

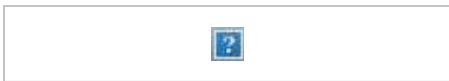
From: [Samantha Braswell](#)
To: [Planning Resource Object](#)
Cc: [C. Ryan Maloney](#); [Melissa Murrin](#)
Subject: Zoning Amendment Petition - Application H-22-10 (3938.001)
Date: Friday, May 6, 2022 4:46:32 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Letter to Hernando County \(Opposition to Zoning Amendment Petition\) 1.pdf](#)

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Dear Hernando County Planning and Zoning Commission,

Please find attached a correspondence from Mr. Maloney regarding the above referenced matter. Please do not hesitate to contact me should you wish to discuss further.

Best Regards,



SAMANTHA BRASWELL
Paralegal

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May 6, 2022

VIA ELECTRONIC MAIL

Planning and Zoning Commission
Hernando County
1653 Blaise Drive
Brooksville, FL 34601
Planning@hernandocounty.us

**Re: Zoning Amendment Petition - Application H-22-10
Public Service Facility Overlay District for a Communication Tower**

Dear Hernando County Planning and Zoning Commission:

This letter is written on behalf of SBA Monarch Towers III, LLC (“SBA”) in opposition to the recent Zoning Amendment Petition for Public Service Facility Overlay District for a Communication Tower, submitted by James Johnston with Shutts & Bowen LLP, on behalf of Temple Beth David Jewish Center (the “Applicant”), to rezone property and allow for construction of a new 160’ monopole communication tower, antennae array, and associated operational equipment (“Proposed Tower”), under Application File Number H-22-10 (the “Application”). The Application is scheduled to be considered by the Planning & Zoning Commission (the “Commission”) at its upcoming meeting on May 9, 2022, at 9:00 a.m.

As described in more detail below, the Commission should deny or defer the Application because:

- (1) SBA’s existing tower, which is located less than 0.16 miles from the Proposed Tower, has the capabilities to accommodate all of T-Mobile’s equipment, including 5G equipment, as well as other carriers’ 5G equipment, at the height required to provide the necessary coverage and data capacity to T-Mobile’s customers; and
- (2) T-Mobile—which is a current tenant on SBA’s existing tower—is in active discussions with SBA regarding modifications to SBA’s existing tower to accommodate T-Mobile’s 5G equipment, and additional time is needed to complete those discussions.

In short, construction of the new Proposed Tower, less than 0.16 miles from SBA’s existing tower, will likely not be necessary, because T-Mobile’s 5G equipment could be placed on SBA’s existing tower with modifications to the existing tower. For this reason, the Applicant cannot at this time meet its burden under Article IV, Section 11 of the Code of Ordinances to establish that SBA’s existing tower is not available to T-Mobile for purposes of collocation.

Accordingly, the Application should be denied, or at a minimum, deferred, in order to allow time for SBA and T-Mobile to complete their discussions regarding modifying the existing SBA tower to be able to house T-Mobile's 5G equipment.

Introduction and Background Facts

The Applicant submitted the Application on behalf of Temple Beth David Jewish Center, Inc. (the "Applicant"), seeking approval to site and construct the Proposed Tower. The planned location of the Proposed Tower is on Temple Beth David Jewish Center, Inc.'s property, located east of Linden Road, south of Antelope Street, and north of Feather Street, Spring Hill, FL 34609, parcel number 835225 (the "Proposed Location").

SBA owns, operates, and maintains a nearby 155' communication tower, located at 13764 Linden Drive, Spring Hill, FL 34609 (the "SBA Tower"). The location of the Proposed Tower is less than 0.16 miles from the SBA Tower. Please see **Exhibit A** for the specific location of the Proposed Tower and the existing SBA Tower.

As stated in the Application, the Proposed Tower is being sought for T-Mobile to relocate its equipment from the SBA Tower to the Proposed Tower. However, the SBA Tower can be modified to accommodate all of T-Mobile's equipment, including its 5G equipment, at the height required to provide the necessary coverage and data capacity to its customers. Further, SBA and T-Mobile are in active communications to resolve T-Mobile's concerns, and are scheduled to meet on May 11, 2022, to discuss the necessary modifications to the SBA Tower to accommodate T-Mobile's 5G equipment. Accordingly, the Commission should deny, or at a minimum, defer the Application to allow time for that process to be completed, and potentially avoid the need for another communication tower.

T-Mobile and SBA Are Actively Discussing Accommodation of T-Mobile's 5G Equipment at the SBA Tower

For the Application to be approved, the Applicant must provide evidence that the SBA Tower is not available to T-Mobile for purposes of collocation. As specifically stated in Article IV, Section 11(B)(6)(b)(5) of the Code of Ordinance, the Applicant shall "[p]rovide evidence that the applicant has pursued collocation, use of approved sites, and use of existing structure of an appropriate height." To do so, the Applicant must submit evidence, consisting 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." See Article IV, Section 11(B)(6)(b)(5) of the Code of Ordinance.

Although the Application does not include any copies of communications between T-Mobile and SBA, as the attached Letter by SBA Site Marketing Manager Brooke Irby (the "SBA Letter"), attached as **Exhibit B**, confirms, SBA is having active discussions with T-Mobile, regarding T-Mobile's needs to deploy additional antennae and 5G equipment on the SBA Tower. Importantly, T-Mobile and SBA have a meeting scheduled on May 11, 2022, to continue their discussions regarding the placement of T-Mobile's 5G equipment on the SBA Tower. If SBA and T-Mobile are able to reach an amicable solution, T-Mobile has indicated that it will not relocate



from the SBA Tower to another tower. Accordingly, the Application should be denied or deferred, to allow time for SBA and T-Mobile to complete those discussions.

The SBA Tower Can be Modified to Accommodate T-Mobile's Equipment

As the attached SBA Letter (Exhibit B) confirms, the SBA Tower can be modified to accommodate all of T-Mobile's equipment, including its 5G equipment, outside of the canister facility, and at the height required to provide the necessary coverage and data capacity to T-Mobile's customers. Once those modifications are made to the SBA Tower, there will be ample space to accommodate T-Mobile, and other carriers with similar equipment, which will further reduce the unnecessary proliferation of communication towers in the area.

Further, enclosed as **Exhibit C** is a Coverage Plot Analysis and Plot Maps by SBA, which demonstrates that the blue and green areas of the SBA Tower and the Proposed Tower remain substantially the same in terms of size and location at each megahertz. Based on the Analysis of these coverage plots, the Proposed Tower will not appreciably expand the scope or strength of available coverage in the area. Rather, the Proposed Tower will provide duplicative or overlapping coverage with the existing SBA Tower. For wireless operators with antennas mounted on the SBA Tower, the installation of additional antennas on the Proposed Tower would be considered an overbuild (or impractical) based on the coverage overlap.

Should the Commission approve the Application and allow for construction of the Proposed Tower, **less than 0.16 miles from SBA's existing tower**, while the SBA Tower can be modified to accommodate 5G equipment, it will set a dangerous precedent resulting in the proliferation of multiple unnecessary towers throughout the landscape. Clearly, such a situation would be to the detriment of the citizens of Hernando County. Accordingly, the Commission should deny or defer the Application to allow time for SBA and T-Mobile to complete their discussions regarding the SBA Tower accommodating T-Mobile's 5G equipment.

SBA's Zoning Should be Modified to Allow it to Modify the SBA Tower to Allow 5G Equipment

As stated in the Application Narrative, attached as **Exhibit D**, T-Mobile prefers not to mount its antennae within the canister facility of the SBA Tower as it stands, due to possible airflow issues that may cause the equipment to overheat. As demonstrated in this Opposition and the SBA Letter (Exhibit B), the SBA Tower can be modified to accommodate T-Mobile's 5G equipment, as well as other carriers' 5G equipment, outside of the canister facility, and at the height required to provide the necessary coverage and data capacity to T-Mobile's customers.

However, when the County's Board of County Commissioners approved SBA's petition for a Public Service Facility Overlay District for a Communication Tower in September 2008, which is attached as **Exhibit E**, it was conditioned on the requirement that, "All antennas shall be concealed within the tower." Accordingly, SBA's zoning should be modified to allow it to modify the SBA Tower to allow 5G equipment outside of the canister facility, rather than building an entirely new tower.



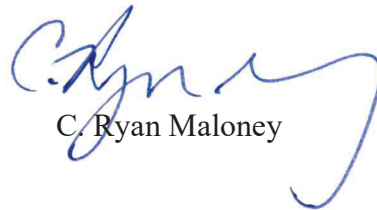
Further, it would be patently unfair to grant the Application for the Proposed Tower without the same concealment restrictions that were placed upon SBA's tower in order to allow 5G equipment on the Proposed Tower, while at the same time keeping those zoning restrictions on the SBA tower and thereby preventing it from housing 5G equipment. In other words, the only reason the Proposed Tower would be needed is due to the zoning restrictions on the SBA tower, since without those restrictions, the SBA tower can be modified to accommodate the T-Mobile's 5G equipment. Rather than having two towers within 0.16 miles of each other, the zoning restrictions for SBA's existing tower should be modified to allow the existing tower to be modified in order to house 5G equipment.

Conclusion

In sum, the SBA Tower, which is less than 0.16 miles from the Proposed Tower, can be modified to accommodate T-Mobile's 5G equipment, as well as other carriers' 5G equipment, outside of the canister facility, and at the height required to provide the necessary coverage and data capacity to T-Mobile's customers. Such modifications are commonplace in the telecommunications industry and render the SBA Tower completely feasible for use by T-Mobile. Furthermore, T-Mobile and SBA are having active discussions regarding modifications to the SBA Tower for T-Mobile to fully deploy its 5G equipment on the SBA Tower, and are meeting on May 11, 2022, to continue those discussions.

Accordingly, the Commission should deny the Application, or, at a minimum, defer the Application to allow time for SBA and T-Mobile to complete those discussions.

