

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, JUNE 19, 2013 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2013-May 2014	
		Present	Absent
Patrick McTigue, Chair	P	1	0
Leo Hansen, Vice Chair	P	1	0
Brad Cohen	A	0	1
Stephanie Desir-Jean (arr. 6:35) (dep. 8:39)	P	1	0
Michael Ferber	P	1	0
James McCulla	P	1	0
Michelle Tuggle	P	1	0
Tom Welch (arr. 6:39)	P	1	0
Peter Witschen	P	1	0

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
Tom Lodge, Urban Design and Development
Yvonne Redding, Urban Design and Development
Randall Robinson, Urban Design and Development
Anthony Fajardo, Chief Zoning Administrator
Mohammed Malik, Chief Zoning Examiner
Jay Sajadi, Engineering Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

~~Motion made by Mr. Witschen, seconded by Vice Chair Hansen, that the Board would like to see improved dimensional requirements for B 1 zoning districts, as this district may be located adjacent to residential zoning districts. In a voice vote, the motion passed unanimously.~~

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	<u>Case Number</u>	<u>Applicant</u>
1.	47R13**	Premier Developers V, LLC / Galleria Landings
2.	1ZPUD08A1** *	Tiffany House LP / Tiffany House / The Escape Hotel
3.	8Z12** *	New Mount Olive Missionary Baptist Church, Inc.

4. ~~9Z12** *~~ ~~New Mount Olive Missionary Baptist Church, Inc.~~
5. ~~10Z12** *~~ ~~New Mount Olive Missionary Baptist Church, Inc.~~
6. ~~11Z12** *~~ ~~New Mount Olive Missionary Baptist Church, Inc.~~
7. ~~2P13**~~ ~~New Mount Olive Missionary Baptist Church, Inc.~~
8. ~~3P13**~~ ~~New Mount Olive Missionary Baptist Church, Inc.~~
9. ~~65R12**~~ ~~New Mount Olive Missionary Baptist Church, Inc.~~
10. ~~45R13**~~ ~~69th Street Properties LP / Aldi~~
11. ~~28R13**~~ ~~AZDD, LLC / Aquarium~~
12. ~~9P13**~~ ~~Lofts at Tarpon River LLC / Pinnacle at Tarpon River~~
~~Plat~~
13. 7T13* City of Fort Lauderdale
14. ~~Election of Chair and Vice Chair~~
15. ~~Communication to the City Commission~~
16. ~~For the Good of the City~~

~~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 McTigue called the meeting to order at 6:30 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present. Attorney Spence explained the quasi-judicial process used by the Board.~~

~~Chair McTigue stated that Applicants and their agents are allowed 15 minutes of presentation time for an Item; representatives of associations and groups are allowed five minutes, and individuals are allowed three minutes.~~

~~Ms. Desir Jean arrived at 6:35 p.m.~~

~~**Motion** made by Mr. McCulla, seconded by Vice Chair Hansen, to approve the minutes of the May 14, 2013 special meeting. In a voice vote, the **motion** passed unanimously.~~

~~**Motion** made by Ms. Tuggle, seconded by Mr. Witschen, to approve the minutes of the May 15, 2013 meeting. In a voice vote, the **motion** passed unanimously.~~

~~Chair McTigue advised that the Applicant of Items 3, 4, 5, 6, 7, 8, and 9 had requested that these Items be deferred until the July 19, 2013 meeting.~~

~~Legal Description: Parcel B of Pat's Plat, Plat Book 54 Page 5~~
~~General Location: Northeast corner SE 9 Street and SE 2nd Avenue~~
~~District: 4~~

~~Disclosures were made, and any members of the public wishing to speak on this item were sworn in.~~

~~Keith Poliakoff, representing the Applicant, stated that the project was previously approved by both the City and County Commissions; however, due to a recording error, Broward County asked that this portion of the development be brought back to be recorded on its own plat linen in order to prevent confusion with a different development on a nearby parcel.~~

~~Mr. Robinson confirmed that the item before the Board was plat approval.~~

~~There being no questions from the Board at this time, Chair McTigue opened the public hearing. As there were no members of the public wishing to speak on this item, Chair McTigue closed the public hearing and brought the discussion back to the Board.~~

~~Motion made by Ms. Tuggle, seconded by Mr. McCulla, to approve [the item] as presented. In a roll call vote, the motion passed 7-0.~~

13. City of Fort Lauderdale

Anthony Fajardo

7T13

Request: * Amendment to City's Unified Land Development Regulations (ULDR) revising Section 47-18.31, Social Service Facility to provide for levels of facilities based on number of clients and types of services offered and to include separation criteria based on the level of facility proposed.

