

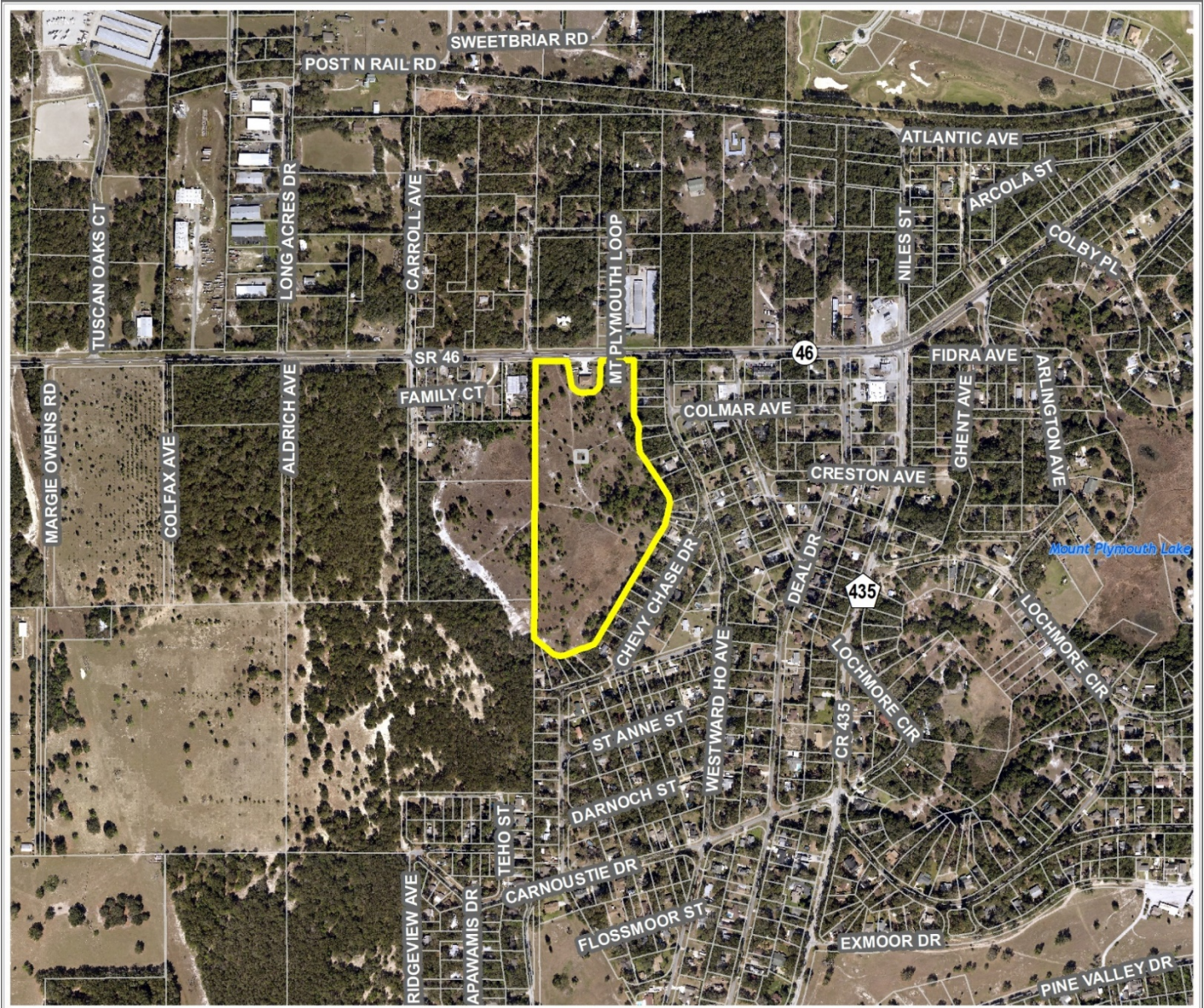
LAKE COUNTY PLANNING AND ZONING DIVISION  
REZONING STAFF REPORT

PLANNING AND ZONING BOARD  
May 2, 2018 (continued)  
August 1, 2018



BOARD OF COUNTY COMMISSIONERS  
August 21, 2018

RZ-18-06-4 LCBCC-Public Safety SR 46 Tower	Commission District 4 Campione	Agenda Item #7
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**Requested Action:** The Applicant seeks to revise the zoning on 9.98 +/- acres property from Urban Residential (R-6) to Community Facility District (CFD) to accommodate cellular communication tower and stormwater management facility uses.

**Applicant:** Lake County Office of Public Safety Support (the "Applicant")

**Owners:** Lake County Board of County Commissioners (the "Owner")

- Site Location & Information -

Size	9.98 +/- acres
Location	Southside of SR 46, east of Mt. Plymouth Loop and west of CR 435, in Mt. Plymouth area
Alternate Key #	3909640
Future Land Use	Conservation
Existing Zoning District	Urban Residential (R-6)
Proposed Zoning District	Community Facility District (CFD)
Joint Planning Area	N/A

Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Mt. Plymouth-Sorrento Main Street	Planned Commercial (CP), CFD, and Agriculture,	Developed commercial	SR 46 right of way
South	Mt. Plymouth-Sorrento Main Street	Urban Residential (R-6)	Residential development	Single-family dwelling
East	Mt. Plymouth-Sorrento Main Street	R-6	Residential development	Single-family dwelling
West	Mt. Plymouth-Sorrento Main Street	R-6	Residential dwellings & Undeveloped acreage	Single-family dwelling to the northwest and Vacant undeveloped land to the southwest

- Summary of Staff Determination -

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the rezoning application to rezone approximately 9.98 acres from R-6 to CFD, to accommodate cellular tower and stormwater management facility, with alternative building setback conditions.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

- Summary of Analysis -

The subject vacant and undeveloped property (Alternate Key 3909640) is approximately 9.98 acres, lies along the south-side of SR 46, in the Mt. Plymouth-Sorrento area, west of CR 435. Lake County Public Safety, the Applicant, seeks to approval of a rezoning application to change zoning of the property from Urban Residential (R-6) to Community Facility District (CFD) to enable construction of a 350-foot emergency communications tower, in addition to accommodating a stormwater management facility to address stormwater issues due to SR 46 improvements. The application also seeks waivers to the Land Development Regulations (LDR) for tower setbacks and tower separation distance.

The property is currently designated within the Conservation Future Land Use Category, however, that land use designation does not allow communication tower use and stormwater management facilities. Pursuant to discussion with Planning and Zoning staff, the Applicant (Lake County Public Safety) has submitted a concurrent future land use amendment to change the future land use to Public Service Facility and Infrastructure Use. The approval of this future land use will facilitate greater land use and rezoning conformity.

The City of Apopka has been in discussions with Lake County Public Safety regarding a joint-use facility that could provide emergency communication needs for both jurisdictions. Population growth within the Mt. Plymouth-Sorrento area and nearby Orange County has caused the need for additional emergency communication service to facilitate the ability to effectively and efficiently provide public safety needs that are demanded by this growing population.

Lake County Public Safety provided responses below to the PZB questions/issue raised on May 2, 2018.

**Tower wattage & tower specifications?** The tower wattage and specifications will be implemented and applied pursuant to Federal Communication Commission (FCC) regulations.

**Effect on property values caused by tower setback of 253-feet?** The application does not contain any information of effect on property values caused by the tower setback of 253.

**Tower effect on cell phone/internet reception?** Cell phone/internet and tower reception is regulated by the FCC. The emergency communications will have no effect on cell phone or internet usage.

