

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

DATE: March 14, 2019 **FILE:** 18-DJPVZ-04a

TO: Planning and Development Board / Local Planning Agency

VIA: Leslie A. Del Monte, Planning Manager

FROM: Deandrea Moise, Planning Administrator

SUBJECT: Harwin Tobin 3701, LLC requests Change in Zoning Designation from Planned Unit Development – Residential (PUD-R) to Planned Development (PD), approval of the Master Development Plan, Waiver, Modifications, Variance, Design, and Site Plan for an 18,000 square foot office building located at 3701 Hillcrest Drive (Tobin Offices).

REQUEST

Waiver from the required minimum ten (10) acres for Planned Development (PD).

Change in Zoning Designation from Planned Unit Development – Residential (PUD-R) to Planned Development (PD).

Master Development Plan.

Modification 1: To reduce the required square footage of terminal islands.

Modification 2: To reduce the required percentage of landscaping of the paved vehicular use area.

Variance: To reduce the 25-foot peripheral landscaped setback from all external streets to a minimum of seven feet.

Design and Site Plan.

RECOMMENDATION

Staff recommends the Planning and Development Board, acting as the Local Planning Agency forward this Petition (18-DP-04) to the City Commission with a recommendation as followed:

Waiver: Approval.

Rezoning: Approval, if Waiver is granted.

Master Development Plan: Approval, if Wavier and Rezoning are granted, with the following conditions:

- a. Uses shall be limited to (1) Office uses both professional office (including medical office) and general office; (2) Medical-related uses: Research and Diagnostic Facilities, Medical Labs, Physical, Occupational and Speech Therapy Facilities, Sale and Fitting and Fabrication of Durable Medical Equipment and Prosthetic Devices, and Ambulatory Surgical Centers; and (3) Other medical-related and hospital related uses determined by the Director or Designee to be similar in impact to the above-described uses in accordance with Section 3.14 of the Zoning and Land Development Regulations.
- b. The permitted uses shall not Pain Management Facilities, Social Service Facilities; facilities providing overnight stays, including but not limited ACLFs or shelters; or stand-alone pharmacies.
- c. Uses shall be subject to all regulations applicable to such uses as outlined in the City of Hollywood Code of Ordinances and Zoning and Land Development Regulations.

Modification 1 - 2: Approval, if Waiver, Rezoning, and Master Development Plan are granted.

Variance: Approval, if Waiver, Rezoning, and Master Development Plan and Modifications are granted.

Design: Approval.

Site Plan: Approval, if Waiver, Rezoning, and Master Development Plan, Modifications, Variance, and Design are granted.

BACKGROUND

The subject site is located within the Hillcrest Planned Unit Development as approved in 1976 and amended numerous times following the original approval. In 2000, the City of Hollywood City Commission granted approval to amend the Hillcrest PUD to permit the use of office at the subject site and also designated the Land Use as Commercial Flex, to allow for non-residential uses. The Commission also placed a condition that the office be limited to professional offices as defined in the Zoning and Land Development Regulations. At the time when the site was granted approval as an office site, no thresholds were established such as height, and setbacks. As such in 2018, the Applicant came before the Board seeking a recommendation from the Board to City Commission for Design and Site Plan approval, however at this meeting the Applicant advised there were additional uses requested not previously considered before their Board appearance. At this meeting, the Board recommended approval to the City Commission based on the original proposal without the uses mentioned by the

Applicant at the meeting, however the item did not move forward to the City Commission as the Applicant has revised their application to include the full extent of the proposal.

REQUEST

The Applicant requests a change in zoning designation to Planned Development (PD), approval of the Master Development Plan, Waiver, Modifications, Variance, Design, and Site Plan for an 18,000 square foot office building (Tobin Offices).

The Applicant proposes to rezone to PD for the property located at 3701 Hillcrest Drive. The current zoning designation of Planned Unit Development-Residential (PUD-R) as written in the code states that a PUD-R is a district that “permits a development which is comprised primarily of residential uses, but also upon approval, certain minimum nonresidential uses which are of supporting and complementary character.” As the uses requested by the Applicant are tailored to complement to the adjacent Hospital community, rather than the residential community, Staff found that the nonresidential uses proposed did not meet the regulations and were more intense than what is permitted and would not be permitted in the PUD-R zoning designation. The PD zoning designation would be better suited in a PD zoning district as it does not have this same restriction which limits non-residential uses. PUD-R and PD are similar in nature as both require requires final approval by the City Commission for uses, and site development. The PD zoning designation simply allows the Applicant flexibility in possible uses that would still require City Commission approval before moving forward. Along with the rezoning to PD, a Master Development Plan approval is required to ensure development will occur according to limitations of land use, site design, building coverage, and improvement standards. Staff recommends the following conditions to ensure that the uses moving forward are consistent with possible future approvals:

- a. Uses shall be limited to (1) Office uses both professional office (including medical office) and general office; (2) Medical-related uses: Research and Diagnostic Facilities, Medical Labs, Physical, Occupational and Speech Therapy Facilities, Sale and Fitting and Fabrication of Durable Medical Equipment and Prosthetic Devices, and Ambulatory Surgical Centers; and (3) Other medical-related and hospital related uses determined by the Director or Designee to be similar in impact to the above-described uses in accordance with Section 3.14 of the Zoning and Land Development Regulations.
- b. The permitted uses shall not Pain Management Facilities, Social Service Facilities; facilities providing overnight stays, including but not limited ACLFs or shelters; or stand-alone pharmacies.
- c. Uses shall be subject to all regulations applicable to such uses as outlined in the City of Hollywood Code of Ordinances and Zoning and Land Development Regulations.

