

**ORDINANCE NO. 2021-025**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY GREENSPOON MARDER, ON BEHALF OF THE PROPERTY OWNERS, DANIA LIVE 1748 II LLC AND KIMCO REALTY CORPORATION, APPROVING A PLAT NOTE AMENDMENT (DR-054-21), FOR PROPERTY LOCATED NORTH OF STIRLING ROAD, EAST OF INTERSTATE 95, AND WEST OF BRYAN ROAD IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A”, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Greenspoon Marder, a law firm, on behalf of the property owners Dania Live 1748 II LLC and KIMCO Realty Corporation, (“Applicant”), has requested approval of a Plat Note Amendment (the “Plat Note Amendment”) for the property located north of Stirling Road, east of I-95 and west of Bryan Road within the City of Dania Beach, Florida (the “City”), which property is legally described in Exhibit “A” (the “Property”) attached and incorporated by reference into this Ordinance; and

**WHEREAS**, the Dania Pointe Plat was adopted on February 23, 2016. by the City Commission pursuant to O-2016-003; and

**WHEREAS**, the City Code of Ordinances, Chapter 28 “Land Development Code” (the “LDC”), Part 6, entitled “Development Review Procedures and Requirements,” Article 640 entitled “Plats,” at Section 640-70, entitled “Amendment of plat”, states that subsequent to City Commission approval of a Plat, the Plat may [thereafter] be amended by the City Commission; and

**WHEREAS**, the Applicant has requested approval to amend the Restrictive Note on the Plat which authorized 931,330 square feet of commercial use, 506,000 square feet of office use, 7,000 square feet of bank, 350 hotel rooms, 400 multi-family high rise units and 600 multi-family mid-rise units; and

**WHEREAS**, the Restrictive Note would now permit 944,000 square feet of commercial use, 506,000 square feet of office use, 350 hotel rooms, and 400 multi-family high rise units and 1,000 multi-family mid-rise units; and

**WHEREAS**, Broward County requires that the City concur with the proposed revision prior to review by the Broward County Commission; and

**WHEREAS**, staff recommended approval of the requested application in the staff report;  
and

**WHEREAS**, the City Commission conducted a duly noticed public hearing in accordance with Article 610 of the LDC; and

**WHEREAS**, the City Commission finds that approving the Applicant's requests for a plat note amendment (DR-054-21) is consistent with the City's Comprehensive Plan.

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

**Section 1.** That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and they are made a specific part of this Ordinance.

**Section 2.** That the plat described in Exhibit "B", a copy of which is attached, made a part of and incorporated into this Ordinance by this reference, was reviewed by the Development Review Committee, which includes representatives from the Broward Sheriff's Office Fire Department, the City Public Services Department, the City's landscape consultant and the City Planning Division.

**Section 3.** That the City's staff report (DR-54-21) is ratified and confirmed as being true and correct and is made a specific part of the Ordinance as finding of fact.

**Section 4.** Pursuant to Chapter 28, "Land Development Code," Part 6 entitled "Development Review Procedures and Requirements," Article 640, entitled "Plats," at Section 640-70, entitled "Amendment of plat," the amendment to the Restrictive Note (DR-054-21) on the Dania Pointe Plat is approved.

**Section 5.** That the plat note clarifying and limiting the use of the platted property on the "Dania Pointe" Plat, is amended from:

*This Plat is restricted to 931,330 square feet of commercial use; 506,000 square feet of office use; 7,000 square feet of bank; 350 hotel rooms; and 400 multi-family high rise units and 600 multi-family mid-rise units.*

To state that:

*The Plat shall be restricted to 944,000 square feet of commercial use; 506,000 square feet of office use; 350 hotel rooms; and 400 multi-family high rise units and 1,000 multi-family mid-rise units.*

That this note amendment to the Plat is accepted and approved by the City of Dania Beach.

