

**FLAGLER COUNTY
PLANNING AND DEVELOPMENT BOARD
REGULAR MEETING
Flagler County Government Services Building
Board Chambers
1769 East Moody Blvd., Bunnell, FL
MEETING MINUTES
Tuesday, October 9, 2018 at 6:00 PM**

Adopted 11/13/18

1 **MEMBERS PRESENT:** Chairman Mark Langello, Michael Boyd, Timothy Conner and Anthony
2 Lombardo.

3
4 **MEMBERS ABSENT:** Lauren Kornel (excused)

5
6 **STAFF PRESENT:** Craig Coffey, County Administrator; Adam Mengel, Planning Director; Gina
7 Lemon, Development Review Planner III; and Wendy Hickey, Planner.

8 **BOARD COUNSEL:** Kate Stangle, of Broad and Cassel

9
10 **Chairman Langello** called the meeting to order

11
12 **1. Roll Call.**

13 Attendance was confirmed by Ms. Lemon and a quorum was present.

14
15 **2. Pledge of Allegiance.**

16 Chairman Langello led the Pledge of Allegiance to the Flag.

17
18 **3. Approval of the July 10, 2018 and August 14, 2018 regular meeting minutes.**

19
20 *Motion to approve made by Mr. Connor seconded by Mr. Lombardo*
21 *Motion carried unanimously*

22
23 **4. Quasi-judicial requiring disclosure of ex parte communication:**

24 Application #3146 – VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT)
25 **DISTRICT**– request for a 2.15 foot rear yard setback variance from the 10 foot minimum rear
26 yard setback for a single family home located at 223 Ashford Lakes Circle within Ashford
27 Lakes Estates PUD subdivision; Parcel Number: 22-14-31-0250-00000-0620; 0.35+/- acres
28 Owner: Christopher Guy and Sandra Lynn Higgs/Applicant: Colby Moore, CM Custom Pool
29 Designs.

30
31 **Chairman Langello** asked for ex-parte disclosures; no disclosures were made.

32
33 **Ms. Hickey**, presented the staff report and recommendation.

34
35 Staff recommends that the Planning and Development Board finds that all the variance criteria as
36 listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore
37 approves a 2.15 foot variance from the minimum 10 foot rear yard setback for a pool/spa at 223
38 Ashford Lakes Circle (Parcel #22-14-31-0250-00000-0620).

39

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1 **Mr. Coby Moore, of CM Custom Pool Design 1424 Ridgewood Ave, Holly Hill,** applicant
2 gave an explanation of the situation and reasoning behind the variance request.

3
4 **Chairman Langelo** opened the Public Hearing.

5
6 **Ginette Foli, 221 Ashford Lakes Circle,** spoke in support of the variance.

7
8 **Tim Foli, 221 Ashford Lakes Circle,** spoke in support of the variance.

9
10 **Chairman Langelo,** closed the public hearing and asked if the Board had any questions.

11
12 *Motion to approve made by Mr. Boyd, seconded by Mr. Connor.*
13 *Motion carried unanimously*

14
15
16 5. Quasi-judicial requiring disclosure of ex parte communication:

17 Application #3089 – **APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT**
18 **DEVELOPMENT) DISTRICT** – request for review of a PUD Development Agreement and
19 PUD Site Development Plan and Preliminary Plat in the PUD District for Deerfield Trace at
20 Hunters Ridge. Parcel Number: 22-14-31-0000-01010-0100; 17.98+/- acres. Owner: Royal Lions
21 Gate, LLC/Applicant: Parker Mynchenberg & Associates, Inc.

22
23 **Chairman Langelo** asked for ex-parte disclosures; no disclosures were made.

24
25 **Mr. Mengel** presented the staff report including a brief over view and recommendation.
26 Request the Planning and Development Board recommend to the Board of County
27 Commissioners:

28 1. approval of PUD Development Agreement and PUD Site Development Plan for Deerfield
29 Trace at Hunter’s Ridge, finding that the proposed PUD is consistent with the Comprehensive
30 Plan, the Land Development Code, and the Hunter’s Ridge DRI Development Order, and adopted
31 through an ordinance titled similar to:

32 AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY
33 COMMISSIONERS, FLAGLER COUNTY, FLORIDA ADOPTING THE PUD
34 (PLANNED UNIT DEVELOPMENT) DEVELOPMENT AGREEMENT FOR
35 DEERFIELD TRACE SUBDIVISION AT HUNTER’S RIDGE; PROVIDING FOR
36 FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