Sincerely,



C. Ryan Maloney

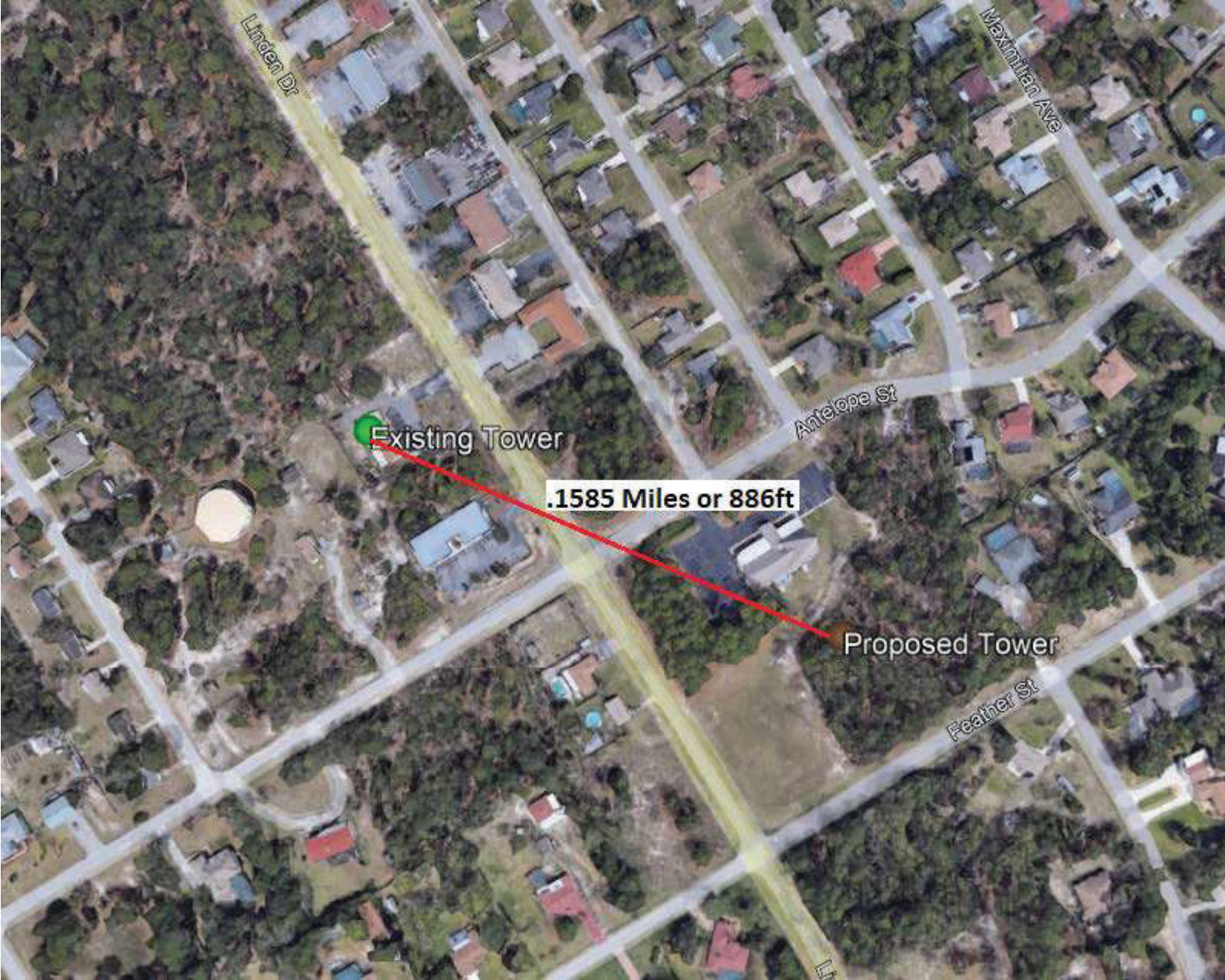
CRM/mgm

Enclosures: (Exhibits A-E)

cc: Client (via email w/enclosures)
File

Exhibit

“A”



Linden Dr

Maximilian Ave

Existing Tower

.1585 Miles or 886ft

Antelope St

Proposed Tower

Feather St

Exhibit

“B”



SBA Communications Corporation
8051 Congress Avenue
Boca Raton, FL 33487-1307

T + 561.995.7670
F + 561.995.7626

May 6, 2022

sbasite.com

Planning and Zoning Commission
Hernando County
1653 Blaise Drive
Brooksville, FL 34601
Planning@hernandocounty.us

Re: Application H-22-10 – James Johnston with Shutts & Bowen LLP: Public Service Facility Overlay District for a Communication Tower

Dear Hernando County Planning and Zoning Commission:

This letter is written regarding James Johnston with Shutts & Bowen LLP's Zoning Amendment Petition for Public Service Facility Overlay District for a Communication Tower, submitted on behalf of Temple Beth David Jewish Center for use by T-Mobile (the "Applicant"), to rezone property and allow for construction of a new communication tower (the "Proposed Tower"), under Application File H-22-10 (the "Application"), in Hernando County, Florida.

As the Site Marketing Manager for SBA Monarch Towers III, LLC ("SBA") in Florida, it is my job to interact with carriers, such as T-Mobile, who have located, or are interested in locating, onto an SBA communication tower in Florida. I maintain an open line of communication with the carriers to discuss tenant issues, including but not limited to, collocation, new equipment, centerline placement of equipment onto SBA communication towers, and other related matters. This would include the communication tower SBA has owned, operated, and maintained since 2012 in Hernando County, FL on property located at 13764 Linden Drive, Spring Hill, FL 34609 (the "SBA Tower").

I understand the Application is to allow for the construction of the Proposed Tower, which would be a new 160' monopole communication tower, located east of Linden Road, south of Antelope Street, and north of Feather Street, Spring Hill, FL 34609, parcel number 835225. The Proposed Tower is less than 0.16 miles from the SBA Tower.

T-Mobile currently leases space and maintains its communications equipment on the SBA Tower. T-Mobile has collocated on the SBA Tower since 2014. I regularly communicate with T-Mobile and am currently involved in communications with T-Mobile regarding the SBA Tower in order to accommodate T-Mobile's 5G equipment, and avoid T-Mobile having to re-locate to another tower. SBA and T-Mobile have a meeting scheduled for May 11, 2022, to continue those discussions.

T-Mobile is currently a tenant on nearly 7,000 SBA telecommunications towers nationwide. Given our relationship with T-Mobile, SBA is willing to modify its tower to accommodate T-Mobile's additional equipment, including its 5G equipment, which prevents the unnecessary and needless proliferation of communication towers in Hernando County, Florida.

In my capacity working for SBA, I am one of the primary custodians of the organizational documents, files, applications, letters, correspondence, reports, and other paperwork transmitted or received in connection with the dealings with T-Mobile in Florida. Having reviewed SBA's corporate records, I can confirm the SBA Tower can be modified to accommodate T-Mobile's 5G equipment, as well as other carriers' 5G equipment, outside of the tower's canister facility, and at the height required to provide the necessary coverage and data capacity to T-Mobile's customers. Modifications as may be needed to accommodate T-Mobile at a higher height or for more/larger equipment are common practice in the communications industry.

Accordingly, SBA requests that Commission deny or defer the Application to allow time for SBA and T-Mobile to complete their discussions, and possibly reduce the unnecessary proliferation of communication towers in the area.

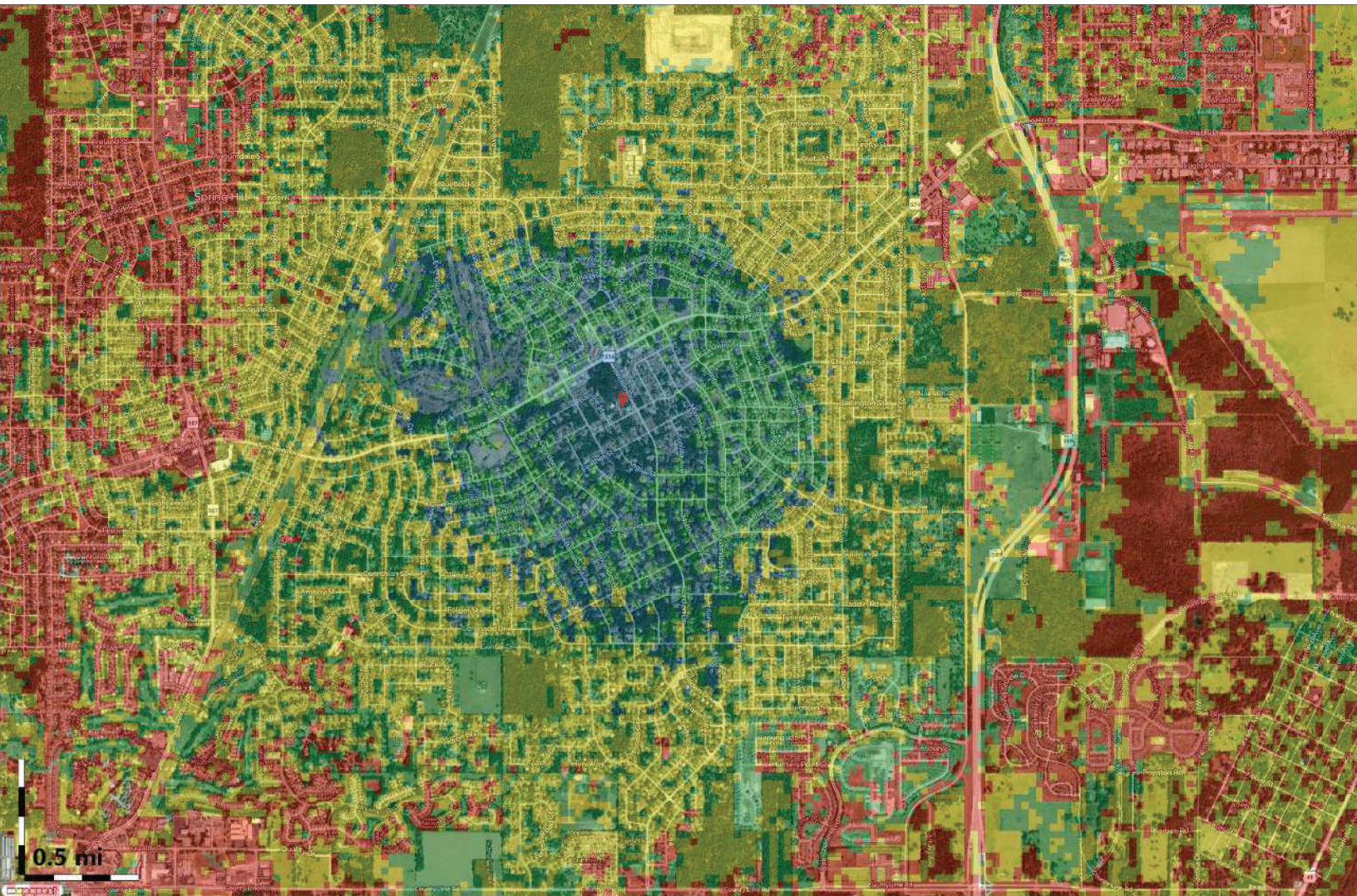
Sincerely,

/s/ Brooke Irby

Brooke Irby
Site Marketing Manager
SBA Monarch Towers III, LLC

Exhibit

“C”



