



CONDITIONAL USE PERMIT STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6
Public Hearings: Planning & Zoning Board (PZB): October 4, 2023
Board of County Commissioners (BCC): November 14, 2023
Project Name: FL-7080 Crescent Lake – I Source Towers II, LLC
Applicant: 1 Source Towers II, LLC
Owner: William E. Tyner and Sandra K. Tyner, and Kevin W. Shipe and Bryn E. Shipe, as joint tenants with right of survivorship.
Requested Action: 1. Conditional use permit (CUP) to allow a 160-foot monopine communications tower on Agriculture (A) zoned property.
2. Waiver from Land Development Regulations (LDR) 3.13.09(B)(1) to allow the proposed monopine communications tower to be constructed off-center.
3. Waiver from LDR Section 15.02.04(J) to allow the proposed monopine to exceed the required 140-foot height limitation.
Approval of this conditional use permit request is contingent upon the BCC approving the waiver to the telecommunications location and height requirements.
Staff Determination: Staff finds the CUP application consistent with the LDR and Comprehensive Plan.
Case Manager: Shari Holt, Planner
PZB Recommendation:

Subject Property Information

Size: 0.113 +/- acres compound lease area (10.9 +/- acres parent parcel)
Location: 11643 Hull Road in the Clermont area of unincorporated Lake County.
Alternate Key No.: 1587603
Future Land Use: Green Swamp Rural (Attachment “A”)
Current Zoning District: Agriculture (A) (Attachment “B”)
Flood Zones: “AE” and “X”
Joint Planning Area/ ISBA: Clermont Joint Planning Area (JPA)
Overlay Districts: Green Swamp Area of Critical State Concern (GSACSC)

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Green Swamp Rural	Planned Unit Development (PUD)	Residential	Single-family dwelling unit
South	Green Swamp Rural & Urban Low	Urban Residential (R-6)	Right-of-Way, Residential, Conservation Easement, Residential Common Area	Hull Road, Single-family dwelling unit south of R-O-W
East	Green Swamp Rural	Urban Residential (R-6)	Residential	Single-family dwelling unit
West	Green Swamp Rural	Agriculture (A)	Vacant Agriculture uses	Agriculture

- Summary of Analysis -

The subject 0.113 +/- acre lease parcel lies within a parent parcel comprised of 10.9 +/- acres, identified by Alternate Key Number 1587603, and located at 11643 Hull Road in the Clermont area of unincorporated Lake County. The parcel is zoned Agriculture (A) and is designated as Green Swamp Rural Future Land Use Category (FLUC).

The Applicant seeks conditional approval for a 160-foot monopine communications tower within a 4,960 square foot compound area; the tower will provide infrastructure to support T-Mobile, Verizon, and up to three (3) other mobile communication networks.

The Applicant also requests a waiver (Attachment "D") to LDR 3.13.09(B)(1) to allow the proposed monopine communications tower to be constructed on the parcel off-center. A second waiver is requested to LDR Section 15.02.04(J) to allow the proposed monopine to exceed the required 140-foot height limitation. Staff must emphasize that approval of this conditional use permit request is contingent upon the BCC approving the waiver to the telecommunications location and height requirements.

The subject parcel is located within the City of Clermont JPA and the application was provided to the City of Clermont for review. The City of Clermont had no comments or objections to the request.

The subject parcel is located within the Green Swamp Area of Critical State Concern (GSACSC). The CUP application was provided to the Florida Department of Commerce (DOC) (formerly known as the Department of Economic Opportunity or DEO) and DOC had no comments. DOC withholds the ability to appeal any process, pursuant to Chapter 380, Florida Statutes.

- Analysis -

LDR Section 3.13.19 (Standards for Review)

- A. The following non-comprehensive list of items shall be considered when reviewing for Aesthetic impacts: the amount of the Tower that can be viewed from surrounding Residential Zones in conjunction with its proximity (distance) to the residential zone, landscaping, existing character of surrounding area and any other visual options proposed by the applicant. The tower may be placed, designed or camouflaged to assist with mitigating the overall aesthetic impact.**

Undue aesthetic impacts from the proposed telecommunications tower to the surrounding residential zones is not

anticipated. The amount of the tower that can be viewed from the residential zones in conjunction with its proximity to these residential zones is shown in the Monopole Simulation (Attachment "H").

- B. The degree to which a Tower is designed and located in order to be compatible with the nature and character of Land Uses and/or the environment within which the Tower is proposed to be located. The tower may be placed, designed or camouflaged to assist with compatibility. A camouflaged tower Shall be designed to be compatible with the surrounding Land Uses and the environment.**

The proposed request is consistent with Land Development Regulations (LDR) 3.13.19(B), which conditionally allows telecommunications towers to be placed, designed or camouflaged in order to be compatible with the nature and character of land used and/or the environment in which the tower is proposed to be located, as shown in the Tower Elevation Plan (Attachment "I").

