

## **RESOLUTION Z-20-1**

*A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA FOR A SPECIAL USE PERMIT TO ALLOW A 199 FOOT PERSONAL WIRELESS SERVICE FACILITY IN AN "A" (AGRICULTURE) DISTRICT WITH A FUTURE LAND USE DESIGNATION OF RURAL/AGRICULTURE (1 DWELLING UNIT/5 ACRES) ON APPROXIMATELY 0.229 ACRES LOCATED ON NE 194<sup>TH</sup> STREET., ON A PORTION OF TAX PARCEL NUMBER 18442-002-000, AS SUMMARIZED IN EXHIBIT A*

WHEREAS, Zoning Application ZOS-01-20 has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of January 15, 2020, and,

WHEREAS, Zoning Application ZOS-01-20 has been duly filed and was considered by the Alachua County Board of County Commissioners at its regular meeting of February 25, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Zoning Application ZOS-01-20, a request by Vertex, LLC, agent, for Bird & Minzenberg, owners, for a special use permit to allow a personal wireless service facility up to 199 feet in height in an 'A' (Agriculture) zoning district with a future land use designation of Rural/Agriculture (1 dwelling unit/ 5 acres) on approximately 0.229 acres located on NE 194<sup>th</sup> St., as summarized in Exhibit A in this resolution, is hereby approved with the following conditions and bases:

## **Conditions**

1. This Special Use Permit is issued to allow construction and operation of a personal wireless service facility (PWSF) up to 199 feet in height within a portion of parcel number 18442-002-000 (as described in the attached legal description) on approximately 0.23 acres located on NE 194<sup>th</sup> St. The limit on 199 feet shall not preclude any height modifications that are not deemed to be a “substantial change” as interpreted by the Federal Communications Commission (FCC).
2. The PWSF shall have a monopole or concealed design.
3. Landscaping buffering of the site shall meet the requirements of Sec. 404.54(d)(5) of the ULDC.
4. As part of the development review process, the condition of NW 194<sup>th</sup> St. shall also be evaluated by the Public Works Department to ensure that it is maintained to pre-construction conditions.
5. The applicant shall comply with all federal, state, and local laws, rules, regulations, and ordinances, including Chapter 404, Article 12 of the Alachua County Unified Land Development Regulations, now and hereafter in force, which may be applicable to the use of the site. Any violation of the above conditions shall be grounds for suspension or revocation of this Special Use Permit by the Alachua County Board of County Commissioners.

**Bases:**

1. **Policy 5.2.1 of the Future Land Use Element** lists criteria that shall be used to determine the appropriateness of potential locations for institutional uses including compatibility of the scale and intensity of the use in relationship to surrounding uses, taking into account impacts such as, noise, lighting, visual effect, traffic generation, and odors. The Personal Wireless Service Facility (PWSF) ordinance implementing the Comprehensive Plan requires that the applicant submit information on proposed or built adjacent cell sites in order to analyze the necessary height of the proposed antenna. This information has been submitted and analyzed. The RF review shows that the proposed height of the PSWF is justified and will give the carrier (Verizon) the coverage they seek. The height of the PSWF at 199 total feet will not require lighting. There will be no noise, traffic or odors generated from this site. Staff has proposed a condition for the tower to be designed as a monopole or concealed to meet the requirements for a concealed design.
  
2. **Objective 5.5 of the Future Land Use Element** requires designing and locating personal wireless service facilities, among other institutional uses, to eliminate or minimize adverse visual impacts. This tower is being located in a wooded area in a rural setting. Condition #2 requires that the PWSF be designed as a monopole or with a concealed design. The PSWF's total height of 199 feet will not require lighting.