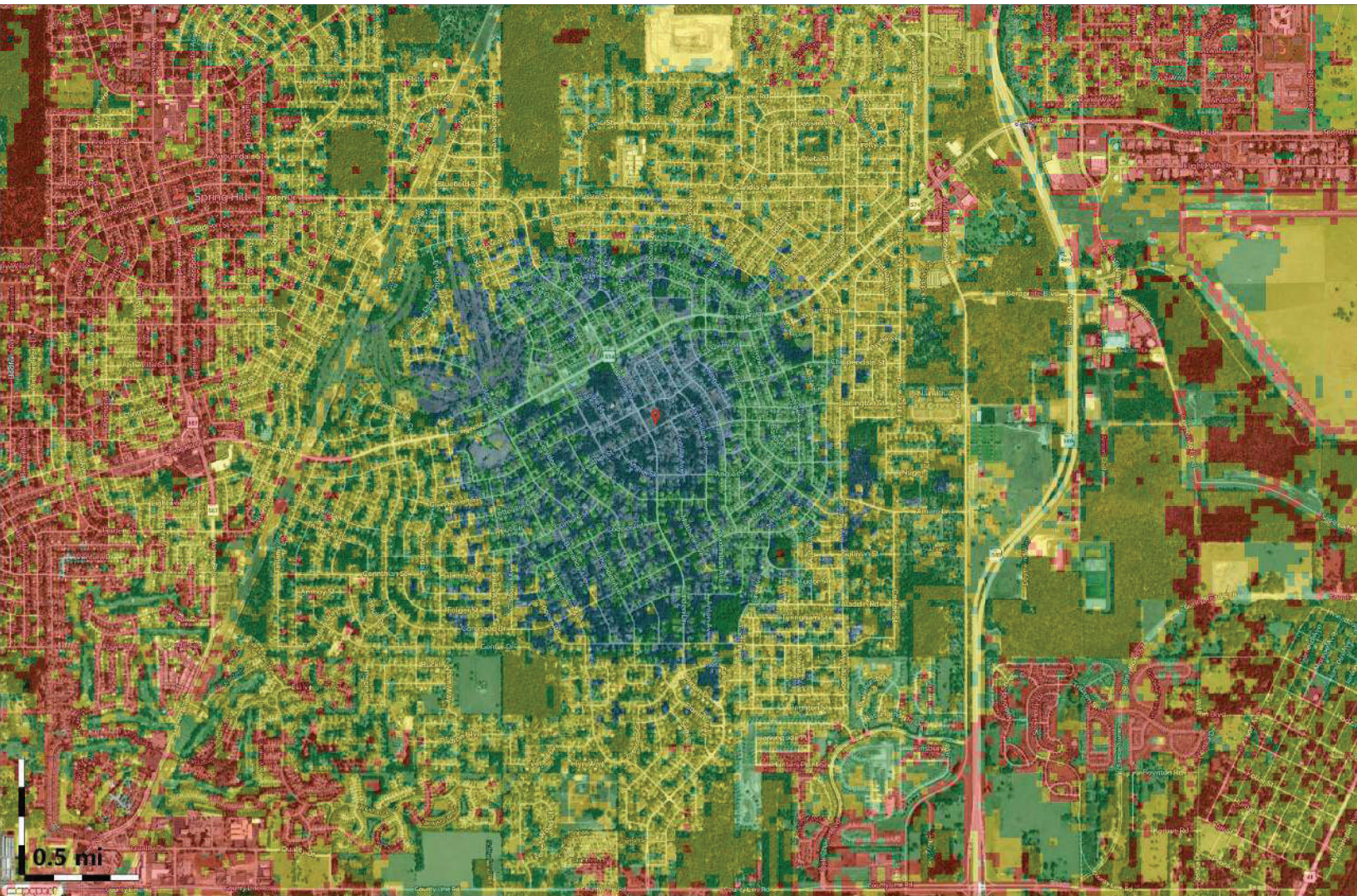
**Existing Site
700 MHz Coverage**

FL40914-T John & Maria

Site Name: Ferrara
 Latitude: N28.464292
 Longitude: W82.510186

Antenna: 15.15 dBi Omni
 Alpha Rad Center (ft): 150
 Azimuth (Deg): 0
 ERP per RS (W): 2.0

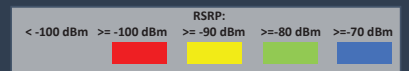


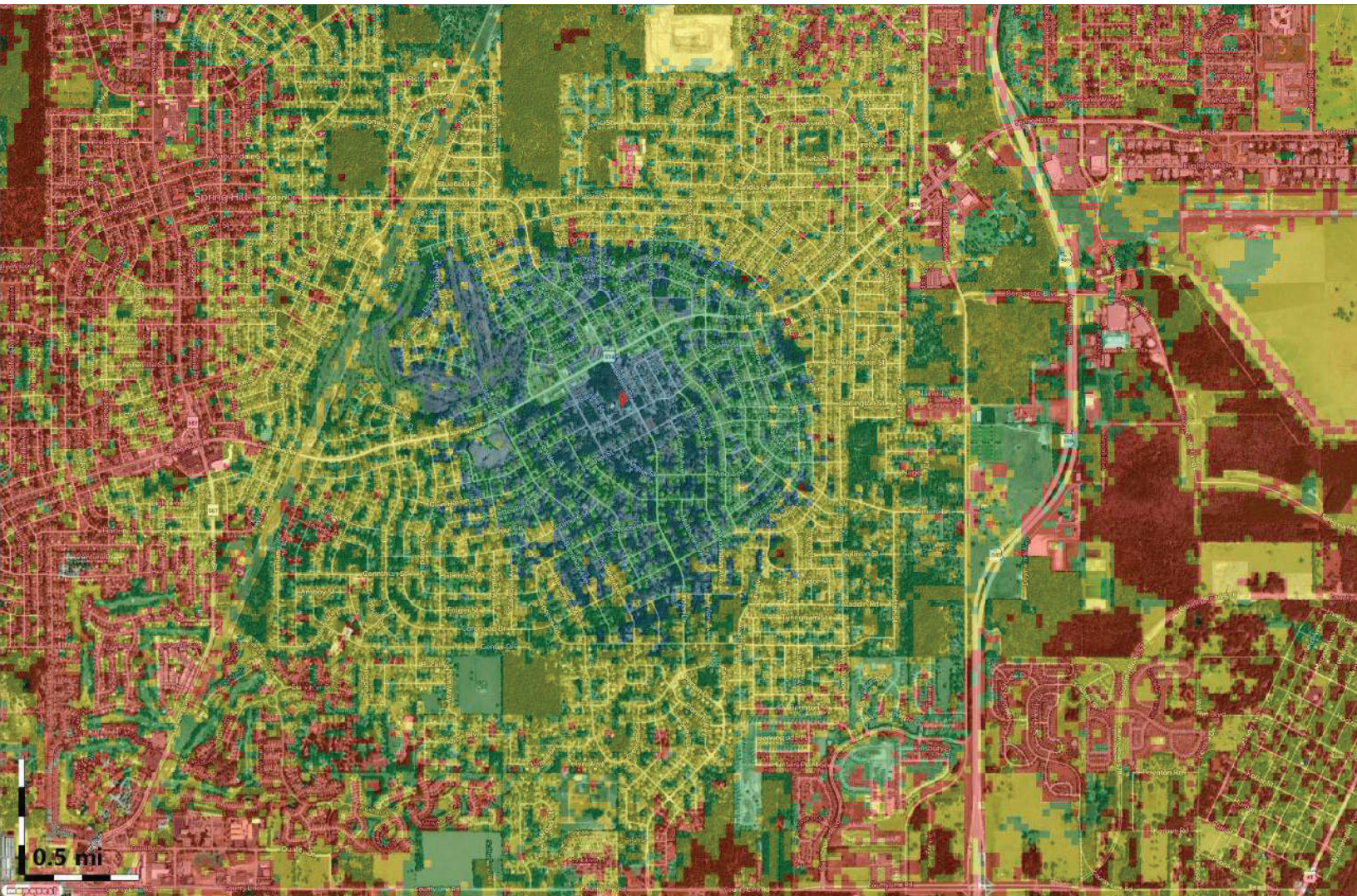


**Proposed Site
700 MHz Coverage**

Site Name: Proposed
 Latitude: N28.463244
 Longitude: W82.507883

Antenna: 15.15 dBi Omni
 Alpha Rad Center (ft): 155
 Azimuth (Deg): 0
 ERP per RS (W): 2.0



