



# 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 5-1-00 Neal R. Kalis, petitioner/Spyke's Grove, Inc., owner - 7250 Griffin Road/ Generally located on the south side of Griffin Road approximately 500 feet east of SW 61 Avenue.

**REPORT IN BRIEF:**

As a result of a fire which destroyed an existing warehouse structure on the subject site, the petitioner is seeking a special use permit in order to allow reconstruction of the damaged structure in the same location. Upon adoption of the Griffin Road Corridor District by the Town Council in February 2000, the damaged building is no longer a permitted use and is subject to the new regulations.

The Florida Right to Farm Act indicates that farm operations in connection with the production of farm products are protected from nuisance suits. Further, the Local Government Comprehensive Planning and Land Development Regulation Act indicates that such activities do not constitute development. Despite these protections, zoning regulations are still applicable to farm related uses depending upon the situation.

However, since the use existed at the present location for over 45 years, and coupled with the broad protections afforded by the Florida Statutes and the review criteria for use related special permits, this request would be consistent with the review criteria and would not affect the integrity of the Griffin Road Corridor District. This request would also be in the public interest from the standpoint of preservation of a use that had a traditional presence within the development context of Davie. It should be noted, that if the applicant can not redevelop the property in accordance with the original building foundation, then the special permit should be revoked, if approved by the Town Council.

**PREVIOUS ACTIONS:** None.

**CONCURRENCES:**

The Planning and Zoning Board recommended approval subject to the planning report (motion carried 4-0, Mr. Davenport absent, June 14, 2000).

**FISCAL IMPACT:** Not Applicable.

**RECOMMENDATION(S):** Motion to approve, subject to the following condition: The petitioner may not deviate from the existing building footprint of the destroyed building, or this special permit approval shall be null and void.

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

**Application #: SE 5-1-00**

**Revisions:**

**Exhibit "A":**

**Original Report Date: 5/31/00**

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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:** Spyke's Grove, Inc.  
Barbara Spiece, President  
**Address:** 7250 Griffin Road  
**City:** Davie, FL 33314  
**Phone:** (954) 583-0426

**Name:** Neal Kalis, Attorney at Law  
**Address:** 7320 Griffin Road  
**City:** Davie, FL 33314  
**Phone:** (954) 791-0477

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**BACKGROUND INFORMATION**

**Application Request:** To permit the reconstruction of an existing accessory use to the principal agricultural farm structure within the Griffin Road Corridor.

**Address/Location:** 7250 Griffin Road/Generally located on the south side of Griffin Road approximately 600 feet west of SW 70 Avenue.

**Land Use Plan Designation:** Commercial

**Existing Use:** Agricultural farm land.

**Zoning:** A-1, Agricultural District and Griffin Road Corridor District

**Proposed Zoning:** A-1, Agricultural District and Griffin Road Corridor District

**Proposed Use:** Accessory warehouse building to the principal agricultural use, with an associated retail sales area for sale of the products grown on site.

**Parcel Size:** 18.5 acres (805,860 square feet)

**Surrounding Land Use:**

**Land Use Designation:**

<b>North:</b> Planned Residential Community single-family across Griffin Road the C-11 canal, and Orange Drive.	Residential (10 du/ac), across Griffin Road, the C-11 Canal, & Orange Drive.
<b>South:</b> Vacant Land	Residential (3 du/ac)
<b>East:</b> Commercial retail building and Single-family homes.	Commercial & Residential (3 du/ac)
<b>West:</b> West Broward Commercial Condo, mobile homes, and, vacant land.	Commercial & Residential (10 du/ac)

**Surrounding Zoning:**

**North:** PRD 6.6, Planned Residential Development District, across Griffin the C-11 Canal, & Orange Drive.  
**South:** A-1, Agricultural District and R-1, Estate Dwelling District  
**East:** Griffin Corridor District (West Gateway Zone)  
**West:** Griffin Corridor District (West Gateway Zone)

**ZONING HISTORY**

**Related Zoning History:** This property was affected by the Griffin Corridor District moratorium, approved in December 1999.

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

**DEVELOPMENT PLAN DETAILS**

The principal use of the subject site is agricultural farming. On December 12, 1999, a fire occurred at Spkye’s Grove which destroyed an existing 13,000 square foot accessory warehouse building on this site. This building also included a small portion of retail sales which included products grown on the site. Also on this site, is a separate 1,150 square foot warehouse building, a 2,050 square foot covered patio area, a storage shed, and various small covered structures. The remaining land is utilized for agricultural farming purposes.

Under this request, the petitioner is proposing to reconstruct the destroyed warehouse building in the same location as the previous 13,000 square foot building. Only minor facade improvements and access openings are proposed at the time of reconstruction, should the special use permit be approved.

**Applicable Codes and Ordinances**

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

**Comprehensive Plan Considerations**

**Planning Area:** The subject site falls within Planning Area 9. This planning area is south of Griffin Road, generally north of Stirling Road, west of SW 76 Avenue and west of the Florida

single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors. Properties adjacent to Griffin Road have been affected by widening of that roadway, creating an opportunity for the Town to seek redevelopment of this corridor, potentially enhancing the Town's non-residential tax base. In response the Town Council adopted the Griffin Corridor District which is intended to shape urban form and land use along the Griffin Road corridor. Agricultural uses are expected to diminish in the upcoming years, succumbing to increased residential demands given the enhanced accessibility provided by the roadway expansion and easy access to the Florida Turnpike.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102. The existing and proposed use is exempt from Broward County concurrency requirements as an agricultural use.

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### **Staff Analysis**

As a result of a fire which destroyed an existing warehouse structure on the subject site, the petitioner is seeking a special use permit in order to allow reconstruction of the damaged structure in the same location. Upon adoption of the Griffin Road Corridor District by the Town Council in February 2000, the damaged building is no longer a permitted use and is subject to the new regulations.

The Florida Right to Farm Act indicates that farm operations in connection with the production of farm products are protected from nuisance suits. Further, the Local Government Comprehensive Planning and Land Development Regulation Act indicates that such activities do not constitute development. Despite these protections, zoning regulations are still applicable to farm related uses depending upon the situation.

However, since the use existed at the present location for over 45 years +, and coupled with the broad protections afforded by the Florida Statutes and the review criteria for use related special permits, this request would be consistent with the review criteria and would not affect the integrity of the Griffin Road Corridor District. This request would also be in the public interest from the standpoint of preservation of a use that had a traditional presence within the development context of Davie. It should be noted, that if the applicant can not redevelop the property in accordance with the original building foundation, then the special permit should be revoked, if approved by the Town Council.

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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

(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;

(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 nature of the use;

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### **Staff Recommendation**

**Recommendation:** Based upon the above and the overall finding of facts in the positive, staff recommends approval of application no. SE 5-1-00, subject to the following condition: The petitioner may not deviate from the existing building footprint of the destroyed building, or this special permit approval shall be null and void.

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

The Planning and Zoning Board recommended approval subject to the planning report (motion carried 4-0, Mr. Davenport absent, June 14, 2000).

