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

DATE:

October 13, 2011

FILE: 10-V-51a

TO:

Planning & Development Board

VIA:

Andria Wingett, Planning Manager

FROM:

Leander Hamilton, Planning & Development Services Administrator

SUBJECT:

Variances for a cure plan due to the Florida Department of Transportation State Road

7 road-widening project for the property located at 5999 Pembroke Road (Walgreens).

REQUEST

Variance 1: Reduce the required 10 foot parking lot setback to provide approximately 7.5 feet on

the west side.

Variance 2: Reduce the required 64 parking spaces to provide 52 spaces.

RECOMMENDATION

Variance 1: Approval, with the condition all landscape improvements as reflected on the Landscape Plan included in Attachment A are completed prior to the issuance of a

Certificate of Completion or Certificate of Occupancy (whichever is applicable).

Variance 2: Approval.

BACKGROUND

On November 4, 2010 the Development Review Board approved two Variances requested by the Florida Department of Transportation (FDOT) for the Walgreens property located on the corner of Pembroke Road and State Road 7. These Variances were part of a cure plan necessitated by the widening of State Road 7 scheduled to begin in late 2013. They included a Variance to 1) reduce the required 10 foot parking lot setback to provide a minimum setback of approximately 6.5 feet along the west property line (State Road 7) and 2) reduce the required amount of parking from 64 spaces to provide 58 spaces.

Typically, any requests to modify a property are made by the owner; however, due to the unique nature of the eminent domain process the Zoning and Land Development Regulations and Code of Ordinances allow FDOT to do so (see Attachment C). In any instance, subsequent to any approvals FDOT may receive, the owner is still entitled to submit a separate cure plan.

REQUEST

Today, the property owner is requesting two Variances for 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 7.5 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 58 spaces.

The Florida Department of Transportation (FDOT) is purchasing a portion of the property along State Road 7 ranging in width from approximately 20 feet to 26 feet to accommodate the scheduled road-widening. This area currently contains landscaping and required parking. Upon reconfiguring the impacted area, the owner is proposing to maintain the adjacent two-way drive aisle and provide a smaller buffer. Though the buffer will be only 7.5 feet, it will be surrounded by a 2 foot grassy utility strip. This helps provide the additional space desired between the on-site parking and adjacent public uses.

In addition to a reduced buffer, there will also be a reduction in parking. The site is required to have 64 parking spaces; however, it currently provides 71 spaces. As such, the reduction of 19 spaces is less of an impact than it would have been if the site only met the requirement. As proposed, this design maintains safe maneuvering and traffic flow internally. Finally, 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 7.5 feet on the west side.

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

CRITERION 1:

That the requested Variance maintains the basic intent and purpose of the subject regulations 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 western 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 7.5 feet wide. The additional space will be used to accommodate the road, bike lane, sidewalk and a bus bay. With this design, the parking lot will still be over 10 feet from the road, 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 corridor's appearance. Furthermore, FDOT's design includes an approximate 2 foot grassy utility strip adjacent to the landscape buffer. "This area will be immediately adjacent to our green area, giving the public the visual impression of a 10.05 [foot] parking lot setback from the edge of sidewalk. Additionally, as there is no parking proposed along this portion of the vehicular use area, there will be no impact from cars overhanging into the green area. As such, the aesthetic appearance of the buffer area will meet the intent and purpose of the regulation", explains the applicant.

FINDING:

Consistent.

CRITERION 2:

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

ANALYSIS:

As expressed by the applicant, "As the visual appearance will be that of the ten foot green area, the variance is compatible and is not detrimental to the community."

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 Landscape Plan included in Attachment A are completed prior to the issuance of a Certificate of Completion or Certificate of Occupancy (whichever is applicable).

FINDING:

Consistent, with staff's condition.

CRITERION 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, the applicable Neighborhood Plan and all other similar plan adopted by the City.

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.

CRITERION 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.

CRITERION 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 52 spaces.

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

CRITERION 1:

That the requested Variance maintains the basic intent and purpose of the subject regulations 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 required by code. Upon reestablishing the impacted area, 19 parking spaces will be lost. This will leave a total of 58 spaces for customers. This design will aid safe traffic flow throughout the site and create a landscaped buffer, 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 Walgreen Company has determined that the site will adequately function with the proposed layout. This design will also aid in safe traffic flow for the site to the west of the building and provide a safer environment for the store's patrons to access the building as it will not be necessary for them to cross traffic as would be the case for spaces located closer to State Road 7, further removed from the building."

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.

CRITERION 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 Walgreen Company is of the opinion that the safety aspects of placing the parking adjacent to the building will benefit the community. Its ability to function as a commercial development along the State Road 7 corridor is maintained, maintaining compatibility with the surrounding commercial land uses and not creating any detrimental effect to the community."

FINDING:

Consistent.

CRITERION 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, the applicable Neighborhood Plan and all other similar plan adopted by the City.

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.

CRITERION 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.

CRITERION 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 landscape improvements as reflected on the Landscape

Plan included in Attachment A are completed prior to the issuance of a Certificate of

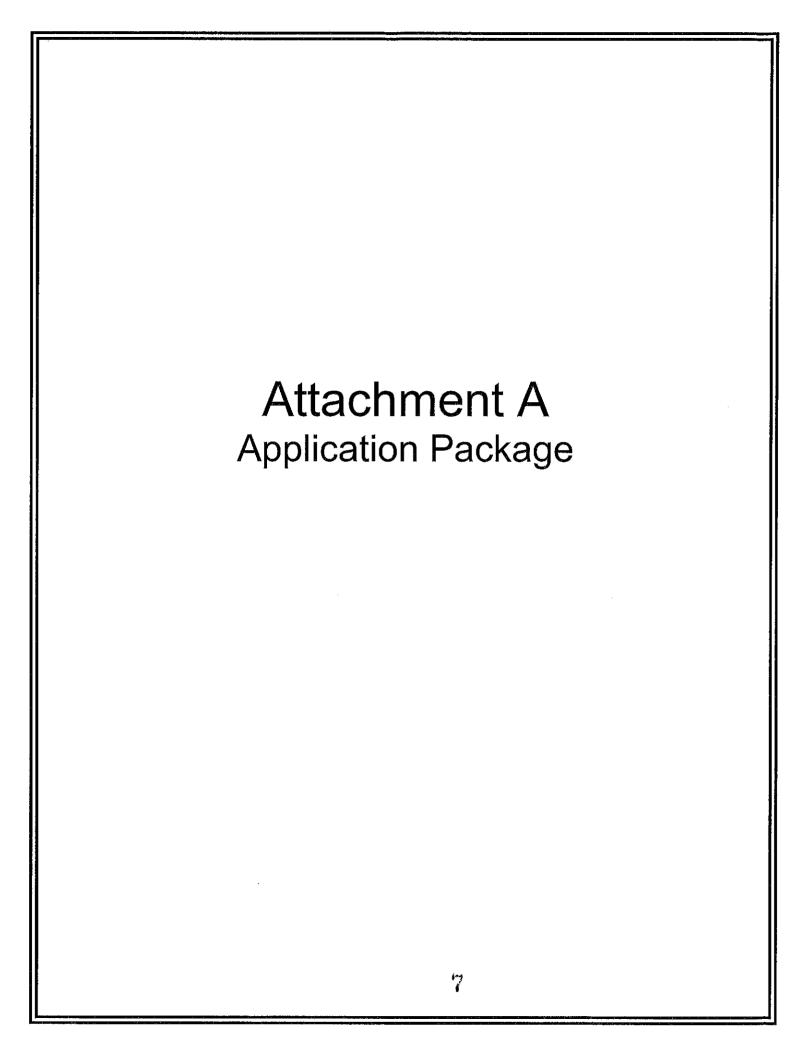
Completion or Certificate of Occupancy (whichever is applicable).

Variance 2: Approval.

ATTACHMENT A: Application Package ATTACHMENT B: Land Use & Zoning Map

ATTACHMENT C: State Road 7 Cure Plan Information

ATTACHMENT D: Resolution for FDOT Cure Plan, November 2, 2010



OFFICE OF PLANNING



2600 Hollywood Boulevard Room 315 Hollywood, FL 33022 File No. (to be filled by the Office of Planning):

GENERAL APPLICATION



Tel: (954) 921-3471 Fax: (954) 921-3347

This application must be completed in full and submitted with all documents to be placed on a Board or Committee's agenda.

The applicant is responsible for obtaining the appropriate checklist for each type of application.

Applicant(s) or their authorized legal agent must be present at all Board or Committee meetings.

At least one set of the submitted plans for each application must be signed and sealed (i.e. Architect or Engineer).

Documents and forms can be accessed on the City's website at http://www.hollywoodfl.org/comm_planning/appforms.htm



APPLICATION TYPE (CHECK ONE):
☑ Development Review Board ☐ Historic Preservation Board
☐ Planning and Zoning Board ☐ Technical Advisory Committee
☐ City Commission Date of Application:
Location Address: 5999 Pembroke Road, Hollywood, FL
Lot(s): n/a Block(s): n/a Subdivision: Barclay Hollywood Pla
Folio Number(s): 5141 24 25 0010
Zoning Classification: SR 7 CCD / C4 Land Use Classification: TOC
Existing Property Use: Retail (Walgreens) Sq Ft/Number of Units: 15,930 SF
Is the request the result of a violation notice? () Yes (v) No $$ If yes, attach a copy of violation.
Has this property been presented to the City before? If yes, check al that apply and provide File Number(s) and Resolution(s): SP-98-04
☑ Economic Roundtable ☐ Technical Advisory Committee ☑ Development Review Board
☐ Planning and Zoning Board ☐ Historic Preservation Board ☐ City Commission
Explanation of Request: Site Plan Modifications, Landscape Setback Variance, Parking Reduction Variance, and a Monument Sign Variance
Number of units/rooms: n/a Sq Ft: 15,930 SF
Value of Improvement: n/a Estimated Date of Completion:
Will Project be Phased? () Yes () No If Phased, Estimated Completion of Each Phase
Name of Current Property Owner: Walgreen Company
Address of Property Owner: 200 Wilmot Road, Deerfield, IL 60015
Telephone:Fax:Email Address:
Name of Consultant/Representative/Tenant (circle one): Urban Design Kilday Studios
Address: 477 S. Rosemary Ave., Ste 225, WPB, FL 33401 Telephone: 561-366-1100
Fax: 561-366-1111 Email Address: jbrinkman@udkstudios.com
Date of Purchase: 3/8/2000 Is there an option to purchase the Property? Yes () No ()
If Yes, Attach Copy of the Contract.
List Anyone Else Who Should Receive Notice of the Hearing: Suzanne Driscoll Shutts & Bowen Address: 200 E. Broward Blvd., Suite 2100
Shutts & Bowen Address: 200 E. Broward Blvd., Suite 2100 Ft. Lauderdale, FL 33301 Email Address: SDriscoll@shutts.com

OFFICE OF PLANNING



2600 Hollywood Boulevard Room 315 Hollywood, FL 33022

My Commission Expires: C

GENERAL APPLICATION

Personally known to me; OR

NOTARY PUBLIC STATE OF ILLIN

MY COMMISSION EXPIRES 8/28

LISETTE MORENO

9

"OFFICIAL

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

The applicant/owner(s) signature certifies that he/she has been made aware of the criteria, regulations and guidelines applicable to the request. This information can be obtained in Room 315 of City Hall or on our website at www.hollywoodfl.org. The owner(s) further certifies that when required by applicable law, including but not limited to the City's Zoning and Land Development Regulations, they will post the site with a sign provided by the Office of Planning. The owner(s) will photograph the sign the day of posting and submit photographs to the Office of Planning as required by applicable law. Failure to post the sign will result in violation of State and Municipal Notification Requirements and Laws.

(I)(We) certify that (I) (we) understand and will comply with the provisions and regulations of the City's Zoning and Land Development Regulations, Design Guidelines, Design Guidelines for Historic Properties and City's Comprehensive Plan as they apply to this project. (I)(We)

further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my)(our) knowledge. (I)(We) understand that the application and attachments become part of the official public records of the City and are not returnable. Signature of Current Owner Steiner. Drector of Real Estate LAW Date: JUNE 7, 2011 PRINT NAME: Signature of Consultant/Representative: PRINT NAME: Joni Brinkman / Urban Design Kilday Studios Date: Signature of Tenant: _ Date: PRINT NAME: Date: **CURRENT OWNER POWER OF ATTORNEY** I am the current owner of the described real property and that I am aware of the nature and effect the request for (project description) site plan modifications and variance requests to my property, which is hereby made by me or I am hereby authorizing (name of the representative) Joni Brinkman / Urban Design Kilday Studios to be my legal representative before the Development Review Board (Board and/or Committee) relative to all matters concerning this application. Sworn to and subscribed before me SIGNATURE OF CURRENT OWNER PRINT NAME DIrector Real Estek LAW ILUN015 Notary Public State of Florida

(Check One)

"OFFICIAL SEAL"
LISETTE MORENO

NOTARY PUBLIC, STATE OF ILLINOIS

MY COMMISSION EXPIRES 8/28/2011

JUSTIFICATION STATEMENT WALGREENS- 5999 PEMBROKE ROAD PLANNING & DEVELOPMENT BOARD

SITE PLAN MODIFICATION AND VARIANCE REQUEST

ORIGINAL SUBMITTAL: AUGUST 11, 2011 RE-SUBMITTAL: SEPTEMBER 23, 2011

urban design kilday studios

Urban Planning and Design Landscape Architecture Communication Graphics

Request

This application is being submitted by Urban Design Kilday Studios on behalf of the property owner, the Walgreen Company. This application is requesting Site Plan and Variance approval for existing Walgreens building located at 5999 Pembroke Road. This application specifically requests:

- Approval of minor modifications to the approved Site Plan for Pembroke Rd./U.S.
 441 Walgreens, as it relates to criteria Standards in Article 5 of the City of Hollywood Zoning and Land Development Regulations.
- A Variance to reduce the parking lot setback along the west (State Road 7) property line as regulated in Article 4, Section 4.22.I.2.b of the City of Hollywood Zoning and Land Development Regulations, to allow a 7.8' setback rather than 10 feet.
- A variance to Article 7, Section 7.2.a to allow a variance of 12 parking spaces to provide 52 parking spaces where 64 are required.

