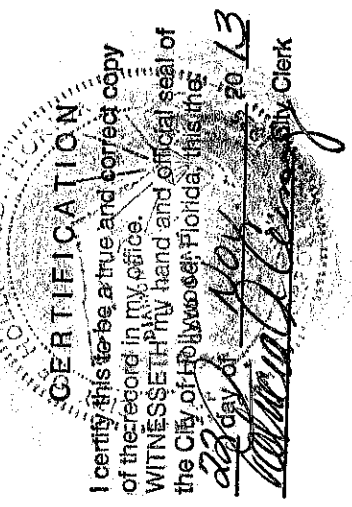


3

RESOLUTION NO. R-2013-321

(13-CRR-25)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING A REQUEST FOR SPECIAL EXCEPTION, VARIANCES, DESIGN AND SITE PLAN FOR AN ADDITION TO AN EXISTING PLACE OF WORSHIP (TEMPLE SINAI JEWISH COMMUNITY CENTER OF HOLLYWOOD, INC.) TO ACCOMMODATE A K-8TH GRADE CHARTER SCHOOL AND EXPANSION OF AN EXISTING PRE-SCHOOL TO BE LOCATED AT 1400 NORTH 46TH AVENUE, 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 special exceptions, variances, site plans and design review approval; and

WHEREAS, the Board is duly empowered to grant variances, special exceptions, and design approvals 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, Temple Sinai Jewish Community Center of Hollywood, Inc. (the "Applicant"), requested a Special Exception, three (3) Variances, Design and Site Plan approval for an 18,000 square foot addition to expand the existing preschool and add a new K-8th grade charter school at 1400 North 46th Avenue, Hollywood, Florida, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, at the October 16, 2013 City Commission meeting, in accordance with Article 5, Section 5.6 of the City's Zoning and Land Development Regulations, Commissioner Biederman along with Commissioner Hernandez and Commissioner Callari requested a review of the application relating to the Special Exception, Variances, Design and Site Plan requested by the Applicant and approved by the Planning and Development Board; and

WHEREAS, the Assistant Director, Planning Manager and Planning and Development Services Administrator of the Planning and Development Services ("Staff"), following an analysis of the application and its associated documents have determined that the proposed request for a Special Exception for the new K-8th grade charter school does meet the criteria set forth in Section 5.3.G of the Zoning and Land Development Regulations and have therefore recommended that it be approved with the following conditions:

INSTR # 112051383
OR BK 50488 Pages 1345 - 1354
RECORDED 01/21/14 02:41:21 PM
BROWARD COUNTY COMMISSION
DEPUTY CLERK 2015
#3, 10 Pages

10

- (1) The Charter School shall provide at least two start times separated by a minimum of 30 minutes.
- (2) A 6 feet vinyl panel fence along the west side of the property (as shown on the attached plans) shall receive Certificate of Occupancy (C/O) and/or Certificate of Completion (C/C) prior to establishing the Charter School or relocating the pre-school, whichever comes first.
- (3) All the proposed improvements (as shown on the attached plans) shall receive Certificate of Occupancy (C/O) and/or Certificate of Completion (C/C) prior to establishing the Charter School or relocating the pre-school, whichever comes first.
- (4) The pre-school shall be limited to 288 students and the Charter School shall be limited to 488 students. The Charter School shall amend the Certificate of Use prior to exceeding 300 students in order to ensure that the necessary improvements, to support additional traffic on 46th Avenue, are satisfied.

; and

WHEREAS, "Staff", following an analysis of the application and its associated documents have determined that the proposed request for a Variance, to reduce the required 50-foot front yard setback to allow 15 feet, does meet the criteria set forth in Section 5.3.F.2. of the Zoning and Land Development Regulations and have therefore recommended approval; and

WHEREAS, "Staff", following an analysis of the application and its associated documents have determined that the proposed request for a Variance, to reduce the required 10-foot at-grade parking site setback on the rear to allow for 5 feet, does meet the criteria set forth in Section 5.3.F.2. of the Zoning and Land Development Regulations and have therefore recommended approval; and

WHEREAS, "Staff", following an analysis of the application and its associated documents have determined that the proposed request for a Variance, to reduce the required number of parking spaces from 183 parking spaces to provide 142 parking spaces, does meet the criteria set forth in Section 5.3.F.2. of the Zoning and Land Development Regulations and have therefore recommended approval with the following condition:

- (1) The school use (Temple Sinai pre-school/charter school) and the place of worship shall not operate concurrently.

WHEREAS, "Staff", following an analysis of the application and its associated documents have determined that the proposed request for Design approval meets the

applicable criteria set forth in Section 5.3.1.6. of the Zoning and Land Development Regulations and therefore recommended approval of the Design; and

WHEREAS, the Technical Advisory Committee, following an analysis of the application and its associated documents, have determined that the proposed request for Site Plan approval does meet the review standards set forth in Article 6 of the Zoning and Land Development Regulations and have therefore recommended approval of the proposed Site Plan with the following conditions:

- (1) Replace the wheel-stops with 'D' or 'F' curbing for all parking spaces adjacent to sidewalks.
- (2) Outbound movements at the site driveways on McKinley Street shall be restricted to right-out only during pick-up and drop-off hours.
- (3) The median nose at the intersection of McKinley Street and N 46th Avenue shall be modified to provide an appropriate radius for eastbound-to-northbound left turn movements from McKinley Street onto N 46th Avenue prior to Certificate of Occupancy (C/O) and/or Certificate of Completion (C/C).
- (4) Prior to exceeding 300 students at the Charter School, Arthur Street and N 46th Avenue intersection shall be modified to accommodate a separate northbound left turn lane on N 46th Avenue.

