

STAFF REPORT
Community Development Department
Petition Number: SE-15-009

To: Charlotte County Board of Zoning Appeals

From: Shaun Cullinan, Planning and Zoning Official

Prepared By: Ken Quillen, AICP, Planner III

Report Date: December 2, 2015

BZA meeting date: December 9, 2015

Requested Action/General Information:

Robert Pritt, Attorney for Milestone Communications, is requesting a special exception to allow a 120-foot high communications tower in the Residential Estate-1 zoning district. Subject property is located at **2201 Placida Road** in Englewood (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is *Residential Estate-1* (RE-1). This property has a *Public Land & Facilities* Future Land Use Map (FLUM) designation. The proposed new communication tower location is on the far easterly edge of subject property, which consists of 46 acres (see attached **Aerial View**). Subject property is also the location of Lemon Bay High School, which was established in 1962.

The Land Development Regulations for the **Residential Estate-1** (**Exhibit A**) zoning district does allow telecommunication facilities over 50 feet in height as a special exception use, provided it complies with all development standards as well as any conditions imposed by the Board of Zoning Appeals "*to protect the interest of the public health, safety, and general welfare, and prevent or minimize adverse effects on other property in the surrounding neighborhood*" according to section 3-9-6.2(h)(2). The **Communication Towers** (**Exhibit B**) regulations establish the requirements which must be met for the construction and operation of a communications tower. The applicant has stated that they will abide by all conditions required by this section.

The applicant has submitted two coverage maps showing the **Existing Coverage** (**Exhibit C-1**) and **Proposed Coverage** (**Exhibit C-2**) for the area surrounding the proposed tower location. These maps were prepared by Verizon Wireless who has three existing antennas serving this area at the following locations:

- two miles to the north, at 586 Indiana Avenue (Sarasota Co.)
- one and a ½ miles to the east, at 3069 South McCall Road (#57) and
- two miles to the south, at 5060 Placida Road (#14).

Land Information Services has created the attached **Tower Map** (**Exhibit D**), which shows the locations of all communication, fire, and water towers in Charlotte County. The location of subject property is identified by the star.

The applicant also submitted four drawings to illustrate the proposed development, including a **Site Plan** (**Exhibit E-1**) showing the entire Lemon Bay High School property, a **Tower Elevation** (**Exhibit E-2**), a **Compound Plan** (**Exhibit E-3**), and a **Landscape Plan** (**Exhibit E-4**). The proposed new 120-foot tower will be located near the easterly edge of subject property, as shown on the **Site Plan** (**Exhibit E-1**). Access will be from Placida Road via the schools' existing access drives. The attached **Narrative** (**Exhibit F**) addresses the criteria for granting the requested special exception. The applicant has also provided letters of review from the Florida Fish & Wildlife Conservation Commission (**Exhibit F-5**), Verizons' Design Engineer (**Exhibit F-6 and F-7**), Charlotte County Airport Authority (**Exhibit F-8**) and the Federal Aviation Administration (**Exhibit F-9**).

The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (**Exhibit G**) dated November 20, 2015.

Findings: The standards for approval for a Special Exception according to Section 3-9-6.2(i) of the Charlotte County Zoning Code are as follows:

1. The proposed special exception is consistent with the Comprehensive Plan.

Finding: Subject property is located in the Urban Service Area and the proposed communications tower falls under the general range of uses for the Future Land Use classification for Public Land & Facilities. These lands are designated for government office and facilities, public or private schools, churches, auditoriums, playhouses, museums, hospitals and utilities. Communications towers are a public service facility and a utility. This is also consistent with the **Smart Charlotte 2050 Plan**, FLU Policy 6.4.35; Telecommunications Infrastructure; which proposes to: “Develop a fiber-optic and/or wireless telecommunications infrastructure to support voice, video, data and security network systems, where feasible.”

2. The proposed special exception is compatible with existing and permitted uses surrounding the land on which the proposed special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Single-family homes	RSF-3.5	Low-density Residential
South	Ann Dever Park (OCEP)	Environmentally Sensitive	Low-density Residential
East	Ann Dever Park (OCEP)	Environmentally Sensitive	Low-density Residential
West	Park and vacant commercial	Agriculture & Commercial Tourist	Parks & Recreation and Commercial

Finding: The majority of the surrounding land uses consist of conservation lands and park lands. There are single-family residences located to the north and south. Both residential areas are over 900 feet away. A commercial zoning district is also located on the west side of Placida Road.

Communications towers are needed to serve the surrounding residential and business community. Wireless communications facilities are essential to all land uses, including residential areas, and therefore needs to be located within or near residential, commercial, and industrial areas of the County. As such, the Zoning Code requires that communications towers, over 50 feet in height, obtain a special exception and that they be developed according to all requirements of code, including landscaping, in order to make the use compatible with surrounding land uses.

3. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: Staff is not aware of any evidence that would indicate that the establishment, maintenance, or operation of the proposed communications tower, at the proposed location, would be detrimental to or endanger the public health, safety or general welfare of the surrounding properties.

The Land Development Regulations for **Communication Towers** (Exhibit B) requires the use of “breakpoint design technology” for any tower that is not setback from the lot lines a distance equal to the height of the tower. This proposed 120-foot tower is located 120’ west of the easterly lot line. As such, if there is a failure the tower will collapse within the site.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed 120-foot communications tower does meet all three criteria for a special exception.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted, as conditions of approval, to ensure the use is in compliance with the purpose and intent of the Zoning Code. The conditions are as follows:

1. This special exception is to allow a 120-foot high communications tower on subject property and extends only to the land included in the site plan and legal description submitted with this application.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. The proposed communications tower and ground facilities shall be developed and constructed according to all applicable County Codes and Land Development Regulations.
3. All necessary permits and approvals must be obtained, as applicable to this development, including but not limited to, right-of-way access, paving, electrical, plumbing, fencing, tree removal, landscaping, and invasive plant species removal.
4. If the proposed communications tower is not constructed within two years of the date of approval of this special exception then this special exception shall expire and be null and void.
5. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (3), Location Map, Zoning Map, Arial View, Section 3-9-32 (2), Section 3-9-68 (3), Area Coverage Maps (2), Communication Towers Map, Development Plans (4), Narrative (4), FWCC Letter, Verizon Letters (2), CCAA Letter, FAA Letter and Environmental Specialist Memorandum



Community Development

CHARLOTTE COUNTY Location Map for SE-15-009

Charlotte County Government

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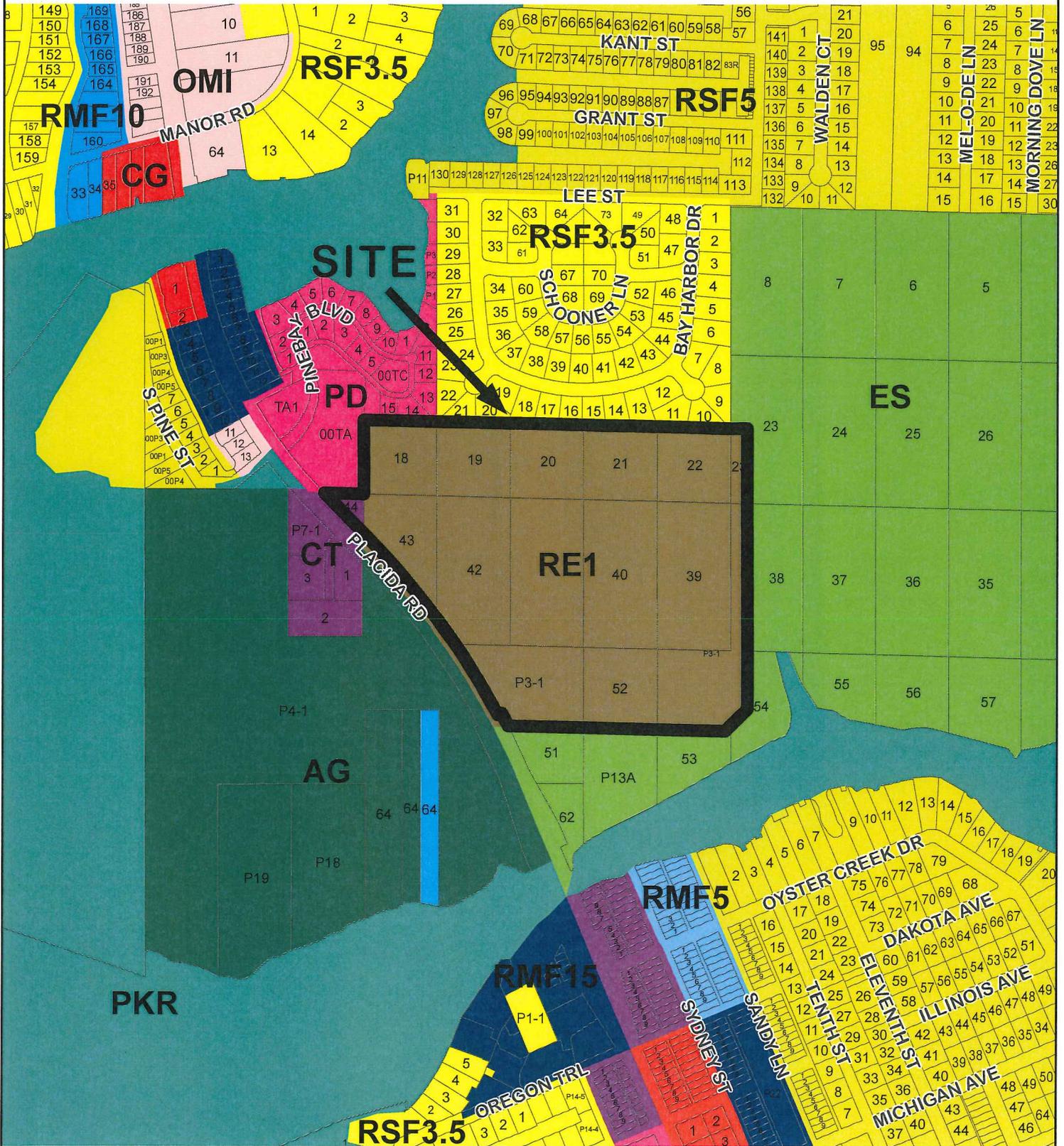
Community Development

