

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: SE-16-007**

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**To:** Charlotte County Board of Zoning Appeals  
**From:** Shaun Cullinan, Planning and Zoning Official  
**Prepared By:** Ken Quillen, AICP, Planner III

**Report Date:** August 3, 2016 **BZA meeting date: August 10, 2016**

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**Requested Action/General Information:**

Mary Doty Solik, Attorney for Vertex Development LLC, is requesting a special exception to allow a 150-foot high communications tower in the RSF-3.5 zoning district. Subject property is located at **1341 Halsey Street** in Port Charlotte (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Residential Single-family-3.5. This property has a Low Density Residential Future Land Use Map designation. The proposed communication tower location is on a five-acre vacant parcel located on the west side of Halsey Street (see attached **Aerial View**).

The Land Development Regulations for the **Residential Single-family-3.5** (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, according to section 3-9-6.2(h)(2). The **Communication Towers** regulations (Exhibit B) establish the requirements which must be met for construction of a communications tower. The applicant has stated that they will abide by all required conditions.

The applicant has submitted the attached **Existing Towers Map** (Exhibit C), which shows the proposed tower location as a green star and the closest existing towers located approximately two-miles away. The applicant has also submitted the attached **Search Ring Map** (Exhibit D), which shows T-Mobile's existing antenna locations (red circles) and proposed tower location (blue circle) in the right window. The Search Ring Area is shown in the left window as a blue dashed circle with its center point shown as a green circle. The location of the proposed tower is identified by a blue circle. The two closest existing T-Mobile antennas are located in Charlotte County and are 2.36 miles to the south and 3.84 miles to the east. The other two nearest antennas are over four miles away and are located in North Port and Venice.

**Coverage Maps** (Exhibit E), were also submitted, showing the Existing Coverage and the Predicted Coverage for the area surrounding the proposed tower location. These maps were prepared by T-Mobile Engineering using the only existing T-Mobile antenna in this area, which is located 2.36 miles to the south, at 3900 El Jobean Road.

The applicant also submitted a number of drawings to illustrate the proposed development, including a **Boundary Survey** (Exhibit F-1); a **Compound & Tower Elevation Plan** (Exhibit F-2); a **Fence Detail** (Exhibit F-3); and a preliminary **Landscape Plan** (Exhibit F-4). The proposed 150-foot tower will be located in the easterly half of subject property and setback more than 150 feet from all property lines. Access is proposed from Halsey Street and along the northerly lot line in order to avoid impacting the existing wetlands on subject property.

The applicant has submitted the attached **Narrative** (Exhibit G) explaining how they believe this proposal meets the approval criteria for granting a special exception. The applicant has also provided an **E-mail** (Exhibit H) from the Florida Fish & Wildlife Conservation Commission (FWC) with their comments relating to this proposed tower.

The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit I) dated July 20, 2016.

**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 has a Future Land Use Map (FLUM) designation of *Low Density Residential*. The proposed communications tower falls under the general range of uses for this FLUM classification, which includes single-family and multifamily residences, recreational vehicle parks, sub-neighborhood commercial uses, recreational facilities, schools and public services and facilities. Communications towers are a public service facility and a necessary utility, which serves the surrounding neighborhood.

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 residential lots	RSF-3.5	Low-density Residential
South	Vacant residential lots	RSF-3.5	Low-density Residential
East	Vacant land	Planned Development (PD)	Low-density Residential
West	Vacant residential lots	RSF-3.5	Low-density Residential

Finding: The majority of the surrounding land uses consist of vacant residential lots and there are only two single-family residences located within 500 feet of subject property. The nearest single-family residence is over 450 feet to the north.

Wireless communications facilities are needed to serve the surrounding residential area and are essential to all land uses, including residential areas. Therefore, communication towers need to be located within or near residential 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 screening and 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: Staff is not aware of any evidence that would indicate that the establishment, maintenance, or operation of the proposed communications tower would be detrimental to or endanger the public health, safety or general welfare of the surrounding properties. The **Communication Towers** (Exhibit B) regulations 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. This proposed tower will be setback from the property lines more than 150 feet.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site, the surrounding area, and the application requesting this special exception, staff believes that the proposed 150-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 150-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.
3. The required Landscape Buffer shall include an eight-foot high opaque vinyl fence, as proposed in the **Fence Detail (Exhibit F-3)** submitted with their application.
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. If the proposed communications tower is not constructed within three years of the date of approval of this special exception then this special exception shall expire and be null and void.
6. 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 3-9-33 (2), Section 3-9-68 (3), Existing Towers Map, Search Ring Map, Coverage Maps, Development Plans (4), Narrative (6), FWC E-mail, and Environmental Specialist Memorandum (2)



Community Development

# CHARLOTTE COUNTY

## Location Map for SE-16-007

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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. Created By: Land Information - D. Vance - 8125 Date Saved: 7/14/2016 10:12:16 AM



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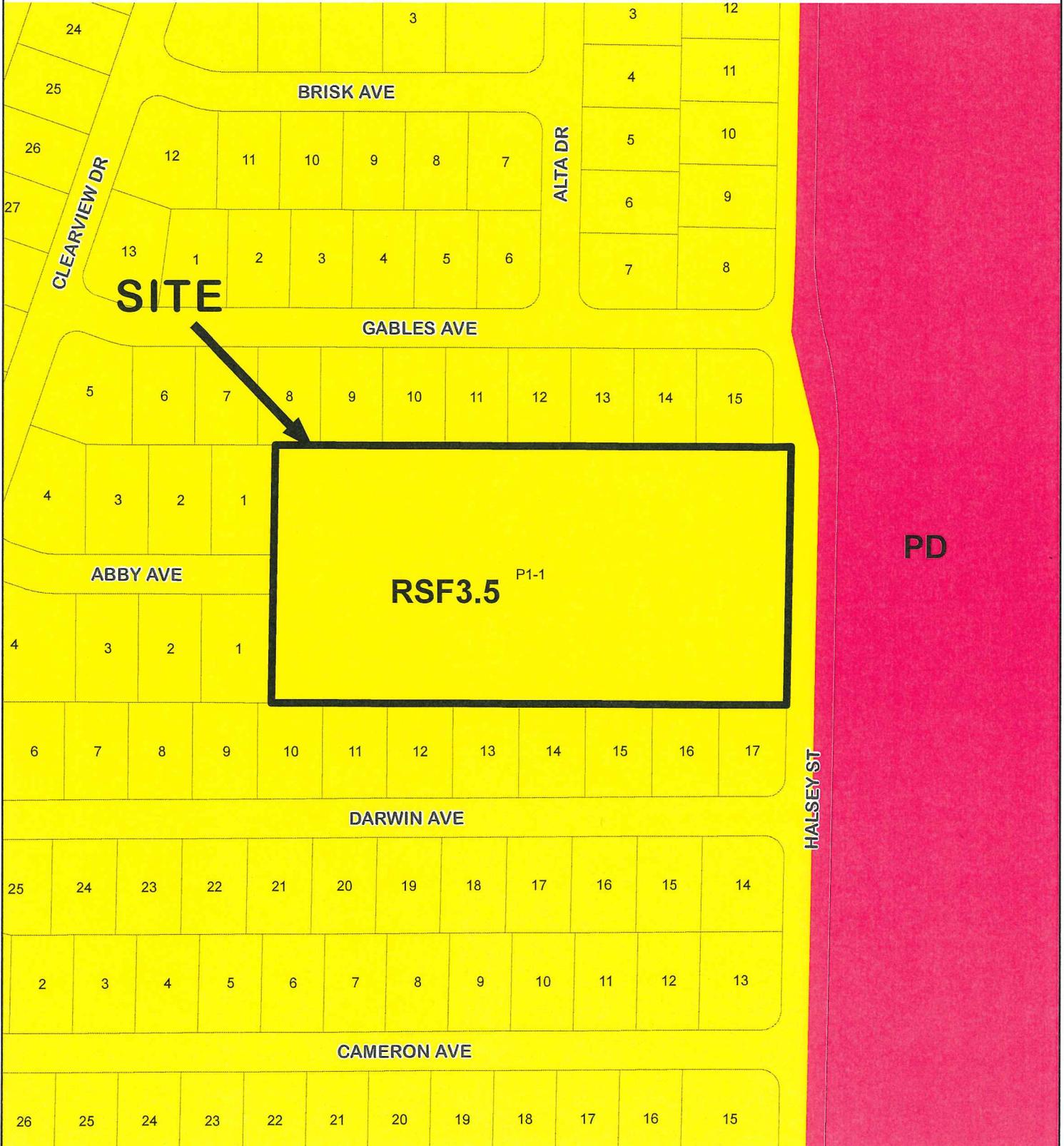
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Community Development

