

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 14, 2007
Board of County Commissioners: June 20, 2007
Planning & Zoning Commission: July 9, 2007
Board of County Commissioners: August 8, 2007

APPLICANT: Clearshot Holding c/o Lauralee Westine

FILE NUMBER: H-07-17

PURPOSE: Public Service Facility Overlay District for a Communication Tower

GENERAL LOCATION: Southwest corner of Spring Hill Drive and Deering Avenue

LEGAL DESCRIPTION: A portion of Section 25, Township 23 South, Range 17 East, Hernando County, FL

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

CITIZEN RESPONSE: Correspondence received as of the date of this report? Yes No

APPLICANT'S REQUEST:

The subject parcel is approximately 7.07 acres in size. The petitioner is leasing a small portion of the site (60' x 60') to construct a 140' monopole communication tower camouflaged as a flag pole with an American flag, and the associated operational equipment. The proposed site is located within a slightly wooded area of an existing church and has access via the church parking lot. (Note: The original request was for a 150' tower, but has been reduced to 140' feet).

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.

SITE CHARACTERISTICS:

Site Size: 60' x 60' (3,600 square feet) on an approximate 7.07 acre commercial site

Surrounding Zoning; Land Uses: North: PDP(SU); PHCC

South: PDP(SF); Single Family
East: PDP(SF); Single Family
West: PDP(GHC); Shopping Center

Current Zoning: PDP(SU)/(Special Use)

Future Land Use Map Designation: Residential

Flood Zone: C

SITE CIRCUMSTANCES:

The location of the proposed tower is between two (2) other towers located less than 1.75 miles away and one (1) tower location along Spring Hill Drive 0.30 mile away. The existing towers are situated within residential neighborhoods and range in height from 150' to 195'. The County's ordinance requires collocation on existing towers and amongst power lines rather than the establishment of a new tower unless it can be demonstrated that the other locations are inappropriate.

Upon the request of the petitioner, on May 14, 2007, Planning and Zoning Commission voted 5-0 to postpone consideration of the request until July 9, 2007, at 9:00 am, in order for staff to receive additional information from the petitioner on collocation of the proposed tower. Subsequently, the petitioner has submitted information indicating that collocation along the Progress Energy power lines was not available. As stated in a letter submitted by the petitioner, Progress Energy has placed a state wide moratorium on all requests for wireless attachments on all power line cell tower collocations in 500kv lines. In addition, the petitioner has demonstrated that other alternative locations are not suitable.

ENGINEERING & TRANSPORTATION REVIEW:

The County Engineer and Transportation Planner have reviewed the subject request and had no comments.

RF CONSULTANT REVIEW:

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. Originally the County RF consultant indicated that a 160' foot monopole tower appeared in the tower database approximately 0.3 miles east of the proposed site. The 160' foot tower is an extension to a power line tower and is situated in a location that would serve the needs of the petitioner.

However, upon the request of the County, the petitioner submitted additional information that satisfied the RF Consultant’s concerns for a new tower site. As indicated by the County RF Consultant, due to the inability to collocate along the power lines, a new tower site may be supported at the proposed location at a lower height than requested. The petitioner has indicated that the proposed tower could support a 140' foot height.

As discussed with the petitioner, camouflage techniques must be utilized to mask the tower from the surrounding residential neighborhood. The petitioner has indicated that the proposed tower will be designed with all internal canisters and act as a flag pole equipped with a proportionate sized American flag. As discussed, it will be the responsibility of the petitioner to maintain the American flag.

LAND USE REVIEW:

Based on the RF Consultant’s comments, the petitioner has indicated that the proposed tower could support the needed antennas at a minimum height of 140 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.

<u>Direction</u>	<u>Proposed Tower</u>
North	400.0'
South	187.5'
East	187.5'
West	187.5'

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 county’s LDRs require the petitioner to conduct a balloon test after the property posting and adjacent property owner mailings have been sent. The petitioner performed the balloon test on May 1st - 3rd, 2007. Staff had no comments regarding the balloon test.

COMPREHENSIVE PLAN REVIEW:

The petitioner's request for a minimum 140' monopole communication tower and associated operational equipment are 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 appropriate based on the following conclusions:

1. The public service facility overlay district for a communication tower would be compatible with the surrounding land uses with appropriate camouflage.
2. The radio frequency (RF) data submitted and reviewed by the County's Consultant meets the technical requirements of the LDRs.

NOTICE OF APPLICANT RESPONSIBILITY:

The Public Service Facility Overlay District process is a land use determination and does not constitute a permit for either construction, 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 RECOMMENDATIONS:

The RF information reviewed by the County's consultant meets the requirements of the County's LDRs. It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approve the petitioner's request for a public service facility overlay district for a communication tower.

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. The tower is approved up to a maximum of 140' in height.

3. 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.
4. The Public Service Facility Overlay District for a tower shall expire within one year of the zoning approval if the tower is not constructed.
5. The proposed tower shall be constructed to support a minimum of four (4) antennas.
6. The fenced compound shall be landscaped with an 80% opaque buffer, maturity achieved within one (1) year of planting, along the compound perimeter.
7. The tower will be designed with a collapse point at the 75' height level.
8. The Public Service Facility shall be limited to the 60'x60' compound.
9. The communication tower shall be camouflaged as a flag pole and equipped with a proportionate sized American flag in accordance with Executive Order 10834 amended in 1959.
10. The petitioner shall maintain the American flag in accordance with the flag code, United States Code, Title 4, Chapter 1, Section 8k.