**Why this location on former Conservation land area rather than a better location, maybe closer to the SR 429 interchange, closer to Apopka?** The proposed site is a better cost-effective location for both jurisdictions (Lake County and Apopka) because it provides greater emergency communications coverage.

**Why a 350-foot tower & why a 253-ft. setback?** A greater height provides greater emergency communication service and coverage for the jurisdictions. The tower will be self-collapsing tower within 120-feet of the base consistent with requirement specified by LDR Section 3.13.03 (reference Attachment 1).

– Analysis –

LDR Section 14.03.03 (Standards for Review)

**A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;**

The proposed rezoning of the property from Urban Residential (R-6) to Community Facility District (CFD) will create greater conformity between the proposed use of the land and zoning. The proposed use of the property for a 350-foot emergency guy-wire communication tower use and stormwater management facilities are to address needed public facilities within this area of the County. These public facilities are consistent with the LDR Section 3.00.02.(Y), which provides the purpose of the CFD zoning district, as those areas where special or substantial community interest uses and activities are necessary and desirable. Additionally, the proposed rezoning to accommodate the placement of an emergency communication tower is consistent with LDR 3.13.01 (E) that specifies the preservation and enhancement of radio communications throughout Lake County in times of emergency that threaten life, safety and welfare of the County's residents, businesses, and properties.

To accommodate community and public safety service needs, the application seeks waivers to the standard setback and tower separation distance requirements. In regard to the tower setbacks, the Applicant seeks to establish a minimum setback of 253-feet rather than 1,320 feet setback required by LDR Section 3.13.09 (Reference the Concept Plan). The requested 253-foot setback is the distance between the tower compound and the nearest residential lot. The Applicant provided information indicating the tower will be self-collapsing within 120-feet of the tower base as justification to this setback waiver. This structural aspect is consistent with LDR 3.13.03, that specifies communication towers shall be designed to fall within the property lines of the lot on which it is situated. Additionally, the proposed tower anchor locations will be setback a minimum of 40-feet to the property line, where 25-feet is the minimum setback to the property line per LDR 3.14.09 (A).

Regarding the tower separation distance, the Applicant seeks a waiver to LDR Section 3.13.10, which requires a 5,000-foot separation distance between an existing tower. The proposed tower location on SR 46 would result in a separation distance of 2,269-feet to an existing tower located west of Long Acres Drive, within the Planned Industrial zoning district (reference Attachment 2). This provision of the LDR allows for a 35-percent reduction of the separation distance if the tower accommodates the co-location of six (6) service providers. This accommodation would reduce the separation distance between these towers to 1,700 feet.

**B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan;**

Although the proposed use of the property for public facilities is inconsistent with the current Conservation future land use, the approval of a concurrent Public Service Facility and Infrastructure future land use amendment will result in the proposed CFD rezoning in conformance with the Comprehensive Plan Policy I-1.5.3 for public facility and infrastructure uses.

**C. Whether, and the extent to which, the proposed rezoning is inconsistent with existing and proposed land uses;**

Upon approval of a concurrent Public Service Facility and Infrastructure future land use amendment on the property, the proposed rezoning will become conforming and consistent. The property is currently designated as Conservation future land use, which does not allow communication tower use. This Community Facility District (CFD) rezoning will accommodate the communication tower for public safety radio communication use and become consistent with the Public Service Facility and Infrastructure future land use upon its approval. Lake County Public Safety has indicated that this emergency communication tower is desirable to the first responder needs of Lake County, Orange County and the City of Apopka that provide service in this area (Attachment #2).

**D. Whether there have been changed conditions that justify a rezoning;**

Population growth, in addition to FDOT improvements to the road network in the area has caused emergency communications deficiencies. In response to the new service demands, Lake County Public Safety and the City of Apopka are working to construct a joint use public safety communications tower in the Mt. Plymouth-Sorrento area. The jurisdictions have concluded that this parcel will facilitate the emergency communication and service needs of both Lake County, Apopka, and northwest Orange County areas that are currently underserved. Additionally, this property is a prime location to address stormwater management needs identified by Lake County Public Works necessary to accommodate the future improvements to the SR 46 right of way.

**E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and fire and emergency medical facilities;**

No adverse impacts are anticipated to be created or generated by the future land use amendment and future public facilities that will be constructed on the parcel. However, Lake County Public Works provides information below that is proposed for incorporation into the proposed CFD ordinance.

**Transportation:** A driveway will be required off of SR 46 and permitting through the Florida Department of Transportation will be required.

**Drainage:** The site is currently within a FEMA flood zone of AE with an established elevation of 59 ft. Site development will be required to adhere to FEMA, St Johns River Water Management District and Lake County regulations for development within flood zones.

The siting and construction of the communications tower will meet all the requirements of the Federal Communication Commission, National Fire Protection Association, Occupational Safety and Health Administration, Florida Building Code, and the National Electrical Code. Additionally, the communication compound and the anchor points will be fenced to increase public safety.

**F. Whether, and the extent to which, the proposed rezoning would result in significant adverse impacts on the natural environment;**

The property is comprised of dry lake bottoms with an isolated wetland. Preliminary surveying shows the probable location of the tower placement greater than 50-feet from the identified wetland area (see attached concept plan). This probable location is consistent with Comprehensive Plan Policy III-2.5.13 regarding the need to establish a 50-foot buffer to identified wetland areas. The rezoning is not anticipated to result in a significant impact on the natural

environment. The application indicates the need for historical, cultural and environmental impact assessments to be accomplished during the development application review and approval process. Any new development is required to meet all criteria contained within the Comprehensive Plan and Land Development Regulations regarding natural resource protection.

**G. Whether, and the extent to which, the proposed rezoning would affect the property values in the area;**

The application does not contain any information regarding the effect the proposed rezoning would have on property values in the area.

**H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;**

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area. The CFD rezoning is compatible with existing land uses and will result in continuing the existing development pattern of the area. The area surrounding the subject property is developed with residential subdivision to the east, few non-residential uses north of SR 46 and residential on the west.

**I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

**J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.**

None.

**FINDINGS OF FACT:** Staff has reviewed the application for the proposed rezoning and found:

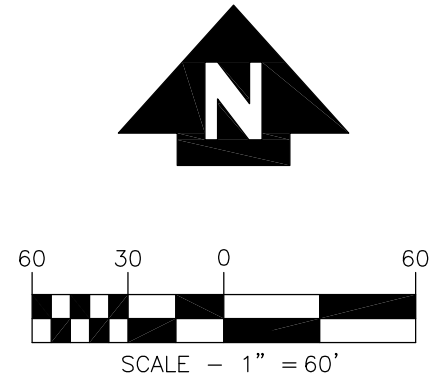
1. The rezoning application is consistent with Comprehensive Plan Comprehensive Plan Policy I-1.5.3, for the purpose of accommodating land use to address the County's need for public facility and infrastructure.
2. The rezoning application is consistent with Comprehensive Plan Policy III-2.5.13 regarding the need to establish a 50-foot buffer to identified wetland areas.
3. The rezoning application and use of the property is consistent with the Land Development Regulation (LDR) 3.00.02(Y), regarding the establishment of Community Facility District zoning for uses and areas where special or substantial community interest uses and activities are necessary and desirable.
4. The rezoning application is consistent with LDR 3.13.03, that specifies communication towers shall be designed to fall within the property lines of the lot on which it is situated, as the proposed tower will be self-collapsing within 120-feet of the base.
5. The rezoning application is consistent with LDR 3.14.09 (A). regarding the minimum setback requirements of 25-feet for the anchor point locations adjacent residential property lines.

Based on these findings of fact, staff recommends **Approval** of the rezoning application, with conditions, as specified in the proposed Ordinance.

