

# TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Quasi Judicial Hearing: Variance

V 3-2-01 MDM Services/BP/Amoco, 13652 State Road 84, generally located 350 feet west of SW 136 Avenue.

**TITLE OF AGENDA ITEM:**

V 3-2-01, MDM Services/BP/Amoco, 13652 State Road 84 (B-2)

**REPORT IN BRIEF:**

The applicant is requesting a variance to reduce a portion of the required ten (10) foot peripheral landscape buffer requirement in order to construct a 10' by 6' concrete block satellite dish enclosure that matches and adjoins the existing dumpster enclosure. The dish is five (5) feet in diameter, mounted to the ground, pointed upward, and is essential for the operation of the business. The satellite dish was previously permitted by Code to be installed on the roof top, but since the applicant is replacing the roof the satellite dish must now be ground mounted and fully screened from public view. Due to existing site conditions, the only place in which the applicant can construct the enclosure is adjoining the existing dumpster enclosure. Coincidentally, this location is the most appropriate place to construct the enclosure, which will shield the satellite dish from view from State Road 84, mitigating any negative visual impacts. The enclosure is an accessory structure and the Code requires that it be placed on the portion of the property that is as far away from a street as possible.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** The Planning and Zoning Board recommended approval of the request (motion carried: 4-0, May 23, 2001).

**FISCAL IMPACT:** None

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

**Attachment(s):** Justification letter, Subject Site Map, Land Use Map, Aerial

Application #: V 3-2-01

Revisions:

Exhibit "A"

Original Report Date: 6/1/01

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

**APPLICANT INFORMATION**

**Owner:**

**Name:** BP/Amoco  
**Address:** 2445 Northwinds Pkwy, Suite 460  
**City:** Alpharetta, GA 30004  
**Phone:** (678)339-3848

**Agent:**

**Name:** MDM Services  
**Address:** 1412 SW 34 Avenue  
**City:** Deerfield Beach, FL 33442  
**Phone:** (954)427-3076

**BACKGROUND INFORMATION**

**Date of Notification:** May 16, 2001    **Number of Notifications:** 3

**Application History:** The Planning and Zoning Board recommended approval of the request at its 4/25/01 meeting, however due to incorrect advertisement the item must be heard again.

**Application Request:** One (1) variance **FROM:** Section 12-107(D)(4) of the Land Development Code which requires ten (10) foot landscape buffers between properties zoned commercial **TO:** reduce a portion of the landscape buffer to five (5) feet wide from a point beginning at the southeast corner of the subject site terminating thirty-five (35) feet to the north.

**Address/Location:** 13652 State Road 84/Generally located 350 feet west of SW 136 Avenue.

**Future Land Use Plan Designation:** Commercial

**Zoning:** B-2, Community Business District

**Existing Use:** Gas station

**Proposed Use:** Gas station with a ground mounted satellite dish

**Parcel Size:** 1.91 acres (83,001 square feet)

**Surrounding Uses:**

**North:** State Road 84/I-595  
**South:** Shenandoah Square Shopping Center  
**East:** Shenandoah Square Shopping Center  
**West:** Shenandoah Square Shopping Center

**Surrounding Land Use Plan Designation:**

Transportation  
Commercial  
Commercial  
Commercial

## Surrounding Zoning:

**North:** T, Transportation District  
**South:** B-2, Community Business District  
**East:** B-2, Community Business District  
**West:** B-2, Community Business District

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## ZONING HISTORY

Related Zoning History: None.

Previous Request on same property: A search of available records indicates the subject was rezoned and site planned prior to 1990.

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## APPLICATION DETAILS

At the time of development, the Code permitted satellite dishes greater than four (4) feet in diameter to be installed on roof tops. The applicant has submitted a revised site plan, SP 2-2-01, in order to replace the existing roof. A gas station, canopy, and carwash are on the site. The current Code does not allow satellite dishes larger than four (4) feet in diameter to be installed on roof tops requiring that the satellite dish be ground mounted and fully screened from public view. The dish is five (5) feet in diameter, mounted to the ground, pointed upward, and is essential for the operation of the business. Credit card billing systems and pricing systems are controlled by the dish. During peak business hours several credit cards must be processed simultaneously in order to serve customers efficiently. A dial up credit card processing system is not feasible because of the time it requires to process requests, and any alteration in the satellite dish size would require a reworking of the station's entire computer system. The applicant is proposing to construct a 10' by 6' concrete block enclosure that matches and adjoins the existing dumpster enclosure, which has a five (5) foot landscape buffer between it and the property line, at the southeast corner of the subject site. Therefore, the applicant requests relief from the ten (10) foot peripheral landscape buffer requirement.

