

TAB 4

Staff Report
Conditional Use Permit (CU0804)
T-Mobile Cellular Communication Antenna
2625 Terra Ceia Bay Boulevard

BACKGROUND:

T-Mobile is a cellular (cell) communication provider in need of an antenna in northwest Palmetto. This area currently has limited cell service. This request is for the approval of three (3) cell antennas to be located on the top of the Estuaries II condominium building. The attached exhibits identify the proposed locations on the rooftop.

The agent for the applicant met with City staff several months prior to the submittal of the application. The request was described consistent with the current application. In addition to determining the application procedure, staff advised that the applicant seek approval from the Homeowners Association prior to applying for the conditional use permit. They have received authorization and now request approval from the City of Palmetto.

GENERAL LOCATION/PARCEL SIZE:

Location: 2625 Terra Ceia Bay Boulevard

EXISTING LAND USE/ZONING CATEGORY:

Future Land Use: PD (Planned Development)
Zoning: PD-H (Planned Development - Housing)

REQUESTED APPROVAL

A conditional use permit may be issued for the establishment of cell antenna pursuant to Articles 15 and 17 of the Land Development Code. The proposed antenna cannot create an unsafe condition or be detrimental to health safety and welfare of the general public. The following conditions have been analyzed in reviewing this request:

- (1) The proposed use shall be consistent with the purpose and intent of the applicable zoning district regulations, this article, and the comprehensive plan. **Cell service has become essential. Locating the antenna on top of an existing building precludes having to construct a separate tower elsewhere. The antenna will be**

elsewhere. The antenna will be screened and unnoticeable. The proposed request is consistent with the review criteria of the PD-H zoning district and PD future land use designation as an appropriate accessory use.

- (2) The proposed use shall be compatible with surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, lighting, appearance, and effect on surrounding property values. **The antennas are disguised within the architecture of the building and should not have an adverse effect on traffic, lighting, appearance, or surrounding property values.**
- (3) The conditional use will not adversely impact on the public interest or adjacent property and all necessary alternative measures shall be taken by the applicant to prevent any such impact. **There do not appear to be any adverse impacts on the public interest or adjacent properties. This is mitigated by blending the antenna into the design of the building.**
- (4) The conditional use is not discriminatory, considering similar situations in the general area and in past decisions under this article. **This request is not discriminatory. There have been no similar applications or past decisions regarding cell antennas in the general area.**
- (5) The purpose of the requirement is otherwise fully achieved, or more important purposes of this article will be served thereby, or the requirement serves no valid public purpose in the particular case. **The requirement provides a valid public purpose. In this case, however, there are no outstanding issues relative to the health, safety and welfare of the residents. In fact, the lack cell service in a particular area for certain customers can be considered a health, safety and welfare risk.**
- (6) The proposal shall be consistent with the stated purpose and intent of the applicable district regulations and this article. **The proposal is consistent with stated purpose and intent of the PD-H zoning district regulations.**
- (7) The proposal shall comply, where applicable, to the regulations of the zoning district in which the proposed use is most commonly permitted. **The proposed antennas are accessory and attached to the building. Many structures are now securing accessory generators in case of long term power outages. The approval of these antennas is a comparable accessory structure.**
- (8) The proposal shall not create hazardous vehicular or pedestrian traffic conditions or

conditions or any other type of unsafe condition. **The antennas will not create any hazardous vehicular or pedestrian traffic or any other unsafe condition.**

STAFF RECOMMENDATION:

The Estuaries II condominium building was constructed in 1997. The building is approximately 90 feet high where the proposed antennas will be constructed. The structural addition of the antennas will have no detrimental effect on the integrity of the building. Six foot high parapet walls will be constructed around the antennas to screen them from view. The alternative to this request would require the applicant to build a separate structure (tower or monopole) to house the antennas. Staff believes this collocation is clearly a superior alternative. As such, staff recommends approval of the proposed conditional use permit with the following condition:

1. The parapet walls surrounding the antennas shall be consistent with the building in architectural design and color.

PLANNING AND ZONING BOARD RECOMMENDATION:

On August 11, 2008 the Planning and Zoning Board recommended **UNANIMOUS APPROVAL** of the proposed conditional use permit with the stipulation recommended by staff.

CITY COMMISSION

The City Commission shall **APPROVE, APPROVE WITH CONDITION(S) or DENY** the proposed conditional use permit.

Attachments: T-Mobile A2F007-C MPE Statement & Photos
Letter from KCI regarding Structural Evaluation: Estuary Rooftop
Letter from Law Office of Lauralee Westine RE: T-Mobile South
Aerial
Site Plan

CU 08-04

RECEIVED

JUN 2 2008

City of Palmetto
Planning Department



Central & South Florida
Engineering & Operations

Tuesday, November 13, 2007

City Palmetto

Site A2F0770-C MPE Statement

To Whom It May Concern:

T-Mobile's corporate policy, with respect to radiation emission standards, is to construct radio-transmitting facilities compliant with OET-65 standards. OET-65 is the FCC standard regarding RF emissions. Therefore, the proposed PCS facility, A2F0770-C, will be constructed and deployed in compliance with all FCC guidelines with respect to radio frequency emissions, including OET-65. The FCC has granted a "categorical exclusion from testing" for all PCS 1900 facilities where the antenna centerline (ACL) exceeds 10 meters above ground level and the total power of all channels being used does not exceed 2000 watts ERP, which are both applicable for A2F0770-C.