**Case Manager:** Steve K. Greene, AICP, Chief Planner

**WRITTEN COMMENTS FILED:** Supportive: -1-      Concern: -0-      Opposition: - 3 – (May 2018)

ATTACHMENT 1 - SR 46 TOWER FALL RADIUS

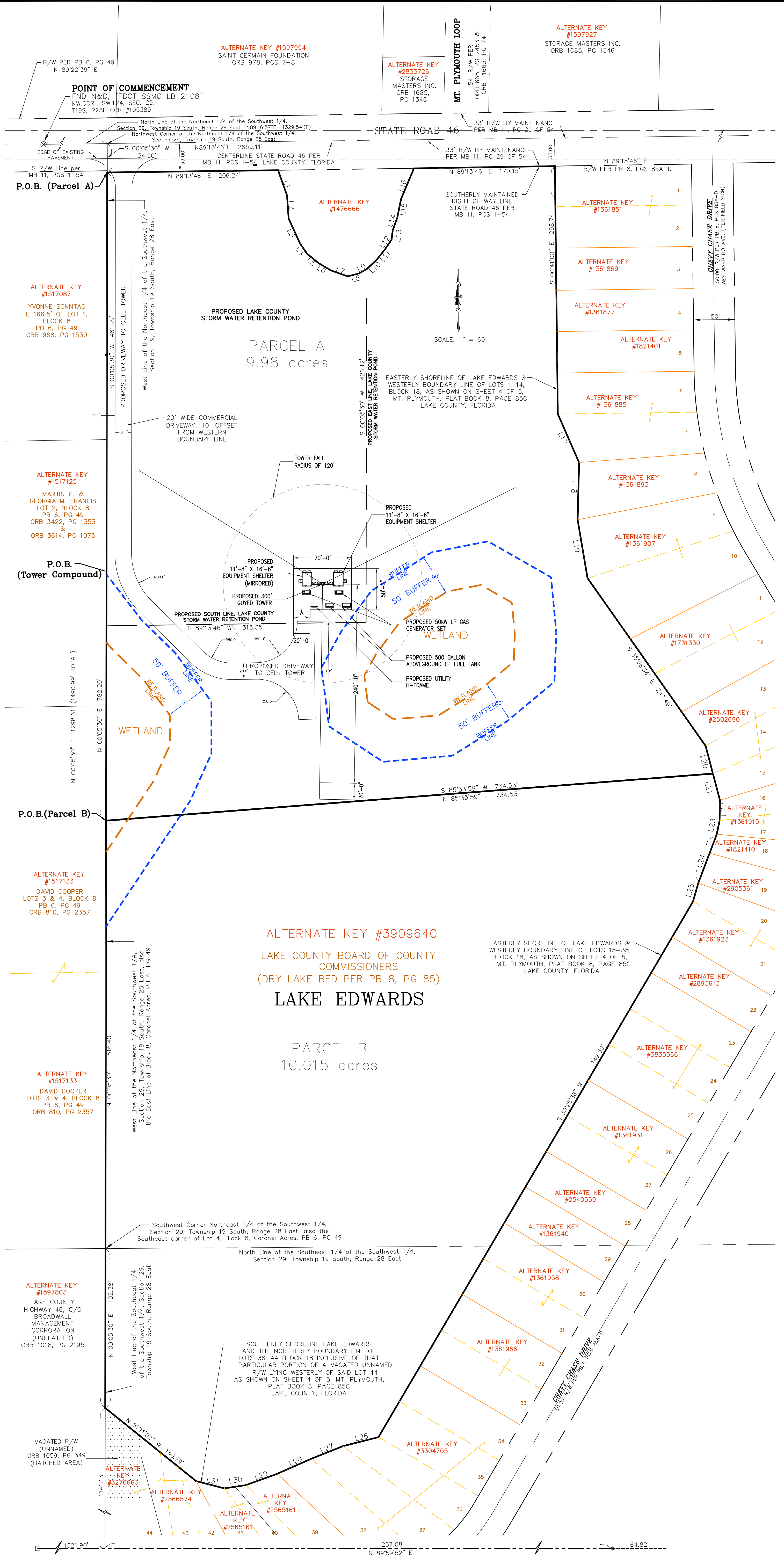


Parcel Line Table

Line #	Direction	Length
L1	S19°35'49"E	32.30'
L2	S4°00'23"E	28.11'
L3	S24°39'31"E	33.29'
L4	S34°28'31"E	14.68'
L5	S50°54'29"E	18.51'
L6	S59°47'30"E	17.06'
L7	S70°43'11"E	21.23'
L8	N75°32'14"E	13.75'
L9	N61°24'09"E	10.76'
L10	N46°43'50"E	16.91'
L11	N38°23'52"E	16.56'
L12	N33°42'16"E	13.61'
L13	N6°54'56"E	11.07'
L14	N19°43'04"E	16.36'
L15	N11°21'41"E	22.66'
L16	N22°44'18"E	40.35'
L17	S23°40'18"E	63.94'
L18	S01°29'35"W	69.04'
L19	S9°39'48"E	71.57'
L20	S14°48'20"E	34.61'
L21	S14°48'20"E	33.27'
L22	S1°07'33"W	24.67'
L23	S11°42'16"W	16.65'
L24	S20°44'54"W	63.16'
L25	S15°52'46"W	23.08'
L26	S75°46'07"W	44.16'
L27	S68°14'50"W	41.32'
L28	S66°13'09"W	44.84'
L29	S70°05'59"W	40.16'
L30	S81°22'29"W	26.18'
L31	N75°35'45"W	35.34'

ABBREVIATIONS

- C/O = CARE OF
- INC = INCORPORATED
- LS = LICENSED SURVEYOR
- MB = MAP BOOK
- ORB = OFFICIAL RECORD BOOK
- PB = PLAT BOOK
- PG(S) = PAGE(S)
- R/W = RIGHT OF WAY