Project Description

The overall property is generally located on the northeast corner of Pembroke Road (State Road 824) and U.S. 441 (State Road 7), is approximately 1.59 acres (69,560 SF) in size, and is located in the City of Hollywood. The property has a Transit Oriented Corridor (TOC) land use designation, approved via the adoption of Ordinance PO-2010-12 on second reading on September 15, 2010. The property is within the zoning designation of SR 7 CCD Low Hybrid Commercial South Sub-Area (SR7 CCD LHSC) with underlying C-4 zonina designation. The site currently Commercial/Retail/Drug Store use operating on site and access to the site is currently provided from Pembroke Road (State Road 824) and U.S. 441 (State Road 7). The land area is included within the boundary of a larger project approved as Pembroke Rd./U.S. 441 Walgreens including a D&B Tile Company and Good Year Tire Center, which are east of the Walgreen parcel and have a zoning designation of Low/Medium Intensity Industrial and Manufacturing District (IM-2), and are located outside the boundaries of the SR 7

To the south of the property is the Pembroke Retail Shopping Center and Home Depot, which are located within the City of West Park. Both properties have a land use and zoning

CCD Low Hybrid Commercial South Sub-Area (SR7 CCD LHSC).

477 S. Rosemary Avenue Suite 225 - The Lofts at CityPlace West Palm Beach, FL 33401 561.366.1100 561.366.1111 fax www.UDKstudios.com LCC35

File No. 08-156,009

designation of TOC. To the north of the property is Discount Auto Parts which is located in the TOC land use designation and has a zoning designation of SR7 CCD LHSC with underlying C-4 and IM-2 zoning designations. To the east of Discount Auto Parts is Cable Wiring Specialist which is in the TOC and has a zoning designation of IM-2. To the west of the property is Jumbo Auto & Truck Plaza which is located in the TOC land use designation and has a zoning designation of SR7 CCD LHSC with underlying C-2 and C-4 zoning designation.

History

A records request was submitted to the City of Hollywood Planning Department on March 11, 2010 and no records for 5999 Pembroke Road, 5911 Pembroke Road, or 1685 S. State Road 7 were located by the Planning Department. From further research gathered from the building department or review of later applications, a Site Plan Approval for the property was approved in 1999 via file number SP-98-04.

On December 16, 1999 the Board of Appeals and Adjustment approved a regulatory variance to waive the requirements of the City's Sign Regulations for a new retail building under Resolution V 99-34. This allowed a 34 square foot "WALGREENS" sign combined with a 19 square foot "PHARMACY" sign and 21 square foot "1 HR PHOTO" sign on the south and west elevations. A 15 square foot "DRIVE THRU PHARMACY" sign on the south entrance to the drive thru and a 2 square foot "EXIT" sign on the north end of the drive thru were also approved. None of these approvals are affected by this request.

On November 4, 2010, the Development Review Board approved a property cure plan submitted by the Florida Department of Transportation (FDOT) as a result of eminent domain proceedings which created non-conformities. Specifically, a variance with conditions to reduce the required parking lot setback from 10 feet to approximately 6.5 feet on the west property line (State Road 7) and a variance to reduce the required 64 parking spaces to 58 parking spaces were approved via Resolution 10-V-51.

Overview of Request

The previously approved overall Site Plan for subject site consists of approximately 4.69 acres, with the Walgreens tract being approximately 1.59 acres. The tract of the Walgreens has approximately ±238' of frontage on Pembroke Road and approximately 261' of frontage along State Road 7. The site plan provides ingress/egress to the Walgreens from State Road 7 via one driveway and additional access from two drives on the parent tract via Pembroke Road. The subject parcel supports a 15,930 square foot Walgreens retail/pharmacy building with drive thru.

Per staff, the Walgreen Company's use of Commercial/Retail/Drug Store is not currently permitted in the SR7 CCD LHSC zoning district. According to the SR7 CCD-LHSC zoning district, retail is a prohibited use, and therefore the current use would be non-conforming. When Walgreen received the approval in 1998 for the retail use, the zoning

district was C-4, which allowed retail as a permitted use. In a phone discussion with Leander Hamilton on May 25, 2010 she confirmed that the Walgreens Drug Store is a retail use, and it is currently a legal nonconforming use. However, the underlying TOC land use allows for the retail uses and, and as such, the use is conforming to the land use designation. Ms. Hamilton explained that one of the tasks which will need to be undertaken by the City, subsequent to the TOC land use being placed on the property, will be to make revisions to the City's zoning code to address this inconsistency.

The property is being affected by a right-of-way taking along State Road 7 for the future expansion of the roadway by the Florida Department of Transportation (FDOT). The site plan is being reconfigured to cure to the greatest extend possible the non-conformities created by the proposed taking. Article 5, section 5.3.D.7 of the City's zoning code indicates that the Development Review Board (DRB) shall consider variance requests associated with such a cure plan and also gives FDOT standing to submit their own cure plan for the property. A cure plan submitted by FDOT was approved by the DRB on November 4, 2010. The Walgreen Company's legal counsel and consultants were present at the aforementioned DRB meeting and made known the fact that a separate cure plan, meeting the specific needs of the property owner, would be submitted on their behalf in the future. Thus, we are respectfully requesting approval of the application now being submitted.

The proposed site plan locates parking adjacent to the west of the existing Walgreens building. This cure plan meets code in regard to access to the site from State Road 7. while allowing parking spaces to be placed immediately west of the building, adjacent to the sidewalk. This configuration allows for ten (10) parking spaces to be placed in this area, resulting in a total of 52 spaces being provided and a variance of 12 spaces being The Walgreen Company is a national retailer with vast experience in determining what will be most beneficial from a business operations standpoint in this regard and the safety of their patrons is a priority. By placing the spaces closer to the business entrance adjacent to the building, the need for patrons to cross a drive aisle to access the store in this area is eliminated. The Walgreen Company feels the location of these parking spaces is a critical component of the site plan and, as the request for the variance to the parking requirement is justified in the criteria below and the plan meets code requirements, the request should receive a favorable response. Please also note, this design allows for the provision of some additional green area, reducing the degree of the variance being requested in regard to the parking lot yard/setback in comparison to the variance approved for the FDOT plan.

<u>Signage</u>

A Walgreens monument sign is located at the property's northwest corner adjacent to the State Road 7 and Pembroke Road intersection. This sign will be affected by the taking and is proposed to be replaced with a like sign meeting the code required setback from the new property line by being set back five feet (5'). A pylon/pole sign for D&B Tile Distributors is located on the property along State Road 7, just south of the access point into the site. This sign is permitted pursuant to the Declaration of

Easements, Covenants, Conditions and Restrictions recorded in ORB 29008, Page 484 (copy included in application materials). The easement area for the sign location is described in Exhibit D of the aforementioned Declaration. The sign was last permitted via Building Permit B09-100009 for a change of copy. The sign is a permitted legal non-conforming, as pylon signs are no longer allowed.

According to Article 8, Section 8.3.A, should a non-conforming sign, legal or illegal, be removed for any reason, all replacement signage shall conform to the current regulations. During the original submittal of this application on August 11, 2011, staff determined that non-conforming signs affected by a taking must conform to code in order to be replaced. Therefore, the pylon sign was originally required to be replaced with a monument sign conforming to the height and size limitations in Article 8. The frontage of the property along State Road 7 is 261 linear feet and the frontage on Pembroke Road is approximately 238 linear feet. The code allows for properties with a street frontage of at least 200 feet but less than 300 feet: 1 monument sign with an overall sign area not to exceed 36 square feet per side, 2 side maximum, and a maximum height of 8 feet. As part of the August 11, 2011 original submittal, the Walgreen Company requested a variance to allow two monument signs, rather than one, to accommodate the replacement of the existing D&B Tile pylon sign with a code compliant monument sign. However, due to the unique circumstances associated with the request the City of Hollywood's Attorney has now deemed this variance to not be required. As such, this revised request has removed the variance to allow for a second sign and it is understood nothing in the future will prohibit a second monument sign from being permitted.

As mentioned, the Walgreen monument sign that is located on the northwest corner of the Walgreen Tract will also need to be relocated on the site to the east as it is in the FDOT area of the right-of-way taking.

Variance Requests

A summary chart illustrating the variance request is provided below:

	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
7	Article 4, Section 4.22.I.2.b	10' front yard setback	7.8' front yard setback	To allow for a reduction of 2.2' from the front landscape buffer.
2	Article 7, Section 7.2.a	One (1) space per 250 square feet - 64 spaces required.	52 parking spaces	To allow for a reduction of 12 parking spaces.

Variance No. 1 - Parking

Parking for the Walgreen Tract is located to the north, south, and west of the building and a total of 71 parking spaces for the use currently exist. Ten of the spaces along the north property line are part of a cross parking easement for the benefit of Lot 2, pursuant to the Declaration of Easements, Covenants, Conditions and Restrictions recorded in ORB 29008, Page 484. A total of 17 existing parking spaces will be affected by the FDOT right-of-way taking. Required parking for the tract is calculated based on the existing retail use as allowed under Article 7, Section 7.2.a. The retail use generates a requirement of 64 parking spaces at one space per 250 square feet. The proposed cure site plan for the Walgreen Tract provides a total of 52 parking spaces, including handicap parking located at the west and south entrance of the existing building. Therefore, a variance to allow for a reduction of 12 parking spaces is being requested as the tract no longer meets the required parking for this use. As previously mentioned, the site layout allows for parking spaces to be maintained along the west side of the building and meets code upon the granting of the variances requested in regard to property development regulations as contained in the Zoning Code.

Variance No. 2 - Parking Lot Setback

According to Article 4, Section 4.22.I.2.b, a ten (10) foot front, side, and rear yard setback is required for At-Grade Parking Lots with a lot depth/width greater than 150 feet. The property current meets the setback along the southern property line on Pembroke Road and the setback along the western property line on State Road 7. However, due to the impact of the State Road 7 right-of-way taking along the western property line, the design for the cure plan for the Walgreen Tract does not meet the ten (10) foot setback requirement and a 7.8 foot setback/green area on the remainder parcel has been provided. As a result, a Variance will need to be requested as the tract no longer meets the required setback along State Road 7.

VARIANCE STANDARDS

The City of Hollywood Zoning and Land Development Regulations, Article 5, Section 5.3.F.1, requires a statement of special reason or that the basis for the variance required be provided. An application for the variance shall be written demonstrating all of the following to qualify for a variance:

a.) That the requested Variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city:

Variance #1 – The requested variance for the parking lot setback along State Road 7 maintains the basic intent and purpose of the subject regulations. The code requires a 10' yard setback, however due to the State Road 7 right-of-way widening project, the property is being directly affected to allow for the additional lanes being added along State Road 7. The cure plan is proposing a 7.8' yard setback. However, the FDOT construction plans call for a strip of green area within the right

of way 2.25 feet in width. This area will be immediately adjacent to our green area, giving the public the visual impression of a 10.05 parking lot setback from the edge of sidewalk. Additionally, as there is no parking proposed along this portion of the vehicular use area, there will be no impact from cars overhanging into the green area. As such, the aesthetic appearance of the buffer area will meet the intent and purpose of the regulation.

<u>Variance #2</u> – The existing retail use requires 64 parking spaces, however the cure plan limits the amount of parking spaces to 52 parking spaces, as the site is completely built out and the site plan is constrained by the affected area of the right-of-way taking. The retail use is a Walgreen Pharmacy with a drive thru. The Walgreen Company has determined that the site will adequately function with the proposed layout. This design will also aid in the safe traffic flow for the site to the west of the building and provide a safer environment for the store's patrons to access the building as it will not be necessary for them to cross traffic as would be the case for spaces located closer to State Road 7, further removed from the building.

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

<u>Variance #1</u> – The Walgreens tract is surrounded by existing commercial/non-residential uses all of which are compatible uses. The relief requested only applies to the parking lot setback along the western property line, which is separated from the commercial use (auto sales) to the west by the existing right of way for State Road 7, which will be increased as part of the roadway widening project. As the visual appearance will be of that of the ten foot green area, the variance is compatible and is not detrimental to the community.

<u>Variance #2</u> – Reducing the amount of parking spaces for this development does not prohibit the functionality of the use. The Walgreen Company is of the opinion that the safety aspects of placing the parking adjacent to the building will benefit the community. Its ability to function as a commercial development along the State Road 7 corridor is maintained, maintaining compatibility with the surrounding commercial land uses and not creating any detrimental effect 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:

<u>Variances #1 & #2</u> – Granting of the variances are consistent with the City Master Plan policies, specifically as follows, for Sub-Area 1.

Policy 1.21: Create a business development and retention program that provides incentives that encourage business to remain in the US 441/SR 7 Corridor.

The granting of the variances is consistent with this policy, as they will allow an existing business to remain in its current location, after being effected by the taking for the roadway expansion. They will also allow the existing business to the east to maintain visibility along the State Road 7 corridor.

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

The variances are consistent with this policy as they will enhance the potential for the business to continue to operate successfully after the taking and the construction of the expanded roadway section. The cure plan will allow the business to retain the more beneficial parking spaces located adjacent to building and maintain not only its existing signage, but potentially that of the business located to the east.

d.) That the need for the requested Variance is not economically based or self-imposed:

<u>Variance #1 & #2</u> – The requested Variances are being requested as a result of the State Road 7 widening project by the Florida Department of Transportation (FDOT). The Variances will allow the business to continue to operate with the least amount of impact after the roadway widening and is not self-imposed but a result of the taking.

