

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

PLANNING & ZONING BOARD
October 30, 2013



BOARD OF COUNTY COMMISSIONERS
November 19, 2013

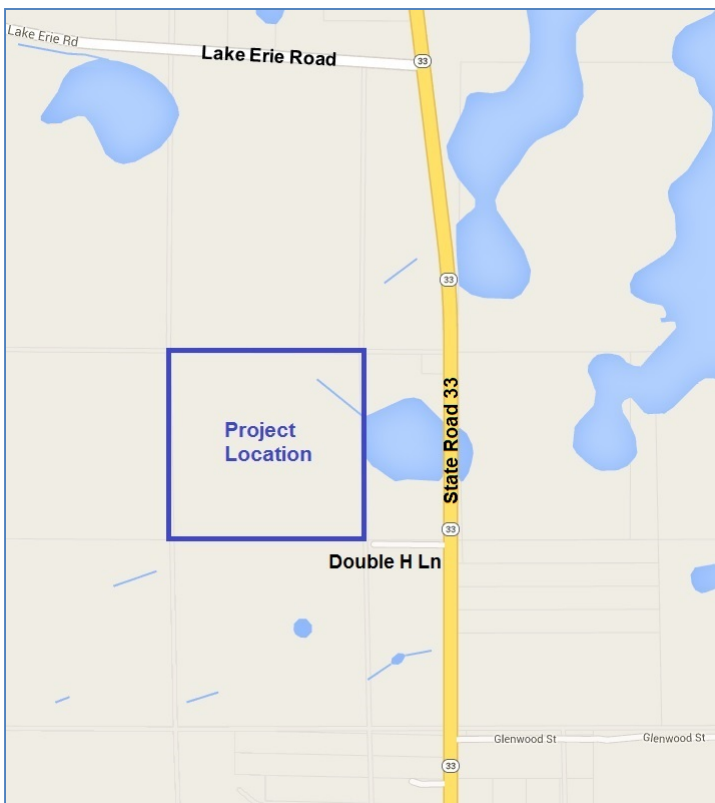
CUP #13/11/1-1 Erie Lake - AT&T Mobility	Case Manager: Melving Isaac, Planner	Agenda Item #1
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Applicant: AT&T Mobility - John M. Collins (the "Applicant")

Owner: Elisa & Giraldo Alfonso (the "Owner")

Requested Action: The Applicant seeks a Conditional Use Permit approval for a monopole communications tower in the Agriculture (A) Zoning District.

- Site Location & Information -



Size	38 +/- acres	
Location	Clermont area, West of SR 33, Double H Lane intersection	
Alternate Key #	1103665	
Future Land Use	Green Swamp Rural Conservation	
	Existing	Proposed
Zoning District	A	A
Density	1 du/5 ac	1 du/5 ac
Floor Area Ratio (LDR Table 3.02.06)	0.10 max	0.10 max
Impervious Surface Ratio (LDR Table 3.02.06)	0.10 max	0.10 max
Joint Planning Area	N/A	
Utility Area	N/A	
Site Utilities	Existing well and septic system	
Road Classification	Double H Lane - Local Road	
	SR 33 - Rural Minor Arterial	
Flood Zone/ FIRM Panel	(A,X)/650	
Commissioner District	1 (Sullivan)	

Approximate site location outlined in Blue

Site Visit October 17, 2013
 Sign Posted October 17, 2013 (3 posted)

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural Conservation	Agriculture (A)	Pasture Land	
South	Green Swamp Rural Conservation	Agriculture (A)	Rural Residential, Pasture Land	
East	Green Swamp Rural Conservation	Agriculture (A)	Rural Residential	Adjacent property to the east (south 1/2) owned by property owner for this application
West	Green Swamp Rural Conservation	Agriculture (A)	Pasture Land	Adjacent property to the west owned by property owner for this application

- 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 (A) Zoning District to allow a 150 foot monopole communications tower and equipment. The proposed monopole communications tower and equipment is to be situated on a 6,400-square foot area (80 feet by 80 feet) within the subject parcel, which is approximately 38 acres in size. The property is located in the Clermont area, west of the SR 33, Double H Lane intersection. The property currently has an existing residence located in the western area of the property.

