



**CITY OF HOLLYWOOD, FLORIDA  
INTER-OFFICE MEMORANDUM  
PLANNING AND DEVELOPMENT SERVICES**

**DATE:** September 2, 2010 **FILE:** 10-V-50  
**TO:** Development Review Board  
**VIA:** Andria Wingett, Planning Manager   
**VIA:** Julie Walls Krolak, Principal Planner  
**FROM:** Leander Hamilton, Planning & Development Services Administrator   
**SUBJECT:** Variance to reduce the required parking lot setback for the property located at 900 S. State Road 7 (CVS/pharmacy).

**REQUEST**

Variance to waive the required 10 foot parking lot setback to provide a range of approximately 9 feet to 5.5 feet on the east side.

**RECOMMENDATION**

Variance: Approval, with the condition all improvements (trees, shrubs, sod, etc) as reflected on the Site Plan included in Attachment A (Sheet CP.1) are completed prior to the issuance of a Certificate of Completion or Certificate of Occupancy (whichever is applicable).

**REQUEST**

FDOT is requesting a Variance to waive the required 10 foot parking lot setback to provide a minimum setback of approximately 5.5 feet along the east property line (State Road 7). Currently, the setback in this area ranges from approximately 17 feet to 12 feet. However, this buffer will need to be reestablished in order to accommodate space for a new bus loading area. Upon completion, the new buffer will range from about 9 feet to 5.5 feet at the narrowest point. Existing trees and shrubs will be maintained and additional plantings will be added to help provide much needed landscaping along the Corridor. This is the only area impacted on-site. No other Variances are being requested at this time.

Please refer to the attached Memorandum PD&S 10-29 for further information.

**SITE BACKGROUND**

**Applicants:** Florida Department of Transportation  
**Address/Location:** 900 S. State Road 7  
**Net Size of Property:** 1.19 acres (approximately)

**Present Zoning:** US 441/State Road 7 Commercial Corridor District – Low Hybrid Commercial South Sub Area (SR7 CCD – LHC)  
**Present Land Use:** CVS/pharmacy

**ADJACENT ZONING**

**North:** US 441/State Road 7 Commercial Corridor District – Low Hybrid Commercial South Sub Area (SR7 CCD – LHC)  
**South:** US 441/State Road 7 Commercial Corridor District – Low Hybrid Commercial South Sub Area (SR7 CCD – LHC)  
**East:** US 441/State Road 7 Commercial Corridor District – Low Hybrid Commercial South Sub Area (SR7 CCD – LHC)  
**West:** US 441/State Road 7 Commercial Corridor District – Low Hybrid Commercial South Sub Area (SR7 CCD – LHC)

**CONSISTENCY WITH THE CITY-WIDE MASTER PLAN**

The City of Hollywood recognizes State Road 7 as a major transportation corridor and one which is crucial to the success of the western portion of the City. Being established as the first sub-area in the Plan, it is clear the City and its residents are committed to the revitalization of this corridor.

The proposed mural is inconsistent with the City-Wide Master Plan based upon the following Guiding Principles and Policies:

**Guiding Principle:** *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

*Policy 1.1: Place a priority on the US 441/SR 7 Corridor for redevelopment opportunities, influence FDOT on design of the highway, and create innovative zoning to implement future plans.*

*Policy 1.24: Create an environment to protect the establishment and enhancement of small business along the US 441/SR 7 Corridor.*

*Policy 1.27: Assist FDOT regarding the redesign of the US 441/SR 7 Corridor through the City of Hollywood to ensure that FDOT’s redesign plans complement and support the City’s plans as well as accommodate FDOT’s construction needs.*

*Policy 1.47: Promote the development of US 441/SR 7 as a major transit corridor.*

While the creation of non-conformities as a result of the FDOT takings is not ideal, the proposed design has minimal impact on the site. The property will maintain all of its required parking and building setbacks. Additionally, existing landscaping will be maintained and new materials will be added. This is a favorable outcome as landscaping along this Corridor is currently lacking.

**VARIANCE**

**Waive the required 10 foot parking lot setback to provide a range of approximately 9 feet to 5.5 feet on the east side.**

The following criteria are listed in the Zoning and Land Development Regulations Section 5.6 J (1) and are utilized in evaluating Variances:

**CRITERIA 1:** That the requested Variance maintains the basic intent and purpose of the subject regulations including the Historic District Regulations, Guidelines and Resolutions, particularly as it affects the stability and appearance of the City.

