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Of Counsel
Jason H. Coffman

April 14, 2016

Mayor Marco Salvino, Jr.,
Vice-Mayor Albert C. Jones,
Commissioner Chickie Brandimarte,
Commissioner Bobbie Grace,
Commissioner Paul Fetscher

Dear Mayor, Vice-Mayor and Commissioners,

The purpose of this letter is to provide you with some background information regarding the vacant property located at 1005 East Dania Beach Boulevard and the owner's request to annex this property to the City of Dania Beach.

This property is currently a vacant lot. (See attached exhibit "1"). Previously, there was a bait and tackle shop and then a gas station located on the property. As you can see from the attached photo, the property is devoid of any environmentally sensitive foliage. In fact, it is generally devoid of any vegetation as it is a cleared lot. The property has vested development rights under its current zoning of C-2. (See attached exhibit "2"). So this parcel will ultimately be developed. The only question is whether it is best to develop the property as a commercial use consistent with the city of Hollywood's C-2 zoning or as residential project consistent with the city of Dania Beach's Downtown CRA zoning. The owner has proposed a fashionable fourteen story, multi-family development for the property. (See attached exhibit "3").

Given that the closest developed parcel in Hollywood is approximately 4000 feet east of the subject property and east of the Intracoastal Waterway and only approximately 400 feet east of the downtown Dania Beach CRA, (See attached exhibit "4"), the owner has submitted a site plan to develop the property consistent with the land development regulations of the City of Dania Beach. The Technical Advisory Committee of the City of Hollywood has recommended denial of the owner's proposed development and requested that the owner develop the property

consistent with its C-2 zoning. The following are some of the permitted uses in the City of Hollywood's C-2 zoning category, which is entitled Low/Medium Intensity Commercial District. (See attached exhibit "5"). The permitted uses listed in this district are ones which the owner has the ability to construct as a **matter of right**. These uses include:

1. Assembly of pre-manufactured parts for sale on the premises
2. New Automotive sales
3. All Commercial uses except for Self-Storage Facilities
4. Consignment shops
5. Hotels & Motels (which is double the density of residential)
6. Pain Management Clinics
7. Places of worship, meeting halls and fraternal lodges
8. Indoor and outdoor retail
9. Substance abuse and rehabilitation centers
10. Adult educational facilities

The City of Hollywood claims that they are concerned about the environment in denying the multi-family residential development proposal. However, as you can see from this list, the permitted uses in C-2 zoning have a much greater impact on the environment than the proposed residential project and a residential use would be less impactful on the surrounding parcels than any of the above main permitted uses in C-2 zoning.

The discussion of this de-annexation/annexation proposal should be focused on which City would be the most appropriate service provider to the property. In this case, the closest developed property in the City of Hollywood is 4000 feet east and across the intracoastal waterway from the subject property. Both the 20 story Renaissance and the 17 story Oceanbleau are the closest developed parcels in the City of Hollywood. The closest property in Dania Beach is 400 feet west of the subject property and adjacent to the Dania Beach downtown CRA. The City of Hollywood does not have water, sewer, police or fire services close to the property as the property is too far from the location of those services in Hollywood. Based upon the distance to the closest sewer line which is over ¼ of a mile away, Hollywood can't even require the developer to hook up to its sewer system. However, Dania Beach has water and sewer lines in close proximity to this property and has the capacity to provide these services to the property.

This property is located approximately 400-feet east of the boundary for the Dania Beach Downtown CRA. On December 31, 2015, an article appeared in the Sun Sentinel entitled "Dania Beach on verge of getting its long-awaited skyline". That article identified approximately 3 new approved residential and/or mixed use developments with building heights ranging from 12 to 14 stories in close proximity to the subject parcel. The 5 story height limitation in the City of Hollywood's code would result in a building that was grossly inconsistent with the buildings close by in the Dania Beach downtown CRA. However, the City of Dania Beach Planning and Zoning staff have reviewed the proposed site plan and found it to be generally consistent with that City's zoning. (See attached exhibit "6").

Currently the fair market value of the property currently is assessed at \$67,250. This generated property taxes of \$1,466.96 to the City of Hollywood in 2015. (See attached exhibit

“7). If the property is developed as per the Owner’s proposal, it is estimated that in its first year of completion the fair market value of the development would be approximately \$15,000,000.00.

At the City of Hollywood’s April 6th, 2016 City Commission meeting, the City Manager provide a memorandum regarding his position on this de-annexation request as follows:

After considering the proposed concept, City staff cannot support de-annexation of property from the City of Hollywood in order to allow incompatible development. The existing zoning specifies the **options available to the developer by right**. (emphasis added).

In response to a request from the Commission at a previous meeting regarding the position of the City of Dania Beach with respect to this deannexation/annexation proposal, the City Manager told his Commission that he spoke with your City Manager, Bob Baldwin, and was advised that the City of Dania Beach had not taken a position on this matter. (See attached exhibit “8”).

Finally, the issue that the approval of this request would “open the door” to other development in the Conservation area is totally without merit. What makes this property different from other properties in the area is that it contains no environmentally sensitive foliage. In fact, it has no foliage whatsoever. It is a vacant lot. There is no wetlands mitigation to be performed on the property. Unlike other nearby properties with similar zoning which would require extensive wetlands mitigation in order to be developed, this property has no wetlands. Unlike these other properties which have never been developed, regardless of their zoning, this parcel is a vacant lot, was a gas station and has vested development rights. Thus, no door is opened for other nearby properties once this property is developed.

Thank you for your consideration of this request. I look forward to discussing this matter further at your April 26th City Commission meeting.

Yours truly,


Hene L. Michelson


cc: City Manager Bob Baldwin
City Attorney Tom Ansbro
City Clerk Louise Stilson


EXHIBIT “1”

Property Id: 504235010050



April 4, 2016

 Parcels

 Parcels

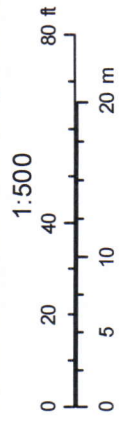
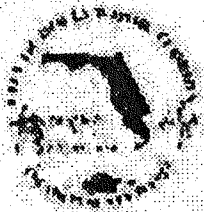


EXHIBIT “2”



CITY of HOLLYWOOD, FLORIDA

OFFICE OF PLANNING

May 5, 2009

LTR 09-010

Mr. Henry A. Sniizek, Executive Director
Broward County Planning Council
115 S. Andrews Avenue, Room 307
Fort Lauderdale, Florida 33301

Re: Verification of Land Use designation of Lots 10 and 11 of Block 1, Hollywood Central Beach, Business Section, Plat Book 8, Page(s) 18, of the Public Records of Broward County, Florida (1005 East Dania Beach Boulevard)

Dear Mr. Sniizek:

The above-referenced property is shown on the City of Hollywood's Future Land Use Map with a Conservation Land Use and a Low/Medium Intensity Commercial District (C-2) Zoning. However, it appears this land use designation is being applied in error.

The property has been privately owned and utilized for commercial services since the 1950's. In 1958, an Amoco gas station was established and maintained operation for approximately ten years. Since then, a variety of commercial uses have been in operation including a concrete testing lab and a vegetable stand.

Due to its proximity, the subject parcel may have been inadvertently included as part of West Lake Park when it was established as a Natural Reservation (Conservation) in 1985. As you know, the County's Comprehensive Plan establishes these Conservation areas as *public lands which are conservation areas operated by contractual agreement with or managed by federal, state, regional, and local government or non-profit agencies*. Based on this and the history of commercial use, it appears a mapping error has occurred and the property should reflect a General Business land use designation.

In an effort to correct this error, we are requesting the Broward County Planning Council verify the Land Use designation for the subject property. In order to assist you I have attached a survey of the subject property.

