



City of Destin

January 8, 2002

Order No. 01-47

Final Development Order:

**“LA UNWIRED – DWU, INC., WATER TOWER”:
A MINOR DEVELOPMENT
(SP-01-36)**

Based upon the City's approval of this Development Order, on December 14, 2001, this document will serve as your Final Development Order, and includes all of the provisions and conditions in the attached Technical Review Committee Report.

BACKGROUND / ISSUE:

Applicant:	Pat Thompson of Faulk & Foster on behalf of Destin Water Users, Inc.
Location:	The proposed project is located at 14 Industrial Park Lane.
Request:	Approval of a Minor Development identified as “LA Unwired – DWU, Inc., Water Tower.” The proposed project consists of co-locating three (3) telecommunication antennas on the Destin Water Users, Inc. (DWU) water tank tower and construction of a 300 square foot concrete equipment pad.
Parcel Size:	The subject property contains 17 acres, more or less.
Future Land Use:	Light Industrial (IN)
Zoning District:	Protected Industry (IP)
Density:	Not applicable
Intensity:	Not applicable
Application Date:	September 28, 2001
TRC Date:	October 17, 2001
Approved Site Plan Date:	December 14, 2001

DETERMINATIONS:

All the findings and requirements of the Technical Review Committee Report dated December 14, 2001, are incorporated herein.

CONDITIONS OF APPROVAL FOR THE “LA UNWIRED – DWU, INC., WATER TOWER”: A MINOR DEVELOPMENT (SP-01-36):

1. Pursuant to the City of Destin Land Development Code and the City of Destin Code of Ordinances:

Construction must commence within twelve (12) months of approval of the Final Development Order on December 14, 2001 (no later than December 14, 2002), and must be completed as shown on plans approved by the Technical Review Committee (stamp dated December 14, 2001).

WARNING: If the applicant/owner has not obtained a construction permit(s) within 365 days of issuance of the final development order, the final development order will become void and the application for plan approval must be re-initiated.

NOTE: An applicant/owner who desires to extend the twelve (12) month deadline must submit a request to the Community Development Department, no less than sixty (60) days prior to the expiration of the twelve (12) month deadline to obtain a construction permit. The applicant /owner should review Article 2, Section 2.15.00, of the Destin Land Development Code for further explanation of the Development Order extension process.

2. If the applicant fully complies with the requirements of Condition Number 1, stated above, the concurrency status for "LA Unwired – DWU, Inc., Water Tower" will be protected for five (5) years through December 14, 2006. The protected concurrency status, however, will be lost if:
 - A. Construction activity ceases for a period exceeding one (1) year at any time during the term of this Final Development Order, or
 - B. Construction permit(s) are not obtained in accordance with Section 2.09.00 of the Land Development Code to maintain concurrency.
3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
 - A. Disturbance of the City's right-of-way.
 - B. Pavement cuts.
 - C. Construction of any kind.
 - D. Clearing, grubbing, or demolition.
 - E. Paving, grading, drainage, sidewalks.
 - F. Signage.
 - G. Installation of utilities.
 - H. Construction trailers.
4. Prior to the issuance of any City Permit, all outstanding costs associated with this project that are owed to the City must be paid in full.
5. Prior to the issuance of a Certificate of Occupancy, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).
6. To protect public safety, in case of potential hurricane, the tank owner shall increase the water level to add additional weight to the tank structure and ensure that the tank is approximately three-quarters full to optimize foundation loads under hurricane conditions. This will guarantee that the tank will be stable and that the downwind foundation will not be stressed any greater than normal everyday full tank conditions.