- C. The minimum performance standards with respect to separation between Towers, separation between residential uses and Towers, etc., as referenced in Section 3.13.00, Shall be met. The Board of County Commissioners may impose more restrictive Conditions to a Conditional Use Permit or CFD request in order to achieve the desired protection with respect to aesthetic impact and harmony and compatibility with the surrounding community. The determination by the Board of County Commissioners to impose more restrictive conditions Shall be based on substantial competent evidence.**

The proposed request is consistent with LDR Section 3.13.09 Tower Table 1, *Additional Tower Setbacks*, which requires the tower to be located 100-feet from any single-family unit, as shown on the Adjacent Residence Map (Attachment "F").

The proposed request is consistent with LDR Section 3.13.10, *Separation between Towers*, which establishes setbacks for communication towers as shown in the Separation Tower Map (Attachment "G").

LDR Section 14.05.03 (Standards for Review)

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

The proposed request is consistent with Land Development Regulations (LDR) Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which conditionally allows telecommunication towers within the zoning district with an appropriate land use regulatory instrument; the proposed CUP satisfies this requirement.

The proposed request is consistent with LDR Section 3.13.09 Tower Table 1, *Additional Tower Setbacks*, which requires the tower to be located 100-feet from any single-family unit, as shown on the Adjacent Residence Map (Attachment "F").

The proposed request is consistent with LDR Section 3.13.10, *Separation between Towers*, which establishes setbacks for communication towers as shown in the Separation Tower Map (Attachment "G").

The proposed request is consistent with LDR Section 3.13.12, *Fencing*, which requires a six (6) foot wall or chain-link fence around the tower compound area as shown on the Enlarged Concept Plan (Attachment "C" Page 2 of 3).

The proposed request is consistent with LDR Section 3.13.13, *Landscaping*, which states that the visual impact of a communications tower shall be mitigated through landscaping as shown in the Landscape Plan (Attachment "A" Page 3 of 3).

The proposed request is consistent with Comprehensive Plan Policy I-7.2.6, *Communication Towers within Residential Areas*, which requires the County to adopt siting and design criteria land development regulations to protect existing and future residential neighborhoods from potential adverse impacts resulting from these facilities. The proposed use is consistent with the adopted LDR.

The request is consistent with Comprehensive Plan Policy I-4.2.3, *Green Swamp Rural FLUC*, which conditionally allows civic uses with an appropriate regulatory land use instrument; the proposed CUP satisfies this requirement. The 2030

Comprehensive Plan defines “civic uses” as a county, municipal, state, or federal use or service, and community facility uses, excluding schools. Wireless antennas, towers, and equipment are listed as a Community Facility Use pursuant to LDR Section 3.01.03.

B. Effect on Adjacent Properties.

1. The proposed conditional use will not have an undue adverse effect upon nearby property.

Undue adverse effects are not anticipated as the proposed tower will satisfy setbacks to adjacent residences and adjacent tower separation distances. To further lessen any potential adverse effects, LDR Section 3.13.03(A) requires the tower to be self-collapsing (Attachment “E”). Should the request be approved, the Applicant will need to demonstrate proof that the tower has the ability to self-collapse within the parent parcel boundaries with submittal of the development application.

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

The area is characterized by large agricultural tracts of lands; single-family dwelling units and agricultural uses are situated on these lands.

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.

To minimize potential visual adverse effects, the tower lease area will be fenced with a six (6) foot high chain-link fence, surrounded by a ten (10) foot landscape buffer, around the perimeter of the compound area as shown in the Landscape Plan (Attachment “C” Page 3 of 3).

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

The tower will be located as closely as centered as possible within the parent parcel boundaries as illustrated on the Concept Plan (Attachment “C” Page 1 of 3).

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, parks and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan Shall be considered.

Parks

The proposed request is not anticipated to adversely impact parks.

Schools

The proposed request is not anticipated to adversely impact schools.

Solid Waste

The proposed request is not anticipated to adversely impact solid waste capacities or levels of service.

Transportation

The proposed request is not anticipated to adversely impact transportation levels of service.