SEE SHEET 1 OF 2 FOR PARCEL DESCRIPTION AND SURVEYOR'S REPORT  
SHEET 2 NOT VALID WITHOUT SHEET 1

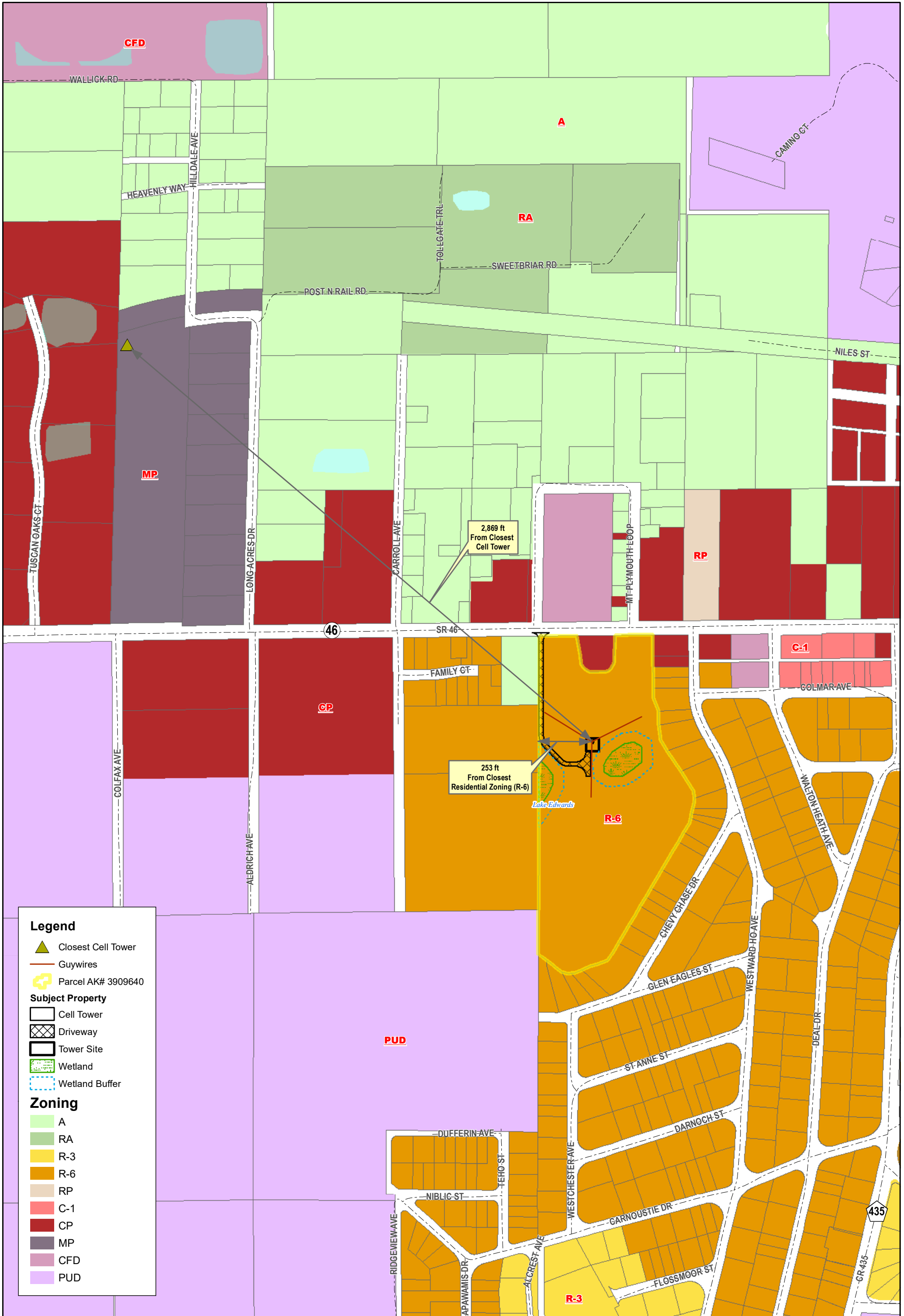


LAKE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION  
SURVEYING SECTION  
P.O. BOX 7800  
TAVARES, FLORIDA 32778




SECTION:	29	TOWNSHIP:	19 SOUTH	RANGE:	28 EAST
SURVEYED:	MC/JC/DS	DATE:	7/16/2015		
FIELD BOOKS:	205 207	PAGES:	50,51,60 1		
DRAWN:	RJT	DATE:	8/12/2015		
APPROVED:	RJT	DATE:			
REV1		DATE:			
REV2		DATE:			

**SKETCH OF DESCRIPTION OF PORTIONS OF LAKE EDWARDS (DRY LAKE BED)**  
**MT. PLYMOUTH, PLAT BOOK 8, PAGE 85C**  
**LAKE COUNTY, FLORIDA**






CAD NO.: 14041\_CELL\_TOWER.DWG SHEET: 2 OF 2













**Legend**

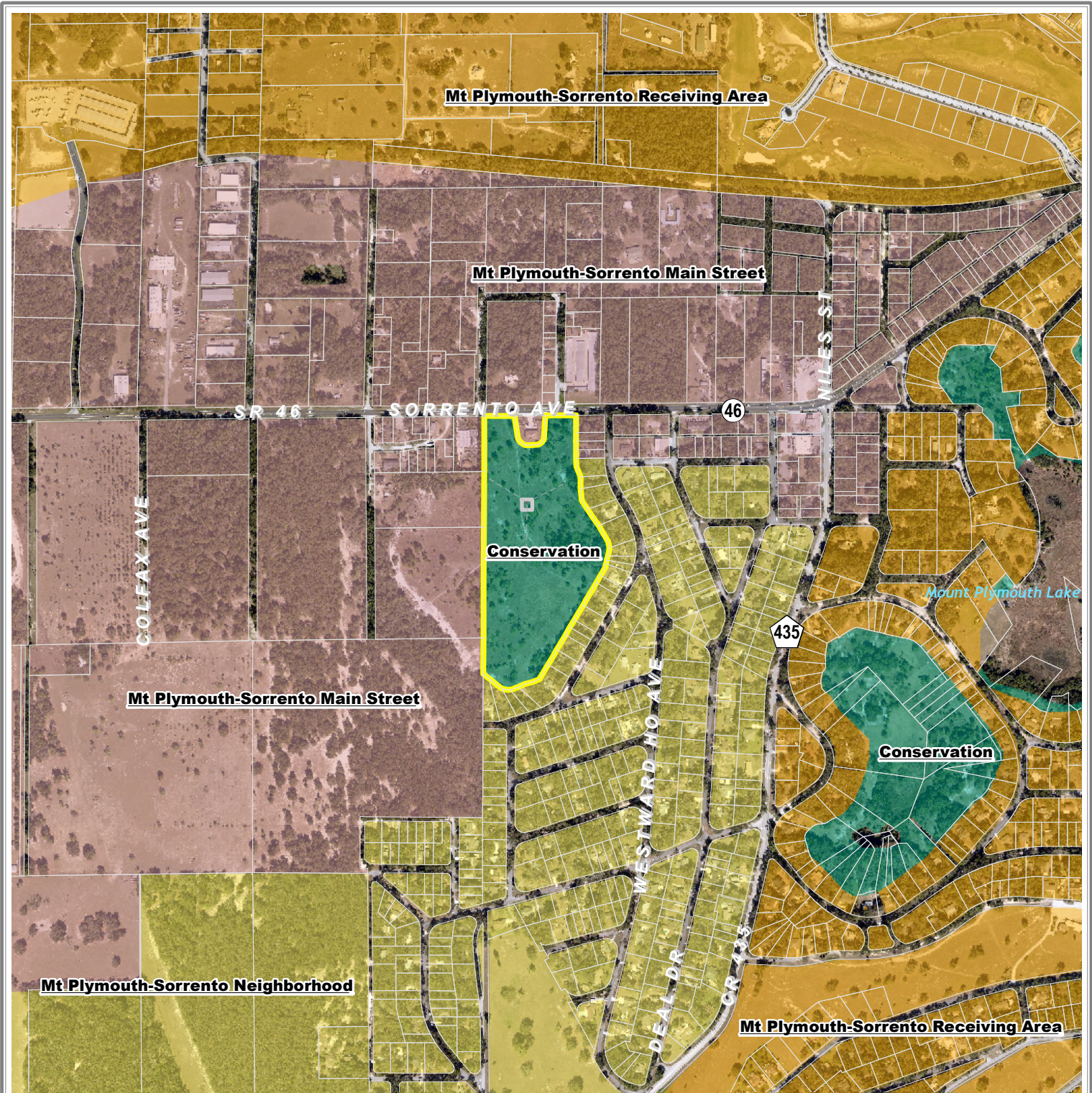
-  Closest Cell Tower
-  Guywires
-  Parcel AK# 3909640

