SUSTAINABLE DEVELOPMENT – URBAN DESIGN & PLANNING

CITY COMMISSION (CC) - GENERAL APPLICATION

Rev: 1 | **Revision Date:** 2/24/2017 | **Print Date:** 2/24/2017
I.D. Number: PREID - AR

CITY COMMISSION (CC)
General Application

Cover: Deadline, Notes, and Fees
Page 1: Applicant Information Sheet, Required Documentation & Mail Notice Requirements
Page 2: Sign Notification Requirements & Affidavit

DEADLINE: City Commission submittal deadlines are set by the City Clerk and vary by type of application. Contact project planner to determine deadline prior to submittal of complete application.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

☐ **Innovative Development (ID)**	**$ 2,640.00**	
☐ **Site Plan Level IV**	**$ 950.00**	
☐ **Site Plan Level II in DRAC/SRAC-SA** (Downtown Regional Activity Center / South Regional Activity Center-South Andrews)	**$ 1,920.00**	
☐ **Plat / Plat Note Amendment**	**$ 540.00**	(includes $90 Final-DRC Fee)
☐ **Easement Vacation**	**$ 560.00**	(includes $90 Final-DRC Fee)
☐ **ROW Vacation**	**$ 830.00**	(includes $100 Final-DRC Fee)
☐ **Rezoning** (in addition to above site plan fee)	**$ 910.00**	(includes $110 Final-DRC Fee)
☒ **Appeal and/or DeNovo Hearing**	**$ 1,180.00**	
☐ **Site Plan Deferral**	**$ 490.00**	
☐ **City Commission Request fot Review**	**$ 800.00**	
☐ **City Commission General Review**	**$ 89.00 / Hr.***	

*The above fee is calculated at a rate of $89.00 per hour. Generally thes applications take no more than 3 hours total to review ($267.00), however any additional time required by staff will be charged prior to the City Commission meeting.

Approval by: Ella Parker, Urban Design & Planning Manager
Uncontrolled in hard copy unless otherwise marked

WE BUILD COMMUNITY

Updated 3/20/2015

CC_GeneralApp

Page 1: City Commission Submittal Requirements

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

NOTE: To be filled out by Department

Case Number	Z 19 002
Date of complete submittal	

NOTE: To be filled out by Applicant

Property Owner's Name	BRODY FAMILY INVESTMENTS, LLC Brody Family Investments, LLC signature is required on the application by the owner
Applicant / Agent's Name	Matthew H. Scott, Esq./Dunay, Miskel and Backman.
Development / Project Name	The Guitar Broker - REZONING - APPEAL OF PZ DENIAL
Development / Project Address	Existing: 816 NW 6th Avenue New: Same
Current Land Use Designation	NWRAC
Proposed Land Use Designation	NWRAC
Current Zoning Designation	Industrial
Proposed Zoning Designation	B-2
Specific Request	Rezoning from Industrial to B-2

The following number of Plans:

- ☐ One (1) original signed-off set, signed and sealed at 24" x 36"
- ☐ Two (2) copy sets at 11" x 17"
- ☐ One (1) electronic version* of complete application and plans in PDF format to include only the following:
  - ☐ Cover page
  - ☐ Survey
  - ☐ Site plan with data table
  - ☐ Ground floor plan
  - ☐ Parking garage plan
  - ☐ Typical floor plan for multi-level structure
  - ☐ Roof plan
  - ☐ Building elevations
  - ☐ Landscape plan
  - ☐ Project renderings i.e. context plan, street-level perspectives, oblique perspectives, shadow study, etc.
  - ☐ Important details i.e. wall, fence, lighting, etc.

*All electronic files provided should include the name followed by case number "Cover Page Case no.pdf"

MAIL NOTIFICATION

Mail notice is required for City Commission hearing of a Rezoning of Less than Ten Acres and of an Appeal of ROW Vacation. Notice shall be in the form provided by the Department and mailed on the date the application is accepted by the Department. The names and addresses of homeowner associations shall be those on file with the City Clerk. Rezoning of Less Than Ten Acres hearing notice must be mailed within 30 days of the hearing and Appeal of ROW Vacation hearing notice within 10 days of hearing.

- **REQUIREMENT**: Mail notice of development proposal shall be provided to real property owners within 300 feet of applicant's property, as listed in the most recent ad valorem tax records of Broward County.
- **TAX MAP**: Applicant shall provide a tax map of all property within the required notification radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
- **PROPERTY OWNERS NOTICE LIST**: Applicant shall provide a property owners notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required notification radius. The list shall also include all homeowners associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
- **ENVELOPES**: The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required notification radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. Indicate the following as the return address on all envelopes: City of Fort Lauderdale, Urban Design & Planning, 700 NW 19th Avenue, Fort Lauderdale, FL 33311.
- **DISTRIBUTION**: The City of Fort Lauderdale, Urban Design & Planning Division will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

Page 2: Sign Notification Requirements and Affidavit

SIGN NOTICE

Applicant must **POST SIGNS** for all City Commission hearings of development applications according to Sec. 47-27.4.

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time and place shall be stated on the sign or changed as applicable.
- The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
- The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
- If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
- If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
- Development applications for more than one (1) contiguous development site shall be required to have sign notice by posting one (1) sign in each geographic direction, (north, south, east and west) on the public right-of-way at the perimeter of the area under consideration.
- If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
- The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
- The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

AFFIDAVIT OF POSTING SIGNS

STATE OF FLORIDA
BROWARD COUNTY

- APPLICANT WILL PROVIDE WHEN City determines HEARING DATE.

RE:

_____CITY COMMISSION CASE NO._____

APPLICANT:_____

PROPERTY:_____

PUBLIC HEARING DATE:_____

BEFORE ME, the undersigned authority, personally appeared _____, who upon being duly sworn and cautioned, under oath deposes and says:

1. Affiant is the Applicant in the above cited City of Fort Lauderdale **Board or Commission** Case.
2. The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief before the **Board or Commission**.
3. That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least **fifteen (15)** days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
4. Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the **Board or Commission**. **Should the application be continued, deferred or re-heard, the sign shall be amended to reflect the new dates.**
5. Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Planning **five (5)** calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
6. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties therefore.