; and

WHEREAS, on November 6, 2013, City Commission met and held a duly noticed advertised public de novo hearing to consider the Applicant's request for a Special Exception for a K-8th grade charter school based upon the following criteria:

- (1) The proposed use must be consistent with the principles of the City's Comprehensive Plan;
- (2) The proposed use must be compatible with the existing land use pattern and designated future uses and with the existing natural environment and other real properties within the vicinity;
- (3) That there will be provisions for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;
- (4) That there are setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances;
- (5) The proposed use, singularly or in combination with other Special Exceptions, must not be detrimental to the health, safety, or appearance of the neighborhood or other adjacent uses by reason of any 1 or more of the

following: the number, area, location, height, orientation, intensity or relation to the neighborhood or other adjacent uses;

- (6) The subject parcel must be adequate in shape and size to accommodate the proposed use;
- (7) The proposed use will be consistent with the definition of a Special Exception and will 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, on November 6, 2013, City Commission met and held a duly noticed advertised public de novo hearing to consider the Applicant's request for the following three (3) Variances:

- (1) To reduce the required 50-foot front yard setback to allow 15 feet.
- (2) To reduce the required 10-foot at-grade parking site setback on the rear to allow for 5 feet.
- (3) To reduce the required number of parking spaces from 183 parking spaces to provide 142 parking spaces.

; and

WHEREAS, on November 6, 2013, City Commission met and held a duly noticed advertised public de novo hearing to consider the Applicant's request for the three Variances (3) based upon the following criteria:

- (1) That the requested Variances maintains the basic intent and purpose of the subject regulations, particularly as they affects the stability and appearance of the city;
- (2) That the requested Variances are otherwise compatible with the surrounding land uses and would not be detrimental to the community;
- (3) That the requested Variances consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan, as amended from time to time, the applicable Neighborhood Plan and all other similar plans adopted by the city; and
- (4) That the need for the requested Variances is not economically based or self-imposed.

- (5) That if applicable, the Variances are necessary to comply with state or federal law and are the minimum Variances necessary to comply with the applicable law.

; and

WHEREAS, on November 6, 2013, City Commission met and held a duly noticed advertised public de novo hearing to consider the Applicant's request for Design based upon the following criteria:

- (1) Architectural and Design components. Architecture refers to the architectural elements of exterior building surfaces. Architectural details should be commensurate with the building mass. The use of traditional materials for new architectural details is recommended. Design of the building(s) shall consider aesthetics and functionality, including the relationship of the pedestrian with the built environment.
- (2) Compatibility. The relationship between existing architectural styles and proposed construction, including how each building along the street relates to the whole and the pattern created with adjacent structures and the surrounding neighborhood. Buildings should contain architectural details that are characteristic of the surrounding neighborhood.
- (3) Scale/Massing. Buildings shall be proportionate in scale, with a height which is consistent with the surrounding structures. Building mass shall reflect a simple composition of basic architectural details in relation to its length, width, height, lot coverage, and setting of the structure in context with adjacent buildings. Architectural details include, but are not limited to, banding, molding, and fenestration.
- (4) Landscaping. Landscaped areas should contain a variety of native and other compatible plant types and forms, and be carefully integrated with existing buildings and paved areas. Existing mature trees and other significant plants on the site should be preserved.

WHEREAS, on November 6, 2013, City Commission met and held a duly noticed advertised public de novo hearing to consider the Applicant's request for Site Plan approval, the Technical Advisory Committee's recommendation with the conditions, and considered the Site Plan review standards set forth in Article 6 of the Zoning and Land Development Regulations;

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

Section 1: That the above recitals are true and correct and are incorporated herein as if set forth in full herein.

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 and construct an approximate 18,000 square foot addition to an existing place of worship to accommodate a K-8th grand charter school and expansion of an existing pre-school for the property located at 1400 N. 46th Avenue (Temple Sinai Jewish Community Center), and its findings set forth above, the City Commission finds that the necessary criteria have been met, and the requested Special Exception is hereby **approved with the following conditions:**

- a. The Charter School shall provide at least two start times separated by a minimum of 30 minutes.
- b. A 6 foot vinyl panel fence along the west side of the property (as shown on the attached Site Plan) shall receive a Certificate of Occupancy(C/O) and/or a Certificate of Completion (C/C) prior to establishing the Charter School or relocating the pre-school, whichever comes first.
- c. All of the proposed improvements (as shown on the attached Site Plan) shall receive a Certificate of Occupancy (C/O) and/or Certificate of Completion (C/C) prior to establishing the Charter School or relocating the pre-school, whichever comes first.
- d. The pre-school shall be limited to 288 students and the Charter School shall be limited to 488 students. The Charter School shall amend the Certificate of Use prior to exceeding 300 students in order to ensure that the necessary improvements, to support additional traffic on 46th Avenue are satisfied.