TECHNICAL REVIEW COMMITTEE REPORT

**“LA UNWIRED – DWU, INC., WATER TOWER”:
A MINOR DEVELOPMENT
(SP-01-36)**

TRC Report: December 14, 2001

ISSUE:

Applicant: Pat Thompson of Faulk & Foster on behalf of Destin Water Users, Inc.
Location: The proposed project is located at 14 Industrial Park Lane.
Request: Approval of a Minor Development identified as “LA Unwired – DWU, Inc., Water Tower.” The proposed project consists of co-locating three (3) telecommunication antennas on the Destin Water Users, Inc. (DWU) water tank tower and construction of a 300 square foot concrete equipment pad.
Parcel Size: The subject property contains 17 acres, more or less.
Future Land Use: Light Industrial (IN)
Zoning District: Protected Industry (IP)
Density: Not applicable
Intensity: Not applicable
Application Date: September 28, 2001
TRC Date: October 17, 2001
Approved Site Plan Date: December 14, 2001

DISCUSSION/FINDINGS:

Pat Thompson of Faulk & Foster on behalf of Destin Water Users, Inc., is requesting approval of a Minor Development identified as “LA Unwired – DWU, Inc., Water Tower.” The proposed project consists of co-locating three (3) antennas on the Destin Water Users, Inc. (DWU) water tank tower and construction of a 300 square foot concrete equipment pad. The proposed project is located at 500 Industrial Park Road. The subject property contains 17 acres, more or less.

COMPREHENSIVE PLAN/ZONING:

The property has a Future Land Use Map Designation of Light Industrial (IN) and a Zoning Designation of Protected Industry (IP). The proposed use is consistent with these land use regulations.

COMPATIBILITY:

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements with conditions. See the attached compatibility analysis for “DWU WATER TANK ANTENNAS: SP-01-36.”

DENSITY:

Not applicable.

HEIGHT:

The IP Zoning District has a maximum building height of fifty (50) feet. The existing water tower is approximately 180 feet high and the proposed antennas are to be placed at a height of 120 feet.

FLOOR AREA RATIO:

Not applicable.

RIGHT-OF-WAY DEDICATION:

There is no right-of-way dedication involved with this project.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Potable Water: X Roadways: X Solid Waste: X
Recreation: X Sewer: X Drainage: X

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's traffic consultant, the proposed development will generate no traffic impacts.

SUBDIVISION OR PUD - PLAT:

Not applicable.

AIRPORT PROTECTION:

The subject site is not located within the airport protection area.

NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from FAA for temporary encroachment into this restrictive area and a copy of completed FAA Form 7460, must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

SETBACKS:

Not applicable.

WHITE SANDS ZONE:

The proposed project is not located within either White Sand Zone 1 or 2.

SIGNS:

No signs have been proposed and approved with this project.

COX COMMUNICATIONS:

Cox Communications approved the in a letter received October 16, 2001.

DESTIN FIRE CONTROL DISTRICT:

Destin Fire Control District approved the project in a letter dated October 17, 2001.

GULF POWER:

Gulf Power approved the project in a letter dated October 17, 2001.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated October 17, 2001.

SPRINT:

Sprint approved the project in a letter dated October 8, 2001.

NEWSOUTH COMMUNICATIONS:

NewSouth Communications approved the project in a letter dated October 17, 2001.

WATER/SEWER PROVIDER:

Destin Water Users, Inc., approved the project in a letter dated October 17, 2001.

UTILITIES:

All utilities are required to be underground.

STORMWATER:

The City Engineer approved with conditions the stormwater plan in a letter dated December 14, 2001.

INGRESS/EGRESS:

Access to the existing water tank tower and accessory structures is provided by an existing access and utility easement.

SIDEWALKS:

N/A

REFUSE COLLECTION:

Not applicable.

LANDSCAPE:

The project does not create or generate any additional landscape requirements.

PARKING:

The project does not create or generate any additional parking demands.

LOADING SPACE (ZONE):

The project does not create or generate any additional loading space demands.

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT:

None.

IMPACT FEES:

Not applicable.

OTHER FEES:

The fees listed below are based on the most recent information available and are required to be paid by the applicant as part of the cost recovery associated with the proposed project:

None.

COMMENTS:

Public Input:

There have been no comments of support or opposition filed with Staff regarding this project.