_____
Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this ____ day of _____, 20__.

(SEAL)

_____
NOTARY PUBLIC
MY COMMISSION EXPIRES:

NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27 3.i of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit._____**(Initial here)**

_____ Initials of applicant (or representative) receiving sign as per 47-27.2(3)(A-J)

DUNAY
MISKEL
BACKMAN LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Hope Calhoun
Dwayne Dickerson
Ele Zachariades
Matthew H. Scott
Christina Bilenki
Lauren G. Odom
Zach Davis-Walker

August 8, 2019

City of Fort Lauderdale
City Clerk's Office
Attn: David Soloman
100 N. Andrews Avenue, 7th Floor
Fort Lauderdale, FL 33301

RE: Appeal of Planning & Zoning Board Denial of Rezoning Application Case # Z19002 on July 17, 2019.

Dear Mr. Soloman,

This letter is being submitted pursuant to Section 47.26.B.1. of the City's ULDRs appealing the July 17, 2019 decision of the Planning and Zoning Board denying Case Number Z19002 which is a request for rezoning of the +/- 0.39 acre property located at 816 NW 6th Avenue, which is generally located on the east side of NW 6th Avenue, east of NW 6th Avenue, between NW 8th Street and NW 9th Street ("Property") in the City of Fort Lauderdale ("City"). The Property has a future land use designation of Northwest Regional Activity Center and is currently zoned General Industrial (I). Brody Family Investments, LLC ("Petitioner") submitted application number Z19002 to rezone the Property to the General Business (B-2) zoning district ("Rezoning"). The Rezoning would then allow Petitioner to utilize the property for a greater range of commercial uses that support the underlying Northwest Regional Activity Center Land Use. Petitioner submitted required application materials and justification statements demonstrating that the Rezoning complies with the review criteria listed in the City's Unified Land Development Regulations ("ULDRs"). City staff reviewed the application and found the Rezoning to be consistent with the City's ULDRs and complies with the rezoning review criteria and City's Comprehensive Plan.

On July 17, 2019, the City's Planning & Zoning Board held a public hearing and reviewed the Rezoning application. Although Petitioner provided competent substantial evidence that the Rezoning met the criteria for such applications under Section 47.24.4D of the City's ULDRs, the Rezoning was denied by the City's Planning & Zoning Board. Petitioner is now respectfully appealing the decision of the City's Planning & Zoning Board as there was a departure from the essential requirements of law in the proceedings by the board and as competent substantial evidence does not exist to support the decision.

Section 47-24.4.D of the City's ULDRs states that rezoning applications shall be reviewed in accordance with the following criteria: (1) the zoning district proposed is consistent with the City's Comprehensive Plan; (2) the changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under construction; and (3) the character of the area proposed is suitable

14 S.E. 4th Street, Suite 36, Boca Raton, FL 33432 | Tel: (561) 405-3300 | Fax: (561) 409-2341 | www.dmbblaw.com

for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

The Staff Report for the Rezoning specifically and expressly states that the Rezoning Application meets all the criteria for the Rezoning. At the July 17, 2019 Planning & Zoning Board hearing on the Rezoning Application, City staff also testified that the Rezoning application met all of the criteria for rezoning. Both Petitioner and City staff presented evidence and materials demonstrating that the Rezoning complies with the above noted criteria. No competent substantial evidence was presented to the Planning & Zoning Board to demonstrate the Rezoning did not comply with these criteria. Notwithstanding the foregoing, members of the Planning & Zoning Board made statements that they would not support the rezoning because it would be considered spot zoning, as the parcels immediately adjacent to the Property maintained the I-1, industrial zoning designation, despite parcels one block to the east and to the north with related business district zoning designations. The Assistant City Attorney present at the meeting also made statements that she believed the rezoning request amounted to spot zoning or raised spot zoning concerns. Comments were also made by board members that the City should pursue a rezoning of the entire area in order to bring the area into conformity with the underlying land use and change the desired zoning designation to the area, rather than approving Petitioner's individual pursuit of such a zoning change. As such, there was no basis for denial of the application according to the Code criteria. Instead, the basis for denial was generalized concerns about spot zoning and the Board's preference for the issue to be addressed with a more comprehensive, city-initiated rezoning of the area.

While there was no evidence to support the denial of the rezoning request, Petitioner provided the following evidence to demonstrate compliance with each of the rezoning criteria:

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

Petitioner submitted a justification statement for the Rezoning application that discussed the Northwest Regional Activity Center ("NWRAC") future land use designation that applies to the Property per the City's Comprehensive Plan. A copy of that justification statement is attached hereto as Exhibit "A". Petitioner noted that the under the City's Comprehensive Plan, the NWRAC provides "the ultimate flexibility" for redevelopment activities and its goal is to provide commercial developments that are compatible with residential areas. As the Property is currently zoned for high intensity industrial uses that are incompatible with residential land uses, the current zoning designation conflicts with the City's Comprehensive Plan and the future land use designation. In contrast, the proposed B-2 zoning designation is a significant downzoning that certainly allows for a wider range of community business type uses that are more compatible with the surrounding residential areas.

The City's Comprehensive Plan further states that development and redevelopment within the NWRAC shall be consistent with the Northwest Progresso/Flagler Heights Community Redevelopment Plan ("Redevelopment Plan"). The Redevelopment Plan further identifies the intent of this area is to preserve and protect abutting neighborhood areas from incompatible commercial development, to enhance the quality of life in the residential neighborhoods and to provide employment and job opportunities as well as essential neighborhood services to the surrounding neighborhood areas. Again, the current industrial zoning designation on the Property is inconsistent with these goals and objectives. Rather, the proposed B-2 zoning designation is more suitable for the Property as it would allow for a diverse range of community business uses that will conform with the goal of providing neighborhood services and removing the incompatible uses that adversely effect the quality of life for the surrounding residential communities.

