

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL – CITY COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, DECEMBER 21, 2016 – 6:30 P.M.**

**Cumulative**

| <b>Board Members</b>             | <b>Attendance</b> | <b>June 2016-May 2017</b> |               |
|----------------------------------|-------------------|---------------------------|---------------|
|                                  |                   | <b>Present</b>            | <b>Absent</b> |
| Leo Hansen, Chair                | P                 | 6                         | 0             |
| Catherine Maus, Vice Chair       | P                 | 5                         | 1             |
| Theron Clark                     | P                 | 4                         | 2             |
| Stephanie Desir-Jean (6:36-8:15) | P                 | 5                         | 1             |
| Howard Elfman                    | P                 | 6                         | 0             |
| Steven Glassman                  | P                 | 6                         | 0             |
| Rochelle Golub                   | P                 | 5                         | 1             |
| Richard Heidelbergberger         | A                 | 4                         | 2             |
| James McCulla                    | A                 | 4                         | 2             |

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  
Gus Ceballos, Assistant City Attorney  
Eric Engmann, Urban Design and Planning  
Mohammed Malik, Chief Zoning Plans Examiner  
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 6:31 p.m. and all recited the Pledge of Allegiance. The Board members were introduced, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

The following Item was taken out of order on the Agenda.

**III. PUBLIC SIGN-IN / SWEARING-IN**

Chair Hansen requested that any members of the public wishing to speak on any Items before the Board be sworn in at this time. He advised that individuals wishing to speak on Items before the Board are allowed three minutes, and representatives of groups or associations are allowed five minutes.

## II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

**Motion** made by Mr. Glassman, seconded by Vice Chair Maus, to approve. In a voice vote, the **motion** passed unanimously.

## IV. AGENDA ITEMS

### Index

| <u>Case Number</u> | <u>Applicant</u>                                      |
|--------------------|---|
| 1. PL16009**       | E & M Warehouse, LLC                                  |
| 2. R15036** *      | 5512 NW 10 Terrace, LLC and 5551 NW 9 Avenue 1-5, LLC |
| 3. T16005*         | City of Fort Lauderdale                               |
| 4. 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.

|                           |   |
|---------------------------|---|
| <b>1. CASE:</b>           | <b>PL16009</b>  |
| <b>REQUEST: **</b>        | <b>Plat Review</b>  |
| <b>APPLICANT:</b>         | E & M Warehouse, LLC.   |
| <b>PROJECT NAME:</b>      | Ergon / Moss Plat   |
| <b>GENERAL LOCATION:</b>  | 1450 Progresso Drive  |
| <b>LEGAL DESCRIPTION:</b> | A portion of the West one-half (W½) of Section 35, Township 49 South,<br>Range 42 East, more fully described as follows:<br>Beginning at the SW corner of the Northeast one-quarter (NE¼) of the Southeast one-quarter (SE¼) of the Northwest one-quarter (NW¼) of said Section 35; thence N 88°04'56" East along the Sou line thereof a distance of 215.91 feet to a point on the West right of-way line of the Florida East Coast Railroad; thence Southeasterly along said West right-of-way line and along a curve to the right whose tangent bears S 9°12'39" W having a radius of 2812.66 feet, with a central angle of 12°07'16", an arc distance of |

595.03 feet; thence N68°40'06" W radial distance of 300 feet to a point on a curve; thence Northeasterly along a curve to the left whose tangent is perpendicular to the last mentioned course, having a radius of 2512.66 feet, with a central angle of 10°21'12" an arc distance of 454.04 feet to a point on a line that is 18.00 feet South of and parallel to the North line of the Southwest one quarter (SW¼) of the Southeast one-quarter (SE¼) of Northwest one-quarter (NW¼) of Section 35; thence N 88°04'56" E along said parallel line a distance of 94.46 feet to a point on East line of the said West one-quarter (W¼) of the Northwest one-quarter (NW¼); thence N 01°30'07" W along said East line a distance of 18.00 feet to the Point of Beginning, Broward County, Florida. Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 158,458 square feet or 3.6377 acres, more or less.

|                             |  |
|-----------------------------|--|
| <b>CURRENT ZONING:</b>      | Heavy Commercial / Light Industrial Business (B-3) |
| <b>CURRENT LAND USE:</b>    | Commercial   |
| <b>COMMISSION DISTRICT:</b> | 2  |
| <b>CASE PLANNER:</b>        | Florentina Hutt                                    |

Disclosures were made at this time.

