



LAKE COUNTY

DEPARTMENT OF
GROWTH MANAGEMENT
Planning & Community Design Division

2/6/2008

SHERYL DENAN
606 BARCELONA CT
SATELLITE BEACH, FL 32937-

Re: Project No. 2007120009, Application No. 1063

Description: OCALA NATIONAL FOREST TOWER EXTENSION
CONDITIONAL USE PERMIT AMENDMENT TO EXTEND TOWER HEIGHT

Dear SHERYL DENAN:

Your **Site Plan** application has been reviewed by the Development Review Staff. Review comments are attached. All comments must be satisfied by the applicant prior to receiving a staff approval or being placed on a Public Hearing agenda.

Please respond to comments in the following manner:

1. **Submit fifteen (15) legible, signed and sealed sets of plans. (19 sets if within Clermont JPA)**
 - Revised sheets shall have revision dates in the title block.
 - Plan revisions must be either circled or their location indicated in the written response letter.
2. **Provide a written response to all comments.**
3. **All plans shall provide a space five (5) inches by six (6) inches on the front page of each set of submittals to be used for the County approval stamp.**
4. **Plan revisions submitted thirty (30) days after the DRS meeting will result in a \$100 Plan Revision fee.**
5. **When all requested information has been received, it will be circulated to the DRS staff for review.**

The Development Review Staff will then review revised plans and responses to comments for compliance with the appropriate Land Development Regulations and Comprehensive Plan. This review will be completed within fifteen (15) days of receipt of all required information and you will be notified of the results of the review.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Development Review
Division of Planning and Community Design
(352) 343-9739

P.O. BOX 7800 • 315 W. MAIN ST., TAVARES, FL 32778 • P 352.343-9739 • F 352.343-9816
Board of County Commissioners • www.lakecountyfl.gov

JENNIFER HILL
District 1

ELAINE RENICK
District 2

DEBBIE STIVENDER
District 3

LINDA STEWART
District 4

WELTON G. CADWELL
District 5

Project No. 2007120009, Application Request No. 1063

PLANNING & COMMUNITY DESIGN DIVISION KAREN ROSICK-352-343-9739

Rejection Comments

Item:

Remarks:

Informational Comments

Item: Please see attached draft staff report and Ordinance.

Remarks:

Review Status: COMPLETE

PUBLIC WORKS DEPT. - ROSS PLUTA (352) 483-9041

Rejection Comments

Item:

Remarks:

Informational Comments

Item:

Remarks:

Review Status: COMPLETE

FIRE - BRIAN HAWTHORNE (352) 343-9653 EXT. 5788

Rejection Comments

Item:

Remarks:

Informational Comments

Item:

Remarks:

Review Status: COMPLETE

HEALTH DEPT. - MARCELO BLANCO (352) 253-6130

Rejection Comments

Item:

Remarks:

Informational Comments

Item: CUP ONLY

Remarks: 02/05/08 - Application is for CUP only and does not propose any plumbing. - MJB-

Review Status: COMPLETE

ENVIRONMENTAL REVIEW- JENNIFER COTCH (352)343-9739

Rejection Comments

Item:

Remarks:

Informational Comments

Item:

Remarks:

Review Status: COMPLETE

CONCURRENCY - DEVELOPMENT REVIEW

Rejection Comments

Item:

Remarks:

Informational Comments

Item:

Remarks:

Review Status: CANCEL

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS APPLICATION FOR CONDITIONAL USE PERMIT

LAKE COUNTY ZONING BOARD
March 5, 2008



BOARD OF COUNTY COMMISSIONERS
March 25, 2008

Case: CUP #	Case Manager: Karen Rosick	Agenda Item #
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- Application Request -

Owner:	Richard Slaughter (the "Owner")	Applicant:	Verizon Wireless c/o Sheryl Devan (the "Applicant")
Future Land Use:	Public Resource Lands	Zoning District:	Agriculture
Land Use Density:	n/a	Zoning Density:	1 dwelling unit / 5 acres

Requested Action: The Applicant is requesting an Conditional Use Permit, in the Agriculture Zoning District and is requesting a Conditional Use Permit to allow for a height extension of 7-feet to an existing 250-foot wireless telecommunication tower and to revoke CUP#00/1/2-4 allowing the existing 250-foot wireless telecommunication tower.

