

RESOLUTION Z-24-1

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA FOR A SPECIAL USE PERMIT TO ALLOW A 265 FOOT PERSONAL WIRELESS SERVICE FACILITY IN AN "A" (AGRICULTURE) DISTRICT WITH A FUTURE LAND USE DESIGNATION OF RURAL/AGRICULTURE (1 DWELLING UNIT/5 ACRES) ON APPROXIMATELY 0.229 ACRES LOCATED ON N. COUNTY RD. 225, ON A PORTION OF TAX PARCEL NUMBER 07605-000-000, AS SUMMARIZED IN EXHIBIT A

WHEREAS, Zoning Application Z23-000007 has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of December 13, 2023, and,

WHEREAS, Zoning Application Z23-000007 has been duly filed and was considered by the Alachua County Board of County Commissioners at its regular meeting of January 23, 2024;

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

Zoning Application Z23-000007, a request by NexTower Development Group II, LLC, agent, for Rayonier Forest Services, LP, owners, for a special use permit to allow a personal wireless service facility up to 265 feet in height in an 'A' (Agriculture) zoning district with a future land use designation of Rural/Agriculture (1 dwelling unit/ 5 acres) on approximately 0.229 acres located on N. County Rd. 225, on a portion of parcel 07605-000-000, as summarized in Exhibit A in this resolution, is hereby approved with

the following conditions and bases:

Conditions

1. This Special Use Permit is issued to allow construction and operation of a personal wireless service facility (PWSF) up to 265 feet in height within a portion of parcel number 07605-000-000 (as described in the attached legal description) on approximately 0.23 acres located on N. County Rd. 225. The limit on 265 feet shall not preclude any height modifications that are not deemed to be a “substantial change” as interpreted by the Federal Communications Commission (FCC).
2. The PWSF shall have a self-support lattice design.
3. Landscaping buffering of the site shall meet the requirements of Sec. 404.54(d)(5) of the ULDC.
4. The applicant shall comply with all federal, state, and local laws, rules, regulations, and ordinances, including Chapter 404, Article 12 of the Alachua County Unified Land Development Regulations, now and hereafter in force, which may be applicable to the use of the site. Any violation of the above conditions shall be grounds for suspension or revocation of this Special Use Permit by the Alachua County Board of County Commissioners.

5. The owner or operator of this tower shall provide for and conduct an inspection of the tower at least once every five (5) years. A statement shall be provided to the Alachua County Office of Code Administration verifying structural integrity and tenants on the tower.

6. In the event that this PWSF is not operated for a continuous period of eighteen (18) months it shall be considered abandoned, and the owner shall remove it within ninety (90) days of notice to the Alachua County Office of Code Administration that the PWSF is abandoned. If such PWSF is not removed within said ninety (90) days, the County may have the PWSF removed at the PWSF owner's expense.

Bases

1. **Policy 5.2.1 of the Future Land Use Element** lists criteria that shall be used to determine the appropriateness of potential locations for institutional uses including compatibility of the scale and intensity of the use in relationship to surrounding uses, taking into account impacts such as, noise, lighting, visual effect, traffic generation, and odors. The Personal Wireless Service Facility (PWSF) ordinance implementing the Comprehensive Plan requires that the applicant submit information on proposed or built adjacent cell sites in order to

analyze the necessary height of the proposed antenna. This information has been submitted and analyzed. The RF review shows that the proposed height of the PSWF is justified and will give the carrier (T-Mobile) the coverage they seek. The height of the PSWF at 265 total feet will be required to be lit per FAA regulations. There will be no noise, traffic or odors generated from this site.

2. Objective 5.5 of the Future Land Use Element requires designing and locating personal wireless service facilities, among other institutional uses, to eliminate or minimize adverse visual impacts. This tower is proposed to be located in a sparsely populated rural setting with existing vegetation obscuring the tower (as seen in the photo simulations provided with the application). The tower has been designed and located to minimize adverse visual impacts (guy wires not required) and will remove the need for additional future towers to be built in order to serve the same coverage area.

3. Policy 5.8.1 of the Future Land Use Element states that “the County shall facilitate the deployment of personal wireless services and facilities (PWSFs) in a manner that balances needs for economic development, environmental protection, and minimization of adverse visual impacts in Alachua County. PWSFs should: ...use the least obtrusive mount for deploying service, including minimizing the height and silhouette to have the minimum visual impact possible.” The proposed tower height of 265’ must use a self-support lattice design as a monopole design is not feasible. However, the tower will not require

guy wires. The deployment of this tower balances the needs for economic development, environmental protection and minimization of adverse visual impacts in Alachua County. This single proposed tower would be able to serve a coverage area instead of multiple towers being required to achieve the same coverage. Other tenants will be able to collocate on this tower, further reducing the need for additional towers. Therefore, the overall visual impact is lessened. The tower site is located outside of the wetlands/wetland buffer (approx. 400 ft. distant) and staff from the Alachua County Environmental Protection Department have indicated that there will be no significant impacts to strategic ecosystem resources. The RF review concludes that the requested height of 265 feet is justified to give the applicant the stated need in coverage.

- 4. Policy 7.1.2 of the Future Land Use Element** states that proposed changes to the zoning map shall consider consistency with the Comprehensive Plan, availability and capacity of public facilities, the relationship of the proposed development to existing development in the vicinity and environmental justice issues. There are adequate public facilities to serve the proposed PWSF. There are no environmental justice issues associated with this special use permit request. The Comprehensive Plan requires designing and locating personal wireless service facilities in the least visually intrusive manner and to minimize or eliminate adverse visual impact. The applicant has justified the proposed height of the tower with their RF information according to the County's independent RF consultant's review.

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

6. Section 404.54 (c) of the Unified Land Development Code states that “proposed PWSFs shall be located in an area where the adverse visual impact on the community is minimized, as demonstrated by the Visual Impact Analysis Report described in §404.57(c).” The applicant’s Visual Impact Analysis and photo simulations demonstrate that the tower will not be visible from most of the surrounding areas. The site is in a sparsely populated rural part of the county and is set back from the nearest road by 350 feet. The nearest residential structure is located over ¼ mile distant from the proposed tower location. The equipment compound should not be visible from N. County Rd. 225. In addition, the applicant has submitted RF information that demonstrates that this height is necessary for service. This request is consistent with Section 404.54(c).

7. Section 404.54(c) of the Unified Land Development Code (ULDC) states that “all PWSFs should be designed in such a way to minimize the adverse visual impact on the community. This may include reducing the height and silhouette in

order to create the least adverse visual impact. The minimum height necessary to provide the applicant carrier's designed service to the area should be utilized, as verified by an independent radio frequency (RF) analysis. In general, a monopole tower or concealed tower is considered to have less visual impact than alternative tower designs." The applicant has proposed a self-support lattice design since a monopole design is not feasible at this proposed height. As shown by the applicant and the independent RF consultant retained by staff, a reduction of height from the requested height will result in considerable reduction of the service area. The photo simulations demonstrate that the tower will not be visible from most views in the photo simulations. The RF review has confirmed that the requested tower height of 265 feet is justified.

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

DULY ADOPTED in regular session this 23rd day in January, A.D., 2024.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____

Mary C. Alford, Chair

ATTEST:

Jesse K. Irby, II, Clerk

APPROVED AS TO FORM

Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL

AS TO CORRECTNESS

Department of Growth Management

Authorized Designee

EXHIBIT A

Legal Description of Site

PARENT TRACT DESCRIPTION

(PREPARED BY SURVEYOR BEING A PORTION OF O.R. 4259, PAGE 1509)

THAT PART OF THE EAST HALF OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA LYING SOUTHERLY OF COUNTY ROAD 225 (FORMERLY STATE ROAD 225) AND EASTERLY OF THOSE CERTAIN LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3802, PAGE 830 OF THE PUBLIC RECORDS OF SAID COUNTY. LESS 1 ACRE PARCEL IN SOUTHEAST CORNER OF NORTHEAST QUARTER.

NEXTOWER LEASE PARCEL DESCRIPTION

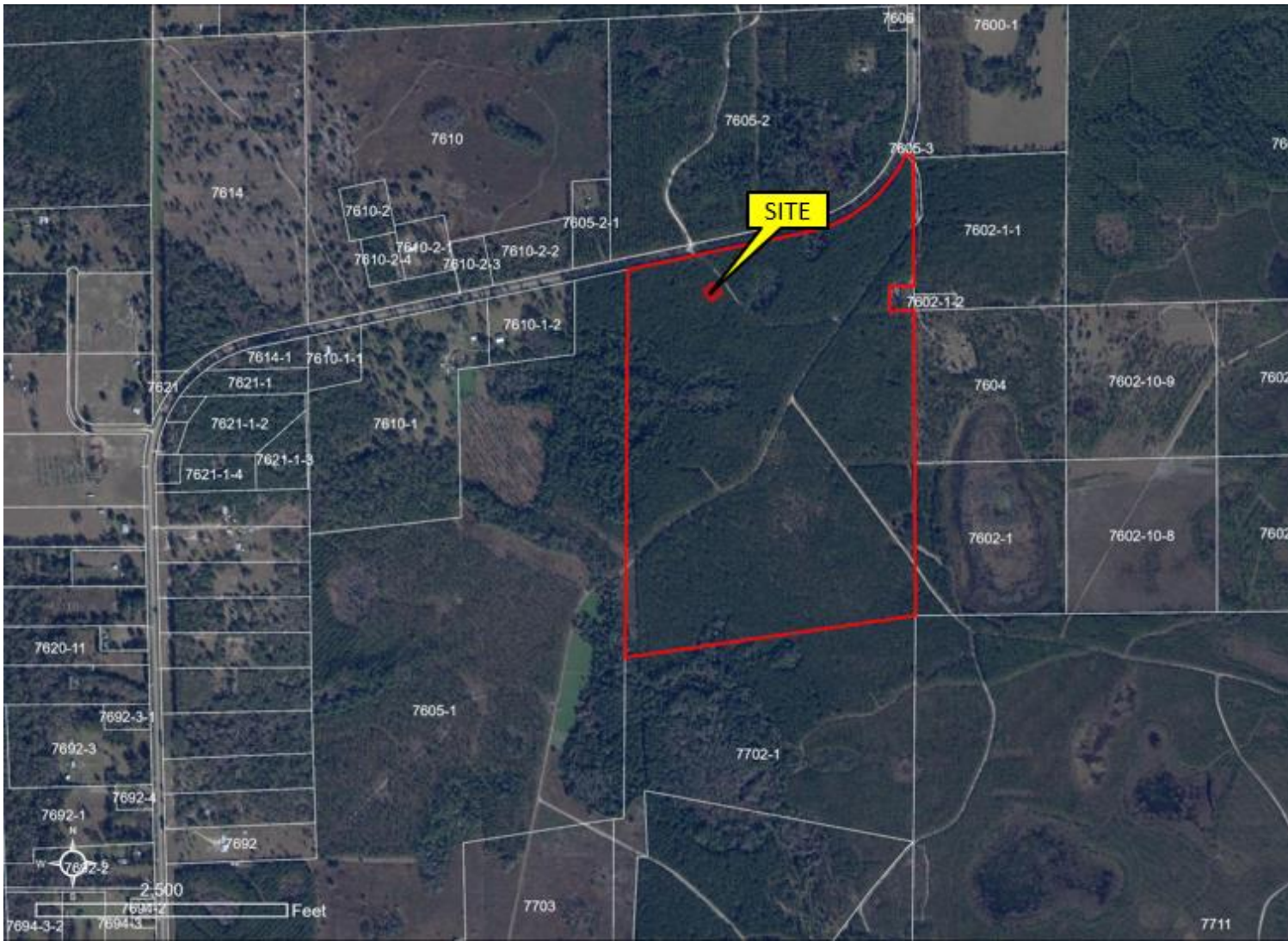
A PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 8 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF THE WEST THREE-QUARTERS OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 225 (A 100' RIGHT-OF-WAY); THENCE N77° 10' 46"E ALONG SAID RIGHT-OF-WAY LINE FOR 470.32 FEET; THENCE CONTINUE N77° 10' 46"E ALONG SAID RIGHT-OF-WAY LINE FOR 478.11 FEET; THENCE S38° 20' 19"E FOR 361.70 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE N51° 39' 41"E FOR 100.00 FEET; THENCE S38° 20' 19"E FOR 100.00 FEET; THENCE S51° 39' 41"W FOR 100.00 FEET; THENCE N38° 20' 19"W FOR 100.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND SITUATE, LYING AND BEING IN ALACHUA COUNTY, FLORIDA, CONTAINING 10,000 SQUARE FEET OF LAND MORE OR LESS.

NEXTOWER INGRESS/EGRESS & UTILITIES EASEMENT DESCRIPTION

A 30-FOOT WIDE EASEMENT STRIP OF LAND FOR THE PURPOSES OF INGRESS/EGRESS AND UTILITIES LYING IN SECTION 2, TOWNSHIP 8 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA; SAID EASEMENT STRIP LYING 15.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED EASEMENT CENTERLINE:

COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF THE WEST THREE-QUARTERS OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 225 (A 100' RIGHT-OF-WAY); THENCE N77° 10' 46"E ALONG SAID RIGHT-OF-WAY LINE FOR 470.32 FEET; THENCE CONTINUE N77° 10' 46"E ALONG SAID RIGHT-OF-WAY LINE FOR 478.11 FEET; THENCE S38° 20' 19"E FOR 361.70 FEET ; THENCE N51° 39' 41"E FOR 100.00 FEET; THENCE S38° 20' 19"E FOR 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT CENTERLINE; THENCE N51° 39' 41"E FOR 100.00 FEET; THENCE N38° 20' 19"W FOR 150.00 FEET; THENCE N59° 10' 06"W FOR 150.00 FEET; THENCE N49° 41' 32"W FOR 58.09 FEET TO AN INTERSECTION WITH THE AFORESAID SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 225 AND THE POINT OF TERMINUS. THE SIDELINES OF SAID EASEMENT TO BE SHORTENED AND PROLONGED TO MEET AT ANGLE POINTS, LEASE PARCEL LINES AND RIGHT-OF-WAY LINES.



Approximate location of tower site within parcel 07605-000-000