

ATTACHMENT XXVI

City Commission Resolution
R-2023-297

RESOLUTION NO. R-2023-297

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING THE APPEAL OF A PLANNING AND DEVELOPMENT BOARD DECISION DENYING THE SPECIAL EXCEPTION APPLICATION TO ESTABLISH A K-12 EDUCATIONAL SCHOOL FACILITY AT THE PROPERTY LOCATED AT 1720 HARRISON STREET, IN ACCORDANCE WITH THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS. (23-AP-69)

WHEREAS, on February 8, 2023, Bet Midrash OHR Ha-Chayim Ha-Kadosh Inc., ("Applicant") applied for a Special Exception to establish a K-12 Educational School Facility at the property located at 1720 Harrison Street, as more particularly described in the attached Exhibit "A"; and

WHEREAS, the Planning Manager and Associate Planner ("staff"), following an analysis of applicable laws, the Special Exception application, and its associated documents, determined that the proposed request for the Special Exception did not meet all criteria set forth in Section 5.3.G.2. of the Zoning and Land Development Regulations and, as such, recommended certain conditions be imposed to further the purpose of the zoning district or compatibility with other property within the vicinity; and

WHEREAS, on July 11, 2023, the Planning and Development Board ("Board") held a duly noticed meeting and reviewed the application to establish a K-12 Educational School Facility, Staff's Summary Report, evidence submitted, and testimony received at the public hearing, and applied the criteria for reviewing a request for a Special Exception as set forth in Section 5.3.G.2. of the City's Zoning and Land Development Regulations, and made the following findings:

- a) The Special Exception application was inconsistent and incomplete;
and
- b) The Applicant failed to provide evidence addressing life safety concerns; and

WHEREAS, based upon the findings set forth above, the Board determined that the criteria set forth in Section 5.3.G.2. of the Zoning and Land Development Regulations have not been met and denied the Special Exception; and

WHEREAS, on July 21, 2023, applications for Appeal and Zoning Relief were filed by the Applicant; and

WHEREAS, on August 8, 2023, staff sent the Applicant's representative two letters acknowledging the receipt of the applications and advised them of the process going forward; and

WHEREAS, after thorough analysis and consideration, staff recommends that the application for Appeal of the Planning and Development Board's Decision, which denied the Special Exception for establishing a K-12 Educational School Facility (Bet Midrash), be denied as, among other things, the assessment of the application has highlighted significant concerns, including the potential for adverse impacts on traffic flow, parking availability, and the safety and wellbeing of students, and these issues do not align with the essential criteria and principles set forth in the City's Zoning and Land Development Regulations for the establishment of a K-12 educational facility; and

WHEREAS, pursuant to Section 5.7. of the City's Zoning and Land Development Regulations, "the decision of the Board may be appealed to the City Commission" and "the appeal will be heard de novo and the same criteria applied by the Board below are applicable to the City Commission in hearing the matter", and "a reversal or modification of a ruling of the Board, including those relating to stipulations or conditions, shall require a five-sevenths vote of the City Commission. An affirmance of a ruling of the Board shall require a three-sevenths vote of the City Commission"; and

WHEREAS, the City Commission held a duly noticed public quasi-judicial hearing on September 20, 2023 to consider the appeal, and following review of the staff's report, the Applicant's appeal application and all submitted written and oral testimony during the public hearing, the City Commission, based upon competent and substantial evidence presented at the hearing, determined that the appeal should be denied.

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

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

Section 2: That following review of the Planning Division's staff report, the Appellant's application and supporting documents and materials, all submitted written and oral testimony received during the public quasi-judicial hearing, the appeal is denied.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

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PASSED AND ADOPTED this 20 day of September, 2023.

RENDERED this 27th day of September, 2023.

Vice Mayor
JOSH LEVY, MAYOR
for

ATTEST:

Michelle Ambrose, Deputy City Clerk
for. PATRICIA A. GERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DRG
DOUGLAS R. GONZALES
CITY ATTORNEY

EXHIBIT "A"
LEGAL DESCRIPTION

Units 1-A, 2-A, 3-A and 4-A of Home Tower Condominium, a Condominium according to the Declaration of Condominium thereof recorded in Official Book 2930, Page 136, of the Public Records of Broward County, Florida, and all amendments thereto, together with its undivided share in the common elements.