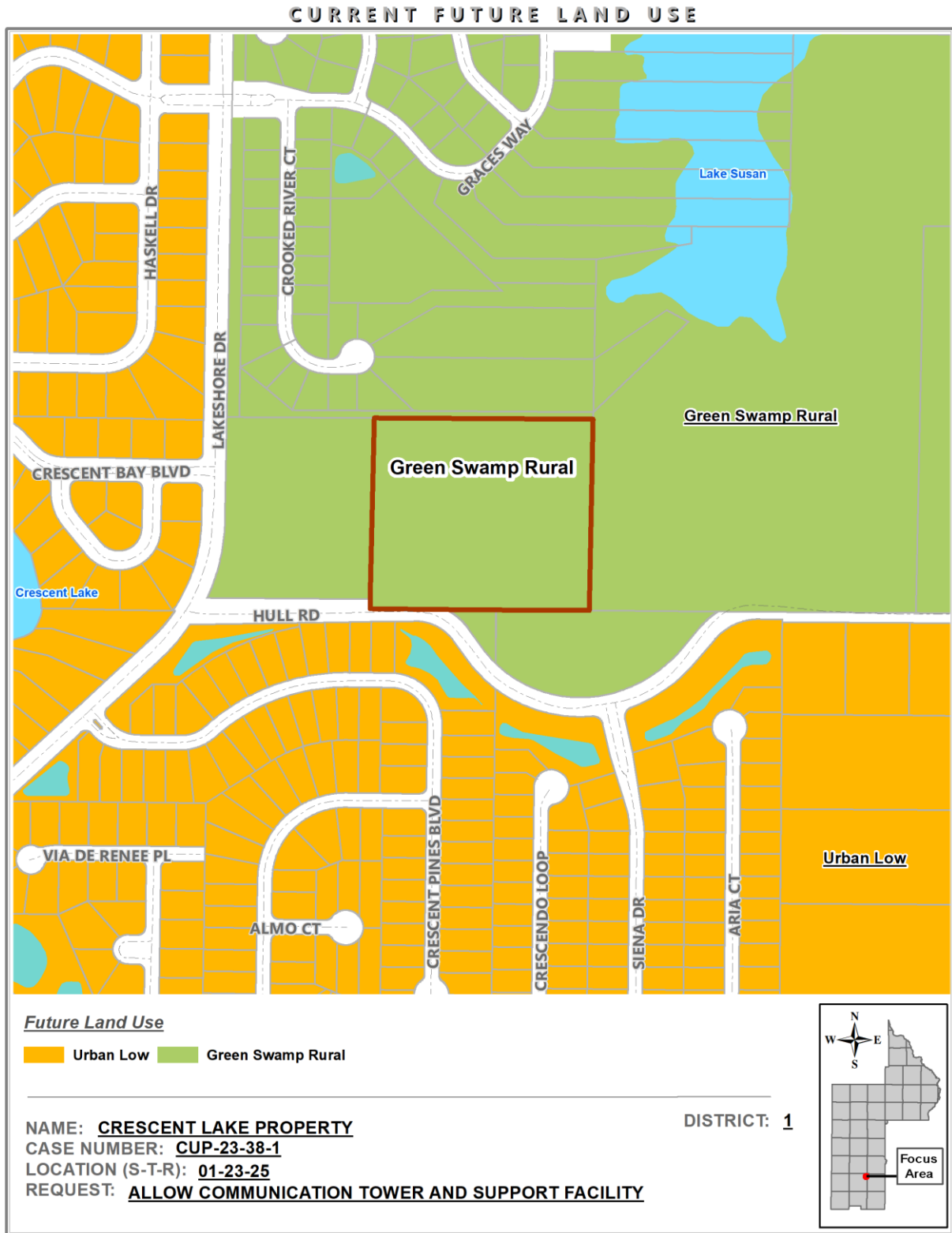
D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Office of Fire Rescue 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.

Lake County Fire Rescue Station 109 is located less than four (4) miles from the subject property at 11630 Lakeshore,

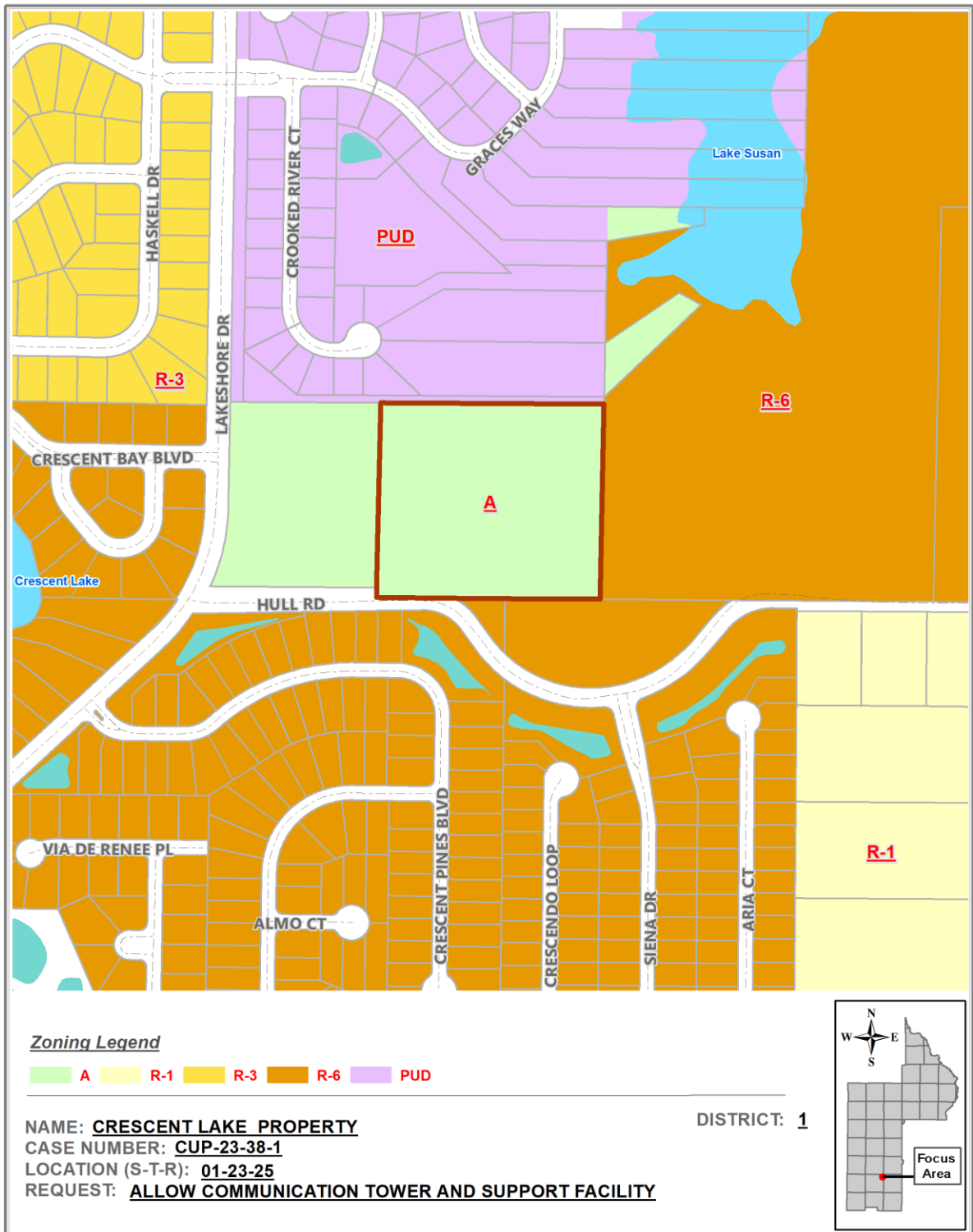
Clermont, and will provide advanced life support should an emergency situation on the property demand this service. Fire protection, water supply, and emergency access will be addressed during the site plan review process, if the conditional use permit is approved.

