



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

**#19-0852**

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

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

**DATE:** November 5, 2019

**TITLE:** Quasi-Judicial – De Novo Hearing on Appeal of Planning and Zoning  
Board Denial of a Rezoning Application and Ordinance Rezoning from  
Industrial (I) to General Business (B-2) - The Guitar Broker - 816 NW 6th  
Avenue - Brody Family Investments, LLC- Case No. Z19002 –  
**(Commission District 2)**

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**Recommendation**

It is recommended that the City Commission conduct a de novo hearing to consider rejecting, approving or amending the July 17, 2019, Planning and Zoning Board decision to deny a rezoning application filed by Brody Family Investments, LLC. under Case No. Z19002, for the property located as 816 NW 6th Avenue from Industrial (I) to General Business (B-2) and concurrently consider adopting an ordinance approving the rezoning requested pursuant to the aforementioned rezoning application.

**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 is attached as Exhibit 1.

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

The Applicant filed an appeal pursuant to Section 47-24.4.H and Section 47-26B of the ULDR attached as Exhibit 4. If the City Commission sets the de novo hearing (being considered under separate action on the November 5, 2019, City Commission Regular Meeting Agenda), the City Attorney's Office recommends that the de novo hearing and the City Commission's review of the rezoning be done concurrently. Pursuant Section

47-24.4.C.8 of the ULDR, the City Commission is required to determine whether the rezoning meets the criteria for rezoning using the same criteria considered by the Planning and Zoning Board. The difference between the Planning and Zoning Board's and the City Commission's review is that the City Commission must consider the Planning and Zoning Board's recommendation in addition to the application, the record and recommendations forwarded by the department and public comment on the application. As a result of the appeal, however, the City Commission may substitute its own determination for the recommendation of the Planning and Zoning Board.

**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 sites 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 has the potential to 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 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. 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. Moreover, as shown in Table 2: 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.

**Table 1: Comparison of Permitted Uses**

<i>Existing Zoning District</i>	<i>Proposed Zoning District</i>
<b>(I) (General Industrial)</b>	<b>B-2 (Boulevard Business District)</b>
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
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**Table 2: Comparison of Dimensional Requirements**

<b>Requirements</b>	<b>Existing Zoning District (I)</b>	<b>Proposed Zoning District (B-2)</b>	<b><u>Co</u> <u>mp</u> <u>reh</u> <u>en</u> <u>siv</u> <u>e</u> <u>Pla</u> <u>n</u> <u>Co</u> <u>nsi</u> <u>ste</u> <u>nc</u> <u>y</u> The e pro po se d rez on e is ge ner</b>
<b>Maximum height (ft.)</b>	150'	150'	
<b>Minimum front yard (ft.):</b>	5'	5'	
<b>Contiguous to residential</b>	30'	None	
<b>Minimum side yard (ft.):</b>	5' abutting street- otherwise 0 (No setback up to 100'- 1 to 1 setback thereafter 100' in height	0'	
<b>Contiguous to residential</b>	30'	15'	
<b>Minimum rear yard (ft.):</b>	5' abutting street- otherwise 0 (No setback up to 100'- 1 to 1 setback thereafter 100' in height	None	
<b>Contiguous to residential</b>	30'	20'	

ally 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."

The applicant has provided narrative responses to all criteria, which are attached to the plan sets as part of Exhibit 5.

### **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. Letters of support from the Progresso Village Civic Association, Stu's Motorcycles, Speed & Truck World, Inc., and Thrive Development Group, LLC, are attached as Exhibit 6.

This request was also 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 7.

### **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, 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**

#19-1080

### **Attachments**

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

Exhibit 2 - Planning and Zoning Board Staff Report from July 17, 2019

Exhibit 3 - Planning and Zoning Board Meeting Minutes from July 17, 2019

Exhibit 4 - Applicant's Request to Appeal

Exhibit 5 - Narrative Responses to Rezoning Criteria

Exhibit 6 - Letters of Support

Exhibit 7 - Public Participation Affidavits

Exhibit 8 - Ordinance

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Prepared By: Adam R. Schnell, Urban Planner II

Department Director: Anthony Greg Fajardo, Sustainable Development