included in the site will be maintained in their locations. Mr. Keith replied that three of these trees will be relocated to other green areas within the site; however, because two of the trees are in poor condition, the Applicant is working with the City's arborist to determine whether or not they are worthy of relocation or must instead be replaced.

Chair Hansen requested additional information on comments made during the DRC process. Mr. Keith advised that primary comments were related to ground cover around the building, including equipment located within landscape islands in the parking facility, which would preclude the Applicant's ability to place trees there. The equipment has since been relocated and the Applicant has installed trees.

There being no other questions from the Board at this time, Chair Hansen opened the public hearing.

Laura Croscenco, board member of the Middle River Terrace Neighborhood Association, stated that the Applicant has been very helpful to the board members by providing them with information on the vision of the development. She characterized the surrounding neighborhood as blighted, and advised that the community has embraced the project.

Mr. Glassman asked if members of the neighborhood association expressed any concerns with the project during the Applicant's two public outreach meetings. Ms. Croscenco replied that the members were enthusiastic about the project, and that more than two meetings were held.

Tim Smith, founding president of the Middle River Terrace Neighborhood Association, confirmed that when the Association was founded in 1993, the neighborhood as a whole was blighted. At present, he felt only certain sections of the neighborhood, including the subject area, suffer from blight.

Mr. Smith continued that he is also president of the Central City Alliance, which voted in favor of the project. His only concern was the treatment of the Site Plan on the park side, as he felt the project should integrate with the Middle River Terrace Park rather than erecting a wall between the project and the park. He concluded that he hoped the Applicant would try to mitigate the loss of the property's oak trees if they cannot be relocated.

Abby Laughlin, private citizen, described the project as new and exciting to the neighborhood.

Michelle Dow, private citizen, stated that she and other residents of the surrounding neighborhood are not enthusiastic about the project. She pointed out that the empty field on which the project would be located has been regularly used by residents with animals. She also noted that the corner on which the project would be built is very busy, and the addition of more traffic would change the neighborhood.

Ms. Dow concluded that a group of residents have organized a petition in relation to the project, as they were unaware of any neighborhood meetings that have been held. She clarified that she has lived in the subject neighborhood for three months.

As there were no other individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

Vice Chair Maus requested that the Applicant address the concerns raised by Mr. Smith during the public hearing. Mr. Keith replied that the elevations facing NE 14th Court are the same elevations that will face the park. The Applicant has added articulation to the building's architecture and features facing the park. With respect to landscaping in that area, there is presently a great deal of overgrowth along the property line, particularly by invasive species that must be removed. This removal will open greater vistas between the elevations and the park.

Mr. Keith reiterated that the Applicant is working with both his own arborist and the City's Landscaping Department to determine whether or not the oak trees may be relocated. One possible option is relocation of the trees to the park.

Mr. Keith advised that a sidewalk runs from NE 14th Court through the subject site to connect to the park. This was requested by both City Staff and the Middle River Terrace Neighborhood Association in order to create another access point into the park.

Chair Hansen commented that the project's only weak aspect is its landscaping, and suggested that the Applicant consider purchasing large oaks to replace existing trees.

Motion made by Vice Chair Maus, seconded by Mr. Elfman, to approve with Staff conditions. In a roll call vote, the **motion** passed 5-0.

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| 3. CASE: | V17002 |
| REQUEST:** | Right-of-Way Vacation: Alley Vacation |
| APPLICANT: | BR ArchCo Flagler Village, LLC |
| PROJECT NAME: | ArchCo Metropolitan Right-of-Way Vacation |
| GENERAL LOCATION: | Alley east of Andrews Avenue, west of NE 1 st Avenue, south of Sistrunk Boulevard and north of NE 5 th Street. |

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|---------------------------------------|---|
| ABBREVIATED LEGAL DESCRIPTION: | A 15-foot alley within block 6, amended plat of blocks 1, 2, 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, 30, 31, 32 and 33 North Lauderdale, according to the plat thereof as recorded in Plat Book 1, page 182, of the Public Records of Dade County, Florida, said plat now situate, lying, and being in Broward County, Florida. |
| CURRENT ZONING: | Regional Activity Center – Urban Village (RAC-UV) |
| CURRENT LAND USE: | Downtown Regional Activity Center (D-RAC) |
| COMMISSION DISTRICT: | 2 |
| CASE PLANNER: | Randall Robinson |

Dis

closures were made at this time.

