

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL

DATE: January 9, 2012

ORDINANCE RESOLUTION MOTION X PUBLIC HEARING

ITEM: P11-131 APACHE PARK TELECOMMUNICATIONS TOWER
MINOR SITE PLAN AMENDMENT 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. Staff Report
- C. Support Materials

SUMMARY EXPLANATION/BACKGROUND INFORMATION: The project consists of a proposed 150' stealth pole telecommunications tower on a 100' by 30' (3,000 square foot) area that is proposed to be leased from the City.

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 Memorandum

TO: CITY COUNCIL – MEETING OF JANUARY 9, 2012

FROM: KATHERINE H. HUNTRESS, PLANNER *KHH*

RE: MINOR SITE PLAN AMENDMENT APPLICATION
PROJECT NO. P11-131
APACHE PARK TELECOMMUNICATIONS TOWER

DATE: DECEMBER 19, 2011

APPLICANT: Kevin Aycok, Dynamic Towers

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.

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

FUTURE LAND USE: OSR (Open Space Recreational).

PROPOSED PROJECT: The project consists of a proposed 150' stealth pole telecommunications tower on a 100' by 30' (3,000 square foot) area that is proposed to be leased from the City.

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.

IMPACTS AND FINDINGS The project has been reviewed for compliance with Chapter 160, City Code, regarding provision of adequate public facilities and documented as follows:

Sewer/Water Service: The City of Port St. Lucie Utility Department is the service provider. There will be no water or sewer hook up required.

Transportation: The use of this site as a wireless communication tower is not a land use that is included in the ITE Trip Generation Manual. There will be approximately two to three trips per month per carrier once the site is operational. With a total of 5 potential carriers, the expected number of trips will be between 10-15 trips per month for this facility. This is minimal and is not expected to adversely impact the level of services of the adjacent road.

Parks/Open Space: This is not applicable.

Stormwater: The site plan is in compliance with the adopted level of service standard.

Solid Waste: Solid waste impacts are measured and planned based on population projections on an annual basis. There is adequate capacity available.

Fire District: The access location (external and internal) has been approved by the Fire District for safety purposes.

Environmental: The location of the tower on the site has previously been cleared.

Architectural Design Standards: This is not applicable.

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.

P11-155 City of Port St. Lucie Apache Park Special Exception Use 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

11/22/2011

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.

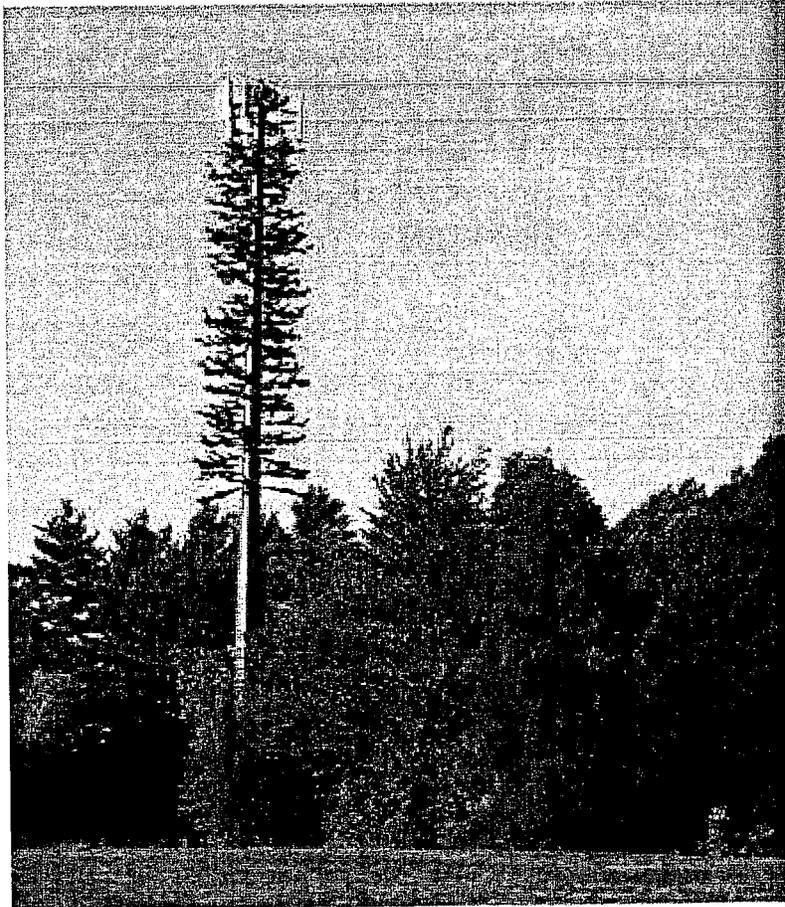
We will look forward to your feedback on this issue.

Sincerely,

Dynamic Towers Inc.

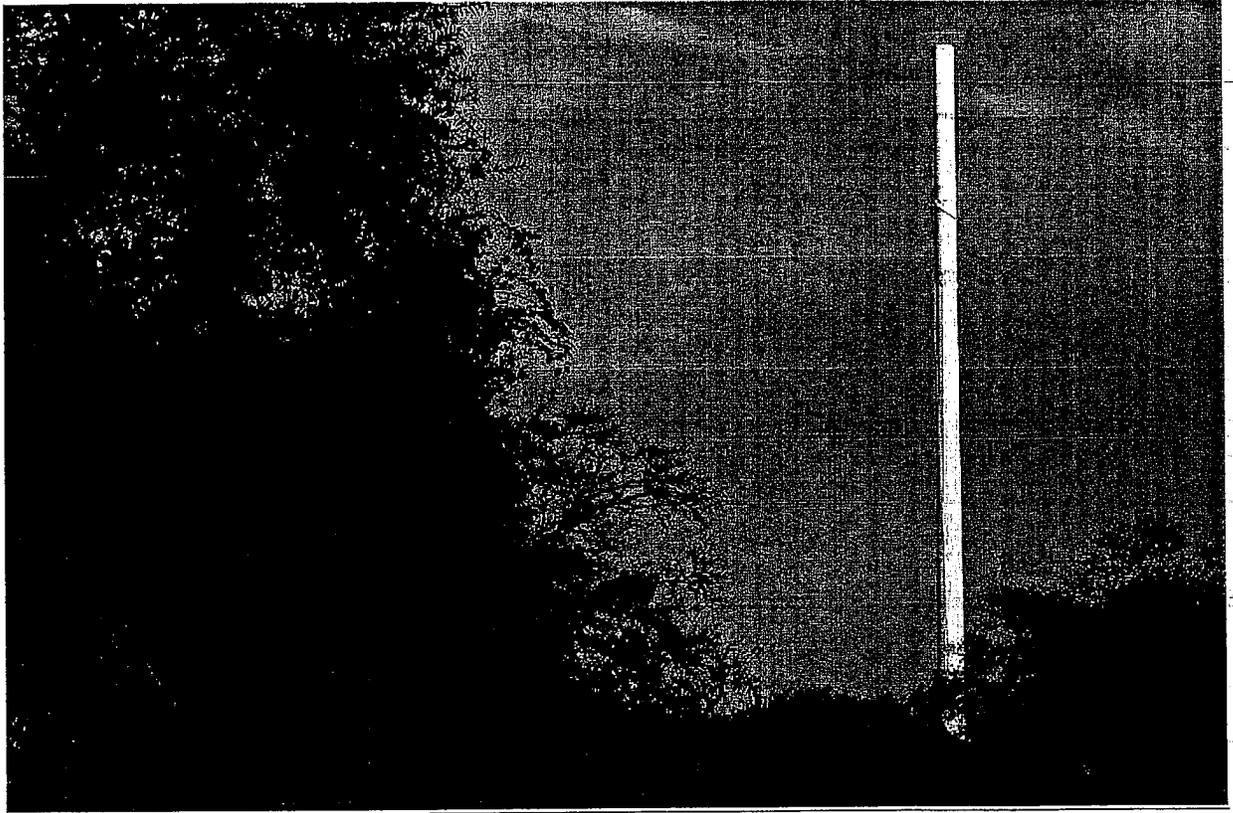
DTI

Example of Pine Tree Structure:



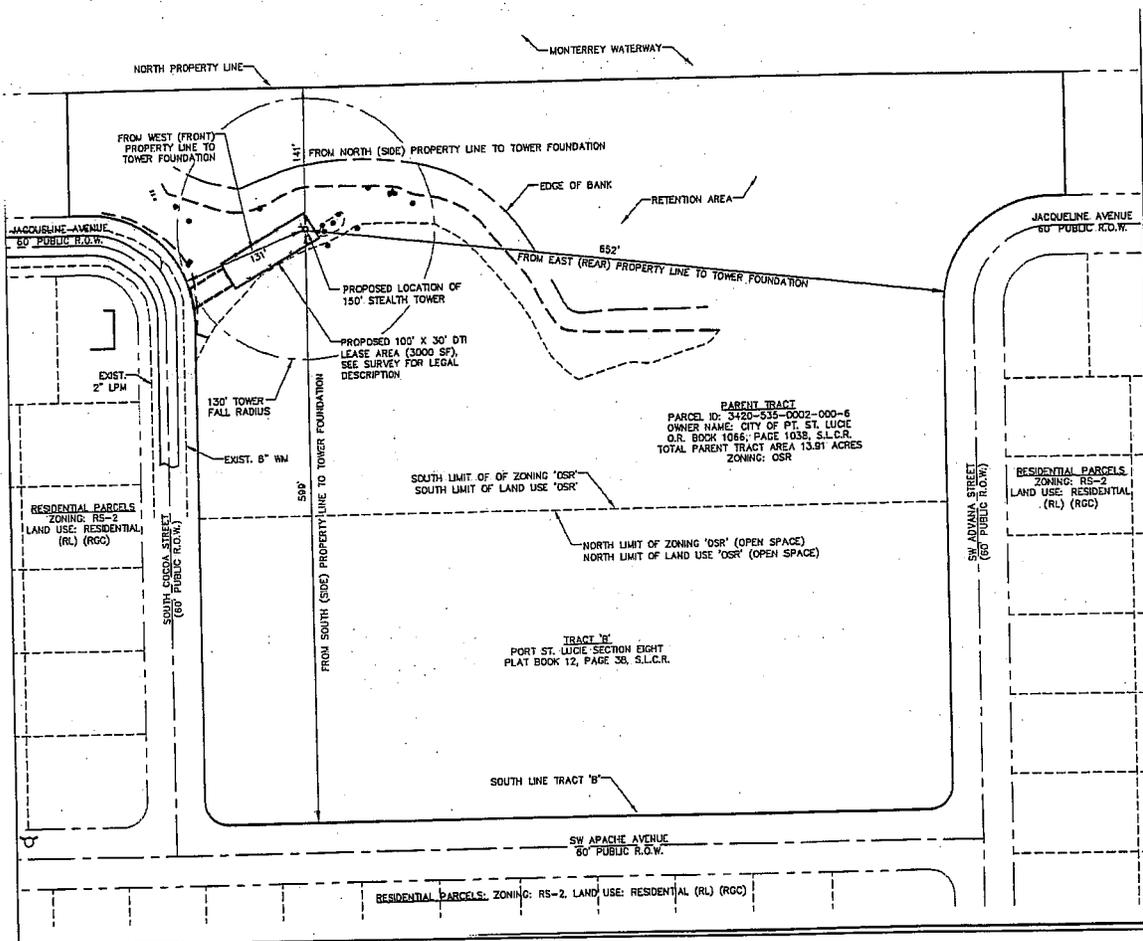
DTI

Example of Stealth Camouflage Uni-Pole:

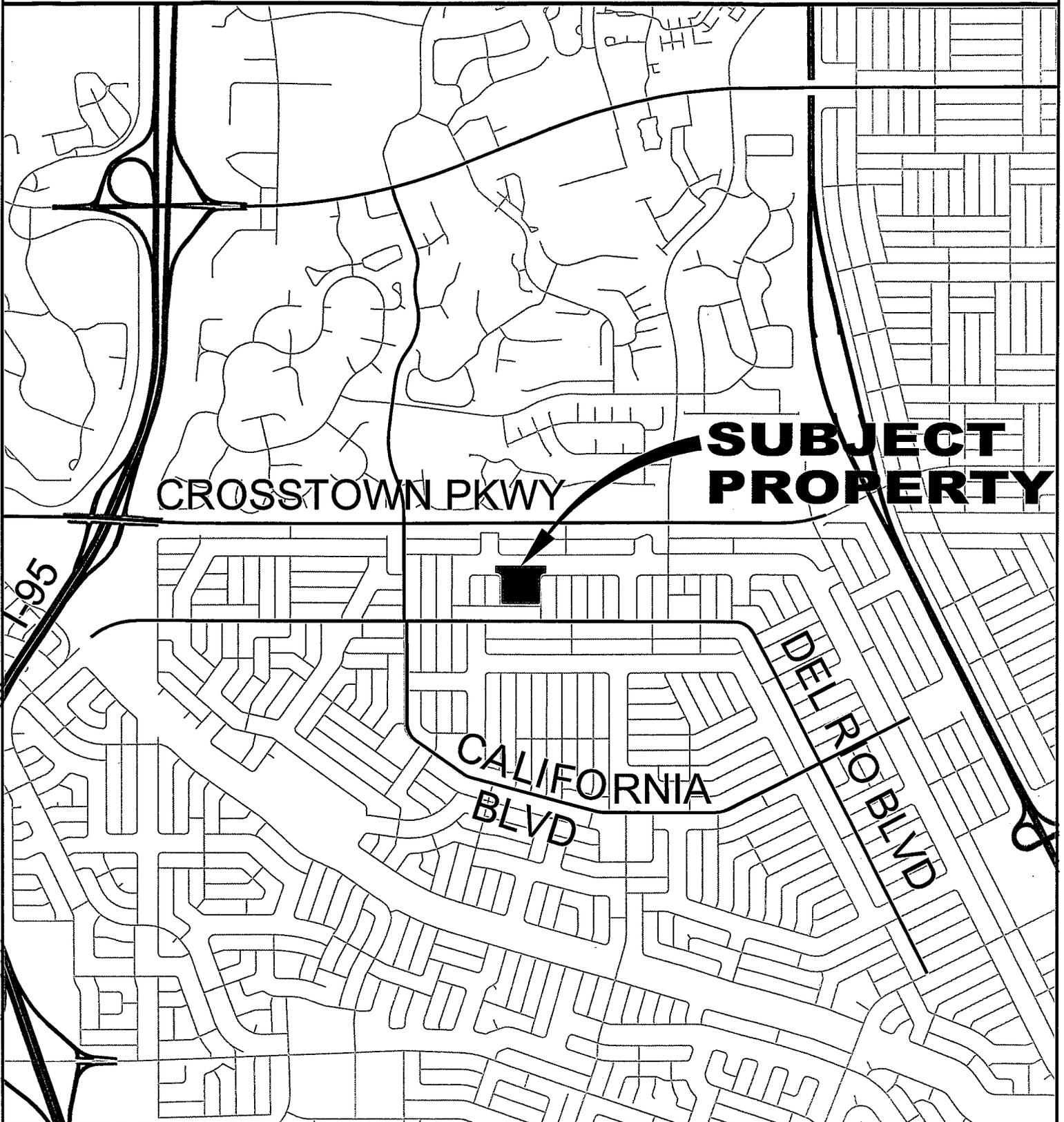


DTI

Facility & Meeting Location:



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

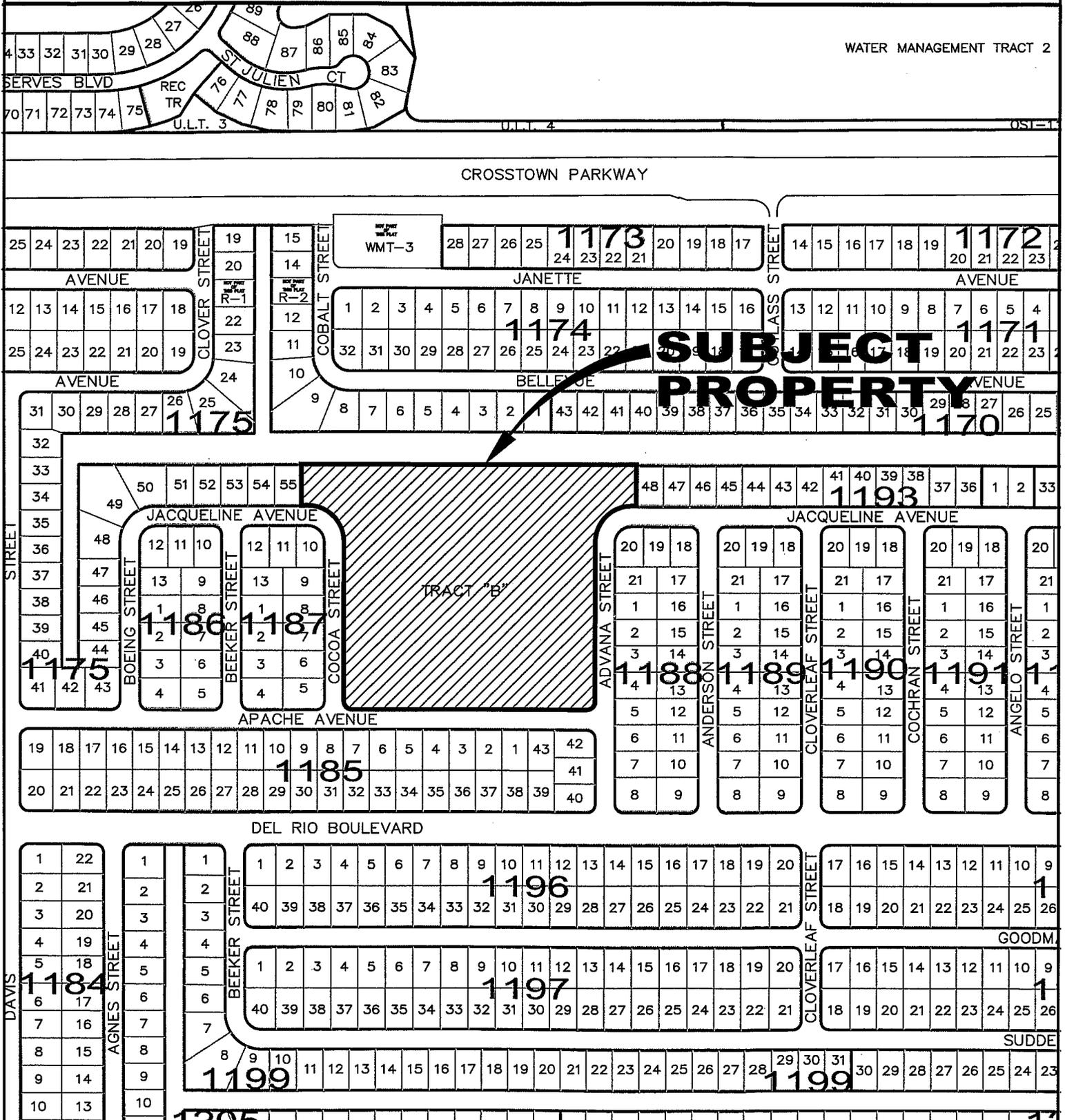
DATE: 11/7/2011

APPLICATION NUMBER:
P11-155

CADD FILE NAME:
P11-155L

SCALE: 1" = .5 MI

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

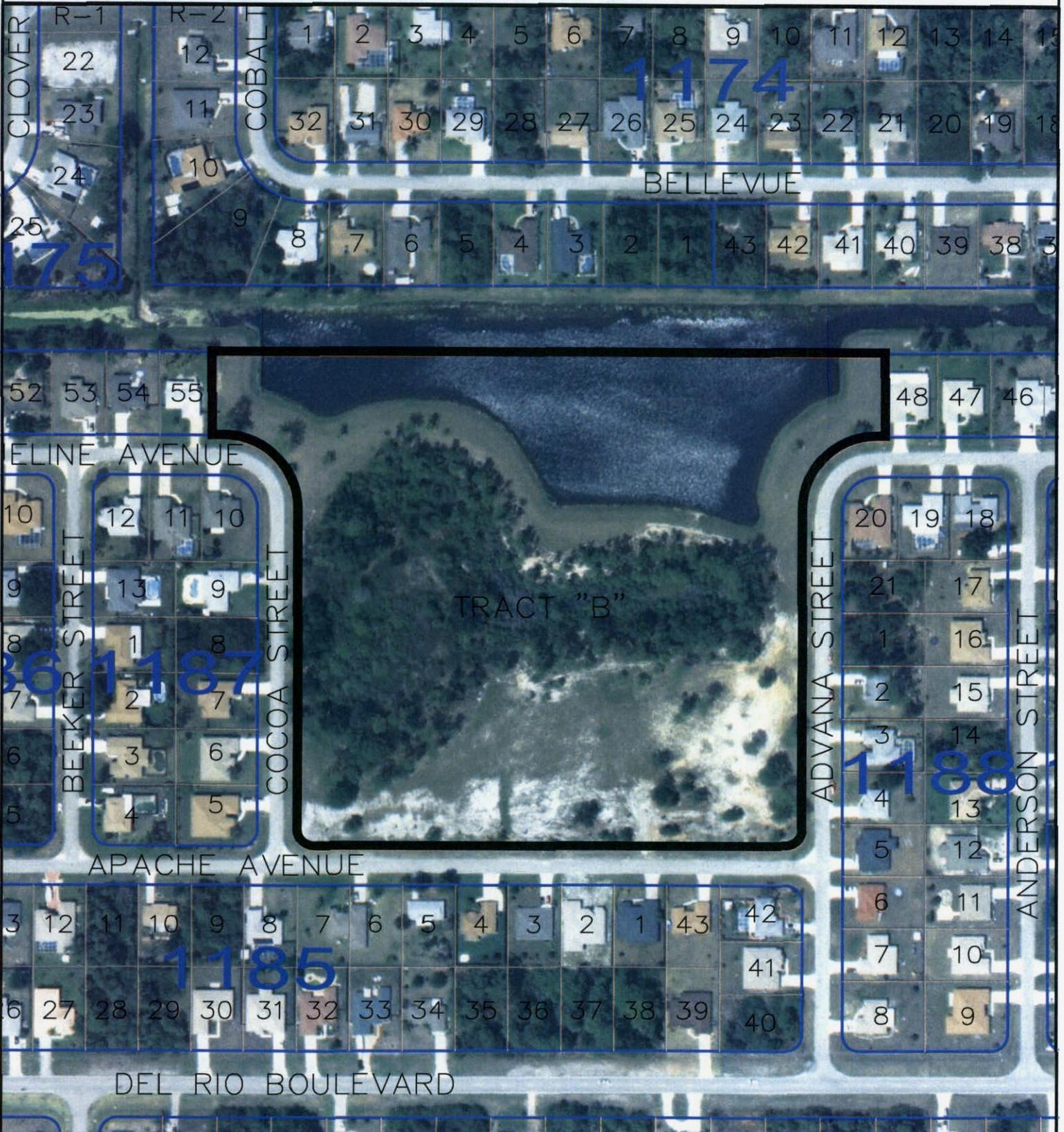
Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SITE PLAN REVIEW
TRACT "B"
PORT ST LUCIE SECTION 8

DATE: 10/11/2011
APPLICATION NUMBER:
P11-131
CADD FILE NAME:
P11-131M
SCALE: 1"=400'