# CHARLOTTE COUNTY

## Zoning Map for SE-16-007



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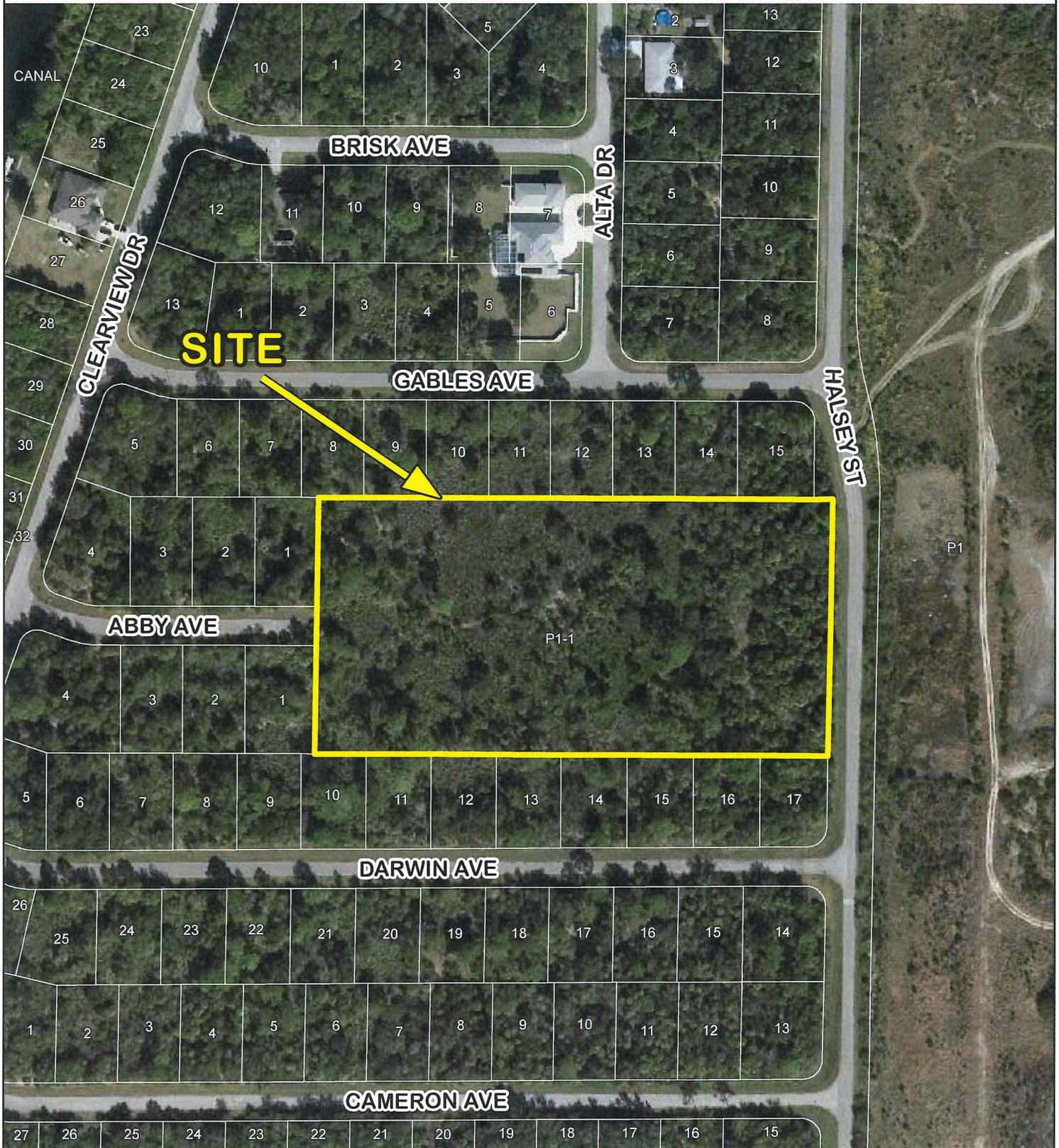
# CHARLOTTE COUNTY

## 2014 Aerial View for SE-16-007

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**Section 3-9-33****Residential Single-family (RSF).**

- (a) *Intent.* The purpose and intent of these districts is to provide for single-family residential dwellings and other uses normally associated therewith. Among RSF-2, RSF-3.5 and RSF-5 districts, there are variations in requirements for lot area, width, and certain yards.
- (b) *Permitted Uses and Structures (P):* The following uses and structures are permitted in this district:
- (1) Assisted living facility or day care center, adult, six or less. (see section 3-9-62, Assisted Living Facility)
  - (2) Emergency services.
  - (3) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure "C".
  - (4) Minor Home Occupation. (see section 3-9-75 74, Home Occupations)
  - (5) Model home. (see section 3-9-79 78, Model Homes)
  - (6) Noncommercial boat docks.
  - (7) Park, public or not-for-profit.
  - (8) Single-family detached, which may have a guest suite that is structurally attached, with or without cooking facilities.
  - (9) Telecommunications facility, 50 feet or less in height. (see section 3-9-69 68, Communication Towers)
- (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and clearly incidental to permitted and conditional uses and structures are permitted in this district.
- (1) Boat lifts, boat ramps, and noncommercial boat docks.
  - (2) Carports, garages, and storage structures.
    - a. Detached accessory structures greater than 250 square feet in footprint shall be compatible in appearance with the primary residence, at a minimum, materials and color shall be compatible with the primary residence.
    - b. The total footprint of all detached accessory structures shall not exceed ten percent of the parcel size or 1,000 square feet, whichever is greater for a property less than a half-acre. If the property is one half acre or more in size, the total footprint of all detached accessory structures shall not exceed 3,000 square feet. The property owner(s) may apply for a Special Exception to exceed the total maximum accessory structures size limitations contained in this section.
    - c. Detached accessory structures shall be located behind the leading edge of the living area of the residence except carports and garages, but must maintain required setbacks.
    - d. Construction trailers and cargo containers are prohibited.
  - (3) Fences or walls, which may be permitted prior to the principal uses and structures.
  - (4) Greenhouses and other horticultural uses, provided no retail sales are made on the premises.
  - (5) Guest suite, detached, consisting of living and sanitary facilities only. Cooking facilities shall not be permitted in a detached guest suite. It must meet all applicable development standards set forth in the zoning district.
  - (6) Keeping of pets, excluding animal breeding, boarding, and training.
  - (7) Swimming pools, tennis court or other similar non-commercial recreational uses and structures.
- (d) *Conditional Uses and Structures (C):* (For rules and regulations for any use designated as a Conditional Use or Structure, see section 3-9-69, Conditional Uses and Structures)
- (1) Bed and breakfast, one or two bedrooms.
  - (2) Clubhouse.
  - (3) Cluster housing. (see section 3-9-67, Cluster Housing)
  - (4) Guest home.
  - (5) Subdivided lots with 50 foot wide frontage and 5,000 square foot.
  - (6) 4H, FFA and similar uses and activities.
- (e) *Prohibited Uses and Structures:* Any use or structure not expressly or by reasonable implication permitted herein or permitted by Special Exception, including but not limited to mobile homes, commercial parking lots and private clubs not otherwise permitted, 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) Assisted living facility or day care center, adult, seven or more. (see section 3-9-62, Assisted Living Facility)

**Section 3-9-33 Residential Single-family (RSF). (continued)**

- (3) Bed and breakfast, three or more bedrooms.
- (4) Cemetery, mausoleum.
- (5) Community garden.
- (6) Day care center, child.
- (7) Elementary, middle, or high school.
- (8) Essential services. (see section 3-9-71, Essential Services)
- (9) Government uses and facilities.
- (10) Major Home Occupation. (see section 3-9-74, Home Occupations)
- (11) Place of Worship. (see section 3-7-82 ~~3-9-82~~, Places of Worship)
- (12) Private clubs.
- (13) Telecommunications facility, greater than 50 feet in height. (see section 3-9-68, Communication Towers)
- (14) University or college.
- (15) Yacht clubs, country clubs, and other recreational amenities, including but not limited to tennis courts, basketball courts, and golf courses located on a separate parcel.
- (16) 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.
  - b. 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:*

	RSF-2	RSF-3.5	RSF-5
<b>Lot (minimum)</b>	---	---	---
Area (square feet)	20,000	10,000	7,500
Width (feet)	100	80	70
<b>Setbacks (minimum feet)</b>			
Front	25	25	25
Side (interior)	15	7.5	7.5
Side (street)	20	15	15
Rear (interior)	20	20	20
Rear for all accessory structures (interior)	10	10	10
Rear (street)	25	25	25
Abutting a greenbelt	15	15	15
All accessory structures abutting a greenbelt	10	10	10
Abutting water	20	20	20
<b>Bulk (maximum)</b>			
Lot coverage of all buildings	40%	40%	40%
Height (feet)	38	38	38
Density (units/acres)	2	3.5	5

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.

Landscape buffers and screening shall be required in this district in accordance with the provisions of Article XXII, Chapter 3-5 section 3-9-100, of the Code, as the same shall be amended.

