# Attachment II Ordinance No. O-2013-11

ORDINANCE NO. 0-2013-11

(13-J-01)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ORDINANCE NO. O-76-25, THE HILLCREST PUD ORDINANCE, AS AMENDED BY RESOLUTION R-81-56, ORDINANCES O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-05, O-2002-34 AND ORDINANCE O-2009-38; BY AMENDING SUBSECTION 3(B) TO MODIFY THE FINAL SITE PLAN TO PERMIT A PREK-8 CHARTER SCHOOL.

WHEREAS, the previously existing development has already established the character and nature of the Hillcrest PUD project; and

WHEREAS, all open space requirements, amenities for recreation, project utilities and other capital improvements required with respect to this development have already been completed; and

WHEREAS, the Applicant has requested that the existing Hillcrest PUD which includes the Final Site Plan be amended to allow the conversion of the former Playdium Building (the existing recreation center) to a PreK-8 Charter School, as more specifically set forth in Exhibit "A"; and

WHEREAS, in accordance with the City's Zoning and Land Development Regulations, the Applicant's request is processed similar to a zoning change and the amendment to the Final Site is processed pursuant to Section 4.16 I. of the Zoning and Land Development Regulations; and

WHEREAS, the Director of Planning and Development Services ("Director"), and staff, following review and analysis of the application and its associated documents, have determined that the proposed change in use is consistent with the Zoning and Land Development Regulations, is consistent with the City's Hollywood Comprehensive Plan and the City-Wide Master Plan, and have therefore forwarded a recommendation that the change in use be approved; and

WHEREAS, the Director, and staff, following review and analysis of the application and its associated documents, has determined that the proposed amendments to the Final Site Plan are consistent with the Zoning and Land Development Regulations, are consistent with the City of Hollywood Comprehensive Plan and the City-Wide Master Plan, and have therefore recommended that it be approved with the following conditions:

(1) All outdoor play areas shall be setback from the property line adjacent to Hillcrest Residential Building Number 16 by a minimum of 50 feet and shall be fenced with a 6 foot vinyl coated chain-link fence and landscaped. Said landscape shall be installed prior to the use of the playground; and

(2) The school shall be limited to a maximum of 600 students for the first year, and a maximum of 850 students thereafter; and

(3) The owner of Florida Intercultural Academy agrees to amend the Charter with the School Board of Broward County to provide for priority enrollment for students living within the Hillcrest community and the City of Hollywood prior to establishing the School; and

(4) An irrevocable Off-Site Parking Agreement (allowing no fewer than 24 parking spaces) shall be submitted, in a form acceptable to the City Attorney's Office, prior to the issuance of any Building Permits. Said Agreement shall be recorded in the Public Records of Broward County by the City of Hollywood prior to a temporary or permanent Certificate of Occupancy being issued; and

(5) The Charter School shall provide three start times separated by 30 minutes (each shift should include approximately one-third of the entire student population) and three end times separated by 45 minutes (each shift should include approximately one-third of the entire student population); and

(6) The Applicant shall provide a sanctioned traffic control detail on Hillcrest Drive at the entrance to the school as well as a crossing guard at the crosswalks. Said sanctioned traffic control detail requirement may be modified if the circumstances along Hillcrest/Tobin Drive change. The Public Safety Director shall have the ability to modify this condition; and

(7) A Bond, in a form acceptable to the City Attorney, shall be submitted prior to the issuance of a Building Permit to cover the cost for the City to construct a sidewalk from the edge of the existing cross-walk on Hillcrest/Tobin Drive to Washington Street. The owner shall provide the City with an easement, in a form acceptable to the City Attorney, prior to the issuance of a Certificate of Occupancy or Certificate Of Completion of the main building, for the sidewalk construction in front of 1101 Hillcrest/Tobin Drive; and

(8) All the proposed improvements (as shown on the attached plans) to accommodate the proposed Charter School shall receive a Certificate of Occupancy or Certificate of Completion prior to establishing the school. Such improvements include, but are not limited to: landscaping, building renovations, parking lot and traffic improvements, pedestrian crossings on Hillcrest Drive, sidewalks, signage and/or signalization, as dictated by MUTCD Standards and must receive approval from the Broward County and the City Engineer.

; and

WHEREAS, on March 14, 2013, the Planning and Development Board met and reviewed the above noted request for modifications to the Hillcrest PUD to allow the conversion of the former Playdium Building (the existing recreation center) to a PreK-8 Charter School, as more specifically set forth in Exhibit "A" in accordance with the rezoning criteria set forth in Section 5.3.K. of the Zoning and Land Development Regulations and have forwarded a recommendation of approval; and

WHEREAS, on March 14, 2013, the Planning and Development Board met and reviewed the above noted request to amend subsection (3)(B) to modify the Final Site plan to allow a PreK-8 Charter School, as more specifically set forth in Exhibit "B" in accordance with the criteria set forth in Section 4.16 I. of the Zoning and Land Development Regulations, and have forwarded a recommendation of approval with staff's eight (8) conditions to the City Commission and the following additional conditions:

(1) The Applicant will provide meeting space and make available adult education classes during non-school hours within the Charter School to the Hillcrest Condominium residents; and

(2) School buses shall not be stored on the premises; and

(3) The Applicant/School will provide police detail for the first four (4) months of the school year.

