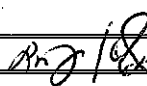


**REQUEST:** Amendment to the City's Unified Land Development Regulations ("ULDR"); Proposed revision to Section 47-6, Business Zoning Districts.

<b>Case Numbers</b>	6T13
<b>Applicant</b>	City of Fort Lauderdale
<b>General Location</b>	NW 6 <sup>th</sup> Street (Sistrunk Boulevard) corridor from the Florida East Coast Railway to the east to NW 24 <sup>th</sup> Avenue to the west & NW 7 <sup>th</sup> Avenue from NW 6 <sup>th</sup> Street (Sistrunk Boulevard) to the north and NW 2 <sup>nd</sup> Street to the south
<b>Applicable ULDR Sections</b>	47-6 Business Zoning Districts
<b>Notification Requirements</b>	Sign Notice 15 days prior to meeting, Newspaper notice 10 days prior to meeting date / Mail notice
<b>Action Required</b>	Recommend Approval or Approval with Conditions or Denial of the proposal to the City Commission.
<b>Project Planner</b>	Linda Mia Franco, AICP, Planner III 

**PROJECT DESCRIPTION:**

At the April 17, 2013, Planning and Zoning Board ("PZB") meeting, staff recommended amendments to the City's Unified Land Development Regulations ("ULDR") to address liquor and convenience store uses within the Northwest Regional Activity Center ("NWRAC") land use. These amendments included a recommendation to prohibit new permit applications for liquor and convenience stores. In addition, staff recommended an amortization period designed to eliminate the existing liquor and convenience store uses over a specified period of time. At the end of the amortization period the property owner would be required to transition to a permitted use.

The PZB raised concerns with the recommended amortization period and voted to defer the item to the May 15, 2013, meeting to allow staff the necessary time to adequately address the concerns and questions raised. However, the PZB stated they were generally in support of the amendment to prohibit new liquor and convenience store permits. As a result, at this time staff has modified the request to recommend an amendment to the ULDR that would only limit new liquor and convenience store uses.

Staff believes that additional research and analysis is necessary regarding any proposed amortization period and is not recommending moving forward with amortization at this time. However, it should be noted that staff intends on returning to the PZB with additional recommendations to address the existing uses within the study area.

**BACKGROUND:**

The 2006 Sistrunk Boulevard Urban Design Improvement Plan (2006 plan) and the 2008 Northwest/Progresso /Flagler Heights Implementation Plan (2008 plan) were developed to help implement a vision for a lively urban area with walkable streets through the creation of guidelines that would enhance the pedestrian realm and give clear intent for active street level commercial uses mixed with residential uses within the study area, which is consistent with the boundaries of the Northwest Progresso Flagler Heights Community Redevelopment Area (NPF-CRA). A map of the NPF-CRA boundaries is attached as **Exhibit 1**.

As part of the implementation process the City has already taken action to address some of the issues of concern in the area. The NPF-CRA currently includes several economic incentive programs intended to foster improvements within the study area, which have been taken advantage of by certain property owners to date. The Fort Lauderdale Housing Authority has also recently completed several projects in the general area and is planning additional housing projects in the coming months. In addition, a moratorium imposed by the City Commission on acceptance of new liquor and convenience store applications has been in effect since December 4, 2012 in order to evaluate the impacts of these uses and existing conditions relating to crime, and to recommend zoning amendments to facilitate investment and redevelopment in the area.

The purpose of the moratorium is based on several factors, many of which are outlined further below. Residents and business owners have expressed their concerns regarding the proliferation of liquor outlets, which have been shown to contribute to the decrease in the value of property in the NPF-CRA area and there is public concern that the proliferation of these uses within the NPF-CRA has impeded progress in redevelopment.

On February 19, 2013, the City Commission extended the Liquor and Convenience Store moratorium for the NPF-CRA to June 2, 2013, in order to meet established Commission Annual Action Plan ("CAAP") milestones and implement a comprehensive ordinance to address community concerns, encourage economic development, and enhance place making in the area.

