



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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: July 11, 2017

TITLE: De Novo Hearing and a Quasi-Judicial Consideration of an Ordinance -
Rezone 4.8 Acres from Boulevard Business (B-1) District and Residential
Multifamily Mid Rise / Medium High Density (RMM-25) District to
Northwest Regional Activity Center Mixed Use northeast (NWRAC-MUne)
District - Progresso Commons - Project Andrews, LLC - 947 Andrews
Avenue, Fort Lauderdale - Case Z17004

Recommendation

It is recommended that the City Commission conduct a de novo hearing and adopt an ordinance rejecting the planning and zoning board decision and approving the rezoning of approximately 4.8 acres of land, generally located on the south side of Sunrise Boulevard east of NW 2nd Avenue, north of NW 9th Street and west of Andrews Avenue, from Boulevard Business (B-1) District and Residential Multifamily Mid Rise / Medium High Density (RMM-25) District to Northwest Regional Activity Center Mixed Use northeast (NWRAC-MUne) District.

Background

The applicant, Project Andrews, LLC, submitted the subject rezoning application on February 3, 2017 to unify the zoning on the subject property into a single zoning district for a future shopping center development. A Location Map is provided as Exhibit 1. The Planning and Zoning Board (PZB) voted (3/2) to deny the rezoning request on May 17, 2017. The Planning and Zoning Board Meeting Minutes and Staff Report are provided as Exhibit 3 and Exhibit 4 respectively. On June 20, 2017, the applicant submitted a request to appeal the Planning and Zoning Board denial of the rezoning application and requested that the City Commission set a de novo hearing. The City Commission set the de novo hearing to review the application on first reading at its July 11, 2017, Regular City Commission meeting.

Review Criteria

Pursuant to the City's Unified Land Development Regulations (ULDR) Section 47-24.4.D, Rezoning Criteria, an application for a rezoning shall be reviewed in accordance with the following:

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

The proposed zoning district, NWRAC-MUone, is consistent with the City's Comprehensive Plan in that the proposed rezoning furthers redevelopment efforts within the Northwest Regional Activity Center and better aligns the zoning with the existing underlying Northwest Regional Activity Center land use. The proposed zoning district promotes a mix of uses that help to support the long term goal of reducing blight conditions in the area and providing redevelopment opportunities that promote multi-modal accessibility.

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 rezoning would maintain the character of the neighborhood and support standards that target redevelopment while maintaining the vision for the area. The proposed use is consistent with the underlying land use and neighboring zoning districts. The proposed zoning district requires development design standards that collectively guide the design of the streetscape, open space, and building design to result in a pedestrian-friendly, cohesive, and successful public realm environment, as envisioned by the underlying land use.

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 Northwest Regional Activity Center to the east, south and west of the property and a Commercial designation north of the property across the Sunrise Boulevard right-of-way, with zoning classifications of Northwest Regional Activity Center – Mixed Use Northeast (NWRAC-MUone), Residential Multifamily Mid Rise / Medium High (RMM-25), Boulevard Business (B-1) and Community Business (CB). Existing adjacent uses include an existing commercial strip center to the north and west, automotive dealership to the east and commercial and single family homes to the south. The proposed rezoning does not introduce new uses into the area; however, requires design standards which blend with the urban fabric and enhance redevelopment possibilities. The surrounding area generally supports the uses permitted within the NWRAC-MUone zoning district.

Table 1 below provides a comparison of uses permitted under the existing zoning and proposed zoning district.

TABLE 1

Use Type Key: P=Permitted C=Conditional	Proposed (NWRAC- MUne)	Required (RMM-25)	Required (B-1)
Automotive			
Automotive Parts & Supplies Store	P		P
Automotive Repair Shop, Major Repair, see Section 47-18.4	P		
Automotive Repair Shop, Minor Repair, see Section 47-18.4	P		P
Automotive Sales, Rental, new or used vehicles, see Section 47-18.3	P		P
Automotive Service Station, see Section 47-18.5	P		P
Car Wash, Automatic, see Section 47-18.7	C		C
Motorcycle/Moped Sale, wholesale sales permitted	P		P
Tire sales, including Retreading and Service	P		P
Boats, Watercraft and Marinas			
Charter and Sightseeing Boat, see Section 47-23.8	C		C
Hotel Marina, see Section 47-23.8			C
Marina, see Section 47-23.8	C		C
Marine Parts and Supplies Store	P		P
Marine Service Station, see Section 47-18.20			C
Sailmaking			P
Watercraft Repair, minor repair, see Section 47-18.37	C		P
Watercraft Sales and Rental, new or used, see Section 47-18.36	C		P

