

# TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP/(954) 797-1101

**SUBJECT:** Special Permit

Project Name and Location: Joyce Loeser, DVM, 2000 Flamingo Road, generally located at the southeast corner of Flamingo Road and SW 20 Street.

**TITLE OF AGENDA ITEM:**

SE 1-1-01            Applicant: Joyce Loeser, DVM, petitioner/Jamie Milhem and Jose Katz/owners.

**REPORT IN BRIEF:** The applicant is proposing to construct an animal recreation and rehabilitation center on this 7.6 acre site. The facility is multi-purpose designed to provide veterinary medical services including general practice and specialized veterinary rehabilitative medicine. The specialized veterinary services that will be provided include acupuncture, chiropractics, hydrotherapy, physical therapy, swimming and wound care. The component of this proposed facility that requires a special permit is the 1.5 acre outdoor exercise area. This area will be used to hold training seminars for private pet owners and police work dogs.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:** The Planning and Zoning Board recommended conditional approval, of petition SE 1-1-01 at the February 14, 2001 meeting. The two (2) conditions of approval are as follows: 1) the special permit be subject to review one year after the issuance of the first Certificate of Occupancy to a residence within a 500 foot radius, and afterwards, renewal of the special permit on an annual basis by staff unless there is a complaint that has been registered with the Town regarding the operation of the property which would then be reviewed by the Planning and Zoning Board; 2) that all outdoor activities on this site are to be conducted only within areas that are adequately buffered. (Motion carried 4-0, Ms. Moore absent, February 14, 2001)

**FISCAL IMPACT:** None.

**RECOMMENDATION(S):** Motion to approve with the conditions set forth by the Planning and Zoning Board.

**Attachment(s):** Land Use Map, Subject Site Map, Aerial, Conceptual Site Plans.

**Application #: SE 1-1-01**

**Revisions:**

**Exhibit "A":**

**Original Report Date: February 9, 2001**

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**TOWN OF DAVIE  
Development Services Department  
Planning & Zoning Division Staff  
Report and Recommendation**

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**APPLICANT INFORMATION**

**Owner:**

**Name:** Jamie Milhem and Jose Katz  
**Address:** 3530 Mystic Pointe Drive #705  
**City:** Aventura, FL 33180  
**Phone:** (954)389-8600

**Agent:**

**Name:** Joyce Loeser, DVM  
**Address:** 11900 NW 30 Place  
**City:** Sunrise, FL 33323  
**Phone:** (954)742-9571

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**BACKGROUND INFORMATION**

**Date of Notification:** February 7, 2001    **Number of Notifications:** 21

**Application Request:** Special permit for the construction of an outdoor exercise area for animals pursuant to Section 12-34(B)(11) of the Land Development Code.

**Address/Location:** 2000 Flamingo Road, generally located at the southeast corner of Flamingo Road and SW 20 Street.

**Future Land Use Plan Designation:** Residential (1 DU/AC)

**Zoning:** AG, Agriculture District

**Existing Use:** Vacant

**Proposed Use:** Animal Recreation and Rehabilitation Center

**Parcel Size:** 7.6 acres (331,386 square feet)

**Surrounding Uses:**

**North:** Vacant  
**South:** Vacant  
**East:** Vacant  
**West:** Vacant

**Surrounding Land  
Use Plan Designation:**

Residential 1 DU/AC  
Residential 1 DU/AC  
Residential 1 DU/AC  
Residential 1 DU/AC

**Surrounding Zoning:**

**North:** AG, Agriculture District  
**South:** AG, Agriculture District  
**East:** AG, Agriculture District  
**West:** A-1, Agriculture District

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### ZONING HISTORY

**Related Zoning History:** None.

**Previous Request on same property:** None.

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### APPLICATION DETAILS

The applicant is proposing to construct an animal recreation and rehabilitation center on this 7.6 acre site. The facility is multi-purpose designed to provide veterinary medical services including general practice and specialized veterinary rehabilitative medicine. The specialized veterinary services that will be provided include acupuncture, chiropractics, hydrotherapy, physical therapy, swimming and wound care. The component of this proposed facility that requires a special permit is the 1.5 acre outdoor exercise area. This area will be used to hold training seminars for private pet owners and police work dogs. The Land Development Code requires that this area be surrounded by an eight (8) foot masonry wall set back fifty (50) feet from the property line in order to minimize noise disturbances to the adjoining properties. Currently, all adjoining properties are vacant lands with dense vegetation. The nearest parcel that has been platted and is being developed for residential uses is approximately 1,800 feet to the southeast.

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### Applicable Codes and Ordinances

1. Section 12-34(10) of the Land Development Code permits animal hospitals/clinic facilities in AG, Agricultural Districts subject to limitations. The limitations include adequate soundproofing of areas where animals are contained or treated, exterior runs, cages, or exercise areas on a minimum parcel size of three (3) acres having setbacks of at least fifty (50) feet with concrete block walls used in the construction.
  2. Section 12-107(D)(3) of the Land Development Code requires a ten (10) foot landscape buffer, an eight (8) foot masonry wall installed along the property line, and one (1) fourteen to sixteen foot tree for each forty (40) linear feet or fraction thereof of property line, and a continuous row of hedges be installed.
  3. Section 12-34(11) of the Land Development Code permits kennel facilities in AG, Agricultural Districts subject to limitations. The limitations include adequate soundproofing of areas where animals are contained or treated, exterior runs, cages, or exercise areas on a minimum parcel size of three (3) acres having setbacks of at least fifty (50) feet with concrete block walls used in the construction.
  4. Section 12-35 of the Land Development Code states that the Town Council may grant a special permit for uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.
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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 2. This Planning area includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by S.W. 100 Ave. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 113.

**Applicable Goals, Objectives & Policies:** None.

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### Staff Analysis

The intent of a special permit application is for Town Council to review uses that are permitted within a zoning district but may have adverse impacts on the surrounding area. The proposed 1.5 acre outdoor animal exercise area of this parcel is a use that Land Development Code requires a special permit for because it has the potential to have an adverse impact on the surrounding area.

The densely vegetated lands surrounding this parcel have a residential land use designation. There is a potential that noise from the outdoor exercise area will have an adverse impact on the surrounding lands if they are developed as residential unless the subject site is developed with adequate buffers. The Land Development Code requires that the outdoor exercise area be set back at least fifty (50) feet from all property lines and that an eight (8) foot masonry/concrete block wall be installed along the property line with a ten (10) foot landscape buffer that includes trees and hedges. The petitioner is aware of these requirements and they will be addressed during the site plan process should the Town grant this special permit. Staff finds the buffering provided by the vast expanse of adjacent densely vegetated vacant parcels is adequate to mitigate any adverse impacts that the exercise area may pose on the surrounding area. Should residential development occur on adjacent properties, it is appropriate to require future compatibility review as a condition to this application to ensure that the hours of operation and the buffering provided are compatible with the surrounding uses. This is due to the fact that the outdoor activities being conducted in the exercise yard would not normally be considered accessory or ancillary uses to a veterinary facility.

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### Findings of Fact

#### **Review for Special Permits:**

#### **Section 12-308(A)(1)(a):**

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;
- (ii) The proposed change will not create an unrelated an incompatible use;

*Residential and agricultural uses are both permitted within the Agricultural District.*

(iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;

*The parcel is well buffered from adjacent residential areas, and the applicant is required to install additional buffers.*

(iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

(v) The proposed change is not expected to adversely affect surrounding property values;

*The proposed use is located within a 7.6 acre property which acts as an open space buffer to adjoining properties, exceeding the 3 acre minimum requirement for animal hospitals with outdoor runs.*

(vi) The proposed change is not expected to be a deterrent to the improvement or development of other property in accord with existing regulations;

*Staff recommends the special permit be subject to future compatibility review as a condition to this application should the adjoining parcels become suburbanized to ensure that the hours of operation and the buffering provided are compatible with the surrounding uses.*

(vii) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

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### Staff Recommendation

**Recommendation:** Based upon the above and the finding of facts, staff recommends **conditional approval**, of petition SE 1-1-01. The three (3) conditions staff recommends are: 1) this special permit be subject to future compatibility review upon issuance of the first residential certificate of occupancy of an adjoining development consisting of ten (10) or more homes, 2) that all outdoor activities on this site be conducted only within areas that are adequately buffered, 3) that the site plan for this property demonstrate compliance with the landscaping and buffering requirements of the Land Development Code, and any additional buffers that Town Council may deem necessary for the purposes of animal noise containment.