### **STAFF FINDINGS:**

The decision by the Fort Lauderdale City Commission to put a moratorium in place, in the NPF CRA was based on evidence gathered from a variety of sources, including past studies of the area such as the Marjorie Davis Charrette (1990), the FAU/FIU Joint Study on NW Fort Lauderdale (1991), the NPF CRA Implementation Plan (2008); and other data such as market demographic information, crime statistics and academic reports and studies that identified the impact of alcohol outlets on crime, access to healthy food, and economic development practices in other communities.

Staff is recommending the zoning amendments to address the issues of concern and helps facilitate positive redevelopment activities within the Northwest-Progresso-Flagler Heights community redevelopment area based not only on local crime statistical data, but also on various studies and academic research on the location of liquor and convenient stores in similar urban areas. Residents, property and business owners of the northwest Fort Lauderdale community have expressed concerns about these issues over a number of years and there is evidence and other statistics to support these concerns. In general, the oversupply of alcohol outlets in urban areas such as the NPF CRA has had a negative impact on the quality of life in the community.

To further reinforce the concerns of the community, information obtained during a consultant's market study report in 2008 for NPF CRA area stated that there is an oversupply of liquor stores and convenience stores within the redevelopment district. Other communities around the United States similar to northwest Fort Lauderdale have been the focus of various similar studies and reports. Research generally supports that neighborhoods where liquor and convenient stores are concentrated, more incidences of violence and other alcohol-related problems are displayed, indicating a strong correlation. This correlation has been studied by organizations such as the Prevention Research Center (PRC) and PolicyLink where studies conducted have demonstrated that a strong connection between alcohol and violence exists, and that this connection is associated to the density and location of the number of locations that sell alcohol.

The findings of the PRC and PolicyLink are supported by the crime statistics gathered for the NPF CRA area, which highlight the number of crimes reported in liquor and convenient store locations in the area. Furthermore, PolicyLink published a report in 2010 that highlighted a finding that the predominance of convenience, corner and liquor stores has shown that low-income zip codes that have 30 percent more convenience stores, tend to lack healthy dietary items, more so than middle-income zip codes nationally. The over-abundance of liquor and convenient stores has also been linked to the lack of access to healthy food choices.

In late March 2013, the City and NPF CRA staff held a series of meetings with property owners, business owners and members of the community regarding a comprehensive approach to rezoning for the area. As a result of the public meetings, many of the concepts proposed have been well received by the public who attended the meetings, however staff believes additional meetings will be beneficial to continue dialogue regarding the following main issues: permitted development height and parking requirements. The community has been generally very supportive of eliminating convenience stores and liquor stores as permitted uses from the zoning code for the corridor, and to limit the impact of these uses by adopting regulations that will aid in crime prevention, removing blight and improving the overall quality of life in the Northwest-Progresso-Flagler Village area.

The following comparative statistical profile illustrates the demographic difference when comparing the NPF CRA with the larger area of the City of Fort Lauderdale:

Northwest Progresso CRA & City of Fort Lauderdale  
Demographic Statistics

Category	NPF CRA	City of Fort Lauderdale
Population (2010 Est.)	18,672	165,521
Population (2000 Census)	15,227	150,239
Households (2010 Est.)	6,652	74,786
Households (2000 Census)	5,263	66,440
Housing Units	7,899	93,159
Household Size	2.72	2.17
Median Age	30.78	42.2
Attended College (aged 25+)	26.25%	25.7%
Employed Over 16 Years of Age	52.82%	84.6%
Unemployment Rate	10.08%	9.3%
Average Commute (minutes)	29.91	25.3
Median Value of Housing	\$139,236	\$178,000
Median Household Income	\$23,641	\$43,320
Owner Occupied Units	15.53%	58.4%
Families Below Poverty Rate	39.49%	18.2%
Black	78%	30.4%
White Non-Hispanic	12.9%	53%
Hispanic	9.5%	13.7%
Other	2.3%	1.7%

Source: Claritas, Inc., 2011. All numbers are 2010 estimates unless otherwise noted.

