

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

DATE: July 23, 2020 **FILE:** 19-CPSV-16

TO: Planning and Development Board/Historic Preservation Board

VIA: Leslie A. Del Monte, Planning Manager

FROM: Deandrea Moise, Planning Administrator

SUBJECT: Chabad of NE Hollywood/Dania Inc. requests Special Exception, Variances, Site Plan and Certificate of Appropriateness for renovations to an existing single-family home and to establish a place of worship located at 1350 Harrison Street (Chabad of Hollywood).

REQUEST

Special Exception to establish a Place of Worship.

Variance 1: To waive Article 7 of the Zoning and Development Regulations.

Variance 2: To waive the required Special Exception setbacks to conform to Single Family required setbacks.

Variance 3: To increase the permitted height for a fence in the front yard from four feet to six feet.

Certificate of Appropriateness for Design and Site Plan

RECOMMENDATION

Special Exception: Approval, with the condition that the residential facilities shall not be used as a part of the place of worship facilities.

Variance 1: Approval, if Special Exception is granted.

Variance 2: Approval if, Special Exception is granted.

Variance 3: Approval, if Special Exception is granted.

Certificate of Appropriateness: Approval, if Special Exception and Variances 1-2 are granted.

Site Plan: Approval, if Special Exception, Certificate of Appropriateness, and Variances 1-2 are granted and with the condition that a Unity of Title or Unity of Control, in a form acceptable to the City Attorney, be submitted prior to the issuance of permits and recorded in the Broward County Public Records, by the City of Hollywood, prior to the issuance of Certificate of Occupancy (C/O) or Certificate of Completion (C/C).

BACKGROUND

The Applicant Chabad of NE Hollywood/Dania Inc. requests Special Exception, Variances, Site Plan and Certificate of Appropriateness for Design for renovations to an existing single-family home and to establish a place of worship located at 1350 Harrison Street. The subject site is approximately 25,300 sq. ft. and currently a single family home made up of four lots. Per the Broward County Property Appraiser's Website, the home was effectively built in 1942. The City's archived history does not indicate the Architect of Record. As stated by the Applicant, the neo-classical – colonial style home was originally constructed as a Temple Methodist Episcopal Church that was later used a single family home following the depression.

REQUEST

The Applicant proposes to construct an addition to be used as a place of worship, as well as complete renovations to the existing single-family home. As the Applicant intends to continue the use of the single-family home in conjunction with the place of worship, Staff recommends a condition that the residential facilities shall not be used as a part of the place of worship facilities, to ensure that the uses continue to operate separately as intended. Furthermore, pursuant to the Zoning and Land Development Regulations, places of worship located in the Single Family Residential Districts require a Special Exception. A Special Exception is defined as *a use that is not generally appropriate in a district, but would be appropriate if it is consistent with the review criteria.*

The approximate 5,200 sq. ft. two-story addition will feature a place of worship on the ground floor at approximately 3,200 sq. ft., whereas the remaining square footage will be additional living area for the residence on the second floor. The place of worship is internally separated from the residence to ensure a clear distinction between the uses. The place of worship will include meeting spaces, storage closets, a hallway library, and bathroom facilities. The design of the addition does not attempt to replicate the existing structure, but rather respects the existing character by introducing a new design. The proposed design exhibits characteristics of a place of worship but also uses materials found in the existing structure and throughout the neighborhood. The design also include a new prominent entry point that adds additional character to the property.

As the place of worship generates over 10 required parking spaces, Site Plan is required. Therefore the Historic Preservation Board must consider the request jointly with the Planning and Development Board, although in the Historic District. The site plan is simple as there are not many changes. The most notable change is to the parking area. The Applicant requests a variance to waive the parking regulations in Article 7, primarily to allow the current open yard to remain untouched to the maximum degree. Currently, the property boasts a large lawn at the corner of Harrison and 14th Avenue. Developing the existing lawn with primarily pavers would discourage the single family character of the property and neighborhood. Furthermore, as the Applicant has stated, the congregation is primarily prohibited from driving or using motorized vehicles during peak utilization. The Applicant requests to pave only a portion to allow for nine additional paved parking spaces, bringing the total to 12 fully compliant paved parking stalls, with 28 spaces on grass should there be an overflow.

Additionally, the Applicant requests a Variance to waive the required Special Exception setbacks to conform to Single Family required setbacks. The regulations require that Special Exception uses be setback 50 feet from the front yard property line and 25 feet from the interior side yard property line. The Applicant requests that the addition, which includes both additional living area for the residence

and the place of worship, be able to utilize single family home setbacks. As such, the addition is setback to respect the single family home setbacks which are 25 feet from the front yard property line and 7.5 feet from the interior side yard property line. The existing setback of the home is approximately 25 feet, with the addition designed match the existing front setback. Applying the single family home setbacks would maintain the same character as the adjacent homes in the district.

As this will be a place of worship the Applicant has requested a variance to increase the height for the fence in the front yard from four feet to six feet. Per the regulations six feet is permitted in residential zoning districts, but only in the rear yard. As stated by the Applicant due to possible terror incidences, the Applicant finds that this request is necessary. The Applicant is also making other security improvements.

Overall, the proposed request is compatible with the surrounding community and meets the applicable regulations.

Owner/Applicant:	Chabad of NE Hollywood/Dania Inc.
Address/Location:	1350 Harrison Street
Net Size of Property:	25,293 sq. ft. (0.58 acres)
Land Use:	Low Residential (LRES)
Zoning:	Single-Family Residential (RS-6) Lakes Area Multiple Resource Listing District (HMPRL0D-1)
Existing Use of Land:	Single Family Residence
Year Built:	1942 (Broward County Property Appraiser)

ADJACENT ZONING

North:	Single-Family Residential District (RS-6) Lakes Area Multiple Resource Listing District (HMPRL0D-1)
South:	Single-Family Residential District (RS-6) Lakes Area Multiple Resource Listing District (HMPRL0D-1)
East:	Single-Family Residential District (RS-6) Lakes Area Multiple Resource Listing District (HMPRL0D-1)
West:	Single-Family Residential District (RS-6) Lakes Area Multiple Resource Listing District (HMPRL0D-1)

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 Comprehensive Plan based on the following Objective:

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

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN

The City-Wide Master Plan (CWMP) places a priority on protecting, preserving and enhancing residential neighborhoods. It addresses the need for strict design controls to maintain the individual character of each neighborhood. The proposed project is consistent with the City-Wide Master Plan, based upon the following Guiding Principles and Policies.

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.15: *Place a priority on protecting, preserving and enhancing residential neighborhoods.*

Policy CW.19: *Protect residential areas from encroaching non-residential uses into residential areas.*

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

CONSISTENCY WITH THE HOLLYWOOD LAKES NEIGHBORHOOD PLAN

The Hollywood Lakes Neighborhood Plan seeks to maintain and preserve the character and integrity of the existing residential community by protecting historical areas. It also seeks to eliminate the encroachment of negative residential uses. The proposal for an addition and place of worship will not adversely affect the integrity of the Historic District.

APPLICABLE CRITERIA

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

CRITERIA 1: The proposed use must be consistent with the principles of the City's Comprehensive Plan.

ANALYSIS: The intent of the Land Use Element is to map out the plan for future redevelopment while promoting the highest and best use for each property. The subject property is located within the Low Residential Land Use. Within this Land Use category, facilities that serve the residential area such as places of worship are permitted. The proposed place of worship is consistent with the Comprehensive Plan as 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 request will enhance the existing conditions of the site while providing a service to the area as a place of worship.

FINDING: Consistent.

CRITERIA 2: The proposed use must be compatible with the existing land use pattern and designated future uses and with the existing natural environment and other real properties within the vicinity.

ANALYSIS: The proposed would not be the first place of worship within the district. Additionally, the Applicant designed the site in manner that respects the residential land use pattern throughout the neighborhood.

FINDING: Consistent.

CRITERIA 3: That there will be provisions for safe traffic movement, both vehicular and pedestrian, both internal to the use and in the area which will serve the use.

ANALYSIS: The Applicant has worked with Staff to provide both vehicular and pedestrian access to the site. Additional parking area and a new prominent entry point for pedestrians have been implemented.

FINDING: Consistent.

CRITERIA 4: That there are setbacks, buffering, and general amenities in order to control any adverse effects of noise, light, dust and other potential nuisances.

ANALYSIS: While the Applicant has requested variances for setbacks and parking regulations, both requests maintain the single family character of the community. Primary functions of the place of worship will occur indoors and the majority square footage of the structure is dedicated to the residence. As the Applicant intends to continue the use of the single-family home in conjunction with the place of worship, Staff recommends a condition that the residential facilities shall not be used as a part of the place of worship facilities, to ensure that the uses continue to operate separately as intended and discourage any adverse effects.

FINDING: Consistent.

CRITERIA 5: The proposed use, singularly or in combination with other Special Exceptions, must not be detrimental to the health, safety, or appearance of the neighborhood or other adjacent uses by reason of any one or more of the following: the number, area, location, height, orientation, intensity or relation to the neighborhood or other adjacent uses.

ANALYSIS: The proposed use is compatible with the adjacent residential uses as it is a community facility that aims to serve the surrounding community. The proposed structure respects single family setbacks and is designed in a manner to maintain the single family character. The proposed place of worship is not detrimental to the health, safety, or appearance of the neighborhood.

FINDING: Consistent.

CRITERIA 6: The subject parcel must be adequate in shape and size to accommodate the proposed use.

ANALYSIS: The subject parcel is adequate in shape and size to accommodate the proposed use. The requested variances are in order to promote the single family character of the property and the adjacent community.

FINDING: Consistent.

CRITERIA 7: The proposed use will be consistent with the definition of a Special Exception and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such particular use set forth elsewhere in the zoning code, or otherwise adopted by the City Commission.

ANALYSIS: A Special Exception is defined as a use that is not generally appropriate in a district, but would be appropriate if it is consistent with the review criteria. The majority of zoning districts allow certain Special Exception uses; in single family districts a place of worship falls in that category.

FINDING: Consistent.

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

VARIANCE: **To waive Article 7 of the Zoning and Development Regulations.**

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 congregation for the place of worship will primarily walk during peak utilization. Therefore, the parking variance will not negatively impact the appearance of the City as the reduction in additional hardscape will enhance the single family character of the property. Furthermore, any potential overflow parking can be accommodated on site.

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: This Variance would not be detrimental to the community as the variance in no way changes the permitted uses and maintains compatibility with the surrounding land use. The proposal does not take away from the relationship between the pedestrian and the built environment.

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 City of Hollywood Comprehensive Plan states as a Goal in the Land Use Element, "Promote a distribution of land uses that will enhance residential communities while allowing landowners to maximize the use of their property." Seeking to make overall improvements to the property, the variance is consistent with this criterion as it will allow the owner to maximize use of the property and enhance the neighborhood by permitting additional community facilities and preserving green space.

FINDING: Consistent.

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

ANALYSIS: The proposed parking can be provided on site, however the Applicant requests to waive requirements in order to allow for the preservation of the green area and enhance the single family character of the neighborhood.

FINDING: Consistent.

CRITERION 5: That the Variance is necessary to comply with State of Federal Law and is the minimum Variance necessary to comply with the applicable law.

FINDING: Not applicable.

VARIANCE 2: **To waive the required Special Exception setbacks to conform to Single Family required setbacks.**

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 requested variance meets the basic intent and does not affect the stability and appearance as the requested setbacks are consistent with single family homes.

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 Variance would not be detrimental to the community as the variances in no way change the permitted uses and maintains compatibility with the surrounding land use. The proposal does not take away from the relationship between the pedestrian and the built environment at the reduced setbacks.

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 requested variance would allow the Applicant to enhance the property and structure. This would promote the Master Plan policy and other plans by encouraging rehabilitation initiatives that will revitalize and promote stability of neighborhoods.

FINDING: Consistent.

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

ANALYSIS: The proposed setbacks, as demonstrated on the Site Plan, are a result of the Applicant's desire to maintain the single family character of the existing structure, therefore the request is not economically based or self-imposed.

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.

VARIANCE 3: To increase the permitted height for a fence in the front yard from four feet to six 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 requested variance meets the basic intent and does not affect the stability and appearance as the requested fence height is consistent with permitted fence heights single family homes.