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## Applicable Codes and Ordinances

1. Section 12-34(G)(1)(c) of the Land Development Code requires that satellite dishes greater than four (4) feet in diameter be fully screened from public view.
2. Section 12-107(D)(4) of the Land Development Code requires ten (10) foot landscape buffers between properties zoned commercial.

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## Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 3. Planning Area 3 is bound by I-595 on the north side, I-75 on the west side, S.W. 14 Street on the south side and Flamingo Road on the east side. The planning area consists of residential uses developed at a density of 3 to 10 dwellings per acre, including the Shenandoah development, occupying the western half of the planning area, and several mobile home subdivisions.

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

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

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### **Staff Analysis**

In evaluating this request staff considered the impact of the satellite dish enclosure. Due to existing site conditions, the only place in which the applicant can construct the enclosure is adjoining the existing dumpster enclosure. Coincidentally, this location is the most appropriate place to construct the enclosure, which will shield the satellite dish from view from State Road 84, mitigating any negative visual impacts. The enclosure is an accessory structure and the Code requires that it be placed on the portion of the property that is as far away from a street as possible. The existing dumpster enclosure is permitted to remain in its current location, and the satellite dish enclosure will extend only ten (10) feet further north. Staff finds that the relief from landscape buffer that has been requested reasonable. The loss in the landscape buffer is small and will not be noticed. The applicant is improving the overall visual appearance of the site by replacing the roofs on the buildings and relocating the satellite dish in a manner in which it cannot be viewed will benefit the area.

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### **Findings of Fact**

**Variances:**

**Section 12-309(B)(1):**

**The following findings of facts apply to the variance request.**

(a) There is a special circumstance or condition applying to the land or building for which the variance is sought, which circumstance or condition is peculiar to such land or building and does not apply generally to land or building in the same district, and that said circumstance or condition is such that the strict application of the provisions of this chapter would not deprive the application of the reasonable use of such land or building for which the variance is sought. The alleged hardship is not self-created by any person having an interest in the property.

*The subject site is limited as to where the satellite dish enclosure can be installed.*

(b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

*The satellite dish is necessary for the operation of the business.*

(c) Granting of the requested variance is in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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### **Staff Recommendation**

**Recommendation:** Based upon the above and the finding of facts in the positive, staff recommends **approval**, of petition V 3-2-01.

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### **Planning & Zoning Board Recommendation**

The Planning and Zoning Board recommended approval of the request. (motion carried: 4-0, May 23, 2001)

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**Exhibits**

1. Justification letter
2. Subject Site Map
3. Land Use Map
4. Aerial

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

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

# MDM Services, Inc.

Engineering and Environmental

MDM Central Florida  
3706 DMG Dr  
Lakeland, FL 33811  
863/946-9130  
863/946-1106 FAX  
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MDM South Florida  
1412 SW 34th Ave  
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954/427-7420 FAX  
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770/345-3961 FAX  
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MDM Texas  
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Suite 100  
Grand Prairie, TX 75050  
972/206-2702  
972/602-8482 FAX  
email: mdmtx@aol.com

