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SENT BY PROJECTDOX UPLOAD

September 28, 2023

Betsy Herwig
Planning Division- Economic Development Department
City of Orlando
400 S. Orange Avenue, 6th Floor
Orlando, FL 32802

RE: TDCP, LLC
Site Name: Lake Nona Poitras
Parcel No. 31-24-31-7793-15-001
CUP2021-10024 Cell Tower 5 – Lake Nona Poitras
Conditional Use Permit Application for
151' AGL Monopine Style Communication Tower

Dear Ms. Herwig:

On behalf of my client, TDCP, LLC and Dais/LN DAS (TDCP) please find the included Conditional Use Application and supporting documentation:

- Receipt for Fee Payment
- Agent of Record from TDCP, LLC to Mattaniah S. Jahn, Esq.
- Affidavit of Business Ownership
- Letter Stating Common Ownership and Control between TDCP and Dais/LN DAS
- TOWAIR Determination
- Colocation Affidavit
- 911 Call Statistics from Orange County for 2021
- Photo-Simulations
- Verizon RF Package
 - Propagation Maps - Before/After, with Statement of Need
 - Cutsheet – AIR 6419
 - Cutsheet – MX06FRO660-02
 - FCC Licenses
- Sunbiz Reports for
 - TDCP, LLC
 - LN DAS LLC
- Legal Descriptions on 8.5"x11" – on copy in Word
- Osceola County Code 3.7.1 – with Annotation
- Property Card

- Property Card Aerial
- Survey – 1 1 digitally signed and sealed set
- Site Plan Set – 1 digitally signed and sealed set

Summary of Request

TDCP respectfully requests the approval of a Conditional Use Permit to construct a 151' AGL Monopine Style Communication Tower (Monopine), with a 3,200 square foot compound upon parcel number 31-24-31-7793-15-001. The parent parcel is zoned PD/AN with a future land use of URB-VILL and consists of 5.04 acres. The parent parcel is located at the extreme Southern edge of the Lake Nona Poitras PUD, on buffering land that is immediately adjacent to the future Osceola Parkway Extension Expressway.

TDCP respectfully requests a reduction of the three times tower height separation requirement on the two parcels to the East (Parcels# 31-24-31-7793-00-020 and 31-24-31-7793-00-010). TDCP respectfully requests to employ the monopine style camouflage technique to compensate for the reduced separation between the two lots. The Monopine meets or exceeds all other required standards in the City Code, as well as the Osceola County 100% tower height separation to the South. Further, TDCP is not requesting any other variances or waivers.

The site is proposed to remedy a gap in Verizon's service and a in the area. A utility company also intends to collocate upon the Monopine to serve the area in and around the Poitras PUD and the Osceola Parkway Extension Expressway as the area builds out. The Monopine is proposed at this time so that it can precede general the buildout of the area so that the tower may exist before the majority of the landowners acquire their parcels.

Analysis of Applicable Code:

40. - COMMUNICATION TOWERS AND WIRELESS COMMUNICATION FACILITIES

Sec. 58.840. - General Requirements.

- (a) All communication towers shall be subject to these land development regulations (including Figures 2B and 2D in Chapter 58, Orlando City Code), the City of Orlando Engineering Standards Manual, Downtown Design Guidelines and Downtown Streetscape Design Guidelines as applicable. A communication tower is a permitted use in the General Industrial District and the Industrial Park District. Communication towers in other zoning districts may be permitted upon the granting of a Conditional Use Permit. Additionally, communication towers located inside:
 - (1) a Historic Preservation Overlay District must obtain a certificate of appropriateness prior to the issuance of any permit for the construction, installation, or alteration of a communication tower or communication antenna;
 - (2) the Downtown CRA and outside a Historic Preservation Overlay District must obtain a certificate of appearance approval;

- (3) the Traditional City (/T) Overlay Zoning District, a Special Plan (SP) Overlay Zoning District or a Planned Development (PD) Zoning District shall require Urban Design review as part of the Engineering permit process.

TDCP respectfully proposes to locate the Monopine on a parcel with a PD/AN zoning designation and a URB-VILL future land use designation. Please see the enclosed zoning map.

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Sec. 58.843. - Height Limit Exceptions.

Building-mounted communication towers shall be considered a part of the principal structure. As provided in Part 2A of this chapter, building-mounted and ground-mounted communication towers and antennas shall not exceed the height limitations prescribed by the Airport Zoning Regulations described in Part 9, Chapter 58, Orlando City Code.

Please see the enclosed TOWAIR notice. The Monopine will be completely dark at night.