CHARLOTTE COUNTY Zoning Map for SE-15-009

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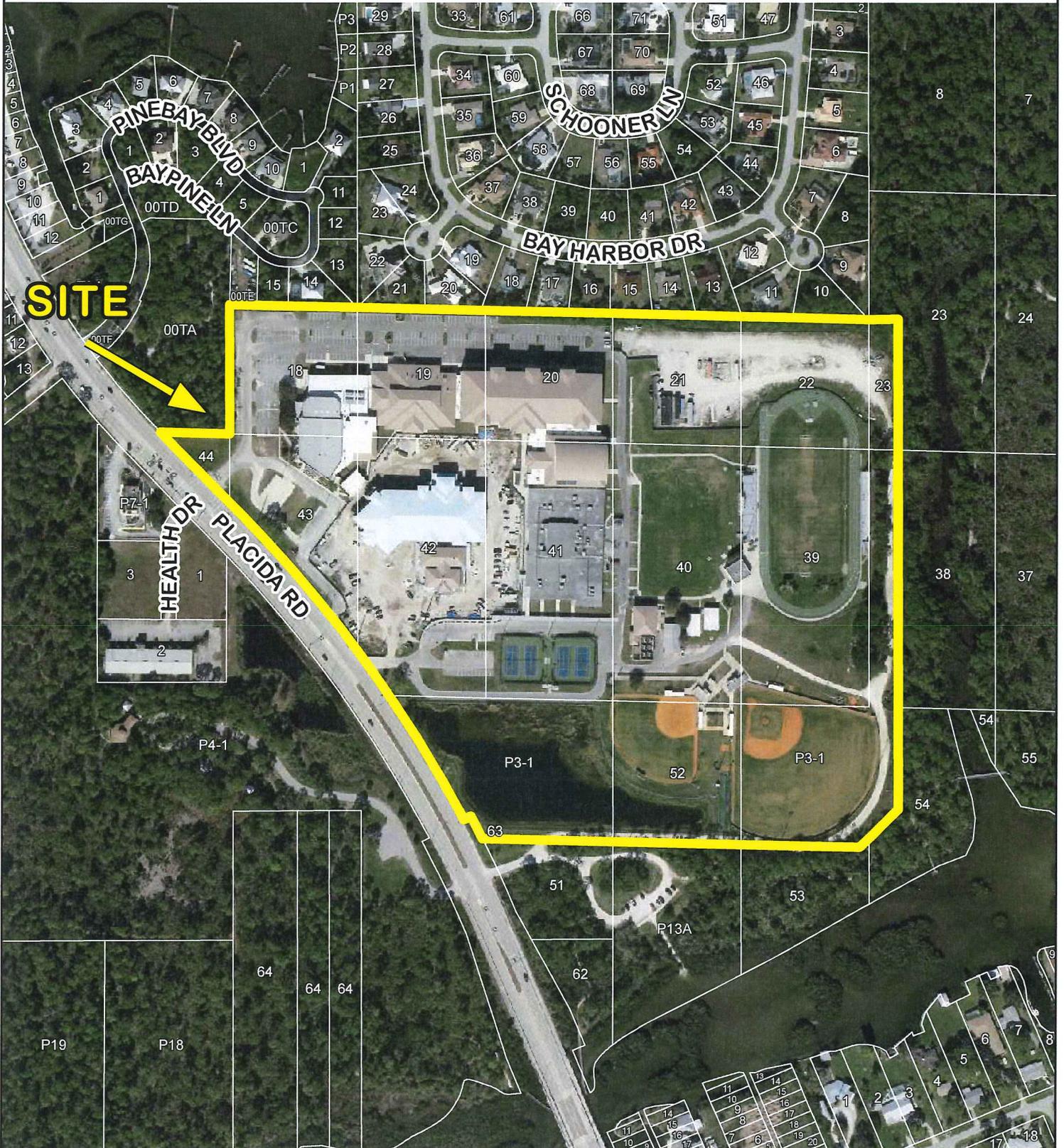
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CHARLOTTE COUNTY

2014 Aerial View for SE-15-009



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Section 3-9-32**Residential Estate (RE).**

- (a) *Intent.* The purpose and intent of this district is to allow low-density, large-lot residential and related uses.
- (b) *Permitted Uses and Structures (P):* The following uses and structures are permitted in this district:
- (1) Assisted living facility or day care center, adult, six or less. (see [section 3-9-62 Assisted Living Facility](#))
 - (2) Community garden.
 - (3) Emergency services.
 - (4) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure "C".
 - (5) Minor Home Occupation. (see [section 3-9-74. Home Occupations](#))
 - (6) Model home. (see [section 3-9-78 Model Homes](#))
 - (7) Noncommercial boat docks.
 - (8) Park, public or not-for-profit.
 - (9) Single-family detached, which may have a guest suite that is structurally attached, with or without cooking facilities.
 - (10) Telecommunications facility, 50 feet or less in height. (see [section 3-9-68 Communication Towers](#))
- (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and clearly incidental to permitted and conditional uses and structures are permitted in this district, including, but not limited to:
- (1) Boat lifts, boat ramps, and noncommercial boat docks.
 - (2) Carports, garages, and storage structures.
 - a. Detached accessory structures greater than 250 square feet in area shall be compatible in appearance with the primary residence, at a minimum, materials and color shall be compatible with the primary residence.
 - b. The total footprint of all detached accessory structures shall not exceed ten percent of the parcel size or 1,000 square feet, whichever is greater.
 - c. Detached accessory structures in RE-1 shall be located behind the leading edge of the living area of the residence except carports and garages, but must maintain required setbacks.
 - d. Construction trailers and cargo containers are prohibited.
 - (3) Fences or walls, which may be permitted prior to the principal uses and structures.
 - (4) Greenhouses and other horticultural uses provided no retail sales are made on the premises.
 - (5) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall not be permitted in a guest suite. It must meet all applicable development standards set forth in the zoning district.
 - (6) Keeping of pets, excluding animal breeding, boarding, and training.
 - (7) Swimming pools, tennis court or other similar non-commercial recreational uses and structures.
- (d) *Conditional Uses and Structures (C):* (For rules and regulations for any use designated as a Conditional Use or Structure, see [section 3-9-69 Conditional Uses and Structures](#)).
- (1) 4H, FFA, and similar uses and activities.
 - (2) Bed and breakfast, one or two bedrooms.
 - (3) Clubhouse.
 - (4) Cluster housing. (see [section 3-9-67 Cluster Housing](#))
 - (5) Domestic animal breeding, boarding, and training.
 - (6) Guest home.
 - (7) Horse stable.
- (e) *Prohibited Uses and Structures:* Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception shall be unlawful in this district, including manufactured homes.

Section 3-9-32
(Exhibit A-1)

Section 3-9-32 Residential Estate (RE). (continued)

- (f) **Special Exceptions (S):** (For procedure see section 3-9-6.2 Special Exceptions)
- (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
 - (2) Animal sanctuary, zoo.
 - (3) Assisted living facility or day care center, adult, seven or more. (see section 3-9-62 Assisted Living Facility)
 - (4) Bed and breakfast, three or more bedrooms.
 - (5) Cemetery, mausoleum.
 - (6) Day care center, child.
 - (7) Elementary, middle, or high school.
 - (8) Essential services. (see section 3-9-71 Essential Services)
 - (9) Fish and wildlife management area, nature preserve.
 - (10) Government uses and facilities.
 - (11) Livestock breeding, boarding, training, and grazing.
 - (12) Major Home Occupation. (see section 3-9-74 Home Occupations)
 - (13) Place of Worship. (see section 3-9-82 Places of Worship)
 - (14) Plant nursery.
 - (15) Private clubs.
 - (16) Private landing field.
 - (17) Telecommunications facility, greater than 50 feet in height. (see section 3-9-68 Communication Towers)
 - (18) University or college.
 - (19) Yacht clubs, country clubs, and other recreational amenities, including but not limited to tennis courts, basketball courts, and golf courses located on a separate parcel.
 - (20) Such other uses as determined by the Zoning Official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - c. Not specifically prohibited in that district.

