

RESOLUTION NO. 2021-061

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE DELEGATION REQUESTS FOR THE AMENDMENT OF THE LOCATION FOR A NON-VEHICULAR ACCESS LINE (NVAL) (DR-95-20) AND A PLAT NOTE AMENDMENT RELATING TO THE TOTAL SQUARE FEET OF SCHOOL USE (DR-98-20), SUBMITTED BY CYNTHIA A. PASCH, AICP, ON BEHALF OF THE PROPERTY OWNER, MAIMONIDES-SHALOM ACADEMY, INC., FOR THE PROPERTY LOCATED AT 5300 SW 40 AVENUE 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, Cynthia A. Pasch, AICP, on behalf of Maimonides-Shalom Academy, Inc. ("Applicant"), has requested approval of a Plat Note Amendment (the "Plat Note Amendment") and of a Non-Vehicular Access Line (NVAL) Amendment for the property located at 5300 SW 40 Avenue within the City of Dania Beach, Florida (the "City"), which property is legally described in Exhibit "A attached and incorporated by reference into this Resolution"; 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 of an amendment to the existing location of the Non-Vehicular Access Line (NVAL) (DR-95-20), as further described in Exhibit B, attached and incorporated by reference into this Resolution, of the of the Maimonides Day School Campus Two Plat (the "Plat"), recorded in Plat Book 176, Page 116 of the Public Records of Broward County, Florida; and

WHEREAS, the Applicant has requested approval of an amendment to the Restrictive Note on the Plat, which authorized 85,000 square feet of school use (10,810 square feet of Pre-K, 17,546 square feet of elementary, and 56,644 square feet of secondary school) to now permit 99,000 square feet of private school use (no breakdown of the use by grade) (DR-98-20), as further described in Exhibit C, attached and incorporated by reference into this Resolution; 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 dated April 13, 2021; and

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

WHEREAS, the request is consistent with Section IV of the Future Land Use Element of the City of Dania Beach Comprehensive Plan (the “FLU Element”), titled “IV. Requirements for Future Land Use Goals, Objectives and Policies”; and

WHEREAS, the request more particularly furthers Objective V, Policy 5.3 of the FLU Element to “[...] streamline the development approval process where practical”; and

WHEREAS, the City Commission finds that approving the Applicant’s requests for the amendment of a non-vehicular access line (NVAL) (DR-95-20) and the plat note amendment (DR-98-20) will protect the health, safety, and welfare of the residents of the City, and furthers the purpose, goals, objectives and policies of the 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 the City’s staff report (DR-95-21 and DR-98-20) is ratified and confirmed as being true and correct and is made a specific part of the Resolution as finding of fact.

Section 3. 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 amendments to the non-vehicular access line (NVAL) (DR-95-20) and plat note (DR-98-20) as provided in the attached Exhibits “B” and “C” are hereby approved.

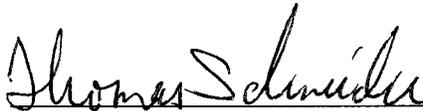
Section 4. That the issuance of a development permit by a municipality does not in any way create any right on the part of an Applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for the issuance of the permit if the Applicant fails to obtain requisite approvals or does not fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Section 5. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 6. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on April 27, 2021.

ATTEST:


THOMAS SCHNEIDER, CMC
CITY CLERK




TAMARA JAMES
MAYOR 

APPROVED AS TO FORM AND CORRECTNESS:

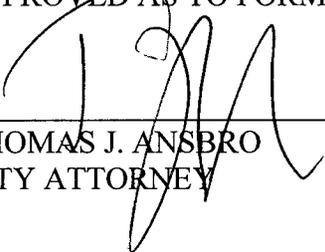

THOMAS J. ANSBRO
CITY ATTORNEY

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL A, MAIMONIDES DAY SCHOOL CAMPUS TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 176, PAGE 116, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF DANIA BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 295,056.00 SQUARE FEET OR 6.7736 ACRES MORE OR LESS.

