



AGENDA
PLANNING COMMISSION
CITY OF PORT ORANGE

Meeting Date: Thursday, July 26, 2018

Time: 6:00 PM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Pledge of Allegiance
2. Silent Invocation
3. Roll Call

B. DISCUSSION/ACTION

4. Consideration of Minutes
5. Case No. 18-90000004
Variance/4068 Carlisle Drive

To be continued to a date certain of August 23, 2018.

Staff Contact: Gwen Perney, (386) 506-5673/gperney@port-orange.org

6. Case No. 18-32000001
Change of Use/Port Orange United Church of Christ
651 Taylor Road

Acknowledgment that a monopole communications tower is a permitted use in the Governmental Public Use (GPU) zoning district.

Staff Contact: Penelope Cruz, (386) 506-5671/pcruz@port-orange.org

7. Case No. 18-60000003
Rezoning/6225 S. Williamson Blvd.

A request to rezone +/- 5.8 acres, located at the northeast corner of S. Williamson Blvd. and Oakwater Lane, from Planned Commercial Development (PCD) to Community Commercial (CC).

Staff Contact: Briana Conlan-King, (386) 506-5676/brking@port-orange.org

8. Case No.18-25000005
LDC Amendment/Chapter 3, 5, 6, 13, 16 and 17

Amendments to the Land Development Code (LDC) that are part of an on-going maintenance effort to update the LDC to make it more efficient and consistent.

Staff Contact: Penelope Cruz, (386) 506-5671/pcruz@port-orange.org

C. OTHER BUSINESS

9. Commissioner Comments
10. Staff Comments

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **PLANNING COMMISSION** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

REGULAR PLANNING COMMISSION MEETING MINUTES
2nd FLOOR CONFERENCE ROOM – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 28, 2018

THE REGULAR PLANNING COMMISSION MEETING of the City of Port Orange was called to order by Chairman Newton White at 5:30 p.m.

Pledge of Allegiance

Silent Invocation

Roll Call

Present: John Junco
Maria Mills-Benat
Darrel "Bo" Bofamy
Michael Arminio
Thomas Jordan
Lance Green
Newton White, Chairman

Also Present: Shannon Balmer, Assistant City Attorney
Robin Fenwick, City Clerk

DISCUSSION/ACTION

4. Consideration of Minutes

Motion to approve meeting minutes from May 24, 2018 was made by Commissioner Michael Arminio, and Seconded by Commissioner Thomas Jordan. Motion carried unanimously by voice vote.

5. Case No. 18-20000005
18-3 LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT/COLONY IN THE WOOD, 4000 S. Clyde Morris Blvd.

An amendment to the Comprehensive Plan Future Land Use (FLU) Map to change the FLU for ±24.7 acres from *Office/Residential Transition* to *Urban Medium Density Residential* (4-8 units/acre).

Staff Contact: Penelope Cruz (386) 506-5671/pcruz@port-orange.org

Tim Burman, Community Development Director, discussed the details of the project.

*Motion to approve was made by
Commissioner Michael Arminio, and
Seconded by Commissioner John
Junco.*

Discussion was held regarding the number of units that will be allowed. Additional items will come before the Commission for further review to determine the number of units. A site plan has not been submitted.

Sherry Woodworth, Vice President of Shaddix Communities, Ltd., explained their intent to add 10 additional homes and the \$2.2 million they are investing back into the neighborhood as amenities for the community, as well as drainage upgrades.

Tim Walters, HOA President spoke regarding the historical changes made that resulted in it being a commercial zoning currently. He also advised that the vote of the HOA members resulted in a favorable vote of the majority of the association members.

*Motion carried 6-1 by roll call vote with
Commissioner Lance Green voting no.*

OTHER BUSINESS

6. Commissioner Comments

Commissioners discussed their concerns regarding the community. Most of the concerns related to code enforcement issues. Mr. Burman will forward the information onto Code Enforcement and the Police Department.

7. Staff Comments - *There were none.*

PUBLIC COMMENTS - *There were none.*

ADJOURNMENT - 5:57 p.m.

Chairman Newton White

Case No. 18-90000004 – Variance 4068 Carlisle Dr.

The applicant has requested this item be continued to the August 23, 2018 Planning Commission meeting.



STAFF REPORT

Change of Use to Acknowledge a Monopole
Communication Tower is a Permitted Use in the GPU
Zoning District
CASE NO. 18-32000001

REQUEST:	Acknowledge a Monopole Communication Tower is a Permitted Use in the GPU Zoning District
PROPERTY OWNER:	Port Orange United Church of Christ
APPLICANT:	AT&T Mobility
LOCATION:	651 Taylor Road (Figure 1)
STAFF CONTACT:	Penelope Cruz, Interim Planning Manager (386)506-5671
PLANNING COMMISSION:	July 26, 2018

INTRODUCTION

A request is being made by the applicant, AT&T, to add an additional use to the subject property (651 Taylor Road). Currently, the site is as a house of worship (Port Orange United Church of Christ). The applicant is proposing to install a 125-foot tall monopole communications tower along with required site improvements on the west side of the property. A site plan application has not been submitted at this time for staff to review for compliance with the Land Development Code (LDC).



BACKGROUND

Land Development Code (LDC), Chapter 17, Section 26, and Chapter 16, Section 9(b)(9), includes monopole communication towers as a permitted use within the Government/Public Use (GPU) Zoning District (Exhibit A).

Although the tower is a permitted use, the LDC requires all proposed uses of land within the GPU zoning district be processed as a "Change of Use". According to the LDC, a "Change of Use" request is to be processed similar to a standard rezoning. Therefore, this item must be presented to the Planning Commission and City Council.

Monopole communication towers are listed as a permitted use in all the City's non-residential zoning districts. The GPU zoning district is the only zoning district that requires all of its permitted uses to be presented to the Planning Commission and City Council whenever there is a change.

AT&T is proposing to construct a 125-foot tall monopole communications tower on the west side of the subject property within a 60' x 60' lease area. AT&T intends to install one antenna on the monopole and lease the two additional spaces to other network providers.

DISCUSSION

There are not clear, specific criteria in the LDC for evaluating a proposed Change of Use within the GPU zoning district. Similar to any use listed as permitted within the GPU zoning district, the proposed monopole communications tower will be required to go through the standard Development Review Process, including submitting a site plan that meets all of the site development regulations within the LDC and building permits to meet the Florida Building Code.

Staff has processed only two Change of Use requests in the past ten years. In 2008, the First United Methodist Church added a child care center, and in 2005, Our Savior's Lutheran Church added a child care center. These requests were brought before the Planning Commission and City Council. In the child care center cases, there were special development requirements listed in the code for staff to evaluate (size of the site, location on an arterial road, buffers, and playground size). There are no special development criteria listed in the LDC for a monopole communications tower in the GPU Zoning District.

According to the applicant's letter (Exhibit B), AT&T has selected this site to meet their capacity and coverage objectives. Towers are limited as to the number of frequencies they can transmit. When a tower reaches that frequency cap, another tower needs to be constructed to handle the additional frequencies within the area. According to the applicant, in today's highly technological market with more people switching from land lines to cellular phones, and using not only phones but other wireless devices (e.g. iPads, GPS, Bluetooth and Wi-Fi technologies, satellite television), the frequency capacity of a cellular tower can become strained leading to slower connection times and decreased coverage areas.

The communications tower is expected to have a minimal traffic impact as only periodic maintenance is necessary for this use. There will be no water or sewer impacts because those utilities are not needed for the tower. There will be a visual impact because the tower will be 125 feet tall. The closest residential property lines are approximately 140 feet away from the proposed pole location. There are existing mature trees surrounding the subject property, which will aid in screening the tower and associated equipment. There will also be a 40'-wide landscape buffer and fence required around the proposed communications tower site.

The proposed monopole and site will be required to comply with the following LDC requirements when a site plan and building permit are submitted:

- The monopole must be set back a minimum of 100 feet from Taylor Road and Country Lane. (The subject tower is proposed to be set back 125' from Taylor Road and 495' feet from Country Lane.)
- The monopole cannot exceed 300 feet in height. (The proposed tower is 125' tall.)
- The monopole will be required to either maintain a galvanized steel finish or be painted a neutral color, so as to reduce visual obtrusiveness.
- Any antennas attached to the monopole will also be required to be steel or otherwise match the tower.
- The monopole will not be lighted unless required by the FAA.
- The tower and equipment must be enclosed by a wall or fence not less than six feet in height. (An 8'-tall fence is proposed.)
- Required landscaping includes a row of shade trees spaced at ten feet on center and a continuous hedge around the perimeter of fence, as well as a 40' wide buffer to consist of 7 shade trees, 8 understory trees, and 60 shrubs per lineal foot.
- A comprehensive inventory of those communications towers in its ownership/operation, which are located within the City and within one-quarter mile of the City limits.
- A report from a registered structural or civil engineer which shall indicate the proposed tower's height, design, total anticipated capacity of structure (e.g. potential number/types of antennas which could be accommodated); the proposed method of constructing the tower; a list of antennas proposed for installation (including types and owners); and the proposed tower's proximity to the nearest residential uses and districts.
- Documentation that the communication tower is warranted and the need cannot be met by co-locating the subject antenna(s) on existing communication towers or by installing the subject antennas on alternative support structures. The evidence must address one or more of the following factors: a) Insufficient structural capacity of existing communication towers; b) Unavailability of suitable locations; c) Radio frequency interference or other signal interference problems at existing communication towers; d) The fees, costs, or contractual provisions required by the owner to share an existing communication tower or to adapt an existing communication tower are unreasonable.

Staff acknowledges that a monopole communication tower is a permitted use at 651 Taylor Road based on the monopole communication tower use being listed as a permitted use in the Government/Public Use (GPU) Zoning District in the Land Development Code.

ATTACHMENTS

Exhibit A – Land Development Code, Chapter 17, Section 26 - Government/Public Use Zoning District; and Chapter 16, Section 9(b)(9) - Personal wireless communication by zoning district

Exhibit B – AT&T Letter

Exhibit C – AT&T Photo Simulation

Exhibit D – Communication from Residents

Exhibit E – Memorandum in Opposition from Residents

- (a) *Purpose and intent.* The government/public use (GPU) district is intended to provide for public and quasi-public uses in a setting which recognizes the special character and location requirements of such facilities.
- (b) *Permitted uses.* All uses proposed by any governmental entity or agency thereof shall be permitted in this district. In addition, the following quasi-public uses shall be permitted in this district:
 - (1) Adult/vocational education.
 - (2) Antennas.
 - (3) Camouflaged and monopole communication towers.
 - (4) Cemeteries.
 - (5) Charitable organization offices.
 - (6) Hospitals.
 - (7) Houses of worship.
 - (8) Nursing homes.
 - (9) Private schools.
 - (10) Public utility stations/plants.

All proposed uses of land within the GPU district shall be advertised for public hearing at the time of rezoning, or prior to a change of use.

- (bb) *Permitted uses with special development requirements (chapter 18, section 4).*

- (1) Child care centers (subsection 4).
- (2) Community gardens (subsection 5.1).

- (c) *Special exception uses (chapter 18, section 3).*

- (1) Guyed and lattice communication towers.
- (2) Marina, recreational (subsection 9.6).

- (d) *Violation of terms or conditions.* It is a violation of this code for any person to violate or to refuse or fail to comply with any term or condition of a rezoning or a change of use in the GPU district. Violations may be prosecuted or enforced as provided by law for prosecution or enforcement of municipal ordinances.

(Ord. No. 1991-20, 8-27-91; Ord. No. 1992-29, 11-3-92; Ord. No. 1993-58, 1-18-94; Ord. No. 1995-45, § 52, 12-19-95; Ord. No. 1997-23, §§ 34, 35, 4-29-97; Ord. No. 1998-69, §§ 40, 41, 10-20-98; Ord. No. 2000-53, § 8, 2-20-01; Ord. No. 2004-21, § 1, 9-21-04; Ord. No. 2010-17, § 3, 7-20-10)

- (9) *Personal wireless communication by zoning district.* The following table lists the zoning districts in which antennas and various types of communication towers shall be permitted as permitted or special exception uses.

Exhibit A

LDC, Ch. 16, Sec. 9(b)(9)

Communication Tower Type	Residential Districts *	Light Industrial (LI)	All Other Districts
Camouflaged	PU	PU	PU
Guyed	SE	PU	SE
Lattice	SE	PU	SE
Monopole	SE	PU	PU
Antennas mounted on communication towers or alternative support structures	PU	PU	PU

Note: Self-supporting lattice and guyed communication towers shall only be permitted as a special exception use in residential districts under unique circumstances. For additional information refer to subsection 3(b) of [chapter 18](#) of this code.

* Includes: A, AP, RR, RMH, R-2D, R-7SF, R-8SF, R-10SF, R-20SF, R-3L, R-3M, R-3H, NP, and PUD.

PU = Permitted Use

SE = Special Exception Use



April 20th, 2018

City of Port Orange
Community Development
1000 City Center Circle
Port Orange, FL 32129

To Whom it may concern,

I respectfully submit this letter as an explanation of our need for a new telecommunications site in the City of Port Orange. As the system design engineer for AT&T Mobility responsible for this area, I have performed a thorough analysis of the desired Capacity need in area and the interaction of the AT&T sites within the larger Volusia County coverage area. The search area was based on the proposed site's location relative to the current surrounding sites and capacity enhancements needed within the city of Port Orange. After running numerous propagation modeling, the location and design height was selected as optimal to provide maximum outdoor/Indoor coverage and handoff capabilities between the surrounding AT&T sites, based on their location and antenna centerlines.

My study included field visits and computer analysis with sophisticated RF modeling that takes into account the following variables: (A) The physical characteristics of the frequencies allotted by the FCC to AT&T; (B) The allowable power outputs of those frequencies; (C) The AT&T Mobility equipment specifications; (D) The location of existing AT&T Mobility and other facilities; (E) The topography and building density of the area; (F) The optimum coverage using the minimum use of new tower sites. After this review, it was determined that there are no existing structures within the area to meet AT&T Mobility's engineering objectives. These factors were quantified, and values extrapolated using RF modeling software to arrive at a design location and minimum requirement for antenna height. The site candidate, located at 651 Taylor Rd, Port Orange FL, identified as AT&T Mobility's South Port Orange site, and is required to meet the Capacity objective.

As design Engineer, we also considered site location at Spruce Creek High School (lat: 29.1127400, long: -81.0151110), but High School location is close to AT&T existing site, so in conclusion High school location won't meet AT&T objectives.

The frequency plan for this site is also in accordance with FCC requirements and will not interfere with the Public Safety bands assigned by the FCC. AT&T is licensed by the FCC to use the Cellular A&B Bands, PCS E band, 700 B, C&D Bands, AWS-3 J Band & WCS A, B, C, and D Bands in Volusia County.

In summary, it is my professional opinion as a radio frequency design engineer there are no other facilities, in the proper location and at the required height, which will provide the Capacity to meet our requirement of providing excellent wireless services to your citizens in this area.

Sincerely,

A handwritten signature in dark ink, appearing to read "Yuvrajsinh Varachhia", with a long horizontal line extending to the right.

Yuvrajsinh Varachhia
Senior RAN Engineer-AT&T Mobility

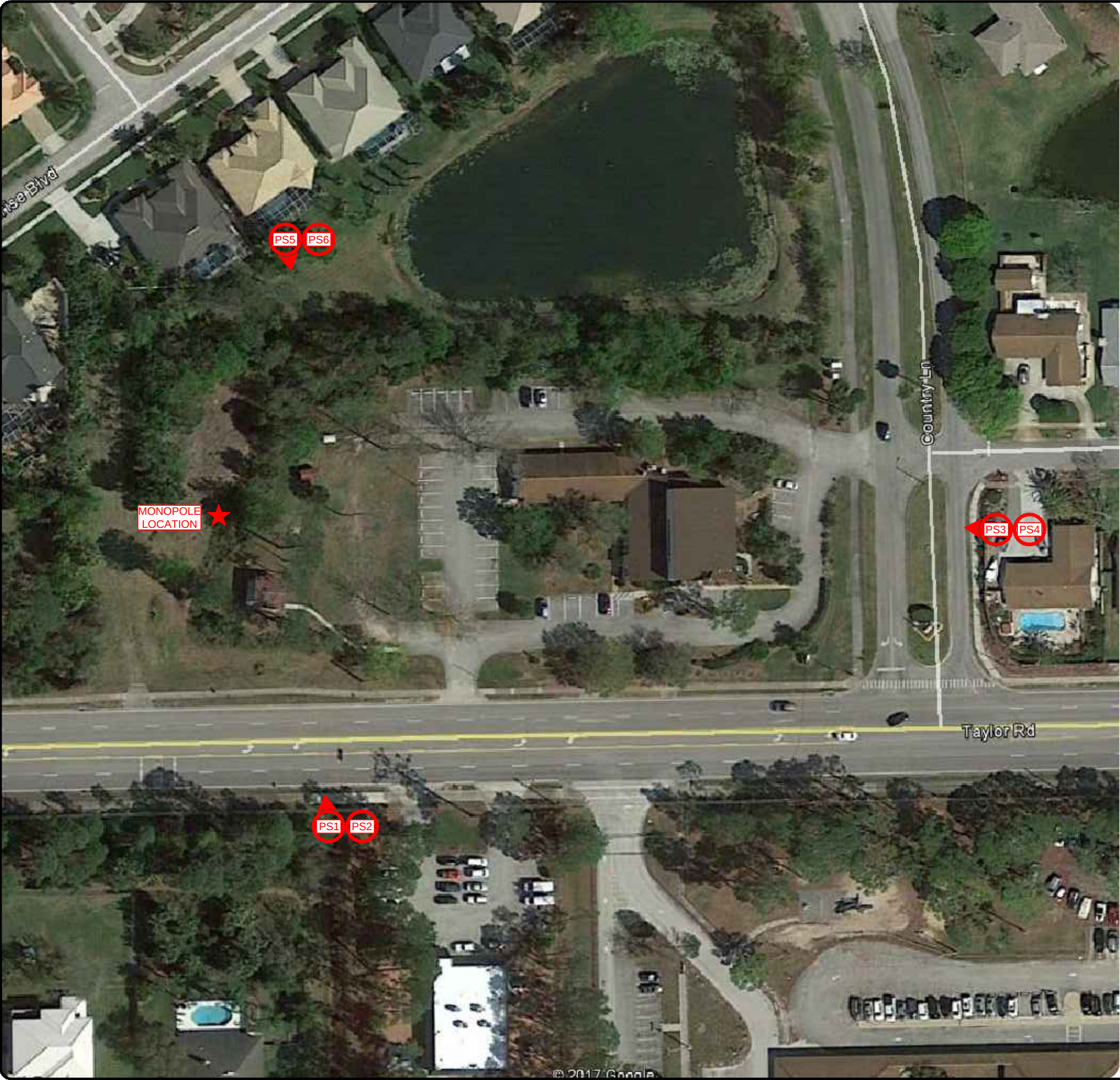


Exhibit C

PS1 & PS2 LOCATION

APPROXIMATELY 230 FEET SOUTH OF
MONOPOLE LOCATION

PS3 & PS4 LOCATION

APPROXIMATELY 570 FEET EAST OF
MONOPOLE LOCATION

PS5 & PS6 LOCATION

APPROXIMATELY 220 FEET NORTH OF
MONOPOLE LOCATION

REFERENCE:

2017 IMAGERY
2017 GOOGLE EARTH

REV	DATE	DESCRIPTION
0	8/8/17	FOR REVIEW
PROJECT NO.:		17-0134.07
DRAWN BY:		CHECKED BY:
W. CORTEZ		M. ABBEY

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3400 LAKESIDE DRIVE, SUITE 525
MIRAMAR, FL 33027

CERTIFICATE OF AUTHORIZATION 31948



SOUTH PORT ORANGE

651 TAYLOR ROAD
PORT ORANGE, FL 32127

SHEET NAME

PHOTOSIMULATION
PHOTO LOCATIONS

SHEET NUMBER

PS0



REV	DATE	DESCRIPTION
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PROJECT NO.:		17-0134.07
DRAWN BY:		CHECKED BY:
W. CORTEZ		M. ABBEY

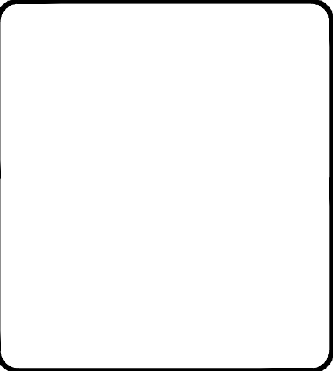
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MIRAMAR, FL 33027

CERTIFICATE OF AUTHORIZATION 31948





SOUTH PORT ORANGE

651 TAYLOR ROAD
PORT ORANGE, FL 32127

SHEET NAME

EXISTING STREETScape
FACING NORTH

SHEET NUMBER

PS1



PROPOSED AT&T
125' MONOPOLE

REV	DATE	DESCRIPTION
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PROJECT NO.:		17-0134.07
DRAWN BY:		CHECKED BY:
W. CORTEZ		M. ABBEY

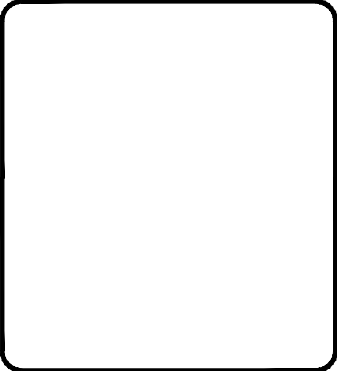
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CERTIFICATE OF AUTHORIZATION 31948





SOUTH PORT ORANGE

651 TAYLOR ROAD
PORT ORANGE, FL 32127

SHEET NAME

PROPOSED STREETScape
FACING NORTH

SHEET NUMBER

PS2



REV	DATE	DESCRIPTION
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PROJECT NO.:		17-0134.07
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W. CORTEZ		M. ABBEY

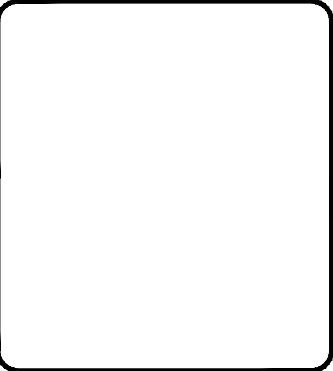
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MIRAMAR, FL 33027

CERTIFICATE OF AUTHORIZATION 31948





SOUTH PORT ORANGE

651 TAYLOR ROAD
PORT ORANGE, FL 32127

SHEET NAME

EXISTING STREETScape
FACING WEST

SHEET NUMBER

PS3



PROPOSED AT&T
125' MONOPOLE

REV	DATE	DESCRIPTION
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PROJECT NO.:		17-0134.07
DRAWN BY:		CHECKED BY:
W. CORTEZ		M. ABBEY

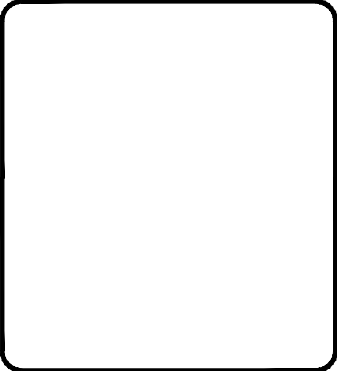
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SOUTH PORT ORANGE

651 TAYLOR ROAD
PORT ORANGE, FL 32127

SHEET NAME

PROPOSED STREETScape
FACING WEST

SHEET NUMBER

PS4



REV	DATE	DESCRIPTION
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PROJECT NO.:		17-0134.07
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MIRAMAR, FL 33027

CERTIFICATE OF AUTHORIZATION 31948



SOUTH PORT ORANGE

651 TAYLOR ROAD
PORT ORANGE, FL 32127

SHEET NAME

EXISTING STREETScape
FACING SOUTH

SHEET NUMBER

PS5



PROPOSED AT&T
125' MONOPOLE

REV	DATE	DESCRIPTION
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PROJECT NO.:		17-0134.07
DRAWN BY:		CHECKED BY:
W. CORTEZ		M. ABBEY

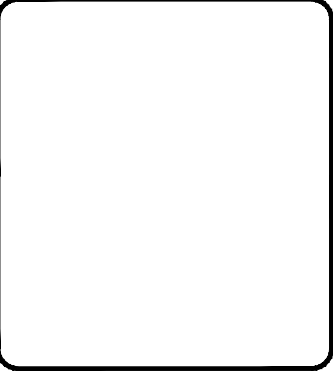
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MIRAMAR, FL 33027

CERTIFICATE OF AUTHORIZATION 31948





SOUTH PORT ORANGE

651 TAYLOR ROAD
PORT ORANGE, FL 32127

SHEET NAME

PROPOSED STREETScape
FACING SOUTH

SHEET NUMBER

PS6

Exhibit D

Communication from Residents

Cruz, Penelope

From: fla32127@aol.com
Sent: Thursday, May 17, 2018 4:35 PM
To: Cruz, Penelope
Cc: tanishealey@hotmail.com
Subject: 651 Taylor Road Communication Tower 'change of use' application.

Hello Penelope,

I am writing as the homeowner of the property at 997 Smokerise Blvd in Port Orange, FL.

Apparently, AT&T has submitted a 'change of use' application to allow them to build a 125'(!!!) cell tower on the west end of the church property located at 651 Taylor Road.

I am writing in strong and absolute opposition to this plan. For one reason, it will most CERTAINLY ruin the property value of my home. I have invested tens of thousands of dollars in this property since taking ownership. The eye-sore monstrosity of a cell tower will immediately and irreversibly damage the equity I've built in my property. I intend to hold the City and the members of the Planning Commission joint and severally responsible for any and all losses I incur as a result of their actions.

Secondly, there is ongoing research to suggest that RF wave exposure is hazardous to humans. It is known without doubt that RF energy heats up biological organisms. The short and long term effects of this exposure are still being studied. It is NOT good politics OR good science to expose citizens to potentially hazardous conditions.

A much more palatable solution is to locate this cell tower in a less populated area. REMEMBER, there is an elementary school DIRECTLY across the street from this proposed cell tower location!!

Anecdotally, I must also state that, as an AT&T cell subscriber, the coverage at my house is fine and we don't NEED a cell tower at this location. As an AT&T shareholder, I will also make certain that whoever is personally responsible for this idea will be exposed at the corporate level.

In sum, this is a horrible idea that puts a potentially small incremental gain to AT&T's service first and foremost ahead of the health concerns of your residents and elementary school students AND will destroy the equity that I and so many of my neighbors have sought to build. I believe it would be a horrible travesty to allow AT&T to steamroll the city and pressure them to allow this non-conforming use.

With best wishes,
Paul Kern
997 Smokerise Blvd.
Port Orange, FL 32127

Cruz, Penelope

From: alfredo <aorza@att.net>
Sent: Friday, May 18, 2018 10:36 AM
To: Cruz, Penelope
Cc: Tanis Healey
Subject: AT&T Tower

Dear Ms Cruz,

It has come to my attention, that AT&T is planning to erect a reception or satellite tower, adjacent to the church of Taylor Rd. and Village Trail, in Port Orange. I would like to point out very strongly, that such a monstrosity, belongs in isolated fields, not in the midst of an upscale subdivision. Can you imagine how would that effect the market price of our properties. We all, paid top dollar for this subdivision, and we do NOT intend that a tax free concern, that was created with the ideal of charity, should benefit from a business income. Any Lease, is viewed as a business. Therefore, we cannot allow a non taxable, to profit at the expenses of others. I shall make sure that most of our community shall be informed of this project. I feel sure that the rest of us shall share my point of view. I also feel, knowing Port Orange Community Development, that they will give a serious consideration, especially if they consider their own title "Community". Hence, I trust that a good and beneficial consideration shall be given to the subject in question. Thank You

Always Sincerely

Alfredo Orza
985 Smokerise Blvd,
999 Smokerise Blvd,
990 Smokerise Blvd

Port Orange Planning Commission,

I am writing as the homeowner of the property at 989 Smokerise Blvd, Countryside in Port Orange, FL. It has come to my attention that The Port Orange Church of Christ located at 651 Taylor Road and AT&T have submitted a 'change of use' application to The City of Port Orange to allow for a 125 ft tall communication tower be constructed on church property.

