



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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: December 04, 2012

TITLE: Appeal of the Planning and Zoning Board Denial for a Rezoning Request
Key Village, LLC. - PZ CASE 12-Z-12

Recommendation

It is recommended that the City Commission conduct a public meeting to consider an appeal of the Planning and Zoning Board's denial.

Background

On October 17, 2012, the Planning and Zoning Board denied the application to rezone the subject property located at 475 SW 27th Avenue from Mobile Home Park (MHP) to Community Facility – School (CF-S). The applicant proposed to rezone the 2.02-acre parcel of land in order to permit the construction of a 27,772 square foot charter school. The rezone request was denied by a vote of 6-2. Pursuant to Sec. 47-26.B, the applicant has requested an appeal of the Planning and Zoning Board's decision. A copy of their November 13, 2012 letter requesting the appeal is attached (Exhibit 1).

At the meeting, concerns were raised about the success of the school at this location as well as traffic impacts to the neighborhood.

As per ULDR Section 47-24.4.D, an application for a rezoning shall be reviewed in accordance with the following criteria:

1. The zoning district proposed is consistent with the City's Comprehensive Plan.
2. Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.
3. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

The proposed zoning is consistent with the City's Comprehensive Plan in that community facilities are permitted within the Medium-High Residential land use category. Staff concurred with the applicant's assessment that community facilities can be supported by residential areas and determined that the proposed rezoning would not represent a substantial change to the character of the surrounding area, which has residential uses ranging from single-family to multi-family, churches, as well as commercial, retail and other similar uses.

The City Commission is to review the record compiled by the department, DRC, and planning and zoning board, and shall hold a public meeting on the record and shall determine if: a. There was a departure from the essential requirements of law in the proceedings appealed; or b. Competent substantial evidence does not exist to support the decision.

If the Commission finds either of the two conditions, then the Commission shall conduct a de novo hearing, which may be held immediately or set by resolution no later than sixty (60) days from the date of adoption of the resolution (Exhibit 4). If the City Commission finds that neither condition exists, then a resolution upholding the decision of the Planning and Zoning Board should be approved (Exhibit 5)..

Should the Commission grant a de novo hearing, the application for a rezoning shall be reviewed for compliance with Section 47-25, Development Review Criteria and with the criteria of ULDR Section 47-24.4.D, as outlined herein.

At the conclusion of the hearing the City Commission may reject, approve or amend the decision of the Planning and Zoning Board and shall consider an ordinance approving the rezoning on first reading.

The application and staff report and the location map for the Planning and Zoning Board meeting are attached as Exhibit 2. The Planning and Zoning Board meeting minutes are attached as Exhibit 3.

Resource Impact

There is no fiscal impact associated with this action.

Attachment(s)

Exhibit 1 – Applicant's written request to appeal Planning and Zoning Board Denial

Exhibit 2 – 101712 PZB Staff Report

Exhibit 3 – 101712 PZB Minutes

Exhibit 4 – Appeal Resolution

Exhibit 5 – Uphold 12-Z-12 Reso

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Department Director: Greg Brewton, Sustainable Development