

CITY OF HOLLYWOOD
PLANNING AND DEVELOPMENT BOARD

RESOLUTION NO. 13-DPV-12

A RESOLUTION OF THE CITY OF HOLLYWOOD PLANNING AND DEVELOPMENT BOARD CONSIDERING A REQUEST FOR FOUR (4) VARIANCES, DESIGN AND SITE PLAN APPROVAL, FOR THE CONSTRUCTION OF A MCDONALD'S RESTAURANT AND DRIVE-THRU AND COMMERCIAL BUILDING LOCATED AT 5530 S. STATE ROAD 7, PURSUANT TO THE PROVISIONS OF THE CITY OF HOLLYWOOD ZONING AND LAND DEVELOPMENT REGULATIONS.

WHEREAS, the Planning and Development Board (the "Board") is charged with, among other things, the responsibility of considering requests for variances, design, special exceptions and site plan approval; and

WHEREAS, the Board is duly empowered to grant variances, special exceptions, and design approvals in accordance with the guidelines and procedures found in Section 5.3 of the City's Zoning and Land Development Regulations and site plan approval pursuant to Article 6 of the Zoning and Land Development Regulations; and

WHEREAS, Kaliff Corporation (the "Applicant"), has applied for four (4) Variances, Design and Site Plan approval for a phased development including the construction of an approximate 4,000 square foot McDonald's Restaurant and drive-thru (Phase I) and the construction of a 5,000 square foot commercial building (Phase II) located at 5530 S. State Road 7, as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Assistant Planning Director, Planning Manager and Planning and Development Services Administrator ("Staff"), following an analysis of the application and its associated documents have determined that the proposed request for a Variance, to allow for an additional wall sign on the west and south building facades of the McDonald's, does meet the criteria set forth in Section 5.3.F.2. of the Zoning and Land Development Regulations and have therefore recommended approval with the following conditions:

- (1) The wall signs on the west façade shall be limited to one alphabetic sign and one logo sign, and shall not to exceed the total amount of 45 square feet; and
- (2) The wall sign on the south façade shall be limited to one logo Sign, not to exceed 14 square feet.

; and

WHEREAS, the Staff, following an analysis of the application and its associated documents have determined that the proposed request for a Variance, to increase the maximum allowable height of 8 feet for a monument sign to 20 feet, does not meet the criteria set forth in Section 5.3.F.2. of the Zoning and Land Development Regulations and have therefore recommended denial; and

WHEREAS, the Staff, following an analysis of the application and its associated documents have determined that the proposed request for a Variance, to waive the requirement for a perimeter wall between 3 to 6 feet in height for any use that sells food or gasoline, on the north, south and west sides for the McDonald's or other similar use approved by the City, 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 approval; and

WHEREAS, the Staff, following an analysis of the application and its associated documents have determined that the proposed request for a Variance to waive the required concrete wall and tree screening for commercial development adjacent to residentially zoned properties, 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 approval with the following condition:

The PVC fence and perimeter landscaping shall be installed as part of Phase I of the project.

; and

WHEREAS, the Staff, following analysis of the application and its associated documents, have determined that the proposed request for Design approval for the McDonald's restaurant and drive-thru (Phase I) meets the applicable criteria set forth in Section 5.3.I.4. of the Zoning and Land Development Regulations and therefore recommend approval of the Design; and

WHEREAS, the Technical Advisory Committee, following an analysis of the application and its associated documents, have determined that the proposed request for Site Plan approval for Phase I and II does meet the review standards set forth in Article 6 of the Zoning and Land Development Regulations and have therefore recommended approval of the proposed Site Plan along with the following conditions:

- (1) The perimeter landscaping shall be installed in Phase I of the project;
- (2) The Applicant shall provide the required ADA connections at the time of building permits for Phase II; and
- (3) That the Applicant shall submit a Unity of Title, in a form acceptable to the City Attorney, prior to the issuance of

any building permits and the Unity of Title shall be recorded in the Public Records of Broward County immediately upon approval by the City Attorney.