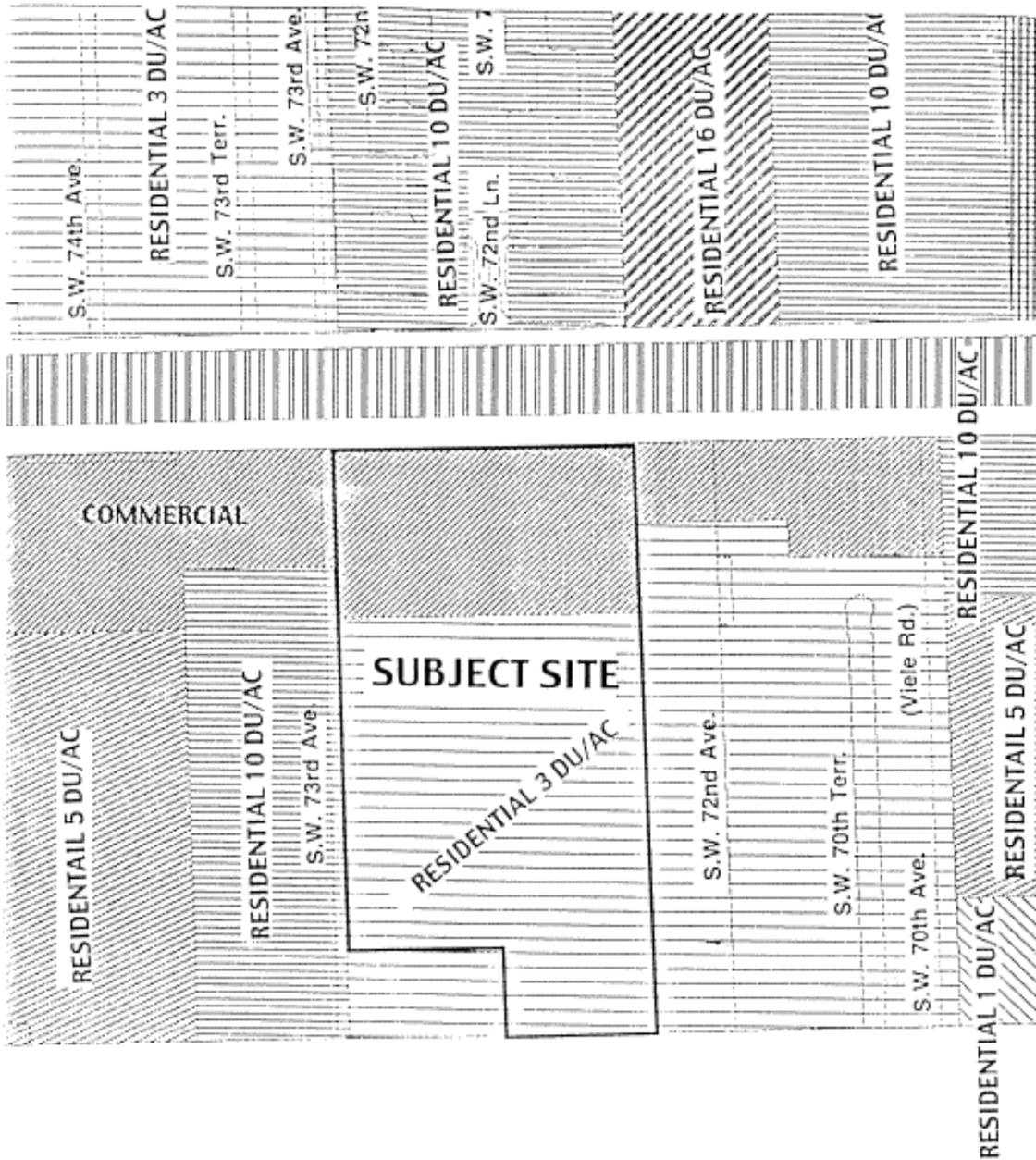
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### **Exhibits**

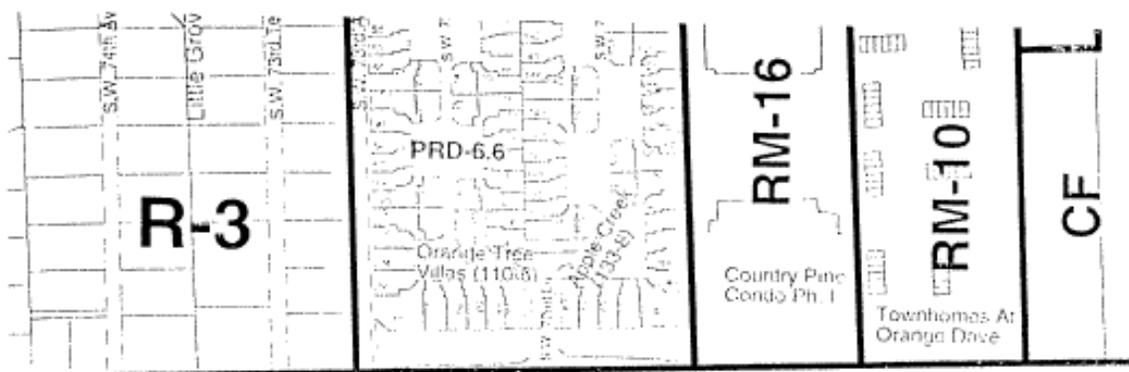
1. Land Use Map
2. Subject Site Map
3. Aerial