The Board of Zoning Appeals shall review a favorable determination of the Zoning Official under this provision at the time the special exception application is presented to it. An unfavorable determination of the Zoning Official or his/her designee shall be appealable pursuant to section 3-9-6 Board of Zoning Appeals.

(g) **Development Standards:**

	RE-1	RE-5
Lot (minimum)	---	---
Area (acres)	1	5
Width (feet)	125	250
Setbacks (minimum feet)		
Front	40	40
Side	20	20
Rear	15	15
Rear (accessory buildings)	10	10
Abutting water	20	20
Bulk (maximum)		
Lot coverage of all buildings	20%	20%
Height (feet)	38	38
Density (units/acres)	1.0	5.0

Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-88, Waterfront Property.

(h) **Signs.** Signs shall be in accordance with section 3-9-85.

(i) **Off-street parking.** Off-street parking shall be in accordance with section 3-9-79.

(Minutes of 12-08-1981, § 7; Res. No. 85-286, § 1, 10-05-1985; Res. No. 87-78, §§ 7, 8, 05-19-1987; Res. No. 87-254, § 16, 10-20-1987; Ord. No. 89-34, § 5, 05-31-1989; C 008, § 1, 01-28-2002; Ord. No. 2014-052, § 1, 11-25-2014)

Section 3-9-68**Communication Towers.**(a) *Exempt Telecommunication Facilities.*

- (1) The following telecommunication facilities are exempt from the provisions of this section, provided they do not exceed 50 feet in height or the maximum height allowed by the zoning district, whichever is greater.
- (2) Non-commercial freestanding or structure-mounted "receive only" antennas three meters or less in diameter that receive direct broadcast services.
- (3) Amateur radio antennas and towers.
- (4) An antenna or tower used as an accessory use to emergency services.
- (5) Temporary towers associated with a special event may be permitted for a limited period of time by the County as part of the event.
- (6) Temporary towers necessary to aid in post-disaster relief efforts.

(b) *Co-location Requirements.*

- (1) All proposed telecommunication facilities shall co-locate with existing facilities wherever possible or the applicant must demonstrate that no existing telecommunication facility or alternate support structure within the applicant's geographic search area is reasonably available to support the applicant's facility. The applicant must demonstrate that the existing facilities or alternate support structures located within the geographic area meet one of the following criteria:
 - a. They are not of sufficient height to meet the applicant's engineering requirements.
 - b. They do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - c. They do not have sufficient space to allow the applicant's antenna and related equipment to function effectively and reasonably in parity with other similar equipment.
 - d. They are unavailable for lease under a reasonable leasing agreement.
 - e. They would result in electromagnetic interference with or by the antenna.
 - f. They have other limiting factors, including adverse economic reasons, that render an existing facility or alternate support structure unsuitable. Costs over the life of the applicable lease in excess of the cost of permitting and constructing a new facility shall be presumed to create an adverse economic reason.
- (2) Co-locating on an existing tower or alternate support structure which must be modified or reconstructed to accommodate the co-location shall be considered a permitted use and may be modified or rebuilt to a taller height, not to exceed 40 feet over the tower's existing height provided it does not exceed the Federal obstruction standards set forth in 14 CFR part 77.
- (3) Alternate support structures to which an antenna may be attached include, but are not limited to, commercial, office, and industrial buildings, multifamily residential buildings, mixed use buildings, water tanks, utility and light poles, poles at publicly-owned facilities, athletic facilities, or other structures not originally designed as antenna mounts.

(c) *Additional Application Requirements.* In addition to the standard application requirements, the following information shall be submitted upon application for any telecommunication facility:

- (1) Special Exception application including all specified supporting documentation.
- (2) Copies of letters to, and all responses from, other entities owning or using non-exempt communication towers, inquiring whether said entities have a need to co-locate antennas or have tower space available for co-location of antennas. All letters shall be sent certified mail, return receipt requested. The County shall maintain a list of telecommunication service providers which shall be considered the minimum contact list.
- (3) A statement from the Florida Fish and Wildlife Conservation Commission (FWC) stating that the proposed tower meets all required setbacks from any nesting locations for birds listed as protected species in the FWC's Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida or its successor.

Section 3-9-68

Communication Towers. (continued)

- (4) For proposed facilities taller than 200 feet, a statement from the FAA stating that the proposed tower is determined not to be a hazard to air navigation.
 - (5) The applicant's geographic search area as set forth by engineering report and the existing towers or suitable alternate support structures within such geographic search area. If the applicant is not a service provider, the applicant must submit a letter from a service provider indicating their intent to use the tower. The geographic search area and other relevant data will be based, at minimum, on the service provider's need.
 - (6) The type of tower or supporting structure.
 - (7) The height of the tower including antennas above ground and above Mean Sea Level.
- (d) *Conditions of Approval.*
- (1) General Requirements
 - a. Telecommunication facilities shall not have any form of advertisement attached or otherwise affixed.
 - b. Telecommunication facilities shall not be illuminated except as required by Federal, State, or local laws or regulations or as a condition attached to a Special Exception.
 - c. Development of a telecommunication facility site shall be subject to the Habitat Preservation provisions of this Code.
 - d. No telecommunication facility shall be constructed on any property containing a rare vegetation community including, but not limited to, forested wetlands, tropical hardwood hammock, sandhill or xeric oak scrub if the construction or maintenance of the proposed facility would cause the destruction of any portion of the rare vegetation community.
 - e. The owner of any telecommunication facility must provide the County with the name, address, and telephone number of a contact person or persons to address or repair any problems with the tower. This information must be posted prominently at the facility and updated within 30 days in the event of any changes. Failure to comply with the requirement to provide and post the contact person information shall be a violation of this section.
 - f. If high voltage is necessary for the operation of the facility, signs displaying in large bold letters "HIGH VOLTAGE – DANGER" shall be located every 20 feet and attached to the fence or wall. In the case of structure-mounted antennas, signs shall be placed within ten feet of the antenna.
 - g. A fence or wall at least eight feet in height shall be provided around each facility located on the ground. Access to the facility shall be through a locked gate. Structure-mounted facilities shall be located and designed to be accessible to authorized personnel only.
 - h. Except where prohibited by a Zoning Overlay District, or other provisions of this Code, structure-mounted antennas are permitted up to a height of 20 feet above the existing height of the structure. The antenna shall be an unobtrusive color and where feasible the design elements of the building such as parapet walls, screen enclosures, or mechanical equipment shall screen it.
 - i. Any tower located in a residential zoning district shall be required to be a monopole.
 - (2) Setback Requirements
 - a. All telecommunications facilities shall meet the following setbacks:
 - 1. Any new tower, equipment enclosures and ancillary structures shall be set back from all interior and rear lot lines a minimum of ten feet and shall meet the minimum setback requirements for the zoning district where it is located for the front lot line, except that where the minimum setback distance for the tower from any residentially zoned property line, public right-of-way, emergency evacuation route, existing school, or existing residential dwelling unit, is less than the height of the proposed tower, the minimum setback distance shall be increased to the height of the proposed tower, unless the tower will be constructed using "breakpoint" design technology, in which case the minimum setback distance shall be equal to 110 percent of the distance from the top of the tower to the "breakpoint" level of the tower. For example, on a 100 foot tall monopole tower with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the tower to the "breakpoint").

Section 3-9-68

Communication Towers. (continued)

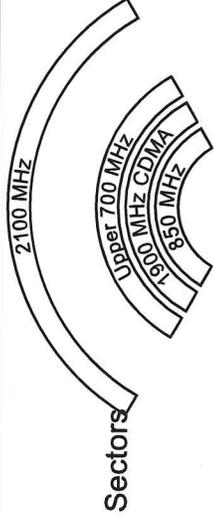
2. Certification by a professional engineer licensed by the State of Florida of the "breakpoint" design and the design's fall radius must be provided together with the other information required herein by the applicant.
 - b. All towers shall comply with regulations for height restrictions in airport zones of the Federal Aviation Administration, Federal Communication Commission and the Florida Department of Transportation, Division of Aeronautics, or a municipal or other airport authority qualified by law to establish airport hazard zoning regulations.
 - c. All towers shall be engineered so that in case of collapse, all parts of the structure will fall within the site.
 - d. Multiple towers on a site must be located at least as far from each other as the height of the taller tower.
- (e) *Replacement.*
- (1) Any replacement telecommunications tower seeking to increase the height of the existing tower shall be required to modify the existing Special Exception.
 - (2) Any replacement telecommunications tower without increase in height shall follow the existing Special Exception.
 - (3) Any replacement of the existing tower which did not receive a Special Exception approval shall be required to obtain a Special Exception.
 - (4) The replacement telecommunications tower shall be located on the same parcel or lot as the original tower.
 - (5) If the existing telecommunications facility is nonconforming, the applicant demonstrates that the proposed replacement tower will mitigate the nonconformity. This demonstration might be in the form of a change in design (for example from a lattice-style to a monopole style tower or a reduction in height) or in providing additional setbacks or buffers than those that apply to the existing tower.
 - (6) The existing telecommunications facility being replaced is removed within 120 days after completion of construction of the replacement telecommunications facility.
 - (7) Upon administrative approval, the replacement telecommunications facility will be deemed a legally conforming use.
- (f) *Abandonment.* If a telecommunication facility ceases to receive and transmit signals for a period of one year, then the facility will be deemed to be abandoned. The owner/operator of the abandoned facility shall be given 180 days after being provided with written notice of the determination of abandonment, to either reactivate or dismantle and remove the facility. If the facility is not removed or reactivated, the County may obtain authorization from a court of competent jurisdiction to remove the facility and necessary support equipment and, after removal, shall place a lien on the subject property for all direct and indirect costs incurred in the removal and disposal of the facility and support equipment plus court costs and attorney fees. Where the County determines that physical factors or the non-use constitutes an unsafe condition under the building code, such building code provisions and process shall supersede any time elements set forth.

