
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Appeal of the Board of Adjustment decision to overturn the decision of the Planning Manager regarding a camouflage communication tower determination in the PUD (Planned Unit Development) zoning district

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord

CONTACT: Tina Williamson

EXT: 7375

MOTION/RECOMMENDATION:

1. REVERSE the Board of Adjustment decision to overturn the decision of the Planning Manager regarding denial of a camouflage communication tower determination in the PUD (Planned Unit Development) zoning district; or
2. UPHOLD the Board of Adjustment decision to overturn the decision of the Planning Manager regarding denial of a camouflage communication tower determination in the PUD (Planned Unit Development) zoning district; or
3. CONTINUE the item to a time and date certain.

District 1 Bob Dallari

Tina Williamson

BACKGROUND:

On April 12, 2007, the Planning Manager denied an application by TBCOM Properties, LLC for a 120' monopole communication tower that would fly an American flag. The application was for a determination that the proposed tower met the definition of "Camouflage" communication tower, per the Seminole County Land Development Code (SCLDC). The tower is proposed in Parcel 202 of the Carillon PUD, which allows C-1 (Retail Commercial) district uses. Communication towers that meet the camouflage criteria according to a determination made by the Planning Manager are a permitted use within the C-1 zoning district. Non-camouflage communication towers require special exception approval by the Board of Adjustment. The property was previously used as a Winn-Dixie grocery store, however the store is closed and the building is vacant.

SCLDC Section 30.1371 states that Camouflage communication towers may be permitted by the Planning Manager on any parcels which is not assigned a residential zoning classification provided that the Planning Manager makes the findings set forth in the definition of the term "camouflage communication tower."

The definition of "camouflage communication tower" as stated in the SCLDC is:

A tower designed to merge and blend into and conform in appearance with existing surroundings. An example of a camouflage communication tower would be a tower that is constructed in the form and shape of a tree in order to appear to be part of a forested area or a tower constructed to appear to be or to actually be a component of a bell tower or to be or

appear to be a component of a church steeple in order for the tower to be or appear to be part of these more aesthetically pleasing structures. Other examples of a camouflage communication tower would be signs, light poles, utility poles and roof fascias. The determination as to whether a tower is a camouflage tower shall be made by the Planning Manager based upon the following standards:

- (1) The tower must blend into the existing surroundings of the tower and stay in character with the general area in which it would be located; and
- (2) The tower must not appear unique, unusual or out of place; and
- (3) A reasonable person with normal observational faculties and intelligence would not perceive the structure as a tower; and
- (4) The camouflage technique used must not have negative impacts on the general area in which it would be located; and
- (5) The applicant for the tower must provide reasonable and binding assurances that the camouflage technique used will be maintained and that the camouflage condition of the tower will be maintained.

The Planning Manager evaluated the proposed 120' tower and determined that it did not meet the definition of "camouflage" as required by the SCLDC, based on the following findings:

- a) The proposed location is adjacent to a wetland conservation area. A 120-foot flagpole would not blend in with, and would not be in character with a wetland conservation area;
- b) Flagpoles are usually located in close association with the front of a building (school, post office, church, etc.), so that they appear to be integrated into and a part of the site. The proposed tower is located on the outskirts of the parking area, approximately 300' from the building, next to a conservation area. A 120-foot flagpole in this location would not blend in with the existing surroundings;
- c) This use would appear to be unusual and out of place on a grocery store property because there is no contextual relationship between a grocery store and a 120' flag pole;
- d) The height and design of the proposed tower and its incompatibility with the proposed location would also make it appear so out of place that it may result in the proposed tower being perceived by a reasonable person as a tower, and not as a flagpole.

On May 4, 2007, TBCOM Properties, LLC filed an application to appeal the decision of the Planning Manager to the Board of Adjustment.

BOARD OF ADJUSTMENT ACTION:

On August 27, 2007, the Board of Adjustment voted 4 to 1 to overturn the decision of the Planning Manager and approve the tower as a "camouflage" communication tower.

BOARD OF COUNTY COMMISSIONERS ACTION:

At their August 28, 2007 meeting, the Board of County Commissioners voted 5 to 0 to bring forth this item at a public hearing to be held on September 25, 2007, per Section 1.12 of the Seminole County Land Development Code.

STAFF RECOMMENDATION:

Staff recommends the Board reverse the Board of Adjustment decision to overturn the decision of the Planning Manager regarding denial of a camouflage communication tower determination in the PUD (Planned Unit Development) zoning district.

