

MEMORANDUM

TO: Tom Harmer, Town Manager

FROM: Allen Parsons, AICP,
Director, Planning, Zoning and Building Department

REPORT DATE: February 16, 2022

MEETING DATE: February 28, 2022

SUBJECT: **Special Exception and Site Development Plan Orders -
Freestanding Personal Wireless Service Facilities Use (9
Separate Locations).**

Recommended Action

Approve Site Development Plan Order 2021-05 and Special Exception Extension Order 2021-03.

Background

Verizon Wireless is seeking Special Exception and Site Development Plan approval to provide new Freestanding Personal Wireless Facilities (PWF) in public rights-of-way on the north end of the Town. The proposed installation of nine (9) new PWF poles is intended to improve longstanding deficiencies for Verizon customers, including the Town, wireless communication service reception in this area, which is a Town Commission priority.

The Planning & Zoning Board (P&Z Board) recommended approval (4-1) at their continued¹ public hearing for the Special Exception and Site Development Plan applications on January 15, 2022. In the time between the P&Z Board's initial and continued public hearings, the Town Commission approved² Ordinance 2022-02, which revised the final approval authority for PWF to reflect that the Town Commission will be the final approval authority, following a recommendation from the P&Z Board.

For the continued P&Z Board public hearing, Verizon provided additional information in the form of two letters (Attachment A). The first, dated December 3, 2021, titled, "Special Exception Hearing – Longboat Key SWF 9 Locations" contains supplemental responses to the site selection criteria Verizon utilized, including the following:

¹ The public hearing was continued from the P&Z Board's November 16, 2021 meeting, to the February 15, 2022 meeting, at the request of the Applicant. The Applicant for Verizon Wireless requested a continuance of the public hearing to have the opportunity to further address the concerns and issues that were raised by PZB Board members during the hearing

² Approved on February 7, 2022. Ordinance 2022-02 includes a retroactive provision that makes the Ordinance applicable to all personal wireless service facility development applications filed with the Town on or after October 1, 2021. Accordingly, the changes within Ordinance 2022-02 would apply to the Verizon Special Exception and Site Development Plan Applications that were filed with the Town on October 11, 2021.

1. Responses to the Town's Personal Wireless Services Facility Preferences (per Sec. 158.113(B)), indicating that:
 - a. Co-location in an existing building (the Town's most preferred location) is not feasible because the proposed installations seek to utilize public rights-of-way.
 - b. Co-location on an existing freestanding facility (the Town's second most preferred location) is not possible because there are no other existing freestanding facilities available. The applicant noted that their application would be the first freestanding facilities implementation within the Town.
 - c. Mounting on existing utility poles and/or light fixtures (the Town's third most preferred location) would not be feasible due to the structural capacity that the applicant indicated is needed for their equipment. The applicant stated that other potential utilities poles or lights fixtures would not meet those criteria.
 - d. The Freestanding facilities option was the only viable option for the equipment, locations and design standards needed.
2. The applicant elaborated on the factors that were utilized that resulted in the 9 locations that were chosen, including:
 - a. Engineering parameters that are coordinated with available public right-of-way locations.
 - b. Site visits that include determining locations of other utilities in the public right-of-way.
 - c. Determining ground elevations.
 - d. Evaluating locations for nearby impediments including metal roofing, nearby building heights, materials such as glass in office building(s), density of foliage and whether tree trimming may be necessary.
 - e. Mapping site locations in conjunction with other utilities in the public right-of-way.
 - f. Detailed mapping of locations and potential obstacles such as fire hydrants, driveways, handicapped ramps, and clear zone requirements.
 - g. Field verifications and surveying of property lines and existing utilities.
3. The applicant also provided criteria used to ensure that structural requirements for their proposed Personal Wireless Facilities are met, including:
 - a. Manufacturer's specifications for the length, size, strength and thickness of the freestanding poles.
 - b. Manufacturer's specifications for ancillary equipment placed upon the freestanding poles.
 - c. Geotechnical analysis of the soils at proposed locations.
 - d. Meeting Florida Building Code requirements including hurricane wind speeds.

A second letter, dated December 16, 2021, from Darwin Feliz (Radio Frequency Engineer), provided an additional statement regarding the factors involved in their study that resulted in the nine proposed locations. The summary conclusions indicated that: 1) efforts were taken to minimize the number of facilities that would be needed; and 2)

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“changes made to the current design will result in additional nodes or coverage gaps that are not ideal for emergency services or the network as a whole.”

