

RESOLUTION NO. 21-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, REGARDING THE APPEAL OF THE PLANNING AND ZONING BOARD'S DENIAL OF THE REQUEST OF APPLICANT, HOLMAN AUTOMOTIVE, INC., TO PARTIALLY VACATE A RIGHT-OF-WAY, RETAINING A NON-EXCLUSIVE UTILITY, PEDESTRIAN WALKWAY AND EMERGENCY VEHICLE ACCESS EASEMENT FOR A PORTION OF NORTHEAST 8<sup>TH</sup> STREET, FORT LAUDERDALE, FLORIDA, MAKING CERTAIN FINDINGS AND SETTING A DE NOVO HEARING TO CONSIDER THE APPEAL BEFORE THE CITY COMMISSION AT 6:00 P.M. ON FEBRUARY 16, 2021, AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, on November 18, 2020, the Planning and Zoning Board (PZ Case No. V19008) denied the request of applicant, Holman Automotive, Inc., to partially vacate a right-of-way, retaining a non-exclusive utility, pedestrian walkway and emergency vehicle access easement for a portion of Northeast 8<sup>th</sup> Street, Fort Lauderdale, Florida; and

WHEREAS, Section 47-24.4.H of the City of Fort Lauderdale, Florida Unified Land Development Regulations ("ULDR") provides that the applicant may file an appeal to the City Commission in accordance with Section 47-26B - Appeals; and

WHEREAS, in accordance with Section 47.26B, the City Commission has reviewed the record at its January 21, 2021, regular meeting and determined that either there was a departure from the essential requirements of law in the proceedings or that competent substantial evidence does not exist to support the decision of the Planning and Zoning Board; and

WHEREAS, the City Commission will conduct a de novo hearing on the right-of-way application;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed.

SECTION 2. The de novo hearing and first reading of an ordinance partially vacating a right-of-way, retaining a non-exclusive utility, pedestrian walkway and emergency vehicle access

easement for a portion of Northeast 8<sup>th</sup> Street, Fort Lauderdale, Florida, more particularly described as:

THAT PORTION OF N.E. 8<sup>TH</sup> STREET (PLATTED AS AVENUE "C"), A 40.00 FOOT ROAD RIGHT OF WAY LYING SOUTH OF AND ADJACENT TO LOT 25, BLOCK 257, "PROGRESSO", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. SAID DESCRIBED VACATION SHALL BE RETAINED AS A 40.00 FOOT NON-EXCLUSIVE UTILITY, PEDESTRIAN WALKWAY AND EMERGENCY VEHICLE ACCESS EASEMENT, LOCATED NORTH AND WEST OF PROGRESSO DRIVE, SOUTH OF NORTHEAST 9<sup>TH</sup> STREET AND EAST OF NORTHEAST 1<sup>ST</sup> AVENUE, ALL SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA

shall be held at 6:00 p.m. on February 16, 2021, or as soon thereafter as may be heard, in the City Commission Chambers, City Hall, 100 North Andrews Avenue, Fort Lauderdale, Florida. At such time and place, the City Commission shall consider whether or not it intends to approve, amend or reject the decision of the Planning and Zoning Board.

SECTION 3. That this Resolution shall become effective immediately upon adoption.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Mayor  
DEAN J. TRANTALIS

ATTEST:

\_\_\_\_\_  
City Clerk  
JEFFREY A. MODARELLI