### Impacts on Economic Development and Redevelopment

Concentrations of liquor stores in a neighborhood can constrain economic opportunities for current and new businesses, creating both the symptom and accelerator of economic decline. The term "liquor lining" is sometimes used to describe high densities of liquor stores in low income and/or minority communities relative to surrounding areas. It has been shown in other low-income neighborhoods where decline has occurred neighborhood services such as grocery stores, and other retail outlets tend to move out of the community, but often time liquor stores remain when it is a lucrative option for retailers.

The presence of liquor and convenient stores can impede community redevelopment plans. It is difficult to encourage private capital investment by existing owners or new businesses, and it is equally hard to obtain funding commitments in areas that are characterized as having "alcohol blight". A disproportionate number of liquor and convenience stores can also contribute to economic stagnation of a neighborhood economy by fostering the perception that an area is beyond salvaging. These negative perceptions hurt neighborhoods, which are looking for reinvestment. Research conducted on how businesses make site location decisions indicates that there are concerns about the social infrastructure and quality of neighborhood amenities that exist in such communities.

Various economic development issues arise when an oversupply of alcohol outlets exists, as they tend to hinder the ability of commercial landlords to attract higher quality tenants. Typically retailers look to be in close proximity to stores that generate spin-off traffic and business, and alcohol outlets typically do not generate additional business for other stores. If this happens the neighborhood loses a portion of the healthy retail activity that works collectively with government services and chamber of commerce type activities to effectively promote economic success in that area.

### Lack of Access to Healthy Food Sources

History indicates that throughout the United States, the decline of similar urban neighborhoods escalated after World War II with new government programs and policies, which focused on urban renewal and suburbanization. To make way for federal highway construction and government-initiated development projects and renew blighted areas, properties and businesses were often seized by eminent domain, large parts of neighborhoods were demolished and many residents and businesses were uprooted. Grocers were among the businesses that were pushed out or left inner cities in the 1960s and 1970s— which also impacted local jobs, tax revenues, and healthy food offerings. As a result, many small independent grocers and corner stores also closed down. To stay viable, many remaining stores charged

higher prices and/or focused on higher-margin sales of processed foods and beverages, along with alcohol and cigarettes.

A 2009 study by the United States Department of Agriculture ("USDA") found that 23.5 million people lack access to a supermarket within a mile of their home. That same study also found that low-income census tracts had half as many supermarkets as wealthier tracts. Nationwide analysis by the USDA found there are 418 rural "food desert" counties where all residents live more than 10 miles from a supermarket or supercenter—20 percent of rural counties. Another study by PolicyLink also found that people who have access to supermarkets and grocery stores have the lowest rates of obesity and those without access have the highest rates.

It has also been found that low-income zip codes have 25 percent fewer chain supermarkets and 1.3 times as many convenience stores compared to middle-income zip codes. There are also other direct and indirect economic benefits from fresh food retailers on a community. Some of these spin-offs include increased more jobs, local tax revenues, local spending, and revitalized housing markets.

### **Impacts on Crime and Violence**

The research that has been done so far cannot pinpoint exactly why having more alcohol outlets in a small area seems to result in more violence. However various explanations have been researched and proposed over time. One is that alcohol outlets can be a source of social disorder. For example, a liquor store parking lot full of people drinking in their cars or on the curb and broken bottles littering the area outside a bar may send a message that this is a neighborhood in which normal rules about orderly behavior are not enforced. Another possible explanation is that a neighborhood with a large number of outlets acts as a magnet for people who are more inclined to be violent or vulnerable to assault.

Crime may be triggered by the presence of alcohol outlets as they have been shown to serve as congregation places for motivated offenders, area of increased human traffic and therefore the number of suitable targets, and possibly also correlate to the number of empty houses in the vicinity. In the absence of a guardian, an opportunity for crime is created. Based on situational crime prevention theory (Clarke, 1997) patterns in criminal activity are not solely determined by where criminals live, but also where opportunities for crime concentrate.

