

STAFF REPORT
Community Development Department
Petition Number: SE-16-013

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Planning and Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: November 2, 2016 **BZA meeting date: November 9, 2016**

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 Single-family-3.5 zoning district. Subject property is located at **23000 Midway Boulevard** in Port Charlotte (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is *Residential Single-family-3.5* (RSF-3.5). This property has a *Public Land & Facilities* Future Land Use Map (FLUM) designation. The proposed communication tower location is on the easterly half of subject property, which consists of 19.4-acres along the north side of Midway Boulevard (see attached **Aerial View**). Subject property is the location of Port Charlotte Middle School, which was established in 1970.

The Land Development Regulations for the **Residential Single-family** (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 a **Verizon Letter** (Exhibit C-1) expressing their need for another antenna in the area of the proposed tower. They have also submitted two coverage maps showing the **Existing Coverage** (Exhibit C-2) and **Proposed Coverage** (Exhibit C-2) for the area surrounding the proposed tower location. These maps were prepared by Verizon Wireless who has four existing antennas serving this area at the following locations:

- 1365 Viscaya Drive, 2 miles to the northwest, SE-97-021(M1) for a 100' tower in RSF (2008)
- 102 Revere Street, 2 miles to the southwest, SE-00-040 for a 110' tower in OMI (2000)
- 3118 Loveland Blvd., 1.8 miles to the southeast, SE-96-039 for a 340' tower in AG (RE-1) (1996)
- 23900 Veterans Blvd., 2 miles to the northeast, SE-98-031 for a 250' tower in PD (1998)

The applicant also submitted a series of four drawings to illustrate the proposed development, including an **Overall Site Plan** (Exhibit D-1) showing the easterly half of subject property; a **Compound Site Plan** (Exhibit D-2), a **Detailed Site Plan** (Exhibit D-3), which includes landscaping; and a **Tower Elevation** (Exhibit D-4). The proposed new 120-foot tower will be located 121 feet north of the Midway Boulevard right-of-way, as shown on the **Overall Site Plan** (Exhibit D-1). Access will be from Midway Boulevard via the schools' existing access drive. The applicant has submitted the attached **Narrative** (Exhibit E) describing the proposed development and addressing the criteria for granting the requested special exception. The applicant has also provided copies of various letters. One requesting a review by the Florida Fish & Wildlife Conservation Commission (Exhibits F-1, F-2 & F-3), another from Verizon's Design Engineer (Exhibit F-4) and one to the Charlotte County Airport Authority (Exhibit F-5).

The **Tower Elevation** (Exhibit D-4) shows five future antennas and one microwave dish mounted on the exterior of this new monopole tower. It has been a policy of staff to recommend that communication towers located in RSF or RMF zoning districts be "stealth" towers, which means that the antenna are concealed inside the monopole tower. Two other special exception applications for communication towers (SE-16-001 and SE-16-007) came before the BZA earlier this year. Both were located in the RSF-3.5 zoning district and were proposed as stealth towers, as recommended by staff. As such, in an effort to remain fair and consistent with this policy, staff recommends that the BZA require that this proposed communications tower be a "stealth" tower and that all antenna be concealed inside the monopole tower.

The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit G) dated October 24, 2016.

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 and hospitals. Communications towers are considered a public service facility.

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	Public park land and single-family homes	RSF-3.5 and Parks and Recreation	Low-density Residential and Parks and Recreation
South	Midway Park and single-family homes	RSF-3.5 and Parks and Recreation	Low-density Residential and Parks and Recreation
East	Single-family homes	RSF-3.5	Low-density Residential
West	Single-family homes	RSF-3.5	Low-density Residential

Finding: The majority of the surrounding land uses consist of single-family residences. Midway Park is located across the street to the south and undeveloped park land is located to the northwest. Communications towers are needed to serve the surrounding residential community and 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.

Also, because this proposed tower is located in a RSF zoning district staff recommends that the BZA require that this be a "stealth" communications tower and that all antenna be concealed inside the monopole tower in order to make it more compatible with the neighborhood.

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 more than 120 feet from all property lines. 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 communication tower must be a stealth monopole tower and no antennas may be mounted on the exterior of the monopole. All antennas must be concealed from view and mounted only on the interior of the monopole.
3. 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.
4. The required landscape buffer shall include an eight-foot high opaque vinyl fence, as is indicated on Exhibit D-4 submitted with this application.
5. 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.
6. If the proposed communications tower is not constructed within three years of the date of approval of this special exception then this special exception shall expire and be null and void.
7. 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 3-9-33 (2), Section 3-9-68 (4), Verizon Letter and Area Coverage Maps (2), Development Plans (4), Narrative (3), FWCC correspondence (3), CCAA Letter and Environmental Specialist Memorandum