(Ord. No. 1989-47, § 6, 06-22-1989; Ord. No. 1998-053, § 1, 07-14-1998; Ord. No. 2000-029, §§ 1-7, 08-22-2000; Ord. No. 2001-031, § 1(w), 06-12-2001; Ord. No. 2001-058, § 1, 09-25-2001; Ord. No. 2014-041, § 1, 11-25-2014; Ord. No. 2014-069, § 1, 11-25-2014)

Section 3-9-68
(Exhibit B-3)

Session: BC_09162015
 User: comptwi
 Fri Sep 18 08:56:53 2015
 UTM Zone 17
 Datum: NAD83
 Center Lat: 26-55-25.06 N
 Center Lon: 82-19-34.68 W

Cells
 Lbl: Cell Number



- water
- fl_collector_road
- fl_major_highway
- fl_secondary_highway

LTE RSRP
 A B
 Cir: RSRP (dBm)
 >= -70
 >= -90
 >= -105

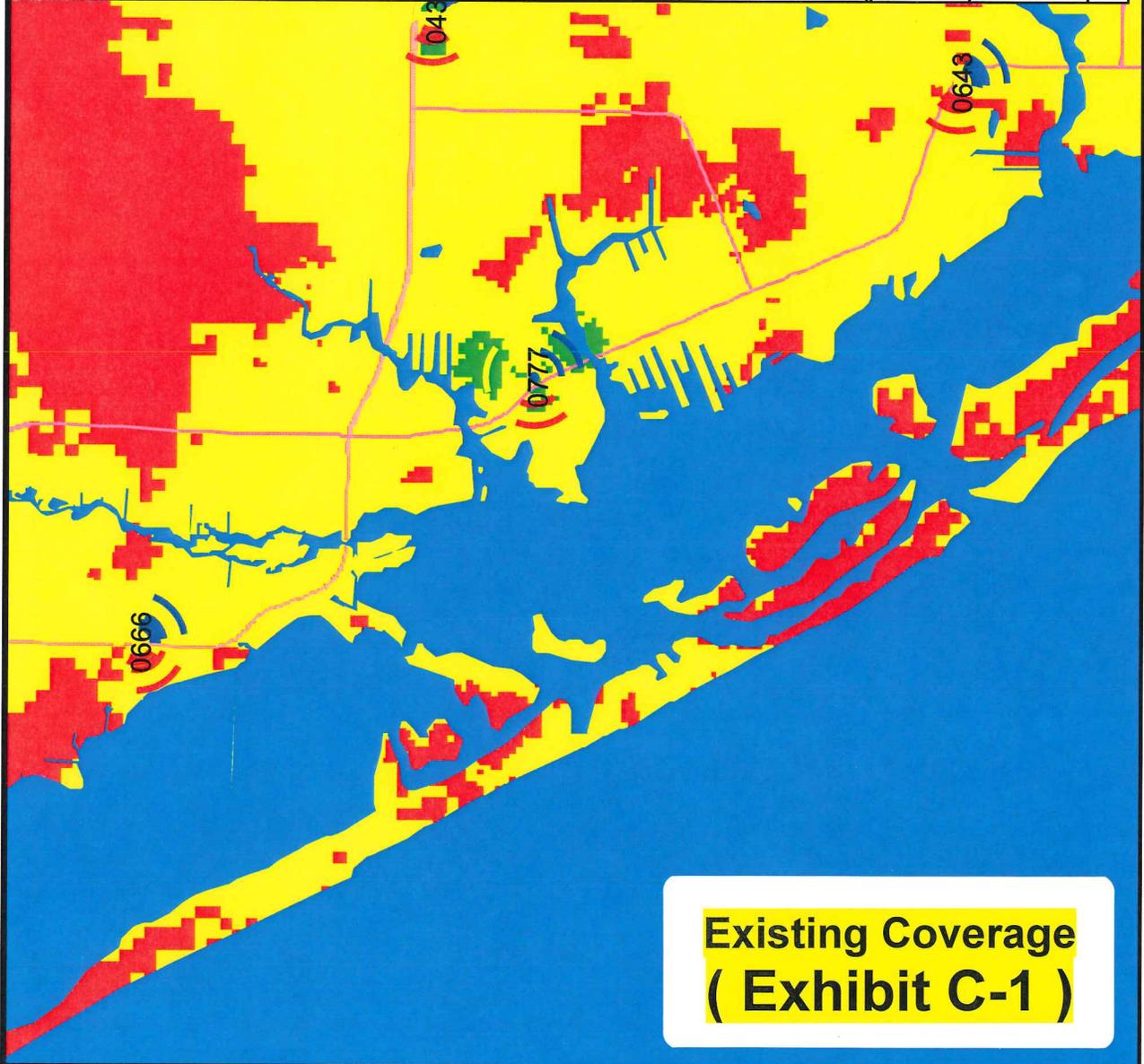
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 Miles

verizonwireless

GeoPlan v6.7

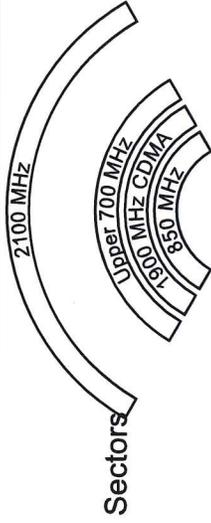
Proprietary and Confidential



**Existing Coverage
(Exhibit C-1)**

Session: BC_09162015
 User: comptwi
 Fri Sep 18 14:00:37 2015
 UTM Zone 17
 Datum: NAD83
 Center Lat: 26-55-25.06 N
 Center Lon: 82-19-34.68 W