Attachment A - Future Land Use Category

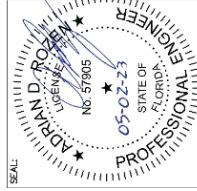
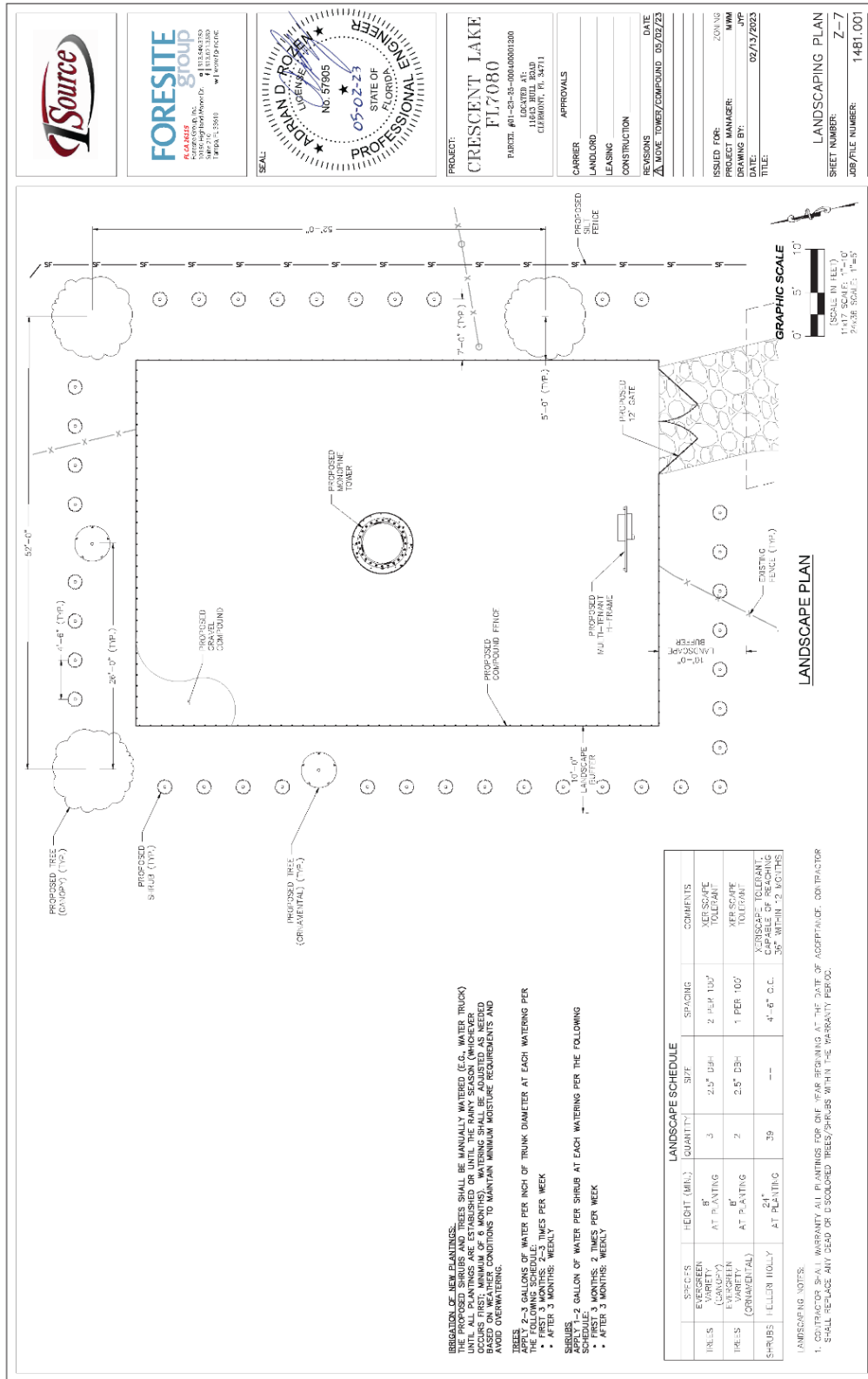


