

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

**DATE:** January 14, 2025 **FILE:** 23-DPV-06

**TO:** Planning and Development Board

**VIA:** Anand Balram, Planning Manager

**FROM:** Reginald White MPA, Planner III

**SUBJECT:** Variance, Design, and Site Plan request for a 1,600 sq. Ft restaurant with a drive-thru facility in the Central Mixed-Use District (C-MU) zoning district within the Transit Oriented Corridor.

**REQUEST:**

The applicant is requesting a total of 4 variances pursuant to article 5.3.F to allow ground floor active use liner of less than 60%, reduce the parking requirement from 10 to 5 spaces, allow a reduction in the window transparency to 27.9%, and reduce the minimum vehicular use landscape area of 25% to 15.28%. The applicant is also requesting Design and Site Plan approval for a 1,600 sq. Ft. restaurant with a drive-thru facility.

**RECOMMENDATION:**

Variance 1: Approval – Relief from (§4.6(D)(12)(ii) to permit ground floor active use liner of less than 60% along the east façade.

Variance 2: Approval – Relief from §7.2(A)(28) to reduce the parking requirement of 10 parking spaces to 5 parking spaces.

Variance 3: Approval – Relief from §4.6(D)(11)(c) to allow a window transparency of 27.9% rather than 50% along the east building façade that is required by code.

Variance 4: Approval – Relief from (9.5(C)(1) to reduce the minimum vehicular use landscape area of 25% to 15.28%.

Design: Approval, if the Variances are granted.

Site Plan: Approval, if the Variances and Design are granted, and with the following conditions:

- a. 1 space must be assigned for ordering, drop off, pick up and customer parking (cannot be ADA space)
- b. 'No Stopping' signs must be installed in the stacking area and must be reflected on the site plan prior to issuance of building permit
- c. A covenant running with the land that holds the city harmless against any claims arising from parking issues, traffic issues, or any disputes between neighboring establishments in a form acceptable to the City Attorney, shall be submitted prior to

the issuance of permits and recorded in the Public Records of Broward County by the city prior to the issuance of a certificate of occupancy or certificate of completion.

## **BACKGROUND**

The site currently contains a car wash facility that has been abandoned for over 10 years. The subject property is zoned Central Mix-Use District (C-MU) and has a land use designation of Transit Oriented Corridor (TOC). The development site is currently surrounded by a combination of retail, commercial establishments, and offices. The property is located on the western side of State Road 7, north of Sheridan Street, and is approximately 0.32 acres in area.

## **REQUEST**

The Applicant requests Variances, Design and Site Plan approval for a drive-through only Taco Bell fast food restaurant. The proposed one-story commercial development is approximately 21'-4" in height and is comprised of 1,617 sq. ft. kitchen and retail facility. This location primarily offers a drive-thru order options with additional options to order at a walk-up window and a small indoor reception area. The proposed development will not have a dine-in option as the Taco Bell restaurant is take-out only.

Architectural elements of the contemporary design provide depth and articulation accentuated by a soft color scheme typical to Taco Bell Restaurants and varied finishes of stucco, glass and decorative metal elements. The main pedestrian entry is located on State Road 7 and with drive-thru access internally within the mini plaza. The landscape plan incorporates a variety of native materials. The project also incorporates bike racks that promotes the city's efforts of multi-modal transport. The parcel proposed for redevelopment is relatively small, offering limited opportunities to accommodate alternative development at this time. However, the proposed model allows for future redevelopment or potential site assembly with surrounding properties, enabling a more comprehensive redevelopment of the area if desired in the future.

In addition to the request for approval of the design and site plan, the applicant requests four variances. The following variances are requested:

1. Relief from (§4.6(D)(12)(ii) to permit ground floor active use liner of less than 60% along the east façade.
2. Relief from §7.2(A)(28) to reduce the parking requirement of 10 parking spaces to 5 parking spaces.
3. Relief from §4.6(D)(11)(c) to allow a window transparency of 27.9% rather than 50% along the east building façade that is required by code.
4. Relief from (9.5(C)(1) to reduce the minimum vehicular use landscape area of 25% to 15.28%.