Robert Lochrie, representing the Applicant, explained that the request is for an alley vacation. Because all subject parcels belong to a single property owner, the alley is no longer needed to serve them. All utility companies have provided letters to the Applicant indicating that they have no objection to the vacation, provided that the Applicant replace the utilities where necessary. The Applicant has agreed to this replacement.

The vacation will allow for the development of a mixed-use project on the site. The proposed project is a six- and seven-story development with ground floor retail on Andrews Avenue, residential development on 1st Street, and residential above. The alley vacation allows the garage to be located in the center of the block, surrounded by residential units.

The project and alley vacation were presented to both the board and general membership of the Flagler Village Civic Association in January 2017. It received a letter of support from this association. The Applicant agrees to all Staff conditions. Mr. Lochrie confirmed that the letter of support was sent from the Civic Association to the City.

Mr. Glassman observed that the Staff conditions did not seem as specific or detailed as the letters provided by utility companies. Mr. Lochrie replied that the utilities' concerns are being addressed and the Applicant is meeting with Florida Power and Light (FPL) and Comcast on the relocation of power and cable lines that run through the middle of the property. There is also a sewer line in the alley which will be abandoned, as it will no longer be necessary. No changes are planned for the water line.

Randall Robinson, representing Urban Design and Planning, advised that the Application requests right-of-way vacation and Site Plan Level IV approval. He reviewed the criteria for right-of-way vacation, which are as follows:

- Right-of-way or other public space is no longer needed for public purposes
- Alternate routes, if needed, are available and do not cause adverse effects to the surrounding area(s)
- Closure of the right-of-way provides safe areas for vehicles to turn and exit
- Closure of the right-of-way shall not adversely affect pedestrian traffic

- All utilities located within the right-of-way or other public space have been or will be relocated pursuant to a relocation plan

There being no other questions from the Board at this time, Chair Hansen opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

Motion made by Vice Chair Maus, seconded by Mr. Glassman, to approve with Staff conditions. In a roll call vote, the **motion** passed 5-0.

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| 4. CASE: | R16042 |
| REQUEST: | Site Plan Level III Review: Parking Reduction for a 144-Room Hotel |
| APPLICANT: | Waterstone Holiday Inn, LLC |
| PROJECT NAME: | Holiday Inn Ft. Lauderdale |
| GENERAL LOCATION: | 2100 S Federal Highway |
| ABBREVIATED LEGAL DESCRIPTION: | Lots 12, 13, 17, 15 and 16, inclusive, in block 27, all in the Everglades Land Sales Co., first addition to Lauderdale, according to the plat thereof, recorded in plat book 2, page 15, of the public records of Dade County, Florida; said lands situate, lying and being in Broward County, Florida, less the west 25 feet of said lot 12 in block 27. |
| CURRENT ZONING: | Boulevard Business (B-1) |
| CURRENT LAND USE: | Commercial |
| COMMISSION DISTRICT: | 4 |
| CASE PLANNER: | Florentina Hutt |

Disclosures were made at this time.

Tracy Lautenschlager, representing the Applicant, stated that the subject parcel is 0.7 acres and is currently occupied by retail space. The request would develop this site as a Holiday Inn hotel with eight stories, 144 rooms, and a four-level parking garage on its east side.

Ms. Lautenschlager showed renderings of the proposed project, advising that the hotel would serve patrons of the seaport and airport in a convenient location. In addition to the 144 hotel rooms, the project will include typical accessory hotel uses, such as a ground floor lobby and buffet area. Active accessory uses will be adjacent to 21st Street and visible to the neighborhood in order to activate the pedestrian area. Parallel parking will be added on the street.

The project meets setback and buffer requirements, and its layout locates the hotel's height and active uses away from the residential area to the east. Vehicular access is efficient from both 21st Street and an alley to the south of the site, minimizing the impact on the neighborhood. Loading is enclosed within the building, and the garage is buffered with a green wall and other screening features requested by the Poinciana Park and Harbordale Civic Associations. Issues identified at these meetings have been addressed by the design team, and both associations were supportive of the project.

Ms. Lautenschlager showed renderings of the vehicular access points on the north and south sides of the building, adding that the hotel's second floor will include additional accessory uses, including meeting rooms and business centers.

Javier Font, architect for the Applicant, addressed the project's design aspects, including sensitivity to rights-of-way in order to provide an active façade. The main building of the project steps back from the rear property line in order to keep massing toward the front of the development.

