

RESOLUTION NO.: _____

(13-DJPVZ-79)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING THE REQUEST FOR DESIGN AND SITE PLAN APPROVAL FOR "HOLLYWOOD CHARTER ACADEMY"; LOCATED AT 2025 MCKINLEY STREET; 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 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, MG3 Dixie, LLC (the "Applicant"), in File Number 13-DJPVZ-79, applied for design and site plan approval for the construction of an approximate 125,000 sq. ft. Charter School (Hollywood Charter Academy, Grades 6th-12th) located at 2025 McKinley Street, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Department of Planning and Development Services Staff, after review 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 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. At full capacity, including all phases, as indicated in the Master Development Plan, the school shall be limited to grades 6th – 12th; shall not exceed a maximum of 2,200 students; and individual grades shall not exceed a maximum of 330 students each, at any point in time;
- b. Based on the number of parking spaces provided as part of Phase I, enrollment shall not exceed a

maximum of 1,700 students. For enrollment to increase to full capacity (2,200 students) a minimum of 137 additional parking spaces shall be provided on- or off-site in compliance with the Zoning and Land Development Regulations, if deemed necessary by the City's Engineer or his/her designee. Should the parking spaces be provided off-site, an irrevocable Off-Site Parking Agreement shall be submitted, in accordance with the Zoning and Land Development Regulations, in a form acceptable to the City Attorney's Office, prior to the issuance of an amended Certificate of Use. Said Agreement shall be recorded in the Public Records of Broward County by the City of Hollywood;

- c. The Middle School (grades 6th-8th) and High School (grades 9th-12th) shall each have a minimum of two separate pick-up and drop-off times (a total of four pick-up and four drop-off times), separated by a minimum of 30 minutes each. Pick-up and drop-off areas shall function as indicated by the Site Plan (SP-1 – SP4) and Traffic Operations Plan. Any modification to the pick-up/drop-off plan and operating shifts shall be approved in writing by the City's Engineer or his/her designee;
- d. All improvements proposed during Phase I, as indicated by the Site Plan (SP-1 – SP4) shall receive a Certificate of Occupancy (C/O) and/or Certificate of Completion (C/C) prior to establishing the school. Such improvements include, but are not limited to: landscaping, parking lot and traffic improvements, pedestrian crossings, sidewalks, signage, signalization, (as dictated by MUTCD Standards and shall receive approval from Broward County and the City's Engineer) and/or disconnection (not operational) of the railroad spur. A temporary Certificate of Occupancy (TC/O) may be issued provided that all life-safety related issues are not affected and all other improvements are substantially complete;
- e. The Applicant shall contact the Broward County Traffic Engineering to apply for the establishment of a school zone and request crossing guards prior to the issuance of Building Permits, which shall be

completed by the time of Certificate of Occupancy (C/O). Temporary signage for all traffic control related to the school zone shall be permitted upon coordination and approval of Broward County Traffic Engineering. A temporary Certificate of Occupancy (TC/O) may be issued provided that all life-safety related issues are not affected and all other improvements are substantially complete;

- f. Applicant shall, prior to the issuance of any Building Permits, make application to the appropriate Charter School regulatory agency(ies) for the adoption of rules by which a Zero Tolerance Policy shall be applied to anyone dropping off, or picking up a student at any location other than those agreed to by the City and Applicant and indicated on the Site Plan (SP-1 – SP4) and/or a map for this purpose. Applicant shall seek a progressive penalty system for violations of this rule that will result in the expulsion of the student from the school for repeated violations;
- g. Applicant shall market the Charter School exclusively to Hollywood residents including North Central and Royal Poinciana 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 North Central and Royal Poinciana Neighborhood Associations, “open houses,” flyers, advertising, and community newspapers;
- h. The Applicant on behalf of itself, successors, and/or assigns shall annually submit, to the Planning and Development Services Department or subsequent Department, prior to October 1st of each year, a copy of the Benchmark Day Enrollment Report or other applicable document;
- i. The Applicant on behalf of itself, its successors, and/or assigns, shall submit to the Planning and Development Services Department or subsequent Department an annual Compliance Report, no later than December 1st of each year, showing compliance with all conditions of this approval. Applicant acknowledges that 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 first violations and up to \$5,000 per day for repeat violations) and/or an injunction to prohibit the continuing violation(s), subject to Applicant's rights to notice and right to cure under the law;

- j. Deliveries shall be coordinated as to not interfere with student arrival or dismissal shifts;
- k. The Applicant on behalf of itself, successors, and/or assigns shall provide off-duty police detail (from no less than 15 minutes prior to first arrival or dismissal shift to no less than 15 minutes after last arrival or dismissal shift) for the first two months of every school year. Said police detail requirement may be modified, once the school reaches full capacity and/or if the circumstances change. The Public Safety Director shall have the ability to modify this condition;
- l. Parking for special events (for the purposes of this section, special events shall mean any time parents or other visitors and invitees are attending the school for other than pick-up and drop-off purposes) shall be provided and coordinated in the following manner:
 - 1. Special events for the Middle School (grades 6th-8th) and High School (grades 9th-12th) shall be independent of each other and only one event can take place at any given time;
 - 2. Special event during school hours shall be limited to one grade level. Multi-grade events shall be limited to non-school hours. A Special Event Permit pursuant to Chapter 102 of the Hollywood Code of Ordinances 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 not limited to, off-site parking, police details, etc.; and
- m. A Unity of Title, in a form acceptable to the City Attorney, shall 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 February 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 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.

