



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

**DATE:** September 2, 2010 **FILE:** 10-V-52  
**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 106 S. State Road 7 (Retail Shopping Center).

**REQUEST**

Variance to waive the required 10 foot parking lot setback to provide a range of approximately 7 feet to 3.5 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 3.5 feet along the east property line (State Road 7). Currently, the setback in this area is about 3 feet and does not contain any landscaping. Upon being replaced it will range in size from 7 feet to 3.5 feet at the most narrow point. While this amount is more conforming that what exists, because this area is being completely removed it must conform to today's regulations. Subsequently, a Variance is needed. The improved area will be used to accommodate a bus bay as well as the other improvements associated with the road widening (sidewalks, bicycle lanes, etc). The parking lot in the impacted are will be restriped to provide 90 degree parking rather than the angled parking which currently exists. This redesign will allow the applicant to avoid the loss of any parking spaces. No other Variances are being requested at this time.

## **SITE BACKGROUND**

<b>Applicants:</b>	Florida Department of Transportation
<b>Address/Location:</b>	106 S. State Road 7
<b>Gross Size of Property:</b>	2.37 acres (approximately)
<b>Present Zoning:</b>	US 441/State Road 7 Commercial Corridor District – Commercial Core Sub Area (SR7 CCD – CC)
<b>Present Land Use:</b>	Retail shopping center

## **ADJACENT ZONING**

<b>North:</b>	US 441/State Road 7 Commercial Corridor District – Commercial Core Sub Area (SR7 CCD – CC)
<b>South:</b>	US 441/State Road 7 Commercial Corridor District – Commercial Core Sub Area (SR7 CCD – CC)
<b>East:</b>	US 441/State Road 7 Commercial Corridor District – Commercial Core Sub Area (SR7 CCD – CC)
<b>West:</b>	US 441/State Road 7 Commercial Corridor District – Commercial Core Sub Area (SR7 CCD – CC)

## **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. The property will maintain the current amount of parking and building setbacks. Additionally, landscaping within the parking lot setback will be increased. New grass, trees and shrubs will greatly enhance this space. 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 7 feet to 3.5 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 the new design of State Road 7, a portion of this property's eastern parking lot setback/landscape buffer must be acquired by FDOT.

As mentioned earlier, the existing buffer is approximately 3 feet. After it is replaced it will range from approximately 7 feet to about 3.5 feet at the narrowest point. The redesigned area will be used to accommodate the road, sidewalk, bicycle lane and an improved 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.

New trees and shrubs will line the buffer area will help improve the Corridor's appearance. Furthermore, FDOT's design includes a 2.25 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. Inclusion of the combined 4 feet will therefore create a larger visual buffer (ranging from 11 feet to 7 feet). According to the applicant, "Additionally, the cure plan proposes three (3) landscape islands for the parking area adjacent to State Road 7, where only one (1) parking island currently exists. The existing landscape island consists exclusively of grass, while the three (3) proposed islands will include tree and shrubbery. The proposed improvement will enhance the appearance of the property and the State Road 7 Corridor."

**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 contains even a minimal amount of landscaping helps enhance the area. The existing buffer contains sand and weeds. With the improvement, this area will be sodded and will have thirteen new trees and shrubs. This is a vast improvement to the area. Moreover, these changes do not alter the use occupying this property or its operations. The proposed design helps enhance the area rather than acting as a detriment 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 surrounding this corridor. The plan does express a desire to avoid redesigns which result in variances and/or non-conformities; however, in this instance, non-conformities already exist and are not being intensified. In relation to the parking lot setback, the non-conformity is being brought closer to compliance in some areas. Variance requests 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 and Broward County.

**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)

