

DRAFT
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 Heidelberg	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. Elfman 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.

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.]

Draft