

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

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

**SUBJECT:** Special Permit Application SE 3-1-99  
FMC Telecommunications, Inc., Generally located at the northeast corner  
of SW 61 Avenue and Orange Drive

**AFFECTED DISTRICT:** District 1

**TITLE OF AGENDA ITEM:** SE 3-1-99 Francis and Phyllis Cassidy/FMC  
Telecommunications, Inc., 6045 SW 45 Street, (B-2)

### REPORT IN BRIEF:

On August 18, 1999, and as amended October 3, 2001, Town Council approved a special permit for one 23.9-foot satellite dish antenna. Existing development on site consisted of four structures occupied by FMC Telecommunications, Inc. and five satellite relay dishes. Conditions of the special permit included a three year approval time frame, a landscape hedge be installed prior to installation of the satellite dish, hedge be maintained at a minimum height of 6 feet to 8 feet, installation of a 6-foot chain link fence and all conditions and representations set forth in the July 8, 1999 letter from Attorney Neal Kalis. Upon expiration of the special permit, renewal of the special permit is contingent on review by the Planning and Zoning Board and Town Council for compliance with said conditions.

The applicant, subsequent to Council's approval, has pursued and submitted a vacation of rights-of-way application for Orange Drive in May 2002 and a Special Permit in August 2002.

**PREVIOUS ACTIONS:** SE 6-2-01 approved a monopole/antenna for wireless telecommunications not to exceed 75 feet in height.

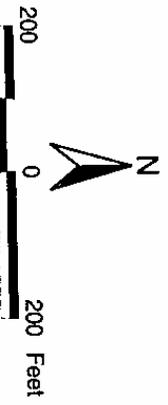
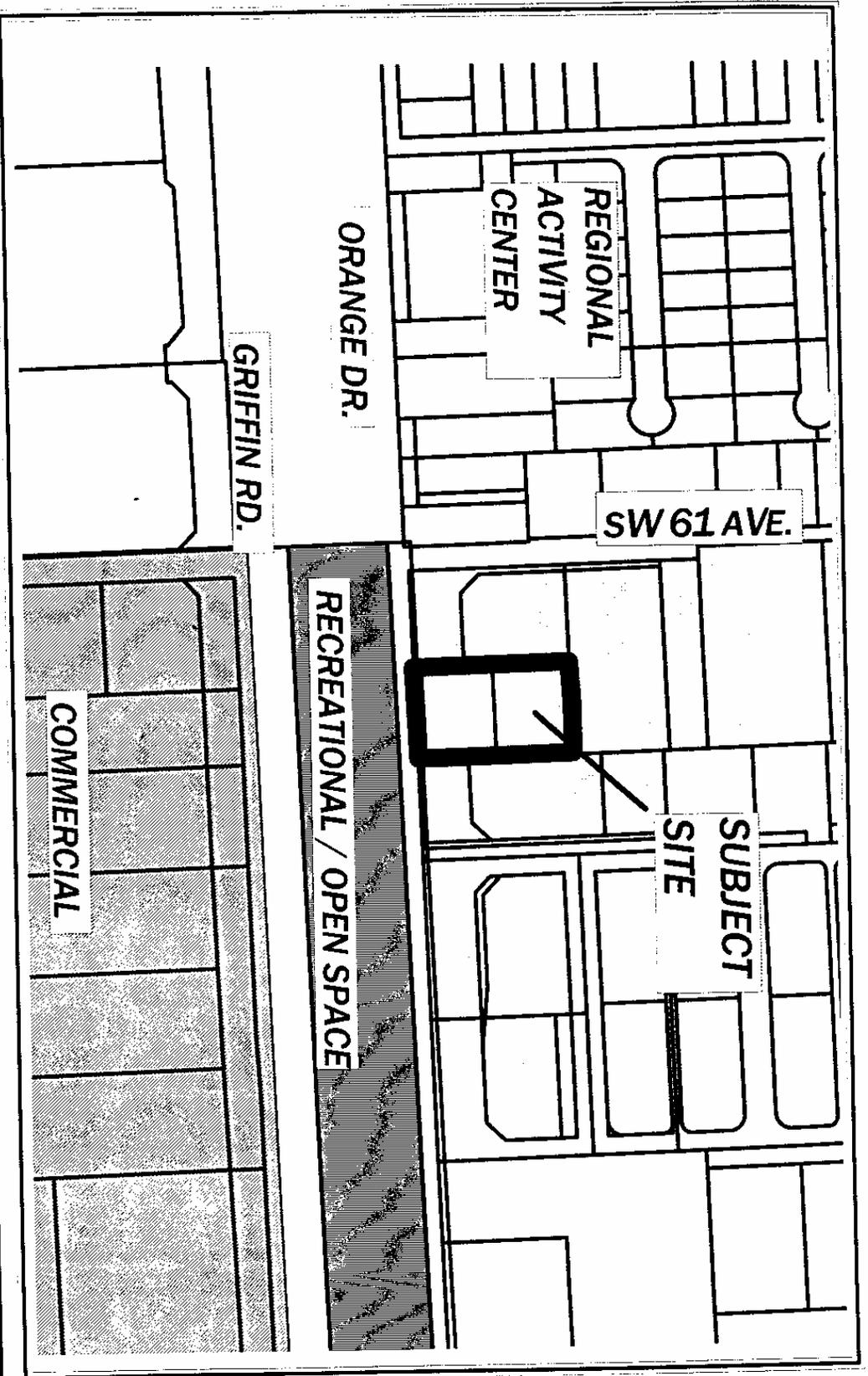
**CONCURRENCES:** None

