

ZONING AND ADJUSTMENT BOARD

March 4, 2019

The Zoning and Adjustment Board (ZAB) of Sumter County, Florida, convened on Monday, March 4, 2019 at 6:00 P.M. with the following members present: Larry Story – Chairman, Bob Hunt – Vice Chairman, Nat Owen, Ed Skehan, and Phillip Walker.

Staff members present: Sue Farnsworth – Planner, Recording Secretary.

Chairman Story called the meeting to order.

Mr. Hunt led the Pledge of Allegiance and Mr. Hunt led the prayer.

Chairman Story presented the proofs of publication for the meeting.

Ms. Farnsworth swore in the audience members who intended to speak.

Chairman Story presented the minutes from the last meeting. Mr. Hunt made a motion to approve the minutes. Mr. Walker seconded the motion, and the motion passed (5-0).

S2019-0003 – Alan and Catherine Abrams – Amendment to a minor special use permit for a type “B” commercial kennel.

Ms. Farnsworth presented staff findings and read the letter of opposition into the record.

Chairman Story called for public input and received comments.

Mr. Hunt made a motion to approve the variance with stipulations as provided in the staff report..

Mr. Owen seconded the motion, and the motion passed (5-0).

SS2019-0003 – NexTower Development Group for Joseph Cash- Recommendation to the BOCC on small scale land use amendment changing 0.23 ac MOL from Urban Residential to Commercial.

Ms Farnsworth presented the staff recommendation.

Robert C. Volpe, Esq. presented the applicant’s request.

Chairman Story called for public input and received comments.

Mr. Volpe rebutted.

Chairman Story asked the applicant about existing towers in the area and about property values.

Mr. Walker asked about the service road location.

Mr. Volpe answered questions and rebutted.

Chairman Story clarified that the Board cannot consider health/radiation issues.

Mr. Hunt made a motion to recommend approval. Mr. Owen seconded the motion, and the motion passed (5-0).

R2019-0005 – NexTower Development Group for Joseph Cash- Recommendation to the BOCC on rezoning 0.23 ac MOL from R4C to CL in conjunction with SS2019-0003.

Mr. Volpe presented for the applicant.

Ms Farnsworth presented the staff recommendation.

Chairman Story called for public input and received none.

Mr. Hunt made a motion to recommend approve to the BOCC. Mr. Owen seconded the motion and it passed (5-0).

S2019-0003 – NexTower Development Group for Joseph Cash- Recommendation to the BOCC on a minor special use permit for a 199-ft telecommunications tower in conjunction with SS2019-0003 and R2019-0005

Mr. Volpe presented the applicant's request.

Ms Farnsworth presented the staff recommendation and noted corrections to the staff report (attached).

Chairman Story called for public input and received none.

Mr. Hunt made a motion to recommend approve to the BOCC with conditions as provided by staff. Mr. Owen seconded the motion and it passed (5-0).

Mr. Hunt made a motion to adjourn at 6:45 p m. Mr. Walker seconded the motion and it passed (5-0)

APPROVED BY ZAB ON 3/4/2019 BY VOTE OF 4-0

Attachment – Revised Staff Report Text

CASE NO. S2019-0003

APPLICANT: NexTower Development Group, LLC

LANDOWNER: Joseph Cash

REQUESTED ACTION: Minor Special Use Permit to allow a 199’ telecommunication tower.

PARCEL NUMBER: Portion of D24-053

LEGAL DESCRIPTION: IN SEC 24, TWP 18S, RNG 23E: COMMENCE AT THE SW CORNER OF THE EAST 600 FEET OF THE SOUTH 399.3 FEET OF THE NORTH 609.3 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 18 SOUTH, RANGE 23 EAST; THENCE N 89°14’40” E ALONG THE SOUTH LINE OF SAID EAST 600 FEET OF THE SOUTH 399.3 FEET OF THE NORTH 609.3 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 18 SOUTH, RANGE 23 EAST FOR 55.00 FEET; THENCE N 00°22’08” W FOR 55.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE N 00°22’08” W FOR 100.00 FEET; THENCE N 89°37’52” E FOR 100.00 FEET; THENCE S 00°22’08” E FOR 100.00 FEET; THENCE S 89°37’52” W FOR 100.00 FEET TO THE POINT OF BEGINNING.