**Section 6.** That if any section, clause, sentence or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

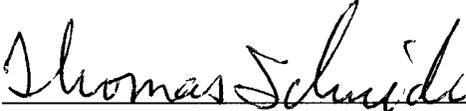
**Section 7.** That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**Section 8.** That this Ordinance shall be in force and take effect immediately upon its passage and adoption.

**PASSED** on first reading on September 28, 2021.

**PASSED AND ADOPTED** on second reading on October 12, 2021.

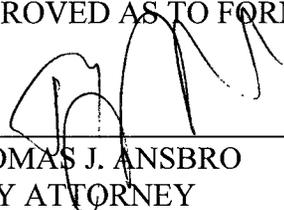
ATTEST:

  
THOMAS SCHNEIDER, CMC  
CITY CLERK



  
TAMARA JAMES  
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

  
THOMAS J. ANSBRO  
CITY ATTORNEY

**EXHIBIT "A"**  
**Dania Pointe Plat**

**LEGAL DESCRIPTION**

PARCEL OF LAND BEING A PORTION OF SECTION 33, TOWNSHIP 50 SOUTH, RANGE 42 EAST, BROWARD COUNTY, FLORIDA; SAID PARCEL CONTAINING ALL OF OR PORTIONS OF THE FOLLOWING DESCRIBED PLATS AND ROAD RIGHT-OF-WAYS:

ALL OF BLOCK 7 AND A PORTION OF BLOCK 8, TIGERTAIL GROVE RESUBDIVISION, RECORDED IN PLAT BOOK 30, PAGE 20; A PORTION OF TRACT "A", "RE-AMENDED PLAT OF HOLLYWOOD PALMS", RECORDED IN PLAT BOOK 36, PAGE 46; A PORTION OF TRACT "A", "THE GADDIS PLAT"; RECORDED IN PLAT BOOK 112. PAGE 7; A PORTION OF PARCEL 'A', DUKE & DUKE SUBDIVISION, RECORDED IN PLAT BOOK 124, PAGE 48; ALL OF PARCEL "A", DANIA OFFICE PARK, RECORDED IN PLAT BOOK 130, PAGE 29; ALL OF PARCEL "A", COMMERCE CENTER OF DANIA, RECORDED IN PLAT BOOK 135, PAGE 44; ALL OF PARCEL "A", SAN-MAR PLAT, RECORDED IN PLAT BOOK 142, PAGE 18; ALL OF PARCEL "A", 'DANIA BEACH AIR & PORT COMMERCE CENTER'. RECORDED IN PLAT BOOK 177. PAGES 81 THRU 83 ALL OF THE ABOVE REFERENCED PLATS BEING RECORDED IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; A PORTION OF TIGERTAIL BOULEVARD (N.W. 1ST STREET) RIGHT-OF-WAY, LYING EAST OF THE WEST LINE OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SAID SECTION 33 AND WEST OF THE WEST RIGHT-OF-WAY LINE OF BRYAN ROAD; A PORTION OF DANIA BEACH BOULEVARD RIGHT-OF-WAY, LYING EAST OF THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 95 (STATE ROAD 9) AND WEST OF THE WEST RIGHT-OF-WAY LINE OF BRYAN ROAD; A PORTION OF BRYAN ROAD RIGHT-OF-WAY AS DEDICATED BY SAID SAN-MAR PLAT, SAID PARCEL AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4) OF SAID SECTION 33;

THENCE N.01°41'47" W., ALONG THE WEST LINE OF SAID SOUTHEAST ONE-QUARTER (S.E. 1/4), A DISTANCE OF 668.72 FEET, TO THE MOST NORTHERLY SOUTHWEST CORNER OF SAID PARCEL "A", SAN-MAR PLAT AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE S.87°32'08"W. ALONG THE SOUTH LINE OF PARCEL "A", DUKE & DUKE SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 124, PAGE 48 OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, A DISTANCE OF 49.21 FEET;

