

RESOLUTION NO. _____

(18-DJPV-60)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING THE REQUEST FOR A VARIANCE, MODIFICATIONS, DESIGN, AND SITE PLAN APPROVAL FOR A PLANNED DEVELOPMENT (PUBLIX ON THE BEACH) LOCATED AT 3100 S. OCEAN DRIVE.

WHEREAS, the City's Zoning and Land Development Regulations require that all development projects that are located in a Planned Development (PD) District must receive approval from the City Commission prior to the issuance of any building permits for variances, modifications, design, and site plan; and

WHEREAS, the Planning and Development Board ("Board") is charged with, among other things, the responsibility of considering requests for modification, variances, design review, and site plan approval, forwarding its recommendation to the City Commission; and

WHEREAS, 3100 Ocean Holdings, LLC. ("Applicant") has applied for a variance to reduce the 25 foot peripheral landscape setback, modifications from the parking stall dimensions and required parking spaces, design and site plan approval for a commercial project known as "Publix on the Beach" consisting of approximately 30,000 square feet of supermarket space located at 3100 S. Ocean Drive, as more particularly described in the attached Exhibit "A"; and

WHEREAS, Planning and Urban Design Division staff ("staff") reviewed the Applicant's request for a variance to reduce the 25 foot peripheral landscape setback, and recommended that the Board forward a recommendation of approval to the City Commission; and

WHEREAS, staff reviewed the Applicant's request for modifications from the parking requirements to reduce the number of required parking spaces, and to reduce the parking stall dimensions, and recommended that the Board forward a recommendation of approval with conditions to the City Commission; and

WHEREAS, staff reviewed the Applicant's request for design in accordance with the criteria set forth in Section 5.3.1.4.a.(1) through (4) of the Zoning and Land Development Regulations, and recommended that the Board forward a recommendation of approval for the requested design to the City Commission; and

WHEREAS, in accordance with Article 6 of the Zoning and Land Development Regulations, the Technical Advisory Committee reviewed the Applicant's request for site

plan and recommended that the Board forward a recommendation of approval with conditions for the site plan to the City Commission; and

WHEREAS, on October 13, 2020, the Board met and held an advertised public hearing to consider the Applicant's requests and have forwarded its recommendations to the City Commission as follows:

1. That the variance to reduce the 25 foot peripheral landscape setback should be approved; and
2. That the modifications from the parking requirements set forth in the Zoning and Land Development Regulations to reduce the number of required parking spaces, and to reduce the parking stall dimensions, should be approved with staff's conditions; and
3. That the design meets the criteria set forth in Section 5.3.I.4.a (1) through (4) of the City's Zoning and Land Development Regulations and should be approved; and
4. That the Final Site Plan meets the Review Standards set forth in Article 6 of the Zoning and Land Development Regulations and should be approved with staff's conditions; and

WHEREAS, the City Commission has reviewed the Applicant's request for a variance to reduce the 25 foot peripheral landscape setback, along with staff's and the Board's recommendations and have determined that the variance should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the Applicant's request for modifications from the parking requirements set forth in the Zoning and Land Development Regulations to reduce the number of required parking spaces, and to reduce the parking stall dimensions, along with staff's and the Board's recommendations and have determined that the modifications should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the Applicant's request for design in accordance with the criteria set forth in Section 5.3.I.4.a (1) through (4) of the City's Zoning and Land Development Regulations along with staff's and the Board's recommendations and have determined that the design should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the proposed Site Plan in accordance with the review standards set forth in Article 6 of the City's Zoning and Land Development Regulations, along with the Technical Advisory Committee's and the Board's recommendations and have determined that the Site Plan should be approved/approved with conditions/denied as set forth herein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: The following the review of the Staff Summary Report, the Applicant's application and supporting documents and materials, and all submitted written and oral testimony received during public hearing from all parties and speakers, the Board's recommendation, and consideration of all requirements as set forth in the Zoning and Land Development Regulations to reduce the 25 foot peripheral landscape setback, the City Commission finds the necessary criteria have/have not been met and the variance is approved/approved with conditions/denied:

Section 3: The following the review of the Staff Summary Report, the Applicant's application and supporting documents and materials, and all submitted written and oral testimony received during public hearing from all parties and speakers, the Board's recommendation, and consideration of all requirements as set forth in the Zoning and Land Development Regulations to reduce the number of required parking spaces and to reduce the parking stall dimensions, the City Commission finds the necessary criteria have/have not been met and the modifications are approved/approved with conditions/denied:

Section 4: That following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, and all submitted written and oral testimony received during the public hearing from all parties and speakers, the Board's recommendation, and the consideration of the design criteria set forth in Section 5.3.4.I.a.(1) through (4) of the City's Zoning and Land Development Regulations, the City Commission finds the necessary criteria have/have not been met, and the design is approved/approved with the following conditions/denied:

Section 5: That following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, and all submitted written and oral testimony received during the public hearing from all parties and speakers, the Board's recommendation with conditions, and consideration of the site plan review standards set forth in Article 6 of the Zoning and Land Development Regulations, the City Commission finds that the necessary review standards have/have not been met, and

the Site Plan attached as Exhibit "B", is approved/approved with the following conditions/denied:

Section 6: That the Applicant shall have up to 24 months from the date of the variance approval to apply for all necessary building permits required to proceed with construction. Failure to submit an application within the required time period shall render all approvals null and void.

Section 7: That the Applicant shall have up to 24 months from the date of design approval to apply for all necessary building permits required to proceed with construction. Failure to submit an application within the required time period shall render all approvals null and void.

Section 8: That the Applicant shall have up to 24 months from the date of Site Plan approval to apply for all necessary building permits required to proceed with construction. Failure to submit an application within the required time period shall render all approvals null and void.

Section 9: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2020.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY