

ATTACHMENT "D"

RESOLUTION NO. 09-DPV-39B

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CITY OF HOLLYWOOD
PLANNING AND DEVELOPMENT BOARD
AND
HISTORIC PRESERVATION BOARD

A RESOLUTION OF THE CITY OF HOLLYWOOD JOINT PLANNING AND DEVELOPMENT BOARD/HISTORIC PRESERVATION BOARD CONSIDERING THE REQUEST FOR VARIANCES, A CERTIFICATE OF APPROPRIATENESS FOR DESIGN, AND SITE PLAN FOR THE CONSTRUCTION OF AN APPROXIMATE 7,200 SQ. FT. COMMERCIAL BUILDING (RESTAURANT) TO BE LOCATED AT 1402 N. SURF ROAD, 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 "Planning Board") is charged with, among other things, the responsibility of considering requests for variances, design, special exceptions and site plan approval; and

WHEREAS, on February 28, 2012, the Planning Board and Historic Preservation Board met and held a joint advertised public hearing to consider Angelo R. Gramanzini's (the "Applicant") initial request for the construction of an approximate 6,900 square foot commercial building (restaurant) and adopted Board Resolution No. 09-CPV-39, which granted a variance, a certificate of appropriateness for design and site plan with conditions for the property located at 1402 N. Surf Road, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, on March 13, 2014, the Planning Board and Historic Preservation Board met and held a joint advertised public hearing to consider the Applicant's request for an extension of the previously approved variance, certificate of appropriateness for design and site plan, and approved the extension request pursuant to Board Resolution No. 09-CDPV-39a; and

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

WHEREAS, the Historic Preservation Board (the "Historic Board") is charged with the responsibility of preserving and conserving properties of historical, architectural and archeological merit in the City of Hollywood; and

WHEREAS, a Certificate of Appropriateness for Design is required prior to the issuance of a building permit for new building construction, additions to existing buildings, major renovation work or substantial alteration based upon evaluation of the compatibility of the physical alteration or improvement with the criteria listed in the City of Hollywood Zoning and Land Development Regulations; and

WHEREAS, in accordance with Section 5.3.1.2. of the Zoning and Land Development Regulations, a joint meeting of the Planning and Development Board and Historic Preservation Board is required for projects located in an Historic District that requires Site Plan approval and a Certificate of Appropriateness of Design; and

WHEREAS, the Applicant applied for modifications to the approved project which require two (2) Variances, approval of a Certificate of Appropriateness for Design and Site Plan for the construction of an approximate 7,200 square foot restaurant located at 1402 N. Surf Road; and

WHEREAS, the Assistant Director of the Department of Planning and Associate Planner, following and analysis of the application and its associated documents have determined that the request for a Variance to waive the required Surf Road tower setback of 15 feet to allow 10 feet, does meet the criteria set forth in Section 5.3.F. (1) of the Zoning and Land Development Regulations and have therefore recommended approval with the following conditions:

- (1) The gates on the first floor must remain decorative to maintain the style and design of the ground level; and
- (2) The Variance is only valid in conjunction with the current Site Plan proposal dated February 20, 2015, and in the event that Site Plan is amended, new Variances must be reapplied for.

; and

WHEREAS, the Assistant Director of the Department of Planning and Associate Planner, following and analysis of the application and its associated documents have determined that the request for a Variance to waive the required Broadwalk base setback of 10 feet to allow 0 feet, does meet the criteria set forth in Section 5.3.F. (1) of the Zoning and Land Development Regulations and have therefore recommended approval with the following conditions:

- (1) The gates on the first floor must remain decorative to maintain the style and design of the ground level; and
- (2) The Variance is only valid in conjunction with the current Site

Plan proposal dated February 20, 2015, and in the event that Site Plan is amended, new Variances must be reapplied for.

; and

WHEREAS, the Assistant Director of Planning and Development Services, the Planning Manager and the Associate Planner, following an analysis of the application and its associated documents have determined that the Certificate of Appropriateness for Design does meet the following criteria of integrity of location, design, setting, materials, workmanship and association as set forth in Section 5.5 F. of the Zoning and Land Development Regulations and have therefore recommended approval with the following conditions:

- (1) The Applicant shall work with Staff to incorporate design/architectural features on the north elevation to avoid blank walls prior to submittal of a building permit; and
- (2) The gates on the first floor must remain decorative to maintain the style and design of the ground level.

; and

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

- (1) The third floor shall be limited to storage use only unless required parking is provided for any other use; and
- (2) That the Applicant shall submit a Unity of Title, in a form acceptable to the City Attorney's Office, prior to the issuance of any building permits which shall be recorded by the City of Hollywood in the Public Records of Broward County, Florida prior to the issuance of a Certificate of Occupancy (C/O) or Certificate of Completion (C/C).

; and

WHEREAS, on March 12, 2015, an advertised public hearing of the joint meeting of the Planning and Development Board and Historic Preservation Board ("Joint Board") was held to consider the Applicant's request; and

WHEREAS, the Joint Board reviewed the application for the two (2) Variances and determined the following:

(1) As to the Variance request to waive 5 feet of the required 15 feet Surf Road tower setback, the Variance request does meet the criteria set forth in Section 5.3.F.1. of the Zoning and Land Development Regulation and made the following findings:

- 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 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) Since the Board finds that criteria a. through d. have been met, then criteria e. is not applicable.

