

# LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS APPLICATION FOR CONDITIONAL USE PERMIT

**PLANNING & ZONING BOARD**  
January 7, 2014



**BOARD OF COUNTY COMMISSIONERS**  
January 28, 2014

<b>CUP #14/1/1-5 Emory Tower – Cuozzo Design Group</b>	<b>Case Manager:</b> Rick Hartenstein, AICP, CPM Senior Planner	<b>Agenda Item # 2</b>
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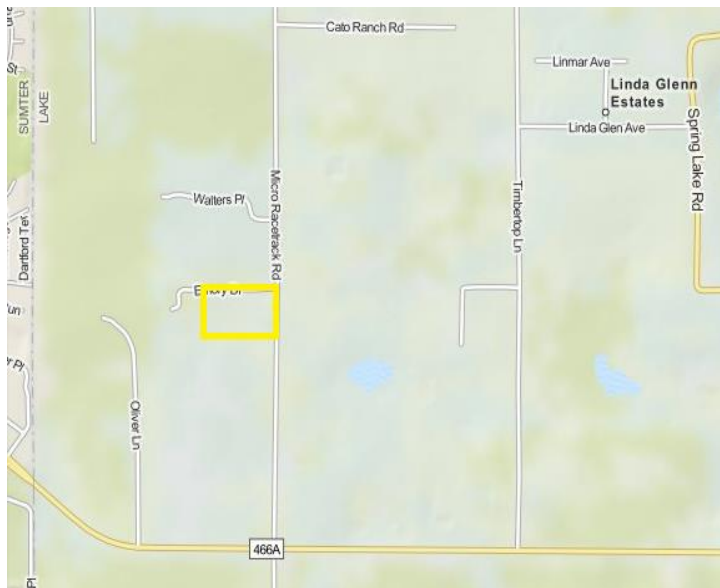
**Applicant:** Cuozzo Design Group – Donald Cuozzo (the “Applicant”)

**Owner:** Shelia McDowell, et al - (the “Owner”)

**Requested Action:** The Applicant is requesting a conditional use permit (CUP) for the construction and operation of a 150-foot monopole telecommunications tower within the Agriculture (A) Zoning District.

### - Site Location & Information -

Approximate site location outlined in Yellow



<b>Size</b>	4.86 +/- acres	
<b>Location</b>	West of Fruitland Park, southwest corner of the Micro Racetrack Rd/Emory Dr. intersection, north of CR 466A (Sec. 6, Twn. 19 S, Rge. 24 E)	
<b>Alternate Key #</b>	1288304	
<b>Future Land Use</b>	Rural - 1 du to 5 net acres	
	<b>Existing</b>	<b>Proposed</b>
<b>Zoning District</b>	A	A
<b>Density</b>	1 du/5 net ac	1 du/5 net ac
<b>Floor Area Ratio (LDR Table 3.02.06)</b>	0.10 max	0.10 max
<b>Impervious Surface Ratio (LDR Table 3.02.06)</b>	0.10 max	0.10 max
<b>Joint Planning Area</b>	Fruitland Park	
<b>Utility Area</b>	Fruitland Park	
<b>Site Utilities</b>	Well and Septic	
<b>Road Classification</b>	Micro Racetrack Road - Local Road	
<b>Flood Zone/ FIRM Panel</b>	Flood Zone X / 0075	
<b>Commissioner District</b>	5 (Cadwell)	

**Site Visit**            December 20, 2013

**Sign Posted**        December 20, 2013 (1 posted)

**Land Use Table**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
<b>North</b>	Rural	Agriculture (A)	Vacant	N/A
<b>South</b>	Rural	Mixed Residential District (R-7)	Vacant	N/A
<b>East</b>	Rural	Mixed Residential District (R-7)	Single-Family Dwelling Unit	N/A
<b>West</b>	Rural	Agriculture (A)	Vacant	N/A

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the Conditional Use Permit request, subject to the conditions set forth in the attached Ordinance.