We thank you in advance for your help and time. If you require additional information or have any questions, please contact me or Mariuz Maldonado, Associate Planner, at 954-921-3471.

Sincerely,

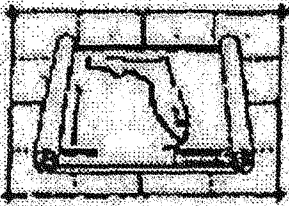

Jaye M. Epstein, AICP
Planning Director

c: Julie Wells
Mariuz Maldonado

Enclosures (1)
2009 Hollywood Boulevard, Room 315 • P.O. Box 239043 • Hollywood, FL 33022-9043

Phone (954) 921-3471 • Fax (954) 921-3347 • www.hollywoodfl.org





BROWARD COUNTY PLANNING COUNCIL

13 SOUTH ANDREWS AVENUE, ROOM 307 • FORT LAUDERDALE, FLORIDA 33301

May 12, 2009

OFFICE OF PLANNING

MAY 14 '09 11:31

Jaye M. Epstein, AICP
Director, Office of Planning
City of Hollywood
2600 Hollywood Boulevard
Hollywood, FL 33022

**Re: Land Use Determination for Lots 10-11, Block 1, Hollywood Central Beach
Business Section, Plat Book 6, Page 16**

Dear Mr. Epstein:

Please be advised that Planning Council staff has no objection to the City's interpretation concerning the scrivener's error documented in your correspondence dated May 5, 2009.

Please feel free to contact me at your convenience if you have any additional questions in this regard.

Respectfully,

Henry A. Sniarek, AICP
Executive Director

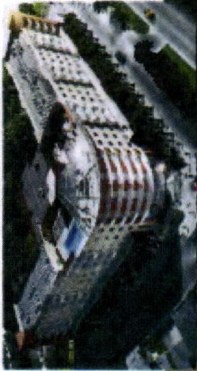
DDV/HAS

EXHIBIT “3”



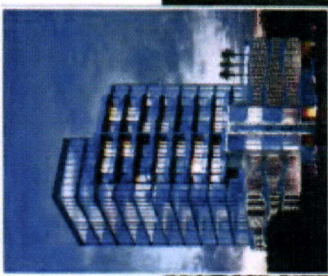
EXHIBIT “4”

Dania Place Federal and Dania Beach Blvd.



Zoned Multi-Family 100 per acre

SUBJECT PROPERTY
1005 E. Dania Beach Blvd.