Michael Madfis, representing the Applicant, stated that the plat request is for 64,000 sq. ft. of commercial space. The site is zoned B-3, which includes heavy commercial and light industrial use. The intended use is a storage warehouse for automobiles. The subject site is currently paved and functions as a parking lot. None of the vehicles currently located on the site are related to the proposed development.

Ms. Desir-Jean arrived at 6:36 p.m.

Eric Engmann, representing Urban Design and Planning, advised that the proposal is a plat for 3.63 acres of land. The plat would allow for the development of two commercial warehouse buildings on the site, and restricts the site to 64,000 sq. ft. of commercial use. No free-standing or drive-through banking facilities are permitted without the approval of the Broward County Board of County Commissioners.

The plat has been reviewed by the City's Development Review Committee (DRC) and all comments have been addressed. The Applicant has also addressed adequacy requirements and subdivision criteria. Any criteria specific to the proposed plan will be applied for at the time of Site Plan Review. Staff recommends approval of the Application.

There being no questions from the Board at this time, Chair Hansen opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Elfman, seconded by Vice Chair Maus, to approve. In a roll call vote, the **motion** passed 7-0.

|                             |   |
|-----------------------------|---|
| <b>2. CASE:</b>             | <b>R15036</b>   |
| <b>REQUEST:** *</b>         | <b>Site Plan Level III Review: Conditional Use for Expansion of Concrete Plant in Industrial Zoning</b>                                     |
| <b>APPLICANT:</b>           | 5512 NW 10 Terrace, LLC and 5551 NW 9 Avenue 1-5, LLC   |
| <b>PROJECT NAME:</b>        | Adonel Concrete   |
| <b>GENERAL LOCATION:</b>    | 5512 NW 10 <sup>th</sup> Terrace  |
| <b>LEGAL DESCRIPTION:</b>   | LOT 11 PINERIDGE ACRES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA |
| <b>CURRENT ZONING:</b>      | Industrial (I)  |
| <b>CURRENT LAND USE:</b>    | Industrial (I)  |
| <b>COMMISSION DISTRICT:</b> | 1   |
| <b>CASE PLANNER:</b>        | Florentina Hutt   |

Disclosures were made at this time. Chair Hansen advised that this Item is quasi-judicial in nature although it was not noted as such on the Agenda.

Graham Penn, representing the Applicant, advised that the Application seeks to extend an existing concrete operation onto adjacent land. The site is surrounded by other industrial uses. The plan would improve a property that has been left largely unchanged since the 1970s.

Mr. Penn showed an aerial view of the site, noting that the closest residential use to the subject property is roughly one half-mile away. He reviewed the uses of several neighboring properties, pointing out that the project would implement Complete Streets concepts along Powerline Road. While the existing business is located in the southeast corner of the property, the Application would expand facilities onto the northern and eastern portions of the property. No additional buildings would be erected.

Mr. Penn reviewed the proposed Site Plan, which would provide new sidewalks, swales, and gates, as well as a 10 ft. concrete wall. The sidewalk will move inward along Powerline Road in order to dedicate an additional 10 ft. of right-of-way to the Florida Department of Transportation (FDOT), which will allow for the implementation of

Complete Streets. The result will be wider sidewalks and a number of new trees. Landscaping will include 63 new trees and 633 new shrubs along Powerline Road.

Mr. Penn advised that the site's use will be open up to 24 hours per day on some days, depending upon demand. There will be no on-site truck maintenance or repairs, and all trucks will be washed at the end of the day to minimize dirt and debris from the site. Trucks may enter and exit the property from 10<sup>th</sup> Terrace, but may not enter from Powerline Road. Gates will remain open while the business is open.

The applicable conditional use criteria include consistency with the character of the surrounding neighborhood, as well as limitation of the effects of the use. The site's use is consistent with others in the surrounding industrial neighborhood. Physical changes to the property and operational limitations will ensure that the site functions as a good neighbor to other industrial uses.

Ms. Desir-Jean observed that tree protection on the site includes plastic fencing, and requested clarification of whether this would apply to individual trees or the site's trees as a whole. Mr. Penn clarified that the entire property would be surrounded by a 10 ft. concrete wall. Sean Compel, also representing the Applicant, explained that the temporary plastic fencing is intended to protect existing trees during construction activity. New trees will be placed along Powerline Road.