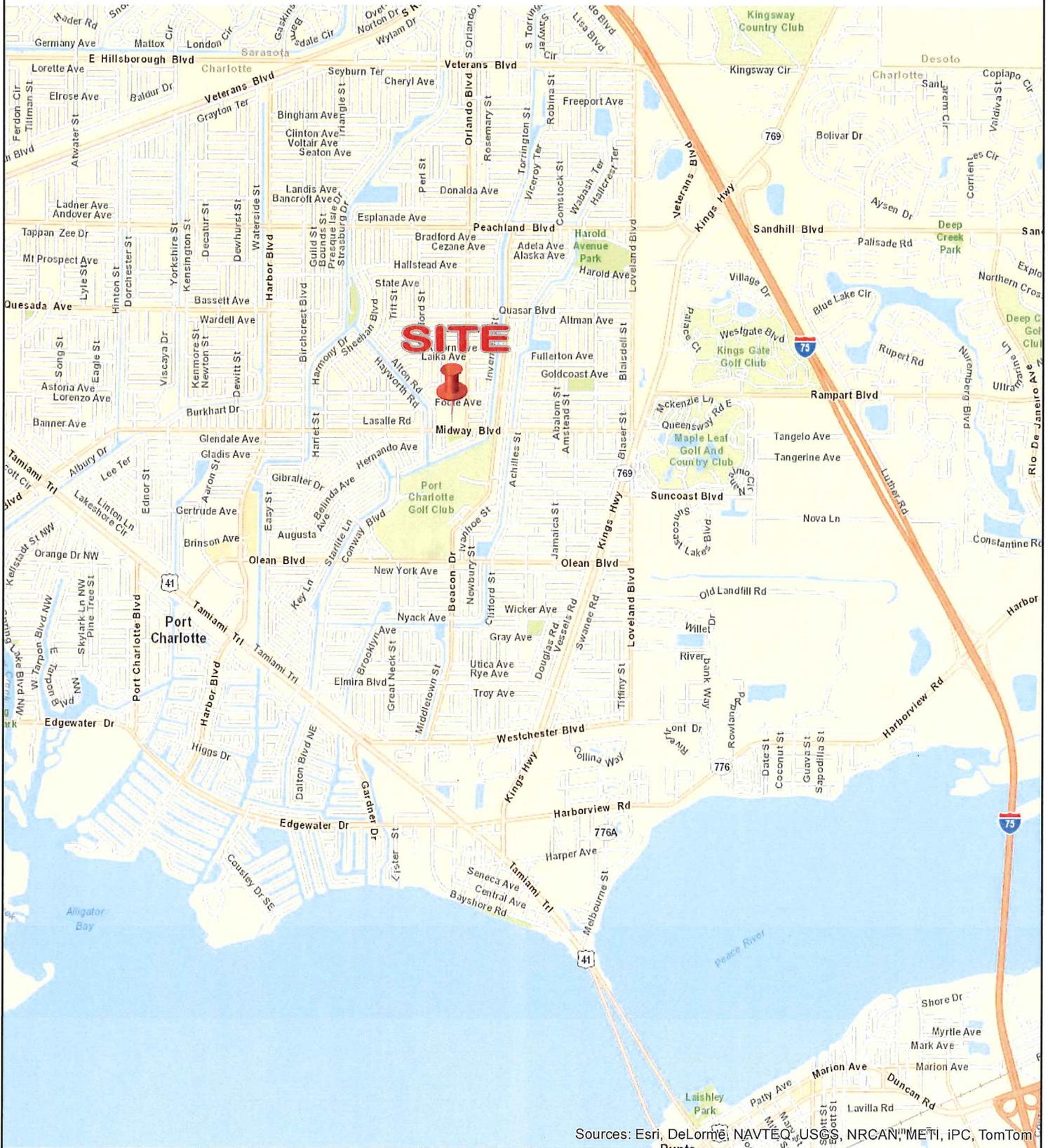
Community Development

CHARLOTTE COUNTY Location Map for SE-16-013

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.gov



Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, iPC, TomTom

14/40/22 Mid-County

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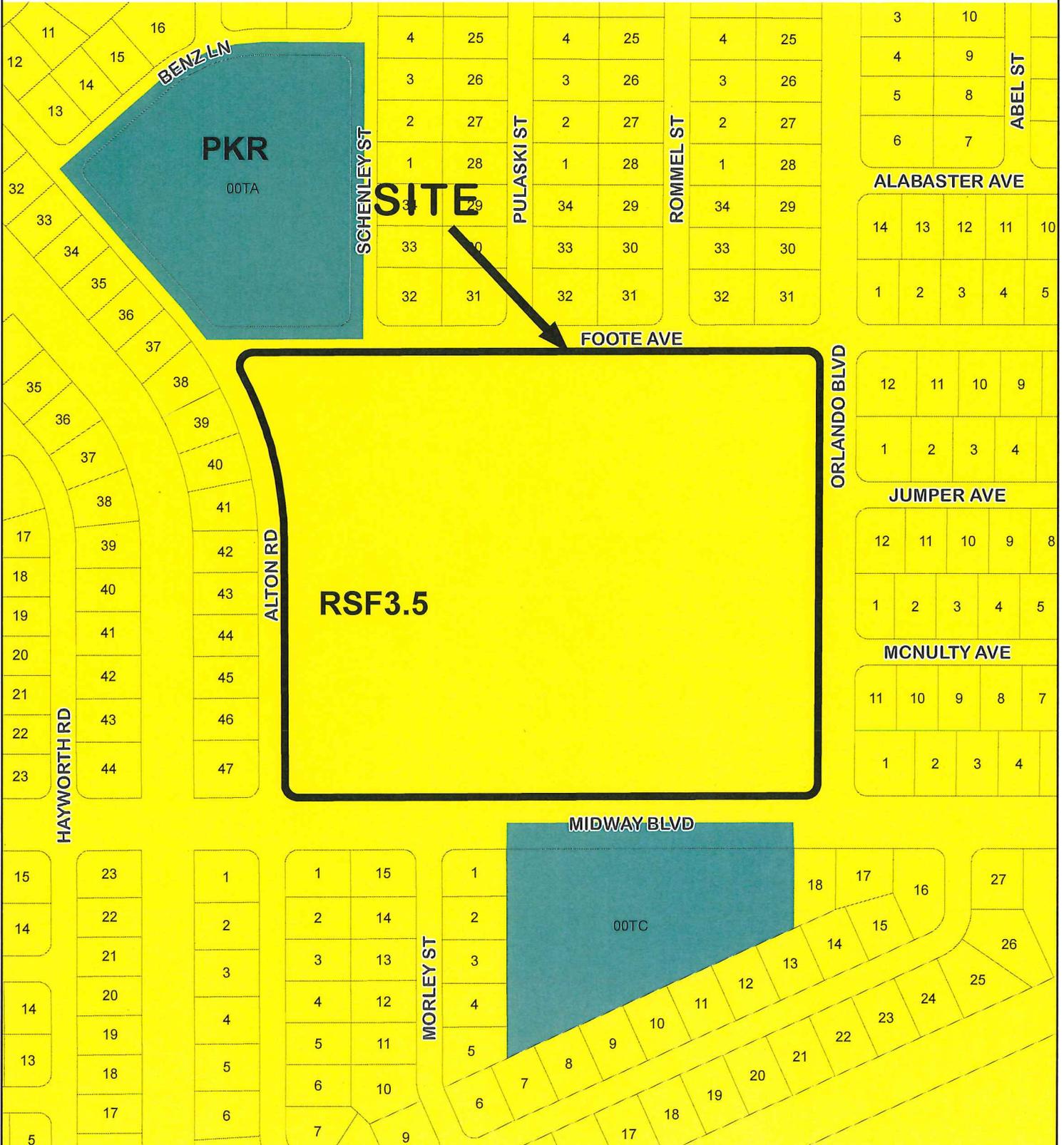
Community Development

CHARLOTTE COUNTY Zoning Map for SE-16-013

Charlotte County Government

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Community Development

CHARLOTTE COUNTY

2014 Aerial View for SE-16-013



14/40/22 Mid-County

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Section 3-9-33 Residential Single-family (RSF).

