



REQUEST: Rezone 0.39 acres from General Industrial (I) District to General Business (B-2) District.

Case Number	Z19002
Applicant	Brody Family Investment, LLC.
General Location	816 NW 6 th Avenue
Property Size	±0.39 acres
Portion of Property to be Rezoned	±0.39 acres
Current Zoning	General Industrial (I)
Proposed Zoning	General Business (B-2)
Existing Use	Guitar Broker
Proposed Use	Undetermined
Future Land Use Designation	Northwest Regional Activity Center (NW-RAC)
Applicable ULDR Sections	Section 47-24.4 Rezoning Criteria
Notification Requirements	Sec. 47-24.1 Public Participation Sec. 47-27.6 Sign Notice 15 days prior to meeting Sec. 47-27.6 Mail Notice (300 foot radius) 10 days prior to meeting
Project Planner	Adam Schnell, Planner II

PROJECT DESCRIPTION:

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). The location of the property and the applicant's narrative responses are included as Exhibit 1 and Exhibit 2 respectively.

A one-story, 10,456 square-foot commercial building, currently functioning as a guitar brokerage center exists on the subject property.

REVIEW CRITERIA:

As per Section 47-24.4.D of the City's Unified Land Development Regulations (ULDR), an application for a rezoning shall be reviewed in accordance with the following criteria:

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

The proposed General Business (B-2) zoning designation is consistent with the Northwest Regional Activity Center (NWRAC) Future Land Use Designation for the property. The NWRAC's intent, per the City's Comprehensive Plan is to contain a mixture of small to medium scale businesses, cultural and residential uses through the redevelopment and rehabilitation of existing buildings.

The rezoning is also supported by Objective 1.7 of the Future Land Use Element which aims to support development and redevelopment activities in the Northwest Progresso/Flagler Heights Community Redevelopment Area (CRA), which are in alignment with the Northwest Community Redevelopment Plan (Redevelopment Plan). The Northwest Community Redevelopment Plan's intent is to support the local economy and support efforts which strengthen neighborhoods. Reference below section, titled Comprehensive Plan Consistency, for additional information. Please refer to the Comprehensive Plan Consistency section within this report for additional information.

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

The applicant has indicated that the intent of the proposed rezoning is to establish uses more compatible with the nearby residential neighborhoods, supported by the underlying Northwest Regional Activity Center Future Land Use and Northwest RAC Community Redevelopment Plan.

If approved, the B-2 zoning district 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. The proposed location aligns with the intent of the B-2 zone which is that the "B-2 district is located on site concentrated on or around major trafficways" per ULDR Section 47-6.2- Intent and Purpose of Each District. The subject parcel for the proposed rezoning is located on NW 6th Avenue, which connects Sunrise Boulevard to Sistrunk Boulevard. As redevelopment continues, NW 6th Avenue will accommodate a mixture of commercial uses that will provide local commerce and employment opportunities, as supported by the Comprehensive Plan and NWRAC Redevelopment Plan.

The uses permitted in the B-2 zoning district are less intense than the existing I zoning district, promoting uses that are more consistent with and supporting of nearby residential areas, including retail sales, commercial offices, and restaurants. Furthermore, the dimensional requirements of both zones are similar, with a permitted maximum height of 150 feet, requiring a 5-foot front yard, side yard, and rear yard setback- in most instances. Consistency between the dimensional requirements allow for building size compatibility and help transition the area to a mixed-use corridor.

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.

All properties abutting the subject property have General Industrial (I) zoning designation, with uses consisting of warehouses, distribution centers and vehicle storage facilities. Moreover, as shown in Table 1: Dimensional Requirements, the bulk regulations of both districts are similar to one another and should allow for a seamless transition between the industrial to commercial uses. If adopted, the B-2 zoning designation is not anticipated to have an adverse impact on the surrounding district or uses.

Please refer to Table 1 below for a comparison of permitted uses in each district. For a detailed list of uses, refer to ULDR Section 47-7.10.- List of Permitted and Condition Uses, General Industrial (I) District, and Section 47-6.12.- List of Permitted and Conditional Uses, General Business (B-2) District.

