TOWN OF LAKE PARK
PLANNING & ZONING BOARD
MEETING MINUTES
JANUARY 4, 2016

CALL TO ORDER

The Planning & Zoning Board Meeting was called to order by Chair Judith Thomas at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Judith Thomas, Chair	Present
Martin Schneider	Present
Michele Dubois	Present
Anne Lynch, Alternate	Present

Also in attendance were Thomas J. Baird, Town Attorney; Nadia DiTommaso, Community Development Director; Scott Schultz, Town Planner, and Kimberly Rowley, Board Secretary.

APPOINTMENT OF VICE-CHAIR

Chair Thomas informed the Board that, due to a recent vacancy on the Board, the appointment of a Vice-Chair would be necessary and asked for nominations. Board Member Dubois nominated Board Member Schneider as the Vice-Chair, and the nomination was seconded by Board Member Lynch. There were no other nominations, and the vote was as follows:

	Aye	Nay
Martin Schneider	X	
Michele Dubois	X	
Judith Thomas	X	
Anne Lynch	X	

The Motion carried 4-0 and Board Member Schneider was appointed as Vice-Chair of the Planning & Zoning Board.

APPROVAL OF AGENDA

Chair Thomas requested a motion for the approval of the Agenda as submitted. Vice-Chair Schneider made the motion for approval, and it was seconded by Board Member Lynch. The vote was as follows:

	Aye	Nay
Martin Schneider	X	
Michele Dubois	X	
Judith Thomas	X	
Anne Lynch	X	

The Motion carried 4-0, and the Agenda was approved as amended.

APPROVAL OF MINUTES

Chair Thomas requested a motion for approval of the November 23, 2015, "Special Call" Planning & Zoning Board Meeting Minutes as submitted. Vice-Chair Schneider made a motion for approval, and it was seconded by Board Member Dubois. The vote was as follows:

	Aye	Nay
Martin Schneider	X	
Michele Dubois	X	
Judith Thomas	X	
Anne Lynch	X	

The Motion carried 4-0, and the Minutes of the November 23, 2015, "Special Call" Planning & Zoning Board Meeting were approved as submitted.

PUBLIC COMMENTS

Chair Thomas reviewed the Public Comments procedure.

ORDER OF BUSINESS

Chair Thomas outlined the Order of Business.

NEW BUSINESS

A) **A SITE PLAN APPLICATION FOR A PROPOSED 125-FOOT STEALTH "YARD ARM" TELECOMMUNICATIONS TOWER AT THE LAKE PARK HARBOR MARINA.** ***APPLICANT: RG TOWERS, LLC***

STAFF PRESENTATION

Nadia DiTommaso, Community Development Director, addressed the Board and stated the Site Plan Application is being brought forward by RG Towers, LLC, who is proposing a 125' stealth, yard arm design, telecommunications tower at the Lake Park Harbor Marina located at 105 Lake Shore Drive. Ms. DiTommaso presented several visuals of the proposed site location. Ms. DiTommaso stated in order to assist the Board with the review of the Site Plan Application, she will provide history on the proposal, as well as review criteria for the Board's consideration.

Ms. DiTommaso explained that in April 2014, the Town Commission considered and approved, via Resolution 10-04-14, a Lease Option Agreement with T-Mobile, following negotiations with the Town Administration at that time. The approval enabled them to move forward with due diligence for site plan approval consideration. In March 2015, RG Towers, representing T-Mobile, the original Lease Option Agreement holder, requested an Amendment to the original Lease Option Agreement in order to add 250 square feet to the already approved 500 square feet, for a total of 750 square feet of ground space for the equipment area. The Amendment was approved pursuant to Resolution 08-06-15, and around the same time, Staff received an application from RG Towers for site plan consideration of the proposed 125' stealth telecommunications tower, with 4 possible user/carriers.

Ms. DiTommaso explained that the Town's Telecommunications Code does not provide specific site plan criteria, other than basic application and documentation requirements for this type of Application, however, Staff, along with the Town's consulting engineers and landscape architect, reviewed the Application and considered various components, which include the following:

(1) ***Consistency with the Comprehensive Plan*** - aims to ensure that the proposed use is consistent with the Future Land Use designation of Public Buildings and Grounds with a Recreation and Open Space Overlay. Telecommunication towers serve the general public and as such have been classified as public utilities and satisfy the requirement of the land use which aims to serve a public purpose. This was taken into consideration when the Lease Option Agreement was entered into. The Marina area upon which the tower is being proposed is within Parcel 2 of the original Marina Deed documents and it does not include any deed restrictions. Conversely, the Town's Comprehensive Plan's Future Land Use Element lists the Town Goal Statement in Section 3.4 with a criteria to ensure that the Town fosters development and redevelopment that is compatible with and improves existing neighborhoods and commercial areas. While a stealth tower with a yard arm design may visually "fit in" with the character of the Marina, this type of use can arguably also be a deterrent to the redevelopment of the area given its electromagnetic radiation component, even if it meets Federal Communications Commission requirements. While the Town cannot deny an Application based on this criteria pursuant to the Telecommunications Act, it is important to discuss since the tower is being proposed within an area that may attract increased magnetic currents given the type of open space and vessels located at the Marina.

(2) ***Consistency with the Town's Land Development Regulations for telecommunication towers*** - From a basic review standpoint which includes elements such as setbacks; permitted uses; and structural engineering requirements. For setbacks, the tower is required to be positioned at least 110% of the proposed height (137.5') from all property boundary lines, for which it meets this setback on all sides by providing 330' on the north side; 167' on the east; 574' on the south side; and 205' on the west side. Regarding permitted uses, Town Code specifically lists that telecommunication facilities located on property owned, leased, or otherwise controlled by the Town, provide a license or lease authorizing a telecommunications facility and that the lease is approved by the Town Commission. Since the Lease Option Agreement has been entered into with the Town, the proposed tower is classified as a permitted use, according to the Code. The engineering plans/stormwater calculations/compliance with Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) have also been reviewed by the Town's consulting engineers and have been approved.

Ms. DiTommaso explained additional factors considered as part of the review including health impacts which were commented on by Staff throughout the review process. The Applicant has responded in citing the Telecommunications Act which specifically pre-empts the Town from legally being able to utilize health impacts as a basis for denial. Additionally, Staff is concerned about the need for additional ground space in the future for the added equipment for future carriers, since the tower is being proposed at 125' for four (4) users. While Town Code favors towers with multiple users since this lessens the proliferation of towers, given the proposed location of the tower, Staff has addressed this as a Condition of Approval. Required landscaping/irrigation/fencing was also reviewed, and while the Application meets the fencing requirements of the Code and provides for an 8' wooden fence, Staff is proposing through a Condition of Approval that added decorative features be placed on top of the fence to enhance its aesthetics. The landscaping meets Code, however, the Town's consulting landscape architect is proposing upgraded plantings that blend well into the surroundings and which are detailed as a Condition of Approval. As it relates to landscaping and irrigation, the proposed landscaping is outside of the previously approved leased area and since it is a requirement of the equipment area, Staff is proposing that the approved leased area is utilized for the required landscaping, thereby making the Applicant responsible for the maintenance, and that the required irrigation is run on separate lines with separate meters. Tower maintenance and access would be granted according to the plans, through a 12' non-exclusive access easement and a 5' non-exclusive utility easement and the Applicant has indicated that the maintenance crew would utilize the existing parking spaces when accessing the site. Town Code requires a Letter of Credit, which is proposed as a Condition of Approval, as a security fund from which the Town can deduct fines and penalties for non-compliance, or in the event of tower abandonment. The proposed height of the tower is 125' and Town Code indicates that this height can have more than three users. The Lease Option Agreement stipulates four (4) users.

Signage is not being proposed on the tower itself as it is not allowed by Code, however, warning signage on the fence surrounding the ground level equipment area is an FCC requirement and is being proposed.

Ms. DiTommaso stated the Town's revenue for the tower was not reviewed as part of the Site Plan Application as it was determined as part of the Lease Option Agreement. If approved via the Site Plan Application, the Lease Option allows for a monthly payment of $2,950, plus 50% for each co-locator and a 3% annual escalator (i.e. $35,400 plus 50% for each co-locator in year one would be generated with an annual increase of 3% each year thereafter).

Ms. DiTommaso explained the Applicant was required to submit a Statement of Need identifying why this location is needed to serve underutilized customers in the area, as well as an engineering study reviewing existing tower locations to ensure they are not within one-half mile of the proposed tower; coverage maps; and any outreach that was done to possibly co-locate on a neighboring structure. The Applicant provided documentation of all existing tower locations within a 2-mile radius and one correspondence from a neighboring condominium who were not interested in placing antennae on their building. While Staff commented on the possibility of co-locating on a neighboring tower, the Applicant responded with their needed coverage area and clarified that this was also reviewed as part of the Lease Option Agreement, which led to the proposed location at the Lake Park Marina in 2014.