EXHIBIT "B"
MAINMONIDES DAY SCHOOL CAMPUS TWO PLAT
NON-VEHICULAR ACCESS LINE AMENDMENT

1150 E. ATLANTIC BLVD.
POMPANO BEACH, FLORIDA 33060

ACCURATE LAND SURVEYORS, INC.

L.B. #3635

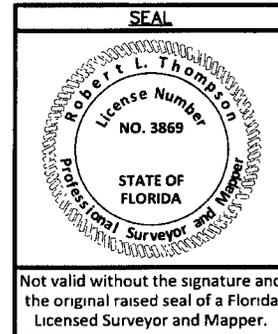
SHEET 1 OF 2

TEL. (954) 782-1441
FAX. (954) 782-1442

EXISTING NON-VEHICULAR ACCESS LINE DESCRIPTION:

Non-vehicular access line as shown on the plat of MAIMONIDES DAY SCHOOL CAMPUS TWO, according to the Plat thereof as recorded in Plat Book 176, Pages 116 and 117, of the Public Records of Broward County, Florida, said line being more particularly described as follows;

Beginning at the Northwest corner of the aforementioned MAIMONIDES DAY SCHOOL CAMPUS TWO, thence South 07°36'37" West (basis of bearing) along the West line of MAIMONIDES DAY SCHOOL CAMPUS TWO, a distance of 90 feet to the Point of Terminus of the aforementioned non-vehicular access line being the Point of Beginning of a 50 foot opening restricted to egress only; thence continue South 07°36'37" West along the aforementioned West line, a distance of 50 feet to the Point of Terminus of the aforementioned 50 foot opening being the Point of Beginning of a the continuation of the aforementioned non-vehicular access line; thence continue South 07°36'37" West, along the aforementioned West line, a distance of 311.95 feet to a point hereinafter known as reference point "A" being the Point of beginning of a 51.62 foot opening restricted to ingress only; thence continue South 07°36'37" West, along the aforementioned West line a distance of 51.62 feet to the Point of Terminus of the aforementioned 51.62 foot opening being the Southwest corner of the aforementioned plat; thence from the aforementioned Reference Point "A"; South 82°23'23" East, a distance of 12.00 feet to the Point of Terminus of the aforementioned non-vehicular access line.



CERTIFICATION:

This is to certify that this sketch was made under my responsible charge and is accurate and correct to the best of my knowledge and belief and does not constitute a field survey as such. I further certify that this sketch meets the current Standards of Practice, established by the Board of Professional Surveyors and Mappers, Chapter 5J-17, Florida Administrative Codes, pursuant to current Section 472.027, Florida Statutes.