The below excerpts are taken from the OET-65 standard:

OET at 14-15: Tower-mounted ("non-rooftop") antennas that are used for cellular telephone, PCS, and Specialized Mobile Radio (SMR) operations warrant a somewhat different approach for evaluation. While there is no evidence that typical installations in these services cause ground-level exposures in excess of the MPE limits, construction of these towers has been a topic of ongoing public controversy on environmental grounds, and we believe it necessary to ensure that there is no likelihood of excessive exposures from these antennas. Although we believe there is no need to require routine evaluation of towers where antennas are mounted high above the ground, out of an abundance of caution the FCC requires that tower-mounted installations be evaluated if antennas are mounted lower than 10 meters above ground and the total power of all channels being used is over 1000 watts effective radiated power (ERP), or 2000 W ERP for broadband PCS. These height and power combinations were chosen as thresholds recognizing that a theoretically "worst case" site could use many channels and several thousand watts of power. At such power levels a height of 10 meters above ground is not an unreasonable distance for which an evaluation generally would be advisable. For antennas mounted higher than 10 meters, measurement data for cellular facilities have indicated that ground-level power densities are typically hundreds to thousands of times below the new MPE limits.

¹ OET 13: In that regard, all transmitting facilities and devices regulated by this Commission that are the subject of an FCC decision or action (e.g., grant of an application or response to a petition or inquiry) are expected to comply with the appropriate RF radiation exposure guidelines, or, if not, to file an Environmental Assessment (EA) for review under our NEPA procedures, if such is required. It is important to emphasize that the categorical exclusions are *not* exclusions from *compliance* but, rather, exclusions from performing routine evaluations to demonstrate compliance. Normally, the exclusion from performing a routine evaluation will be a sufficient basis for assuming compliance, unless an applicant or licensee is otherwise notified by the Commission or has reason to believe that the excluded transmitter or facility encompasses exceptional characteristics that could cause non-compliance.

While the categorical exclusion relieves a licensee of having to conduct a routine evaluation, it does not relieve the licensee from compliance with the RF exposure limits. Thus, if a licensee has reason to believe its facility may not comply with the exposure limits, notwithstanding a categorical exclusion, the licensee should undertake measures to reduce exposure in accordance with the FCC rules.

Sincerely,

A handwritten signature in black ink, appearing to read 'SLS', with a long horizontal line extending to the right.

Shon L. Sparks
RF Engineering
T-Mobile USA



November 13, 2007

To Whom It May Concern:

In attempts to better serve our customers, T-Mobile Engineering continuously analyzes existing network coverage and its deficiencies. In the course of these efforts T-Mobile Engineering will use several sources of data including Customer Service logged customer complaints and service-level prediction data. These particular metrics and techniques hold a great amount of weight in determining the focus of T-Mobile's limited resources to best serve the needs of our customers - efficiently and effectively.

While analyzing our network in Manatee County, T-Mobile Engineering has determined there is a demand for improved in-building coverage west of Blackstone Park near 21st Street West and 24th Avenue West. Customer complaints and increasing network traffic are the two most significant metrics that support this type of coverage demand determination.

In addition, our engineering data has determined that Enhanced 911 services would be improved in this area only with the addition of this proposed cell tower and its associated equipment. Our objective is to provide mobile phone users the most accurate emergency 911 location services possible.

Recently, T-Mobile has determined that there is an appropriate cellular site candidate location that would meet our needs related to service enhancements required in Manatee County. The coordinates for this proposed candidate are listed below.

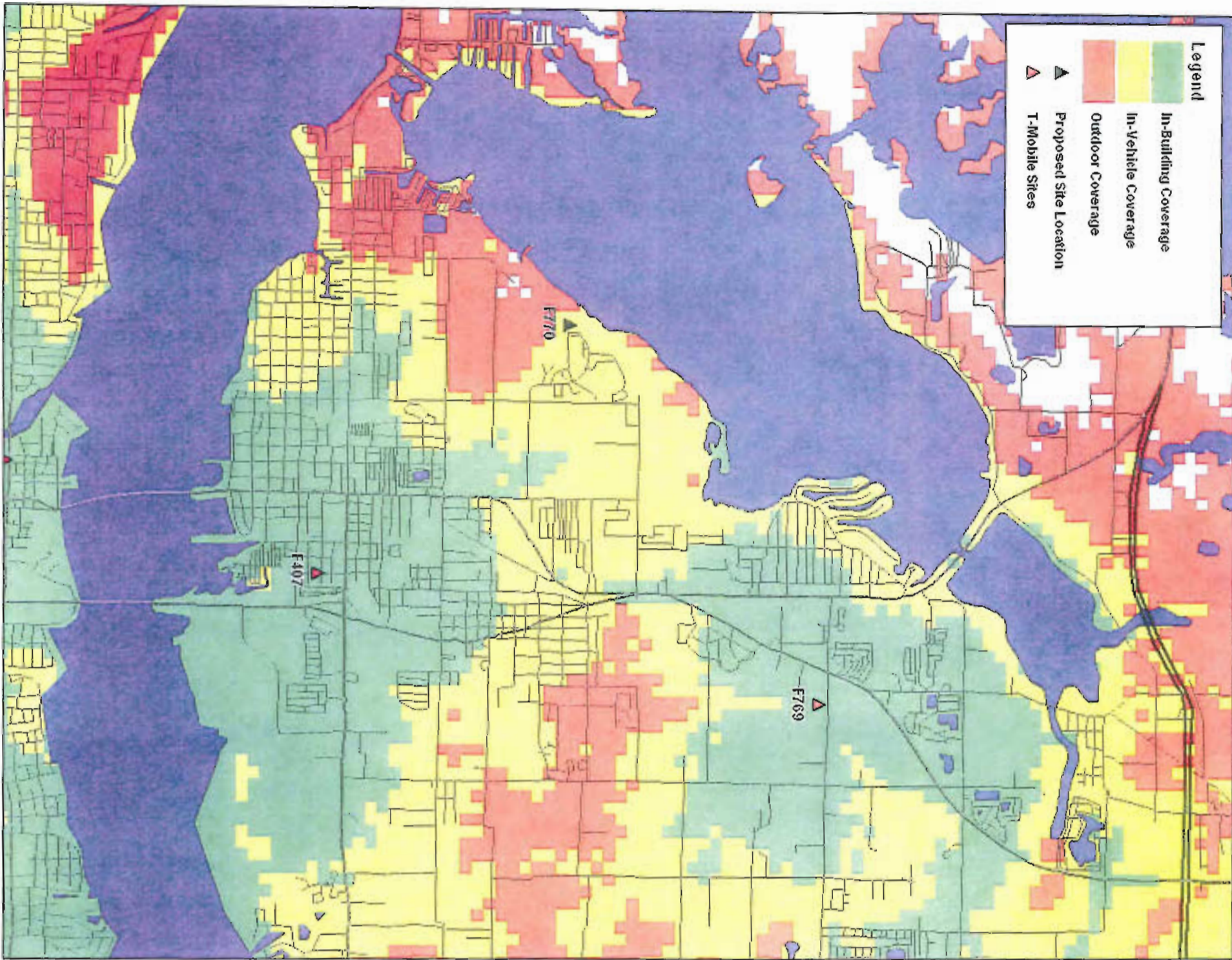
Candidate ID: A2F0770C
Latitude: 27.53801388
Longitude: -82.58774166