**Subject Property**

-  Cell Tower
-  Driveway
-  Tower Site
-  Wetland
-  Wetland Buffer

**Zoning**

-  A
-  RA
-  R-3
-  R-6
-  RP
-  C-1
-  CP
-  MP
-  CFD
-  PUD



**FUTURE LAND USE LEGEND**

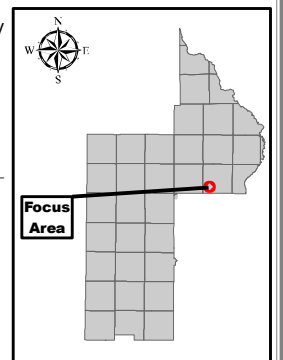
- |                                |  |                          |
|--------------------------------|--|--------------------------|
| Bella Collina                  | Mt Plymouth-Sorrento Main Street District  | Regional Commercial      |
| Cagan Crossings                | Mt Plymouth-Sorrento Neighborhood          | Rural                    |
| Conservation                   | Mt Plymouth-Sorrento Receiving Area        | Rural Transition         |
| Green Swamp Core Conservation  | Regional Office                            | Sending Area A-1-20      |
| Green Swamp Interlachen        | Public Service Facility and Infrastructure | Sending Area A-1-40      |
| Green Swamp Ridge              | Receiving Area A-1-20                      | South Lake Regional Park |
| Green Swamp Rural              | Recreation                                 | Summer Bay               |
| Green Swamp Rural Conservation |  | Urban Low Density        |
| Heavy Industrial               |  | Urban Medium Density     |
|                                |  | Urban High Density       |
|                                |  | Wellness Way 1           |
|                                |  | Wellness Way 2           |
|                                |  | Wellness Way 3           |
|                                |  | Wellness Way 4           |
|                                |  | Towncenter               |

**NAME: SR 46 CELL TOWER - PUBLIC SAFETY**

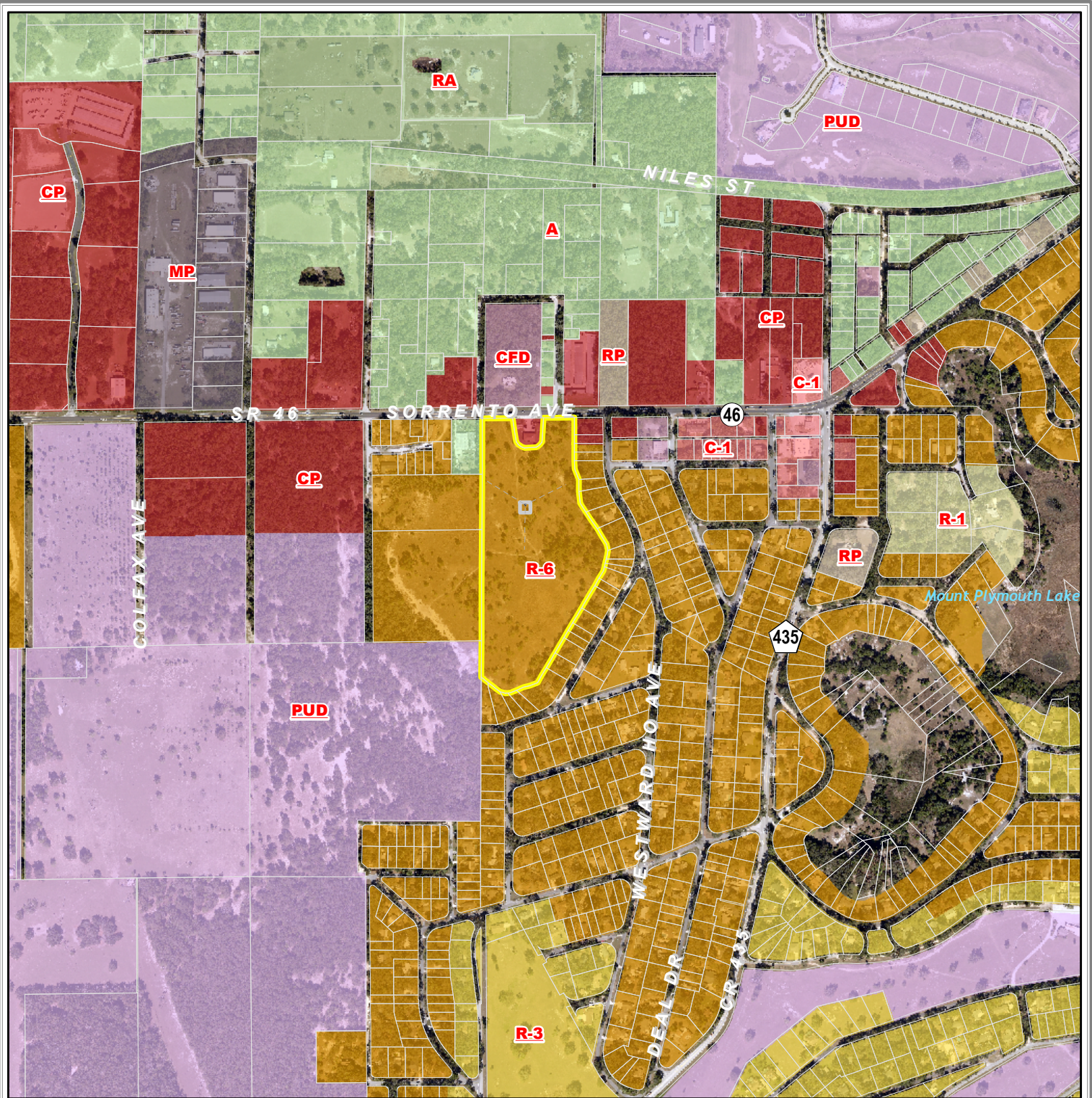
**CASE NUMBER: RZ-18-06-4**

**LOCATION (S-T-R): 29-19-28**

**REQUEST: URBAN RESIDENTIAL (R-6) TO COMMUNITY FACILITY DISTRICT (CFD)**



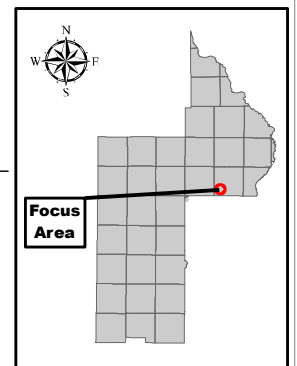




ZONING LEGEND

A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CFD	

**NAME:** SR 46 CELL TOWER - PUBLIC SAFETY  
**CASE NUMBER:** RZ-18-06-4  
**LOCATION (S-T-R):** 29-19-28  
**REQUEST:** URBAN RESIDENTIAL (R-6) TO COMMUNITY FACILITY DISTRICT (CFD)



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**ORDINANCE #2018-xx  
RZ-18-06-4  
LCBCC-Public Safety SR 46-Tower**

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**AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Lake County Office of Public Safety Support (“Applicant”), has submitted an application on behalf of the Lake County Board of County Commissioners (BCC) (the “Property Owner”) to rezone property from Urban Residential (R-6) to Community Facility District (CFD) to allow construction of public facilities, to include of a communications tower with alternative setback standards; and

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**WHEREAS**, the subject property consists of approximately 9.98+/- acres located on State Road (SR) 46, Mt. Plymouth-Sorrento area of unincorporated Lake County, in Section 29, Township 19 East, Range 28 South, identified by Alternate Key Number 3909640, and more particularly described below:

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**LEGAL DESCRIPTION  
EXHIBIT “A” – (ATTACHED)**

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**WHEREAS**, the property subject to the request is located within the Public Service Facility and Infrastructure Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

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**WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-18-06-4 on the 2<sup>nd</sup> day of May, 2018 and on the 1<sup>st</sup> day of August, 2018 and after giving Notice of Hearing for a change in the use of land, including a notice that said petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 21<sup>st</sup> day of August 2018; and

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**WHEREAS**, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning and Zoning Board, the staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised, and

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**WHEREAS**, upon review, certain terms pertaining to the development of the above described property have been duly approved; and

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that:

**Section 1. Terms:** The County Manager or designee shall amend the Official Lake County Zoning Map to show the Community Facility District (CFD) zoning in accordance with Exhibit “A” of this Ordinance. All land uses must be generally consistent with the Concept Plan as shown in Exhibit “B”, of this Ordinance. To the extent that there are conflicts between the Conceptual Plan and this Ordinance, this Ordinance will take precedence.

