

**MANATEE COUNTY HEARING OFFICER
REGULAR MEETING
COUNTY ADMINISTRATION BUILDING, HONORABLE PATRICIA M. GLASS CHAMBERS
1112 Manatee Avenue West
Bradenton, Florida
JUNE 15, 2026**

Present was:

Kelly Fernandez, Hearing Officer

Also present were:

Kate Welch, Assistant County Attorney

James Rigo, Planning Section Manager

Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court

Caitlin Dixon, Board Records Clerk, Clerk of the Circuit Court



Ms. Fernandez called the meeting to order at 1:30 p.m.

All witnesses and staff giving testimony were duly sworn.

AGENDA

Revised Agenda and Update Memorandum (06/12/26)

- Item 2, SP-24-05 – 8905 Erie Road Monopole, Parrish- Added additional public comment.

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HO20260615DOC002

CITIZEN COMMENTS

There being no citizen comments, Ms. Fernandez closed Citizen Comments.

(Jake Coppola, Court Reporter and Sharon Butler, Court Reporter, were present)

1. **SPECIAL PERMIT- SP-25-06**



A duly advertised public hearing was held to consider request for approval of Special Permit SP-25-06, S & J Recycling Center, allowing for a Solid Waste Management Facility - Resource Recovery Facility on approximately 2.32 acres in the HM (Heavy Manufacturing) zoning district within the Industrial Heavy (IH) Future Land Use Category (FLUC) and located on the north side of 44th Avenue East, approximately 450 feet west of 15th Street East, commonly known as 1401 44th Avenue East, Bradenton.

Ms. Fernandez stated she reviewed the agenda item.



Brian Battaglia, attorney for the applicant, introduced Jason Utley, Planner.



Jason Utley, Planner representing the applicant, used a slide presentation to review project location, aerial of the site, roadway network, access scale, historical aerial map from 1964, location in Urban core, Future Land Use, existing land use, parcel has a zoning designation of heavy manufacturing, existing utility infrastructure, compatibility with surrounding uses. The request is for a proposed metal recycling operation, no automobile services, and the basis for approval.



James Rigo, Planning section Manager, was available for questions.



There being no further public comment, Ms. Fernandez closed public comment.

 Ms. Fernandez closed the public hearing and stated she received the draft Notice of intent and did not need a transcript. HO20260615DOC003

2. **SPECIAL PERMIT – SP- 24-01**

 A duly advertised public hearing was held to consider request for approval of Special Permit SP-24-01, Erie Road Monopole, allowing for construction of 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 five-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.

Ms. Fernandez stated she reviewed the agenda item, including public comments.

 John Adams, agent for the applicant, used a slide presentation to review the zoning map for the property and adjacent properties, the site layout, required setbacks, the 60-foot fall-zone radius, surrounding land uses, the requirements of Land Development Code (LDC) Section 316.6, the proposed 10-foot landscape buffer around the property, visual simulations of the future tower, and there are no native habitats identified on the site.

 Ms. Fernandez questioned if the applicant had seen public comments about the project regarding impacts on property values.

Mr. Adams commented he is unaware of any professional appraisal that was submitted.

Ms. Fernandez asked about the modifications made to address the concerns.

Mr. Adams clarified that the tower was originally proposed at a height of 195 feet but has since been reduced to 165 feet. There are seven existing cellular towers in the area, and the proposed tower would be the shortest. Alternative sites were evaluated, including two properties owned by the County and three privately owned. The tower is needed to improve wireless service in the area, and approximately 80 percent of emergency calls are made using cellular phones. There is no other site in the area that can meet the required siting standards.

 Discussion ensued regarding the tower's proximity to the school, concerns associated with the high-voltage transmission line, the relocation of the tower further south on the site, the reduced fall zone, whether the tower would remain entirely within the parcel in the event of a collapse, compliance with Land Development Code (LDC) requirements, the possibility of lowering the tower height, and the proposed height represents the minimum elevation necessary to maintain communication with surrounding cell towers.

 Barney Salmon, Senior planner, used a slide presentation to review the request, site location, project area is five acres, future land use categories and zoning district, LDC Table 5-1 matrix of siting and location preference, separation requirements, and setbacks.

 Ms. Fernandez questioned the relationship between the tower's fall radius and the required setbacks.

Mr. Salmon responded that the proposed tower location is necessary, because it cannot be moved further south or east and still comply with the setback requirements.

Ms. Fernandez noted the Department Director already granted the 100 percent reduction in the required fall radius.

Mr. Rigo commented that the Department Director may approve of a reduced fall radius under certain circumstances; however, in this case, the determination rests with the Hearing Officer. The applicant submitted a certification letter from a licensed engineer stating that the tower is designed to collapse upon itself and remain within the compound in the event of a structural failure.

Ms. Fernandez inquired with the County Attorney as to the extent of the Hearing Officer's discretion regarding the requested reduction in the fall radius.



Kate Welch, Assistant County Attorney, stated that because the requested reduction exceeds 10 percent of the variance, the application requires a Special Permit and review by the Hearing Officer rather than administrative approval by the Department Director. She further explained that, while the Department Director has authority regarding the fall radius reduction, it is within the Hearing Officer's discretion to evaluate the application and determine how the fall radius and setback standards should be applied in this case.

Ms. Fernandez questioned the code correlation between the fall down radius and that setback provision.

Ms. Welch noted that the applicant submitted a service-necessity study identifying the locations of surrounding cell towers; however, the study did not address the necessity of the requested 100 percent reduction in the fall radius. She then asked the applicant whether any additional documentation provided supports the need for the reduction.



Mr. Adams clarified that it is in the Verizon study that shows the necessity and coverage gap. Today is about the usage and the site, all the engineer plans and code requirement for the reduction still need to undergo a professional staff review.

Mr. Salmon continued the slides reviewing concept site plans, distance from school, neighborhood workshop, positive and negative aspects, and mitigating measures. Staff believes the applicant meets the intent of code 531.37 for specific approval.



Lorraine Prosser, Pat Schimick, Darren Navarra, Angel Rodriguez, and Samara Navarra expressed opposition to the proposed cell tower, citing concerns regarding the tower's proximity to the school and surrounding residential community, potential impacts on the health of residents, impacts on future property values, visual impacts due to the tower's appearance, the presence of existing cell towers in the area, and the proposed location is not compatible with the surrounding properties and land uses.

There being no further public comment, Ms. Fernandez closed public comment.



Mr. Rigo addressed concerns raised by nearby residents regarding co-location opportunities, site selection, and the potential use of alternative sites. The County was not interested in co-locating equipment on its community towers and stated that, while the

LDC encourages certain usage, it is not required. The relationship between the fall radius and setback requirements, referenced the engineer's certification regarding tower collapse, and Land Development Code Section 531.37 permits the consideration of separation and setback requirements together.

 Mr. Adams stated that LDC compatibility is reviewed by the Zoning Division and includes consideration of the proposed use. He noted that the proposed use is permitted within the Agricultural zoning district and that the applicant meets the required setbacks. Mr. Adams further discussed the benefits of the tower at the proposed site.

 Ms. Fernandez closed the public hearing and stated she received as draft Notice of Intent and did not need a copy of the transcript.

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ADJOURN

There being no further business, Ms. Fernandez adjourned the meeting at 2:26 p.m.

Minutes Approved: July 9, 2026