

STAFF REPORT
Community Development Department
Petition Number: SE-15-001

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Planning and Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: October 7, 2015 **BZA meeting date: October 14, 2015**

Requested Action/General Information:

Cynthia Dennis, agent for North American Towers, is requesting a special exception to allow a 150-foot communications tower in a Commercial General zoning district. Subject property is located at **2109 Tamiami Trail** in Punta Gorda (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Commercial General (CG). This property has a Commercial Future Land Use Map (FLUM) designation. The applicant would like to locate the proposed communication tower on the rear half of this two-acre parcel (parcel P34), which is also the location of the Torch Restaurant at 2113 Tamiami Trail (see attached **Aerial View**). The applicant is proposing a 150-foot communications tower to support a Verizon Wireless antenna, which is intended to improve coverage for the existing Verizon Wireless service in Punta Gorda.

The Land Development Regulations for the **Commercial General** (**Exhibit A**) zoning district does allow telecommunication facilities over 50 feet in height as a special exception use, provided it complies with all development standards as well as any conditions imposed by the Board of Zoning Appeals "to protect the interest of the public health, safety, and general welfare, and prevent or minimize adverse effects on other property in the surrounding neighborhood" [section 3-9-6.2(h)(2)]. The regulations for **Communication Towers** (**Exhibit B**) establishes the requirements which must be met for the construction and operation of a communications tower.

Ms. Dennis has submitted a number of documents to demonstrate the need for this new communication tower. First are four Area Maps (**Exhibit C**), one showing four existing **Verizon Antenna Sites** (**Exhibit C-1**), which provide service in the Punta Gorda area; one showing the **Current Coverage** (**Exhibit C-2**) map for three existing Verizon antennas; a map showing the Verizon **Search Area** (**Exhibit C-3**) where a new antenna is needed; and the **Future Coverage** (**Exhibit C-4**) map, which shows the anticipated coverage if the new tower location is approved.

Next are three maps prepared by Kimley-Horn showing the proposed stealth monopole communication tower and related site development. The attached **Site Plan** (**Exhibit D-1**) shows where the proposed tower and compound will be located on subject property, as well as, an elevation drawing of the proposed 150-foot stealth monopole tower. The **Compound Plan** (**Exhibit D-2**) shows the proposed tower location, fenced compound area and the proposed landscape buffer. The attached **Landscape Plan** (**Exhibit D-3**) is a detailed planting plan of the proposed 15-foot wide landscape buffer intended to screen the ground facilities.

The applicant has also submitted the attached **Narrative** (**Exhibit E**) addressing the search criteria for a new Verizon antenna, including the **Engineer's Letter** (**Exhibit E-3**) addressing the design consideration for this proposed 150-foot stealth monopole communication tower. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (**Exhibit F**) dated July 8, 2015. The applicant has also provided a letter from the Florida Fish & Wildlife Conservation Commission (see **Letter from FWCC** **Exhibit G**) addressing listed species.

Land Information Services created the attached **Tower Map (Exhibit H-1)**, which shows the locations of all existing communication towers in the Punta Gorda area. The location of subject property is identified by the arrow and the location of the existing Verizon antennas are tower numbers **23, 25** and **90**. Staff has created a more **Detailed Tower Map (Exhibit H-2)**, which shows in greater detail the proposed tower location, existing towers with Verizon antennas, the Punta Gorda city limits, and other nearby towers. The three nearest towers already have Verizon antennas located on them. The other two nearest towers are only 60 to 80 feet in height

The City of Punta Gorda Planning Department have submitted a letter **(Exhibit I)** objecting to the communications tower as proposed.

Findings: The three standards for approval for a Special Exception according to Section 3-9-6.2(i) of the Charlotte County Zoning Code are as follows:

1. The proposed special exception is consistent with the Comprehensive Plan.

Finding: Subject property is located in the Urban Service Area and the proposed communications tower falls under the general range of uses for the Future Land Use classification for Commercial properties. These lands are designated for retail and service uses, institutional, office activities, hotels, motels, restaurants, as well as public services and facilities. Communications towers are a public service facility. This is also consistent with the **Smart Charlotte 2050 Plan**, FLU Policy 6.4.35; Telecommunications Infrastructure; which proposes to: "Develop a fiber-optic and/or wireless telecommunications infrastructure to support voice, video, data and security network systems, where feasible."

2. The proposed special exception is compatible with existing and permitted uses surrounding the land on which the proposed special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Single-family home and vacant lots	Residential Single-family-5 and Manufactured Home Conventional	Low Density Residential
South	Single-family homes	Residential Single-family-5	Low Density Residential
East	Single-family homes	Residential Single-family-5	Low Density Residential
West	Single-family homes	Residential Single-family-5	Low Density Residential

Finding: The surrounding land uses consist of commercial uses, vacant lots, and multifamily residential housing. Communications towers are needed to serve the surrounding residential and business community. Wireless communications facilities are essential to all land uses, including residential areas, and therefore needs to be located within or near residential, commercial, and industrial areas of the County. As such, the Zoning Code requires that communications towers, over 50 feet in height, obtain a special exception and that they be developed according to all requirements of code. The applicant is also proposing that the tower be designed and constructed as a stealth monopole tower, which means that all antennas will be hidden from view on the inside of the tower,

3. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: Staff believes that the proposed communications tower would not be detrimental to or endanger the public health, safety or general welfare of the surrounding properties. The new Land Development Regulations for **Communication Towers (Exhibit B)** requires the use of "breakpoint design technology" for any tower that is not setback from the lot lines a distance equal to the height of the tower. The applicant has stated in their **Narrative (Exhibit E-3)** that this tower will be constructed using "breakpoint design technology" so that if there is a failure the tower will collapse within the site as required by Section 3-9-68(d)(2)c.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed 150-foot stealth monopole communications tower does meet all three criteria for a special exception.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted, as conditions of approval, to ensure the use is in compliance with the purpose and intent of the Zoning Code. The conditions are as follows:

1. This special exception is to allow a single 150-foot high stealth monopole communications tower on subject property and extends only to the land included in the site plan and legal description submitted with this application.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. The proposed communications tower and ground facilities shall be developed and constructed according to all applicable County Codes and Land Development Regulations, including "breakpoint design technology".
3. All necessary permits and approvals must be obtained, as applicable to this development, including but not limited to, right-of-way access, paving, electrical, plumbing, fencing, tree removal, landscaping, and invasive plant species removal.
4. If the proposed communications tower is not constructed within two years of the date of approval of this special exception then this special exception shall expire and be null and void.
5. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (3), Location Map, Zoning Map, Arial View, Section 3-9-42 (3), Section 3-9-68 (3), Area Maps (4), Development Plans (3), Narrative (3), Environmental Specialist Memorandum, FWCC Letter (2), Tower Maps (2) and Punta Gorda Letter (2)



Community Development

CHARLOTTE COUNTY

Location Map for SE-15-001



07/41/23 South County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-S. Yancey 6625 Date Saved: 3/11/2015 11:38:29 AM

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Community Development

CHARLOTTE COUNTY

2014 Aerial View for SE-15-001

Charlotte County Government

"To exceed expectations in the delivery of public services."

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07/41/23 South County

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Path: M:\Departments\GIS\Projects\Petition_Maps\Current_Planning\2015\Special Exception\SE-15-001\PKCTAerial_SE_15_001.mxd



NOT TO SCALE

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Section 3-9-42

Commercial General (CG).

- (a) *Intent.* The purpose and intent of this district is to allow general commercial activity.
- (b) *Permitted Uses and Structures (P):*
- (1) Animal hospital, boarding facility.
 - (2) Art, dance, music, photo studio or gallery.
 - (3) Assisted living facility or day care center, adult, six or less. (see [section 3-9-62 Assisted Living Facility](#))
 - (4) Auditorium, convention center, performing arts center.
 - (5) Bank, financial services.
 - (6) Bar, cocktail lounge, nightclub, tavern.
 - (7) Business services.
 - (8) Clubhouse, community center.
 - (9) Day care center, child.
 - (10) Drug store, pharmacy.
 - (11) Dry cleaner.
 - (12) Elementary, middle, or high school.
 - (13) Emergency services.
 - (14) Essential services. (see [section 3-9-71 Essential Services](#))
 - (15) Funeral homes, crematoria.
 - (16) Gas station.
 - (17) General offices.
 - (18) General retail sales and services. (see [section 3-9-61. Accessory Outdoor Retail Sales, Display, and Storage](#))
 - (19) Government uses and facilities.
 - (20) Homeless shelter.
 - (21) Hospital.
 - (22) Hotel, motel, inn.
 - (23) Laundromat.
 - (24) Liquor, package store.
 - (25) Mass transit station.
 - (26) Medical or dental office, clinic.
 - (27) Mini-warehouses or storage facilities, but not bulk storage of flammable liquids.
 - (28) Model home. (see [section 3-9-78 Model Homes](#))
 - (29) Motor vehicle wash.
 - (30) Nursing home.
 - (31) Paid or public parking lot, garage, structure.
 - (32) Park, public or not-for-profit.
 - (33) Personal services.
 - (34) Place of Worship. (see [section 3-9-82 Places of Worship](#))
 - (35) Post office.
 - (36) Printing facilities.
 - (37) Private clubs.
 - (38) Professional services.
 - (39) Recreation, indoor.
 - (40) Recreation, outdoor.
 - (41) Restaurant.
 - (42) Sexually oriented business. (see [section 3-9-84 Sexually Oriented Businesses](#))
 - (43) Telecommunications facility, 50 feet or less in height. (see [section 3-9-68 Communication Towers](#))
 - (44) University or college.
 - (45) Vocational, trade, or business school.
 - (46) Wholesale sales.
- (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and clearly incidental to permitted and conditional uses and structures are also permitted in this district, including a residential dwelling unit within the same structure as the principal use for occupancy by owners or employees of permitted uses, and also including, but not limited to:
- (1) Fences or walls which may be permitted prior to the principal uses and structures.

Section 3-9-42
(Exhibit A-1)

Section 3-9-42 Commercial General (CG). (continued)

- (d) *Conditional Uses and Structures (C)*: (For rules and regulations for any use designated as a Conditional Use, see section 3-9-69 Conditional Uses and Structures)
 - (1) Assisted living facility or day care center, adult, seven or more. (see section 3-9-62 Assisted Living Facility)
 - (2) Boat, travel trailer and motor vehicle sales, including recreational vehicles and campers.
 - (3) Boat, travel trailer and motor vehicle repair, services, including recreational vehicles and campers.
 - (4) Building trades contractor's office.
 - (5) Farm equipment sales and service.
 - (6) Laboratories, Class 1, 2 and 3.
 - (7) Marina.
 - (8) Noncommercial vehicle rental.
 - (9) Private off-site parking.
- (e) *Prohibited Uses and Structures*: Any use or structure not expressly, or by reasonable implication permitted herein or permitted by Special Exception shall be unlawful in this district.
- (f) *Special Exceptions (S)*: (For procedure see section 3-9-6.2 Special Exceptions)
 - (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
 - (2) Amphitheater.
 - (3) Animal sanctuary.
 - (4) Biofuel production, less than 5,000 gallons per day.
 - (5) Building trades contractor's office with storage yard on-premises, or with more than ten service vehicles and with heavy equipment.
 - (6) Commercial laundry.
 - (7) Commercial vehicle rental.
 - (8) Heavy machinery, equipment rental, sales, service.
 - (9) Heliport, helistop.
 - (10) Industrial marina.
 - (11) Leisure vehicle rental.
 - (12) Light manufacturing and assembly in a completely enclosed building.
 - (13) Lumberyard.
 - (14) Outdoor market or exhibition space.
 - (15) Railroad sidings.
 - (16) Storage of boat, travel trailer and motor vehicle, including recreational vehicles and campers.
 - (17) Telecommunications facility, greater than 50 feet in height. (see section 3-9-68 Communication Towers)
 - (18) Truck stop.
 - (19) Such other uses as determined by the Zoning Official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by Special Exception.
 - c. Not specifically prohibited in that district.

The BZA shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official or his/her designee shall be appealable pursuant to section 3-9-6 Board of Zoning Appeals.

(g) *Development Standards:*

	CG
Lot (minimum)	---
Area (square feet)	12,000
Width (feet)	100
Setbacks (minimum feet)	
Front	15
Side (interior)	0
Side (street)	10
Rear (interior)	10
Rear (street)	10
Abutting water	20
Bulk (maximum)	
Lot coverage of all buildings	55%
Height (feet)	60
Density (units/acre)	0

Section 3-9-42**Commercial General (CG). (continued)**

Landscape buffers and screening shall be required in this district in accordance with the provisions of this Code, as the same may be amended.

Where properties lie anywhere on a barrier island or within 1,200 feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-88, Waterfront Property.

(h) *Signs*. Signs shall be in accordance with section 3-9-85.

(i) *Off-street parking*. Off-street parking shall be in accordance with section 3-9-79.

(Minutes of 12-08-1981; Res. No. 83-11, § 1, 02-15-1983; Res. No. 83-18, § 1, 03-22-1983; Res. No. 85-105, § 1, 06-11-1985; Res. No. 87-254, § 22, 10-20-1987; Res. No. 87-255, § 6, 10-20-1987; Res. No. 87-258, §§ 1, 2, 10-20-1987; Ord. No. 89-34, § 16, 05-31-1989; Ord. No. 92-44, §§ 1-3, 06-02-1992; Ord. No. 94-55, §§ 28, 29, 11-03-1994; Ord. No. 2001-031, § 1(m), 06-12-2001; Ord. No. 2002-008, § 1, 01-28-2002; Ord. No. 2003-061, § 8, 08-26-2003; Ord. No. 2014-063, § 1, 11-25-2014)

Section 3-9-42
(Exhibit A-3)

Section 3-9-68**Communication Towers.**(a) *Exempt Telecommunication Facilities.*

- (1) The following telecommunication facilities are exempt from the provisions of this section, provided they do not exceed 50 feet in height or the maximum height allowed by the zoning district, whichever is greater.
- (2) Non-commercial freestanding or structure-mounted "receive only" antennas three meters or less in diameter that receive direct broadcast services.
- (3) Amateur radio antennas and towers.
- (4) An antenna or tower used as an accessory use to emergency services.
- (5) Temporary towers associated with a special event may be permitted for a limited period of time by the County as part of the event.
- (6) Temporary towers necessary to aid in post-disaster relief efforts.

(b) *Co-location Requirements.*

- (1) All proposed telecommunication facilities shall co-locate with existing facilities wherever possible or the applicant must demonstrate that no existing telecommunication facility or alternate support structure within the applicant's geographic search area is reasonably available to support the applicant's facility. The applicant must demonstrate that the existing facilities or alternate support structures located within the geographic area meet one of the following criteria:
 - a. They are not of sufficient height to meet the applicant's engineering requirements.
 - b. They do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - c. They do not have sufficient space to allow the applicant's antenna and related equipment to function effectively and reasonably in parity with other similar equipment.
 - d. They are unavailable for lease under a reasonable leasing agreement.
 - e. They would result in electromagnetic interference with or by the antenna.
 - f. They have other limiting factors, including adverse economic reasons, that render an existing facility or alternate support structure unsuitable. Costs over the life of the applicable lease in excess of the cost of permitting and constructing a new facility shall be presumed to create an adverse economic reason.
- (2) Co-locating on an existing tower or alternate support structure which must be modified or reconstructed to accommodate the co-location shall be considered a permitted use and may be modified or rebuilt to a taller height, not to exceed 40 feet over the tower's existing height provided it does not exceed the Federal obstruction standards set forth in 14 CFR part 77.
- (3) Alternate support structures to which an antenna may be attached include, but are not limited to, commercial, office, and industrial buildings, multifamily residential buildings, mixed use buildings, water tanks, utility and light poles, poles at publicly-owned facilities, athletic facilities, or other structures not originally designed as antenna mounts.

(c) *Additional Application Requirements.* In addition to the standard application requirements, the following information shall be submitted upon application for any telecommunication facility:

- (1) Special Exception application including all specified supporting documentation.
- (2) Copies of letters to, and all responses from, other entities owning or using non-exempt communication towers, inquiring whether said entities have a need to co-locate antennas or have tower space available for co-location of antennas. All letters shall be sent certified mail, return receipt requested. The County shall maintain a list of telecommunication service providers which shall be considered the minimum contact list.
- (3) A statement from the Florida Fish and Wildlife Conservation Commission (FWC) stating that the proposed tower meets all required setbacks from any nesting locations for birds listed as protected species in the FWC's Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida or its successor.

Section 3-9-68
(Exhibit B-1)

Section 3-9-68 Communication Towers. (continued)

- (4) For proposed facilities taller than 200 feet, a statement from the FAA stating that the proposed tower is determined not to be a hazard to air navigation.
- (5) The applicant's geographic search area as set forth by engineering report and the existing towers or suitable alternate support structures within such geographic search area. If the applicant is not a service provider, the applicant must submit a letter from a service provider indicating their intent to use the tower. The geographic search area and other relevant data will be based, at minimum, on the service provider's need.
- (6) The type of tower or supporting structure.
- (7) The height of the tower including antennas above ground and above Mean Sea Level.

(d) Conditions of Approval.**(1) General Requirements**

- a. Telecommunication facilities shall not have any form of advertisement attached or otherwise affixed.
- b. Telecommunication facilities shall not be illuminated except as required by Federal, State, or local laws or regulations or as a condition attached to a Special Exception.
- c. Development of a telecommunication facility site shall be subject to the Habitat Preservation provisions of this Code.
- d. No telecommunication facility shall be constructed on any property containing a rare vegetation community including, but not limited to, forested wetlands, tropical hardwood hammock, sandhill or xeric oak scrub if the construction or maintenance of the proposed facility would cause the destruction of any portion of the rare vegetation community.
- e. The owner of any telecommunication facility must provide the County with the name, address, and telephone number of a contact person or persons to address or repair any problems with the tower. This information must be posted prominently at the facility and updated within 30 days in the event of any changes. Failure to comply with the requirement to provide and post the contact person information shall be a violation of this section.
- f. If high voltage is necessary for the operation of the facility, signs displaying in large bold letters "HIGH VOLTAGE – DANGER" shall be located every 20 feet and attached to the fence or wall. In the case of structure-mounted antennas, signs shall be placed within ten feet of the antenna.
- g. A fence or wall at least eight feet in height shall be provided around each facility located on the ground. Access to the facility shall be through a locked gate. Structure-mounted facilities shall be located and designed to be accessible to authorized personnel only.
- h. Except where prohibited by a Zoning Overlay District, or other provisions of this Code, structure-mounted antennas are permitted up to a height of 20 feet above the existing height of the structure. The antenna shall be an unobtrusive color and where feasible the design elements of the building such as parapet walls, screen enclosures, or mechanical equipment shall screen it.
- i. Any tower located in a residential zoning district shall be required to be a monopole.

(2) Setback Requirements**a. All telecommunications facilities shall meet the following setbacks:**

1. Any new tower, equipment enclosures and ancillary structures shall be set back from all interior and rear lot lines a minimum of ten feet and shall meet the minimum setback requirements for the zoning district where it is located for the front lot line, except that where the minimum setback distance for the tower from any residentially zoned property line, public right-of-way, emergency evacuation route, existing school, or existing residential dwelling unit, is less than the height of the proposed tower, the minimum setback distance shall be increased to the height of the proposed tower, unless the tower will be constructed using "breakpoint" design technology, in which case the minimum setback distance shall be equal to 110 percent of the distance from the top of the tower to the "breakpoint" level of the tower. For example, on a 100 foot tall monopole tower with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the tower to the "breakpoint").

**Section 3-9-68
(Exhibit B-2)**

Section 3-9-68

Communication Towers. (continued)

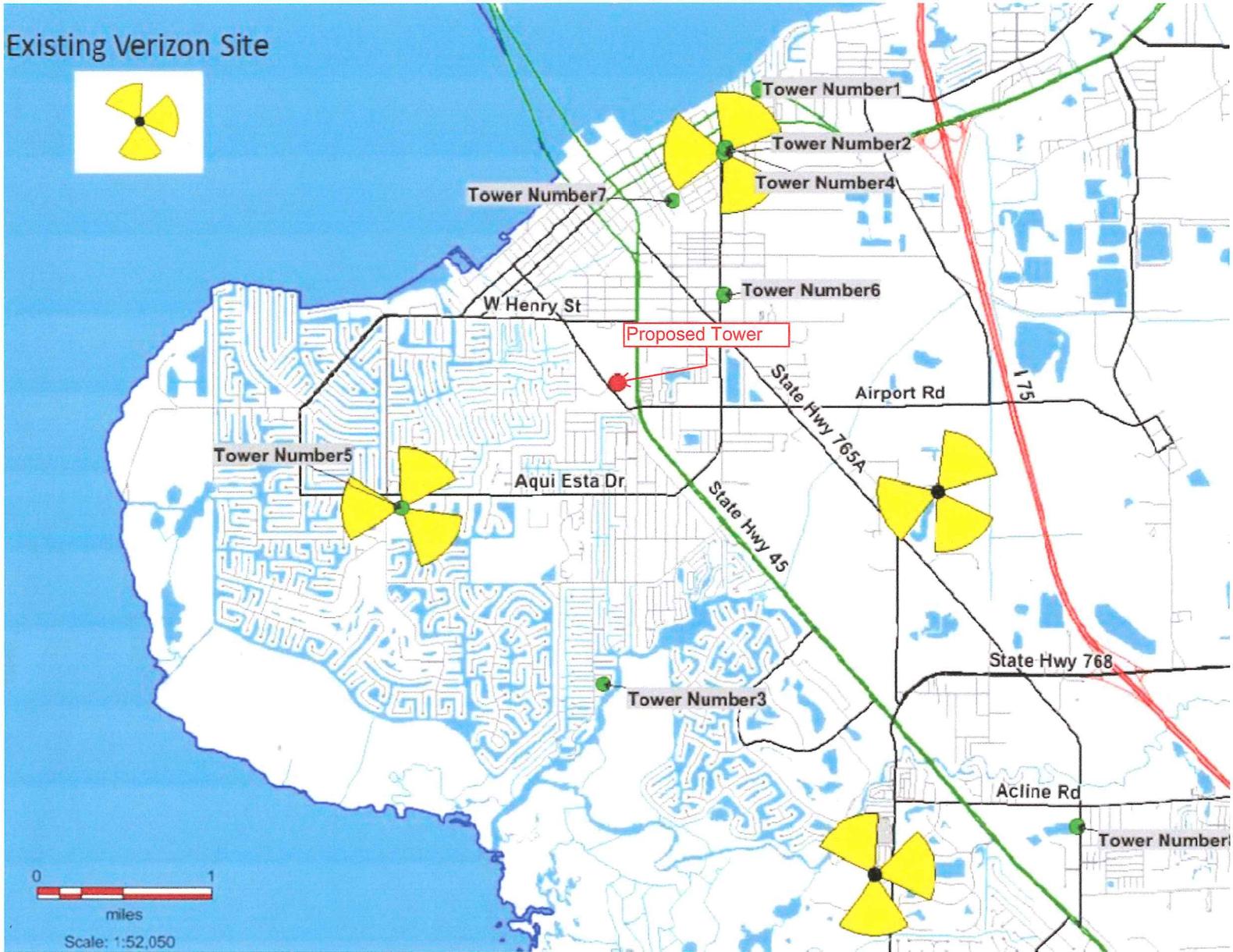
2. Certification by a professional engineer licensed by the State of Florida of the "breakpoint" design and the design's fall radius must be provided together with the other information required herein by the applicant.
 - b. All towers shall comply with regulations for height restrictions in airport zones of the Federal Aviation Administration, Federal Communication Commission and the Florida Department of Transportation, Division of Aeronautics, or a municipal or other airport authority qualified by law to establish airport hazard zoning regulations.
 - c. All towers shall be engineered so that in case of collapse, all parts of the structure will fall within the site.
 - d. Multiple towers on a site must be located at least as far from each other as the height of the taller tower.
- (e) *Replacement.*
- (1) Any replacement telecommunications tower seeking to increase the height of the existing tower shall be required to modify the existing Special Exception.
 - (2) Any replacement telecommunications tower without increase in height shall follow the existing Special Exception.
 - (3) Any replacement of the existing tower which did not receive a Special Exception approval shall be required to obtain a Special Exception.
 - (4) The replacement telecommunications tower shall be located on the same parcel or lot as the original tower.
 - (5) If the existing telecommunications facility is nonconforming, the applicant demonstrates that the proposed replacement tower will mitigate the nonconformity. This demonstration might be in the form of a change in design (for example from a lattice-style to a monopole style tower or a reduction in height) or in providing additional setbacks or buffers than those that apply to the existing tower.
 - (6) The existing telecommunications facility being replaced is removed within 120 days after completion of construction of the replacement telecommunications facility.
 - (7) Upon administrative approval, the replacement telecommunications facility will be deemed a legally conforming use.
- (f) *Abandonment.* If a telecommunication facility ceases to receive and transmit signals for a period of one year, then the facility will be deemed to be abandoned. The owner/operator of the abandoned facility shall be given 180 days after being provided with written notice of the determination of abandonment, to either reactivate or dismantle and remove the facility. If the facility is not removed or reactivated, the County may obtain authorization from a court of competent jurisdiction to remove the facility and necessary support equipment and, after removal, shall place a lien on the subject property for all direct and indirect costs incurred in the removal and disposal of the facility and support equipment plus court costs and attorney fees. Where the County determines that physical factors or the non-use constitutes an unsafe condition under the building code, such building code provisions and process shall supersede any time elements set forth.

(Ord. No. 1989-47, § 6, 06-22-1989; Ord. No. 1998-053, § 1, 07-14-1998; Ord. No. 2000-029, §§ 1-7, 08-22-2000; Ord. No. 2001-031, § 1(w), 06-12-2001; Ord. No. 2001-058, § 1, 09-25-2001; Ord. No. 2014-041, § 1, 11-25-2014; Ord. No. 2014-069, § 1, 11-25-2014)

Section 3-9-68
(Exhibit B-3)

RECEIVED
APR 29 2015
BY: _____

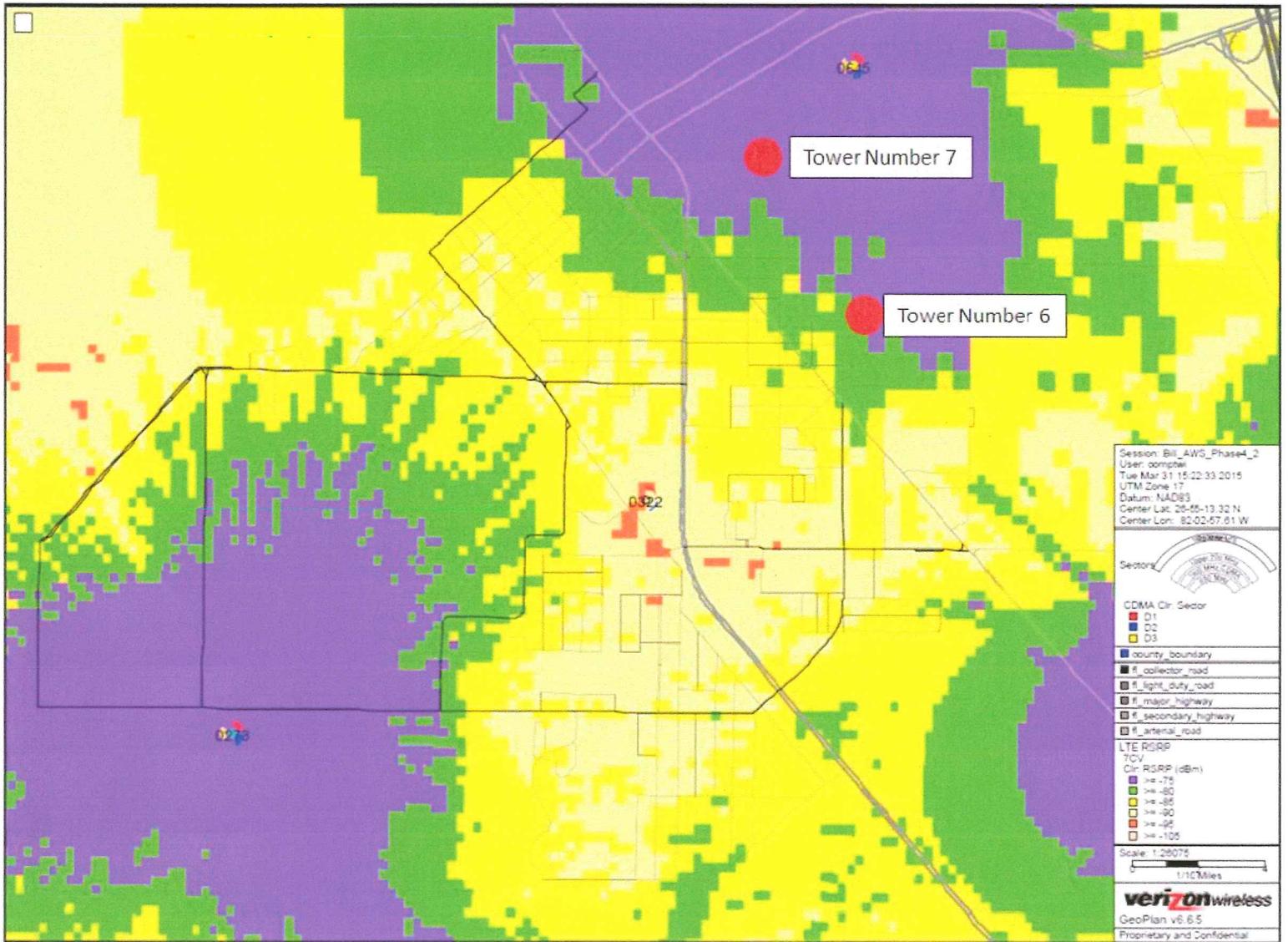
Existing Verizon Site



**Existing Verizon
Antenna Sites
(Exhibit C-1)**

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BY: _____

Current Coverage



**Current Verizon Coverage
(Exhibit C-2)**



Search Area Description

**Chrysler Charlotte
087412**

Issued on: 06/17/2014

Issued By: Bill Compton

Priority: A

Tampa 2 RF Department



Improve capacity and coverage in mixed use area

Subcamp:

County: Charlotte

Ring Size = 0.5 mi

RECEIVED
APR 29 2015
BY:

Allowable Range	Height	120 - 150	ft AMSL	Dec Lat:	26.921181
				Dec Long:	-82.051006
Antenna Configuration:	<u>3-Sector</u>				

Desired Equipment Type/Carriers:	<u>TBD</u>
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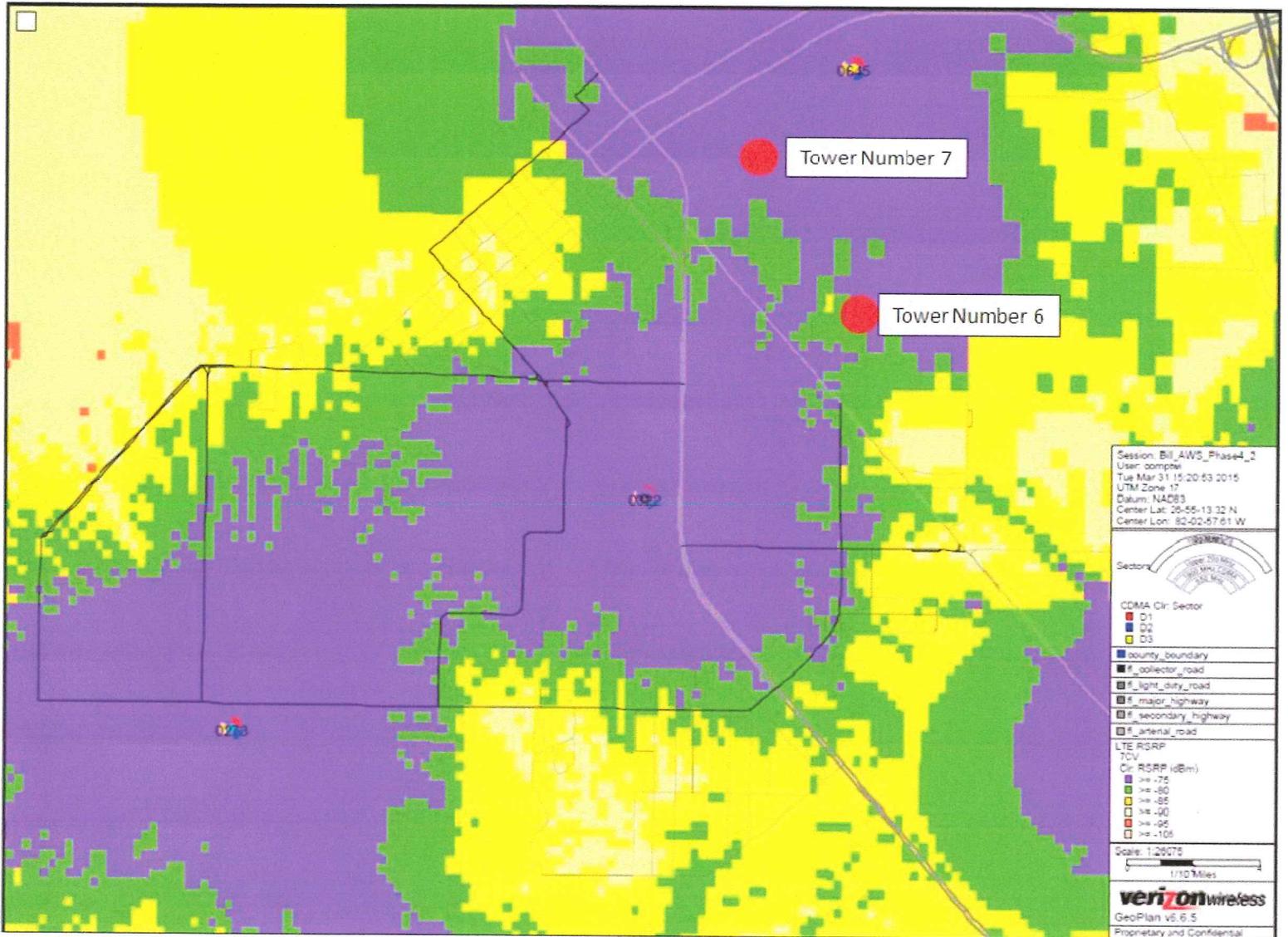
Target Location 1	Target Location 2
Comments:	Comments:
Site Name:	Site Name:
Address:	Address:
Contact Name:	Contact Name:
Contact Phone:	Contact Phone:

Verizon Wireless, Confidential

**Verizon Search Area
(Exhibit C-3)**

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Proposed Coverage



**Future Verizon Coverage
(Exhibit C-4)**

NORTH AMERICAN
TOWERS, LLC
3200 S. Hiawassee Rd
Orlando, FL 32835

PROJECT INFORMATION:

N009 - PUNTA GORDA
2117 TAMiami TRAIL
PUNTA GORDA, FL 33950
CHARLOTTE COUNTY

CURRENT ISSUE DATE:

JULY 2015

ISSUED FOR:

ZONING DRAWINGS

REV.: DATE: DESCRIPTION:

REV.	DATE	DESCRIPTION

Landscape Plan (Exhibit D-3)

JONATHAN D. HAIGH
LA#6666795
07/10/2015

PLANS PREPARED BY:

Kimley»Horn

© 2015 KIMLEY-HORN AND ASSOCIATES, INC.
1920 WEKIVA WAY, SUITE 200
WEST PALM BEACH, FLORIDA 33411
(561) 845-0665
FBPE CA00006696

PROVIDER:

NORTH AMERICAN
TOWERS, LLC
3200 S. Hiawassee Rd
Orlando, FL 32835

DRAWN BY: CHK.: APV.:

MM LF LR

LICENSURE:

MARIA VICTORIA MARTIN PE 72387

SHEET TITLE:

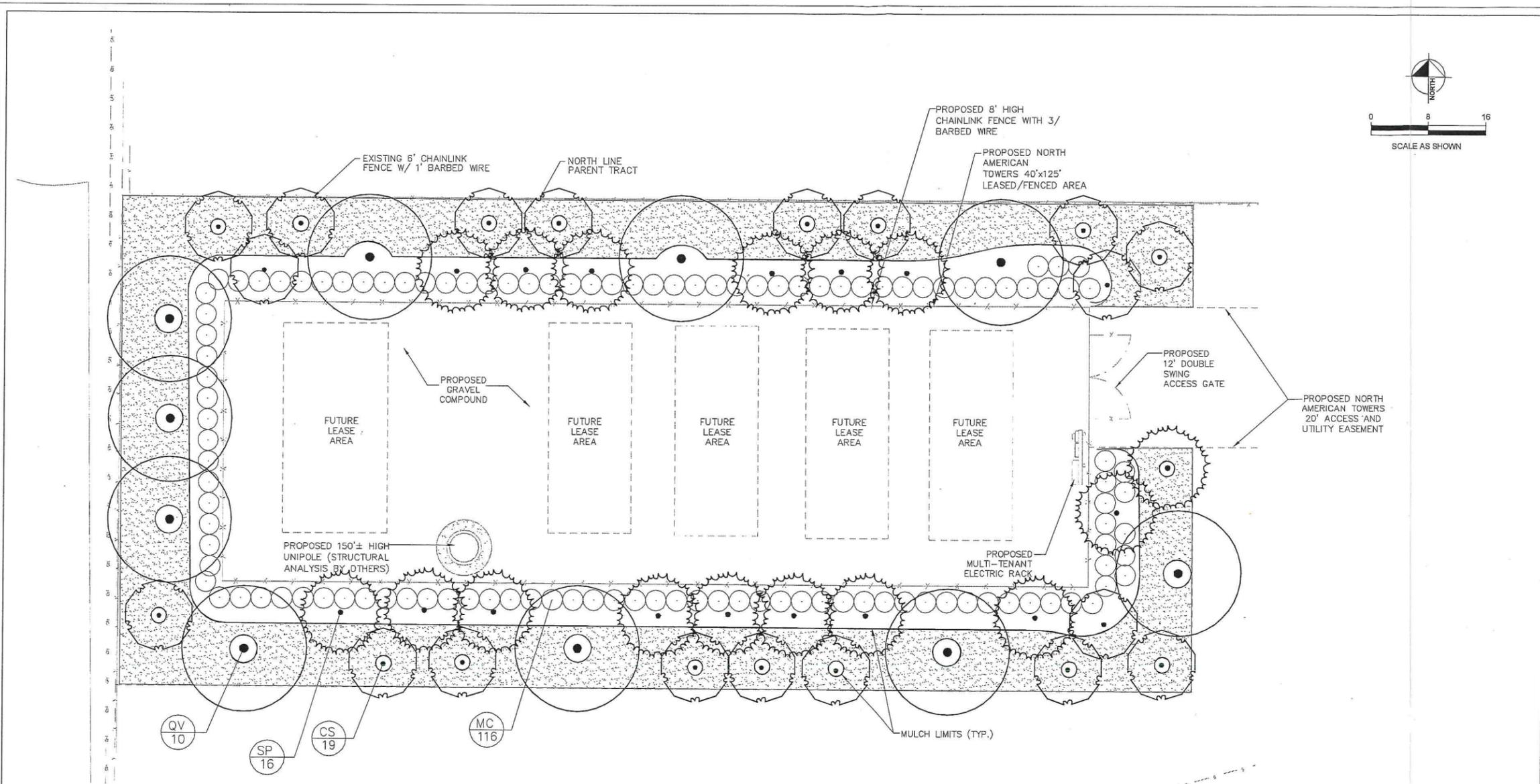
LANDSCAPE AND
IRRIGATION PLAN

SHEET NUMBER: REVISION:

L-1

KHA Job #:

140111001



PLANT SCHEDULE

TREES	BOTANICAL NAME	COMMON NAME	CONT	CAL	SIZE	QTY
CS	Conocarpus erectus sericeus	Silver Button Wood	15 gal	MULTI	8' OA	19
QV	Quercus virginiana	Southern Live Oak	30 gal	2" Cal.	10'HT X 5'SPR	10
SP	Sabal palmetto	Cabbage Palmetto	F.G.		8' CT	16
SHRUBS	BOTANICAL NAME	COMMON NAME	CONT	O.C.	SIZE	QTY
MC	Myrica cerifera	Wax Myrtle	7 gal	36" O.C.	18"x18"	116
GROUND COVERS	BOTANICAL NAME	COMMON NAME	CONT	O.C.	SIZE	QTY
* SOD	Paspalum notatum 'Argentine'	Argentine Bahia Grass	sod			± 3,382 sf

* SOD ALL AREAS DISTURBED BY CONSTRUCTION

CODE COMPLIANCE SUMMARY:

TYPE 'E' BUFFER REQUIRED:	PROVIDED:
8 CANOPY TREES/6 UNDERSTORY TREES/35 SHRUBS PER 100 LF	
(318 LF/100) X 8 = 26 CANOPY TREES	26 - LIVE OAKS, SABAL PALMS
(318 LF/100) X 6 = 19 UNDERSTORY TREES	19 - SILVER BUTTONWOODS
(318 LF/100) X 35 = 112 SHRUBS	116 - WAX MYRTLE

