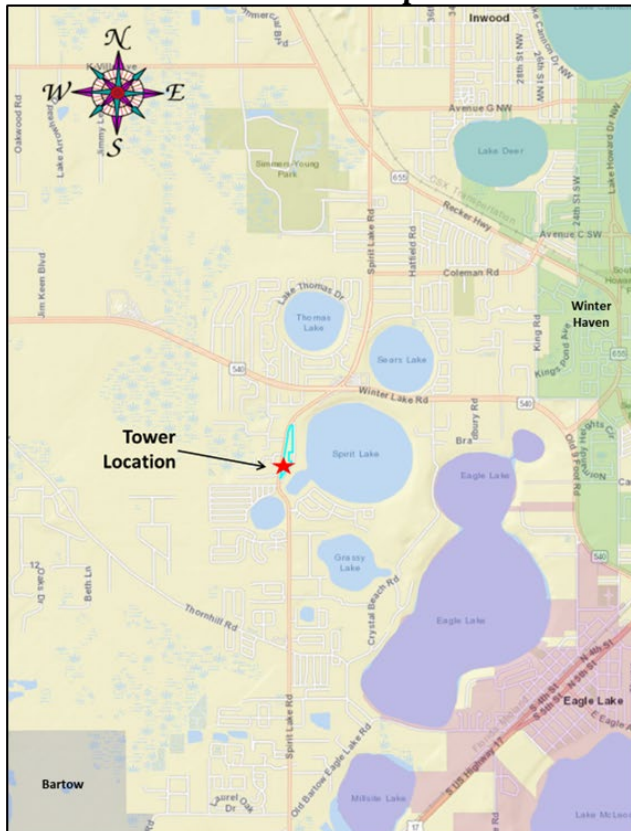


POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

DRC Date:	April 13, 2023	Level of Review:	Level 3 Review
PC Date:	June 7, 2023	Type:	Planned Development Modification
BoCC Date:	n/a	Case Numbers:	LDCU-2023-10
Applicant:	Jahn Mattaniah for T-Mobile	Case Name:	Spirit Lake Rd Monopole tower
		Case Planner:	Erik Peterson, AICP

Request:	Conditional Use approval of a 155-foot-tall monopole communication tower.
Location:	Between Spirit Lake Road and Spirit Lake Drive, northeast of Country Place, southeast of Flamingo Boulevard, south of Winter-Lake Road (SR 540), north of Rolling Oaks Drive, north and east of the city of Bartow, west of the city of Eagle Lake and southwest of the city of Winter Haven in Section 35, Township 28, Range 25.
Property Owners:	Edward H. Bolick Revocable Trust
Parcel Size (Number):	± 6.71 acres (252835-000000-023020)
Future Land Use:	Residential Low-3
Development Area:	Urban Growth Area (UGA)
Nearest Municipality:	Eagle Lake (1.4 miles)
DRC Recommendation:	Approval
Planning Commission Vote:	Pending Public Hearing

Location Map



2021 Satellite Image



Summary:

The applicant requests approval of a 155-foot-tall monopole communication tower on the southern end of a property that lies between Spirit Lake Road and Spirit Lake Drive. T-Mobile will be the initial tenant, but the tower will be able to host additional communication antennas in the future.

The tower will be located a minimum of 155 feet from the nearest property line, as required in Section 303 of the Land Development Code (LDC), and is predicted to have an actual fall zone radius of 85 feet according to preliminary engineering. The applicant has provided radio frequency (RF) interference information and demonstrated inadequate cell coverage in the area. The base of the tower will be screened, and the site has good foliage cover on the perimeter that is likely to remain until possible development in the future.

Staff is recommending approval because communication towers are needed in residential areas to serve residents and they have little or no impact on surrounding neighborhoods if setbacks are maintained, and the base is screened. Communication towers do not increase the demand for public infrastructure or services and pose few adverse impacts upon the environment.

Findings of Fact

- *This is a request for Conditional Use approval of a **155-foot-tall monopole communication tower**.*
- *The property is Residential Low (RL) on the Future Land Use Map. POLICY 2.120-C1 of the Comprehensive Plan states that the “Residential-Low classification is characterized by single-family dwelling units, duplex units, and small-scale multi-family units.”*
- *The site is in a Urban Growth Area (UGA), which is an area “where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development in close proximity to the development in the adjacent TSDAs,” according to POLICY 2.105-A1 of the Comprehensive Plan.*
- *POLICY 2.125-D2 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.”*
- *The property is designated Residential Low-3 (RL-3) on the Land Development Code Sub-District Map. Section 204.A of the Land Development Code states, “The purpose of the RL-3 district is to provide areas for the low density residential needs of residents in urban areas who desire areas with smaller lots, a minimum of 10,000 square feet”*
- *Section 205, Table 2.1, requires monopole communication towers to undergo a Level 3 Review and gain approval by the Planning Commission to locate in an RL-3 district.*
- *Section 303, Communication Towers, subsection 7.a states, “Communication towers shall be **set back a distance equal to one times (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. The setback may be reduced by 50 percent if the off-site residential structure is*

non-conforming with the Land Use Designation or if there is an intervening conforming structure of a non-residential nature.”

- *Section 303, Communication Towers, subsection 8.h states, “The Planning Commission may consider the following items for granting the C3 approval.*
 - i. The standards in Section 910 A.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.”*
- *The surrounding Future Land Use and LDC Sub-district Map district is Residential Low-3 (RL-3) to the east and Residential Low-4 (RL-4) to the west in all directions. The site is bordered by streets except for one dwelling on an unrecorded parcel.*
- *The site is between 1,000 and 2,600 feet from restaurants, retail, and grocery.*
- *The property is zoned for Lake Shipp Elementary, Westwood Middle School and Lake Region High School.*
- *County Fire response to this project is from Fire Station 5, the Jan Phyl Station, located at 333 American Spirit Road. The travel distance is approximately 1.8 miles away. Ambulance response is also from the Jan Phyl Station.*
- *There is a fire hydrant on the opposite side of Spirit Lake Road.*
- *The site is served by the Polk County Sheriff’s Office Central District Command Center at 3635 Avenue G NW, next to Westwood Middle School in the Inwood area, 2½ miles driving distance from the site.*
- *Polk County’s Central Regional Utility Service Area provides potable water and wastewater service to the area.*
- *Spirit Lake Road is classified as an Urban Collector Road in the Polk County Roadway Inventory and is tracked for traffic counts or concurrency on the Polk County Transportation Organization’s Roadway Network Database.*
- *According to the Transportation Planning Organization, there is adequate capacity on Spirit Lake Road as well as other roads such as Winter Lake Road (State Road 540) within the area transportation network to support the development currently.*
- *There are no wetlands on the site but there are portions in the 100-year flood hazard area.*
- *The site is comprised of Tavares Fine Sand and Smyrna-Myakka Sand, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey. The tower will be set in the Tavares sand portion.*
- *According to the 2015 Polk County Endangered Habitat Map, the site is located within a one-mile radius of an endangered animal species sighting (Source: Florida Fish & Wildlife Conservation Commission (FWC)).*
- *The site is within the Bartow Airport height notification zone.*

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-2023-10.**

CONDITIONS OF APPROVAL

Based upon the findings of fact, the DRC recommends APPROVAL of LDCU-2023-10 with the following conditions:

1. The subject property is approved for the location of a 155-foot-tall monopole communication tower. [PLG]
2. The site plan included herein together with the conditions of approval shall be considered the “Binding Site Plan.” Any modifications to LDCU-2023-10, 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. Building permits will be required for improvements to 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

Northwest: RL-4, Single-Family Residential Shadow Wood subdivision	North: RL-3, Single-Family Residential	Northeast: RL-3, Single-Family Residential Spirit Lake Subdivision Spirit Lake
West: RL-4, Mobile home subdivision Dinner Lake Estates subdivision	Subject Property: RL-3 Vacant	East: RL-3, Single-Family Residential Spirit Lake Subdivision Spirit Lake
Southwest: RL-4, Mobile home subdivision Oakwood Estates	South: RL-3, Single-Family Residential Dinner Lake	Southeast: RL-3, Single-Family Residential Village at Spirit Lake Subdivision Spirit Lake

The site is bordered by streets except for one dwelling on an unrecorded parcel 155 feet north of the proposed tower location. Beyond the street rights-of-way there are platted subdivisions with single-family residential and mobile home development on lots that range from 1.3 acres to 0.085 (3,700 square feet) in Oakwood Estates Mobile Home Community.

Compatibility with the Surrounding Land Uses and Infrastructure:

This communication tower is proposed on the largest buildable property within a half mile radius. It is surrounded by detached site built and mobile home residences. It is in close proximity to all forms of urban infrastructure including sidewalks and mass transit. It is in walking distance to daily and weekly shopping needs. Many County residents once feared communication towers. The Board adopted its first communication tower ordinance in 1997 when cell phones were just beginning to be widely utilized. Today they are a necessity, the same as water and fire rescue.