Chair Hansen asked what could be done to prevent material from the site from intruding onto Powerline Road and 10<sup>th</sup> Terrace. Mr. Compel replied that the property's expansion will provide additional space for cleaning and maintenance. The sidewalk on 10<sup>th</sup> Terrace is intended to improve grading so materials are more fully contained on the site. Sediment traps will also be used to prevent intrusion of materials off-site.

Mr. Elfman asked how many times per day trucks can be expected to exit onto Powerline Road. Mr. Compel stated that each truck on the site may make three trips per day. There are 30 trucks on the site, which may total up to 150 trips per day using both Powerline Road and 10<sup>th</sup> Terrace.

Ms. Golub asked if the site currently operates 24 hours per day. Mr. Penn explained that although the site is not open on a 24-hour basis at present, the Applicant wishes to have the option of 24-hour use. He added that the Application would allow for the site's function to be improved by expanding to a larger facility, re-grading the lot, and improving water absorption. He concluded that the Application does not represent a significant change in the intensity of the business.

Vice Chair Maus asked if the Board has authority to grant 24-hour operation status for a business. Assistant City Attorney D'Wayne Spence advised that the Board may recommend a condition to restrict the hours of operation when considering compatibility and adequacy, but may not grant operation status. Ms. Parker added that this change would require County permitting through the Department of Environmental Protection.



Mr. Engmann of Urban Design and Planning stated that the Application requests Site Plan Level III with conditional use for the expansion of an existing concrete facility in an industrial zoning district. The expansion would include new concrete plant structures, a truck washing area, and a small building addition. A new concrete wall and perimeter landscaping would be screened. All comments raised during the DRC process have been addressed, and the Staff Report includes conditions that apply to this type of use.

Mr. Engmann continued that the property and its surrounding area are zoned for industrial uses and at a significant separation from the nearest residential zoning district. The proposed expansion is compatible with the character of the area and the site improvements will have minimal effects. The Applicant's traffic impact statement demonstrates that the project will not approach the 1000-trip threshold that would require a traffic study. The proposed use is consistent with the City's industrial land use designation, and the site's design reduces external effects on surrounding areas by adding landscaping and other enhancements.

The Applicant's operational plan demonstrates how environmental standards are addressed. Parking on the property would be in excess of the requirement, and an improved 7 ft. sidewalk and landscaping treatment will be constructed along the front of the property, with a 5 ft. sidewalk to be added to the rear. The project is generally consistent with the City's Comprehensive Plan. Staff recommends approval of the Application.

Mr. Glassman asked if public participation could be recommended as a courtesy, although there are no nearby residential neighbors to the subject site. Mr. Engmann replied that Staff always recommends public outreach to surrounding neighborhoods. Ms. Parker noted that the DRC made a similar recommendation for outreach.

Mr. Elfman asked if traffic studies take the type and location of vehicles entering the roadway into consideration. It was clarified that the City's Department of Transportation and Mobility provides review and commentary on each case, and did not take issue with plans for the site.

Chair Hansen noted that Powerline Road has a speed limit of 55, which could be affected by large trucks exiting directly onto the roadway. Ms. Parker replied that Transportation and Mobility Staff and Engineering Staff reviewed the Applicant's impact statement, including ingress/egress and the number of trips generated, as part of the DRC process.

Chair Hansen continued that he had considered recommending the attachment of a condition regarding the washing of trucks to prevent spillage of concrete and mud onto adjacent rights-of-way, and asked if this would be possible. Ms. Parker advised that any such spillage would constitute a violation of City Codes, for which the Applicant could be cited.

Ms. Golub expressed concern with the possibility of the Board agreeing to 24-hour operations by approving the Application and its operational plan. Attorney Spence stated that Code requires an operational plan, including hours of operation, as part of an Application for conditional use. This plan is intended to provide the Board with additional information they may consider, including the effects of development on adjacent neighborhoods.

Ms. Desir-Jean requested clarification of the site's current operating hours. Mr. Penn replied that these hours are determined by business demand. He added that the Applicant recognizes the concerns for trucks exiting the property onto Powerline Road, and does not object to modifying the operational plan to require all ingress/egress to take place on 10<sup>th</sup> Terrace. He clarified, however, that ingress/egress onto Powerline Road is not presently considered a problem.

There being no further questions from the Board at this time, Chair Hansen opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

Chair Hansen requested a motion to approve with the following conditions:

1. Washing of the trucks will be as needed to prevent spillage of concrete and mud onto adjacent public rights-of-way;
2. There will be no entry or exit from Powerline Road for concrete trucks.