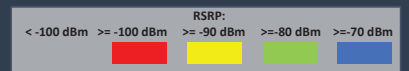


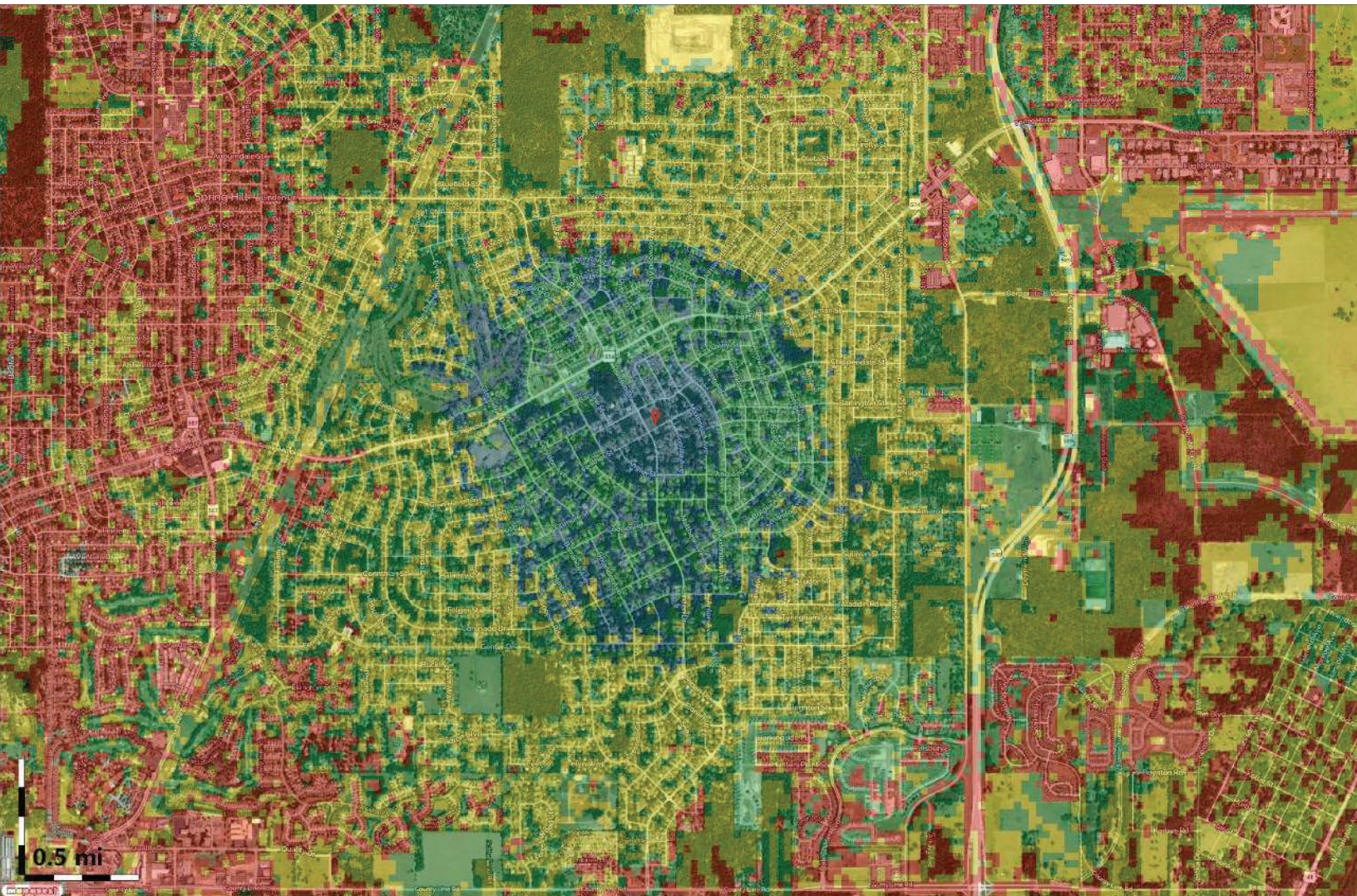
**Existing Site
850 MHz Coverage**

FL40914-T John & Maria

Site Name: Ferrara
 Latitude: N28.464292
 Longitude: W82.510186

Antenna: 15.15 dBi Omni
 Alpha Rad Center (ft): 150
 Azimuth (Deg): 0
 ERP per RS (W): 2.0

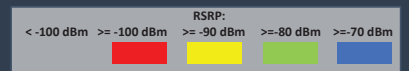


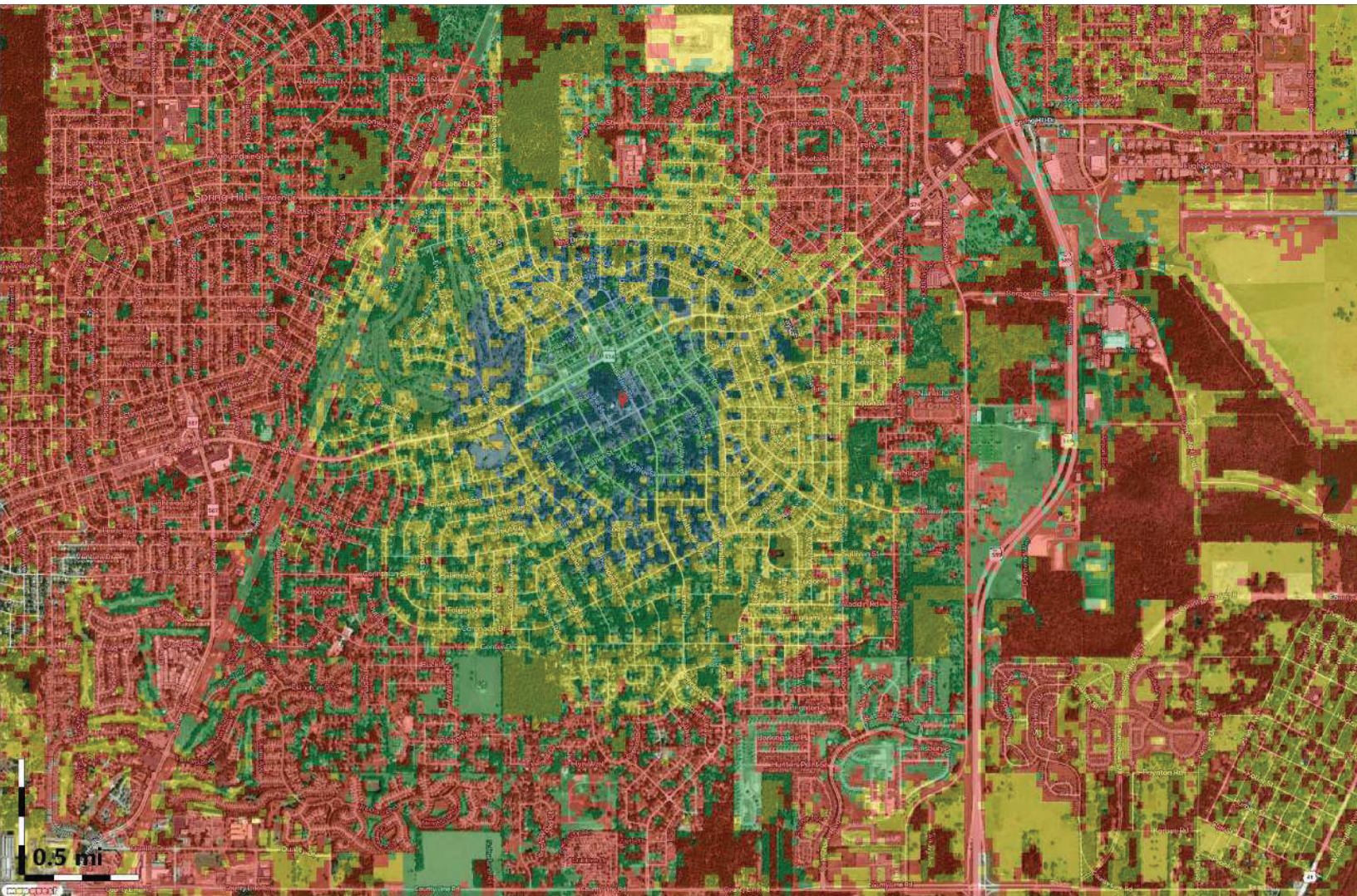


**Proposed Site
850 MHz Coverage**

Site Name: Proposed
 Latitude: N28.463244
 Longitude: W82.507883

Antenna: 15.15 dBi Omni
 Alpha Rad Center (ft): 155
 Azimuth (Deg): 0
 ERP per RS (W): 2.0