LANDSCAPE WATERING SPECIFICATIONS AND NOTES

- A. WATER-SOLUBLE GEL SOIL AMENDMENT
1. ALL PLANTINGS SHALL BE PLANTED IN THE EXISTING NATIVE SOIL ON SITE, WITH POLYMER GEL SLURRY (AS DESCRIBED IN THESE SPECIFICATIONS), UNLESS DETERMINED TO BE UNSUITABLE - AT WHICH POINT THE CONTRACTOR SHALL CONTACT LANDSCAPE ARCHITECT TO DISCUSS ALTERNATE RECOMMENDATION PRIOR TO PLANTING.
 2. A WATER-ABSORBING POLYMER GEL PRODUCT (AGRODIAMONDS (TM)) THAT HAS BEEN HYDRATED ACCORDING TO MANUFACTURER'S DIRECTION SHALL BE PLACED INTO EACH HOLE PRIOR TO PLANTING. SEE APPLICATION RATE CHART, THIS SHEET. AGRODIAMONDS (TM) BY AGROTECH AMERICA (561) 743-8025.
- B. WATER
1. 90 DAYS OF WATER MONITORING SHALL BE SCHEDULED FOR ALL PLANTINGS UNDER THIS CONTRACT.
 2. IF SITE EXPERIENCES DROUGHT OR IF RAINFALL DOES NOT ACCUMULATE 2" PER WEEK DURING THE MONITORING PERIOD, HAND WATERING WILL BE NECESSARY.
 3. WATER NECESSARY FOR PLANTING AND MAINTENANCE SHALL BE OF SATISFACTORY QUALITY TO SUSTAIN AN ADEQUATE PLANT GROWTH AND SHALL NOT CONTAIN HARMFUL, NATURAL OR MAN-MADE ELEMENTS DETRIMENTAL TO PLANTS. THE CONTRACTOR SHALL PROVIDE SATISFACTORY WATER (MEETING THE ABOVE STANDARD) FROM SOURCES OFF THE SITE AT NO ADDITIONAL COST TO THE OWNER. SUITABLE WATER MAY BE AVAILABLE IN THE ADJACENT CANAL - COORDINATE WITH OWNER FOR PERMISSIONS.
 4. WATERING PROJECT PLANTINGS MAY BE ACHIEVED BY WATER TRUCK OR BY TEMPORARY IRRIGATION SYSTEM, WHICH MUST BE REMOVED AT THE END OF THE MAINTENANCE PERIOD.
 5. CONTRACTOR SHALL SUPPLEMENT RAINFALL BY HAND-WATERING AND DOCUMENT WATERING EFFORTS THROUGH RAINFALL DATA AND MONITORING RECORDS.
 6. FOR BIDDING PURPOSES, FOLLOW THE SCHEDULE BELOW:
DAY 1: WATER IN PLANTINGS PER SPECS.
DAY 2-30: 1/2" OF WATER EACH DAY FOR MON, TUES, WED, THURS, SATURDAY
DAY 31-90: 1/2" OF WATER EACH DAY FOR MON, WED, SATURDAY
- C. FERTILIZER
- CONTRACTOR SHALL INCLUDE FERTILIZER IN HYDRATED GEL SLURRY MIX. FERTILIZER SHALL BE A WATER SOLUBLE 14-14-14, CONTROLLED-RELEASE TYPE. MIX WITH GEL AT A RATE OF ONE OUNCE PER PLANT. ESTIMATE PLANT QUANTITIES FOR GEL PRODUCT AND MIX FERTILIZER APPROPRIATELY.
- SIX WEEKS AFTER PLANTING, BROADCAST 10-10-10 CONTROLLED-RELEASE FERTILIZER AT A RATE OF 400 LBS PER ACRE OVER THE ENTIRE PLANTED AREA.

CONTAINER SIZE	AGRODIAMONDS (TM) (RAW PRODUCT)
30 GAL	8 CUPS (46 OZ)
SABAL PALM	4 CUPS (23 OZ)
15 GAL	4 CUPS (23 OZ)
7 GAL	2 CUPS (11.5 OZ)

*MIX INTO BACKFILL MATERIAL FOR PLANT PITS. WORK MIX INTO SOIL WITH SHOVEL/SPADE.
*AGRODIAMONDS (TM) MUST BE HYDRATED (WATER-IN) FROM TOP. DO NOT WATER BY INJECTION (SUBSURFACE).
*MIX FERTILIZER IN HOLE PRIOR TO WATERING.

RECEIVED

JUN 20 2015

BY: _____

Drawing name: K:\WPB_Civil\CELL SITES\Mercury Towers\North American Towers, LLC\140111001-N009-Punta Gorda\ZDA\L1.DWG L-1 Jul 10, 2015 8:58am by: mercurmartin

This document, together with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purposes and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adoption by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



1093 A1A Beach Blvd #442
St. Augustine, FL 32080
Phone: 904-342-0764
www.earthcomservice.com
earthcom77@earthcomservice.com

February 4, 2015

Planning and zoning of Charlotte County

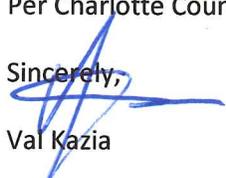
RE: Letter of Intent

Dear Staff,

I respectfully submit this letter as an explanation of our need for a new telecommunication site located in Charlotte County. As the system design engineer for EarthCom Services responsible for this area I have performed a thorough analysis of this area of Charlotte County. My study included field visits and computer analysis with sophisticated RF Modeling that takes into account the following variables: (A) The physical characteristics of the frequencies allotted by the FCC to EarthCom Services; (B) The allowable power outputs of those frequencies; (C) The EarthCom services equipment specifications; (D) The topography and building density of the area; (D) The optimum coverage using the minimum use of new tower sites. There no existing structure with the 1/4 mile radius of the required search ring and EarthCom services is pursuing a raw land candidate proposed by North American Towers, LLC . There are 2 towers in the area. The Tower to the North east is 1.5miles away and south 1.2 miles away. These tower locations are out of the 1/4 mile search ring requirements for EarthCom Services and would not meet the coverage objectives for this new site build. These factors were quantified and values extrapolated using RF modeling software to arrive at a design objective or search area.

Per Charlotte County ordinance. There are no existing or approved towers within are search ring.

Sincerely,



Val Kazia

RF Engineer & Performance Engineer

EarthCom Services

Narrative
(Exhibit E-1)



1093 A1A Beach Blvd #442
St. Augustine, FL 32080
Phone: 904-342-0764
www.earthcomservice.com
earthcom77@earthcomservice.com

February 4, 2015

Charlotte County Development Planning and zoning

Re: Interference

Dear Staff,

This Letter is intended to convey that EarthCom Services is operating within FCC non-interference guidelines, and will not interfere with Public safety Communications.

The FCC rules part 22, section "Channel Assignment Policy" state

The Channels allocated for use in the Public Mobile Services are listed in the applicable subparts of this part. Channels and Channel blocks are assigned in such a manner as to facilitate the rendition of service on an interference - free basis in each service area. Except as otherwise provided in this part, each channel or channel block is assigned exclusively to one common carrier in each service area. All applicants for, and licensees of, stations in the public Mobile Services shall cooperate in the selection and use of channels in order to minimize interference and obtain the most efficient use of allocated spectrum.

Furthermore Earthcom Services is required to comply with FCC regulations that protect and insure non-interference with the usual and customary transmission and reception of radio, television, or those who are not Public Service Carriers.

Sincerely,



Val Kazie

Design Engineer

EarthCom Services, Inc

Narrative
(Exhibit E-2)



UTAH OFFICES
Sandy
Layton
St. George

Project Number: U0142-642-151

March 31, 2015

North American Towers
3200 South Hiawasse Rd
Orlando, FL 32835

Narrative
(Exhibit E-3)

ATTENTION: Paul Bryan

REFERENCE: **Punta Gorda, Site No. N009, 150 ft Slimline Monopole (Stealth#: MT15-00432W-05R1)**
Fall Zone Letter

Dear Mr. Bryan:

It is our understanding that a 150 ft concealment pole has been proposed for this site. This monopole will consist of a steel base pole with an RF friendly concealment section on top. Steel mast pipes will support the concealment section.

