

RESOLUTION NO. 12-R01

COUNCIL ITEM 11A
DATE 1/9/12

A RESOLUTION AMENDING RESOLUTION NO. 11-R04 WHICH GRANTED A SPECIAL EXCEPTION USE WITH CONDITIONS PROVIDED FOR IN SECTION 158.100(C)(2) TO ALLOW A TELCOMMUNICATIONS TOWER IN THE OSR/SEU (OPEN SPACE RECREATIONAL/SPECIAL EXCEPTION USE) ZONING DISTRICT FOR DYNAMIC TOWERS AT THE CITY OF PORT ST. LUCIE APACHE PARK, LEGALLY DESCRIBED AS TRACT B, PORT ST. LUCIE SECTION 8, P11-155; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Kevin Aycock of Dynamic Towers acting as agent for the City of Port St. Lucie, owner, to amend Resolution No. 11-04 which granted a special exception use with conditions of a telecommunications tower on property presently zoned OSR/SEU (Open Space Recreational/Special Exception Use); and legally described as Tract B, Port St. Lucie Section 8; and

WHEREAS, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., and Section 158.100(C)(2), Code of Ordinances, City of Port St. Lucie, and further that the granting of this special exception use will not adversely affect the public interest; and

WHEREAS, the subject application has been reviewed in accordance with Section 158.260, and meets the special exception use requirements as stipulated; and

WHEREAS, the Planning and Zoning Board, on December 6, 2011, recommended approval with the following conditions with a vote of six to one (P11-155); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port St. Lucie as follows:

RESOLUTION NO. 12-R01

Section 1. That the City of Port St. Lucie hereby amends Resolution No. R11-04 which granted a special exception use with conditions to Dynamic Towers at the City of Port St. Lucie Apache Park, P11-155, to allow a telecommunications tower, pursuant to Section 158.255, et seq., and Section 158.100(C)(2) Code of Ordinances, City of Port St. Lucie, said special exception use is depicted on the conceptual plan which is hereby formally adopted and attached as Exhibit "A (1)" and "A (2)", to be located at the City of Port St. Lucie Apache Park and legally described as Tract B, Port St. Lucie Section 8, with the following conditions:

1. The applicant shall provide certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of Category 3 hurricane intensity prior to issuance of a building permit.
2. Any obsolete or unused tower shall be removed after 12 months of non-use. A removal bond or irrevocable letter of credit equal to \$15,000 for a tower up to 150' in height shall be required prior to obtaining final site development permits.
3. Any proposed tower or antennae shall not cause interference with the use of radio, television, or telephone broadcasting and reception. Interference as a result of any approved tower or antennae shall be considered a violation of the special exception approving the tower and may result in

RESOLUTION NO. 12-R01

the revocation of the special exception. Such interference may further be considered a public nuisance, and the city may order abatement of the same, including but not limited to requiring removal of the tower.

- 4. The applicant shall provide the executed lease agreement with the City.
- 5. The tower shall be a stealth pole type tower.

Section 2. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 9th day of January, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

BY: _____
JoAnn M. Faiella, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

Roger G. Orr, City Attorney

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL

DATE: January 9, 2012

ORDINANCE RESOLUTION X MOTION PUBLIC HEARING X

ITEM: P11-155 APACHE PARK TELECOMMUNICATIONS TOWER
SPECIAL EXCEPTION USE APPLICATION

RECOMMENDED ACTION: The Planning and Zoning Board reviewed the request on December 6, 2011, and recommended approval with the following conditions with a vote of six to one:

1. The applicant shall provide certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of Category 3 hurricane intensity prior to issuance of a building permit.
2. Any obsolete or unused tower shall be removed after 12 months of non-use. A removal bond or irrevocable letter of credit equal to \$15,000 for a tower up to 150' in height shall be required prior to obtaining final site development permits.
3. Any proposed tower or antennae shall not cause interference with the use of radio, television, or telephone broadcasting and reception. Interference as a result of any approved tower or antennae shall be considered a violation of the special exception approving the tower and may result in the revocation of the special exception. Such interference may further be considered a public nuisance, and the city may order abatement of the same, including but not limited to requiring removal of the tower.
4. The applicant shall provide the executed lease agreement with the City.
5. The tower shall be a stealth pole type tower.

EXHIBITS:

- A. Planning and Zoning Board minutes
- B. Resolution
- C. Staff Report
- D. Support Materials

SUMMARY EXPLANATION/BACKGROUND INFORMATION: The requested special exception is to allow a telecommunications tower in the OSR (Open Space Recreational) Zoning District per Section 158.100(C)(2) of the Zoning Code.

IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED? None.

SUBMITTING DEPARTMENT: Planning and Zoning **DATE:** December 19, 2011

**CITY OF PORT ST. LUCIE
PLANNING AND ZONING BOARD MEETING MINUTES
DECEMBER 6, 2011**

A Regular Meeting of the PLANNING AND ZONING BOARD of the City of Port St. Lucie was called to order by Chair Parks at 1:30 p.m., on December 6, 2011, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

1. CALL TO ORDER

2. ROLL CALL

Members Present: Susan E. Parks, Chair
Charles Rooksberry, Vice Chair
Brian Battle, Alternate Member
William Blazak, Secretary
Bryan Gardner
Ernie Ojito
Ken Martin

Others Present: Mayor JoAnn M. Faiella
Councilwoman Shannon M. Martin
Jerry A. Bentrrott, City Manager
Pam E. Hakim, Senior Assistant
City Attorney
Daniel Holbrook, Planning and Zoning
Director
Anne Cox, Assistant Planning
And Zoning Director
John Finizio, Planner
Katherine Huntress, Planner
Bridget Kean, Senior Planner
Thresiamma Kuruvilla, Planner
Marty Sanders, St. Lucie County
School District
April C. Stoncius, Deputy City Clerk

3. DETERMINATION OF A QUORUM

Chair Parks stated that a quorum was present.

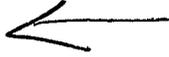
4. PLEDGE OF ALLEGIANCE

Vice Chair Rooksberry led the assembly in the Pledge of Allegiance.

5. APPROVAL OF MINUTES - NOVEMBER 1, 2011

There being no corrections, the minutes were unanimously approved.

6. CONSENT AGENDA

A. P11-131 APACHE PARK TOWER - SITE PLAN 

(Clerk's Note: This item was heard after Item 7E.)

7. PUBLIC HEARINGS

Chair Parks stated, "The applicant or agent for the applicant must be present. If no representative is present for the application, it may be tabled to the following month's meeting. Anyone wishing to speak on any item may approach the podium after the issue has been opened for the public to comment. Each person wishing to speak may do so for not more than three minutes. Please state your name when you come to the podium. You may speak only once for each agenda item. Your comments and concerns are very welcome. However, we must maintain order and provide time for everyone."

A. P11-122 CITY OF PORT ST. LUCIE - CHAPTER 153, LANDSCAPING; LAND CLEARING CODE AND CHAPTER 158, ZONING CODE - TEXT AMENDMENTS

Ms. Cox stated, "This item was reviewed by the Board last month. It is being brought back before you, because the Legal Department had a concern with the last sentence in the proposed section regarding the shared Dumpster enclosures. The sentence addressed third-party billing matters, and it is now proposed to be deleted from the text. Therefore, staff recommends approval of the revised text as shown in the attached ordinance."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Mr. Gardner **moved** to recommend approval of P11-122, City of Port St. Lucie, Chapter 153, Landscape; Land Clearing Code and Chapter 158, Zoning Code, Text Amendment. Vice Chair Rooksberry **seconded** the motion, which **passed unanimously** by roll call vote.

B. P11-147 BAYSHORE PLAZA OUTPARCEL/VICTORIA SQUARE - AUTOMOBILE GASOLINE SERVICES - SPECIAL EXCEPTION USE

Ms. Kuruvilla said, "The applicant is Donaldson Hearing of Cotleur and Hearing, Inc., who is the Real Party in Interest and is the Assignee of the Judgment of Foreclosure. A copy of the

Mr. Gardner **moved** to recommend approval of P11-164, Bayshore Plaza Outparcel/Victoria Square, Convenience Store, Special Exception Use. Vice Chair Rooksberry **seconded** the motion, which **passed unanimously** by roll call vote.

D. P11-165 BAYSHORE PLAZA OUTPARCEL/VICTORIA SQUARE - CAR WASH - SPECIAL EXCEPTION USE

Ms. Kuruvilla said, "The car wash is a permitted special exception use in the CG Commercial Zone, as per Section 158.124(C) (6) of the Zoning Code."

DONALDSON HEARING, Cotleur and Hearing, Inc., representing the applicant, said, "We would request your approval on this project, as all of the special exception criteria has been satisfied. We are sympathetic to the issues that have been raised today. Those concerns are not related to the approval in which you are charged to review regarding whether we meet the special exception use criteria. It is our goal to get this location cleaned up by the first quarter, and have something pleasant at the entryway of the City of Port St. Lucie."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Mr. Martin **moved** to recommend approval of P11-165, Bayshore Plaza Outparcel/Victoria Square, Car Wash, Special Exception Use. Secretary Blazak **seconded** the motion, which **passed unanimously** by roll call vote.

E. P11-155 APACHE PARK TELECOMMUNICATIONS TOWER - SPECIAL EXCEPTION USE ←

Ms. Huntress said, "The applicant is Kevin Aycok of Dynamic Towers, Inc. The City of Port St. Lucie is the owner. The property is located north of Apache Avenue, west of Advana Street, east of Cocoa Street, and south of Bellevue Avenue. It is legally described as Tract B, Port St. Lucie Section 8. The site is 13.988 acres, and is zoned Open Space Recreational/Special Exception Use. The existing use is Apache Park, water retention, and vacant land. The proposed use is Apache Park, water retention, and vacant land with a 3,000 square foot area to be leased from the City to accommodate a 150-foot stealth pole telecommunications tower. Project P10-119, The City of Port St. Lucie, Apache Park Telecommunications Tower, Special Exception Use application was approved by the City Council on February 28, 2011. Condition Number Five stated that the tower shall be a stealth pine tree type of tower. After further review from the Legal Department, they found that the ground lease for the site requires a 150-foot monopole tower. The applicant then proposed a 150-foot stealth tower, which is

5. The tower shall be a stealth pole type of tower."

Secretary Blazak inquired, "Did you receive a set of signed and sealed engineering plans? We can't denote if these have been certified by the engineer in our packet." Ms. Huntress responded, "I do not think that they were signed and sealed. All that we received was a small version. We can obtain it prior to going to the City Council." Secretary Blazak said, "I have a problem approving something that hasn't been certified by an engineer."

KEVIN AYCOCK, Dynamic Towers, Inc., said, "Ms. Huntress did an excellent job explaining the history and background of this site." Secretary Blazak asked, "Did you submit a signed and sealed engineer drawing for this project?" Mr. Aycock replied, "I don't remember off the top of my head, but I want to say yes. I have the big set at my office, and I can drop it off to you if you would like." Secretary Blazak clarified, "I want to know that your engineer signed off on this before I approve it." Mr. Aycock questioned, "Do you have a copy of the Site Plan in front of you?" Secretary Blazak answered, "I do, but I can't tell if it is sealed. If we don't have it in our packet, then I'm reluctant to say that we have an engineer that approved the drawing." Mr. Aycock explained, "Our engineer, Kimley-Horn and Associates, drew the tower design as a concept drawing. When I actually buy the tower from the manufacturer, they will give me the signed and sealed engineering report and diagrams. They are then attached to the actual approved Site Plan. When I go through the building permit process, they will make sure that the engineering report matches the Site Plan. They won't issue the building permit unless the two coincide." Secretary Blazak inquired, "What you have submitted may be different from what you actually get permitted?" Mr. Aycock responded, "No, sir. The design will remain the same, but the engineering . . . I can call the manufacturer who has the details for the different towers. The engineering packet will coincide with the design that you approve to meet the wind load specs and the design criteria." Secretary Blazak asked, "What do I have on the City's behalf to confirm that is what we are going to approve? The document that I have in front of me does not have Kimley-Horn's certification that it is correct." Mr. Aycock replied, "I can get you a signed and sealed copy. I believe that they were, but they are so small that you can't see the seal. We can make it a condition that I deliver the Board a set of signed and sealed drawings." Secretary Blazak remarked, "Thank you."

Chair Parks said, "I understand that we are not doing the pine tree, which I happen to like; we are going to do the stealth tower. As I travel around, I see all different kinds of stealth

similar to the one at the Police Department. The purpose of this application is to amend Number Five of the Resolution to reflect the change of the tower from a 150-foot stealth pine tree type to 150-foot stealth pole type. The ground lease with the City will have to be amended accordingly. They are working on that with the Legal Department."

Ms. Huntress continued, "The applicant held a neighborhood meeting on October 5, 2011, to discuss possible changes to the type of tower being installed. A representative from the Parks and Recreation Department also attended the meeting. The applicant indicated that approximately ten citizens attended, and half of them wanted the stealth pole tower and half of them wanted the pine tree tower. We received a letter yesterday, which you should have, in opposition. The requested special exception is to allow a telecommunications tower in the Open Space Recreational Zoning District, per Section 158.100(C)(2) of the Zoning Code. The Planning and Zoning Department staff finds the request to be consistent with special exception criteria, as stipulated in Section 158.260 of the Zoning Code, and recommends approval with the following conditions:

1. The applicant shall provide certification from a Florida-registered professional engineer stating that the tower would collapse within the designated and specified fall radius depicted in the plans. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of a Category 3 hurricane intensity prior to issuance of a building permit.
2. Any obsolete or unused tower shall be removed after 12 months of non-use. A removal bond or irrevocable letter of credit equal to \$15,000 for a tower up to 150 feet in height shall be required prior to obtaining final site development permits.
3. Any proposed tower or antennae shall not cause interference with the use of radio, television, or telephone broadcasting, and reception. Interference as a result of any approved tower or antennae shall be considered a violation of the special exception approving the tower and may result in the revocation of the special exception. Such interference may further be considered a public nuisance, and the City may order an abatement of the same, including but not limited to requiring removal of the tower.
4. The applicant shall provide the executed lease agreement with the City.

towers, and sometimes they have little branches at the top. Is this one a stealth pole or does it have attachments on the top?" Mr. Aycock responded, "It will look just like the pole that is next to the Police Department without the flag on it." Mr. Martin inquired, "Are you satisfied with the conditions?" Mr. Aycock replied in the affirmative. Mr. Battle questioned, "Why can't we put a flag on it? I would love to see a flag up 150 feet in the air in a park like this." Mr. Aycock answered, "We can, but they tend to be a big nuisance, because the flags are expensive and have to be very large. When the rainy season comes and we have thunderstorms every afternoon, the flags tend to shred all of the time. The problem is not only does the federal law require us to light the flag at night, which is a huge energy bill, but there will be constant maintenance as well." Mr. Battle explained, "I drive down to Miami three times a week, and I see about ten poles that all have flags on them. I would like to see something more appealing for the park other than a pole. I would like to see it with a flag on it." Mr. Aycock asked, "Would you consider a City of Port St. Lucie flag instead of the United States flag?" Mr. Battle replied in the affirmative. Mr. Ojito questioned, "What color is it? Is it white?" Mr. Aycock replied in the affirmative. Mr. Ojito commented, "That is not very stealthy." Mr. Aycock explained, "The reason why it is called stealth is because it hides the wires within it. We would prefer a monopole type tower, as that is what is in our ground lease. At one time, the Parks and Recreation Department required a pine tree, but then the director retired. Several staff members, including Mr. Battle, expressed interest in the flag poles. We are trying to compromise, and meet in the middle to be a good neighbor."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Vice Chair Rooksberry **moved** to recommend approval of P11-155, Apache Park Telecommunications Tower, Special Exception Use with conditions. Mr. Battle **seconded** the motion, which **passed** by roll call vote with Chair Parks, Vice Chair Rooksberry, Mr. Gardner, Mr. Battle, Mr. Martin, and Mr. Ojito voting in favor, and Secretary Blazak voting against.

6A. P11-131 APACHE PARK TOWER - SITE PLAN

Ms. Huntress said, "This is the accompanying Site Plan to the project that we just reviewed." Mr. Holbrook commented, "The conditions are the same that were recommended on the special exception use." Ms. Huntress stated, "It was recommended for approval by the Site Plan Review Committee on October 27, 2010."

