

RESOLUTION NO. _____

(14-CRR-91)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING A REQUEST FOR A SPECIAL EXCEPTION, SIGN VARIANCES, DESIGN AND SITE PLAN APPROVAL, TO ESTABLISH A SERVICE STATION, INCLUDING AN APPROXIMATE 6,000 SQUARE FOOT CONVENIENCE STORE, LOCATED AT 101 SOUTH STATE ROAD 7 (THE PLACE AT HOLLYWOOD-RACETRAC), PURSUANT TO THE PROVISIONS OF THE CITY OF HOLLYWOOD ZONING AND LAND DEVELOPMENT REGULATIONS.

WHEREAS, the Planning and Development Board (the "Board") is charged with, among other things, the responsibility of considering requests for Special Exceptions, Variances, Design and Site Plan approval; and

WHEREAS, the Board is duly empowered to grant Special Exceptions, Variances, and Design approvals in accordance with the guidelines and procedures found in Section 5.3 of the City's Zoning and Land Development Regulations and Site Plan approval pursuant to Article 6 of the City's Zoning and Land Development Regulations; and

WHEREAS, Palm Beach 2000, Inc. and Vestmaz, Inc. (the "Applicant") applied for a Special Exception, Sign Variances, Design, and Site Plan approval to establish a service station including an approximate 6,000 square foot convenience store located at 101 South State Road 7, as more specifically described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Assistant Planning Director and Associate Planner of the Department of Planning ("Staff"), following an analysis of the application and its associated documents have determined that the proposed request for Special Exception, Sign Variances, Design, and Site Plan to establish a service station including an approximate 6,000 square foot convenience store does meet the criteria set forth in Article 5 and 6 of the Zoning and Land Development Regulations and have therefore recommended approval with conditions; and

WHEREAS, on July 9, 2015, the Board met and held an advertised public hearing to consider the Applicant's requests; and

WHEREAS, at its July 9, 2015 regular meeting, the Board approved all of the Applicant's requests along with conditions as set forth in the Board's Resolution No. 14-DPSV-91; and

WHEREAS, between July 10-24, 2015, in accordance with Article 5, Section 5.6 of the City's Zoning and Land Development Regulations, Commissioner Blattner along with Commissioner Sherwood and Mayor Bober requested a review of the application relating to the Special Exception, Variances, Design, and Site Plan approved with conditions by the Planning and Development Board as set forth in the Board's Resolution No. 14-DPSV-91; and

WHEREAS, on August 26, 2015, City Commission met and held a duly noticed advertised public de novo hearing to consider the Applicant's request for a Special Exception, Sign Variances, Design, and Site Plan approval to establish a service station including an approximate 6,000 square foot convenience store located at 101 South State Road 7, as more specifically described on Exhibit "A", based upon the following criteria:

1. As to Special Exception, the City Commission reviewed the Applicant's request along with Staff's Summary Report and, based upon the criteria set forth in Section 5.3.G.2. of the Zoning and Land Development Regulations, made the following findings:

- a) The proposed use is/is not consistent with the principles of the City's Comprehensive Plan;
- b) The proposed use is/is not compatible with the existing land use pattern and designated future uses and with the existing natural environment and other real properties within the vicinity;
- c) There are/are not provisions for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use;
- d) There are/are not setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances;
- e) The proposed use, singularly or in combination with other Special Exceptions, is/is not detrimental to the health, safety, or appearance of the neighborhood or other adjacent uses by reason of any one or more of the following: the number, area, location, height, orientation, intensity or relation to the neighborhood or other adjacent uses;
- f) The subject parcel is/is not adequate in shape and size to accommodate the proposed use; and

- g) The proposed use is/is not consistent with the definition of a Special Exception and will meet the standards and criteria of the Zoning Classification in which such use is proposed to be located, and all other requirements for such particular use set forth elsewhere in the zoning code, or otherwise adopted by the City Commission.

2. As to the Sign Variance to allow a 7 ft. monument sign, the City Commission reviewed the Applicant's request and Staff's Summary Report based upon the criteria set forth in Section 5.3.F.2. of the City's Zoning and Land Development Regulations and made the following findings:

- a) That the Sign Variance is/is not contrary to the public interest;
- b) That the Sign Variance is/is not required due to special conditions; and
- c) That a literal enforcement of the provisions of Article 8 will/will not result in an unnecessary hardship.

3. As to the Sign Variance to increase the number of permitted wall signs (north and west façade) from one to two for a total combined sign area of 82 square feet for both signs, the City Commission reviewed the Applicant's request and Staff's Summary Report based upon the criteria set forth in Section 5.3.F.2. of the City's Zoning and Land Development Regulations and made the following findings:

- a) That the Sign Variance is/is not contrary to the public interest;
- b) That the Sign Variance is/is not required due to special conditions; and
- c) That a literal enforcement of the provisions of Article 8 will/will not result in an unnecessary hardship.

