

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

(Continued from the 01/13/04 BCC Public Hearing)

SUBJECT: Appeal of the Board of Adjustment's decision to deny a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences; (Wireless Facilities, Cingular Wireless, LLC, & Kevin Karr, appellants).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Donald Fisher **CONTACT:** Earnest McDonald **EXT:** 7430

Agenda Date	02-24-04	Regular	<input type="checkbox"/>	Consent	<input type="checkbox"/>	Work Session	<input type="checkbox"/>	Briefing	<input type="checkbox"/>
		Public Hearing – 1:30	<input type="checkbox"/>	Public Hearing – 7:00	<input checked="" type="checkbox"/>				

MOTION/RECOMMENDATION:

1. **UPHOLD** the Board of Adjustment's decision to deny a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences; (Wireless Facilities, Cingular Wireless, LLC, & Kevin Karr, appellants); or
2. **REVERSE** the Board of Adjustment's decision to deny a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences; (Wireless Facilities, Cingular Wireless, LLC, & Kevin Karr, appellants); or
3. **CONTINUE** the request to a time and date certain.

(Commission District #5, McLain) (Earnest McDonald, Principal Coordinator)

NOTE: This item was continued from the January 13, 2004 regular meeting of the BCC for the applicant to examine collocation opportunities on existing nearby and adjacent communication tower sites.

Reviewed by	
Co Atty:	
DFS:	
Other:	
DCM:	
CM:	
File No.	ph700pdp02

BOARD OF ADJUSTMENT DECISION:

At its regular meeting on October 27, 2003, the Board of Adjustment denied the request for a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences. This decision was based on the inability of the site to provide the minimum separation distances required.

STAFF RECOMMENDATION:

Based on the findings stated in this report, staff recommends the Board of County Commissioners reverse the decision of the Board of Adjustment to deny a request for a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences.

<p>GENERAL INFORMATION</p>	<p>WIRELESS FACILITIES, INC., CINGULAR WIRELESS, & KEVIN KARR, APPLICANTS 5347 CARTER ROAD LAKE MARY, FL 32746</p>	<p>A-1 District, LDC Section 124 (b)(23) Communication Towers; LDC Section 30.1364(b) Performance Standards (Minimum Separation from Off-Site Uses / Designated Areas)</p>
<p>BACKGROUND / REQUEST</p>	<ul style="list-style-type: none"> • The applicants propose to lease a portion of the subject property in order to construct a 150 ft tall monopine camouflage communication tower that would be designed to blend into existing vegetative surroundings. • The subject property is currently occupied by a single-family structure, which is a part of a larger church site owned by Markham Woods Presbyterian Church, Inc. • <u>REQUEST FOR SPECIAL EXCEPTION</u> <ul style="list-style-type: none"> ○ The existing site is located in the A-1 district, where camouflage communication towers are permitted subject to Planning Manager approval and the criteria below: <ul style="list-style-type: none"> ▪ A structure designed to merge, blend into and conform in appearance with existing surroundings; and ▪ A structure that does not appear to be unique, unusual or out of place; and ▪ A structure that a reasonable person with normal observational faculties and intelligence would not perceive as a tower; and ▪ A structure with camouflage techniques that does not have negative impacts on the general area in which it would be located. ▪ Based on this definition, the Planning Manager has determined the proposed monopine tower, while camouflage in design, would substantially exceed the height of existing vegetation on the subject property and nearby properties and would thereby appear unique, unusual and out of place with surrounding development. For this reason, a special exception is requested for the proposed tower, as allowed by the Land Development Code for structures that fail to meet the definition of a camouflage communication tower. ○ The Planning Manager has determined that the proposed monopine does not meet the criteria listed above. • <u>REQUEST FOR VARIANCES</u> 	

- Minimum separation distance is defined as 200 feet or 300 percent of the proposed tower height (150 ft x 3 = 450 ft), whichever is greater, as measured from the outer extremity of the base of the tower to the property line of the parcel on which the residence is located. For the proposed 150 foot tower, the Land Development Code requires a minimum separation distance of 450 ft between the base of the tower and existing single-family uses to the south.
- The subject property abuts three (3) properties to the south where there are existing single-family residences. The following variances are requested to reduce the separation requirements:

SE DESIGNATED PARCELS	PROPOSED DISTANCE SEPARATION	VARIANCE AMOUNT REQUESTED
02-20-29-506-0000-0020	353.50 FT (SOUTH)	96.50 FT
02-20-29-506-0000-0030	307.46 FT (SOUTH)	142.54 FT
02-20-29-300-027A-0000	298.67 FT (SOUTH)	151.33 FT

- The subject property is occupied by an existing single-family residence, where the separation requirement would typically apply. However, Section 30.1364(b)(3) of the Land Development Code allows the Planning Manager to reduce separation distances with written consent of property owners within the separation distance. By authorizing the applicant to seek the requested special exception and associated variances to establish the proposed tower on the subject property, the owner has consented to allowing a reduction in distance; no variance is required.
- Since the Board of Adjustment hearing and upon further review, staff determined that the minimum separation requirement only applies to abutting properties with existing residential uses in this case. Since Suburban Estates is not a future land use category exclusive to (single-family) residential development, no variances from minimum distance are required between the proposed tower and abutting SE properties (without single-family residences to the north); the appeal has been modified to reflect this determination.

ZONING & FLU	DIRECTION			EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	A-1	SE	SINGLE-FAMILY		
	NORTH	A-1	SE	VACANT		
	SOUTH	A-1	SE	THREE (3) SINGLE-FAMILY HOMES & VACANT		
	EAST	A-1	SE	CHURCH		
	WEST	A-1	SE	SINGLE-FAMILY HOME		
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	<p>The Board of County Commissioners shall have the power to hear and decide appeals from Board of Adjustment decisions, including special exceptions the Board of Adjustment is specifically authorized to pass under the terms of the Land Development Code upon determination the use requested:</p> <p><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></p> <p>The trend of development in the area has included other communication towers, including two (2) flagpole installations, 135 ft and 90 ft in height, located to the north of the subject property on a parcel owned by First Baptist Church of Markham Wood, Inc. However, the applicant submitted documentation that a flagpole design is not feasible, due to Cingular Wireless' infrastructure needs.</p> <p>The proposed tower is designed to resemble a pine tree and assimilate into surrounding vegetation, as opposed to traditional monopole, lattice or guyed communication towers. The Land Development Code identifies monopine tower design, along with signs, light poles, utility poles and roof fascias, as acceptable camouflage treatments.</p> <p>Because the proposed monopine tower, at the height proposed, would not blend into existing surroundings such that a reasonable person with normal observational faculties and intelligence would not perceive its presence as a tower, staff believes an alternative camouflage design, such as a flagpole, would be more appropriate on the subject property and consistent with the trend of nearby tower development. The Board might want to also consider an ecclesiastical design or monopine a reduced height.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON</u></p>					

EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:

The proposed tower would not have an adverse impact on existing traffic volumes, since the facility would be unmanned and require a minimum number of vehicle trips for routine service and maintenance.

IS CONSISTENT WITH THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN:

The Seminole County Vision 2020 Comprehensive Plan describes the SE (Suburban Estates) future land use (FLU) as (1) most appropriate for the development of large-lot single-family estates as a desired final land use, (2) most appropriate as a transitional use between urban development and general rural uses, and (3) most appropriate as a location where agricultural operations can continue until development occurs for other purposes.

The comprehensive plan further describes SE FLU as appropriate for utility structures, such as communication towers. With the imposition of staff's recommended conditions, the proposed tower would be consistent with the SE FLU designation.

MEETS ANY ADDITIONAL REQUIREMENTS SPECIFIED IN THE CODE SECTION AUTHORIZING THE USE IN A PARTICULAR ZONING DISTRICT OR CLASSIFICATION:

Based on the submitted site plan, the proposed communication tower would not meet the 450 ft minimum separation distance required between the tower base and three (3) abutting properties with single-family uses to the south. For this reason, variances from this performance standard are requested as a part of this application.

WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:

Within the A-1 District, communication towers are allowed as conditional uses. The prior establishment of similar tower structures on adjacent property to the north has defined the character of the area as appropriate for this type of facility.

The incorporation of camouflage design elements, including heavy branch coverage, pine needles with custom coloring to match surrounding trees, and pine bark would reduce the

	<p>visual impact of the proposed tower at a reduced height. However, the proposed height of 150 ft would be substantially taller than surrounding trees and vegetation the tower would be designed to assimilate into. For this reason, staff believes an alternative flagpole design, which is commonly viewed as an accessory to a church, would provide a reasonable alternative for assimilation and reduction of visual impact to surrounding development.</p>
<p>STANDARDS FOR GRANTING A SPECIAL EXCEPTION IN THE A-1 (AGRICULTURE); LDC SECTION 30.124(a)</p>	<p>Upon appeal, the Board of County Commissioners may uphold, reverse or modify any decision of the Board of Adjustment to deny any use allowed by special exception in the A-1 (Agriculture) upon making findings of fact, in addition to those required by section 30.43(b)(2) of the Land Development Code, that the use:</p> <p><u>IS CONSISTENT WITH THE GENERAL ZONING PLAN OF THE A-1 (AGRICULTURE):</u></p> <p>As previously stated, the proposed use would be consistent with the SE FLU and underlying A-1 zoning with the imposition of staff's recommended conditions. The proposed use would otherwise comply with the dimensional standards of the A-1 District.</p> <p><u>IS NOT HIGHLY INTENSIVE IN NATURE:</u></p> <p>The request would not be highly intensive in nature, if improvements are limited to a camouflage tower system, an equipment cabinet, privacy fence, and requisite landscaping as depicted on the submitted site plan.</p> <p>The proposed facility would be self-operating and used exclusively for transmitting and receiving. Routine maintenance visits would occur approximately twice a month. More frequent visits would be required in the event of malfunction or emergency.</p> <p>Proposed ingress/egress to the facility would be provided from the abutting church property to the East.</p> <p><u>HAS ACCESS TO AN ADEQUATE LEVEL OF URBAN SERVICES SUCH AS SEWER, WATER, POLICE, SCHOOLS AND RELATED SERVICES:</u></p> <p>The proposed tower would be an unmanned facility, which would require no connection to water or sewer, nor impact school services. Other County services, including police,</p>

	<p>emergency, and garbage disposal are otherwise available to the site. Electrical power and telephone service would be respectively provided by Progress Energy and Bell South.</p>
<p>STANDARDS FOR GRANTING A VARIANCE; LDC SECTIONS 30.1364(b)(4) & 30.43(b)(3)</p>	<p>Minimum separation distance required between a communication tower and existing residences may be decreased or increased by the Board of County Commissioners in accordance with the procedural requirements for variances as set forth in Section 30.43(b)(3) and the substantive determinations as set forth below when considering whether to approve a special exception:</p> <ul style="list-style-type: none"> ○ <u>The aesthetic impact of the tower would be enhanced in the following manner:</u> <ul style="list-style-type: none"> ● The visual impact of the proposed tower to abutting residential properties could be minimized by design features (flagpole) intended to camouflage its presence and assimilate the same into surrounding (church) development. ○ <u>Compatibility with abutting property owners would be maintained in the following manner:</u> <ul style="list-style-type: none"> ● With the imposition of the conditions recommended by staff, the proposed use would be compatible with the existing trend of development in the area, which includes other two other camouflage communication towers on adjacent property to the north. ○ <u>The proposed tower would further the legislative intent of Section 30.1362 of the Land Development Code in the following manner:</u> <ul style="list-style-type: none"> ● The applicants have submitted documentary evidence (radio frequency propagation maps and a signed statement from a radio frequency engineer) to support Cingular Wireless' need for a new telecommunications facility in the general area, as well as evidence exhausting the possibility of collocation opportunities. <p>The standards relative to variances as otherwise described in Section 30.43(b)(3) of the Land Development Code may be considered in determining whether to approve a variance but shall not be determinative as to whether the variance may be</p>

granted. For the Board's consideration, staff has applied he same and further determined the following:

THAT SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST WHICH ARE PECULIAR TO THE LAND, STRUCTURE, OR BUILDING INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS, STRUCTURES, OR BUILDINGS IN THE SAME ZONING CLASSIFICATION:

Should the Board of County Commissioners approve a special exception for the establishment of the proposed 150 ft. communication tower, variances from minimum separation distance would be required, as explained above.

Based on the submitted propagation maps and supporting documentation, the applicants have demonstrated a need to expand Cingular Wireless' service area by establishing a communication tower in the general vicinity of the subject property. The applicants have further indicated that all collocation opportunities, including the 90 foot collocation opportunity to the north, have been explored and determined to be unacceptable for meeting Cingular Wireless' coverage goals and the provision of homogeneous service across its network.

Since this item was initially considered by the Board of Adjustment on October 27, 2003 and subsequently by the Board of County Commissioners on January 13, 2004, staff has further determined that the proposed tower height is consistent with Cingular Wireless' desire to provide coverage in the areas identified on the attached propagation maps. In general, communication towers require a spacing of approximately 2 to 3 miles to provide the necessary overlap and signaling requirement to optimize performance and coverage to a geographic area. The 150 foot height is requested to compensate for the terrain of the Wekiva River basin, which the proposed tower would cover. This factor constitutes a special circumstance, which should be considered by the Board in determining the maximum height of the tower.

Further, the applicant has stated that by approving a tower at the requested height, a need for an additional tower in the area would be eliminated.

THAT THE SPECIAL CONDITIONS AND CIRCUMSTANCES DO NOT RESULT FROM THE ACTIONS OF THE APPLICANTS:

The aforementioned special condition results from the topography of the area to be serviced by the new tower facility and not from any action of the applicants.

THAT GRANTING THE VARIANCE REQUESTED WILL NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE THAT IS DENIED BY CHAPTER 30 TO OTHER LANDS, BUILDINGS, OR STRUCTURES IN THE SAME ZONING CLASSIFICATION:

Should the Board approve the requested special exception and associated variances, no special privilege would be conferred upon the applicants, since a need for the use has been demonstrated, along with the satisfaction of the policy intent of the code, including the exhaustion of collocation possibilities.

THAT LITERAL INTERPRETATION OF THE PROVISIONS OF CHAPTER 30 WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING CLASSIFICATION AND WOULD WORK UNNECESSARY AND UNDUE HARDSHIP ON THE APPLICANT:

While the literal interpretation of Section 30.1364 (Performance Standards) would not deprive the applicant of the ability to establish a communication tower should the same be approved by the Board, a tower no taller than 100 feet in height could be constructed at the proposed location. Such a restriction in height would not necessarily deprive the applicants of rights commonly enjoyed by other properties in A-1 (Agriculture), since the site is already developed for a church, which is a use expressly permitted in this district.

THAT THE VARIANCE GRANTED IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE LAND, BUILDING, OR STRUCTURE:

In the attached letters from Cingular Wireless, dated September 12, 2003 and October 16, 2004, the applicants explain the need for the requested variances, which would allow a communication tower height in excess of 100 feet. As explained in the letters, the proposed height would afford wider (suburban) propagation and reduce the number of towers needed for future service expansion in the area. This would also further the County's policy to reduce tower proliferation and associated visual blight. For this reason, in addition to the

	<p>need to compensate for existing terrain as previously explained, staff believes the requested variances are the minimum.</p> <p><u>THAT THE GRANT OF THE VARIANCE WILL BE IN HARMONY WITH THE GENERAL INTENT AND PURPOSE OF CHAPTER 30, WILL NOT BE INJURIOUS TO THE NEIGHBORHOOD, OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:</u></p> <p>Staff believes the granting of variances from separation distance (with the recommended conditions) would be in harmony with the general intent and purpose of the Land Development Code, since special conditions which give credence to the granting of a variance have been demonstrated by the applicant.</p>
<p>BOARD OF ADJUSTMENT DECISION</p>	<p>At its regular meeting on October 27, 2003, the Board of Adjustment denied the request for special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and properties assigned the SE FLU designation and having residential uses. As stated earlier in this report the associated variances from 450 feet to 294.17 feet; 450 feet to 32.25 feet; and 450 feet to 41 feet were not needed because no home was sited on the parcels. The Board of Adjustment's decision was based on the inability of the site to provide the minimum separation distances required.</p> <p>While preparing the appeal from the Board's decision, staff determined the minimum separation requirement only applies to abutting properties with existing residential uses. Since Suburban Estates is not a future land use exclusive to (single-family) residential development, no variances from minimum distance are required between the proposed tower and abutting SE properties (without single-family residences to the north); the appeal has been modified to reflect this determination.</p>
<p>STAFF RECOMMENDATION</p>	<p>Based on the stated findings, staff recommends the Board of County Commissioners <u>reverse</u> the decision of the Board of Adjustment to deny a request for a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a</p>

proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences.