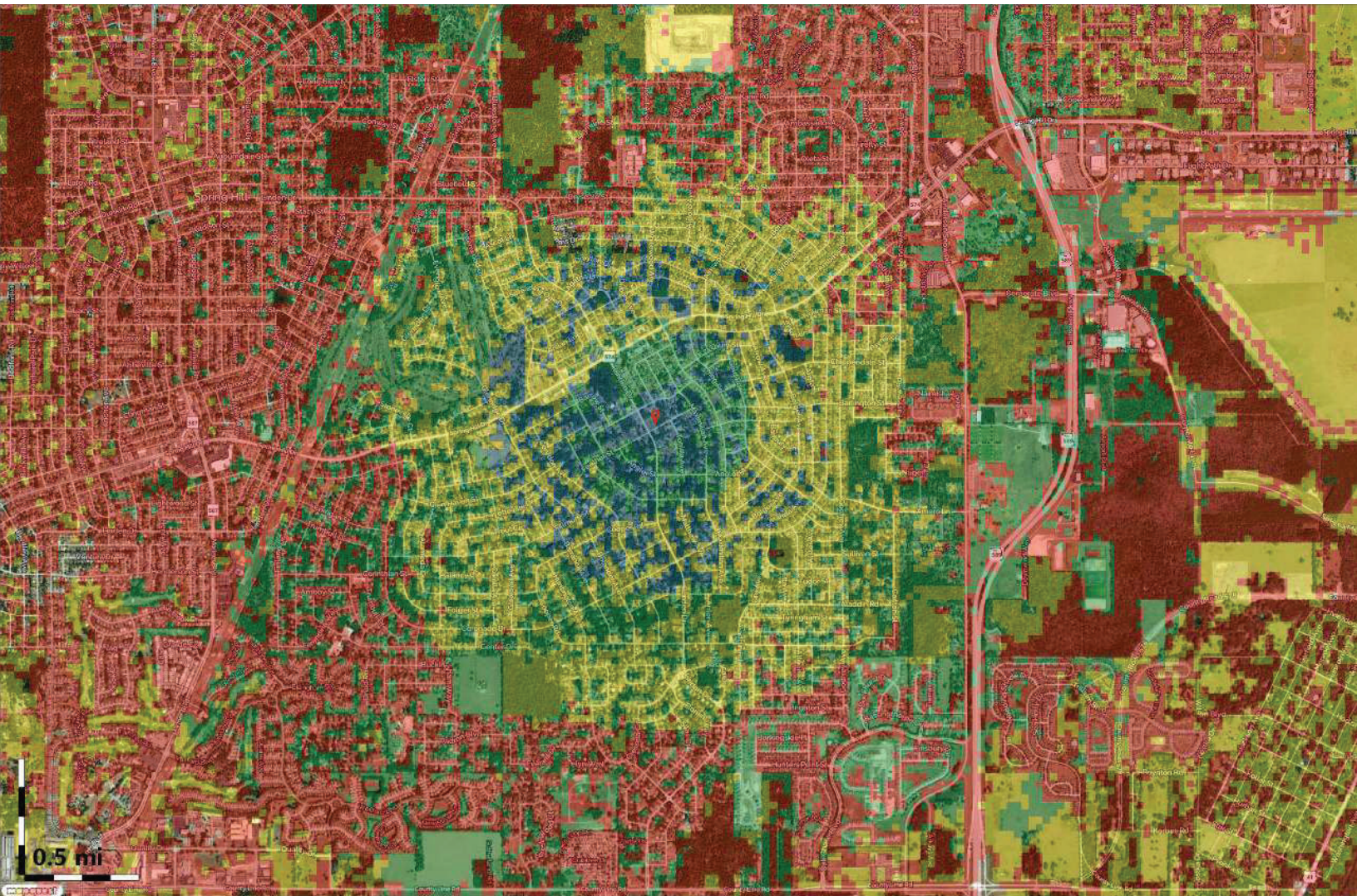
**Existing Site
1900 MHz Coverage**

FL40914-T John & Maria

Site Name: Ferrara
 Latitude: N28.464292
 Longitude: W82.510186

Antenna: 17.15 dBi Omni
 Alpha Rad Center (ft): 150
 Azimuth (Deg): 0
 ERP per RS (W): 4.7



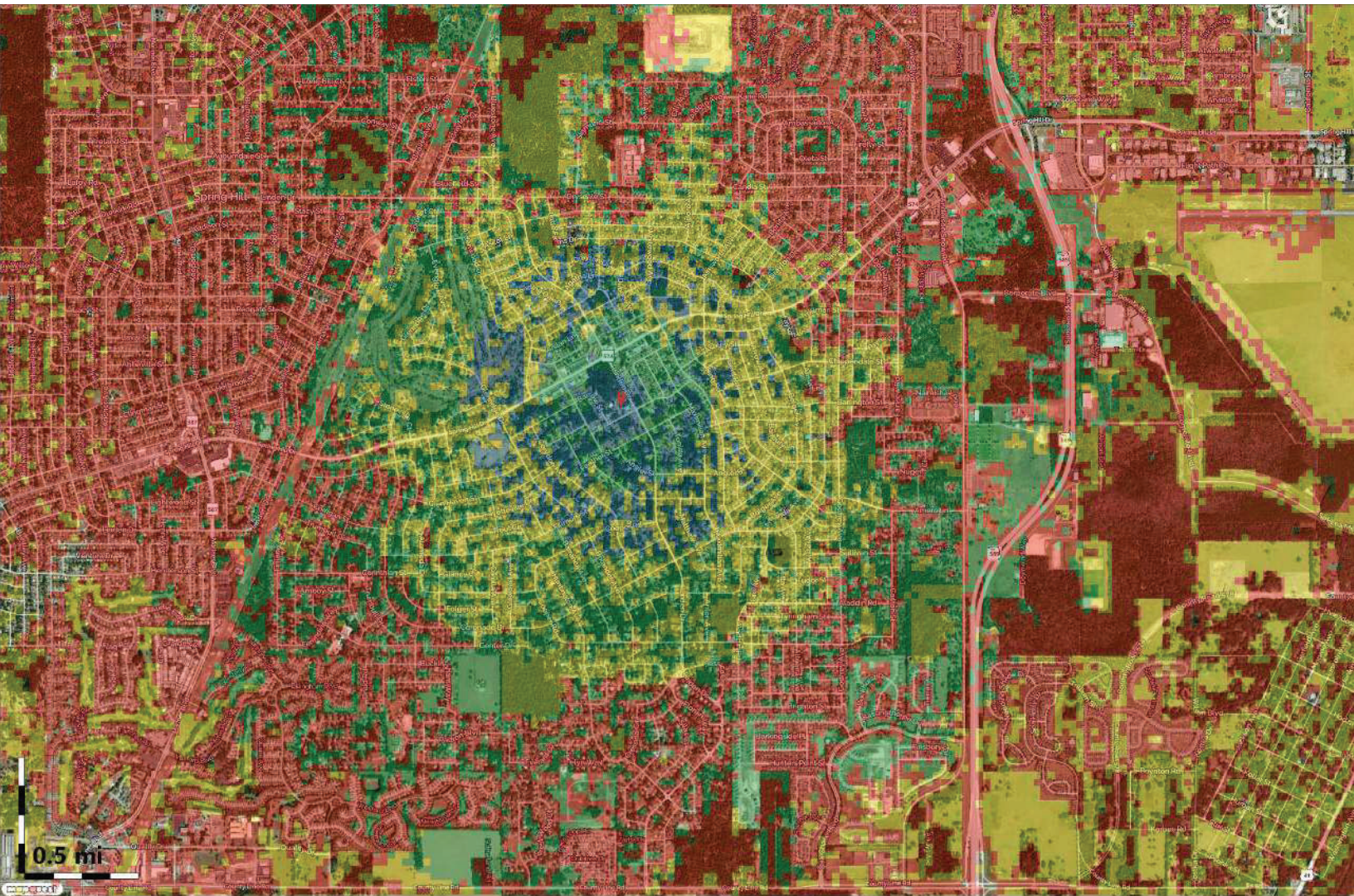


Proposed Site
1900 MHz Coverage

Site Name: Proposed
 Latitude: N28.463244
 Longitude: W82.507883

Antenna: 17.15 dBi Omni
 Alpha Rad Center (ft): 155
 Azimuth (Deg): 0
 ERP per RS (W): 4.7



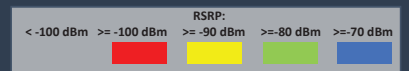


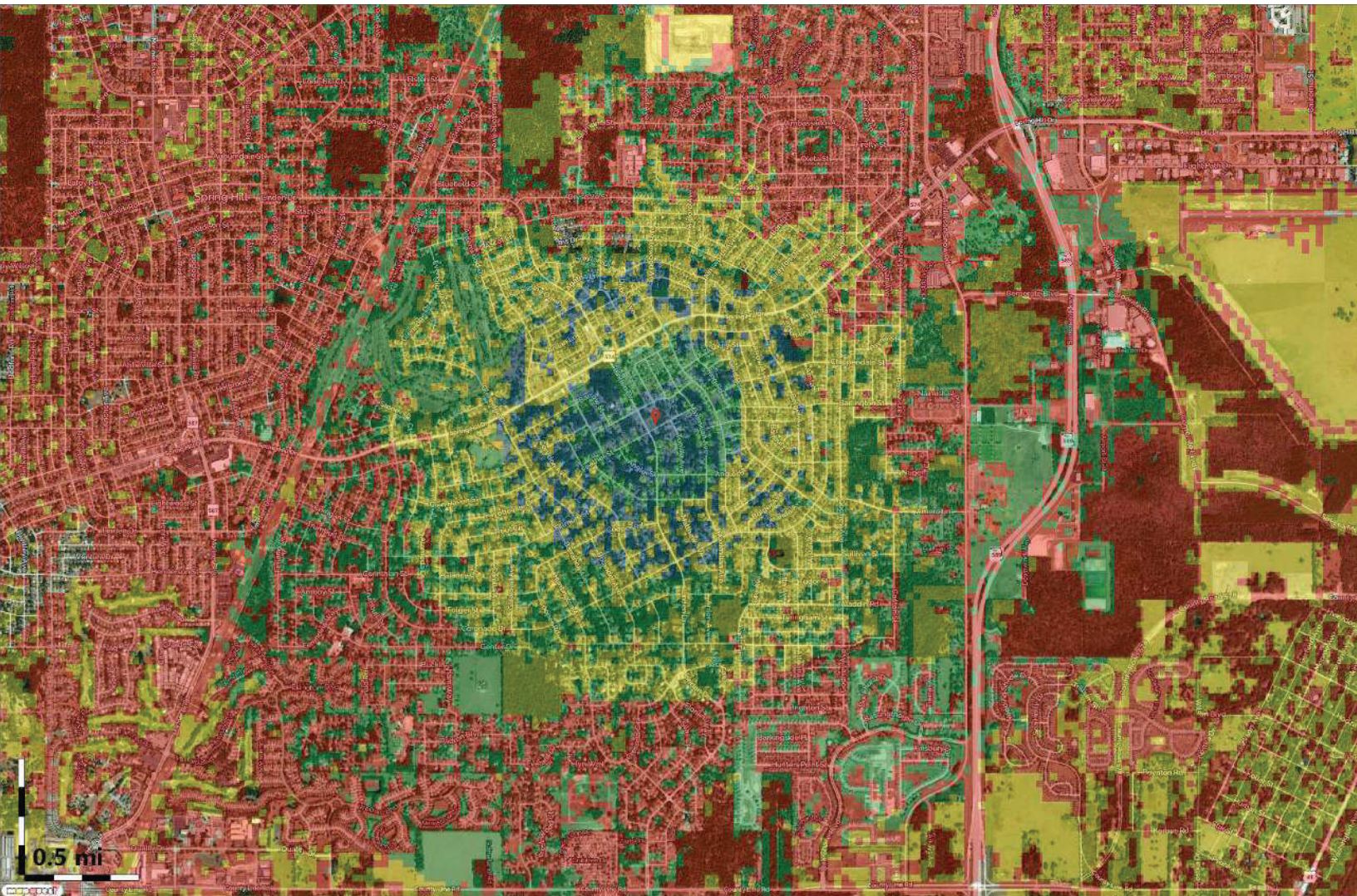
**Existing Site
2100 MHz Coverage**

FL40914-T John & Maria

Site Name: Ferrara
 Latitude: N28.464292
 Longitude: W82.510186

Antenna: 17.15 dBi Omni
 Alpha Rad Center (ft): 150
 Azimuth (Deg): 0
 ERP per RS (W): 4.7

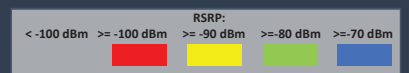




Proposed Site
2100 MHz Coverage

Site Name: Proposed
 Latitude: N28.463244
 Longitude: W82.507883

Antenna: 17.15 dBi Omni
 Alpha Rad Center (ft): 155
 Azimuth (Deg): 0
 ERP per RS (W): 4.7



Exhibit

“D”

PUBLIC SERVICES FACILITY OVERLAY DISTRICT
REZONING APPLICATION NARRATIVE

Applicant is proposing to rezone a portion of a 5.1 acre parcel of property located on Antelope Street in Hernando County, Florida and identified with Parcel Id. No. R32-323-17-5130-00D0-0010 (the "Property") with the Public Services Facility Overlay District in order to permit a 160 foot tall monopole communication tower. A 60' x 60' portion of the Property (the "Tower Property") will be rezoned with the Public Services Facility Overlay District, and the tower and accessory equipment will be located in a fenced compound within the Tower Property, all as depicted on the zoning drawings included with this application. As indicated in the fall zone letter provided with the application, the communication tower will be designed so in the highly unlikely event of a collapse there would be no danger to the Temple Beth David Jewish Center building on the parent parcel or any other surrounding properties. The Property has a future land use designation of Residential and is zoned PDP/SU. A portion of the Property is developed with the Temple Beth David Jewish Center facility.

