

RESOLUTION NO. _____

(17-DPVZ-21)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING THE REQUEST FOR MODIFICATIONS FROM THE OFF-STREET PARKING AND LANDSCAPING REQUIREMENTS, SIGN VARIANCES AND SETBACK VARIANCE, DESIGN, AND SITE PLAN APPROVAL FOR THE CONSTRUCTION OF A MIXED-USE PLANNED DEVELOPMENT (PD) KNOWN AS "441 ROC" GENERALLY LOCATED ON THE NORTHEAST CORNER OF STATE ROAD 7 AND GRIFFIN ROAD; 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 Planned Development ("PD") District must receive approval from the City Commission prior to the issuance of any building permits for Modifications to the parking and landscaping requirements, Variances, Design and Site Plan; and

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

WHEREAS, LL Hart Development, LLC ("Applicant"), in File Number 17-DPVZ-21, has applied for Modifications from the off-street parking and landscaping requirements, Variances, Design, and Site Plan approval for a mixed-use project known as "441 ROC," consisting of 180 residential units, an approximate 2,600 square foot restaurant with drive-thru, a gas station with 16 fuel dispensers including an approximate 6,200 square foot convenience store, an approximate 27,000 square foot storage building and associated surface parking, generally located on the northeast corner of State Road 7 and Griffin Road, as more particularly described in Exhibit "A" attached to and incorporated herein; and

WHEREAS, Planning Division staff reviewed the Applicant's request for Modifications from the off-street parking requirements set forth in Article 7 of the Zoning and Land Development Regulations to reduce the required number of parking spaces from 374 to 356 spaces and to reduce the required parking lot setback from a minimum of 10 feet to a minimum of four feet, and recommended that the Board forward a recommendation of approval to the City Commission; and

WHEREAS, Planning Division staff reviewed the Applicant's request for a Modification from the landscaping requirements set forth in Article 9 of the Zoning and Land Development Regulations to reduce the landscaped area of paved vehicular use from the required 25 percent to 22 percent, and recommended that the Board forward a recommendation of approval for the requested modification to the City Commission; and

WHEREAS, Planning Division staff reviewed the Applicant's request for a Variance to reduce the required 25 foot peripheral landscaped setback from all external streets in accordance with the criteria set forth in Section 5.3.F.1. a. through e. of the Zoning and Land Development Regulations (criteria e. is not applicable), and recommended that the Board forward a recommendation of approval for the requested Variance to the City Commission; and

WHEREAS, Planning Division staff reviewed the Applicant's request for two sign variances to increase the number of permitted wall signs for Wendy's from one to three (west, north and south facades) and to increase the number of permitted wall signs for Wawa from two to three (east, west, and north facades) in accordance with the criteria set forth in Section 5.3.F.2.a through c. of the City's Zoning and Land Development Regulations, and recommended that the Board forward a recommendation of approval for the requested sign variances to the City Commission; and

WHEREAS, Planning Division staff reviewed the Applicant's request for Design 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 forward a recommendation of approval for the requested Design to the City Commission; and

WHEREAS, in accordance with Article 6 of the Zoning and Land Development Regulations, the Technical Advisory Committee reviewed the Applicant's request for Site Plan and recommended that the Board forward a recommendation of approval for the Site Plan to the City Commission, with the following conditions:

- a. Should this item be approved, it shall become effective upon approval and recordation of the Plat;
- b. The Applicant continue to work with the City's Landscape Architect to ensure adequate landscape buffer is provided;
- c. A Unity of Title or Unity of Control, in a form acceptable to the City Attorney, which provides for the project to be developed and operated pursuant to a unified plan of development as reflected on the Site Plan, be submitted prior to the issuance of Building Permits and recorded in the Broward County Public Records, by the City of Hollywood, prior to the issuance of a Certificate of Occupancy or Certificate of Completion;