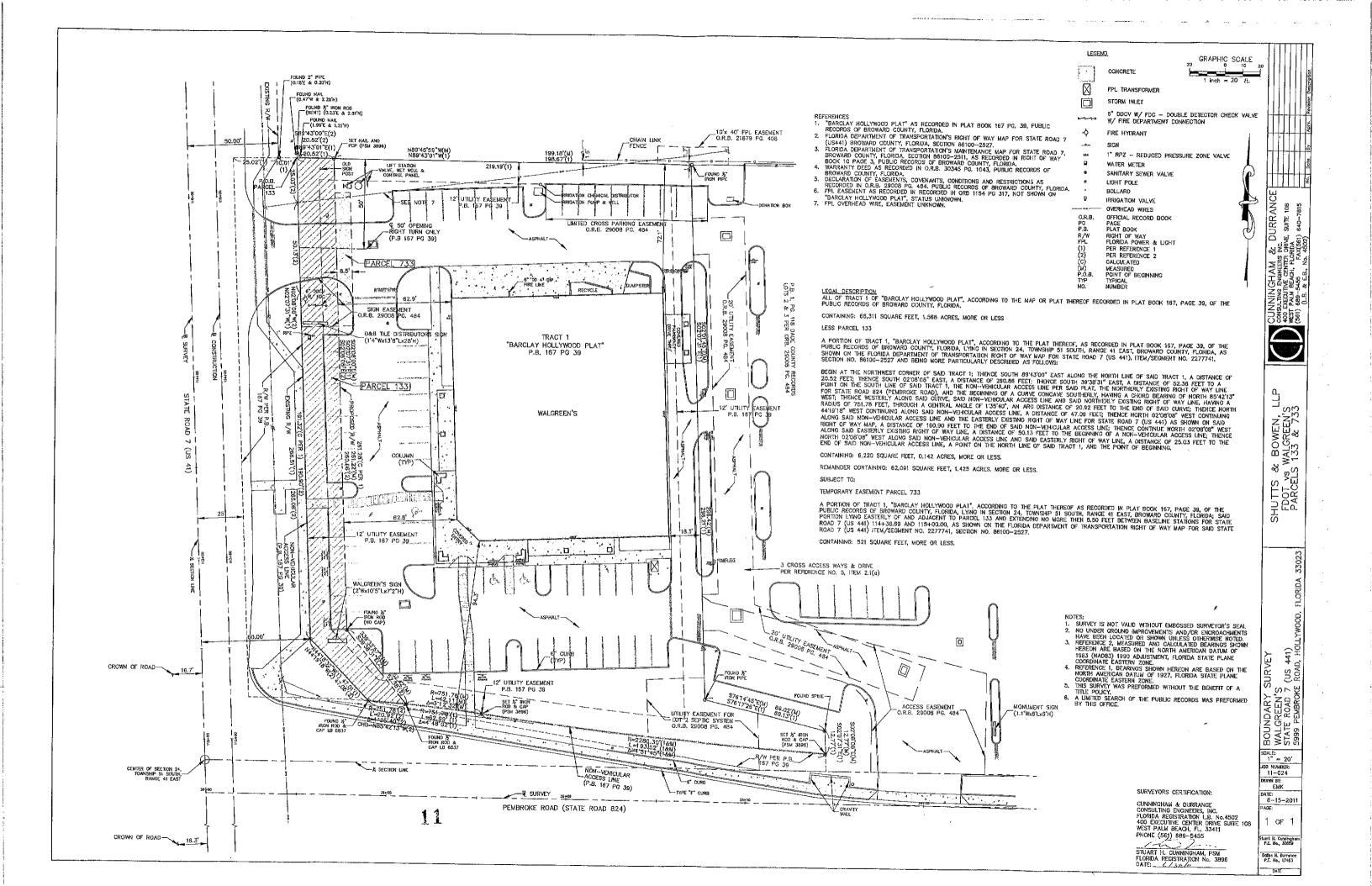
e.) That the Variance is necessary to comply with state or federal law and is the minimum Variance necessary to comply with the applicable law:

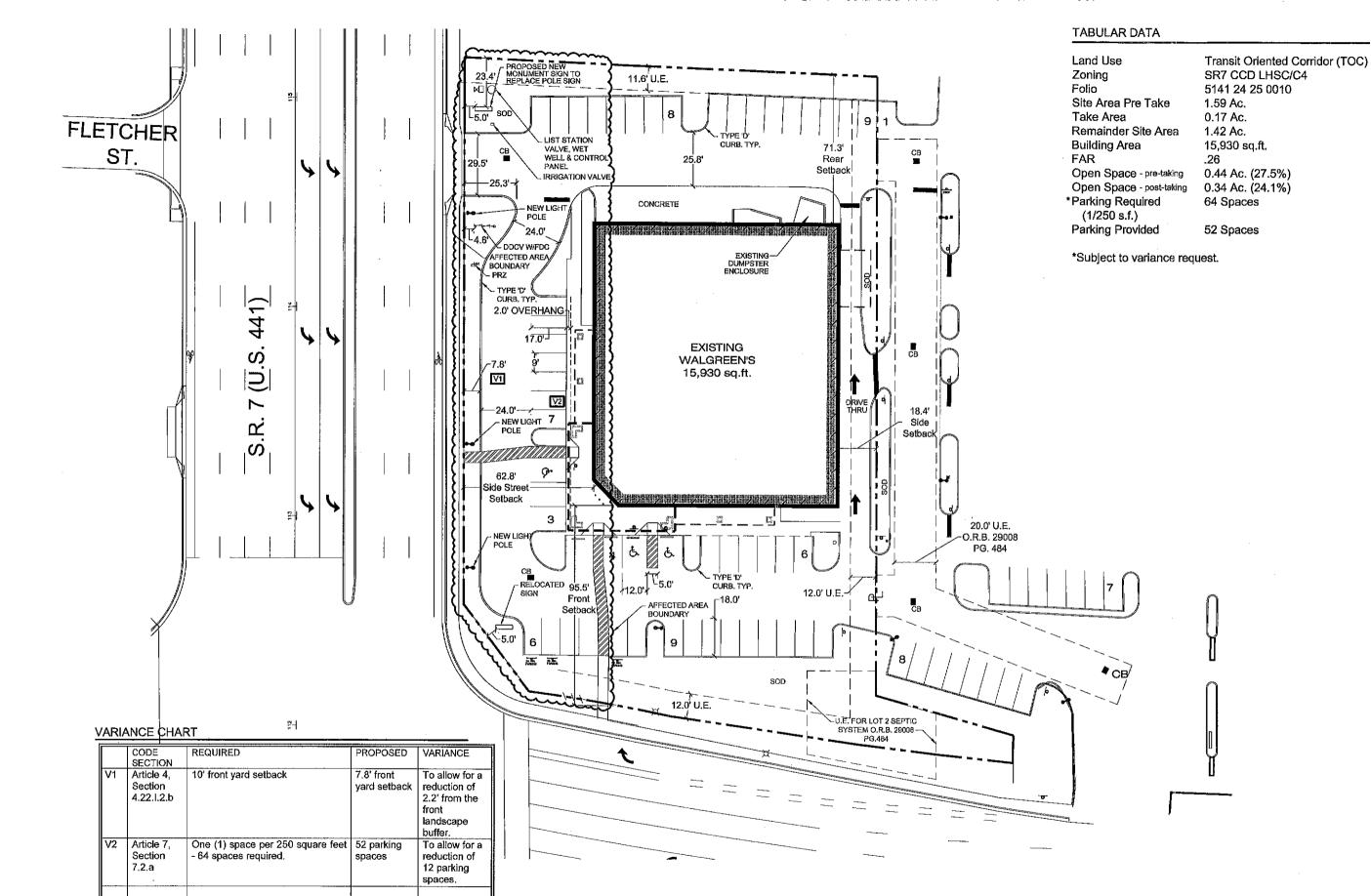
<u>Variance #1</u> – The requested variance to allow a 7.8 parking lot setback along the west property line is the minimum necessary to implement a cure with the least impact to the property owner. A twenty-four foot (24') code compliant two way drive aisle is maintained via the granting of this variance providing for the code determined area adequate for circulation. Of note, this variance is less than that requested and approved of the FDOT per their proposed cure plan.

<u>Variance #2</u> – The requested variance is the minimum necessary to maintain parking spaces immediately adjacent to the west side of the building, allowing those patrons to access the building without crossing a drive aisle. The request is not inconsistent with state or federal law.

On behalf of the Walgreen Company, Urban Design Kilday Studios requests your consideration of this Variance and minor site plan modifications to the Site Plan. Project Managers at Urban Design Kilday Studios are Joni Brinkman and Nicole Simpson. They can be reached at 561-366-1100.

H:\JOBS\FDOT Eminent Domain Multi Parcels_08-156\Shutts_FDOT v Walgreens (Parcels 133-733)_W_.009\Documents\Submitted Documents\P&D Re-submittal 9-23-11\Justification Statement





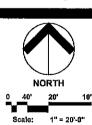


Urban Planning & Design Landscape Architecture Communication Graphics

The Offices at City Place 477 S. Rosemery Ave., Suite 225 West Palm Beach, FL 33401 561.386.1100 FAX 561.336.1111 www.udkstudios.com #LCC000035

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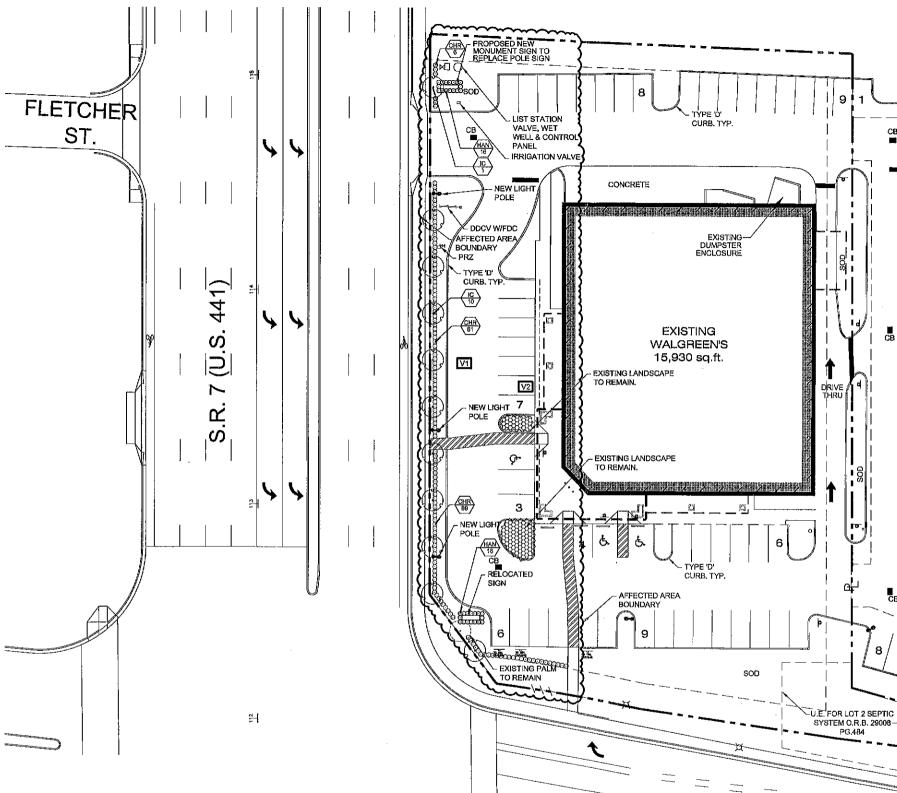
Walgreens
5999 Pembroke Road
City of Hollywood, Florida
Right-of-Way Expansion Parcel 133 - Site Plan



Dato: 04.07.11
Project No.: 08-155.009
Designed By:
Drawn By:
Chacked By: WT
Revision Dates:
GS.0.11 LMB QURE PLANS

06.30.11 LMB CURE PLANS 98.11.11 LMB P&D Submittel 08.23.11 LMB P&D Submittel

SP-1



LANDSCAPE AND ROOT BARRIER NOTE: TREES SHOWN ON THIS PLAN ARE FOR GRAPHIC REPRESENTATION ONLY. TREE SPACING IS BASED ON DESIGN REQUIREMENTS AND THE TREES SHOWN ON THESE PLANS ATTEMPT TO ACCOMPLISH THAT SPACING WHILE MAINTAINING THE REQUIRED SETBACKS FROM UTILITIES. TREES MAY BE FIELD ADJUSTED TO AVOID CONFLICTS WITH DRIVEWAYS AND UNDERGROUND UTILITIES. IN ANY CASE THE TREES SHALL BE LOCATED IN THE FIELD IN ACCORDANCE WITH THE PLANTING DETAILS SHOWN HEREON.

ADDITIONALLY, TREES ARE TO BE INSTALLED WITH A TEN FOOT (10') SEPARATION FROM ANY WATER OR SEWER MAIN AND/OR SERVICE, HYDRANTS, OR SEWER MAIN AND/OR SERVICE, HYDRANTS, AND LIFT STATIONS, IF TEN FOOT (10')
SEPARATION CANNOT BE ACHIEVED, THE TREE CAN BE INSTALLED WITH A ROOT BARRIER SYSTEM. REFER TO THE "ROOT BARRIER" DETAIL. FOR INSTALLATION REQUIREMENTS. HOWEVER, IN NO CASE SHALL A TIRE E RORGAGH INTO A PECUE WITHOUT PRIOR PECWUD APPROVAL AND ONLY SOD CAN BE INSTAL I FOR WITHIN A "OLE A EIGH. SOD CAN BE INSTALLED WITHIN 7.6' OF A FIRE HYDRANT UNLESS OTHERWISE APPROVED BY THE FIRE MARSHAL.