- 3. Policy 5.8.1 of the Future Land Use Element** states that “the County shall facilitate the deployment of personal wireless services and facilities (PWSFs) in a manner that balances needs for economic development, environmental protection, and minimization of adverse visual impacts in Alachua County. PWSFs should: ...use the least obtrusive mount for deploying service, including minimizing the height and silhouette to have the minimum visual impact possible.” Monopole and concealed designs meet the Alachua County Unified Land Development Code definition of a concealed tower, which is required in an effort to reduce the visual impact. The RF review concludes that the requested height of 199 feet is justified to give the applicant the stated need in coverage.
- 4. Policy 7.1.2 of the Future Land Use Element** states that proposed changes to the zoning map shall consider consistency with the Comprehensive Plan, availability and capacity of public facilities, the relationship of the proposed development to existing development in the vicinity and environmental justice issues. There are adequate public facilities to serve the proposed PWSF. There are no environmental justice issues associated with this special use permit request. The Comprehensive Plan requires designing and locating personal wireless service facilities in the least visually intrusive manner and to minimize or eliminate adverse visual impact. The applicant has justified the proposed height of the tower with their RF information according to the County’s RF review. Monopole and concealed tower designs are methods the County’s PWSF Code considers to be least visibly intrusive.

**5. Policies 1.2.4 and 1.2.5 of the Capital Improvements Element** require public facilities to be available concurrent with new development. There are adequate public facilities to serve the proposed PWSF. The proposed tower is expected to have only a couple of trips a month for maintenance, which is considered to be a *de minimus* traffic impact (fewer than 10 average annual daily trips). The cell tower has no impact on schools, water and sewer, and will not cause the LOS for Emergency Services to be exceeded.

**6. Section 404.54 (c) of the Unified Land Development Code** states that “proposed PWSFs shall be located in an area where the adverse visual impact on the community is minimized, as demonstrated by the Visual Impact Analysis Report described in §404.57(c).” The applicant’s Visual Impact Analysis and photosimulations demonstrate that the tower will not be visible from most of the surrounding areas. Staff’s proposed condition for the tower to be designed as a monopole or with a concealed design will aid in reducing any adverse visual impact. The area is wooded and set back from the nearest road by 200 feet. The nearest residential structure is located over 400 ft. from the proposed tower location. The equipment compound should not be visible from the street. In addition, the applicant has submitted RF information that demonstrates that this height is necessary for service. This request is consistent with Section 404.54(c).

**7. Section 404.54(c) of the Unified Land Development Code (ULDC)** states that

“all PWSFs should be designed in such a way to minimize the adverse visual impact on the community. This may include reducing the height and silhouette in order to create the least adverse visual impact. The minimum height necessary to provide the applicant carrier’s designed service to the area should be utilized, as verified by an independent radio frequency (RF) analysis. In general, a monopole tower or concealed tower is considered to have less visual impact than alternative tower designs.” The applicant has proposed a monopole tower. Staff has proposed a condition of approval that the tower be designed as a monopole or with a concealed design. The photosimulations demonstrate that the tower will not be visible from most views in the photosimulations. The RF review has confirmed that 199 feet is justified.

8. **Section 402.124 of the ULDC** describes the criteria for review of special use permits. The Board of County Commissioners shall, as part of a decision to approve an application for a special use permit, make a finding that the proposed use is consistent with the Comprehensive Plan and Unified Land Development Code (ULDC) and is compatible with the existing and future land use pattern, and that the use will not adversely affect the health, safety, and welfare of the public. As shown in the above bases, the application is consistent with both the Comprehensive Plan and the ULDC. The tower, with staff’s proposed conditions, is compatible with the surrounding land uses and the use will not adversely affect the health, safety, or welfare of the public.

This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 25<sup>th</sup> day in February, A.D., 2020.

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_

Robert Hutchinson, Chair

ATTEST:

\_\_\_\_\_

Jesse K. Irby, II, Clerk

APPROVED AS TO FORM

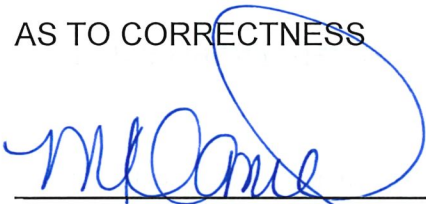
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Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL

AS TO CORRECTNESS



\_\_\_\_\_

Department of Growth Management

Authorized Designee

## EXHIBIT A

### Legal Description of Site

#### **TOWER PARCEL (PORTION OF PARCEL 18442-002-000)**

(PREPARED BY GEOLINE SURVEYING, INC.)

