

Law Office of Lauralee G. Westine, P.A.

800 Tarpon Woods Boulevard, Suite E-1
Palm Harbor, Florida 34685
Telephone: (727) 773-2221
Facsimile: (727) 773-2616

SENT VIA HAND DELIVERY

December 15, 2015

Denise Hernandez
Pasco County Planning & Development
8731 Citizens Drive, Suite 210
New Port Richey, Florida 34654

RE: **Vertex Development, LLC**
Site Name: Vertex - Cypress Elementary School - FL5229
Conditional Use (Tier III) Application for a 150' Unipole Wireless Service Facility

Dear Ms. Hernandez:

On behalf of my client, Vertex Development, LLC, (Vertex), please find the Conditional Use (Tier III) Application for a 150' Unipole tower (Unipole). I have enclosed the following documents pursuant to Chapter 1000, Section 1002 (Wireless Facilities), Pasco County Land Development Code:

- Application for Conditional Use
- Tier III Checklist for Communication Towers
- Application for Traffic Impact Study Waiver Request
- Application Fee in the amount of \$6,160.00 made payable to Pasco County BOCC
- Agent of Record Letter from District School Board of Pasco County to Lauralee G. Westine, Esq.
- Agent of Record Letter from Vertex Development, LLC to Lauralee G. Westine, Esq.
- Agent of Record Letter from Verizon to Lauralee G. Westine, Esq.
- Property Card for Parcel ID #31-25-17-0000-00300-0000
- Deed
- Tax Bill from 2015
- Legal Descriptions
- Memorandum of Lease between District School Board of Pasco County and Vertex Development, LLC
- Letter dated December 14, 2015 from District School Board of Pasco County requesting no landscaping due to Safe School Design Guidelines
- Vertex Collocation/Abandonment Affidavit
- FAA Tower Certification letter from Geoline Surveying dated October 26, 2015
- Determination of No Hazard to Air Navigation dated December 2, 2015
- Vertex Antenna Structure FCC Registration File No. A0984248

The parent parcel on which the Unipole is to be placed is approximately 40 acres MOL and is zoned PUD with a Future Land Use Designation of RES-3. This parcel is currently used as an elementary school facility. The Unipole will initially support the antennas of Verizon, and will be capable of supporting the antennas of three additional carriers.

Please find below a description of how Vertex's application meets the criteria of the Land Development Code. For your convenience, the applicable portions of the LDC are included. Below each specific LDC provision, in bold type, is how Vertex's application meets that LDC provision.

CHAPTER 1000. MISCELLANEOUS STRUCTURE REGULATIONS

SECTION 1002. WIRELESS FACILITIES

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1002.3. Specification of Future Land Use Classifications and Zoning Districts

Wireless facilities are a permitted use or a conditional use in all Future Land Use (FLU) Classifications and all zoning districts, provided that such wireless facilities comply with the standards of this section and the permits under which the wireless facilities are regulated.

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1002.4. Tiered Review

3. Tier Three applications shall require conditional use approval, as provided in this Code, Section 402; then review through a preliminary site plan review, as provided in this Code, Section 403.3; and Building Permit review, as provided in Chapter 18, Article III, PCC.

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1002.7. Tier Three

A. Applications for wireless facilities not qualifying for Tier One or Tier Two review shall be reviewed as a Tier Three.

B. Tier Three applications are subject to the following location and design standards:

1. Location Standards:

a. The proposed wireless facility shall be located in an area where the adverse visual impact on the surrounding area is minimized. Being able to see a wireless facility does not necessarily equate to an adverse visual impact. Whether the visual effect of a wireless facility is adverse is based on the existence of relevant negative factors for that facility, the number of those negative factors, and the degree that the facility evidences those negative factors. Accordingly, as used in this section, adverse visual impact shall be measured by the presence and degree of the following negative factors:

(1) A large amount of the wireless facility is visible from normal views.

The Unipole is proposed to be sited at the rear of the parent parcel, near a water treatment facility and adjacent to a forested area, a substantial distance from the right of way. Please see attached photo simulations for additional information.

(2) The wireless facility is of a design, material, location, or size that readily catches and holds a viewer's eye when viewed from normal views.

