



CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

DATE: February 14, 2012

TO: Robert Baldwin, City Manager *Robert Baldwin*

VIA: Robert Daniels, Director

FROM: Corinne Lajoie, AICP, LEED Green Associate, Principal Planner *Corinne Lajoie*

SUBJECT: **LUF-42-08/VA-43-08/SP-41-08 Extension:** The property owner, Joan Leto, Trust, is requesting a third extension of the previously approved assignment of flex, variance and site plan for the construction of a hotel located at SW 19 Court, Leto Park Plat (North of Stirling Road, north of the Valgard approved site plan).

LAND USE FLEX:

To allow the construction of a hotel on property with an Industrial Land Use designation.

VARIANCE:

1. To allow one (1) loading berth; code requires four (4).
2. To allow the building height to be 6-stories; code allows a maximum of 5-stories.

SITE PLAN:

To allow the construction of a 6-story, 130 room hotel.

PROPERTY INFORMATION

ZONING: Industrial, Research, Office, Commercial (IROC)

LAND USE DESIGNATION: Industrial

OVERLAY DISTRICT: Westside Master Plan, Sub Area 1 – Griffin Road West

The applicant received a conditional site plan approval with variances and flex allocation to construct a 6-story, 130 room hotel on October 14, 2008. The applicant was granted a one year extension for the previous approvals by the City Commission on October 27, 2009. A second one year extension was granted on November 9, 2010. At this time, the applicant is requesting another extension for a period of two years, extending the site plan to December 14, 2013. The applicant states that two parties are interested in purchasing the property, however, financing in this economic climate is a major challenge. The prospective buyers would develop the site in accordance with the previously approved site plan.

The site has an active code violation related to the overgrown vegetation on site.

The Westside Master Plan designates this site for commercial uses. The property is located in Flex Zone 83 and 2.34 acres of commercial use have been allocated with the approval of the hotel site plan. Therefore, 30.61 acres are remaining in this flex zone.

PREVIOUS CITY COMMISSION ACTION

On January 10, 2012, the City Commission continued this item at staff's request due to an outstanding code violation.

On December 13, 2011, the City Commission continued this item at staff's request due to an outstanding code violation.

On November 9, 2010, the City Commission granted a second extension for the site plan and associated flex and variance applications.

On October 27, 2009, the City Commission granted a one year extension for the previous approvals by the City Commission on October 27, 2009.

The original site plan, variances and flex allocation to construct a 6-story, 130 room hotel was approved on October 14, 2008.

STAFF RECOMMENDATION

Staff recommends continuance of this request until the code violation has been resolved.



City of Dania Beach, Florida
 Department of Community Development
 Planning and Zoning Division
 (954) 924-6805 X3643
 (954) 922-2687 Fax

Standard Development Application

RECEIVED
 OCT 28 2011
 Planning Department

- Administrative Variance
- Land Use Amendment
- Plat
- Rezoning
- Site Plan
- Special Exception
- Variance
- Other: SITE PLAN EXTENSION (SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

Date Rec'd _____
 Petition No.: SP-39/11

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division. For more information please reference the **Dania Beach Land Development Code Part 6, Development Review Procedures and Requirements.**

Location Address: S.W. 19th CT - PARCEL

Lot(s): _____ Block: _____ Subdivision: LETO PARK 118-39B

Recorded Plat Name: LETO PARK

Folio Number(s): 5042 33 37 0011 Legal Description: South (1/2) TRACT A LETO PARK

Applicant/Consultant/Legal Representative (circle one) Angie Leto

Address of Applicant: 3100 STIRLING RD Hollywood, FL. 33021

Business Telephone: (954) 989-9320 Home: _____ Fax: (954) 889-0952

E-mail address: JLETOANDSENSE@bellsouth.net

Name of Property Owner: Juan Leto, Trust

Address of Property Owner: 3100 STIRLING RD, Hollywood, FL. 33021

Business Telephone: (954) 989-9320 Home: _____ Fax: (954) 889-0952

Explanation of Request: EXTENSION OF SITEPLAN #SP-41-08, LUF-42-08, VA-43-08
 For Plats please provide proposed Plat Name for Variations please attach Criteria Statement as per Section 625.40 of the Land Development Code.