Sec. 58.844. - Separation and Site Development Standards.

- (a) *Separation from Off-Site Uses.* Communications Towers shall be located so as to comply with the following standards for the minimum separation distance from the closest required building setback line for any off-site principal use structure:

Off-Site Uses/Zoning	Minimum Separation from required building setback
<i>Any residential zoning district R-3A or less, any similar residential zoning districts in Orange County, any O-1 office and residential district, and any residential component in a PD</i>	<i>200 feet or 300% height of tower, whichever is greater</i>
Any multi-family zoning district R-3B and above, mixed use district (MXD, MU), activity center district (AC), office and residential district (O-2 and O-3), any public use district (P), and similar uses in Orange County.	100 feet or 100% height of tower, whichever is greater
All other zoning districts	None

The Monopine meets or exceeds the Code required separations in all directions within the City with the exceptions of parcels 31-24-31-7793-00-020 and 31-24-31-7793-00-010 to the East. The minimum required residential use separation distance within the City pursuant to this section is 453' (300% tower height). The Monopine will be located on a buffering parcel at the extreme Southern end of the Lake Nona Poitras PD next to the Osceola Parkway Extension Expressway. The nearest residential setback lines on the PUD are located to the East, and 200' away from the edge of the Monopine. All other parcels within the City exceed the Code required residential separation. Parcels exist in Osceola County South of Boggy

Creek Road, however, they exceed the Osceola Code residential separation requirement contained in Section 3.7.1.F.21, Table 3-6. Please see Sheet C-1.1 as well as the enclosed Osceola County Code Section 3.7.1.

- (b) *Separation Between Communication Towers.* Communication towers shall be located so as to comply with the following standards for the minimum separation distance from existing communication towers and/or communication towers that have received a valid Conditional Use permit or building permit:

Proposed Tower Types	Minimum Separation Between Towers (by Tower Type)			
	Self Supporting	Guyed	Monopole— 75 Feet in Height or Greater	Monopole— Less than 75 Feet in Height
Self Supporting	5,000 ft.	5,000 ft.	1,500 ft.	750 ft.
Guyed	5,000 ft.	5,000 ft.	1,500 ft.	750 ft.
Monopole—75 ft. in height or greater	1,500 ft.	1,500 ft.	1,500 ft.	750 ft.
Monopole—Less than 75 feet in height	750 ft.	750 ft.	750 ft.	750 ft.

(emphasis provided)

Per the table, the Monopine must be separated by the nearest self-supporting, guyed, or Monopole style tower (75' in height or greater) by 1,500'. The nearest tower is located 8 miles to the North, Northwest. As such, the Monopine exceeds the Code required separation. Please see Sheet C-1.2

- (c) *Measurement of Separation.*

- (1) Separation distances shall be calculated and applied irrespective of jurisdictional boundaries.
- (2) Separation distances shall be measured from the Global Positioning System location of the existing, approved, or proposed communication tower.

- (3) Documentation shall be submitted with any request for Conditional Use permit or building permit approval to demonstrate conformance with the separation requirements. In addition, a certified survey showing the Global Positioning System location of the proposed communication tower shall be submitted with any application for Conditional Use permit or building permit approval to demonstrate conformance with setback requirements.

Please see Sheet C-1.1 and C-1.2 as well as the enclosed Survey.

- (d) *Anchor Location.* All communication tower supports and peripheral anchors shall be located entirely within the boundaries of the development site and shall be set back from the development site perimeter a minimum distance of five (5) feet, or the minimum setback of the zoning district in which the communication tower is located, whichever is greater. All such supports and anchors shall also observe a minimum horizontal setback from any overhead utility lines of not less than ten (10) feet.

N/A.

- (e) *Equipment Buildings.*

- (1) All communication tower equipment buildings and structures 100 square feet or less shall conform to the setback requirements for an accessory use. All communication tower equipment buildings and structures over 100 square feet shall conform to the zoning district setback requirements of Figures 1 and 2.
- (2) One unmanned communication equipment building or structure may be constructed for each communication service provider that co-locates one or more antennas on a communication tower site.

The Monopine's compound setbacks will be:

	Required:	Provided
North:	25'	25'
South:	5'	34'
East:	25'	151'
West:	25'	571'

Therefore, the Monopine's compound will exceed the Code required setbacks. Please see Sheet C-1.2.

