

STAFF REPORT

HEARINGS: Planning & Zoning Commission: March 13, 2023
Board of County Commissioners: April 11, 2023

APPLICANT: SBA Communication Corporation

FILE NUMBER: H-22-88

REQUEST: Revision to a Public Service Facility Overlay District for a Communication Tower

GENERAL LOCATION: West of Linden Road, approximately 940' south of Spring Hill Drive

PARCEL KEY NUMBER: 297878

APPLICANT'S REQUEST

On September 10, 2008, the Board of County Commissioners (BOCC) approved a request for a Public Service Facility Overlay District for a Communication Tower to construct a 155' monopole communication tower, antennae array and associated operational equipment. As part of the approval, the BOCC conditioned the tower as a monopole tower with all antennas conceal within the tower canister. The petitioners current request is to remove the concealment condition and allow for the antennas to be mounted on the exterior of the tower. The petitioner has indicated that due to 5G technology, the exterior installation would increase the quality of cellular coverage. The request would also better accommodate future growth for carriers. No other changes are being requested.

SITE CHARACTERISTICS

Site Size: 32' x 44' compound on an approximate 0.87-acre parent tract

Surrounding Zoning & Land Uses:

North:	PDP(GHC); Undeveloped
South:	PDP(GC); Commercial
East:	PDP(GHC); Commercial
West:	PDP(SF)/PSFOD; Utilities

Current Zoning: PDP(GHC)/Planned Development Project (General Highway Commercial)

Future Land Use Map Designation: Commercial

LAND USE REVIEW

The proposed changes are to an existing tower and therefore, existing setbacks are recognized. The subject site is in a mixed residential and commercial area.

<u>Proposed Setbacks</u>	<u>Direction</u>	<u>Land Use</u>
102'	North	PDP(GHC)
75'	South	PDP(GC)
118'	East	PDP(GHC)
64'	West	PDP(SF)/PSFOD

The tower as permitted and constructed did not meet the previous structural design requirements/conditions for a collapse point at 69' height level. Tower hinges and collapse points are meant to avoid, in a catastrophic tower failure scenario, for the tower to either collapse on itself or fall within the boundary of the subject site. The petitioner has provided an engineer's letter stating the following:

While the exact failing mode is difficult to predict, in the extreme wind event when the wind load greatly exceeds the design capacity of the pole, it is our opinion that the first point of failure would likely occur in the section with the highest structural usage which is at the base of structure, resulting in a fall radius of 155' or less.

Comments: In the event the tower requires a full upgrade or major structural modification, the tower shall be updated to provide a collapsible point, hinge or any industry standards that safeguard neighboring parcels against catastrophic failure.

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 tower must meet the FAA rules and guidelines regarding lighting which are addressed in the Airport Ordinance.

COMPREHENSIVE PLAN REVIEW

The petitioner's request for a 155' high monopole communication tower and associated operational equipment is located within a Commercial Land Use designation 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.

FINDINGS OF FACT

The request for a Revision to a Public Service Facility Overlay District for a Communication Tower is appropriate based on the following conclusions:

The Public Service Facility Overlay District for a Communication Tower is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.

NOTICE OF APPLICANT RESPONSIBILITY

The rezoning process is a land use determination and does not constitute a permit for either construction on, 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. Homeowner 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 RECOMMENDATION

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Revision to 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 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. 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 with an additional 5' lightning rod.
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 proposed tower shall be designed to support a minimum of four (4) users
6. A 6' PVC fence and a 5' landscape buffer shall be maintained along the west property line.
7. Tower shall be a monopole tower and shall allow for the required four (4) users to be located on the exterior of the structure.
8. In the event the tower requires a full upgrade or major structural modification, the tower shall be updated to provide a collapsible point, hinge or any industry standards that safeguard neighboring parcels against catastrophic failure.
9. Permitting of the new tower height shall be contingent upon FAA approval.

P&Z RECOMMENDATION:

On March 13, 2023, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt a resolution approving the petitioner's request for a Revision to a Public Service Facility Overlay District for a Communication Tower with the following unmodified 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. 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 with an additional 5' lightning rod.
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.
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