Per Community Development Department:

1. **Prior to the issuance of any City Permit**, all outstanding costs associated with this project that are owed to the City must be paid in full.
2. To protect public safety, in case of potential hurricane, the tank owner shall increase the water level to add additional weight to the tank structure and ensure that the tank is approximately three-quarters full to optimize foundation loads under hurricane conditions. This will guarantee that the tank will be stable and that the downwind foundation will not be stressed any greater than normal everyday full tank conditions.

Per Engineering Department:

1. **Prior to the issuance of a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).

PURPOSE OF THIS REPORT

Louisiana Unwired, LLC proposes the co-location of three antennas on the Destin Water Users (DWU) water tank tower located south of Industrial Park Road, near the southern boundary of the DWU Plant, south of the Gulf Power transmission easement. This report addresses the compatibility of the proposed expansion with the surrounding area.

The report: 1) identifies the compatibility requirements of the City of Destin that are contained in the City's Land Development Code [LDC, §7.09] and Comprehensive Plan [Policy 7.A.4.6 (p)]; 2) analyzes whether the proposed development complies with those requirements; and 3) provides an opinion regarding the compatibility of the proposed location of antennas with the surrounding area.

Aside from addressing the compatibility issue, this report does not address issues regarding the consistency of the proposed improvements with any other provisions of the City's Comprehensive Plan or the LDC.

DEFINITION OF "COMPATIBILITY" AND REQUISITE CONSIDERATIONS

In land use planning, "compatibility" means the extent to which a use(s) or development is capable of existing in harmony with other uses situated in its immediate vicinity. In the City's LDC as well as in Rule 9J-5, FAC, *compatibility* is defined as "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." The City's Comprehensive Plan also includes this definition but elaborates more broad-based concerns consistent with accepted planning principles and practices.

The LDC requirements regulating compatibility are *"intended to ensure functional and attractive development by requiring that all future development be consistent with accepted planning practices and principles as well as natural area limitations"* [LDC, §7.09.01].

The Comprehensive Plan and Land Development Code further require that compatibility be measured based on the characteristics of proposed development and its impact on the immediate or surrounding area and especially homogeneous residential neighborhoods. Characteristics for consideration include:

- Type of land use, zoning district, and land use category;
- Building location, dimensions, height, and floor area ratio;
- Location and extent of parking, access drives, and service areas;
- Traffic generation, hours of operation, noise levels and outdoor lighting;
- Alteration of light and air; and
- Setbacks and buffers.

PROJECT DESCRIPTION

Louisiana Unwired, LLC proposes the co-location of three antennas at a height of 120' on the existing 180' tall Destin Water Users (DWU) water tank tower located on at 14T Industrial Park Road, near the southern boundary of the DWU Plant, south of the Gulf Power transmission easement. A 15' by 20' concrete equipment pad will be placed at the base of the water tower and two (2) 30" x 30" x 66" metal equipment cabinets, expandable to five (5), will be installed on the pad inside an existing fenced compound.

The portion of the DWU property where the water tank tower is located is in a remote area of the DWU plant located south of the Gulf Power transmission easement. An existing access and utility easement provides site access to the water tank tower and accessory facilities.

DESCRIPTION OF SURROUNDING AREA

The surrounding properties are as follows:

LOCATION RELATIVE TO SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USE
North	IN	IP	DWU Complex, Industrial Park
South	IN	IP	Vacant; 98 Palms Shopping Center located 600 feet southeast of the tower
East	IN	IP	Vacant
West	IN	IP	Vacant

ANALYSIS OF COMPATIBILITY

A. Type of Land Use, Zoning District, and Land Use Category.

SUBJECT SITE	FUTURE LAND USE	ZONING	EXISTING LAND USE
DWU Water Tower	IN	IP	Potable Water Tower with cellular antennas and related infrastructure

As stated in the above section "Project Description," Louisiana Unwired, LLC proposes the co-location of antennas on the Destin Water Users (DWU) water tank tower located south of Industrial Park Road, near the southern boundary of the DWU Plant, south of the Gulf Power transmission easement. The project also includes construction of a 15' by 20' concrete equipment pad at the base of the water tower and two (2) 30" x 30" x 66" metal equipment cabinets, expandable to five (5), will be installed on the pad inside an existing fenced compound.

