

SP-24-01 – 8905 Erie Road Monopole, Parrish – PLN2402-0189

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER KELLY FERNANDEZ ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT SP-24-01 TO ALLOW A PERSONAL WIRELESS SERVICE FACILITY (PWSF) MONOPOLE CELL TOWER UP TO 165 FEET TALL WITH ACCOMPANYING 50-BY-50-FOOT EQUIPMENT COMPOUND ON A PROJECT AREA TO INCLUDE APPROXIMATELY 2,500 SQUARE FEET OF LEASED AREA ON A 5-ACRE TRACT OF LAND ZONED A (GENERAL AGRICULTURE) WHICH IS GENERALLY LOCATED ON ERIE ROAD, 1,000 FEET EAST OF THE INTERSECTION OF 69TH STREET EAST AND ERIE ROAD, MORE PARTICULARLY DESCRIBED AS 8905 ERIE ROAD, PARRISH (MANATEE COUNTY); SUBJECT TO CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code (LDC), Manatee County Ordinance 15-17, as amended; and

WHEREAS, pursuant to the LDC, the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Anthemnet, Inc. (Applicant) and DuWet Holdings, LLC (Landowner) requested a Special Permit to allow a Personal Wireless Service Facility (PWSF) monopole cell tower up to 165 feet tall with accompanying 50-by-50-foot equipment compound on a project area to include approximately 2,500 square feet of leased area on a 5-acre tract of land zoned A (General Agriculture); and

WHEREAS, on June 15, 2026, the aforementioned Hearing Officer held a public hearing to receive the staff report, applicant, and public comment, and argument regarding the proposed Special Permit.

NOW, THEREFORE, after consideration of the application for Special Permit 24-01 requested by Anthemnet, Inc. and DuWet Holdings, LLC, the Hearing Officer makes the following Findings of Fact and Conclusions of Law and issues the Final Order as follows:

Section 1. Findings of Fact. The aforementioned Hearing Officer, after considering comment, argument, evidence, documentation, and staff report presented, as well as all other matters presented at the Public Hearing above referenced, hereby makes the following Findings of Fact:

- A. The site is in the UF-3 (Urban Fringe-3) Future Land Use Category.
- B. The site is in the A (General Agriculture) zoning district and is not in an overlay district.

- C. The request is to approve a Special Permit allowing a Personal Wireless Service Facility (PWSF) monopole cell tower up to 165 feet tall with accompanying 50-by-50-foot equipment compound on a project area to include approximately 2,500 square feet of leased area on a 5-acre tract of land.
- D. The site lies in A and X Zone, Panel# 12081C0178E, effective 3/17/2014.
- E. The proposed PWSF will be unilluminated.
- F. The applicant reduced the height of the proposed PWSF from its original request of 195 feet and stated the height could not be reduced further.
- G. The Site Acquisition Methodology letter states that the subject site is the only viable site within a 2-mile radius.
- H. The nearest overhead power line is 182 feet from the proposed PWSF on the west property line.
- I. There are no on-site residential uses.
- J. In the event of a structural failure, the proposed PWSF is designed to fold over upon itself resulting in a fall radius of 60 feet and being completely contained within the leased parcel.
- K. When a PWSF will abut residentially zoned or used property, the required setback is 200 feet or 200% of the height of the tower, whichever is greater, unless the Department Director reduces the setback to 100% of the tower height due to the applicant demonstrating that service cannot be provided without the reduction.
- L. The property to the west is zoned General Agriculture (A) and used as a school. Therefore, the applicable side setback on the west side is 50 feet.
- M. Multiple residents submitted oral and written comments primarily concerning aesthetics, compatibility, perceived health risks to humans, and impacts on property values.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the testimony, evidence, documentation, and the staff report presented, and a review of the applicable provisions of the Manatee County Comprehensive Plan and Manatee County LDC, the above referenced Hearing Officer hereby makes the following Conclusions of Law:

- A. This Hearing Officer has jurisdiction over the parties and subject matter in this proceeding pursuant to the LDC.
- B. The applicant has the burden of proving entitlement to the Special Permit it seeks. Irvine v. Duval City Planning Commission, 495 So.2d 167 (Fla. 1986); Florida Department of Transportation v. J.W.C. Company, Inc., 396 So.2d 778 (Fla. 1st DCA 1981).
- C. The proposed use is consistent with the Manatee County Comprehensive Plan. The UF-3 Future Land Use category allows for a range of potential uses including public/semi-public uses, which includes PWSFs.

- D. The proposed use is in compliance with and meets the Manatee County LDC, including Sections 316.6 (Special Permit Review Criteria) and 531.37 (Personal Wireless Service Facilities), and it is a permitted use in the A (General Agriculture) zoning district with a special permit.
- E. The proposed use complies with guidelines and standards set by regulatory agencies, like the Federal Communications Commission (FCC) and National Environmental Policy Act (NEPA), related to radiofrequency exposure and emissions from cell towers.
- F. The Federal Telecommunications Act of 1996 provides that local ordinances may not “unreasonably” discriminate among providers of functionally equivalent services. Tower siting policies must not favor one company, or one technology, over another. Local governments may not impose a blanket prohibition against the placement of telecommunications towers and local ordinances may not impose more stringent “environmental effects” limits on radio frequency emissions than those adopted by the FCC.
- G. The proposed use will not be detrimental to or endanger the public health, safety or general welfare.
- H. The proposed use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district.
- I. Adequate measures have been taken, and will continue, to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.
- J. The use is compatible with the surrounding uses and the general desired character of the area (height, bulk, scale, intensity, traffic, noise, drainage, lighting, and appearance).
- K. The proposed use will not have a substantial adverse effect on a known archaeological, historical or cultural resource located on or off the parcel proposed for development as there are no known resources located on or near the subject site.
- L. Adequate provisions have been made for screening and buffers to improve compatibility and harmony of the proposed uses and structures with the uses and structures of adjacent and nearby properties.
- M. The proposed use will not have a significant adverse effect on the natural environment, including land, air, water, wetlands, minerals, flora, fauna, and ambient noise.
- N. The applicant performed a site search using a methodology consistent with Section 531.37 of the LDC.
- O. Citizen testimony was largely opinion based from non-experts and therefore insufficient to form the factual basis for a denial.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to Anthemnet, Inc. (Applicant) and DuWet Holdings, LLC (Landowner) for a Personal Wireless Service Facility (PWSF) monopole cell tower up to 165 feet tall with accompanying 50-by-50-foot equipment compound on a project area to include approximately 2,500 square feet of leased area on a 5-acre tract of land which is located at 8905 Erie Road, Parrish (Manatee County), as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, subject to the following conditions:

A. DESIGN AND LAND USE CONDITIONS

1. This Special Permit shall not be effective until it has been recorded in the Public Records of Manatee County, Florida, by the applicant and a copy of the recorded Order is received by Development Services.
2. The site plan submitted with this application will be part of this approval. Administrative approval by Manatee County of a Final Site Plan will be required subsequent to the approval of this Special Permit.
3. All telecommunication support facilities shall not exceed twenty (20) feet in height.

B. ENVIRONMENTAL CONDITIONS

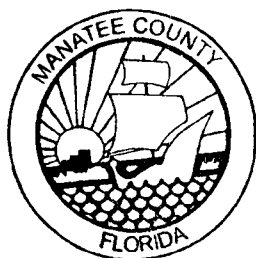
1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands or wetland buffers being approved by approval of this Special Permit.
3. The developer is responsible for ensuring that no listed species, including, but not limited to, Gopher Tortoises or their burrows are located within the project area. Listed species, and their nests and burrows, are protected by law and require a permit for relocation. If any are encountered, all construction activity must cease until a permit is obtained.
4. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the Environmental Planning Section for review and approval prior to recommencing construction activities. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing);
 - GPS coordinates (latitude/longitude) of the well;
 - The methodology used to secure the well during construction (e.g., fence, tape); &
 - The final disposition of the well - used, capped, or plugged.
5. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the FSP. Use of Manatee County public potable water supply shall be prohibited.