It has been documented that acts of violence committed by youth are more common in minority neighborhoods where there are many outlets that sell alcohol for consumption off the premises, such as liquor and convenience stores as underage drinkers are more likely to purchase alcohol in a store than in a bar or restaurant. A larger number of alcohol outlets and a higher rate of violence might be expected in poorer neighborhoods or in neighborhoods with a larger population of young people. Research comparing the correlation has shown that even when levels of poverty, age and ethnic background of residents are taken into account, a high density of outlets is strongly related to violence regardless of a neighborhood's economic, ethnic or age status.

The impact of the high density of liquor stores in a certain area has also contributed to a variety of health and safety problems. Studies have shown that neighborhoods with higher concentrations of liquor stores also have higher rates of alcohol-related hospitalizations, drunk-driving accidents, and pedestrian-related injuries. The over-concentration of liquor stores and convenient stores increases the perceived lack of safety and may limit walkability creating a lack of engagement and sense of place within the community.

### **Summary**

Staff has analyzed the negative impacts the liquor and convenience store uses are having on the area and has determined that, while the moratorium was established for the entire NPF-CRA, the negative impacts of these uses generally occurs west of the Florida East Coast railroad within the NWRAC land use. It should be noted that the NWRAC lies entirely within the NPF-CRA. The NWRAC boundary map is attached as **Exhibit 2**.

To address the pending expiration of the above-mentioned moratorium as well as the negative impacts the uses are having on the area, staff is recommending prohibiting new liquor store and convenience store permit applications within the entire NWRAC land use. This is based upon crime statistics that verify these uses are negatively impacting the area and limiting the potential for redevelopment to occur. The crime statistics map is attached as **Exhibit 3**.

The draft recommended ULDR amendments are provided as **Exhibit 4**.

**COMPREHENSIVE PLAN CONSISTENCY:**

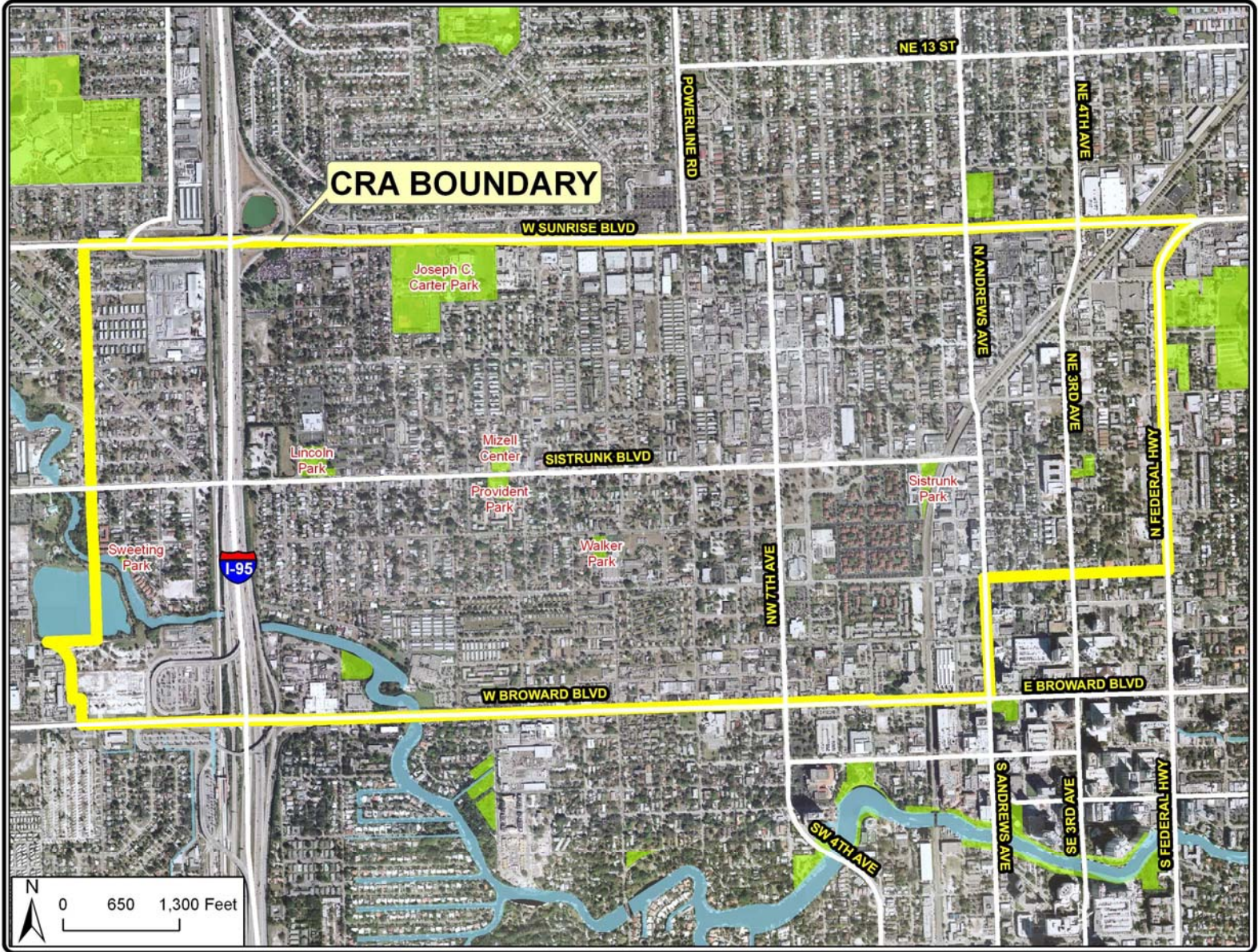
The proposed amendment is consistent with the City's Comprehensive Plan in that it will help promote revitalization objectives in the NWRAC land use category by prohibiting uses, which have been identified to have negative impacts on the area.