Lighting/Aesthetics/Visual Impacts were reviewed and the Applicant is currently not proposing any lighting since they are seeking further direction from the Board and Commission as to whether the Town would like to incorporate flags, which based on the type of flag, would have associated lighting requirements. Staff included this item as a Condition of Approval. Regarding visual impacts, the tower is being proposed as a stealth tower with a yard arm design (i.e. a monopole design with all antennas internalized - which the Town Code favors and the Lease Option Agreement identifies as the preferred design).

Ms. DiTommaso stated that while the basic criteria was reviewed by Staff pursuant to the Applicant's Site Plan Application and Town Code, in discussing the Application with the Town Attorney it was noted that typically in other jurisdictions all Site Plan Applications are required to meet additional criteria. Staff briefly reviewed other Codes and found this to be true in several neighboring jurisdictions. Town Code does not specifically list additional criteria for all Site Plan Applications which is likely due to the fact that Lake Park started off as a planned community in the 1920's, and therefore the Code is structured somewhat differently. Ms. DiTommaso stated that more detailed site plan criteria typically includes:

(1) The proposed development is compatible and/or consistent with the established or proposed character of a neighborhood or area → *While Staff has not physically measured all of the neighboring building heights, Staff has determined based on the number of stories in the surrounding area that the residential buildings to the north are in the 100'height range given their 8 story configuration, and the buildings to the west are in the 30' height*

range given their 2 story configuration. While a 125' monopole with a minimal diameter may not necessarily be visually incompatible, the character of the area is residential; public; recreational and open space in nature, and therefore a stealth tower, even with a yard arm design, can be construed as being incompatible and this criteria should be considered.

(2) The proposed development does not adversely affect property values in adjacent areas → *This criteria is very difficult to determine since a comparison of property values is site specific and can only be effectively determined pre and post construction, which requires approval and construction first, for a valid and precise analysis.*

(3) The proposed development would not be a deterrent to the improvement or development of adjacent property in accord with existing regulations → *Given the Town's mixed-use initiative along the Federal Highway Corridor and the fact that the Marina has increased in occupancy, as well as the fact that many of the neighboring structures are residential, a stealth telecommunications tower may be a deterrent to future development efforts.*

(4) The proposed development does not negatively impact adjacent natural systems or public facilities, such as parks → *While the proposed location will not have a negative impact to storm water retention or required drainage calculations per the Town's consulting Engineer's review, it will remove a centralized green space at the Marina, a public area with a recreation and open space intent.*

Ms. DiTommaso stated although the Town entered into a Lease Option Agreement with the Applicant in 2014, with an Amendment in early 2015, the Lease Option Agreement was a completely different component of the site plan approval process and does not automatically grant site plan approval, which is a process that serves to identify site specific review elements. The Applicant has met the basic application requirements per the Code, however, since the Town Code does not specifically elaborate on additional site plan criteria for the Application and while we cannot deny the Applicant his/her right to move forward through the P&Z Board and Town Commission approval process, Staff in unable to render a recommendation of approval or denial at this point, given the many discussion points relevant to other municipal code criteria. Staff's recommendation is to have the Board consider the basic facts presented, as well as the additional criteria discussed, for a possible recommendation since any denial of a tower application pursuant to Town Code Section 74-64(d) must be supported by substantial evidence and a written record of this evidence. Ms. DiTommaso stated that if following Board discussion there is a recommendation for approval of the Application to the Town Commission, Staff strongly recommends the consideration of nine (9) Conditions of Approval, which the language will be finalized by the Town Attorney prior to the Town Commission Meeting. The Conditions for Approval recommended by Staff are as follows:

(1) Standard plan reference condition, as listed in the Staff Report.

(2) Insurance liability limits. Since the tower will require technicians to be on Lake Park property in order to complete his/her appointed repairs on the Tower, the Town needs to

be certain that the tenant maintains an active workers' compensation policy in the event their technicians should injure themselves in the course of those repairs. Workers' compensation insurance, including a Waiver of Subrogation, should be included on the Insurance Certificate.

(3) Renderings identifying the future ground space needs for future co-locators should be identified prior to Town Commission review.

(4) Applicant shall upgrade the proposed landscaping to incorporate material that exists within the surrounding area. The proposed materials should include:

(a) Under-planting material to include Sea Grape and Saw Palmetto and/or other existing material types that blend with the planting beds north of the proposed lease area.
(b) Planting design shall take into account the existing bed lines and shall be incorporated into an overall design which compliments the Park.
(c) Canopy palm trees to include Royal Palms, clusters of Coconut Palms or Gumbo Limbo.
Materials to be a size that exceeds code and matches the existing area sizes, spacing and heights.

(d) Modified Design to be reviewed and approved by Town Staff and consultants.

(5) Applicant shall modify the fence details to incorporate decorative elements that soften the fence aesthetics.

(6) The Applicant shall modify the plans to utilize its approved leased area for the required landscaping and be responsible for its maintenance and that these revised plans are submitted to the Town prior to Town Commission consideration. Separate irrigation meters will also be required.

(7) A Letter of Credit (LOC) is required for the construction and restoration of the site. The Applicant must submit a LOC prior to the issuance of any development permit. The LOC requires Town Attorney review and approval and cost estimates for construction and restoration should accompany the LOC since the amount on the LOC will need to be 110% of these values.

(8) If the Tower is approved with flags which require lighting, a Photometric Plan must be submitted prior to the issuance of any development permit.

(9) Standard Cost Recovery conditions for review costs that are incurred by the Town (as listed in the Staff Report).

STAFF RECOMMENDATION

In conclusion, Ms. DiTommaso stated though the Applicant has met the basic criteria and documentation requirements for site plan review as listed in the Town Code, Staff is unable to render a recommendation of approval or denial since there is additional site plan criteria that should be considered, as discussed and as is relevant to several municipal codes. Ms. DiTommaso added that while it is the Applicant's right to move the Application through the Public Hearing process, the P&Z Board Meeting is the perfect forum to discuss the outlined points with the Applicant for a possible recommendation of approval or denial to the Town Commission. The Applicant is present and able to discuss any items related to the Application.

APPLICANT PRESENTATION

Josh Long, a Certified Land Use Planner with the Gunster Law Firm, addressed and thanked the P&Z Board and stated Scott Richards, CEO of RG Towers, LLC, and Patrick Huey, T-Mobile, Radio Frequency Engineer, are also present and able to answer any questions of the Board. Mr. Long thanked Ms. DiTommaso for her presentation. He mentioned the additional Code criteria of other municipalities which she outlined during her presentation and requested the Board to base their site plan application decision on existing Town Code and Regulations which are already in place. He stated it would not be appropriate for the Board to base their site plan decision on criteria which is not in the Code and stated their Application complies with the Town Code and Comprehensive Plan.

Mr. Long showed a Power Point presentation (attached to these Minutes), including visuals of the proposed site showing existing conditions, and reviewed the history of the Ground Lease with the Town which was signed on 9/17/14 and amended on 3/4/15. The Lease approved a 125' stealth tower in the exact location proposed within the site plan application. Mr. Long stated their presentation will focus on the issues with the site plan application and they will not be discussing tower height or location, as these items were already determined by the Town Commission through their approval of the Lease. Mr. Long reviewed photos of the location and stated the application is proposing a wood fence which exactly matches the existing dumpster enclosure fence, and pointed out the location of underground storage tanks and the pump station. Mr. Long stated a topic of discussion this evening will be the option of flags on the tower. Mr. Long showed T-Mobile Radio Frequency Data Maps and pointed out a deficiency/lack of service in the immediate area which would be greatly improved with a tower location at this site. He stated the tower location would fill in a much needed gap in the coverage area and provide a great public benefit to the residents of the Town of Lake Park. Mr. Long stated a study was provided of other existing T-Mobile Towers in the area. Mr. Long reviewed the site plan area and landscape plan and stated that (40) Coco Plums and (5) Silver Buttonwood Trees would be planted to cover the proposed fence and screen the area. Mr. Long informed the Board they have complied exactly with the proposed landscaping requirements as set forth in the Lease. Mr. Long reviewed the revenue stream for the Town of Lake Park, which has a total revenue potential of $4.253 million over a 30-year period, with three (3) additional carriers.

Mr. Long reviewed their responses to Staff Conditions, as follows:

1. *Provide all Plans as presented.* Reply: Acknowledged
2. *Insurance Liability Limits.* Reply: Insurance will be provided according to Section 11 of the Lease approved by the Town Commission.
3. *Provide a Rendering identifying future ground space needs.* Reply: Not required at this time. Any expansion would be subject to full review and at that time the appropriate location would be chosen.
4. *Landscaping.* Reply: The proposed landscape plan incorporates existing landscape species that exist in the area. Modifications are not required.
5. *Modification of fence detail.* Reply: Not required. A wood fence matching in style to the existing wood fence enclosing the dumpsters is proposed. The Coco Plums will grow to a height which completely conceals the fence.
6. *Maintenance of irrigation meters.* Reply: The Applicant will utilize a separate meter, if feasible. Otherwise, the Applicant will pay the Town for usage pursuant to Section 7(d) of the Lease.
7. *Letter of Credit.* Reply: A Bond of 110% will be provided.
8. *A Photometric Plan will be provided, if flags are chosen.* Reply: Acknowledged.
9. *Cost Recovery.* Reply: The Applicant will comply with the Town's Cost Recovery Regulations as outlined in the Town Code.