Chair Hansen asked that the above motion be made to approve the project.

**Motion** made by Mr. Elfman, seconded by Ms. Desir-Jean, [to adopt Chair Hansen's statement]. In a roll call vote, the **motion** passed 6-0 (Mr. Clark not present for vote).

**3. CASE:**

**T16005**

**REQUEST:\***

**City of Fort Lauderdale /Amend Unified Land Development Regulations (ULDR)**

**Amending Section 47-18.9, Cluster Development, Section 47-18.33, Townhouse, Section 47-19.2, Accessory Buildings, Structures and Equipment, General, Section 47-20.2, Parking and Landing Zoning Requirements, Parking Spaces for Duplex and Townhouse Cluster, Coach Homes, Section 47-20.13, Paving and Drainage, Section 47-21.14, Additional landscape requirements for special uses and districts and adding Section 47-18.45, Duplex/Two Family Dwelling.**

This amendment revises standards in the ULDR in order to implement the recommendations of the Neighborhood Development Criteria Revisions (NDCR) which amend the current requirements for cluster developments, townhouse developments, duplexes/ two family dwellings and amends certain provisions related to landscaping for these types of projects and addresses the requirements for the ability to park in the right-of-way swale for

all development.

**APPLICANT:** City of Fort Lauderdale

**PROJECT NAME:** Neighborhood Development Code Revisions (NDCR)

**GENERAL LOCATION:** City-Wide

**CASE PLANNER:** Eric Engmann

Mr. Engmann of Urban Design and Planning stated that this item addresses Neighborhood Development Criteria Revisions (NDCR), which address several different topics. The NDCR process began in 2007, when the Council of Fort Lauderdale Civic Associations requested that the City look at its design guidelines for development, particularly in neighborhoods that were once single-family residential but were transitioning into multi-family or attached single-family areas. The City retained a consultant for this purpose, and several public workshops were held, finally resulting in the presentation of recommendations to the Planning and Zoning Board and the City Commission.

Mr. Engmann explained that an impasse was reached in approximately 2011 between some of the requirements addressing massing and scale, as there was not a strong consensus between neighbors and developers on these issues. City Staff was asked to revisit these concerns in 2016 on a fast-tracked basis, which would address some of the issues on which they felt consensus could be found without a lengthy process.

The fast-tracked issues included:

- Views from the street
- Preserving residential character
- Excessive driveways and the loss of green space
- Enhancing the pedestrian experience
- Reviewing the scale of buildings

Mr. Engmann advised that the proposed changes are primarily aimed at traditional residential neighborhoods, although they may not be single-family neighborhoods but can represent transition between types of residential developments. The changes address town and cluster home developments, as well as duplexes and two-family developments, which have never before been addressed separately by Code. The revisions will not address the design of standard single-family homes, nor will they change the approval process.

In order to promote traditional residential character, the revisions address the following issues:

- Façade articulation on the front face of the building
- Less of a garage presence
- Room for trees, swales, and drainage



- Safety principles such as visibility from the street to the buildings
- Green space and attractive front yards

Cluster projects may not have garages that face the street, although driveways can enter the property from the side or the rear. This provides additional space for windows and front entrances. For town homes, garages may still face the street, but no more than 50% of the width of each unit may be taken up by garage space. Corner lots may have one garage facing the street.

Mr. Engmann moved on to driveways, stating that the revisions propose an 8 ft. landscaped separation between driveways; however, if structural soil is added to allow tree roots to grow within less green space, the separation may be reduced to 4 ft. where appropriate.

Regarding architectural elements, the revisions propose that a minimum 25% of the façade facing the roadway must be glass. This may include design features on waterways. Mr. Engmann showed photographs of various projects to illustrate what 25% and other proportions might look like. Front entrances would be required in all districts, with a roof landing and architectural features integrated into the principal structure. A minimum of 4 ft. must be within the entrances themselves if there are two separate entrances, and they may extend an additional 3 ft. into the front yard.

Fencing and wall requirements in the RC-15 district currently state that walls may not be solid fences. To address this, the revisions propose requiring 75% of fencing in front yards to consist of non-opaque material. The revisions also specifically address garbage requirements as part of Code.

Sidewalk connections to front entrances are required so a driveway does not constitute the only entrance to a property. Mr. Engmann added that if an alternative path partially connects to a driveway, this is also acceptable. The proposed revisions also create a new section of Code to address duplexes. If parking occurs in the rear of a building, the area may be reduced from 18 ft. to 15 ft. Other duplex features, including entryways, fencing, garage width, driveways, and street trees, will be treated in a similar manner to a town home.

