

**POLK COUNTY  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

<b>DRC Date:</b> January 4, 2024	<b>Level of Review:</b> Level 3 Review
<b>PC Date:</b> March 1, 2024	<b>Type:</b> Conditional Use
<b>BoCC Date:</b> N/A	<b>Case Numbers:</b> <b>LDCU-2023-63</b>
<b>Applicant:</b> Michelle Casapulla	<b>Case Name:</b> Longhorn Dr Monopole Tower
	<b>Case Planner:</b> Malissa Celestine, Planner II

<b>Request:</b>	The applicant is requesting Conditional Use approval for a 150-foot monopole communication tower. This request also requires an approval for a variance from the separation and height requirements in Section 303 Communication Towers, and Section 642 Military Compatibility Zones.
<b>Location:</b>	The subject site is located south of Long Hammock Drive, east of Kicco Road, west of Horseshoe Bend, west of the Osceola County line, in Section 23, Township 31, Range 31.
<b>Property Owners:</b>	Outdoor Resorts River Ranch
<b>Parcel Size (Number):</b>	±8.64 acres (313123-996011-002840)
<b>Future Land Use:</b>	Recreation Open Space (ROS) Leisure/Recreation (LR) Outdoor River Ranch DRI No. 8 PUD 81-24
<b>Development Area:</b>	Rural Development Area (RDA)
<b>Nearest Municipality:</b>	Osceola County
<b>DRC Recommendation:</b>	Conditional Approval
<b>Planning Commission Vote:</b>	Pending Public Hearing

**Site Location**



**Aerial Image**



## Summary:

The applicant is requesting a Level 3 Conditional Use (CU) approval to place a 150-foot-tall monopole on ±8.64 acres within a Military Compatibility Zone (MCZ) and 0.5 miles from a public airport. The site is located within the Recreation/Open Space (ROS) land use district of Outdoor River Ranch, a Development of Regional Impact (DRI). According to the applicant, Verizon will be the initial tenant, but the tower design will have the structural capacity for three (3) additional carriers. Given the site's proximity to the Avon Park Airforce Range (APAFR) and River Ranch's Airport, a variance from the separation and height requirements must also be approved by the Planning Commission.

The proposed tower will be constructed on the southern end of the property, with a minimum setback of 150 feet from all property lines (*Exhibit 6*). The surrounding parcels are designated as Recreation Open Space (ROS) and Leisure/ Recreation (LR). The proposed setbacks surpass the requirement in Section 303 of the Land Development Code (LDC). If approved, the base of the tower shall be screened in accordance with Section 303. The site plan will be evaluated further during the Level 2 review process to ensure compliance with all relevant sections of the LDC.

The applicant has submitted the necessary documentation for approval pursuant to the standards and variance criteria found in LDC Section 303 and Section 642 to allow this tower to exceed 50 feet in the MCZ and within one (1) mile of a public airport. These documents include radio frequency (RF) interference information, demonstration of inadequate cell coverage in the immediate area, FAA approval, and variance justification. Staff finds no incompatibilities with this request, given its benign nature and, setbacks from neighboring properties. Communication towers do not increase the demand for public infrastructure or services and pose few adverse impacts upon the environment. Staff recommends approval because communication towers provide critical cellular coverage to the surrounding residents, workers, commuters, and first responders.

## Findings of Fact

- *The applicant is requesting Conditional Use approval for a 150-foot-tall monopole on ±8.64 acres. The proposed monopole will be located within a Recreation/Open Space (ROS) district in Outdoor River Ranch, a Development of Regional Impact (DRI).*
- *Chapter 2, Section 205, Table 2.1, requires a Level 3 Review and approval by the Planning Commission to locate monopole communication towers in ROS land use districts. The maximum structure height in ROS is 25 feet.*
- *Chapter 2, Table 2.2, Footnote 11 states, “Chimneys, smokestacks, **communication towers**, and Religious Institution symbols, including, but not limited to: minarets, prayer towers, steeples, crosses, menorahs, Stars of David, and bell towers **are exempt from the structure height limitations.**”*
- *The subject site is located within Military Compatibility Zone 1 for the Avon Park Air Force Range and is subject to LDC Section 642.*
- *LDC Section 642.C.1.a states, “Proposed structures shall comply with the Maximum Structure Height as established in Table 2.2 (Density and Dimensional Regulations for Standard Districts) for each land use district. Any structure taller than 50 feet will require a variance in compliance with Section 930 of this LDC. A variance to the height requires an evaluation by the Land Use Hearing Officer to determine if it will have a negative impact on the operations within the APAFR restricted air space.”*
- *LDC Section 906.D.9 states, “When part of a Planned Development or Conditional Use Review (Level 3 Review), the Planning Commission is also authorized to review, hear, and act upon variances and expansions of non-conforming uses as they relate to that proposal.”*
- *LDC Section 931.B provides the Factors for Granting a Variance as Provided in Section 930 as follows:*

*“In order to authorize any variance from the separation and height requirements in Section 303 Communication Towers, and Section 642 Military Compatibility Zones, the Land Use Hearing Officer shall consider the following factors:*

- 1. The findings in the Developments Services Director or his designee’s staff report;*
- 2. Whether granting the variance will be in accordance with the general intent and purpose of this Code;*
- 3. Whether the granting of the variance does not circumvent a condition or intent of a condition placed on a development by the Planning Commission or the BoCC;*
- 4. Whether the requested communication tower would be in compliance with the requirements of the Polk County Airport Zoning Regulations;*
- 5. Whether for private use airports, the requested communication tower would be considered an Airport Obstruction, as defined by this Code, if the private use airport were a public use airport;*
- 6. Whether for private use airports, the owner of the airport has acquired avigation easements to protect the airspace around the airport;*
- 7. Whether there is any evidence that the placement of the requested communication tower within one mile of active airport would create a hazard to lawful aviation activities;*

8. *Whether other sites beyond the one-mile radius are available to accommodate the proposed tower;*
  9. *Whether for military use airports, the requested communication tower would be considered an Airport Obstruction, as defined by this Code, if the military use airport were a public use airport;*
  10. *Whether for a military airport, airbase, range or landing strip, the owner of the facility has acquired easements to protect the airspaces within the Military Compatibility Zone.*
  11. *Whether this is any evidence that the placement of the communication tower within the Military Compatibility Zone would create a hazard to lawful aviation activities; and,*
  12. *Whether other sites beyond Military Compatibility Zone-1 are available and suitable to accommodate the proposed tower.”*
- *LDC Chapter 10 defines Airport Obstruction as, “Any structure, object of natural growth, or use of land that would exceed the federal obstruction standards contained in 14 Code of Federal Regulations (CFR) Part 77, ss. 77.21, 77.23, 77.25, 77.28, and 77.29.”*
  - *The subject site is located within Phase II of the Outdoor Resorts River Ranch RV Resort DRI (PB 83 PG 1). The unit was platted on December 30<sup>th</sup>, 1986. The project’s location is designated as a **Drainage Easement/ Common Area**.*
  - *Per Chapter 2, Section 223.C. Storm Water System Maintenance, “Unless identified in the approved development permit and/or recorded subdivision plat, property owners or **occupants shall not construct or maintain any building, residence, structure, or undertake or perform any development activity in wetlands, wetland mitigation areas, buffer areas, upland conservation areas, and drainage easements unless prior approval is received from appropriate agencies.**”*
  - *“Communication Tower” is defined in Chapter 10 of the Land Development Code (LDC) as, “Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including lattice towers, guyed towers, and monopole towers. The term includes, without exclusion, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and camouflaged towers. The term does not include structures which are utilized solely by amateur radio operators licensed by the FCC. For the purposes of applying the height thresholds and setback requirements of this Section, antennas which add to the height of a communication tower shall be considered a part of the communication tower.”*
  - *POLICY 2.125-D1 states that “**communications facilities, including, without limitation, radio towers and microwave transmission facilities, shall be permitted throughout the County in all land use classifications, subject to County approval, to support existing and proposed development.**”*
  - *LDC Section 303 provides the Conditional Use Criteria for Communication Towers. Required documentation for Level 3 Reviews include:*
    1. *The tower manufacturer’s product specifications indicating that the tower will satisfy all standards imposed by the American National Standards Institute (ANSI);*
    2. *a certification that no antennas to be placed on the structure will cause significant interference with a public safety system or with the usual and customary transmission or*

*reception of radio, television and other customary services enjoyed by adjacent residential and non-residential properties;*