Finally, another goal of the Redevelopment Plan, which is taken directly from the City's Comprehensive Plan, is to evaluate industrial land uses in the NWRAC to determine where possible zoning changes are needed to assure compatibility with surrounding residential neighborhoods. As such, the City's Comprehensive Plan and the Redevelopment Plan both contemplate rezoning of the Property from the industrial land use designation to a commercial zoning designation that is more suitable for the area. As the Property is located approximately three hundred thirty (330) feet from a residentially-zoned area, it is the perfect example of an area where a zoning change is needed to ensure compatibility with the surrounding area.

The City also entered a staff report prepared by planning experts into the record which supported Petitioner's position that the Rezoning met the required criteria in the ULDRs. A copy of that staff report is attached hereto as Exhibit "B". In the staff report, staff noted that, per the City's Comprehensive Plan, the intent of the NWRAC is to contain a mixture of small to medium scale businesses, cultural and residential uses through the redevelopment and rehabilitation of existing buildings. Staff noted the Rezoning is also supported by Objective 1.7 which aims to support development and redevelopment activities within the Redevelopment Plan area. The staff report further notes that the Rezoning is consistent with Objective 1.10 which encourages redevelopment and expansion of employment opportunities within the NWRAC and Policy 1.7.5, which calls for the evaluation of industrial land uses in the NWRAC to determine where possible zoning changes are needed to assure compatibility with the surrounding neighborhood. The staff report also notes that the Rezoning of the Property supports community revitalization by introducing uses, including retail sales, commercial offices, and restaurants, that are consistent with the Redevelopment Plan and that the Rezoning support the redevelopment of an undervalued industrial area of the City that has the potential to serve as a major source of investment and employment for the surrounding community.

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

Petitioner presented evidence that the proposed Rezoning would not adversely impact the character of development in the area as the Rezoning is a downzoning to a less intense zoning district that is more compatible with the character of development within the area, including business districts one block to the north and east and residentially zoned districts only one and a half blocks to the east. Further, development to the east is intended for construction of more multi-family uses that are in need of the less intense and more community-oriented businesses that would be permitted under the B-2 zoning designation. Again, the existing industrial zoning adversely impacts the character of development in or near the area and is therefore not suitable for the Property.

City staff further presented evidence that the Rezoning will be consistent with the pattern of development emerging within the NWRAC, offering an opportunity to establish new community businesses that aid in the economic vitality of the City and nearby neighborhoods. City staff noted that the location of the Property aligns with the intent of the B-2 zone, which is to locate this district on sites concentrated on or around major trafficways per ULDR Section 47-6.2, as the Property is located on NW 6th Avenue, which connects to Sunrise Boulevard and Sistrunk Boulevard. Staff noted that as redevelopment continues, NW 6th Avenue will accommodate a mixture of commercial uses that will provide local commerce and employment opportunities, as contemplated by the City's Comprehensive Plan. City staff also concurred

that the uses permitted under the B-2 zoning designation are less intense than the existing industrial zoning district, promoting uses that are more consistent with and supporting of nearby residential areas. Staff also noted the compatibility in development standards between the proposed B-2 district and existing industrial district which will allows for building size compatibility and will help transition the area to a mixed-use corridor.

Once again, the City's Planning & Zoning Board did not hear or review any evidence to contest the evidence from Petitioner and/or staff that the Rezoning complies with this criterion. Rather, the Board heard baseless opposition from a neighbor and generalized concerns about spot zoning, which are legally insufficient to support denial.

(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.

Petitioner presented evidence that the B-2 zoning district is compatible with surrounding zoning districts and uses. More specifically, Petitioner demonstrated that the surrounding zoning districts include a business district one block east, followed by a multi-family residential zoning district approximately three hundred thirty (330) feet east of the Property. Petitioner presented evidence that the uses permitted in the B-2 zoning district are more restrictive, when considering intensity of the use, than the uses permitted under the current industrial zoning and that due to the location of the Property, on the edge of the industrial district and in such close proximity to residential uses, the existing zoning is less compatible with the surrounding districts than that of the proposed B-2 zoning designation.

City staff provided additional evidence in support of this criterion. Staff demonstrated that based upon Table 1: Dimensional Requirements for the existing and proposed zoning designations, both districts are similar to one another when considering development standards and will allow for a seamless transition between the industrial uses immediately surrounding the Property and the proposed commercial uses. Staff noted that, if adopted, the B-2 zoning designation is not anticipated to have an adverse impact on the surrounding district and uses.

The City's Planning & Zoning Board did not hear or review any evidence to contest the evidence from Petitioner and/or staff that the character of the area is not suitable for the uses permitted in the proposed zoning district or that the character of the area is incompatible with surrounding districts and uses. During discussion, the City's Planning & Zoning Board noted they considered this to be spot zoning, despite evidence demonstrating compatibility and future redevelopment plans for the area. Petitioner presented evidence through applicable case law that held such zoning changes are not considered spot zoning when it is consistent with the purposes of the comprehensive plan. More specifically, Petitioner cited Town of Juno Beach v. McLeod, No. 4DO02-624 (4th DCA 2002), which held that zoning requests should be evaluated within the context of the municipality's comprehensive plan and that zoning changes should be scrutinized to ensure strict compliance with the comprehensive plan. Further, in a similar instance, the court in S.W. Ranches Homeowners Association v. Broward County 502. So2d 931, 935 (Fla. 4th DCA 1987) held that a similar zoning change did not constitute spot zoning where it was consistent with the purposes of the comprehensive plan. As such, Petitioner presented competent substantial evidence that the Rezoning met this criterion, but also that per applicable caselaw, the Rezoning did not constitute spot zoning. Again, the board noted that the City should initiate a rezoning for the area to amend the entire

region to a commercial business district, but did not present evidence that the proposed Rezoning did not comply with this criterion.

