



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

#19-1080

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: November 5, 2019

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

Recommendation

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

Background

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

On July 17, 2019, the Planning and Zoning Board (PZB) held a public hearing and considered the rezoning application. A motion was made to approve the rezoning application, but the motion failed in a vote of 2-5 and was recorded as a denial. The PZB Staff Report, Application and Exhibits are attached as Exhibit 3 and the PZB Meeting Minutes are attached as Exhibit 4.

On October 15, 2019, the City Commission deferred hearing the appeal request, setting a new meeting date of November 05, 2019.

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

Review Committee and Planning and Zoning Board and hold a public meeting to determine if:

- a. There was a departure from the essential requirements of law in the proceedings appealed; or,
- b. Competent substantial evidence does not exist to support the decision.

If the City Commission determines that there was not a departure from the essential requirements of law or that competent substantial evidence exists to support the decision, then the Planning and Zoning Board decision will be upheld. If the City Commission finds that there was departure from the essential requirements of law or that competent substantial evidence did not exist to support the decision, then the City Commission shall adopt a resolution to set a de novo hearing no later than 60 days from the date of adoption of the resolution.

The City Commission has permitted the applicant to schedule a de novo hearing (CAM 19-0852) for November 05, 2019. If the appeal request is denied, the de novo hearing will be removed from the agenda. If the appeal request is approved, the de novo hearing is permitted to be heard by the City Commission.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a *Fiscal Year 2020 Commission Annual Action Plan* priority, included within the Management Agenda, advancing the Business Development initiative.

This item supports the *Press Play Fort Lauderdale 2024 Strategic Plan*, specifically advancing:

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace
- Objective: Create a responsive and proactive business climate to attract emerging industries

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

Related CAM

#19-0852

Attachments

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

Exhibit 2 - Applicant's Request to Appeal

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

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

Exhibit 5 - Resolution Upholding Planning and Zoning Board Decision

Exhibit 6 - Resolution to Set a De Novo Hearing

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