

ADDITIONAL INFORMATION

*PRESENTED For The
RECORD*

**REQUEST TO DENY A VARIANCE FOR
A CELL TOWER AT THE KNIGHT OF
COLUMBUS PROPERTY**

Planning and Zoning Mission Statement

To assist the public and to direct and encourage quality community development in accordance with adopted policies, codes, and laws which enhance the city, protect the environment and make the city a better place to live.

GUILLERMO (BILL) VIGNIER, P.E.
Civil Engineer

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Port St. Lucie, Florida, 34952
Cell 772-618-0283 - 772-337-1779 - vignier27@aol.com

REASONS FOR OUR REQUEST TO DENY THE VARIANCE FOR THE CELL TOWER AT THE KNIGHTS OF COLUMBUS AND KEEP PORT ST. LUCIE BEAUTIFUL. (P10-127)

First we would like to be clear that our intentions are not to stop progress or affect the employment or the economic situation in our area. Our intentions are to protect the aesthetics of our residential neighborhoods from these ugly, giant structures, protect our property values and to request the enforcement of the City Codes.

- 1) Petition from 40 adjacent residents requesting the denial.
- 2) City Planner recommendation for denial. (See Exhibit "B")
- 3) St. Lucie County Fire District objection due to the proximity of the proposed tower to their existing tower and possible interference or disruption of emergency communications. "The community at large have no guarantee that emergency communications will retain priority over commercial operations in the immediate area". (See Exhibit "T" paragraph #5)
- 4) A 150 foot tower (equivalent to a 15 story building) 132 feet from residential properties is too close. (See Exhibit "A").
- 5) Will create a precedent to construct other towers 132 feet from residential properties.
- 6) The Fire Station already has a 120 feet wireless communication tower in the area, this will be the second and biggest tower in the neighborhood. The existing 120' tower at the Ravenswood fire station was built within city code on a 6 acre (co-location with IRSC, City), therefore is complaint with community development polices.(See Exhibit A")
- 7) This tower will required a 100' x 30' (3000 SF) equipment compound surrounding the base. This is another source of noise and also detrimental to the aesthetics of the neighborhood. (See Exhibit "G")

8) Negative effects to the aesthetics of a thriving one story residential community constructed in the early 70s. This Section of Port St. Lucie is known as Section 45 and the residents paid extra to have all the utilities underground no power poles. It is a travesty of justice to allow the construction of this 150 ft awful structure to affect the skyline of this residential neighborhood for thousand of feet. (See Exhibit "F & G")

9) Negative effects to residential property values. Who would like to buy a property with a 150 foot tower facing the backyard? (See Exhibit "F & G")

10) Prior rulings by City Councils denying to two smaller cell towers because they did not fit within the aesthetics of a residential community and residents didn't want it. Mayor Christensen said "We want to keep our neighborhoods looking nice " More towers will be needed as more people use cell phones, but towers should be built off main roads and not in residential areas" Vice Mayor Kelly "Residents don't want it".
(See Exhibit "C")

11) Other areas at the Sportsman's Park (15.92 Ac and 8.53 Ac) and The River Park Marina appear to us are more appropriate. If they can not be used we would like to know the reason? (See Exhibit "A")

12) The Council will be approving the construction of a structure that has the potential to damage property outside their jurisdiction and outside the Knights of Columbus property. (See Exhibit "D")

13) We already have 16 of these commercial towers in the City and with this one they begin to encroach the urban areas and getting closer to the residences (132Ft.). They already have two towers 1.4 miles from this proposed tower. (See Exhibit "E & H")

14) If this tower or a portion of the tower collapses in the existing drainage ditch (D-5) 32 feet East of the Tower the obstruction of the rainfall runoff during a hurricane could flood a large number of residences. This ditch drains approximately an area South of Prima Vista Blvd., East of the Turnpike, North of Lakehurst and West of Sandia Avenue. Please double check with the City Engineer the boundaries described because I'm going from memories that are 40 years old.

15) In our opinion the only entities profiting from this installation are the Knights of Columbus and Dynamics Tower Inc. the rest of the residents are affected negatively. This is not just. This is not a quality community development in accordance with the adopted Code.

16) St. Lucie County Land Development Code 7.10.23 (N) page 7:173 Table 7-40 the separation requirements from towers to any habitable residential structure is 750 feet or 200% of telecommunications tower height, whichever is greater. We need to amend our Code to have a similar requirement. **Our Code is actually very weak and this is why we can't allow any more loopholes by approving variances.** (See Exhibit "J").

OUR RESPONSE TO MR. AYCOCK'S REASONS TO APPROVE THE VARIANCE.

(Mr. Aycock's reasons in italics)

It would take an act of God or mother nature so horrific to bring this tower down that nobody's house in Port St. Lucie would be left standing anyway. The tower falling down argument does not stand up based on today engineering requirements mandated by the 2010 State of Florida building codes.

The falling down argument is also in the Code 158.213- E "

Certification from a Florida-registered professional engineer stating that the tower will collapse within the designed and specified fall radius depicted in the plans is required".

We heard similar promises from the BP Engineers regarding the safety of the deep water wells in the Gulf of Mexico.

We are located inside the proper zoning districts according to the city zoning code. I am not trying to put this in somebody's back yard.

Yes only 32ft inside the zoning area and the area is too small less than 5Ac for the construction of wireless communication towers according to the zoning Code. The tower is also too close to the fire department emergency tower.

The most logical solution was back behind the Knights of Columbus building to screen it from the front and next to the canal with all the native tree vegetation screening it from the neighbors to the east.