I am writing to express my complete opposition to this proposed change for many reasons. First, it will decrease the value and desirability of my property, and others, to future buyers. Research indicates that over 90% of home buyers and renters are less interested in properties near cell towers *and* expect to pay less for a property in close vicinity to cellular antennas. Multiple surveys and published articles have shown a sales price drop of up to 20%.

<https://ehtrust.org/cell-phone-towers-lower-property-values-documentation-research/>

<http://realtormag.realtor.org/daily-news/2014/07/25/cell-towers-antennas-problematic-for-buyers>

One of the reasons I purchased my home was the beautiful park like setting the residential community of Countryside has to offer. This tower will definitely change how people look at our community and likely deter them from purchasing a home in a community where they constantly have to view this massive 125 ft tall tower in their backyards. I have invested tens of thousands of dollars and hundreds of hours of time into this property to make it beautiful and increase the future value of the home. I have been a responsible home owner following all City Codes, Countryside HOA by-laws as well as Steeplechase HOA rules requiring me to keep my property looking good so home values my community, and in Port Orange, continue to rise. I expect the City of Port Orange will not allow this tower to be built at the proposed location because it will indeed devalue hundreds of properties in the community and hurt the equity that residents of Countryside and other surrounding communities currently have in their homes and this location is simply too close to homes.

The second reason I'm opposed to this tower is lack of a justified need for an additional tower to provide supplemental coverage in this area. As a cell phone user, I fully understand the need for towers to provide customers with service. I currently have AT&T cell phone service and I have great service at my home. Other residents with AT&T that I spoke to regarding this matter agreed that this community already has great coverage. In fact, the AT&T wireless data map of coverage shows our area completely covered with no dead zones. After doing research, I have found that there are eleven (11) multi-use towers over 100 feet tall within 3 miles of the proposed tower location. Four (4) of those towers are extremely close, within 1.5 miles, of the proposed location. The City of Port Orange should be working to co-locate communication equipment on existing towers first and when deemed absolutely necessary, locate new towers in commercial locations to reduce impact to its residents.

Another issue with using this location is the environmental noise from the communication support equipment located at the base of the tower. This tower will require a small building to house power, cooling equipment, and a generator. One of the biggest complaints of residents that live in close proximity to a communication tower is the significant environmental noise generated by the support equipment. The generator must run functional self checks regularly to ensure it is working condition in the event of power outage. With adjacent properties being so close to the proposed tower (less than 100 feet) it is inevitable that we will hear this equipment running. Aside from being a nuisance, this will indeed deter potential buyers and reduce the property values of the properties that are in such close proximity.

Finally, there is ongoing research that RF wave exposure is hazardous to humans and especially children. Brain cancer, leukemia, and breast cancer are a few health effects that have been reported from prolonged exposure to RF. It is important to note that cell phone antennas emit constant microwave radiation and may act as a chronic stressor with neurological side effects at low exposure levels. With such conflicting scientific data, the City of Port Orange is at increased liability risk in the future for being complicit in causing severe health problems to the surrounding

residents, children at Spruce Creek Elementary school, and toddlers at La Petite daycare (both of which are located directly across the street from the proposed location). If the City of Port Orange approves this proposed change of use and authorizes the erection of the tower in such close proximity to residences, an elementary school, and a daycare, the City, and AT&T, will be liable if a definite link is made between RF exposure and any health issues. The City of Port Orange needs to acknowledge this increased risk acceptance as part of its approval process so that it is appropriately characterized and documented.

In closing, I want to again express my complete opposition to this proposal for the reasons stated herein. Please do not approve the proposed 'change of use' application that would only serve AT&T's interests and the financial gains of Port Orange Church of Christ over that of the citizens of Port Orange that actually live and serve this community.

Sincerely,
Tanis and Eugene Healey
989 Smokerise Blvd.
Port Orange, FL 32127

July 19, 2018

Mr. Paul Kern
997 Smokerise Blvd.
Port Orange, FL 32127

RE: Letter of Adverse Impact

Dear Mr. Kern,

I'm in receipt of your letter dated June 29, 2018, concerning the proposal of a 125 foot cell tower to be built at 651 Taylor Rd.

My name is James Steck, and I own the property at 709 Hensel Hill Rd. East. I'm writing because I am in fact opposed to the construction of a cell tower at that location, which is within 1000 feet of my residence. I'm also opposed to the fact that this is even being considered as an option.

My family has been here for over 27 years and our neighborhood and property has remained a clean, safe and a well sought after area to reside. My wife and I decided to continue to live here with our two daughters, both of whom attend Spruce Creek High School (also within a close radius of the proposed tower) because of those reasons. Any cell tower, that would be located that close to our neighborhood, would cause us concern for our health.

In addition to our health concern is the fact that the proposed tower would have an extreme negative impact on our property value and could change the look of our beautiful neighborhood. We have invested a lot of money over the years to increase the value of our home and keep with the standards of our community, a looming cell tower would ruin a lot of hard work and effort.

I am unable to attend the planning commission meeting on the 26th but would like my feelings known. I would hope that our elected community leaders understand that they are there to represent their constituents' best interests and that a proposed cell tower located in the middle of nice, established neighborhoods is not in our best interests. There are several other areas this tower could be located within Port Orange that would not ruin its neighborhoods.

Sincerely,



James J. Steck



CITY OF PORT ORANGE
STATE OF FLORIDA

-----X

In the Matter of the Application of

AT & T Mobility

Change of Use Application

Premises: 651 Taylor Road
Port Orange, FL 32127
Parcel ID# 6316-00-00-0063

**MEMORANDUM
IN OPPOSITION**

-----X

MEMORANDUM IN OPPOSITION

Respectfully Submitted,

John Watts & Gwendolyn Watts, 989 Mori Ct., Port Orange, FL 32127
Harvinder & Ishita Chadda, 991 Mori Ct., Port Orange, FL 32127
Dave & Nancy Hallman, 993 Mori Ct., Port Orange, FL 32127
John Fallon, 994 Mori Ct., Port Orange, FL 32127
John & Sheila McClellan, 995 Mori Ct., Port Orange, FL 32127
Tom & Esther Deluca, 996 Mori Ct., Port Orange, FL 32127
Howard & Georgeanne Tipton, 997 Mori Ct., Port Orange, FL 32127
Mary Ann Parent, 998 Mori Ct., Port Orange, FL 32127
Peter and Rose Delonibus, 999 Mori Ct., Port Orange, FL 32127
Natavaral & Varsha Patel, 1000 Mori Ct., Port Orange, FL 32127
James Kreutz, 1001 Mori Ct., Port Orange, FL 32127
Rhonda Abbot & Ada Landers, 1002 Mori Ct., Port Orange, FL 32127
Paul Kern, 997 Smokerise Blvd., Port Orange, FL 32127
Kathleen & Garret Garry, 995 Smokerise Blvd., Port Orange, FL 32127
Gary & Tatiana Llewellyn, 991 Smokerise Blvd., Port Orange, FL 32127
Tanis & Eugene Healey, 989 Smokerise Blvd., Port Orange, FL 32127
Alfredo Orza, 985 Smokerise Blvd., Port Orange, FL 32127
Lori Koester, 984 Smokerise Blvd., Port Orange, FL 32127
Tracey Copeland, 982 Smokerise Blvd., Port Orange, FL 32127
Stephen Crass, 868 Pine Forest Trail W., Port Orange, FL 32127
Megan and Channing Stacy, 858 Pine Forest Trail W., Port Orange, FL 32127
Greg and Barbie Marland, 708 Pine Forest Trail E., Port Orange, FL 32127
Barbara & Bruce Watts, 5706 Pendlebury Ct., Port Orange, FL 32127
Joyce & David Mead, 5776 Pendlebury Ct., Port Orange, FL 32127

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Preliminary Statement

This memorandum is being submitted by, and on behalf of, multiple homeowners whose homes are situated in close proximity to the tower installation proposed for construction at 651 Taylor Road, Port Orange, Florida 32127.

The applicant, *AT&T Mobility*, (hereinafter “*AT&T*”), has filed a change of use application, seeking to install a roughly one hundred thirty (130) foot cell tower (*See* footnote 1 below)¹ in close proximity to one hundred fourteen (114) homes, in a residential neighborhood where no existing structure currently stands taller than two (2) stories in height.

As the evidence submitted herewith makes indisputable, the current application should be denied because: (a) the tower is wholly unnecessary for the applicant (*AT&T*) to provide personal wireless services within the City, (b) the granting of the application would violate the Land Development Code of the City of Port Orange, and (c) the installation of a thirteen (13) story tower in the heart of a residential neighborhood would inflict upon the surrounding homes and community the precise adverse impacts which the relevant provisions of the Land Development Code were specifically enacted to prevent.

As such, the residential homeowners, on whose behalf this Memorandum is submitted, respectfully submit that the application should be denied, and they seek to ensure that it is denied in a manner which does not violate with the Telecommunications Act of 1996.

¹ While *AT&T*'s application states that the height of the proposed tower will be 125 feet in height, its drawings depict that the actual height of the tower will be *at least* 128 feet, because the drawings show that the *upper half* of the transmitters (which are typically 8 feet in length) will be mounted *above* the actual monopole structure. *See* Sheet Z4 within *AT&T*'s Application Submission. Moreover, under the Middle Class Tax Relief and Job Creation Act of 2012, once the tower is built, *AT&T* will be able to increase the height of the tower by an additional 28 feet and the federal Act would prohibit the City of Port Orange from preventing same. *See* 47 U.S.C. § 1455(a) and 47 C.F.R. § 1.40001(b)(7).

POINT I

AT&T's Application Must be Denied Pursuant to Land Development Code Chapter 16, Section 9, Because AT&T Has Failed To Establish Both a Need for the Tower, and a Lack of Alternative, Less Intrusive, Locations

As the Land Development Code of the City of Port Orange (hereinafter “the Land Development Code”) makes crystal clear, “a proposed communication tower shall not be approved” unless the applicant demonstrates both: (a) that there is a *need* for the communication tower, and (b) that such “need” cannot be met by co-locating on an existing tower, or by installing antennas on alternative structures or alternative locations. *See* Land Development Code Chapter 16, Section 9, subparagraph (d)(3).

Contemporaneously, and in direct parallel, under the federal Telecommunications Act of 1996 (hereinafter “the TCA”), a local government cannot deny an application for the installation of a cell tower, if an applicant such as *AT&T* proves both: (a) that it suffers from “a significant gap” in its personal wireless services, and (b) that the proposed installation is the “least intrusive means” of remedying such gap, meaning that there are no less intrusive alternative locations *See T-Mobile Central LLC v. Charter Township of West Bloomfield*, 691 F3d 794 (6th Cir. 2012).

As set forth below, *AT&T's* application cannot properly be granted under the Land Development Code, and the City is not compelled to grant it under the TCA, because: (a) *AT&T* has wholly failed to establish that there is a “need” for the tower, such that it would warrant inflicting substantial adverse impacts upon the residential community and 114 homes nearby, and (b) because *AT&T* has additionally failed to establish that it cannot satisfy whatever need it claims to possess by installing a wireless facility at an alternative, *less intrusive*, location.

A. AT&T Has Not Established an Actual
or Current Need For The Proposed Tower

There are essentially two types of cell tower applications currently being filed across the United States.

The first type are those where an applicant seeks approval for a cell tower because they have an *actual need* to build that tower to remedy an ***actual coverage gap*** in their personal wireless services. The existence of such a gap is the basis for a “need” to build a new tower to “close the gap” and thereby prevent its customers from suffering dropped calls.

The second type of application involves cases within which an applicant *does not* suffer from any gap in its personal wireless service and does not have any actual current need for a proposed tower, but pursues construction of a new tower as a future investment.

This investment is both for its own future use (*i.e., to meet “future capacity” needs*), and also, to be the first to build at a specific location so that it can thereafter compel its competitors to co-locate on their tower, and thereby force their competitors to pay them rent indefinitely.

Co-tenants, who are forced to lease space on their competitor’s towers, typically pay amounts between \$2,500.00 and \$3,500.00 per month, for each such installation, indefinitely.

Applicants Who Suffer From Gaps In Coverage

As has been defined by the Courts, a coverage gap exists when a remote user of wireless services is unable to either connect with the land-based national telephone network or to maintain a connection capable of supporting a reasonably uninterrupted communication.

When a coverage gap exists, customers cannot receive and send wireless calls, and when they pass through the coverage gap their calls are disconnected.

When an applicant is compelled to seek a new cell tower because they suffer from an actual coverage gap, they typically file direct proof of their actual gap in wireless services.

Such direct evidence often consists of computer generated records of the number of actual dropped calls the applicant's customers have suffered during a finite period of time, and within a specific geographic location, the latter of which dictates why a specific location was chosen for a new proposed cell tower. Alternatively, applicants will perform signal strength testing and will produce the results of those tests as direct proof that there is a specific geographic area within which the strength of their wireless signal is simply too weak for their customers to initiate, maintain and conclude wireless communications.

As is reflected in the record of this case, *AT&T* has provided neither of these forms of evidence in support of its application.

Applicants Who ***Do Not*** Suffer From Gaps In Coverage

In cases where the applicant *does not* have a gap in coverage and *no actual current need* for a proposed tower, they simply cannot show any direct proof of an actual need for a tower.

So instead, they provide a report from an RF engineer who performs "computer modeling" and states, in purely hollow fashion, that the proposed tower is "needed" to meet some unspecified and undefined "coverage objectives" which the applicant purports to possess.

This is precisely what *AT&T* has provided in the instant case. A true copy of *AT&T*'s RF engineer's letter is annexed hereto as Exhibit "A," wherein *AT&T*'s engineer does not state that the tower is needed because *AT&T* suffers from any actual current gap in its wireless service.

Instead, the RF engineer describes AT&T's "*desired* Capacity need in the area", which simply means that AT&T does not have a current need for the tower to provide wireless service, but instead desires the additional tower for potential future capacity needs, and, of course, to stake ownership of a new tower, after the construction of which AT&T will be able to effectively force its competitors to "co-locate" on its tower (by virtue of the Land Development Code's co-location requirements), thereby forcing them to pay AT&T rent indefinitely. *See* Exhibit "A".

As reflected below, a simple review of *AT&T*'s own coverage maps, and records of actual call testing employing *AT&T*'s wireless services, clearly establishes that *AT&T* has not established, and cannot establish, a need for its proposed tower, as would be affirmatively required under Land Development Code Chapter 16, Section 9, before *AT&T*'s application could be granted.

B. Actual Calling Testing Has Confirmed That
 AT&T Does Not Suffer From a Gap in Service

A coverage gap exists when a wireless provider's customers cannot receive and send calls, and when customers pass through a coverage gap, their calls are disconnected.

A coverage gap or a "*need*" for a proposed site is found to be *substantial* by the Courts where, *inter alia*, the coverage needed by a carrier is not limited to a small number of houses in a rural area or merely the interior of buildings in a sparsely populated area." New York SMSA Limited Partnership v. Town of Oyster Bay Zoning Board of Appeal, 2010 WL 3937277 (E.D.NY 2010).

The most accurate means of determining whether a gap exists, and concomitantly whether a proposed tower is actually needed, is call testing.

Simply stated, a test is conducted whereby calls, texts, and e-mails are both sent and received using the applicant's service, on telephones situated within the precise geographic area in which the applicant claims the proposed tower is "needed" to provide coverage.

If persons are able to both make and receive telephone calls, texts and e-mails, and they are able to initiate, maintain and conclude such calls without failure, then it is simply beyond argument that the provider does not suffer from a "significant gap" in its personal wireless service, and does not "need" a tower to remedy a gap which does not exist.

Call Testing Results

To establish that *AT&T* does not possess a current and actual need for the one hundred thirty (130) foot tall cell tower it proposes, residents conducted actual call testing employing *AT&T's* wireless services and recorded call logs to document the result of such tests. Their call logs, which document the testing that was conducted, are collectively annexed hereto as Exhibit "B."

Exhibit "B" collectively includes the verified call logs of Paul Kern, Bruce Watts, Tanis Healey, Eugene Healey, John Watts and N. David Mead, each of which is verified by the respective individual who personally performed the testing described in each respective log, and recorded the results thereof.

As evidenced by Exhibit "B," the persons conducting the tests collectively initiated and received a total of five hundred sixty-one (561) wireless communications, employing *AT&T's* wireless services, in the precise geographic area which *AT&T* purports its proposed tower is needed to service.

The testing was performed by various homeowners who live in close proximity to the proposed tower using *AT&T's* wireless services. Such testing encompassed both sending and receiving, voice calls, texts, and e-mails in the subject area.

The homeowners made and received voice calls, text messages, and e-mails, and contemporaneously recorded the date and time of each respective wireless communication, the specific geographic location at which the respective communication was made or received, whether the communication was a voice call, text or e-mail, and whether or not they were able to successfully initiate, maintain and complete each such wireless communication without communication failure, interruption or loss of wireless services.

As recorded in the call logs, those tests revealed that those conducting the tests were able to initiate, maintain and conclude a total of five hundred sixty-one (561) wireless communications using *AT&T's* services, which included both sending and receiving voice calls, text messages and e-mails without communication failure, (*i.e., dropped calls or text transmission failures*) interruption, difficulty or loss of service.

As reflected within these logs, the homeowners were able to send and receive and to initiate, maintain and conclude a total of five hundred sixty-one (561) telephone calls, text messages, and e-mails, without failure or interruption. This means that out of five hundred sixty-one (561) attempted communications through the sending and receipt of both voice calls and text messages (*See Exhibit "B"*), the rate of success employing *AT&T's* wireless services was one hundred (100%) percent.

C. *AT&T's* Coverage Maps for
651 Taylor Road, Port Orange, FL

Significantly, the call testing results described herein above are entirely consistent with *AT&T's* own coverage maps, which *AT&T* has openly maintained and published on it's website, www.att.com.

On its website, *AT&T* has published coverage maps for its personal wireless service coverage at 651 Taylor Road, Port Orange FL 32127, including its voice services, 3G services, 4G services and 4G LTE services.

Through those self-published coverage maps, *AT&T* has confirmed that consistent with the results of the call testing conducted by the residents, *AT&T* has no actual gaps in its Voice, 3G, 4G or 4G LTE coverage in the precise area which is described within *AT&T*'s application pending before the City. *See* Exhibits "C" (*AT&T* Voice Coverage), "D" (*AT&T* 3G Coverage), "E" (*AT&T* 4G Coverage) and "F" (*AT&T* 4G LTE Coverage), all of which are *AT&T*'s current coverage maps that were downloaded from att.com on July 13, 2018.

Each of *AT&T*'s current coverage maps (Exhibits "C" "D" "E" and "F") affirmatively depict 651 Taylor Road, Port Orange FL 32127, and the entire area surrounding it, as having no gaps in wireless coverage for Voice, 3G, 4G or 4G LTE coverage.

As such, it is beyond argument that *AT&T* cannot claim that it suffers from a "significant gap" in its wireless services, or that it possesses an actual "*need*" for the proposed tower, because the evidence submitted herewith as Exhibits "B," "C," "D," "E," and "F" "" proves that *AT&T* does not have any gaps, much less any "significant gaps", in its wireless services.

Point II

AT&T's Application Must be Denied, Because the Proposed Tower Would Inflict Upon the Residential Neighborhood the Very Impacts Which the Relevant Provisions of the Land Development Code Were Specifically Intended to Prevent

Within the Land Development Code, personal wireless communications facilities are regulated under Chapter 16, Section 9.

As is explicitly set forth within such Chapter and Section, the very purpose for which Chapter 9 was enacted was to protect abutting property owners and residential communities “from the potential adverse impacts associated with cell sites”² and to “minimize the adverse visual impacts associated with cell sites.”³

Those “purpose and intent” provisions set forth within Section 9 are entirely consistent with the “purpose and intent” provision set forth within Chapter 1, Section 3 of the Code, which proclaims that the very purpose for which the entire Code was enacted was “for the purpose of protecting the health, safety and general welfare of the citizens of the city” and “to enhance the appearance and livability of the city.”⁴

As set forth below, the approval of the proposed application would violate the explicit intent of the Land Development Code, because the construction of a thirteen (13) story tower in a residential neighborhood would inflict upon the one hundred fourteen (114) nearby homes the precise adverse impacts which the Land Development Code, and Chapter 16 thereof, were specifically enacted to prevent.

² See Land Development Code Chapter 16, Section 9, subparagraph (a)(1).

³ See Land Development Code Chapter 16, Section 9, subparagraph (a)(3).

⁴ See Land Development Code Chapter 1, Section 3.

(i) The Proposed Installation Will Inflict a Dramatic and Wholly Unnecessary Adverse Impact Upon the Aesthetics and Character of The Area

As logic would dictate, the construction of a thirteen (13) story tower in the heart of a residential neighborhood where no other structures exceed two (2) stories in height would not merely “*stick out like a sore thumb*,” but it would dominate the skyline, be wholly inconsistent with the residential character of the neighborhood and would inflict severe adverse aesthetic impacts upon virtually all of the homes in close proximity.

Recognizing this likely impact, which such an irresponsibly placed cell tower would inflict upon homes and residential communities, the City of Port Orange enacted Chapter 16, Section 9 for the explicitly stated purpose of, among other things, “*minimizing the adverse visual impacts associated with cell sites*.” See Chapter 16, Section 9, subparagraph (a)(3).

As federal Courts have ruled, where a local government is entertaining a cell tower application, it should accept, as direct evidence of the adverse aesthetic impacts which a proposed cell tower would inflict upon nearby homes, statements and letters from the actual homeowners, because they are in the best position to know and understand the actual extent of the impact they stand to suffer. See e.g. Omnipoint Communications Inc. v. The City of White Plains, 430 F2d 529 (2nd Cir. 2005). Moreover, Federal Courts have consistently held that adverse aesthetic impacts are a valid basis on which to deny applications for proposed telecommunications towers. See Omnipoint Communications Inc. v. The City of White Plains, 430 F2d 529 (2nd Cir. 2005).

Annexed hereto collectively as Exhibit “G” herewith, are letters from homeowners whose homes are in close proximity to the site upon which AT&T proposes to install its thirteen (13) story tower.

Within each of those letters, the homeowners personally detail the adverse aesthetic and other impacts that the proposed installation would inflict upon their respective homes.

Each of the neighboring property owners have provided detailed and compelling explanations of the dramatic adverse impacts their properties would suffer if the proposed installation is permitted to proceed.

Such installation would dominate the skyline, tower over their homes and destroy the views from all areas of their properties and from both inside and outside of their homes.

Such detailed descriptions of the adverse impacts that their respective homes would sustain, and which the City should properly consider, are collectively submitted herewith as Exhibit "G" from: Tatiana and Gary Llewellyn, of 991 Smokerise Blvd., Port Orange, Dr. Christopher Linge, 1003 Smokerise Blvd., Port Orange, N. David Mead, 5766 Pendlebury Court, Port Orange, John and Gwendolyn Watts, 989 Mori Court, Port Orange, Paul Kern, 997 Smokerise Blvd., Port Orange, Tanis and Eugene Healey, 989 Smokerise Blvd., Port Orange, Garret Garry, 995 Smokerise Blvd., Port Orange, and Alfredo Orza, 985 Smokerise Blvd., Port Orange.

Once again, all of the adverse aesthetic impacts that the proposed cell tower would inflict upon their respective homes is entirely unnecessary, because *AT&T* does not need the proposed one hundred thirty (130) foot cell tower to provide wireless services within the City.

*AT&T's Photo Submission is Inherently
Defective and Should be Disregarded Entirely*

When entertaining cell tower applications, local zoning boards often request, and applicants often provide, photographic depictions of how the proposed cell tower will look if the respective application is granted. As common sense would dictate, the whole purpose of requesting such photo simulations and/or depictions is to provide the appropriate board with a visual understanding of the actual aesthetic impact that a proposed installation is likely to inflict upon the nearby homes and residential community.

Not surprisingly, applicants often seek to disingenuously minimize the visual impact depictions, by deliberately omitting from the visual impact studies, simulations or images, any images taken from the perspective of those nearby homes that would sustain the most severe adverse aesthetic impacts.

Such is precisely the case here. Within its submission, *AT&T* has proffered photographic images and/or simulations which are identified within its submission as PS1, PS2, PS3, PS4, PS5, and PS6.

Not a single one of those submissions depict images taken from the perspective of the nearby homes which will sustain the most severe adverse aesthetic impact from installation of a thirteen (13) story tower so close to their homes. Moreover, they depict nothing atop the tower other than a sole antenna mount when, in reality, *AT&T* fully intends to affix *multiple* full size mounts and a plethora of various equipment which would inflict a far more dramatic adverse aesthetic impact upon the community than the skeleton installation depicted in *AT&T's* submissions.

In Omnipoint Communications Inc. v. The City of White Plains, 430 F2d 529 (2nd Cir. 2005), a federal court explicitly ruled that where, as here, a proponent of a cell tower presents visual impact depictions or studies wherein they “omit” any images from the perspectives of homeowners whose homes are in close proximity to the proposed installation, such presentations are inherently defective, and should be properly disregarded by the respective government entity that received it.

As was explicitly stated by the federal court, “the Board was free to discount Omnipoint’s study because it was conducted in a defective manner. . . because the study was conducted without notice to the Board or the community, the observation points were limited to locations accessible to the public roads, and no observations were made from the residents’ backyards much less from their second story windows” *Id.*

Not surprisingly, the images presented by AT&T do not include any images taken from vantage points showing the most severe adverse aesthetic impacts on the properties of nearby homeowners.

As such, in accord with the federal court’s holding in Omnipoint, the applicant’s photo submissions should be disregarded in their entirety.

- (ii) The Proposed Installation Will Inflict a Substantial and Wholly Unnecessary Loss in the Values of the Adjacent and Nearby Residential Properties

In addition to the adverse impacts upon the aesthetics and residential character of the area at issue, the construction of such a massive tower at the proposed location would contemporaneously inflict an adverse impact upon the actual value of the residential properties

situated in close proximity to the proposed tower.

Across the entire United States, both real estate appraisers⁵ and real estate brokers have rendered professional opinions which simply support what common sense dictates.

When large cell towers are installed unnecessarily close to residential homes, such homes suffer material losses in value which typically range anywhere from 5% to 20%.⁶

In the worst cases, towers built near existing homes have caused the homes to be rendered wholly unsaleable.⁷

As has been recognized by federal Courts, it is perfectly proper for a local zoning authority to consider, as direct evidence of the reduction of property values which an irresponsibly placed tower would inflict upon nearby homes, the professional opinions of licensed real estate brokers, (as opposed to appraisers) who could provide their professional opinions as to the adverse impact upon property values that would be caused by the installation of the proposed cell tower. See Omnipoint Communications Inc. v. The City of White Plains,

⁵ See e.g. a February 22, 2012 article discussing a NJ appraiser's analysis wherein he concluded that the installation of a tower in close proximity to a home had reduced the value of the home by more than 10%, go to <http://bridgewater.patch.com/articles/appraiser-t-mobile-cell-tower-will-affect-property-values>.

⁶ In a series of three professional studies conducted between 1984 and 2004, one set of experts determined that the installation of a cell tower in close proximity to a residential home reduced the value of the home by anywhere from 1% to 20%. These studies were as follows:

The Bond and Hue - *Proximate Impact Study* - The Bond and Hue study conducted in 2004 involved the analysis of 9,514 residential home sales in 10 suburbs. The study reflected that close proximity to a Cell Tower reduced price by 15% on average.

The Bond and Wang - *Transaction Based Market Study*

The Bond and Wang study involved the analysis of 4,283 residential home sales in 4 suburbs between 1984 and 2002. The study reflected that close proximity to a Cell Tower reduced the price between 20.7% and 21%.

The Bond and Beamish - *Opinion Survey Study*

The Bond and Beamish study involved surveying whether people who lived within 100' of a tower would have to reduce the sales price of their home. 38% said they would reduce the price by more than 20%, 38% said they would reduce the price by only 1%-9%, and 24% said they would reduce their sale price by 10%-19%.

