

STAFF REPORT
Community Development Department
Petition Number: SE-15-006

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Planning and Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: September 2, 2015 **BZA meeting date: September 9, 2015**

Requested Action/General Information:

Deborah Martohue, Attorney for North American Towers, is requesting a special exception to allow a 245-foot high communications tower in a Commercial General zoning district. Subject property is located at **12587 Tamiami Trail**, 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 proposed new communication tower location is on the rear half of this one-acre parcel, Lot One (see attached **Aerial View**), which is also the location of an existing billboard, which was granted Special Approval in 1973 (SE-73-11). The reason for this request is to relocate an existing 250-foot high communications tower, which is located at 12701 Tamiami Trail. The existing tower was granted a special exception on November 13, 1996, see attached **Notice of Approval** (Exhibit A).

The Land Development Regulations for the **Commercial General** (Exhibit B) 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 C) establishes the requirements which must be met for the construction and operation of a communications tower. Attorney Martohue has stated that the applicant will abide by all conditions required by this section.

Attorney Martohue has submitted existing and proposed **Coverage Maps** (Exhibit D) for the existing 250-foot tower and the proposed new 245-foot tower. These maps were prepared by two existing service providers, Sprint and T-Mobile, who have antennas on the existing tower. The three maps prepared by Sprint shows coverage for the "Existing Tower Only" (Exhibit D-1), coverage for "All Existing Towers" (Exhibit D-2), and coverage "Without the Tower" (Exhibit D-3). The three maps prepared by T-Mobile shows coverage for "All Existing Towers" (Exhibit D-4), coverage for "All & New Tower" (Exhibit D-5), and coverage "Without Tower" (Exhibit D-6).

The applicant also submitted six drawings showing subject property and the development plans for the proposed new 245-foot tower. These include a **Boundary Survey** (Exhibit E-1), a **Site Plan** (Exhibit E-2), a **Compound Plan** (Exhibit E-3), a **Tower Elevation** (Exhibit E-4), a **Fence & Gate Detail** (Exhibit E-5), and a **Landscape Plan** (Exhibit E-6). The proposed new 245-foot tower will be located on the rear half of subject property (Lot One), where access will be from Siesta Drive.

Land Information Services has created the attached **Tower Map (Exhibit F)**, which shows the locations of all communication, fire, and water towers in Charlotte County. The location of subject property is identified by the arrow and the location of the existing tower is site number "24". The applicant has also submitted the attached **Narrative (Exhibit G)** addressing the criteria for granting a special exception for this communication tower. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit H)** dated August 20, 2015. Attorney Martohue has also provided letters of review from the Florida Fish & Wildlife Conservation Commission (see **Letter from FWCC Exhibit I**) and the Federal Aviation Administration (see **Letter from FAA Exhibit J**).

Findings: The 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	Vacant lots	Commercial General	Commercial
South	Vacant lots	Commercial General	Commercial
East	Vacant lands	Commercial General	Commercial
West	Vacant lots	Residential Multifamily-5	Low Density Residential

Finding: The surrounding land uses consist of vacant commercial property and vacant multifamily residential lots. 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, including landscaping, in order to make the use compatible with surrounding land uses.

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: The existing communications tower, which was erected in 1996, was not designed to today's building codes and may pose a greater risk to the public than a new tower would if constructed according to today's building codes. Staff believes that the removal of the existing communications tower located at 12701 Tamiami Trail, and its relocation 1,600 feet to the north, 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 C) 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 G-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 245-foot 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 245-foot high 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. The existing communications tower, located at 12701 Tamiami Trail must be removed from that property within one year of the new communications tower being constructed and operational.
4. 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.
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, Notice of Approval, Section 3-9-42 (3), Section 3-9-68 (3), Area Coverage Maps (6), Development Plans (6), Communication Towers Map, Narrative (4), Environmental Specialist Memorandum, FWCC Letter, and FAA Letter (3)



Community Development

CHARLOTTE COUNTY

Location Map for SE-15-006



11/42/23 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 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 7058 Date Saved: 8/7/2015 11:32:16 AM

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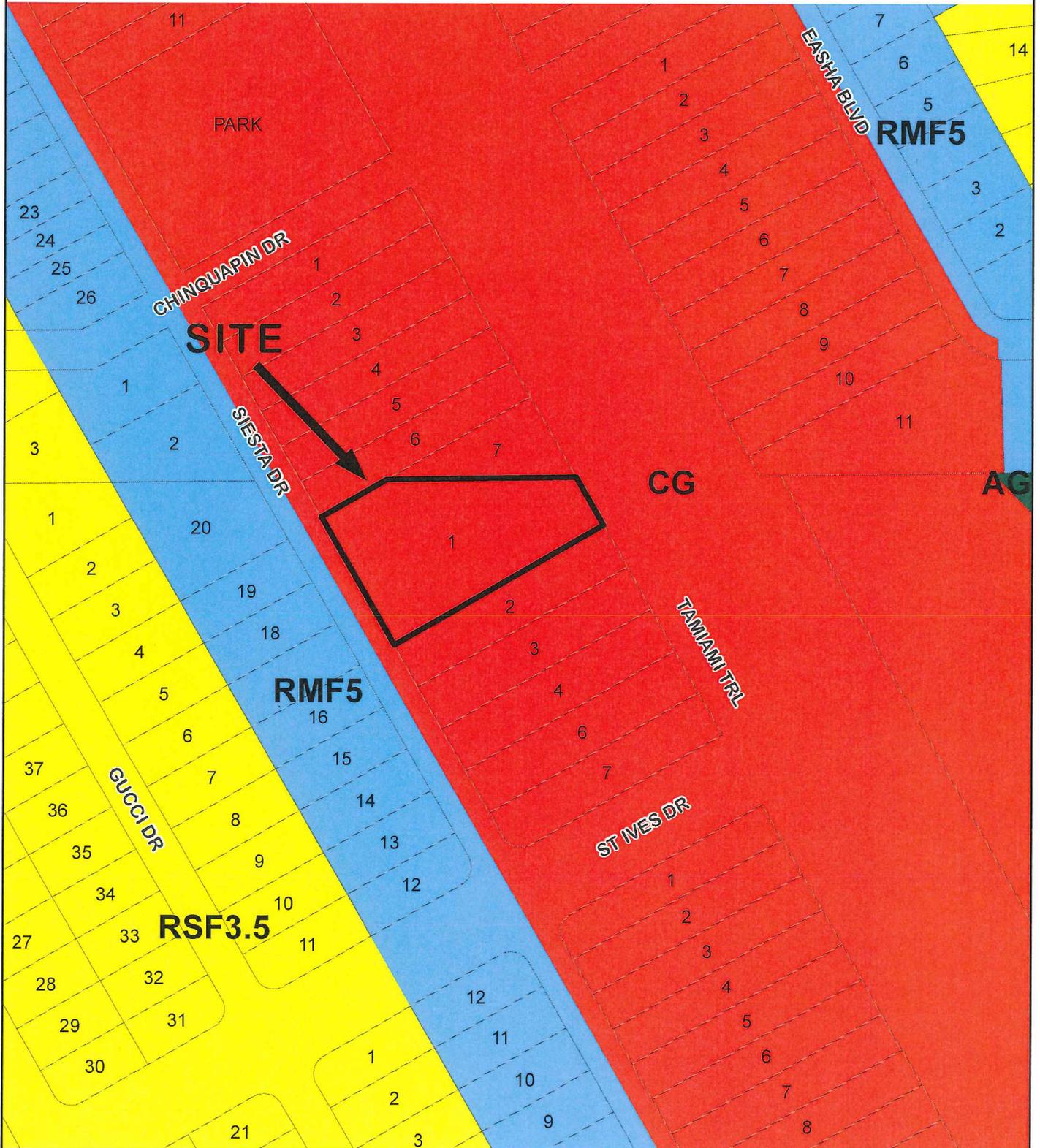
Community Development

CHARLOTTE COUNTY Zoning Map for SE-15-006

Charlotte County Government

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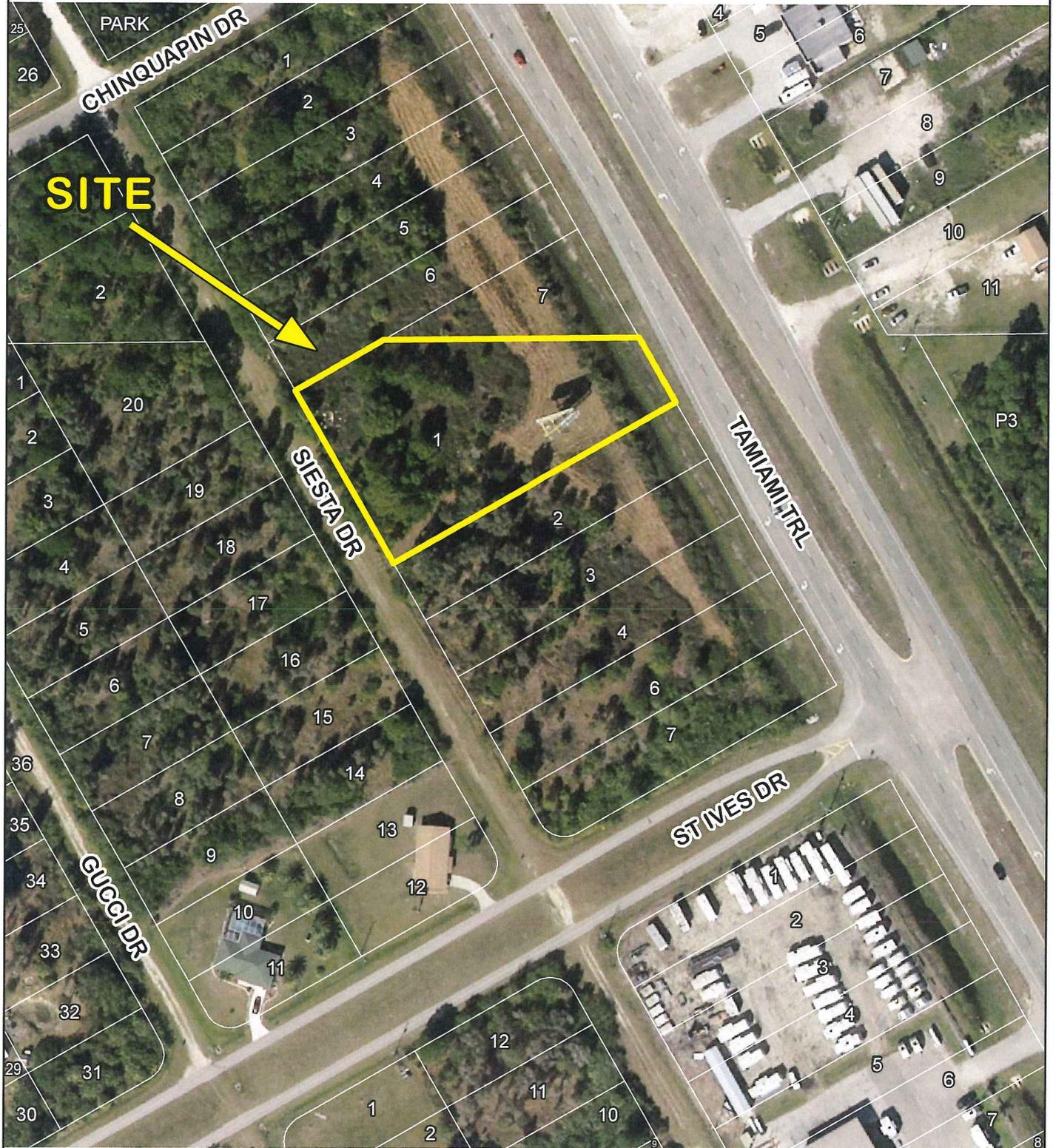
CHARLOTTE COUNTY

2014 Aerial View for SE-15-006

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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 principa'

**Commercial General
(Exhibit B-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.

**Commercial General
(Exhibit B-2)**

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)

**Commercial General
(Exhibit B-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

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").

Communication Towers (Exhibit C-2)

Section 3-9-68

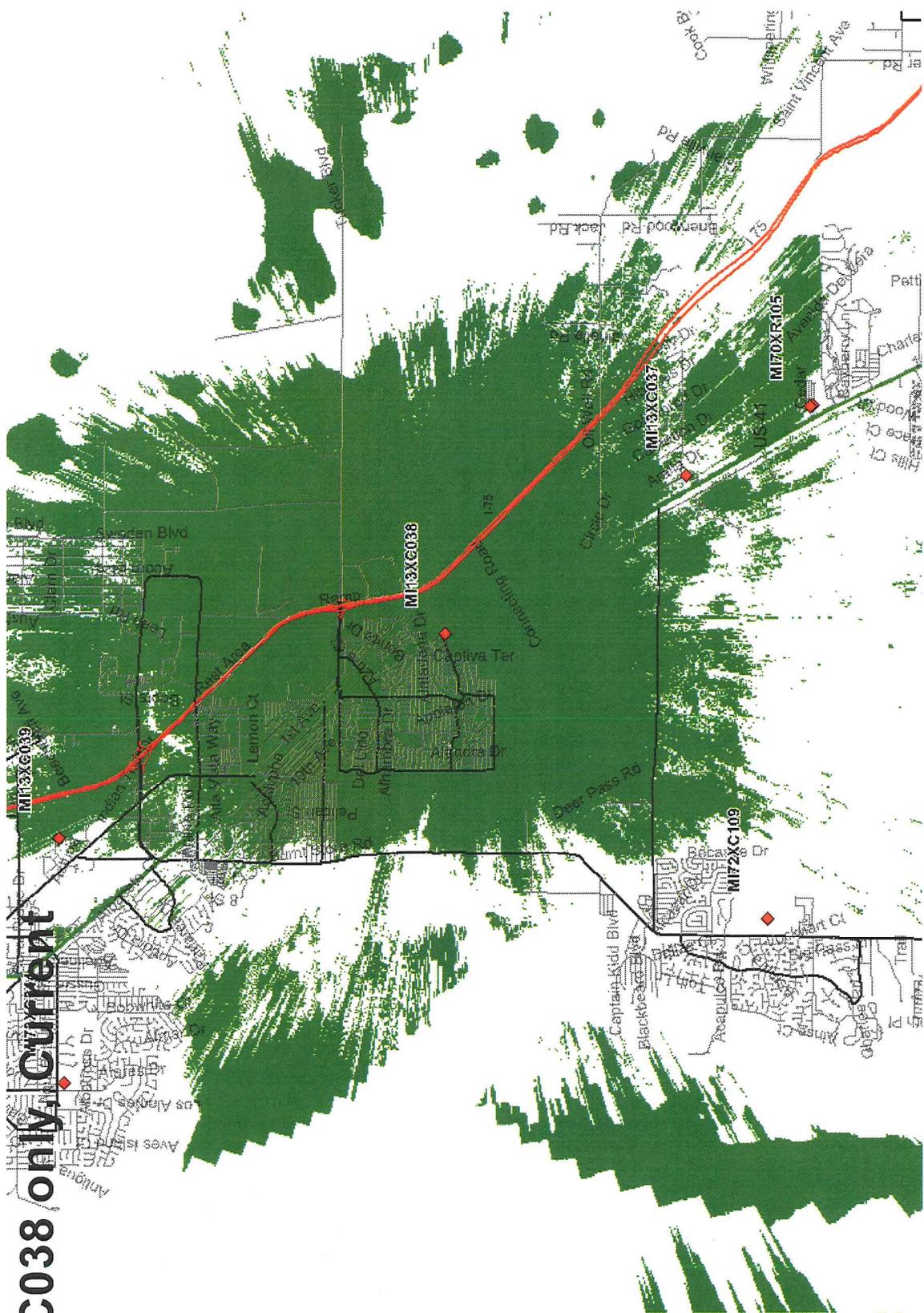
Communication Towers. (continued)

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 1 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)

**Communication Towers
(Exhibit C-3)**

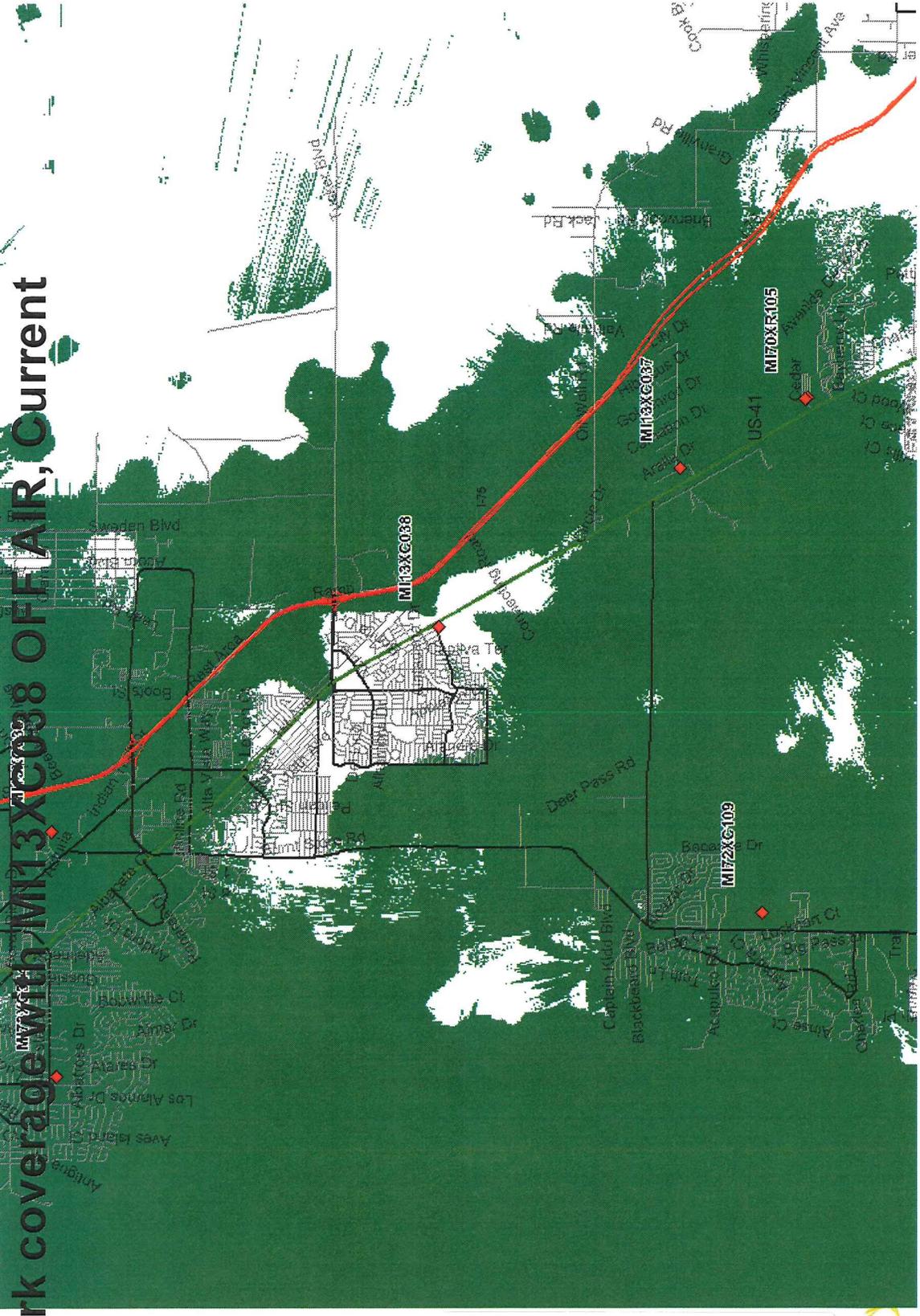
MI13XC038 only Current



Sprint Coverage Map
"Existing Tower Only"
(Exhibit D-1)