THENCE N.12°26'03"E., A DISTANCE OF 201.54 FEET, TO A POINT ON THE EAST LINE OF PARCEL "A", SAID DUKE & DUKE SUBDIVISION;

THENCE N.01'41'47"W., ALONG SAID EAST LINE AND THE WEST LINE OF PARCEL "A", OF SAID SAN-MAR" PLAT, A DISTANCE OF 231.30 FEET;

THENCE S.88'18'13"W., A DISTANCE OF 513.30 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY UNE OF INTERSTATE 95 (S.R. 9). SAID POINT ALSO BEING ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE WEST, A RADIAL LINE OF SAID CURVE THROUGH SAID POINT HAVING A BEARING OF N.89'43'55"E. (THE FOLLOWING TWO COURSES BEING COINCIDENT WITH THE EAST RIGHT OF WAY LINE OF SAID INTERSTATE 95 (S.R. 9):

THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 04'00'14" AND A RADIUS OF 5,929.65 FEET, FOR AN ARC DISTANCE OF 414.38 FEET. TO A POINT OF TANGENCY;

THENCE N.04'16'19"W., ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 1.158.32 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL "A", COMMERCE CENTER OF DANIA:

THENCE N.87'26'02"E., ALONG NORTH LINE OF SAID PARCEL "A", AND THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF SAID SECTION 33. A DISTANCE OF 569.57 FEET, TO THE NORTHEAST CORNER OF THE SAID SOUTHWEST ONE-QUARTER (S.W. 1/4). SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TRACT "A", "RE-AMENDED PLAT OF HOLLYWOOD PALMS";

THENCE N.01'41'47"W., ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER (N.E. 1/4) OF SAID SECTION 33 AND THE WEST LINE OF SAID TRACT "A", A DISTANCE OF 295.03 FEET, TO A POINT ON THE NORTH LINE OF THE SOUTH 295.00 FEET OF SAID TRACT "A";

THENCE N.87'26'02"E., ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID TRACT "A", A DISTANCE OF 1,324.07 FEET, TO A POINT ON THE EAST LINE OF SAID TRACT "A";

THENCE S.01'44'05"E., ALONG SAID EAST LINE, A DISTANCE OF 295.03 FEET, TO THE SOUTHEAST CORNER OF SAID TRACT "A";

THENCE S.87'26'02"W., ALONG THE SOUTH LINE OF SAID TRACT "A", A DISTANCE OF 15.00 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL "A", DANIA OFFICE PARK;

THENCE S.01'29'36"E., ALONG A LINE 40 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE WEST ONE-HALF (W. 1/2) OF THE SOUTHEAST ONE-QUARTER (S.E. 1/4), A DISTANCE OF 2,295.74 FEET;

THENCE S.05'20'43"W., A DISTANCE OF 100.78 FEET;

THENCE S.01'29'36"E., A DISTANCE OF 200.00 FEET, TO THE MOST NORTHERLY SOUTHEAST CORNER OF SAID PARCEL "A";

THENCE S.43'02'17"W., A DISTANCE OF 42.08 FEET, TO THE MOST SOUTHERLY SOUTHEAST CORNER OF SAID PARCEL 'A', (THE FOLLOWING THREE COURSES BEING COINCIDENT WITH THE SOUTH LINE OF SAID PARCEL "A"):

THENCE S.87'34'11"W., A DISTANCE OF 53.26 FEET;

THENCE N.85'35'15"W., A DISTANCE OF 100.72 FEET;

THENCE S.87'34'11"W., A DISTANCE OF 200.03 FEET, TO THE MOST SOUTHERLY SOUTHWEST CORNER OF SAID PARCEL "A", SAID POINT ALSO BEING A POINT ON THE EAST LINE OF SAID TRACT A', 'THE GADDIS PLAT",

THENCE S.01'32'39"E., ALONG THE EAST LINE OF SAID TRACT "A", A DISTANCE OF 10.00 FEET, TO THE SOUTHEAST CORNER OF SAID TRACT "A";

