

**RESOLUTION NO. 2016-054**

**A RESOLUTION AND FINAL ORDER OF THE BOARD OF ADJUSTMENT OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING VARIANCE APPLICATION NO. VA-072-16 BY THE ARCHDIOCESE OF MIAMI, FOR ARCHBISHOP MCCARTHY HIGH SCHOOL; GRANTING A VARIANCE FROM THE UNIFIED LAND DEVELOPMENT CODE OF THE TOWN OF SOUTHWEST RANCHES, SUBSECTION 060-080 PERTAINING TO MAXIMUM PERMITTED HEIGHT IN THE COMMUNITY FACILITY DISTRICT; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND TOWN ATTORNEY TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO PROPERLY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR RECORDATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Applicant, Archdiocese of Miami, is the owner of Archbishop McCarthy High School, legally described as Parcel "A" of Broward Central Catholic High School, according to the plat thereof as recorded in Plat Book 163, Page 32 of the Broward County, Florida Public Records ("Property"); and

**WHEREAS**, the Applicant proposes to construct a theater over first floor classrooms measuring 40.0 feet to the roof deck and 41.5 feet to the top of the parapet; and

**WHEREAS**, the Property is zoned CF, Community Facility District; and

**WHEREAS**, Section 060-080 of the Town of Southwest Ranches Unified Land Development Code establishes a maximum height of thirty-five (35) feet for the CF District; and

**WHEREAS**, the Applicant requests relief from Section 060-080 in order to allow the theater building to exceed the maximum permitted height by a total of 6.5 feet to enable a height of 40.0 feet to the roof deck and 41.5 feet to the top of the parapet.

**NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1.** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

**Section 2.** That, at a duly noticed public hearing held on August 25, 2016 following the review of the staff report and all written and oral evidence received during the public hearing, the Board of Adjustment finds that the Applicant has demonstrated by competent substantial evidence that requested variance is warranted. Accordingly, the Board of Adjustment of the Town of Southwest Ranches hereby grants the Applicant's variance requests to exceed the maximum permitted height in the CF District by a total of 6.5 feet to enable a height of 40.0 feet to the roof deck and 41.5 feet to the top of the parapet, in accordance with the following stipulated conditions:

1. The variance is granted only for the construction of a theater and classroom addition as specifically shown in Exhibit "A" hereto, which is made a part hereof. The height granted is the maximum height, and nothing attached or affixed to this structure may exceed the height granted herein.
2. Prior to the issuance of a certificate of occupancy, temporary or otherwise, for the structure shown in Exhibit "A", the applicant shall remove all portables from the property.
3. The theater shall be constructed to hold a maximum of 1900 seats.
4. The theater shall only be utilized by the school and it shall only be utilized for non-professional school performances.
5. The Town shall be allowed to utilize the theater, at no charge, when it is not being utilized for a school performance.
6. The theater cannot be utilized for a school performance if another event is scheduled to be held on the school's property or on the adjacent St. Marks' property.
7. The variance shall automatically expire if the Applicant has not obtained a permit or development order from the Town within six (6) months from the effective date of this Resolution. Thereafter, the variance shall automatically expire upon occurrence of any of the conditions delineated in Section 140-060.
8. That the Applicant shall pay to the Town an amount equal to the total expense incurred by the Town in processing this application prior to issuance of a building permit for the wall. This fee includes, but, shall not be limited to expenses for engineering, planning, legal, advertising, a five percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this application.