- (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, § 7; Res. No. 85-286, § 1, 10-05-1985; Res. No. 87-78, §§ 9, 10, 05-19-1987; Res. No. 87-254, § 17, 10-20-1987; Ord. No. 89-34, § 6, 05-31-1989; Ord. No. 92-40, §§ 1-4, 06-02-1992; Ord. No. 92-65, § 1, 08-18-1992; Ord. No. 94-55, § 14, 11-03-1994; Ord. No. 2001-031, § 1(a), 06-12-2001; Ord. No. 2002-008, § 1, 01-28-2002; Ord. No. 2003-061, §§ 6, 7, 08-26-2003; Ord. No. 2014-053, § 1, 11-25-2014; Ord. No. 2015-054 § 1, 12-08-2015)

**Section 3-9-33  
( Exhibit A-2 )**

**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

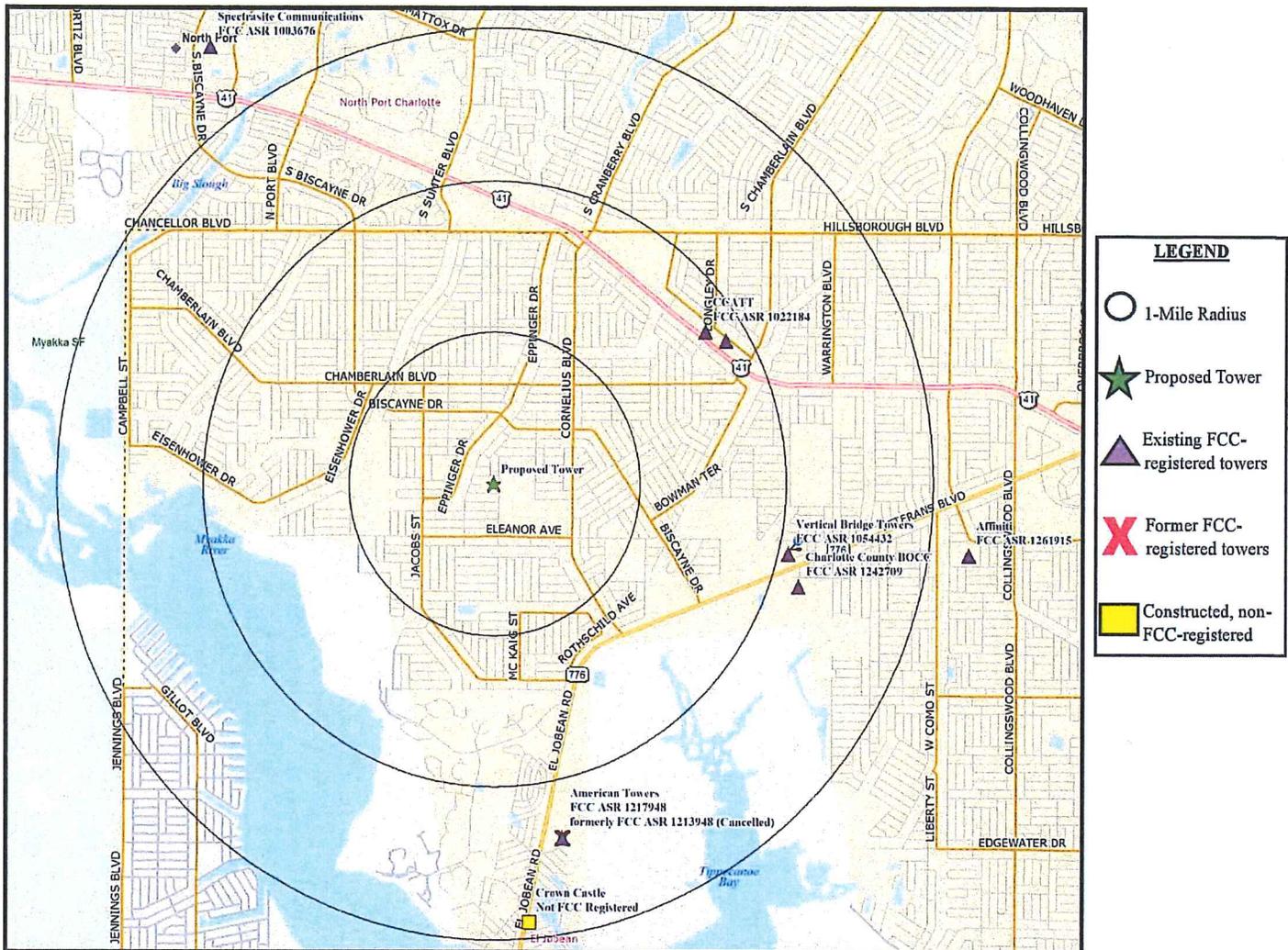
**Section 3-9-68****Communication Towers. (continued)**

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").

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)

**Existing Towers Map**



**Existing Towers Map**

1341 Halsey Street

( Exhibit C )

# T-Mobile 6FM1065A

## Proposed Vertex Development Tower - Mid-Charlotte

Department: T-Mobile Engineering & Operations – Miami Market

Last Updated: 6/7/2016

### Search Ring Area

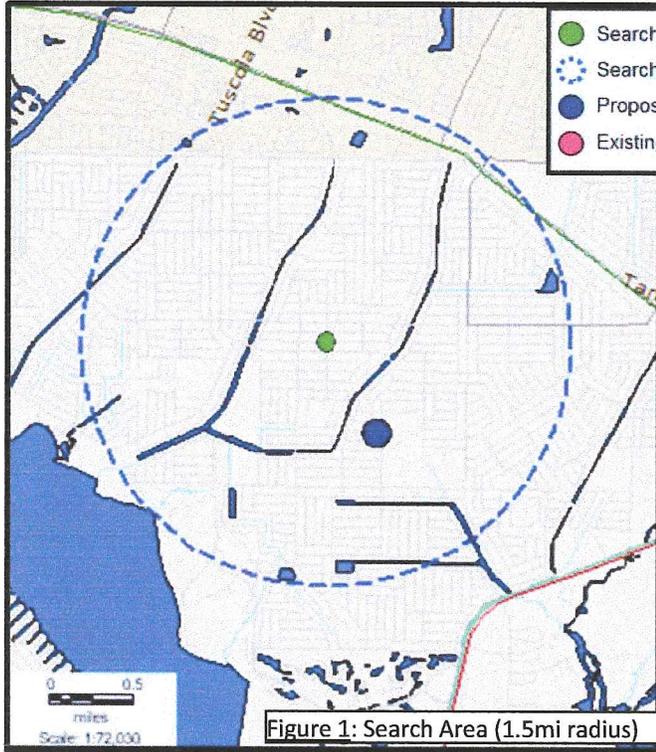


Figure 1: Search Area (1.5mi radius)

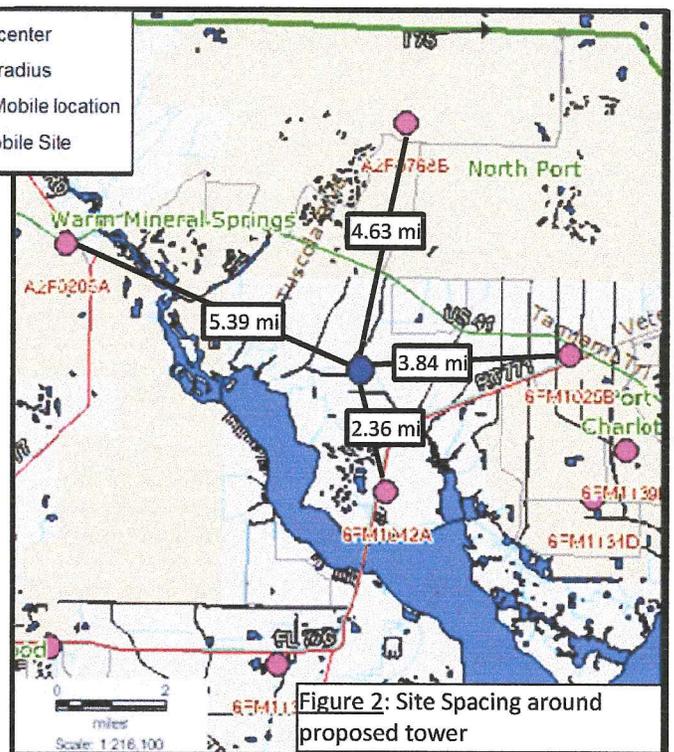


Figure 2: Site Spacing around proposed tower

In the first quarter of 2015 T-Mobile issued a number of “search rings” in the south Florida market in order to focus site acquisition in previously identified coverage areas of concern. Due to the dramatic increase in cell phone traffic and the popularity of wireless data applications over the last few years significant demands have been placed on network coverage and capacity. One such area in need of improved services is in parts of Charlotte county, south of North Port and in the city of Port Charlotte.

Signal levels are inadequate in some circumstances to support reliable cell phone coverage from approximately Campbell St in the west to Bowman Terrace in the east and from Eisenhower Dr in the south to Tamiami Trail in the north. Users placing calls in these areas especially indoors and during network busy hours may experience dropped calls, ineffective network attempts and slow data application speeds. In the worst case scenario a user may not be able to place an E911 call.