Table 1: Comparison of Permitted Uses

Existing Zoning District	Proposed Zoning District
(I) (General Industrial)	B-2 (Boulevard Business District)
Automotive	Automotive
Manufacturing/ Processing of Products	Boats, Watercraft and Marinas
Storage Facility	Commercial Recreation
Wholesale Sales/ Rental Services	Food and Beverage Service
Accessory Uses, Buildings and Structures	Lodging
Urban Agriculture	Mixed Use Developments
	Public Purpose Facilities
	Retail Sales
	Services/ Office Facilities
	Storage Facilities
	Accessory Uses, Buildings and Structures
	Urban Agriculture

Please reference Table 2 below for a general comparison of dimensional requirements for each district. For a complete list of dimensional requirements, reference Section 47-7.30- Table of Dimensional Requirements for the I District, and Section 47-6.20.- Table of Dimensional Requirements.

Table 2: Comparison of Dimensional Requirements

Requirements	Existing Zoning District (I)	Proposed Zoning District (B-2)
Maximum height (ft.)	150'	150'
Minimum front yard (ft.):	5'	5'
Contiguous to residential	30'	None
Minimum side yard (ft.):	5' abutting street- otherwise 0 (No setback up to 100'- 1 to 1 setback thereafter 100' in height	5'
Contiguous to residential	30	None
Minimum rear yard (ft.):	5' abutting street- otherwise 0 (No setback up to 100'- 1 to 1 setback thereafter 100' in height	None
Contiguous to residential	30	20

COMPREHENSIVE PLAN CONSISTENCY:

The proposed rezone is generally consistent with the City's Goals, Objectives and Policies of the Northwest Regional Activity Center land use category. Objective 1.10 encourages redevelopment and the expansion of employment opportunities in the Northwest Regional Activity Center and Policy 1.7.5 calls for the evaluation of "industrial land uses in the Northwest RAC to determine where possible zoning changes are needed to assure compatibility with surrounding neighborhoods."

The rezoning of the proposed parcel supports community revitalization by introducing uses, including retail sales, commercial offices, and restaurants, that are consistent with the Northwest Progress/Flagler Heights Community Redevelopment Plan. Moreover, the Vision Statement of the Progresso Commercial Revalidation Project, as outlined within the redevelopment plan, supports 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 surrounding community."

PUBLIC PARTICIPATION

The rezoning request is subject to the public participation requirements established under Section 47-24.1. F.14 of the ULDR. According to the applicant, a public participation meeting was held on May 20, 2019, to offer the neighborhood and surrounding properties the opportunity to learn about the proposed rezone. Additionally, the Progresso Village Civic Association, an officially recognized neighborhood association, has provided a letter of support for the proposed rezoning, attached as Exhibit 3.

In addition, this request was subject to sign notification requirements established in ULDR, Section 47-27.4. The Applicant received and posted two (2) signs and has met the requirements of this Section. All public participation affidavits and materials are attached as Exhibit 4.

The applicant's narrative responses to all criteria are included as part of Exhibit 2 to help the Board assess how the project addresses applicable criteria.

PLANNING & ZONING BOARD REVIEW OPTIONS:

If the Planning and Zoning Board determines that the application meets the criteria as provided in this section, the Planning and Zoning Board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that requested in the application if necessary to ensure compliance with the criteria for the rezoning and if consented to by the applicant.

If the Planning and Zoning Board determines that the application does not meet the criteria provided for rezoning or if the applicant does not consent to a more restrictive zoning district, the Planning and Zoning Board shall deny the application and an appeal to the City Commission may be filed by the applicant in accordance with Section 47-26.B, Appeals.

EXHIBITS:

1. Location Map and Survey
2. Applicant's Narrative Responses to Criteria
3. Progresso Village Civic Association Letter of Support
4. Public Participation Meeting Summary and Affidavits



PLANNING & ZONING BOARD (PZB)

Rezoning Application

(For a rezone only, not tied to a site plan and/or not requiring flexibility units or acreage.)

