



GROWTH AND RESOURCE MANAGEMENT DEPARTMENT
PLANNING AND DEVELOPMENT SERVICES DIVISION
CURRENT PLANNING ACTIVITY
123 W. Indiana Avenue, Room 202, DeLand, FL 32720
(386) 943-7059

PUBLIC HEARING: February 11, 2014 - Planning and Land Development
Regulation Commission (PLDRC)

CASE NO: S-14-013

SUBJECT: Special exception for a communication tower on Forestry
Resource (FR) zoned property.

LOCATION: Osteen Maytown Road, Osteen

APPLICANT: James Morris, agent for owner

OWNER: Joseph Sampson

STAFF: Carol McFarlane, AICP, Planner II

I. SUMMARY OF REQUEST

The applicant is requesting approval of a 225-foot monopole communication tower on a 4.36-acre, vacant parcel. The proposed tower will initially be leased to Verizon Wireless with the tower designed to accommodate up to five wireless service providers. The property is located east of the community of Osteen and is entirely surrounded by the Farmton Local Plan Area.

Specifically, the applicant is requesting a:

Special exception for a communication tower exceeding 70 feet in height above ground level (225-foot monopole tower) on Forestry Resource (FR) zoned property.

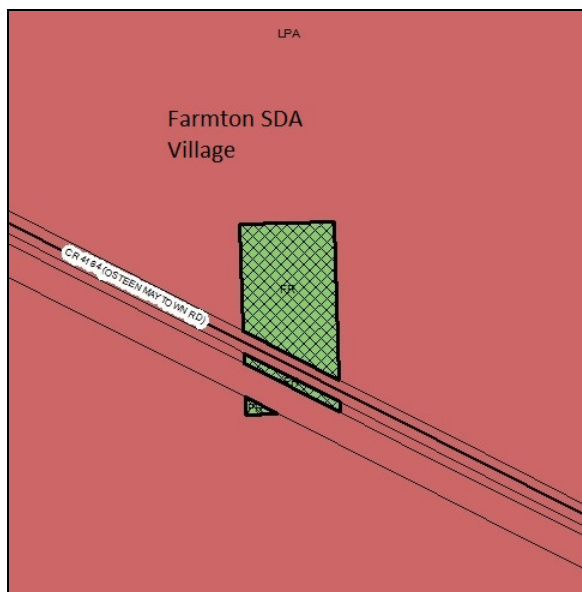
Staff Recommendation: Forward to county council with a recommendation to deny or approve with conditions based on the information and testimony provided at the public hearing.

II. SITE INFORMATION

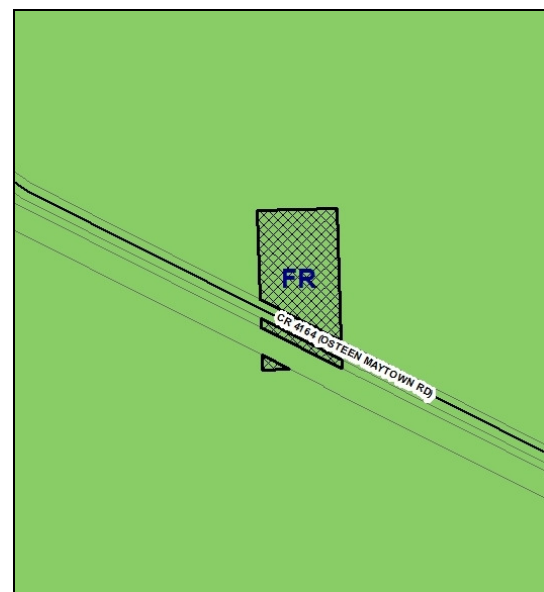
1. Location: The property is located on the north side of Osteen Maytown Road, approximately 2,780 feet west of its intersection with Lake Harney Road, Osteen.
2. Parcel Number(s): 9322-01-01-0100
3. Property Size: \pm 4.36 acres
4. Council District: 3
5. Zoning: FR, Forestry Resource
6. Future Land Use: FR, Forestry Resource
7. ECO Map: No
8. NRMA Overlay: Yes
9. Adjacent Zoning and Land Use:

DIRECTION	ZONING	FUTURE LAND USE	CURRENT USE
North:	FR	Farmton Local Plan, Village District	Timberland
East:	FR	Farmton Local Plan, Village District	Timberland
South:	FR	Farmton Local Plan, Village District	Timberland
West:	FR	Farmton Local Plan, Village District	Timberland

10. Location Maps



Future Land Use Map



Zoning Map

III. BACKGROUND AND PREVIOUS ACTIONS

The subject parcel is a portion of a lot from the Florida Homeland Company's subdivision that was platted in 1912. The property is segmented by a 100-foot wide prescriptive right-of-way that exists on the property for Osteen Maytown Road, and by a 100-foot former railroad right-of-way that is part of the East Central Florida Regional Rail Trail.

At approximately 4.36 acres in size, the property is considered a nonconforming lot, since the minimum lot size required in the Forestry Resource (FR) zoning classification is 20 acres. The applicant has submitted a nonconforming lot letter demonstrating that neither the current property owner nor any previous owners have owned additional lands contiguous to this parcel since 1980. The FR zoning was applied to this property in 1990, as an administrative rezoning to accompany the adoption of the county's Comprehensive Plan. Prior to that administrative rezoning, the property was zoned A-2, which required 5 acres.



2012 Aerial Map

It should be noted that this property is a nonconforming lot, and according to section 72-206(1), *Nonconforming lots*, and 72-280, *Erection of more than one principal structure on a lot*, of the zoning code, more than one principal structure may not be erected on a nonconforming lot.

IV. REVIEW CRITERIA AND ANALYSIS

Special Exception Site Plan

The applicant is requesting a special exception for a communication tower exceeding 70 feet (225 feet). The site plan submitted by the applicant shows a ground lease area of 80 feet by 80 feet located in the northeast area of the parcel. Per the applicant's plans, at least five lease areas will be provided for the co-location of future carriers and their equipment. The initial tower tenant will be Verizon Wireless. The tower will maintain a minimum 115-foot setback from the north and east property lines. A 25-foot access and utility easement provides access to the site from Osteen Maytown Road. Per the plan, the center of the communication tower will be located ± 332.6 feet north of the road. The lease area is proposed to be fenced with a locked entry gate, and will be landscaped along its perimeter.

Communication Tower Requirements

Section 72-293(23) of the zoning code contains a list of requirements and conditions that an applicant must meet to find this special exception request in compliance with the ordinance. Below is an analysis of Section 72-293(23) of the zoning code.

d. *Factors considered in the granting of special exceptions. The Planning and Land Development Regulation Commission or the County Council as the case may be, shall consider the following factors in determining whether to issue a special exception, although the Planning and Land Development Regulation Commission or the County Council as the case may be, may waive or reduce the burden of one or more of these criteria as to the applicant if the Planning and Land Development Regulation Commission or the County Council as the case may be, concludes that the goals of this article are better served thereby.*

1. *Height of the proposed communication tower;*

The height of the proposed communication tower is 225 feet, as shown on the plan. The applicant has submitted a letter from Verizon Wireless Radio Frequency (RF) Design Engineer with before and after signal coverage maps to demonstrate the need for the tower in this proposed location and at the proposed height. According to the applicant, both this tower and the tower proposed under case S-14-014 will fill a coverage gap that exists along Osteen Maytown Road.

2. *Proximity of the communication tower to residential structures;*

The nearest residence to the proposed communication tower site is located approximately 3,560 feet to the west. The required distance separation between a communications tower and a residential unit is 1,000 feet.

However, the property is immediately adjacent to the approved Farmton Local Plan Sustainable Development Area, Villages District. The local plan became effective in 2012, which plans for residential uses within proximity to the proposed communication tower and potentially less than 1,000 feet. However, this construction may not commence before the year 2025.

3. *Nature of uses on adjacent and nearby properties;*

The surrounding area and the subject parcel are currently being used for silvicultural operation. However, this parent property abuts the East Central Florida Regional Rail Trail property. It is unknown what aesthetic and physical impact the proposed tower may have on the final design of the trail. In the future, the surrounding property will include single and multi-family residential, office, retail and other urban uses as part of the Farmton development.

4. *Surrounding topography;*

The subject parcel and the surrounding land are generally flat and free of obstacles. There is little vegetation on the site to screen the base of the tower from road.

5. *Surrounding tree coverage and foliage;*

There is a moderate amount of foliage on the site, with palmetto scrub being the dominating vegetative pattern. Landscaping is proposed to be planted around the perimeter of the lease area and is depicted on the submitted special exception site plan.

6. Design of the communication tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

The tower will be a monopole structure with antennas that will protrude from the pole. The proposal by the applicant is to have a galvanized steel finish to help reduce visual appearance and help it blend with the sky.

7. Proposed ingress and egress;

The tower ingress and egress is shown to be a 25-foot wide access and utility easement connecting to Osteen Maytown Road, which is a county-maintained local road. Any driveways or curb cuts would be reviewed by the county and constructed after a use permit is issued.

At the December PLDRC hearing, a comprehensive plan text amendment was presented that included designating Osteen Maytown Road as part of the River of Lakes Heritage scenic highway. Adoption of this text amendment will apply scenic highway standards found in the comprehensive plan to this road segment.

8. Safety aspects relating to the proposed communication tower; and

The tower will be designed and constructed in accordance with all applicable Florida Building Codes as well as other applicable standards as required. An engineer's statement from Ehresmann Engineering Inc., has been submitted with the application to demonstrate that the tower has been designed for a wind speed of 139 mph, and that the tower shall be designed to fold in on itself at the halfway point during a severe storm event. The tower will be setback a distance of at least half the height of the tower so that in the case of a catastrophic event the tower will fall wholly on the parcel. Staff is requesting that the tower be illuminated for local safety concerns.

9. Availability of suitable existing communication towers and other structures. No new communication towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning and land development regulation commission (PLDRC) or the county council as the case may be, that no existing communication tower or structure can accommodate the applicant's proposed tower. Evidence submitted to the county to demonstrate that no existing communication tower or structure can accommodate the applicant's proposed antenna shall be for any of the reasons provided as follows:

- i. No existing communication towers or structures are located within the geographic area required to meet applicant's engineering requirements; or*
- ii. Existing communication towers or structures are not of sufficient height to meet applicant's engineering requirements; or*
- ii. Existing communication towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment; or*
- iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing communication towers or structures, or the antenna*

on the existing communication towers or structures would cause interference with the applicant's proposed antenna; or

- v. The applicant demonstrates that there are other limiting factors, including adverse economic reasons that render existing communication towers and structures unsuitable.*

The applicant has submitted a letter from a Verizon Wireless RF Design Engineer demonstrating that there are no existing structures within the geographic area to meet coverage standards. Presently, the closest tower is a 496-foot guyed broadcast communication tower located 3.9 miles to the west on Pell Road. The nearest tower to the east is located approximately 7 miles away.

e. Setbacks and separation.

