



Village of Palmetto Bay
Florida

STAFF ANALYSIS

FILE: VPB 19-008

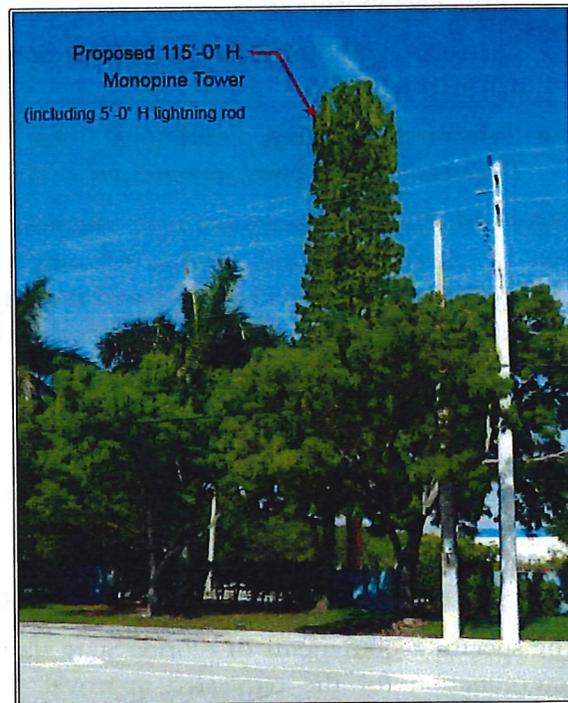
HEARING DATE: November 18, 2019

APPLICANT: Eco-site II, LLC

COUNCIL DISTRICT: 2

REQUEST:

The request is to grant a conditional use approval to permit the construction and operation of a new, camouflaged 115-foot high monopole wireless telecommunication tower at 16051 South Dixie Highway in the Business District (B-2) zoning district. The site is a 0.06 acre (2,441 square-foot) parcel of land behind the primary structures of the shopping center which is comprised of 17.92 acres of land. A camouflaged monopole antenna is defined by the Village code as a freestanding antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation, designed to support itself without the use of guy wires or other stabilization devices. Camouflaged means a facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure in a manner that makes it not readily identifiable as a personal wireless services facility. [§30-60.30(b) of the Village of Palmetto Bay code]



*Photo simulation of camouflaged monopole tower ("Monopine")
viewed from SW 92nd Avenue – source: applicant*

The requested conditional use approval would include the permit for the use of the wireless telecommunication tower, as permit or the requested height of 115 feet and would require maintenance of all conditions of approval written into development order (resolution). Permits and conditions will be in a legal form that runs with the use and the land. The applicant's tenure of the land on which the application is made is a 30-year lease that began in May 2019.

BACKGROUND:

Village of Palmetto Bay Regulatory Requirements:

The conditional use request is made pursuant to §30-30.4(a), *Conditional Use Approval*; and §30-60.30, *Telecommunications Towers, Antennas and Satellite Dishes* of the Village of Palmetto Bay code. The general purpose of a conditional use as defined in §30-30.4(a),

- issued after a quasi-judicial hearing
- only permitted on specific sites where the proposed use may be adequately accommodated without generating material adverse impacts on properties and land uses within the immediate vicinity
- the immediate vicinity shall be defined as the radius of required mailed notice (500-ft)
- A conditional use is one that would not be appropriate without restriction throughout the land use district, but which, if controlled as to the area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity of the neighborhood.
- The section sets forth the procedures and criteria for approval which are analyzed in this staff report
- Telecommunications conditional uses shall additionally comply with §30-60.30, *Telecommunications towers, antennas and satellite dishes*.

§30-60.30, *Telecommunications Towers, Antennas and Satellite Dishes* establishes the requirement that any new commercial wireless telecommunication facility, including towers supporting commercial antennas shall be reviewed and approved by the Village Council, during a public hearing based upon the criteria established in the section.

Along with the conditional use request, the development order sought would include approval of the site plan, pursuant to §30-30.5, *Site Plan Approval*; §30-50.17, B-2, *Business District*; and §30-60.30, *Telecommunications Towers, Antennas and Satellite Dishes* of the Village of Palmetto Bay code. The criteria of these sections is combined and analyzed together in this staff report.

State of Florida Statute Requirements in Addition to Village Code:

The specific requirements of Florida State statutes should also be considered for hearing and determination for the requested approval. Of particular importance to the process and decision making framework are requirements in §365.172 F.S. *Regulation of Wireless Facilities – State Statutes, D. “Land development regulation provisions and review of applications for wireless facilities”*, which in paragraph 1. limits the zoning review to only land development an zoning issues and criteria, and contains the following language pertinent to this issue:

§365.172 1. only to address land development or zoning issues.

- a) “A local government’s land development and construction regulations for wireless communications facilities and the local government’s review of an application for the placement, construction, or modification of a wireless

- communications facility shall only address land development or zoning issues.” (§365.172(12)(b)1., Florida Statutes)
- b) “In such local government regulations or review, the local government may not require information on or evaluate a wireless provider’s business decisions about its service, customer demand for its service, or quality of its service to or from a particular area or site, unless the wireless provider voluntarily offers this information to the local government.” (§365.172(12)(b)1., Florida Statutes)
 - c) “In such local government regulations or review, a local government may not require information on or evaluate the wireless provider’s designed service unless the information or materials are directly related to an identified land development or zoning issue or unless the wireless provider voluntarily offers the information.” (§365.172(12)(b)1., Florida Statutes)
 - 1) “Information or materials directly related to an identified land development or zoning issue may include, but are not limited to, evidence that no existing structure can reasonably be used for the antennae placement instead of the construction of a new tower, that residential areas cannot be served from outside the residential area, as addressed in subparagraph 3., or that the proposed height of a new tower or initial antennae placement or a proposed height increase of a modified tower, replacement tower, or collocation is necessary to provide the provider’s designed service. Nothing in this paragraph shall limit the local government from reviewing any applicable land development or zoning issue addressed in its adopted regulations that does not conflict with this section, including, but not limited to, aesthetics, landscaping, land use based location priorities, structural design, and setbacks.” (§365.172(12)(b)1., Florida Statutes)

The Federal Telecommunications Act of 1996:

The Federal Telecommunications Act of 1996 was the first significant overhaul of telecommunications law since the Communications Act of 1934. The Act includes seven titles; with Title VII, Section 704 of covering facilities siting and radio frequency emission standards.

Section 704(a) of the 1996 Act amends Section 332(c) of the Communications Act ("Mobile Services") by adding a new paragraph (7). It preserves the authority of state and local governments over decisions regarding the placement, construction, and modification of personal wireless service facilities, except as provided in the new paragraph (7). Exceptions include:

a. States and Localities May Not Take Discriminatory or Prohibiting Actions

Section 704(a) of the 1996 Act states that the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services. 47 U.S.C. §332(c)(7)(B)(i).

Review: Any person that is adversely affected by a state or local government's action or failure to act that is inconsistent with Section 332(c)(7) may seek expedited review in the courts. 47 U.S.C. §332(c)(7)(B)(v).

b. Procedures for Ruling on Requests to Place, Construct or Modify Personal Wireless Service Facilities

Section 704(a) also requires a State or local government to act upon a request for authorization to place, construct, or modify personal wireless service facilities within a reasonable time. Any decision to deny a request must be made in writing and be supported by substantial evidence contained in a written record. 47 U.S.C. §332(c)(7)(B)(ii), (iii).

c. Regulations Based On Environmental Effects of RF Emissions Preempted

Section 704(a) of the 1996 Act expressly preempts state and local government regulation of the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions. 47 U.S.C. §332(c)(7)(B)(iv).

Review: Parties may seek relief from the FCC if they are adversely affected by a state or local government's final action or failure to act that is inconsistent with this provision. 47 U.S.C. §332(c)(7)(B)(v).

There are legal interpretations that reference to the FCC compliance denotes that local governments can't even discuss, much less consider, adverse health impacts, so as long as the cell tower and antennas are compliant with FCC regulations. This must be confirmed with the Village Attorney or designee.

PROPOSED RESOLUTION

An ordinance of the Mayor and Village Council of the Village of Palmetto Bay, Florida, relating to zoning; granting conditional use approval in a Business District - Special (B-2) zone for a telecommunication tower, pursuant to Section 30-30.4 Conditional Use and Section 30-60.30 Telecommunication Towers, Antennas and Satellite Dishes; and request for approval of a site plan for the installation of a camouflaged 115-foot wireless communication monotower, on a 2,441 square-foot parcel located in the southeast portion of the 17.92-acre shopping center located at 16051 South Dixie Highway, zoned Business District (B-2) pursuant to Section 30-30.5 Site Plan Approval; and Section 30-50.17 B-2, Business District.