- Cover:** Deadline, Notes, and Fees
- Page 1:** Applicant Information Sheet
- Page 2:** Applicant Information Sheet, continued
- Page 3:** Required Documentation & Mail Notice Requirements
- Page 4:** Sign Notification Requirements & Affidavit

DEADLINE: Submittals must be received by 4:00 PM each business day. Pursuant to Section 47-24.1(1), the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via e-mail, if plans do not meet the submittal requirements and if changes are required.

NOTE: If your development site is separated by any public right-of-way (alley, alley reservation, or ROW easement) you must complete a separate application for each parcel.

NOTE: Optional 15-minute time slots are available during DRC meetings for scheduling to applicants, for general project inquiries or to obtain signatures on completed DRC plans (including Pre-Planning and Zoning Board, Pre- City Commission and Final DRC plans) from all representatives at one time in preference to scheduling individual appointments. Appointments are subject to availability. To make an appointment, please call 954-828-6531 latest by Friday at 12:00 noon prior to the meeting date.

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.

 x **Rezoning** **\$ 1,010.00**

Page 1: PZB Rezone - Applicant Information Sheet

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.

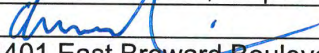
NOTE: To be filled out by Department

Case Number	
Date of complete submittal	

NOTE: For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

Property Owner's Name	Brody Family Investments LLC
Property Owner's Signature	If a signed agent letter is provided, no signature is required on the application by the owner.
Address, City, State, Zip	816 NW 6th Avenue, Fort Lauderdale, FL 33311
E-mail Address	vintage@guitarbroker.com
Phone Number	954-646-8819
Proof of Ownership	☐ Warranty Deed or ☒ Tax Record

NOTE: If **AGENT** is to represent **OWNER**, notarized letter of consent is required

Applicant / Agent's Name	Andrew J. Schein, Esq. / Lochrie & Chakas, P.A.
Applicant / Agent's Signature	
Address, City, State, Zip	1401 East Broward Boulevard, Suite 303, Fort Lauderdale, FL 33301
E-mail Address	ASchein@Lochrielaw.com
Phone Number	954-617-8919
Letter of Consent Submitted	Yes

Development / Project Name	The Guitar Broker
Development / Project Address	<u>Existing:</u> 816 NW 6th Avenue <u>New:</u> Same
Legal Description	Progresso 2-18 D Lots 33-36, Block 264
Tax ID Folio Numbers (For all parcels in development)	494234064640 and 494234064650
Request / Description of Project	Rezoning from Industrial to B-2
Applicable ULDR Sections	ULDR Section 47-24.4
Total Estimated Cost of Project	\$ (Including land costs)

Future Land Use Designation	NWRAC
Proposed Land Use Designation	NWRAC
Current Zoning Designation	Industrial
Proposed Zoning Designation	B-2
Current Use of Property	Guitar shop and vacant office
Residential SF (and Type)	N/A
Number of Residential Units	N/A
Non-Residential SF (and Type)	10,456 SF (Guitar shop and vacant office)
Total Bldg. SF (include structured parking)	10,456 SF
Site Adjacent to Waterway	☐ Yes ☒ No

Dimensional Requirements	Required	Proposed
Lot Size (SF / Acreage)	None	16,875 SF / 0.387 acres
Lot Density	N/A	N/A
Lot Width	None	135'
Building Height (Feet / Levels)	150'	1 story
Structure Length	None	116'
Floor Area Ratio	None	.77
Lot Coverage	None	77%
Open Space	None	N/A
Landscape Area	None	N/A
Parking Spaces	N/A	N/A

NOTE: State north, south, east or west for each yard.

Setbacks/Yards*	Required	Proposed
Front W	5'	5'
Side N	None	3.7'
Side S	None	30.2'
Rear E	None	14.1'

Page 2: PZB Rezone - Applicant Information Sheet – cont.

APPLICANT MUST INDICATE:

Provide a narrative indicating satisfaction of the following:

1.

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

See attached narrative
2.

Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.

See attached narrative
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.

See attached narrative

All applicable provisions of ULDR Sec. 47-9.20 (Rezoning) shall be satisfied.

- A.

