

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

DATE: August 22, 2024 **FILE:** 22-DPV-78

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Reginald White, Planner III

SUBJECT: Variances, Design and Site Plan for Restaurant/Bar and accompanying a Tiki/Gazebo located at 2308 N Ocean Drive within the Beach Community Redevelopment District

REQUEST

The applicant is requesting a variance pursuant to article 5.3.F to permit a gazebo structure to encroach into the sea wall setback to 0 feet and reduce the landscape buffer to the north and front of the property from 10 feet to 5 feet.

The applicant is also requesting Design, and Site Plan approval to permit a Gazebo structure and Restaurant/Bar with 3,465 sq. ft of restaurant space.

RECOMMENDATION

Variance 1: Approval.

Variance 2: Approval.

Variance 3: Approval.

Design: Approval, if Variance is granted.

Site Plan: Approval, if the Variance and Design are granted.

BACKGROUND

The site where the proposed restaurant and bar will be located is a vacant lot located in the Beaches Community District, which sits between the Intracoastal to the west and North Ocean Drive to the east. The vacant lot is currently surrounded by marinas, parking facilities, a combination of medium and low-density apartments, and hotels. The site is zoned Beach Resort A1A Commercial District (BRT-A1A-25-C) and has a land use of General Business (GBUS). The property is approximately 0.79 acres in area.

REQUEST

The proposed restaurant and bar called "Skippers Dockside" is approximately 18 feet in height, has a proposed building coverage of 4,393 sq. ft, and a seating capacity of 147 patrons. At grade parking is proposed in front of the restaurant with vehicular one-way ingress and egress to N Ocean Drive from 2 curb cuts. Pedestrian access to the proposed development will be directly from North Ocean Drive;

however, Skippers Dockside is also accessible from the Intracoastal/Stranahan River by water vessels with the use of its proposed marina.

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

1. Reduce the 10-foot required setback from the seawall, resulting in a setback of 0 feet for the Tiki/Gazebo (§ 4.6.(C)2.d.)
2. Reduce the landscaped front setback along Ocean Drive for the at-grade parking lot 10' to 5'. (§4.22.1.2.b. and §9.5.A.)
3. Reduce the landscaped side setback for the at-grade parking lot along the north property line from 10 feet to 5 feet (§4.22.1.2.b. and §9.5.A.)

The purpose of the variances is for the Tiki/Gazebo to be allowed to encroach in the setback of the seawall and to provide adequate roof coverage for the proposed bar and restaurant. The variance request to reduce the landscape buffer is to provide adequate parking for its patrons that is compliant with the city's zoning ordinances and engineering standards.

The Applicant has worked with Staff to ensure that all applicable regulations, other than the requested variances, are met. The development of the existing vacant commercial lot enhances the appearance of the corridor in a manner that is similar in scale, massing and articulation with the existing historic character and existing tourist-oriented businesses and facilities.

PROJCT DATA

Owner/Applicant:	Oceanside Marina, LLC
Address/Location:	2308 N Ocean Drive, Hollywood, FL 33019
Net Size of Property:	34,625 sq. ft. (0.79 acres)
Land Use:	General Business (GBUS)
Zoning:	BRT-A1A-25-C
Present Use of Land:	Commercial Vacant Lot
Year Built:	Not Applicable (Broward County Property Appraiser)

Total Restaurant Space:	3,465 sq. ft
Total Building Coverage:	4,393 sq. ft
Bike Parking Spaces:	5 Spaces provided

ADJACENT LAND USE

North:	General Business (GBUS)
South:	General Business (GBUS)
East:	General Business (GBUS)
West:	General Business (GBUS)

ADJACENT ZONING

North:	Beach Resort A1A Commercial District (BRT-A1A-25-C)
South:	Beach Resort A1A Commercial District (BRT-A1A-25-C)

East: Beach Resort Commercial District (BRT-25-C)
West: Intracoastal

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject site is located within the Beach Community Redevelopment District, which is a vacant lot on N. Ocean Drive adjacent to the Stranahan River. The vacant lot is currently surrounded by marinas, parking facilities, a combination of medium and low-density apartments, and hotels. 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 land owners to maximize the use of their property.* The Beach Community Redevelopment District intends to create development along the corridors, including residential uses and local, regional, and tourist-oriented businesses, in a manner that is similar in scale, massing, and articulation with the existing historic character and existing tourist-oriented businesses and facilities. Furthermore, the intent of the Beach Community Redevelopment District is to beautify the corridor with innovative architecture while being sensitive to the character of the area. Development of this site enhances the corridor and encourages tourism in the area while maintaining compatibility with the existing structures' historic character. The project is consistent with the Comprehensive Plan based on the following Objectives:

