

**SPECIAL PERMIT NO. SP-13-05  
SPIRE/DUETTE PARK SOUTH – DTS#20130450**

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER MEG WITTMER ON BEHALF OF MANATEE COUNTY GRANTING A SPECIAL PERMIT NO. SP-13-05 TO ALLOW AN UNMANNED 195' MONOPOLE-TYPE PERSONAL WIRELESS SERVICE FACILITY (PWSF) IN THE A (GENERAL AGRICULTURE) ZONING DISTRICT LOCATED NORTH OF SR 64 AND WEST OF LOGUE ROAD AT 37851 SR 64 E, MYAKKA CITY; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (11.85 ± acres).**

**WHEREAS**, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code, Manatee County Ordinance 90-01, as amended; and

**WHEREAS**, pursuant to the Land Development Code, Manatee County Ordinance 90-01, as amended, the Hearing Officer has the authority to grant Variances; and

**WHEREAS**, BB/Manatee Associates (Spire Development, Inc. - Lease Holder) requested a Special Permit to allow an unmanned 195' monopole-type Personal Wireless Service Facility (PWSF) in the A (General Agriculture) zoning district; and

**WHEREAS**, on August 25, 2014, the aforementioned Hearing Officer held a public hearing to receive the staff, applicant, and public comment, and argument regarding the proposed Special Permit to allow an unmanned 195' monopole-type Personal Wireless Service Facility (PWSF).

**NOW, THEREFORE**, after consideration of the application for Special Permit 13-05 requested by BB/Manatee Associates (Spire Development, Inc. – Lease Holder) 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 Ag/R (Agriculture/Rural) Future Land Use Category.
- B. The request is to permit a Special Permit to allow an unmanned 195' monopole-type Personal Wireless Service Facility (PWSF) at 37851 SR 64 E, Myakka City.

**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 Land Development Code, the above referenced Hearing Officer hereby makes the following Conclusions of Law:

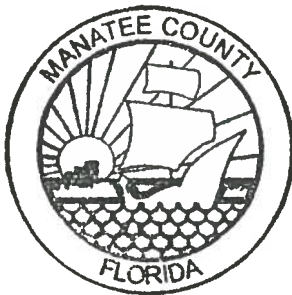
- A. This Hearing Officer has jurisdiction over the parties and subject matter in this proceeding pursuant to the Land Development Code.
- B. The applicant has the burden of proving entitlement to the Special Permit it seeks. Irvine v. Duval County Planning Commission, 495 So.2d 167 (Fla. 1986); Florida 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 Comprehensive Plan Policies 2.2.1.8.2 which list public and semi-public uses in the range of potential uses for the Ag/R FLUC and 2.1.2.7 which requires review for all proposed development for compatibility and appropriate timing.
- D. The applicant has met present requirements of the Manatee County Comprehensive Plan and present requirements for the issuance of a Special Permit pursuant to the Manatee County Land Development Code, Sections 505.2, and 704.59.
- E. Adequate measures have been taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.
- F. Adequate measures have been taken to ensure that the proposed use is consistent with the community character of the immediate neighborhood.
- G. There are no known archaeological, historical, or cultural resources on-site.
- H. Adequate provisions have been made for buffers, landscaping, public open space, and other improvements associated with the proposed use.
- I. The installation of the required screening and landscaped buffers will minimize the adverse effects of the proposed use on adjacent properties to the north, south, east and west.

**Section 3. Order.** Based upon the foregoing, a Special Permit is hereby approved and issued to BB/Manatee Associates (Spire Development, Inc. – Lease Holder) and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a Special Permit allow an unmanned 195' monopole-type Personal Wireless Service Facility (PWSF).

**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 Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 23rd day of September, 2014.



MANATEE COUNTY, FLORIDA

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

ATTEST: R. B. Shore,  
Clerk of the Circuit Court

BY: [Signature]  
Deputy Clerk

**EXHIBIT “A”**

**SPIRE DEVELOPMENT, INC. – LEASE PARCEL – DUETTE PARK SOUTH**

A PORTION OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 1, THENCE NORTH 00°22'15" EAST, ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 1364.73 FEET TO THE NORTHWEST CORNER OF THE INTERSECTION OF STATE ROAD 64 AND STATE ROAD 39, THENCE DEPARTING SAID EAST LINE, SOUTH 89°46'04" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 64, A DISTANCE OF 441.47 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, NORTH 00°23'26" EAST, A DISTANCE OF 61.88 FEET, THENCE NORTH 56°58'51" WEST, A DISTANCE OF 72.57 FEET; THENCE NORTH 00°23'26" EAST, A DISTANCE OF 197.97 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°36'34" WEST, A DISTANCE OF 40.00 FEET; THENCE NORTH 00°23'26" EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89°36'34" EAST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 00°23'26" WEST, A DISTANCE OF 100.00 FEET; THENCE NORTH 89°36'34" WEST, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.2295 ACRES OR 10000 SQUARE FEET, MORE OR LESS.