3. *a lease or other contract between the tower applicant and a telecommunication service provider for placement of an antenna on the tower upon approval and construction of the tower;*
  4. *a map depicting all structures within the applicant's search ring equal to or greater than 75 percent of the height represented by the applicant as being required for its proposed tower, along with an affidavit indicating whether or not such structures are available or sufficient to accommodate the applicant's proposed antenna; and,*
  5. *an affidavit certifying that all requirements of the Joint Airport Zoning Board have been satisfied and indicating the status of any FAA applications for the proposed tower.*
- *According to LDC Section 303, The Planning Commission may consider the following items for granting the C3 approval:*
    - i. The standards in Section 910A.1-4, the compatibility standards for the Impact Assessment Statement;*
    - ii. Setbacks to residential uses;*
    - iii. Alternative land use districts available for the tower in the search ring;*
    - iv. Site issues, including parcel size, location on the parcel, natural buffers and access; and*
    - v. Evidence such as photo simulation or other visual analysis that the proposed site is sited and designed to minimize any negative visual impacts on adjacent properties.*
  - *According to LDC Section 303, the following standards apply:*
    1. *With the exception of concrete communication towers, all communication towers shall have either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.*
    2. *To the extent possible, communication towers and their support facilities shall be designed with materials, colors, textures, screening, and landscaping that will blend the communication tower with its surrounding environment.*
    3. *Communication towers shall not be artificially lighted unless required by the FAA or any other authority with jurisdiction. If lighting is required, strobe lighting shall be utilized during daylight hours only and red lighting shall be utilized at night unless another form of lighting is required by the FAA or any other authority with jurisdiction.*
    4. *Communication towers shall be **enclosed by security fencing not less than six feet in height**. Access to communication towers shall be through a lockable gate.*
    5. *The visual impacts of communication towers on nearby viewers shall be mitigated to the extent reasonably possible. At a minimum, a row of trees at least six feet tall at planting shall be planted around the perimeter of the fence to the property and a continuous hedge at least 30 inches high at planting and capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line referenced, together providing for an opacity at planting of 60 percent and achieving 100 percent opacity within two years of planting. The required opacity shall be achieved to a height of six feet. All landscaping shall be of an evergreen variety (non-deciduous), except that existing native*

vegetation shall be preserved if sufficient to meet opacity requirements. The required landscaping shall be located on the outside of the fence to the property. Landscaping requirements may be waived for those sides of a communication tower that are adjacent to undevelopable property or that are not otherwise visible from off-site.

6. **Communication towers shall be set back a distance equal to one time (1x) the height of the communication tower from any off-site residential Future Land Use designation or the property line of any off-site residential structure.** Setbacks shall be measured from the base of the communication tower. For the purposes of this provision, the Land Use designation of Agriculture/Residential Rural (A/RR) shall not be considered a residential Future Land Use designation.
- *Per POLICY 2.109-A21 of the Comprehensive Plan, “The purpose of the Recreation and Open Space (ROS) land use district is to provide for the use and development of lands and areas which are accessible to the public, and which are oriented towards providing recreational activities and services for County residents and visitors.”*
  - *According to POLICY 2.108-A1 of the Comprehensive Plan, “Rural-Development Areas (RDA) shall be all unincorporated areas within the County that are not located within a Transit Supportive Development Area, Urban-Growth Area, Suburban-Development Area, or Utility-Enclave Area. Development in these areas is characterized by large open areas, agricultural use, with scattered development and rural centers. Services are limited and mostly found in the rural centers and clustered developments.”*
  - *The property is zoned for Frostproof Ben Hill Griffin Jr. Elementary and Frostproof Middle/Senior High.*
  - *Fire and ambulance response is from Fire Station 27, located at 6221 Hogan Ln, Indian Lake Estates, FL 33853. The estimated response time is 20 minutes.*
  - *Sheriff’s response to the site is served by the Southeast District, located at 4011 Sgt. Mary Campbell Way in Lake Wales. The response times for March 2024 were: Priority 1 – 10:49 minutes, Priority 2 – 27:23 minutes.*
  - *The site is not located within the Polk County Service Area.*
  - *The subject site has direct frontage on Appaloosa Trail West, a private roadway. The roadway is not monitored for Level of Service by the Polk Transportation Planning Organization (TPO).*
  - *Wetlands are present, and the site is located entirely within Flood Zone ‘A’.*
  - *The site is comprised of Placid and Myakka fine sands, depressional and Valkaria Sand, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey. The tower will be set in the Satellite Sand portion.*
  - *According to the Florida Natural Areas Inventory Biodiversity Matrix (Matrix Unit 43280 and 43281), the site is not located within an area of a recent documented endangered animal species sighting.*

- *This property is within the Airport Impact District for the River Ranch Resort Airport, a public-use facility. Specifically, Height Notification and In-Flight Visual Interference Zone.*
- *The site is not within a well-field protection district. The nearest wellfield is within 0.5 miles to the northwest.*
- *According to a preliminary report from the Secretary of State's Department of Historical Resources Florida Master Site File, no archaeological sites are found within the parcel boundaries.*
- *The Comprehensive Plan defines Compatibility in Section 4.400 as "A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition."*
- *This request has been reviewed for consistency with Chapter 2, Table 2.1 & 2.2, and Sections 303, 642, 906 and 930 of the LDC; SECTION 2.125-D-UTILITIES of the Comprehensive Plan.*

**Development Review Committee Recommendation:** Based on the information provided by the applicant, recent site visits, and the analysis conducted within this staff report, the Development Review Committee (DRC) finds that with the proposed conditions the request **IS COMPATIBLE** with the surrounding land uses and general character of the area and **IS CONSISTENT** with the Polk County Comprehensive Plan and Land Development Code. Therefore, the DRC recommends **APPROVAL of LDCU-2023-63.**

### **CONDITIONS OF APPROVAL**

Based upon the findings of fact, the DRC recommends APPROVAL of LDCU-2023-63 with the following conditions:

1. The subject property is approved for the location of a 150-foot-tall monopole communication tower as described in the staff report and generally shown on the site plan. [PLG]
2. The Applicant will need to provide approval from SWFWMD to alter the drainage system. [FLD] and [RD].
3. The site plan included herein together with the conditions of approval shall be considered the “Binding Site Plan.” Any modifications to LDCU-2023-63, except for those listed in Section 906.E of the LDC, shall constitute a Major Modification to this approval and require a Level 3 Review before the Planning Commission. [PLG]

### **GENERAL NOTES**

*NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.*

*NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the LDC.*

*NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.*

*NOTE: Approval of this request is only for Level 3 Review and only for those development decisions within the Planning Commissioners’ jurisdiction. A Level 2 Review (engineered plans) will be required reflecting the standard conditions listed in Section 303 of the Land Development Code and the development standards listed in Chapter 7 of the Land Development Code. Upon completion of the Level 2 Process, building permits will be required for all structures in accordance with Chapter 553 of the Florida Statutes.*

*NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.*

## Surrounding Land Use Designations and Current Land Use Activity

The following table provides a reference point for notable and pertinent Future Land Use Map districts and existing land uses upon them.

**Table 1**

<b>Northwest</b> Leisure Recreation (LR) Recreational Vehicle (RV)	<b>North</b> Leisure Recreation (LR) Recreational Vehicle (RV)	<b>Northeast</b> Leisure Recreation (LR) Recreational Vehicle (RV)
<b>West</b> Recreation Open Space (ROS) Conservation Land (SFWMD)	<b>Project Location</b> Recreation Open Space (ROS) Drainage Easement/ Common Area	<b>East</b> Leisure Recreation (LR) Recreational Vehicle (RV)
<b>Southwest Property</b> Recreation Open Space (ROS) Conservation Land (SFWMD)	<b>South Property</b> Recreation Open Space (ROS) Conservation Land (SFWMD)	<b>Southeast</b> Recreation Open Space (ROS) Conservation Land (SFWMD)

The applicant is requesting conditional approval for the construction of a 150’ tall monopole communication tower. The project area is identified as a Drainage Easement and Common Area (*Exhibit 8*) within Phase II of Outdoor Resorts- River Ranch RV Resort DRI (PB 83 PG 1). Flood zone “A” encompasses the entire project area and potential wetlands are also present, according to the County’s GIS Data Viewer. If the applicant’s request is approved, during the Level 2 review process the site will be required to adhere to the relevant developmental standards outlined in the LDC.

The proposed communication tower has direct ingress/egress along Appaloosa Trail West, a private roadway. The surrounding properties to the west, southwest, south, and southeast are designated ROS. Properties to the north, northwest, east, and northeast are with the LR district and contain RVs. The request meets all the conditions in Section 303 of the LDC for communication towers in an ROS land use district including the demonstration of coverage deficiency and the site plan indicates the proposed structure will be a minimum of 150’ away from any residences.

### Compatibility with the Surrounding Land Uses and Infrastructure:

Planning staff analyzes a site plan for compatibility by reviewing several factors: the type and intensity of adjacent uses versus the proposed use; how the proposed development interacts with the surrounding area in relation with existing uses; access to roads and where traffic generated from the site will travel; the proximity to retail, employment, emergency services, mass transit, parks, and other public services; and how the applicant addresses possible incompatibilities that might arise from the proposed use by utilizing mitigating strategies found in the Comprehensive Plan or through Conditions of Approval agreed upon by the applicant and staff.

