

SEPTEMBER 12, 2007

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, September 12, 2007, at 3:00 p.m.

Presiding was: John Roe

Also present were:

Jason Henbest, Assistant County Attorney
Susan G. Romine, Board Records Manager,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

AGENDA

The agenda of September 12, 2007, and sign-in sheets.

[HO20070912DOC001](#)

(Court Reporter, Denise Maglich, present)

SPECIAL PERMIT

Public hearing (Notices published) was held to consider

SP-02-19(R-2) BRADEN RIVER HIGH SCHOOL

Request: An amendment to a stipulation regarding lighting of ballfields which is part of an existing Special Permit approval for Braden River High School. The site is in the A zoning district. The site is at 6545 S.R. 70 East, Bradenton (± 92.52 acres).

If approved, staff recommended Stipulation 2 be amended to read:

2. All lighting of ballfields, parking lots, and stadia shall be directed away from the north and east property lines (the entire 195+ acre site) and towards the field of play or parking lot area. The football and soccer fields directly adjacent to the north and east property lines shall not be lighted.

The applicant shall submit 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 feet in height within the site, except at the stadium, baseball, and softball fields, 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.

Game times at all baseball and softball fields shall be scheduled for a start time no later than 6 p.m. for regular season games. In the case of rain delays, games may be started at a later time. These games shall include junior varsity and varsity home games, except as specifically permitted by the Board of County Commissioners.

No lights on either the baseball or softball field shall be lit unless there is a scheduled game. After a game, all lights must be turned off within half an hour.

Jason Henbest, Assistant County Attorney, advised that the School Board is asserting this request is deemed to be approved because the County exceeded the statutory 90-day time limit. He submitted a letter citing reasons why the time limit was not applicable to this request. He also stated that the County stipulates it does not waive the right to any future legal proceeding.

Mark Barnebey, representing the School Board, reviewed his letter of September 10, 2007, in which he provided reasons the School Board deems this request to be approved. He noted the School Board is not waiving its right to assert the 90-day time limit by participating in this public hearing.

Laurie Suess, Planning Department, used a slide presentation to review the request. The School Board requested the amendment to allow the softball field to be lit and to remove the 20-foot height limitation on the light poles. This request came forward because of a Title IX issue regarding the equal lighting of fields for baseball and softball. She noted the light poles at the baseball field are over the 20-foot limit. No loud speakers are proposed to be used at the softball games; however, they are being used at baseball games. She also commented on the proximity of lights to residential uses from softball fields at various County parks.

Ms. Suess displayed a site plan of the softball and baseball fields, indicating the locations and heights of the proposed and existing light poles. The nearest proposed light pole will be approximately 200 feet from the north property line; the nearest existing light pole is 480 feet from that property line. The submitted lighting plan meets the requirements in Section 709 (Land Development Code) with regard to overspill onto adjacent property. She noted conversations with the School Board regarding games starting no later than 6:00 p.m., and stated the lights may not be needed toward the end of the softball season. She submitted additional e-mails in support of the request.

Cindy Turner, Parks and Recreation Director, stated she visited the site and the School Board has provided more than adequate buffers. She also commented on lighting standards and noise concerns.

Mike Pendley, School Board planner, reviewed the history of the site and the stipulation that has been requested to be amended. He used a slide presentation to review the request, including information regarding light spill onto adjacent properties, number of games, game times, and noise, as well as photographs of the buffer on the north and east property lines. He stated they have agreed not to broadcast the softball games over an amplified system. Mr. Pendley also reviewed the Special Permit criteria. He submitted his résumé.

Mr. Barnebey stated there may be a need to use a speaker system during post-season games.

Speaking in favor of the request were: **Mike Micochero**, Manatee Girls Softball at Palma Sola Park; **Kaththea Smith**, Braden River High School (BRHS) Softball Coach; **Jordan Ventriglia**, BRHS softball team; **Kelli McCollough**, BRHS softball team; **Bill Gore**, BRHS parent; **Susan Carrington**, BRHS parent, who submitted her letter of September 12, 2007; **Taylor Paulsen**, BRHS softball team; **Mike Paulsen**, BRHS Assistant Coach; and **Nikki Vaporis**, BRHS Volleyball Coach. Items addressed included: Players need exposure to college recruiters who may not be able to attend games at 4:30; not many parents can attend 4:30 games; visiting schools from out of the area have to leave school early to get to the games; lights could accommodate double-header games to allow varsity and junior varsity games on the same day; lights would not be on during practices; importance to future of BRHS; lighting has been designed to exceed the requirements; minimal potential residential impact; removal of baseball field lighting if softball field lights are denied; the school cannot host district and regional tournaments without the lights; etc.

Speaking in opposition to the request were: **Patricia Petruff**, representing property owners in the area; **Carl Schnabl**, neighbor; **Brad Hawkins**, representing his parents who are adjacent property owners. Items of concern were: Not opposed to the softball team; the School Board has put the school/team in this situation; Title IX; softball field should not have been built without lights; it was a stipulation of the approval for the high school that the field would not be lit because of the proximity to the residences to the north; had to fight to have the required buffer installed; original Special Permit required that the baseball field lights be at a certain height and those lights are in violation; noise from band practices; football field lights; complaints go unheard; neighbors are impacted by noise from school announcements and speaker system; additional lights will bring additional noise and commotion to the area; request does not meet Special Permit criteria; no information has been provided to indicate how much traffic would be generated; rental of fields to outside leagues; the fields could have been located/relocated elsewhere on the property so as not to impact the neighbors; possibility of softball team using baseball field; broadcasting of Gator football games over the speaker system; do not have to be on the property to hear the games; neighbors were promised the field would not be lit or have speaker system; the school could use the south end of the site for this type of facility; support the lights and the field, but opposed to them in the current location; etc.

Ms. Petruff submitted information regarding Title IX of the Education Amendments of 1972; e-mails, letters, and petitions regarding lights and noise; a copy of the plat of Dude Ranch Acres (property to the north of the site); and recommended/proposed stipulations if the request is approved.

In response to the concerns, Mr. Barnebey advised that the baseball and softball fields have not been leased out; however, Bradenton Christian School was allowed to use the football field for one year. He also stated the lighting is well designed to minimize the impacts.

Mr. Barnebey requested the following revisions to staff's recommended Stipulation 2:

- Paragraph 2 – The applicant shall... Spill over lighting all property lines shall be limited to a maximum of 1.0 foot candles, except that spill over lighting resulting from the softball field lights shall be limited to .2 foot candles. In addition...
- Paragraph 3 – Game times at all baseball and softball fields shall be scheduled for a start time no later than 6:30 p.m. for regular season games...
- Add paragraph between Paragraphs 3 and 4 – Regular season softball games shall not be announced over an amplified speaker system.

Jim Pauley, BRHS Principal, also responded to concerns.

Mr. Roe announced the time frame in which he must issue a notice to approve or deny the request, the time frame in which parties may submit comments on that notice, and the time frame in which he must submit a final order.

Robert Pederson, Planning Department, submitted a draft Notice of Intent and Final Order. He noted the need to include a finding to reference the site plan submitted with the application.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Adj: 4:35 p.m.
/dev

Minutes Approved: October 29, 2007