**PLANNING & ZONING BOARD RECOMMENDATION:**

**– Summary of Staff Determination –**

The Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture (A) Zoning District to allow a 150-foot monopole communications tower, to include support equipment and apparatus. The proposed monopole communications tower and equipment is to be situated on a 4,900-square foot compound area (70 feet by 70 feet) within the subject 5 +/- acre parcel. The subject property is located at the southwest corner of Emory Drive and Micro Racetrack Road, west of Fruitland Park. The property currently has an existing residence located approximately 350 feet east of the proposed tower location.

To be able to meet the setback requirement of 400% of the tower height from residential units to the east, the Applicant needed a variance to the centering requirement for the tower on the parent parcel contained in Section 3.13.09.B.1, Lake County Land Development Regulations. The variance to LDR was heard by the Board of Adjustment (BOA) on November 14, 2013. The BOA granted the variance to the centering requirement as shown in Staff Exhibit 1 below. The CUP Ordinance contains setback conditions as established by the BOA.



**– STANDARDS OF REVIEW & ANALYSIS –**

(Per Section 14.05.03 of the Land Development Regulations)

**A. Consistency with the Comprehensive Plan and Local Code (Land Development Regulations).**

With the granting of the setback variance request to LDR Section 3.13.09.B.1 by the BOA, the proposed Conditional Use Permit request is consistent with the communication tower requirements specified by LDR Section 3.13.00.

Landscaping is not required pursuant to LDR Section 3.13.13 *Landscaping*, because the property is zoned Agriculture and exempt from landscaping requirements. In addition, the adjacent properties located at the north and west are zoned Agriculture to the south and east are zoned Mixed-Residential (R-7); neither zoning district requires landscape buffers in accordance with Table 1, of LDR Section 9.01.06.

## **B. Effect on Adjacent Properties.**

### **1. The proposed Conditional Use will not have an undue adverse effect upon nearby property.**

The property is forested along the property line and interior. The proposed tower site has sufficient trees and vegetation to mitigate any visual impacts the lease/compound area may have on adjacent properties. No evidence has been submitted that would deem this request as having an adverse effect on adjacent properties. The attached CUP ordinance contains provisions to ensure the mitigation of adverse impacts on adjacent properties through the implementation of setbacks as adjusted by the BOA granting of the variance request. By maintaining the existing vegetation outside of the compound area, this will serve to buffer and screen the proposed use.

### **2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.**

The adjacent area is characterized by low density residential, agricultural uses, and undeveloped wooded areas. Given the nature of the proposed use, it is appropriate for a remote low density area.

### **3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.**

As discussed above and shown on Staff Exhibit 1, the proposed tower location on this property will be buffered and screened by the surrounding existing vegetation which contains dense wooded areas. The majority of the adjacent properties are 5 plus acre tracts with Agriculture (A) or Mixed Residential (R-7) Zoning. Based on the above, the surrounding trees and native vegetation left undisturbed will provide sufficient screening.

### **4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.**

The CUP will not interfere with the development of neighboring properties. The proposed communications tower and equipment will be contained within the 4,900-square foot lease parcel and will be centered within the boundaries of the parent parcel in accordance with BOA#17-13-5 and as shown in the proposed ordinance (Exhibit "A" - Conceptual Plan).

## **C. Adequacy of Public Facilities.**

**The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.**

The proposed conditional use will not result in additional demands on public facilities. The property is being served by an existing well and septic system.

## **D. Adequacy of Fire Protection.**

**The Applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.**

The subject parcel is approximately 4.5 miles from Lake County Fire Station 52 and approximately 2.6 miles from the Fruitland Park Fire Station – Station #56 (closest fire station). The estimated response time for either station is 5 to 7 minutes.