The property is located within the Green Swamp Rural Conservation Future Land Use Category (FLUC). The requested use is consistent with the Comprehensive Plan, which allows communications towers (civic uses) with the issuance of a CUP in this FLUC. The requested use is also consistent with the Land Development Regulations (LDR), which allows communications towers that are not camouflaged, and that do not qualify as amateur radio station operators/receive only antennas, as a conditional use in the Agriculture Zoning District.

- 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-4.2.4 *Green Swamp Rural Conservation 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.

A 600-foot setback (400% of the tower height) from any single-family or duplex residential unit is required by LDR Section 3.13.09 for monopole communications towers. The only residence within the 600-foot setback belongs to the owner of the property where the communications tower will be located, and is exempt by this section.

Landscaping is required by the LDR Section 3.13.13 *Landscaping*. The property, which is a large acreage land, contains a dense wooded area at the north and east side of the proposed tower location. In addition, the adjacent properties located at the west and east (south 1/2) sides of the property are owned by the property owner for this application. The adjacent property to the north is vacant (used for pasture) and the adjacent property to the south contains a double row of trees along its north easement (see Figure 1). All adjacent properties are large acreage lands which are zoned Agriculture (A). Based on the above, the Applicant is requesting a waiver from the LDR requirements of landscaping for the communications tower and equipment as allowed by LDR Section 3.13.13(B) which indicates that at the public hearing the Board of County Commissioners (BCC) may waive all or part of the landscaping requirements if the BCC finds it is not necessary to mitigate the visual impact for nearby viewers. The proposed ordinance includes a waiver indicating that landscaping will not be required for the development of monopole communications tower and equipment facility.

B. Effect on Adjacent Properties.

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

The property owner also owns approximately 82 acres surrounding the 38-acre parcel for the proposed CUP. 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. Existing vegetation 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 agricultural uses, wetlands, wooded areas, rural residential and large acreage lands. 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 as seen on Figure 1, the proposed tower location on this large acreage property will be buffered and screened by the surrounding existing vegetation which contains dense wooded areas; in addition, some of the adjacent properties are owned by the property owner for this application. All adjacent properties are large acreage lands which are zoned Agriculture (A). Based on the above, the Applicant is requesting a waiver from the LDR requirements of landscaping for the communications tower and equipment as allowed by LDR Section 3.13.13(B) which indicates that at the public hearing the Board of County Commissioners (BCC) may waive all or part of the landscaping requirements if the BCC finds it is not necessary to mitigate the visual impact for nearby viewers. The proposed ordinance includes a waiver indicating that landscaping will not be required for the development of monopole communications tower and equipment facility.

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 6,400-square foot subject parcel and will be centered within the boundaries of 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 6 miles from Lake County Fire Station 111 (closest fire station), located at 8805 Bay Lake Road, Groveland, and 7 miles from Lake County Fire Station 110, located at 6234 County Road 561, Clermont.

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

1. The request is consistent with the Comprehensive Plan Policy I-4.2.4 *Green Swamp Rural Conservation Future Land Use Category*, which allows communications towers (civic 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 Zoning District.
4. The application is consistent with LDR Section 3.13.00 *Wireless Antennas, Towers, and Equipment Facilities*.

