

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

DATE: June 10, 2025 **FILE:** 19-V-04b

TO: Planning and Development Board

VIA: Anand Balram, Planning Manager

FROM: Carmen Diaz, Planner III

SUBJECT: Variance to Section 4.6.D.3.9.b.iii of the ZLDR to increase the roof covered amenity area of an existing non-residential building in the North Mixed-Use zoning district (N-MU) within the Transit Oriented Corridor (The Kosher Hotel).

REQUEST

Variance to Section 4.6.D.3.9.b.iii of the ZLDR to increase the roof covered amenity area of an existing non-residential building in the North Mixed-Use zoning district (N-MU) within the Transit Oriented Corridor (The Kosher Hotel).

RECOMMENDATION

Variance: Board to make the determination, with the following conditions:

1. One interior noise monitoring device placed in a location at the discretion of the Parking and Code Compliance Director, such as within the covered rooftop amenity area.
2. Failure to comply with the previous condition may result in enforcement actions, including but not limited to code citations, reduction of operating hours, or revocation of rooftop amenity privileges.

BACKGROUND

On July 13, 2013, the Planning and Development Board provided the necessary Variances, Design and Site Plan approvals for a mixed-use non-residential development including a 4,000-squarefoot McDonald's restaurant (Phase I) and a 5,000-squarefoot commercial building (Phase II) located at 5530 S. State Road 7 (city petition no. 13-DPV-12).

At the time the request for Variance and Design was only for the McDonald's restaurant, while the request for Design approval pertained to the entire site (Phase I & II). The 5,000 square foot commercial building Site Plan met all requirements for the zoning districts State Road 7 Commercial Corridor District Resort Commercial (SR7 CCD-MHC) and Medium-High Intensity Commercial District (C-4). In 2017 the Transit Oriented District was rezoned resulting in an increase in development rights.

In 2019, the Applicant submitted plans for the commercial portion, Phase II, of the previously approved mixed-use development, Resolution 13-DPV-12. The commercial portion consisted of a 100-room hotel with a rooftop restaurant and amenities for the sole use of the hotel guests.

The subject site is located at 5510 S. State Road 7, on the east side of South State Road 7 and south of SW 54th Court, more specifically to the east, or rear, of the existing McDonald’s restaurant. The project went through Site Plan review process, and the Planning and Development Board approved the project on January 21, 2020.

On December 10, 2024, the project went in front of the Planning and Development Board for a request for a variance to expand the existing covered area on the roof. Residents from the City of Dania Beach located east of the hotel participated in the meeting with several opinions. The main concern of the residents of Dania Beach and expressed several concerns. The Board did not make a decision, and the project was continued at indefinitely.

REQUEST

The Applicant is requesting a variance to increase the roof top area of the existing hotel (Phase II). The Zoning and Land Development Regulations in Article 4.6.D.3.9.b. states that covered rooftop amenities shall not occupy more than 30 percent of the gross rooftop area. The existing roof covered area is 3,129 sq. ft. (28 %) and the Applicant is proposing to increase the covered area to 5,792 sq. ft. (52%).

In order to minimize the noise of traveling outside the building, the Applicant is proposing a soundproof barrier on the east side of the building facing the residential area of Dania Beach.

The proposed plan meets all the regulations as required by the code and is consistent with the approved Resolution 13-DPV-12. The Applicant has worked carefully with Staff to ensure the roof design is in line with the regulations.