Attachment B – Zoning District Map

CURRENT ZONING



Attachment C - Landscape Plan (3 of 3)



PROJECT: CRESCENT LAKE FL7080
 PARCEL #P1-20-36-00000001200
 LOCATION: 1163 BILL ROAD CLEMMENT, FL 34711

APPROVALS:
 CARRIER _____
 LANDLORD _____
 LEASING _____
 CONSTRUCTION _____
 REVISIONS _____ DATE _____
 Z. MOYE, TOWERS/COMPUND 05/02/23

ISSUED FOR: ZONING
 PROJECT MANAGER: MM
 DRAWING BY: JJP
 DATE: 02/13/2023

LANDSCAPING PLAN
 SHEET NUMBER: Z-7
 JOB/FILE NUMBER: 1481.001

Attachment D, Waiver Requests

1 Source Towers II, LLC respectfully requests the following waivers:

- 1) A waiver from Code of Ordinances Section 3.13.09.B to allow the Monopole to be shifted to allow the monopole to be shifted 56' North and 137' West of the geometric center of the parent parcel. The waiver is requested so as to impacting avoid established wetlands on the parent parcel.
- 2) A waiver from Code of Ordinances Section 15.02.04.J Height Limitations to allow the monopole to be constructed to 160' AGL, 20' above the height limitation of 140' AGL. The waiver is requested so as to meet both T-Mobile's and Verizon's RF coverage objectives and to further the sound planning objective of minimizing the overall number of towers within Lake County by facilitating tower sharing, as stated in Code of Ordinances Section 3.13.01.d and 3.13.11.A and B.

Thanks,

M

Mattaniah S. Jahn, Esq.



Firm Practicing in Florida and Georgia

Law Office of Mattaniah S. Jahn, PA

WE HAVE MOVED!

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C: 941.685.3770

E: mjahn@thelawmpowered.com

FL Bar No: 105256

GA Bar No: 354372

Attachment E, Monopine Structural Standards Letter



January 25, 2023

Mr. Mark Merritt
Foresite Group
3575 Ringsby Court, Suite 426
Denver, CO 80216

RE: 150' Monopine for Crescent Lake, FL

Dear Mr. Merritt,

Upon receipt of order, we propose to design and supply the above-referenced monopine for an Ultimate Wind Speed of 136 mph without ice, Risk Category II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-H, "Structural Standard for Antenna-Supporting Structures and Antennas and Small Wind Turbine Support Structures".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors. Therefore, it is highly unlikely that the monopine will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopine shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopine, the monopine will buckle at the location of the highest combined stress ratio within the monopine shaft. This is likely to result in the portion of the monopine above leaning over and remaining in a permanently deformed condition. *Please note that this letter only applies to the above-referenced monopine designed and manufactured by Sabre Industries.* This would effectively result in a fall radius less than or equal to 70'.

Sincerely,

Robert E. Beacom, P.E., S.E.
Engineering Manager



Sabre Industries, Inc. • 7101 Southbridge Drive • St. Louis City, IA 51111
P: 712-258-6690 F: 712-379-0814 W: www.SabreIndustries.com

