

STAFF REPORT

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

APPLICANT: Ridan Industries LLC c/o Lauralee G. Westine Esq.

FILE NUMBER: H-07-32

PURPOSE: Public Service Facility Overlay District for a Communication Tower

GENERAL LOCATION: Southeast corner of Commercial Way and Marengo Street

LEGAL DESCRIPTION: A portion of Section 24, Township 22 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 1.7 acres in size. The petitioner is leasing a small portion (70' x 70') of the site to construct a 190' monopole communication tower, and the associated operational equipment. The proposed site is located on an undeveloped agricultural parcel along US Hwy 19.

The LDRs require that all new communication towers be designed to support no less than four (4) antenna arrays. The petitioner has indicated the proposed tower is designed to support six (6) external antennas. The petitioner has indicated the tower will have a standard galvanized gray finish and no camouflaging is proposed.

SITE CHARACTERISTICS:

Site Size: 70' x 70' (4,900 square feet) on an approximate 1.7 acre agricultural site

Surrounding Zoning; Land Uses: North: AG; Undeveloped
South: AG; Lake; Church
East: AR2; Undeveloped

West: PDP(GHC); Undeveloped

Current Zoning: AG/(Agricultural)

Future Land Use Map Designation: Residential and Conservation

Flood Zone: A & C

SITE CIRCUMSTANCES:

The location of the proposed tower is approximately 1.85 miles from three (3) existing lattice towers ranging in height from 130' to 300'. The County's ordinance requires collocation on existing towers and structures, unless it can be demonstrated that other locations are not suitable to provide service.

ENGINEERING & TRANSPORTATION REVIEW:

The petitioner has indicated that the proposed compound will have access via a 25' access easement from Marengo Street.

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 applications. According to the County RF consultant adjacent towers in the area are being placed on two-mile centers. This establishes a coverage requirement of about 1.3 miles to provide for adequate overlap with other towers. Due to the properties to the west, according to the RF consultant it is unlikely that there will be any future towers in that direction. Thus the subject tower requires a greater height (190') to ensure proper building penetration. The RF consultant indicates that the proposed tower would require a shroud to conceal all antennas. The County RF consultant has indicated that Ridan Industries, LLC meets the technical requirements of the Ordinance and would provide new service to the area. The LDRs require that all new communication towers be designed to support no less than four (4) antenna arrays.

LAND USE REVIEW:

The petitioner has indicated that the proposed tower will have a maximum height of 190 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 Setbacks</u>
North	111.0'
South	182.0'
East	85.0'
West	165.0'

The petitioner meets the required setbacks per the County LDR's.

The petitioner has indicated on the site plan that a 6' chain link fence and 10' landscape buffer easement will be dedicated around the tower compound to provide appropriate buffering.

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.

COMPREHENSIVE PLAN REVIEW:

The petitioner proposes a 190' monopole communication tower and associated operational equipment are within a Residential and Conservation 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 RF 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 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:

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 190' 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 six (6) 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 70'x70' compound.