Network coverage with M13XC038 OFF AIR, Current



**Sprint Coverage Map
"Without the Tower"
(Exhibit D-3)**





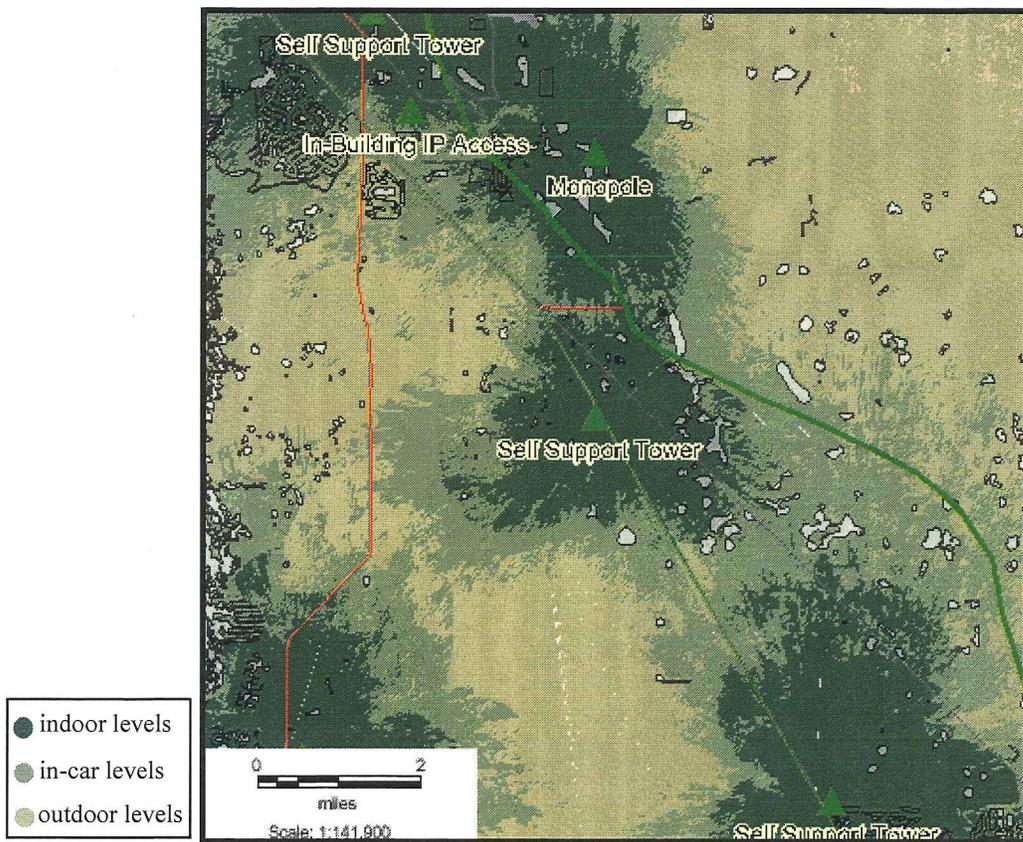
6F1039A – American Tower Site 2530

Replacement Site Propagation Analysis

Department: T-Mobile Engineering & Operations – Miami Market

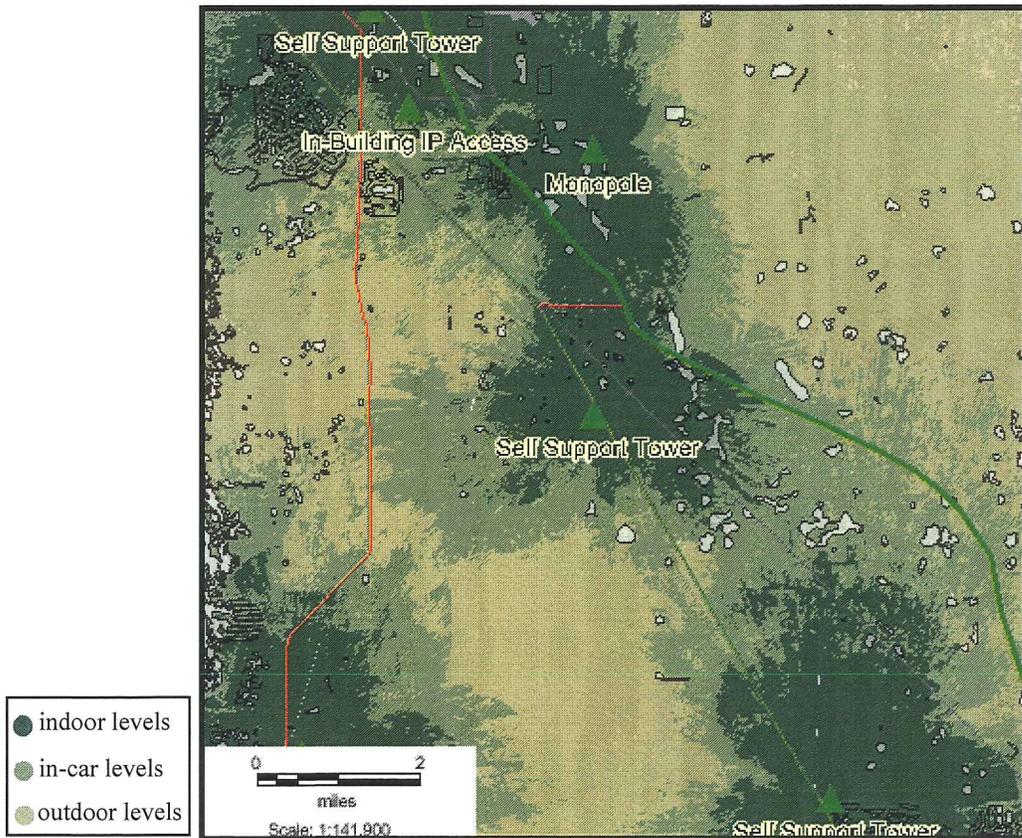
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6FM1039A and Surrounding Network



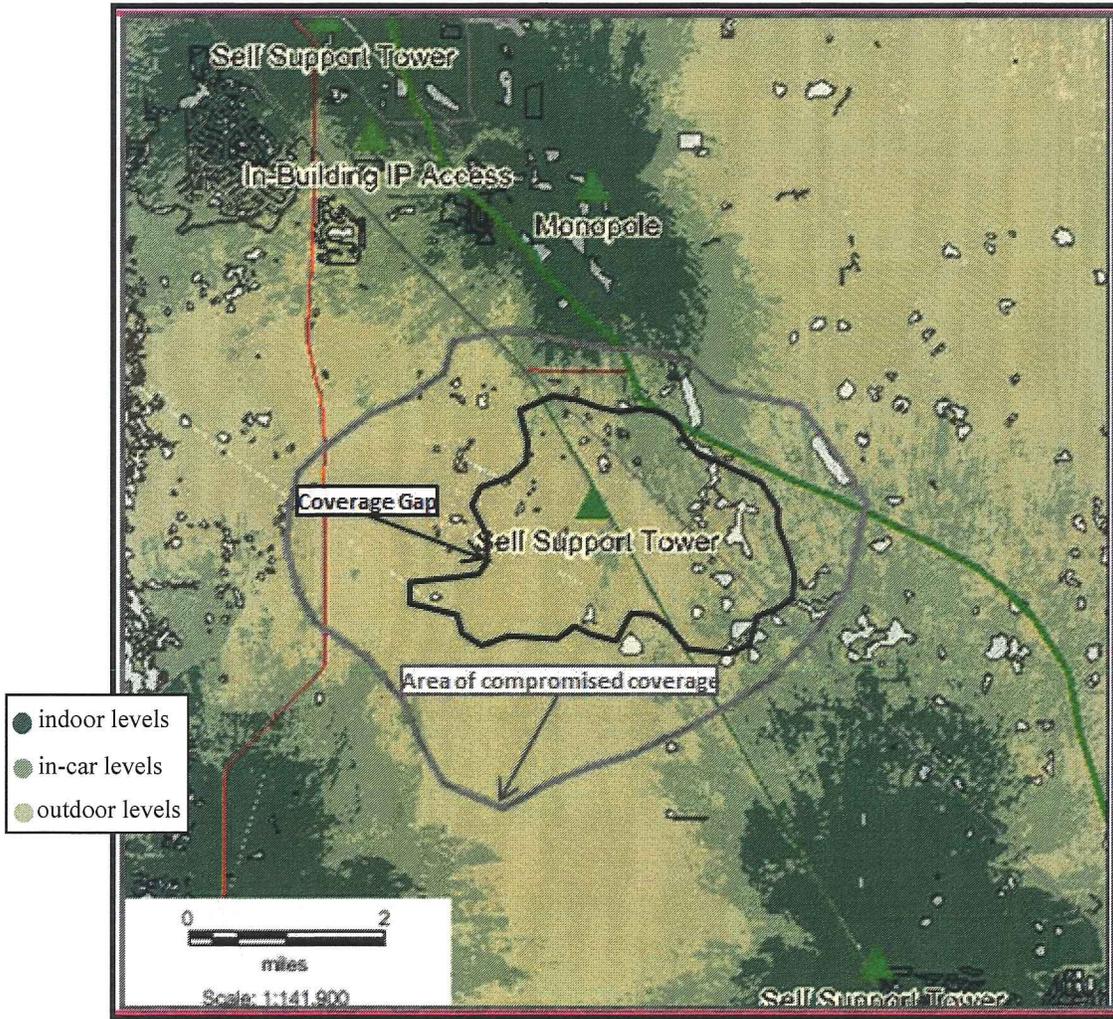
**T-Mobile Coverage Map
"All Existing Towers"
(Exhibit D-4)**

6FM1039A Replacement and Surrounding Network



**T-Mobile Coverage Map
"All & New Tower"
(Exhibit D-5)**

6FM1039A Omitted and Surrounding Network



**T-Mobile Coverage Map
"Without Tower"
(Exhibit D-6)**

PROPERTY DESCRIPTIONS
 PARENT PARCEL
 (OFFICIAL RECORDS BOOK 2684, PAGE 1432)

LOT(S) 1-7, BLOCK 1, UNIT NO. 1, TROPICAL GULF ACRES SUBDIVISION, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR CHARLOTTE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 3, PAGE 25A. LESS AND EXCEPT THAT PART DESCRIBED IN THAT CERTAIN DEED IN FAVOR OF THE STATE OF FLORIDA AND RECORDED IN OFFICIAL RECORD BOOK 465, PAGE 110, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

AND

LOT(S) 1 THROUGH 7, BLOCK 155, UNIT NO. 9, TROPICAL GULF ACRES SUBDIVISION, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR CHARLOTTE COUNTY, FLORIDA, RECORDED IN PLAT BOOK 4, PAGE 63-A. LESS AND EXCEPT THAT PART DESCRIBED IN THAT CERTAIN DEED IN FAVOR OF THE STATE OF FLORIDA AND RECORDED IN OFFICIAL RECORD BOOK 465, PAGE 119, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA. SAID LANDS SITUATE, LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA.

TOWER PARCEL
 (PREPARED BY GEOLINE SURVEYING, INC.)

THAT PART OF LOT 1, BLOCK 155, TROPICAL GULF ACRES UNIT NO. 9, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 63-A OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, SITUATED IN THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 42 SOUTH, RANGE 23 EAST, SAID CHARLOTTE COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LLOT 1, BLOCK 155, TROPICAL GULF ACRES UNIT NO. 9, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 63-A OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SIESTA DRIVE (50 FOOT WIDE RIGHT-OF-WAY); THENCE SOUTH 29°51'16" EAST ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, AND ALONG THE WESTERLY LINE OF SAID LOT 1 FOR 76.63 FEET; THENCE NORTH 60°08'44" EAST FOR 5.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 60°07'42" EAST FOR 120.00 FEET; THENCE SOUTH 29°52'18" EAST FOR 120.00 FEET; THENCE SOUTH 29°52'18" WEST FOR 120.00 FEET; THENCE NORTH 29°52'18" WEST FOR 120.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 14,400 SQUARE FEET (0.33 ACRES), MORE OR LESS.

20 FOOT WIDE INGRESS, EGRESS AND UTILITY EASEMENT
 (PREPARED BY GEOLINE SURVEYING, INC.)

THAT PART OF LOT 1, BLOCK 155, TROPICAL GULF ACRES UNIT NO. 9, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 63-A OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, SITUATED IN THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 42 SOUTH, RANGE 23 EAST, SAID CHARLOTTE COUNTY, LYING WITHIN 10 FEET OF BOTH SIDES OF A CENTERLINE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LLOT 1, BLOCK 155, TROPICAL GULF ACRES UNIT NO. 9, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 63-A OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SIESTA DRIVE (50 FOOT WIDE RIGHT-OF-WAY); THENCE SOUTH 29°51'16" EAST ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, AND ALONG THE WESTERLY LINE OF SAID LOT 1 FOR 76.63 FEET; THENCE NORTH 60°08'44" EAST FOR 5.00 FEET TO THE NORTHWESTERLY CORNER OF A 120 FOOT BY 120 FOOT TOWER PARCEL; THENCE NORTH 60°07'42" EAST ALONG THE NORTHWESTERLY LINE OF SAID TOWER PARCEL FOR 120.00 FEET TO THE NORTHEASTERLY CORNER OF SAID TOWER PARCEL; THENCE SOUTH 29°52'18" EAST ALONG THE NORTHEASTERLY LINE OF SAID TOWER PARCEL FOR 120.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THE HEREIN DESCRIBED 20 FOOT WIDE INGRESS, EGRESS AND UTILITY EASEMENT; THENCE SOUTH 29°52'18" EAST FOR 26.66 FEET TO POINT "A"; THENCE NORTH 60°07'42" EAST FOR 34.00 FEET TO A POINT OF TERMINUS OF THE HEREIN DESCRIBED CENTERLINE; THENCE RETURN TO SAID POINT "A"; THENCE SOUTH 60°07'42" WEST FOR 65.04 FEET TO AN INTERSECTION WITH SAID EASTERLY RIGHT OF WAY LINE AND SAID WESTERLY LINE, AND THE POINT OF TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

CONTAINING 2,314 SQUARE FEET (0.05 ACRES), MORE OR LESS.