THAT PART OF THE "BIRD AND MINZENBERG" PARCEL, AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 3578, PAGE 598 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SITUATED IN THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 8 SOUTH, RANGE 22 EAST, SAID ALACHUA COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT AN 5/8" IRON ROD AND CAP STAMPED "PLS 2047" AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 8 SOUTH, RANGE 22 EAST, ALACHUA COUNTY, FLORIDA (AS DEPICTED ON FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CERTIFIED CORNER RECORD NO. 37215); THENCE SOUTH 01°10'33" EAST ALONG THE EAST LINE OF SAID NORTHEAST 1/4 FOR 1948.49 FEET TO AN 4" X 4" CONCRETE MONUMENT "NO IDENTIFICATION" AT THE NORTHEAST CORNER OF THE "MINZENBERG AND BIRD" PARCEL, AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 4569, PAGE 268 OF THE PUBLIC RECORDS OF SAID ALACHUA COUNTY; THENCE CONTINUE SOUTH 01°10'33" EAST ALONG SAID EAST LINE AND ALONG THE EASTERLY LINE OF SAID "MINZENBERG AND BIRD" PARCEL FOR 60.00 FEET TO THE SOUTHEAST CORNER OF SAID "MINZENBERG AND BIRD" PARCEL, AND THE NORTHEAST CORNER OF THE "BIRD AND MINZENBERG" PARCEL, AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 3578, PAGE 598 OF SAID PUBLIC RECORDS; THENCE CONTINUE SOUTH 01°10'33" EAST ALONG SAID EAST LINE AND ALONG THE EAST LINE OF SAID "BIRD AND MINZENBERG" PARCEL FOR 152.48 FEET; THENCE SOUTH 88°49'27" WEST FOR 503.52 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°10'33" EAST FOR 100.00 FEET; THENCE SOUTH 88°49'27" WEST FOR 100.00 FEET; THENCE NORTH 01°10'33" WEST FOR 100.00 FEET; THENCE NORTH 88°49'27" EAST FOR 100.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 10,000 SQUARE FEET (0.229 ACRES), MORE OR LESS.

#### **30 FOOT WIDE NON-EXCLUSIVE INGRESS, EGRESS AND UTILITY EASEMENT (WITHIN PARCEL 18442-000-000)**

(PREPARED BY GEOLINE SURVEYING, INC.)