- (a) *Intent.* The purpose and intent of these districts is to provide for single-family residential dwellings and other uses normally associated therewith. Among RSF-2, RSF-3.5 and RSF-5 districts, there are variations in requirements for lot area, width, and certain yards.
- (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) Emergency services.
 - (3) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure "C".
 - (4) Minor Home Occupation. (see section ~~3-9-75~~ 3-9-74, Home Occupations)
 - (5) Model home. (see section ~~3-9-79~~ 3-9-78, Model Homes)
 - (6) Noncommercial boat docks.
 - (7) Park, public or not-for-profit.
 - (8) Single-family detached, which may have a guest suite that is structurally attached, with or without cooking facilities.
 - (9) Telecommunications facility, 50 feet or less in height. (see sec. ~~3-9-69~~ 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.
- (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 footprint 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 for a property less than a half-acre. If the property is one half acre or more in size, the total footprint of all detached accessory structures shall not exceed 3,000 square feet. The property owner(s) may apply for a Special Exception to exceed the total maximum accessory structures size limitations contained in this section.
 - c. Detached accessory structures 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 detached 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) Bed and breakfast, one or two bedrooms.
 - (2) Clubhouse.
 - (3) Cluster housing. (see section 3-9-67, Cluster Housing)
 - (4) Guest home.
 - (5) Subdivided lots with 50 foot wide frontage and 5,000 square foot.
 - (6) 4H, FFA and similar uses and activities.
- (e) *Prohibited Uses and Structures:* Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception, including but not limited to mobile homes, commercial parking lots and private clubs not otherwise permitted, or permitted by Special Exception, shall be unlawful in this district.
- (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) Assisted living facility
Facility) ee section 3-9-62, Assisted Living

Section 3-9-33 Residential Single-family (RSF). (continued)

- (3) Bed and breakfast, three or more bedrooms.
- (4) Cemetery, mausoleum.
- (5) Community garden.
- (6) Day care center, child.
- (7) Elementary, middle, or high school.
- (8) Essential services. (see section 3-9-71, Essential Services)
- (9) Government uses and facilities.
- (10) Major Home Occupation. (see section 3-9-74, Home Occupations)
- (11) Place of Worship. (see section 3-9-82, Places of Worship)
- (12) Private clubs.
- (13) Telecommunications facility, greater than 50 feet in height. (see section 3-9-68, Communication Towers)
- (14) University or college.
- (15) 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.
- (16) 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.
 - b. Not specifically prohibited in that district.

The BZA 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:*

	RSF-2	RSF-3.5	RSF-5
Lot (minimum)	---	---	---
Area (square feet)	20,000	10,000	7,500
Width (feet)	100	80	70
Setbacks (minimum feet)			
Front	25	25	25
Side (interior)	15	7.5	7.5
Side (street)	20	15	15
Rear (interior)	20	20	20
Rear for all accessory structures (interior)	10	10	10
Rear (street)	25	25	25
Abutting a greenbelt	15	15	15
All accessory structures abutting a greenbelt	10	10	10
Abutting water	20	20	20
Bulk (maximum)			
Lot coverage of all buildings	40%	40%	40%
Height (feet)	38	38	38
Density (units/acres)	2	3.5	5

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.

Landscape buffers and screening shall be required in this district in accordance with the provisions of Article XXII, Chapter 3-5 section 3-9-100, of the Code, as the same shall be amended.

- (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, §§ 9, 10, 05-19-1987; Res. No. 87-254, § 17, 10-20-1987; Ord. No. 89-34, § 6, 05-31-1989; Ord. No. 92-40, §§ 1-4, 06-02-1992; Ord. No. 92-65, § 1, 08-18-1992; Ord. No. 94-55, § 14, 11-03-1994; Ord. No. 2001-031, § 1(a), 06-12-2001; Ord. No. 2002-008, § 1, 01-28-2002; Ord. No. 2003-061, §§ 6, 7, 08-26-2003; Ord. No. 2014-053, § 1, 11-25-2014; Ord. No. 2015-054 § 1, 12-08-2015)

**Section 3-9-33
(Exhibit A-2)**

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.

**Section 3-9-68
(Exhibit B-1)**

Section 3-9-68

Communication Towers. (continued)

(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.
- (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.

Section 3-9-68
(Exhibit B-2)

Section 3-9-68

Communication Towers. (continued)

- 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").
 - 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.

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

Section 3-9-68**Communication Towers. (continued)**

- (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-4)



June 2016

Charlotte County
Planning & Zoning Department
18500 Murdock Circle
Pt. Charlotte, FL 33948

RE: Proposed Milestone Communications Development at Port Charlotte Middle School
2300 Midway Blvd. Port Charlotte, Florida.

Dear Sir or Madam:

Verizon Wireless has issued a "Search Ring" for a new site near Midway Boulevard & Alton Road in the northern Port Charlotte area of Charlotte County in order to enhance coverage and capacity in the area. A review of the area within the Search Ring and an extensive area beyond the Search Ring (greater than one mile) revealed that there are no existing towers or structures located within the geographic area that meet Verizon's engineering requirements and coverage needs at a design height of 120 feet above ground level in order to provide high-quality service to your citizens. Furthermore, there are no approved but unbuilt towers or structures that meet Verizon's geographical requirements. Finally, there are no other reasonably available opportunities for collocation.

