

STAFF REPORT

HEARINGS: Planning & Zoning Commission: July 9, 2007
Board of County Commissioners: August 8, 2007
Planning & Zoning Commission: August 13, 2007
Board of County Commissioners: September 12, 2007

APPLICANT: Sprint-Nextel

FILE NUMBER: H-07-30

PURPOSE: Modification to PSFOD/(Public Service Facility Overlay District) for a Communication Tower to increase the height of an existing tower

GENERAL LOCATION: East side of Treiman Boulevard, approximately 700' north of Baker Boulevard

LEGAL DESCRIPTION: A portion of Section 36, Township 22 South, Range 21 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 19.3 acres in size and has a 50' x 60' area leased for the 250' lattice tower and associated operational equipment. It is the intent of the petitioner to add an additional six (6) foot antenna which would increase the height of the existing tower to 256'. The proposed site is located within a slightly wooded area, along with a an existing single family home and has access via a 20' ingress/egress easement.

SITE CHARACTERISTICS:

Site Size: 50' x 60' (3,000 square feet) on an approximate 19.3 acre commercial site

Surrounding Zoning; Land Uses: North: AG; Undeveloped
South: AG & C2; Undeveloped
East: AG; Undeveloped
West: C1; Undeveloped

Current Zoning: AG/(Agricultural)

Future Land Use Map Designation: Mining

Flood Zone: A

SITE CIRCUMSTANCES:

On December 2, 1997, the Board of County Commissioner voted 4-1 approving the a request for a 250' self supporting lattice communication tower and associated operational equipment.

The subject property has an existing single family residence approximately 160' from the tower. Access to the tower and its supporting equipment is via 20' wide ingress/egress easement.

Since the previous approval was for a specified height, the proposed modification to add an antenna array and increase the height by six (6) feet requires approval of the modification.

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, 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 failed to provide the information on adjacent towers and technical data needed to interpret the reason for the tower extension. County's RF consultant suggest that without more information the existing tower provides ample space without the need for the extension.

LAND USE REVIEW:

The LDRs require the minimum setback of a lattice or guyed tower shall be the height of the tower. In no case shall a lattice or guyed communication tower be located within two hundred fifty (250) percent of its height to any residentially zoned property, unless such property is used or designated for a nonresidential use.

The LDRs require 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: 75' (from Treiman Boulevard), side 35', and rear: 25'. 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.

There is currently a 250" lattice tower located on the site and the proposed extension of 6' 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 (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. At the initial approval of the lattice tower, the Airport Manager reviewed the tower site and determined that the approval of the tower would create no significant impacts to the operations at the Airport.

COMPREHENSIVE PLAN REVIEW:

The subject property is located within a mining 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.

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 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 RECOMMENDATIONS:

It is recommended that 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 other applicable agencies 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 for a maximum 6' foot antenna extension.
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 petitioner is required to demonstrate to the satisfaction of the County's RF Consultant, that the additional 6' foot antenna is necessary to provide service prior to the issuance of any building permit.

P&Z ACTION:

At their July 9, 2007 meeting, upon the petitioner's request, the Planning and Zoning Commission postponed consideration of this petition to their August 13, 2007 meeting at 9:00 a.m.

NOTE:

Subsequent to the P&Z meeting, the County's RF consultant was provided information that the tower has already been extended to the proposed height. Further based upon the information provided by the applicant to the County's RF consultant, the proposed height is not necessary to achieve the coverage required. The County's RF consultant indicates the coverage would be adequate at the available 185 foot height; therefore, the RF consultant recommends that the County deny the petitioner's request and require the antenna be removed and replaced at the 185' height.

REVISED STAFF RECOMMENDATION:

It is recommended that the Planning and Zoning Commission recommend to the Board of County Commissioners denial of the modification to the Public Service Facility Overlay District for the tower extension based upon the inability of the petitioner to satisfy the County's RF Consultant.