Regards,

A handwritten signature in black ink, appearing to read 'Shon Sparks', is written over a thin horizontal line that extends to the right.

Shon Sparks
T-Mobile RF Engineering
6902 Cypress Park Drive
Tampa, Fl. 33654

Current T-Mobile Coverage Deficiency West of Blackstone Park (Manatee)





AERIAL VIEW

**ESTUARY
A2F0770C
T-MOBILE**

For visual reference only. Actual visibility is dependant upon weather conditions, season, sunlight and viewer location.

Created By: Mike Murphy



PROPOSED SCREENING TO BE MADE WITH RF COMPATIBLE MATERIAL AND TEXTURED AND PAINTED TO MATCH THE EXISTING BUILDING EXTERIOR

PROPOSED ANTENNAS MOUNTED BEHIND SCREEN WALL



VIEW 1

For visual reference only. Actual visibility is dependant upon weather conditions, season, sunlight and viewer location.

**ESTUARY
A2F0770C
T-MOBILE**

Created By: Milke Murphy



PROPOSED SCREENING TO BE MADE WITH RF COMPATIBLE MATERIAL AND TEXTURED AND PAINTED TO MATCH THE EXISTING BUILDING EXTERIOR

PROPOSED ANTENNAS MOUNTED BEHIND SCREEN WALL

PROPOSED ANTENNAS MOUNTED BEHIND SCREEN WALL



VIEW 2

For visual reference only. Actual visibility is dependant upon weather conditions, season, sunlight and viewer location.

**ESTUARY
A2F0770C
T-MOBILE**

Created By: Mike Murphy





ENGINEERS • SCIENTISTS • SURVEYORS • CONSTRUCTION MANAGERS

Landmark Center II, Suite 220 4601 Six Forks Road Raleigh, NC 27609 (919) 783-9214 (919) 783-9266 Fax

22 April, 2008

T-Mobile
Jolene Ratliff
3407 W. Dr. Martin Luther King Blvd.
Tampa, FL 33607

RE: Structural Evaluation: Estuary Rooftop
KCI JOB: 10070009AM

Dear Ms. Ratliff:

Pursuant to your request, KCI Technologies, Inc. has completed a structural evaluation of the Estuary rooftop building. T-Mobile is proposing to install communication equipment cabinets on a steel platform and panel antennas concealed by stealth walls connected directly into the existing building parapet walls. They are also adding transmission lines to the existing building rooftop using penetrating roof mounts. KCI utilized a 130 mph wind speed with exposure category 'C' per the 2007 supplements to the 2004 Florida Building Code in the evaluation.

The results of KCI's evaluation indicate that none of the effected components of the structure will exceed the allowable limits based on A.I.S.C, A.C.I and the 2004 Florida Building Code. These results are based on the proposed antennas, transmission lines and platform constructed as shown in the construction documents by KCI, job number 10070009AM.

If you have any questions or need additional information, please do not hesitate to call me at (919) 783-9214.

Sincerely,

Robert A. Prueit, P.E.
Associate
License Number: 59754

CU 08-04

Law Office of

LAURALEE G. WESTINE, P.A.

