

**CITY OF HOLLYWOOD, FLORIDA  
DEPARTMENT OF DEVELOPMENT SERVICES  
PLANNING DIVISION**

**DATE:** October 14, 2025 **FILE:** 23-DP-06b

**TO:** Planning and Development Board

**VIA:** Anand Balram, Assistant Director/Chief Planner

**FROM:** Urja Modi, Planner I

**SUBJECT:** Taco Bell of America/Gator 441, Inc. requests an amendment to the conditions of a previously approved Site Plan Resolution 23-DPV-06.

**REQUEST:**

Amendment to the conditions of a previously approved Site Plan petition for a restaurant use located at 2640 N State Road 7, specifically condition number 3 of the previously approved Site Plan 23-DPV-06, as revised below:

3. A covenant running with the land, so long as Taco Bell leases or owns the Property, 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~~ to the city prior to the issuance of a certificate of occupancy or certificate of completion. This covenant shall automatically terminate and become null and void when Taco Bell no longer owns or leases the Property. The parking variance associated with application number 23-DPV-06 shall also automatically terminate and become null and void when Taco Bell no longer owns or leases the Property.

Coding: Text underscored represents new language added to the Resolution. Text ~~struck through~~ represents deletions to language in the Resolution.

**RECOMMENDATION:**

Approval of the amended condition, to the previously approved Site Plan 23-DPV-06.

**BACKGROUND**

On January 14<sup>th</sup>, 2025, the Applicant received approval from the Planning and Development Board for a restaurant with a drive-thru facility to-be located at 2640 N. State Road 7, Hollywood. The petition that was approved included requests for Variance, Design and Site Plan reviews. The Variance request included relief from ground floor active use liner requirements, a 50% reduction in parking requirements, a reduction in window transparency requirements for the building façade, and a reduction in minimum vehicular use landscape area percentages.

The requests for Variance, Design and Site Plan were approved with conditions pertaining to the operation of the restaurant and drive-thru facility and triggering the requirement for a hold harmless covenant related to potential parking issues, traffic issues or disputes with neighbors. The conditions described are as follows:

1. 1 space must be assigned for ordering, drop off, pick up and customer parking (cannot be ADA space)
2. 'No Stopping' signs must be installed in the stacking area and must be reflected on the site plan prior to issuance of building permit
3. 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.

## REQUEST

The Applicant is now requesting amendment to the third condition pertaining to the requirement for a hold harmless covenant, as follows:

3. A covenant running with the land, so long as Taco Bell leases or owns the Property, 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 to the City prior to the issuance of a certificate of occupancy or certificate of completion. This covenant shall automatically terminate and become null and void when Taco Bell no longer owns or leases the Property. The parking variance associated with application number 23-DPV-06 shall also automatically terminate and become null and void when Taco Bell no longer owns or leases the Property.

The intent of the request is to narrow the scope of the previous approvals and to facilitate re-evaluation of the approvals in the event that Taco Bell is no longer the owner of, or tenant on, the subject property. The original condition required that a covenant be recorded, running with the land, to hold the City harmless against any claims related to parking issues, traffic impacts, or disputes with neighboring establishments. As the applicant worked to address the original condition, both staff and the applicant recognized that it would be inappropriate for the tenant, Taco Bell, to hold the City harmless in perpetuity beyond the duration of their tenancy. Accordingly, the condition is being amended to provide that the covenant, and the associated parking variance, shall automatically terminate upon Taco Bell no longer owning or leasing the property.

The first and second conditions of the Site Plan approval will remain as in the original Resolution.

Staff has evaluated the proposed request and considers the modifications of the Site Plan conditions to be minor in nature, and appropriate and consistent with the design, traffic, parking, or other zoning and regulatory performance standards that were approved by the Planning and Development Board.

## SITE INFORMATION

<b>Owner/Applicant:</b>	Taco Bell of America/Gator 441, Inc.
<b>Address/Location:</b>	2640 N. State Road 7
<b>Net Area of Property:</b>	13,811 sq. ft. (0.32 acres)
<b>Land Use:</b>	Transit-Oriented Corridor (TOC)
<b>Zoning:</b>	Central Mixed-Use District (C-MU)
<b>Existing Use of Land:</b>	Car Wash Self Service

## 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 Mixed-Use District (C-MU)

**South:** Central Mixed-Use District (C-MU)

**East:** Open Space (OS)

**West:** Central Mixed-Use District (C-MU)

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The subject property is located in the Transit-Oriented Corridor area which is characterized by residential and commercial 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 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.

The proposed requests an amendment to condition #3 of the previous Site Plan Resolution 23-DPV-06. The proposed amendment to condition #3 does not impact the development of the site. The amended condition continues to maintain the intent of and consistency with the Comprehensive Plan.

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

The subject property is located in Sub-Area 1, defined 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 previous approval was consistent with the City-Wide Master Plan, based upon the following Guiding Principles and Policies.

### ***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.*

The proposed amendment to condition #3 remains consistent with the City-Wide Master Plan.

## **APPLICABLE CRITERIA**

Criteria for the Variance, Design and Site Plan requests were addressed through the attached staff report associated with the previous approval of the project (see 'Attachment C'). The staff report found that the approved project was consistent with the criteria, where applicable. The conclusions of the staff report remain unchanged. The proposed amendment to condition #3 remains consistent with the analysis of the previous staff report and satisfies the criteria for the requests.

## **ATTACHMENTS**

Attachment A:	Application Package
Attachment B:	Land Use & Zoning Map
Attachment C:	Previous Staff Report & Package