; and

WHEREAS, the City Commission of the City of Hollywood has conducted duly advertised hearings on the proposed ordinance through the above referenced petition and has considered all comments received concerning the proposed amendment as required by state law and local ordinances and resolutions; and

WHEREAS, the City Commission finds that the request to change the use from an existing recreation center to a PreK-8 Charter School, meets the criteria set forth in Section 5.3. K. of the City's Zoning and Land Development Regulations; and

WHEREAS, the City Commission finds that the request to amend the Hillcrest PUD, including the Final Site Plan is consistent with the Zoning and Land Development Regulations, is consistent with the City of Hollywood's Comprehensive Plan, and is in the best interest of the citizens of the City of Hollywood;

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

<u>Section 1</u>: That based upon the findings set forth above, the Hillcrest PUD is hereby amended to allow for the change of use from a recreation center to a PreK-8 Charter School.

<u>Section 2</u>: That Section 3(B) of Ordinance No. O-76-25 commonly known as the "Hillcrest PUD," as amended by Resolution R-81-56, Ordinance Nos. O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-5,O-2002-34 and O-2009-38; shall be further amended as more specifically set forth in Exhibit "A" attached hereto and incorporated herein by reference with the following conditions:

(a) All outdoor play areas shall be setback from the property line adjacent to Hillcrest Residential Building Number 16 by a minimum of 50 feet and shall be fenced with a minimum 6 foot high vinyl coated chain-link fence and a landscape buffer provided in front of said fence. Said landscape buffer shall be installed prior to the use of the playground; and

(b) The school shall be limited to a maximum of 600 students for the first year, and a maximum of 850 students thereafter; and

(c) The Governing Board of Directors of the Charter School agrees to apply to the School Board of Broward County as part of a new application prior to the student enrollment exceeding 600 students to provide for preferential enrollment for students living within the Hillcrest community and the City of Hollywood. Notwithstanding the charter, said preference shall include direct marketing to Hillcrest residents a minimum of four (4) weeks prior to any marketing to Hollywood residents and then another minimum of four (4) weeks of marketing to the residents of Hollywood before marketing to the County at large; and

(d) An irrevocable Off-Site Parking Agreement (allowing no fewer than 24 parking spaces) shall be submitted, in a form acceptable to the City Attorney's Office, prior to the issuance of any Building Permits. Said Agreement shall be recorded in the Public Records of Broward County by the City of Hollywood prior to a temporary or permanent Certificate of Occupancy being issued; and

(e) The Charter School shall provide a minimum of three start times separated by a minimum of 30 minutes (each shift should include approximately onethird of the entire student population) and three end times separated by 45 minutes (each shift should include approximately one-third of the entire student population); and

(f) The Applicant shall provide a sanctioned traffic control detail on Hillcrest Drive at the entrance to the school as well as a crossing guard at the cross-walks. Said sanctioned traffic control detail requirement may be modified if the circumstances along Hillcrest/Tobin Drive change. The Public Safety Director or Chief of Police shall have the ability to modify this condition; and (g) A Cash Bond, in a form acceptable to the City Attorney, shall be submitted prior to the issuance of a Building Permit to cover the cost for the City to construct a sidewalk from the edge of the existing cross-walk on Hillcrest/Tobin Drive to Washington Street. The owner shall provide the City with an easement, in a form acceptable to the City Attorney, prior to the issuance of a Certificate of Occupancy or Certificate Of Completion of the main building, for the sidewalk construction in front of 1101 Hillcrest/Tobin Drive; and

(h) All the proposed improvements (as shown on the attached plans) to accommodate the proposed Charter School shall receive a Certificate of Occupancy or Certificate of Completion prior to establishing the school. Such improvements include, but are not limited to: landscaping, building renovations, parking lot and traffic improvements, pedestrian crossings on Hillcrest Drive, sidewalks, signage and/or signalization, as dictated by MUTCD Standards and must receive approval from the Broward County and the City Engineer. Temporary signage for all traffic control related to the school zone shall be permitted upon coordination and approval of Broward County Traffic Engineering. A temporary certificate of occupancy may be issued provided all life-safety related issues are not affected and all other improvements are substantially complete; and

(i) The Applicant at no cost to the Hillcrest Condominium residents, will provide meeting and classroom space during certain non-school hours within the Charter School. Upon request by the Hillcrest Condominium residents, the Applicant will also provide adult education classes during certain non-school hours within the Charter School; and

(j) School buses shall not be stored on the premises; and

(k) The Applicant/School will provide police detail for the first four (4) months of the school year. Said police detail requirement may be modified if the circumstances along Hillcrest/Tobin Drive change. The Public Safety Director or Chief of Police shall have the ability to modify this condition; and

(I) Prior to the issuance of Building Permit, the Applicant must comply with the 40 Year Building Safety Inspection. The results of the 40 Year Building Safety Inspection must be complied prior to the issuance of a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy; and

(m) It is hereby acknowledged that the Hillcrest Country Club currently has a liquor license. The Applicant hereby voluntarily waives any right it may have to object to any application request by the Hillcrest Country Club, its successor or assigns, to reestablish its license in the event said license lapses in order to sell alcohol for on-site consumption: and

(n) Off-street parking for special events shall be coordinated in the following manner:

(1) for one (1) grade events **held during the day**, the school shall use a combination of the 11 guest parking spaces on-site, an additional 45 parking spaces by the Hillcrest Country Club (4600 Hillcrest Drive owned by Hillcrest Country Club Limited Partnership), and if the special event warrants, additional 45 parking spaces located on the grassed Tobin area may be used; and

(2) for one (1) grade events **held during the evening**, the school shall use a combination of guest parking and staff/faculty parking spaces on-site, the parking spaces at the Tobin site, the parking spaces at the Hillcrest Country Club, and the additional grassed parking area for approximately a total number of parking spaces of 190; and

(3) For multi-grade school wide special events which cannot be accommodated by a combination of on-site parking, the Tobin parking property and the Hillcrest Country Club parking, the School shall apply for a Special Event Permit pursuant to Chapter 102 of the Hollywood Code of Ordinances and the School shall comply with all requirements and/or conditions set forth in the Special Event Permit. Such off-site parking areas may include, but not be limited to, the grass area adjacent to the Tobin Office Building and the vacant lot at 3701 Hillcrest Drive (owned by Harwin-Tobin 3701 LLC) and the vacant tennis court. The Special Event Parking Plan is more specifically depicted in Composite Exhibit "C" attached hereto and incorporated by reference. An off-site parking agreement, in a form acceptable to the City Attorney, shall be provided within thirty (30) days of the issuance of a Building Permit and shall be recorded by the City in the Public Records of Broward County, Florida.