The location of the nine (9) PWF poles did not change between the P&Z Board’s initial and continued public hearings.

To supplement the record and further address some of the questions that arose during the PZB’s initial deliberations, staff included the following background information:

- The Town Commission has received numerous complaints and concerns from the Town’s residents that the Town-wide wireless cellular service coverage is inadequate and needs significant improvements.
- The Town adopted a Policy (Comprehensive Plan, Future Land Use Policy 1.6.4) that encourages the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics, and neighborhood compatibility.
- Among the Town Commission’s current Strategic Plan Initiatives, the Priority to “Ensure/Convince the cellular carriers to enhance their coverage on the island” is one of the seven Top Commission Priorities.
- The Town has invited the three major wireless carriers to open discussions about their interest in enhancing coverage within the Town. Verizon and AT&T have expressed the most interest, with Verizon seeking Special Exception and Site Development Plan approval.
- The Town’s Utilities Undergrounding project will underground all electric and cable infrastructure, along with the installation of new “smart capable” light poles and a fiber conduit island-wide. This, however, does not include installation of cellular/wireless facilities. It is the providers that have to activate and enhance a cellular network. The Town’s street light pole and conduit infrastructure alone cannot accomplish that.
- The Underground effort will result in the removal of approximately 300 Florida Power & Light poles, many of which are 45+ feet tall. The Town will be installing 41 street lights (35 feet tall) along the west side of Gulf of Mexico Drive. Street lights within neighborhoods will be a maximum of 25 feet tall. All street lights will have a black metallic finish.
- The Town’s Utilities Undergrounding project, “smart capable” street light poles and fiber conduits can be used by a prospective provider at a cost. However, the infrastructure has to match the needs and desires of the provider (including structural requirements, locations, cost, etc.).
- The Town cannot force the providers to use the Town’s infrastructure as this is against Federal law, nor can the Town define locations for providers.
- Macro towers (i.e. large-scale lattice, guyed or monopole towers) are not allowed in the Town. Opportunities to site such towers were removed from the Town Code via Ordinance 2013-18.
- The Town utilizes Verizon for Emergency Services communications including, electronic patient care reporting, fire prevention (pre-planning of buildings), computer aided dispatch and cellular communications with hospitals as a back-up

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to radio communications. Verizon was chosen after testing 3 other carriers and it was determined that it provided the most reliable service across the island. However, due to coverage limitations the Town has had to purchase specialized equipment (booster and special antennae) for emergency vehicles to assist with coverage in poor reception locations.

- An increasing percentage of 911 calls are from persons with cellular phones. The most recent data, from 2021, indicates over 80% of 911 calls in the Town are from cellular phones.
- Being able to reliably contact emergency responders by cellular phone is a critical service provision the Town seeks to enhance. For example, if a resident or visitor that is walking, riding a bike, or in a structure that does not have access to a landline and they become distressed, injured or have a medical condition, enhancing cellular coverage can be a matter of life or death.

Applications Summary

As noted above, this request (see Attachment D) seeks Special Exception and Site Development Plan approval to allow nine (9) individual locations for PWF in various rights-of-way (ROW) locations in the northern portion of the Town. These facilities would be Verizon-owned, freestanding wireless communication poles that would not include street lighting.

Two (2) locations are proposed to be located within residential neighborhoods, in Town ROW, with one located near the Broadway Street/Lois Avenue intersection, and the other located within the ROW along Binnacle Point Drive. The remaining seven (7) locations are proposed to be located along the western side of the Gulf of Mexico Drive ROW (see applicant's sheet M-1, aerial map depicting all locations).

