

RESOLUTION NO. \_\_\_\_\_

(18-CRR-44)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, 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, 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, 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. 24th Street, as more particularly described in the attached Exhibit "A"; and

WHEREAS, the Planning Manager, 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 any time;
- (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).
- (13) Applicant 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's Landscape Architect on the proposed playground across the alley.

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

WHEREAS, at its July 12, 2018, regular meeting the Board reviewed the application for the Special Exception to establish an 1-8 school (Attachment B, minutes), 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 approved the request along with conditions as set forth in the Board's Resolution No. 18-S-44; and

WHEREAS, between July 13 and July 27, 2018 in accordance with Article 5, Section 5.6 of the City's Zoning and Land Development Regulations, Commissioner Hernandez along with Commissioner Biederman and Commissioner Callari requested a review of the application relating to the Special Exception approved with conditions by the Planning and Development Board as set forth in the Board's Resolution No. 18-S-44; and

WHEREAS, on August 29, 2018, City Commission met and held a duly noticed advertised public de novo hearing to consider the Applicant's request to establish the Special Exception for a 1-8 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 made the following findings:

- a) The proposed use is/is not consistent with the principles of the City's Comprehensive Plan;
- b) The proposed use is/is not compatible with the existing land use pattern and designated future uses and with the existing natural environment and other real properties within the vicinity;
- c) There are/are not provisions for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;
- d) There are/are not 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/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/is not adequate in shape and size to accommodate the proposed use;
- g) The proposed use is/is not 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.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION 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 City Commission finds that the necessary criteria have/have not been met, and the requested Special Exception is

hereby approved/approved with conditions/denied.

Section 3: That the approval by the City Commission 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.

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.

Section 5: That the City Clerk shall record this Resolution in the public records of Broward County, Florida.

Section 6: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

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JOSH LEVY, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC, CITY CLERK

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

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DOUGLAS R. GONZALES, CITY ATTORNEY