As depicted on the enclosed zoning drawings, the Tower Property is located on a vacant portion of the Property that is covered by a mature tree canopy. The zoning drawings depict the Property, the Tower Property, and the 30 foot wide ingress/egress and utility easement from Feather Street to the Tower Property. The zoning drawings include a detail of the Tower Property and the proposed location of the monopole tower and accessory equipment within the fenced tower compound. Additionally, the zoning drawings include an elevation of the monopole tower and the proposed fencing. The zoning drawings further show that the tower will be setback 298 feet from the north property line, 202 feet from the south property line, 213 feet from the east property line, and 106 feet from the west property line. The parcel 106 feet to the west of the proposed communication tower is an existing retention pond owned by Hernando County that is also zoned PDP/SP. The residentially zoned property to the west across East Linden Drive is approximately 363 feet away from the proposed communication tower. Applicant believes that the proposed tower location on the vacant portion of the Property within the mature tree canopy, and the setbacks from the Property boundaries and surrounding residentially zoned parcels, will provide a sufficient buffer from the surrounding properties.

T-Mobile will be the anchor tenant on the proposed communication tower, and it is relocating antennas from a constrained unipole facility to the new communication tower. As indicated in the January 7, 2022 letter from T-Mobile and the T-Mobile RF Justification Package included with the application, the proposed communication tower will replace antennas T-Mobile has on the constrained structure (A2G0804A) because the existing unipole facility has limited space that will not fit all of T-Mobile's required antennae and will not meet its needs for 5G. Further, mounting the antennae within the existing canister facility would create an airflow issue that causes the equipment to overheat. With the new monopole communication tower, T-Mobile will be able to fully deploy its antennae and equipment, including 5G facilities, at the height required to provide the necessary coverage and data capacity to its customers. The Color Plot map included with the RF Justification Package depicts the proposed coverage areas for each of the antenna sectors on the proposed communication tower. The yellow colored area depicts sector 1 a 0 degrees azimuth, the blue colored area depicts sector 2 at 120 degrees azimuth, and the green colored area depicts sector 3 at 240 degrees azimuth. There are no

existing towers or structures located within T-Mobile's search ring area on which the antennae could be located and meet its coverage and data capacity needs. Therefore, a new communication tower is required. Further, as depicted on Sheet Z-3 of the site plan and confirmed in the February 1, 2022 letter from Vertical Bridge, the communication tower will be designed to accommodate shared use for the co-location of other antennae, which will reduce the future proliferation of towers in the area.

The proposed communication tower is a monopole design, which is generally recognized as having a reduced visual profile as compared to other tower types such as guyed or lattice towers. As explained in greater detail above and in the T-Mobile RF package, the proposed antennas cannot be concealed within the communication tower. However, the communication tower will be further camouflaged and screened from the surrounding properties based on its location within a mature tree canopy. As is provided for in the code, the communication tower compound will utilize the existing, mature tree canopy and other natural vegetation on the surrounding property to meet the 80% opacity requirement on the east, west, and south sides of the compound. As shown on the enclosed site plan, landscaping will be installed on the north side of the compound to supplement the existing vegetation in order to meet the opacity requirements. Finally, the proposed location of the communication tower on the larger parent parcel substantially setback from the property lines in the mature tree canopy will provide additional camouflage and screening from the surrounding properties.

Exhibit

“E”

SITE NAME: John & Maria Ferrara SITE ID: FL40914-A
 Transaction: Mobilitie

ZONING/PERMITTING COMPLETION FORM

2FL31824

Address: 13772 Linden Drive, Spring Hill, FL 34609

Jurisdiction: Hernando County Zoning District: Public Service Facility Overlay

Zoning Approval Type: Rezone Case #: Resolution #2008-179

Approval Date: 9/10/08 Approved Height: 155 Tower Build Date: _____

If tower is destroyed or drop/swap required, tower can likely be rebuilt? YES NO

Conditions of Approval:	<u>Yes</u>	<u>No</u>	<u>N/A</u>
Removal Bond _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site Plan Submittal _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fall Zone _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Periodic Inspections _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Periodic Reporting _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Approval Renewal _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Additional Conditions _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Development in compliance with approved site plan. Tower is approved for a maximum of 155 ft. in height.
 Tower to be constructed to support a minimum of four users. A 6 ft. PVC fence & a 5 ft. landscape buffer placed along west side. Tower designed with a collapse point at the 69 ft. level. All antennas shall be concealed within the tower.
 Name & phone number of the contact person for the facility be placed on a sign on the gate, fence or access point to the site.

JURISDICTION POC/DEPT.

Planning/Zoning: _____

Phone: _____ Fax: _____

Bldg./Code Enforcement: _____

Phone: _____ Fax: _____

Submitted by: *Datches Estes* Date: 6/19/12
 Zoning Compliance

TO BE COMPLETED BY CORPORATE

	<u>Yes</u>	<u>No</u>	<u>N/A</u>	
Zoning Approval Attached (required)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Building Permit Attached (required)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Date Recd</u> <u>2/12/09</u>
<u>1227999</u>				
Certificate of Occupancy or Compliance (CO) attached (required)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>3/23/09</u>
Zoning Manager Approval: <u><i>Diane E. Borchardt</i></u>				Date <u>6/19/2012</u>
Diane E. Borchardt, AICP				

Board of County Commissioners

Hernando County



4804
PLANNING DEPARTMENT
Government Center / Administration Building
20 North Main Street, Room 262
Brooksville, Florida 34601 - 2828

Planning - (352) 754-4057
Fax - (352) 754-4420
E-Mail: planning@co.hernando.fl.us

September 22, 2008

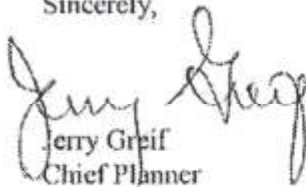
Lauralee G. Westine, Esq.
800 Tarpon Woods Blvd, Ste E1
Palm Harbor, FL 34685

RE: T-Mobile South, LLC; File Number: H0824

Dear Applicant and/or Representative:

Enclosed please find the resolution adopted by the Board of County Commissioners at their September 10, 2008, meeting relative to the above referenced petition. If you have any questions, please feel free to call our office.

Sincerely,


Jerry Greif
Chief Planner

cjb

Attachment

RESOLUTION NUMBER 2008-179

WHEREAS, Hernando County has adopted zoning regulations pursuant to Chapter 163 and Section 125.01(1), *Fla. Stat.*, which authorize the County to regulate the use of land in the unincorporated areas of Hernando County, Florida, and take action on the request herein; and,

WHEREAS, the Hernando County Board of County Commissioners (BOCC) conducted a duly advertised public hearing on September 10, 2008, to consider the requested changes in zoning on the specified parcel(s) in Hernando County, Florida, as more fully described below.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA AS FOLLOWS:

APPLICANT: T-Mobile South, LLC c/o Lauraloe G. Westine

FILE NUMBER: H-08-24

PURPOSE: Public Service Facility Overlay District for a Communication Tower

GENERAL LOCATION: West side of Linden Avenue, approximately 1,035' south of Spring Hill Drive

LEGAL DESCRIPTION: Lot 12, Block 890, Spring Hill, Unit 13, as per plat thereof recorded in Plat Book 8, Pages 84-100, Public Records, portion of Section 21, Township 23 South, Range 18 East, Hernando County, FL

REQUEST: Public Service Facility Overlay District for a Communication Tower; and subject to performance condition(s) as enumerated in the BOCC Meeting Results Memorandum (which is incorporated herein by reference and made a part hereof). The representations contained in the Applicant's rezoning application are incorporated herein by reference and made a part hereof and are relied upon by the County to be true and correct. For purposes herein, it is presumed that all requisite notice and advertising requirements have been satisfied.

FINDINGS OF FACT: ALL of the facts and conditions set forth in the County's staff memoranda and presented to the BOCC in connection with the public hearing in this matter are incorporated herein by reference and made a material part of this Resolution as integral to the BOCC's action. The BOCC finds that the testimony and record supporting approval of the request to be credible and to constitute competent substantial evidence. In further support thereof, the BOCC makes the following specific findings of fact:

1. The proposed request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions set forth in the BOCC Meeting Results Memorandum.

**CONCLUSIONS
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125 and 163, *Fla. Stat.* Accordingly, after public hearing and testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The proposed request is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions set forth in the BOCC Meeting Results Memorandum.


ACTION:

After notice and public hearing, based upon the record in this matter and **ALL** of the findings of fact and conclusions of law above, the BOCC hereby **APPROVES** the requested Public Service Facility Overlay District for a Communication Tower; subject to all conditions set forth in the BOCC Meeting Results Memorandum which is incorporated herein by reference and made a part hereof. Any requests, uses, variances or exceptions not specifically approved herein are hereby deemed **DENIED**.