Vertex is proposing a Unipole in which all antennas and cable are located inside the pole to mitigate the view of the proposed tower. Please see attached photo simulations for additional information.

(3) The wireless facility is in the normal view of a person in a moving vehicle for more than a short period of time.

Vertex is proposing the tower be set back approximately 1015' from the closest roadway (Sweet Bay Court), thus any visibility from a moving vehicle shall be for a short period of time. Please see attached photo simulations for additional information.

(4) The wireless facility is to be lighted and in an area with few or no other lights.

Vertex is not proposing for the Unipole to be lighted.

(5) The wireless facility is readily identifiable as a wireless facility by the average viewer.

Vertex has mitigated the tower as a Unipole type tower with all antennas and cables located inside the pole – see attached photo simulations.

(6) The wireless facility, when viewed from normal views, appears out of place in the area.

Vertex has proposed the Unipole adjacent to a large forested area which provides additional screening of the tower.

(7) There is an absence of existing visual impact from other uses in the area surrounding the wireless facility.

The Unipole is adjacent to a large forested area, and placed at the rear of the existing school site, far from roadways and existing structures.

(8) There is an absence of vegetation, structures, or other screening between the wireless facility and normal views.

Vertex has proposed the Unipole adjacent to a large forested area which provides additional screening of the tower; furthermore, the Unipole is located behind the school structure and over 600' from the closest residential structure to the east.

(9) The scale (height and bulk) of the wireless facility is significantly greater than other uses existing or allowed in the surrounding area.

The Unipole design is more narrow than a traditional monopole, lattice or guyed tower design. It will not have antenna array on the exterior of the pole minimizing any bulk. The Unipole shall be painted grey in an effort for it to blend as much as possible into the sky line. A large forested area with taller trees additionally minimizes the scale of the proposed Unipole.

(10) The facility is proposed in an area visually protected by adopted view protection corridors or generally applicable aesthetic regulations that heighten the protection of the overall aesthetics of the area.

The school location is not within a view protected corridor and is being proposed as a Unipole.

(11) A large amount of the available view is occupied by the wireless facility, relative to all available views.

The proposed Unipole does not occupy a large amount of the available view. The rear of the school is not an area open to the public. Please see photo simulations for additional information.

Normal views, as used in this subsection, means views from where a person would normally be present and be able to see the facility, as well as the area of view in the normal view of the average person. Area of view is measured as the area up to fifteen (15) degrees above the horizon and thirty (30) degrees left and thirty (30) degrees right of a forward view.

- b. The location of a proposed wireless facility shall minimize environmental impacts. Ground-mounted wireless facilities should not be located in preservation areas or conservation areas.

The proposed Unipole is not located in a preservation or conservation area.

- c. Lighted towers using guy wires are prohibited in conservation areas as defined by this Code and the Comprehensive Plan.

The proposed Unipole is not to be lighted.

C. Design Standards

All Tier Three wireless facilities should be designed in such a way to minimize the adverse visual impact on the surrounding area. 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's designed service to the area should be utilized, as verified by an independent radio frequency (RF) analysis. In general, a monopole tower or mitigated tower is considered to have less adverse visual impact than alternative tower designs.

Vertex is proposing a mitigated Unipole type tower which sets forth a minimal silhouette and all antennas and cables are located within the pole. Verizon's RF engineers have provided a Needs Assessment and Letter of Need which states that the minimum antenna center line height at which Verizon can locate their antennas to meet their engineering goals is 146' which then renders the top of the pole 150'.

D. Cumulative Measurements

For purposes of this section, all references to height and radius are measured cumulatively from the date of the initial approval of existing utility structures and towers, and from the installation date for new utility structures or wireless facilities. The maximum additions to height or radius permitted by this section may not be used more than once for each utility structure or tower.

Vertex shall comply with this requirement.

1002.8. Development Standards

A. Nonmitigated, Noncollocated Antennas ---New nonmitigated antennas, which are not part of a collocation, mounted on a building shall not be visible from the front of the building at the pedestrian level.

Vertex is proposing a mitigated, Unipole type tower.