37 and
38

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- 1 2. approval of a Preliminary Plat for Deerfield Trace at Hunter’s Ridge finding that the proposed
- 2 plat is consistent with the Comprehensive Plan, the Land Development Code, and the Hunter’s
- 3 Ridge DRI Development Order, subject to the following conditions:
- 4 a. all development to be completed consistent with approved construction plans; and
- 5 b. development not to commence until:
- 6 i. issuance by the City of Ormond Beach and Florida Department of Environmental
- 7 Protection permits for extension of water and wastewater to service the subdivision;
- 8 ii. issuance of St. Johns River Water Management District permit(s); and
- 9 iii. issuance of a Flagler County land development permit following satisfaction of any
- 10 outstanding Development Engineering comments.
- 11 c. the Board waives the secondary means of ingress and egress requirement (LDC Section
- 12 4.06.02M)

13
14 **Steve Buswell P.E.; R.L.A., of Parker Mynchenberg & Associates, 1729 Ridgewood Ave.**

15 **Holly Hill**, thanked staff and stated he was available for questions.

16
17 **Chairman Langello** asked if the density had changed over the years and is the proposed

18 location for the development sign depicted on the preliminary plat?

19
20 **Mr. Mengel** responded no, the density has not changed.

21
22 **Mr. Buswell** responded that there are designated signage tracts on the plat.

23
24 **Chairman Langello** opened the Public Hearing. Seeing no one approach the podium he closed

25 the Public Hearing.

26
27 **Chairman Langello** asked for a motion.

28
29 *Motion to approve with recommended conditions made by Mr. Lombardo, seconded by Mr.*

30 *Boyd.*

31 *Motion carried unanimously.*

- 32
33
34 6. Quasi-judicial requiring disclosure of ex parte communication:
- 35 Application #3149 – APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT
- 36 DEVELOPMENT) DISTRICT – request for review of an amendment to the Plantation Bay
- 37 Section 2AF, Unit 8 PUD (Planned Unit Development) Site Development Plan and Specific
- 38 Development Standards. Part of Parcel Number: 03-13-31-0000-01010-0020; 55.0+/- acres.
- 39 Owner: WL Residential Land, LLC/Applicant: Jerry Finley, P.E., Finley Engineering Solutions,
- 40 Inc.

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1
2 **Chairman Langelo** asked for ex-parte disclosures; no disclosures were made.
3

4 **Mr. Mengel** presented the staff report including a brief overview and recommendation.
5 Request the Planning and Development Board to recommend to the Board of County
6 Commissioners approval of the amendment to the PUD Site Development Plan for Plantation Bay
7 Section 2A-F Unit 8 and the amendment to the Specific Development Standards for Plantation
8 Bay Section 2A-F Units 5, 6, 7, 8, and 9 adopted through an ordinance titled similar to:
9

10 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
11 FLAGLER COUNTY, FLORIDA AMENDING ORDINANCE NO. 2007-16,
12 ORDINANCE NO. 2012-01, AND ORDINANCE NO. 2016-06 BY AMENDING
13 AND RESTATING IN ITS ENTIRETY THE SUPPLEMENTAL DEVELOPMENT
14 CRITERIA FOR PLANTATION BAY, SECTION 2A-F, UNITS 5, 6, 7, 8, AND 9;
15 PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.
16

17 **Jerry Finley P.E., Finley Engineering Solutions 3959 S Nova Rd Port Orange**, applicant
18 stated he had David Haas representing the owner if there were any questions.
19

20 **Mr. Connor** asked this project has a continuing road that is to be barricaded and this is more
21 than a quarter of a mile and even though it is not a cul de sac there is no secondary access at
22 this point is fire suppression engineered into this project?
23

24 **Mr. Finley**, yes we are creating a 10 inch water main loop as we go and it comes off a 12 inch
25 loop that is already in place coming from the water plat going throughout the community.
26

27 **Chairman Langelo** opened the Public Hearing. Seeing no one approach the podium he closed
28 the Public Hearing.
29

30 **Chairman Langelo** asked for a motion.
31

32 *Motion to approve made by Mr. Boyd, seconded by Mr. Lombardo.*
33 *Motion carried unanimously.*
34
35

- 36 7. Quasi-judicial requiring disclosure of ex parte communication:
37 Application #3151 – APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT
38 DEVELOPMENT) DISTRICT – request for review of a Preliminary Plat in the PUD (Planned
39 Unit Development) District for Renaissance at Hammock Dunes; Parcel Number: 04-11-31-
40 2984-000E1-0180; 7.77+/- acres. Owner: Oare Associates, LLC/Applicant: Robert E.

