



# Town Council Agenda Report

**SUBJECT:** Quasi Judicial Hearing: Special Permit

**CONTACT PERSON/NUMBER**

Name: Mark Kutney, AICP  
Phone: (954) 797-1101

**TITLE OF AGENDA ITEM:**

SE 1-1-00 Alan Margolis, petitioner/owner - 7911 Orange Drive/Generally located at the northwest corner of University Drive and Orange Drive.

**REPORT IN BRIEF:**

The owner of the property is requesting to temporarily occupy an existing residential dwelling unit on the subject site in order to temporarily operate Real Estate Office. Because the request is temporary in nature staff is treating this request as a use related special permit. The subject site is approximately 36 acres in size and is vacant with the exception of an existing single-family home. The purpose of the request is to allow the owner to utilize the existing unit in order to operate his business in connection with future development of the entire 36 acre parcel.

In 1998, the property was temporarily developed as a golf driving range. During this time improvements were made to the existing home which allow it to operate with a commercial occupancy rating (South Florida Building Code). The improvements included handicap access to and from the unit along with handicap and public restrooms. However, the occupancy rating was never officially changed as the golf range went defunct.

Considering that the existing residential dwelling unit is designed with a commercial occupancy rating and will only be used temporarily, staff believes this request is consistent with the Town's Comprehensive Plan and meets the general intent of the code. The temporary use will not affect the anticipated automobile traffic in the area, will not affect surrounding property values, and will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public. Staff recommends the following conditions be attached to this request:

1. The special permit shall expire 12 months from the date of approval, and may be renewed by the Town Council.
2. If contractor vehicles are to be stored on site, such commercial vehicles shall be placed behind the building located out of sight from all abutting rights-of-way.
3. That all available existing parking be maintained for the duration of the special permit.

**PREVIOUS ACTIONS:**

The Planning and Zoning Board recommended approval (motion carried 5-0, February 9, 2000), subject to the voluntary stipulation that the access to the house would be on the east side, that the permit would be limited to 12 months, and the additional conditions on the planning report.

**CONCURRENCES:** None.

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Planning Report, Land Use Map, Subject Site Map, and Aerial.

**Application #: SE 1-1-00**

**Revisions: 2/10/00**

**Exhibit "A":**

**Original Report Date: 2/2/00**

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

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**APPLICANT INFORMATION**

**Owner:**

**Agent:**

**Name:** Alan Margolis  
**Address:** 141 NW 20th Street  
**City:** Boca Raton, FL 33431  
**Phone:** (877) 523-0605

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**Address:** 141 NW 20th Street  
**City:** Boca Raton, FL 33431  
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**BACKGROUND INFORMATION**

**Application Request:** To occupy an existing residential dwelling unit for operation of a temporary commercial use on land designated commercial land use.

**Address/Location:** 7911 Orange Drive/Generally located at the northwest corner of University Drive and Orange Drive.

**Land Use Plan Designation:** Commercial

**Existing Use:** One single-family residential dwelling unit.

**Zoning:** B-2, Community Business District and B-1, Neighborhood Business District.

**Proposed Zoning:** Same.

**Proposed Use:** Temporary use of existing dwelling unit as a real estate office for development of the subject property.

**Parcel Size:** 36.12 acres (1,573,387 square feet)

**Surrounding Land Use:**

**North:** Single-family residential (Rolling Hills)

**South:** Publix Shopping Center and Broward County Library, across Orange Drive, the New River Canal, and Griffin Road.

**East:** Various commercial retail buildings, across University Drive.

**West:** Single-family residential (Pine Island Bay and Pine Island Bay II).

**Surrounding Zoning:**

**North:** R-5, Low Medium Density Dwelling District.

**South:** B-2, Community Business District and a portion of CF, Community Facilities District and B-1, Neighborhood Business District.

**East:** B-1, Neighborhood Business District and B-2, Community Business District and B-3, Planned Business Center District.