Cells
 Lbl: Cell Number



- water
- fl_collector_road
- fl_major_highway
- fl_secondary_highway

LTE RSRP
 A_B
 Clr: RSRP (dBm)
 >= -70
 >= -90
 >= -105

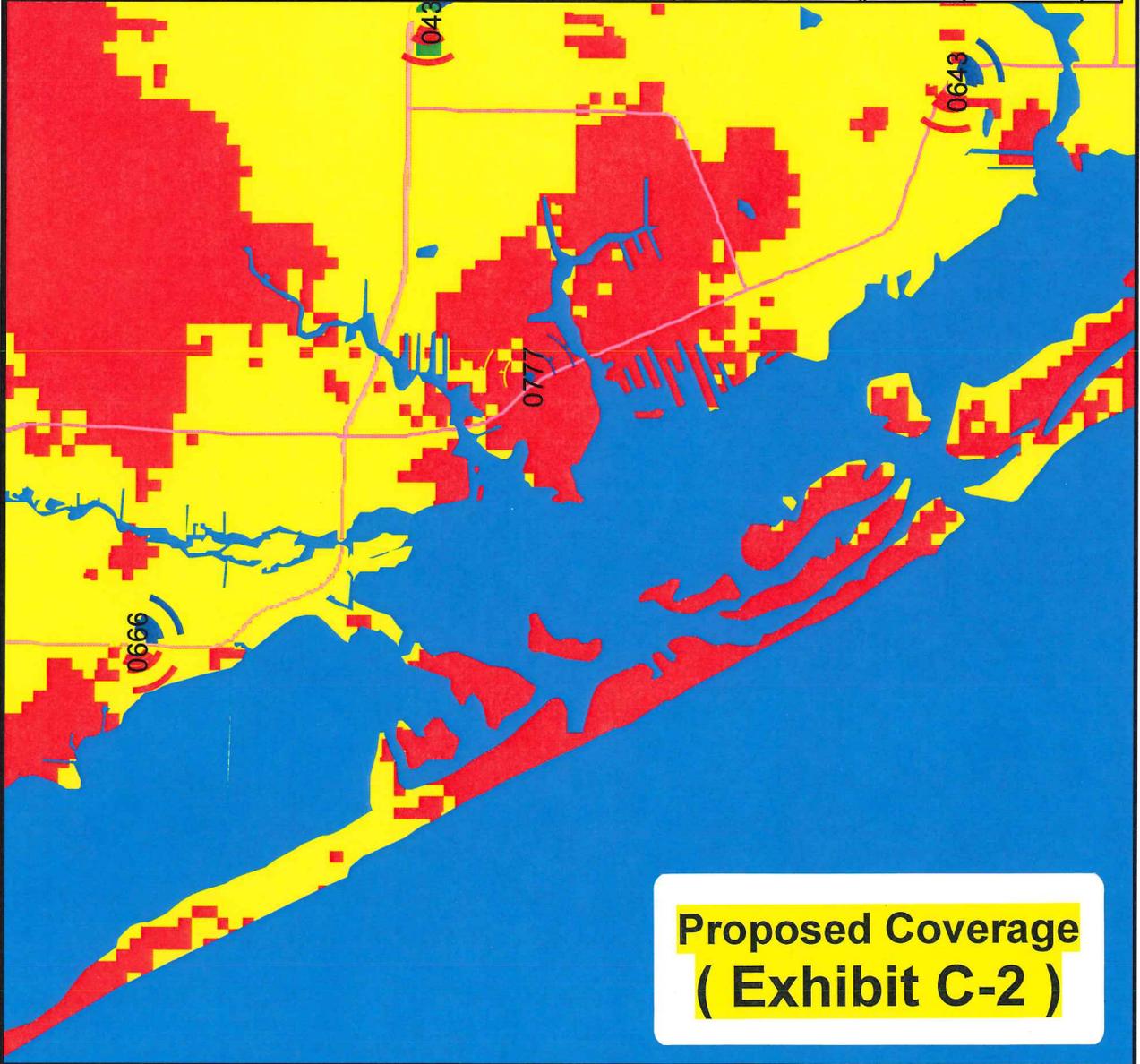
Scale: 1:48000



verizonwireless

GeoPlan v6.7

Proprietary and Confidential



**Proposed Coverage
(Exhibit C-2)**

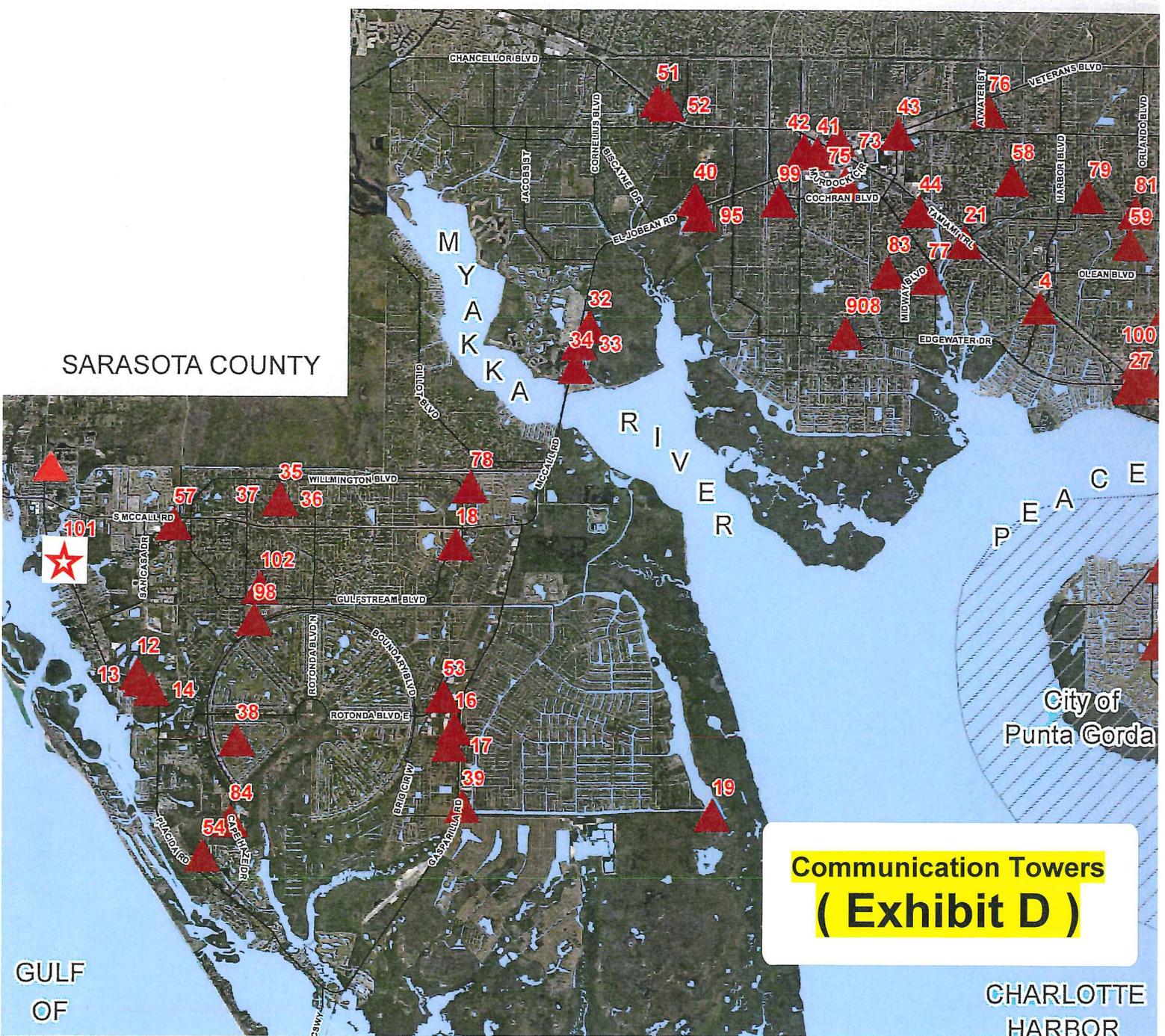


Community
Development

CHARLOTTE COUNTY *Communication Towers*

SARASOTA COUNTY

SARASOTA COUNTY



**Communication Towers
(Exhibit D)**

GULF
OF

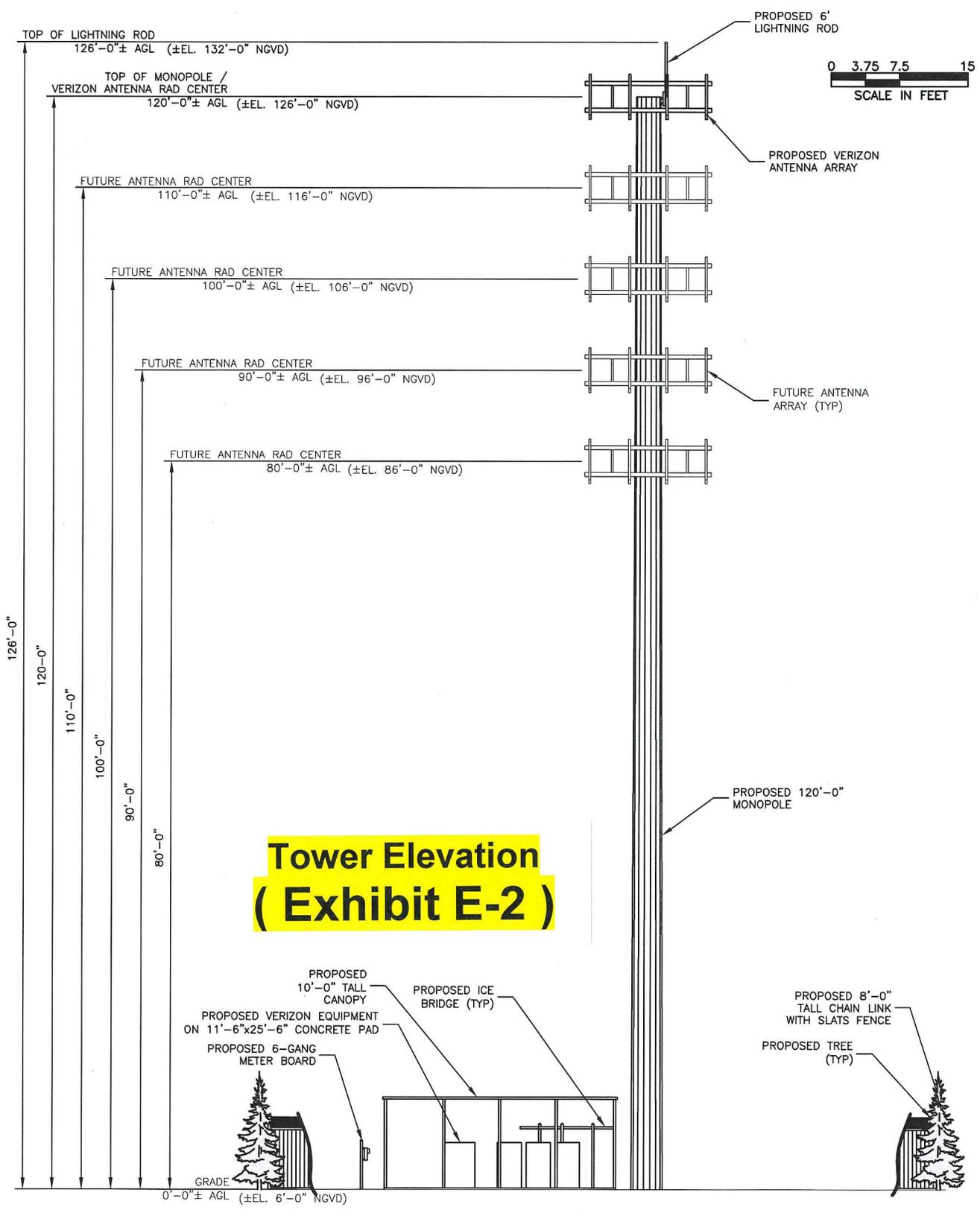
CHARLOTTE
HARBOR



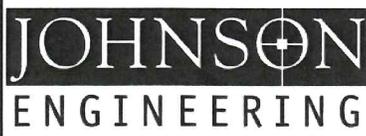
O:\2015\20150229\Engineering\Drawings\20150229A01.dwg (P2-11x17) mtt Oct 20, 2015 - 8:44am