(f) *Fencing and Walls.* A fence or masonry wall not less than eight (8) feet in height from finished grade shall be provided around the perimeter of all communication tower sites for ground-mounted communication towers. The decision to provide either a fence or a wall shall rest with the applicant. If a fence is used to enclose the site, the fence shall be constructed of chain link, wire mesh, metal picket, or an alternative material as approved by the zoning official. If a wall is used to enclose the site, the wall shall have a decorative finish of stucco, split faced block, brick, or an alternative material as approved by the zoning official. Access to the communication tower site shall be through a locked gate.

TDCP respectfully proposes to enclose the compound with an 8' tall black vinyl coated chain link fence with 3 strands of barbed wire on top. The compound will be accessed via a locked gate on the South side. Please see Sheet C-2 and C-4.

(g) *Landscaping.* The following landscaping and buffering shall be required around the perimeter of communication tower sites, except that the zoning official may waive the required landscaping on one or more sides of the communication tower site or allow the placement of required landscaping elsewhere on the development site when the required landscape area is located adjacent to undevelopable lands or lands not in public view. Alternative landscaping may be approved by the zoning official. Landscaping shall be installed on the outside of the perimeter fence or wall. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting the landscaping requirements, subject to approval by the zoning official.

- (1) If a fence is used to enclose the communication tower site, a hedge shall be planted in a plant bed at least five (5) feet in width along the outside perimeter of the entire fence, except at the gate or doorway. The plant species shall be selected from the following list:

Plant List for Fences	Spacing	Water Zone (see Chapter 60 for key)
Feijoa sellowiana - Pineapple Guava	3 to 5 ft.	M
Forestiera segregata - Florida Privet	4 to 6 ft.	M
Ilex cornuta - Chinese Holly 'Burfordi' or 'Nellie Stephens'	3 to 6 ft.	M
Ilex vomitoria - Yaupon Holly	2 to 5 ft.	M, L
Illicium floridanum - Florida Anise	4 to 6 ft.	H, M
Jasminum multiflorum - Downy Jasmine	3 to 5 ft.	M
Ligustrum japonicum - Japanese Privet	4 to 8 ft.	M, L
Myrica cerifera - Wax Myrtle	4 to 7 ft.	H, M, L
Pittosporum tobira - Pittosporum	3 to 5 ft.	H, M
Sabal minor - Dwarf Palmetto	4 to 8 ft.	H, M, L
Serenoa repens - Saw Palmetto	5 to 8 ft.	M, L

Trachelospermum jasminoides - Confederate Jasmine	4 to 6 ft.	H, M, L
Viburnum odoratissimum - Sweet Viburnum	4 to 8 ft.	H, M
Viburnum suspensum - Sandankwa Viburnum	3 to 5 ft.	H, M

The Monopine's compound will be enclosed by the Code required 5' wide landscape buffer. Please see Sheet L-1.

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- (h) *Illumination.* Communication towers shall not be artificially lighted except as required for public safety purposes, or by the Federal Aviation Administration (FAA).

The Monopine will not be illuminated. Please see Sheet C-3 and the enclosed TOWAIR notice.

- (i) *Signage.* No signage shall be allowed on any communication tower, except as required for public safety purposes, or by the Federal Communications Commission (FCC).

Noted. Please see Sheet T-2, signage note.

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Sec. 58.846. - Co-Location of Communication Antennas.

The modification or reconstruction of an existing communication tower to accommodate the co-location of two (2) or more communication antennas shall be permitted without new or additional Conditional Use permit approvals, provided that the communication antennas are owned or operated by more than one communication service provider and the co-location is accomplished in a manner consistent with the following requirements:

- (a) *Type of Construction.* The modification or reconstruction shall not change the communication tower from one type of tower to another, except that any type of communication tower may be reconstructed as a Monopole tower.
- (b) *Height.*
 - (1) An existing communication tower may be modified or rebuilt to a taller height, not to exceed twenty (20) feet over the tower's existing height, to accommodate the co-location of one (1) or more additional communication antennas.
 - (2) The height change referred to in subsection (b)(1) above may only occur one time per communication tower.

- (3) The additional height referred to in subsection (b)(1) above shall not require additional distance separation between towers or between towers and off-site uses as set forth in Section 58.844. The communication tower's premodification height shall be used to calculate such distance separations.

The Monopine will be designed to accommodate the antennas of Verizon at the top as well as a utility service provider's antennas with space for up to 2 additional sets of antennas. Therefore, the Monopine will exceed the required number of colocations. Please see Sheet C-2 and C-3.

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Sec. 58.847. - Waivers.

- (a) A waiver from the minimum separation distance to off-site uses set forth in section 58.844(a), Orlando City Code, may be approved (1) by City Council upon recommendation of the planning official, when the proposed communication tower is a permitted use, or (2) through the Conditional Use Permit process, in accordance with the procedure set forth in Chapter 65, Part 2D of this Code, when the proposed communication tower is a Conditional Use.