Chair Parks said, "We will not have a Public Hearing for this item." Mr. Martin **moved** to recommend approval of P11-131, Apache Park Telecommunications Tower, Site Plan. Mr. Battle **seconded** the motion, which **passed** by roll call vote with Chair Parks, Vice Chair Rooksberry, Mr. Gardner, Mr. Battle, Mr. Martin, and Mr. Ojito voting in favor, and Secretary Blazak voting against.

F. P11-156 STEWART J. AND SUZANNE M. LANG - REZONE

Ms. Kuruvilla said, "The applicant is Ferusa Construction, LLC. The owners are Stewart J. Lang and Suzanne M. Lang. The property is located at 2481 SE North Lookout Boulevard, north of Lookout Boulevard, south of Canal C-24, generally west of Canal C-23 A, and generally east of Peru Street. The legal description is Lot 5, Vikings Lookout. The size of the property is 1.09 acres or 44,859.7 square feet. The existing zone is RM-5, and it is a vacant lot. The requested zoning is Estate Residential Zoning. The applicant is requesting a change in zoning from RM-5 (Multiple-Family Residential) to RE (Estate Residential). The Planning and Zoning Department staff finds the request of rezoning to be consistent with the direction and policies of the Future Land Use Map and policies of the City's Comprehensive Plan. The applicant has to apply for a special exception to build a guest house on this lot. We have done similar projects in the past, as reflected in the Staff Report. Lots 14, 15, and 16 of Vikings Lookout had been rezoned from PUD Zoning District to RE (Estate Residential) Zoning District. Lot 1 had been rezoned from RM-5 (Multiple-Family Residential) Zoning District to RE (Estate Residential) Zoning District. The Planning and Zoning Department staff finds the request of rezoning to be consistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan, and recommends approval."

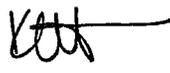
STEWART J. LANG, resident, said, "I would like to build a residence for myself on the property, and for my mother-in-law who is in her 80's and ailing, and my mother who is 86. I want to build a small house that would be attached to ours, so that they can have a little bit of independence but still be close enough so that we can look after them in their old age."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Mr. Gardner asked, "What is the purpose of the rezoning?" Mr. Holbrook replied, "They want to build a guest house along with their single-family home." Mr. Gardner questioned, "Is the multi-family residential not appropriate for this purpose?" Mr. Holbrook answered, "The future land use is residential, and there are several different zoning districts which are appropriate for the future land use."



City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: CITY COUNCIL - MEETING OF JANUARY 9, 2012

FROM: KATHERINE H. HUNTRESS, PLANNER 

RE: SPECIAL EXCEPTION APPLICATION (PROJECT NO. P11-155)
CITY OF PORT ST. LUCIE APACHE PARK
TELECOMMUNICATIONS TOWER

DATE: DECEMBER 19, 2011

APPLICANT: Kevin Aycock, Dynamic Towers, Inc.

OWNER: City of Port St. Lucie

LOCATION: The property is located north of Apache Avenue, west of Advana Street, east of Cocoa Street and south of Bellevue Avenue.

LEGAL DESCRIPTION: The property is legally described as Tract B, Port St. Lucie Section 8.

SIZE: 13.988 acres.

EXISTING ZONING: OSR/SEU (Open Space Recreational/Special Exception Use).

EXISTING USE: Apache Park, vacant land, and water retention.

PROPOSED USE: The proposed use is a 150' stealth pole telecommunications tower.

History: P10-119 City of Port St. Lucie Apache Park Telecommunications Tower Special Exception Use Application was approved by the City Council on February 28, 2011 (Resolution No. 11-R04). Condition number 5 stated that the tower shall be a stealth pine tree type tower. The applicant has stated in the attached e-mail that after further review with the City's Legal Department, they found that the ground lease for the site requires a 150' monopole tower. The purpose of this application is to amend condition number 5 of the resolution to reflect the change of the tower from a 150' stealth pine tree type to a 150' stealth pole type. The ground lease with the City will have to be amended accordingly.

As indicated by the attached letter from Dynamic Towers, Inc. to property owners near the subject property, the applicant held a neighborhood meeting on October 5, 2011 to discuss the possible change to the type of tower to be installed. A representative from the Parks and Recreation Department also attended the meeting. The applicant indicated in the attached e-mail that approximately 10 citizens attended and that half of them wanted the stealth pole tower and half of them wanted the pine tree tower.

REQUESTED SPECIAL EXCEPTION: The requested special exception is to allow a telecommunications tower in the OSR (Open Space Recreational) Zoning District per Section 158.100(C)(2) of the Zoning Code.

SURROUNDING USES: North, south, east, and west = RS-2 (Single Family Residential) zoning, existing single family residences.

IMPACTS AND FINDINGS:

Evaluation of Special Exception Criteria (Section 158.260)

(A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

Applicant response: "The new communications site has a grass driveway already existing. Once the site is built, there will be one truck a month to visit the site. EMS will have no problem reaching the driveway or site."

Staff evaluation: The applicant has adequately addressed the criteria. The applicant has provided a site plan that indicates a driveway apron that is to be paved to City standards up to the right-of-way line which will match the existing elevation at the edge of the pavement.

(B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

Applicant response: "There will be no need for off street parking or loading because this will be an unmanned telecommunication site."

Staff evaluation – The applicant has adequately addressed the criteria.

(C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

Applicant response: "There is existing FPL power and Bellsouth phone lines close by."

Staff evaluation: The existing site has adequate and properly located utilities to serve the development.

(D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.

Applicant response: "No extra buffering will be needed for the unmanned telecommunications site. The site will have landscape on 3 sides of the compound site."

Staff evaluation: The applicant has adequately addressed the criteria. In addition to the landscaping on three sides provided by the applicant, there is an existing natural wooded area adjacent to the south of the site. Since they do not have to provide a buffer on the south side, they will provide the trees elsewhere on the site.

(E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

Applicant response: "Proper FCC signs will be attached to gates. No lighting will be required for the unmanned telecommunications site."

Staff evaluation: The applicant has adequately addressed the criteria. There are no proposed additional signs or lighting that would cause undue glare, incompatibility, or disharmony with adjoining properties.

(F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

Applicant response: "There will be plenty of existing open space around the unmanned telecommunications site to properly serve the people of Port St. Lucie. The park is 13 acres – we only need 3,000 square feet."

Staff evaluation: The maximum building coverage in the OSR zoning district is 35%. The applicant has indicated that the entire proposed leased area is 3,000 square feet, which is less than 1.89% of the 13 acre site. The building setback line is required to be 25' abutting property zoned residential. The applicant has indicated that the proposed 3,000 square foot tower and equipment compound will have a 46.5' setback from the west property line, a 652' setback from the east property line, a 141' setback from the north property line, and a 599' setback from the south property line. The applicant has adequately addressed the criteria. The existing site has adequate yards and open space to properly serve the existing development and ensure compatibility with adjoining properties.

(G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.

Applicant response: "The park is zoned OSR/SEU (Open Space Recreational/Special Exception Use) which allows unmanned telecommunications sites on the property."

Staff evaluation: The proposed use is in conformance with Section 158.100(C)(2) and Section 158.260 of the Zoning Code.

(H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

Applicant response: "The unmanned telecommunications site will adhere to all FCC requirements which will not impair the health, safety, welfare or convenience of residents or workers according to the telecommunications act of 1996."

Staff evaluation: The applicant has adequately addressed the criteria.

(I) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

Applicant response: "This will be an unmanned telecommunications site and it will have maybe one vehicle a month to visit the site."

Staff evaluation: The applicant has adequately addressed the criteria.

(J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access location, light, and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

Applicant response: "The unmanned telecommunications site will be located in the back of the undeveloped City Park. It will not impact the adjacent property or neighborhood."

Staff evaluation: The applicant has indicated that the proposed 3,000 square foot tower and equipment compound will have a 46.5' setback from the west property line, a 652' setback from the east property line, a 141' setback from the north property line, and a 599' setback from the south property line. The applicant has adequately addressed the criteria. The use as proposed for development will be compatible with the existing or permitted uses of adjacent property.

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive, or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

Applicant response: None

Staff evaluation: The applicant shall acknowledge this.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

Applicant response: None

Staff evaluation: The applicant shall acknowledge this.

Evaluation of Wireless Communication Antennas and Towers Criteria (Section 158.213)

(D) Wireless communication antennas and towers shall be considered a special exception use in the following zoning districts and shall meet all requirements of §§ 158.255 through 158.262
Special Exception Use:

- (1) GU (General Use)
- (2) OSR (Open Space Recreational)

- (3) OSC (Open Space Conservation)
- (4) I (Institutional)
- (5) CS (Service Commercial)
- (6) WI (Warehouse Industrial)
- (7) IN (Industrial)
- (8) U (Utility)
- (9) Neighborhood Village/Commercial Areas, Town Center, Resort, Employment Center, and Mixed Use Sub-Districts in MPUD's (Master Planned Unit Development) in NCD (New Community District) future land use areas.

Staff evaluation: This is a City owned property that is currently zoned OSR/SEU (Open Space Recreational/Special Exception Use) which allows a telecommunications tower as a special exception use.

(E) Wind Load. Certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans is required. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of Category 3 hurricane intensity.

Staff evaluation: The applicant shall provide certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans prior to issuance of a building permit. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of Category 3 hurricane intensity prior to issuance of a building permit. The applicant has provided a note on the site plan that the tower would collapse within the designed and specified 130' fall radius depicted in the plans and that the tower shown in the plan can withstand winds of Category 4 hurricane intensity (146 mph).

(F) Height Limits. Wireless communication towers located in the OSR and I zoning districts and greater than 5 acres have a height limit of up to 200 feet.

Staff evaluation: The applicant has provided an elevation of the tower that indicates the tower to be 150 feet above ground level.

(G) Co-Location. To discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. As part of special exception applications, applicants shall be required to verify that they have attempted to co-locate any proposed antenna on an existing tower within the proposed service area prior to approval of new towers. Applicants shall also provide evidence that they have mailed a "notice of intent" letter to all known telecommunication providers within the city to determine if any providers can co-locate on the proposed tower.

Staff evaluation: The applicant has previously provided certified mail receipts to telecommunications providers and a copy of the letter sent.

(H) Fencing. A chain-link fence, with or without barbed wire, or solid wood or masonry wall at least six feet in height, shall be constructed and maintained around the perimeter of a the tower and associated structures and equipment. Access shall be through a locked gate.

Staff evaluation: The applicant has provided a site plan that indicates an eight foot high chain link fence around the perimeter of the leased area.

(I) Landscaping. Landscaping for sites either in or adjacent to residential land use areas shall be as follows: a row of trees, a minimum of eight feet tall, set 20 feet apart, shall be planted around the outside perimeter of the fence, plus a hedge a minimum of three feet in height and spaced three feet apart to be planted on the outside of the fence and tree row. Plantings shall be from the approved list in the landscaping code. Landscaping for sites in commercial and industrial areas shall follow the city's landscaping code for those land uses.

Staff evaluation: The applicant has provided a site plan that indicates six 12 foot high oak trees and a continuous 4 foot high wax myrtle hedge along the north and east perimeter of the leased area. In addition, there are several palm trees that will remain, and the southern perimeter of the leased area is an existing wooded area that will remain.

(J) Signs. No advertising signage of any type is permitted on a wireless communication antenna, tower, or equipment storage area. Safety and cautionary signs shall be attached to the fence or structure for those facilities using more than 220 voltage. The following signage shall be in large bold letters: "HIGH VOLTAGE – DANGER".

Staff evaluation: The applicant has stated that proper FCC signs will be attached to the gates.

(K) Lighting. For the placement and use of any lights on such towers or antennas, the applicant shall submit a lighting plan which includes methods for shielding adjacent properties from glare.

Staff evaluation: The applicant has stated that there will be no lighting.

(L) Site Plan Review. All proposals for towers are required to follow the site plan review regulations set forth under §§ 158.235 through 158.245. Site plan reviews are to be processed as a part of the special exception application.

Staff evaluation: P10-142 Apache Park Telecommunications Tower Site Plan Application was approved by City Council on February 28, 2011.

(M) Any obsolete or unused tower shall be removed after 12 months of non-use. A removal bond or irrevocable letter of credit equal to \$15,000 for a tower up to 150' in height shall be required prior to obtaining final site development permits.

Staff evaluation: The applicant has stated that a removal bond in the amount of \$15,000 for a tower up to 150' in height will be provided prior to obtaining final site development permits.

(N) Towers greater than 100' in height shall locate a minimum of 1,500 feet apart.

Staff evaluation: The applicant has provided a graphic depicting a 1.5 mile separation from the nearest tower (see attached).

(O) As a condition of approval, any proposed tower or antennae shall not cause interference with the use of radio, television, or telephone broadcasting and reception. Interference as a result of any approved tower or antennae shall be considered a violation of the special exception approving the

tower and may result in the revocation of the special exception. Such interference may further be considered a public nuisance, and the city may order abatement of the same, including but not limited to requiring removal of the tower.

Staff evaluation: The applicant has stated that they will not let their FCC approved and licensed customers interfere with other companies or government agencies.

(P) For City owned property, a lease agreement shall be included as a part of the special exception application.

Staff evaluation: The applicant has provided a copy of the draft lease agreement with the City which will have to be amended to reflect the revised type of tower.

Compatibility with special exception criteria: As noted above, the proposed use is compatible with all of the special exception criteria.

Notice to Property Owners: Notice was sent to all neighbors within a 300 foot radius.

Related Projects:

P10-119 Apache Park Telecommunications Tower Special Exception Use Application was approved by City Council on February 28, 2011 (Resolution No. 11-R04).

P10-142 Apache Park Telecommunications Tower Site Plan Application was approved by City Council on February 28, 2011.

P10-147 City of Port St. Lucie Apache Park Rezoning Application was approved by City Council on January 24, 2011.

P11-131 City of Port St. Lucie Apache Park Minor Site Plan Amendment Application is scheduled concurrently with this project.

STAFF RECOMMENDATION:

The Planning and Zoning Board reviewed the request on December 6, 2011, and recommended approval with a vote of six to one. The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the City's Land Development Regulations and policies of the Comprehensive Plan and recommends approval with the following conditions:

1. The applicant shall provide certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of Category 3 hurricane intensity prior to issuance of a building permit.
2. Any obsolete or unused tower shall be removed after 12 months of non-use. A removal bond or irrevocable letter of credit equal to \$15,000 for a tower up to 150' in height shall be required prior to obtaining final site development permits.

3. Any proposed tower or antennae shall not cause interference with the use of radio, television, or telephone broadcasting and reception. Interference as a result of any approved tower or antennae shall be considered a violation of the special exception approving the tower and may result in the revocation of the special exception. Such interference may further be considered a public nuisance, and the city may order abatement of the same, including but not limited to requiring removal of the tower.
4. The applicant shall provide the executed lease agreement with the City.
5. The tower shall be a stealth pole type tower.

Katherine Huntress

From: Kevin Aycock [kevin.aycock@dcsa.us]
Sent: Tuesday, November 22, 2011 12:26 PM
To: Katherine Huntress
Cc: Aaron Lockwood
Subject: Apache Park Tower Site Plan and SEU

Katie,

(P11-131) (P11-155) Apache Park Tower SEU & Site Plan Amendment Comments:

1. Provide the City of Port St. Lucie project number on the plans. No Problem, we are revise the plans to show the new tower design and we will add the P11-131 project number as well. We will also add the P11-155 SEU number on the plans as well.
2. Provide the results of the neighborhood meeting at Apache Park. We had about 10 neighbors show up for the meeting that was dated Oct 5th. Brad King from Parks and recreation was on site as well to witness the meeting. Some residents wanted the pine tree and some residents wanted the new stealth pole design. I explained that City Council would have to make the final decision, so please come to the January 9th City Council meeting to vote for your favorite tower design.
3. If the P11-131 site plan and P11-155 SEU amendments get approved, the old resolution will have to be amended to remove the stealth pine tree language and add the stealth pole design.
4. Dynamic Towers had a staff meeting 8/03/2011 with Mr. Bentrott, Mr. Orr, and Ms. Hakim about the city ground leases. Dynamic brought it to their attention that we had a potential issue with our city ground lease calling for the monopole design tower and our approved site plan calling for a pine tree tower. We asked them if we could meet in the middle and change both documents to the stealth pole design tower. They explained that we would have to revise the approved site plan to show the new proposed design. Then we would have to go back before the P&Z board for approval to change the design and also back before City Council for final site plan amendment design change. If City Council approves our tower design change, then legal can amend the city ground lease to reflect that change. Then the revised ground lease would go back before City Council for the second and final reading.