SURVEYOR'S NOTES

- BEARINGS SHOWN HEREON ARE REFERENCED TO GRID NORTH AS ESTABLISHED BY THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, NAD 83 ADJUSTMENT, AS REFERENCED BY THE BEARING OF NORTH 60°07'42" EAST ALONG THE NORTHWESTERLY LINE OF LOT 1, BLOCK 156, PLAT BOOK 4, PAGE 63-A.
- UNDERGROUND UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED, ABOVEGROUND INDICATIONS SET BY OTHERS. NO SUB-SURFACE INVESTIGATION WAS PERFORMED BY THIS OFFICE.
- THE BOUNDARY & TOPOGRAPHIC SURVEY SHOWN HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS AND OBSERVATIONS DATED JUNE 1, 2015.
- REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE RAISED SEAL OF A FLORIDA LICENSED SURVEYOR.
- THE PURPOSE OF THIS SURVEY IS TO ESTABLISH AND DESCRIBE A TOWER PARCEL AND ASSOCIATED EASEMENTS. THIS IS NOT A BOUNDARY SURVEY OF THE PARENT PARCEL.
- VALUES FOR LATITUDE, LONGITUDE AND ELEVATIONS DEPICTED HEREON ARE BASED UPON GPS OBSERVATIONS MADE WITH AN ASHTECH LOCUS RECEIVER THAT WERE POST PROCESSED WITH CORS DATA FILES. ELEVATIONS ARE REFERENCED TO THE NAVD'88 DATUM.
- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR AN ABSTRACT. THIS OFFICE HAS NOT PERFORMED A SEARCH OF THE PUBLIC RECORDS FOR EXISTING EASEMENTS, RIGHTS-OF-WAY, ABANDONMENTS, ZONING, SETBACKS OR DEED RESTRICTIONS.
- PARENT PARCEL STREET ADDRESS:
 12587 TAMAMI TRAIL
 PUNTA GORDA, FLORIDA 33955

NOTE:

DISTANCES FROM THE CENTER OF THE PROPOSED TOWER TO THE PARENT PARCEL PROPERTY LINES:

NORTHERLY LINE = 88'±
 EASTERLY LINE = 175'±
 SOUTHERLY LINE = 399'±
 WESTERLY LINE = 65'±

CENTER OF PROPOSED TOWER INFORMATION:

NAD 83
 LATITUDE = 26°50'34.78" N ±20"
 LONGITUDE = 81°58'45.07" W ±20"

NAD 27
 LATITUDE = 26°50'33.55" N ±20"
 LONGITUDE = 81°58'45.75" W ±20"

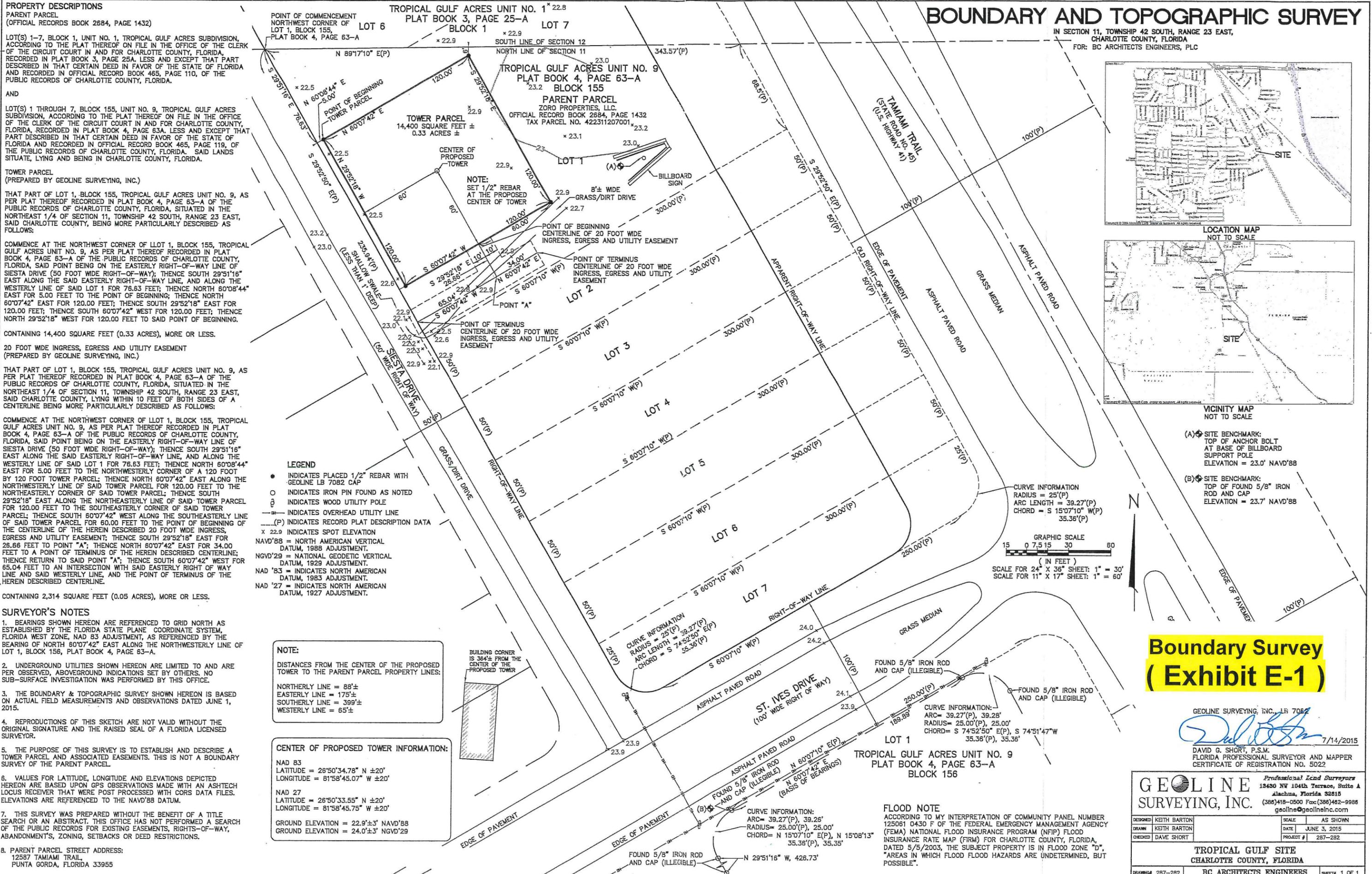
GROUND ELEVATION = 22.9±3' NAVD'88
 GROUND ELEVATION = 24.0±3' NGVD'29

LEGEND

- INDICATES PLACED 1/2" REBAR WITH GEOLINE LB 7082 CAP
- INDICATES IRON PIN FOUND AS NOTED
- ⊕ INDICATES WOOD UTILITY POLE
- INDICATES OVERHEAD UTILITY LINE
- (P) INDICATES RECORD PLAT DESCRIPTION DATA
- x 22.9 INDICATES SPOT ELEVATION
- NAVD'88 = NORTH AMERICAN VERTICAL DATUM, 1988 ADJUSTMENT.
- NGVD'29 = NATIONAL GEODETIC VERTICAL DATUM, 1929 ADJUSTMENT.
- NAD '83 = INDICATES NORTH AMERICAN DATUM, 1983 ADJUSTMENT.
- NAD '27 = INDICATES NORTH AMERICAN DATUM, 1927 ADJUSTMENT.

BOUNDARY AND TOPOGRAPHIC SURVEY

IN SECTION 11, TOWNSHIP 42 SOUTH, RANGE 23 EAST,
 CHARLOTTE COUNTY, FLORIDA
 FOR: BC ARCHITECTS ENGINEERS, PLC



CURVE INFORMATION
 RADIUS = 25'(P)
 ARC LENGTH = 39.27'(P)
 CHORD = 35.36'(P)

GRAPHIC SCALE
 15 0 7.5 15 30
 (IN FEET)
 SCALE FOR 24" X 36" SHEET: 1" = 30'
 SCALE FOR 11" X 17" SHEET: 1" = 60'

Boundary Survey (Exhibit E-1)

GEOLINE SURVEYING, INC., LB 7082

 7/14/2015
 DAVID G. SHORT, P.S.M.
 FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
 CERTIFICATE OF REGISTRATION NO. 5022

GEOLINE SURVEYING, INC.
 Professional Land Surveyors
 13430 NW 104th Terrace, Suite A
 Alachua, Florida 32815
 (386)418-0500 Fax (386)462-9986
 geoline@geolineinc.com

DESIGNED: KEITH BARTON	SCALE: AS SHOWN
DRAWN: KEITH BARTON	DATE: JUNE 3, 2015
CHECKED: DAVE SHORT	PROJECT #: 267-282

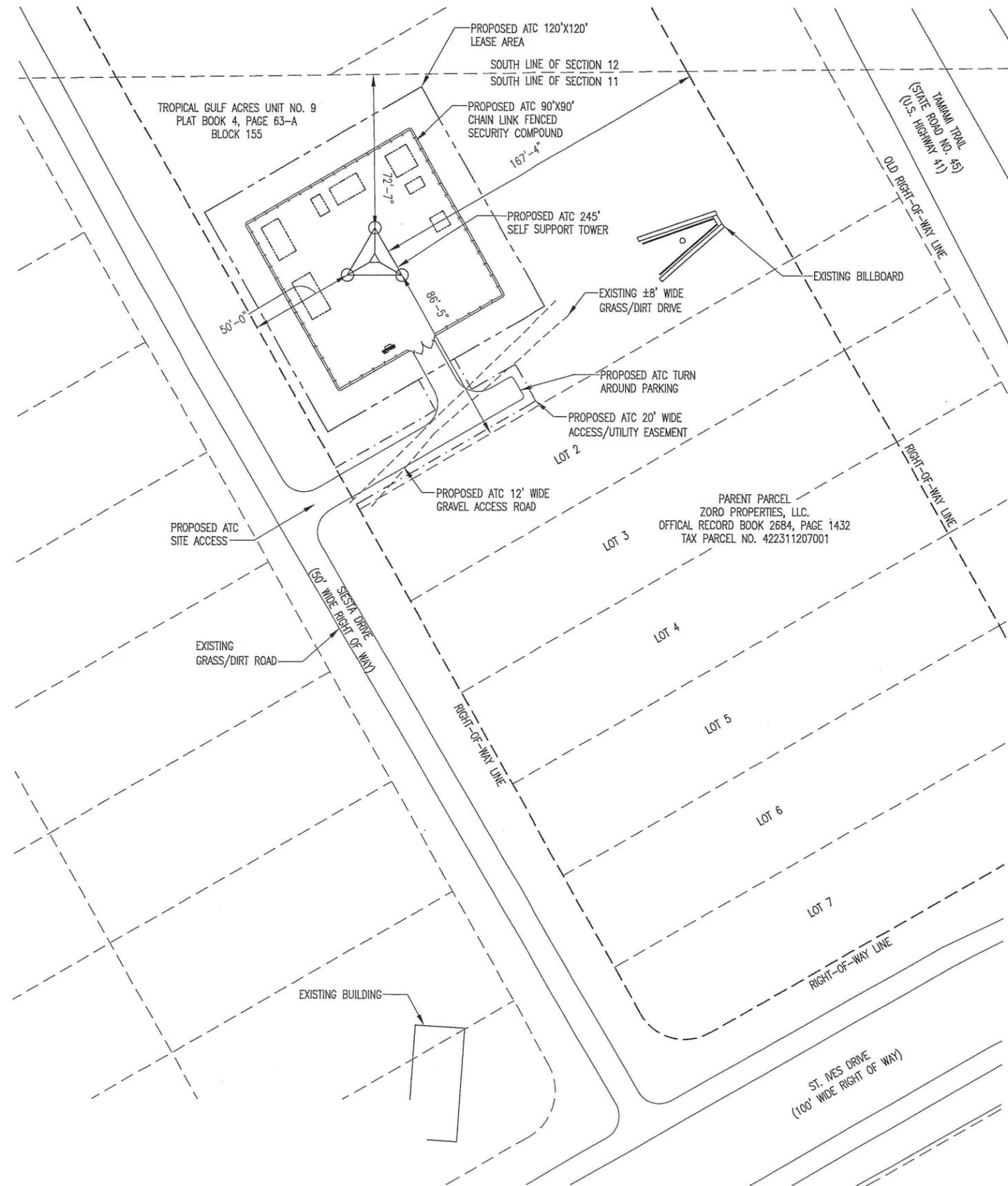
TROPICAL GULF SITE
 CHARLOTTE COUNTY, FLORIDA
 BC ARCHITECTS ENGINEERS SHEET 1 OF 1

FLOOD NOTE
 ACCORDING TO MY INTERPRETATION OF COMMUNITY PANEL NUMBER 125061 0430 F OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) FOR CHARLOTTE COUNTY, FLORIDA, DATED 5/5/2003, THE SUBJECT PROPERTY IS IN FLOOD ZONE "D", "AREAS IN WHICH FLOOD HAZARDS ARE UNDETERMINED, BUT POSSIBLE".