800 Tarpon Woods Blvd., Ste E-1
Palm Harbor, Florida 34685

Telephone: (727)773-2221
Facsimile: (727)773-2616

SENT VIA HAND DELIVERY

June 2, 2008

Frank Woodward II, Deputy Director
City of Palmetto Public Works Department
600 17th Street West
Palmetto, Florida 34221

Robert M. Schmitt
City of Palmetto
600 17th Street West
Palmetto, Florida 34221

RE: **T-Mobile South, LLC Site Number: F770
Conditional Use Application for Roof Top Antenna Collocation
2625 Terra Ceia Bay Blvd, Palmetto, FL 34221**

To Whom It May Concern:

Enclosed herein please find the following documentation supporting my client, T-Mobile South, LLC, (T-Mobile) application for a Conditional Use for Antenna's and related facilities located on the roof top of 2625 Terra Ceia Bay Blvd, Palmetto.

1 original and 5 copies of the following unless otherwise noted:

- Application for Conditional Use
- Agent of Record Letter from The Estuaries II Condominium Association, Inc to Lauralee G. Westine, Esq.
- Agent of Record Letter from T-Mobile South, LLC. to Lauralee G. Westine, Esq.
- Corporate Warranty Deed
- Rooftop Lease with Option between The Estuaries II Condominium Association, Inc and T-Mobile South LLC
- 5 sets of T-Mobile RF Package
- 5 sets of Photosimulations
- Structural Letter from KCI
- List of names and addresses of owners within 300' of parent tract
- 5 sets of Full Size Site Plans
- Title Report (on CD)
- CD of Documents
- 5 Property Appraisal Reports

Summary of Project

T-Mobile is requesting the approval of a Conditional Use application to construct Antennas, Screened Wall and related equipment cabinets with a platform located on the rooftop of The Estuary Condominium at 2625 Terra Ceia Bay Blvd, Palmetto. The parcel is owned The Estuaries II Condominium Association, Inc by Parcel Number 2412711505. The parent tract is zoned PD-H and consists of 1.6 acres. The surrounding parcels are zoned PD-H.

Land Development Code Criteria

This application meets the requirements of the City of Palmetto Land Development Code for a Conditional Use as follows:

ARTICLE XVII: TELECOMMUNICATIONS TOWERS, ANTENNAE AND FACILITIES REGULATIONS

Sec. 17.1. Purpose.

The purpose and intent of this article is to provide a uniform and comprehensive set of standards for the development and installation of telecommunications towers, antennae and related facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of the city, while at the same time not unduly restricting the development of needed telecommunications facilities and encouraging managed development of telecommunications infrastructure.

T-Mobile's proposed collocation of antennas on the existing rooftop shall be screened so as to protect the aesthetic quality of the city. The location of the antennas will also provide for wireless users in the area of the proposed site to utilize their mobile phones in the event of an emergency and be located more easily by the E911 system.

Building mounted antenna shall mean any antenna, as defined herein, directly attached or affixed to a building or structure. The building mounted antenna shall not be higher than twenty (20) feet above the roof, unless a conditional use permit is applied for and granted.

The proposed T-Mobile antennas shall be located less than 10' above the existing height of the roof. The antennas and equipment shall be screening behind a decorative wall which blends into the aesthetics of the existing building. See Photo simulations.

Existing structure shall mean any building or other structure, other than a tower, which can be used for location of wireless telecommunications facilities.

T-Mobile is proposing to collocate its antennas on the existing structure of The Estuary Condominium located at 2625 Terra Ceia Bay Blvd, Palmetto.

...

Sec. 17.3. Application procedure.

All applications for a telecommunication facility must contain the following information.

(1) Plot plan which shows all structures and identifies land usage within five hundred (500) feet of the property boundary of the telecommunication facility.

T-Mobile is proposing to collocate antennas on an existing rooftop which will not affect any existing land use or abutting land use.

(2) A written report including a description of any tower proposed with technical reasons which supports its design in relation to its proposed site.

T-Mobile is not proposing a new tower. It is proposing to collocate its antennas on an existing building which meets the engineering needs for its network. See T-Mobile RF package.

(3) Documentation establishing the structural integrity of the tower or the structure on which the antenna is to be mounted.

T-Mobile is not proposing a new tower, rather please see KCI Structural Evaluation Letter dated April 22, 2008 stating that the rooftop is structurally capable of supporting the antennas and the associated equipment and screen walls.

(4) General capacity of the proposed tower design and the information necessary to assure that American National Standards Institute (ANSI) standards are met.

Please see KCI letter noted above.

(5) A statement of intent on whether co-location space will be available and information regarding proposed co-locators.

T-Mobile is merely a collocater on this existing rooftop. The landowner has the ability to lease additional rooftop space if necessary and requested.

(6) Proof of ownership of the proposed site or proof of authorization to utilize it including copies of any lease agreements.

See Rooftop Lease with Option.

(7) A review deposit of two thousand five hundred dollars (\$2,500.00). All work performed by city employees and city consultants directly and reasonably attributable to review of a telecommunication facility application shall be paid by the applicant. Fees will be based upon the hourly rate of pay of each employee performing the work multiplied by the number of hours worked multiplied by thirty-three and seventeen-hundredths (33.17) percent except for the city attorney and consultant review time which will be charged at actual cost to the city. Any balance due over the established deposit amount will be billed. Any amount under the deposit amount will be refunded.

T-Mobile is not proposing a new tower, rather they are proposing a collocation. This fee is not applicable to collocations.

(8) Copies of any easements necessary.
See Rooftop Lease with Option.

(9) The fiber optic network, if any, utilized by the facility and the names and addresses of the back haul providers.

Verizon

(10) All structures shall be designed to meet or exceed the standards established by the Standard Building Code and the city's building code.

See Page T-1 Structural Note 1.

(11) Plans must be sealed by a professional engineer registered in the state.

