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DANIA BEACH MEGAPORT SPECIAL EXCEPTION

Submitted: April 9, 2015

Updated: June 8, 2015

Edelman Development Corporation is the contract purchaser for a 4.557 acre parcel of property located at 441 NE 2nd Street in the City of Dania Beach ("City") which is generally located north of NE 2nd Street, south of the Dania Beach Cutoff Canal, east of NE 3rd Avenue and west of NE 5th Street (the "Property"). The Property is a portion of real property owned by the Archdiocese of Miami Church of the Resurrection ("Archdiocese"). The Archdiocese currently owns a total of 10.6 acres in this location. It is the intent of the Archdiocese to sell 4.557 acres of the 10.6 acres to Edelman Development Corporation for the purposes of constructing a marina on this parcel. The marina will consist of four (4) piers designed to accommodate yachts that are over 100 feet (FT) in length, parking and a Dock master's office consisting of approximately 3,971 SF.

The Property is located within the City's Single Family 8000 Residential (R-S 8000) zoning district. In accordance with the City's Land Development Code (LDC), a use listed as a Special Exception (SE) may be allowed if the City Commission determines that the use is compatible at the proposed size and location, subject to the procedures, requirements and criteria established in Section 630-50 of the LDC and can be subject to specific conditions upon approval. Edelman Development Corporation has submitted this SE Application ("Application") in accordance with Section 630-50 of the LDC which permits marinas as a SE use within the R-S 8000 zoning district. The Property is directly adjacent to the Dania Beach Cutoff Canal and is situated to provide the intake of large vessels or megayachts. The marina is designed to accommodate luxury boating vessels in order to provide docking services to owners that maintain a home off of the premises, boats that are transitioning from charters or boats in route to their home port. A Dockmaster's Office is provided in order to maintain a small business office, facilities for the crew and storage facilities for the operation of marina. As established below, the Application complies with the following SE review criteria set forth in Section 630-50 of the LDC:

- (1) That the use is permitted as a special exception use as set forth in the use regulations of part 1 of this code. The marina use is permitted within the R-S 8000 zoning district, however; SE must be granted for approval.*
- (2) That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located. The addition of a marina on the Property is in harmony with the general character of the neighborhood within which the Property is located. The 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 Property is surrounded by other docking and marina facilities. Permits to construct the marina have been submitted to the Army Corps of Engineers (ACOE) and South Florida Water Management (SFWMD) in addition to Broward County and the City of Dania Beach will ensure any and all issues are addressed.*
- (3) That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering*

population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning. The marina use will be the only use on the 4.556 acre parcel. Marinas and boating are very common in this area of the Dania Cutoff Canal and within the City of Dania Beach. Directly north, across the canal from the Property, the properties are zoned Industrial (I-G) and while this use is consistent with other uses within the area, this marina will not be industrial in nature. The boats that will be docking in this facility will be boats that are in route to or from another location and will cater to megayachts.

(4) That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities. A landscape plan has been provided with this submittal. Sufficient landscaping has been provided in order to provide screening from the right-of-way. Due to the subject property's location, the parcel will only have access from NE 5th Avenue and the Property will be screened from public view. The other sides of the Property will be located directly adjacent to the existing church, next to the Jai Alai property and along the Dania Beach Cutoff Canal. All uses are consistent with the proposed use and contain the required screening to all adjacent properties.

(5) That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets. Adequate parking and loading has been provided and as part of this submittal. Further, a petition requesting the abandonment of a portion of NE 4th Court consisting of twenty-five (25) has been submitted with the SE application. While NE 4th Court has yet to be constructed, the abandonment of a portion of this road is necessary in order to construct the marina basin. Ingress and egress to the Property will be via NE 5th Street. The Property is proposed to be gated in order to allow only those with prior clearance or those with boats docked in the marina to access the Property. The traffic entering and exiting this facility will be sporadic with no anticipated peak hours of operation due to the nature of the facility. Not all boat owners will be accessing their vessels at the same time, and a sufficient number of parking spaces have been provided in order to minimize interference or impact to the surrounding streets.