**The LDC defines compatibility as “A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”**

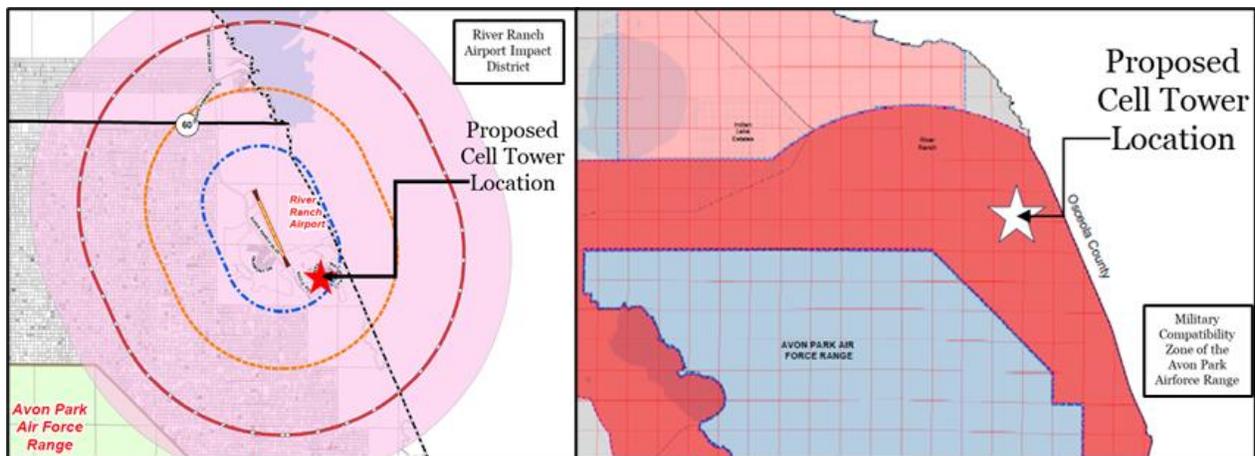
The Board adopted its first communication tower ordinance in 1997 when cell phones were just beginning to be widely utilized. With technological advancements, many residents have opted out of landline phone services, relying solely on their cell phones for communication. Computers and global positioning devices also send and receive data transmissions through cellular tower communications. Today they are a necessity, comparable to water and fire rescue. Because these structures are

constructed to provide cellular services for residents, monopole towers create no burdens on public services but provide critical cellular coverage to those in its vicinity.

A. Land Uses:

Communication towers are “C3” uses in both ROS and LR districts. The proposed 150’ monopole tower does not present any conflicts with surrounding land uses. In general, monopole towers are less intrusive in design and appearance than guy-wired or lattice towers, requiring less land area for their use. The addition of a communication tower, though requiring a Level 3 review and approval via a public hearing, is still compatible with with the area. It is a necessity to those residing, working or comuting in its vicinity. The applicant has supplied sufficient documentation stating that the addition of this structure will not cause significant interference with a public safety system along with demonstration of inadequate cell coverage.

The primary cause of concern, in terms of Compatibility with this request, is the site’s location. As illustrated below, the site is within the Military Compatibility Zone (MCZ) of the Avon Park Airforce Range and River Ranch’s Airport Impact District. A variance is required for communication towers to exceed 50-feet in height when in the MCZ and or within one mile of an active airport. Answers to variance criteria from LDC Section 931 can be found in *Exhibit 12* and staff’s analysis is found in Table 5, to follow.



Though this site is in the MCZ, the physical distance from the proposed tower and the nearest part of the runway of the military base is approximately 12 miles (straight line distance) to the southwest. Given the height of the proposed tower and distance from this facility, it does not meet the LDC’s definition of an Airport Obstruction. Representatives of the Avon Park Air Force Range have reviewed this project, and they do not foresee any issues with the request. The applicant has also obtained documentation from the Federal Aviation Administration (FAA) determining that no hazard to air navigation exist.

Visual incompatibilities and the low risk that the tower collapses or loses parts that fall to the ground threatening harm to nearby neighbors can be alarming. To offset the risk of falling debris, the Land Development Code (LDC) requires Communication towers to be set back a distance equal to one times (1x) the height of the tower from any off-site residential Future Land Use designation or the property line of any off-site residential structure. The submitted site plan indicates the tower will be located well over the required setbacks. See *Exhibit 9*.

LDC Section 303 requires the following standards be applied which will further mitigate any visual incompatibilities to the area.

- A galvanized steel finish or, subject to any applicable standards of the FAA, shall be painted a neutral color so as to reduce visual obtrusiveness.

- They shall not be artificially lighted unless required by the FAA or any other authority with jurisdiction. If lighting is required, strobe lighting shall be utilized during daylight hours only and red lighting shall be utilized at night unless another form of lighting is required by the FAA or any other authority with jurisdiction.

- Evergreen landscaping consisting of a row of trees at least six feet tall at planting shall be planted around the perimeter of the fence to the property and a continuous hedge at least 30 inches high at planting and capable of growing to at least 36 inches in height within 18 months shall be planted in front of the tree line referenced, together providing for an opacity at planting of 60 percent and achieving 100 percent opacity within two years of planting.

**B. Infrastructure:**

The site is located in the Rural Development Area (RDA). Communication towers do not require utilities, schools, or upgrades to the traffic system. However, due to the increasing interest, and proposed redevelopments in the area, cellular service is a necessity that many could benefit from. Once constructed, they require very little attention, so the threat of fire or medical emergency is low.

**Nearest and Zoned Elementary, Middle, and High School**

Communication towers have no demand for schools and pose no threat if located near them. However, the property is zoned for Frostproof Ben Hill Griffin Jr. Elementary ( $\pm 25$  miles), Frostproof Middle/ Senior High School ( $\pm 24$  miles).

**Nearest Sheriff, Fire, and EMS Station**

Polk County Fire Rescue provides Advanced Life Support transport to all residents and visitors of Polk County. It also provides fire suppression, rescue services, and fire prevention services to unincorporated Polk County and the municipalities of Eagle Lake, Polk City, Mulberry, Lake Hamilton, and Hillcrest Heights. Emergency response is considered effective if response times are within eight (8) minutes in rural and suburban areas and 13 minutes in urban areas.

Sheriff response times are not as much a function of the distance to the nearest sheriff's substation rather more a function of the overall number of patrol officers within the County. Priority 1 Calls are considered true emergencies, in-progress burglary, robbery, injuries, etc. Priority 2 Calls refer to events that have already occurred, such as a burglary that occurred while the homeowner was on vacation and had just been discovered.

Table 2, to follow, provides a breakdown of response times and travel distances for emergency services.

**Table 2**

	<b>Name of Station</b>	<b>Distance</b>	<b>Response Time*</b>
Sheriff	Southeast District, located at 4011 Sgt. Mary Campbell Way, Lake Wales.	±33 miles	P1: 10:49 minutes P2: 27:23 minutes
Fire/ EMS	Polk County Fire Rescue Station 27, located at 6221 Hogan Ln, Indian Lake Estates.	±10.8 miles	20 minutes

*Source: Polk County Sheriff's Office and Public Safety \*Response times are based on when the station receives the call and not from when the call is made to 911.*

**Water and Wastewater Demand and Capacity:**

A. Estimated Demand and Service Provider:

This site is located in the RDA and outside any County utility areas. Municipal water and wastewater are unavailable but there is no need for potable water or wastewater services due to the nature of this request.

B. Planned Improvements:

There are no planned improvements by the County in the vicinity of the parcel.

**Roadways/ Transportation Network**

The Polk County Transportation Planning Organization (TPO) monitors traffic congestion on over 425 roadway segments (950 directional links). The Roadway Network Database contains current traffic data for all arterial and collector roads and includes information on the current traffic volume and level-of-service for these major roads. The report identifies both daily and peak hour traffic volumes. Daily traffic volumes are reported in Annual Average Daily Traffic (AADT) – the typical traffic volume on a weekday over a 24-hour period. Peak hour traffic represents the highest hourly traffic volume for period between 4 – 7 p.m. It is reported as both a two-way volume and as directional volumes (east and west or north and south).

The peak hour traffic volumes are used to estimate the level-of-service for each roadway, in each direction. Level-of-service refers to the quality of traffic flow. It is the primary measure of traffic congestion. Level-of-service (LOS) is measured on a scale of 'A' to 'F' with LOS 'A' being the best (free-flow traffic) and LOS 'F' being the worst (severe traffic congestion).

A. Estimated Demand:

There are no anticipated impacts to the transportation systems in the area because the proposed communication tower is along a private roadway, as are all the roads within the River Ranch development. Additionally, there are no accurate means to estimate the trip counts and the use generates an insignificant amount of traffic for installation and maintenance.

B. Available Capacity:

The subject site has direct ingress/egress along Appaloosa Trail West (P112301) a private roadway. Appaloosa Trail West is not tracked for traffic concurrency by the Polk County Traffic and Planning Organization (TPO).

The nearest monitored link is County Road 630 (Road No. 270102). Table 3, below, charts the generalized available capacity of the most-affected links.

**Table 3**

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
4064E	CR630 From: CR 547 to SR 60	C	582	C
4064W	CR630 From: CR 547 to SR 60	C	576	C

*Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database October 13, 2023*

**C. Roadway Conditions**

CR 630 is a Rural Major Collector roadway with a paved surface width of 24-28 feet. No roadway improvements are anticipated at this time.

**D. Planned Improvements:**

There are no planned improvements in the immediate area of the site.