A Bond, in a form acceptable to the City Attorney, shall be provided to the City prior to the issuance of a Building Permit which shall be in full force and effect for two (2) school years after the school enrollment reaches 800 students. Said Bond will be to cover the cost for construction of an off-site parking lot which shall be located at as set forth in Composite Exhibit "C". Said construction shall commence upon the City's determination that parking is no longer sufficient. The aforementioned conditions may be modified by the City Manager, or her designee, at their discretion, upon a finding that the circumstances relating to the special event parking have changed. For purposes of this section, Special Events shall mean anytime that the parents or other visitors and invitees are attending the school for other than pick-up and drop-off purposes.

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING ORDINANCE NO. O-76-25, THE HILLCREST PUD ORDINANCE, AS AMENDED BY RESOLUTION R-81-56, ORDINANCES O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-05, O-2002-34 AND ORDINANCE O-2009-38; BY AMENDING SUBSECTION 3(B) TO MODIFY THE FINAL SITE PLAN TO PERMIT A PREK-8 CHARTER SCHOOL.

<u>Section 3</u>: That all other conditions and provisions of Ordinance No. 0-76-25, as amended by Resolution R-81-56, Ordinance Nos. O-81-80, O-84-54, O-87-39, O-93-75, O-99-09, O-2000-05, O-2002-30 and O-2009-38 shall remain in full force and effect.

<u>Section 4</u>: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances and all resolutions, or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict

<u>Section 5</u>: That this ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised May 3, 2013. PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013. PASSED AND ADOPTED on second reading this \_/5 day of <u>May</u>, 2013. PETER BOBER, MAYOR ATTEST: PATRICIA A. CERNY, MMC, CITY CJERK **APPROVED AS TO FORM & LEGALITY** for the use and reliance of the City of Hollywood, Florida, only.