In conclusion, Mr. Long requested the P&Z Board approve the Site Plan Application and schedule for Town Commission Hearing.

PUBLIC COMMENTS

Curtis Lyman – 301 Lake Shore Drive resident
In opposition of tower. The tower will ruin the aesthetics of the Marina; is not in the best interest of residents; is incompatible with the primarily residential surrounding area; constitutes a potential health hazard; may result in increased lightning strike risk; economic/potential lost tax revenue; there must be a better suited location in Town; will deter new development along Federal Highway.

Gina Buntz – 301 Lake Shore Drive resident
In opposition of tower. The Town is eroding and lacks a sense of identity and cultural value; the cell tower will be a step backward for the Town.

Diane Bernhard – 301 Lake Shore Drive resident
In opposition to tower. The tower is being proposed in an inappropriate location; will lower property values; is an eyesore at the Marina; will negatively impact development and the quality of life of residents; suggested an industrial site will be better suited for the tower, as the tower will take up land intended for recreational purposes.

Herbert Robb – 301 Lake Shore Drive resident
In opposition of tower. The tower will ruin the Marina area; radio waves will be within 400' of residents; the tower will be too close to residents; requested the Town consider a different location.

Michael Thomas – 301 Lake Shore Drive resident
In opposition to the tower. He is representing 44 occupants of his condominium; read excerpts/statistics from *EMF Real Estate Survey Results: "Neighborhood Cell Towers & Antennas – Do They Impact a Property's Desirability? March 7, 2014*; the tower will negatively impacts real estate desirability and property values; stated a concern with radiation.

Anne Hyvonen – 301 Lake Shore Drive resident
In opposition to the tower. The tower will destroy the potential of the Marina; the potential revenue from the tower will not be worth it; there will be a decrease in property values; the proposed landscaping will not be sufficient to cover the 125' tower; there are no cell phone signal issues in their condominium.

Michael DeSouza – 301 Lake Shore Drive resident
In opposition to the tower and is in agreement with all of the previous comments provided by the other residents; the tower will destroy property values and obstruct views.

The Town Attorney clarified to the audience that the Planning & Zoning Board is not an elected board or the Town Commission, but a board of citizen volunteers appointed by the Town Commission to consider and review applications.

Rick Covell – 301 Lake Shore Drive resident & Marina patron
In opposition to the tower. He encouraged the Town Commission to understand the purpose of the Code in its totality; the proposed landscaping will not be able to screen tower; he does not have a signal problem within the condominium; the Town has the ability to render a non-approval and encouraged the Board to vote against the tower; do not locate tower near a park.

Claudia Wendel – 301 Lake Shore Drive resident
In opposition of tower. She did not receive notification via Certified Mail; the radiation would have discouraged her from purchasing in the building; a tower will cause a change in the recreational use of the park; the tower will cause dramatic property value drops; she has copies of Survey for distribution to P&Z Board Members; she has put together a petition which was signed by 44 residents within 24 hours - all of whom are in opposition to the tower; she encouraged the Board to vote against the tower.

Craig Korbel – 301 Lake Shore Drive resident
In opposition of tower. He stated will be a property value reduction of 15-20% due to the cell tower; $0 revenue increase; will cost the residents $1.6 million in property value; he does not have a problem with cell phone reception at the condominium; all residents of the condominium are in opposition; encouraged the Town to find an alternate location.

Barry Heisler – 301 Lake Shore Drive resident
In opposition of the tower. A cell tower at this location would be devastating to the community and the Marina; common sense dictates relocation of the tower; he encouraged the Town to find an alternate location.

BOARD DISCUSSION

Acknowledging comments received from the public, Board Member Lynch stated a concern that notification of this issue didn't get out to the community. Chair Thomas stated notification should have been provided to the public prior to the Town Commission Meeting in 2014 wherein the Lease for the tower was approved.

In response to members of the audience speaking out from their seats, Chair Thomas stated the Public Comments portion of the Meeting is now closed. The Town Attorney reviewed the Public Comment procedure for the audience and stated the Board Members should not be asking questions of the public, but considering/reviewing the site plan application. The Town Attorney clarified again to the audience members that this is a meeting of the Planning and Zoning Board, not a meeting of the Town Commission.

Vice-Chair Schneider asked Staff the distances of the nearest residential buildings. Ms. DiTommaso stated that the property boundary distances are: the north side is 330' from the proposed location of the tower; the south side is 574', and the west side is 202' to the property line. Vice-Chair Schneider asked where the photos provided by the Applicant were taken - to which Ms. DiTommaso responded the photo was taken from north of the Marina Office building. Vice-Chair Schneider stated it would be helpful to have an aerial map showing where the various photos were taken, as well as additional site photos taken from the nearby residential buildings to show distance and actual heights of the buildings. Vice-Chair Schneider asked for clarification on the fence height, to which Ms. DiTommaso responded 8'. Vice-Chair Schneider asked Staff for clarification if future additional ground space would be required to be approved at a future public hearing. Ms. DiTommaso responded that although the location of the future ground space is unknown at this time, it would be required to be approved at a future public hearing.

Vice- Chair Schneider asked the Town Attorney if the Town Commission approved a lease or a lease option. The Town Attorney responded the Town Commission approved a Site Lease With Option, which gives the Applicant the option to locate a facility on the area that is described within the Lease as available for a tower. The Applicant has decided to exercise the option to build the tower, subject to site plan approval by the Town Commission.

Vice-Chair Schneider asked the Town Attorney his preference on the bond vs. letter of credit requirement. The Town Attorney responded it was his recommendation to the Town Commission to require a Letter of Credit, which will be subject to his review and approval.

Vice-Chair Schneider asked several questions for the Applicant and Engineer, as follows:

- *What is the typical distance between tower locations?* The Engineer stated there is not a simple answer due to variations of building heights, tower heights, antennae and equipment configurations, etc., but generally speaking the spacing is 1.0 -1.5 mile distance between towers.
- *Why is coverage lacking in this area?* The Engineer responded that since the last feasibility study was done three years ago due to network concerns of T-Mobile, there have been significant investments in the networks to improve the equipment and the signal levels have

→ Provide additional visuals/photos showing the tower specifically from the neighboring residential condominiums and from the residential neighborhood to the west in order to show what the visual impact would be;
→ Provide exact distances to the nearest residential buildings in both directions;
→ Provide documented information that the Applicant has reached out to other potential high rises and towers within 1-1.5 miles of the site and why these alternate sites would or would not work;
→ Provide justification as to why the Applicant is unwilling or unable to meet the Conditions of Staff;
→ Meet the increased Insurance Liability Condition;
→ Provide future ground space rendering;
→ Integrate taller trees into the proposed landscaping.

The Community Development Director stated that the Applicant will need to re-submit within two (2) weeks in order to appear on the February 1, 2016, P&Z Board Meeting Agenda.

The motion was seconded by Board Member Lynch, and the vote was as follows:

	Aye	**Nay**
Martin Schneider	X	
Michele Dubois	X	
Ludie Francois	X	
Anne Lynch	X	

The vote was 4-0 in favor of continuing the Site Plan Application to the February 1, 2016, Planning & Zoning Board Meeting.

COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

There were no further comments by the Community Development Director.

ADJOURNMENT

There being no further business before the Board, the Meeting was adjourned by Chair Thomas at 9:10 p.m.

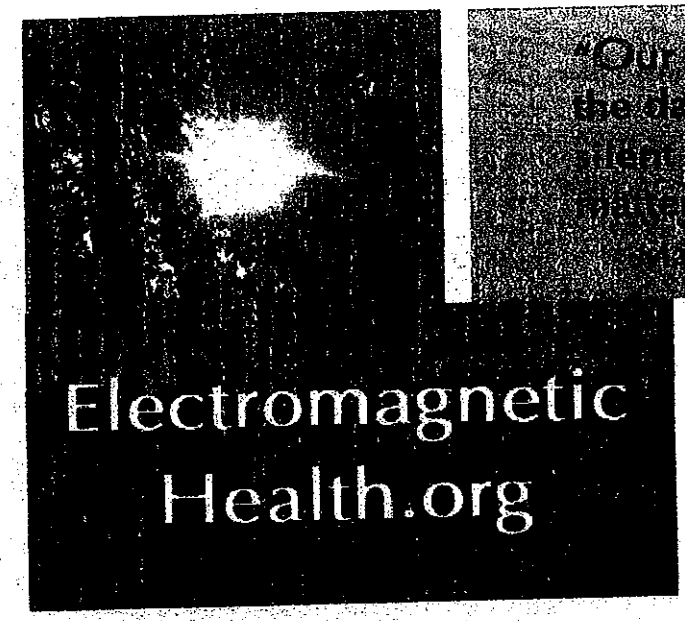
Respectfully Submitted,

Kimberly B. Rowley
Planning & Zoning Board Recording Secretary

PLANNING & ZONING BOARD APPROVAL:

Judith Thomas, Chair
Town of Lake Park Planning & Zoning Board

DATE: 2/1/2016



"Our lives begin to end the day we become silent about things that matter."
– Martin Luther King, Jr.