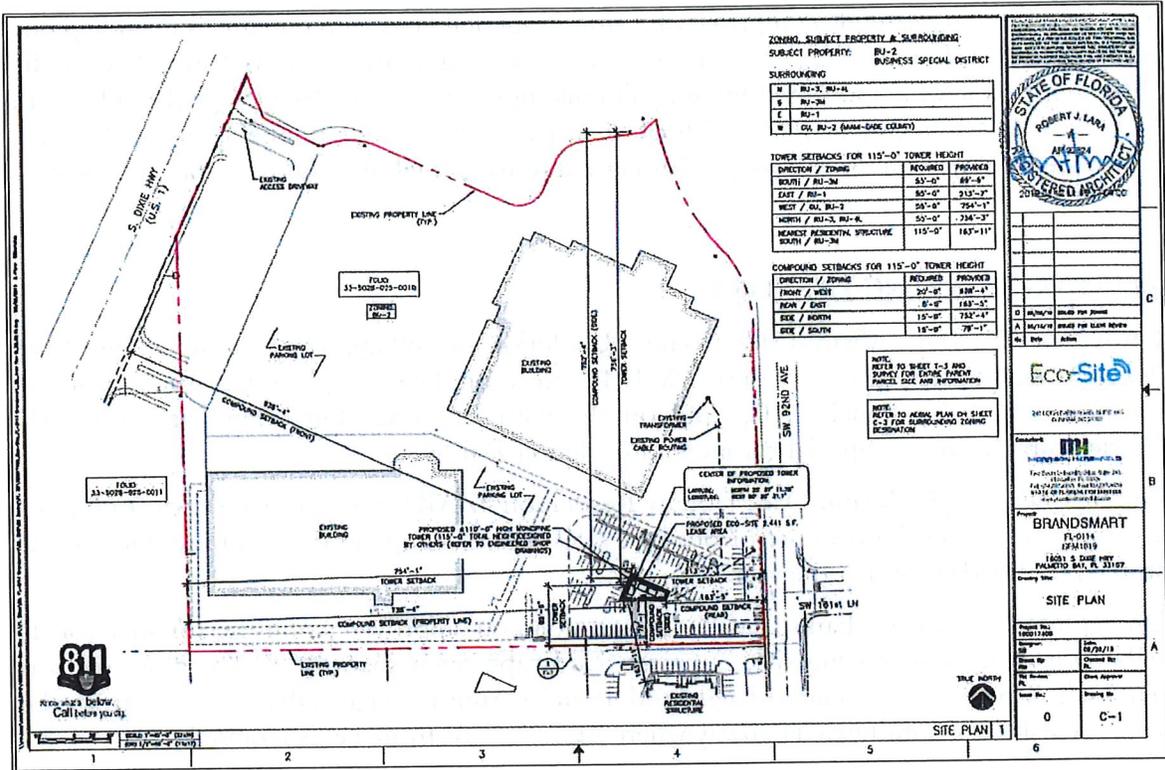
PROJECT AND SITE DESCRIPTION

The proposed site for the 115' tall, camouflaged monopole antenna is in the vicinity of the southeast corner of the shopping center at 16051 South Dixie Highway, located in a triangle of vegetated land within the rear parking lot area. Table 1 contains general site data. The aerial exhibit on the following page shows the site location which will be secured by a locked fence.

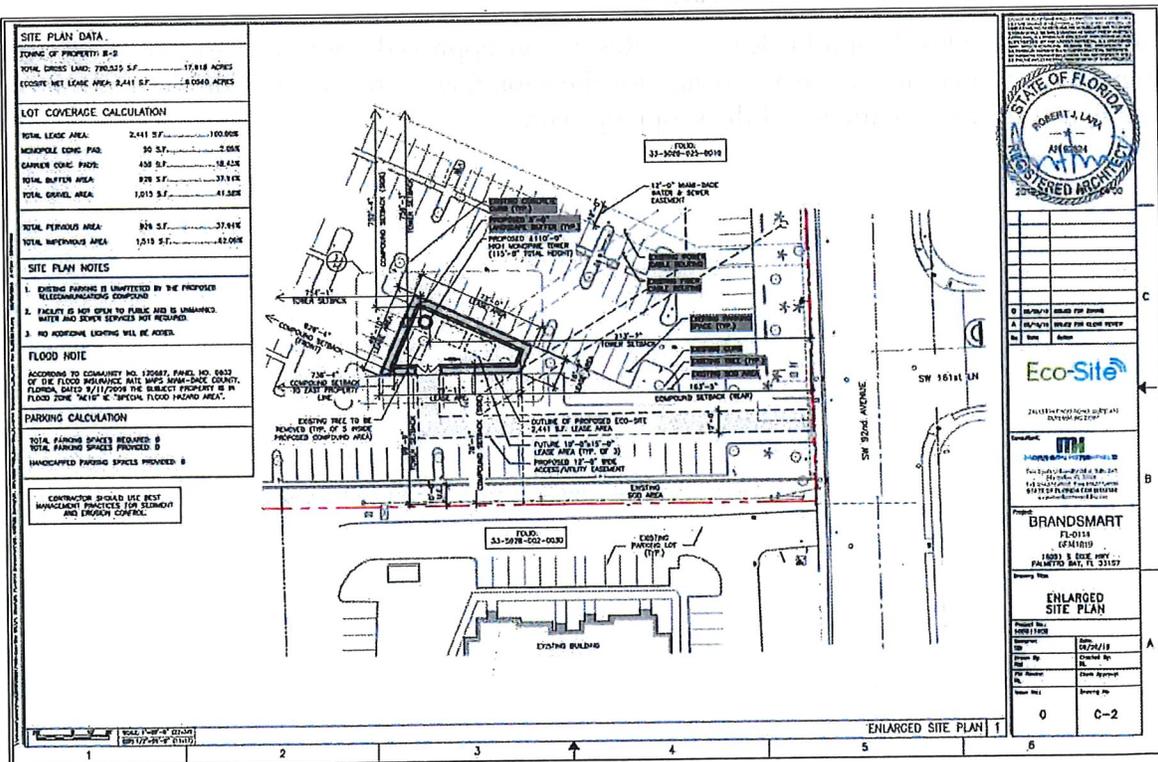
**Table 1
 Site Plan Data**

	Required	Entire Site	Eco-Site II Lease
Address		16051 South Dixie Highway	
Folio		33-5028-025-0010	
Lot Area	30,000 s.f. min.	17.92 acres	0.056 acre (0.3%)
Occupancy	0.40 at 1 story to 0.80 FAR at 5 stories	251,061 s.f. retail space	monopole
Lot Coverage	40% max.	32.2%	0
Year(s) Built		1969, 1991	proposed
Parking Spaces	1,038	1,579	0
Zoning District	B-2	B-2	B-2
Height Permitted	75 ft.	56 feet	115 ft*
Principal Structure Setback, Front	25 ft.	25 ft. (BK)	-
Principal Structure Setback, Interior Side:			
- adjacent to a business district	0 ft.	n.a.	-
- adjacent to a residential district	15 ft.	70 ft.	-
Principal Structure Setback, Street Side	15 ft.	90 ft.	-
Principal Structure Setback, Rear	20 ft.	60 ft.	-
Distance between Principal Buildings	20 ft.	75 ft.	-
Accessory Structure Setback, Front	75 ft.	-	754'-1"
Accessory Structure Setback, Interior Side	7½ ft.	-	756'-3"; 99'-9"
Ancillary Structure Setback, Street Side	15 ft.	-	213'-7"
Ancillary Structure Setback, Rear	5 ft.	-	213'-7"
Distance between Structures	10 ft.	-	140'

* by conditional use approval



Site Plan



Enlarged Site Plan showing antenna and antenna compound

The overall site is currently comprised of 2 large retail buildings with outparcels including one fast food establishment with a drive through and a gas station. In its current form, they are the shopping center which included three retail buildings comprising 101,745 s.f. (BrandsMart); 52,625 s.f. (LA Fitness); 44,436 s.f. (Marshall's); a 738 s.f. gas station (Shell); and a 2,911 fast service restaurant with drive-through (Burger King) for a total of 251,061 s.f. on 17.92 acres.

ZONING HEARING HISTORY

On January 31, 1969, Miami-Dade County Resolution Z-6-69 approved the rezoning of the 24.9-acre site, bound on the south by SW 164th Street, on the east by SW 92nd Avenue, on the north and west by Canal C-100, and on the west by South Dixie Highway from AU (Agricultural) to BU-2 (Special Business). Resolution Z-6-69

On October 3, 1974, Miami-Dade County Resolution 4ZAB47874 approved with conditions a variance to waive the conduct of outdoor sales under canopy at the front entrance of the store(s) on holidays during the year.

On September 4, 1991, Miami-Dade County Resolution approved a non-use variance for: 1) setback for the Burger King site; 2) permit landscape open space of 12.4% where 14% is required; 3) permit a 3rd detached sign; and 4) and permit the sign setback of 130' from the south side along South Dixie Highway where 219' (30% of frontage) is required.

On October 4, 1999, Miami-Dade County Resolution approved a non-use variance to relocate an existing pylon sign in order to facilitate redesign of the south entrance with a 600-foot deceleration lane to enhance traffic safety.

On March 14, 2001, Miami-Dade County Resolution approved a non-use variance of signage regulations to permit a 5th detached sign for the shopping center, along with the removal of the sign at the north entrance of the shopping center.

NEIGHBORHOOD CHARACTERISTICS

Village of Palmetto Bay 2025 Future Land Use Map (FLUM) and Comprehensive Plan

Subject Property FLUM Designation

Business and Office (red)

Surrounding Properties

North:

Business and Office (red)

South:

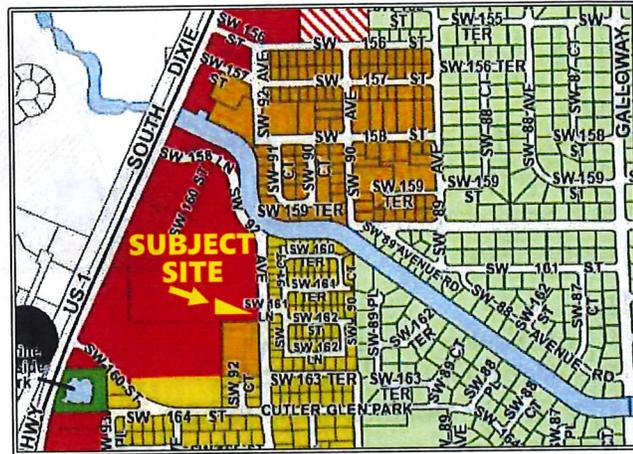
Low-Medium Density Residential (orange)

East:

Low Density Residential (yellow)

West:

Business and Office (red)



Excerpt of Village of Palmetto Bay adopted Future Land Use Map

The Business and Office category “accommodates the full range of sales service activities including retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, theaters, medical buildings, nursing homes, entertainment and cultural facilities, amusement and commercial recreation establishments (such as private commercial marinas). These uses may occur in self-contained centers, high rise structures, campus parks and municipal centers business districts. The specific range and intensity of uses appropriate in BO areas vary by location as a function of such factors as availability of public services, roadway access and neighborhood compatibility. Special limitations may be imposed on uses in BO where necessary to protect environmental resources including wellfield protection areas. Through the assignment of zoning districts and special conditions, the specific range and intensity of uses appropriate for a specific site will be determined. Strip commercial shopping centers with inadequate lot depth, which allow only a single row of commercial structures and parking in front, are discouraged in this designation. The floor area ratio (FAR) is 0.4 for the first story, plus 0.11 for each additional story up to six (6) stories.

Mixing of residential use with commercial, office, and hotels is also permitted in BO areas provided that the scale and intensity is not out of character with adjacent nearby development, and the project does not negatively affect any area neighborhoods. Where these conditions are met, residential density may be approved up to one density category higher than the average land use density of adjacent parcels. If no residentially-designated parcels exist adjacent to a BO parcel or no higher density categories exist on the Village FLUM, the maximum density allowed shall be 13.0 units per gross acre.” *(excerpt from Village of Palmetto Bay adopted Comprehensive Plan)*

Zoning District

Subject Property Zoning District

B-2, Business District (red hatch)

Surrounding Properties

North:

B-2, Business District (red hatch)

South:

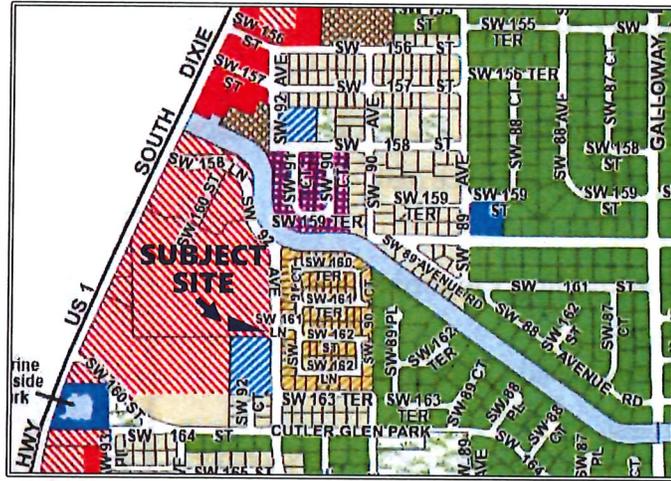
- R-3M, Minimum Apartment House (blue hatch)
- R-1, Single-Family Residential District (tan)

East:

- R-1M, Modified Single-Family Residential District (orange hatch)
- E-M, Estate Modified Single-Family (green)

West:

B-2, Business District (red hatch)



Excerpt of Village of Palmetto Bay Zoning Map

“The purpose of the B-2 District, is to provide for large scale commercial and/or office facilities that service the needs of the village's urban areas.” (§30-50.17, B-2, Business District”, *Village of Palmetto Bay code*).

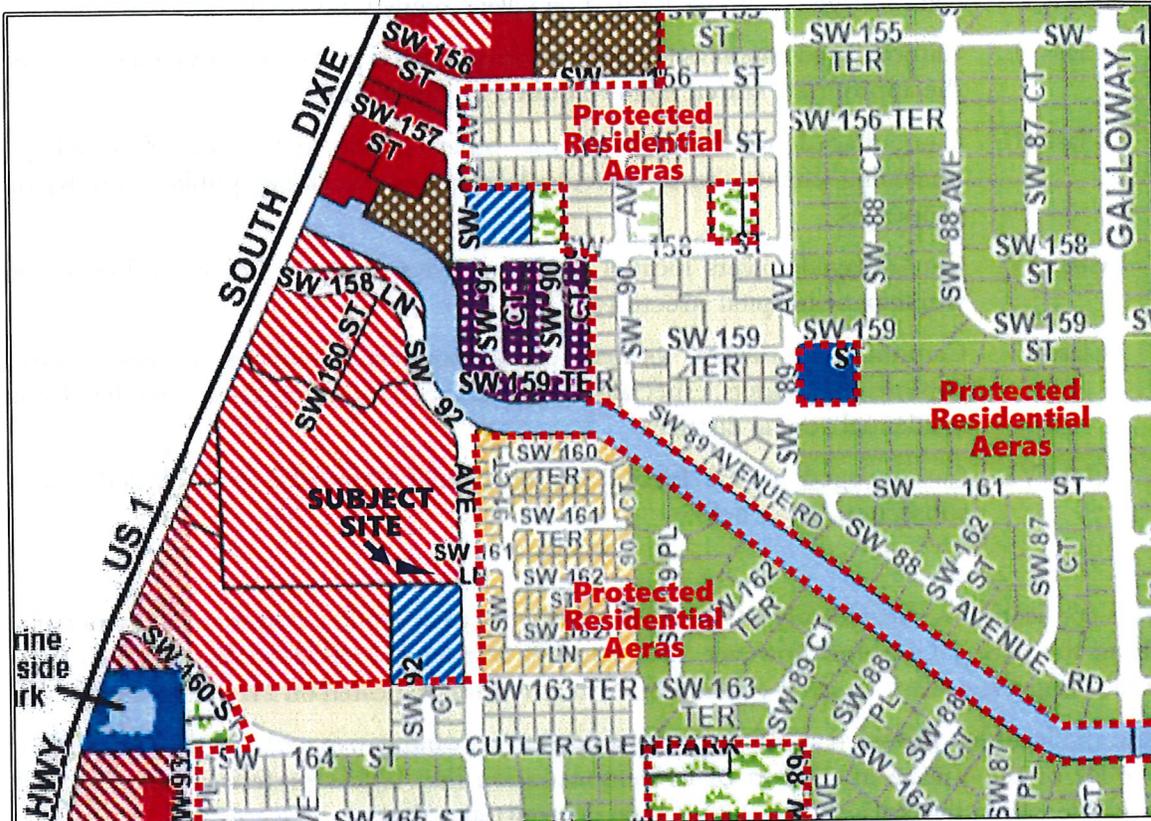
The B-2 permits a range of commercial and office facilities as permitted uses, and also provides that telecommunication towers, co-location towers and stealth towers, are permitted as conditional uses in accordance with §30-60.30 of the code. (§30-50.17(c)(2) B-2, Business District”, *Village of Palmetto Bay code*).

Protected Residential Areas

Section 30-60.30(e) provides special protection to certain residential areas, referred to as “protected residential areas”, in that no tower shall be placed on or adjacent to protected residential property which is otherwise eligible in accordance with subsection (k)(3) below, if such eligible area is four acres or less in size.

“Protected Residential Areas” is defined as a “single family neighborhoods that lacks adequate development area to accommodate the construction of a wireless communication facility and ancillary structure and access ways as required by this division and federal and state regulations, and is an area representing predominantly single family and duplex homesteads to be protected from commercial infringement and maintain a compatible character of a suburban nature without unnecessary aesthetic damage.” The residential areas to the east, including: the R-1M,

Modified Single-Family Residential neighborhood and the E-M, Estate Modified Single-Family neighborhood meet the criteria of the definition of Protected Residential Areas. The R-1 area further to the south, but not directly adjacent to the property also meets the criteria. The R-3M, Minimum Apartment House area that is directly adjacent to the property does not meet the criteria of a Protected Residential Area, since it is not comprised of single-family homes or duplexes. The exhibit below shows the areas that meet to the criteria to be considered protected residential areas. These areas are shaded with a dark gray screen. The proposed tower is not within nor directly adjacent to a Protected Residential Area.



Excerpt of Village of Palmetto Bay Zoning Map showing Protected Residential Areas shaded with white screen

Further, §30-60.30(h)(5)a. requires that all communication towers shall be located no closer than 100-percent of the height of the tower from residential structures, as measured on a straight line from the two closest points between the nearest residential structure and the nearest point of the proposed tower structure. The nearest residential structure is 163'-11" of horizontal distance from the proposed monopole antenna. The antenna is setback from the south property line by 99'-9", and from the east property line by 213'-7" as depicted on the excerpt of the site plan submitted with the application.



Excerpt of Sheet C-3 showing distances to residential structures

Siting Analysis

Section 30-60.30(d)(1) of the Village of Palmetto Bay code provides criteria for the review of siting preferences for telecommunications towers. Applicants shall demonstrate to the satisfaction of the village council that these preferences have been evaluated and adhered to in their proposed site selection, and may require opinions from qualified licensed professional engineers, to be paid for by the applicant. Siting preferences are listed in descending order of preference.

