



**CITY OF DANIA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**DATE:** May 24, 2016  
**TO:** Robert Baldwin, City Manager  
**VIA:** Marc LaFerrier, AICP, Director *[Signature]*  
**FROM:** Anne-Christine Carrie, Planning Associate *[Signature]*  
Corinne Lajoie, AICP, LEED G. A., Planning and Zoning Manager *[Signature]*  
**SUBJECT:** **SP-25-16/SE-24-16/VA-40-16:** The applicant, Deborah Martohue, Esquire, representing the applicant, T-Mobile South, LLC., is requesting a special exception, variance and site plan approval for the collocation of a stealth antenna canister and related equipment compound on a property located at 3801 SW 43<sup>rd</sup> Court, also known as 4750 SW 42 Ave, and commonly referred to as the Playland FPL Substation.

**REQUEST**

**SPECIAL EXCEPTION**

To allow a stealth antenna canister atop a ninety (90) foot utility pole.

**VARIANCE**

To provide zero (0) canopy trees within the required five (5) foot landscape buffer; two (2) canopy trees are required per Sec. 275-140 of the Land Development Code (LDC).

**SITE PLAN**

To allow the collocation of a twelve (12) foot stealth antenna canister atop a seventy-eight (78) foot Florida Power and Light (FPL) utility distribution pole with an associated three hundred (300) square foot secure equipment compound.

**PROPERTY INFORMATION**

**EXISTING ZONING:** General Industrial (IG) & Commercial District (C-2)  
**LAND USE DESIGNATION:** Utilities (U)

**VIOLATIONS ON PROPERTY**

There are no violations on this property.

The subject property is located north of Griffin Road and east of SW 42<sup>nd</sup> Avenue. The property is owned by FPL and measures approximately ten (10) acres, however, approximately 300 square feet will be improved. The site is adjacent to a vacant parcel to the east, and has thirty (30) feet of public right of way to the west.

The site is used as a substation with several existing transmission poles that reach up to seventy-two (72) feet in height. The proposal is for a twelve (12) foot canister atop a new seventy-eight (78) foot FPL pole for a total height of ninety (90) feet.

### **SPECIAL EXCEPTION**

The applicant is requesting a special exception to allow a stealth antenna canister in a C-2 Zoning District. The LDC allows new stealth antennas as a Special Exception use in this zoning district.

Per a letter dated February 16, 2016 and signed by engineer Patrick Keane, the construction and operation of the tower will not interfere with the services of adjacent properties. The letter further confirms that the equipment will comply with all FCC regulation so as not to cause any detrimental environmental impacts to the community.

The applicant has applied for a landscape Variance. Once the Variance is granted, the request will meet the City's landscaping and buffering requirements.

Per Sec. 835-40, Paragraph N, a vehicle may not be stored or parked on the site of the telecommunication tower unless repairs to the tower are being made. As such, the loading and parking requirements for a Special Exception use do not apply to the proposed project. However, the twelve (12) foot vehicular access easement that is proposed from Griffin Road will be used for temporary on-site parking for the bi-monthly maintenance of the associated compound. Further, the proposed antenna canister is unmanned and will generate minimal daily trips. The proposed use will cause minimal interference with traffic on Griffin Road. A FDOT driveway access permit has been requested as a condition of approval.

Per a letter dated April 5, 2016 from the Broward County Aviation Department and signed by Scarlett Hammons, AICP, the applicant is required to obtain a "Determination of No Hazard" letter from FAA, as well as an Airspace Obstruction Permit from the FDOT prior to construction in order to determine if this project will adversely affect public health or safety. The applicant has provided a Determination of No Hazard to Air Navigation letter from the Federal Aviation Administration (FAA) dated April 22, 2016 for a pole measuring ninety (90) feet above ground level (AGL) and ninety-three (93) feet above mean sea level (AMSL).

The proposed project is located on approximately 300 square feet of land within a ten (10) acre parcel. The vacant parcel immediately to the east is owned by Broward County and has a future land use designation of Utilities per the January 2016 Broward County Land Use Plan. To the west is a 30 foot right-of-way followed by gas station. The proposed pole and canister would not be detrimental to the land use of these adjoining properties. Furthermore, the noise generated by the unmanned facility does not exceed that of an air conditioning unit and the underground cables do not generate fumes, odors or dust. Per the justification statement provided by the applicant, no lights are required for the proposed pole and canister by the FAA. As a stealth canister built amongst existing utility poles, this project would not change the aesthetic appearance of the site. Although the total height of the new pole and canister exceeds that of the existing poles by 18 feet, the structure meets the maximum height requirement set forth in Sec. 835-50.