PLAN	T SC	HED	DULE	
TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME	REMARKS
\odot	SP	1	EXTISTING PALM TO REMAIN	EXISTING
	IC	11	ILEX CASSINE / DAHOON HOLLY	10' - 12' HT.; 5' SPREAD. FULL CANOPY.
SHRUBS	CODE	QTY	BOTANICAL NAME / COMMON NAME	REMARKS
0	CHR	135	CHRYSOBALANUS ICACO 'RED TIP' / RED TIP COCOPLUM	3 GAL.; 24" O.C.
0	HAN	32	HAMELIA NODOSA / DWARF FIREBUSH	3 GAL.; 38" O.C.

СВ

STUDIOS

Urban Planning & Design Landscape Architecture Communication Graphics

The Offices at City Place 477 S, Rosemary Ave., Suite 226 West Palm Beach, FL 33401 561.366.1100 FAX 561.366.1111 www.udkstudios.com #LCC000035

Plans Road Walgreens
5999 Pembroke Ro
City of Hollywood, Florida
Right-of-Way Expansion Parcel 133-1

Scale: 1" = 20'-0" 08-156.009

Designed By: Drawn By: ₩T Revision Dates:

of 2

PART 1 GENERAL

1.01 WORK INCLUDED

- WORK INCLUDED

 A. Extent of planting work is shown on drawings and in schedules.

 Subgrade Elevations: Excavation, illing and grading required to establish elevations. If lower than elevations and contours shown on drawings are not specified in this Section.

 C. Finish Grade Elevations: 1 inch below top of pothway edging.

1.02 DUALITY ASSURANCE

- Subcontroot landscape work to a single firm specializing. In landscape work.
 Source Quality Control:

 - urce Quality Controls

 General: Ship landscape materials with certificates of inspection required by governing authorities. Comply with regulations applicable to landscape materials. Do not make substitutions. If specified landscape material is not obtainable, submit to Landscape Architect proof of non-availability and proposal for use of equivalent material. When authorized, adjustment of contract amount will be made.

 Analysis and Standards: Poscape standard products with manufacturer's certified analysis. For other materials, provide analysis by recognized laboratory made in accordance with methods established by the Association of Official Agricultural Chemists, wherever applicable. Trees, Polms and Struber: Provide trees, pairs and shrubs grown in a recognized nursery in accordance with good horticultural practical provide healthy, disprous stock free of disease, insects, eggs, farvee, and defects such as descriptions, wholes, sun-scald, injuries, obreations disfigurament. Provide trees, pairs on disfigurament. Provide trees, pairs on disfigurament.
- c. Sizes: Provide trees and shrubs of sizes shown or specified. Trees, points and shrubs of larger size may be used if occeptable to Londscope Architect, and if sizes of roots or balls are increased proportionately.

 C. Inspection: Londscope Architect reserves right to Inspect trees, points and shrubs either at place of growth or at site before planting, for compliance with regularements for name, variety, size and quality.

 3.03 SUBMITTALS
- Certification: Submit certificates of inspections as required by governmental outhorflies, and manufacturer's or vendor's certified analysis for soil amendments and fertilizer materials. Submit other data substantiating that moterials comply
- and fertilizer materials. Submit other data substantiating that moterials comply with specified requirements. Submit seed vendor's certified statement for each grass seed mixture required, stating botanical and common name, percentage by weight, and percentage of purity, germination, and weed seed for each grass seed species. Planting Schedule:

 Submit planting schedule showing schedule dates for each type of planting in each area of site.

- Submit planting schedule showing schedule dates for each type of planting in each area of site.

 D. Maintenance instructions:

 Submit typewritten procedures for maintenance of landscape work.

 DELIVERY, STORAGE AND HANDLING

 A. Packaged Materials: Deliver packaged materials in original contoiners showing weight analysis and name of manufacturer. Protect materials from deterioration during delivery, and while stored at site.

 B. Sod: Time delivery so that sod will be placed within 24 hours after stripping. Protect sad against drying and breaking of rolled strips.

 C. Trees, palms and shrubst Provide freshly dug trees, polms and shrubst. Do not prune prior to delivery. Do not bend or bind-tie trees or shrubs in such a manuta to damage bark, break branches or destroy natural shape. Provide protective covering during delivery.

 D. Deliver trees, polms and shrubs efter preparations for planting have been completed and plant immediately. If planting is delayed more than 6 hours after delivery, set trees and shrubs in shade, protect from weather and mechanical damage, and keep roots moist.

 - darriegy, set deep roots moist.

 Do not remove container grown stock from containers until planting time.

 Lobel at least one tree, one poim and one shrub of each variety with a securely

 attached waterproof tag bearing legible designation of botanical and common

1.05 JOB CONDITIONS

- DOS CONDITIONS
 Proceed with and complete landscape work as rapidly as portions of alte become available.
 Whites: Determine location of underground utilities and perform work in a monner which will ovid possible damage. Hand excovate, as required. Mointain grade stakes set by others until removal is mutually agreed upon by parties.
- grade stakes set by others until removal is mutually agreed upon by parties concerned.

 Excavation: When conditions detrimental to plant growth are encountered, such as a subject in the conditions of a control of the conditions. The conditions are conditions, and the conditions are conditions. Planting Schedule: Where applicable, prepare a proposed planting schedule. Schedule dates to establish a logical sequence for completing each type of landscape work to avoid damage to other landscape work and work performed by other disciplines. Corrolate with specified maintenance prode to provide maintenance from date of substantial completion. Once accepted, rowise dates only as approved in writing, after documentation of reasons for data. Coordination with Lawas: Plant trees, paims and shrubs after final grades are established and prior to planting of lawas, unless otherwise acceptable to Landscape Architect. If planting of trees, polms and shrubs occurs after lowin work, protect lawa creas and promptly repair damage to lawas resulting from planting operations.

1.06 SPECIAL PROJECT WARRANTY

- ECIAL PROJECT WARRANTY
 Warrant lawns through specified maintenance period, and until final acceptance. The required period is for one full year following installation of lawn areas. Warrant trees for a period of one year after date of substantial completion against defects death and unsatisfactory growth, except for defects resulting from neglect by Owner, abuse or damage by others, or unusual phenamena or incidents which are beyond Londscape Contractor's control. Warrant shrubs for 1 full year after date of substantial completion. Remove and replace trees, shrubs or other plants found to be dead or in unhealthy condition during warranty period. Make replacements during growth season following end of warranty period, unless, in opinion of the Landscape Architect, it is advisable to extend warranty period for a full growing season or for one full year.
- Another inspection will be conducted at end of extended warronty period, to determine occeptonce or rejection. Only one replacement will be required at end of warronty period, except for tosses or replacements due to follure to comply with specified requirements.

PART 2 PRODUCTS

- If topsoil is not available on site it must be furnished as specified. Throughout oil parts of site where finish grades and contour lines differ from existing contour lines, bring to finish grade contours shown on "Grading Plant."

 Topsoil shall be friable fertite soil with representative characteristics of area sais, it should be free of heavy day, sitt, stone, extrenous line, plant roots and other foreign matter greater than 1 1/2". In diameter. It shall not contain noxious plant growth (such as bermada or nut gross). It shall test in acutral Pri range of 5.0 to 5.75 and contain no toxic substances that can be deemed to impede plant growth. The contractor shall be prepared to have sail tole—tasted at his expense by the Landscape Architect. Topsoil shall comply with the following quantative

COMPONENTS

VOLUME MEASURE

PARTICLE SIZE

3 - 5% 10 - 30% 25 - 75%

Call 2 full business days before you dig



2.02 SOIL AMENDMENTS

- necessary to bring soil into above specified limits:
- Lime: Natural limestone (Dolomite) containing not less than 85% of total corbonates, ground so that not less than 90% passes a 10-mesh sieve and not less than 50% passes a 100-mesh sieve. Peat Humus or Peat Moss: Texture, maleture and pH range suitable for intended
- use. Humus Sell Conditioner: Consisting of yard trimmlings and blosolids co-compost. Commercial Fertilizer: Complete fertilizer of neutral character, with 40% 50% of the total nitragen in a water insoluble form. It shall be uniform in composition, dry and free flowing.
- For trees, palms and shrubs, provide fertilizer with not less than 6% available phospharfa acid, 6% nitrogan and 6% soluble potash.
 For lowns, provide fertilizer with not less than 6% phospharia acid, and 6% potashum, and percentage of nitrogan required to provide not less than 1 to of actual nitrogan per 1000 square feet of lawn area. Provide nitrogen in a form that will be available to lawn during initial period of growth.

- 2.03 PLANT MATERIAL
 A. Plant list is part of this specification section,
 B. Quality. Trees, pairws, shrubs and other plants shall conform to the standards for Florido No. 1 or better as given in the latest edition of Grades and Standards for Nursery Plants, State Plant Board of Florida.
 C. Deciduous Trees: Provide trees of height and colliper listed or shown and with branching configuration for No. 1 graded trees in Grades and Standard for Nursery Plants for type and species required. Provide single stem trees except where special forms are shown or listed. Ball condition variable.
 D. Conferatus and Bradisated Evergreens: Provide evergreens of size shown or listed. Dimensions indicate minimum height and spread. Provide specified quality evergreens with well-balanced form complying with requirements for other size relationships to the primary dimension shown.

2.04 GRASS MATERIALS

- ASS MATERIALS
 Gross Seed: Provide fresh, clean, new-crop seed complying with established tolerance for purity and germination. Provide seed of grass species, proportions and minimum percentages of purity, germination, and maximum percentage of weed seed, as specified. Attach a schedule of requirements. Provide strongly rooted sed free of weeds and undesirable native grasses, copable of growth and development when pionted.

2.05 MISCELLANEOUS LANDSCAPE MATERIALS

- Ground Cover: Provide plants established and well-rooted in removable containers or internal post pots and with not less than minimum number and

- contoiners or internal peat pots and with not less than minimum number and length of runners specified.

 Anti-Frosion Mulch: Provide clean, dry, mulching hay or strow of coastal bermuda, pagola or boihing gross. Only undeteriorated mulch which can be readily cut into the soil shall be used.

 Mulch: Melaleuca or equal.

 Stakes and Guys: When required provide stakes and deadmen of sound new hordwood, treated softwood, or redwood, free of knot holes and other defects. Provide whe lies and guys of 2-strand, twisted, plable galvantzed iron wire not lighter than 12 ga. with zino-coated tumbucides. Provide not less than 1/2" hose, cut to required lengths to protect tree trunks from damage by wires.

PART 3 EXECUTION

3.01 LAYOUT

IUT
Layout individual trees and shrub locations and areas for multiple plantings.
Stake locations and autiline areas and secure Landscape Architect's acceptan
before start of planting work. Make adjustments as maybe required.

- 3.02 PREPARATION OF PLANTING SOIL

 A. Before mixing, clean topsoil of roots, plants, sods, stones, clay lumps, and other extraneous materials harmful or toxic to plant growth.

 B. Mix specified soil amendments and fertilizers with topsoil of rates specified. Delay mixing of fertilizer if planting will not follow placing of planting soil within a few
- days."
 C. For planting beds, mix planting soil either prior to planting or apply on surface of topsoil and mix thoroughly before planting.
- Mix lime with dry soil prior to mixing of fertilizer,
 Prevent lime from contacting roots of acid-loving plants.
 Remove all shellrook encountered and backfill with alean send or send/soil mix.

3.03 PREPARATION FOR PLANTING AREAS (To include Laws and Planting Bed Areas)

A. Spread a layer of 2 to 3 inches of humas soil conditioner over the entire planting orea. Planting areas shall include all new sod areas, shrub areas and tree areas. These areas shall be as large as 3 times the diameter of the bads of the plants, except where confined by hordscape features such as paved parking areas, powed wolk ways, structures, etc. Overlapping areas shall be considered to be one large planting area for the entire mass. The humas soil conditioner shall then be uniform disked, tilled or certified into the adstain soil to a depth of 6 to 8 inches with the following exception: no notabiling shall occur closer to the trunks of established plants than one half the distance to the dripline of the existing plant croppy. All plants, including hedges and ground cover shall be planted in individually dug holes and the material dug from the holes shall then be further mixed with the prepared site soil prior to backfilling of the planting holes or and the notefrial dug from the holes shall then be further mixed with the prepared site soil prior to backfilling of the planting holes or and the rootballs.

3.04 PREPARATION FOR PLANTING LAWNS

- LPARATION FOR PLANTING LAWNS
 Preporation of Unchanged Grades: Where lowns are to be planted in creas that have not been offered or disturbed by excavating, grading, or stripping operations, prepore soil for lown planting so follows. Till to a depth of not less than 6°; apply soil amendments and initial fertilizers; remove high oreas and fill in depressions; till soil to 6 homogenous mixture of fine textures, free of lumps, clods, stones, roots and other extraneous matter.
- Prior to preporation of unchanged areas, remove existing grass, vegetation and turf. Dispose of such material outside of Owner's property; do not turn over into sail being prepared for lowns.
- Elsewhere: Loosen subgrade of lawn areas to a minimum depth of 4". Remove stones over 1 1/2" in any dimension and sticks, roots, rubbish and other extraneous matter. Limit preparation to areas which will be planted promptly after preparation.
- Spread planting soil mixture to minimum depth required to meet lines, grades and elevations shown, after light rolling and natural settlement.
 Place approximately 1/2 of total amount of planting sail required. Work into top of lossened subgrade to create e transition layer and then place remainder of planting soil.
 Allow for sod thickness in areas to be sodded.
- Grade lown cross to smooth, even surface with loose, uniformly fine texture. Rol and rake and remove ridges and fill depressions, as required to meet finish grades. Limit fine grading to areas which can be planted immediately after grading. Moleten prepared lawn cross before planting if soil is dry. Water thoroughly and allow surface moisture to dry before planting lowns. On not create a muddy soil condition.
- condition. Restore lown areas to specified condition if eraded or otherwise disturbed after fine grading and prior to planting.