- Class I. Camouflaged antennas located on village-owned buildings, and structures.
- Class II. Camouflaged antennas located on village-owned property, provided they meet the appropriate search radius required by this section.
- Class III. Camouflaged towers located on other public governmental buildings (including county, state, or federal buildings, excluding public schools) or properties.
- Class IV. Camouflaged towers located public or private school buildings, houses of worship, or hospital structures.
- Class V. Camouflaged towers located on commercial buildings located within commercial districts, especially along the U.S. 1 Corridor, at least 300 feet from residential zoning districts.
- Class VI. Camouflaged towers located on residential properties as provided under subsection (e)(5), below.

This application is substantially a Class V site, being located within a commercial district and along the U.S. 1 Corridor; however, it is not 300 feet from a residentially zoned district. Evaluating it as a Class VI site would not be correct as it is not located on a residential property.

The applicant has provided an RF-Report that includes a zoning map with the RF Search Area overlay of the Village in support of its demonstration that higher preference sites are not available within the Village. This zoning map demonstrates that:

- I. there are no Village-owned buildings or structures upon which an antenna could be collocated (Class I).
- II. Class II village-owned properties do not exist within the Search Area.
- III. There are no Class III properties consisting of public governmental buildings (including county, state, or federal buildings, excluding public schools) or properties within the Search Area.
- IV. There are no Class IV public or private school buildings, houses of worship, or hospital structures within the Search Area.

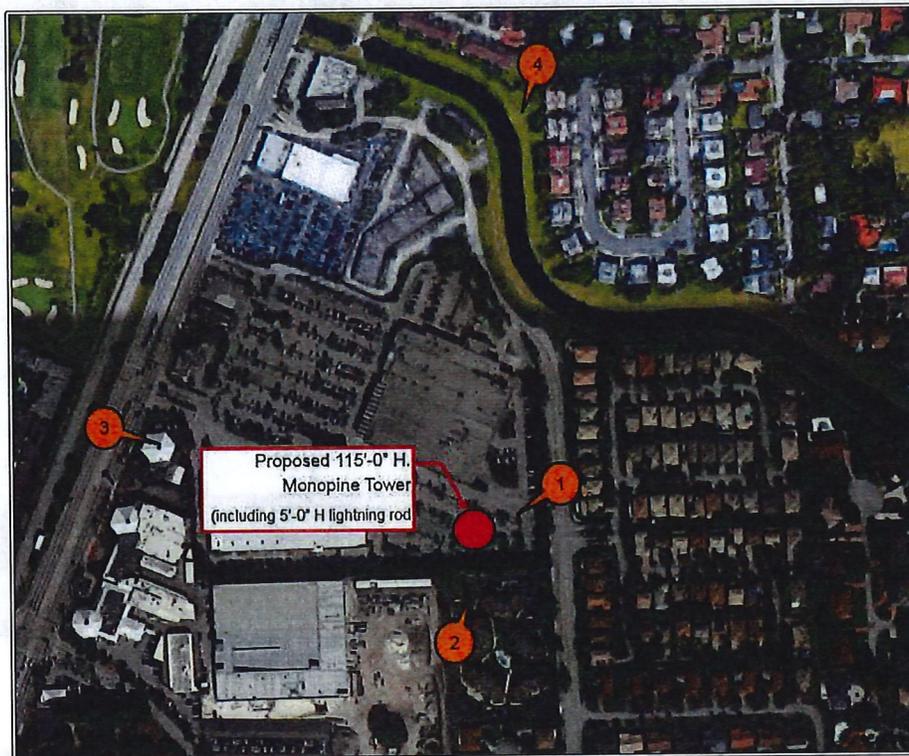
The highest ranked opportunity is the Class V commercial property located along the US 1 Corridor.

Visual Impacts

The visual impacts of the monopole tower, as a matter of compatibility with the surrounding area have been evaluated by the applicant's submittal of photo-simulations which are verified by the performance of a balloon test, as required by §30-60.30(g)(3)a. of the Village of Palmetto Bay code. The visual results are contained in the balloon test and photo simulations provided by the applicant with locations for the balloon test determined in coordination with Village administration. Results are excerpted below.

Photo simulations:

Photo simulations Locations



Location 1



Location 2



Location 3



Location 4

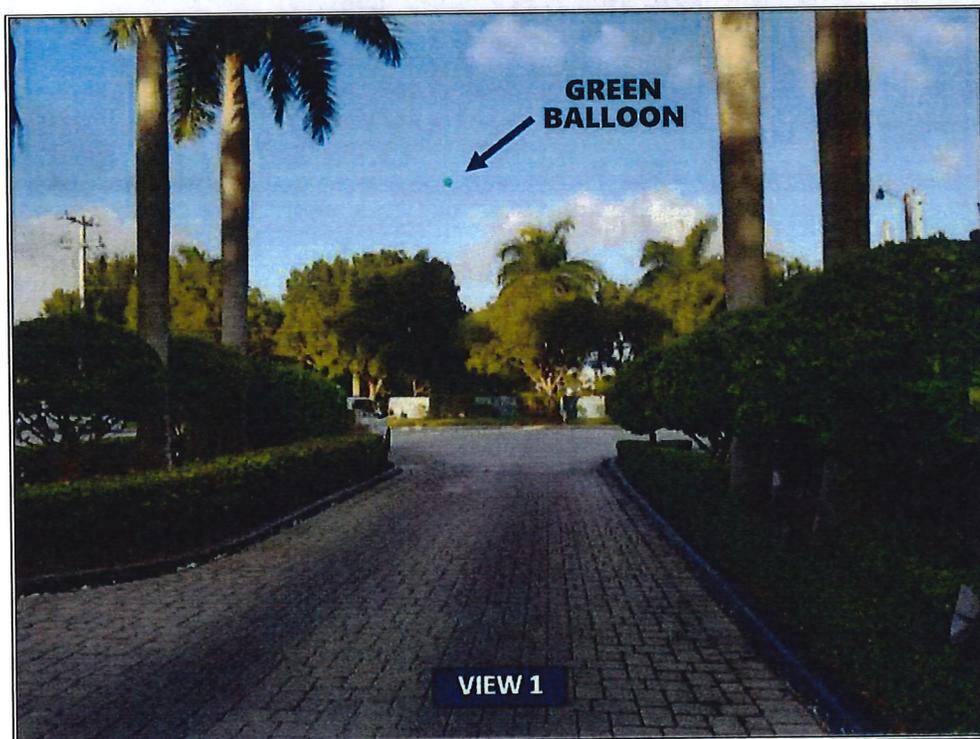


Balloon Test:

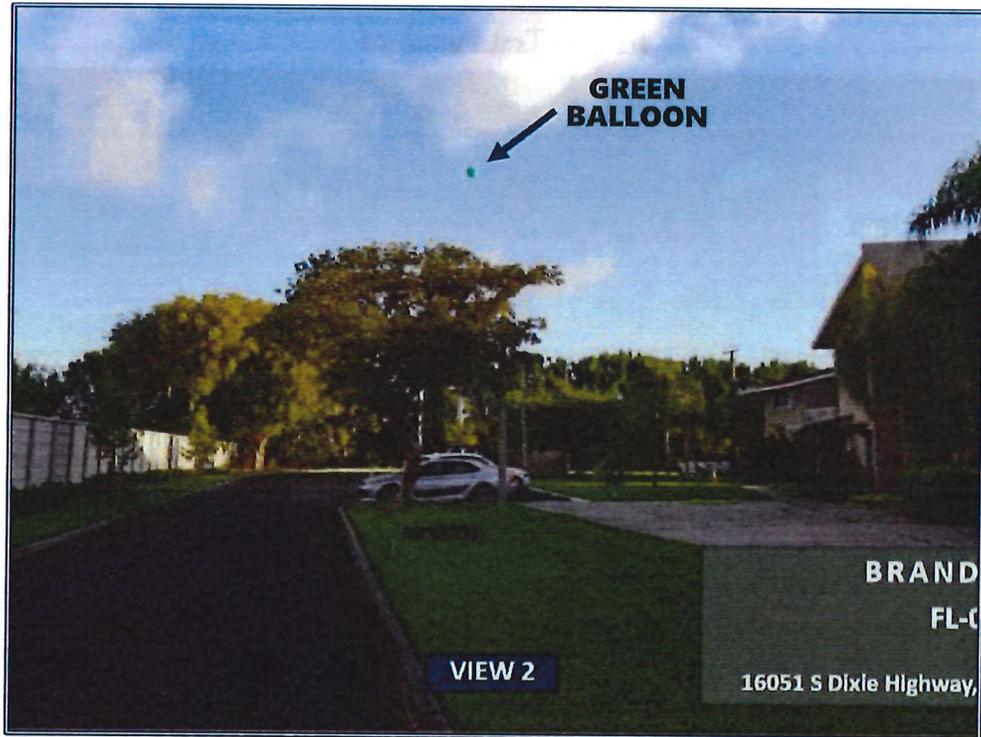
Balloon Test Locations



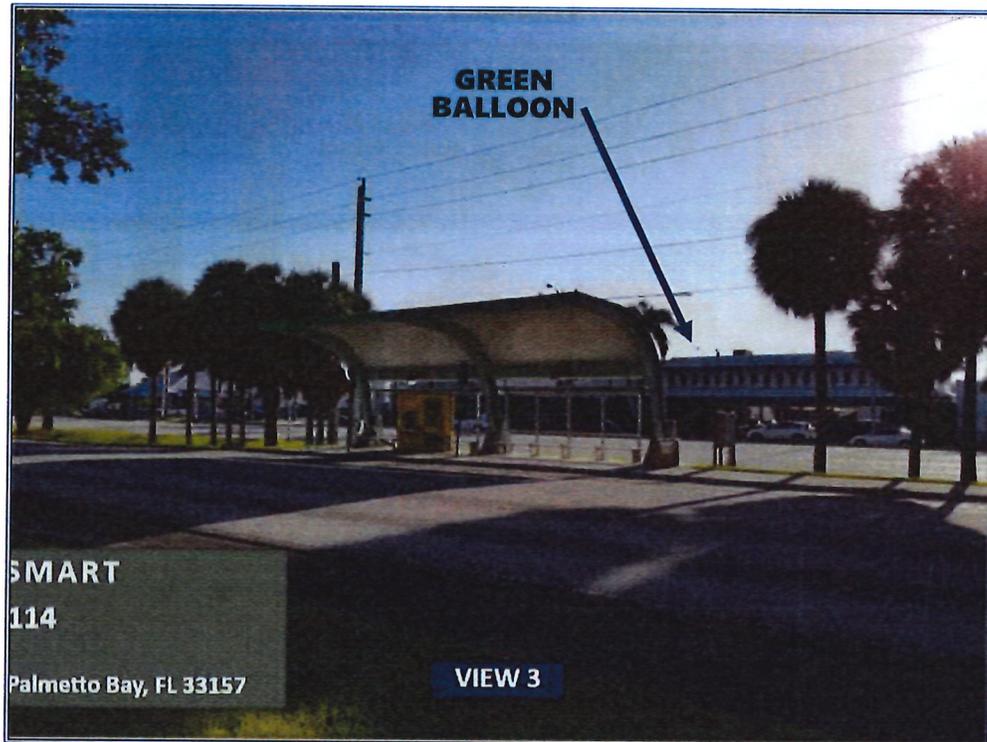
Location 1



Location 2



Location 3



Location 4



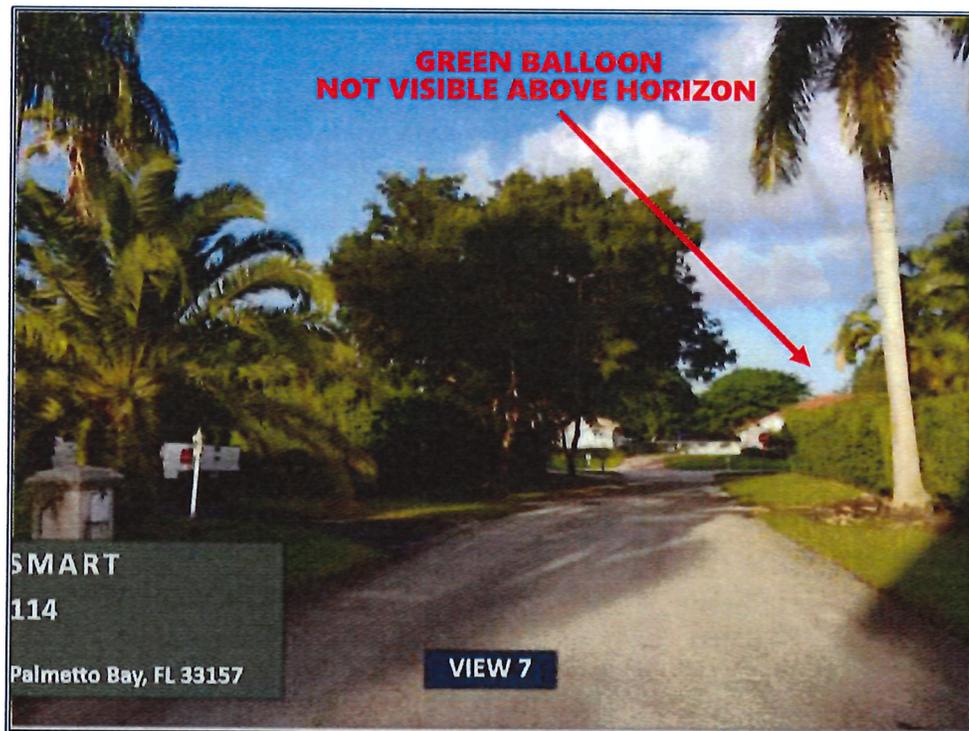
Location 5



Location 6



Location 7



SUFFICIENCY

The criteria for submittal sufficiency are listed below: the application has satisfied all of the requirements for sufficiency of required information for review by the Mayor and Council of the Village of Palmetto Bay.

Criterion		Status
1.	A report from a qualified licensed professional engineer which:	SEE BELOW
1.a	Describes the tower height and design including a cross section and elevation;	PROVIDED
1.b	Documents the height above grade for all potential mounting positions for collocated antennas and the minimum separation distances between antennas;	PROVIDED
1.c	Describes the tower's capacity, including the number and types of antennas that it can accommodate;	PROVIDED
1.d	Documents what steps the applicant has taken, or will take, to avoid interference and obstruction with established or proposed public safety telecommunication facilities;	PROVIDED
1.e	Documents that the tower and/or antennas have been designed to withstand sustained wind speeds of 110 miles per hour, or the requirements of the Florida Building Code, as amended, whichever is greater;	PROVIDED
1.f	An analysis and/or other data and/or documentation that certifies that in the event of a catastrophic failure, fall, or collapse of the tower, said tower would fall or collapse within the collapse zone of the proposed tower;	PROVIDED
1.g	Includes a qualified licensed professional engineer's signature, seal and registration number;	PROVIDED
1.h	Other information necessary to evaluate the request.	PROVIDED
2	For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for collocation.	PROVIDED
3	Balloon test. As part of an application the applicant shall submit documentation of having conducted a balloon test, together with a visual impact analysis of the test.	PROVIDED
4	Aesthetic effects, devices and techniques. The purpose of this subsection is to assist the village, in determining whether or not a proposed tower is camouflaged and/or concealed appropriately in a given area. The applicant shall submit the following documentation:	SEE BELOW
4.a	Colorized pictorial representation, artist rendering, or similar representation drawn to scale;	PROVIDED
4.b	Design specifications of the various proposed techniques (if drawings, plans and/or other graphic representations are included, they shall be drawn to scale); and	PROVIDED
4.c	A corresponding statement explaining what the nature and character of the area is within which the tower is proposed with respect to land use, surrounding environment, building heights and design, and how the proposed camouflaging and/or concealment agent(s) will blend in and harmonize with the nature and character of the area.	PROVIDED

ANALYSIS: CONDITIONAL USE REVIEW CRITERIA

A conditional use shall be permitted upon a finding by the Village Council that the proposed use, application, and site plan comply with the Telecommunications conditional use application provisions of §30-60.52[30] of this Code. A conditional use shall be denied if the Village determines that the applicant has not demonstrated that the proposal does not meet the criteria or is adverse to the public interest as defined by the criteria.

1. Land use compatibility. §30-30.4(c)1

The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities in the immediate vicinity. Compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time so that no use condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics which may impact adjacent or surrounding uses. They include the items listed above at subsection 30-30.4(b). Compatibility shall be measured based on the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

Land Use Compatibility Criterion		Finding
1.a	Permitted uses, structures and activities allowed within the land use category.	COMPLIES
1.b	Building location, size, scale, dimensions, height, and floor area ratio.	ACCEPTABLE
1.c	Location and extent of parking, access drives and service areas.	ACCEPTABLE
1.d	Traffic generation, hours of operation, noise levels and outdoor lighting.	ACCEPTABLE
1.e	Alteration of light and air.	ACCEPTABLE
1.f	Setbacks and buffers such as fences, walls, landscaping and open space treatment.	ACCEPTABLE

Finding: Acceptable

2. Scale and Lot Size §30-30.4(c)2

Sufficient site size, site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the design must be adequate to accommodate the proposed scale and intensity of conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, drainage, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use on the immediate vicinity.

Analysis: The overall site at 17.92 acres of improved land is adequate to accommodate the proposed scale and intensity of the camouflaged monopole antenna. The and the specific antenna compound provides adequate screening, setbacks and landscaping. Open space is not impacted by the proposal. No off-street parking is displaced by the proposal and the overall site exceeds required parking. Internal traffic circulation and drainage are not impacted.

Finding: Acceptable.

3. Compliance with the Village Comprehensive Plan and Zoning Code §30-30.4(c)3

Compliance with the Village's Comprehensive Plan and Chapter 30. The conditional use and site plan shall comply with environmental, zoning and other applicable regulations of Chapter 30, and shall be consistent with the comprehensive plan.

Analysis: The proposal is consistent with the Village's adopted Comprehensive Plan and Future Land Use Map (FLUM) which designates the property as Business and Office (BO). The application does not countervail the objective and policy that defines the intent of the Village of Palmetto Bay adopted Comprehensive Plan. Although not explicitly supportive, the proposal is consistent by not directly contravening the effect of the policy.

Objective 1.1 Future Land Use Map

Adoption and implementation of the Future Land Use Map (FLUM), including the land use amendments to individual parcels as referenced in the supporting Data, Inventory, and Analysis, and presented in Exhibit 1 and the element goals, objectives, and policies herein as the official and primary standard governing land use density and intensity in the Village of Palmetto Bay.

