

DRAFT
PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MAY 17, 2017 – 6:30 P.M.

Cumulative

Board Members	Attendance	June 2016-May 2017	
		Present	Absent
Leo Hansen, Chair	A	10	1
Catherine Maus, Vice Chair	P	10	1
Theron Clark	A	5	6
Stephanie Desir-Jean	P	8	3
Howard Elfman	A	10	1
Steven Glassman	P	11	0
Rochelle Golub	P	9	2
Richard Heidelberger	P	10	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
Gus Cevallos, Assistant City Attorney
Eric Engmann, Urban Design and Planning
Karlanne Grant, Urban Design and Planning
Florentina Hutt, Urban Design and Planning
Nicholas Kalargyros, Urban Design and Planning
Benjamin Ostrepo, Transportation and Mobility
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Ms. Golub, seconded by Ms. Desir-Jean, that an alternate member of the Planning and Zoning Board be appointed to the City's Infrastructure Committee in the event that the Board's Chair is unable to attend Committee meetings. In a voice vote, the **motion** passed unanimously.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Vice Chair Maus called the meeting to order at 6:36 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. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Ms. Desir-Jean, seconded by Mr. Heidelberger, to approve [as amended].

Mr. Glassman noted the following correction on p. 2: the Board member who referred to the formatting error in the March 15, 2017 minutes was Mr. Glassman.

In a voice vote, the **motion** passed unanimously.

III. PUBLIC SIGN-IN / SWEARING-IN

At this time all individuals wishing to speak on Agenda Items were sworn in.

IV. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. PL17002**	101 SW 27 th Avenue, LLC
2. PL16013**	New Hope Community Church Inc.
3. R16024**	New Hope Community Church Inc.
4. R16073**	HS 17 th Street, LLC
5. Z17006* **	HS 17 th Street, LLC
6. V16005**	HS 17 th Street, LLC
7. Z17004* **	Project Andrews, LLC
8. PL16006**	AALW Properties, Inc.
9. T17002*	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.

9. CASE:
REQUEST: *

T17002

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

Amending Section 47-18.5, Automotive Service Station and Section 47-18.43, Liquor Store and Convenience Store and Section

47-35.1 Definitions.

This amendment would allow convenience stores in the Northwest Regional Activity Center when meeting specific conditions and eliminates the distance separation requirements between an automotive service station (gas station) and houses of worship, public parks, hospitals and schools.

APPLICANT:	City of Fort Lauderdale
PROJECT NAME:	Updating Requirements for Convenience Stores in the NWRAC and Automotive Service Station Requirements.
GENERAL LOCATION:	City-Wide
CASE PLANNER:	Eric Engmann

Eric Engmann, representing Urban Design and Planning, explained that the request is for a Text Amendment to the existing ULDR Section 47.18-43, which restricts convenience stores and liquor stores in the Northwest RAC. He clarified that the Northwest RAC is located west of the railroad tracks and bounded to the north and south by Sunrise and Broward Boulevards respectively, while the Northwest CRA crosses the tracks and also encompasses the Flagler Village area.

The prohibition of liquor and convenience stores was adopted in 2013 along with Northwest RAC zoning categories as part of a larger effort to improve the area. The goal was to limit crime and blight from the existing liquor and convenience stores in the area; however, Staff now feels the prohibition may have gone too far, and proposes specific examples and scenarios that would be allowed. When these criteria are met, the convenience store multi-purpose use would be allowed.

The criteria include:

- Conditional use on a case-by-case basis that examines the context of the specific site
- Stores must be part of a larger shopping center
- Food preparation or other address of the area as a “food desert” must exist on the site
- Inclusion of a gas station means the redevelopment site must be larger

Staff feels these criteria would allow convenience or liquor stores as part of larger developments under specific situations. While public notice is not required for a Text Amendment, the Board members’ backup materials reflect the outreach conducted as part of this effort.

Ms. Desir-Jean recalled that the original moratorium on these stores was added to Code after lengthy discussion of its potential effects. She noted, however, that the moratorium had seemed to be specific to the Sistrunk Corridor rather than extending throughout the Northwest RAC. Ms. Parker clarified that zoning designations for the Northwest RAC, including the Sistrunk Corridor, were adopted at the same time.

Ms. Desir-Jean asked what Staff has seen that merits the Text Amendment. Mr. Engmann replied that the prohibition remains in place, and may not be lifted without the approval of the Board under specific criteria. The Amendment considers the area as a whole and seeks specific scenarios under which these uses would work.

Ms. Desir-Jean pointed out that while the original moratorium was supported by several members of the Northwest RAC community, there did not seem to be a significant community presence at tonight's meeting. She noted that the convenience stores were previously a negative presence in that community, creating difficulty for the nearby neighborhoods to attract more positive development.

Ms. Parker observed that the Application for Item 7 made Staff analyze the situation differently and reconsider whether or not that proposed project was the type of convenience store the neighborhoods had hoped to prohibit. She pointed out the differences between the development described under Item 7, including its status as part of a larger plaza experience and bringing greater visibility to the site.

With regard to community participation, Mr. Engmann pointed out that the Northwest Progresso-Flagler Heights Redevelopment Advisory Board, which consists of members of the Northwest community, had voted 8-1 in favor of the original moratorium. Ms. Desir-Jean stated that due to the amount of time between the approval of the moratorium and the current Text Amendment, she was not certain that the Amendment represented the feeling of the Northwest community.

