

**CITY OF HOLLYWOOD, FLORIDA  
DEPARTMENT OF DEVELOPMENT SERVICES  
DIVISION OF PLANNING AND URBAN DESIGN**

**DATE:** August 12, 2025 **FILE:** 25-SV-56

**TO:** Planning and Development Board

**VIA:** Anand Balram, Planning Manager

**FROM:** Carmen Diaz, Planner III

**SUBJECT:** ST 5440 S SR7 LLC. request a Special Exception for modifications to a legal non-conforming 14,000 square-foot commercial building; and a Variance to waive the recording of the parking agreement in Broward County located in the North Mixed-Use District (NM-U) within the TOC.

**REQUEST**

Special Exception for modifications to a legal non-conforming 14,000 square-foot commercial building; and a Variance to waive the recording of the parking agreement in Broward County located in the North Mixed-Use District (NM-U) within the TOC.

**RECOMMENDATION**

Variance: Approval

Special Exception: Approval if the Variance is granted with the following condition:

1. Applicant shall address any pending comments at time of building permit.
2. Prior to the issuance of a Certificate of Occupancy, the Applicant shall install a visible signage on the subject property directing employees and visitors to the designated off-site parking at the Lucky Street Garage, located at 1 Seminole Way.

**REQUEST**

The Applicant requests a Special Exception to allow interior alterations of a legal nonconforming building including site improvements; and a Variance to waive the recording of a parking easement agreement in Broward County between the owner of the building and the Seminole Tribe of Florida.

Over the years, the existing building has been occupied by various tenants and used for different purposes. The proposed use of the building will be for office purposes, which is a permitted use within the North Mixed Use zoning district. While the building footprint will remain unchanged, the Applicant

plans to make interior alterations and add a deck, an enclosed dumpster enclosure, and an enclosed generator on the east side of the property. These improvements, along with modifications to a non-conforming site, trigger the need for a Special Exception. Staff finds the request consistent, as the proposed interior and exterior alterations bring the site closer to compliance with City Code, without expanding the intensity of use.

Additionally, the existing non-compliant parking areas on the south and east sides will be removed. The parking area along 54th Avenue will be replaced with sod, and the diagonal parking on the east side will be converted into an open recreational space for future office employees. The Applicant is seeking approval to move forward with these improvements in a way that complies with state and local regulations, supporting continued business operations in a safe and code-compliant manner.

Per the City of Hollywood Zoning and Land Development Regulations, section 3.12 states:

*A. Conforming use of a nonconforming building. A lawful nonconforming building may be utilized for any use which conforms to the regulations of the applicable zoning district within which the building is located, provided no structural alterations except those required by law are made or cubical contents of the building enlarged except pursuant to division G. of this section.*

*E. Nonconforming structures. Lawful nonconforming structures other than buildings are likewise permitted to remain, provided no structural alterations other than those required by law are made, and further provided that the discontinued use of such structure or the use or building to which it is necessary for a period of six months or more shall require its modification so as to comply with the regulations of the applicable zoning district.*

The existing building is currently a legal non-conforming structure. As previously noted, the building footprint will remain unchanged. The Applicant is proposing site improvements and will comply with applicable Code regulations to the maximum extent feasible. The proposed office use requires a total of 56 parking spaces; however, the existing site contains only 8 parking spaces due to site size constraints. To address the parking shortfall, the Applicant proposes to provide the remaining required spaces in the existing "Lucky Street Garage," located across State Road 7.

Per the City of Hollywood Zoning and Land Development Regulations, section 7.1.B. states:

- 1. The off-street parking facilities required by this article shall be located on the same lot or parcel of land they are intended to serve or within 700 ft. from such lot. If the required parking facilities are not located on the same lot as the main permitted use, a Unity of Title or perpetual easement shall be prepared for the purpose of insuring that the required parking is provided. The Unity of Title or perpetual easement shall be executed by the owners of the properties concerned, approved as to form by the City Attorney and recorded in the public records of Broward County as a covenant running with the land. The covenant shall be filed with the Department of Planning and Development Services and attached to plans or permit applications that are filed with the city.*

The Applicant requests a variance to waive the recording of the parking easement agreement. Under the Code, the Parking License Agreement must be recorded in the public records of Broward County. However, under Federal Law (Indian Trade and Intercourse Act of 1790 §§ 1-5 (codified as amended at 25 U.S.C. §§ 177) (the "Non-Intercourse Act")), the Tribe is not permitted to record any instruments against Tribal lands.