**FINDINGS OF FACT:** Staff has reviewed the application for the proposed conditional use permit and found:

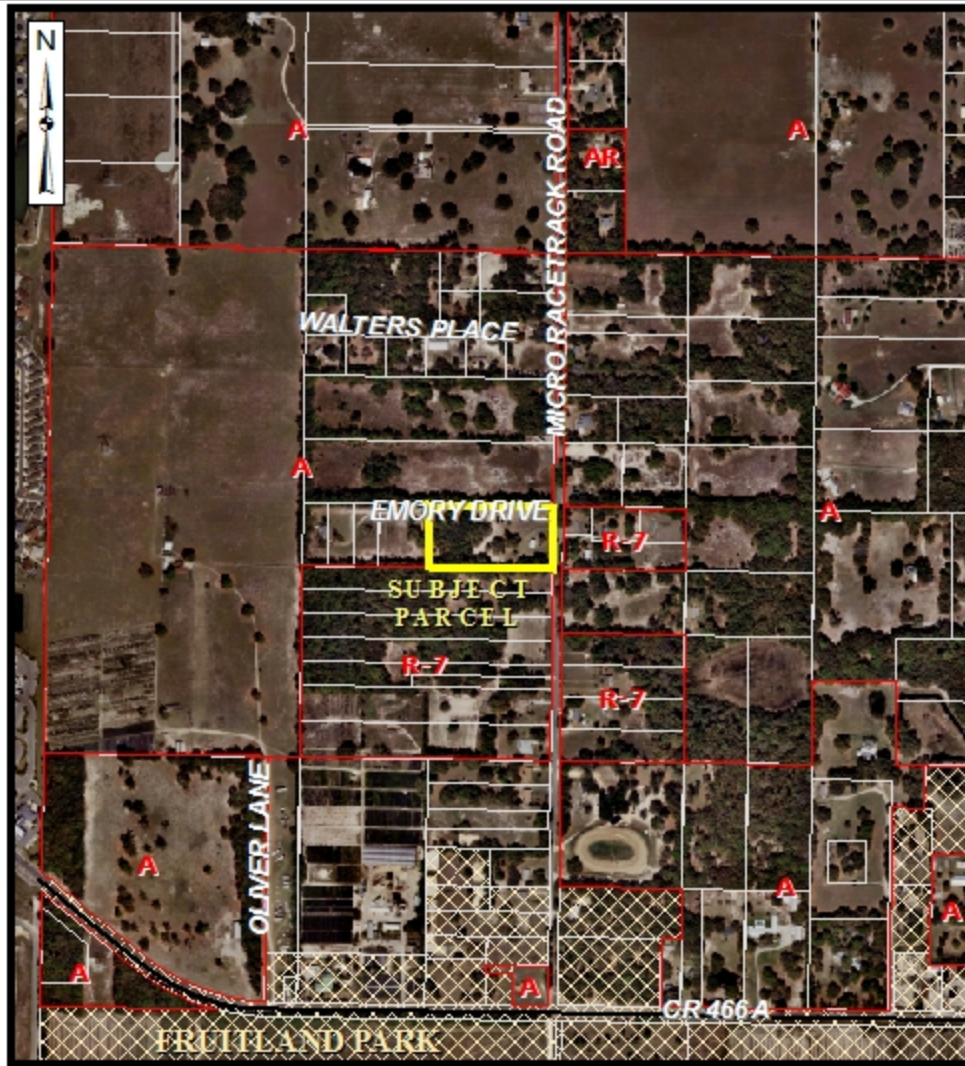
1. The application is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits communications towers that are not camouflaged and do not qualify as amateur radio station operators/receive only antennas as a conditional use in the Agriculture Zoning District.
2. The application is consistent with LDR Section 3.13.00 *Wireless Antennas, Towers, and Equipment Facilities*.

Therefore, based on these findings of fact, staff recommends **APPROVAL with conditions**, as specified in the proposed ordinance.

