

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

PLANNING & ZONING BOARD
 July 1, 2015



BOARD OF COUNTY COMMISSIONERS
 July 21, 2015

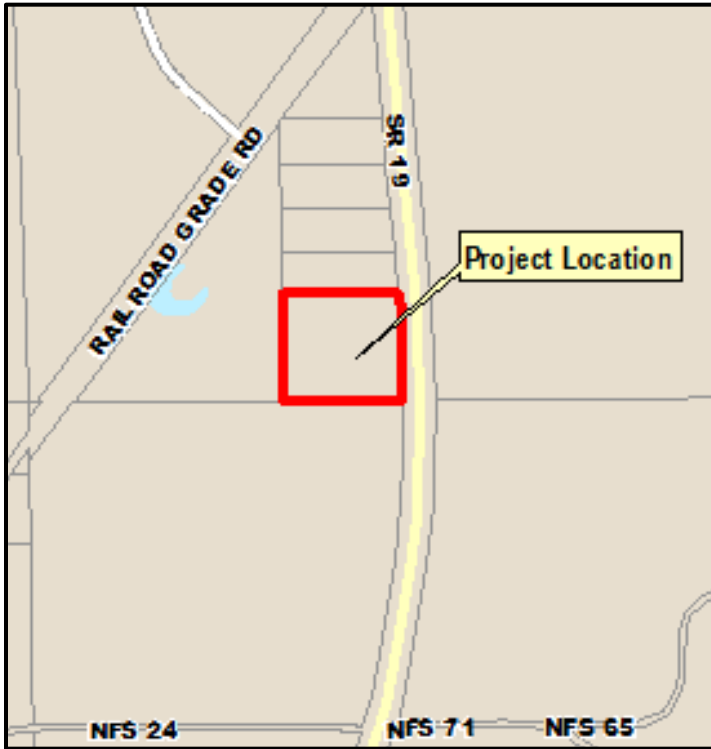
| | | |
|--|--|-----------------------|
| CUP-15-06-5 Verizon Wireless Tower | Case Manager: Michele Janiszewski, Planner | Agenda Item #2 |
|--|--|-----------------------|

Owner: Robert Mackey ("Owner")

Applicant: Mary D. Solik, Agent, Verizon Wireless (the "Applicant")

Requested Action: The Applicant is requesting a conditional use permit (CUP) to permit the construction and operation of a 190-foot Self Supporting Telecommunications Tower within the Agriculture Residential (AR) Zoning District.

- Site Location & Information -



| | | |
|--------------------------------------|--|-------------|
| Size | 6.39 +/- acres | |
| Location | West of State Road 19 in the Wekiva Area | |
| Alternate Key # | 1308194 | |
| Future Land Use | Rural | |
| | Existing | Proposed |
| Zoning District | AR | AR |
| Density | 2 d.u./acre | 2 d.u./acre |
| Floor Area Ratio (LDR Table 3.02.06) | 0.10 max | 0.10 max |
| Impervious Surface Ratio | 0.25 max | 0.25 max |
| Joint Planning Area | N/A | |
| Utility Area | N/A | |
| Site Utilities | Existing well and septic system | |
| Road Classification | State Road 19 - Rural Minor Arterial | |
| Flood Zone/ FIRM Panel | Floodzone X; Panel 0125E | |
| Commissioner District | 5 (Cadwell) | |

Approximate site location outlined in Red

Site Visit June 15, 2015
 Sign Posted June 15, 2015

Land Use Table

| Direction | Future Land Use | Zoning | Existing Use | Comments |
|-----------|-----------------|-------------------------------|--------------------------------|-----------------------|
| North | Rural | Agricultural Residential (AR) | Vacant Residential | |
| South | Conservation | Agriculture (A) | Vacant Federal Lands, Wetlands | Ocala National Forest |
| East | Conservation | Agriculture (A) | Vacant Federal Lands, Wetlands | Ocala National Forest |
| West | Conservation | Agriculture (A) | Vacant Federal Lands, Wetlands | Ocala National Forest |

– Summary of Staff Determination –

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 Analysis –

The Applicant is requesting a Conditional Use Permit (CUP) in the Agriculture Residential (AR) Zoning District to allow a 190-foot communications tower and equipment. The proposed tower and equipment is to be situated on a 6,400-square foot compound area (80 feet by 80 feet) within the subject parcel, which is approximately 6.39 acres in size. The property is located in the Wekiva-Ocala Rural Protection Area (RPA), west of State Road (SR) 19 in the Altoona area. The subject property is also part of the Florida Black Bear Scenic Byway Roadside Overlay District and located within the Pinecastle Military Operations Area. The property currently has an existing single family residence and utility building.