B. New Towers—Demonstration of No Collocation Opportunities (Tier Two and Tier Three Review)

A new tower shall not be approved unless the applicant can demonstrate no approved, but unbuilt, towers within 1,500 feet of the proposed tower, and no existing towers or other structures within the communications provider applicant's/coapplicant's search ring, are reasonably available for the communications provider's antennas to provide the communications provider's designed service. Factors to be considered by the County in the determination include one (1) or more of the following:

1. The proposed antennas would exceed the structural capacity of the existing tower/structure, and it cannot be reinforced to accommodate the proposed antennas at a reasonable cost;
2. The unbuilt tower or existing tower/structure does not have available or sufficient space for the proposed antennas so as to provide the communications provider's designed service and cannot be reappraised or replaced at a reasonable cost;
3. The height of the available space on the unbuilt tower or existing tower/structure is not sufficiently tall to provide the communications provider's designed service and cannot be reappraised or replaced to provide the required height at a reasonable cost;
4. The tower's/structure's owner or property owner will not consent to the use of the structure or property at a reasonable cost;
5. The proposed antennas would cause RF interference which cannot be prevented at a reasonable cost;
6. The unbuilt tower site or existing tower/structure site does not have sufficient space for the equipment needed to operate the wireless facility and additional space cannot be secured at a reasonable cost; or
7. Other reasons that make it impractical to place the proposed antennas on the unbuilt tower or existing tower/structure.

Reasonable cost shall be defined as the point up to which all of the applicant's costs of using the unbuilt tower or existing tower/structure exceed what would be all of the applicant's costs to construct a new tower. Costs shall include, but not be limited to, costs associated with leasing or purchasing property, the costs to secure an approval, the cost of the parts of the facility, and the construction costs.

Please see the attached materials from Verizon regarding their search area and needs dated December 9 and 10, 2015, as well as the photo simulations and aerial showing no existing collocation opportunities within 1500’.

C. New and Replacement Towers (Tier Two and Tier Three Review)

1. Required Collocation Design

New and replacement towers shall be designed for collocation as follows:

- a. Towers 100 feet or less in overall height need not be designed for more than one (1) communications provider.
- b. Towers between 101 and 150 feet in overall height shall be designed for at least two (2) different communications providers.
- c. Towers between 151 and 180 feet in overall height shall be designed for at least three (3) different communications providers.
- d. Towers greater than 180 feet in overall height shall be designed for at least four (4) different communications providers.

Vertex is proposing a 150’ Unipole tower with Verizon as the initial tenant and collocation opportunities for three (3) additional communications providers. Please see Plans, Page C-4.

2. Screening and Landscaping

Landscaping around the wireless facility site shall be consistent with the landscape buffering and screening requirements of this Code, Section 905.2, with the wireless facility site being treated like commercial districts/uses, but with the following variations from Section 905.2:

- a. If the landscaping/screening area is in the lease area or otherwise controlled by the tower or property owner, the easement or separate tract requirement of Section 905.2 shall not apply.
- b. The required landscaping/screening shall be placed around the exterior of the wireless facility site fence, unless the County Administrator or designee determines that the equivalent screening would be provided by the presence or use of existing landscaping, buildings, walls, fences, or

other screening, in which case the required landscaping/screening may be relocated, reduced, or eliminated.

- c. Where the required buffer width exceeds ten (10) feet, the required landscaping/screening may be placed in the ten (10) feet closest to the wireless facility site fence, and the balance of the buffer width shall be treated as a setback and may contain the uses allowed on the remainder of the parcel.
- d. Landscaping shall be maintained in accordance with this Code, Section 905.2.E.

Vertex is proposing an alternative design standard to the above landscape requirements. Please see the attached letter from the District School Board of Pasco County requesting no landscaping/buffer be placed along the fenced tower parcel due to the Safe School Design Guidelines.

3. Parking and Access

- a. Parking. An area sufficient for temporary off-street parking for one (1) vehicle shall be provided.
- b. Access. A twelve (12) foot wide stabilized access driveway and a "T" or "L" turnaround area are acceptable unless staff determines, based on public safety concerns, that circumstances require paved access.
- c. Access Easement Width. The access easement shall be a minimum of twenty (20) feet in width.