- News
- [redacted]
- Quotes from Experts
- [redacted]
- Community Health Assessment
- [redacted]

EMF Real Estate Survey Results: "Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?"

03.07.2014 by emily Category Electromagnetic Health Blog

The National Institute for Science, Law and Public Policy's survey **"Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?"** initiated June 2, 2014, has now been completed by 1,000 respondents as of June 28, 2014. The survey, which circulated online through email and social networking sites, in both the U.S. and abroad, sought to determine if nearby cell towers and antennas, or wireless antennas placed on top of or on the side of a

building, would impact a home buyer's or renter's interest in a real estate property.

The overwhelming majority of respondents (94%) reported that cell towers and antennas in a neighborhood or on a building would impact interest in a property and the price they would be willing to pay for it. And 79% said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antenna.

- **94% said a nearby cell tower or group of antennas would negatively impact interest in a property or the price they would be willing to pay for it.**
- **94% said a cell tower or group of antennas on top of, or attached to, an apartment building would negatively impact interest in the apartment building or the price they would be willing to pay for it.**
- **95% said they would opt to buy or rent a property that had zero antennas on the building over a comparable property that had several antennas on the building.**
- **79% said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas.**
- **88% said that under no circumstances would they ever purchase or rent a property with a cell tower or group of antennas on top of, or attached to, the apartment building.**
- **89% said they were generally concerned about the increasing number of cell towers and antennas in their residential neighborhood.**

The National Institute for Science, Law and Public Policy (NISLAPP) was curious if respondents had previous experience with physical or cognitive effects of wireless radiation, or if their concern about neighborhood antennas was unrelated to personal experience with the radiation. **Of the 1,000 respondents, 57% had previously experienced cognitive effects from radiation emitted by a cell phone, wireless router, portable phone, utility smart meter, or neighborhood antenna or cell tower, and 43% had not experienced cognitive effects. 63% of respondents had previously experienced physical effects from these devices or neighborhood towers and antennas and 37% had not experienced physical effects.**

The majority of respondents provided contact information indicating they would like to receive the results of this survey or news related to the possible connection between neighborhood cell towers and antennas and real estate decisions.

Comments from real estate brokers who completed the NISLAPP survey:

> **"I am a real estate broker in NYC. I sold a townhouse that had a cell tower attached. Many potential buyers chose to avoid purchasing the property because of it. There was a long lease."**

> **"I own several properties in Santa Fe, NM and believe me, I have taken care not to buy near cell towers. Most of these are rental properties and I think I would have a harder time renting those units... were a cell tower or antenna nearby. Though I have not noticed any negative health effects myself, I know many people are affected. And in addition, these antennas and towers are often extremely ugly–despite the attempt in our town of hiding them as chimneys or fake trees."**

> **"We are home owners and real estate investors in Marin County and have been for the last 25 years. We own homes and apartment building here in Marin. We would not think of investing in real estate that would harm our tenants. All our properties are free of smart meters. Thank you for all of your work."**

> **"I'm a realtor. I've never had a single complaint about cell phone antennae. Electric poles, on the other hand, are a huge problem for buyers."**

Concern was expressed in the comments section by respondents about potential property valuation declines near antennas and cell towers. While the NISLAPP survey did not evaluate property price declines, a study on this subject by Sandy Bond, PhD of the New Zealand Property Institute, and Past President of the Pacific Rim Real Estate Society (PRRES), The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods, was published in *The Appraisal Journal* of the Appraisal Institute in 2006. The Appraisal Institute is the largest global professional organization for appraisers with 91 chapters. The study indicated that **homebuyers would pay from 10%–19% less to over 20% less for a property if it were in close proximity to a cell phone base station.** The 'opinion' survey results were then confirmed by a market sales analysis. **The results of the sales analysis showed prices of properties were reduced by around 21% after a cell phone base station was built in the neighborhood."**

The Appraisal Journal study added,

"Even buyers who believe that there are no adverse health effects from cell phone base stations, knowing that other potential buyers might think the reverse, will probably seek a price discount for a property located near a cell phone base station."

James S. Turner, Esq., Chairman of the National Institute for Science, Law & Public Policy and Partner, Swankin & Turner in Washington, D.C., says,

"The recent NISLAPP survey suggests there is now a high level of awareness about potential risks from cell towers and antennas. In addition, the survey indicates respondents believe they have personally experienced cognitive (57%) or physical (63%) effects from radiofrequency radiation from towers, antennas or other radiating devices, such as cell phones, routers, smart meters and other consumer electronics. Almost 90% are concerned about the increasing number of cell towers and antennas generally. A study of real estate sales prices would be beneficial at this time in the Unites States to determine what discounts homebuyers are currently placing on properties near cell towers and antennas."

Betsy Lehrfeld, Esq., an attorney and Executive Director of NISLAPP, says,

"The proliferation of this irradiating infrastructure throughout our country would never have occurred in the first place had Section 704 of the Telecommunications Act of 1996 not prohibited state and local governments from regulating the placement of wireless facilities on health or environmental grounds. The federal preemption leaves us in a situation today where Americans are clearly concerned about risks from antennas and towers, some face cognitive and physical health consequences, yet they and their families increasingly have no choice but to endure these exposures, while watching their real property valuations decline."

The National Institute for Science, Law, and Public Policy (NISLAPP) in Washington, D.C. was founded in 1978 to bridge the gap between scientific uncertainties and the need for laws protecting public health and safety. Its overriding objective is to bring practitioners of science and law together to develop intelligent policy that best serves all interested parties in a given controversy. Its focus is on the points at which these two disciplines converge.

NISLAPP contact:
James S. Turner, Esq.
(202) 462-8800 / jim@swankin-turner.com
Emily Roberson
er79000@yahoo.com

If you can support NISLAPP's work, please donate here:

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See Commentary by ElectromagneticHealth.org on NISLAPP EMF Real Estate Survey Results and Recommendations for Real Estate Agents and Homebuyers

Download a PDF of This Post Here

Read Coverage on GoLocalWorcester.com

Electromagnetic Health.org

Electromagnetic Health News!

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MORE

Tweet 27

← ElectromagneticHealth.org Commentary on NISLAPP EMF Real Estate Survey Results
OMEGA EMF NEWS ROUNDUP (7/5/14) →

- [redacted]
- Neighborhood Antenna Search
- [redacted]
- Microwave News
- [redacted]

Site Plan Application for a proposed 125-foot Stealth "Yard Arm" Telecommunications Tower at the Lake Park Harbor Marina

Applicant: RG Towers LLC

Lake Street

ADDITIONAL CRITERIA FOR CONSIDERATION

- The proposed development is compatible and/or consistent with the established or proposed character of a neighborhood or area
- The proposed development does not adversely affect property values in adjacent areas
- The proposed development would not be a deterrent to the improvement or development of adjacent property in accord with existing regulations
- The proposed development does not negatively impact adjacent natural systems or public facilities, such as parks

CONDITIONS OF APPROVAL PROPOSED BY STAFF

(IF A RECOMMENDATION OF APPROVAL IS GRANTED)

- *standard plan reference condition (as listed in the staff report)*

- Insurance liability limits. Since the tower will require technicians to be on Lake Park property in order to complete his/her appointed repairs on the Tower, the Town needs to be certain that the tenant maintains an active workers' compensation policy in case their technicians should injure themselves in the course of those repairs while on Lake Park property. Workers' compensation insurance, including a waiver of subrogation should be included on the insurance certificate.

- Renderings identifying the future ground space needs for future collocators should be identified prior to Town Commission review.

- Applicant shall upgrade the proposed landscaping to incorporate material that exists within the surrounding area. The proposed materials should include:

  → Under-planting material to include seagrape and saw palmetto and/or other existing material types that blend with the planting beds north of the proposed lease area.

  → Planting design shall take into account the existing bed lines and shall be incorporated into an overall design which compliments the park.

  → Canopy palm trees to include Royal Palms, clusters of Coconut Palms or Gumbo Limbo.

  → Materials to be a size that exceeds code and matches the existing area sizes, spacing and heights.

  → Modified Design to be reviewed and approved by Town Staff and consultants.

- Applicant shall modify the fence details to incorporate decorative elements that soften the fence aesthetics.

- The Applicant shall modify the plans to utilize its approved leased area for the required landscaping and be responsible for its maintenance and that these revised plans are submitted to the Town prior to Town Commission consideration. Separate irrigation meters will also be required.

- A Letter of Credit (LOC) is required for the construction and restoration of the site. The Applicant must submit a LOC prior to the issuance of any development permit. The LOC requires Town Attorney review and approval. Cost estimates for construction and restoration should accompany the LOC since the amount on the LOC will need to be 110% of these values.

- If the Tower is approved with flags that require lighting, a Photometric Plan must be submitted prior to the issuance of any development permit.

- *standard Cost Recovery condition for review costs that are incurred by the Town (as listed in the staff report)*

RG Towers, LLC
Lake Park Marina

1/4/16

Gary R. Nikolits, CFA
Property Appraiser
Palm Beach County

PAPA Search
PAPA Home

Search

Search Results Detail

View Property Record

Owners

LAKE PARK TOWN OF

Property detail

Location 103 LAKE SHORE DR
Municipality LAKE PARK
Parcel No. 36434221000040010
Subdivision
Book Page
Sale Date
Mailing Address 535 PARK AVE WEST PALM BEACH FL 33403 2603
Use Type 8900 - MUNICIPAL
Total Square Feet 3890

Tools
Layers
Print
Messages
Instructional Videos

*Total Square Feet	3890
Acres	10.1675
Use Code	8900 - MUNICIPAL
Zoning	P - Public (36-LAKE PARK)

The Code says..

Sec. 74-63. - Applicability.

(a)

Permitted uses. Permitted uses shall include:

(1)

Telecommunications facilities located on property owned, leased, or otherwise controlled by the town provided that a license or lease authorizing a telecommunications facility has been approved by the town commission and that the requirements for indemnification and insurance of section 74-70 have been met.

Ground lease was signed 9/17/14 and amended on 3/4/15

Approved Lease with Town

- Resolution No. 10-04-14 approved lease on September 17, 2014
- Resolution No. 08-03-15 amended lease on March 4, 2015

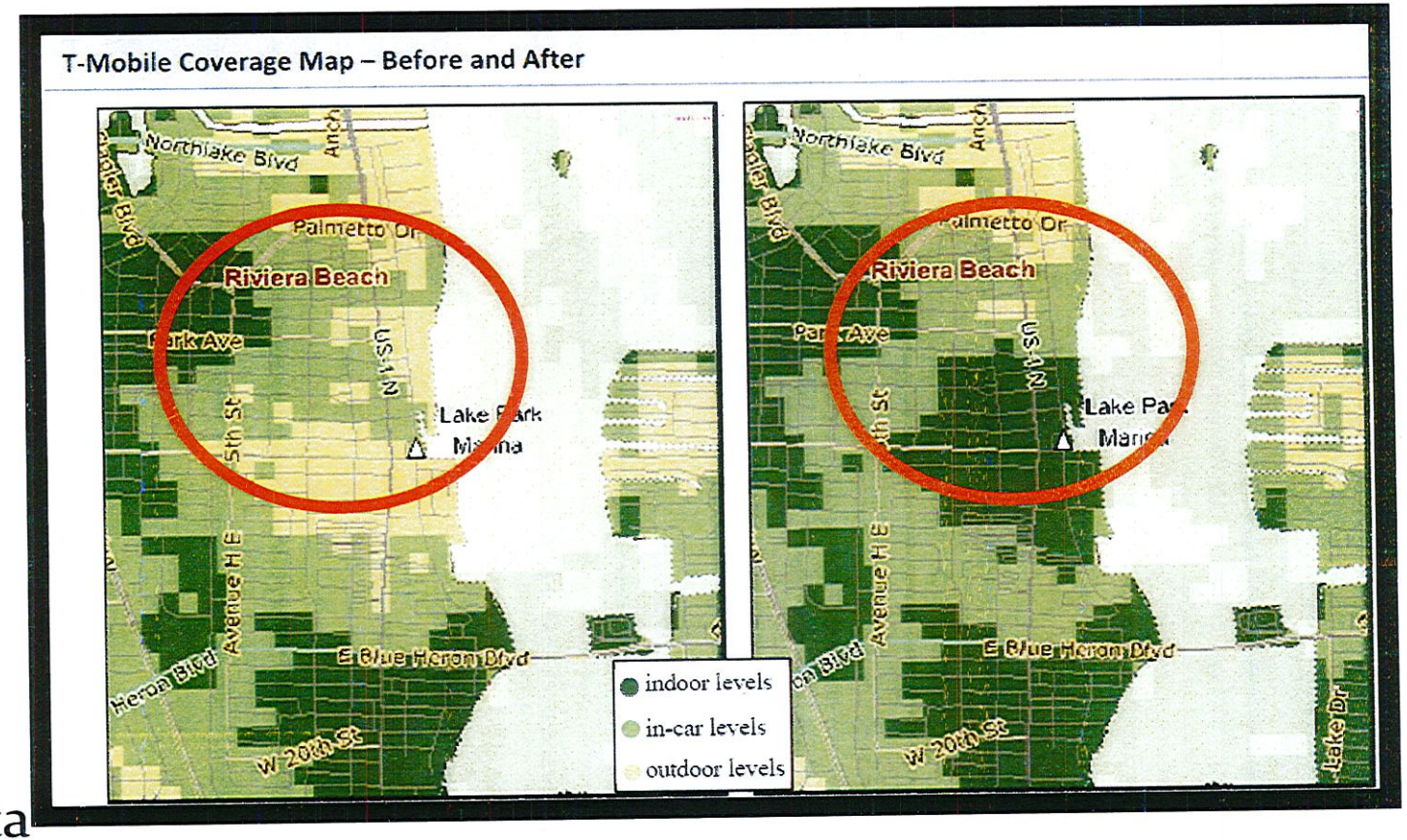
Proposed Location & Existing Conditions

Proposed Location & Existing Conditions

Proposed Location & Existing Conditions

Proposed Location & Existing Conditions

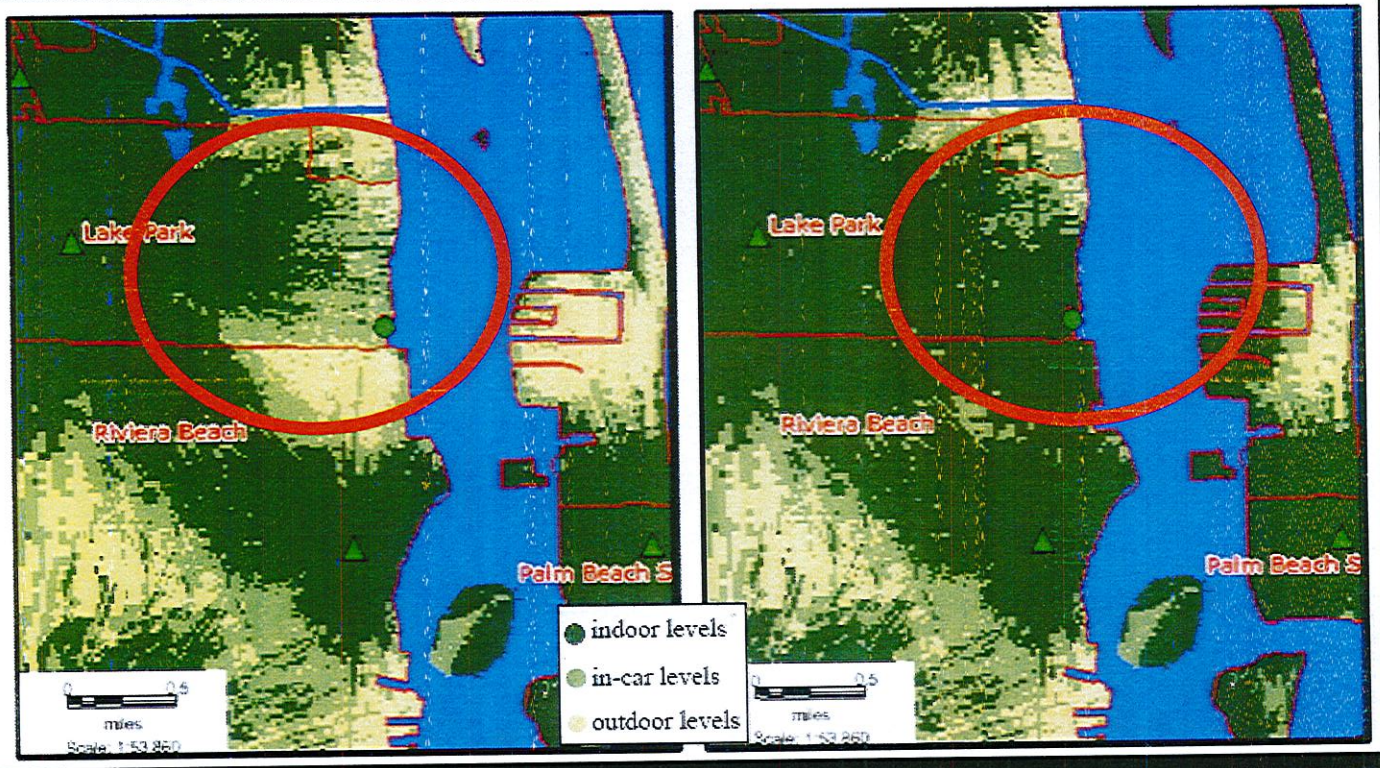
Photo sim- tower may be with flags or without.