Should the special exception be granted, staff recommends the following conditions of approval:

1. The proposed tower shall be a camouflage flagpole design not exceeding 150 feet in total height.
2. The proposed tower shall be painted a muted color to blend in with the surrounding environment.
3. Ingress/egress to the site shall be restricted to Markham Woods Road from the abutting church site to the east, in order to minimize impact to residential properties to the south.
4. Any variance granted should be conditioned upon certification by a structural engineer of the proposed tower's safe performance in the event of structural failure or collapse.
5. Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

The following are standard provisions of the Land Development Code that would apply:

6. No commercial signage or advertising shall be permitted on the proposed tower unless otherwise required by law or the signage pertains to the posting of property relative to trespassing.
7. A wall no less than eight (8) ft in height from finished grade shall be installed around the area described as "proposed Cingular lease parcel" on the submitted site plan; requisite landscaping shall be provided outside this area.
8. The proposed tower shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).
9. In the event the proposed tower is abandoned, the owner of the subject property shall have one hundred eighty (180) days to reactivate the use of the tower, transfer the tower to another owner/operator who must make use of the tower as permitted, or dismantle and remove the tower.
10. In the event of abandonment for a period of one hundred eighty (180) days, the granted special exception shall automatically expire.
11. Prior to final site plan approval, the owner/operator of

	<p>the proposed tower shall post a surety bond in the amount of 110 percent of the estimated cost of tower removal, or other acceptable guarantee, with the planning manager for the purpose of removing the tower in the event the owner fails to reactivate, transfer ownership, or remove the tower within one hundred eighty (180) days after abandonment.</p> <p>12. Prior to final site plan approval, the owner/operator of the proposed tower shall file with the planning division a master plan indicating the site of all proposed communication tower sites and a statement describing the anticipated communication tower needs over the next ten (10) years; the master plan shall be filed annually on or before January 1st.</p> <p>13. Prior to receiving final inspection by the county, the applicant shall provide certification to the Federal Communication Commission (FCC) and the planning division that FCC rules for Non-Ionizing Electromagnetic Radiation (NIER) have been complied with.</p> <p>14. Any improvements and/or additions to the proposed tower shall be submitted for approval to the county.</p> <p>15. A listed species survey shall be provided prior to final engineering approval.</p> <p>16. Prior to final engineering approval, a water quality swale shall be provided.</p> <p>17. Prior to the final development order / approval, an application for full concurrency management shall be provided.</p> <p>18. The proposed use shall otherwise comply with the Seminole County Vision 2020 Comprehensive Plan, Land Development Code and all applicable construction and building codes.</p>
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Attachments:

- Seminole County Communication Tower Inventory
- Staff Correspondence
- Applicable Regulations
- Decision on Appeal
- Applications for Special Exception & Variances
- Application for Appeal of BOA's Decision
- Transmittal Letter
- Propagation Maps
- Engineering & Safety Information
- Project Description & Justification
- Site Map
- Property Appraiser Report
- Recorded Denial Development Order & Proposed Site Plans
- Minutes of the October 27, 2003 BOA Meeting



Greg Holcomb

01/13/2004 03:16 PM

To: Earnest McDonald/Seminole@Seminole
cc: Don Fisher/Seminole@Seminole
Subject: Agenda Item 58 - Cingular Wireless

I have reviewed item 58 regarding the Appeal of the Board of Adjustment's decision to deny a special exception to establish a 150 ft. tall camouflage communication tower in the A-1 (Agriculture District) and associated variances from 450 feet to 298.67 feet; 450 feet to 307.46 feet; and 450 feet to 353.5 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and abutting properties with existing single-family residences; (Wireless Facilities, Cingular Wireless, LLC, & Kevin Karr). District – 5 McLain (Earnest McDonald).

The technical review finds that the proposed tower site is a necessity for Cingular Wireless to provide adequate coverage to the area identified by the request. In general, Cell towers require a spacing of approximately 2-3 miles to provide the necessary overlap and signaling requirement to optimize performance and coverage to a geographic area. The coverage maps are consistent with this requirement. The additional height in this area is designed due to the terrain of the Wekiva River basin that is being covered. This request conforms to the industry configuration for cellular coverage.

Please let me know if there is anything additional that you require. Thanks.

Sec. 30.1364. Performance standards.

(a) *Setbacks.*

- (1) Communication tower setbacks shall be measured from the outer extremity of the base of the communication tower to the property line of the parcel on which it is located.
- (2) Communication towers shall be located on parcels which comply with the minimum setback and lot size requirements of the zoning classification assigned to the property on which they are located.
- (3) For towers located on properties assigned the PUD or PCD zoning classification, the setback requirements for the parcel outlined in the PUD/PCD approval shall apply.
- (4) In cases where there are non-conforming residential uses on property which is not assigned a residential zoning classification, a reduction of fifty (50) percent of the side or rear yard setback distance opposite the non conforming residential use shall be permitted by the current planning manager unless the side or rear yard proposed for reduction is assigned a residential land use designation or zoning classification.

(b) *Minimum separation from off-site uses/designated areas.*

- (1) Communication tower separation shall be measured from the outer extremity of the base of the tower to the closest property line of the off-site use as specified in Table 1 below.
- (2) Separation requirements for communication towers shall comply with the minimum standards established in Table 1 below unless otherwise provided.
- (3) Reduced separation distances may be reduced by the current planning manager when written consent as set forth in a recordable instrument is obtained from all property owners within the applicable separation distance.
- (4) Separation distances may be decreased or increased by the board of adjustment in accordance with the procedural requirements for variances as set forth in this Code and the substantive determinations as set forth in Table 1 below, when considering whether to approve a special exception, if competent substantial evidence is presented demonstrating unique planning considerations and compatibility impacts.

TABLE 1

MINIMUM SEPARATION FROM OTHER USES

TABLE INSET:

Off-site Use	Separation Distance
Property assigned a single-family (includes modular homes and mobile homes used for living purposes), duplex, or multi family residential zoning classification or future land use designation or with an existing residential use.	200 feet or 300% height of tower whichever is greater except when a variance is granted based upon findings that the aesthetic impacts of the tower is enhanced, that compatibility with abutting property owners is maintained, and the approval of the tower would be consistent with and further the provisions of Section 30.1362. The standard relative to variances as otherwise set forth in this Code may be considered in determining whether to approve a variance hereunder, but shall not be determinative as to whether the variance may be granted.
Property assigned a non-residential zoning classification or future land use designation or property with an existing non residential use	None. Only district setbacks apply.

(c) *Separation distances between communication towers.*

- (1) Separation distances between communication towers shall be and measured between the communication tower proposed for approval and those towers that are permitted or existing
- (2) The separation distances shall be measured by drawing or following a straight line between the GPS coordinate of the center of the existing or permitted communication tower and the proposed GPS

coordinate of the center of the proposed communication tower as depicted on a site plan of the proposed tower.

(3) The separation distances, listed in linear feet, shall be as set forth in Table 2

TABLE 2

SEPARATION DISTANCES BETWEEN COMMUNICATION TOWERS

TABLE INSET:

DESCRIPTION	EXISTING TOWERS				
	LATTICE	GUYED	MONOPOLE 75 FT IN HEIGHT OR GREATER	MONOPOLE LESS THAN 75 IN HEIGHT	CAMOUFLAGE
LATTICE	5,000	5,000	1,500	750	0
GUYED	5,000	5,000	1,500	750	0
MONOPOLE 75 FT IN HEIGHT OR GREATER	1,500	1,500	1,500	750	0
MONOPOLE LESS THAN 75 IN HEIGHT	750	750	750	750	0
CAMOUFLAGE	0	0	0	0	0

(4) A variance from the minimum separation distances between communication towers as set forth in Table 2 may be granted when two (2) or more communication tower owners or operators agree to co-locate their communication antennas on the same communication tower and upon findings being made that the aesthetic impacts of the tower is enhanced, that compatibility with abutting property owners is maintained, and the approval of the tower would be consistent with and further the provisions of section 30.1362. The standard relative to variances as otherwise set forth in this Code may be considered in determining whether to approve a variance hereunder, but shall not be determinative as to whether the variance may be granted.

(d) *Measurement of height.* Measurement of communication tower height shall include antenna, base pad and any and all other appurtenances and shall be measured from the finished grade of the parcel on which the communication tower is located.

(Ord. No. 96-5, § 29, 7-9-

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS
DECISION ON APPEAL

This decision is made by the Board of County Commissioners of Seminole County, Florida, this 24th day of February 2004, in accordance with Section 30.43 of the Land Development Code of Seminole County (LDC), as amended, reversing a decision of the Board of Adjustment to deny a special exception to establish a 150 ft tall camouflage communication tower in the A-1 (Agriculture District) and associated variances from 450 feet to 298.67 feet; 450 feet to 294.17 feet; 450 feet to 307.46 feet; 450 feet to 353.5 feet; 450 feet to 32.25 feet; and 450 feet to 41 feet for the minimum separation distance required between a proposed 150 foot tall camouflage communication tower and properties assigned the SE (Suburban Estates) future land use designation.

A. FINDINGS OF FACT

1. On November 24, 2003, the Board of Adjustment denied a special exception and associated variances from minimum distance separation for establishing a communication tower, as requested by Wireless Facilities, Cingular Wireless, LLC and Kevin Karr, on the property further described by the following legal description:

LEG SEC 02 TWP 20 S RGE 29 E W ½ OF S 2/3 OF N ¾ OF S ½ OF NW ¼ OF SE ¼

2. The Board of County Commissioners has the authority and responsibility to adjudge this appeal by virtue of Section 30.43(f), LDC.

3. On February 24, 2004, the Board of County Commissioners heard an appeal of this decision.

B. CONCLUSIONS OF LAW

The Board of County Commissioners finds that the subject special exception is in conformance with Sections 30.124 and 30.1364 of the Land Development Code of Seminole County, due to the following:

1. The Board hereby agrees with and adopts the staff recommendations as reflected in the Agenda Memorandum.
2. The subject special exception meets all of the criteria in Section 30.124(b)(23), LDC, for granting special exceptions because:
 - a. The subject special exception and associated variances from minimum distance separation between the proposed tower and Suburban Estates properties would allow development that would be consistent with the character and trends of low-density, single-family residential development in the area.
 - b. The proposed use is consistent with the Vision 2020 Comprehensive Plan Future Land Use Element, which allows special exception uses, including churches, in the SE (Suburban Estates) Future Land Use Classification.
 - c. The proposed use is compatible with the existing trend of development in the area.

C. DECISION

Based upon the foregoing and having fully considered the application submitted, and the testimony presented at the Board of County Commissioners public hearing on February 24, 2004, it is determined by majority vote of members of the Board of County Commissioners of Seminole County, Florida, that the subject decision of the Board of Adjustment is **QUASHED** and the special exception requested is granted.

DATED this 24th day of February 2004.

Board of County Commissioners
Seminole County, Florida

Daryl G. McLain, Chairman

**SPECIAL EXCEPTION
APPLICATION TO THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT**

APPLICANT: ^{KEVIN KARR} WIRELESS FACILITIES, INC & CINGULAR WIRELESS LLC ^{KARL SANDERS, ESA REPRESENTING}

COMPLETE MAILING ADDRESS: 1101 N. LAKE DESTINY RD.
SUITE 100, MAITLAND, FL 32751

PHONE: WORK: 813-975-9809 HOME: _____ FAX: 813-615-0015

CELL PHONE: 727-480-4316 Email: Kevin.Karr@wfi.net.com

PROPERTY OWNER OF RECORD: MARKHAM WOODS PRESBYTERIAN CHURCH, INC.

SITE OF REQUEST: 5347 CARTER RD., LAKE MARY, FL 32746

REQUEST: UNMANNED TELECOMMUNICATIONS FACILITY CONSISTING OF A 150' CAMOUFLAGE "MONOPINE" MONOPOLE & SUPPORTING EQUIP. CABINETS

SOURCE OF WATER AND SEWER SERVICE: N/A

LEGAL DESCRIPTION OF PROPERTY: THE WEST 1/2 OF THE SOUTH 2/3 OF THE NORTH 3/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 IN

SECTION 2, TOWNSHIP 20 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA. SUBJECT TO ROAD RIGHT-OF-WAY ON WEST FOR CARTER ROAD.

TAX PARCEL I.D. 02-20-29-300-0300-0000

GENERAL LOCATION (Directions): ADDRESS ON CARTER RD. LOCATED ON EAST SIDE OF ROAD, APPROX 2/10 - 3/10 MILE SOUTH OF INTERSECTION OF CARTER RD. AND MARKHAM WOODS RD.

KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: NONE

CURRENT USE OF PROPERTY: SINGLE FAMILY DWELLING

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

Submit ten (10) site plans and one (1) reduced 11" X 17" copy of the site plan. A completed Concurrency Review Application. A letter of authorization from the property owner if applicant is not the owner and application fee.

SIGNATURE OF APPLICANT Kevin Karr DATE 9/12/03

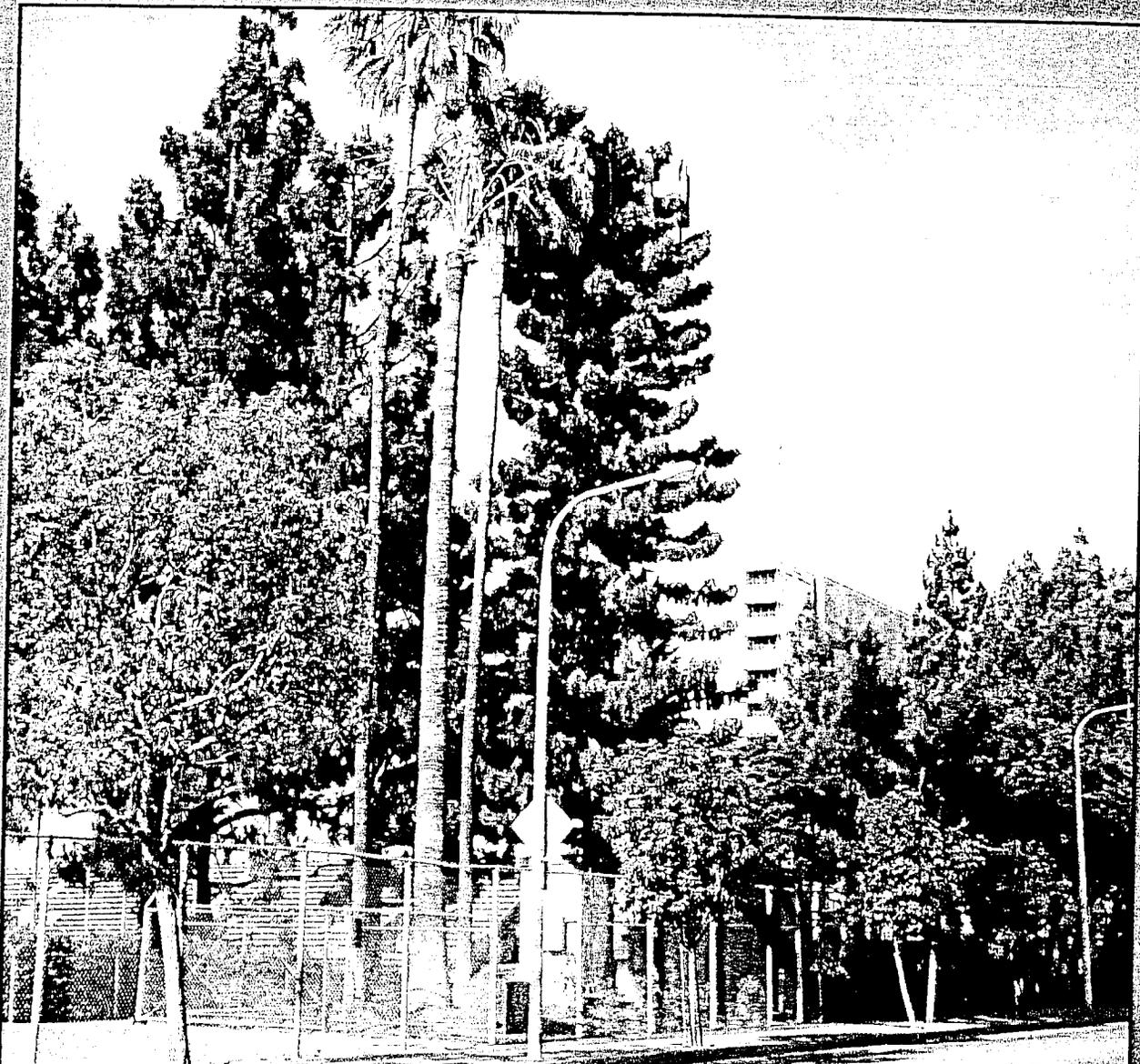
FOR OFFICE USE ONLY	
FEE: _____ / _____ CC _____ / _____ DATE _____ ZONING DISTRICT: <u>A-1</u>	
FURTHER DESCRIBED AS: _____	LOT SIZE: _____
PROCESSING:	
A. LEGAL AD TO NEWSPAPER _____ / _____	B. NOTICE TO PROPERTY OWNERS _____
C. PLACARDS / NOTICE _____ / _____	D. PROJECT NO. <u>03-32000036</u>
E. BOARD ACTION / DATE _____ / _____	F. LETTER TO APPLICANT _____

PLANNER ERM DISTRICT: _____
 - variance application to accompany FILE NO. BS 2003-026
 MEETING DATE _____

EXHIBIT "A"

Trees

Trees



60-FOOT PINE TREE. HEAVY BRANCH COVERAGES (EXTRA LONG NEEDLES WITH CUSTOM COLORING TO MATCH SURROUNDING TREES)
115 BRANCHES COVERING 48-FOOT OF POLE. — SANTA ANA, CA