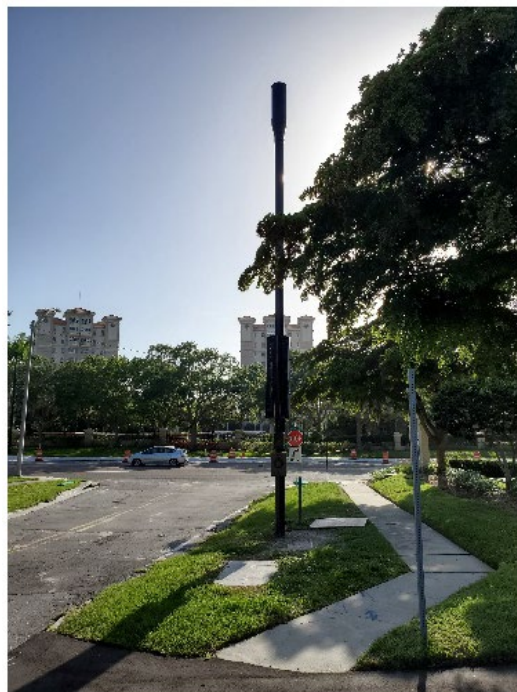
The Zoning Code establishes a hierarchy of PWF preferences. This below hierarchy ranks these facilities 1 through 4, with (1) being the most preferred and (4) being the least preferred. The more preferred facilities do not require public hearing approvals and are subject to fewer restrictions. The Applicant proposes to utilize Option 4 and has outlined in their Application their inability to utilize the below Options 1 thru 3. Note: Freestanding large-scale (aka Macro) Wireless Service Towers are not permissible in the Town of Longboat Key.

- 1) *An antenna located on or in an existing building, whether or not a co-location. (see subsections 158.114(A)(2), (3) and (5)).*
- 2) *The co-location of an antenna on an existing freestanding facility (see subsection 158.114(A)(4)).*
- 3) *Facilities primarily mounted on existing utility poles and/or light fixtures, such as DAS or similar applications (see subsection 158.114(B)).*
- 4) ***Freestanding facilities (see subsection 158.114(C)).***

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Town Code Section 158.114, *Personal wireless service facility development standards*, contains the requirements for deploying PWF, including standards for those facilities that do not include lighting fixtures, as is proposed by this application. These standards include maximum heights, spacing between poles, and requires that such facilities utilize identical, or “substantially similar³”, equipment to the lighting facilities being deployed by the Town as part of the Utilities Undergrounding project.

As provided by the Applicant, the PWF’s will be all-black in color, matching the exterior appearance, color and design of the lighting facilities currently being deployed by the Town, and matching the graphic example of “*Acceptable Freestanding Facilities*” contained within Section 158.114(C), Graphic D (below).



Additionally, the PWF will be consistent with Town Code with respect to height, with the facility heights limited to 35 feet within the Gulf of Mexico Drive ROW, and 25 feet within other Town ROW’s. Spacing will also meet requirements of being no closer than 60 feet from adjacent lighting deployed by the Town or another freestanding personal wireless service pole (Note: Recently amended as part of Ordinance 2021-16.).

The Site Development Plans include details of each individual facility location as well as proposed equipment and elevation plans for the facilities depicting the height, antenna, and infrastructure equipment details. Requirements for these facilities include the identification of a fall-zone radius. Application materials indicate that all locations will

³ Substantially similar means that the facility is alike in style, color, and exterior appearance to the street lighting currently being deployed by the Town.

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utilize black metal poles, with a concrete caisson, buried up to ten feet. The proposed poles are not designed with a collapse point or fall radius, as the caisson will act as an anchor and each pole will meet hurricane code requirements of the Florida Building Code (i.e. able to withstand 150 mile per hour winds).

The Applicant has provided a structural analysis report demonstrating that the facilities will meet the wind load requirements of the Florida Building Code, and documentation that the proposed facilities will be in compliance with Federal Communications Commission (FCC) guidelines and requirements.

Regarding the number and location of the proposed facilities, the Applicant explains that the proposed locations were selected to enhance existing coverage, including for emergency services. The applicant further explained that each location was determined based on the interdependency of each individual location achieving an enhancement to their overall coverage objectives. The applicant indicates that without the facilities in the proposed locations, the wireless network for the Town would be challenged to meet enhanced emergency services coverage objectives, without having to add pole locations.

Staff Assessment

Per Town Code Section 158.19(A), before any Special Exception is granted, the Town Commission is required to make its decision based, in part, on the below findings, where applicable. A number of the criteria are not applicable as this infrastructure is different from more typical buildings and their associated uses that are approved by Special Exception.