Attachment F, Adjacent Residence Map



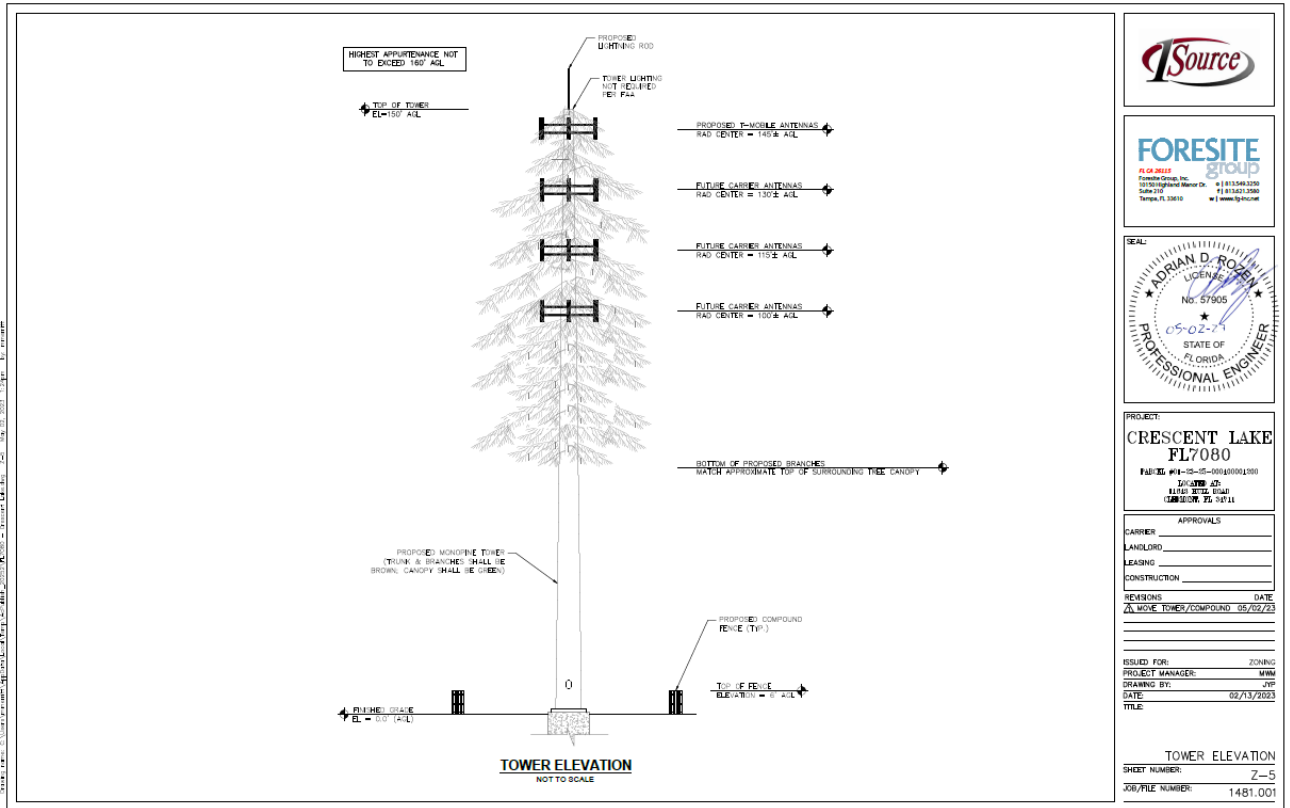
Crescent Lake - FL7080
150 - foot setback
AK# 1587603
Lat - 28 30 27.30 Long - 81 45 43.87



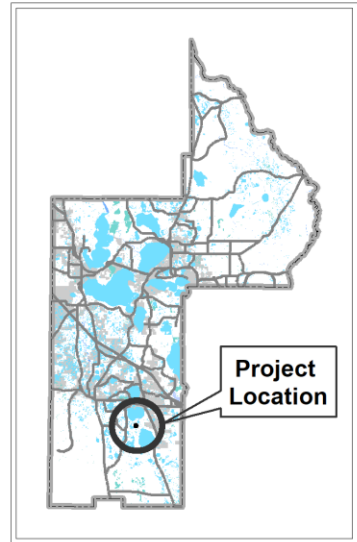
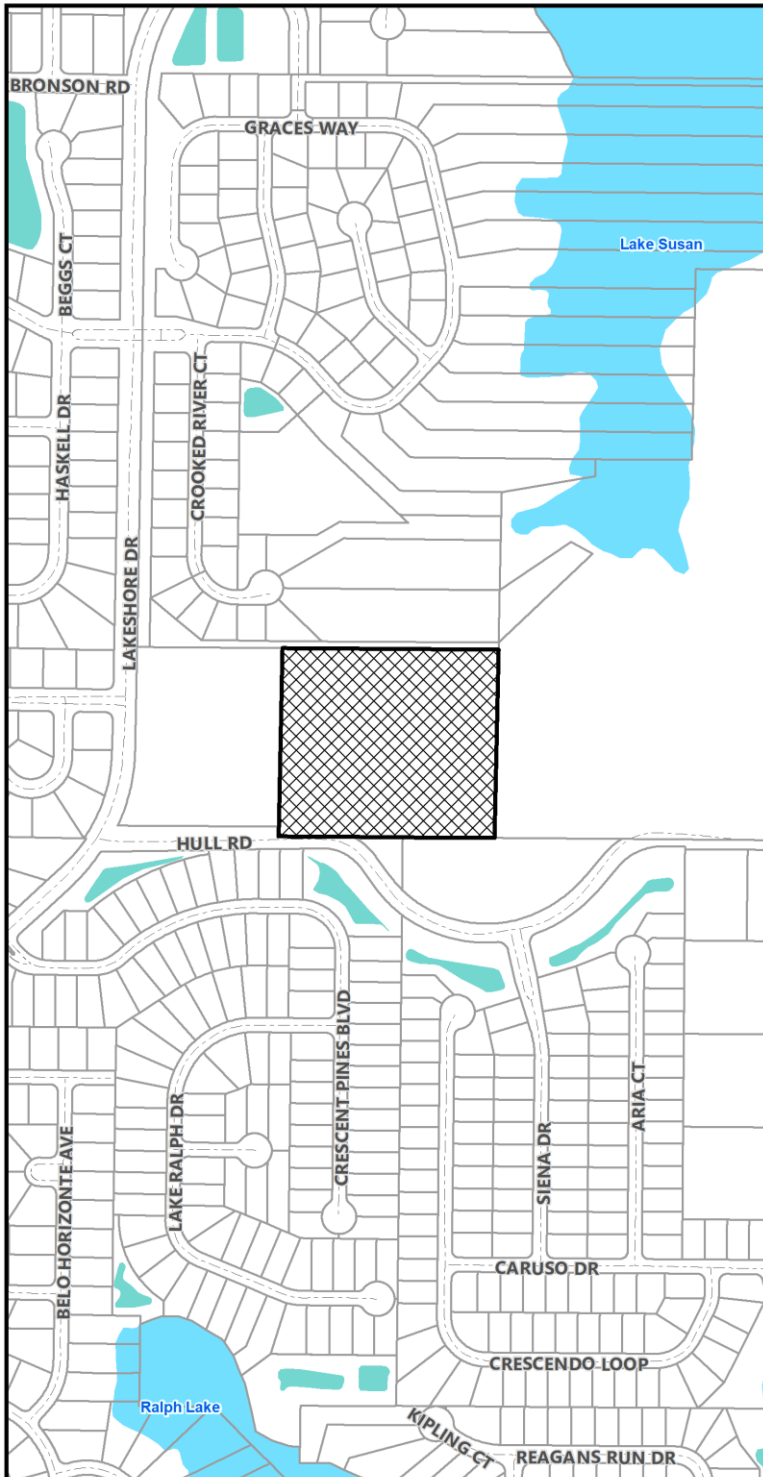
Attachment H, Monopole Simulation



