

ORDINANCE NO. _____

(13-DFJPV-103)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE BEACH ONE RESORT PLANNED DEVELOPMENT MASTER PLAN (ORIGINALLY APPROVED BY ORDINANCE NO. O-2008-24) AND NOW KNOWN AS THE 'HYDE BEACH RESORT MASTER DEVELOPMENT PLAN' AS MORE SPECIFICALLY SET FORTH IN EXHIBIT "B;" AND APPROVING THE ALLOCATION OF UP TO 40 RESERVE UNITS FROM FLEXIBILITY ZONE 92 TO APPROXIMATELY 1.6 GROSS ACRES OF THE PROPERTY LOCATED AT 4111 SOUTH OCEAN DRIVE, AS MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A," PURSUANT TO THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS AND POLICY 02.04.05 OF THE BROWARD COUNTY LAND USE PLAN.

WHEREAS, on October 15, 2008, the City Commission passed and adopted Ordinance No. O-2008-24 which changed the zoning designation for the property generally located at 4111 South Ocean Drive from C-1 to PD, allocated up to 238 Bonus Hotel Density Rooms and approved the Master Development Plan for the Project known as Beach One Resort; 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, Article 4 of the Zoning and Land Development Regulations provide for modifications/amendments to PD Master Development Plans; and

WHEREAS, an application was filed by 4111 South Ocean Drive, LLC requesting approval of an amendment to the PD Master Development Plan previously approved by the City Commission pursuant to Ordinance No. O-2008-24; and

WHEREAS, the Director of the Department of Planning and Development Services, after analyzing the application and its associated documents has determined that the proposed amendment to the PD Master Plan are a substantial modification to the previously approved plan as the incorporation of residential uses, are considered a change in the use or character of the Planned Development; and the proposed modification results in a decrease in floor area ratio of more than five percent; and

WHEREAS, since the proposed amendment is for substantial modifications to the proposed development project, City Commission approval is required; and

WHEREAS, the requested substantial modifications will result in the development of the project consisting of approximately 866,120 square feet, as more specifically set forth in Exhibit "B" attached hereto and incorporated herein by reference; and

WHEREAS, the Department of Planning and Development Services has determined that the proposed substantial modifications are consistent with the City's Zoning and Land Development Regulations and are consistent with the City's Comprehensive Plan and have forwarded a recommendation of approval to the City Commission with the following condition:

That prior to the issuance of a building permit, the Developer shall provide a 9 foot public beach access easement to the City Engineer and said easement shall be recorded in the Public Records of Broward County, Florida;

; and

WHEREAS, the City Commission finds that the proposed amendments to the PD Master Plan are consistent with the City of Hollywood's Comprehensive Plan and the Zoning and Land Development Regulations and are in the best interest of the citizens of the City of Hollywood; and

WHEREAS, the fluctuation in market conditions has impacted the previously proposed uses of the project and the new property owners are proposing to introduce residential units in addition to the hotel component wherein they have filed an application request to allocate 40 reserve units to approximately 1.6 gross acres as more specifically described in Exhibit "A" pursuant to Section 3.19 C. of the City's Zoning and Land Development Regulations and Policy 02.04.05 of the Broward County Land Use Plan; and

WHEREAS, Section 3.19 C. of the City's Zoning and Land Development Regulations provide that an application for Reserve Units may be filed and processed using the criteria for a rezoning; and

WHEREAS, the subject parcel is currently vacant that contains approximately 1.6 gross acres, has a current City Land Use Plan Designation of General Business and a County Land Use Plan Designation of Commercial; and

WHEREAS, the subject parcel has a current zoning designation of PD (Planned Development) with Low Intensity Commercial to the north, the City of Hallandale Beach to the south and east, and Low Intensity Commercial to the west; and

WHEREAS, the current General Business Land Use designation allows for retail, office, commercial, hotels, condo-hotels, as well as subordinate uses, but only allows for residential through the application of Flexibility or Reserve Units; and

WHEREAS, an allocation of residential Reserve Units cannot exceed 25 units per acre; and

WHEREAS, the current approved project included several different densities and intensities, one of those being the allocation of 238 bonus hotel density rooms from the "Hollywood Beach Hotel Room Pool whereby the project was approved at 300 rooms/acre; and

WHEREAS, the proposed request to allocate 40 Reserve Units will reduce the hotel density as well as the overall project's density whereby 110 rooms will need to be returned to the Hollywood Beach Hotel Room Pool; and

WHEREAS, the allocation of 40 Reserve Units from Flexibility Zone 92 to the approximate 1.6 net acres of the subject property will leave a balance of approximately 96 Reserve Units in Flexibility Zone 92; and

WHEREAS, the Department of Planning and Development Services, following analysis of the application and its associated documents, has determined that the application of the allocation of 40 Reserve Units from Flexibility Zone 92 are consistent with the City of Hollywood's Comprehensive Plan, and has therefore recommended that it be approved with the following conditions:

(1) That the Reserve Units shall be available as long as the Master Development Plan or active building permit is maintained, however, if the Plan or permit is not maintained then the 40 Reserve Units shall revert back to Flexibility Zone 92;

(2) That if at the time the Certificate of Occupancy (C/O) is issued by the City for the subject project, the Developer has not used any or all of the 40 allocated Reserve Units, then the remaining units at the time of C/O shall revert back to Flexibility Zone 92;

(3) That at the effective date of this Ordinance, 110 rooms shall automatically revert back to the Hollywood Beach Hotel Room Pool;

(4) That the remaining 128 rooms from the Hollywood Beach Hotel Room Pool shall continue to be available as long as the Master Development Plan or active building permit is maintained, however, if the Plan or permit is not maintained, the 128 rooms previously approved by Ordinance No. O-2008-24 shall automatically revert back to Hollywood Beach Hotel Room Pool;

(5) That if at the time the Certificate of Occupancy is issued for the subject project, the Developer has not used all of the 128 rooms then the remaining rooms shall automatically revert back to the Hollywood Beach Hotel Room Pool.