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### Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended **conditional approval**, of petition SE 1-1-01. The two (2) conditions of approval are as follows: 1) the special permit be subject to review one year after the issuance of the first Certificate of Occupancy to a residence within a 500 foot radius, and afterwards, renewal of the special permit on an annual basis by staff unless there is a complaint that has been registered with the Town regarding the operation of the property which would then be reviewed by the Planning and Zoning Board; 2) that all outdoor activities on this site are to be conducted only within areas that are adequately buffered. (Motion carried 4-0, Ms. Moore absent, February 14, 2001) .

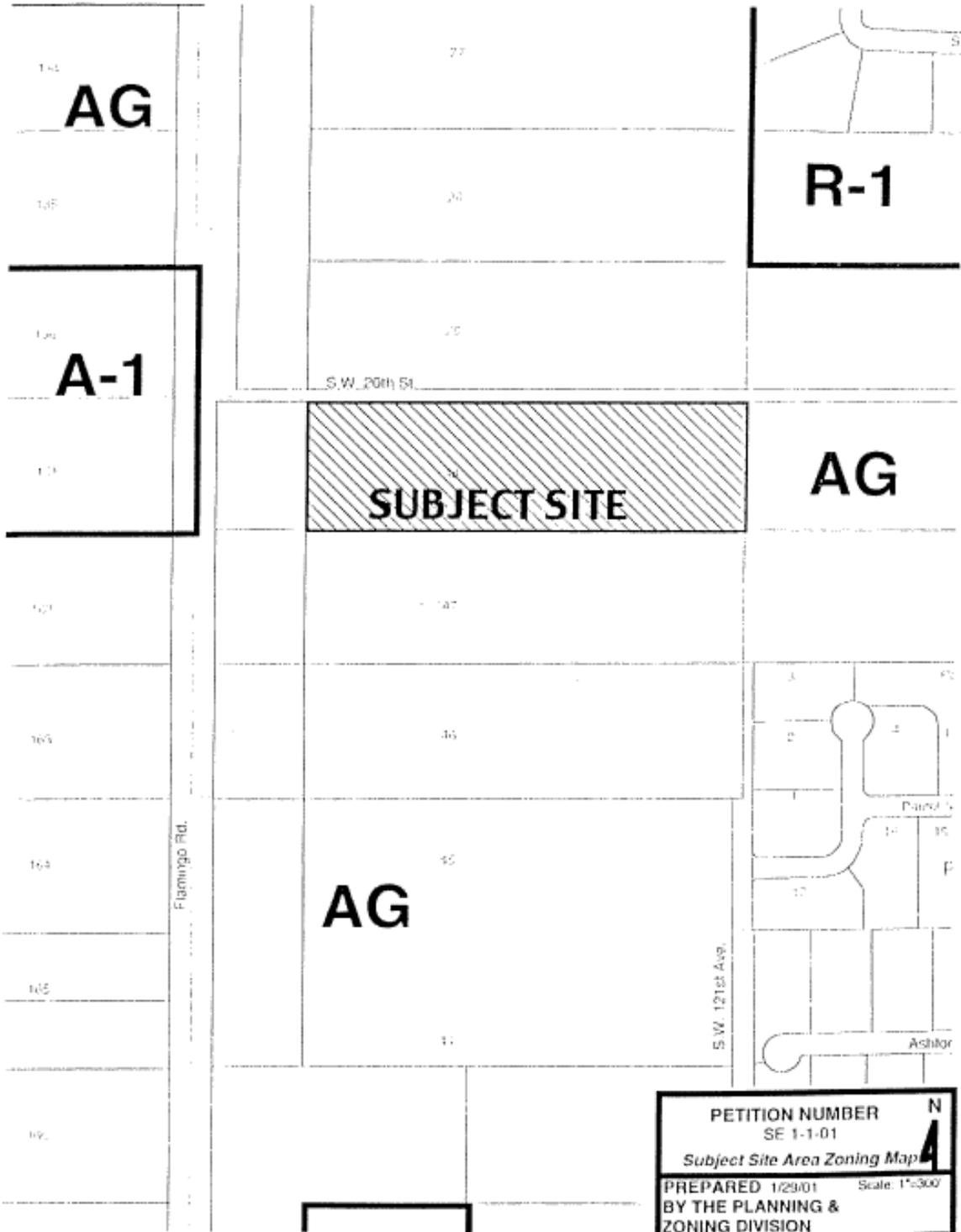
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## **Exhibits**