As previously noted, rezoning applications shall be reviewed in accordance with the three (3) criteria noted in Section 47.24.4.D of the ULDR. Where competent substantial evidence has been provided to demonstrate compliance with those three (3) criteria and in absence of competent substantial evidence that the request fails to meet those criteria, a rezoning application must be approved. During the public hearing before the Planning & Zoning Board for the Rezoning, Petitioner and City staff both presented evidence, supported by the application materials, that the Rezoning met the standards in Section 47.24.4.D. As such, Petitioner respectfully requests that this appeal be granted as competent substantial evidence does not exist to support the decision of the Planning & Zoning Board. Further, by making decisions based on factors not included within the criteria listed in Section 47.24.4.D, there was a departure from the essential requirements of law in the proceedings. Based on the foregoing, Petitioner respectfully requests that at the next available regularly scheduled meeting for the City Commission to accept this request for an appeal of the Planning & Zoning Board's denial of the Rezoning, and at this same meeting, conduct a de novo hearing and approve the Rezoning.

Sincerely,

Matthew Scott, Esq.
Dunay, Miskel & Backman, LLP

EXHIBIT A

LOCHRIE & CHAKAS P.A.

1401 East Broward Boulevard, Suite 303
Fort Lauderdale, Florida 33301
Email: ASchein@LochrieLaw.com
Direct Line: 954.617.8919
Main Phone: 954.779.1119
Fax: 954.779.1117

Owner: **Brody Family Investments LLC**
Site Address: **816 NW 6th Avenue ("Property")**
Request: **Rezoning from Industrial to B-2**
Author: **Andrew Schein, Esq.**

May 10, 2019

Rezoning Narrative

City of Fort Lauderdale ULDR Section 47-24.4.D.

1. The zoning district proposed is consistent with the city's comprehensive plan.

RESPONSE: The Property's future land use designation under the City's comprehensive plan is Northwest Regional Activity Center ("NWRAC"). Under the comprehensive plan, the NWRAC provides "the ultimate flexibility" for redevelopment activities and for preserving single-family residential neighborhoods within the area. One of the stated goals in the comprehensive plan for the NWRAC is to provide commercial developments that are compatible with residential areas.

The Property is currently zoned "industrial". While industrial uses are permitted in the NWRAC, the current zoning designation of the Property does not match the comprehensive plan's goal of providing uses that are compatible with residential areas. The B-2 zoning designation, which is a significant "downzoning" from the existing zoning, allows for more uses that are compatible with the surrounding residential areas and explicitly does not allow for "heavier" uses that are not consistent with the surrounding residential areas.

Additionally, the City's comprehensive plan states that development and redevelopment within the NWRAC shall be consistent with the Northwest Progresso/Flagler Heights Community Redevelopment Plan ("Redevelopment Plan"). The Property is located within the "Northwest District" of the Redevelopment Plan. The Redevelopment Plan states:

> **"Overall, this Redevelopment Plan will generally, but not solely, assist in serving the needs of low and moderate-income neighborhoods by fostering development regulations designed to preserve and protect abutting neighborhood areas from incompatible commercial development. Additionally, it will help focus and direct basic physical improvement programs to the NPF CRA in order to enhance the quality of life in the residential neighborhoods, and improve the overall environment necessary to retain and attract sound business and commercial development that provide employment and job opportunities as well as essential neighborhood services to the surrounding neighborhood areas." (emphasis added)**

By rezoning the Property from industrial to B-2, the Property will be restricted from certain heavier land uses (manufacturing, warehousing, etc.) that are incompatible with the surrounding neighborhood areas. Instead of industrial uses, the B-2 zoning designation would promote the stated goals of the Redevelopment Plan by enhancing the quality of life in the surrounding residential neighborhoods and would allow for different uses that are more in conformity with the goal of providing essential neighborhood services (such as restaurants, bakeries, general retail, etc.) that are currently restricted by the zoning (but permitted under the land use).

Another goal in the Redevelopment Plan, which is taken directly from the comprehensive plan, is to "evaluate industrial land uses in the Northwest RAC to determine where possible zoning changes are needed to assure compatibility with surrounding residential neighborhoods." The Property is located approximately 330 feet away from a residentially-zoned area, and the Applicant believes that the proposed downzoning of the Property to B-2 is the perfect example of an area that a zoning change is needed to assure compatibility with the surrounding residential neighborhoods.

The Applicant believes that this proposed rezoning is not only compatible with the comprehensive plan and the Redevelopment Plan, but is essential to further the stated goals and objectives of both plans.

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

   RESPONSE: The proposed rezoning will not adversely impact the character of development in or near the area under consideration. The proposed rezoning is a downzoning to a less intense zoning district and will therefore be more compatible with the character of development near the area, specifically the residentially zoned areas to the east of the Property. The area, with more multifamily residential uses coming to fruition to the east of the Property, is in need of less intense and more neighborhood-friendly uses that are allowed in the B-2 zoning district but are not allowed in the industrial zoning district.

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.

   RESPONSE: As stated above, the Property is approximately 330 feet from multifamily residential zoning to the east. The uses permitted in the B-2 zoning district are more restrictive, from an intensity standpoint, than the uses permitted under the current industrial zoning. Located on the edge of the industrial district near residential uses, the Property's current zoning is less compatible with surrounding districts and uses than the proposed zoning.

EXHIBIT B

REQUEST FOR REZONING

Industrial to B-2

816 NW 6th Avenue

Fort Lauderdale, FL 33311

SHEET INDEX

1 – Cover Page

2 – Survey

3 – Plat

4 – Plat (continued)

5 – Aerial, Land Use and Zoning

ALTA\ACSM LAND TITLE SURVEY OF: 816 N.W. 6th AVENUE, FORT LAUDERDALE, FL.