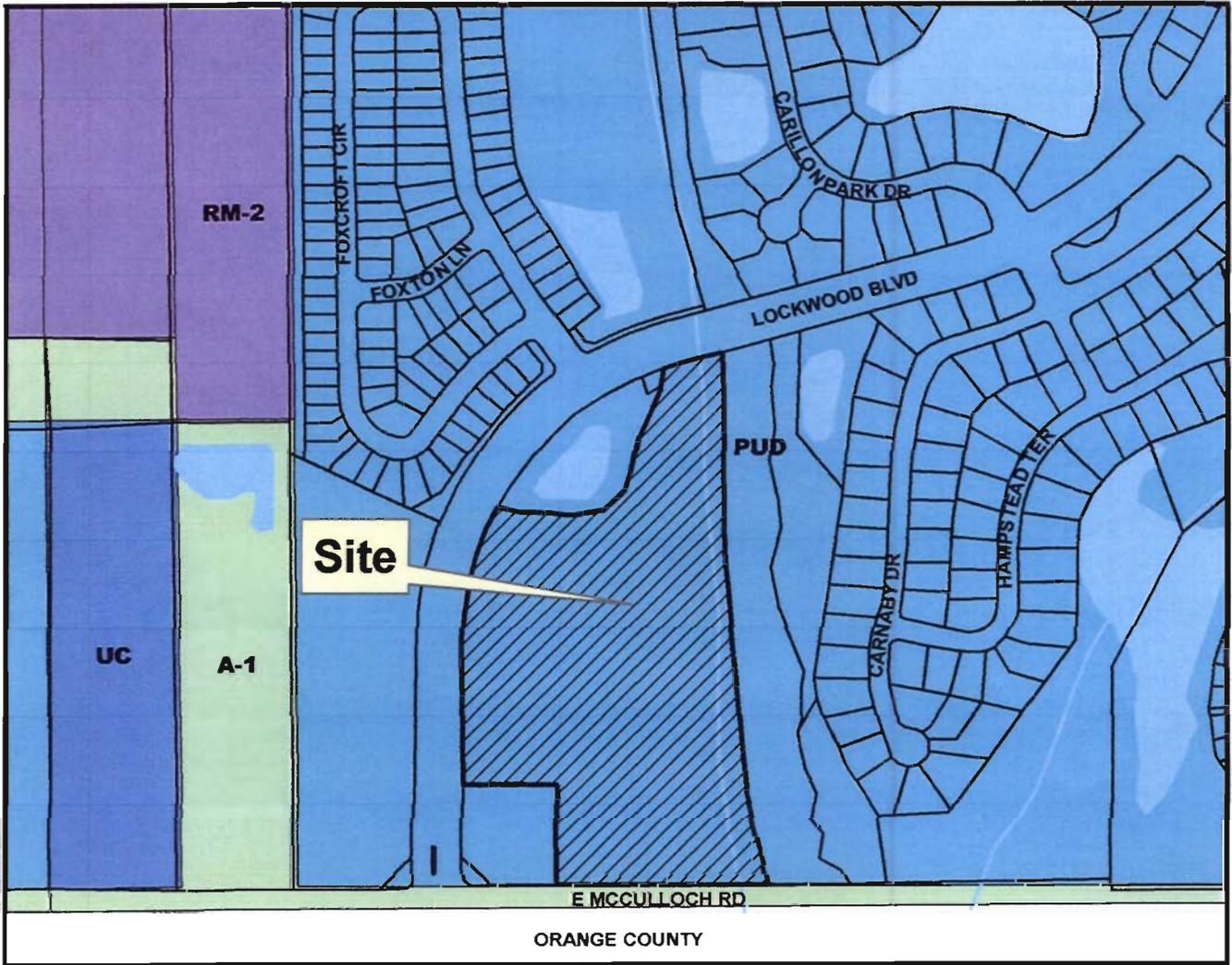
ATTACHMENTS:

1. Maps and Aerials
2. Maps and Aerials
3. Reduced Copy of Site Plan
4. BOA Appeal Application Package
5. BOA Meeting Minutes

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

TBCOM Properties, LLC.
c/o Tim O'Shaughnessy
1680 McCulloch Road
Oviedo, Florida 32765



Seminole County Board of Adjustment
August 27, 2007
Case: BA2007-01 (Map 3213, Grid C7)
Parcel No: 35-21-31-512-0000-0020

Zoning

-  BA2007-01
-  A-1
-  RM-2
-  PUD
-  UC





TBCOM PROPERTIES
TB-172/UCF
PROPOSED 120' FLAGPOLE TOWER
LOCKWOOD BLVD & E MCCULLOUGH RD
OVIEDO, SEMINOLE COUNTY, FL



Foresite Group, Inc.
231 N. Kentucky Ave.
Suite 2
Lakeland, FL 33801

o | 863.603.4044
f | 863.603.4645

www.foresitegroup.com
FL CA 28113

ADRIAN D. ROZEN

FLORIDA LICENSED PROFESSIONAL ENGINEER
No. 37920

I HEREBY CERTIFY THAT THIS DRAWING WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF FLORIDA PURSUANT TO SECTION 461, FLORIDA STATUTES. I AM NOT PROVIDING ANY PROFESSIONAL ENGINEERING SERVICES TO ANY OTHER PARTY AND I AM NOT PROVIDING ANY PROFESSIONAL ENGINEERING SERVICES TO ANY OTHER PARTY AND I AM NOT PROVIDING ANY PROFESSIONAL ENGINEERING SERVICES TO ANY OTHER PARTY.

