

STAFF REPORT

Planning & Zoning Commission: October 9, 2006
Board of County Commissioners: November 8, 2006

APPLICANT: Crown Castle South LLC **FILE NUMBER:** H-06-91

PURPOSE: Modification to PSF (Public Service Facility Overlay District) for a Communication Tower by increasing the height of an existing tower

GENERAL

LOCATION: East side of Broad St (US Hwy 41), approximately 500' south of Pine Cabin Road

LEGAL

DESCRIPTION: A portion of Section 8, Township 23 South, Range 19 East, Hernando County, FL

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

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Single Family
South: AG & C2	Heavy Commercial
East: AG	Undeveloped
West: AG & C2	Single Family & Commercial

SUMMARY OF REQUEST

The petitioner has submitted a request to modify a public service facility overlay district to increase the height of an existing communication tower.

FACTUAL INFORMATION

1. The property is currently zoned Agricultural with an approved Public Service Facility Overlay District for Communication Tower.
2. The tower is located within a 6,060 compound area located within a 6 acre parcel.

3. The site is developed with a single family home, manufactured home, warehouse buildings and an existing 115' monopole tower.
4. The site may contain majestic and specimen trees.
5. The subject property has access from Broad Street (US Hwy 41).
6. The subject property is located within a residential land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Micanopy Loamy Fine Sand.
8. The property is located in a flood zone C.
9. The subject property contains no wetlands, SPA's or WHPA's 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 on the subject property.
12. The surrounding area is characterized by heavy commercial, commercial, rural residential and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner is requesting to construct a 25' extension to an existing 115' monopole tower. The petitioner has indicated the height extension is necessary to accommodate two future carries.

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. There is no residentially zoned property proximate to the subject property.

The LDRs require monopole towers to meet the setbacks of the zoning district. The existing tower with the proposed extension, and the associated structures are consistent with the setbacks for the underlying agriculturally zoned property which are front: 125' (from US 41), side 35', and rear: 50'. 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 tower as situated is consistent with the ordinance.

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 information provided is consistent with county data resources.

There is currently a 115' monopole tower located on the site and the proposed extension of 25' will have no additional negative impacts.

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 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, in this instance, the proposed extension. 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 proposed tower will require lighting and the consultant has indicated that the petition meets the technical requirement of the applicable requirements in the Hernando County Land Development Regulations.

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.

FINDINGS OF FACT

The area is located along US 41 with heavy commercial and commercial development proximate to the site, rural residential uses and large agricultural parcels. An existing 115' monopole tower, approved in 1998, has been constructed on the site.

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. The proposed extension is consistent with the adopted comprehensive plan.

The request for a modification to an existing Public Service Facility Overlay District for a Communication Tower is appropriate based on the following conclusions:

1. The proposed modification to the public service facility overlay district for a communication tower would be compatible with the surrounding land uses and LDR requirements for these uses.
2. The proposed modification to the public service facility overlay district for a communication tower 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 Concurrence. 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, it is recommended the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to modify a public service facility overlay district for communication tower through increase in height 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 up to a maximum of 140' 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.

P&Z RECOMMENDATION: