

# Blue Sky Towers SE-23-01-138



# **DIVISION 2. A-1 AND A-2 AGRICULTURAL DISTRICTS**

## **Subdivision I. General Provisions**

### **Sec. 38-101. Description of districts.**

The agricultural districts are intended to apply to those areas, the present or prospective use of which is primarily agricultural, or the future development of which is uncertain, and for which a more restricted zoning would be premature. The regulations in these districts are intended to permit a reasonable use of the property, while at the same time, prevent the creation of conditions which would blight or prevent the proper future use of contiguous or nearby property. The A-1 district is composed largely of land used for citrus production, nurseries, greenhouses, and vegetable farms, whereas, the A-2 district is composed largely of land used for livestock and poultry production.

# PERMITTED USES IN A-1 ZONING

- Vegetable and truck farms; citrus production, crop farms
- Commercial plant nurseries and greenhouses
- Washing and packing of fruit and vegetables
- Outdoor storage of agricultural or farm products and equipment
- Cattle stock and grazing yards; Dairy farms
- Tree Farms and Silviculture
- Woodchipping, mulching, composting
- Hunting preserves and private/public hunting clubs

# PERMITTED USES IN A-1 ZONING

- Borrow pits, excavation and fill
- Logging
- Agricultural chemicals manufacturing
- Commercial solar farms
- Utility Substations
- Electric distribution substations
- Fruit and vegetable markets
- Public safety offices

# VIEW LOOKING SOUTH ON PLYMOUTH SORRENTO ROAD FROM ENTRANCE TO SUBJECT



# VIEW LOOKING NORTH FROM 6306 PLYMOUTH SORRENTO ROAD







PREPARED BY:



27139 SEA BREEZE WAY  
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PREPARED FOR:



BLUE SKY TOWERS II, LLC  
392 PARK STREET  
SUITE 108  
NORTH BEND, MA 01864

**PLYMOUTH SORRENTO**

6446 PLYMOUTH SORRENTO ROAD  
APOPKA, FL 32712

**PHOTO LOCATION MAP**



|  |  |   |
|--|--|---|
| <p>PREPARED BY:</p>  <p>27139 56A BRIDGE WAY<br/>VELLO CHAPEL FLORIDA 33544<br/>(843) 817-0671<br/>COA # 35408</p> | <p>PREPARED FOR:</p>  <p>BLUE SKY TOWERS &amp; LLC<br/>192 PARK STREET<br/>SUITE 108<br/>NORTH LAUREL, VA 21664</p> | <p><b>PLYMOUTH SORRENTO</b></p> <p>6446 PLYMOUTH SORRENTO ROAD<br/>APOPKA, FL 32712</p> <p><b>PHOTO LOCATION #1</b></p> |
|--|--|---|





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**PLYMOUTH SORRENTO**

6446 PLYMOUTH SORRENTO ROAD  
APOPKA, FL 32712

**PHOTO LOCATION #2**



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**PLYMOUTH SORRENTO**

6446 PLYMOUTH SORRENTO ROAD  
APOPKA, FL 32712

**PHOTO LOCATION #3**





12.20

PREPARED BY:



27139 56A BRIDGE WAY  
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PREPARED FOR:



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SUITE 108  
NORTH BEACHES, FL 33584

PLYMOUTH SORRENTO

6446 PLYMOUTH SORRENTO ROAD  
APOPKA, FL 32712

PHOTO LOCATION #4



PREPARED BY:



27133 16A BRIDE WAY  
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PREPARED FOR:



BLUE SKY TOWERS LLC  
392 PARK STREET  
SUITE 108  
NORTH BAY, FL 32909

**PLYMOUTH SORRENTO**

6446 PLYMOUTH SORRENTO ROAD  
APOPKA, FL 32712

**PHOTO LOCATION #5**





PREPARED BY:



27130 16A BRIDGE WAY  
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PREPARED FOR:



BLUE SKY TOWERS LLC  
352 PARK STREET  
SUITE 106  
NORTH HAVEN, CT 06460

**PLYMOUTH SORRENTO**

6446 PLYMOUTH SORRENTO ROAD  
APOPKA, FL 32712

**PHOTO LOCATION #6**



PREPARED BY:



27133 164 BRIDGE WAY  
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PREPARED FOR:



BLUE SKY THINGS LLC  
352 PARK STREET  
SUITE 108  
NORTH LAKE, GA 31604

**PLYMOUTH SORRENTO**

6446 PLYMOUTH SORRENTO ROAD  
APOPKA, FL 32712

**PHOTO LOCATION #7**



PREPARED BY:



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PREPARED FOR:



BLUE SKY TOWERS LLC  
302 PARK STREET  
SUITE 100  
NORTH BEACH, FL 33588

**PLYMOUTH SORRENTO**

6446 PLYMOUTH SORRENTO ROAD  
APOPKA, FL 32712

**PHOTO LOCATION #8**

# SPECIAL EXCEPTION CRITERIA

- Consistent with the Comprehensive Plan

The provision of telecommunications towers as conditioned through the Special Exception process is consistent with the Comprehensive Plan

- Similar and compatible with surrounding area

The surrounding area is developed primarily with nurseries and is bounded on the west and south by limited access toll roads.



# SPECIAL EXCEPTION CRITERIA

- Shall not act as a detrimental intrusion into a surrounding area

The proposed tower has very little visibility beyond Plymouth Sorrento Road.

- Meet the performance standards of the district

All performance standards of the A-1 zoning district are met.

# SPECIAL EXCEPTION CRITERIA

- Similar in noise, vibration, dust, odor, glare, heat production

The proposed tower will not create any noise, vibration, dust, odor, glare, or heat production.

- Landscape buffer yards shall be in accordance with Section 24-5

All landscaping buffer yard standards have been met.

## SPECIAL EXCEPTION CRITERIA

- Aesthetic impact. Shall take into consideration, but not be limited to, the amount of the tower that can be viewed from surrounding residential zones in conjunction with its proximity (distance) to the residential zone, mitigation landscaping, existing character of surrounding area, or other visual options proposed.

## SPECIAL EXCEPTION CRITERIA

- **Compatibility.** The degree to which the proposed tower is designed and located is compatible with the nature and character of other land uses and/or with the environment within which the tower proposes to locate.