The Applicant has worked with Staff to ensure that all applicable regulations, other than the requested variance, are met. Development of this site enhances the neighborhood, encourages redevelopment of the area, and provides a model for development within the community.

**PROJECT DATA**

|                       |   |
|-----------------------|---|
| Owner/Applicant:      | Taco Bell of America/Gator 441, Inc.      |
| Address/Location:     | 2640 N. State Road 7, Hollywood FL, 33021 |
| Net Size of Property: | 13,811 sq. ft. (0.32 acres)               |
| Land Use:             | Transit-Oriented Corridor (TOC)           |
| Zoning:               | Central Mix-Use District (C-MU)           |
| Existing Use of Land: | Car Wash Self Service                     |
| Year Built:           | 1993 (Broward County Property Appraiser)  |
| Bike Parking Spaces:  | 5 spaces provided                         |

**ADJACENT LAND USE**

|        |                                 |
|--------|---------------------------------|
| North: | Transit-Oriented Corridor (TOC) |
| South: | Transit-Oriented Corridor (TOC) |
| East:  | Transit-Oriented Corridor (TOC) |
| West:  | Transit-Oriented Corridor (TOC) |

**ADJACENT ZONING**

|        |                                 |
|--------|---------------------------------|
| North: | Central Mix-Use District (C-MU) |
| South: | Central Mix-Use District (C-MU) |
| East:  | Open Space (OS)                 |
| West:  | Central Mix-Use District (C-MU) |

**CONSISTENCY WITH THE COMPREHENSIVE PLAN**

Located within the Transit-Oriented Corridor the subject site is surrounded by residential and commercial properties. The goal of the Land Use Element is to promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing landowners to maximize the use of their property. The intent of the State Road 7 Transit Oriented Corridor (TOC) Land Use designation is intended to facilitate a balanced and interconnected mix of land uses, encourage mass transit and non-motorized transportation, reduce the need for automobile travel, provide incentives for quality development, and give definition to the urban form. Development patterns shall generally reflect planning and design principles that support mixed-use development to integrate housing, employment, retail, recreation, and local and regional community facilities with a primary orientation toward a multimodal transportation system. Development of this site improves the current condition of the site. The project is consistent with the Comprehensive Plan based on the following Objective:

**Objective 4:** Maintain and enhance neighborhoods, business, utilities, industrial and tourist areas that are not blighted.

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

The project is located in Sub-Area 1, defined by d by 56th Avenue to the east (including that portion of Washington Park that extends to 52nd Avenue), the Dania Cut-Off Canal to the north, Florida’s Turnpike to the west and Pembroke Road to the south. This area includes the residential neighborhoods of Beverly Park, Lawn Acres and Washington Park as well as the undefined residential areas east and west of US

441/SR 7 north of Hollywood Boulevard. The proposed project is consistent with the City-Wide Master Plan, based upon the following Guiding Principles and Policies.

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

*Policy CW.15:* Place a priority on protecting, preserving, and enhancing residential neighborhoods.

*Policy CW.44:* Foster economic development through creative land use, zoning and development regulations, City services and City policies.

*Policy 6.7:* Prepare design plans to enhance the streetscape with emphasis on the pedestrian environment.

### **APPLICABLE CRITERIA**

**Analysis of Criteria and Findings for a Variance** as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

Variance 1: Approval – Relief from (§4.6(D)(12)(ii) to permit ground floor active use liner of less than 60% along the east façade.

Variance 2: Approval – Relief from §7.2(A)(28) to reduce the parking requirement of 10 parking spaces to 5 parking spaces.

Variance 3: Approval – Relief from §4.6(D)(11)(c) to allow a window transparency of 27.9% rather than 50% along the east building façade that is required by code.

Variance 4: Approval – Relief from (9.5(C)(1) to reduce the minimum vehicular use landscape area of 25% to 15.28%.

