



# City of Hallandale Beach

## Planning and Zoning Board Agenda Cover

### Memo

<b>Applicant:</b>	7-Eleven Inc.	<b>Meeting Date:</b>	September 23, 2020	
<b>Project Name:</b>	7-Eleven #4117	<b>Property Address:</b>	924 Pembroke Road	
<b>Applications#:</b>	V-19-02953 #DR-19-02946	<b>Application Type:</b>	Variance	
<b>Planning District:</b>	Northwest	<b>Quasi-Judicial:</b> <i>(Enter X in box)</i>	YES X	NO
<b>Parcel Size:</b>	1.77 acres	<b>Public Hearing:</b> <i>(Enter X in box)</i>	YES X	NO
<b>Existing Zoning:</b>	West Regional Activity Center (RAC) District/Pembroke Road Subdistrict			
<b>Existing Use:</b>	Commercial Stone/Slab Center and Yard			
<b>Proposed Use:</b>	7-Eleven Convenience Store, Gas Station and Car Wash			
<b>Comprehensive Plan Future Land Use Designation:</b>	Regional Activity Center			
<b>Surrounding Zoning:</b>		<b>Surrounding Existing Land Use:</b>		
North: Government Use (GU)/City of Hollywood South: West RAC/ Palms Gateway, Residential Single/Multi-Family District East: West RAC/ Pembroke Rd & Palms Gateway Subdistricts West: West RAC/Pembroke Rd Subdistrict		North: McNicol Middle School/City of Hollywood South: Residential Single/Multi-Family District East: Commercial West: Commercial		
<b>Staff Recommendation:</b>		<b>Strategic Plan Priority Area:</b>		
<input type="checkbox"/> Approve  <input type="checkbox"/> Approve with Conditions  <input checked="" type="checkbox"/> Deny		<input type="checkbox"/> Safety <input checked="" type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal		
<b>Sponsor Name:</b>	Vanessa Leroy, Director, Development Services	<b>Prepared By:</b>	Christy Dominguez, Principal Planner	

<b>Request:</b>
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**Summary**

The applicant, Creighton Construction & Management, LLC., has filed, along with an application for Minor Development Review, Application #V-19-2953 requesting variances in order to demolish the existing development on the property and construct a one story 3,926 square feet service station with retail, and a drive through car wash. The project site encompasses 2 commercial properties located at 900-970 Pembroke Road.

The Applicant is requesting a variance from the minimum 60% building frontage requirement and from the minimum distance separation of at least 1,500 feet from another service station with accessory gas sales for properties in the West RAC/ Pembroke Road Subdistrict.

The application for Planning and Zoning Board consideration is as follows:

Application # V-19-2953 requesting variances from the following code provisions:

1. Section 32-160.a relative to the minimum distance separation of at least 1,500 feet from another service station with accessory gas sales for properties within the West RAC (Regional Activity Center)/Pembroke Road Subdistrict.
2. Section 32-160.d requiring new commercial buildings facades in the West RAC/Pembroke Road Subdistrict shall occupy at least 60 percent building frontage of the street frontage.

The applicant also filed Application #DR-19-02946 for Minor Development Review approval, however, this application does not require Planning and Zoning Board nor City Commission approval but can only proceed if the variance requested are granted. In addition, the applicant has further filed Application # RD-19-02954 relative to the permitted hours to sell beer near schools and places of worship.

**Background**

Pursuant to Section 32-782 of the City's Zoning and Land Development Code, City Commission approval is required for any development 4,000 square feet or greater. The building is less than 4,000 square feet, thus, considered a Minor Development Review which is an administrative process and are approved by staff. Thus, Planning and Zoning Board or City Commission action is not required. However, the proposal does not meet all site development standards of the Code. Therefore, approval of the project can only proceed if the variance requested are granted.

Section 32-160.b identifies the uses permitted in the West RAC/Pembroke Road Subdistrict and lists commercial and residential mixed uses as permitted uses. Table 32-160.d specifies requirements for development in the Pembroke Road Subdistrict. Convenience stores with accessory gas sales and car washes are permitted subject to 1,500 feet distance separation between like uses. Additionally, a 60% minimum building frontage is required.

The applicant also proposes to sell beer at the Property. Chapter 5, Section 5-4 prohibits the sales of beer on any weekday or Saturday between the hours of 2:00 a.m. and 7:00 a.m., or on

Sundays between the hours of 2:00 a.m. and 1:00 p.m. Chapter 5, Section 5-6 prohibits the sales of beer from properties located within 1,000 feet from schools or houses of worship. The property is located within 452 feet from Hallandale High School and 198 feet from McNicol Middle School. It is also located 458 feet from Calvary Church and 957 feet from Faith Tabernacle Christian New Birth Baptist Church. The applicant has filed Application # RD-19-02954 in order to allow the sale of beer during the restricted hours. This application does not require Planning and Zoning Board action and will be presented directly to the City Commission.