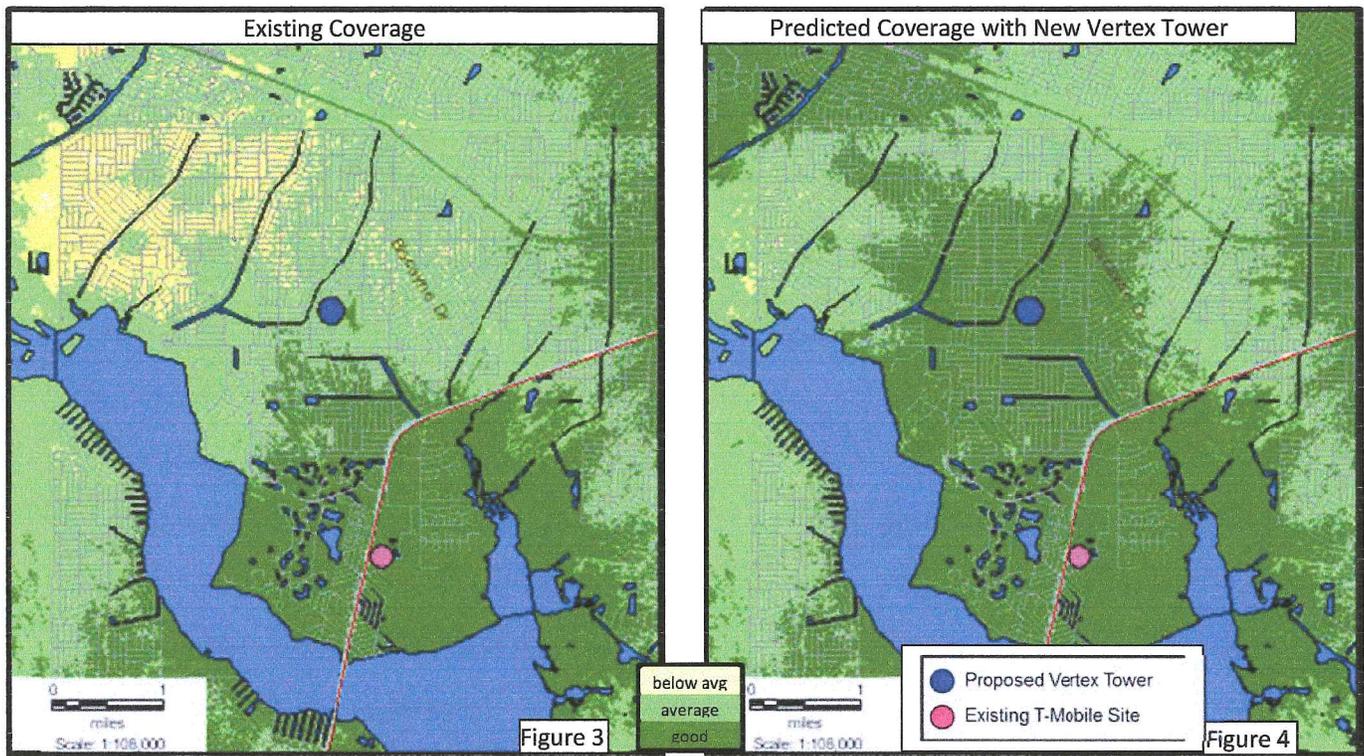
The search area defined for this part of Charlotte County is an approximately 1.5 mi radius circle centered near the intersection of Chamberlain Rd and Jacob St. (Figure 1) There were no existing structures of sufficient height within this radius that would provide the necessary fill-in between “neighbor” cell sites. (Table 1)

A potential placement for a new tower that lies within the defined T-Mobile search area has been identified at 1341 Halsey St in Port Charlotte. The proposal for a 150’ Unipole (or stealth like pole) fits within the nearby network architecture by having both a proposed antenna centerline height (ACL) appropriate for the coverage objectives and a reasonable distance to adjacent (neighbor) cell sites. (also known as “site-spacing”) (Figure 2)

Table 1: Neighbor Cell Sites

Site ID	Site Lat	Tower Height	Site Long	Site Name	Site Class Desc	Address	City	Site County	Zip
6FM1025B	27.0129	185	-82.1521	Crown Murdock	Self Support Tower	1175 Market Circle	Port Charlotte	Charlotte	33953
6FM1042A	26.9758	150	-82.2064	ATC FISHING PIER II	Self Support Tower	3900 El Jobean Road	Port Charlotte	Charlotte	33953
A2F0768B	27.0742	195	-82.2019	City of North Port	Unipole/ Micropole	3101 City Center Blvd.	North Port	Sarasota	34286
A2F0205A	27.0409	205.0000033	-82.3025	Highpoint-Misc.collo	Self Support Tower	8070 Tamiami Trail South	Venice	Sarasota	34292

## Current Cell Site Coverage and Predicted Improvements



As part of T-Mobile's design and development process a number of engineering studies are completed to ensure a best-fit approach for cell site additions in the network. Propagation or prediction plots are one of the most important of these and are used extensively to determine if a new proposal is adequate.

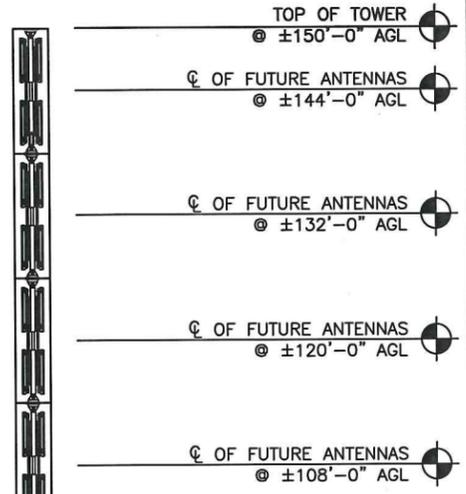
In Figure 3 the cell site propagation is shown as shades of color which represent signal levels that a user would experience at a particular location. These predictions are based on measured data and applied in engineering applications with a propagation model. Darker shades of green indicate levels able to support a wide range of wireless services both indoors and outdoors. These services include voice calls and high speed data. The lighter shade of green indicates areas where a user may experience call quality issues depending on their specific location. These issues could include garbled or unintelligible voice transmissions, call performance problems such as long setup times or sluggish data speeds. The light yellow areas represent where the user would encounter call quality issues especially indoors or during network busy hours. These issues could include dropped calls, ineffective attempts and slow data speeds. In the worst case scenario a user may not be able to place an emergency (E911) call.

The propagation map shown on the right, Figure 4 depicts the predicted signal levels for the proposed tower when added to the existing network. As can be seen almost all of the residential areas have a minimum of average service levels. This is especially important for users who are transitioning from one geographic area to another due to a more consistent coverage overlay. Users indoors will also benefit tremendously due to the closer proximity to the tower. Areas where below average signal levels still exist can usually be alleviated through network optimization methods after the new site comes on line. (These process are iterative and require a more medium to long term engineering approach)

In summary, T-Mobile has recognized the demand for advanced telecommunication services in these communities. The existing T-Mobile facilities cannot provide these services, through upgrade or expansion, due to the distances from the existing tower facilities and cell phone users in this area. Further, no towers or structures of sufficient height were identified in the search ring that could provide the necessary improvements to the network coverage.

## Coverage Maps ( Exhibit E )





**PROPOSED TOWER INFORMATION:**

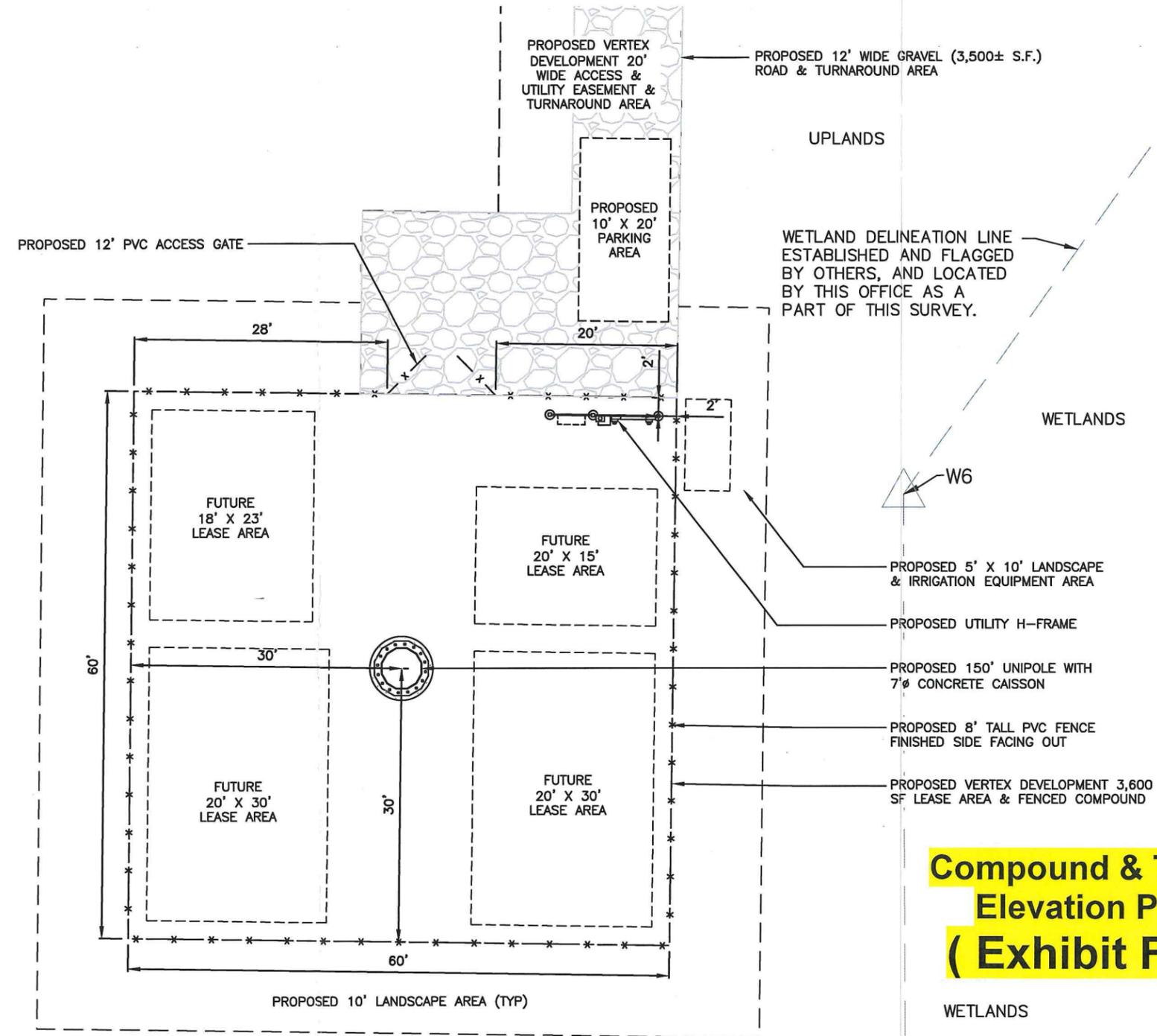
LATITUDE: ± 27° 00' 31.47" NORTH  
 LONGITUDE: ± 82° 12' 51.12" WEST  
 NORTH AMERICAN DATUM OF 1983 - (NAD 83)