**West:** PRD-5, Planned Residential Development District and R-5, Low Medium Density Dwelling District.

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## ZONING HISTORY

**Related Zoning History:** None.

**Previous Requests on same property:** A special permit was approved by the Town Council for the Kids for Golf on November 19, 1997.

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## DEVELOPMENT PLAN DETAILS

Not applicable.

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## Applicable Codes and Ordinances

Section 12-308(A), Use Related Special Permits.

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## Comprehensive Plan Considerations

**Planning Area:** The subject site falls within Planning Area 5. This planning area is bound by Nova Drive on the north, University Drive on the east, and Nob Hill Road on the west. The southern limits are SW 36th Street, on the western portion of this planning area, and Orange Drive on the eastern portion. This planning area is comprised on residential uses developed at a density of 3 to 22 dwelling units per acre and commercial development. The single-family communities within this planning area generally fall within larger scale communities such as Rolling Hills and Pine Island Bay. The commercial development along University Drive is upscale in character and is comprised of retail stores and office parks. Two vacant commercial parcels exist along the Orange Drive corridor. Appropriate measures should be taken upon development of these properties to protect the existing adjacent residential developments.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 99.

**Applicable Goals, Objectives & Policies:**

Future Land Use Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

Future Land Use Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterial not designated by the Future Land Use Plan map as commercial corridors should be limited to the intersection of two arterial or arterial and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

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## Staff Analysis

The owner of the property, who is also a contractor, is requesting to temporarily occupy an existing residential dwelling unit on the subject site in order to temporarily operate Real Estate Development Services Company. Because the request is temporary in nature staff is treating this request as a use related special permit. The subject site is approximately 36 acres in size and is vacant with the exception of an existing single-family home. The purpose of the request is to allow the owner to utilize the existing unit in order to operate his business in connection with future development of the entire 36 acre parcel.

In 1998, the property was temporarily developed as a golf driving range. During this time improvements were made to the existing home which allow it to operate with a commercial occupancy rating (South Florida Building Code). The improvements included handicap access to and from the unit along with handicap and public restrooms. However, the occupancy rating was never officially changed as the golf range went defunct.

Considering that the existing residential dwelling unit is designed with a commercial occupancy rating and will only be used temporarily, staff believes this request is consistent with the Town's Comprehensive Plan and meets the general intent of the code. The temporary use will not affect the anticipated automobile traffic in the area, will not affect surrounding property values, and will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public

Staff recommends the following conditions be attached to this request:

1. The special permit shall expire 12 months from the date of approval, and may be renewed by the Town Council.
2. If contractor vehicles are to be stored on site, such commercial vehicles shall be placed behind the building located out of sight from all abutting rights-of-way.
3. That all available existing parking be maintained for the duration of the special permit.

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## Findings of Fact

### 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:

- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;
- (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 will not adversely affect surrounding property values;
- (vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations, due to the temporary nature of the use. ;
- (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, due to the temporary nature of the use;

### **Staff Recommendation**

**Recommendation:** Based upon the above and the overall finding of facts in the positive, staff recommends approval of application no. SE 1-1-00, with the requirement that the special permit expire 12 months from the date of approval, and may be renewed by the Town Council.

### **Planning and Zoning Board Recommendation**

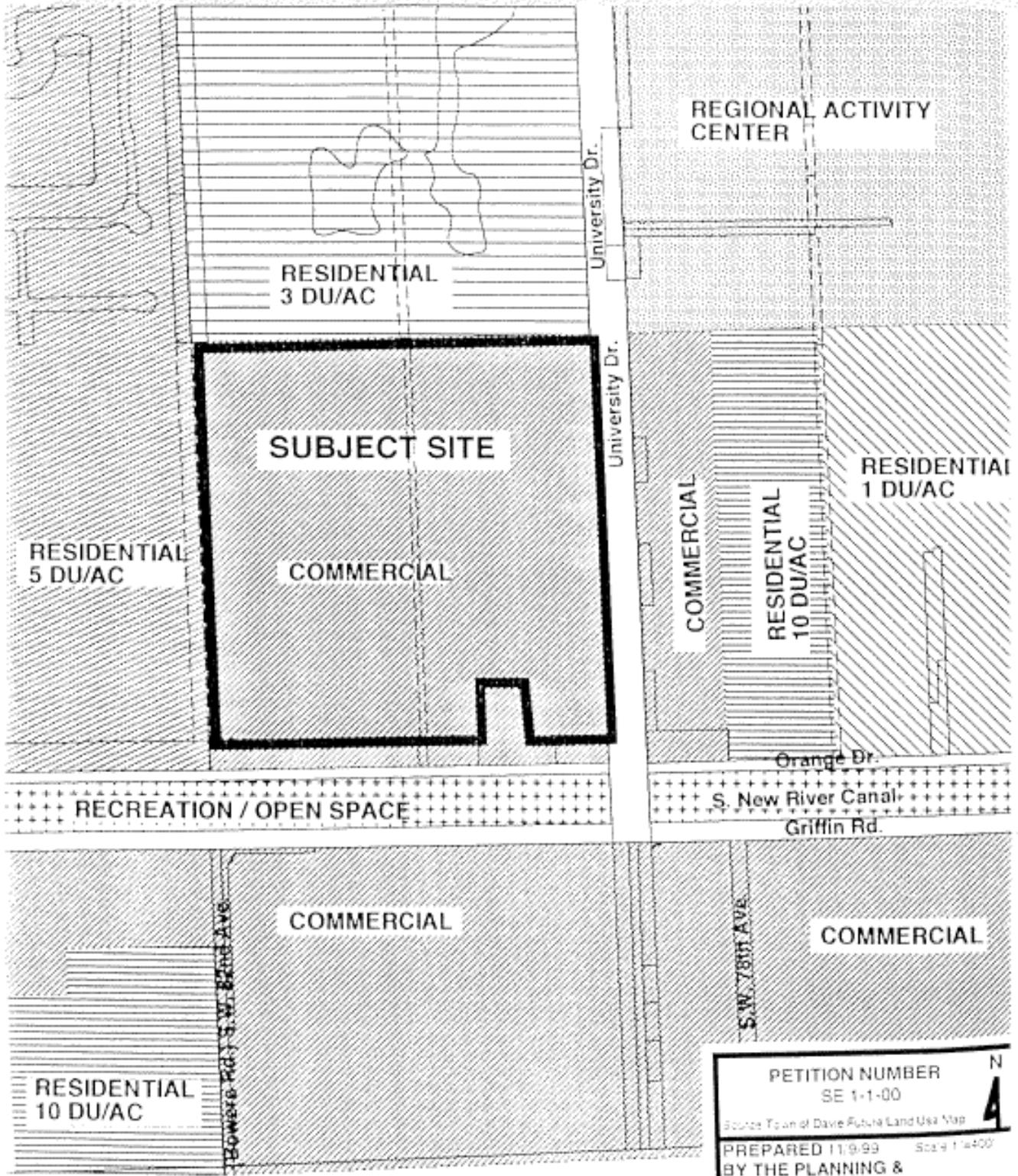
The Planning and Zoning Board recommended approval (motion carried 5-0, on February 9, 2000), subject to the voluntary stipulation that the access to the house would be on the east side, that the permit would be limited to 12 months, and the additional conditions on the planning report.

### **Exhibits**

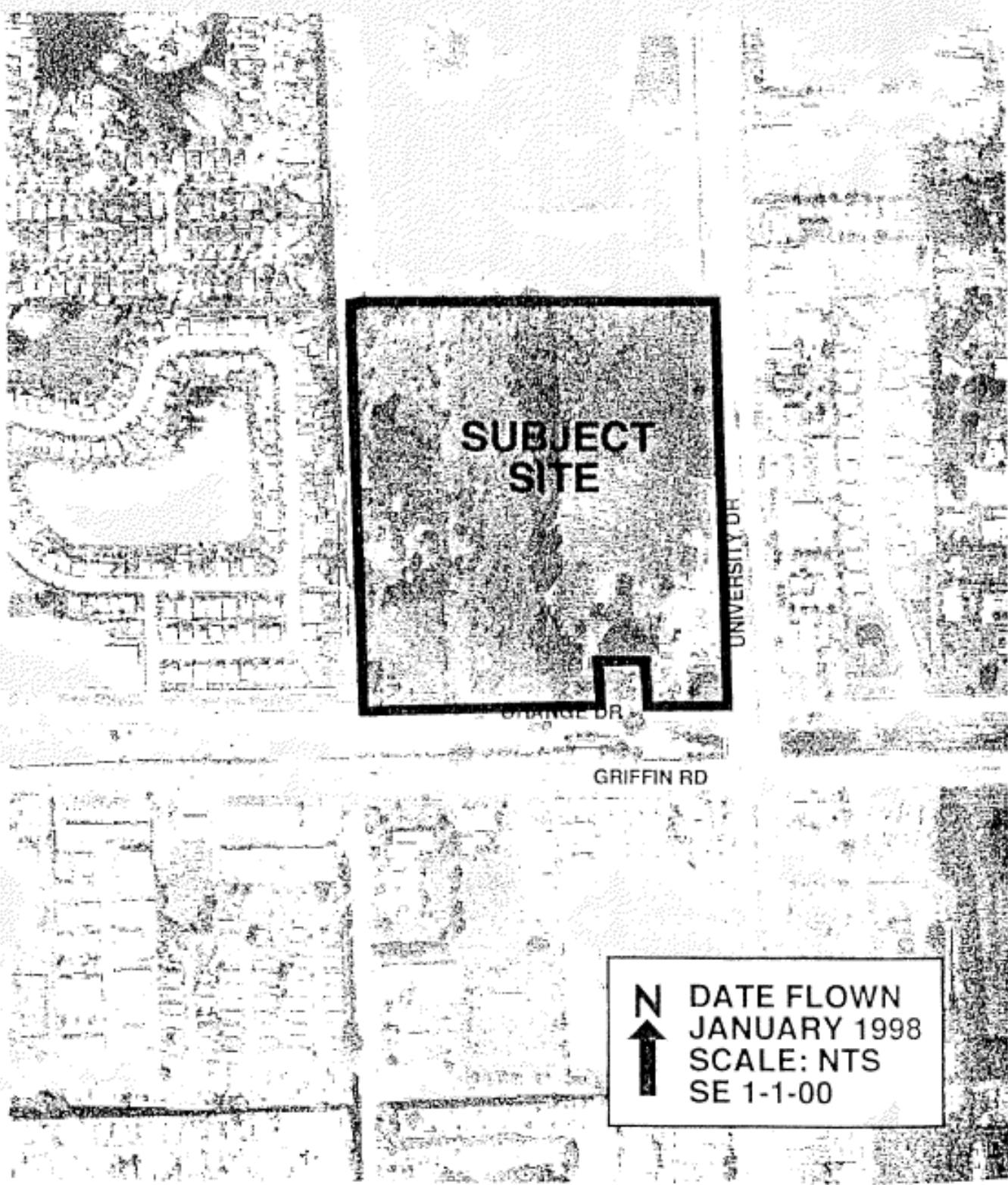
- 1. Land Use Map
- 2. Subject Site Map
- 3. Aerial

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

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







**SUBJECT  
SITE**

UNIVERSITY DR

ORANGE DR

GRIFFIN RD



DATE FLOWN  
JANUARY 1998  
SCALE: NTS  
SE 1-1-00