See Page T-1.

(12) Copies of all approvals issued by other agencies with jurisdiction including but not limited to FCC and FAA.

Proof of FCC limitations are outlined in the RF package provided. Rooftop facilities are not required to be filed with the FAA.

(13) Those telecommunication facilities which are required to obtain a conditional use permit must also comply with the requirements of Article XV of the city's zoning code.

See supporting documentation submitted and explanation below.

...

Sec. 17.4. Use regulations.

The following use regulations shall apply to telecommunication facilities:

(1) Telecommunication facilities may be permitted as a conditional use in the public, office, commercial and industrial zoning districts as established in the zoning code; provided, however that building mounted antennae as defined herein are allowed as permitted uses in the public, office, commercial, and industrial zoning districts provided the requirements of this article are met.

Although it is the intent of the Land Development Code (LDC) that carriers seek to collocate on existing structures prior constructing new towers, this portion of the LDC is silent as to the approval process of rooftop antennas on PD-H parcels. As such, after discussions with staff, T-Mobile is applying for a Condition Use to add antennas, equipment and screening walls to the existing building located at 2625 Terra Ceia Bay Blvd, Palmetto. The LDC allows antennas to be collocated on existing structures as permitted uses so long as the antennas do not exceed the height of the roof by greater than 20'. T-Mobile's proposed antennas will exceed the height of the roof by 10'.

...

Sec. 17.5. Co-location; availability of suitable existing structures.

No new telecommunication tower shall be permitted unless the applicant demonstrates that no existing tower or structure regardless of whether it is located within the city can accommodate the applicant's proposed antenna. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

- (1) That no existing towers or suitable alternative structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
- (2) That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- (3) That existing towers or structures do not have sufficient structural strength to support the applicant's antenna and related equipment.
- (4) That the applicant's proposed antenna(s) would cause electromagnetic interference with the antennae on the existing towers or structures, or the antennae on the existing towers or structures would cause interference with the applicant's proposed antenna.
- (5) That the cost or contractual provisions required by the tower owner to use an existing tower or structure or to adapt an existing tower or structure for shared use are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

T-Mobile is proposing to collocate antennas on an existing structure and is not proposing to construct a new telecommunication tower.

Sec. 17.6. Standards of approval of all telecommunication facilities.

The following standards shall apply to approval of all telecommunication facilities.

(1) The applicant shall demonstrate, using the latest technological evidence, why the antenna or tower must be placed in a proposed location in order to serve its necessary function in the company's grid system. Part of the demonstration shall include a drawing showing the boundaries of the area around the proposed location which would also permit the antenna to function properly in the company's grid system. The area shall be considered the allowable zone. **See T-Mobile RF Package.**

...

(8) Adequate parking shall be required for users of the tower and such maintenance personnel as normal operations require. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift.

The Estuary has adequate parking for the required maintenance personnel of this proposed unmanned facility.

(9) The owner of property used as a telecommunication facility shall maintain such property and all structures in good condition and free of trash, outdoor storage, weeds and other debris.

T-Mobile will comply with this provision of the code.

...

Sec. 17.7. Change of ownership.

Any owner of a telecommunication facility shall be required to notify the city of its intent in writing within thirty (30) days of any transfer, merger or change of ownership. The new owner must fully comply with all provisions of this article and acknowledge in writing acceptance of the conditional use permit.

(Ord. No. 618, § 4, 8-3-98)

T-Mobile shall comply with this provision of the code.

Sec. 17.8. Annual report.

The owner of each company operating a telecommunications facility must provide current information on the facility by the first of October each year by filing an annual report and paying a registration fee of five hundred dollars (\$500.00). This annual registration process consists of providing a list of all users of the telecommunications facility with names, addresses and phone numbers of responsible management personnel. Each user shall provide the city with a copy of each user's license with the FCC. Each telecommunication facility must submit annual registration separately. No approval will be granted to any annual report unless proof of current FCC license is provided. All owners of telecommunication facilities must also obtain an occupational license from the city.

T-Mobile is not proposing to construct a new tower, as such this provision is not applicable.

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Sec. 17.9. Aesthetics.

The provision of this section shall govern the design and construction of all telecommunication towers, and the installation of all antennae, governed by this article.

(1) Towers and/or antennae shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

T-Mobile is proposing rooftop antennas that shall be located behind a screen wall which shall blend with the existing building. See Page A-1 and Photo simulations.

(2) The design of all telecommunication equipment buildings, towers, and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.

See submitted site plans and Photo simulations.

(3) For antennae installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.

T-Mobile is proposing the antennas and related equipment be located behind a screen wall which will blend with the existing building. See Page A-1 and Photo simulations.

(4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

NA. T-Mobile is not proposing a new tower, rather a rooftop antenna collocation.

(5) No signage or other identifying markings of a commercial nature shall be permitted upon any tower or antennae within the city.

T-Mobile will comply with this provision of the code.

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Sec. 17.10. Setbacks and separation.

The following setbacks and separation requirements shall apply to all telecommunication towers and facilities.

...

(4) Antennae which are mounted on existing structures (i.e. water towers or other tall structures) must meet the minimum setback requirements for the district in which the structure is located.

T-Mobile is located on the existing rooftop and will not change the existing setbacks established.

...

Sec. 17.14. Building codes--Safety standards.