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

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

SITE PLAN REVIEW
TRACT "B"
PORT ST LUCIE SECTION 8
AERIAL JAN 2009

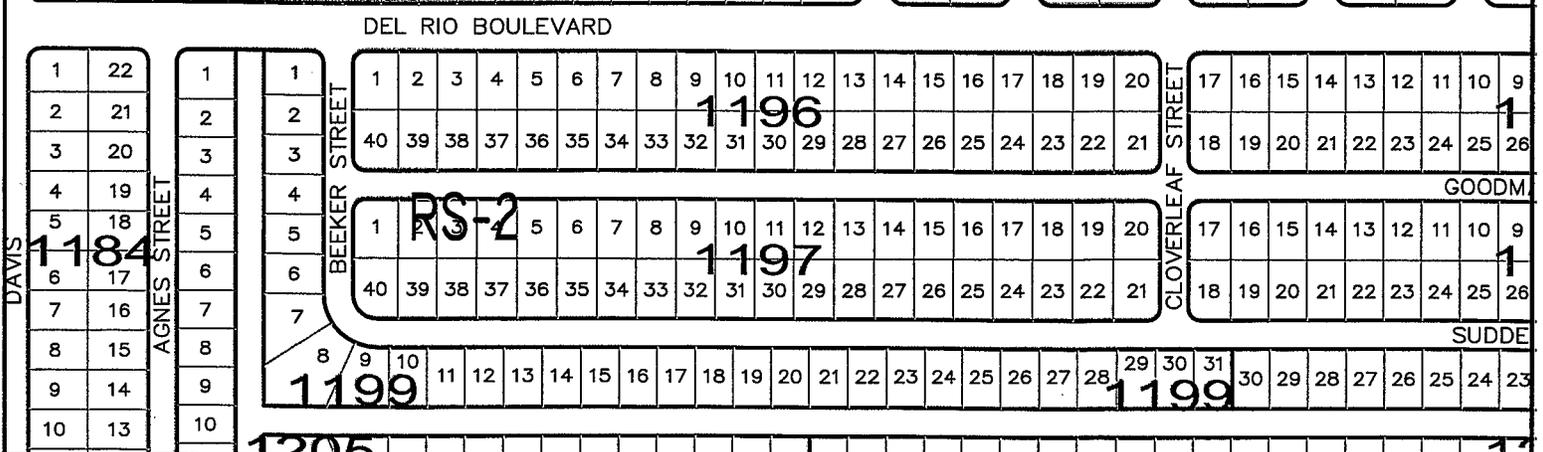