**E. Mass Transit**

There is no transportation stop in the vicinity of the parcel.

**F. Sidewalks**

The LDC does not require sidewalk connectivity because a habitable structure is not being proposed. The parcel is also located within the RDA where sidewalks are not expected, and the access is private.

**Park Facilities and Environmental Lands:**

There are no parks within a reasonable distance of the subject property; this request will have no impact on parks. The is in close proximity to numerous environmental lands and boat ramps.

**A. Location & Services:**

Boat ramps are located within River Ranch that leads to the Kissimmee River. Walking trails are located at Lake Arbuckle and Lake Wale Ridge State Forest.

**B. Multi-use Trails:**

There are walking trails within the River Ranch development.

**C. Environmental Lands:**

The Lake Wales Ridge State Forest is located to the west. Hiking, equestrian, and hunting and fishing opportunities are available. Kissimmee River surrounds the vast majority of the site and offers hiking, fishing, camping, birdwatching, horseback riding, nature study, cycling, and hunting.

## Environmental Conditions

The site is currently designated as a drainage easement/common area. With the conditions of approval and compliance with LDC Section 303, the addition of a communication tower will produce very little adverse environmental impact. No endangered species sightings have been documented. The site is located within the Avon Park Airforce Range MCZ, but no issues of the proposed use has been communicated. It is also within one (1) mile of River Ranch's Airport Impact District; however, the proposed structure does not exceed obstruction standards and would not be a hazard to air navigation. The proposed project area is also within a Zone "A" floodplain and there are potential wetlands on the site. Compliance with the provisions of Section 630 (Flood Hazard Management and Floodplain Protection), specifically Section L, will be required. This section contains additional development standards (in addition to the Florida Building Code), that the applicant must demonstrate compliance with at the time of Level 2 review.

### A. Surface Water:

No surface water is found onsite, but Lake Kissimmee is located within 0.6 miles to the east.

### B. Wetlands/Floodplains:

There are potential wetlands present on the subject parcel and the site is entirely within Flood Zone "A". The applicant will be required to demonstrate compliance with Chapter 6 (*Resource Protection*) of the LDC during the Level 2 review process if the request is approved.

### C. Soils:

The site is comprised of approximately 48% Placid and Myakka fine sands, depressional and 52% Valkaria Sand, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey. Due to the infrastructure associated with communication towers, there are no anticipated challenges present in the soils onsite that would hinder the development.

### D. Protected Species

According to the Florida Natural Areas Inventory's Biodiversity Matrix, this site is not located within a mile of a recent sighting of an endangered species. Prior to site clearing or grubbing, the applicant shall hire a qualified professional to conduct a site survey/walkover to ensure that no threatened or endangered plant or animal species exist on the site. If any are discovered, the applicant shall properly protect the specie(s) or mitigate any impacts consistent with federal, state and local law.

### E. Archeological Resources:

According to the Secretary of State's Department of Historical Resources, the Florida Master Site File lists no archaeological sites.

### F. Wells (Public/Private)

The site is not within a well-field protection district. The nearest wellfield is within 0.5 miles to the northwest.

G. Airports:

The site is located within 0.5 miles of River Ranch's Airport Impact District.

**Economic Factors:**

Most individuals have not only cell phones but multiple communication devices, including personal computing devices that rely on the constant transfer of data over the cellular network. Furthermore, telecommunications infrastructure, including wireless and cellular infrastructure, is critical to daily life, business, emergency services, and government purposes. Residents, visitors, and businesses alike will benefit also from better cellular communication in their neighborhoods. The proposed tower will give providers an opportunity to co-locate their antennas at one location while broadening their coverage and reducing congestion of cellular service.

**Consistency with the Comprehensive Plan, LDC, and other County Ordinances:**

Communication towers are directly referenced in Section 2.125-D of the Comprehensive Plan. POLICY 2.125-D1 states that listed utility facilities “*shall be permitted throughout the County in all land use classifications, subject to County approval, to support existing and proposed development.*” Among those listed utilities are “*communications facilities, including, without limitation, radio towers and microwave transmission facilities.*”

Table 4, to follow, provides an analysis of the proposed request when compared to typical policies of the Comprehensive Plan selected by staff for evaluation of development proposals. Based upon this analysis, the proposed request is consistent with relevant policies of the Polk County Comprehensive Plan.

**Table 4**

Comprehensive Plan Policy	Consistency Analysis
<p><i>POLICY 2.102-A2: COMPATIBILITY - Land shall be developed so that adjacent uses are compatible with each other, pursuant to the requirements of other Policies in this Future Land Use Element, so that one or more of the following provisions are accomplished: a. there have been provisions made which buffer incompatible uses from dissimilar uses; b. incompatible uses are made to be more compatible to each other through limiting the intensity and scale of the more intense use; c. uses are transitioned through a gradual scaling of different land use activities through the use of innovative development techniques such as a Planned Unit Development.</i></p>	<p>Given the site’s remote location and conditional use standards found in the LDC, the request is compatible with surrounding uses.</p>
<p><i>POLICY 2.102-A1: DEVELOPMENT LOCATION – Polk County shall promote contiguous and compact growth patterns through the development process to minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where tracts of land are by-passed in favor of development more distant from services and existing Communities.</i></p>	<p>This request does not require public utilities. There are potential wetlands, and the site is entirely within Flood Zone “A.” Consequently, the site will need to adhere to Chapter 6 (Resource Protection) of the LDC.</p>
<p><i>POLICY 2.102-A3: DISTRIBUTION - Development shall be distributed throughout the County consistently with this Future Land Use Element so that the public utility, other community services, and public transit and transportation systems can be efficiently utilized; and compact, high-density and intensity development is located where urban services can be made available.</i></p>	<p>Communication towers are more of a utility than a “development.” They are needed where the growth is according. The proposed use does not require utility services, schools, or upgrades to the traffic system.</p>
<p><i>POLICY 2.102-A4: TIMING - The development of land shall be timed and staged in conjunction with the cost-effective and efficient provision of supporting community services which, at a minimum, shall require compliance with the Plan’s Level of Service requirements and the County’s concurrency management system.</i></p>	<p>The request is not anticipated to create a Level-of-Service (LOS) deficiency upon existing services provided by the County. No structures are proposed which would demand public utilities.</p>
<p><i>POLICY 2.102-A15: ADEQUATE PUBLIC FACILITIES - The County will direct new growth to areas where adequate public facilities exist or are planned; and ensure that essential services are in place to provide for efficient, cost-effective response times from the Fire Department, Sheriff’s Department, and Emergency Management Service (EMS).</i></p>	<p>The subject property is located within an area of the County that has adequate public safety services as identified in the staff report.</p>

LDC Section 906.D.9 states, “When part of a Planned Development or Conditional Use Review (Level 3 Review), the Planning Commission is also authorized to review, hear, and act upon variances and expansions of non-conforming uses as they relate to that proposal.”

Table 5

<b>In order to authorize any variance from the separation and height requirements in Section 303 Communication Towers, and Section 642 Military Compatibility Zones, the Planning Commission shall consider the following factors:</b>	
<b>The findings in the Developments Services Director or his designee’s staff report.</b>	<i>Staff finds this request is consistent with the LDC &amp; Comprehensive Plan and compatible with the surroundings. Monopole towers are less obtrusive than lattice towers. The structure is set back a minimum of 150 feet from the nearest residential property line.</i>
<b>Whether granting the variance will be in accordance with the general intent and purpose of this Code.</b>	<i>Staff finds this request meet the general intent and purpose of this Code. The site is well-suited for this use. The location of the property and height of the tower does not place it in conflict with airport uses. It meets the LDC standards for Section 303.</i>
<b>Whether the granting of the variance does not circumvent a condition or intent of a condition placed on a development by the Planning Commission or the BoCC.</b>	<i>This site is not within a development approved by the Planning Commission or BoCC.</i>
<b>Whether the requested communication tower would be in compliance with the requirements of the Polk County Airport Zoning Regulations.</b>	<i>The site is within Westgate River Ranch AID. The applicant obtained documentation from the Federal Aviation Administration (FAA) stating that the proposed structures do not exceed obstruction standards and would not be a hazard to air navigation</i>
<b>Whether for private use airports, the requested communication tower would be considered an Airport Obstruction, as defined by this Code, if the private use airport were a public use airport.</b>	<i>The tower is 150’ and over within 0.5 mile of the nearest airport (River Ranch Airport). However, the LDC definition of an Airport Obstruction references the 14 Code of Federal Regulations (CFR) Part 77. By federal standards, a tower could be listed as an obstruction at 500 feet in height. The proposed tower is well below this standard.</i>
<b>Whether for private use airports, the owner of the airport has acquired aviation easements to protect the airspace around the airport.</b>	<i>According to the submitted variance justification, no aviation easements exist in the vicinity of the proposed tower.</i>
<b>Whether there is any evidence that the placement of the requested communication tower within one mile of active airport would create a hazard to lawful aviation activities.</b>	<i>Given its distance from local airports, the proposed height, and approval from the appropriate entities, there is no evidence that the placement of this tower would create a hazard to lawful aviation practices.</i>
<b>Whether other sites beyond the one-mile radius are available to accommodate the proposed tower.</b>	<i>Existing communication towers in the area are insufficient for carrying communication antennas, as required by the applicant.</i>
<b>Whether for military use airports, the requested communication tower would be considered an Airport Obstruction, as defined by this Code, if the military use airport were a public use airport.</b>	<i>The APAFR runways are over 12 miles (straight line distance) to the southwest.</i>
<b>Whether for a military airport, airbase, range or landing strip, the owner of the facility has acquired easements to protect the airspaces within the Military Compatibility Zone.</b>	<i>No easements have been identified.</i>
<b>Whether this is any evidence that the placement of the communication tower within the Military Compatibility Zone would create a hazard to lawful aviation activities.</b>	<i>Given its distance from the APAFR and the proposed height, there is no evidence that the placement of this tower would create a hazard to lawful aviation practices.</i>
<b>Whether other sites beyond Military Compatibility Zone-1 are available and suitable to accommodate the proposed tower.</b>	<i>Existing communication towers in the area are insufficient for carrying communication antennas, as required by the applicant.</i>

The Planning Commission, in the review of approving communication tower, shall consider the following factors listed in Table 6 in accordance with Section 303, Communication Towers, subsection 8.h of the Land Development Code.