- 3.05 PREPARATION OF PLANTING BEDS

 A. Loosen subgrade of planting bed areas to a minimum depth of 12" using a cultimulation or similar equipment Remove stones over 1 1/2" in any dimension, and the continuation of the continuation of the continuation of the continuation and the continuation of planting soil required. Work into top of loosened subgrade to create to transition layer, then place remoinder of the planting soil. Add add amendment, E. Excavation for Irass and Shrubs: Excavate plat, bede and trenched with vertical sides and with bottom of excavation slightly related at center to provide proper drainage. Loosen hard subsoil in bottom of excavation.

 1. For boiled and burlagoed (3 & 8 If sees and shrubs), make excavations at
 - For balled and burlapped (3 & B trees and strubs), make excavations at least half again as wide as the ball diameter and equal to the ball depth.
 For container grown stacks, excavate as specified for boiled and burlapped stock, adheted to size of container width and depth.
 Obspace of subsoir ramoved from landscape excavations. Do not mix with

- 3.06 PLANTING TREES, PALMS AND SHRUBS

 A. Lay out individual trees, paim and shrub locations and areas for multiple piontings where required. Stake locations and autitine areas and secure Landscape Architectis acceptance before start of planting work. Make adjustments as may be required.

 S. Sat balled and burlapped (BAB) stack on layer of compacted planting soil mixture, plumb and center of pit or trench with top of ball at some elevation as adjacent finished landscape grades. Remove burlap from sides of balls, rotation on bottoms. When set, place additional backfill around base and aldes of balls, and work each layer to satile backfill and eliminate voids and air pocksta. When executation is approximately 2/3 Iuli, water throraghly before placing remainder of backfill. Repeat watering until no more is absorbed. Water again after placing final layer of backfill is allowed to a start of the provided of the state of the provided state.

 C. Sat container grown stock as specified for balled and burlapped stock, except out cans on 2 sides with an approved can author; remove bottoms of wooden boxes after partial backfilling so as not to damage root balls.

 D. Dish top of backfill to allow for mulching.

 E. Mulch pits, trenches and planting areas. Provide and less than following thickness of mulch and work into top of backfill and finish level with adjacent finish grades: Provide 3 thickness of mulch.

 F. Guy and stake trees immediately after planting, as indicated.

3.07 PRUNING

- UNING

 All pruning shall be done on the site before planting as directed by Landscape Architect. Pruning shall follow modern horticultural practices (Grades and Standards for Nursery Plants) and shall be done with approved tools designed for the purpose intended. Lapping, tappling, or shearing of trees or shrubs will be grounds for rejecting the plants as unsuitable and not meeting requirements. Dumaged, scarred, frayed, split, or skinned branches, limbs or roots shall be pruned back to line wood nearest to the next sound outside lateral bud, branch, limb or root. The terminal leader or bud in all trees or shrubs shall be left intoot and not removed unless damaged. Prune, thin out and shape trees and shrubs. Prune trees to retain required height and spread. Unless otherwise directed by Landscape Architect, do not out tree leaders, and remove only layred or dead branches from flowering trees, if ony. Prune shrubs to retain natural character.

- Prune since ...

 3.08 SODDING NEW LAWNS

 A. Loy sad within 24 hours from time of stripping.

 B. Ley sad thin 24 hours from time of stripping.

 B. Ley sad to form a salid mass with lightly fitted joints, Butt ends and sides of sad strips; do not overlap. Stagger strips to offset joints in adjacent courses. Work from boards to avoid amage to subgrade or sad. Temp or roll tightly to ensure contact with subgrade. Work sitted soil into minur cracks between places to sad; remove success to avoid smothering of adjacent gress.

 C. Woter sad thoroughly with a line spray immediately after planting.

- NINTENANCE
 Begin mointenance immediately after planting.
 Maintain trees, polms, whrube and other plants until final acceptance but in no case less than following period: 30 days ofter substantial completion of planting.
 Maintain trees, polms, shrube and other plants by pruning, cultivating and weeding as required for healthy growth. Restore planting soucers. Ughten and repair stake and guy suipports and reset trees and shrubs to proper grades or vertical position as required. Restore or replace domaged wrappings. Spray as required to keep trees and shrubs free of hisects and diseases. Remove and replace excessively pruned or misformed stock resulting from improper pruning.
- remove and replace excessively pruned or mistormed stock resulting from improper pruning.

 Maintain lowes for not less than the period stated below, and longer as required to establish an acceptable lown.
- Sodded lawns, not less than 30 days after substantial completion. Seeded lawns, not less than 60 days after substantial completion.
- Mointoin lowns by watering fertilizing, weeding, mowing, trimming, and other operations such as railing, regrading and replanting as required to establish a smooth, acceptable lown, free of eroded or bore acrees. Landscape Contractor is responsible for watering all sad and plant materials from day of installation through final acceptance even if irrigation is not in place, unles this responsibility is assumed in writing by another party.

3.10 CLEANUP AND PROTECTION

- During landscape work, keep povement clean and work area in an orderly
- condition.

 Protect landscape work and materials from damage due to landscape operations, operations by other confroctors and trades and trespassers. Mointain protection during installation and mointenance periods. Treat, repair or replace damaged landscape work as directed.

3.11 INSPECTION AND ACCEPTANCE

- SPECTION AND ACCEPTANCE
 When londscape work is completed, including maintenance, Landscape Architect
 Will, upon request, make on inspection to determine acceptability. Landscape
 work may be inspected for acceptance in parts agreeable to Landscape Architect,
 provided work offered for inspection is complete, including maintenance.
 Seeded lawns will be acceptable provided requirements, including maintenance,
 have been compiled with, and healthy, uniform close stand of specified grass is
 established, free of weede, bore spots and surface irregularities (95% coverage
 required for acceptance).
 Sodded lawns will be acceptable provided requirements, including maintenance,
 have been compiled with, and healthy, wall-rooted, even-colored, viable lawn is
 established, free of weeds, open joints and bare areas (95% coverage required
 for acceptance). Where impacted inadscape work does not comply with
 requirements, replace rejected work and continue specified maintenance until
 reinspected by Landscape Architect and found to be acceptable. Remove
 rejected plants and materials promptly from project site.

- An automotic irrigation system providing 100% coverage with 50% overlop
- is to be provided.

 Provide on as built drowing of the irrigation system to the Landscape Architect

LANDSCAPE NOTES

- LANDSCAPE NOTES

 GENERAL

 All proposed meterial shall be Florida No. 1 or better as set forth in "Grades & Standards for Nursery Plants," Florida Department of Plant Industries, and Edition 2,788. No deviations will be permitted.

 2. By submitting a bid, the lendscape contractor is responsible for providing the material specified on the plans. No substitutions will be accepted without prior writted approved and acceptance by the Owner his/hyre representative or Landscape Architect.

 3. Moterials to be hand-selected of the discretion of the Owner or his/her representative or Landscape Architect.

 4. All work shall proceed in a professional manner in accordance with standard and instabilition provide.

 5. Quantitios on plant list are for convenience only, Landscape Contractor is responsible for all plants shown on planting plans. When for confirming and cumunitities and certifying such to this ore to coverible the plant list in all cases. Contractor is responsible for facilities or plant list of costs. Contractor is responsible for facilities or plants of the plant list in all cases. Contractor is responsible for facilities or conflicts.

 Contractor is responsible for facilities prior to digging. Notify the Owner or his/her representative or the Architect prior to conflict the Owner or his/her representative or conflicts.

 Landscape Contractor to notify the Owner or high-her representative or Landscape Architect to least three (3) working days prior to their or Landscape Architect to be immediately notified of any discrepancies found in field.

 9. The Owner or Landscape Architect to be immediately notified of any discrepancies found in field.

 10. First a prior or landscape Architect to be remarked, except an notad.

 11. FIL's guidelines "Plant the Right Place" must be followed.

- 11. FPL's guidelines "Plant the Right Ires in the Right Flow."

 12. All Irese, new and relocated, to be stoked and guyed as detailed.

 13. No double or multi-frunkt trees unless otherwise specialist.

 13. Face of trees and potms to be located a misimum of 2"-0" off oil aldewalks/bike paths or other paved surfaces, unless otherwise notated on pions.

 14. Root suckers on Live Coke are not acceptable.

 15. Contractor to sacrovist/ill all planting areas as follows:

 16. Contractor to sacrovist/ill all planting areas as follows:

 17. All areas and the graded so that the fined grades shall be 2' below object and law appeals appeal to the planting areas as follows:

 18. All trees shall be graded so that the fined grades shall be 2' below object on given or cases or top of curb.

 18. All trees failing within grassed creas to have a 3" mulch ring with no more than 1" of mulch directly adjoinst to the trunk of the tree.

 18. All trees failing within grassed creas to have a 3" mulch ring with no more than 1" of mulch directly adjoinst to the trunk of the tree.

 18. All trees failing within grassed creas to have a 3" mulch ring with no more than 1" of mulch directly adjoinst to the trunk of the tree.

- Minimum 3 could move any a country of the provided and pr
- Landscope Contractor is responsible for replacing any damaged sod.
 All creas to be sadded shall receive a 5" top dressing of top sall per specification
- IRRIGATION.

 I. All loadscops areas (including end) shall be intigated with an underground culterablic syntakier system providing 100% coverage, per attached plans. No loadscope lated the integration system is operations, unless opposed is greated by Owner of Righter representative, or Londscope Architect.

DETAILS

PALM PLANTING DETAIL

LARGE TREE (OVER B' HT.) PLANTING DETAIL

MULTI-TRUNK TREE PLANTING DETAIL

SHRUB AND GROUNDCOVER PLANTING DETAIL



Communication Graphics The Offices at City Place 477 S. Rosemary Ave., Suite 225 West Palm Beach, FL 33401

581 386 1100 FAX 581 368 1111 #LCCCCCCC35

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All ideas, designs, surrangements, and plans regressented by this drawing are evened by and the property of the designer, and were control for the exclusive suce of the agentide project. These ideas, designs, arrangements or plans shall not be used by or disclosed to party person, firm, or corporation without the written exemplation of the designer.

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MIN 3" MELALEUGA MULCH OR APPROVED

FIRM GLOSS OF MARK "6----

AS DIRECTED BY LANDSCAPE

MIN. 3 PER TREE)

2-PLY REINFORCED RURGER OR PLASTIC HOSE-JAIN, 3/4 PM

PLACE SAFETY FLAGS ON ALL BRACES OF

MIN, 3° MELALEUCA MULCH OR APPROVED
 EQUAL SUBJECT TO LA APPROVAL

FINSHED GRADE

2" X 4" X 2" HARDWOOD STAKES EQUALL'

SPACED AROUND TREE

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MIN, 3" HELALEUCA MULCH OR APPROVE