Ms. Lautenschlager advised that the Applicant wishes to offer an alternative condition to the condition cited in the Staff Report. The property fronts onto US-1, which has 100 ft. of existing right-of-way; however, the Broward County Trafficways Plan requires 120 ft. of right-of-way, resulting in a request for an additional 10 ft. of right-of-way dedication. While the project complies with this requirement at ground level, its design at a height above 21 ft. extends slightly over the sidewalk. She asked that the Applicant be allowed to dedicate an additional 5 ft. rather than 10 ft., which would allow for this slight extension over the pedestrian area.

The alternative condition is stated as follows: "The Applicant shall obtain a partial waiver from the Broward County Planning Council to reduce the required Trafficways Plan dedication of right-of-way for US-1 from 10 ft. to 5 ft. In the event the waiver is denied, the Applicant shall amend the Site Plan to eliminate the building encroachment above 21 ft. through the Site Plan Amendment Review process as provided in the City's ULDR." Ms. Lautenschlager concluded that under the alternative condition, FDOT would become the right-of-way owner affected by the building encroachment above 21 ft.

Mr. Glassman commented that the numbers cited in the Applicant's parking study are based on comparison of the subject site with another project located in Hollywood, FL. He asked if the traffic pattern for that project could be equated with the traffic pattern anticipated on Federal Highway near the subject property. Richard Garcia, traffic engineer for the Applicant, advised that the Hollywood site was compared only for purposes of parking, and the traffic pattern was not considered. Mr. Garcia and Mr. Font confirmed that the study determined there are 109 parking spaces.

Chair Hansen asked how many trips the hotel could be expected to generate from the community, such as use of meeting rooms. Ms. Lautenschlager replied that this type of hotel is expected to be an attraction to the community in its subject location, which is

close to the seaport and airport. She added that this proximity increases the likelihood that visitors to the hotel would not have cars, although no data were available on the anticipated percentage of visitors without cars.

Mr. Glassman referred to the Applicant's outreach to neighborhood civic associations, noting that there was a suggestion that the alley not extend fully through the subject property due to the location of a large tree. Ms. Lautenschlager confirmed that the alley does not fully extend through the property, and the tree is being retained. She noted that while there is no letter of support from the civic associations, the Applicant has provided minutes taken at these meetings by the project's design team.

Florentina Hutt of Urban Design and Planning stated that the request is for 144 hotel rooms and 109 parking spaces. The proposed structure is eight stories, including a food preparation area, a media lounge, accessory retail at the ground floor level, and a pool deck with cabana on the fourth floor. A three-story parking garage is located at the rear of the property. The Applicant requests a parking reduction from 144 required spaces to 109 spaces.

The project was reviewed by the DRC in August 2016 and all comments have been addressed. It has been reviewed for adequacy and neighborhood compatibility requirements, and provides adequate transition to the residential neighborhood on its east side with screening of the parking garage. Vehicular ingress/egress is provided from SE 21st Street and an alley to the south of the subject property.

It was determined that the proposed 109 parking spaces would be sufficient to satisfy the project's parking demand. The proposed use demands a parking ratio of 0.647 spaces per hotel room, which means 109 spaces provide would a surplus of 15 spaces. Ms. Hutt concluded that the Applicant met with the Poinciana Park Civic Association in August 2016.

Staff recommends approval of the Application with the following condition:

- Applicant shall obtain a waiver from Broward County which requires the dedication of 10 ft. of additional right-of-way along the property line fronting onto Federal Highway. In the event the waiver is denied, the Applicant shall amend the Site Plan accordingly through the Site Plan Amendment process, as provided in the City's ULDR.

Chair Hansen asked if the Applicant has shown an alternate plan in case the 10 ft. waiver is denied. Ms. Hutt replied that the Applicant has recently submitted an alternative option if the waiver is not approved. If not approved, the building would be required to comply with setback regulations, which means the encroaching façade would require reconfiguration and possible constraint of the floor area.

There being no other questions from the Board at this time, Chair Hansen opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

Motion made by Vice Chair Maus, seconded by Mr. Elfman, to approve with Staff conditions.

It was clarified that the **motion** would approve the Application with the condition as listed in the Staff Report rather than the alternative condition proposed by the Applicant. Mr. Heidelberger pointed out, however, that if the Applicant's request for a waiver is not approved by Broward County, the entire Site Plan must be changed to prevent encroachment.

Assistant City Attorney D'Wayne Spence advised that Staff's recommendation states that the Applicant must amend the Site Plan through the required process if the waiver is not approved. Ms. Parker added that this means the Applicant could come back through an administrative review process.