Mr. Engmann continued that Code currently limits front balconies to 20% of the front façade. Staff proposes to keep balcony requirements the same on the sides and rear of a building, but would allow front balconies to extend the full length of a building's front façade. Carports would be allowed up to 10 ft. in height and within 200 sq. ft., which is approximately the size of one car. These must be open on all sides except where attached to a building.

Code distinguishes between standard and attached single-family dwellings as follows: standard single-family homes are typical one-unit structures, while attached single-family units are duplexes, town homes, or cluster developments. Setbacks of 17 ft. are

allowed within standard single-family homes, with a 3 ft. extension off the front for other units. Porches must be open on two sides with no screen enclosures.

Guest parking requirements will remain the same for duplexes: duplex, town, and cluster homes with their own parking may have two spaces per unit. If these units do not have garages, they must provide 0.2 additional spaces per unit. The proposed revisions would allow only two spaces per unit for town and cluster homes of four units or fewer. Larger developments that must undergo the Site Plan Review process will have guest parking requirements, and Staff will work with these developments to determine what is appropriate for these properties.

Stronger language was desired with respect to preserving swales for drainage. If a new development has lots with a width of less than 75 ft., they may have two 12 ft. wide driveway segments or one 24 ft. wide driveway segment. Up to 50% of these lots can consist of driveway space. Use of gravel is limited and terms for its removal are established. A permitting process for paving in swales is also set forth.

At present, Code includes a caveat to the reduction of landscaping requirements for cluster and town home developments: they may meet the requirements of the RS-4.4 zoning district for common areas. The proposed revisions would remove this exemption, also removing the portion of the rear yard not under common ownership, while retaining specific landscaping requirements for the remainder of the development.

Mr. Engmann concluded that Staff held 10 outreach meetings, including two meetings with the Council of Fort Lauderdale Civic Associations (CFLCA), as well as meetings with developers, builders, and attorneys. Letters of support have been provided by the CFLCA as well as from a developer. Staff hopes to take this Application before the City Commission in February 2017.

Mr. Elfman commended Staff on their work toward the proposed revisions, and asked if they had encountered significant resistance from developers regarding certain issues, such as two-car garages in smaller developments. Mr. Engmann characterized this process as a give-and-take, pointing out that the results have satisfied most individuals.

Vice Chair Maus asked why the amenity requirement for cluster dwellings was removed from Code. Mr. Engmann replied that in Staff's experience, this has not been a successful feature requirement, as it typically does not add to the development. Staff feels that green space could be as beneficial as an amenity. This change was discussed with multiple civic associations, none of which perceived it to be an issue.

Vice Chair Maus continued that landscaping requirements currently prohibit shade trees from within 15 ft. of a building. Mr. Engmann observed that this may be dependent upon the types of shade trees proposed, and noted that some swales may house larger trees as well.

Vice Chair Maus addressed the limitation of a garage door to 50% of a structure's front façade, and asked if driveways will be similarly limited. Mr. Engmann stated that a 50 ft. wide lot, for example, could accommodate two 12 ft. driveways, separated by a landscaped strip. If structural soil is used, the landscaped strip could be 4 ft. wide. The proposed landscaping requirement is 35% of the entire area, which will be located primarily in the front of a building.

Chair Hansen commented that the revised front façade glazing requirements could be perceived as taking decisions out of the hands of architects. Mr. Engmann explained that this requirement was addressed in order to establish minimum standards. Ms. Parker added that the intent was not to curtail architectural freedom, but to focus on the principles of traditional neighborhood design principles that promote visual interaction along streets. She pointed out that 25% is not a large amount of glass coverage, and that most plans reviewed by Staff exceeded this percentage.

Chair Hansen observed that in some traditional neighborhoods using the Mediterranean style, windows are typically smaller, as large windows conflict with that style. He advised that this is a very subjective proposed change which may not allow for individual circumstances and styles. Mr. Engmann explained that this was reduced to 25% coverage based upon feedback from developers.

Chair Hansen suggested including an "out" clause for projects of special design, or a trade-off for the inclusion of specific features. Ms. Parker noted that the requirement only applies to the front façade of a development, where it is intended to create active frontage on the street. She explained that this is a recognized CPTED principle to reflect a human presence behind the doors and windows facing the street.