- Site Information -

Size of Parcel: 0.68 acres

Map Location: Section 30 - Township 15S - Range 27E

Location: Astor area - North Lake County – Ocala National Forest generally located on SR 40 and SR 19. AK # 3788976

Joint Planning Area: N/A

Utility Area: N/A

Site Utilities: N/A

Road Classification: SR 40 & SR 19 - Collector

Site Visit: January 08, 2008 **Sign(s) Posted:** (1) February , 2008

Commissioner's District: 5 (Cadwell)

Flood Zone: X

SURROUNDING LAND USE		SURROUNDING ZONING	
NORTH	Public Resource Lands	NORTH	Agriculture
SOUTH	Public Resource Lands	SOUTH	Agriculture
EAST	Public Resource Lands	EAST	Agriculture
WEST	Public Resource Lands	WEST	Agriculture

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the request of a Conditional Use Permit to allow for a height extension of 7-feet to an existing 250-foot wireless telecommunication tower.

ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting an amendment of a Conditional Use Permit, in the Agriculture Zoning District, to allow for a height extension of 7-feet to an existing 250-foot wireless telecommunication tower.

The subject parcel is approximately 0.63 acres in size, zoned Agriculture and is located in the Public resource Lands Future Land Use Category (FLUC).

Based on these findings, staff supports this and offers a recommendation of **APPROVAL** of the request of a Conditional Use Permit to allow for a height extension of 7-feet to an existing wireless telecommunication tower.

- Findings of Fact -

According to the Lake County Land Development Regulations, Section 14.05.03, Standards for Review, in reviewing the application for a Conditional Use Permit, the Lake County Zoning Board and the Board of County Commissioner's shall consider:

A. Consistency with the Comprehensive Plan and Local Code (Land Development

Regulations).

The application is consistent with Land Development Regulations (LDR) Table 3.01.03, Schedule of Permitted and Conditional Uses, allowing a wireless telecommunication towers in the Agriculture Zoning District as a permitted use.

B. Effect on Adjacent Properties.

- 1. The proposed conditional use will not have an undue adverse effect upon nearby property.**

No evidence has been submitted that would deem this request as having an adverse effect on adjacent properties.

- 2. The proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.**

The proposed amendment is consistent with the land use patterns in the area. The subject site currently contains a wireless telecommunication tower and is surrounded by undeveloped Agriculture Zoning in the Ocala National Forest.

- 3. All reasonable steps have been taken to minimize any adverse effect of the proposed conditional use on the immediate vicinity through design, landscaping, and screening.**

As previously stated, the subject site currently contains a wireless telecommunication tower and is surrounded by undeveloped Agriculture Zoning in the Ocala National Forest.

- 4. The proposed conditional use will be constructed, arranged, and operated so as not to interfere with the development of the neighboring property, in accordance with applicable district regulations.**

The height increase of (7) feet to the existing wireless telecommunication tower will not interfere with the development of neighboring property.

C. Adequacy of Public Facilities.

The proposed conditional use will be served by adequate public facilities including but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, park and recreation, schools, and fire and emergency medical facilities. Levels of service established by the Comprehensive Plan shall be considered.

A higher demand on public facilities is not anticipated since this is an existing use.

D. Adequacy of Fire Protection.

The applicant shall obtain from the Lake County Emergency Services Division written confirmation, or has otherwise demonstrated by substantial credible evidence, that water supply, evacuation facilities, and emergency access are satisfactory to provide adequate fire protection.

The subject parcel is located within (7) miles of Fire Station #10, a 24-hour manned station. Response time for this station is estimated at five (5) to ten (10) minutes.

FINDINGS OF FACT:

Staff has reviewed the application for the proposed conditional use and found:

1. The application is consistent with Section 3.01.03, Schedule of Permitted and Conditional Uses which allows wireless telecommunication towers in the Agriculture Zoning District.

Therefore, based on these Findings of Fact, staff recommends **Approval** of the requested conditional use.

WRITTEN COMMENTS FILED: Supportive -0-

Opposition: -0-

FINAL ACTION BCC:

**ORDINANCE #2008-
Richard Slaughter
Verizon Wireless
CUP#**

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.

This Conditional Use Permit is granted by the Board of County Commissioners of Lake County, Florida, on this 25th day of March, 2008, to **Richard Slaughter** ("Permittee") for the purpose, terms, and conditions as set forth herein pursuant to authority contained in Chapter XIV of the Lake County Land Development Regulations, Ordinance #2008-, as amended.

Background: The Permittee is requesting a Conditional Use Permit on property in the Agriculture Zoning District with the Future Land Use Category of Public Resource Lands to allow an extension of 7 feet to an existing 250-foot existing wireless telecommunication tower with normal accessory uses related thereto. This **CUP#** granted on the 25th day of March, 2008, shall supersede CUP#00/1/2-4.

