

**CITY OF HOLLYWOOD, FLORIDA
INTER-OFFICE MEMORANDUM
DEPARTMENT OF DEVELOPMENT SERVICES
PLANNING DIVISION**

DATE: December 8, 2016

FILE NO: P 16-28

TO: Planning and Development Board

FROM: Arceli Redila, Planning Administrator



SUBJECT: 101, LLC requests a Special Exception to re-establish a lawful nonconforming use for a used car sales and intensification of a lawful nonconforming use of land located at 1405 and 1411 North State Road 7.

EXPLANATION:

On November 10, 2016 Planning and Development Board meeting, the Board continued the above referenced item to the next available meeting, where hopefully more Board members could be present, as the original motion to approve was split (3-3). For your reference, staff's report is attached.

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

DATE: October 13, 2016

FILE: 16-S-43

TO: Planning and Development Board

VIA: Leslie A. Del Monte, Planning Manager 

FROM: Arceli Redila, Planning Administrator 

SUBJECT: 101, LLC requests a Special Exception to re-establish a lawful nonconforming use for a used car sales and intensification of a lawful nonconforming use of land located at 1405 and 1411 North State Road 7.

REQUEST:

Special Exception to re-establish a lawful nonconforming use for a used car sales and intensification of a lawful nonconforming use of land.

RECOMMENDATION:

Special Exception: Denial.

BACKGROUND

The subject site at approximately 39,000 square feet (three-fourths of an acre) is currently vacant, located on the southeast corner of McKinley Street and State Road 7. It has a Land Use designation of Transit Oriented Corridor (TOC) and is zoned Commercial Corridor District-Low Hybrid Sub-Area (SR7 CCD-LHC) with underlying Medium/High Intensity Commercial District (C-4). The SR7 CCD-LHC overlay establishes permitted uses while the underlying C-4 provides development regulations as applicable to this property. The site previously contained one-story buildings totaling approximately 10,000 square feet with multiple tenants of various uses including: a mini-mart, restaurant, retail store, massage parlor, and used car sales.

The property was affected by a right-of-way taking associated with the roadway widening of State Road 7 by the Florida Department of Transportation (FDOT). The right-of-way taking is approximately 2,800 square feet and impacted only the western portions of the site along State Road 7 as shown on attachment D. At that time of the taking, a cut and reface was proposed; however, subsequently the entire building was demolished in June of 2015.

Prior to the taking there was a used car sales occupying one bay of the existing building and using the northern portion of the site as car display. The latest Certificate of Use for the used car sales was issued in 2008 as lawful nonconforming use. According to the Applicant the tenant vacated the building in February of 2015 as such, the use was discontinued.

REQUEST

The Applicant, 101, LLC is requesting a Special Exception to re-establish a lawful nonconforming use of a used car sales and intensification of a lawful nonconforming use of land on the subject site, expanding and occupying the entire site as used car sales. The Applicant is proposing to use the entire site (three-fourths of an acre) solely as used car sales with an approximate 1,400 sq. ft. building and the rest of the site as car display area and associated parking.

In the current regulations, in SR7 CCD-LHC, used car sales is not allowed as a primary use but only allowed as accessory use to new car sales. In this case, the used car sales was a lawful nonconforming use, existing prior to the rezoning of State Road 7 corridor in 2004.

Currently, the Zoning and Land Development Regulations (ZLDR) have specific provisions regarding the ability to re-establish lawful nonconforming uses by right. A Lawful Nonconforming Use is defined as *the use of a structure or premise, existing at the effective date of these regulations [April 6, 1994], or any amendment thereto, for any purpose not permitted as a use in the zoning district in which it is located. The casual, intermittent, temporary or illegal use of structure of premise shall not be sufficient to establish a lawful nonconforming use.*

On numerous occasions, the City Commission has expressed concerns regarding the effectiveness of the City's ordinance addressing nonconforming uses, and their desire to eliminate such conditions. As such, a Code amendment was adopted in May 2015, to reduce the length of time to re-establish lawful nonconforming uses by right. The Code states *if such nonconforming use is discontinued for a period of three months or more, any further use of said building shall be in conformity with the regulations of the applicable zoning district unless otherwise approved by the Planning and Development Board pursuant to division G. of this section within 24 months of the abandonment. A lawful nonconforming use is reestablished by the approval of a Special Exception by the Planning and Development Board.*

State Road 7 is a major transportation corridor and one of regional significance. It has long been the City's intent to shape this area into one which supports multiple modes of transportation while also creating a hub for redevelopment and economic vitality for the western portion of Hollywood. This can be seen in numerous measures taken over the years, beginning with the rezoning of the Corridor in 2004 to the land use designation of Transit Oriented Corridor (TOC) in 2010. In addition to everything which has taken place intermittent of the latter, these two actions create a framework for the future of State Road 7. Specifically, they work together to provide a list of permitted uses and design principles that will attract redevelopment more conducive to an urban environment where people can work, live and partake in recreational activities (i.e. less industrial and automotive uses, more offices, residential, and personal services). Additionally, a rezoning of State Road 7 is anticipated in the near future to strengthen the vision of this corridor and used car sales will continue to not be a main permitted use in this zoning district, see letter from Economic Development Division (attachment C).

With the numerous measures taken over the years, the anticipated rezoning, and the recent text amendment in 2015, it is evidently clear that nonconforming uses are undesirable and are no longer appropriate in the specific zoning district. Staff is of the opinion that used car sales and the intensification of the use are not consistent with the vision of State Road 7, the SR7 CCD-LHC Zoning District, and the intent of the Comprehensive Plan. Attached is a Schematic Site Plan for informational purposes; the Board should not base their decisions on the Schematic Site Plan. Specific district regulations, such as building height, setbacks, etc. will be addressed during Site Plan Review.

SITE INFORMATION

Owner/Applicant:	101, LLC
Address/Location:	1405 and 1411 North State Road 7
Net Area of Property:	38,958 Sq. Ft. (0.89 acres)
Land Use:	Transit Oriented Corridor
Zoning:	SR7 CCD-LHC, C-4
Existing Use of Land:	Vacant

ADJACENT LAND USE

North:	Transit Oriented Corridor
South:	Transit Oriented Corridor
East:	Transit Oriented Corridor
West:	Transit Oriented Corridor

ADJACENT ZONING

North: Commercial Corridor District – Low Hybrid Sub-Area (SR7 CCD-LHC), C-4
South: Commercial Corridor District – Low Hybrid Sub-Area (SR7 CCD-LHC), C-4
East: Multiple Family District (RM-9)
West: Commercial Corridor District – Low Hybrid Sub-Area (SR7 CCD-LHC), C-4

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Located within the Transit Oriented Corridor (TOC), the project is surrounded by commercial, single family, and multi-family residential uses. The TOC Land Use designation encourages redevelopment or development of significant areas. The major purposes of this designation are to facilitate multi-use and mixed-use development, encourage mass transit, reduce the need for automobile travel, provide incentives for quality development, and give definition to the urban form.

Policy 3.1.10: *Maintain strong administrative policies and standards regarding non-conforming land uses and variances that would have an adverse effect on the future design and economic growth of the US 441/SR7 Corridor.*

Objective 5: *Encourages 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 5.9: *Maintain the Zoning and Development Regulations regarding nonconforming uses and amend these regulations to reduce the impact of these uses on surrounding areas and to require maximum consistency with the Zoning and Development Regulations.*

As such, the re-establishment of a nonconforming use and expansion of such use are not consistent with these objectives and policies.

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN:

The subject property is located in Sub-Area 1, the US 441/SR 7 Corridor, geographically 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. The 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.

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

Policy 1.1: *Place a priority on the US 441/SR7 Corridor for redevelopment opportunities, influence FDOT design of the highway, and create innovative zoning to implement future plans.*

Policy 1.13: *Create strong administrative policies and standards regarding non-conforming land uses and variances that would have an adverse effect on the future design and economic growth of the US 441/SR 7 Corridor.*

The City-Wide Master Plan identifies the US 441/SR 7 as a special emphasis area of high importance for the development of the City and its improved image. The Master Plan also calls for specific development patterns to occur along US 441/SR 7. These patterns would enable the City to promote the highest and best use of land within the corridor and assist in redevelopment efforts needing to be accelerated due to the imminent Florida Department of Transportation (FDOT) road widening project. Re-establishment of a nonconforming use and the intensification of such use in this area can impede the City's progress

towards its vision and the likelihood of fulfilling the vision of the Master Plan in this area of the City is improbable.

APPLICABLE CRITERIA

ANALYSIS OF SPECIAL EXCEPTION CRITERIA as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 3. In considering a petition for a Special Exception, Approval, Approval with Conditions, or Denial will be based on the criteria below. **A petition may be granted only if all of the criteria are met.**

CRITERIA 1: **The approval of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.**

ANALYSIS: As supported by the Zoning and Land Development Regulations, the property owner has recognizable property rights. The SR7 CCD-LHC overlay establishes permitted uses, while the underlying C-4 zoning district provides development standards for the property. Under the Commercial Corridor District-Low Hybrid Sub-Area (SR7 CCD-LHC) zoning district where the subject site is located, it provides various uses that afforded the Applicant substantial property rights. As mentioned, the site previously consists of one-story building with multiple tenants of various commercial uses including: a mini-mart, restaurant, retail store, massage parlor, and used car sales.

The site lends itself as an optimal location for uses conducive to an urban environment where people can work, live and partake in recreational activities (i.e. less industrial and automotive uses, more offices, residential, personal services, restaurants, etc.), uses that interface more directly with the surrounding neighborhoods.

The underlying C-4 zoning district provides plenty of opportunity for the Applicant to maximize the use of the property. It would allow the Applicant to build up to a maximum height of 175 feet. Previously, the site at approximately three-fourths of an acre contained an approximate 10,000 square foot commercial building. The current plan (attached), the Applicant proposes an approximate 1,400 square foot building and using the rest of the site as car display and associated parking. As proposed, the potential economic benefits of the site are missed.

FINDING: Inconsistent.

CRITERIA 2: **The approval will not, under any circumstances of the particular case, be detrimental to the health, safety and general welfare of persons working or residing within the vicinity.**

ANALYSIS: Used car sales has been in operation on site for several years until early 2015. Auto oriented uses is a predominant use on State Road 7. No significant detriment to the public health, safety or welfare, injury to surrounding property, or detriment to the character of the surrounding area has been identified.

FINDING: Consistent.

CRITERIA 3: **The approval will not be detrimental or injurious to property and improvements in the vicinity or to the general welfare of the city.**

ANALYSIS: Redevelopment of this site will no doubt contribute to creating a more pleasing atmosphere for State Road 7 but the City-Wide Master Plan calls for specific development patterns to occur along US 441/SR 7. These patterns would enable the City to promote the highest and best use of land within the corridor and assist in redevelopment efforts needing to be accelerated due to the imminent Florida

Department of Transportation (FDOT) road widening project. The re-establishment of nonconforming use and the intensification of such use runs contrary to the City-Wide Master Plan vision for this area.

Policy 1.13 of the City-Wide Master Plan indicates the necessity to create strong administrative policies and standards regarding nonconforming land uses and variances having adverse effects on the future design and economic growth of the US 441/SR 7 Corridor.

FINDING: Inconsistent.