**Owner/Applicant:** ST 5440 S SR7 LLC.  
**Address/Location:** 5440 South State Road 7  
**Net Area of Property:** 14,730 sq. ft. (0.33 acres)  
**Land Use:** Transit Oriented Corridor (TOC)  
**Zoning:** North Mixed-Use District (NM-U)  
**Existing Use of Land:** Transit Oriented Corridor

#### **ADJACENT LAND USE**

**North:** Transit Oriented Corridor (TOC)  
**South:** Transit Oriented Corridor (TOC)  
**East:** Transit Oriented Corridor (TOC)  
**West:** Seminole Tribe of Florida

#### **ADJACENT ZONING**

**North:** North Mixed-Use District (NM-U)  
**South:** North Mixed-Use District (NM-U)  
**East:** North Mixed-Use District (NM-U)  
**West:** Seminole Tribe of Florida

#### **APPLICABLE CRITERIA**

**Analysis of Criteria and Findings for a Variance** as stated in the City of Hollywood Zoning and Land Development Regulations, Article 5.3.F

**CRITERIA 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; and

**ANALYSIS:** The requested variance maintains the basic intent and purpose of the subject regulations. The Applicant is providing the required parking spaces on site and the remaining parking spaces will be located within 700 feet from the subject property, in the “Lucky Street Garage” at 1 Seminole Way. There will be an easement parking agreement between the owner and the Seminole Tribe of Florida, but it will not be recorded in Broward County.

**FINDING:** Consistent

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

**ANALYSIS:** The site is surrounded by commercial buildings, and the proposed use aligns with the existing uses in the area. The office use of this property is a main permitted use in the North-Mixed Use Zoning District. The Applicant will do interior and exterior alterations including site improvements, adding more

landscape areas and complying with required parking on-site and offsite. The variance will not be detrimental to the community.

**FINDING:** Consistent

**CRITERIA 3:** That the requested Variance is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan, as amended from time to time, the applicable Neighborhood Plan and all other similar plans adopted by the city; and

**ANALYSIS:** The goal of the Land Use Element in the Comprehensive Plan is to *promote a distribution of land uses to enhance and improve the residential, business, resort and natural communities while allowing landowners to maximize the use of their property*. The variance to waive the recording of the parking easement agreement in Broward County allows for the applicant to reasonably maximize the use of the property, while facilitating the building renovation that maintains consistency with the surrounding neighborhood.

**FINDING:** Consistent

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

**ANALYSIS:** The need for a variance is not self-imposed. The Applicant is making a good-faith effort to comply with the Zoning and Land Development Regulations to the greatest extent possible. The proposed site improvements will eliminate existing parking areas that do not conform to current Code requirements, thereby enhancing overall compliance and site functionality.

To satisfy the remaining parking requirement, the Applicant will provide off-site parking within the nearby Lucky Street Garage. This arrangement will be secured through a formal parking easement agreement. However, due to federal legal restrictions, this easement document cannot be recorded in Broward County public records. Despite this limitation, the Applicant remains committed to executing and maintaining the agreement to ensure ongoing compliance with parking requirements.

**FINDING:** Consistent

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

**ANALYSIS:** The variance is necessary to comply with Federal Law.

**Analysis of Criteria and Findings for a Special Exception** as stated in the City of Hollywood Zoning and Land Development Regulations, Article 3.12

**CRITERIA 1:** The approval of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

**ANALYSIS:** The existing building is a non-conforming building. The Applicant will make interior and exterior alterations, including site improvements to be closer to compliant with Code regulations. These alterations trigger the Special Exception pursuant to Article 3.12.

**FINDING:** Consistent.

**CRITERIA 2:** The approval will not, under any circumstances of the particular case, be detrimental to the health, safety and general welfare of persons working or residing within the vicinity.

**ANALYSIS:** The request is not detrimental to the health, safety, and general welfare of persons working or residing within the vicinity. In fact, the request will enhance the operations by providing more green areas, reinstate the swale area on State Road 7 and 54<sup>th</sup> Avenue, comply with parking regulations and other improvements, in order to operate in a safe manner and meet City and State codes.

**FINDING:** Consistent.

**CRITERIA 3:** The approval will not be detrimental or injurious to property and improvements in the vicinity or to the general welfare of the city.

**ANALYSIS:** The request is for interior and exterior alterations of a non-conforming building to continue in business as an office, a permitted use in this zoning district. The approval will accommodate interior and exterior areas needed in order for the business to continue operations in a safer environment; it will not be detrimental or injurious to the property.

**FINDING:** Consistent.

**CRITERIA 4:** The approval will, to the greatest extent possible, bring the building and the site upon which it is located into compliance with city regulations

**ANALYSIS:** Currently the building is non-conforming. As mentioned, the footprint of the existing building will remain. The interior and exterior alterations will enhance the property. The Applicant is simply seeking an approval that complies with state laws in order to continue business operations in a safe manner.

**FINDING:** Consistent.

## **ATTACHMENTS**

Attachment A: Application Package  
Attachment B: Land Use and Zoning Map  
Attachment C: Public Participation Meeting