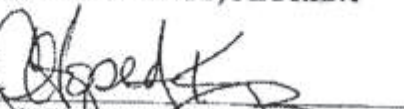
ADOPTED IN REGULAR SESSION THE 10th DAY OF SEPTEMBER, 2008

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

Attest:


KAREN NICOLAI
CLERK

By:

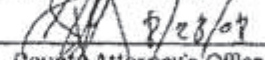

CHRISTOPHER A. KINGSLEY
CHAIRMAN

(SEAL)



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY


County Attorney's Office

6804

Board of County Commissioners

Hernando County

PLANNING DEPARTMENT

Government Center / Administration Building
20 North Main Street, Room 262
Brooksville, Florida 34601 - 2828



Planning - (352) 754-4057

Fax - (352) 754-4420

E-Mail: planning@co.hernando.fl.us

September 10, 2008

Lauralee G. Westine, Esq.
800 Tarpon Woods Blvd, Ste E1
Palm Harbor, FL 34685

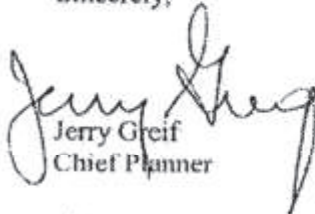
RE: T-Mobile South, LLC; File Number: H0824

Dear Applicant and/or Representative:

Enclosed please find the memorandum regarding the results from the September 10, 2008, meeting of the Board of County Commissioners. If you have any questions, please feel free to call our office.

According to Appendix A, Zoning, Article VI, Section 7(B) of the Hernando County Code of Ordinances, the petitioner is responsible for removal of the signs within 10 days after the final hearing date. Failure to timely remove any such sign(s) is prohibited.

Sincerely,


Jerry Greif
Chief Planner

cjb

Attachment

7804


September 10, 2008

MEMORANDUM

P.D.-234

TO: See Distribution List

VIA:  Ronald F. Pianta, AICP, Planning Director

FROM:  Jerry Greif, Chief Planner
Department of Planning

SUBJECT: **Results from the September 10, 2008, Board of County Commissioners Meeting**

On September 10, 2008, the Hernando County Board of County Commissioners held a duly advertised public hearing to consider advertised request(s) for changes in zoning. The following attachment(s) reflect the action(s) of the Board of County Commissioners at that scheduled public hearing:

DISTRIBUTION: Alice Gura, County Administrator's Office
Applicant
Applicant's File
Planning & Zoning Commission Members

E-MAIL Dennis Andrews, Emergency Management
Roland Bavota, School Board, bavota_r@hesh.k12.fl.us
Mark Caskie, Code Enforcement
Cindy Doxey, Property Appraiser's Office
Gary Fisher, Development Dept
Leah Fussell, Development Department
Judy Gerhart, Development Department
Larry Jennings, Deputy County Administrator
Jeff Kirk, Legal Department
Tina Martinson, Clerk's Office
Mike McHugh, Economic Development
Charles Mixson, County Engineer
Planning Dept. E-Mail
Carlene Riecss, Engineering Department
Sue Rupe, Tourist Development Coordinator
Don Silvernell, Airport Director
Donna Singer, Commercial Development
Terry Stokes, Commercial Development
Mark Tobert, Emergency Management

BOARD OF COUNTY COMMISSIONERS' MEETING RESULTS, SEPTEMBER 10, 2008, PAGE 2

APPLICANT: T-Mobile South, LLC c/o Lauralee G. Westine

FILE NUMBER: H-08-24

PURPOSE: Public Service Facility Overlay District for a Communication Tower

GENERAL LOCATION: West side of Linden Avenue, approximately 1,035' south of Spring Hill Drive

LEGAL DESCRIPTION: Lot 12, Block 890, Spring Hill, Unit 13, as per plat thereof recorded in Plat Book 8, Pages 84-100, Public Records, portion of Section 21, Township 23 South, Range 18 East, Hernando County, FL

STAFF RECOMMENDATIONS:

Approval of the petitioner's request for a public service facility overlay district for a communication tower with performance conditions:

P&Z ACTION:

At the July 14, 2008 meeting, the Planning and Zoning Commission voted 5-0 to 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 modified performance 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 of ~~435'~~ 155' 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, fence, or access point to the site, whichever is most adjacent to the public access.
5. The Public Service Facility Overlay District for a tower shall expire within one (1) year of the zoning approval if the tower is not constructed.
6. The proposed tower shall be designed to support a minimum of four (4) ~~antennas-arrays~~ users.
7. A 6' foot PVC fence and a 5' landscape buffer shall be placed along the west property line.

BOARD OF COUNTY COMMISSIONERS' MEETING RESULTS, SEPTEMBER 10, 2008, PAGE 3

8. The tower will be designed with a collapse point at the 50' 69' height level.
9. All antennas shall be concealed within the tower.
10. Permitting of the new tower height shall be contingent upon FAA approval.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution # 2008-179 approving the petitioner's request for a Public Service Facility Overlay District for a Communication Tower, with the following performance 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 of 155' 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, fence, or access point to the site, whichever is most adjacent to the public access.
5. The Public Service Facility Overlay District for a tower shall expire within one (1) year of the zoning approval if the tower is not constructed.
6. The proposed tower shall be designed to support a minimum of four (4) users.
7. A 6' foot PVC fence and a 5' landscape buffer shall be placed along the west property line.
8. The tower will be designed with a collapse point at the 69' height level.
9. All antennas shall be concealed within the tower.
10. Permitting of the new tower height shall be contingent upon FAA approval.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE ON THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD, AND THE APPROVAL CONDITIONS BY THE BCC.

**NOTICE OF FINAL AGENCY ACTION BY
THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

Notice is given that the District's Final Agency Action is approval of the ERP General for Minor Systems

on 0.032 acres to serve unmanned communications facility known as T-Mobile USA, Inc A2G804-A

The project is located in Hernando County, Section(s) 21

Township 23 South, Range 18 East. The permit applicant

is T-Mobile USA, Inc whose address is 3407 W Dr Martin Luther King Jr Blvd, Tampa, FL 33607

The permit No. is 46007614.003

The file(s) pertaining to the project referred to above is available for inspection Monday through Friday except for legal holidays, 8:00 a.m. to 5:00 p.m., at the Southwest Florida Water Management District (District) Brooksville

NOTICE OF RIGHTS

Any person whose substantial interests are affected by the District's action regarding this permit may request an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), and Chapter 28-106, Florida Administrative Code (F.A.C.), of the Uniform Rules of Procedure. *A request for hearing must (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's action, or final action; (2) state all material facts disputed by each person requesting the hearing or state that there are no disputed facts; and (3) otherwise comply with Chapter 28-106, F.A.C.* A request for hearing must be filed with and received by the Agency Clerk of the District at the District's Brooksville address, 2379 Broad Street, Brooksville, FL 34604-6899 within 21 days of publication of this notice (or within 14 days for an Environmental Resource Permit with Proprietary Authorization for the use of Sovereign Submerged Lands). Failure to file a request for hearing within this time period shall constitute a waiver of any right such person may have to request a hearing under Sections 120.569 and 120.57, F.S.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the District's final action may be different from the position taken by it in this notice of final agency action. Persons whose substantial interests will be affected by any such final decision of the District on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding the District's final action in this matter is not available prior to the filing of a request for hearing.

HERNANDO COUNTY PERMIT

TO SCHEDULE INSPECTIONS: (352) 754-4450 (Automated System) / (352) 754-4050 (Office)

TOWER

USE: TO TYPE: TOWER

DATE: 02/12/2009 PERMIT NO: 1227999 KEY NO: 297878

PARCEL DESCRIPTION: SPRING HILL UNIT 13 BLK 890 LOT 12 CCR NOC: R

LOCATION ADDRESS: 13772 LINDEN DR

OWNER: T-MOBILE TOWER

SET BACKS: FRONT 130.0 LEFT: 80.0 RIGHT 109.0 REAR 69.0

Zoning: Flood Zone: C Base Flood Elevation: 0.00
No. of Trees Req. @ Final Insp: 0

CONTRACTOR	DESCRIPTION
NEW TECH CONSTRUCTION CORP	GENERAL CONTRACTOR-CLASS A
WINGATE ELECTRIC INC	UNLIMITED ELECTRICAL CONTR

INSPECTIONS

FOOTER	OTHER:
UNDERGROUND ELECTRIC	
SLAB	
ROUGH ELECTRIC	
FINAL ELECTRIC	
FINAL BUILDING	

INSPECTIONS MUST BE MADE BEFORE PROCEEDING WITH SUBSEQUENT WORK.

NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies. This act became effective October 1,

ASBESTOS NOTIFICATION STATEMENT

PURSUANT TO s.553.79, FLORIDA STATUTES, YOU ARE HEREBY NOTIFIED OF YOUR POTENTIAL RESPONSIBILITY TO COMPLY WITH s.469.003, FLORIDA STATUTES, PROVIDING CERTAIN REQUIREMENTS RELATING TO ASBESTOS SURVEY AND ABATEMENT AND LICENSURE THEREFOR, INCLUDING BUT NOT LIMITED TO, NOTICE OF INTENT TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO REMOVE ASBESTOS UNDER APPLICABLE STATE AND FEDERAL LAW.

NOTICE TO APPLICANT

THE GRANTING OF THIS PERMIT 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 PERMIT SHOULD CONTACT THE LOCAL ASSOCIATION FOR ALL RESTRICTIONS.

This card must be displayed on street side of lot facing the street in a permanent, substantial shelter accessible to the inspector. Card must remain displayed until Final Inspection. No inspections will be made unless an approved set of plans is available at job site for the inspections.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR ANY ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

***** CERTIFICATE OF COMPLETION *****

THIS CERTIFICATE DOES NOT PERMIT OCCUPANCY.
IF OCCUPANCY IS NEEDED, ADDITIONAL PERMITS WILL BE REQUIRED.

HERNANDO COUNTY
DEVELOPMENT DEPARTMENT
BUILDING DIVISION

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES, AND
REGULATIONS OF HERNANDO COUNTY, FLORIDA.