approved site of 180 units 16-18 stories / 100 units per acre

approved site of 350 units 18 stories / 100 units per acre

Dania Casino with future 18 story hotel buildings



Renaissance 20 story



oceanbleau 17 stories 48 units

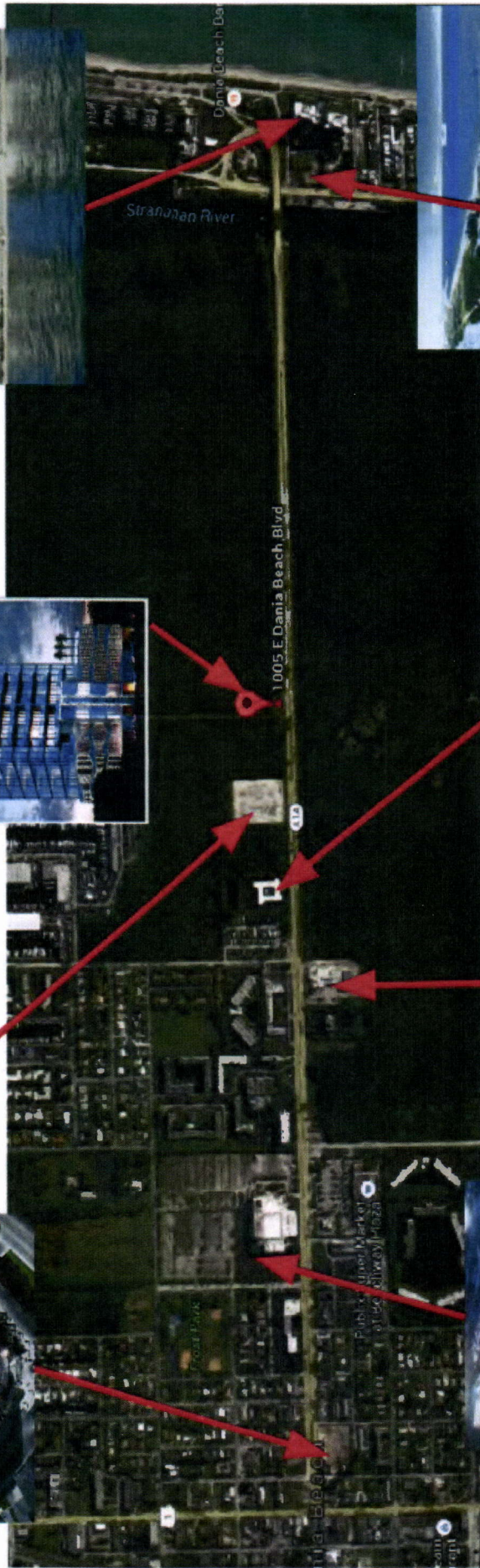


EXHIBIT “5”

CITY OF HOLLYWOOD ZONING CODE

B. C-2 Low/Medium Intensity Commercial District.

1. Purpose and uses:

District Purposes	Main Permitted Uses	Special Exception	Accessory Uses	Prohibited Uses
<p>This district is intended to provide standards for the sale of goods and services to the entire city while remaining compatible with the surrounding residential neighborhood.</p>	Apt. on the second floor and above.*	Day Care Facilities	<p>Any Use that is customarily associated with the Main Permitted Uses or Special Exceptions. (See § 4.21).</p>	<p>Any use not listed as a Main Permitted Use or Special Exception.</p>
	Assembly of pre-manufactured parts for sale on the premises (See § 4.21).	School,** public or private		
	Automotive sales (new).	<p>Service Stations.</p>		
	Commercial uses. Except for Self-Storage Facilities.			
	Consignment shops.			
	Hotels & Motels.			
	Offices.			
	Pain Management Clinic* (See § 4.22.R for regulations).			
	Personal Services.			
	Places of worship, meeting halls and fraternal lodges.			
	Retail (indoor/outdoor).**			
	Substance Abuse and Rehabilitation Centers (See § 4.22.R for regulations).			
Adult Educational Facilities (See Article 2 "Definitions").				

	*Can not exceed 50% of the total floor area of the building.			
	**See performance Standards § 4.3.J			

2. Development regulations:

Setbacks	Maximum Height	Minimum Unit Size (Sq. Ft.) and Maximum Density		
0 ft. adjacent to commercial property.		5 stories or 60 ft.	Apt.: 500 Min.	
If adjacent to residential zoning district.			750 Avg.	
# of Stories Setback front, rear, sides			Hotel or motel:	
1 15 ft.			300-335 sq. ft 15 % of units	
2-5 15 ft. + 10 ft. per floor			335+ sq. ft 85% of units	
A 5 ft. landscaped buffer must be included within the setback area with one tree for every 20 linear ft. of required buffer area. See Performance Standards in § 4.3.J.			Density: Apts.=18 units per acre Hotel or motel=36 units per acre.	

Setbacks are measured from the Base Building Line pursuant to Article 3.

EXHIBIT “6”

Subj: **1005 E. Dania Beach Blvd.**
Date: 4/4/2016 3:45:47 P.M. Eastern Daylight Time
From: [REDACTED]
To: [REDACTED]
CC: [REDACTED], pchurch@ci.dania-beach.fl.us

This email will confirm that the City conducted a cursory and preliminary review of a proposed development project located at 1005 E Dania Beach Blvd. This review indicated that the project proposed is generally consistent with the uses and regulations of the zoning district (GTWY-MU) that would be applicable in the City of Dania Beach. The City may utilize incentives and design variations that are provided in the City Code to allow additional density and design considerations. This review of the preliminary plans was conducted in November 2015.