TRUE NORTH

NOTE:
 A CERTIFICATION BY A PROFESSIONAL ENGINEER LICENSED BY THE STATE OF FLORIDA WILL BE PROVIDED WITH SITE PLAN APPLICATION THAT THE PROPOSED TOWER WILL BE DESIGNED TO UTILIZE "BREAKPOINT" TECHNOLOGY AND THE TOWER'S FALL RADIUS WILL BE NO MORE THAN 45' RADIUS TO COMPLY WITH ARTICLE III SECTION 3-9-69 (D)(2), CHARLOTTE COUNTY LAND DEVELOPMENT CODE.*



SITE PLAN

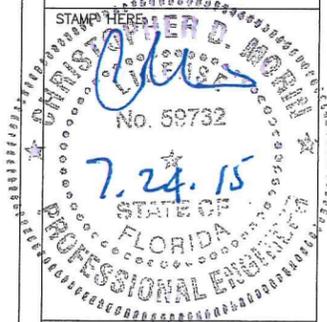
AMERICAN TOWER CORPORATION
 10 PRESIDENTIAL WAY
 WOBURN, MA 01801
 TEL: (781) 926-4590

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER CORPORATION AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM AMERICAN TOWER CORPORATION. TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH AMERICAN TOWER CORPORATION WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

BC
 architects
 engineers
 5661 COLUMBIA PIKE, SUITE 200
 FALLS CHURCH, VA 22041-2868
 TEL: (703) 671-6000
 FAX: (703) 671-6300

SHEET REVISION		
NO.	DESCRIPTION	BY DATE
1		
2		
3		
4		
5		
6		

ATC SITE NUMBER:
280026
 ATC SITE NAME:
TROPICAL GULF RELO
 SITE ADDRESS:
 12587 TAMAMI TRAIL
 PUNTA GORDA, FL 33955



DRAWN BY:	AV
CHECKED BY:	BMQ
DATE DRAWN:	07-24-15
SUBMISSION:	FINAL ZONING

SHEET TITLE:
SITE PLAN

SHEET NUMBER:	REV. #
A-0	

**Site Plan
 (Exhibit E-2)**

07-24-15 MRLDR_000 09:19:44 Y:/Drawings - 2015/ATC/Tropical Gulf - -280026/_Zoning - REV 0 - 2015-07-24/A0.dwg

07-24-15 MRLDR_000 09:21:06 Y:/Drawings - 2015/ATC/Tropical Gulf - -280026/_Zoning - REV 0 - 2015-07-24/A1.dwg

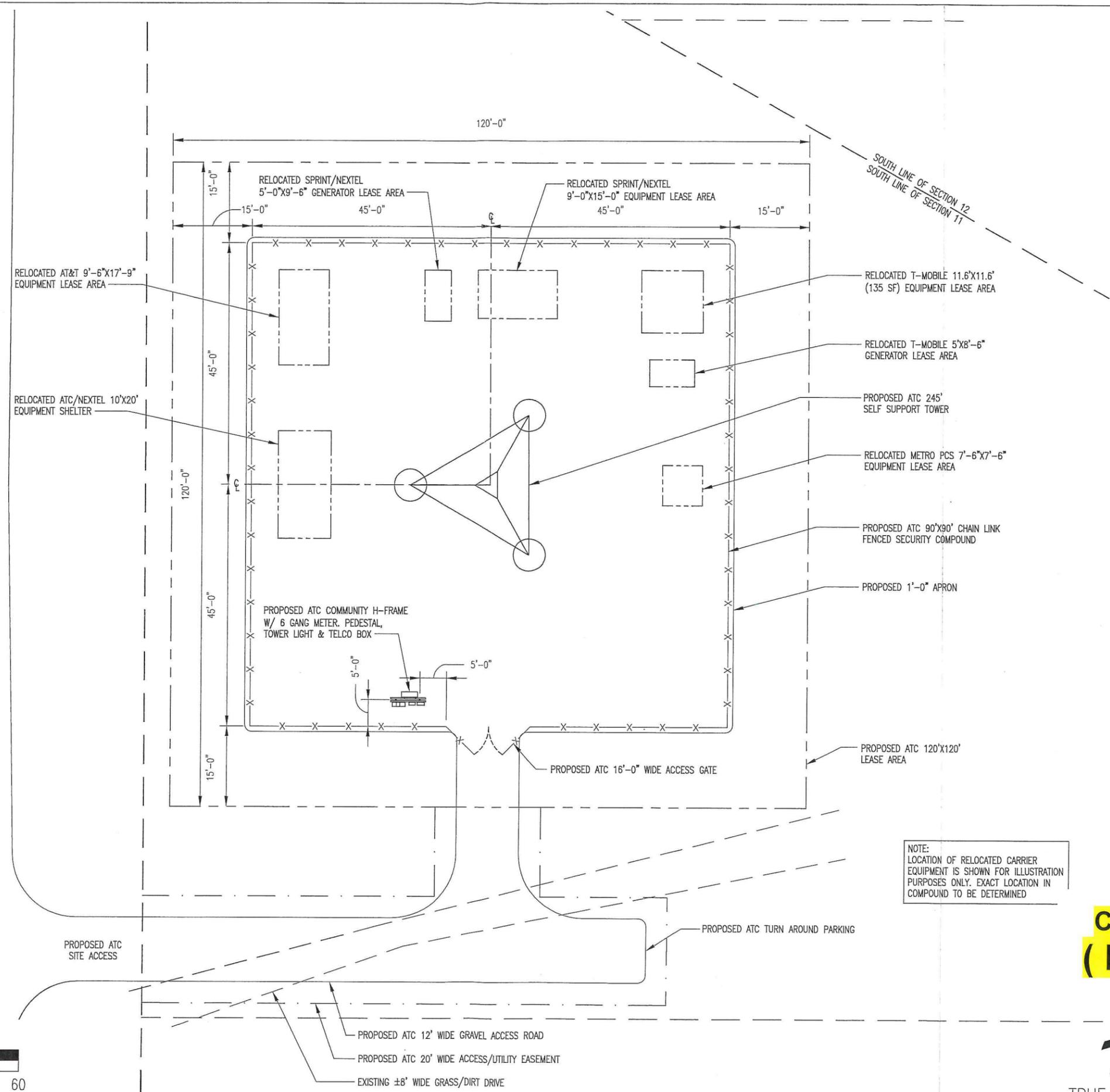


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SHEET REVISION			
NO.	DESCRIPTION	BY	DATE
1			
2			
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6			

ATC SITE NUMBER:
280026
ATC SITE NAME:
TROPICAL GULF RELO
SITE ADDRESS:
12587 TAMiami TRAIL
PUNTA GORDA, FL 33955



NOTE:
LOCATION OF RELOCATED CARRIER EQUIPMENT IS SHOWN FOR ILLUSTRATION PURPOSES ONLY. EXACT LOCATION IN COMPOUND TO BE DETERMINED

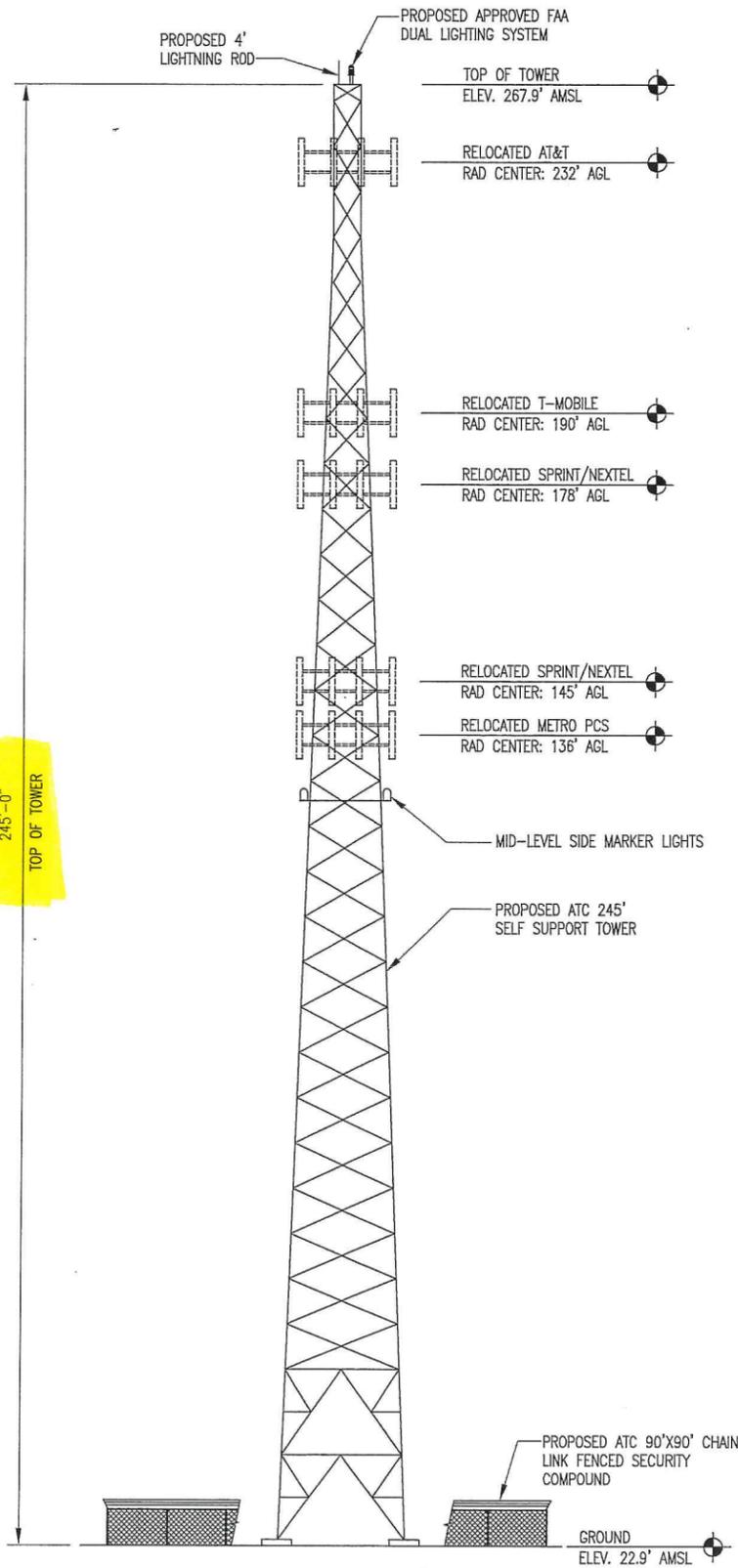
Compound Plan (Exhibit E-3)



COMPOUND PLAN

COMPOUND PLAN	
SHEET NUMBER: A-1	REV. #

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SCALE IN FEET

1"=30' TOWER ELEVATION

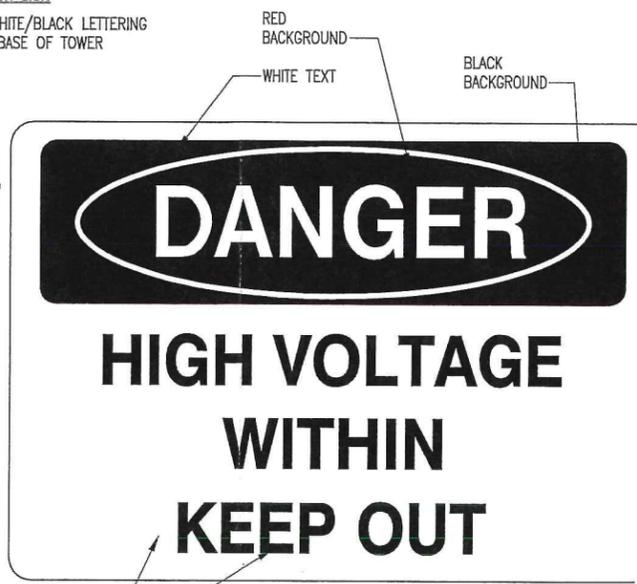
1 N.T.S.