**FISCAL IMPACT:** None

**RECOMMENDATION:** Staff finds the subject request suitable for transmittal to Town Council for further consideration.

**Attachments:** Future Land Use Map, Subject Site, Zoning and Aerial Map, Correspondence from Neal Kalis to Mark Kutney dated July 8, 1999

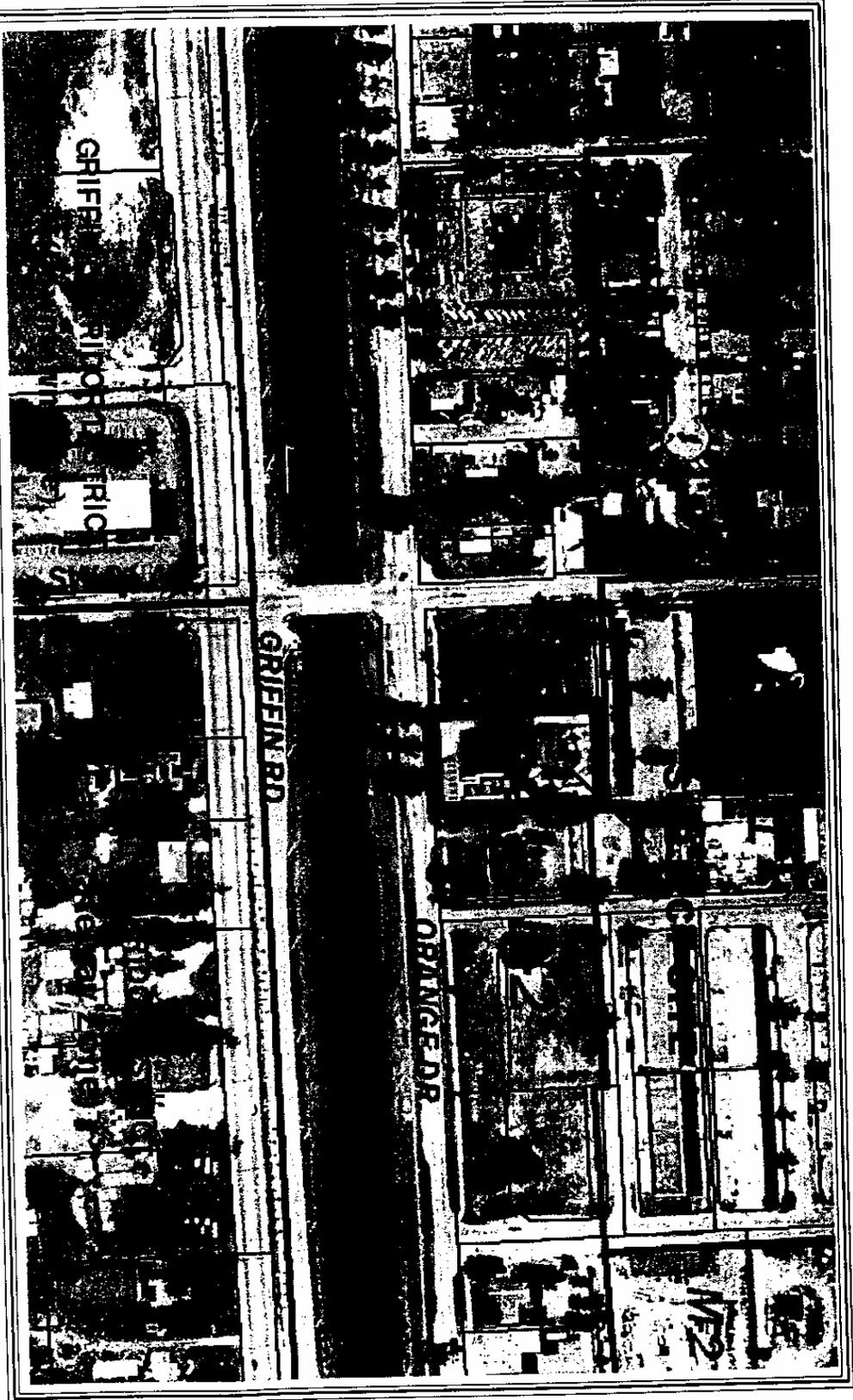




Planning & Zoning Division - GIS



Special Exception  
 SE 3-1-99 & SE 6-2-01  
 Existing Future Land Use Map



Planning & Zoning Division - GIS



*Special Exception*  
*SE 3-1-99 & SE 6-2-01*  
*Subject Site and Aerial Map*  
*Date Flown: 12/31/01*