NO.	DATE	DESCRIPTION

PREPARED FOR:
TBCOM Properties, LLC

CONCRETE JOB NUMBER
067.019

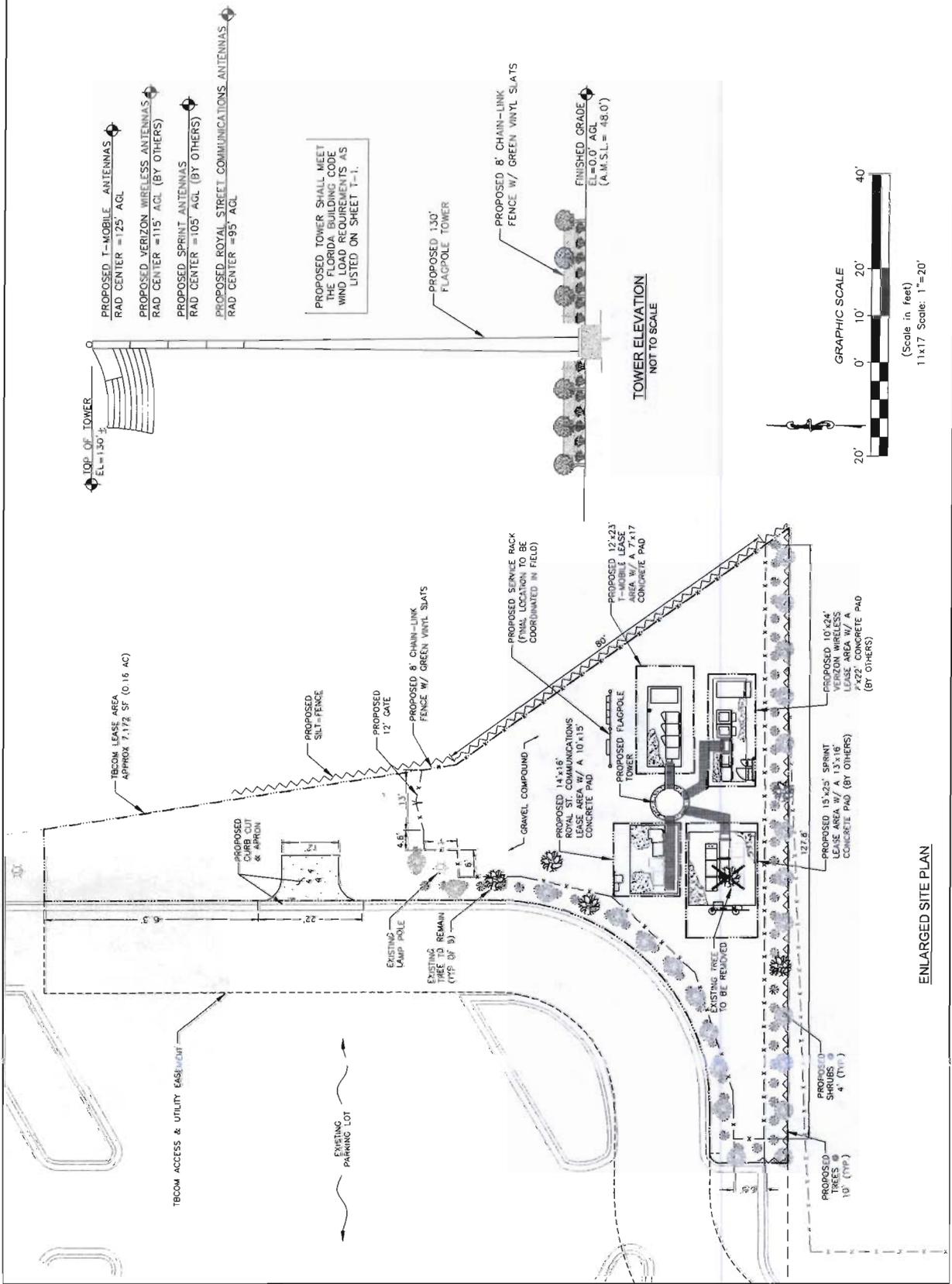
ISSUED FOR: SITE PLAN REVIEW
DESIGNED BY: AIR
CHECKED BY: AIR
APPROVED BY: AIR
DATE: AUGUST 2006

PROJECT NAME
UCF
TB-172

SHEET TITLE
ENLARGED SITE PLAN

AND TOWER ELEVATION

DRAWING NUMBER
Z-2



PROPOSED TOWER SHALL MEET THE FLORIDA BUILDING CODE WIND LOAD REQUIREMENTS AS LISTED ON SHEET T-1.

ENLARGED SITE PLAN

Fee: \$185.00

RECEIVED MAY 04 2007

Application # BA 2007-01
Meeting Date Aug. 27, 2007



**APPLICATION FOR AN
APPEAL FROM DECISION OF
THE PLANNING MANAGER
SEMINOLE COUNTY PLANNING DIVISION**
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT

Name: TBCOM PROPERTIES, LLC, CONTACT: MR. TIM O'SHAUGHNESSY

Address: 1133 LOUISIANA AVENUE, SUITE 114 City: WINTER PARK Zip code: 32789

Project Address: 1680 McCULLOCH ROAD City: OVIEDO Zip code: 32789

Contact number(s): (407) 622-1077

Email address: toshaughnessy@comsoeast.com

Parcel ID number: 35-21-31-512-0000-0020

Is the property available for inspection without an appointment? Yes No

A letter stating the basis of the appeal from the Planning Manager's Decision is required.

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the application and submittal checklist are provided to the planning division.