**Site Plan
(Exhibit E-1)**

Milestone Communications		18501 MURDOCK CIRCLE, SUITE 404 PORT CHARLOTTE, FLORIDA 33948 PHONE (941) 625-9919 FAX (941) 625-3269 E.B. #642 & L.B. #642	Overall Site Plan Milestone Communications - Lemon Bay HS
DATE Oct. 9, 2015	PROJECT NO. 20150229	FILE NO. 8-41-20	SCALE As Shown
		SHEET 2	



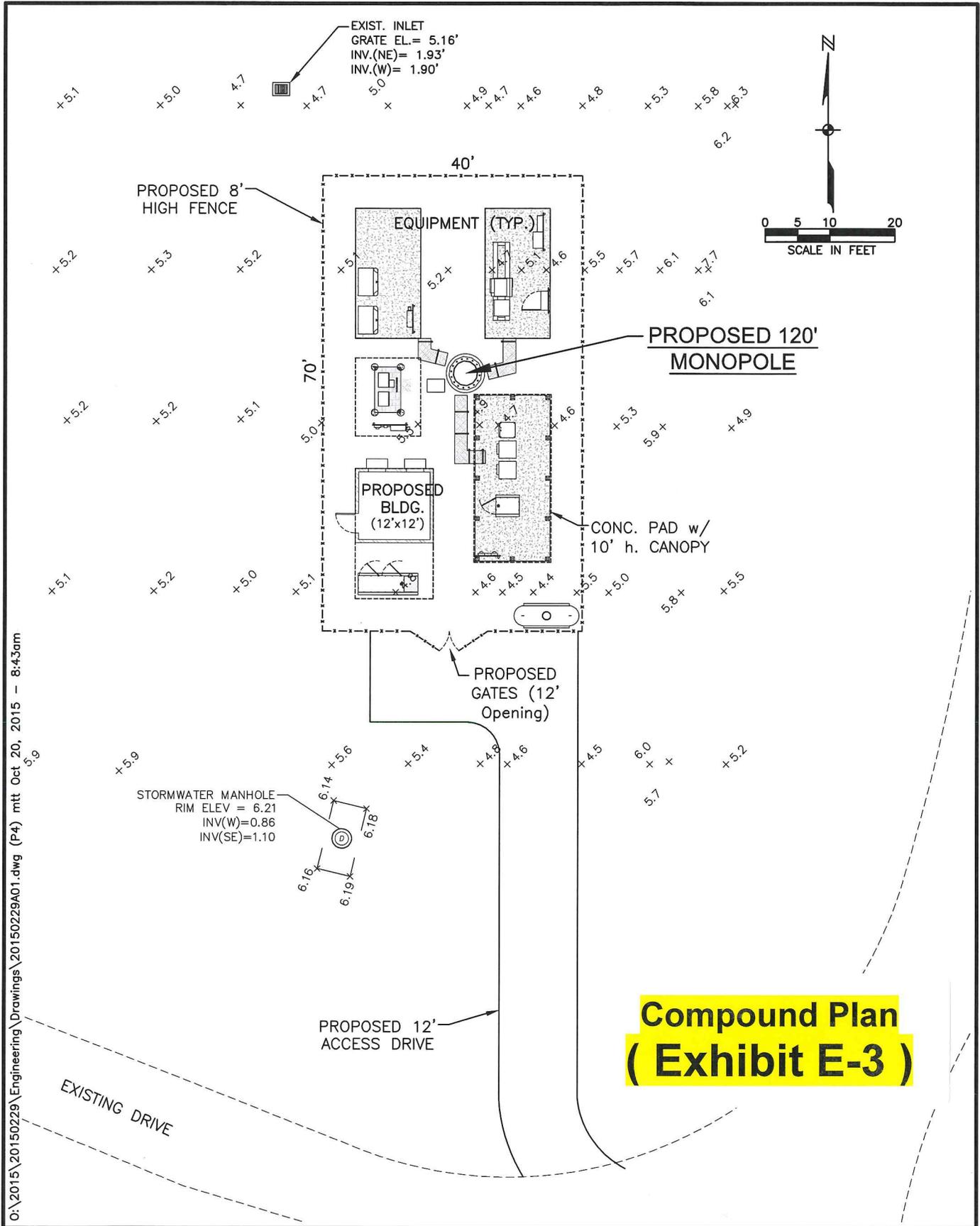
O:\2015\20150229\Engineering\Drawings\20150229A01.dwg (P5) mtt Oct 20, 2015 - 8:41am



18501 MURDOCK CIRCLE,
SUITE 404
PORT CHARLOTTE, FLORIDA 33948
PHONE (941) 625-9919
FAX (941) 625-3269
E.B. #642 & L.B. #642

Elevation Plan
Milestone Communications - Lemon Bay HS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
Oct. 9, 2015	20150229	8-41-20	As Shown	5



**Compound Plan
(Exhibit E-3)**

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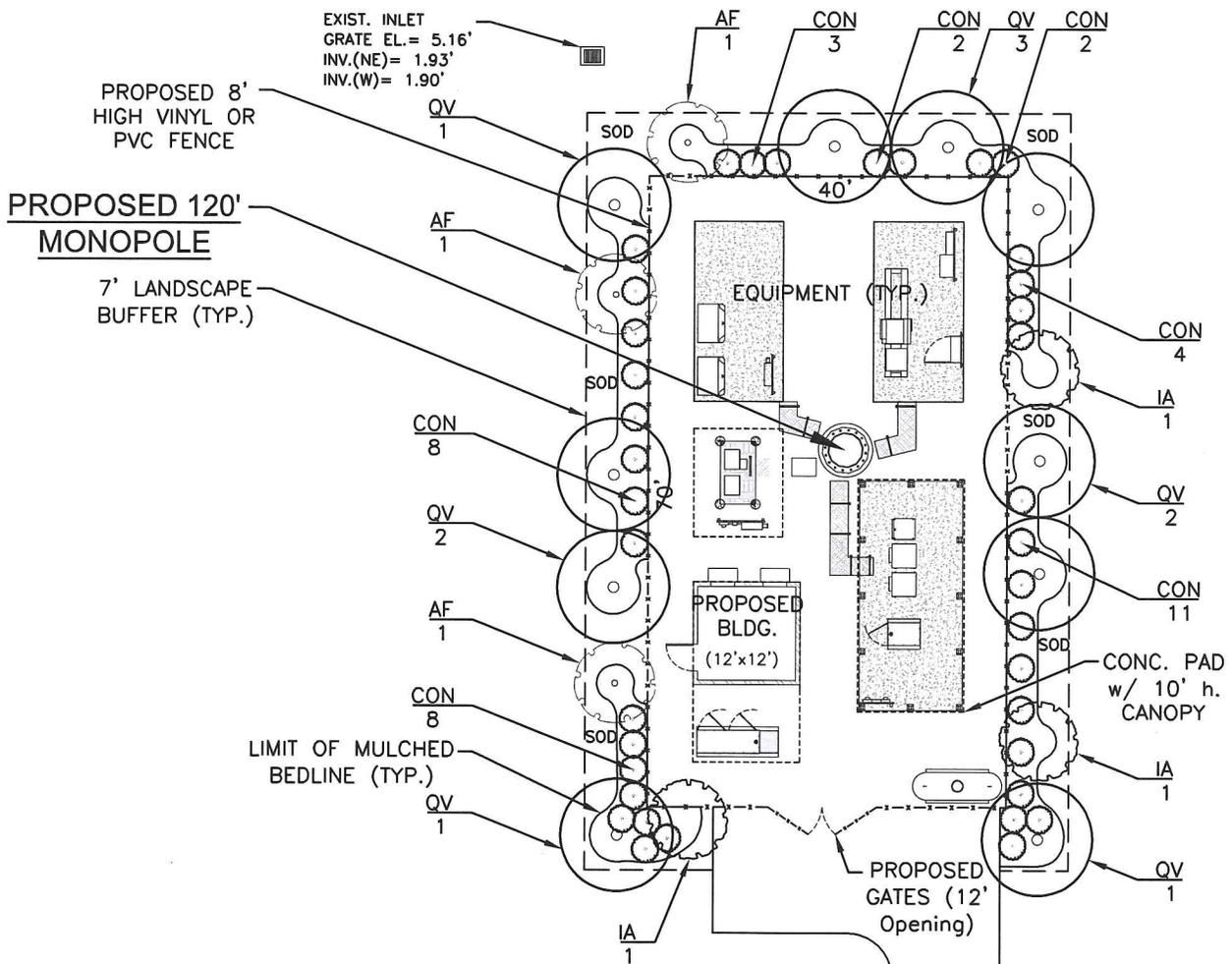