Thanks,
Kevin T. Aycock
President
Dynamic Towers, Inc.
772-370-9819

DTI

September 20, 2011

Property Owner Near
1400 Block of Apache Park Telecommunications Tower P10-119
Port St Lucie, 34953

Re.: Design Meeting

RECEIVED

OCT 05 2011

Dear Property Owner:

PLANNING DEPARTMENT
CITY OF PORT ST LUCIE, FL

As you may already be aware of on February 28th, 2011 the City of Port St. Lucie approved a special exception use application for Dynamic Towers Inc. to construct a new 150' telecommunications tower on the subject city property.

The approved design for the tower allows for a 150' pine tree type structure. An example photo of this type is shown on the following pages.

Through recent discussions with city staff and analysis of other similar tower approvals within the city, it has been proposed to change the design of the tower from a pine tree design to a stealth camouflage uni-pole. An example of this type is also shown on the following pages.

In order to assist in the determination of which structure will be best, the city has suggested that we hold a residents meeting to determine the wishes of the community. An employee from The City of Port St Lucie, Parks and Recreation Department will be in attendance to witness the discussions.

Please join us on Wednesday, October 5th, 2011 at 6:00pm to sign in with your opinion. We will be meeting at the proposed location of the future facility shown following page.

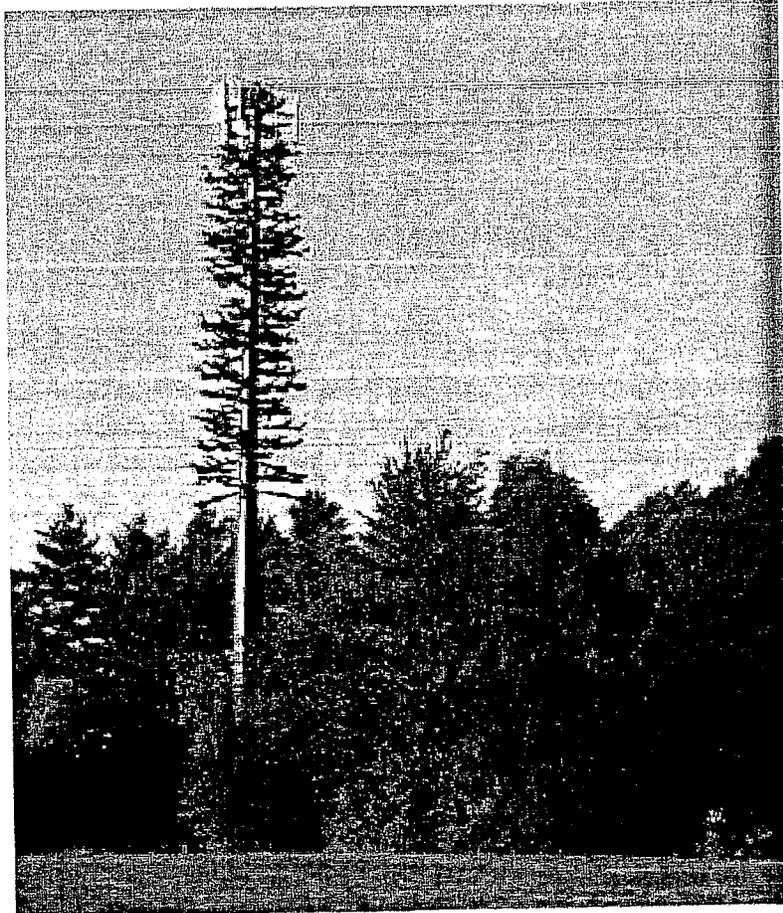
We will look forward to your feedback on this issue.

Sincerely,

Dynamic Towers Inc.

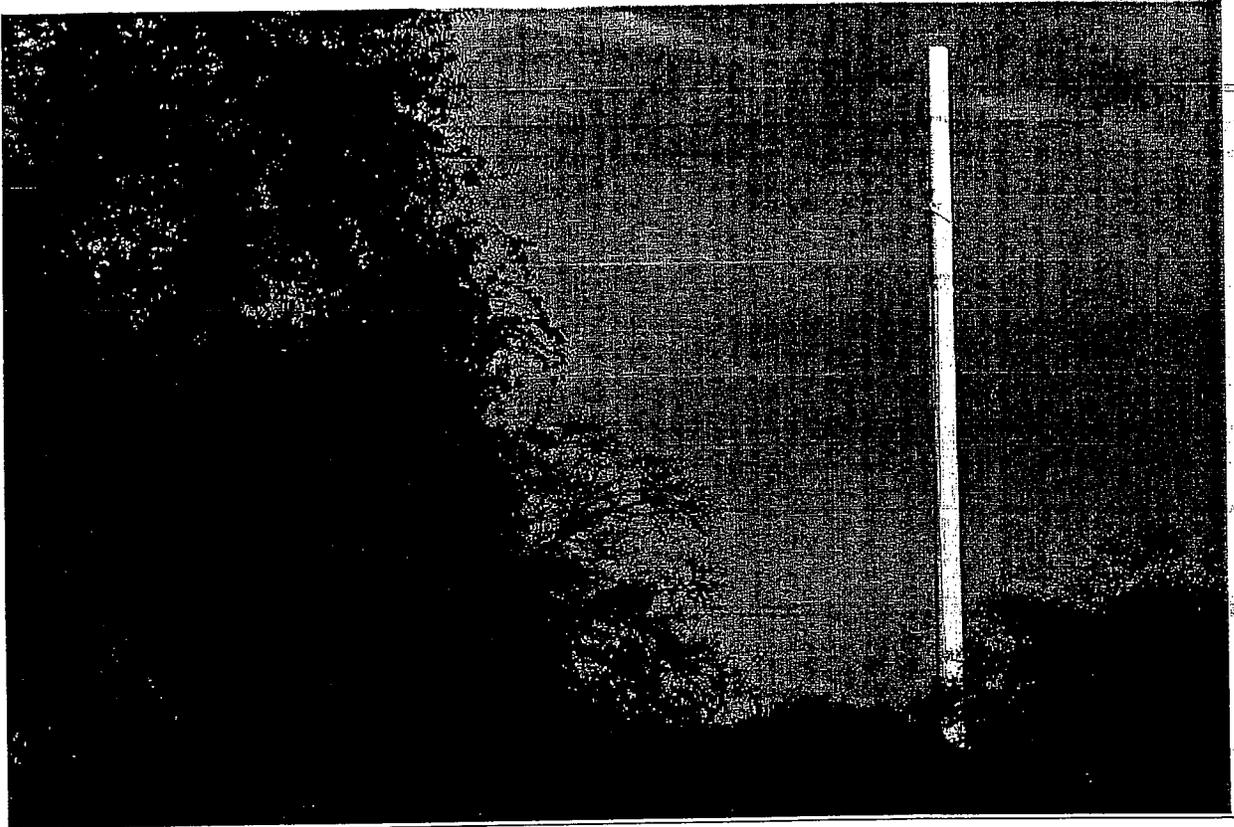
DTI

Example of Pine Tree Structure:

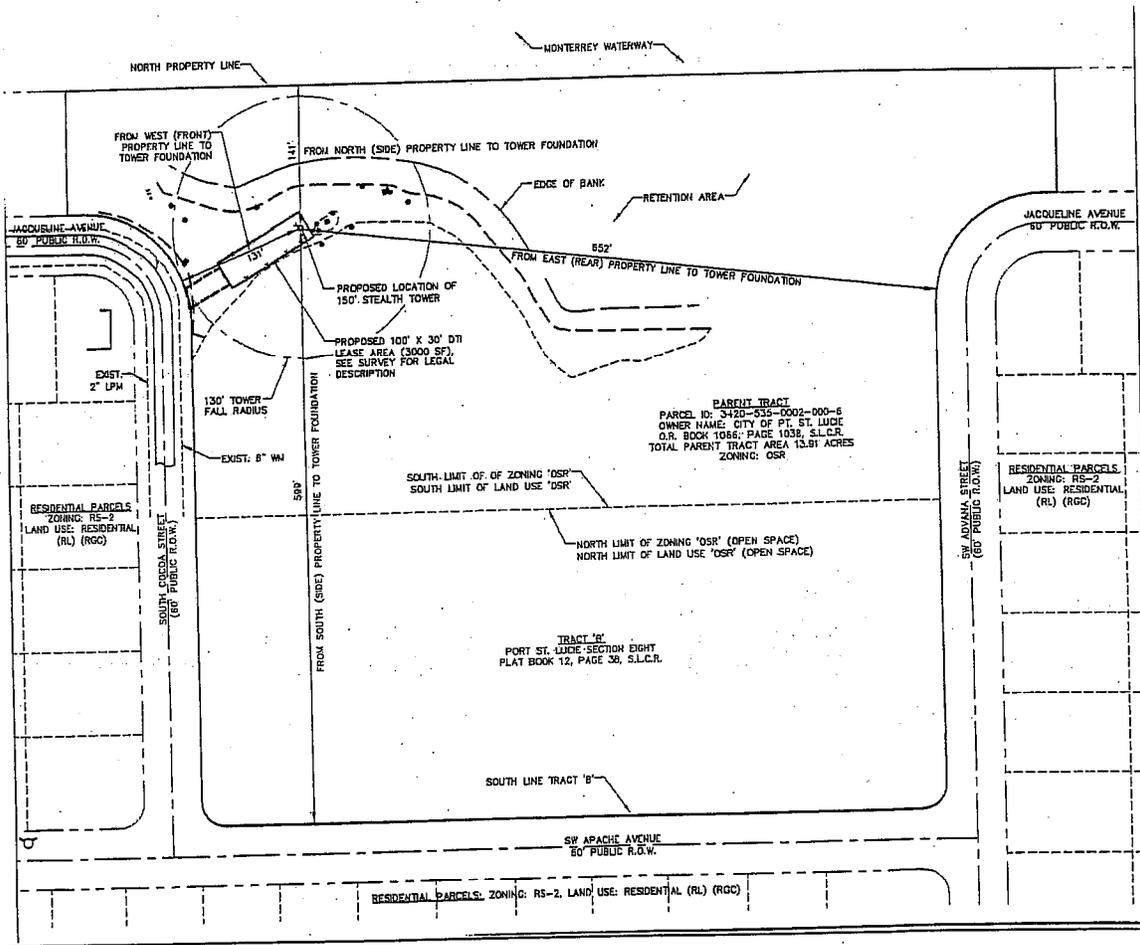


DTI

Example of Stealth Camouflage Uni-Pole:



Facility & Meeting Location:



**CITY OF PORT ST. LUCIE
PLANNING AND ZONING BOARD MEETING MINUTES
FEBURARY 1, 2011**

A Regular Meeting of the PLANNING AND ZONING BOARD of the City of Port St. Lucie was called to order by Chair Parks at 1:30 p.m., on February 1, 2011, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

CALL TO ORDER

ROLL CALL

Members Present: Susan E. Parks, Chair
James J. Rich, Vice Chair
Bryan Gardner, Secretary
William Blazak
Ernie Ojito
Ken Martin
Charles Rooksberry

Others Present: Jerry A. Bentrrott, City Manager
(arrived at 1:50 p.m.)
Pam E. Booker Hakim, Senior Assistant
City Attorney
Daniel Holbrook, Planning and Zoning
Director
Anne Cox, Assistant Planning
And Zoning Director
Roxanne Chesser, Engineering Department
Joel Dramis, Building Official
John Finizio, Planner
Katherine Huntress, Planner
Thresiamma Kuruvilla, Planner
Pete Krawetz, City Surveyor
April C. Stoncious, Records Specialist

PLEDGE OF ALLEGIANCE

Mr. Rooksberry led the assembly in the Pledge of Allegiance.

APPROVAL OF MINUTES - JANUARY 4, 2011

There being no corrections, the minutes were unanimously approved.

different types of residences that I am not familiar with. As I was looking at the lot size versus the possible footage, is there any restriction as to the number of square of feet that is allowed?" Mr. Holbrook replied, "The minimum square footage for single-family housing is 1,200 square feet from the standard City Zoning Code. What I would differentiate here is that this is a Planned Unit Development, and that concept is a specific zoning ordinance, which regulates this property." Chair Parks said, "The square footage that I worked out according to the lot size was less than 1,200 square feet, but it is a Special Exception? Could you elaborate a little bit on that? Also, not all of the units would be required to have parking for a car, but yet golf carts would be permissible." Mr. Yates said, "You are referencing the lot type, all of which were previously approved with the First PUD, but the new element that we added is the Golf Spa and Villa. It is a minimum lot size, but that doesn't mean that it can't be larger. The thought was because this is a resort-like community, people from out of town or people with second homes would have property in this development. It is smaller than the minimum Code allowed, but it is the PUD that allows us to vary from the Code requirements to create a product that may be more conducive to what the market entails, or what the client wants on his property."

Mr. Yates continued, "Regarding parking, we are not eliminating vehicular parking spaces, but we have designated a couple of product types that would be permitted to not have garages, which is in the Florida Building Code. Some of these products just don't make sense with a garage. Because it is a resort-like community, once in the resort the primary source of transportation would be a golf cart. There is not a large need for the typical vehicle, but we would provide vehicular and golf cart parking." Mr. Ojito questioned, "Is this modification to the PUD in any way increasing the density of the development at all, or the population of the PUD?" Mr. Yates replied in the negative.

Vice Chair Rich **moved** to recommend approval of P10-116, Veranda PUD, PUD Amendment Application, and Concept Plan Amendment Number Two, with the three conditions. Mr. Rooksberry **seconded** the motion, which **passed** by roll call vote, with Chair Parks, Mr. Rooksberry, Vice Chair Rich, Secretary Gardner, Mr. Ojito, and Mr. Martin voting in favor, and Mr. Blazak abstaining. (Clerk's Note: A voting conflict form is attached to the minutes.)

C. P10-119 DYNAMIC TOWERS, INC. AT APACHE PARK
 TELECOMMUNICATIONS TOWER - SPECIAL EXCEPTION USE

Ms. Huntress said, "The applicant is Kevin Aycock, Dynamic Towers, Inc., and the property owner is the City of Port St. Lucie. The property is located north of Apache Avenue, west of Advana Street, east of Cocoa Street, and south of Bellevue Avenue, and is legally described as Tract B, Port St. Lucie Section 8. Tract B is 13.988 acres, and the proposed lease area for the tower is 3,000 square feet. The 3,000 square feet is proposed to be leased from the City for the purpose of the tower. P10-147 Apache Park Rezoning application was approved by the City Council on January 24, 2011. The property has been rezoned from Institutional to Open Space Recreational, which is consistent with the Future Land Use. Telecommunications towers are permitted by a Special Exception Use in both of those Zoning Districts. To the north, south, east, and west are Single Family Residential Zoning, with existing single-family residences. The existing use is Apache Park, vacant land, and water retention. The requested Special Exception is to allow a telecommunications tower in the Open Space Recreational Zoning District, per Section 158.100(C)(2) of the Zoning Code. The proposed use is a 150-foot stealth pine tree telecommunications tower on 3,000 square feet of land leased from the City. The remainder of Apache Park vacant land and water retention will remain unchanged by this request. The Planning and Zoning Department staff finds the request to be consistent with the special exception criteria, as stipulated in Section 158.260 of the Zoning Code, and recommends approval with the following conditions:

1. The applicant shall provide certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of Category 3 hurricane intensity prior to issuance of a building permit.
2. Any obsolete or unused tower shall be removed after 12 months of non-use. A removal bond or irrevocable letter of credit equal to \$15,000 for a tower up to 150 feet in height shall be required prior to obtaining final site development permits.
3. Any proposed tower or antennae shall not cause interference with the use of radio, television, or telephone broadcasting and reception. Interference as a result of any approved tower or antennae shall be considered a violation of the special exception approving the tower and may result in the revocation of the special exception. Such interference may further be considered a public nuisance,

and the City may order abatement of the same, including but not limited to requiring removal of the tower.

4. The applicant shall provide the executed lease agreement with the City.

5. The tower shall be a stealth pine tree type tower.

There was one letter that was received after the packet was put together, and you should have it." Chair Parks said, "We did receive it, and then there were also two letters from one person objecting. All together, there were three letters."