Application. Rezoning to an X district may only be initiated by application of the owner(s) of the property proposed to be rezoned and when the property to be rezoned will be used for business uses with the owner of the business property as co-applicant. The application shall include the following:

1.

All information required for an application for a site plan level II permit pursuant to [Section 47-24](#), Development Permits and Procedures, and for a rezoning development permit.

2.

Identification of the permitted use or uses proposed for the property to be rezoned.

- 3. A general vicinity map consisting of an eight and one-half (8½) inch by eleven (11) inch street map at a scale of not less than one (1) inch equals five hundred (500) feet identifying the parcel proposed to be rezoned and, if business is proposed, the business property to which the exclusive use property is to be joined, and all lots located within a seven hundred (700) foot radius of the parcel to be rezoned. The map shall show existing zoning, all residential uses and the heights of all structures in the seven hundred (700) foot area.
- 4. An area map showing the parcel proposed for rezoning and all new, existing or proposed redevelopment. If the parcel to be rezoned exclusive use is to be used as a parking facility which will serve a particular use, the area map shall show all new, existing or proposed redevelopment on the site which the parking is intended to serve. If the parcel is to be used for a business use, the area map shall show the business property to which the property proposed for exclusive use will be joined.
- 5. A site plan for the proposed use which shows how the proposed use will meet the performance criteria provided herein including if applicable, elevations, surrounding commercial and residential areas, location and sizes of signs, location of landscaping and other buffers, and vehicular and pedestrian movement between the proposed parcel to be rezoned and the surrounding areas.
- 6. All studies required to be submitted as provided in this section

Additional property owners who wish to be included in the request, if applicable. Use additional sheets if necessary.				
Name and Signature	Folio Number	Subdivision	Block	Lot

Page 3: Required Documentation / Mail Notice Requirements

One (1) copy of the following documents:

- ☐ Completed application (all pages must be filled out where applicable)
- ☐ Mail notification documents
- ☐ Proof of ownership (warranty deed or tax record), including corporation documents if applicable
- ☐ Property owners signature and/or agent letter signed by the property owner
- ☐ Color photographs of the entire property and all surrounding properties, dated and labeled and identified as to orientation.
- ☐ One (1) electronic version of complete application and plans in PDF format

Two (2) original sets, signed and sealed, of Pre-PZB plans at 24" x 36"

Thirteen (13) copy sets, of Pre-PZB half-size scaled plans at 12" x 18"

- ☐ **Narrative** describing project request. Narratives must be on letterhead, dated, and with author indicated.
- ☐ **Narrative** quoting all applicable sections of the ULDR, with point-by-point responses of how project complies with such criteria. Narratives must be on letterhead, dated, and with author indicated.
- ☐ **Land Use and Zoning maps** indicating all properties within 700 ft. of the subject property. These should be obtained from Urban Design & Planning Division. Site should be highlighted or clearly marked to identify the parcel(s) under consideration on all sets.
- ☐ **Cover sheet** on plan set to state project name and table of contents.
- ☐ **Current survey(s)** of property, signed and sealed, showing existing conditions; survey must be As-Built and Topographic with Right-of-Way and Easement Vacations Excluded. The survey should consist of the proposed project site alone. **Do not** include adjacent properties or portions of lands not included in the proposed project unless specifically requested by the City.
- ☐ **Provide separate sketch and legal description of portion of property to be rezoned (if different than entire site).**
- ☐ Most **current recorded plat** including amendments, with site highlighted. This may be obtained from Broward County Public Records at 115 S. Andrews Ave. **Note: for Change of Use applications, this is not required.**
- ☐ **Aerial photo** indicating all properties within 700 ft. of the subject property. Must be clear and current with site highlighted.

- Note:** All copy sets must be clear and legible. If original set is in color, copy sets must also be in color.
- Note:** Plans must be bound, stapled and folded to 8 ½" x 11". All non-plan documents should be 8 ½" x 11" and stapled or bound.
- Note:** Civil Engineering plans are only required at Final-DRC sign-off. Contact DRC Engineering Representative for details.
- Note:** For examples of project narratives, site plan data tables, and renderings required with your application, please refer to the "Submittal Reference Book" available at the Planning & Zoning Department office.

