

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT
January Term 2007

TOWN OF LAUDERDALE-BY-THE-SEA,
Appellant,

v.

SEA COLONY, INC.,
Appellee.

No. 4D06-912

[June 20, 2007]

PER CURIAM.

In this case, Sea Colony, Inc. submitted a development site plan to the Town of Lauderdale-By-The-Sea (the "Town") for approval. When more than three months passed and the Town had failed to process the site plan and to respond to letters requesting such processing, Sea Colony filed a petition for writ of mandamus, insisting the language of recently-adopted resolution 2005-08 imposed a ministerial duty on the Town to process its application. The trial court agreed and granted the petition. We affirm the trial court's decision, finding no error in the trial judge's reading of the resolution's language and no merit in the Town's claim that mandamus was not an appropriate vehicle for resolution of the dispute between it and Sea Colony. In our view, the plain language of the resolution supports Sea Colony's claim that since its site plan was submitted prior to the date of the resolution, the Town was bound to review it. In so holding, we express no opinion regarding whether Sea Colony's application should be approved or denied; neither do we venture to opine which zoning standards should be applied by the Town during the application process.

Affirmed.

STEVENSON, C.J., and POLEN, J., concur.
TAYLOR, J., dissents without opinion.

* * *

Appeal from the Circuit Court for the Seventeenth Judicial Circuit,

Broward County; Robert Lance Andrews, Judge; L.T. Case No. 05-14142 (09).

Michael D. Cirullo, Jr., and James A. Cherof of Goren, Cherof, Doody & Ezrol, P.A., Fort Lauderdale, for appellant.

James C. Brady of Arnstein & Lehr LLP, Fort Lauderdale, for appellee.

Not final until disposition of timely filed motion for rehearing.