CRITERIA 4: **The approval will, to the maximum extent possible, bring the use or building and the site upon which it is located into compliance with city regulations.**

ANALYSIS: The basic intent of the zoning regulations is to bring the use, buildings and the site into compliance with City regulations. In May 2015, the City amended the Zoning and Land Development Regulations reducing the length of time to re-establish lawful nonconforming uses by right. The re-establishment of a nonconforming use of a used car sales and the intensification of such use is contrary to the City's intent of reducing uses that have been determined to be no longer appropriate in the specific district.

The proposed re-establishment of a nonconforming use of a used car sales and the intensification of such use in this location will continue to perpetuate the type of development uses that are contrary to the City-Wide Master Plan.

FINDING: Inconsistent.

ATTACHMENTS

ATTACHMENT A: Application Package
ATTACHMENT B: Land Use and Zoning Map
ATTACHMENT C: Letter from Economic Development Division
ATTACHMENT E: Right-of-way taking

ATTACHMENT A

Application Package

DEPARTMENT OF PLANNING



2600 Hollywood Boulevard Room 315
Hollywood, FL 33022

File No. (internal use only): _____

GENERAL APPLICATION



Tel: (954) 921-3471
Fax: (954) 921-3347

This application must be completed in full and submitted with all documents to be placed on a Board or Committee's agenda.

The applicant is responsible for obtaining the appropriate checklist for each type of application.

Applicant(s) or their authorized legal agent must be present at all Board or Committee meetings.

At least one set of the submitted plans for each application must be signed and sealed (i.e. Architect or Engineer).

Documents and forms can be accessed on the City's website at
<http://www.hollywoodfl.org/DocumentCenter/Home/View/21>



APPLICATION TYPE (CHECK ONE):

- ☐ Technical Advisory Committee ☐ Historic Preservation Board
☐ City Commission ☒ Planning and Development Board

Date of Application: September 6, 2016

Location Address: 1405 & 1411 North State Road 7

Lot(s): Lots 1-5 Block(s): 2 Subdivision: Hollywood Country Estates

Folio Number(s): 5141 12 10 0480, 5141 12 10 0490

Zoning Classification: SR7-CCD-LHC Land Use Classification: TOC

Existing Property Use: Vacant & storage bldg Sq Ft/Number of Units: 449 SF storage bldg

Is the request the result of a violation notice? () Yes ☒ No If yes, attach a copy of violation.

Has this property been presented to the City before? If yes, check all that apply and provide File Number(s) and Resolution(s): _____

- ☐ Economic Roundtable ☐ Technical Advisory Committee ☐ Historic Preservation Board
☐ City Commission ☐ Planning and Development

Explanation of Request: Request approval of a Special Exception to re-establish used automobile sales which existed on the properties prior to the FDOT condemnation and demolition of use & structures.

Number of units/rooms: n/a Sq Ft: 1,400 SF

Value of Improvement: \$700,000 Estimated Date of Completion: 2017

Will Project be Phased? () Yes ☒ No If Phased, Estimated Completion of Each Phase _____

Name of Current Property Owner: 101, LLC

Address of Property Owner: 407 Poinciana Drive Hallandale Beach Blvd. Hallandale Beach, FL 33009

Telephone: 954-648-9451 Fax: n/a Email Address: rorimon@aol.com

Name of Consultant/Representative/Tenant (circle one): Wilson Atkinson, Esq. of Tripp Scott/Tara Patton

Address: 110 SE 6th Street, Suite 1500 Fort Lauderdale FL 33301 Telephone: 954-765-2912

Fax: _____ Email Address: wca@Trippscott.com/pattontnt@earthlink.net

Date of Purchase: 3/2005 Is there an option to purchase the Property? Yes () No ☒

If Yes, Attach Copy of the Contract.

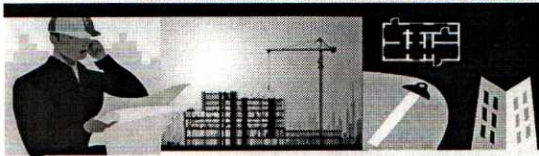
List Anyone Else Who Should Receive Notice of the Hearing: Joe Kaller & Tara Patton

Address: _____

Email Address: Joe's email: joseph@kallerarchitects.com,

Tara's email: pattontnt@earthlink.net

DEPARTMENT OF PLANNING



2600 Hollywood Boulevard Room 315
Hollywood, FL 33022

GENERAL APPLICATION

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

The applicant/owner(s) signature certifies that he/she has been made aware of the criteria, regulations and guidelines applicable to the request. This information can be obtained in Room 315 of City Hall or on our website at www.hollywoodfl.org. The owner(s) further certifies that when required by applicable law, including but not limited to the City's Zoning and Land Development Regulations, they will post the site with a sign provided by the Office of Planning and Development Services. The owner(s) will photograph the sign the day of posting and submit photographs to the Office of Planning and Development Services as required by applicable law. Failure to post the sign will result in violation of State and Municipal Notification Requirements and Laws.

(I)(We) certify that (I) (we) understand and will comply with the provisions and regulations of the City's Zoning and Land Development Regulations, Design Guidelines, Design Guidelines for Historic Properties and City's Comprehensive Plan as they apply to this project. (I)(We) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my)(our) knowledge. (I)(We) understand that the application and attachments become part of the official public records of the City and are not returnable.

Avi-sign here

Signature of Current Owner: _____

Date: 6/6/16

PRINT NAME: Abraham Rimon, 101 LLC

Date: 6/6/2016

Signature of Consultant/Representative: _____

Date: _____

PRINT NAME: Tara-Lynn Patton, AICP-agent

Date: 6/6/2016

Signature of Tenant: n/a

Date: _____

PRINT NAME: n/a

Date: _____

CURRENT OWNER POWER OF ATTORNEY

I am the current owner of the described real property and that I am aware of the nature and effect the request for (project description) _____ special exception _____ to my property, which is hereby made by me or I

am hereby authorizing (name of the representative) Tara-Lynn Patton, AICP to be my legal representative before the TAC, PDB (Board and/or Committee) relative to all matters concerning this application.

Avi-sign here

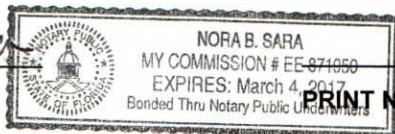
Sworn to and subscribed before me

this 6 day of June, 2016

SIGNATURE OF CURRENT OWNER

Nora B. Sara

Notary Public State of Florida



Abraham Rimon

PRINT NAME

My Commission Expires: 3/4/2017 (Check One) ☒ Personally known to me; OR _____

Special Exception Use Request and Justification

The subject property owned by 101, LLC ("Applicant"), which totals .894 acres, is located on the southeast corner of McKinley Street and North State Road 7. The land use designation in this location is Transit Oriented Corridor (TOC) and the Property is zoned State Road 7 Commercial Corridor District Low Hybrid (SR7 CCD-LHC)/Medium High Intensity Commercial District (C-4). Historically contained on the Property was a commercial building and a used auto sales facility which included the storage building utilized as part of the used auto sales.

The pattern of development on the State Road 7 Corridor over the last several decades has resulted in a wide mix of uses along the roadway. While some uses that had been established were incompatible with one another, other uses became dominant. One such use was the sale of used automobiles. Over the years, used auto sales and other auto related uses gained extensive popularity on the State Road 7 Corridor. This was due to the synergy of small businesses that gathered along State Road 7 which catered to the rehabilitation of used vehicles including businesses such as auto parts sales, auto re-upholstery, tire sales and auto repair. As a result of the conglomeration of uses and enormous demand to purchase used vehicles, the Corridor was profitable, yet aesthetically unpleasing. Property owners along the Corridor began to lease portions of land and retrofitted buildings that were formally designed to contain other uses, like restaurants, in order to sell used automobiles. Areas that were only designed to park 5-10 cars contained double the amount vehicles in order to provide retailers with visibility to display used automobiles for sale. As the City of Hollywood continued to shape the vision for the State Road 7 Corridor, the sale of used automobiles became an undesirable use. The condemnation of the vast number of auto related uses by the FDOT created the elimination of many of the less desirable used auto sales operations that had existed on the Corridor despite the lack of land area and insufficient display area.

As a result of the road widening of State Road 7, the Florida Department of Transportation (FDOT) demolished all but the small building at the rear of this property. Subsequently, the used car sales which occupied a substantial portion of the property and was a legal, nonconforming use was forced to discontinue business; and while the condemnation provided the opportunity to remove other unsightly uses it left the corridor with undersized parcels of land that would not be consistent with the general intent of the overlay zoning. To prevent property owners from losing their business through this eminent domain process the City's Zoning Code allows property owners, via a Special Exception, to request re-establishment of a legal nonconforming use in accordance with the criteria established.

More specifically, Section 3.12 of the City of Hollywood's Zoning and Land Development Code authorizes the Planning and Development Board (PDB) to determine whether a legal nonconforming use can be re-established and/or expanded even though the use while once permissible no longer meets the current land development regulations. Therefore, the Applicant is requesting that the PDB re-establish the legal, non-

conforming use of used auto sales which was a legal nonconforming use on the Property prior to the condemnation. This request is in accordance with the City of Hollywood's Zoning and Land Development Code, Section 3.12 (D) which states:

(D) Nonconforming Use of Land. The lawful nonconforming use of land may be continued although such use does not conform to the regulations of the applicable zoning district within which the land is located. However, no such use shall be enlarged, intensified or extended to occupy a greater area of land or reinstated following discontinuance for a period of six months or more, except as approved pursuant to division G. of this section.

History

The Property is owned by Mr. Avi Rimon, through his entity 101, LLC. He and his sons purchased the property in 2005. The Property contained a commercial building, a storage building and a used auto sales facility. Prior to the adoption of the State Road 7 overlay zoning district, used auto sales was a permitted use on the Property under the Medium/High Intensity Commercial District (C-4). Upon approval of the overlay designation of the State Road 7 Commercial Corridor District Low Hybrid (SR7 CCD-LHC) zoning district used car sales use became a legal nonconforming use. Based on our research, we have Certificates of Use that date back to 2008 which demonstrate that the property was consistently used for used auto sales. Additionally, when the FDOT appraised the Property for condemnation, FDOT noted the historical use of used car sales on the Property.

At the time of purchase, Mr. Rimon addressed the lack of drainage occurring on the northern portion of the site which was a concern of the City. Construction plans were submitted and subsequently approved to pave the parking display area and to provide the required drainage and landscape improvements on the northern portion of the Property. Pending the design and outcome of the condemnation proceedings by the FDOT, the Rimon's continued to maintain the existing structures and withhold redevelopment efforts until after the taking by FDOT.

Proposal

Today, due to the City's efforts, the State Road 7 Corridor has a specific vision and direction. Uses that serve to redevelop and revitalize the area are being sought out to develop within the Corridor. However, while the Corridor does not contain the plethora of used auto sales as it once had, the demand is still present. The property owner wishes to re-establish the used auto sales use *and has designed a facility so as to permit its conversion to a mixed use at such time as other adjacent parcels with similar zoning can be acquired.*

While the size of the building is slated to consist of 1,400 SF of office and sales, the required site elements such as landscaping, pervious area, median islands and larger driveways decrease the available buildable area and demonstrates the emphasis of the

Code's impact and high standards that are now in place. The design of the site will be in keeping with the vision for the Corridor and places the building adjacent to the State Road 7 right-of-way which is not typical, but a desired development pattern of the City. The structure includes contemporary architectural elements and materials including an articulated front and side entry features, smooth stucco, detailed elements that tie the architecture together with the perimeter wall, located along the eastern property boundary, which appears more like art than a mason wall. All parking and landscape requirements are met and provided onsite. Landscaping materials include native species such as Pigeon Plum, Green Buttonwood and Orange Geiger trees. The site plan referenced herein in substantial compliance with that previously shared with the planning department can be made a condition of the requested approval

Historical aerials demonstrate that the Property, going back to as far as 2008, was utilized for used auto sales in conjunction with other adjacent commercial uses. In accordance with the Section 3.12 D., the PDB shall hear applications based upon following circumstance(s) as specified in Section 3.12 G.