Please see attached Plans, Page C-4.

- 4. Lighting. A tower shall not be artificially lit, except as may be required by the Federal Communication Commission (FCC), Federal Aviation Administration (FAA), or other applicable authority. If such lighting is required, it shall be installed in a manner to minimize impacts on adjacent properties. "Dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA guidelines.

Vertex is not proposing to light the Unipole tower.

5. Setbacks

- a. All new towers shall comply with zoning district setbacks for a primary structure.
- b. All equipment on the tower site shall comply with the zoning district setbacks for an accessory structure.

Please see Plans, Page C-3 for setbacks to parent parcel lines. The Unipole tower and compound are proposed with setbacks as follows:

| | Center of Tower | Fenced Compound |
|--------------|------------------------|------------------------|
| North | 268.7' | 233.3' |
| South | 1051.5' | 1016.1' |
| East | 304.3' | 268.11' |
| West | 1015.5' | 980.5' |

1002.9. Submittal Requirements

A. All Wireless Facility Applications

In addition to the materials required for the appropriate type of review, all wireless facility applications shall provide the following:

- 1. A notarized affidavit from the communications provider who is to be the applicant or coapplicant for the application, authorizing the application and identifying any appointed agents.

Please see attached Agent of Records letters.

- 2. A copy of the applicable FCC license or authorization of the communications provider.

Please see the attached FCC authorization.

- 3. Sufficient materials (plans, graphics, narratives, or expert statements) to demonstrate compliance with the applicable requirements of this section.

Please see submittal materials as noted in cover letter.

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D. Tier Three Applications for New Towers

1. Visual Impact Analysis: To demonstrate that the proposed tower will not create unmitigated adverse visual impacts, the applicant shall provide a visual impact analysis, which shall include photograph simulations of the proposed tower from a minimum of four (4) views from surrounding residential areas and public roadways. These views shall show scaled color before and after images of the proposed tower with all the expected antennas to be mounted on the tower. Additionally, an aerial image, with the location of the views noted and a description of the technical approach used to create the photograph simulations, shall be provided.

Please see submitted photo simulations which show the proposed Unipole tower from 4 separate locations.

2. RF Information: To verify that the proposed height of the tower is the minimum necessary to provide the communications provider's designed service, the following RF information shall be submitted:
 - a. Areas to be served by the wireless facility.
 - b. Relationship to the communication provider's other existing or proposed wireless facilities, if applicable.
 - c. Technical data concerning the proposed facility and each existing, authorized, pending, and proposed adjacent site, if applicable:
 - (1) Type of service or function;
 - (2) Primary frequency or frequency band;
 - (3) Site name or other reference;
 - (4) Latitude and longitude (NAD 83 or WGS 84) of the tower; and
 - (5) Site elevation (amsl).
 - d. For each proposed and each adjacent cell Omni, microwave, and sector antenna, if applicable:
 - (1) Manufacturer;

- (2) Model number;
- (3) Frequency or frequency band (if not primary frequency band);
- (4) Height of antenna radiation center (agl);
- (5) Maximum effective radiated output power (specify units);
- (6) Azimuth of main lobe (degrees east of north Nxxx E);
- (7) If used, mechanical and electrical beam-tilt parameters;
- (8) Proposed or required coverage area;
- (9) Latitude, longitude, and antenna height above ground of point-to-point sites; and
- (10) Other additional information as may be required to technically verify an applicant's assertions.

Please see included RF materials from Verizon Engineer Disha Saha (letter and RF Coverage Assessment)

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1002.13. Expert Review

- A. Due to the complexity of the methodology and/or analysis required to review an application for a wireless facility, the County may require a technical review by a third party expert, the costs of which shall be borne by the applicant, which sum shall be in addition to regular review fees. All Tier Three wireless facility applications shall require an expert review. The County reserves the right to require an expert review for any other type of application. Applicants for a wireless facility shall submit a deposit as determined by fee resolution toward the cost of such technical review upon written notification from the County and shall remit any outstanding balance to the County for such review prior to the issuance of a Building Permit for the wireless facility.

