



DEVELOPMENT SERVICES DEPARTMENT

Administration 797-1101
Building & Occupational Licensing 797-1111
Code Compliance 797-1121
Engineering 797-1113
Planning & Zoning 797-1103

TOWN OF DAVIE 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399 (954) 797-1000

MEMORANDUM

DS 12-04-01

TO: Thomas A. Willi, Town Administrator

FROM: Mark A. Kutney, AICP, Development Services Director 

DATE: December 12, 2001

RE: Request for Determination - Rick Case Honda (Request to erect Flagpole with American Flag in Davie Business Center)

The applicant has submitted the attached letter requesting a determination and approval for a 100' flagpole at the new Rick Case Honda Dealership at I-75 and Griffin Road at the Point West Commerce Center.

In essence, relative to height limit exclusions Section 12-33 (L) states: "*Exclusions from Height Limits:* Cupolas, steeples and domes not exceeding in gross area at maximum horizontal section thirty (30) percent of the roof area and flag poles, airplane beacons, broadcasting towers, antennae, chimneys, stacks and tanks used only for ornamental or mechanical purposes may exceed the permissible height limit in any district by not more than twenty-five (25) percent. Parapet walls may extend not more than five (5) feet above the allowable height of a building. Radio and television antennae for receiving purposes shall not be subject to height limits."

The issue in addressing this matter is that the BP (Business Park District) has no maximum height requirement upon which to base the addition 25' exception to height limits. Due to this lack of maximum height requirement, it is the staff opinion that the request in question can be viewed upon its own merits, and Town Council is not bound by any code provisions in making its determination.

Staff has no objections relative to this request. Should you have any questions, please contact me.

cc: William Laystrom, Jr.; Doumar, Allsworth, Curtis, Cross, Laystrom, Perloff, Voigt, Wachs & Mac Ives, LLP
Monroe Kiar, Town Attorney

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FAX COVER PAGE

Total number of pages: 3 including cover sheet

DATE: December 11, 2001

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Grace Hall

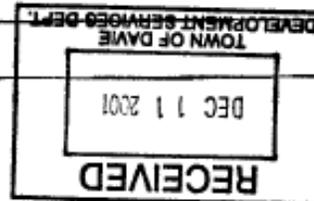
COMPANY: TOWN OF DAVIE

FACSIMILE NUMBER: (954) 797-1086

FROM: C. William Laystrom, Jr.

RE: Rick Case

COMMENTS: Grace, Here is a copy of the Rick
Cass flagpole letter. I believe I covered everything
Mark felt we needed in the letter. If not, I am
happy to revise the letter



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December 3, 2001

Mark Kutney, Development Services Director
TOWN OF DAVIE
6591 S. W. 45th Street
Davie, Florida 33314

Re: Rick Case Honda - Request to Erect Flagpole with American Flag
in the Davie Business Center

Dear Mark:

Rick Case requests that the Town confirm that he can erect a 100' flagpole at his new automobile dealership at I-75 and Griffin Road at the Pointe West Commerce Center. Mr. Case has had an American flag as part of his dealership's identity for years. As an example, he has had an identical flag including both height and size at his Cleveland dealership for many years.

The Davie code provides no height limitation in the BP (Business Park) District. Therefore, we feel that the general provisions of the Town Code that regulate flagpole height allows for unlimited height or were not intended to apply to the BP District. The BP Zoning District was created for the Pointe West Commerce Park. Pointe West is not located adjacent to residential neighborhoods (unlike typical shopping centers along I-595, University Drive, etc.) and has very circuitous access. In order to access the Rick Case dealership from I-75, a customer must virtually complete a circle by exiting off of I-75, then traveling on Griffin Road to Weston Road, then traveling on Weston Road to Pointe West Drive before finally reaching the dealership.

Further, the unique location of Rick Case Honda off of Weston Road and tucked in behind the power lines at I-75 eliminates any potential impact on abutting neighbors.

We look forward to your confirmation that this flagpole and American flag are permitted in this zoning district only.

Yours truly,



C. WILLIAM LAYSTROM, JR.
For the Firm

CWL:lv