LEGEND:

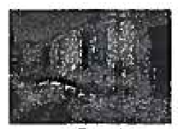
B.C.R.	BROWARD COUNTY RECORDS
I.D.	IDENTIFICATION
M.D.C.R.	MIAMI-DADE COUNTY RECORDS
P.B.	PLAT BOOK
PGS.	PAGES
(DFT)	BEARING AND DISTANCE DERIVED FROM A FIELD TRAVERSE. PROPERTY CORNER MONUMENTS, BASED ON FIELD MEASUREMENTS FROM A RANDOM TRAVERSE.
(P)	DENOTES BEARING AND/OR DISTANCE BASED ON PLAT OF RECORD.
(C)	CALCULATED
-OHW-	OVERHEAD WIRES
℄	CENTERLINE
	BREAK IN SCALE
	VIEW 1
	MONITORING WELL
	CATCH BASIN
	SEWER VALVE
	ELECTRIC METER
	WOOD POWER POLE

IMPERVIOUS AREA = 15,599.2 SQUARE FEET (92.44%)

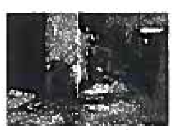
PERVIOUS AREA = 1,273.8 SQUARE FEET (7.56%)

TOTAL AREA = 16,873.0 SQUARE FEET (100%)

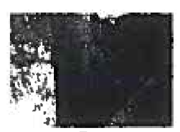
VIEW 1
NOT TO SCALE



VIEW 2
NOT TO SCALE



VIEW 3
NOT TO SCALE



VIEW 4
NOT TO SCALE

ZONING INFORMATION:

THE PROPERTY SHOWN HEREON IS LOCATED WITHIN CITY OF FORT LAUDERDALE GENERAL INDUSTRIAL DISTRICT (I).

SETBACK REQUIREMENTS.

FRONT YARDS: WHEN CONTIGUOUS TO RESIDENTIAL PROPERTY: 30 FEET.
ALL OTHERS: 5 FEET. *WHERE THE HEIGHT OF A BUILDING EXCEEDS NINE (9) FEET MEASURED FROM THE GROUND FLOOR ELEVATION, THAT PORTION OF THE BUILDING MAY EXTEND INTO THE FRONT YARD AREA.

SIDE YARDS: WHEN CONTIGUOUS TO RESIDENTIAL PROPERTY: 30 FEET.
ALL OTHERS: ALL SIDE YARDS ABUTTING A STREET: 5 FT.
ALL OTHER SIDE YARDS: NONE EXCEPT WHEN ANY PORTION OF A STRUCTURE IS GREATER IN HEIGHT THAN 100 FT. UP TO MAXIMUM HEIGHT OF 150 FT., THAT PORTION OF THE STRUCTURE SHALL BE SET BACK AN ADDITIONAL 1 FT. FOR EACH 1 FT. OF BUILDING HEIGHT OVER 100 FT.

REAR YARDS: WHEN CONTIGUOUS TO RESIDENTIAL PROPERTY: 30 FEET.
ALL OTHERS: ALL REAR YARDS ABUTTING A STREET: 5 FEET.
ALL OTHER REAR YARDS: NONE EXCEPT WHEN ANY PORTION OF A STRUCTURE IS GREATER IN HEIGHT THAN 100 FT. UP TO MAXIMUM HEIGHT OF 150 FT., THAT PORTION OF THE STRUCTURE SHALL BE SET BACK AN ADDITIONAL 1 FT. FOR EACH 1 FT. OF BUILDING HEIGHT OVER 100 FT.

THIS INFORMATION WAS OBTAINED FROM THE CITY OF FORT LAUDERDALE LAND DEVELOPMENT CODE. THIS INFORMATION IS SUBJECT TO THE REVIEWERS INTERPRETATION. THE ABOVE STATEMENT IS NOT AN INDICATION OF THE PROPER SETBACKS FOR THIS SITE BY EXACTA COMMERCIAL SURVEYORS, INC. FOR MORE INFORMATION ABOUT SETBACKS AND ZONING FOR THIS SITE CONTACT THE CITY OF FORT LAUDERDALE URBAN DESIGN AND PLANNING DIVISION AT 954-828-3303.

TITLE COMMITMENT NOTES:

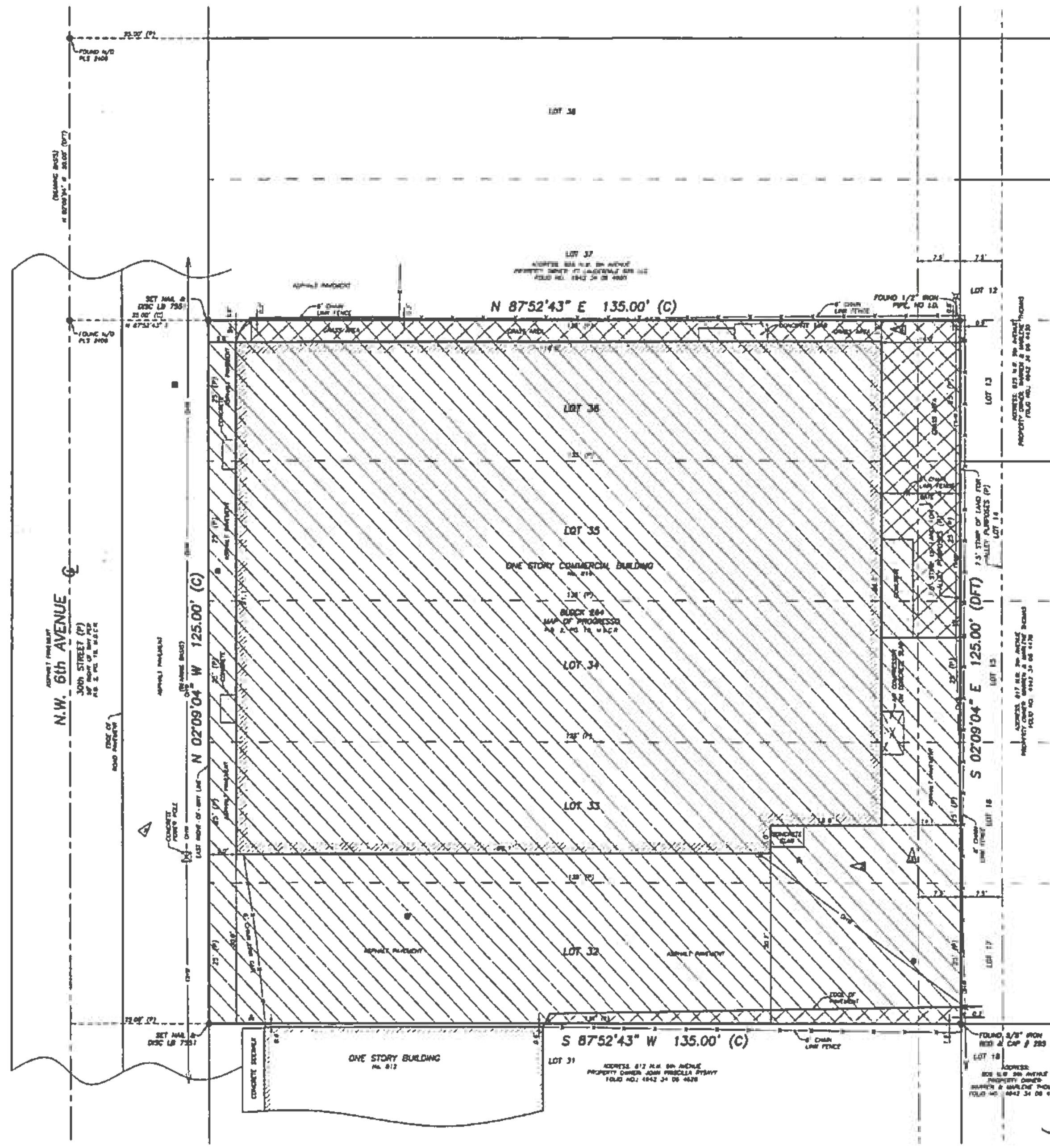
THE SURVEYED PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY EXACTA COMMERCIAL SURVEYORS, INC. EASEMENTS AND OTHER MATTERS OF RECORD SHOWN HEREON ARE BASED ON COMMITMENT FOR TITLE INSURANCE PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, AGENT'S FILE REFERENCE: 19867. EFFECTIVE DATE: SEPTEMBER 17, 2015 AT 11:00 PM.

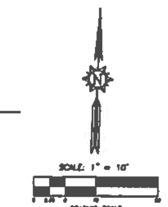
ITEMS 1 THRU 4. NOT A MATTER OF SURVEY.

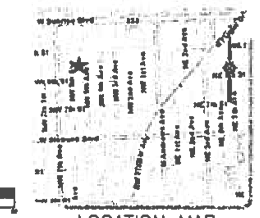
ITEM 5. THE PROPERTY SHOWN HEREON IS SUBJECT TO RESTRICTIONS, CONDITIONS, RESERVATIONS, EASEMENTS, AND OTHER MATTERS CONTAINED ON THE PLAT OF PROGRESSO, AS RECORDED IN PLAT BOOK 2, PAGE 18, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. THE MATTERS DESCRIBED THEREON ARE BLANKET IN NATURE, THEY ARE NOT SPECIFICALLY PLOTTABLE AND ARE NOT GRAPHICALLY SHOWN HEREON.

ITEM 6. THE PROPERTY SHOWN HEREON IS SUBJECT TO ORDINANCE No. 2005-20, RECORDED IN O.R. BOOK 40082, PAGE 1799, AND ORDINANCE No. 2002-61, RECORDED IN O.R. BOOK 34145, PAGE 1881, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. THE MATTERS DESCRIBED THEREON ARE BLANKET IN NATURE, THEY ARE NOT SPECIFICALLY PLOTTABLE AND ARE NOT GRAPHICALLY SHOWN HEREON.

ITEM 7. NOT A MATTER OF SURVEY.







LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION:

PER SCHEDULE A, COMMITMENT FOR TITLE INSURANCE PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, AGENT'S FILE REFERENCE: 19867. EFFECTIVE DATE: SEPTEMBER 17, 2015 AT 11:00 PM.

LOTS 32, 33, 34, 35 AND 36, BLOCK 264 OF PROGRESSO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, SAID LANDS SITUATE,LYING AND BEING IN BROWARD COUNTY, FLORIDA.

SURVEY NOTES:

1. THIS SURVEY REPRESENTS A BOUNDARY SURVEY AS DEFINED BY STANDARDS OF PRACTICE FOR SURVEYING AND MAPPING, CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODES., ALSO THIS SURVEY WAS MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS.

2. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

3. THE PROPERTY SHOWN HEREON CONTAINS AN AREA OF 0.39 ACRES (16,873 SQUARE FEET), MORE OR LESS.

4. THE BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N.02°09'04"W., ALONG THE CENTERLINE OF N.W. 6th AVENUE AND REFER TO FLORIDA STATE PLANE COORDINATES SYSTEM, EAST ZONE, 1983 (1990) ADJUSTMENT.

5. THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE AH, ELEVATION=6' (NAVD 88), AS SHOWN ON FLOOD INSURANCE RATE MAP 12011C 0369 H, COMMUNITY NUMBER 125105, CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, MAP REVISED DATE: AUGUST 18, 2014.

6. THE SYMBOLS REFLECTED IN THE LEGEND AND ON THIS SURVEY MAY HAVE BEEN ENLARGED FOR CLARITY. THE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.