**Table 6**

<b>The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 303, Communication Towers, subsection 8.h of the LDC:</b>	
<p><b>The standards in Section 910, the compatibility standards for the Impact Assessment Statement.</b></p> <p><b>1.Show how and why is the site suitable for the proposed uses;</b></p> <p><b>2.Provide a site plan showing each type of existing and proposed land use;</b></p> <p><b>3.Describe any incompatibility and special efforts needed to minimize the differences in the proposed use with adjacent uses;</b></p>	<p><i>1. The area is rural in nature and the redevelopment within River Ranch can benefit from the proposed use.</i></p> <p><i>2. The closest distance to a residential property is equal to or greater than the height of the tower. The setbacks on the submitted site plan also confirms this (See Exhibit 10).</i></p> <p><i>3. Staff finds no incompatibilities with this request given its benign nature and setbacks from neighboring properties.</i></p>
<p><b>Setbacks to residential uses;</b></p>	<p><i>The Communication Tower is located along a private roadway, the residential structures are within the LR district. The tower will be a minimum of 150 feet from the nearest residential structure.</i></p>
<p><b>Alternative land use districts available for the tower in the search ring;</b></p>	<p><i>The surrounding land use districts include ROS and LR which Communication towers are "C3" in both districts.</i></p>
<p><b>Site issues, including parcel size, location on the parcel, natural buffers and access; and</b></p>	<p><i>The parcel is ±8.64 acres which is more than adequate for the use, leaving enough room to allow over a 1X "fall radius" as measured from the base of the tower. The site has direct ingress and egress along a private roadway.</i></p>
<p><b>Evidence such as photo simulation or other visual analysis that the proposed site is sited and designed to minimize any negative visual impacts on adjacent properties.</b></p>	<p><i>Please refer to Exhibit 10 which identifies the proposed location of the tower and associated landscape. Staff will also present site photos during the public hearing.</i></p>

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 7 in accordance with Section 906.D.7 of the Land Development Code.

**Table 7**

<b>The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:</b>	
<p><b>Whether the proposed development is consistent with all relevant requirements of this Code;</b></p>	<p><i>Yes, this request is consistent with the LDC, specifically Sections 303 and 906.D. These can be found in the Findings of Fact on Pages 3-7 of the staff report.</i></p>
<p><b>Whether the proposed development is consistent with all applicable policies of the Comprehensive Plan;</b></p>	<p><i>Communication facilities are considered "Utilities" in POLICY 2.125-D1 of the Comprehensive Plan and "shall be permitted throughout the County in all land use classifications, subject to County approval".</i></p>
<p><b>Whether the proposed use is compatible with surrounding uses and the general character of the area, including such factors as density, height, bulk, scale, intensity, traffic, noise, and appearance; and</b></p>	<p><i>Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 9-11 of this staff report for data and analysis on surrounding uses and compatibility.</i></p>
<p><b>How the concurrency requirements will be met, if the development were built.</b></p>	<p><i>This request will not require concurrency determinations from utilities, the School Board, or TPO. The impact on public services can be found in the analysis found on Pages 11-13 of the staff report.</i></p>

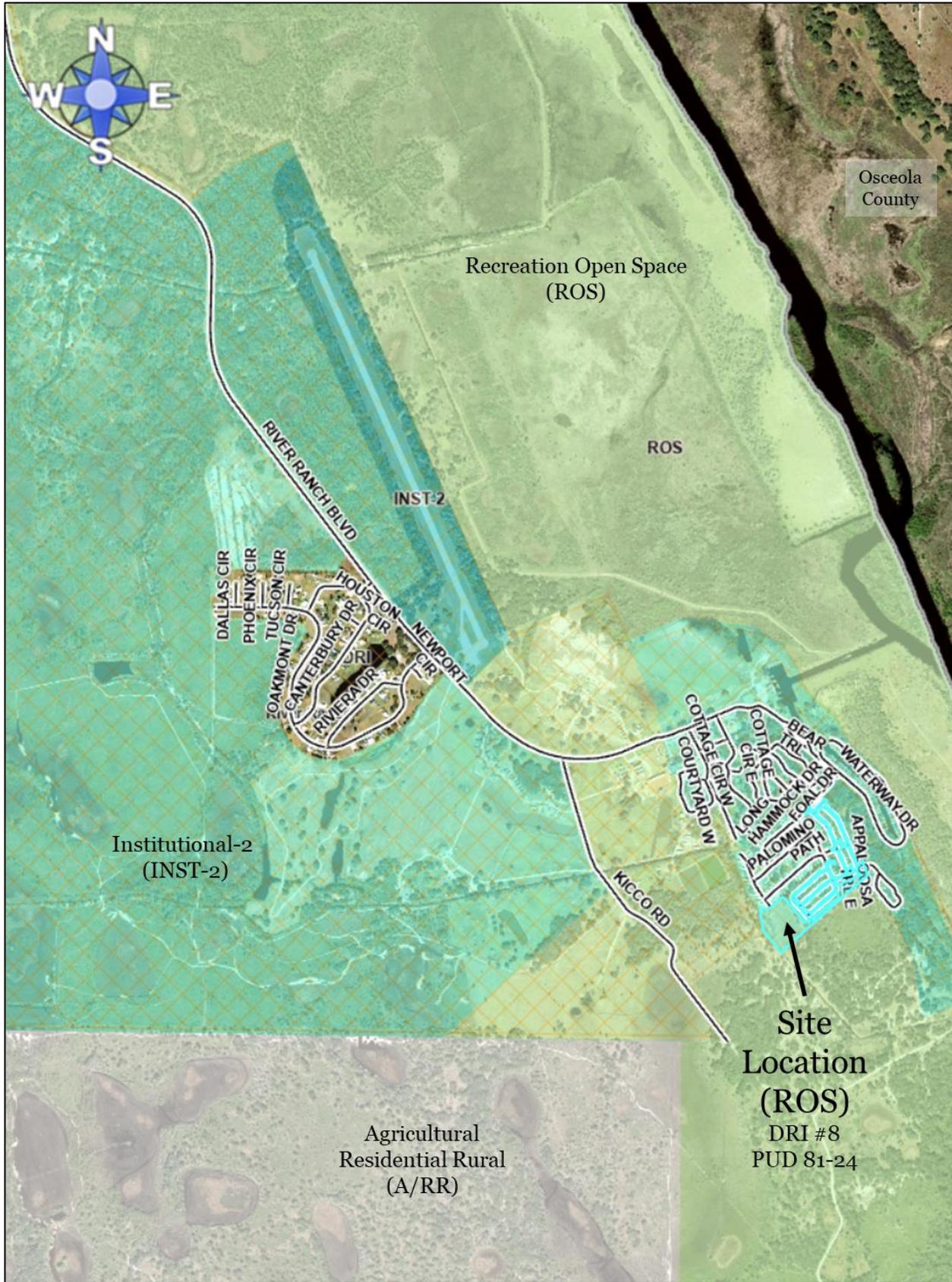
**Comments from other Agencies: None**

**Exhibits:**

- Exhibit 1 Location Map
- Exhibit 2 Future Land Use Map
- Exhibit 3 2023 Aerial Image (Context)
- Exhibit 4 2023 Aerial Image (Close Up)
- Exhibit 5 Wetlands and Flood Zone 'A'
- Exhibit 6 Airport Impact District Map
- Exhibit 7 Military Compatibility Zone
- Exhibit 8 Plat Book 83, Page 1
- Exhibit 9 Site Plan
- Exhibit 10 Enlarged Site Plan
- Exhibit 11 Tower Elevation
- Exhibit 12 Variance Justification