First the existing vegetation along the canal bank is known as Brazilian Pepper it is an aggressive invasive *non native* vegetation that is disturbing the Florida habitat. It is on the Florida Exotic Pest Plant Council's list of invasive species. Secondly a 150ft tower can not be screened with a 10 or 15 ft plant..

We all have to live and work together in the same city. Your not going to stop progress.

We are not trying to stop progress but progress need to respect other people property values and the aesthetics of the neighborhoods.

I don't see anybody complaining about all the FPL utility poles up and down the street providing electricity.

In Port St. Lucie Section 45 the area affected by the tower, you are not going to see any power poles up and down the streets because all the utilities are underground. So yes there are people willing to pay extra to eliminate the eyesore of power poles. In our opinion your pole will be a huge eyesore. Also we can't compare a neighborhood 25 or 30 ft. tall power pole to a 150 ft. Cell Tower with a 3,000 sf equipment compound at the base of the tower.

We as a community have to weight all the opportunities that this will provide for the City of Port St. Lucie. It will keep employees working, it will keep the doors open at the local concrete plant. The local fence guys will stay working. It will pay intangible property taxes. It helps the police catch stupid criminals that commit crimes with a phone in their pocket. It helps citizens in distress with E-911 GPS location finders, so police and fire can find people that don't have a land line at their house.

The tower will affect the neighborhood forever. The amount of fence that will be needed for the tower is (180ft) not more that what is needed for one home and the concrete needed for about three houses, obviously these quantities are not going make any different for a concrete plant and or a fence contractor to remain open or not. Regarding E-911 we already have 16 towers in the City and to expect having one every 1.4 miles or about 11 towers through the City for this reason is not realistic. Progress need to respect other people property values and the aesthetics of the neighborhoods.

The Planning and Zoning board knew the petition was signed based on the wrong information that Mr. Risoldi told the neighbors.

The petition was very clear indicating that the tower "is inconsistent with the character of the neighborhood surrounding the location".

I invited your son to our neighborhood meeting on December 4th. at the Knights of Columbus.

It is not required by any City regulation to attend such meeting and lack of attendance should not be used to discredit the interest of anyone on the issue. We know that the tower will

have very detrimental effects to the neighborhood and the only solution is to move it out of the Knight of Columbus property.

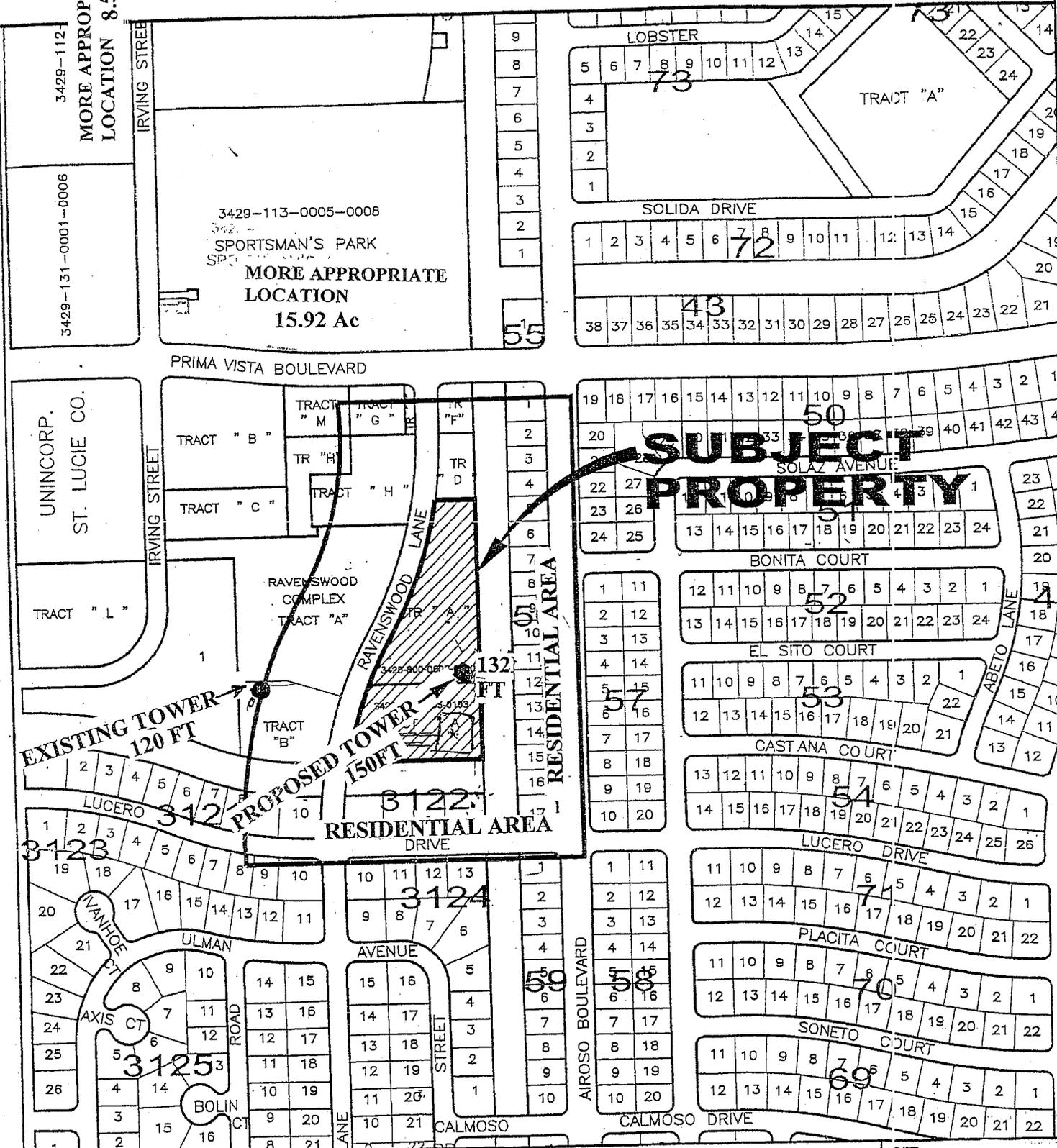
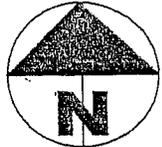
We placed the tower location so that your son and Mr. Risoldi won't be able to see the tower from their house.