⁷ Under FHA regulations, no FHA (federally guaranteed) loan can be approved for the purchase of any home which is situated within the fall zone of a cell tower. See HUD FHA HOC Reference Guide Chapter 1 - hazards and nuisances. As a result, there are cases across the country within which: (a) a homeowner purchased a home, (b) a cell tower was thereafter built in close proximity to it, and (c) as a result of same, the homeowners could not sell their home, because any buyer who sought to buy it could not obtain an FHA guaranteed loan. See, e.g. October 2, 2012 Article “. . .Cell Tower is Real Estate Roadblock” at <http://www.wfaa.com/news/consumer/Ellis-County-Couple--Cell-tower-making-it-impossible-to-sell-home--172366931.html>.

430 F2d 529 (2nd Cir. 2005), and this is especially true when they are possessed of years of real estate sales experience within the community and specific geographic area at issue.

As evidence of the adverse impact that the proposed tower would have upon the property values of the homes that would be in close proximity to the tower, annexed hereto as Exhibit “H” are letters setting forth the professional opinions of licensed real estate professionals.

Within each of these letters, the real estate professionals set out their credentials and personally submit their professional opinions that the installation of the proposed tower would cause severe reductions in property values and make those homes more difficult to sell at even reduced prices.

Such detailed descriptions of the reduction in property values that homes in close proximity to the cell tower would suffer, and which the City should properly consider, are collectively submitted herewith as Exhibit “H” and include the following: (1) a professional opinion letter from Laura Powderly, who has been a Licensed Real Estate professional in Port Orange for over 16 years, and who submits her professional opinion that the proposed installation will reduce nearby property values by as much as 20%; (2) a professional opinion letter from Eric Zimmerman, who has been a Licensed Real Estate Broker in Port Orange for 14 years, and who submits his professional opinion that the proposed installation will reduce nearby property values by as much as 20%; (3) a professional opinion letter from Cindy Lumpkin, a real estate broker since 1995, who submits her professional opinion that the proposed installation will reduce nearby property values by an average of 20%; (4) a professional opinion letter from Mark Straka, a Licensed Real Estate Agent in Port Orange for over 5 years who submits his professional opinion that the proposed installation will reduce nearby property values by at least 20%; (5) a professional opinion letter from Fred Jones, a

Licensed Real Estate professional in Port Orange for over 8 years, who submits his professional opinion that the proposed installation will reduce nearby property values by 5% to 10%; (6) a professional opinion letter from Karen Rearden, a Licensed Real Estate Broker in Port Orange for 14 years, who submits her professional opinion that the proposed installation will reduce nearby property values, and (7) a professional opinion letter from Melody Hughes Pitts, a State Certified Appraiser for more than 40 years, who submits her professional opinion that the proposed installation would adversely affect the market values of the nearby homes.

Given the reduction in property values which the nearby homes would sustain, the granting of *AT&T's* application would inflict upon the residential neighborhood the very impacts which the Land Development Code was specifically intended to prevent. Accordingly, its application must be denied.

POINT III

The Proposed Installation Would Create a Public Danger in That it Would Fail to Provide Any Meaningful Fall Zone or Safe Zone

As enacted, the Land Development Code mandates the denial of any application for a proposed change of use where the physical means of implementing such use would be hazardous to, or in conflict with, existing pedestrian and vehicular traffic in the neighborhood.

Given the remarkably poor placement chosen for the proposed installation, it is beyond argument that such installation would unnecessarily expose both pedestrian and vehicular traffic to the types of hazards for which applications of this type are being denied across the entire country.

As proposed by *AT&T*, its thirteen (13) story steel tower would be constructed well within striking distance of at least one public roadway and a pedestrian sidewalk.

As such, the proposed installation would present a clear public danger, in that it would not provide or afford a sufficient fall zone or safety zone to protect those who would commonly travel or walk upon that sidewalk or road.

There are three (3) principal dangers which have induced local governments to adopt specific setback requirements for cell towers, and which serve as the reason why required setback distances are invariable tied directly to the height of respective towers. Two of those dangers are structural failures and debris fall.

The multiple dangers of structural failures of all types of cell towers, from lattice structures to monopoles, wherein a component of an installation fails, causing an element or part of the structure to hurdle to the ground, or in some cases, the entire tower to collapse⁸ or to burst into flames and fall over,⁹ are well-documented.

⁸ To see dramatic images of a 165-foot tower having collapsed at a firehouse, crushing the Fire Chief's vehicle, go to www.firehouse.com/news/10530195/oswego-new-york-cellular-tower-crushes-chiefs-vehicle, or go to Google and search for "Oswego cell tower collapse."

⁹ To see videos of modern towers bursting into flames and/or burning to the ground, go to <http://www.youtube.com/watch?v=0cT5cXuyiYY&NR=1> or http://www.youtube.com/watch?v=y__NKVWrazg, or simply go to *Google*, and search for "cell tower burns."

Some of the most common elements and areas of failure that result in the collapse of cell towers are baseplates,¹⁰ flanges, joints, bolts and guy wires.¹¹

Simultaneously, there is the danger of falling debris, and more specifically, items dropped or caused to fall during routine maintenance activities, which must be performed upon such towers on a regular basis.

To afford adequate protections against these very real dangers, local governments have imposed setback requirements to afford sufficiently sized buffer/safety areas to ensure the safety of both their citizens and the public at large.

These buffer or safety zones consist of an area surrounding a tower that is restricted from public or personal access, and which is large enough to ensure that if a tower were to fail or collapse, or debris were to hurdle downward from the top of it, nobody would be close enough to be injured or killed by same.

A sample of a typical local government zoning regulation that actually describes such concerns is the Town of Huntington, NY Code Section §113, which provides as follows:

“It shall be demonstrated to the satisfaction of the Town Board that the proposed facility is set back adequately to prevent damage or injury resulting from ice fall or debris resulting from the failure of a wireless telecommunications facility, or any part thereof and to avoid and minimize all other impacts upon adjoining properties.”

Huntington Town Code §113-58.1(F)

¹⁰ To see images of monopole baseplate failures, go to:

<http://residentsact.blogspot.com/2007/11/just-how-safe-are-monopole-cell-towers.html>

¹¹ To see multiple images of telecommunications towers which have collapsed, go to google, type in a search for “radio tower collapse”, and then choose “images” from the search results.

As a rule of thumb, to ensure that a buffer/safety zone of sufficient size is maintained, knowledgeable local governments across the Country have enacted ordinances that generally require minimum setbacks ranging from 100% to 200% of the height of a respective communications tower.¹²

Remarkably, as proposed by *AT&T*, its tower would be irresponsibly placed so that that the pedestrian sideway on Taylor Road would be well within the fall zone of the Tower, as would the residential property situated at 991 Smokerise Blvd. *See* Exhibits “I” and “J” respectively annexed hereto.

Even worse, if *AT&T* were to ultimately choose to extend the height of the tower to one hundred fifty feet, which the City would be powerless to prevent (*See* Point IV below), such an extension would then place Taylor Road well within the strike zone of the tower. *See* Exhibit “I.”

¹² *See e.g. City of Murray, KY* Ordinance 2005-1375 Section 156 “Setbacks for all structures constructed in connection with guyed or lattice cellular antenna towers, except fences and/or guy wires, shall be a minimum distance from the property line or lease line equal to at least the height of the tower.”; *City of Harrah, OK* Ordinance 2010-10 - “For cell towers ranging in height from one hundred thirty-one (131) feet up to one hundred eighty (180) feet, including antenna, the cell tower, buildings and power equipment, including the perimeter fence, must be located a distance of five hundred (500) feet minimum from any abutting property line and no closer than three hundred (300) feet to a residence or structure.”

Orlando, FL Ordinance 58.840 Setbacks, Required “All uses in R-1AA, R-1A, R-1, R-1N, R-2A, R-2B and H, and single-family uses in R-3A. 200 feet or 300% height of tower, whichever is greater.”

Town of Limington, ME Zoning Ordinance 8.19 “New Personal wireless service facilities shall be set back: 1. at least one (1) times the height, plus 50 feet from all boundaries of the site on which the facility is located and 2. at least 750 feet horizontally from any existing dwelling units.”

Caldwell County, NC Section 90G.20 “Fall zones, setback and buffers” “The minimum setback measured from the property line shall be equal to 100% of the telecommunication tower height.”

Town of Edgewood, NM Ordinance 2003-11 “All proposed Towers and any other proposed Wireless Telecommunications Facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, or the existing setback requirement of the underlying zoning district, whichever is greater.”

While the rest of the Country is actively enacting and enforcing ordinances to protect their citizens and the public from the well-documented dangers of structural failures and debris fall by requiring applicants to create *safe-zones* around their towers, it would be wholly irresponsible of the Planning Commission to grant *AT&T* permission to build its thirteen (13) story tower in a location that would virtually guarantee that the public, adults and children alike, would be routinely passing through the fall zone and debris zone of the tower.

Such a danger, in and of itself, should compel the denial of *AT&T's* application for a change of use because it would unnecessarily expose the public to the very types of hazards which the Land Development Code was specifically enacted to prevent.

Point IV

AT&T's Application Should be Denied Because § 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 Would Allow AT&T to Increase the Size of the Proposed Cell Tower Without Prior Zoning Approval

As substantial as the adverse impacts upon the nearby 114 homes will be if the tower is built at thirteen (13) stories, the fact is that once the tower is built, *AT&T* would thereafter be permitted to increase the height of the tower to the “*standard*” height of fifteen (15) stories,¹³ or 150 feet, and the City would be legally prohibited from stopping *AT&T*, due to the constraints of the Middle Class Tax Relief and Job Creation Act of 2012.

§ 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 provides that "notwithstanding section 704 of the Telecommunications Act of 1996 or any other provision of law, a State or local government may not deny, and shall approve, any eligible request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." *See* 47 U.S.C. § 1455(a).

Under the FCC's reading and interpretation of § 6409(a) of the Act, local governments are prohibited from denying modifications to cell towers unless the modification will "substantially change" the physical dimensions of the tower.

The FCC defines "substantial change" to include any modification that would increase the height of the tower by more than ten (10%) percent or by more than "the height of one additional antenna with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater."

¹³ By far, the most common height for cell towers across the entire United States is 150 feet, which is considered the standard height most desired, and most often built by site developers and wireless companies, irrespective of whether they apply for approvals for towers 150 feet in height, or they apply for shorter towers, and thereafter simply “extend” the height to 150 feet after the tower is initially built.

Typical telecommunication antennas are usually eight (8) feet tall, so this provision would allow an increase in the proposed cell tower's height by approximately twenty-eight (28) feet, and this height increase could not be challenged or prevented by the City.

Simply stated, under the FCC's regulation, once this proposed one hundred thirty (130) foot cell tower is put in place, *AT&T*, at any time, could increase the height of the tower by as much as an additional twenty-eight (28) feet, and there would be no way for the City of Port Orange to prevent such an occurrence.

Considering the even more extreme adverse impacts which increasing the height of the tower to the standard 150 feet would inflict upon the 114 homes nearby, *AT&T's* application should be denied, especially since, as set forth above, *AT&T* doesn't actually *need* the proposed tower in the first place.

Point V

To Comply With the TCA, *AT&T's* Application Should Be Denied in a Written Decision Which Cites the Evidence Provided Herewith

The Telecommunications Act of 1996 (TCA) requires that any decision denying an application to install a cell tower: (a) be made in writing, and (b) be made based upon substantial evidence, which is discussed in the written decision. *See* 47 U.S.C.A. §332(c)(7)(B)(iii).

(i) The Written Decision Requirement

To satisfy the requirement that the decision be in writing, a local government must issue a written denial which is separate from the written record of the proceeding, and the denial must contain a sufficient explanation of the reasons for the denial to allow a reviewing Court to evaluate the evidence in the record supporting those reasons. *See e.g. MetroPCS v. City and County of San Francisco*, 400 F.3d 715(2005).

(ii) The Substantial Evidence Requirement

To satisfy the requirement that the decision be based upon substantial evidence, the decision must be based upon such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. "Substantial evidence" means "less than a preponderance, but more than a scintilla." Review under this standard is essentially deferential, such that Courts may neither engage in their own fact finding nor supplant a local zoning board's reasonable determinations. *See e.g. American Towers, Inc. v. Wilson County*, Slip Copy 59 Communications Reg. P & F 878 (U.S.D.C. M.D. Tennessee January 2, 2014)[3:10-CV-1196]

To ensure that the Planning Commission's decision cannot be challenged under the Telecommunications Act of 1996, it is respectfully requested that the Planning Commission deny *AT&T's* application in a separate written decision, wherein the Planning Commission cites the evidence based upon which it made its determination.

Conclusion

In view of the forgoing, it is respectfully submitted that *AT&T's* application should be denied in its entirety.

Respectfully Submitted,

EXHIBIT A



April 20th, 2018

City of Port Orange
Community Development
1000 City Center Circle
Port Orange, FL 32129

To Whom it may concern,

I respectfully submit this letter as an explanation of our need for a new telecommunications site in the City of Port Orange. As the system design engineer for AT&T Mobility responsible for this area, I have performed a thorough analysis of the desired Capacity need in area and the interaction of the AT&T sites within the larger Volusia County coverage area. The search area was based on the proposed site's location relative to the current surrounding sites and capacity enhancements needed within the city of Port Orange. After running numerous propagation modeling, the location and design height was selected as optimal to provide maximum outdoor/Indoor coverage and handoff capabilities between the surrounding AT&T sites, based on their location and antenna centerlines.

My study included field visits and computer analysis with sophisticated RF modeling that takes into account the following variables: (A) The physical characteristics of the frequencies allotted by the FCC to AT&T; (B) The allowable power outputs of those frequencies; (C) The AT&T Mobility equipment specifications; (D) The location of existing AT&T Mobility and other facilities; (E) The topography and building density of the area; (F) The optimum coverage using the minimum use of new tower sites. After this review, it was determined that there are no existing structures within the area to meet AT&T Mobility's engineering objectives. These factors were quantified, and values extrapolated using RF modeling software to arrive at a design location and minimum requirement for antenna height. The site candidate, located at 651 Taylor Rd, Port Orange FL, identified as AT&T Mobility's South Port Orange site, and is required to meet the Capacity objective.

As design Engineer, we also considered site location at Spruce Creek High School (lat: 29.1127400, long: -81.0151110), but High School location is close to AT&T existing site, so in conclusion High school location won't meet AT&T objectives.

The frequency plan for this site is also in accordance with FCC requirements and will not interfere with the Public Safety bands assigned by the FCC. AT&T is licensed by the FCC to use the Cellular A&B Bands, PCS E band, 700 B, C&D Bands, AWS-3 J Band & WCS A, B, C, and D Bands in Volusia County.

In summary, it is my professional opinion as a radio frequency design engineer there are no other facilities, in the proper location and at the required height, which will provide the Capacity to meet our requirement of providing excellent wireless services to your citizens in this area.

Sincerely,

A handwritten signature in black ink, appearing to read "Yuvrajsinh Varachhia", with a long horizontal line extending to the right.

Yuvrajsinh Varachhia
Senior RAN Engineer-AT&T Mobility

EXHIBIT B

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	6/22/18	7:57 AM	997 Smokewise Blvd. (Indoors)	Text	Sent	Yes
2	6/22/18	7:57 AM	997 Smokewise Blvd. (Indoors)	Text	Sent	Yes
3	6/22/18	7:57 AM	997 Smokewise Blvd (Indoors)	Text	Sent	Yes
4	6/22/18	7:57 AM	997 Smokewise Blvd (Indoors)	Email	Sent	Yes
5	6/22/18	7:58 AM	997 Smokewise Blvd (Indoors)	Email	Sent	Yes
6	6/22/18	7:58 AM	997 Smokewise Blvd (Indoors)	Email	Sent	Yes
7	6/22/18	8:01 AM	997 Smokewise Blvd (Indoors)	Call	Sent	Yes
8	6/22/18	8:02 AM	997 Smokewise Blvd (Indoors)	Call	Sent	Yes
9	6/22/18	8:03 AM	997 Smokewise Blvd (Indoors)	Call	Sent	Yes
10	6/22/18	11:51 AM	997 Smokewise Blvd (Indoors)	Text	Sent	Yes
11	6/22/18	11:52 AM	997 Smokewise Blvd (Indoors)	Text	Sent	Yes
12	6/22/18	11:54 AM	997 Smokewise Blvd (Indoors)	Text	Sent	Yes
13	6/22/18	1:28 AM	997 Smokewise Blvd (Indoors)	Call	Received	Yes
14	6/26/18	11:39 AM	997 Smokewise Blvd (Indoors)	Call	Sent	Yes
15	6/26/18	11:44 AM	997 Smokewise Blvd.	Call	Sent	Yes
16	6/26/18	11:46 AM	993 Smokewise Blvd.	Text	Sent	Yes
17	6/26/18	11:47 AM	991 Smokewise Blvd.	Call	Received	Yes
18	6/26/18	11:52 AM	987 Smokewise Blvd.	Text	Sent	Yes
19	6/26/18	11:53 AM	983 Smokewise Blvd.	Text	Sent	Yes
20	6/26/18	11:54 AM	982 Smokewise Blvd.	Text	Sent	Yes
21	6/26/18	11:55 AM	984 Smokewise Blvd.	Call	Received	Yes
22	6/26/18	11:55 AM	984 Smokewise Blvd.	Text	Sent	Yes
23	6/26/18	11:58 AM	990 Smokewise Blvd.	Email	Sent	Yes
24	6/26/18	12:00 PM	996 Mori Ct.	Call	Sent	Yes
25	6/26/18	12:02 PM	998 Mori Ct.	Call	Received	Yes

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	6/26/18	12:05pm	997 Smokehouse Blvd (Indoors)	Call	Received	Yes
2	6/26/18	12:13pm	997 Smokehouse Blvd (Indoors)	Text	Sent	Yes
3	6/26/18	12:44pm	997 Smokehouse Blvd (Indoors)	Text	Received	Yes
4	6/26/18	1:26pm	997 Smokehouse Blvd (Indoors)	Text	Received	Yes
5	6/26/18	1:26pm	997 Smokehouse Blvd (Indoors)	Text	Sent	Yes
6	6/26/18	1:38pm	651 Taylor Rd. (Proposed four sites)	Call	Received	Yes
7	6/26/18	1:53pm	711 Taylor Rd.	Text	Sent	Yes
8	6/26/18	1:55pm	723 Taylor Rd.	Call	Received	Yes
9	6/26/18	1:57pm	747 Taylor Rd.	Email	Sent	Yes
10	6/26/18	2:03pm	800 Pleasant Run Ct.	Email	Sent	Yes
11	6/26/18	2:03pm	800 Pleasant Run Ct.	Text	Sent	Yes
12	6/26/18	2:05pm	796 Pleasant Run Ct.	Call	Sent	Yes
13	6/26/18	2:05pm	796 Pleasant Run Ct.	Call	Received	Yes
14	6/26/18	2:09pm	786 Pleasant Run Ct.	Call	Received	Yes
15	6/26/18	2:10pm	786 Pleasant Run Ct.	Text	Sent	Yes
16	6/26/18	2:11pm	790 Pleasant Run Ct.	Text	Received	Yes
17	6/26/18	2:12pm	790 Pleasant Run Ct.	Text	Sent	Yes
18	6/26/18	2:12pm	790 Pleasant Run Ct.	Text	Received	Yes
19	6/26/18	2:16pm	810 Pleasant Run Ct.	Text	Sent	Yes
20	6/26/18	2:17pm	810 Pleasant Run Ct.	Text	Received	Yes
21	6/26/18	2:17pm	810 Pleasant Run Ct.	Text	Received	Yes
22	6/26/18	2:17pm	810 Pleasant Run Ct.	Text	Sent	Yes
23	6/26/18	2:19pm	812 Pleasant Run Ct.	Text	Received	Yes
24	6/26/18	2:21pm	816 Pleasant Run Ct.	Text	Sent	Yes
25	6/26/18	2:21pm	816 Pleasant Run Ct.	Text	Received	Yes

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	6/26/18	2:21PM	818 Phessant Run Ct.	Text	Received	Yes
2	6/26/18	2:24PM	824 Phessant Run Ct. (3 bars!)	Call	Sent	Yes
3	6/26/18	2:25PM	824 Phessant Run Ct.	Call	Received	Yes
4	6/26/18	2:28PM	821 Phessant Run Ct.	Call	Sent	Yes
5	6/26/18	2:29PM	817 Phessant Run Ct.	Text	Sent	Yes
6	6/26/18	2:36PM	701 Hensel Hill E.	Text	Sent	Yes
7	6/26/18	2:37PM	705 Hensel Hill E.	Text	Sent	Yes
8	6/26/18	2:39PM	709 Hensel Hill E.	Text	Sent	Yes
9	6/26/18	2:40PM	712 Hensel Hill E.	Text	Sent	Yes
10	6/26/18	2:41PM	712 Hensel Hill E.	Text	Received	Yes
11	6/26/18	2:41PM	712 Hensel Hill E.	Email	Sent	Yes
12	6/30/18	3:53PM	997 Smoke-Bld (Indoors)	Text	Sent	Yes
13	6/30/18	4:02PM	813 Hensel Hill W. (5 bars!)	Call	Sent	Yes
14	6/30/18	4:03PM	806 Hensel Hill W.	Text	Sent	Yes
15	6/30/18	4:04PM	802 Hensel Hill W.	Email	Sent	Yes
16	6/30/18	4:05PM	800 Hensel Hill W.	Call	Sent	Yes
17	6/30/18	4:08PM	807 Bayridge Lane	Call	Sent	Yes
18	6/30/18	4:09PM	811 Bayridge Lane	Call	Received	Yes
19	6/30/18	4:11PM	812 Bayridge Lane	Text	Sent	Yes
20	6/30/18	4:13PM	702 Vista View Circle	Call	Received	Yes
21	6/30/18	4:14PM	701 Vista View Circle	Text	Sent	Yes
22	6/30/18	4:16PM	646 Hills Blvd.	Text	Sent	Yes
23	6/30/18	4:17PM	642 Hills Blvd.	Call	Received	Yes
24	6/30/18	4:18PM	5953 Pegasus Barrows Dr.	Call	Sent	Yes
25	6/30/18	4:20PM	5957 Pegasus Barrows Dr.	Text	Received	Yes

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	6/30/18	4:23pm	741 Burrows Dairy Rd.	Text	Received	Yes
2	6/30/18	4:24pm	747 Burrows Dairy Rd.	Call	Received	Yes
3	6/30/18	4:27pm	5930 Broken Bow Lane	Text	Received	Yes
4	6/30/18	4:28pm	5944 Broken Bow Lane	Call	Sent	Yes
5	6/30/18	4:30pm	5997 Seminole Woods	Call	Sent	Yes
6	6/30/18	4:31pm	712 Central Park Blvd.	Text	Received	Yes
7	6/30/18	4:32pm	5955 Broken Bow Lane	Text	Received	Yes
8	6/30/18	4:34pm	5975 Broken Bow Lane	Text	Sent	Yes
9	6/30/18	4:40pm	1169 Bayview Lane	Call	Sent	Yes
10	6/30/18	4:42pm	1216 Windsor Dr.	Call	Received	Yes
11	6/30/18	4:42pm	1216 Windsor Dr.	Call	Sent	Yes
12	6/30/18	4:45pm	469 Windsor Dr.	Text	Received	Yes
13	6/30/18	4:47pm	411 Leslie Dr.	Text	Received	Yes
14	6/30/18	4:52pm	41 Elda Lane	Text	Sent	Yes
15	6/30/18	4:53pm	41 Elda Lane	Text	Received	Yes
16	6/30/18	4:54pm	41 Elda Lane	Email	Received	Yes
17	6/30/18	4:55pm	41 Elda Lane	Email	Sent	Yes
18	6/30/18	4:55pm	41 Elda Lane	Call	Sent	Yes
19	6/30/18	4:57pm	415 Palm Castle Dr.	Text	Sent	Yes
20	6/30/18	4:57pm	415 Palm Castle Dr.	Text	Received	Yes
21	6/30/18	4:58pm	415 Palm Castle Dr.	Email	Sent	Yes
22	6/30/18	4:59pm	415 Palm Castle Dr.	Email	Received	Yes
23	6/30/18	5:00pm	415 Palm Castle Dr.	Call	Sent	Yes
24	6/30/18	5:01pm	415 Palm Castle Dr.	Call	Received	Yes
25	6/30/18	5:02pm	398 Palm Castle Dr.	Text	Received	Yes

Off Spruce Creek Rd.
Side Roads



Shrine
Creek area

North of Taylor Rd.
Side Roads

West South of
Taylor Rd.

