

STAFF REPORT

HEARINGS: Planning & Zoning Commission: November 13, 2007
Board of County Commissioners: December 12, 2007
Planning & Zoning Commission: December 10, 2007
Board of County Commissioners: January 9, 2008

APPLICANT: Verizon Wireless c/o Laura B. Belflower, P.A.

FILE NUMBER: H-07-57

PURPOSE: Public Service Facility Overlay District for a Communication Tower

GENERAL

LOCATION: West side of Broad Street (US Hwy 41), approximately 400' north of Rustic Road

LEGAL

DESCRIPTION: A portion of Section 4, Township 23 South, Range 19 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 petitioner is requesting a Public Service Facility Overlay District for a Communication Tower in order to construct a 195' monopole communication tower and associated operational equipment. The subject site is an approximately 8,560 square foot portion of a 8.94 acre parent tract. The proposed site is adjacent to an existing church and has access via the church parking lot. The petitioner has indicated utilizing a proposed 20' wide ingress/egress and a 10' wide utility easement for access to the compound.

The tower is designed to support at a minimum four (4) antennas. The LDRs require that all new communication towers greater than 100 feet in height be designed to support no less than four (4) antenna arrays.

SITE CHARACTERISTICS:

Site Size: 8,560 square feet compound on an approximate 8.94 acre parent tract
Surrounding Zoning; Land Uses: North: AG; Undeveloped

South: PDP(OP); Single Family
East: C-2, C-3, City; Undeveloped, Mobile Homes
West: AG; Undeveloped

Current Zoning: AG/(Agricultural)

Future Land Use Map Designation: Residential

Flood Zone: C

SITE CIRCUMSTANCES:

In 2004 the proposed location was granted a Special Exception Use Permit for a Place of Public Assembly. The church has since been built and is operational.

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 the petitioner submit specific information demonstrating that the tower is needed at the proposed location:

- A map showing all existing Public Service Facility Overlay Districts (PSFOD) and towers or existing structures of an appropriate height, within the search ring.
- An analysis certificate by an engineer licensed by the State of Florida, demonstrating how the tower location enhances the provision of service to areas not served or under served by existing facilities.
- Provide evidence that the applicant has pursued collocation, or use of approved sites, and use of existing structures of an appropriate height.
- A visual line of sight analysis, including photo-simulated post construction renderings, to enable the County to assess the visual impact upon surrounding properties.

The RF Consultant has reviewed the request and indicated that a tower exists approximately one (1) mile south of the subject site on US Hwy 41. On November 8, 2006, the existing tower was approved for a 30 foot extension to a new height of 146 feet. The proposed tower

will provide a range of service from 2.7 to 4.8 miles. The existing tower provides a range of service from 2.7 to 4.5 miles. According to the existing and proposed range of service and equal antenna heights, collocation onto the existing tower would be recommended. To utilize the existing tower, the petitioner could either accept a lower antenna height or request a tower modification to increase the existing tower height. The petitioner’s existing communication towers in this area range from 128 feet to 248 feet in height.

County LDRs require that evidence be provided that the applicant has pursued collocation. Evidence shall consist of copies of all correspondence between the petitioner and the owner, operator, or manager of other structures, towers or land which can be utilized for collocation or the construction of a communication tower. The petitioner has provided evidence to the County’s RF Consultant that the existing tower located one mile south of the subject site can not be increased in height due to FAA requirements, and the height available on this tower for a collocation would not satisfy the petitioner’s service requirements.

LAND USE REVIEW:

The petitioner has indicated that the proposed tower will have a maximum height of 195 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.

Proposed setbacks are from the parent tract:

<u>Direction</u>	<u>Proposed Tower</u>
North	462.0'
South	42.0'
East	300.0'
West	318.0'

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 along the east, west, and south compound boundary. The petitioner will utilize an existing landscape buffer along the north.

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. The Airport has no objection to the tower location, and an FAA clearance letter has been provided.

The County's LDRs require the petitioner to conduct a balloon test after the property posting and adjacent property owner mailings have been sent. To date, staff has not received a balloon affidavit for the proposed site. A balloon test is required prior to action by the Planning and Zoning Commission.

COMPREHENSIVE PLAN REVIEW:

The petitioner's request for a minimum 195' 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.

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 request for a Public Service Facility Overlay District for a Communication Tower subject to 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. The tower is approved up to a maximum of 195' 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 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 75' from the top of the tower.
8. The Public Service Facility shall be limited to the size of the compound as shown on the associated site plan.
9. The communication tower shall be camouflaged as a monopole with all supporting antenna concealed within the monopole, and the monopole shall be painted a neutral color.

P & Z ACTION:

At the November 13, 2007 meeting, the Planning and Zoning Commission voted 5-0 to postpone consideration of this petition until December 10, 2007, at 9:00 a.m. The petitioner requested a postponement in order to provide additional information to the County's RF Consultant.