



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

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

DATE: June 17, 2014

TITLE: QUASI-JUDICIAL – RESOLUTION TO APPROVE AN EXTENSION OF
TIME FOR SITE PLAN EXPIRATION – Yacht Haven – Case 23R05

Recommendation

It is recommended that the City Commission consider Applicant's request for an extension of time for the Yacht Haven site plan approval, 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 July 10, 2007, by a vote of (4-1). The application consisted of a mixed-use development of three hundred twenty-nine (329) multifamily residential units, with 75,468 square feet of office space, 4,266 square feet of clubhouse space, 504,843 square feet of structured parking, and a marina with 48 vessel slips. The Commission Agenda Memo is attached as **Exhibit 1**. Meeting Minutes are attached as **Exhibit 2**. Resolution No.07-130 is attached as **Exhibit 3**. The site plan has since received an amendment to incorporate a phasing plan in order to construct the project. The site plan, project renderings and elevations are provided as **Exhibit 4**.

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.

Resolution No. 07-130, approved conditions that granted the applicant, Azurite Corp Ltd., and additional 12 months to the time periods provided by Sec. 47-24.1.M. which provided the applicant in total 30 months in which to apply for a building permit and 36 months in which to obtain a building permit, January 10, 2010 and July 10, 2010 respectively. Since the original approval the applicant's site plan approval expiration date has been extended by Laws of Florida Chapter 2009-96 (Senate Bill 360), Section 14 to January 10, 2012 to apply for a building permit and July 10, 2012 to obtain a building permit. Under Laws of Florida Chapter 2010-147 (Senate Bill 1752) Section 46, the applicant received an additional extension to apply for a building permit by January 10, 2014 and to July 10, 2014 to obtain a building permit.

The applicant applied for a building permit on January 9, 2014 and is now requesting that the City Commission grant an additional two year extension of time to obtain a building permit for the project. The request for extension to obtain a building permit would change the date the building permit must be obtained from July 10, 2014 to a new date of July 10, 2016. Applicant's request narrative is provided as **Exhibit 5**.

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. The applicant cites an anticipated delay resulting from the need to obtain environmental permits for the construction of the project seawall and dock as good cause. 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 shall 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 – July 10, 2007 Commission Agenda Memo

Exhibit 2 – July 10, 2007 Commission Minutes

Exhibit 3 – Resolution No. 07-120

Exhibit 4 – Amended Site Plan

Exhibit 5 – Applicant's Request Narrative

Exhibit 6 – Resolution to Approve

Exhibit 7 – Resolution to Deny

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