The DWU site is designated "Industrial" on the Future Land Use Map and is zoned "Protected Industrial" (IP). The water tower is located in an area removed from any substantially dissimilar residential or non-residential development.

Industrial uses are allowable uses within the "Industrial" Comprehensive Plan Future Land Use designation if the uses comply with the height, area and bulk restrictions contained in the Land Development Code [Section 7.A.4.6 (m), Destin Comprehensive Plan]. Pursuant to City Ordinance 279, cellular antennas are cited as accessory facilities to communication towers. However, the subject site plan does not include a communication tower. Instead, the antennas are constructed as accessory structures to the water tower. Accessory structures specifically allowed as within the IP zoning district [Section 7.12.01(J)(2), Destin Land Development Code]. The proposed antennas together with the propose accessory shelter and supportive infrastructure are clearly accessory structures that are consistent with the Comprehensive Plan and the LDC, provided compatibility criteria are met and provided specific regulations within Ordinance 279 are satisfied. This analysis does not include an analysis of the structural integrity of the proposed antenna installations.

B. Location of Structure, Dimensions, Height, and Floor Area Ratio.

The antennas will not require installation of a tower. The proposed development will not change the footprint of the water tower, dimensions, or height. The structure is not enclosed and, therefore, the floor area ratio measure is not applicable. This review does not address the structural integrity of the proposed development.

C. Location and Extent of Parking, Access Drives, and Service Areas.

The City Engineer shall review off-street parking requirements as well as the design and specifications of access drives.

D. Traffic Generation, Hours of Operation, Noise Levels and Outdoor Lighting.

1. **Traffic Generation.** In my opinion the antennas will have a negligible or "*diminimus*" impact on existing traffic generated by the marina.

2. **Noise Levels.** The applicant must comply with City ordinances governing noise.

3. **Outdoor Lighting.** No lighting is proposed as part of the amended site plan. Prior to installing any outdoor lighting, the applicant must first submit plans for such outdoor lighting to the City for review and approval. The plans must provide specifications for the proposed outdoor lighting, including photometrics. Any future lighting must be shielded downward and away from adjacent properties in order to avoid spill over and illumination into the night sky. The source of all illumination should not be visible from off-site.

E. Alteration of Light and Air.

Aside from the evaluation stated immediately above concerning lighting, the plan does not appear to generate any other adverse impacts to light and air.

F. Setbacks and Buffers

The proposed antennas and accessory structures do not violate any adopted setback requirements and do not require a buffer.

OPINION. The Louisiana Unwired, LLC site plan for installation of antennas on the water tower at the DWU complex complies with the City of Destin Comprehensive Plan Policy 7.A.4.6 (p) and the Land Development Code, §7.09 subject to compliance with the following two conditions.

1. Location of Structure. In order to protect the public safety, as a condition of approval, the City Council will require that the tank owner accept the recommendations of Donald A. Sawyer, P.E., Consulting Engineer on the site plan. Accordingly, the tank owner must incorporate the following recommendations as standard operating procedures: *In case of a hurricane, the tank owner shall increase the water level to add additional weight to the tank structure and ensure that the tank is about three-quarters full to optimize foundation loads under hurricane conditions. This will guarantee that the tank will be stable and that the downwind foundation will not be stressed any greater than normal everyday full tank conditions.*

2. Outdoor Lighting. No lighting is proposed as part of the site plan. Prior to installing any outdoor lighting, the applicant must first submit plans for such outdoor lighting to the City for review and approval. The plans must provide specifications for the proposed outdoor lighting, including photometrics. Any future lighting must be shielded downward and away from adjacent properties in order to avoid spill over and illumination into the night sky. The source of all illumination should not be visible from off-site.

Summary. In my professional opinion that the site plan complies with the criteria for compatibility review contained in the City of Destin Comprehensive Plan and the Land Development Code.

Any future additional revisions to the site plan, including the addition of outdoor lighting, must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions of the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09].