

**STAFF REPORT**

Planning & Zoning Commission: May 8, 2006

Board of County Commissioners: June 14, 2006

Planning & Zoning Commission: June 12, 2006

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**APPLICANT:** Vertex Development Inc. **FILE NUMBER:** H-06-46

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

**GENERAL**

**LOCATION:** East of Drew Street, west of Jake Street, approximately 550' east of the Suncoast Parkway, approximately 1.1 miles north of Powell Road

**LEGAL**

**DESCRIPTION:** Lot 10, Block E, Potterfield Garden Acres, Section JJJ, as per plat thereof recorded in Plat Book 5, Pages 81-82, of the Public Records of Hernando County, Florida in Section 2, Township 23 South, Range 18 East

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

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

**STAFF FINDINGS:**

Surrounding Zoning

North: AR-2  
South: AR-2  
East: AR-2  
West: AR-2

Surrounding Land Uses

Mobile Home  
Undeveloped  
Undeveloped  
Single Family Home

**SUMMARY OF REQUEST**

The petitioner requests a public service facility overlay district for a communication tower. The subject property is located east of Drew Street, west of Jake Street, approximately 550' east of the Suncoast Parkway, approximately 1.1 miles north of Powell Road.

**FACTUAL INFORMATION**

1. The property is currently zoned AR-2.
2. The property comprises approximately 5 acres.

3. The site contains two (2) mobile homes.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Drew Street which is a limerock road. Jake Street is depicted on the petitioner's site plan; however, it is a paper street.
6. The subject property is located within a rural 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 not available to serve the subject site.
11. There are adequate public facilities available to serve limited development of the subject property.
12. The surrounding area is characterized by a mixture of single family and mobile homes, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

**STAFF DISCUSSION**

The petitioner has submitted a request for a 190' monopole tower. The tower is proposed to be constructed within a 100 x 100 compound at the southeast corner of an approximately 5 acre parcel. The petitioner proposing an 8' fence with 4" of barbed wire around the communication tower and the associated equipment.

The petitioner indicates the communications tower will meet the setbacks as required per the LDRs. 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 tower as proposed meets the ordinance with regards to the minimum required setbacks.

The LDRs require monopole towers to meet the setbacks of the zoning district. The proposed use is not inconsistent with the setbacks for the AR-2(Agricultural Residential-2) which are front: 50', side 10', and rear: 35'. 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 plan indicates that the proposed tower and all accessory structures will be located 67' from the south, 72' from the east, 549' from the west and 255' from the north.

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 material negative impact on the parent parcel or the surrounding parcels given the land north, east and south is densely wooded.

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 County's Airport did not express any objections to the proposal. 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 Tower is designed to support the antennas of six wireless carriers. The LDRs require that all new communication towers be designed to support no less than two antenna arrays.

The county's LDRs require specific information be submitted relative to propagation maps and radio frequency (RF) data demonstrating that the tower is needed at the proposed location. The County retains a RF consultant to review all of the data required for the tower. The County's consultant indicates that the applicant has provided all of the required technical data for the site and that the proposed facility will provide improved coverage in the area. The consultant does note that it is his opinion that the tower is considerably higher than necessary. He further indicates that a tower with a height of 150 feet would provide adequate service heights for six carriers.

The county's LDRs require the petitioner conduct a balloon test after the property posting and adjacent property owner mailings have been sent. At the time of transmittal of the staff report, the balloon test had not been completed. The staff may have additional comments after viewing the balloon test.

Because the tower site is unmanned, the petitioner indicates the proposed communication tower will not require the use of central water and sewer service. The Utilities Department has indicated that water and sewer is not available to serve the subject property.

The property has access to Drew Street, a limerock road. The plan submitted by the petitioner indicates access to the site via Jake Street. Jake Street does not physically exist. The County Engineer has indicated that the roadways east of the property are not county maintained.

The Florida Turnpike Headquarters have been notified of the request; no responses have yet been received.

**FINDINGS OF FACT**

The area is characterized by large lot single family and mobile home uses, and undeveloped parcels. The subject property is part of Potterfield Garden Acres which is a partially developed subdivision served by limerock roadways.

The subject property is located within a rural 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 that a tower is not inconsistent with the adopted comprehensive plan; however, we have some concerns about the proposed height of the tower given the character of the area. In lieu of the opinion of the County's consultant regarding the tower height, it is the staff's opinion the tower should be limited in height to 150'.

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 public service facility overlay district for a communication tower, limited to 150' in height, would be compatible with the surrounding land uses.
2. The public service facility overlay district for a communication tower, limited to 150' in height, 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 communication 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.
2. All development must occur generally in compliance with the approved site plan, with the exception of the access which shall be via Drew Street.
3. The tower is approved up to a maximum of 150' in height.
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 postpone consideration of the proposed request until their June 12, 2006, hearing at 9:00 a.m.

Subsequent to the P&Z hearing, the petitioner provided the staff a revised plan moving the tower to the west. The revised plan indicates the tower is approximately in the middle of the site, 310' from the eastern property line. The previous proposal indicated the tower was 72' from the east. A 20' access easement from Drew Street is proposed, whereas the previous plan provided access from the east. The tower remains at 190' in height. The revised plans have been provided to P&Z members in the first transmittal packet.

The petitioner indicated in correspondence dated May 25, 2006, that the technical information relating to the tower would be provided to the County's RF Engineer and Staff. Nothing additional had been received at the time of report completion.

