



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

**#19-0851**

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

**FROM:** Chris Lagerbloom, ICMA-CM, City Manager

**DATE:** October 15, 2019

**TITLE:** Quasi-Judicial Appeal of Planning and Zoning Board Denial of a Rezoning  
Application - The Guitar Broker - 816 NW 6th Avenue - Brody Family  
Investments, LLC - Case No. Z19002 - **(Commission District 2)**

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**Recommendation**

It is recommended that the City Commission review an appeal request and conduct a public meeting to determine whether there was a departure from the essential requirements of law in the May 15, 2019 proceedings before the Planning and Zoning Board or whether competent substantial evidence exists to support the Planning and Zoning Board's denial of the rezoning application filed by Brody Family Investments, LLC. (Case No. Z19002).

**Background**

The applicant is requesting to rezone 0.39 acres of land located at 816 NW 6th Avenue from General Industrial (I) to General Business (B-2) zoning district to permit a greater range of commercial uses to support the underlying Northwest Regional Activity Center land use designation and further redevelopment opportunities to support the Northwest Progresso/Flagler Heights Community Redevelopment Area (CRA). A one-story, 10,456 square-foot commercial building, currently functioning as a guitar brokerage center exists on the subject property. A survey, zoning map, and future land use map of the area requesting to be rezoned and the application to appeal is attached as Exhibit 1 and Exhibit 2 respectively.

On July 17, 2019, the Planning and Zoning Board (PZB) 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 2-5 and was recorded as a denial. The PZB Staff Report, Application and Exhibits are attached as Exhibit 3 and the PZB Meeting Minutes are attached as 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 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 a resolution to set a 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 October 15, 2019 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 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.
- Strategic Initiatives: Implement a Small Business Development Program to enhance long-term viability of our local economy.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Prosperous*.

### **Attachments**

Exhibit 1 - Survey, Zoning Map, and Land Use Map

Exhibit 2 - Applicant's Request to Appeal

Exhibit 3 - Planning and Zoning Board Staff Report, Application and Exhibits from July 17, 2019

Exhibit 4 - Planning and Zoning Board Meeting Minutes from July 17, 2019

Exhibit 5 - Resolution Upholding Planning and Zoning Board Decision

Exhibit 6 - Resolution to Set a De Novo Hearing

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