**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.

**ANALYSIS – Variance 1:** The requested variance to reduce the ground floor active use liner will maintain the basic intent and purpose of the zoning regulations and will not negatively impact the appearance of the City. Currently, the property contains an abandoned car wash facility. This request will redevelop the Property with a use that will serve the surrounding community and improve the appearance of the City by removing an unutilized building. The intent of the requirements to provide a minimum 60% active use liner is to provide buildings along the State Rd. 7 corridor that are pedestrian friendly and have active uses on the ground floor. The proposed plans will provide a 51.51% active use liner along the State Rd. 7 corridor. The front portion of the east building façade (along State Rd. 7), near the building entrance, will consist of all glass windows along the ground floor. In addition, the front façade will be covered with faux glass and artistic murals to enhance the building's aesthetics and create a perception of activity, given the constraints of the site.

Given the aforementioned improvements, the variance request will maintain the intent and purpose of the Code and improve the appearance of the City.

**ANALYSIS - Variance 2:** The intent of the parking requirements is to provide sufficient parking for each use to not impede traffic flow and business operations. Taco Bell is implementing a new model with technology-based operations designed to move customers quickly and efficiently through the property to take the food to go rather than eating on-site. There is no customer seating available inside or outside the building to allow customers to eat on-site, all orders are placed to go. Customers can place orders in the drive-through, place mobile orders using the Taco Bell app, place an order through a meal delivery service (i.e. Uber Eats or DoorDash), or place a to-go order inside the building utilizing the quick serve digital kiosk system.

The technology being implemented to increase order and delivery efficiency with the available mass transit option for employees reduces the parking demand that would be generated by a larger, traditional fast-food restaurant. As such, 5 parking spaces is sufficient to meet the parking demand for this new take-out only fast-food model and the variance request will maintain the intent and purpose of the Code.

**ANALYSIS – Variance 3:** The requested variance to reduce the window transparency along the east building façade will maintain the basic intent and purpose of the zoning regulations and will not negatively impact the appearance of the City. The intent of the requirements to provide a minimum 50% window transparency is to provide buildings along the State Rd. 7 corridor that are pedestrian-friendly and have active uses on the ground floor. The proposed plans will meet this requirement with 27.9% window transparency along the State Rd. 7 corridor. The front portion of the east building façade (along State Rd. 7), near the building entrance will consist of all glass windows along the ground floor. While the back portion of this façade will not contain any transparent windows, the front facade (east) will be covered with faux glass and artistic murals to enhance the building's aesthetics. When including the percentage of faux glass, the project is providing a total of 60% window area, and create a perception of activity, given the constraints of the site. Given the aforementioned improvements, the variance request will maintain the intent and purpose of the Code and improve the appearance of the City.

**ANALYSIS – Variance 4:** The intent of the requirement to provide a minimum 25% landscape area within the vehicular use area is to provide sufficient landscaping in the parking lot. The five parking spaces provided on site are terminal landscape islands on either end, with curbing and landscaping running along the front of all the spaces. Additionally, the required 5' landscape buffers have been provided adjacent to the parking lot to the north and west. Given the aforementioned improvements, the variance request will maintain the intent and purpose of the Code and improve the appearance of the City.

**FINDING:** Consistent.

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

**ANALYSIS -All Variances:** The requested variance is compatible with the surrounding land uses and will not be detrimental to the community. The Property is an outparcel located within an existing shopping center on State Rd. 7 corridor. The adjacent properties to the north, south and west are all located within the same zoning designation as the Property, C-MU. Furthermore, the Property is surrounded by existing similar commercial uses that are compatible with the proposed take out only restaurant use.

**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.

**ANALYSIS-All Variances:** The requested variance will facilitate the redevelopment of the Property as a take-out only restaurant. This use is consistent with the permitted uses for the TOC future land use designation listed on page LU-63 of the City's Future Land Use Element. Furthermore, the request is consistent with the following goals, objectives and policies of the City's Comprehensive Plan and the City Wide Master Plan (CWMP):

***Goal 1:** Promote a distribution of land uses that will enhance and improve the residential, business, resort, and natural communities while allowing land owners to maximize the use of their property.*

The granting of the variance will facilitate the redevelopment of an abandoned car wash facility with an active restaurant use that will serve the existing residents and employees of the surrounding community and allow the property owner to maximize the use of the Property.