The Future Land Use (FLU) for the property is Rural. The requested use is consistent with the Comprehensive Plan, which allows communications towers (civic uses) with the issuance of a CUP in this FLU. The requested use is also consistent with the Land Development Regulations (LDR), which allows communications towers that have not been camouflaged and do not qualify as amateur radio station operators/receive only antennas as a conditional use in the Agriculture Residential Zoning District. Pursuant to Comprehensive Plan Policy I-6.4.5 for Cell Towers, the applicant will need to provide written evidence from the Pinecastle Range that the location, height, and operation of the tower do not adversely affect the operations and mission of the Range; this is required prior to site plan approval and is stated as a condition in the proposed ordinance.

– 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).

The proposed rezoning request is consistent with the Comprehensive Plan Policy I-1.4.4 *Rural Future Land Use Category*, which allows communications towers (civic - community facility uses) with the issuance of a Conditional Use Permit (CUP). The request is also consistent with Comprehensive Plan Policy I-7.12.1 *Provision of Utilities*, which permits private or public utilities needed to support adopted Future Land Use and zoning in all land use designations, except as expressly prohibited or restricted.

B. Effect on Adjacent Properties.

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

No evidence has been submitted that would deem this request as having an adverse effect on adjacent properties. Existing vegetation will serve to buffer and screen the proposed use from the north, south and west properties.

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

The subject area is composed of wooded areas and large residential lots making this tower less obtrusive at the proposed location. The proposed tower will not affect the Florida Black Bear Scenic Byway Roadside Overlay District because the tower will be setback from State Road 19 and landscaping will be required either along the base of the tower or along the right of way. This will be specified as a condition in the proposed ordinance.

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.

The property is zoned Agriculture Residential (AR) and is surrounded by Agriculture Residential (AR) and Agriculture (A) zoned properties. LDR Table 1 - Landscape Buffers between Zoning Districts does not require a landscaping buffer between these zoning districts. However, a Type-A buffer will be required along State Road 19. The existing vegetation on the subject property will be preserved to buffer and screen the tower from the adjacent properties.

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 proposed CUP is not expected to interfere with the development of neighboring properties. The proposed communications tower and equipment will be contained within the 6,400-square foot lease parcel and will be centered within the parent parcel 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 5 miles from Lake County Fire Station 10 (closest fire station), located at 23023 State Road 40, Astor, Florida 32102.

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

1. The request is consistent with Comprehensive Plan Policy I-1.4.4 *Rural Future Land Use Category*, which allows communications towers (civic - community facility uses) with the issuance of a Conditional Use Permit (CUP).
2. The request is consistent with Comprehensive Plan Policy I-7.12.1 *Provision of Utilities*, which permits private or public utilities needed to support adopted Future Land Use and zoning in all land use designations, except as expressly prohibited or restricted.
3. The application is consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which permits communications towers (community facility uses) that are not camouflaged, and that do not qualify as amateur radio station operators/receive only antennas, as a conditional use in the Agriculture Residential Zoning District.
4. 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-