FCC REGISTRATION SIGN
WHITE/GREEN BACKGROUND, WHITE/BLACK LETTERING
MOUNTING LOCATION: GATE & BASE OF TOWER
QUANTITY: 2



QTY: (4) EACH SIDE OF COMPOUND



WHITE BACKGROUND, BLACK TEXT
QTY: (1) MAIN COMPOUND GATE

AMERICAN TOWER CORPORATION

SITE NAME: _____
 SITE NUMBER: _____
 FCC REGISTRATION NUMBER: _____

FOR LEASING INFORMATION: 877-282-7483
 877-ATC-SITE

IN CASE OF EMERGENCY: 877-518-6937
 877-51-TOWER

NO TRESPASSING
 www.americantower.com
 POSTING OF THIS SIGN REQUIRED BY LAW

OWNER CONTACT SIGN
WHITE BACKGROUND, BLACK/RED LETTERING
MOUNTING LOCATION: GATE
QUANTITY: 1

Tower Elevation (Exhibit E-4)

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION AS INSTRUMENTS OF SERVICE, ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER CORPORATION AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM AMERICAN TOWER CORPORATION. TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH AMERICAN TOWER CORPORATION WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.

SHEET REVISION		
NO.	DESCRIPTION	BY DATE
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ATC SITE NUMBER:
280026

ATC SITE NAME:
TROPICAL GULF RELO

SITE ADDRESS:
12587 TAMAMI TRAIL
PUNTA GORDA, FL, 33955

DRAWN BY:	AV
CHECKED BY:	BMQ
DATE DRAWN:	07-24-15
SUBMISSION:	FINAL ZONING

TOWER ELEVATION

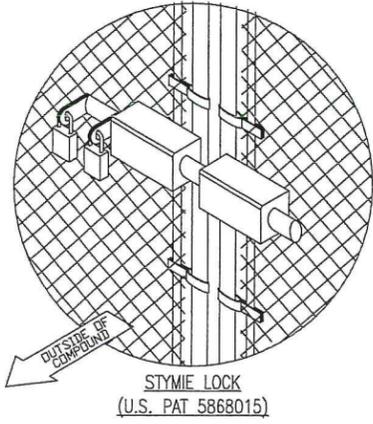
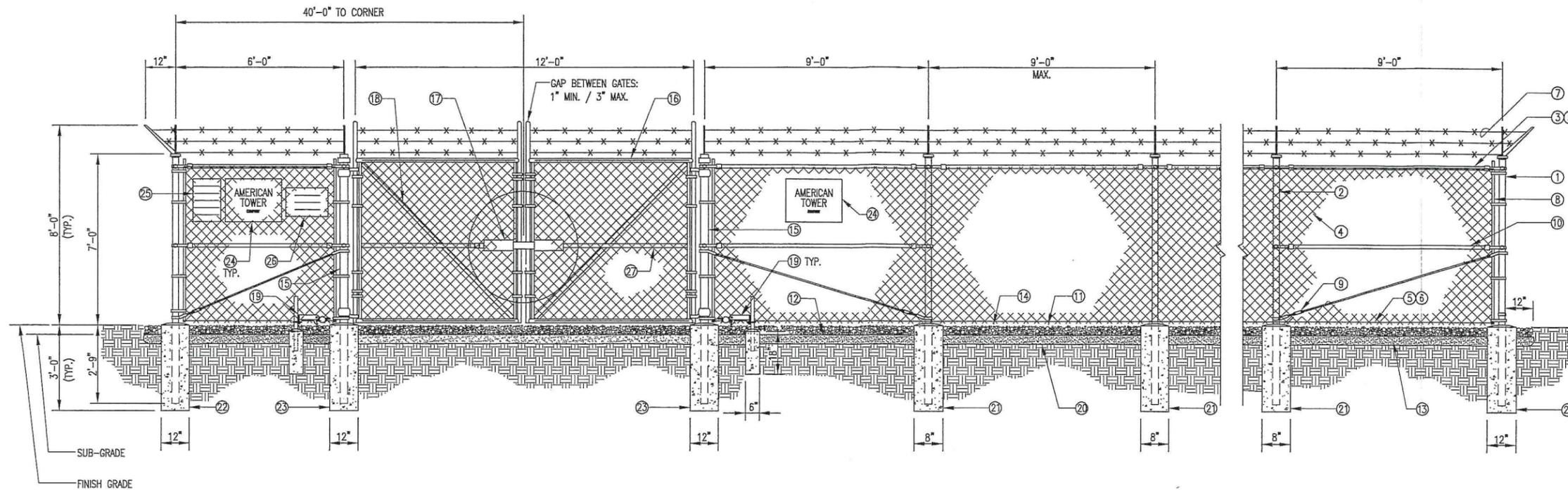
SHEET NUMBER: REV. #

A-2

ATC SIGNAGE SPECIFICATIONS

2

07-22-15 MRLDR_000 09:03:07 Y:/Drawings - 2015/ATC/Tropical Gulf - -280026/_Zoning - REV B - 2015-07-22/A3.dwg



REFERENCE NOTES:

- ① CORNER, END OR PULL POST 4" SCHEDULE 40 PIPE.
- ② LINE POST: 2 1/2" SCHEDULE 40 PIPE, PER ASTM-F1083. LINE POSTS SHALL BE EQUALLY SPACED AT MAXIMUM 8'-0" O.C.
- ③ TOP RAIL & BRACE RAIL: 1 1/2" PIPE, PER ASTM-F1083.
- ④ FABRIC: 9 GA CORE WIRE SIZE 2" MESH, CONFORMING TO ASTM-A392.
- ⑤ TIE WIRE: MINIMUM 11 GA GALVANIZED STEEL AT POSTS AND RAILS A SINGLE WRAP OF FABRIC TIE AND AT TENSION WIRE BY HOG RINGS SPACED MAX. 24" INTERVALS.
- ⑥ TENSION WIRE: 9 GA. GALVANIZED STEEL.
- ⑦ BARBED WIRE: DOUBLE STRAND 12-1/2" O.D. TWISTED WIRE TO MATCH WITH FABRIC 14 GA, 4 PT. BARBS SPACED ON APPROXIMATELY 5" CENTERS.
- ⑧ STRETCHER BAR.
- ⑨ 3/8" DIAGONAL ROD WITH GALVANIZED STEEL TURNBUCKLE OR DIAGONAL THREADED ROD.
- ⑩ FENCE CORNER POST BRACE: 1 5/8" DIA. EACH CORNER EACH WAY.
- ⑪ 1 1/2" MAXIMUM CLEARANCE FROM GRADE.
- ⑫ 2" FINISH OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK.
- ⑬ 4" COMPACTED 95% BASE MATERIAL OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK.
- ⑭ FINISH GRADE SHALL BE UNIFORM AND LEVEL.
- ⑮ GATE POST 4" SCHEDULE 40 PIPE, FOR GATE WIDTHS UP THRU 10 FEET OR 20 FEET FOR DOUBLE SWING GATE, PER ASTM-F1083.
- ⑯ GATE FRAME: 1 1/2" PIPE SCH. 40, PER ASTM-F1083.
- ⑰ G.C. FURNISH & INSTALL STYMIE LOCK & MASTER LOCK #175 W/ ATC COMBOSET
- ⑱ GATE DIAGONAL GALVANIZED STEEL 1 1/2" PIPE.
- ⑲ DUCK BILL OPEN GATE HOLDER. VERIFY LOCATION IN FIELD PRIOR TO INSTALLATION.
- ⑳ GEOTEXTILE FABRIC, MIRAFI 500X
- ㉑ LINE POST: CONCRETE FOUNDATION (3000 PSI).
- ㉒ CORNER POST: CONCRETE FOUNDATION (3000 PSI).
- ㉓ GATE POST: CONCRETE FOUNDATION (3000 PSI).
- ㉔ 18" x 24" AMERICAN TOWER SIGN.
- ㉕ 12" x 18" YELLOW CAUTION SIGN.
- ㉖ 12" x 18" EMPLOYEE NOTICE SIGN.
- ㉗ GATE FRAME BRACE: 1 5/8" DIAMETER.

GENERAL NOTES:

- 1. INSTALL FENCING PER ASTM F-567
- 2. INSTALL SWING GATES PER ASTM F- 900
- 3. LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED IF REQUIRED.
- 4. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE 1 1/2" GALV. (HOT DIP, ASTM A120 GRADE "A" STEEL). ALL GATE FRAMES SHALL BE WELDED. ALL WELDING SHALL BE COATED WITH (3) COATS OF COLD GALV. (OR EQUAL).
- 5. ALL OPEN POSTS SHALL HAVE END-CAPS.
- 6. USE GALVANIZED HOG-RING WIRE TO MOUNT ALL SIGNS.
- 7. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC.

Fence & Gate Detail (Exhibit E-5)

STORE EXTRA PARTS OF MULTI-LOCK DEVICE IN TELCO CABINET.

NO PLUNGER OR MUSHROOM REQUIRED.



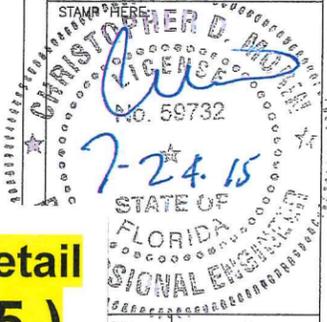
THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE THE EXCLUSIVE PROPERTY OF AMERICAN TOWER CORPORATION AND THEIR USE AND PUBLICATION SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY ARE PREPARED. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM AMERICAN TOWER CORPORATION TITLE TO THESE PLANS AND/OR SPECIFICATIONS SHALL REMAIN WITH AMERICAN TOWER CORPORATION WITHOUT PREJUDICE AND VISUAL CONTACT WITH THEM SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS.