Kevin Aycock, President and owner of Dynamic Towers, Inc., said, "We have been working on this parcel for the last two years. The ground lease with the City of Port St. Lucie has already gone to the City Council, and they have approved the first reading of the ordinance. We are here today to ask for the Special Exception Use and the Site Plan Amendment. The front part of this park is going to be developed through the Parks and Recreation Department. The heavily wooded area in the back part of the park is being used by the Engineering Department for drainage for the Crosstown Parkway. Parks and Recreation and Engineering asked if we would go on the back side, because that side is never going to be developed. It would camouflage the site with the heavy pine trees and woods. We had a neighborhood meeting, and we didn't have anybody turn out in opposition. We proposed it as a stealth pine tree at the first neighborhood meeting, but due to the economic situation, we then proposed to bring it back to a monopole. Mr. Proulx didn't agree, and wanted it changed back to a pine tree. We obliged the Parks and Recreation Department, and changed it back to a pine tree to keep everybody in the City of Port St. Lucie happy."

Vice Chair Rich asked, "Will you be in full compliance of all five of the recommendations from staff?" Mr. Aycock replied in the affirmative and presented the Board with photographs of the location of the tower. Vice Chair Rich asked, "These pictures were taken of the tower located where?" Mr. Aycock replied, "One photo is on Jacqueline Avenue looking to the east, and the other photo is standing on Apache Avenue looking north." Chair Parks clarified, "These pictures are photo-shopped?" Mr. Aycock replied in the affirmative and explained, "We took photos from all four sides of the park and then put the tree in so we could do a visual representation of what it would look like."

Chair Parks opened the Public Hearing.

CRAIG FRICKE, resident, said, "I live at 1741 SW Advana Street, directly across the east side of the property. On behalf of

myself, my wife, and all of my neighbors I have spoken to, I would ask that the tower in question not be built at the proposed site. This green area is the center of the neighborhood where children play, and people walk their dogs. The property is already in use by citizens for its intended purpose. I am not unmindful of the fact that it will bring in much needed revenue, however, this money is not free. It will be subsidized by the decreased home values of a select few who will be able to view the tower from their front yards. The neighborhood is surrounded by Industrial and Commercial Zones. To the north is Prima Vista, and a large industrial park by the stadium. To the east is the turnpike, and another large industrial area by Bayshore. To the south is Port St. Lucie Boulevard with all of its commercial properties; and to the west is the I-95 corridor. West of there has lots of open land. There is simply no reason to disfigure our residential neighborhood, as it is not the last available spot in town. It is simply not fair to the citizens who already own property there. With all due respect, put yourself in our position. How would you like a cell phone tower directly across the street from your house? Please don't do this to us."

TOM LEFAVI, resident, said, "I have lived by the property since 1992; is that wooded area classified as wetlands?" Mr. Holbrook responded, "No. It is a drainage area for the Crosstown Parkway." Mr. Lefavi asked, "How would we be able to sell our homes with the tower there? I understand that the market is down, but this is not the right answer. It will decrease property values. If you don't stop this proverbial Pandora's Box, what happens the next time if something like this comes up? Would you vote for a Special Exception to the exception? When will the exceptions stop, and you start making good decisions for everybody concerned? Especially for us that have lived by that property for a long time. Please do not make this decision, as there are plenty of other areas out west that you could use."

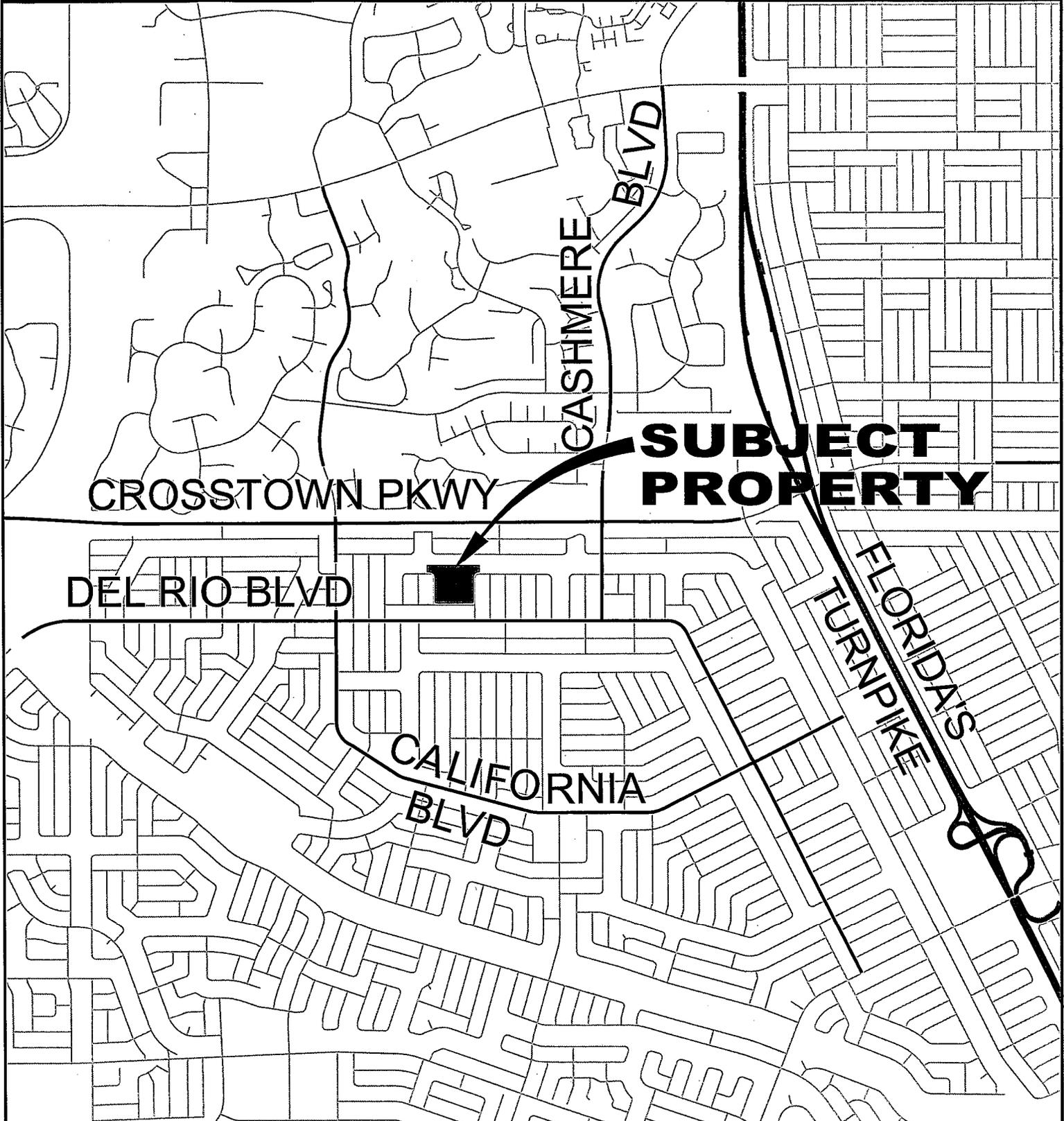
There being no further comments, Chair Parks closed the Public Hearing.

Mr. Martin **moved** to recommend approval of P10-119, Dynamic Towers, Inc., Special Exception Application with the five conditions. Vice Chair Rich **seconded** the motion. The **motion passed** by roll call vote with Mr. Rooksberry, Mr. Blazak, Mr. Ojito, Mr. Martin, and Vice Chair Rich voting in favor, and Chair Parks and Secretary Gardner voting against.

D. P10-126 DYNAMIC TOWERS, INC. (KNIGHTS OF COLUMBUS) - SPECIAL EXCEPTION USE

Ms. Kuruvilla said, "This is a Special Exception Application that has been submitted by Dynamic Towers, Inc., and the

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

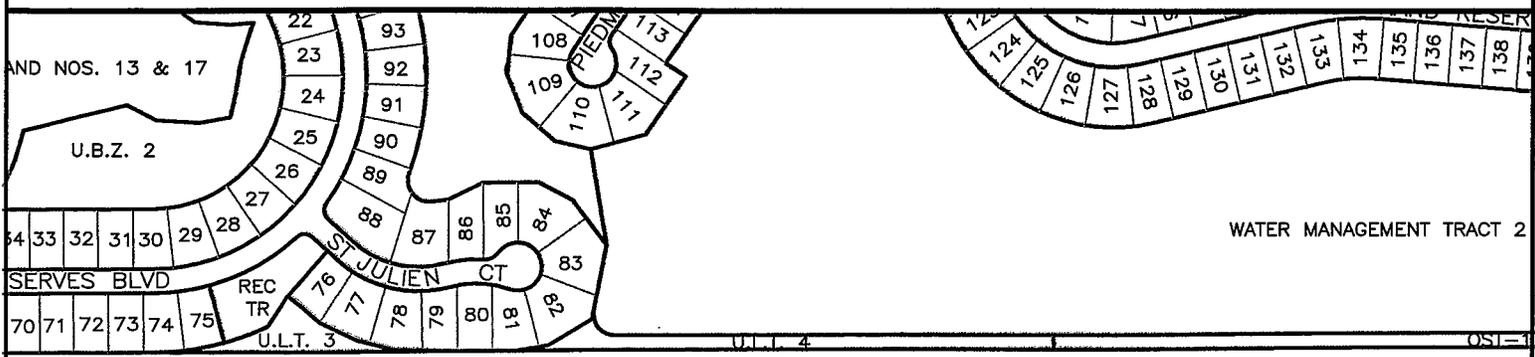
Prepared by:
GIS, Division of M.I.S.

PZ2008.DWG

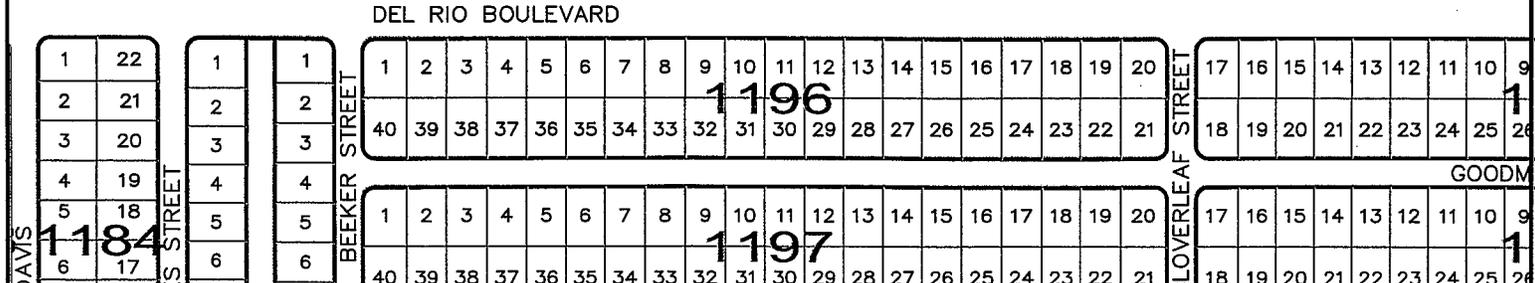
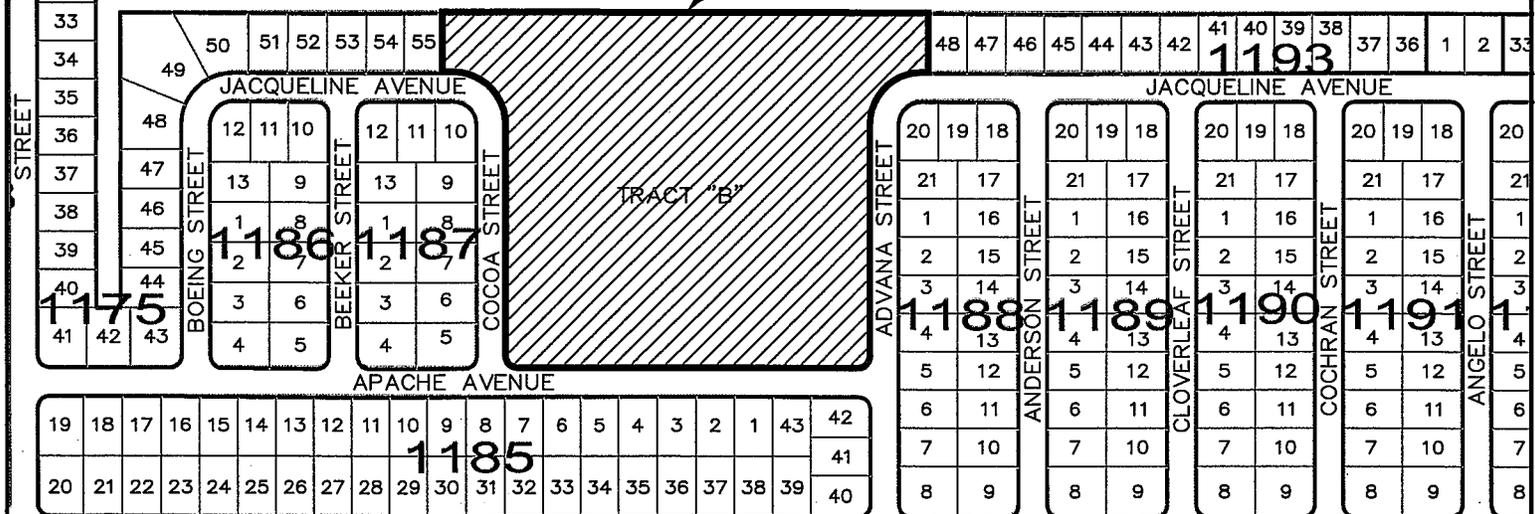
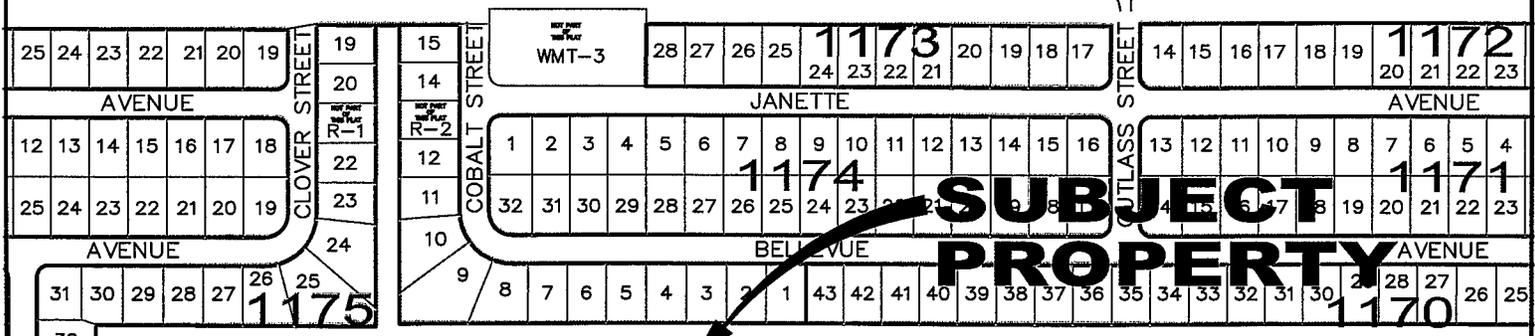
SPECIAL EXCEPTION USE
TRACT "B"
PORT ST LUCIE SECTION 8