**SPIRE DEVELOPMENT, INC. INGRESS/EGRESS EASEMENT DUETTE PARK SOUTH**

A PORTION OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 1; THENCE NORTH 00°22'15" EAST, ALONG THE EAST LINE OF SAID SECTION 1, A DISTANCE OF 1364.73 FEET TO THE NORTHWEST CORNER OF THE INTERSECTION OF STATE ROAD 64 AND STATE ROAD 39; THENCE DEPARTING SAID EAST LINE, SOUTH 89°46'04" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 64, A DISTANCE OF 421.47 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°46'04" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 20.00 FEET; THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, NORTH 00°23'26" EAST, A DISTANCE OF 61.88 FEET; THENCE NORTH 56°58'51" WEST, A DISTANCE OF 72.57 FEET; THENCE NORTH 00°23'26" EAST, A DISTANCE OF 197.97 FEET; THENCE SOUTH 89°36'34" EAST, A DISTANCE OF 20.00 FEET; THENCE SOUTH 00°23'26" WEST; A DISTANCE OF 187.02 FEET; THENCE SOUTH 56°58'51" EAST, A DISTANCE OF 72.57 FEET; THENCE SOUTH 00°23'26" WEST, A DISTANCE OF 72.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.1525 ACRES OF 6646 SQUARE FEET, MORE OR LESS.

**SPIRE DEVELOPMENT, INC. UTILITY EASTMENT DUETTE PARK SOUTH**

A PORTION OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, MANATEE

COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 1: THENCE  
NORTH 00°22'15" EAST, ALONG THE EAST LINE OF SAID SECTION 1, A  
DISTANCE OF 1364.73 FEET TO THE NORTHWEST CORNER OF THE  
INTERSECTION OF STATE ROAD 64 AND STATE ROAD 39; THENCE DEPARTING  
SAID EAST LINE, SOUTH 89°46'04" WEST, ALONG THE NORTHERLY RIGHT OF  
WAY LINE OF SAID STATE ROAD 64, A DISTANCE OF 587.49 FEET TO THE POINT  
OF BEGINNING; THENCE CONTINUE SOUTH 89°46'04" WEST, ALONG SAID  
NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 9.93 FEET; THENCE  
DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, NORTH 00°22'15" EAST, A  
DISTANCE OF 320.67 FEET; THENCE SOUTH 89°36'34" EAST, A DISTANCE OF  
54.94 FEET; THENCE SOUTH 00°23'26" WEST, A DISTANCE OF 10.00 FEET;  
THENCE NORTH 89°36'34" WEST, A DISTANCE OF 45.00 FEET; THENCE SOUTH  
00°22'15" WEST, A DISTANCE OF 310.56 FEET TO THE POINT OF BEGINNING.  
CONTAINING 0.0834 ACRES OR 3634 SQUARE FEET, MORE OR LESS.

Clerk of the Circuit Court - Manatee County  
R.B."Chips" Shore  
P.O. Box 25400 Bradenton FL 34206  
Visit our website: "www.manateeclerk.com"

SEAN CAMPBELL

Thank You - Rec.# 490108971 -  
490108971

Case No: 2014 RC 000009 - 2014 RC 000009

Blk./Pg./Doc.# 2537/5475/3312898 -

2537/5479/3312898

09/24/2014 13:07:18

ymckinney RECORDING CASH BOOK

AMERICAN 11248808

44.00

EXPRESS

Total 44.00

Receipt(s) Amount 44.00

Change 0.00

RECEIPT  
#1 of #1

AR PAYOR: Book# Page#  
DOC TYPE: AGR CALC AMOUNT: \$0.00  
PAGES: 5 FILE#  
Receipt: 490108971 9/24/14 1:05PM

By: FGERNIS

CODE	RECEIPT DESC.	FUND	ACCOUNT	QTY	FEES
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R	RECORDING FEES	001	000000341100	0	21.00
R	CLERK CT TECH FUND	199	000000341160	0	9.50
R	FL ASSOC COURT CLERK	001	000000208911	0	0.50
R	BD OF COUNTY COMM	001	000000208912	0	10.00



RECEIPT TOTAL: \$44.00

GRAND TOTAL: \$44.00

Receipt#  
490108971 thru 490108971

OFFICE HOURS \*\*\*\*\*8:30 AM - 5:00 PM  
"Pride in Service with a Vision to the Future"

THIS RECEIPT MUST BE VALIDATED BY CENTRAL CASHIERING