



City of Hollywood

Hollywood City Hall
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Legislation Text

File #: R-2019-212, **Version:** 1

A Resolution Of The City Commission Of The City Of Hollywood, Florida, Considering The Request For Site Plan Approval Of A Communication Tower At 1200 Sheridan Street. (18-P-49)

Staff Recommends: Approval of the attached Resolution with conditions.

Explanation:

On June 19, 2019, the City Commission approved a resolution to rescind its June 5, 2019 decision to deny the site plan application for a communication tower in West Lake Park. As such, the Commission shall consider the current request for site plan approval at a De Novo Hearing.

Background:

The Applicant's proposed site is within the West Lake Park, located south of Sheridan Street and the west of West Lake Drive within the Hollywood Lakes neighborhood. West Lake Park is a regional park which includes the Anne Kolb Nature Center and a variety of outdoor recreational activities. The park has an Open Space and Recreation Land Use, and is zoned as Governmental Use (GU) which will allow for government, including communication towers and related structures. Broward County, is proposing an approximate 325 foot communication tower and accessory structure, a critical component of the new Public Safety Radio System, which includes the City of Hollywood Police and Fire users.

The proposed structure is flanked by a City of Hollywood Public Utilities and golf course to the south, multifamily residential to the north, west and east, and a conservation area to the east. The communication tower and accessory structure are appropriately located on the southwestern corner of the West Lake Park, bordering the City of Hollywood Public Utilities, this location allows for the tower to be at its maximum separation from the any neighboring residential property and nestled within the open space.

As required by the Zoning and Land Development Regulations, the Planning and Development Board provides a recommendation to the City Commission for Design and Site Plan.

On September 6, 2018, the Planning and Development Board forwarded a recommendation

of denial to the City Commission vote (0-6).

Subsequent to the Planning and Development Board meeting, the Applicant has submitted additional supporting documentation (Attachment II).

Project History:

On November 7, 2018 the City Commission determined that a better alternative site may be available and as such directed to study the CIRC Hotel, located at 1780 Polk Street, as an option for the proposed communication tower at West Lake Park.

At the December 19th City Commission meeting, Staff and CIRC Hotel Representatives, presented the CIRC Hotel as an option for the Antennas in lieu of a communication tower proposed at West Lake Park. County representatives agreed that comparable coverage could be attained at the CIRC Hotel but they remained adamant that the CIRC Hotel was not viable due to uncertainties during construction. City Commission continued the item, requesting that further studies be made at the CIRC Hotel by the Applicant. The Applicant indicated that the item would be discussed at an upcoming County Commission meeting.

On January 8, 2019, the Broward County Commission voted (8-1) to authorize County Staff to look into the CIRC Hotel as an alternative site to West Lake Park. The County Commission also invoked conflict resolution proceedings pursuant to Florida Statue 164, which could potentially initiate a lengthy legal process, as a result of the City of Hollywood's continuance of the Site Plan approval request for a communication tower in West Lake Park. City Representatives disagreed that such a measure is warranted given that the City Commission did not deny their request. The City also made the County Commission aware of a deed restriction limiting uses at West Lake Park, including potentially the Communications Tower.

The item returned to the County Commission on January 29, 2019 where the County Commission voted (6-3) to move forward with a feasibility study to place the necessary equipment on the roof of the CIRC Hotel instead of West Lake Park. Their vote included the following conditions:

1. The lease with CIRC Hotel would be on the next County Commission agenda on February 12, 2019. The lease needed to include at a minimum the general terms and equipment design and location.
2. The County's consultants, KCI Associates of NC and Mission Critical Partners, had 60 days to complete their feasibility study, excluding FAA and FCC approvals.
3. The County and Consultants to work with the City to identify and evaluate alternative sites for the tower.

During the Chapter 164 proceedings held on January 31st, the City Attorney expressed the City's position that the case is not ripe and thus premature under Chapter 164. However, County Representatives indicated that the intent of the meeting was to establish a "Plan B" in the event CIRC Hotel is determined not to be viable. As such both Parties agreed to move

forward with the CIRC hotel as priority, an analysis of the City's Water Treatment Plant, and further evaluation of alternative sites such as at the Radius, Dania Pointe, and Oakwood Plaza.