RF Data

Source T-Mobile

T-Mobile Coverage Map – Before and After including city boundaries



Source T-Mobile

As shown in the propagation plots cell coverage from the proposed tower is predicted to provide substantial improvements in Lake Park in addition to areas of Riviera Beach. In Lake Park from Palmetto Drive in the north to Silver Beach Rd in the south and from 6th St in the west to the intracoastal waterway in the east would expect significant increases in signal levels. Likewise in Riviera Beach from Silver Beach Rd in the north to E 27th in the south and from 5th St in the west to across the intracoastal waterway in the east will have improved service levels.

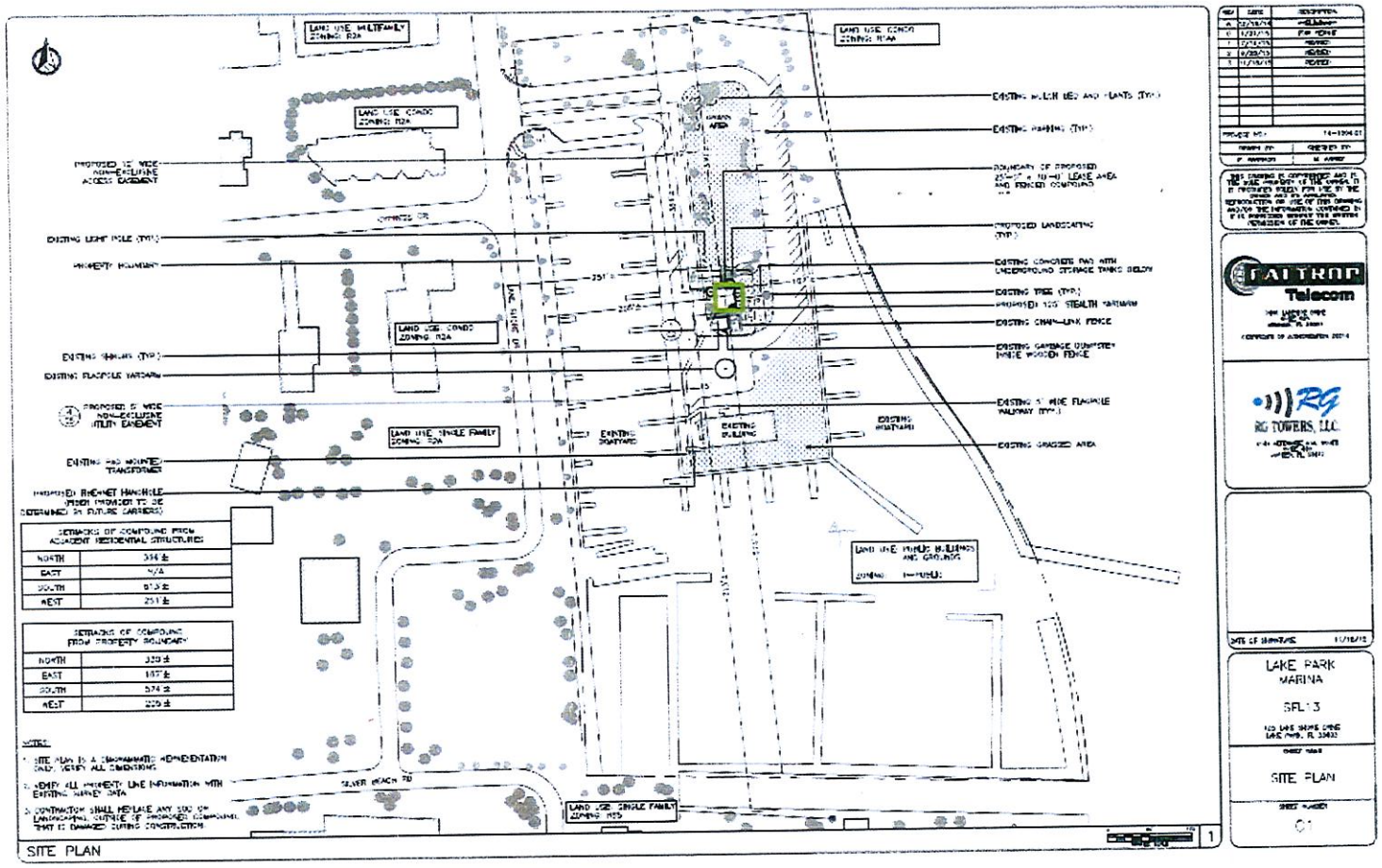
Along with improving general service levels the addition of this new tower would improve the reliability of E911 calls in the areas directly surrounding the Lake Park Marina. Currently users attempting emergency calls at the Marina (especially indoors) may experience situations of difficulties in sending, receiving and maintaining calls. While there are no examples of E911 call failures in the area surrounding the Marina, the significant improvements in signal levels offer a more robust service environment with built in redundancy due to the additional serving towers in the event of outages.

Source T-Mobile

Existing Towers
T-Mobile

There are currently three facilities which serve the general area where the new tower is proposed. Approximately one and a half miles to the northwest is a self-support tower located at 1115 Old Dixie Hwy in Lake Park which provides strong indoor coverage levels for approximately one mile at which point indoor service levels start to become inadequate. Almost one mile directly to the south at 2001 Broadway in Riviera Beach a rooftop antenna installation covers well for approximately three quarters of a mile but the signal strength has dropped off significantly by E/W 28th St. Finally to the south-east at 125 Ocean Ave in Palm Beach Shores another rooftop facility provides good levels in the vicinity but levels across the water to the west are too weak for reliable service. None of the existing infrastructure can provide the necessary service levels and resources required for next generation services due mostly to their distance from the area in question.

Site Plan



SETBACKS OF COMPOUND FROM ADJACENT RESIDENTIAL STRUCTURES	
NORTH	316 ±
EAST	N/A
SOUTH	213 ±
WEST	251 ±

SETBACKS OF COMPOUND FROM PROPERTY BOUNDARY	
NORTH	329 ±
EAST	157 ±
SOUTH	574 ±
WEST	229 ±

NOTES:

1. SITE PLAN IS A DIAGRAMMATIC REPRESENTATION ONLY. VERIFY ALL DIMENSIONS.
2. VERIFY ALL PROPERTY LINE INFORMATION WITH EXISTING SURVEY DATA.
3. CONTRACTOR SHALL REPLACE ANY SOD OR LANDSCAPING OUTSIDE OF PROPOSED COMPOUND THAT IS DAMAGED DURING CONSTRUCTION.

REV	DATE	DESCRIPTION
A	12/18/14	PRELIMINARY
0	1/31/15	FOR TOWER
1	2/18/15	REVISED
2	6/29/15	REVISED
3	11/18/15	REVISED

PROJECT NO: 14-1394.01

DRAWN BY: CHECKED BY:

P. HARRISON M. AVERY

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CALTROP Telecom

RG TOWERS, LLC

DATE OF SIGNATURE: 11/18/15

LAKE PARK MARINA

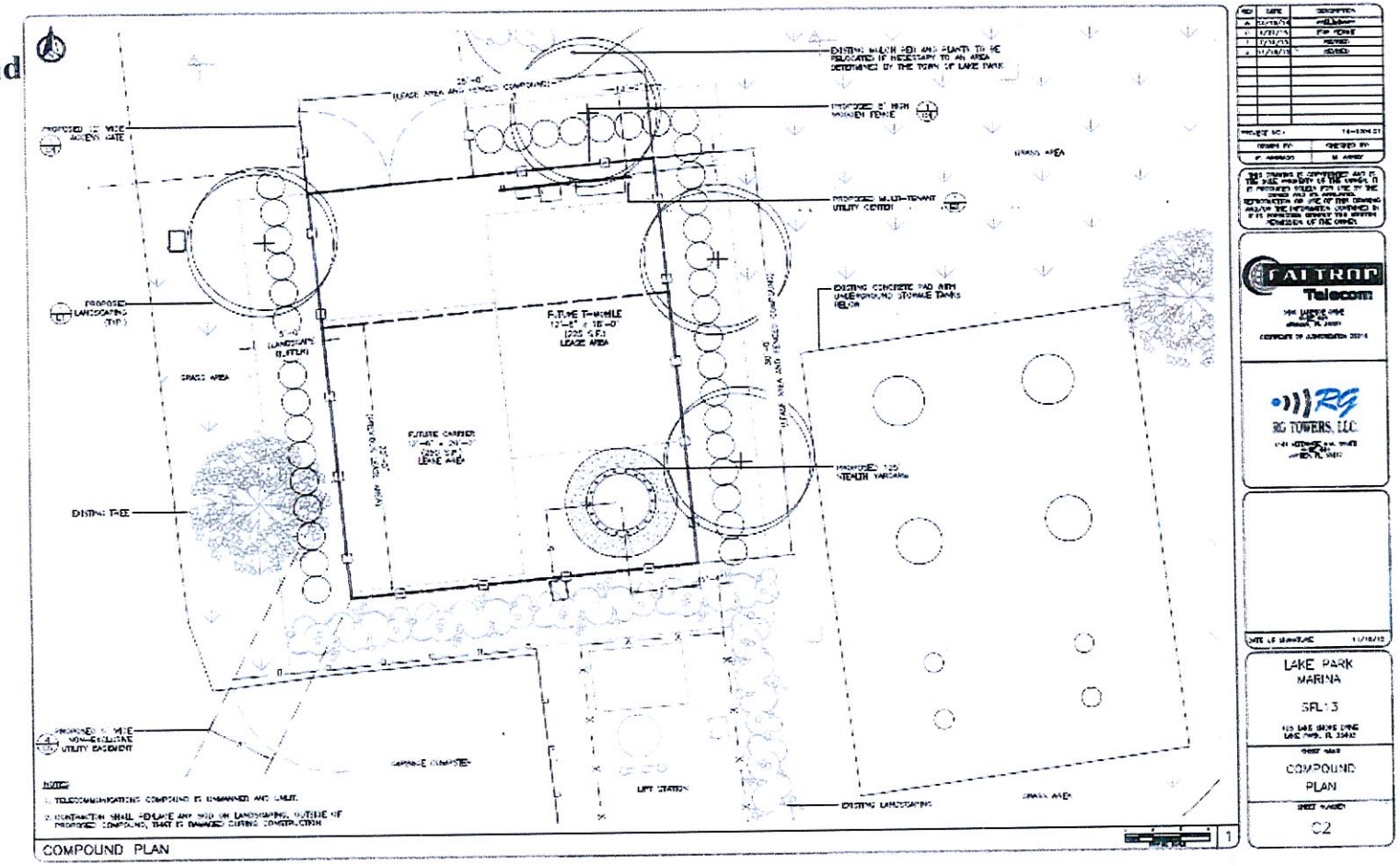
SFL 13

100 LAKE SHORE DRIVE
LAKE PARK, FL 33403

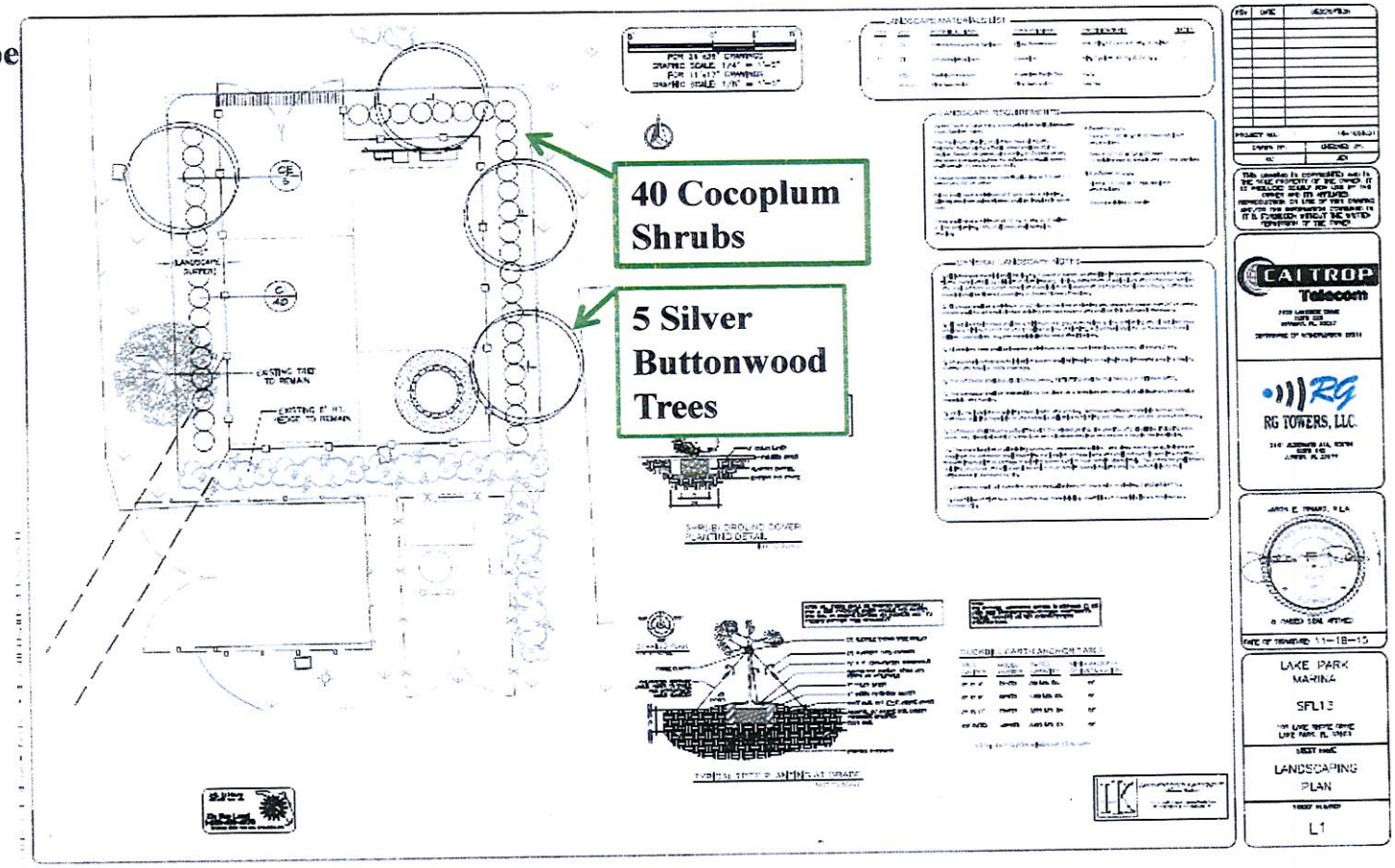
SITE PLAN

SHEET NUMBER
C1

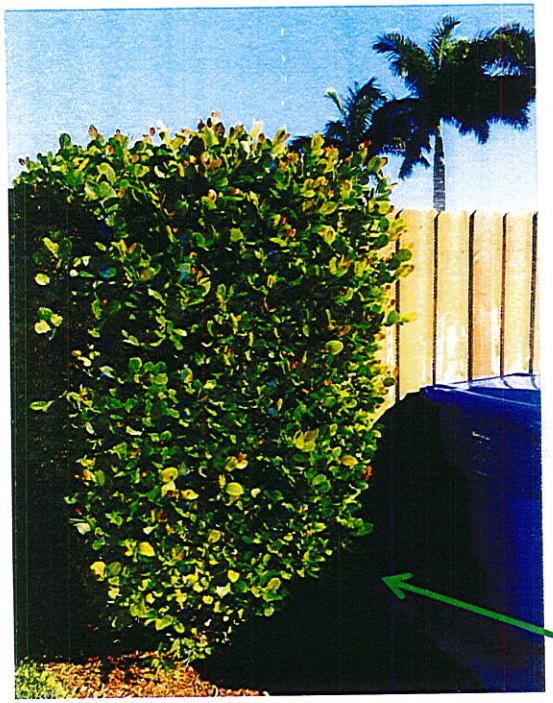
Compound Plan



Landscape Plan



Existing Landscaping

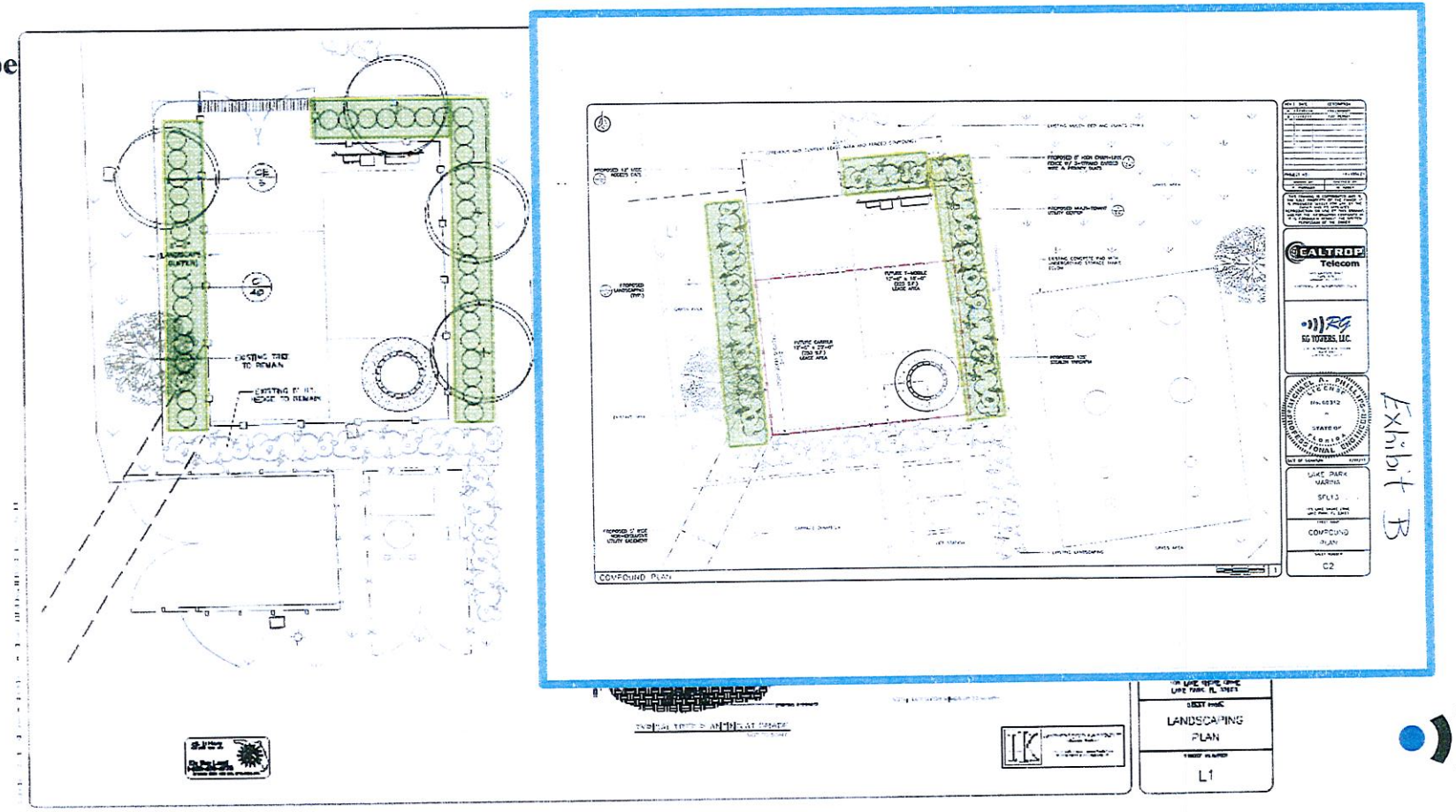


Existing Cocoplum Shrubs.

Existing Landscaping

Existing Silver Buttonwood Trees

Landscape Plan & Lease Exhibit



Ground Rent	Each Additional Carrier at 1500.00 per month
$1,684,169.72	$856,357.48

Ground w/(1) additional carrier	$2,540,527.20
Ground w/(2) additional carriers	$3,396,884.68
Ground w/(3) additional carriers	$4,253,242.16

Revenue Stream for Town of Lake Park

$4,253,242.16

Staff Conditions of Approval

1. Site Plan, Compound Plan, Notes Plan, Elevations Plans, Wood Fence Details Plan, Trench Details Plan, referenced as Sheets C-1 through C-7; and Electrical Plans referenced as Sheets E-1 through E-6; Landscaping Plan references as Sheet L-1; and Irrigation Plan referenced as Sheet IR-1; All prepared by Michael Phillips, Registered Engineer and Jason Rinard, Landscape Architect, of Caltrop Telecom, signed and sealed November 18, 2015 and received by the Department of Community Development on November 25, 2015.

Reply: Acknowledged

Staff Conditions of Approval

2. The Insurance liability limits in the Lease Option Agreement fall within the Town's minimum requirements. The requirement of a waiver of subrogation is also a well-reasoned inclusion. They will be required to send a technician to exact repairs from time to time. This technician will have to be on Lake Park property in order to complete his/her appointed repairs on the Tower. The Town needs to be certain that the tenant maintains an active workers' compensation policy in case their technicians should injure themselves in the course of those repairs while on Lake Park property. We do not see any language in the insurance section of the agreement referring to a workers' compensation. Therefore, we would recommend adding a requirement for evidence of workers' compensation insurance, also to include a waiver of subrogation.

Reply: Insurance will be provided according to Section 11 of the Lease.

Staff Conditions of Approval

3. Renderings identifying the future ground space needs for future collocators should be identified prior to Town Commission review

Reply: Not required at this time. Any expansion would be subject to full review and at that time the appropriate location would be chosen.

4. Applicant shall upgrade the proposed landscape to incorporate material that exists within the surrounding area. The proposed materials should include:

- Under-planting material to include seagrape and saw palmetto and/or other existing material types that blend planting beds north of the proposed lease area.
- Planting design shall take into account the existing bed lines and incorporate into an overall design which compliments the park.
- Canopy palm trees top include Royal Palms, clusters of Coconut Palms or Gumbo Limbo; Materials to be a size that exceeds code and matches the existing size, spacing and height.