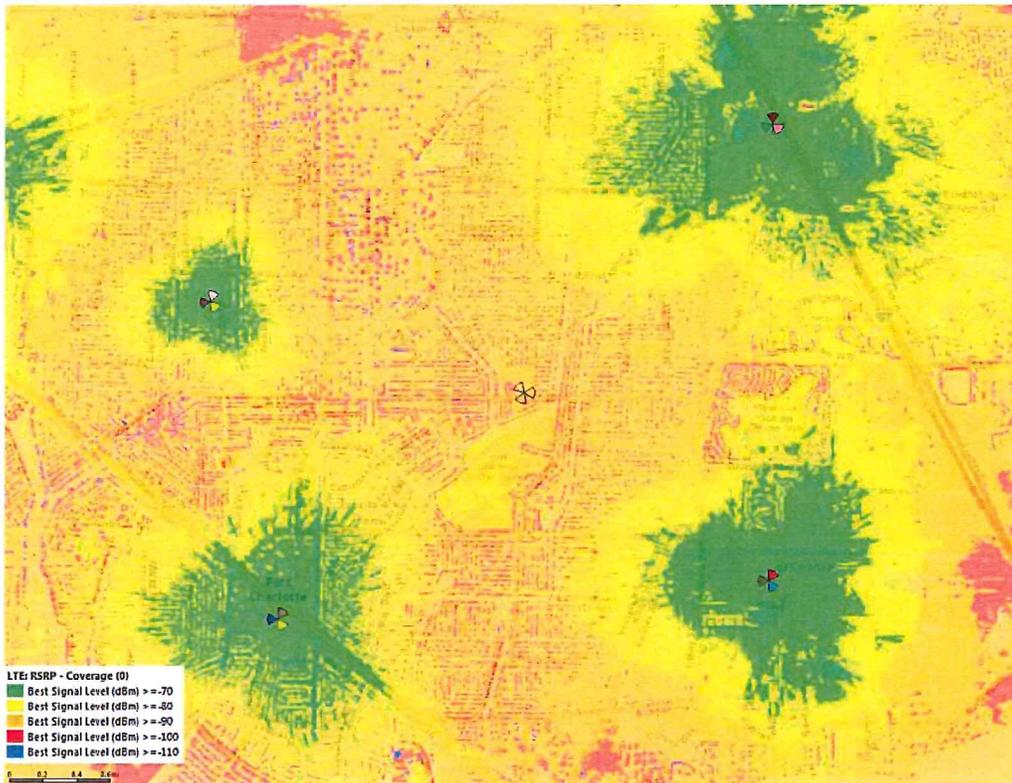
Verizon's antennas and equipment shall comply with all current FCC regulations and ANSI standards. Also, Verizon's frequency plan for this site will not interfere with Public Safety bands assigned by the FCC.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your consideration.