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Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decisions shall in no manner affect the remaining portions or sections of the Special Permit which shall remain in full force and effect.

Section 5. Effective Date. The effective date of this Special Permit shall be upon execution of this Order and its recordation in the Official Records by the applicant with the Office of the Clerk of the Circuit Court and receipt of a copy of the recorded Order by the Development Services Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 2nd day of July, 2026.



MANATEE COUNTY, FLORIDA

BY: [Signature], as
Hearing Officer for Manatee County

ATTEST: ANGELINA COLONNESO,
Clerk of the Circuit Court

BY: [Signature]
Deputy Clerk

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EXHIBIT "A"

LEGAL DESCRIPTION:

DESCRIPTION: PARENT TRACT (INSTRUMENT NUMBER 202041079701, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA)

FROM THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 33 SOUTH, RANGE 18 EAST, RUN S 89° 24' 31" W., A DISTANCE OF 2573.05 FEET TO INTERSECTION WITH THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF ERIE ROAD, ALSO BEING THE POINT OF BEGINNING; THENCE N. 63° 25' 09" E ALONG SAID SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE, A DISTANCE OF 304.95 FEET; THENCE S. 00° 12' 37" W., A DISTANCE OF 860.53 FEET; THENCE S. 86° 43' 34" W., A DISTANCE OF 272.72 FEET; THENCE N. 00° 12' 37" E., A DISTANCE OF 739.65 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTION 26 AND SECTION 35, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 655210250, MANATEE COUNTY, FLORIDA. THIS PARCEL IDENTIFICATION NUMBER IS FURNISHED PURSUANT TO SECTION 689.02 OF THE FLORIDA STATUTES AND, PURSUANT TO SUCH STATUTE, IS NOT A PART OF THE LEGAL DESCRIPTION OF THE PROPERTY AND IS NOT A SUBSTITUTE FOR THE LEGAL DESCRIPTION OF THE PROPERTY BEING CONVEYED.

DESCRIPTION: PROPOSED 50'X50' ANTHEMNET LEASE AREA (AS REQUESTED BY CLIENT)

A PARCEL OF LAND LYING WITHIN SECTION 35, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF A PARCEL AS DESCRIBED WITHIN INSTRUMENT NUMBER 202041079701, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF ERIE ROAD, AND BEING MARKED BY A FOUND 5/8" CAPPED IRON ROD (NO IDENTIFICATION); THENCE S63°17'18"W, ALONG THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF SAID ERIE ROAD, A DISTANCE OF 193.39 FEET; THENCE S14°37'42"E, DEPARTING THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF SAID ERIE ROAD, A DISTANCE OF 28.16 FEET; THENCE S04°47'14"W, A DISTANCE OF 29.03 FEET; THENCE S24°38'35"W, A DISTANCE OF 56.68 FEET; THENCE S66°09'20"W, A DISTANCE OF 54.47 FEET; THENCE S00°04'46"W, A DISTANCE OF 353.32 FEET; THENCE S89°55'14"E, A DISTANCE OF 86.23 FEET; THENCE S00°04'46"W, A DISTANCE OF 69.96 FEET; THENCE S36°47'26"E, A DISTANCE OF 25.00 FEET TO POINT OF BEGINNING; THENCE S00°04'46"W, A DISTANCE OF 50.00 FEET; THENCE N89°55'14"W, A DISTANCE OF 50.00 FEET; THENCE N00°04'46"E, A DISTANCE OF 50.00 FEET; THENCE S89°55'14"E, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID PROPOSED 50'X50' ANTHEMNET LEASE AREA CONTAINING 2,500 SQUARE FEET.