- Design to be reviewed and approved by Town Staff.

Reply: The proposed landscape plan incorporates existing landscape species that exist in the area. Modifications are not required

Staff Conditions of Approval

5. Applicant shall modify the fence details to incorporate decorative elements that soften the fence aesthetics.

Reply: Not required, a wood fence matching in style to the existing wood fence enclosing the dumpsters is proposed. The Cocoplums will grow to a height which completely conceals the fence.

6. The Applicant modify the plans to utilize its approved leased area for the required landscaping and be responsible for its maintenance and that these revised plans are submitted to the Town prior to Town Commission consideration. Separate irrigation meters will also be required Reply: The applicant will utilize a separate meter, if feasible. Otherwise, the applicant will pay the Town for usage pursuant to Section 7(d) of the Lease.

TOWN OF LAKE PARK - ANNUAL BUDGET
GENERAL FUND REVENUE (General Fund 001)
REVENUE BUDGET DETAIL
FISCAL YEAR 2015-16

Schedule 2

ACCOUNT NUMBER	DESCRIPTION	ACTUAL 2012-13	ACTUAL 2013-14	CURRENT YEAR BUDGET 2014-15	ACTUAL AS OF 05/31/15	ESTIMATE FOR THE YEAR 2014-15	THE DEPT. PROPOSED BUDGET BY 2015-16	TOWN MGT. PROPOSED BUDGET 2015-16	ADOPTED BUDGET 2015-16
001-352.100	Fines - Library	871	1,421	550	739	1,109	1,000	1,000	1,000
001-354.100	Fines - Code Violations (60%)	82,971	85,215	72,000	17,053	25,580	40,000	40,000	40,000
001-354.105	Fines - Alarm Violations	12,900	7,025	10,000	2,075	3,113	2,000	2,000	2,000
001-354.110	Code Violations - Admin Cost	12,633	13,727	12,300	5,503	8,255	11,000	11,000	11,000
001-354.120	Penalties - Business Tax Receipts	8,536	90	7,300	246	369	500	500	500
001-354.130	Fines-Parking Meter Violation	6,610	6,930	7,500	3,550	5,325	5,000	-	-
001-354.135	Parking Violations - Code	50	475	350	345	518	350	350	350
001-354.210	Code Violations - Community Improve	20,740	20,804	18,000	4,438	6,657	10,000	10,000	10,000
001-361.100	Interest Earnings	3,959	3,208	3,500	1,712	2,568	2,500	2,500	2,500
001-361.110	Interest Earnings - Tax Collections	10,793	4,334	17,000		-	-	-	-
001-361.120	Sales Tax Commissions	89	39	50	11	17	20	20	20
001-361.130	Interest on Assessments	2,376	2,238	1,750	361	542	500	500	500
001-361.200	Filing Fees	713	250	-		-	-	-	-
001-362.100	Rent - P.B.C. Sheriff	120	110	120	80	120	120	120	120
001-362.120	Rent - Cell Tower (Sprint)	27,308	28,400	15,382	15,382	15,382	-	-	-
001-362.121	Rent - Cell Tower (Crown Castle)	17,080	17,762	17,080	-	35,400	35,400	35,400	35,400
001-362.122	Rent - Cell Tower (T-Mobile)	-		2,950	2,950	2,950	-	-	-
001-362.124	Rent - Burt Reynolds Institute	-	12	12		12	12	12	12
001-362.200	Rent - Dunkin Donuts Lot	7,788	8,099	7,488	8,423	8,423	8,844	8,844	8,844
001-363.120	Service Charges-Code Violation	1,785	8,223	4,500		-	-	-	-
001-364.100	Sale of Surplus Property	2,043	472	1,000		-	-	-	-
001-365.100	Sale of Scrap Material	-	528	500		-	-	-	-
001-366.300	Event Sponsorship	850		-		-	-	-	-

Lake Park could add $35,400.00 to the budget for 2016 plus revenue for each addition carrier.