

STAFF REPORT

HEARINGS: Planning & Zoning Commission: May 9, 2022
Board of County Commissioners: June 14, 2022
Board of County Commissioners: August 9, 2022

APPLICANT: James Johnston with Shutts & Bowen LLP

FILE NUMBER: H-22-10

REQUEST: Public Service Facility Overlay District for a Communication Tower

GENERAL LOCATION: East of Linden Road, south of Antelope Street and north of Feather Street

PARCEL KEY NUMBERS: 835225

APPLICANT'S REQUEST:

The petitioner is requesting a Public Service Facility Overlay District for a Communication Tower in order to construct a 160' monopole communication tower, antennae array and associated operational equipment. The petitioner has indicated they will be relocating antennas from a constrained unipole facility. The proposed compound will be a 60' x 60' portion of an existing 5.1-acre PDP(SU)/Planned Development Project (Special Use) for a church and part of the original Spring Hill master plan. The LDRs require that all new communication towers greater than 100' in height be designed to support no less than four (4) users. The tower is designed to support four (4) regional users. The LDRs also require description of viable alternatives for utilizing camouflage techniques. In this case the applicant has not proposed any alternative camouflage techniques.

SITE CHARACTERISTICS:

Site Size: 60' x 60' compound (parent parcel 5.1 acres)

Surrounding Zoning & Land Uses:

North:	PDP(GHC), (SF); Commercial, Single-Family
South:	PDP(SF); Single-Family
East:	PDP(SF); Single-Family
West:	PDP(SF); Single-Family

Current Zoning: PDP(SU)/Planned Development Project (Special Use)

Future Land Use Map Designation: Residential

ENVIRONMENTAL REVIEW:

Soil Type: Candler Fine Sand

Comments: A Gopher tortoise burrow survey shall be conducted. The burrow survey shall be conducted by a qualified professional prior to clearing or development activities. FWC permits are required for burrows that cannot be avoided during development. The petitioner is required to comply with all applicable FWC regulations.

Hydrologic Features: The subject property does not contain any wetlands and or Special Protection Areas (SPAs), according to County data resources.

Protection Features: The property has no Wellhead Protection Areas (WHPA) according to County data resources.

Flood Zone: X

ENGINEERING & TRANSPORTATION REVIEW:

The site is located on the east of Linden Road, south of Antelope Street and north of Feather Street. The petitioner is proposing a 12' wide gravel access drive from Feather Street. The County Engineer has reviewed the petitioner's request and indicated the following:

- The petitioner must pave the driveway apron to the property line and obtain the necessary permits. The gravel driveway to the compound area shall be a minimum width of 15'.
- A right-of-way use permit will be required.
- Construction review will require a Break-A-Way diagram to demonstrate no structures will be damaged and there is no impact to DRA at Feather Street and Linden Drive.

RADIO FREQUENCY REVIEW:

The petitioner is proposing a new 160' high monopine (pole tower) for the purpose of supporting up to four (4) cellular communication carriers. Evidence indicating that the applicant has pursued collocation 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 all of the above items. Furthermore, the petitioner has provided evidence that the proposed location of the 160' high tower will cover a gap in service for the surrounding area.

LAND USE REVIEW:

The petitioner has indicated that the proposed tower will have a maximum height of 160'. The proposed tower shall meet the setback of the zoning district. In no case, shall a tower 100' in height or greater be located within 125% of its height to any residentially zoned property, unless such property is used or designated for a nonresidential use. The subject site is located in a residential and commercial area.

<u>Proposed Setbacks</u>	<u>Direction</u>	<u>Land Use</u>
298'	North	PDP(SF) & (GHC)
261'	South	PDP(SF)
212'	East	PDP(SF)
335'	West	PDP(SU) DRA

The narrative references a certified fall zone. The fall zone certification provides that in the unlikely event of a failure, the most likely failure location would be on the monopole shaft above the base plate, with the result being that the monopole would buckle and remain in a leaning condition that effectively results in a fall radius equal to 30' at ground level. The tower design is of such that the tower would not topple over like a tree but would collapse on itself within the proposed compound.

The County's LDRs require the use of camouflage techniques where feasible and encourages the users to locate and configure towers and antennas in a way which minimizes visual impact. It is the responsibility of the applicant to provide options for viable camouflage techniques, and none have been provided. The petitioner is proposing a monopole tower with no camouflage. The petitioner has indicated that due to the location, existing vegetation, tower height and line of sight, no camouflage technique is needed. Although the site is located on the Temple Beth David Jewish Center, the surrounding neighborhood is single family in nature and antennae array will be visible from various locations. The LDRs also require that the proposed tower shall have minimal visual and functional conflict between the proposed use and nearby neighborhood uses. Therefore, it is recommended that the performance conditions include a requirement that the tower be camouflaged as a monopine.

The petitioner has indicated the proposed buffering for the compound will consist of a 6' high chain-link fence with slats along the perimeter. Landscaping will be provided along that portion of the compound that faces the existing building. All other area will maintain the existing vegetation. If approved, the compound shall be enclosed with a 6' chain-link fence with slats. Landscaping shall be provided along that portion facing the existing building and where natural vegetation cannot be utilized.

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 160' high monopole communication tower and associated operational equipment is located within a Residential 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 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 is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject to compliance with all performance conditions.
2. To comply with Article IV, Section 11, of Appendix A (Zoning) of the LDRs whereby it must be demonstrated that the tower shall have minimal visual and functional conflict between the proposed use and nearby neighborhood uses the proposed tower shall be camouflaged as a monopine.

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 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. 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 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. The tower is approved up to a maximum of 160' in height.
 3. The proposed tower shall be constructed to support a minimum of four (4) total users.
 4. The petitioner must provide the name and phone number of the contact person for the facility on a sign posted on the gate, fence, or access point to the site; whichever is most adjacent to the public access.
 5. The compound shall be enclosed with a 6' chain-link fence with slats. Landscaping shall be provided along that portion facing the existing building and where natural vegetation cannot be utilized.
 6. The tower shall be designed in such a way to contain a potential tower failure within the compound.
 7. The petitioner shall pave the driveway apron to the property line and obtain the necessary permits. The gravel driveway to the compound area shall be a minimum width of fifteen (15) feet.
 8. The Public Service Facility Overlay District for a tower shall expire within two (2) years of the zoning approval if substantial performance to initiate construction of the tower has not commenced.
 9. A Gopher tortoise burrow survey shall be conducted. The burrow survey shall be conducted by a qualified professional prior to clearing or development activities and shall comply with all applicable FWC regulations.
 10. The communication tower shall be camouflaged as a monopine.