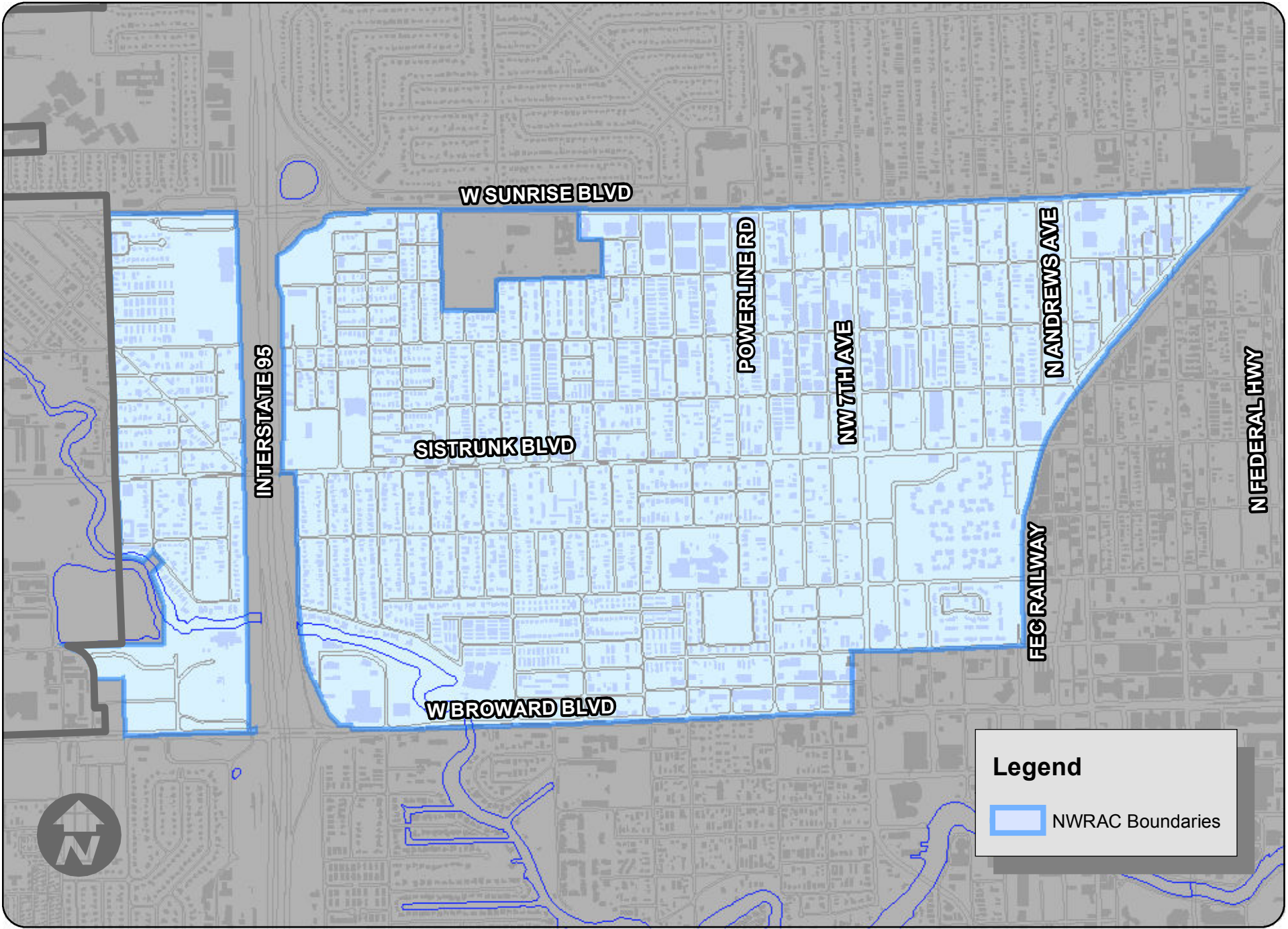
**PLANNING & ZONING BOARD REVIEW OPTIONS:**