Signed: Z. O. Oslawski

FOR OFFICE USE ONLY

Date Submitted: <u>05-04-07</u>	Reviewed By: <u>P. Johnson</u>
Tax parcel number: <u>35-21-31-512-0000-0020</u>	Zoning/FLU <u>PUD / PD</u>
<input checked="" type="checkbox"/> Application Fee	
<input type="checkbox"/> Application and checklist complete	
Notes: _____	

SUBMITTAL CHECKLIST (submittal requirements vary based upon the decision being appealed)

Please return this checklist with your application!

<p>After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.</p>	
	1. Completed application along with a letter stating the basis of the appeal from the Planning Manager's decision.
	2. Provide a legible 8 ½ x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drainfield and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house <u>or</u> addition (Label existing, label proposed, and include square footage and dimensions of each)
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities (ex: water, sewer, well or septic)
	3. Attach additional information and supporting documents.

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record; or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I AHG Group, LLC, the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s) _____
1680 McCULLOCH RD Winn Dixie CARILLON - Lockwood RD
PARCEL I.D # 35-21-31-512-0000-0020

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map
(circle one or more) from _____ to _____ and affirm that _____
_____ is hereby designated to act as my / our authorized agent and to file the
attached application for the stated amendment and make binding statements and commitments regarding the
amendment request.

Owner's Signature

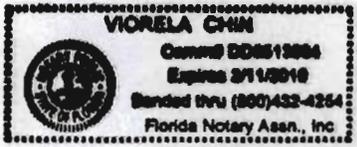
I certify that I have examined the application and that all statements and diagrams submitted are true and
accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become
part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 20 day of JUNE 2007.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to
take acknowledgments, personally appeared ALAN GINSBURG, who is personally known to me or
who has produced _____ has identification and who executed the foregoing instrument and sworn
an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 20 day of
JUNE, 2007

Notary Public in and for the County and State
Aforementioned
My Commission Expires: _____



<p>PARCEL DETAIL</p> <p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL.</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																														
<p align="center">GENERAL</p> <p>Parcel Id: 35-21-31-512-0000-0020 Owner: AHG GROUP LLC Mailing Address: 1551 SANDSPUR RD City,State,ZipCode: MAITLAND FL 32751 Property Address: 1680 MCCULLOCH RD Facility Name: WINN DIXIE CARILLON-LOCKWOOD RD Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 16-RETAIL CENTER-ANCHOR</p>		<p>2007 WORKING VALUE SUMMARY</p> <p>Value Method: Income Number of Buildings: 1 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$0 Land Value Ag: \$0 Just/Market Value: \$4,181,054 * Assessed Value (SOH): \$4,181,054 * Exempt Value: \$0 Taxable Value: \$4,181,054 Tax Estimator (* Income Approach used.)</p>																																																												
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COMMERCIAL CONCRETE DR 4 IN	2000	18,224	\$32,024	\$38,817
IRON FENCE	2000	595	\$2,454	\$2,975
BLOCK WALL	2000	2,380	\$5,891	\$7,140
POLE LIGHT STEEL 1 ARM	2000	9	\$8,676	\$8,676
POLE LIGHT STEEL 4 ARM	2000	15	\$84,495	\$84,495

NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.

*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

May 4, 2007

VIA HAND DELIVERYCLIENT/MATTER NUMBER
034209-0110Board of Adjustment
Seminole County Planning and Development
County Services Building, Room 2000
1101 East First Street
Sanford, Florida 32771**Re: Appeal from the Decision of the Planning Manager**

To Whom it May Concern at the Board of Adjustment:

On April 12, 2007, Tina Williamson, Assistant/Interim Planning Manager, denied Mr. Tim O'Shaughnessy's application, on behalf of TBCOM Properties, LLC, for an administrative determination that a proposed flagpole cell tower to be located at 1680 McCulloch Road, Oviedo, Florida, was not a "camouflage communication tower" under the County's Land Development Code.

This letter serves as Mr. O'Shaughnessy's formal request for an appeal of this decision to the Seminole County Board of Adjustment pursuant to Sections 2.3 and 30.43 of the Land Development Code of Seminole County, Florida.

The basis for the appeal is Ms. Williamson's conclusion that a 120' flagpole does not blend in with or is inconsistent with a site fully developed with 47,316 square feet of retail space.

Sincerely,


Dina S. Munasifi, Esq.

DSM/dsm

cc: Tim O'Shaughnessy
Mary Doty Solik, Esq.



TBCOM

TBCOM Properties, LLC

1133 Louisiana Avenue • Suite 114 • Winter Park, FL 32789 • (407) 622-1077 Office • (407) 622-2181 Fax

Seminole County Planning Division
Planning Manager
1101 East First Street
Sanford, Florida 32771

The submission is for the City Planner to approve a 120 ft camouflage Flagpole to be located at 1680 McCulloch Rd. Oviedo, Florida. The Camouflage Flagpole meets Part 40. C-1 RETAIL COMMERCIAL DISTRICT Sec.30.742. Permitted Uses. Seminole County Planner has the authority and can administratively approve the Flagpole under Ord. No. 02-53,& 7, 12-10-02. The Pole sits at the entrance of the C-1 property and lies next to conservation area to the East. By placing the Flagpole at the entrance of the property the Flagpole stays in character with the general area and appears natural to the C-1 property. A reasonable person with normal observational faculties and intelligence would not perceive the structure as a tower. The Flagpole will not have a negative impact on the general area. The Flagpole meets the required set backs of 300% Ht of tower to nearest residential line and the property itself is heavily covered with a conservation easement which screens the Flagpole to all surrounding residential property. The conservation landscaping creates a natural buffer, which provides a shield from all residential areas.