Section 1. Permission

Permission is hereby granted to the **Richard Slaughter** to utilize such property for the purposes requested, a 257-foot wireless telecommunication tower and normal accessory uses related thereto, in and on real property in Lake County. The property is located on 0.68 +/- acres of property located at 18615 NFS Rd., specified by Alternate Key # 3788976, within Section 30, Twp. 15S Rge. 27E, and described on Exhibit "A" as attached

LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]

NOW, THEREFORE, BE IT RESOLVED BY THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

1. Permission is hereby granted to **Richard Slaughter** for the extension of .7 feet in height to an existing 250-foot wireless telecommunication tower and normal accessory uses related thereto in and on real property in Lake County. The property is located in the Astor area/ North Lake County – From the intersection of SR 19 and SR 40; Property located E of SR 19 and approximately ¼ mile S of SR 40.(Sec 30 Twp. 15S Rge. 27E) (AK#3788976)
2. Terms: This Ordinance shall mean and include the total of the following land uses as included herein. The County Manager or designee shall amend the Lake County Zoning Map to reflect a CUP in Agriculture Zoning and shall supersede CUP#00/1/2-4, in accordance with this ordinance and the following conditions,

A. Land Uses:

1. Use of the site shall be limited to a 257-foot self supporting tower, and those uses of the agriculture zoning district.
2. Normal accessory uses related thereto may be approved by the County Manager or designee. Any other use of the site shall require approval of an amendment by the Board of County Commissioners.

B. Lighting/Operating:

1. All lighting shall be arranged to direct light away from adjacent residences and rights-of-way. Dual mode lighting would be utilized with strobe light by day and a non-flashing red beacon light.
2. Tower shall be continuously lighted and shall have FAA or FDOT approval, designed by a registered, licensed engineer in the State of Florida in accordance with the standard building code requirements, design calculations and foundation documents used in construction must be signed and sealed by a registered licensed engineer in the State of Florida.
3. The tower shall be required to be located or engineered as in the event of a collapse the tower will not interfere with any public right-of-way or adjacent properties.
4. The applicant shall comply with the "Separation between Towers" requirements as outlined in Section 3.13.09 of the Lake County Land Development Regulations, as amended.

C. Inspection:

An inspection will be conducted annually by Code Enforcement Division. An annual inspection Fee will be assessed. If an inspection is necessary during non-working hours an emergency inspection fee shall also be assessed.

D. Buffering and Screening:

The applicant shall provide and maintain adequate buffering in accordance with Section 3.13.11 of the lake County Land Development Regulations, as amended.

E. Future Development Orders

Any requested development order must comply with the Lake County Land Development Regulations, as amended, and Lake County Comprehensive Plan, as amended.

F. Future Amendments to Statutes, Code, Plan and/or Regulations:

The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations shall include any future amendments to the Statutes, Code, Plan, and/or Regulations.

G. Development Review and Approval: Prior to the issuance of any permits, the applicant shall be required to submit formal site plans for review and approval by the Lake County Development Review Staff. The site plan shall meet all submittal requirements and comply with all County codes and Ordinances as amended.

H. After establishment of the facilities, as provided herein, the aforementioned property shall be used only for the purposes named in this Ordinance, unless a proposed use meets every requirement of the zoning district in which the property is located. Any other proposed use must be specifically authorized by the Board of County Commissioners.

3. Additional conditions of this permit shall mean:

A. In the event of failure of the Permittee to: fulfill development in substantial accordance with the plans as submitted to the Planning and Zoning Commission and the Board of County Commissioners; comply with the codes of the governmental agencies having lawful and appropriate jurisdiction thereon; or comply with any of the terms of the Conditional Use Permit, the permit may be revoked after due Public Hearing before the Planning and Zoning Commission and the Board of County Commissioners.

B. This Conditional Use Permit shall inure to the benefit of, and shall constitute a covenant running with the land; and the purpose, terms, and conditions contained herein shall be binding only upon the person(s) listed herein.

C. In addition to any other remedy by law, any breach in any of the terms or conditions of this permit or any default in the part of the Permittee shall be deemed a material breach hereof, and this Ordinance for a Conditional Use Permit may be canceled or revoked. Cancellation or revocation of this Permit may be instituted by the County or Planning and Zoning Commission. The County Manager or designee shall set this matter for Public Hearing before the Planning and Zoning Commission giving the same notice as provided in Chapter XIV of the Lake County Land Development Regulations, as amended.

- E. Construction and/or operation shall have begun within twelve (12) months. Otherwise, this permit shall be null and void and the Permittee shall reapply for Public Hearing before the Planning and Zoning Commission and the Board of County Commissioners. Provided the operation has begun within the period specified, this permit shall be inspected by the Code Enforcement Division at the end of the twelve (12) month period to ensure compliance with the conditions of this CUP.
4. Severability: If any section, sentence, clause, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance.

Section 5. Effective Date

This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2008.

