



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

**FROM:** Lee R. Feldman, ICMA-CM, City Manager

**DATE:** March 4, 2014

**TITLE:** QUASI-JUDICIAL – RESOLUTION TO APPROVE AN EXTENSION OF  
TIME FOR SITE PLAN EXPIRATION – Grand Birch Condominiums –  
Case 53R12

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**Recommendation**

It is recommended that the City Commission consider an extension of time for the site plan approval of the recently-approved Grand Birch Condominiums site plan, consistent with ULDR Sec. 47-24.1.M, Expiration of Site Plan and Conditional Use Approvals.

**Background**

The City Commission adopted a resolution approving a Site Plan Level IV application with conditions on April 16, 2013, by a vote of (4-1). The approved site plan consists of twenty-two (22) multifamily residential units, an eleven-story (115-foot) structure, which includes two levels of parking on the second and third floors, and is located on the Intracoastal Waterway, between Seville Street and Bayshore Drive. The approved site plan is provided as Exhibit 1. Commission Agenda Memo is attached as Exhibit 2. Meeting Minutes are attached as Exhibit 3. Resolution No. 13-65 is attached as Exhibit 4.

The applicant, Grand Birch, LLC, is requesting that the City Commission grant an extension of time within which the applicant may apply for and obtain a building permit for the project, which was going through litigation procedures. Due to these procedures, the applicant was unable to obtain financing or apply for a building permit and requests the Commission grant an extension with the following proposed parameters:

”Grant the extension to apply for a building permit 18 months from the City Commission hearing date of March 4, 2014 (or by September 4, 2015) which evidences that all third party challenges to the validity of the Development Order have been fully and finally adjudicated by a court of final jurisdiction, including without limitation all appeals finalized and exhausted, and the validity of the Development Order has been upheld; and grant the extension to obtain a building permit 24 months from the

City Commission hearing date of March 4, 2014 (or by March 4, 2016) which evidences that all third party challenges to the Development Order are fully and finally adjudicated by a court of final jurisdiction, including without limitation all appeals finalized and exhausted, and the validity of the Development Order has been upheld”

Applicant’s request narrative is provided as Exhibit 5.

Pursuant to ULDR Sec. 47-24.1.M, all site plans and conditional use approvals shall expire unless:

- a. A complete application for a building permit for an above-ground principal structure as shown on the approved site plan has been submitted within eighteen (18) months following the date of approval of the site plan; and
- b. A building permit for such above-ground principal structure is issued within twenty-four (24) months following the date of approval of the site plan; and
- c. Such building permit remains valid and in effect until a certificate of occupancy, or other equivalent approval is granted for such principal structure.

As per ULDR Sec. 47-24.1.M.5.a, an extension of time for site plan expiration shall be granted by the reviewing body approving the site plan when all applicable building, zoning and engineering regulations remain the same and good cause for the delay has been shown by the applicant. Good cause may include, but shall not be limited to, delay caused by governmental action or inaction or other factors totally beyond the control of the applicant. An extension shall only be granted where an applicant has requested an extension during the effective period of the development permit. If any applicable building, zoning or engineering regulations have been changed during the twenty-four (24) month period, then the proposed development shall be reviewed only to the extent that the changes affect the proposed development.

All applicable building, zoning and engineering regulations remain the same. The City Commission is to determine whether good cause to grant the requested extension has been shown by the applicant.

### **Resource Impact**

There is no fiscal impact associated with this action

### **Attachments**

- Exhibit 1 – Approved Site Plan
- Exhibit 2 – April 16, 2013 Commission Agenda Memo
- Exhibit 3 – April 16, 2013 Commission Minutes
- Exhibit 4 – Resolution No. 13-65
- Exhibit 5 – Applicant’s Request Narrative

Exhibit 6 – Resolution to Approve  
Exhibit 7 – Resolution to Deny

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Department Director: Greg Brewton, Sustainable Development