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**A. Land Uses:**

1. Communication tower (1) for emergency radio communication; to include communication antennas, circuitry cabinets and other cellular communication apparatus.
2. Stormwater management facility.
3. Accessory Uses directly associated with the above principal uses may be approved by the County Manager or designee. Any other use of the site not specified above will require approval of an amendment to this Ordinance by the Board of County Commissioners.

**B. Communication tower setback and separation distances**

1. **Communication tower to property line as follows:**
  - a. The tower will be centered on the parcel in accordance with the Land Development Regulations (LDR), as amended.
  - b. 253-foot minimum distance to adjacent residential lots and property lines.
  - c. 2,869-foot minimum separation distance to the existing northwestern tower located on property identified by Alternate Key 1598401.
2. Stormwater management facility, building, and structure setbacks will be in accordance with the Land Development Regulations (LDR), as amended.

**C. Floor Area Ratio/Intensity, Impervious Surface (ISR), Structure Height:**

1. Communication tower height: 350-feet, maximum
2. Floor Area Ratio/Intensity, Impervious Surface Ratio, and Structure Height must be in accordance with the Comprehensive Plan and LDR, as amended.

**D. Signage:** All signage, if provided, must be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

**E. Landscaping, Buffering, and Screening/Fencing:** Landscaping, Buffering, and Screening must be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

1. For public safety purposes, the communications compound area will be a fenced 100-square feet area, to include the tower, circuitry cabinets and apparatus as legally described below. The guy wire anchor points will also be fenced.

**F. Transportation Improvements/Access Management:**

1. Access Management: All access management must be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.
2. A driveway will be required off of SR 46 and permitting through the Florida Department of Transportation will be required.

1                   3. The site is currently within a FEMA flood zone of AE with and established elevation of 59 ft.  
2                   Site development will be required to adhere to FEMA, St Johns River Water Management  
3                   District and Lake County regulations for development within flood zones.  
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5                   **G. Stormwater Utilities:**

6                   The stormwater management system shall be designed in accordance with all applicable Lake County  
7                   and St. Johns River Water Management District (SJRWMD) requirements; as amended. The developer  
8                   shall be responsible for any flood studies required for developing the site and comply with FEMA,  
9                   Comprehensive Plan and Land Development Regulations, as amended. Any development within the  
10                  floodplain as identified on the FEMA maps will required compensating storage.  
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12                  **H. Lighting:** The tower must not be artificially lighted except to assure human safety or as  
13                  required by the Federal Aviation Administration (FAA). Any other necessary site lighting must  
14                  be in accordance with LDR, as amended, and Dark-Sky principals.  
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16                  **I. Fire Protection:** Fire Protection must be in accordance with the all applicable federal, state,  
17                  and local codes and regulations, as amended.  
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19                  **J. Utilities:**

20                  The provision of potable water and septic/sewage service, as applicable, must be permitted in  
21                  accordance with Florida Department of Health, Florida Department of Environmental Protection,  
22                  the Comprehensive Plan, and Land Development Regulations, as amended.  
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24                  **K. Concurrency Management Requirements:** Any development must comply with the Lake  
25                  County Concurrency Management System, as amended.  
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27                  **L. Development Review and Approval:** Prior to the issuance of permits, the Applicant will be  
28                  required to submit a development application for any future construction, for review and  
29                  approval, in accordance with the Comprehensive Plan and LDR, as amended.  
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31                  **M. Future Amendments to Statutes, Code, Plans, or Regulations:** The specific references in  
32                  this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County  
33                  Comprehensive Plan, and Lake County Land Development Regulations will include any future  
34                  amendments to the Statutes, Code, Plans, or Regulations.  
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36                  **Section 2. Conditions:**  
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38                  **A.** After establishment of the facilities as provided in this Ordinance, the property must only be  
39                  used for the purposes named in this Ordinance. Any other proposed use must be specifically  
40                  authorized by the Board of County Commissioners.

41                  **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,  
42                  move, convert, or demolish any building structure, add other uses, or alter the land in any  
43                  manner within the boundaries of the above described land without first obtaining the  
44                  necessary approvals in accordance with the Lake County Code, as amended, and obtaining  
45                  the permits required from the other appropriate governmental agencies.

- 1 C. This Ordinance will inure to the benefit of, and will constitute a covenant running with the  
2 land and the terms, conditions, and provisions of this Ordinance, and will be binding upon  
3 the present Owner and any successor, and will be subject to each and every condition set  
4 out in this Ordinance.
- 5 D. Construction and operation of the proposed use must comply with the regulations of this and  
6 other governmental permitting agencies.
- 7 E. The transfer of ownership or lease of any or all of the property described in this Ordinance  
8 must include in the transfer or lease agreement, a provision that the purchaser or lessee is  
9 made good and aware of the conditions established by this Ordinance and agrees to be  
10 bound by these conditions. The purchaser or lessee may request a change from the existing  
11 plans and conditions by following the procedures contained in the Land Development  
12 Regulations, as amended.
- 13 F. Action by the Lake County Code Enforcement Special Master. The Lake County Code  
14 Enforcement Special Master will have authority to enforce the terms and conditions set forth  
15 in this ordinance and to recommend that the ordinance be revoked.  
16

17 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
18 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity  
19 of the remaining portions of this Ordinance.  
20

21 **Section 4. Filing with the Department of State:** The clerk is hereby directed forthwith to send a copy of  
22 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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**Section 5. Effective Date.** This Ordinance will become effective as provided by law.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

FILED with the Secretary of State \_\_\_\_\_, 2018.

EFFECTIVE \_\_\_\_\_, 2018.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
TIMOTHY I. SULLIVAN, CHAIRMAN

ATTEST:

\_\_\_\_\_  
GARY J. COONEY, CLERK  
BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
MELANIE MARSH, COUNTY ATTORNEY

