

RESOLUTION NO. \_\_\_\_\_

(13-DJPV-44)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING THE REQUEST FOR A VARIANCE, DESIGN, AND SITE PLAN APPROVAL FOR THE CONSTRUCTION OF AN APPROXIMATE 36,000 SQ. FT. COMMERCIAL BUILDING TO INCLUDE OFFICE, RETAIL AND RESTAURANT USES KNOWN AS "OCEAN PALMS-PHASE II," LOCATED AT 3100 SOUTH OCEAN DRIVE; 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 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 (the "Board") is charged with, among other things, the responsibility of considering requests for variances, design review, and site plan approval and forwarding its recommendation to the City Commission; and

WHEREAS, Hollywood 3100, LLC (the "Applicant"), in File Number 13-DJPV-44, applied for Design, and Site Plan approval for the construction of a five story commercial building to include office, retail and restaurant uses consisting of approximately 36,000 sq. ft. known as "Ocean Palms-Phase II," located at 3100 South Ocean Drive, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Applicant also applied for a Variance to waive the required 25-foot peripheral landscaped setback from all external streets; and

WHEREAS, the Department of Planning Staff, reviewed the Applicant's request for a variance to waive the required 25 foot peripheral landscaped setback from all external streets in accordance with the criteria set forth in Section 5.3.F.1. a. through e. of the Zoning and Land Development Regulations and recommended that the Board forward a recommendation of approval for the Variance to the City Commission; and

WHEREAS, the Department of Planning Staff, reviewed 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 and recommended that the Board forward a recommendation of approval for the Design to the City Commission; 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 that the Board forward a recommendation of approval for the Site Plan to the City Commission; and

WHEREAS, on June 11, 2015, 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 Variance meets the criteria set forth in Section 5.3.F.1. a. through e. of the City's Zoning and Land Development Regulations and should be approved.

2. That the Design meets the criteria set forth in Section 5.3.I.4.a. (1) through (4) of the City's Zoning and Land Development Regulations and should be approved.

3. 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.

; and

WHEREAS, the City Commission has reviewed the proposed Variance of the 25 foot landscape setbacks in accordance with the criteria set forth in Section 5.3.F.1.a. through e. of the City's Zoning and Land Development Regulations, along with the Staff's and the Board's recommendation and have determined that the Variance should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the proposed Design for Ocean Palms-Phase II in accordance with the criteria set forth in Section 5.3.I.4.a.(1) through (4) of the City's Zoning and Land Development Regulations, along with the Staff's and the Board's recommendation 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 Ocean Palms-Phase II 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; and

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, the Board's recommendation, and consideration of the Variance criteria set forth in Section

5.3.F.1.a through e. of the City's Zoning and Land Development Regulations, to waive the 25 foot peripheral landscaped setback from all external streets, the City Commission finds the necessary criteria have/have not been met, and the Variance is hereby approved/approved with the following conditions/denied:

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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 the consideration of the Design criteria set forth in Section 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 Design is hereby approved/approved with the following conditions/denied:

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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, 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:

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Section 4: That the Applicant shall have up to 24 months from the date of the Variance approval to apply for all applicable building or other permits(s) or license(s) within 24 months of the Board's approval. Failure to submit an application within the requested time period shall render all approvals null and void.

Section 5: 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 6: 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 required time period shall render all approvals null and void.

Section 7: 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.

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PETER BOBER, MAYOR

ATTEST:

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PATRICIA A. CERNY, MMC, CITY CLERK

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

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JEFFREY P. SHEFFEL, CITY ATTORNEY