Attachment I, Tower Elevation



Subject Property



Aerial of Subject Property



CUP-23-38-1
Crescent Lake Property



Allow Communication Tower
and Support Facility

- 1 2. Agriculture use
- 2 3. Wireless communications tower (monopine), 160-foot maximum to be located on the portion
- 3 of the property described in **Exhibit A – Lease Parcel**
- 4 4. Accessory uses directly associated with the above use may be approved by the County
- 5 Manager or designee. Any other use of the site will require approval of an amendment of
- 6 this Ordinance by the Board of County Commissioners.

7 **C. Specific Conditions.**

- 8 1. Site Plan Required. The developer shall submit a development application for site plan of
- 9 the communication tower facility.
- 10 2. Illumination: The communications tower facility shall not be illuminated except to ensure
- 11 human safety or as required by the Federal Aviation Administration (FAA) and the LDR, as
- 12 amended.
- 13 3. Parking: Parking surfaces may be grass or other pervious material.
- 14 4. Structural Design: The structural design of the tower shall be in accordance with the LDR,
- 15 as amended.

16 **D. Tower, and Equipment Safety Facility Setbacks.**

- 17 1. The communications tower facility and associated uses shall meet all applicable setbacks
- 18 as set forth in the LDR, as amended.
- 19 2. The communications tower facility must be constructed as a self-collapsing tower. An
- 20 engineer licensed in the State of Florida must provide a certification and documentation that
- 21 this requirement has been met. See LDR Section 3.13.03(A), as amended.

22 **E. Environmental Requirements.**

- 23 1. An environmental assessment no more than six (6) months old will be required at the time
- 24 of the Site Plan submittal. The environmental assessment will need to indicate the presence
- 25 of vegetation, soils, threatened and endangered species that may exist on the site. Any State
- 26 permitting or mitigation will be required before development can commence.
- 27 2. Proposed structures must maintain a minimum setback of 50 feet from the jurisdictional
- 28 wetland line (JWL).
- 29 3. Environmental resources shall be protected in accordance with the Comprehensive Plan
- 30 and Land Development Regulations (LDR), as amended.

31 **F. Fencing and Screening.** A chain-link fence or wall not less than six (6) feet from finished grade

32 shall be provided around each communications tower and support facilities in accordance with

33 the LDR, as amended.

34 **G. Open Space, Impervious Surface, Floor Area Ratio, and Building Height.** Open space,

35 impervious surface ratio, floor area ratio, and building height shall be in accordance with the

36 Comprehensive Plan, and LDR, as amended.

37 **H. Landscaping, Buffering, and Screening.** Landscaping, buffering, and screening shall be in

38 accordance with the LDR, as amended.

