

ATTACHMENT C
Resolution No. 13-S-85

2

CITY OF HOLLYWOOD
PLANNING AND DEVELOPMENT BOARD

INSTR # 111954074
OR BK 50363 Pages 954 - 958
RECORDED 11/26/13 12:07:03 PM
BROWARD COUNTY COMMISSION
DEPUTY CLERK 2015
#2, 5 Pages

RESOLUTION NO. 13-S-85

A RESOLUTION OF THE CITY OF HOLLYWOOD
PLANNING AND DEVELOPMENT BOARD CONSIDERING
A SPECIAL EXCEPTION TO ESTABLISH A SCHOOL
(MARWARE MONTESSORI ACADEMY) AT THE
PROPERTY LOCATED AT 2402 HOLLYWOOD
BOULEVARD, HOLLYWOOD, FLORIDA, AS MORE
PARTICULARLY DESCRIBED IN EXHIBIT "A," PURSUANT
TO THE PROVISIONS OF THE CITY OF HOLLYWOOD
ZONING AND LAND DEVELOPMENT REGULATIONS.

WHEREAS, the Planning and Development Board (the "Board") is duly
empowered to review requests for Special Exceptions in accordance with the guidelines
and procedures set forth in Section 5.3 of the City's Zoning and Land Development
Regulations; and

WHEREAS, 2402, LLC, by and through his authorized representative,
Keith Poliakoff, Esq. ("Applicant"), applied for a Special Exception to establish a school
(Marware Montessori Academy) at the property located at 2402 Hollywood Boulevard,
Hollywood, Florida, as more particularly described in Exhibit "A" attached hereto and
incorporated herein by reference; and

WHEREAS, the Assistant Director of the Department of Planning and
Development Services, the Planning Manager, and Associate Planner, following an
analysis of the application and its associated documents have determined that the
proposed request for a Special Exception does meet the criteria set forth in Section
5.3.G.2. of the Zoning and Land Development Regulations have therefore
recommended that it be approved with the following condition:

That the Applicant shall submit a Unity of Title, in a form
acceptable to the City Attorney, prior to the issuance of any
building permits and the Unity of Title shall be recorded in the
Public Records of Broward County prior to Certificate of
Completion (C/C) or Certificate of Occupancy (C/O).

and

WHEREAS, on October 10, 2013, the Board met and held a duly advertised public hearing to consider the Applicant's request for a Special Exception; and

WHEREAS, the Board reviewed the application for the Special Exception to establish a private school, reviewed the evidence submitted and testimony received at the public hearing, considered staff's recommendation with conditions, and applied the criteria for reviewing a request for a Special Exception as set forth in Section 5.3.G.2. of the City's Zoning and Land Development Regulations and the Board made the following findings:

- a) The proposed use is consistent with the principles of the City's Comprehensive Plan;
- b) The proposed use is compatible with the existing land use pattern and designated future uses and with the existing natural environment and other real properties with the vicinity;
- c) There are provisions for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the areas which will serve the use;
- d) There are 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 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 adequate in shape and size to accommodate the proposed use;
- g) The proposed use is consistent with the definition of a Special Exception and does 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.

; and

WHEREAS, based upon its findings set forth above, the Board determined that the criteria set forth above have been met and therefore approve the Special Exception with staff's conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND DEVELOPMENT BOARD 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, and the consideration of the criteria listed herein for approving/denying the requested Special Exception for the establishment of a school (Marware Montessorri Academy) located at 2402 Hollywood Boulevard, Hollywood, Florida, and its findings set forth above, the Board hereby **approves** the Special Exception based on the plans as submitted by the Applicant and reviewed by the Board with the **following conditions:**

- (a) That the Applicant shall submit a Unity of Title, in a form acceptable to the City Attorney, prior to the issuance of any building permits and the Unity of Title shall be recorded in the Public Records of Broward County prior to Certificate of Completion (C/C) or Certificate of Occupancy (C/O);
- (b) The Special Exception to allow the school (use) is limited to 2402, LLC (Marware Montessori Academy);
- (c) The Applicant shall make all necessary repairs (according to City staff) to the alley in order to accommodate a raised crosswalk; and
- (d) The Applicant shall install a white vinyl coated chainlink fence on the property (according to City staff).

Section 2: That the approval by the Board granting 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.

[THIS SPACE LEFT INTENTIONALLY BLANK]

**CITY OF HOLLYWOOD, FLORIDA PLANNING AND DEVELOPMENT BOARD
RESOLUTION NO. 13-S-85 (2402, LLC- MARWARE MONTESSORI ACADEMY
SPECIAL EXCEPTION.**

Section 3: That the Department of Planning and Development Services is hereby directed to forward a copy of this resolution to the Applicant and the owner of the property upon which the request for the Special Exception was made and a copy shall 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.

PASSED AND ADOPTED THIS 10th day of October , 2013.

RENDERED THIS 19 DAY OF November 2013.

ATTEST:


JOSEPH KALLER, Secretary


JOHN PASSALAGUA, Chair

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


JEFFREY P. SHEFFEL, Board Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

The West Half of Lot 24, LESS the South 7 ½ feet thereof, Block 19, and the East Half of Lot 24, LESS the South 7 ½ feet thereof and LESS the North 30 feet thereof, Block 19, of the AMENDED PLAT OF HOLLYWOOD LITTLE RANCHES, according to the Plat thereof, as recorded in Plat Book 1, Page 26, of the Public Records of Broward County, Florida

The North 50.0 feet of Lot 1, Block 19, LESS AND EXCEPT the North 7.5 feet thereof, of the AMENDED PLAT OF HOLLYWOOD LITTLE RANCHES, according to the Plat thereof, as recorded in Plat Book 1, Page 26, of the Public Records of Broward County, Florida