Mr. Heidelberger reiterated that if the waiver is not granted, the change to the Site Plan would be significant. Ms. Lautenschlager stated that the Applicant has not begun any work on what would be required to pull the building back by 5 ft. above a height of 21 ft. She noted, however, that FDOT has indicated no interest in the 10 ft. dedication of right-of-way. She concluded that she felt Staff would ultimately reach the conclusion that a 5 ft. dedication is adequate.

Mr. Heidelberger stated that he would be willing to approve the Application as presented by the Applicant rather than as presented by the City. Ms. Parker clarified that the waiver must come from Broward County and cannot be approved by Staff. If Site Plan Amendments are ultimately necessary, they may be reviewed through the Site Plan Amendment process without further input from the Board.

In a roll call vote, the **motion** passed 5-0.

Chair Hansen clarified that should the Application be brought back for amendment, the Planning and Zoning Board was not in favor of any further parking reduction.

The following Items were taken out of order on the Agenda.

V. COMMUNICATION TO THE CITY COMMISSION

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Ms. Parker reported that the City Commission proposes a joint luncheon meeting with the Planning and Zoning Board on June 14, 2017 at 12 p.m. for a discussion of density policy. It was noted that Mr. Glassman and Mr. Heidelberger would not be able to attend this meeting, while Chair Hansen, Vice Chair Maus, and Mr. Elfman would be able to attend. Ms. Parker advised that Staff would report back to the Board with an update after communicating with the members who were not present at tonight's meeting.

Ms. Parker continued that there are currently 13 items on the May 2017 Planning and Zoning Board Agenda. She explained that because the Board has previously expressed concern with placing so many Items on a single Agenda, Staff may consider reaching out to some of the Applicants to determine if they would be willing to defer their Items, which include plat approvals, conditional uses, text Amendments, and Site Plan Level IV review. It was determined that the May 2017 Agenda would stand at this time, with the possibility of deferral if necessary.

6. CASE: T17001

REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR)

Adding Section 47-18.46, Medical Cannabis Dispensing Facilities and amending Section 47-6.11, Boulevard Business (B-1) District, Section 47-6.12, General Business (B-2) District, Section 47-6.13, Heavy Commercial/Light Industrial Business (B-3) District, and Section 47-20.2, Parking and Loading Requirements

This amendment creates regulations to address Medical Cannabis Dispensing Facilities within the City limits

APPLICANT: City of Fort Lauderdale

PROJECT NAME: Medical Cannabis Dispensing Facilities Ordinance

GENERAL LOCATION: City-Wide

CASE PLANNER: Eric Engmann

Eric Engmann, representing Urban Design and Planning, briefly reviewed the history of medical cannabis in the state of Florida. In 2014, a law was passed allowing for low-tetrahydrocannabinol (THC) medical cannabis. In 2015, the Florida Department of Health established the Office of Compassionate Use, which would regulate this use. In 2016, the State expanded its law allowing the use of medical cannabis in Florida, and Amendment 2, a state ballot initiative providing for this expansion, was passed. This expansion allows the Florida Department of Health to create rules and guidelines at the state level to deal with the issue of medical cannabis.

Mr. Engmann explained that some aspects of this use are not addressed in the proposed Ordinance because they are addressed at the state level and are therefore applicable to all Florida Counties and municipalities. These include penalties, security

and operational requirements, licensing of sale facilities, and others governed by the Office of Compassionate Use. The City may determine, by Ordinance, criteria for the number, location, and other permitting requirements that do not conflict with state law or Department rule for dispensing facilities within municipal boundaries.

There are four basic sections of the proposed Ordinance:

- Regulated uses
- Definitions
- Specific requirements
- Zoning requirements and review process

Mr. Engmann advised that there are three ways in which most places regulate this use:

- As a permitted use allowed by right, which would allow a dispensary anywhere a pharmacy is allowed, with very few regulations
- Allowed within specific zoning districts with some separation requirements
- Limited to a specific number within a municipality and within a specific location

The City of Fort Lauderdale has selected the model that would allow dispensaries within certain zoning districts, with separation requirements. They would be allowed within the B1, B2, and B3 zoning districts, which are typically on large corridors and include general commercial and light industrial uses.

The following separation requirements are proposed:

- Distance separations: one mile must separate all facilities
- Protected special uses: facilities must be 1000 ft. from schools, parks, day care or child care facilities, and libraries (including other city boundaries)

Hours of operation would follow the state model, which allows operations from 7 a.m. to 9 p.m. throughout the week. Medical use and delivery service are allowed, and more permissive displays would not be permitted. Facilities must address odor and air quality. Cultivation and other aspects would not be permitted unless allowed by Code.

