



Legislation Details (With Text)

File #: 20-0627
Type: Departmental Quasi Judicial **Status:** Passed
In control: Board of County Commissioners
On agenda: 5/5/2020 **Final action:** 5/5/2020
Title: KENAI TOWER REQUEST FOR REVISED MAJOR FINAL SITE PLAN APPROVAL
Sponsors:
Indexes:
Code sections:

Attachments: 1. 2020_0408_Staff_Report_with_Attachment.pdf, 2. 2016_0531_K041-002_Res.16-5.25_Recorded.pdf, 3. 2020-0324-K041-007_SP.pdf, 4. 2019_0530_K041-007_APP.pdf, 5. 2020_0204_K041-007_RESUB_App_Materials.pdf, 6. 2020_0324_K041-007_CP.pdf, 7. 2020_0324_K041-007_FAA -102 feet.pdf, 8. 2019_0718_WTCF_EmergMgmt_Delegated_Cert_of_Non-Interference.pdf, 9. 2016_0208_WTCF_Sheriff_Delegated_Cert_of_Non-Interference.pdf, 10. 2020_0410_K041-007_4GResumes.pdf, 11. 2020_0420_K041-007_Disclosure.pdf, 12. 2020_0410_K041-007_SignVerification.pdf, 13. Supplemental_Memo.pdf, 14. 2020_0410_K041-007_Resolution_to_Approve.pdf, 15. Kenai.Denial.pdf

Date	Ver.	Action By	Action	Result
5/5/2020	1	Board of County Commissioners	denied	
5/5/2020	1	Board of County Commissioners	approved	Pass

PLACEMENT: Departmental - Quasi-Judicial

TITLE:

KENAI TOWER REQUEST FOR REVISED MAJOR FINAL SITE PLAN APPROVAL

EXECUTIVE SUMMARY:

RG Towers, LLC, requests approval of a revised major final site plan to increase the height of the existing Kenai wireless telecommunications facility tower by twenty feet. The tower is located on an approximate .92-acre parcel on the east side of the terminus of SE Country Club Drive in Tequesta. Included is a request for a certificate of public facility exemption.

DEPARTMENT: Growth Management

PREPARED BY: **Name:** Peter Walden
Title: Principal Planner

REQUESTED BY: RG Tower, LLC, Scott Richards

PRESET:

PROCEDURES: Quasi-Judicial

BACKGROUND/RELATED STRATEGIC GOAL:

This is an application for a major development, revised final site plan, including a request for a Certificate of Public Facilities Exemption. The applicant is proposing to increase the height of an approved wireless telecommunications facility (WTCF) by twenty (20) feet. The project is located on an approximate 0.92-acre parcel located on the east side of the terminus of SE Country Club Drive, approximately 1 mile north of the Martin County south boundary. The applicant proposes the tower extension to be camouflaged as a pine tree, consistent with the previous approval, with no changes proposed to the established lease area, ground compound, access, or landscaping.

The Board of County Commissioners approved, with conditions, the development of an 80-foot high wireless telecommunications facility on May 31, 2016 via Resolution Number 16-5.25 (copy attached). Due to the mounting platform, the as-built construction of the tower resulted in a height of 81.2 feet above grade. The current application proposes to add an additional 20 feet to the height to result in a maximum height of 101.2 feet in order to increase the coverage footprint providing a more robust and reliable service.

The Following supporting documents are attached:

Staff Report

Site Plan

Application Material

Resubmittal

Compound Plan

FAA Letter

Emergency Management Letter

Sheriff Letter

4G Resumes

Disclosure of Interest

Sign Verification

The draft resolutions will be submitted by Supplemental Memorandum.

ISSUES:

There are no unresolved issues related to this application.

LEGAL SUFFICIENCY REVIEW:

Because this request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross-examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision based on a correct application of the law and competent substantial evidence in the record.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board receive and file the agenda item and its attachments as exhibit 1.
Move that the Board approve the revised major final site plan for the Kenai Tower.

ALTERNATIVE RECOMMENDATIONS

FISCAL IMPACT:

RECOMMENDATION

The applicant has paid the \$9,127.00 application fee and the \$290.00 completeness fee.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☒ Resolution
☐ Other:

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