

**STAFF REPORT**

Planning & Zoning Commission: July 10, 2006

Board of County Commissioners: August 9, 2006

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**APPLICANT:** Landmark Baptist Church **FILE NUMBER:** H-06-75

**PURPOSE:** Public Service Facility Overlay District for a Communication Facility, including a tower and radio station

**GENERAL**

**LOCATION:** North side of Horn, approximately 850' west of Winter Street

**LEGAL**

**DESCRIPTION:** A portion of Lot 24, Potterfield Garden Acres, Section M, as per the plat thereof as recorded in Plat Book 5, Page 66 of the Public Records of Hernando County, Florida in Section 26, Township 22 South, Range 18 East

**FILE STATUS:** All requirements necessary to conduct the public hearing have been satisfied.

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Citizen correspondence received as of the date of this report? Yes  No

**STAFF FINDINGS:**

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AR-2	Mobile Home
South: C-2	Commercial
East: PDP(GC)	Undeveloped
West: AR-2	Undeveloped

**SUMMARY OF REQUEST**

The petitioner has submitted a request for a public service facility overlay district for a communication facility, namely a tower and radio station. The property is located on the north side of Fall Street, approximately 850' west of Winter Street.

**FACTUAL INFORMATION**

1. The property is currently zoned AR-2.
2. The property comprises approximately 1.5 acres.
3. There are two modular buildings and tower on the subject property.

4. The site does not appear to contain majestic and specimen trees.
5. The subject property has access from Fall Street.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil type are candler fine sands.
8. The property is located in a flood zone C.
9. The subject property is located in a WHPA 2, but there are no wetlands or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer capacity are available to serve the subject site.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The surrounding area is a mixture of mobile homes, commercial, commercial under development and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

#### **STAFF DISCUSSION**

The petitioner has submitted a request for a public service facility overlay district for a communication facility for a tower and radio station. The tower and associated radio station are currently in existence on the site.

The county's LDRs define communication towers as a structure, used for the purposes of elevating an antenna, placed on a foundation or existing structure and constructed to a given height for radio, television, microwave, cellular, personal communication services or radar or any similar communication purpose. For purposes of this ordinance, communication towers utilized for noncommercial use shall be excluded. The petitioner maintains that the tower is a noncommercial tower and has provided documentation from the FCC. The radio station is an accessory use to the tower; consequently, the PSFOD is necessary for the Communication Facility to include the tower and radio station. Public service facility uses and structures include the associated buildings for general administrative, executive, and studio uses.

The proposed radio tower is 121' tall (37 meters as per the petition). The County Airport has reviewed the request and indicated that the height of the tower is below the FAA threshold for lighting requirements and is not within the Airport influence zone. The Airport has no objection to the petition.

The Tower is located 129' from the western lot line, 79' from the north, 165' from the east and 146' from the south. The plan submitted indicates one building on the site which is being utilized as the radio station. During a site visit, staff observed two manufactured buildings on the site. There is no apparent designated parking area.

The Development Department has indicated that if the office is a modular, it must be a DCA unit. The petitioner would be required to provide paved parking at a rate of 4 spaces per 1000 square feet of area and meet all of the applicable LDRs.

There are capacity issues associated with SR 50. If the request is approved, the petitioner will have to obtain a certificate of concurrency during review of construction plans for commercial development. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time.

**FINDINGS OF FACT**

The subject property is located in an area with a mixture of mobile home, commercial and commercial under development, and undeveloped parcels.

The subject property is located on the cusp of commercial and residential land use classifications. The proposed use of the radio station is an office use. The residential land use designation would allow office professional uses with appropriate land use approvals; consequently the requested radio station would be consistent with the land use designation. The commercial land use category would allow commercial and office uses. It is the staff's opinion that the proposed use of a radio station would be consistent with the future land use designations and the development in the surrounding area.

The staff is of the opinion that the request for a public service facility overlay district for a communication facility including a radio station and tower is appropriate based on the following conclusions:

1. The public service facility overlay district would be compatible with the surrounding land uses.
2. The public service facility overlay district would be consistent with the Comprehensive Plan

**The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.**

**The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.**

**STAFF RECOMMENDATION:**

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # \_\_\_\_\_ approving the petitioner's request for a public service facility overlay district for a communication facility to include a tower and radio station with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, and complete all applicable development review processes.
2. The radio station building must meet all applicable commercial development standards.
3. The approval shall be limited to the radio station and tower as indicated in the application.

**P&Z RECOMMENDATION:**