

RESOLUTION NO. _____

(12-DPW-59b)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING THE REQUEST FOR WAIVER, DESIGN, AND SITE PLAN FOR THE DEVELOPMENT KNOWN AS NAUTILUS APARTMENTS CONSISTING OF 84 RESIDENTIAL UNITS LOCATED AT 3500 WASHINGTON STREET.

WHEREAS, the City of Hollywood's Zoning and Land Development Regulations require that all development projects that are located in a PD (Planned Development District) must receive Modifications, 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 ("Board") is charged with, among other things, the responsibility of considering requests for variances, modifications, design review, and site plan approval, and for forwarding a recommendation to the City Commission; and

WHEREAS, on September 19, 2013, the Board met and held an advertised public hearing to consider the Applicant's request and forwarded its recommendation to the City Commission based on the following Design criteria:

- (1) Architectural and Design components. Architecture refers to the architectural elements of exterior building surfaces. Architectural details should be commensurate with the building mass. The use of traditional materials for new architectural details is recommended. Design of the building(s) shall consider aesthetics and functionality, including the relationship of the pedestrian with the built environment.
- (2) Compatibility. The relationship between existing architectural styles and proposed construction, including how each building along the street relates to the whole and the pattern created with adjacent structures and the surrounding neighborhood. Buildings should contain architectural details that are characteristic of the surrounding neighborhood.
- (3) Scale/Massing. Buildings shall be proportionate in scale, with a height which is consistent with the surrounding structures. Building mass shall reflect a simple composition of basic architectural details in relation to its length, width, height, lot coverage, and setting of the structure in context with adjacent buildings. Architectural details include, but are not limited to, banding, molding, and fenestration.

- (4) Landscaping. Landscaped areas should contain a variety of native and other compatible plant types and forms, and be carefully integrated with existing buildings and paved areas. Existing mature trees and other significant plants on the site should be preserved; and

WHEREAS, on September 19, 2013, the Board met and held an advertised public hearing to consider the Applicant's request and forwarded its recommendation of approval to the City Commission with the following conditions:

1. Design conditions:

- a. Incorporate design fenestration or windows to the north elevation; and
- b. Integrate design elements of architectural interest to the east and west building facades.

2. Site Plan conditions:

- a. Applicant complies with the School Board application requirements prior to first reading of the Ordinance to rezone the subject property by the City Commission;
- b. The Applicant shall submit a Unity of Title, in a form acceptable to the City Attorney, prior to the issuance of any permits, and the Unity of Title shall be recorded in the Public Records of Broward County immediately upon approval by the City Attorney;
- c. Should Washington Street right-of-way infrastructure be expanded, the property owner will be responsible for relocating all appurtenances, such as but not limited to backflow and gate valve water services elements, walls, signs and landscape;
- d. All **new** fence material fronting improved rights-of-way (Washington Street/Hillcrest Drive) shall be decorative and not chain-link; and
- e. Replace **existing** chain-link fencing on east and west boundaries of the property with the aluminum picket fencing, as proposed for other areas.

; and

WHEREAS, on December 4, 2013, O-2013-23 was passed and adopted by the City Commission that waived 10 acre minimum acreage requirement for a planned development district, rezoned the subject property, and approved the Master Development Plan for Nautilus Apartments, which identified the subject property, 3500 Washington Street, as more particularly described in Exhibit "A" of the Ordinance, for future development; and

WHEREAS, on December 4, 2013, the City Commission passed and adopted Resolution No. R-2013-350, and approved the Design and Site Plan with conditions for Nautilus Apartments; and

WHEREAS, on May 24, 2014, the City Commission passed and adopted Resolution No. R-2014-122, which acknowledged specific green and sustainable practices within the proposed project and waived the requirement of the Green Building Certification, and amended the Site Plan approved by Resolution No. 2013-350 to reflect these changes with the following:

1. Design condition that the Applicant will work with staff to determine the appropriate design and placement of windows on the north façade.
2. Site Plan conditions:
 - a. The Applicant shall submit a Unity of Title, in a form acceptable to the City Attorney, prior to the issuance of any permits, and the Unity of Title shall be recorded in the Public Records of Broward County immediately upon approval by the City Attorney;
 - b. Should Washington Street right-of-way infrastructure be expanded, the property owner will be responsible for relocating all appurtenances, such as but not limited to backflow and gate valve water services elements, walls, signs and landscape;
 - c. All **new** fence material fronting improved rights-of-way (Washington Street/Hillcrest Drive) shall be decorative and not chain-link; and
 - d. Replace **existing** chain-link fencing on east and west boundaries of the property with the aluminum picket fencing, as proposed for other areas.
3. Waiver conditions:

- a. That the Applicant shall submit an application to an acceptable certifying agency for prior to the issuance of a building permit and continues the process until determination of the designation;
- b. That green and sustainable practices shall be designed and built as indicated by the FGBC Checklist as set forth in Exhibit "B" or as approved by staff to satisfy minimum threshold requirements for FGBC certification (50 points); and
- c. As necessary, that the Applicant shall provide affidavits of compliance certified by accredited professionals, as determined and approved by staff.