The Flagpole actually measures 575% to the nearest residential to the East and 767% to the nearest residential property to the North. ***See Arial overall site Plan***

The initial design of the Flagpole was 150 ft high. After several studies and photo simulation it was determine by the carriers and TBCOM to reduce the overall height of the Flagpole to 120 ft. **Photo simulations have been provided to show the non-impact to the residential community.** Again the conservation easement that surrounds the C-1 property provides that buffer to all-residential housing.

The Need:

I've supplied letters from three carriers for this Flagpole.

All the carriers have had problems covering the residential community and traffic patterns in the area for years. **I've supplied propagation maps for lack of coverage and letters stating the problems.** The letters also state that the need for this Flagpole and the benefits the Flagpole will provide. One carrier, T-Mobile actually tried using three power poles to supply its service and found that T-Mobile experiences high drop calls in the area. **(See Average Daily Dropped Call Footprint).** The power poles were of no help. The other carriers will not use power poles because the poles provide no improvement and will find out like T-Mobile did that the power poles are a waste of millions of dollars. Sprint believes it network is substandard and this Flagpole would increase its network by over 30%. *** See Sprint letter***

TBCOM

TBCOM Properties, LLC

1133 Louisiana Avenue • Suite 114 • Winter Park, FL 32789 • (407) 622-1077 Office • (407) 622-2181 Fax

Location:

The area provides limited opportunity for placement of a camouflage facility. Actually only three properties in the area were an option. The Church to the West of the propose property said they had no interest. The other possibility was the UCF property and they said they had no interest. I've provided a letter stating that UCF has no interest. The third property is the property we are submitting on. The landowner has entered into a lease with TBCOM and has provided a great location at the entrance of the property.

We believe a we have shown the problem and a solution with out impacting the surrounding area. We believe a Flag Pole would fit in well with the Character of the C-1 property.

Sincerely,

Tim O'Shaughnessy



Office of Vice President

October 18, 2006

TBCOM Properties, LLC
Tim O'Shaughnessy
1133 Louisiana Ave Ste 114
Winter Park, Florida 32789

Mr. O'Shaughnessy,

At this time the University of Central Florida has no interest in putting a communication tower on the North East side of its campus property.

Sincerely,

A handwritten signature in cursive script that reads 'William F. Merck II'.

William F. Merck II
Vice President



ForeSITE Group, Inc.
 231 N. Kentucky Ave.
 Suite 2
 Lakeland, FL 33601
 o 1 863.603.4044
 f 1 863.603.4645
 www.foresitegroupinc.com
 FL CA 26115

ADRIAN D. ROZEN
 FLORIDA LICENSED PROFESSIONAL ENGINEER
 No. 51305

I HEREBY CERTIFY THAT THE DRAWING WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF FLORIDA. I AM NOT PROVIDING ANY PROFESSIONAL ENGINEERING SERVICES TO ANY OTHER PARTY AND I AM NOT PROVIDING ANY PROFESSIONAL ENGINEERING SERVICES TO ANY OTHER PARTY. I AM NOT PROVIDING ANY PROFESSIONAL ENGINEERING SERVICES TO ANY OTHER PARTY. I AM NOT PROVIDING ANY PROFESSIONAL ENGINEERING SERVICES TO ANY OTHER PARTY.