; and

WHEREAS, on July 11, 2013, the Board met and held an advertised public hearing to consider the Applicant's requests; and

WHEREAS, the Board reviewed the application for the Variance to allow for an additional wall sign on the west and south building facades of the McDonald's, and determined that the Variance request with staff's conditions does meet the criteria set forth in Section 5.3.F.2. of the Zoning and Land Development Regulation and made the following findings:

- (1) That the Variance is not contrary to the public interest;
- (2) That the Variance is required due to special conditions; and
- (3) That a literal enforcement of the provisions of Article 8 will Result in an unnecessary hardship;

; and

WHEREAS, the Board reviewed the application for the Variance to increase the maximum allowable height of 8 feet for a monument sign to 20 feet, and determined that the request does meet the criteria set forth in Section 5.3.F.2. of the Zoning and Land Development Regulations **with the condition that the height be increased to 16 feet and landscaping be placed around the base of the monument sign** and made the following findings:

- (1) That the Variance is not contrary to the public interest;
- (2) That the Variance is required due to special conditions; and
- (3) That a literal enforcement of the provisions of Article 8 will Result in an unnecessary hardship;

; and

WHEREAS, the Board reviewed the application for the Variance to waive the requirement for a perimeter wall between 3 to 6 feet in height for any use that sells food or gasoline, on the north, south and west sides of the McDonald's or other similar use approved by the City, and determined that the Variance request does meet the criteria set forth in Section 5.3.F.1. a. through d. of the Zoning and Land Development Regulation (criteria e. is not applicable) and made the following findings:

- a) That the requested Variance does maintain the basic intent and purpose of the subject regulations, particularly as they affect the stability and appearance of the City;
- b) That the requested Variance is otherwise compatible with the

surrounding land uses and would not be detrimental 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;
- d) That the need for the requested Variance is not economically based or self-imposed; and
- e) Since the Board finds that criteria a. through d. have been met, then criteria e. is not applicable.

; and

WHEREAS, the Board reviewed the application for the Variance to waive the required concrete wall and tree screening for commercial development adjacent to residentially zoned properties and determined that the Variance request does meet the criteria set forth in Section 5.3.F.1. a. through d. of the Zoning and Land Development Regulation (criteria e. is not applicable) with Staff's condition, and made the following findings:

- a) That the requested Variance does maintain the basic intent and purpose of the subject regulations, particularly as they affect the stability and appearance of the City;
- b) That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental 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;
- d) That the need for the requested Variance is not economically based or self-imposed; and
- e) Since the Board finds that criteria a. through d. have been met, then criteria e. is not applicable.

WHEREAS, the Board reviewed the application and the Department of Planning and Development Services staff report and recommendations for the Design approval and considered the following criteria pursuant to Section 5.3.1.4.a. (1) through (4) of the City's Zoning and Land Development Regulations:

- 1) The Architectural details are commensurate with the building mass. Design of the building(s) considered aesthetics and functionality, including the relationship of the pedestrian with the built environment;
- 2) Compatibility. There is an appropriate 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. The Building contains architectural details that are characteristic of the surrounding neighborhood;
- 3) Scale/Massing. The Building is proportionate in scale, with a height which is consistent with the surrounding structures. The Building mass reflects 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. The Architectural details include, but are not limited to, banding, molding, and fenestration; and
- 4) Landscaping. The Landscaped areas contain a variety of native and other compatible plant types and forms, and are carefully integrated with existing buildings and paved areas. Existing mature trees and other significant plants on the site have been preserved.

; and

WHEREAS, the Board reviewed the application and the Department of Planning and Development Services staff report and the Technical Advisory Committee's recommendation with the conditions for the Site Plan approval and considered the Site Plan review standards set forth in Article 6 of the Zoning and Land Developments;

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

Section 1: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, and all submitted written and oral testimony received during the public hearing, and the consideration of the criteria listed herein for approving/denying the requested Variance for the property located at 288 N. Ocean Drive, to allow for an additional wall sign on the west and south building facades of the McDonald's, the Board finds that the necessary criteria have been met, and the requested Variance is hereby **approved with the following conditions:**

- (a) The wall signs on the west façade shall be limited to one alphabetic sign and one logo sign, not to exceed the total amount of 45 square feet; and
- (b) The wall sign on the south façade shall be limited to one logo sign, not to exceed 14 square feet.

Section 2: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, and all submitted written and oral testimony received during the public hearing, and the consideration of the criteria listed herein for approving/denying the requested Variance for the property located at 288 N. Ocean Drive, to increase the maximum allowable height of 8 feet for a monument sign to 20 feet, the Board finds that the necessary criteria have been met, and the requested Variance is hereby **approved with the following conditions:**

- (a) That the height of the monument sign shall be increased to 16 feet; and
- (b) That landscaping shall be placed around the base of the monument sign.