Objective 5: *Encourage appropriate infill redevelopment in blighted areas throughout the City and economic development in blighted business and tourist areas by promoting improved architectural and streetscape design standards, code enforcement, economic development, neighborhood planning, and public information dissemination.*

Policy 5.4: Continue redevelopment of Central Beach.

Objective 10: *The City of Hollywood shall encourage the centralization of commercial, governmental, retail, residential, and cultural activities within the Downtown Central Business District and Beach Community Redevelopment Agency (CRA) area in order to promote the use of existing infrastructure and to accommodate growth in an orderly, efficient, and environmentally acceptable manner.*

Policy 10.12: Maintain the Beach zoning regulations, to achieve the goals and objectives of the Beach Community Redevelopment Plans while protecting the neighborhood and the quality of life for the residents. (CWMP Policy 4.11)

Objective 13: *The City of Hollywood shall prioritize infrastructure service improvements to supplement and enhance economic development and redevelopment, and streetscape and aesthetic design.*

Policy 13.3: Maintain Beach entrance features at major Intracoastal Waterway crossings. (CWMP Policy 4.21)

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The project is located in Sub-Area 4, defined by the Atlantic Ocean to the east, the Intracoastal Waterway to the west, Hallandale Beach Boulevard to the south and Dania Beach Boulevard to the north. The Beach is comprised of three very distinct areas, North Beach, Central Beach and South Beach, which could be broken down further into sub-sectors of activity. The proposed project is consistent with the City-Wide Master Plan, based upon the following Guiding Principles and Policies.

Guiding Principle: *To provide a future growth based on improving the economic conditions of Hollywood Beach by utilizing existing resources and allowing for a vision of development that is appropriate to sustain and enhance the neighborhoods of the beach area.*

Policy 4.32: *Upgrade the quality of seasonal accommodations and commercial activities by promoting the renovation and construction of higher quality lodging.*

Policy 4.33: *Create public spaces and development nuclei that will become areas of community focus, highlighting the uniqueness of each area of Hollywood Beach, to create a sense of place and anchors of activity, which will create opportunities and incentives for development.*

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: Reduction of the 10-foot required setback from the seawall, resulting in a setback of 0 feet for the Tiki/Gazebo. Pursuant to Article 4, Section 4.6 (C)2.d)

Variance 2: Reduce the landscaped front setback along Ocean Drive for the at-grade parking lot from 10' to 5'. Pursuant to 4.22.I.2.b. and 9.5.A.

Variance 3: Reduce the landscaped side setback for the at-grade parking lot along the north property line from 10 feet to 5 feet. 4.22.I.2.b. and 9.5.A.

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: Sec. 4. 6. C. of the Zoning and Land Development Regulations establishes the intent and purpose of the Beach Community Redevelopment Districts development standards, which center around maintaining the character and 'branding' of Hollywood Beach through development that is appropriate in scale, massing and articulation with the historic character and existing stock of historic and contributing structures. The requested rear setback variance facilitates the construction of a tiki-hut style gazebo that is consistent with both the character of Hollywood Beach tourism businesses and the scale of buildings within both the BRT-25-AJA-C and BRT-25-AI-R zoning districts that line the east side of the Intracoastal Waterway. Therefore, the request maintains the primary intent and purpose of the subject regulations in protecting the stability and appearance of the city.

ANALYSIS: The variance request is to reduce the width of the required landscape strip, but not to reduce the amount of required landscaping. The vehicular use area will be screened and set back from Ocean Drive for approximately 50 percent of the property frontage, excluding driveway openings. This artistic screening in the front of the property is in compliance with the city's zoning ordinance. The center of the property's Ocean Drive frontage features the "front door" of the restaurant complex opening up to the public sidewalk, inviting pedestrians into the site and waterfront, and effectively "activating" the street frontage while providing a second interior layer of lush landscaping to frame the public sidewalk entrance. The remainder of the frontage will be screened with native landscape materials. After review, the request maintains the basic intent and purpose of the landscaped parking lot setback requirement. The project will enhance the appearance of Ocean Drive and encourage economic stability.

