

BOARD RECORDS
FILED FOR RECORD

003 MAY 13 PM 2:06

KAREN E. BUSBY
CLERK OF CIRCUIT C.
SARASOTA COUNTY, FL.

RESOLUTION NO. 2008-055
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1654

WHEREAS, Laura Bellflower, Agent for the owner of the hereinafter described real property has filed Special Exception No.1654 requesting that a special exception be granted to allow the hereinafter described property in a CI (Commercial Intensive) Zoning District to be used for an Alternative Structure Telecommunications Tower:

The legal description of said property in Sarasota County, Florida, being: north of Artist Avenue and west of S.R. 776, Sarasota County, Florida, and being more particularly described as follows:

LOT 6, OF UNRECORDED PLAT, BEING A PART OF LOT 37, PLAT OF ENGLEWOOD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PART OF LOT 37, PLAT OF ENGLEWOOD, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 29, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID LOT 37, AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 775; THENCE S 37°50'19" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200.00 FEET TO A CONCRETE MONUMENT MARKING THE SOUTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1022, PAGE 771, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE S 88°13'11" W, ALONG THE SOUTHERLY LINE OF SAID PARCEL, 247.40 FEET; THENCE S 37°50'19" E, PARALLEL TO SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 775, AND 200.00 FEET THEREFROM, A DISTANCE OF 272.42 FEET TO A CONCRETE MONUMENT; THENCE S 36°43'03" E, 28.88 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S 36°43'03" E, 178.62 FEET; THENCE S 00°34'01" W, PARALLEL TO THE WEST LINE OF SAID LOT 37, PLAT OF ENGLEWOOD, 58.47 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF ARTIST AVENUE; THENCE N 89°07'14" W, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 158.45 FEET; THENCE N 00°34'01" E, 200.00 FEET; THENCE S 89°07'14" E, PARALLEL TO SAID RIGHT-OF-WAY LINE OF ARTIST AVENUE, 50.25 FEET TO THE POINT OF BEGINNING.

LOT 7, OF UNRECORDED PLAT, BEING A PART OF LOT 37, PLAT OF ENGLEWOOD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PART OF LOT 37, PLAT OF ENGLEWOOD, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A" PAGE 29, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH LINE OF SAID LOT 37, AND THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 775; THENCE S 37°50'19" E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 200.00 FEET TO A CONCRETE MONUMENT MAKING THE SOUTHEASTERLY CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1022, PAGE 771, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE S 88°13'11" W, ALONG THE SOUTHERLY LINE OF SAID PARCEL, 247.70 FEET; THENCE S 37°50'19" E, PARALLEL TO SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD No. 775, AND 200.00 FEET THEREFROM, A DISTANCE OF 272.42 FEET TO A CONCRETE MONUMENT; THENCE S 36°30'56" E, 28.80 FEET; THENCE N 89°07'14" W, PARALLEL TO THE NORTHERLY RIGHT-OF-WAY LINE OF ARTIST AVENUE, 50.12 FEET FOR A POINT A BEGINNING; THENCE S 00°34'01" W, PARALLEL TO THE WEST LINE OF SAID LOT 37, PLAT OF ENGLEWOOD, 200.00 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF ARTIST AVENUE; THENCE N 89°07'14" W, ALONG SAID RIGHT-OF-WAY LINE, 120.00 FEET; THENCE N 00°34'01" E, 200.00 FEET; THENCE S 89°07'14" E, 120.00 FEET TO THE POINT OF BEGINNING.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sarasota County, Florida, in public meeting assembled:

Section 1. Based on evidence and testimony presented, and substantial evidence contained in the record of this application maintained in the Office of the Clerk of the Sarasota County Commission, the Special Exception is hereby **DENIED**. Section 3.16.6.a of the Zoning Ordinance governs the Board's decision in the proposed special exception for the height requested in the application, as follows:

Before any special exception shall be approved, the Board of County Commissioners shall determine that the granting of the special exception will promote the public interest, health, safety, and general welfare; that the specific requirements of in Article 5, Use Regulations governing the individual special exception, if any, have been met by the applicant; that the Planning Commission action on the findings of fact have been considered, and that the following standards have been met:

1. The proposed use must be consistent with the intent goals, objectives, policies, guiding principles and programs of the Comprehensive Plan;
2. The proposed use must be compatible with the existing land use pattern and designated future uses;
3. There must be adequate public facilities available consistent with the level of service standards adopted in the Comprehensive Plan, and as defined and implemented through the Sarasota Concurrency Management System Regulations, Chapter 94, Article VII of Exhibit A of the Sarasota County Code;
4. The proposed use, singularly or in combination with other special exceptions, must not be detrimental to the health, safety, morals, order, comfort, convenience or appearance of the neighborhood or other adjacent uses by reason of any one or

more of the following: the number, area, location, height, orientation, intensity or relation to the neighborhood or other adjacent uses;

5. The proposed use must be adequately buffered to effectively separate traffic, visual impact and noise from existing or intended nearby uses;
6. The subject parcel must be adequate in shape and size to accommodate the proposed use;
7. The ingress and egress to the subject parcel and internal circulation must not adversely affect traffic flow, safety or control;
8. The subject parcel is adequate to accommodate the height and mass of any proposed structure(s).

Section 2. The Board makes the following specific findings why the application does not meet the criteria outlined in Section 3.16.6.a. of the Zoning Ordinance:

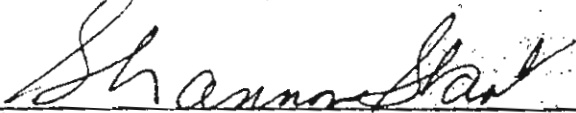
1. As outlined immediately prior to the numerated criteria, before the Board can grant a special exception, it must determine that the special exception will promote the public interest, health, safety and general welfare. The Board finds that the special exception application fails to meet the public interest and general welfare portions of this requirement. Maps and photographs of the proposed telecommunications tower submitted by the applicant and entered into the record at the public hearing illustrate that the proposed tower will have a negative visual impact to motorists and others who traverse S.R. 776, which is a Scenic Highway. Evidence and testimony in the record demonstrate that the proposed height and mass of the tower is not in character with the height of other structures in the area. Evidence and testimony in the record also illustrate that there are visual impacts that cannot be adequately buffered to effectively separate the proposed tower's negative and incompatible visual impact from adjacent residential land uses on Artists Avenue and neighboring subdivisions. Although the proposed tower is designed to resemble an ordinary flagpole, its height and mass make it unlike any other ordinary flagpole.
2. The proposed tower is inconsistent with the intent, goals, objectives, policies and guiding principles of the Comprehensive Plan, which means it fails to meet the first numerated criteria. Specifically, Future Land Use Objective 1.2 requires that the County, "Protect the quality and integrity of established residential neighborhoods from adjacent incompatible development." Here, the Board specifically finds inconsistency with FLU Objective 1.2 because: (a) maps and photographs of the proposed telecommunications tower entered into the record, and testimony received at the public hearing illustrate that the proposed tower cannot be adequately buffered to effectively separate its negative and incompatible visual impact from adjacent residential land uses on Artists Avenue and neighboring subdivisions; and (b) the proposed height and mass of the tower is not in character with the height and mass of other structures in the area. Although the proposed tower is designed to resemble an ordinary flagpole, its height and mass make it unlike any other ordinary flagpole.
3. The proposed use would be detrimental to the appearance of the neighborhood or other adjacent uses, in contravention with the fourth criteria, by reason of its location, height, orientation, and relation to the neighborhood or other adjacent uses. Specifically, photographs and maps of the proposed telecommunications tower entered into the record

at the public hearing illustrate that the proposed tower is detrimental to the appearance of the neighborhood which abuts Artists Avenue. The closest residents in this residential neighborhood are less than 300 feet from the proposed tower. The proposed orientation of the tower fails to adequately buffer and effectively separate its negative and incompatible visual impact from adjacent residential land uses. The proposed height of the tower is detrimental to the appearance of the neighborhood and adjacent uses because it is not in character with the height of other structures in the area.

Section 3. This Resolution shall take effect immediately upon its adoption. The Clerk shall transmit a certified copy of this Resolution to the Petitioner by mail.


PASSED AND DULY ADOPTED this 13th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA


Chair

ATTEST:

KAREN E. RUSHING, Clerk
of the Circuit Court and ex-officio
Clerk of the Board of County
Commissioners of Sarasota County, Florida.


Deputy Clerk