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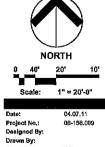
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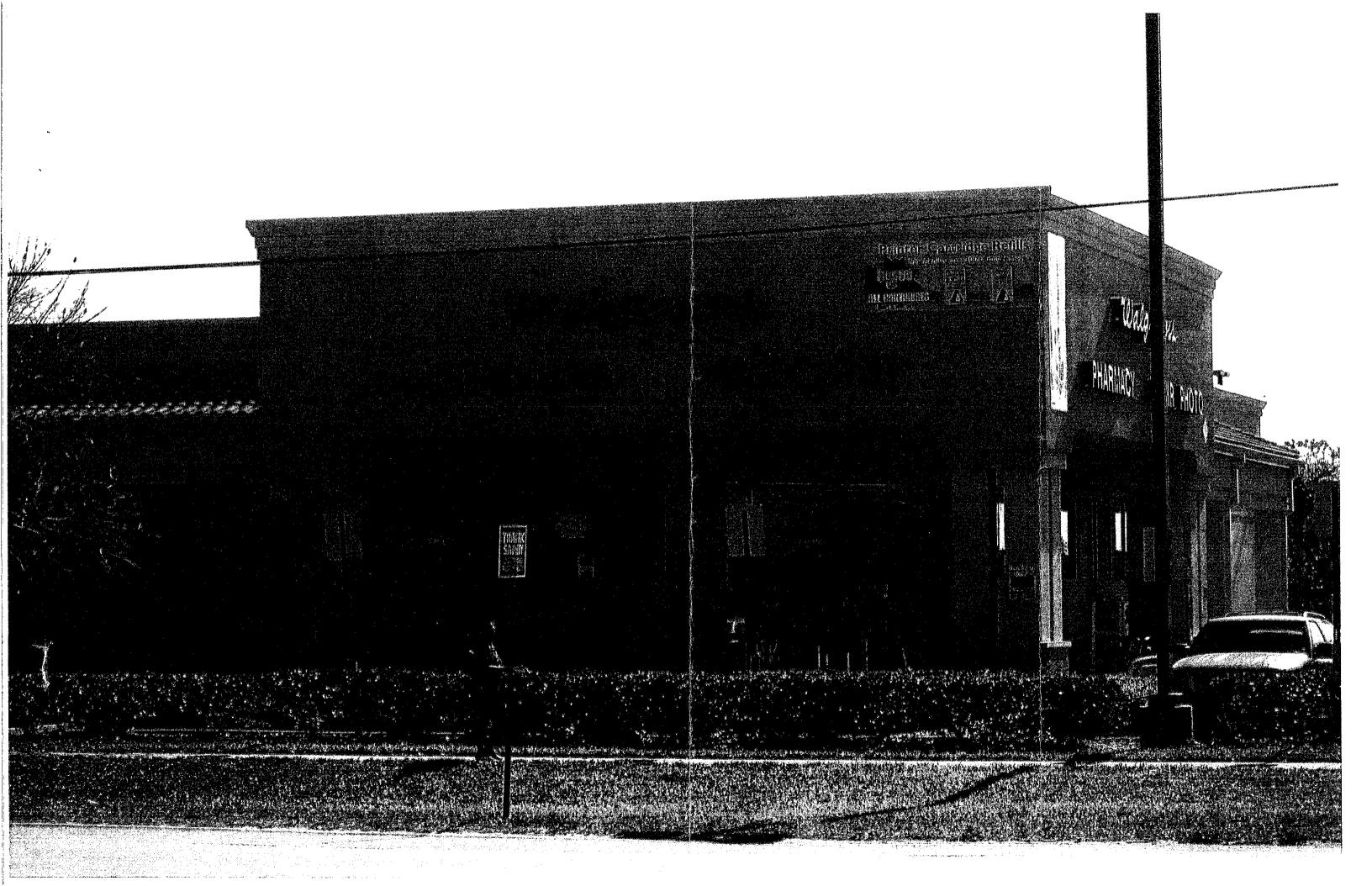
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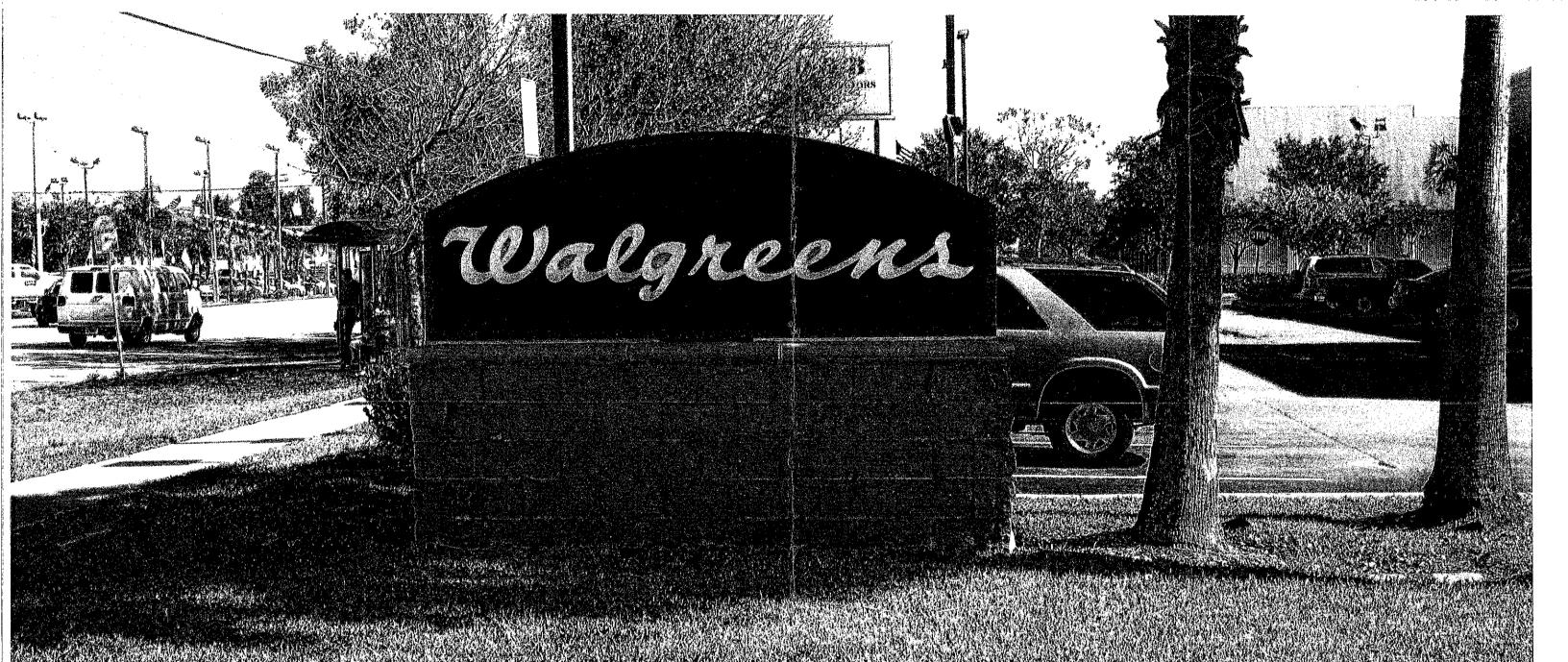


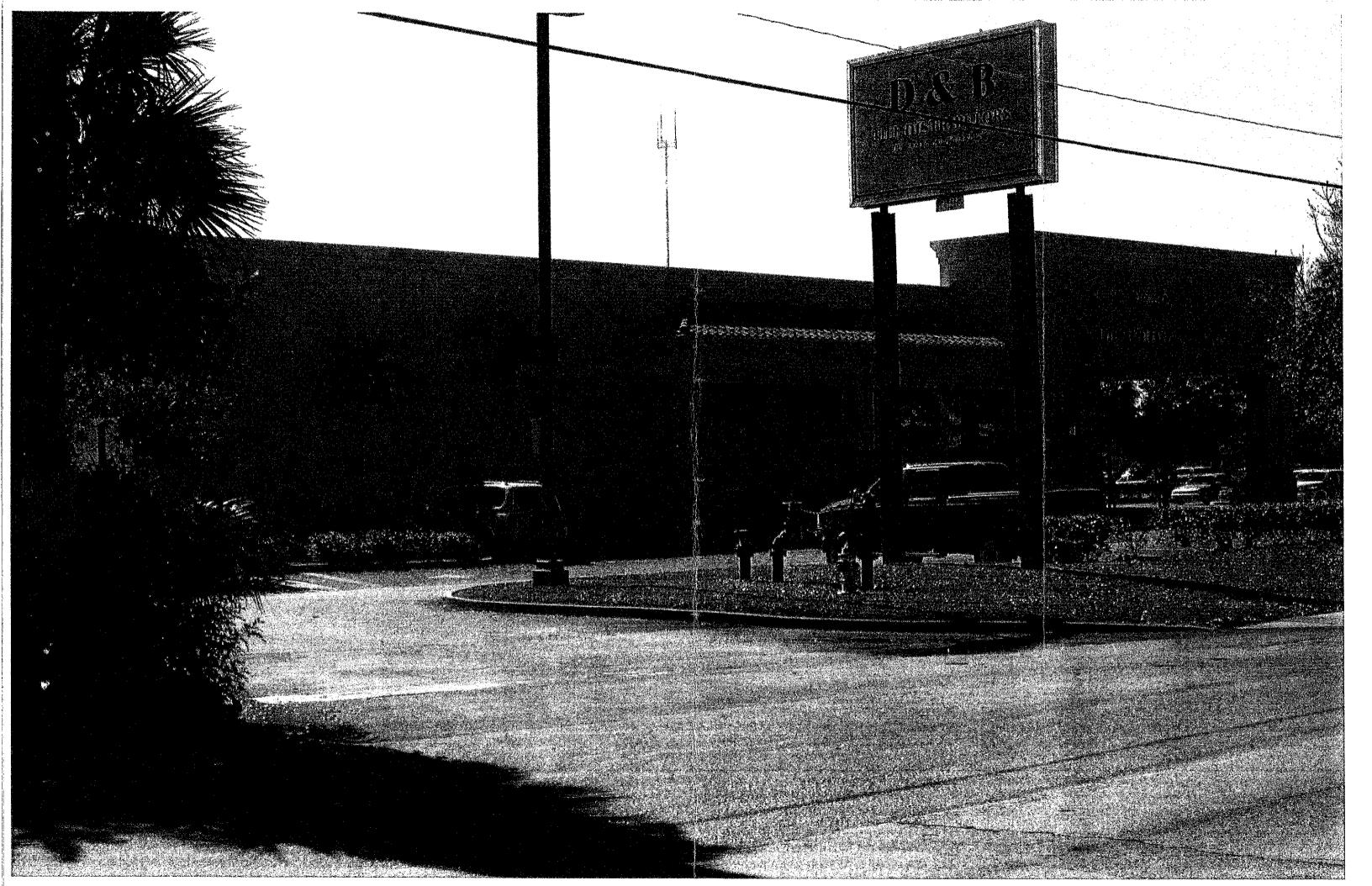
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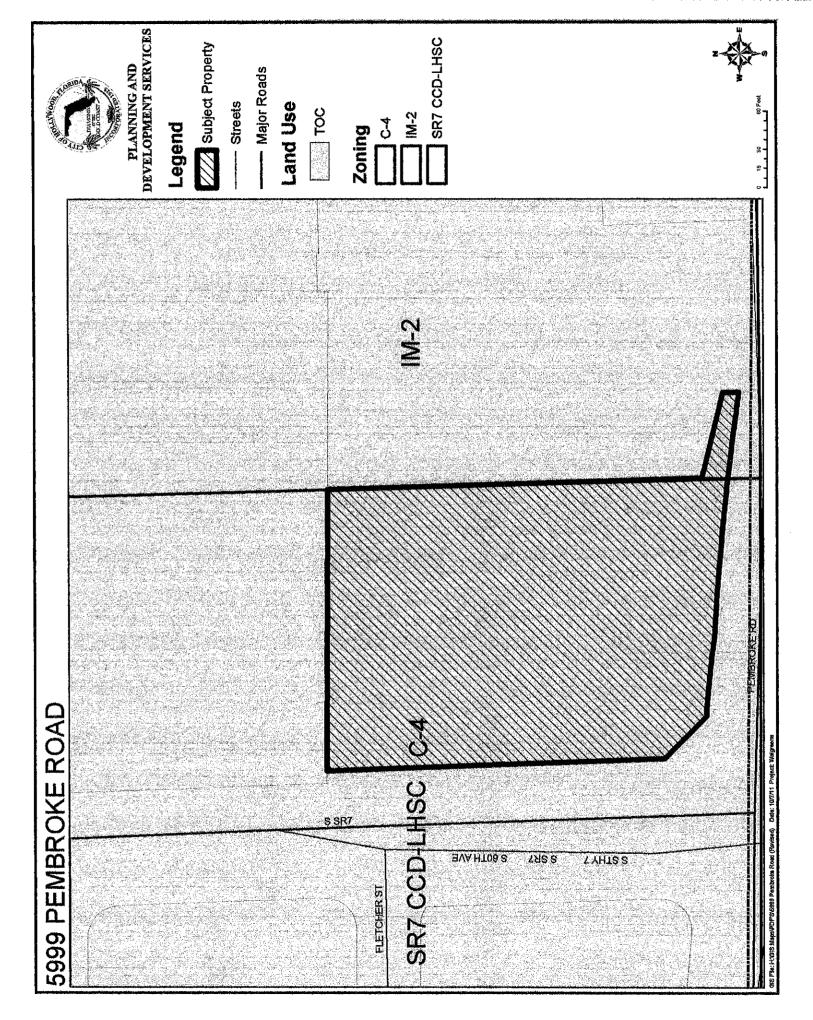








Attachment B Land Use & Zoning Map



Attachment C State Road 7 Cure Plan Information

CITY OF HOLLYWOOD, FLORIDA INTER-OFFICE MEMORANDUM OFFICE OF PLANNING

DATE:

September 2, 2010

MEMO NO.: PD&S 10-29

TO:

Development Review Board

VIA:

Andria Wingett, Planning Manager

FROM:

Leander Hamilton, Planning & Development Services Administrator

SUBJECT:

Florida Department of Transportation State Road 7 Cure Plans

EXPLANATION:

In an effort to revitalize this important corridor and prepare for future population growth and increased traffic, the Florida Department of Transportation (FDOT) is widening State Road 7/US 441 throughout Broward County. Scheduled to begin in Hollywood in 2013, the scope of work includes reconstruction to add two additional lanes (one in either direction), new bus bays, bicycle lanes, upgraded drainage, sidewalks and enhanced landscaping.

Completion of this project requires FDOT to acquire portions of select properties directly along the Corridor. As a result, these properties will need site plan modifications. Some modifications are minor and only need approval through the City's building permit process. Other impacted properties may have more substantial modifications which require additional review and approval by a City Board. Due to the limited space typical of lots along State Road 7, many of the properties will require one or more Variances to bring the site into compliance with today's code requirements as much as possible.

To help accommodate this process, in 2008 the City Commission passed a resolution approving amendments to Article 5 of the Zoning and Land Development Regulations and Chapter 162 of the Code of Ordinances to allow FDOT to submit requests for site plan modifications ("cure plans") on behalf of impacted properties. Likewise, and as typically practiced, the owner has the right to submit a separate plan which they believe best addresses the impacts to his/her property.

As this Board is tasked with considering new and existing projects for Design, Site Plan, and Variances, requests similar to these will be considered by the Board on an as needed basis. All designs have been created with the guidance of the City's Engineering Department.

RECOMMENDATION:

For your information.

Zoning and Land Development Regulations

Administrative Regulations

- 4. Absenteelsm/removal of Board members. The Development Review Board members shall comply with the procedures set forth in Chapter 37 of the Code of Ordinances and are subject to the removal process set forth therein.
- 5. All meetings of the Board shall be open to the public.
- 6. Public notice.

1.

- a. Notice of any meeting of the Board shall be posted on the Sunshine Board.
- b. Notification of property owners. Notifications of Variance and Special Exception, Design and Site Plan petitions shall be mailed to property owners lying wholly and partly within 300 feet of the property of the petitioner and to all owners of land subject to the petition at least ten days prior to the date of the scheduled meeting. The addresses for the property owners shall be obtained from the Broward County Property Appraisal's records. At least ten days prior to the scheduled meeting, the subject property shall be posted by the applicant with a suitable notice of the requested Variance, Special Exception, Design and Site Plan including the date, location and time of the hearing on such matter.
- c. Notification of owners of properties located on US 441/SR 7 corridor. For any variance application submitted by the Florida Department of Transportation to address nonconformitles that may result from a FDOT US 441/SR 7 corridor improvement project, the city shall send by certified mail, return receipt requested, notice of such request to the property owner of record at least 30 days prior to the Development Review Board hearing.
 - 7. All interested parties shall have the right to appear at any of the Board's meetings, personally or by an attorney, and have the right to object to or support any matter before the Board for consideration or any interested party may object or support in writing, provided the same is filed on or before the time of such meeting.
- D. Duties. The duties of the Development Review Board shall be as follows:
 - Following review by the Technical Advisory Committee, the Board shall hold a public hearing to either approve, approve with conditions, or deny a site plan in accordance with the site plan regulations set forth in Chapter 162 of the Code of Ordinances as well as all other matters

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- regulations set forth in Chapter 162 of the Code of Ordinances as well as all other matters associated with the approval of site plans for new development.