### **Why Action Is Necessary:**

Section 2-231(f)(3) and Section 32-965(a) of the City's Code of Ordinances requires consideration and recommendation by the Planning and Zoning Board prior to the City Commission approval on variance applications.

### **Analysis**

According to Section 32-160(d), a building frontage of 60% minimum is required. The proposed site plan provides a building frontage of 77.67 feet and the site has approximately 550 feet of frontage along Pembroke Road; this provides a building frontage of 14%, a 45% deficiency.

Table 32-160.d specifies requirements for development in the Pembroke Road Subdistrict, service stations (with accessory gas sales) are required to have a minimum of 1,500 feet distance separation between like uses. There are two service stations with accessory gas sales located within the 1,500-foot radius from the Property. The Orion gas station located at 1011 NW 8th Avenue is approximately 356 feet from the Property, and the Shell Gas Station located at 2801 Pembroke Road, in Hollywood, outside the city of Hallandale Beach City limits thus not applicable, is approximately 104 feet from the Property.

### **Development Details:**

The DRC reviewed the project, provided comments and recommended certain revisions which have been incorporated into the proposed plans.

Below is a summary of the applicant 's site plan:

1. The proposed site plan provides a building frontage of 77.67 feet; the site has approximately 550 feet of frontage along Pembroke Road. This provides a building frontage of 14%.
2. There are three commercial buildings to be demolished on the Project site (formerly Florida Stonecraft, and Gallo Marble).
3. A one-story convenience store with 3,926 square feet with service/gas station, drive through car wash.
4. The parcel is 1.77 acres in size after the required right-of-way dedication for Pembroke Road.
5. A fuel canopy with 12 fueling positions setback 32.64 feet from the front property line (15 feet front yard setback is required). The convenience store and car wash are setback 99.04 feet from the front property line (15 feet front yard setback is required); they are setback 20 feet from the rear property line (20 feet rear yard setback is required).

6. There are three ingress/egress points to the Project: A two-way driveway on Pembroke Road eastbound is approximately 355 feet from NW 10<sup>th</sup> Avenue. A two-way driveway on NW 9<sup>th</sup> Avenue southbound is approximately 105 feet from Pembroke Road. A two-way driveway on NW 10<sup>th</sup> Street is approximately 120 feet from NW 10<sup>th</sup> Avenue.
7. A surface parking lot with 25 parking spaces (19 parking spaces are required).
8. Forty five percent (45%) of the property will be landscaped (15% minimum is required).
9. A 19 feet right-of-way dedication along the west 2/3 of the Pembroke Road frontage is provided. (This is required pursuant to the Broward County Trafficways Plan).
10. An existing 8 feet-wide sidewalk/pedestrian walkway is to remain along Pembroke Road along with an existing sidewalk on NW 10<sup>th</sup> Avenue and a new 6 feet-wide sidewalk along NW 10<sup>th</sup> Street (5 feet sidewalks are required).
11. A partial existing six-foot high masonry and new wall segments will completely border the rear property line separating the Project from the residential uses across NW 10<sup>th</sup> Street to the south.
12. A 2'-8" decorative fence and 8 feet high pergola entrance feature along the perimeter of the Property on Pembroke Road.
13. A bus shelter easement on Pembroke Road approximately 250 feet from the entrance driveway.
14. Seventy one (71) on-site and 61 street trees for credit are provided. (56 on-site trees and 41 street trees are required).

#### Related Actions

The property consists of various parcels and lots located at 900-970. There is a Covenant of Use entered into in 1985 by the owner of the property, Gallo Investments, that requires the shared parking of the various existing businesses and buildings based on the site plan approved in 1985. The existing development will be demolished; therefore, the existing Covenant of Use will need to be dissolved as part of this project. A Unity of Title unifying the various lots will be required in lieu of the covenant.

#### Comprehensive Plan Considerations

The property is designated Regional Activity Center on the City's Future Land Use Map. The commercial uses proposed by the applicant are permitted under the land use category.

#### Variance Criteria

In reviewing applications for variances, the following standards are required to be adhered to in making any decisions or recommendations:

To authorize any variances to the terms of Chapter 32-965, it must be found that:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not generally applicable to other lands, structures or buildings in the same zoning district.

***Noncompliance. The proposed use of a service station/convenience store with retail, gas sales and car wash , related to the minimum distance required between other legally established service station/convenience store with retail, gas sales and car wash , does not conform to the Code. The Orion service station with retail, gas sales and car wash is located 365 feet from the subject property, 1,135 feet deficiency from the 1,500 feet separation required between such uses in the Pembroke Road Subdistrict. Also, the Pembroke Road subdistrict requires a minimum of 60% building street frontage. The applicant's proposed building is 14% of the lot frontage, a deficiency of 46%. Although not a building the fueling, station's canopy is located 39 feet from the front property line and is 161 feet in length (29% of the lot frontage). The proposed conditions are not peculiar to the land, structure or building involved, and which are generally applicable to other lands, structures or buildings in the same zoning district.***

- (2) The special conditions and circumstances do not result from the actions of the applicant.

