

RESOLUTION NO. 22-226

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, IN THE NORTH BEACH RESIDENTIAL AREA ZONING DISTRICT, TO INCREASE THE BUILDING HEIGHT FROM 120 FEET TO 144 FEET, ADD 11 DWELLING UNITS, AND APPROVE A MINIMUM BUILDING TOWER STEPBACK OF 10 FEET IN THE CENTRAL BEACH REGIONAL ACTIVITY CENTER.

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 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 (NBRA) zoning district; 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 increase the building height from 120 feet to 144 feet, add 11 dwelling units in the Central Beach Regional Activity Center; 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 described in City Commission Agenda Memorandum No. 22-0762 and associated exhibits is hereby approved, subject to the modifications and conditions imposed at the September 22, 2022 City Commission meeting.

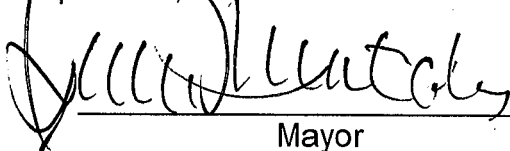
SECTION 3. That the findings, provisions, and conditions of Resolution No. 19-31 that do not conflict with or are not expressly superseded by the effect of the provisions of this resolution are hereby reaffirmed.

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 22nd day of September, 2022.

A handwritten signature in black ink, appearing to read "Dean J. Trantalis", is written over a horizontal line.

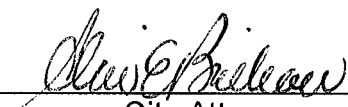
Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM:



City Attorney
ALAIN E. BOILEAU

Dean J. Trantalis Yea

Heather Moraitis Yea

Steven Glassman Yea

Robert L. McKinzie Yea

Ben Sorensen Yea