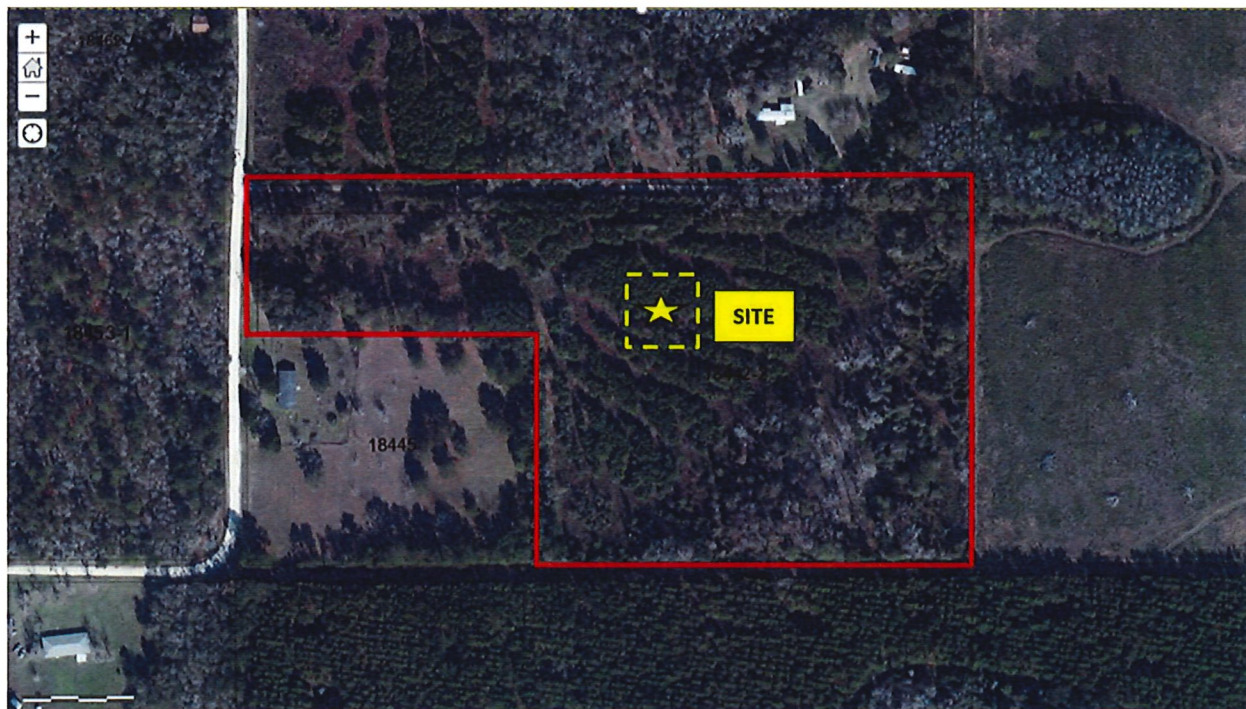
THAT PART OF THE "BIRD AND MINZENBERG" PARCEL, AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 3578, PAGE 598 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND THE "MINZENBERG AND BIRD" PARCEL, AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 4569, PAGE 268 OF SAID PUBLIC RECORDS, SITUATED IN THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 8 SOUTH, RANGE 22 EAST OF SAID COUNTY, LYING WITHIN 15 FEET OF BOTH SIDES OF A CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT AN 5/8" IRON ROD AND CAP STAMPED "PLS 2047" AT THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 8 SOUTH, RANGE 22 EAST, ALACHUA COUNTY, FLORIDA (AS DEPICTED ON FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CERTIFIED CORNER RECORD NO. 37215); THENCE SOUTH 01°10'33" EAST ALONG THE EAST LINE OF SAID NORTHEAST 1/4 FOR 1948.49 FEET TO AN 4" X 4" CONCRETE MONUMENT "NO IDENTIFICATION" AT THE NORTHEAST CORNER OF THE "MINZENBERG AND BIRD" PARCEL, AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 4569, PAGE 268



OF THE PUBLIC RECORDS OF SAID ALACHUA COUNTY; THENCE CONTINUE SOUTH 01°10'33" EAST ALONG SAID EAST LINE AND ALONG THE EASTERLY LINE OF SAID "MINZENBERG AND BIRD" PARCEL FOR 60.00 FEET TO THE SOUTHEAST CORNER OF SAID "MINZENBERG AND BIRD" PARCEL, AND THE NORTHEAST CORNER OF THE "BIRD AND MINZENBERG" PARCEL, AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 3578, PAGE 598 OF SAID PUBLIC RECORDS; THENCE CONTINUE SOUTH 01°10'33" EAST ALONG SAID EAST LINE AND ALONG THE EAST LINE OF SAID "BIRD AND MINZENBERG" PARCEL FOR 152.48 FEET; THENCE SOUTH 88°49'27" WEST FOR 503.52 FEET TO THE NORTHEAST CORNER OF AN 100 FOOT BY 100 FOOT TOWER PARCEL; THENCE SOUTH 88°49'27" WEST ALONG THE NORTH LINE OF SAID TOWER PARCEL FOR 55.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THE HEREIN DESCRIBED 30 FOOT WIDE NON-EXCLUSIVE INGRESS, EGRESS AND UTILITY EASEMENT; THENCE NORTH 01°10'33" WEST FOR 109.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 70.00 FEET, A CENTRAL ANGLE OF 90°14'48", AND A CHORD OF 99.21 FEET THAT BEARS NORTH 46°17'57" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE FOR 110.26 FEET TO A POINT OF TANGENCY; THENCE SOUTH 88°34'38" WEST FOR 676.12 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID "MINZENBERG AND BIRD" PARCEL, AND THE EASTERLY RIGHT-OF-WAY LINE OF NORTHEAST 194TH PLACE, AND THE POINT OF TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

CONTAINING 26,884 SQUARE FEET (0.617 ACRES), MORE OR LESS.



Approximate location of tower site within parcel 18442-002-000