A 150ft tower is visible from thousands of feet.

I understand, the code does need to be changed based on the City Councils ruling that fire station towers are off limits for commercial use.

The Code also need to be changed based on two previous City Council rulings that these towers need to be away from residential neighborhood and the separation of 1500ft that is needed between wireless communication towers in Institutional Zonings. Yours doesn't comply because is only 600ft from the Fire Station wireless communication tower.

EXHIBIT "A"



3429-112-1
 MORE APPROPRIATE
 LOCATION 8.52 Ac

3429-131-0001-0006

3429-113-0005-0008
 SPORTSMAN'S PARK
 MORE APPROPRIATE
 LOCATION
 15.92 Ac

UNINCORP.
 ST. LUCIE CO.
 TRACT "L"

TRACT "B" TRACT "M" TRACT "G" TRACT "H" TRACT "A" TRACT "C" TRACT "H" TRACT "D" TRACT "E" TRACT "F" TRACT "A" TRACT "B"

RAVENSWOOD LANE
 RAVENSWOOD COMPLEX
 TRACT "A"

EXISTING TOWER 120 FT
 PROPOSED TOWER 150 FT

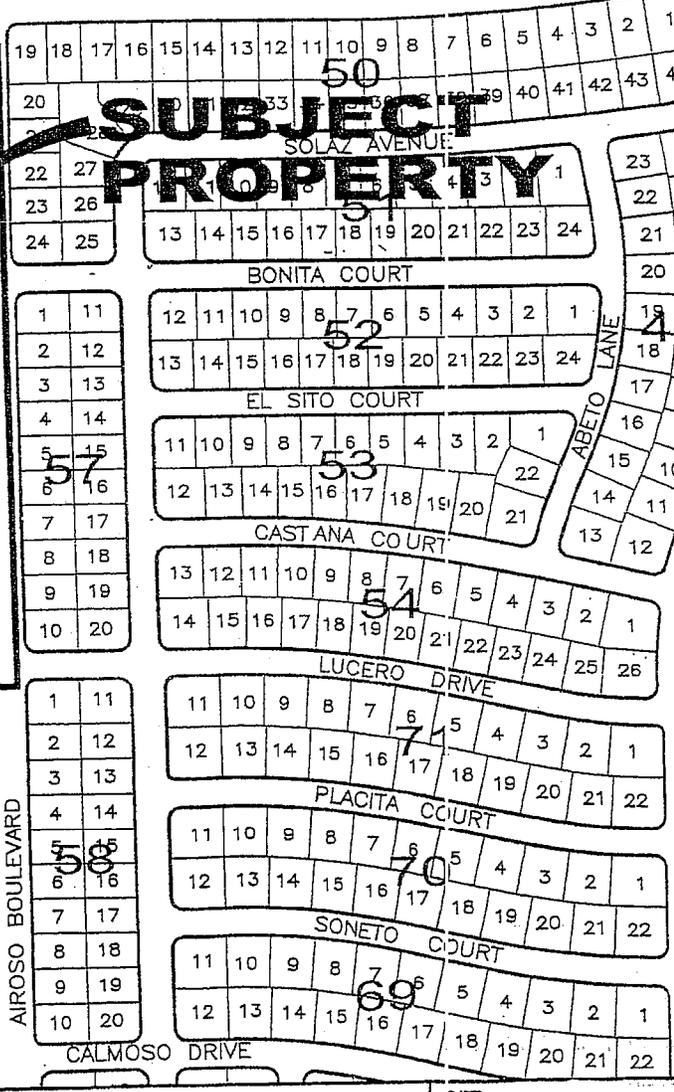
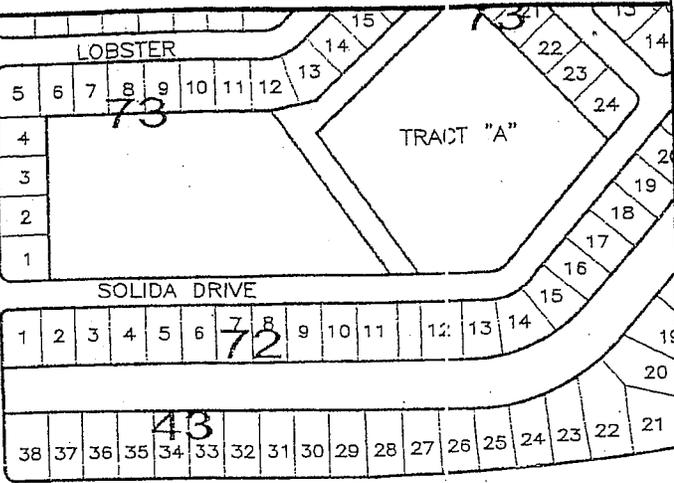
RESIDENTIAL AREA
 RESIDENTIAL AREA

