

Page 1: City Commission Submittal Requirements

RECEIVED FEB 24 2020

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	REZ-19120001
Date of complete submittal	

NOTE: To be filled out by Applicant

Property Owner's Name	Thrive Development Group, LLC
Applicant / Agent's Name	Jonathan Fish (Owner)
Development / Project Name	Thrive Progresso
Development / Project Address	Existing: 701 NW 5th Av New: Same
Current Land Use Designation	NWRAC
Proposed Land Use Designation	NWRAC
Current Zoning Designation	I (General Industrial)
Proposed Zoning Designation	B3 (General Commercial / Light Industrial Business)
Specific Request	REZONING

The following number of Plans:

- ☐ One (1) 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

RE:

____ CITY COMMISSION

CASE NO. _____

APPLICANT: Jonathan Fish / Owner of Thrive Development Group, LLC

PROPERTY: 701 NW 5th Av

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 **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 24th day of February, 2020

(SEAL)  Yohanna R. Ortiz
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG041415
Expires 10/24/2020

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

December 12, 2019

Anthony Fajardo
Director of Sustainable Development Department
City of Fort Lauderdale
700 NW 19th Avenue
Fort Lauderdale, FL 33311

RE: Thrive Progresso – Rezoning Applications from Industrial to B-3 and RMM-25 to B-3

Dear Mr. Fajardo,

The undersigned law firm represents Thrive Development Group, LLC (“Applicant”) with regard to the above-referenced rezoning applications. The narrative and criteria statement in support of these rezoning requests are provided below.

Rezoning Narrative and Criteria Statement

Thrive Development Group, LLC is the owner of five parcels generally located along NW 5th Avenue between NW 8th Street and NW 7th Street in the City of Fort Lauderdale’s (“City”) Northwest-Progresso-Flagler Heights Community Redevelopment Area (collectively “Properties”). Three parcels, located at 701, 744, and 710 NW 5th Avenue contain existing industrial buildings. The remaining two parcels consist of a vacant lot (413 NW 7th Street) and a single-family home (405 NW 7th Street) that will be demolished in order to turn the space into parking.

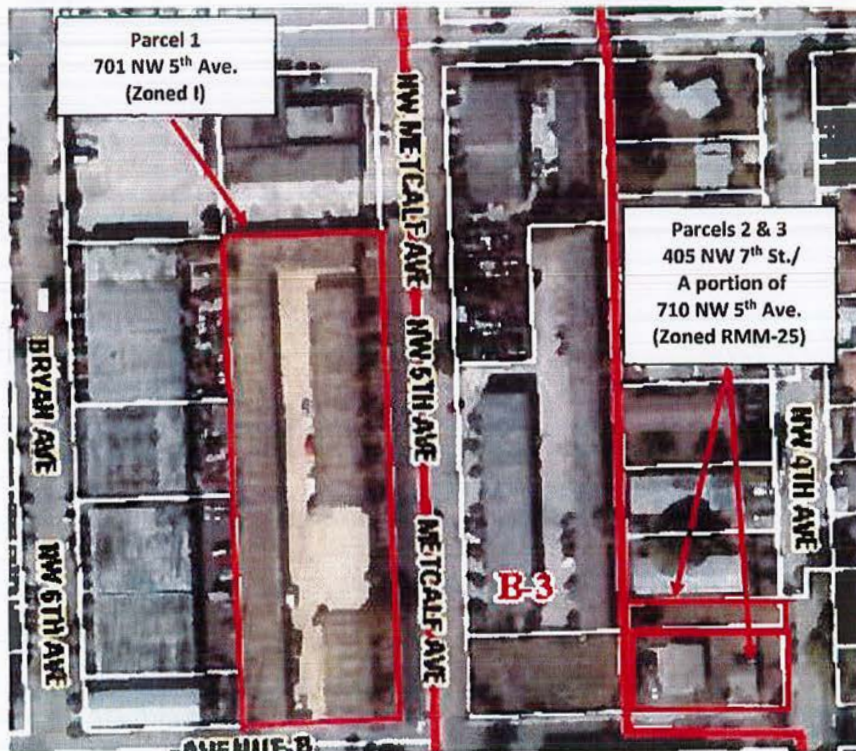
The area where the Properties are located has, in general terms, been overlooked in terms of redevelopment and reinvestment. It has experienced its share of crime over the years and is known for code violations with illegal parking and trash dumping, and some chop-shop-type businesses. The Applicant hopes to rewrite the narrative for this area with a large re-use investment in its Properties, which it believes will create a vibrant commercial district serving and supporting the local residential community and drawing customers and visitors from the greater Fort Lauderdale region.