A. Land Uses:

The Future Land Use Map designations are all residential Low (RL) in the immediate area. Many residents have opted out of landline phone services and solely rely on their cell phones for communication. There are also more than just phones using cellular lines now. There are computers and other electronic devices such as global positioning devices that send and receive data transmissions through cellular tower communications. Because of these changes in the need for communications towers, residents fear them less in exchange for better service. The greatest incompatibilities are predominately visual, especially around the base of the tower, and the low risk that the tower collapses or loses parts that fall to the ground threatening harm to nearby neighbors. Some people have a fear that the towers emit hazardous radio waves. However, the signal is most intense at the phone itself, not the top of the tower. To offset the risk of falling debris, the Land Development Code (LDC) requires a setback of the height of the tower from any offsite residential properties.

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.”

B. Infrastructure:

Towers do not require the typical forms of development infrastructure. Once constructed, they require very little attention. Access can be merely an easement with an unimproved path. No water or wastewater service is needed. There is very little imperious surface to drain. The threat of fire or medical emergency is low. No schools or parks are demanded. The people that need the tower need those services. Therefore, the tower goes where the users are located. Many users are located here because there are many urban services available to support their habitation. The following reveals how urban this area is for infrastructure and services.

Nearest and Zoned Elementary, Middle, and High School

The property is zoned for Lake Ship Elementary, Westwood Middle School and Lake Region High School. All are the closest schools. Communication towers have no demand for schools and pose no threat if located near them. Some Polk County School campuses host cell tower sites. The table to follow provides data on the zoned schools and current capacities.

Table 2

Name of School	Annual Estimated Demand	Distance from subject site	School Capacity
Lake Shipp Elementary	0 students	±2½ miles driving distance from entrance to entrance	102%
Westwood Middle School	0 students	±2½ miles driving distance from entrance to entrance	76%
Lake Region High School	0 students	±3¾ miles driving distance from entrance to entrance	62%

Source: Polk County School Board, Tischler & Associates Study, GIS

Nearest Sheriff, Fire, and EMS Station

The closest County Fire response to this project is from Fire Station 5, the Jan Phyl Station, located at 333 American Spirit Road, near the south entrance to Simmers-Young Park. This area has overlapping coverage from several County and city fire stations. Depending on squad availability and the urgency of the call, different stations may respond. The site has access to an adequately sized water line and a fire hydrant on the opposite side of Spirit Lake Road from the site. However, there are no hydrants on Spirit Lake Drive. All the residential units to the east are served by on-site wells. Those homes came before many of the urban services were available to the area. The equipment at the base of the tower is the most likely source of a potential fire. Since there are rarely visitors, the chance of needing emergency medical services is low.

Table 3

	Name of Station	Distance	Response Time*
Sheriff	Central District Command (3635 Avenue G NW)	2½ ± miles	7 minutes
Fire	Polk County Fire Rescue Station 5, 333 American Spirit Road	1.8 ± miles	6 minutes
EMS	Polk County Fire Rescue Station 5, 333 American Spirit Road	1.8 ± miles	6 minutes

Source: Polk County Sheriff's Office and Public Safety

*Response times are based from when the station receives the call and not from when the call is made to 911.

The nearest Sheriff's substation is the Central District Command Center at 3635 Avenue G NW next to Westwood Middle School in the Inwood area, 2½ miles driving distance from the subdivision. 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. There is overlapping coverage of law enforcement personnel in this area because of the surrounding city limits.

Water and Wastewater Demand and Capacity:

There is an ample capacity of water and wastewater utility service available, but the proposed communications tower needs none of it.

A. Estimated Demand and Service Provider:

A communication tower does not need potable water or wastewater service. But if it did, they are both available to this site. There is a 10-inch wastewater force main on the east side of the Spirit Lake Road right-of-way along the property frontage and an eight-inch portable water line on the west side of the right-of-way.

Table 4

Subject Property	Estimated Impact Analysis		
	Demand as Currently Permitted RL-3	Maximum Permissible in the district RL-3	Proposed Plan
6.71± acres RL-3			
Permitted Intensity	20 Single-family homes	33 1 to 4-unit dwellings structures	Communication Tower
Potable Water Consumption (GPD)	7,200 GPD	11,880 GPD	0 GPD
Wastewater Generation (GPD)	5,400 GPD	8,910 GPD	0 GPD

Source: Polk County Concurrency Manual & Polk County Utilities

Polk County serves potable water and wastewater to this area through its Central Regional Utility Service Area (CRUSA).

B. Available Capacity:

The CRUSA potable water system has a permitted capacity of 1,919,000 gallons per day (GPD). Current usage is approximately 1,208,000 GPD with 90,000 GPD of committed capacity. This leaves 522,000 GPD of uncommitted capacity which is enough to serve nearly 1,500 single-family residential units. There are approximately 6,250 customers being served. The system growth rate is 39 GPD and an average of 0.18 connections per day.