***Policy 10.5:** Encourage expansion of businesses and public improvements that are "family oriented" and targeted to local residents and workers.*

The granting of the variance will facilitate the redevelopment of an underutilized property with a family oriented take-out restaurant. Taco Bell is a popular fast food option for all demographics, including families. Furthermore, the development of the Taco Bell restaurant will bring jobs to the local community, providing employment opportunities for residents.

**FINDING:** Consistent.

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

**ANALYSIS -All Variances:** The requested variance is not economically based or self-imposed. The Applicant has designed a building that will provide the most efficient traffic flow on the Property and meets all the dimensional and design guideline requirements of the C-MU district other than the requested variance. The variance is needed due to the nature of the take-out only business operation with no on-site dining. As the majority of the building contains back of house kitchen and storage operations, placing windows along the majority of the east building façade is not feasible. However, the Applicant has mitigated the lack of windows and active liner use by placing faux glass and artistic murals along the State Rd. 7 façade that will enhance and beautify the façade.

**FINDING:** Consistent.

**CRITERIA 5:** That the Variance is necessary to comply with state or federal law and is the minimum Variance necessary to comply with the applicable law.

**FINDING:** Not applicable.

**Analysis of Criteria and Findings for Design Review** as stated in the City of Hollywood’s Zoning and Land Development Regulations, Article 5.

**CRITERIA 1:** *Architectural and Design components.* Architecture refers to the architectural elements of exterior building surfaces. Architectural details should be commensurate with the building mass. Design of the building(s) shall consider aesthetics and functionality, including the relationship of the pedestrian with the built environment. The design should consider architectural elements that are characteristic of the surrounding neighborhood.

**ANALYSIS:** The design of this Taco Bell is intended to aesthetically enhance the surrounding environment and provide a pedestrian-friendly development. Traditional materials are incorporated into the building design but with a modern aesthetic feel. This is a redevelopment that will remove an existing carwash that is no longer in operation. The Taco Bell is a significant improvement that is more in line with the city's vision for the future of this area.

**FINDING:** Consistent.

**CRITERIA 2:** *Compatibility.* The harmonious relationship between existing architectural language and composition and proposed construction, including how each building along the street relates to the whole and the pattern created with adjacent structures and the surrounding neighborhood, and with the established and adopted vision for the area.

**ANALYSIS:** The proposed Taco Bell modern design aesthetically enhances the neighboring environment setting. Placing the building close to the road and parking behind

the building provides an example for future similar development, inviting a fresh new look by incorporating different materials.

**FINDING:** Consistent.

**CRITERIA 3:** *Scale/Massing.* Buildings shall be proportionate in scale, with a height which is consistent with the surrounding structures; and with the established and adopted vision for the area. Building geometries shall reflect a simple composition of basic architectural details in relation to its length, width, height lot coverage, and setting of the structure in context with adjacent buildings.

**ANALYSIS:** The proposed development is similar in scale and mass to the surrounding environment. The small scale of the restaurant provides inset into the building mass to help break up the larger mass and make it more appropriate for the surrounding environment. The small size of the parcel limits the scale and size of the building, but the placement enhances the visibility and also helps hide the vehicular area.

**FINDING:** Consistent.

**CRITERIA 4:** *Landscaping.* Landscaped areas should contain a variety of native and other compatible plant types and forms and be carefully integrated with existing buildings and paved areas. Existing mature trees and other significant plants on the site should be preserved.

**ANALYSIS:** The proposed landscaping contains a variety of native and compatible plant types and forms, again enhancing the architecture, pedestrian access ways and most importantly the overall environment.

**FINDING:** Consistent.

## **SITE PLAN**

The Technical Advisory Committee (TAC) found the proposed Site Plan compliant with all regulations as set forth in Article 6 of the Hollywood Zoning and Land Development Regulations. Therefore, staff recommends approval if Design is granted.