 2. To consider petitions for all existing developments/projects that require Site Plan and/or Design
- 2. To consider petitions for all existing developments/projects that require Site Plan and/or Design approval and petitions for new development outside of Historic District(s) and Historic Sites, relating to Variances and Special Exceptions pursuant to the guidelines and procedures set forth in this Article.

Hollywood - Zoning and Land Development Regulations

- 3. To consider distance waivers for establishments which sell alcoholic beverages in accordance with § 113.03 of the Code of Ordinances.
- 4. To consider any matter set forth in Article 11, "Adult Entertainment" of the Zoning and Land Development Regulations.
- 5. To hear matters relating to Design and to grant or deny the Design request pursuant to the Design procedures set forth herein.
- 6. To hear appeals of administrative decisions made by the Director of the Office of Planning as they relate to the above referenced matters.
- To consider a variance petition submitted by the Florida Department of Transportation as part
 of a cure plan for nonconformities which may result from a US 441/SR 7 corridor improvement
 project.
- 8. To hear matters relating to nonconforming structures and uses, as Special Exception petitions, as set forth in Section 3.12 of the Zoning and Land Development Regulations,
- E. Petitions for Variances and Special Exceptions.
 - 1. Filing of petition. Petitions to the Development Review Board may be filed by any person substantially aggrieved by the literal enforcement of the requirements of the Zoning and Land Development Regulations. Further, petitions may be filed by any person to obtain a Special Exception for those uses listed as Special Exceptions in the Zoning and Land Development Regulations. Such petition(s) shall be filed on forms provided by the Department of Planning and Development Services, signed by the owner(s) of the subject property and submitted to the Director of the Department of Planning and Development Services or his/her designee. No petition shall be accepted unless the actual legal and beneficial ownership of the subject property is indicated on the petition. Upon receipt of a completed petition, the petition shall be scheduled before the Board as a public hearing and the public shall be given notice according to the notification procedures set forth herein. For acquisition parcels within a Florida Department of Transportation US 441/SR 7 corridor improvement project, petitions for Variances may be filed by an authorized representative of the FDOT.
 - a. In the event that site plan review is required pursuant to Chapter 162 of the Code of Ordinances, such site plan review shall be completed prior to any petition for a variance or special exception.
 - b. Further petitions after withdrawal or denial of initial petitions.
 - (1) Except as set forth in division E.1.b.(2) and E.1.b.(3) below, when any petition for a variance or special exception is withdrawn after the initial public hearing by the

Hollywood - Zoning and Land Development Regulations

- d. That the need for the requested Variance is not economically based or self-imposed.
- e. That the Variance is necessary to comply with state or federal law and is the minimum Variance necessary to comply with the applicable law.
- 2. Sign variances. No sign variance to the provisions of Article 8 "Sign Regulations" shall be granted by the Development Review Board unless the Board finds that the petitioner has shown that all of the following criteria have been met:
 - a. The variance is not contrary to the public interest;
 - b. The variance is required due to special conditions; and
 - c. A literal enforcement of the provisions of Article 8 may result in unnecessary hardship.
- 3. Decision of the Board. In considering a Variance request pursuant to divisions F.1. and F.2. above, the Board may grant the Variance, grant the Variance with appropriate conditions, stipulations and safeguards or limitations deemed necessary to protect adjacent properties and the public interest, or deny the Variance.
 - a. If the Board grants the variance, the Board shall adopt a resolution setting forth the variance granted along with any conditions, stipulations, safeguards, or limitations prescribed by the Board. A copy of the applicable resolution shall be mailed to the petitioner, and a copy shall be delivered to the City Clerk to be recorded in the Public Records of Broward County, Florida, and to any enforcing official involved. Such resolution granting the variance shall be authorization for any approval, permit or license incidental to any use of land or buildings as set forth in the resolution. If the Board denies the variance, the Board shall adopt a resolution setting forth the reasons for denial. A copy of any resolution adopted by the Board regarding a petition to cure a nonconformity that may result from a Florida Department of Transportation US 441/SR 7 corridor improvement project shall be sent by certified mail, return receipt requested, to the owner of record of the property to which the resolution applies.
 - b. Time limit. When either the Board has granted a Variance, the Director of the Department of Planning and Development Services has granted an administrative variance or the City Commission has granted a Variance based upon an appeal in accordance with the regulations set forth in this Article, such grant shall become null and void unless the appropriate principal building, or other permit or license is applied for within 24 months of the date of such decision by the Board, the Director of the Department of Planning and Development Services or, if applicable, the City Commission. However, an extension of up to 24 months may be granted in the same manner as the initial request upon a showing that there has not been a significant change in the circumstances influencing the original approval. Any such application for extension must be filed prior to the expiration of the initial 24 month period. If an extension has been granted, and the applicant has not applied for the appropriate building or other permit or license, or the extension request has been denied, then the applicant's Variance shall become null and void and the applicant will be required to reapply for any and all approvals necessary.

- (3) All permanent outdoor identification features which are intended to call attention to proposed projects and/or structures shall be designed and located in such a manner as to be an integral part of the total project and/or structural design and shall not exceed a size and scale necessary for the recognition from vehicles moving along adjacent streets at prescribed legal speeds.
- (F) Level of service standards. For the purpose of the issuance of development orders and permits, the city has adopted level of service standards for public facilities and services which include roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. All applicants are required to prove concurrency pursuant to the city's Comprehensive Plan and F.S. Chapter 163, as amended from time to time.
- (G) Other requirements. Requirements and recommendations as provided in the city tree and landscape regulations shall be observed as will the requirements of all applicable standards and regulations.

(Ord. O-84-16, passed 2-15-84; Am. Ord. O-90-1, passed 1-3-90; Am. Ord. O-93-46, passed 10-6-93; Am. Ord. O-2001-17, passed 5-16-01; Am. Ord. O-2005-02, passed 3-2-05; Am. Ord. O-2008-12, passed 6-4-08)

§ 162.07 NOTIFICATION.

Notification of the Development Review Board's public hearing shall be pursuant to the procedures set forth in Article 5 of the Zoning and Land Development Regulations. Any interested party may review the associated site plan(s) which will be located within the Office of Planning and at designated locations.

(Ord, O-84-16, passed 2-15-84; Am. Ord, O-84-22, passed 5-28-84; Am. Ord, O-93-46, passed 10-6-93; Am. Ord, O-94-27, passed 7-6-94; Am. Ord, O-95-46, passed 7-26-95; Am. Ord, O-2001-17, passed 5-16-01)

§ 162.08 APPLICATION FOR BUILDING PERMIT.

Upon approval of a site plan pursuant to the provisions of this chapter, the applicant shall have up to 24 months to apply for a valid construction permit from the Building and Engineering Services Department. One additional extension of up to 24 months may be granted by the Development Review Board. Any application for such extension must be filed prior to the expiration of the 24 month period. If the applicant fails to submit a valid application for a construction permit within said period, all previous staff approvals shall be null and void and said applicant shall be

required to reinitiate the technical review and development review process.

(Ord. O-84-16, passed 2-15-84; Am. Ord. O-90-1, passed 1-3-90; Am. Ord. O-93-46, passed 10-6-93; Am. Ord. O-94-27, passed 7-6-94; Am. Ord. O-2001-17, passed 5-16-01; Am. Ord. O-2008-32, passed 12-17-08)

* 162.09 MODIFICATION TO APPROVED SITE PLANS.

- (A) Minor modification. The Office of Planning Director shall administratively approve "minor" changes and deviations from an approved site plan which are in compliance with the provisions and intent of this chapter and which do not depart from the principal concept of the approved plan.
- (B) Major modification. The Office of Planning Director shall determine that requested changes and deviations from an approved plan constitute a substantial alteration to the character of the approved development and as such represent a "Major Modification" and require resubmission as a new application. Substantial changes would include:
- (1) A change in the use, character, or intensity of the proposed development.
- (2) An increase in overall coverage of structures.
- (3) An alteration in of traffic circulation patterns.
 - (4) A reduction in required open space.
- (5) Significant changes affecting drainage design concepts and details due to:
 - (a) A decrease in site storage capacity.
 - (b) A decrease in site retention or detention

area.

- (e) An increase of impervious area or decreased of pervious area.
- (d) A change in the method of stormwater runoff disposal.

(C) Notification requirements. Public notice is not required for minor modifications to approved site plans. Public notice requirements for major modifications to an approved site plan shall be the same as those that were required for the original application. For an application submitted by the Florida Department of Transportation to address nonconformities that may result from a FDOT US 441/SR 7 corridor improvement project, the city shall send notice of such request to the property owner of record at least 30 days prior to administrative approval of the minor modification or the meeting at which the Technical Advisory Committee reviews the major modification.

(Ord. O-93-46, passed 10-6-93; Am. Ord. O-94-27, passed 7-6-94; Am. Ord. O-95-46, passed 7-26-95; Am. Ord. O-2001-17, passed 5-16-01; Am. Ord. O-2008-23, passed

§ 162.10 APPEAL.

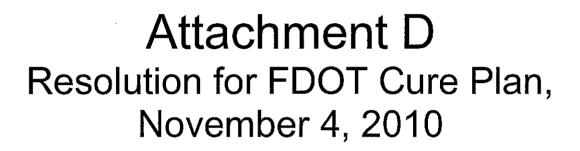
10-15-08)

Appeal of a Development Review Board decision shall be pursuant to the appeal procedure set forth in Article 5 of the Zoning and Land Development Regulations. (Ord. O-83-52, passed 9-21-83; Am. Ord. O-84-16, passed 2-15-84; Am. Ord. O-84-22, passed 5-2-84; Ord. O-92-16, passed 3-18-92; Am. Ord. O-93-46, passed 10-6-93; Am. Ord. O-94-27, passed 7-6-94; Am. Ord. O-95-46, passed 7-26-95; Am. Ord. O-2001-17, passed 5-16-01)

§ 162.11 FEES

All fees relating to the site plan review process shall be established by the City Commission. (Ord. Q-2001-17, passed 5-16-01)





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BROWARD COUNTY COMMISSION
DEPUTY CLERK 1018
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ČITY OF HOLLYWOOD DEVELOPMENT REVIEW BOARD

Return to: Office of Planning City of Hollywood 2600 Hollywood Boulevard Room 315 Hollywood, FL 33022-9045

RESOLUTION NO. 10-V-51

A RESOLUTION OF THE CITY OF HOLLYWOOD DEVELOPMENT REVIEW BOARD GRANTING APPROVAL OF A PROPERTY CURE FOR EMINENT PROCEEDINGS TO CURE A NON-CONFORMITY BY APPROVING A VARIANCE WITH CONDITIONS REDUCE THE REQUIRED PARKING LOT SETBACK FROM 10 FEET TO APPROXIMATELY 6.5 FEET ON THE WEST PROPERTY LINE (STATE ROAD 7); AND APPROVING A VARIANCE TO REDUCE THE REQUIRED 64 PARKING TO 58 PARKING SPACES, SPACES AS SPECIFICALLY DEPICTED IN EXHIBIT "A" FOR PROPERTY LOCATED AT 5999 PEMBROKE ROAD. HOLLYWOOD. FLORIDA, AS MORE SPECIFICALLY DEPICTED IN EXHIBIT "B" PURSUANT TO PROVISIONS OF THE CITY OF HOLLYWOOD ZONING AND LAND DEVELOPMENT REGULATIONS.

WHEREAS, Section 5.3.E.1. of the City's Zoning and Land Development Regulations allows the Florida Department of Transportation (FDOT) to submit petitions for Variances for acquisition parcels within a FDOT US 441/SR 7 corridor improvement project; and

WHEREAS, FDOT has submitted an application for two (2) Variances for the property located at 5999 Pembroke Road, State Road 7, Hollywood, Florida, as follows: (a) to reduce the required 10 feet parking lot setback from 10 feet to approximately 6.5 feet on the west property line (State Road 7); and (b) to reduce the required parking spaces from 64 parking spaces to 58 parking spaces, which would address nonconformities resulting form its US 441/SR 7 corridor improvement project, as more specifically depicted in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Planning Manager, Principal Planner and Planning and Development Services Administrator of the Department of Planning an Development Services, following an analysis of the application and its associated documents have determined that the proposed request for a Variance to reduce the required 10 feet parking lot setback requirement from 10 feet to approximately 6.5 feet the west property line (State Road 7), as more specifically set forth in Exhibit "A" does meet the criteria set forth in Section 5.3 F.1.a. through d. of the Zoning and Land Development Regulations, criteria e. is not applicable, and have therefore recommended that the Variance be approved with the following condition:

All improvements (trees, shrubs, sod, etc.) as reflected on the Site Plan, attached hereto as Exhibit "A", shall be completed prior to



the issuance of a Certificate of Completion or Certificate of Occupancy, whichever is applicable.

