

ORDINANCE NO. _____

(18-DJPVZ-04a)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, WAIVING THE 10 ACRE MINIMUM ACREAGE REQUIREMENT FOR A PLANNED DEVELOPMENT DISTRICT PURSUANT TO SECTION 4.15 E.1. OF THE ZONING AND LAND DEVELOPMENT REGULATIONS; CHANGING THE ZONING DESIGNATION OF THE PROPERTY GENERALLY LOCATED AT 3701 HILLCREST DRIVE FROM PUD-R (PLANNED UNIT DEVELOPMENT-RESIDENTIAL) TO PD (PLANNED DEVELOPMENT DISTRICT); APPROVING THE PLANNED DEVELOPMENT (PD) MASTER DEVELOPMENT PLAN FOR THE SUBJECT PROPERTY; APPROVING A VARIANCE; AMENDING THE CITY'S ZONING MAP TO REFLECT THE CHANGE IN ZONING DESIGNATION.

WHEREAS, the City's Zoning and Land Development Regulations provide that an application for a change of zone may be filed; and

WHEREAS, an application (18-DJPVZ-04a) was filed with the Department of Planning and Development Services, Planning and Urban Design Division, which included a request for a change of zone from PUD-R (Planned Urban Development District) to PD (Planned Development District), for property generally located at 3701 Hillcrest Drive, with approximately 0.896 net acres as more particularly described in the attached Exhibit "A" ("subject parcel"); and

WHEREAS, the purpose of the request for change in zoning designation is to allow the development of the site as an 18,000 square foot office building; and

WHEREAS, the PD ordinance requires a minimum size of 10 acres for a Planned Development District, which may be waived by the City Commission upon the recommendation of the Planning and Development Board; and

WHEREAS, the subject parcel has a current City zoning designation of PUD-R and an Existing Land Use Designation of Commercial Flex; and

WHEREAS, the subject property is adjacent to Office on the North, Medium Residential on the South and West, and Open Space Recreation on the East; and

WHEREAS, the Planning Manager and Planning Administrator ("staff"), following analysis of the application and its associated documents, has determined that the proposed change of zoning district is consistent with the Zoning and Land Development

Regulations, is consistent with the City of Hollywood Comprehensive Plan and the City-Wide Master Plan, and has therefore recommended that it be approved; and

WHEREAS, the PD ordinance requires that a Master Development Plan be submitted by the applicant for review by City personnel and the Planning and Development Board; and

WHEREAS, such Master Development Plan shall include (1) a boundary survey; (2) schematic representation of the land uses; (3) delineation of internal circulation; (4) points of connection of the local streets to the trafficways; (5) general location and size of any community facility to be included in the PD; (6) an indication of existing vegetation and other natural features with plans for conservation and mitigation; (7) schematic depiction of existing and proposed surface water management elements; and (8) schematic depiction of the water distribution and wastewater collection facilities and drainage system; and

WHEREAS, staff, following analysis of the proposed Master Development Plan and its associated documents, has determined that the proposed Plan is consistent with the Zoning and Land Development Regulations, is consistent with the City of Hollywood Comprehensive Plan, and has therefore recommended that the Master Development Plan be approved with the following conditions:

(1) Uses shall be limited to the following: (a) Office uses both professional Office (including medical office) and general office; (b) Medical-related uses: Research and Diagnostic Facilities, Medical Labs, Physical, Occupational and Speech Therapy Facilities, Sale and Fitting and Fabrication of Durable Medical Equipment and Prosthetic Devices, and Ambulatory Surgical Centers; and (c) other medical-related and hospital related uses determined by the Director of Development Services or his/her designee, to be similar in impact to the above described uses in accordance with Section 3.14 of the Zoning and Land Development Regulations; and

(2) The permitted uses shall not include Pain Management Facilities, Social Service Facilities, facilities providing overnight stays, including but not limited to ALFs or shelters, or stand-alone pharmacies; and

(3) Uses shall be subject to all regulations applicable for such uses as set forth in the City's Code of Ordinances and Zoning and Land Development Regulations.

; and

WHEREAS, staff, following an analysis of the application and its associated documents, has determined that the proposed request for a Variance to reduce the 25 foot peripheral landscape setback from all external streets to a minimum of seven feet does meet the criteria set forth in Section 5.3.F.1.a. through d. of the Zoning and Land

Development Regulations, criteria e. is not applicable, and therefore recommend that the Variance be approved; and

WHEREAS, on March 14, 2019, the Planning and Zoning Board met and reviewed the above requests for a change of zone to PD, for approval of the proposed Master Development Plan with conditions, and for approval of the Variance, and have forwarded a recommendation of approval for all of the Applicant's requests to the City Commission; and

WHEREAS, the City Commission finds that the waiving of the 10 acre minimum acreage requirement for a Planned Development, the rezoning request to PD along with approval of the Master Development Plan with conditions, are consistent with the Zoning and Land Development Regulations, are consistent with the City of Hollywood's Comprehensive Plan, and is in the best interest of the citizens of the City; and

WHEREAS, the City Commission considered the Applicant's request for a Variance based upon the following criteria:

- (1) That the requested Variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City;
- (2) That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community;
- (3) That the requested Variance is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan, the applicable Neighborhood Plan and all other similar plans adopted by the City; and
- (4) That the need for the requested Variance is not economically based or self-imposed.
- (5) That if applicable, the Variance is necessary to comply with state or federal law and is the minimum Variance necessary to comply with the applicable law.

NOW, THEREFORE, BE IT ORDAINED 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 Ordinance.

Section 2: That the minimum size requirement of 10 acres for a Planned Development District **is/is not** waived for the subject property.

Section 3: That the Applicant **has/has not** presented competent substantial evidence that the requested rezoning request to PD is consistent with the Zoning and Land Development Regulations, is consistent with the City of Hollywood's Comprehensive Plan, and there is no legitimate public purpose in maintaining the existing zoning.

Section 4: That the subject parcel, as more particularly described in the attached Exhibit "A", **is/is not** rezoned from the zoning designation of PUD-R to PD.

Section 5: That the Tobin Office Development Master Plan, as more specifically described in the attached Exhibit "B", is **approved/denied/approved with the following conditions:**

(a) Uses shall be limited to the following: (1) Office uses both professional Office (including medical office) and general office; (2) Medical-related uses: Research and Diagnostic Facilities, Medical Labs, Physical, Occupational and Speech Therapy Facilities, Sale and Fitting and Fabrication of Durable Medical Equipment and Prosthetic Devices, and Ambulatory Surgical Centers; and (3) other medical-related and hospital related uses determined by the Director of Development Services or his/her designee, to be similar in impact to the above described uses in accordance with Section 3.14 of the Zoning and Land Development Regulations; and

(b) The permitted uses shall not include Pain Management Facilities, Social Service Facilities, facilities which include the purchase or sale of blood, plasma or other similar substances, surgical or non-surgical facilities providing overnight stays, including but not limited to ALF's or shelters, or stand-alone pharmacies; and

(c) Uses shall be subject to all regulations applicable for such uses as set forth in the City's Code of Ordinances and Zoning and Land Development Regulations.

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, and the consideration of the criteria listed for approving/denying the requested Variance for the subject parcel to reduce the 25 foot peripheral landscaped setback from all external streets to a minimum of seven feet, the City Commission finds that the necessary criteria **have/have not been met**, and the requested Variance is **approved, approved with conditions/denied**.

Section 7: That the Official Zoning Map of the City of Hollywood is amended to incorporate the above described change in zoning designation for the subject parcel.

Section 8: That the Variance shall become null and void unless the Applicant has applied for all applicable building or other permit(s) or license(s) within 24 months of the City

Commission approval. The 24 months shall commence upon passage and adoption of this Ordinance.

Section 9: That all sections or parts of sections of the Zoning and Land Development Regulations, Code of Ordinances, and all ordinances or parts thereof and all resolutions or parts thereof in conflict are repealed to the extent of such conflict.

Section 10: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 11: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2019.

PASSED on first reading this _____ day of _____, 2019.

PASSED AND ADOPTED on second reading this _____ day of _____, 2019.

RENDERED this _____ day of _____, 2019.

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