

2005 FEB 28 PM 3:16

**SPECIAL PERMIT NO. SP-02-19(R)
BRADEN RIVER HIGH SCHOOL**

CLERK OF THE COUNTY COURT
MANATEE CO. FLORIDA

**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER,
MARK D. SINGER ON BEHALF OF MANATEE COUNTY
GRANTING A SPECIAL PERMIT NO. SP- 02-19(R), TO ALLOW
AMENDMENTS TO TWO STIPULATIONS, ADDING PHASING,
AND MOVING THE SOUTH DRIVEWAY LOCATION;
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, Mark D. Singer has the authority to grant Special Permits; and

WHEREAS, Manatee County School Board has requested a Special Permit to allow an amendment to an approved Special Permit for a 2,000 student high school; and

WHEREAS, on February 18, 2005 the aforementioned Hearing Officer held a public hearing to receive the staff, applicant, and public comment and argument regarding the proposed Special Permit for an amendment to an approved Special Permit for a 2,000 student high school.

NOW, THEREFORE, after consideration of the application for Special Permit No. SP-02-19(R) requested by Manatee County School Board 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 request is for approval of an amendment to Special Permit No. SP-02-19 issued on March 19, 2003 to allow revision of two stipulations regarding a 2,000 student high school. The site is located at the northeast corner of SR 70 and Caruso Road on the University of Florida Agricultural Research land.
- B. The site is zoned A (General Agriculture).
- C. Surrounding property includes single-family residential, multi-family residential, retail, office, and recreational vehicle parks.
- D. The site will have access from both Caruso Road and SR 70.
- E. The site will meet all current drainage and tree replacement requirements.
- F. The applicant will leave a significant portion of land to the northwest and south of the proposed facility as it currently stands, leaving existing trees, wetlands and other vegetation. With the proposed stipulations, the site will meet Code with regard to screening buffers.

OR BOOK 02192 PAGES 2437 - 2443
MANATEE COUNTY CLERK COURT
7 PAGES(S)
RECORDED; 3/19/2007 12:41:56



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 County Comprehensive Plan and Land Development Code, the above referenced Hearing Officer hereby makes the following Findings 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. Based upon the conditions of approval for SP-02-19(R), the proposed use is consistent with Comprehensive Plan Policy 2.2.1.10.2 includes schools in the range of potential uses in the RES-3 Future Land Use Category. Policy 2.2.1.17.2 includes schools within the range of potential uses in the R/O/R Future Land Use Category. Policy 2.13.1.3 states that new and proposed school sites shall be compatible with existing or anticipated uses on adjacent properties based upon the type of school. Policy 2.13.2.2 states that new and proposed schools shall locate in areas where adequate public facilities, e.g., roads, potable water, and sanitary sewer exist or where adequate facilities are budgeted for in the appropriate Capital Improvements Program. The use is also found to be consistent with general standards of review for Special Permits in Sections 505.2 and complies with the conditional use criteria set forth in Sections 704.65 and 704.65.1 of the Land Development Code.
- D. The proposed use as conditioned in this order will not impede the normal and orderly development and improvement of the surrounding properties for use permitted in the zoning district.
- E. The proposed school is consistent with the community character of the area.
- F. With the proposed stipulations, the design will minimize adverse impacts.
- G. There is a large amount of open space on the proposed plan. Buffers are proposed for the north and east property boundaries.

Section 3. Order. Based upon the foregoing, an amended Special Permit is hereby approved and issued to Manatee County School Board for the property located at the northeast corner of Caruso Road and S.R. 70, and more particularly described in Exhibit "A" attached hereto and incorporated herein, for an amendment to the approved 2,000 student high school, subject to the following conditions:

- A. This amended Special Permit shall 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 shall be part of this approval.
- C. The establishment, maintenance, or operation of the proposed use will not have a detrimental effect on the surrounding properties or on the public health, safety, or

general welfare.

- D. A complete landscape and irrigation plan for the perimeter screening buffers shall be submitted with the Final Site Plan. The buffers on the north and east project boundaries (the 92.5 ac. Special Permit site) shall include four canopy trees, 3 understory trees and 33 shrubs per 100 l.f. The applicant shall plant a mixture of tree species within these buffers. This screening shall reach eighty (80) percent opacity within two years of installation.

The applicant shall create an 8 ft. high berm from the southern point of the parking lot east of the stadium to the northeast corner, and west from that corner to the west project boundary. This berm shall have a slope no less than 3:1. The berm shall be planted with ground cover, and have two canopy trees and 33 shrubs per 100 l.f. From the end of the southernmost point of the berm, south to the road connecting to Campbell Commercial, the applicant shall provide a solid 8 ft. high fence.

If the tree survey submitted with the Final Site Plan shows trees within the proposed berm area the Planning Director may allow the berm to be modified to save those trees. The applicant may install an 8 ft. high solid, opaque fence in lieu of the berm where the density of large trees precludes creation of the berm. If the fence option is chosen no shrubs shall be required.

- E. All lighting of ballfields, parking lots, and stadia shall be directed away from the north and east property lines (the entire 195+ ac. site) and towards the field of play or parking lot area. A lighting plan shall be submitted with the Final Site Plan. The softball, football, and soccer fields directly adjacent to the north and east property lines shall not be lighted.

The applicant shall submit with the Final Site Plan, a lighting plan that demonstrates shielding of on-site night lighting and security lighting. Spill over lighting all property lines, shall be limited to a maximum of 1.0 foot candles. In addition, pole and building mounted lights shall be limited to 20' in height within the site, except at the stadium, and directed to the interior of the development using full cut-offs or a well shield type of luminary. All poles used for pole mounted lighting shall have a matte or non-glare finish.

- F. The applicant shall provide a pedestrian circulation plan with submittal of the Final Site Plan that clearly shows how internal pedestrian systems tie into existing and proposed sidewalks within the rights-of-way.

- G. No band practice shall be allowed on those fields abutting the north and east property lines at any time before noon or after 6pm.

- H. The Caruso Road access points shall be operational prior to the high school opening. The applicant shall provide traffic control before and after school until the Caruso Rd. driveways are both complete. This shall be accomplished with traffic control officers, crossing guards, or traffic signals to direct traffic on and off the site. A daily maximum of 50 high school students will be allowed to drive to school prior to completion of the S.R. 70 driveway entrance.

- I. Fire hydrants shall be required to be located within 400 ft. of the entrance to any building, spaced no more than 800 ft. apart. The location of the hydrants will be

- approved by the Fire Marshall of the East Manatee Fire Rescue and shown on the Final Site Plan.
- J. The north entrance on Caruso Road may need a southbound left turn lane and northbound right turn lane. The length of which shall be shown on the Final Site Plan.
 - K. The south entrance on Caruso Road may need a southbound left turn lane and northbound right turn lane. This length of which shall be shown on the Final Site Plan.
 - L. The applicant shall meet with the Transportation Department prior to submittal of the Final Site Plan to determine what public road improvements will be needed to serve this high school site. Any improvements shall be shown on the Final Site Plan.
 - M. The applicant shall design the appropriate facility areas to serve as public shelters in accordance with Section 1013.372, F.S. Details shall be shown on the Final Site Plan.
 - N. This facility must meet or exceed Sections 1013.37-1013.38 F. S., Building Codes and Construction for Education Facilities and Section 423.25 of the Florida Building Code.
 - O. Prior to Final Site Plan approval, the entire site shall be evaluated for potential hazardous material locations (ie. cattle dipping vats, underground/aboveground storage tanks, or buried drums), by a qualified environmental consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and the appropriate remediation/mitigative measures, as required by state law.
 - P. Typical cross sections at a scale no greater than 1"=60' and descriptions of all proposed activities within 25 ft. of wetland buffers shall be submitted to EMD with the Final Site Plan.
 - Q. A Wetland Buffer Restoration Plan shall be submitted to EMD for review with the Final Site Plan. The plan shall include both supplemental plantings and ongoing removal of exotic, nuisance vegetation.
 - R. The applicant shall provide signs adjacent to wetland buffers/conservation easements indicating that the area is a "Conservation Area". The type and location of these signs shall be shown and approved by EMD on the Final Site Plan.
 - S. All exotic nuisance plant species shall be removed from upland portions of the project site prior to final inspection.
 - T. All ballfields, practice fields and other recreational areas shall be located at least fifty (50) feet from all project boundaries.
 - U. Prior to Final Site Plan approval, concurrency must be met relative to fire flow, potable water, sanitary sewer, transit, traffic, solid waste, and drainage design.
 - V. Prior to Final Site Plan approval, the School Board shall submit a phasing schedule for approval by EMD to remediate areas of contamination identified pursuant to Condition #12. Remediation shall be complete prior to construction activity in those areas.

W. Future potential impacts to wetlands A & E shall be contingent upon the following:

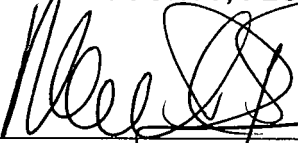
- a. Vacation of the portions of the any Conservation Easements, which have been granted over the areas to be impacted.
- b. An amended Final Site Plan, which addresses County wetland mitigation requirements.

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 and its recordation in the Official Records by the applicant with the Office of the Clerk of the Court and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 28th day of Feb., 2005.

MANATEE COUNTY, FLORIDA

BY: 
MARK D. SINGER, as
Hearing Officer for Manatee County

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





Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION:

COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 10, 11, 14, AND 15, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE S 00° 09' 22" W, ALONG THE SECTION LINE COMMON TO SAID SECTIONS 14 AND 15, A DISTANCE OF 290.88 FT. TO THE INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 70 AS SHOWN ON F.D.O.T. RIGHT-OF-WAY MAP, SECTION 13160-2516; THENCE S 89° 41' 33" E, ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 751.59 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 89° 41' 33" E, ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 200.00 FT.; THENCE N 00° 18' 27" E, A DISTANCE OF 289.05 FT. TO THE SOUTH LINE OF SAID SECTION 11; THENCE S 89° 35' 45" E, ALONG SAID SOUTH LINE OF SECTION 11, A DISTANCE OF 653.01 FT. TO THE WEST LINE OF "CAMPBELL COMMERCIAL SUBDIVISION", AS PER PLAT THEREOF RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 00° 41' 55" W, ALONG SAID WESTERLY LINE, A DISTANCE OF 20.75 FT. TO THE NORTHWEST CORNER OF SAID PLAT; THENCE CONTINUE N 00° 41' 55" W, A DISTANCE OF 1301.96 FT.; THENCE N 00° 48' 32" W, A DISTANCE OF 1323.46 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF "DUDE RANCH ACRES", A SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGE 29, SAID PUBLIC RECORDS; THENCE N 89° 32' 47" W, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 825.00 FT.; THENCE S 00° 29' 52" W, 972.98 FT.; THENCE S 89° 14' 02" W, A DISTANCE OF 2052.26 FT. TO THE INTERSECTION WITH THE EASTERLY MAINTAINED RIGHT-OF-WAY OF CARUSO ROAD, AS RECORDED IN ROAD PLAT BOOK 9, PAGES 90 THROUGH 100, SAID PUBLIC RECORDS; THENCE S 00° 45' 58" E, ALONG SAID EASTERLY MAINTAINED RIGHT-OF-WAY, A DISTANCE OF 32.33 FT.; THENCE S 00° 55' 25" E, ALONG SAID EASTERLY MAINTAINED RIGHT-OF-WAY, A DISTANCE OF 47.67 FT.; THENCE N 89° 14' 02" E, 412.77 FT.; THENCE N 00° 58' 14" W, 15.00 FT.; THENCE N 89° 14' 02" E, 405.60 FT.; THENCE S 00° 45' 58" E, 677.00 FT.; THENCE S 89° 14' 02" W, A DISTANCE OF 431.89 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 240.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 71° 54' 48", A DISTANCE OF 301.23 FT. TO THE P.R.C. OF A CURVE, CONCAVE TO THE NORTHWEST; HAVING A RADIUS OF 80.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 71° 54' 48", A DISTANCE OF 100.41 FT. TO THE P.T. OF SAID CURVE; THENCE S 89° 14' 02" W, A DISTANCE OF 79.80 FT. TO THE INTERSECTION WITH AFORESAID EASTERLY MAINTAINED RIGHT-OF-WAY OF CARUSO ROAD; THENCE S 00° 55' 25" E, ALONG SAID EASTERLY MAINTAINED RIGHT-OF-WAY, A DISTANCE OF 126.43 FT.; THENCE N 89° 18' 05" E, 1831.77 FT.; THENCE S 00° 41' 55" E, 434.25 FT.; THENCE N 89° 15' 55" E, 213.74 FT.; THENCE S 00° 18' 27" W, A DISTANCE OF 437.59 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 10, 11, AND 14, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.
CONTAINING 92.5 ACRES, MORE OF LESS

EXHIBIT "B"

SITE PLAN SUBMITTED WITH APPLICATION