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1 Dickinson, RLA; Dickinson Consulting, Inc.

2
3 **Chairman Langelo** asked for ex-parte disclosures; no disclosures were made.

4
5 **Mr. Mengel** presented the staff report, a brief over view and recommendation

6
7 Request the Planning and Development Board recommend approval to the Board of County
8 Commissioners of Application #3151, the Preliminary Plat and Construction Plans for
9 Renaissance at Hammock Dunes, finding that the requested amendment is consistent with the
10 Comprehensive Plan and the Land Development Code, subject to the following conditions:

- 11 1. all development to be completed consistent with approved construction plans, subject to
12 resolution of outstanding Development Engineer comments; and
13 2. development not to commence until:
14 a. issuance of a County land development permit; and
15 b. execution and recording in the public records of the temporary construction and permanent
16 secondary emergency easement through the County's Greenway parcel.

17
18 **Chairman Langelo** asked the status of the secondary access that was in question during the Site
19 Development Plan application a few months earlier.

20
21 **Mr. Mengel** stated that the Board approved it and the County and Applicants' attorney are
22 working out the details which would most probably be in the form of an easement agreement. The
23 site development plan was approved conditioned upon that agreement being in place. There will
24 be no land development before that easement is in place.

25
26 **Chairman Langelo**, asked if the access will the access end at a certain time?

27
28 **Mr. Mengel** stated it will end on its temporary construction portion at the end of the horizontal
29 improvements within the subdivision and inclusive of two model homes. At that point it becomes
30 a permanent secondary ingress/egress it would have a Knox box or Knox gate it will have ongoing
31 maintenance responsibility of the HOA. It will still be there and hopefully never needed.

32
33 **Mr. Connor** asked so this road will be available only for the horizontal and not the vertical
34 construction.

35
36 **Mr. Mengel** replied yes

37
38 **Robert Dickinson RLA, Dickinson Consulting, Inc. 33 Old Kings Rd North, Palm Coast,**
39 applicant stated Mr. Mengel's presentation and his responses to Board comments was accurate
40 and that he and the engineer are available for any questions.

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Mr. Lombardo, asked if the lots would be ready for building

Mr. Dickinson, state the lots would be filled to grade per the construction plans.

Chairman Langelo, asked about the definition of age restriction

Jay Livingston Esq., Livingston and Sword, P.A., 383 Palm Coast Pkwy. SW Palm Coast, attorney for the applicant age restrictions for a 55 plus community are based on Federal Law and went in to some detail about the requirements.

Chairman Langelo opened the Public Hearing. Seeing no one approach the podium he closed the Public Hearing.

Chairman Langelo asked for a motion.

*Motion to approve with recommended conditions made by Mr. Connor, seconded by Mr. Boyd.
Motion carried unanimously.*

8. Quasi-judicial requiring disclosure of ex parte communication:
Application #3152 – APPLICATION FOR SPECIAL USE – request for a special use for a 350 foot telecommunications tower within the R-1 (Rural Residential) and PUD (Planned Unit Development) Districts located at 1250 South Old Dixie Highway. Parcel Number: 04-13-31-0650-000D0-0040; 19.69+/- acres. Owner/Applicant: Board of County Commissioners of Flagler County/Agent: Jarrod Shupe, Flagler County Innovation Technology Director.

Chairman Langelo asked for ex-parte disclosures; no disclosures were made.

Mr. Mengel presented the staff report, a brief history of the progression of this request and recommendation.

