

RESOLUTION NO. 23-67

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE ISSUANCE OF A SITE PLAN LEVEL II DEVELOPMENT PERMIT FOR AN ALTERNATIVE DESIGN THAT MEETS THE OVERALL INTENT OF THE DOWNTOWN MASTER PLAN FOR THE DEVELOPMENT OF A 30-STORY MIXED USE PROJECT CONSISTING OF 542 RESIDENTIAL FLEX UNITS AND 13,764 SQUARE FEET OF COMMERCIAL USE, LOCATED AT 777 SOUTHEAST 3RD AVENUE, FORT LAUDERDALE, FLORIDA, IN THE DOWNTOWN REGIONAL ACTIVITY CENTER – CITY CENTER (RAC-CC) ZONING DISTRICT.

WHEREAS, Section 47-24.1 of the City of Fort Lauderdale, Florida Unified Land Development Regulations (herein "ULDR") provides that no development of property in the City shall be permitted without first obtaining a development permit from the City of Fort Lauderdale in accordance with the provisions and requirements of the ULDR; and

WHEREAS, an application was submitted on behalf of the property owners, Ben Ft Laud, LLC and Ben Ft Laud DRC, LLC, for a Site Plan Level II development permit to develop a 30-story mixed use project that consists of 542 residential flex units and 13,764 square feet of commercial use for the property located at 777 Southeast 3rd Avenue, Fort Lauderdale, Florida, within the Downtown Regional Activity Center – City Center (RAC-CC) zoning district having an underlying land use designation of Downtown Regional Activity Center (Downtown RAC); and

WHEREAS, Section 47-13.20.J.3. of the ULDR provides that in the event the developer of a parcel of land in the Downtown RAC districts desires to deviate from the requirements of Section 47-13.20.B., the developer may submit the design of the proposed development for review and approval by the City Commission, if the alternative design meets the overall intent of the Downtown Master Plan; and

WHEREAS, on August 23, 2022, the Development Review Committee (DRC), reviewed the Site Plan Level II development permit application, Case No. UDP-S22035 and issued a report; and

WHEREAS, the City Commission has reviewed the application for an alternative design for a Site Plan Level II development permit submitted by the applicant as required by the ULDR, and finds that such application meets the requirements of the ULDR as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the recitals set forth above are true and correct and are incorporated in this resolution.

SECTION 2. The City Commission finds that the application for an alternative design for a Site Plan Level II development permit submitted to construct a 30-story mixed use project located at 777 Southeast 3rd Avenue, Fort Lauderdale, Florida, consisting of 542 residential flex units and 13,764 square feet of commercial use located within the Downtown Regional Activity Center – City Center (RAC-CC) zoning district with an underlying land use designation of Downtown Regional Activity Center (Downtown RAC) meets the criteria of Section 47-24 and Section 47-13 of the ULDR as enunciated and memorialized in the minutes of its meeting of March 23, 2023.

SECTION 3. That the City Commission finds that the proposed project meets the standards and requirements of the ULDR and the alternative design submitted by the applicant, meets the overall intent of the Downtown Master Plan in accordance with Section 47-13.20.J.3. of the ULDR.

SECTION 4. That the Site Plan Level II development permit is hereby approved, subject to the conditions listed in the Commission Agenda Memo 23-0221 and imposed by the DRC.

SECTION 5. That pursuant to the provisions of the ULDR, the proper City officials are hereby authorized to issue the necessary building and use permits subject to the conditions imposed by the DRC and listed in the Commission Agenda Memo 23-0221.

SECTION 6. The conditions contained herein are intended to memorialize the conditions expressed in the record of the hearings at which the application for the development permit was reviewed. In the event that the record of the proceedings contradicts or contains additional conditions not reflected in this instrument, the conditions expressed on the record of the proceedings shall prevail and are incorporated herein.

SECTION 7. Issuance of 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 8. This approval is conditioned upon the applicant obtaining all other applicable state or federal permits before commencement of the development.

ADOPTED this 23rd day of March, 2023.



Mayor
DEAN J. TRANTALIS

ATTEST:



City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM:



Interim City Attorney
D'WAYNE M. SPENCE

Dean J. Trantalis	<u>Yea</u>
John C. Herbst	<u>Yea</u>
Steven Glassman	<u>Yea</u>
Pamela Beasley-Pittman	<u>Yea</u>
Warren Sturman	<u>Yea</u>