EXISTING TOWER GROUND ELEVATION: ± 5.9  
 NORTH AMERICAN VERTICAL DATUM OF 1988 - (NAVD 88)

PROPOSED 150' UNIPOLE WITH PAINTED GRAY FINISH

PROPOSED LANDSCAPING  
 PROPOSED 8' TALL PVC FENCE

**1 TOWER ELEVATION**  
 C-4 SCALE: N.T.S.



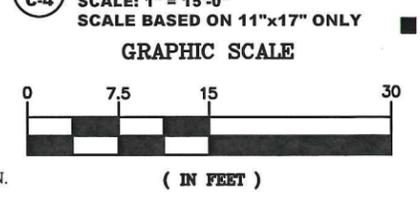
LANDSCAPING NOTE: REFER TO SEPARATE LANDSCAPE PLANS FOR LANDSCAPING & IRRIGATION PLANS & DETAILS.

EXISTING VEGETATION WITHIN PROJECT AREA TO BE REMOVED, & SOME EXISTING TREES CLOSE TO LEASE AREA WILL NEED TO BE TRIMMED SLIGHTLY. EXISTING VEGETATION SHALL BE PRESERVED TO THE MAXIMUM EXTENT POSSIBLE.

**NOTES:**

- ALL FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 6" ABOVE THE FINISHED GRADE ELEVATION.
- ACCORDING TO GEOLINE SURVEYING, INC.'S INTERPRETATION OF COMMUNITY PANEL NUMBER 120061 0040 F OF THE FEDERAL INSURANCE MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR CHARLOTTE COUNTY, FLORIDA, DATED 05/05/2003 THE SUBJECT PROPERTY IS IN FLOOD ZONE "X", "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN".
- ALL TRIMMING UNDERTAKEN ON A TREE PROTECTED BY THE LAND DEVELOPMENT CODE SHALL BE IN ACCORDANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A-300 PRUNING STANDARDS.

**2 COMPOUND PLAN**  
 C-4 SCALE: 1" = 15'-0"  
 SCALE BASED ON 11"x17" ONLY



**Compound & Tower Elevation Plan (Exhibit F-2)**

EXISTING VEGETATION NOT SHOWN FOR CLARITY, REFER TO SHEET C-6 FOR EXISTING VEGETATION & TREE REMOVAL & TRIMMING PLAN.



CALL FLORIDA 811  
 ONE CALL - DIAL 811  
 CALL 3 WORKING DAYS BEFORE YOU DIG  
 1-800-638-4097

REV	DATE	DESCRIPTION
A	05/05/16	PRELIMINARY CDS REV "A"
B	05/06/16	PRELIMINARY CDS REV "B"
C	06/07/16	PRELIMINARY CDS REV "C"
D	06/17/16	PRELIMINARY CDS REV "D"
D	06/21/16	ISSUED CDS REV "0"

USA ENG PROJECT NO.: 25160001-06  
 DRAWN BY: BMF  
 CHECKED BY: DK

**VERTEX DEVELOPMENT, LLC**  
 405 SOUTH DALE MABRY SUITE 244  
 TAMPA, FLORIDA 33609  
 PH: (813) 335-4768

**EXPERT CONSTRUCTION MANAGERS, INC.**  
 815 SOUTH KINGS AVENUE BRANDON, FLORIDA 33511  
 PH: (813) 657-7810

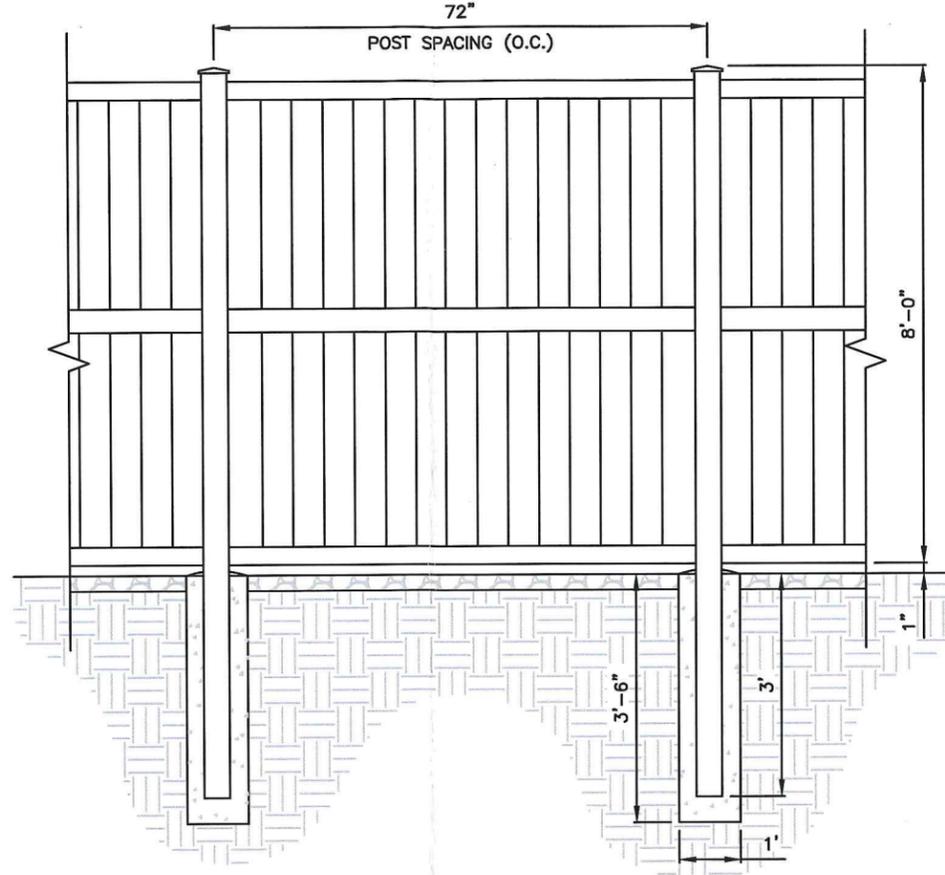
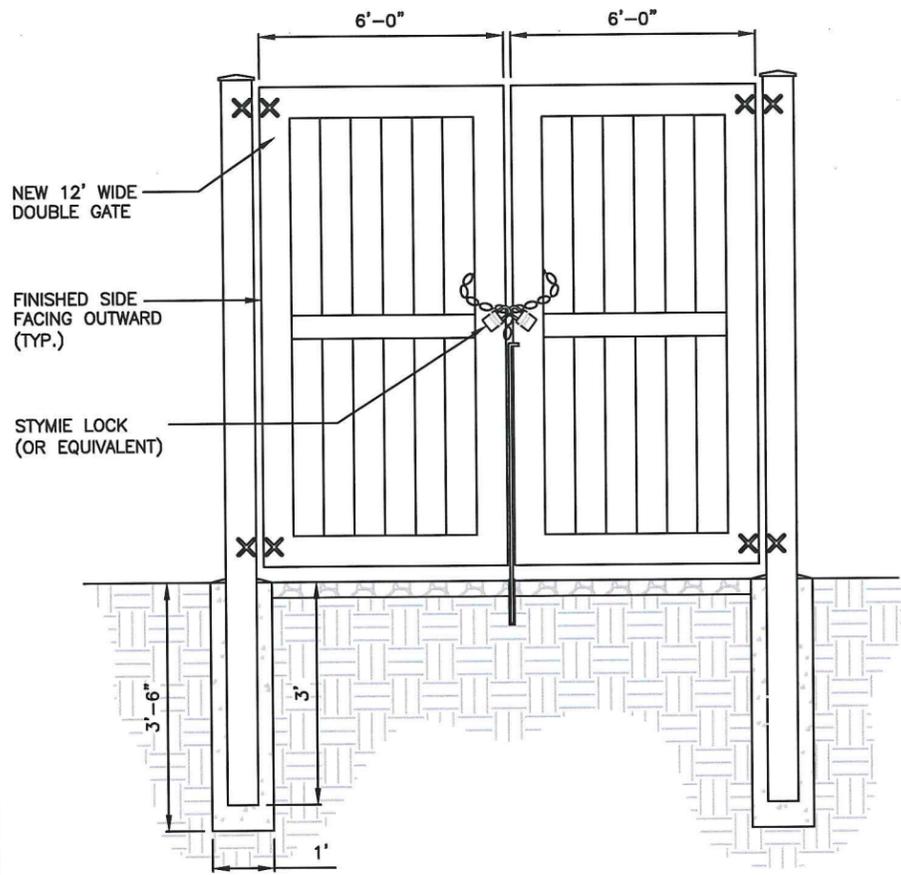
PREPARED BY:  
**USA ENGINEERING**  
 2130 ASHLEY OAKS CIRCLE SUITE 102  
 WESLEY CHAPEL, FL 33544  
 (813) 994-0365  
 FL COA #31705