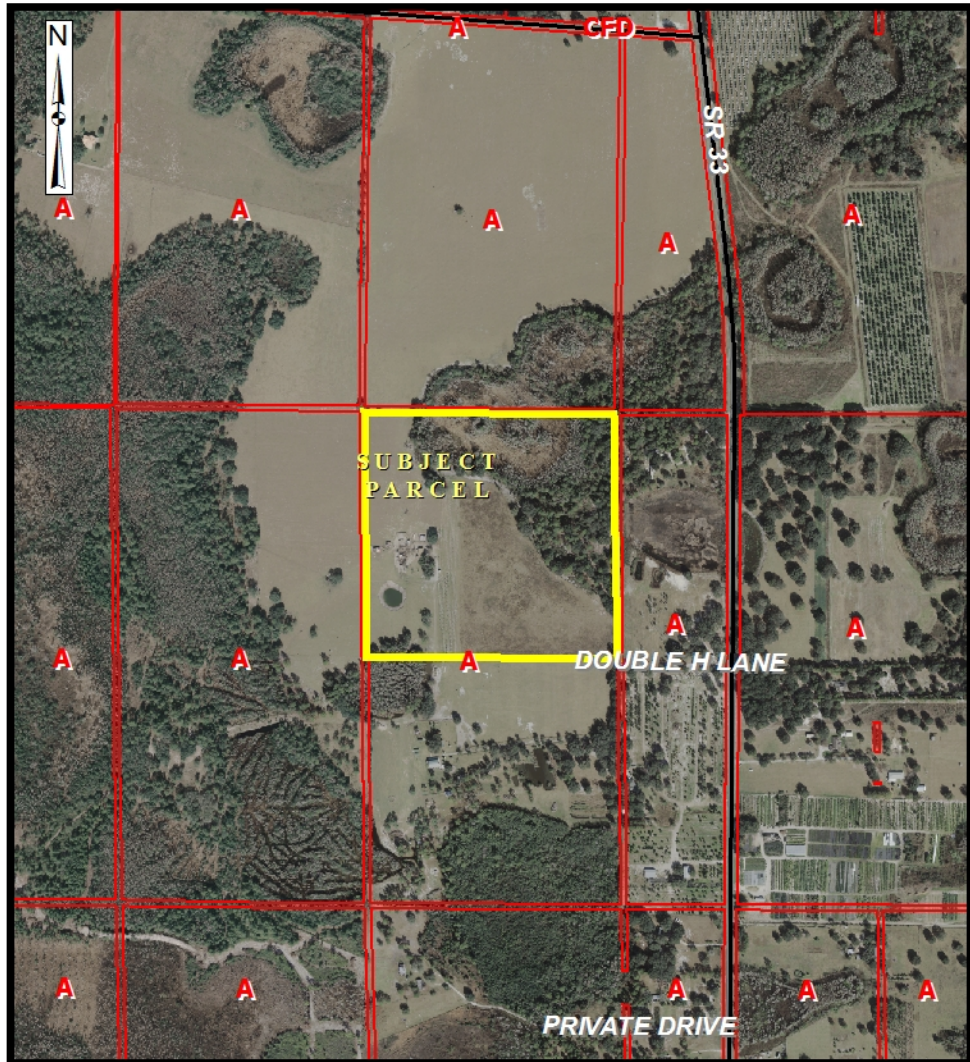
5. The request is consistent with LDR Section 3.13.09 *Setbacks*, which requires a minimum 600-foot setback from the monopole communications tower to any residential unit. The only residence within the 600-foot setback belongs to the owner of the property where the communications tower will be located and is exempt by this section.