(6) That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community. The proposed use of a marina will not have a detrimental environmental impact and is not contrary to the health, safety and welfare of the community. The marina is currently undergoing extensive review by the various permitting agencies which possess very high standards for marina construction to ensure no harm is being done to the environment. The facility will consist mainly of pervious area due to the construction of the marina basin.

(7) That the use will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community. The proposed use will not have a detrimental effect on vehicular or pedestrian traffic, nor impact parking conditions and will not create traffic that is inconsistent with the health, safety and welfare of the community. This marina will be catering to very high end boat owners that will be docking boats for stays while in the South Florida area or as a stopping point between charters or for boats in route to their home port. In a majority of these situations, where boats are docked in between charters or in route to the home port, there will be no vehicles needed that will require access or parking facilities. Typically car services are utilized to transport passengers to and from the vessel or cars are housed in other locations. Therefore, the amount of traffic anticipated to access this Property is minimal. Traffic trips to and from the site will be sporadic and will not generate additional traffic that could impact the surrounding community.

(8) That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance. The turning movements that will be necessary to access the Property are minimal. The Property will have access via NE 5th Avenue. Traffic entering into the Property will be primarily coming from the south since NE 5th Avenue is a dead end. Per the variance submitted with this application, the driveway into the Property has been aligned with NE 3rd Avenue in order to provide better connectivity with the existing street patterns. This

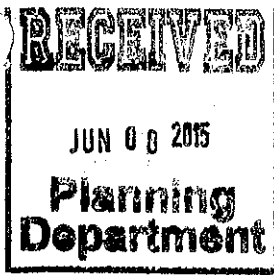
alignment also allows for access directly from NE 3rd Street. Although, it is anticipated that most turning movements will consist of a left, westbound turn into the Property and will not have opposing traffic due to the dead end configuration of NE 5th Street. Based upon this, it is not anticipated that the turning movements into the Property will create any conflicts with other structures near the site that would be hazardous or a nuisance.

(9) That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the comprehensive plan. The proposed marina use will not have a detrimental effect on the future development of contiguous properties. The marina use is a SE use which is a use that is permitted subject to conditions by the City Commission. Based on this, the marina use is in keeping with the City's Comprehensive Plan and LDC, but requires additional review by the City Commission in order to impose any conditions the Commission feels is necessary to protect the health, safety and welfare of the community, but as defined, a special exception is a used permitted by right, but subject to additional conditions beyond the minimum LDC requirements.

(10) That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character. The proposed use of a marina will not create noise, lights, vibrations, fumes, dust or other activities that could impact adjacent properties. The proposed marina is not industrial in nature. In other words, the manufacturing or the lifting the boats out of the water will not be permitted. This marina is not a shipyard, manufacturing or repair facility. The purpose of this type of marina is to enable those with megayachts to have a place to dock while in South Florida or in route to another location. The character of the marina has been designed to be integrated within the existing neighborhood. The Dockmaster's office has been designed as a one-story structure and will appear as a large, single-family residence consisting of a coastal architectural design. The landscaping will serve to buffer and screen the facility from the view from the public right-of-way.

(11) That the use will not overburden existing public services and facilities. The proposed marina as requested by the Application will not overburden any of the existing public services and facilities. This use does not create a hazard nor will overburden the existing public services and facilities. The impacts to the public utility providers will be minimal due to the sporadic and transient nature of those that will be utilizing this facility. Impacts to public services and facilities would likely be greater if the Property were developed as single-family residential due to the number and level of services and that is are required as part of residential development such as the provision of schools and parks, as an example. The proposed marina use does not utilize these types of services and is in consistent with the City's Comprehensive Plan and LDC.