Over the next 60 days, City, County and CIRC Hotel Representatives and Consultants met several times to discuss the structural feasibility and lease terms. On February 12, 2019, an item at the County Commission to discuss the lease agreement was withdrawn. The County Attorney stated that there are still a few outstanding items, such as the lease premise. Ultimately the lease agreement would be coupled with the completion of the feasibility study at which point the lease premise could be fully evaluated.

At the February 26, 2019 County Commission hearing, County Staff updated the Commission on the CIRC Hotel, and a Plan B, should the CIRC prove not to be feasible. Due to continued concerns raised by the City, the County Commission recommended a Workshop to discuss the final findings of the feasibility study. To assist in meeting the fast approaching deadline for the P-25 Radio system, the City committed to assisting with any permitting and regulatory approvals that may be determined to be required.

City and County Staff also engaged in conversation regarding placement of the second tower in east Hollywood. The City's primary focus was on the site plan associated with proceedings under Chapter 164, while the County's was to discuss "Plan B". The City provided an analysis of why the County's preferred Plan B, the Waste Water Treatment Plant, was not a viable option. As a result, the preferred Plan B site was reverted to West Lake Park.

On April 1, 2019 the County circulated the CIRC Hotel Feasibility Study Report and Appendices, in preparation for the workshop. In response, City Staff, in collaboration with consultant G. M. Selby, Inc., prepared an analysis of the report. At the workshop held on April 8, 2019, KCI provided a summary of the report, stating that the CIRC Hotel was a viable option while identifying coverage, construction, cost and timeline challenges. While City Staff, presented a range of solutions to these challenges per City Consultant's report, the County Commission concluded that due to the diminished coverage and shadowing issues, the CIRC Hotel was no longer an optimal option and progress would need to be made on Plan B, West Lake Park. In response, G. M. Selby, Inc., in collaboration with City Staff, drafted an updated response with a focus on the Evaluation of the RF Layout at the CIRC Hotel. This document was presented and the May 16 County Commission Hearing which directing staff to move forward with the West Lake Park Site and publish notice for a public hearing to modify the declaration of restrictive covenants for West lake Park.

On May 7 2019, the County Commission voted (8-1) to amend the deed restriction for West Lake Park, thus enabling the City Commission to consider the West Lake Park Site Plan. County Staff and Commission indicated the intent was to allow both CIRC Hotel and West Lake Park options to move forward concurrently.

While the County Commission has expressed concern over the coverage the CIRC Hotel being the primary detractor for the CIRC Site, City Consultant G. M. Selby, Inc. believes that

the CIRC Hotel is a viable option and will have comparable coverage.

On May 30, 2019, the County provided a letter and updated drawings clarifying the over height of the tower and all communication related equipment.

On June 5, 2019, the City Commission held a public hearing and passed Resolution No. R-2018-333 denying Broward County's request.

At a June 6, 2019 Joint Commission Meeting between the Broward County and City of Hollywood Commissions, a tentative "agreement" was reached that the parties would bring to their respective Commissions an Interlocal Agreement for their consideration, agreeing to some general terms for the ILA, and directed legal counsel and appropriate staff for both parties to work jointly on specific details for the respective Commissions to consider during their next Commission meetings.

On June 18, 2019, the County Commission considered and approved the ILA, with several changes.

On June 19, 2019, the City Commission considered and approved the ILA, with several changes. As a result, also approved was a resolution to rescind its June 5, 2019 decision to deny the site plan application.

Attachment I: September 6, 2018 Planning and Development Board Staff Report & Backup
Attachment II: September 17, 2018 Supplemental Applicant Package
Attachment III: Section 6.23 Site Plan Review Standards
Attachment IV: Resolution Rescinding the June 5, 2019 Decision

Recommended for inclusion on the agenda by:
Leslie A. Del Monte, Planning Manager, Division of Planning and Urban Design
Shiv Newaldass, Director, Department of Development Services
Gus Zambrano, Assistant City Manager/Sustainable Development