3122
 DRIVE

3123
 DRIVE

3124
 AVENUE

3125
 ROAD



VARIANCE
 TRACT "A"
 PORT ST LUCIE SECTION 60

DATE:
 APPLICATION NUMBER:
 P10-127
 CADD FILE NAME:
 SCALE: 1"=400'

EXHIBIT "B"

ITEM #7A

Staff Response: During a field visit the staff found out that the handicapped parking is not stripped and the dumpster and some landscaping trees are missing. The parking area is not stabilized as shown on the approved site plan P84-018. The applicant has applied concurrently for the Special Exception Use (P10-126) and Site Plan Amendment (P10-141) in connection with this application and is under review process.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff finds the request to be inconsistent with variance criteria as stipulated in Section 158.295(C) of the Zoning Code and recommends denial.

(NOTE TO APPLICANT: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the City Council. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).

EXHIBIT "C"

Port St. Lucie rejects cell tower proposal

January 26th, 2010 by TCPalm.com

PORT ST. LUCIE — Residents of Dalton Circle no longer have to worry about a 125-foot wireless communication tower coming to their neighborhood.

The Port St. Lucie City Council unanimously denied Monday night a request by cell phone provider T-Mobile to replace the existing 120-foot 911 communication tower of the St. Lucie County Fire District with a tower to share its use. Several residents voiced their opposition to the tower at the council meeting.

"There is no benefit here for the city," said Vice Mayor Jack Kelly. "Residents don't want it."

The request required a special exception use and a variance because city zoning code requires 5 acres of land for cell phone towers.

The city's Planning and Zoning Board and Planning and Zoning Board of Appeals both previously denied the variance, while the council previously denied the special exception use.

As the attorney for T-Mobile, Mary Solik said the cell phone provider has a contract with the Fire District to replace the tower and put its 911 communication equipment back on the tower. She said T-Mobile would sue the city if it wasn't granted the special exception use.

"We've become this unintended consequence now," said Councilwoman Michelle Berger.

Councilmen Chris Cooper and Jack Kelly, who are Fire District board members, plan to bring the discussion about canceling the contract to the board at its Feb. 17 meeting.

PSL City Council rejects cell tower at Faith Congregational Church

January 27th, 2009 by TCPalm.com

PORT ST. LUCIE — Residents near Faith Congregational Church won't be seeing a cell phone tower by their homes in the future.

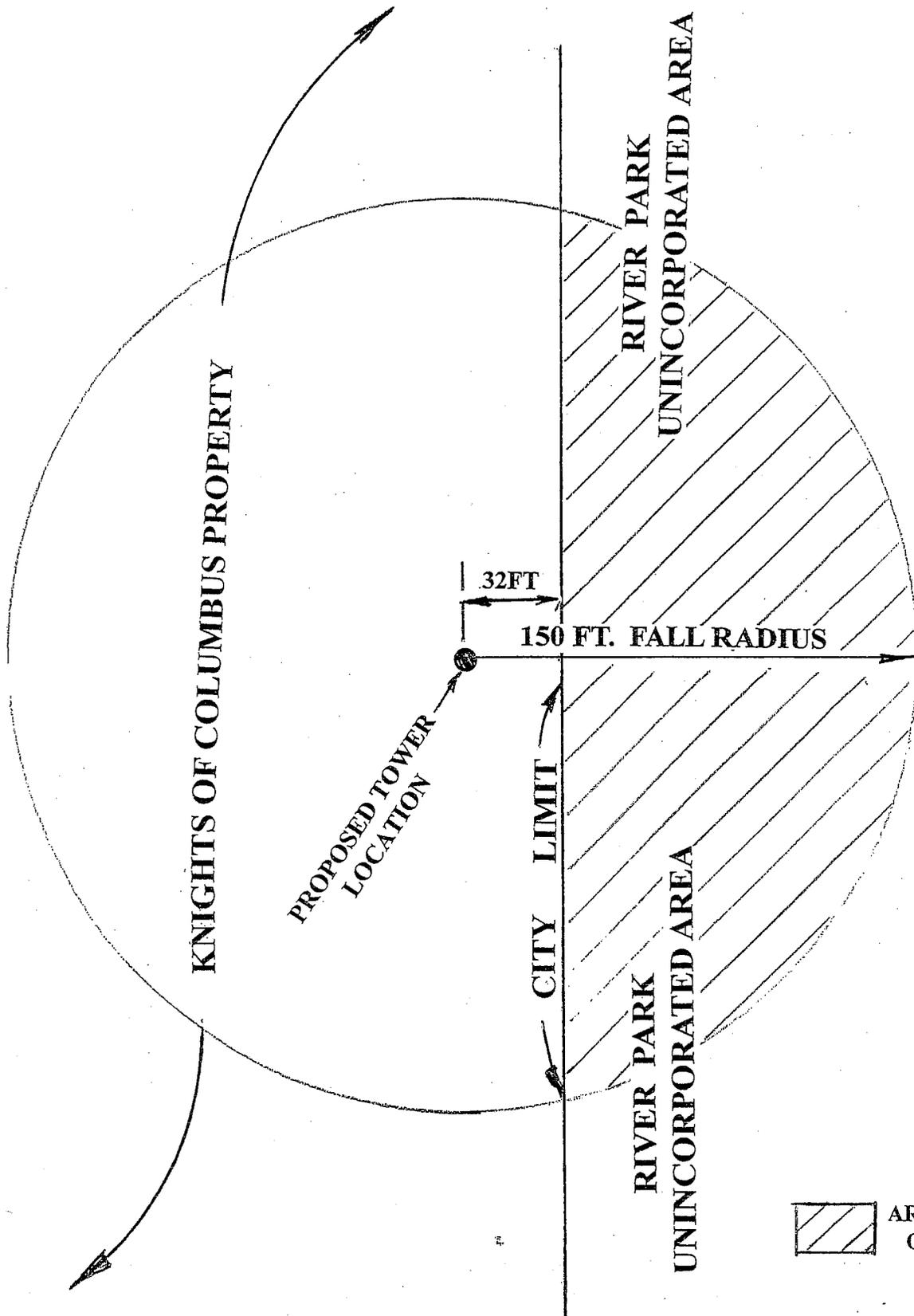
The Port St. Lucie City Council unanimously agreed Monday night to deny granting special exception to city zoning codes for a cell phone tower to be built at the church on the southeast corner of Savona and California boulevards.