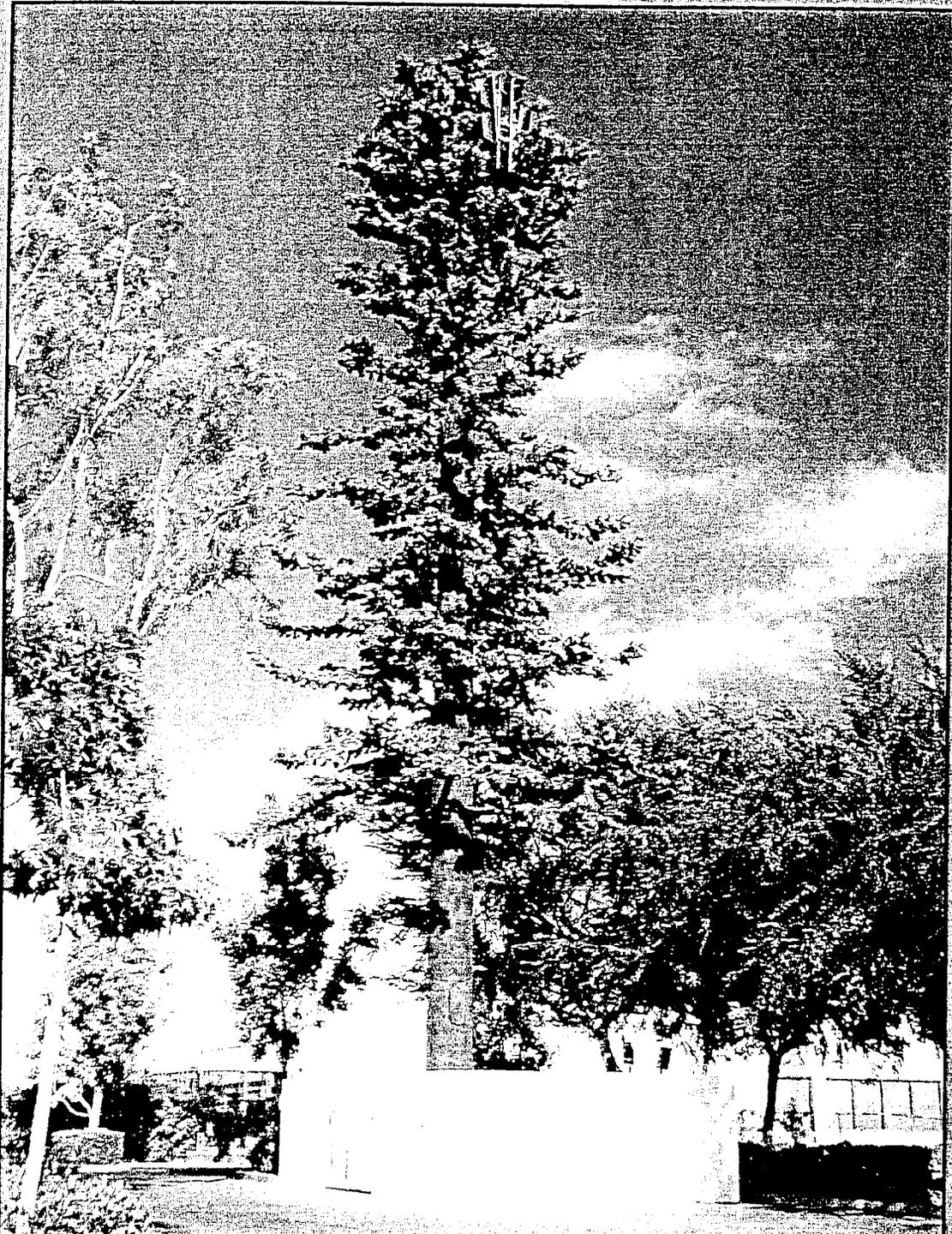
**QUANTUM
ENGINEERING**

(800) 779-4026

EXHIBIT "B"

Trees

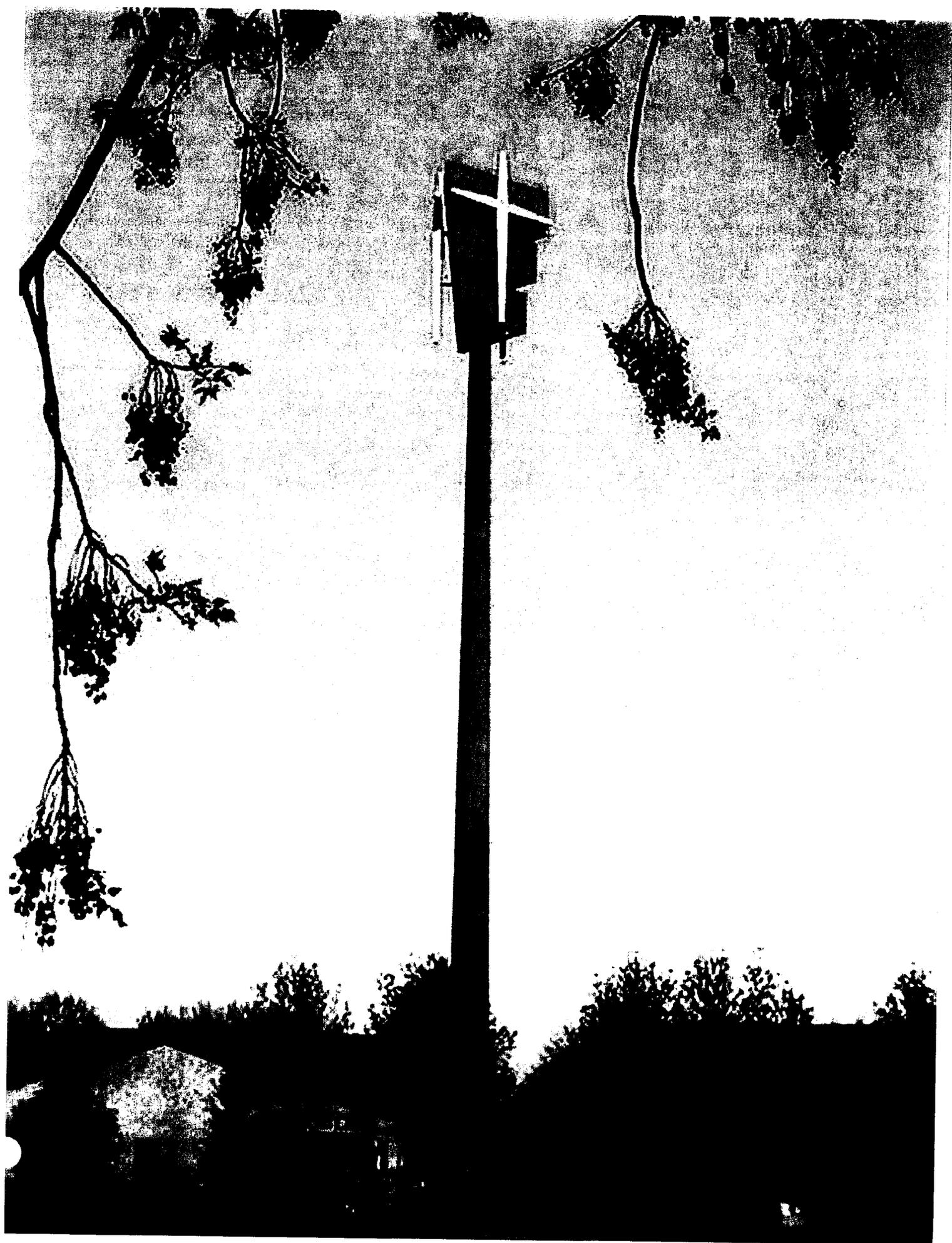
Trees



65-FOOT PINE FULL BARK HEAVY/MEDIUM BRANCH COUNT. (102 BRANCHES COVERING 43-FEET).
STANDARD SIZE NEEDLES AND COLORS. — CHINO, CA

**CHAMBERLAIN
ENGINEERING**

(810) 477-4026



**VARIANCE
APPLICATION TO THE SEMINOLE COUNTY
BOARD OF ADJUSTMENT**

APPLICANT: KEVIN KARR FOR WIRELESS FACILITIES, INC. AND CINGULAR WIRELESS LLC KARL SANDERS ESQ REPRESENTING
1161 N. LAKE DESTINY RD.
 COMPLETE MAILING ADDRESS: SUITE 100, MAITLAND, FL 32751
 PHONE: WORK: 813-975-9809 HOME: _____ FAX: 813-615-0015
 CELL PHONE: 227-460-4316 Email: Kevin.karr@wfinct.com
 PROPERTY OWNER OF RECORD: MARKHAM WOODS PRESBYTERIAN CHURCH, INC
 SITE OF REQUEST: 5347 CARTER RD., LAKE MARY, FL 32746
 STATEMENT OF HARDSHIP: SEE ATTACHMENT

REQUEST: VARIANCE FROM MINIMUM SEPARATION REQUIREMENTS FROM OFF-SITE USES FOR A COMMUNICATION TOWER THAT IS WITHIN 450' OF OFF-SITE RESIDENTIAL FUTURE LAND USE DESIGNATION.
 LEGAL DESCRIPTION OF PROPERTY: THE WEST 1/2 OF THE SOUTH 1/3 OF THE NORTH 1/4 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 IN SECTION 2, TOWNSHIP 20 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA. SUBJECT TO ROAD RIGHT-OF-WAY
 TAX PARCEL ID NO. 02-20-29-300-030C-0000

KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: NONE

EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:

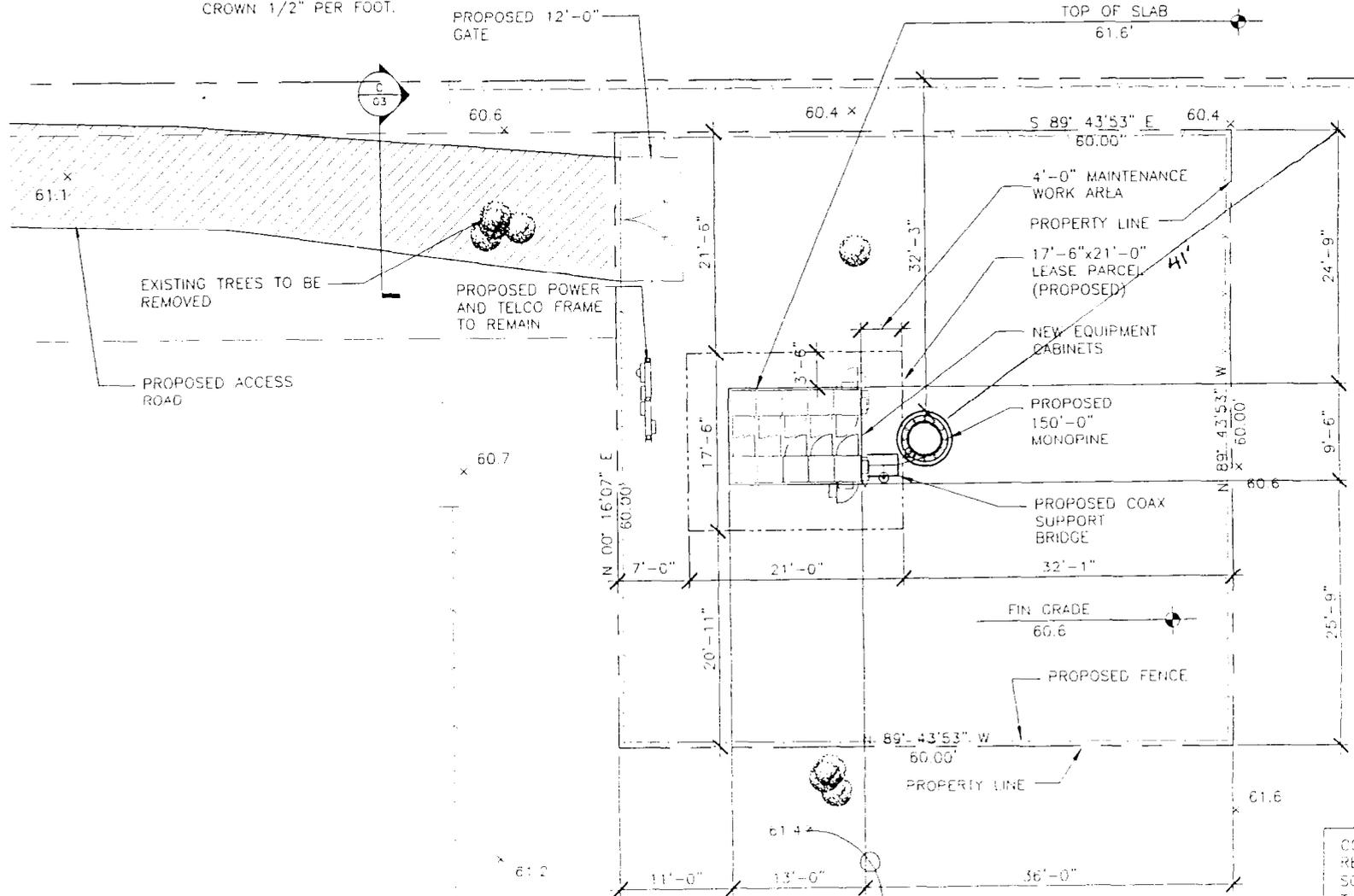
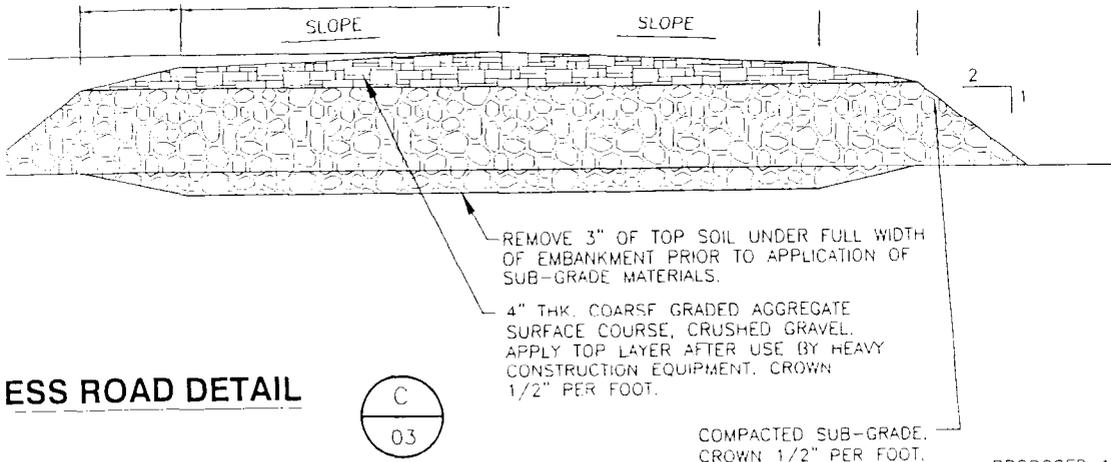
Applicant must be the property owner. Someone other than the property owner may act on the property owner's behalf at the public hearing; however, a letter of authorization from the property owner must be submitted to the County. One 8.5" X 14" site plan and application fee.

SIGNATURE OF APPLICANT: Kevin Karr DATE: 9/12/03

FOR OFFICE USE ONLY	
FEE: _____	CK# _____ RECEIPT# _____ DATE _____ ZONING DISTRICT: _____
FURTHER DESCRIBED AS: _____	
LOT SIZE: _____	
PROCESSING:	
A. LEGAL AD TO NEWSPAPER _____	B. NOTICE TO PROPERTY OWNERS _____
C. PLACARDS / NOTICE _____	D. PROJECT NO. <u>03-30000156</u>
E. BOARD ACTION / DATE _____	F. LETTER TO APPLICANT _____
G. PUD SETBACKS _____	

INITIAL CONFERENCE _____ BCC DISTRICT ~~63-2050~~
 PLANNER ERM FILE NO. BY 2003-153
 MEETING DATE _____

ESS ROAD DETAIL



COMPOUND PLAN

TRUE NORTH



CON
REM
SOIL
THE
HIGH
WEE
WEL
FILL

60' ACCESS / EGRESS EASEMENT

FIRST BAPTIST CHURCH PARCEL
02-20-29-300-0300-0000
ZONED A-1

FIRST BAPTIST CHURCH PARCEL
02-20-29-300-030A-0000

PROPERTY LINE

CINGULAR WIRELESS
INGRESS/EGRESS AND
UTILITY EASEMENT

PROPOSED ACCESS ROAD
(83' LINEAR FT.)

EXISTING FENCE

PROPOSED 150'-0'
MONOPINE

PROPOSED CINGULAR
LEASE PARCEL

555'-7 1/2"
TO MONOPINE

N 89° 43' 53" W 648.77'

83'-4"
TO MONOPINE

PROPOSED CINGULAR
CABINETS EQUIP.