6/1/2015



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

Standard Development Application

- Administrative Variance
- Land Use Amendment
- Plat
- Rezoning
- Site Plan
- Special Exception
- Variance
- Other: _____

Date Rec'd: 6/8/15

Petition No.: SE044-15

(SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

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: 441 NE 2 Street (4.557 ac portion of the parcel)

Lot(s): _____ Block: _____ Subdivision: Harbor Lawns No. 1

Recorded Plat Name: Amended Plat of a Portion of Harbor Lawns No. 1 PB 34 Page 5

Folio Number(s): 504234170010-(Parent), 504234170011 (R/W), 504234160040 (R/W) Legal Description: Please see attached survey

Applicant/Consultant/Legal Representative (**circle one**) Bonnie Miskel, Esq.-Dunay, Miskel & Backman, LLP

Address of Applicant: 14 S.E. 4th Street Boca Raton, FL 33432

Business Telephone: 561-405-3300 Direct: 561-405-3321 (Tara Patton) 561-337-0878-cell

E-mail address: bmiskel@dmbblaw.com or pattontnt@earthlink.net

Name of Property Owner: Archdiocese of Miami Church of the Resurrection c/o Suzanne Dockerty, Esq.
The Most Reverend Thomas G. Wenski

Address of Property Owner: 441 NE 2 Street Dania Beach, FL 33004 or 9401 Biscayne Blvd. Miami Shores, FL 33138

Business Phone of S. Dockerty: 305-443-9162

Email of S. Dockerty: sad@jpfitzlaw.com

Address of S. Dockerty: 110 Merrick Way, Suite 3B Coral Gables, FL 33134

Explanation of Request: A request for approval of a special exception for the project known as Dania Beach Megaport. For Plats please provide proposed Plat Name for Variances please attach Criteria Statement as per Section 625.40 of the Land Development Code.

Prop. Net Acreage: 4.557 ac Gross Acreage: 10.61 ac Prop. Square Footage: Please see attached site plan

Existing Use: Vacant Proposed Use: Marina

Is property owned individually, by a corporation, association, or a joint venture? The property is owned by the Archdiocese of Miami Church of the Resurrection. The contract purchaser is Edelman Development Corporation.

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 Bonnie Miskel, Esq. et al. (Please see attached letter(s) on behalf of the Owner and Applicant providing the requested authorizations. (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.

I/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

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument
was acknowledged

By: Bonnie Miskel
(Owner / Agent signature*)

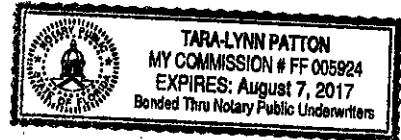
BEFORE ME THIS 9th DAY OF April, 20 15

By:

Bonnie Miskel, Esq.
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary Tara-Lynn Patton
(Signature of Notary Public - State of Florida)



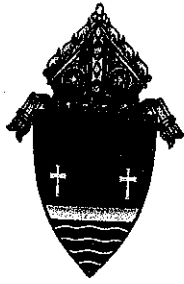
Personally known or Produced Identification _____

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.



ARCHDIOCESE OF MIAMI
Building and Property Office

April 7, 2015

Mr. Ken Edelman
Edelman Development Corporation
2600 Glades Circle, Suite 100
Weston, FL 33327

RE: Letter of Authorization – Owner

Mr. Edelman:

The Archbishop of the Archdiocese of Miami is the owner of the 4.556 acre +/- property located between N.E. 4th Court and N.E. 5th Street, north of N.E. 2nd Street and immediately south of the Dania Cutoff Canal within the City of Dania Beach, Florida (hereinafter referred to as the Subject Property). This letter is to provide consent to Edelman Development Corporation (or assigns) to serve as the Applicant on our behalf to submit the necessary applications, all required material and documents, and attend all meetings and public hearings pertaining to the request(s) to develop the Subject Property. Furthermore, as owner of the Subject Property, we hereby give consent to the following to serve as agents for the Subject Property:

Dunay, Miskel and Backman, LLP
Schwebke, Shiskin & Associates, Inc
The Chappell Group
Gutierrez & Lozano Architects
Ross Engineering, Inc.
Christopher Cawley Landscape Architecture, LLC

to submit and process any and all development applications to the City of Dania Beach, and all other applicable agencies, involved in the approval, permitting and development of the subject property, and appear at any meetings or public hearings necessary for the approval, permitting and development of the subject property located within the City of Dania Beach, Florida.