TDCP respectfully requests a waiver of the 253' tower separation from 2 residential parcels locate to the East, allowing 200' in lieu. The Monopine will be designed with tree camouflaging techniques. Additionally, the Monopine will be constructed with 2 colocators at time of construction, Verizon and a Utility Company. The Monopine exceeds the required Code separation to all other residential parcels within the City as well as the Osceola Code required 100% tower height separation to the South. TDCP is not requesting any other waivers or variances of the City's Code. Please see Sheet C-1.2.

- (b) A waiver from the minimum separation distance between communication towers set forth in section 58.844(b), Orlando City Code, may be approved by the City Council, upon recommendation of the planning official, when the proposed communication tower is a permitted use, or through the Conditional Use Permit process, in accordance with the procedure set forth in Chapter 65, Part 2D of this Code, when the proposed communication tower is a Conditional Use, provided two (2) or more communication service providers agree to co-locate communication antennas on the same tower (co-location).

The Monopine exceeds the Code required for the tower to tower separation. Therefore, TDCP is not requesting any waivers to this provision. Please see Sheet C-1.2

- (c) A waiver from the minimum separation distances set forth in sections 58.844(a) and (b), Orlando City Code, may be approved through the Conditional Use Permit process in accordance with the procedures set forth in Chapter 65, Part 2D, Orlando City Code when the proposed communication tower conforms to two (2) or more of the following criteria:

- (1) Camouflaging techniques approved by the City are incorporated into the design of the communication tower.

TDCP respectfully requests a reduction of the y' to y' to parcels (PINS). TDCP respectfully proposes to implement Monopine camouflaging to offset the reduction in separation to these two lots. The Monopine design was proposed to take contextual cues from the pine trees located to the South along Boggy Creek Road and any buffering that may be planted along the proposed Osceola Parkway Extension Expressway that will be adjacent to the Monopine and adjacent lots. The Monopine meets or exceeds the Code required separation from all other residential parcels within the City. Please see Sheet C-1.2 .

- (2) Two (2) or more communication service providers agree to co-locate communication antennas on the same tower.

While Verizon will be the only communication service provider initially proposed upon the Monopine, a utility service provider will colocate upon construction. Therefore, the Monopine will meet the spirit of this provision of the Code. Please see Sheet C-3.

- (3) The tower or towers within the required separation distance are all located in an industrial zoning district as a permitted use pursuant to Figure 2.
- (4) The proposed location will minimize the visual impact of the proposed communication tower because the bulk, height, use, or appearance of the adjacent structures and surrounding area will either screen the tower from view or provide a location where the proposed communication [tower] will be visually unobtrusive and unobjectionable.

TDCP respectfully requests a waiver of the 253' tower separation from 2 residential parcels locate to the East, allowing 200' in lieu. The Monopine will be designed with tree camouflaging techniques. Additionally, the Monopine will be constructed with 2 colocators at time of construction. The Monopine exceeds the required Code separation to all other residential parcels within the City as well as the Osceola Code required 100% tower height separation to the South. Further the Monopine's siting, along the heavily travelled Boggy Creek Road and next to the planned Osceola Parkway Extension Expressway, places the Monopine as far away as possible from residential uses in the area, given the planned layout of the environment. Simultaneously, it's placement along the expressway right of way is the most logical location for the structure as utility uses would be expected along the expressways instead of deeper into the residential areas. Existing mature trees, particularly in and among the existing houses to the South in Osceola County help to break up view sheds and provide contextual cues for the Monopine's camouflaging technique. Please see Sheets C-1, C-1.1, C-1.2, and C-3 as well as the enclosed Photo Simulations.

Sec. 58.848. - Effect of Approval.

- (a) A communication tower that has received City approval in the form of either a Conditional Use permit or building permit shall be considered an existing communication tower as long as such approval is current and not expired.

- (b) Conditional Use permits for communication towers shall be valid for a period of one year and are not subject to renewal under Section 65.285 of this Code. An application for a new Conditional Use permit may not be filed until thirty (30) days after the expiration of a valid Conditional Use Permit for the same site.

Noted.

Sec. 58.849. - Abandonment.

In the event that the use of any communication tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the zoning official who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the active use of the tower. The owner/operator of the tower shall have one-hundred eighty (180) days from the date of the notice of the zoning official's determination of abandonment to either, (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower. At the earlier of one hundred eighty-one (181) days from the date of the notice of the zoning official's determination of abandonment without reactivation, or upon completion of dismantling and removal, any conditional use and/or variance approval for the tower shall automatically expire.