Frey Sheffel EY P. SHEFFEL CVYY ATTORNEY

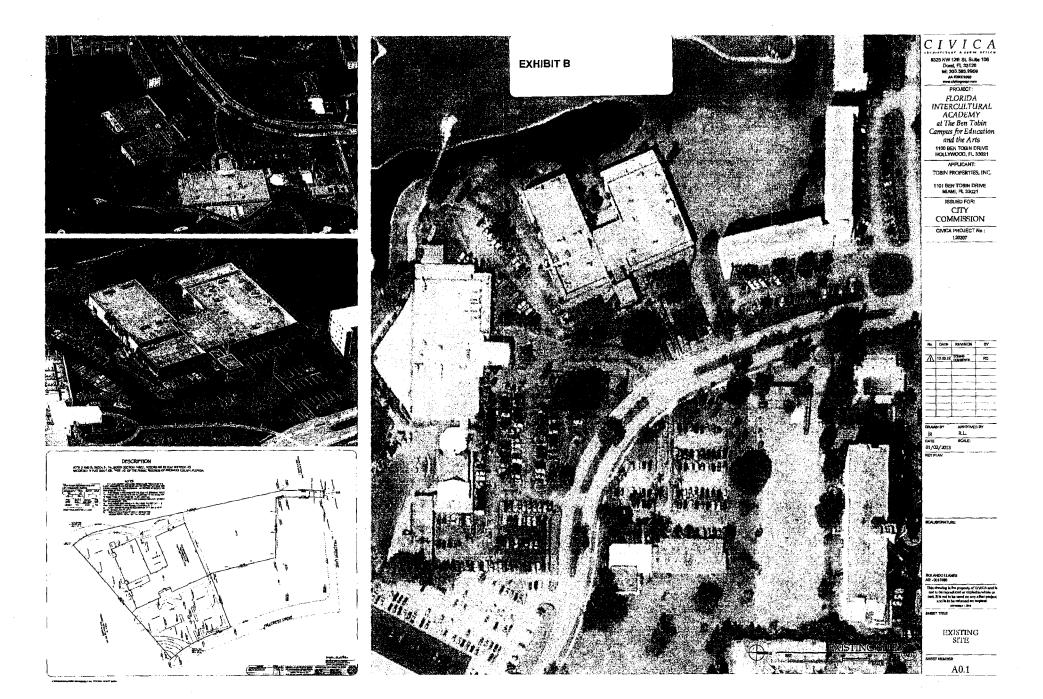
#### EXHIBIT A

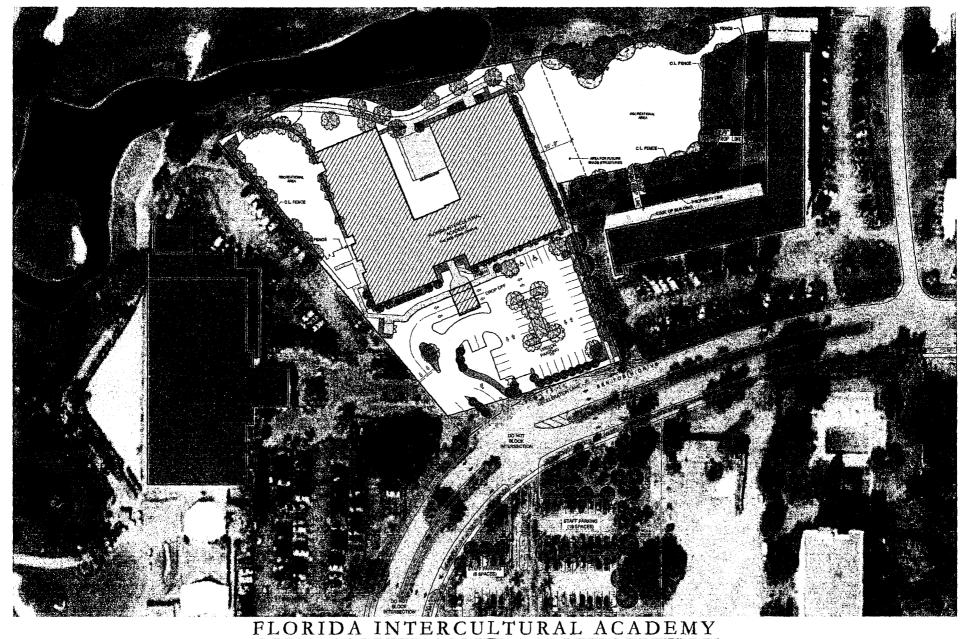
### Legal Description

Lots 2 and 3, Block 5, "HILLWOOD SECTION THREE", according to the Plat thereof, as recorded in Plat Book 69, Page 10, of the Public Records of Broward County, Florida.

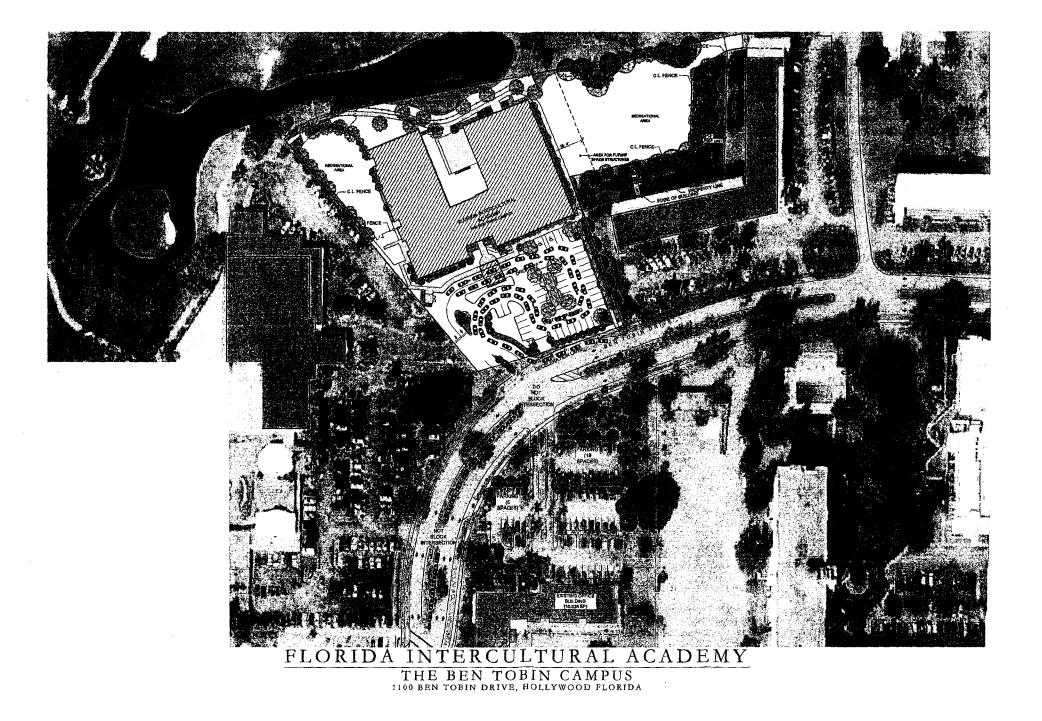
Together with that portion of Blocks 6 and 9 of 'HILLWOOD SECTION THREE" as recorded in Plat Book 69, page 10, of the public records of Broward County, Florida.

Commencing at the northeast corner of said Block 6, run S.0"38'59"W. on an assumed bearing 592 feet to the Point of Beginning; thence, N.89"25'23"W. 471.66 feet to the easterly right-of-way line of Hillcrest Drive; thence, S. 20"55'56"E. along said easterly right-of-way 94.61 feet to a point of curvature; thence, southeasterly along a 100 foot radius curve to the left, through a central angle of 64"06'35", an arc distance of 335.68 feet to a point of tangency, thence, S.85"02'31"E. 48.17 feet to a point of curvature; thence, easterly along a 468.63 foot radius curve to the right, through a central angle of 7"49"58", an arc distance of 64.07 feet; thence, N.0"34'04"E. 112 feet; thence, N.89"25'56"W. 29.91 feet; thence, N.0"34'04"E. 124.74 feet; thence, S. 89"25'23"E. 99.29 feet; thence, N. 0"38'59"E. 53.33 feet to the Point of Beginning.