; and

WHEREAS, the Planning Manager, Principal Planner and Planning and Development Services Administrator of the Department of Planning an Development Services, following an analysis of the application and its associated documents have determined that the proposed request for a Variance to reduce the required 64 parking spaces to 58 parking spaces as more specifically set forth in Exhibit "A", does meet the criteria set forth in Section 5.3 F.1.a. through d. of the Zoning and Land Development Regulations, criteria e. is not applicable, and have therefore recommended that the Variance be approved; and

WHEREAS, on November 4, 2010, the Development Review Board met and held an advertised public hearing to consider the two Variance requests and the Board made the following findings:

- (1) As to the Variance to reduce the parking lot setback requirement from 10 feet to approximately 6.5 feet on the west property line (State Road 7), including staff's condition, the Board finds:
- That the requested Variance does maintain the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City; and
- b. That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community; and
- c. That the requested Variance is consistent with, and in furtherance of, the Goals, Objectives and Policies of the adopted Comprehensive Plan, Neighborhood Plan and all other similar plans adopted by the City; and
- d. That the requested Variance is not economically based or self-imposed; and
- e. Since the Board finds that criteria a. through d. above have been met, then criteria e. is not applicable.
- (2) As to the Variance to reduce the required parking spaces from 64 parking spaces to 58 parking spaces, the Board finds:
- a. That the requested Variance does maintain the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City; and

- b. That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community; and
- c. That the requested Variance is consistent with, and in furtherance of, the Goals, Objectives and Policies of the adopted Comprehensive Plan, Neighborhood Plan and all other similar plans adopted by the City; and
- d. That the requested Variance is not economically based or self-imposed;
- e. Since the Board finds that criteria a. through d. above have been met, then criteria e. is not applicable.

NOW, THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW BOARD OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That following review of the Dept. of Planning and Development Services report, the Applicant's application and supporting documents and materials, all submitted written and oral testimony received during the public hearing, and the consideration of the criteria listed herein for approving/denying a Variance for the property located at 5999 Pembroke Road, Hollywood, Florida, to reduce the required parking lot setback requirement from 10 feet to approximately 6.5 feet along the west property line (State Road 7), as more specifically set forth in Exhibit "A", the Variance is hereby approved based upon the findings set forth above along with the following condition:

All improvements (trees, shrubs, sod, etc.) as reflected on the Site Plan, attached hereto as Exhibit "A", shall be completed prior to the issuance of a Certificate of Completion or Certificate of Occupancy, whichever is applicable.

Section 2: That following review of the Dept. of Planning and Development Services report, the Applicant's application and supporting documents and materials, all submitted written and oral testimony received during the public hearing, and the consideration of the criteria listed herein for approving/denying a Variance for the property located at 5999 Pembroke Road, Hollywood, Florida, to reduce the required parking spaces from 64 parking spaces to 58 parking spaces, as more specifically set forth in Exhibit "A", the Variance is hereby **approved** based upon the findings set forth above along with the following condition:

All improvements (trees, shrubs, sod, etc) as reflected on the Site Plan, attached hereto as Exhibit "A", shall be completed prior to the issuance of a Certificate of Completion or Certificate of Occupancy, whichever is applicable. Further, Applicant shall place an additional tree on the parking island.

Section 3: That the approval by the Board granting Variance to reduce the parking lot setback requirement from 10 feet to approximately 6.5 feet shall become null and void unless the Applicant obtains all appropriate building or other permit(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 4: That the approval by the Board granting Variance to reduce the parking space requirement from 64 parking spaces to 58 parking spaces shall become null and void unless the Applicant obtains all appropriate building or other permit(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 5: That the Dept. of Planning and Development Services is hereby directed to forward a copy of this resolution to the applicant and owner of the property upon which the request was made and a copy shall 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.

PASSED AND ADOPTED THIS 4th DAY OF November, 2010.

RENDERED this 5th day of November 2010.

ATTEST:

BRUCE EPPERSON, Secretary

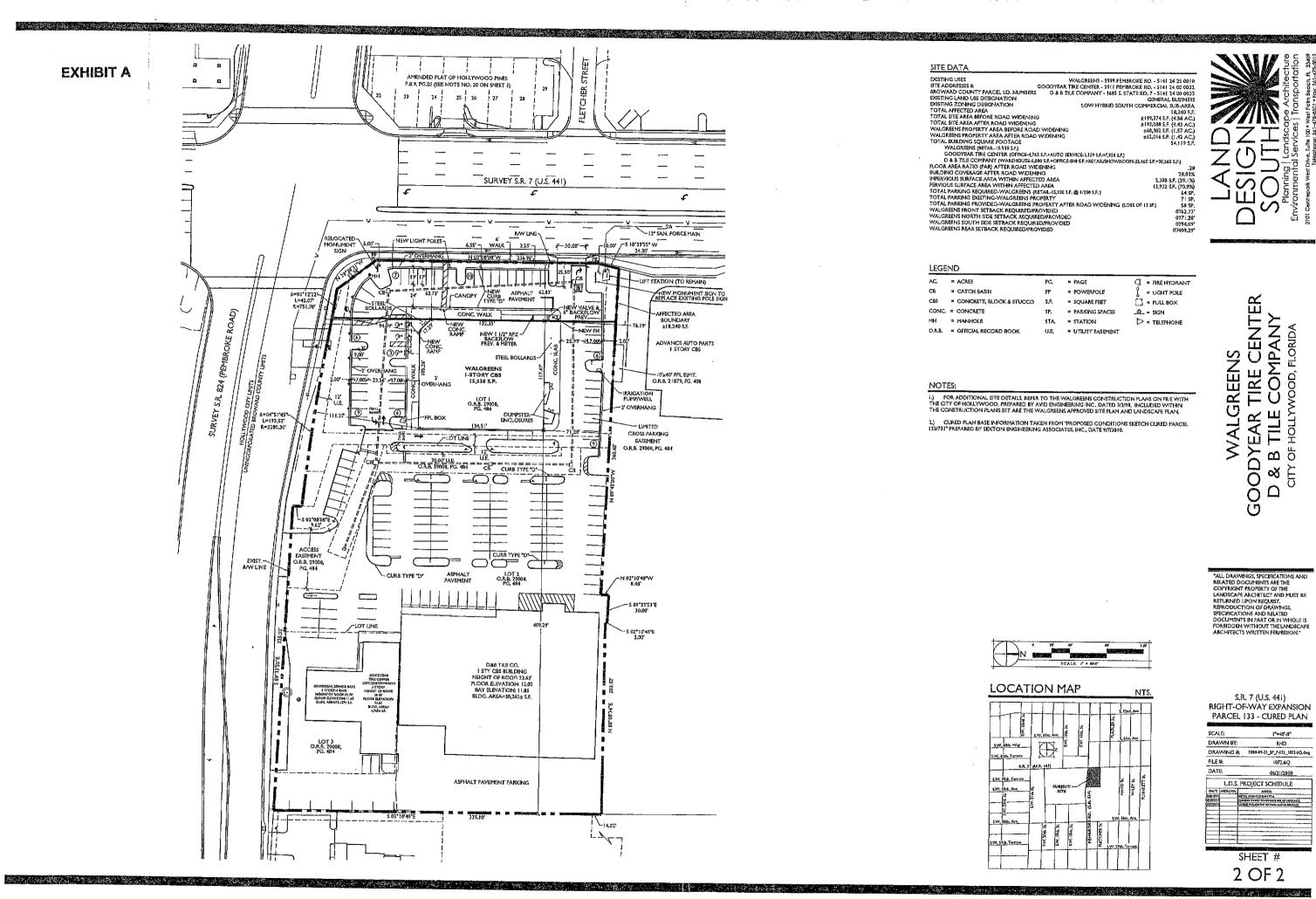
APPROVED AS TO FORM & LEGALITY for the use reliance of the Development Review Board of the City of Hollywood, Florida, only.

DEBRA-ANN REESE, BOARD COUNSEL

EXHIBIT "A"

Site Plan

EXHIBIT A



SITE DATA EXISTING USES
SITE ADDRESSES & GOODYEAR TIRE CENTER - 5911 PEMBROKE RD. - 5141 24 35 00
SITE ADDRESSES & GOODYEAR TIRE CENTER - 5911 PEMBROKE RD. - 5141 24 00 00
BOODYEAR TIRE CENTER - 5911 PEMBROKE RD. - 5141 24 00 00
EXISTING LAND USE DESIGNATION
SISTING LAND USE DESIGNATION
SISTING SOUTH COMMERCIAL SUB-ARE
SISTING ZONING DESIGNATION
LOW HYBRID SOUTH COMMERCIAL SUB-ARE
TOTAL SITE AREA BEFORE ROAD WIDENING
LOW HYBRID SOUTH COMMERCIAL SUB-ARE
TOTAL SITE AREA BEFORE ROAD WIDENING
LOW HYBRID SOUTH COMMERCIAL SUB-ARE
SUB-AREA SOUTH ROAD WIDENING
LOW HYBRID SOUTH COMMERCIAL SUB-AREA
TOTAL SITE AREA BEFORE ROAD WIDENING
LOW HYBRID SOUTH COMMERCIAL SUB-AREA
WALGREENS PROPERTY AREA BEFORE ROAD WIDENING
LOW HYBRID SOUTH COMMERCIAL SUB-AREA
TOTAL BUILDING SQUARE FOOTAGE
WALGREENS PROPERTY AREA AFTER ROAD WIDENING
GOODYEAR TIRE CENTER (OFFICE-4/765 S.F.+AUTO SERVICE-3,159 S.F.-7,224 S.F.)
O B ST ILLE COMPANY (WARCHOUSE-4,000 S.F.+OFFICE-800 S.F.+RETALUSHOWROOM-13,465 S.F.=30,265 S.F.)
FLOOD AREA RATIO (FAR) AFTER ROAD WIDENING
IMPRAYIOUS SURFACE AREA WITHIN AFFECTED AREA
SUBLIDING COVERAGE AFTER ROAD WIDENING
IMPRAYIOUS SURFACE AREA WITHIN AFFECTED AREA
TOTAL PARKING REQUIRED WALGREENS (RETALL-15,300 S.F.)
TOTAL PARKING REQUIRED-WALGREENS (RETALL-15,300 S.F.)
TOTAL PARKING REQUIRED-WALGREENS (RETALL-15,300 S.F.)
WALGREENS ROOT SETBACK REQUIRED/PROVIDED
WALGREENS SOUTH SIDE SETBACK REQUIRED/PROVIDED
07941
WALGREENS SOUTH SIDE SETBACK REQUIRED/PROVIDED
07941
WALGREENS SOUTH SIDE SETBACK REQUIRED/PROVIDED
07941 EXISTING USES WALGREENS - 5999 PEMBROKE RD. - 5141 24 25 0010 GOODYEAR TIRE CENTER - 5911 PEMBROKE RD. - 5141 24 00 0032 S D & B TILE COMPANY - 1685 S. STATERD, 7 - 5141 24 00 0033 LOW HYBRID SOUTH COMMERCIAL SUB-AREA COMMERCIAL SUB-AREA (8,240 S.F. ±199,374 S.F. (4.58 AC.) ±193,088 S.F. (4.43 AC.) ±68,302 S.F. (1.57 AC.) ±62,016 S.F. (1.42 AC.) 54,119 S.F.

5 EF-30,265 S.F.)

28
28,03%
5,308 S.F. (29,1%)
12,932 S.F. (70,9%)
64 S.P.
71 S.P.
1S.P.)
58 S.P.
0762,73'
0771,28'
0794,09'
07409,29'



LEGEND

AC.	= ACRES	PG.	PAGE	C = FIRE HYDRANT
C8	■ CATCH BASIN	PP	= POWERPOLE) = UGHT POLE
CBS	= CONCRETE, BLOCK & STUCCO	S.F.	■ SQUARE FEET] = PULL BOX
CONC.	= CONCRETE	SP.	= PARKING SPACES	= SIGN
MH	■ MANHOLE	STA	# STATION	= TELEPHONE
O.R.B.	= OFFICIAL RECORD BOOK	U.E.	■ UTILITY BASEMENT	

NOTES:

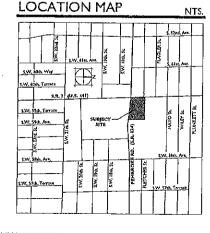
I.) FOR ADDITIONAL SITE DETAILS, REFER TO THE WALGREENS CONSTRUCTION PLANS ON FILE WITH THE CITY OF HOLLYWOOD, PREPARED BY AVID ENGINEERING INC., DATED 3/3/98, INCLUDED WITHIN THE CONSTRUCTION PLANS SET ARE THE WALGREENS APPROVED SITE PLAN AND LANDSCAPE PLAN.

CURED PLAN BASE INFORMATION TAKEN FROM "PROPOSED CONDITIONS SKETCH CURED PARCEL 133/733" PREPARED BY SEXTON ENGINEERING ASSOCIATES, INC., DATE 9/7/2010.

GOODYEAR TIRE CENTER D & B TILE COMPANY CITY OF HOLLYWOOD, FLORIDA WALGREEN

"ALL DRAWINGS, SPECIFICATIONS AND RELATED DOCUMENTS ARE THE COPYRIGHT PROPERTY OF THE LANDSCAPE ARCHITECT AND MUST BE RETURNED UPON REQUEST, REPRODUCTION OF DRAWINGS, SPECIFICATIONS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS FORBIDDEN WITHOUT THE LANDSCAPE ARCHITECTS WRITTEN PERMISSION."





S.R. 7 (U.S. 441) RIGHT-OF-WAY EXPANSION PARCEL 133 - CURED PLAN

SCALE;	"=40°-6"
DRAWN BY	RHD
DRAWING #	1; 2010-09-21_5P_F-133_1072.6Q.dwg
FILE#:	1072.6Q
DATE;	06/21/2010
	PROJECT SCHEDULE
DATE APPROVAL HOSSES	
REGORAL PRINCE SUPPLY AND ADDRESS OF OWN AGE.	
01/11/2012	AT MILE WALERED IN DUSK FOOLING POOTAGE
	· · · · · · · · · · · · · · · · · · ·

2 OF 2

EXHIBIT "B"

Legal Description

ALL OF TRACT 1 OF BARCLAY HOLLYWOOD PLAT, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 167, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA