RESOLUTION NO. 19-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING THE ISSUANCE OF A SITE PLAN LEVEL IV BEACH DEVELOPMENT PERMIT FOR THE DEVELOPMENT OF A 16-STORY, 205-ROOM HOTEL PROJECT AND PARKING GARAGE LOCATED AT 401 SOUTH FORT LAUDERDALE BEACH BOULEVARD, FORT LAUDERDALE, FLORIDA, IN THE A-1-A BEACHFRONT AREA (ABA) ZONING DISTRICT.

WHEREAS, Section 47-12.6 of the City of Fort Lauderdale, Florida Unified Land Development Regulations ("ULDR") provides that no development of property in the Central Beach area of the City shall be permitted without first obtaining a beach development permit from the City of Fort Lauderdale in accordance with the provisions and requirements of the ULDR; and

WHEREAS, Beach Boys Plaza, Inc. submitted an application for a beach development permit for a 16-story, 205-room hotel project and parking garage at 401 South Fort Lauderdale Beach Boulevard, Fort Lauderdale, Florida, and located in the A-1-A Beachfront Area (ABA) zoning district; and

WHEREAS, Section 47-12.5-B.1 of the ULDR sets forth the minimum yard setbacks within the ABA district and allows a setback other than the minimum to be approved as part of the approval of a development of significant impact, also known as a site plan level IV development; and

WHEREAS, the Development Review Committee (PZ Case No. R18011) at its meeting of February 13, 2018, recommended approval of the proposed development permit to the Planning and Zoning Board; and

WHEREAS, the Planning and Zoning Board at its meeting of February 20, 2019, recommended approval of the proposed development permit to the City Commission; and

WHEREAS, the City Commission reviewed the beach development permit application submitted by the applicant, as required by the ULDR, and finds that the proposed development is consistent with the development standards for the proposed development under the provisions of the ABA zoning district and the neighborhood compatibility criteria provided in Section 47-25.3;

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 site plan level IV development permit application submitted to construct a residential project and parking garage located at 401 South Fort Lauderdale Beach Boulevard, Fort Lauderdale, Florida, located in the ABA zoning district is hereby approved for the issuance of a beach development permit, subject to the modifications and conditions imposed by the Development Review Committee, Planning and Zoning Board and City Commission; including and not limited to the conditions imposed at the May 21, 2019 Commission meeting.

SECTION 3. That pursuant to the provisions of the City of Fort Lauderdale, Florida ULDR, the proper City officials are hereby authorized to issue the necessary building and use permits.

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

ADOPTED this the ____ day of May 2019.

_____
Mayor
DEAN J. TRANTALIS

ATTEST:

_____
City Clerk
JEFFREY A. MODARELLI