



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

#18-1024

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

FROM: Lee Feldman, ICMA-CM, City Manager

DATE: October 23, 2018

TITLE: Quasi-Judicial - Appeal of Planning and Zoning Board Denial of a Rezoning
Application - Gardenia Park - 501 NW 17th Street - Development4Life
Partners, LP - Case No. Z17009

Recommendation

It is recommended that the City Commission conduct a public meeting to determine whether there was a departure from the essential requirements of law in the August 15, 2018 proceedings before the Planning and Zoning Board or whether competent substantial evidence exist to support the Planning and Zoning Board's denial of a rezoning application filed by Development4Life Partners, LP under Case No. Z17009.

Background

Applicant, Development 4Life Partners, LP, submitted an application (Exhibit 1) to rezone approximately 4.85 acres from Residential Single Family / Medium Density District (RDS-15) and Residential Low Rise Multifamily / Medium-High Density District (RML-25) to Residential Single Family Cluster Dwellings / Medium Density District (RC-15) in order to unify the zoning on the subject property into a single zoning district to allow for future development of townhouses. On August 15, 2018, the Planning and Zoning Board held a public hearing and considered the rezoning application. A motion was made to approve the rezoning application but the motion failed in a vote of 3-4 and was recorded as a denial. On August 31, 2018 the applicant filed an appeal of the Planning and Zoning Board decision in accordance with Section 47-24.4.H. of the Unified Land Development Regulations (ULDR) (Exhibit 4).

Pursuant to Section 47-26B.1.A.1 of the ULDR, Appeal of a Planning and Zoning Board decision, the City Commission shall review the record compiled by the Department, Development Review Committee and Planning and Zoning Board and hold a public meeting to 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.

The applicant is requesting that the City Commission set a de novo hearing and first reading of the rezoning ordinance on the November 6, 2018 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 - Staff Report

Exhibit 3 - Planning and Zoning Board Minutes

Exhibit 4 - Appeal Request

Exhibit 5 - Resolution Affirming the Planning and Zoning Board Decision

Exhibit 6 - Resolution to Set a De Novo Hearing

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