

# ATTACHMENT C

Planning and Development Board

Resolution No. 18-S-44

CITY OF HOLLYWOOD  
PLANNING AND DEVELOPMENT BOARD  
RESOLUTION NO.18-S-44

A RESOLUTION OF THE CITY OF HOLLYWOOD PLANNING AND DEVELOPMENT BOARD CONSIDERING A REQUEST FOR A SPECIAL EXCEPTION TO ESTABLISH AN ELEMENTARY SCHOOL (GUIDEPOST MONTESSORI AT HOLLYWOOD BEACH) LOCATED AT 2402 HOLLYWOOD BOULEVARD AND 118 S. 24<sup>TH</sup> STREET, PURSUANT TO THE PROVISIONS OF THE CITY OF HOLLYWOOD ZONING AND LAND DEVELOPMENT REGULATIONS.

WHEREAS, the Planning and Development Board (the "Board") is charged with, among other things, the responsibility of considering requests for variances, design, special exceptions and site plan approval; and

WHEREAS, the Board is duly empowered to grant variances, special exceptions, design in accordance with the guidelines and procedures found in Section 5.3. of the City's Zoning and Land Development Regulations and site plan approval pursuant to Article 6 of the Zoning and Land Development Regulations; and

WHEREAS, 2402 LLC/ED & Maria Martin/Guidepost Montessori (the "Applicants"), applied for a Special Exception to establish an elementary school located at 2402 Hollywood Boulevard and 118 S. 24<sup>th</sup> Street, as more particularly described in the attached Exhibit "A"; and

WHEREAS, the Planning Manager and Planning Administrator, following an analysis of the application and its associated documents have determined that the proposed request for a Special Exception, does meet the criteria set forth in Section 5.3.G.2. of the Zoning and Land Development Regulations and has therefore recommended that it be approved with the following conditions:

- (1) That, the student capacity shall not exceed 130 students at anytime;
- (2) That, the grades shall be limited to 1 through 6;
- (3) That, the Applicant shall market exclusively to Hollywood residents including Highland Gardens and United Neighbors neighborhoods for a minimum of four weeks prior to any marketing for student enrollment to the public-at-large. This marketing shall include a combination of presentations to the civic associations, "open houses" flyers, advertising, and community newspapers;

- (4) That, deliveries shall be coordinated as to not interfere with student arrival and dismissal shifts;
- (5) That, the Applicant on behalf of itself, its successors and assigns, and/or designee, shall annually submit, prior to October 1<sup>st</sup> of each year, a copy of the Benchmark Day Enrollment Report or equivalent and/or subsequent document;
- (6) That, the Applicant on behalf of itself, its successor and assigns, and/or designee, shall submit to the Planning Division or subsequent Division/Department, an annual Compliance Report no later than December 1<sup>st</sup> of each year, showing compliance with all conditions set forth herein. The Applicant acknowledges, should any violations of the conditions be determined, the City will pursue any and all remedies, including but not limited to, Code Enforcement (the City will seek fines in the amount of \$1,000 per day for the first violations and up to \$5,000 per day for each repeat violation) and/or injunctive relief to prohibit the continuing violation(s), subject to the Applicant's right to notice and the right to cure the violation(s) under the law;
- (7) That, parking for special events (for the purposes of this subsection, special events shall mean anytime parents or other visitors and invitees are attending the school for other than drop-off and pick-up purposes) shall be provided and coordinated in the following manner:
  - (a) Special events for the school shall be independent of each other and only one event can take place at any given time; and
  - (b) Special events during school hours shall be limited to one grade level. Multi-grade special events shall be limited to non-school hours. A Special Event Permit shall be required for all events. The school shall comply with all requirements and/or conditions set forth in the Special Event Permit, which includes but is not limited to, off-site parking, police details, etc.

- (8) That, the Public Safety Director or his/her designee shall have the ability to mandate police details for arrival and dismissal shifts as is deemed necessary; and
- (9) That, school buses shall not be stored on the premises nor in violation of City Codes;
- (10) That, the Applicants shall make all necessary repairs (according to City staff) to the alley in order to accommodate a raised crosswalk;
- (11) That, a decorative fence shall be installed at the playground; and
- (12) That, a Unity of Title, in a form acceptable to the City Attorney, shall be submitted prior to the issuance of a Building Permit and shall be recorded by the City in the Public Records of Broward County, prior to the issuance of a Certificate of Occupancy (C/O) or Certificate of Completion (C/C).

WHEREAS, on July 12, 2018, the Board met and held an advertised public hearing to consider the Applicant's request; and

WHEREAS, the Board reviewed the application for the Special Exception to establish a VPK-8 school , and reviewed the evidence submitted and the 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 the Board made the following findings:

- a) The proposed use is consistent with the principles of the City's Comprehensive Plan;
- b) The proposed use is compatible with the existing land use pattern and designated future uses and with the existing natural environment and other real properties with the vicinity;
- c) There are provisions for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the areas which will serve the use;
- d) There are setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances;

- e) The proposed use, singularly or in combination with other Special Exceptions, is not detrimental to the health, safety, or appearance of the neighborhood or other adjacent uses by reason of any one or more of the following: the number, area, location, height, orientation, intensity or relation to the neighborhood or other adjacent uses;
- f) The subject parcel is adequate in shape and size to accommodate the proposed use; and
- g) The proposed use is consistent with the definition of a Special Exception and does meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such particular use set forth elsewhere in the zoning code, or otherwise adopted by the City Commission.