The CRUSA wastewater system has an allotted capacity of 1,000,000 GPD from the City of Bartow wastewater plant. Current flow to the plant averages approximately 842,000 GPD serving about 4,900 customers with about 61,000 in future committed capacity. This leaves around 97,000 GPD of uncommitted capacity which is enough to serve just under 400 single-family dwelling units. The system growth rate is 26 gallons per day which relates to one dwelling every 10 days.

C. Planned Improvements:

Water resources are limited. By 2025, the County will need to find other sources of water than the Upper Floridan Aquifer. A new wellfield is under construction in the southeast corner of the County that will tap into the Lower Floridan Aquifer. This Southeast Wellfield will be added to this system when it is completed which will add an additional 400,000 GPD to the system initially. Additional wastewater treatment capacity can be added through negotiations with the City of

Bartow to expand the system allotment. Bartow's facility is permitted to treat up to 4,000,000 GPD and they use less than a fifth of the plant's capacity and their system growth rate is less than the CRUSA rate.

Roadways/ Transportation Network

There are no anticipated impacts to the transportation systems in the area because communication towers have very few visitors once constructed. There is ample capacity to support the highest development request the district will allow.

A. Estimated Demand:

There will be no increase in transportation demand as a result of this approval. Towers do not have more than one trip per week let alone one per day. Maximum use of the property would not require a major traffic study.

Table 5

Subject Property	Estimated Impact Analysis		
	Demand as Currently Permitted RL-3	Maximum Permissible in the district RL-3	Proposed Plan
6.71± acres RL-3			
Permitted Intensity	20 Single-family homes	33 1 to 4-unit dwellings structures	Communication Tower
Average Annual Daily Trips (AADT)	157	258	0
PM Peak Hour Trips	20	33	0

Source: Polk County Concurrency Manual

This request will not require either a major or minor traffic study since the average annual daily trip rate (AADT) will be less than 50 trips per day. This proposed communication tower will have no significant effect on the roadway system.

B. Available Capacity:

After construction visits to the tower site will be infrequent. Towers do not generate traffic. But if they did, there is a lot of capacity on the surrounding roadways to support development. This site could support the maximum development permissible in the RL-3 district.

Table 6

Link #	Road Name	Current Level of Service (LOS)	Available PM Peak Hour Capacity	Minimum LOS Standard
4149N	Spirit Lake Road From: US Highway 17 To: Winter Lake Road (SR 540)	C	263	D
4149S	Spirit Lake Road From: Winter Lake Road (SR 540) To: US Highway 17	C	237	D
6302E	Winter Lake Road (SR 540) From: Polk Parkway (SR 570) To: Spirit Lake Road	B	2,230	D
6302W	Winter Lake Road (SR 540) From: Spirit Lake Road To: Polk Parkway (SR 570)	B	2,193	D
6303E	Winter Lake Road (SR 540) From: Spirit Lake Road To: U.S. 17 (5 th Street)	C	1,093	D
6303W	Winter Lake Road (SR 540) From: U.S. 17 (5 th Street) To: Spirit Lake Road	C	1,045	D

Source: Polk County Transportation Planning Organization, Concurrency Roadway Network Database March 16, 2020

C. Roadway Conditions

Spirit Lake Road is a two-lane, urban collector that has 80 feet of right-of-way width and 36 feet of pavement width. Drainage is a shallow open swale on either side. It was last resurfaced in 2018. Spirit Lake Road becomes four-lanes after the Winter Lake Road intersection. Winter Lake Road is a four-lane divided minor arterial maintained by the state.

D. Planned Improvements:

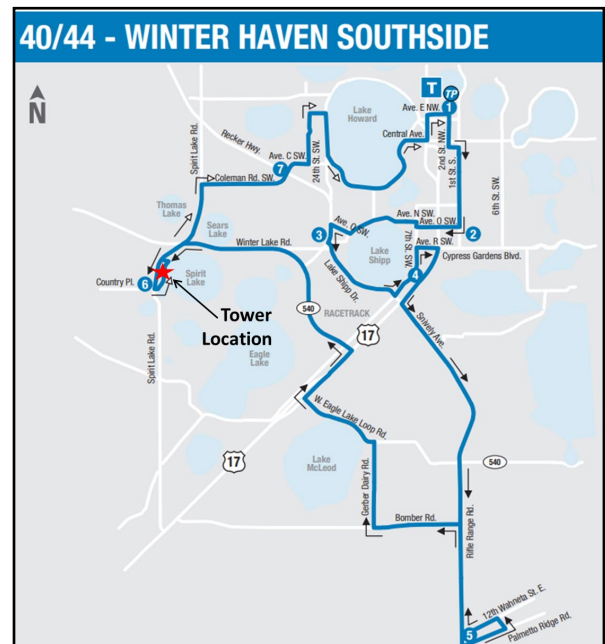
There are no roadway improvements needed in this area to support the tower and none that are planned.

