

STAFF REPORT

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

APPLICANT: Ridan Industries, LLC **FILE NUMBER:** H-07-04

PURPOSE: Public Service Facility Overlay District for a Communication Tower

GENERAL

LOCATION: East side of Necklace Warbler Avenue, approximately 1600' south of Seville Parkway

LEGAL

DESCRIPTION: A portion of Section 12, Township 21 South, Range 17 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:

Surrounding Zoning

North: C-2
South: C-2
East: CV
West: C-2

Surrounding Land Uses

Vacant Unimproved Land
Vacant Unimproved Land
Vacant Unimproved Land
Vacant Unimproved Land

SUMMARY OF REQUEST

The petitioner is requesting a Public Service Facility Overlay District for the construction of a 190' monopole communication tower and the associated operational equipment. The proposed tower compound encompasses approximately 5,625+/- square feet.

FACTUAL INFORMATION

1. The property is currently zoned C-2
2. The property comprises approximately a 1/2 acre.
3. The site is currently undeveloped.

4. The site may contain majestic and specimen trees.
5. The subject property has access from Necklace Warbler Avenue.
6. The subject property is located within the Residential Land Use Category on the adopted Future Land Use Map.
7. The site contains 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 flood zone X .
9. The subject property contains no wetlands, Wellhead Protection Areas (WHPA) or Special Protection Areas (SPA) 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 limited development on the subject property.
12. The surrounding area is characterized by vacant unimproved parcels.

STAFF DISCUSSION

The petitioner is requesting a Public Service Facility Overlay District for the construction of a 190' monopole communication tower and the associated operational equipment on property encompassing approximately a ½ acre. The proposed tower compound encompasses approximately 5,625+/- square feet. The proposed monopole tower is designed to support up to six (6) wireless carriers with antennae's located on the monopole tower.

Monopole towers shall meet the setback requirements of zoning districts. The subject property meets all setback requirements for the C-2 zoning district as follows:

<u>Direction</u>	<u>C-2 Setbacks</u>	<u>Proposed Tower</u>
North	20'	54'
South	20'	89'
East	35'	69'
West	35'	74'

The petitioner has provided a search ring of surrounding communication towers and has demonstrated that no structures for collocation purposes or approved Public Service Facility Overlay Districts for communication towers are located within the search ring. County mapping resources do not indicate any approved communication towers within the petitioner's search ring. The proposed plan indicates that the communication tower will exceed the minimum LDRs.

The County retains an RF consultant to assist in the review of all data required for communication tower petitions. The County's RF engineer has provided comments indicating that the petition meets the technical requirements of Ordinance 98-18. The proposed height of 190' is justified based on the fact that the tower will eventually hold up to six (6) carriers. The petition was further reviewed for conformance with FCC requirements and FAA issues, and found to be in compliance.

The County Engineer has reviewed the requested and has stated that the applicant shall be required to participate in a Municipal Service Benefit Unit(MSBU) when Necklace Warbler Avenue is scheduled for paving. The County Transportation Planning Coordinator has no objection to the petitioner's request.

The Utilities Department has indicated that due to distance of utilities infrastructure, water and sewer services are not available to the subject property. Capacity availability of the existing infrastructure is dependent on the engineer's estimated flows for this parcel. Existing water and sewer upgrades may be required to supply the proposed development. At this time, the subject property should not be connected to water and sewer services.

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 petitioner has indicated that the proposed monopole tower will hold 6 antennas, which helps justify the proposed height 190'. The County RF consultant has indicated that Ridan Industries, LLC meets the technical requirements of the Ordinance and would provide new service to a small area. The LDRs require that all new communication towers be designed to support no less than two antenna arrays.

The County LDRs require 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.

FINDINGS OF FACT

The petitioner is proposing a 190' monopole communication tower and associated operational equipment within a Residential Land Use Category 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 proposed location would be suitable for a communication tower by virtue of its location and compliance with the County LDRs.

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 is compatible with surrounding land uses and the County Comprehensive Plan.
2. The radio frequency data submitted and reviewed by the County's RF consultant meets the technical requirements of the LDR's.

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 report, it is recommended that 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 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 height of 190' 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, perimeter fence, or access point to the site, whichever is more 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.
6. The Public Service Facility shall be limited to the 75' x 75' compound as depicted on the site plan.
7. The petitioner shall provide a fence or wall not less than six (6) feet in height and not greater than eight (8) feet in height around the perimeter of the 75' x 75' compound.
8. The applicant shall be required to participate in a Municipal Service Benefit Unit(MSBU) when Necklace Warbler Avenue is scheduled for paving.
9. 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.
10. The proposed communication tower should provide for a minimum of six (6) collocations.