Policy 1.1.1 Business and Office (BO): This category accommodates the full range of sales service activities including retail, wholesale, personal and professional services, commercial and professional offices, hotels, motels, hospitals, theaters, medical buildings, nursing homes, entertainment and cultural facilities, amusement and commercial recreation establishments (such as private commercial marinas). These uses may occur in self-contained centers, high rise structures, campus parks and municipal centers business districts. The specific range and intensity of uses appropriate in BO areas vary by location as a function of such factors as availability of public services, roadway access and neighborhood compatibility. Special limitations may be imposed on uses in BO where necessary to protect environmental resources including wellfield protection areas. Through the assignment of zoning districts and special conditions, the specific range and intensity of uses appropriate for a specific site will be determined. Strip commercial shopping centers with inadequate lot depth, which allow only a single row of commercial structures and parking in front, are discouraged in this

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Mixing of residential use with commercial, office, and hotels is also permitted in BO areas provided that the scale and intensity is not out of character with adjacent nearby development, and the project does not negatively affect any area neighborhoods. Where these conditions are met, residential density may be approved up to one density category higher than the average land use density of adjacent parcels. If no residentially-designated parcels exist adjacent to a BO parcel or no higher density categories exist on the Village FLUM, the maximum density allowed shall be 13.0 units per gross acre.

Finding: Consistent with Comprehensive Plan

Analysis: The proposal is in the B-2 Zoning District. The purpose of the B-2 District, is to provide for large scale commercial and/or office facilities that service the needs of the village's urban areas. B-2 permits a range of commercial and office facilities as permitted uses, and also provides that telecommunication towers, co-location towers and stealth towers, are permitted as conditional uses in accordance with §30-60.30 of the code.

There are no other parts of the Village of Palmetto Bay zoning code, Chapter 30 that are contravened by this application.

Finding: Consistent with the Zoning Code

4. Mitigative Techniques §30-30.4(c)4

The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not unduly burdened with adverse impacts detrimental to the general public health, safety and welfare.

Analysis: The monopole antenna is within height and setbacks requirements, and completely camouflages the monopole as a Norfolk Island pine tree as mitigation to the zoning considerations of visual impact and compatibility. The plan meets all engineering conditions to assure public safety regarding fall radius, wind loads and hazards to aviation.

Finding: Acceptable.

5. Hazardous Waste §30-30.4(c)5

No conditional use which generates hazardous waste or uses hazardous materials shall be located in the village unless the specific location is consistent with the comprehensive plan, Chapter 30, and does not adversely impact wellfields, aquifer recharge areas, or other

conservation resources, as may be applicable now or in the future. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation unless the village council approves conditions requiring mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material, and regulate its use, storage and transfer consistent with best management principles and practices.

Analysis: There are no hazardous material production, storage, transfer or hazardous by products identified as being produced or present by the project.

Finding: Not Applicable.

ANALYSIS: WIRELESS COMMUNICATION TOWER REVIEW CRITERIA

The intent of the public hearing criteria and requirements of §30-60.30(i) through §30-60.30(l) regarding telecommunication towers is to address and balance the residents zoning-related concerns regarding the construction of wireless telecommunication towers in their community. These concerns may include, but are not limited, to safety, aesthetic, and compatibility conflicts when these facilities are located in close proximity to residential uses and the recognized need of the services the wireless telecommunication towers provide to the public. These issues shall be reviewed pursuant to the adopted standards on a case-by-case basis for each request. The Village Council shall consider and weigh the aesthetic impact and compatibility issues with the public benefit derived from having efficient and reliable wireless telecommunications systems when determining whether or not to approve the application. Additionally, the Village Council and planning and zoning departments shall adhere to all FCC requirements and guidelines, as enacted or amended.

Visual Impact §30-60.30(i)

In addition to general review criteria, in order to be approved, towers and antennas shall be designed, as determined by the village, to blend into the surrounding environment through the use of color, texture, and/or camouflaging architectural treatment, or by reason of existing conditions, to minimize its visual intrusiveness and negative aesthetic impact. When considering approval of an application the village shall review such application with consideration of the following factors:

Aesthetic / Visibility Criteria			Finding
1.a	Whether the tower will be readily visible.	The tower will be visible from certain locations that are close to the monopole, but not visible from most locations in protected residential areas. Where visible, it will be visible as a tree.	ACCEPTABLE
1.b	Whether the proposed facility/tower will, as determined by the village, unreasonably interfere with the view from any public park, historic building or district, or scenic road corridor.	One of the balloon test sites was performed for the nearest park, Wayside Park. The balloon test results show that the tower will not be visible from the park. There are no other historic sites or scenic roads nearby.	ACCEPTABLE
1.c	Type of tower, the shape and width of the facility relative to its height, and the color, texture, and reflectivity of materials, with neutral colors and nonreflective materials being given preference, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.	The monopole tower is camouflaged as a pine tree with artificial pine branches affixed to conceal the tower and antenna to provide a natural appearance that aesthetically blends in with the community as much as possible.	ACCEPTABLE
1.d	Type of antennas proposed for the tower, with narrow profile antenna arrays being given preference, if feasible.	The proposed monopole has three arrays at three levels: 100 ft., 90 ft. and 80 ft. All of the arrays are completely camouflages by the "pine tree branches."	ACCEPTABLE

Aesthetic / Visibility Criteria		Finding	
1.e	Nature of uses on adjacent and nearby properties and the relationship of the proposed facility to the character and scale of surrounding structures and uses, with preference being given to sites adjacent to nonresidential uses.	The monopole tower is completely within an existing large-scale commercial shopping center, with business use to the north and west. To the south is a 2-story multi-family residential development, and to the east a 1 and 2-story single family development ("Casa del Campo"). The proposed monopole is 163'-11" from the nearest point of the multi-family and over 230' from the nearest single family property. With consideration of setbacks, buffering, landscape and camouflage, the proposal satisfies the criterion.	ACCEPTABLE
1.f	On-site and surrounding tree coverage and foliage.	The overall site is surrounded by a maintained landscape buffer on the south and east sides, and the secured monopole compound will include a 5-foot landscape buffer with 8'-high green buttonwood, mimosa ground cover and five 14'-high live oaks.	ACCEPTABLE
1.g	The effectiveness of the use of screening and concealment devices and techniques, including but not limited to the use of structural camouflaging, buffer walls, opaque fencing and landscaping.	See 1.f.	ACCEPTABLE

Design and Construction §30-60.30(j)

Tower and antenna design and construction requirements. New or replacement towers and antennas shall meet the following design and construction requirements.

Design and Construction Criteria		Finding	
1.	The base of the tower, anchors, and any accessory facility or building shall be substantially screened from view from public streets and adjoining and nearby protected residential properties with a combination of evergreen and deciduous trees and shrubs, except when the village council determines a design of nonvegetated screening better reflects and complements the architectural character of the surrounding neighborhood. The use of all types of barbed wire, razor wire, and similar items is prohibited. No types of chain link fencing shall be used as buffering or screening material. Additionally, the following minimum landscaping shall be required:	The monopole tower is completely within an existing large-scale commercial shopping center, with business use to the north and west. To the south is a 2-story multi-family residential development, and to the east a 1 and 2-story single family development ("Casa del Campo"). The proposed monopole is 163'-11" from the nearest point of the multi-family and over 230' from the nearest single family property. Fencing is used for security purposes that is behind and concealed by landscaping. With consideration of setbacks, buffering, landscape and camouflage, the proposal satisfies the criterion.	ACCEPTABLE (see below)
1.a	A row of shade trees at least eight feet in height, at a maximum distance of ten feet apart, shall be planted around the perimeter of the fence.	The monopole compound landscaping includes five 14'-high live oaks.	ACCEPTABLE

Design and Construction Criteria		Finding	
1.b	A continuous hedge at least 30 inches in height at planting and capable of growing to a height of 36 inches within 18 months shall be planted on the outside of the perimeter of the fence and tree line.	The monopole compound will include a 5-foot landscape buffer with 8'-high green buttonwood around the entire perimeter.	ACCEPTABLE
1.c	All landscaping shall be properly maintained to insure good health and viability.	To be assured through code compliance and condition for 1.e. (below)	APPROVAL CONDITION
1.d	In locations where the impact of the personal wireless service facility would be minimal, the planning and zoning director may waive or reduce the landscaping requirements.	All landscape requirements are met.	ACCEPTABLE
1.e	The provider shall provide a maintenance agreement providing for perpetual maintenance of the landscaping during the existence of the telecommunication site, and provide a performance bond to ensure same, should provide declare bankruptcy and/or fail to maintain the landscaping.	To be included as a condition of approval.	APPROVAL CONDITION
2.	All ground-mounted commercial wireless telecommunication service towers shall be of a monopole design unless the village determines that an alternative design would better blend in to the particular surrounding environment.	Proposal is for a monopole	ACCEPTABLE
3.	With the exception of necessary electric and telephone service and connection lines approved by the village, no part of any tower, anchoring devices, or guys, equipment or wires or braces in connection with either shall at any time project across or over any part of a public right-of-way, public street, highway, sidewalk, easement unless agreed to by the easement holder, or property line.	No part of the monopole or any associated structure projects across any part of a public right-of-way, public street, highway, sidewalk, easement, or property line.	ACCEPTABLE
4.	Every tower affixed to the ground shall be designed to discourage climbing of the tower by unauthorized persons.	The compound is secured with a locking 6'-high fence.	ACCEPTABLE
5.	Only one tower shall exist at any one time on any individual protected residential property as defined in this article.	Only one tower is proposed for the site.	ACCEPTABLE
6.	All ground-mounted commercial wireless telecommunication towers shall be located to create a collapse zone equal to one-fourth of the tower's height. Such collapse zone shall be free of all buildings, except for those associated with the commercial wireless telecommunication facility and those located on the zoning lot the tower is proposed to be located on.	The proposed 115' monopole requires collapse zone of 29'. The nearest building is 163'-11" away.	ACCEPTABLE