SHEET REVISION

NO.	DESCRIPTION	BY	DATE
1			
2			
3			
4			
5			

ATC SITE NUMBER:
280026
ATC SITE NAME:
TROPICAL GULF RELO
SITE ADDRESS:
**12587 TAMiami TRAIL
PUNTA GORDA, FL 33955**



BY:	AV
D BY:	BMQ
RAWN:	07-24-15

SUBMISSION: FINAL ZONING

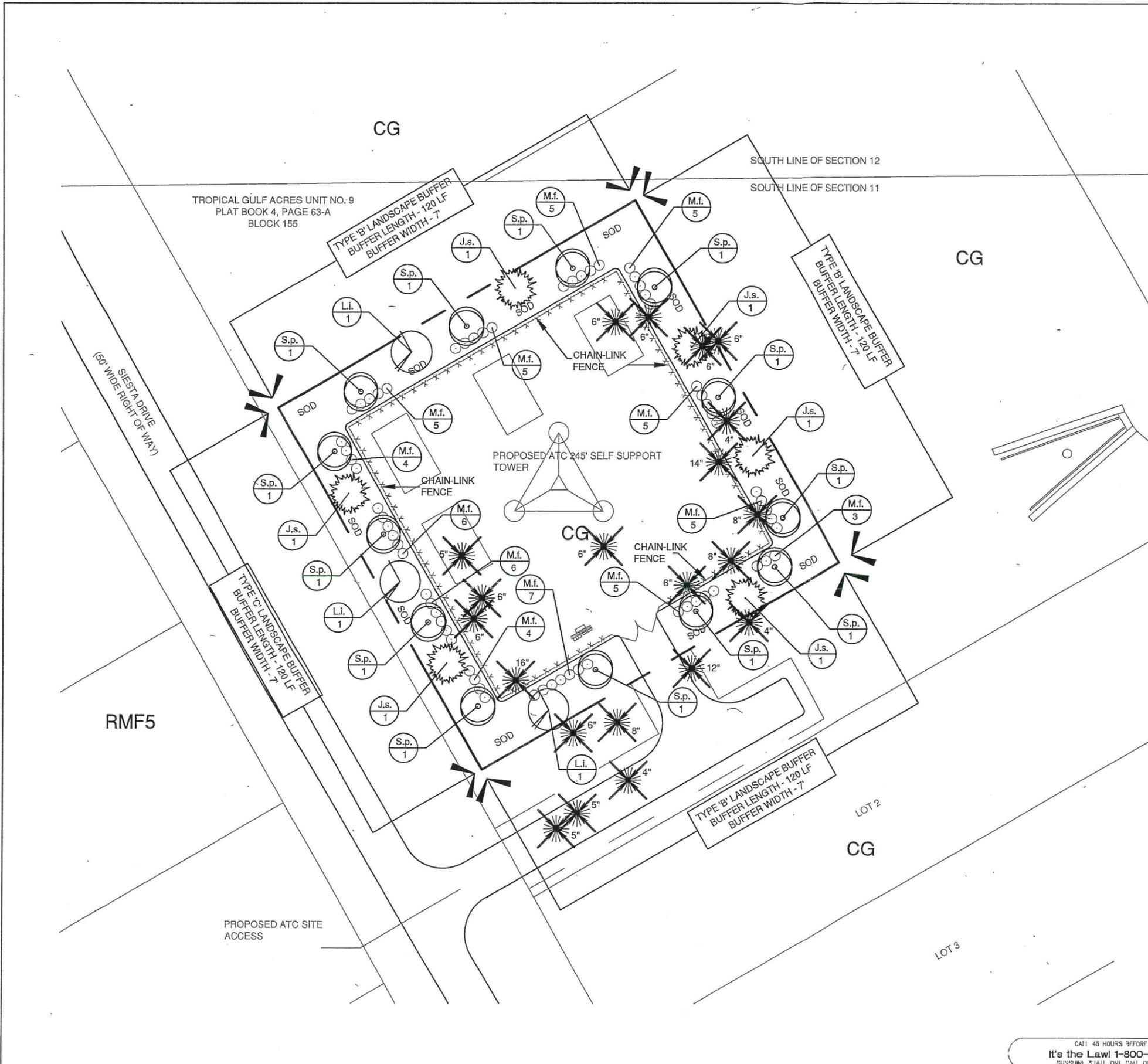
SHEET TITLE:
FENCE, GATE AND COMPOUND CROSS SECTION DETAIL

SHEET NUMBER: REV. #

A-3

N.T.S.

FENCE, GATE AND COMPOUND CROSS SECTION DETAIL



EXISTING TREE LEGEND

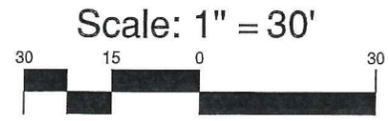
-  EXISTING PINE TREE
-  EXISTING TREE TO BE REMOVED

ALL TREES THAT ARE TO BE PRESERVED OR REMOVED MUST BE IN ACCORDANCE WITH CHAPTER 3-9, ARTICLE IV, TREE REQUIREMENTS. TREE PERMITS MUST BE OBTAINED PRIOR TO ANY LAND CLEARING / FILL ACTIVITY OR THE ISSUANCE OF ANY BUILDING PERMITS. AT TIME OF APPLICATION TO THE COUNTY FOR A TREE PERMIT, THE APPLICANT MUST PROVIDE A TREE SURVEY / INVENTORY OF TREES WITH A 4" CALIPER AND GREATER.

EXISTING TREES TO BE REMOVED

QUANTITY	CALIPER	TYPE	TOTAL
3	4"	PINE	12"
3	5"	PINE	15"
9	6"	PINE	54"
3	8"	PINE	24"
1	12"	PINE	12"
1	14"	PINE	14"
1	16"	PINE	16"
21	TOTAL TREES TO BE REMOVED		
		TOTAL CALIPER	147"

**Landscape Plan
(Exhibit E-6)**



CALL 45 HOURS BEFORE YOU DIG
It's the Law! 1-800-432-4770
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

Charlotte Engineering & Surveying, Inc.
1700 El Jobean Road
Port Charlotte, Florida 33948
Telephone No.: (941) 629-2552
Fax No.: (941) 743-8289
E-mail: ces@act-ces.com

CES/American
CIVIL ENGINEERS/LAND DEVELOPMENT
SPORTS FACILITY CONSULTANTS
LANDSCAPE ARCHITECTS

Landscape Plan
Proposed Cell Tower
12587 Tamiami Trail
Punta Gorda, Florida 33955

FOR
BC Architects Engineers,
5661 Columbia Pike, Suite 200
Falls Church, Va. 22041-2892

Revisions:

Date:	07/15/2015
Scale:	1"=30'
Drawn By:	
Checked By:	JTS
Project #:	12767

John J. Swan, R.L.A.
State of Florida
Charlotte Engineering & Surveying, Inc.
Authorizations No. 12,921

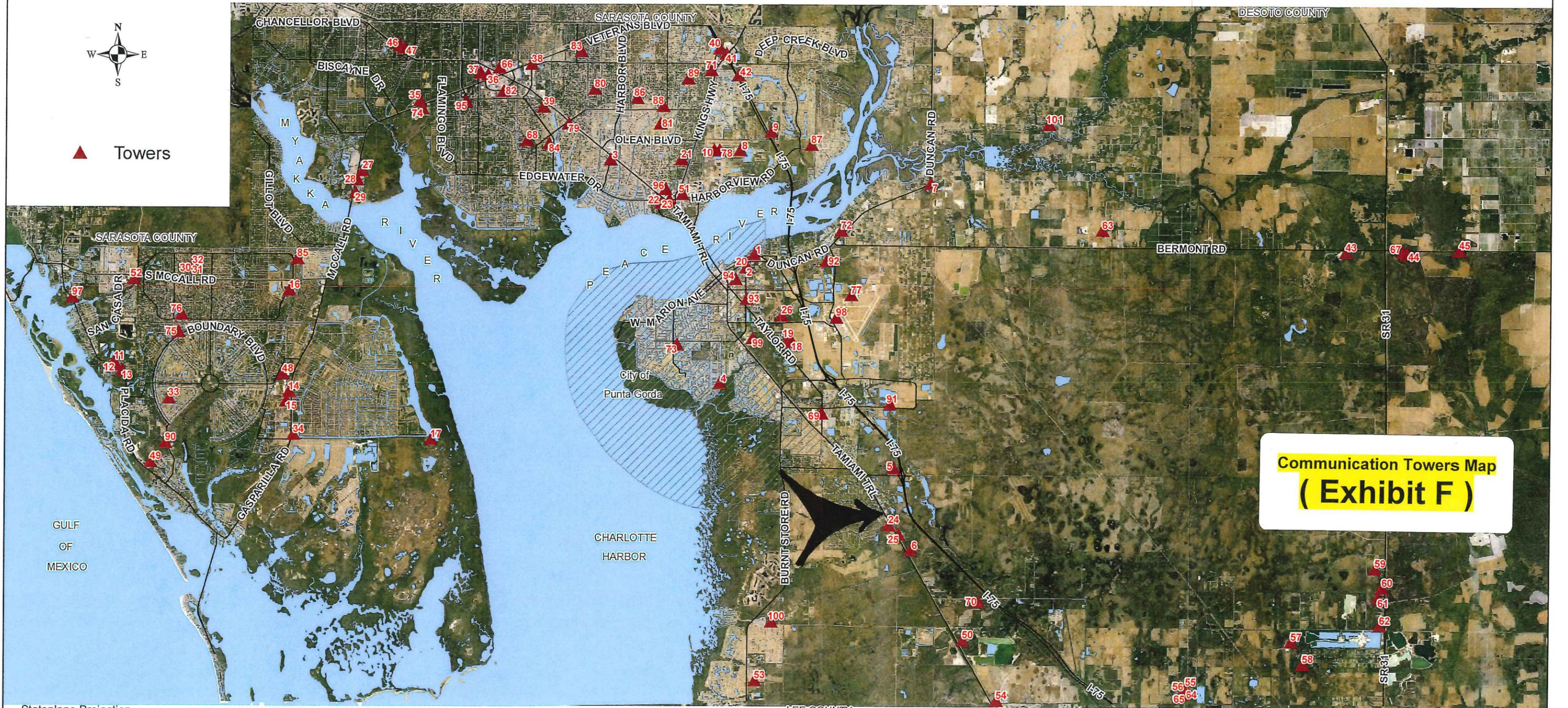


(Department Name)

CHARLOTTE COUNTY Communication Towers



▲ Towers



**Communication Towers Map
(Exhibit F)**

Stateplane Projection
Datum: NAD83
Units: Feet

Source: Community Development,
Metadata available upon request

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.





Deborah L. Martohue, Esq., AICP
579 101st Ave N.
Naples, Florida 34108
Telephone: 727.460.8431
martohued@gmail.com

July 30, 2015

VIA FEDEX OVERNIGHT DELIVERY

Kenneth J. Quillen Jr., AICP, Planner III
Community Development Department
Charlotte County Government
18400 Murdock Circle
Port Charlotte, FL 33948-1068

RE: Updated Letter of Intent
Special Exception to permit a 245' Lattice Communication Tower & Equipment Compound
Property Location: 12587 Tamiami Trail, Punta Gorda, FL 33955
Folio No.: 422311207001
Section-Township-Range: 11-42S-23E
Project Name: Tropical Gulf Relo
Latitude: 26° 50' 34.78" N (NAD); Longitude: 81° 58' 45.07" W (NAD)

Dear Mr. Quillen:

This law firm represents American Towers LLC ("ATC"), the Applicant in the above captioned application filed July 29, 2015. This letter updates and replaces the original letter filed on July 29, 2015 to correct LDC references, all other contents remain the same. The Applicant is seeking approval of a Special Exception to permit a Communication Tower designed as a 245' Self Support Lattice Tower with an associated 90'x 90' fenced equipment compound surrounded by a 15' wide landscape buffer ("Facility") located on a parcel zoned CG. The subject Parent Parcel is vacant except for an existing billboard. The applicable standards and criteria are contained in Chapter 3-9 Zoning, Article III Special Regulations, Section 3-9-68 Communication Towers, Charlotte County Land Development Code ("LDC").

Accordingly, this letter shall serve as the Applicant's Letter of Intent and Justification Statement for the requested approval of the Facility. Enclosed please find one copy of each of the following:

1. Special Exception Application.
2. This Letter of Intent & Justification Statement setting forth the project narrative.
3. Set of signed and sealed plans consisting of eight (8) sheets including:
 - a. Signed and sealed Survey field dated 6-03-2015 prepared by Geoline Surveying;

Narrative
(Exhibit G-1)

- b. Signed and sealed Zoning Plans consisting of five (5) sheets including: Title Sheet, an Overall Site Plan, enlarged detailed Compound Plan, Elevation and Details Plan dated July 24, 2015 prepared by B C Architects Engineers; and
- c. Signed and sealed Landscape Plan consisting of two (2) sheets dated July 15, 2015 prepared by CES/American.
- 4. Set of Radio Frequency ON Air and OFF Air coverage maps prepared by: T-Mobile / Metro PCS (now merged), and Sprint/Nextel (also merged).
- 5. Letter from FWC dated July 22, 2015 indicating “no nesting locations of any state-listed bird species in the immediate vicinity of this project.”
- 6. Application fee in the amount of \$880.00 – check No.:314048.