Prop. Net Acreage: _____ Gross Acreage: 2.34 Prop. Square Footage: 101,856

Existing Use: _____ Proposed Use: _____

Is property owned individually, by a corporation, association, or a joint venture? TRUST-INDIVIDUAL

AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize Angie Leto (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
was acknowledged

By: Joan Leto Trust
(Owner / Agent signature*)

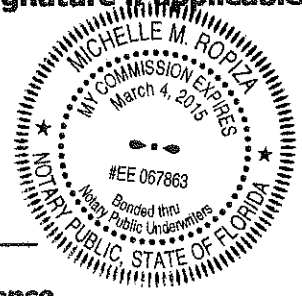
BEFORE ME THIS 27th DAY OF October, 2011

By: _____

(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary Michelle M. Roiza
(Signature of Notary Public - State of Florida)



Personally known or Produced Identification _____

Type of identification produced: _____ or Drivers License _____

***If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF BEFORE PROCESSING OCCURS.

CRITERIA STATEMENT

Date: October 26, 2011

Owner: Joan Leto, Trust

Extension Request : SP-41-08
LUF-42-08
VA-43-08

To Whom It May Concern:

At this time we are requesting a two year extension for the above referenced approvals that we have obtained.

We have two Hotel development companies, one local and one from out of state. Due to the economic situation the country is in, their only hindrance is obtaining financing which is continuing to be a difficulty across the country. We are hoping that we can finalize the projects in a year but it is questionable since we are approaching an election year. By keeping the site status, once the financing is obtained they would be able to proceed with the project since the approvals have already been obtained for the site. This will be an advantage to the buyer and also an asset to the property for marketability for the project.

Sincerely,



Angie Leto

Applicant

RESOLUTION NO. 2010-188

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY JOAN LETO, TRUSTEE FOR THE PROPERTY OWNER JOAN LETO TRUST FOR A SECOND EXTENSION TO THE APPROVED SITE PLAN (SP-41-08) GRANTED BY RESOLUTION 2008-190; VARIANCE (VA-43-08) BY RESOLUTION 2008-189 AND FLEX ALLOCATION (LUF-42-08) BY RESOLUTION 2008-188 ON OCTOBER 14, 2008, FOR PROPERTY LOCATED ON THE NORTH SIDE OF STIRLING ROAD APPROXIMATELY ¼ MILE NORTHWEST OF THE I-95 / STIRLING ROAD EXIT ON SW 19TH COURT, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 14, 2008, pursuant to Resolution No. 2008-188, the City Commission approved a request for the assignment of 2.34 acres of industrial to commercial land use flex (LUF-42-08) to allow for the construction of a hotel on property with an Industrial Land Use designation; and

WHEREAS, on October 14, 2008, pursuant to Resolution No. 2008-189, the City Commission approved a variance request (VA-43-08) to allow the following:

1. To allow one (1) loading berth (Chapter 28, "Zoning", Article 6.22, "Off-Street Loading", requires four (4));
2. To allow the building height to be 6 stories / 55 feet (Chapter 28, "Zoning", Article 5.20, "Height Regulations", allows a maximum of 5 stories/62 foot height); and

WHEREAS, on October 14, 2008, the City Commission, pursuant to Resolution No. 2008-190, granted site plan approval for the proposed construction of a 6 story, 130 room hotel to be located on the north side of Stirling Road approximately ¼ mile northwest of the I-95 / Stirling Road exit on SW 19th Court, in the City of Dania Beach; and

WHEREAS, On October 27, 2009, the City Commission pursuant to Resolution 2009-199, granted the property owner, Joan Leto Trust, an extension of the approvals associated with the above described project until October 27, 2010; and

WHEREAS, Joan Leto, Trustee, representing the property owner, Joan Leto Trust, is requesting a second extension of the approvals associated with the above described project for two (2) years until October 24, 2012;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the request to extend the expiration date of the approvals from October 27, 2010 to November 8, 2011 for the site plan, variance and flex allocation requests are approved, subject to the condition previously approved by the City Commission that the applicant must provide a copy of the recorded plat prior to issuance of a building permit and that all code violations must be resolved within three months from the date appearing below.

Section 2. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 3. That this Resolution shall be in full force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on November 9, 2010.

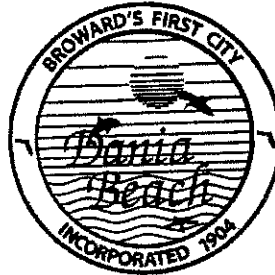
Anna Cato

for C. K. McELYEA
MAYOR-COMMISSIONER

ATTEST:

Louise Stilson

LOUISE STILSON, CMC
CITY CLERK



APPROVED AS TO FORM AND CORRECTNESS:

Thomas J. Ansbro
THOMAS J. ANSBRO
CITY ATTORNEY