## Location Map



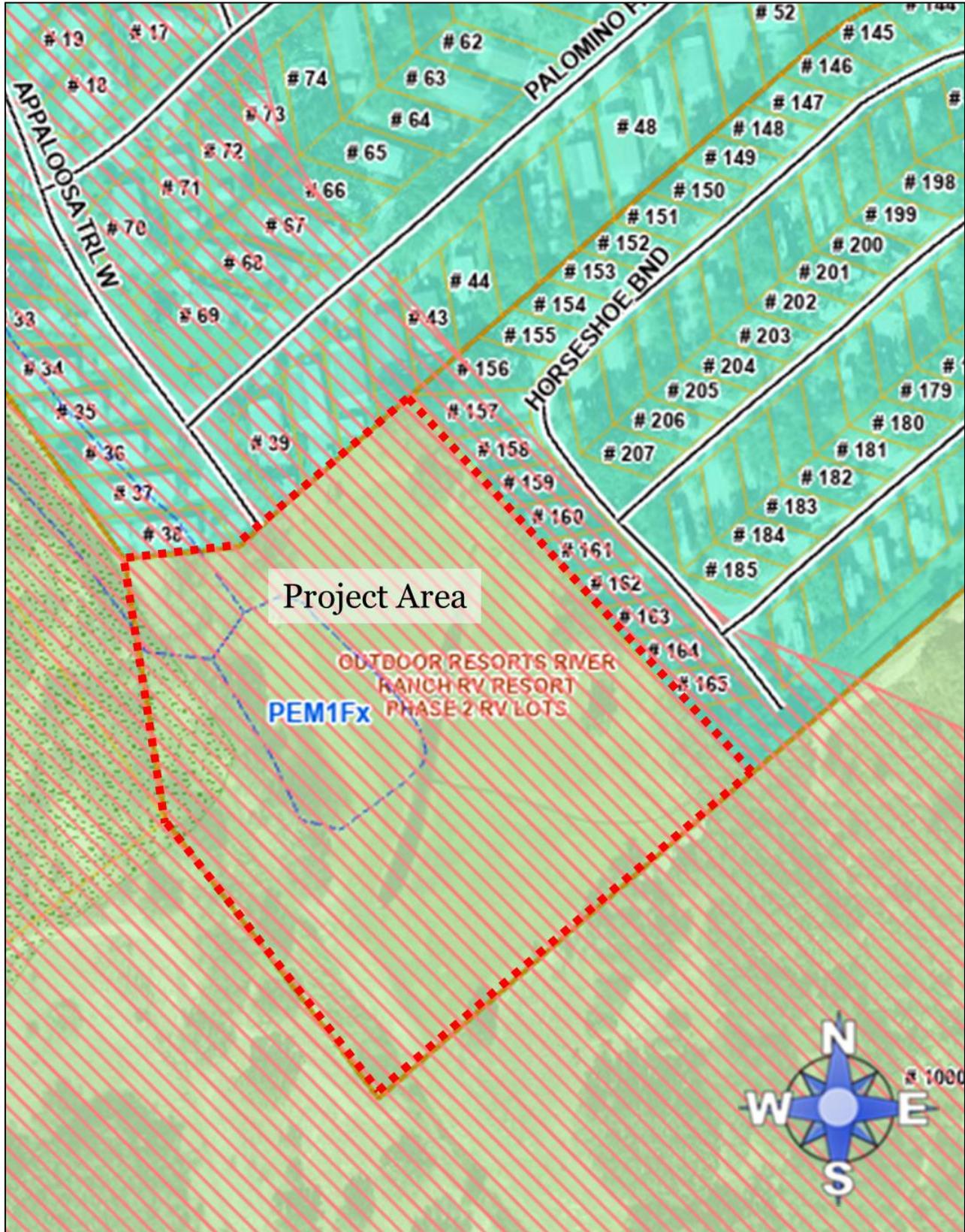
# Future Land Use Map



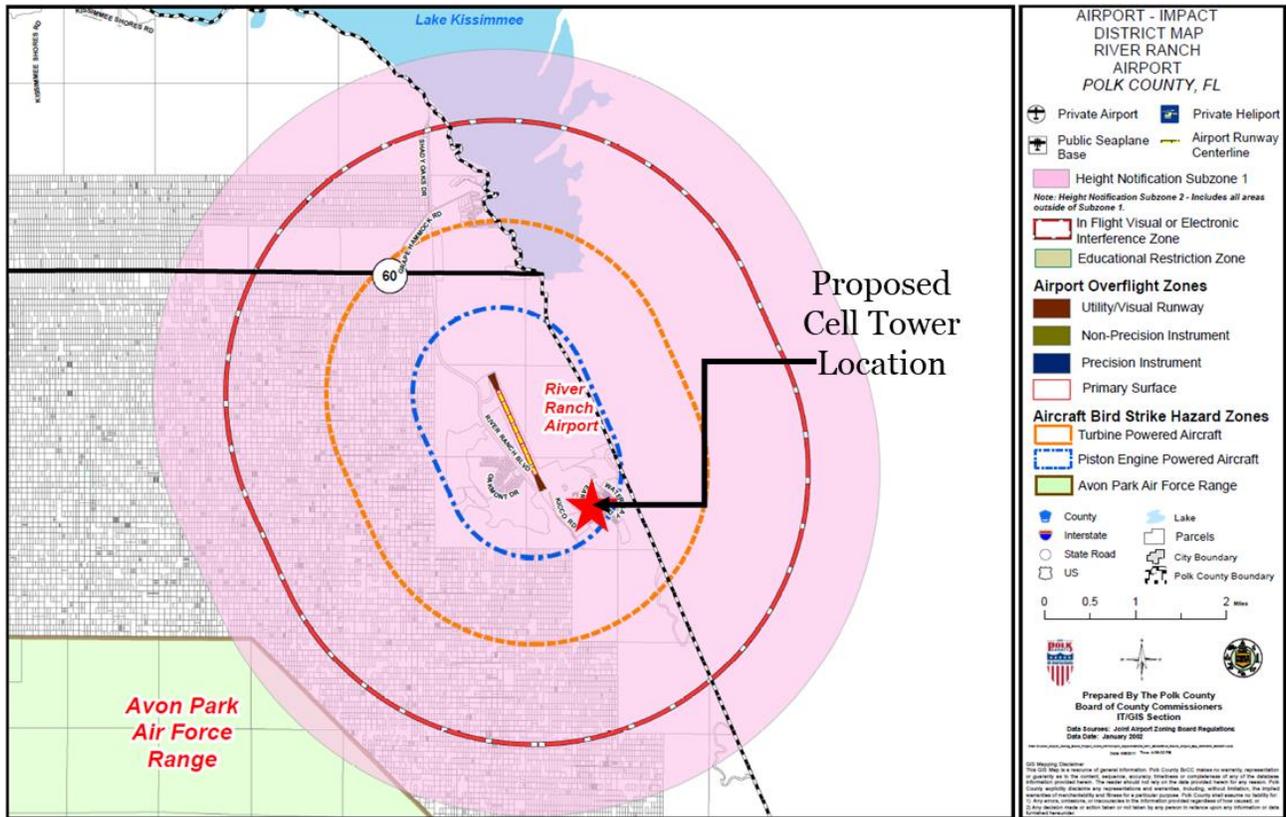
2023 Satellite Photo (Context)



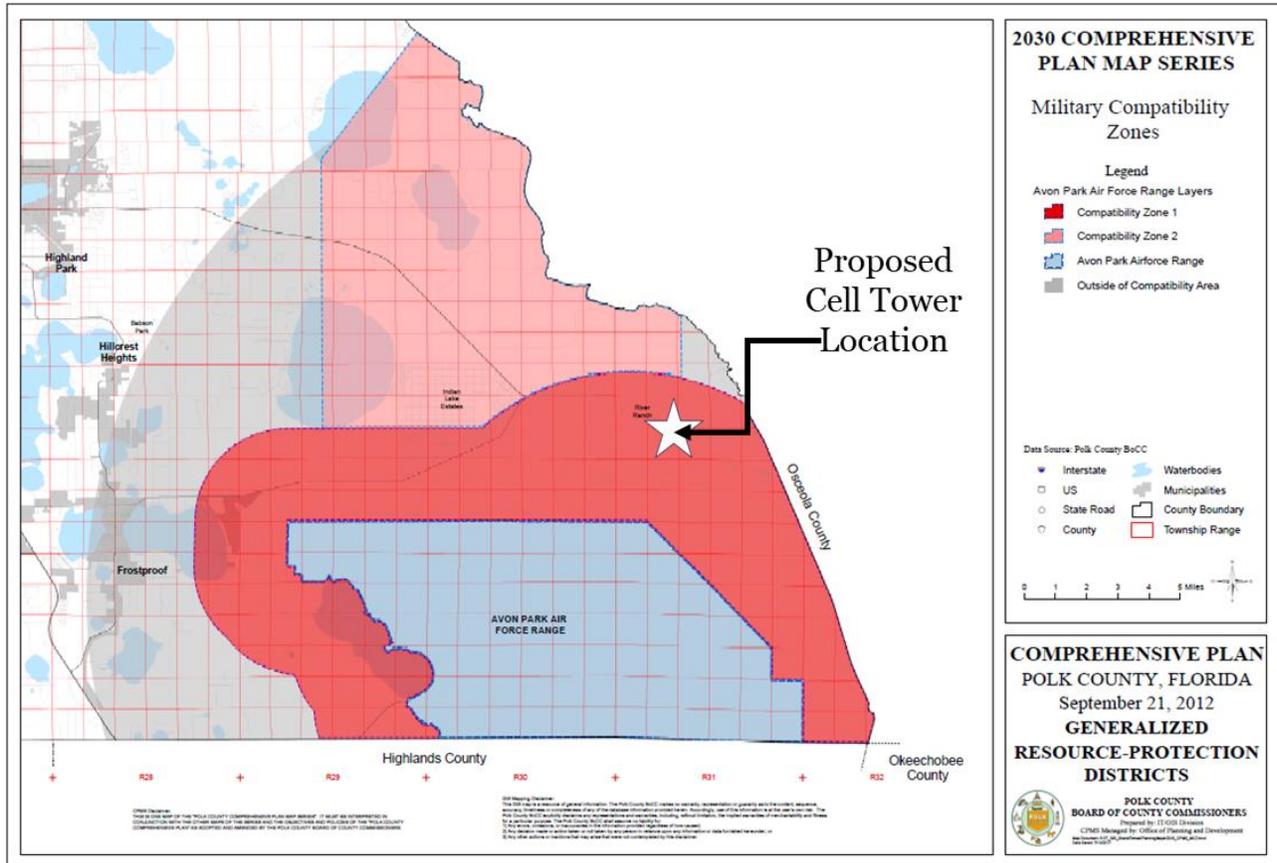
2023 Satellite (Close Up)