BUILDING PERMIT #: 1227999

OWNER'S NAME: T-MOBILE TOWER
FERRARA JOHN
12224 FILLMORE ST
SPRING HILL, FL 34609-5743

LOCATION ADDRESS: 13772 LINDEN DR

DESCRIPTION: SPRING HILL UNIT 13
BLK 890 LOT 12

CCR

CONTRACTOR 1: NEW TECH CONSTRUCTION CORP

LICENSE #: CGC1504679

USE TYPE: TOWER

ZONING CLASS: PDP GENERAL HWY COMMERCIAL

UNITS: 1

CERTIFICATE OF COMPLETION DATE: 03/23/2009 DATE PRINTED: 06/19/2012

***** CERTIFICATE OF COMPLETION *****

THIS CERTIFICATE DOES NOT PERMIT OCCUPANCY.
IF OCCUPANCY IS NEEDED, ADDITIONAL PERMITS WILL BE REQUIRED.

HERNANDO COUNTY
DEVELOPMENT DEPARTMENT
BUILDING DIVISION

THIS CERTIFICATE IS ISSUED IN ACCORDANCE WITH THE LAWS, ORDINANCES, AND
REGULATIONS OF HERNANDO COUNTY, FLORIDA.

BUILDING PERMIT #: 1259346

OWNER'S NAME: TAM673-A (METRO PCS)
FERRARA JOHN JR & MARIA
12224 FILLMORE ST
SPRING HILL, FL 34609-5743

LOCATION ADDRESS: 13772 LINDEN DR

DESCRIPTION: SPRING HILL UNIT 13
BLK 890 LOT 12

CONTRACTOR 1: ARIELLE CONSTRUCTION CORP

LICENSE #: CGC1509635

USE TYPE: TOWER ANTENNA ADDITION

ZONING CLASS: PDP GENERAL HWY COMMERCIAL

UNITS: 1

CERTIFICATE OF COMPLETION DATE: 12/14/2011 DATE PRINTED: 06/19/2012

HERNANDO COUNTY PERMIT

TO SCHEDULE INSPECTIONS: (352) 754-4450 (Automated System) / (352) 754-4050 (Office)

TOWER ANTENNA ADDITION

USE: TA TYPE: COLOC

DATE: 10/17/2011 PERMIT NO: 1259346 KEY NO: 297878

PARCEL DESCRIPTION: SPRING HILL UNIT 13 BLK 890 LOT 12 NOC : R

LOCATION ADDRESS: 13772 LINDEN DR

OWNER: TAM673-A (METRO PCS)

SET BACKS: FRONT 0.0 LEFT: 0.0 RIGHT 0.0 REAR 0.0

Zoning: Flood Zone: Base Flood Elevation: 0.00
No. of Trees Req. @ Final Insp: 0

CONTRACTOR	DESCRIPTION
ARIELLE CONSTRUCTION CORP	GENERAL CONTRACTOR-CLASS A
SUNCOAST POWER AND FIRE INC	UNLIMITED ELECTRICAL CONTR

INSPECTIONS

SLAB	OTHER:
ROUGH ELECTRIC	
UNDERGROUND ELECTRIC	
FINAL ELECTRIC	
FINAL BUILDING	
FINAL FIRE	
FINAL ZONING	
FINAL DPW	

INSPECTIONS MUST BE MADE BEFORE PROCEEDING WITH SUBSEQUENT WORK.

NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies. This act became effective October 1,

ASBESTOS NOTIFICATION STATEMENT

PURSUANT TO s.553.79, FLORIDA STATUTES, YOU ARE HEREBY NOTIFIED OF YOUR POTENTIAL RESPONSIBILITY TO COMPLY WITH s.469.003, FLORIDA STATUTES, PROVIDING CERTAIN REQUIREMENTS RELATING TO ASBESTOS SURVEY AND ABATEMENT AND LICENSURE THEREFOR, INCLUDING BUT NOT LIMITED TO, NOTICE OF INTENT TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, TO REMOVE ASBESTOS UNDER APPLICABLE STATE AND FEDERAL LAW.

NOTICE TO APPLICANT

THE GRANTING OF THIS PERMIT 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 PERMIT SHOULD CONTACT THE LOCAL ASSOCIATION FOR ALL RESTRICTIONS.

This card must be displayed on street side of lot facing the street in a permanent, substantial shelter accessible to the inspector. Card must remain displayed until Final Inspection. No inspections will be made unless an approved set of plans is available at job site for the inspections.

15 Charge for Duplicate Card

Revised: 07/2007

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR ANY ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

Zoning Review

General Site Information		Review Information	
Carrier Name:	TMO	Review Date:	2/3/2011
Carrier Site Name:	John & Maria Ferrara	Review By:	Michelle Cornelius
Carrier Site Number:	A2G0804A		
Mobilitie Site Number:	2FL31824		

Zoning Summary	
Zoning Approval Received:	Yes
Zoning Approval Expiration:	
Original Zoning Approval Date:	9/10/2008
Zoning Approval Expiration Date:	
Zoning Approval or Extension:	
Conforming, Violation or Other Comments:	The Hernando County Board of County Commissioners adopted Resolution 2008-179 approving this site on September 10, 2008.
Conforming Use:	Yes
BP Issue Date:	2/12/2009
BP Approval Received:	Yes
BP Approval Date:	3/23/2009
BP Expiration:	
BP Expiration Date:	

New Construction	
Time Required to Process New Permits:	30 days
CUP Construction Received:	
CUP for New Application Submitted:	
CUP Accepted:	
CUP Expiration:	
CUP Expiration Date:	
Future New Construction Comments:	According to Omar DePablo, Hernando County Planning Department, planning approval is not required for a co-locate. According to Terry Stokes, Hernando County Building Department, a building permit is required for a co-locate and would be processed within 30 days.
Certificate of Occupancy Required:	No
Comments:	According to Terry Stokes, Hernando County Building Department, site was finalized on March 23, 2009. Building permit copy was requested but Hernando County was not able to provide a copy. A certificate of occupancy is not required for wireless communications facilities.
Continual Landscaping Required:	Yes
Comments:	According to Omar DePablo, Hernando County Planning Department, the landscape buffer must be maintained as approved.
Regular Maintenance Required:	No
Required Maintenance Intervals (Months):	
Comments:	According to Omar DePablo, Hernando County Planning Department, there are no regular maintenance requirements.
Post Construction Reports:	No
Comments:	According to Omar DePablo, Hernando County Planning Department, there are no post construction report requirements.

Bonds

Tower Bonds Required: No
Tower Bond Expiration Date:
Tower Bond Amount:
Tower Bond Comments: According to Omar DePablo, Hernando County Planning Department, there are no tower bond requirements.


Permits

Permit Type: Building Permits
Permit Required: Yes
Permit Critical Date:
Permit Start Date:
Permit End Date:
Permit Agency: Hernando County Building Department
Permit Comments: According to Terry Stokes, Hernando County Building Department, a building permit is required for a co-locate and would be processed within 30 days.

Permit Type: Other
Permit Required: No
Permit Critical Date:
Permit Start Date:
Permit End Date:
Permit Agency: Hernando County Planning Department
Permit Comments: According to Omar DePablo, Hernando County Planning Department, planning approval is not required for a co-locate.

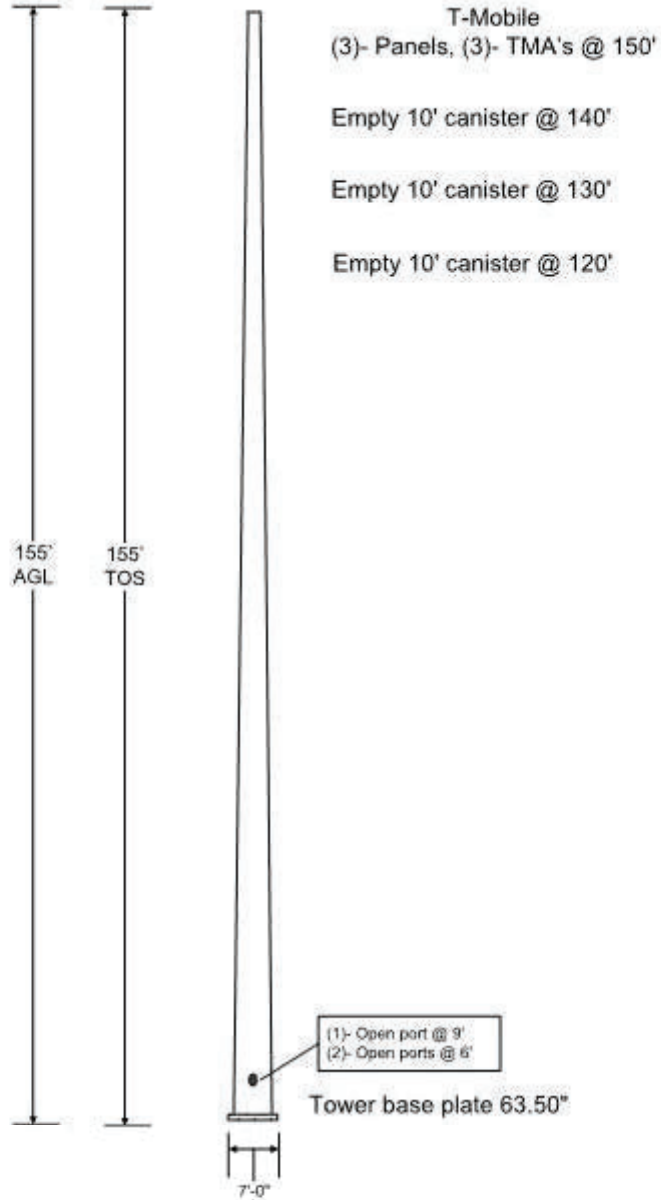
Business License

Business License Required:
Business License Type:
Business License Start Date:
Business License End Date:
Business License Critical Date:
Business License Agency:
Business License Comments:


A tall, slender, grey metal pole stands vertically against a grey, overcast sky. The pole is the central focus of the image. At the bottom, there are some dark green trees and a thin wire or cable running horizontally across the frame.

2021/12/14
11:26

155' Tower AGL
155' TOS
FAA Approved 155'



0ft. 12ft. 20ft. 40ft.

SBA Communications 	John & Maria Ferrara
	TOWER DRAWING