Tower Setbacks §30-60.30(k)

All towers shall conform with the following minimum setback requirements:

Tower Setback Criteria		Finding	
1.	Towers shall meet the setbacks of the underlying zoning district.	The tower meets all setbacks of the underlying B-2 Zoning District.	ACCEPTABLE
2.	New towers shall be setback from the public rights-of-way of thoroughfare plan roads, as shown on the most recently amended village street plan, by a minimum distance equal to one-half of the height of the tower including all antennas and attachments.	The proposed 115' tower requires a 57'-6" setback from the nearest public right-of-way which is SW 92 nd Avenue. The proposed tower is setback 213'-7" from SW 92 nd Avenue.	ACCEPTABLE
3.	New towers shall not be located in the public rights-of-way of nonthoroughfare plan roads. However, new antennas may be located on existing towers, poles and other structures in all public rights-of-way.	The proposed tower is not located in a public rights-of-way of nonthoroughfare plan roads.	ACCEPTABLE
4.	Towers shall not be located between a principal structure and a public street, with the following exceptions:	The proposed monopole is to be placed within the site, and will not be in a front, side or rear yard area.	ACCEPTABLE
4.a	On sites with public streets on all sides, towers may be placed within a side yard that abuts a local street.	The monopole site does not have public streets on all sides.	NOT APPLICABLE
4.b	A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the village council, only to allow the integration of a tower onto an existing or proposed structure or building such as a church steeple, light standard, power line support device (e.g., power line tower), or similar structure.	The proposed tower is not integrated into an existing structure.	NOT APPLICABLE
4.c	Towers erected on any protected residential property are also subject to the setback provisions of subsection (l) below.	The proposed monopole is not in a protected residential property.	NOT APPLICABLE

Tower Height §30-60.30(l)

All proposed towers shall conform with the following maximum height requirements:

Tower Setback Criteria		Finding
1.	The height of towers shall be determined by measuring the vertical distance from the tower's lowest point of contact with the ground to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the combined height of the structure and tower must meet the height restrictions listed below.	The ground-mounted monopole height is measured from the lowest point of contact. ACCEPTABLE
2.	On all protected residential property as identified at subsection (f), the maximum height of any tower, including all antennas and other attachments, shall be 35 feet. The height limitation does not apply to Class I—IV, which are regulated at subsection (3), below. The height limitation for any tower on protected residential property utilizing camouflaging architectural treatments and techniques in constructing the facility shall be as specified in subparagraph c. below.	The proposed monopole is not in a protected residential area. NOT APPLICABLE
3.	Except as stated in subsection (l)(2) above, in all zoning districts, the maximum height of any tower not mounted on an existing building, including antennas and other attachments, shall not exceed one foot for each two feet the tower is setback from adjacent protected residential property. However, in no event shall any ground-mounted tower exceed the following heights: Three or more levels of arrays: 200 ft. Two levels of arrays: 160 ft. One level of arrays: 100 ft.	The proposed monopole has 3 levels of arrays. The entire tower is 115' in height. The highest level of antenna arrays. ACCEPTABLE
4.	Towers shall not be located between a principal structure and a public street, with the following exceptions:	See below: NOT APPLICABLE
4.a	Towers mounted on existing buildings shall comply with the requirements of subsection (r), below.	The proposed monopole is not mounted to an existing building. NOT APPLICABLE
4.b	In accordance with the Federal Communication Commission's preemptive ruling PRB1, towers erected for the sole purpose of supporting amateur radio antennas may exceed 35 feet in height provided that determination is made by the village, based on evidence submitted by the applicant, that the proposed tower height is technically necessary to successfully engage in amateur radio communications.	The proposed monopole is not intended for amateur radio communications. NOT APPLICABLE

Tower Lighting §30-60.30(m)

Towers shall not be illuminated by artificial means and shall not display strobe lights, except for aviation caution lights shielded from sight from the ground, unless such lighting is specifically required by the Federal Aviation Administration, local emergency medical services or other federal or state authority for a specific tower. When incorporated into the approved design of the tower, and when in accordance with all other appropriate portions of this Code, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

Analysis: Non-safety related or regulated illumination of the proposed camouflaged tower is not included in the proposal. No commercial lighting of any kind will be permitted on the camouflaged tower.

Finding: Acceptable

Signs and Advertising §30-60.30(n)

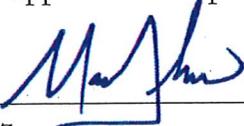
The use of any portion of a tower for signs, other than warning or equipment information signs, is prohibited. Warning signs for high voltage and trespassing. No signs, including commercial advertising, logo, political signs, flyers, flags, or banners, but excluding warning signs, shall be allowed on any part of an antenna or tower. Any signs placed in violation of this section shall be removed immediately at the facility owner's expense. If high voltage is necessary for the operation of the communication tower, associated equipment, or backhaul network or any accessory structures, "HIGH VOLTAGE—DANGER" warning signs shall be permanently attached to the fence or wall and spaced no more than 40 feet apart. "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and spaced no more than 40 feet apart. The height of the lettering of the warning signs shall be at least 12 inches in height. The warning signs shall be installed at least five feet above the finished grade. The warning signs may be attached to freestanding poles if the content of the sign may be obstructed by landscaping.

Analysis: Non-safety related signage is not included in the proposal. No commercial signage of any kind will be permitted on the camouflaged tower.

Finding: Acceptable

RECOMMENDATION

Based on the analysis and findings contained in this report, Village planning and zoning staff recommends approval of the proposed conditional use and site plan.



Mark Alvarez
Interim Planning & Zoning Director

Eco-Site[®]

August 12, 2019
Village of Palmetto Bay
Attn: City Planner
9705E. Hibiscus St
Palmetto Bay, FL 33157

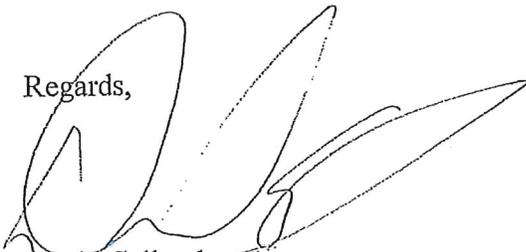
RE: Letter of Intent for Proposed Eco-Site Tower in the Village of Palmetto Bay as a Shared-Use Facility (Eco-Site ref: FL-0114)

Dear Planning Staff,

I am contacting you on behalf of Eco-Site, the builder and owner of the proposed tower to be built in the Village of Palmetto Bay, FL on the Brandsmart property located at 16051 S. Dixie HWY (Eco-Site ref: FL-0114).

Eco-Site is a nationwide tower company that works with all wireless carriers for collocation of their antenna facilities. This proposed tower facility in the Village of Palmetto Bay will be available for collocation by other wireless service providers by Eco-Site, and Eco-Site's successors. Eco-Site will provide space on the tower for this purpose with reasonable terms and conditions. Please let me know if we can provide any further clarification on this subject.

Regards,



David Callender
Director of Zoning Advocacy
Eco-Site



Deborah L. Martohue, Esq., AICP
1036 23rd Ave., N.
St. Petersburg, Florida 33704
Telephone: 727.460.8431
Email: dmartohuelaw@outlook.com

September 16, 2019

VIA HAND DELIVERY

Planning & Zoning Division
ATTN: Mark Alvarez, Planning & Zoning Director
Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, FL 33157

**RE: Project Narrative & Zoning Justification Statement
Request for a Conditional Use to permit a 110' Camouflaged Monopine Wireless
Communications Facility
Property Location: 16051 S. Dixie Hwy, Palmetto Bay, FL 33157
FOLIO: 33-5028-025-0010
Project Name: Brandsmart
Project Site No.: FL 0114
Latitude: 25° 37' 11.70" N; Longitude: 80° 20' 31.10" W**

Dear Mr. Alvarez:

This law firm represents ECO-SITE II LLC, the "Applicant" in the above captioned zoning application. The Applicant is seeking approval of a Conditional Use to permit a camouflaged wireless communications facility designed ("Monopine" or "Facility") located on a parcel zoned B-2 as an accessory use to the principal existing retail shopping center use on the subject Property. The Application has been prepared and is submitted in accord with various standards and criteria contained in Section 30-60.30 et. seq of the Palmetto Bay Land Development Code ("LDC"). Accordingly, this letter shall serve as the Applicant's transmittal letter and Letter of Intent and Justification Statement for the captioned request. Enclosed please find:

1. Two (2) Copies of this transmittal letter and Justification Statement;
2. Two (2) Copies Completed General Zoning Application for a Conditional Use to permit a 110' camouflaged Monopine wireless communications facility with a 5' lightning rod and associated secured equipment compound including:
 - a. Application;
 - b. Warranty Deed and Redacted Lease for the subject Property;
 - c. Copy of the Legal Descriptions (including Parent Tract, Lease Parcel, and Access & Utility Easements) a word.doc soft copy is available upon request;
 - d. Owner Consents, Affidavits and Disclosures of Interest;
 - e. Applicant Eco-site executed Application, Affidavits and Disclosure of