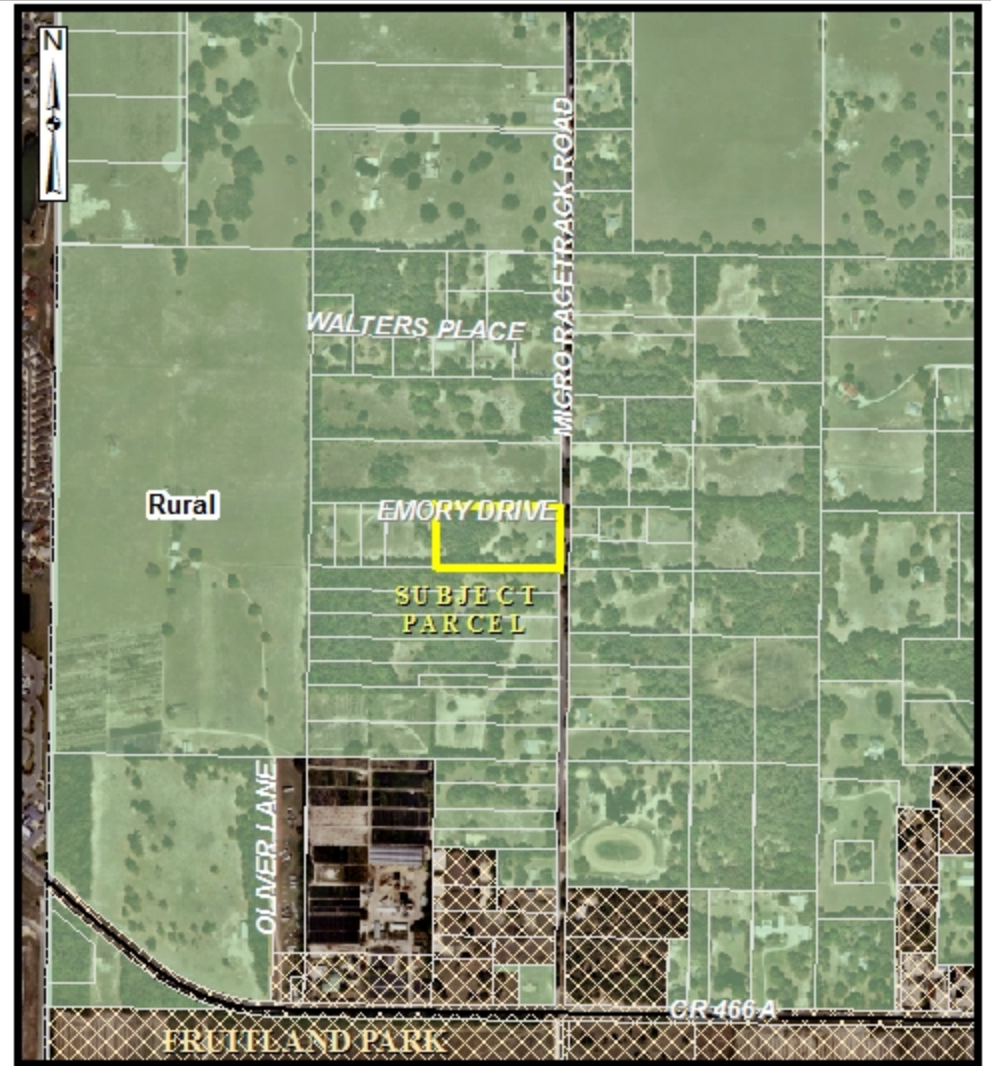
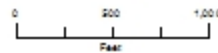
**WRITTEN COMMENTS FILED: Supportive: -0-**

**Concern: -0-**

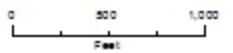
**Opposition: -0-**



**CURRENT ZONING**  
**AGRICULTURE**



**CURRENT 2030 FUTURE LAND USE**  
**RURAL**



**EMORY DRIVE TOWER  
SITE CUP  
(150-FT MONOPOLE  
CELL TOWER)**

**CASE NO.**  
CUP #14/1/1-5

**CASE LOCATION:**  
6-19S-24E

**REQUESTING:**  
Conditional Use Permit in  
Agriculture Zoning for a 150-FT Monopole Cell Tower

- ZONING**
- LAND USE**
- SUBJECT PARCEL**

**DATASOURCES:**

Lake County GIS Department Planimetrics, 2009 aerial image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners. Its employees, agents and personnel make no warranty as to its accuracy and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by any user of the map.