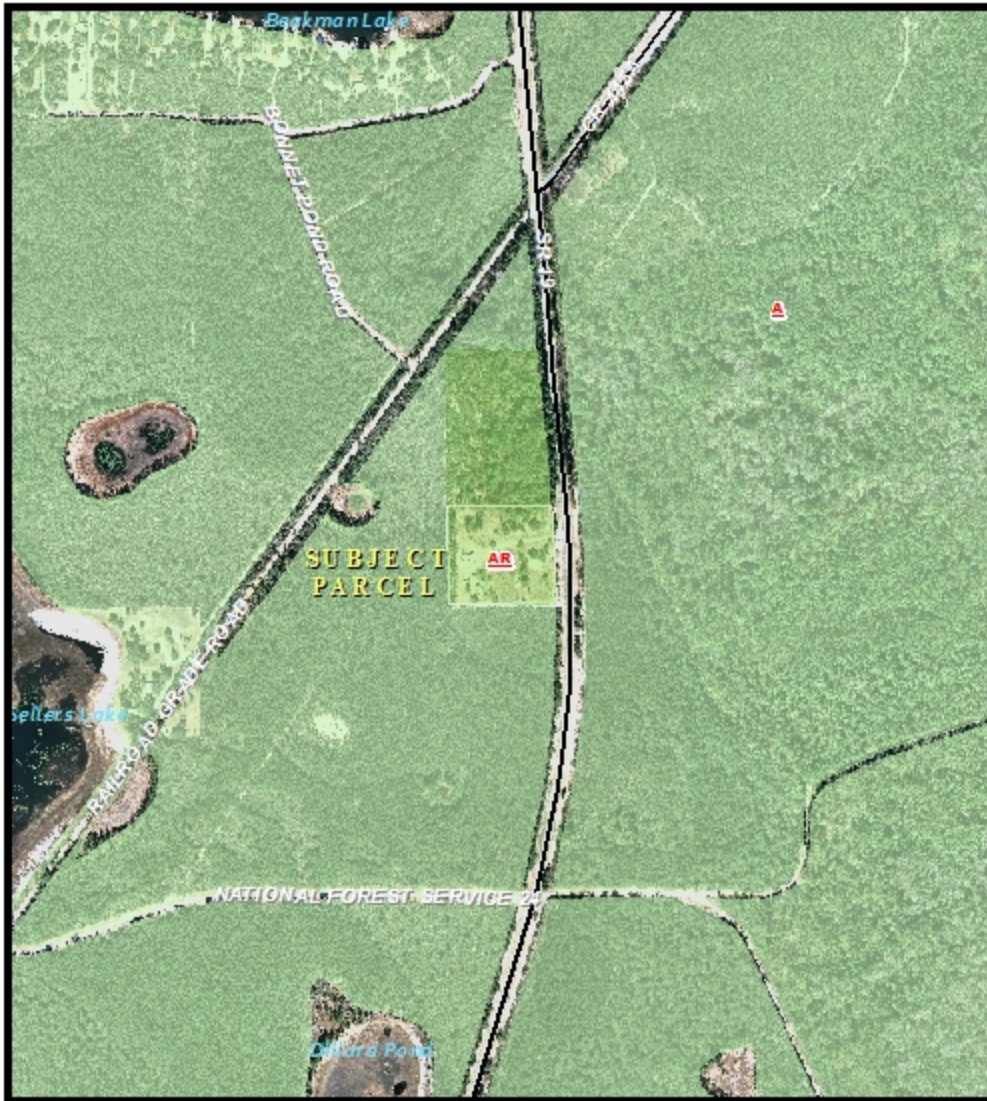
Concern: -0-

Opposition: -



CURRENT ZONING

1 inch = 1,000 feet



CURRENT 2030 FUTURE LAND USE

1 inch = 1,000 feet



Zoning Legend

| | | |
|-----|-------|-----|
| A | R-7 | LM |
| AR | RP | HM |
| RA | RM RP | MP |
| R-1 | RM | CFD |
| R-2 | RV | PUD |
| R-3 | C-1 | |
| R-4 | C-2 | |
| R-5 | CP | |

MU Legend

| |
|--------------------------------|
| Bella Collina |
| Cagans Crossing |
| Conservation |
| Green Swamp Core Conservation |
| Green Swamp Ridge |
| Green Swamp Rural |
| Green Swamp Rural Conservation |

| |
|---|
| Heavy Industrial |
| Mt Plymouth - Sorrento Main Street District |
| Mt Plymouth - Sorrento Proper |
| Mt Plymouth - Sorrento Receiving Area |
| Office |
| Public Service Facility and Infrastructure |
| Receiving Area A-1-20 |

| | |
|---------------------|----------------------|
| Recreation | Urban Low Density |
| Regional Commercial | Urban Medium Density |
| Rural | |
| Rural Transition | |
| Sending Area A-1-20 | |
| Sending Area A-1-40 | |
| Urban High Density | |

VERIZON WIRELESS TOWER

CASE NO.
CUP-15-06-5

CASE LOCATION:
08-16-27

REQUESTING:
Seeking a Conditional Use Permit



Planning & Community Design Division
Economic Growth Department





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ORDINANCE #2015-XX
Mackey / Verizon Wireless Tower
CUP-15-06-5

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

WHEREAS, Mary D. Solik of Verizon Wireless (the "Applicant/permittee"), on behalf of Robert Mackey (the "Owner"), has made a request for a Conditional Use Permit (CUP) on property in the Agriculture Residential (AR) Zoning District to allow a 190-foot communications tower; and

WHEREAS, the subject property consists of 6.39 +/- acres and is generally located west of State Road 19 within the Wekiva-Ocala Rural Protection Area, found in Section 08, Township 16 South, Range 27 East, currently having Alternate Key Number 1308194, and more particularly described below:

The west ½ of the southeast ¼ of the southwest ¼, less the north 820.33 feet, located within Section 08, Township 16 South, Range 27 East.