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	6/30/18	5:02pm	398 Palm Castle Drive	Text	Sent	Yes
2	6/30/18	5:07pm	538 S. Greenway Dr.	Text	Received	Yes
3	6/30/18	5:09pm	538 S. Greenway Dr.	Sent Text	Sent	Yes
4	6/30/18	5:10pm	538 S. Greenway Dr.	Call	Sent	Yes
5	6/30/18	5:10pm	538 S. Greenway Dr.	Text	Received	Yes
6	6/30/18	5:11pm	538 S. Greenway Dr.	Call	Received	Yes
7	6/30/18	5:12pm	538 S. Greenway Dr.	Text	Sent	Yes
8	6/30/18	5:14pm	538 S. Greenway Dr.	Email	Sent	Yes
9	6/30/18	5:15pm	538 S. Greenway Dr.	Text	Received	Yes
10	6/30/18	5:15pm	538 S. Greenway Dr.	Call	Received	Yes
11	6/30/18	5:16pm	538 S. Greenway Dr.	Email	Sent	Yes
12	6/30/18	5:20pm	620 Touchstone Circle	Text	Received	Yes
13	6/30/18	5:21pm	620 Touchstone Circle	Text	Sent	Yes
14	6/30/18	5:21pm	620 Touchstone Circle	Call	Sent	Yes
15	6/30/18	5:21pm	620 Touchstone Circle	Call	Received	Yes
16	6/30/18	5:23pm	620 Touchstone Circle	Email	Received	Yes
17	6/30/18	5:23pm	620 Touchstone Circle	Email	Sent	Yes
18	6/30/18	5:27pm	568 Touchstone Circle	Text	Sent	Yes
19	6/30/18	5:27pm	568 Touchstone Circle	Text	Received	Yes
20	6/30/18	5:30pm	5820 Southport Dr.	Text	Received	Yes
21	6/30/18	5:32pm	5820 Southport Dr.	Text	Sent	Yes
22	6/30/18	5:33pm	5834 Westport Dr.	Text	Sent	Yes
23	6/30/18	5:34pm	5834 Westport Dr.	Text	Received	Yes
24	6/30/18	5:35pm	5802 Westport Dr.	Call	Sent	Yes
25	6/30/18	5:36pm	5802 Westport Dr.	Call	Received	Yes

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	7/1/18	4:21 AM	997 Smokehouse Blvd (indoors)	Call	Received	Yes
2	7/1/18	4:21 AM	997 Smokehouse Blvd (indoors)	Call	Sent	Yes
3	7/1/18	4:22 AM	997 Smokehouse Blvd (indoors)	Text	Received	Yes
4	7/1/18	4:23 AM	997 Smokehouse Blvd (indoors)	Text	Sent	Yes
5	7/1/18	4:24 AM	997 Smokehouse Blvd (indoors)	Email	Received	Yes
6	7/1/18	4:25 AM	997 Smokehouse Blvd (indoors)	Email	Sent	Yes
7	7/1/18	8:41 PM	997 Smokehouse Blvd (indoors)	Email	Sent	Yes
8	7/5/18	8:27 PM	997 Smokehouse Blvd (indoors)	Call	Received	Yes
9	7/5/18	8:28 PM	997 Smokehouse Blvd (indoors)	Call	Sent	Yes
10	7/5/18	8:28 PM	997 Smokehouse Blvd (indoors)	Text	Received	Yes
11	7/5/18	8:29 PM	997 Smokehouse Blvd (indoors)	Text	Sent	Yes
12	7/5/18	8:30 PM	997 Smokehouse Blvd (indoors)	Email	Sent	Yes
13	7/5/18	8:31 PM	997 Smokehouse Blvd (indoors)	Email	Received	Yes
14	7/5/18	8:36 PM	5773 Pendlebury Ct.	Call	Received	Yes
15	7/5/16	8:36 PM	5773 Pendlebury Ct.	Call	Sent	Yes
16	7/5/16	8:37 PM	5772 Pendlebury Ct.	Text	Sent	Yes
17	7/5/16	8:38 PM	5772 Pendlebury Ct.	Text	Received	Yes
18	7/5/16	8:39 PM	5770 Pendlebury Ct.	Email	Sent	Yes
19	7/5/16	8:40 PM	5771 Pendlebury Ct.	Email	Received	Yes
20	7/5/16	8:45 PM	842 Pine Forest Tr. W.	Email	Sent	Yes
21	7/5/16	8:46 PM	842 Pine Forest Tr. W.	Email	Received	Yes
22	7/5/16	8:47 PM	842 Pine Forest Tr. W.	Text	Sent	Yes
23	7/5/16	8:47 PM	842 Pine Forest Tr. W.	Text	Received	Yes
24	7/5/16	8:48 PM	842 Pine Forest Tr. W.	Call	Received	Yes
25	7/5/16	8:48 PM	842 Pine Forest Tr. W.	Call	Sent	Yes

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	7/6/18	1:48pm	997 Smokee Blvd (Indoor running)	Call	Sent	Yes
2	7/6/18	1:56pm	997 Smokee Blvd (Indoor w/ Thunderstorm)	Text	Received	Yes
3	7/7/18	11:07am	997 Smokee Blvd (Indoor)	Call	Sent	Yes
4	7/7/18	12:51pm	997 Smokee Blvd (Indoor)	Call	Sent	Yes
5	7/7/18	2:07pm	997 Smokee Blvd (Indoor)	Call	Sent	Yes
6	7/9/18	8:14am	989 Smokee Blvd	Text	Received	Yes
7	7/9/18	8:19am	991 Smokee Blvd	Text	Sent	Yes
8	7/9/18	8:19am	993 Smokee Blvd.	Text	Sent	Yes
9	7/9/18	8:20am	995 Smokee Blvd	Text	Sent	Yes
10	7/10/18	5:53pm	1000 Mon' Ct.	Call	Sent	Yes
11	7/10/18	5:54pm	1000 Mon' Ct	Call	Received	Yes
12	7/10/18	5:55pm	993 Mon' Ct	Call	Received	Yes
13	7/10/18	5:56pm	992 Mon' Ct.	Call	Sent	Yes
14	7/10/18	5:59pm	5821 Southport Rd.	Email	Sent	Yes
15	7/10/18	6:00pm	5831 Westport Dr.	Email	Received	Yes
16	7/10/18	6:01pm	5831 Westport Dr.	Call	Sent	Yes
17	7/10/18	6:02pm	5831 Westport Dr.	Call	Received	Yes
18	7/10/18	6:02pm	5831 Westport Dr.	Text	Received	Yes
19	7/10/18	6:03pm	5831 Westport Dr.	Text	Sent	Yes
20	7/10/18	6:04pm	5804 Westport Dr.	Text	Sent	Yes
21	7/10/18	6:05pm	5804 Westport Dr.	Text	Received	Yes
22	7/10/18	6:06pm	5803 Southport Dr.	Call	Sent	Yes
23	7/10/18	6:06pm	5803 Southport Dr.	Call	Received	Yes
24	7/10/18	6:07pm	5801 Southport Dr.	Email	Sent	Yes
25	7/10/18	6:07pm	5801 Southport Dr.	Email	Received	Yes

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	7/12/18	7:44AM	997 Smokehouse Blvd (indoors)	Text	Received	Yes
2	7/12/18	7:46AM	997 Smokehouse Blvd (indoors)	Text	Sent	Yes
3	7/12/18	7:46AM	997 Smokehouse Blvd (indoors)	Text	Received	Yes
4	7/12/18	7:47AM	997 Smokehouse Blvd (indoors)	Text	Sent	Yes
5	7/12/18	7:47AM	997 Smokehouse Blvd (indoors)	Text	Received	Yes
6	7/12/18	7:47AM	997 Smokehouse Blvd (indoors)	Text	Sent	Yes
7	7/12/18	7:48AM	997 Smokehouse Blvd (indoors)	Text	Received	Yes
8	7/12/18	7:48AM	997 Smokehouse Blvd (indoors)	Text	Sent	Yes
9	7/12/18	7:48AM	997 Smokehouse Blvd (indoors)	Text	Received	Yes
10	7/12/18	7:55AM	997 Smokehouse Blvd (indoors)	Call	Received	Yes
11	7/12/18	7:55AM	997 Smokehouse Blvd (indoors)	Call	Sent	Yes
12	7/12/18	8:01AM	997 Smokehouse Blvd (indoors)	Call	Sent	Yes
13	7/12/18	8:03AM	997 Smokehouse Blvd (indoors)	Call	Received	Yes
14	7/12/18	8:06AM	997 Smokehouse Blvd (indoors)	Call	Sent	Yes
15	7/12/18	8:07AM	997 Smokehouse Blvd (indoors)	Call	Received	Yes
16	7/12/18	8:10AM	997 Smokehouse Blvd (indoors)	Call	Sent	Yes
17	7/12/18	8:10AM	997 Smokehouse Blvd (indoors)	Call	Received	Yes
18	7/12/18	8:11AM	997 Smokehouse Blvd (indoors)	Email	Received	Yes
19	7/12/18	8:12AM	997 Smokehouse Blvd (indoors)	Email	Sent	Yes
20	7/12/18	8:13AM	997 Smokehouse Blvd (indoors)	Email	Received	Yes
21	7/12/18	8:14AM	997 Smokehouse Blvd (indoors)	Email	Sent	Yes
22	7/12/18	8:14AM	997 Smokehouse Blvd (indoors)	Email	Received	Yes
23	7/12/18	8:15AM	997 Smokehouse Blvd (indoors)	Email	Sent	Yes
24	7/12/18	8:15AM	997 Smokehouse Blvd (indoors)	Email	Received	Yes
25	7/12/18	8:16AM	997 Smokehouse Blvd (indoors)	Email	Sent	Yes

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	7/12/18	8:21am	997 Smokehouse Blvd (Indoors)	Email	Received	Yes
2	7/12/18	11:17am	995 Mori Ct.	Text	Sent	Yes
3	7/12/18	11:17am	995 Mori Ct.	Text	Received	Yes
4	7/12/18	11:18am	993 Mori Ct.	Text	Received	Yes
5	7/12/18	11:19am	993 Mori Ct.	Text	Sent	Yes
6	7/12/18	11:19am	993 Mori Ct.	Email	Sent	Yes
7	7/12/18	11:20am	993 Mori Ct.	Email	Received	Yes
8	7/12/18	11:21am	993 Mori Ct.	Email	Received	Yes
9	7/12/18	11:21am	993 Mori Ct.	Email	Sent	Yes
10	7/12/18	11:22am	1000 Mori Ct.	Email	Sent	Yes
11	7/12/18	11:23am	1000 Mori Ct.	Email	Received	Yes
12	7/12/18	11:24am	1000 Mori Ct.	Text	Sent	Yes
13	7/12/18	11:24am	1000 Mori Ct.	Text	Received	Yes
14	7/12/18	11:25am	1000 Mori Ct.	Text	Sent	Yes
15	7/12/18	11:25am	1000 Mori Ct.	Text	Received	Yes
16	7/12/18	11:26am	1000 Mori Ct.	Call	Received	Yes
17	7/12/18	11:34am	997 Smokehouse (Indoors)	Call	Sent	Yes
18	7/12/18	11:40am	998 Mori Ct.	Call	Received	Yes
19	7/12/18	11:40am	998 Mori Ct.	Call	Sent	Yes
20	7/12/18	11:40am	998 Mori Ct.	Text	Sent	Yes
21	7/12/18	11:41am	998 Mori Ct.	Text	Received	Yes
22	7/12/18	11:42am	998 Mori Ct.	Email	Sent	Yes
23	7/12/18	11:42am	998 Mori Ct.	Email	Received	Yes
24	7/12/18	11:43am	998 Mori Ct.	Call	Sent Received	Yes
25	7/12/18	11:44am	998 Mori Ct.	Call	Sent	Yes

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	7/12/18	3:26 PM	798 Pleasant Run	Text	Sent	Yes
2	7/12/18	3:26 PM	798 Pleasant Run	Text	Received	Yes
3	7/12/18	3:27 PM	798 Pleasant Run	Call	Sent	Yes
4	7/12/18	3:27 PM	798 Pleasant Run	Call	Received	Yes
5	7/12/18	3:28 PM	798 Pleasant Run	Email	Sent	Yes
6	7/12/18	3:29 PM	798 Pleasant Run	Email	Received	Yes
7	7/12/18	3:30 PM	786 Pleasant Run	Text	Sent	Yes
8	7/12/18	3:31 PM	786 Pleasant Run	Text	Received	Yes
9	7/12/18	3:31 PM	786 Pleasant Run	Call	Sent	Yes
10	7/12/18	3:32 PM	786 Pleasant Run	Call	Received	Yes
11	7/12/18	3:32 PM	786 Pleasant Run	Email	Sent	Yes
12	7/12/18	3:33 PM	786 Pleasant Run	Email	Received	Yes
13	7/12/18	3:36 PM	5806 Alstrum Drive	Text	Sent	Yes
14	7/12/18	3:36 PM	5806 Alstrum Drive	Text	Received	Yes
15	7/12/18	3:36 PM	5806 Alstrum Drive	Call	Sent	Yes
16	7/12/18	3:37 PM	5806 Alstrum Drive	Call	Received	Yes
17	7/12/18	3:38 PM	5806 Alstrum Drive	Email	Received	Yes
18	7/12/18	3:39 PM	5806 Alstrum Drive	Email	Sent	Yes
19	7/12/18	3:40 PM	5818 Alstrum Drive	Text	Sent	Yes
20	7/12/18	3:41 PM	5818 Alstrum Drive	Text	Received	Yes
21	7/12/18	3:41 PM	5818 Alstrum Drive	Call	Sent	Yes
22	7/12/18	3:41 PM	5818 Alstrum Drive	Call	Received	Yes
23	7/12/18	3:42 PM	5818 Alstrum Drive	Email	Sent	Yes
24	7/12/18	3:43 PM	5818 Alstrum Drive	Email	Received	Yes
25	7/12/18	3:43 PM	5818 Alstrum Drive	Call	Sent	Yes

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	7/12/18	11:45am	997 Smokehouse Blvd (Indoor)	Call	Sent	Yes
2	7/12/18	11:54am	997 Smokehouse Blvd (Indoor)	Call	Sent	Yes
3	7/12/18	11:57am	952 Vanessa Ct. Unit C.	Call	Received	Yes
4	7/12/18	3:08pm	700 Hensel Hill E.	Call	Received	Yes
5	7/12/18	3:09pm	702 Hensel Hill E.	Call	Sent	Yes
6	7/12/18	3:09pm	702 Hensel Hill E.	Text	Received	Yes
7	7/12/18	3:10pm	702 Hensel Hill E.	Text	Sent	Yes
8	7/12/18	3:10pm	702 Hensel Hill E.	Text	Sent	Yes
9	7/12/18	3:11pm	702 Hensel Hill E.	Text	Received	Yes
10	7/12/18	3:12pm	700 Hensel Hill E.	Email	Sent	Yes
11	7/12/18	3:12pm	700 Hensel Hill E.	Email	Received	Yes
12	7/12/18	3:13pm	702 Hensel Hill E.	Email	Sent	Yes
13	7/12/18	3:13pm	702 Hensel Hill E.	Email	Received	Yes
14	7/12/18	3:15pm	709 Hensel Hill E.	Call	Received	Yes
15	7/12/18	3:16pm	709 Hensel Hill E.	Call	Sent	Yes
16	7/12/18	3:17pm	709 Hensel Hill E.	Text	Sent	Yes
17	7/12/18	3:17pm	709 Hensel Hill E.	Text	Received	Yes
18	7/12/18	3:18pm	709 Hensel Hill E.	Email	Sent	Yes
19	7/12/18	3:19pm	709 Hensel Hill E.	Email	Received	Yes
20	7/12/18	3:20pm	701 Hensel Hill E.	Call	Sent	Yes
21	7/12/18	3:21pm	701 Hensel Hill E.	Call	Received	Yes
22	7/12/18	3:22pm	701 Hensel Hill E.	Text	Sent	Yes
23	7/12/18	3:22pm	701 Hensel Hill E.	Text	Received	Yes
24	7/12/18	3:23pm	701 Hensel Hill E.	Text	Sent	Yes
25	7/12/18	3:24pm	701 Hensel Hill E.	Text	Received	Yes

I hereby verify that I personally conducted these communications and that this record is a true and complete record of the communications I conducted and the end result of same. I made these communications using AT&T's wireless services.



Paul Kern

AT&T Call Log Name Bruce Watts Tel No 386 295 2503

	DATE	TIME	LOCATION	CALL	TEXT	EMAIL	SENT	REC'D	SUCCESSFUL	
									YES	NO
51	7/6/18	1:02 PM	5770 Kendallway St			✓		✓	✓	
		1:02 PM				✓		✓	✓	
		2:06 PM				✓		✓	✓	
		2:27 PM				✓		✓	✓	
		3:02 PM				✓		✓	✓	
		4:20 PM				✓		✓	✓	
		8:01 PM				✓		✓	✓	
60	7/7	2:05 PM				✓		✓	✓	
		7:10 AM				✓		✓	✓	
		8:00 AM				✓		✓	✓	
		9:00 AM				✓		✓	✓	
		11:00 AM				✓		✓	✓	
		1:31 PM				✓		✓	✓	
		1:02 PM				✓		✓	✓	
		5:30 PM				✓		✓	✓	
		5:30 PM				✓		✓	✓	
	7/7	10:12 PM				✓		✓	✓	
		10:13 PM				✓		✓	✓	
		11:52 AM				✓		✓	✓	
70	7/8	8:56 AM				✓		✓	✓	
		8:57 AM				✓		✓	✓	
		7:48 PM				✓		✓	✓	
	7/10	4:20 PM				✓		✓	✓	
		6:39 PM				✓		✓	✓	
		6:39 PM				✓		✓	✓	
	7/14	2:47 PM				✓		✓	✓	
		2:48 PM				✓		✓	✓	
	7/13	11:07 PM				✓		✓	✓	
	7/10	8:48 PM				✓		✓	✓	
80	7/26	1:28 PM				✓		✓	✓	
	2/10	2:13 PM				✓		✓	✓	
		11:56 AM				✓		✓	✓	
	7/10	11:32 AM				✓		✓	✓	
		11:35 PM				✓		✓	✓	
		11:12 AM				✓		✓	✓	
	7/10	9:15 AM				✓		✓	✓	
		7:06 AM				✓		✓	✓	
		2:08 PM				✓		✓	✓	
90	7/9	12:07 PM				✓		✓	✓	
		2:05 PM				✓		✓	✓	
		2:20 PM				✓		✓	✓	
		2:30 PM				✓		✓	✓	
		1:31 PM				✓		✓	✓	
		10:31 AM				✓		✓	✓	
		8:50 AM				✓		✓	✓	
		8:01 AM				✓		✓	✓	
		7:22 AM				✓		✓	✓	
		7:06 AM				✓		✓	✓	
	7/8	7:05 AM				✓		✓	✓	
		8:06 AM				✓		✓	✓	
		8:25 PM				✓		✓	✓	
		1:31 PM				✓		✓	✓	
		12:16 PM				✓		✓	✓	
		11:18 AM				✓		✓	✓	

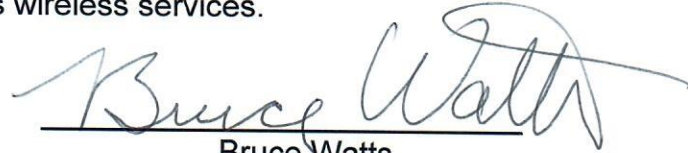
110 call logged in - no problems

Email Test

1
10
20
30
40
50

DATE	TIME	LOCATION	CALL	TEXT	EMAIL	SENT	SUCCESSFUL		
							REC'D	YES	NO
7/1/18	1:39 PM	5770 Remd/ebury Ct		✓			✓	✓	
	1:32			✓			✓	✓	
7/2/18	5:58 AM			✓			✓	✓	
	7:05 AM			✓			✓	✓	
	7:44 AM			✓			✓	✓	
	8:02 AM			✓			✓	✓	
7/1/18	4:57 PM			✓		✓	✓	✓	
7/2/18	1:31 PM			✓			✓	✓	
	5:25 PM			✓			✓	✓	
	5:16 PM			✓			✓	✓	
	8:01 PM			✓			✓	✓	
7/3	12:42 AM			✓			✓	✓	
	7:05 AM			✓			✓	✓	
	7:47 AM			✓			✓	✓	
	7:51 AM			✓			✓	✓	
	10:27 AM			✓			✓	✓	
	1:33 AM			✓			✓	✓	
	12:17 PM			✓			✓	✓	
	5:04 PM			✓			✓	✓	
	4:01 PM			✓			✓	✓	
	4:25 PM			✓			✓	✓	
	6:01 PM			✓			✓	✓	
	8:12 PM			✓			✓	✓	
	8:43 AM			✓			✓	✓	
	12:53 PM			✓			✓	✓	
	12:55 PM			✓			✓	✓	
	9:00 PM			✓			✓	✓	
	9:02 PM			✓			✓	✓	
	9:04 PM			✓			✓	✓	
7/4	7:06 AM			✓			✓	✓	
	8:19			✓			✓	✓	
	8:13			✓			✓	✓	
	8:30 PM			✓			✓	✓	
	3:24 PM			✓			✓	✓	
7/5	12:05 PM			✓			✓	✓	
	7:19			✓			✓	✓	
	7:07 AM			✓			✓	✓	
	10:16 AM			✓			✓	✓	
	11:02 AM			✓			✓	✓	
	12:32 PM			✓			✓	✓	
	12:51 PM			✓			✓	✓	
	2:01 PM			✓			✓	✓	
	2:24 PM			✓			✓	✓	
	3:30 PM			✓			✓	✓	
	3:43 PM			✓			✓	✓	
	6:21 PM			✓			✓	✓	
7/6	7:04 AM			✓			✓	✓	
	8:00 AM			✓			✓	✓	
	8:15 AM			✓			✓	✓	
	9:01 AM			✓			✓	✓	
	9:26 AM			✓			✓	✓	
	11:24 AM			✓			✓	✓	
	12:1 PM			✓			✓	✓	

I hereby verify that I personally conducted these communications and that this record is a true and complete record of the communications I conducted and the end result of same. I made these communications using AT&T's wireless services.


Bruce Watts

(386) 212-4873

All calls 985 Smoke Rise Blvd

	Date;	Time;	Location;	Call, text or email;	Sent or Received;	Successful? Yes or No
1	6/22/18	8:00 AM	From WILLIAMSON BLVD TO SMOKE RISE BLVD	CALL	Received	YES
2	6/24/18	8:01	Called from Smoke Rise to Williamson	call	Received	YES
3	6/22/18	8:15	call from Watledge	Call	Received	YES
4	6/22/18	9:20	Call from INFINITY ENERGY	CALL	Received	YES
5	6/22/18	9:23	SMOKE RISE Post Office	TEXT	SENT	YES
6	6/22/18	9:25	WILLIAMSON P.O. TO SMOKE RISE	CALL	Received	YES
7	6/22/18	9:19	GAINVILLE - Post Office	CALL	Received	YES
8	6/22/18	10:57	GAINVILLE - " "	CALL	Received	YES
9	6/22/18	12:20	P.O. TO P.O.	CALL	Received	YES
10	6/22/18	12:56	Gabbie	call	Received	YES
11	6/22/18	12:26	Solicher	call	Received	YES
12	6/22/18	2:19	Gabbie	call	Received	YES
13	6/22/18	2:44	Rue + Ziffa	call	Received	YES
14	6/22/18	2:48	Mike	call	Received	YES
15	6/22/18	12:14	885 222 0102	CALL	Received	YES
16	6/22/18	12:15	" "	" "	" "	YES
17	6/22/18	2:32 PM	ITAC4	TEXT	" "	YES
18	6/22/18	10:17	WASHINGTON - Post Office	TEXT	" "	YES
19	6/23/18	3:55	Post Of. TO Post Of.	CALL	" "	YES
20	6/23/18	3:20	WASHINGTON - Post Office	TEXT	" "	YES
21	6/22/18	10:17 AM	WASHINGTON DC - P.O.	TEXT	" "	YES
22	6/23/18	2:42 PM	Post Of. - Post Office	CALL	" "	YES
23	6/24/18	3:41 PM	DESPERADO BOXES FL - Post Office	CALL	" "	YES
24	6/22/18	12:45	Post Office - Post Office	CALL	" "	YES
25	6/23/18	12:47	Town	call	" "	YES
26	6/24/18	12:55	Arden P.O.	CALL	" "	YES

Call Log (386) 235-6400

Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1 6/26/18	12:19pm	712 Pine Forest Trail East	email	Sent	yes
2 6/26/18	12:32pm	5812 Westport Rd	Call	received	yes
3 6/26/18	12:24pm	5837 Westport Rd	text	received	yes
4 6/26/18	9:47am	801 Pheasant Run Ct	Call	Sent	yes
5 6/26/18	4:09pm	650 Taylor Rd	Call	Received	yes
6 6/26/18	4:02pm	223 Brittany Ave	text	Sent	yes
7 6/27/18	8:05pm	989 Smokese Blvd	Call	received	yes
8 6/28/18	8:44am	989 Smokese Blvd	Call	Sent	yes
9 6/28/18	1:30pm	244 Brittany Ave	email	Sent	yes
10 6/28/18	1:34pm	211 Devon St	text	received	yes
11 6/29/18	8:07am	5806 Alstrom Dr	text	Sent	yes
12 6/29/18	8:08am	5806 Alstrom Dr	call	Sent	yes
13 7/1/18	8:28am	989 Smokese Blvd	text	Sent	yes
14 7/1/18	8:35am	807 Bayridge Ln	text	Sent	yes
15 7/1/18	8:35am	807 Bayridge Ln	call	Sent	yes
16 7/1/18	8:35am	807 Bayridge Ln	text	recd	yes
17 7/2/18	7:38pm	394 Trafalgar Ave	email	Sent	yes
18 7/2/18	7:38am	394 Trafalgar Ave	email	recd	yes
19 7/2/18	7:41am	111 Wimbeldon Ct	text	Sent	yes
20 7/2/18	7:41am	111 Wimbeldon Ct	text	recd	yes
21 7/2/18	8:39pm	217 Devon St	Call	recd	yes
22 7/5/18	11:54am	817 Whisperwill Dr	text	recd	yes
23 7/5/18	11:54am	817 Whisperwill Dr	text	Sent	yes
24 7/6/18	2:15pm	608 English Oaks Dr	Call	Sent	yes
25 7/6/18	2:16pm	608 English Oaks Dr	Call	recd	yes

0 0 0 0 0 0 0 1 0 0 0 0 0 0 0

Call Log

Eugene Healey
(321) 289-0022

	Date:	Time:	Location:	Call, text or email:	Sent or Received:	Successful? Yes or No
1	6/23/18	5:52pm	989 Smokerise Blvd	text	Sent	yes
2	6/23/18	5:56pm	989 Smokerise Blvd	text	Received	yes
3	6/29/18	7:26AM	989 SMOKERISE BLVD.	CALL	SENT	YES
4	6/29/18	8:07AM	989 SMOKERISE BLVD.	CALL	RECEIVED	YES
5	6/29/18	10:10AM	989 SMOKERISE BLVD.	CALL	SENT	YES
6	7/1/18	8:35am	807 Bay Ridge Ln	text	rec'd	yes
7	7/1/18	8:35am	807 Bayridge Ln	text	sent	yes
8	7/1/18	8:35am	807 Bayridge Ln	call	rec'd	yes
9	7/2/18	8:38pm	217 Devon St	text	Sent	yes
10	7/2/18	8:39pm	217 Devon St	text	rec'd	yes
11	7/2/18	8:39pm	217 Devon St	email	Sent	yes
12	7/2/18	8:40pm	217 Devon St	Call	Sent	yes
13	7/5/18	5:28 PM.	194 PHEASANT RUN CT.	TEXT	SENT	YES
14	7/5/18	5:30 PM.	651 TAYLOR RD.	CALL	RECEIVED	YES
15	7/5/18	5:31 PM.	651 TAYLOR RD.	TEXT	SENT	YES
16	7/5/18	5:33 PM	651 TAYLOR RD.	TEXT	RECEIVED	YES
17	7/5/18	5:35	723 PINE FORREST TRAIL EAST	TEXT	SENT	YES
18	7/5/18	5:35	723 PINE FORREST TRAIL EAST	TEXT	RECEIVED	YES
19	7/5/18	5:37	723 PINE FORREST TRAIL EAST	E-MAIL	SENT	YES
20	7/8/18	3:02	838 WILDWOOD CIRCLE	TEXT	SENT	YES
21	7/8/18	3:03	838 WILDWOOD CIRCLE	TEXT	RECEIVED	YES
22	7/8/18	3:06	826 PINE FORREST TRAIL WEST	E-MAIL	SENT	YES
23	7/8/18	3:11	5834 WESTPORT DR.	CALL	RECEIVED	YES
24	7/8/18	3:13	5812 ALSTROM DR.	CALL	SENT	YES
25	7/8/18	3:15	31 TIMBER TR.	TEXT	SENT	YES
26	7/8/18	3:17	15 RAIN TREE DR.	TEXT	SENT	YES
27	7/8/18	3:20	592 TOUCHSTONE CIR.	E-MAIL	SENT	YES
28	7/8/18	3:23	5745 DEVON ST.	CALL	SENT	YES

I hereby verify that we personally conducted these communications and that this record is a true and complete record of the communications we conducted and the end result of same. We made these communications using AT&T's wireless services.