To facilitate consideration by the Town Commission, the following findings (bold) and analysis have been prepared by staff for your review and consideration (these findings have also been incorporated into Special Exception Order 2021-03, as recommended by the P&Z Board):

- a) **The proposed use is in compliance with all elements of the Comprehensive Plan.** The proposed use may be found to be consistent with all elements of the Comprehensive Plan including specifically Policy 1.6.4 of the Town Future Land Use Element: *“Because adequate Town-wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by State and Federal law.”*
- b) **The proposed use is a permitted Special Exception use as set forth in the schedule of use regulations.** Free standing Wireless Facilities are a Special Exception use allowed in all Zoning Districts.
- c) **Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe is provided.** This criterion is not applicable.
- d) **Off-street parking and loading areas.** This criterion is not applicable.
- e) **Refuse and service areas.** This criterion is not applicable.

- f) **Utilities, with reference to locations, availability and compatibility.** This criterion is not applicable.
- g) **Screening and buffering with reference to type, dimensions and character.** This criterion is not applicable.
- h) **Signs and exterior lighting.** This criterion is not applicable.
- i) **Required yards and other open space.** This criterion is not applicable. **The proposed use conforms with all applicable regulations governing the districts where located.** The proposed use meets all applicable regulations.
- j) Considerations relating to general compatibility with adjacent properties and other property in the district, including but not being limited to:
 - a. **Whether the proposed use would be contrary to the land use plan and would have an adverse effect on the Comprehensive Plan.** As a permitted Special Exception, the proposed use will not be contrary to the land use plan and will not have an adverse effect on the Comprehensive Plan.
 - b. **Whether the proposed use would be compatible with the established land use pattern.** The Town has established standards for these types of facilities to match Town facilities in style, color, and exterior appearance of other similar infrastructure which is being installed as part of the Town's Undergrounding effort.
 - c. **Whether the proposed use would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities and streets.** The proposed use will not alter the population density pattern nor overtax related public facilities because the use is infrastructure similar to street lights and utility poles that generally serve uses that can alter the population density pattern.
 - d. **Whether changed or changing conditions find the proposed use to be advantageous to the community and the neighborhood.** The proposed use will provide improved wireless communication coverage resulting in enhanced public safety and emergency services, along with the potential for economic improvements associated with enhanced communications to the benefit of the neighborhoods and community.
 - e. **Whether the proposed use would adversely influence living conditions in the neighborhood.** The proposed use will not adversely influence the area living conditions, and can enhance access to public safety and emergency services. Similar or larger utility infrastructure in terms of design, size and location, currently exists and is being installed in public ROW's by the Town as part the Utilities Undergrounding project.
 - f. **Whether the proposed use would create or excessively increase traffic congestion or otherwise affect public safety.** The proposed use will not increase traffic and can be enhancement to public safety and emergency services safety for both the applicant's customers and the Town's emergency responders.
 - g. **Whether the proposed use would create a drainage problem.** Through the Building Permitting Review process, the proposed sites for Small Wireless Facilities will comply with the drainage regulations of the Town.
 - h. **Whether the proposed use would seriously reduce the flows of light and air to adjacent areas.** The proposed use will not reduce the flows of light and air to adjacent areas. Heights of the proposed facilities meet Town standards

and are lower than many existing power poles, which are being removed as part of the Town's Utilities Undergrounding project.

- i. **Whether the proposed use would adversely affect property values in the adjacent area.** While staff cannot assess impacts to property values like an appraiser, staff is of the opinion that the improvement of the wireless network within the Town can be found to have a positive impact on the community by providing enhanced communication and public safety. In addition, existing power poles and lighting poles of similar or taller scale, with no regulations addressing aesthetic controls, have not appeared to have negatively impacted property values.
- j. **Whether the proposed use would be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.** The proposed wireless facilities would not be a deterrent to the improvement or development of adjacent properties in accordance with existing regulations but would provide enhanced communication, public safety and emergency services safety. As noted above, existing power poles and lighting poles of similar or taller scale, with no regulations addressing aesthetic controls, have not appeared to have been a deterrent to property improvements.
- k. **Whether the proposed use would be out of scale with the needs of the neighborhood or the Town.** The wireless improvements are commensurate with the scale of the Town lighting infrastructure and meet the applicable height and ancillary equipment dimensions in the Town Code.