**EXHIBIT "A"**  
**Legal Description**

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That portion of Lake Edwards, as described in Official Records Book 3471, Page 425, and as shown on the Plat of Mt. Plymouth Section "A" according to the plat thereof as recorded in Plat Book 8, Pages 85 through 85D inclusive, of the Public Records of Lake County, Florida, more particularly described as follows:  
Commence at the Northwest corner of the Southwest 1/4 of Section 29, Township 19 South, Range 28 East; thence North 89°16'57" East along the North line of said Southwest 1/4 of Section 29, Township 19 South, Range 28 East, a distance of 1329.54 feet to the Northwest Corner of the Northeast 1/4 of the Southwest 1/4, thence South 00°05'30" West along West line of the Northeast 1/4 of the Southwest 1/4 a distance of 34.90 feet to a point on the Southerly right of way line of State Road 46 by maintenance according to the Florida Department of Transportation Maintenance Map as recorded in Map Book 11, Pages 1 through 54, Lake County, Florida, and the Point of Beginning; thence North 89°13'46" East along said Southerly right of way line, a distance of 206.24 feet; thence departing said Southerly right of way line, South 19°35'49" East, a distance of 32.30 feet; thence South 04°00'23" East, a distance of 28.11 feet; thence South 24°39'31" East, a distance of 33.29 feet; thence South 34°28'31" East, a distance of 14.68 feet; thence South 50°54'29" East, a distance of 18.51 feet; thence South 59°47'30" East, a distance of 17.06 feet; thence South 70°43'11" East, a distance of 21.23 feet; thence North 75°32'14" East, a distance of 13.75 feet; thence North 61°24'09" East, a distance of 10.76 feet; thence North 46°43'50" East, a distance of 16.91 feet; thence North 38°23'52" East, a distance of 16.56 feet; thence North 33°42'16" East, a distance of 13.61 feet; thence North 06°54'56" East, a distance of 11.07 feet; thence North 19°43'04" East, a distance of 16.36 feet; thence North 11°21'41" East, a distance of 22.66 feet; thence North 22°44'18" East, a distance of 40.35 feet to a point on the Southerly right of way line of State Road 46 by maintenance according to the Florida Department of Transportation Maintenance Map as recorded in Map Book 11, Pages 1 through 54, Lake County, Florida; thence North 89°13'46" East, a distance of 170.15 feet to a point of the Westerly line of Block 18, as shown on the Plat of Mt. Plymouth Section "A" according to the plat thereof as recorded in Plat Book 8, Pages 85 through 85D inclusive, of the Public Records of Lake County, Florida; thence Southerly along said Westerly line of Block 18, the following six (6) courses and distances; South 00°41'00" East, a distance of 298.74 feet to the Southwest corner of Lot 6; thence South 23°40'18" East, a distance of 63.94 feet to the Southwest corner of Lot 7; thence South 01°29'35" West, a distance of 69.04 feet to the Southwest corner of Lot 8; thence South 09°39'48" East, a distance of 71.57 feet to the Southwest corner of Lot 9; thence South 35°08'34" East, a distance of 247.49 feet to the Southwest corner of Lot 13; thence South 14°48'20" East, a distance of 34.61 feet to the Southwest corner of Lot 14; thence departing said Westerly line of said Block 18, South 85°33'59" West, a distance of 734.53 feet to a point on the Westerly line of the Northeast 1/4 of the Southwest 1/4 of Section 29, Township 19 South, Range 28 East, said line also being the East line of Block 8, Caronel Acres, according to the plat thereof, as recorded in Plat Book 6, Page 49, Public Records of Lake County, Florida; thence North 00°05'30" East along said Westerly line, a distance of 782.20 feet to the Point of Beginning  
Containing 434,744.90 square feet or 9.98 acres more or less

1 **Emergency Communication Tower Compound Area:**

2  
3 That portion of Lake Edwards, as described in Official Records Book 3471, Page 425, and as  
4 shown on the Plat of Mt. Plymouth Section "A" according to the plat thereof as recorded in Plat  
5 Book 8, Pages 85 through 85D inclusive, of the Public Records of Lake County, Florida, more  
6 particularly described as follows: Commence at the Northwest corner of the Southwest 1/4 of  
7 Section 29, Township 19 South, Range 28 East; thence North 89°16'57" East along the North  
8 line of said Southwest 1/4 of Section 29, Township 19 South, Range 28 East, a distance of  
9 1329.54 feet to the Northwest Corner of the Northeast 1/4 of the Southwest 1/4, thence  
10 departing said North line, South 00°05'30" West along the West line of the Northeast 1/4 of the  
11 Southwest 1/4 a distance of 34.90 feet to a point on the Southerly right of way line of State  
12 Road 46 by maintenance according to the Florida Department of Transportation Maintenance  
13 Map as recorded in Map Book 11, Pages 1 through 54, Lake County, Florida; thence South  
14 00°05'30" West, a distance of 481.99 feet along said Westerly line, said line also being the East  
15 line of Block 8, Caronel Acres, according to the plat thereof, as recorded in Plat Book 6, Page  
16 49, Public Records of Lake County, Florida, thence, departing said West line of the Northeast  
17 1/4 of the Southwest 1/4, North 90°00'00" East a distance of 230.29 feet to the Northwest corner  
18 of the compound and the Point of Beginning; thence continue North 90°00'00" East a distance  
19 of 60.00' to the Northeast corner of the compound; thence South 00°00'00" East a distance of  
20 60.00' to the Southeast corner of the compound; thence North 90°00'00" West a distance of  
21 60.00' to the Southwest corner of the compound; thence North 00°00'00" East a distance of  
22 60.00' to the Northwest corner of the compound and the Point of Beginning. Containing 3600  
23 square feet or 0.08 acres more or less.  
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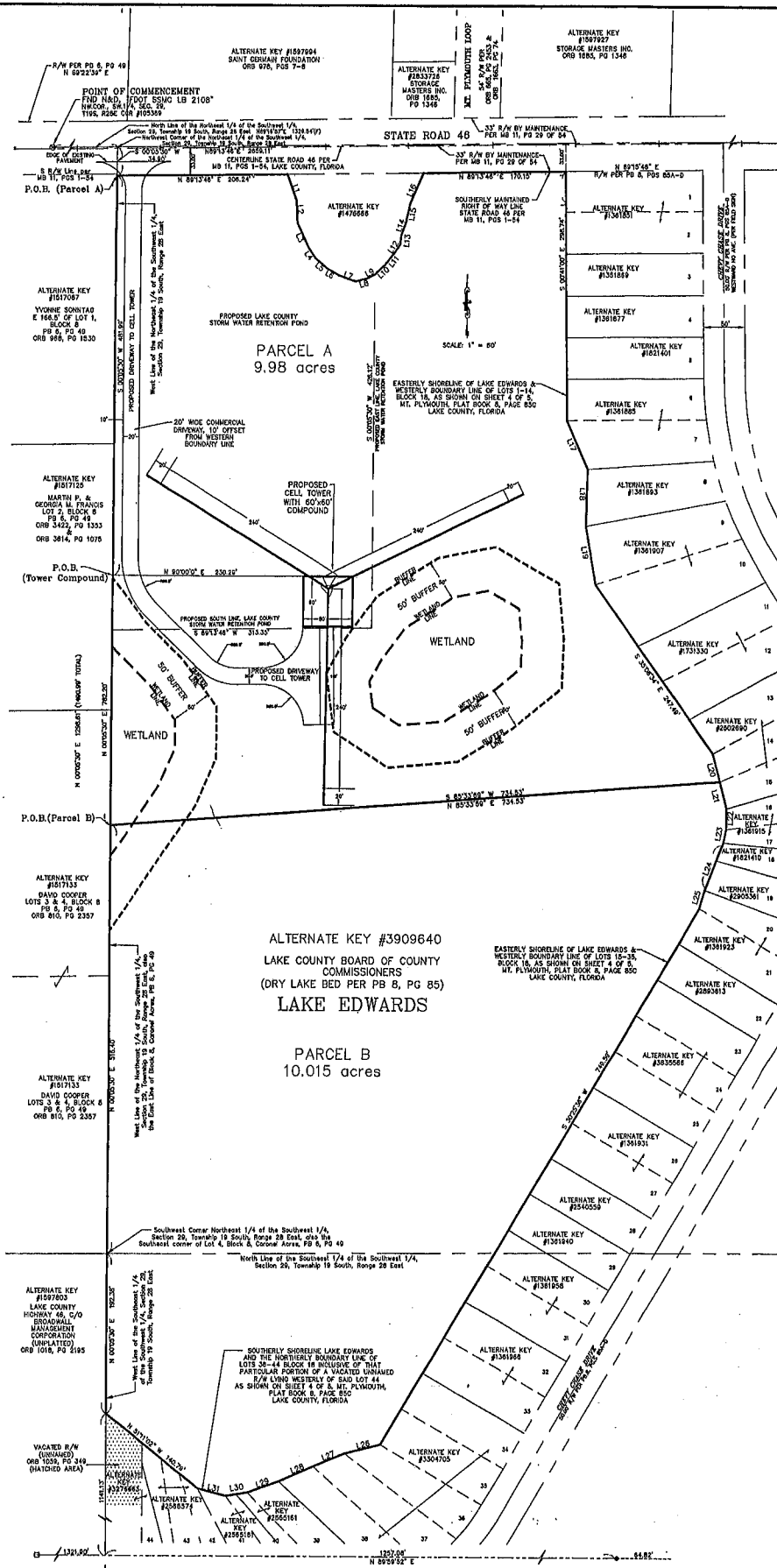