"We want to keep our neighborhoods looking nice," said Mayor Patricia Christensen.

Residents who disagreed with the tower came forward to speak. Their complaints included concerns about fitting in with the aesthetics of a residential community, the adverse health effects resulting from radio frequencies emitted from cell phone towers, and the parking and traffic. They also felt that a cell phone tower doesn't belong by Oak Hammock K-8 School, located on Southwest California Boulevard.

Christensen said more towers will be needed as more people use cell phones, but the towers should be built off main roads and not in residential areas.

EXHIBIT 'D'



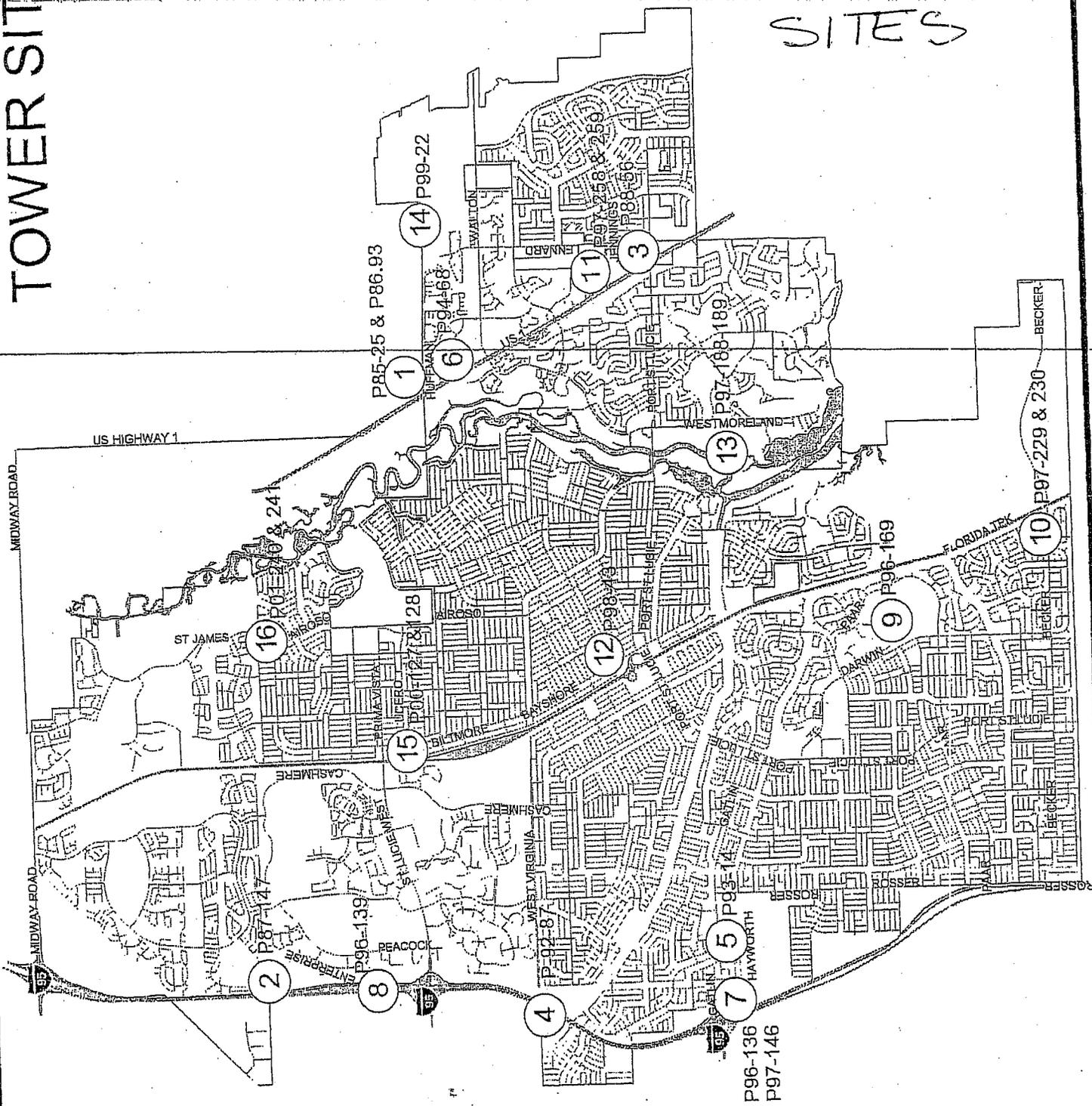
LEGEND
AREA INSIDE THE FALL RADIUS
OUTSIDE THE CITY LIMIT

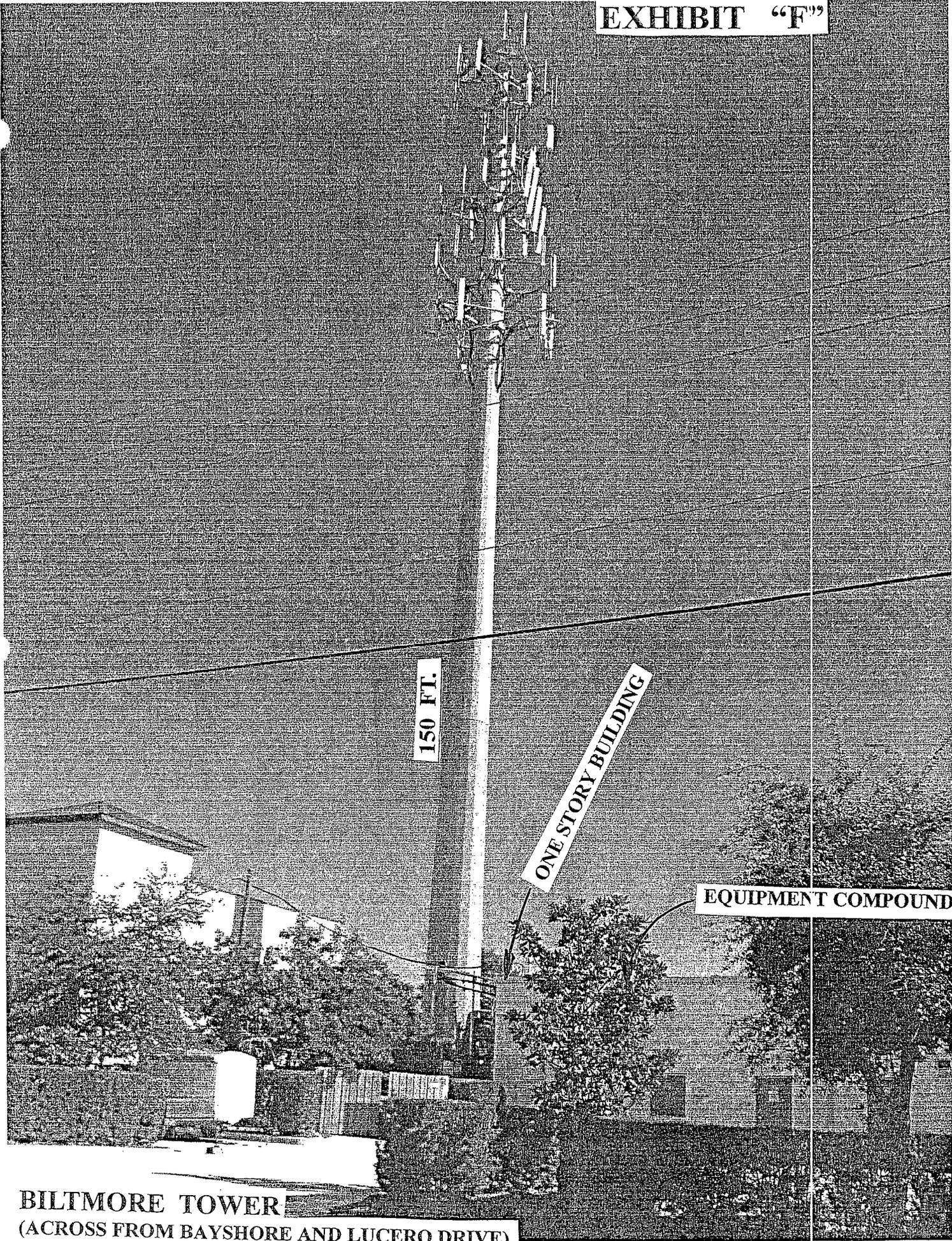
AREA OF FALL RADIUS AS REQUIRED BY
CITY CODE 158.213 (F)

EXHIBIT "E"