Per Town Code Section 158.114(C)(2), the Town Commission shall consider and evaluate the following application criteria (**in bold**), with the intent of balancing the reasonable allowance of a freestanding facility to provide personal wireless service in an area with the protection of the aesthetics of the area from adverse visual impacts. To facilitate consideration, the following conclusions have been prepared by staff for your review:

- (a) **The name of the applicant(s) and whether each applicant is an individual, partnership, limited partnership, limited liability corporation, professional corporation, professional association, governmental entity, or some other type of legal group or association;** This information is provided on the applications.
- (b) **A complete and accurate description of the proposed freestanding facility, including where necessary, a scale drawing or model of the proposed freestanding facility;** Descriptions are included in the Site Development Plans.
- (c) **If applicable, documentation of any contract, license, lease, letter of understanding, agreement in principle, or other type of agreement with a personal wireless service provider for use of the freestanding facility and a summary of the agreement or arrangement;** Not applicable, the facilities will be owned by Verizon.
- (d) **The proposed location of the freestanding facility together with both a legal description of the location, and a map in sufficient detail to indicate the location with precision;** This information is provided on the Site Development Plans submitted.

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- (e) **Proof that the property owner, if different from applicant, authorizes the installation of the facilities;** Not applicable, the facilities will be located within FDOT and Town ROW.
- (f) **The zoning/land use designation for the proposed freestanding facility;** Not applicable, the facilities will be located within FDOT and Town ROW.
- (g) **The height of the proposed freestanding facility;** 35 feet and 25 feet within FDOT and Town ROW's respectively.
- (h) **The projected collapse zone certification that in the event of fall or collapse of the freestanding facility, said freestanding facility would not damage or negatively impact the real or personal property of the surrounding property owners;** The Site Development plans provide the fall-zone radius, however, all installations have been designed with a concrete caisson buried up to ten feet. The poles therefore are not designed with a collapse point or fall radius, as the caisson design will act as an anchor and each of the poles will meet hurricane wind-load requirements of the Florida Building Code.
- (i) **A detailed plan for landscaping any ancillary ground equipment, in such a manner that the landscaping will shield the equipment from the view of adjoining parcels and public rights-of-way, noting that the landscaping shall be native, xeriscape plants only;** The Freestanding Personal Wireless facilities are self-contained, no landscaping or maintenance is required.
- (j) **A detailed preventive maintenance program that meets minimum maintenance program standards for which the applicant is to remain solely responsible. The town will not be responsible for monitoring the maintenance program;** The Freestanding Personal Wireless facilities are self-contained, no landscaping or maintenance is required.
- (k) **Certification that the proposed equipment will comply with applicable Federal Aviation Administration requirements under 14 C.F.R. § 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use;** Filing with the FAA for these height facilities is not required due to their limited height. An FCC letter of compliance is provided.
- (l) **The estimated completion date for the location or construction or modification of each of the freestanding facilities and any ancillary equipment;** Completion has been indicated to be within 9 months following approval of all permitting.
- (m) **The identity and location of any land-line backhaul network to each freestanding facility location, if applicable;** Fiber to the site will be done in a separate permit.
- (n) **Whether the applicant, within a two-mile radius of the proposed location, has ever had any permit (or similar or equivalent authorization) revoked, rescinded, canceled or terminated which authorized the placement, construction, or modification of personal wireless service facilities, and, if so, what were the reasons surrounding such revocation;** Within a two-mile radius of the proposed locations, the Applicant has not had any permit (or similar or equivalent authorization) revoked, rescinded, canceled or

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terminated which authorized the placement, construction, or modification of personal wireless service facilities.

- (o) **The proposed equipment shall not interfere with or obstruct public safety telecommunications facilities in accordance with the applicable rules of the Federal Communications Commission; and** A letter of FCC compliance is provided.
- (p) **All applicable provisions of this Zoning Code and the Florida Building Code shall be met.** Applicant acknowledges that all plans for SWF's will meet or exceed applicable Codes.

Per Town Code Section 158.114(C)((3), the Town Commission shall also consider and evaluate the following criteria (**in bold**), with the intent of balancing the reasonable allowance of a freestanding facility to provide personal wireless service in the area with the protection of the aesthetics of the area from adverse visual impacts. To facilitate consideration, assessments have been prepared by staff for your review and consideration:

- a) **The proposed location of the freestanding facility, including the zoning/land use designation of the site and abutting properties;** The locations are within the FDOT and Town ROW's and are depicted on the Site Development Plans.
- b) **The proposed height of the freestanding facility;** 35 feet and 25 feet within FDOT and Town ROW's respectively.
- c) **The number and location of freestanding facilities and structures, see 158.113(D);** 9 (nine) locations are proposed. According to the applicant, each location has an interdependency and is dependent on each of the other locations for the carrier's priority and coverage objectives. According to the applicant, without these highest priority locations, the network would be challenged to meet the emergency services requirements. Staff is not qualified to provide an assessment of these proprietary interdependencies.
- d) **The distance of the proposed freestanding facility to the nearest single-family residence measured from the freestanding facility to the boundary of the nearest single-family residence;** Distances vary and are provided in the Site Development Plans. Subject site locations are in public ROW's and are similarly situated as other existing and proposed utilities within these ROW's.
- e) **The proposed aesthetics of the freestanding facility and whether it visually blends in with surrounding buildings, structures and existing vegetation;** The Town has established standards for these facilities to match Town facilities in style, color, and exterior appearance. The proposed facilities will match similar infrastructure currently being installed by the Town as part of the Utilities Undergrounding project.
- f) **The potential impacts on property values of nearby or surrounding single-family properties.** While staff cannot assess impacts to property values like an appraiser, staff is of the opinion that the improvement of the wireless network within the Town can be found to have a positive impact on the community by providing enhanced communication and public safety. In addition, existing power poles and lighting poles of similar or taller scale, with no regulations addressing aesthetic controls, have not appeared to have negatively impacted property values.

STAFF RECOMMENDATION

Based upon the above assessment, staff recommends APPROVAL of Special Exception Order #2021-03, with the standard conditions and including the following condition: 1)

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The Special Exception is granted for Personal Wireless Service Freestanding Facilities use.

Site Development Plan Performance Standards Summary

Site Character

The Site Development Plans include details of each individual facility location as well as location, equipment and elevation plans for the facilities. As all of these facilities will be located within public ROW, the general requirements for parking, landscaping, open space, and lot coverage are not applicable. The Applicant has provided a structural analysis report demonstrating that the facilities will meet the wind load requirements of the Building Code, and information that the facilities will be in compliance with Federal Communications Commission (FCC) guidelines and requirements.

Appearance of structures

Exterior Appearance: As provided by the Applicant, the Freestanding Personal Wireless facilities will be all black in color, matching the exterior appearance, color, and design of the lighting facilities deployed by the Town, and matching a graphic example of acceptable freestanding facilities contained within Section 158.114(C) of the Zoning Code.

Design and Arrangement of Structures: The height and spacing will be consistent with Town Code, with the height limited to 35 feet within the Gulf of Mexico Drive ROW, and a height maximum of 25 feet within other Town ROW areas, and spacing no closer than 60 feet from adjacent lighting deployed by the Town or another free standing personal wireless service pole. The applicant indicates that the proposed locations are of the highest priority for emergency services. The applicant indicates that each location has an interdependency and is dependent on the other locations for its highest priority and coverage objectives. Without these highest priority locations, the applicant indicates that the wireless network for the Town would be challenged to meet the emergency services requirements.

Site Development Plan Analysis

Zoning Code Section 158.031 provides review standards for Site Development Plan applications. The following is an analysis of the Findings of Fact standards for Site Development Plan Amendment approval (these findings have been incorporated into Site Development Plan Order 2021-05).

Findings of Fact

- A. *In what respects the plan is, or is not, consistent with the Comprehensive Plan and the purpose and intent of the Zoning District in which it is located.*

Staff Analysis: See Comprehensive Plan Evaluation on page 13-14 of the Staff Report.

- B. *In what respects the plan is or is not in conformance with all applicable regulations of the Zoning District in which it is located.*

Staff Analysis: The proposed facilities are permissible within all Zoning Districts, provided the standards of the Zoning Code, Section 158.114, Personal Wireless Service Facility Development Standards are adhered to. Staff is of the opinion that the criteria of Section 158.114 are satisfied by this application.

- C. *In what respects the plan is, or is not, in conformance with the Town's subdivision regulations, Chapter 157, and all other applicable Town requirements, including the design, adequacy and construction of streets, drainage, utility facilities and other essential services.*

Staff Analysis: The Applicant is not proposing to subdivide the property, and thus is not subject to requirements of chapter 157.