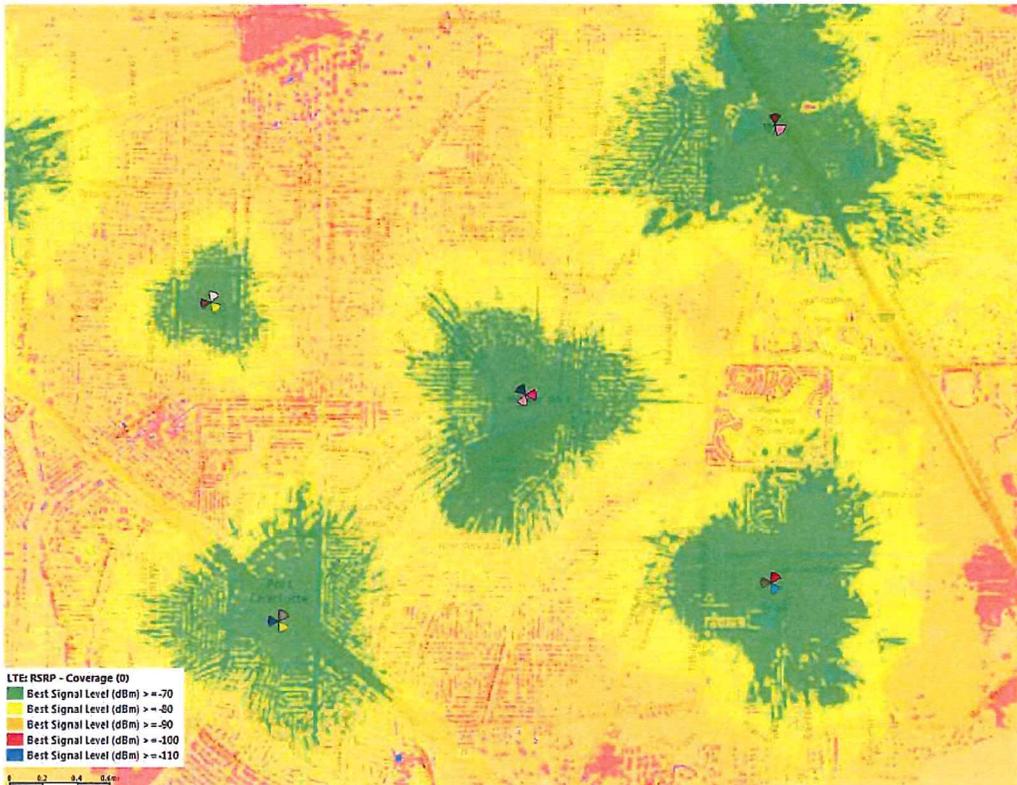
Sincerely,

William Compton
Senior RF Design Engineer
Verizon Wireless

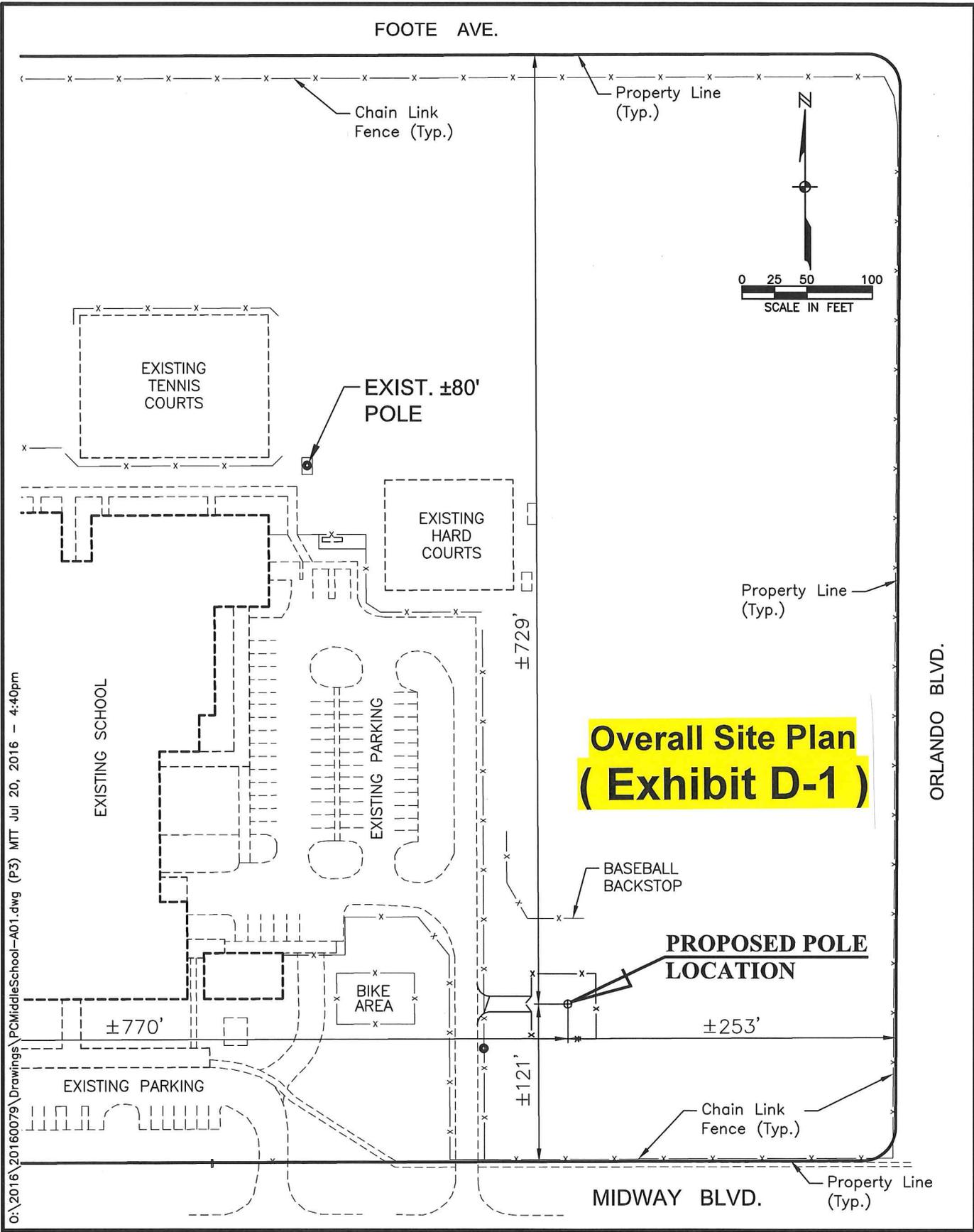
**Verizon Letter
(Exhibit C-1)**



Existing Coverage 89386 Port Charlotte Middle School



Proposed Coverage 89386 Port Charlotte Middle School



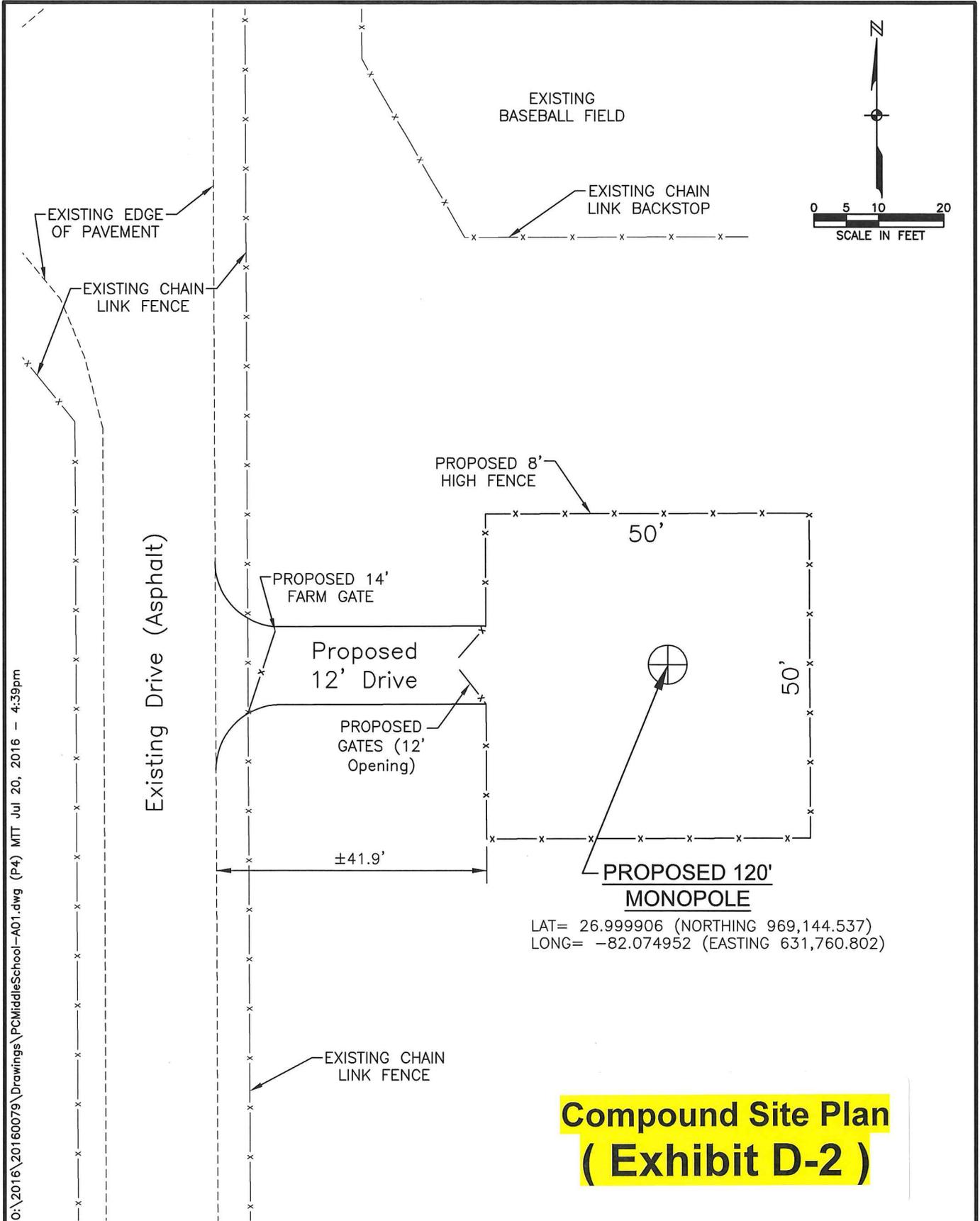
JOHNSON ENGINEERING

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 - Port Charlotte Middle

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
March, 2016	20160079	14-40-22	As Shown	3

