

RESOLUTION NO. 24-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING AMENDMENTS TO THE SITE PLAN ASSOCIATED WITH THE APPROVED BEACH DEVELOPMENT PERMIT FOR THE MULTI-FAMILY RESIDENTIAL PROJECT LOCATED AT 530 NORTH BIRCH ROAD, FORT LAUDERDALE, FLORIDA, HAVING A LAND USE DESIGNATION OF CENTRAL BEACH REGIONAL ACTIVITY CENTER IN THE NORTH BEACH RESIDENTIAL AREA ZONING DISTRICT, TO ADD FOUR ADDITIONAL RESIDENTIAL UNITS, AMEND THE FLOOR AREA RATIO FROM 4.6 TO 5.2, AND TO ACCOMMODATE REVISED FLOOR PLANS THROUGHOUT THE BUILDING.

WHEREAS, in accordance with Section 47-12.6 of the City of Fort Lauderdale, Florida Unified Land Development Regulations ("ULDR"), no person shall carry out any development nor shall any person use any parcel of land for any purpose in the Central Beach Area without first obtaining a beach development permit from the city in accordance with the provisions and requirements of the ULDR; and

WHEREAS, on February 19, 2019, the City Commission adopted Resolution No. 19-31 approving the issuance of a Site Plan Level IV beach development permit for the development of an 11-story, 21-unit multi-family residential project located at 530 North Birch Road, Fort Lauderdale, Florida, and located in the North Beach Residential Area zoning district with a land use designation of Central Beach Regional Activity Center; and

WHEREAS, on September 22, 2022, the City Commission adopted Resolution No. 22-226 approving an amendment to the site plan for the purpose of adding 11 residential units and increasing the building height to 144 feet; and

WHEREAS, Section 47-24.2.A.5.c. of ULDR, provides that if the applicant wishes to change the development to an extent which exceeds the authority of the department to approve amendments as provided in subsection 47-24.2.A.5.b. i or ii, the proposed amendment to the Site Plan Level III or level IV permit will be required to be reviewed by the department and forwarded to the body which gave final approval to the original development permit; and

WHEREAS, the applicants, Birch Road, LLC and Cheston MM, LLC, are requesting that the City Commission approve an amendment to the Site Plan Level IV beach

development permit to add four (4) additional residential units and increasing the floor area ratio from 4.6 to 5.2, to accommodate the additional units; and

WHEREAS, the City Commission has reviewed the application to amend the site plan submitted by the applicant, as required by the ULDR, and finds that such amended plan conforms with the provisions of such laws;

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 amendments to a Site Plan Level IV beach development permit application submitted to construct a residential project including parking located at 530 North Birch Road, Fort Lauderdale, Florida, approved for the issuance of a beach development permit by Resolution No. 19-31, as amended by Resolution No. 22-226, as described in City Commission Agenda Memorandum No. 24-0746 and associated exhibits is hereby approved, subject to the modifications and conditions imposed at the October 15, 2024 City Commission meeting.

SECTION 3. That the findings, provisions, and conditions of Resolution No. 22-226 and of Resolution No. 19-31 that were not expressly superseded by Resolution No. 22-226 that do not conflict with or are not expressly superseded by the effect of the provisions of this resolution are hereby reaffirmed.

SECTION 4. Issuance of a development permit or amendment to 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 5. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

SECTION 6. That this Resolution shall be in full force and effect immediately upon adoption.

ADOPTED this ____ day of _____, 2024.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM
AND CORRECTNESS:

City Attorney
THOMAS J. ANSBRO

Dean J. Trantalis _____

John C. Herbst _____

Steven Glassman _____

Pamela Beasley-Pittman _____

Warren Sturman _____