



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#13-0911

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: August 20, 2013

TITLE: Ordinance - Amendment to the City's Unified Land Development Regulations ("ULDR"); Section 47-6, Business Zoning Districts (CB, B-1, B-2, B-3) when located within the Northwest Regional Activity Center Land Use ("NWRAC").

Recommendation

It is recommended that the City Commission adopt an ordinance on second reading amending ULDR Section 47-6, Business Zoning Districts to prohibit liquor store, package liquor store, convenience kiosk, convenience store, convenience store, *multi-purpose*, and substantially similar uses within the Northwest Regional Activity Center Land Use Designation of the City of Fort Lauderdale Comprehensive Plan.

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 the study area to promote a lively urban environment, through the creation of development guidelines that will enhance the pedestrian realm and give clear intent for active street-level commercial and residential uses, 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 taken steps 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 that have been taken advantage of by various property owners to date. The Fort Lauderdale Housing Authority has 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 August 23, 2011, 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.

Residents and business owners have expressed concerns regarding the existence of

liquor outlets in the NPF-CRA, which have been shown to contribute to the decrease in the value of property in the area. There is public concern that the proliferation of these uses within the NPF-CRA has impeded progress in redevelopment. Therefore, 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 milestones and implement a comprehensive ordinance to address community concerns, encourage economic development, and enhance place-making in the area.

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 2008 Plan; 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 these zoning amendments to address the concerns and to help facilitate positive redevelopment activities within the NPF-CRA. The recommendations are based on local crime statistical data, as well as on various studies and academic research 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 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.

In March of 2013, the City and NPF-CRA staff held a series of public meetings with property owners and members of the community regarding a comprehensive approach to rezoning and adopting development guidelines for the area. Many of the concepts proposed were well received by the public. However, staff believes additional meetings will be beneficial to continue dialogue regarding permitted uses, height and parking requirements. The community has been generally 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 NPF-CRA.

At the April 17, 2013, Planning and Zoning Board (PZB) meeting, staff recommended amendments to the City's ULDR to address liquor and convenience store uses within the NWRAC land use. The 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, during which a property owner would be required to transition to a permitted use. However, the PZB raised concerns about the amortization period and voted to defer the item to the May 15, 2013, meeting to adequately address the concerns raised, but was 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 prohibit new liquor and convenience store uses. The April 17, 2013, PZB Minutes are attached as Exhibit 2.

On May 15, 2013, the PZB recommended approval of the proposed amendment to the City Commission by a vote of 8-0. PZB Minutes are attached as Exhibit 3. The PZB staff report is attached as Exhibit 4. The proposed ordinance is attached as Exhibit 5.

It is staff's opinion that the proposed zoning amendments will help promote revitalization objectives in the NWRAC land use category by prohibiting uses that have been identified to have negative impacts in the area. Recognizing that additional research and analysis is necessary regarding any proposed amortization period, staff is not recommending moving forward with amortization at this time, and plans instead on returning to the PZB and City Commission with additional recommendations to address the existing uses within the study area in the near future.

At the July 2, 2013, City Commission meeting, the City Commission approved the ordinance on first reading to amend the ULDR Section 47-6, Business Zoning Districts to prohibit Liquor store, Package Liquor store, Convenience kiosk, Convenience store, Convenience store, *multi-purpose*, and substantially similar uses within the Northwest Regional Activity Center Land Use Designation of the City of Fort Lauderdale Comprehensive Plan.

Resource Impact

There is no fiscal impact associated with this action.

Attachments

Exhibit 1 – NPF-CRA map boundaries

Exhibit 2 – 04/17/13 PZB Minutes

Exhibit 3 – 05/15/13 PZB Minutes

Exhibit 4 – PZB Staff Report

Exhibit 5 – Proposed Ordinance

Prepared by: Linda Mia Franco, AICP, Planner III

Department Director: Greg Brewton, Sustainable Development

8/20/2013

13-0911

Page **3** of **3**