

RESOLUTION NO. _____

(16-DPV-44)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, CONSIDERING A REQUEST FOR A VARIANCE, DESIGN AND SITE PLAN APPROVAL FOR THE CONSTRUCTION OF AN APPROXIMATE 15,300 SQUARE FOOT ELEMENTARY SCHOOL AND RENOVATIONS TO AN EXISTING PLACE OF WORSHIP (FAITH & LIFE FELLOWSHIP MINISTRIES AND ALPHA INTERNATIONAL ACADEMY), LOCATED AT 121 SOUTH 24TH AVENUE, PURSUANT TO THE PROVISIONS OF THE CITY OF HOLLYWOOD ZONING AND LAND DEVELOPMENT REGULATIONS.

WHEREAS, the Planning and Development Board ("Board") is charged with, among other things, the responsibility of considering requests for variances, design, special exceptions and site plan approvals; and

WHEREAS, the Board is duly empowered to grant variances, special exceptions, and design approvals in accordance with the guidelines and procedures set forth in Section 5.3 of the City's Zoning and Land Development Regulations, and site plan approval pursuant to Article 6 of those Regulations; and

WHEREAS, Faith & Life Fellowship Ministries, Inc. and Carol Gardner, CPA ("Applicants"), have applied for a Variance, Design and Site Plan approval for the construction of an approximate 15,300 square foot elementary school and renovations to an existing place of worship located at 121 South 24th Avenue, as more particularly described in Exhibit "A" attached hereto; and

WHEREAS, the Planning Manager and Associate Planner ("staff"), following an analysis of the application and its associated documents, have determined that the proposed request for a Variance to reduce the required number of parking spaces from 52 to 35 parking spaces does meet the criteria set forth in Section 5.3.F.1. a. through d. of the Zoning and Land Development Regulations (criteria e. is not applicable), and have therefore recommended approval with the following condition: **That the school use and place of worship shall not operate concurrently;** and

WHEREAS, following analysis of the application and its associated documents, staff has determined that the proposed request for Design approval meets the applicable criteria set forth in Section 5.3.I.4. of the Zoning and Land Development Regulations, and therefore recommend approval of the Design; and

WHEREAS, following an analysis of the application and its associated documents, the Technical Advisory Committee has determined that the proposed request for Site Plan approval does meet the review standards set forth in Article 6 of the Zoning and Land Development Regulations, and has therefore recommended approval with the following conditions:

- (1) That the student capacity shall not exceed 240 students at any time;
- (2) That the grades of the school shall be limited to K through 8;
- (3) That the school shall have a minimum of two separate drop-off/pick-up times separated by a minimum of 30 minutes. Pick-up and drop-off areas shall function as illustrated on the Site Plan and Traffic Impact Analysis dated August 31, 2017. Any modification to the drop-off /pick-up plan and operating shifts shall be approved in writing by the City's Traffic Engineer or his/her designee;
- (4) That the Applicant shall market exclusively Hollywood residents, including Highland Gardens and United Neighbors neighborhoods, for a minimum of four weeks prior to the any marketing for student enrollment to the public-at-large. This marketing shall include a combination of presentations to the civic associations, open house flyers, advertising, and community newspapers;
- (5) That deliveries shall be coordinated so as to not interfere with student arrival or dismissal shifts;
- (6) That the Applicant, on behalf of itself, its successors, and or designees, shall annually submit, prior to October 1st, a copy of the Benchmark Day Enrollment Report or subsequent document;
- (7) That the Applicant, on behalf of itself, its successors, and/or designees, shall submit to the Planning Division or designated Department or Division of the City, an annual Compliance Report no later than December 1st, showing compliance with all conditions of this approval. The Applicant acknowledges that should any violations of the conditions be found, the City will pursue any and all remedies, including but not limited to Code Enforcement (at which the City will seek fines in the amount of \$1,000 per day for first violations and up to \$5,000 per day for repeat violations) and/or an injunction to prohibit the continuing violation(s), subject to the Applicant's rights to notice and right to cure under the law;

- (8) That parking for special events (for the purposes of this section, special events shall mean any time parents or visitors and invitees are attending the school for other than pick-up and drop-off purposes) shall be provided and coordinated in the following manner:
- a. Special Events for the school shall be independent of each other and only one event can take place at any given time; and
 - b. Special Events during school hours shall be limited to one grade level. Multigrade events shall be limited to non-school hours. A Special Event Permit pursuant to Chapter 102 of the Hollywood Code of Ordinances shall be required for all events. The school shall comply with all requirements and/or conditions set forth in the Special Event Permit, including but not limited to off-site parking, police details, etc.;
- (9) That the Applicant shall, prior to the issuance of Building permits, apply to the appropriate Charter School regulatory agency(ies) for the adoption of rules by which a Zero Tolerance Policy shall be applied to any one dropping off or picking up a student at any location other than those agreed to by the City and Applicant, as indicated on the Site Plan and Traffic Impact Analysis. The Applicant shall seek a progressive penalty system for violations of these rules that result in expulsion of the student from the school for repeat violations; and
- (10) That, the City's Public Safety Director or his/her designee, shall have the ability to mandate police detail(s) for arrival and dismissal shifts as deemed necessary;
- (11) That school buses shall not be stored on the premises nor in violation of City Code; and
- (12) That a Unity of Title, in a form acceptable to the City Attorney, shall be submitted prior to the issuance of Building Permit, which will be recorded by the City in the Public Records of Broward County prior to the issuance of a Certificate of Occupancy (C/O) or Certificate of Completion (C/C); and