- 1. Re-establishment of a nonconforming use which had lawfully existed as requested, but which has been discontinued for a period of six months or more;*
- 2. Expansion of a lawful nonconforming use within a building to utilize additional floor area within such building not otherwise permitted;*
- 3. Intensification of a lawful nonconforming use of land or extension of such use to occupy a greater area than otherwise permitted;*
- 4. Establishment of a nonconforming use within a lawfully nonconforming building which, because of its unique design or orientation or location, is appropriate for such use; and/or the*
- 5. Change, enlargement, expansion or restoration of a lawful nonconforming building.*

Item 1, under this Section, is the applicable scenario in which the Properties find itself today. Used auto sales was once a permitted use, but was made legally nonconforming upon the approval of the State Road 7 overlay district. The Property continued to utilize the land area and operate as a legal nonconforming use until confronted by eminent domain. If a substantial portion of the Property had not been condemned, the property would still be permitted to operate as a legal nonconforming use under the current Zoning Code. However, since the building was demolished, the property owner had no choice but to allow the destruction of the use. The FDOT assumed the responsibility for demolishing the structures on the Properties and was issued a demolition permit by the City of Hollywood on June 16, 2015. The City's Zoning Code goes further to ensure that a property owner, when requesting re-establishment of a legal, nonconforming use that the proposed use meet the following criteria:

1. The approval of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

RESPONSE: As a result of the condemnation by FDOT many property owners, including the Applicant, have been waiting to redevelop their property. The FDOT has been planning the road widening for ten (10) years and during that time, the Applicant, in addition to other owners, was uncertain about their ability to retain their property. For the Applicant, the request to re-establish the used auto sales use without any variances or waivers demonstrates the desire to build under the rules and regulations established by the City while having the ability to improve and utilize his property in the desired manner.

2. The approval will not, under any circumstances of the particular case, be detrimental to the health, safety and general welfare of persons working or residing within the vicinity.

RESPONSE: The State Road 7 Corridor while known for its high level of traffic volumes, the development of uses along this roadway must be determined with strong consideration to the surrounding area. The Corridor enjoys the residential uses that line both the east and west sides of the roadway. Many of those that live in the surrounding neighborhood are customers and are vocal about the intensity of uses that come into the area. For the most part, residents have been very supportive of the used auto sales industry. Many of the residents come to the businesses located on State Road 7 via bus or on foot or are forced to traverse down the road in order to utilize the larger highway network. The sale of used automobiles is a low intensity use. This site is small which limits the amount of inventory available for purchase. New landscaping, drainage and innovative site design will screen and buffer the use from the surrounding properties more than ever before. Upgrades to the lighting and light fixtures will increase nighttime visibility and neighborhood identification. The development of this Property in accordance with the Code provides for a more aesthetically pleasing environment instead of the Property remaining vacant and abandoned and because of its minimal development allows for future use when additional properties can be consolidated with it.

3. The approval will not be detrimental or injurious to property and improvements in the vicinity or to the general welfare of the city.

RESPONSE: The approval of the Special Exception to re-establish a used auto sales use on the Property will not be detrimental or injurious to the general welfare of the City. Instead, the tax revenue that was lost as a result of the condemnations can begin to be rebuilt and designed in accordance with the existing Zoning Code. The Property is being designed with an emphasis on aesthetics, enhanced and increased landscaping, walkability and environmental sustainability. In order for the State Road 7 Corridor to contain a mix of uses, it is important to not neglect the uses that drive traffic into the

area and create opportunities that provide employment to the residents of Hollywood.

4. The approval will, to the maximum extent possible, bring the use or building and the site upon which it is located into compliance with city regulations.

RESPONSE: There is no uncertainty as to what level of conformance the subject property will attain. The Property has been designed to meet and exceed the current Code requirements established for this zoning district. The building layout has been pushed against the right-of-way in order to minimize the surface parking area. The area that is devoted for auto display is heavily screened by vegetation and environmentally friendly materials will be used to demonstrate the commitment toward sustainability and the importance of environmental stewardship.

It is important to note that when the City developed the process and criteria for review and approval of a Special Exception for the re-establishment of an existing legal conforming use, the City anticipated that property owners that would be willing to come into conformance in accordance with the current Zoning Code and; that the Special Exception process outlined in this manner would be a much more encouraging response to redevelopment. Otherwise, the criteria for “typical” Special Exception use has a much harder burden to bear in that the Code requires this type of Special Exception request to be consistent with the Comprehensive Plan and also meet the standards established for traffic impacts, height, intensity, size and shape.

It should be further noted that the re-establishment of this use will (1) allow a temporary use that prevents an undersized prime parcel of property from remaining undeveloped until such time as the City has completed its rezoning process, (2) at which time additional properties to the East can be acquired and consolidated into one site capable of being developed into a mixed use facility as contemplated by the 441 overlay district, and (3) at which time a demand for a modern mixed use project will presumably exist. We currently believe that will happen over the next 7 to 10 years assuming the City continues its efforts along its 441 corridor.

PHOTOS OF THE SITE PRIOR TO DEMOLITION




PHOTO OF AUTOS ONSITE PRIOR TO DEMOLITION



SITE AS VACANT AFTER DEMOLITION

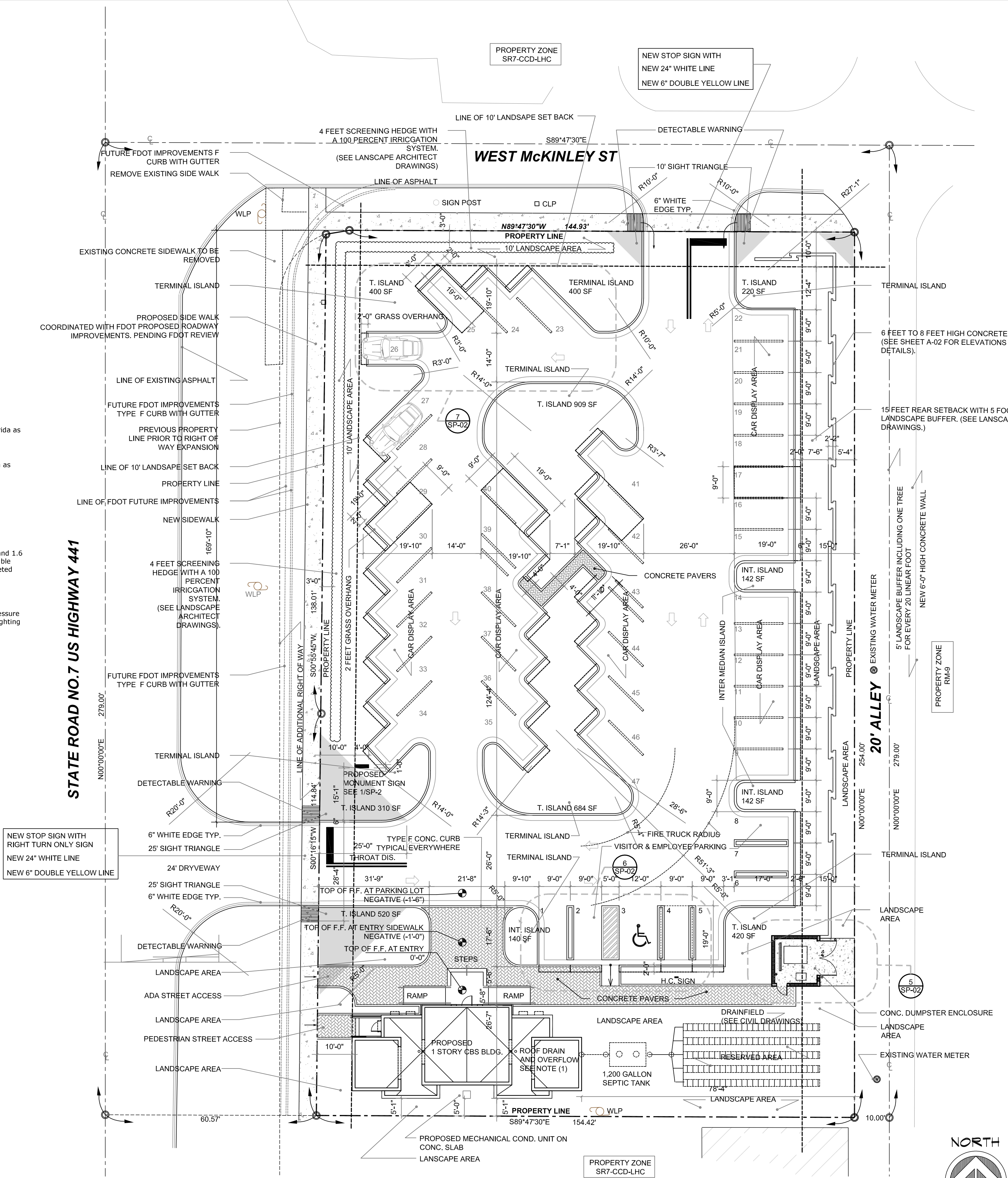


<h1 style="margin: 0;">ALTA/NSPS LAND TITLE SURVEY</h1> <h2 style="margin: 0;">For: 101, LLC</h2>					<h1 style="margin: 0;">LOTS 1-5, BLOCK 2</h1> <h2 style="margin: 0;">HOLLYWOOD COUNTRY ESTATES</h2>				
REVISIONS			DATE	BY	CKD	FB/PG	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <p>SEAL</p>  </div> <div> <p>SCALE: 1" = 30'</p> <p>FB/PG: N/A</p> <p>DRAWN BY: RRM</p> <p>CKD. BY: TD</p> </div> <div> <p>JOB NO: 16-013</p> <p>CAD. FILE: 1716ap16-00a\16-013.dwg</p> <p>DATE: 4/15/16</p> <p>PROJ. FILE: 16-013</p> </div> </div>		
							<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> <h3 style="margin: 0;">DAVID & GERCHAR,</h3> <p style="margin: 0;"><u>SURVEYORS AND MAPPERS</u></p> <p style="margin: 0; font-size: small;">12075 N.W. 40th Street, Bay 1 Coral Springs, Florida 33065 (954) 340-4025 • info@dauidandgerchar.com</p> </div> </div>		
CONVERT TO ALTA SURVEY REFERENCE OWNERSHIP & ENCUMBRANCE REPORT			9/12/16 9/8/16	RM RM	TD TD	N/A N/A			

NEW SITE PLAN

Green Building Practices 151.152 & 151.153

- 1: Recycling:**
A dedicated recycling bin is provided in the dumpster enclosure.
- 2: Central Air Conditioning**
Will be provided with ratings of 18 seer or higher
- 3: Energy Efficient Windows (low e)**
All windows in this submission will conform to the energy star rating criteria for South Florida as approved by the National Fenestration Rating Council (NFRC)
- 4: Energy Efficient Doors**
All doors in this submission will conform to the energy star rating criteria for South Florida as approved by the National Fenestration Rating Council (NFRC)
- 5: Programmable Thermostats**
Programmable thermostats for the A/C units will be provided in this submission.
- 6: Tankless water heater**
Tankless water heater in lieu of a standard tank water heater..
- 7: Dual Flush Toilets**
The water closeted toilets provided will be dual flush with less than one gallon for liquids and 1.6 gallons for solids. In addition flush valve toilets will be provided for children due to accessible requirements which requires lower grab bars behind the toilets which prohibits water closeted toilets.
- 8: All Energy Efficient Outdoor Lighting**
Outdoor lighting shall include fluorescent bulbs and fixtures with electronic ballast, low pressure sodium or mercury vapor, photovoltaic systems, LED lighting and low voltage landscape lighting that runs on a timer.
- 9: Insulated Hot Water Pipe**
All hot water pipes shall be insulated throughout in this submission
- 10: MERV Rated Air Filters**
The MERV rating of at least 8 for air filters shall be provided in this submission.