Request the Planning and Development Board recommend to the Board of County Commissioners that the special siting criteria have been met and recommend approval of a Special Use for a 350-foot Public Safety Telecommunication Tower at 1250 South Old Dixie Highway subject to the following conditions:

- 1) tower to accommodate up to six (6) wireless service or communication providers/users;
- 2) issuance of FAA Determination of No Hazard to air navigation;
- 3) contractor to attempt to preserve index trees on site throughout site development;
- 4) elimination of the perimeter landscape buffer surrounding the fenced compound;

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- 1 5) authorization to paint the lower 50 feet of the tower as either forest green or brown (“Java”),
2 as previously approved by the Board of County Commissioners, with the remaining tower
3 height to be painted with a non-contrasting blue or gray finish or galvanized finish;
4 6) tower lighting to be shielded so as to reduce downcast to the greatest extent possible.
5

6 **Jarrold Shupe, Innovation Technology Director, Flagler County**, applicant gave an overview
7 of the project noting how it has changed from the originally approved 199 foot tower.
8

9 **Chairman Langelo** opened the Public Hearing.
10

11 **David Haas, ICI Homes 100 Plantation Bay Drive, Ormond Beach**, representing the Westlake
12 HOA and Master Developer of Plantation Bay. We did have concerns but they have been
13 addressed and we support the collaborative tower between Flagler and Volusia Counties and we
14 hope that they lease space to cell providers that provides limited service to Plantation Bay today
15 and that service will improve for all of Plantation Bay.
16

17 **Chairman Langelo** asked for any other speakers. Seeing no one approach the podium he closed
18 the Public Hearing.
19

20 **Chairman Langelo** asked for a motion.
21

22 *Motion to approve with recommended conditions made by Mr. Connor and seconded by Mr.*
23 *Boyd*

24 *Motion carried unanimously.*
25
26

- 27 9. Quasi-judicial requiring disclosure of ex parte communication:
28 Application #3153 – VARIANCES IN THE R-1 (RURAL RESIDENTIAL) AND THE PUD
29 (PLANNED UNIT DEVELOPMENT) DISTRICT – request for: a 200 foot variance from the
30 150 foot maximum height of a telecommunications tower within the R-1 (Rural Residential) and
31 PUD (Planned Unit Development) Districts; and a 475 foot variance from the 700 foot minimum
32 separation distance to the nearest off-site single-family residential zoning district; located at
33 1250 South Old Dixie Highway; Parcel Number: 04-13-31-0650-000D0-0040; 19.69+/- acres.
34 Owner/Applicant: Board of County Commissioners of Flagler County/Agent: Jarrod Shupe,
35 Flagler County Innovation Technology Director.
36

37 **Chairman Langelo** asked for ex-parte disclosures; no disclosures were made.
38

39 **Mr. Mengel** presented the staff report, a brief history of the progression of this request and
40 recommendation.

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1
2 The Planning and Development Board finds that based on the testimony and evidence presented
3 that all variance guidelines have been met to permit a 350 foot self-supporting emergency services
4 telecommunication tower within the R-1 (Rural Residential) district at 1250 South Old Dixie
5 Highway (Parcel #04-13-31-0650-000D0-0040) and approve Application #3153 for:
6 1. a 200 foot variance from the maximum tower height of 150 feet; and
7 2. a 475 foot variance from the 700 foot minimum separation distance to the nearest off-site
8 single-family residential zoning district.
9

10 **Mr. Mengel**, added that he did receive correspondence from Jane Gentile-Youd and provided it
11 to the Board and staff and is attached to these minutes as Attachment ‘A’ He also noted an
12 inquiry about health effects and his discussion of the Telecommunications Act of 1996 has a
13 preemption clause that preempts radio frequency communications and the regulation of those
14 communication to the FCC. Local Governments cannot base any of their regulatory actions
15 specifically from any allegation of any adverse health effects due to the radio telecommunications
16 frequency or the radiation that comes from it.
17

18 **Jarrod Shupe, Innovation Technology Director, Flagler County**, applicant repeated his
19 overview of the project noting how it has changed from the originally approved 199 foot tower.
20

21 **Chairman Langelo** asked what wind load it can withstand and would it collapse upon itself.
22

23 **Mr. Shupe** stated a Cat 4- Cat5 hurricane and it would collapse upon itself noting a hinge on the
24 tower about halfway up.
25

26 **Chairman Langelo** opened the Public Hearing.
27

28 **Roksolana Martyniuk, 240 Bayberry Village Rd. Bunnell**, asked what are the setbacks for
29 the tower from residential houses. Will the park will remain and if so the tower would be behind
30 them. Would it be safe for the people to be in the park?
31

32 **Chairman Langelo**, stated the tower would be in front of the park.
33

34 **Mr. Mengel**, the setback would be a 700 foot separation and we are asking for a variance of 425
35 feet
36

37 **Chairman Langelo**, clarified that it is from the nearest residential property not a home and it
38 would be further from a home
39