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-

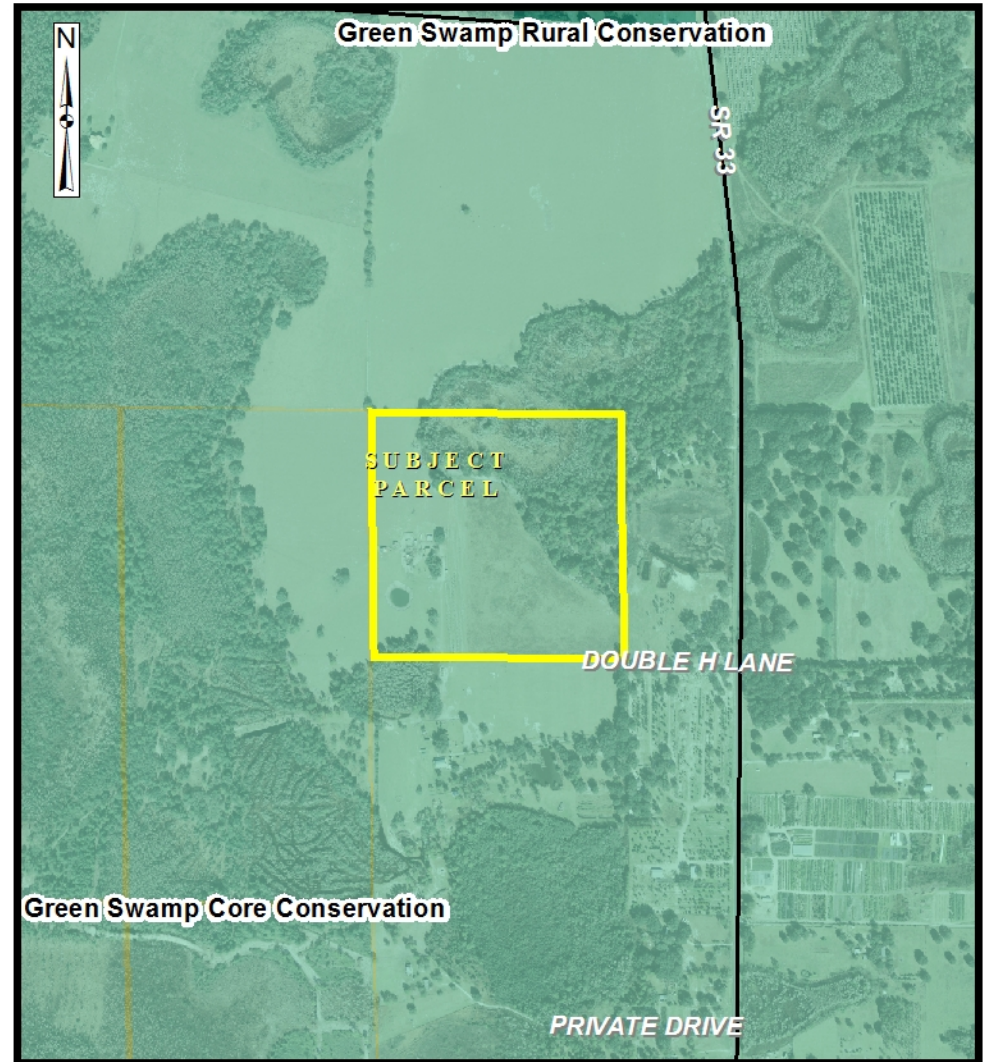
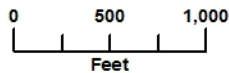


Figure 1



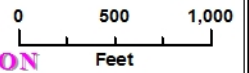
CURRENT ZONING

AGRICULTURE (A)



ADOPTED FUTURE LAND USE

GREEN SWAMP RURAL CONSERVATION



**ERIE LAKE
AT&T MOBILITY**

CASE NO.
CUP #13/11/1-1

CASE LOCATION:
S29, T23S, R25E

REQUESTING:
CUP for a communications tower.

ZONING

LAND USE

SUBJECT PARCEL

DATA SOURCES:
Lake County GIS Department; Planimetrics, 2008 Aerial Image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

MAP COMPOSITION:
JANUARY, 2008

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 this map.

FOCUS AREA

**LAKE COUNTY
FLORIDA**

ORDINANCE #2013-XX
Erie Lake - AT&T Mobility
CUP #13/11/1-1

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

WHEREAS, AT&T Mobility - John M. Collins (the “Permittee”) on behalf of Elisa & Giraldo Alfonso (the “Owner”) has made a request for a Conditional Use Permit (CUP) on property in the Agriculture (A) Zoning District to allow a monopole communications tower; and

WHEREAS, the subject property consists of 38 +/- acres and is generally located in the Clermont area, West of SR 33, Double H Lane intersection in Section 29, Township 23 South, Range 25 East, currently having Alternate Key Number 1103665, and more particularly described as:

LEGAL DESCRIPTION (PARENT TRACT):

TRACTS 1, 2, 15 AND 16 IN SECTION 29, TOWNSHIP 23 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT OF GROVELAND FARMS AS RECORDED IN PLAT BOOK 2, PAGE 10 AND 11, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

WHEREAS, the subject property is located within the Green Swamp Rural Conservation Future Land Use Category 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 October 30, 2013 and by the Board of County Commissioners of Lake County, Florida on November 19, 2013; 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 (A) 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.

A. Land Uses: In addition to those uses listed as permitted uses with the A Zoning District, the use of the site shall also allow the use specified below and consistent with EXHIBIT “A”, the Conceptual Plan:

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

Accessory uses directly associated with this use, including equipment shelter and generator, 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.

To the extent where there are conflicts between the Conceptual Plan and this Ordinance, the Ordinance shall take precedence.

