

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

DATE: September 12, 2019 **FILE:** 19-V-49

TO: Planning and Development Board

VIA: Leslie A. Del Monte, Planning Manager

FROM: Julian Gdaniec, Associate Planner

SUBJECT: Ventas Realty, Limited Partnership requests a Variance to the maximum allowable height for a wall in a commercial or mixed-use district (Kindred Hospital).

REQUEST

Variance to allow a wall to exceed the maximum allowable height (8 feet) for a commercial or mixed use district by approximately 5 feet to allow for a 13 feet 4 inch wall (Kindred Hospital).

RECOMMENDATION

Variance: Approval.

REQUEST

Ventas Realty, Limited Partnership is requesting a Variance to the maximum allowable height of a fence or wall for a commercial or mixed-use district at 1859 Van Buren Street. The Applicant is requesting a 13' 4" CMU wall to be constructed to enclose an oxygen tank that is necessary for the successful operation of the facility. The existing fence and wall enclosing the tank is 5 feet in height, while current code allows for a maximum of 8 feet in height. This site is zoned Young Circle Mixed-Use District (YC) and has a Land Use designation of Regional Activity Center (RAC). The property is approximately 1.17 acres.

The facility is required by State and Federal regulations to upgrade the oxygen tank, and with this upgrade comes an Agency for Healthcare Administration (AHCA) mandate to enclose the tank with a wall of at least 12 feet in height.

Article 5 of the City of Hollywood Zoning and Land Development Regulations states that a Variance Request may be deemed to meet the applicable criteria for approval if *the Variance is necessary to comply with state or federal law and is the minimum Variance necessary to comply with the applicable law.*

Because the location of the proposed wall is such that it does not impart any negative consequence to the site in terms of visibility for vehicles, and because the need for the request is due to a State of Florida Agency requirement, Staff recommends approval of the requested variance. Please reference

the Applicant's criteria statement for more information on the specific regulations for which the Variance is required in order for the facility to comply.

Owner/Applicant: Ventas Realty, Limited Partnership
Address/Location: 1859 Van Buren Street
Net Area of Property: 51, 231 sq. ft. (1.17 acres)
Land Use: Regional Activity Center (RAC)
Zoning: Young Circle (YC)
Existing Use of Land: Hospital

ADJACENT LAND USE

North: Regional Activity Center (RAC)
South: Regional Activity Center (RAC)
East: Regional Activity Center (RAC)
West: Regional Activity Center (RAC)

ADJACENT ZONING

North: Young Circle (YC)
South: Federal Highway High Intensity Mixed-Use District (FH-2)
East: Young Circle (YC)
West: Planned Development (PD)

CONSISTENCY WITH THE COMPREHENSIVE PLAN

Located within the Regional Activity Center the subject site is surrounded primarily by multi-family residential properties. 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 intent of the Regional Activity Center land use designation is to *encourage redevelopment or development of areas that are regionally significant. The major purposes of this designation are to facilitate multi-use and mixed-use development, encourage mass transit, reduce the need to automobile travel, provide incentives for quality development, and give definition to the urban form.* The project is consistent with the Comprehensive Plan based on the following Objectives:

Objective 4: *Maintain and enhance neighborhoods, business, utilities, industrial and tourist areas that are not blighted.*

Objective 6: *Encourage multi-use areas and mixed uses concentrations of density near existing or planned major employment centers and major transportation routes in order to promote energy conservation and mass transit, preserve air quality, reduce the cost of services, encourage affordable housing, and promote economic development.*

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The project is located in Sub-Area 2, defined by the Intracoastal Waterway to the east, Dixie Highway to the west, Sheridan Street to the north, and Pembroke Road to the south. This area includes the

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

The City-Wide Master Plan recognizes the need for a mix of uses along the corridors. The proposed project is consistent with the 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.*

Guiding Principle: *Attract and retain businesses that will increase economic opportunities for the City while enhancing the quality of life for residents.*

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 Variances as stated in the City of Hollywood Zoning and Land Development Regulations, Article 5.

CRITERIA 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.

CRITERIA 2: That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

CRITERIA 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.

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

ANALYSIS FOR

CRITERIA 1 - 4: According to the Applicant, the facility is required by State and Federal regulations to upgrade the oxygen tank, and with this upgrade comes an Agency for Healthcare Administration (AHCA) mandate to enclose the tank with a wall of at least 13 feet 4 inches in order to meet certain hurricane wind resistance standards. As such, Criteria 5 is applicable.

FINDING: Consistent.

CRITERIA 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.

ANALYSIS: According to the Applicant, the facility is required by State and Federal regulations to upgrade the oxygen tank, and with this upgrade comes an Agency for Healthcare Administration (AHCA) mandate to enclose the tank with a wall of at least 13 feet 4 inches in order to meet certain hurricane wind resistance standards. As such, Criteria 5 is applicable.

ATTACHMENTS

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