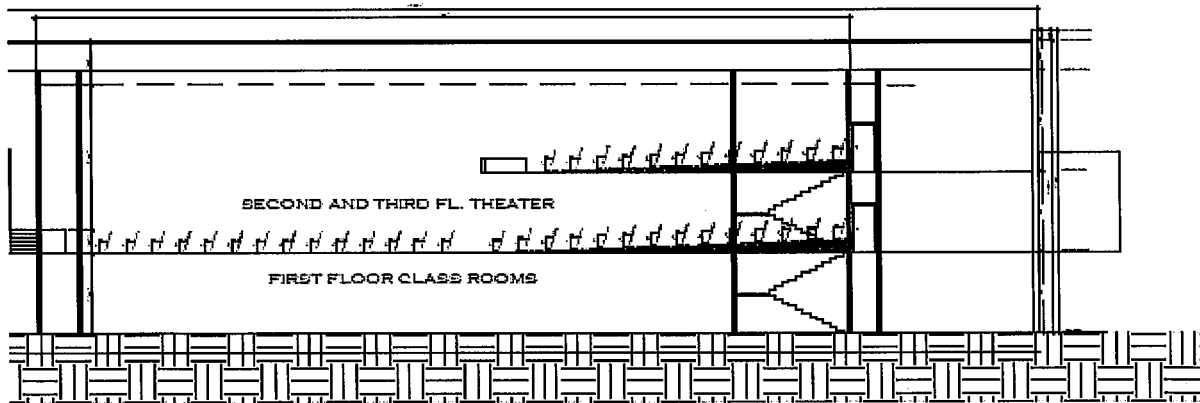
**Section 3.** The Mayor, Town Administrator and Town Attorney are each authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

**Section 4.** In furtherance of Section 140-030(H) of the Town's Unified Land Development Code, the Town Clerk is hereby authorized to record a copy of this Resolution in the Public Records of Broward County, Florida

