

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, AUGUST 20, 2014 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2014-May 2015	
		Present	Absent
Patrick McTigue, Chair	P	3	0
Leo Hansen, Vice Chair	P	3	0
Brad Cohen (arr. 7:02)	P	3	0
Stephanie Desir-Jean (arr. 6:45)	P	2	1
Michael Ferber	P	3	0
James McCulla	P	3	0
Michelle Tuggle	A	2	1
Tom Welch (arr. 6:39)	P	3	0
Peter Witschen	P	2	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
Yvonne Redding, Urban Design and Planning
Anthony Fajardo, Zoning Administrator
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

2. **Applicant / Project:** City of Fort Lauderdale / ULDR Amendment
- Request:** * Amendments to ULDR Section 47-18.31, *Social Service Facility* to expand the definitions, development standards, zoning districts permitted and levels of review.
- Case Number:** T14007
- General Location:** City-wide

Case Planner: Eric Engmann

Commission District: City-wide

Eric Engmann, representing Urban Design and Planning, noted that this Item was first presented to the Board in July 2014. It is a proposed Amendment to the Social Service Facility (SSF) section of the ULDR, which would provide more objective measures and definitions intended to regulate SSF uses. He explained that the proposed Ordinance would achieve the following:

- Better definitions of SSF uses;
- Incorporate a more substantive review process to accommodate these uses;
- Provide a buffer between SSFs and residential properties;
- Redefine the zoning districts in which SSFs may be located;
- Amend the approval process for SSFs.

At the Board's request, Staff has reached out to several community organizations, as well as use proprietors, and has made changes to the previously presented Ordinance based on feedback from these sources. These changes include removal of the CB, B-1, and B-2 zoning districts as proposed new locations for SSF uses, expansion of definitions and clarification that other uses are not included in this category, and addition of residential provisions to the facilities' management plans to ensure that off-site residential uses associated with SSFs would require separate approval.

Mr. Engmann confirmed that the maximum legal dispersal of SSFs proposes a 500 ft. separation between each use. This requirement is in addition to the dispersal and separation of SSFs from residential properties.

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

Charles King, private citizen, expressed concern that the proposed Amendment would create a "hot zone" for SSF uses within the center of the City, particularly in the Flagler Village area. He recommended that this growing residential community be protected against the inclusion of too many SSF facilities.

Mr. Engmann explained that SSFs will remain a conditional use, and will be subject to several additional criteria for approval. The Planning and Zoning Board will remain the eventual approving body for SSF uses, and public opinion will continue to be solicited for each application.

Mr. Ferber pointed out that the proposed 500 ft. dispersal area is only slightly smaller than the size of a typical 600 ft. city block, which means two SSFs could be included on the same block. He suggested a 750 ft. dispersal.

Attorney Spence noted, however, that the Ordinance addresses two legal concerns, including a case involving the feeding of homeless individuals. The ruling in this case

requires the City to identify locations in which this activity may continue. He added that under the Americans with Disabilities Act (ADA), certain addictions are considered to be disabilities, which means the City must provide locations in which “sober houses” are allowed. Attorney Spence concluded that increasing the dispersal requirement could minimize the areas in which these uses may be located, which could subject the City’s regulation of these facilities to legal challenge.

Mr. Ferber suggested that allowing the inclusion of more than one SSF per city block could constitute an undue burden on any given area. Mr. Engmann advised that Staff had originally considered proposing a 1000 ft. buffer between SSFs; however, this would eliminate many of the additional areas in which these uses would be permitted. Ms. Parker noted that the Board could propose an amendment to the Ordinance that no more than one SSF use be allowed in any given city block.

The Board discussed this proposed amendment, clarifying that the Ordinance would affect only new facilities or changes to existing facilities, which would continue to exist as legal nonconforming uses. Mr. Ferber clarified that his intent was to retain the 500 ft. dispersal requirement along with the proposed city block amendment. Attorney Spence confirmed that this should be allowed.

Mr. Cohen arrived at 7:02 p.m.

Vice Chair Hansen observed that access to facilities should also be considered, noting that there should be adequate public transportation and pedestrian access to SSFs. He felt the planning process itself, which would include both Board approval and neighborhood involvement, would address this issue. Mr. Engmann confirmed that management plans for SSF uses must include consideration of how individuals could access the sites.

Mr. Witschen asked if existing facilities would be allowed to rebuild if they were destroyed or damaged. Mr. Engmann clarified that if damage extended beyond 50% of a building’s structure or cost, it must comply with current Code, which would subject the existing uses to the new Ordinance.

As there were no other 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 Mr. Witschen, seconded by Mr. McCulla, to accept Staff’s recommendation, with the caveat that there be no more than one facility within a block. In a roll call vote, the **motion** passed 8-0.

Chair McTigue noted that elections for Chair and Vice Chair were scheduled to be held at tonight’s meeting.

Motion made by Mr. McCulla, seconded by Mr. Hansen, to nominate [Mr. McTigue as Chair]. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. McCulla, seconded by Mr. Welch, to nominate Mr. Hansen [as Vice Chair]. In a voice vote, the **motion** passed unanimously.

IV. COMMUNICATION TO THE CITY COMMISSION

None.

V. FOR THE GOOD OF THE CITY

Ms. Parker noted that within the next year, Staff hopes to implement all-electronic review of documentation, including initial submissions by applicants, and requested the Board's input on this proposal. Mr. Cohen recommended that actual plans and renderings continue to be provided on paper, with consensus from Chair McTigue.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:13 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.]