Robert L. Thompson 1-18-2021

ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No.3869 - STATE OF FLORIDA

EXISTING

ORIGINAL DATE OF SKETCH 01-18-2021	DRAWN BY MLW	CHECKED BY MLW	FIELD BOOK 20-2827	SCALE 1" = 20'	SKETCH NUMBER SU-20-2827
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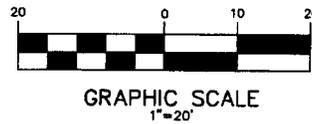
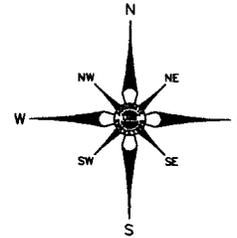
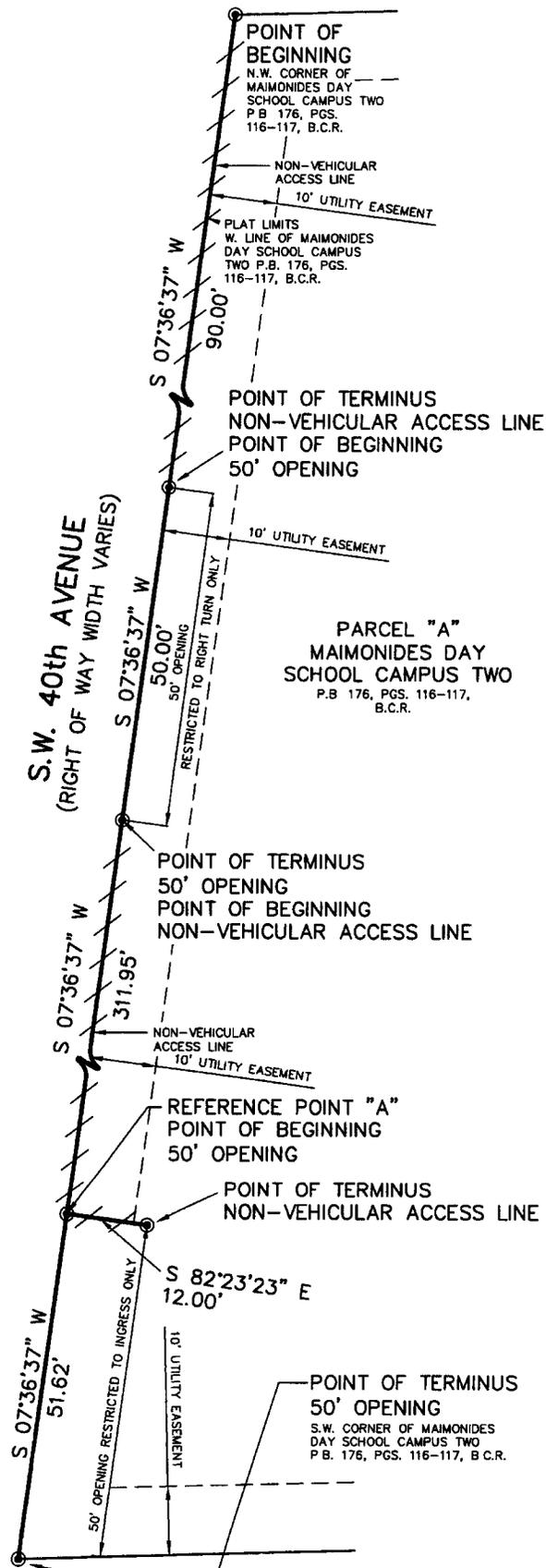
ACCURATE LAND SURVEYORS, INC.

1150 E. ATLANTIC BLVD.
POMPANO BEACH, FLORIDA 33060

L.B. #3635

SHEET 2 OF 2

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EXISTING

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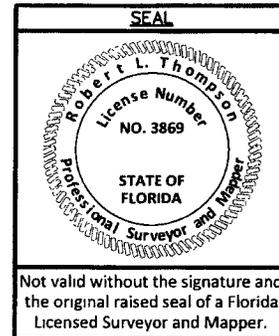
SHEET 1 OF 2

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PROPOSED NON-VEHICULAR ACCESS LINE DESCRIPTION:

Non-vehicular access line as shown on the plat of MAIMONIDES DAY SCHOOL CAMPUS TWO, according to the Plat thereof as recorded in Plat Book 176, Pages 116 and 117, of the Public Records of Broward County, Florida, said line being more particularly described as follows;

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Robert L. Thompson 1-18-2021
ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No 3869 - STATE OF FLORIDA

PROPOSED

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01-18-2021

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MLW

CHECKED BY
MLW

FIELD BOOK
20-2827

SCALE 1" = 20'