- 1 B. Specific Conditions:
- 2 1. The Permittee shall submit a site plan application for review and approval for the monopole
3 communications tower and associated uses generally consistent with the concept plan depicted on
4 Exhibit "A".
- 5 2. The communications tower shall be centered within the boundaries of the property recognized as
6 the parent parcel.
- 7 3. Radiation Emission Standards: The communications tower and communication antennae must
8 meet the radiation emission standards set by the FCC. The Applicant shall provide evidence that
9 the communications tower and communication antennae meet the FCC standards where
10 applicable.
- 11 4. Illumination: The communications tower shall not be artificially lighted except to assure human
12 safety or as required by the Federal Aviation Administration and the Land Development
13 Regulations (LDR), as amended.
- 14 5. Parking: Parking surfaces may be grass or other pervious material, except as required for disabled
15 access.
- 16 C. Setbacks, Open Space, Impervious Surface Ratio, Floor Area Ratio, and Building Height shall be in
17 accordance with the Comprehensive Plan and LDR, as amended.
- 18 D. Landscaping, Buffering and Screening: Pursuant to Section 3.13.13.B., LDR, which allows a waiver to
19 the landscaping requirements for a communications tower, if the Lake County Board of County
20 Commissioners finds that landscaping is not necessary to mitigate the visual impact of the tower for
21 nearby viewers, no landscaping will be required for the monopole communications tower and
22 equipment, unless the existing trees and vegetation are removed. If existing trees and vegetation are
23 removed, landscaping will be required pursuant to the LDR screening requirements for this use.
- 24 E. Fencing: A chain link fence or wall not less than six (6) feet from finished grade shall be provided
25 around the communications tower and support facilities in accordance with the LDR, as amended.
- 26 F. Signage: Signs, if any, shall be in accordance with the LDR, as amended.
- 27 G. Development Review and Approval: Prior to the issuance of any permits, the Permittee shall submit a
28 site plan generally consistent with EXHIBIT "A" – CONCEPTUAL PLAN, for review and approval in
29 accordance with the Comprehensive Plan and LDR, as amended.
- 30 H. Future Amendments to Statutes, Code, Plans, and/or Regulations: The specific references in this
31 Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and
32 Lake County Land Development Regulations shall include any future amendments to the Statutes,
33 Code, Plans, and/or Regulations.

34 **Section 3. Additional Conditions:**

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

- 1 B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with
- 2 the land; and the purpose, terms, and conditions contained herein shall be binding upon the Permittee
- 3 or any successor and his interest hereto.
- 4 C. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
- 5 Special Master shall have authority to enforce the terms and conditions set forth in this ordinance and
- 6 to recommend that the ordinance be revoked.
- 7 D. Inspection. This use shall be inspected by the Code Enforcement Division annually to ensure
- 8 compliance with the conditions of this Conditional Use Permit and the approved site plan. An annual
- 9 inspection fee will be assessed. If an emergency inspection is necessary during non-operating hours, a
- 10 fee shall also be assessed.