**MAP COMPOSITION:**  
NOVEMBER 2013



Department of Growth Management  
Planning & Community Design



**CUP #14/1/1-5**

**Emory Tower Conditional Use Permit (CUP)**

**A CUP in Agriculture Zoning to allow the construction and operation of a 150-foot Monopole Telecommunication Tower.**

(Post -12/20/2013) - Picture taken of the property and sign posting from Micro Racetrack Road.

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**ORDINANCE #2014-XX**  
**Emory Tower – Cuzzo Design Group**  
**Shelia McDowell**  
**CUP #14/1/1-5**

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**AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Donald Cuzzo of Cuzzo Design Group – (the “Permittee”) on behalf of Shelia McDowell, et al - (the “Owner”) has made a request for a Conditional Use Permit (CUP) on property in the Agriculture (A) Zoning District to allow a 150-foot monopole communications tower; and

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**WHEREAS**, the subject property consists of 4.86 +/- acres and is generally located west of Fruitland Park at 35711 Micro Racetrack Road in Section 6, Township 19 South, Range 24 East, currently having Alternate Key Number 1288304, and more particularly described below:

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E ½ of the N ¼ of the SE ¼ of the NW ¼ of Section 6, Township 19 South, Range 24 East, Lake County, Florida.

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**WHEREAS**, the subject property is located within the Rural Future Land Use (FLU) as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

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**WHEREAS**, the Lake County Board of County Commissioners deems it necessary and desirable in order to protect the public health, safety, and general welfare of the citizens of Lake County in accordance with the purpose and intent of the Land Development Regulations (LDR) to require compliance with the special conditions herein after set forth.

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**WHEREAS**, on November 14, 2013, the Lake County Board of Adjustment (BOA) heard a petition for a variance to the Lake County Land Development Regulations and approved the variance request; and

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**WHEREAS**, this Conditional Use Permit was reviewed by the Planning & Zoning Board on January 7, 2014 and by the Board of County Commissioners of Lake County, Florida on January 28, 2014; and

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**NOW, THEREFORE, BE IT RESOLVED BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:**

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**Section 1.** Permission is hereby granted for the operation of a 150-foot monopole communications tower as a Conditional Use within the Agriculture (A) Zoning District.

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**Section 2.** Terms: This Ordinance shall mean and include the total of the following uses as included herein. The County Manager or designee shall amend the Lake County Zoning Map to reflect a Conditional Use Permit (CUP), in accordance with this Ordinance. To the extent where there are conflicts between the Conceptual Plan and this Ordinance, the Ordinance shall take precedence.

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A. Land Uses: In addition to those uses listed as permitted uses with the Agriculture (A) Zoning District, the use of the site shall also allow the use specified below, consistent with Exhibit “A”, the “Radius Map” and Exhibit “B” the “Concept Plan”:

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1. A monopole communications tower, not to exceed 150 feet in height (including appurtenances).