**Section 5.** This Resolution shall become effective immediately upon adoption.

# EXHIBIT "A"

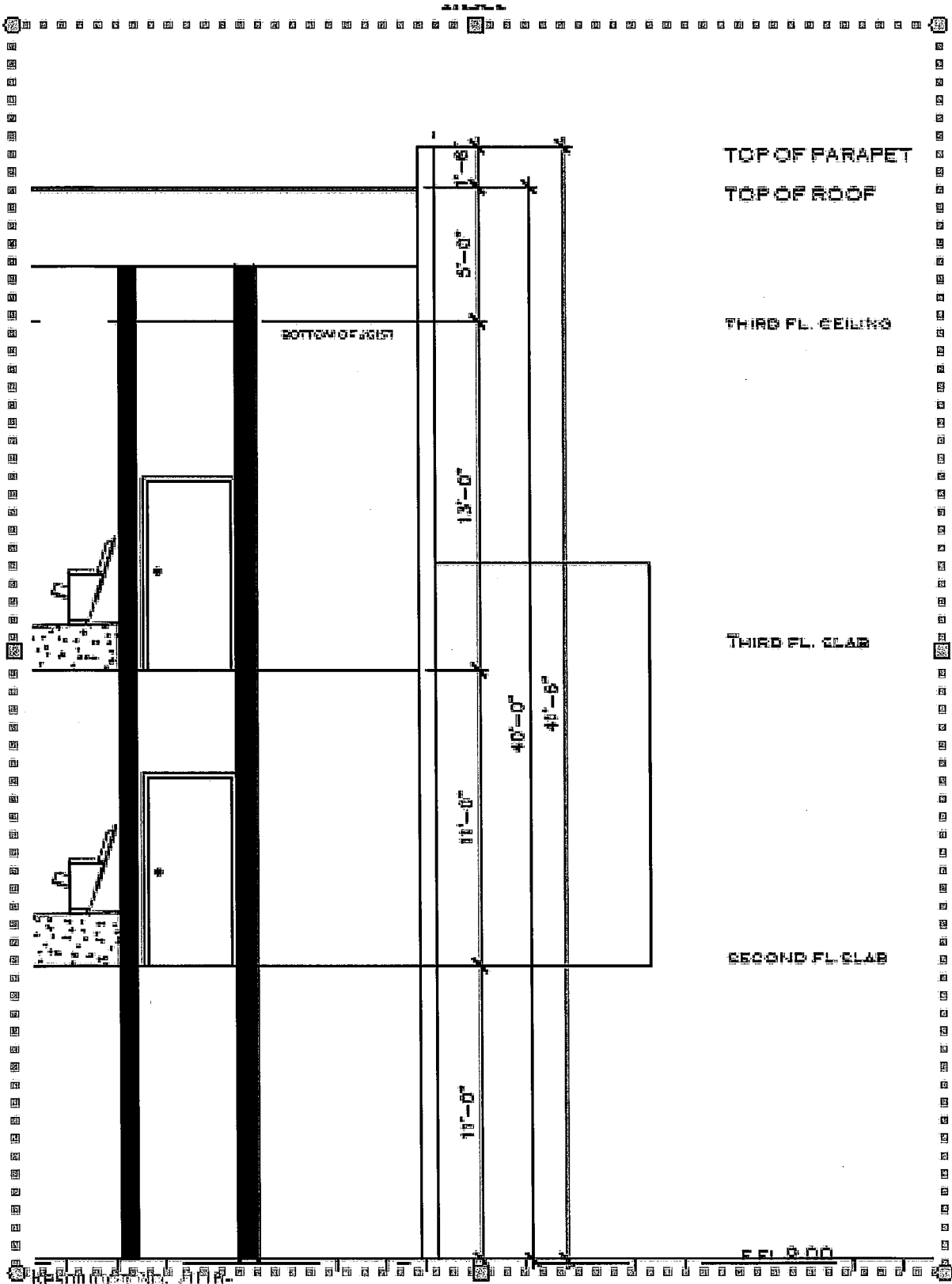
## ARCHBISHOP MCCARTHY HIGH SCHOOL PROPOSED THEATER AND CLASSROOM BUILDING



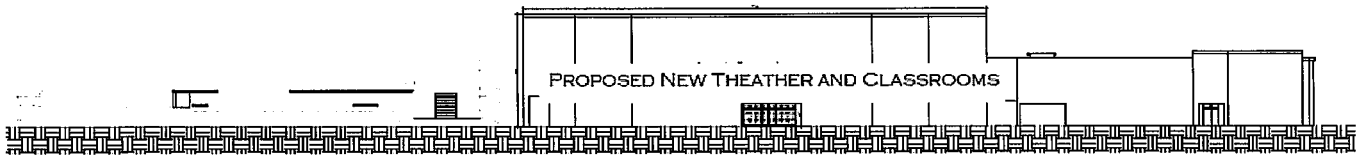
ARCHBISHOP MCCARTHY  
HIGH SCHOOL  
NEW THEATER AND CLASSROOM BUILDING  
EAST SOUTH EL AMURGO ROAD

SCALE  
DATE  
A-4

INSET



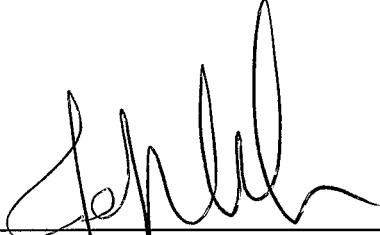
ARCHBISHOP MCCARTHY  
HIGH SCHOOL  
PROPOSED THEATER AND CLASSROOM BUILDING



SOUTH ELEVATION

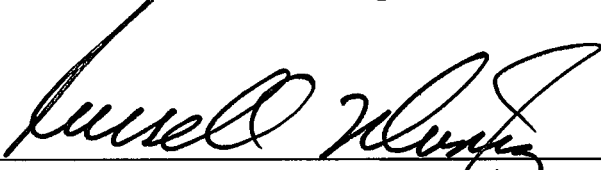
**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 25<sup>th</sup> day of August, 2016 on a motion by Vice Mayor McKay and seconded by Council Member Jablonski.

|            |            |            |          |
|------------|------------|------------|----------|
| Nelson     | <u>Yes</u> | Ayes       | <u>5</u> |
| McKay      | <u>Yes</u> | Nays       | <u>0</u> |
| Fisikelli  | <u>Yes</u> | Absent     | <u>0</u> |
| Breitkreuz | <u>Yes</u> | Abstaining | <u>0</u> |
| Jablonski  | <u>Yes</u> |            |          |


  
\_\_\_\_\_  
Jeff Nelson, Mayor

ATTEST:

This is to certify that this Resolution and Final Order has been filed by the undersigned for the records, and a copy provided to the Applicant and/or authorized agent this 25<sup>th</sup> day of August, 2016.

  
\_\_\_\_\_  
Russell Muiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Keith M. Poliakoff, J.D., Town Attorney

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