# APPELLANT'S BURDEN OF PROOF

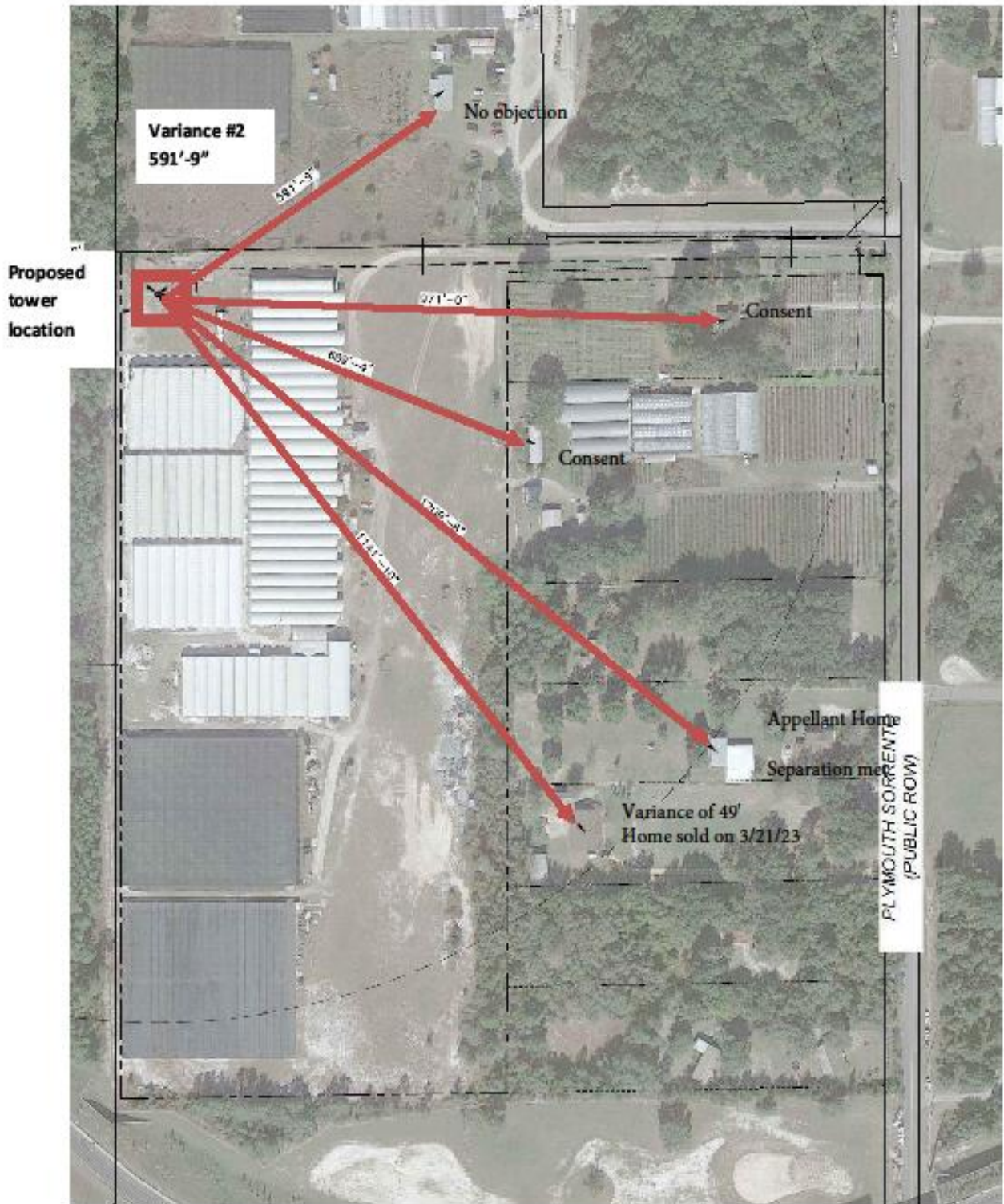
Section 38-1427(n)(4) provides:

Any person or party opposing the applicant's special exception request should submit bona fide evidence or documentation that a proposed tower will have a substantial adverse aesthetic impact on his/her property.

# Appellant has not met her burden of proof.

- No competent substantial evidence submitted of substantial aesthetic impact on her property
- Balloon Test Photo submitted by Blue Sky demonstrate that there is no visibility of the proposed tower from the front of appellant's property
- No other documentary evidence of visual impact is in the record before you

## OVERALL RESIDENTIAL DISTANCE SEPARATION



# VARIANCE CRITERIA

## SPECIAL CONDITIONS AND CIRCUMSTANCES

There are special conditions and circumstances that are peculiar to the structure involved in this request, a proposed wireless telecommunications tower, and that is the structure is subject to additional standards and separation requirements related to the proximity of offsite areas and uses. Other buildings and structures that could be constructed on A-1 zoned property are not subject to separation requirements from offsite uses.



# VARIANCE CRITERIA

- Not self-created.
  - The request is not self-created but rather a result of the existing offsite uses and development patterns.
- No special privilege conferred.
  - Due to the existing development patterns consisting of primarily nursery properties that also contain residential uses, a residential setback variance would be needed for all properties in the general vicinity.

# VARIANCE CRITERIA

- DEPRIVATION OF RIGHTS

- Without the granting of a variance the applicant would be deprived of the ability to construct a wireless facility in the area on a site that minimizes adjacent visual impact.

- MINIMUM POSSIBLE VARIANCE

- The variance requested is the minimum possible to allow the construction of a 170' tower while meeting all other performance standards.

# VARIANCE CRITERIA

- Purpose and intent
  - The granting of the variance will be in harmony with the purpose and intent of the communications towers code in that it will accommodate the growing need for communications towers while minimizing the potential adverse impact

- Public Safety Interest

Dependable and reliable telecommunications service is essential to public safety.

In 2022 the Orange County Sheriff's Office reports that of the 706,748 911 calls received 89% were made from wireless handsets.