



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

**#17-0753**

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

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

**DATE:** June 20, 2017

**TITLE:** Quasi-Judicial – Appeal of Planning and Zoning Board Denial of a  
Rezoning – Progresso Commons - 947 Andrews Avenue, Fort Lauderdale  
– Project Andrews, LLC Harvey Taylor - Case Z17004

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**Recommendation**

It is recommended that the City Commission conduct a public meeting to review the record of Item 5, Case Z17004, from the May 17, 2017 Planning and Zoning Board agenda.

**Background**

Applicant, Project Andrews, LLC, submitted a rezoning application (Exhibit 1) on February 3, 2017 to rezone approximately 4.8 acres of land from Boulevard Business (B-1) and Residential Multifamily Mid Rise/ Medium High Density (RMM-25) to Northwest Regional Activity Center Mixed Use northeast (NWRAC-MUne) to unify the zoning of the applicants property into a single zoning district for future development of a shopping center. The current zoning districts for the overall property is Boulevard Business (B-1), Residential Multifamily Mid Rise/ Medium High Density (RMM-25) and Northwest Regional Activity Center Mixed Use northeast (NWRAC-MUne) with a future land use designation of Northwest Regional Activity Center.

On May 17, 2017, the Planning and Zoning Board reviewed the applicant's rezoning submission and the staff report is provided as part of Exhibit 2. The Planning and Zoning Board voted to deny the rezoning request (3/2). The applicant submitted a request for appeal from the Planning and Zoning Board to deny the rezoning request of Project Andrews, LLC (Applicant) pursuant to Section 47-4.4.H. of the Unified Land Development Regulations (ULDR).

**Standard of Review**

Section 47-26B.1.A.1 of the ULDR provides that on appeal of Planning and Zoning Board decision the City Commission shall review the record compiled by the department, DRC and Planning and Zoning Board and 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 City Commission determines that there was not a departure from the essential requirements of law or that competent substantial evidence exists to support the decision then the Planning and Zoning Board decision will be upheld. If the City Commission finds that there was departure from the essential requirements of law or that competent substantial evidence did not exist to support the decision then the City Commission shall adopt resolution to set de novo hearing no later than 60 days from the date of adoption of the resolution.

Applicant is requesting the City Commission set a de novo hearing and first reading of the rezoning ordinance for the July 11, 2017, Regular City Commission meeting.

### **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 - Planning and Zoning Board Application

Exhibit 2 - May 17 Staff Report

Exhibit 3 - Draft May 17 Planning and Zoning Board Minutes

Exhibit 4 - Resolution Setting a De Novo Hearing

Exhibit 5 - Resolution Affirming Planning and Zoning Board Decision

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