Please do not hesitate to contact me if you have any questions or need for additional information.

Best Regards,

Marc LaFerrier

Marc LaFerrier, AICP, Director
Community Development
City of Dania Beach
100 West Dania Beach Blvd.
Dania Beach, FL 33004
954-924-6805 X 3643
954-922-2687 Fax
mlaferrier@ci.dania-beach.fl.us

EXHIBIT “7”



Site Address	1005 E DANIA BEACH BOULEVARD, HOLLYWOOD	ID #	5042 35 01 0050
Property Owner	1005 BLVD INC	Millage	0513
Mailing Address	18660 COLLINS AVE STE 107 SUNNY ISLES BEACH FL 33160	Use	10

Abbreviated Legal Description	HOLLYWOOD CENTRAL BEACH BUS SEC 6-16 B LOT 10,11 BLK 1
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The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

Property Assessment Values					
Click here to see 2014 Exemptions and Taxable Values to be reflected on the Nov. 1, 2014 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2015	\$67,250		\$67,250	\$67,250	
2014	\$67,250		\$67,250	\$67,250	\$1,483.21
2013	\$76,860		\$76,860	\$76,860	\$1,720.14

IMPORTANT: The 2015 values currently shown are "roll over" values from 2014. These numbers will change frequently online as we make various adjustments until they are finalized on June 1. Please check back here AFTER June 1, 2015, to see the actual proposed 2015 assessments and portability values.

2015 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$67,250	\$67,250	\$67,250	\$67,250
Portability	0	0	0	0
Assessed/SOH	\$67,250	\$67,250	\$67,250	\$67,250
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$67,250	\$67,250	\$67,250	\$67,250

Sales History			
Date	Type	Price	Book/Page or CIN
10/2/2013	WD-Q	\$75,000	111856498
3/8/2011	QCD-T	\$100	47786 / 585

Land Calculations		
Price	Factor	Type
\$5.25	12,810	SF
Adj. Bldg. S.F.		

Special Assessments								
Fire	Garb	Light	Grain	Inpr	Safe	Storm	Clean	Misc
05								
L								
1								

EXHIBIT "8"

Transcript of City of Hollywood Commission Meeting
Re: 1005 E. Dania Beach Blvd.
April 6, 2016

City Manager Dr. Wazir Ishmael:

Mr. Mayor if I could just add, one of the things I was asked from this Commission was to actually speak to the City Manager for Dania. This I have done on three separate occasions. I spoke to Bob Baldwin and asked him his opinion or what was going on in terms of the City of Dania with this particular item. He has as the last time I spoke with him, which was on Monday; he reiterated that the City of Dania has taken no position. I repeat no position on this item and that he or the City will obviously wait to see the decision from the City of Hollywood, but they have not discussed this, this has not been brought forward as a commission item to them.

I, Nicholas Rubano, have reviewed the videotape of the April 6, 2016 City Commission meeting on the City's website and prepared this transcript from that videotape to the best of my ability. I attest that this is a complete transcription from the videotape of the April 6, 2016 Regular Commission Meeting of the City of Hollywood, Florida of the City Manager's comments regarding whether the City of Dania Beach has taken a position on the annexation of the property located at 1005 E. Dania Beach Boulevard.



Nicholas Rubano

STATE OF FLORIDA)
) ss
COUNTY OF BROWARD)

I HEREBY CERTIFY that the foregoing statement was acknowledged on this 14th day of April, 2016, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgements, by **NICHOLAS RUBANO**, who did take an Oath and who is [X] personally known to me or [] who produced as identification his



Notary Public

My Commission Expires:



ILENE LIEBERMAN
MY COMMISSION # EE 194459
EXPIRES: June 8, 2016
Bonded Thru Budget Notary Services