

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

DATE: September 2, 2010 **FILE:** 10-V-51
TO: Development Review Board
VIA: Andria Wingett, Planning Manager *AW*
VIA: Julie Walls Krolak, Principal Planner
FROM: Leander Hamilton, Planning & Development Services Administrator *LH*
SUBJECT: Variances to reduce the required parking lot setback and required amount of parking spaces for the property located at 5999 Pembroke Road (Walgreens).

REQUEST

Variance 1: Reduce the required 10 foot parking lot setback to provide approximately 8 feet on the west side.

Variance 2: Reduce the required 64 parking spaces to provide 54 spaces.

RECOMMENDATION

Variance 1: 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).

Variance 2: Approval.

REQUEST

This request is for two Variances for the Walgreens on the corner of Pembroke Road and State Road 7. The first Variance is to reduce the required 10 foot parking lot setback to provide a minimum setback of approximately 8 feet along the west property line (State Road 7). The second request is to reduce the required amount of parking from 64 spaces to provide 54 spaces.

FDOT is purchasing a portion of the property along State Road 7 ranging in width from about 20 feet to 26 feet. This area includes the 10 foot parking lot setback and 17 parking spaces. Upon reestablishing this portion of the site, FDOT is proposing to maintain the adjacent two-way drive aisle and provide a smaller buffer. This design allows the site to maintain safe traffic flow for cars maneuvering through the site. Additionally, although the site is required to have 64 parking spaces, it currently provides 7 extra spaces for a total of 71 spaces. As such, the reduction of required spaces will be less.

Several existing trees and shrubs will be replaced with new Live Oak Trees and native hedges. This is the only area impacted on-site. No other Variances are being requested at this time.

SITE BACKGROUND

Applicants: Florida Department of Transportation
Address/Location: 5999 Pembroke Road
Net Size of Property: 1.60 acres (approximately)
Present Zoning: US 441/State Road 7 Commercial Corridor District – Low Hybrid Commercial South Sub Area (SR7 CCD – LHC)
Present Land Use: Walgreens store

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 following City-Wide Master Plan Policies are applicable to this project:

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 a minimal impact on the site. 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 1

Reduce the required 10 foot parking lot setback to provide approximately 8 feet on the west 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 the design of State Road 7 following the road widening and additional amenities a portion of this property's eastern parking lot setback/landscape buffer must be acquired by FDOT.

As mentioned earlier, the existing buffer is 10 feet wide. After it is replaced it will be approximately 8 feet wide. The additional space will be used to accommodate the road, sidewalk and a bus bay. 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, "Although the buffer is below code requirement, per the attached Cure Plan, there will be grassed areas adjacent to both sides of the buffer, which enhance the buffer width."

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.

Given 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, trees and shrubs will be replaced in excess of what exists. The proposed design is consistent with the 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 policies within the Comprehensive Plan supporting 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 this corridor. While it does express a desire to avoid redesigns which result in variances and/or non-conformities, staff today recognizes this may not be realistic. In many instances, creating a design which conforms to all requirements may 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 continue maximizing use of their 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.

VARIANCE 2

Reduce the required 64 parking spaces to provide 54 spaces.

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: Currently, the site provides 71 parking spaces which is in excess of the 64 which are required by code. Upon reestablishing the impacted area, 17 parking spaces will be lost. This will leave a total of 54 spaces for customers. Rather than replacing parking, FDOT is proposing to provide adequate setback from the property line and a 24' two-way drive aisle. This design will aid safe traffic flow throughout the site and create a landscaped buffer between the development, thus maintaining an improved streetscape.

The intent of parking regulations is to ensure adequate amounts of parking are available based on a particular use. The applicant explains, "The parking requirement for this use is very general and does not take into consideration the type of business the currently operates on the site. The pharmacy on this site has a drive-through component, in which patrons can use instead of parking and walking into the store...In addition, Walgreens has longer hours than other retail uses, staggering the amount of people who patronize the business throughout the day."

Considering all of the conditions described, this Variance would still meet the intent of this regulation and will not have a negative impact on the stability and appearance of the City.

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: Reducing the amount of parking spaces for this development does not hinder its daily operations or create unfavorable parking conditions. Given the limited nature of most properties along the corridor, there is typically a lack of parking for establishments. Further, while some businesses provide a minimal amount of parking, it is non-conforming as it is located off-site within right-of-way. This business is situated on one of the larger parcels and provides ample off-street parking for its use.

As expressed by the applicant, "The current use has demonstrated compatibility with surrounding land uses and has proven that it is not detrimental to the community. Thus the reduction in the amount of parking spaces will not result in any change to the demonstrated compatibility of the site and will not be detrimental to the community."

FINDING: Consistent.

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 policies within the Comprehensive Plan supporting 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 this corridor. While it does express a desire to

avoid redesigns which result in variances and/or non-conformities, staff today recognizes this may not be realistic. In many instances, creating a design which conforms to all requirements may have a negative impact on business and could possibly cause owners to lose portions of their building. Variance requests such as this one are minimal and allow businesses to continue maximizing use of their land by maintaining full operations.

FINDING: Consistent.

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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 1: 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).

Variance 2: Approval.

ATTACHMENT A: Application Package

ATTACHMENT B: Land Use & Zoning Map

ATTACHMENT C: State Road 7 Cure Plan Process (Zoning Code and Code of Ordinances)