To ensure the structural integrity of towers and antennae, the owner of a tower or antennae shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers and antennae that are published by the Electronic Industries Association, as amended from time to time. If a tower or antennae fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice the owner, of the telecommunications facility, shall have fifteen (15) days to bring the facility into compliance with such standards. If the owner, fails to bring the facility into compliance within the fifteen (15) days, the city may remove the facility at the owner's expense. Prior to the removal of any facility, the city may consider detailed plans submitted by the owner, for repair of substandard facilities, and may grant a reasonable extension as determined by the city council of the above referenced compliance period. A lien may be placed on the property to recover said costs.

See KCI Structural Evaluation Letter dated April 22, 2008.

...

Sec. 17.15. Abandonment of towers, antennae and facilities.

(1) Any owner of a telecommunication facility shall notify the city of its intent in writing of any cessation of business or discontinued use and the date such use will cease. If at any time the use of the facility is discontinued for ninety (90) days, the city may declare the facility abandoned.

(This excludes any dormancy period between construction and the initial use of the facility.)

"Discontinued" shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, is unused or has ceased the daily activities or operations for which it is permitted. The facility's owner will receive written notice from the city, and be instructed to either re-activate the facility's use within thirty (30) days or dismantle and remove the facility. If reactivation or dismantling does not occur, the city shall schedule a public hearing to determine the action to be taken.

(2) After such hearing has been provided, the city shall have the authority to initiate proceedings to either acquire the facility and any appurtenances attached thereto at the then fair market value, or in the alternative, order the removal of the facility and all appurtenances, at owner's expense. A lien may be placed on the property to recover said costs.

(3) No telecommunications tower shall be constructed, replaced or altered without obtaining the applicable building permits.

T-Mobile shall comply with this provision of the code.

Sec. 17.16. Conditions of permit issuance.

The applicant shall:

(1) Maintain public liability and property damage insurance that protects the applicant and the city; naming the city and the city's officers and agents and employees as an additional insured.

The insurance shall provide uninterrupted coverage of not less than five million dollars (\$5,000,000.00) for personal injury to each person and five million dollars (\$5,000,000.00) for each occurrence involving property damage, plus costs of defense. The policy shall provide that the insurance shall not be canceled or materially altered without thirty (30) days written notice first being given to the city.

(2) Maintain on file with city a certificate of the insurance required by section (1) above.

Failure to maintain insurance coverage or to provide proof of insurance shall constitute a violation of this article and grounds for fines and/or revocation of the conditional use permit.

(3) Provide specific performance bond from a company authorized to do business in Florida to the city as guarantee of fulfillment of the owner's obligation to remove the telecommunication tower and facilities upon its abandonment or discontinuation of use. The amount of the bond shall be equal to the removal and disposal cost as certified by a cost estimate submitted by an engineer approved by the city. Failure to maintain such bond or to show proof of such bond upon request of the city shall constitute a violation of this article and shall be grounds for revocation of the conditional use permit. The performance bond may be invoked in accordance with the procedures set forth therein by the city upon a determination by the city council that the tower has been abandoned and that the owner has failed to remove it as required by this article.

(4) Provide a copy FCC's permits or a copy of documents showing the applicant has applied for a permit from the FCC showing their status as a telecommunications provider and/or carrier doing business as either a wireless, PCS or other telecommunications provider. The actual permit must be provided prior to a issuance of a certificate of occupancy by the city.

(5) A copy of the finding from the FAA's aeronautical study determination regarding the proposed telecommunication tower siting.

The aforementioned provisions are not applicable in that T-Mobile is proposing a rooftop collocation and not a new telecommunication tower.

...

ARTICLE XV. CONDITIONAL USES*

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Sec. 15.3. Standards and procedures.

A. *Site plan:* The site plan requirements shall be the same as required by the Subdivision Ordinance.
Please see submitted site plan.

B. *General regulations:* Parking, sign or other applicable requirements as provided by the Code of Ordinances of the City of Palmetto.

NA to T-Mobile's proposed rooftop collocation application.

Sec. 15.4. Special permits.

A. *Purpose and intent:* This section is established to provide for the granting of special permits where allowed under the provisions of this ordinance. For the purposes of this ordinance, the term "special permit" means a special exception and "special exception" means a use that would not be appropriate generally or without restriction throughout the particular zoning district in which it is allowed, but which, if controlled as to number, area, location, relation to the neighborhood, mode of operation, size, design, establishment, construction, appearance, or similar matters, would promote the public health, safety, comfort, order, appearance, convenience, morals, prosperity, or general welfare.

...

C. *Standards:* The following standards shall apply to all applications for specific permit approval.

a. *Purpose and intent; The Comprehensive Plan:* The proposal shall be consistent with the stated purpose and intent of the applicable district regulations and this ordinance, and consistent with the Comprehensive Plan.

The proposed rooftop collocation is consistent with the Comprehensive Plan in that the additional antennas shall provide residents the ability to use wireless communications in the event of an emergency. The proposed addition of the antennas shall not affect the aesthetics of the building in that the antennas are screened and shall blend into the existing architecture. The proposed antennas shall be located 10' lower than permitted by the land development code.

b. *Applicable district regulations:* The proposal shall comply, where applicable, to the regulations of the zoning district in which the proposed use is most commonly permitted.

See above.

c. *Compatibility:* The proposal shall be compatible with surrounding land uses and the general character of the area, considering, without limitation, such factors as traffic, noise, drainage, dust, lighting, appearance, and effect on property values.