General Location: Citywide
District: All Districts

Anthony Fajardo, Chief Zoning Administrator, explained that this request is a proposed amendment to ULDR Section 47-18.3.1, Social Service Facility. He noted an error on p.1 of Exhibit 1 of the draft amendment: the first of the two paragraphs reflects the amendment's correct verbiage, while the second paragraph, which began with "A facility providing personal services..." and

ending with "...intensity of care provided," was inadvertently included and should be stricken from the documentation.

The proposed Ordinance would provide for additional material regarding Social Service Facilities, which Mr. Fajardo distinguished from Social Service Residential Facilities. No changes are proposed to the section of Code regarding Social Service Residential Facilities at this time.

The draft amendment would include revised language in the existing Social Service Facility section of Code, adding criteria that divide services that provide food, hygiene, day shelter, and counseling for substance abuse or mental illness into three levels. Level 1 would include Social Service Facilities that may have any number of clients but provide only food, day shelter, and hygiene. Level 2 would include Social Service Facilities with up to eight clients and no more than two staff members, and provide substance abuse or mental illness counseling. Level 3 would include Social Service Facilities that provide the same services listed under Level 2, but allow more than eight clients and two staff members.

Mr. Fajardo explained that the proposed separation criteria would mean a Level 1 facility can exist anywhere Social Service Facilities are presently allowed to exist, as long as they meet the conditional use criteria of the Code in the zoning districts that permit them. Level 2 facilities must be 500 ft. from any other Social Service Facility, and Level 3 facilities must be 500 ft. from any other Social Service Facility, houses of worship, or schools.

Mr. McCulla commented that 500 ft. did not seem to be a significant distance at which to place Social Service Facility uses. Mr. Fajardo explained that the criteria were developed after looking into the regulations used in other municipalities. Staff had noted a good deal of discussion on how these uses should be regulated, but found no evidence of such regulation. The intent is to preserve the existing character of the neighborhoods in which these uses are permitted, and to prevent an overabundance of such uses in a given area.

Mr. McCulla observed that there are not likely to be parks or schools located in areas zoned for business or industrial development. Mr. Fajardo replied that some of these districts abut Community Facility (CF) districts, which may include houses of worship or schools; there can also be a mixture of zoning in certain areas. He noted that it is also possible for a property to be rezoned.

Mr. McCulla asked to know the length of a typical city block. Mr. Fajardo estimated that this is 500 to 600 ft. It was noted that an average city block could be considered as short as 311 ft.

Mr. Witschen said he shared Mr. McCulla's concern with the distance of 500 to 600 ft., and felt this distance could be broadened.

Mr. McCulla asked if drug rehabilitation was considered to be one of the types of services provided by a Social Service Facility. Mr. Fajardo confirmed this, clarifying that such a facility would not be allowed to provide overnight care.

He clarified that at present, Social Service Facilities are only allowed within Light Industrial, B-3, CF, and Regional Activity Center (RAC) zoning districts, with exceptions for the Beach RAC and South RAC. This meant an applicant wishing to place a Social Service Facility in one of these areas would have to apply for rezoning, and would be required to appear before the Board to seek conditional use approval. He advised that the impact of applications of this nature would need to be examined on a case-by-case basis to determine their impact on surrounding neighborhoods.

He added that changes are also planned to the definition of Social Service Facilities: while at one time, these facilities may or may not have included counseling and education services, the proposed changes would broaden the definition so these and other uses are captured along with food, hygiene, and day shelter. The proposed Ordinance would also remove the requirement that only philanthropic or similar organizations may provide these facilities, as there is now recognition that private facilities also provide this function.

Mr. Witschen stated that unless Attorney Spence felt it would be inadvisable, he would prefer to extend the proposed distance to 1000 ft. rather than 500 ft.

Attorney Spence observed that the Board's concerns suggested that a distance of 500 ft. was not sufficient to prevent the close proximity of these uses or a "spillover effect" of their clientele from affecting neighboring facilities. He noted that the Board may wish to discuss this issue in terms of a number of city blocks rather than a distance measured in feet.

Mr. Witschen stated that he felt at least two city blocks' distance should be required. Mr. McCulla said he was especially concerned with the facilities' proximity to schools and parks, and suggested that 2000 ft. should be a minimum distance.

Vice Chair Hansen observed that some churches may participate in the establishment of shelters or service facilities. He asked to know the required distance of bars from a school. Mr. Fajardo said this distance is 500 ft. Ms. Tuggle asked what distance an individual considered to be a predator must remain from a school. It was confirmed that this distance is 1000 ft. in the state of Florida, while City Code extends the required distance to 1400 ft.

He continued that the goal of the proposed Ordinance was not intended to create a situation in which churches are not allowed to provide services of this nature;

however, the intent was for a church to be categorized first and foremost as a church and not a Social Service Facility. He noted that churches would still be able to host Alcoholics Anonymous meetings and similar meetings or events. Vice Chair Hansen proposed that this be included in the Ordinance's language, so a church that allowed meetings on its property would not be affected by the amendment.