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

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.

WHEREAS, this Conditional Use Permit was reviewed by the Planning & Zoning Board on July 1, 2015 and by the Board of County Commissioners of Lake County, Florida on July 21, 2015; and

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

Section 1 Permission is hereby granted for the operation of a monopole communications tower as a Conditional Use within the Agriculture Residential (AR) Zoning District.

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 (EXHIBIT "A"), and this Ordinance, the Ordinance shall take precedence.

A. Land Uses:

1. Uses permitted within the Agriculture Residential (AR) zoning district.
2. A communications tower, not to exceed 196 feet in height (including appurtenances), generally consistent with the concept plan.

Accessory uses directly associated with this use, including equipment shelters and generators with associated fuel tanks, may be approved by the County Manager or designee. Any other use of the site shall require an amendment to this Ordinance as approved by the Board of County Commissioners.

- 1 B. Specific Conditions:
- 2 1. The Applicant/permittee shall submit a site plan application for review and approval for the
3 communications tower and associated uses generally consistent with the concept plan depicted on
4 Exhibit "A" prior initiating tower communications.
- 5 2. The applicant shall provide written evidence from the Pinecastle Complex Range that the location,
6 height, and operation of the tower do not adversely affect the operations and mission of the Range
7 prior to site plan approval.
- 8 3. The communications tower shall be centered within the boundaries of the property recognized as
9 the parent parcel.
- 10 4. The existing vegetation shall be maintained on the subject property to buffer and screen the tower
11 from the adjacent properties and right of ways (ROW).
- 12 5. Radiation Emission Standards: The communications tower and communication antennae must
13 meet the radiation emission standards set by the FCC. The Applicant shall provide evidence that
14 the communications tower and communication antennae meet the FCC standards where
15 applicable.
- 16 6. Illumination: The communications tower shall not be artificially lighted except to assure human
17 safety or as required by the Federal Aviation Administration and the Land Development
18 Regulations, as amended.
- 19 7. Parking: Parking surfaces may be grass or other pervious material, except as required for disabled
20 access.
- 21 8. Noise: A noise assessment shall be required at the time of site plan submittal pursuant to the LDR,
22 as amended.
- 23 C. Tower and Equipment Facility Setbacks:
- 24 1. The tower shall be a minimum of one hundred (100) feet from all property lines and centered on
25 the parent parcel, pursuant to LDR 3.13.09, as amended.
- 26 2. The equipment facility shall be a minimum of twenty-five (25) feet from all property lines.
- 27 3. All other applicable setbacks established in the LDR, as amended, shall be met.
- 28 D. Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in accordance
29 with the Comprehensive Plan and LDR, as amended.
- 30 E. Landscaping, Buffering and Screening: Landscaping, Buffering and Screening, shall be in accordance
31 with the LDR, as amended. Additionally, right of way (ROW) landscaping shall be required, if
32 necessary, to screen the views of the tower from the adjacent rights of way.
- 33 F. Fencing: A chain link fence or wall not less than six (6) feet from finished grade shall be provided
34 around the communications tower and support facilities in accordance with the LDR, as amended.
- 35 G. Signage: Signs, if any, shall be in accordance with the LDR, as amended.
- 36 H. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall submit a
37 site plan generally consistent with EXHIBIT "A" – CONCEPTUAL PLAN, for review and approval in
38 accordance with the Comprehensive Plan and LDR, as amended.

1 I. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
2 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
3 Lake County Land Development Regulations shall include any future amendments to the Statutes,
4 Code, Plans, and/or Regulations.

5

6 **Section 3. Additional Conditions:**

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

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

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

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

24 **Section 4. Filing with the Department of State:** The clerk shall be and is hereby directed forthwith to
25 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section
26 125.66, Florida Statutes.

27

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

2
3 ENACTED this _____ day of _____, 2015.

4
5 FILED with the Secretary of State _____, 2015.

6
7 EFFECTIVE _____, 2015.

8
9 BOARD OF COUNTY COMMISSIONERS
10 LAKE COUNTY, FLORIDA

11
12 _____
Jimmy Conner, Chairman

13 ATTEST:

14 _____
15 NEIL KELLY, Clerk of the
16 Board of County Commissioners
17 Lake County, Florida

18 APPROVED AS TO FORM AND LEGALITY

19 _____
20 SANFORD A. MINKOFF, County Attorney

Exhibit A – Conceptual Plan