Mr. Glassman observed that the Text Amendment refers to Andrews Avenue and Sunrise Boulevard rather than the Sistrunk Corridor. He also noted that the Amendment has the support of the Northwest CRA. Ms. Desir-Jean advised that at the Board meeting at which the prohibition was originally discussed, it was not representatives of the Northwest CRA who spoke on its behalf, but residents of the Northwest community, who she did not feel were present at tonight's meeting.

Ms. Golub stated that she was also not certain it was appropriate to change Code specifically to allow the WaWa project. She also did not feel the requirement of a gas station was a sufficient addition to change the nature of a convenience store.

Mr. Engmann explained that Staff intended the gas station criterion to be indicative of a larger type of use. He cited the example of a Save-A-Lot in the subject neighborhood, pointing out that without this specific criterion, in theory, a convenience store could be placed into this development due to the existence of a gas station within the same parcel. The criterion is intended to ensure that any convenience stores are part of a larger, newer overall project.

Ms. Golub reiterated her concern that the proposed Text Amendment conforms closely to the specifications of the Site Plan for the project discussed under Item 7, such as the

requirement for three separate commercial establishments to constitute a shopping center. Vice Chair Maus noted that she felt this requirement prevents the development of a “mom and pop”-style convenience store, which had been the original concern addressed by the moratorium.

Ms. Desir-Jean asked why an Applicant could not simply request conditional use rather than the City enacting a Text Amendment. Mr. Engmann replied that liquor and convenience store uses are not conditional, but are prohibited. The proposed Text Amendment would only allow convenience stores as multi-purpose conditional uses in the subject district.

Ms. Golub requested clarification of what constitutes a shopping center. Mr. Engmann stated that a shopping center is defined as a group of commercial establishments that are planned, developed, owned, and managed as a unit, with common offsite parking that meets the total requirements of the parking section of the property. The property must also use a common name.

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

Kim Centamore, private citizen, stated that the subject parcel discussed under Item 7 was an emotional issue for the surrounding community, which was very supportive of it. She recalled that when the prohibition was approved, crime was a problem in the area, with the presence of convenience and liquor stores contributing to these issues. She concluded that the company proposing the WaWa/Aldi development has shown an interest in investing in the Northwest community, which she characterized as a partnership, and the guidelines proposed under the Text Amendment seemed fair.

Ron Centamore, President of the Progresso Village Civic Association, commented that he was supportive of the original moratorium when it was enacted. He advised that while members of the subject community might not be present at tonight’s meeting, there was strong attendance at a community meeting within the Northwest RAC to discuss this Item. He felt the proposed exemptions would continue to prevent unwanted uses while allowing the project described under Item 7 or other large projects to be built. He concluded that the surrounding neighborhood is supportive of the project.

Debbie Orshefsky, representing the Applicant of Item 7, clarified that her remarks were only intended to address the proposed Text Amendment. She explained that the prohibition of convenience and liquor stores in the Northwest RAC originally began as a moratorium; when that moratorium approached expiration, the Northwest RAC land use category was created, with the decision to prohibit certain uses within the category. This decision was perceived by residents, however, as only relating to arterials within the RAC rather than the entire area.

Ms. Orshefsky continued that there are three defined types of convenience stores: convenience kiosks, which can be up to 1000 sq. ft. in size; convenience stores, which may be up to 5000 sq. ft.; and convenience store multi-purpose, which is larger than 5000 sq. ft. The definitions of these uses broaden accordingly as size increases.

Ms. Orshefsky pointed out that the term “convenience store” has changed in recent years, employing many additional elements. She noted that up to 50% of the space in a WaWa, for example, is dedicated to food service. She supported Mr. Centamore’s description of significant community turnout at local meetings, at which residents agreed that these elements were not what Code intended to prohibit. The current intent is to narrow a previously broad prohibition in order to create special circumstances and the added protection of conditional use.

Ms. Orshefsky concluded that denial of the proposed Text Amendment would result in foreclosure of a business opportunity within the Northwest RAC, as it would not allow modern iterations of convenience stores. She reiterated that the types of stores that were problematic in the past would still be prohibited.

As there were no other individuals wishing to speak on this Item, Vice Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Glassman, seconded by Ms. Golub, to approve.

Ms. Golub stated that her concern that the Text Amendment is specifically intended to accommodate WaWa is alleviated in part due to Ms. Orshefsky’s explanation.

In a roll call vote, the **motion** passed 4-1 (Ms. Desir-Jean dissenting).

V. COMMUNICATION TO THE CITY COMMISSION

Mr. Glassman recalled that the City has recently created an Infrastructure Committee, which includes the Chairs of both the Budget Committee and the Planning and Zoning Board; however, the Ordinance that established the Committee was recently amended to include any member of the Planning and Zoning Board rather than only its Chair. He felt the Board should be represented on this Committee.

Ms. Parker explained that Urban Design and Planning Staff reached out to Board Chair Leo Hansen after the first meeting of the Infrastructure Committee. She confirmed that the Board Chair was interested in participating on the Committee.

Attorney Spence added that while the City Commission had appointed Chair Hansen to the Committee to represent the Board, the Board may communicate its interest in appointment of another member if it wishes. Once Chair Hansen’s term with the Board has ended, he would no longer be eligible to serve on the Committee.

The Board discussed its representation on the Infrastructure Committee, suggesting that an alternate member might also be appointed.

Motion made by Ms. Golub, seconded by Ms. Desir-Jean, that an alternate member be appointed to the Infrastructure Committee in the event that the Board Chair is unable to attend Committee meetings. In a voice vote, the **motion** passed unanimously.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 9:07 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.]