O:\2016\20160079\Drawings\PCMiddleSchool-AD1.dwg (P4) MTT Jul 20, 2016 - 4:39pm



**Compound Site Plan
(Exhibit D-2)**

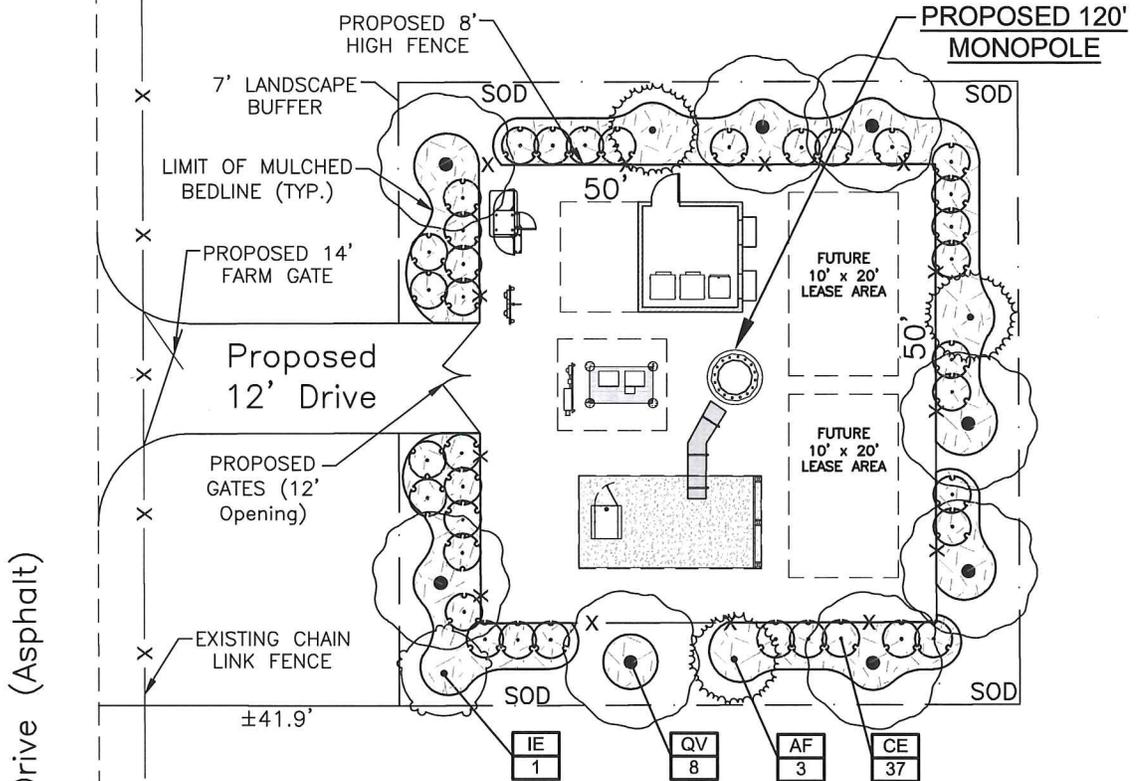


18501 MURDOCK CIRCLE,
SUITE 404
PORT CHARLOTTE, FLORIDA 33948
PHONE (941) 625-9919
FAX (941) 625-3269
E.B. #642 & L.B. #642

Site Plan
Milestone Communications - Port Charlotte Middle

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
March, 2016	20160079	14-40-22	As Shown	4

LAT= 26.999906 (NORTHING 969,144.537)
 LONG= -82.074952 (EASTING 631,760.802)



Detailed Site Plan (Exhibit D-3)

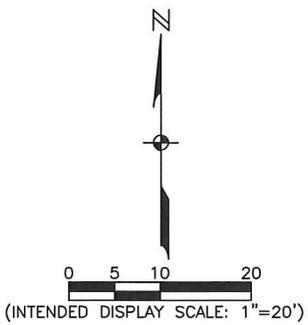
PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	HT	SPR	CAL	REMARKS
	AF	3	Acacia farnesiana	Sweet Acacia	8' Ht		2" Cal	Native
	IE	1	Ilex x attenuata 'East Palatka'	East Palatka Holly	8' Ht		2" Cal	Native
	QV	8	Quercus virginiana	Southern Live Oak	8' Ht		2" Cal	Native
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	HT	NOTES	REMARKS
	CE	37	Conocarpus erectus	Buttonwood	-	18" min. Ht.		Native
MULCH	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	HT	REMARKS	
		1,208 sf	Mulch	Shredded Eucalyptus		3" Depth		
			Bahia Sod	Sod				

DEVELOPMENT CALCULATIONS

CODE REFERENCE	DESCRIPTION	DEVELOPMENT STANDARD	AREA or LENGTH	REQUIRED TREES CANOPY	PROVIDED TREES CANOPY	REQUIRED TREES ACCENT	PROVIDED TREES ACCENT	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	50 LF	2	2	1	1	8	8
	NORTH TYPE 'C' BUFFER	4 Canopy Trees, 2 Accent Trees & 15 Shrubs per 100 LF	50 LF	2	2	1	1	8	8
	EAST TYPE 'C' BUFFER	4 Canopy Trees, 2 Accent Trees & 15 Shrubs per 100 LF	50 LF	2	2	1	1	8	8
	SOUTH TYPE 'C' BUFFER	4 Canopy Trees, 2 Accent Trees & 15 Shrubs per 100 LF	50 LF	2	2	1	1	8	8

\\PTCS01\Drawings\2016\20160079\Drawings\Cell Tower.dwg (P4) JMB Sep 23, 2016 - 4:47pm