**ANALYSIS:** The purpose of required setbacks is to provide landscaping and safe distances between adjacent structures and right-of-ways. As part of State Road 7 widening a portion of this property's eastern parking lot setback/landscape buffer must be acquired by FDOT.

As mentioned earlier, the existing buffer ranges in width from 12 feet to 17 feet. After it is reestablished it will range from approximately 5.5 feet to 11 feet. The additional space will be used to accommodate the road, sidewalk and a bus loading area. With this design, the parking lot will still be over 10 feet from the adjacent right-of-way thus providing a safe distance for customers and meeting the intent of the Code.

Existing trees and shrubs paired with proposed new landscape materials will help improve the corridors' appearance. Furthermore, FDOT's design includes an approximate 2 foot grassy utility strip adjacent to the landscape buffer. Although it is not counted toward the setback area, there is also a landscaped 2 foot car overhang adjacent to the parking lot. According to the applicant, "Considering these two (2) grassed areas, the 'visual' landscape buffer will be 10.17 feet at its narrowest point...Therefore the proposed variance will not adversely affect the appearance of the stability of the City of Hollywood."

**FINDING:** Consistent.

**CRITERIA 2:** That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

**ANALYSIS:** "The granting of the Variance for the subject property will not affect the use or development of neighboring properties and will not hinder or discourage appropriate development and/or use of adjacent and nearby lands," expresses the applicant.

A visit along State Road 7 quickly reveals the restricted nature of this corridor. Once used as a trucking route, "mom & pop" businesses established themselves on small parcels of land directly off of the road to cater to this use. As time continued and the corridor transformed into an alternative route to the Turnpike and I-95, small businesses which service automobiles and a transient population were maintained and this undesirable lot configuration remained. While this atmosphere does not carry throughout portions of State Road 7 in other cities in the tri-county area, it has remained true in Hollywood. Much of the streetscape in this area includes parking directly off the right-of-way and narrow strips of land with little landscaping or none at all. Notably, landscaping is more plentiful south of Hollywood Boulevard; however, there is still only a small amount.

Given the existing conditions, which include a mostly concrete streetscape, any area which includes even a minimal amount of landscaping helps enhance the

area. In this instance, some landscaped area will be lost; however, this does not include existing trees and shrubs which are what add true value to any area. The proposed design, which includes additional trees and shrubs, is consistent with desired look of the corridor and is not detrimental to the community. As such, to help ensure the best possible outcome which includes the completion of these improvements, staff is suggesting the condition all improvements as reflected on the Site Plan (trees, shrubs, sod, etc) are completed prior to the issuance of a Certificate of Completion or Certificate of Occupancy (whichever is applicable).

**FINDING:** Consistent, with staff's condition.

**CRITERIA 3:** 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.

**ANALYSIS:** Many of the policies within the Comprehensive Plan which support State Road 7 were first established by the City-Wide Master Plan. Sub-Area 1 of the Plan details existing conditions and desired actions for improvement along State Road 7. Part of this includes working with FDOT to create a design which will be beneficial to Hollywood and the community immediately along this corridor. While it does express a desire to avoid redesigns which result in variances and/or non-conformities, staff recognizes this may not be realistic. In many instances, creating a design which conforms to all requirements would have a negative impact on business and could possibly cause owners to lose portions of their building. Variance requests for setbacks such as this one are minimal and allow businesses to maximize the use of land by maintaining full operations.

**FINDING:** Consistent.

**CRITERIA 4:** That the need for requested Variance is not economically based or self-imposed.

**ANALYSIS:** The requested Variance is being made as a result of a State-funded roadway improvement needed to meet transportation/transit demands of a growing population. This Variance is not economically based or self-imposed. Rather, completion of this improvement by FDOT is needed to help the roadway meet required level-of-service standards therefore allowing traffic to flow properly through the City.

**FINDING:** Consistent.

**CRITERIA 5:** That the Variance is necessary to comply with State or Federal Law and is the minimum Variance necessary to comply with the applicable law.

**FINDING:** Not applicable.

## **RECOMMENDATION**

**Variance:** Approval, with the condition all improvements as reflected on the Site Plan (trees, shrubs, sod, etc) are completed prior to the issuance of a Certificate of Completion or Certificate of Occupancy (whichever is applicable).

## **ATTACHMENTS**

- ATTACHMENT A: Application Package
- ATTACHMENT B: Land Use & Zoning Map
- ATTACHMENT C: State Road 7 Cure Plan Process (Zoning Code and Code of Ordinances)