Section 3: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, and all submitted written and oral testimony received during the public hearing, and the consideration of the criteria listed herein for approving/denying the requested Variance for the property located at 288 N. Ocean Drive, to waive the requirement for a perimeter wall between 3 to 6 feet in height for any use that sells food or gasoline, on the north, south and west sides of the McDonald's or other similar use approved by the City, the Board finds that the necessary criteria have been met, and the requested Variance is hereby **approved.**

Section 4: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, and all submitted written and oral testimony received during the public hearing, and the consideration of the criteria listed herein for approving/denying the requested Variance for the property located at 288 N. Ocean Drive, to waive the required concrete wall and tree screening for commercial development adjacent to residentially zoned properties, the Board finds that the necessary criteria have been met, and the requested Variance is hereby **approved with the following condition:**

The PVC fence and perimeter landscaping shall be installed as part of Phase I of the project.

Section 5: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, all submitted written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the Design criteria set forth herein, the Board finds that the necessary criteria have been met, and the **Design for the McDonald's only is hereby approved.**

Section 6: That, following review of the Staff Summary Report, the Applicant's application and supporting documents and materials, all submitted written and oral testimony received during the public hearing from all parties and speakers, and the consideration of the Site Plan review standards set forth in Article 6 of the Zoning and Land Development Regulations, the Board finds that the necessary review standards have been met, and Site Plan is hereby **approved with the following conditions:**

- (a) The perimeter landscaping shall be installed in Phase I of the project;
- (b) The Applicant shall provide the required ADA connections at the time of building permits for Phase II;
- (c) That the Applicant shall submit a Unity of Title, in a form acceptable to the City Attorney, prior to the issuance of any building permits and the Unity of Title shall be recorded in the Public Records of Broward County immediately upon approval by the City Attorney;
- (d) The Applicant shall move one (1) handicap spot to a location Acceptable to the City Engineer; and
- (e) The PVC fence shall be 8 feet in height; and
- (f) The Phase II building pad shall be sodded until construction.

Section 7: That, the four (4) Variances shall become null and void unless the Applicant has applied for all applicable building or other permits(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 8: That the Applicant shall have up to 24 months from the date of this Design approval for McDonald's to apply for all necessary building permits required to proceed with construction. Failure to submit an application within the required time period shall render all approvals null and void.

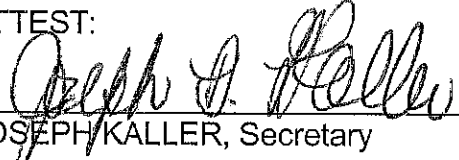
Section 9: That the Applicant shall have up to 24 months from the date of Site Plan approval to apply for a valid construction permit. Failure to submit an application within the require time period shall render all approvals null and void.

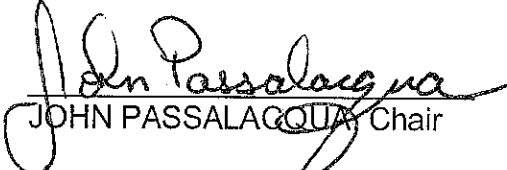
Section 10: That the Department of Planning and Development Services is hereby directed to forward a copy of this resolution to the Applicant/Owner of the property with respect to which the request was made. This Resolution will be delivered to the City Clerk to be recorded in the Public Records of Broward County, as provided by the applicable provisions of Article 5 in the Zoning and Land Development Regulations. A copy shall be furnished to any enforcement official.

PASSED AND ADOPTED THIS 11th DAY OF July, 2013.

RENDERED THIS _____ DAY OF _____, 2013.

ATTEST:


JOSEPH KALLER, Secretary


JOHN PASSALACQUA, Chair

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



JEFFREY P. SHEFFEL, BOARD COUNSEL

EXHIBIT "A"
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Parcels "B" and "C" of "C & S SUBDIVISION" according to the Plat thereof, as recorded in Plat Book 89, Page 40 of the Public Records of Broward County, Florida and LESS the following described parcels:

Commencing at the Northeast corner of said Parcel "B" of "C & S SUBDIVISION"; thence South 89°48'30" West along the Northerly boundary of said Parcel "B", a distance of 24.08 feet to the Point of Beginning; thence South 89°18'32" West, a distance of 45.58 feet; thence North 00°41'28" West, a distance of 0.41 feet to a Point on the Northerly boundary of said Parcel "B"; thence North 89°48'30" East along said Northerly boundary, a distance of 46.58 feet to the Point of Beginning.

AND LESS

Commencing at the Northeast corner of said Parcel "B" of "C & S SUBDIVISION", then South 89°48'30" West along the Northerly boundary of said Parcel "B", a distance of 142.88 feet to the Point of Beginning; thence South 89°25'30" West, a distance of 141.97 feet; then North 00°11'30" West, a distance of 0.95 feet to a point on the Northerly boundary of said Parcel "B"; thence North 89°48'30" East along said Northerly boundary, a distance of 141.97 feet to the Point of Beginning.