THENCE S.87'34'11"W., ALONG THE SOUTH LINE OF SAID TRACT "A", A DISTANCE OF 2.85 FEET (THE FOLLOWING THREE COURSE BEING COINCIDENT WITH THE NORTH RIGHT-OF-WAY LINE OF STIRLING ROAD (S.R. 848) AS DEDICATED BY OFFICIAL RECORD BOOK 22110. PAGE 521 OF SAID PUBLIC RECORDS);

THENCE N.78'56'04"W., A DISTANCE OF 51.42 FEET;

THENCE S.87'34'11"W., A DISTANCE OF 217.00 FEET;

THENCE S.02'25'49"E., A DISTANCE OF 12.00 FEET, TO A POINT ON THE SOUTH LINE OF SAID TRACT "A";

THENCE S.87'34'11"W., ALONG THE SOUTH LINE OF SAID TRACT "A", AND THE WESTERLY EXTENSION THEREOF, A DISTANCE OF 269.97 FEET;

THENCE S.01'32'39"E., A DISTANCE OF 2.00 FEET, TO A POINT ON A LINE 53.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SAID SOUTHEAST ONE-QUARTER (S.E. 1/4);

THENCE S.87'34'11"W., ALONG SAID PARALLEL LINE A DISTANCE OF 30.14 FEET, TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF PARCEL "A". "STIRLING ROAD PLAZA", RECORDED IN PLAT BOOK 178, PAGE 112, OF SAID PUBLIC RECORDS;

THENCE N.01'38'44"W., ALONG SAID SOUTHERLY EXTENSION. ALONG SAID EAST LINE AND ALONG THE EAST LINE OF PARCEL "A", HILTON GARDENS AT STIRLING ROAD, RECORDED IN PLAT BOOK 171, PAGE 14, OF SAID PUBLIC RECORDS, A DISTANCE OF 615.92 FEET, TO THE NORTHEAST CORNER OF SAID PARCEL "A";

THENCE S.87°32'08"W., ALONG THE NORTH LINE OF SAID PARCEL "A", A DISTANCE OF 335.53 FEET; TO THE POINT OF BEGINNING:

SAID LAND SITUATE WITHIN THE CITY OF DANIA BEACH, BROWARD COUNTY, FLORIDA, CONTAINING 102.03 ACRES. (4,444,235 SQUARE FEET). MORE OR LESS.

**EXHIBIT "B"**



Michael Alpert, AICP  
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July 14, 2021

Narrative for proposed Plat Note Amendment application for property located within the Dania Pointe Plat ("Property")

Plat Note Amendment  
Dania Pointe Plat (035-MP-15)

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The subject property is located in the City of Dania Beach on the Dania Pointe Plat ("Plat"), located north of Stirling Road, east of Interstate 95, and west of Bryan Road. This Plat Note Amendment request is for the purpose of increasing the commercial use by 12,670 square feet (*i.e., from 931,330 to 944,000*), while eliminating the 7,000 square feet approved for a bank, and to increase the 600 multi-family mid-rise units to 1,000 multi-family mid-rise units. The proposed uses will not have an impact of trip generation (*i.e., no change in trips during the P.M. peak hours*) from the currently approved thresholds for the Plat as per the Memorandum from Kimley Horn & Associates dated June 23, 2021, attached hereto.

The current description of the Dania Pointe Plat Note is as follows:

*This Plat is restricted to 931,330 square feet of commercial use; 506,000 square feet of office use; 7,000 square feet of bank; 350 hotel rooms; and 400 multi-family high rise units and 600 multi-family mid-rise units.*

The Applicant proposed to amend the Plat Note to read as follows:

*This Plat is restricted to 944,000 square feet of commercial use; 506,000 square feet of office use; 350 hotel rooms; and 400 multi-family high rise units and 1,000 multi-family mid-rise units.*

GREENSPOON MARDER LLP

Michael Alpert, AICP  
For the Firm