7. THE INFORMATION DEPICTED ON THIS SURVEY REPRESENTS THE RESULTS OF A FIELD SURVEY ON THE DATE INDICATED AND CAN ONLY BE CONSIDERED AS A REPRESENTATION OF THE GENERAL CONDITIONS EXISTING AT THAT TIME.

8. OWNERSHIP OF WALLS OR FENCES WAS NOT DETERMINED.

9. BUILDING DIMENSIONS WERE MEASURED AT GROUND LEVEL AND ARE OVERALL. ARCHITECTURAL DETAILS MAY NOT BE SHOWN. BUILDING TIES ARE TO THE EXTERIOR WALLS.

10. THE SURVEYOR DID NOT INSPECT THE PROPERTY SHOWN HEREON FOR ENVIRONMENTAL HAZARDS.

11. TREES, IRRIGATION LINES, WELLS AND SPRINKLERS HEADS (IF ANY), NOT LOCATED OR SHOWN HEREON.

12. THE INFORMATION CONTAINED IN THIS DOCUMENT WAS PREPARED BY EXACTA COMMERCIAL SURVEYORS, INC. EXACTA HAS TAKEN ALL REASONABLE STEPS TO ENSURE THE ACCURACY OF THIS DOCUMENT. WE CANNOT GUARANTEE THAT ALTERATIONS AND/OR MODIFICATIONS WILL NOT BE MADE BY OTHERS AFTER IT LEAVES OUR POSSESSION. THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY (WHICH BEARS THE RAISED SURVEYOR'S CERTIFICATION SEAL IF APPLICABLE) TO ENSURE THE ACCURACY OF THE INFORMATION CONTAINED HEREON AND TO FURTHER ENSURE THAT ALTERATIONS AND/OR MODIFICATIONS HAVE NOT BEEN MADE. EXACTA MAKES NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACCURACY OF THE INFORMATION CONTAINED IN THIS OR ANY DOCUMENT TRANSMITTED OR REVIEWED BY COMPUTER OR OTHER ELECTRONIC MEANS. CONTACT EXACTA DIRECTLY FOR VERIFICATION OF ACCURACY.

13. SUBSURFACE UTILITIES AND FOUNDATIONS WERE NOT LOCATED AND ARE NOT SHOWN HEREON. THIS SITE COULD HAVE UNDERGROUND INSTALLATIONS THAT ARE NOT SHOWN HEREON. BEFORE DESIGN, CONSTRUCTION OR EXCAVATION, CONTACT 811.COM (811) AND THE APPROPRIATE UTILITY COMPANIES FOR FIELD VERIFICATION OF UTILITIES. THIS SURVEY IS LIMITED TO ABOVEGROUND FEATURES ONLY.

14. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

PARKING SPACES:

NONE.

STATEMENT OF APPARENT ENCROACHMENT:

NONE.

SURVEYOR'S REFERENCES:

1. PLAT OF PROGRESSO, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
2. BROWARD COUNTY PROPERTY APPRAISER WEBSITE.
3. BROWARD COUNTY CLERK OF COURT WEBSITE.
4. COMMITMENT FOR TITLE INSURANCE PREPARED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, AGENT'S FILE REFERENCE: 19867. EFFECTIVE DATE: SEPTEMBER 17, 2015 AT 11:00 PM.

SURVEYOR'S CERTIFICATE:

TO: BRODY FAMILY INVESTMENTS, LLC.; STONEGATE BANK, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR; FRANK, WEINBERG & BLACK, PL; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(b), 7(a), 8, 11(a), AND 13 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON OCTOBER 1, 2015.

DATE OF PLAT OR MAP: OCTOBER 5, 2015.

JAVIER DE LA ROCHA
PROFESSIONAL SURVEYOR AND MAPPER NO. 5080
STATE OF FLORIDA

EXACTA COMMERCIAL SURVEYORS, INC. L.B. 7351
javier@exactacomm.com

TELEPHONE NO. 561-314-0769 FAX NO. 561-314-0770
ECS EXACTA COMMERCIAL SURVEYORS, INC.
3480 FAIRLANE FARMS ROAD, SUITE 5, WELLINGTON, FL 33414