Town of Davie  
Planning and Zoning Division  
6591 Orange Dr  
Davie, FL 33314

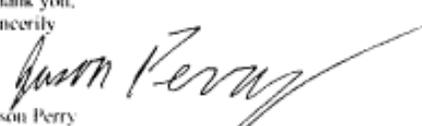
Planning and Zoning Board

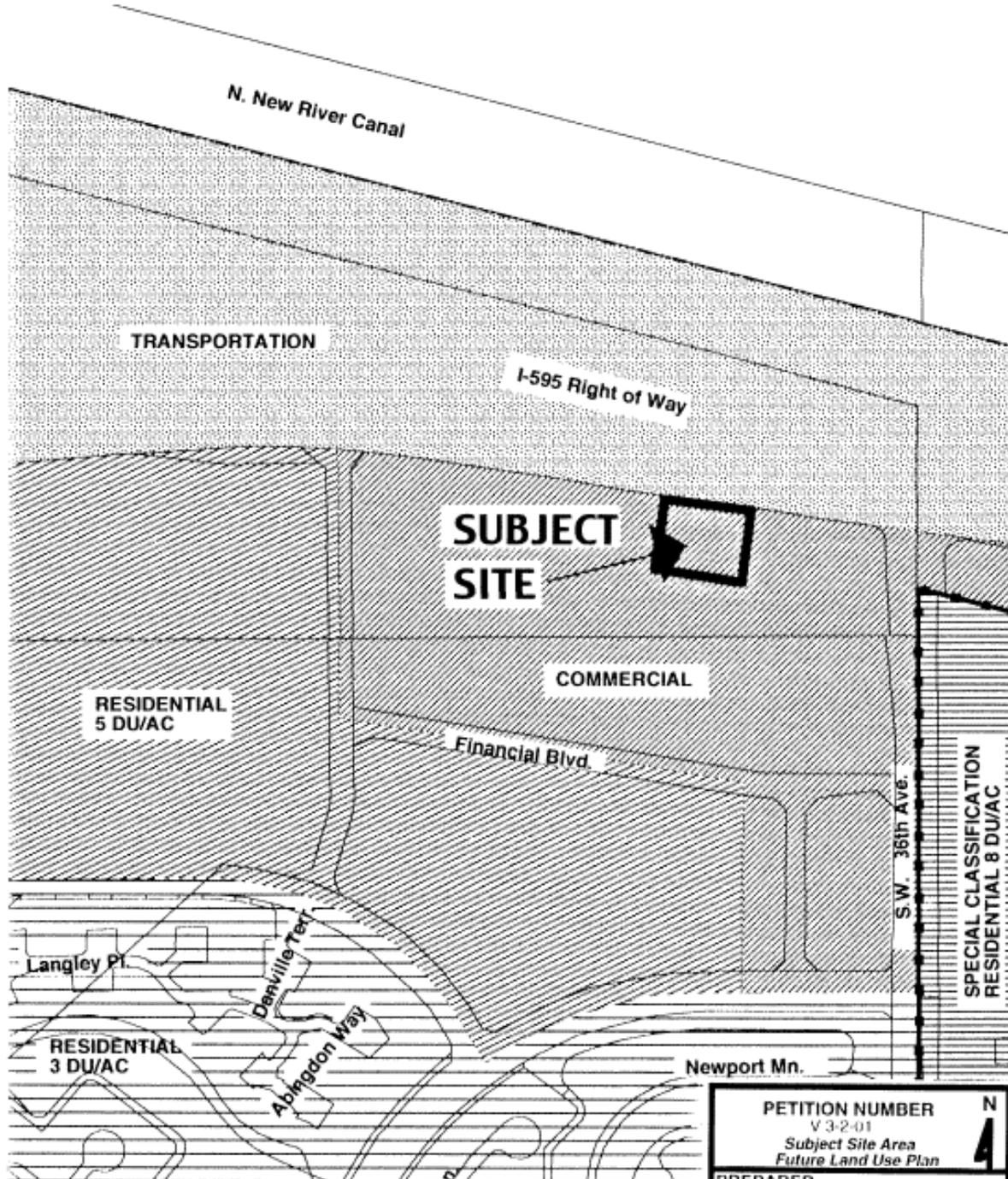
Due to the condition of the existing barrel tile on the building, canopy and carwash of the Amoco station located at 13625 SR 84 we would like to replace them with a blue metal mansard fascia. However there is another problem, the existing satellite dish enclosure on the roof of the canopy no longer meets the Town of Davie building code. Therefore we would need to build a ground based satellite enclosure. This new enclosure can only fit next to the existing trash enclosure and will end up encroaching on the new landscape setbacks that were not in place when the dumpster enclosure and station were built.

- 1) The existing barrel tile on the building, canopy and carwash is cracked mildewed and is not very visually appealing. The building was constructed several years ago and we are only moving the satellite dish to meet new code requirements.
- 2) In order to make the building safe and more visually appealing and to meet with the updated code we need to move this satellite to a new enclosure on the ground.
- 3) The station is located in the parking lot of a small shopping plaza and is no where near any residential homes so we are not building the new enclosure against anyones back yard. The station will also have a new and cleaner look to the public especially since it is facing SR 84 and 1595.

In conclusion we feel that granting the request will be a benefit to all parties involved.

Thank you,  
Sincerely

  
Jason Perry  
MDM Services



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| PETITION NUMBER<br>V 3-2-01<br><i>Subject Site Area</i><br><i>Future Land Use Plan</i> |  | N<br> |
| PREPARED 5/7/01<br>BY THE PLANNING &<br>ZONING DIVISION                                |  |  |
|  |  | Scale: 1"=500'   |

New River Canal

Station Davie

**CF**

State Rd. 84

**T**

1.505 Right of Way

West Park Hotel Parcel (142-14)

Tract 'A'

**SUBJECT SITE**

West Park - Hotel Site (142-14)

Shenandoah Square P.B 134 ,PG.27

**B-2**

**PURD**

Shenandoah G. 36

West Park - East Parcel (142-15)