- 1 I. **Lighting.** Exterior lighting must be in accordance with the Lake County LDR, as amended, and
2 consistent with Dark-Sky Principles.
- 3 J. **Noise.** Compliance must be in accordance with the LDR, as amended.
- 4 K. **Parking Requirements.** Off-street parking must be provided in accordance with the LDR, as
5 amended.
- 6 L. **Signage.** All signage must be in accordance with the LDR, as amended.
- 7 M. **Floodplain and Stormwater Management.**
- 8 1. The stormwater management system must be designed in accordance with all applicable
9 Lake County and St. Johns River Water Management District (SJRWMD) requirements.
- 10 2. The developer shall be responsible for any flood studies required for developing the site and
11 comply with FEMA, Comprehensive Plan and Land Development Regulations, as amended.
12 Any development within the floodplain as identified on the FEMA maps will require
13 compensating storage.
- 14 N. **Transportation Improvements.** All access management improvements shall be in accordance
15 with the Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 16 O. **Concurrency Management Requirements.** Any development must comply with the Lake
17 County Concurrency Management System, as amended.
- 18 P. **Development Review and Approval.** Prior to the issuance of any permits, the developer shall
19 be required to submit a development application generally consistent with EXHIBIT "B" -
20 Conceptual Plan for review and approval in accordance with the Comprehensive Plan and LDR,
21 as amended.
- 22 Q. **Future Amendments to Statutes, Code, Plans, or Regulations.** The specific references in
23 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive
24 Plan, and LDR will include any future amendments to the Statutes, Code, Plans, or Regulations,
25 as applicable.
- 26 R. **Other Uses.** After establishment of the facilities as provided in this Ordinance, the property must
27 only be used for the purposes named in this Ordinance, unless a proposed use meets every
28 requirement of the zoning district in which the property is located. Any other proposed use must
29 be specifically authorized by the Board of County Commissioners.

30 **Section 3. Conditions.**

- 31 A. In the event of any breach in any of the terms or conditions of this permit or any default or failure
32 of the Owner or successor to: Fulfill development in substantial accordance with the conceptual
33 plan as submitted to the Planning & Zoning Board and the Board of County Commissioners;
34 comply with the codes of the governmental agencies having lawful and appropriate jurisdiction;
35 or comply with any of the terms of the Conditional Use Permit; or if this CUP is found to become
36 a nuisance or safety hazard, the permit may be revoked after due Public Hearing before the
37 Planning & Zoning Board and the Board of County Commissioners.
- 38 B. This CUP will inure to the benefit of and will constitute a covenant running with the land; and the
39 purpose, terms, and conditions contained in this Ordinance will be binding upon the Owner,
40 developer and/or Applicant, or any successor and her interest.

1 C. The Lake County Code Enforcement Special Master will have authority to enforce the terms and
2 conditions set forth in this ordinance and to recommend that the ordinance be revoked.

3 D. This use shall be inspected by the Office of Code Enforcement annually to ensure compliance
4 with the conditions of this CUP and the approved site plan. An annual inspection fee will be
5 assessed. If an emergency inspection is necessary during non-operating hours, a fee shall also
6 be assessed.

7 **Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
8 unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of
9 the remaining portions of this Ordinance.

10 **Section 5. Filing with the Department of State.** The clerk is hereby directed to send a copy of this Ordinance
11 to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

12 **Section 6. Effective Date.** This Ordinance shall become effective upon recordation in the public records of Lake
13 County, Florida. The Applicant shall be responsible for all recording fees.

14 **ENACTED this _____ day of _____, 2023.**

15 **FILED with the Secretary of State _____, 2023.**

16 **EFFECTIVE _____, 2023.**

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

19 _____
20
21 **KIRBY SMITH, CHAIRMAN**

22
23 **ATTEST:**

24
25 _____
26 **GARY J. COONEY, CLERK OF THE**
27 **BOARD OF COUNTY COMMISSIONERS**
28 **LAKE COUNTY, FLORIDA**

29
30 **APPROVED AS TO FORM AND LEGALITY:**
31 _____
32 **MELANIE MARSH, COUNTY ATTORNEY**

1

Exhibit A – Legal Description

DESCRIPTION OF PARENT TRACT

(PER OFFICIAL RECORD BOOK 3441, PAGE 382 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA)

FROM THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 23 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA;

RUN THENCE EAST ALONG THE SOUTH LINE OF SAID SECTION 1 A DISTANCE OF 576 FEET TO THE POINT OF BEGINNING;

RUN THENCE NORTH 01°15' EAST 660 FEET TO A CONCRETE MONUMENT;

THENCE EAST TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 1;

THENCE SOUTHERLY TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 1;

THENCE WEST 738 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, LAKE COUNTY, FLORIDA.

2

DESCRIPTION OF 1 SOURCE TOWERS LEASE PARCEL

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST ONE-QUARTER (1/4) OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 1, TOWNSHIP 23 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER (1/4) OF SECTION 1, TOWNSHIP 23 SOUTH, RANGE 25 EAST;

THENCE ON A GRID BEARING OF S89°48'10"E ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER (1/4) OF SAID SECTION 1, A DISTANCE OF 575.87 FEET;

THENCE N01°26'40"E A DISTANCE OF 33.22 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HULL ROAD (66 FOOT PUBLIC RIGHT-OF-WAY);

THENCE CONTINUE N01°26'40"E A DISTANCE OF 270.29 FEET;

THENCE S88°33'20"E A DISTANCE OF 229.21 FEET TO THE POINT OF BEGINNING;

THENCE N00°00'00"E A DISTANCE OF 70.00 FEET;

THENCE N90°00'00"E A DISTANCE OF 70.00 FEET;

THENCE S00°00'00"W A DISTANCE OF 70.00 FEET;

THENCE S90°00'00"W A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;

SAID PARCEL OF LAND SITUATE WITHIN LAKE COUNTY, FLORIDA, CONTAINING 4,900.00 SQUARE FEET MORE OR LESS.

3

4

Exhibit B – Concept Plan