FILED with the Secretary of State _____, 2008

EFFECTIVE _____, 2008

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA

WELTON G. CADWELL, CHAIRMAN

ATTEST:

Neil Kelly, Clerk of the
Board of County Commissioners
Lake County, Florida

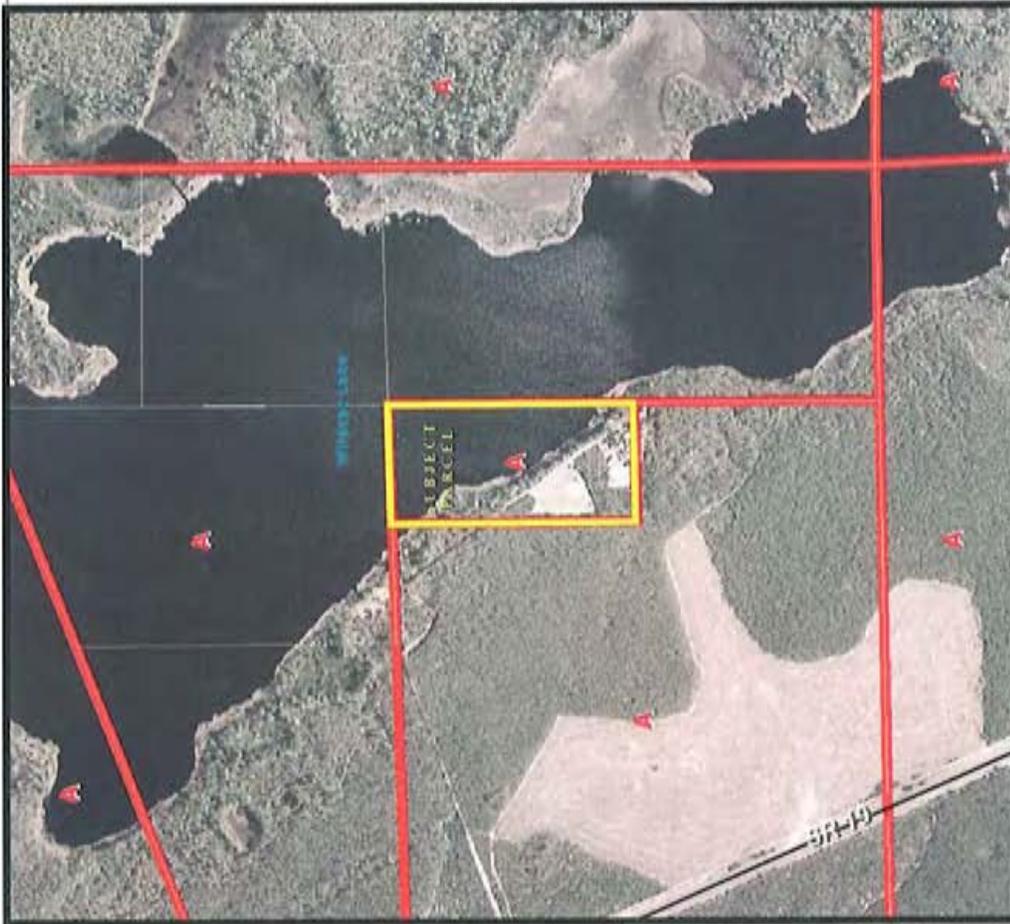
APPROVED AS TO FORM AND LEGALITY:

SANFORD A. MINKOFF, County Attorney

EXHIBIT "A"

LEGAL DESCRIPTION:

LEGAL DESCRIPTION: E 1/2 of NW 1/4 of SE 1/4, From NW cor of E 1/2 of SW 1/4 of SE 1/4 run N 88 deg. 50' 30" E 334 ft for POB, continue N 88 deg. 50' 30" E 312.385 ft to NE cor of SW 1/4 of SE 1/4 S 0 deg 13' 00" E 67.195 ft, N 86 deg 08' 28" W 310.855 ft, N 3 deg 28' 14" W 40.035 ft to POB. (Sec 30 Twp. 15S Rge. 27E)



CURRENT ZONING
AGRICULTURE

**Ocala National Forest
Tower Extension
Verizon Wireless**

CASE NO.
CUP#

CASE LOCATION:
30-15-27

REQUESTING:
CUP AMENDMENT

ZONING

LAND USE

SUBJECT PARCEL



ADOPTED FUTURE LAND USE
PUBLIC RESOURCE LANDS

MAP COMPOSITION:
JANUARY 9, 2008

FOCUS AREA

LAKE COUNTY
FLORIDA

RELIEF SOURCE:
Lake County GIS Department, November, 2007 Aerial Photography, Contour Lines, and Map production contributions of the County Administration Department, Planning and Community Growth Department, and Lake County GIS Department.

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