

ORDINANCE NO. \_\_\_\_\_

(17-DPVJ-04a)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE REVISED ARTSPARK VILLAGE MASTER DEVELOPMENT PLAN AS IT RELATES TO ARSTPARK VILLAGE-B PARC PLACE (ORIGINALLY APPROVED BY ORDINANCE NO. O-2008-18, AS AMENDED AND RESTATED BY ORDINANCE NO. O-2011-12 AND REVISED BY ORDINANCE NO. O-2018-14), PURSUANT TO THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS.

WHEREAS, on July 22, 2008, the City Commission passed and adopted Ordinance No. O-2008-18, which approved the rezoning to Planned Development District ("PD") and a Master Development Plan for the project known as "ArtsPark Village"; and

WHEREAS, on July 22, 2008, the City Commission passed and adopted Resolution No. R-2008-253, which approved the Site Plan, with conditions, for the ArtsPark Village PD project; and

WHEREAS, on July 1, 2009, the City Commission passed and adopted Resolution No. R-2009-211, which approved modifications, with conditions, to the ArtsPark Village Project, including amending the Phasing Plan to construct the Charter School in Phase 1a, the residential building and parking garage in Phase 1b and the office building in Phase 2; and

WHEREAS, on May 4, 2011, the City Commission passed and adopted Ordinance No. O-2011-12, which bifurcated the ArtsPark Village Planned Development into ArtsPark Village-A (Red Apple Charter School) and ArtsPark Village-B, which would be developed in accordance with the revised master development plan; and

WHEREAS, ArtsPark Village-B was to consist of 390 residential units, approximately 80,000 sq. ft. of retail and office space, and associated parking to include 773 parking spaces, and was to be bound by the conditions set forth in Section 2 of Ordinance No. O-2001-12; and

WHEREAS, on October 3, 2018, the City Commission passed and adopted Ordinance No. O-2018-14, which revised the ArtsPark Village Master Plan as it related to ArtsPark Village-B, now known as Parc Place, for a three phased mixed-used development generally located at Block 58, Lots 1-21 (excluding lots 10-15), generally located southeast of Young Circle, south of Harrison Street, west of 17th avenue, north of Van Buren Street, and east of S. Federal Highway, consisting of 433 residential

units, approximately 21,000 sq. ft. of retail space and associated parking to include 786 parking; and

WHEREAS, an application was filed by MG3 Hollywood LLC (“MG3”) requesting that the proposed mixed-used development be completed in two phases instead of the original three phases, which include minor changes to the Design and Site Plan; and

WHEREAS, in accordance with the request by MG3, Phase 1 will entail the portion along Van Buren, Federal Highway, and Young Circle Drive with the intent to demolish the entire Bread Building and construct a new building, and the residential units for the project previously approved will remain at 433 units; and

WHEREAS, the proposed change in Phases will also include a change in the retail space and parking; and

WHEREAS, the Planning Manager and Principal Planner, after analyzing the application and associated documents, have determined that the proposed amendment to the ArtsPark Village-B/Parc Place portion of the Master Development Plan are a substantial modification to the previously approved plan as the proposed modifications are a change in use or character of the Planned Development; and

WHEREAS, pursuant to Section 4.15.G.3. of the Zoning and Land Development Regulations, the proposed amendments to the current ArtsPark Village-B/Parc Place portion (as originally approved by Ordinance No. O-2008-18, amended and restated by Ordinance No. O-2011-12 and revised by Ordinance No.O-2018-14), requires review and approval by the City Commission; and

WHEREAS, the requested substantial modifications will result in the development project as set forth above and as more specifically set forth in the attached Exhibit “A”; and

WHEREAS, the Planning Manager and Principal Planner have determined that the proposed substantial modifications are consistent with the City’s Zoning and Land Development Regulations and the City’s Comprehensive Plan, and have forwarded a recommendation of approval with the following condition:

The Developer/Applicant shall submit a Unity of Title or Unity of Control, in a form acceptable to the City Attorney, to be submitted prior to the issuance of Building permits and recorded in the Broward County Public Records by the City prior to the issuance of Certificate of Occupancy (C/O) or Certificate of Completion (C/C); and

WHEREAS, the City Commission finds that the proposed amendments to the ArtsPark Village-B/Parc Place portion of the ArtsPark Village Master Development Plan are consistent with the City's Comprehensive Plan and the Zoning and Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED 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 into this Ordinance.

Section 2: That the amended and restated Ordinance No. O-2008-18, amended and restated by Ordinance No. O-2011-12 and revised by Ordinance No. O-2018-14 as it relates to ArtsPark Village Master Development Plan for ArtsPark Village-B (now known as "Parc Place") is further amended as more specifically set forth in the attached Exhibit "A", with the following condition:

The Developer/Applicant shall submit a Unity of Title or Unity of Control, in a form acceptable to the City Attorney, to be submitted prior to the issuance of Building permits and recorded in the Broward County Public Records by the City prior to the issuance of Certificate of Occupancy (C/O) or Certificate of Completion (C/C); and

Section 3: That the Amended and Restated Ordinance No. O-2011-12, Ordinance No. O-2018-14, Resolution No. 2008-253 and Resolution 2009-211, as they pertain to the remainder of the ArtsPark Village Project not amended by this Ordinance shall remain in full force and effect.

Section 4: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 5: That if any word, phrase, clause, subsection or selection of this Ordinance is for any reason held unconstitutional or valid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

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ADVERTISED on \_\_\_\_\_, 2019.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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JOSH LEVY, MAYOR

ATTEST:

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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.

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DOUGLAS R. GONZALES  
CITY ATTORNEY