EXISTING SINGLE
FAMILY DWELLING

EXIST. SATELLITE DISH

EXIST. 4.0' BARBED
WIRE FENCE (TYP)

MARKHAM WOODS CHURCH
PARCEL 02-20-29-300-030C-0000
ZONED A-1

294'-2"
TO MONOPINE

MARKHAM CHURCH
PARCEL
02-20-29-300-030B-0000

N 00° 33' 41" W 333.48'
PROPERTY LINE

OVERHEAD WIRES
(TYPICAL)

EXIST. UTILITY POLE
AND TRANSFORMER

PROPERTY LINE
N 89° 53' 39" W 645.10'

ROBERT PITTS PARCEL
02-20-29-300-027A-0000

LANDY P. AND WANDA S. FOWLER
02-20-29-506-0000-0040

LAURA V. AND TITO RODRIGUEZ
02-20-29-506-0000-0030

PETER M. AND RUTH M. ZALEW
02-20-29-506-0000-0030

FLOOD NOTE:
AFTER REVIEW OF FLOOD INSURANCE RATE MAP, COMM
No. 12-17C 0020 E, DATED APRIL 17, 19
CINGULAR WIRELESS LEASE PARCEL DEPICTED IS IN
ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 500
FLOOD PLAIN).

SITE PLAN

TRUE NORTH



SCALE 1" = 30'-0" (FOR 22 X34" SIZE SHEET)
SCALE 1" = 60'-0" (FOR 17" X11" SIZE SHEET)

OCT 07 2003

THROW-1
CINGULAR



2	10-07-03	RE-ISSUED FOR CONSTRUCTION
1	09-09-03	RE-ISSUED FOR CONSTRUCTION



CINGULAR WIRELESS

SEMINOLE COUNTY, FLORIDA

APPLICATION FOR

CONCURRENCY REVIEW DEFERRAL AFFIDAVIT

(IN CONJUNCTION WITH APPLICATION FOR DEVELOPMENT ORDER)

- With Non-Binding "snapshot" of current levels of service (see page 2 for application fees).
- Without** Non-Binding "snapshot" of current levels of service (no fee required).

1) APPLICANT INFORMATION:

Name: WIRELESS FACILITIES TR. # WIRELESS LLC
 Mailing Address: 4190 N. LAKE DESTINY RD.
SUITE 100
MAITLAND, FL 32751
 Telephone No.: 813-975-9809
 Fax No.: 813-615-0815

3) PROJECT INFORMATION:

Property address/location:
5347 CARTER RD.
LAKE MARY, FL 32746

2) OWNER INFORMATION:

Name: MARKHAM WOODS PRESBYTERIAN CHURCH, INC.
 Mailing Address: 5210 MARKHAM WOODS RD.
LAKE MARY, FL 32746
 Telephone No.: 407-333-2030
 Fax No.: 407-333-3202

4) Tax parcel identification number(s) of all property included in this proposal / request:

02-20-29-300-0300-0000

5) PROJECT NAME: WEST HEATHROW

6) I AM APPLYING FOR ONE (OR MORE) OF THE FOLLOWING FINAL DEVELOPMENT ORDER(S), [CHECK ALL THAT APPLY]:

- Development Plans
- PUD/PCD Final Master Plan
- SPECIAL EXCEPTION
- COMMERCIAL/Multi-Family Final Subdivision (Eng.) Plans/Plat
- Rezoning
- PRELIMINARY PLAT
- COMMERCIAL/Multi-Family Waiver to Plat

I HEREBY DECLARE AND AFFIRM THAT I WISH TO ELECT TO DEFER THE CONCURRENCY REVIEW THAT IS REQUIRED BY CHAPTER 163, FLORIDA STATUTES, PER SEMINOLE COUNTY'S COMPREHENSIVE PLAN FOR THE ABOVE LISTED PROPERTY UNTIL A POINT AS LATE AS FINAL ENGINEERING OR SITE PLAN SUBMITTALS FOR THIS PROPOSED DEVELOPMENT PLAN, REZONING, FINAL PUD/PCD MASTER PLAN, PRELIMINARY PLAT, SPECIAL EXCEPTION, COMMERCIAL/MULTI-FAMILY (WAIVER TO) PLAT OR COMMERCIAL/MULTI-FAMILY FINAL SUBDIVISION PLANS/PLATS.

I FURTHER SPECIFICALLY ACKNOWLEDGE THAT ANY PROPOSED DEVELOPMENT ON THE SUBJECT PROPERTY WILL BE REQUIRED TO UNDERGO CONCURRENCY REVIEW AND MEET ALL CONCURRENCY REQUIREMENTS IN THE FUTURE.

7) CERTIFICATION AND SIGNATURE

I hereby certify that the information contained herein is true and correct and that I am either the true and sole owner of the subject property, or am authorized to act on behalf of the true owner(s) in all regards on this matter, pursuant to proof and authorization submitted with the corresponding development application or attached hereto. I hereby represent that I have the lawful right and authority to file this Affidavit.

Applicant Signature: *Kevin Kim* Date: 9/12/03

NOTICE: PLEASE BE SURE TO FILL IN ALL BLANKS AND PROVIDE ALL INFORMATION (ATTACH ADDITIONAL SHEETS IF NECESSARY). INCOMPLETE/INADEQUATE INFORMATION WILL RESULT IN DELAY OF REVIEW. YOUR COOPERATION IS APPRECIATED.

Applicant must pay one of the following fees:			
RESIDENTIAL:			
1 - 50 units		\$ 25.00	
51 - 250 units		\$ 50.00	
250 - 500 units		\$ 75.00	
> - 501 units		\$100.00	
NON-RESIDENTIAL:			
Retail	< 2,000 sq ft	\$ 50.00*	
Office	< 20,000 sq ft	\$ 50.00*	
Industrial	< 50,000 sq ft	\$ 50.00	
Warehouse	< 50,000 sq ft	\$ 50.00	
(*Excluding small high traffic generators.)			
Retail	2,001 - 50,000 sq ft	\$ 75.00**	
Office	20,001 - 200,000 sq ft	\$ 75.00**	
Industrial	50,001 - 250,000 sq ft	\$ 75.00	
Warehouse	50,001 - 250,000 sq ft	\$ 75.00	
(**Inclusive of small high traffic generators.)			
Retail	> 50,001 sq ft	\$100.00	
Office	> 200,001 sq ft	\$100.00	
Industrial	> 250,001 sq ft	\$100.00	
Warehouse	> 250,001 sq ft	\$100.00	
MIXED OR UNSPECIFIED USES/SIZES:			
	Covering immediately adjacent roads/area only	\$ 50.00	
	Covering up to a one (1) mile radius for roads	\$ 75.00	
	Covering roads for a radius > 1 mile	\$100.00	

PLANNING AND DEVELOPMENT USE ONLY

- 8) Current Zoning: _____
- 9) Development Application (DRS) Identifying #: _____
- 10) Application for Development Order Specified in Question #7 determined to be complete:
Date: _____ Time: _____
- 11) One copy of Development Application and Supporting Submission is attached.
- 12) Development Application (if applicable) routed to begin Development Review and this Concurrency Application with required attachments including plans, routed to the attention of _____
_____ in Development Review.
Date: _____ By: _____
Time: _____ Receipt # _____

FOR DEVELOPMENT REVIEW USE ONLY

- 13) CONTROL NUMBER ASSIGNED: _____
- TRAFFIC ZONE: _____
- FUTURE LAND USE DESIGNATION: _____
- PLANS ATTACHED LEGAL DESCRIPTION ATTACHED TIS ATTACHED

Cingular Wireless Cell Sites in Seminole County

<u>Name</u>	<u>Address</u>	<u>Lat</u>	<u>Lon</u>	<u>Current / Proposed</u>
Chuluota	95 E 7th Street, Chuluota FL 32766	28-38-25.88	81-07-41.76	Current
Alafaya	186 Park Road, Oviedo FL 32765	28-37-10.2	81-12-23.5	Current
Oviedo	440 Alexandria Blvd, Oviedo FL 32765	28-39-13.0	81-12-05.0	Current
North Oviedo	908 W SR 434, Oviedo FL 32765	29-46-30.8	81-38-05.1	Current
Goldenrod	3570 Dike Road, Aloma FL 32792	28-38-20.5	81-16-57.7	Current
Lake Street	411 Shore Road, Winter Springs FL 32708	28-41-19.35	81-16-55.71	Current
Winter Springs	350 SR 419, Casselberry FL 32708	28-42-27.0	81-18-14.0	Current
Red Bug & 436	1131 Semoran Blvd, Casselberry FL 32707	28-38-25.73	81-19-25.43	Current
Lakemont	5487 Lake Howell Road, Winter Park FL 32792	28-37-22.5	81-19-31.0	Current
North Maitland	100 Second Street, Casselberry FL 32730	28-38-29.17	81-21-24.63	Current
Casselberry	140 Fernwood Blvd, Casselberry FL 32855	28-39-21.0	81-20-32.0	Current
North Street	1640 S CR 427, Altamonte Springs FL 32721	28-40-42.46	81-20-57.85	Current
Longwood	110 Mingo Trail, Longwood, FL 32750	28-41-49.0	81-21-27.0	Current
Altamonte Mall	601 E Altamonte Sr, Altamonte Springs, FL 32701	28-40-00.13	81-22-14.65	Current
Markham Woods	1649 EE Williamson Road, Longwood FL 32750	28-42-40.6	81-22-48.2	Current
Rolling Hills	135 W Pineview Street, Altamonte Springs FL 32714	28-40-49.85	81-23-25.26	Current
Altamonte	350 S Northlake Blvd, Altamonte Springs FL 32701	28-39-14.0	81-23-15.0	Current
Forest City	746 W SR 436, Altamonte Springs FL 32724	28-39-51.23	81-24-49.76	Current
Wekiva	930 Wekiva Springs Blvd, Longwood, FL 32779	28-42-05.0	81-25-05.0	Current
Lake Mary	40 Skyline Drive, Lake Mary FL 32746	28-44-03.5	81-21-55.8	Current
Hidden Lake	3825 S Orlando Drive, Sanford FL 32773	28-45-20.1	81-17-07.1	Current
Payola	935 Wallace Court, Lake Mary FL 32746	28-46-24.8	81-21-02.8	Current
Towne Center	1050 Rinehart Road, Sanford, FL 32771	28-47-43.69	81-20-34.49	Current
Sanford	3051 Narcissus Ave, Sanford FL 32771	28-48-55.0	81-18-17.0	Current
Sanford Mall	5405 Orange Blvd, Sanford FL 32771	28-49-07.7	81-21-40.2	Current
Central Sanford	411 W 14th Street, Sanford FL 32771	28-47-56.0	81-16-20.0	Current
Geneva	1460 W SR 46, Geneva FL 32732	28-45-01.0	81-08-00.0	Current
Midway	1681 Beardall Ave, Sanford FL 32771	28-47-54.0	81-13-13.0	Proposed
West Heathrow	5214 Markham Woods Rd, Lake Mary FL 32746	28-46-32.0	81-22-53.0	Proposed

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME	MARKHAM WOODS PRESBYTERIAN CHURCH, INC.	WIRELESS FACILITIES, INC. (KEVIN KARR) AND CINCINNATI WIRELESS LLC (KARL SANDERS)
ADDRESS ^{OR} _{SITE}	5347 CARTER RD. LAKE MARY, FL 32746	1101 N. LAKE DESTINY RD., SUITE 110 MAITLAND, FL 32751
PHONE 1	407-333-2030	813-975-9809 DESK
PHONE 2		727-460-4316 MOBILE
E-MAIL		KEVIN.KARR@WFINET.COM

NATURE OF THE APPEAL SEE ATTACHED EXHIBIT A

BCC PUBLIC HEARING DATE JAN. 13, 2004

FOR OFFICE USE ONLY

PROCESSING:
 FEE: _____ COMMISSION DISTRICT _____ FLU / ZONING _____
 LOCATION FURTHER DESCRIBED AS _____

 PLANNER _____ DATE _____
 SUFFICIENCY COMMENTS _____

APPEAL OF BOARD OF ADJUSTMENT DECISION

Pursuant to the instructions from Staff, as well as the applicable Seminole County Land Development Regulations, Cingular Wireless filed two applications with the County for purposes of seeking approval to construct a “camouflage” design communications tower on a vacant parcel of land owned by the Markham Woods Presbyterian Church on Carter Road. The adjacent property to the north of the subject parcel is also owned by a church (Markham Woods Baptist Church), also has an agricultural zoning classification (A-1), and is also vacant. The adjacent property to the north of that parcel is the home of both the Markham Woods Baptist Church and two “flagpole” styled communication towers. Significantly, however, neither of those towers was required to seek either a special exception or a variance.

In their report on Cingular’s request for a tower on the Markham Woods Presbyterian Church parcel, Staff recommended APPROVAL of both the request for a Special Exception and the request for a Variance from the minimum separation requirements. The Board of Adjustment, however, by a 3-2 vote, denied Cingular’s request for a Special Exception based on a motion that the request “did not meet the minimum separation requirements.” In other words, the Board denied Cingular’s request for a Special Exception because it needed a Variance.

Cingular Wireless respectfully submits that its request for a camouflage tower at this location meets the applicable criteria for both a special exception and variance from the minimum separation requirements. The Board of Adjustment’s decision to the contrary was in error, as it reflects both a departure from the essential requirements of law and is not premised on competent substantial evidence in the record below.



October 16, 2003

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Re: Proposed Cingular Wireless Communication Facility
Proposed Site Name: West Heathrow
Proposed Site Address: 5347 Carter Rd., Lake Mary, FL 32746

Ladies and Gentlemen:

I respectfully submit this letter as an explanation of Cingular Wireless' need for a new telecommunications facility in Seminole County. As the system design engineer for Cingular Wireless responsible for Seminole County, I have performed a thorough analysis of the County and the interaction of Cingular's existing sites within the County. Cingular Wireless' current coverage in this area does not provide the quality and reliability we are seeking for our network. My study included field visits and computer analysis with sophisticated RF modeling that takes into account the following variables:

- (A) The physical characteristics of the frequencies allotted by the FCC to Cingular Wireless;
- (B) The allowable power outputs of those frequencies;
- (C) The Cingular Wireless equipment specifications;
- (D) The location of existing Cingular Wireless towers and other facilities;
- (E) The topography and building density of the area;
- (F) The optimum coverage with the minimum of new tower sites.

These factors were quantified and values extrapolated using RF modeling software to arrive at a design objective or "search ring area," relative to Cingular's existing adjacent cell sites. The proposed site, located at 5347 Carter Rd., will provide coverage enhancement needed on Markham Woods Road, and the surrounding area west of Heathrow to provide quality contiguous coverage into Sanford, Heathrow, and Lake Mary.

The two potential collocation sites within the search ring area lie to the north at the First Baptist Church property located at 5400 Markham Woods Rd. The two potential collocation opportunities were two stealth flag pole installations. The first is the 135' Voice Stream (now known as T-Mobile) flag pole. T-Mobile is at the top and Nextel is collocated at approximately the 120'-125' level. The next available height down on this pole would be 100'. This height has been rejected by Cingular as an unacceptable height to meet coverage goals, as well as Nextel being a potential interferer to Cingular. The second flag pole is approximately 90' in height and owned by Sprint who is at the top of the pole. The 70' available on this site was also rejected by Cingular as being too low in height. All of Cingular's engineering and testing for this proposed cell has been optimized around a 150' height.

This new cell will hand off to the following existing cells: Lake Mary, Payola, Towne Center, and Sanford Mall. At heights lower than 150', the coverage to the North is compromised, and thus will not allow a good handoff to occur to the Sanford Mall site. If West Heathrow were to be built at 100', Cingular will have to build an additional cell somewhere on Lake Markham Road to make up for this deficiency. This will also be true to the South with the handoff into Lake Mary. In order to minimize the number of additional cells to adequately cover the given area, Cingular needs a



certain minimum height in order to accomplish this. The 150' to 180' height is the usual goal with suburban cell spacing such as West Heathrow for this to occur. Cingular only builds cells shorter than 150' in dense urban environments such as downtown Orlando, where the closer cell spacing allows for the lower height to work properly.

As a radio frequency engineering expert, it is my professional opinion that there are no other facilities in the proper location and at the required height that will provide the coverage to meet our design requirements in providing quality levels of service to this area.

Cingular wireless currently has 27 existing cell sites in Seminole County (Site Locations attached), with 2 proposed sites currently planned to be built within the next year - West Heathrow and Midway. Cingular Wireless is currently anticipating an approximate 20 % growth over the next 10 years. However, this is subject to change based on actual market growth, budget, design, or spectrum constraints.

Sincerely,

A handwritten signature in cursive script that reads "Craig O'Neill".

Craig O'Neill
R.F. Design Engineer
Cingular Wireless Inc

September 12, 2003

Seminole County Board of Adjustment
1101 East First Street
Sanford, FL 32771

Re: Proposed Cingular Wireless Communication Facility
Proposed Site Name: West Heathrow
Proposed Site Address: 5347 Carter Rd., Lake Mary, FL 32746

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- (A) The physical characteristics of the frequencies allotted by the FCC to Cingular Wireless;
- (B) The allowable power outputs of those frequencies;
- (C) The Cingular Wireless equipment specifications;
- (D) The location of existing Cingular Wireless towers and other facilities;
- (E) The topography and building density of the area;
- (F) The optimum coverage with the minimum of new tower sites.

