

SPECIAL PERMIT NO. SP-99-12
G & D FARMS, INC/ SPRINT PCS KEENTOWN TELECOMMUNICATION FACILITY

Jul 26 10 22 AM '00

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER MARK D. SINGER ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-99-12, TO ALLOW A NEW 250' LATTICE TOWER IN THE A (GENERAL AGRICULTURE, 1 DWELLING UNIT PER 5 ACRES) ZONING DISTRICT(15,000 SQ. FT.); LOCATED APPROXIMATELY 3,000 FEET NORTH OF S.R. 62, WEST OF CR 39 PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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 Special Permits; and

WHEREAS, G & D FARMS, INC has requested a Special Permit to allow a new 250' lattice tower in the A (General Agriculture, 1 du/5 acres) zoning district (\pm 15,000 sq. ft.); and

WHEREAS, on July 6, 2000 the aforementioned Hearing Officer held a public hearing to receive the staff, applicant and public comment and argument regarding the proposed Special Permit for G & D FARMS, INC/ SPRINT PCS KEENTOWN TELECOMMUNICATION FACILITY.

NOW, THEREFORE, the Final Order regarding Special Permit No. SP-99-12 requested by G & D FARMS, INC states 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 request is for approval of a 250' lattice tower in the A (General Agriculture) zoning district on a leased \pm 15,000 sq. ft..
- B. The site is located on the lands of G&D FARMS, INC approximately 3,000 feet north of the intersection of SR 62 and CR39.
- C. The tower site is located in an area of the County where towers are visible.
- D. The Future Land Use Category for this parcel is AG/R (Agricultural/Rural).
- E. The tower site exceeds the required separation from on-site uses, off-site uses, arterial roadways, and other telecommunication towers as required by Section 704.59 of the Manatee County Land Development Code.

Section 2. Conclusions of Law. Based upon the prior Findings of Fact and considering the

testimony, evidence, documentation and the staff report presented, 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 Policy 2.2.1.8.1 of the Manatee County Comprehensive Plan, which establishes the AG/R Future Land Use Category and outlines the intent to identify areas for long term agricultural character.
- D. The proposed use is consistent with Policy 2.6.1.1. of the Manatee County Comprehensive Plan, which requires buffers to assist in the mitigation of any potential incompatibility between adjacent uses.
- E. The proposed use will not be detrimental to, or will it endanger the public health, safety, or general welfare.
- F. The proposed use will not impede the normal and orderly development of the area.
- G. The agricultural use of all surrounding property minimizes potential adverse effects, including visual impacts, of the proposed use on adjacent property.
- H. Adequate provisions have been made to provide landscaping and buffers.
- I This request meets all the standards set forth in Section 704.59 of the Manatee County Land Development Code, Conditional Use Criteria which must be met for all communication antenna structures.

Section 3. Order. Based upon the foregoing, a Special Permit is hereby approved and issued to G & D FARMS, INC for the property located approximately 3000 feet west of the intersection of S.R. 62 and C.R. 39, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for a new unmanned 250' lattice tower in the A (General Agriculture) zoning district, subject to the following conditions:

- A. This Special Permit shall be 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.
- B. The plot plan submitted with this application shall be part of this approval.
- C. Prior to development-related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees and branches is required for land clearing, a burn permit must first be obtained from the Environmental Management

Department.

- D. 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.
- E. This tower shall be subject to the "Abandonment" requirements in accordance with Section 704.59.3.14 of the Land Development Code.

Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by courts 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 by the Hearing Officer 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.


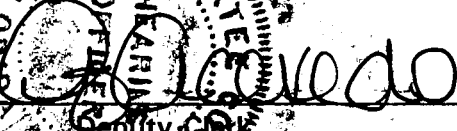
ORDERED ON BEHALF OF MANATEE COUNTY this 26th day of JULY, 2000.

MANATEE COUNTY, FLORIDA

BY: 

Mark D. Singer, as
Hearing Officer for Manatee County

ATTEST: R. B. SHORE
Clerk of the Circuit Court



Deputy Clerk

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FL.

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EXHIBIT "A"

LEGAL DESCRIPTION: THE EASTERN MOST 2,570 OF SECTION 24, TOWNSHIP 33 SOUTH, RANGE 21 EAST, LYING NORTH OF PARRISH - WAUCHULA HIGHWAY, ALSO KNOWN AS STATE ROAD NO. 62 TOGETHER WITH THE SOUTH 930.63 FEET OF THE EASTERN MOST 2,570 FEET OF SECTION 13, TOWNSHIP 33 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA, LESS RIGHT-OF-WAY FOR STATE ROAD NO. 39.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION

EX 1644 PG 3376
R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL.
FILED AND RECORDED 8/4/00 3:36:37 PM 4 of 4