NEW SITE PLAN

SCALE: 1/16" = 1'-0"

LEGAL DESCRIPTION:

LOTS 1 THROUGH 5, BLOCK 2, HOLLYWOOD COUNTRY ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGE 9, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

LESS AND EXCEPT:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5 ALSO BEING THE A POINT ON THE EASTERLY EXISTING RIGHT-OF-WAY LINE OF STATE ROAD 7 (U.S. 441), THENCE NORTH 02°00'57" WEST ALONG THE WEST LINE OF SAID LOTS 1 THROUGH 5 AND EASTERLY EXISTING RIGHT-OF-WAY LINE, A DISTANCE OF 233.92 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A CHORD BEARING OF NORTH 33°17'21" EAST; THENCE NORTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 70°35'35", AN ARC LENGTH DISTANCE OF 24.65 FEET TO THE END OF SAID CURVE; THENCE SOUTH 01°44'42" EAST, A DISTANCE OF 114.85 FEET TO THE SOUTH LINE OF SAID LOT 5; THENCE SOUTH 88°12'13" WEST ALONG SAID SOUTH LINE OF LOT 5, A DISTANCE OF 10.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 38,858 SQUARE FEET (0.89 ACRES) MORE OR LESS.

ZONING DATA

ZONING DISTRICT	SR7-CCD-LHC
UNDERLYING ZONING DESIGNATION	C-4
LAND USE	TRANSIT ORIENTED CORRIDOR.

SITE DATA

NET LOT AREA	38,957 SF
	0.894 ACRE
TOTAL PERVIOUS AREA PROVIDED	15,400 SF
	40% PERVIOUS

BUILDING DATA

BUILDING AREA	1,400 SF
BUILDING HEIGHT	17 FEET
BUILDING SET BACKS	REQUIRED PROVIDED
FRONT (SR7 HIGHWAY)	0' 10'-0"
SIDE (SOUTH)	0' 5'-0"
SIDE (McKINLEY ST)	0' 222'-0"
REAR (ALLEY)	15' 78'-4"

PARKING DATA

REQUIRED	1 PARKING EVERY 400 SQ.FT. OF BUILDING AREA 1400 / 400 = 3.5
	1 SPACE EVERY 10,000 SQ.FT. OF LOT AREA 38,957 / 10,000 = 3.89
	TOTAL REQUIRED 8 PARKING SPACES (FOR VISITORS & EMPLOYEES)
PROVIDED	8 SPACES TOTAL (7 STANDARD + 1 ACCESSIBLE)

PROJECT NOTES:

- CONNECT ROOF GUTTERS TO SITE STORM WATER SYSTEM.
- FOR THE PARKING LOT DRIVEWAYS USE LIGHT COLORED PAVERS, LIGHT COLOR CONCRETE OR PERMEABLE CONCRETE (TO BE SELECTED BY OWNER)
- USE CONTINUOUS TYPE "F" CURB AND GUTTER THROUGHOUT.
- ALL SIGNS, WHICH ARE ELECTRICALLY ILLUMINATED BY NEON OR OTHER MEANS, SHALL REQUIRE A SEPARATE ELECTRICAL PERMIT AND INSPECTION. SEPARATE PERMITS ARE REQUIRED FOR EACH SIGN. (ALL SIGNAGE WILL COMPLY WITH ZONING AND LAND DEVELOPMENT REGULATIONS).
- SITE ILLUMINATION NOTE: THE MAXIMUM FOOT-CANDLE AT ALL PROPERTY LINES SHALL BE 0.5 IF ADJACENT TO RESIDENTIAL.

PERCENTAGE OF PAVED VEHICULAR USE AREA THAT IS LANDSCAPED

25% REQUIRED
27% PROVIDED
(27% OR 8,485 SQ FT OF THE TOTAL 31,131 USE VEHICULAR AREA IS LANDSCAPED).

TOTAL PERVIOUS VS. IMPERVIOUS AREA TO THE PROPERTY

TOTAL NET LOT SIZE	38,957 SQ. FT.
TOTAL IMPERVIOUS AREA	23,600 SQ. FT.
TOTAL PERVIOUS AREA	15,357 SQ. FT.

THE TOTAL PERCENTAGE OF PERVIOUS AREA IS 40%

ABBREVIATION LEGEND:

CONC	CONCRETE
FH	FIRE HYDRANT
WLP	WOOD LIGHT POLE
BFP	BACK FLOW PREVENTER
CLP	CONCRETE LIGHT POLE
NTS	NOT TO SCALE
W	WATER METER
H.C.	HANDICAP



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SEAL

JOSEPH B. KALLER
FLORIDA R.A., # 0009239

PROJECT TITLE

1405 - 1411 STATE RD 7
USED AUTO SALE
HOLLYWOOD FL 33021

SHEET TITLE

NEW SITE PLAN

REVISIONS

No.	DATE	DESCRIPTION
1	11/7/16	FINAL TAC

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PROJECT No.: 16037
DATE: JUNE 20, 2016
DRAWN BY: GS
CHECKED BY: JBK

SHEET

SP-01

#1 BLDG. PAINT COLOR

#4 PTD. METAL COLOR FOR DECORATIVE METAL BANDING

#5 WOOD SIDING COLOR

#6 PTD. METAL EYEBROW

#3 BLDG. PT. COLOR



#1 BLDG. PT. COLOR

#7 GALV. ALUM. RAIL

#2 PT. COLOR

#4 METAL COLOR FOR GALV. ALUM. IMPACT GLASS DOORS AND WINDOWS

COLORS AND MATERIALS FOR PROPOSED STRUCTURE – 1405-1400 USED AUTO SALES HOLLYWOOD, FL 33201

at home with nature
1518
BENJAMIN MOORE®
CLASSIC COLORS®
As color samples are affected by age, light, heat, and mechanical coating processes, this sample may vary slightly in color or in finish from the actual paint.



#2 PAINT COLOR
Benjamin Moore
Classic Colors
At home with nature
1518

stingray
1529
BENJAMIN MOORE®
CLASSIC COLORS®
As color samples are affected by age, light, heat, and mechanical coating processes, this sample may vary slightly in color or in finish from the actual paint.



#4 METAL FRAME PAINT COLOR
Benjamin Moore
Classic Colors
stingray
1529
PAINT METAL COLOR MAY VARY
PER MANUFACTURER
TO BE REVIEWED BY ARCHITECT

la paloma gray
1551
BENJAMIN MOORE®
CLASSIC COLORS®
As color samples are affected by age, light, heat, and mechanical coating processes, this sample may vary slightly in color or in finish from the actual paint.



#1 PAINT COLOR
Benjamin Moore
Classic Colors
La paloma gray
1551



#5 WOOD SIDING
PRODEMA Prodex
Color
ice gray

gray pinstripe
1588
BENJAMIN MOORE®
CLASSIC COLORS®
As color samples are affected by age, light, heat, and mechanical coating processes, this sample may vary slightly in color or in finish from the actual paint.



#3 PAINT COLOR
Benjamin Moore
Classic Colors
Gray pinstripe
1588

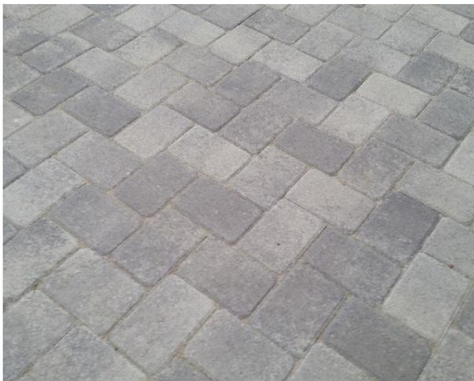


#6 PAINTED METAL EYEBROW
To match PAINT COLOR #2
Benjamin Moore
Classic Colors
At home with nature
1518

[Type text]



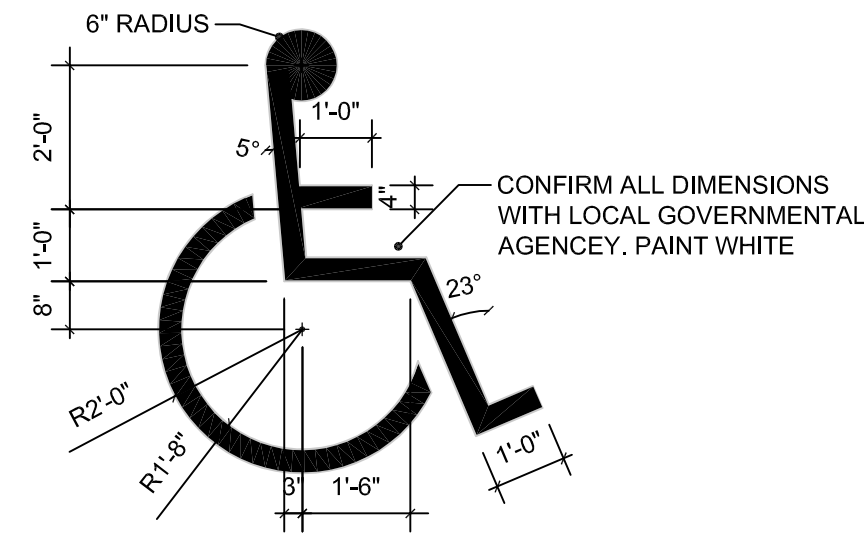
#7 GALVANIZED ALUM. RAIL SYS.
PAINT COLOR #2
To match Benjamin Moore
Classic Colors
At home with nature
1518