These factors were quantified and values extrapolated using RF modeling software to arrive at a design objective or "search ring area," relative to Cingular's existing adjacent cell sites. The proposed site, located at 5347 Carter Rd., will provide coverage enhancement needed on Markham Woods Road, and the surrounding area west of Heathrow to provide quality contiguous coverage into Sanford, Heathrow, and Lake Mary.

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As a radio frequency engineering expert, it is my professional opinion that there are no other facilities in the proper location and at the required height that will provide the coverage to meet our design requirements in providing quality levels of service to this area.

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Heathrow and Midway. Cingular Wireless is currently anticipating an approximate 20 % growth over the next 10 years. However, this is subject to change based on actual market growth, budget, design, or spectrum constraints.

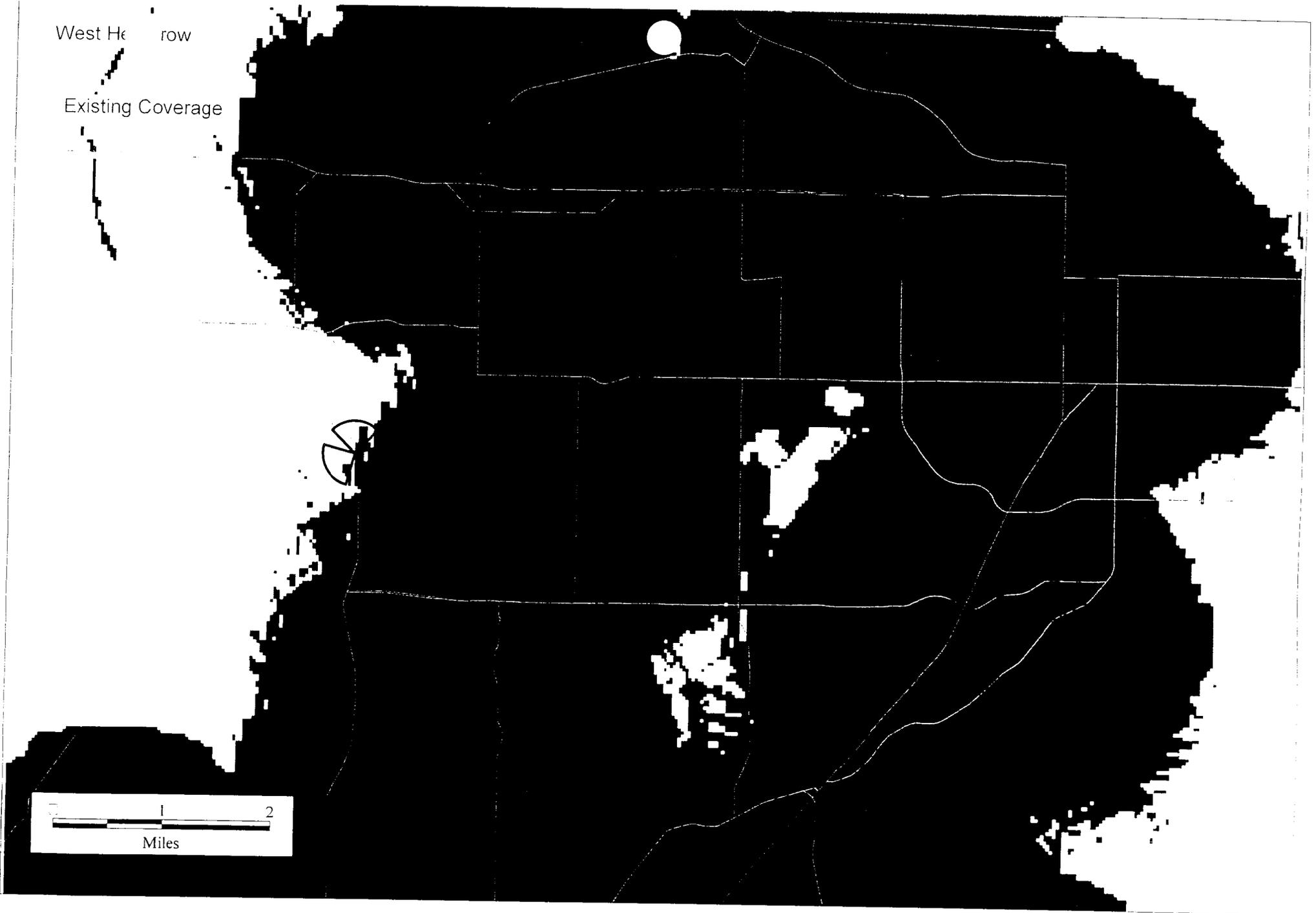
Sincerely,

A handwritten signature in cursive script that reads "Craig O'Neill".

Craig O'Neill
R.F. Design Engineer
Cingular Wireless Inc

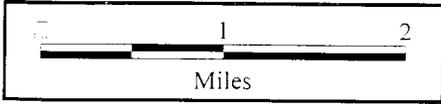
West Hk row

Existing Coverage



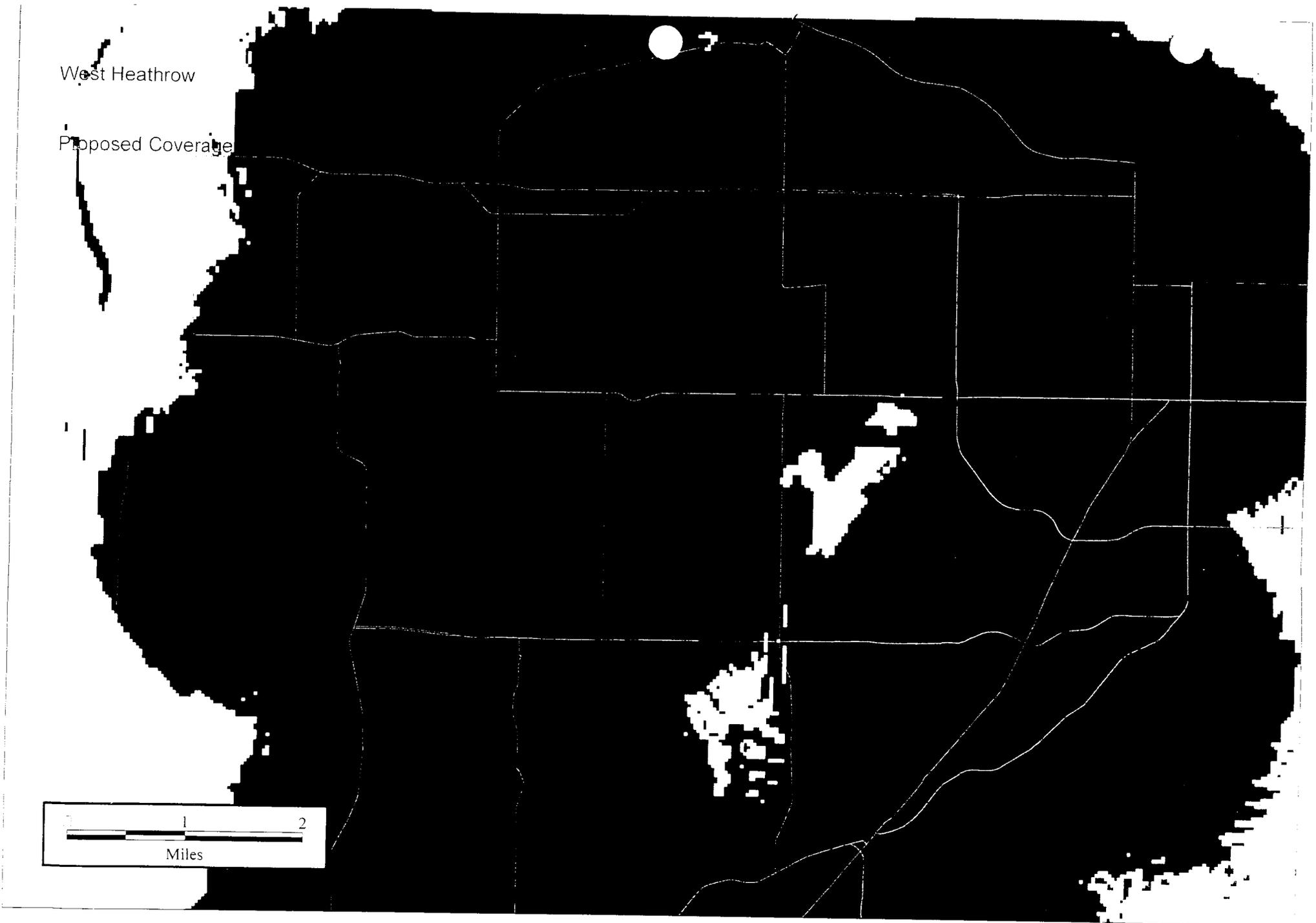
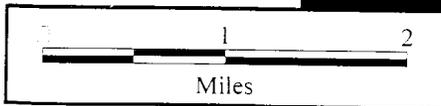
West Heathrow

New Cell Coverage



West Heathrow

Proposed Coverage





SITE

West Heathrow

Engineering and Safety
Information

Site Name

Overview and Site Objective

The proposed modification of cell West Heathrow is required to improve the RF signal strength and coverage for the existing cellular system in the area north of Lake Mary Boulevard, West of I-4, along Markham Woods Road. The new West Heathrow cell is also required to provide the necessary capacity relief to decrease overflow and blocking on the alpha face of the Lake Mary Cell.

Tower Height Requirements

Several factors have to be considered when determining the height for the modification of the West Heathrow cell. In this particular case, neighboring trees, surrounding towers and terrain of the area dictate that the minimum tower height for this cell site to meet the objectives of coverage and traffic relief in the area effectively should be 150 feet.

The two potential collocation sites within the search ring area lie to the north at the First Baptist Church property located at 5400 Markham Woods Rd. The two potential collocation opportunities were two stealth flag pole installations. The first is the 135' Voice Stream (now known as T-Mobile) flag pole. T-Mobile is at the top and Nextel is collocated at approximately the 120'-125' level. The next available height down on this pole would be 100'. This height has been rejected by Cingular as an unacceptable height to meet coverage goals, as well as Nextel being a potential interferer to Cingular. The second flag pole is approximately 90' in height and owned by Sprint who is at the top of the pole. The 70' available on this site was also rejected by Cingular as being too low in height. All of Cingular's engineering and testing for this proposed cell has been optimized around a 150' height, which is only attainable at the Presbyterian Church location.

Neighboring Sites

Site Name	Address	County	Tower Ht.	Gnd. Elev.
Lake Mary	40 Skyline Dr.	Seminole	200' AGL	62' MSL
Payola	935 Wallace Ct.	Seminole	120' AGL	57' MSL
Towne Center	1050 Rinehart Rd.	Seminole	120' AGL	65' MSL
Sanford Mall	5405 Orange Blvd.	Seminole	180' AGL	39' MSL

• MSL - Mean Sea Level AGL - Above Ground Level

The ground elevation for the West Heathrow site is approximately 56' MSL. With the ground elevation at this level, the required antenna centerline to meet the objective will be 150'.

FAA Status

It is the policy of Cingular Wireless to notify the FAA of construction and modifications of all cell sites and to comply with any and all regulations.

Safety

The proposed West Heathrow cell site will be 150 feet above ground level. The Decibel Products antenna model 854DG90VTESX is four feet in length and would be mounted for a centerline of 148 feet, putting the tip height at 150 feet and the lower tip at 146 feet. The maximum proposed power per sector is 1700 Watts (based on 100 Watts per channel for 17 channels per sector).

The FCC's OET Bulletin 65 (Edition 97-01), "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio frequency Electromagnetic Fields," provides guidelines for predicting radio frequency (RF) field levels which can be used in evaluating FCC RF safety compliance. Using the predictive methods described in OET Bulletin 65 and the FCC-adopted standards for general public Maximum Permissible Exposure (MPE) defined in Appendix A to OET Bulletin 65, the following evaluation for the GHY cell site was performed:

Distance from Tower Base (feet)	Power Density (mW/cm ²)*	Percent of FCC MPE**	Fraction of FCC MPE
10	0.000022	0.003794	1/ 263
20	0.000031	0.005411	1/ 184
50	0.00010	0.001795	1/ 556
100	0.000073	0.012525	1/ 79
150	0.000074	0.012712	1/ 78
200	0.000002	0.000275	1/ 3631
250	0.000030	0.005191	1/ 192
300	0.000030	0.005162	1/ 193
350	0.000005	0.000875	1/ 1142
400	0.000008	0.001451	1/ 688
450	0.000037	0.006465	1/ 154
500	0.000096	0.016490	1/ 60
550	0.000130	0.022415	1/ 44
600	0.000225	0.038876	1/ 25

* milliWatts/square centimeter

** FCC's Maximum Permissible Exposure at 880 MHz is 0.58 mW/cm²

The data presented in the table above confirm that the West Heathrow cell site will pose no RF safety hazard to the general public.

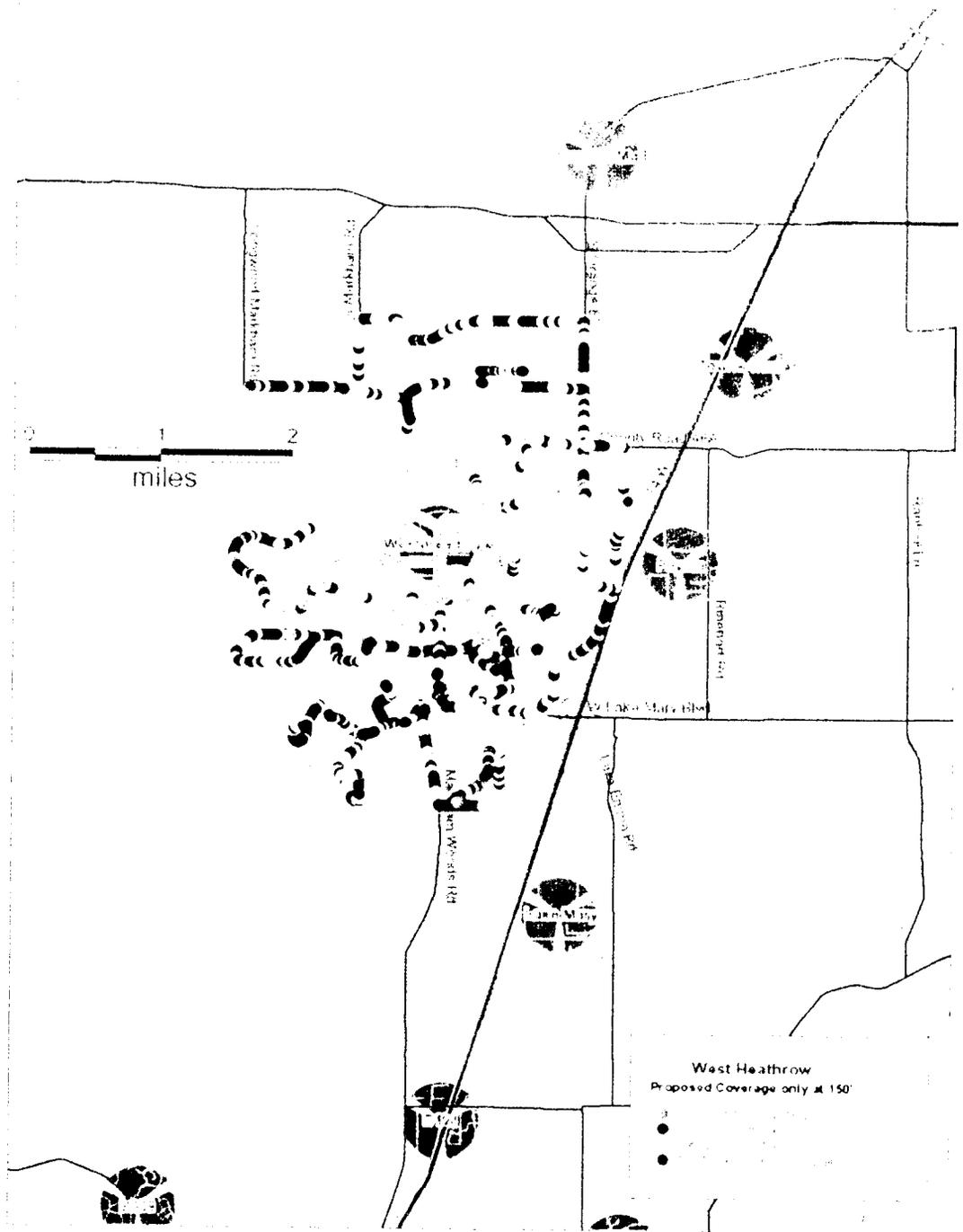
Attachments

The following plots are from drive data collected during a crane test of the proposed site:

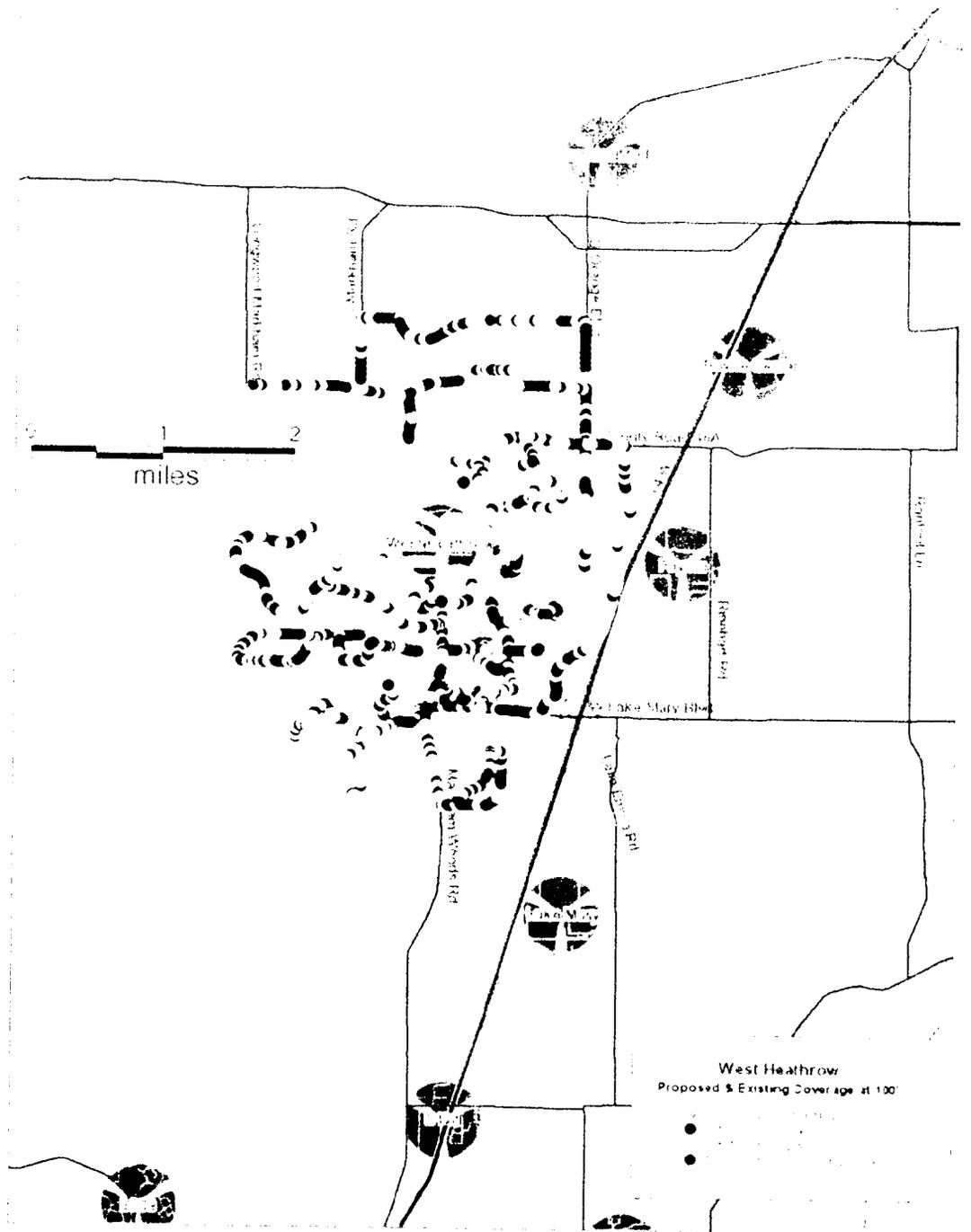
1. The existing present coverage in the area.
2. The proposed coverage of just the new cell at 150 feet.
3. The proposed coverage of just the proposed cell at 100 feet.
4. The proposed coverage at 150 feet and existing coverage combined.
5. The proposed coverage at 100 feet and existing coverage combined.

The following plots are from software generated propagation:

1. The proposed propagation of 150 feet at the Presbyterian Church.
 2. The proposed propagation of 100 feet at the Presbyterian Church.
 3. The proposed and existing propagation of 150 feet at the Presbyterian Church.
 4. The proposed and existing propagation of 100 feet at the Presbyterian Church.
 5. The propagation of the existing coverage.
-



2. The proposed coverage of just the new cell at 150 feet.

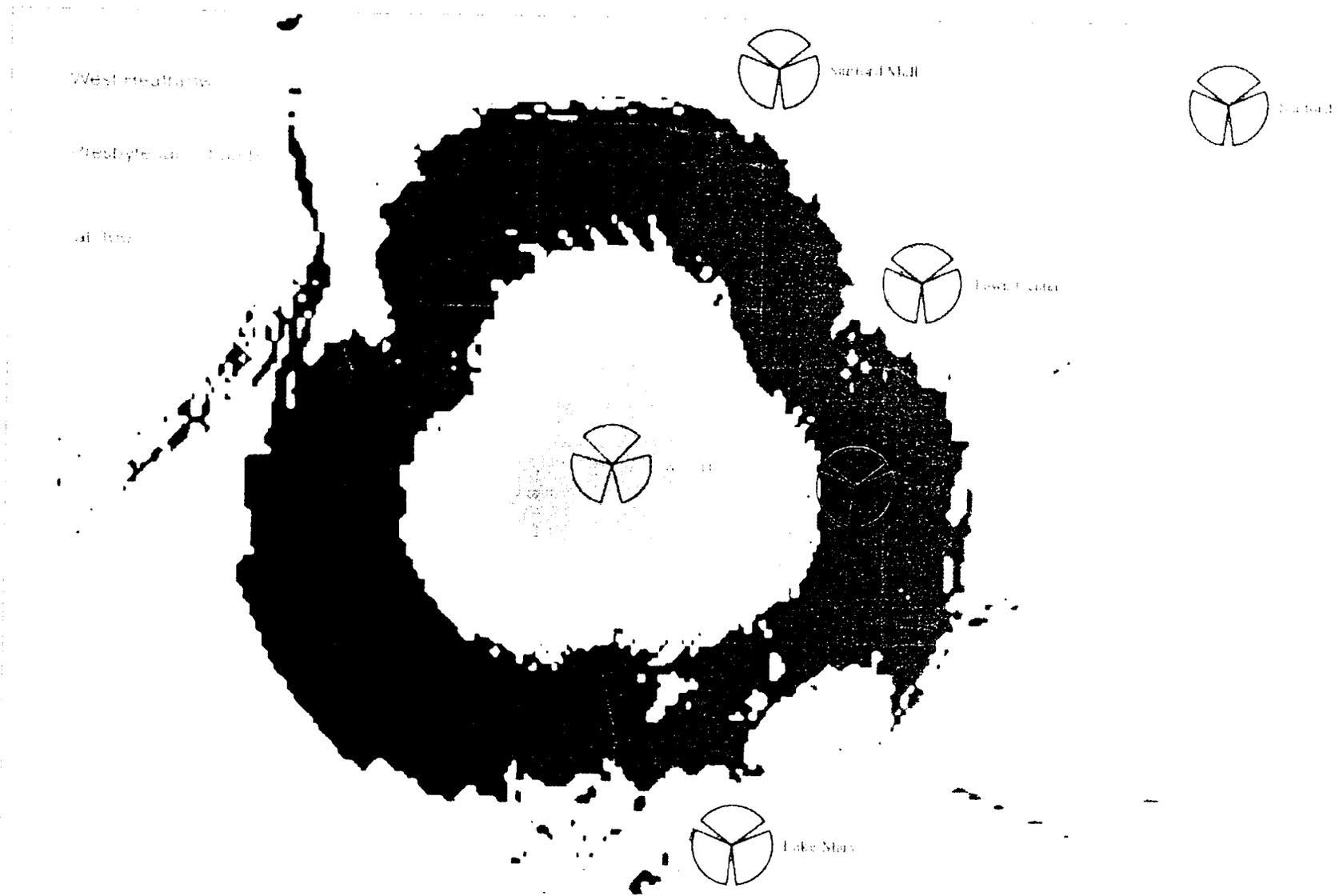


5. The proposed coverage at 100 feet and existing coverage combined.



	In Building
	In Car
	Outdoor
	No Signal

1. The proposed propagation of 150 feet at the Presbyterian Church.



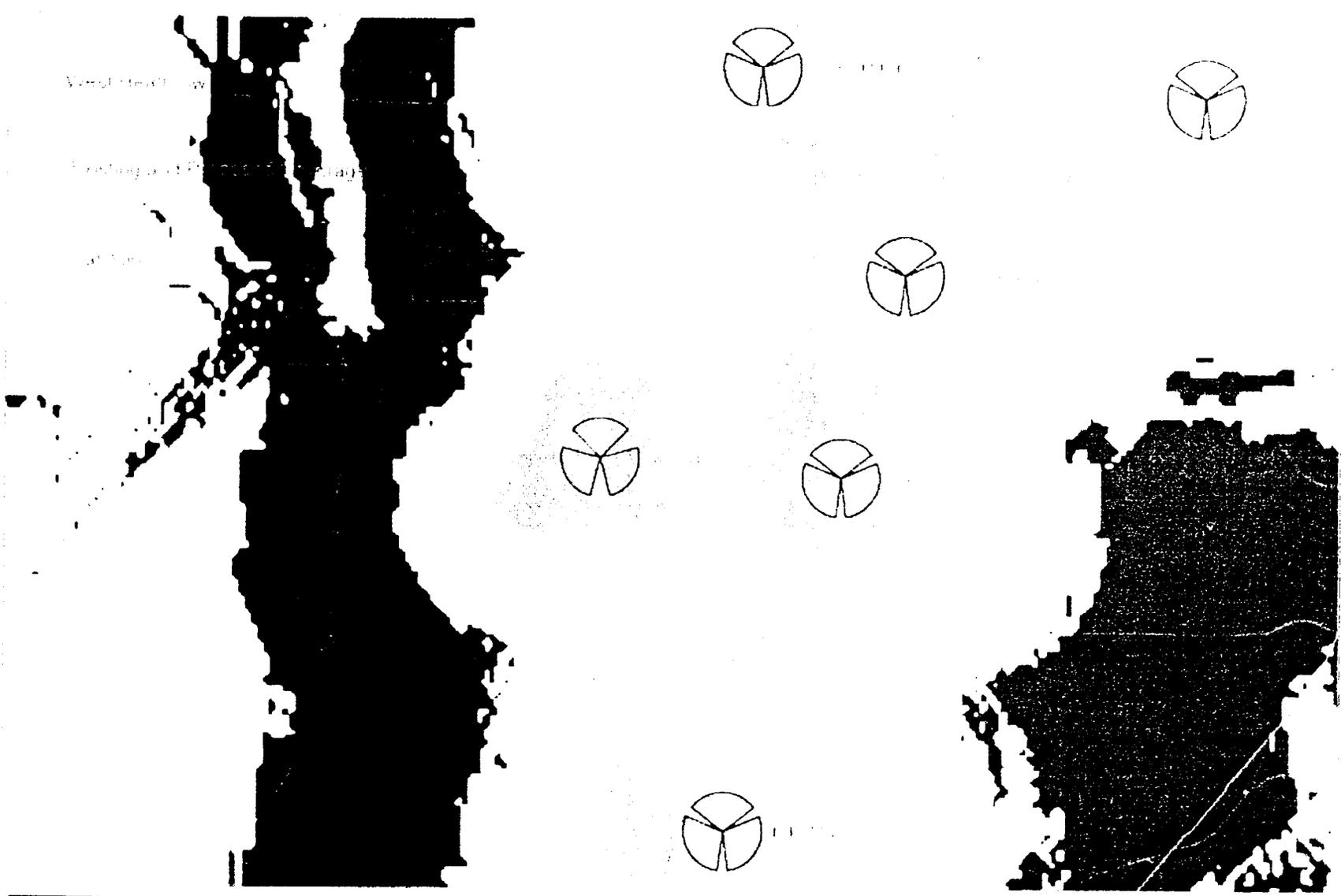
In Building
In Car
Outdoor
No Signal

2. The proposed propagation of 100 feet at the Presbyterian Church.



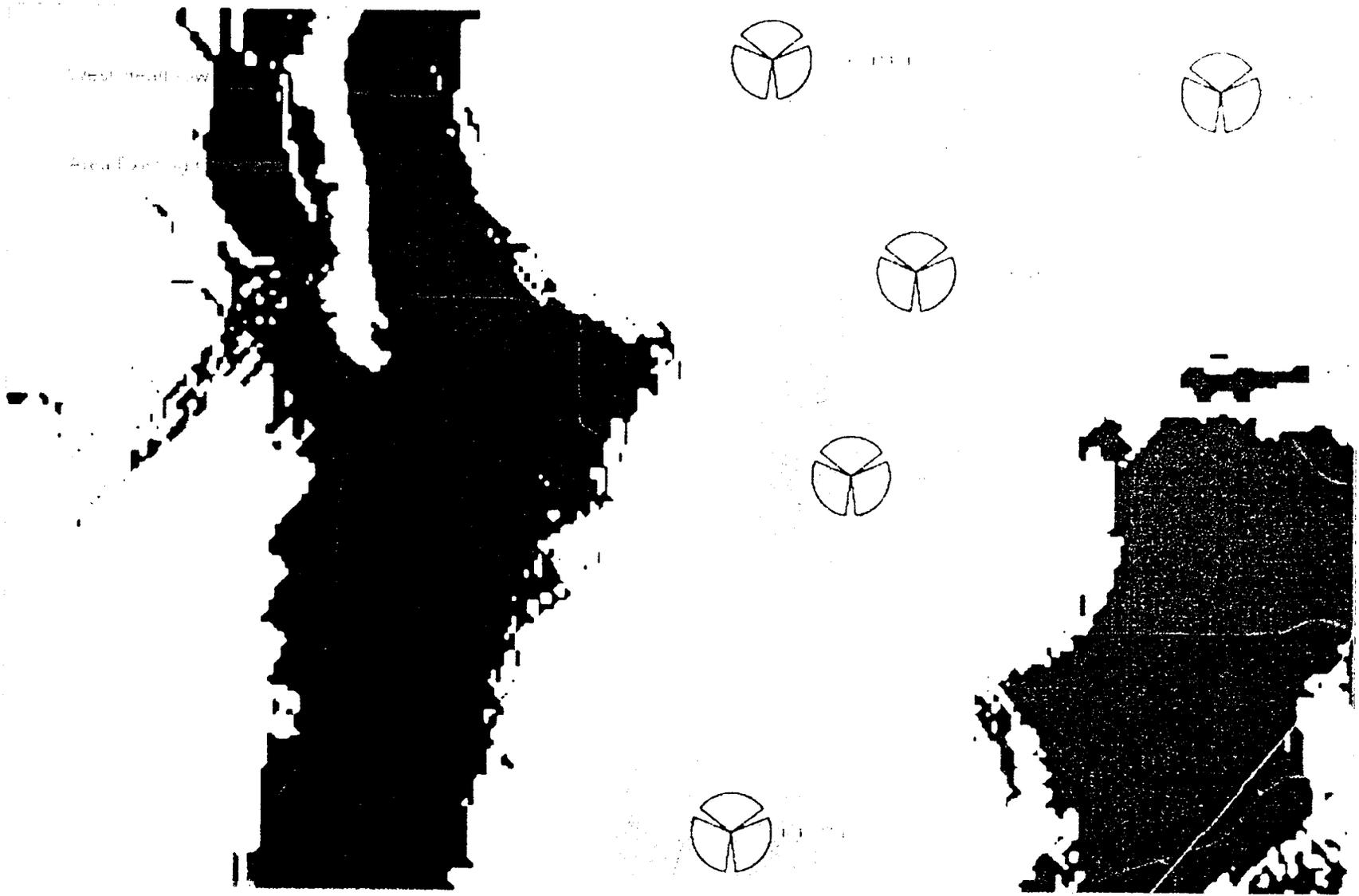
	In Building
	In Car
	Outdoor
	No Signal

3. The proposed and existing propagation of 150 feet at the Presbyterian Church.



	In Building
	In Car
	Outdoor
	No Signal

4. The proposed and existing propagation of 100 feet at the Presbyterian Church.



	In Building
	In Car
	Outdoor
	No Signal

5. The propagation of the existing coverage.

CINCULAR WIRELESS LLC

Seeks

Special Exception Approval and a Variance

In

**A-1, Agricultural (Zoning District)
Suburban Estates (Future Land Use)**

**For a Proposed
150' Camouflage Tower (Monopine)
Communication Service Facility**

Site Name: West Heathrow

5347 Carter Rd., Lake Mary, FL 32746

TAX PARCEL ID # 02-20-29-300-030C-0000; 4.938 Acres +/- Not Platted

PROJECT DESCRIPTION AND JUSTIFICATION

INTRODUCTION

Cingular Wireless LLC, a subsidiary of BellSouth Wireless, Inc., a Federal Communications Commission (FCC) licensed operator of commercial mobile radio services in the State of Florida, submits this application to the Seminole County Board of Adjustments for Special Exception approval in the A-1 zoning classification in order to construct and operate an unmanned wireless communication service facility within the County. In addition, a variance to the separation requirements is sought under a separate variance application request. This project description and justification narrative describes the scope of the proposed project by providing specific information regarding the project location, zoning, specifications and required services.

PROJECT GOAL

Cingular's goal is to enhance the quality of wireless service coverage on Markham Woods Rd. and the surrounding area west of Heathrow, in addition to providing quality contiguous coverage into Sanford, Heathrow and the Lake Mary area. This goal will be accomplished in an environmentally sensitive manner, consistent with the policies and ordinances of Seminole County and that is why Cingular has proposed a "monopine" camouflage tower for this site location.