Under this section, communication towers must be set back a distance equal to one-half of the height of the communication tower from the property line. At a proposed height of 225 feet, the required distance separation is 112.5 feet. The special exception site plan submitted with this application is showing a separation of 115 feet from the center of the tower to the north and east property lines.

Also under this section, communication towers must be separated from each other as listed in the table Tower to Tower Separation Requirements. The nearest communication tower to the site is a guyed 496-foot Entravision Communications tower on Pell Road. The distance separation requirement between a guyed tower and monopole tower exceeding 170 feet in height is 1,500 feet. The actual distance between the guyed tower on Pell Road and this proposed tower is approximately 20,700 feet, or 3.9 miles.

f. Design and lighting standards.

The proposed monopole is designed to have a galvanized steel finish to blend the visual appearance of the tower with the sky. All towers over 200 feet in height are required to meet FAA lighting standards.

g. Security fencing.

The site plan submitted shows a 6-foot high security fence topped with barbed wire and a locked vehicular access gate.

h. Landscaping.

The applicant has submitted a landscaping plan that demonstrates compliance with the County's zoning code requirements, which includes a perimeter row of shrubs and trees. At the time of site plan submittal, the site will be required to meet section 72-284, Landscaping requirements.

i. Camouflaged towers.

This tower is not proposed to be camouflaged.

Special Exception Review Criteria

Under subsection 72-415(8) *Reasons for denial*, the commission may recommend denial of any application for a special exception, and the county council may deny the application for one or more of the following reasons:

(a) It is inconsistent with the purpose or intent of this article.

The proposed special exception will have a de minimis effect on traffic patterns and fire safety, will not affect the availability of light and air, and will not promote rural urbanization. The special exception will have no effect on the provision of essential governmental services. Staff is recommending certain conditions, such as lighting consistent with FAA requirements, and requiring that all applicable permitting be issued, to be applied to the approval of this request in order to meet this criterion.

(b) It is inconsistent with any element of the comprehensive plan.

The comprehensive plan does not contain any specific goals, objectives, or policies that apply specifically to communications towers. However, the plan does provide the following Land Use Location Criteria:

Towers and Antennae:

- (1) Towers and antennae shall be located in accordance with Part 77, Subchapter E, Airspace, of Title 14 of the Code of Federal Regulations and County Land Development Regulations.
- (2) The Airport Height Restrictions shall be used as a guide in determining the height of towers and antennae surrounding a public airport.

Staff finds that the application is consistent with this requirement of the comprehensive plan. The tower site is more four (4) statute miles from the nearest public or private airport or helipad of record.

In addition, Osteen Maytown Road is proposed to be adopted into the comprehensive plan as a state designated scenic highway as part of the River of Lakes Heritage Corridor. Most of the policies in the comprehensive plan that govern the scenic highways program guide the designation and maintenance of the scenic highways. The following policy from the transportation element is applicable to this project:

2.3.3.4 Infrastructure and utility structures, such as cellular communications, water, sewer, and energy transmission should be designed and located to minimize adverse visual impacts upon the scenic qualities of Florida State designated scenic highways. Utilities should be located underground to the maximum extent possible in an effort to minimize visual impacts along the corridors.

This tower is proposed to be located a distance of 332 feet from Osteen Maytown Road. At a height of 225 feet, the tower will be visible from the road, which would create a visual disturbance to the traveling public. The East Central Florida Regional Rail Trail property is located immediately south of Osteen Maytown Road.

(c) It will adversely affect the public interest.

The proposed special exception has both potential positive and negative impacts. A positive impact is improved cellular coverage for those living in the vicinity and those traveling along Osteen Maytown Road. Additionally, the tower will be designed to accommodate up to five communication carriers, thereby reducing the need for other towers in the area. Some potential adverse impacts of the proposed special exception include visual and aesthetic impacts.

In the adopted River of Lakes Heritage Corridor Scenic Highway Corridor Management Plan (CMP), one of the stated land use and zoning actions listed in the management plan is to promote appropriate setbacks and landscape screening to protect scenic views. A 225-foot communication tower will exceed the current height of vegetation along this section of the scenic highway and may visually impact the scenic views intended for preservation and enhancement by the management plan.

(d) It does not meet the expressed requirements of the applicable special exception.

There are specific conditions listed in section 72-293, Special exceptions, of the zoning code for this request. This application can meet the code specific requirements.

(e) The applicant will not be able to meet all requirements imposed by federal, state or local governments, or by the county council.

There is no evidence that the applicant cannot meet the federal or state requirements.

(f) Notwithstanding the provisions of article XIV of the land development code [appendix A], it will generate undue traffic congestion.

The proposed unmanned communication tower site will not cause undue traffic congestion as it will not be open to the public. After initial tower construction, site generated traffic will be limited to occasional service checks and installation of new equipment cabinets.

(g) It will create a hazard or a public nuisance, or be dangerous to individuals or to the public.

As described, the proposed special exception would create a public nuisance in the form of a visual detriment to the character of the Florida state designated scenic highway. The current area use is silviculture.

(h) It will materially alter the character of surrounding neighborhoods or adversely affect the value of surrounding land, structures or buildings.

The construction of a communication tower that is 225 feet in height should not materially alter the current character of the surrounding area, or adversely affect the value of the surrounding properties.

(i) It will adversely affect the natural environment, natural resources or scenic beauty, or cause excessive pollution.

The special exception may have a negative impact upon the scenic qualities of Osteen Maytown Road, as a part of the state designated scenic highway the River of Lakes Heritage Corridor. However, the development proposal is subject to the minimum environmental protections established in the land development code and shall be reviewed for compliance during site plan and building permit review.

V. STAFF RECOMMENDATION

Staff recommends that the commission either deny or approve with conditions this application for a special exception for a communication tower exceeding 70 feet in height above ground level (225-foot monopole tower) on Forestry Resource (FR) zoned property.

If the Planning and Land Development Regulation Commission finds that the application does meet the criteria for granting a special exception, staff recommends the following conditions:

1. The special exception approval is for a single, self-supported monopole tower with a maximum height not to exceed 225 feet (AGL), and that is structurally designed to accommodate co-location of a minimum of five wireless.
2. The proposed tower shall be located on the parcel in accordance with the submitted special exception site plan prepared by Kimley Horn and Associates, Inc., dated November 20, 2013, subject to Land Development Code requirements.
3. All permits shall be obtained from the Federal Aviation Administration (FAA), and Federal Communications Commission (FCC) and/or any other applicable federal, state, or local governmental agencies as required and submitted to the Growth and Resource Management Department (GRM). The facility shall be maintained and operated in full accordance with all applicable federal, state, and local regulations and permits.
4. Development of the parcel shall be subject to submittal of a site plan from the Land Development Division for review and approval prior to building permit application. The site plan must comply with applicable zoning and land development code requirements. The subject parcel shall be developed in accordance with the site plans prepared by Kimley Horn and Associates, Inc., dated November 20, 2013, as may be modified by these conditions and/or modified by further County review and/or modified by the FAA/FCC and/or other permitting requirements. In addition, any environmental issues with regard to tree clearing and gopher tortoise burrows shall be resolved prior to an issuance of a site plan approval and/or building permit.
5. The tower shall be lighted per the written specifications of FAA Advisory Circular 70/7460-1K Change 2 Chapter 4, so that the tower is visible to aircraft in daylight and nighttime conditions.

6. Thirty years from the date of rendition, the tower special exception shall expire and a new special exception shall be obtained, or the tower shall be dismantled and removed from the property within ninety days of expiration.
7. If the tower is unused for a period of 180 consecutive days, the tower shall be deemed abandoned. Determination of the date of abandonment shall be made by the zoning enforcement official, who shall have the right to request documentation and/or affidavits from the tower owner regarding its usage. Upon such abandonment, the owner/operator of the tower shall have 90 days to file a new special exception application to reactivate the use of the tower, or to dismantle and remove the tower.

VI. ATTACHMENTS

- Written Explanation
- Letters of Explanation from Verizon Wireless
- Engineer's Statements
- Special Exception Site Plan
- Survey
- Site Photos
- Photo-Simulation
- Reviewer's Comments
- Maps

VII. AUTHORITY AND PROCEDURE

Pursuant to Section 72-415, the County Council shall hold a public hearing after due public notice on all recommendations from the commission. It may accept, reject, modify, return, or seek additional information on those recommendations. No approval of a special exception application shall be made unless, upon motion, four members of the county council concur. The county council will thereafter forward its decision to the applicant.

Any new information to be presented at the planning and land development regulation commission for any application will be grounds to continue an application to the next planning and land development regulation commission. Applicants shall inform and provide staff with the new information prior to the planning and land development regulation commission.

Any new information to be presented at the county council meeting that was not previously presented to the planning and land development regulation commission for any application will be grounds to return an application to the planning and land development regulation commission for further review. Applicants shall inform and provide staff with the new information prior to the council meeting.

Written Description

The Request

This special exception request is to erect a communication tower at the property described in the attached legal description in Volusia County Florida and for a waiver of the setback from (1) residences that are less than 1,000 ft from the tower but at least 500 feet from it.

The request tower is 225 ft Monopole, will be cable of serving multiple carriers and will be of monopole construction. The tower and all modification thereto will meet or exceed the standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate communication towers and antennas.

The purpose of the tower construction is to provide for a communication tower, initially for cellular phone service provider Verizon Wireless and AT&T, but to accommodate other future uses. Their request includes up to six unmanned communication equipment structures, typically being one unmanned communication equipment structure for each service provider. The site and tower structure are planned to accommodate up to six users. No existing communication towers or structures are located within the geographic area to meet applicants engineering requirements.

Additional information in support of the application

Maytown Road and the surrounding area has no (ZERO) cell service. This becomes a 911 issue for the people who travel the road and live in the area. This goes for the proposed bike path and the people who will use the new bike path. The one tower that is in the area is over a mile away and is out of search area for the design to bring service to all of Maytown Road. This tower connects with another proposed tower covering the East side of Maytown Road. The two towers have to be designed certain miles apart to cover the entire road. The property leased is approximately 6,400 sq. ft of a larger parcel of approximately 115 acres. The nearest existing offsite communication tower is 1.7 miles away, to the East. Construction and development of the 6,400 sq. ft leased area will be generally in accordance with the attached project drawings. The tower shall be either maintain galvanized steel finished or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. The tower shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device: provided, however, that the zoning enforcement official may waive such requirements, as it deems appropriate.

Access to the communication tower shall be through a locked gate. Attached copies of the site plan demonstrate that the tower will be located and buffered for compatibility with the surrounding land use. Additional supporting documentation demonstrates that the proposed tower substantially meets all further requirements necessary for this special exception request. A coverage map showing all of FCC registered towers in the area including those that have not yet been constructed, is attached. Note that there are no towers in the search ring.

Mercury Towers



If granted the opportunity Mercury towers will build the 225 ft Monopole to hold 5 carriers. Mercury tower core business is to build and own communication towers then lease space to the carriers. Mercury Towers financial success is driven by leasing tower space to the carriers and other FCC approved licenses. Mercury Towers business model is to only build towers in locations where there is a high demand from carriers to add it's equipment to.

The height of the pole is 225 ft and the antennas top measurement will be 230 ft

Tim O'Shaughnessy

A handwritten signature in black ink, appearing to be "Tim O'Shaughnessy".

Verizon search Ring statement of need and before coverage maps and after coverage maps

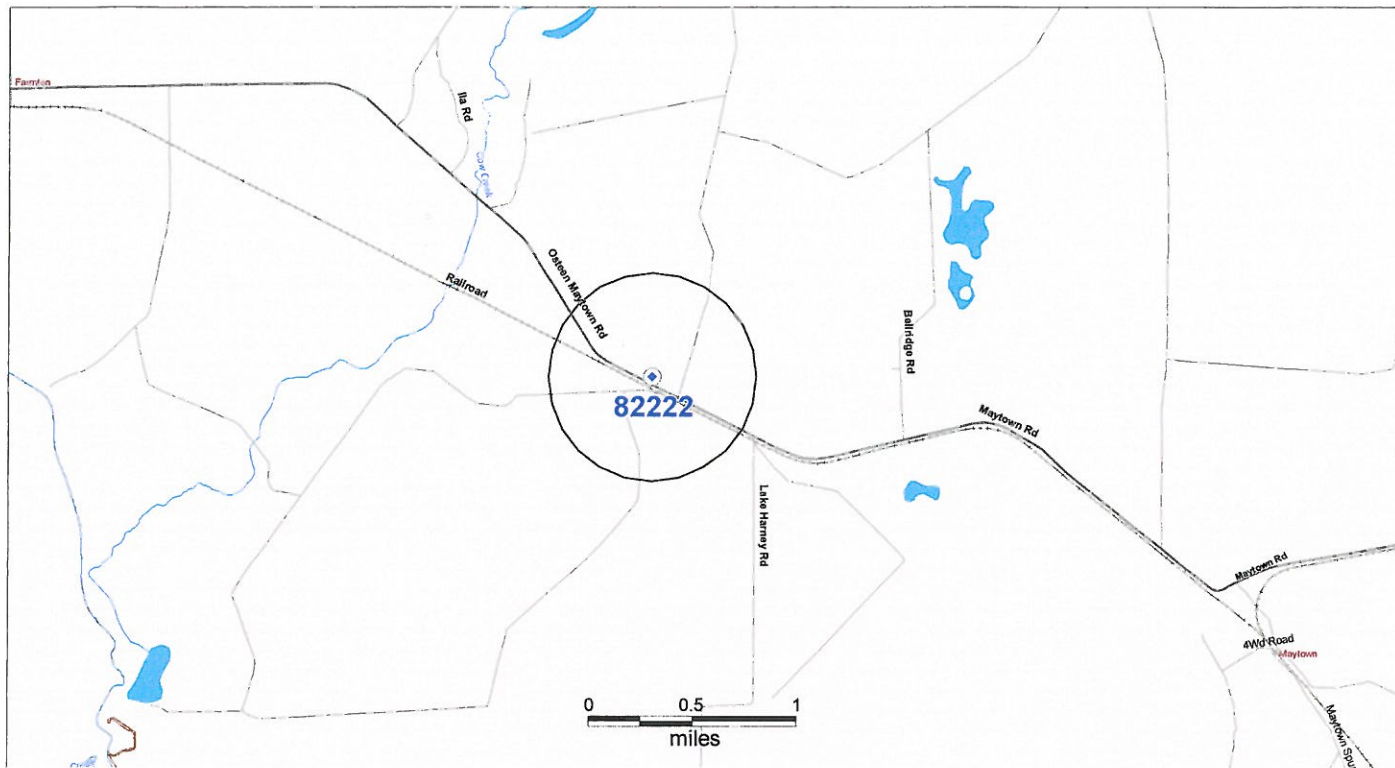


Search Area Description

82222
Bonnet Lake

Issued on: 08/08/2012
Issued By: Pete Nason
Priority: B20

Orlando RF Department



This site will provide continuous coverage along Osteen Maytown road between Deltona and I-95 in Volusia County.

Site Type – Coverage **County:** Volusia

Design Parameters:

Desired Radiation Center	250 ft.		
Design Center Coordinates (DMS)	Latitude:	28 49 35.00	Longitude: 81 00 35.00
Site Configuration	F2 Voice & E2 EVDO Modcell 4.0B		

Target Location 1		Target Location 2	
Site Name:		Site Name:	
Site Type:		Site Type:	
Address:		Address:	
Contact Name:		Contact Name:	
Contact Phone:			
Lat:	Long:	Lat:	Long:

Verizon Wireless
3503 Technological Avenue
Orlando, FL 32817



November 20, 2013

RE: Statement of Need and Design Objective for Proposed Tower – 82222 Bonnet Lake

To Whom It May Concern:

Verizon Wireless continually strives to provide the best possible service to our growing number of customers in the Volusia County area. In order to keep up with the ongoing expansion of new communities and businesses, we sometimes need to add additional transmitter locations to provide adequate wireless coverage. It was found through customer complaints, drive testing, and coverage simulations that the area along most all of Maytown Road is lacking sufficient wireless coverage needed to provide an acceptable level of service to our customers. Customers in this area are unable to complete and receive calls at their homes and businesses.

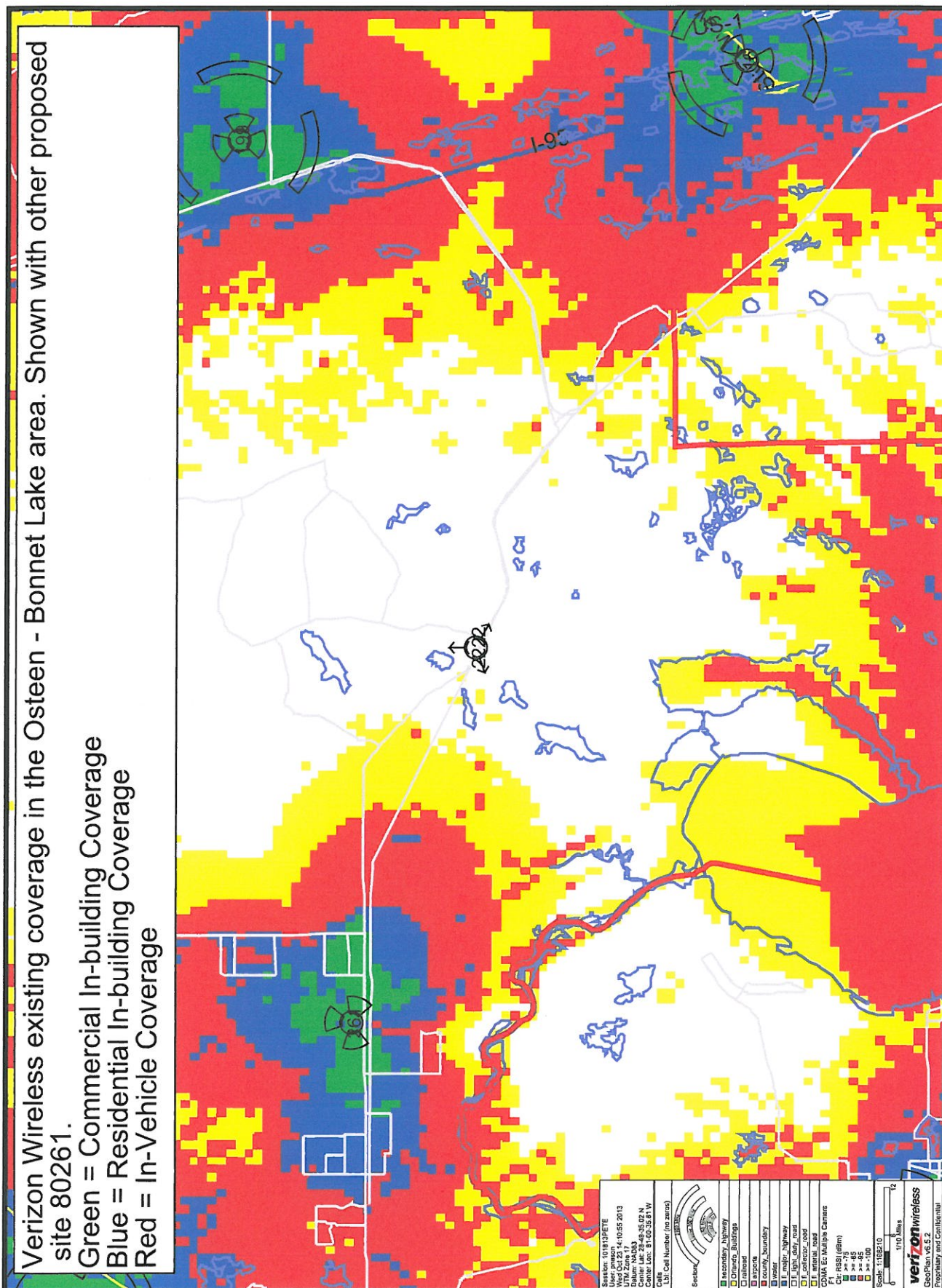
To correct the situation, Verizon Wireless will need to add an additional wireless transmitter in this area to provide the enhanced coverage needed for adequate system performance. This transmitter has been proposed to be located near the intersection of Maytown Road & Lake Harney Road. The design height of 225ft is required in order for it to interface properly with the other surrounding Verizon Wireless cell sites. The coverage that will be provided by this new site will greatly improve the in-building service in this area. We feel that the placement of this new transmitter will meet our design objectives and fill the coverage gap that currently exists in this area.

Please feel free to call me with any questions or concerns at 407-903-3036.

Sincerely,

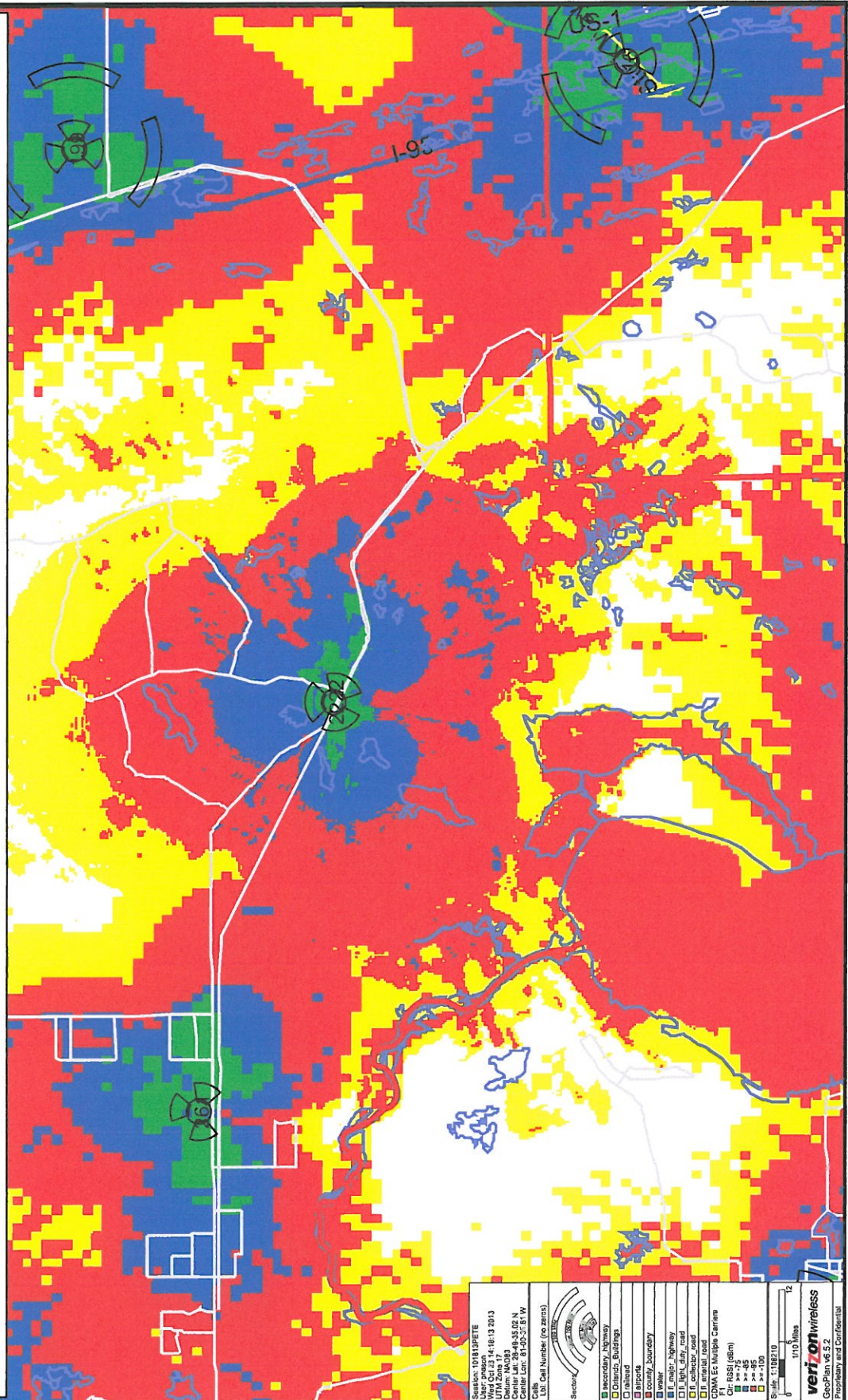
Peter Nason
Sr. RF Design Engineer (Orlando)
Verizon Wireless

MT104: Contractor's project #
S14-013



Verizon Wireless proposed coverage in the Osteen - Bonnet Lake area. Shown with other proposed site 80261.

Green = Commercial In-building Coverage
 Blue = Residential In-building Coverage
 Red = In-Vehicle Coverage





4400 West 31st St – Yankton, SD 57078

Phone: (605) 665-7532 Fax: (605) 665-9780

<http://www.ehresmannengineering.com>

E-Mail: j.rueb@ehresmannengineering.com

November 22, 2013

Mr. Tim O'Shaughnessy
Mercury Towers
1123 Solana Avenue
Winter Park, FL 32789
407-435-0423

Subject: Proposed 225' Ehresmann Engineering Inc. Monopole
Site: MT104 Maytown Road East, FL
Location: Osteen, FL (Volusia County)
EEI JO: #89860-013

Dear Mr. O'Shaughnessy,

In response to your request, the 225' Ehresmann monopole @ MT104 Maytown Road East, FL is designed to safely support (5) cellular carrier levels listed below:

Elevation 225'	(12) 8' x 1' Panels on 12' Low Profile Platform
Elevation 215'	(12) 8' x 1' Panels on 12' Low Profile Platform
Elevation 205'	(12) 8' x 1' Panels on 12' Low Profile Platform
Elevation 195'	(12) 8' x 1' Panels on 12' Low Profile Platform
Elevation 185'	(12) 8' x 1' Panels on 12' Low Profile Platform

The monopole structure meets current safety and design standards of the Telecommunications Industry Association Standard TIA-222-G and 2010 Florida Building Code with the following criteria:

- 139 mph ultimate wind (3 second gust)
- 108 mph wind and no ice (3 second gust)
- 30 mph wind and 1/2" ice (3 second gust)
- Structure Class II
- Exposure Category C
- Topographic Category 1

This tower design standard takes into account several load and resistance factors to provide sufficient strength and stability for the design loading and criteria as outlined above. Therefore it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of built-in safety factors.


Should the wind speed increase beyond the capacity of the built-in safety factors to the point of failure of one or more structural elements, the most likely location of failure would be within the monopole shaft section. This would result in a buckling failure mode, where the steel shaft bends beyond its elastic limit (the point where the shaft does not return to its normal shape when the wind load is removed).

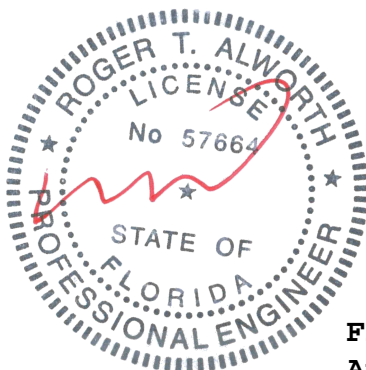
During this local buckling a relatively small portion of the pole shaft distorts and merely kinks the steel causing the pole to buckle at the location of the highest combined stress ratio in the upper portion of the monopole and "folds over" onto the portion below within a 112.5' fall radius. In the unlikely event of total separation due to extreme wind conditions (i.e. hurricane), a section of the pole may collapse to the ground.

Please note that this letter only applies to a monopole designed and manufactured by Ehresmann Engineering Inc.

If you have any questions, please feel free to call us @ (605) 665-7532.

Sincerely,


Jeff Rueb



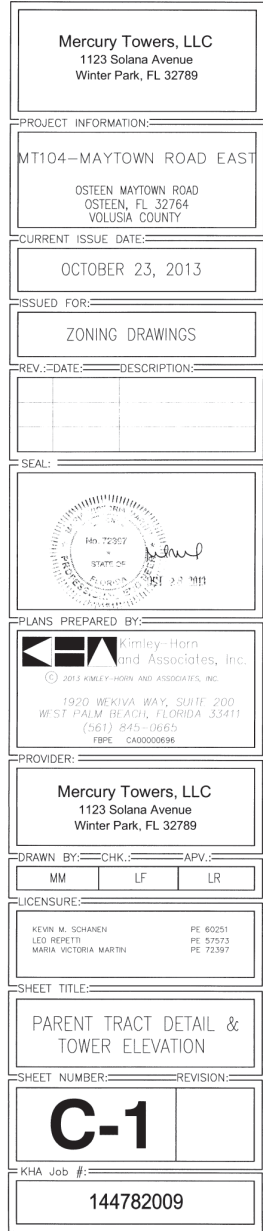
FL Certificate of
Authorization: 26626

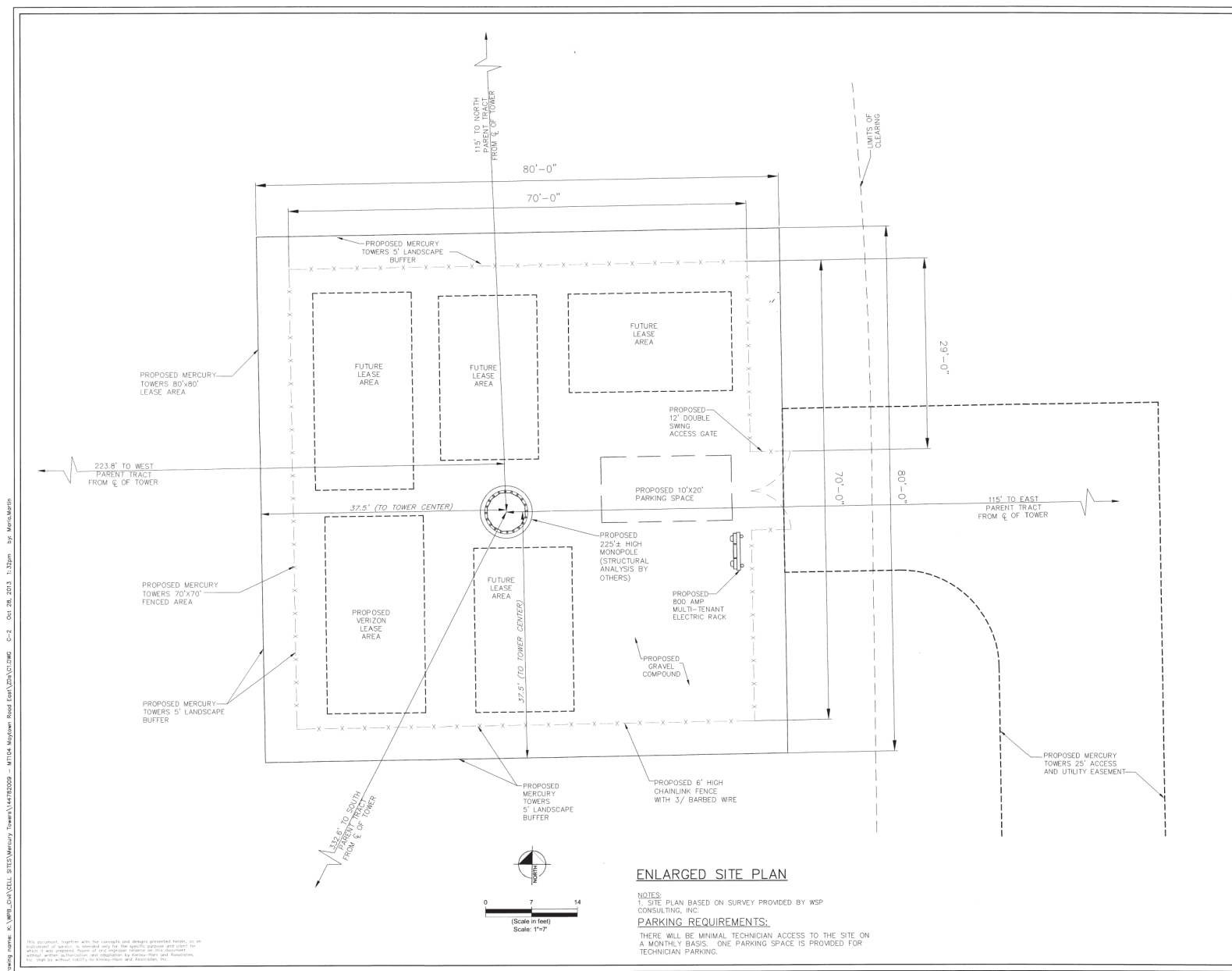
Nov 22, 2013



9138 S. STATE STREET, SUITE 101 (801) 990-1775
SANDY, UTAH 84070 (801) 990-1776 FAX

Antenna Support Structures – Guyed and Self-Supporting Towers and Monopoles – Steel Fabrication
Structural Analysis – Inspection – Specifications – Project Management – Detailing – P.E. Certification





Mercury Towers, LLC
1123 Solana Avenue
Winter Park, FL 32789

PROJECT INFORMATION:

MT104-MAYTOWN ROAD EAST

OSTEEN MAYTOWN ROAD
OSTEEN, FL 32764
VOLUSIA COUNTY

CURRENT ISSUE DATE:

OCTOBER 23, 2013

ISSUED FOR:

ZONING DRAWINGS

REV.: DATE: DESCRIPTION:

SEAL:



PLANS PREPARED BY:

Kimley-Horn
and Associates, Inc.
© 2013 KIMLEY-HORN AND ASSOCIATES, INC.
1920 WIKIVA WAY, SUITE 200
WEST PALM BEACH, FLORIDA 33411
(561) 845-0665
FIDEL CADD0000696

PROVIDER:

Mercury Towers, LLC
1123 Solana Avenue
Winter Park, FL 32789

DRAWN BY: CHK.: APV.:

MM LF LR

LICENSURE:

KEVIN M. SCHANEN PE 60251
LEO REPETTO PE 57573
MARIA VICTORIA MARTIN PE 72397

SHEET TITLE:

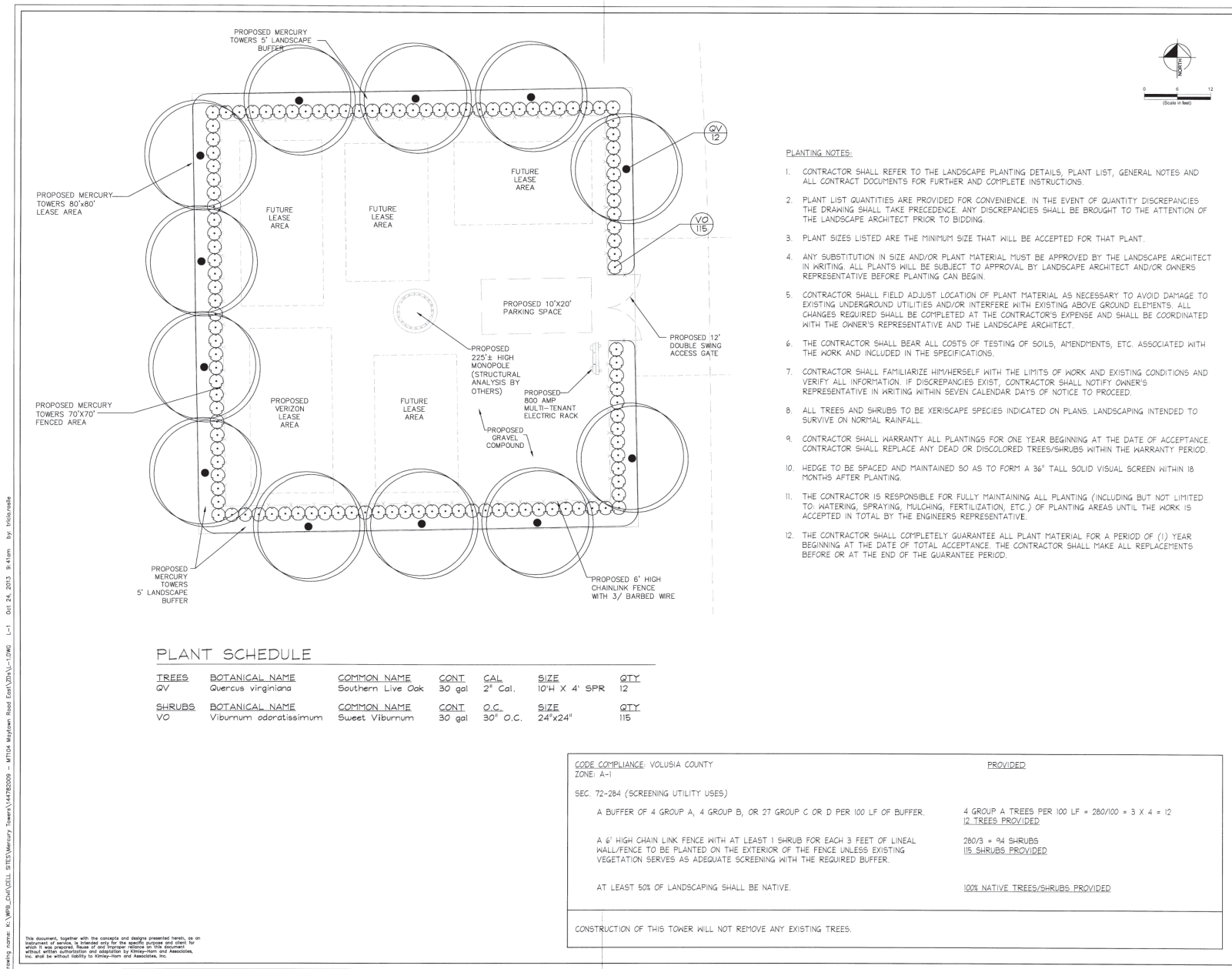
ENLARGED SITE PLAN

SHEET NUMBER: REVISION:

C-2

KHA Job #:

144782009



Mercury Towers, LLC
1123 Solana Avenue
Winter Park, FL 32789

PROJECT INFORMATION:

MT104-MAYTOWN ROAD EAST

OSTEEN MAYTOWN ROAD
OSTEEN, FL 32764
VOLUSIA COUNTY

CURRENT ISSUE DATE:

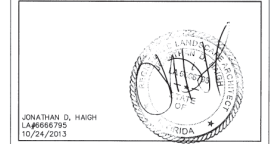
OCTOBER 23, 2013

ISSUED FOR:

ZONING DRAWINGS

REV.: DATE: DESCRIPTION:

SEAL:



PLANS PREPARED BY:



PROVIDER:

Mercury Towers, LLC
1123 Solana Avenue
Winter Park, FL 32789

DRAWN BY: CHK.: APV.:

MM LF LR

ENCLOSURE:

KEVIN M. SHANEN	PE 60251
LEO REPETTI	PE 57573
MARIA VICTORIA MARTIN	PE 72397

SHEET TITLE:

LANDSCAPE PLAN

SHEET NUMBER: REVISION:

L-1

KHA Job #:

144782009

Mercury Towers, LLC
1123 Solana Avenue
Winter Park, FL 32789

PROJECT INFORMATION:

MT104-MAYTOWN ROAD EAST

OSTEEN MAYTOWN ROAD
OSTEEN, FL 32764
VOLUSIA COUNTY

CURRENT ISSUE DATE:

OCTOBER 23, 2013

ISSUED FOR:

ZONING DRAWINGS

REV.: DATE: DESCRIPTION:

SEAL:



JONATHAN D. HAIGH
LAP#0686785
10/24/2013

PLANS PREPARED BY:



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1920 WEKIVA WAY, SUITE 200
WEST PALM BEACH, FLORIDA 33411
(561) 845-0665
FBPE CAD0000696

PROVIDER:

Mercury Towers, LLC
1123 Solana Avenue
Winter Park, FL 32789

DRAWN BY: CHK.: APV.:

MM LF LR

LICENSEE:

KEVIN M. SCHANNEN
LEO REPETTI
MARIA VICTORIA MARTIN

SHEET TITLE:

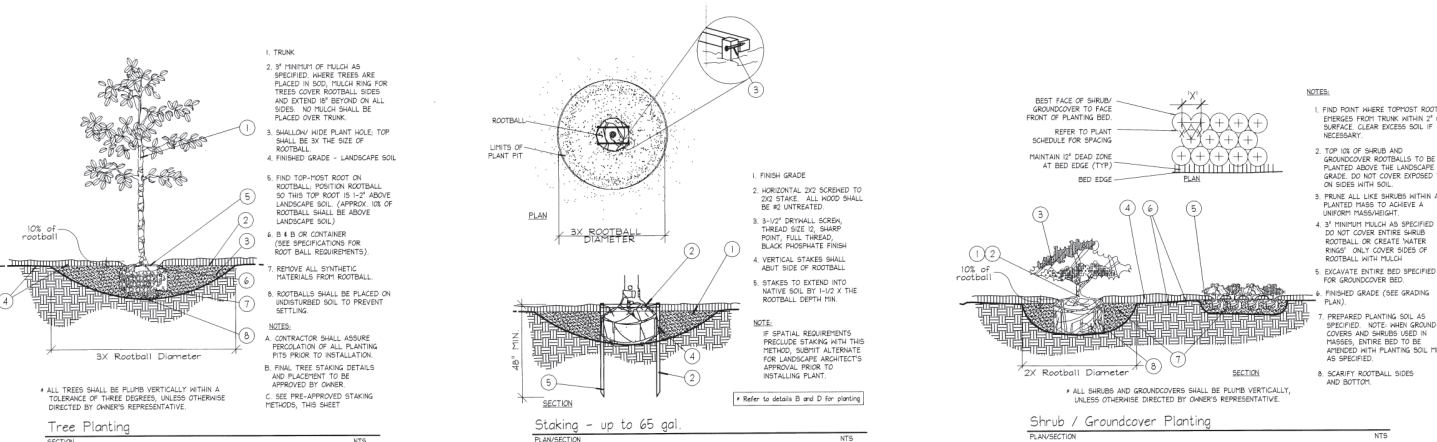
LANDSCAPE DETAILS

SHEET NUMBER: REVISION:

L-2

KHA Job #:

144782009



GENERAL LANDSCAPE SPECIFICATIONS AND NOTES

- A. SCOPE OF WORK
1. THE WORK CONSISTS OF FURNISHING ALL LABOR, MATERIALS, EQUIPMENT, TOOLS, TRANSPORTATION, AND ANY OTHER APPURTENANCES NECESSARY FOR THE COMPLETION OF THIS PROJECT AS SHOWN ON THE DRAWINGS, AS INCLUDED IN THE PLANT LIST, AND AS HEREIN SPECIFIED.
2. WORK SHALL INCLUDE MAINTENANCE AND WATERING OF ALL CONTRACT PLANTING AREAS UNTIL CERTIFICATION OF ACCEPTABILITY BY THE OWNER.
- B. PROTECTION OF EXISTING STRUCTURES
- ALL EXISTING BUILDINGS, WALKS, WALLS, PAVING, PIPING, OTHER SITE CONSTRUCTION ITEMS, AND PLANTING ALREADY COMPLETED OR ESTABLISHED SHALL BE PROTECTED FROM DAMAGE BY THE CONTRACTOR UNLESS OTHERWISE SPECIFIED. ANY DAMAGE RESULTING FROM NEGLIGENCE SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE OWNER, AT NO COST TO THE OWNER.
- C. PROTECTION OF EXISTING PLANT MATERIALS OUTSIDE LIMIT OF WORK
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UNAUTHORIZED CUTTING OR DAMAGE TO TREES AND SHRUBS EXISTING OR OTHERWISE CAUSED BY CARELESS EQUIPMENT OPERATION, MATERIAL STOOPIPING, ETC. THIS SHALL INCLUDE CONNECTION BY DRIVING OR PARKING INSIDE THE DRIVE-LINE AND SPILLING OIL, GASOLINE, OR OTHER LUBRICATING MATERIALS WITHIN THE DRIVE-LINE. NO MATERIALS SHALL BE BURNED NEAR HEAT HILL DAMAGE ANY PLANT. EXISTING TREES KILLED OR DAMAGED SO THAT THEY ARE NON-SAVABLE SHALL BE REPLACED AT THE COST TO THE CONTRACTOR OF ONE HUNDRED DOLLARS (100) PER CALIPER INCH ON AN ESCALATING SCALE WHICH ADDS AN ADDITIONAL TWENTY (20) PERCENT PER INCH CALIPER SHALL BE MEASURED SIX (6) INCHES ABOVE GROUND LEVEL FOR TREES UP TO AND INCLUDING FOUR (4) INCHES IN CALIPER AND TWELVE (12) INCHES ABOVE GROUND LEVEL FOR TREES OVER FOUR (4) INCHES IN CALIPER.
- D. MATERIALS
1. PLANT MATERIALS
- A. PLANT SPECIES AND SIZE SHALL CONFORM TO THOSE INDICATED ON THE DRAWINGS. NURSERY STOCK SHALL CONFORM TO STANDARDIZED PLANT NAMES (MAE EDITION) NURSERY STOCK SHALL BE IN ACCORDANCE WITH GRADES AND STANDARDS FOR NURSERY PLANTS, LATEST EDITION, PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. ALL PLANTS SHALL BE FLORIDA GRADE NO. 1 OR BETTER AS DETERMINED BY THE FLORIDA DIVISION OF PLANT INDUSTRY. ALL PLANTS SHALL BE HEALTHY, VIGOROUS, SOUND, WELL-BRANCHED, AND FREE OF DISEASE AND INSECTS, INSECT EGGS AND LARVAE AND SHALL HAVE ADEQUATE ROOT SYSTEMS. TREES FOR PLANTING IN ROWS SHALL BE UNIFORM IN SIZE AND SHAPE. ALL MATERIALS SHALL BE SUBJECT TO APPROVAL BY THE OWNER. HARKER ANY REQUIREMENTS ARE OBTAINED FROM THE PLANT LIST, THE PLANTS FURNISHED SHALL BE NORMAL FOR THE VARIETY. PLANTS SHALL BE PRUNED PRIOR TO DELIVERY ONLY WITH APPROVAL FROM OWNER OR OWNER'S REPRESENTATIVE. NO SUBSTITUTIONS SHALL BE MADE WITHOUT WRITTEN PERMISSION FROM THE OWNER'S REPRESENTATIVE.
- B. MEASUREMENTS: THE HEIGHT AND/OR WIDTH OF TREES SHALL BE MEASURED FROM THE GROUND OR ACROSS THE NORMAL SPREAD OF BRANCHES WITH THE PLANTS IN THEIR NORMAL POSITION. THE MEASUREMENT SHALL BE TAKEN AT THE PRELIMINARY TERMINAL GROWTH. PLANTS LARGER IN SIZE THAN THOSE SPECIFIED IN THE PLANT LIST MAY BE USED IF APPROVED BY THE OWNER. IF THE USE OF LARGER PLANTS IS APPROVED, THE BALL OF EARTH OR SPREAD OF ROOTS SHALL BE INCREASED IN PROPORTION TO THE SIZE OF THE PLANT.
- C. INSPECTION: PLANTS SHALL BE SUBJECT TO INSPECTION AND APPROVAL AT THE PLACE OF GROWTH, OR UPON DELIVERY TO THE SITE, AS DETERMINED BY THE OWNER, FOR QUALITY, SIZE, AND VARIETY. SUCH APPROVAL SHALL NOT WAIVE THE RIGHT OF INSPECTION AND REJECTION AT THE SITE DURING PROGRESS OF THE WORK OR AFTER COMPLETION FOR SIZE AND CONDITION OF ROOT BALLS OR ROOTS, LATENT DEFECTS OR INJURIES. REJECTED PLANTS SHALL BE REMOVED IMMEDIATELY FROM THE SITE. NOTICE REQUESTING INSPECTION SHALL BE SUBMITTED IN WRITING BY THE CONTRACTOR AT LEAST ONE (1) WEEK PRIOR TO ANTICIPATED DATE.
- E. SOIL MIXTURE (PLANTING MEDIUM, PLANTING MIX, TOPSOIL MIX)
1. SOIL MIXTURE (PLANTING MEDIUM FOR PLANT PITS) SHALL CONSIST OF TWO PARTS OF TOPSOIL AND ONE PART SAND, AS DESCRIBED BELOW.
2. TOPSOIL FOR USE IN PREPARING SOIL MIXTURE FOR BACKFILLING PLANT PITS SHALL BE FERTILE, FRABLE, AND OF A LOAMY CHARACTER. REASONABLY FREE OF SUBSOIL, CLAY LUMPS, BRUSH WOODS AND OTHER LITTER, FREE OF ROOTS, STUMPS, STONES LARGER THAN 4" IN ANY DIMENSION, AND OTHER EXTRANEOUS OR TOXIC MATTER HARMFUL TO PLANT GROWTH. IT SHALL CONTAIN THREE (3) TO FIVE (5) PERCENT DECOMPOSED ORGANIC MATTER AND A PH BETWEEN 5.5 AND 7.0. SUBMIT SAMPLE AND PH TESTING RESULTS FOR APPROVAL.
3. SAND SHALL BE COARSE, CLEAN, WELL-DRAINING, NATIVE SAND. CONTRACTOR SHALL SUBMIT RESULTS OF SOIL TESTS FOR TOPSOIL AND SAND PROPOSED FOR USE UNDER THIS CONTRACT FOR APPROVAL BY THE OWNER.
4. TREES SHALL BE PLANTED IN THE EXISTING NATIVE SOIL ON SITE, UNLESS DETERMINED TO BE UNSUITABLE. AT WHICH POINT THE CONTRACTOR SHALL CONTACT LANDSCAPE ARCHITECT TO DISCUSS ALTERNATE RECOMMENDATION BEFORE PLANTING.
5. CONTRACTOR TO SUBMIT SAMPLES OF SOIL MIXTURE FOR OWNER'S REPRESENTATIVE APPROVAL PRIOR TO PLANT INSTALLATION OPERATIONS COMMENCE.
- F. WATER
- WATER NECESSARY FOR PLANTING AND MAINTENANCE SHALL BE OF SATISFACTORY QUALITY TO SUSTAIN AN ADEQUATE PLANT GROWTH AND SHALL NOT CONTAIN HARMFUL, NATURAL OR MAN-MADE ELEMENTS DETRIMENTAL TO PLANTS. WATER MEETING THE ABOVE STANDARD SHALL BE OBTAINED ON THE SITE FROM THE OWNER, IF AVAILABLE AND THE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE ARRANGEMENTS FOR ITS USE BY HIS TANKS, HOSES, SPRINKLERS, ETC. IF SUCH WATER IS NOT AVAILABLE AT THE SITE, THE CONTRACTOR SHALL PROVIDE SATISFACTORY WATER FROM SOURCES OFF THE SITE AT NO ADDITIONAL COST TO THE OWNER. WATERING/IRRIGATION RESTRICTIONS MAY APPLY. REFER TO PROPERTY'S JURISDICTIONAL AUTHORITY.
- G. FERTILIZER
- CONTRACTOR SHALL PROVIDE FERTILIZER APPLICATION SCHEDULE TO OWNER, AS APPLICABLE TO SOIL TYPE, PLANT INSTALLATION, AND SITE'S PROPOSED USE. SUGGESTED FERTILIZER TYPES SHALL BE ORGANIC OR OTHERWISE NATURALLY-DERIVED.
- H. FERTILIZER RESTRICTIONS MAY APPLY. REFER TO PROPERTY'S JURISDICTIONAL AUTHORITY.
- I. MULCH
- MULCH MATERIAL SHALL BE APPLIED AT THE TIME OF APPLICATION TO PREVENT WIND DISPLACEMENT, AND APPLIED AT A MINIMUM DEPTH OF 3 INCHES. CLEAN MULCH FROM EACH PLANT'S GROW (BASE) TYPE OF MATERIAL, SHREDED FLEURBAUM.
- J. PLANTING PROCEDURES
1. CLEANING UP BEFORE COMMENCING WORK: THE CONTRACTOR SHALL CLEAN WORK AND SURROUNDING AREAS OF ALL RUBBER OR COLLECTIONABLE MATTER. ALL PORTABLE, CEMENT, EXISTING UTILITIES SHALL BE REMOVED FROM THE SURFACE OF ALL PLANT BEDS. THESE MATERIALS SHALL NOT BE MIXED WITH THE SOIL. SHOULD THE CONTRACTOR FIND SUCH SOIL CONDITIONS BENEATH THE SOIL WHICH WILL IN ANY WAY ADVERSELY AFFECT PLANT GROWTH, HE SHALL IMMEDIATELY CALL IT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE. FAILURE TO DO SO BEFORE PLANTING SHALL MAKE THE CONTRACTOR RESPONSIBLE FOR THE REPAIR OF THE CONTRACTOR.
2. VERIFY LOCATIONS OF ALL UTILITIES, CONDUITS, SUPPLY LINES AND CABLES INCLUDING BUT NOT LIMITED TO: ELECTRIC, GAS (LINES AND TANKS), WATER, SANITARY SEWER, STORMWATER SYSTEMS, CABLE, AND TELEPHONE. PROPERLY MAINTAIN AND PROTECT EXISTING UTILITIES. CALL NATIONAL ONE CALL - 811 - TO LOCATE UTILITIES.
3. SUBGRADE EXCAVATION: CONTRACTOR IS RESPONSIBLE TO REMOVE ALL EXISTING AND IMPORTED LITTER AND DEBRIS FROM ALL LANDSCAPE PLANTING AREAS TO A MINIMUM DEPTH OF 3". CONTRACTOR IS RESPONSIBLE TO BACKFILL THESE PLANTING AREAS TO ROUGH FINISHED GRADE WITH CLEAN TOPSOIL FROM AN APPROVED SOURCE OR AN IMPORTED SOURCE. IF LITTER OR OTHER ADVERSE CONDITIONS OCCUR IN PLANTED AREAS AFTER 3" DEEP EXCAVATION BY THE CONTRACTOR, AND POSITIVE DRAINAGE CAN NOT BE ACHIEVED, CONTRACTOR SHALL UTILIZE PLANTING DETAIL THAT ADDRESSES POOR DRAINAGE.
- K. CLEANUP
- UPON COMPLETION OF ALL PLANTING WORK AND BEFORE FINAL ACCEPTANCE, THE CONTRACTOR SHALL REMOVE ALL MATERIALS, EQUIPMENT, AND DEBRIS RESULTING FROM HIS WORK. ALL PAVED AREAS SHALL BE BROOM-CLEANED AND THE SITE LEFT IN A NEAT AND ACCEPTABLE CONDITION AS APPROVED BY THE OWNER'S AUTHORIZED REPRESENTATIVE.
- L. PLANT MATERIAL MAINTENANCE
- ALL PLANTS AND PLANTING INCLUDED UNDER THIS CONTRACT SHALL BE MAINTAINED BY WATERING, CULTIVATING, SPRAYING, AND ALL OTHER OPERATIONS (SUCH AS RE-STAKING OR REPAIRING GUT SUPPORTS) NECESSARY TO INSURE A HEALTHY PLANT CONDITION BY THE CONTRACTOR UNTIL CERTIFICATION OF ACCEPTABILITY BY THE OWNER'S REPRESENTATIVE. MAINTENANCE AFTER THE CERTIFICATION OF ACCEPTABILITY SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS IN THIS SECTION. CONTRACTORS ARE REQUESTED TO PROVIDE A BID ESTIMATE TO COVER LANDSCAPE AND IRRIGATION MAINTENANCE FOR A PERIOD OF 90 CALENDAR DAYS COMMENCING AFTER ACCEPTANCE.
- M. FINAL INSPECTION AND ACCEPTANCE OF WORK
- FINAL INSPECTION AT THE END OF THE WARRANTY PERIOD SHALL BE ON PLANTING, CONSTRUCTION AND ALL OTHER INCIDENTAL WORK PERTAINING TO THIS CONTRACT. ANY REPLACEMENT AT THIS TIME SHALL BE SUBJECT TO THE SAME ONE (1) YEAR WARRANTY (OR AS SPECIFIED BY THE LANDSCAPE ARCHITECT OR OWNER IN WRITING) BEGINNING WITH THE TIME OF REPLACEMENT AND ENDING WITH THE SAME INSPECTION AND ACCEPTANCE HEREIN DESCRIBED.

Drawings name: K:\WPB_Civil\CELL STES\Mercury Towers\144782009 - MT104 Maytown Road East\25-L-2.DWG L-2 Oct 24, 2013 5:42pm by: taylor.nash

This document, together with the concepts and designs presented herein, is an integral part of the contract. It is intended only for the specific project and client and is not to be used for any other purpose without the written authorization and approval of Kimley-Horn and Associates, Inc. and its client. It is not to be used for any other purpose without the written authorization and approval of Kimley-Horn and Associates, Inc.

At driveway looking east at
Osteen Maytown Road



At Osteen Maytown Road



On Access Easement looking
at Osteen Maytown Road



At driveway looking east at
Osteen Maytown Road



01/10/2014

At Osteen Maytown Road



01/10/2014

On Access Easement looking
at Osteen Maytown Road



01/10/2014

**Inter-Office
Memorandum**



TO: Carol McFarlane, Planner II **DATE:** November 15, 2013

FROM: Danielle Dangleman, Environmental Specialist III

SUBJECT: Planning & Land Development Regulation Commission meeting for
Date: December 10, 2013
Parcel #: 9322-01-01-0100
Case #: S-14-013

Environmental Permitting (EP) has reviewed the Special Exception application and conducted a site inspection. The trees and vegetation on this parcel have been burned in the past. It is not known to EP whether this fire was natural or for land management purposes.

EP does not object to the requested special exception, provided the owner can comply with all relevant environmental provisions of the Land Development Code and completes any environmental permitting which may be necessary.

LAND DEVELOPMENT

John Thomson, AICP, Land Development Manager

Morris.Sampson

S-14-013

1. The subject parcel was created prior to 1976 per the 1976 tax rolls. The subject parcel was an excepted parcel in the Miami Corp. Unrecorded #51, 2008-S-EXM-0240. The subject parcel has legal standing status.

2. A conceptual site plan application will be required to determine if a final site plan review is required.

Recommendation: None

* * * * *

SOILS

David Griffis, Agricultural Extension Office Director

Morris.Sampson

S-14-013

As requested I reviewed the proposed special exception. Soils were found to be #32 Myakka fine sand. This poorly drained, nearly level soil occurs in flatwoods. The water table is within 12 inches of the surface in wet seasons. The potential is low for community development with excessive wetness the major limitation.

Recommendation: None

* * * * *

TRAFFIC

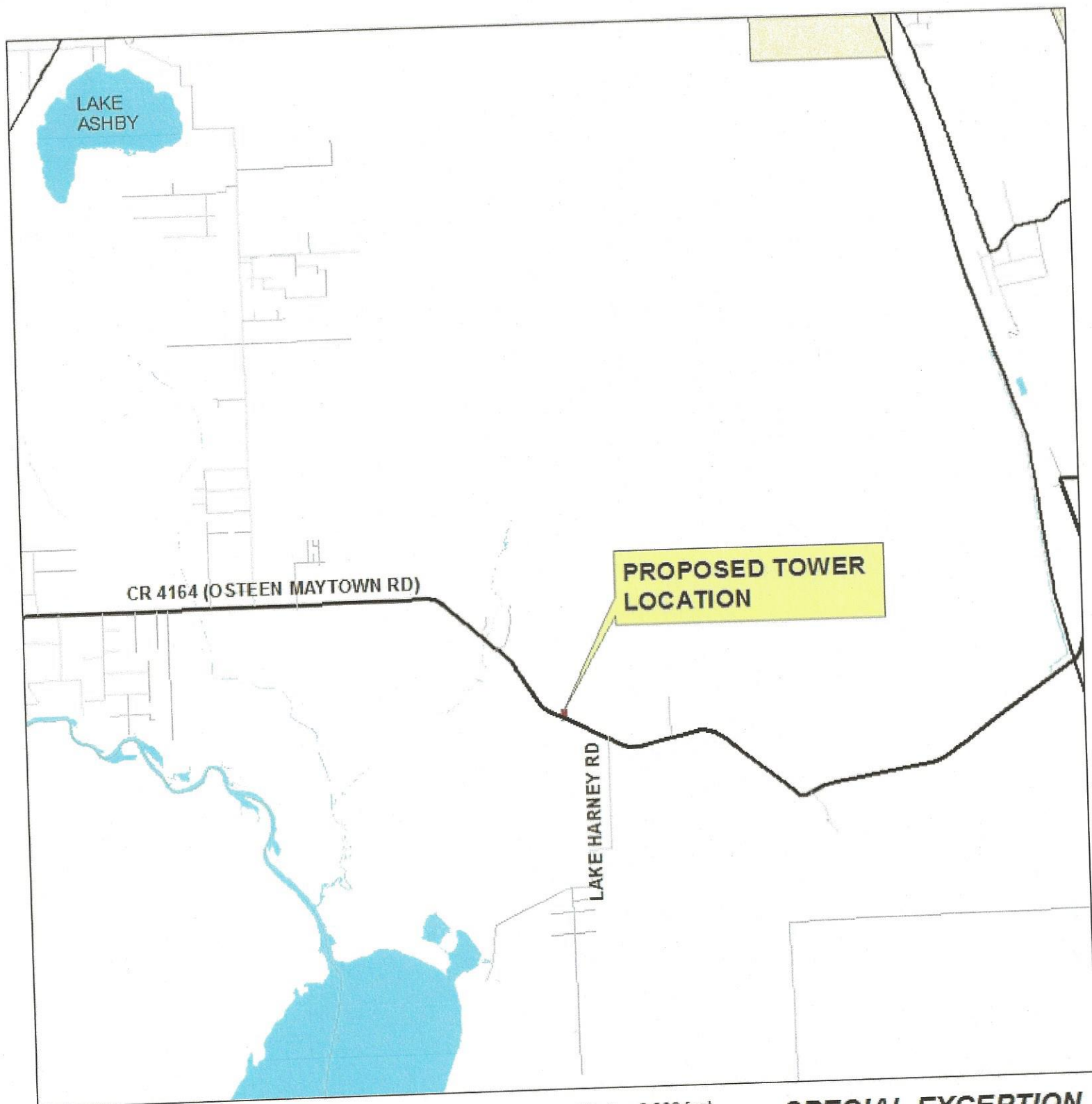
Melissa Winsett,

Morris.Sampson

S-14-013

The transportation impact is de minimus. Additionally, the special exception will not adversely impact the transportation system. Details about the driveway will be provided at the site plan stage.