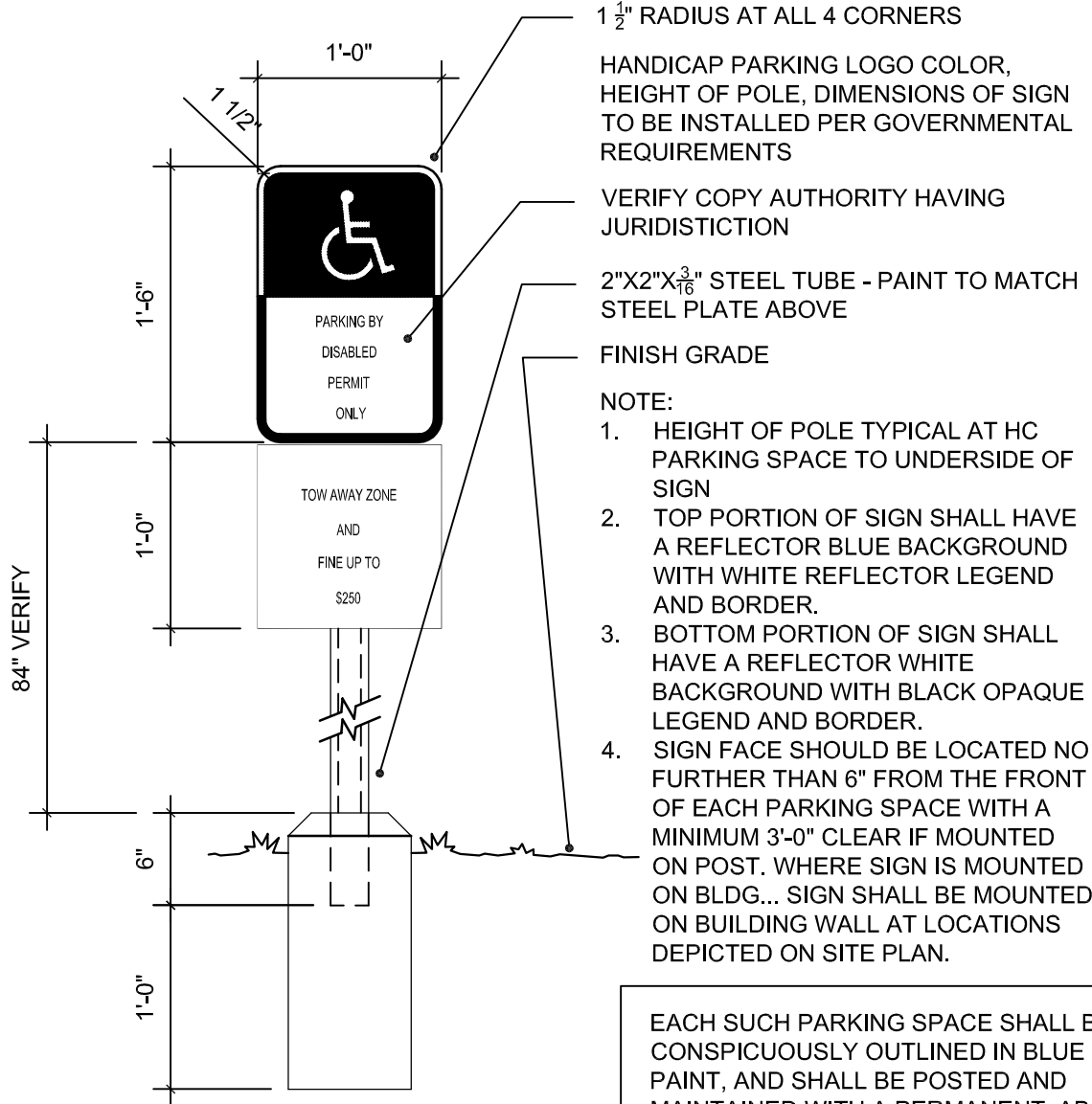
SIDEWALK PAVERS.
COLOR
Light Gray 3 difefent tones



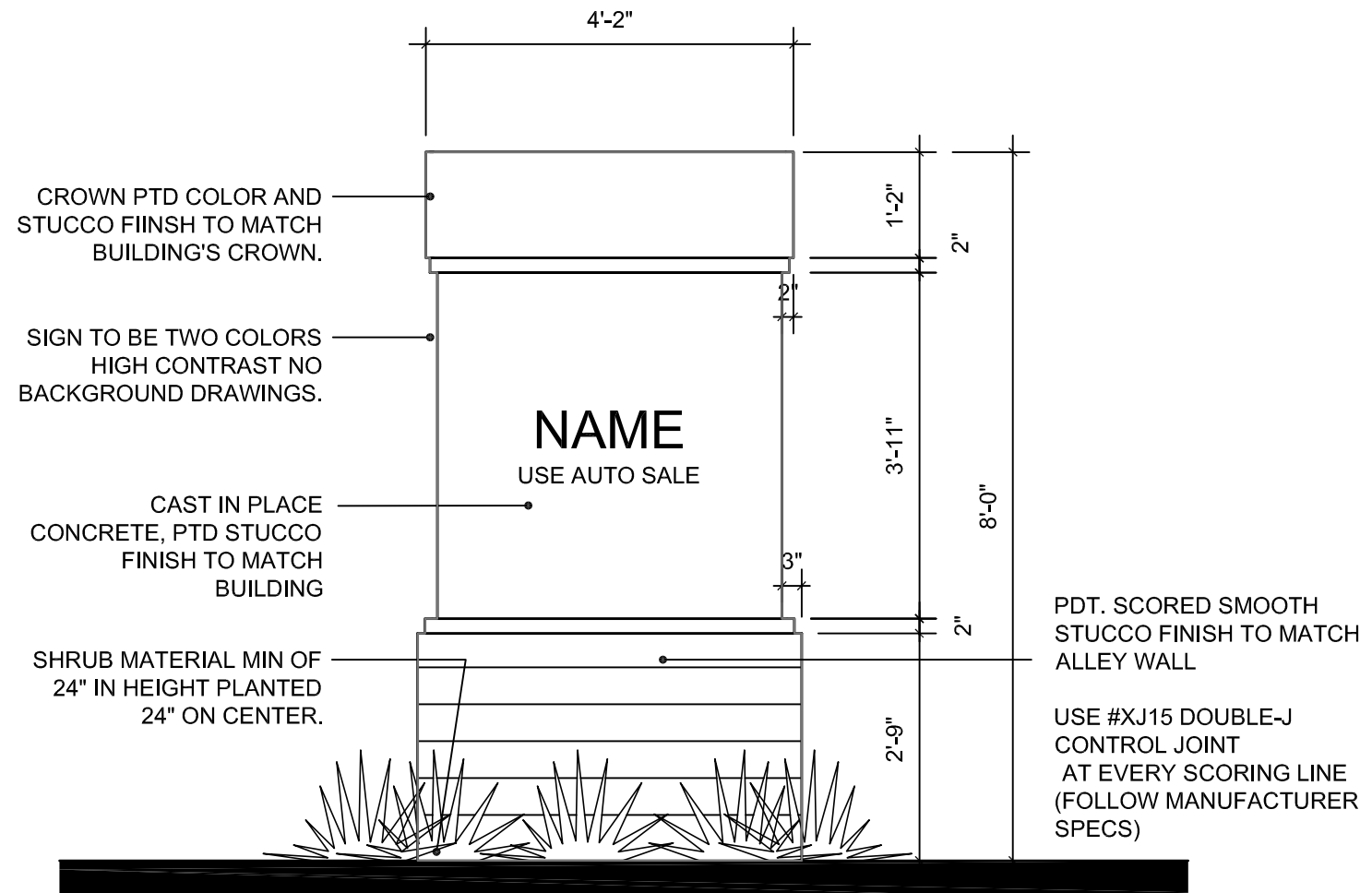
CANVAS AWNING.
MATERIAL COLOR #2
to match Benjamin Moore
Classic Colors
At home with nature
1518



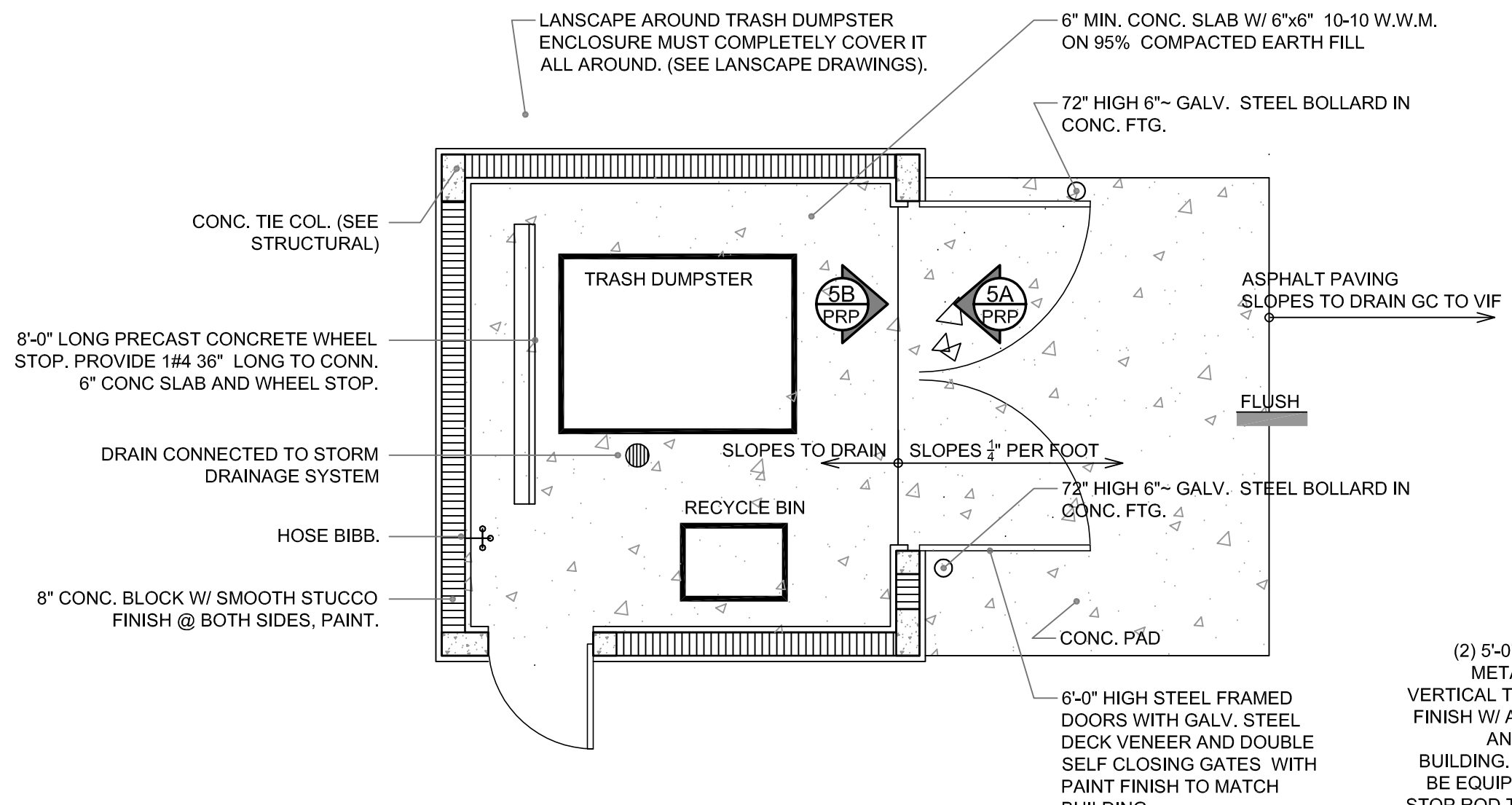
③ HANDICAP PARKING SYMBOL
SCALE: $\frac{1}{8}$ "=1'-0"



