





REQUEST: Amend Unified Land Development Regulations (ULDR) Section 47-18.43, Liquor Store and Convenience Store.

This amendment proposes to permit Convenience Store, Multi-Purpose uses in the Northwest Regional Activity Center (NW-RAC) subject to criteria and when approved as a Conditional Use.

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| Case Number | T1700 2 |
| Applicant | City of Fort Lauderdale |
| ULDR Sections | 47-18.43. Liquor Store and Convenience Store |
| Notification Requirements | 10-day legal ad |
| Action Required | Recommend approval or denial to City Commission |
| Authored By | Eric Engmann, Planner III   |

BACKGROUND:

On July 2, 2013, the City Commission adopted Ordinance C-13-29 which prohibits liquor stores, package liquor stores, convenience kiosks and convenience stores in the NW-RAC. The prohibition was imposed in response to concerns expressed by neighbors and business owners in the Northwest Progresso Flagler Heights Community Redevelopment Area (NPF-CRA) regarding the proliferation of liquor stores and convenience stores, which have been shown to contribute to crime and a resultant decrease in the value of properties in the area. In addition, there were public concerns that the proliferation of these uses has impeded redevelopment within the NW-RAC.

The adopted ordinance created ULDR Section 47-18.43, Liquor Store and Convenience Store, which prohibits any new convenience or liquor stores from being established in the NW-RAC. However, more recently certain property owners and neighbors have expressed that some convenience stores may be appropriate in the NW-RAC under certain circumstances. One applicant in particular, developer of the Progresso Commons project, proposed at 947 N Andrews Avenue began discussions and helped to initiate the proposed amendments.

In an effort to balance concerns with the needs of businesses to respond to market trends, while protecting the quality of life in residential neighborhoods and commercial areas, staff believes that there is a way to amend the current ordinance to create criteria that will allow some convenience stores in the area as part of larger new development projects. The proposed zoning amendment is intended to help promote revitalization objectives in the NW-RAC including stimulating positive mixed-use development that provides access to healthy foods, and encourages place making through design.

The proposed Ordinance is attached as Exhibit 1. The Planning and Zoning Board minutes from the original 2013 ordinance are attached for reference as Exhibit 2.

A summary of the proposed regulations is provided below.

Convenience Store, Multi-Purpose Use:

The proposed ordinance is intended to apply only to "Convenience Store, Multi-Purpose" use. A "Convenience Store, Multi-Purpose" use is the largest type of convenience store allowed in the ULDR and is intended to allow a convenience store that may have other components in comparison to a traditional convenience store, and is typically associated with an automotive service/gas station.

Conditional Use Approval:

The "Convenience Store, Multi-Purpose" use will be subject to a Conditional Use review in order to evaluate the appropriateness of allowing the use in the NW-RAC. The conditional use approval is a Site Plan Level III (Planning and Zoning Board) review which will include a determination of appropriateness of each application conducted on a case-by-case basis and based on specific site design factors considered as part of the review process. Neighborhood Compatibility criteria and context are included as part of the evaluation, and public participation criteria also apply. These factors will help to enforce the original intent of the 2013 ordinance and make sure that each approval will be reviewed in context with the specific site plan and proposed location.

Located within a shopping center with minimum 25,000 square feet of gross floor area and at least three different commercial establishments:

The proposed ordinance prescribes that the "Convenience Store, Multi-Purpose Use" shall be located within a shopping center, as defined in the ULDR, and that the total gross floor area of the commercial use within the shopping center contains a minimum of 25,000 square feet of gross floor area, and at least three different commercial establishments permitted pursuant to the underlying zoning. This criterion ensures that new convenience stores will only be allowed as a component of a larger redevelopment project, facilitating the interaction between a convenience store and the other uses in the multi-use center helping to promote the NPF-CRA goal for more private capital investment in redevelopment projects. The minimum size and number of tenants will ensure that the use will be part of a significant redevelopment project.

Contains an area devoted to preparation, service, consumption and sale of fresh / prepared food:

The proposed ordinance includes a criteria that requires the "Convenience Store, Multi-Purpose Use" to contain an area devoted to the preparation, service, consumption and sale of fresh or freshly prepared food. Similar to a grocery store, many of the larger convenience stores sell fresh and freshly prepared food. This expands the food options in the neighborhood and helps to ensure that the convenience store will also help to serve a fresh food need in the area.

Sells automotive fuel with fuel pumps, but offers no automotive repairs:

The proposed ordinance also includes a criteria that requires the "Convenience Store, Multi-Purpose Use" to sell automotive fuel with fuel pumps, but offer no automotive repairs. Convenience stores originally intended to be prohibited were characterized by simple storefronts without gas pumps. The requirement for "fuel pumps" provides additional protection against having those less desirable convenience stores. Fuel pumps also provide additional opportunities for "eyes on the street"; activities designed to increase the presence of customers and encourage human activity and visual connections to the proposed use.

PUBLIC OUTREACH:

As part of the process to prepare the proposed amendments, the applicant for the Progresso Commons project held a public participation meeting on April 17, 2017 to discuss the proposed text amendment along with a proposed rezoning and site plan application for the Progresso Commons project. The summary of the meeting indicates attendee support for the ordinance amendments. A meeting was also held on January 19, 2017 at the Midtown Commerce Center to discuss the applications with various neighborhood representatives.

The ordinance changes and applications were also presented to the NW-CRA Advisory Board meeting on March 14, 2017. The NW-CRA Board voted 8-1 to support the project including the text amendment.

The public outreach information presented by the Progresso Commons development team is attached as Exhibit 3. The minutes for the March 2017 NFP CRA Advisory Board are attached as Exhibit 4.

Comprehensive Plan Consistency:

The proposed amendments are consistent with the City's Comprehensive Plan. Specific Goals, Objectives and Policies are addressed as follows:

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| ELEMENT: | Future Land Use Element |
| GOAL: | Goal 1 |
| OBJECTIVE: | Objective 1.17: Development and Redevelopment Consistent with Northwest Progresso/Flagler Heights Redevelopment Plan. |
| POLICY: | Policy 1.17.3: The City shall create redevelopment strategies to promote redevelopment and "in-fill" activities in the NWPFH through the implementation of land development regulations for the Northwest Regional Activity Center (Northwest-RAC). |
| POLICY: | Policy 1.7.4: Amend the ULDR as necessary to incorporate appropriate recommendations of the NW PFH CRA Plan to implement the Northwest-RAC. |

This ULDR amendment is part of the *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included in the *Neighborhood Enhancement* Cylinder of Excellence, specifically advancing:

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| Goal 6: | Be an inclusive community made up of distinct, complementary, and diverse neighborhoods. |
| Objective 1: | Evolve and update the land development code to balance neighborhood quality, character, and livability through sustainable development. |

PLANNING & ZONING BOARD REVIEW OPTIONS:

The Planning and Zoning Board, in its capacity as the Local Planning Agency, shall determine whether the proposed amendments are 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. Proposed Ordinance
2. May 15, 2013 PZB Minutes
3. Public Participation Information
4. March 14, 2017 NPF-CRA Minutes

