

RESOLUTION NO. 21-283

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE ISSUANCE OF A SITE PLAN LEVEL III DEVELOPMENT PERMIT FOR THE DEVELOPMENT OF A 14-STORY, 67-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT KNOWN AS "808 SE 4TH RESIDENCES", LOCATED AT 808 S.E. 4TH STREET, FORT LAUDERDALE, FLORIDA, IN THE DOWNTOWN REGIONAL ACTIVITY CENTER – EAST MIXED USE (RAC-EMU) ZONING DISTRICT, PROVIDING FOR SEVERABILITY AND PROVIDING FOR CONFLICTS.

WHEREAS, Section 47-24.1 of the City of Fort Lauderdale, Florida, Unified Land Development Regulations (hereinafter "ULDR") provides that no development of property in the City shall be permitted without first obtaining a development permit from the City of Fort Lauderdale in accordance with the provisions and requirements of the ULDR; and

WHEREAS, the applicant has submitted a development application and plan for a 14-story, 77-unit multifamily residential development known as "808 SE 4th Residences" located at 808 S.E. 4th Street, Fort Lauderdale, Florida which is located in the Downtown Regional Activity Center–East Mixed Use (RAC-EMU) zoning district; and

WHEREAS, in addition to the Site Plan Level III criteria in the ULDR, the proposed alternative design has been reviewed to determine whether it meets the intent of the design guidelines provided in the Downtown Master Plan; and

WHEREAS, the Development Review Committee (Case No. R19052), at its meeting on January 14, 2020, reviewed the proposed site plan and presented same to the Planning and Zoning Board; and

WHEREAS, the Planning and Zoning Board approved the Site Plan Level III application subject to the 30-day Commission Request for Review at its meeting on October 20, 2021; and

WHEREAS, the City Commission at its meeting of November 2, 2021, voted to hold a de novo hearing at the City Commission meeting within 60 days; and

WHEREAS, a City Commission scheduled a de novo hearing for December 7, 2021; and

WHEREAS, at the City Commission meeting held December 7, 2021, the City Commission deferred the de novo hearing to December 21, 2021; and

WHEREAS, the City Commission held a de novo hearing on December 21, 2021, reviewed the application for a Site Plan Level III development permit submitted by the applicant and finds that the application meets the standards and requirements of the ULDR; and

WHEREAS, at the de novo hearing, applicant revised the application to develop a 14-story, 67-unit multifamily residential development with a height limitation of 128 feet;

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

SECTION 1. That each WHEREAS clause set forth above is true and correct and incorporated herein by this reference.

SECTION 2. That the City Commission finds that the amended Site Plan Level III application submitted by the applicant meets the criteria of Sections 47-24 of the ULDR, as enunciated and memorialized in the minutes of its meeting of December 21, 2021, a portion of those findings expressly listed as follows:

The City Commission hereby adopts the findings of fact set forth in Commission Agenda Memorandum No. 21-1186.

SECTION 3. That the Site Plan Level III development permit application submitted to construct a 14-story, 67-unit multifamily residential development with a height limitation of 128 feet, known as "808 SE 5th Residences" located at 808 SE 4th Street, Fort Lauderdale, Florida, in the Downtown Regional Activity Center-East Mixed Use zoning district, is hereby approved, as amended, subject to the modifications and conditions imposed by the Development Review Committee and Planning and Zoning Board; including and not limited to the amendments and conditions imposed at the December 21, 2021 City Commission meeting, including but not limited to:

1. Applicant is required to pay a Park Impact Fee for the proposed residential units prior to issuance of building permit in accordance with ULDR Sec. 47-38A, Park Impact Fees.
2. This project is subject to the requirements of Broward County Public School Concurrency. The applicant is required to notify the School Board Superintendent or designee of this proposal. Prior to submitting an application for placement on a Planning and Zoning Board or City Commission agenda, a written response from the School Board shall be provided by the applicant. Prior to application for final DRC approval, provide confirmation from the School District that the residential development is exempt or vested from the requirements of public school concurrency, or a School Capacity Availability Determination (SCAD) letter that confirms that capacity is available, or if capacity is not available, that mitigation requirements have been satisfied.
3. Prior to Final DRC, the applicant shall execute a valet parking agreement with the City and record such agreement in public records.

SECTION 3. That pursuant to the provisions of the ULDR of the City of Fort Lauderdale, Florida, the proper City officials are hereby authorized to issue the necessary building and use permits subject to the conditions imposed by the Development Review Committee, Planning and Zoning Board, and the City Commission.

SECTION 4. The conditions contained herein are intended to memorialize the conditions expressed in the record at the hearing at which the application for the development permit was reviewed. In the event that the record of the proceedings contradicts or contains additional conditions not reflected in this instrument, the conditions expressed on the record of the proceedings shall prevail and are incorporated herein.

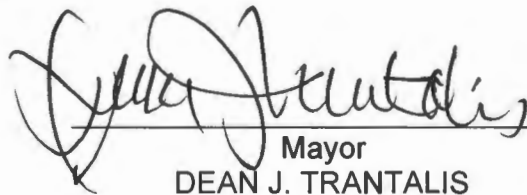
SECTION 5. Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

SECTION 6. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 7. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity or other provisions of this Resolution.

SECTION 8. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

ADOPTED this 21st day of December, 2021.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
JEFFREY A. MODARELLI