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- 1 **Mr. Mengel**, yes the two houses are.
- 2
- 3 **Mr. Boyd**, asked so there are no homes within the setback distance?
- 4
- 5 **Mr. Mengel**, responded that is correct.
- 6
- 7 **Chairman Langelo**, stated it appears like one is about 1200 feet and the other over well over
- 8 800 feet.
- 9
- 10 **Mr. Mengel**, this is based on the scale on the map in staff report graphic.
- 11
- 12 **Chairman Langelo** asked for any other speakers. Seeing no one approach the podium he closed
- 13 the Public Hearing.
- 14
- 15 *Motion to approve made by Mr. Boyd and seconded by Mr. Lombardo*
- 16 *Motion carried unanimously.*
- 17
- 18 10. Quasi-judicial requiring disclosure of ex parte communication:
- 19 Application #3155 – **VARIANCE IN THE C-2 (GENERAL COMMERCIAL AND**
- 20 **SHOPPING CENTER) DISTRICT** – request for a 5 foot front landscape buffer variance from
- 21 the 25 foot minimum front landscape buffer requirement on 54.75+/- acres located East of
- 22 Aviation Drive and South of State Road 100; Parcel Number: 08-12-31-0650-000B0-0070.
- 23 Owner: Flagler Pines Properties, LLC/Applicant: Martin Heise, City Construction and
- 24 Development.
- 25
- 26 **Chairman Langelo** asked for ex-parte disclosures; no disclosures were made.
- 27
- 28 **Ms. Hickey**, presented the staff report and recommendation.
- 29
- 30 Staff recommends that the Planning and Development Board finds that all the variance criteria as
- 31 listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore
- 32 approves a 5 foot variance from the minimum 25 foot front landscape buffer for Airport Commons
- 33 (a 3.83+/- acre portion of Parcel #08-12-31-0650-000B0-0070):
- 34
- 35 **Jay Livingston Esq., Livingston and Sword, P.A., 383 Palm Coast Pkwy. SW Palm Coast,**
- 36 representing the applicant, gave a brief overview of the project and the unique situation that
- 37 creates the need for the variance.
- 38
- 39 **Chairman Langelo** opened the Public Hearing. Seeing no one approach the podium he closed
- 40 the Public Hearing.

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*Motion to approve made by Mr. Boyd and seconded by Mr. Connor
Motion carried unanimously.*

11. Staff Comments

None.

12. Board Comments

Chairman Langelo stated that we need more Board Members.

13. Public Comments - Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.

14. Adjournment

Motion made by Mr. Lombardo at 7:20 p.m.

Prepared by: Wendy Hickey
Reviewed by: Adam Mengel

Attachment A

Adam Mengel, AICP, LEED AP BD+C

From: Jane Gentile-Youd <vote4jane@aol.com>
Sent: Tuesday, October 9, 2018 2:53 PM
To: Adam Mengel, AICP, LEED AP BD+C
Subject: Huge cell tower 1250 S Old Dixie

Dear Mr.Mengel,

It's been an ordeal with this tower – first the change in location – the light issue and now a new height, taller than ever.

However, as long as the property owners who reside at least within the same distance as the height of the tower and then some have been advised and have no objections and as long it is built with the safest of FAA approved lighting that will not be an intrusion on the surrounding area and it is painted a deep forest green to blend in with the trees I would have to say --- I personally have no objection other than the price the county has decided to pay and that the builder takes 100% responsibility in case of any tower failure causing injury to any person(s) or property damage due to physical failure of the tower.

The proximity to the nearby local airport is far less of a danger with the, tower having top rated lighting. In today's world everything (unfortunately) depends on cell towers including medical needs as well as communication needs in cases of emergency in our growing county. Please give me your assurances that those nearby homeowners and residents do not have a problem either

Thank you for your hard work and trying your best, as always.

Sincerely,

Jane (Gentile-Youd)

You may include this e-mail in the record if you wish.

Sent from [Mail](#) for Windows

Adam Mengel, AICP, LEED AP BD+C

From: Jane Gentile-Youd <vote4jane@aol.com>
Sent: Tuesday, October 9, 2018 3:19 PM
To: Sally A. Sherman; Craig Coffey
Cc: Adam Mengel, AICP, LEED AP BD+C
Subject: Make sure the cost of the tower will be secured by executed contracts from cell companies guaranteeing long term leases

Sent from [Mail](#) for Windows 10