The following standards shall be utilized by the Technical Advisory Committee and the Planning and Development Board in the review, evaluation, and approval of all required plans and exhibits:

- A. *Natural Environment.* All proposed development shall be designed in such a manner as to preserve, perpetuate and improve the existing natural character of the site. Existing trees and other landscape features shall, to the maximum extent possible, be preserved in their natural state; and additional landscape features shall be provided to enhance architectural features, to relate structural design to the site, and to conceal unattractive uses. In all instances the city's tree protection, landscaping and all other applicable regulations shall be fully complied with as minimum standards.



- B. *Open space.* Adequate landscaped open space shall be provided which meets the particular needs and demands of the proposed development and all specific zoning district requirements. Legal methods assuring the continued preservation and maintenance of required open space shall be submitted to and approved by the City Attorney. The type and distribution of all open space shall be determined by the character, intensity and anticipated residential or user composition of the proposed development.
1. Passive open spaces (those areas not planned for intensive activity) shall be arranged as to enhance internal spatial relationships between proposed structures, to provide buffers between the project and adjacent less intensive uses, to facilitate pedestrian movements within the development, and to improve the overall visual quality of the site.
  2. Active open spaces (those areas containing activities such as playgrounds, tennis courts, swimming pools and other active recreational facilities) shall be located so as to permit easy access to all residents or users within a development. Private recreational facilities and activities within specific projects shall, wherever possible, complement, rather than duplicate, nearby public recreational activities.
- C. *Circulation and parking.* All circulation systems and parking facilities within a proposed development shall be designed and located in such a manner as to comply with the following:
1. A clearly defined vehicular circulation system shall be provided which allows free movement within the proposed development while discouraging excessive speeds. Said systems shall be separated insofar as practicable from pedestrian circulation systems. Pavement widths and access points to peripheral streets shall be provided which adequately serve the proposed development and which are compatible and functional with circulation systems outside the development.
  2. Whenever possible in proposed residential developments, living units should be located on residential streets or courts which are designed to discourage nonlocal through traffic.
  3. Off-street parking areas shall be provided which adequately accommodate maximum vehicle storage demands for the proposed project and are located and designed in such a manner so as to conveniently serve the uses to which they are accessory and not create incompatible visual relationships.
  4. Safe and efficient access to all areas of the proposed development shall be provided for emergency and service vehicles, as required by the Florida Building Code in effect in Broward County, Florida, as revised from time to time.
  5. Sidewalks shall be provided as required by the city regulations.
  6. Handicapped Accessibility shall be provided as required by all applicable regulations.
- D. *Community services and utilities.* All proposed developments shall be designed and located in such a manner as to insure the adequate provision, use and compatibility of necessary community services and utilities.
1. An adequate sanitary sewer collection system including all necessary extensions and connections, shall be provided in accordance with city standards for location and design. Where

necessitated by the size of the development and/or by the unavailability of city treatment facilities, sanitary sewage treatment and disposal systems must be provided in accordance with city and state standards and regulations.

2. An efficient solid waste collection system, including the provisions of an adequate number of properly screened local receptacles in locations which afford maximum use and collection convenience, shall be provided in accordance with all applicable city standards.

3. A well designed internal system for fire protection, including the provisions of an adequate number of properly located fire hydrants and an efficient access arrangement for emergency fire vehicles, shall be provided to insure the safety of all persons within the project.

E. *Building and other structures.* All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract from, the overall quality of the site and its immediate environment. The following guidelines shall be followed in the review and evaluation of all buildings and structures:

1. Proposed buildings and structures shall be related harmoniously to the terrain, other buildings and the surrounding neighborhood, and shall not create through their location, style, color or texture incompatible physical or visual relationships.

2. All buildings and structures shall be designed and oriented in a manner ensuring maximum privacy of residential uses and related activities both on the site being developed and property adjacent thereto.

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.

## **ATTACHMENTS**

- ATTACHMENT A: Application Package
- ATTACHMENT B: Land Use and Zoning Map
- ATTACHMENT C: Public Participation