Commercial Recreation			
Amphitheater	P		
Billiard Parlor	P		P
Bingo Hall	P		P
Bowling Alley	P		P
Golf Course			C
Indoor Firearms Range, see Section 47-18.18			C
Indoor Motion Picture Theater (fewer than 5 screens in NWRAC-MUne)	P		P
Miniature Golf			C
Performing Arts Theater, less than 300 seats	P		P
Food and Beverage Sales and Service			
Bakery Store	P		P
Bar, Cocktail Lounge, Nightclub	P		P
Cafeteria	P		P
Candy, Nuts Store	P		P
Catering Service	P		
Delicatessen	P		P
Food and Beverage, Drive-Thru and Carryout	P		P
Fruit and Produce Store	P		P
Grocery/Food Store (Convenience Store prohibited in the NWRAC-MUne)	P		P
Ice Cream/Yogurt Store	P		P

Meat and Poultry Store	P		P
Restaurant	P		P
Seafood Store	P		P
Supermarket	P		P
Wine Specialty Store	P		
Lodging			
Bed and Breakfast Dwelling, see Section 47-18.6	P	C	P
Hotel, see Section 47-18.16	P	C	P
Public Purpose Facilities			
Active and Passive Park	P	P	P
Civic and Private Club Facility	P		P
College, University	P		
Communication Towers, Structures, and Stations, see Section 47-18.11	C		
Courthouse	P		
Cultural, Educational and Civic Facility	P		
Government Facility	P		P
Helistop, see Section 47-18.14	C		C
Hospital, Medical and Public Health Clinic	C		P
House of Worship		C	P
Library	P		P
Museum and Art Gallery	P		P

Police and Fire Substation	P		P
Post Office Branch/Substation	P		P
Public/Private Meeting Rooms	P		
Public/Private Recreation	P		P
Radio Station (digital)/Broadcast	P		
School, including trade/business school	P	C	P
Social Service Residential Facility, see Section 47-18.32	C		C
Residential Uses			
Single-Family Dwelling, Standard		P	
Cluster Dwellings, see Section 47-18.9		P	
Coach Homes, see Section 47-18.10		P	
Multi-family Dwelling	P	P	
Townhouse, see Section 47-18.33	P	P	
Two-Family/Duplex Dwellings		P	
Zero Lot Line Dwelling, see Section 47-18.38		P	
Retail Sales			
Antiques Store	P		P
Apparel/Clothing, Accessories Store	P		P
Art Galleries, Art Studio, Dealer	P		P
Arts & Crafts Supplies Store	P		P
Bait and Tackle Store	P		P
Bicycle Shop	P		P

Book Store	P		P
Camera, Photographic Supplies Store	P		P
Candle Shop	P		
Card & Stationery Store	P		P
Cigar, Tobacco Store	P		P
Computer/Software Store	P		P
Consignment, Thrift Store	P		P
Cosmetics, Sundries Store	P		P
Department Store	P		P
Fabric, Needlework, Yarn Shop	P		P
Flooring Store	P		P
Florist Shop	P		P
Furniture Store	P		P
Gifts, Novelties, Souvenirs Store	P		P
Glassware, China, Pottery Store	P		P
Hardware Store	P		P
Hobby Items, Toys, Games Store	P		P
Holiday Merchandise, Outdoor Sales, see Section 47-18.15	P		P
Home Improvement Center			P
Household Appliances Store	P		P
Jewelry Store	P		P
Lawn and Garden Center, Outdoor Display	P		P

Linen, Bath, Bedding Store	P		P
Luggage, Handbags, Leather Goods Store	P		P
Medical Supplies Store	P		P
Mobile Vendor, see Section 47-18.22	P		
Music, Musical Instruments Store	P		P
Newspapers, Magazines Store	P		P
Nursery, Plants, Flowers	P		
Office Supplies, Equipment Store	P		P
Optical Store	P		P
Paint, Wallpaper Store	P		P
Party Supply Store	P		P
Pet Store	P		P
Pharmacy	P		P
Security Systems	P		
Shoe Store	P		P
Shopping Center	P		
Sporting Goods Store	P		P
Tapes, Videos, Music CD's Store	P		P
Services/Office Facilities			
Auction House			P
Adult Gaming Center			C
Check Cashing Store			P