***Noncompliance. The special conditions and circumstances on the property do result from the actions of the applicant. Additionally, the proposed use, of a service station by the applicant, does not comply with the minimum distance required from other legally established service stations. Therefore, a variance is necessary to allow the proposed use.***

- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same district.

***Noncompliance. Granting the applicant's variance request would confer special privilege to the property that would be denied to other similar properties in the same zoning district. All new service station uses within allowed zoning districts are required to be compliant with the minimum distance requirements specified by Code.***

- (4) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by the properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardships on the applicant.

***Noncompliance. Literal interpretation of the Code would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. All properties in the West RAC/Pembroke Road Subdistrict are required to be compliant with Code requirements specified by the applicable district and by the associated approved use.***

- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

***Noncompliance. The requested variance is not the minimum variance that would make possible the reasonable use of the land. The request for the variance is due to the applicant's desire to have a service station/convenience store with gas sales and car wash at the subject property; the property could continue to be used reasonably for other uses as permitted by Code.***

- (6) The grant of the variance will be in harmony with the general intent and purpose of this chapter.

***Noncompliance. The general intent of West RAC/Pembroke Road Subdistrict zoning is to provide for general retailing and a variety of neighborhood scale uses and to encourage and promote well planned, suitable and appropriate mixed-use developments along the Pembroke Road corridor. Granting the proposed variance will be in harmony with the general intent and purpose of the zoning district as to the use; however, it will not conform to the minimum distance separation between legally established service stations.***

- (7) Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

***Noncompliance. The proposed variance may not be injurious to the area involved or otherwise detrimental to the public welfare. However, minimum distance requirements are established by the City which has determined that a 1,500-foot minimum interbusiness distance separation requirement is reasonable for service stations/convenience stores retailing goods, gas sales and car washes, and is in the best interest of public health, safety, and welfare.***

<b>Staff Recommendations:</b>
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Minor Development Review Application # DR-19-2946

The proposed building consists of 3,926 square feet in commercial square footage. Commercial space less than 4,000 square feet are considered a Minor Development which are approved administratively and do not require City Commission action. However, it is still subject to review for compliance with Section 32-782, Development Review procedures. The proposed development was reviewed for compliance with the criteria set forth in Section 32-787, including, natural environment, energy conservation, open space, circulation and parking, access control, traffic, public transportation, and community services. Staff also conducted a concurrency evaluation of the project relative to water, sewer, solid waste. Staff determined that concurrency requirements were met. Staff has further determined that all applicable zoning code requirements, other than the distance separation to another service station and building frontage standards have been met, including building setbacks and height, parking, landscaping and other applicable zoning Code requirements. Pursuant to the Broward County Trafficways Plan, Pembroke Road is designated a 94-foot arterial road. The Applicant is required to provide right-of-way dedications for Pembroke Road and accommodate a deceleration lane to the Project as specified by the Broward County Trafficways Plan.

No action is required by the Planning and Zoning Board for this application. The Minor Development application is ready to be administratively approved subject to approval by the City Commission of the requested variances.

Variance Application # V-19-2953

The subject property is located within the City's West RAC which has been identified as a focus for redevelopment into a vibrant area. The property is also located within the City's Community Redevelopment Area (CRA). The overall intent of the West RAC Zoning District is to encourage development that offer a balanced mix of uses, provide for the diverse needs of residents of the City and which encourage and promote well planned, suitable and appropriate mixed-use developments along the Pembroke Road corridor.

In staff's opinion, the applicant's proposal is inconsistent with the overall vision of the West RAC zoning district to promote mixed-use developments and the zoning of the property which specifies distance separation of service station-oriented uses along the Pembroke Road Corridor.

Based on the 550 feet of the lot's frontage along Pembroke Road, the required building frontage (60%) would be 330 feet. The Applicant has tried to provide for street definition along Pembroke Road by proposing a decorative fence and pergola entrance feature which extends for the majority of the Property to mitigate the building frontage deficiency. However, the proposed building frontage of 14% is significantly less than required by Code. The underutilization of the site is also of concern given the size and prominence of the lot. Therefore, staff does not recommend the Planning and Zoning Board recommend approval of the requested variances to the City Commission.

Should the Planning and Zoning Board decide to recommend approval of the Application, such recommendation should be subject to the following conditions:

1. Execution of a Release of Covenant of Use and a Unity of Title unifying and combining the separate lots comprising the Property prior to the issuance of the building permit.
2. The existing overhead powerlines along NW 10<sup>th</sup> Street shall be buried at the applicant's expense.
3. The Applicant shall provide to two (2) Level 2 electric vehicle charging stations prior to the issuance of the Certificate of Occupancy for the Project.
4. Provide right-of-way dedications for Pembroke Road as required by the Broward County Trafficways Plan prior to the issuance of the building permit for the Project.

<b>Attachment(s):</b>
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Exhibit 1- Location Map  
Exhibit 2- Aerial Map  
Exhibit 3- Applicant's Letter  
Exhibit 4- Building Rendering and Development Plans