Noted. Please see Sheet T-2.

Sec. 58.849.1. - Business Tax Receipt Requirement.

The business tax receipt required for a communication tower shall specify that the receipt is for an accessory service use.

Noted.

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Sec. 65.285. - Standards of Review for Conditional Use Permit Applications.

In their review and consideration of conditional use permit applications, the Municipal Planning Board and the City Council must consider the following factors:

Purpose and Intent. The purpose and intent and all other requirements of the Land Development Code.

The intent of the Land Development Code is to allow the orderly development of wireless communications while ensuring adequate protection of neighboring residential uses. The Monopine furthers these sound planning objectives. First, the Monopine design, with dull brown trunk, foliated canopy, and all cabling contained within the Monopine itself, minimizes the appearance of the structure. Existing mature trees, particularly in and among the existing houses to the South in Osceola County help to break up viewsheds and provide contextual cues for the Monopine's camouflaging technique. Second the Monopine's siting,

along the heavily travelled Boggy Creek Road and next to the planned Osceola Parkway Extension Expressway, places the Monopine as far away as possible from residential uses in the area, given the planned layout of the environment. Simultaneously, it's placement along the expressway right of way is the most logical location for the structure as utility uses would be expected along the expressways instead of deeper into the residential areas. Please see Sheets C-1, C-1.1, C-1.2, and C-3 as well as the enclosed Photo Simulations.

Growth Management Plan. Whether the proposal is consistent with all applicable policies of the City's adopted Growth Management Plan.

The City's Tower Code is the expression of the Growth Management Plan. Communication towers are allowable on parcels within PUD zoning designations through Conditional Use review. Further, with the exception of the waiver request from the two lots to the East, the Monopine meets all requirements of the City's Tower Code. Additionally, the Monopine employs camouflaging techniques to support the waiver under the Code. Therefore, the Monopine Tower is consistent with the Growth Management Plan.

Compatibility. The compatibility of the proposal with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, drainage, dust, lighting, and appearance.

The Monopine design, with dull brown trunk, foliated canopy, and all cabling contained within the Monopine itself, minimizes the appearance of the structure. Existing mature trees, particularly in and among the existing houses to the South in Osceola County help to break up view sheds and provide contextual cues for the Monopine's camouflaging technique. Further the Monopine's siting, along the heavily travelled Boggy Creek Road and next to the planned Osceola Parkway Extension Expressway, places the Monopine as far away as possible from residential uses in the area, given the planned layout of the environment. Simultaneously, it's placement along the expressway right of way is the most logical location for the structure as utility uses would be expected along the expressways instead of deeper into the residential areas. Please see Sheets C-1, C-1.1, C-1.2, and C-3 as well as the enclosed Photo Simulations.

Public Facilities and Services. Whether necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, and recreation, will be adequate to serve the proposed use.

The Monopine will be unstaffed and will not need water, sewer, off-site drainage, education services, or recreational services. The Monopine will typically be serviced by no more than one pickup truck sized vehicle per carrier, per month and will, therefore, only create a minimal increase in traffic. The Monopine will be located within a locked compound surrounded by an 8' black vinyl coated chain link fence and will, therefore, only need minimal emergency services support. Finally, the Monopine will support the availability of public services by providing reliable wireless coverage in the area. In 2021, 89.2% of all 911 calls received by Orange County Sheriff's Office were received via wireless phones. This

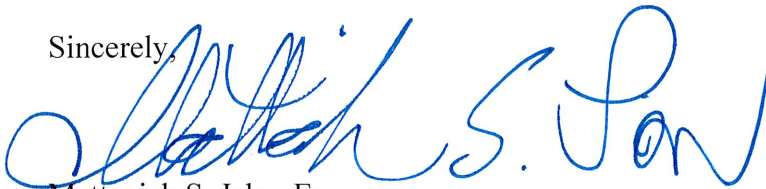
shows that reliable wireless coverage is no longer a luxury, it is a necessity. Please see Sheets C-1.1 and C-3 as well as the enclosed 911 Call Statistics.

Other Matters. Any other lawful matter that the Municipal Planning Board deems appropriate and relevant to the specific proposal.

Noted.

Thank you for your assistance in this matter. Please do not hesitate to contact me if I am able to provide you with additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mattaniah S. Jahn". The signature is fluid and cursive, with a large initial "M" and "S".

Mattaniah S. Jahn, Esq.

MSJ/dkp

Enclosures