; and

WHEREAS, on February 13, 2008, the Planning and Development Board, acting as the local planning agency, met and reviewed the above noted request for the allocation of Reserve Units and forwarded a recommendation of approval to the City Commission; and

WHEREAS, the City Commission met and held an advertised public hearing to consider the request for the allocation of 40 Reserve Units and the City Commission made the following findings pursuant to rezoning criteria set forth in Article 5 of the Zoning and Land Development Regulations:

- (a) That the Petition for the allocation of Reserve Units does not result in spot zoning or contract zoning;
- (b) That the proposed change (allocation of 40 Reserve Units) is consistent with, and in furtherance of the Goals, Objectives and Policies of the City's Comprehensive Plan;
- (c) That the conditions have substantially changed from the date the present zoning district (PD) was placed on the property, which makes the passage of the proposed change (allocation of 40 Reserve Units for a hybrid project including residential, condo-hotel, and hotel) necessary; and
- (d) That the proposed change (allocation of 40 Reserve Units) will not adversely influence living conditions in the neighborhood.

; and

WHEREAS, Section 166.041(3)(c)(2), Florida Statutes, requires that the local governing body shall hold two advertised public hearings on the proposed ordinance and at least one hearing shall be held after 5:00 PM, unless the local governing body, by a vote of a majority plus one, elects to conduct that hearing at another time of day;

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

Section 1: That the Applicant has presented competent substantial evidence that the proposed Amended PD Master Plan (to be known as the "Hyde Beach Resort Master Development Plan") meets the intent of the City's Zoning and Land Development Regulations and all other applicable City ordinances, and that the proposed changes in the development project are suitable in terms of the their relationship to the City's Comprehensive Plan and the surrounding area and are consistent with the adopted goals, policies and objectives for growth and development.

Section 2: That the PD Master Plan (originally approved by Ordinance No. O-2008-24) for the property generally located at 4111 South Ocean Drive is hereby

amended as more specifically set forth in Exhibit "B" attached hereto and incorporated herein by reference with the following condition:

That prior to the issuance of a building permit, the Developer shall provide a 9 foot public beach access easement to the City Engineer and said easement shall be recorded in the Public Records of Broward County, Florida;

Section 3: That based upon its findings set forth above, it hereby authorizes and approves the allocation of 40 Reserve Units from Flexibility Zone 92 to approximately 1.6 net acres of the property located at 4111 South Ocean Drive pursuant to Section 3.19. C. of the City's Zoning and Land Development Regulations, the City's Comprehensive Plan and Policy 02.04.05 of the Broward County Land Use Plan with the following conditions:

(a) That the Reserve Units shall be available as long as the Master Development Plan or active building permit is maintained, however, if the Plan or permit is not maintained then the 40 Reserve Units shall revert back to Flexibility Zone 92;

(b) That if at the time the Certificate of Occupancy (C/O) is issued by the City for the subject project, the Developer has not used any or all of the 40 allocated Reserve Units, then the remaining units at the time of C/O shall revert back to Flexibility Zone 92;

(c) That at the effective date of this Ordinance, 110 rooms shall automatically revert back to the Hollywood Beach Hotel Room Pool;

(d) That the remaining 132 rooms from the Hollywood Beach Hotel Room Pool shall continue to be available as long as the Master Development Plan or active building permit is maintained, however, if the Plan or permit is not maintained, the 132 rooms previously approved by Ordinance No. O-2008-24 shall automatically revert back to Hollywood Beach Hotel Room Pool;

(e) That if at the time the Certificate of Occupancy is issued for the subject project, the Developer has not used all of the 132 rooms then the remaining rooms shall automatically revert back to the Hollywood Beach Hotel Room Pool;

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

AN ORDINANCE AMENDING THE BEACH ONE RESORT PLANNED DEVELOPMENT MASTER PLAN (ORIGINALLY APPROVED BY ORDINANCE NO. O-2008-24) AND NOW KNOWN AS THE 'HYDE BEACH RESORT MASTER DEVELOPMENT PLAN'. (13-DFJPV-103)

Section 5: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 6: That the City of Hollywood's Land Use Map is hereby amended, following recertification by the Broward County Planning Council, to incorporate the above described change in land use designation for the subject parcel.

Section 7: That the City Commission, pursuant to Section 166.041(3)(c) F.S., elects, by a majority plus one vote, to conduct the second reading prior to 5:00 p.m. at a regularly scheduled City Commission public hearing.

Section 8: That this Ordinance shall be in full force and effect immediately upon its passage and adoption and shall remain effective for so long as the Site Plan, approved by Resolution No. R-2013-____, remains in effect. Should no Building Permit for a principal structure be issued pursuant to the Site Plan or an extension obtained pursuant to City Codes prior to the expiration, the zoning shall revert to Commercial Low Intensity (C-1) or other such Zoning District that is in place at the time.

Advertised _____, 2014.

PASSED on first reading this _____ day of _____, 2014.

PASSED AND ADOPTED on second reading this _____ day of _____, 2014.

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