



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

#17- 0467

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

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

DATE: May 16, 2017

TITLE: Quasi-Judicial – Ordinance – Rezone of 2.57 Acres from General Industrial (I) to General Business District (B-2) through the Use of the Commercial Flexibility Rule - “Wawa and Chick-fil-A” – BW Cypress Creek Powerline, LLC. – 900 NW 62 Street – Case ZR16001

Recommendation

It is recommended that the City Commission adopt an ordinance rezoning the site located on the southwest corner of Cypress Creek Road and Powerline Road from General Industrial (I) to General Business District (B-2) through the use of commercial flexibility rule.

Background

Pursuant to criteria outlined in the Sections 47-24.4.D, *Rezoning*, 47-25.2, *Adequacy Requirements*, and Section 47-28.1.J, *Allocation of commercial uses within areas designated industrial land use or employment center land use* of the Unified Land Development Regulations (ULDR), the rezoning was reviewed by the Planning and Zoning Board (PZB) on March 15, 2017, and recommended for approval by a vote of 8-0. The location map and corresponding narratives are provided as Exhibit 1 and Exhibit 2, respectively. The PZB staff report and draft meeting minutes are attached as Exhibit 3 and Exhibit 4, respectively.

The applicant is proposing to rezone the property from General Industrial (I) to Business District (B-2) utilizing commercial flex, to allow for commercial uses to include retail and restaurant businesses. This proposed rezoning will permit commercial business uses on the property subject to a site plan level III development permit approval. The applicant has submitted a site plan for concurrent review that proposes to develop two buildings consisting of a 5,911 square-foot convenience store with gas station and 3,999 square feet of restaurant use that received a recommendation of approval by the PZB by a vote of 8-0 on March 15, 2017.

The property has an underlying land use of Employment Center. The Broward County Land Use Plan provides that a certified local land use plan may permit up to twenty percent (20%) of the area designated for “Employment Center” use on the Broward

County Land Use Plan within a flexibility zone to be used for commercial and retail business as long as the location of these uses does not preclude or adversely affect the future use of surrounding areas for employment center use. The certified land use plan of the City of Fort Lauderdale includes such provisions and has incorporated by reference as the City's Flexibility Rules Section 47-28 of the ULDR. Pursuant to City's Section 47-28.1.J of the ULDR, Allocation of Commercial Uses within Areas Designated Industrial Land Use or Employment Center, the City may permit a development to be used for commercial business uses within lands designated employment center on the city's land use plan by rezoning the parcel to a business zoning district. Parcels rezoned in this manner may not exceed twenty percent of the total land use area within the flexibility zone that is designated for Employment Center. The table below provides a summary of use of commercial flexibility rule in Flex Zone 42. If the request for 2.57 acres of commercial flex is approved, 146.6 acres of commercial flex will remain.

Table 1 – Flex Zone 42

	Commercial Flex Acreage
Total Acreage of Employment Center	765
20% of E.C. Acreage	153
Rezoned Using Flexibility to Date	3.83
Rezoning Pending	2.57
Remaining	146.6

Per the ULDR requirements, the following criteria have been reviewed as part of the rezoning application:

1. The zoning district proposed is consistent with the City's Comprehensive Plan;

The proposed rezoning to B-2 is consistent with the City's Comprehensive Plan subject to the allocation of commercial flex. The City's Comprehensive Plan utilizes flexibility rules established by the Broward County Land Use Plan in order to facilitate the allocation of commercial acreage to allow the City to respond to changing conditions. The B-2 zoning district is intended to provide for the location of commercial businesses which cater to households, are necessary for the City's economic vitality and meet the general business needs of the community. Also, the B-2 zoning district is intended to be located on sites centered on or around major trafficways. The proposed development is located at the west corner of NW 62nd Street and Powerline Road and according to the applicant will be conducting commercial business to include retail and restaurant uses.

2. The changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration;

The proposed development is located in an area of the City which includes a variety of commercial and industrial uses. The project will serve the local neighborhoods, and capture customers from the Fort Lauderdale Executive Airport and Interstate I-95. The property is located in the City's Uptown area, which is currently undergoing a master plan effort to address and create a more livable urban village atmosphere for the Uptown area. The proposed rezoning is consistent with the intent of the Uptown project and will not adversely impact the area.

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 surrounding properties have a Land Use designation of Employment Center, with zoning classifications of B-1, B-2 and I. Other restaurants including Wendy's, Arby's and McDonald's are located to the west and north of the proposed development. In addition, office uses and a bank are located to the east and a Shell gas station is located to the north. The proposed rezoning does not introduce a new use into this neighborhood, as the existing zoning to the north and east allows for restaurant, convenience store and gas station uses, consistent with the existing character of the area, and does not preclude or adversely affect the future use of surrounding areas.

The rezoning request is subject to the public participation requirements established in Sec. 47-27.4 of the ULDR. The applicant has provided supporting documentation indicating that a public participation meeting was held on December 5, 2016 in order to offer the neighborhood associations surrounding the property the opportunity to learn about the proposed project. The public participation meeting summary and affidavit are provided as Exhibit 5. The proof of ownership is attached as Exhibit 6.

The City Commission shall hold a public hearing to consider the application, the record and recommendations forwarded by the Department of Sustainable Development (DSD) and the PZB, as well as the public's comments when determining whether the request meets the criteria for rezoning. The records and recommendations are available upon request.

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 – Location Map

Exhibit 2 – Applicant’s Narrative

Exhibit 3 – PZB Staff Report from March 15, 2017

Exhibit 4 – PZB Meeting Minutes from the March 15, 2017

Exhibit 5 – Public Participation Meeting Summary and Affidavit

Exhibit 6 – Proof of Ownership

Exhibit 7 – Ordinance

Prepared by: Florentina Hutt, AICP, Planner II, Sustainable Development

Department Director: Anthony Greg Fajardo, Sustainable Development