TOWER SITES

EXISTING TOWER SITES





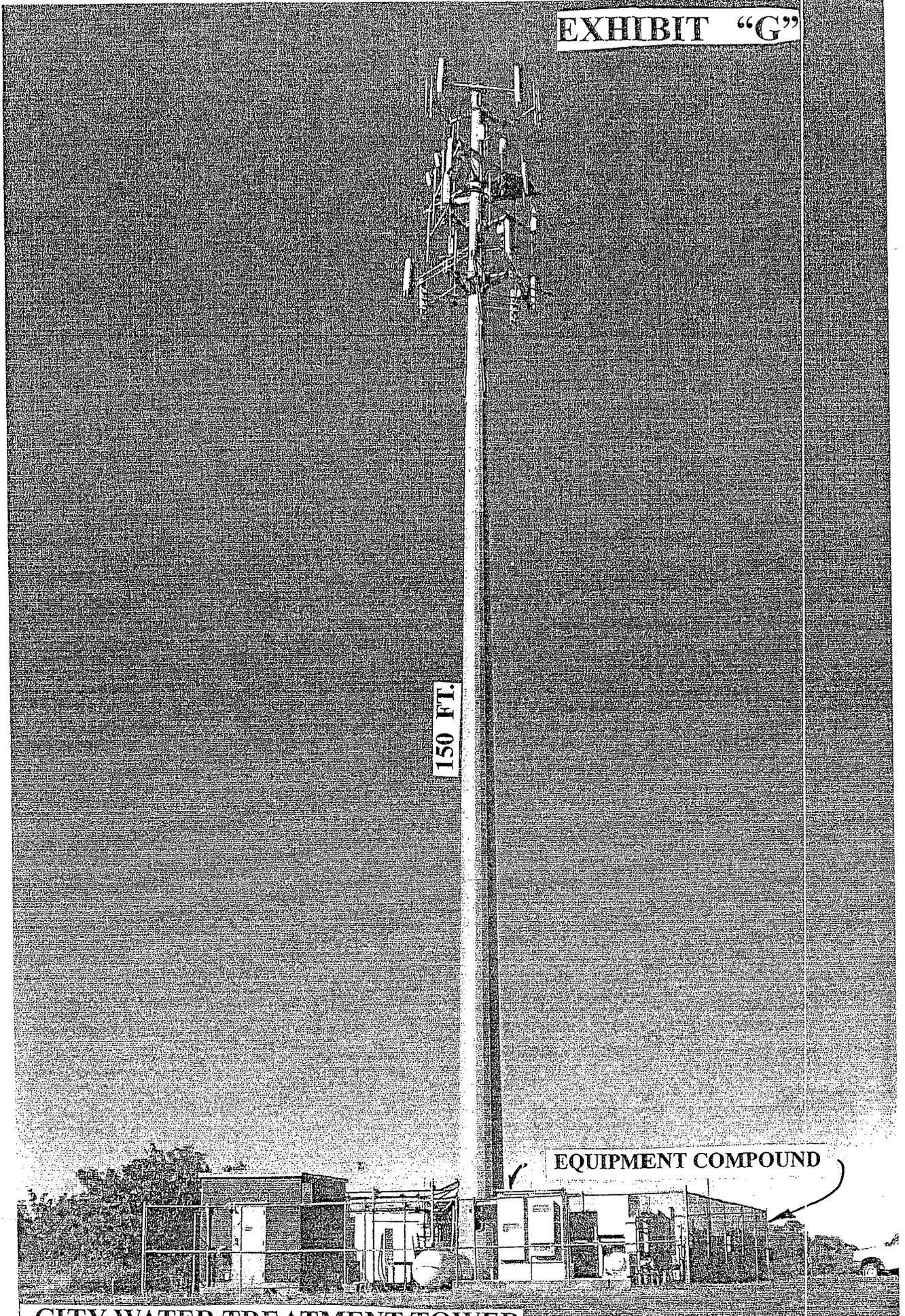
150 FT.

ONE STORY BUILDING

EQUIPMENT COMPOUND

BILTMORE TOWER
(ACROSS FROM BAYSHORE AND LUCERO DRIVE)

EXHIBIT "G"