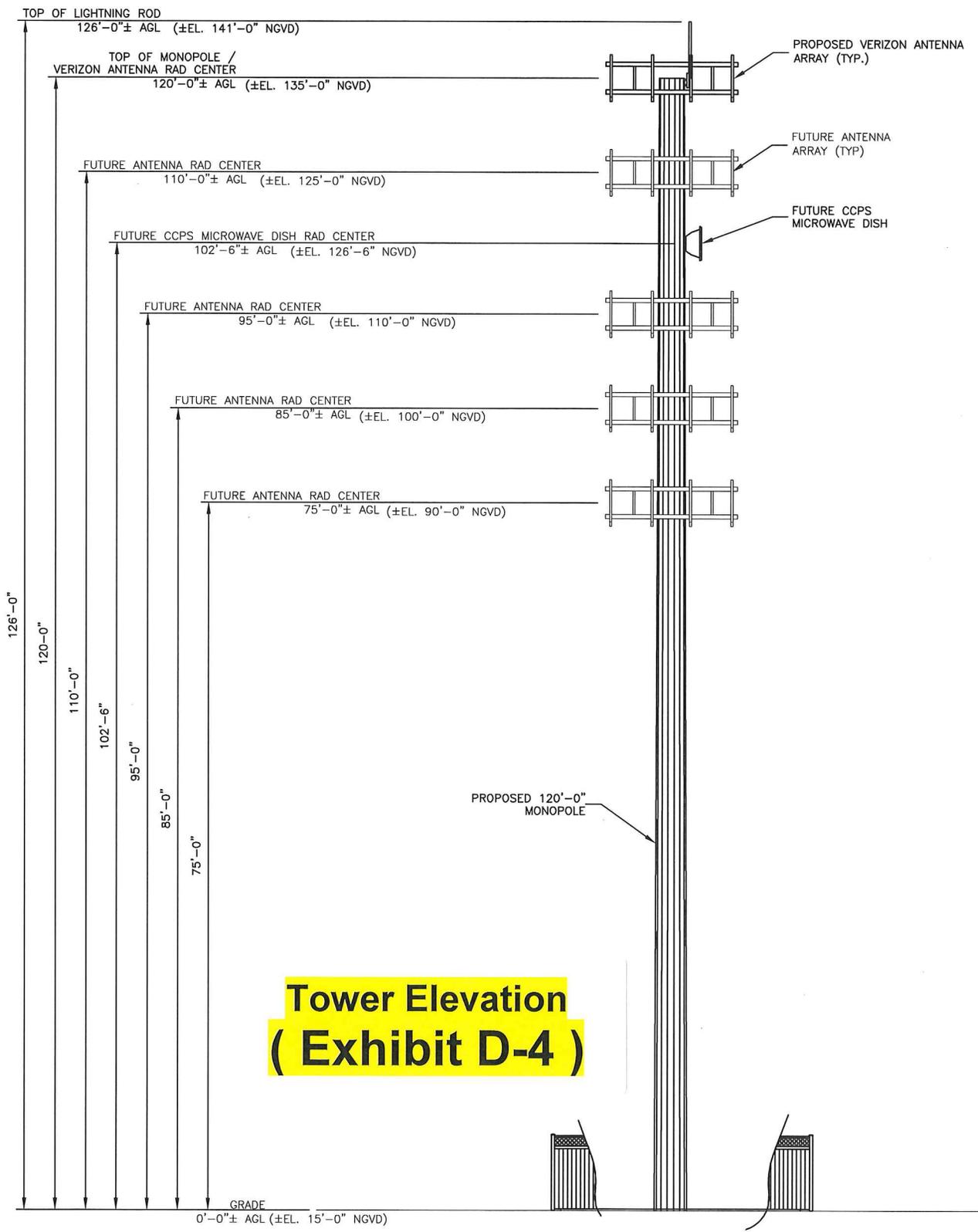


JOHNSON ENGINEERING, INC.
 2122 JOHNSON STREET
 P.O. BOX 1550
 FORT MYERS, FLORIDA 33902-1550
 PHONE: (239) 334-0046
 FAX: (239) 334-3661
 E.B. #642 & L.B. #642

SITE PLAN MILESTONE COMMUNICATIONS PORT CHARLOTTE MIDDLE SCHOOL

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
MARCH 2016	20160079	14-40-22	As Shown	1

C:\2016\20160079\Drawings\PCMiddleSchool-A01.dwg (P5) MTT Jul 20, 2016 - 4:38pm



**Tower Elevation
(Exhibit D-4)**



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 - Port Charlotte Middle**

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
March, 2016	20160079	14-40-22	As Shown	5

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 Port Charlotte Middle School located at 23000 Midway Boulevard, Port Charlotte in Section 14, Township 40 South, Range 22 East, Charlotte County, Florida. This location was selected due to a need to improve wireless coverage and capacity to the existing residential neighborhoods along Midway Boulevard and Alton Road. The enhanced coverage that will be provided to the surrounding area is demonstrated by attached Radio Frequency (RF) maps showing coverage with and without the proposed facility.

The existing school site is approximately 19.4 acres in size. The property is presently zoned Residential, Single-Family (RSF-3.5) and has been designated as Public Lands and Facilities on the Future Land Use Map (FLUM). The proposed request would allow a 120 foot high monopole tower to be constructed in the southeastern portion of the school property south of the existing baseball field. The tower will be designed to accommodate up to five antennas for wireless providers and will be contained within a 50' x 50' 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 Midway Boulevard via the easterly parking lot access, 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(i) 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 on a 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.

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:	Single Family Residential	RSF-3.5	Low Density Residential
	Vacant Parkland	PKR	Parks & Recreation
South:	Single Family Residential	RSF-3.5	Low Density Residential
	Midway Park	PKR	Parks & Recreation
East:	Single Family Residential	RSF-3.5	Low Density Residential
West:	Single Family Residential	RSF-3.5	Low Density Residential

The proposed facility will be compatible with these surrounding land uses. The subject property is surrounded on all sides by existing roadways and the tower will setback approximately 340 feet from the nearest residence. 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:*

According to the attached letter provided by Verizon, there are no existing towers or structures located within the geographic search area that meet Verizon’s requirements. The attached propagation maps from Verizon show a major gap in wireless coverage in the area along Midway Boulevard between Elckam Boulevard and Kings Highway (CR 769).