SEAL
NOT VALID UNLESS SEALED HERE WITH AN EMBOSSED SURVEYOR'S SEAL

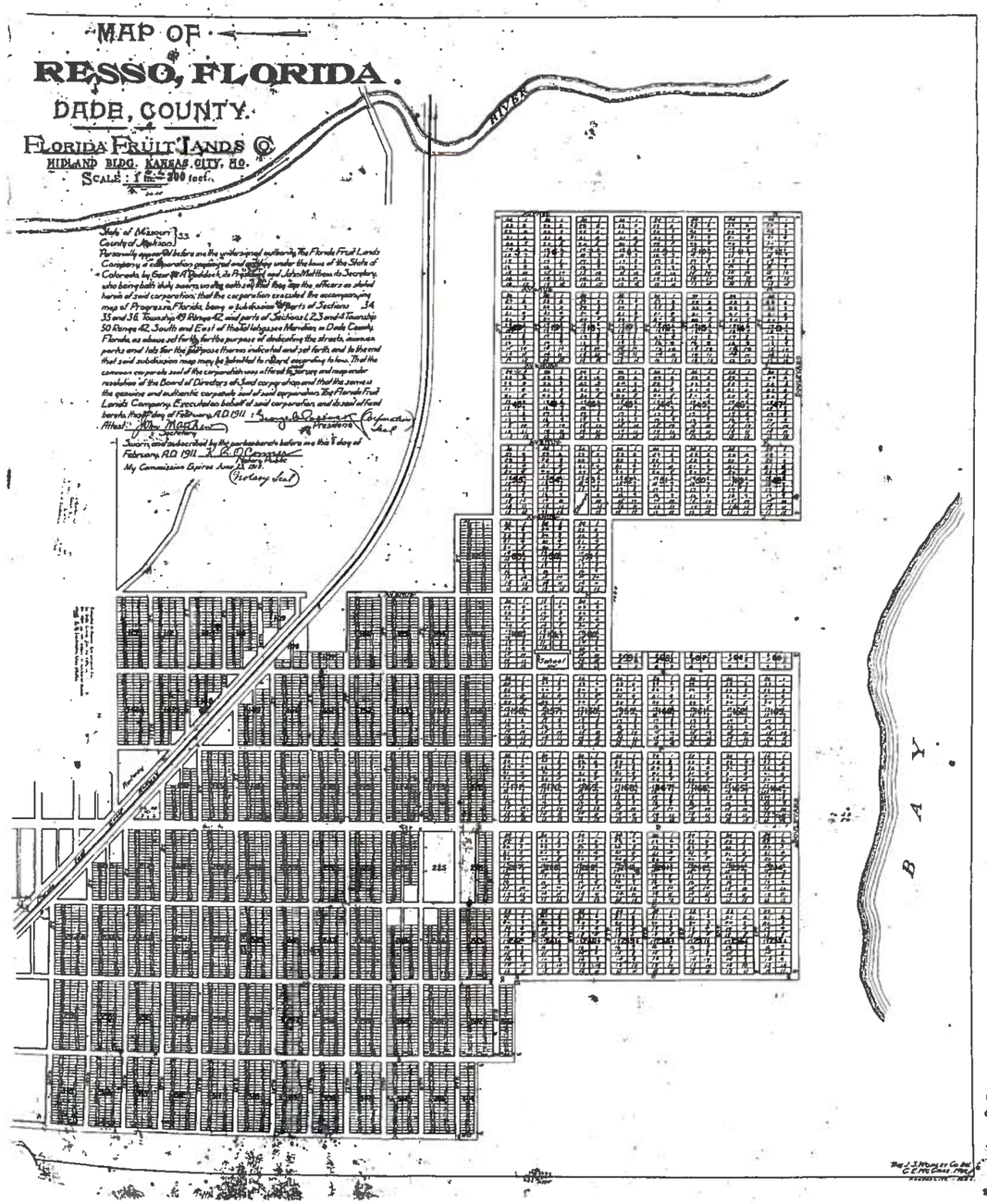
ALTA\ACSM LAND TITLE SURVEY
LOTS 32, 33, 34, 35 AND 36
BLOCK 264
PROGRESSO
PLAT BOOK 2, PAGE 18, M.D.C.R.
816 N.W. 6th AVENUE, FORT LAUDERDALE, FL 33311

CLIENT: FRANK, WEINBERG & BLACK, PL.
DATE: 10/05/15
DRAWN BY: J.D.G.
CHECKED BY: J.D.L.R.
LAST FIELD DATE: 10/01/15

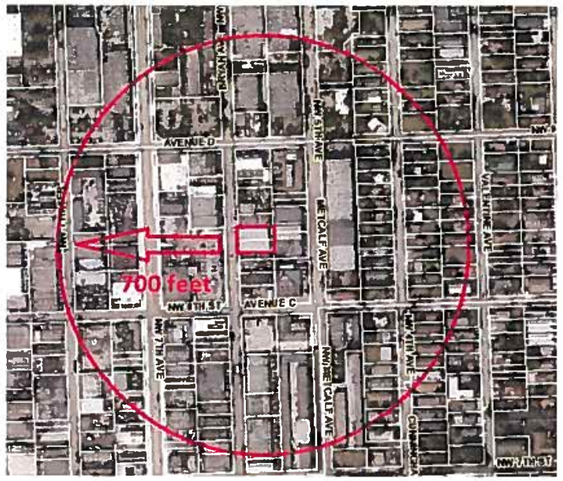
REVISIONS
01 ALTA/ACSM LAND TITLE SURVEY 10/05/15
02 CALCULATE PERVIOUS & IMPERVIOUS AREAS 03/24/1

JOB NO. FL1509-3285-01
SHEET NO. 01 OF 01

PROG
MIDDLE
NOTE
Subdivision Map executed by The Florida Fruit Lands Co. comprising all parts of Sections 34, 35 and 36 Township 43 Range 42 and parts of Sections 1, 2, 3 and 4 Township 50 Range 42 South and East of the Tallahassee meridian in Dade County State of Florida
AVENUE
Railway
Railway
N


MAP OF
RESSO, FLORIDA.
DADE, COUNTY.
FLORIDA FRUIT LANDS Co.
MIDLAND BLDG. KANSAS CITY, MO.
SCALE: 1 in. = 200 feet.
State of Missouri } ss.
County of Jackson }
Personally appeared before me the undersigned authority The Florida Fruit Lands Company, a corporation organized and existing under the laws of the State of Colorado, by George A. Goodrich, its President, and John Matthews, its Secretary, who being both duly sworn, on their oath, say that they are the officers as above named of said corporation; that the corporation executed the accompanying map of Progresso, Florida, being a subdivision of Parts of Sections 34, 35 and 36, Township 49 Range 42, and parts of Sections 1, 2, 3 and 4 Township 50 Range 42, South and East of the Tallahassee Meridian, in Dade County, Florida, as shown set forth, for the purpose of dedicating the streets, avenues, parks and lots for the purposes therein indicated and set forth, and to the end that said subdivision map may be permitted to be filed, recording to law. That the common corporate seal of the corporation was affixed to said survey and map under resolution of the Board of Directors of said corporation; and that the same is the genuine and authentic corporate seal of said corporation; The Florida Fruit Lands Company. Executed on behalf of said corporation, and the seal of said corporation affixed this 8th day of February, A.D. 1911.
Attest: John Matthews, Secretary
George A. Goodrich, President
(Corporate Seal)
Sworn and subscribed by the undersigned before me this 8 day of February, A.D. 1911.
My Commission Expires June 21, 1911.
(Notary Seal)
RIVER
BAY
Railway
Schools

Aerial



Zoning

Future Land Use

GUITAR BROKER