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, and the consideration of the criteria listed herein for approving/denying the requested Variance for the property located at 1400 N. 46th Avenue, to reduce the required 50 foot front yard setback to allow for 15 feet, the City Commission finds that the necessary criteria have been met to allow for a reduction in the 50 foot front yard setback to allow for 25 feet, and the requested Variance is **hereby approved.**

Section 4: 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, and the consideration of the criteria listed herein for approving/denying the requested Variance for the property located at 1400 N. 46th

Avenue, to reduce the required 10 foot at-grade parking site setback on the rear to allow for 5 feet, the City Commission finds that the necessary criteria have been met, and the requested Variance is **hereby approved**.

Section 5: 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, and the consideration of the criteria listed herein for approving/denying the requested Variance for the property located at 1400 N. 46th Avenue, to reduce the required number of parking spaces from 183 parking spaces to provide for 142 parking spaces, the City Commission finds that the necessary criteria have been met, and the requested Variance is **hereby approved with the following condition:**

The school use (Temple Sinai pre-school/charter school) and the place of worship shall not operate concurrently.

Section 6: 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, and the consideration of the Design criteria set forth herein, the City Commission finds that the necessary criteria have been met, and the Design is hereby **approved**.

Section 7: 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, and the consideration of the Site Plan review standards set forth in Article 6 of the Zoning and Land Development Regulations, the City Commission finds that the necessary review standards have been met, and Site Plan [attached hereto as Exhibit B] is hereby **approved with the following conditions:**

- (a) Replace the wheel-stops with "D" or "F" curbing for all parking spaces adjacent to the sidewalks;
- (b) Outbound movements at the site driveways on McKinley Street shall be restricted to the right-out only during pick-up and drop-off hours;
- (c) The median nose at the intersection of McKinley Street and N. 46th Avenue shall be modified to provide an appropriate radius for eastbound to northbound left turn movements from McKinley Street onto N. 46th Avenue prior to Certificate of Occupancy (C/O) and/or Certificate of Completion (C/C); and
- (d) Prior to exceeding 300 students at the Charter School, Arthur Street and N. 46th Avenue intersection shall be modified to accommodate a separate north bound left turn lane on N. 46th Avenue; and
- (e) The applicant will work with staff to adjust the Site Plan to accommodate the 25 foot setback.

Section 8: That the Special Exception shall become null and void unless the Applicant applies for the appropriate building or other permit(s) or license(s) within 24 months of the City Commission approval. Said 24 months shall commence upon passage and adoption of this Resolution.

Section 9: That, the three (3) Variances, shall become null and void unless the Applicant has applied for all applicable building or other permits(s) or license(s) within 24 months of the City Commission approval. Said 24 months shall commence upon passage and adoption of this Resolution.

Section 10: That the Applicant shall have up to 24 months from the date of this Design approval to apply for all necessary building permits required to proceed with construction. Failure to submit an application within the require time period shall render all approvals null and void.

Section 11: That the Applicant shall have up to 24 months from the date of Site Plan approval to apply for a valid construction permit. Failure to submit an application within the require time period shall render all approvals null and void.

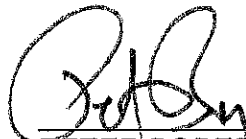
Section 12: That the Department of Planning and Development Services is hereby directed to forward a copy of this resolution to the Applicant/Owner of the property with respect to which the request was made. This Resolution will be delivered to the City Clerk to be recorded in the Public Records of Broward 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.

Section 13: That this resolution shall be in full force and effect immediately upon its passage and adoption.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING A REQUEST FOR SPECIAL EXCEPTION, VARIANCES, DESIGN AND SITE PLAN FOR AN ADDITION TO AN EXISTING PLACE OF WORSHIP (TEMPLE SINAI JEWISH COMMUNITY CENTER OF HOLLYWOOD, INC.) TO ACCOMMODATE A K-8TH GRADE CHARTER SCHOOL AND EXPANSION OF AN EXISTING PRE-SCHOOL TO BE LOCATED AT 1400 NORTH 46TH AVENUE, PURSUANT TO THE PROVISIONS OF THE CITY OF HOLLYWOOD ZONING AND LAND DEVELOPMENT REGULATIONS.


PASSED AND ADOPTED THIS 6 day of NOV, 2013.

RENDERED THIS 22 day of NOV, 2013



PETER BOBER, MAYOR

ATTEST:



PATRICIA A. CERNY
CITY CLERK

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



JEFFREY P. SHEFFEL, CITY ATTORNEY

Exhibit "A"

LEGAL DESCRIPTION:

All of Tract "A" of HOLLYWOOD HILLS-1965, according to the Plat thereof, as recorded in Plat Book 61m Page 25, of the Public Records of Broward County, Florida