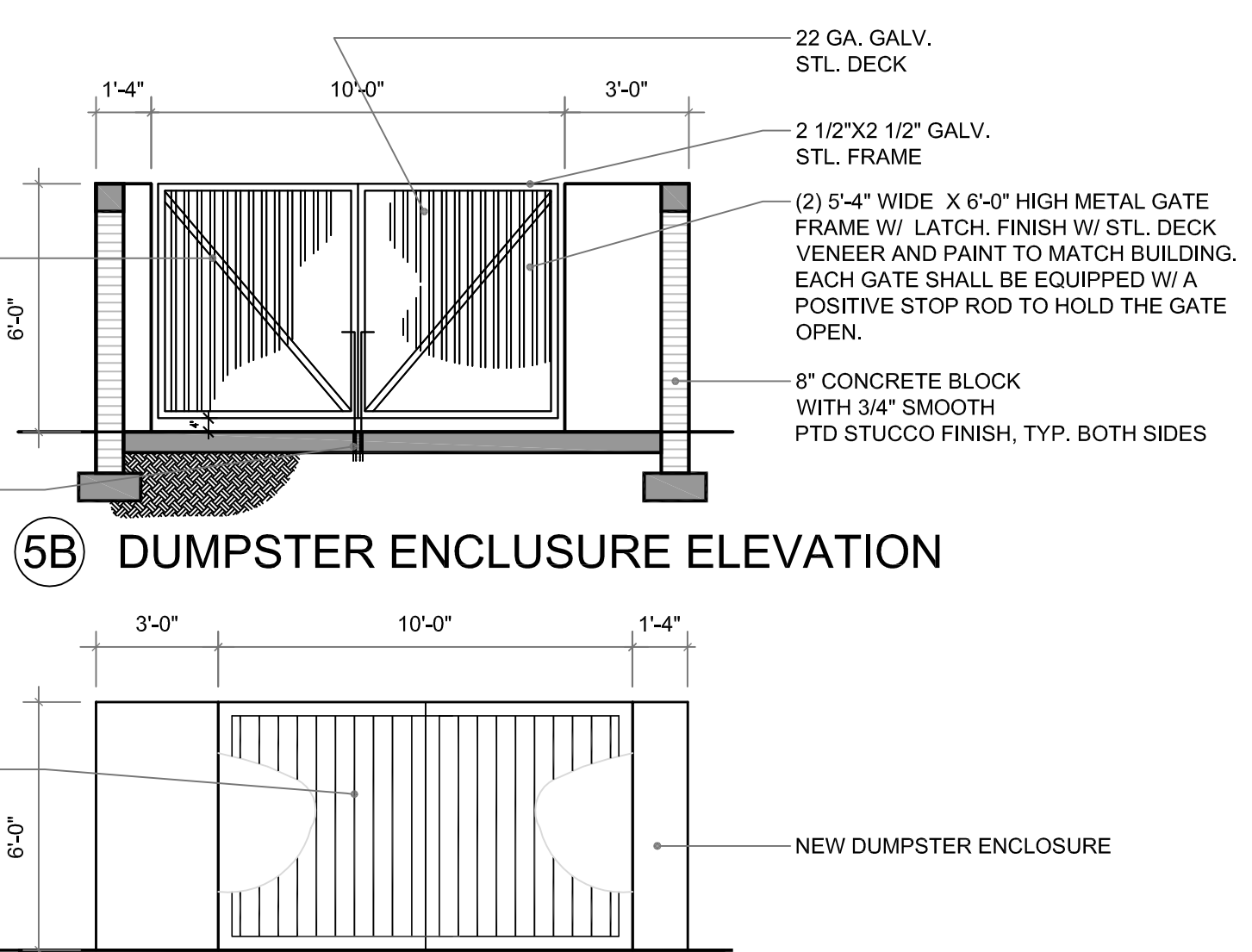
② H.C. PARKING SIGN
SCALE: 1"=1'-0"



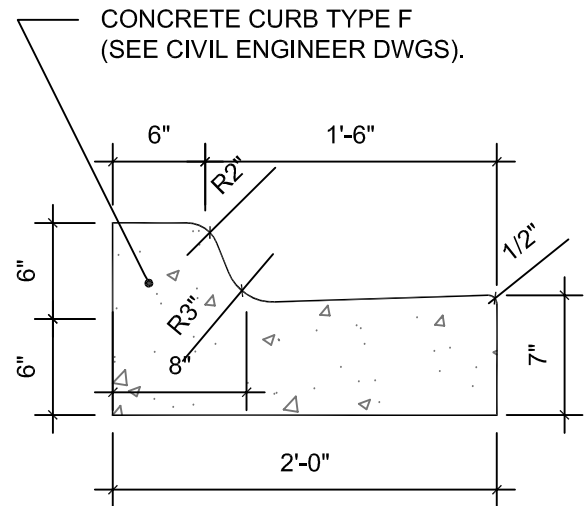
① FREE STANDING MONUMENT SIGN
SIGNAGE
SITE FRONTAGE = 262.85 FEET
ALLOWED SIGNAGE SIZE = 36 SF PER SIDE.
PROVIDED SIGNAGE SIZE = 32.64 SF PER SIDE.



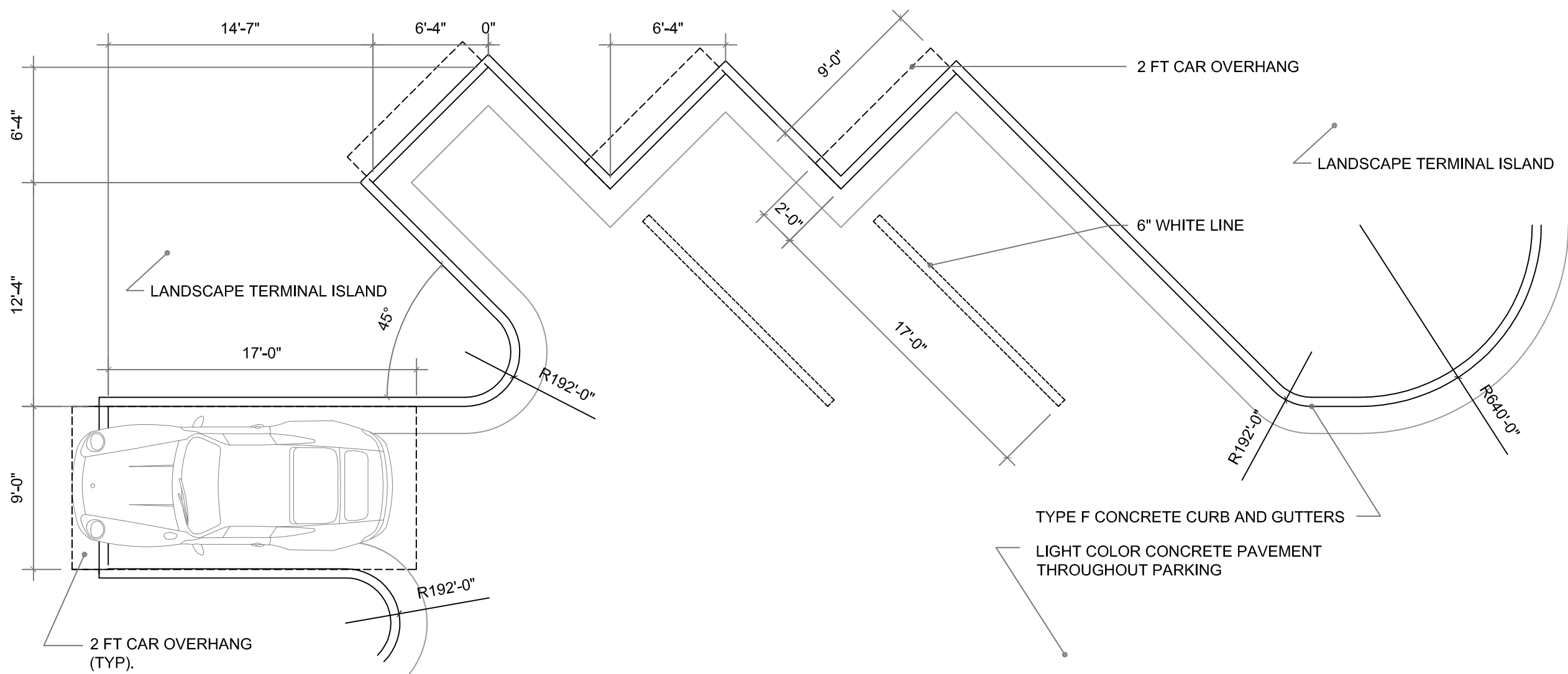
⑤ CONC DUMPSTER ENCLOSURE PLAN



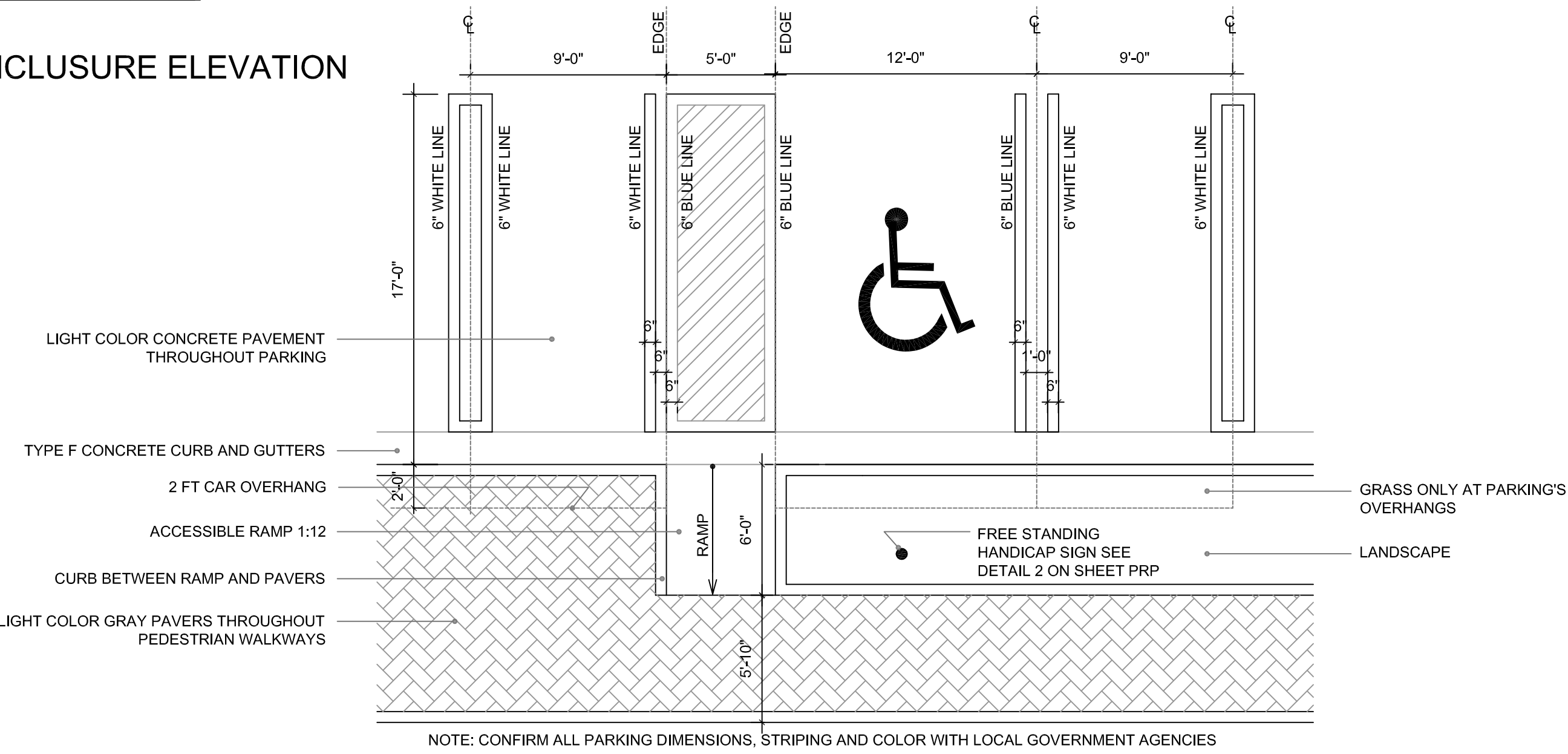
⑤A DUMPSTER ENCLOSURE ELEVATION



④ CONCRETE CURB TYPE F
DETAIL



⑦ 45 DEGREE PARKING SPACE DETAILS
@ CAR DISPLAY AREA



⑥ PERPENDICULAR PARKING SPACE DETAILS
(FOR VISITORS & EMPLOYEES)