E. Mass Transit

This site has direct access to a mass transit route. It is served by route number 40/44 - Winter Haven Southside that provides 1½ hour headways weekdays and limited service on Saturday. But the tower doesn't need it. The riders on the bus and the people at the bus stop that is across the street will benefit from an additional tower in this area.

F. Sidewalks

There is a sidewalk along the west side of Spirit Lake Road that connects to the sidewalks at Winter Lake Road. From that intersection there are sidewalks on both sides of Spirit Lake and Winter Lake Roads. These provide continuous pedestrian connection to retail, grocery, restaurants, and parks. All within two miles or less.



Park Facilities:

There are several boat ramps and Jan Phyl Village Community Recreation Area within two miles of the site. However, the tower will not benefit from them. Towers don't get to recreate. The tower will not adversely affect the community's enjoyment of the recreation facilities either. It will be a benefit to the participants at the park in need of cell phone coverage.

A. Location:

Jan Phyl Village Park is located at 50 Coleman Road near Winter Haven which is in the West Central part of Winter Haven.

B. Services:

Baseball Fields, Basketball Courts, Picnic Shelter, Picnic Tables, Playground, Racquetball Courts, Restrooms, Softball Fields, and Cricket Pitch. The current hours of operations are from 5 a.m. to 10 p.m.

C. Planned Improvements

There are no planned improvements to any County parks in the County's 5-year capital improvements plan. The city has just recently completed major renovations to the Chain-of-Lakes Complex.

Environmental Conditions

Communication towers produce very little adverse environmental impact. While the site is in the 100-year flood zone, the tower only consumes a small amount of space. The equipment at the base of the tower will need to be elevated and will require some floodplain compensation but not very much. There are no wetlands onsite. There have been endangered species sightings, but this site is surrounded by existing homes. It's not likely that the tower will displace any endangered species. The tower will not jeopardize a well site, historic building, or archeological relics. It is in the height notification zone for Bartow Airport, but it is on the edge of it and there are other towers located between the site and the airport.

A. Surface Water:

The shore of Spirit Lake is 400 feet to the east. There are inlets and stormwater structures in the Spirit Lake Drive right-of-way but no conveyance directly to the lake. Sheet flow from the site may slowly reach the lake but is absorbed for the most part because the site elevation is less than three feet above the ordinary high-water line (OHWL) of Spirit Lake. There is a shallow swale system along Spirit Lake Road. There will be very little impervious surface relative to the size of the property. The tower is not likely to change the amount of run-off.

B. Wetlands/Floodplains:

The site is located within a flood hazard area with a known base flood elevation (BFE) of 134.3 feet above mean sea level. This is associated with the Spirit Lake floodplain. The site is between 134 and 133 feet above sea level. Therefore, it is in the 100-year flood zone. This is not so much a concern for the tower as it is for the equipment located around the base of the tower. That equipment will need to be elevated to one foot above the BFE.

There are no wetlands onsite. The closest is on the shore of Spirit Lake 400 feet to the east. Communications can be physically located in wetlands without substantial harm to the wetlands as long as the foundation can be anchored to something solid like a clay or limestone configuration below. Such practice is not always feasible though environmentally harmless.

C. Soils:

The site where the tower will be located is comprised of well drained soils, according to the U.S. Department of Agriculture, Soil Conservation Service, Polk County Survey. Future development of the remainder of the site will most likely be connected to public water and wastewater services provided through Polk County's Central Utilities Service Area. The tower needs stable soil for a firm foundation. Tavares Fine Sand offers better soil conditions than the northern half of the site that is comprised of Smyrna-Myakka soils that are prone to wetness.

Table 7

Soil Name	Small Commercial Buildings	Limitations to Dwellings w/o Basements	% of Site (approximate)
Tavares Fine Sand	Moderate	Slight	50%
Smyrna-Myakka	Severe: Wetness	Severe: Wetness	50%

Source: Soil Survey of Polk County, Florida, USDA, Soil Conservation Service

D. Protected Species

According to the 2015 Polk County Endangered Habitat Map, the site is located within a one-mile radius of an endangered animal species sighting (Source: Florida Fish & Wildlife Conservation Commission (FWC)). However, the surrounding area is fully developed, and a communication tower is not very invasive to protected species. These towers often provide nesting habitat to endangered and threatened bird species such as the Bald Eagle, Red Tailed Hawk, and Osprey.

E. Archeological Resources:

There are no protected archeological resources in Section 35, Township 28, and Range 25, that the communication tower would adversely impact, according to the Florida Department of State, Division of Historical Resources.