Tanis Healey



Eugene Healey

AT&T Call Log Name

JOHN WATTS

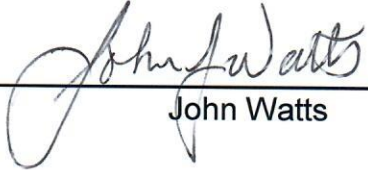
Tel No

386-843-0253

DATE	TIME	LOCATION	CALL	TEXT	EMAIL	SENT	REC'D	SUCCESSFUL	
								YES	NO
7-2-78	4:52 P	489 MORI 32127		✓			✓	✓	
7-2	4:52 P	"		✓		✓		✓	
7-2	3:07 P	"		✓				✓	
7-2	1:18 P	724 Big Tree 32119		✓			✓	✓	
7-2	11:51 A	"		✓			✓	✓	
6-30	6:10 P	989 MORI		✓			✓	✓	
6-29	12:16 P	"		✓		✓	✓	✓	
6-29	11:47 A	"		✓			✓	✓	
6-28	11:50 A	"		✓		✓	✓	✓	
6-28	11:12 A	"		✓		✓	✓	✓	
6-25	2:38 P	"		✓			✓	✓	
6-25	2:05 P	"		✓			✓	✓	
6-25	2:05 P	"		✓		✓	✓	✓	
6-25	1:35 P	"		✓		✓	✓	✓	
6-25	8:47 A	"		✓		✓	✓	✓	
6-24	11:54 P	"		✓			✓	✓	
6-24	9:59 A	"		✓			✓	✓	
7-2	2:31 P	"		✓		✓	✓	✓	
7-2	8:21 P	"		✓			✓	✓	
7-2	2:12 P	724 BIG TREE	✓	✓		✓	✓	✓	
7-2	2:13 P	"	✓				✓	✓	
7-2	5:14 P	"	✓				✓	✓	
7-2	5:14 P	"	✓			✓	✓	✓	
7-2	11:12	"	✓				✓	✓	
6-30	5:51 P	989 MORI	✓			✓	✓	✓	
6-30	5:57 P	"	✓				✓	✓	
6-22	4:15 P	"	✓				✓	✓	
6-22	12:44 P	"	✓				✓	✓	
6-22	3:11 P	"	✓				✓	✓	
6-23	3:02 P	"		✓		✓	✓	✓	
6-22	9:17 P	"		✓			✓	✓	
6-21	9:40	"	✓				✓	✓	
6-21	9:45	"	✓			✓	✓	✓	
6-21	9:59	"	✓				✓	✓	
6-21	8:30 P	"	✓				✓	✓	
6-21	5:15 P	"	✓			✓	✓	✓	
6-21	8:12 A	"	✓				✓	✓	
6-21	11:56	"	✓			✓	✓	✓	
6-21	9:00	"	✓				✓	✓	
7-24	1:24 P	"	✓			✓	✓	✓	
7-23	6:15 P	"	✓			✓	✓	✓	
7-23	1:04 P	"	✓				✓	✓	
7-23	11:45 A	"	✓				✓	✓	
7-22	2:41 P	"	✓			✓	✓	✓	
6-30	5:51	"	✓				✓	✓	
6-30	5:58	"	✓			✓	✓	✓	
6-26	11:30	"	✓				✓	✓	
6-27	9:45	"	✓				✓	✓	
6-26	12:20 P	"	✓			✓	✓	✓	
6-25	2:06 P	"	✓			✓	✓	✓	
6-25	2:45	"	✓				✓	✓	
6-25	8:40	"	✓				✓	✓	

DATE	TIME	LOCATION	CALL	TEXT	EMAIL	SENT	REC'D	SUCCESSFUL	
								YES	NO
7-6	10:39	989 MORI CT		✓			✓	✓	
7-4	6:25P	"		✓			✓	✓	
7-2	9:01P	"		✓		✓		✓	
7-2	7:14P	"		✓			✓	✓	
7-4	8:51P	"		✓			✓	✓	
7-2	7:17P	"		✓		✓		✓	
7-2	6:14P	"		✓			✓	✓	
7-3	4:10P	"		✓		✓		✓	
7-3	3:55P	"		✓			✓	✓	
7-3	3:52P	"		✓			✓	✓	
7-3	3:59P	"		✓		✓		✓	
7-2	1:16P	"		✓		✓		✓	
7-2	10:12P	"		✓			✓	✓	
6-28	8:45P	"		✓			✓	✓	
6-28	4:07P	"		✓			✓	✓	
6-28	9:54	"		✓		✓		✓	
7-4	6:18P	Dunham Sq - ES		✓			✓	✓	
7-3	10:48	Publix to 989 MOR -	✓				✓	✓	
7-4	6:18P	"	✓			✓		✓	
7-4	11:52	989 MOR	✓				✓	✓	
7-4	11:39	"	✓				✓	✓	
7-4	11:36	"	✓				✓	✓	
7-6	4:03P	724 BIG TREE	✓			✓		✓	
7-8	5:36P	MORI CT	✓			✓		✓	
7-8	5:39P	"		✓			✓	✓	
7-8	5:44	"		✓			✓	✓	
7-8	5:46	"		✓		✓		✓	
7-9	11:14A	"		✓			✓	✓	
7-9	11:16A	"		✓		✓		✓	
7-9	12:46	"		✓			✓	✓	
7-9	7:27P	"		✓			✓	✓	
7-9	9:38A	"		✓		✓		✓	
7-9	10:15	"		✓			✓	✓	
7-10	8:03P	"		✓			✓	✓	
7-11	2:57P	"		✓			✓	✓	

I hereby verify that I personally conducted these communications and that this record is a true and complete record of the communications I conducted and the end result of same. I made these communications using AT&T's wireless services.



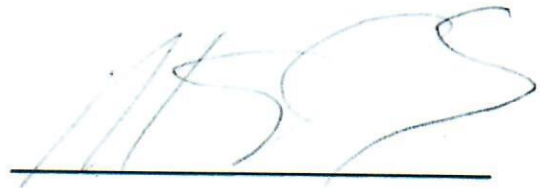
John Watts

	Date:	Time:	Location:	Call, text or email:	Sent or Received	Successful? Yes or No
1	7/11	5:30PM	Port Orange	+xt	Received	Y
2	7/11	2:15PM	Abingdon, MD	+xt	Sent	Y
3	7/11	3:17PM	Abingdon, MD	+xt	Received	Y
4	7/12	10:08A	Port Orange	call	received	Y
5	7/12	9:09A	Port Orange	call	Sent	Y
6	7/12	8:46	Abingdon, MD	call	Received	Y
7	7/11	5:42P	St Petersburg	call	Received	Y
8	7/11	3:57	Boston, MA	call	Sent	Y
9	7/11	12:33	Port Orange	call	Received	Y
10	7/11		Italy	Email	Received	Y
11						
12						
13						
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July 13, 2018

To Whom It May Concern:

I hereby verify that I personally conducted these communications and that this record is a true and complete record of the communications I conducted and the end result of same. I made these communications using AT&T's wireless services.

A handwritten signature in blue ink, appearing to read "N. David Mead", is written over a horizontal line.

N David Mead

EXHIBIT C

Map of 651 Taylor Road, Port Orange, FL

[< Back to search results](#)

Coverage by Device Type: AT&T HD Voice

Domestic Wireless Voice Coverage

This map shows an approximation of wireless voice coverage in the United States, Puerto Rico, and the U.S. Virgin Islands.



Legend

Your search

AT&T HD Voice

Voice

3rd Party Coverage

EXHIBIT D

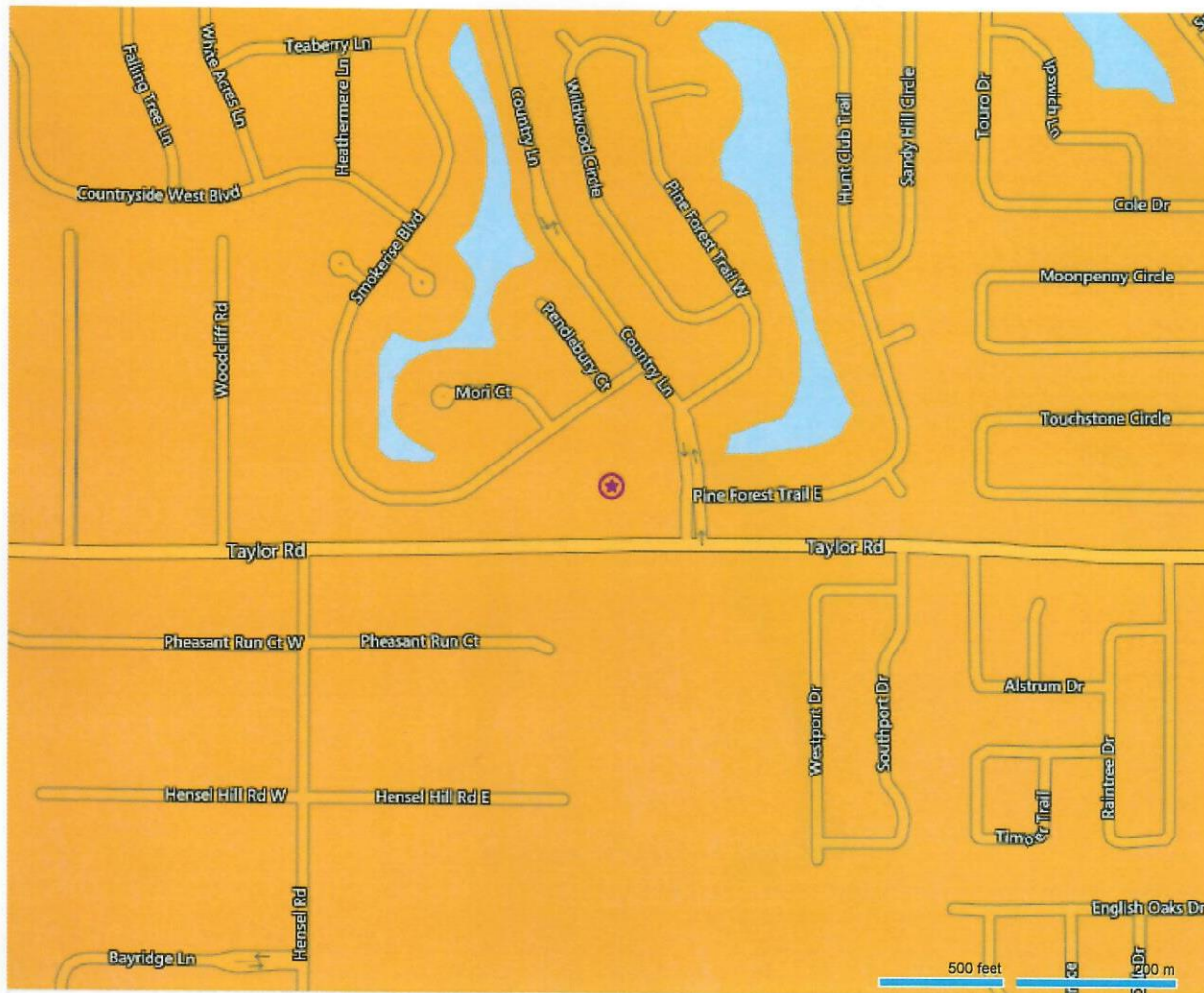
Map of 651 Taylor Road, Port Orange, FL

[< Back to search results](#)

Coverage by Device Type: 3G

Domestic Wireless Data Coverage

This map shows an approximation of wireless data coverage in the United States, Puerto Rico, and the U.S. Virgin Islands.



Legend

★ Your search

4G LTE*

4G*

3G*

3rd Party Coverage

EXHIBIT E

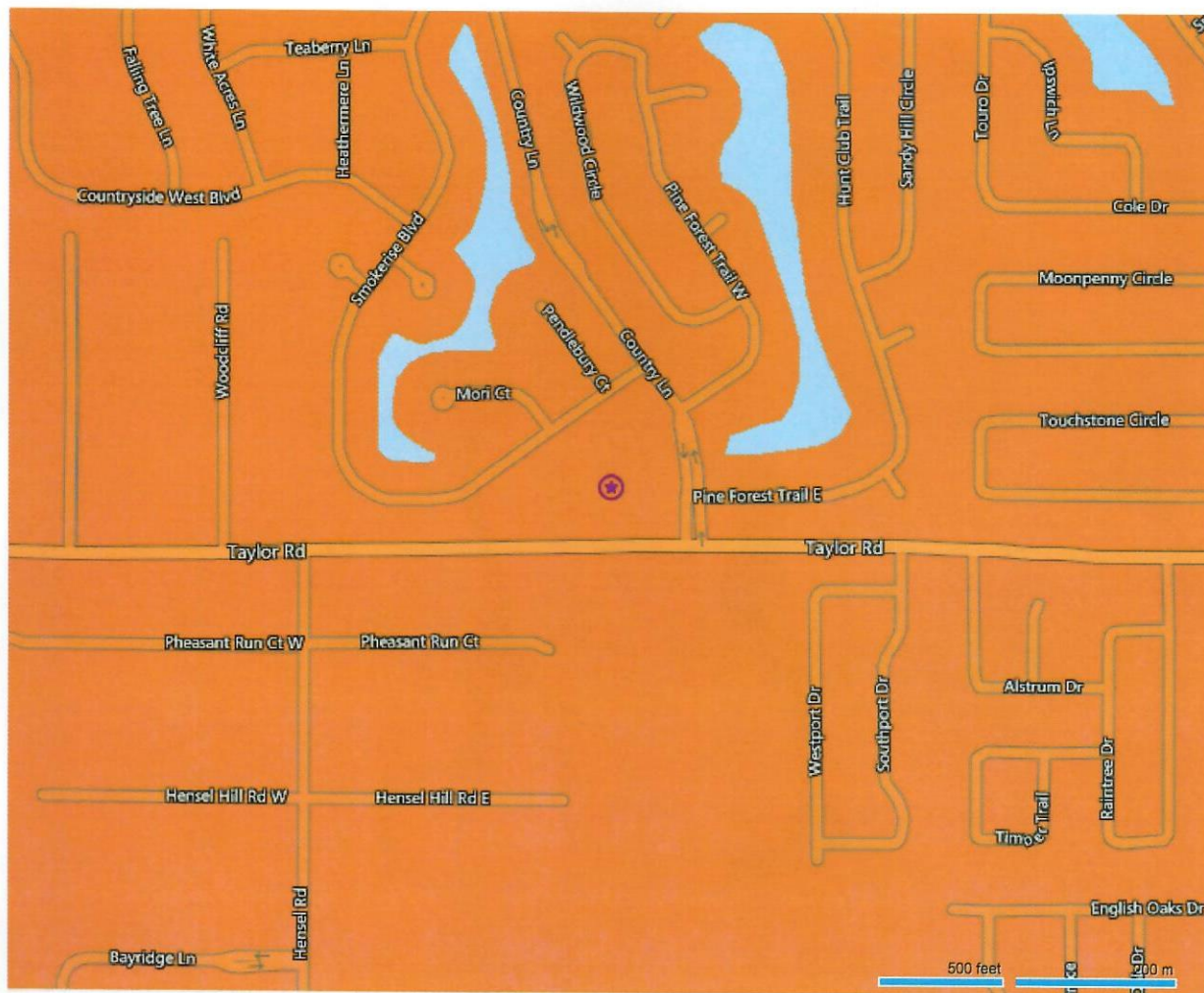
Map of 651 Taylor Road, Port Orange, FL

[< Back to search results](#)

Coverage by Device Type: 4G

Domestic Wireless Data Coverage

This map shows an approximation of wireless data coverage in the United States, Puerto Rico, and the U.S. Virgin Islands.



Legend

Your search

4G LTE*

4G*

3G*

3rd Party Coverage

EXHIBIT F

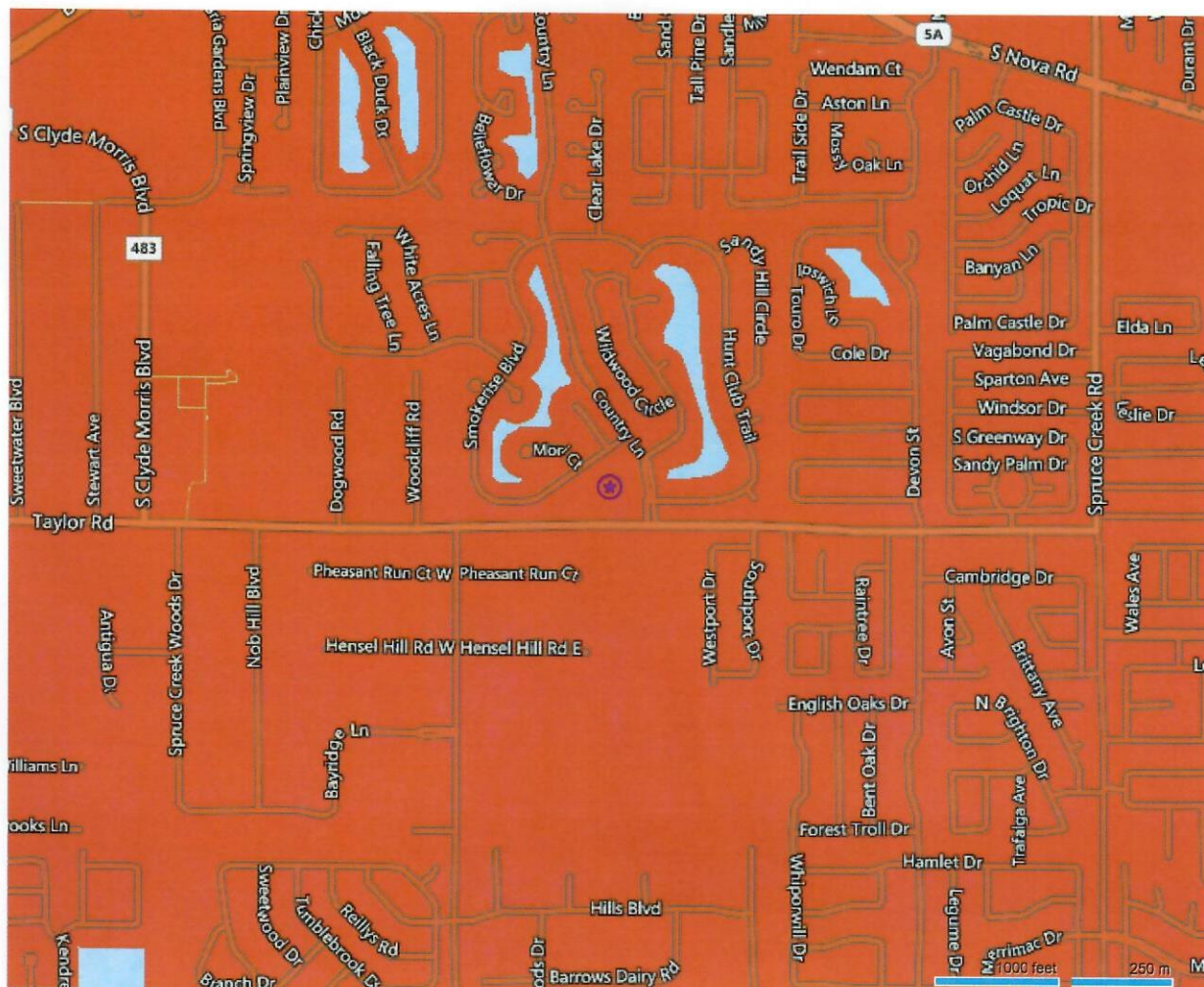
Map of 651 Taylor Road, Port Orange, FL

[< Back to search results](#)

Coverage by Device Type: 4G LTE*

Domestic Wireless Data Coverage

This map shows an approximation of wireless data coverage in the United States, Puerto Rico, and the U.S. Virgin Islands.



Legend

Your search

4G LTE*

4G*

3G*

3rd Party Coverage

EXHIBIT G

June 30, 2018

Tatiana and Gary Llewellyn

991 Smokerise Blvd

Port Orange, FL 32127

Dear City of Port Orange,

A few years ago, we planned to buy a bigger house, a nice place to live in with our growing family. We planned on buying the house in 2018, but by 2016 we were already checking sales on internet just for curiosity. When we saw the 991 Smokerise Blvd house, we called the realtor and went there just to take a look. Immediately we fell in love! We decided not to see any other house. We knew we could not wait two years and take the risk of losing that one, that was definitely our dream house! So, by then we had to make all the needed sacrifices due to buy it in 2016.

This house has all the amenities, decor, size, everything we wanted. We never saw any other house in the same price range the exactly way we expected as this one. Our back yard has privacy, entertainment for all ages (swimming pool, playground, basketball half court), many palm trees, tiki bar, it's our "mini-jungle" paradise! There is no one, between our friends and relatives, who does not like our place, it is perfect for us and our close ones to visit and have fun, mostly in our patio/backyard.

Our house is the closest one in the planned area of the tower. A big cell tower there would change completely the feeling we have, and the reason why we bought it! Our indoor main area is basically open concept with many windows and glass doors. We would see this big tower from everywhere all day long, giving us the feeling it stands inside our property, since it is extremely close. Our family room has big over 10ft high windows that face

exactly in the direction of the "supposed tower". This tower would impact our view from almost all rooms, including living room, family room, breakfast court, kitchen, all the four bedrooms, all the areas we spend more time daily. We love the feeling of privacy in the middle of this nature environment this house has. The outdoor area would be ruined with this tower looming over our entire house, almost attached by the corner of our property, with that bad view from everywhere (pool, bar, patio, basket court, playground), seeming to stand up in between our palm trees. Instead "jungle view" around our tiki bar, there would be this ugly big tower. We have nice views from inside and outside, full of privacy (all fenced), nice landscaping with expensive tropical trees around the whole property, giving us a beautiful daily view of sky and nature. If this tower is built even the view of sky will be compromised by the proximity to this tower.

We want our future baby having the opportunity of being raised in the same environment feeling we have now in there. When we purchased the house, we checked the surroundings of it and since it seemed never changing, we loved. But now all our dreams could fall apart?! It is sad and disappointing. We are definitely against this tower that would depreciate our home's value, destroy the lovely aesthetic look and intimidate our feelings.

Very Respectfully,

Tatiana and Gary Llewellyn

7-1-2018

City of Port Orange

To whom it may concern,

I reside on Smokerise Blvd, directly behind the church at 651 Taylor Road involved in the proposed erection of the 125' cell tower. I want to express my complete opposition to this monstrosity that would not only worry my health but completely destroy the aesthetic value of my back yard and view from nearly every room in my house. I purchased this home in a beautiful residential neighborhood with a pristine skyline. This is what I pay property taxes for. Additionally, I have zero problems with wi-fi or phone communications. Why is this even needed? Why allow commercial use to come in and devalue my home, my sanctity, my peace? I beg you to not allow this gross erection and give the families of Port Orange the right to live in peace and beauty, not the big business' that only cares about the dollar.

sincerely,

Dr. Christopher Linge
1003 Smokerise Blvd.
Port Orange, Fl.
386-898-4557

July 6, 2018

To Whom It May Concern:

My name is N David Mead and my wife and I reside at 5766 Pendlebury Ct, Port Orange NY. We have lived at this address since May, 1999. We bought this home because of its extensive landscape which gives us privacy in our back yard. We like to see only the roots of surrounding properties and the sky. If this cell tower is installed we will be seeing it above the landscape every day. That is not the view we anticipated when we bought this house nor is it one we want to see from our backyard. It would definitely be an eyesore.

Sincerely,

N David Mead

5766 Pendlebury Ct

Port Orange, FL 32127-7960

Cell : 386.334.2553

Email : joydavemead@gmail.com

July 5, 2018

TO: City of Port Orange
1000 City Center Circle
Port Orange FL, 32129

From : John & Gwendolyn Watts
989 Mori Court
Port Orange, FL 32127

Re: Cell Tower Application for 651 Taylor Rd.

Twenty two years we moved to the beautiful community of Steeplechase in Country Side. The community has maintained its desirable location due to our HOA and the Residential Architectural Review Committee (RARC) with active involvement and enforcement of the covenants that we expect all residents to abide by. Key to this accomplishment is the requirement we do not do any exterior work on your property unless prior approval by our RARC community board. This means we control how we want our homes to look as a commitment to our choice of a homestead. Country Side, a beautiful community by design and management. Port Orange, planned by choice, not chance.

It has come to our attention that AT&T has applied for an application for a 125 foot communication tower to be located on Port Orange United Church Of Christ, 651 Taylor Rd. property. The site abuts the Steeplechase residential area, an elementary school and day care center are directly located across from the church property. A beautiful residential setting and we want to commercialize it with an steel monopole and a lots of cans attached now and a lot more to come later on. This is not progress. All of Country Side utilities are underground. We plan and pay dearly to place utilities under ground and then turn around and add an eye sore smack in the middle of a beautiful residential community.

As Chairman of the Country Side RARC, I know approval would not be given by our RARC if this application was on Country side property. Being that the proposed AT&T Tower Site joins our residential home owners properties, it strengthens our decision not to erect a commercial bill board that will be view by all our residents. Every day as our residents leave and return to their homes they will be greeted by our needs to communicate to others how reprehensible our south entrance view is. In the homes of many residents they will see constant undesirable views of the tower in lieu of the landscape and horizon they have observed for years.

Moving on to my residence, I will find it very difficult to leave by the front since we are located 400 feet from the monopole. Yes, three house and a street from the proposed site. Sitting on our front porch, I will steam instead of looking at the flowers and grass growing. This was home sweet home, but now upgraded by a recycled metal pole and tin cans attached. When I back out my driveway and turn to leave my home, the steel monster is just several hundred feet in front of me, enough to raise my blood pressure and make my beautiful day.

Being this close to a communication tower is not what I planned when I retired from the Bell System. A great profession for 37 years, but I do not need this reminder in my front yard to live the rest of my life. Our desire to live in a nice area, give back to our community and our city is

what we have done for twenty years. We don't want this to change.

Our community's future is in the hands of our elected official and the planning manager. Progress over common sense needs to be review with this application for a communication tower. Simply put, we have zoned commercial land with in four blocks that is available and could serve to meet the needs of AT&T. Locating a tower in a fully developed residential community is incomprehensible, if not criminal.

Your disapproval of this change of use is strongly recommended by our community residents.

Thank you for your consideration and affirmative action on this pending hearing.

Enclosed is a tower view from our front porch, please don't make this happen.

Sincerely,

John Watts &
Gwendolyn Watts

PROPOSED -



Now

July 10, 2018

Regarding my property at 997 Smokerise Blvd., Port Orange, FL 32127

To Whom It May Concern:

I am writing to you about the terrible adverse impact that approving AT&T's Change of Use application for a cell tower at 651 Taylor Road, Port Orange, FL would have on my property.

First, I want to say that I fell in love with the Countryside HOA many years ago. I first moved to a small condominium unit and fell so in love with this area that I subsequently bought a house here. I still own both properties.

The reason I fell in love with Countryside is its natural beauty. In fact, I originally put an offer in on an identical ICI built home in Countryside. But later, I ended up paying \$110,000 more for my identical model because I wanted to be located on a lake surrounded by trees and plants. The first property I looked at didn't have the natural appeal of the house I ended up buying. And that's what the huge appeal of this area is - its pristine environment and natural beauty. So, I paid much more for that value.

That beauty and its value is, unfortunately, under direct attack. We have a small lake and a grassy field behind our house on Smokerise Blvd. Right next to the grassy field - LITERALLY 'right next' to it - is where the 125' tower is proposed to be. Honestly, my first reaction was 'this is insane!'. How can you try to shoehorn an Industrial monolith into a Residential area? This tower is going to be three-fourths the height of the Ponce Inlet Lighthouse (which is the tallest lighthouse in Florida)!

Let me please also address the visual aspects of this tower. This thing is HUGE. Again, three-fourths the height of the Ponce Inlet Lighthouse and two-thirds the height of Spaceship Earth at EPCOT. It's twelve and a half stories tall in an area with nothing taller than two stories. It is absolutely incompatible with the surrounding environment and it will be absolutely unavoidably visible from my property. Additionally, AT&T could raise the tower's height to 145 feet without involving the City of Port Orange in that decision at all - that's fourteen and a half stories tall!

First, let's talk about my living room. When I sit on my couch with my coffee on the coffee table in front of me facing my television, the tower will be completely visible in the eight foot window I have to the right of my TV. It will be visible from nearly every inch of my living room. Furthermore, I will be unable to avoid being slapped in the face with a blinking white light while I'm trying to relax and watch TV. It will make my living room unusable for the purpose of sitting and relaxing to watch a show. Additionally, the view that I once enjoyed of an open field and trees will now be of a HUGE industrial monolith that absolutely dominates the landscape. I have furniture specifically purchased for use in that room. Including a 'zero gravity' chair. I will not be able to use and enjoy this room any longer.

Second, let's talk about my guest bedroom. The window in that room would look DIRECTLY at the cell tower about 200 feet away. While currently, I have a beautiful landscape in front of that window (including a lake view), the new view would be completely dominated by the metal tower. Is that the view you want your visiting guests to enjoy? Absolutely not.

The guest bathroom also will have its view destroyed by the tower. While now, the high windows in the bathroom afford a beautiful sky view, if built, the tower will dominate this view. To make it worse, the view will be of the top of the tower and the flashing light upon the top. NOT the "nightlight" I want my guests to be guided by. It will turn a pleasant room into an ugly one.

Even turning my car into my driveway will force me to come face-to-face with the tower. It will loom dramatically over my property, and it will turn my pristine property into a property with all the charm of an Industrial ghetto.

Let's also talk about my pool area. This is where I frequently barbecue and entertain. Imagine floating on your raft in your own pool and opening your eyes to the sight of this gigantic cell tower looming over you. My house and pool would - literally - be in the shadow of it! During the Fourth of July, I had friends over for a barbecue. Everyone agreed that they would not be back if the cell tower was built. They didn't want to take the unnecessary risk of being that near it for hours on end. And visually, who would want to have this tower as their view? No one. My friends are unanimous in the feeling that the tower would destroy the park-like feel of my backyard. And one even said 'no one wants to go to a party where the food is barbecued and the people are microwaved'. That's a valid and important perspective. Plus, my pristine lake view would be upstaged by a 3600 square foot enclosure made of chain link and barbed wire that would be housing a twelve and a half story Industrial monolith. Who wants to visit with such eyesores looming next door and overhead?