- 1            Accessory uses directly associated with this use, including equipment shelters and generators  
2            with associated fuel tanks, may be approved by the County Manager or designee. Any other  
3            use of the site shall require an amendment to this Ordinance as approved by the Board of  
4            County Commissioners.
- 5            B. Specific Conditions:
- 6            1. The Permittee shall submit a site plan application for review and approval for the monopole  
7            communications tower and associated uses generally consistent with Exhibit "A" (the radius  
8            map) and Exhibit "B" (the concept plan) prior to commencement of construction for the  
9            communication tower.
- 10           2. Radiation Emission Standards: The communications tower and communication antennae shall  
11           meet the radiation emission standards set by the Federal Communications Commission (FCC).  
12           The Applicant shall provide evidence that the communications tower and communication  
13           antennae meet the FCC standards where applicable.
- 14           3. Illumination: The communications tower shall not be illuminated except to ensure human safety  
15           or as required by the Federal Aviation Administration (FAA) and the Land Development  
16           Regulations, as amended.
- 17           4. Parking: Parking surfaces may be grass or other pervious material, except as required for  
18           disabled access.
- 19           C. Tower and Equipment Facility Setbacks:
- 20           1. The tower shall be located 178 feet from the west property line, 487 feet from the east property  
21           line, and centered between the north and south property line of the parent parcel in  
22           accordance with BOA#17-13-5 granted by the Board of Adjustment (BOA) on November 14,  
23           2013 and recorded in the Public Records of Lake County, Florida (ORB 4403 Pages 1608-  
24           1609) and as demonstrated on Exhibit "A" of this Ordinance.
- 25           2. The equipment facility, if located outside the compound area as depicted on Exhibit "A" of this  
26           Ordinance shall be a minimum of twenty-five (25) feet from all property lines.
- 27           D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in  
28           accordance with the Comprehensive Plan and LDR, as amended.
- 29           E. Landscaping, Buffering and Screening: Landscaping, Buffering and Screening, shall be in  
30           accordance with the LDR, as amended.
- 31           F. Fencing: A chain link fence or wall not less than six (6) feet in height from finished grade shall be  
32           provided around the communications tower and support facilities in accordance with the LDR, as  
33           amended. Such fencing or wall must be shown on the required site plan.
- 34           G. Signage: Signs, if any, shall be in accordance with the LDR, as amended.
- 35           H. Development Review and Approval: Prior to the issuance of any permits, the Permittee shall  
36           submit a site plan generally consistent with Exhibit "A" – Radius Map and Exhibit "B" - Concept  
37           Plan, for review and approval in accordance with the LDR, as amended.
- 38           I. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this  
39           Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan,



1 and Lake County Land Development Regulations shall include any future amendments to the  
2 Statutes, Code, Plans, and/or Regulations.

3 **Section 3.** Additional Conditions:

4 A. In the event of any breach in any of the terms or conditions of this permit or any default or failure of the  
5 Permittee or his, her or its successor to: Fulfill development in substantial accordance with the  
6 conceptual plan as submitted to the Planning & Zoning Board and the Board of County Commissioners;  
7 comply with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon;  
8 or comply with any of the terms of the Conditional Use Permit; or if this CUP is found to become a  
9 nuisance or safety hazard, the permit may be revoked after due Public Hearing before the Planning &  
10 Zoning Board and the Board of County Commissioners.

11 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with  
12 the land; and the purpose, terms, and conditions contained herein shall be binding upon the Permittee  
13 or any successor and his interest hereto.

14 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement  
15 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and  
16 to recommend that the ordinance be revoked.

17 D. Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure  
18 compliance with the conditions of this Conditional Use Permit and the approved site plan. An annual  
19 inspection fee will be assessed. If an emergency inspection is necessary during non-operating hours, a  
20 fee shall also be assessed.

21 **Section 4.** Filing with the Department of State: The clerk shall be and is hereby directed forthwith to  
22 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section  
23 125.66, Florida Statutes.

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**(Rest of Page Intentionally Blank)**

**Section 5. Effective Date. This Ordinance shall become effective as provided by law.**

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

FILED with the Secretary of State \_\_\_\_\_, 2014.

EFFECTIVE \_\_\_\_\_, 2014.

**BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
**JIMMY CONNER, Chairman**

**ATTEST:**

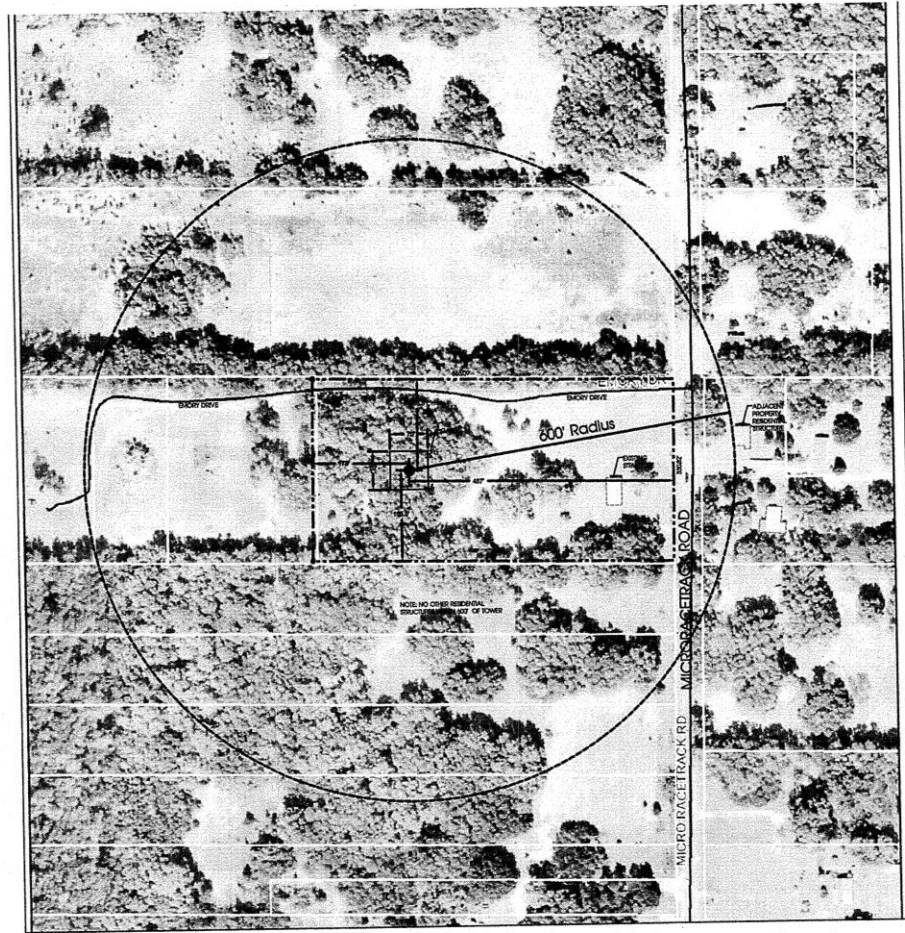
\_\_\_\_\_  
**NEIL KELLY, Clerk of the  
Board of County Commissioners  
Lake County, Florida**

**APPROVED AS TO FORM AND LEGALITY**

\_\_\_\_\_  
**SANFORD A. MINKOFF, County Attorney**

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### EXHIBIT "A" – RADIUS MAP