F. Wells (Public/Private)

The Dinner Lake Water Treatment Plant and Wellfield are less than ½ mile from the site. A communication tower will pose no threat the either facility.

G. Airports:

The closest airports are in Bartow and Winter Haven. The site is 3.8 miles from Bartow Airport and 4.6 miles from Winter Haven Airport. There are multiple communication towers between this site and the two airports. However, it appears to be on the edge of a height notification zone for Bartow Airport. Federal Aviation Administration (FAA) approval will be necessary for construction of the tower.

Economic Factors:

The world around us has changed a lot since the adoption of the County's first communication tower ordinance in 1997. Back then, only car phones used cellular phone technology and homes relied on land line communication because of the cost of airtime. Over time, market competition in the industry led to many technological innovations that substantially brought down the price. Today most residents of this County have, not only cell phones, but other multiple communication devices including personal computing devices that rely on the constant transfer of data over the cellular network. Earlier versions of the ordinance prohibited communication towers in the more urban residential districts. Today it is a necessity for residents that these towers are located near their home. Many homeowners have disconnected their land lines and now completely rely on their cell phone for communication. Residents, businesses, adults, and children will benefit from better cellular communication in their neighborhoods. It's rare that there is a site so undeveloped in such an area as urban as this one.

Consistency with the Comprehensive Plan, LDC, and Other County Ordinances:

The site is located in the Urban Growth Area (UGA), which is the area “where the availability of infrastructure and other community facilities and services, including, but not limited to mass transit and other transportation alternatives, utilities, public safety, recreational and educational services, promotes and supports the location of higher density and intensity compact, mixed use development in close proximity to the development in the adjacent TSDAs” according to POLICY 2.105-A1 of the Comprehensive Plan. There are public water and wastewater services adjacent to the site. A mass transit route (40/44 Winter Haven Southside) actually loops the site with two stops opposite Spirit Lake Road. There is adequate traffic capacity on the affected roadways. There are also public recreation facilities within less than two miles. Public safety facilities are at urban service levels and within two miles. There is mercantile, restaurants, and grocery within comfortable walking distance of this site with sidewalks to connect them. By definition, this area should be TSDA. This tower does not need the level of infrastructure provided but the residential development it serves does.

Communication towers are directly referenced in Section 2.125-D of the Comprehensive Plan. POLICY 2.125-D2 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 8

Comprehensive Plan Policy	Consistency Analysis
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.	Staff finds the proposed communication tower is compatible with neighboring properties and there is adequate infrastructure to support it as well. It's on a large property separated from surrounding residential development by two roadways that are lined with canopy trees. Once the tower is constructed, it will be difficult to notice it is there.
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.	There are infrastructure and services available in this area to support residential development. Since there is residential development, there is a need for more communication towers.
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.	Communication towers are more of a utility than a “development.” They are needed where the growth is according.

Comprehensive Plan Policy	Consistency Analysis
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.	The site is located within an area that has a significant amount of surrounding residential development and near the confluence of two major roads. The timing is right for a new cell phone tower in this area.
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).	The subject property is located within an area of the County that has adequate public safety services as identified in the staff report. There is not a lot of human activity, and the equipment is relatively solid state. Need for public safety services are low.

The Planning Commission, in the review of approving communication tower, shall consider the following factors listed in Table 9 in accordance with Section 303, Communication Towers, subsection 8.h of the Land Development Code.

Table 9

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:	
The standards in Section 910 A.1-4, the compatibility standards for the Impact Assessment Statement;	<ol style="list-style-type: none"> 1. The site is suitable for a tower because it sits between two roadways and the closest distance to a residential property is equal to or greater than the height of the tower. 2. See Exhibit 4&5. 3. The base of the tower will be screened from offsite view and the perimeter of the property is also well vegetated so that the tower's view will be obscured from nearby residences. 4. The surrounding area is developed. The site is eligible for 20 single-family dwellings. This tower could limit that number or become non-conforming.
Setbacks to residential uses;	The tower will be located between two roadways and the closest distance to a residential property is equal to or greater than the height of the tower. The closest offsite residence will be at least 230 feet to the nearest residential structure.
Alternative land use districts available for the tower in the search ring;	The applicant has provided a search ring analysis that shows there are no towers within the ½ mile service radius.
Site issues, including parcel size, location on the parcel, natural buffers and access; and	The parcel is 6.7 acres and will likely be developed for other uses that will have to coexist with the tower at this location. The perimeter is lined with canopy trees. The tower will be relatively hidden behind them.
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.	Staff has visited the site, taken ground photos, and aerial photos.

The Planning Commission, in the review of development plans, shall consider the following factors listed in Table 10 in accordance with Section 906.D.7 of the Land Development Code.