The above-mentioned pole will be designed in accordance with the Florida Building Code, 2010 Edition (2009 IBC with Amendments) and the ANSI TIA-222-G "Structural Standard for Antenna Supporting Structures and Antennas". Additionally, all steel members and connections will be designed to meet the requirements of the AISC Steel Construction Manual.

Several factors are used to determine the wind pressures on the pole; e.g., a gust response factor is used to account for sudden changes in wind speed, and a height coefficient is used to account for increasing wind speed with height. The pole will be designed with the following design criteria:

1. Wind speed (V): 151 mph (3-second gust)
2. Ice: None
3. BWS of 60 mph (3-second gust) for the service condition (deflection limitations only)
4. Occupancy Category/Structure Class II, Exposure C, Topographic Category I

In designing steel members and connections, failure is defined as the point at which the induced stresses due to the design loads exceed the yield strength of the material. At this point permanent deflections will be initiated. However, rupture of the steel members and connections in a properly constructed steel pole is unlikely since steel is a ductile material, and is not anticipated until further loads in excess of the design loads, such as sustained or impact loads from hurricane-type winds, are applied. Rupture is defined as complete breakage of the steel member or connection.

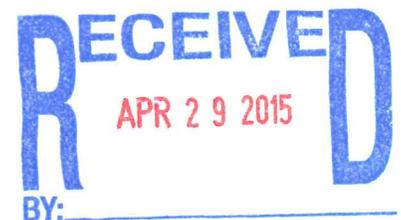
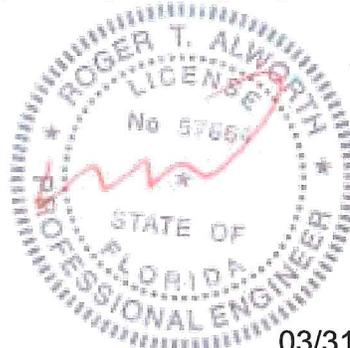
It has been requested that the proposed structure be designed for a fall zone radius of 50 ft. We will satisfy this requirement by ensuring that in the unlikely event of failure, the point of maximum stress will occur in the upper 50 ft (or less) of the structure. The upper portion of the structure will be designed such that the highest stress within the fall zone is greater than or equal to 90% of capacity. Expected stress ratios of all other structural elements below this point, including pipe mast sections below 50 ft from the top of the top section, all connections below this point, base pole, anchor rods, etc., will be at least 20% less than the highest stress ratio within the top 50 ft of the structure. If the structure ruptures, it will likely do so within 50 ft from the top of steel. Therefore, this structure will be designed to have a 50 ft fall zone radius.

We hope this meets your needs. If you have any further questions regarding this matter, please call this office at your convenience.

Very truly yours,
VECTOR STRUCTURAL ENGINEERS

Roger T. Alworth, S.E.
Principal Engineer

RTA/srm



03/31/2015



MEMORANDUM

Date: July 8, 2014
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-15-001, 2109 Tamiami Trail

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes or ordinances and offers the following comments:

- ❖ A GIS aerial and preliminary environmental review was conducted by staff. The eastern half of the subject parcel consists of an existing restaurant with associated parking while the western half of the parcel consists of an existing vacant cleared, sodded and regularly maintained lot.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any County permit or land improvement activities:

- ❖ All applicable county, state and federal authorization or permits, and mitigation (if necessary) will be required.
- ❖ If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-5, Article IV, CLEARING, FILLING AND SOIL CONSERVATION

Chapter 3-9, Article IV - Site Design Standards and Requirements. All heritage trees must remain preserved as per section 3-9-100.3.

Chapter 3-9-100. Buffers, Landscaping and Tree Requirements.

Chapter 3-9-68(c)(3), "A statement from the Florida Fish and Wildlife Conservation Commission (FWC) stating that the proposed tower meets all required setbacks from any nesting locations for birds listed as protected species in the FWC's Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida or its successor."

This project must also comply with the Charlotte County 2050 Comprehensive Plan. If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

(Exhibit F)



Florida Fish
and Wildlife
Conservation
Commission

Commissioners
Richard A. Corbett
Chairman
Tampa

Brian Yablonski
Vice Chairman
Tallahassee

Ronald M. Bergeron
Fort Lauderdale

Richard Hanas
Oviedo

Aliese P. "Liesa" Priddy
Immokalee

Bo Rivard
Panama City

Charles W. Roberts III
Tallahassee

Executive Staff
Nick Wiley
Executive Director

Eric Sutton
Assistant Executive Director

Jennifer Fitzwater
Chief of Staff

Office of the
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Nick Wiley
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(850) 487-3796
(850) 921-5786 FAX

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resources for their long-term
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620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech-impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

March 25, 2015

Cynthia Dennis
North American Towers, LLC
1123 Solana Avenue
Winter Park, FL 32789
cdennis.clq@gmail.com



RE: Punta Gorda Cell Tower N009, Technical Assistance Request, Charlotte County

Dear Ms. Dennis:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the above-referenced technical assistance request and we provide the following comments for your consideration and in accordance with FWC's authorities under Chapter 379, Florida Statutes.

Project Description

North American Towers, LLC, is proposing to construct a 150-foot unipole telecommunications tower located at 2109 Tamiami Trail in Punta Gorda. The tower facility would include a 70-foot by 70-foot lease area, a 20-foot wide access easement along with a minimum 15-foot buffer surrounding the lease area. Aerial imagery indicates that the proposed facility site has been cleared of native vegetation.

Potentially Affected Resources

FWC staff conducted a geographic information system (GIS) analysis of the project area. Based on this GIS analysis, the project area is located near, within, or adjacent to:

- U.S. Fish and Wildlife Service (USFWS) Consultation Area for the following federally listed species:
 - Florida scrub jay (*Aphelocoma coerulescens*, Federally Threatened)
 - Piping plover (*Charadrius melodus*, Federally Threatened)
 - Red-cockaded woodpecker (*Picoides borealis*, Federally Endangered)

Comments and Recommendations

We do not anticipate impacts to state-listed species as a result of the proposed activities; however, this site is located within the consultation area of several federally listed species. We recommend you coordinate with the USFWS for information regarding federally listed species that may be impacted by the proposed project. The USFWS South Florida Ecological Services Office can be contacted at (772) 562-3909.

**Letter from FWCC
(Exhibit G-1)**

We appreciate the opportunity to review this project. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions regarding the content of this letter, please contact Mark Schulz at (863) 648-3820 or by email at Mark.Schulz@MyFWC.com.

Sincerely,



Jennifer D. Goff
Land Use Planning Program Administrator
Office of Conservation Planning Services

