

Abandonment/Vacation Justification-Dania Beach Mega Yacht

This request is seeking the approval of an abandonment of a portion of N.E. 4th Court consisting of approximately 29,265 SF or 2.18 acres +/- acres. The width of the proposed abandonment is twenty-five (25) feet wide and approximately 1,185 feet long. The proposed area to be abandoned is an unconstructed and unimproved local road owned by the City of Dania Beach. This request seeks approval from the City to abandon twenty-five (25) feet of right-of-way and convey that right-of-way back to the Archdiocese of Miami or its assigns. Please see the attached graphic for the location of the request.

According to Section 655-40(A) of the Dania Beach Land Development Code (LDC):

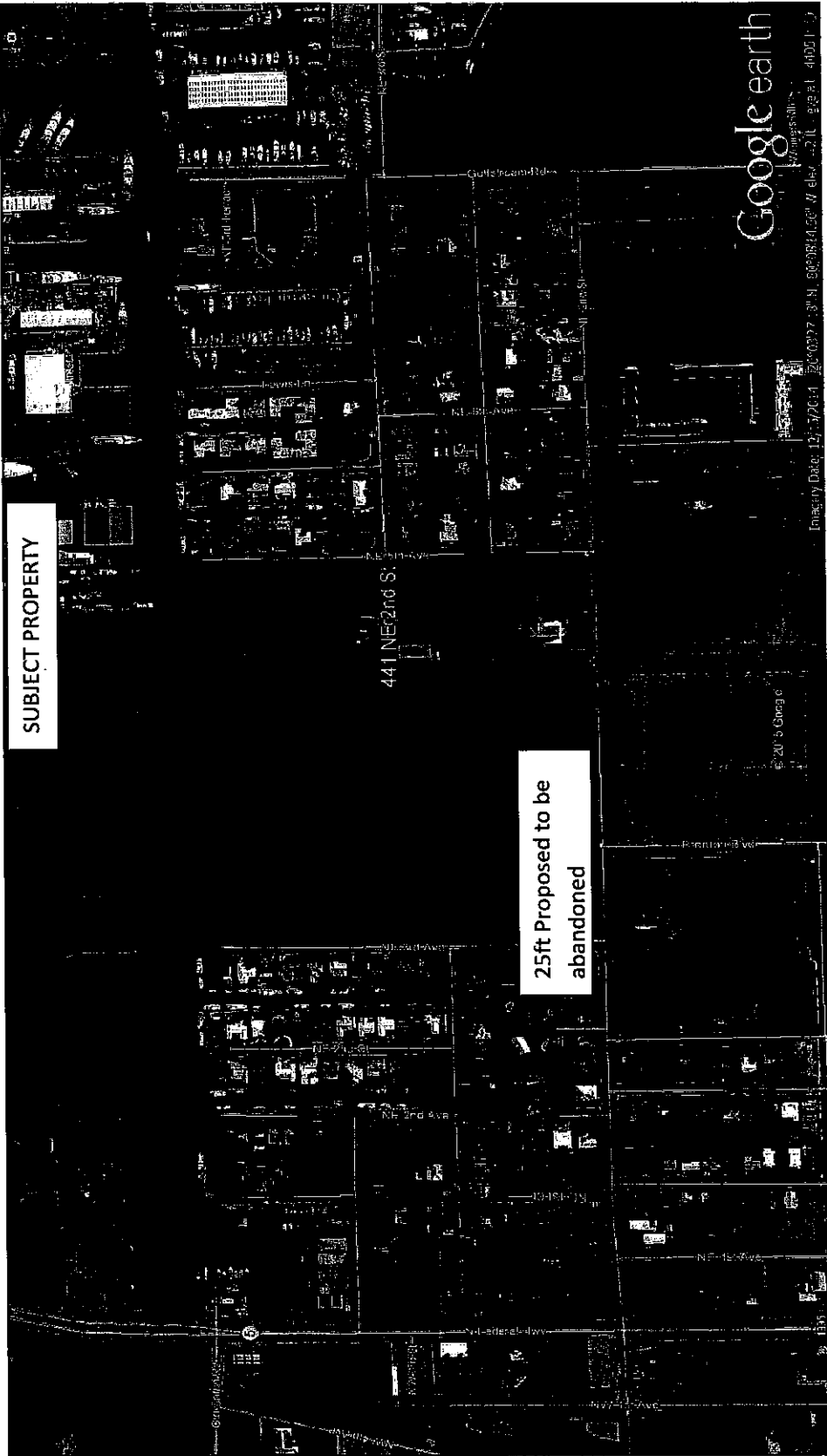
The City Commission may approve, approve with mitigating conditions or deny an application to vacate right-of-way or the city's interest in an easement based upon the following criteria:

- (1) Whether the vacation will adversely affect access to the neighboring properties; and
- (2) Whether the subject right-of-way or easement is needed for public purpose

Response to Item (1): The proposed vacation will not adversely affect access to the neighboring properties. Great attention has been made to develop the Dania Beach Mega Yacht which is the project slated to be constructed on the property east of the proposed abandonment area. The ingress and egress to the marina facility has been designed in a manner consistent with the neighborhood and character of the City of Dania Beach. The portion of roadway (N.E. 4th Court), subject to the abandonment, has never been constructed or utilized by any resident or the adjacent property owners. The City has not constructed this roadway it is not contemplated for construction. However, the City has requested and will be granted an easement consisting of approximately twelve and one half (12.5) feet over the abandonment area for future access purposes. When developing the site plan for the proposed use, adjacent to proposed vacation area, careful thought has been placed on the massing, size and positioning of the proposed structure so that it is compatible with the surrounding properties and the City's vision for this area. The proposed use of the property as a marina is a passive use. Twenty-two (22) average daily trips are being generated as a result of this project and its impact is very, very low. The nature of the facility, the design, open spaces, and landscaping proposed for property will blend with the surrounding area. The proposed use of the subject property as a marina is consistent with the surrounding land uses. The addition of a marina on the subject property is in harmony with the general character of the neighborhood. The subject property is currently vacant, but perfectly suited to be utilized as a marina due to its proximity to the water. The Dania Cutoff Canal is home to several other marinas and this particular area is well positioned to accommodate large vessels that can be driven into dock by the captain of the vessel opposed to having another boat tow the large vessels into dock which minimizes the number of boats passing through this portion of the canal.

Response to Item (2): The area subject to the abandonment is a platted piece of property which was included as part of the plat known as the Amended Plat of a Portion of Harbor Lawns Plat No. 1 recorded in Plat Book 34, Page 5 of the Public Records of Broward County. The plat, which was recorded in 1954, dedicated N.E. 4th Court, as a City roadway. Since that time, the City has not constructed nor required the construction of this roadway for 61 years. Hence, the Archdiocese and its assigns are eligible to request the original conveyance, the twenty-five (25) feet of right-of-way, as part of the Amended Plat

of a Portion of Harbor Lawns Plat No. 1, to be granted back to the property owner. There is no public purpose for the City to own the proposed abandonment area; however, the City will be granted an easement over one half of the area for access purposes. The outcome of this request will yield a brand new building, open spaces and extensive landscaping. The granting of the abandonment is not contrary to the public interest. The addition of a marina to this area will provide tax revenue as no sales or property tax is being generated as part of the current use. This action creates an atmosphere of renewal and will inspire other properties to engage in redevelopment in this area. The redevelopment of this property, in this location, demonstrates to other property owners, and the public, that there is a desire to improve and upgrade the subject property. This exemplifies sustainability and the desire for long term improvement to this part of the City of Dania Beach.



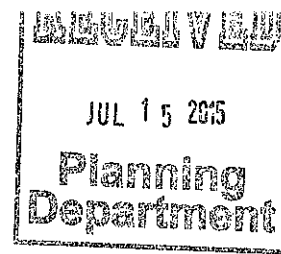
SUBJECT PROPERTY

441 NE 2nd St

25ft Proposed to be abandoned

Google earth

Imagery Date: 12-7-2014 2:00:27 AM S: 30.381456° W: 81.661440° U: 4000 ft



Plat Waiver Justification-Dania Beach Mega Yacht

This request is seeking the approval of a plat waiver for the project known as the "Dania Beach Mega Yacht". The Dania Beach Mega Yacht property is located between N.E. 4th Court and N.E. 5th Avenue, north of N.E. 2nd Street and south of the Dania Beach Cutoff Canal within the City of Dania Beach. The subject property consists of approximately 4.557 +/- acres, exclusive of the area requested for abandonment, provided under a separate application that is being processed concurrent with this request.

According to Section 655-30(D) of the Dania Beach Land Development Code (LDC):

In order for the city commission to approve the vacation, it must waive the platting requirement of the city charter. The request for waiver may be processed concurrently with the petition for vacation.