DESCRIPTION: PROPOSED NON-EXCLUSIVE ANTHEMNET ACCESS & UTILITY EASEMENT (AS REQUESTED BY CLIENT)

A STRIP OF LAND LYING WITHIN SECTIONS 26 & 35, TOWNSHIP 33 SOUTH, RANGE 18

EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF A PARCEL AS DESCRIBED WITHIN INSTRUMENT NUMBER 202041079701, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF ERIE ROAD, AND BEING MARKED BY A FOUND 5/8" CAPPED IRON ROD (NO IDENTIFICATION); THENCE S63°17'18"W, ALONG THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF SAID ERIE ROAD, A DISTANCE OF 193.39 FEET TO THE POINT OF BEGINNING; THENCE S14°37'42"E, DEPARTING THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF SAID ERIE ROAD, A DISTANCE OF 28.16 FEET; THENCE S04°47'14"W, A DISTANCE OF 29.03 FEET; THENCE S24°38'35"W, A DISTANCE OF 56.68 FEET; THENCE S66°09'20"W, A DISTANCE OF 54.47 FEET; THENCE S00°04'46"W, A DISTANCE OF 353.32 FEET; THENCE S89°55'14"E, A DISTANCE OF 86.23 FEET; THENCE S00°04'46"W, A DISTANCE OF 69.96 FEET; THENCE S89°55'14"E, A DISTANCE OF 25.00 FEET; THENCE S00°04'46"W, A DISTANCE OF 80.00 FEET; THENCE N89°55'14"W, A DISTANCE OF 70.00 FEET; THENCE N00°04'46"E, A DISTANCE OF 80.00 FEET; THENCE S89°55'14"E, A DISTANCE OF 25.00 FEET; THENCE N00°04'46"E, A DISTANCE OF 49.96 FEET; THENCE N89°55'14"W, A DISTANCE OF 86.23 FEET; THENCE N00°04'46"E, A DISTANCE OF 386.33 FEET; THENCE N66°09'20"E, A DISTANCE OF 59.90 FEET; THENCE N24°38'35"E, A DISTANCE OF 45.60 FEET; THENCE N04°47'14"E, A DISTANCE OF 22.11 FEET; THENCE N14°37'42"W, A DISTANCE OF 20.46 FEET TO A POINT ON THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF SAID ERIE ROAD; THENCE N63°17'18"E, ALONG THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF SAID ERIE ROAD, A DISTANCE OF 20.45 FEET TO THE POINT OF BEGINNING.

LESS A 50'X50' PROPOSED LEASE AREA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING WITHIN SECTION 35, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF A PARCEL AS DESCRIBED WITHIN INSTRUMENT NUMBER 202041079701, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF ERIE ROAD, AND BEING MARKED BY A FOUND 5/8" CAPPED IRON ROD (NO IDENTIFICATION); THENCE S63°17'18"W, ALONG THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF SAID ERIE ROAD, A DISTANCE OF 193.39 FEET; THENCE S14°37'42"E, DEPARTING THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF SAID ERIE ROAD, A DISTANCE OF 28.16 FEET; THENCE S04°47'14"W, A DISTANCE OF 29.03 FEET; THENCE S24°38'35"W, A DISTANCE OF 56.68 FEET; THENCE S66°09'20"W, A DISTANCE OF 54.47 FEET; THENCE S00°04'46"W, A DISTANCE OF 353.32 FEET; THENCE S89°55'14"E, A DISTANCE OF 86.23 FEET; THENCE S00°04'46"W, A DISTANCE OF 69.96 FEET; THENCE S36°47'26"E, A DISTANCE OF 25.00 FEET TO POINT OF BEGINNING; THENCE S00°04'46"W, A DISTANCE OF 50.00 FEET; THENCE N89°55'14"W, A DISTANCE OF 50.00 FEET; THENCE N00°04'46"E, A DISTANCE OF 50.00 FEET; THENCE S89°55'14"E, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

SAID PROPOSED 50'X50' ANTHEMNET LEASE AREA CONTAINING 2,500 SQUARE FEET.