Applicant:	Kosher House LLLP. /Kaliff Corp.
Address/Location:	5510-5530 South State Road 7
Net Area of Property:	13,597 sq. ft. (0.31 acres)
Land Use:	Transit Oriented Corridor (TOC)
Zoning:	North Mixed-Use District (N-MU)
Existing Use of Land:	Hotel (Commercial)
Year Built:	2013 (Broward County Property Appraiser)

ADJACENT LAND USE

North:	Transit Oriented Corridor (TOC)
South:	Transit Oriented Corridor (TOC)
East:	Low-Medium (10) Residential (LM) – Dania Beach
West:	Low (5) Residential (LRES) – Tribal Land

ADJACENT ZONING

North:	North Mixed-Use District (N-MU)
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South: North Mixed-Use District (N-MU)
East: Two-Family Residential District (RD-8000) – Dania Beach
West: Not Applicable (N/A) – Tribal Land

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Located within the Transit Oriented Corridor, the project is surrounded by commercial, single family, and multi-family residential uses. 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.* Redevelopment of this site will reaffirm the mixture of uses in the area serving the adjacent community as well as the region.

Policy 2.2.11: *Promote the development of US 441/SR 7 as a major transit corridor.*

Policy 3.1.1: *Continue to prioritize US 441/SR 7 Corridor for redevelopment opportunities and work with the Florida Department of Transportation and other applicable agencies on design of the highway and create innovative zoning to implement future plans.*

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The City-Wide Master Plan is a compilation of policy priorities and recommendations designed to improve the appearance, appeal, and economic tax base of the City. It establishes a format for future direction and vision for the City.

The City-Wide Master Plan recognizes the need for a mix of uses along the corridors and identifies the US 441/SR 7 Corridor as a Special Emphasis Area of high importance for the development of the City and its improved image. The proposed project is consistent with the City-Wide Master Plan based upon the following:

Guiding Principles and Policies:

- *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*
- *Attract and retain businesses that will increase economic opportunities for the City while enhancing the quality of life for residents.*

Policy CW.21: *Create and expand where appropriate commercial and industrial zones to increase tax dollars.*

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

Policy CW.46: *Place emphasis on redevelopment along the major highway corridors; SR 7, US 1, Dixie Highway, Hollywood Boulevard and A-1-A by limiting expansion of residential areas and deepening industrial and commercial zones to increase tax revenues.*

APPLICABLE CRITERIA

Analysis of criteria and finding for Variances as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.3.F.

Variance: To increase the covered roof top amenity from 30% to 49%

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 Zoning and Land Development Regulations, Section 4.6.D.3.9 allows vertical and horizontal encroachments in a building in the Transit Oriented Corridor. Amenities can exceed the maximum allowable height 15 feet. The covered area allowed is 30% of the gross roof area. The Applicant is proposing to increase the Kasher restaurant covered area to 49%. The Applicant is looking to provide more covered area for dining customers. Because the dining area is on the roof and not visible from the street, and the roof structure already exists, the request will not negatively affect the neighborhood character.

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: The subject lot is in the Transit Oriented Corridor. The surrounding area is primarily comprised of commercial buildings. The hotel is located behind an existing McDonald's building and close to the Seminole Hard Rock Casino. The Variance request maintains the existing permitted land uses and does not propose any new uses; thus, maintaining the existing and persisting compatibility with surrounding land uses and would not be detrimental 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.

ANALYSIS: The requested variance will not diminish the intent of the Comprehensive Plan as it is accommodating improvements to the property and enhancing the neighborhood. The goals of the Comprehensive Plan speak to *attracting and retaining businesses that will increase economic opportunities for the City while enhancing the quality of life for residents*. The proposed expansion of the covered rooftop area will arguably increase the economic vitality and health of the existing hotel business, which contributes positively to the City's economic profile. The applicant argues that the variance would allow the hotel to expand its offerings to customers and will increase the usability of the rooftop area through the additional weather protection.

FINDING: Consistent

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

ANALYSIS: The applicant has indicated that the variance request is necessary due to the fact the hotel has two dining areas and the roof top restaurant is the smallest of the two existing restaurants. The hotel is looking to provide a larger covered area and weather protection to accommodate customers.

FINDING: Inconclusive

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

ANALYSIS: State or Federal law is not the impetus of the requested variance.

FINDING: Not applicable.

ATTACHMENTS

ATTACHMENT A: Application Package

ATTACHMENT B: Land Use and Zoning Map