SKETCH NUMBER SU-20-2827

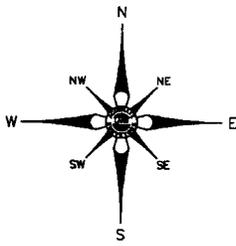
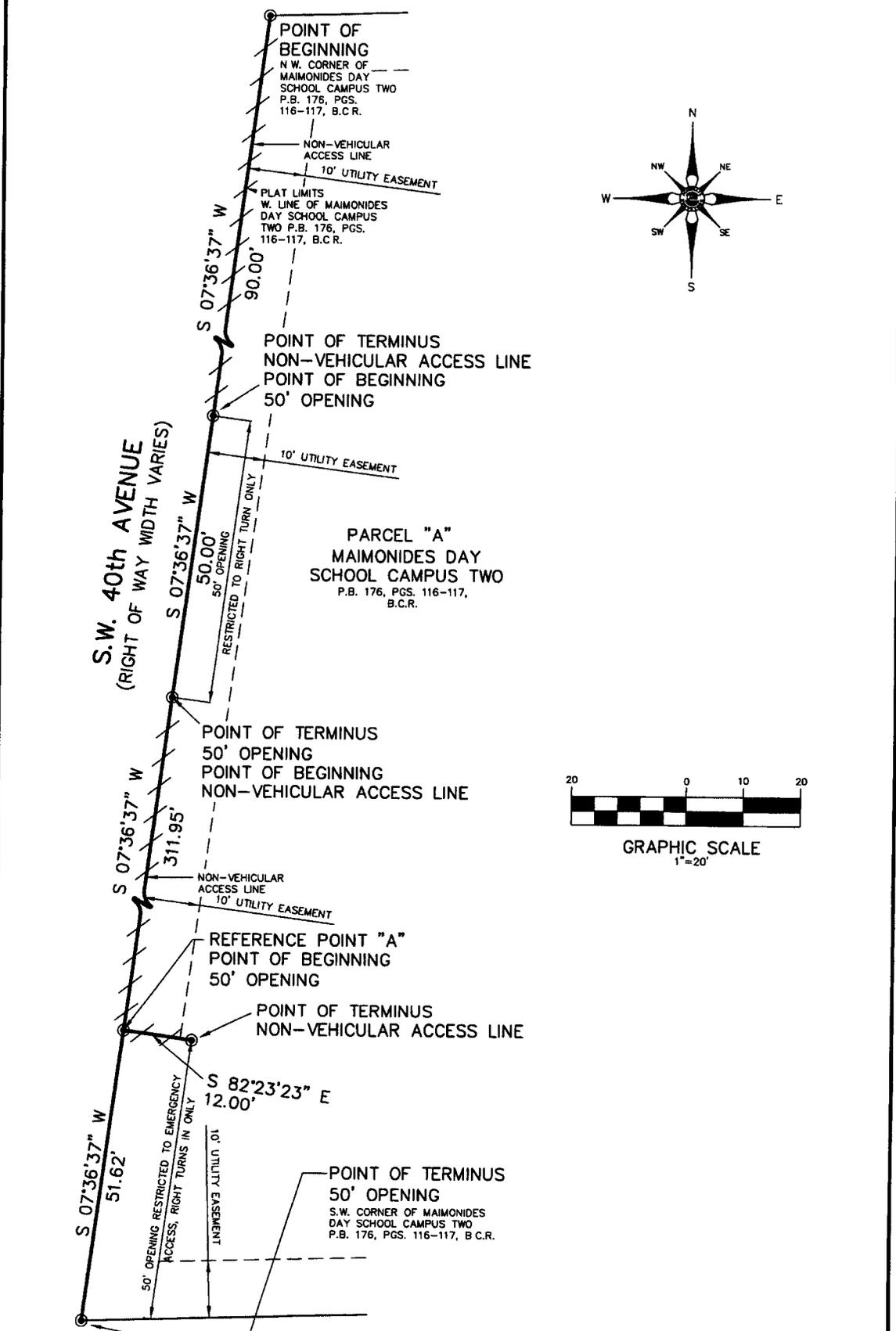
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EXHIBIT "C"
MAINMONIDES DAY SCHOOL CAMPUS TWO PLAT
PLAT NOTE AMENDMENT

FROM:

85,000 square feet of school use (10,810 square feet of Pre-K; 17,546 square feet of elementary school; and 56,644 square feet of secondary school).

TO:

99,000 square feet of private school use.