- Interest; and
- f. Existing site photos;
 3. Two (2) Signed and Sealed Surveys with a field date of March 21, 2019 prepared by Leiter, Perez & Associates, Inc., consisting of one (1) Sheet;
 4. Two (2) FAA-1A Certification letter prepared by Leiter, Perez & Associates dated 4/4/2019;
 5. Two (2) Sets of signed and sealed Plans, inclusive of landscape & irrigation plans, consisting of fifteen (15) sheets prepared by Morrison Hershfield date last revised 8/9/2019;
 6. Two (2) City Zoning Map with Search Area Overlay;
 7. Two (2) FAA Determination of No Hazard Letter dated 8/29/2019;
 8. Two (2) Radio Frequency Engineering Report dated 9/12/2019, including but not limited to:
 - a. Existing Tower Inventory and Search Area Overlay;
 - b. Before & After Propagation Maps; and
 - c. Statement of Emissions & Non-Interference.
 9. Two (2) set of before and after photo simulations prepared by Morrison Hershfield including aerial key map;
 10. Two (2) copies -Shared Use Letter of Intent from Eco-Site dated 8/12/2019;
 11. One (1) Tower Structural & Foundation Report inclusive of a "Fall Zone" statement prepared by Bennett & Pless dated 8/23/2019;
 12. One (1) Geotechnical Engineering Report prepared by Tower Engineering Professionals Dated 8/9/2019;
 13. One (1) Environmental Assessment Report prepared by TriLeaf Corporation dated 7/19/2019; and
 14. One (1) CD with all documents referenced above; and
 15. Application fee check.

Collectively the above constitutes the "Application".

LETTER OF INTENT & JUSTIFICATION STATEMENT

Introduction and Overview

The Applicant is seeking approval of a Conditional Use to permit an accessory wireless communications facility designed as a 110' camouflage Monopine ("Monopine" or "Facility") with a 5' lightning rod for an overall tower height of 115' along with a small irregular shaped landscaped and secured equipment compound located within a 2,441 square foot Lease Area. The Lease Area is generally in the southeast area of the approximate 17.92 acre Parent Tract Retail Shopping Center located at 16051 S. Dixie Highway.

Property Zoning & Zoning Hierarchy Analysis

The Property is zoned B-2 which is a Class V zoning district for new telecommunications towers. A camouflaged Facility is a permitted use in the B-2 commercial zoning district upon approval of a Conditional Use if the Applicant can demonstrate that higher ranked sites are not available. The Applicant has provided a City zoning map with the RF Search Area overlay indicated. This zoning map demonstrates that there are zero village-owned buildings or structures upon which an antenna could be collocated (Class I). Class II village-owned properties do not exist within the Search Area. There are also zero Class III properties consisting of public governmental buildings (including county, state, or federal buildings, excluding public schools) or properties within the Search Area. Finally, Applicant confirmed that there are zero Class IV public or private school buildings, houses of worship, or hospital structures within the Search Area. Thus, the highest ranked opportunity is the Class V commercial property located along the US 1 Corridor.

The Applicant is not seeking any variances from the LDC regulations including setbacks, distance separation or landscape requirements. See Sheets C-1, C-2 and C-3 for Site Data, Setbacks and Dimensional Information.

Overview of Property

The Property contains approximately 17.92 acres, more or less, (the "Property" or "Parent Tract"). The Property fronts S. Dixie Hwy (aka US 1 Corridor)

The Lease Parcel area for the equipment compound is triangular shaped and is 2,441 square feet located in the Southeast corner of the Parent Tract which is fully developed. The equipment compound is in close proximity to existing parking and access drive with the required access and utility easements shown on the Survey and Overall Site Plan Sheets.

The existing use of the Property is a Retail Shopping Center with Restaurants.

Surrounding Zoning & Use: The surrounding zoning is as follows:

North Partial (East side): RU-3/ RU-4L

North Partial/West side): B-2

South of Facility Location (East side of South Parent Tract boundary): RU-3M

South of Facility Location (West side of South Parent Trac boundary): B-2

East: R-1

West: GU/ B-2 (Miami-Dade County)

Conditional Use Zoning Request

The Applicant seeks approval of a Conditional Use to locate a Camouflaged Wireless Facility on the subject Property that is one hundred-ten feet (110') in height with an overall height of 115' inclusive of a 5' lightning rod with the associated 2,441 equipment compound surrounded by a six foot solid opaque fence and security gates surrounded by the required five (5') foot landscape buffer. The Monopine is designed for up to three (3) potential wireless providers which exceeds the minimum two antenna/array heights required by the LDC for new towers 101-161 feet in height. The Application includes RF Engineering Report prepared by T-Mobile dated 9/12/2019 containing an existing tower inventory within one mile, along with data, information and analysis demonstrating need for the proposed Facility as well as a statement on non-interference and emission compliance.

Camouflaging & Shared Use Plan

A Monopine wireless communication facility is designed to look like a Norfolk Pine Tree. See photo sims submitted as part of the Application. The locations of each photo simulation view were discussed and agreed to by Staff prior to application. This type of camouflaged facility allows for wireless providers to have full array antennas that increases coverage area and service capacity, thus reducing the need for additional towers in the immediate vicinity of the proposed Facility. The "pine branches" of a Monopine camouflage communications facility are used to conceal the antenna equipment that is attached to the central pole structure designed as a pine tree trunk of the Monopine. This type of camouflaging technique provides the most "natural" looking camouflage possible. The Applicant chose this camouflage design to blend with the existing dense mature trees and palms located along the South and East Parent Tract Property line to maximum mitigating visual impacts from surrounding properties.

The Monopine Facility is designed to provide three collocation opportunities and different antenna heights which exceeds the two collocation opportunities required by the LDC. See Tower Elevation on Sheet A-2. The Application also includes the required Shared Use Letter of Intent executed by the Tenant/Applicant, Eco-site, in furtherance of the Village's goal to promote collocation and reduce the proliferation of new towers.

Setbacks, Landscape & Site Development Regulations -No Variances Requested

The required equipment compound setbacks are shown on Sheet C-1. The equipment setbacks far exceed the required LDC setbacks. Also shown on Sheet C-1 are the required tower setback which is 50% of the tower height, or 55' feet from the Parent Tract boundary. In addition, the LDC requires that the tower be setback 115' from the nearest residential structure. The nearest residential structure is 163'-11" from the proposed tower facility. Thus, all setbacks provided exceed the tower setbacks required by the LDC and no variances are being requested.

The equipment compound is surrounded by the required planted landscape buffer in accordance with Section 30-60.30(j)(1) and the Applicant is not seeking any landscape variances. See Sheets L-1 through L-4.

The existing and proposed Site Data calculations are shown on Sheet C-2. The Applicant is not seeking any variances from lot coverage requirements and thus, complies with all site development regulations.

Lastly, the proposed Facility:

- a. does not block vehicular or pedestrian traffic on adjacent uses or properties;
- b. is accessible to permit entry onto the property by fire, police and emergency services directly from S. Dixie Hwy public right-of-way;
- c. maintains safe sight distance triangles;
- d. is an unmanned facility that does not use water, sewer or solid waste;
- e. requires maintenance bi-weekly or monthly and thus, there is no impact on transportation infrastructure; and
- f. is not a residential project and therefore, there are no impacts on schools, parks or recreation facilities; and
- g. neither creates nor poses any fire or other dangerous hazard to the public.

Radio Frequency Engineering Report

The RF Report clearly graphically demonstrates by Figure 1 at page 3 of the Report that there are **ZERO** existing towers within the Search Area and within a ½ mile radius of the proposed Facility. Further, Figure 1 shows all existing towers within a minimum 2.2 miles radius and T-Mobile is collocated upon each of these existing facilities. Despite T-Mobile's deployment of its antennas at each of the locations shown on page 3 of the Report, and maximum upgrades installed at each of those locations, T-Mobile is still experiencing substantial and significant deficiencies in coverage and capacity as described in the RF Report with text analysis and propagation plot maps showing existing conditions and future conditions with the proposed Facility. See Figures 2, 3 and 4.

Supplemental Information:

The Applicant has included in its Application an Environmental Assessment Report that shows that the proposed Facility will have no impact on environmental, historical or archaeological resources. In addition, a tower structural and foundation report inclusive of a "Fall Zone" statement is included as part of the Application to demonstrate compliance with applicable South Florida Building Code requirements and compliance with Section 30-60.30(j)(6), LDC. The Applicant has obtained its FAA Determination of No Hazard and is submitting that letter with its Application to demonstrate compliance with the FAA as well as demonstrate that this Facility will not require FAA lighting.

Summary & Conclusion

The Application meets or exceeds all applicable LDC requirements as demonstrated above and by the enclosed Application. For the reasons stated herein, the Applicant is requesting staff recommendation of approval of a Conditional Use to permit a 110' Monopine with an associated equipment compound to allow for collocation of up to three wireless communications services providers as shown on the Plans submitted as part of this Application.

If you have any questions, or need additional information, please contact me at (727) 256.1211 or email to dmartohuelaw@outlook.com .

Sincerely,



Deborah L. Martohue, Esq. AICP

Enclosures:

Cc: Client