

**STAFF REPORT**

Planning & Zoning Commission: September 12, 2005  
Board of County Commissioners: October 12, 2005

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**APPLICANT:** Nextel **FILE NUMBER:** H-05-85

**PURPOSE:** Public Service Facility Overlay District for a Communications Tower

**GENERAL**

**LOCATION:** East side of Anderson Snow Road, approximately 2100' north of Spring Hill Drive

**LEGAL**

**DESCRIPTION:** A portion of Section 15, Township 23 South, Range 18 East, Hernando County, FL

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

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**CITIZEN RESPONSE:** FOR: 0 AGAINST: 1

**STAFF FINDINGS:**

Surrounding Zoning

North: PDP(MF)  
South: PDP(GC)  
East: PDP(GC)  
West: PDP(SF)

Surrounding Land Uses

Suncoast Villa Apartments  
Undeveloped  
Undeveloped  
Pristine Place

**SUMMARY OF REQUEST**

The petitioner requests a public service facility overlay district for a communications tower. The subject property is located on the east side of Anderson Snow Road, approximately 2100' north of Spring Hill Drive.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(GC) with a C-2 use of minwarehouses.
2. The property comprises approximately 6,300 square feet.
3. The site has been developed with miniwarehouses.

4. The site does not contain majestic or specimen trees.
5. The subject property has access from Barclay Avenue.
6. The subject property is generally located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sand. Candler fine sand provides a habitat suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site alterations.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area contains commercial, single family and multifamily residential uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner requests a public service facility overlay district for a communication tower in order to develop the subject property with a 119' monopole cellular service tower. The communication tower will be designed to resemble a flagpole with the antennae being flat on the pole. The subject site is zoned PDP(GC) with a C-2 use of minwarehouses. The site has been developed with miniwarehouses.

The narrative and plan provided indicate the petitioner proposes to develop the subject site with a 119' monopole tower designed to accommodate a minimum of three (3) carriers and equipment cabinets within an approximately 1,500 square foot fenced area. The site is to be fenced with a 6' chain link fence topped with barbed wire. The narrative estimates the proposed use will generate one round trip per carrier per month.

The proposed tower will meet the setbacks as required per the LDRs. The LDRs require monopole towers to meet the setbacks of the zoning district. The proposed use meets the setbacks for the PDP(HC) zoning district. The LDRs require that no building, structure or use within a public service facility overlay district shall be closer than 50' to the property line of an adjoining parcel containing a residence or the property line of a residentially zoned parcel. The LDRs require a monopole 100' or taller to be located a minimum of 125% of the tower height from residentially zoned property, unless such property is used or designated for a nonresidential use. The proposed tower will meet the LDR's setback requirements. The plan indicates that the proposed tower and all accessory structures will be located a minimum of 596.9' from the west property line. The Pristine Place single family subdivision is located on the west side of Barclay Avenue.

The petitioner has provided a search ring and asserted no structures suitable for collocation and no public service facility overlay districts approved for communication towers are located within the search ring. The County mapping resources do not indicate any communication towers within the petitioner's search ring.

The petitioner indicates in the narrative that the proposed communication tower will not have a negative material impact on the surrounding land uses, infrastructure and environment. The petitioner notes that the closest single family residential development is 650' away. The petitioner notes that the proposed communication tower will generate minimal traffic, will generate minimal noise, will not be lighted, will generate no odor or dust, will not use central water and sewer service and will positively impact police and fire services by providing a connection through the E911 service. The petitioner notes the proposed communication tower will have no impacts on the environment. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources. The petitioner notes that no wetlands or other natural resources are located adjacent to the subject site.

The petitioner balloon test had not been completed at the time of finalization of the staff's report.

The County's RF engineering consultant has reviewed the petitioner's request and confirmed the petitioner's need for a cell site in this vicinity. The consultant concludes the petition meets the technical requirements of the appropriate County codes and finds no technical reason to deny the petition. The consultant notes he evaluated no non-radio subjects such as aesthetic and compatibility issues.

The County has an adopted Airport Ordinance which states that any communication tower shall be presumed to be a "potential airport obstruction" and requires notification to the Federal Aviation Administration. The Airport Director has indicated the proposed 119' tower will not require lighting by FAA standards. The County's LDRs require that prior to approval to construct any structure determined to be a "potential airport obstruction," either an Airport Construction Permit or an Airport Obstruction Variance must be granted. If the FAA finds no impacts, a permit granting

construction approval of the structure will be issued contingent upon satisfactory compliance with the FAA “Advisory Circular (AC) 70/7460-1J” which addresses Obstruction Marking and Lighting.

The County Engineer had no comments.

The petitioner indicates central water and sewer service will not be used. Utilities Department has indicated that central water and sewer are available to serve the subject site.

The Florida Turnpike Enterprise and the City of Brooksville have no concerns regarding the request.

### **FINDINGS OF FACT**

The area contains commercial, single family and multifamily residential uses, and undeveloped parcels. The subject site has been developed with miniwarehouses. Multifamily uses are located to the north. Undeveloped parcels zoned for general commercial uses are located to the east and south. Single family uses are located to the west, on the west side of Barclay Avenue. The Planning staff is of the opinion that the proposed communication tower would be compatible in this area characterized by multiple uses and undeveloped commercial parcels.

The subject property is located within a residential land use classification on the adopted Future Land Use Map. Communication towers are considered public service facility uses and/or structures which are allowable in any future land use classification. It is the staff’s opinion the proposed tower is not inconsistent with the adopted Comprehensive Plan

The staff is of the opinion that the request for a public service facility overlay district for a communication tower is appropriate based on the following conclusions:

1. The proposed public service facility overlay district would be compatible with the surrounding land uses.
2. The proposed public service facility overlay district would be consistent with the Comprehensive Plan.

**The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.**

**The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and**

**approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.**

**STAFF RECOMMENDATION:**

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request for a public service facility overlay district for a communications tower, with the following unmodified performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. All development must occur generally in compliance with the approved site plan.
3. The tower is approved as a monopole with up to 119' in height constructed with antennae arrays depicted per the tower elevation submitted with the PSFOD application.
4. The petitioner must provide the name and phone number of the contact person for the facility on a sign on the gate, fence, or access point to the site, whichever is most adjacent to the public access.
5. The Public Service Facility Overlay District for a tower shall expire within one year of the zoning approval if the tower is not constructed.

**P&Z RECOMMENDATION:**

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request for a public service facility overlay district for a communications tower, with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. All development must occur generally in compliance with the approved site plan.
3. The tower is approved as a monopole with up to 119' in height constructed with antennae arrays depicted per the tower elevation submitted with the PSFOD application.

4. The petitioner must provide the name and phone number of the contact person for the facility on a sign on the gate, fence, or access point to the site, whichever is most adjacent to the public access.
5. The Public Service Facility Overlay District for a tower shall expire within one year of the zoning approval if the tower is not constructed.

**BCC ACTION:**

The Board of County Commissioners voted 5-0 to adopt Resolution # 2005-279 approving the petitioner's request for a public service facility overlay district for a communications tower with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. All development must occur generally in compliance with the approved site plan.
3. The tower is approved as a monopole with up to 119' in height constructed with antennae arrays depicted per the tower elevation submitted with the PSFOD application.
4. The petitioner must provide the name and phone number of the contact person for the facility on a sign on the gate, fence, or access point to the site, whichever is most adjacent to the public access.
5. The Public Service Facility Overlay District for a tower shall expire within one year of the zoning approval if the tower is not constructed.