Table 10

The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
Whether the proposed development is consistent with all relevant requirements of this Code;	Yes, this request is consistent with the LDC, specifically Sections 303 and 906.D.
Whether the proposed development is consistent with	Communication facilities are considered "Utilities" in

Table 10

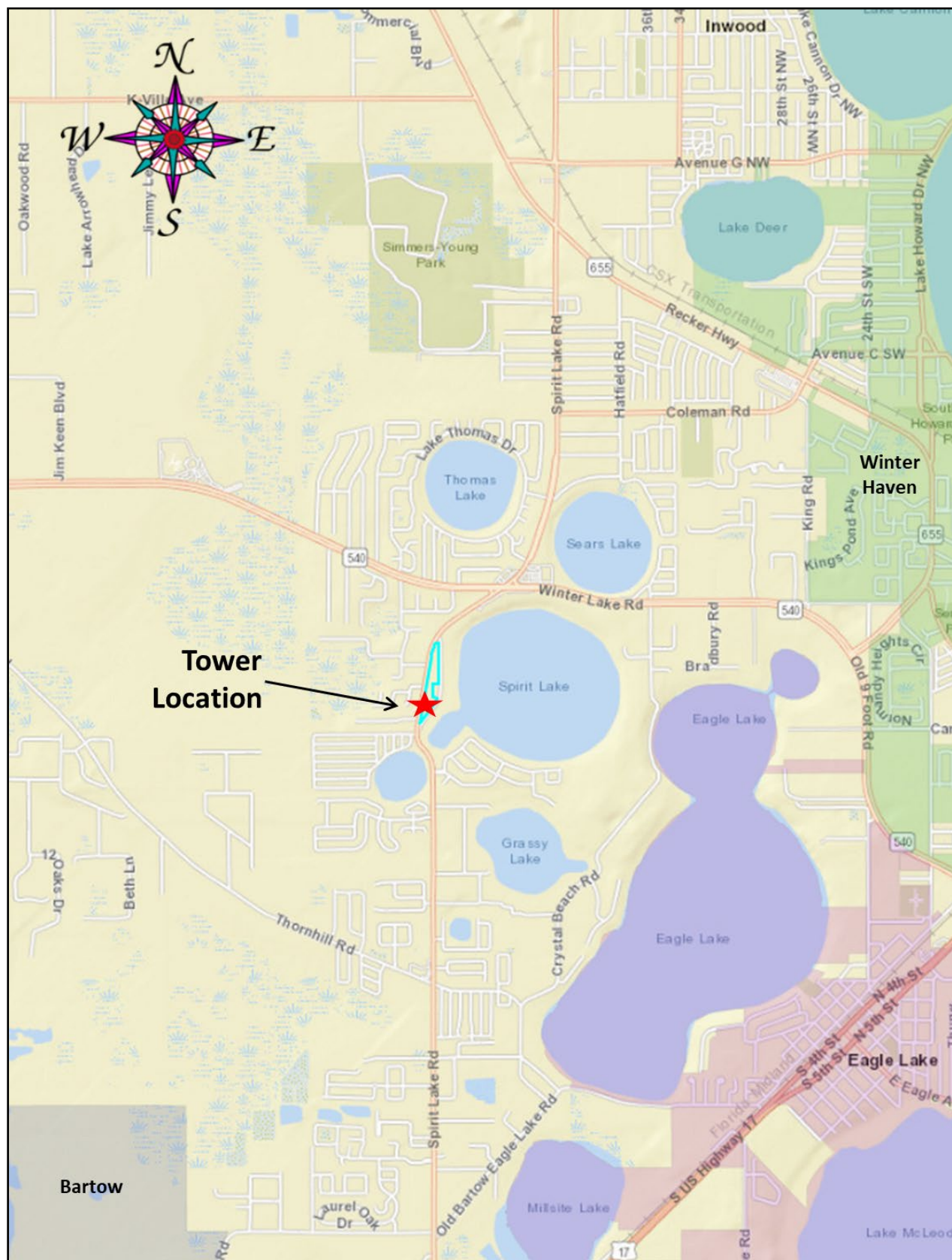
The Planning Commission, in the review of development plans, shall consider the following factors in accordance with Section 906.D.7 of the LDC:	
all applicable policies of the Comprehensive Plan;	<i>POLICY 2.125-D1 of the Comprehensive Plan that are "subject to other restrictions within the Plan or the County's Land Development Code."</i>
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	<i>Yes, the request is compatible with surrounding uses and the general character of the area. See Pages 5&6 of this staff report for data and analysis on surrounding uses and compatibility.</i>
How the concurrency requirements will be met, if the development were built.	<i>Communication towers are not subject to meeting concurrency requirements because they do not need water or wastewater, generate no vehicle trips, K-12 Students, and have very little impervious surfaces.</i>

The request meets all the conditions in Section 303 of the LDC for communication towers in an RL-3 land use district including the demonstration of coverage deficiency and the one times the height setback from residential properties.