NO.	DATE	DESCRIPTION

PREPARED FOR:
TBCOM Properties, LLC

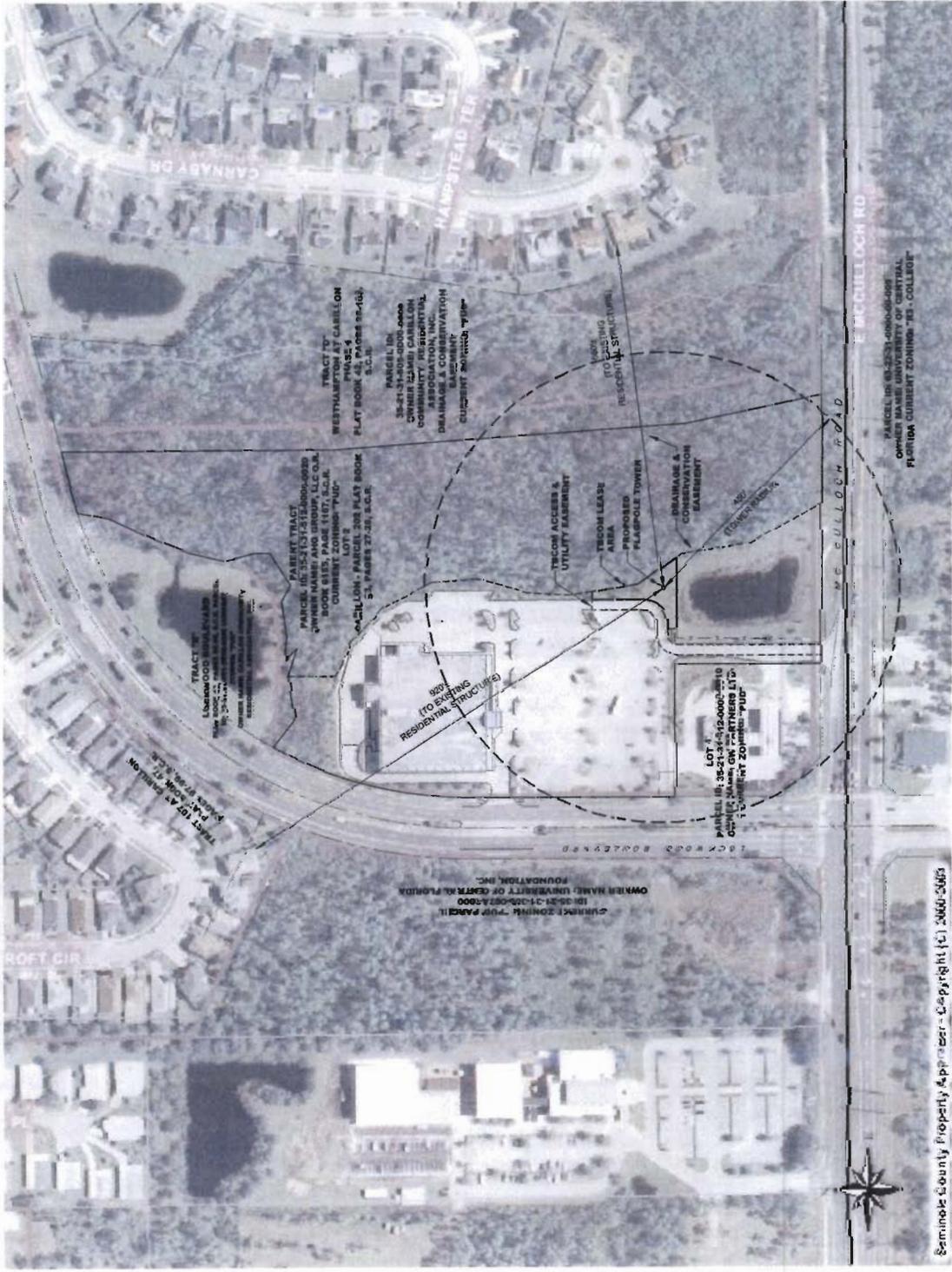
PROJECT JOB NUMBER:
067.019

ISSUED FOR: SITE PLAN REVIEW
DESIGNED BY: SUR
DRAWN BY: PWS
APPROVED BY: SUR
DATE: AUGUST, 2005

PROJECT NAME:
UCF
TB-172
SHEET TITLE

OVERALL SITE PLAN

DRAWING NUMBER:
Z-1



(Scale in feet)
 11x17 Scale: 1"=200'

OVERALL SITE PLAN

Seminole County Property Appraiser - Copyright © 2005

PARCEL NO.: 35-21-31-512-0000-0020

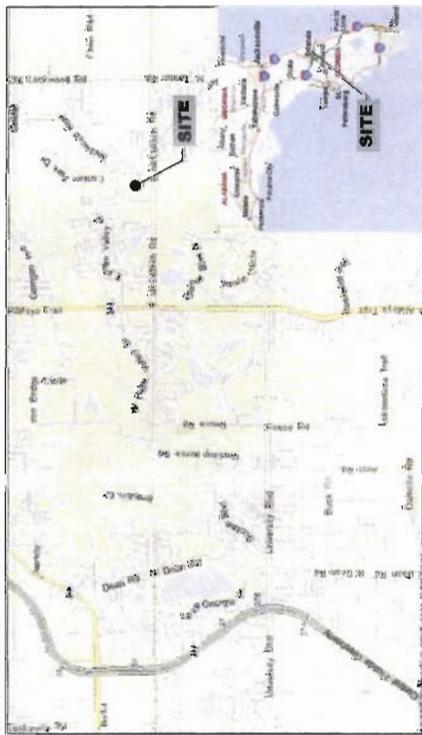
TBCOM PROPERTIES, LLC

TBCOM SITE NAME / NUMBER
UCF/ TB-172

ROYAL STREET COMMUNICATIONS, LLC
ROYAL STREET COMMUNICATIONS SITE NAME/NUMBER
UCF- #ORD090



T-MOBILE SITE NUMBER
MCCULLOCH # A2E658D



MAP NORTH



VICINITY MAP NORTH

DRIVING DIRECTIONS
 - SR-417 TO UNIVERSITY BLVD (EAST)
 - ON UNIVERSITY BLVD (EAST) TAKE A LEFT ON SR-34
 - SR-34 (NORTH) TAKE A RIGHT ON MCCULLOCH RD
 - ON MCCULLOCH RD TAKE A LEFT ON MCCULLOCH BLVD
 - SITE IS ON RIGHT HAND SIDE

PROJECT SUMMARY
 TBCOM IS PROPOSING TO CONSTRUCT A NEW TOWER SITE ON A BARRIAGE PARCEL CONSISTING OF 1.30 ACRES AND PROPOSED FUTURE CARRIER AREAS

CAUTION
 THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP.