Furthermore, Planned Developments are required to contain a minimum of ten acres of land under unified control. However, this requirement may be waived by the City Commission upon the recommendation of the Planning and Development Board. As the subject site is just under an acre, the Applicant is requesting a waiver of the ten acre minimum requirement.

The three story office building will feature office spaces on the second and third floor with only the lobby located on the ground floor. The Applicant plans to utilize the third floor to act as their corporate offices and lease out the remaining floor. The overall style of the building provides a complementary look to the surrounding structures. Architectural elements of the design, such as medallions, decorative brackets, arches, banding, and decorative railing, come together to create a design that is not intrusive, and enriches the character of the community. The artistic materials and elements, and living green wall, create dynamic and visually appealing façades enhancing the overall design of the site. Furthermore, the design also uses landscaping to enhance and frame the property. The landscape plan incorporates an array of native trees, palms, and shrubs while improving the streetscape along Hillcrest Drive (Ben Tobin Drive). The Applicant has worked carefully with Staff to ensure a Design and Site Plan that was in line with the regulations and cohesive with the character of the community. The proposed Design and Site Plan is no different than what was seen and approved by the Board in 2018.

While PD zoning requires no setbacks for interior yards, there is a required 25 foot landscape setback from all external streets. Given the site's location, this setback is required along Hillcrest Drive and S. 37th Avenue; two street that are within the Hillcrest PUD-R Development. The Applicant is requesting a Variance to reduce this requirement to provide a landscape buffer ranging in width from approximately 7 feet to 12 feet.

The Applicant is also requesting modifications. These modification are the same modification considered and approved by the Board in 2018. As portions of the parking lot is located under the building, the Applicant is requesting the modifications to (1) reduce the square footage requirement for terminal islands; and (2) reduce the required percentage of landscaping of the paved vehicular use area. Due to the configuration of the site and columns to support the structure, there is difficulty in meeting the minimum requirements of the code regulations. Additionally, to mitigate the reduced landscape requirements as it relates to the terminal islands and vehicular use area, the Applicant has proposed permeable concrete material for 25 percent of the site area.

Applicant: Harwin Tobin 3701, LLC
Address/Location: 3701 Hillcrest Drive (3701 Ben Tobin Drive)
Net Area of Property: 30, 029 square feet (0.896 acres)
Land Use: Commercial Flex (COMFLEX)
Zoning: Planned Unit Development – Residential (PUD-R)
Existing Use of Land: Vacant

ADJACENT LAND USE

North: Office (OFF)
South: Medium Residential (MRES)
East: Open Space Recreation (OSR)
West: Medium Residential (MRES)

ADJACENT ZONING

North: Hospital District (HD)
South: Planned Unit Development – Residential (PUD-R)
East: Government Use (GU)
West: Planned Unit Development – Residential (PUD-R)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

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 project is consistent with the Land Use element of the Comprehensive Plan.

Objective 4: *Promote improved architectural and streetscape design standards, code enforcement, economic development, neighborhood planning, and public information dissemination to maintain and enhance neighborhoods, businesses, and tourist areas.*

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The project is located in Sub-Area 6, the West-Central Hollywood area, is defined by I-95 to the east, Pembroke Road to the south, Sheridan Street to the north and 56th Avenue to the west. This area is comprised of the residential neighborhoods of Hollywood Hills, Park East and Hillcrest. The proposed request is consistent with City-Wide Master Plan based upon the following:

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.*

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Rezoning as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

CRITERION 1: That the petition for a change of zoning district will not result in spot zoning or contract zoning.

ANALYSIS: The Applicant proposes to rezone to PD for the property located at 3701 Hillcrest Drive. The current zoning designation of Planned Unit Development-Residential (PUD-R) as written in the code states that a PUD-R is a district that "permits a development which is comprised primarily of residential uses, but also upon approval, certain minimum nonresidential uses which are of supporting and complementary character." As the uses requested by the Applicant are tailored to complement to the adjacent Hospital community, rather than the residential community, Staff found that the nonresidential uses proposed did not meet the regulations and were more intense than what is permitted and would not be permitted in the PUD-R zoning designation. The PD zoning designation would be better suited in a PD zoning district as it does not have this same restriction which limits non-residential uses. PUD-R and PD are similar in nature as both require requires final approval by the City Commission for uses, and site development. The PD zoning designation simply allows the Applicant flexibility in possible uses that would still require City Commission

approval before moving forward. The Zoning and Land Development Regulations provides and encourages Planned Developments as a tool for flexibility in development for most areas of the City.

FINDING: Consistent.

