

**STAFF REPORT**

Planning & Zoning Commission: February 12, 20007  
Board of County Commissioners: March 14, 2007

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**APPLICANT:** T-Mobile South, LLC **FILE NUMBER:** H-07-03

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

**GENERAL**

**LOCATION:** East side of Freeport Drive, approximately 200' north of Elkin Avenue

**LEGAL**

**DESCRIPTION:** A portion of Section 1 and 2, Township 23 South, Range 17 East, Hernando County, FL

**FILE STATUS:** All requirements necessary to conduct the public hearing have not yet been satisfied.

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

**STAFF FINDINGS:**

Surrounding Zoning

North: REC  
South: PDP(SF)  
East: PDP(SF)  
West: PDP(SF)

Surrounding Land Uses

Undeveloped (Hernando County)  
Single Family  
Single Family  
Single Family

**SUMMARY OF REQUEST**

The petitioner has submitted a request for a 150' white monocross communication tower, and the associated operational equipment. The property is located on the east side of Freeport Drive, approximately 200' north of Elkin Avenue.

**FACTUAL INFORMATION**

1. The property is currently zoned PDP(SU)/Planned Development Project (Special Use).
2. The subject property is a 40' x 60' compound on an approximately 4.57 acre tract.
3. The subject property is currently developed with a church.

4. The site may contain majestic and specimen trees.
5. The subject compound has access via an easement to Freeport Drive.
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 are Paola Fine Sands.
8. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
9. The Utilities Department has indicated that central water and sewer are not available to serve the subject site.
10. There are adequate public facilities available to serve limited development on the subject property.
11. The area surrounding the subject property characterized by single family.
12. The petitioner has not requested a deviation from the County's land development regulations (LDRs).

**STAFF DISCUSSION**

The subject parcel is approximately 4.57 acres in size. The petitioner is leasing a small portion of the site (40' x 60') to construct a 150' white monocross communication tower, and the associated operational equipment. The proposed site is located within a heavily wooded area of an existing church and has access via a parking lot to Freeport Drive.

The petitioner has indicated that the proposed tower will have a maximum height of 150 feet. Monopole towers shall meet the setback of the zoning district. In no case shall a monopole tower one hundred (100) feet in height or greater be located within one hundred twenty-five (125) percent of its height to any residentially zoned property, unless such property is used or designated for a nonresidential use.

<b><u>Direction</u></b>	<b><u>Proposed Tower</u></b>
North	77.0' (abuts County owned park site)
South	208.8'
East	253.9'
West	383.0'

The plan indicates that the proposed tower and all accessory structures will exceed the minimum LDRs. The proposed tower will be located at the southwest corner of the proposed compound.

The petitioner indicates in the narrative that the proposed facility will not place demands on roadways, water or sewer, schools, parks, police or fire services, and will ultimately benefit those services by providing a connection between police and fire services and those in need through E911.

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 (FAA). Additionally, the Airport has indicated that the tower must meet the FAA rules and guidelines regarding lighting which are addressed in the Airport Ordinance. The Airport has no objection to the petition.

The Tower is designed to support 4 antennas. 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 proposed location of the monocross tower is between 1.7 and 2 miles from existing or pending cell sites. Each of the adjacent cells have tower heights of 185 feet. The County RF consultant has indicated that T-Mobile has not justified the need for an additional tower site and the petitioners coverage maps indicate that coverage is already provided in the area.

The county’s LDRs requires the petitioner to 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.

Soils and vegetation in this area are typical of gopher tortoise habitat. Since there is the potential for this listed Species of Special Concern to be present, the site should be inspected prior to construction. If gopher tortoises or any other listed species are present, this will give the property owner and/or the owner’s representative a chance to examine all available options before construction begins. They should be advised to contact the Florida Fish and Wildlife Conservation Commission to discuss available options. Due to the species’ protected status, the destruction of their burrows constitutes taking under the law except as authorized by a specific permit.

**FINDINGS OF FACT**

The petitioner is proposing a 150' monopole communication tower and associated operational equipment 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 category.

The request for a public service facility overlay district for a communication tower is inappropriate based on the following conclusions:

1. The public service facility overlay district for a communication tower would be incompatible with the surrounding land uses and does not meet the requirements of Article IV, Section II, B(6)(d) of Appendix A Hernando County Zoning Code.
2. The public service facility overlay district for a communication tower would be inconsistent with the Comprehensive Plan.
3. The public service facility overlay district for a communication tower is proposed within an area that is currently serviced by other communication towers and does not meet the requirements of Article IV, Section II, B(6)(b) and (c) of Appendix A Hernando County Zoning Code.

**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:**

The RF information reviewed by the County's consultant fails to meet the technical requirements of the County's LDRs; therefore, it is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ denying the petitioner's request for a public service facility overlay district for a communication tower