Recommendation: Approval



LOCATION MAP

1 inch = 8,000 feet

 PARENT PARCEL

SPECIAL EXCEPTION
 **CASE NUMBER**
S-14-013



AERIAL

IMAGE YEAR: 2012

1 inch = 300 feet

SPECIAL EXCEPTION



CASE NUMBER

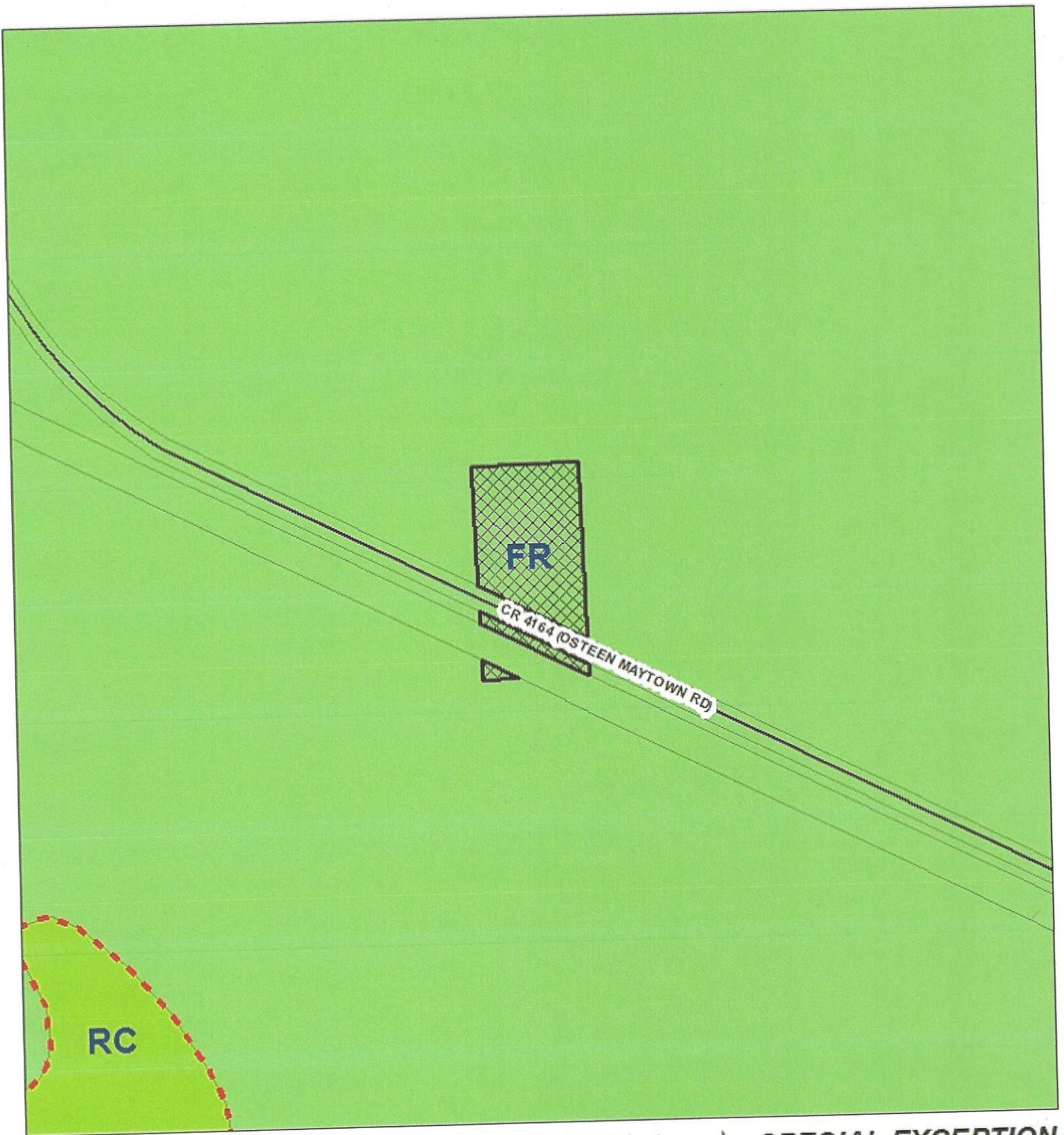
S-14-013



PARENT PARCEL



80'x80' LEASE AREA



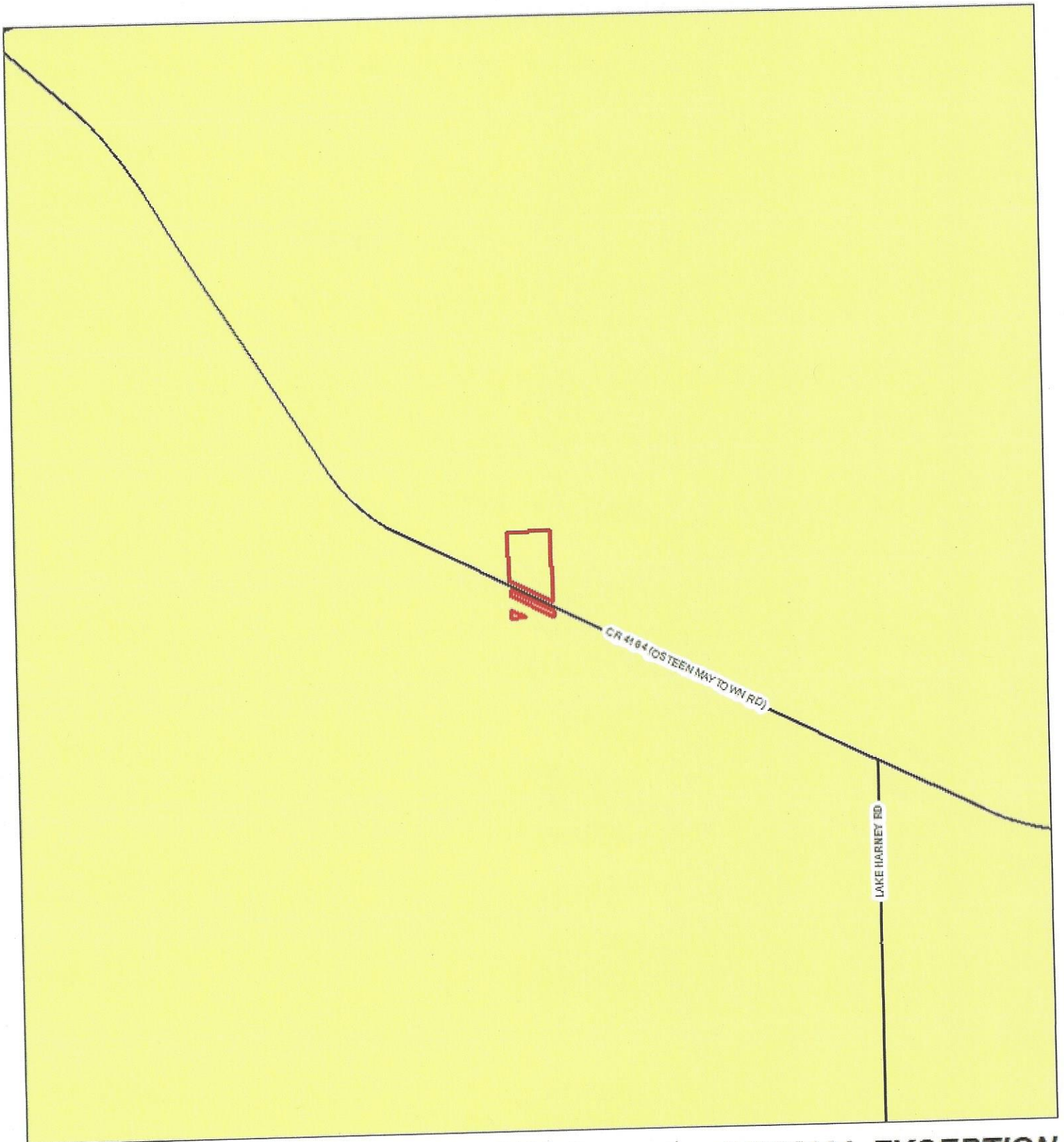
ZONING CLASSIFICATION

 REQUEST AREA

1 inch = 400 feet



**SPECIAL EXCEPTION
CASE NUMBER
S-14-013**



ECO/NRMA

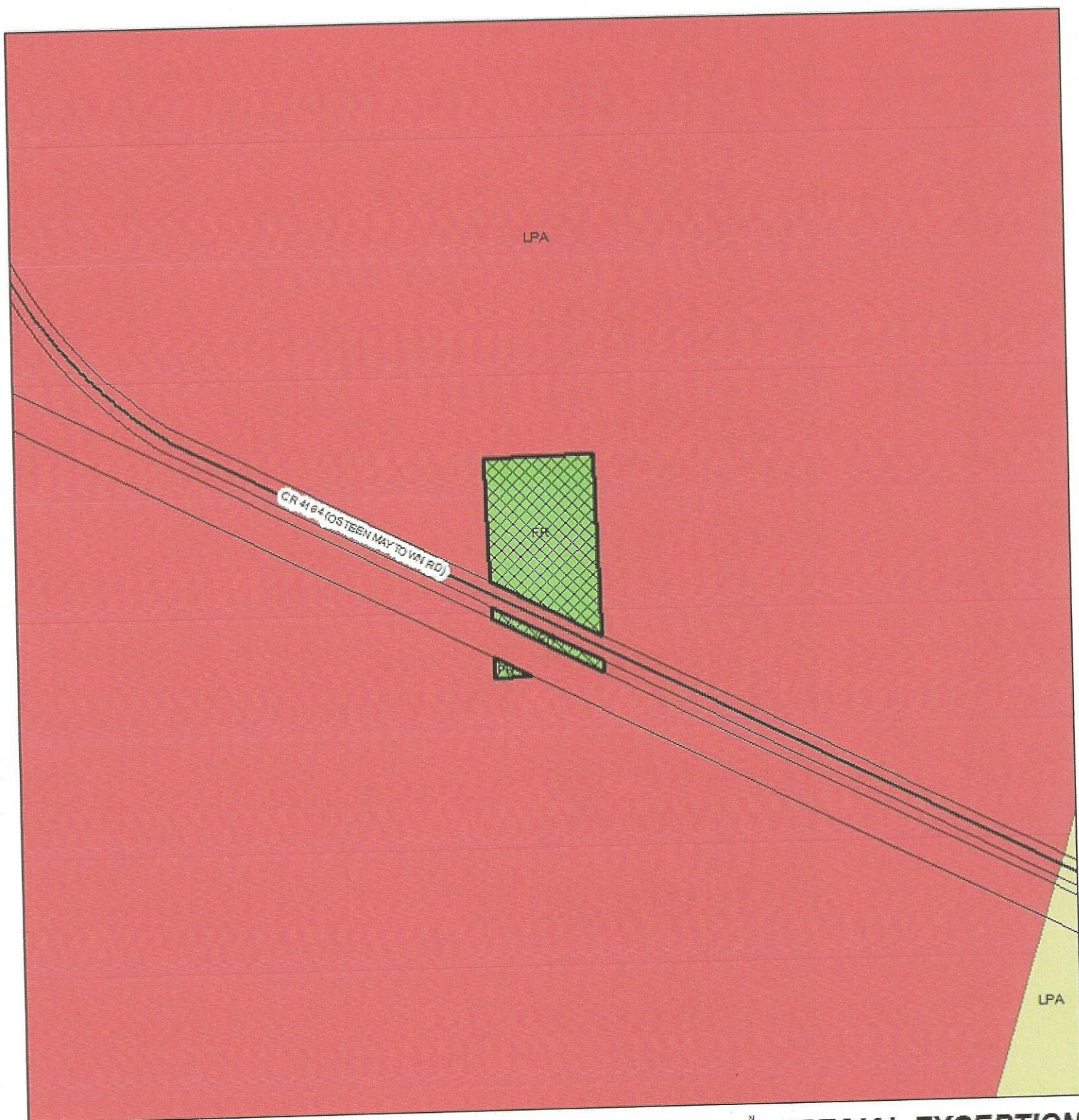
1 inch = 1,000 feet



**SPECIAL EXCEPTION
CASE NUMBER**

 REQUEST AREA  ECO  NRMA

S-14-013



FUTURE LAND USE DESIGNATION

- FORESTRY RESOURCE (3)
- VILLAGE (1)
- GREENKEY (1)



**SPECIAL EXCEPTION
CASE NUMBER**

1 inch = 400 feet

S-14-013



River of Lakes Heritage Corridor
P O Box 1707
DeLand, FL 32721-1707

January 28, 2014

Re: Opposition to Approval of Cellular Communications Tower on Osteen-Maytown Road. Case S-14-013

Dear Members of the Volusia County PLDRC:

The River of Lakes Heritage Corridor, Inc. would like to voice its strong opposition to the County's approval of a cellular communications tower on the non-conforming lot along Osteen-Maytown Road owned by Mr. Joseph Sampson.

The River of Lakes Heritage Corridor, Inc. is responsible for promoting and preserving the natural and cultural treasures of the corridor, as well as managing the River of Lakes Corridor Scenic Highway. Osteen-Maytown Road is a State and County designated scenic highway that provides visitors with beautiful vistas of natural Florida habitat and is deserving of protection.

A cellular communications tower is proposed to be constructed on a small parcel of land adjacent to the Osteen-Maytown Road Scenic Highway. This location is in such close proximity to the road that it will be an eye-sore for those traveling either east or west and jeopardize the unhindered natural beauty of this scenic highway. In addition, the proposed tower also infringes upon the Volusia County East Central Regional Rail Trail and would become an unwelcome and intrusive landmark for those using this new recreational resource.

PLDRC Case S-14-013

Page Two

As an organization dedicated to protecting and promoting Volusia County's natural and historic heritage for locals and visitors alike, and recognizing the harm that the proposed cell tower will have on the natural beauty of the Osteen-Maytown Road Scenic Highway and the East Central Regional Rail Trail, the River of Lakes Heritage Corridor, Inc. urges the County of Volusia to deny approval of the proposed cellular communications tower on the Sampson property.

Sincerely,



Cindy Sullivan, Chairman

cc: Kelli McGee

Jason Davis

Joyce Cusack

Josh Wagner

Deb Denys

Doug Daniels

Pat Patterson

Pat Northey