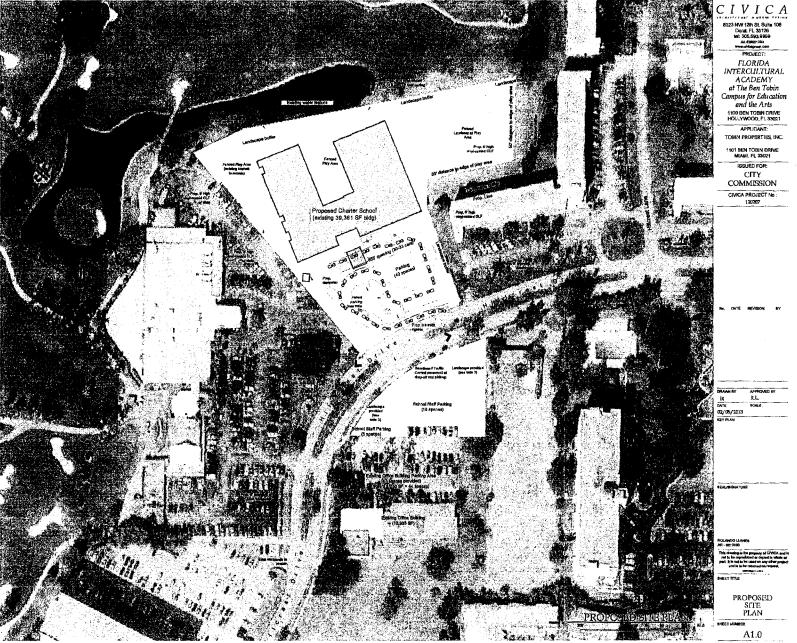
THE BEN TOBIN CAMPUS 1100 BEN TOBIN DRIVE, HOLLYWOOD FLORIDA

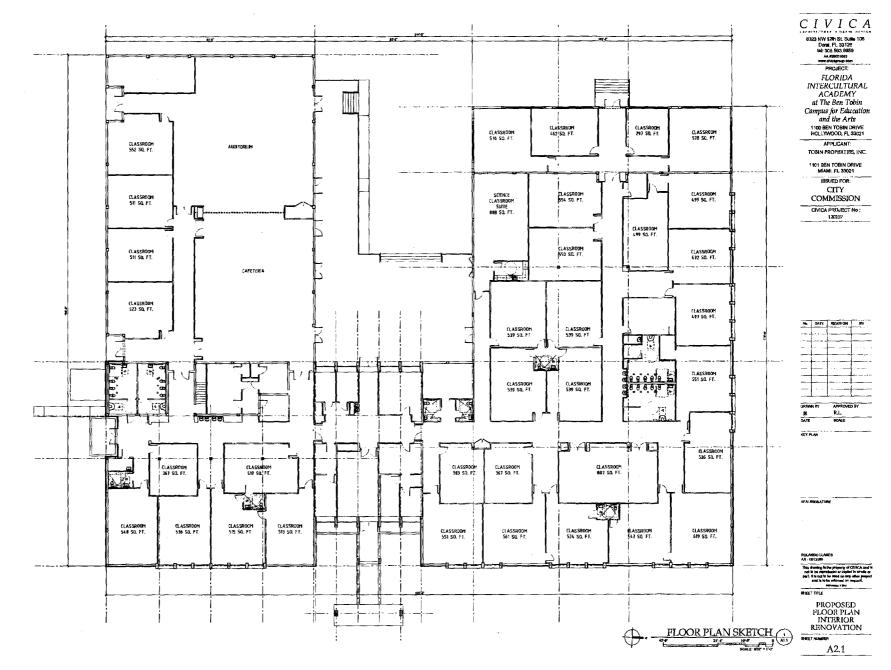


#### ZONING DATA: Proposed Charter School JURISDICTION: CITY OF HOLLYWOOD, BROWARD COUNTY ZONING CODE: CITY OF HOLLYWOOD ZONING AND LAND DEVELOPMENT REGULATION A. ZONING DISTRICT ....... PUD-R (PLANNED UNIT DEVELOPMENT -RESIDENTIAL) D. GROGS FLOOR AREA AREA FIRST FLOOR 37.844 87 SECOND FLOOR MEZZANINE 1 6:7 8 TOTAL PROPOSED + EXISTING 39,361 SF SITE PLAN NOTES ALL LANDSCHIPS WILL HET THE CITY OF HAUX/WOOD MADE APPE CIDELINE. FLORIDA FIRE PREVENTION CORE 210 LIFE BAFETY OCCUPANCY LEVEL. I. TA A MELL REWORKSHENG FOR CORE AND REVENTION CORE. NOVA 1. 144 WELL REWORT FOR TALK 1.2, WITH YON REDUCTION ORE TO SEMINALCE BY STETEME. FIRE FLOW SHULL BE NOT URSE THAN 1.500 GPM 11. ON-SITE PARENT PARKING DEBISINATED ONLY FOR DISOPOTFARCIUP AS PER CITY BOUNDER: Totai Total Addit Total faculty per class Inachers siaff staff (†) clas 47 к-я 850 18 47 6 53 Noise: 1. Rorida's class size reckriften attendme 1.1.18 students in pro-k firmugh grade 3 1.2.22 students in grades 4 through 3 1.3.26 students in grades 4 through 1 2. Pokking two is entre calculated using more PARKING DATA ANALYSIS PARKING REQUIREMENTS BASED ON THE ZONING AND LAND DEVELOPMENT CODE OF ORDINANCES. ICO. DE REOLARED STREET PARKING: SCHOOLS, PUBLIC O INVINTION AS ESTABLISHED BY STATE ADENCY, PRE SECT-7.2(31) AMOUNT OF RU NTE TO IN WRDS TO BE APPLIED TO PUBLIC COMPLIANCE WITH ABOVE CHAPTES 428 of the FBC Sect 423 10 2.8 - Ministra Destring St. 1 423,10.2.6.1 - Factily and staff ≥ sine (1) space for such member 4 422,10.2.6.2 - Vellors = one (1) space for every con-tworked (100) 5 422,10.2.6.2 - Members = one (1) space for every con-tworked (100) 6 422,10.2.6.2 - Members = one (1) space for every con-two for 4 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 422,10.2.6.2 - Members = one (1) space for every con-two for 5 423,10.2.6.2 - Members = one (1) space for every con-two for 5 423,10.2.6.2 - Members = one (1) space for every con-two for 5 423,10.2.6.2 - Members = one (1) space for every con-two for 5 423,10.2.6.2 - Members = one (1) space for every con-two for 5 423,10.2.6.2 - Members = one (1) space for every con-two for 5 423,10.2.6.2 - Members = one (1) space for every con-two for 5 423,10.2.6.2 - Members = one (1) space for every con-two for every con-two for 5 423,10.2.6.2 - Members = one (1) space for every con-two for every con-two for 5 423,10.2.6.2 - Members = one (1) space for every con-two for every con s designated shal camply with the ADA, Cl 318 1985, F.S. PARKING REQUIREMENTS FOR NEW SCHOOL (1101 HILLCREST [BEN TOBIN] DRIVE) Parking Parking Provided Code Requirement Require Faculty & Staff 40 Spaces onsite 1 53 faculty & staff 1 Pkp per e.a. 53 + 9 53 Spaces · · · · 24 spaces offsite (1100 Hillcred Drive 62 Spaces 850 Studenta = 9 Spaces 1 pkg per 100 64 total spaces (1) (2 surplus spaces) (I) THREE (3) ACCESSIBLE PARKING SPACES PROVIDED IN COMPLIANCE W/ FBC-Chaper-11 (ADA) PARKING REQUIREMENTS FOR EXISTING OFFICE BUILDING (1100 HILLCREST (BEN TOBIN) DRIVE) Parking Provided