Applicant's Affidavit I acknowledge that the Required Documentation and Technical Specifications of the application are met:	Staff Intake Review For Urban Design & Planning staff use only:
Print Name <u>Andrew Schell</u>	Date _____
Signature <u>[Signature]</u>	Received By _____
Date <u>5/10/19</u>	Tech. Specs Reviewed By _____
	Case No. _____

MAIL NOTIFICATION

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).

- 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, 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 will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

Page 4: Sign Notification Requirements and Affidavit

SIGN NOTICE

- Applicant must **POST SIGNS** (for Planning and Zoning Board and City Commission Hearings) 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

RE: _____ BOARD OF ADJUSTMENT
 _____ HISTORIC PRESERVATION BOARD
 _____ PLANNING AND ZONING BOARD
 _____ 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:

- Affiant is the Applicant in the above-cited City of Fort Lauderdale **Board or Commission** Case.
- 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.
- 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.
- 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.**
- Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Planning office **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.
- 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 _____, 200__.

(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)

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

Exhibit 1
Z19002
Page 1 of 5

TITLE COMMITMENT NOTES:

THE SLOANED PROPERTY SHOWN HEREIN WAS NOT ABSTRACTED BY OWNERSHIP PROCEEDINGS OF ANY OTHER MATTERS OF RECORD IN DADE COUNTY, FLORIDA. THE MATTERS OF RECORD SHOWN HEREIN ARE: RECORD NUMBER, DATE, COUNTY, SURVEYORS, IN: CASEMENTS; AND OTHER MATTERS OF RECORD SHOWN HEREIN ARE BASED ON THE RECORDS OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. THIS INFORMATION IS FOR INFORMATION ONLY. THIS INFORMATION IS NOT A GUARANTEE. COUNTY AGENT'S FILE NUMBER: 150867. EFFECTIVE DATE: 07/20/2015 11:00 PM.

ITEM 1: THIRD, A NOT A MATTER OF SURVEY.

ITEM 2: THE PROPERTY SHOWN HEREIN IS SUBJECT TO RESTRICTIONS, COVENANTS, RESTRICTIONS, EASEMENTS, AND OTHER MATTERS CONTAINED ON THE PLAT OF PRODUCTIONS, AS WELL AS ANY OTHER MATTERS OF RECORD IN DADE COUNTY, FLORIDA. THE MATTERS DESCRIBED THEREIN ARE BLANKET IN NATURE, THEY ARE NOT SPECIFICALLY IDENTIFIED BY RECORD NUMBER, DATE, COUNTY, SURVEYORS, IN: CASEMENTS.

ITEM 3: THE PROPERTY SHOWN HEREIN IS SUBJECT TO ORDINANCE NO. 2000-20, RECORDED IN DCA BOOK 4000, PAGE 1790, AND ORDINANCE NO. 2002-11, RECORDED IN DCA BOOK 4000, PAGE 1843, BOTH OF WHICH ARE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. THE MATTERS DESCRIBED THEREIN ARE BLANKET IN NATURE, THEY ARE NOT SPECIFICALLY IDENTIFIED BY RECORD NUMBER, DATE, COUNTY, SURVEYORS, IN: CASEMENTS.

ITEM 4: NOT A MATTER OF SURVEY.



1988 REFERENCE NO. 88-313-0778 PRICE PER SET \$18.95	
ALTAZASM AND TITLE SURVEY LOTS 32, 33, 34, 35 AND 36 TOWNSHIP 14 N. RANGE 10 E. SEC. 36 COUNTY OF GARFIELD, N.M. DISTRICT OF NEW MEXICO DEPT. OF REVENUE, LAND AND MINES DIVISION 215 N. 4TH AVE., FORT LAUDERDALE, FL 33414	
	
SEAL NOT BE OPENED UNLESS SOLED BY THE AN EMPLOYED SURVEYOR'S SEAL	
DATE OF SURVEY: _____ SURVEYOR: _____ TITLE: _____ DRAWN BY: _____ CHECKED BY: _____ APPROVED BY: _____ DATE: _____ SCALE: _____ SHEET NO. _____ OF _____	
01	