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SEAL

JOSEPH B. KALLER
FLORIDA P.A. # 0009239

PROJECT TITLE

1405 - 1411 STATE RD 7
USED AUTO SALE
HOLLYWOOD FL 33021

SHEET TITLE

SITE PLAN DETAIL

REVISIONS		
No.	DATE	DESCRIPTION
1	11/7/16	FINAL TAC

PROJECT No.: 16037
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CHECKED BY: JBK

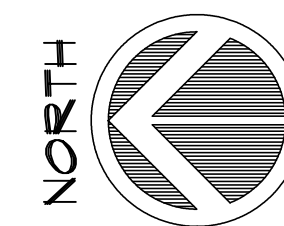
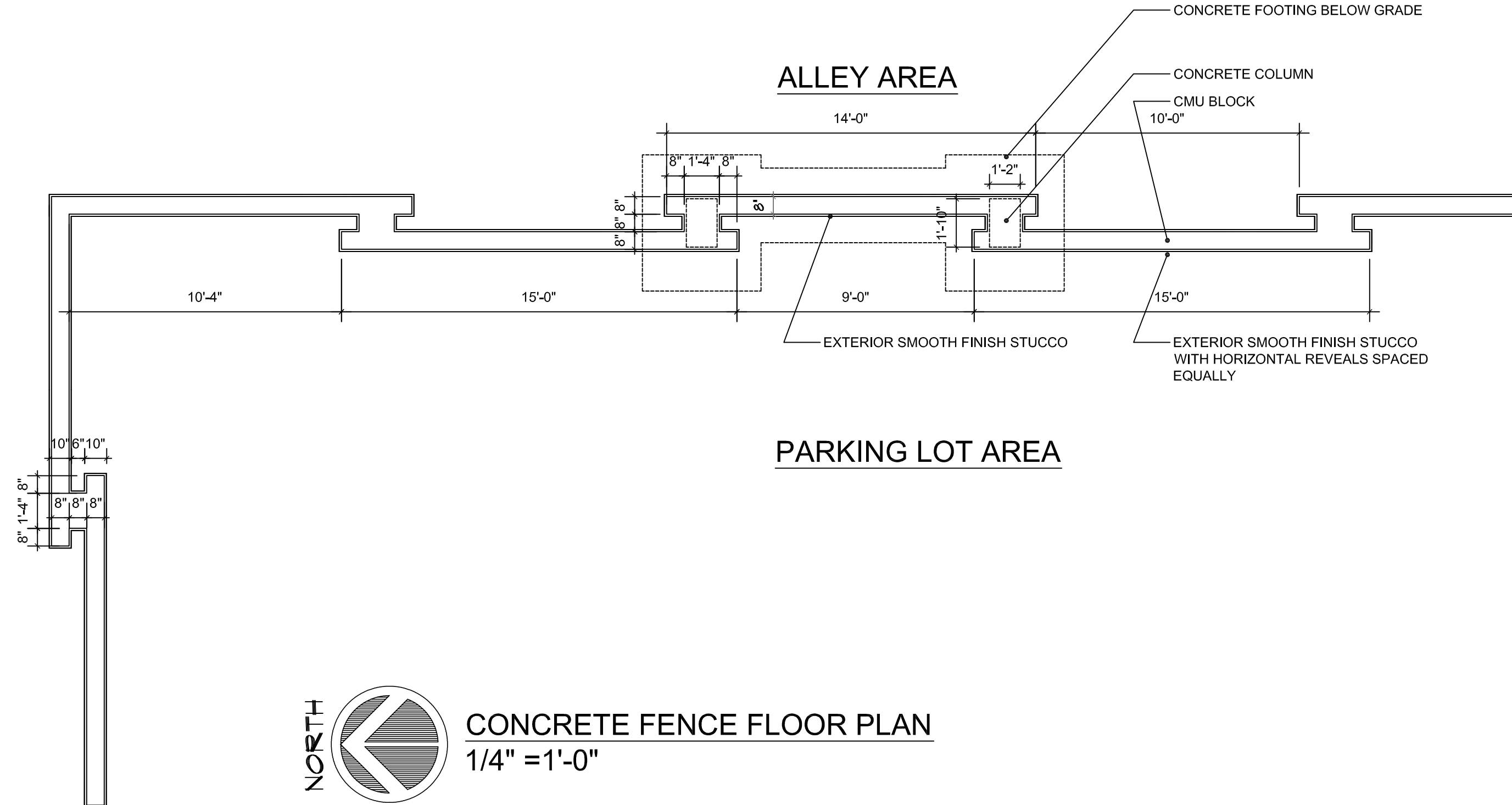
SHEET

SP-02

3 OF 5

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SITE PLAN DETAILS



Architectural floor plan of a building with two wings. The plan includes rooms such as Office #1, Office #2, Bathrooms #1 and #2, Corridors #1 and #2, Lobby #1, Stairs, Entrance Landing, Ramps #1 and #2, and a Coffee Area #1. It also shows landscaping, A/C units, and various dimensions for rooms and corridors. Elevation markers indicate the top of finished floors at different levels.

Dimensions and Room Details:

- Office #1:** 12'-10" x 10'-0"
- Office #2:** 12'-10" x 13'-8"
- Bathroom #1:** 6'-2" x 6'-2"
- Bathroom #2:** 6'-2" x 6'-2"
- Corridor #1:** 10'-6" x 1'-2"
- Corridor #2:** 10'-6" x 5'-11"
- Lobby #1:** 23'-8" x 21'-1"
- Stairs:** 9'-4" x 4'-0"
- Entrance Landing:** 9'-4" x 4'-0"
- Ramp #1:** 12'-0" x 4'-4" (1:12 Slope)
- Ramp #2:** 12'-0" x 4'-4" (1:12 Slope)
- Coffee Area #1:** 8'-6" x 7'-2"
- Maintenance CL #1:** 6'-2" x 6'-2"
- CL #1:** 6'-2" x 6'-2"
- CL #2:** 6'-2" x 6'-2"

Other Features:

- Entrance #1:** 6'-4" x 1'-0"
- Entrance #2:** 24'-2" x 1'-2"
- Landscaping:** Indicated by hatched areas around the building.
- A/C:** A/C CONDENSER ON CONC. PAD

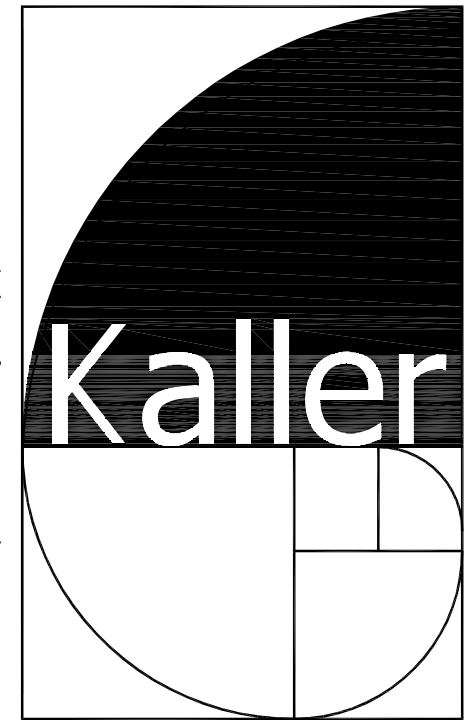
Elevation Markers:

- TOP OF F.F. AT PARKING LOT NEGATIVE (-1'-6")
- TOP OF F.F. AT ENTRY SIDEWALK NEGATIVE (-1'-0")
- TOP OF F.F. AT ENTRY 0'-0"

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A-01



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SEAL

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FLORIDA R.A. # 0009239

PROJECT TITLE

1405 - 1411 STATE RD 7
USED AUTO SALE
HOLLYWOOD FL 33021

SHEET TITLE
ELEVATIONS

REVISIONS

No.	DATE	DESCRIPTION
1	11/7/16	FINAL TAC

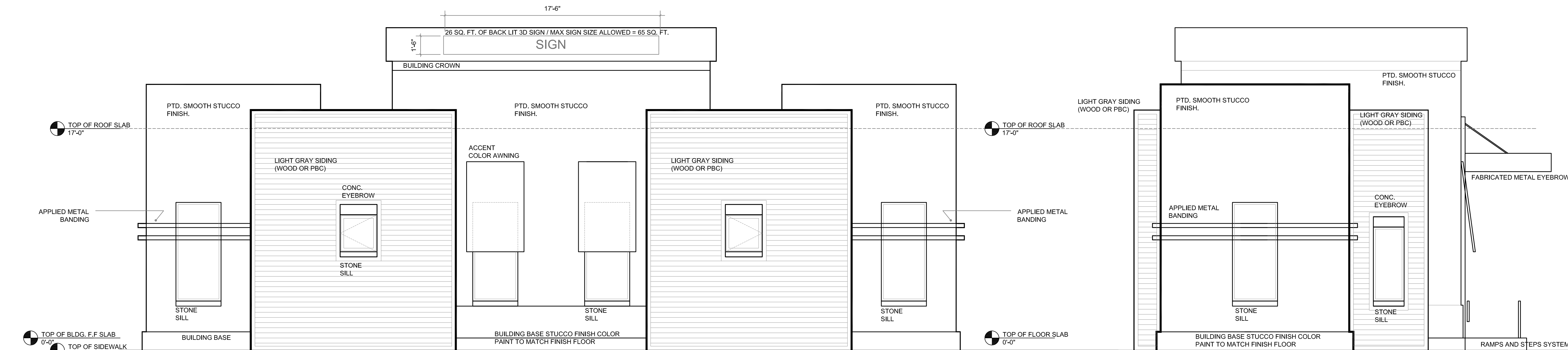
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CHECKED BY: JBK