DATE: 11/7/11
APPLICATION NUMBER:
P11-155
CADD FILE NAME:
P11-155L
SCALE: 1" = .5 MI

SITE LOCATION



CROSTOWN PARKWAY



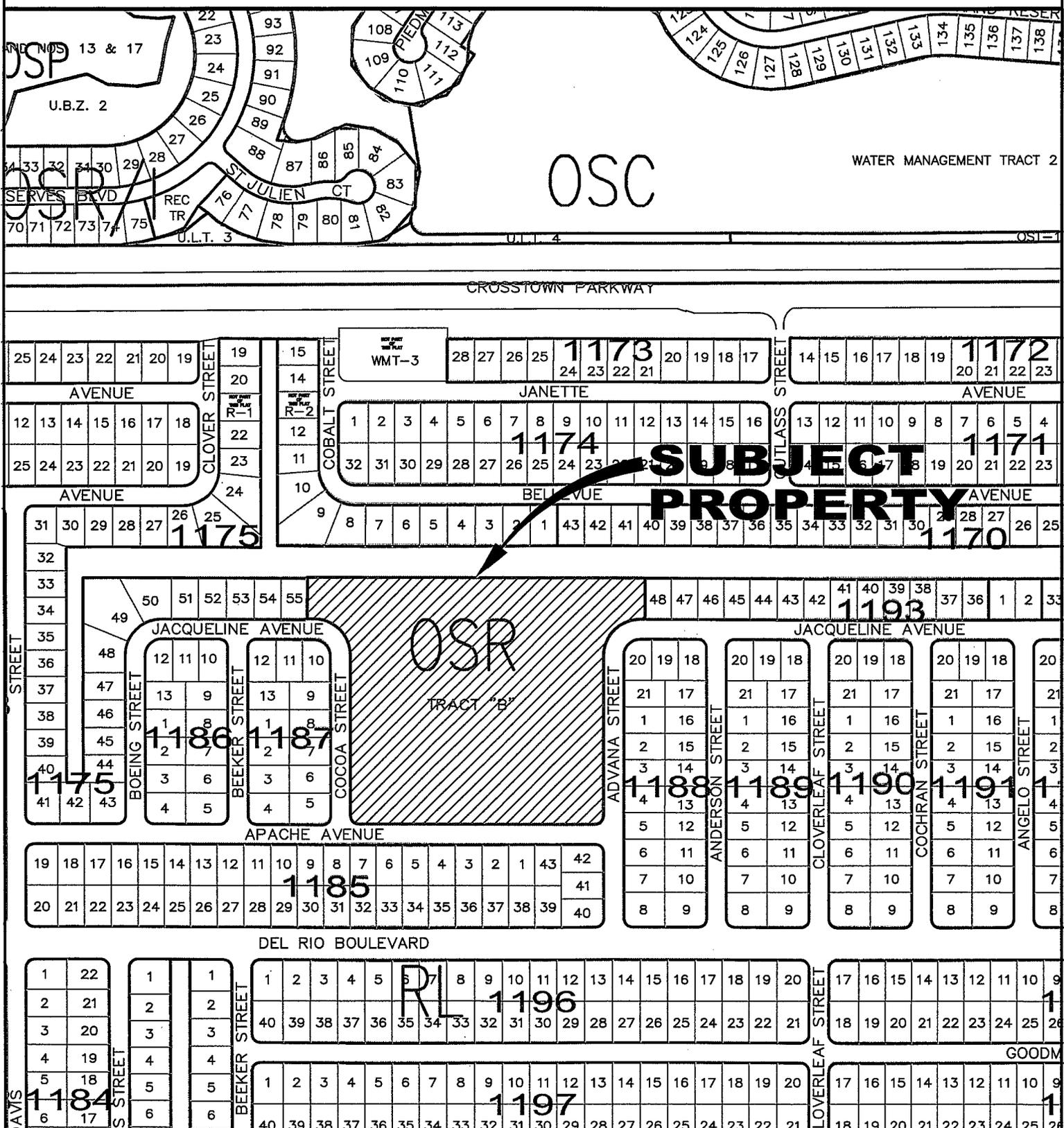
CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT PZ2011.DWG

SPECIAL EXCEPTION USE
TRACT "B"
PORT ST LUCIE SECTION 8

DATE: 11/7/2011
APPLICATION NUMBER:
P11-155
CADD FILE NAME:
P11-155M
SCALE: 1"=400'

FUTURE LAND USE



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

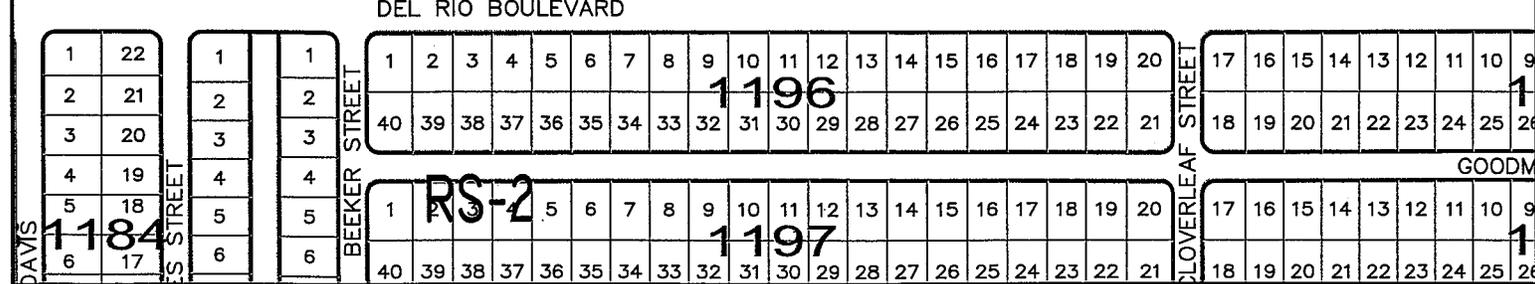
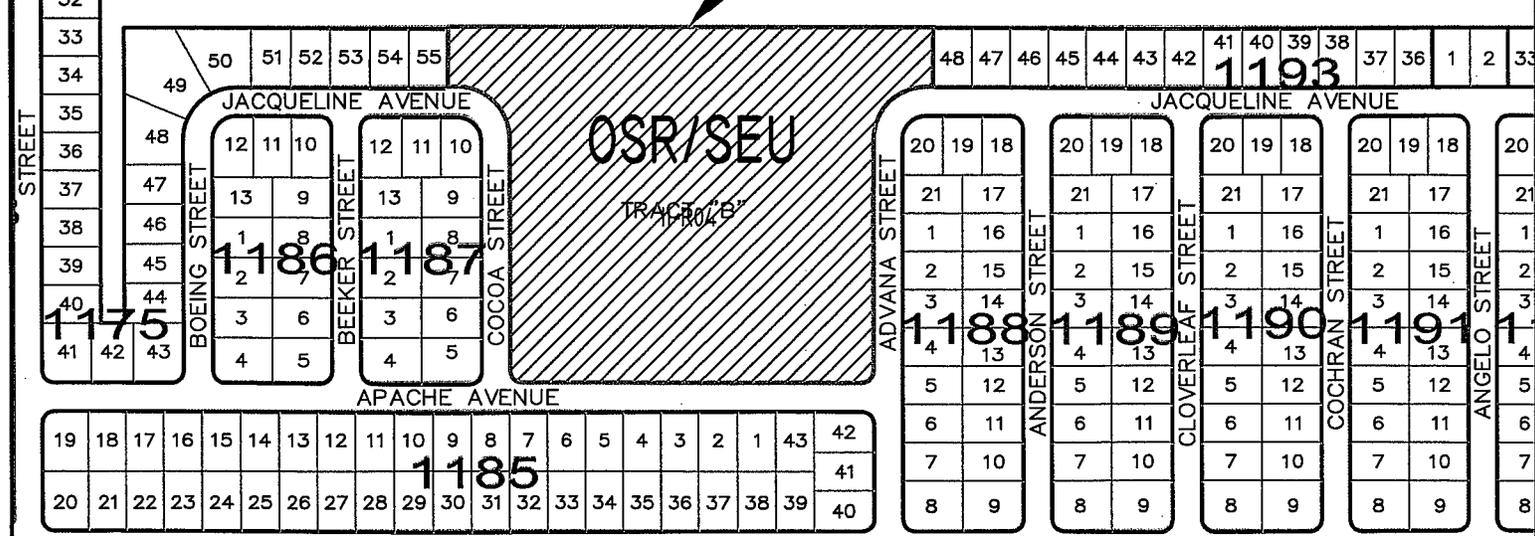
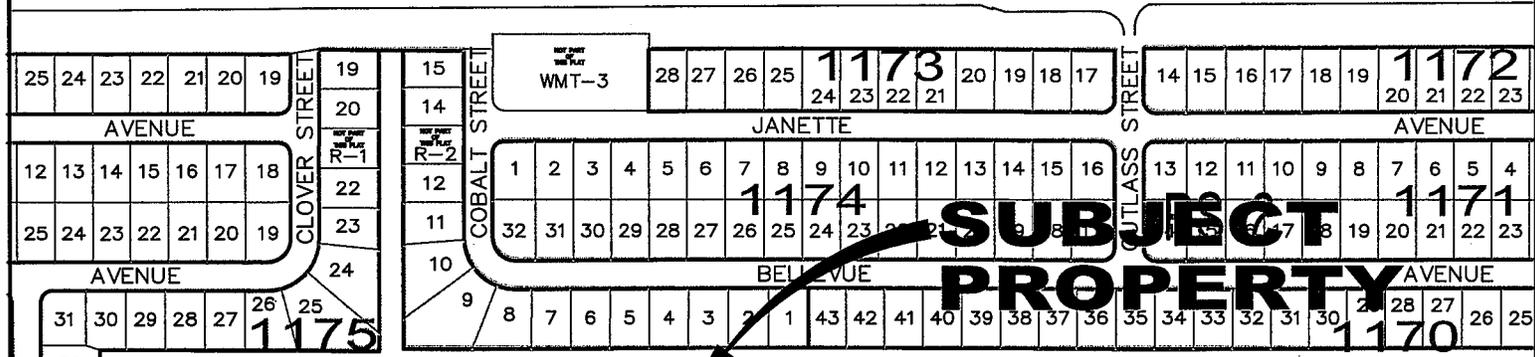
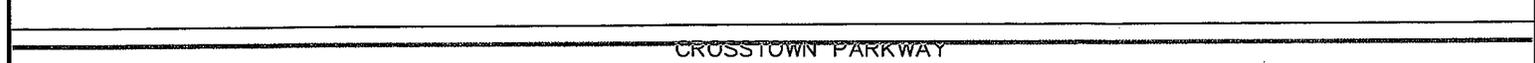
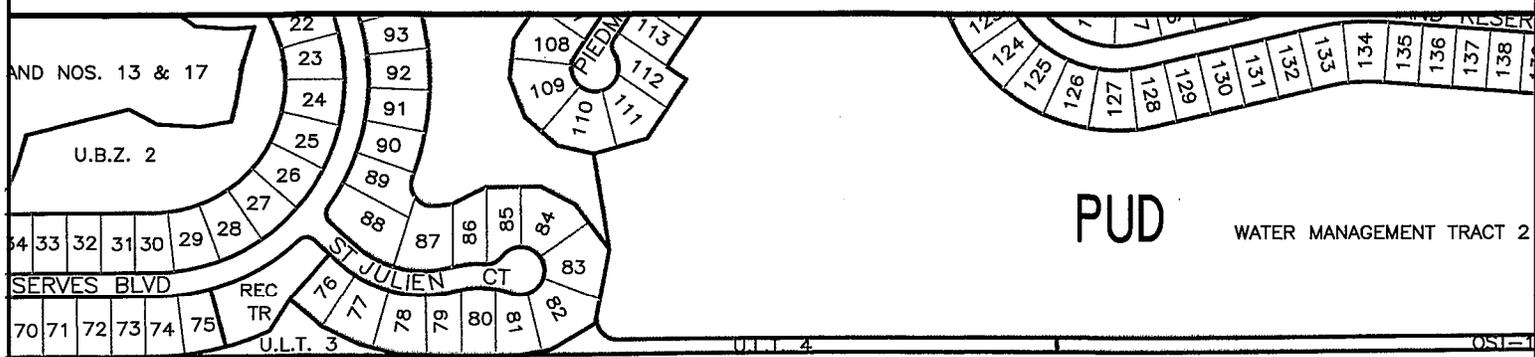
Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
TRACT "B"
PORT ST LUCIE SECTION 8

DATE: 11/7/2011
APPLICATION NUMBER:
P11-155
CADD FILE NAME:
P11-155M
SCALE: 1"=400'

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZZ2011.DWG

SPECIAL EXCEPTION USE
TRACT "B"
PORT ST LUCIE SECTION 8

DATE: 11/7/2011

APPLICATION NUMBER:
P11-155

CADD FILE NAME:
P11-155M

SCALE: 1"=400'

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
TRACT "B"
PORT ST LUCIE SECTION 8
AERIAL DEC 2010

DATE: 11/7/2011

APPLICATION NUMBER:
P11-155

CADD FILE NAME:
P11-155A

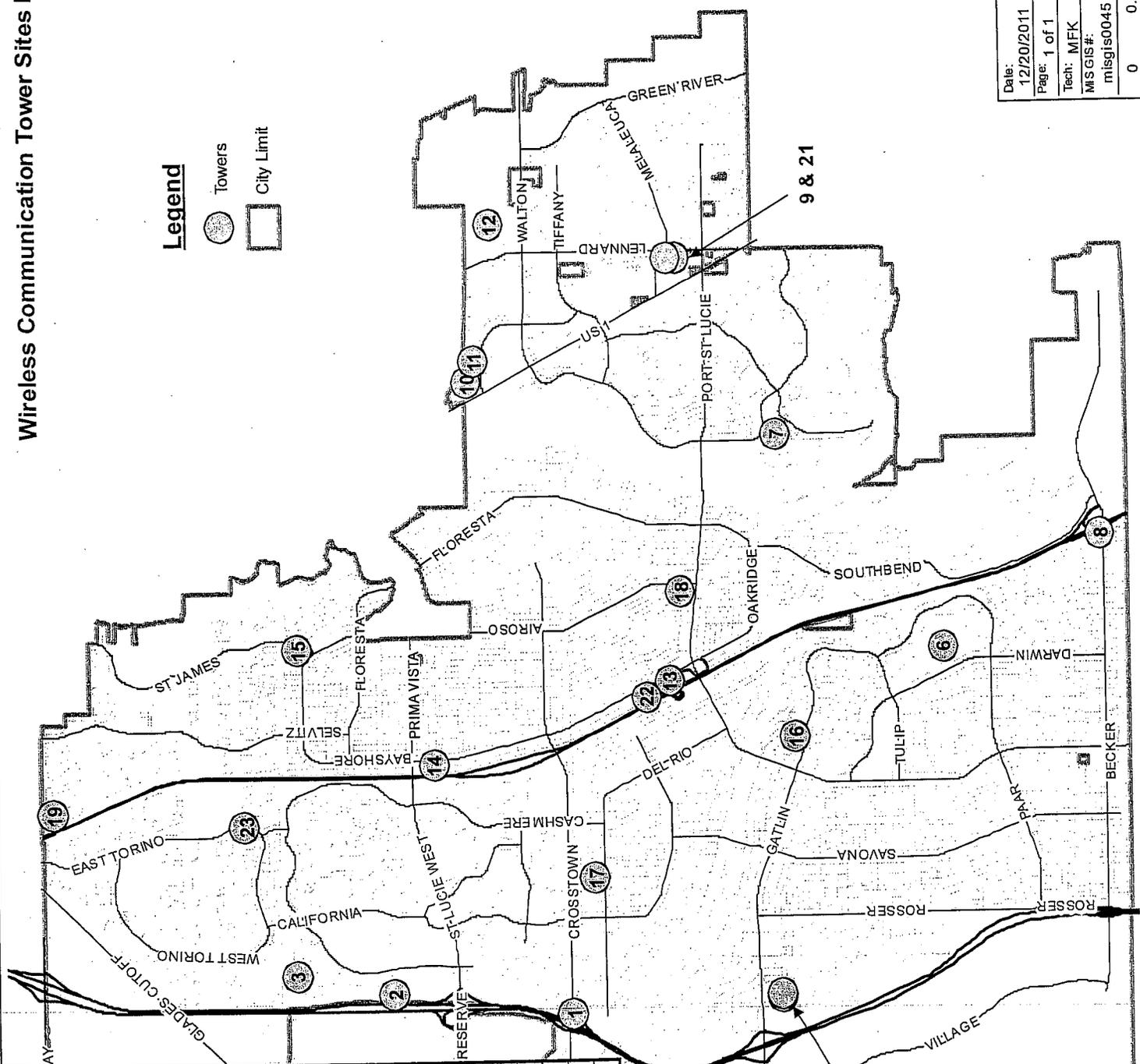
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Wireless Communication Tower Sites Map

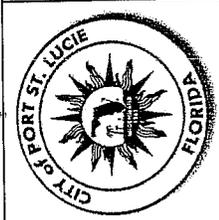
Date: 12/20/2011
 Page: 1 of 1
 Tech: MFK
 M/GIS#: misgis0045

Legend

- Towers (represented by a circle with a dot)
- City Limit (represented by a square outline)



ID#	MSISDN	Approval	Status
1	P92-87	No	Existing
2	P96-139	No	Existing
3	P87-147	No	Existing
4	P96-136	No	Existing
5	P93-14	No	Existing
6	P98-017	Yes	Existing
7	P97-188	Yes	Existing
8	P97-230	Yes	Existing
9	P88-56	No	Existing
10	P85-25 & P86-93	No	Existing
11	P94-68	No	Existing
12	P99-22	No	Existing
13	P98-43	Yes	Existing
14	P00-127 & 128	No	Existing
15	P01-241	Yes	Existing
16	P11-007	Yes	Approved
17	P10-119	Yes	Approved
18	P02-185	Yes	Existing
19	P06-077	No	Existing
20	P03-167	No	Existing
21	P97-258	No	Existing
22	P98-044	No	Approved
23	P11-045	Yes	Approved



APPLICATION FOR SPECIAL EXCEPTION USE

FOR OFFICE USE ONLY

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port St. Lucie Blvd.
Port St. Lucie, Florida 34984
(772)871-5212 FAX: (772)871-5124

Planning Dept. P11-155
Fee (Nonrefundable) \$ 2,115.00
Receipt # 11405

Refer to "Fee Schedule" for application fee. Make check payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to being scheduled for the Site Plan Review Committee meeting or advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g., warranty deed, affidavit), lease agreement (where applicable), approved Concept Plan or Approved Site Plan, and a statement addressing each of the attached criteria.**

PRIMARY CONTACT EMAIL ADDRESS: kevin.aycock@dcsa.us

PROPERTY OWNER:

Name: City of Port St. Lucie
Address: 121 SW Port St. Lucie Blvd
Telephone No.: 772-871-5213 Fax No.: 772-871-5124

APPLICANT (IF OTHER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):

Name: Dynamic Towers, Inc.
Address: 575 NW Mercantile Place suite 104. Port St. Lucie, FL. 34986
Telephone No.: 772-370-9819 Fax No.: 772-673-8369

RECEIVED

NOV 02 2011

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

SUBJECT PROPERTY:

Legal Description: Tract "B"
Parcel I.D Number: 3420-535-0002-000-6
Address: 1445 S.W. Apache Ave. Port St. Lucie, FL. 34953 Bays: N/A
Development Name: Apache Park Telecommunications Tower (Attach Sketch and/or Survey)
Gross Leasable Area (sq. ft.): 3,000sq. ft. Assembly Area (sq. ft.): _____
Current Zoning Classification: OSR SEU Requested: Yes

Please state, as detailed as possible, reasons for requesting proposed SEU (continue on separate sheet, if necessary):

We are requesting a site plan change to show a 150' Stealth pole tower instead of a 150' pine tree tower.