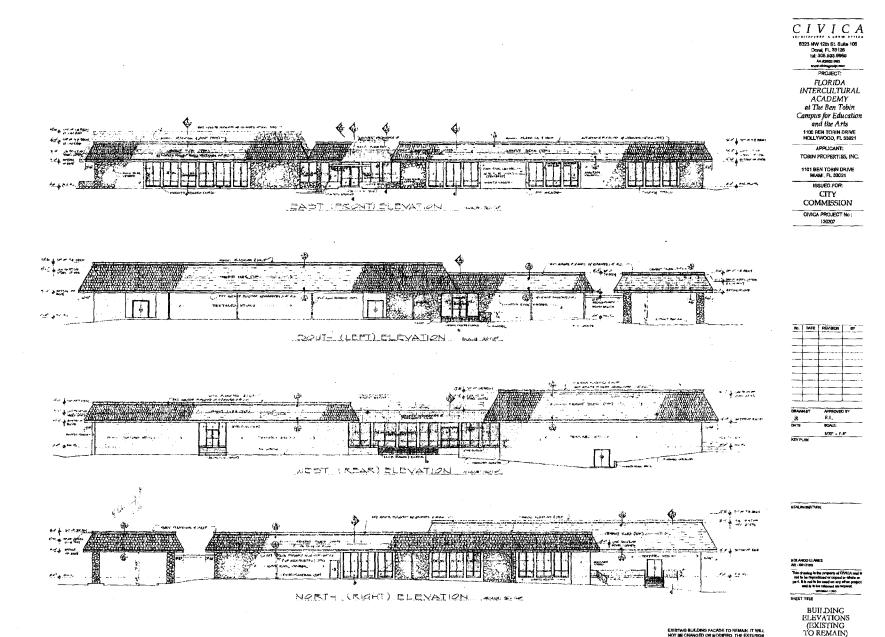
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\* THREE (3) ACCESSIBLE PARKING SPACES PROVIDED IN COMPLIANCE W/FBC-Chapter-11 (ADA)