Child Day Care Facilities, Corporate/Employee Sponsors, see Section 47-18.8	P		
Child Day Care Facilities, Large, see Section 47-18.8	C		
Contractors	P		
Copy Center	P		P
Dry Cleaner, see Section 47-18.12	P		P
Film Processing Store	P		P
Financial Institution, including Drive-Thru Banks	P		P
Formal Wear, Rental	P		P
Funeral Home	P		P
Hair Salon	P		P
Health and Fitness Center	P		P
Helistop, see Section 47-18.14			C
Instruction: Fine Arts, Sports and Recreation, Dance, Music, Theater	P		P
Interior Decorator	P		P
Laundromat, see Section 47-18.19	P		P
Mail, Postage, Fax Service	P		P
Massage Therapist	P		P
Medical/Dental Office/Clinic	P		P
Nail Salon	P		P
Nursing Home, see Section 47-18.23	C	C	P
Parking Facility, see Section 47-20	P		P

Personnel Services, including Labor Pools	P		P
Pet Boarding Facility, Domestic Animals Only			P
Photographic Studio	P		P
Professional Office	P		P
Publishing Plant	P		
Security Systems	P		P
Senior Citizen Center, see Section 47-18.30	P		P
Shoe Repair, Shoe Shine	P		P
Tailor, Dressmaking Store, Direct to the Customer	P		P
Tanning Salon	P		P
Tattoo Artist	P		P
Travel Agency	P		P
Veterinary Clinic, see Section 47-18.35	P		P
Watch and Jewelry Repair	P		P
Accessory Uses, Buildings and Structures (See Section 47-19)			
Accessory uses to Hotels, see Section 47-19.8	P		P
Catering Services	P		P
Child Day Care - Corporate/Employee Sponsors when accessory to professional office, see Section 47-18.8	P		P
Concessions, accessory to parks, including refreshment stands, pro shops, souvenir shops	P		
Electronic Installation, when accessory to electronic sales, only in wholly enclosed building	P		P

Film Processing, when accessory to a permitted use	P		P
Outdoor Dining and Sidewalk Cafés, see Section 47-19.9	P		P
Video Games Arcade, when accessory to a shopping center	P		P
Watercraft Sales and Rental, new or used when accessory to a Marina	C		
Urban Agriculture See Section 47-18.41			

Table 2 includes a comparison of dimensional requirements as required under existing zoning and proposed zoning.

TABLE 2.

	Proposed (NWRAC-MUne)	Required (RMM-25)	Required (B-1)
Lot Size	None	10,000 square feet	None
Density	None	None	N/A
Building Height	120 Feet	55 feet	150 feet
Structure Length	150 feet	200 feet	None
Floor Area	None	None	None
Setbacks/Yards	Proposed (NWRAC-MUne)	Required (RMM-25)	Required (B-1)
Front (N)	0 feet	25 feet	5 feet
Side (W)	15 feet when abutting residential	20 feet	None 10 feet when contiguous to residential property
Side (E)	0 feet	20 feet	None 10 feet when contiguous to residential property

Rear (S)	15 feet when abutting residential	20 feet	None 15 feet when contiguous to residential property
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Comprehensive Plan Consistency:

The property is designated Northwest Regional Activity Center on the City's Future Land Use Map. The proposed rezoning and associated uses are consistent with the underlying land use. The rezoning is also generally consistent with the City's Comprehensive Plan Goals, Objectives and Policies, including the Future Land Use Element, Goal 1, Objective 1.7: which encourages development and redevelopment to be consistent with the Northwest/Progresso/Flagler Heights Redevelopment Plan. The proposed zoning district was established to further goals of the Northwest/Progresso/Flagler Heights Redevelopment Plan.

The applicant has provided narrative responses to all criteria, which are attached to the plan sets as part of Exhibit 2. Staff concurs with applicant's assessment.

Public Participation

The rezoning request is subject to the public participation requirements established in ULDR Section 47-27.4. According to the applicant, they have held multiple public participation meetings during the months of February, March, and April providing the neighborhood associations located adjacent to the site an opportunity to learn about the proposed project.

The applicant's public participation summary and affidavits are provided as Exhibit 5.

Pursuant to ULDR Section 47-26B, Review by the City Commission shall be by de novo hearing supplemented by the application record and the same standards and criteria applicable to the development permit shall be applied. At the conclusion of the hearing the City Commission shall take action either approving, approving with conditions or denying the application.

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 7: 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 - Planning and Zoning Board Staff Report from May 17, 2017

Exhibit 4 – Approved Planning and Zoning Board Meeting Minutes from May 17, 2017

Exhibit 5 - Public Participation Meeting Summary and Affidavit

Exhibit 6 - Ordinance

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