150 FT.

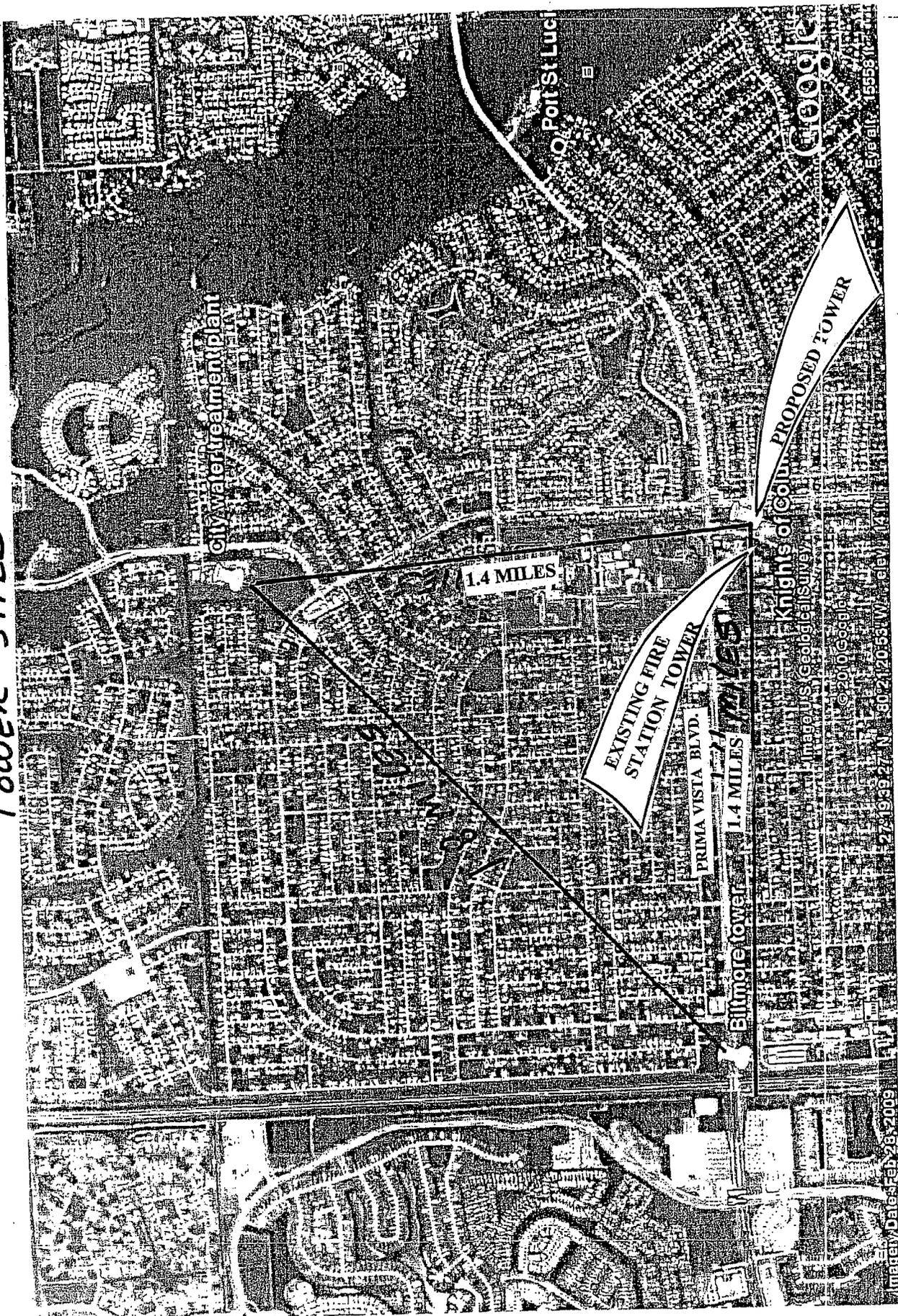
EQUIPMENT COMPOUND

CITY WATER TREATMENT TOWER

(ST. JAMES NORTH OF AIROSO)

EXHIBIT "H"

TOWER SITES



ST. LUCIE COUNTY FIRE DISTRICT
FIRE PREVENTION BUREAU
Office of the Fire Marshal



Telephone: (772) 621-3322
Fax: (772) 621-3604

BUREAU OF FIRE PREVENTION

SITE PLAN REVIEW

TO: Site Plan Applicant

SITE PLAN: Knights of Columbus (communications tower) – P10-141

REVIEW DATE: December 22, 2010

PLANNER: Theresa Kuruvilla - PSL

REVIEWED BY: Captain Derek Foxx / Deputy Chief Buddy Emerson

Site Plan Approved: _____

Site Plan Approved with conditions: _____

Site Plan Approval withheld pending written acknowledgement of conditions: X

Site Plan Rejected: _____

The Following Revisions Are Necessary:

1. Please submit a completed application for Development/Site Plan Review (St. Lucie County Fire District Development & Site Plan Review Application). This form is available on-line at <http://www.slcfd.com/documents/app2.pdf>.
2. Fire District review fees are due at the time of submittal. An abbreviated fee schedule is included on the application form.
3. Please provide an electronic copy of the Site Plan (.dwg or .pdf format)
4. The St. Lucie County Fire District operates a 120 ft. emergency communications tower within 600 feet of the proposed tower. The Fire District's existing tower was designed and constructed to carry the weight of additional communications equipment and is available for co-location of commercial communications equipment if the City will allow it. The District is prepared to go through whatever

"Our Family Serving Yours"

5160 N.W. Milner Drive, Port St. Lucie, Florida 34983-3392
Telephone: (772) 621-3400 • Fax: (772) 621-3500
www.slcfd.com

approval processes are necessary. The District's existing tower was approved as part of the Ravenswood Complex (6 acres) and construction was completed in September of this year.

5. Of primary concern regarding commercial communications towers and equipment is the issue of possible interference or disruption of emergency communications by said tower/equipment. In past situations or in possible co-location agreements, the District has required non-interference clauses to protect emergency communications transmissions over the needs of commercial carriers. Non-interference means that any issue impacting emergency communications, including but not limited to signal degradation, line of sight interference, interruption of transmission, or any other disruption, would require the immediate termination of commercial operations until the source of disruption is identified and resolved. Since the proposed tower could operate independently (not co-located), the Fire District and the community at large have no guarantee that emergency communications will retain priority over commercial operations in that immediate area.