The Planning and Zoning Board acting as the Local Planning Agency shall determine whether the proposed change is consistent with the City of Fort Lauderdale's Comprehensive Plan and whether the Planning and Zoning Board recommends approval of the proposed amendments to the City Commission.


**EXHIBITS:**

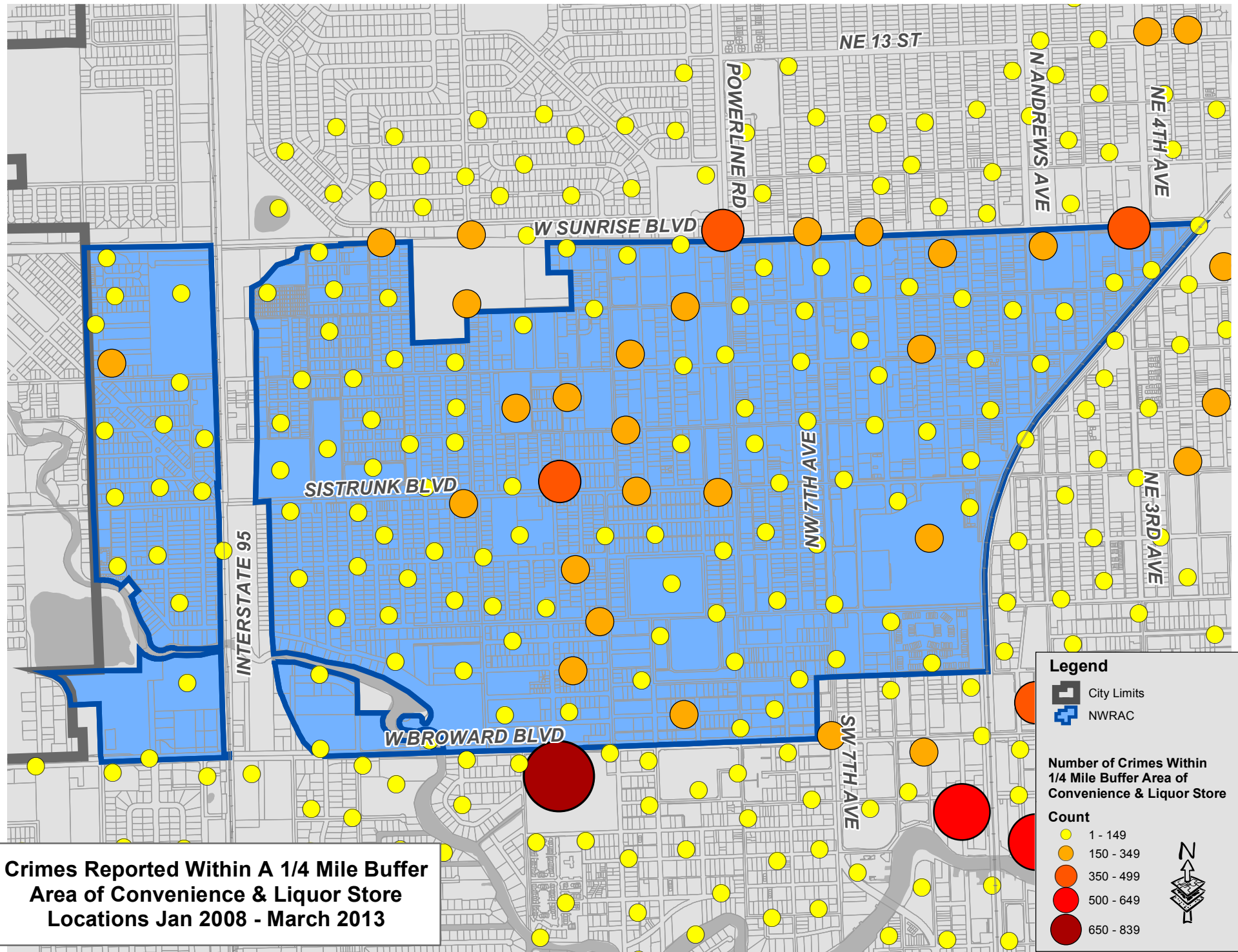
1. NPF-CRA Boundary Map
2. NWRAC Boundary Map
3. Analysis map comparing crime stats within a ¼ mile radius of liquor and convenience stores
4. Draft Ordinance







**Legend**

 NWRAC Boundaries








**Crimes Reported Within A 1/4 Mile Buffer Area of Convenience & Liquor Store Locations Jan 2008 - March 2013**

**Legend**

-  City Limits
-  NWRAC

**Number of Crimes Within 1/4 Mile Buffer Area of Convenience & Liquor Store**

**Count**

-  1 - 149
-  150 - 349
-  350 - 499
-  500 - 649
-  650 - 839





## Northwest Regional Activity Center-Mixed Use (NWRAC-MU) Draft Amendments

### 47-6.10. List of permitted and conditional uses, Community Business (CB) District.

A.	<b>PERMITTED USES</b>	B.	<b>CONDITIONAL USES</b>
...	...		
4.	Food and Beverage Service		<u>(Liquor Store and Convenience Store uses are not permitted within the Northwest Regional Activity Center land use boundaries)</u>

### 47-6.11. List of permitted and conditional uses, Boulevard Business (B-1) District.

A.	<b>PERMITTED USES</b>	B.	<b>CONDITIONAL USES</b>
...	...		
4.	Food and Beverage Service		<u>(Liquor Store and Convenience Store uses are not permitted within the Northwest Regional Activity Center land use boundaries)</u>

### 47-6.12. List of permitted and conditional uses, General Business (B-2) District.

A.	<b>PERMITTED USES</b>	B.	<b>CONDITIONAL USES</b>
...	...		
4.	Food and Beverage Service		<u>(Liquor Store and Convenience Store uses are not permitted within the Northwest Regional Activity Center land use boundaries)</u>

### 47-6.13. List of permitted and conditional uses, Heavy Commercial/Light Industrial (B-3) District.

A.	<b>PERMITTED USES</b>	B.	<b>CONDITIONAL USES</b>
...	...		
4.	Food and Beverage Service, Retail and Wholesale		<u>(Liquor Store and Convenience Store uses are not permitted within the Northwest Regional Activity Center land use boundaries)</u>