Our ground lease with the city calls for a 150' monopole and our approved site plan shows a 150' pine tree tower. We agreed to meet in the middle with a Stealth pole tower.

Kevin T. Aycock
Signature of Applicant

KEVIN T. AYCOCK
Hand Print Name

11/2/11
Date

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.
H:\PZ\SHARED\APPLCTN\SEU\APPL (06/21/11)

SPECIAL EXCEPTION USES

The Planning and Zoning Board, and Zoning Administrator, may authorize the special exception use from the provisions of § 158.260. In order to authorize any special exception use from the terms of this chapter, the Planning and Zoning Board, or Zoning Administrator, will consider the special exception criteria in § 158.260 and consider your responses to the following when making a determination.

(A) Please explain how adequate ingress and egress will be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or other emergency.

THE NEW COMMUNICATIONS SITE HAS A GRASS DRIVEWAY ALL READY EXISTING. ONCE THE SITE IS BUILT, THERE WILL BE ONE TRUCK A MONTH TO VISIT THE SITE. EMS WILL HAVE NO PROBLEM REACHING THE DRIVEWAY OR SITE.

(B) Please explain how adequate off-street parking and loading areas will be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

THERE WILL BE NO NEED FOR OFF STREET PARKING OR LOADING BECAUSE THIS WILL BE AN UN-MANNED TELECOMMUNICATION SITE.

(C) Please explain how adequate and properly located utilities will be available or will be reasonably provided to serve the proposed development.

THERE IS EXISTING FPL POWER AND BELLSOUTH PHONE LINES CLOSE BY.

(D) Please explain how additional buffering and screening, beyond that which is required by the code, will be required in order to protect and provide compatibility with adjoining properties.

NO EXTRA BUFFERING WILL BE NEEDED FOR THE UN-MANNED TELECOMMUNICATIONS SITE. THE SITE WILL HAVE LANDSCAPE ON 3 SIDES OF THE COMPOUND SITE

(E) Please explain how signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

PROPER FCC SIGNS WILL BE ATTACHED TO GATES. NO LIGHTING WILL BE REQUIRED FOR THE UN-MANNED TELECOMMUNICATIONS SITE.

(F) Please explain how yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

THERE WILL BE PLENTY OF EXISTING OPEN SPACE AROUND THE UN-MANNED TELECOMMUNICATIONS SITE TO PROPERLY SERVE THE PEOPLE OF PORT ST. LOUIS. THE PARK IS 13 ACRES - WE ONLY NEED 3,000 SQ FT

(G) Please explain how the use, as proposed, will be in conformance with all stated provisions and requirements of the City's Land Development Regulation.

THE PARK IS ZONED "I" INSTITUTIONAL WHICH ALLOWS UN-MANNED TELECOMMUNICATIONS SITES ON THE PROPERTY

(H) Please explain how establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the city.

THE UN-MANNED TELECOMMUNICATIONS SITE WILL ADHERE TO ALL FCC REQUIREMENTS WHICH WILL NOT IMPAIR THE HEALTH, SAFETY, WELFARE OR CONVENIENCE OF RESIDENTS OR WORKERS ACCORDING TO THE TELECOM ACT OF 1996

(I) Please explain how the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

THIS WILL BE AN UN-MANNED TELECOMMUNICATIONS SITE AND IT WILL HAVE MAYBE ONE VEHICLE A MONTH TO VISIT SITE.

(J) Please explain how the use, as proposed for development, will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access, location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

THE UN-MANNED TELECOMMUNICATIONS SITE WILL BE LOCATED IN THE BACK OF THE UN-DEVELOPED CITY PARK. IT WILL NOT IMPACT THE ADJACENT PROPERTY OR NEIGHBORHOOD.

Kevin T. Aycock
Signature of Applicant

KEVIN T. AYCOCK
Hand Print Name

10/3/10
Date

SPECIAL EXCEPTION USES

The Planning and Zoning Board, and Zoning Administrator, may authorize the special exception use from the provisions of § 158.260. In order to authorize any special exception use from the terms of this chapter, the Planning and Zoning Board, or Zoning Administrator, will consider the special exception criteria in § 158.260 and consider your responses to the following when making a determination.

(A) Please explain how adequate ingress and egress will be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or other emergency.

Please see approved site plan

(B) Please explain how adequate off-street parking and loading areas will be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

No need for street parking. Please see approved site plan

(C) Please explain how adequate and properly located utilities will be available or will be reasonably provided to serve the proposed development.

We are using existing FPL power and Bellsouth land lines

(D) Please explain how additional buffering and screening, beyond that which is required by the code, will be required in order to protect and provide compatibility with adjoining properties.

Please see approved site plan buffering

(E) Please explain how signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

No commercial signs needed. Only FCC approved signs on fence

(F) Please explain how yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

Please see approved site plan

(G) Please explain how the use, as proposed, will be in conformance with all stated provisions and requirements of the City's Land Development Regulation.

Please see approved site plan

(H) Please explain how establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the city.

As per FCC requirements, no health concerns

(I) Please explain how the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

One vehicle a month will visit the site after construction

(J) Please explain how the use, as proposed for development, will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access, location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

We are located on an undeveloped city park 13 acres of property

Kevin T. Dycock
Signature of Applicant

KEVIN T. DYCOCK
Hand Print Name

11/2/11
Date

PLEASE NOTE:

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.



CITY OF PORT ST. LUCIE

January 6, 2011

RECEIVED

OCT 05 2011

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

Mr. Kevin T. Aycock, President
Dynamic Towers, Inc
575 NW Mercantile Place, Suite 104
Port St. Lucie, Florida 34986

Re: Apache Park Tower Site (Letter of Authorization for Planning & Zoning)

Dear Mr. Aycock:

I am in receipt of your letter to this office dated January 6, 2011 regarding the above-mentioned site. Authorization is hereby granted to proceed with the special exception use and site plan amendment paperwork to the Planning & Zoning Department.

Sincerely,

A handwritten signature in cursive script that reads "Jerry A. Bentrutt".

Jerry A. Bentrutt
City Manager

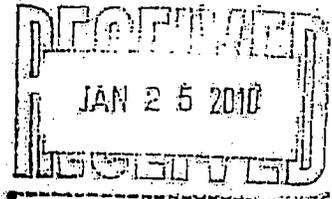
RECEIVED

NOV 02 2011

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL



CITY OF PORT ST. LUCIE



"A CITY FOR ALL AGES"

January 21, 2010

Mr. Kevin Aycock, President
Dynamic Towers, Inc.
575 NW Mercantile Place, Suite 104
Port St. Lucie, Florida 34986

Re: Tower Lease at Apache Avenue Park

Dear Mr. Aycock:

I am in receipt of your letter to this office dated January 19, 2010 regarding the above-mentioned subject. Authorization is hereby granted to re-enter into negotiations with the City Attorney's Office vis-à-vis the tower lease at the site described in your letter. Please contact Ms. Pam Booker Hakim, Senior Assistant City Attorney to resume negotiations in order to finalize the lease.

Should you have any questions or need any additional information, please feel free to contact me at your convenience.

Sincerely,

Jerry A. Bentrutt
Interim City Manager

JAB/mv

cc: Pam E. Booker Hakim, Senior Assistant City Attorney
Chuck Proulx, Parks & Recreation Director

19.50 Doc
8,896.30 Doc

* Doc Assump: \$.00
* Doc Tax : \$ 8896.30
* Int Tax : \$ 0.00

This instrument prepared by:
Amy Goldin Schnelrov, Esq.
2001 South Bayshore Drive
Miami, Florida 33133
(305) 850-4557

Return to:
PENINSULA STATE TITLE
18401 MURDOCK CIRCLE
PORT CHARLOTTE, FL 33948

Grantor's Tax Identification No. _____
Parcel Identification No. Multiple

WC/34 p1

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made and entered this 13th day of March, 1997 by ATLANTIC GULF COMMUNITIES CORPORATION, a Delaware corporation, and having its principal place of business at 2001 South Bayshore Drive, Miami, Florida 33133-5481, hereinafter called the "Grantor", to THE CITY OF PORT ST. LUCIE, a Florida municipal corporation, whose address is 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida 34984, hereinafter called the "Grantee":

(This instrument and the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations.)

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate in St. Lucie County, Florida, more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property"):

This Deed is executed subject to the following:

- (a) ad valorem real estate taxes and special assessments for the year of closing and subsequent years;
- (b) all laws, ordinances, and governmental regulations, including, but not limited to, all applicable building, zoning, land use and environmental ordinances and regulations; and
- (c) restrictions, reservations, easements, covenants, agreements, limitations and other matters appearing of record.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, THE SAME IN FEE SIMPLE FOREVER.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; that it hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by and through the Grantor, and that the Property is free of all encumbrances except as above set forth.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered
in the presence of:

Amy Goldin Schnelrov
Amy Goldin Schnelrov

Hannah Wilson
Hannah Wilson

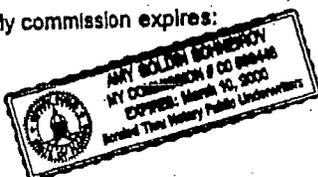
ATLANTIC GULF COMMUNITIES CORPORATION,
a Delaware corporation

By: Jay C. Fertig, Senior Vice President
(Corporate Seal)

STATE OF FLORIDA)
COUNTY OF DADE)ss.

The foregoing instrument was acknowledged before me this 13th day of March, 1997, by Jay C. Fertig, Senior Vice President of Atlantic Gulf Communities Corporation, a Delaware corporation, on behalf of the corporation. He is personally known to me.

My commission expires:



Jay C. Fertig
Notary Public

JoAnne Holman, Clerk of the Circuit Court - St. Lucie County
File Number: 1538853 OR BOOK 1066 PAGE 1038
Recorded: 03-19-97 12:37 P.M.

COPY



ACCEPTANCE BY GRANTEE

The Grantee hereby accepts title to the Property. Grantee acknowledges and agrees that there may be deed restrictions, restrictive covenants and restrictions and matters appearing on the plats or otherwise common to the subdivisions affecting the property. Grantee's acceptance of title to the Property subject to such matters shall not be construed as a waiver of Grantee's claim of exemption, as a government purchaser, from any cloud or encumbrance created by such matters pursuant to Ryan V. Manalapan, 414 So. 2d 193 (Fla., 1982).

CITY OF PORT ST. LUCIE

By: Donald B. Cooper
Name: Donald B. Cooper
Title: City Manager

Approved as to Legal Sufficiency:

[Signature]
Roger Orr, City Attorney

COPY

COPY

COPY

EXHIBIT "A"

All of Tract E, PORT ST. LUCIE, SECTION EIGHT, a subdivision according to the plat thereof, recorded in Plat Book 12, Pages 38A through 38I, Public Records of St. Lucie County, Florida, lying within the Northwest 1/4 of Section 7, Township 37 South, Range 40 East and that portion of the same Tract lying within the Southwest 1/4 of Section 6, Township 37 South, Range 40 East, St. Lucie County, Florida, LESS AND EXCEPT

That portion conveyed to School Board of St. Lucie, Florida in Special Warranty Deed recorded in Official Record Book 676, Page 1891, Public Records of St. Lucie County, Florida.

TOGETHER WITH

Tract A, PORT ST. LUCIE, SECTION NINETEEN, a subdivision according to the plat thereof, recorded in Plat Book 13, Page 19, Public Records of St. Lucie County, Florida.

TOGETHER WITH

Tract B, PORT ST. LUCIE, SECTION THIRTY-THREE, a subdivision according to the plat thereof, recorded in Plat Book 15, Page 1, Public Records of St. Lucie County, Florida.

TOGETHER WITH

Tract D, FIRST REPLAT IN PORT ST. LUCIE, SECTION FORTY-SIX, a subdivision according to the plat thereof, recorded in Plat Book 25, Page 32, Public Records of St. Lucie County, Florida.

TOGETHER WITH

All of Tract B, PORT ST. LUCIE, SECTION EIGHT, a subdivision according to the plat thereof, recorded in Plat Book 12, Page 38, Public Records of St. Lucie County, Florida.

TOGETHER WITH

Tract A, PORT ST. LUCIE, SECTION TWENTY-TWO, a subdivision according to the plat thereof, recorded in Plat Book 13, Page 28, Public Records of St. Lucie County, Florida.

TOGETHER WITH

Tract C, PORT ST. LUCIE, SECTION FORTY-FOUR, a subdivision according to the plat thereof, recorded in Plat Book 16, Page 23, Public Records of St. Lucie County, Florida, LESS AND EXCEPT

That portion conveyed to the City of Port St. Lucie, Florida in Deed recorded in Official Record Book 922, Page 1158, Public Records of St. Lucie County, Florida.

TOGETHER WITH

Tract A, FIRST REPLAT IN PORT ST. LUCIE, SECTION FORTY-SIX, a subdivision according to the plat thereof, recorded in Plat Book 25, Page 32, Public Records of St. Lucie County, Florida.

TOGETHER WITH

Tract B, FIRST REPLAT IN PORT ST. LUCIE, SECTION FORTY-SIX, a subdivision according to the plat thereof, recorded in Plat Book 25, Page 32, Public Records of St. Lucie County, Florida.

TOGETHER WITH

Tract C, FIRST REPLAT IN PORT ST. LUCIE, SECTION FORTY-SIX, a subdivision according to the plat thereof, recorded in Plat Book 25, Page 32, Public Records of St. Lucie County, Florida.