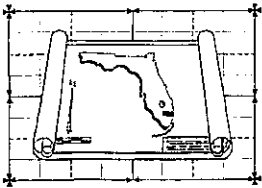
The subject property is a platted piece of property known as the Amended Plat of a Portion of Harbor Lawns Plat No. 1 recorded in Plat Book 34, Page 5 of the Public Records of Broward County. In accordance with the Broward County Land Use Plan, Section D.2., Chapter IV, replatting is not required if the original plat was reviewed and approved subsequent to June 4, 1953. This plat was reviewed and recorded on March 30, 1954. A letter from the Broward County Planning Council concurring with this interpretation is attached to this justification statement.

Great attention has been made to develop the Dania Beach Mega Yacht in a manner consistent with the neighborhood and character of the City of Dania Beach. Careful thought has been placed on the massing, size and positioning of the proposed structure so that it is compatible with the surrounding properties and the City's vision for this area. The proposed use of the property as a marina is a passive use. This is evidenced by the nature of the facility, the design, open spaces, and landscaping proposed for property. Replatting of the property does not change the site conditions nor provide the City with any measurable benefits. The intent of a plat is to provide the necessary dedications and boundary for a piece of property and the existing plat provides this information.

The use of the subject property as a marina is consistent with the surrounding land uses. The addition of a marina on the subject property is in harmony with the general character of the neighborhood. The subject property is currently vacant, but perfectly suited to be utilized as a marina due to its proximity to the water. The Dania Cutoff Canal is home to several other marinas and this particular area is well positioned to accommodate large vessels that can be driven into dock by the captain of the vessel opposed to having another boat tow the large vessels into dock which minimizes the number of boats passing through this portion of the canal.

The granting of the plat waiver will not create an unnecessary burden and the replatting of the subject property does not further enhance the property. The approvals being sought by the City Commission provide the necessary conditions and restrictions upon the property in order to construct a marina. This use generates very little traffic and is a clean and low-impact use. The outcome of this request will yield a brand new building, open spaces and extensive landscaping. The granting of the plat waiver request is not contrary to the public interest. The use of the property is very specific and much more detail is required to be provided to the City of Dania Beach for site plan review than would be required under the City or County platting process. In summary, the City is able to get a greater level of detail utilizing the site plan review procedure versus the platting through both the City and County. The addition of a

marina to this area will provide tax revenue as no sales or property tax is being generated as part of the current use. This action creates an atmosphere of renewal and will inspire other properties to engage in redevelopment in this area. The redevelopment of this property, in this location, demonstrates to other property owners, and the public, that there is a desire to improve and upgrade the subject property. This exemplifies sustainability and the desire for long term improvement to this part of the City of Dania Beach.



BROWARD COUNTY PLANNING COUNCIL

115 South Andrews Avenue, Room 307 • Fort Lauderdale, Florida 33301 • Phone: 954.357.6695

June 2, 2015

Tara-Lynn Patton, AICP-Land Planner
c/o Bonnie Miskel, Esq.
Dunay, Miskel and Backman, LLP
14 Southeast 4 Street, Suite 36
Boca Raton, Florida 33432

Dear Ms. Patton:

Re: Platting requirements for a parcel legally described as "Amended Plat of a Portion of Harbor Lawns No. 1," less the South 727 feet, according to the Plat thereof, as recorded in Plat Book 34, Page 5, of the Public Records of Broward County, Florida. This parcel is generally located on the northwest corner of Northeast 2 Street and Northeast 5 Avenue, in the City of Dania Beach.

This letter is in response to your correspondence regarding the Broward County Land Use Plan's platting requirements for a proposed non-residential development on the above referenced parcel.

Planning Council staff has determined that replatting is not required by Section D.2, Chapter IV, of the Broward County Land Use Plan. Section D.2. would not require replatting of parcels included in plats approved by the Broward County Commission and recorded after June 4, 1953. Information from the Broward County Records, Taxes and Treasury Division indicates that the above referenced plat was recorded on March 30, 1954.

It is recommended that you contact Broward County's Development Management and Environmental Review Section at 954-357-6637, to inquire about whether additional County review, such as a plat note modification, may be required. Further, some jurisdictions may be more restrictive and require platting in more situations than the Broward County Land Use Plan. The City of Dania Beach's platting requirements should be investigated.

The contents of this letter are not a judgment as to whether this development proposal complies with the Broward County Trafficways Plan, permitted uses and densities, local zoning, the land development regulations of the municipality or the development review requirements of the Broward County Land Use Plan, including concurrency requirements.

If you have any additional questions regarding the Broward County Land Use Plan's platting requirements, please contact Matthue Goldstein, Associate Planner, at your convenience.

Respectfully,


Barbara Blake-Boy
Executive Director

BBB:MEG

cc: Robert Baldwin, City Manager
City of Dania Beach

Marc LaFerrier, AICP, Director, Community Development Department
City of Dania Beach