18501 MURDOCK CIRCLE,
SUITE 404
PORT CHARLOTTE, FLORIDA 33948
PHONE (941) 625-9919
FAX (941) 625-3269
E.B. #642 & L.B. #642

Site Plan w/ Topo
Milestone Communications - Lemon Bay HS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
Oct. 9, 2015	20150229	8-41-20	As Shown	4

Oct 19, 2015 - 2:22pm

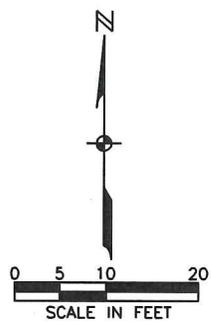


Landscape Plan (Exhibit E-4)

U:\2015\20150229\Engineering\Drawings\20150229-LANDSC

MATERIAL SCHEDULE						
QTY	SYM	ABBR	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	NATIVE
Trees						
3	⊙	AF	<i>Acacia farnesiana</i>	Sweet Acacia	8' min. ht., 2" cal.	YES
3	⊙	IA	<i>Ilex x attenuata</i>	East Palatka Holly	8' min. ht., 2" cal.	YES
10	⊙	QV	<i>Quercus virginiana</i>	Live Oak	8' min. ht., 2" cal.	YES
Shrubs						
38	⊙	CON	<i>Conocarpus erectus</i>	Green Buttonwood	18" min. ht.	YES
Mulch						
-	-	-	<i>Shredded Eucalyptus</i>	Grade B or Better	3" Depth	-
Sod						
-	-	-	<i>Bahia Sod</i>			-

DEVELOPMENT CALCULATIONS									
CODE REFERENCE	DESCRIPTION	DEVELOPMENT STANDARD	AREA or LENGTH	REQUIRED TREES	PROVIDED TREES	REQUIRED ACCENT TREES	PROVIDED ACCENT TREES	REQUIRED SHRUBS	PROVIDED SHRUBS
SEC. 3-9-100	BUFFER CALCULATIONS								
	WEST TYPE 'C' BUFFER	4 Canopy Trees, 2 Accent Trees & 15 Shrubs per 100 LF	70 LF	3	3	2	2	12	12
	NORTH TYPE 'C' BUFFER	4 Canopy Trees, 2 Accent Trees & 15 Shrubs per 100 LF	40 LF	2	2	1	1	7	7
	EAST TYPE 'C' BUFFER	4 Canopy Trees, 2 Accent Trees & 15 Shrubs per 100 LF	70 LF	3	3	2	2	12	12
	SOUTH TYPE 'C' BUFFER	4 Canopy Trees, 2 Accent Trees & 15 Shrubs per 100 LF	40 LF	2	2	1	1	7	7



EXISTING DRIVE



18501 MURDOCK CIRCLE,
SUITE 404
PORT CHARLOTTE, FLORIDA 33948
PHONE (941) 625-9919
FAX (941) 625-3269
E.B. #642 & L.B. #642

Landscape Plan
Milestone Communications - Lemon Bay HS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
Oct. 9, 2015	20150229	8-41-20	As Shown	L-01

REQUEST NARRATIVE

Proposed Request and Project Description

The applicant, Milestone Communications, is seeking approval of a Special Exception to allow a wireless telecommunications facility on the campus of Lemon Bay High School located at 2201 Placida Road, Englewood in Section 08, Township 41 South, Range 20 East, Charlotte County, Florida. This location was selected due to a need to improve wireless coverage to the existing residential neighborhoods along Placida Road. The proposed facility will also enhance coverage to the Grove City area to the south and the coastal area on Manasota Key as demonstrated by attached Radio Frequency (RF) maps showing coverage with and without the proposed facility.

The existing school site is approximately 46 acres in size and is presently zoned Residential Estate (RE-1). The majority of the property has been designated as Public Lands and Facilities on the Future Land Use Map (FLUM). The remaining portion of the property, consisting of the easterly 75 feet and the southerly 360 feet, has a FLUM Designation of Low Density Residential.

The proposed request would allow a 120 foot high monopole tower to be constructed in the southeastern portion of the school property between the existing football and baseball fields. The tower will be designed to accommodate up to five antennas for wireless providers and will be contained within a 40' x 70' fenced compound which will also house all of the electrical equipment. The compound will be visually screened with an 8 foot high fence and a Type "C" landscape buffer per the requirements of the Charlotte County Development Regulations.

The facility will be unmanned and therefore utility hookups for sewer and water will not be needed. Ingress and egress to the site will be from Placida Road via an existing paved driveway, however, the only traffic generated will be for routine maintenance visits which are anticipated to occur on a monthly basis.

Approval Criteria for Special Exceptions

In support of this request, please note that the project will meet all of the following criteria required for approval of a Special Exception pursuant to Chapter 3-9-6.2 of the Charlotte County Land Development Code:

1. The proposed Special Exception is consistent with the Comprehensive Plan.

The proposed facility is located within the Urban Service Area and will be located in the portion of the site that has been designated as Public Lands and Facilities. The Smart Charlotte 2050 Plan describes these areas as "lands owned by Charlotte County government, the Charlotte County School Board, private schools, churches, auditoriums, theatres, museums, the City of Punta Gorda, the State of Florida, the United States government, private hospitals, or utilities."

The communications tower will be constructed on Charlotte County School Board property and is considered to be a public service facility which is consistent with the general range of uses allowed in the Public Lands and Facilities Future Land Use classification.

The Special Exception request will also be consistent FLU Policy 2.1.3 pertaining to developments adjacent to lands designated as Preservation or Resource Conservation and all public lands acquired

for preservation purposes. Ann Dever Regional Park, which is designated as a preservation area, abuts the southern and eastern boundaries of the school site. The proposed request, however, will not result in any degradation of the quality of the habitat within the park as indicated in the attached statement of no objection from Florida Fish and Wildlife Conservation Commission (FWC). This is further evidenced by the fact that the tower will be set back a minimum distance of 120 feet from the property line and located in an area that has already been cleared of any invasive exotic vegetation.

The tower will also be set back approximately 880 feet from the nearest residence in the Bay Harbor Estates Subdivision to the north and approximately 1000 feet from the nearest residence in Grove City Terrace Subdivision to the south. The existing mature trees along the northern boundary of the school site and the existing preserve area to the south will provide an excellent buffer to minimize visual impacts to residents of both subdivisions and maintain compatibility with existing residential uses in a manner consistent with FLU Policies 4.2.3 and 4.3.1.

2. *The proposed Special Exception is compatible with existing and permitted uses surrounding the land on which the proposed Special Exception would exist.*

Uses surrounding the school site are as follows:

	Land Use	Zoning	FLUM Designation
North:	Bay Harbor Estates Subdivision Single Family Residential	RSF-3.5	Low Density Residential
	Pines on the Bay Subdivision Single Family Residential	PD	Medium Density Residential
South:	Oyster Bay Environmental at Ann Dever Regional Park	ES	Preservation
East:	Oyster Bay Environmental at Ann Dever Regional Park	ES	Preservation
West:	Pines on the Bay Vacant Multi-Family Tract	PD	Commercial
	Lincol Subdivision * Vacant Restaurant & Vacant Parcel	CT	Commercial
	Cedar Point Environmental Park*	PKR	Parks & Recreation

*Uses located on the west side of Placida Road

The proposed facility has been designed to be compatible with these surrounding land uses. The planned location in the southeastern corner of the school site will provide maximum separation from the existing uses along Placida Road as well as the afore-mentioned residential subdivisions to the north and south. This location also allows the existing preserve area to provide an extensive natural buffer to the south and east. In addition, the compound will be well buffered and the tower will be a monopole structure that will be painted a neutral color to further mitigate any potential visual impacts.

3. *The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public safety or general welfare.*

The granting of the Special Exception will have minimal impacts on the surrounding area and will not be detrimental to the health, safety and welfare of the general public. The proposed facility will not

generate any noise, odor or create other hazards, nor will it impact the existing roadway network. In addition, the compound containing the tower and electrical equipment will be completely enclosed by an 8 foot vinyl or PVC fence with a locked gate to prevent any public access to further ensure security and enhance project safety.

Approval Criteria for Communication Towers

The proposed request will also satisfy the following requirements for the approval of Communication Towers in accordance with Chapter 3-9-68 of the Charlotte County Land Development Code:

1. Co-location Requirements:

There are no existing facilities or support structures available within the applicant's geographic search area. The nearest telecommunications tower appears to be located approximately two miles away and the attached propagation maps from Verizon show a major gap in wireless coverage in the area along Placida Road between San Casa Drive and McCall Road (SR 776).