**DARRYL JOHN KROEZE**  
 LICENSE  
 53092  
 STATE OF FLORIDA  
 PROFESSIONAL ENGINEER  
 JUNE 21, 2016  
**DARRYL KROEZE, PE**  
 FL PROFESSIONAL ENGINEER LIC. # 53092

**MID-CHARLOTTE FL-5239**  
 1341 HALSEY STREET  
 PORT CHARLOTTE, FL 33953  
 CHARLOTTE COUNTY

SHEET DESCRIPTION  
 TOWER ELEVATION & COMPOUND DETAIL  
 SHEET NUMBER  
**C-4**

USA ENGINEERING - T:\00-2014 PROJECTS\25\_VERTEX DEVELOPMENT\Roost\Design\ZDsutil Roost\_XB.dwg June 12, 2014 1:50:34 PM chuckr



- NOTES:**
1. FENCE TO BE WHITE IN COLOR.
  2. FENCE TO BE INSTALLED FINISHED SIDE OUT.
  3. FENCE TO USE VINYL VERTICAL BOARDS.
  4. BOARDS ARE HOLLOW, 100% EXTRUDED VINYL.
  5. FENCE TO MAINTAIN A "NO-GAP" APPEARANCE, THROUGHOUT.
  6. CONTRACTOR TO COORDINATE FENCE INSTALLATION WITH ANY LOCAL ORDINANCES.
  7. ALL METAL HARDWARE TO BE HOT DIP GALVANIZED.
  8. GATE WILL BE LOCKED USING A STYMIE LOCK OR EQUIVALENT.
  9. FENCE DETAILS TO BE SUBMITTED FOR APPROVAL PRIOR TO ORDERING.

**1**  
C-7 **COMPOUND FENCE & GATE DETAIL**  
SCALE: N.T.S.

**VERTEX**  
DEVELOPMENT, LLC

MID-CHARLOTTE  
FL-5239  
1341 HALSEY STREET  
PORT CHARLOTTE, FLORIDA 33953

FCC ASR #: TBD  
LAT: 27° 00' 31.47" N - LONG: 82° 12' 51.12"

EMERGENCY CONTACT: 813-335-4768

**NO  
TRESPASSING  
AREA**

**2**  
C-7 **SIGNAGE DETAIL**  
SCALE: N.T.S.

REV	DATE	DESCRIPTION
A	05/05/16	PRELIMINARY CDS REV "A"
B	05/06/16	PRELIMINARY CDS REV "B"
C	06/07/16	PRELIMINARY CDS REV "C"
D	06/17/16	PRELIMINARY CDS REV "D"
O	06/21/16	ISSUED CDS REV "O"

USA ENG PROJECT NO.: 25160001-06

DRAWN BY: BMF	CHECKED BY: DK
------------------	-------------------

**VERTEX**  
DEVELOPMENT, LLC

405 SOUTH DALE MABRY  
SUITE 244  
TAMPA, FLORIDA 33609  
PH: (813) 335-4768

**EXPERT**  
CONSTRUCTION MANAGERS, INC.

815 SOUTH KINGS AVENUE  
BRANDON, FLORIDA 33511  
PH: (813) 657-7810

PREPARED BY:

**USA ENGINEERING**

2130 ASHLEY OAKS CIRCLE  
SUITE 102  
WESLEY CHAPEL, FL 33544  
(813) 994-0365  
FL COA #31705

DARRYL JOHN KROEZE  
LICENSED PROFESSIONAL ENGINEER  
53092

STATE OF  
FLORIDA  
PROFESSIONAL ENGINEER

JUNE 21, 2016

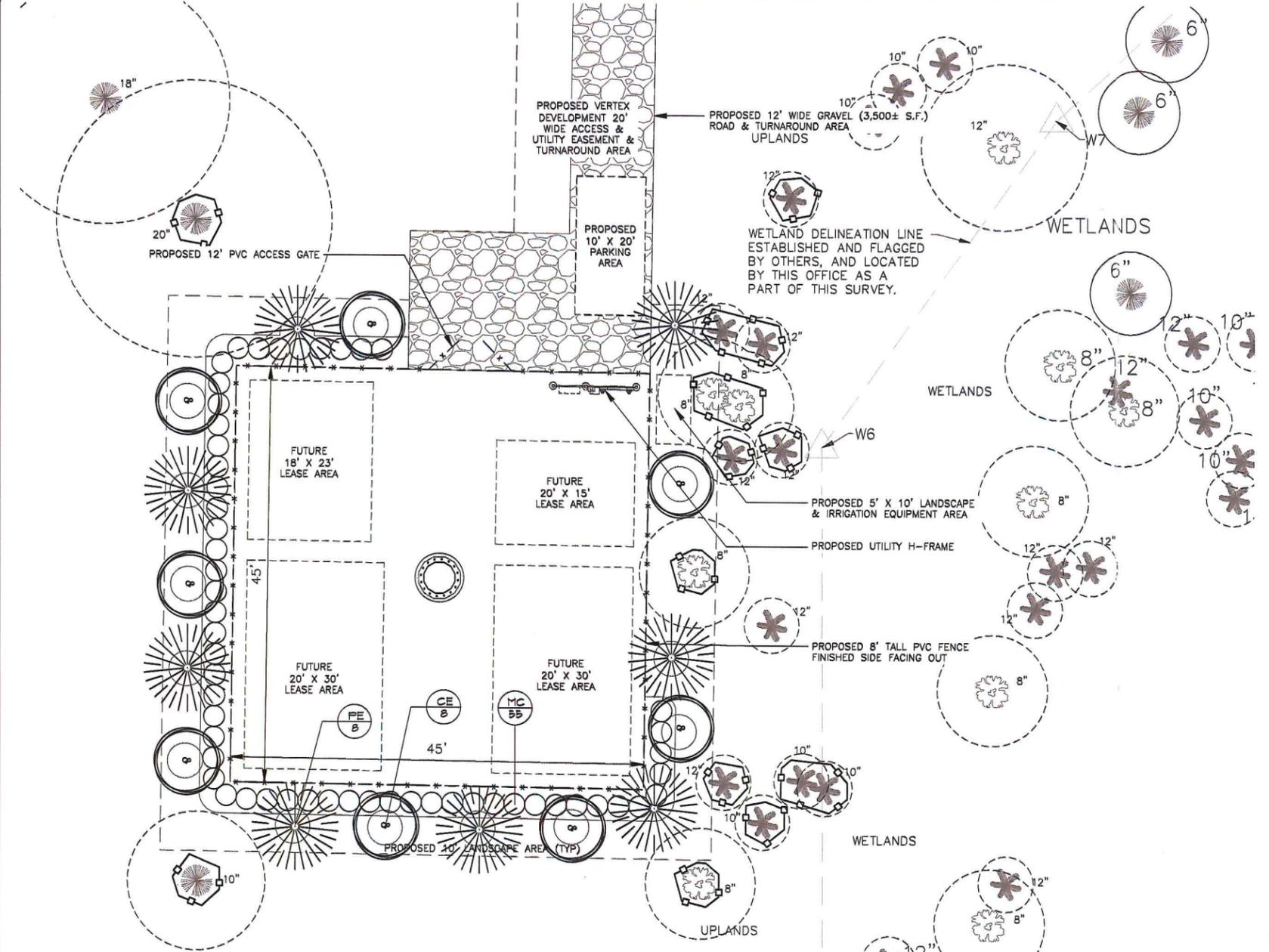
**DARRYL KROEZE, PE**  
FL PROFESSIONAL ENGINEER LIC. # 53092

**Fence Detail  
(Exhibit F-3)**

MID-CHARLOTTE  
FL-5239

1341 HALSEY STREET  
PORT CHARLOTTE, FL 33953  
CHARLOTTE COUNTY

SHEET DESCRIPTION
SITE DETAILS
SHEET NUMBER
<b>C-7</b>



### LANDSCAPE MATERIALS LIST

SYM	QTY	KEY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
	8	PE	Pinus elliotii	Slash Pine	B/B, min. 8' oah. x 3'-4' spr. 2" dbh
	8	CE	Conocarpus erectus	Buttonwood	B/B, min. 8' oah. x 3'-4' spr. 2" dbh
	55	MC	Myrica cerifera	Wax Myrtle	min. 12" ht., 36" o.c.
		SOD	Paspalum notatum	Argentine Bahia Sod	sq.ft.
		MULCH	Pine Bark mulch	Pine Bark Mulch	Cu.Yd..