EXHIBIT - B

Line #	Direction	Length
L1	S19°35'49"E	32.30'
L2	S4°00'23"E	28.11'
L3	S24°39'31"E	33.29'
L4	S34°28'31"E	14.68'
L5	S50°54'29"E	18.51'
L6	S89°47'30"E	17.06'
L7	S70°43'11"E	21.23'
L8	N75°32'14"E	13.75'
L9	N61°24'09"E	10.76'
L10	N46°43'50"E	16.91'
L11	N38°23'52"E	16.56'
L12	N33°42'16"E	13.61'
L13	N6°54'56"E	11.07'
L14	N19°43'04"E	16.36'
L15	N11°21'41"E	22.66'
L16	N22°44'18"E	40.35'
L17	S23°40'18"E	63.94'
L18	S01°29'35"W	69.04'
L19	S9°39'48"E	71.57'
L20	S14°48'20"E	34.61'
L21	S14°48'20"E	33.27'
L22	S1°07'33"W	24.67'
L23	S11°42'16"W	16.85'
L24	S20°44'54"W	63.16'
L25	S15°52'46"W	23.08'
L26	S75°46'07"W	44.16'
L27	S68°14'50"W	41.32'
L28	S66°13'09"W	44.84'
L29	S70°05'59"W	40.16'
L30	S81°22'29"W	26.18'
L31	N75°35'45"W	35.34'

ABBREVIATIONS

C/O	=	CARE OF
INC	=	INCORPORATED
LS	=	LICENSED SURVEYOR
MB	=	MAP BOOK
ORB	=	OFFICIAL RECORD BOOK
PB	=	PLAT BOOK
PG(S)	=	PAGE(S)
R/W	=	RIGHT OF WAY





**LAKE COUNTY**  
FLORIDA

**LAKE COUNTY**  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION  
SURVEYING SECTION  
P.O. BOX 7800  
TAVARES, FLORIDA 32778

SECTION:	28	TOWNSHIP:	SOUTH	RANGE:	EAST
SURVEYED:	MO/JO/DS	DATE:	7/16/2015		
FIELD BOOKS:	205	PAGES:	00,51,00		
DRAWN:	RJT	DATE:	8/12/2015		
APPROVED:	RJT	DATE:			
REV1		DATE:			
REV2		DATE:			

SEE SHEET 1 OF 2 FOR PARCEL DESCRIPTION AND SURVEYOR'S REPORT  
SHEET 2 NOT VALID WITHOUT SHEET 1

**SKETCH OF DESCRIPTION OF  
PORTIONS OF LAKE EDWARDS  
(DRY LAKE BED)**  
MT. PLYMOUTH, PLAT BOOK 8, PAGE 85C  
LAKE COUNTY, FLORIDA

CAD. NO. 14041-CELL-TOWER.DWG SHEET 2 OF 2

# **OPPOSITION COMMUNICATION**

## Greene, Steve

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**From:** Janet Turner <jturner926@centurylink.net>  
**Sent:** Monday, May 14, 2018 10:04 AM  
**To:** Greene, Steve  
**Subject:** New Public Safety Cell Tower in Mount Plymouth

Dear Mr Green:

I am writing to oppose changing the proposed conservation area of Mt Plymouth to a public area for the purpose of a Public Safety Cell Tower, especially to be used for another community.

Part of the love we have for our neighborhood is the wildlife, open land, and a beautiful "old Florida" look. Please reconsider this location, and lets us keep our conserved land.

Thank you in advance for your kind attention.

Sincerely,

Janet Turner and Martin Lleggi  
31151 Overbrook Street  
Sorrento Florida 32776

## Greene, Steve

---

**From:** Michael Rapp <michael.rapp79@gmail.com>  
**Sent:** Monday, May 14, 2018 5:44 PM  
**To:** Greene, Steve; McClendon, Tim; Campione, Leslie  
**Subject:** Opposition to RZ-18-06-4 LCBC Public Safety CR 46 Cell Tower Rezoning

To those in the 'to' line,

I agree with Dr. Kesselring who expressed his disappointment that there was no one from the Office of Public Safety Support present at the meeting to address residents' questions. He suggested that this office and the BCC consider offering an educational opportunity for the residents of the community to learn more about the tower, its use, and address their concerns.

While I understand the need for the safety communications infrastructure, the area designated as conservation land needs to stay 'conservation' and the 1000'+ variance is far too much. My opinion is that the tower needs to join the other one just to the north in the industrial area. I don't think that they are concerned with aesthetics and are NOT on conservation designated land. That would also allay concerns of signal interference with residents in the surrounding area. "Public Safety" comms are likely 'push-to-talk' radio (although they call it cellular). I'm not sure where they fall on the frequency scale in relation to radio/TV or personal Cell phones. All of these questions need to be addressed before any vote is taken.

Thank you,  
Respectfully  
Michael Rapp  
Mount Plymouth

Cell Tower Plan at (dry) Lake Edwards in Mount Plymouth  
re: request fencing to allow partial continued passive use.

May 7, 2018

To: Steve K. Greene, AICP, Chief Planner, Office of Planning and Zoning, Lake County

From: Steve Bolduc, 31413 Westward Ho Ave, Mt. Plymouth (ak 1361893, aka lot 8)

Dear Mr. Green,

I'm against such a high tower here for reasons my wife will present; however if the project does proceed I'm against peripheral fencing restricting the public from the entire property.

Referring to the map filenamed "RZ-18-06-4\_SR 46 Tower Concept Plan," my house lot line is about 300 feet east of the proposed tower (center). There are trees behind the houses on Westward Ho Ave, behind my house extending about 60 feet from my lot line into the dry lake bed so that the tree line is about 240 feet east of the proposed tower.

In the 29 years that I've lived here I've enjoyed the passive use of Lake Edwards behind my house mainly at the tree line, facing west, variously watching sunsets, birds, gopher turtles, wild turkeys, sand hill cranes, rabbits, etc., plane-spotting (fortunately under the approaches to Orlando and Sanford), and listening to my Walkman while drinking coffee. Though most days there is no other human activity, I've seen and heard other residents walking, talking, riding off-road scooters etc., and I assume other activities not in my line of sight.

There have been two fires to my knowledge since Lake Edwards has been dry. They have started on the westerly side and (I am told in the first instance) burned to the eastern side quickly in a matter of minutes due to the westerly winds. By being outside at the tree line we can spot the fires early and notify the fire dept. In fact this was exactly the case with the last fire. Had my wife not been out at the tree line with our dog to notice the fire, I believe we may have lost multiple homes on Westward Ho.

A peripheral fence along lot lines could funnel undesirable wildlife into back yards especially along Westward Ho Ave to the east including bears, coyotes, and pigs.

I think some continued passive use of Lake Edwards would be beneficial generally and possibly to the cell tower itself. I've walked the planned layout and estimate that fencing of as much as 100 feet out on all sides of the tower building and perhaps 20 feet out on all sides of the guy wire anchors would not overly impact the passive uses I've described, and this would still be more restrictive fencing than I've seen around most towers on google images.

Thanks for your kind attention.

Steve Bolduc  
tel 383-7821