Section 630-50 of the Land Development Code states, the City Commission or Planning and Zoning Board, if applicable, shall review the application to determine whether the Special Exception use complies with the following criteria standards:

- (1) "That the use is permitted as a special exception use as set forth in the use regulations of part 1 of this code."
- (2) "That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located."
- (3) "That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning."
- (4) "That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities."
- (5) "That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets."
- (6) "That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community."
- (7) "That the use will not have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community."
- (8) "That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance."
- (9) "That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the comprehensive plan."
- (10) "That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character."
- (11) "That the use will not overburden existing public services and facilities."

The applicant provided a justification statement identifying how their request is consistent with the Special Exception criteria.

### **VARIANCE**

The applicant is requesting a variance to provide zero (0) canopy trees within the required five (5) foot landscape buffer; code requires two (2) canopy trees per Sec. 275-140 of the LDC. The project is on a leased lot belonging to FPL and spans over approximately 300 square feet. Due to the restrictive dimensions of the proposed site, the required canopy trees may not be planted in the proposed five (5) foot landscape buffer on the perimeter of the proposed compound. Per sheet L-1, signed and dated April 5, 2016 by landscape architect Jason Rinard, two (2) native understory trees will be provided in lieu of the two (2) canopy trees. The two (2) proposed understory trees allow for 300 square feet of tree canopy on the site where 100 square feet are required.

Section 625 of the City's LDC states, the City Commission or Planning and Zoning Board, if applicable, shall hold its public hearing and, after consideration of the staff recommendation and public input, if any, may deny, approve or approve with conditions the application for variance, based upon its determination that the request meets the criteria identified in Section 625-40, which are identified below.

- (1) "That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city."
- (2) "That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community."
- (3) "That the requested variance is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan, as amended from time to time, and all other similar plans adopted by the city."
- (4) "That the plight of the petitioner is due to unique circumstances of the property or petitioner which would render conformity with the strict requirements of the subject regulations unnecessarily burdensome."
- (5) "That the variance requested is the minimum variance that is necessary to afford relief to the petitioner, while preserving the character, health, safety and welfare of the community."

The applicant's request and proposed mitigation efforts are consistent with the variance criteria.

### **SITE PLAN**

The applicant is requesting approval to allow the collocation of a twelve (12) foot stealth antenna canister atop a seventy-eight (78) foot Florida Power and Light (FPL) utility distribution pole with an associated three hundred (300) square foot secure equipment compound on a property commonly referred to as the Playland FPL Substation. Per a letter dated April 5, 2016 from the Broward County Aviation Department and signed by Scarlett Hammons, AICP, the applicant is required to obtain a "Determination of No Hazard" letter from FAA, as well as an Airspace Obstruction Permit from the FDOT prior to construction in order to determine if this project will adversely affect public health or

safety. The applicant has provided a Determination of No Hazard to Air Navigation letter from the Federal Aviation Administration (FAA) dated April 22, 2016 for a pole measuring ninety (90) feet above ground level (AGL) and ninety-three (93) feet above mean sea level (AMSL). Per a letter dated February 12, 2016 from Caltrop Telecom and signed by Principal Engineer Michael Phillips, the proposed FPL transmission pole can adequately support the T-Mobile equipment load. Per a letter dated February 16, 2016 from Radio Frequency Engineer Patrick Jeane, the need for the construction of a new pole is justified and the proposed equipment complies with FCC standards.

#### **DEVELOPMENT REVIEW COMMITTEE (DRC)**

The site plan was reviewed by the DRC, which includes representatives from the BSO Fire, Public Services, the City's landscape consultant and the Planning Division. The applicant has several outstanding staff comments that must be addressed prior to issuance of a building permit. The outstanding DRC comments are listed as conditions of approval in the resolution.

1. A FDOT driveway permit for the access from Griffin Road is required.
2. An Airspace Obstruction Permit from FDOT was requested by Broward County Aviation Department.

#### **STAFF RECOMMENDATION**

Approve the Site Plan with the outstanding DRC comments as conditions of approval to be addressed prior to issuance of a building permit provided the Special Exception and Variance are also approved.