

**SPECIAL PERMIT NO. SP-99-13**  
**ALFRED R. & WANDA F. ROBINSON/SPRINT COM, INC.**  
**TELECOMMUNICATION TOWER**

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER MARK D. SINGER ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-99-13, TO ALLOW THE CONSTRUCTION OF A 250 FT. TALL LATTICE TELECOMMUNICATION TOWER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

FILED FOR RECORD  
R.A. SHOFF  
CLERK OF COURT  
MANATEE COUNTY  
JUN 5 10 01 AM '00

**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**, Alfred R. and Wanda F. Robinson/Sprint Com, Inc has requested a Special Permit to allow the construction of a 250 ft. tall lattice telecommunication tower; and

**WHEREAS**, on May 17, 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 Alfred R. and Wanda F. Robinson/Sprint Com, Inc.

**NOW, THEREFORE**, the Final Order regarding Special Permit No. SP-99-13 requested by Alfred R. and Wanda F. Robinson/Sprint Com, 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. This request is for approval to construct a 250' tall lattice telecommunication tower.
- B. The site is located on the south side of SR 70, approximately 20 miles east of I-75 and 1.5 miles west of Myakka City. The tower is proposed to be built on a  $\pm 1.43$  acre leased parcel located within a  $\pm 279.83$  acre parent parcel.
- C. This site is currently zoned A (Agriculture, 1 dwelling unit per 5 acres). The Future Land Use designation for this property is AG/R (Agriculture/Rural, 1 dwelling unit per 5 acres).
- D. The property to the north is zoned A and contains single-family homes and horse

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ranches on large parcels. The property to the south, east, and west are agricultural lands in the A zoning district, with large parcel single-family homes.

- E. In accordance with Section 704.59.3.3.3 of the Land Development Code, the applicant has located the tower site to exceed the required separation requirements of 2,500 feet between a proposed lattice tower and any existing tower. The nearest existing telecommunication tower or alternative support structure is located approximately 1 ½ miles to the east, in Myakka City.
- F. In accordance with Section 704.59.3.3.4 of the Land Development Code, the proposed antenna exceeds the minimum setback from classified arterial roadways of 125% of the tower height. This tower is proposed to be setback approximately 400' from S.R. 70 to the north.
- G. The proposed telecommunications tower meets or exceeds the separation requirements from adjacent off-site residential uses as provided in Section 704.59.3.3.1 of the 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 of the Manatee County Comprehensive Plan which establishes the AG/R Future Land Use Category and outlines the intent to identify areas suitable for long term agricultural or rural residential uses and provide for a complement of agricultural/residential uses.
- 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
- E. The establishment of the proposed use will not detrimental or an endangerment to the public health, safety, or general welfare. The proposed communication tower is on an isolated site with no surrounding homes located within 1,000 feet.

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- F. The establishment of the proposed use, as conditioned herein, will not impede the normal and orderly development of the area. Adjacent uses to the north, south, east, and west are agricultural with some large parcel single-family development. The tower will be unmanned, requiring traffic for maintenance purposes, only.
- G. Adequate ingress and egress will be provided to the tower site by a proposed 20' wide driveway off SR 70.
- H. As conditioned herein, the proposed use minimizes adverse effects, including visual impacts, of the proposed use on adjacent property.
- I. A 10' wide landscape buffer will be provided around the tower facilities located at the base of the structure.
- J. This request meets all conditional use criteria for communication antenna structures set forth in Section 704.59 of the Land Development Code.
- K. In accordance with Section 704.59.3.3.3, the applicant has located the tower site to exceed the required separation requirements of 2,500 feet between a proposed lattice tower and any existing tower. The nearest existing telecommunication tower or alternative support structure is located approximately 1 ½ miles to the east, in Myakka City.
- L. In accordance with Section 704.59.3.3.4, the proposed antenna exceeds the minimum setback from classified arterial roadways of 125% of the tower height. This tower is proposed to be setback approximately 400' from S.R. 70 to the north.
- M. The proposed use meets the requirements of Section 704.59.3.3.1 of the Land Development Code. The tower will be located at least 1000 feet from the nearest off-site residence.

**Section 3. Order.** Based upon the foregoing, a Special Permit is hereby approved and issued to Alfred R. and Wanda F. Robinson/Sprint Com, Inc. for the property located at, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for the construction of a 250' tall lattice telecommunication structure, subject to the following conditions:

- A. 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.

- B. The Site Plan submitted with this application, attached hereto as Exhibit "B" and incorporated herein, shall be part of this approval, but only at a preliminary level. Administrative approval of the Final Site Plan by Manatee County shall be required subsequent to approval of this Special Permit by the Hearing Officer.
- C. The tower site shall be unmanned. Access off S.R. 70 shall be through a non-exclusive ingress and egress easement with a stabilized base.
- D. Prior to Issuance of a Building Permit, an affidavit for maintenance shall be recorded with the ingress and egress easement. The affidavit shall state that it is the sole responsibility of the applicant to both construct and maintain the ingress and egress 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 ingress and egress easement.
- E. All ingress and egress easements shall be recorded with the Manatee County 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 non-exclusive vehicular access rights.
- F. An F.D.O.T. access permit and drainage permit, if required by F.D.O.T., and final inspection approval shall be required prior to final inspection or C.O. release by Manatee County.
- G. Prior to development-related land clearing activities, all applicable County approvals must be obtained through the Planning Department. If burning of trees or branches is required for land clearing, a burn permit must first be obtained from the Environmental Management Department.
- H. The owner or operator shall file annually on or before January 31st, with the Planning Department, a Telecommunications Facility Annual Report in accordance with Section 704.59.3.13 of the Land Development Code.
- I. This tower shall be subject to the "Abandonment" requirements in accordance with Section 704.59.3.14 of the Land Development Code.
- J. Prior to Final Site Plan approval, the applicant shall provide a certification prepared by an Engineer which provides the minimum falldown radius for the specific telecommunication tower to be constructed on this site.
- K. Prior to Final Site Plan approval, the applicant shall comply with Section 508 and Section 719 of the Land Development Code, Wetland Protection, of the Land Development Code which requires the identification of jurisdictional wetlands on

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and within 200 feet of the project site.

- L. A water well construction permit is required for the proposed irrigation well prior to well construction.
- M. Prior to Final Site Plan approval, concurrency must be met relative to fire flow and drainage design.
- N. All traffic control signage and pavement markings, if warranted, shall conform to Florida Department of Transportation and Manual of Uniform Traffic Control Devices standards.
- O. Prior to Final Site Plan approval, the applicant shall provide a certification sealed by an Engineer which verifies that the specific telecommunications tower to be constructed on the site will have a minimum falldown radius of fifty (50) feet.

**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 5<sup>th</sup> day of June, 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



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EXHIBIT "A"

LEGAL DESCRIPTION:

E ½ OF SE 1/4 OF SECTION 10, LYING SOUTH OF SR 70, SW 1/4 OF SW 1/4 AND NW 1/4 OF SW 1/4 OF SEC. 11, LYING SOUTH OF SR 70; W ½ OF NW 1/4 OF SEC. 14; E ½ OF NE 1/4 OF SEC. 15; NE 1/4 OF SE 1/4 OF SEC. 15; ALL LYING AND BEING IN TOWNSHIP 36S., RANGE 21 E, MANATEE COUNTY, FLORIDA.

LESS: COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF STATE ROAD #70 AND THE WEST LINE OF THE E ½ OF THE SE 1/4 OF SECTION 10, TOWNSHIP 36 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA; THENCE SOUTH, ALONG SAID WEST LINE, 47.78 FEET TO THE MAINTAINED SOUTH RIGHT OF WAY LINE OF STATE ROAD #70 FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH, ALONG SAID WEST LINE, 1360.27 FEET; THENCE N 86° 36' 20" EAST, 338.28 FEET; THENCE NORTH 1219.68 FEET TO THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF STATE ROAD #70; THENCE N 70°21'10" W, ALONG SAID SOUTH RIGHT OF WAY LINE 358.56 FEET TO THE POINT OF BEGINNING.

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION