

MAY 19, 1999

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, May 19, 1999, at 4:05 p.m.

Presiding was: Andrew Baker

Also present were:

Mark P. Barnebey, Chief Assistant County Attorney
Susan G. Romine, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

(Lorial Shumaker, Court Reporter, present)

SPECIAL PERMITS

Public hearing (Notice in the Bradenton Herald 5/7/99) was held to consider

SP-98-10 - SMR, INC./SPRINT PCS SITE NO. 135

Request: Special Permit to allow a 250-foot guyed wire tower (for at least two users) in the A zoning district on 2,500 square feet, located 14,400 feet east of the intersection of Lorraine Road and University Parkway, and 1,330 feet (advertised as 1,200 feet) north of the Sarasota County line.

If approved, staff recommended the following stipulations:

1. This Special Permit will 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 the Planning Department.
2. The Site Plan submitted with this application shall be part of this approval.
3. The tower site shall be unmanned and accessed by University Parkway through a nonexclusive ingress and egress easement with a stabilized access. This stabilized access shall remain until a paved access road is established.
4. Prior to issuance of a Building Permit, an affidavit for maintenance shall be recorded with the easement. The affidavit shall state that it is the sole responsibility of the applicant to both construct and maintain the easement in a condition suitable for daily travel for emergency vehicles to the unmanned tower site. The affidavit shall also eliminate any County responsibility for the easement.
5. All Ingress and Egress Easements shall be recorded with the Clerk of the Court in a manner to run with the land before issuance of Building or Access and Drainage Permits. All such easements shall grant Manatee County nonexclusive vehicular access rights.
6. Prior to development-related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and/or branches is required for land clearing, a burn permit must first be obtained from the Environmental Management Department.
7. The owner or operator shall file annually on or before January 31 of each year, with the Planning Department, a Telecommunications Facility Annual Report in accordance with Section 704.59.3.13 of the Land Development Code.
8. This tower shall be subject to the "Abandonment" requirements in accordance with Section 704.59.3.14 of the Land Development Code.

Aristotle Shinas, Planning Department, submitted a new zoning map, an affidavit attesting that no telecommunication towers exist within one mile of the proposed tower, a revised letter from the Braden River Fire Control and Rescue District, and a revised site plan clarifying the legal description.

He referred to the zoning map, outlined the location of the proposed tower, and the zoning of the property. He used an aerial map to show the location of the property and the surrounding uses. He described the proposed tower and pointed out the fall down radius.

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(Continued)

Mr. Shinas addressed tower lighting and access to the site. He discussed the negative aspects of the application regarding the property to the east and reported the tower was relocated 1,000 feet west of the property line to mitigate concerns.

Tom Danaher, representing Sprint, pointed out that the relocation of the tower was due to aesthetic concerns for the adjoining property owners. He agreed to adding a stipulation regarding the type of lighting to be used. He spoke regarding proposed dual lighting.

Discussion: Whether it is possible to have three users on this tower; required distance between towers.

Scott McElligott, representing Sprint, spoke regarding antenna height separation on the tower.

Frank Buskirk, President of Panther Ridge Communities, Inc., presented a letter regarding this application, and correspondence to Roger Hill, of Schroeder-Manatee Ranch, Inc. He advised of plan for homes immediately east of this site and requested the tower be relocated halfway between Lorraine Road and their property.

Mr. Shinas suggested Stipulation 9:

9. Prior to Final Site Plan approval, the applicant shall provide a lighting design which would result in the least impact to the surrounding properties.

Discussion: Property to east is zoned A; lots are five-acre parcels.

Mark Barnebey, Chief Assistant County Attorney, addressed the process for the land to the east to reconfigure parcels to one-acre parcels under the Land Development Code. He presented a draft Notice of Intent to Approve/Deny Special Permit and draft Special Permit.

Roger Hill, Schroeder-Manatee Ranch, Inc., stated this site meets the needs of Sprint. He stated Schroeder-Manatee Ranch will be one user on the tower. He noted future landscaping and buffering will screen the tower from the lots to the east.

Mr. Danaher advised that Sprint is not in a position to move this tower further west because of radio frequency and engineering considerations.


Mr. Baker stated he will issue a written report within 21 calendar days indicating findings of facts, conclusions of law, and recommendations regarding approval or denial.

HEARING ADJOURNED

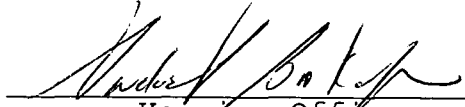
There being no further business, the hearing was adjourned.

Attest:

APPROVED:



 Clerk



 Hearing Officer

Adj: 4:40 p.m.
/apm.