**Narrative
(Exhibit E-2)**

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.

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 E-3)**



April 13, 2016

Office of Conservation Planning Services
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

RE: Request for Technical Assistance on Listed Species for a proposed communication tower in Port Charlotte, Florida.

Dear Sir or Madam,

Milestone Communications is proposing to construct a 120 foot unipole telecommunications tower on the campus of Port Charlotte Middle School (PCMS) located at 23000 Midway Boulevard in Port Charlotte, Florida. The project will be located in Section 14 of Township 40 South, Range 22 East (approximate Latitude 26.999 North, Longitude -82.075 West).

The tower will be set back a minimum of 120 feet from all surrounding properties under separate ownership and will be situated within a 30' x 30' fenced compound. The compound will be buffered in accordance with the requirements of the Charlotte County Land Development Regulations.

Johnson Engineering, Inc. is working with the applicant to obtain zoning and local landuse approval for the tower and they requested assurance from FWC that the project will not have an adverse effect on listed wildlife species.

Please find attached a project location map and a preliminary site plan depicting the proposed unipole tower and surrounding facility. As shown in the preliminary site plan, the proposed unipole tower is located approximately 70 feet south of the PCMS baseball field. A site visit to the project area on April 12, 2016 revealed that the vegetation in the project area is predominantly a maintained grass play field, with widely scattered slash pine and cabbage palm. No signs of wetlands were observed during the site visit.

Information from FWC and FWS GIS databases indicate that the project area is outside of the Panther Focus Area. The project is within the Consultation Area for Florida Bonneted Bat (FBB), but is approximately 3.1 miles west of the nearest FBB Focus Area. The project area is within the core foraging area for wood stork, but no wetlands will be impacted by the project. The FWC Online Eagle Nest Locator indicates that the nearest bald eagle nest (CH042) is located approximately 1.8 miles south of PCMS. Additionally, the Charlotte County GIS service Scrubjay Permit Boundary layer indicates that no permit is required in the project area. Finally, one osprey nest was observed on the existing unipole located southeast of the tennis courts, approximately 400 feet north of the proposed unipole location. Due to the high activity of PCMS and the ability for osprey to live in close proximity to human activities, the proposed unipole is not expected to have any adverse effect on the existing osprey.

July 19, 2016

Page 2 of 2

With this information along with the attached drawings, we request your concurrence that the proposed project will not adversely affect listed wildlife species.

If you have any questions, please do not hesitate to contact me.

Best Regards,



A. Gary Nychyk, Ecologist
(239) 461-2454

JEI # 20150229

**FWC Letter
(Exhibit F-2)**

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

Sent: Thursday, May 05, 2016 10:40 AM

To: Gary Nychyk <agn@johnsoneng.com>; Gary F. Muller <gfm@johnsoneng.com>

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

Subject: Port Charlotte Middle School Tower

Dear Mr. Nychyk :

Florida Fish and Wildlife Conservation Commission (FWC) staff received your firm's letter and site information regarding the Port Charlotte Middle School tower (23000 Midway Blvd., Port Charlotte, Florida). 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 further 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

Project 30785 Port Charlotte Middle School Tower

**FWC Reply
(Exhibit F-3)**



June 21, 2016

Charlotte County
Planning & Zoning Department
18500 Murdock Circle
Port Charlotte FL 33948

RE: Proposed Verizon Wireless Antenna Site -23000 Midway Blvd. Port Charlotte, Florida

To whom it may concern:

This letter is to affirm that the subject antenna site will comply with all Federal requirements relating its potential to interfere with communication facilities located nearby as well as the FCC rules governing the human exposure to radio frequency energy (OET 65 guidelines). As a licensed provider, Verizon Wireless shall comply with all FCC rules regarding interference to other radio services as well as all FCC rules regarding human exposure to radio frequency energy.

In addition, Verizon Wireless also complies with all FAA regulations including but not limited to, height restrictions, marking, lighting and interference. A complete regulatory compliance review is part of every site in the Verizon Wireless system. The proposed communication facility has passed all relevant Federal requirements and is thus certified not to interfere with other electrical systems as per established FCC regulations.

In summary, Verizon Wireless shall comply with all FCC and FAA rules regarding interference to other radio services and Verizon Wireless shall comply with all FCC rules regarding human exposure to radio frequency energy.

Verizon Wireless can be reached at (800) 264-6620 – 24 hours a day, 7 days a week for any concerns regarding radio frequency interference or emissions from this antenna site

Sincerely,

William Compton
Senior RF Design Engineer
Verizon Wireless

**Verizon
Engineer Letter
(Exhibit F-4)**



July 18, 2016

Charlotte County Airport Authority
2800 A-1 Airport Road
Punta Gorda, FL 33982

RE: Proposed Wireless Communication Facility
Charlotte County, Florida

Dear Sirs:

On behalf of our client, Milestone Communications, we are hereby providing you with notification that they will be filing an application for a Special Exception to construct a wireless communication facility. The facility will be located on the campus of Port Charlotte Middle School at 23000 Midway Boulevard in Port Charlotte, Florida.

Latitude: 26.999906
Longitude: -82.074952

They plan to construct a 120 foot high monopole tower and are requesting confirmation that the proposed structure will not be in violation of any height restrictions or other regulations for airport zones under the jurisdiction of the Charlotte County Airport Authority.

If you could please provide us with a letter of no objection within 30 days upon the receipt of this letter, it would be greatly appreciated. If you have any questions regarding the application you can contact me by phone at 239-461-2415 or by e-mail at gmuller@johnsoneng.com.

Thank you for your prompt response to this matter.

Sincerely,

JOHNSON ENGINEERING, INC.

Gary F. Muller, AICP
Principal Planner

cc: Leonard Forkas, Jr.
Robert Pritt

**Charlotte County
Airport Authority Letter
(Exhibit F-5)**



MEMORANDUM

Date: October 24, 2016
To: Ken Quillen, Planner III
From: Susie Derheimer, Environmental Specialist
Subject: SE-16-013, Milestone Communications, 23000 Midway Boulevard

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; and

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)

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