FOR EMERGENCIES CALL 911

foresite group
 Foresite Group, Inc.
 231 N. Kentucky Ave.
 Suite 2
 Lakeland, FL 33801
 o 1 863.603.4044
 f 1 863.603.4645
 www.foresitegroupinc.com
 FL CA 28115

ADRIAN D. ROZEN
 FLORIDA LICENSED PROFESSIONAL ENGINEER
 No. 2785

I HEREBY CERTIFY THAT THIS DRAWING WAS PREPARED UNDER MY DIRECTION ON THE DATE INDICATED AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMPLIES WITH ALL APPLICABLE FLORIDA LAWS AND REGULATIONS AND I AM A FLORIDA RESIDENT. IN ADDITION, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

REV	DATE	DESCRIPTION

PREPARED FOR:
TBCOM Properties, LLC

FORESITE JOB NUMBER
067 079

ISSUED FOR: SITE PLAN REVIEW
DESIGNED BY: ADR
DRAWN BY: ADR
APPROVED BY: ADR
DATE: AUGUST 2006

PROJECT NAME
UCF
TB-172

SHEET TITLE
COVER SHEET

SEQUENCE NUMBER
T-1

SHEET	DESCRIPTION	REV
T-1	COVER SHEET	0
7-1	SURVEY (BY MSP CONSULTANTS)	0
7-2	OVERALL SITE PLAN	0
7-3	ENLARGED SITE PLAN & TOWER ELEVATION	0
7-4	LANDSCAPING & FENCE DETAILS	0
7-5	SHEET INDEX	0

SITE DATA:
 ALTITUDE: 28'-38" 48'78" NORTH
 LONGITUDE: 81° 11' 25.79" WEST
 GROUND ELEVATION= 48.0 FT (AMS.)
 PROPOSED TOWER = 130' FLAGPOLE

DESIGN DATA:
 DESIGN CODE : FLORIDA BLDG. CODE-2004 & TA/EA 222-G
 WIND WINDSPEED : 110 MPH (3 SECOND GUST)
 WIND WIND DIRECTION : 0
 EXPOSURE CATEGORY : N/A
 INTERNAL PRESSURE COEF. : N/A
 COMPRESSIVE & CLADDING : N/A
 WIND PRESSURES : N/A

PROJECT DATA

POWER
 PROGRESS ENERGY
 TEL (800) 700-8744
TELEPHONE
 BELL SOUTH
 TEL (800) 753-2909

UTILITIES

DEVELOPER/TOWER OWNER
 TBCOM PROPERTIES, LLC
 1133 LOUISIANA AVE STE 114
 WINTER PARK, FL 32789
 TEL (407) 822-1377
CONTACT: TIM O'SHAUGHNESSY

PROPERTY ADDRESS
 1880 MCCULLOCH RD.
 GORRHO, FLORIDA 32768
 SEMINOLE COUNTY

PROPERTY OWNER (PARENT PARCEL)
 AHC GROUP LLC
 PARCEL NO. 35-21-31-512-0000-0020
 ZONING: PDB

CONSULTANT
 FORESITE GROUP, INC.
 231 N. KENTUCKY AVE., SUITE 2
 TEL: (863) 603-4044
 FAX: (863) 603-4645
CONTACT: ADRIAN ROZEN

MUNICIPALITY:
 SEMINOLE COUNTY

CONTACTS



TBCOM PROPERTIES
TB-172/UCF
PROPOSED 120' FLAGPOLE TOWER
LOCKWOOD BLVD & E MCCULLOUGH RD
OVIEDO, SEMINOLE COUNTY, FL

Proposed
Flag Pole

TBCom Properties
TB-172/UCF
View 1
From North

Balloon not visible

TBCom Properties
TB-172/UCF
View 2
From North

Proposed
Flag Pole
Not Visible

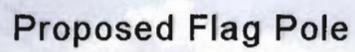
A small black arrow pointing downwards from the text to a tree in the background.

TBCom Properties
TB-172/UCF
View 3
From Northeast

Proposed
Flag Pole



TBCom Properties
TB-172/UCF
View 4
Facing Southwest

A photograph of a road with a proposed flag pole. The flag pole is a tall, thin pole with a flag flying from it. The road is paved and has a dashed white line down the center. There are trees and utility poles in the background. The sky is blue with some clouds.

Proposed Flag Pole

TBCom Properties
TB-172/UCF
View 5
Facing Northwest

Proposed
Flag Pole



TBCom Properties
TB-172/UCF
View 6
From Southwest

Proposed
Flag Pole

A black arrow pointing from the text "Proposed Flag Pole" to a flag pole in the distance.