(2) As to the Variance request to waive 10 feet of the required 10 feet Broadwalk base setback, the Variance request does meet the criteria set forth in Section 5.3.F.1. of the Zoning and Land Development Regulation with Staff's conditions, and made the following findings:

- 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 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) Since the Board finds that criteria a. through d. have been met, then criteria e. is not applicable.

WHEREAS, the Joint Board reviewed the application and the Department of Planning's staff report, and considered staff's conditions, and made the following finding: That the request for a Certificate of Appropriateness for Design to construct an approximate 7,200 square foot commercial (restaurant) located at 2001 Hollywood Boulevard does meet the criteria set forth in Section 5.5.F. of the Zoning and Land Development Regulations with the following conditions:

- (1) The Applicant shall work with Staff to incorporate design/architectural features on the north elevation to avoid blank walls prior to submittal of a building permit; and
- (2) The gates on the first floor must remain decorative to maintain the style and design of the ground level.

; and

WHEREAS, the Joint Board reviewed the application and the staff's report and the Technical Advisory Committee's recommendation with a condition for the approval of the Site Plan and considered the Site Plan review standards set forth in Article 6 of the Zoning and Land Development Regulations, and have determined that the Site Plan standards have been met with the following conditions:

- (1) The third floor shall be limited to storage use only unless required parking is provided for any other use; and
- (2) That the Applicant shall submit a Unity of Title, in a form acceptable to the City Attorney's Office, prior to the issuance of any building permits which shall be recorded by the City of Hollywood in the Public Records of Broward County, Florida prior to the issuance of a Certificate of Occupancy (C/O) or Certificate of Completion (C/C).

NOW, THEREFORE, BE IT RESOLVED BY THE JOINT PLANNING AND DEVELOPMENT BOARD/HISTORIC PRESERVATION 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, and all submitted written and oral testimony received during the public hearing, and the consideration of the criteria listed herein for approving/denying the requested Variance for the property located at 1402 N.Surf Road, to waive 5 feet of the required 15 feet Surf Road tower setback to allow a 10 foot setback for the subject property, the Board finds that the necessary criteria have been met, and the requested Variance is hereby **approved with the following conditions:**

- (a) The gates on the first floor must remain decorative to maintain the style and design of the ground level; and
- (b) The Variance is only valid in conjunction with the current Site Plan proposal dated February 20, 2015, and in the event that Site Plan is amended, new Variances must be reapplied for.

Section 2: 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, and the consideration of the criteria listed herein for approving/denying the requested Variance for the property located at 1402 N.Surf Road, to waive 10 feet of the required 10 foot Broadwalk base setback to allow for a 0 foot setback for the subject property, the Board finds that the necessary criteria have been met, and the requested Variance is hereby **approved with the following conditions:**

- (a) The gates on the first floor must remain decorative to maintain the style and design of the ground level; and
- (b) The Variance is only valid in conjunction with the current Site Plan proposal dated February 20, 2015, and in the event that Site Plan is amended, new Variances must be reapplied for.

Section 3: That following review of the Staff Summary Report, the application, supporting documents, materials, and all submitted written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the criteria set forth herein for approving/denying a Certificate of Appropriateness for Design for the property located at 2001 Hollywood Boulevard, the Board finds that the necessary criteria have been met, and the Certificate of Appropriateness for Design is hereby **approved with the following conditions:**

- (a) The Applicant shall work with Staff to incorporate design/architectural features on the north elevation to avoid blank walls prior to submittal of a building permit; and

- (b) The gates on the first floor must remain decorative to maintain the style and design of the ground level.

Section 4: That, following review of the Staff Summary Report, the application, supporting documents, materials, and all 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, the Board finds that the necessary review standards have been met, and Site is hereby **approved with the following conditions:**

- (a) The third floor shall be limited to storage use only unless required parking is provided for any other use; and
- (b) That the Applicant shall submit a Unity of Title, in a form acceptable to the City Attorney's Office, prior to the issuance of any building permits which shall be recorded by the City of Hollywood in the Public Records of Broward County, Florida prior to the issuance of a Certificate of Occupancy (C/O) or Certificate of Completion (C/C).

Section 5: That both Variances 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 shall commence upon passage and adoption of this Resolution.

Section 6: That, the Applicant shall have up to 24 months from the date of this Certificate of Appropriateness for Design approval to apply for all necessary building permits or licenses required to proceed with this project. Failure to apply for said building permits or licenses within the time period shall render all Joint Board 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. Failure to submit an application within the require time period shall render all approvals null and void.

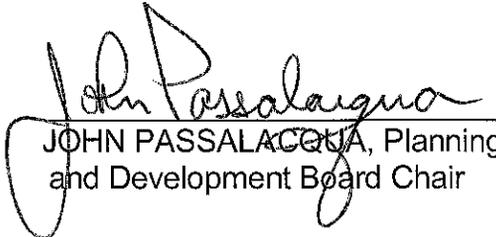
RESOLUTION NO. 09-DPV-39b OF THE JOINT PLANNING AND DEVELOPMENT BOARD AND HISTORIC PRESERVATION BOARD RELATING TO 1402 N. SURF ROAD (2015)

Section 8: That the Department of Planning is hereby directed to forward a copy of this resolution to the applicant and the 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.

PASSED AND ADOPTED THIS 12th DAY OF MARCH, 2015.

RENDERED THIS 13 DAY OF April, 2015.


TERRY CANTRELL, Historic Preservation Board Chair


JOHN PASSALACQUA, Planning and Development Board Chair

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


DEBRA REESE, BOARD COUNSEL