Comments from other Agencies: The Polk County Transportation Planning Organization, Land Development Engineering, County Surveyor, Polk County School Board, and the Polk County Public Safety Division contributed to the drafting of this report.

Exhibits:

- Exhibit – 1 Location Map
- Exhibit – 2 Future Land Use Map
- Exhibit – 3 2021 Satellite Photo (Context)
- Exhibit – 4 2021 Satellite Photo (Close-up)
- Exhibit – 5 Site Plan



Location Map



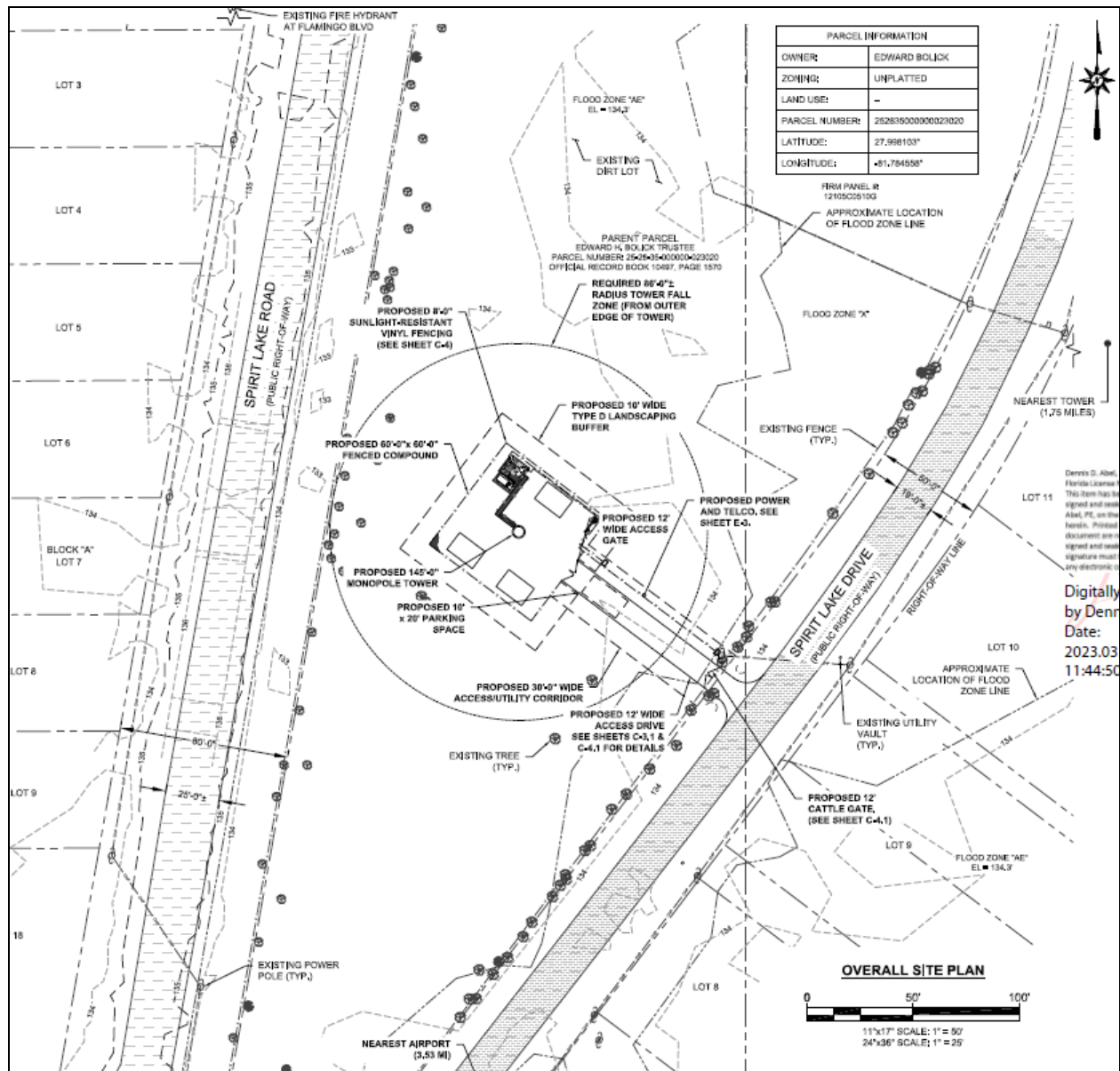
Future Land Use Map



2021 Satellite Photo (Context)



2021 Satellite (Close Up)



Site Plan