; and

WHEREAS, due to the economic environment and fluctuation in market conditions, the project was stagnant for a period of time; and

WHEREAS, the Master Development Plan remains valid; however, the Waiver, Design, and Site Plan approvals have all expired; and

WHEREAS, Automatic Investments South Inc. ("Applicant"), in File Number 12-DP-59b, has reapplied for the Waiver, Design, and Site Plan for a residential development consisting of 84 residential units and associated parking, as previously approved; and

WHEREAS, the Applicant is not proposing any modifications to the previously approved project, and Planning and Urban Design Division staff reviewed the Applicant's request for Design in accordance with the criteria set forth in Sections 5.3.1.4.a.(1) through (4) of the Zoning and Land Development Regulations, and have determined that the following criteria has been met and are recommending approval with the following condition: That the Applicant work with staff to determine the appropriate design and placement of windows on the north façade; and

WHEREAS, the Applicant is not proposing any modifications to the previously approved project, and the Technical Advisory Committee reviewed the Applicant's request for Site Plan approval in accordance with Article 6 of the Zoning and Land Development Regulation, and have determined that the standards have been met and have forwarded a recommendation of Site Plan approval to the City Commission with the following conditions:

- a. The Applicant shall submit a Unity of Title, in a form acceptable to the City Attorney, prior to the issuance of any permits, and the Unity of Title shall be recorded in the Public

Records of Broward County immediately upon approval by the City Attorney;

- b. Should Washington Street right-of-way infrastructure be expanded, the property owner will be responsible for relocating all appurtenances, such as but not limited to backflow and gate valve water services elements, walls, signs and landscape; and
- c. All **new** fence material fronting improved rights-of-way (Washington Street/Hillcrest Drive) shall be decorative and not chain-link; and

WHEREAS, the Applicant is not proposing any modifications to the previously approved project, and Planning and Urban Design Division staff reviewed the Applicant's request for a Waiver and are recommending that if the City Commission grants the waiver, the following conditions be included:

- a. The Applicant submit an application to an acceptable certifying agency prior to the issuance of a building permit and continues the process until determination of the designation;
- b. That green and sustainable practices shall be designed and built as indicated by the FGBC Green High Rise Residential Building Checklist as set forth in Exhibit "B" or as approved by staff to satisfy minimum threshold requirements for FGBC Green High Rise Residential Building certification (50 points); and
- c. As necessary, the Applicant shall provide affidavits of compliance certified by accredited professionals, as determined and approved by staff; and

WHEREAS, the City Commission has reviewed the proposed Design in accordance with the criteria set forth in Sections 5.3.I.4.a.(1) through (4) of the City's Zoning and Land Development Regulations, along with the staff's recommendation with a condition, and has determined that the proposed Design should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the proposed Site Plan 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 recommendation with conditions, and has determined that the Site Plan should be approved/approved with the conditions/denied as set forth herein; and

WHEREAS, the City Commission has reviewed the proposed Waiver of the Green Building Certification set forth in Section 151.158(B) of the Hollywood Code of Ordinance for granting waivers, and has determined that the Waiver should be approved/approved with conditions/denied.

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, and all submitted written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the Design criteria set forth in Sections 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 amendment to the Design is approved/approved with the following 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, and consideration of the Site Plan review standards set forth in Article 6 of the Zoning and Land Development Regulations, along with staff's recommendation, the City Commission finds that the necessary review standards have/have not been met, and the attached amendment to the Site Plan (Exhibit "B") 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, and the consideration of the criteria set forth in Section 151.158(B) of the Hollywood Code of Ordinances for granting waivers, the waiver of the required green building certification is approved/approved with the following conditions/denied:

Section 4: That the Applicant shall have up to 24 months from the date of the 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 5: That the Applicant shall have up to 24 months from the date of the 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 6: That all other conditions and provisions of Ordinance O-2013-23 shall remain in full force and effect.

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

PASSED AND ADOPTED on this _____ day of _____, 2022.

RENDERED this _____ day of _____, 2022.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

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

DOUGLAS R. GONZALES
CITY ATTORNEY