TBCom Properties
TB-172/UCF
View 7
From East

**MINUTES FOR THE SEMINOLE COUNTY BOARD OF
ADJUSTMENT AUGUST 27, 2007 MEETING
ITEM #5
APPEAL OF THE PLANNING MANAGER'S DECISION**

Members Present: Mike Hattaway, Chairman; Alan Rozon, Tom O' Daniel, Michael Bass and Curtis Gashlin

Staff Present: Kathy Fall, Principal Planner; Tina Williamson, Acting Planning Manager; Denny Gibbs, Senior Planner; Joy Williams, Planner; Kathy Furey-Tran, Assistant County Attorney; Patty Johnson, Staff Assistant

1680 McCulloch Road – Tim O'Shaughnessy/TBCOM Properties LLC, applicant; Appeal of the decision of the Planning Manager regarding a camouflage communication tower determination in the PUD (Planned Unit Development District); Located on the north east corner of McCulloch Road and Lockwood Boulevard; (BA2007-01).
Tina Williamson, Interim Planning Manager

Tina Williamson stated that she was the Acting Planning Manager and that this item was an appeal of the Planning Manager's decision regarding a camouflage communication determination. She further stated that the Seminole County Land Development Section 30.1371 stated that camouflage communication towers may be permitted by the Planning Manager on parcels not assigned a residential zoning classification provided that the Planning Manager makes the findings set forth in the definition of the term "camouflage communication tower". She then stated that the subject property was located in the Carillon Planned Unit Development, parcel 202, which permits C-1 (Retail Commercial) district uses. The property was previously used as a Winn-Dixie grocery store, however the store is closed and the building is vacant. She also stated that the area proposed for the camouflage communication tower was on the southeast side of parcel 202, adjacent to a large conservation area. She further stated that the proposed tower in design would be 120 feet in height and would fly an American flag. She then stated that the definition of a "camouflage communication tower" in the Seminole County Land Development Code is: A tower designed to merge and blend into and conform in appearance with existing surroundings. An example of a camouflage communication tower would be a tower that is constructed in the form and shape of a tree in order to appear to be part of a forested area or a tower constructed to appear to be or to actually be a component

of a bell tower or to be or appear to be a component of a church steeple in order for the tower to be or appear to be part of these more aesthetically pleasing structures. Other examples of a camouflage communication tower would be signs, light poles, utility poles and roof fascias. She then stated that the determination as to whether a tower is a camouflage tower was based upon the following standards:

- The tower must blend into the existing surroundings of the tower and stay in character with the general area in which it would be located
- The tower must not appear unique, unusual or out of place
- A reasonable person with normal observational faculties and intelligence would not perceive the structure as a tower
- The camouflage technique used must not have negative impacts on the general area in which it would be located
- The applicant for the tower must provide reasonable and binding assurances that the camouflage technique used will be maintained and that the camouflage condition of the tower will be maintained

She further stated that in reviewing the application, it was determined that the proposed tower did not meet the definition of a “camouflage communication tower” based on the following findings:

- The proposed location is adjacent to a wetland conservation area. A 120 foot flagpole would not blend in with, and not be in character with a wetland conservation area
- Flagpoles are usually located in close association with the front of a building, so that they appear to be integrated into and part of the site. The tower is proposed to be located on the outskirts of the parking area, approximately 300 feet from the building, next to a conservation area. A 120 foot flagpole in this location would not blend in with the existing surroundings
- This use would appear to be unusual and out of place on a grocery store property because there is no contextual relationship between any type of retail use and a flag pole
- The height and design of the proposed tower and its incompatibility with the proposed location would also make it appear so out of place that it may result in the proposed tower being perceived by a reasonable person as a tower, and not as a flagpole

Mary Solik stated that she represented Mr. O’ Shaughnessy and his company TBCOM Properties. She further stated that quite simply they were before the Board of Adjustment because they disagreed with the Planning Manager’s determination. She then stated that Mr. O’ Shaughnessy and his company were in the business of building cell towers, they were not a carrier, but they were a vertical real estate company that build towers and then leased the space on the towers. She also stated that the proposed tower had four interested carriers. She

further stated that Mr. O' Shaughnessy had been trying to find a site to serve the Carillon residential neighborhood for approximately 5 years and finally found a willing Landlord in the Carillon Planned Unit Development, parcel 202. She then stated that Mr. O' Shaughnessy had to make a decision to either apply for a conditional use with no height limitations approval from the Board of Adjustment or do a camouflage application which is permitted on C-1 properties by right if they are camouflaged. She also stated that he chose to do a 120 feet camouflage tower to buffer the nearby residential neighborhood. She then referred to the packet that was given to the Board members and stated that on the front page of the packet was a picture of the proposed tower. She further referred to the site layout and photo sim section of the packet showing the proposed site location and stated that at 120 feet the tower was barely visible from the views of the different locations of the photo sim. She then stated that the Planning Manager's determination was based on the language of the code and they came to a different conclusion than the Planning Manager on some of the issues. She further stated that the first criteria stated that the tower must blend into the existing surroundings and the Planning Manager focused solely on the tower proximity to the wetland area to the east and that if you look at the entire area you have commercial and residential which is a mixed use area, and that instead of viewing it as being inconsistent with the existing conservation area they see it as being a buffer for the flag pole from the residential areas to the north and east. She then stated that a reasonable person would not see the tower and that the ground equipment would be fenced and landscaped and it is off the road and you would not be able to see it. She also stated that the camouflage technique would not have a negative impact in the area and that it would actually increase the cell service to the surrounding residential communities with out actually invading the residential community. She lastly stated that there is a growing demand for cell service for residential coverage.

After general discussion by the Board of Adjustment.

Mr. Bass made a motion to overturn the Planning Manager's determination regarding a camouflage communication tower.

Mr. O' Daniel seconded the motion.

The motion passed by (4-1) vote. Mr. Hattaway was in opposition