

RESOLUTION NO. _____

(14-DFJPV-84)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING THE REQUEST FOR MODIFICATIONS FROM THE PARKING REQUIREMENTS, DESIGN, AND SITE PLAN APPROVAL FOR THE CONSTRUCTION OF A MIXED-USE DEVELOPMENT PROJECT, PHASE III OF THE SIAN MASTER DEVELOPMENT PLAN (ORIGINALLY APPROVED BY ORDINANCE NO. O-2006-36); CONSISTING OF 77 RESIDENTIAL UNITS, 265 CONDO-HOTEL ROOMS, AND ACCESSORY USES (KNOWN AS "4000 OCEAN;" LOCATED AT 4000 SOUTH OCEAN DRIVE); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hollywood's Zoning and Land Development Regulations require that all development projects which are located in a PD (Planned Development District) must receive Modifications, Variance, Design, and Site Plan approval from the City Commission prior to the issuance of any building permits; and

WHEREAS, on November 15, 2006, O-2006-36 was passed and adopted by the City Commission which approved the multi-phased Sian Master Development Plan ("Plan") which identified the subject property, 4000 South Ocean Drive, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, for future development; and

WHEREAS, due to the economic environment and fluctuation in market conditions, there has been a change in ownership of the subject property; and

WHEREAS, PRH 4000 South Ocean, LLC. (the "Applicant"), in File Number 14-DFJPV-84, applied for Modifications to the parking requirement, Design, and Site Plan approval, for the construction of a mixed-use development project consisting of 77 residential units, 265 condo-hotel rooms, and accessory uses, located at 4000 South Ocean Drive; and

WHEREAS, on December 2, 2015 the City Commission passed and adopted Ordinance No. O-2015-30 (PO-2015-28) for Phase III; and

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

WHEREAS, the Planning Division Staff, after review of the Applicant's request for Modifications from the parking requirements set forth in Article 7 of the Zoning and Land Development Regulations to reduce the required parking stall length to provide 18 feet; to allow tandem spaces to count towards fulfilling the parking requirement; and to allow the use of parking lifts to count towards fulfilling the parking requirement; and have recommended that the Board approve the requested Modifications; and

WHEREAS, the Planning Division Staff, reviewed the Applicant's request for Design review 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 have recommended that the Board approve the Design; and

WHEREAS, the Technical Advisory Committee in accordance with Article 6 of the Zoning and Land Development Regulations reviewed the Applicant's request for Site Plan and recommended approval of the Site Plan with the following conditions:

- a. That prior to issuance of a Certificate of Occupancy, the Applicant shall submit to the City, the Condominium Documents approved by the State and similar documents pertaining to the condo-hotel rooms, in a form acceptable to the City Attorney, which include notification to perspective property owners that: the parking garage shall be fully operated by valet services at all times;
- b. A deed restriction be recorded - in a form acceptable to the City Attorney prior to the issuance of any Building Permits and recorded in the Public Records of Broward County prior to the issuance of a Certificate of Occupancy (C/O) - specifying the restrictions of condo-hotel as defined in the Zoning and Land Development Regulations, including the length of stay limitations of a maximum of 150 days.
- c. All existing conflicting utility, access and operational easements shall be revised/eliminated to accommodate proposed Site Plan prior to issuance of Building Permit; this including the easement area for service to Crowne Plaza Hotel shall be consistent with the proposed service area improvements.
- d. A Right-of-Way dedication and construction for deceleration lane on A1A (associated with the proposed access on A1A) shall be provided prior to the issuance of Certificate of Occupancy (C/O) or Certificate of Completion (C/C).
- e. The Applicant shall construct a bus shelter pad per City approved design standards prior to the issuance of a Certificate of Occupancy (C/O).

- f. An ADA compliant pedestrian access from Crowne Plaza Hotel to A1A shall be maintained and ADA compliant pedestrian access to the proposed bus shelter shall be provided.
- g. Access on Seacrest Parkway shall be provided for the proposed development as shown on the Master Development Plan (Exhibit B) and Civil Plans.;

; and

WHEREAS, on July 09, 2015, the Board met and held an advertised public hearing to consider the Applicant's requests and have forwarded its recommendation to the City Commission as follows:

- 1. The parking requirements set forth in Article 7 of the City's Zoning and Land Development Regulations have been reviewed and the proposed Modifications should be approved.
- 2. 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.
- 3. 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 the conditions recommended by the Technical Advisory Committee as set forth above; and

WHEREAS, subsequent to the Board meeting, the Applicant worked with Staff to eliminate the need for several Site Plan conditions relative to traffic, and therefore Staff has determined conditions (d.) through (f.) are optional and Staff recommends the City Commission approve the Site Plan with the following revised conditions:

- a. That prior to issuance of a Certificate of Occupancy, the Applicant shall submit to the City, the Condominium Documents approved by the State and similar documents pertaining to the condo-hotel rooms, in a form acceptable to the City Attorney, which include notification to perspective property owners that: the parking garage shall be fully operated by valet services at all times;
- b. A deed restriction be recorded - in a form acceptable to the City Attorney prior to the issuance of any Building Permits and recorded in the Public Records of Broward County prior to the issuance of a Certificate of Occupancy (C/O) - specifying the restrictions of condo-hotel as defined in the Zoning and Land Development Regulations, including the length of stay limitations of a maximum of 150 days.

- c. All existing conflicting utility, access and operational easements shall be revised/eliminated to accommodate proposed Site Plan prior to issuance of Building Permit; this including the easement area for service to Crowne Plaza Hotel shall be consistent with the proposed service area improvements.
- d. Access on Seacrest Parkway shall be provided for the proposed development as shown on the Master Development Plan (Exhibit B) and Civil Plans.;

; and

WHEREAS, the City Commission has reviewed the proposed Modifications from the parking requirements set forth in Article 7 of the Zoning and Land Development Regulations, along with Staff's and Board's recommendation and have determined that the Modifications should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the proposed Design for 4000 Ocean 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 the Staff's and Board's recommendation and have determined that the Design should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the proposed Site Plan for 4000 Ocean in accordance with the review standards set forth in Article 6 of the Zoning and Land Development Regulations, along with Technical Advisory Committee's and Staff's recommendation and have determined that the Site Plan should be approved/approved with the conditions/denied as set forth herein;

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

Section 1: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, all submitted written and oral testimony received during the public hearing from all parties and speakers, the City Commission finds the necessary criteria have/have not been met, and the Modification from the parking requirements set forth in Article 7 of the Zoning and Land Development Regulations, is hereby approved/approved with conditions/denied:

Section 2: 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, 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 hereby approved/approved with the following conditions/denied:

Section 3: 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, and consideration of the Site Plan review standards set forth in Article 6 of the Zoning and Land Development Regulations, along with Staff's recommendation, the City Commission finds that the necessary review standards have/have not been met, and the Site Plan attached hereto and incorporated herein by reference as Exhibit "B", is hereby approved/approved with the following conditions/denied:

Section 4: 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 5: 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.

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

PASSED AND ADOPTED on this _____ day of _____, 2015.

RENDERED this _____ day of _____, 2015.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY