

ATTACHMENT III
Planning and Development Board Resolution

CITY OF HOLLYWOOD
PLANNING AND DEVELOPMENT BOARD
RESOLUTION NO. 17-AP-57

A RESOLUTION OF THE PLANNING AND DEVELOPMENT BOARD OF THE CITY OF HOLLYWOOD, FLORIDA, AFFIRMING THE ADMINISTRATIVE DECISION OF CITY STAFF WHICH DENIED THE RE-ESTABLISHMENT OF A NON-CONFORMING USE (ASSISTED LIVING FACILITY-COOLIDGE HOLDINGS, LLC) LOCATED AT 2057 COOLIDGE STREET, IN ACCORDANCE WITH THE CITY'S ZONING AND LAND DEVELOPMENT REGULATIONS.

WHEREAS, on July 20, 2009, the Planning and Zoning Board pursuant to Resolution No. 09-S-36, approved a Special Exception with conditions to allow for the establishment of a nonconforming use (Alzheimer's Center) within a lawful nonconforming building located at 2055-2057 Coolidge Street, pursuant to Section 3.12H. of the City's Zoning and Land Development Regulations; and

WHEREAS, in April of 2016, the State ceased operations for the Assisted Living Facility and subsequently the property was put up for sale and during this time, in September, 2016 an application for a Certificate of Use was submitted; and

WHEREAS, initially, City staff was inclined to deny the application for the Certificate of Use, however, the Applicant provided proof that actions taken by the State were intended to be rectified and that management staff onsite had entered into a contract with another ALF who would be operating the facility as same, therefore not intentionally discontinuing the use and were working on gathering the needed documents/licenses for the establishment; and

WHEREAS, cognizant of the limitations of non-conforming uses, the City granted the approval of the Certificate of Use contingent upon the Applicant obtaining all applicable licenses and establishment of the use within 90 days of said approval; and

WHEREAS, the allowed 90 day time period lapsed without establishment of the use; and

WHEREAS, in December of 2016, a new application was submitted for the same use, and after several meetings with the Applicant, in February, 2017, the City deemed the use discontinued as no proof of establishment of said use was provided; and

WHEREAS, during the time frame between December, 2016 and February, 2017, additional research by Staff discovered that the use was discontinued as no water usage activities were found and Fire Inspections were conducted, noting the property as vacant; and

WHEREAS, Section 3.12 A. of the City's Zoning and Land Development Regulations states as follows: *"The lawful nonconforming use of a building may be continue, although such use does not conform to the regulations of the applicable zoning district within which the building is located. Any such use may be changed to a use of the same or more restrictive nature as determined by the Director of the Department of Planning and extended throughout the building, provided no structural alterations, except those required by law, are made therein and the cubical contents of the building are not enlarged. **If such nonconforming use is discontinued for a period of three months or more, any further use of said building shall be in conformity with the regulations of the applicable zoning district unless otherwise approved by the Planning and Development Board pursuant to division G. of this section within 24 months of the abandonment.** A lawful nonconforming use is reestablished by the approval of a Special Exception by the Planning and Development Board."*; and

WHEREAS, Article 5, Section 5.7.D. provides that "any party in interest aggrieved by an administrative decision by the Director authorized under this Article, may file an appeal to the applicable Board"; and

WHEREAS, 2057 Coolidge Associates, LLC filed its appeal of the administrative decision to the Planning and Development Board regarding the City Staff's determination that the nonconforming use was discontinued and believes that that the City's interpretation of the Zoning and Land Development Regulations relative to the proposed use is not adequate and

WHEREAS, in accordance with Section 5.7D.2, "the Planning and Development Board may reverse or affirm, wholly or in part, or may modify the administrative decision appealed as is deemed to be proper, and to that end shall have all the powers of the official from whom the appeal is taken"; and

WHEREAS, the Planning and Development Board held a duly noticed public quasi-judicial hearing on March 8, 2018 to hear the appeal, and following review of the Planning Division's staff report, the Appellant's appeal application and all submitted written and oral testimony during the public hearing, the Planning and Development Board based upon the competent substantial

evidence presented at the hearing, affirmed the City's determination that the proposed nonconforming use has been discontinued in accordance with Section 3.12 A. of the City's Zoning and Land Development Regulations.

NOW, THEREFORE BE IT RESOLVED BY THE PLANNING AND DEVELOPMENT BOARD OF THE CITY OF HOLLYWOOD;

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 Planning Division's staff report, the Appellant's application and supporting documents and materials, all submitted written and oral testimony received during the public quasi-judicial hearing, the administrative decision by the City is hereby affirmed based upon the findings set forth above.

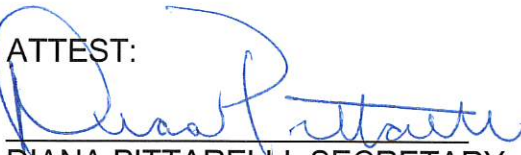
Section 3: That the Planning Division is hereby directed to forward a copy of this resolution to the Appellant, 2057 Coolidge Associates, LLC.

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED and ADOPTED this 8th day of March, 2018.

RENDERED this _____ day of _____, 2018.

ATTEST:


DIANA PITTARELLI, SECRETARY


JOHN PASSALACQUA, CHAIR

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


DEBRA-ANN REESE, BOARD COUNSEL