[illegible]

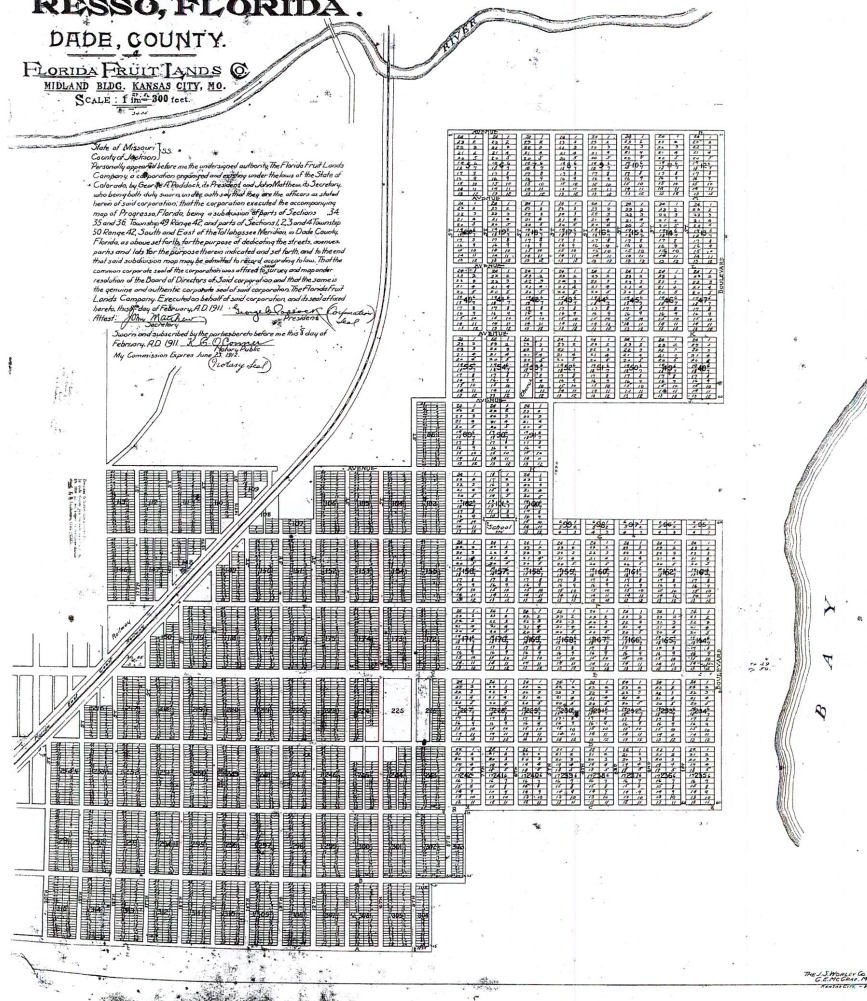
Exhibit 1
2/18/2012
Page 3 of 5

SCALE : 1 in. = 300 feet.

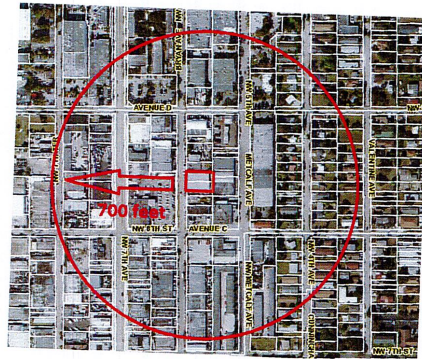
State of Missouri 333
County of Missouri
Personally appeared before me the undersigned authority The Florida Fruit Land Company a corporation organized and existing under the laws of the State of Colorado by John H. Pridemore its President and Joseph H. Hester its Secretary who being duly sworn depose and say that the above and foregoing is a true and correct copy of the minutes of the meeting of the Board of Directors of said corporation; that the corporation executed the accompanying map of Progress, Florida being a subdivision of the Florida Fruit Lands 34 35 and 36 Township 9 North 42nd and 43rd and of Sections 2, 3, 5 and 10 Township 9 North 42nd South and East of the 1st Range of the 1st Meridian in Cook County Florida; and that the purpose of the said map is to divide the said lands into lots and parcels and to set the purposes therein indicated and said facts, and to let the said said subdivision map be admitted to record as aforesaid. That the common purpose of said corporation was to afford its officers and managers residence of the Board of Directors of said corporation and to provide for the said officers and managers of said corporation The Florida Fruit Land Company. Executed before me and said corporation, and its officers and managers, this 24th day of February A.D. 1911.

