

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL

DATE: June 25, 2012

ORDINANCE RESOLUTION MOTION X PUBLIC HEARING

ITEM: P11-071 CITY OF PORT ST. LUCIE
 PRINEVILLE WATER TREATMENT PLANT
 TELECOMMUNICATIONS TOWER
 SITE PLAN APPLICATION

RECOMMENDED ACTION: The Planning and Zoning Board reviewed the request on June 5, 2012 and unanimously recommended approval.

EXHIBITS:

- A. Staff Report
- B. Support Materials

SUMMARY EXPLANATION/BACKGROUND INFORMATION: The proposed project consists of a 150' stealth telecommunications tower on a 100' by 30' (3,000 square foot) area within the Prineville Water Treatment Plant, which 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: June 15, 2012

Katherine Huntress

From: April Stoncius
Sent: Monday, June 18, 2012 4:02 PM
To: Katherine Huntress
Subject: RE: minutes

Enclosed please find the sections of minutes that you requested. If you need anything else, please do not hesitate to contact me.

Thank you,

April

A. P11-070 CITY OF PORT ST. LUCIE PRINEVILLE WASTEWATER TREATMENT PLANT TELECOMMUNICATIONS TOWER – SPECIAL EXCEPTION USE

Ms. Huntress said, “The applicant is Kevin Aycock of Dynamic Towers, Inc., representing the owner, which is the City of Port St. Lucie. The property is located north of Huron Terrace, west of O’Donnell Lane, east of Prineville Street, and south of Greenway Terrace. The property is legally described as Ogden Tract, Prineville Ogden Plat. The proposed use is a 150-foot stealth telecommunications tower, which will be located on the 27 acres of the City of Port St. Lucie Prineville Wastewater Treatment Plant. The proposed tower will be located in the northwest corner of the tract; on the corner of Greenway and Prineville. They will be moving some of the landscaping, and the tower will be located in the northern portion, 30 feet from the property line. The requested special exception is to allow a telecommunications tower in the Utility Zoning District per Section 158.137(C)(3) of the Zoning Code. There is an existing Utilities Department radio telecommunications tower on the same site that is approximately 70 feet in height, and approximately 775 feet away to the east of the proposed tower. The proposed tower is greater than 100 feet in height; therefore the proposed tower is required by Code to be a minimum distance of 1,500 feet away from the existing tower. As a condition of approval, said existing 70-foot radio communication tower will be removed within 90 days after the proposed 150-foot stealth telecommunications tower is completed. As noted in the staff report, the proposed use is compatible with all of the special exception criteria, wireless communication antennas, and tower criteria. Notice was sent to all of the property owners within a 300-foot radius of the subject property. The public has raised concerns about the proximity of the proposed wireless communication tower to the existing residential homes. In response to the public concerns, staff requested perspective graphics to depict what the structure would look like from various surrounding residences. The applicant provided the requested photographs, and they are included in the staff report. The proposed tower will be approximately 125 feet from the nearest residential property line. Issues of decreased property values, aesthetics, health concerns, and compatibility have been common public statements. The Site Plan Review Committee reviewed the request on July 13, 2011, and unanimously recommended approval. 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 designed and specified fall radius depicted on 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 the 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-foot 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 the 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 existing 70-foot Utility Department radio communications tower shall be removed within 90 days after the proposed 150-foot stealth telecommunications tower is completed."

Ms. Parks said, "I noticed that there is going to be the removal of several 70-foot towers. Whose responsibility is that?" Ms. Huntress stated, "There is just one tower that will be removed, and I believe that they will put any equipment on the new tower." The Senior Assistant City Attorney said, "That language will be in the proposed lease between the City of Port St. Lucie and Dynamic Towers. It is their responsibility to remove the existing tower, and add the equipment to the new tower that is constructed." Ms. Parks asked, "Is there a bond on the 70-foot tower?" The Senior Assistant City Attorney replied, "It would be for the City's communication equipment. It is not the same as a telecommunications tower." Ms. MacKenzie questioned, "Has the applicant attempted to collocate on another tower, or are they able to?" Ms. Huntress answered, "They are required to send letters to other carriers to have them collocate with this location, and they have provided proof of that." Ms. MacKenzie clarified, "There was no response either way." Mr. Holbrook advised, "We have not received correspondence that indicates that it is available, or that it would meet the need that this tower is proposing."

KEVIN AYCOCK, Dynamic Towers, Inc., said, "We are here before you to ask for approval on the Prineville Water Treatment Tower. We have been working on this service area for about a year and a half now. It goes back to Fire Station No. 3, as we were working with the Fire Department to put up the antennas and take control of that tower. The collocation between the Fire Department and the City of Port St. Lucie did not go through. Therefore, we went across the street to the Knights of Columbus, and tried to build a 150-foot tower at their facility. The Fire Department brought up concerns about interference issues and life safety concerns, so that project did not move forward either. We are on our third location for the same service area. We are requesting to be able to use the Prineville Water Treatment Plant to solve the problem of no coverage. The Utility Plant currently has a 70-foot self-support tower on the property with their communication antennas, so the field guys can talk about pumps and repairs. That tower is not a life safety tower. The proposal that I made to the Utility Department was since they need to expand the area anyway for future growth and their current tower will be in the way of their expansion, we could figure out a new location for the new tower. I will be responsible for taking the tower down and moving their communications over to my tower, which will leave them more room for expansion on the other side of the plant. We will only have one tower in that area."

Mr. Aycock continued, "Regarding the collocation issue, I am a tower developer, not a cell phone carrier. If AT&T or T-Mobile were requesting to build a new tower, they would have to show reason that they submitted information to other tower owners asking for permission to go on their towers. AT&T, Metro, and T-Mobile gave me their information, and indicated that they needed to be in this area, but they weren't going to pursue it. They wanted me to pursue it as a tower developer to get the tower built, and then they will come on my tower. I did do the mailings, but the Code doesn't differentiate between a developer and a cell phone carrier. Also, they are going to take down the concrete wall of the Utility Plant, move it 30 feet closer to the street, and place the tower behind the

concrete wall. The tower is actually going to be inside the Utility compound itself. The stealth tower will look like the same type of tower that they have on the Utility property right now. It is not cost effective for the Utility Department to have a big tower take up space when they are expanding. We can relocate their communications on our tower, so that they will have more space. Our stealth tower will have all of the antennas hidden inside the tower.”

Chair Blazak opened the Public Hearing.

ANNA SIERK, resident, said, “I live at 317 SE Huron Terrace. I am concerned about this tower because of the EMF readings that they omit, and at a quarter of a mile, it is at 100%. This radiates constantly, and it is scary to have it radiating in my backyard. Also, there are 90 cell phone towers in Port St. Lucie already. The resale of the property would not do very good because of the towers, as it would bring down the property values drastically. It is in a residential area, and there is nothing there but homes.” Chair Blazak pointed out, “It is also on a zoned Utility site.” (**Clerk’s Note:** Ms. Sierk submitted a printout of all of the cell phone towers in the City of Port St. Lucie.)

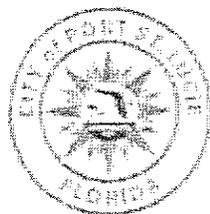
JEAN SAKOWSKI, resident, said, “I have lived in my home at 853 SE O’Donnell Lane for 30 years, and I’ve seen the area change in that time. There is a strong residential presence, and the closest commercial industrial is Prima Vista and Airoso. Granted, this is a utility area, but why should that deem that a big cell tower goes up in the middle of a residential area? We are losing space as it is. You have taken up most of Prineville, most of Greenway, Ogden, and Gulfport. How much further are you going to infringe on the residential areas to accommodate a cell tower? I cannot agree to have the cell tower.”

There being no further comments, Chair Blazak closed the Public Hearing. Vice Chair Martin said, “I have been pretty vocal about the cell phone towers. I had concerns about public safety and interference, but I don’t see any of those issues with this particular tower. We have 28 towers in the City of Port St. Lucie, and they have the required infrastructure. They are no different than a telephone pole, so I will be in favor of it.” Ms. Parks stated, “This is a replacement tower. It is not a new tower. It will be slightly different, and be much more aesthetically pleasing than the existing tower. I shall be voting in favor of this item.” Mr. Holbrook said, “Concerning the number of towers, there is an exhibit that is prepared by staff that shows the existing tower site locations, and what is approved. We can provide it to any resident if they stop by the Planning and Zoning Department after the meeting. We currently have 27 locations that have been proposed, or are existing tower locations. Property values are not something that is part of the Code requirements. That evaluation was not done in the staff report. There was a comment concerning the encroachment of the Utility compound area. I would recommend the residents review the presentation that was prepared by the Utilities Department, and presented to the City Council a few meetings ago. We can provide a link from the City’s website, so that the residents can see what the long term goals are in that area.” The Senior Assistant City Attorney advised, “The federal law does preempt local governments from considering any health impacts to the placement of towers. It is an issue that we cannot consider in the placement of towers, and it is out of the hands of the City of Port St. Lucie. It is governed by federal law. I do have one correction for the record. Ms. Parks, this was one of the issues that was litigated with the Fire Station tower. This is not a replacement tower.” Ms. Parks explained, “I was referring to there is a tower presently on the site that is 70 feet, and this is going to be in the same location.” The Senior Assistant City Attorney said, “Legally, that statement is incorrect. This is one of the issues that was in that case. What is there is not a tower under the Telecommunications Act. They do not provide a service to the public for a fee, so it would not be considered a telecommunications tower. It is not replacing an existing telecommunications tower, although it is an antenna because of the type of service that is being provided at that location. However, when you look at our definitions, it would still not meet the distance separation requirements. That is why the equipment is being removed, and placed on the newly constructed tower, if this approved.” Ms. Parks remarked, “It is a replacement, because you are transferring the use of the 70-foot tower to the tower that is proposed to be built.” The Senior

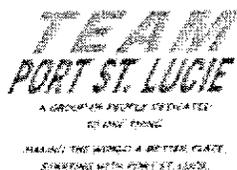
Assistant City Attorney pointed out, "We had to clear that up legally, in case this issue came up again. I want to make it perfectly clear on the record that it is not a telecommunications tower, as that has a specific statutory definition." Ms. MacKenzie inquired, "We were provided a list of similar projects. How many of those are 150-foot stealth towers, versus the smaller older towers?" Mr. Holbrook responded, "Some of them are up to 300 feet. We have a wide range in height, but typically they are over 100 feet."

Ms. Parks **moved** to recommend approval of P11-070, City of Port St. Lucie Prineville Wastewater Treatment Plant Telecommunications Tower, Special Exception Use with conditions. Mr. Garrett **seconded** the motion, which **passed unanimously** by roll call vote.

April C. Stoncius
Deputy City Clerk
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"A City for All Ages"



From: Katherine Huntress
Sent: Friday, June 15, 2012 3:11 PM
To: April Stoncius
Subject: RE: minutes

Thanks.

From: April Stoncius
Sent: Friday, June 15, 2012 3:08 PM



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

TO: CITY COUNCIL - MEETING OF JUNE 25, 2012

FROM: KATHERINE H. HUNTRESS, PLANNER *KHH*

RE: SPECIAL EXCEPTION APPLICATION (PROJECT NO. P11-070)
CITY OF PORT ST. LUCIE
PRINEVILLE WATER TREATMENT PLANT
TELECOMMUNICATIONS TOWER

DATE: JUNE 15, 2012

APPLICANT: Kevin Aycock, Dynamic Towers, Inc.

OWNER: City of Port St. Lucie

LOCATION: The property is located north of Huron Terrace, west of O'Donnell Lane, east of Prineville Street, and south of Greenway Terrace.

LEGAL DESCRIPTION: The property is legally described as Ogden Tract, Prineville Ogden Plat.

SIZE: 27 acres

EXISTING ZONING: U (Utility)

EXISTING USE: City of Port St. Lucie Prineville Wastewater Treatment Plant

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

REQUESTED SPECIAL EXCEPTION: The requested special exception is to allow a telecommunications tower in the U (Utility) Zoning District per Section 158.137(C)(3) of the Zoning Code.

Note: There is an existing Utilities Department radio telecommunications tower on the same site that is approximately 70' in height and approximately 775' away from the proposed tower. The proposed tower is greater than 100' in height; therefore the proposed tower is required by code to be a minimum distance of 1,500' away from the existing tower. As a condition of approval, said existing 70' radio communication tower will be removed within 90 days after the proposed 150' stealth telecommunications tower is completed.

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 Utility guys gave me the access driveway off of Prineville to use as the ingress and egress to the tower 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: "No off street parking or loading areas will be needed. There will be plenty of ground space on the Utility Property."

Staff evaluation – The applicant has adequately addressed the criteria. 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.

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

Applicant response: "No wet utilities will be needed. FPL power and fiber optics are already on site."

Staff evaluation: The 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: "We will be putting the tower site behind the concrete wall. We will be relocating the existing concrete wall closer to Prineville and putting the site behind the concrete wall."

Staff evaluation: The applicant has adequately addressed the criteria. The applicant has provided a site plan that indicates the relocation of the 6' high concrete wall, shrubs, and trees to adequately screen and buffer the site. The public has raised concerns about the proximity of the proposed wireless communication tower to existing residential homes. In response to the public concerns, staff requested perspective graphics to depict what the structure would look like from various surrounding residences. See the attached photographs provided by the applicant. As depicted on the attached aerial photograph, the nearest residential lot to the west is approximately 125' away from the proposed tower.

(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: "No signs or lights needed."

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: "The surrounding property is all Utility. The Utility Department is buying all of the surrounding houses."

Staff evaluation: Policy 1.1.4.10 limits building coverage to 10% to ensure sufficient open space. The entire proposed leased area is 3,000 square feet, which is less than approximately 0.002% of the 27 acre site. The applicant has indicated that the proposed tower will have a 996' setback from the east property line, a 72" setback from the west property line, a 113" setback from the north property line, and a 924' setback from the south property line. The applicant has adequately addressed the criteria. The existing site has adequate yard 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: "Communications towers are allowed under the Utility zoning code."

Staff evaluation: The proposed use is in conformance with Section 158.137(C)(3) and Section 158.213 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 proposed use of a telecommunications tower will not impair the health, safety, welfare, or convenience of residents and workers in the city. This is no different than the city owned towers or the Fire Department towers. They help not hurt."

Staff evaluation: The applicant has indicated that the proposed tower will have a 996' setback from the east property line, a 72' setback from the west property line, a 113' setback from the north property line, and a 924' setback from the south property line. This and the entire findings in this report should ensure that the health, safety, welfare, and convenience of the residents and workers in the City are not impaired.

(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: "After construction there will be maybe one or two trips a month to the site by a field technician."

Staff evaluation: There will be approximately 2 to 3 vehicle 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 adjacent roads. The proposed tower 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.

(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 whole area will be for Utility use only one day."

Staff evaluation: The public has raised concerns about the proximity of the proposed wireless communication tower to existing residential homes. In response to the public concerns, staff requested perspective graphics to depict what the structure would look like from various surrounding residences. See the attached photographs provided by the applicant. As depicted on the attached aerial photograph, the nearest residential lot to the west is approximately 125' away from the proposed tower. However, the proposed use complies with Chapters 158.213 and 158.255. The proposed use is compatible with the existing use of the adjacent property the wastewater treatment plant and Utility Department facility. The applicant has indicated that the proposed tower will have a 996' setback from the

east property line, a 72" setback from the west property line, a 113" setback from the north property line, and a 924' setback from the south property line. Similar projects have setbacks as follows:

- P10-119 Apache Park Telecommunications Tower has 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.
- P11-007 Tulip Public Works Telecommunications Tower has a 612' setback from the west property line, a 612' and a 122.5' setback from the east property line, a 242' setback from the north property line, and a 364' setback from the south property line.
- P11-058 Torino Park Telecommunications Tower has a 829 ' setback from the west property line, a 75' setback from the east property line, a 50 ' setback from the north property line, and a 359' setback from the south property line.
- P12-012 Tradition Telecommunications Tower has an 89' setback from the west property line, an 83' setback from the east property line, a 92' setback from the north property line, and a 99' setback from the south property line.

(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 public has raised concerns about the proximity of the proposed wireless communication tower to existing residential homes. In response to the public concerns, staff requested perspective graphics to depict what the structure would look like from various surrounding residences. See the attached photographs provided by the applicant. The proposed tower will be approximately 125' from the nearest residential property line. Issues of decreased property values, aesthetics, health concerns, and compatibility have been common public statements. Past special exception use applications for similar wireless communication towers have had approximate distances between 85' (Apache Park Tower) and 453' (Tulip Telecommunications Tower) from the nearest residential property line. Both of these projects have been approved. Some similar special exception use applications for similar wireless communication towers have been denied such as the Knights of Columbus and Faith Congregational Church. The Knights of Columbus had a distance of approximately 137' from the nearest residential property line and Faith Congregational Church had a distance of approximately 138' from the nearest residential property line.

(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 zoned U (Utility). As previously stated, the request meets all of the special exception use requirements.

(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 site plan depicts a 100' fall radius which is within city property.

(F) Height Limits. Wireless communication towers located in the U (Utility) Future Land Use areas have a height limit of up to 300 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 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 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 6' concrete wall around the north and west perimeter of the leased area, and a 6' high chain link fence around the south and east perimeter of the leased area that is inside the Prineville WWTP compound.

(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 the relocation of the 6' high concrete wall, shrubs, and trees to adequately screen and buffer the site.

(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: P11-071 City of Port St. Lucie Prineville Water Treatment Plant Telecommunications Tower Site Plan Application was recommended for approval at the June 5, 2012 Planning and Zoning Board meeting and is scheduled for the June 25, 2012 City Council meeting under New Business.

(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 proposed tower is not located within 1,500 feet of any existing or proposed tower. The location of the proposed tower is shown on the attached map. The Utilities Department has a 70' high radio tower located on the east side of the site. It is used to communicate with other Utility Department locations.

(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.

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. The public has raised concerns about the proximity of the proposed wireless communication tower to existing residential homes. In response to the public concerns, staff requested perspective graphics to depict what the structure would look like from various surrounding residences. See the attached photographs provided by the applicant. The proposed tower will be approximately 125' from the nearest residential property line. Issues of decreased property values, aesthetics, health concerns, and compatibility have been common public statements.

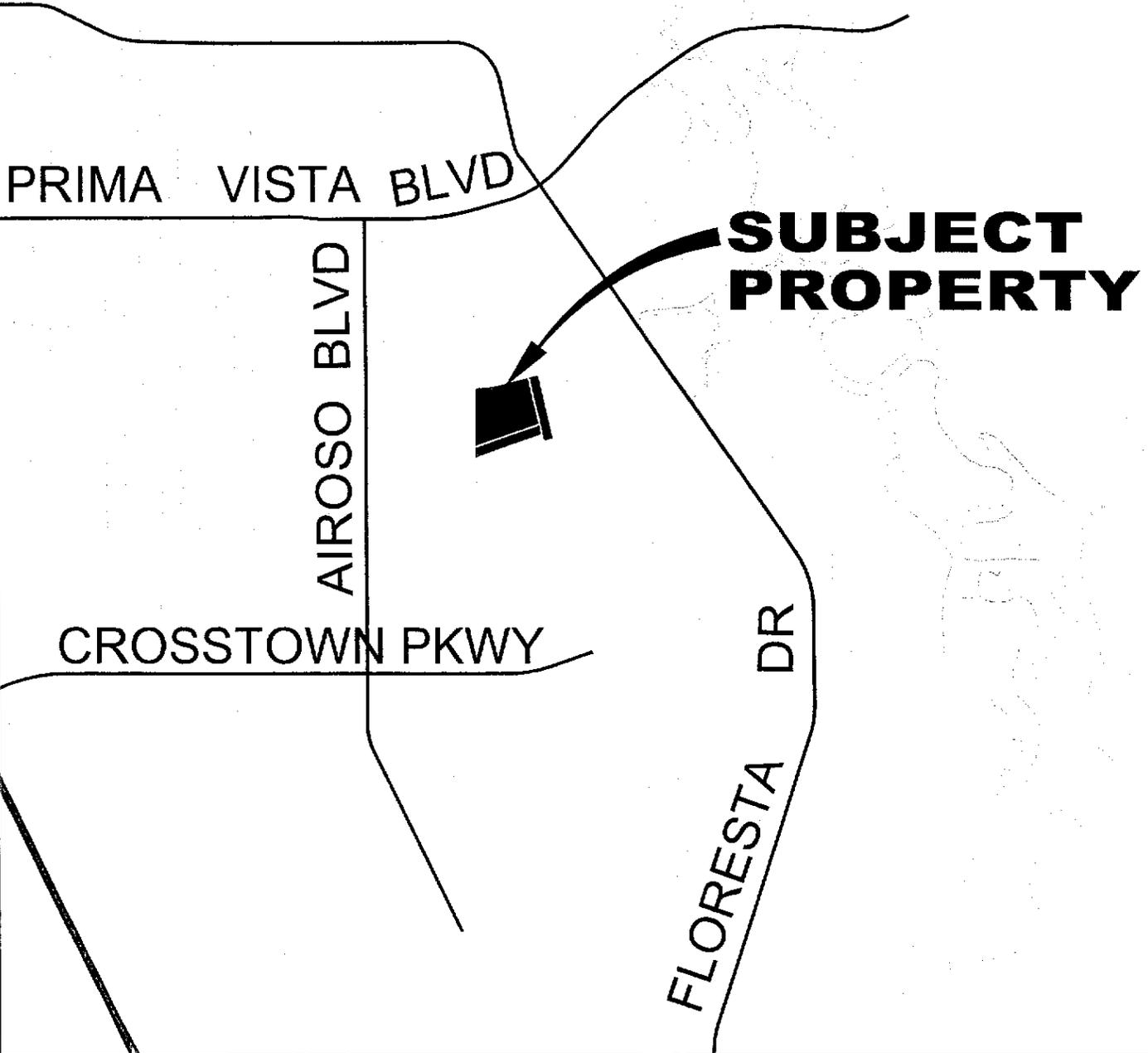
Related Projects:

P11-071 City of Port St. Lucie Prineville Water Treatment Plant Telecommunications Tower Site Plan Application, the accompanying site plan application was unanimously recommended for approval by the Planning and Zoning Board on June 5, 2012 and is scheduled for the June 25, 2012 City Council meeting under New Business.

STAFF RECOMMENDATION: The Planning and Zoning Board reviewed the request on June 5, 2012 and unanimously recommended approval. 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 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 existing 70' Utility Department radio communications tower shall be removed within 90 days after the proposed 150' stealth telecommunications tower is completed.

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
OGDEN TRACT
PRINEVILLE OGDEN PLAT

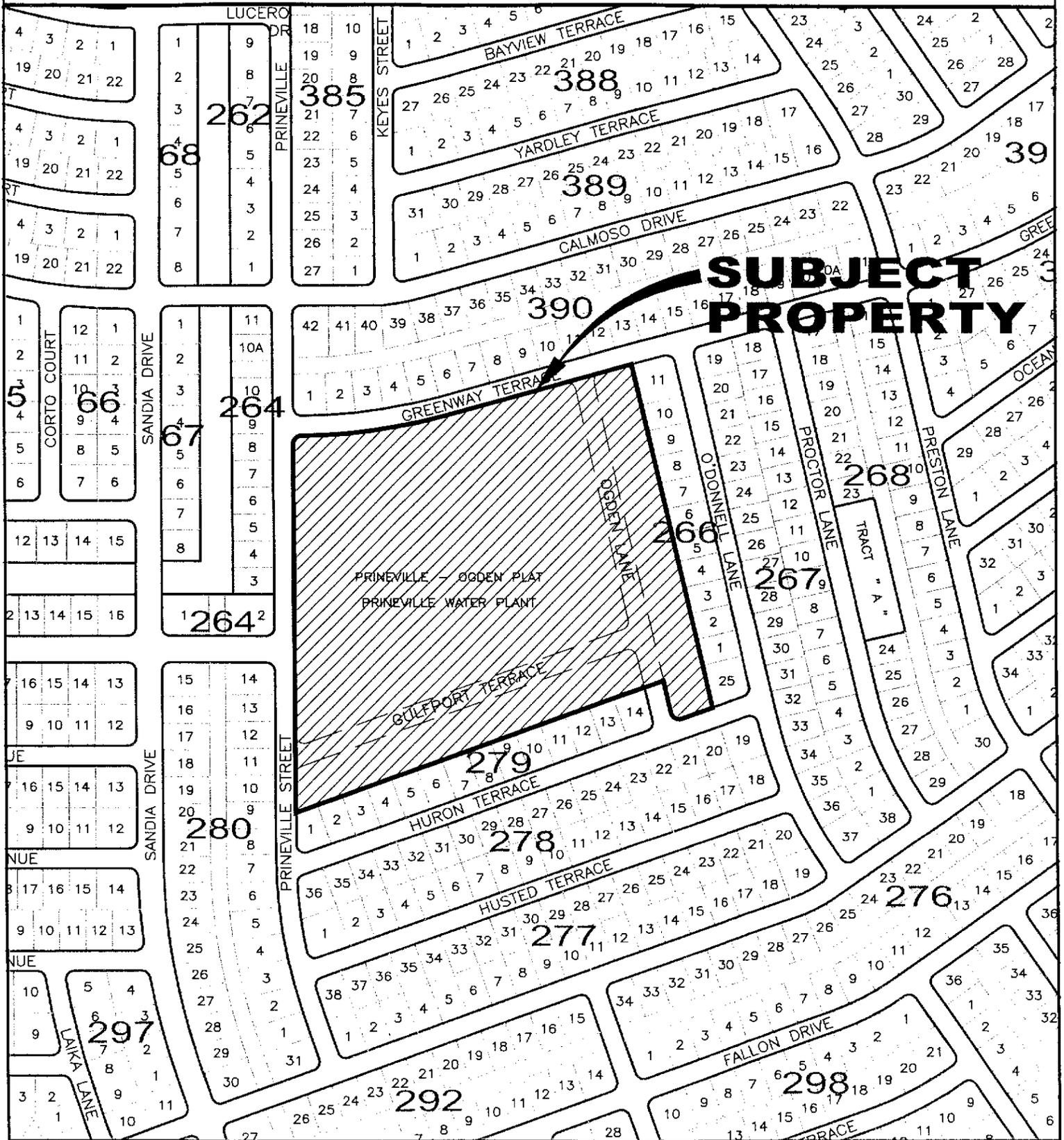
DATE: 6/24/2011

APPLICATION NUMBER:
P11-070

CADD FILE NAME:
P11-070L

SCALE: 1" = .5 MI

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
OGDEN TRACT
PRINEVILLE OGDEN PLAT

DATE: 6/24/2011

APPLICATION NUMBER:
P11-070

CADD FILE NAME:
P11-070M

SCALE: 1"=400'

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
OGDEN TRACT
PRINEVILLE OGDEN PLAT
AERIAL JAN 2009

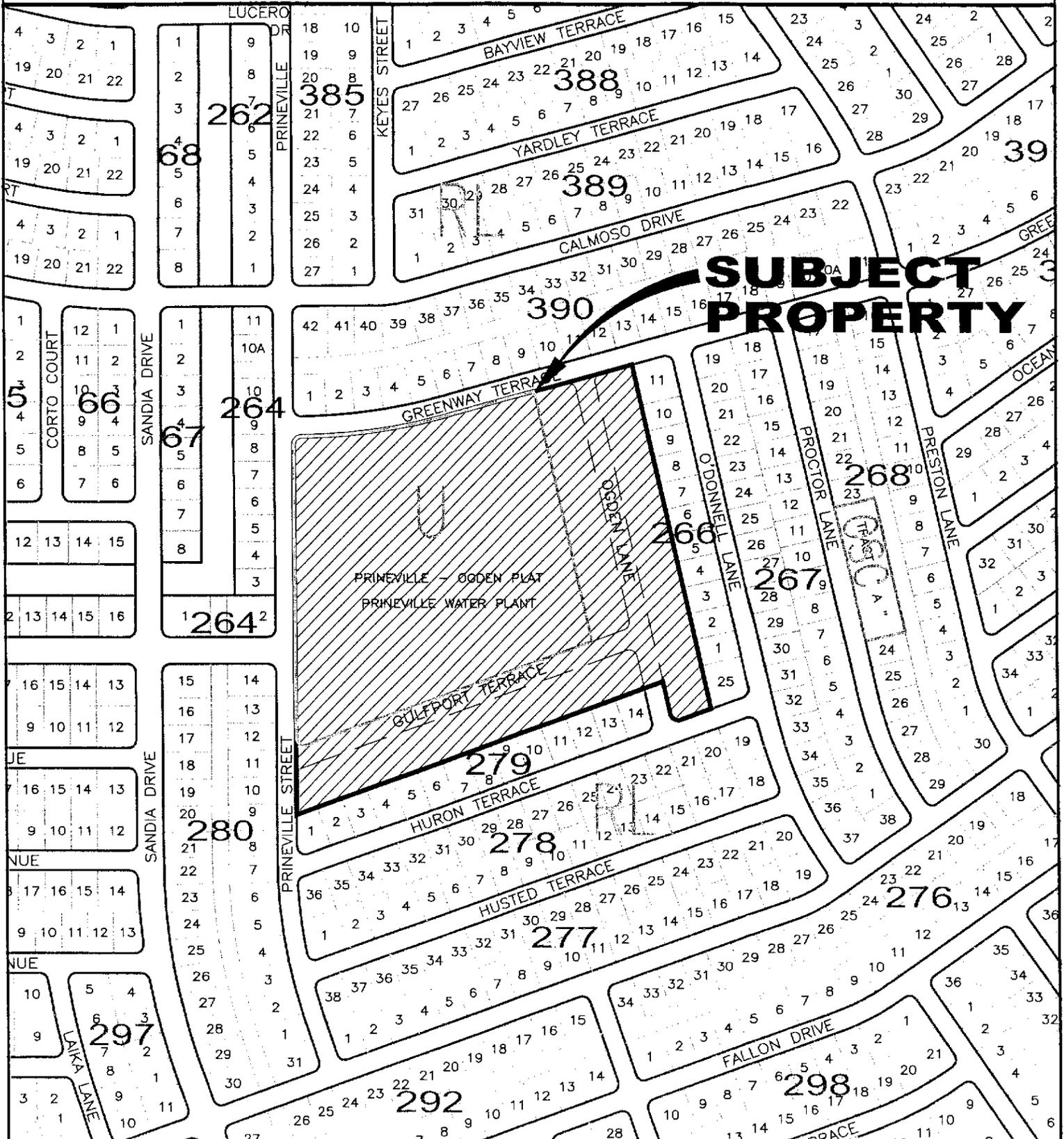
DATE: 6/24/2011

APPLICATION NUMBER:
P11-070

CADD FILE NAME:
P11-070A

SCALE: 1"=300'

FUTURE LAND USE



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
OGDEN TRACT
PRINEVILLE OGDEN PLAT

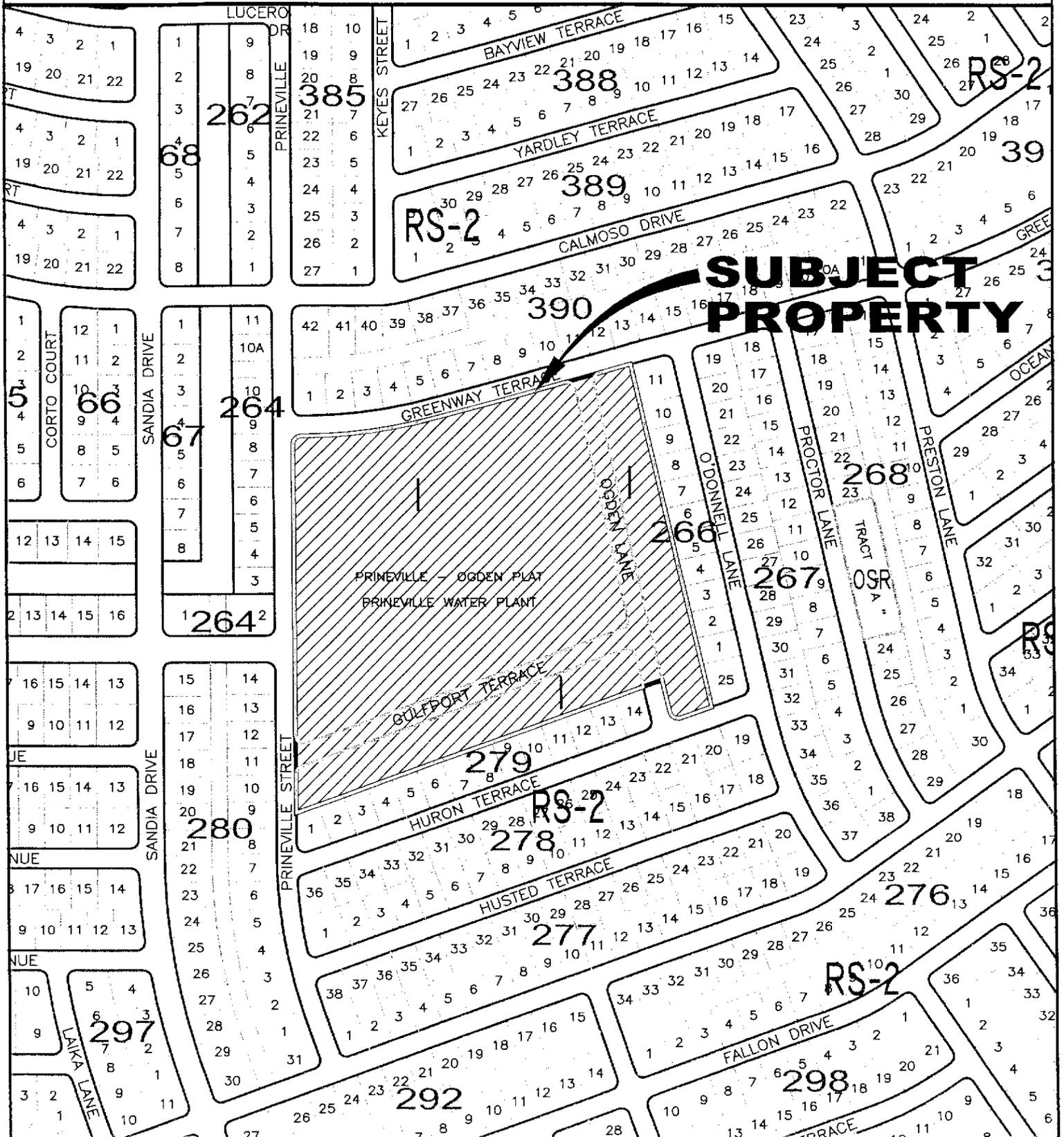
DATE: 6/24/2011

APPLICATION NUMBER:
P11-070

CADD FILE NAME:
P11-070M

SCALE: 1" = 400'

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
OGDEN TRACT
PRINEVILLE OGDEN PLAT

DATE: 6/24/2011

APPLICATION NUMBER:
P11-070

CADD FILE NAME:
P11-070M

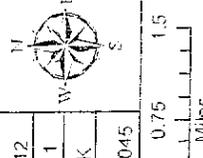
SCALE: 1" = 400'

Wireless Communication Tower Sites Map

Legend

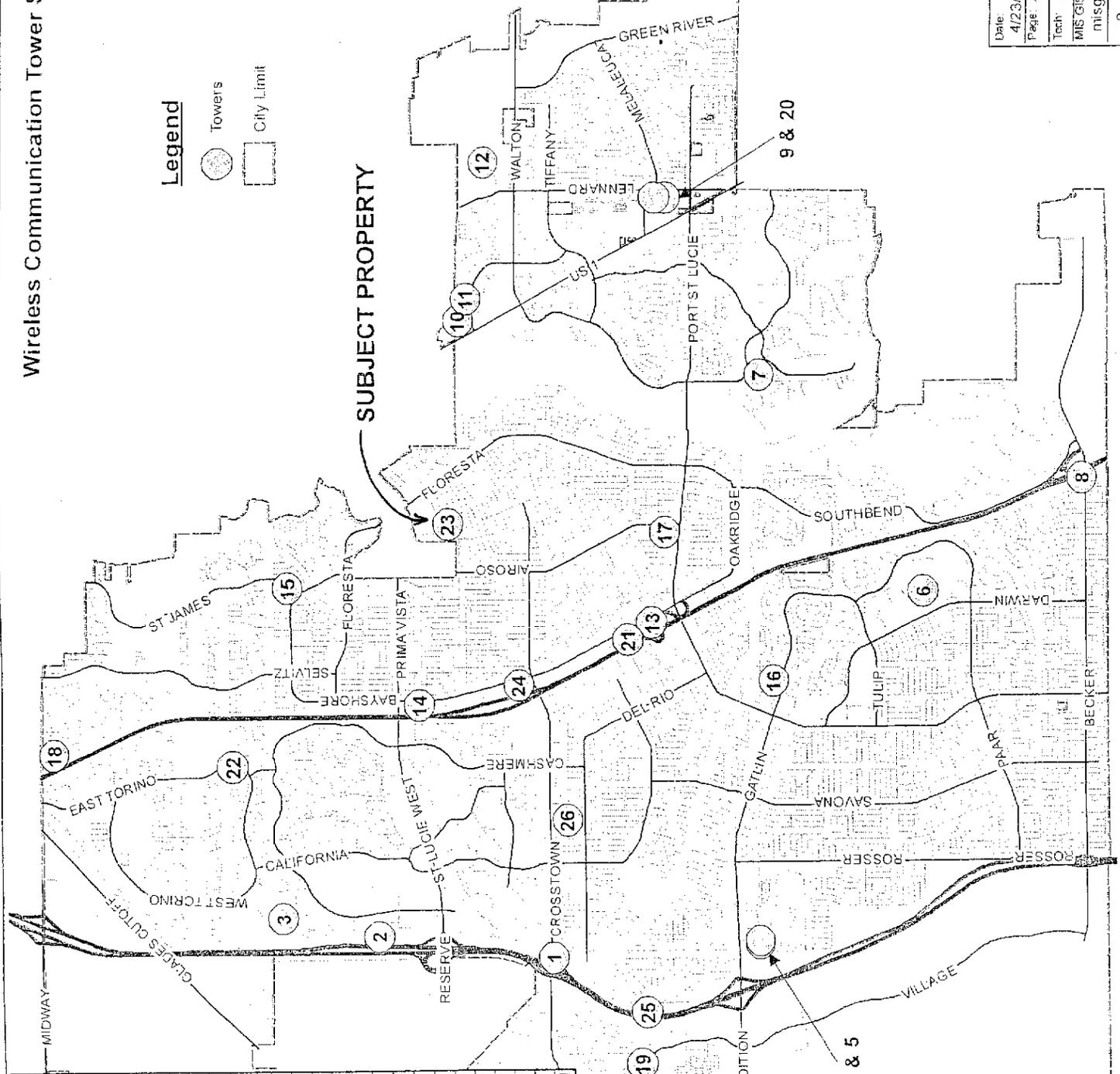
-  Towers
-  City Limit

Date: 4/23/2012
 Page: 1 of 1
 Tech: MFK
 M/S GIS #: n1sgis:0045



0 0.75 1.5 Miles

SUBJECT PROPERTY



PUD	DESC	OnCityProperty	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	P02-165	Yes	Existing
18	P06-077	No	Existing
19	P03-167	No	Existing
20	P97-296	No	Existing
21	P98-044	No	Approved
22	P11-045	Yes	Approved
23	P11-071	Yes	Proposed
24	P12-031	No	Proposed
25	P11-080	Yes	Proposed
26	P11-155	Yes	Approved
27	P12-013	No	Proposed



APPLICATION FOR SPECIAL EXCEPTION USE

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

RECEIVED

JUN 15 2011

FOR OFFICE USE ONLY

Planning Dept. P11-070
Fee (Nonrefundable)\$ 2,115.00
Receipt # 11126

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

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.

PROPERTY OWNER:

Name: City of Port St. Lucie
Address: 121 SW Port St. Lucie Blvd Port St. Lucie FL. 34984
Telephone No.: 772-871-5212 Fax No.: 772-871-5124

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

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

SUBJECT PROPERTY:

Legal Description: Prineville - Ogden Tract (27) acres for the Utility Plant
Parcel I.D Number: 3428-700-0001-000-9
Address: 900 SE Ogden Lane, Port St. Lucie, FL. Bays: N/A
Development Name: Prineville Water Treatment Facility (Attach Sketch and/or Survey)
Gross Leasable Area (sq. ft.): 3,000sq. ft. Assembly Area (sq. ft.):
Current Zoning Classification: Utility SEU Requested: Utility

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

All telecommunications towers have to go through the SEU process
in the City of Port St. Lucie.

Kevin T. AycocK Signature of Applicant
Kevin T. AycocK Hand Print Name
6/12/11 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 (06/14/06)

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 Utility guys gave me the access driveway off of Prineville to use
as the ingress and egress to the tower 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.

No off street parking or loading areas will be needed.

There will be plenty of ground space on the Utility Property

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

No wet Utilities will be needed. FPL power and Fiber optics
are already on site.

(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.

We will be putting the tower site behind the concrete wall.

We will be relocating the existing concrete wall closer to Prineville
and putting the site behind the concrete wall.

(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 signs or lights needed.

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

The surrounding property is all Utility. The Utility department
is buying all of the surrounding houses.

(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.

Communications towers are allowed under the Utility zoning code.

(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.

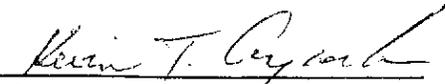
The proposed use of a telecommunications tower will not
impair the health, safety, welfare, or convenience of the residents
and workers in the city. This is no different than the City owned Towers
or the Fire Department Towers. They help not hurt.

(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.

After construction there will be maybe one or two trips a month
to the site by a field technician.

(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 whole area will be for Utility use only one day.


Signature of Applicant

Kevin T. Aycock
Hand Print Name

6/12/11
Date

RECEIVED

APR 09 2012

CLERK OF THE CIRCUIT COURT
CITY OF PORT ST. LUCIE, FLORIDA

This instrument prepared by
and return to:

Robert N. Klein, Esq.
Dean, Mead & Minton
1903 South 25th Street, Suite 200
Post Office Box 2757
Fort Pierce, Florida 34954-2757
(407) 464-7700

Johnne Holman, Clerk of the Circuit Court - St. Lucie County
File Number: 1353140 OR BOOK 0922 PAGE 1158
Recorded: 09-30-94 01:38 P.M.

DEED

THIS DEED is made as of the 30th day of September, 1994, by ST. LUCIE COUNTY, FLORIDA, a political subdivision of the State of Florida, whose post office address is 2300 Virginia Avenue, Fort Pierce, Florida 34950 ("Grantor"), to CITY OF PORT ST. LUCIE, FLORIDA, a municipality organized under the laws of the State of Florida, whose post office address is 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida 34982 ("Grantee").

(Whenever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, personal representatives and assigns of individuals and the successors and assigns of corporations, partnerships, governmental and quasi-governmental entities.)

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all that certain parcels of real property (collectively, the "Land") situate in St. Lucie County, Florida and more particularly described in Composite Exhibit "A", attached hereto and made a part hereof.

GRANTOR EXECUTES, DELIVERS AND RECORDS THIS DEED IN THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, TO CONVEY TO GRANTEE ALL OF GRANTOR'S RIGHT, TITLE AND INTEREST IN AND TO ALL OF THE PROPERTIES, FEE TITLE TO WHICH WAS CONVEYED TO GRANTOR PURSUANT TO THAT CERTAIN STIPULATED ORDER OF TAKING DATED JUNE 5, 1990, AND RECORDED IN OFFICIAL RECORDS BOOK 817, PAGE 2091, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA

OR BOOK 0922 PAGE 1159

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, any and all improvements lying or located upon or under the Land and any and all improvements used in the provision of water, wastewater and propane gas services lying or located upon or under any public right-of-way.

TO HAVE AND TO HOLD the same in fee simple forever.

SUBJECT TO real property taxes for the year of conveyance and easements, covenants, restrictions, reservations, zoning ordinances and other matters of record, if any, but this reference shall not operate to reimpose any of the foregoing.

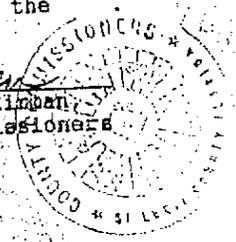
IN WITNESS WHEREOF, the party referred to above as Grantor has caused this instrument to be executed and delivered in its name and has intended the same to be and become effective as of the day and year first above written.

ATTEST:

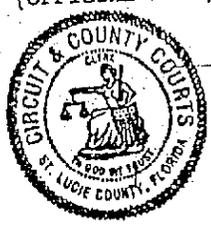
ST. LUCIE COUNTY, FLORIDA, a political subdivision of the State of Florida

A. Melita White
Clerk
of the Circuit Court

By: Danny Green
Danny Green, Vice Chairman
Board of County Commissioners



(OFFICIAL SEAL)



APPROVED AS TO FORM AND CORRECTNESS:

By: Daniel S. McIntyre
for Daniel S. McIntyre,
County Attorney

OR BOOK 0922 PAGE 1160

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 29th day of September, 1994, by DENNY GREEN, as Vice Chairman, Board of County Commissioners of ST. LUCIE COUNTY, FLORIDA, a political subdivision of the State of Florida. Said person (check one) is personally known to me, produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or produced other identification, to wit: _____

Lorene F. Spencer
Print Name: Lorene F. Spencer
Notary Public, State of Florida
Commission No.: _____
My Commission Expires: _____

OFFICIAL NOTARY SEAL
LORENE F. SPENCER
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC179654
MY COMMISSION EXT. MAR. 31, 1996

COPY

OR BOOK 0922 PAGE 1161

Commitment No. WP1
Company File No. WP1

LEGAL DESCRIPTION

Beginning at the Northwest corner of Section 33, Township 36 South, Range 40 East; thence North 89 degrees 56 minutes 30 seconds East a distance of 2,150.01 feet to point of beginning. Thence North 00 degrees 18 minutes 30 seconds West a distance of 449.11 feet; thence along a curve bearing to the right (having a radius of 25 feet and a central angle of 90 degrees) a distance of 39.27 feet; thence along a curve bearing to the left (having a radius of 1633.20 feet and a central angle of 14 degrees 15 minutes) a distance of 422.82 feet; thence North 74 degrees 51 minutes 30 seconds East a distance of 298.76 feet; thence South 12 degrees 57 minutes 30 seconds East a distance of 767.90 feet; thence South 70 degrees 30 minutes 00 seconds West a distance of 919.83 feet; thence along curve bearing to right (having a radius of 25 feet and a central angle of 109 degrees, 26 minutes, 30 seconds) a distance of 47.75 feet; thence North 00 degrees 03 minutes 30 seconds West a distance of 422.90 feet to the point of beginning

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

A parcel of land in Sections 28 and 33, Township 36 South, Range 40 East, said parcel being a part of that not included Tract as recorded in O.R. Book 104 on Pages 484 thru 485 lying between Prineville Street and Block 265 of PORT ST. LUCIE SECTION TWENTY FOUR as recorded in Plat Book 13, pages 31, 31A thru 31C of the Public Records of St. Lucie County, Florida, said parcel being more particularly described as follow:

COMMENCE at a point on the East line of a 60.00 foot right-of-way for Prineville Street, where it intersects the South line of Section 28, Township 36 South, Range 40 East; thence run North 00 degrees 18 minutes 30 seconds West along said East line 86.89 feet to the POINT OF BEGINNING of the parcel to be described; thence continue North 00 degrees 18 minutes 30 seconds West 229.15 feet; thence run North 88 degrees 31 minutes 30 seconds East, 89.40 feet; thence North 04 degrees 11 minutes 23 seconds West 61.51 feet; thence North 83 degrees 39 minutes 56 seconds East 79.13 feet, thence North 07 degrees 06 minutes 11 seconds West 62.89 feet; thence North 43 degrees 23 minutes 26 seconds East 44.53 feet to a point on the South right-of-way line of Greenway Terrace (60.00 foot right-of-way); thence on a curve concaved to the North having a radius of 1633.20 feet, thence run in an Easterly direction along the arc of said curve through a central angle of 05 degrees 07 minutes 57 seconds (having a chord bearing of North 79 degrees 25 minutes 28.5 seconds East) 260.32 feet, along said South right-of-way line to the point of tangent of said curve, thence run North 74 degrees 51 minutes 30 seconds East, 240.28 feet, thence leaving said South right-of-way line run South 16 degrees 28 minutes 09 seconds East 50.44 feet; thence North 80 degrees 06 minutes 47 seconds East 55.43 feet to the West line of Block 265, of said Port St. Lucie Section Twenty Four, thence run South 12 degrees 57 minutes 30 seconds East along said West line 160.88 feet, thence run South 80 degrees 37 minutes 30 seconds West 129.40 feet, thence South 03 degrees 53 minutes 25 seconds East 89.18 feet, thence South 87 degrees 43 minutes 15 seconds West 112.01 feet, thence South 02 degrees 44 minutes 02 seconds East 186.80 feet, thence South 84 degrees 09 minutes 58 seconds West, 11.21 feet, thence South 43 degrees 11 minutes 36 seconds West (crossing the South line of said Section 28) 138.57 feet, thence South 86 degrees 36 minutes 37 seconds West 206.75 feet, thence North 55 degrees 21 minutes 38 seconds West (crossing the South line of said Section 28) 61.31 feet, thence South 89 degrees 17 minutes 41 seconds West 100.16 feet, thence North 00 degrees 18 minutes 51 seconds West 65.80 feet, thence South 88 degrees 31 minutes 30 seconds West 89.40 feet to the POINT OF BEGINNING.

Parcel I.D. #3428-344-0001-010/0; 3428-344-0001-020/3; 3428-344-0001-030/6

slw botz

PLEASE RETURN DOCUMENTS TO:
UNIVERSAL LAND TITLE
1100 SW ST. LUCIE W/ BLVD. #200
PORT ST. LUCIE, FL FILE# 00060133

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
File Number: 1960943 OR BOOK 1438 PAGE 2938
Recorded: 09/27/01 15:14

THIS INSTRUMENT PREPARED BY:
AMY E. GOLDIN, P.A.
315 NORTH WOOD HILL ROAD #208
PLANTATION, FL 33324

* Doc Assump: \$ 0.00
* Doc Tax : \$ 980.00
* : \$ 0.00

Property Appraiser's Identity No. 34-28-344-bod1160d10X
Grantee's Tax Identification No.

WARRANTY DEED

THIS WARRANTY DEED, dated this 20th day of September, 2001, by ATLANTIC GULF COMMUNITIES CORPORATION, a Delaware corporation authorized to transact business in the State of Florida, *aka* General Development Corporation, and having its principal place of business at 13790 N.W. 4th Street, Suite 113, Sunrise, FL 33325, hereinafter called the Grantor, to THE CITY OF PORT ST. LUCIE, a Florida municipal corporation, whose address is 121 SW Port St. Lucie Blvd., Port St. Lucie, Florida 34984-5099, hereinafter called the Grantee:

(Wherever used herein, the terms "Grantor" and "Grantee" include all of 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 situated in St. Lucie County, Florida, vis:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE PART HEREOF

Subject to the following:

- (a) ad valorem and real estate taxes and special assessments for the year 1999 and all subsequent years;
- (b) zoning, restrictions, prohibitions and other requirements imposed by governmental authority; restrictions and matters appearing of record or otherwise common to the subdivision or community where the property is located; and

Grantee acknowledges and agrees that there may be deed restrictions, restrictive covenants and matters appearing on the plat or otherwise common to the subdivision 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.2nd 193 (Fla. 1982).

Grantor, as debtor in possession under Bankruptcy Chapter 11, Case No. 01-1594 through 01-1597, is selling this inventory property in the ordinary course of business.

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 said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

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:

Eva Sanchez
Name Printed: EVA SANCHEZ

Teressa Young
Name Printed: TERESSA YOUNG

ATLANTIC GULF COMMUNITIES CORPORATION,
a Delaware corporation

By: [Signature]
E. M. GIBLIN, JR., VICE PRESIDENT

[Corporate Seal]

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 20th day of SEPTEMBER, 2001, by E. M. GIBLIN, JR., as 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, State of Florida

W:\JDMESANCHEZ\DATA\WFD\DOCS\AGC_PSLC.WFD

OFFICIAL NOTARY SEAL
JUSTINA FARRUZA
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC92441
MY COMMISSION EXPIRES APR 29 2004

EXHIBIT "A"

A parcel of land in Sections 28 and 32, Township 36 South, Range 40 East, said parcel being a part of that "Not Included" tract as recorded in O.R. Book 104, Pages 484 thru 486, lying between Prineville Street and Block 265 of Port St. Lucie, Section Twenty Four, as recorded in Plat Book 13, Pages 31, 31A through 31C, public records of St. Lucie County, Florida, said parcel being more particularly described as follows:

Commence at a point on the East side of a 60.00 foot right-of-way for Prineville Street, where it intersects the South line of Section 28, Township 36 South, Range 40 East; thence run North 00 degrees 18'30" West along said East line, 86.89 feet to the Point of Beginning of the parcel to be described; thence continue North 00 degrees 18'30" West, 229.15 feet; thence run North 88 degrees 31'30" East, 89.40 feet; thence North 04 degrees 11'23" West, 61.51 feet; thence North 83 degrees 39'56" East, 79.13 feet; thence North 07 degrees 06'11" West, 62.89 feet; thence North 43 degrees 23'26" East, 44.53 feet to a point on the South right-of-way line of Greenway Terrace (60.00 foot right-of-way); thence on a curve concave to the North having a radius of 1633.20 feet; thence run in an Easterly direction along the arc of said curve through a central angle of 09 degrees 07'57" (having a chord bearing of North 79 degrees 25'28.5" East), 260.32 feet, along said South right-of-way line to the point of tangent of said curve, thence run North 74 degrees 51'30" East, 240.28 feet; thence leaving said South right-of-way line, run South 16 degrees 28'09" East 50.44 feet; thence North 80 degrees 06'47" East 55.43 feet to the West line of Block 265 of said Port St. Lucie, Section Twenty Four; thence run South 12 degrees 57'30" East along said West line, 160.88 feet; thence run South 80 degrees 37'30" West, 129.40 feet; thence South 03 degrees 53'25" East, 89.18 feet; thence run South 87 degrees 43'15" West, 112.01 feet; thence South 02 degrees 44'02" East, 186.80 feet; thence South 89 degrees 09'58" West, 11.21 feet; thence South 43 degrees 11'36" West (crossing the South line of said Section Twenty Eight), 138.57 feet; thence South 88 degrees 36'37" West, 206.75 feet; thence North 55 degrees 21'38" West (crossing the South line of said Section Twenty Eight), 61.31 feet; thence South 89 degrees 17'41" West, 100.16 feet; thence North 00 degrees 18'51" West, 65.80 feet; thence South 88 degrees 31'30" West, 89.40 feet to the Point of Beginning.



CITY OF PORT ST. LUCIE

Katie

.....
"A CITY FOR ALL AGES"

April 19, 2012

RECEIVED
APR 20 2012
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

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

Re: Placement of a Wireless Stealth Communications Tower at the Prineville Utility Plant
Special Exception Use (Letter of Authorization for Planning & Zoning)

Dear Mr. Aycock:

I am in receipt of your letter to this office dated April 10, 2012 regarding the above-mentioned site. Authorization is hereby granted to proceed with the special exception use and site plan paperwork to the Planning & Zoning Department.

Sincerely,

Gregory J. Oravec
City Manager

CC: Mayor & City Council
Daniel Holbrook, Director, Planning & Zoning
Jesus Merejo, Director, Utility Systems
Pam Booker, Senior Assistant City Attorney

DTI

April 10, 2012

APR 10 2012

Mr. Greg J. Oravec
City Manager
City of Port St Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

Dear Mr. Oravec,

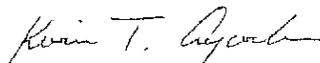
DTI would like to request an authorization letter to proceed with our Special Exception Use application and lease of ground space for the placement of a wireless stealth communications tower on the Prineville Utility Plant property located at 800 SE Prineville Street. The Planning & Zoning Department requires this letter from the property owner allowing us to proceed on behalf of the City of Port St. Lucie as owner.

Last year we were approved to move forward with this application and have received a SPRC approval. There was an unforeseen delay in the application process due to the staff uncovering an omission in the code requiring a text amendment that is now complete. We are currently scheduled to go before the P&Z Board on May 1st, 2012.

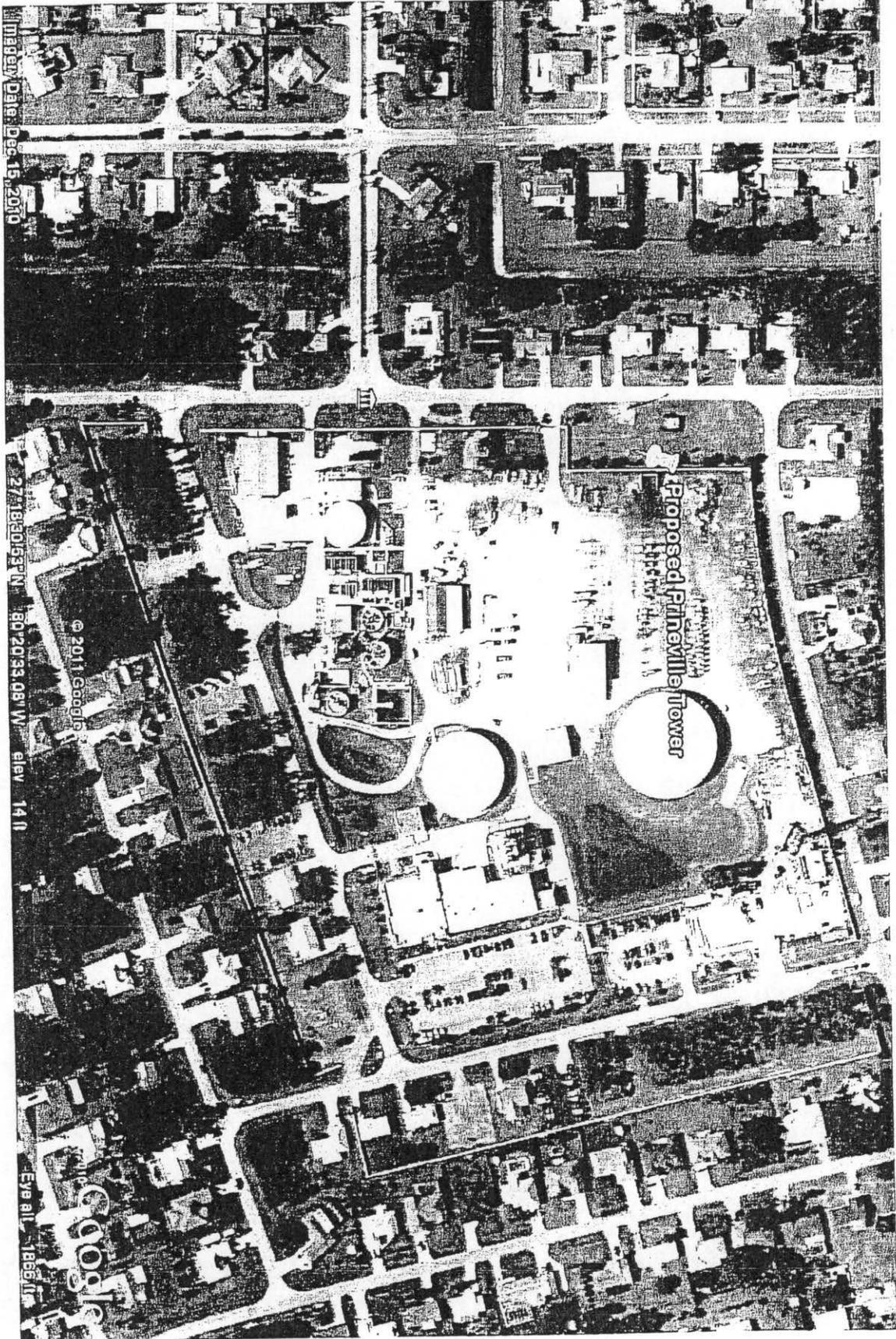
Furthermore, the underlying ground lease for the tower, between DTI and the City, as well as the site plan, have been reviewed and approved by Jesus Merejo and Brad Macek from the Utility Department. The template for the lease was originally negotiated and agreed to between DTI and the City Legal Department. In synopsis, the lease is for 25 years [10yr initial + (3) 5yr renewals] and provides the City with an initial monthly rental income of \$1,500.00 per month. The rent escalates 3% each year. Additionally, the City receives a 25% share of the co-location revenue we receive from subleasing the tower.

Please feel free to contact me if you have any questions. I appreciate your assistance in this matter.

Sincerely,

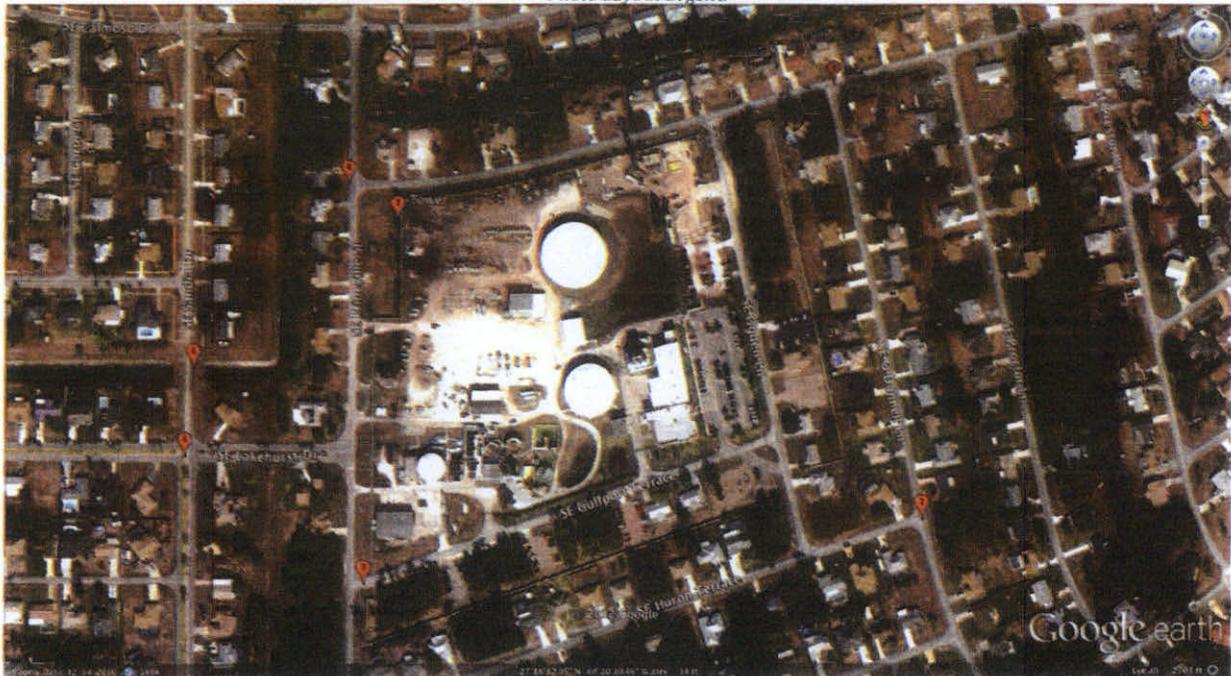


Kevin T. Aycock
President
772-370-9819 Mobile



Prineville Stealth Tower: Proposed Tower Photo Simulation

Photo Layout Legend



Location #1 (Greenway & O' Donnell)



Prineville Steaith Tower: Proposed Tower Photo Simulation

Location #2 (O' Donnell & Huron)

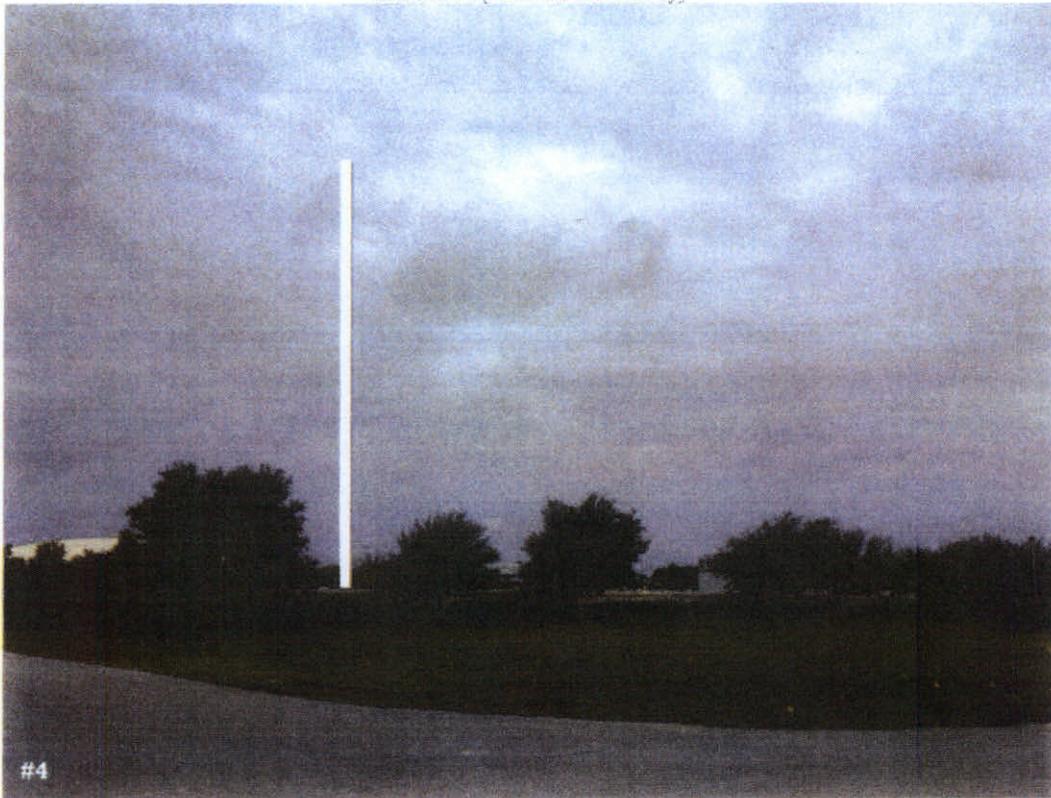


Location #3 (Gulfport & Prineville)



Prineville Stealth Tower: Proposed Tower Photo Simulation

Location #4 (Prineville & Greenway)



#4

Location #5 (Lakehurst & Sandia)



#5

Prineville Stealth Tower: Proposed Tower Photo Simulation

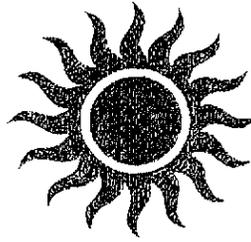
Location #6 (Sandia & The Canal)



RECEIVED

APR 10 2012

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL.



JOHN DI GIACOMO · 820 SE. PRINEVILLE ST. · PORT ST. LUCIE · FLORIDA 34983-2147

17 April 2012

RE: Special Exception Use City of Port St. Lucie Prineville Wastewater Treatment plant Telecommunications Tower P11-070.

Ms. Katherine H. Huntress
City of Port St. Lucie
Planning & Zoning Department
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, Florida 34984-5099

Dear Ms. Huntress,

Thank you for speaking with me yesterday, and for suggesting that I write this letter to you so that it may be included in your advisory packet and subsequent council meeting. You were very kind, patient and helpful.

I am not a homeowner. But I am writing on behalf of my mother, Elvira Di Giacomo, with whom I live and who is the homeowner living at the address listed above. Her house and property is listed as lot 10A of area 264 on your Site Location (Buffer) zoning map. That map is on the reverse of your Notice to Property Owners regarding the Special Exception Use City of Port St. Lucie Prineville Wastewater Treatment plant Telecommunications Tower P11-070.

For the average layman such as myself, and especially at this late date (*two weeks before the 01 May 2012 public hearing and I won't be available to attend on that date*), there is just too much material through which I must wade and decipher to make a valid decision and reasonable argument as to the safety of having a communications tower in such close proximity. While the available information seems to weigh heavier on the side of the radiant energy dangers on human and animal health, it is simultaneously admitted that not nearly enough credible research has been done in this area.

So on the one hand, I think that it is incredibly foolish and potentially dangerous for our town "authorities" to capitulate to the Tower construction companies and build and operate this energetic device in the middle of such a populated area without first knowing "as conclusively as possible" that it does not present any dangers to health.

On the other hand, as "uncomfortable" as I am about having the tower as a close neighbor, I know that I cannot adequately present an argument against building the tower without also possessing these same conclusive health findings

from reputable independent (*non-corporate; non-governmental*) research. Without this, my ranting would be viewed as just so much conspiracy theory.

The only reasonable inroad that I could possibly make into the *Planning & Zoning Department's* and *City Council's* apparent intentions are two hypothetical financial scenarios. My experiences have taught me that despite appearances to the contrary, the underlying motivation can *often* be traced to financial causes:

1. If the City will benefit by payments from Dynamic Towers, Inc., these profits may soon be lost if any individuals residing near the new tower develops cancer or other complications. Whether or not one actually caused the other is mute, since the research is lacking and inconclusive, opportunity and popular belief would precipitate litigations – for this reason, until conclusive independent research is available, the tower should not be built.

2. If the City (*read taxpayers*) will be paying Dynamic Towers, Inc. to build the tower, then considering the poor economic environment, general lack of City funds, over-taxed and under-employed residents and their probable antagonistic view of the device so near by, and the fact that our cell phones already work fine – for this reason, until economic conditions are better and there is a real need, the tower should not be built.

There are two things at this writing however, that I can say with a fairly high degree of certainty. The *first* is that being a recent widow, my mother wishes to sell the house and move to a smaller residence. The economy and housing market being what it is would make this move nearly impossible. Whatever the reality is of the tower dangers, the notion is present in most individuals' minds (*potential homebuyers and especially those with children*), that living near such a tower is "toxic" (*one need only surf the internet or watch some of the Home & Gardens-like reality TV shows to hear them speak of this home-buying caveat*). A nearby telecommunications tower would be the last nail in the home-selling coffin.

The *second* is that the council has already long ago decided in favor of building the tower.

So, even though this letter objection is really nothing more than an exercise in futility we wanted it to be a matter of record – even if it is only recorded in the "circular file," we will at least know that we made the effort to do the right thing.

Respectfully submitted,
Sincerely,



John Di Giacomo



Mrs. Elvira Di Giacomo
Home Owner
820 SE. Prineville Street

ATTENTION KATHERINE HUNTRESS

Page 1 of 1

Subj: Linda ...we need your help...!!!
Date: 4/17/2012 10:48:58 A.M. Eastern Daylight Time
From: RPMack2000@aol.com
To: district1@cityofpsl.com

Linda,

Hopefully, you will vote against P11-070, (Ref. Telecommunication Tower at the wastewater treatment plant on Prineville) for it is not needed in my neighborhood ... We don't need this tower, which would only serve to decrease the property value with it's ugliness and potential radiation .. The tower would better serve the community if it was located out in the boondocks where it would not affect home values or present a possible health risk.

I have been a resident of PSL since January, 1973, and living at my present address at 301 SE Calmoso Drive (Block 390 Lot #42) since March of 1978 ... The neighborhood and I have gotten along quite well without this type of structure for the 34 years since I built my home here. A tower of 150 foot in the air only marks and identifies neighborhood BLIGHT, which equals loss of home value. I'm sure if the request was to erect it at City Hall, it would be turned down ... Please do not allow this to happen in my back yard.

Thank you ...

Rick Macklem ... The Old white haired guy who sees you at Joey's restaurant from time to time ... ☺

April 18, 2012

RECEIVED

APR 20 2012

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

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

RE: File # P11-070 Proposed Telecommunications Tower

Attention: Katherine Huntress:

Regarding the proposed telecommunications tower to be located at the City of Port St. Lucie Prineville Waste Water Treatment Plant, I don't agree with it!

1. There is already a tower on the sited located on the Ogden side of the property. As I understand this is a radio tower used by the utility department. With the proposed cell tower that will be placing 2 towers on the same property less than 1,500 feet apart, it appears it could be less than a 1,000 feet. Has the applicant submitted documentation showing the distance between the proposed tower and the existing radio tower? **Per Code: Sec. 158.213 (N) (1) (b)**
2. Wind damage; will the tower be able to withstand a Category 3 hurricane? If it were to fall what areas would be affected and how? Has documentation been submitted for this? **Per Code: Sec. 158.213 (E)**
3. Has documentation been submitted to show that the applicant has tried to co-locate on an existing tower within the proposed service area? Have they provided documentation showing their notice of intent to all other known telecommunication providers within the City to determine if any of them can co-locate on the proposed cell tower? **Per Code: Sec. 158.213 (G)**

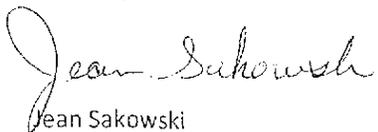
I have lived in my house since 1980 and have seen many changes to this site and surrounding area. The cell tower is one thing I do not agree with.

Over the years as the plant has been expanded properties have been purchased to accommodate the expansions. Now it seems that the City is planning to expand further I feel that they should inform us now of their intentions! They have purchased all the homes and lots along Gulfport and Ogden and either have torn down the homes or converted them to offices for the utility staff. In addition they purchased 6 homes/lots on Greenway from Prineville to O'Donnell Lane. They have also purchased 6 homes on Prineville between Lakehurst and Greenway and have purchased 4 lots south of Lakehurst on Prineville by Gulfport.

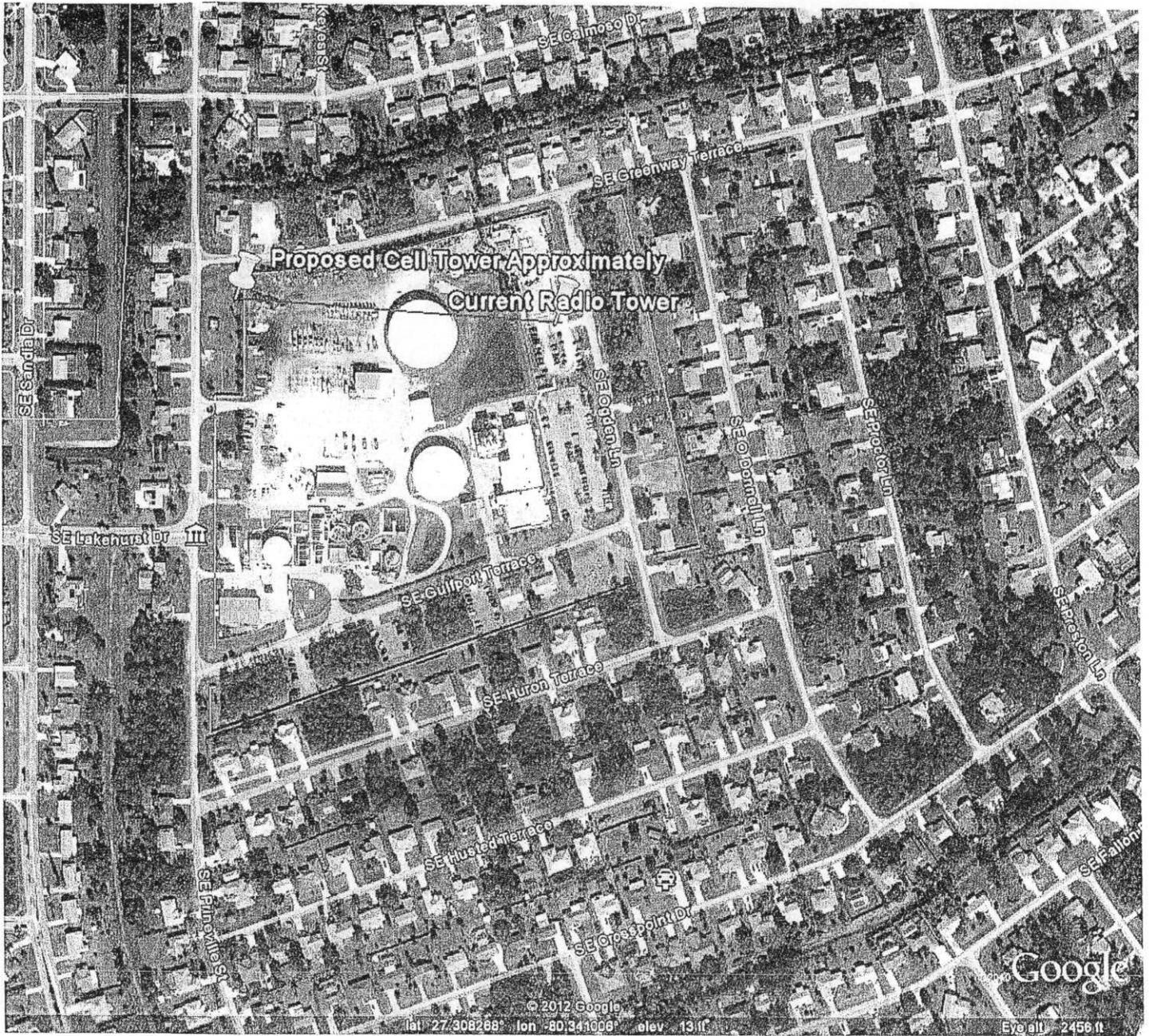
This residential area is being whittled down and I feel that I have lost my right to quiet enjoyment as well as the value of my home. Do you think that if I were to try and sell my home in a few years that I would be able to get fair market value? I don't think so, who wants to look at a tower no less 2 towers!

Thank you and I hope the City does not proceed with the approval of this cell tower.

Sincerely,

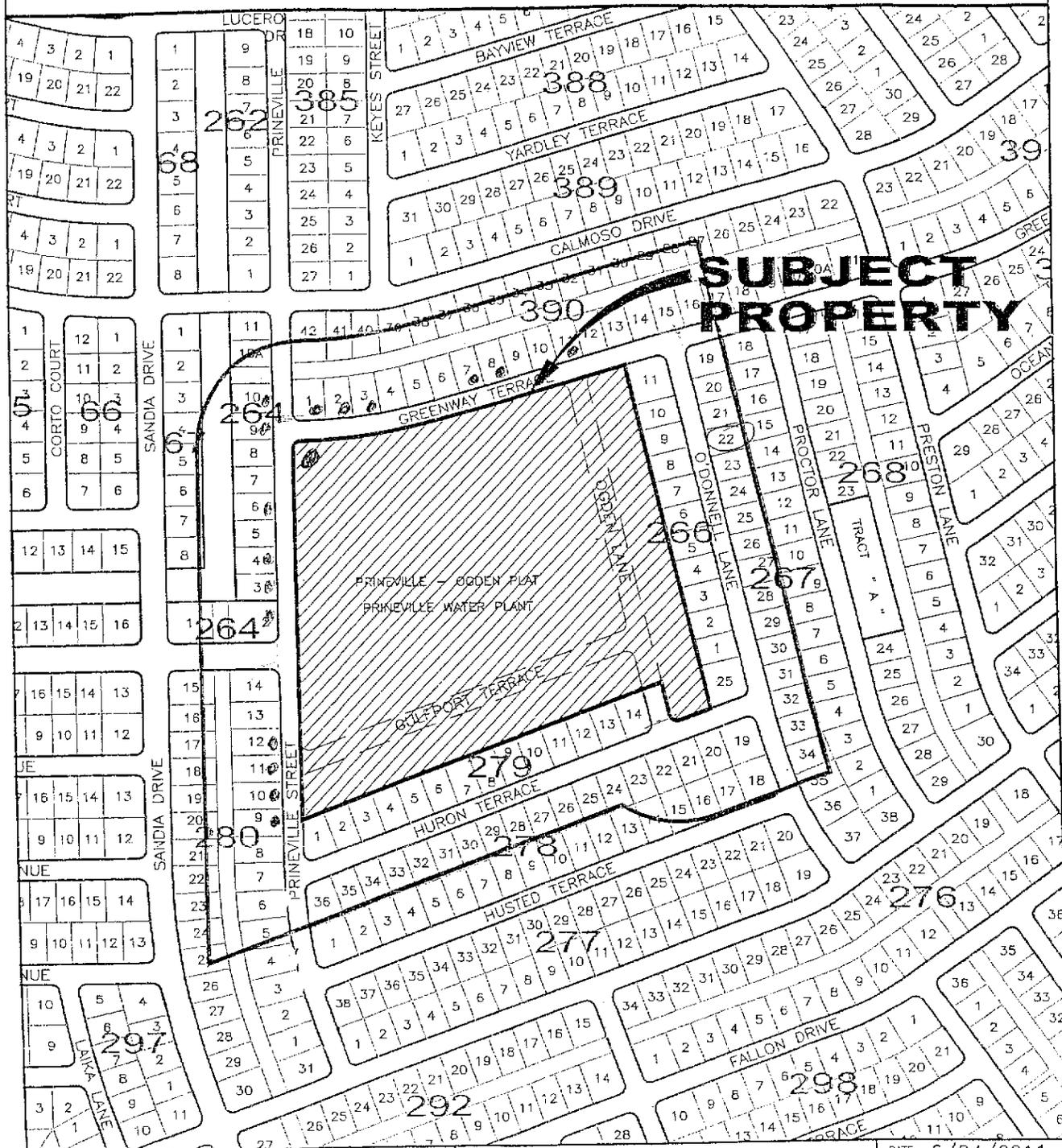


Jean Sakowski
853 SE O'Donnell Lane
Port St. Lucie, FL 34983
Sec. 24, Block 267, Lot 22
Attachments



Aerial showing the proximity of the proposed cell tower to the existing radio tower

SITE LOCATION(BUFFER)



SUBJECT PROPERTY

PRINEVILLE - OGDEN PLAT
PRINEVILLE WATER PLANT



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

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

SPECIAL EXCEPTION USE
OGDEN TRACT
PRINEVILLE OGDEN PLAT

DATE: 6/24/2011
APPLICATION NUMBER:
P11-070
CADD FILE NAME:
P11-070M
SCALE: 1"=400'

Lots marked with the red dot have been acquired by the City, some are used as offices.