Mr. Fajardo noted that houses of worship are defined as part of Code, and this would be seen as their primary function. He added that if the Board did not feel the proposed distance is appropriate, Staff could bring revised language before them at a later date.

Chair McTigue suggested that a distinction be made between houses of worship and schools or parks, creating a greater distance between Social Service Facilities and the latter two uses. Mr. Fajardo said Staff could draft this language after conferring with the City's Legal Department to ensure the legality of the proposal.

Motion made by Mr. McCulla for the proposed legislation with the amendment that the 500 ft. become 1500 ft. from schools and parks.

Attorney Spence requested clarification of whether or not churches that provide social services would be exempt from the distance requirement, or that Social Service Facility uses did not affect churches in the same way that they might affect schools. Mr. McCulla stated that he was less concerned with the proximity between churches and Social Service Facilities, as churches are more "adult-oriented" than schools or parks and may also be involved in assisting individuals being counseled. He concluded that he would limit the distance requirement for Level 3 Social Service Facilities to schools and parks only.

Vice Chair Hansen **seconded** Mr. McCulla's **motion**.

Mr. Fajardo said Staff would proceed with this recommendation if it was the Board's wish. He pointed out that the requested change would need to be reviewed by the City's Legal Department; if Staff identifies no issues with the Board's recommendation, it will proceed. However, if there are concerns, they will be raised with the City Commission, and may or may not be brought back before the Board at a subsequent meeting.

Mr. McCulla suggested that the **motion** could be deferred until Staff has had sufficient time to review its proposed changes with the Legal Department.

Mr. McCulla **withdrew** his **motion**.

Motion made by Mr. McCulla, seconded by Vice Chair Hansen, to defer [this Item] and have the Staff reconsider [it] at 1500 ft. from parks and schools, expressly so [they] can be unified when [the Item] goes to the City Commission. In a voice vote, the **motion** passed unanimously.

Ms. Parker suggested that if Staff did not become aware of any issues with this change, it might not have to come back before the Board. Mr. Fajardo advised that bringing the Item back before the Board would be dependent upon the motion. Mr. McCulla asserted that if the Board and Staff were aligned in their recommendation to the City Commission, the result would be "better politics."

Attorney Spence advised that the chief concern facing Staff may be the legality of increased distance requirements, as they must provide studies to support legal distances. While the Board has expressed valid reasons for the proposed increase in distance, Staff must strengthen these reasons and determine whether or not there are any legal challenges to them.

Motion made by Mr. McCulla that [the distance] be amended to be 1500 ft. from parks and schools, scratch out house of worship, and [Staff] proceed[s] to the City Commission, unless [they] find some legal reason that [they] can't, then [they] have to come back.

Molly Hughes, private citizen, advised that if her neighbors and fellow neighborhood association members were present at tonight's meeting, they would be likely to be comfortable with whatever resolution the Board arrives at on this issue. She explained that her immediate reaction to the proposed amendment was that her neighbors would feel "500 ft. is not enough."

Ms. Hughes explained that she wished to applaud addressing this issue through the amendment, as it would provide better regulation of the location of social services. She advised that while she was not aware of any neighbors who opposed social services in the Sailboat Bend neighborhood, they are concerned that there is a disproportionate distribution of social services within the City, and a desire for "equal sharing of the burden." She concluded that there is a large number of social services within her neighborhood, and she wished to encourage the City to study the issue further and add regulations that would result in the support of these services being more evenly distributed throughout the City's various neighborhoods.

Mr. McCulla **restated** his **motion** as follows: move the Item as written, with the following amendment: that the distance for Level 3 [Social] Service Facilities as described [in the amendment] be increased to be 1500 ft. from schools and parks only, subject to Staff's verification that there are no legal or other Ordinance conflicts that might prohibit that distance; and if so, then they have to bring it back with a[n] alternate recommendation.

Vice Chair Hansen **seconded** Mr. McCulla's restated **motion**. In a roll call vote, the **motion** passed 7-0.

~~14. Election of Chair and Vice Chair~~

~~**Motion** made by Mr. Welch, seconded by Mr. Ferber, to nominate Mr. McTigue as Chair and Mr. Hansen as Vice Chair. In a voice vote, the **motion** passed unanimously.~~

~~15. Communications to the City Commission~~


~~**Motion** made by Mr. Witschen, seconded by Vice Chair Hansen, to have some better criteria for B 1 zoning, as it is going to come up against residential zoning and [he did not] know that [there are] the review criteria there today. In a voice vote, the **motion** passed unanimously.~~

~~Ms. Parker requested clarification of the **motion**, asking if the criteria to which Mr. Witschen had referred meant "B-1 in general or B-1 in respect to mixed use proposed development in B-1." It was clarified that the criteria referred to the dimensional requirements in B-1 zoning districts.~~

~~16. For the Good of the City~~

None.


Chair


Prototype

There being no further business to come before the Board at this time, the meeting was adjourned at 10:07 p.m.

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