### LANDSCAPE REQUIREMENTS

As per Charlotte County communication facility landscape code

The type 'D' buffer consists of five (5) canopy trees, three (3) accent / understory trees, 25 shrubs per every 100 l.f.

220' / 100' = 2.2 X 5 = (11) canopy trees required, (2) existing trees provided

2.2 x 3 = (7) accent trees required (7) new trees provided

2.2 x 25 = (55) shrubs required and provided

All required trees must be 8' tall and 2" dbh at planting

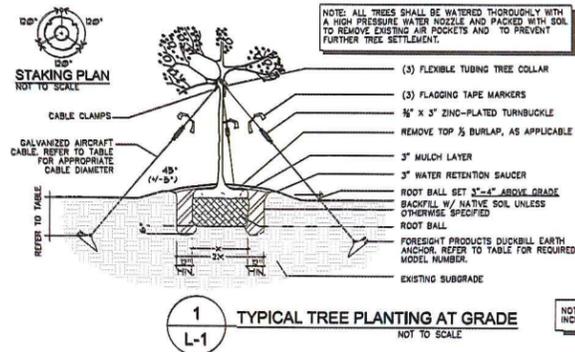
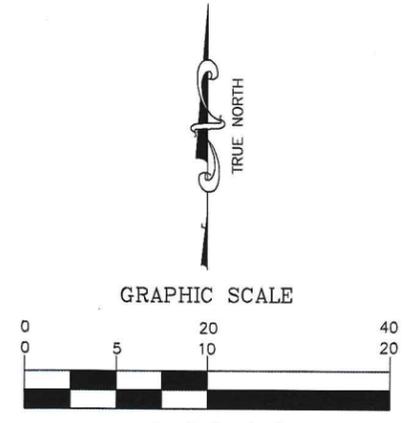
2 species required for total (11-20) trees  
3 species required for total (21-30) trees

All required trees must be 8' tall and 2" dbh at planting  
All required shrubs are 18" - 36" on center spacing and 12" tall

- ### GENERAL LANDSCAPE NOTES
- All landscape material shall be fl. no. 1 grade or better, as specified in grades and standards for nursery plants, parts I and II, by Division of Plant Industry, Florida Department of Agriculture and Consumer Services, and shall conform to current American Association of Nurseryman Standards for Nursery Stock. Landscape material shall be planted according to Sound Nursery Practices.
  - All shrubs shall be a minimum of 12" high at the time of planting and spaced no greater than 18"-36" on center. Shrubs shall not adversely impact existing tree root systems and shall be field adjusted if necessary.
  - All required trees shall be a minimum of 8' ht. and 2" dbh at time of planting. Adjust tree locations as necessary to avoid utilities, obstructions, etc. see materials list for exact specifications.
  - All required trees shall be located a minimum of 5 feet from impervious surfaces, all shrubs 2 feet.
  - An automatic underground irrigation system shall be installed to maintain the landscape area in a healthy manner and provide 100% coverage.
  - The contractor shall sod all disturbed areas. All planting shall be mulched to a 3" minimum depth.
  - The contractor shall be responsible for the clean up of premises and removal of all discarded and surplus materials, and rubbish.
  - Verify the locations of existing trees, lawns, and shrubs. Remove extraneous materials such as rocks, branches, building materials or unacceptable soils prior to planting sod, trees, and shrubs, where encountered.
  - Contractor shall become acquainted with the related paving, site grading, and all utilities (including water, sewer, and electrical supply) to preclude any misunderstandings and ensure a trouble free installation.
  - The exact location of all existing structures, underground utilities, and pipes may not be indicated on drawings; the contractor shall determine the location of these items and shall conduct his work in a manner to prevent interruption or damage to existing systems which must remain operational. The contractor shall protect existing structures and utility services which must remain operational and shall be responsible for their replacement if damaged by him.
  - Contractor shall call Sunshine State One-Call at least 48 hours prior to digging. (1-800-432-4770).
  - Quantities on plan take precedence over materials list. Quantities on materials list are provided as a courtesy only.

### ABBREVIATIONS

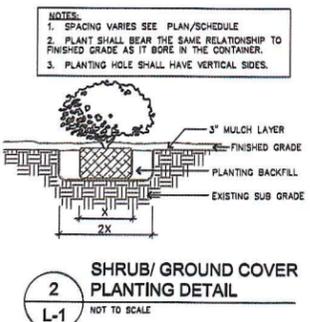
B/B	BALLED AND BURLAPPED
C.T.	CLEAR TRUNK
OAH	OVERALL HEIGHT
H.T.	HEIGHT
SPRD.	SPREAD
O.C.	ON CENTER
GAL.	GALLON
CU. YDS.	CUBIC YARDS
S.F.	SQUARE FEET
	PLANT SYMBOL
	QTY. OF PLANTS



### DUCKBILL EARTH ANCHOR TABLE

TREE CALIPER	MODEL NUMBER	RATED CAPACITY	MINIMUM DEPTH OF INSTALLATION
UP TO 3"	40-DTS	300 LBS. EA.	20"
UP TO 6"	68-DTS	1,100 LBS. EA.	30"
UP TO 11"	88-DTS	3,000 LBS. EA.	42"
NOT RATED	138-DTS	5,000 LBS. EA.	60"

NOTE: RATED FOR WINDS UP TO 50 MPH



- ### EXISTING TREE LEGEND
- EXISTING PINE TREE TO REMAIN
  - EXISTING OAK TREE TO REMAIN
  - EXISTING PALM TO REMAIN



# Landscape Plan (Exhibit F-4)

REV	DATE	DESCRIPTION
A		
B		
C		
D		

USA ENG PROJECT NO.: 25160001-06

DRAWN BY: KC CHECKED BY: JER

**VERTEX**  
DEVELOPMENT, LLC

405 SOUTH DALE MABRY  
SUITE 244  
TAMPA, FLORIDA 33609  
PH: (813) 335-4768

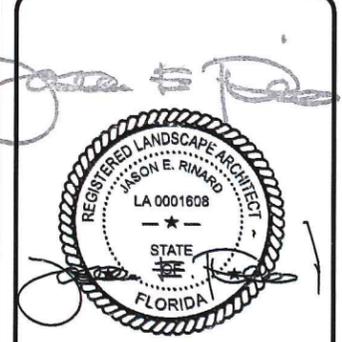
**EXPERT**  
CONSTRUCTION MANAGERS, INC.

815 SOUTH KINGS AVENUE  
BRANDON, FLORIDA 33511  
PH: (813) 657-7810

PREPARED BY:

**USA ENGINEERING**

2130 ASHLEY OAKS CIRCLE  
SUITE 102  
WESLEY CHAPEL, FL 33544  
(813) 994-0365  
FL COA #31705



**JUNE 17, 2016**

**Jason E. Rinard, RLA**  
FL LANDSCAPE ARCHITECT FL LA 0001608

**MID-CHARLOTTE**  
**FL-5239**

1341 HALSEY STREET  
PORT CHARLOTTE, FL 33953  
CHARLOTTE COUNTY

SHEET DESCRIPTION

**SCAPE PLAN**

SHEET NUMBER

**L-1**

June 27, 2016

Charlotte County Community Development Department  
Attention: Ken Quillen  
18400 Murdock Circle  
Port Charlotte, FL 33948-1094

**RE: Application for Special Exception Approval to allow for the construction and use of a 150-foot Unipole Communication Tower**

**Applicant: Vertex Development, LLC**  
405 South Dale Mabry Hwy #244  
Tampa, FL 33609

**Owner: Charlotte Sarasota Holdings, LLC**  
10090 McGregor Blvd  
Fort Myers, FL 33919

**Contacts: Mary Doty Solik, Esquire**  
Doty Solik Law, P.A.  
407-501-8606  
msolik@dotysoliklaw.com

**Vertex Development:**  
Alan Ruiz or Jennifer Frost  
813-335-4768 / 813-480-7855  
alanruiz@earthlink.net

Dear Mr. Quillen:

Enclosed herein please find Vertex Development, LLC's (Vertex) application for Special Exception Approval to construct a 150' unipole-type communications tower ("Tower"). I have enclosed the following documents pursuant to the Charlotte County Land Development Code (LDC) for Vertex's submittal:

- Application for Special Exception with Applicant Affidavit
- Agent of Record Letters
- Legal Descriptions
- Boundary and Topography Survey
- Property Card
- Warranty Deed
- Site Plans
- Landscaping and Irrigation Plans
- Written Description of Request (*this narrative letter*)
- Application Fee \$880 made payable to the "Charlotte County BOCC"
- Collocation Letters
- Zoning Affidavit
- FWC E-mail
- FAA Application Form 7460-1 for Case ASN 2016-ASO-16515-OE
- Federal Aviation Administration (FAA) 1-A Tower Certification
- FAA Notice Criteria Tool
- T-Mobile RF Package
- Habitat Assessment Report
- Federal Communications Commission (FCC) TOWAIR Determination
- Existing Towers Map
- One (1) CD with all supplemental materials

**Narrative**  
**( Exhibit G-1 )**

405 S. Dale Mabry Hwy., Suite 244,

Phone 813•335•4768 Fax 813•436•5674

Vertex is requesting Special Exception Approval for a 150' Tower and associated ground equipment to be located at 1341 Halsey Street in Port Charlotte, Florida; Parcel ID: 402109331016. The total parent parcel is approximately five acres MOL (according to the Charlotte County Property Appraiser's Office), and it entirely vacant at this time. The parcel is zoned "RSF3.5" (Residential Single-family) with a future land use designation of low density residential.