After performing extensive market analysis and meeting with City staff and various city stakeholders, the Applicant has prepared a plan to transform the Properties from dilapidated industrial space to an innovative, multiple-use, pedestrian-friendly shopping/entertainment/arts area to be named “Thrive Progresso” (“Project”). To effectuate the larger plan, the Applicant intends to repurpose the existing industrial bays, add parking areas, and dramatically upgrade the exterior areas of the Properties. Once these improvements are completed, the Applicant aims to lease the bays to various “active use” tenants thereby creating a lively space for City residents to congregate, shop, eat, and drink. Participation in and encouragement of redevelopment activities in this area of the City are specific objectives of the Applicant with this Project.

After careful review and planning, the Applicant has determined the necessary first step in the process of developing the Project is to rezone the parcels that do not currently have a business zoning district designation.

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

The parcels located at 744 NW 5th Avenue and 413 NW 7th Street have a B-3 (Heavy Commercial, Light Industrial) zoning designation. Most of the parcel located at 710 NW 5th Street also has a zoning designation of B-3 (Heavy Commercial, Light Industrial), while a small portion of the parcel has an RMM-25 (Residential Mid Rise Multifamily/Medium High Density) designation. The parcel located at 405 NW 7th Street also has an RMM-25 (Residential Mid Rise Multifamily/Medium High Density) designation and the parcel located at 701 NW 5th Street has an I (Industrial) zoning designation. All the parcels have a future land use designation of NWRAC (Northwest Regional Activity Center). To create consistency within the Project and allow for the future intended uses, the Applicant requests to rezone to B-3 the parcels that currently contain the RMM-25 and I zoning designations (701 NW 5th Ave., 405 NW 7th St. and a portion of 710 NW 5th Ave.). For illustrative purposes, an aerial of the Properties is provided below depicting each parcels' current zoning designation:



In the City of Fort Lauderdale, applications for rezoning are governed by the criteria enumerated in Section 47-24.4.D of the City's Unified Land Development Code. The specific criteria are listed below in bold with justification demonstrating how the application complies with each criteria provided in italics.

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

Per the City's Comprehensive Plan, the future land use designation for the property is Northwest Regional Activity Center ("NWRAC"). As stated in the City's Land Development Code, the purpose of the Northwest Regional Activity Center (NWRAC) land use category "is to foster an active pedestrian friendly environment while maintaining the established historic and eclectic atmosphere and cultural diversity of the area through long-term sustainable redevelopment and adaptive reuse." Rezoning the parcels to allow the Properties to be

redeveloped as a diverse market with artist space and cafes will be in line with the intent of the NWRAC by creating a cultural, eclectic atmosphere within a pedestrian-friendly environment.

The rezoning of the parcels to B-3 is also consistent with one of the stated goals in the Comprehensive Plan for rezoning changes in the NWRAC: to provide commercial developments that are compatible with residential areas. The proposed Project will provide a use that is substantially more compatible with surrounding residential uses than the currently existing industrial uses.