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

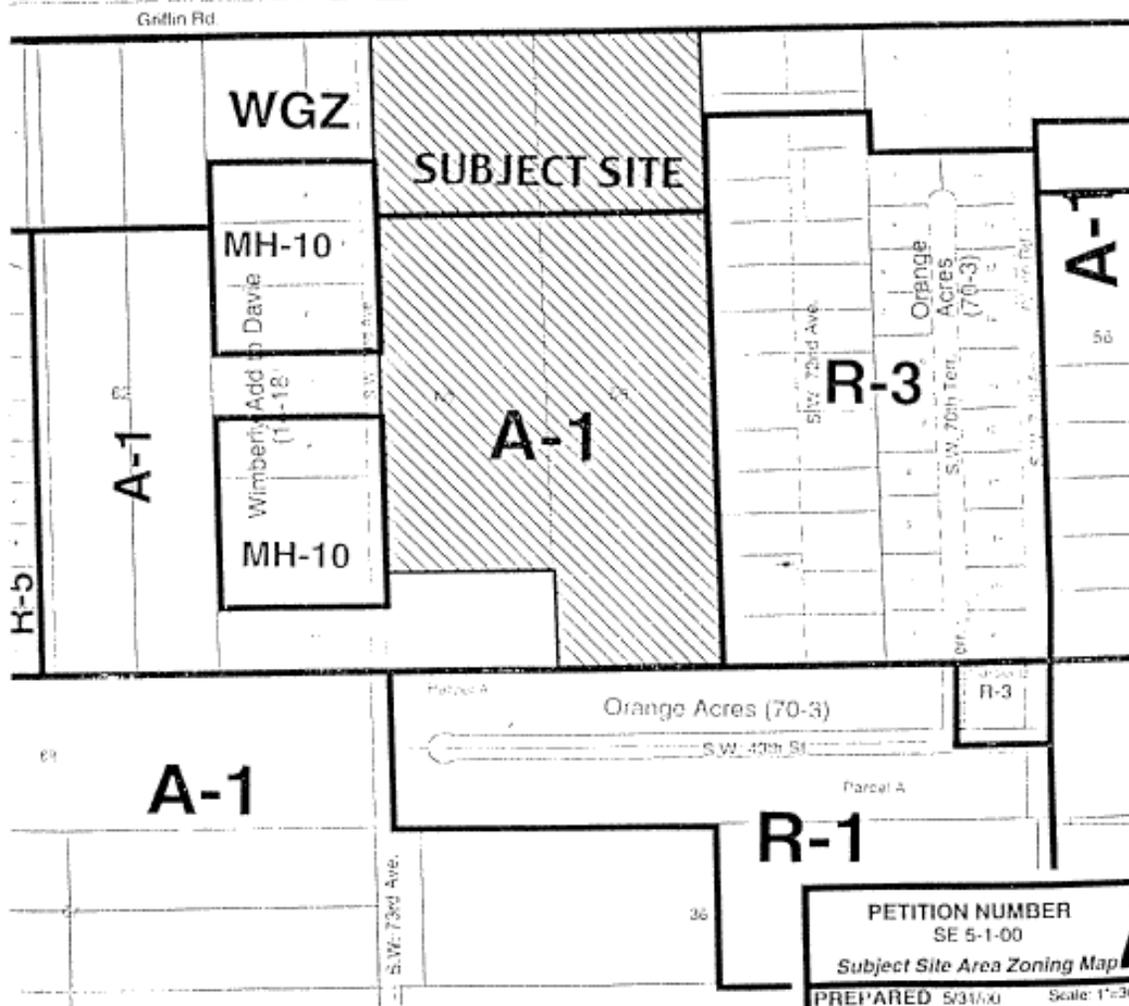
Reviewed by: \_\_\_\_\_



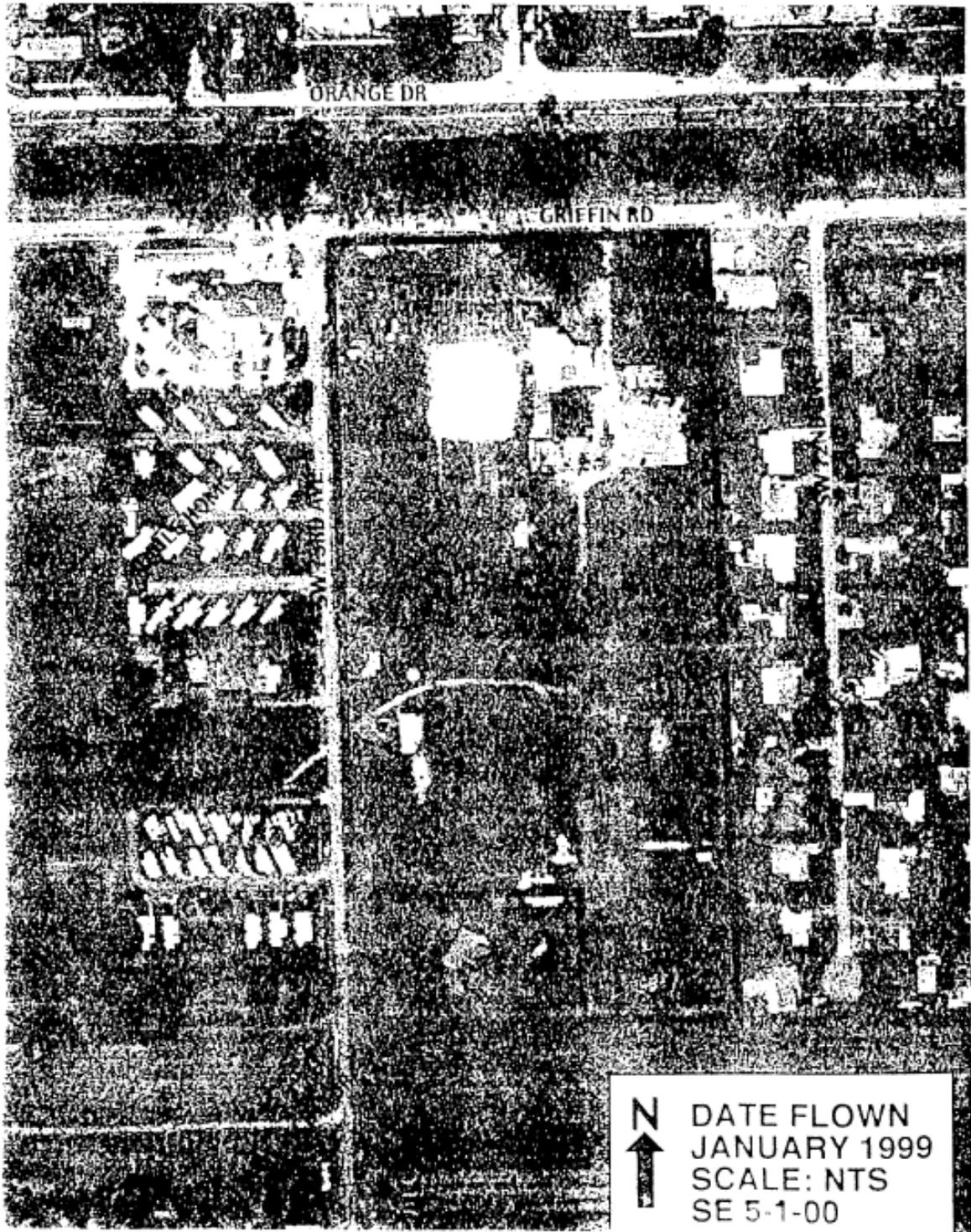
PETITION NUMBER **N 4**  
 SE 5-1-00  
 Subject Site Area  
 Future Land Use Plan  
 PREPARED 5/31/00 Scale: 1"=300'  
 BY THE PLANNING &  
 ZONING DIVISION



**SOUTH NEW RIVER CANAL**



PETITION NUMBER  
 SE 5-1-00  
*Subject Site Area Zoning Map*  
 PREPARED 5/31/00 Scale: 1"=300'  
 BY THE PLANNING &



N  
↑  
DATE FLOWN  
JANUARY 1999  
SCALE: NTS  
SE 5-1-00