OR BOOK 1066 PAGE 1040

TOGETHER WITH

A parcel of land in Section 10, Township 37 South, Range 39 East, St. Lucie County, Florida, and a portion of Tract J, PORT ST. LUCIE, SECTION THIRTY-FIVE, recorded in Plat Book 15, Page 10, Public Records of St. Lucie County, Florida, and a portion of Block 1726, PORT ST. LUCIE, SECTION THIRTY-FIVE (said portion of Block 1726 being all of Lots 1 through 11 and that portion of Lots 12 and 13 lying Northeasterly of the Right-of-Way for Interstate 95), being more particularly described as follows:

Commence at the Northeast corner of the West 1/2 of the Southeast 1/4 of Section 10 (also being the Southeast corner of Lot 46, Block 1775 shown on the said plat of PORT ST. LUCIE, SECTION THIRTY-FIVE); thence South $00^{\circ}08'19''$ East along the East line of the West 1/2 of said Section 10 and along a portion of the Westerly boundary of said PORT ST. LUCIE, SECTION THIRTY-FIVE, for 959.64 feet to the most Northerly corner of said Tract J, said point also being a point of curvature of a circular curve to the left having a radius of 381.25 feet and a central angle of $3^{\circ}42'37''$; thence Southeasterly along the arc of said curve and along the Easterly boundary of said Tract J for 91.23 feet to the Point of Beginning of the following described parcel of land; thence South $89^{\circ}51'41''$ West for 987.33 feet to a point on the Easterly limited access Right-of-Way line of Interstate 95; thence Southeasterly along the said limited access Right-of-Way line the following four (4) courses: South $25^{\circ}58'51''$ East for 369.32 feet; South $40^{\circ}57'07''$ East for 674.00 feet; South $47^{\circ}56'27''$ East for 364.27 feet; South $50^{\circ}41'12''$ East for 290.51 feet to a point on the Westerly Right-of-Way line of Hallssee Street shown on the said plat of PORT ST. LUCIE, SECTION THIRTY-FIVE; thence North $00^{\circ}08'19''$ West along the Westerly Right-of-Way line of said Hallssee Street also being along the Easterly boundary of said Block 1726 for 959.28 feet to a point of curvature of a circular curve to the left having a radius of 321.25 feet and a central angle of $34^{\circ}42'29''$; thence Northwesterly continuing along the Westerly Right-of-Way line of said Hallssee Street and the Easterly boundary of said Block 1726, the Easterly boundary of said Tract J and along the arc of said curve for 194.60 feet to a point of reverse curvature of a circular curve to the right having a radius of 381.25 feet and a central angle of $20^{\circ}59'52''$; thence Northwesterly continuing along the Easterly boundary of said Tract J, the Westerly Right-of-Way line of said Hallssee Street and along the arc of said curve for 139.72 feet to the Point of Beginning, LESS AND EXCEPT

Lots 1 through 4 and Lot 8 of Block 1726, PORT ST. LUCIE, SECTION THIRTY-FIVE.

TOGETHER WITH

Lots 1, 6 through 9, 14, 15, 25, 26 and 27, of Block 1732, PORT ST. LUCIE, SECTION THIRTY-FIVE, a subdivision according to the plat thereof, recorded in Plat Book 15, Page 10, Public Records of St. Lucie County, Florida, LESS AND EXCEPT lands described in Order of Taking recorded in Official Record Book 315, Page 2521 and Official Record Book 319, Page 2833, Public Records of St. Lucie County, Florida.

TOGETHER WITH

Lots 18 through 24, Block 1732, PORT ST. LUCIE, SECTION THIRTY-FIVE, a subdivision according to the plat thereof, recorded in Plat Book 15, Page 10, Public Records of St. Lucie County, Florida.

OF STRATION

A PROBATE WILL BE FOR-ARDED. STANDING ME PERIODS RTH ABOVE, CLAIM FILED 2) YEARS OF AFTER THE ENT'S DATE EATH IS D. te of the first ation of this is December 1. on November 1. Personal Representatives: Linda Frank 91 SE Lakeside-Way Juesta, FL 33469

y for Personal antative: C. Doane rdoane@ ay.com No. 0315231 & Doane, P.A., GA Boulevard, 1410 Palm Beach, FL 561-658-0200 December 24, 2011 2349967

CE OF SALE

THE CIRCUIT-RT OF THE 19TH CIAL CIRCUIT IN ND AND FOR DIAN RIVER JNTY, FLORIDA CASE NO: 2011-CA-000374

LLS FARGO JK, N.A., ALSO OWN AS WA-OVIA MORT-GE, A DIVISION WELLS FARGO JK, N.A., FOR-RLY KNOWN AS HOVIA MORT-GE, FS, FOR-RLY KNOWN AS RLD SAVINGS JK, FS, iff,

BARA COOMBS, KNOWN SPOUSE BARBARA OMBS, ndants

NOTICE OF RECLOSURE SALE

TICE IS HEREBY VEN pursuant to a mmary Final dgment of Fore-ure Sale dated umber 9, 2011, d entered in Case o. 31-2011-CA-0374 of the Circuit ural of the 19th Jical Circuit, in and r INDIAN RIVER ounty, Florida, here in the Clerk ill sell to the high- st bidder for cash n JANUARY 12, 012, beginning at 0:00 A.M., at ww.indian-river. alforeclose.com, re following de- scribed property as et forth in said mmary Final dgment lying and eing situate in INDI- N RIVER County, Florida, to wit:

NOTICE OF SALE

Lot 1, Block G, VERO LAKES ESTATES, UNIT L, according to the Plat thereof, recorded in Plat Book 5, Page 86, of the Public Records of Indian River County, Florida.

ANY PERSON CLAIM-ING AN INTEREST IN THE SURPLUS FROM THE SALE, IF ANY, OTHER THAN THE PROPERTY OWNER AS OF THE DATE OF THE LIS-RENDMS MUST FILE A CLAIM WITH- IN 60 DAYS AFTER THE SALE.

DATED this 16th day of December, 2011 STRAUS & EISLER, P. A. Attorneys for Plaintiff 10081 Pines Blvd. Suite C Pembroke Pines, Florida 33024 (954) 431-2000 By: Arnold M. Straus, Jr., Esq. Florida Bar No.: 275328

Requests for Accom- modations by Per- sons with Disabili- ties. If you are a per- son with a disability who needs any ac- commodation in or- der to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Admin- istration, 250 NE Country Club Drive, Suite 217, Port St. Lucie, FL 34986, 772- 807-4370 at least 7 days before your scheduled court ap- pearance, or immedi- ately upon receiving this notification if the time before the scheduled appear- ance is less than 7 days if you are hear- ing or voice im- paired, call 711. Pub: December 31, January 7, 2012 2350466

PUBLIC AUCTION

In accordance with the provisions of State law, there being due and unpaid charges for which the undersigned is entitled to satisfy an owner and/or man- ager's lien of the goods hereinafter described and stored at the Uncle Bob's Self Storage location(s) listed below. And, due notice having been given, to the owner of said property and all parties known to claim an interest therein, and the time speci- fied in such notice for payment of such having expired, the goods will be sold at public auction at the below stated loca- tion(s) to the highest bidder or otherwise disposed of on Wednesday, January 18, 2012 at 2:00 PM. 1655 10th Ave., Vero Beach, FL 32960 772-567-4133

NOTICE OF SALE

Customer Name/ Inventory Courtney P. Snell Hsld Gds, Furn, Boxes. Berthany Verna Hsld Gds, Furn, Boxes, Appliances, TV/Stereo Equip., Personal Pictures, ect. Pub: December 31, 2011; January 7, 2012 2349069

Notice of Public Auction

Pursuant to Ch 713.585(6) F.S. United American Lien & Recovery as agent with power of attorney will sell the following vehicle(s) to the highest bidder subject to any liens; net proceeds deposited with the clerk of court; owner/lienholder has right to hearing and post bond; owner may redeem vehicle for cash sum of lien; all auctions held in reserve Inspect 1 week prior @ lienor facility; cash or cashier check; 15% buyer prem; any person interested ph (954) 563-1999 Sale date January 20 2012 @ 10:00 am 3411 NW 9th Ave Ft Lauderdale FL 33309 24593 2004 Mazda Vin #: JM1FE1-7N240127146 lienor: auto partners ii lic dyer mazda 999 us hwy 1 vero bch fl 772-569-6060 lien amt \$3377.34 Licensed & bonded auctioneers flab422 flau 765 & 1911 Pub: December 31, 2011 2351427

NOTICE OF SALE

A2002 CHEVY, VIN#- 2GIWH55K32921684 2 in the name of KRISTOPHER COLLEY will be sold on JANUARY 11, 2012 by Larry Keller's Towing located at 1217 S. Federal Hwy., Stuart, FL 34994. Tel: (772) 334-5848 at 9:00 AM. I claim a lien of this vehicle for storage fees since 12/04/11 The cash sum of storage is \$975.00. The cash sum in total is \$1171.00 will be sufficient to redeem this vehicle from the lien claimed by me, Keith Darley. Pub: December 31, 2011 2350024

NOTICE OF SALE

Pub: December 31, 2011 2350466

PUBLIC AUCTION

In accordance with Florida Self-Storage Act (F.S. 83.801, ET SEQ) an auction of abandoned goods will be held at Affordable Storage, 5014 N. US 1, Ft. Pierce, FL

NOTICE OF SALE

Pub: December 31, 2011 2351258

NOTICE OF SALE

on JANUARY 9, 2012 9:30 AM Items of personal property stored by: Name & Unit William J. Bryant - 10 George C. Barber - 258 Christine B. Conwell - 325 Kachina L. Hall - 349

Auction will award successful bid to the highest bidder on same day. Cash only. Items must be removed the day of sale. Seller reserves the right to refuse any and all bids. AU: 1139 AB:2314 10% BP Publish: December 24, 31, 2011 2347757

LEGAL NOTICE

Public Auction will be held at TowMasters of PSL Towing Storage lot at 1325 SW Biltmore Street, Port St. Lucie, Florida 34983 on January 16, 2012, at 10:00 am, pursuant to Florida Statute 713.78 for unpaid towing and storage. 2000 BUICK 2G4WS52J3Y12178 84 2002 MITSUBISHI 4A3AC44G92E0820 02 1996 MERCURY 2MELM74W4TX61 1467 Terms of sale are cash, and no checks will be accepted. Seller reserves the right of final bid. All sales are final. No refunds will be made. Said automobile will be sold in "as is" condition with no guarantees. Publish: December 31, 2011 2351258

NOTICE OF MEETING

NOTICE A PUBLIC HEARING will be conducted before the CITY COUNCIL of the CITY OF PORT ST. LUCIE at a meeting beginning at 7:00 p.m., or as closely thereafter as business permits on January 9, 2012 in the City Council Chambers, Building A, located at 121 S.W. Port St. Lucie Blvd., in Port St. Lucie, Florida on the following: A RESOLUTION (12-R01) TO GRANT A SPECIAL EXCEP- TION USE TO AL- LOW A TELECOM- MUNICATIONS TOW- ER IN THE OSR (OPEN SPACE REC- REATIONAL) ZON- ING DISTRICT PER S E C T I O N 158.100(C)(2) OF THE ZONING CODE. LEGAL DESCRIP-

NOTICE OF MEETING

NOTICE A RESOLUTION (12- R02) TO GRANT A SPECIAL EXCEP- TION USE TO SECTION 158.124(C)(11) OF THE ZONING CODE TO ALLOW AN AUTOMOBILE GASOLINE SERVICE STATION IN THE IN THE CG (GENERAL COMMERCIAL) ZON- ING DISTRICT. LEGAL DESCRIP- TION: A portion of Tract A, DHP Plat One L O C A T I O N : Northeast corner of Bayshore Blvd. and Port St. Lucie Blvd. (Bayshore Plaza Outparcel/Victoria Square) A P P L I C A N T : Donaldson Hearing of Cottleur & Hearing, Inc. FILE NUMBER: P11- 147 A RESOLUTION (12- R03) TO GRANT A SPECIAL EXCEP- TION USE TO SECTION 158.124(C)(12) OF THE ZONING CODE TO ALLOW A RETAIL CONVEN- IENCE STORE IN THE CG (GENERAL COMMERCIAL) ZON- ING DISTRICT. LEGAL DESCRIP- TION: A portion of Tract A, DHP Plat One L O C A T I O N : Northeast corner of Bayshore Blvd. and Port St. Lucie Blvd. (Bayshore Plaza Outparcel/Victoria Square) A P P L I C A N T : Donaldson Hearing of Cottleur & Hearing, Inc. FILE NUMBER: P11- 164 A RESOLUTION (12- R04) TO GRANT A SPECIAL EXCEP- TION USE TO SECTION 158.124(C)(6) OF THE ZONING CODE TO ALLOW A CAR WASH IN THE CG (GENERAL COM- MERCIAL) ZONING DISTRICT. LEGAL DESCRIP- TION: A portion of Tract A, DHP Plat One L O C A T I O N : Northeast corner of Bayshore Blvd. and Port St. Lucie Blvd. (Bayshore Plaza Outparcel/Victoria Square) A P P L I C A N T : Donaldson Hearing of Cottleur & Hearing, Inc. FILE NUMBER: P11- 165 Copies of the above Resolution have been placed on file in the City Clerk's Office and are available for public inspection Monday

NOTICE OF MEETING

through Friday be- tween the hours of 8:00 a.m. and 4:00 p.m. Interested parties may appear at the meeting and be heard with respect to the proposed resolution. No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based. Planning & Zoning De- partment Publish: December 31, 2011 2345376

NOTICE OF MEETING

LOCATION: Tract B, Port St. Lucie Section 8 LOCATION: North of Apache Avenue, west of Advana Street, east of Cocoa Street and south of Bellevue Avenue APPLICANT: Kevin Aycock, Dynamic Towers, Inc. FILE NUMBER: P11- 155

A-RESOLUTION (12- R02) TO GRANT A SPECIAL EXCEP- TION USE TO SECTION 158.124(C)(11) OF THE ZONING CODE TO ALLOW AN AUTOMOBILE GASOLINE SERVICE STATION IN THE IN THE CG (GENERAL COMMERCIAL) ZON- ING DISTRICT. LEGAL DESCRIP- TION: A portion of Tract A, DHP Plat One L O C A T I O N : Northeast corner of Bayshore Blvd. and Port St. Lucie Blvd. (Bayshore Plaza Outparcel/Victoria Square) A P P L I C A N T : Donaldson Hearing of Cottleur & Hearing, Inc. FILE NUMBER: P11- 147

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FIND IT FAST.

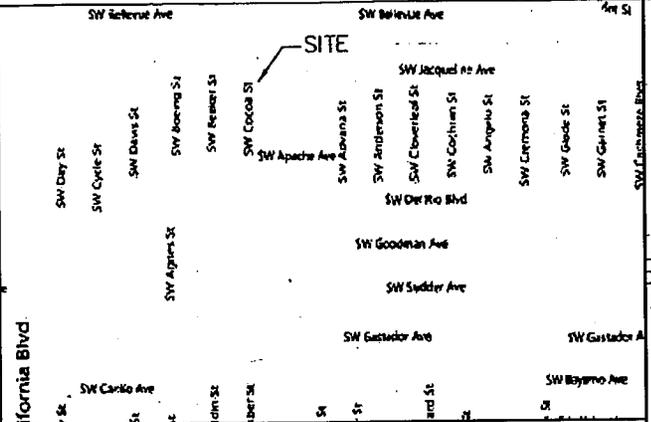
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LOCATION MAP

PROJECT DESCRIPTION

THIS PROJECT IS FOR THE CONSTRUCTION OF AN UNMANNED TELECOMMUNICATIONS FACILITY CONSISTING OF THE INSTALLATION OF A 150' MONOPOLE COMMUNICATIONS TOWER AND FUTURE WIRELESS BASE STATION EQUIPMENT IN ORDER TO PROVIDE RADIO TRANSMISSION SERVICES FOR PERSONAL COMMUNICATIONS AS WELL AS EMERGENCY 911 SERVICE. PROJECT SIZE IS 30'X100' COMPOUND, OR 3000 SF.

PROJECT APPLICANT

DYNAMIC TOWERS, INC.
575 NW MERCHANTILE PLACE, SUITE 104
PT. ST. LUCE, FL 34988
772-370-9819 ATTN: KEVIN AYCOCK

PROPERTY OWNER

CITY OF PT. ST. LUCE
121 SW PT. ST. LUCE BOULEVARD
PT. ST. LUCE, FL 34984

UTILITIES

THIS PROJECT WILL REQUIRE POWER AND TELEPHONE SERVICE ONLY. NO WET UTILITIES OR GARBAGE COLLECTION WILL BE NEEDED TO SUPPORT THIS PROJECT

HANDICAP ACCESS

THIS FACILITIES IS UNMANNED AND NOT FOR HUMAN HABITATION. HANDICAP ACCESS IS NOT REQUIRED

IMPERVIOUS COVERAGE

PROPOSED IMPERVIOUS SURFACE COVERAGE IS EQUAL TO FUTURE BUILDING AND TOWER FOOTPRINTS (1500 SF MAX) PLUS SHELLROCK DRIVEWAY EXTENSION 560 SF) = 1635 SF

PROJECT DENSITY

THERE ARE NO RESIDENTIAL UNITS FOR THIS PROJECT. PROJECT DENSITY IS N/A

TRAFFIC STATEMENT

THERE WILL BE APPROXIMATELY 2-3 TRIPS PER MONTH PER CARRIER ONCE THE SITE IS OPERATIONAL. WITH TOTAL OF 5 POTENTIAL CARRIERS THE EXPECTED NUMBER OF TRIPS WILL BE BETWEEN 30-45 TRIPS/MONTH FOR THIS FACILITY.