There's another part of my pool lanai that would be impacted. The deck of that area is painted white and, on clear nights, that white surface reflects the moonlight and creates a soft, serene light in that area. If the tower is built, the pool deck would instead be reflecting the red or blinking white light of the cell tower. Again, trading 'beauty' for 'ugly'. A very real visual detriment and one that completely changes the tenor and use of that area.

And last, and most important, is how the tower would impact my Master Bedroom. My Master Bedroom has a sliding glass door to the pool lanai which is in direct line to where the tower would be built. A direct line! Not only would this ruin leaving the curtains open to enjoy the view, it would completely destroy my view! Instead of opening my curtains during the day to enjoy the pool deck, trees and the bird of paradise plants I've placed to enhance my view, I'd instead be looking directly at the base of the tower only a couple of hundred feet away. And to add to it, the lights from the tower would be reflected back up at me by my pool's water at night. It would be as though you picked up my house and moved it RIGHT next to the base station of this tower. And that tower is planned to be more than three times the height of the tallest mature trees surrounding it! It would also be an incredible disruption of my ability to sleep at night! Can you imagine the continual flashing of a strobe light lighting up your bedroom all night long? Remember the old movies when they indicated an apartment was in the seedy side of town by having a neon sign flashing outside the apartment's window? This is EXACTLY what you would condemn me to if you allowed this tower. An endless flashing of light. In addition to the unpredictable cacophony of diesel generator sounds. Would you be able to relax and enjoy your sleep in such a setting? I can tell you unequivocally that I will not be able to. You will cost me sleep. You will hurt my health. Or you will force me to incur the expense of moving.

I'd like to also talk about my pride of ownership in my house. I bought it from the original owner after shopping houses for nearly nine months. I ended up buying it because it was on the lake and surrounded by the natural environment. I loved it so much, that I contacted ICI builders for the original paint codes for the house. And then I spent thousands of dollars completely repainting the inside of the house. Then re-stuccoing and repainting the outside of the house. Then re-padding and re-carpeting the entire house. Then, re-insulating the entire attic area. I have spent well in excess of \$20,000 on home improvements. If you allow this tower to be built, my loss in property value will make all my improvements meaningless. I will have a home that will have its value crushed and I will have a home that no one will want to buy since I will have an Industrial tower in my backyard. That's not simply my opinion - it is the verified opinion of Real Estate professionals who have worked in the Port Orange area for years. Why would you do this to a citizen of your town? To appease a business instead? AT&T has a market capitalization of \$240 billion. They can find a suitable, non-invasive, non-destructive place for a tower. However, I can't afford to move and improve another house. This was where I expected to retire (I'm in my 60s). I simply don't have the time, energy or money to make another house my nest again.

I know I wanted to talk about the visual destruction of my property this tower would have. But I also want to talk some common sense issues for a page or two.

Honesty, how can you seriously consider a proposition that would have an industrial 50 Kilowatt diesel generators only TWENTY FIVE feet from Residential properties to the West (and only 90 feet to the North)? Volusia County looks for at least a 1000 foot setback for cell towers. Twenty five feet is literally less than one-third the width of our front yards! And, according to Generac (the generator manufacturer), a 50 Kilowatt diesel generator (as proposed in this case) produces 65-70 decibels of sound or 'higher depending on installation parameters'. I refer you to the Port Orange, FL - Code of Ordinances, Article 4, Section 42-80b. This Code defines General Restrictions and specifically states "Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of the district into which the noise is projected." In this case, the noise is being projected into a Residential district (on EVERY side of the proposed tower site). The Residential noise limits are 60 decibels from 7:00 AM to 10:00 PM and only 50 decibels from 10:00 PM to 7:00 AM! Meaning the diesel generators will exceed Code by 16% to 40%! And worse, the AT&T generators will be 'self-testing', which means they will be going on and off at random hours throughout the day and night without consistency or warning. Do we not deserve the same right to quiet enjoyment of our properties as everyone else in Port Orange? Do we not deserve the right to proper sleep in our own homes?

I want to point out one other thing about the sound. We have no barriers between the tower property and our own homes. North of the tower site is an empty grass field and a lake. Both of which allow sound to travel unmuffled and unabated along their surfaces. To compound things, the back of our homes are concave and stucco, which focuses and amplifies sound. Are you really condemning us to sleepless nights of diesel generators going on and off unexpectedly? Don't you think that completely violates our rights as citizens to quiet enjoyment of our properties? Our homes won't only be decimated in value, they will become uninhabitable. If this is the City's intent, then I suggest it pay us fair prices for Eminent Domain actions and compensate us properly for the losses you'd force upon us.

I've added a page to further illustrate my issues with the sound pollution this tower would cause, and how it would be in violation of Residential noise ordinances in Port Orange.

I am also including a page on what is, to me, a very frightening aspect of this tower. Notably, that it is not equipped to handle the levels of weather we receive here. The City of Port Orange would quite literally be gambling our lives that a tower with specifications far below our actual wind levels wouldn't tear apart and expose us to metal projectiles that would destroy our homes or our lives. Even just one loose nut falling from this tower would have deadly consequences if it were to come off the tower. If a worker dropped a tool, it would similarly become a deadly projectile. And this tower IS close enough for deadly consequences to occur - there is no 1000 foot setback proposed here. This isn't an empty field in Montana. This is a proposed tower directly adjacent to Residential properties on ALL FOUR SIDES.

I reluctantly include here a report from Ryan Menezes - a cell tower climber. If you are a sensitive reader, please skip to the next page. From Ryan's perspective as a climber, I imagine it's a humorous anecdote. But for people living on Residential properties at the base of a tower, it would not be. Mr. Menezes writes about one of his co-workers:

"I pee off the tower daily," says Roland. "We are up there for six to eight hours and drink lots of energy drinks and water. It's pretty cool to see how far you can make it go." And the real novelty in watching the pee drop is that it won't stay in a steady stream -- not when it falls that long a distance. Instead, it sort of dissipates, like water blown out of a mister fan. Roland recalls one typical day when the man atop the tower let loose without warning. "By the time it got to us," he says, smiling at the memory of that golden spray, "it had a good 15 foot of coverage." It fell on everyone gathered there, including the safety inspector from OSHA and his gleaming white truck."

Is it really in your Citizen's interests to have ourselves, our houses, our patios and our pools urinated upon? Because only a slight wind would easily carry such a discharge 25 to 90 feet onto our properties. It's a disgusting possibility because, again, our properties are way, way too close to the proposed tower.

I'd like to address the FCC **requirement** that AT&T show a 'need' for this tower. If they cannot, then the tower must be denied. I'd like to say that I've lived at 997 Smokerise Blvd for over five years. I've NEVER experienced trouble with the reception here for emails, calls or texts. In fact, the coverage here is better than the coverage I had when I lived in California. Even AT&T's OWN 'Applicant Statement' submitted to Port Orange states the tower at 651 Taylor Road "will provide additional coverage to the surrounding Countryside and Pheasant Run residential communities" There is nothing new here! There is no 'need' here that's not already addressed, so, there is absolutely no need for this tower at 651 Taylor Road - by AT&T's own admission!

You might be asking "what does 'need' mean?" A quick check of some of the posts on NextDoor.com about AT&T provide plenty of examples. Please note: **NONE of these comments are from an area AT&T would serve with a tower at 651 Taylor Road** - they are ALL west of I-95. I am including them as examples of what 'need' is in reference to the FCC rules.

What real 'need' looks like (Again, these are from *other* areas of Port Orange - not served by this proposed tower):

 Denise Aubry, Port Orange Plantation

AT&T

I have AT&T as my cell phone provider. In the last few months I've been having trouble with dropped calls & poor reception. I've complained. AT&T rep replaced my SIM card & did some other things (I'm not very tech savvy). At home I get 1 or sometimes 2 bars, while every place else I get 3 or all 4 bars. Rep checked my area to see if there was any problems in the PO Plantation area & no there wasn't. Anyone else having a similar problem? Any solutions out there?

28 Jun · 45 neighborhoods in Recommendations



Susan Blythe, Coquina Cove · 28 Jun

I switched from T-Mobile to AT&T because of spotty service here and it's just as bad. Friends with Verizon have better reception here I'll be switching soon



Ashley Ginther, Port Orange Plantation · 28 Jun

I'm with Lisa. I have to get right up in my window or go outside.



Stefanie Gracia, Sunrise Oaks · 1 Jul

Same issues. On and off. Not consistently.



Don Kean, Port Orange Plantation · 28 Jun

Denise,

I also have AT&T and horrible signal strength in the house. I use a "micro cell" from AT&T. Its basically a cell repeater and i get 5 bars with it operating



Sharon Morrill, Hawks Preserve · 30 Jun

We have AT&T service. Our two phones are set to wi-fi calling. It works very well. Before we did that, we had to go outside to talk. The only time you really have to take it off wi-fi is if you set your phone to use someone else's wi-fi. Then it doesn't work well. But being out and about, in stores, etc., we never change it and it works fine. We live in Hawks Preserve.

You don't find any such posts on NextDoor.com about the Countryside, Pheasant Run or Foxboro areas needing cell coverage because we ALREADY HAVE coverage - just as AT&T says in their Applicant Statement. Even if you look at the coverage maps that AT&T provided to the City of Port Orange, AT&T already SHOWS strong coverage in this area! The purpose of AT&T's proposed tower at 651 Taylor Road is NOT to address a 'need' (because, in fact, there isn't one). It's to be the first cell provider to place a new tower so that they can rent antenna space to other providers. There's no need for a cell tower in this area. It is a bald-faced money grab by AT&T to be the first to place a tower there so that they can make a profit leasing antenna space to other cell providers. Otherwise, AT&T has to lease space from them. Please don't sell your citizens out so that a \$240 billion corporation can make what is to them a miniscule amount of extra profit.

I've mentioned the adverse impact on the visual beauty of my property this tower would have. It would destroy the aesthetics of my home. The monumental impact it would have cannot be overstated. I've also mentioned that the tower's generators would cause noise pollution well above the City of Port Orange's code and it would do so at unpredictable times (and often late into the night). And I've mentioned that this tower is WAY too close to Residential properties on all four sides and that this fact creates very serious potential health issues, concerns about the hazard of falling objects and most threatening - the possibility of tower failure bringing it down onto our properties. I've mentioned that the FCC requires there be a need for a new cell tower (instead of co-locating on an existing tower) and I've shown that AT&T has - by its own statement - no such need here. In closing, I'd like to cover one other aspect, and that aspect is the lost real estate values this tower would cause.

There are 114 Residential properties within 1000 feet of the proposed AT&T cell tower site. One hundred and fourteen Residential properties! Realtors with decades of experience in Port Orange, FL have told us that we can expect property value losses at 20% or more (many estimates are higher than 20%). Using the County of Volusia Property Appraiser's 'just value' of those properties, the loss in value to those 114 properties would be \$5,908,305. That's the very low end 'base' of what those properties would lose. To get a more accurate estimate, we used the June 19, 2018 Zillow.com values of those properties. ***The loss of value - JUST to the 114 properties within 1000 feet of the proposed cell tower site - would be \$7,534,469.*** That would be real loss perpetrated upon us by the City of Port Orange. And that DOESN'T include all the other properties within Countryside, Pheasant Run and Foxboro that would have property damage claims - the \$7.5 million dollar value is, again, ONLY those properties within 1000 feet of the cell tower site. \$7.5 million is the starting point for property damage claims, with the potential end number being many, many times higher.

Please take a moment to think of that impact on a personal level. Think of the value of your home and the equity you've built up over the years by improvements. Think of your Pride of Ownership. Then, think of the possibility that 20% or more of the value you've built could be ripped away by one horrible decision. It's very, very scary for us homeowners. And we hope that the Planning Commission will make a decision based on what's best for Port Orange residents, and not what's best for a huge, anonymous corporation that is apparently fine with placing profits before people.

Sincere thanks for your time and attention to this matter.

Best wishes,

Paul Kern

997 Smokerise Blvd.

Port Orange, FL 32127

June 20, 2018

Tanis and Eugene Healey

989 Smokerise Blvd

Port Orange, FL 32127

Dear City of Port Orange,

We purchased our home in Countryside in 2009. We loved the look and feel of this community. Driving through Countryside there is a park like setting and is a wonderful community right in Downtown Port Orange. If the city allows for AT&T to construct the proposed 125' tall cell phone tower at 651 Taylor Road, there will be extreme negative visual impact to our home!

Looking at my house from the street, this massive tower will look like it is protruding out of my neighbors' house. Each day when leaving our house or come home, pulling in or out of our driveway we will see this tower looming over our house because it will be in the back of our home on adjacent property. We purchased this particular house because of the large windows along the back of the house that all look out to a wooded backyard that meets the pretty blue sky. This view will be decimated by the erection of this tower! Every day when I wake up and open the curtains in my bedroom I will see this tower. As I walk to my kitchen, I will see the tower from my living room and again in my family room where my family spends our time together. Both of my sons will rise in the morning, open their bedroom curtains to see the tower out their windows. In the evening after a long day of work, school and sports, our family likes to grill out, eat out on the patio and have fun family time in the pool. We will see the tower looming over us doing all of this. This tower will completely ruin one of the main reasons why we purchased our home, the beautiful backyard and views out the many windows in this house.

We have invested tens of thousands of dollars into the aesthetics inside and outside of our home. We have upgraded the exterior landscaping, paint, and maintain it with pride. The interior of the house also has undergone extensive upgrades since we purchased it. These aesthetic investments will never be recouped with the erection of this tower due to the property value decrease that we will incur.

In closing, AT&T will cause extreme negative visual impacts to our home. The look and feel of our home will *never* be the same.

Very Respectfully,

Tanis and Eugene Healey



GARRET GARRY
995 SMOKERISE BLVD
PORT ORANGE, FL 32127-7956

Dear City of Port Orange, etc

Re: Cell Tower Proposal for [651 Taylor Road](#)

Our names are Garret & Kathleen Garry & we reside at [995 Smokerise Blvd, Port Orange, FL 32127](#) & we are located directly behind the projected cell tower. Photos are attached.

Kathleen is also a retired licensed realtor of 30 years in the state of Maryland & previously a ReMax office Manager.

Garret is a financial advisor of over 50 years. In preparing a financial plan for homeowners & especially the elderly, the homes value us a key consideration. I am sure you have noticed all of the commercials pertaining to reverse mortgages. For each \$100 loss in value, this results in a \$50 loss in income for the New reverse mortgage applicant & this area is full of senior citizens.

There are so many additional factors that will effect every homeowner in this area.

We have lived at this location for 18 years & purchased this home because of the gorgeous back yard - Photos attached

We do a lot of entertaining & everyone loves our view. We cannot imagine it changing to seeing a cell tower & what surrounds the tower.

Not to mention the impact on our homes value which will probably be reduced by over \$65,000.

This tower will be an eyesore to our community & possibly a health threat. Children play in & walk by this area as it is adjacent to an area of open space & a pond not to mention across the street from an elementary school & a daycare.

Why doesn't AT&T look for a less residential area to locate their tower. We do not use their services here.

The impact of this tower on us specifically & our community is severe & our home will never be the same. As a retired Realtor, I feel that the value will never increase from our purchase price in spite of all the monetary improvements we have made over the years.

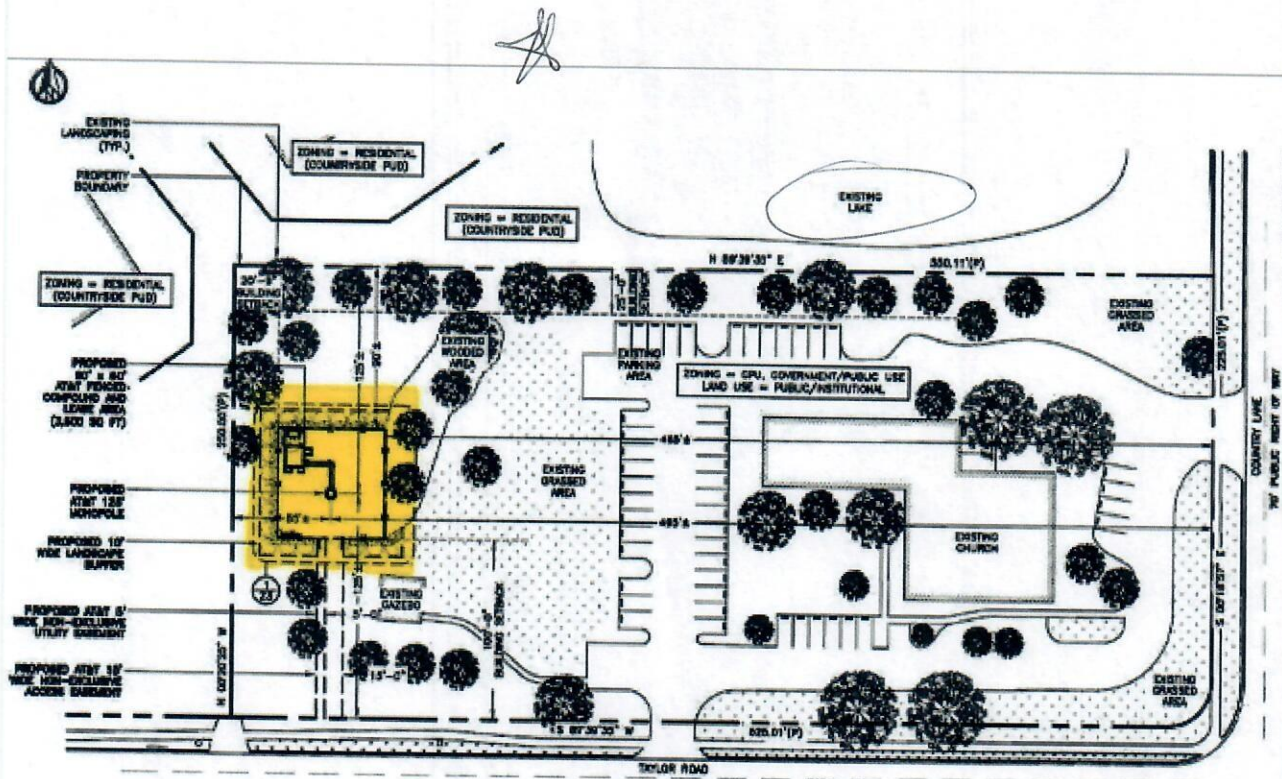
Please vote **NO** to this tower!

Garret & Kathleen Garry
[995 Smokerise Blvd](#)
[Port Orange, FL 32127](#)

[386-304-1200](#)

Photos enclosed

Kathy Garry Sent from iPhone garrykg@aol.com



★ Our home sits behind the left corner of lake



GARRET GARRY
995 SMOKERISE BLVD
PORT ORANGE, FL 32127-7956

Subject: Cell
Date: 7/12/2018 11:47:19 AM Eastern Standard Time
From: garrykg@aol.com
To: garrykg@aol.com

Kathy Garry Sent from iPhone garrykg@aol.com

6 Attached Images



* This is our home at 995 Smokerise
Garret & Kathleew Garry



GARRET GARRY
995 SMOKERISE BLVD
PORT ORANGE, FL 32127-7956



CAUTION



On this tower:

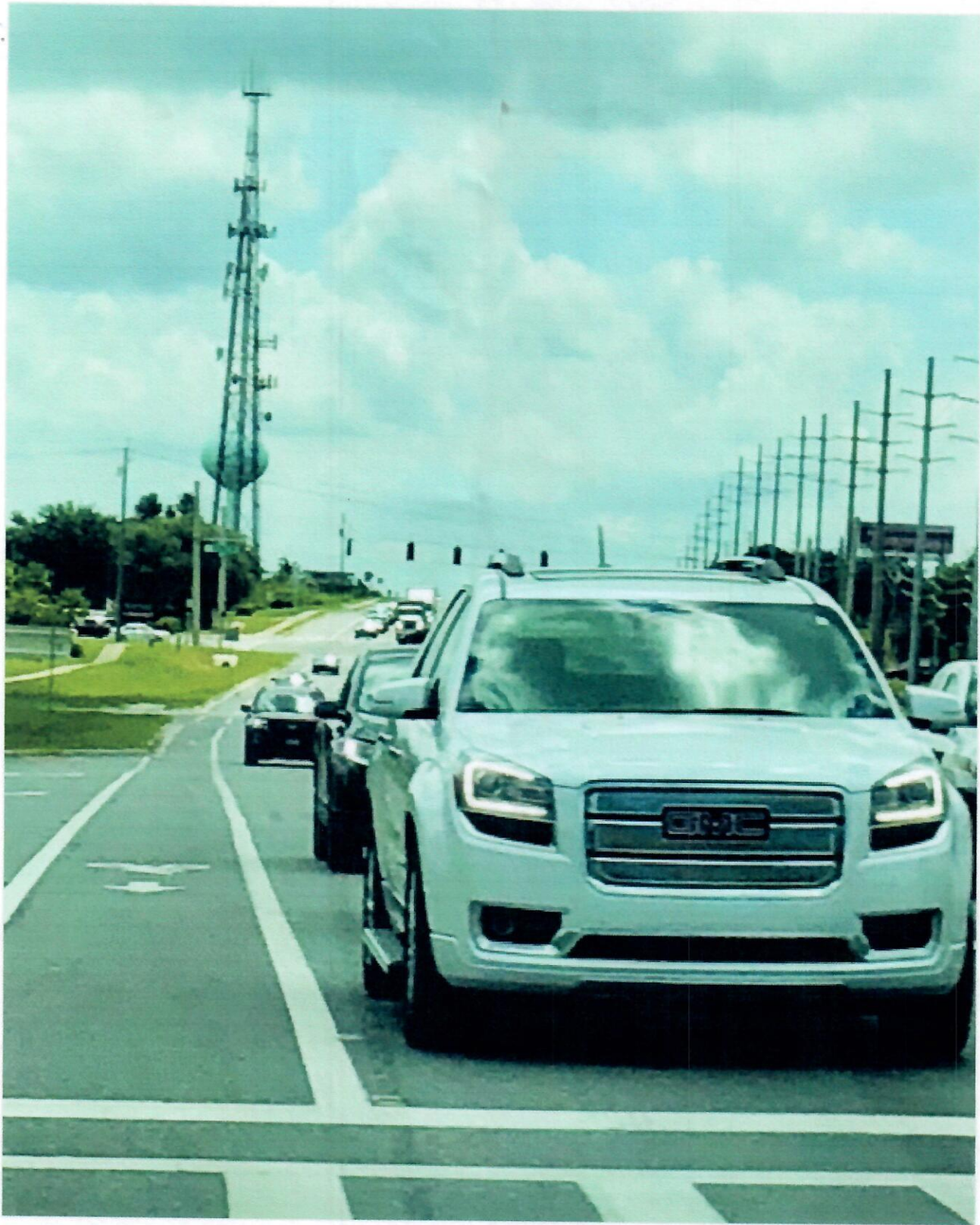
Radio frequency fields near some antennas may exceed FCC rules for human exposure.

Personnel climbing this tower should be trained for working in radio frequency environments and use a personal RF monitor.

This is scary!



GARRET GARRY
995 SMOKERISE BLVD
PORT ORANGE, FL 32127-7956



This is what will be behind us



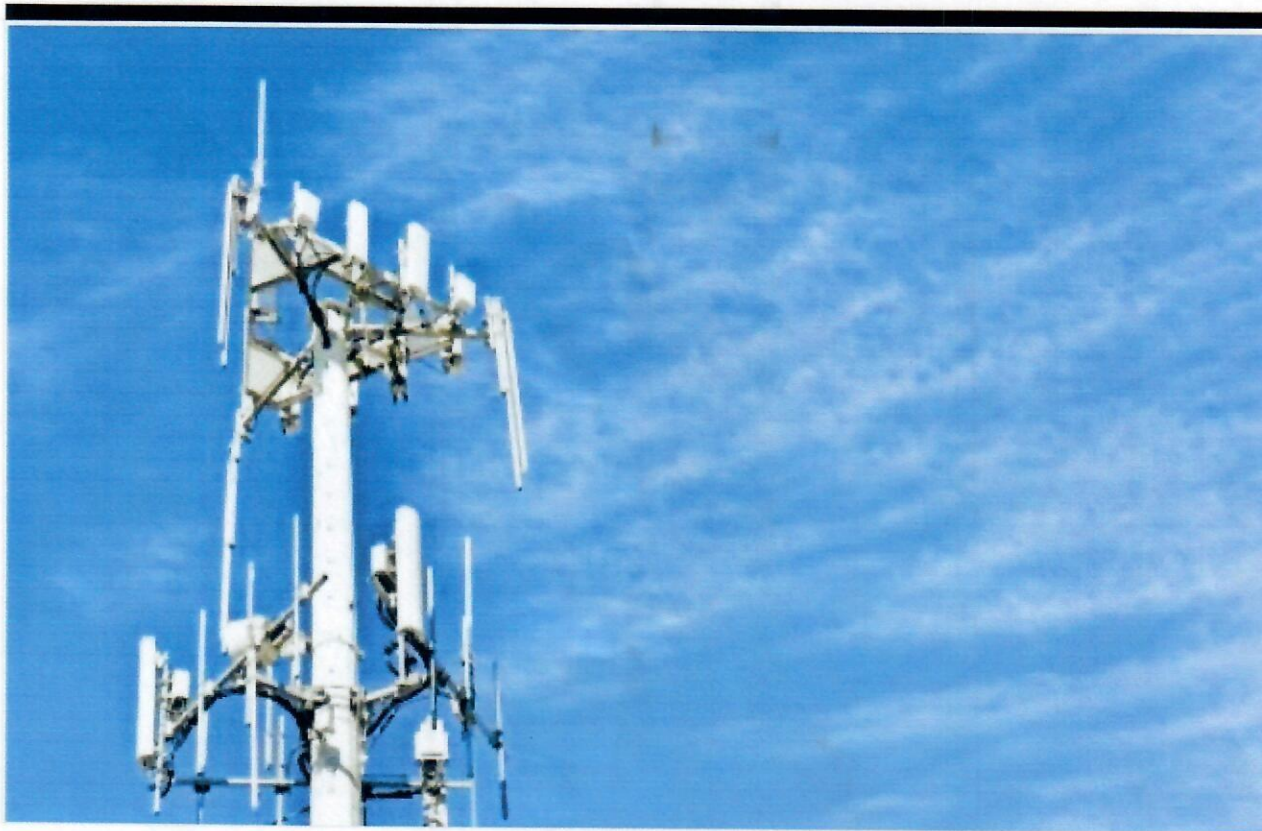
GARRET GARRY
995 SMOKERISE BLVD
PORT ORANGE, FL 32127-7956



This is what we will see at night



GARRET GARRY
995 SMOKERISE BLVD
PORT ORANGE, FL 32127-7956



The view will be this from
our backyard



GARRET GARRY
995 SMOKERISE BLVD
PORT ORANGE, FL 32127-7956



Our home - which will look quite different with a tower behind



GARRET GARRY
995 SMOKERISE BLVD
PORT ORANGE, FL 32127-7956



View of our yard
looking toward the
pond



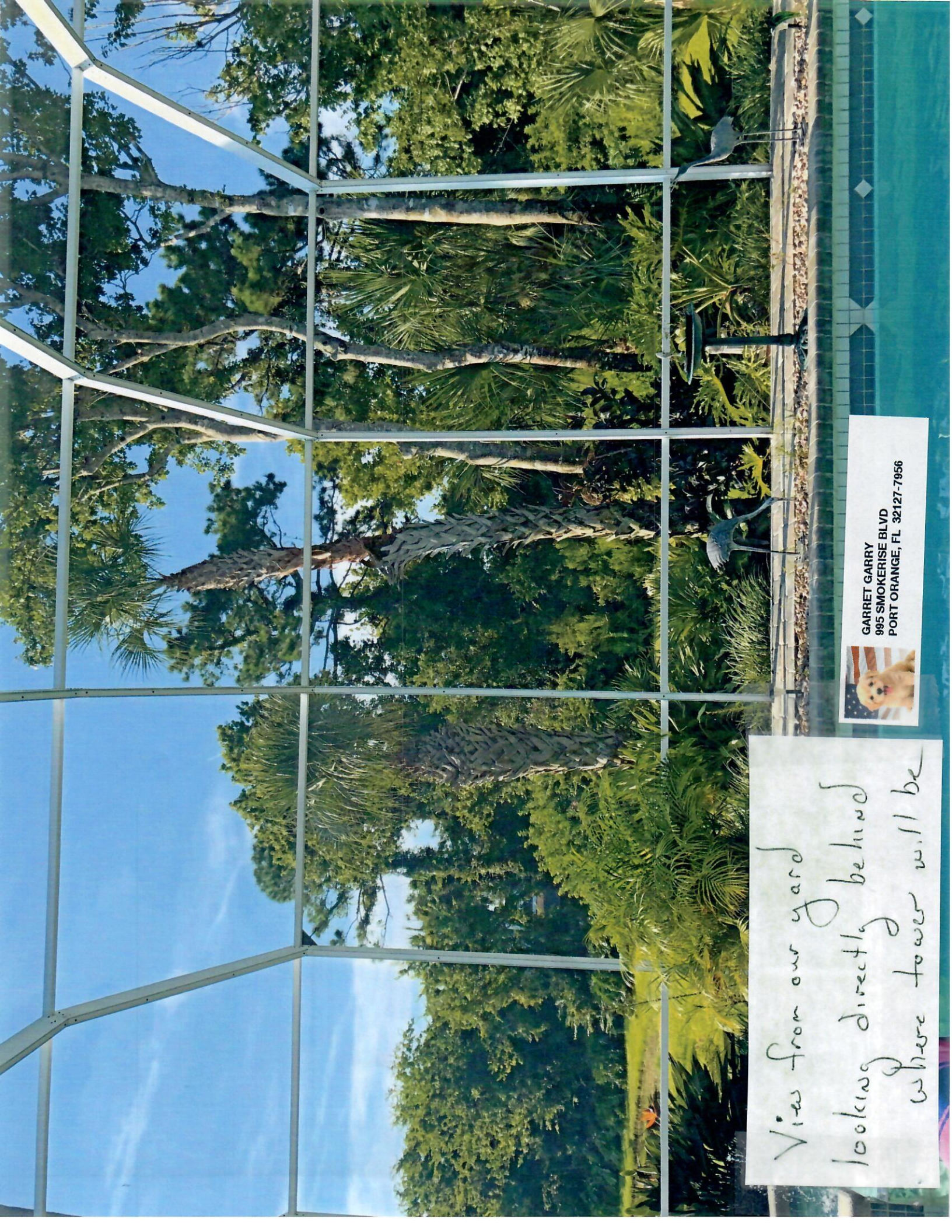
GARRET GARRY
995 SMOKERISE BLVD
PORT ORANGE, FL 32127-7956



View from our yard looking
forward church lot



GARRET GARRY
995 SMOKERISE BLVD
PORT ORANGE, FL 32127-7956



View from our yard
looking directly behind
where tower will be



GARRET GARRY
995 SMOKERISE BLVD
PORT ORANGE, FL 32127-7956

June 24, 2018

Dear Paul,

As I shall not be in the US at the time of the City hearing for the AT&T Tower proposal, I wonder if you or Tanis represent my feelings to the city council, with regards to the tower. I shall not go into the danger that said tower could represent to the safety of the surrounding residents, the people at the church, the kids across from it etc. However, I shall simply point out, that such towers are usually erected in fields away from residential areas. One of the main reason, is the depreciation of the property value.