CRITERION 2: That the proposed change is consistent with, and in furtherance of, the Goals, Objectives and Policies of the City's Comprehensive Plan.

ANALYSIS: Although several approvals for this property has been sought, the site has remained vacant quite some time. Development of this site meets the Goals of the Comprehensive Plan by allowing land owners to maximize the use of their property while simultaneously redeveloping an underutilized portion of the City and development. The proposed change will promote the policies stated in the City Wide Master Plan such as improving infrastructure, and upgrading properties. Furthermore, the proposed uses will assist in better serving the adjacent hospital community.

FINDING: Consistent.

CRITERION 3: That conditions have substantially changed from the date the present zoning district classification was placed on the property, which make the passage of the proposed change necessary.

ANALYSIS: The office and healthcare industry has significantly evolved. As such, the proposed uses were determined to be too intense to be considered a part of the original 1976 Hillcrest PUD-R Development or consistent with the office approval in the year 2000. The proposed rezoning allows the Applicant to maintain the "planned development" character of Hillcrest while permitting flexibility in uses as approved by the City Commission.

FINDING: Consistent.

CRITERION 4: The proposed change will not adversely influence living conditions in the neighborhood.

ANALYSIS: The proposed zoning designation change would allow for the redevelopment of vacant and underutilized lands. As proposed, the scale, massing, building placement, and character of the proposed project is compatible with the surrounding area; it should not adversely influence living conditions in the neighborhood. In addition, the Project will further economic development in the City.

FINDING: Consistent.

CRITERION 5: That the proposed change is compatible with the development(s) within the same district/neighborhood.

ANALYSIS: The subject site is located adjacent to a residential and hospital community. While some the uses proposed are inconsistent with the PUD-R regulations, the uses can prove to be a benefit to the residential community as it will complement the adjacent hospital community and allowing those uses to better serve the residential community.

Planned Developments are required to contain a minimum of ten gross acres of land under unified control. This requirement may be waived by the City Commission upon the recommendation of the Planning and Development Board. The Applicant is requesting a waiver of the ten acre minimum requirement. As the proposed project is compatible with the surrounding area, Staff recommends the Planning and Development Board, acting as the Local Planning Agency, forward a recommendation of approval for the waiver of the minimum requirement.

FINDING: Consistent, if the waiver is granted.

Analysis of Criteria and Findings for Variances as stated in the City of Hollywood's Zoning and Land Development Regulations, Article 5.

VARIANCE 1: To reduce the required 25-foot peripheral landscaped setback from all external streets to a minimum of seven feet.

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 required 25-foot peripheral landscape setback is intended for larger Planned Developments. Due to its location within the Hillcrest PUD-R at the outskirts, the external streets are the streets that were considered internal to the PUD-R. As such, Staff finds that the proposed project maintains the basic intent of the regulation.

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 Applicant has shown considerable effort in proposing a sensible project which both protects and enhances the existing community. The project's massing, scale, rhythm, and architectural elements, and site layout are compatible with the adjacent neighborhood. It is a much needed improvement for the overall site. The buffer would not be detrimental to the appearance of the Hillcrest 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, the applicable Neighborhood Plan and all other similar plans adopted by the City.

ANALYSIS: The goal of the Land Use Element is to *promote a distribution of land uses enhancing and improving the residential, business, resort, and natural communities while allowing land owners to maximize the use of their property.* Furthermore, Objective 4 of the Land Use Element states to *maintain and enhance neighborhoods, business, utilities, industrial and tourist areas that are not blighted.* The requested Variance will allow the property owners to build an economically feasible development while taking into consideration the surrounding uses and maintaining the basic intent of the regulations. The development of this site will enhance the property's appearance and that of surrounding areas; as well as improve the community.

FINDING: Consistent.

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

ANALYSIS: The requested variance is not economically based and better serves the intent of the applicable regulations. This Variance is needed to better serve the site as the streets now considered external were once considered internal when the PUD-R was created.

FINDING: Consistent.

CRITERION 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 proposed development offers a design that can be seen as a positive addition to the surrounding community. Architectural elements of the design, such as medallions, decorative brackets, arches, banding, and decorative railing come together to create a design that is not intrusive, and enhances the character of the neighborhood. The artistic materials and elements, and living green wall, create dynamic and visually appealing façades that help to enrich the surrounding area.

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: The architectural styles and elements of the proposed development do not exhibit architectural features and styles that are insensitive and incompatible to the surrounding neighborhood. The design is not intrusive to the neighborhood and utilizes styles and elements found throughout the neighborhood, and introduces a fresh look to the area that helps to propel the sense of community.

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: As there are no established threshold as it relates to regulations such as setbacks and height, the Applicant has carefully worked with Staff to propose a design that is consistent and complementary with the massing and scale of the surrounding area.

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 building. The landscape plan incorporates an array of native trees, palms, and shrubs while improving the streetscape along the frontage.

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 on June 7, 2018. Therefore, staff recommends approval, if the Waiver, Rezoning, Master Development Plan, Modifications, Variance and Design are granted.

ATTACHMENTS

ATTACHMENT A: Application Package
ATTACHMENT B: Land Use and Zoning Map