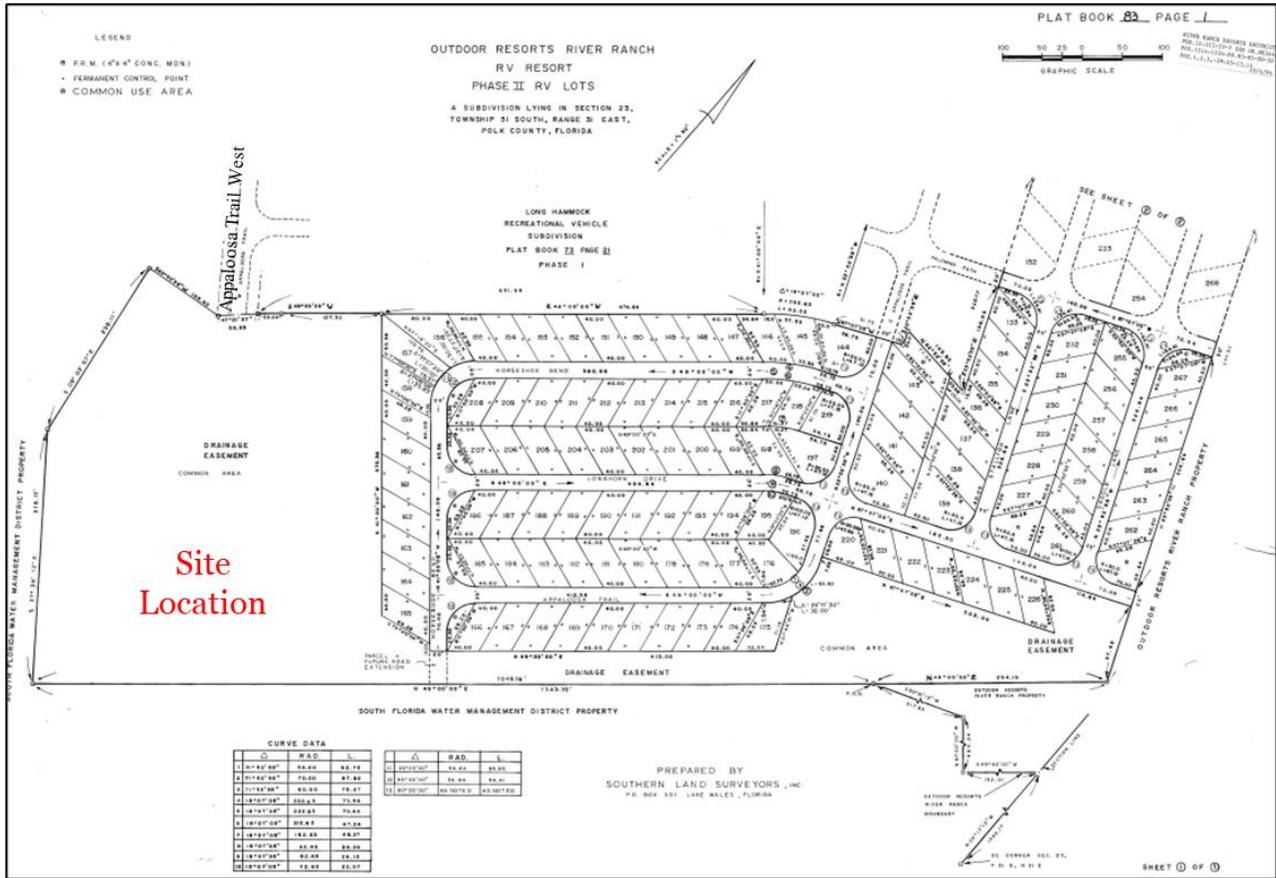
## Wetlands and Flood Zone 'A'



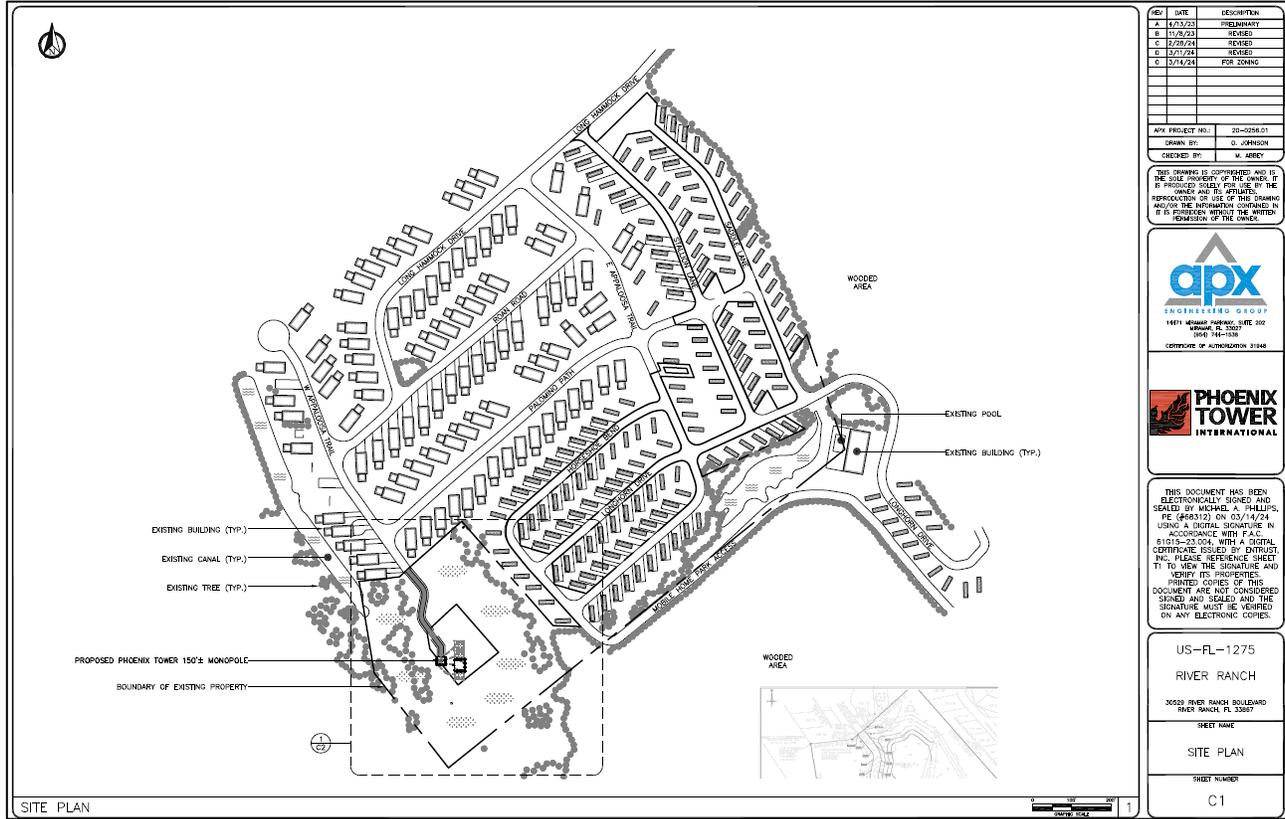
# River Ranch Airport Impact District Map