2. Additional Submittal Requirements for Telecommunication Facilities:

The following items have been included as part of the Special Exception application:

- Copies of certified letters to other entities owning or using non-exempt communication towers inquiring whether said entities have tower space available or a need to co-locate antennas. No responses have been received to date.
- An email from Florida Fish and Wildlife Conservation Commission stating that they had reviewed the project and did not have any objections to the project related to fish and wildlife or endangered species and their habitat.
- A letter and support documentation from Verizon Wireless, the applicant's service provider, indicating the need for the facility at the proposed location.
- An elevation exhibit showing the height of the proposed the monopole structure above ground and above MSL.

3. General Requirements:

- The proposed facility will not be illuminated and will not have any form of advertisement attached to any structures.
- The proposed project site does not contain any rare vegetation communities or endangered species habitat.
- An 8 foot high fence will be provided along the entire perimeter of the compound with "HIGH VOLTAGE - DANGER" signs posted every 20 feet.
- The tower will setback a minimum distance of 120 feet (the proposed height of the tower) from all exterior property lines and will therefore all parts of the structure would fall within the site in the event of a collapse.
- A letter from the project engineer stating that the project will comply with all applicable FCC requirements is attached along with a letter of no objection from the Charlotte County Airport Authority.

Based on information provided above and the support documentation accompanying this application, the Special Exception request is consistent with all applicable Goals, Objectives and Policies of the Smart Charlotte 2050 Plan as well as all procedural and design guidelines established for communication towers in the Charlotte County Land Development Regulations. The proposed telecommunications facility will be designed to be compatible with the existing uses in the in the surrounding area and will not adversely impact environmentally critical areas or natural resources. Furthermore, the facility will meet all applicable FCC and FAA regulations. Given these factors, the requested Special Exception to allow the construction of a telecommunications facility greater than 50 feet in height is appropriate at this location.

Narrative
(Exhibit F-4)

From: Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]

Sent: Thursday, October 01, 2015 3:40 PM

To: Gary Nychyk <agn@johnsoneng.com>

Cc: Wallace, Traci <traci.wallace@MyFWC.com>; Chabre, Jane <jane.chabre@MyFWC.com>; Morgan, Ginger <Ginger.Morgan@MyFWC.com>

Subject: Communications Tower - 2201 Placida Road in Englewood

Dear Mr. Nychyk:

Florida Fish and Wildlife Conservation Commission (FWC) staff received your letter and project information regarding the tower proposed by your firm (2201 Placida Road in Englewood, FL – Lemon Bay High School). We have no comments, recommendations, or objections related to fish and wildlife or listed species and their habitat to offer on this project.

The liability to not impact or cause “take” of listed species, migratory wildlife, and other regulated species of wildlife is the responsibility of the applicant or developer associated with this site. Please refer to the Florida Administrative Code, 68A-27 for definitions of “take” and a list of species. If listed species are observed onsite at a later date, FWC staff are available to provide decision support information or assist in obtaining the appropriate permits.

If you need further information or review, please let us know. Requests for information or review can be sent to FWCConservationPlanningServices@MyFWC.com and we will make sure your request is received by the appropriate staff.

If you have any questions, I can be reached at the contact information below or at the email address provided above. Thank you for contacting the FWC.

Sincerely,

Jason Hight
Biological Administrator II
Office of Conservation Planning Services
Division of Habitat and Species Conservation
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
(850) 228-2055

**FFWC Email
(Exhibit F-5)**



September 23, 2015

Verizon Wireless
7701 East Telecom Parkway Wing A-1
Temple Terrace FL. 33637
William.Compton@VerizonWireless.com
RE: Verizon Wireless
2201 Placida Road
Englewood, FL. 34224

Latitude: 26°-55'-34.3"N, Longitude 82°-19'-57.9"W, Datum Reference NAD83
Ground Elevation: 4ft, Azimuths 10°, 140°, 260°
Transmit Frequencies: 880-894Mhz, 1970-1975Mhz, 746-757Mhz, 2120-2140Mhz
Maximum Effective Radiated Power: 500 watt ERP (850 Mhz band carrier), 1640 watt EIRP (PCS band carrier), 1000 watt ERP/Mhz (700 Mhz LTE), 1640 watt EIRP/Mhz (2100Mhz AWS)

To whom it may concern,

Verizon Wireless operates a Personal Communications Service authorized by the Federal Communications Commission (FCC) to provide state of the art digital wireless communications in many parts of the nation, including Englewood, FL. Verizon Wireless' operations and network are licensed and regulated by the FCC.

The antennas, as proposed and designed for the above referenced site are in compliance with all applicable FCC requirements. The proposed communications facility will not cause and disruptive interference with any transmitter or receiver that will co-exist at, on or near the same communications structure. It will not interfere with emergency services. In the unlikely event of any suspected interference related problems, Verizon Wireless will investigate performance related problems and take measures to see that their systems are operating in full compliance with FCC regulations. In addition, the propose site meets all applicable ANSI/IEEE C95.1-1992 exposure levels, as adopted by the FCC requirements.

Verizon Wireless is committed to compliance with all government regulations and standards. Please contact Verizon Wireless if you have and questions regarding this matter.

Sincerely,

William Compton
Senior RF Design Engineer, Verizon Wireless

**Verizon Letter
(Exhibit F-6)**



September 23, 2015

**Statement of Certified Engineer
Site Selection and Performance Standards**

Site Name: Affinity Lemon Bay High School
Site Address: 2201 Placida Road Englewood, FL. 34224

The proposed Affinity Lemon Bay High School site was selected by Verizon Wireless to provide and improve wireless coverage along Placida Road and the residential areas around it as well as the coastal area along Gulf Blvd near the Beach Road intersection. The site should improve coverage at Lemon Bay High School as well.

In addition to improving coverage, the proposed site would provide relief to the neighboring cells of Englewood, Northwest Rotunda, and Grove City. These sites are currently nearing exhaustion in terms of number of users and data usage. This site would offload traffic from these sites thereby improving service and speeds for users in the areas they serve.

In summary, the proposed Affinity Lemon Bay High School site will resolve the need for adequate coverage in the area surrounding the proposed site and also ensure adequate overlapping coverage between the existing Verizon Wireless sites. The proposed site will ultimately allow residents and commuters to experience better quality and diminished dropped calls. The propagation maps attached to the application and prepared by an RF Engineer illustrate the improved coverage that will result with the addition of the new telecommunications site.

Sincerely,

William Compton
Senior RF Design Engineer, Verizon Wireless
7701 East Telecom Parkway Wing A-1
Temple Terrace, FL. 33637

**Verizon Letter
(Exhibit F-7)**

28000 A-1 Airport Road
Punta Gorda, Florida 33982
www.flypgd.com



(941) 639-1101
(941) 639-4792 Fax
airport@flypgd.com

October 13, 2015

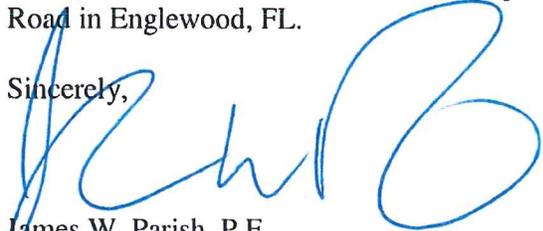
Gary F. Muller, AICP
Johnson Engineering
2122 Johnson Street
Ft. Myers, FL 33901

RE Proposed Wireless Communication Facility

Dear Mr. Fuller:

The Charlotte County Airport Authority has no objection of the proposed 120 foot high monopole tower to be located on the campus of the Lemon Bay High School at 2201 Placida Road in Englewood, FL.

Sincerely,



James W. Parish, P.E.
Assistant Executive Director and Director of Engineering and Development

**Charlotte County
Airport Authority Letter
(Exhibit F-8)**



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2015-ASO-14878-OE

Issued Date: 11/12/2015

Kristen Stelzer
 Milestone Communications
 12110 Sunset Hills Road
 Suite 100
 Reston, VA 20190

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole Lemon Bay High School Monopole
 Location: Englewood, FL
 Latitude: 26-55-33.90N NAD 83
 Longitude: 82-19-45.70W
 Heights: 5 feet site elevation (SE)
 126 feet above ground level (AGL)
 131 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 05/12/2017 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.



MEMORANDUM

Date: November 20, 2015
To: Ken Quillen, Planner III
From: Susie Derheimer, Environmental Specialist
Subject: SE-15-009, Milestone Communications, 2201 Placida Road

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes or ordinances and offers the following comments:

- ❖ A GIS aerial was conducted by staff. The area proposed for the tower is cleared, sodded and regularly maintained.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any County permit or land improvement activities:

- ❖ All applicable county, state and federal authorization or permits, and mitigation (if necessary) will be required.

If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-5, Article IV, CLEARING, FILLING AND SOIL CONSERVATION

Chapter 3-9, Article IV, Site Design Standards and Requirements

Chapter 3-9-68(c)(3),

"A statement from the Florida Fish and Wildlife Conservation Commission (FWC) stating that the proposed tower meets all required setbacks from any nesting locations for birds listed as protected species in the FWC's Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida or its successor."

This project must also comply with the Charlotte County 2050 Comprehensive Plan. If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

SD

(Exhibit G)

P:animal/Specexcep_Variances/2015/SE-15-009(MilestoneCommunitonTower).doc