

RESOLUTION NO. _____

(14-DPSV-102)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING THE REQUEST FOR A SPECIAL EXCEPTION, VARIANCES, DESIGN, AND SITE PLAN FOR A 316 SPACE PUBLIC PARKING GARAGE WITH RETAIL USES FOR THE "NEBRASKA PARKING GARAGE" GENERALLY LOCATED AT 327 NEBRASKA STREET AS MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A;" 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 GU (Government Use District) are to be reviewed by the Planning and Development Board and the Board shall forward its recommendations to the City Commission for final review and approval; and

WHEREAS, the City of Hollywood ("City") and the Hollywood Community Redevelopment Agency (the "Applicants") jointly submitted an application (14-DPSV-102) to the Planning and Development Board for consideration of their request for a Special Exception, Variances, Design, Site Plan approval, and to establish the height of the parking garage at 76 feet for a 316 space public parking garage with retail uses located at 327 Nebraska Street, as more specifically described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Staff of the Planning Division reviewed the Applicants' requests in accordance with the criteria set forth in Articles 5 and 6 for each request, and recommended to the Planning and Development Board that: (1) the Special Exception be approved; (2) the Variances be approved; (3) the height of the parking garage be 76 feet; (4) the Design be approved with a condition; and (5) the Site Plan be approved with a condition; and

WHEREAS, on January 14, 2015, the Planning and Development Board held an advertised public hearing to review the application submitted by the Applicants; and

WHEREAS, the Board reviewed the Special Exception, Variances, Design and Site Plan request based upon Staff's Summary Report, the relevant criteria set forth in Articles 5 and 6 for each request, the Applicants' application and supporting documents and materials, all submitted written and oral testimony received during the public hearing from all parties and speakers and have forwarded its recommendations as follows:

(1) As to the Special Exception request to allow for a 316 space parking garage with retail uses, the Board found the criteria set forth in Section 5.3 G.2. a. through g. has been met and therefore the Special Exception should be approved;

(2) As to the Sign Variance to increase the allowable area of two wall signs from 150 square feet to allow 525 square feet for each (north and south), the Board found that the criteria set forth in Section 5.3.F.2.a. through c. was not met and therefore the Sign Variance should be denied;

(3) As to the Variance to waive the use of concrete wheel stops, the Board found that the criteria set forth in Section 5.3.F.1, a. through d has been met, criteria e. is not applicable, and therefore the Variance should be approved;

(4) As to the Design, the Board recommends the Design only if the height of the parking garage is kept at 50 ft; and

(5) As to the Site Plan, the Board found that the Site Plan review standards set forth in Article 6 have not been met, and therefore the Site Plan should be denied.

; and

WHEREAS, Section 4.9 C.2.b.3. expressly states that “no maximum height of structures shall be required within a GU District, and the City Commission upon the recommendation of the Planning and Development Board shall determine the appropriate height limitations on an individual development basis after considering the character of the surrounding area, the character of the proposed development, and the goals for community development as stated in the Hollywood Comprehensive Plan, City-Wide Master Plan and relevant Neighborhood”; and

WHEREAS, the Board did review the height of the parking garage and have forwarded a recommendation to the City Commission that the height remain at 50 ft.; and

WHEREAS, the City Commission has reviewed the Applicants’ request for a Special Exception in accordance with the criteria set forth in Section 5.3.G.2 a. through g. of the City’s Zoning and Land Development Regulations, along with Staff’s and the Board’s recommendation and have determined that the Special Exception should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the proposed height of the garage in accordance with Section 4.9.C.2.b.3 of the City’s Zoning and Land Development Regulations, and considering both Staff’s and the Board’s recommendation, and have made a determination of what the height limitation of the garage shall be; and

WHEREAS, the City Commission has reviewed the proposed Sign Variance in accordance with Section 5.3.F.2.a. through c. of the City's Zoning and Land Development Regulations along with the Staff's and the Board's recommendations, and have determined that the Sign Variance should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the proposed Variance to waive the use of concrete wheel stops in accordance with Section 5.3.F.1. a. through d., criteria e. is inapplicable, along with the Staff's and the Board's recommendations, and have determined that the Variance should be approved/approved with conditions/denied; and

WHEREAS, the City Commission has reviewed the proposed Design for the Project 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 Project 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;

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, 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 Special Exception criteria set forth in Section 5.3.G.2 a. through g. of the City's Zoning and Land Development Regulations, 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 2: That following review of the Staff Summary Report, the Applicants' application and supporting documents and materials, 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 criteria set forth in Section 4.9.C.2.b.3. of the City's Zoning and Land Development Regulations, the City Commission finds that the height limitation for this project shall be _____.

Section 3: That following review of the Staff Summary Report, the Applicants' application and supporting documents and materials, 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 Sign Variance criteria set forth in Section 5.3.F.1. a. through c. . of the City's Zoning and Land Development Regulations, 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 Applicants' application and supporting documents and materials, 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 Variance criteria set forth in Section 5.3.F.1.a. through d., criteria e. is in applicable, of the City's Zoning and Land Development Regulations, to waive the use of the concrete wheel stops, the City Commission finds that the necessary criteria have/have not been met, and the 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 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.I.4. a. (1) through (4) of the City's Zoning and Land Development Regulations, the City Commission finds that the necessary criteria have/have not been met, and the Design 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, 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/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:**

Section 7: That, if the Sign Variance and Variance have been approved, the Applicant shall have up to 24 months from the date of such approvals 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 8: That, if the Design is approved, 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 9: That, if the Site Plan is approved, the Applicant shall have up to 24 months from the date of the Site Plan approval to apply for a valid construction permit. Failure to submit an application within the requested time period shall render all approvals null and void.

Section 10: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

RENDERED this _____ day of _____, 2016.

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