



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#17-0750**

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

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** July 11, 2017

**TITLE:** Ordinance Amending Unified Land Development Regulations (ULDR)  
Section 47-18.43, Liquor Stores and Convenience Stores to Modify Criteria  
for Permitting Convenience Store, Multi-Purpose within the Northwest  
Regional Activity Center Land Use Designation - Case T17002

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**Recommendation**

It is recommended the City Commission adopt an ordinance amending the City of Fort Lauderdale, Florida, Unified Land Development Regulations (ULDR) to establish conditional use criteria to allow "Convenience Store, Multi-Purpose" uses in the Northwest Regional Activity Center (NWRAC) Land Use Designation.

**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 NWRAC. 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 NWRAC.

The adopted ordinance created Section 47-18.43 of the ULDR, Liquor Stores and Convenience Stores, which prohibits any new convenience or liquor stores from being established in the NWRAC. More recently, certain property owners and neighbors have expressed that some convenience stores may be appropriate in the NWRAC under certain circumstances. One applicant in particular, developer of the Progresso Commons project, proposed at 947 N Andrews Avenue initiated 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

NWRAC 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 heard the request on May 17, 2017. The Board voted 4-1 in favor of the amendment. The May 2017 Planning and Zoning Board Staff report and minutes are attached as exhibits 2 and 3. The Planning and Zoning Board minutes from the original 2013 ordinance are attached for reference as Exhibit 4.

A summary of the proposed regulations is provided below.

### **Convenience Stores, 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. The other convenience store categories, convenience kiosk (maximum of 1,000 square feet) and convenience store (maximum of 5,000 square feet), are more closely associated with the small convenience stores that were considered as a nuisance in the NWRAC.

### **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 NWRAC. 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 unity of the site will ensure that there is a management team that is responsible for the overall upkeep of the site that has the ability to control, clean and provide security to the overall property. This will help to negate some of the adverse conditions that were addressed as concerns as part of the 2013 ordinance.

The minimum size and number of tenants will also ensure that the use will be part of a significant redevelopment project and not a stand-alone convenience store. A minimum of three uses is consistent with professional and suggested definitions of a mixed-use development.

**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 and Prior Reviews:**

As part of the process to prepare the proposed amendments, the following outreach efforts were incorporated to date along with the Planning and Zoning Board public hearing:

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 public outreach information presented by the Progresso Commons development team is attached as Exhibit 5.

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 minutes for the March 2017 NFP CRA Advisory Board

are attached as Exhibit 6.

**Comprehensive Plan Consistency:**

The proposed amendments are consistent with the City’s Comprehensive Plan. Specific goals, objectives and policies are addressed as follows:

- 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.

**Resource Impact**

There is no fiscal impact associated with this action.

**Strategic Connections**

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the Business Development Cylinder of Excellence, specifically advancing:

- Goal 6: Be a well-positioned City within the global economic and tourism markets of the South Florida region, leveraging our airports, port and rail connections.
- Objective 2: Facilitate a responsive and proactive business climate.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Prosperous*.

**Attachments**

- Exhibit 1 – Proposed Amendment
- Exhibit 2 – May 17, 2017 PZB Staff Report
- Exhibit 3 – May 17, 2017 PZB Minutes
- Exhibit 4 – May 15, 2013 PZB Minutes
- Exhibit 5 – Public Outreach Information
- Exhibit 6 – March 14, 2017 NPF CRA Minutes
- Exhibit 7 – Proposed Ordinance

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