

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

**DATE:** November 10, 2020 **FILE:** 20-S-48

**TO:** Planning and Development Board

**VIA:** Leslie A. Del Monte, Planning Manager

**FROM:** Alexandra Guerrero, Principal Planner

**SUBJECT:** Richard M & Kathy K Lesser, Richard & Kathy TRSTEE request a Special Exception to allow the expansion of a lawful nonconforming use within a nonconforming building while enlarging the cubical contents of the building (Hialeah Products).

**REQUEST**

Special Exception to allow the expansion of a lawful nonconforming use within a nonconforming building while enlarging the **cubical** contents of the building (Hialeah Products).

**RECOMMENDATION**

Special Exception: Approval.

**REQUEST**

The Applicant request a Special Exception to allow the expansion of a lawful nonconforming use within a nonconforming building while enlarging the **cubical** contents of the building. The property has a Land Use of Regional Activity Center (RAC) and a Zoning designation of Dixie Highway Low Intensity Multi-Family District (DH-1).

The subject property is currently occupied by a company called Hialeah Products which consist of packing, processing, and distributing food products. In order to meet federal requirements regarding the safe maintenance and storage of their products, the Applicant is proposing to demolish a portion of the existing building and rebuild it by expanding the building vertically (volumetric increase) in order to accommodate the equipment needed per state law. The proposed expansion does not trigger a change in the footprint, parking, or landscaping; the only change is that a portion of the building will be expanding from the existing one-story building to a new two-story building.

Per the City of Hollywood Zoning and Land Development Regulations, section 3.12 states:

*C. Nonconforming use of a nonconforming building. The lawful nonconforming use of a lawful nonconforming building may be continued although such use and building do not conform to the regulations of the applicable zoning district within which the building is located. Such use may not be expanded to utilize additional floor area to that which existed at the time its lawful nonconformity was established, and no structural alteration (except as required by law) or enlargement of the cubical contents of the building is permitted except pursuant to division G. of this section.*

This area of the City was rezoned in 2016, which triggers the need for the Special Exception as the use and the expansion of the existing building in the current zoning district (DH-1) is not permitted. Prior to the rezoning the property was zoned High Intensity Commercial District (C-5) which would have allowed the request today by right. The business is operating today as legal non-conforming and as previously stated the footprint is not changing. Given the unique location of the business where it falls on the border of a higher intensity zoning district (DH-3), Staff finds the request consistent as no site alterations are triggered and the intensity of the use is not expanding; rather the Applicant is simply seeking an approval that complies with state laws in order to continue business operations in a safe manner.

<b>Owner/Applicant:</b>	Richard M & Kathy K Lesser, Richard & Kathy TRSTEE
<b>Address/Location:</b>	2201 Hayes Street
<b>Net Area of Property:</b>	17, 162 sq. ft. (0.40 acres)
<b>Land Use:</b>	Regional Activity Center (RAC)
<b>Zoning:</b>	Dixie Highway Low Intensity Multi-Family District (DH-1)
<b>Existing Use of Land:</b>	Commercial

#### **ADJACENT LAND USE**

<b>North:</b>	Regional Activity Center (RAC)
<b>South:</b>	Regional Activity Center (RAC)
<b>East:</b>	Regional Activity Center (RAC)
<b>West:</b>	Regional Activity Center (RAC)

#### **ADJACENT ZONING**

<b>North:</b>	Dixie Highway Low Intensity Multi-Family District (DH-1)
<b>South:</b>	Dixie Highway Low Intensity Multi-Family District (DH-1)
<b>East:</b>	Dixie Highway High Intensity Mixed-Use District (DH-3)
<b>West:</b>	Dixie Highway Low Intensity Multi-Family District (DH-1)

## **APPLICABLE CRITERIA**

**Analysis of Criteria and Findings for a Special Exception** as stated in the City of Hollywood Zoning and Land Development Regulations, Article 3.

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

**ANALYSIS:** As previously mentioned, in order for the Applicant to continue business operations the request is required or state laws will force the business to cease operations.

**FINDING:** Consistent.

**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:** The request is not detrimental to the health, safety, and general welfare of persons working or residing within the vicinity. In fact, the request will enhance the operations by providing much needed space in order to operate in a safe manner and meet state laws.

**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:** The request is for a vertical expansion of a non-conforming building to allow the continuance of a non-conforming use. The approval will accommodate much needed space in order for the business to continue operations in a safer environment; it will not be detrimental or injurious to the property.

**FINDING:** Consistent.

**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:** Currently the building is legal non-conforming as is the use. As mentioned, no site alterations are triggered and the intensity of the use is not expanding; rather the Applicant is simply seeking an approval that complies with state laws in order to continue business operations in a safe manner. Currently there are no violations on this site that would trigger noncompliance with City regulations.

**FINDING:** Consistent.

## **ATTACHMENTS**

Attachment A: Application Package

Attachment B: Land Use and Zoning Map

Attachment C: Zoning and Land Development Regulations, Section 3.12 Nonconforming Structures and  
Uses