## Kalis & Kleiman, P.A.

7320 Griffin Road, Suite 109  
Davie, Florida 33314

Neal R. Kalis  
M. Scott Kleiman

Telephone (954) 791-0477  
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July 8, 1999

Mr. Mark A. Kutney, AICP  
Director  
Development Services Department  
Town of Davie  
6591 Orange Drive  
Davie, FL 33314-3399

**HAND DELIVERED**

RE: FMC Telecommunications, Inc./Town of Davie  
ZB 3-1-99 and SE 3-1-99

Dear Mr. Kutney:

This letter shall serve as a follow-up to our meeting with you and Gayle Easterling on June 3, 1999.

I am enclosing a copy of a conceptual site plan and elevation for the satellite dishes and a proposed two story building to be built on the corner of SW 61<sup>st</sup> Street and Orange Drive. We would like to emphasize the following key points and provide details as to the commitments my client is willing to offer as a restrictive covenant.

I. Satellite Dishes.

- A. FMC will restrict all satellite dishes to be located within the compound area which I have highlighted in red on the attached site plan.
- B. FMC will restrict the total number of installed satellite dishes to a maximum of six (6). The location of the satellite dishes is depicted on the attached site plan.
- C. FMC will amend its Special Permit Application SE 3-1-99 to one (1) new dish 7.3 meters in size. FMC understands that approval of this satellite dish is subject to Town Council approval.
- D. Regarding the previously filed application(s), FMC seeks immediate issuance of permits for the existing four (4) satellite dishes which are 12 feet in diameter or smaller. As you know, FMC has continuously maintained that communication apparatus is authorized under the Town's B-2 Zoning District and that satellite dishes 12 feet in diameter or less do not require a special permit. Upon the Town's confirmation of the foregoing, my client intends to withdraw rezoning application ZB

Mr. Mark A. Kutney, AICP  
July 8, 1999  
Page Two

3-1-99 which seeks to rezone my clients property to M-1 (this is a zoning district which is consistent with the existing zoning of adjacent parcels located to the north and west).

- E. In addition to the existing landscaping, FMC proposes to install both a ficus hedge around the satellite dish compound area, which will be maintained at 8, feet and a number of oak trees. The existing landscaping when augmented with the proposed additional landscaping will provide a lush and attractive screen. We would remind the Town that the subject property is surrounded by industrial and commercially zoned lands whose values, we believe, will be enhanced by this project.
- F. The existing storage facility located at the northeast corner of the property will be relocated to provide adequate setbacks.
- G. FMC will obtain all necessary construction permits and approvals.

## II New Two (2) Story Building.

- A. FMC proposes to construct a new two (2) story building to be located at the corner of SW 61st Street and Orange Drive. This building will serve to further screen the satellite dishes from view by passing motorists. The new building is intended to be utilized by two (2) new retail businesses: PJ Dolls and Collectibles and an as yet unnamed business which will sell satellite equipment.
- B. Although just on the edge of the Western Theme District, which ends on the west side of 61<sup>st</sup> Street, FMC proposes that the new building will be western in appearance with a brick exterior as depicted on the attached conceptual elevation plan. The building is to be located with a 10 foot setback from the right-of-ways and parking to the rear and sides. This is an important corner which is deserving of the special treatment proposed by FMC. FMC understands that several variances will be needed to accomplish this project, however, the benefits for the community are compelling and deserving of a favorable recommendation.

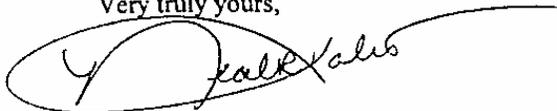
My client and I would like to meet with you and/or any concerned citizens at the earliest possible time as the matter is currently scheduled for consideration by the Planning & Zoning Board at its July 14, 1999 meeting. Our intention is to move forward on the Special Permit Application and seek a tabling of the rezoning pending the final outcome of the Special Permit Application.

I have long standing plans to be out of the country from July 21<sup>st</sup> through August 8<sup>th</sup> and therefore would request that consideration by the Town Council be tabled until my return.

Mr. Mark A. Kutney, AICP  
July 8, 1999  
Page Two

I look forward to hearing from you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Neal R. Kalis", is written over a large, loopy flourish that extends to the right.

Neal R. Kalis

NRK/bac  
Enclosure

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cc: Mr. Frank Cassidy, FMC Telecommunications (Via Fax Without Enclosure)  
Roger Brown, Esq. (Via Fax Without Enclosure)  
Ms. Gayle Easterling (Hand Delivered Without Enclosure)