Collectively the above constitutes the “Application”.

Property Zoning

The Property is zoned CG. Pursuant to Section 3-9-68 of the LDC, a Communications Tower is a permitted use in the CG district upon public hearing approval of a Special Exception. The Applicant is not seeking any zoning or future land use classification changes or any setback variances which are prohibited in the LDC.

Overview of Property

The Parent Parcel is Lots 1-7, Block 155, Tropical Gulf Acres Unit No.9. The Tower itself is located on Lot 1 which is the northernmost lot of the Parent Parcel. Lot 1 is an irregularly shaped parcel with 68.5’ of road frontage along Tamiami Trail to the East and 235.94’ of road frontage along Siesta Drive to the West. At its widest point, Lot 1 is 300’ deep. A 20’ wide access is proposed from Siesta Drive in the SW corner of Lot 1. The Tower Parcel area is 120’ x 120’ or 14,400 square feet, located in the SW quadrant of Lot 1 of the Parent Parcel.

The existing use of the Parent Parcel is vacant except for an existing billboard also located on Lot 1 as shown on the Survey. The existing uses surrounding the Property are: 1) to the north is vacant land zoned CG; 2) to the East is Tamiami Trail, a 4-lane divided designated County evacuation route; and further to the East of Tamiami Trail is existing commercial zoned CG; 3) to the south is vacant property zoned CG; and d) to the west of the Tower Parcel is vacant residential zoned RMF5.

Overview of Project

ATC is proposing to remove and replace its existing 245’ self support lattice tower located at 12701 Tamiami Trail, Punta Gorda FL, approximately 1600 feet to the south of the proposed 245’ self support lattice tower. The existing wireless providers and their respective RAD centers on the existing tower are: AT&T at 232’ AGL; T-Mobile at 190’ AGL; Sprint/Nextel at 178’ AGL and 145’ AGL; and Metro PCS at 136’ AGL. The existing wireless providers will be relocated to the proposed Tower utilizing the same RAD centers as utilized on the existing tower. The existing tower was built in 1997 and occupied in January 1998 and therefore, does not meet current building code standards. Additionally, there are long term leasing difficulties involving the current tower location. As a result, ATC needs to remove the current tower and replace it with a tower of identical style and height to allow full relocation of the existing wireless providers to maintain the current wireless coverage and service within the vicinity. The existing tower would be removed after the

proposed tower is built and the existing providers' equipment is relocated to the replacement tower to ensure that wireless service, including E-911 service, is not interrupted along the Tamiami Trail which is a designated County evacuation route. The benefit of allowing the replacement tower is the proposed tower will be designed and engineered to current building code standards, including wind-loading which is critical in Charlotte County, particularly along a designated evacuation route.

Special Exception Zoning Request

Specifically, the Applicant seeks approval of a Special Exception to locate a 245' self support lattice tower with the associated 90' x 90' equipment compound that includes a 15' wide landscape parcel which together comprises the 120' x 120' Tower Parcel. The enclosed Radio Frequency (RF) coverage maps show the existing ON Air coverage and the gap in coverage that would occur if the existing tower was removed and not replaced causing the existing providers to go Off Air. The gap in coverage, if forced to go Off Air, would be approximately 4-6 miles depending upon the height of the antenna for each of the respective providers.

The Parent Parcel is typical strip CG commercial located along Tamiami Trail. These typical CG parcels, including the Parent Parcel, are relatively narrow parcels that range from 250'-300' in depth. Located east or west of these narrow CG parcels are residentially zoned properties, primarily vacant platted lands. The narrow lot depth presents a physical hardship in locating a tower of this height if required to provide 110% of the tower height as the setback. Thus, ATC proposes to comply with the LDC setback requirements by utilizing "breakpoint" technology which requires the tower to be engineered to "break" or "fall" within the Parent Parcel. In this case, the smallest proposed setback is 50' feet from the west property line. Accordingly, in the event this zoning application is approved, ATC will provide a certification by Florida Licensed PE with its site plan application that the proposed tower will be designed to utilize breakpoint technology and the tower's fall zone radius will be no more than a 45' radius to comply with Article III Section 3-9-68(D)(2), LDC. The remaining setbacks are larger and therefore, a 45' fall zone radius will meet and exceed the referenced LDC setback requirement if utilizing breakpoint technology.

The LDC requires that the Tower and associated equipment compound be screened by a landscape buffer. The required landscape buffers are indicated on the Landscape Plan and are as follows: Type "B" buffer to the north, east and south; and Type "C" buffer to the west. While the Type "B" buffer requires a minimum 7' width when including a fence, ATC will be providing a 15' wide landscape buffer wholly surrounding the equipment compound except where the secure access gate is located. In accordance with my pre-application meeting with Staff on June 30, 2015, ATC is proposing a chain link fence as detailed on Sheet A-3 in lieu of an opaque vinyl fence for security purposes. In addition, the Lot is fairly heavily wooded with a tree canopy line of approximately 40'-50' height that will provide screening and buffering of the lower portion of the Tower from adjacent surrounding uses to mitigate any perceived adverse visual impact. Since the proposed Tower is intended to replace an existing tower of the same height and design that is located just 1600 feet to the south, there should be no additional visual impacts on the immediate surrounding area above and beyond what currently exists.

The associated equipment compound area occupies 14,400 square feet and will house all of the equipment for the relocated wireless providers. The proposed Facility is an unmanned facility that does not use water, sewer or solid waste. The Facility only requires maintenance bi-weekly, thus there is no impact on transportation infrastructure. This is not a residential project and therefore, there are no impacts on schools, parks or recreation facilities. Ingress and egress will be provided from Siesta Drive. The Tower neither creates nor poses any fire or other dangerous hazard to the

public. For additional safety and security, the Tower and the equipment will be secured by a seven foot (7') chain link fence with three (3) strands of barbed wire above for a total height of eight feet (8') along with a locked gate that will have no general public access.

The facility shall comply with all FAA and FCC lighting requirements. A FAA application has been filed. ATC spoke with the FAA on July 27, 2015 to check on its review status. ATC was informed that review should be completed in approximately four (4) weeks. Thus, based upon the fact that ATC owns an existing 245' tower just 1600 feet south of the proposed tower, ATC anticipates receipt of an FAA Determination of No Hazard prior to the Board of Zoning Appeals hearing scheduled for September 9, 2015. In the event the FAA Determination is not received in sufficient time before the September 9th hearing, ATC will timely request a continuance and pay the appropriate fee.

Summary & Conclusion

For the reasons stated herein, the Applicant is requesting staff recommendation of approval to the Board of Zoning Appeals of a Special Exception to permit the construction of a replacement 245' self support lattice tower and associated equipment compound. Please note that I, on behalf of ATC, was in contact with the County to determine whether or not the County had any communication needs at the proposed Tower location. On July 13, 2015, Doug Blevins, Radio Communications Manager for Charlotte County Fire/EMS, notified me that the County did not have any needs at this location. If you have any questions, or need additional information, please contact me at (727) 460-8431.

Sincerely,



Deborah L. Martohue, Esq., AICP

Cc: Applicant

Narrative
(Exhibit G-4)



MEMORANDUM

Date: August 20, 2015
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-15-006, American Towers, LLC, 12587 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 review was conducted by staff. The subject site consists of a vacant parcel with an existing billboard on the northeast corner of the site. Due to the fact that the majority of the property is undeveloped there is a probability of listed species occurrence on site.
- ❖ A current listed species assessment and Florida Land Use, Cover and Forms Classification System (FLUCCS) map must be submitted prior to the issuance of county permits and land clearing activities. If listed species are documented on site all required U.S. Fish and Wildlife Service (FWS) and Florida Fish and Wildlife Conservation Commission (FWCC) permits (if applicable) must be provided to staff prior to the issuance of county permits and land clearing activities.

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
Article XV, SURFACE WATER AND WETLAND PROTECTION,
Article XVI, OPEN SPACE/HABITAT RESERVATION TRUST.

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

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 H)

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July 22, 2015

Florida Fish and Wildlife Conservation Commission

Deborah Martohue
Martohue Land Use Law PA
9150 Blind Pass Road
St. Petersburg Beach, FL 33706
martohued@gmail.com

RE: Proposed Communications Tower – 12587 N. Tamiami Trail

Dear Ms. Martohue:

Florida Fish and Wildlife Conservation Commission (FWC) staff received your letter and survey information regarding the tower proposed by American Tower Corporation (12587 N Tamiami Trail, Punta Gorda, FL). Our analysis indicates no nesting locations of any state-listed bird species in the immediate vicinity of this project. As technical assistance, we would recommend following the guidance provided by the U.S. Fish and Wildlife Service for communications towers and any potential impacts to migratory birds (http://www.fws.gov/migratorybirds/pdf/management/usfwscommunicationtowerguidance.pdf). We have no additional comments, recommendations, or objections related to fish and wildlife or listed species and their habitat to offer on this project.

The liability to not impact or cause "take" of listed species, migratory wildlife, and other regulated species of wildlife is the responsibility of the applicant or developer associated with this site. Please refer to the Florida Administrative Code, 68A-27, for definitions of "take" and a list of species. If listed species are observed onsite at a later date, FWC staff is available to provide decision support information or assist in obtaining the appropriate permits.

If you need further information or review, please let us know. Requests for information or review can be sent to FWCConservationPlanningServices@MyFWC.com and we will make sure your request is received by the appropriate staff.

If you have any questions, I can be reached at (850) 228-2055 or by email at Jason.Hight@MyFWC.com. Thank you for contacting the FWC.

Sincerely,
[Signature]
Jason Hight
Biological Administrator
Office of Conservation Planning Services

jh/tgw
ENV 1
Proposed Communications Tower_non-logged project_072215
cc: Julia Keaveney
American Tower Corporation
10 Presidential Way
Woburn, MA 01801

- Commissioners
Brian Yablonski
Chairman
Tallahassee
Aliese P. "Liesa" Priddy
Vice Chairman
Immokalee
Ronald M. Bergeron
Fort Lauderdale
Richard A. Corbett
Tampa
Richard Hanas
Oviedo
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
Executive Director:
Nick Wiley
Executive Director
(850) 487-3796
(850) 921-5786 FAX
Managing fish and wildlife
resources for their long-term
well-being and the benefit
of people.

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

Letter from FWCC
(Exhibit I)



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2015-ASO-10615-OE

Issued Date: 08/20/2015

FAA/FCC Department
 American Towers, LLC
 10 Presidential Way
 Suite 100
 Woburn, MA 01801

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Antenna Tower TROPICAL GULF RELO FL (280026)
 Location: Punta Gorda, FL
 Latitude: 26-50-34.78N NAD 83
 Longitude: 81-58-45.07W
 Heights: 23 feet site elevation (SE)
 260 feet above ground level (AGL)
 283 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is marked/lighted in accordance with FAA Advisory circular 70/7460-1 K Change 2, Obstruction Marking and Lighting, a med-dual system - Chapters 4,8(M-Dual),&12.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

This determination expires on 02/20/2017 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (404) 305-6462. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2015-ASO-10615-OE.

Signature Control No: 257553248-261392899
Michael Blaich
Specialist

(DNE)

Attachment(s)
Frequency Data

cc: FCC

**Letter from FAA
(Exhibit J-2)**

Frequency Data for ASN 2015-ASO-10615-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

**Letter from FAA
(Exhibit J-3)**