### *Emory Tower 600' Radius Exhibit*

Lake County

Florida

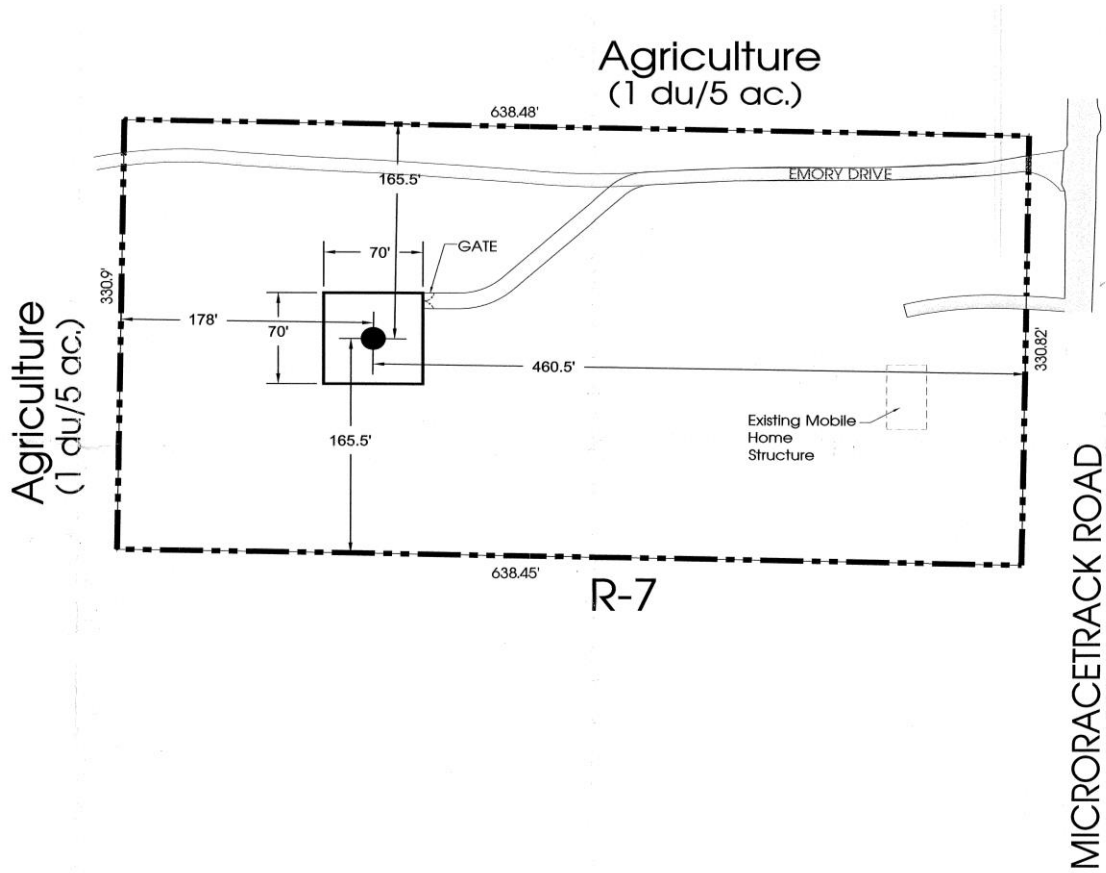
Scale 1"=200'



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EXHIBIT "B" - CONCEPT PLAN

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*Concept Plan*

Scale 1"=40'



North

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**Final Development Order  
Lake County Board of County Commissioners  
BOA#17-13-5**

**A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Sheila McDowell (the "Owner") made a request to allow a telecommunications tower to be located 178 feet from the west property line and 487 feet from the east property line and be centered from the north and south property lines; and

**WHEREAS**, the subject properties consists of 5 acres +/- and is generally located west of Micro Racetrack Road near Fruitland Park, Section 06, Township 19 South, Range 24 East, lying within Alternate Key Number 1288304 and is more particularly described as:

The East ½ of the North ¼ of the Southeast ¼ of the Northwest ¼ of  
Section 06, Township 19 South, Range 24 East, Lake County.

**AND**, after giving Notice of Hearing on petition for a variance to the Lake County Land Development Regulations, including notice that said variance would be presented to the Board of Adjustment of Lake County, Florida, on November 14, 2013; and

**WHEREAS**, the Board of Adjustment reviewed said petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, on November 14, 2013, the Lake County Board of Adjustment approved the variance for the above property; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of Adjustment of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above subject property subject to the following terms:

**Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of BOA# 17-13-5 to allow a 150 foot tall telecommunications tower to be located 178 feet from the west property line and 487 feet from the east property line, and to be centered from the north and south property lines.

**Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

INSTRUMENT #2013125483  
OR BK 4403 PG 1608 - 1609 (2 PGS)  
DATE: 11/14/2013 2:16:49 PM  
NEIL KELLY, CLERK OF THE CIRCUIT COURT  
LAKE COUNTY  
RECORDING FEES \$18.50

PLANNING AND COMMUNITY DESIGN  
315 WEST MAIN STREET  
TAVARES FL 32778

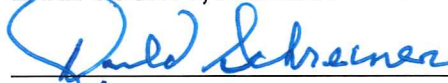


Section 3. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 14 day of November, 2013.

EFFECTIVE November 14, 2013.

BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA



Donald Schreiner, Chairman

STATE OF FLORIDA  
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 14 day of November, 2013 by DONALD SCHREINER, who is personally known to me.

(SEAL)



Signature of Acknowledger

Serial Number:

DD980328

My Commission Expires:

4/10/2014