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

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

15 ENACTED this _____ day of _____, 2013.

16 FILED with the Secretary of State _____, 2013.

17 EFFECTIVE _____, 2013.

18
 19
 20
 21
 22 BOARD OF COUNTY COMMISSIONERS
 23 LAKE COUNTY, FLORIDA

24 _____
 25 LESLIE CAMPIONE, Chairman

26 **ATTEST:**

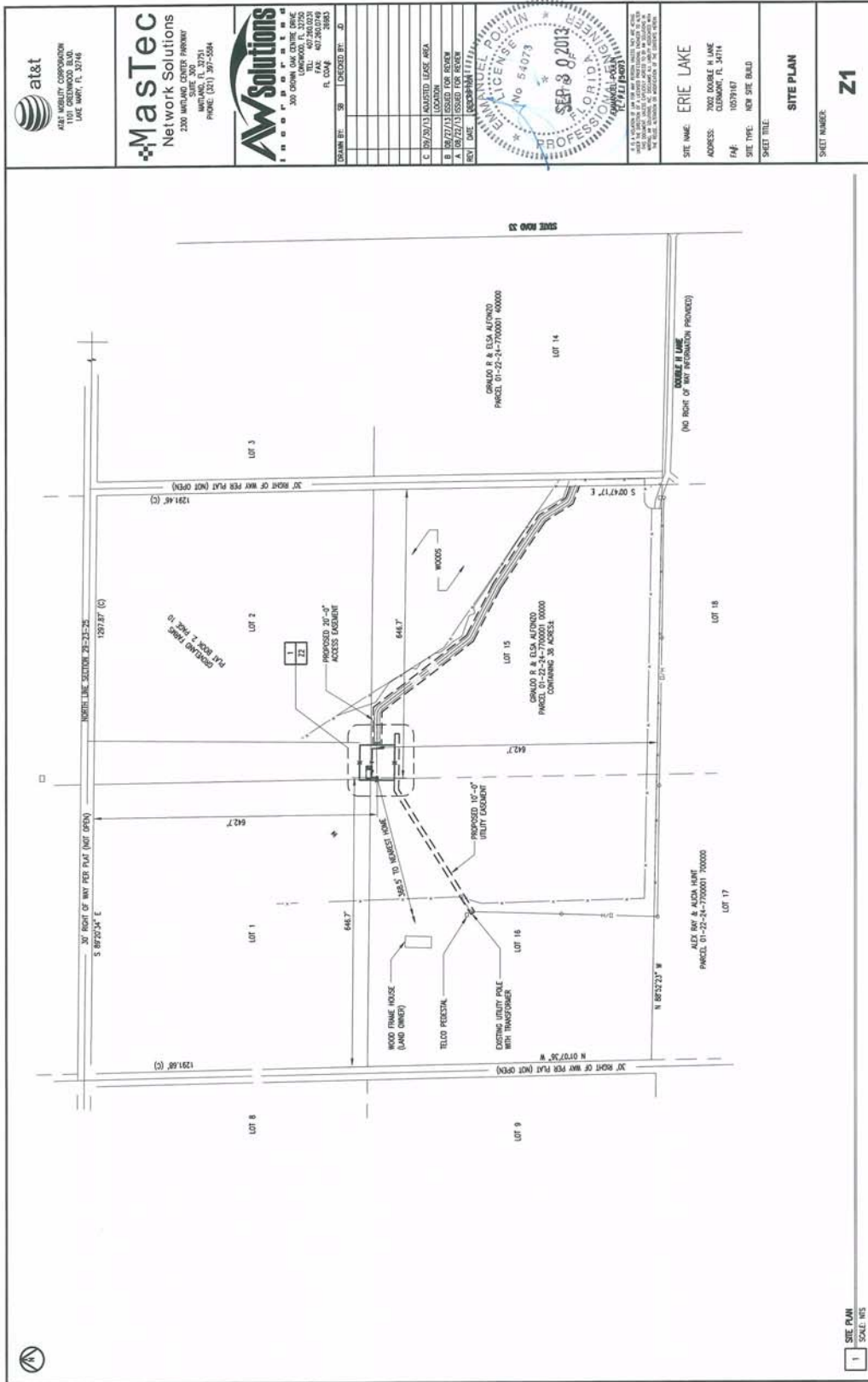
27 _____
 28 NEIL KELLY, Clerk of the
 29 Board of County Commissioners
 30 Lake County, Florida

31 **APPROVED AS TO FORM AND LEGALITY**

32 _____
 33 SANFORD A. MINKOFF, County Attorney

1

EXHIBIT "A" - CONCEPTUAL PLAN



AT&T MOBILITY CORPORATION
1100 W. WYOMING AVE.
LAKE WARE, FL 32746

2200 WINDLAND CENTER PARKWAY
WINDLAND, FL 32751
PHONE: (351) 397-5584

300 OAKDALE DRIVE
LAKE WARE, FL 32746
TEL: 407.260.0221
FAX: 407.260.0219
E. COOK@ASOLUTIONS.COM

DATE	10/22/13
BY	ASOLUTIONS
REV	1
DESCRIPTION	ISSUED FOR REVIEW
REV	2
DESCRIPTION	ISSUED FOR REVIEW
REV	3
DESCRIPTION	ADJUSTED EASEMENT AREA

SITE NAME: ERIE LAKE
ADDRESS: 7965 OSBORN LANE
CLEARWATER, FL 34714
FA# 10379167
SITE TYPE: NEW SITE BLDG.
SHEET TITLE: SITE PLAN
SHEET NUMBER: Z1

2