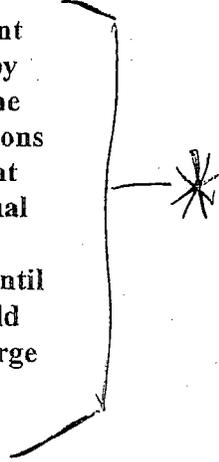


EXHIBIT "J"

N. Separation/Height.

1. The following separation requirements shall apply to all telecommunications towers for which a building permit is required:
 - a. Separation from off-site/designated areas:
 1. Telecommunication tower separation shall be measured from the base of the telecommunication tower to the lot line of the off-site and/or designated areas as specified in Table 7-40, except as otherwise provided in Table 7-40.
 2. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing telecommunications tower(s) and the owner/operator of the existing telecommunications tower(s), if known:
 3. Separation requirements for towers shall comply with the minimum standards established in Table 7-40.

Table 7-40

From any habitable residential structure except for accessory security residences in IL, IH and U zoning districts	750 feet or 200% of telecommunications tower height, whichever is greater
From the property line of vacant residentially zoned land	750 feet or 200% of telecommunications tower height, whichever is greater ¹
From any non-residentially zoned land and accessory security residences in IL, IH and U zoning districts	Fall radius or zoning setback, whichever is greater

Separation measured from base of telecommunications tower to closest building setback line.

4. Separation distances between telecommunications towers shall be applicable for and measured between the proposed telecommunications tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the pre-existing telecommunications tower and the proposed base, pursuant to a site plan, of the proposed telecommunications tower. The separation distance shall be a minimum of one (1) mile, regardless of type of towers.
5. The Board of County Commissioners may approve variances from the separation requirements to habitable residential structures, and to vacant residentially zoned land, provided that no variance shall permit a separation distance of less than that required from non-residential land.
6. The Board of County Commissioners shall not approve a variance except upon specific written findings of fact based directly upon the particular facts submitted to them showing that:
 - a. A literal interpretation of the provisions of Table 7-40 would render the applicant in violation of State or Federal law or would preclude provision of service in the desired area.