I paid top dollar for my two premises, and I DO NOT intend to lose money for AT&T benefit. Nor do I intend to wait on the market for it to sell at rock bottom price. Because, that is exactly what would happen, the TOWER will slow down the sell of all the residential area adjacent to the TOWER. Why is AT&T going to guarantee my sell or for that matter the money lost due to the presence of the TOWER?

Does the City realize, that once the OK has been given, there can be no stopping to the height of the Tower? This is NOT just a today decision, this involves the future of STEEPLECHASE. I, for one will NOT give in that easily, I am too proud of my subdivision. Please. I beg of you all, that during my absence you, my neighbors put up a good fight, to stop such ridiculous nonsense. I regret that I shall not be here. However, I trust in the Council good judgement and in the attorney that you chose, for a favorable outcome.

I would like to add, that these thoughts are also shared by my father-in-law Mr. Mario Boffa at 999 Smokerise Blvd. His English is worst than mine.

With warm regards to you and all

Alfredo Orza

985 Smokerise Blvd, 990 Smokerise Blvd. and 999 Smokerise Blvd.

EXHIBIT H



July 12, 2018

To Whom It May Concern:

My name is Laura Powderly, and I have been a licensed Real Estate Sales Associate in the Port Orange area and surrounding communities for over sixteen years. I am also active in the Daytona Beach Association of Realtors, New Smyrna Beach Association of Realtors and the Residential Real Estate Council.

In my professional opinion, installation of a cell phone tower at 651 Taylor Road in Port Orange, Florida will reduce the property value of 989 Smokerise Boulevard, Port Orange, Florida up to 20 percent, based on a study by the National Institute for Science, Law and Public Policy.¹

Further, installation of a cell phone tower at 651 Taylor Road in Port Orange, Florida will make the surrounding homes less sellable even at a reduced price. The same study found that "94% of respondents 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 antennas."

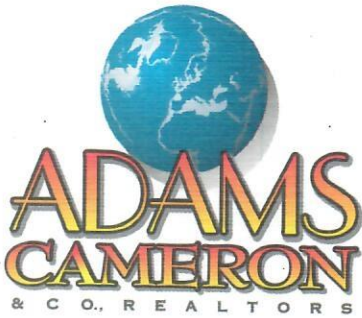
In addition, construction of a cell phone tower could likely create problems for future buyers obtaining a loan. The US Department of Housing and Urban Development (HUD) considers cell towers as "Hazards and Nuisances." HUD requires its certified appraisers to take the presence of nearby cell towers into consideration when determining the value of a single family residential property. Also, HUD prohibits FHA underwriting of mortgages for homes that are within the engineered fall zone of a cell tower.

For the aforementioned reasons, installation of a cell phone tower at 651 Taylor Road is not in the best interest of the current owners, surrounding community or future buyers. As such, installation of the tower should be denied.

Sincerely,

Laura Powderly
RE/MAX Signature
386-453-3057
LauraPowderly@remax.net

¹ *Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?* National Institute for Science, Law and Public Policy, June 2014.



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54 South Atlantic Ave.
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Phone: (386) 673-2100

1100 Dunlawton Ave.
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Phone: (386) 761-6100

4600 South Atlantic Ave.
Ponce Inlet, FL 32127
Phone: (386) 310-7100

Towers Condominium
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Daytona Beach, FL 32118
Phone: (386) 677-1191

Bent Palm Condominium
935 Ocean Shore Blvd.
Ormond Beach, FL 32176
Phone: (386) 441-2006

422 S. Woodland Blvd.
DeLand, FL 32720
Phone: (386) 738-1920

**COMMERCIAL-
INVESTMENT
DIVISION:**

600 South Atlantic Ave.
Daytona Beach, FL 32118
Phone: (386) 252-3120

6/8/2015

To Whom it may concern.

My name is Eric Zimmerman a licensed Real Estate Broker and resident in Port Orange area for 14 years. ATT has proposed a 125' cell tower at the western area of the property at 651 Taylor Rd (the Port Orange United Church of Christ). The proposed tower would be over 12 stories tall and visible from many Residential areas. I believe as a real estate professional the construction of the tower would cause a reduction in property values, as well a making current homeowners property less desirable and less salable, even at a reduced price. Research shows that the addition of a cell phone tower can affect the surrounding property values as much as 20%. In my own personal experience may buyers will avoid properties near cell towers due to view and also due to the heath concerns may have with them.

Eric Zimmerman SRES, BROKER ASSOCIATE
License number BK3105735

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Adams, Cameron & Co. Realtors

1100 Dunlawton Ave.

Port Orange FL 32127

Cell 386-846-1515

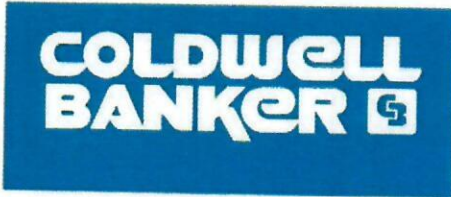
Rebecca Cell 386-871-7949

Fax 386-761-6771

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PREMIER PROPERTIES

July 11, 2018

Via e-mail: Fla32127@aol.com

"Letter of Adverse Impact"

To whom it may concern:

My name is Cindy Lumpkin, and I have been a licensed agent and member of the Daytona Beach Area Association of Realtors since 1995.

I am writing to let you know that I am totally opposed to a cell tower being built in such close proximity to a residential neighborhood, let alone, my neighborhood. When I purchased my home in Countryside (866 Pine Forest Trl W), a Cell Tower was not anything on the radar that would have been something I would be concerned about. I like the quiet, peaceful community I live in., and I want it to stay that way for my family and my neighbors. I want our community to remain as it is.

I personally know that this would cause property values to plummet and average of 20%. I did not sign up for a financial hit like this. I personally also suffer from an auto immune disease and based on research, the cell tower can cause many adverse health concerns. It is not fair or just to all of the families living in our community.

My front yard actually faces the projected site of the said Cell Tower...YUK, not the serene, pristine view I purchased my home for. I did not choose to live in an Industrial Area. The installation would make surrounding homes less sellable even at a reduced price.

I will do whatever I can do to put a halt to this as it will hurt me not only financially, but physically as well.

Respectfully,

A handwritten signature in black ink that reads "Cindy Lumpkin". The signature is fluid and cursive, with the first name "Cindy" and last name "Lumpkin" clearly distinguishable.

Cindy Lumpkin, SFR, CNAS, CNMS, REALTOR®

Short Sales & Foreclosure Resource (SFR)

Cartus Network Affinity Specialist (CNAS)

Cartus Network Marketing & Referral Specialist (CNMS/CNRS)

Direct Line: (386) 795-3000

Fax Line: (386) 256-4767

Website: www.CindyLumpkin.com

E-Mail: Cindy@CindyLumpkin.com

Coldwell Banker Premier Properties

116 Dunlawton Blvd., Suite 2



Mark Straka
RE/MAX Signature
3340 S. Atlantic Ave.
Daytona Beach Shores, FL 32118

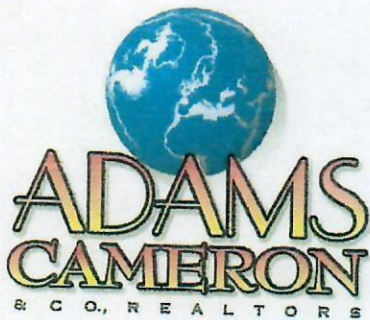
To whom it may concern:

I have been a licensed real estate agent for RE/MAX Signature in Port Orange for over 5 years. In my professional opinion, installation of a tower at 651 Taylor Rd. will reduce property values by at least 20% or more depending how ugly the tower is. Camouflaging it to look like a tree has little to no effect. Furthermore, installation of a cell tower at this location in Port Orange, FL will make surrounding homes less sellable even at a reduced price. Thank you for your time.

Mark Straka

A handwritten signature in black ink, appearing to read 'Mark Straka', written over a horizontal line.

RE/MAX Signature



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Phone: (386) 673-2100

1100 Dunlawton Ave.
Port Orange, FL 32127
Phone: (386) 761-6100

Towers Condominium
2800 North Atlantic Ave.
Daytona Beach, FL 32118
Phone: (386) 677-1191

Bent Palm Condominium
935 Ocean Shore Blvd.
Ormond Beach, FL 32176
Phone: (386) 441-2006

The Falls
1 Falls Way Court
Ormond Beach, FL 32174
Phone: (386) 673-2333

422 S. Woodland Blvd.
DeLand, FL 32720
Phone: (386) 738-1920

**COMMERCIAL-
INVESTMENT
DIVISION:**

600 South Atlantic Ave.
Daytona Beach, FL 32118
Phone: (386) 252-3120

June 26, 2018

RE: Proposed Cell Tower at 651 Taylor Rd, Port Orange

My name is Fred Jones and I have been a licensed real estate agent in Port Orange, FL for over 8 yrs. and belong to the National Association of REALTORS, the Daytona Beach Area Association of REALTORS as well as the Florida Association of REALTORS.

With regards to the proposed installation of a cell tower at 651 Taylor Rd in Port Orange, FL it is in my opinion that such tower would have a negative impact on the surrounding property values by anywhere from 5-10%.

Furthermore, installation of the proposed cell tower at 651 Taylor Rd in Port Orange, FL in my opinion will make surrounding homes less desirable even at a reduced price.

Fred Jones, REALTOR
Adams Cameron & Co.



THE AREA'S LARGEST REAL ESTATE COMPANY
We Make A World of Difference



June 19, 2018

To whom this may concern,

When I purchased in the neighborhood of Steeple Chase in Countryside there was not any distractions like a cell phone tower. I was also a member of Calvary Christian Center in Ormond Beach when the congregation was in need of income and agreed to have a cell tower installed on the property. This has been an ongoing nightmare for the church and school at Calvary on W. Granada in Ormond Beach. Things are NEVER as they are promised. The church, school and children have suffered from this poor decision. Please take the time to call someone from the church before you make a very costly mistake and install this unsightly cell tower. You may contact Troy McCoy at 386-672-5571 and get more information.

I have had my Real Estate License and am a resident of Steeple Chase in Countryside in Port Orange, Florida for 14 years. I strongly oppose the installation of a cellphone tower at 651 Taylor Road in Port Orange, FL near the Countryside neighborhood. This cell tower will have a negative impact on property values of this pristine neighborhood. Not to mention, if this tower is built, every day I will have to look at it outside my office window. Further, installation of this cell tower at 651 Taylor Road in Port Orange, FL will likely make surrounding homes less sellable even at a reduced price.

I am also concerned with the long term Health and Environmental impacts this cell tower would have on the residents of Countryside. I'm sure you're aware of the countless studies on the Health and Environmental dangers from cell towers.

As a resident of Countryside, I am sure that until these issues are addressed no cell tower will be constructed.

Sincerely,

Karen Rearden
992 Mori Court
Port Orange, Florida 32127

Hughes Pitts and Associates
34336 Mission Valley Dr
Dade City FL 33525

July 11, 2018

To Whom It May Concern,

I have been asked to provide a statement regarding the possible affects of a Cell Tower on the property located to the rear of homes on Smokerise Blvd, Port Orange FL.

As an State Certified Residential Appraiser and Real Estate Appraiser for over 40 years, I have encountered numerous situations where properties back to power lines or Cell Towers.

It has been my professional experience that these properties incur a loss of value due to external obsolescence. This loss can be proven through a paired sales analysis and may vary due to neighborhood, view and proximity to the adverse condition.

Pleased be advised that no formal appraisal has been performed on the properties in this neighborhood, however appraiser is very familiar with the area and has personal knowledge of the view/location. I have spent many days at a friend's home and have personally enjoyed the location on the pond and conservation area.

It is both my professional and personal opinion that the construction of said Cell Tower would not only serve as a negative view factor, but adversely affect the market value. This is a very desirable residential community which has enjoyed strong market appeal in the past. I trust that this market appeal will not be allowed to be diminished due to the irresponsible placement of a Cell Tower on adjacent property.

If you have any further questions regarding this matter, please feel free to contact me at hughespitts@msn.com or 352-523-1066.

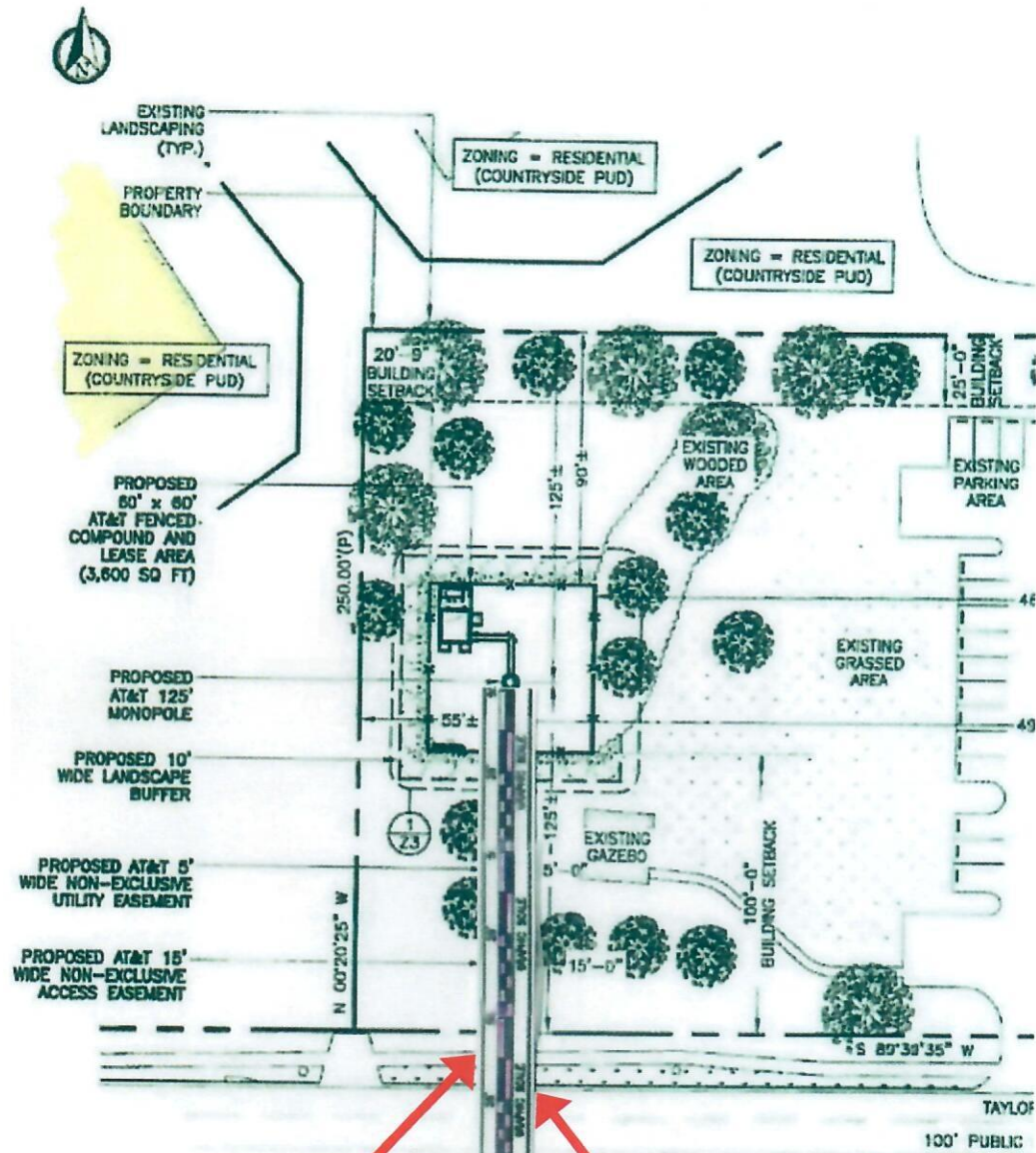
Respectfully submitted,



Melody Hughes Pitts
State Certified Residential Appraiser RD616

EXHIBIT I

Per the site map submitted by AT&T, every 1/8" equals 10 feet.



At 110 feet: Hits students/pedestrians on the sidewalk.

At 125 feet (or a bit less): Falls onto Taylor Road.

At 150 feet: Blocks westbound Taylor Road traffic.

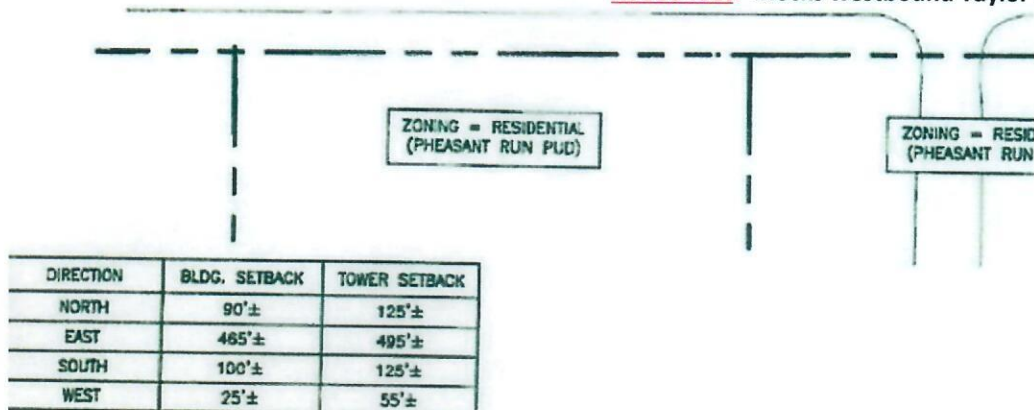
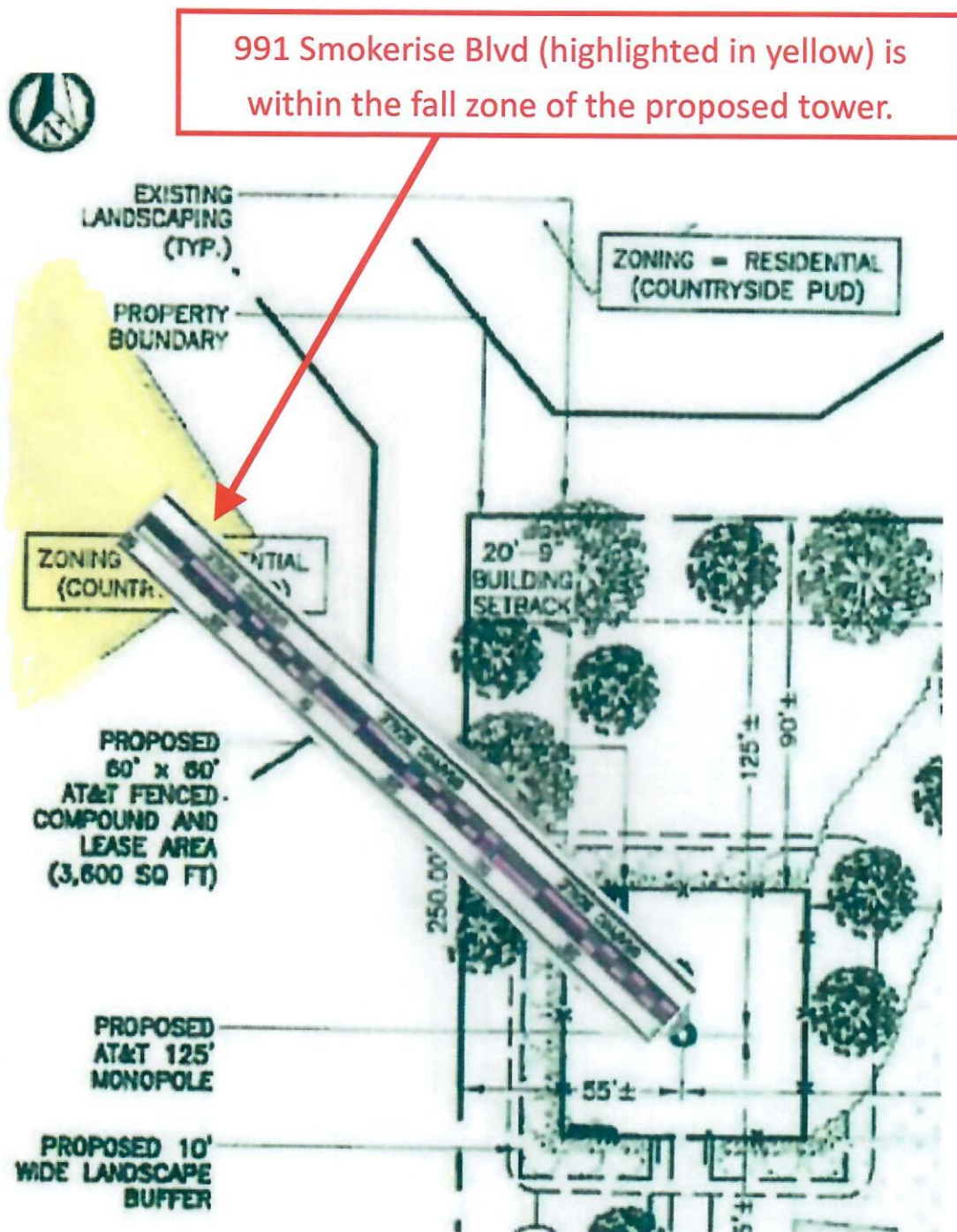


EXHIBIT J



Per AT&T's submitted plans, $5/8'' = 50$ ft., $1\ 1/4'' = 100$ ft., $1\ 9/16'' = 125$ ft., $1\ 7/8'' = 150$ ft.
 Residential property is 135 feet ($1\ 11/16''$) from the tower's base.



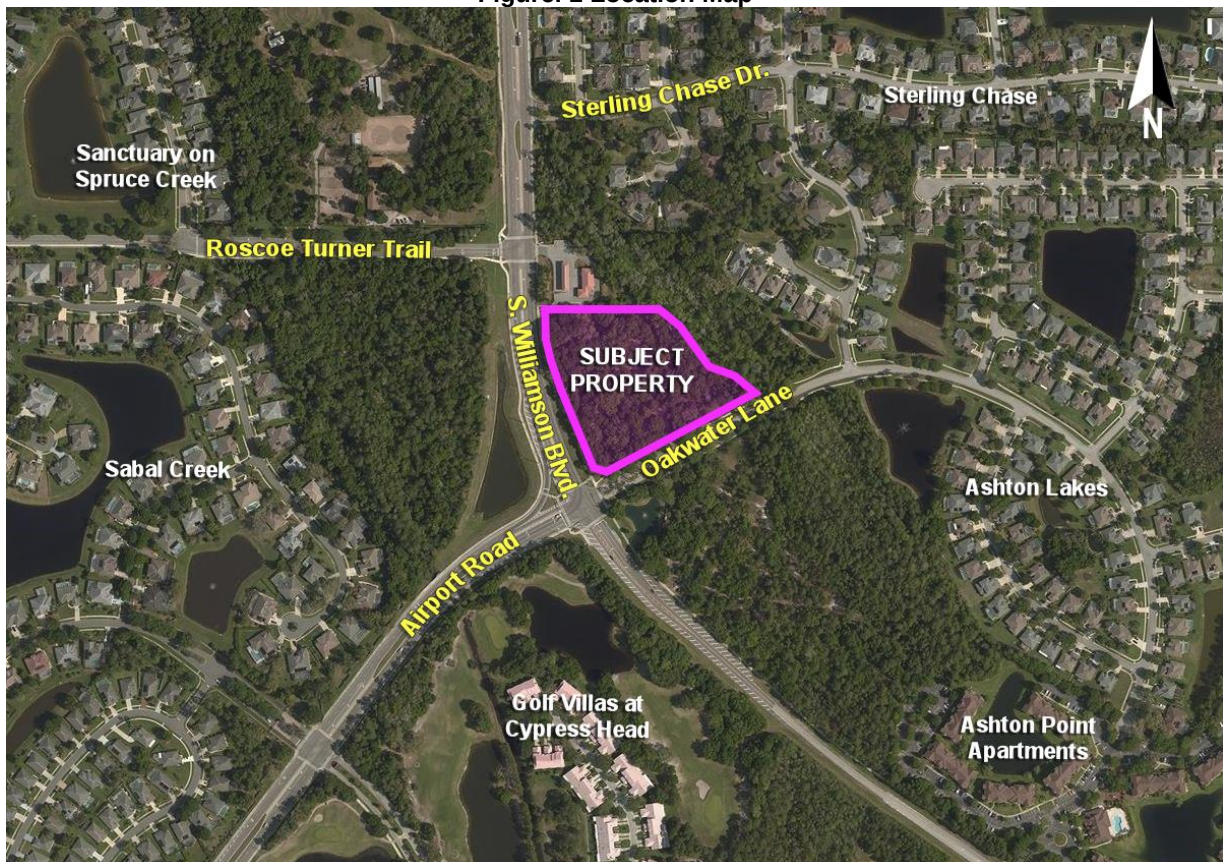
STAFF REPORT
CASE NO. 18-60000003
REZONING/6225 S. Williamson Boulevard

REQUEST:	Rezone +/- 5.85 acres from Planned Commercial Development (PCD) to Community Commercial (CC)
OWNER:	REO Funding Solutions III, LLC.
APPLICANT:	Miguel De Arcos
LOCATION:	6225 S. Williamson Boulevard (see Figure 1 – Location Map)
STAFF RECOMMENDATION:	Approval
PLANNING COMMISSION:	July 26, 2018
STAFF CONTACT:	Briana Conlan-King, Planner (386) 506-5676

DISCUSSION:

The property is currently zoned Planned Commercial Development (PCD) but does not have an active Master Development Agreement (MDA) and Conceptual Development Plan (CDP). The applicant proposes to rezone the subject property from PCD to Community Commercial (CC). The rezoning request is a shift from the negotiated PCD zoning district to a conventional commercial zoning district that uses the Land Development Code (LDC) to provide specific development regulations.