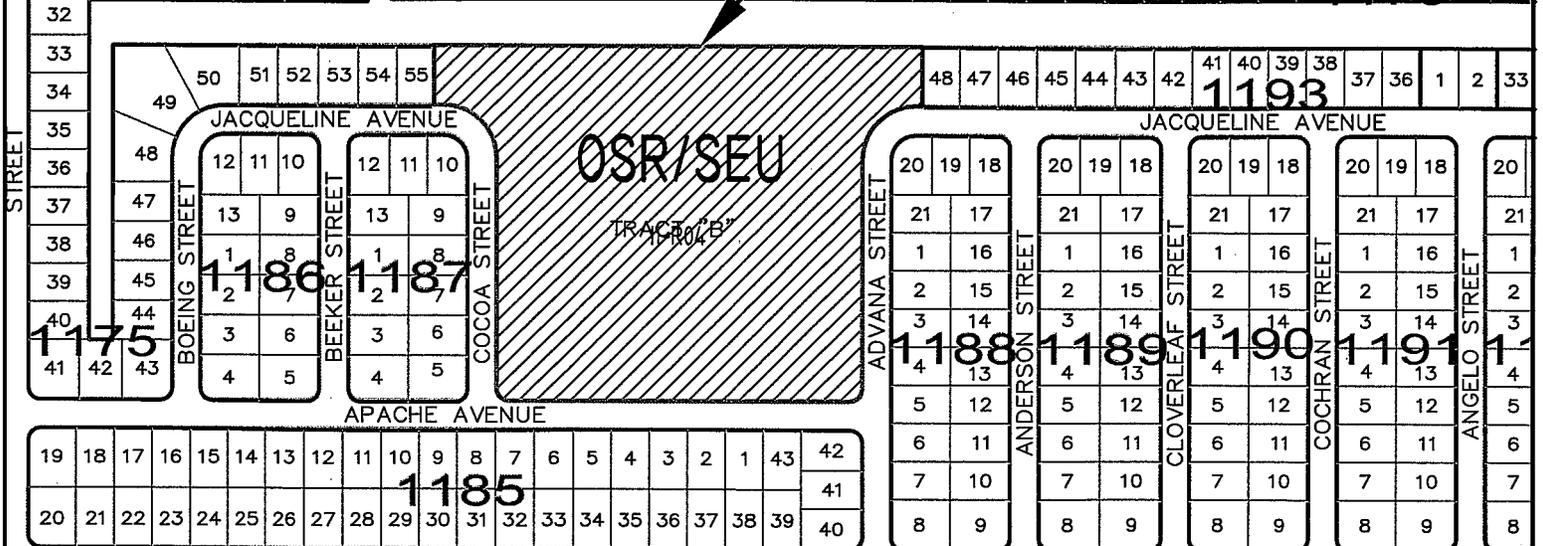
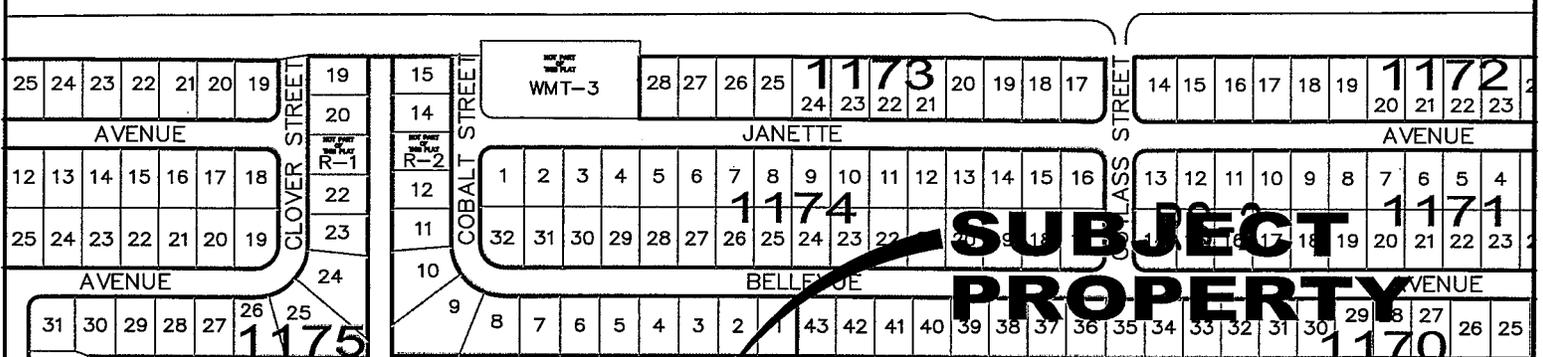
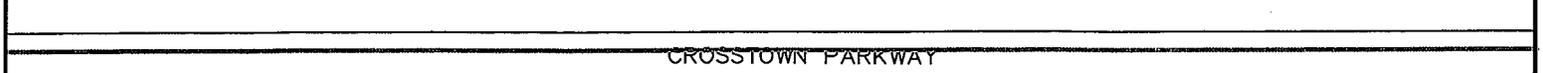
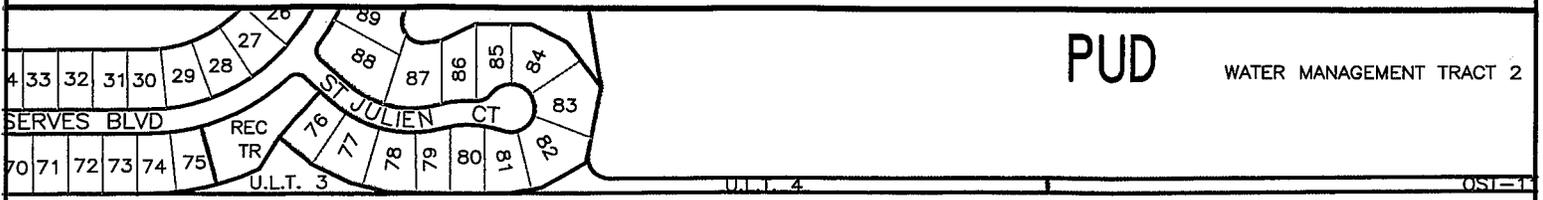
DATE: 10/11/2011
APPLICATION NUMBER:
P11-131
CADD FILE NAME:
P11-131A
SCALE: 1"=200'