2. 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. At full capacity, including all phases, as indicated in the Master Development Plan, the school shall be limited to grades 6th – 12th; shall not exceed a maximum of 2,200 students; and individual grades shall not exceed a maximum of 330 students each, at any point in time;
- b. Based on the number of parking spaces provided as part of Phase I, enrollment shall not exceed a maximum of 1,700 students. For enrollment to increase to full capacity (2,200 students) a minimum of 137 additional parking spaces shall be provided on- or off-site in compliance with the Zoning and Land Development Regulations, if deemed necessary by the City's Engineer or his/her designee. Should the parking spaces be provided off-site, an irrevocable Off-Site Parking Agreement shall be submitted, in accordance with the Zoning and Land Development Regulations, in a form acceptable to the City Attorney's Office, prior to the issuance of an amended Certificate of Use. Said Agreement shall be recorded in the Public Records of Broward County by the City of Hollywood;
- c. The Middle School (grades 6th-8th) and High School (grades 9th-12th) shall each have a minimum of two separate pick-up and drop-off times (a total of four pick-up and four drop-off times), separated by a minimum of 30 minutes each. Pick-up and drop-off areas shall function as indicated by the Site Plan (SP-1 – SP4) and Traffic Operations Plan. Any

modification to the pick-up/drop-off plan and operating shifts shall be approved in writing by the City's Engineer or his/her designee;

- d. All improvements proposed during Phase I, as indicated by the Site Plan (SP-1 – SP4) shall receive a Certificate of Occupancy (C/O) and/or Certificate of Completion (C/C) prior to establishing the school. Such improvements include, but are not limited to: landscaping, parking lot and traffic improvements, pedestrian crossings, sidewalks, signage, signalization, (as dictated by MUTCD Standards and shall receive approval from Broward County and the City's Engineer) and/or disconnection (not operational) of the railroad spur. A temporary Certificate of Occupancy (TC/O) may be issued provided that all life-safety related issues are not affected and all other improvements are substantially complete;
- e. The Applicant shall contact the Broward County Traffic Engineering to apply for the establishment of a school zone and request crossing guards prior to the issuance of Building Permits, which shall be completed by the time of Certificate of Occupancy (C/O). Temporary signage for all traffic control related to the school zone shall be permitted upon coordination and approval of Broward County Traffic Engineering. A temporary Certificate of Occupancy (TC/O) may be issued provided that all life-safety related issues are not affected and all other improvements are substantially complete;
- f. Applicant shall, prior to the issuance of any Building Permits, make application to the appropriate Charter School regulatory agency(ies) for the adoption of rules by which a Zero Tolerance Policy shall be applied to anyone dropping off, or picking up a student at any location other than those agreed to by the City and Applicant and indicated on the Site Plan (SP-1 – SP4) and/or a map for this purpose. Applicant shall seek a progressive penalty system for violations of this rule that will result in the expulsion of the student from the school for repeated violations;

- g. Applicant shall market the Charter School exclusively to Hollywood residents including North Central and Royal Poinciana 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 North Central and Royal Poinciana Neighborhood Associations, “open houses,” flyers, advertising, and community newspapers;
- h. The Applicant on behalf of itself, successors, and/or assigns shall annually submit, to the Planning and Development Services Department or subsequent Department, prior to October 1st of each year, a copy of the Benchmark Day Enrollment Report or other applicable document;
- i. The Applicant on behalf of itself, its successors, and/or assigns, shall submit to the Planning and Development Services Department or subsequent Department an annual Compliance Report, no later than December 1st of each year, showing compliance with all conditions of this approval. Applicant acknowledges that 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 first violations and up to \$5,000 per day for repeat violations) and/or an injunction to prohibit the continuing violation(s), subject to Applicant’s rights to notice and right to cure under the law;
- j. Deliveries shall be coordinated as to not interfere with student arrival or dismissal shifts;
- k. The Applicant on behalf of itself, successors, and/or assigns shall provide off-duty police detail (from no less than 15 minutes prior to first arrival or dismissal shift to no less than 15 minutes after last arrival or dismissal shift) for the first two months of every school year. Said police detail requirement may be modified, once the school reaches full capacity and/or if the circumstances change. The Public Safety Director shall have the ability to modify this condition;

- I. Parking for special events (for the purposes of this section, special events shall mean any time parents or other visitors and invitees are attending the school for other than pick-up and drop-off purposes) shall be provided and coordinated in the following manner:
 - 1. Special events for the Middle School (grades 6th-8th) and High School (grades 9th-12th) shall be independent of each other and only one event can take place at any given time;
 - 3. Special event during school hours shall be limited to one grade level. Multi-grade events shall be limited to non-school hours. A Special Event Permit pursuant to Chapter 102 of the Hollywood Code of Ordinances 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 not limited to, off-site parking, police details, etc.; and
- m. A Unity of Title, in a form acceptable to the City Attorney, shall 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);
- n. With the exception of the playfield (South Parcel), fence material shall consist of black vinyl coated chain link fencing only where shielded by landscape, otherwise white PVC or other decorative material shall be used; and
- o. The line of sight for the roof deck chillers will be examined and if visible, the parapet height shall be increased.

; and

WHEREAS, the Applicant has complied with Staff's condition relating to meeting the School Board's application requirements; and

WHEREAS, the City Commission has reviewed the proposed Design for the Project in accordance with the criteria set forth In Section 5.3.1.4. 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 Design criteria set forth in Section 5.3.4l.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:**

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 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 3: 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 4: 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.

RESOLUTION HOLLYWOOD CHARTER ACADEMY DESIGN AND SITE PLAN

Section 5: 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