

SPECIAL EXCEPTION USES

The Planning and Zoning Board, and Zoning Administrator, may authorize the special exception use from the provisions of § 158.260. In order to authorize any special exception use from the terms of this chapter, the Planning and Zoning Board, or Zoning Administrator, will consider the special exception criteria in § 158.260 and consider your responses to the following when making a determination.

(A) Please explain how adequate ingress and egress will be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or other emergency.

The communication tower and equipment will be accessed from US Highway 1 from the existing driveway entrance for the electric substation. The communication tower is an unmanned facility and only requires approximately one maintenance visit per month.

(B) Please explain how adequate off-street parking and loading areas will be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

The communication tower is an unmanned facility that only requires approximately one maintenance visit per month. There is ample room on the parent parcel for the maintenance vehicle.

(C) Please explain how adequate and properly located utilities will be available or will be reasonably provided to serve the proposed development.

Because the facility is unmanned, it does not require water or wastewater utilities. Additionally, there are adequate electric and fiber facilities on US Highway 1 for the proposed communication tower.

(D) Please explain how additional buffering and screening, beyond that which is required by the code, will be required in order to protect and provide compatibility with adjoining properties.

Applicant does not believe additional buffering and screening will be required for the communication tower and related facilities. There are existing trees and foliage along the border of the parent parcel that provides screening for the surrounding properties. Additionally, there is undeveloped South Florida Water Management District and HOA parcels abutting along the north, west, and southwest that provide screening and buffering for the closest residential development.

(E) Please explain how signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

The communication tower will not have signage and, based on the height of the tower, no lighting is required.

(F) Please explain how yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The parent parcel is located in a commercially developed area along US Highway 1, with commercial development to the south. Additionally, there are South Florida Water Management District and HOA owned parcels along the north, west, and southwest that buffer the proposed use and help ensure compatibility with the surrounding properties. Finally, the parent parcel is currently developed with an electric substation use that will remain, so the introduction of the communication tower is compatible with the existing use.

(G) Please explain how the use, as proposed, will be in conformance with all stated provisions and requirements of the City's Land Development Regulation.

See attached Exhibit A

(H) Please explain how establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the city.

See attached Exhibit A

(I) Please explain how the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

The proposed communication tower is an unmanned facility that only requires approximately one maintenance visit per month.

Additionally, the use does not generate noise or fumes. Therefore, the facility will not constitute a nuisance or hazard to the surrounding neighborhood.

(J) Please explain how the use, as proposed for development, will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access, location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

See attached Exhibit A

Signature of Applicant

James Johnston

Hand Print Name

8/14/24

Date

PLEASE NOTE:

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

EXHIBIT "A"

(G) Please explain how the use, as proposed, will be in conformance with all stated provisions and requirements of the City's Land Development Regulation.

Response: The City's Code permits communication towers in the General Use zoning category subject to special exception review and approval. The communication tower is required by Verizon Wireless in this area and at the proposed height in order to fill an existing service coverage and capacity gap. The proposed tower will be a monopole design, which is generally considered to have less visual impact than a guyed or self-support towers. The Code permits communication towers in the General Use zoning category up to 300', so the proposed tower is only one-half of the permissible height. Additionally, the Code's special exception requirements are meant to protect the surrounding property owners from potential impacts of the communication tower use. The proposed communication tower is being located on a FP&L existing electric substation site along US Highway 1, and that use will remain. The communication tower is compatible with the electric substation use and the general commercial development along US Highway 1 in the surrounding area. Additionally, the parcels surrounding the FP&L property include: (i) existing commercial development that also fronts on US Highway 1 to the south, (ii) US Highway 1 to the east, (iii) undeveloped property owned by the South Florida Water Management District to the north, and (iv) platted preservation and conservation property owned by the Midport Crossing Association, Inc. to the west. Therefore, the proposed communication tower's location and design will be in conformance with the applicable provisions and requirements of the Land Development Regulations.

Applicant is requesting approval to locate the proposed communication tower 15' from the rear property line instead of meeting the 25' GU rear setback. Although there will be a reduced rear setback, the tower's location will not negatively impact the abutting parcels. First, the parcels abutting both the north and west property lines are undeveloped and will remain undeveloped. The property to the north is owned by the South Florida Water Management District, and the property to the west is a platted preservation and conservation property owned by the Midport Crossing Association, Inc. Second, the communication tower will be owned by FP&L and will be designed and constructed to the same standards as an FP&L electric transmission structure. As such, it is designed to withstand winds associated with Category 5 hurricanes, and FP&L has not had any of its dual-use transmission structures break or fall due to hurricane force winds.

Applicant is also requesting to not provide a certified fall zone for the communication tower. As mentioned above, FP&L will design and construct the communication tower as an electric transmission structure. Based on the communication tower's proximity to the existing electric substation, it is not designed with a "weak point" to provide for an engineered fall zone. Instead, as indicated above, it is designed and constructed as an FP&L transmission structure to withstand winds associated with Category 5 hurricanes.

Applicant is additionally requesting to not provide fencing around the communication tower, although fencing meeting the Code requirements will be provided around Verizon's ground

equipment. Because the communication tower will be designed as a FP&L transmission structure, FP&L does not permit any walls, fencing, or other permanent structures around the tower that could provide a climbing aid into the adjacent substation or onto the tower. The communication tower will not have any pegs or climbing ladder attached. Verizon will access its antennas at the top of the tower using a crane and basket.

(H) Please explain how establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

Response: Please see response to (G) above regarding how the location and design of the proposed communication tower will help to buffer residents and workers in the surrounding area. Additionally, the communication tower will improve Verizon Wireless' coverage and capacity in the area for residents and workers. This improved service is not only important for the convenience of the residents and workers, but is also important for their health, safety, and welfare. Over 80% of all 911 calls are now made from wireless devices, so having improved coverage and capacity in the area will directly benefit the residents and workers. Moreover, the improved coverage and capacity will help to improve E911 Phase II.

(J) Please explain how the use, as proposed for development, will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access, location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

Response: Please see responses to (A) – (I) above.