RESOLUTION NO. 2016-017

A RESOLUTION OF THE CITY COMMISISON OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VARIANCE (VA-138-15) REQUEST SUBMITTED BY HEIDI DAVIS KNAPIK, ESQ., AGENT ON BEHALF OF THE PROPERTY OWNER, FORT LAUDERDALE CY, LLC, FOR PROPERTY LOCATED AT 400 GULFSTREAM WAY IN THE CITY OF DANIA BEACH FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A”, A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** pursuant to Chapter 28 the “Land Development Code,” Part 6 “Development Review Procedures And Requirements,” Article 625 “Variances” of the Code of Ordinances (the “City Code”), Heidi Davis Knapik, Esq., agent on behalf of the property and hotel owner, Fort Lauderdale CY, LLC, (the “Applicant”), has applied to the City of Dania Beach, Florida (the “City”), for approval of a height variance as provided in Exhibit “B”, for property legally described in Exhibit “A” (VA-138-15); and

**WHEREAS**, City Code Section 625-40 provides that the City Commission may grant a variance based on its determination that the petitioner has demonstrated that the criteria identified in the City Code have been satisfied; and

**WHEREAS**, on June 25, 2002, Fort Lauderdale CY, LLC received site plan approval for the Courtyard Marriott Hotel (the “Hotel”) located at 400 Gulfstream Way in Dania Beach, Florida (the “Property”), which is located within the Industrial, Research, Office And Commercial “ IROC” zoning district; and

**WHEREAS**, in 2010, the City Code was amended, which changed the Land Development Code to a form based code and modified the maximum height restrictions within the IROC zoning district; and

**WHEREAS**, pursuant to City Code Section 205-10(D), the maximum height restrictions established for a structure in the IROC zoning district is “5/62” (referring to stories/height); and

**WHEREAS**, the Hotel, constructed with six (6) stories at a height of 60 feet, was constructed in compliance with the maximum height restrictions previously established pursuant to the City Code in 2002; and

**WHEREAS**, the Applicant is requesting a height variance (VA-138-15) from City Code Section 205-10(D) in order to conform the height of the existing Hotel structure with the current maximum height restrictions established in the IROC zoning district; and

**WHEREAS**, the Applicant has provided sufficient justification demonstrating compliance with the approval criteria necessary to meet the requirements of the City Code; and

**WHEREAS**, public notice was provided in accordance with law; and

**WHEREAS**, the City Commission finds that approval of the requested variance is consistent with the City’s Code and Comprehensive Plan;

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

**Section 1.** The foregoing **“WHEREAS”** clauses are ratified and confirmed as being true and correct and they are made a specific part of this Resolution.

**Section 2.** That application (VA-138-15) for variance approval, a copy of which is attached as Exhibit “B”, which is made a part of and is incorporated into this Resolution by this reference, is approved.

 **Section 3.** 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 4.** That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

**Section 5.** That this Resolution shall be in force and take effect immediately upon its passage and adoption.

**PASSED and ADOPTED** on February 9, 2016.

ATTEST:

LOUISE STILSON, CMC MARCO A. SALVINO, SR.

CITY CLERK MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

THOMAS J. ANSBRO

CITY ATTORNEY

**Exhibit “A”**

**Legal Description**

PARCEL 1: (SUBJECT PROPERTY)

A portion of the NCL PLAT, according to the plat thereof, as recorded in Plat Book 150, Page 50, of the Public Records of Broward County, Florida, being more particularly described as follows:

COMMENCE at the Northwest corner of said plat; thence run South 6°43'38” West, along the West line of said plat, for 706.07 feet; then run South 83°16'22” East for 78.00 feet to the POINT OF BEGINNING; thence run North 8°57'01” East for 119.59 feet to a point of curvature; thence run Northeasterly, along a circular curve to the right having for its elements a central angle of 53°31'02” and a radius of 170.00 feet, for an arc distance of 158.79 feet to a point of reverse curvature; thence run Northeasterly, along a circular curve to the left having for its elements a central angle of 44°48'00” and a radius of 237.00 feet, for an arc distance of 185.31 feet; thence run North 88°20'43” East for 28.43 feet; thence run South 24°22'23” West for 96.63 feet; thence run South 2°45'02” East for 552.50 feet; thence run South 87°54'13” West for 271.11 feet; thence run North 6°43'38” East for 270.18 feet to the POINT OF BEGINNING.

Parcel 2:

A non-exclusive access easement to public road as set forth in paragraph 3.1(a) of that certain Amended and Restated Master

Declaration recorded in Official Records Book 30027, Page 1875, of the Public Records of Broward County, Florida.

Parcel 3:

A non-exclusive access easement to public road as set forth in paragraph 2 of that certain Easement and License Agreement recorded in Official Records Book 30027, Page 1931, of the Public Records of Broward County, Florida.