Figure. 1 Location Map



Since 1991, the subject property has been a part of a 15.79-acre area designated as commercial within the Cypress Head Planned Unit Development (PUD). The Cypress Head MDA states that those 15.79 acres should be shown as PCD on the official zoning map at the time the PUD was adopted, but that each individual property would need to establish their own PCD at the time of development. In 2007, the Oakwater Plaza MDA was adopted and allowed for the development of child care facility, personal services, banks, restaurants, retail sales and services, health/exercise clubs, medical offices and professional offices. In 2013, the Oakwater Plaza MDA expired and currently the subject property does not have an active MDA to provide permitted uses and dimensional and developmental regulations for the subject property.

According to the applicant, the property owner's request to rezone the subject property to CC is to assist in the development of the subject site. The property owner intends to develop the subject site with a child care facility, offices and retail space. The applicant does not anticipate deviating from the requirements in the LDC, therefore, the applicant selected to use a standard zoning district and meet the requirements in the LDC. According to the applicant, it is difficult to predict future development options on the subject property and if the property remains PCD, it is possible that ongoing amendments to the MDA could be necessary. The applicant believes that following the list of permitted uses in the CC zoning district and the development requirements in the LDC is a more efficient and transparent process to develop the site. The CC zoning district permits typical community scale commercial uses commonly found in shopping centers and outparcels of this type such as: retail stores, restaurants, personal services (hair salon, barber shop, nail salon, retail dry cleaning, etc.) offices, breweries, child care centers, convenience store/gas station, banks, and similar uses (see Exhibit A).

The rezoning request was reviewed according to the criteria established in Chapter 3, Section 5 of the Land Development Code (LDC) in terms of consistency with the Comprehensive Plan and consistency with the surrounding land uses and zoning.

The proposed rezoning will not change the existing cross access easements with the adjacent Airport Oaks gas station. Access to the property is available from Oakwater Lane and from S. Williamson Boulevard through the shared access with the Airport Oaks gas station. Any proposed additional access drive off S. Williamson Boulevard must be reviewed and approved by Volusia County during the site plan review process. Water and sewer is available to serve the property. As part of any future site development, the applicant will be required to submit a site plan for staff review, to meet all architecture, landscaping, traffic generation, site development and infrastructure requirements of the City's LDC.

Compatibility with Surrounding Uses and Zoning

The proposed CC zoning district is appropriate for this location and is compatible with the surrounding properties. The table on Page 3 summarizes the land use and zoning of the adjacent properties and the Future Land Use and zoning maps are attached (Exhibit B and Exhibit C).

Surrounding Land Use & Zoning

Direction	Land Use	Zoning District
North	Commercial (Citgo Gas Station)/ Residential (Sterling Chase)	Planned Commercial Development (PCD)/ Planned Unit Development (PUD)
South	Commercial (Cypress Head Commercial - Vacant)/ Oakwater Lane right-of-way	Planned Commercial Development (PCD)
East	Ashton Lakes Subdivision Conservation Easement	Planned Unit Development (PUD)
West	S. Williamson Blvd. right-of-way, Commercial (Acorn Mini Storage)	Community Commercial (CC)

The PCD zoning district is intended to provide a flexible approach for unique and innovative land development proposals, which would otherwise not be permitted by this code. Because the property owner intends to develop the site in compliance with the LDC and does not anticipate deviating from the requirements in the LDC, the property owner selected to use a standard zoning district and meet the requirements in the LDC. All future development plans (site plan or subdivision) submitted will require a detailed technical review by the Development Review Committee (DRC) to determine all requirements in the LDC are met.

Consistency with Comprehensive Plan

The proposed CC zoning district is consistent with the *Commercial* Future Land Use (FLU) designation. The *Commercial* FLU designation is generally characterized by uses that provide for the retail sale of items and services to the general public. The subject property is designated *Commercial* on the City's Future Land Use (FLU) map. The proposed CC zoning district is consistent with the *Commercial* FLU designation. The City has planned for and designated commercial nodes at intersections of major roads in the Future Land Use Element of the Comprehensive Plan. In this case, the subject property is part of a Community Commercial node located around the intersection of S. Williamson Boulevard and Oakwater Lane/Airport Road. Community Commercial Nodes are intended to support the City with a mix of general and specialized shopping needs of the general population within a +/- 2-mile radius. This type of node typically consists of shopping centers, retail stores, restaurants, automobile service facilities, offices, and similar uses. Based on compatibility with adjacent uses and availability of infrastructure, the requested zoning is appropriate for this location and it is consistent with existing FLU designation.

Recommendation:

Staff recommends approval of the request to rezone +/- 5.85 acres located at the northeast corner of S. Williamson Boulevard and Oakwater Lane from Planned Community Development (PCD) to Community Commercial (CC).

ATTACHMENTS:

1. Exhibit A – List of Uses in CC district
2. Exhibit B – Future Land Use Map
3. Exhibit C – Current and Proposed Zoning Map

EXHIBIT A

Community Commercial – CC	
Permitted Uses:	• Adult/vocational education • Antennas • Appliance/electronic repair shops • Banks • Business services • Camouflaged and monopole communication towers • Clubs, lodges, and fraternal organizations. • Convenience stores with or without fuel operations • Financial services • Fleet-based services • Funeral homes • Furniture and appliance stores • Health/exercise clubs • Medical offices/clinics • Motor vehicle service stations • Office supplies • Offices • Personal services • Restaurants • Retail home building materials • Retail nurseries and garden supplies • Retail sales and services • Veterinary clinics
Permitted uses with special development requirements (chapter 18, section 4):	• Athletic/sports facilities • Brewery • Child Care Centers • Craft food and beverage producer • Community gardens • Microbrewery • Theaters
Special exception uses (chapter 18, section 3):	• Bars, lounges, and night clubs • Fortune tellers, astrologers, and palm readers • Game/recreation facilities • Guyed and lattice communication towers • Marina, recreational • Mini-warehouses • Motor vehicle and boat storage facilities

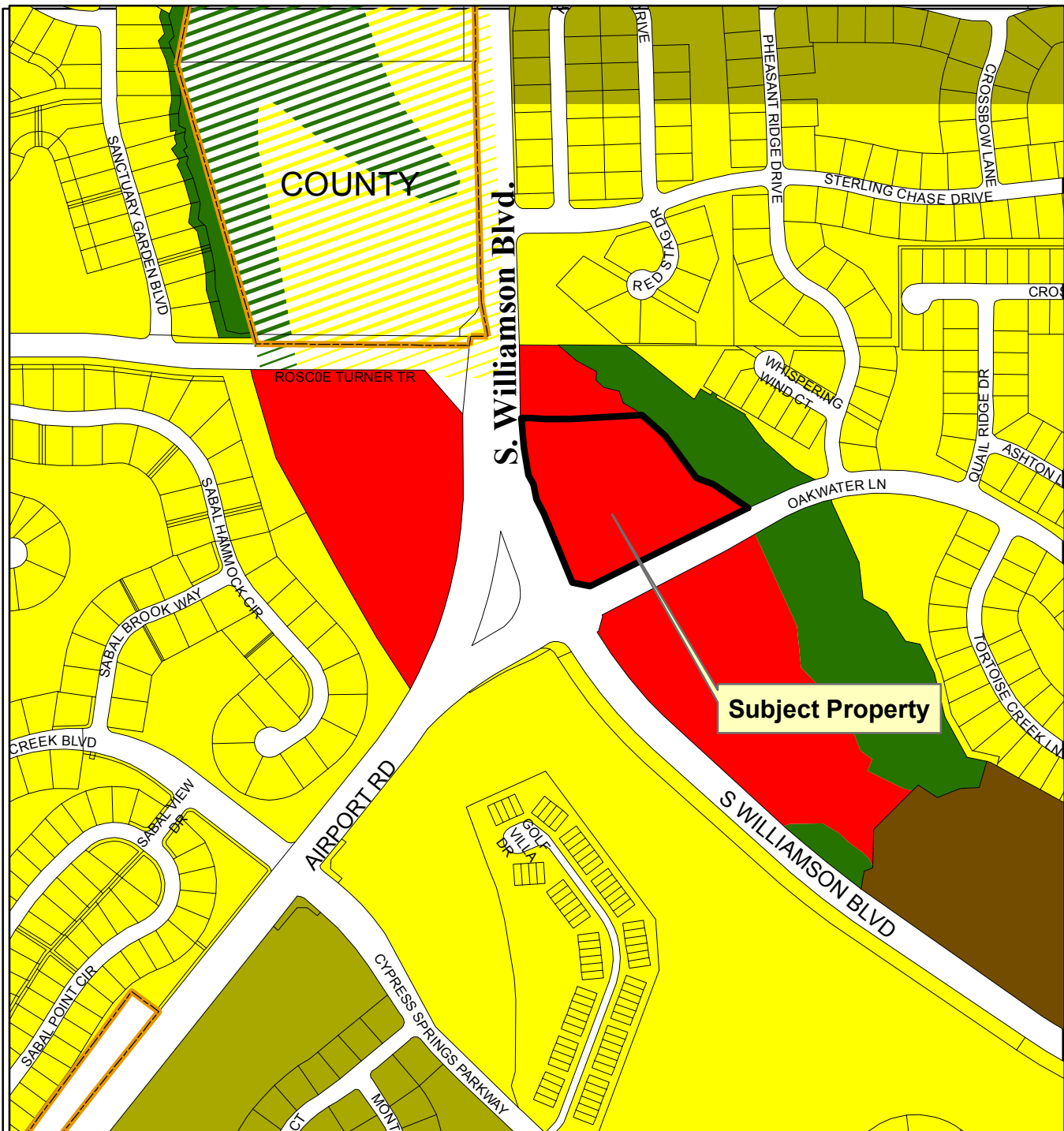


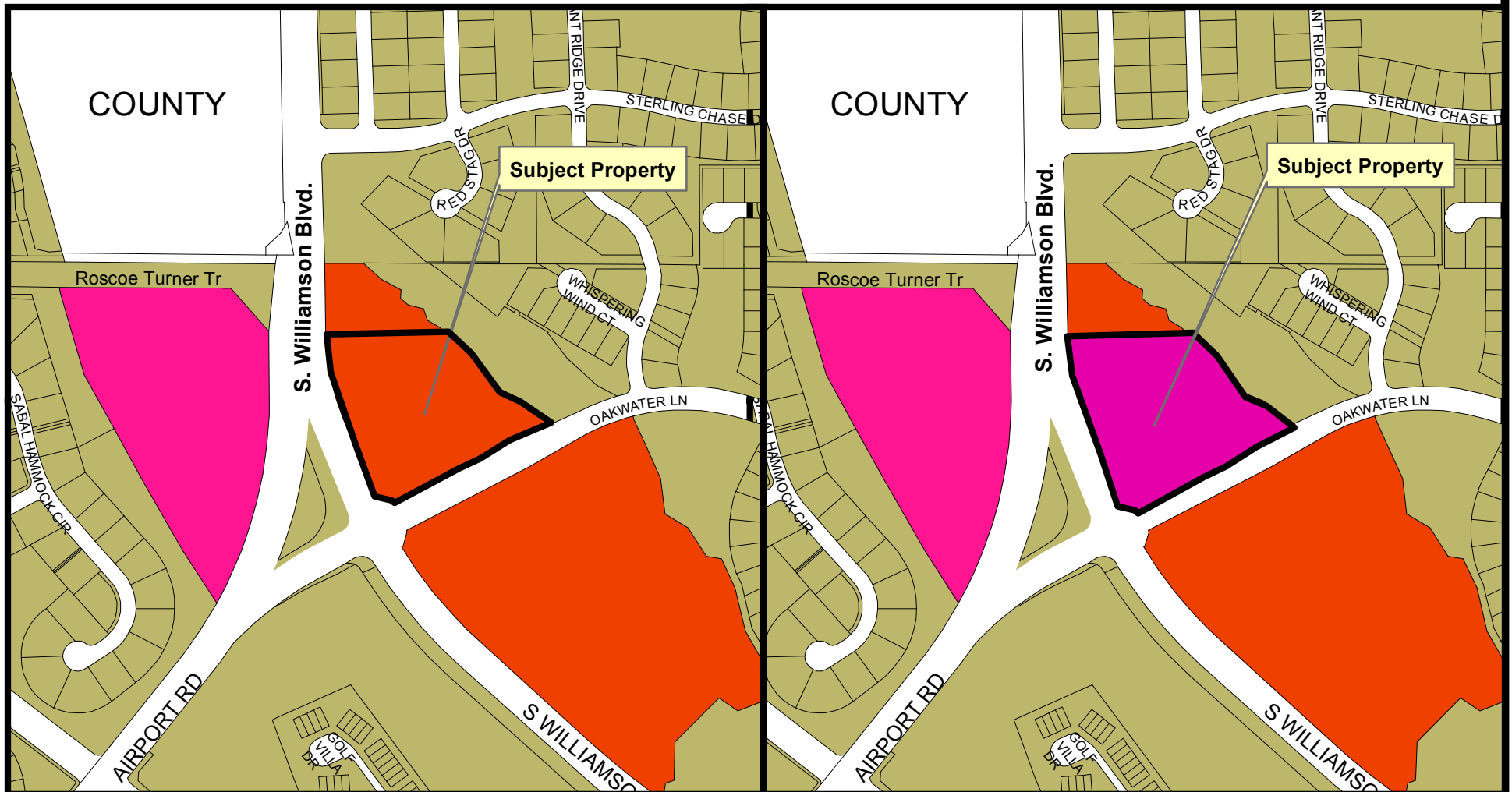
Exhibit B - Future Land Use

- | | |
|---------------------------------------|--|
| Conservation | Urban High Density Residential (8-16 Units/Acre) |
| Rural Transition (0-2 Units/Acre) | Commercial |
| Suburban Residential (2-4 Units/Acre) | Volusia County Urban Low Intensity |
| | Volusia County Environmental Systems Corridor |



CITY OF PORT ORANGE
DEPARTMENT OF COMMUNITY DEVELOPMENT





Current Zoning

Proposed Zoning

 CC Community Commercial

 PUD Planned Unit Development

 PCD Planned Commercial Development



Exhibit C - Current and Proposed Zoning

DEPARTMENT OF COMMUNITY DEVELOPMENT





STAFF REPORT

CASE NO. 18-25000005

LDC Amendment/Chapter 3, 5, 6, 13, 16 and 17

REQUEST: To amend the Land Development Code (LDC) Chapter 3, 5, 6, 13, 16 and 17, as part of an effort to update the LDC.

APPLICANT: City of Port Orange

STAFF RECOMMENDATION: **Approval**

STAFF CONTACT: Penelope Cruz, Interim Planning Manager
(386) 506-5671

PLANNING COMMISSION DATE: July 26, 2018

INTRODUCTION

Staff has been updating the Code in phases over the past several years. Prior amendments included updates to sign regulations, the “green” building initiative, erosion control, floodplain management, updates to Building Code references, county-wide Traffic Impact Analysis standards, school concurrency, Construction Standards modifications, fire impact fees, site plan and subdivision regulations, removal of select uses from the Ridgewood Corridor zoning district, zero lot line homes in the R-2D zoning district, microbreweries, architecture requirements, economic development – Ridgewood targeted businesses, and others.

SUMMARY OF PROPOSED AMENDMENT

The proposed amendments in this package are intended to improve the content of the existing Code, as part of this on-going maintenance effort. The proposed amendments include clarifications, procedural and minor changes that are simple clean-up items that make the Code and the development review process more efficient and consistent, or amendments to address problems or issues encountered when applying the Code.

Amendments to Chapter 3 – Code Administration

- The proposed amendment would add text for an inactive development project to be withdrawn from the development review project list. Currently, the LDC provides timeframes for development applications to be reviewed, resubmitted, and extensions for resubmittals. Once all of the staff comments have been satisfactorily addressed, a Development Order (DO) can be issued, which allows the developer to move into the construction phase for the project. However, in some cases there have been projects where all comments have been addressed but the issuance of the DO is pending the submittal of an executed document such as an Site Improvement Agreement (SIA), Subdivision Improvement Agreement (SIA), and Unity of Title Agreement, or payment of a Transportation Fair-Share fee. If these

documents or fees are not provided, the project can remain “on hold” for months to years. During the time the project is “on hold”, there could be changes to development requirements, standard construction details, and/or new impacts due to development that has occurred during the period the project was inactive. This was an issue during the recession and staff has noticed this issue occurring with a few recent projects.

The proposed amendment clarifies that a development application shall be deemed “abated” when the applicant fails to resolve pending conditions for the issuance of a development order for six consecutive months, and shall be deemed “abandoned” when the applicant does not resolve pending conditions for the issuance of a development order for an additional six consecutive months from the date of the Notice of Abated Application. The amendment provides for the applicant to receive a notification of the abated application after 6-months without resolving the pending conditions for issuance of a development order. A submittal after issuance of a Notice of Abated Application would pay the required resubmittal fee according to the current fee resolution, and the development plans and associated documents or studies would need to be revised to comply with current LDC or other applicable state regulations. The proposed amendment also states that if the applicant fails to resolve pending conditions for the issuance of a development order for an additional six consecutive months from the date of the Notice of Abated Application, the application would then be deemed abandoned and any subsequent submittal would require a new development application and the appropriate review fee.

- The proposed amendment is to update the current requirement for the computer-aided drafting (CAD) system files that are submitted to the City as part of the Final Inspection request for a site or subdivision. The amendment would require that the as-built CAD files be in State Plane Coordinates NAD83. With the as-built CAD files in the State Plane Coordinates NAD83, it will allow the City’s staff, specifically GIS, to use the as-built CAD files in various mapping applications. The change does not weaken any standards or level of review of as-builts, just update the type of electronic files submitted, so the City can utilize the files with current and future software applications and provide more readily available information to the public.
- The proposed amendment is to add text that the resubmittal of final as-built drawings for a site or subdivision development project to address discrepancies and corrective actions requested by staff shall be submitted to the City no later than thirty (30) days after issuance of Certificate of Occupancy and/or final acceptance of improvements, as applicable. Currently, the Code requires as-built drawings for a development project be provided to the City as part of the Final Inspection process, but there is no process in the LDC for the review or acceptance of the as-built drawings. Currently, staff receives the as-built drawings when a final inspection is requested for a development project, and City staff will review the as-builts and provide the project engineer with comments to be addressed. All staff

comments are to be addressed prior to acceptance of the site work. The proposed amendment would establish the process for as-builts drawings to be reviewed and a provision to allow a Certificate of Occupancy and/or final acceptance of improvements to be issued if there are minor discrepancies and corrective actions needed. The changes would not weaken the standards or level of review for the as-built drawings, just provide standards and timeframes for the review process.

- The proposed amendment would remove the limit restriction for the number of large-scale comprehensive plan amendments submittals the City could process. Prior to 2011, the State of Florida only allowed a City to submit two large-scale comprehensive amendments a year, but this limitation was removed from State law in 2011. The proposed change would not weaken the standards or level of review of a large-scale comprehensive plan, just align the City's standards with the current State submittal requirements for large-scale comprehensive plan amendments.

Amendments to Chapter 5 – Subdivisions (Street Signs and Monumentation)

- The proposed amendment is to clarify that the developer of a commercial or residential development is required to purchase and install all required street identification and traffic control signs for a new subdivision. Currently, the LDC requires the City to install the required street and traffic control signs and then charge the developer. According to Public Works staff, the City stopped making and installing signs for new subdivisions in the 1990's. The proposed amendment would clarify in the LDC that the developer of a subdivision is required to purchase and install all required street identification and traffic control signs as part of a new subdivision.
- The proposed amendment is to reference the requirements of F.S. Chapter 177 and Chapter 61G17-6, Florida Administrative Code, for monumentation purposes related to a subdivision plat. Monumentation is the process of placing markers on a surveyed area of land for the purpose of distinguishing the boundary and elevations identified during the completion of a professionally conducted survey. The proposed amendment would update the City's requirements for monumentation and comply with the standard State requirements for monumentation. The subdivision review process will still require a thorough final plat review by the Staff Development Review Committee (SDRC), Planning Commission, and City Council. The changes would not affect any of the current subdivision design requirements and not weaken the standards or level of review of the plat, just align the City's standards with the State standard requirements.

Amendments to Chapter 5 and 6 - Site and Subdivision Improvement Agreements

- The proposed amendment is to clarify the submittal and signature requirements for a Site or Subdivision Improvement Agreement (SIA). The SIA is an agreement prepared by the City between the City and a property owner or developer that guarantees completion of public improvements (on-site or off-site) depicted on an approved set of site or subdivision

construction plans and requires a one-year warranty on the improvements referenced in the SIA. The SIA is prepared by the City Attorney's office and is given to the developer to sign.

Currently in the LDC, three signed copies of the SIA for a subdivision project are to be submitted to the City after the subdivision item goes before Planning Commission, and the SIA is to be signed by the City Manager and recorded prior to issuance of a Development Order for the subdivision. As for the submittal of an SIA for a site plan project, one signed copy of the SIA is to be submitted to the City and it is to be signed by the Mayor and attested by the City Clerk prior to issuance of a Development Order.

The amendment would make the submittal quantity and signature requirements for a Subdivision Improvement Agreement and a Site Improvement Agreement the same. The proposed amendment would clarify that one signed copy of the SIA is to be submitted to the City to be signed by the Mayor and attested by the City Clerk and recorded prior to issuance of a Development Order. The change would not affect how the SIA is prepared or requirements in the SIA, just provide consistency in who is required to sign the document and the number of copies to be provided to the City by the developer.

Amendment to Chapter 6 – Site Development (Unity of Title Agreements)

- The proposed amendment would modify the signature requirement for an Unity of Title Agreement to be consistent with a Site or Subdivision Improvement Agreement (SIA). A Unity of Title Agreement is a standard document between the City and a property owner that binds multiple parcels or lots together for the purpose of meeting site development requirements, allowing the lots or parcels to be treated as a single, unified development site. Currently, the agreement is prepared by the City Attorney's office and requires the property owner, the Mayor and the City Manager to sign the agreement. The amendment would require the Unity of Title Agreement to be signed by the Mayor and attested by the City Clerk. The changes would not affect how the Unity of Title Agreement is used, just provide consistency to who is required to sign the Unity of Title Agreement.

Amendments to Chapter 13 – Landscaping and Buffers

- The proposed amendment would make the required size of a replacement shade tree for a single-family and two-family lot consistent throughout the LDC and reduce miscommunication between the City and tree removal contactor or property owner regarding the size of a shade tree. A replacement shade tree is required when an existing shade tree is removed from a residential lot that has been issued a Certificate of Occupancy (CO) and does not meet the minimum number of shade trees required by the LDC. As part of the tree removal process, the tree removal contactor or property owner is required to replant replacement tree(s) to meet the minimum shade tree requirement in the LDC.

Currently, there are three size requirements for a shade tree on a single-family and two-family lot. For replacement shade trees, Chapter 9 requires a minimum size of two-inch caliper, ten feet high, and Chapter 13 requires a minimum of one-inch caliper, eight feet high. Also, in Chapter 13, there is a third size requirement for a shade tree being installed on a new residential lot that a Certificate of Occupancy (CO) has not been issued of two and a half-inch caliper, ten feet tall. In researching nurseries in the area, a two and a half-inch caliper is more common in most of ten-foot-tall shade tree species.

The proposed amendment would require a new or replacement shade tree be at least two and half-inch caliper and ten feet tall. The change will not affect the number of shade trees required on a lot, just make the size requirement for a new and replacement shade tree consistent.

Amendments to Chapter 16 – Home Occupations

- The proposed amendment would allow real-estate sales and brokerage offices as a permitted home occupation, subject to all meetings being held off-site; and expand the type of lessons that can be taught at an instructor's home. The current regulations for home occupations allow a resident to work at their home as an accessory use. The intent of the code is to preserve the principal residential use while allowing a greater flexibility for the resident to be employed. In recent years, there have been requests to allow:
 1. Real-estate and brokerage uses as allowable home occupations; and
 2. Expand the type of private lessons that can be taught at a residence to no more than one student per session and to include, but not limited to swimming, education, gymnastic, karate, speech, cooking, etc.

These changes are based on the economy and technological advances that have reduced obstacles in working at home and have led to residents wanting to expand the list of permitted home occupations. The current LDC allows for professional office uses that do not include clients or employees coming to the home, off-site sales of crafts produced at a home, and off-site services for other homeowners (e.g. handyman) but prohibits real-estate and brokerage uses and limits instructional services to just dance and music.

These updates would not affect any of the current restrictions for home occupations in the LDC that minimize impacts associated with home occupations, just update the uses that can be home occupations.

Amendments to Chapter 16 – Residential Outdoor Storage

- The proposed amendment would define a "temporary storage container" and create location and time limitation requirements for placement on a property with residential zoning. According to Code Enforcement staff,

complaints regarding temporary storage containers on residential property for extended periods of time have been increasing over the years. However, there are no regulations on the amount of time or location a temporary storage container can be on residential property. The proposed amendment would create requirements for residents utilizing a temporary storage container, and provide requirements for Code Enforcement to cite when a temporary storage container has been located on a residential property for an extended period of time.

The proposed amendment would provide reasonable use of a temporary storage container but ensure surrounding properties are not negatively impacted:

1. A temporary storage container would be allowed on a residential property for a maximum of 30-days in a one-year period;
2. A temporary storage container can be used as part of construction work being done at a residential property during construction, as long as there is an active Building Permit. The temporary storage container is to be removed within 7-days after the last building inspection;
3. A temporary storage container cannot be used to store solid waste, construction debris, recyclable materials, business inventory, commercial goods, or illegal or hazardous materials; and
4. A temporary storage container is to be set back 5 feet from any property line and placed on a driveway or hard surface.

Amendments to Chapter 17 – Planned Community-Agriculture (PC-A) individual zoning district disclosure notice

- The proposed amendment is to remove the individual disclosure notice requirement for lots with a building coverage between 36% and 50% located in the Neighborhood District of the Planned Community-Agriculture (PC-A) zoning district. In 2006, Ordinance 2006-36 was approved to allow a developer to increase the maximum building coverage for a single-family lot from 35% up to 50% if additional subdivision requirements were provided, such as, increased open space, recreational amenities, and entry features. At the request of Council, the 2006 Ordinance included a requirement that an individual disclosure notice be signed by the new lot owner to inform them of the maximum building coverage requirement for their lot. The individual lot disclosure notice is in addition to the standard notices provided through the subdivision plat notes and a separate notice document recorded with the plat.

The proposed amendment would only eliminate the individual lot disclosure notice that is required at the time a Certificate of Occupancy is issued. The building coverage requirement will still be noticed on the recorded subdivision plat and the building coverage notice for the subdivision will also be recorded along with the plat. Therefore, if the amendment is approved, sufficient recorded notice of the building coverage requirement will remain and be available during a due diligence review of the public records for a subject property. The proposed amendment will alleviate potential title

issues for future home owners, eliminate city staff from preparing duplicate documents for recording, and streamline the process for issuing a Certificate of Occupancy for a new home.

RECOMMENDATION

Approval of the amendments to Chapter 3, 5, 6, 13, 16 and 17 of the Land Development Code.