T-Mobiles antennas and equipment will be located on an existing rooftop behind a screen wall which will be designed to blend to match the existing building which will be compatible with the general character of the area and appearance. The proposed collocation will not add any unnecessary traffic, noise, drainage, dust or lighting. Furthermore, the additional of the antennas shall have no adverse property values. See photo simulations and property appraisal reports.

d. *Environment:* The site shall be environmentally suitable for the proposed use and such use shall not have a substantially adverse impact on the natural environment. Soils, drainage, flood hazards, wildlife, and air and water quality shall be among the factors considered in this regard.

T-Mobile's proposed rooftop attachment to an existing building will have no adverse environmental impact.

e. *Orderly development:* The proposal shall be consistent with providing for efficient and orderly development, considering, without limitation, such factors as provision of public facilities and services, growth patterns, and energy conservation.

T-Mobile will be able to provide wireless phone service to the surrounding area and enhanced E911. See T-Mobile RF Package. The proposed rooftop collocation is encouraged as an alternative to a new telecommunication tower in the land development code provisions.

f. *Public facilities and services:* Necessary public facilities and services, such as sanitation, water, drainage, emergency services, education, recreation, and similar facilities and services shall be adequate to serve the proposed use.

This proposed collocation will not require any additional public facilities or services.

g. *Traffic:* The proposal shall not create hazardous vehicular or pedestrian traffic conditions nor result in traffic exceeding the capacity of streets and intersections serving the use.

T-Mobile is proposing an unmanned facility and will only require normal maintenance visits.

h. *Screening and buffering:* The proposal shall include screening and buffering as necessary to minimize adverse impacts on surrounding land uses.

T-Mobile's proposal of locating on an existing rooftop behind a screen wall will have no adverse impacts on the surrounding land uses.

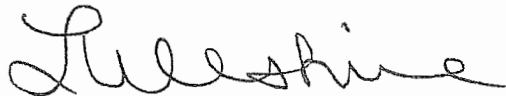
i. *Signs, lighting:* Signs and outdoor lighting which may be involved in the proposal shall be designed to ensure that the use harmoniously fits into its surroundings.

This site will not be required to be lit and will have no commercial signage.

...

In the event that I am able to provide you with additional information or answer any questions that the public may have regarding this application, please not hesitate to contact me or provide my contact information to anyone with questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "L Westine".

Lauralee G. Westine, Esq.

enclosures



T-Mobile Tower @ the Estuaries II

City of Palmetto
Development Review Committee
Meeting Minutes
June 11, 2008

PRESENT

Bob Schmitt, City Planner
Frank Woodard, Deputy Director Engineering
Dick Clarke, ZNS Engineering
Duane Kinn, Deputy Director Operations
Matt Bloome, Stormwater Manager
Ken Hawkins, Planner 1
Rusty Tona, NRRFD Inspector
Linda Butler, Planning Tech.

Meeting started at 9:00 am

ORDER OF BUSINESS:

1. Discussion/Distribution of Plan:
 - a. Resubmittal of request for TC/O Schott mini-Storage (05-437)
 - Team inspection scheduled Thursday, June 19, 2008 @ 9am.
 - At this time NRRFD have no issues, but will double check file to be sure
 - Per NRRFD the structure is built to fire standards
 - b. T-Mobile (CU 0804)
 - There will be no stormwater/sewer issues with this CU
 - Will it have a generator, if so where will it be stored, where will the fuel be stored?
 - Approval was received from Homeowner Association
 - Applicant will come before the DRC on June 25, 2008
 - c. Sanctuary Cove Final Plat (05-443F)
 - Go before City Commission on June 16, 2008
 - To be placed in file, County agreed to maintain drainage ditch and agreed with the width
 - NRRFD, Mr. Riker is not comfortable with fire flow, the process and procedure has been explained to Linda Svenson and Woodruff & Sons

2. Comments Due

a. C&D Migrant Housing (Construction Plans 1st Submittal) (08-579)

- Invite Andy Allison to the June 25, 2008 DRC meeting to discuss plans
- Will need a 24 ft drive isle
- Providing the building remain a State licensed migrant housing building, it will not need a sprinkler system per NREFD
- Driveway is in bad shape
- Per Duane, he will need a 20 ft rear yard setback for sewer, at this time the site does not meet the 20 ft rear yard setback.
- There will be 4 tree replacement

3. Pre-application Meetings:

a. Andy Norgart and Robb Lee, Richmond American @ 10:00 am River Walk East –(#04-386)

- Per Andy, the bacterial test (bac-t) was performed and has been given clearance by the health department
- DRC suggested the applicant should consider barricading the entrance of the front and both sides
- Applicant will flush the system, re-perform the BAC-T test, resubmit and flush every 30 days thereafter
- Both ponds has to be maintained
- Don't pull filter fabric at this time
- Sewer system smoke test to be performed, please notify NREFD morning of test
- Matt needs easement to be able to maintain ditch, easement is not depicted on plat
- Lot 11, a 25 by 40 easement (manhole) is not recorded, no O.R., book or page number

b. Dave Bartlett with Florida Engineering @ 10:30, Sanctuary Cove

- Plans submitted (1st submittal)
- Dumpster will have concrete paving
- Sales Center, no safe way to connect to sidewalk
- Reviewed all items on the plan requirement

4. Plan Sign Off Review

a. MCAT Transit Station (06-499)

- Need utility resolution, lift station or tie into forcemain.

5. Team Inspection

None

6. New Business

Jim Amerson is planning on constructing a building on the site that the yellow house sits on and will be occupied by Bible Baptist Church as one of the tenants. The yellow house will remain onsite.