1. **Subject Site Map**
2. **Land Use Map**
3. **Aerial**
4. **Conceptual Site Plans**

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



Flamingo Rd.

S.W. 20th St.

**SUBJECT SITE**

RESIDENTIAL  
1 DU/AC

aceful Ridge Road), S.W. 121st Ave.

Ashford Ln.

PETITION NUMBER  
SE 1-1-01  
Subject Site Area  
Future Land Use Plan

PREPARED 1/29/01  
BY THE PLANNING &  
ZONING DIVISION

SCALE: 1"=200'

N  
4

VACANT

SINGLE FAMILY RESIDENTIAL

VACANT

FLAMINGO ROAD

SINGLE FAMILY RESIDENTIAL  
(UNDER DEVELOPMENT)

**SUBJECT SITE**

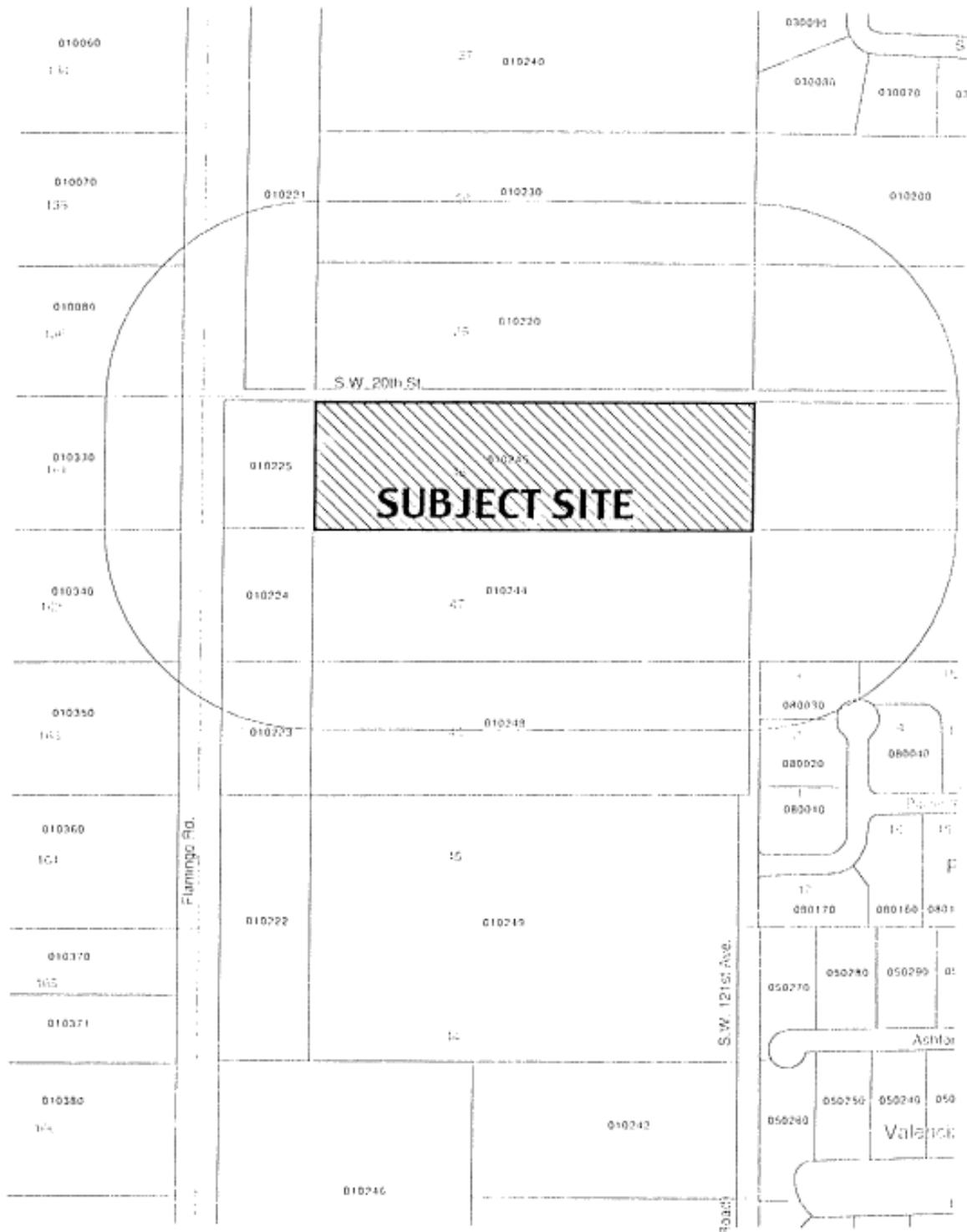
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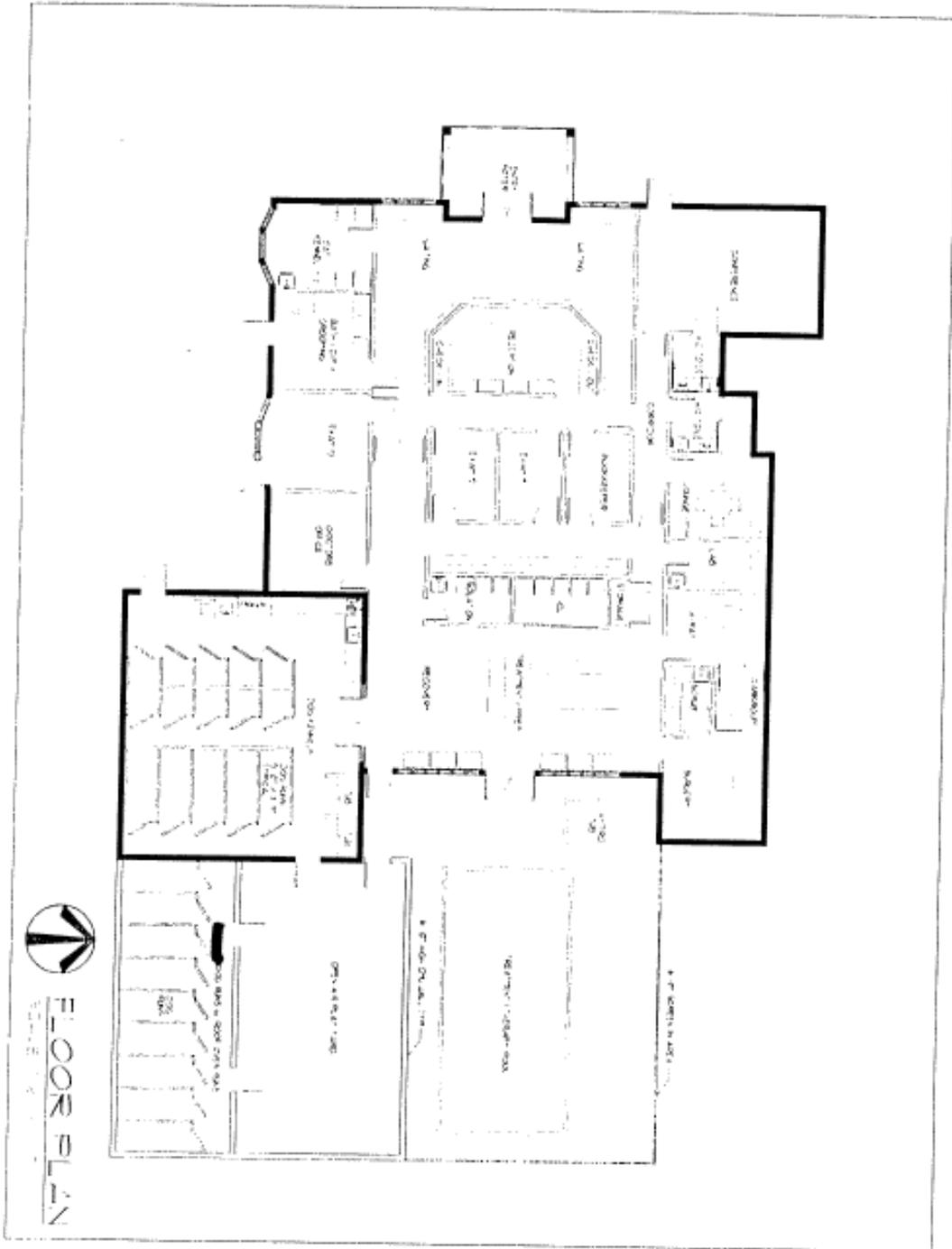
VACANT

