

ORDINANCE NO. _____

(14-DFJPV-84)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING THE SIAN MASTER DEVELOPMENT PLAN RELATING TO PHASE III (ORIGINALLY APPROVED BY ORDINANCE NO. O-2006-36); AND APPROVING THE ALLOCATION OF 77 RESERVE UNITS FROM FLEXIBILITY ZONE 92 TO APPROXIMATELY 2.41 NET ACRES (3.60 GROSS ACRES) OF THE PROPERTY LOCATED AT 4000 SOUTH OCEAN DRIVE, AS MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A", PURSUANT TO THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS AND POLICY 2.04.05 OF THE BROWARD COUNTY LAND USE PLAN.

WHEREAS, on November 15, 2006, the City Commission passed and adopted Ordinance No. O-2006-36 which waived the 10 acre minimum acreage requirement for a Planned Development (PD), changed the zoning designation for the property generally located at 4000 South Ocean Drive and 4001 South Ocean Drive (the northern parking area only, a portion of Surf Road, and 4053 South Surf Road from C-1 and RM-25 to PD, and approved the Master Development Plan for the Project known as Sian; and

WHEREAS, the Project consisted of four (4) phases as follows: (1) Phase I is the completed Crown Plaza; (2) Phase II is the completed 49 unit condominium; (3) Phase III will be the proposed residential and condo-hotel building that previously was included in Phase II; and (4) Phase IV will encompass a retail center, including meeting rooms; and

WHEREAS, Article 4 of the Zoning and Land Development Regulations provide for modifications/amendments to PD Master Development Plans; and

WHEREAS, an application was filed by PRH 4000 South Ocean, LLC., requesting approval of an amendment to the PD Master Development Plan previously approved by the City Commission pursuant to Ordinance No. 2006-36; and

WHEREAS, the proposed amendment to the PD Master Development Plan is for a mixed-use development in Phase III located on 4000 South Ocean Drive adjacent to the intracoastal and will consist of 77 residential units ranging from one to three bedroom condominium units as well as 265 condo-hotel rooms which will be limited in

owner occupancy, amenities to include pool areas, cabanas, BBQ area, a gym, restaurant space, and meeting rooms; and

WHEREAS, the Department of Development Services, after analyzing the application and its associated documents has determined that the proposed amendment to the PD Master Plan is a substantial modification to the previously approved plan as the proposed modifications are a change in the use or character of the Planned Development; and

WHEREAS, since the proposed amendment is for substantial modifications to the proposed development project, City Commission approval is required; and

WHEREAS, the requested substantial modifications will result in the development of the project as set forth above and as more specifically set forth in Exhibit "B" attached hereto and incorporated herein by reference; and

WHEREAS, the Department of Development Services has determined that the proposed substantial modifications are consistent with the City's Zoning and Land Development Regulations and are consistent with the City's Comprehensive Plan and have forwarded a recommendation of approval to the City Commission with the following condition:

The Developer/Applicant shall submit 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, on July 9, 2015, the Planning and Development Board met and heard the request for the proposed amendment to the Master Development Plan and have forwarded a recommendation of approval with Staff conditions, to the City Commission; and

WHEREAS, the City Commission finds that the proposed amendments to the PD Master Plan are consistent with the City of Hollywood's Comprehensive Plan and the Zoning and Land Development Regulations and are in the best interest of the citizens of the City of Hollywood; and

WHEREAS, the Applicant is proposing to introduce residential units into the hotel component of the property wherein they have filed an application request to allocate 77 reserve units to approximately 2.41 net acres (3.60 gross acres) as more specifically described in Exhibit "A" pursuant to Section 3.19 C. of the City's Zoning and Land Development Regulations and Policy 2.04.05 of the Broward County Land Use Plan; and

WHEREAS, Section 3.19 C. of the City's Zoning and Land Development Regulations provide that an application for Reserve Units may be filed and processed using the criteria for a rezoning; and

WHEREAS, the subject parcel contains approximately 2.41 net acres (3.60 gross acres), has a current City Land Use Plan Designation of General Business and a County Land Use Plan Designation of Commercial; and

WHEREAS, the subject parcel has a current zoning designation of PD (Planned Development) with Planned Development to the north, the City of Hallandale Beach to the south, Low Intensity Commercial (C-1) to the east, and the Intracoastal Waterway to the west; and

WHEREAS, the current General Business Land Use designation allows for retail, office, commercial, hotels, condo-hotels, as well as subordinate uses, but only allows for residential through the application of Flexibility or Reserve Units; and

WHEREAS, an allocation of residential Reserve Units cannot exceed 25 units per acre; and