WHEREAS, on January 18, 2018, the Board met and held an advertised public hearing to consider the Applicant's requests; and

WHEREAS, the Board approved all of the Applicant's requests, along with conditions as set forth in Board Resolution 16-DPV-44; and

WHEREAS, between January 19 and February 2, 2018, in accordance with Article 5, Section 5.6 of the City's Zoning and Land Development Regulations, Commissioner Biederman along with Commissioner Blattner and Vice Mayor Case requested a review of the application relating to the Variance, Design, and Site Plan approved with conditions by the Planning and Development Board as set forth in the Board's Resolution No. 16-DPV-44; and

WHEREAS, on April 4, 2018, the City Commission met and held a duly noticed advertised public de novo hearing to consider the Applicant's request to reduce the required number of parking spaces from 52 parking spaces to 35 parking spaces, based upon the following criteria set forth in Section 5.3.F.1. a. through e of the City's Zoning and Land Development Regulations:

- a) That the requested Variance does maintain the basic intent and purpose of the subject regulations, particularly as they affect the stability and appearance of the City;
- b) That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community;
- c) That the requested Variance is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan, as amended from time to time, the applicable Neighborhood Plan and all other similar plans adopted by the City;
- d) That the need for the requested Variance is not economically based or self-imposed; and
- e) That the requested Variance is necessary to comply with state or federal law and is the minimum Variance necessary to comply with the applicable law; and

WHEREAS, on April 4, 2018, the City Commission met and held a duly noticed advertised public de novo hearing to consider the Applicant's request for the Design approval, based upon the following criteria pursuant to Section 5.3.I.4.a. (1) through (4) of the City's Zoning and Land Development Regulations:

- 1) The architectural details are commensurate with the building mass. Design of the building(s) considered aesthetics and functionality,

including the relationship of the pedestrian with the built environment;

- 2) Compatibility. There is an appropriate 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. The building contains architectural details that are characteristic of the surrounding neighborhood;
- 3) Scale/Massing. The building is proportionate in scale, with a height which is consistent with the surrounding structures. The building mass reflects 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. The architectural details include but are not limited to banding, molding, and fenestration; and
- 4) Landscaping. The landscaped areas contain a variety of native and other compatible plant types and forms, and are carefully integrated with existing buildings and paved areas. Existing mature trees and other significant plants on the site have been preserved; and

WHEREAS, on April 4, 2018, the City Commission met and held a duly noticed advertised public de novo hearing to consider the Applicant's request for Site Plan approval, and considered the Site Plan review standards set forth in Article 6 of the Zoning and Land Development Regulations, 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 foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That following a review of the Staff Summary Report, the Applicant's application and supporting documents and materials, submitted written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the criteria listed herein approving/denying the requested Variance to reduce the required number of parking spaces from 52 parking spaces to 35 parking spaces, the City Commission finds that the necessary criteria have / have not been met and is approved/approved with conditions/denied.

Section 3: That following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, submitted 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 approved/approved with conditions/denied.

Section 4: That following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, submitted 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 is approved/approved with conditions/denied.

Section 5: That the Variance shall become null and void unless the Applicant has applied for all applicable building or other permits(s) or license(s) within 24 months of the Board's approval, said 24 months commencing upon passage and adoption of this Resolution.

Section 6: That the Applicant shall have up to 24 months from the date of Design approval to apply for a valid construction permit, and failure to submit an application within the require time period shall render all approvals null and void.

Section 7: That the Applicant shall have up to 24 months from the date of Site Plan approval to apply for a valid construction permit, and failure to submit an application within the require time period shall render all approvals null and void.

Section 8: That the Department of Development Services Planning Division is directed to forward a copy of this Resolution to the Applicant/Owner of the property with respect to which the request was made. This Resolution will be delivered to the City Clerk to be recorded in the Public Records of Broward County, as provided by the applicable provisions of Article 5 in the Zoning and Land Development Regulations. A copy shall be furnished to any enforcement official.

Section 9: That the City Clerk shall record this Resolution in the Public Records of Broward County, Florida.

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

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PASSED AND ADOPTED this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

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

DOUGLAS R. GONZALES, CITY ATTORNEY