Mr. Engmann suggested that for cluster developments, language could be added to allow exceptions by request of the Planning and Zoning Board; however, this would not address the requirement for town homes or duplexes.

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

Gus Carbonell, private citizen, stated that the proposed revisions arose from communication between small groups of neighbors who approached the CFLCA. He felt Staff has done a good job conducting outreach to all interested parties.

Mr. Carbonell continued that the amenity requirement for cluster developments was not popular, as it affected residents' privacy and encroached upon their space. He felt this requirement should be removed from Code. He also agreed with Chair Hansen's comments regarding the 25% glass façade requirement, pointing out that modern architecture regularly uses glass features. He felt the requirement addressing private patios inside town or cluster homes should be amended to encourage rather than require paving with pervious material.

Michael Madfis, private citizen, commented that he was also involved with the process resulting in these revisions, which he felt would be significantly beneficial to the City. He noted that because there are relatively few units available for high-density development in the Downtown area, many developers looked to residential neighborhoods for this opportunity.

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.

**Motion** made by Vice Chair Maus, seconded by Ms. Golub, to approve. In a roll call vote, the **motion** passed 7-0.

Ms. Desir-Jean left the meeting at 8:15 p.m.

The Board took a brief recess from 8:15 p.m. to 8:25 p.m.

|    |                   |   |
|----|-------------------|---|
| 4. | CASE:             | T17001  |
|    | REQUEST:*         | An Ordinance of the City of Fort Lauderdale, Florida establishing a moratorium on the submission, processing, approval or issuance of any new licenses, business tax receipts, development orders or permits for any uses that involve the cultivation, processing, dispensing or retail sale of cannabis |
|    | APPLICANT:        | City of Fort Lauderdale   |
|    | PROJECT NAME:     | Moratorium  |
|    | GENERAL LOCATION: | City-Wide   |
|    | CASE PLANNER:     | Eric Engmann  |

Mr. Engmann explained that this Item would establish a six-month moratorium in which to allow the City to craft a medical marijuana- or cannabis-related Ordinance. On November 8, 2016, the State of Florida passed Amendment 2, which allows for the expansion of medical marijuana use. Section 47-1.14 of Code states that if an item is not considered to be similar to another use, it is considered to be prohibited within Fort Lauderdale. The Zoning Administrator has opined that this particular use is unique and therefore not permitted under current Code.

On November 15, 2016, the City Commission began the process to allow Fort Lauderdale the time to craft an appropriate Ordinance. The City requests six months or 180 days to prepare a new section of Code to address the use of medical marijuana within Fort Lauderdale. Only the moratorium is before the Board at this time.



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

Heidi Handford, representing My Medicine Consulting, spoke in favor of the proposed moratorium, emphasizing that it would prevent the opening of facilities and/or dispensaries by unlicensed entities. She wished to work with Staff regarding licensing, and that facilities will need to be located specific distances from places such as churches, schools, and public parks.

Katie Field, representing Modern Health Concepts, stated that there are currently seven licensed dispensing facilities of medical cannabis in Florida, including her own organization. She asserted that there is a need for these facilities and individuals who may benefit from retail access to medical cannabis, and urged the City to shorten the proposed moratorium if possible.

Ray Ruiz, also representing Modern Health Concepts, characterized his organization's use as similar to a pharmacy use and requested that it be included in the category of general retail with spacing concerns. He also requested that the moratorium be shortened if possible in order to allow facilities to serve patients.

Chair Hansen requested clarification of whether the six-month time span represented a maximum. Mr. Engmann confirmed this, stating that Staff has already conducted significant research and met with some of the parties speaking from the audience. He advised that the process is already underway.

Mr. Glassman asked if six months was the standard time frame for cities that have enacted legislation to address this use. Mr. Engmann replied that there is a wide range of time frames that have been passed with regard to zoning.

**Motion** made by Vice Chair Maus, seconded by Ms. Golub, to approve. In a roll call vote, the **motion** passed 6-0.

## **V. COMMUNICATION TO THE CITY COMMISSION**

None.

## **VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**

Mr. Glassman requested that the Board reconsider its 2017 meeting calendar, pointing out that the meeting scheduled for Wednesday, September 20, 2017 would fall on the first night of Rosh Hashanah. Ms. Parker suggested that the Board meet instead on Monday, September 18, 2017. The Board members agreed with this change by consensus.


There being no further business to come before the Board at this time, the meeting was adjourned at 8:36 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.



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Chair



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Prototype

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