7. Old Business

a. Pullen Estates GDP (04-431)

- Brian Cale is scheduled for the June 25, 2008 DRC meeting.

b. Palmetto Town Center FSP (07-574)

- Need development agreement

c. Spacebox @ Palmetto (05-434)

- Need formal submittal
- NRRFD have not approved, issue with hydrant distance, one hydrant was not showing on plans
- Per NRRFD, assign 1 address and give building numbers to each building
- Monitoring of the dump station; per client, station will have a locking cap and video surveillance. Rental agreement contains language that prohibits occupant from storing any substance or material classified as

hazardous, toxic, controlled or illegal. Occupant agrees that the dump station is for the sole use of occupants of the self storage facility.

- Inquired about securing driving range credit
- Need input on impact fee
- Provide Traffic Study
- Development Agreement will be ready soon.

4. Adjourned: 11:30 a.m.

City of Palmetto
Development Review Committee
Meeting Minutes
June 25, 2008

PRESENT

Bob Schmitt, City Planner
Frank Woodard, Deputy Director Engineering
Dick Clarke, ZNS Engineering
Duane Kinn, Deputy Director Operations
Matt Bloome, Stormwater Manager
Ken Hawkins, Planner 1
Rusty Tona, NRFD Inspector
Linda Butler, Planning Tech.

Meeting started at 9:00 am

ORDER OF BUSINESS:

1. Discussion/Distribution of Plan:
 - a. Palmetto Riverside Bed & Breakfast (Lippens)(GDP- 08-01)
 - Project will go before P&Z on July 14th and to City Commission on July 28, 2008
 - The location is the old Brown's house, it will be converted back to a bed and breakfast
 - Will have a total of 12 units when it is completed
 - Will parking be an issue and what is the off-set? It is 1 space per unit for a total of 9 for phase I, 12 for phase II
 - Will it be an increase in capacity/utilities
 - Will need easement
 - Proposed parking lot area will be paver bricks
 - Will the pavers be on property only or go into the right-of-way?
 - Stip: if pavers are installed for sidewalk and are later damaged, the City will only replace with concrete, pavers will be used to repair damage only at owners expense
 - NRFD will review
 - Need a letter from SWFWMD
 - Comments due by July 3, 2008

2. Comments Due

a. Sanctuary Cove Community Center 1st Submittal (08-580)

- Per NRRFD the community center is 5,800 square feet and will need a sprinkler system. An option will be to break up/divide the building. Suggested firewall off the locker rooms to break up the building
- All fire hydrants needs to be tested, at this time the number are too low for the development
- Tiki hut is ok
- Parking lot will be concrete
- Dumpster will sit next to a house
- Stip: entrance need to be one-way
- Comments are due

b. Sanctuary Cove Sales Center 1st Submittal (08-581)

- Per NRRFD stairwell needs to enclosed
- Short on parking spaces
- Need to show auto turn
- Will it be ADA accessible?
- Need crosswalk

c. Pullen Estates GDP 1st Submittal (known as South Pullen)

- Comments has been forwarded

3. Project Follow-up Meetings:

a. Lauralee Westine (T-Mobile CU-08-04) @ 10:00a.m.

- There are no back-up generators
- No comments from utilities
- Approved from NRRFD
- No comments from engineering
- Antennas will be placed on three corners of the building
- The lease for the antennas is with Estuary Condominium
- There has been no objection from the tenants

- Antennas will not be visible; the screening will be painted the same color as the building.

b. Andy Allison & Dave Bailey (C & D Migrant Housing 08-579) @ 10:30

- Will go before the P&Z on July 14 and City Commission on July 28, 2008
- Set back need to 20 ft as opposed to 10
- Replacement of waterline/sewer line
- Move building to the left 5 ft
- 24 ft drive isle decrease to 20 ft., parking lot depth decrease from 20 to 18 ft
- Driveway will be moved to side of house, currently in front of house
- Completely re-do parking lot, thicken up the asphalt
- Check density
- If no SWFWMD permit is needed, will need documentation/letter
- Same will be needed for Traffic Study
- No year round tenants, only manager
- Dumpster location
- Landscape will be completely torn out

c. Brian Cales, Whiting Preston (Pullen Estates 04-431)@ 11:00am

- Utilities: sewer on 27th Ave, gravity forcemain
- Installing new lift station, re-route everything to new lift station
- Build pump station
- Private road, private utilities, master meter, gated roads
- Existing ditches will remain and be maintained by homeowner
- Install emergency access if required
- Stormwater will need 25 ft easement
- Construction to possibly start October 2009
- For marketing purpose, possibility of reducing units, lowering height
- Villas will be Mediterranean style
- Parking calc, may need to get a variance

4. Plan Sign Off Review

a. MCAT Transit Station (06-499)

- Need utility resolution, lift station or tie into forcemain.

5. Team Inspection

- a. Discuss inspection from 6/19/08 for TC/O Schott Mini-Storage (05-437)

6. New Business

None

7. Old Business

- a. Spacebox @ Palmetto (05-434)

- Cap/plug water, sewer taps
- Need parking space
- Stripping to show where cars are suppose to park
- Enough room for emergency access

- b. Palmetto Town Center FSP (07-574)

- Need development agreement
- NRRFD approved phase 1

4. Adjourned: 12:40 a.m.

T-Mobile Coverage Enhancement with Proposed Site West of Blackstone Park (Manatee)