Mr. Engmann provided a map of what this Ordinance would represent in actual terms, adding that there are up to 15 potential sites for these facilities if all regulations were observed. The Ordinance proposes that unit distances be measured from their physical location on a property, in a similar manner to the location of businesses that sell alcohol.

The review process proposes this Ordinance at Site Plan Level III review, which would provide a conditional use permit and require Planning and Zoning Board approval. This would also mean the process would require public participation meetings. Another requirement will be a certified survey to show that separation requirements are met.

The security plan duplicates the state's plan, including requirements for lighting, alarm systems, and cameras. The Fort Lauderdale Police Department has been a part of this process and would be able to review applications. Should two facilities seek to occupy

the same space, the entity that completes the conditional use permit first would secure the location.

Staff has held stakeholder and civic association meetings, which resulted in a general stakeholder consensus that fewer regulations than proposed would be sufficient. The Council of Fort Lauderdale offered mixed opinions on regulation. The Item will go before the City Commission at both May 2017 meetings.

Mr. Glassman requested additional information regarding the feedback on the one-mile separation requirement. Mr. Engmann replied that reactions were mixed between finding this requirement too restrictive and insufficiently restrictive.

Chair Hansen asked if any aspects of the Ordinance could be carried over to apply to general use as well as medical use if state law so allows in the future. Mr. Engmann stated that the Ordinance specifically addresses medical cannabis: if state law is amended to address general use, the Ordinance must also be addressed. He added that the Ordinance intends to prevent concentration of facilities within a single area so any one part of the City is not disproportionately affected and patients across the City have sufficient access.

Chair Hansen asked if such a change in state law would allow medical facilities to be grandfathered in the event that general facilities are approved. Attorney Spence advised that the City's zoning Code is permissive, which means only a list of permitted uses are allowed within Fort Lauderdale. Any uses not listed or not substantially similar to permitted uses are prohibited. The City is not required to provide for the dispensation of marijuana. Any laws in the future that may provide for recreational use or dispensation of recreational marijuana would require an additional Code Amendment, as these are not currently permitted uses.

There being no other questions from the Board at this time, Chair Hansen opened the public hearing.

Bruce Vanuman, private citizen, stated that he helped write similar ordinances related to medicinal cannabis for the city of Denver, Colorado. He addressed the Board's questions regarding potential future recreational use, explaining that in Colorado, a co-existing permit was allowed for recreational use and cohabitation within the same facilities.

Mr. Vanuman continued that the one-mile separation requirement for a high-density population is very geographically restrictive and may not be able to accommodate the number of individuals that proposed facilities might serve. He advocated for a half-mile separation requirement instead.

As there were no other individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

Chair Hansen asked if it would be possible, should multiple applicants request a variance from the one-mile separation requirement, to change the Ordinance accordingly. Mr. Engmann responded that the variance procedure allowed by Code would require applicants to go before the Board of Adjustment. All applications for dispensaries must come before the Planning and Zoning Board as part of Site Plan Level III approval. An appearance before the Board of Adjustment would be part of the approval process prior to an appearance before the Planning and Zoning Board.

Chair Hansen suggested that the Ordinance be modified to allow an applicant to come before the Planning and Zoning Board only for review. Attorney Spence clarified that at this time the Board's responsibility is to provide a recommendation to the City Commission, which could include a recommendation for a hybrid procedure, such as allowing a separation modification to become part of the Board's review process.

Mr. Engmann asked if the Board would like Staff to develop criteria for this hybrid procedure. Vice Chair Maus and Mr. Glassman confirmed that they would also be in favor of these criteria.

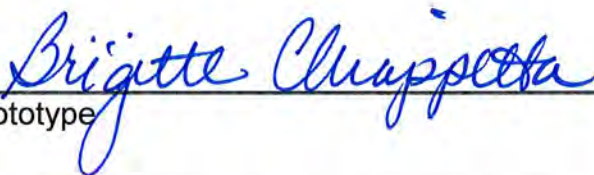
Motion made by Mr. Glassman, seconded by Vice Chair Maus, to approve [with] an additional subsection added to the review process to allow for a distance separation waiver, with criteria to allow for certain facilities, when meeting special criteria, to be approved with a reduced separation distance. In a roll call vote, the **motion** passed 5-0.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:31 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.



Chair



Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]