SAID PROPOSED NON-EXCLUSIVE ANTHEMNET ACCESS, UTILITY, & LANDSCAPE EASEMENT CONTAINING 16,585 SQUARE FEET, MORE OR LESS.

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**DESCRIPTION: PROPOSED 60' RADIUS NON-EXCLUSIVE TOWER FALL ZONE EASEMENT
(AS REQUESTED BY CLIENT)**

A CIRCULAR PARCEL OF LAND LYING WITHIN SECTION 35, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, HAVING A RADIUS OF 60', THE CENTER/RADIUS POINT OF SAID CIRCLE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF A PARCEL AS DESCRIBED WITHIN INSTRUMENT NUMBER 202041079701, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, ALSO BEING A POINT ON THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF ERIE ROAD, AND BEING MARKED BY A FOUND 5/8" CAPPED IRON ROD (NO IDENTIFICATION); THENCE S63°17'18"W, ALONG THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF SAID ERIE ROAD, A DISTANCE OF 193.39 FEET; THENCE S14°37'42"E, DEPARTING THE SOUTHEASTERLY MAINTAINED RIGHT-OF-WAY LINE OF SAID ERIE ROAD, A DISTANCE OF 28.16 FEET; THENCE S04°47'14"W, A DISTANCE OF 29.03 FEET; THENCE S24°38'35"W, A DISTANCE OF 56.68 FEET; THENCE S66°09'20"W, A DISTANCE OF 54.47 FEET; THENCE S00°04'46"W, A DISTANCE OF 353.32 FEET; THENCE S89°55'14"E, A DISTANCE OF 86.23 FEET; THENCE S00°04'46"W, A DISTANCE OF 69.96 FEET; THENCE S89°55'14"E, A DISTANCE OF 25.00 FEET; THENCE S00°04'46"W, A DISTANCE OF 80.00 FEET; THENCE N66°43'19"W, A DISTANCE OF 38.08 FEET TO THE RADIUS POINT OF SAID PROPOSED 60' NON-EXCLUSIVE TOWER FALL ZONE EASEMENT.

SAID PROPOSED 60' RADIUS NON-EXCLUSIVE TOWER FALL ZONE EASEMENT CONTAINING 11,310 SQUARE FEET, MORE OR LESS.

Angelina "Angel" Colonnese
Clerk of the Circuit Court of Manatee County Florida
1115 Manatee Avenue West, Bradenton, Florida 34205
P.O. Box 25400, Bradenton, Florida 34206
Phone (941) 749-1800 - Fax (941) 741-4082
www.manateeclerk.com

Recorded By: AStevens
Cashiered By: SKEE

Receipt#: 900869035 Payee Name: HEATHER FOURNIER
Receipt Date: 08/12/2026

Instrument(s): 202641093290-ORDER

Receipt Total:	\$69.50
Amount Tendered:	\$69.50
Overage:	\$0.00
Service Fee	\$2.43
Total PAID	<u>\$71.93</u>

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Authorization Code: 974468 A.I.D #. Credit Card Type: Visa Card Charge: \$ 71.93

This payment will appear on your credit card or debit card statement as "Manatee County Clerk of Circuit Court". There is a non-refundable 3.5% service fee per transaction to provide this service.

Credit card Applied:	\$69.50	CREDIT CARD	20087837
Service Fee	<u>\$2.43</u>		
Amount Paid	\$71.93		

Instrument: 202641093290 ORDER

001000000341100	RECORDING FEE \$5/\$4	\$33.00
199000000341150	PRMTF \$1/\$.50	\$4.50
001000000208911	PRMTF FACC \$.10	\$0.80
199000000341160	PRMTF CLERK \$1.90	\$15.20
001000000208912	PRMTF BCC \$2	\$16.00
001000000341400	INDEXING NAMES	\$0.00
001000000229552	E-CERTIFICATION FEE	\$0.00
001000000341400	E-COPIES	\$0.00
001000000341400	E-CERTIFICATION	\$0.00
Instrument Total:		\$69.50