# Military Compatibility Zone



Plat Book 83, Page 1



REV	DATE	DESCRIPTION
A	6/23/23	PRELIMINARY
B	11/26/23	REVISED
C	2/28/24	REVISED
D	3/27/24	REVISED
E	5/14/24	FOR ZONING

APX PROJECT NO.: 20-0256-01  
 DRAWN BY: O. JOHNSON  
 CHECKED BY: M. ABBEY

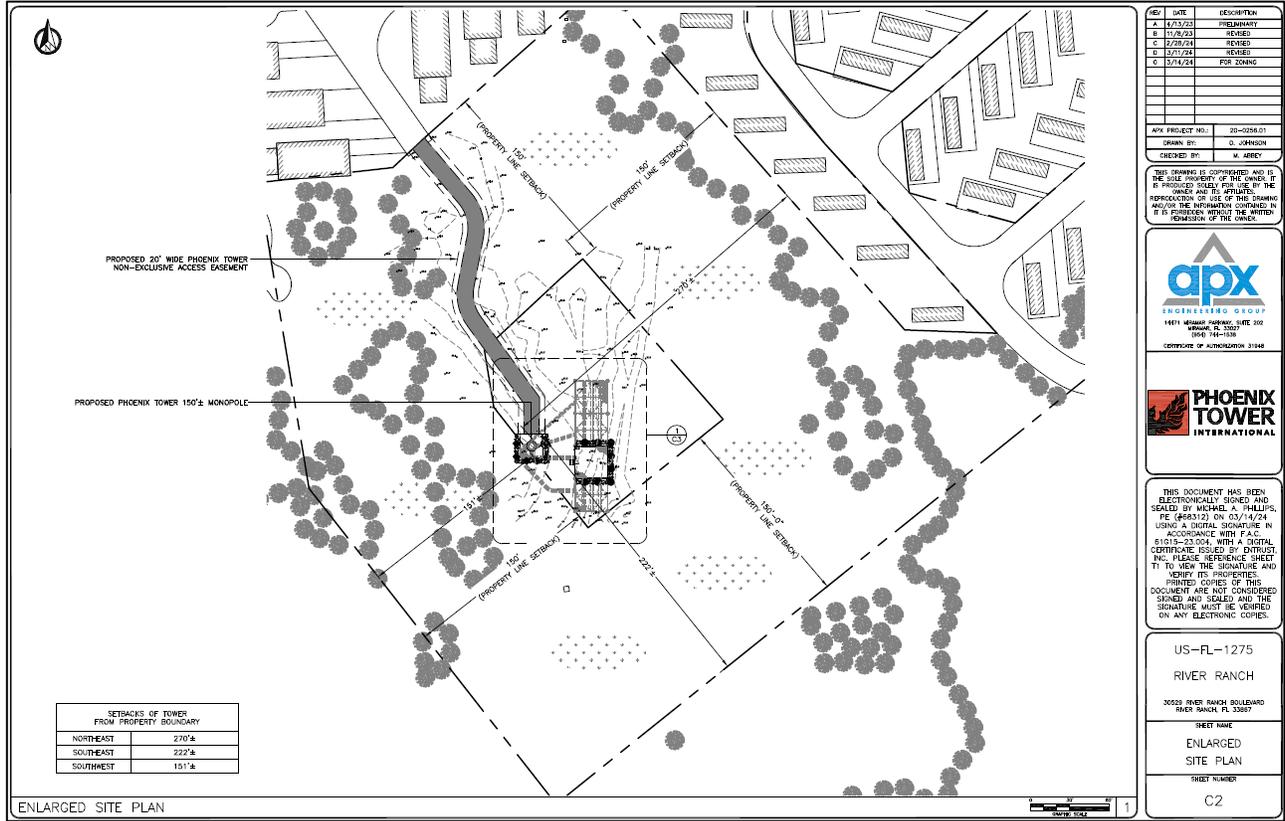
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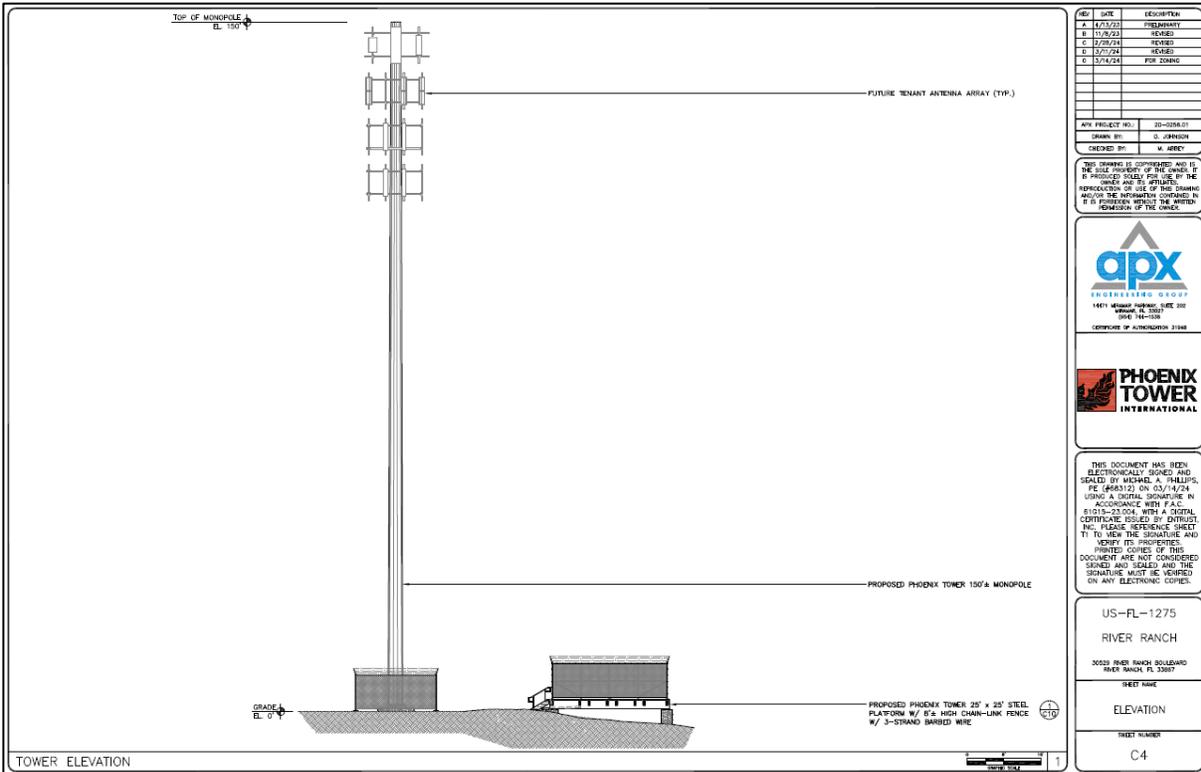
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US-FL-1275  
 RIVER RANCH  
 30520 RIVER RANCH BOULEVARD  
 RIVER RANCH, FL 33867  
 SHEET NAME  
 SITE PLAN  
 SHEET NUMBER  
 C1

# Site Plan



# Enlarged Site Plan



Tower Elevation

## Variance Justification for Polk County

Variance justification

Polk County, FL

LDCU-2023-63

In order to authorize any variance from the separation and height requirements in Section 303 Communication Towers, and Section 542 Military Compatibility Zones, the following factors should be considered:

1. The finding in the Development Services Director or his designee's report. *Staff recommends approval, as noted in the staff report.*
2. Whether granting the variance will be in accordance with the general intent and purpose of the code. *Staff finds this request compatible with the surrounding land use and consistent with the LDC & Comprehensive plan.*
3. Whether the granting of the variance does not circumvent a condition or intent of a condition placed on a development by the planning commission or the BoCC. *There are no conditions affecting the placement of the tower placed on the subject property by the Planning Commission or the BoCC.*
4. Whether the requested communications tower would be in compliance with the requirements of the Polk County Airport Zoning Regulations. *The site is on the outer limits of the one mile buffer and is also in the MCZ, but neither of these conditions are opposed by the River Ranch Airport or the Air Force, and the FAA has issued a notice that no impact to air traffic exists at this location.*
5. Whether for private use airports, the requested communications tower would be considered an airport Obstruction, as defined by this code, if the private airport were a public use airport. *The FAA has indicated this is not a recognized obstruction and has approved this location for a communications tower.*
6. Whether for private use airports, the owner of the airport has acquired aviation easements to protect the airspace around the airport. *No Aviation easements exist in the vicinity of the proposed communications tower, nor are Aviation easements requested or required.*
7. Whether there is any evidence that the placement of the requested communications tower within one mile of an active airport would create a hazard to lawful aviation activities. *There is no evidence this proposed location would create a hazard to lawful aviation activities and the FAA has provided approval.*
8. Whether other sites, beyond the one mile radius are available to accommodate the proposed tower. *No other sites in the vicinity, provide the RF coverage provided by this proposed location, see Verizon RF engineering report.*
9. Whether for military use airports, the requested communication tower would not be considered an airport obstruction. *No other sites provided the coverage provided by this tower, as referenced in the Verizon report.*
10. Whether for a military airport, airbase, range or landing strip, the owner of the facility has acquired easements to protect the airspaces within the Military Compatibility Zone. *No Aviation easements exist in the vicinity of the proposed communications tower, nor are Aviation easements requested or required.*

## Variance Justification