GENERAL PROJECT DESCRIPTION

The subject parcel is located at 5347 Carter Rd., Lake Mary, FL 32746. The parent tract consists of approximately 4.938 Acres and is zoned A-1, Agricultural with a Future Land Use Category of Suburban Estates. The parent tract is currently used as a single family dwelling. Cingular proposes to construct a 150' "Monopine" camouflage tower and place the supporting equipment cabinets on a concrete slab, within a fenced-in 60' x 60' lease compound.

Facility Specifications

Cingular's personal wireless service facility consists of three (3) equal "sectors" for three (3) panel antennas each, mounted to a support bracket at approximately 150' above ground level (AGL). The initial Cingular antenna installation will be two (2) panel antennas per sector, for a total of six panel antennas. The proposed 150' monopine camouflage tower is designed with the structural integrity to support two (2) future service providers at a lower height (*Please refer to the Tower Profile and please refer to color photos of monopine tower options*). The panel antennas will be approximately 51" high x 7" wide x 3" deep. The brackets and antennas will be painted to blend in with the monopine "branches" attached to the tower. Attached to each antenna will be coax cable that will run down the inside of the tower to the base, and across a cable-bridge into the Purcell equipment cabinet (*See Compound Drawing*).

The proposed facility will be used strictly as a wireless transmitting and receiving facility. The facility is completely self-operating and thus unmanned. Once the facility is operational, technicians from Cingular will visit the site approximately once or twice a month for routine maintenance purposes. In the event of a malfunction or emergency, more frequent visits will be required. Ingress/Egress to the facility is off of Carter Rd. over an unrestricted access easement to the site. Electrical power and telephone will be supplied from existing utility service providers – Progress Energy and Bell South respectively.

PROJECT JUSTIFICATION

Necessity and/or Desirability of Proposed Project

Cingular Wireless has strong customer demand for continued quality mobile radio telephone services in Seminole County and particularly in this geographic area of Lake Mary, Heathrow and Sanford. The Cingular Wireless radio frequency engineer assigned to this area has identified a pressing need for a wireless communication facility in the proposed site location of Seminole County to provide quality contiguous coverage into Sanford, Heathrow, Lake Mary and the surrounding area west of Heathrow, as well as enhanced coverage along Markham Woods Rd.

The proposed facility was selected after an intense investigation of the topographic characteristics of the area, frequency analysis, adjacent cell interconnection capabilities (meaning "seamless radio frequency hand-offs" from cell to cell), existing co-location opportunities within and without the radio frequency search ring, and most importantly land-use compatibility.

Siting Analysis

In the site selection process, the site acquisition person attempts to find any collocation opportunities within the search ring area or very close to it that satisfies the RF propagation and height requirements. This particular search ring area affords no collocation opportunities and therefore a “green field” or “raw land” site is sought within the search ring area.

There are several criteria taken under consideration when attempting to locate a site within the search ring area and it is always a compromise in meshing all them together in order to come up with an “ideal” site location. These are the general criteria a site acquisition person must address when finding an optimal site location:

1. Of primary consideration is compliance with local land use ordinances (Is the use even allowed in this zoning district);
2. Find a willing landlord with sufficient land to locate the site;
3. Find a mutually agreed upon site location on the property owner’s property;
4. Find a mutually agreed upon ingress/egress to the proposed site;
5. Locate the site where reasonable telephone and electrical utility runs are present.

Alternative Sites Investigated: The two potential collocation sites within the search ring area lie to the north on First Baptist Church property located at 5400 Markham Woods Rd. The two potential collocation opportunities were two stealth flag pole installations. The first is the 135’ Voice Stream (now known as T-Mobile) flag pole. T-Mobile is at the top and Nextel is collocated at approximately the 120’-125’ level. The next available height down on this pole was rejected by Cingular RF as not an acceptable height. The second flag pole is approximately 90’ in height and owned by Sprint who is at the top of the pole. This site was rejected by Cingular RF as being an unacceptable height.

Proposed Site Justification: Please see the letter from the Cingular RF engineer.

Additional Benefits:

1. The proposed camouflage monopine tower mitigates the visual impact on the area to the greatest extent possible by locating the site deep within the parent tract, taking advantage of the existing trees abutting the parent tract to the north.
2. The proposed tower height affords collocation opportunities for two more future communications providers (total of three), if technologically feasible for that future provider.

PUBLIC BENEFITS OF THE PROJECT – AN OVERVIEW

The Congress of the United States has found that wireless radio services serve the national interest, and directly or indirectly benefit all of its citizens. Through licensing agreements the Federal Communications Commission (FCC) has established the desirability and need for wireless telephone service to facilitate telephone conversations between mobile units and the existing telephone system. *The wireless system is intended to function as an extension of the present telephone network, and is intended to provide quality service for the entire nation at a reasonable price.* Cingular Wireless LLC, is mandated to provide mobile cellular radio service to

those service areas of Florida granted under their FCC license. Seminole County is one of those areas granted under their FCC license.

The wireless telephone system divides the service area into a grid system called "cells." Each cell has its own radio receiver and low-power transmitter. The size and location of each cell is based on the anticipated volume of telephone traffic in each cell area. From each cell calls are sent by radio to and from the mobile hand-held units, and then routed through the public telephone system to fixed (land-line) telephones or routed to other cells and on to other mobile units. A central "switch" routes all of the calls through the wireless system, facilitating the "seamless hand-offs" between cells as the hand-held mobile unit moves through the wireless service area.

Wireless telephone services play an important role in providing communications to individuals, the business community and to emergency service providers. In polls conducted over the past few years, it has been found that individuals purchase wireless services primarily for safety and security reasons. It makes them feel safer when traveling for business or pleasure. 9-1-1 wireless phone calls from individual customers (known as "Good Samaritans") are approaching 50,000 per day nationwide, and about 50 percent of wireless users have called authorities to report car trouble, medical emergencies, crimes, or drunk driving.

Business owners, managers and employees have commented on the increase in productivity and better use of their time. Just as the standard (land-line) telephone facilitated the growth of American business in the 20th Century, wireless communications has become an indispensable 21st Century tool of the modern business world.

Most importantly, wireless telephone services play an important role in providing vital communications to relief and emergency workers. Wireless communications were extensively used to provide life-saving communications during Hurricane Andrew and other natural disasters around the country. In addition, police patrol cars regularly use "mobile data terminals" giving them fast wireless access to key information for critical "on the spot" decision making.

REQUIRED FINDINGS

Granting special exception approval for Cingular's personal wireless service facility will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity of this cell site; nor will it be injurious to property, improvements or potential development in the vicinity. Once installed, the unmanned camouflaged cell site becomes a passive use.

CONCLUSION

The proposed site location satisfies Cingular's radio frequency requirements under its FCC license obligations to provide continued quality "mobile radio telephone service" to Seminole County. Under Seminole County's current ordinance the camouflage tower is considered to be the most unobtrusive to the community. Cingular Wireless has proposed such an installation to help mitigate the visual impact on the community.

As demonstrated by both the foregoing narrative and attached documentation, the Special Exception application submitted by Cingular Wireless meets or exceeds the applicable zoning regulations for siting a wireless communications facility in the A-1 zoning district. Therefore, Cingular respectfully requests approval of this application.

**APPLICATION FOR VARIANCE FROM MINIMUM SEPARATION
REQUIREMENTS FOR COMMUNICATION TOWERS**

I. IS A VARIANCE NEEDED?

Section 30.1364(b) of the Seminole County Zoning Code establishes minimum separation requirements from off-site uses for communication towers that are to be sited within 200 feet or 300% of the height of the tower (whichever is greater) from property that (1) has a residential zoning classification, (2) has a residential future land use designation, or (3) contains an existing residential use. The proposed camouflage tower at issue will be 150-feet tall. Thus, the applicant must seek a variance if the tower is located within 450 feet of the off-site uses listed above.

- A. Is there property within 450 feet of the tower that has a residential zoning classification?** No. The property has an agricultural zoning classification (A-1). Thus, no variance is needed from the minimum separation requirements.
- B. Is there property within 450 feet of the tower that contains an existing residential use?** Yes. The owner of the property (Markham Woods Presbyterian Church, Inc.) leases a single-family home that is located on-site. However, Section 30.1364(b)(3) provides that a "reduced separation distance may be approved by the current planning manager when written consent is obtained from all property owners within the applicable separation distance." By virtue of the fact that the property owner (Markham Woods Presbyterian Church) is the one seeking this variance, the County has "written consent" that "the property owner within the applicable separation distance" (Markham Woods Presbyterian Church) consents to the reduced separation distance. Additionally, there is a parcel just south of the subject property that contains another single family residence.
- C. Is there property within 450 feet of the tower that has a residential future land use designation?** Yes. The tower is located within 450 feet of another parcel that has a Suburban Estates land use classification. However, the applicant respectfully submits that it meets the requisite criteria (set forth in "Table 1" of Section 30.1364) for granting a variance from this minimum separation requirement.

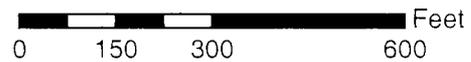
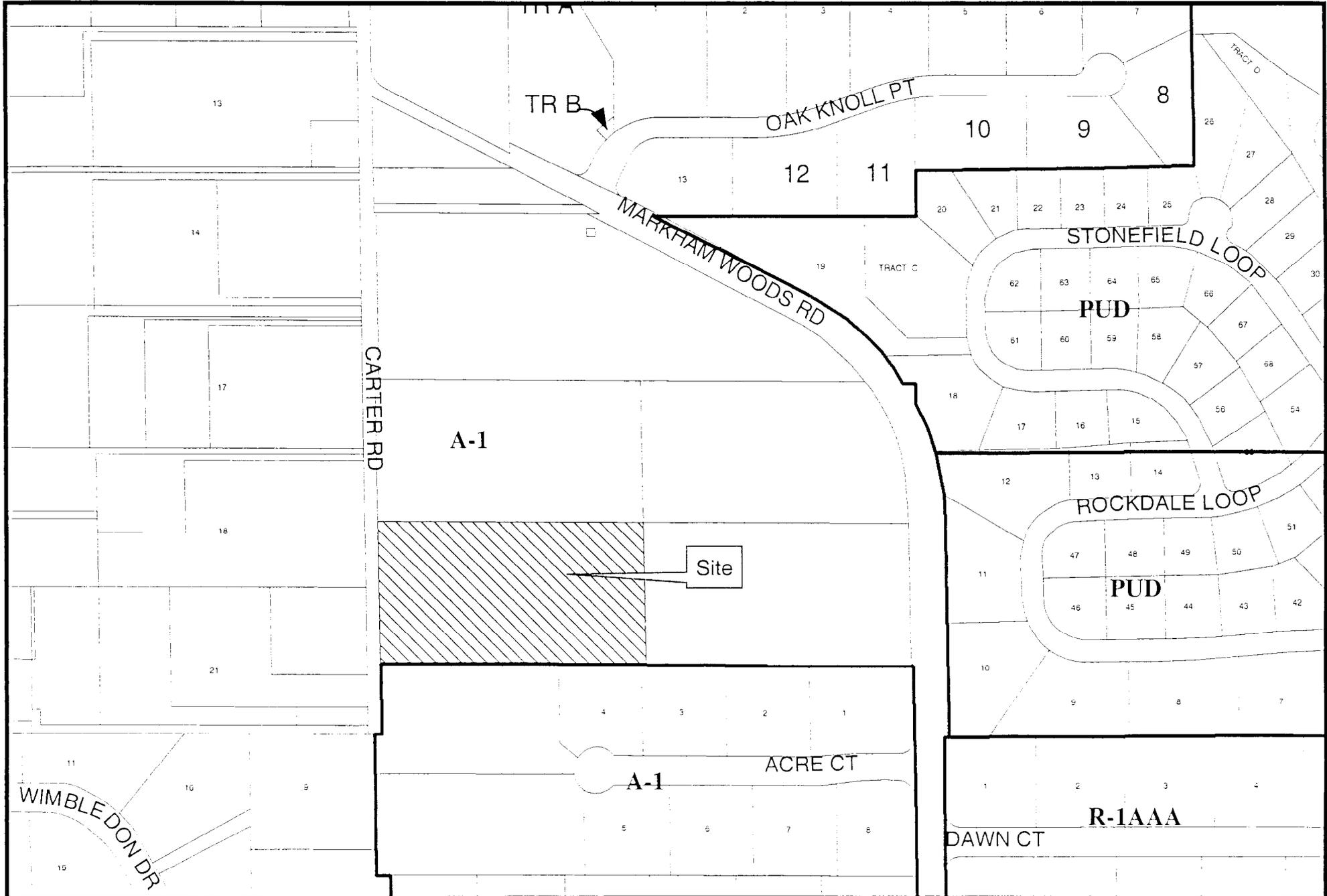
II. DOES THE APPLICANT MEET THE REQUIREMENTS FOR A VARIANCE?

A variance from the minimum separation requirements for communication towers may be granted based upon findings that: (1) the aesthetic impacts of the tower is enhanced, (2) compatibility with abutting property owners is maintained, and (3) approval of the tower would be consistent with and further the provisions of Section 30.1362.

- A. **Have the “aesthetic impacts” of the tower been enhanced?** Yes. The proposal is for a “camouflage” tower, designed to resemble a pine tree, as opposed to a “traditional” communications tower.
- B. **Is compatibility with abutting property owners maintained?** Yes. The property to the north of the subject parcel has an agricultural zoning classification (A-1) and is currently vacant. The property is owned by a nearby church, which has two “flagpole” communication towers on its property. The property to the south of the subject parcel contains a single-family dwelling; however, the proposal is for a “camouflage” tower to resemble a pine tree, thereby blending in with the existing environment.
- C. **Would approval of the tower would be consistent with and further the provisions of Section 30.1362?** Yes. The primary purposes of Section 30.1362 are to (1) accommodate the growing need for communication, (2) encourage and direct the location of communication towers to the most appropriate locations . . . to provide for the needs of the communication industry, to provide for the needs of the public and to provide for the protection of private property rights; (3) protect residential areas and land uses from potential adverse impacts of communication towers when placed at inappropriate locations or permitted without adequate controls and regulation, (4) minimize the adverse visual impacts resulting from communication towers through design, siting, screening and innovative camouflaging techniques; and (5) avoid potential damage to adjacent properties through sound engineering and planning. The proposal for a camouflage “monopine” at the proposed location advances each of these objectives.



Kevin Karr 5347 Carter Road



SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

RETURN TO SANDY MCCANN

On October 27, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 02 TWP 20S RGE 29E W 1/2 OF S 2/3 OF N 3/4 OF S 1/2 OF NW 1/4

(The afordescribed legal description has been provided to Seminole County by the owner of the afordescribed property.)

FINDINGS OF FACT

Property Owner: MARKHAM WOODS PRESBYTERIAN CHURCH, INC.
5210 MARKHAM WOODS ROAD
LAKE MARY, FL 32746

Project Name: CINGULAR WIRELESS COMUNICATION TOWER

Requested Development Approval:

- (1) SPECIAL EXCEPTION TO ESTABLISH A 150 FT TALL CAMOUFLAGE COMMUNICATION TOWER IN THE A-1 (AGRICULTURE DISTRICT).
(2) VARIANCES FROM 450 FEET TO 298.67 FEET; 450 FEET TO 294.17 FEET; 450 FEET TO 307.46 FEET; 450 FEET TO 353.5 FEET; 450 FEET TO 32.25 FEET; AND 450 FEET TO 41 FEET FOR THE MINIMUM SEPARATION DISTANCE REQUIRED BETWEEN A PROPOSED 150 FOOT TALL CAMOUFLAGE COMMUNICATION TOWER AND PROPERTIES ASSIGNED THE SE (SUBURBAN ESTATES) FUTURE LAND USE DESIGNATION.

The Development Approval sought is inconsistent with the Seminole County Comprehensive Plan and would adversely impact neighborhood character by allowing a communication tower that would not meet the minimum performance standards of the Land Development Code. The owners retain a reasonable use of their property.

The requested development approval is hereby denied.

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 05093 PG 1828
FILE NUM 2003201619
RECORDED 11/10/2003 11:53:36 AM
RECORDING FEES 19.50
RECORDED BY J Eckenroth

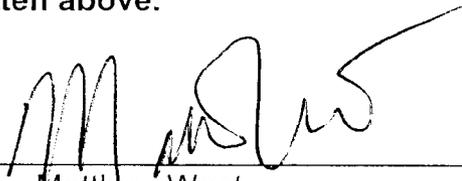
Prepared by: Earnest McDonald
1101 East First Street
Sanford, Florida 32771

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BY [Signature]
DEPUTY CLERK

Done and Ordered on the date first written above.

By:



Matthew West
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew West who is ~~personally known to me~~ or who has produced self as identification and who executed the foregoing instrument.

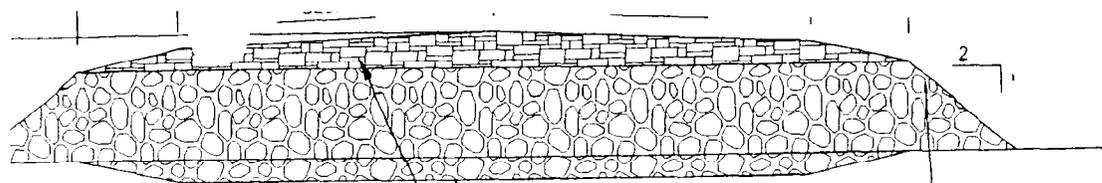
WITNESS my hand and official seal in the County and State last aforesaid this 29 day of October, 2003.


Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



Karen Mathews
My Commission DD144950
Expires August 26, 2006



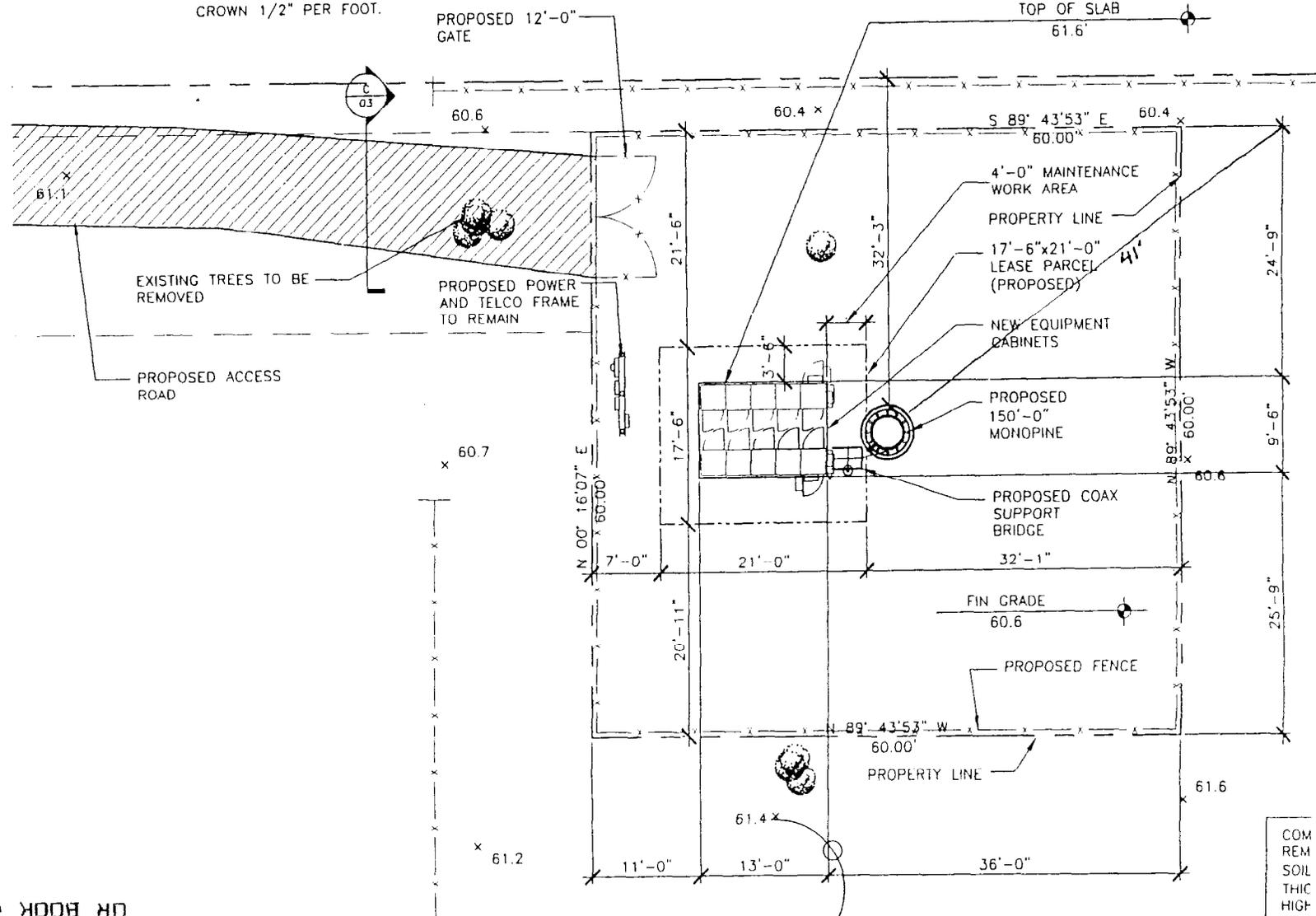
ESS ROAD DETAIL



REMOVE 3" OF TOP SOIL UNDER FULL WIDTH OF EMBANKMENT PRIOR TO APPLICATION OF SUB-GRADE MATERIALS.

4" THK. COARSE GRADED AGGREGATE SURFACE COURSE, CRUSHED GRAVEL. APPLY TOP LAYER AFTER USE BY HEAVY CONSTRUCTION EQUIPMENT. CROWN 1/2" PER FOOT.

COMPACTED SUB-GRADE. CROWN 1/2" PER FOOT.

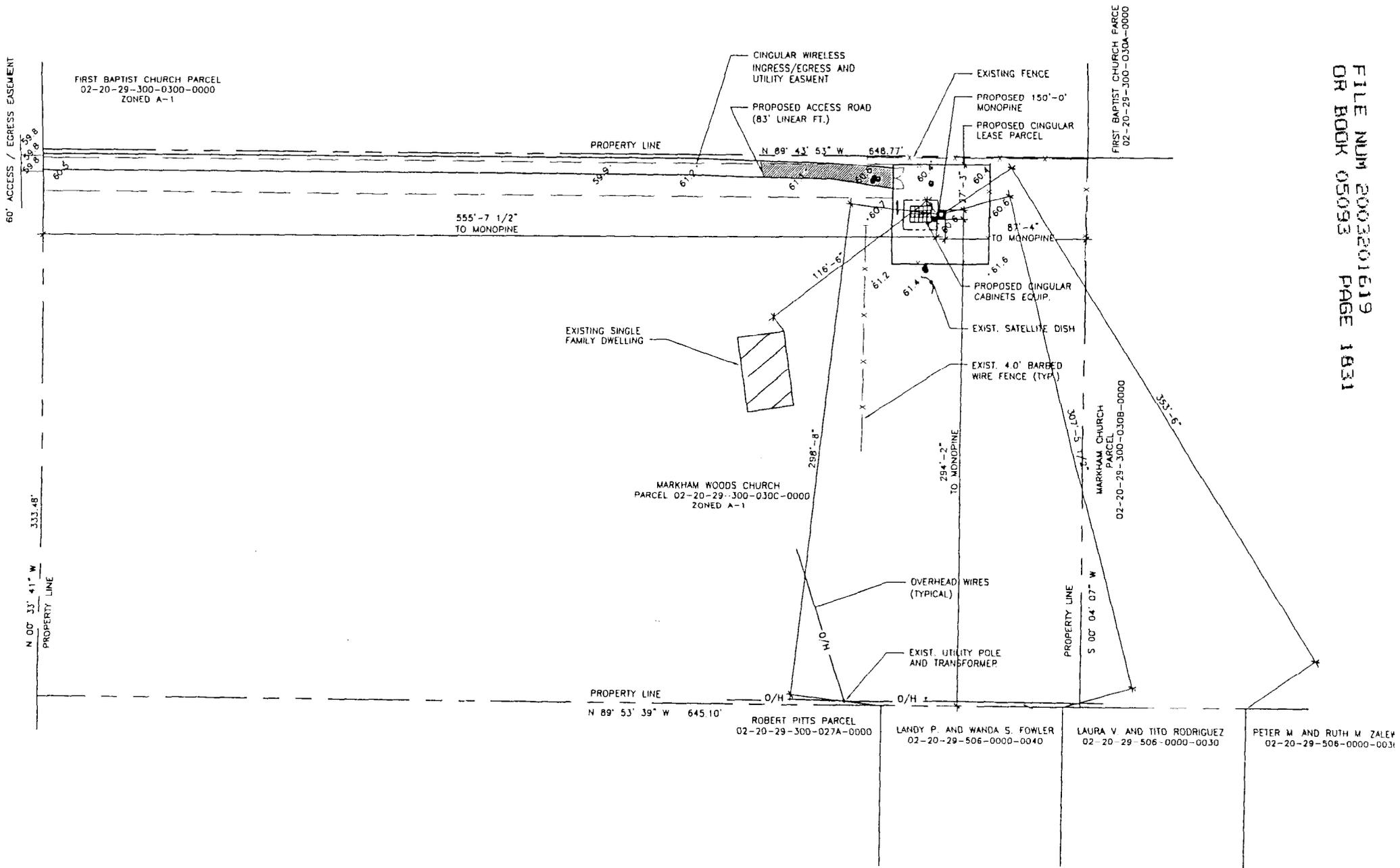


COMPOUND PLAN

TRUE NORTH



COM
REM
SOIL
THIC
HIGH
WEE
WEL
FILL.



FLOOD NOTE:
 AFTER REVIEW OF FLOOD INSURANCE RATE MAP, COMM
 No. 12117C 0020 E, DATED APRIL 17, 19
 CINGULAR WIRELESS LEASE PARCEL DEPICTED
 HEI ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 500
 FLOOD PLAIN).

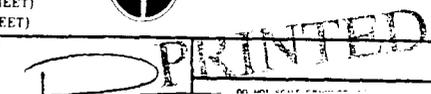
SITE PLAN

SCALE: 1" = 30'-0" (FOR 22"x34" SIZE SHEET)
 SCALE: 1" = 60'-0" (FOR 17"x11" SIZE SHEET)

TRUE NORTH



OCT 07 2003



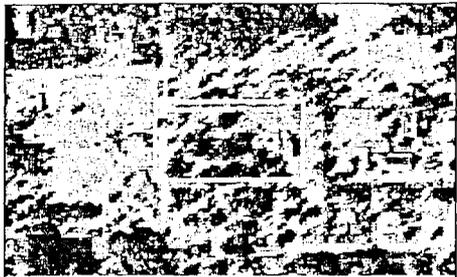
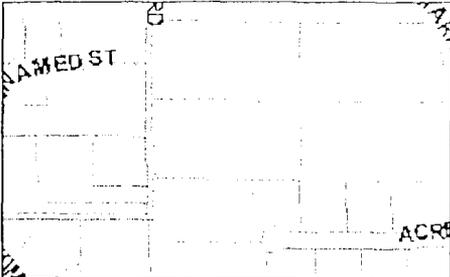
CINGULAR WIRELESS

THROW-1
 IULAR

N.T.



2	10-07-03	RE-ISSUED FOR CONSTRUCTION
1	09-08-03	RE-ISSUED FOR CONSTRUCTION

PARCEL DETAIL																																																																				
 <p>Seminole County Property Appraiser Services 1101 E. FIRST ST. Spartanburg FL 32771 407-668-7506</p>	<p style="text-align: center;">GENERAL</p> <p>Parcel Id: 02-20-29-300-030C-0000 Tax District: 01-TX DIST 1 - COUNTY</p> <p>Owner: CHURCH MARKHAM WOODS Exemptions: 36- CHURCH/RELIGIOUS</p> <p>Own/Addr: PRESBYTERIAN INC Address: 5210 MARKHAM WOODS RD City,State,ZipCode: LAKE MARY FL 32746 Property Address: 5347 CARTER RD LAKE MARY 32746 Subdivision Name: Dor: 01-SINGLE FAMILY</p>																																																																			
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>06/2000</td> <td>03872</td> <td>0024</td> <td>\$425,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1978</td> <td>01186</td> <td>0086</td> <td>\$15,500</td> <td>Vacant</td> </tr> <tr> <td>WARRANTY DEED</td> <td>01/1977</td> <td>01114</td> <td>1930</td> <td>\$12,500</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	06/2000	03872	0024	\$425,000	Improved	WARRANTY DEED	08/1978	01186	0086	\$15,500	Vacant	WARRANTY DEED	01/1977	01114	1930	\$12,500	Vacant	<p style="text-align: center;">2003 WORKING VALUE SUMMARY</p> <p>Value Method: Market</p> <p>Number of Buildings: 1</p> <p>Depreciated Bldg Value: \$106,913</p> <p>Depreciated EXFT Value: \$12,117</p> <p>Land Value (Market): \$175,000</p> <p>Land Value Ag: \$0</p> <p>Just/Market Value: \$294,030</p> <p>Assessed Value (SOH): \$294,030</p> <p>Exempt Value: \$63,892</p> <p>Taxable Value: \$230,138</p> <p style="text-align: center;">2003 Notice of Proposed Property Tax</p>																																										
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**Minutes for the Seminole County Board of Adjustment
MONDAY, OCTOBER 27, 2003
6:00 P.M.**

Members Present: Mike Hattaway, Wes Pennington, Dan Bushrui,
Alan Rozon and Dr. Lila Buchanan

Staff Present: Earnest McDonald, Principal Coordinator, Kathy Fall, Senior
Planner, J.V. Torregrosa, Planner, Patty Johnson, Senior Staff Assistant

The Chairman called the meeting to order at 6:00 P.M. Mr. Hattaway then reviewed the method by which the meeting would be conducted, rules for voting and appealing decisions.

Chairman Hattaway stated that item 12 would not be heard.

PUBLIC HEARING ITEMS

SPECIAL EXCEPTIONS:

- 22. 5347 CARTER ROAD** – Wireless Facilities, Inc., Cingular Wireless, LLC., & Kevin Karr, applicants; (1) Request for special exception for the establishment of a 150 foot tall camouflage communication tower in the A-1 (Agriculture District); (2) Request for variances from 450 feet to 298.67 feet; 450 feet to 294.17 feet; 450 feet to 307.46 feet; 450 feet to 353.5 feet; 450 feet to 32.25 feet; and 450 feet to 41 feet for the minimum separation distances required between a proposed 150 foot tall camouflage communication tower and properties assigned the SE (Suburban Estates) Future Land Use designation; Located on the east side of Carter Road, approximately 0.2 mile south of the intersection of Carter Road and Markham Woods Road; (BS2003-026) & (BV2003-153).
District 5 – McLain
Earnest McDonald, Principal Coordinator

(THIS ITEM ALSO INCLUDES A REQUEST FOR VARIANCES)

Earnest McDonald introduced the location of the application and stated that staff had examined the definition of a Camouflage Tower as defined by the Land Development Code. Given the character of the forested area where the tower would be built, staff does not believe a monopine in excess of 50 feet would successfully merge, blend or conform in appearance with existing surroundings. For this reason, staff would like to modify recommended condition number 2 to use a flagpole instead of the proposed monopine tree system. Staff believes this treatment would be more pleasing to surrounding development and reduce the potential for visual impact. He also stated that given the 450 feet separation distance required between the proposed tower location and abutting Suburban

Estates properties to the north and south the variances would be necessary to ensure reasonable use of the property as the location for a communication tower. He further stated that staff recommends approval of the special exception, subject to the recommended conditions in the staff report if the applicant could demonstrate that more than 125 feet is required to make reasonable use of the property for establishing a communication tower. Otherwise, staff recommends the Board deny the request, in light of the existing 120 – 125 ft collocation option available on the existing 135 feet tower to the north. He stated that the Board should make separate motions on the special exception and variance items.

Carl Sanders, with the Law Firm of Edwin Cowen spoke on behalf of Wireless Facilities, Inc. He stated that he was a little taken back by some of staff comments because they were not in the report. He stated that if it was the pleasure of the Board, or staff for that matter, for Cingular Wireless to propose a monopine at this site, Cingular would agree to comply. He stated that camouflage can be defined two different ways. "The issue is will it be something that you can see? Yes. Will it be something that is immediately recognizable as a tower? No. That is why we are purposing this tower". He stated we have Engineers here tonight who will be happy to explain the reason to you. He further stated he felt that they did meet the criteria stated in the Zoning Code.

Paul Fowler spoke in opposition stating he spend some time on the internet and found evidence on Safety issues. He further stated that one of the articles was on RF Radiation, which may cause cancer. His chief concern is for his family and other families.

Seminole County Attorney, Arnold Schneider stated he need to advise the Board that there is an Act in Congress that prohibits the board from taking in consideration the information on RF Radiation. He Further stated that 40-79 State Code, Section 332 or 337 is the Federal Status passed by Congress.

Wanda Fowler stated that since the health issue could not be considered, it is a eyesore and she didn't want it in her back yard.

Dimitrios Kioukis stated that he would like for the lifestyle in the Markham Woods area to remain.

Cynthia Jackson stated she bought her house in that area because of the isolation and the country setting. She stated that in the Heathrow area there is some land that has not been developed why not put the tower their.

Dr. Buchanan made a motion to approve the special exception of a 150 foot monopine camouflage tower with heavy branches and bark, designed to put as many branches as technologically feasible and the structural integrity is maintained.

Mr. Pennington seconded the motion.

Mr. Bushrui, Mr. Hattaway and Mr. Rozon were in opposition.

Motion died.

Mr. Rozon made a motion to deny the request based on the setbacks in the Land Development Code.

Mr. Bushrui seconded the motion.

Motion passed with a (3-2) consent.

APPROVAL OF MINUTES

Mr. Pennington made a motion to approve the September 22, 2003 minutes,

Mr. Bushrui seconded the motion.

The motion passed by unanimous consent (5-0).

ADJOURNMENT

Time of Adjournment was 10:25 P.M.