Sincerely,

Sister Elizabeth Worley, SSJ
Chief Operating Officer of the Archdiocese of Miami

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That the most Reverend Thomas Wenski, as Archbishop of the Archdiocese of Miami, his successors in office, a corporation sole, has made, constituted and appointed, and by these presents does hereby make, constitute and appoint Sister Elizabeth A. Worley, C.O.O., his true and lawful attorney for him and in his name, place, and stead.

Giving and granting unto Sister Elizabeth A. Worley, C.O.O., his said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises as fully, to all intents and purposes, as he might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that Sister Elizabeth A. Worley, C.O.O., his said attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

In Witness Whereof, I have hereunto set my hand and seal this 20 day of February, A.D., 2015.

Signed, sealed and delivered in the presence of:

Witness: [Signature]

Witness Signature
Yamileth Rivera
Printed Name

[Signature]
Witness Signature
Solange Hernandez
Printed Name

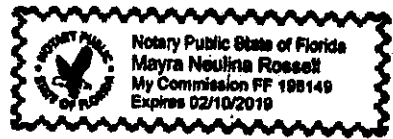
[Signature]
The Most Reverend Thomas Wenski
As Archbishop of the Archdiocese of
Miami his successors in office, a
corporation sole

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgements, personally appeared The Most Reverend Thomas Wenski, as Archbishop of the Archdiocese of Miami, his successors in office, a corporation sole, known to me to be the person described in and who executed the forgoing instrument, who acknowledged before me that he executed the forgoing instrument, who acknowledged before me that he executed the same, and an oath was not taken. Said person is personally known to me Said person provided the following type of identification: _____

Witness my hand and official seal in the County and State last aforesaid this 20 day of February, A.D., 2015.

My Commission Expires:

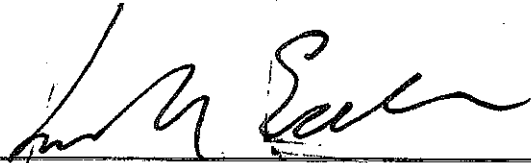


[Signature]



Statement of Interest in Property and Authorization to File Petitions

EDELMAN DEVELOPMENT CORPORATION hereby certifies that it is the Contract Purchaser of the subject property located between on N.E. 4th Court (to the west), N.E. 5th Avenue (to the east), N.E. 2nd Street (to the south) and abutting the Dania Beach Cutoff Canal and authorizes DUNAY, MISKEL & BACKMAN LLP, as agent, SCHWEBKE SHISKIN & ASSOCIATES, INC., as agent, THE CHAPPELL GROUP, INC, as agent and GUTIERREZ & LOZANO ARCHITECTS as Christopher Cawley Landscape Architecture, LLC as agent and Ross engineering, LLC as agent to submit and process any and all development applications to the City of Dania Beach, and all other applicable agencies, involved in the approval, permitting and development of the subject property, and appear at any meetings or public hearings necessary for the approval, permitting and development of the subject property located within the City of Dania Beach, Florida.

X 

by Kenneth Edelman as President of Edelman Development Corp.

2600 Glades Circle Suite 100
Weston, Florida 33327
954-384-6880

The foregoing instrument was acknowledged before me this 7th day of April, 2015 by Kenneth Edelman whom is personally known to me or has produced 7M as identification and did/did not take an oath.


(Signature of Notary) Loren Jo Van de Grift

My Commission Expires: _____