SINGLE FAMILY RESIDENTIAL  
(UNDER DEVELOPMENT)

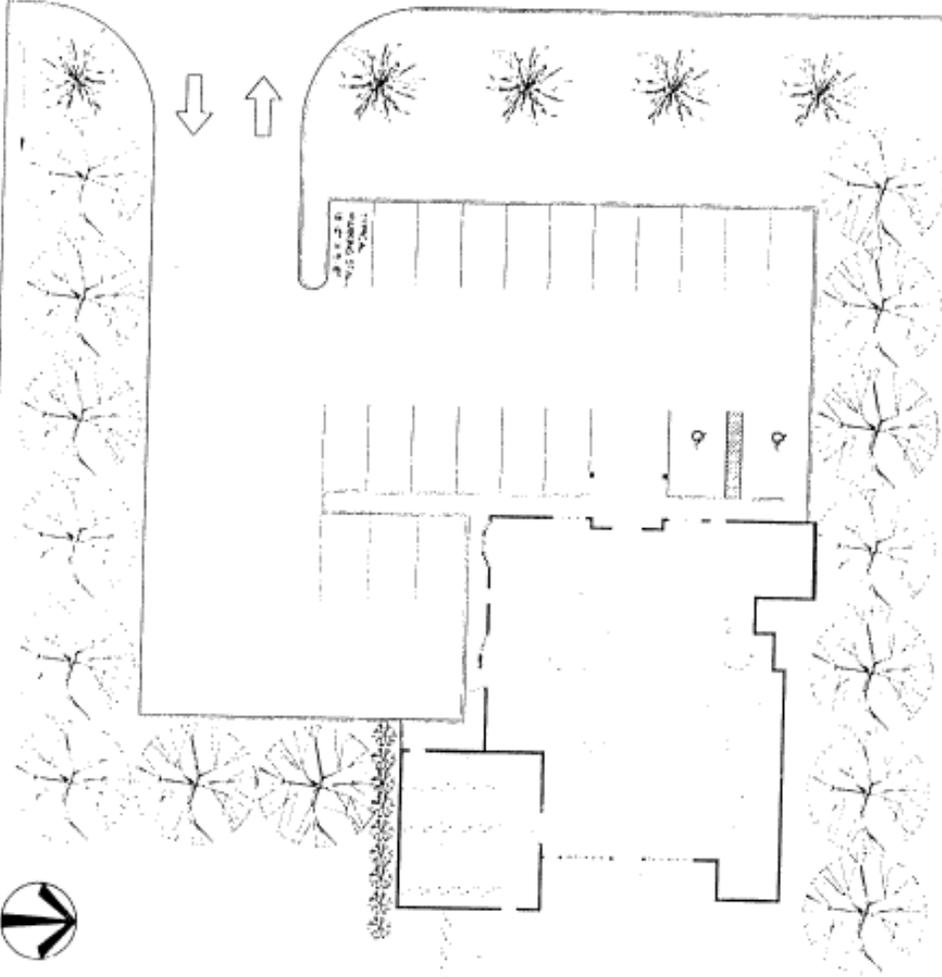
**N**  
**↑** DATE FLOWN  
JANUARY 1998  
SCALE: nts  
SE 1-1-01



Animal Reception & Rehabilitation Center  
Dr. Joyce Loefer  
1/10/01



INGRESS & EGRESS FROM 39' FRONTAGE ROAD EAST OF FLAMINGO ROAD



SITE PLAN  
SCALE: 1/8" = 1'-0"

APR 2000  
DR. JOHN L. BROWN