ANALYSIS: The variance request is to reduce the width of the landscape to the north side but not to reduce the amount of required landscaping. The landscape strip will be planted according to city ordinances. Although the landscape buffer will be reduced to the north side of the property, the setback dimension will comply with the minimum requirement at the street line, where its width is most impactful, and gradually taper to 5 feet at a point that is more than 40 feet removed from the street line. In addition, the reduction in the landscaped setback is adjacent to two upsized terminal landscape islands set 9 feet away and 20 feet from the side yard buffer. Therefore, the request maintains the basic intent and purpose of the landscaped parking lot setback requirement. The project will enhance the appearance of Ocean Drive and encourage economic stability.

FINDING: Consistent.

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

ANALYSIS: The site of the variance request was historically and compatibly developed for the same proposed use at the same location, as evidenced by the pilings that remain in the waterway. The former use was popular among area residents and tourists for its casual, outdoor waterside ambiance. The proposed gazebo structure, for which the setback variance is requested, will be located approximately 200 feet from each of the side lot lines and will occupy only 46.5 feet of the more than 500 feet of lot width. Portions of the Intracoastal Waterway north of Hollywood Boulevard are lined with substantial buildings having walls or roofs that extend into the rear yard, coincident with or seaward of the seawall. Although the gazebo structure is proposed to encroach into the seawall setback, the structure is significantly smaller in scale and mass than neighboring buildings. The Gazebo structure will be open-air, which will preserve sight lines to the Intracoastal Waterway.

ANALYSIS: In comparison with the surrounding properties, the development provides more landscape and more diversity in plant species than other properties. The proposed landscaping treatment will improve the community's appearance.

ANALYSIS: The north side yard abuts an at-grade parking facility under the same ownership as the subject property that is partially tied to the continued use of the subject property via parking easement agreement. The adjacent property also provides a landscaped setback on the opposing side of the common property line. The north side yard will comply with City landscape requirements, and will exceed the required width at the street line. The request is compatible with the surrounding land uses and will not be detrimental to the community.

FINDING: Consistent.

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

ANALYSIS: The specific area plan that is applicable to the subject site is the Hollywood Beach CRA Master Plan. The requested variance especially furthers Strategy 2.1, Action Item 4., relating to improved public access to natural and recreation assets, and is further articulated by the following two action items:

- a) Encourage active waterside uses along the Intracoastal, including rental of a limited types of boats (excluding, for example, jet ski.); and
- b) Establish setback requirements that protect views and pedestrian access to the Intracoastal Waterway and the Beach.

The proposed tiki-hut style restaurant and bar is a classic waterfront use that draws people to the Intracoastal Waterway for its ambiance. Additionally, the open-air restaurant and bar is designed for integration with a marina that can provide additional active waterside uses such as boat rental and docking. The project provides more than 400 feet of view corridor to the Intracoastal Waterway, which exceeds interior side setback requirements intended to preserve view corridors.

ANALYSIS: The Comprehensive Master Plan is an essential policy document that incorporates detailed, area-specific plans by reference for matters such as site development and design, to which the subject variance request pertains. The specific area plan that is applicable to the subject site is the Hollywood Beach CRA Master Plan. The requested variance is consistent with and furthers the following provisions of the Beach Master Plan:

Strategy 2.1, Action Item 3.d) Create a Boardwalk along the Intracoastal Waterway. The variance responds to the inadequacy of the property's depth dimension of only 69 feet, and facilitates the provision of a pedestrian walk along the property's Intracoastal Waterway frontage. Strategy 2.1, Action Item 4.:

a) Encourage active waterside uses along the Intracoastal, including rental of a limited types of boats (excluding, for example, jet ski). The project embodies this strategy by connecting landside people to the waterside, waterside people to the landside through its marina, and providing a pedestrian path along the waterway. The variance request is necessary to facilitate the project.

c) Establish landscape requirements that ensure public rights of way that contribute to the environmental health and beauty of the Beach. The project complies with the city's landscape requirements.