Additionally, the City's Comprehensive Plan states that development and redevelopment within the NWRAC shall be consistent with the Northwest Progresso/Flagler Heights Community Master Plan ("Master Plan"). The Master Plan states, "the rezoning of these corridors will allow the area to redevelop from a relatively under-utilized resource to a bicycle and pedestrian-friendly urban corridor that offers a mix of uses to serve nearby neighborhoods and bring the corridor back to the vibrant and thriving business, shopping, cultural and entertainment area that it once was." The rezoning of these parcels to B-3 will allow the development of a vibrant, cultural commercial use that will serve the nearby neighborhoods.

The Applicant believes that this proposed rezoning is not only compatible with the Comprehensive Plan and Master Plan, but also 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.

It is important to note the existing development in the area is, in general terms, in need of redevelopment and improvement, which is why the City Commission declared it a "blighted area" under Florida law and created the Northwest-Progresso-Flagler Heights Community Redevelopment Area. The proposed rezoning will not adversely impact the character of development in or near the area under consideration. The proposed rezoning will have a positive impact on the surrounding area by adding an eclectic commercial marketplace that provides a day and night time use for the neighborhood. Moreover, a large portion of the Properties that comprise the Project are already zoned B-3, meaning the uses intended for the Project are already permitted in those areas. The rezoning will provide for uniformity of zoning for the Properties to allow the Applicant to develop a better, more cohesive Project, rather than a piece-meal, disjointed endeavor.

The Applicant is requesting to rezone the parcel zoned Industrial to B-3. This will not adversely impact the character of development in the area as many of the uses that are permitted in Industrial zoning districts are also permitted in B-3 zoning districts. In addition, the parcel currently zoned Industrial is directly across the street from the Applicant's other parcels which are zoned B-3.

With regard to the parcels zoned RMM-25, rezoning these parcels to B-3 will not adversely impact the character of development in the area. The parcels already abut existing warehouse style buildings with B-3 zoning. The Applicant does not propose demolishing these existing structures. Rather, the Applicant would like to rezone the RMM-25 parcels to B-3 so that it can construct parking areas to serve the larger Project. A parking lot serving existing structures, albeit repurposed for a different use, is not the type of change that would have an adverse impact. In fact, the added parking will likely help ameliorate the parking situation in the neighborhood more generally.

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.

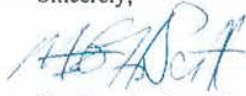
The Properties the Applicant is seeking to rezone are, in essence, surrounding the Applicant's other parcels zoned B-3, which per se evidences the compatibility of the rezoning request. This is because the City has already contemplated that commercial activities would take place in this area by zoning various contiguous parcels B-3. The Applicant is seeking to rezone the Industrial parcel and the RMM-25 parcel to expand the existing B-3 zoning to create a cohesive, well-planned Project. As stated above, the Properties are in the NWRAC. Per the Comprehensive Plan, the NWRAC was created to encourage redevelopment of existing industrial areas and, in some cases, rezoning of properties to commercial categories to create buffers between industrial areas and residential areas. This rezoning request will help achieve this objective in the Comprehensive Plan.

Moreover, in relation to the parcel currently zoned Industrial, many of the uses permitted in B-3 zoning are also permitted in Industrial zoning. B-3 allows for other less intense retail uses, which further shows the B-3 rezoning will be compatible or likely less impactful than the currently permitted Industrial uses.

As for the RMM-25 parcels, rezoning them to B-3 to allow the Applicant to construct parking lots is compatible with the surrounding area and less intensive than other uses permitted by the RMM-25 zoning. For example, RMM-25 would permit multifamily development with twenty-five residential units to the acre and up to 55 feet of building height. As stated, the Applicant would like to rezone these parcels to B-3 so it can improve them with a parking lot and landscaping. These intended uses are obviously less impactful than dense multifamily development. Accordingly, if the character of the area would permit multifamily development over 5 stories in height, it is certainly reasonable to conclude the character of the area is suitable for a parking lot.

Thank you in advance for your consideration of this application. Please feel free to contact the undersigned should you have any questions in relation to the above.

Sincerely,



Matthew H. Scott, Esq.