Attest: John H. Pridemore its President

Sworn and subscribed by the parties hereto before me this 8 day of
February, A.D. 1911. R. E. O'Connor
Notary Public
My Commission Expires June 25, 1912.
(Notary Seal)



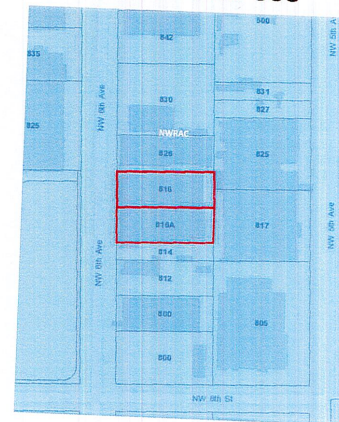
Aerial



Zoning



Future Land Use



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.



Adam Schnell, Planner II
City of Fort Lauderdale
700 NW 19th Avenue
Fort Lauderdale, FL 33311

RE: Rezoning of 816 NW 6th Avenue from Industrial to B-2

Dear Mr. Schnell:

I am writing on behalf of the Progresso Village Civic Association to state our support of the proposed rezoning of the property located at 816 NW 6th Avenue from Industrial to B-2.

On May 20, 2019 at our monthly membership meeting, a representative of the property owner presented their proposal to rezone the property at 816 NW 6th Avenue. We believe the plans to rezone the property are good for the community and a good mark in the right direction to make our community better.

If you have any questions, please feel free to contact me via email at PVCA.FTL@gmail.com.

Sincerely,

JJ Hankerson
President of Progresso Village Civic Association

Addendum: PZB Public Participation Notification <<if applicable>>

Applicant must provide notification according to the procedure listed below for projects listed in Sec. 47-27.4.A.2.c.

- A minimum of 21 days prior to the Development Review Committee (DRC) meeting, a notice from the applicant via letter or e-mail shall be provided to any official city-recognized civic organization(s) within 300 feet of the proposed project, notifying of the date, time and place of the DRC meeting.
- Prior to submittal of application to the Planning and Zoning Board (PZB), a notice from the applicant via letter or e-mail shall be provided to official city-recognized civic organization(s) within 300 feet of the proposed project, notifying of the date, time and place of applicant's project presentation meeting to take place prior to the PZB hearing.
- The applicant shall conduct a public participation meeting(s) a minimum of 30 days prior to the PZB hearing.
- After the public participation meeting(s), the applicant shall provide a written report letter to the Department of Sustainable Development, with copy to subject association(s), documenting the date(s), time(s), location(s), number of participants, presentation material and general summary of the discussion after a public participation meeting(s) has taken place a minimum of 30 days prior to the PZB hearing. The report letter shall summarize the substance of comments expressed during the process and shall be made a part of the administrative case file record.
- The applicant shall, ten (10) days prior to DRC and again for the PZB, execute and submit to the department an affidavit of proof of public notice 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 PUBLIC PARTICIPATION NOTIFICATION

STATE OF FLORIDA
BROWARD COUNTY

RE: ☒ PLANNING AND ZONING BOARD CASE NO. Z19002

APPLICANT: Andrew J. Schein, Esq. / Lochrie & Chakas, P.A.