- B. The expert review may address any or all of the following:
1. The accuracy and completeness of submissions.
 2. The applicability of analysis techniques and methodologies.
 3. The validity of conclusions reached.
 4. Whether the proposed wireless facility complies with the applicable standards set forth in this section; and
 5. Other matters deemed by the County to be relevant to determining whether a proposed wireless facility complies with the provisions of this section.
- C. Based on the results of the expert review, the County may require additional information or submittals or impose conditions of approval.

Vertex shall comply with these requirements.

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1002.15. Abandonment and Removal

Any wireless facility that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such wireless facility shall remove same within ninety (90) days of notice from the County Administrator or designee that the wireless facility is abandoned. If such wireless facility is not removed within the said ninety (90) days, the County may have the wireless facility removed at the wireless facility owner's expense.

Vertex shall comply with this requirement. Please see Plans, Page N-1, Site Notes #12.

1002.16. Radio Frequency Emissions FCC Guidelines

All wireless facilities shall comply with the most current FCC rules and guidelines concerning human exposure to radio frequency electromagnetic fields (FCC Guidelines). The County reserves the right to request the FCC to provide information or verification of a wireless facility's compliance with FCC Guidelines. A wireless facility that meets the FCC Guidelines shall not be conditioned or denied on the basis of radio frequency impacts.

Vertex shall comply with this requirement. Please see Plans, Page N-1, Site Notes #13.

Chapter 400. Permit Types and Applications

Section 402. Use Permits

402.3 Conditional Uses

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E. Required Standards

All proposed Conditional Uses shall meet all of the following standards:

1. The proposed use shall be consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan elements or applicable portions thereof.

Based upon the submitted material and explanation of the proposed Unipole within this cover letter, Vertex has complied with this provision.

2. The proposed conditional use will not adversely affect or contribute to the deterioration of quality of life or property values in the immediate neighborhood.

Vertex has complied with all criteria to carefully evaluate the proposed location of the Unipole and protect the surrounding neighborhood.

3. The proposed conditional use is consistent with the character of the surrounding area, including the existing land use patterns.

The proposed Unipole is located on a 40 acre MOL parcel at the rear of the parcel, adjacent to a large forested area. The proposed tower type has been mitigated to a Unipole, as required by LDC 1002.6.D.4.

4. The proposed conditional use will not create or excessively increase traffic or parking congestion or otherwise affect public safety.

The proposed Unipole will generate approximately 1 trip per month per carrier for routine maintenance. See Plans, Page N-1, Site Notes #9.

5. The site upon which the proposed conditional use is to be located has suitable drainage, access, ingress and egress, on-site parking, loading areas, refuse collection, and adequate utilities available to service the site.

See Site Plans.

6. The site upon which the conditional use is to be located has or will have screening and buffering sufficient to prevent interference with the enjoyment of surrounding properties.

The tower is being proposed adjacent to a heavily forested area. Please see Site Plans and letter from School Board requesting no landscape at tower compound.

7. Proposed signs and lighting will not create any adverse glare or adversely affect traffic safety, economic value, or cause other significant problems on adjoining or surrounding properties.

Vertex is not proposing any lighting or signage of the Unipole. Please see Site Plans.

8. The proposed conditional use will not otherwise adversely affect the health, safety, or welfare of the surrounding community or area.

Vertex is proposing the Unipole in a location determined to best provide wireless service to the surrounding area, and will not adversely affect the health, safety, or welfare of the surrounding community or area.

9. The proposed conditional use is in compliance with all specific standards established in this Code for the proposed Conditional Use provided; however, that specific distance may be waived by motion of the BCC upon an affirmative demonstration that:
 - a. The criteria set forth in 1-9 above would otherwise be met; and

- b. That due to unique physical barriers or other factors, the specific separation requirements would not be necessary in order to protect other land uses in the area.

Vertex is proposing the Unipole in a location which balances Verizon's need to meet its technological needs while not adversely affecting the health, safety, or welfare of the surrounding community or area.

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Please do not hesitate to contact me in the event that I may provide you with additional information.

Sincerely,

A handwritten signature in black ink that reads "L. Westine". The signature is written in a cursive, flowing style.

Lauralee G. Westine, Esq.

enclosures