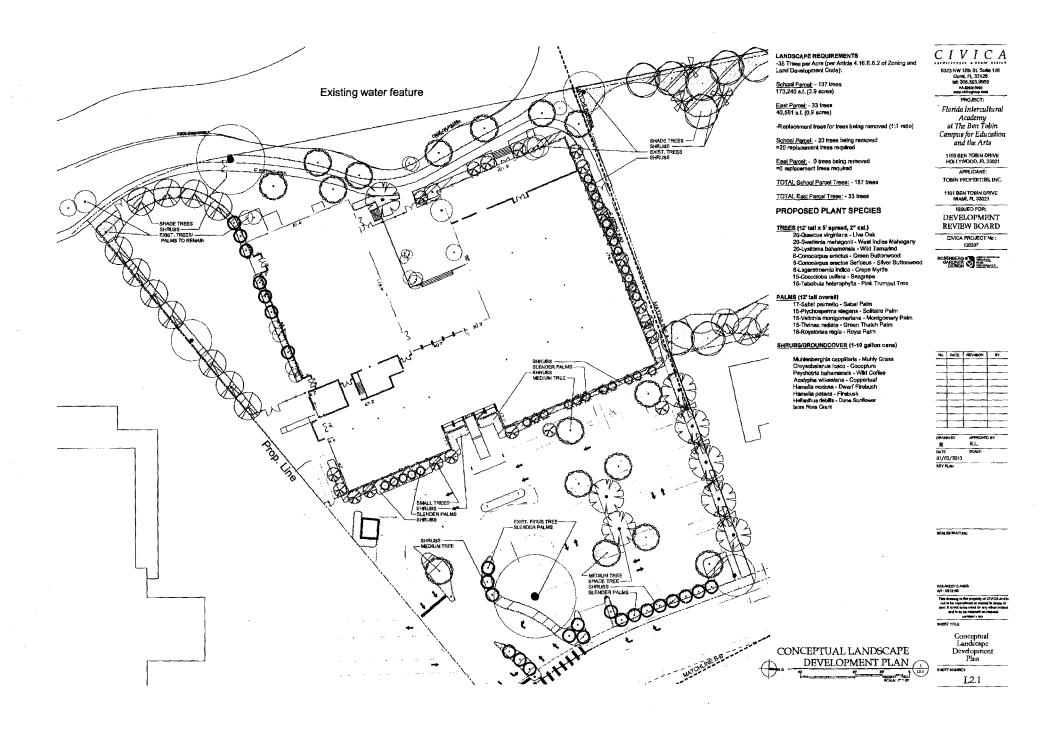


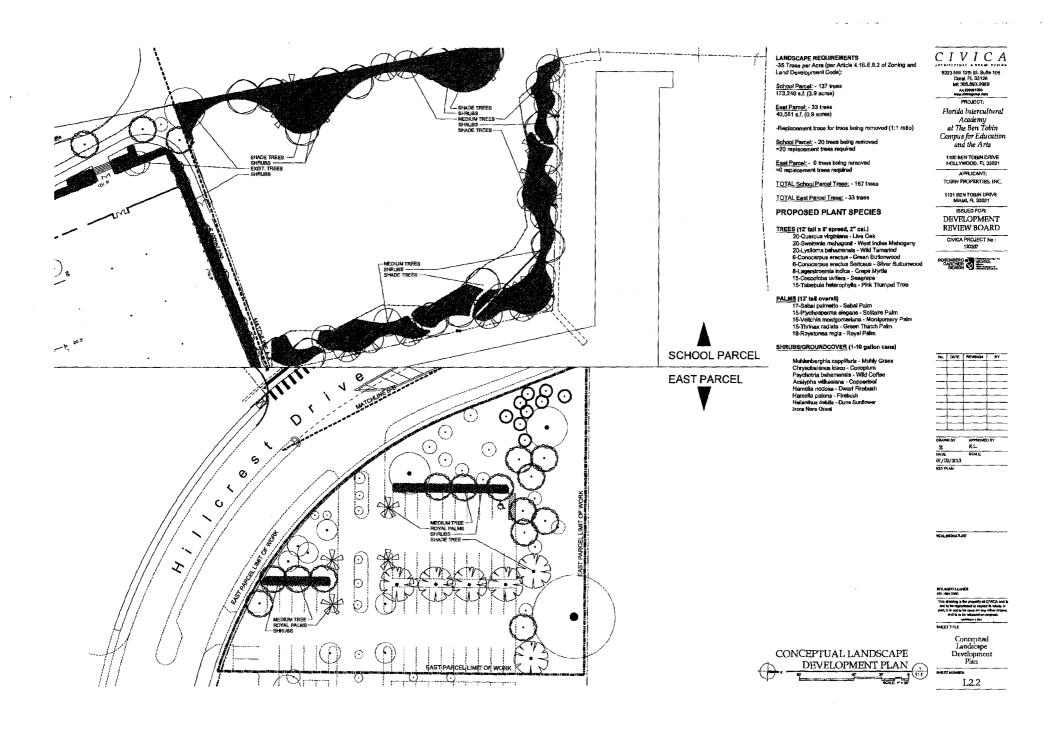
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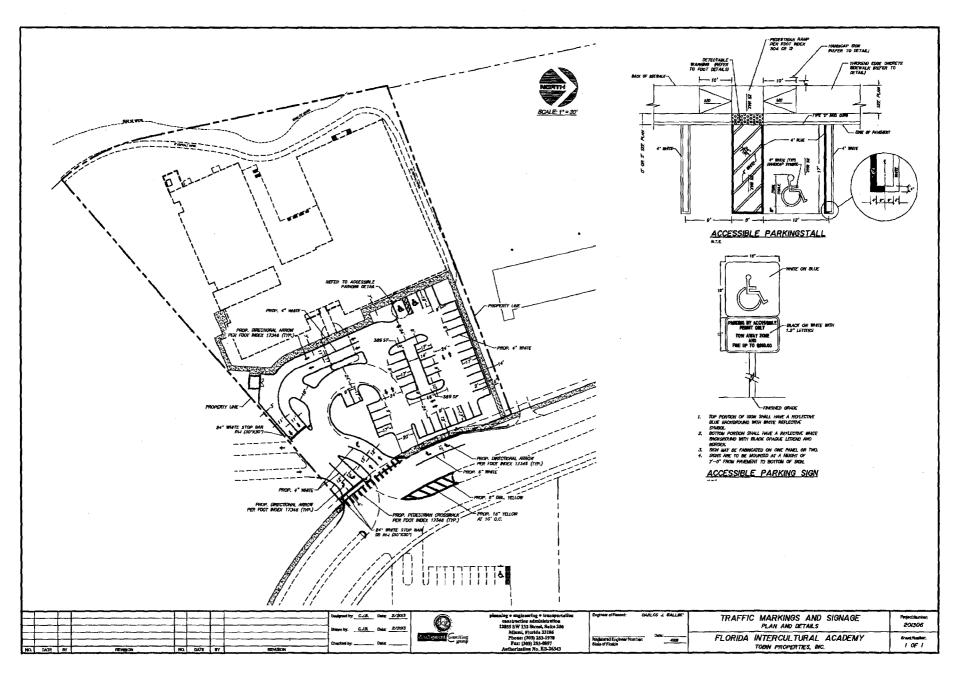