4. As to the Sign Variance to increase the number of permitted service station canopy signs (north and west façade) from one to two, and to increase the allowable area (40 square feet) to allow for a total combined sign area of 80 square feet for both signs, the City Commission reviewed the Applicant's request and Staff's Summary Report based upon the criteria set forth in Section 5.3.F.2. of the City's Zoning and Land Development Regulations and made the following findings:

- a) That the Sign Variance is/is not contrary to the public interest;

- b) That the Sign Variance is/is not required due to special conditions; and
- c) That a literal enforcement of the provisions of Article 8 will/will not result in an unnecessary hardship.

5. As to Design Review, the City Commission reviewed the Applicant's request and Staff's report and, based upon the criteria set forth in Section 5.3.1.4 of the City's Zoning and Land Development Regulations, and found that each of the following criteria were/were not met:

- a) The 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;
- b) 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;
- c) 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; and
- d) 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

6. As to the Site Plan, the City Commission reviewed the Applicant's request, the Staff's report and the Technical Advisory Committee's recommendation with conditions and considered the Site Plan review standards set forth in Article 6 of Zoning and Land Developments and found that those standards were/were not met;

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

Section 1: That the above recitals are true and correct and are incorporated herein as if set forth in full herein.

Section 2: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, and all written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the criteria listed herein for approving/denying the requested Special Exception for the construction of a service station including an approximate 6,000 square foot convenience store located at 101 South State Road 7, as more specifically depicted on Exhibit "A", the City Commission finds that the necessary criteria have/have not been met, and the Special Exception is hereby approved/approved with conditions/denied.

Section 3: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, all submitted and written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the criteria listed herein for approving/denying the requested Sign Variance to allow a 7 ft. monument sign, the City Commission finds that the necessary criteria have/have not been met, and the Sign Variance is hereby approved/approved with conditions/denied.

Section 4: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, all submitted and written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the criteria listed herein for approving/denying the requested Sign Variance to increase the number of permitted wall signs (north and west façade) from one to two for a total combined sign area of 82 square feet for both signs, the City Commission finds that the necessary criteria have/have not been met, and the Sign Variance is hereby approved/approved with conditions/denied.

Section 5: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, all submitted and written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the criteria listed herein for approving/denying the requested Sign Variance to increase the number of permitted service station canopy signs (north and west façade) from one to two, and to increase the allowable area (40 square feet) to allow for a total combined sign area of 80 square feet for both signs, the City Commission finds that the necessary criteria have/have not been met, and the Sign Variance is hereby approved/approved with conditions/denied.

Section 6: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, all submitted and written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the criteria listed herein for approving/denying the requested Design, the City Commission finds that the necessary criteria have/have not been met, and the Design is hereby approved/approved with conditions/denied.

Section 7: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, all submitted and written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the Site Plan review standards set forth in Article 6 of the Zoning and Land Development Regulations for approving/denying the requested Site Plan, the City Commission finds that the necessary review standards have/have not been met, and the Site Plan, as more specifically depicted on Exhibit "B" attached hereto and incorporated herein by reference, is hereby approved/approved with conditions/denied.

Section 8: That, the Special Exception shall become null and void unless the Applicant applies for all appropriate building or other permit(s) or license(s) within 24 months of the Board's approval. Said 24 months shall commence upon passage and adoption of this Resolution.

Section 9: That, all three (3) Sign 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 Board's approval. Said 24 months shall commence upon passage and adoption of this Resolution.

Section 10: That the Applicant shall have up to 24 months from the date of this Design approval to apply for all necessary building permits required to proceed with construction. Failure to submit an application within the require time period shall render all approvals null and void.

Section 11: That the Applicant shall have up to 24 months from the date of Site Plan approval to apply for a valid construction permit. Failure to submit an application within the require time period shall render all approvals null and void.

Section 12: That the Department of Planning is hereby directed to forward a copy of this Resolution to the Applicant/Owner of the property with respect to which the request was made and the City Clerk shall record this Resolution in the Public Records of Broward County, Florida.

RESOLUTION CONSIDERING A REQUEST FOR A SPECIAL EXCEPTION, SIGN VARIANCES, DESIGN AND SITE PLAN APPROVAL, TO ESTABLISH A SERVICE STATION, INCLUDING AN APPROXIMATE 6,000 SQUARE FOOT CONVENIENCE STORE, LOCATED AT 101 SOUTH STATE ROAD 7 (THE PLACE AT HOLLYWOOD-RACETRAC).

Section 13: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____ 2015.

RENDERED this _____ day of _____, 2015.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

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

JEFFREY P. SHEFFEL, CITY ATTORNEY