



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

#21-0167

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

FROM: Chris Lagerbloom, ICMA-CM, City Manager

DATE: February 16, 2021

TITLE: Quasi-Judicial Appeal of Planning and Zoning Board Denial of a Vacation
of Right-Of-Way Application - Portion of NE 8th Street – Holman
Automotive, Inc. - Case No. V19008 - **(Commission District 2)**

Recommendation

Staff recommends the City Commission consider an appeal request and conduct a public meeting to determine whether there was a departure from the essential requirements of law at the November 18, 2020 proceedings before the Planning and Zoning Board or whether competent substantial evidence exists to support the Planning and Zoning Board's denial of the Vacation of Right-Of-Way (ROW) Application filed by Holman Automotive, Inc. (Case No. V19008).

Background

The applicant, Holman Automotive, Inc., is appealing the denial of a request for a partial vacation of NE 8th Street, running 40-feet wide and 127.5 feet in length, totaling 5,100 square feet, located between NE 1st Avenue and Progresso Drive and north of 745 Progresso Drive and south of 810 NE 1st Avenue.

On November 18, 2020, the Planning and Zoning Board (PZB) held a public hearing and considered the Vacation of ROW Application. A motion was made to approve the Application, but the motion failed in a vote of 3-6 and resulted in a denial. The applicant's appeal request letter is attached as Exhibit 1. The PZB Staff Report, Application, and Exhibits are attached as Exhibit 2; and the PZB Meeting Minutes are attached as Exhibit 3.

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 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 there was departure from the essential requirements of the law or that competent substantial evidence did not exist to support the decision, then the City Commission shall conduct a de novo hearing which may be immediately held or shall be set by resolution no later than sixty (60) days from the date of adoption of the resolution. At the conclusion of the hearing, the City Commission may reject, approve, or amend the decision of the Planning and Zoning Board.

On January 21, 2021, the City Commission deferred hearing the appeal request upon the applicant's request, setting a new meeting date of February 16, 2021.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

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.

Attachments

Exhibit 1 - Applicant's Appeal Request Letter

Exhibit 2 - November 18, 2020 Planning and Zoning Board Staff Report, Application and Exhibits

Exhibit 3 - November 18, 2020 Planning and Zoning Board Meeting Minutes

Exhibit 4 - Resolution Upholding Planning and Zoning Board Decision

Exhibit 5 - Resolution to Set a De Novo Hearing

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