The Tower will be designed to accommodate the four regional wireless telecommunication providers (T-Mobile, Verizon, AT&T and Sprint). The leased tower parcel is approximately 3,600 square feet in addition to any required easements for access, utilities and landscaping.

Please find below a description how Vertex's application meets the criteria of the applicable sections of the Charlotte County LDC.

**Sec. 3-9-6.2. Special Exceptions**

...

(i) Approval Criteria for Special Exceptions.

In addition to the Standard Approval Criteria for developments and uses permitted by this Code, a Special Exception shall be granted by the BZA only if all of the following Approval Criteria are satisfied.

- (1) The proposed Special Exception is consistent with the Comprehensive Plan **The parent parcel is located in the Urban Service Area, and the proposed Tower falls under the general range of uses for the Future Land Use classification for Low Density Residential: "single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicles, recreational facilities in association with residential development, schools, and public services and facilities." Communication towers are a public service facility. The proposal is also consistent with the Smart Charlotte 2050 Plan, FLU Policy 6.4.35: "Telecommunication infrastructure. 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 [whereas "compatible" is defined as "capable of orderly, efficient integration and operation with other land uses and zoning districts."]  
**There are single-family residences located to the north and to the west; however, the vast majority of the surrounding land uses consist of vacant residential lots. Wireless communication towers, which are public service facilities, are needed to serve the surrounding residential area and are essential to all 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.  
**The siting of a Tower as a general public service and emergency service use (including E911) shall strengthen the wireless service to area and support the health, welfare and safety of the community.**

**Sec. 3-9-68. Communication Towers**

- (a) *Exempt Telecommunication Facilities.*  
**Section not applicable.**

(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.

**Reference Existing Towers Map: there are no existing FCC-registered towers within 1.5 miles of the proposed Tower. Furthermore, there are no structures in the geographical area to support the antennas in order to provide reliable wireless coverage. The siting of the proposed Tower as a general public service and emergency service use (including E911) shall strengthen the wireless service to area and support the health, welfare and safety of the community.**

(2) **Not Applicable.**

(3) **Not Applicable.**

(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.  
**Please see included Application and required supporting documents.**
- (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.  
**Please see Collocation Letters and Zoning Affidavit. To date, Vertex has not received any responses; however, Vertex shall notify Charlotte County upon receipt of any response.**
- (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.  
**Please see FWC E-mail for the required statement.**

- (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.  
**Not applicable; Vertex is proposing a 150' Tower.**
  - (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.  
**Please see T-Mobile RF Package.**
  - (6) The type of tower or supporting structure.  
**Vertex is proposing a 150' unipole-type Tower, which all antennas, coaxial cables, and other associated equipment will be located internally; therefore, no equipment is mounted externally on the Tower. Please see Site Plans, page C-4, for illustration.**
  - (7) The height of the tower including antennas above ground and above MSL.  
**Vertex is proposing a 150' unipole-type Tower. The approximate AMSL is 156 feet.**
- (d) *Conditions of Approval.*
- (1) General Requirements
    - a. Telecommunication facilities shall not have any form of advertisement attached or otherwise affixed.  
**Vertex shall comply with this Section. Please see Site Plans, page N-1, Site Notes #5.**
    - 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.  
**Vertex is not proposing to illuminate the Tower.**
    - c. Development of a telecommunication facility site shall be subject to the Habitat Preservation provisions of this Code.  
**Vertex shall comply with all applicable sections of the LDC.**
    - 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.  
**Please see Habitat Assessment Report. As noted in the report, no rare vegetative communities or habitats were observed on the property. Vertex shall comply with this section.**
    - 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.

**Upon approval and construction of the Tower, Vertex shall supply Charlotte County with this information. Appropriate signage will be posted at the site.**

- f. If high voltage is necessary for the operation of the facility, 1 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.  
**Vertex shall comply with this Section. Please see Site Plans, page N-1, Site Notes #5.**
  
- 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.  
**Vertex is proposing an eight-foot solid PVC fence in order to maximize screening from the adjacent properties. The entry gate shall be locked. Please see Site Plans, page C-7, for illustration of the fence.**
  
- 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. **Not applicable.**
  
- i. Any tower located in a residential zoning district shall be required to be a monopole.  
**Vertex is proposing a unipole-type Tower, which all antennas and coaxial cables are mounted internally.**

(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 (10) 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% of the distance from the top of the tower to the “breakpoint” level of the tower. For example, on a one hundred (100) foot tall monopole tower with a breakpoint at eighty (80) feet, the minimum setback distance would be 22 feet (110% of twenty (20) feet, the distance from the top of the tower to the “breakpoint”).  
**Please see Site Plans, Page C3, for illustration showing all district and tower setbacks, which are greater than the height of the proposed Tower; therefore, Vertex exceeds all required setbacks.**

(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. **Since Vertex’s Tower is sited more than 100% of the tower height from any property line, Vertex is exempt from this section.**

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.

**Vertex’s proposed Tower will comply will all applicable height regulations. Please see FAA Application, FAA Notice Criteria Tool and FCC TOWAIR. Finally, Section 333.025(1), Florida Statute provides: *However, permits from the Department of Transportation will be required only within an airport hazard area where federal standards are exceeded and if the proposed construction is within a 10-nautical-mile radius of the geographical center of a publicly owned or operated airport, a military airport, or an airport licensed by the state for public use.* Since the preliminary screenings from the FAA and FCC indicated that the proposed Tower does not exceed any federal standards, Vertex’s Tower would be in compliance with FDOT requirements.**

c. All towers shall be engineered so that in case of collapse, all parts of the structure will fall within the site.

**Vertex’s proposed Tower meets this requirement.**

d. Multiple towers on a site must be located at least as far from each other as the height of the taller tower. **Not applicable.**

(e) *Replacement.* **Section not applicable, as Vertex is proposing a new Tower.**

(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.

**Vertex shall comply with this Section, as needed. Please see Zoning Affidavit.**

## Jennifer Frost

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**From:** Hight, Jason <Jason.Hight@MyFWC.com>  
**Sent:** Friday, May 13, 2016 11:19 AM  
**To:** Jennifer Frost  
**Cc:** Wallace, Traci; Chabre, Jane  
**Subject:** Proposed Mid-Charlotte Telecommunications Tower

Dear Ms. Conrad :

Florida Fish and Wildlife Conservation Commission (FWC) staff received your firm's letter and site information regarding the proposed Mid-Charlotte (FL5239) tower (Halsey Street in Port Charlotte, Charlotte County, Florida). We have no 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 are 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 further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto: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 the contact information below or at the email address provided above. Thank you for contacting the FWC.

Sincerely,

Jason Hight

Biological Administrator II

Office of Conservation Planning Services  
Division of Habitat and Species Conservation  
620 S. Meridian Street, MS 5B5  
Tallahassee, FL 32399-1600  
(850) 228-2055

Project 30968 Mid-Charlotte Communications Tower

**FWC E-mail  
( Exhibit H )**



## MEMORANDUM

**Date:** July 20, 2016  
**To:** Ken Quillen, Planner III  
**From:** Susie Derheimer, Environmental Specialist  
**Subject:** SE-16-007, Vertex Development, 1341 Halsey Street

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 current listed species assessment and Florida Land Use, Cover and Forms Classification System (FLUCCS) map performed by Wildlands Conservation, dated May 16, 2016 has been submitted. The assessment indicates that the 4.96 acre site contains Mesic Flatwoods, Cabbage Palm/Mesic Hammock, Freshwater Marsh with Shrubs, and wet Prairies and that no rare vegetated communities were observed on the site. Environmental staff review of the environmental surveys and preliminary site plans provided finds that the proposed tower lease site will not cause the destruction of any rare vegetation community in compliance with Chapter 3-9-68(d)(1)(d) and Chapter 3-5-348(b) minimum 15-foot upland buffer to wetlands can and must be provided.

The listed species survey depicts a potentially active gopher tortoise burrows within the tower lease site area; therefore, prior to any site clearing approvals a current gopher tortoise survey and, if necessary, a Florida Fish and Wildlife Conservation Commission (FWCC) relocation permit and verification of relocation activities must be provided to staff prior to the issuance of county permits and land clearing activities.

In addition, in compliance with 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 has been provided.

**( Exhibit I-1 )**

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/permits, and mitigation for wetland and species impacts (if proposed) will be required.

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.

\*All heritage trees (per Section 3090100.3(e)) must remain preserved.

This project must also comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

SD

**( Exhibit I-2 )**