PROPERTY: 816 NW 6th Avenue

PUBLIC HEARING DATE: June 19, 2019

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

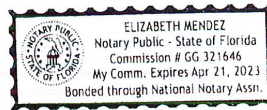
1. Affiant is the Applicant in the above cited City of Fort Lauderdale Development Review Case.
2. The Affiant/Applicant has mailed or has caused to be mailed, via postal service or electronic mail, a letter to any official city-recognized civic organization(s) within 300 feet of the proposed project, notifying of the date, time and place of the Public Participation meeting.
3. That the letter referenced in Paragraph two (2) above was mailed prior to the submittal of the PZB application meeting cited above.
4. That the public participation meeting was held at least **thirty (30)** days prior to the date of the PZB meeting cited above.
5. Affiant has prepared a summary of the public participation meeting cited above that documents the date(s), time(s), location(s), number of participants, presentation material and general summary of the discussion and comments expressed during the process.
6. Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Planning office **ten (10)** days prior to the date of the Planning and Zoning Board meeting and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
7. 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 therefor.

Addendum: PZB Public Participation Notification <<if applicable>>

[Signature]
Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 4 day of June, 2019

(SEAL)
[Signature]
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 ULD, I will forfeit my sign deposit. (initial here)
Initials of applicant (or representative) receiving sign as per 47-27.2(3)(A-J)



1401 EAST BROWARD BOULEVARD, SUITE 303
FORT LAUDERDALE, FLORIDA 33301
DIRECT LINE: 954.617.8919
EMAIL: ASCHIEIN@LOCHRIELAW.COM
MAIN PHONE: 954.779.1119
FAX: 954.779.1117

June 4, 2019

Via Email and Hand Delivery (ASchnell@FortLauderdale.gov)

Adam Schnell, Planner II
Urban Design & Planning
700 NW 19th Avenue
Fort Lauderdale, FL 33311

**RE: Public Participation Summary for DRC Case No. Z19002
("Application")**

Dear Adam:

Pursuant to the City of Fort Lauderdale Ordinance No. C-15-01, the applicant held a public participation meeting with the Progresso Village Civic Association ("PVCA"), the only officially-recognized civic association located within 300' of the Application.

The applicant presented the Application to the PVCA at their regularly scheduled membership meeting on May 20, 2019 at 7:00pm at the Broward Partnership for the Homeless, located at 920 NW 7th Avenue in Fort Lauderdale. The meeting was noticed and communicated through e-mail with PVCA's president. There were approximately 15 people in attendance. At this meeting the applicant gave a detailed description of the Application and the future plans for the property subject to the Application. A letter of support from the PVCA is attached hereto as **Exhibit "A"**.

Should you require additional information, please let me know.

Very truly yours,

Andrew J. Schein, Esq.

cc: J.J. Hankerson, Acting President of PVCA (JJHank8@aol.com)

Exhibit 4
Z19002
Page 3 of 9

Exhibit "A"

PVCA Letter of Support for the Application

Page 4: Sign Notification Requirements and Affidavit

SIGN NOTICE

Applicant must **POST SIGNS** (for Planning and Zoning Board and City Commission Hearings) 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

RE: BOARD OF ADJUSTMENT
HISTORIC PRESERVATION BOARD
X PLANNING AND ZONING BOARD
CITY COMMISSION

CASE NO. Z19002

APPLICANT: Andrew J. Schein, Esq. / Lochrie & Chakas, P.A.

PROPERTY: 816 NW 6th Avenue

PUBLIC HEARING DATE: June 19, 2019

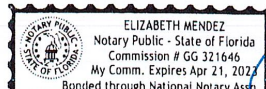
BEFORE ME, the undersigned authority, personally appeared Andrew J. Schein, who upon being duly sworn and cautioned, under oath deposes and says:

- Affiant is the Applicant in the above-cited City of Fort Lauderdale Board or Commission Case.
- 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.
- 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.
- 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.
- Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Planning office 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.
- 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 4 day of June, 2019

(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 ULD, I will forfeit my sign deposit. 45 (initial here)

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

Updated: 12/10/2015

PZB_RezoneApp

Exhibit 4
Z19002
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CAM # 19-1080
Exhibit 3
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Cam 4
1/18/20
Page 2 of 2



ENTER 4
201902
Page 1 of 8



Cam # 19-1080
Exhibit 3
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Exhibit 3
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