Strategy 2.3, Action Item 1:

- Street design that prioritizes pedestrians, with particular attention to transforming A1A into a pedestrian-oriented thoroughfare; Design standards that encourage active uses at street level and protect views and access to the Beach and Intracoastal Waterway. The project design closes three curb cuts and places its driveways at the ends of the property's frontage, thereby providing one of the most uninterrupted sidewalk segments along this portion of Ocean Drive for pedestrians. The project further opens to the public sidewalk with its inviting entrance feature, encouraging people to walk the property, drink, dine and gather.
- Design standards that ensure the landscape quality of the public rights-of-way. The project's Ocean Drive landscaping complies with the City's landscaping requirements.

ANALYSIS: There are no plan policies, strategies or action items that directly bear on the subject variance request. Although the project reduces the landscape buffer to the north, the VUA landscape is more than sufficient. This proposal would comply with general goals and objectives of the Comprehensive Plan.

FINDING: Consistent.

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

ANALYSIS: The requested variance responds to a parcel depth of only 69 feet, which is inadequate for development of the proposed use in the manner most beneficial to the community. These benefits include the unique opportunity for residents and tourists to dine over the waterway at a location that historically offered this amenity while providing substantial separation between the open-air restaurant and residential zoning two properties north of the subject property and allowing

closure of three curb cuts onto A-1A, thereby reducing the number of potential vehicular conflict points, and improving traffic flow and safety.

ANALYSIS: The requested variance responds to a parcel depth of only 69 feet. This parcel depth is insufficient to accommodate the required onsite parking and front parking lot setback, and it does not provide a pedestrian walk along the waterway. The project improves the pedestrian environment along Ocean Drive, allowing the closure of three curb cuts onto A-1A, improving traffic flow, safety, and pedestrian convenience. The requested variance is not economically based or self-imposed.

ANALYSIS: The requested variance is not economically based or self-imposed. The subject development proposal involves a minor amount of building area but is subject to a substantial off-street parking requirement on a challenging, shallow parcel. The north side property line is not perpendicular to the street line but is instead at an acute angle to the street line and parking lot, resulting in a narrowing of the distance between the north lot line and the parking facility in a westerly direction. Although the parking lot setback meets the code requirement at the street line, the separation cannot be maintained along the lot line while also providing the required maneuvering area for the northernmost parking space. The requested variance is not economically based or self-imposed.

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 as stated in the City of Hollywood 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. The use of traditional materials for new architectural details is recommended. Design of the building(s) shall consider aesthetics and functionality, including the relationship of the pedestrian with the built environment.

ANALYSIS: The design is contemporary, consisting of articulation and a neutral color palette, artistic screening, and creating attractive and visually appealing facades. The proposed open-air structures, such as the tiki hut, gazebos, and trellises, create a classic beach-style attraction for residents in the beach community and tourists. The building faces N Ocean Drive and provides pedestrian access giving definition to the urban form. The structures architectural design maintains the

character and branding of Hollywood Beach through development that is appropriate in scale, massing and articulation with the historic character and existing stock of historic and contributing structures.

FINDING: Consistent.

CRITERIA 2: *Compatibility.* The relationship between existing architectural styles 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. Buildings should contain architectural details that are characteristic of the surrounding neighborhood.

ANALYSIS: With varying architectural styles and finish materials found throughout the surrounding community, the proposed development exhibits proportionate architectural features and styles that are sensitive and compatible with the surrounding neighborhood. The Applicant proposes a design that is smaller in scale compared to its many neighboring buildings however, its architectural style and appearance are compatible with businesses in the Beaches Community Redevelopment District.

FINDING: Consistent.

CRITERIA 3: *Scale/Massing.* Buildings shall be proportionate in scale, with a height which is consistent with the surrounding structures. Building mass 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. Architectural details include, but are not limited to, banding, molding, and fenestration.

ANALYSIS: The project is compliant with the purpose set forth in the Beaches Community Redevelopment District. The development maintains, preserves, and establishes a standard of character and 'branding' for Hollywood Beach, founded on the existing stock of historic and contributing structures. The proposed scale and height are consistent with the vision of the Beach Resort A1A Commercial zoning district.

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 Applicant has worked with the City Landscape Architect to incorporate a variety of compatible plant types and forms into the design. The proposed landscape helps articulate the property and enhance the design of the proposed buildings.

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 that 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 insuring 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(1): Application Package
ATTACHMENT A(2): Application Package
ATTACHMENT B: Land Use and Zoning Map
ATTACHMENT C: Public Outreach