jdg/mas
ENV 1
Punta Gorda Cell Tower N009_20824_032515



**Letter from FWCC
(Exhibit G-2)**



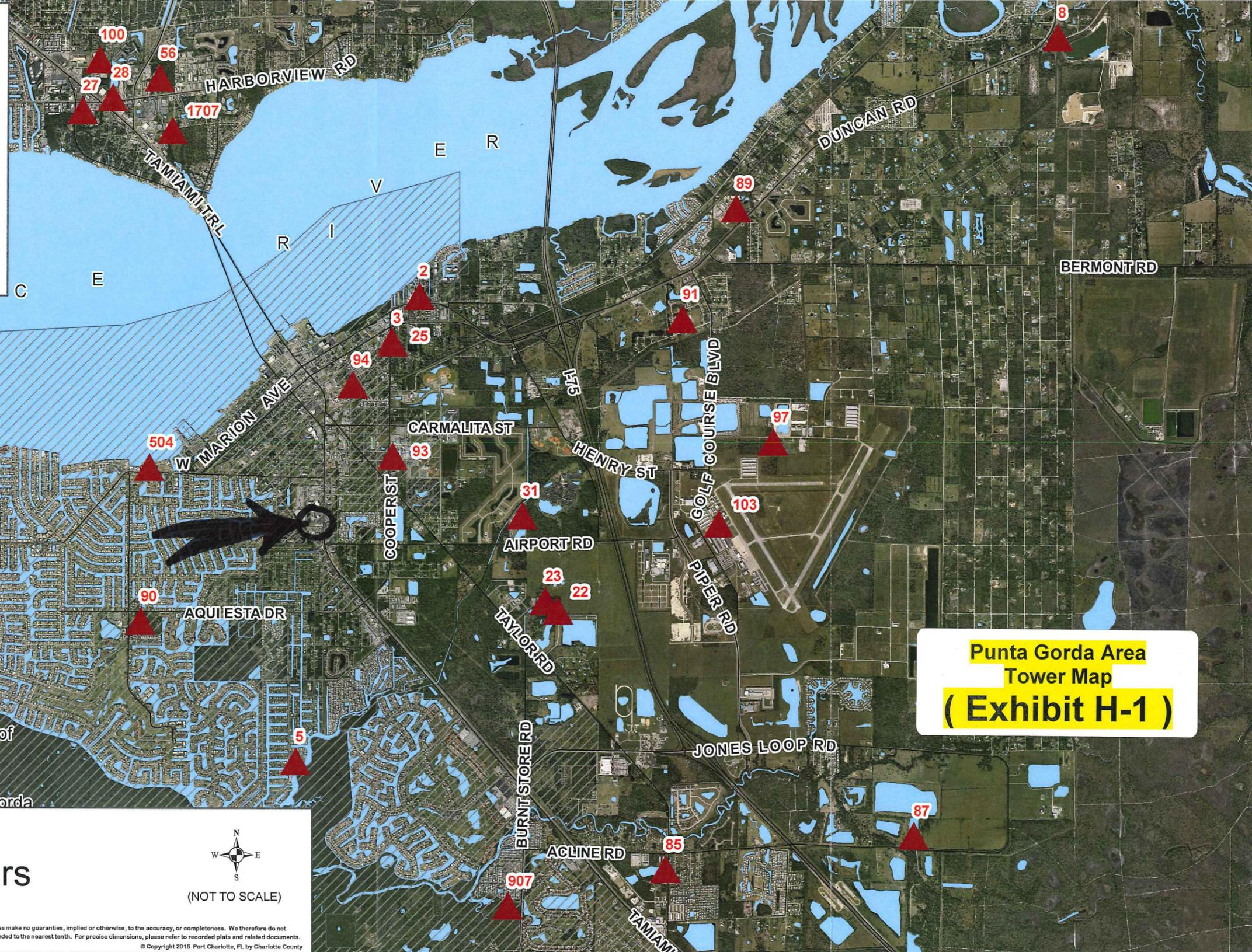
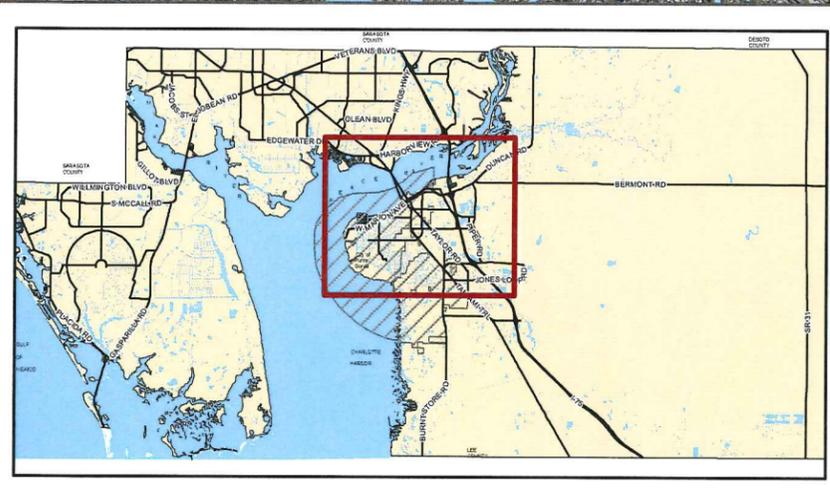
CHARLOTTE COUNTY Communication Towers

Community
Development

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.gov



**Punta Gorda Area
Tower Map
(Exhibit H-1)**

Stateplane Projection
Datum: NAD83
Units: Feet

Source: Community Development, FCC
Metadata available upon request



Towers



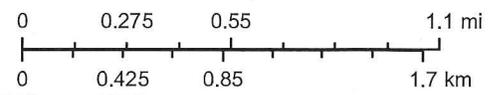
(NOT TO SCALE)

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.
M:\Departmental\GIS\Projects\Maps_Development\Towers\CommTowersPGZoom.mxd by: SMerry-7143 Updated: 9/23/2015 11:40:18 AM © Copyright 2015 Port Charlotte, FL by Charlotte County



September 24, 2015

1:32,000



Override 1



Override 3



Override 2



City of Punta Gorda Boundary

**Punta Gorda
Detailed Tower Map
(Exhibit H-2)**



City of Punta Gorda, Florida

CHIEF PLANNER
ISA CERTIFIED ARBORIST
JOAN F LEBEAU, AICP
326 West Marion Avenue
Punta Gorda, Florida
941-575-3372 Telephone
941-575-3356 Fax
jlebeau@pgorda.us
www.pgorda.us

August 10, 2015

Kenneth J. Quillen Jr., AICP, Planner III
Community Development Department
Charlotte County Government
18400 Murdock Circle
Port Charlotte, FL 33948

Re: Revised Comments from City of Punta Gorda
Proposed Communication Tower SE – 15 – 001

Dear Mr. Quillen:

The proposed unmanned telecommunication facility is located on a parcel which is an enclave completely surrounded by parcels within the corporate limits of the City of Punta Gorda. The proposed 150' unipole wireless tower conflicts with uses on the adjacent properties that are located within City Limits. In addition to these conflicts the proposed wireless tower does not meet the minimum standards for development of such facilities were it to be proposed on a parcel within the City. Given the enclave nature of this parcel, the proposed facility is in conflict with the following City of Punta Gorda Land Development Regulations (LDR's):

1. **Section 4.34 (b):** Maximum height 110 feet; proposed is 150 feet. The maximum building height in the adjacent commercial district is 35 feet. The structure will create an eyesore in this location and would not be compatible with adjacent structures and uses.
2. **Section 4.34 (d):** Wireless communication facilities shall be setback a distance equal to the total height measured from grade elevation from all adjoining properties of a differing designation. The proposed setback from the right-of-way is only 50 feet and should be a minimum of 150 feet to accommodate the full length of the pole. Additionally side setbacks to adjacent property are only 50 feet and 90 feet. This could potentially endanger the public health, safety or general welfare.
3. **Section 4.34 (e):** No wireless communication facility shall be sited within 1 mile (airline distance) or another wireless communication facility except as a component of existing public utility infrastructure



Punta Gorda Letter
(**Exhibit I-1**)

- a. The following is an inventory of wireless communication towers known by City Staff to exist within a 2 mile radius of the proposed location:
- 1250 Cooper St. 0.933 Miles – Stealth Monopole 140 feet
 - 311 E Charlotte 1.06 Miles – Stealth Monopole 80 feet
 - 1625 Aqui Esta 1.44 Miles – Stealth Monopole 149.9 feet – Variance approved for height.
 - 408 Cooper St 1.472 Miles – Tower-(outside of City Limits)
 - 25590 Technology Blvd. 1.797 Miles 160 feet (outside of City limits)
4. **Section 4.34 (f):** All ancillary structures shall be screened with a combination of a 6 foot height wood fence or wall and landscaping. The proposed chain link fence with barbed wire is a prohibited fence material within the abutting zoning districts and therefore would be out of character with the adjacent uses and structures.
5. **Section 4.34 (g):** All wireless communication facilities shall be located outside of a required front or side yards and shall provide buffering around all ground facilities.
6. **Section 8.5:** Fencing is required to provide an opaque screen between 6 and 8 feet in height and composed of wood, vinyl, brick, stone, or stucco finish, chain link is specifically prohibited.
7. **Section 12.4 (f) Landscape Buffer:** Landscape screening between the required screening fence and adjacent parcels, rights-of-way, and/or on-site buildings shall be provided at a rate of 6 trees and 20 shrubs per 100 linear feet of screening fence.
- a. The proposed landscape plan identifies several live oak trees.
- i. Given the mature height of these trees, they may be too close to the infrastructure within the compound and on the adjacent parcels. Alternative tree species should be considered.
 - ii. In addition a species mix of shrubs should be added.
8. In addition to the inconsistency with the City's LDR's, the site plan depicts 5 future "Lease Areas". What is proposed for these lease areas? As these leases may further impact the neighboring areas.

Based on the above information, City Staff finds that the proposed wireless facility location would not meet this requirement of the City of Punta Gorda Land Development Regulations.

Thank you for the opportunity to provide input on this proposed project. Through this intergovernmental coordination, both the County and the City can make constructive recommendations to ensure future development does not create any negative impact on the community.

Joan F. LeBeau
Chief Planner

Punta Gorda Letter
(Exhibit I-2)