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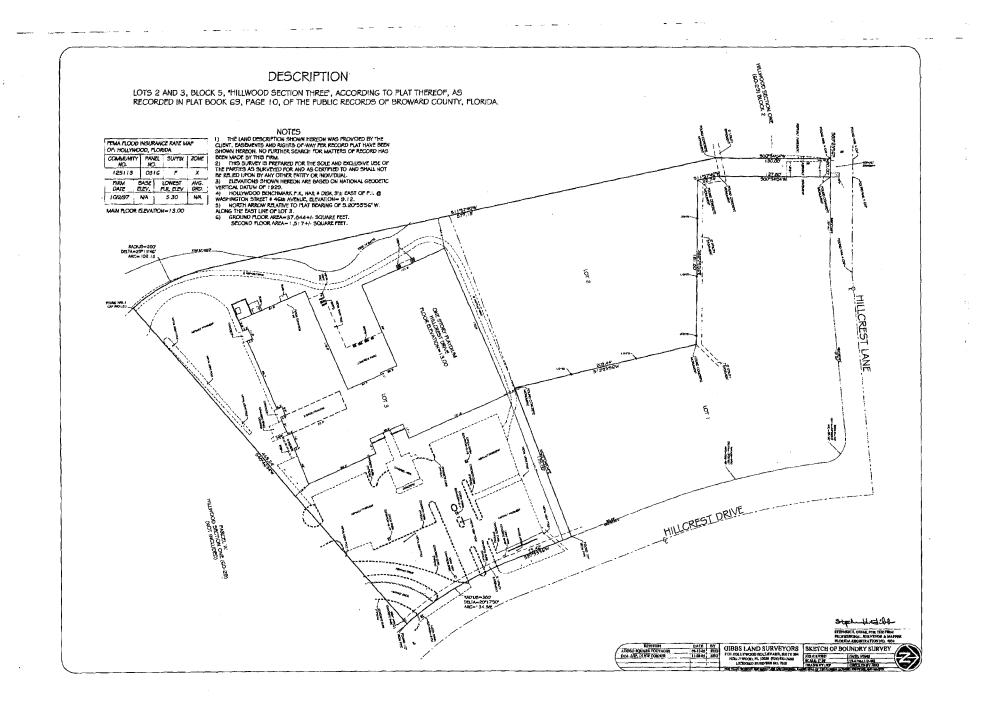
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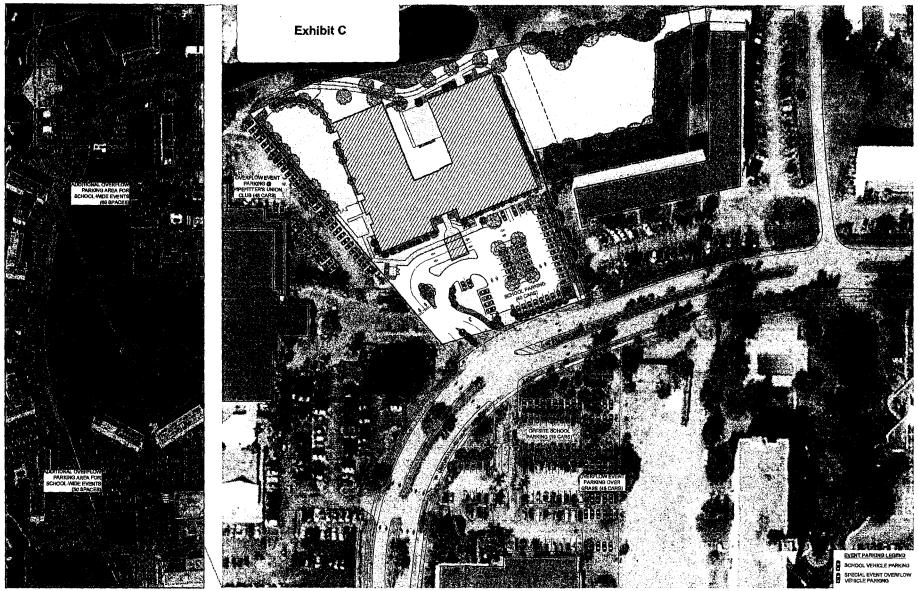






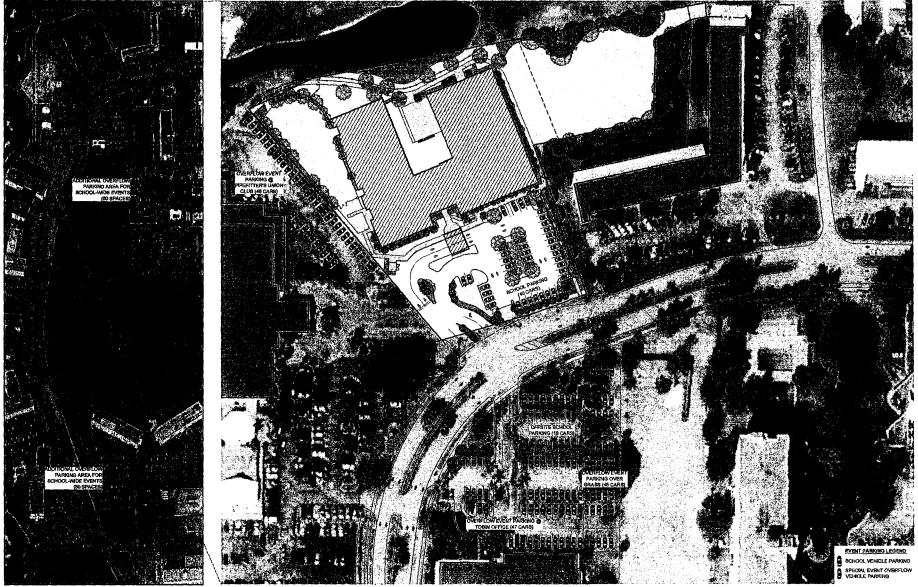
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DAYTIME SPECIAL EVENTS

FLORIDA INTERCULTURAL ACADEMY THE BEN TOBIN CAMPUS 1100 BEN TOBIN DRIVE, HOLLYWOOD FLORIDA



EVENING SPECIAL EVENTS

FLORIDA INTERCULTURAL ACADE MY THE BEN TOBIN CAMPUS 1100 BEN TOBIN DRIVE, HOLLYWOOD FLORIDA