EXISTING ZONING: R4C – under application for CL

EXISTING USE: Vacant land

FUTURE LAND USE: Urban Residential

PARCEL SIZE: 0.23 acres MOL

GENERAL LOCATION: South Side of CR 100B in Cherry Lake

SURROUNDING LAND USE: **SURROUNDING ZONING:**

NORTH: Residence and vacant land **NORTH:** RR1

SOUTH: Vacant

SOUTH: R4C

EAST: Church and vacant

EAST: R4C

WEST: Vacant

WEST: R4C

CASE SUMMARY:

The subject property is located in the Cherry Lake area of unincorporated Sumter County on CR 100B. The tower lease area is 100' x 100' and is set back from the road to the rear of the parcel. Preliminary plans have been providing showing how the property will be secured, and compliance with FAA requirements. There is an existing communications tower in The Villages approximately 1500-foot from the proposed location. The applicant has stated that the new tower is necessary to meet increasing demand and to maintain coverage in a rapidly developing area of the County.

CASE ANALYSIS:

The proposed use is allowable as a special exception in Table 13-431A: Schedule of Uses of the Sumter County Land Development Code.

The proposed use complies with Section 13-332 of the Sumter County Land Development Code in that:

- The use must not be detrimental to the neighborhood environment or unduly infringe on the rights of surrounding property owners.

The tower will be located on vacant, undeveloped land. ~~within an existing utility area with limited public access.~~

- A vehicular parking or traffic problem must not be created.

The unmanned tower will not create a traffic or parking problem.

- Screening and buffering may be required to minimize interference with the enjoyment of surrounding properties.

The tower will meet Land Development Code requirements for security and landscaping is located ~~within an existing utility area that is heavily screened from public view.~~

The proposed use complies with the requirements of Section. 13-635 , *Communication towers and antennas:*

- The necessity for a new tower site must be documented by the applicant prior to approval [13-635(b)(1)(a)].

The applicant has provided analysis demonstrating the need for a new tower to meet the needs of increased customer demands. The statement of need includes assurance that the proposed equipment will not cause electromagnetic interference with other existing or planned equipment.

- The tower owner shall own or control, at the time of permitting and thereafter, the parcel of land upon which the tower is located. The parcel required shall be of sufficient size and dimensions to contain all tower related structures and provide the required setbacks to the boundaries of the parcel owned or controlled by the operator[13-635(b)(1)(a)].

The applicant will control the lease area around the tower. The tower will need to demonstrate that the tower fall-zone is within the lease area~~immediate area around the tower base. The lease area is within a wastewater treatment plant with no public access. Surrounding 100 ft (half height of the tower) is within the utility area controlled by the lessor. The tower will not create a public risk in the event of failure.~~

- All towers and related facilities shall meet the design criteria, as applicable [13-635(d)]

Compliance with construction standards will be enforced during the permitting process. ~~The tower lease area is within a secured utility complex with limited public access. It is fully screened from public view by landscaping and fences.~~

DIVISION OF PLANNING & DEVELOPMENT STAFF CONCLUSIONS:

Staff has deemed the requested application in compliance with the minimum requirements of the Sumter County Land Development Code and Comprehensive Plan and recommends approval with the following conditions:

- The Special Use Permit is issued to NexTower Development, LLC. The tower owner must notify Sumter County in writing within 30 days if the tower changes ownership.
- The tower lease area shall be fenced and secured. ~~Barbed wire is not required so long as the wastewater treatment facility is secured from public access.~~
- ~~Landscaping and buffering around the lease area is not required.~~
- This special use permit is contingent upon the tower owner/operator maintaining all required federal, state, and regional permits in good standing. Failure to maintain compliance with federal, state, or regional permits may result in this permit being revoked.