; and

WHEREAS, based upon the findings set forth above, the Board determined that the criteria set forth above have been met and therefore approved the Special Exception with staff's conditions.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND DEVELOPMENT BOARD 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: That following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, and all written and oral testimony received during the public hearing, and the consideration of the criteria listed herein for approving/denying the requested Special Exception to establish an elementary school (Guidepost Montessori at Hollywood Beach) at the property located at 2402 Hollywood Boulevard and 118 S. 24<sup>th</sup> Avenue, and its findings set forth above, the Board finds that the necessary criteria have been met, and the requested Special Exception is hereby **approved with the following conditions:**

- (1) That, the student capacity shall not exceed 130 students at anytime;
- (2) That, the grades shall be limited to 1 through 8;
- (3) That, the Applicant shall market exclusively to Hollywood residents including Highland Gardens and United Neighbors neighborhoods for a minimum of four weeks prior to any marketing for student enrollment to the

public-at-large. This marketing shall include a combination of presentations to the civic associations, "open houses" flyers, advertising, and community newspapers;

- (4) That, deliveries shall be coordinated as to not interfere with student arrival and dismissal shifts;
- (5) That, the Applicant on behalf of itself, its successors and assigns, and/or designee, shall annually submit, prior to October 1<sup>st</sup> of each year, a copy of the Benchmark Day Enrollment Report or equivalent and/or subsequent document;
- (6) That, the Applicant on behalf of itself, its successor and assigns, and/or designee, shall submit to the Planning Division or subsequent Division/Department, an annual Compliance Report no later than December 1<sup>st</sup> of each year, showing compliance with all conditions set forth herein. The Applicant acknowledges, should any violations of the conditions be determined, the City will pursue any and all remedies, including but not limited to, Code Enforcement (the City will seek fines in the amount of \$1,000 per day for the first violations and up to \$5,000 per day for each repeat violation) and/or injunctive relief to prohibit the continuing violation(s), subject to the Applicant's right to notice and the right to cure the violation(s) under the law;
- (7) That, parking for special events (for the purposes of this subsection, special events shall mean anytime parents or other visitors and invitees are attending the school for other than drop-off and pick-up purposes) shall be provided and coordinated in the following manner:
  - (a) Special events for the school shall be independent of each other and only one event can take place at any given time; and
  - (b) Special events during school hours shall be limited to one grade level. Multi-grade special events shall be limited to non-school hours. A Special Event Permit shall be required for all events. The school shall comply with all requirements and/or conditions set forth in the Special Event

Permit, which includes but is not limited to, off-site parking, police details, etc.

- (8) That, the Public Safety Director or his/her designee shall have the ability to mandate police details for arrival and dismissal shifts as is deemed necessary; and
- (9) That, school buses shall not be stored on the premises nor in violation of City Codes;
- (10) That, the Applicants shall make all necessary repairs (according to City staff) to the alley in order to accommodate a raised crosswalk;
- (11) That, a decorative fence shall be installed at the playground; and
- (12) That, a Unity of Title, in a form acceptable to the City Attorney, shall be submitted prior to the issuance of a Building Permit and shall be recorded by the City in the Public Records of Broward County, prior to the issuance of a Certificate of Occupancy (C/O) or Certificate of Completion (C/C); and
- (13) The Applicant shall work with Staff to provide a 10 foot landscape buffer for any hard surface, and/or 5 feet of landscape material (trees and shrubs), as determined by the City' Landscape Architect on the proposed playground across the alley.

Section 3: That the approval by the Board of the Special Exception shall become null and void unless the Applicants apply for the appropriate building or other permit(s) or license(s) within 24 months of the Board's approval. Said 24 months shall commence upon passage and adoption of this Resolution.

**[THIS SPACE LEFT INTENTIONALLY BLANK]**

**A RESOLUTION OF THE CITY OF HOLLYWOOD PLANNING AND DEVELOPMENT BOARD CONSIDERING A REQUEST FOR A SPECIAL EXCEPTION TO ESTABLISH A VPK-8 SCHOOL (TEMPLE SOLEL) LOCATED AT 5100 SHERIDAN STREET, PURSUANT TO THE PROVISIONS OF THE CITY OF HOLLYWOOD ZONING AND LAND DEVELOPMENT REGULATIONS.**

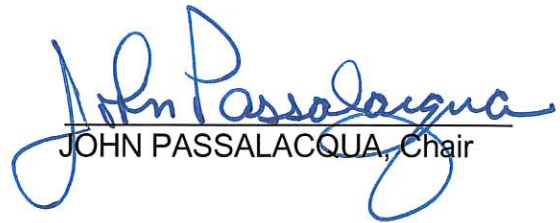
Section 4: That the Department of Development Services, Planning Division, is hereby directed to forward a copy of this resolution to the Applicant/Owner of the property with respect to which the request was made. This Resolution will be delivered to the City Clerk to be recorded in the Public Records of Broward County, as provided by the applicable provisions of Article 5 in the Zoning and Land Development Regulations. A copy shall be furnished to any enforcement official.

PASSED AND ADOPTED THIS 12th DAY OF JULY, 2018.


RENDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

ATTEST:

  
DIANA PITTARELLI, Secretary

  
JOHN PASSALACQUA, Chair

APPROVED AS TO FORM & LEGAL SUFFICIENCY for the use reliance of the Planning and Development Board of the City of Hollywood, Florida, only.

  
DEBRA-ANN REESE, BOARD COUNSEL



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**