

RESOLUTION NO. 2010-018
RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1685

WHEREAS, Lauralee Westine, Agent for the owner of the hereinafter described real property has filed Special Exception No.1685 requesting that a special exception be granted to allow the hereinafter described property in a CG (Commercial General) Zoning District to be used for a 80 foot Alternative Tower Structure (Flagpole):

This petition relates to the property described below:

APPROXIMATELY 250 FEET WEST OF BENEVA ROAD & SOUTH OF WEBBER STREET AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARENT PARCEL

LOT 1, BLOCK 154, SOUTH GATE, UNIT NUMBER 36, AS PER THAT THEREOF RECORDED IN PLAT BOOK 16, PAGES 9, AND 9A, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, TOGETHER WITH AN UNDIVIDED 20% INTEREST IN AND TO THAT PORTION OF SAID BLOCK DESIGNATED ON SAID PLAT AS "PRIVATE ACCESS

BOARD RECORDS
FILED FOR RECORD
2010 FEB -9 PM 1:00
CLERK OF COUNTY COURT
SARASOTA FLORIDA

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, Section 1.4.3., and Section 1.4.4. 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 Webber Street and Beneva Road. 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 Suncrest Drive 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. It will have a negative impact upon residential property values.
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 Suncrest Drive 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 Suncrest Drive. The closest residents in this residential neighborhood are less than 100 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.

4.

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 9th day of February, 2010.

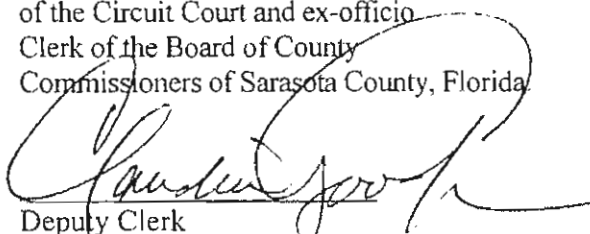
BOARD OF COUNTY COMMISSIONERS OF
COUNTY, FLORIDA

SARASOTA


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