EXISTING ZONING



PUD

WATER MANAGEMENT TRACT 2



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SITE PLAN REVIEW
TRACT "B"
PORT ST LUCIE SECTION 8

DATE: 10/11/2011

APPLICATION NUMBER:
P11-131

CADD FILE NAME:
P11-131M

SCALE: 1" = 400'

DTI

Oct. 4th, 2011

Planning and Zoning Department
City of Port St Lucie
121 SW Port St Lucie Blvd.
Port St Lucie, FL 34984

Re: Apache Ave Park Tower (P10-142) **Cover Letter**

Planning and Zoning,

After further review and discussions with City legal staff, Dynamic Towers realized that our city ground lease calls out for a 150' monopole tower. Our site plan was approved by planning and zoning board and City Council (P-142) for a 150' pine tree tower.

We would like to meet in the middle between the two different types of towers and propose a change to a 150' Stealth Pole. The City has this type of stealth tower located at the City Police Station. P&Z and City Council just approved a Stealth Pole design for the Torino area. We will have a neighborhood meeting on Oct. 5th with Parks and Recreation and the surrounding neighbors to let them know about the proposed change.

If you have any questions or concerns, please feel free to contact me. We look forward to working with you regarding this matter.

Sincerely,



Kevin Aycock,
President
Dynamic Towers, Inc. (DTI)
772-370-9819 Cell

APPLICATION FOR SITE PLAN REVIEW - AMENDMENT

ONLY COMPLETE SUBMISSIONS WILL BE PROCESSED

Application Fee: Refer to "Fee Schedule". Fee is nonrefundable.

CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPARTMENT
(772) 871-5212 FAX: (772)871-5124

P&Z File No. P11-131
Fee (Nonrefundable) \$ 710.00
Receipt # 11344

PRIMARY CONTACT EMAIL ADDRESS: Kevin.Aycock@dcsa.us

PROJECT NAME: Apache Park Tower (P10-142)

LEGAL DESCRIPTION: Tract "B" section 8

LOCATION OF PROJECT SITE: 1445 SW Apache Avenue Port St. Lucie, FL 34953

PROPERTY TAX I.D. NUMBER: 3420-535-0002-000-6

STATEMENT DESCRIBING IN
DETAIL PROPOSED CHANGES
FROM APPROVED SITE PLAN: We would like to change the tower design to a Stealth Pole instead of a pine tree tower. The pole design is more desirable to staff and neighbors.

GROSS SQ. FT. OF STRUCTURE (S): 3,000 sq. ft.

NUMBER OF DWELLING UNITS & DENSITY
FOR MULTI-FAMILY PROJECTS: None

UTILITIES & SUPPLIER: Bellsouth and FPL only

GROSS ACREAGE & SQ. FT. OF SITE: 13 acres **ESTIMATED NO. EMPLOYEES: N/A

FUTURE LAND USE DESIGNATION: OSR ZONING DISTRICT: OSR

OWNER (S) OF PROPERTY: City of Port St. Lucie
Name, Address, Telephone & Fax No.: 121 SW Port St. Lucie Blvd.
Port St. Lucie FL 34984

APPLICANT OR AGENT OF OWNER: Dynamic Towers, Inc.
Name, Address, Telephone & Fax No.: 575 NW Mercantile Place suite 104
Port St. Lucie FL 34986

PROJECT ARCHITECT/ENGINEER: Kimley-Horn and Associates, Inc.
(Firm, Engineer of Record, 1051 SW Village Center drive PSL FL 34987
Florida Registration No., Contact Leo Repetti PE (PE 57573)
Person, Address, Phone & Fax No.) 561-345-3800

- I hereby authorize the above listed agent to represent me. I grant the planning department permission to access the property for inspection.
- I fully understand that prior to the issuance of a building permit and the commencement of any development, all plans and detail plans must be reviewed and approved by the City pursuant to Sections 158.237 through 158.245, inclusive, of the zoning ordinance.

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.

Kevin T. Aycock KEVIN T. AYCOCK PRESIDENT 10/3/11
OWNER'S SIGNATURE HAND PRINT NAME TITLE DATE

RECEIVED

OCT 05 2011

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

19.50 Doc
8,896.30 Doc

This instrument prepared by:
Amy Goldin Schneirov, Esq.
2001 South Bayshore Drive
Miami, Florida 33133
(305) 859-4557

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

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

Grantor's Tax Identification No. _____
Parcel Identification No. Multiple
WC/34 pl

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":

(The words "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individual 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.

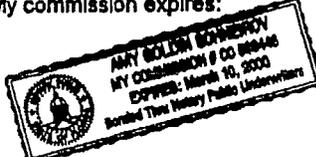
Signed, sealed and delivered
in the presence of:
[Signature]
Amy Goldin Schneirov
[Signature]
Hannah Wilson

ATLANTIC GULF COMMUNITIES CORPORATION,
a Delaware corporation

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

STATE OF FLORIDA)
COUNTY OF DADE)ss.

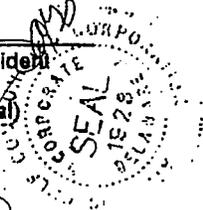
The foregoing instrument was acknowledged before me this 13th day of March, 1997, by Jay C. Fertig, Senior Vice President of Atlantic Gulf Communities Corporation, a Delaware corporation, on behalf of the corporation. He is personally known to me.

My commission expires:


[Signature]
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 purchase, 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:

Roger Orr
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.

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 $13^{\circ}42'37''$; 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 $26^{\circ}58'51''$ 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.



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.

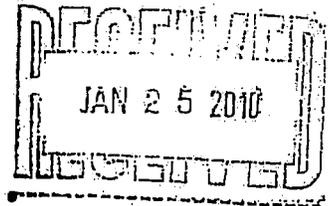
Sincerely,

A handwritten signature in black ink that reads "Jerry A. Bentrutt". The signature is written in a cursive style with a long horizontal line extending from the end.

Jerry A. Bentrutt
City Manager



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. Bentrott
Interim City Manager

JAB/mv

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

