

RESOLUTION NO.: _____

(13-DJPVZ-100)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING THE REQUEST FOR A VARIANCE, DESIGN, AND SITE PLAN APPROVAL FOR THE CONSTRUCTION OF A 23 UNIT RESIDENTIAL DEVELOPMENT PROJECT KNOWN AS "SEASIDE VILLAGE;" LOCATED AT 6024 N. 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 Variance, Design and Site Plan approval from the City Commission prior to the issuance of any building permits; and

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

WHEREAS, Seaside Hollywood North Beach, LLC (the "Applicant"), in File Number 13-DJPVZ-100, applied for design, and site plan approval for the construction of a 23 unit residential development located at 6024 N. Ocean Drive, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Applicant also applied for a variance to waive the required 25-foot peripheral landscaped setback from all external streets; and

WHEREAS, the Department of Planning Staff, reviewed the Applicant's request for a Variance in accordance with the criteria set forth in Section 5.3.F.1. a. through e. of the Zoning and Land Development Regulations and recommended that the Board approve the Variance; and

WHEREAS, the Department of Planning Staff, reviewed of the Applicant's request for Design review in accordance with the criteria set forth in Section 5.3.I.4.a.(1) through (4) of the Zoning and Land Development Regulations and 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. A covenant running with the land that holds the City harmless against any claims arising from accidents as a result of the reduced drive aisle width, in a form acceptable to the City Attorney, be submitted prior to the issuance of permits and recorded in the Broward County Public Records, by the City of Hollywood, prior to the issuance of Certificate of Occupancy (C/O) or Certificate of Completion (C/C).
- b. A Unity of Title or Unity of Control, in a form acceptable to the City Attorney, be submitted prior to the issuance of permits and recorded in the Broward County Public Records, by the City of Hollywood, prior to the issuance of Certificate of Occupancy (C/O) or Certificate of Completion (C/C).

WHEREAS, on March 13, 2014, 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. That the Variance meets the criteria set forth in Section 5.3.F.1. a. through e. of the City's Zoning and Land Development Regulations and should be approved.
- 2. That the Design meets the criteria set forth in Section 5.3I.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 following conditions:

- a. A covenant running with the land that holds the City harmless against any claims arising from accidents as a result of the reduced drive aisle width, in a form acceptable to the City Attorney, be submitted prior to the issuance of permits and recorded in the Broward County Public Records, by the City of Hollywood, prior to the issuance of Certificate of Occupancy (C/O) or Certificate of Completion (C/C).
- b. A Unity of Title or Unity of Control, in a form acceptable to the City Attorney, be submitted prior to the issuance of permits and recorded in the Broward County Public Records, by the City of Hollywood, prior to the issuance of Certificate of Occupancy (C/O) or Certificate of Completion (C/C).

and

WHEREAS, the City Commission has reviewed the proposed Variance for the Project in accordance with the criteria set forth In Section 5.3.F.1. a. through e. of the

City's Zoning and Land Development Regulations, along with the Staff's and the Board's recommendations and have determined that the Variance should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the proposed Design for the Project 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 the Board's recommendations 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 the Hollywood Charter Academy 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 the Board'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 Board's recommendation, and the consideration of the Variance criteria set forth in Section 5.3.F.1. a. through e. of the City's Zoning and Land Development Regulations, the City Commission finds that the necessary criteria have been met, and the Variance 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, all submitted written and oral testimony received during the public hearing from all parties and speakers, the Board's recommendation, and the consideration of the Design criteria set forth in Section 5.3.4I.a. (1) through (4) of the City's Zoning and Land Development Regulations, the City Commission finds that the necessary criteria have been met, and the Design is hereby approved/approved with conditions/denied:

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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, the Board's recommendation, and 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 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 Variance 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 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 6: That the Applicant shall have up to 24 months from the date of the Site Plan approval to apply for a valid construction permit. Failure to submit an application within the requested time period shall render all approvals null and void.

Section 7: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2014.

RENDERED 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