Tract 'A'

Tract 'B'

**PRD-3.8**

PETITION NUMBER

V 3-2-01

Subject Site Area Zoning Map

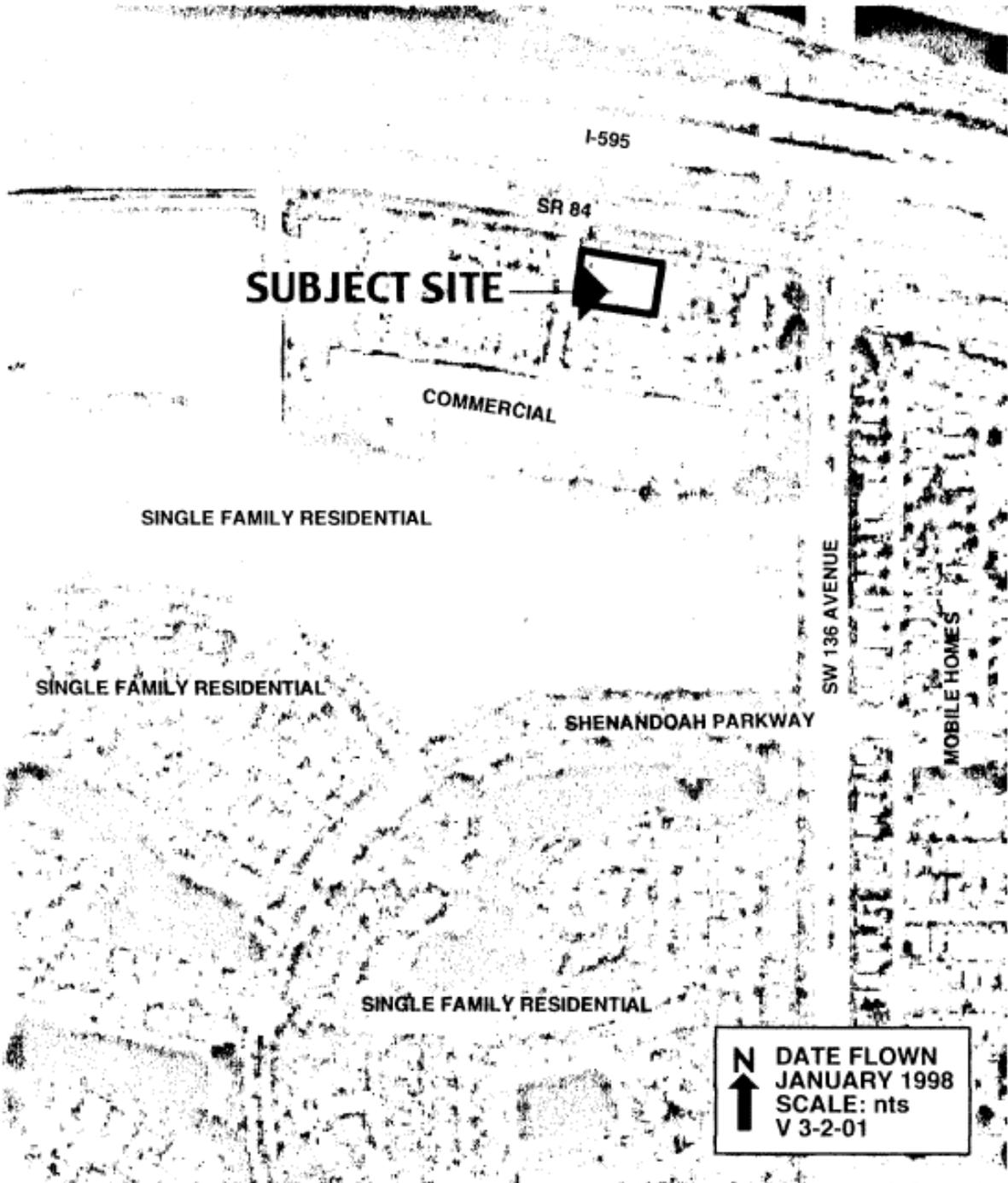
N

PREPARED 1/27/01

Scale: 1"=300'

BY THE PLANNING & ZONING DIVISION

4



I-595

SR 84

**SUBJECT SITE** →

COMMERCIAL

SINGLE FAMILY RESIDENTIAL

SINGLE FAMILY RESIDENTIAL

SHENANDOAH PARKWAY

SINGLE FAMILY RESIDENTIAL

SW 136 AVENUE

MOBILE HOMES

**N**  
↑  
DATE FLOWN  
JANUARY 1998  
SCALE: nts  
V 3-2-01