WHEREAS, the current approved project included Phase I (Crowne Plaza), Phase II (which was the property along the Beach as well as a portion along the Intracoastal) a condo-hotel building, condominium building, parking garage, meeting space, restaurant, landscaping, paving of the access drive and promenade, and the residential units from the 4000 South Ocean Drive plot were transferred to the 4053 South Ocean Drive plot in order to construct 49 condominiums; and

WHEREAS, due to the transfer of residential units a Declaration of Covenants was required which states that there are no remaining residential development rights to the two Medium/High Residential 17-25 units/acre plots on the 4000 South Ocean Drive plot; and

WHEREAS, Phase II was only developed for the condominium building known as Apogee and as such the proposed amendment to the Master Development Plan will include the construction of the residential and condo-hotel building in Phase III; and

WHEREAS, the allocation of 77 Reserve Units from Flexibility Zone 92 to the approximate 2.41 net acres (3.60 gross acres) of the subject property will leave a balance of approximately 19 Reserve Units in Flexibility Zone 92; and

WHEREAS, the Department of Development Services, following analysis of the application and its associated documents, has determined that the application of the allocation of 77 Reserve Units from Flexibility Zone 92 are consistent with the City of Hollywood's Comprehensive Plan, and has therefore recommended that it be approved with the following conditions:

- (1) That, the Reserve Units shall be available as long as the Master Development Plan or active building permit is maintained, however, if the Plan or permit is not maintained then the 77 Reserve Units shall revert back to Flexibility Zone 92; and
- (2) That, if at the time the Certificate of Occupancy (C/O) is issued by the City for the subject project, the Developer has not used any or all of the 77 allocated Reserve Units, then the remaining units at the time of C/O shall revert back to Flexibility Zone 92; and

WHEREAS, on July 9, 2015, the Planning and Development Board, acting as the local planning agency, met and reviewed the above noted request for the allocation of Reserve Units and have forwarded a recommendation of approval with Staff's conditions to the City Commission; and

WHEREAS, the City Commission met and held an advertised public hearing to consider the request for the allocation of 77 Reserve Units and the City Commission made the following findings pursuant to the rezoning criteria set forth in Article 5 of the Zoning and Land Development Regulations:

- (a) That the Petition for the allocation of Reserve Units does not result in spot zoning or contract zoning; and
- (b) That the proposed change (allocation of 77 Reserve Units) is consistent with, and in furtherance of the Goals, Objectives and Policies of the City's Comprehensive Plan; and
- (c) That the conditions have substantially changed from the date the present zoning district (PD) was placed on the property, which makes the passage of the proposed change (allocation of 77 Reserve Units for a hybrid project including residential, condo-hotel, and hotel) necessary; and
- (d) That the proposed change (allocation of 77 Reserve Units) will not adversely influence living conditions in the neighborhood.

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

Section 1: That the Applicant has presented competent substantial evidence that the proposed Amended Sian Master Development Plan meets the intent of the City's Zoning and Land Development Regulations and all other applicable City ordinances, and that the proposed changes in the development project are suitable in terms of the their relationship to the City's Comprehensive Plan and the surrounding area and are consistent with the adopted goals, policies and objectives for growth and development.

Section 2: That the Sian Master Development Plan (originally approved by Ordinance No. O-2006-36) for the property generally located at 4000 South Ocean Drive is hereby amended as more specifically set forth in Exhibit "B" attached hereto and incorporated herein by reference with the following condition:

The Developer/Applicant shall submit 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

Section 3: That based upon its findings set forth above, it hereby authorizes and approves the allocation of 77 Reserve Units from Flexibility Zone 92 to approximately 2.41 net acres (3.60 gross acres) of the property located at 4000 South Ocean Drive pursuant to Section 3.19. C. of the City's Zoning and Land Development Regulations, the City's Comprehensive Plan and Policy 2.04.05 of the Broward County Land Use Plan with the following conditions:

- (a) That the Reserve Units shall be available as long as the Master Development Plan or active building permit is maintained, however, if the Plan or permit is not maintained then the 77 Reserve Units shall revert back to Flexibility Zone 92; and
- (b) That if at the time the Certificate of Occupancy (C/O) is issued by the City for the subject project, the Developer has not used any or all of the 77 allocated Reserve Units, then the remaining units at the time of C/O shall revert back to Flexibility Zone 92.

Section 4: That all sections or parts of sections of the Zoning and Land Development Code, Code of Ordinances, and all ordinances or parts thereof and all resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

ORDINANCE AMENDING SIAN MASTER DEVELOPMENT PLAN (ORIGINALLY APPROVED BY ORDINANCE NO. O-2006-36) AND ALLOCATING 77 RESERVE UNITS.

Section 6: That the City of Hollywood's Land Use Map is hereby amended to incorporate the above described change in land use designation for the subject parcel.

Advertised _____, 2015.

PASSED on first reading this _____ day of _____, 2015

PASSED AND ADOPTED on second reading this _____ day of _____, 2015.

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