- D. *In what respects the plan is, or is not, consistent with good design standards in respect to all external relationships, including, but not limited to, relationship to adjoining properties; internal circulation, both vehicular and pedestrian; disposition and use of open space, provision of screening and buffering, and preservation of existing natural features, including trees; size and apparent bulk of structures; and building arrangements both between buildings in the proposed development and those adjoining the site.*

Staff Analysis: The facilities will be in compliance with design standards required by the Town as outlined in Section 158.114. The facilities will be all black in color, matching the exterior appearance, color, and design of the lighting facilities deployed by the Town. The height will be consistent with Town Code, with the height limited to 35 feet within the Gulf of Mexico Drive ROW, and a height maximum of 25 feet within Town ROW areas and will meet spacing requirements. The facilities are similar to other public utilities infrastructure in terms of location and function that are being installed in ROWs throughout the Town.

- E. *In what respects the plan is, or is not, in conformance with Town policy in respect to sufficiency of ownership, guarantees for completion of all required improvements, and, if private, the guarantees for continued maintenance.*

Staff Analysis: The proposed plan is in conformance with Town policy in respect to sufficiency of ownership and guarantees for completion of all improvements. The Applicant has submitted sufficient information to meet these criteria.

Site Development Plan Amendment Staff Recommendation

Based upon Staff's analysis, the project meets the standards of **Approval**. Staff recommends Approval of Site Plan Order #2021-05, with standard conditions, and including the following:

7. As-built surveys shall be required prior to building permit final.
8. Final locations of the nine (9) Personal Wireless Service Freestanding Facilities within the right of way may vary based upon field and right of way

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conditions as needed to accommodate construction. Final locations shall be no greater than a ten (10) feet radius from the nine (9) designated locations specifically referenced in the chart set forth in this Site Development Order.

Comprehensive Plan Evaluation

The project has been evaluated to ensure that the application is consistent with the Comprehensive Plan, Site Development Plan review criteria set forth in Section 158.031(A). The following Comprehensive Plan Element has been evaluated for consistency with the proposed project:

Future Land Use (FLU) Element

1	Comprehensive Plan, Goal, Objective and Policy	Staff Evaluation
	FLU Policy 1.6.4: Because adequate Town-wide wireless communication infrastructure is important to safety and the continued economic and social vitality of Town life, the Town will encourage the location of such infrastructure in suitable areas, consistent with criteria that include safety, aesthetics and neighborhood compatibility and as provided by state and federal law.	The proposed freestanding wireless facilities will enhance the wireless network for Emergency Services and all residents and visitors within the Town of Longboat Key and will be consistent with the aesthetics and criteria established by the land development regulations of the Town.

Summary of Staff Recommendations

The Applicant has demonstrated compliance with the Personal Wireless Service Facility Development Standards of Town Code. These standards include height, spacing, ancillary equipment, and that facilities utilize identical equipment or substantially similar equipment to the lighting facilities deployed by the Town. As provided by the Applicant, the proposed Freestanding Personal Wireless Facilities will be all black in color, matching the exterior appearance, color and design of the lighting facilities deployed by the Town, which have been found to be compatible with adjacent properties within the Town. The proposed facilities also match the graphic example of “*Acceptable Freestanding Facilities*” contained within Section 158.114(C), Graphic D of Town Code. Height and spacing will be consistent with Town Code with the facility heights limited to 35 feet within the Gulf of Mexico Drive ROW, and 25 feet within the other two Town ROW’s. Spacing will also meet requirements of being no closer than 60 feet from adjacent lighting deployed by the Town or another freestanding personal wireless service pole.

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Based on Staff's analysis of Verizon Wireless Site Development Plan and Special Exception criteria, the project meets the standards of approval. Staff recommends **Approval** of both Site Development Plan Order 2021-05 and Special Exception Order 2021-03.

The P&Z Board recommended approval (4-1) of both Orders at their February 15, 2022 public hearing.

Recommended Action

Approve Site Development Plan Order 2021-05 and Special Exception Extension Order 2021-03.

Attachments

- A. Site Development Plan Order (Available in Town Clerk's Office)
- B. Special Exception Order (Available in Town Clerk's Office)
- C. Town Attorney Memorandum Re: Applicable Laws Governing Small Cell Wireless Facilities within the Town, April 5, 2019 (Available in Town Clerk's Office)
- D. Application Materials, including Supplemental Applicant Materials Received on December 3, 2021 and December 16, 2021 (Available in Town Clerk's Office)
- E. PowerPoint Presentation (Available in Town Clerk's Office)

cc: Shane Thorson, Agent
Maggie Mooney-Portale, Town Attorney

End of Agenda Item