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REVISED APPLICATION FOR EXTENSION OF TIME
OF EXPIRATION OF SITE PLAN APPROVAL – SECTION 47-24.1.M., ULDR
GRAND BIRCH, LLC – CASE NO. 53-R-12

On April 16, 2013, the City Commission adopted Resolution No. 13-65 (“Development Order”) which approved a site plan for an 11 story, 22 unit condominium project known as Grand Birch (the “Project”) on the property located at 315-325 North Birch Road (the “Property”). Subsequent to that approval, organizations known as Residents for Responsible Growth, LLC and Central Beach Alliance of Fort Lauderdale, Inc., filed a complaint for declaratory and injunctive relief and a petition for writ of certiorari in the Circuit Court of Broward County to challenge the City Commission’s approval of the Project (the “Litigation”).

Pursuant to ULDR Section 47-24.1.M (“Section”), a site plan expires unless a complete application for a building permit for an above-ground principal structure is submitted not later than eighteen (18) months following the date of site plan approval and a building permit for such above-ground principal structure is issued not later than twenty-four (24) months following the date of site plan approval. Therefore, the Project site plan will expire if (i) the developer fails to file a complete application for a building permit to construct the Project on or before October 16, 2014, or (ii) fails to obtain the building permit on or before April 16, 2015.

The Section also provides that the reviewing body, the city commission in this case, may grant an extension of time for the expiration of a site plan if all applicable building, zoning and engineering regulations remain the same, an application for site plan extension is submitted during the effective period of the site plan and good cause for the delay is 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.

Grand Birch, LLC requests an extension of the time within which it must apply for and obtain a building permit because (i) Litigation was filed to challenge the Development Order for the Project which was beyond its control and Grand Birch was not able to obtain financing to construct the Project or apply for a building permit until the Litigation was resolved, (ii) the building, zoning and engineering regulations remain the same as of the date of this application, and (iii) the Development Order is effective as of the date of this application.

Therefore, Grand Birch, LLC requests that the City Commission grant the following extensions of time:

- **To apply for a building permit** - 18 months from the City Commission hearing date of March 4, 2014 granting the extension (*or by September 4, 2015*), which evidences that all third party challenges to the validity of the Development Order were 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, to apply for a building permit for construction of the Project; and
- **To obtain a building permit** - 24 months from the City Commission hearing date of March 4, 2014 granting the extension (*or by March 4, 2016*), which evidences that all third party challenges to the validity of the Development Order were 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, to obtain the building permit for construction of the Project.

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