SHEET

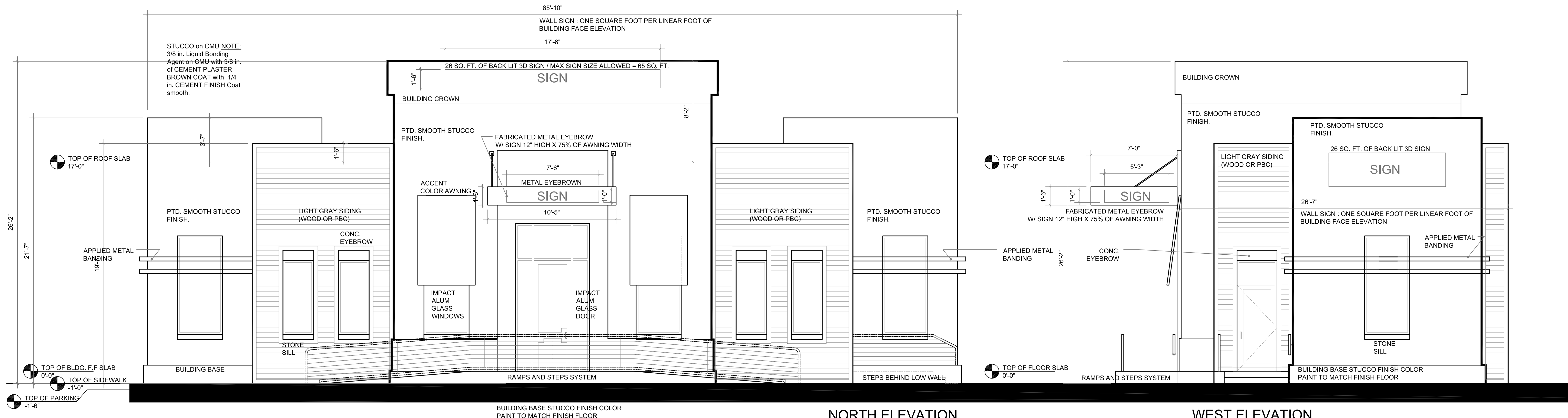
A-02

5 OF 5



SOUTH ELEVATION
1/4" = 1'-0"

EAST ELEVATION
FACING ALLEY
1/4" = 1'-0"



NORTH ELEVATION
PARKING LOT ENTRANCE
1/4" = 1'-0"

WEST ELEVATION
N SR7 PEDESTRIAN ENTRANCE
1/4" = 1'-0"



FLOOR PLAN
1/4" = 1'-0"

ELEVATIONS

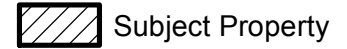
ATTACHMENT B

Land Use and Zoning Map

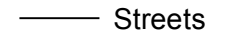


DEVELOPMENT SERVICES
PLANNING

Legend



Subject Property



Streets



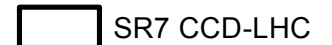
Major Roads

LAND USE



TOC

ZONING



SR7 CCD-LHC



RM-9



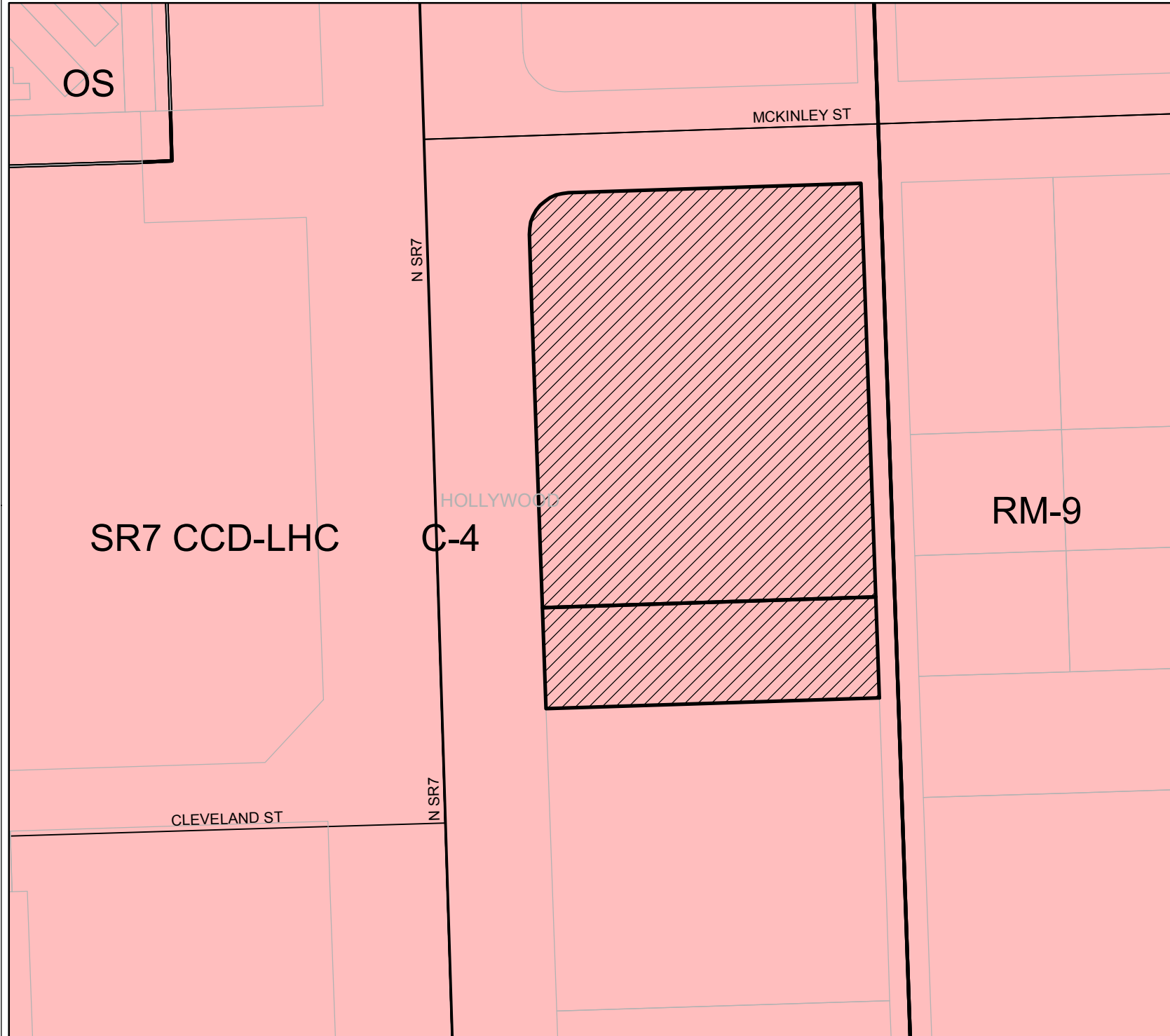
OS



IM-3



C-4



ATTACHMENT C

Letter from Economic Development Division

**CITY OF HOLLYWOOD, FLORIDA
ECONOMIC DEVELOPMENT
INTER-OFFICE MEMORANDUM**

DATE: September 28, 2016 **FILE:** ED-16-02

TO: Arceli Redila, Division of Planning

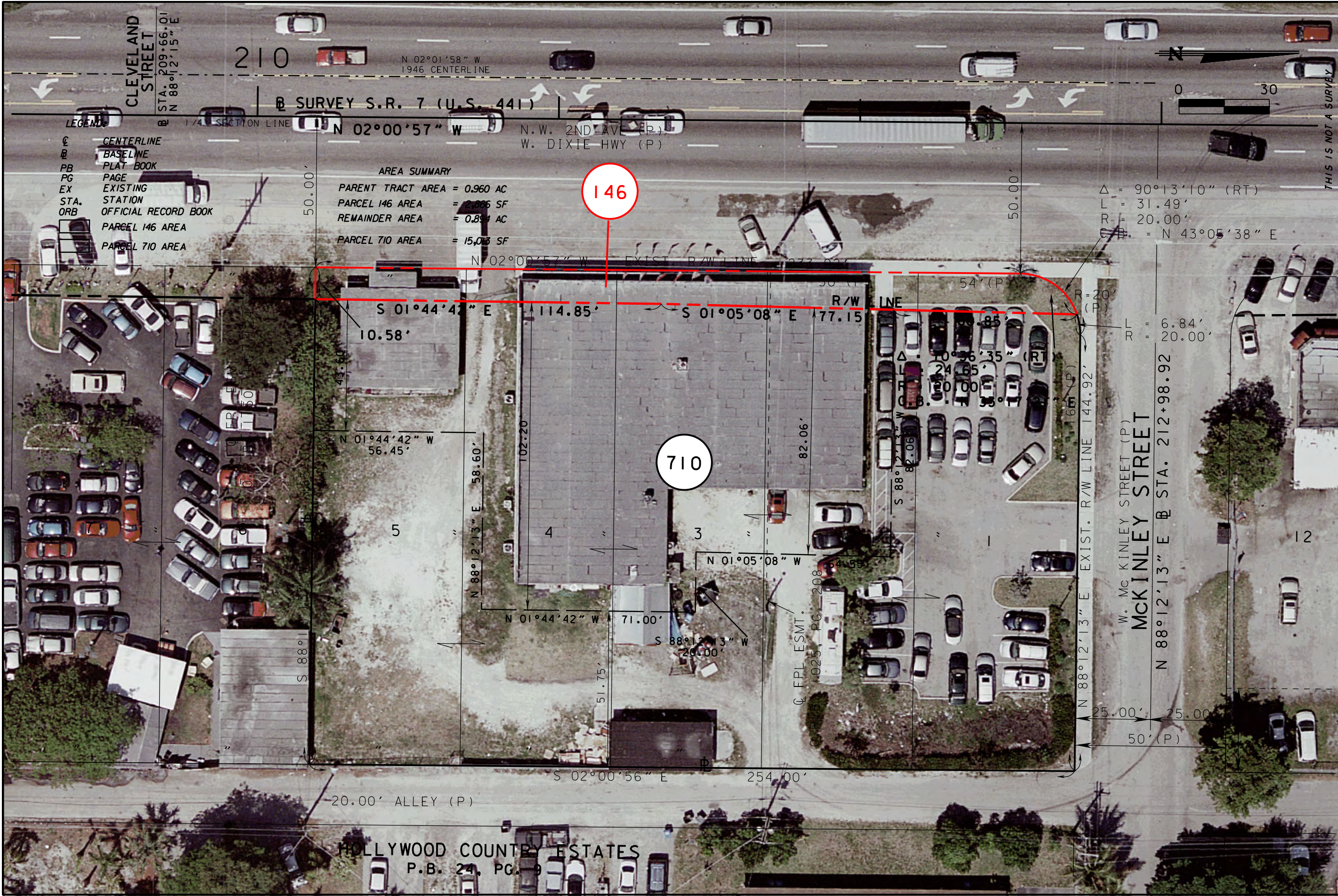
FROM: Brian Rademacher, Corridor Redevelopment Manager

SUBJECT: Used Car Sales located at 1405 and 1411 North State Road 7

The subject parcel is in the Transit Oriented Corridor fronting State Road 7. This land use designation encourages compact high-quality projects that promote mixed-use development, pedestrian mobility, and access to public transit. The FDOT's road widening project, enhanced pedestrian safety features and the installation of city sewer lines on the corridor present opportunity for redevelopment of higher-and-better use that preserves and promotes the viability of the surrounding neighborhoods and takes advantages of the day time population on and along the corridor. The current zoning and proposed re-zoning for the Transit Oriented Corridor suggest greater potential for redevelopment.

ATTACHMENT D

Right-of-way taking



AERIAL PLAN
PARCEL 146/710

SIXTON ENGINEERING ASSOCIATES, INC.
CONSULTING ENGINEERS AND SURVEYORS
110 PONCE DE LEON STREET, SUITE 100
ROYAL PALM BEACH, FLORIDA 33411
PHONE 561-792-3122 FAX 561-792-3168
FL REGISTRATIONS: LB0006837, EB0007064

S.R. 7 (U.S.441)
STATE PROJECT NO. 86100-2528
F.P.I.D. 227775-1