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 Variance would not be detrimental to the community. As stated by the Applicant the request in order to protect the place of worship from possible terrorist incidents. The Variance in no way change the permitted uses and maintains compatibility with the surrounding land use.

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 City of Hollywood Comprehensive Plan states, “Promote a distribution of land uses that will enhance residential communities while allowing landowners to maximize the use of their property.” This Variance allows the property owner to provide a community facility and safely protect the congregation.

FINDING: Consistent.

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

ANALYSIS: The Variance is requested in order to protect the place of worship from possible terrorist incidents as stated by the Applicant. The Applicant is also making other security improvements. Therefore the request is not economically based or self-imposed.

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 finding for Certificate of Appropriateness of Design as stated in the City of Hollywood’s Zoning and Land Development Regulations, Article 5.

CRITERION: INTEGRITY OF LOCATION

ANALYSIS: Design Guidelines recommend maintaining *consistent spacing and setbacks* and further state *new construction should be compatible with existing buildings*. The intent of the Applicant is to extend the livable space of the home and establish a place of worship by creating an addition. The proposed addition as well as other improvements enhance the adjacent community and does not adversely affect the character of the neighborhood.

FINDING: Consistent.

CRITERION: DESIGN

ANALYSIS: The Historic District Design Guidelines encourages additions to be compatible with the character of the neighborhood with regard to scale, materials, texture, and color. The proposed addition help to enhance the existing design of the home to create a distinction between the existing structure and the addition.

FINDING: Consistent.

CRITERION: SETTING

ANALYSIS: As stated in the Design Guidelines, "...setting is the relationship of buildings within the Historic District and the surrounding site and neighborhood." The addition as proposed demonstrates the compatibility between the existing home and neighborhood and does not disrupt the relationship. The proposed addition is compatible with surrounding homes.

FINDING: Consistent.

CRITERION: MATERIALS

ANALYSIS: Design Guidelines state materials are an important part of the fabric of any historic district or property and help to maintain the historic character of the place. Furthermore, materials should be compatible in quality to those that are used in the historic district. The design on the proposed addition utilizes a neutral palette with complimentary design elements and materials such as glass, stone, and paver driveway and walkways. The proposed elements and materials are consistent with the surrounding neighborhood.

FINDING: Consistent.

CRITERION: WORKMANSHIP

ANALYSIS: The design of the proposed design is consistent with current workmanship styles and methods. The proposed improvements are not imitating or copying any existing style or period. In addition, the proposal does comply with applicable regulations and it fits within the neighborhood's character.

FINDING: Consistent.

CRITERION: ASSOCIATION

ANALYSIS: Design Guidelines recommend maintaining consistent spacing and setbacks and further states new construction should be compatible with existing buildings... Within the context of historic preservation, elements of design such as massing, scale and rhythm reflect architectural style as well as the richness of the historic district. Meeting applicable code requirements, the proposed design enhances the surrounding neighborhood, and is consistent with the scale and massing of the adjacent properties and surrounding neighborhood.

FINDING: Consistent.

SITE PLAN

The Technical Advisory Committee (TAC) found the proposed Site Plan compliant with all regulations as set forth in Article five of the Hollywood Zoning and Land Development Regulations on March 16, 2020

Therefore, Staff recommends approval, if Special Exception, Variances and Design are granted with the condition that a **Unity of Title or Unity of Control, in a form acceptable to the City Attorney, be submitted prior to the issuance of permits and recorded in the Broward County Public Records, by the City of Hollywood, prior to the issuance of Certificate of Occupancy (C/O) or Certificate of Completion (C/C).**

The following standards shall be utilized by the Technical Advisory Committee and the Planning and Development Board in the review, evaluation, and approval of all required plans and exhibits:

- A. *Natural Environment.* All proposed development shall be designed in such a manner as to preserve, perpetuate and improve the existing natural character of the site. Existing trees and other landscape features shall, to the maximum extent possible, be preserved in their natural state; and additional landscape features shall be provided to enhance architectural features, to relate structural design to the site, and to conceal unattractive uses. In all instances the city's tree protection, landscaping and all other applicable regulations shall be fully complied with as minimum standards.
- B. *Open space.* Adequate landscaped open space shall be provided which meets the particular needs and demands of the proposed development and all specific zoning district requirements. Legal methods assuring the continued preservation and maintenance of required open space shall be submitted to and approved by the City Attorney. The type and distribution of all open space shall be determined by the character, intensity and anticipated residential or user composition of the proposed development.
 - 1. Passive open spaces (those areas not planned for intensive activity) shall be arranged as to enhance internal spatial relationships between proposed structures, to provide buffers between the project and adjacent less intensive uses, to facilitate pedestrian movements within the development, and to improve the overall visual quality of the site.
 - 2. Active open spaces (those areas containing activities such as playgrounds, tennis courts, swimming pools and other active recreational facilities) shall be located so as to permit easy access to all residents or users within a development. Private recreational facilities and activities within specific projects shall, wherever possible, complement, rather than duplicate, nearby public recreational activities.
- C. *Circulation and parking.* All circulation systems and parking facilities within a proposed development shall be designed and located in such a manner as to comply with the following:
 - 1. A clearly defined vehicular circulation system shall be provided which allows free movement within the proposed development while discouraging excessive speeds. Said systems shall be separated insofar as practicable from pedestrian circulation systems. Pavement widths and access points to peripheral streets shall be provided which adequately serve the proposed development and which are compatible and functional with circulation systems outside the development.
 - 2. Whenever possible in proposed residential developments, living units should be located on residential streets or courts which are designed to discourage nonlocal through traffic.

3. Off-street parking areas shall be provided which adequately accommodate maximum vehicle storage demands for the proposed project and are located and designed in such a manner so as to conveniently serve the uses to which they are accessory and not create incompatible visual relationships.

4. Safe and efficient access to all areas of the proposed development shall be provided for emergency and service vehicles, as required by the Florida Building Code in effect in Broward County, Florida, as revised from time to time.

5. Sidewalks shall be provided as required by the city regulations.

6. Handicapped Accessibility shall be provided as required by all applicable regulations.

C. *Community services and utilities.* All proposed developments shall be designed and located in such a manner as to insure the adequate provision, use and compatibility of necessary community services and utilities.

1. An adequate sanitary sewer collection system including all necessary extensions and connections, shall be provided in accordance with city standards for location and design. Where necessitated by the size of the development and/or by the unavailability of city treatment facilities, sanitary sewage treatment and disposal systems must be provided in accordance with city and state standards and regulations.

2. An efficient solid waste collection system, including the provisions of an adequate number of properly screened local receptacles in locations which afford maximum use and collection convenience, shall be provided in accordance with all applicable city standards.

3. A well designed internal system for fire protection, including the provisions of an adequate number of properly located fire hydrants and an efficient access arrangement for emergency fire vehicles, shall be provided to insure the safety of all persons within the project.

D. *Building and other structures.* All buildings and structures proposed to be located within a development shall be oriented and designed in such a manner as to enhance, rather than detract from, the overall quality of the site and its immediate environment. The following guidelines shall be followed in the review and evaluation of all buildings and structures:

1. Proposed buildings and structures shall be related harmoniously to the terrain, other buildings and the surrounding neighborhood, and shall not create through their location, style, color or texture incompatible physical or visual relationships.

2. All buildings and structures shall be designed and oriented in a manner insuring maximum privacy of residential uses and related activities both on the site being developed and property adjacent thereto.

3. All permanent outdoor identification features which are intended to call attention to proposed projects and/or structures shall be designed and located in such a manner as to be an integral part of the total project and/or structural design and shall not exceed a size and scale necessary for the recognition from vehicles moving along adjacent streets at prescribed legal speeds.

- E. *Level of service standards.* For the purpose of the issuance of development orders and permits, the city has adopted level of service standards for public facilities and services which include roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. All Applicants are required to prove concurrency pursuant to the City's Comprehensive Plan and F.S. Chapter 163, as amended from time to time.
- G. *Other requirements.* Requirements and recommendations as provided in the city tree and landscape regulations shall be observed as will the requirements of all applicable standards and regulations.

Attachment A: Application Package

Attachment B: Aerial Photograph