Katherine Huntress

From: anna banana [annatomic8@yahoo.com]
Sent: Wednesday, May 23, 2012 1:39 PM
To: Katherine Huntress
Subject: anna e.sierk cell tower letter
to. ms. Katherine H.Huntress.

city of port st. lucie

planning & zoning dept.

201 s.w. pt st

lucie,fl,34984-5099

Dear Ms. Huntress,

thank you for returning my
phone call....I am a homeowner @ 317 s.e. huron terr. in p.s.l., & I was also
a business owner in 1993-2004.

I am aware of state & city growth & n very fond of business &
family values...But i do not agree with having a cell tower extremely close to
my home. this is an unique

location, only because the water utilities plant is located in a residential
area....not only is it not safe for the neighborhood, but is also unsafe

for it's employees in the facility....with my
research that i have made @ a quarter mile,the cell tower can radiate emf
readings @ 100%...

scientific research has recored ,possible brain cancer related cases....

further more,,,property
values would also be affected....

I also believe you received a letter from my brother
john digiacomo,for my mother elvira digiacomo,,whom lives @ 820
s.e.prineville st. p.s.l.fl.

we are both in the buffer zone.....which in no more than 900-1200 ft
from the water utility facility...

thank you for your time ,,I
hope you & the city will look @ this carefully & re-evaluate this project..to
my knowledge & research there are already
99 cell & antenna towers in st lucie county...

thank you again,,

anna e. sierk

772-812-7454

Katherine Huntress

From: anna banana [annatomic8@yahoo.com]

Sent: Wednesday, May 23, 2012 3:57 PM

To: Katherine Huntress

Subject: apologie for letter format

dear ms. huntress,,,i appoligize for how the letter was disorganized,,,for some reason my computer erratically arranged it's form...i hope you can understand it thank you, anna sierk

Katherine Huntress

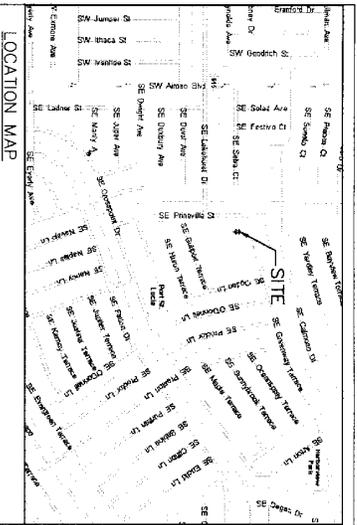
From: anna banana [annatomic8@yahoo.com]

Sent: Tuesday, June 05, 2012 4:51 PM

To: Katherine Huntress

Subject: wow!!!! a cell tower

dear ms. huntress,,,thank you for your time, obviously it was a waste.....the cell tower was already in progress.... allowing people to view their oppinions didn't matter. what seems to matter to the city is making money,,not to keep a humble community.....i hope the tower does well in radiating alot of electric radio fields ,so that we have a much greater chance of brain cancer.....i guess i can save on my electric bill, since i can fry my eggs outside now....i'll let you know how they taste.....thanks to the city of p.s.l.
anna sierk



PROJECT DESCRIPTION

THIS PROJECT IS FOR THE CONSTRUCTION OF AN UNMANNED TELECOMMUNICATIONS FACILITY CONSISTING OF THE INSTALLATION OF A 150' MONOPILE COMMUNICATIONS TOWER AND THE INSTALLATION OF A 150' MONOPILE COMMUNICATIONS TRANSMISSION SERVICES FOR PERSONAL COMMUNICATIONS AS WELL AS EMERGENCY 911 SERVICE. PROJECT SITE IS 30'X100' COMPOUND, OR 3000 S.F.

PROJECT APPLICANT
 DYNAMIC TOWERS, INC.
 2525 W. WASHINGTON AVENUE, SUITE 104
 772 370 9819 A.M.N. KEVIN AYCOCK
 CITY OF FT. ST. LUCIE
 121 SW 1ST ST. LUCIE BOULEVARD
 FT. ST. LUCIE, FL 34986

UTILITIES

THIS PROJECT WILL REQUIRE POWER AND TELEPHONE SERVICE ONLY. NO MET UTILITIES ARE REQUIRED TO SUPPORT THIS PROJECT.

HANDICAP ACCESS

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

IMPERVIOUS COVERAGE

THIS PROJECT IS UNMANNED AND NOT FOR HUMAN HABITATION. IMPERVIOUS COVERAGE IS NOT REQUIRED.

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 10-15 TRIPS/MONTH FOR THIS FACILITY.

PARKING REQUIREMENTS

THERE WILL BE MANUAL RECONCRETE 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 WASTEWATER DRAINAGE SYSTEM FOR THE PARKING TRACT.

LANDSCAPING REQUIREMENTS

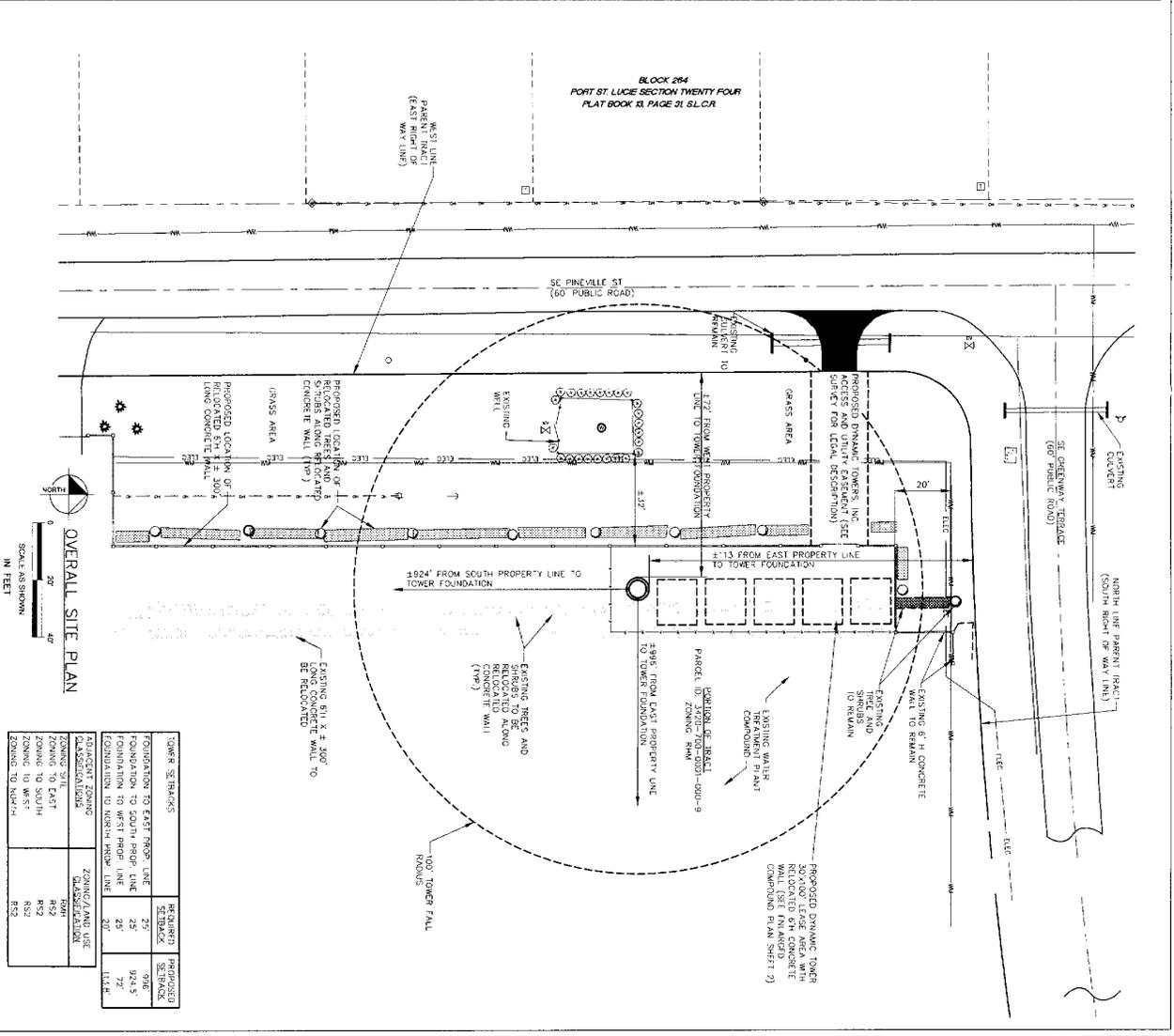
THE PROJECT IS UNMANNED AND NOT FOR HUMAN HABITATION. LANDSCAPING WITH CITY OF FT. ST. LUCIE CODE. NO LANDSCAPING OTHER THAN GRASSED SHALL BE PLANTED WITHIN 10' OF A UTILITY DEPARTMENT OWNED OR MAINTAINED PIPE OR FACILITY.

BUILDING COVERAGE

PROPOSED TOWER BUILDING EQUIPMENT SHELTERS, FOOTPRINTS, EQUIPMENT PADS, AND TOWER FOUNDATION FOOTPRINT NOT TO EXCEED 1500 SF OR 5000 SF COMPOUND AREA 1000 SF OF OPEN RESIDENTIAL FLOOR AREA (ON EQUIPMENT SHELTERS) WILL BE LESS THAN 1000 SF.

PARKING

THERE IS NO CONCRETE SITE PLAN APPROVAL FOR THIS PROJECT. PARKING FOR TOWER EQUIPMENT SHALL BE PROVIDED BY THE PROJECT APPLICANT. PARKING FOR VISITING VEHICLES AT ANY GIVEN TIME AT PROJECT SITE AFTER COMPLETION OF CONSTRUCTION WILL BE ON-FOR-EQUIPMENT SERVICE.



TOWER SETBACKS	REQUIRED SETBACK	PROPOSED SETBACK
FOUNDATION TO EAST PROP. LINE	25'	9'6"
FOUNDATION TO SOUTH PROP. LINE	25'	9'4.5"
FOUNDATION TO WEST PROP. LINE	25'	7'2"
FOUNDATION TO NORTH PROP. LINE	20'	11'4.8"

ADJACENT ZONING	ZONING/LAND USE DISSEMINATION
R2Z	R2Z

DYNAMIC TOWERS INC.
 575 NW MERCANTILE PLACE
 SUITE 104
 PORT SAINT LUCIE, FL 34986

PROJECT INFORMATION:
 PRINEVILLE STEALTH POLE
 TOWER
 800 SE PINEVILLE STREET
 PORT ST LUCIE, FL 34983
 ST. LUCIE COUNTY

CURRENT ISSUE DATE:
 12 APRIL 2012

ISSUED FOR:
 CONCEPTUAL PLAN

REV./DATE/DESCRIPTION:

SCALE:

PLANS PREPARED BY:
 Kinley-Horn and Associates, Inc.
 2072 WHEAT-HORN AND ASSOCIATES, INC.
 1920 MERIVA WAY
 WEST PALM BEACH, FLORIDA 33411
 (561) 845-0655
 FIRM: CA0000046

PROVIDER:
 DYNAMIC TOWER INC
 575 NW MERCANTILE PLACE
 SUITE 104
 PORT ST. LUCIE, FL 34986

DRAWN BY: CHK. **APP'D:** ANV.

REVISIONS:

REVISION	DATE

SHEET TITLE:
 SITE PLAN P11-071
 SPECIAL EXCEPTION
 USE-P11-070

SHEET NUMBER:
 1

PROJECT NUMBER:
 14412100X