- d. Prior to the issuance of a Certificate of Occupancy or Certificate of Completion for any of the commercial uses, infrastructure and site work for the entire development shall be completed and the residential component of the project shall be under construction;
- e. A Public Improvement (Traffic Signal) Bond and Traffic Signalization Agreement will be provided by the Applicant. Applicant shall post a Public Improvement Bond with the City of Hollywood providing security for the full amount of the cost of design and construction of a traffic signal at Griffin Road and SW 44 Avenue, including any right-of-way or geometric improvements required during the traffic signal permitting process. The amount of the security shall be equal to 125% of the cost estimate prepared by the Applicant's signal design/traffic engineer, and subject to approval by the City Engineer. The security will be in effect for a period of not less than two years after completion and issuance of Certificate of Occupancy for the entire project, all phases, as identified on the Site Plan. A Traffic Signal Warrant Study shall be conducted by the Applicant's engineer at the request of the City Engineer and/or prior to release of the Public Improvement Bond. At any time, if the installation of a traffic signal is warranted and approved by the applicable agencies, the Applicant shall immediately proceed to initiate the design and construction related activities for the signal's installation at full cost to the Applicant with no limitations. If, at the end of the post development two years bonding period, it is determined that the traffic signal at the subject intersection is not warranted, the full amount of the Public Improvement Bond will be returned to the Applicant.

; and

WHEREAS, on October 19, 2017, the Board met and held an advertised public hearing to consider the Applicant's requests and have forwarded its recommendations to the City Commission as follows:

- 1. That the Modifications from the off-street parking requirements set forth in Article 7 of the Zoning and Land Development Regulations to reduce the required number of parking spaces from 374 to 356 spaces and to reduce the required parking lot setback from a minimum of 10 feet to a minimum of four feet should be approved;
- 2. That the Modification from landscaping requirements set forth in Article 9 of the Zoning and Land Development Regulations to reduce the landscaped area of paved vehicular use from the required 25 percent to 22 percent should be approved;
- 3. That the Variance to reduce the required 25 foot peripheral landscape setback from all external streets does meet the criteria set forth in Section 5.3.F.1. a.

through e. of the City's Zoning and Land Development Regulations (criteria e. is not applicable) and should be approved;

4. That the two Sign Variances meet the criteria set forth in Section 5.3.F.2.a through c. and should be approved;
5. That the Design meets the criteria set forth in Section 5.3.I.4.a. (1) through (4) of the City's Zoning and Land Development Regulations and should be approved; and
6. 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. That this Resolution shall become effective upon approval and recordation of the Plat;
 - b. That the Applicant shall continue to work with the City's Landscape Architect to ensure adequate landscape buffer is provided;
 - c. That a Unity of Title or Unity of Control, in a form acceptable to the City Attorney, which provides for the project to be developed and operated pursuant to a unified plan of development as reflected on the Site Plan, shall be submitted prior to the issuance of Building Permits and recorded in the Broward County Public Records, by the City of Hollywood, prior to the issuance of a Certificate of Occupancy or Certificate of Completion;
 - d. That prior to the issuance of a Certificate of Occupancy or Certificate of Completion for any of the commercial uses, the infrastructure and site work for the entire development shall be completed, and the residential component of the project shall be under construction;
 - e. That a Public Improvement (Traffic Signal) Bond and Traffic Signalization Agreement will be provided by the Applicant. The Applicant shall post a Public Improvement Bond with the City of Hollywood providing security for the full amount of the cost of design and construction of a traffic signal at Griffin Road and SW 44 Avenue, including any right-of-way or geometric improvements required during the traffic signal permitting process. The amount of the security shall be equal to 125% of the cost estimate prepared by the Applicant's signal design/traffic engineer and subject to approval by the City Engineer. The security will be in effect for a period of not less than two years after completion and issuance of Certificate of Occupancy for the entire project, all phases, as identified on the Site Plan. A Traffic Signal Warrant Study shall be conducted by the Applicant's engineer at the request of the City Engineer and/or prior to release of the Public Improvement Bond. At any time, if the installation of a traffic signal

is warranted and approved by the applicable agencies, the Applicant shall immediately proceed to initiate the design and construction related activities for the signal's installation at full cost to the Applicant with no limitations. If, at the end of the post development two years bonding period, it is determined that the traffic signal at the subject intersection is not warranted, the full amount of the Public Improvement Bond will be returned to the Applicant.

; and

WHEREAS, the City Commission has reviewed the Applicant's request for Modifications from the off-street parking requirements set forth in Article 7 of the Zoning and Land Development Regulations to reduce the required number of parking spaces from 374 to 356 spaces and to reduce the required parking lot setback from a minimum of 10 feet to a minimum of four feet, along with staff's and the Board's recommendations and have determined that the Modification should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the Applicant's request for a Modification from landscaping requirements set forth in Article 9 of the Zoning and Land Development Regulations to reduce the landscaped area of paved vehicular use from the required 25 percent to 22 percent, along with staff's and the Board's recommendations and have determined that the Modification should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the Applicant's request for a variance to reduce the required 25 foot peripheral landscaped setback from all external streets in accordance with the criteria set forth in Section 5.3.F.1. a. through e. of the Zoning and Land Development Regulations (criteria e. is not applicable), along with 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 Applicant's request for two sign variances to increase the number of permitted wall signs for Wendy's from one to three (west, north and south facades) and to increase the number of permitted wall signs for Wawa from two to three (east, west, and north facades) in accordance with the criteria set forth in Section 5.3.F.2.a through c. of the City's Zoning and Land Development Regulations, along with staff's and the Board's recommendations and have determined that both Sign Variances should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the Applicant's request for Design for 441 ROC in accordance with the criteria set forth in Section 5.3.I.4.a.(1) through (4) of the Zoning and Land Development Regulations, along with 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 441 ROC in accordance with the review standards set forth in Article 6 of the Zoning and Land Development Regulations, along with the Technical Advisory Committee's and the Board's recommendations with conditions 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 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 submitted written and oral testimony received during the public hearing from all parties and speakers, the Board's recommendation, and consideration of the requirements set forth in Article 7 of the City's Zoning and Land Development Regulations, to reduce the required number of parking spaces from 374 to 356 spaces and to reduce the required parking lot setback from a minimum of 10 feet to a minimum of four feet, the City Commission finds the necessary criteria have/have not been met, and the Variance is approved/approved with the following conditions/denied:

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 requirements set forth in Article 9 of the City's Zoning and Land Development Regulations, to reduce the landscaped area of paved vehicular use from the required 25 percent to 22 percent, the City Commission finds the necessary criteria have/have not been met, and the Variance is approved/approved with the following conditions/denied:

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 from all parties and speakers, the Board's recommendation, and 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 (criteria e. being not applicable), to reduce the 25 foot peripheral landscaped setback from all

external streets, the City Commission finds the necessary criteria have/have not been met, and the Variance is approved/approved with the following conditions/denied:

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 from all parties and speakers, the Board's recommendation, and consideration of the Sign Variance criteria set forth in Section 5.3.F.2.a through c. of the City's Zoning and Land Development Regulations, to increase the number of permitted wall signs for Wendy's from one to three (west, north and south facades) and to increase the number of permitted wall signs for Wawa from two to three (east, west, and north facades), the City Commission finds the necessary criteria have/have not been met, and that both Sign Variances are approved/approved with the following conditions/denied:

Section 6: 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 the consideration of the Design criteria set forth in Section 5.3.4.I.a.(1) through (4) of the City's Zoning and Land Development Regulations, the City Commission finds the necessary criteria have/have not been met, and the Design is approved/approved with the following conditions/denied:

Section 7: 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 with conditions, 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/have not been met, and the Site Plan attached to and incorporated herein as Exhibit "B", is approved/approved with the following conditions/denied:

Section 8: That the Applicant shall have up to 24 months from the date of the Variance and two Sign Variance approvals to apply for all necessary building permits required to proceed. Failure to submit an application within the requested time period shall render all approvals null and void.

Section 9: 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 10: That the Applicant shall have up to 24 months from the date of Site Plan 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 11: That this Resolution shall be in full force and effect immediately upon recordation of the plat.

PASSED AND ADOPTED this _____ day of _____, 2017.

RENDERED this _____ day of _____, 2017.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

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

DOUGLAS R. GONZALES, CITY ATTORNEY