PARKING REQUIREMENTS

THERE WILL BE MINIMAL TECHNICIAN ACCESS TO THE SITE ON A MONTHLY BASIS. ONE PARKING SPACE IS PROVIDED FOR TECHNICIAN PARKING.

DRAINAGE REQUIREMENTS

THE FIRST 1/2" OF STORMWATER RUNOFF IS TO BE RETAINED ON SITE PRIOR TO DISCHARGE TO THE OVERALL MASTER DRAINAGE SYSTEM FOR THE PARENT TRACT.

LANDSCAPING REQUIREMENTS

PERIMETER LANDSCAPING AROUND COMPOUND TO BE IN COMPLIANCE WITH CITY OF PT. ST. LUCE CODE. NO LANDSCAPING, OTHER THAN GRASSES SHALL BE PLANTED WITHIN 10' OF A UTILITY DEPARTMENT OWNED OR MAINTAINED PIPE OR FACILITY.

BUILDING COVERAGE

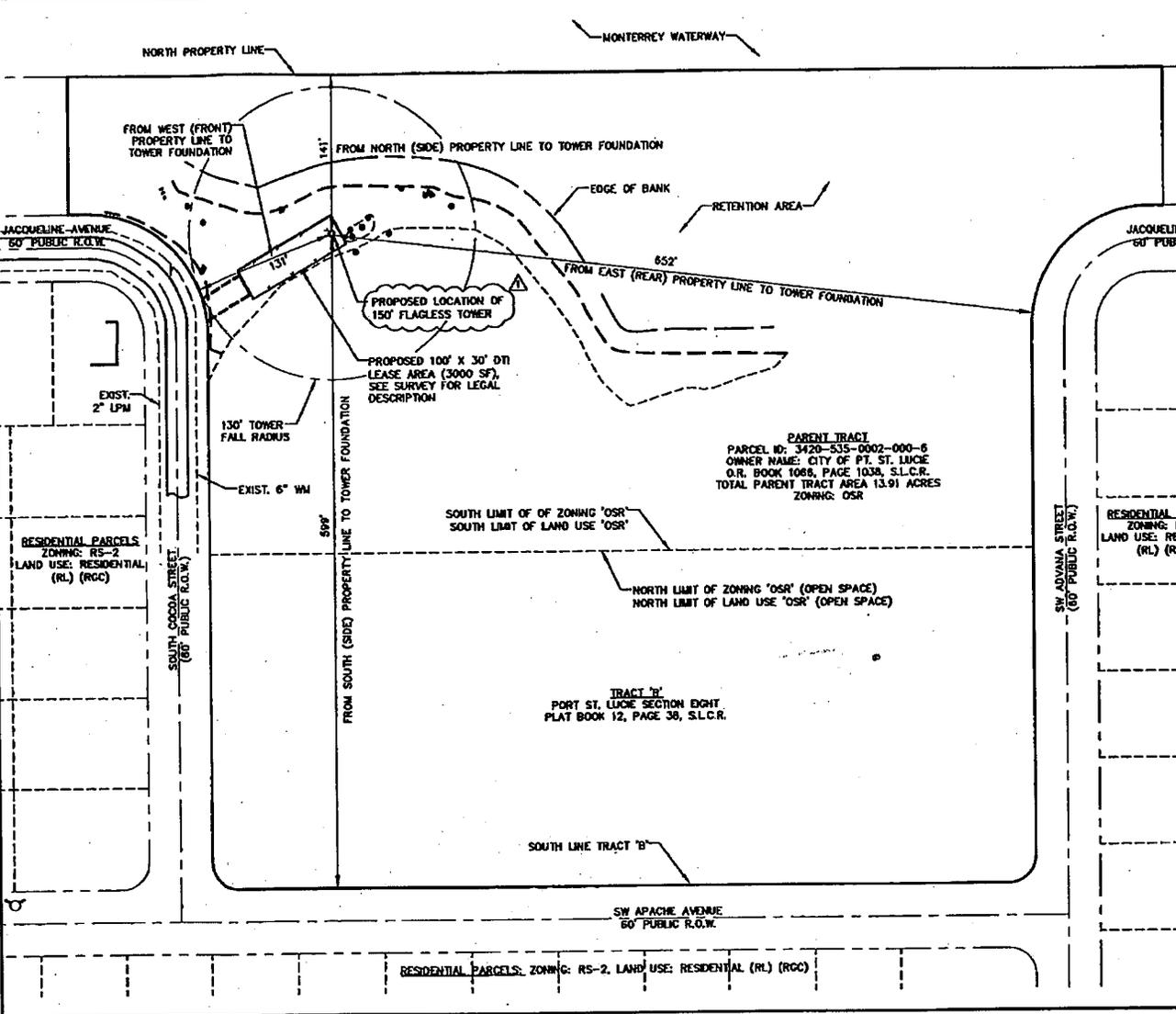
PROPOSED FUTURE BUILDING (EQUIPMENT SHELTER) FOOTPRINTS, EQUIPMENT PADS, AND TOWER FOUNDATION FOOTPRINT NOT TO EXCEED 1500 SF OF 3000 SF COMPOUND AREA. TOTAL NON RESIDENTIAL FLOOR AREA (IN EQUIPMENT SHELTERS) WILL BE LESS THAN 1000 SF.

SITE COVERAGE	EXISTING (SF)	PROPOSED (SF)
BUILDING AND CONCRETE EQUIP. PADS	0	1,500
PARKING AND DRIVE ISLES	0	560
TOTAL IMPERVIOUS SPACE	0	2,060
PERCENTAGE OF OVERALL SITE (605,920 SF)	0%	0.34%

PARKING

THERE IS NO CURRENT SITE PLAN APPROVAL FOR THIS PARCEL. PARKING FOR TOWER COMPOUND WILL BE IN ACCESS EASEMENT IN FRONT OF GATE. EXPECTED NUMBER OF VEHICLES AT ANY GIVEN TIME AT PROJECT SITE AFTER COMPLETION OF CONSTRUCTION WILL BE ONE FOR EQUIPMENT SERVICE.

This document, together with the concepts and designs presented herein, is an integral part of the project, and is intended to be used in conjunction with the site plan and other documents. It is not to be used in isolation. The project is subject to the approval of the City of Pt. St. Luce, Florida. The project is subject to the approval of the City of Pt. St. Luce, Florida. The project is subject to the approval of the City of Pt. St. Luce, Florida.



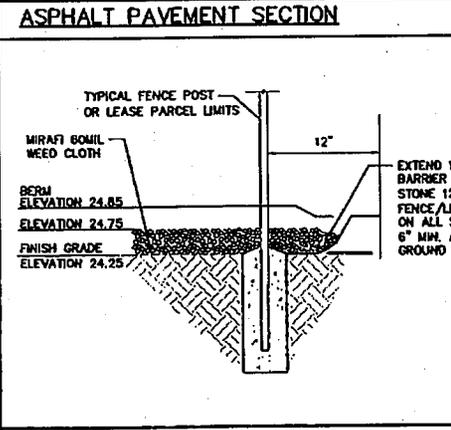
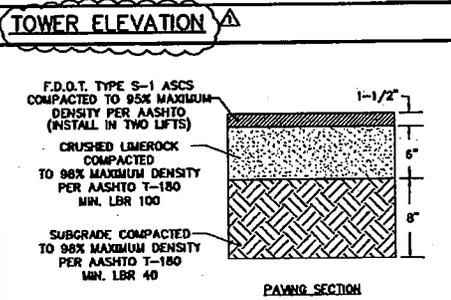
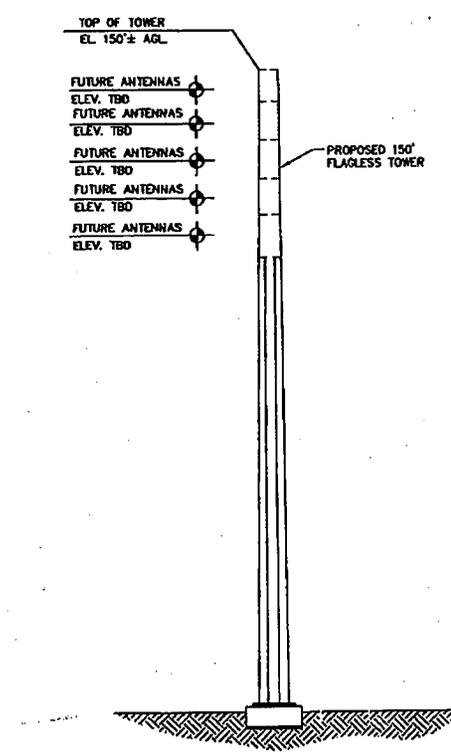
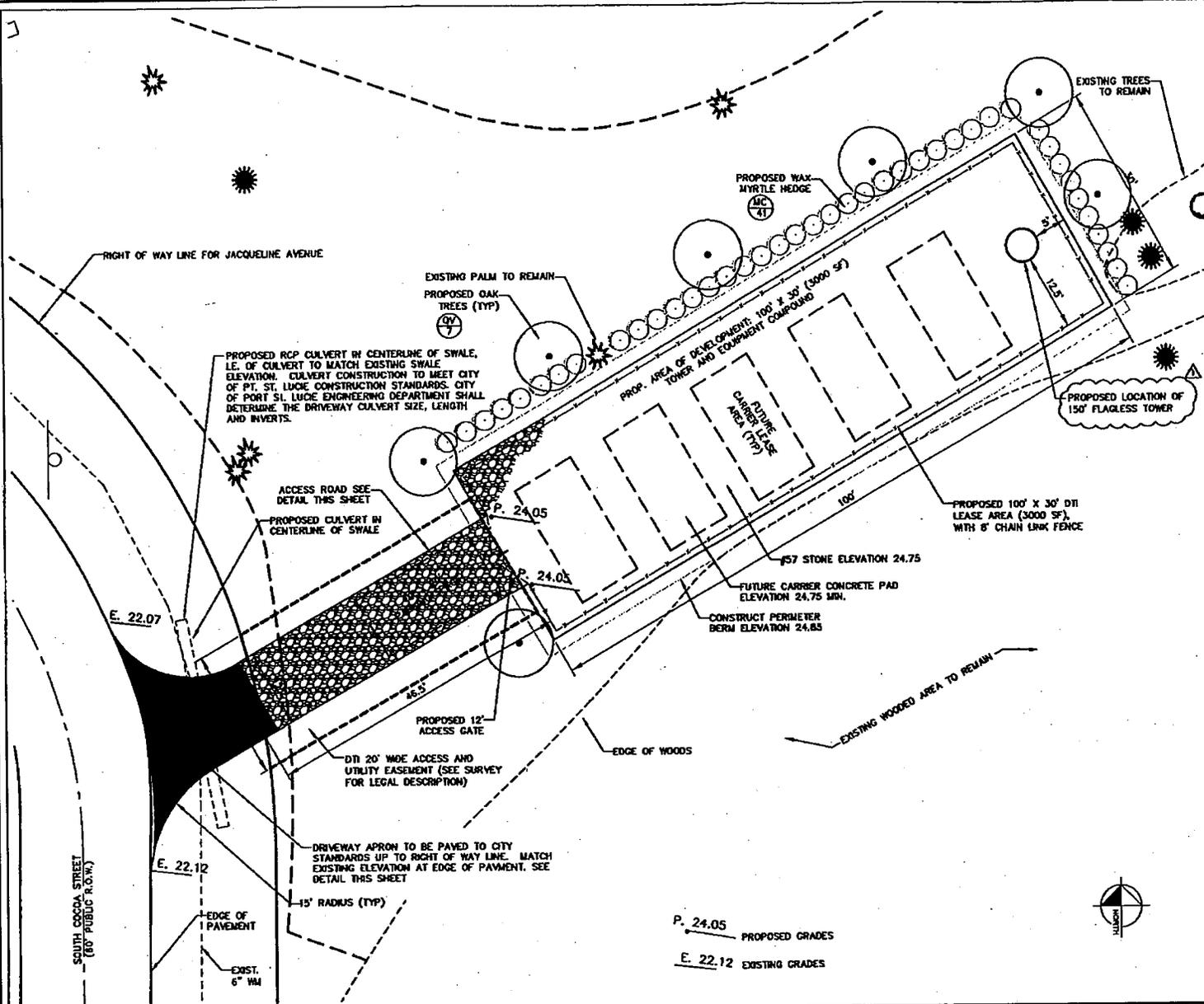
OVERALL SITE PLAN SITE PLAN BASED ON SURVEY BY WSP CONSULTANTS, INC., PROJECT NO. 10-1052

ADJACENT ZONING CLASSIFICATIONS	ZONING/LAND USE CLASSIFICATION
ZONING TO EAST	RS-2/RESIDENTIAL
ZONING TO SOUTH	RS-2/RESIDENTIAL
ZONING TO WEST	RS-2/RESIDENTIAL
ZONING TO NORTH	N/A CANAL

TOWER SETBACKS	REQUIRED SETBACK	PROPOSED SETBACK
FOUNDATION TO EAST PROP. LINE (REAR)	25'	852'
FOUNDATION TO SOUTH PROP. LINE (SIDE)	20'	599'
FOUNDATION TO WEST PROP. LINE (FRONT)	25'	131'
FOUNDATION TO NORTH PROP. LINE (SIDE)	20'	141'

ENVIRONMENTAL NOTE:
THE SITE WAS ALREADY CLEARED BY THE CITY ENGINEERING DEPARTMENT. WE ARE PUTTING THE COMPOUND ON CLEARED PROPERTY. NO WET LANDS OR UPLANDS WILL BE DISTURBED.

WIND SPEED NOTE:
2007 FLORIDA BUILDING CODE
WIND LOADS (ASCE 7-02)
BASIC WIND SPEED = 140 MPH
WIND IMPORTANCE FACTOR = 1.15 (CATEGORY IV)
WIND EXPOSURE = C



ENLARGED SITE PLAN SITE PLAN BASED ON SURVEY PROVIDED BY WSP CONSULTANTS, INC., PROJECT NO. 10-1052

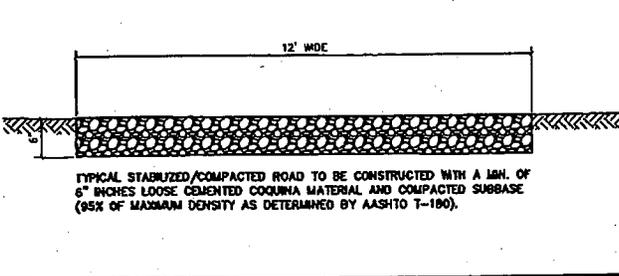
LANDSCAPING

LANDSCAPING WILL BE INSTALLED ALONG PERIMETER OF FENCE ON NORTH AND EAST SIDES IN A 10' LANDSCAPE BUFFER. EXISTING VEGETATION ON SOUTH SIDE OF COMPOUND TO REMAIN, NO ADDITIONAL LANDSCAPING REQUIRED ON SOUTH SIDE. NO LANDSCAPING PROPOSED ON WEST SIDE OF COMPOUND IN ORDER TO ALLOW ACCESS AND NOT INTERFERE WITH ACCESS EASEMENT.

PLANT SCHEDULE	QNTL.	CAL.	SIZE	QTY.
TREES CV	QUERCUS VIRGINIANA/SOUTHERN LIVE OAK, FULL, MATCHING	65 GALLON	3" CAL. 12" H X 6" SP	7
SHRUBS MC	MYRTICOC CERIFERA/WAX MYRTLE	7 GALLON	36" O.C. 48" X 36"	41

LANDSCAPING

This document, together with the contracts and design presented herein, is an instrument of service. It is intended only for the specific purpose and shall be void if and when project, funds or any engineer license is terminated. No other written authorization and alteration by the Engineer and Architect. The user assumes liability for any errors and omissions.



GRAVEL ACCESS ROAD SECTION

GRAVEL/WEED CLOTH DETAIL