

FILED FOR RECORD
R. B. SHORE

2007 OCT -2 AM 10:37 SPECIAL PERMIT NO. SP-02-19(R2)
BRADEN RIVER HIGH SCHOOL

CLERK OF COURT
MANATEE COUNTY, FLORIDA
**FINAL ORDER OF HEARING OFFICER JOHN ROE ON BEHALF OF
MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-02-19(R2)
FOR APPROVAL OF AN AMENDMENT TO A STIPULATION
REGARDING LIGHTING OF BALLFIELDS FOR AN EXISTING
SPECIAL PERMIT FOR THE BRADEN RIVER HIGH SCHOOL IN THE A
(GENERAL AGRICULTURE) ZONING DISTRICT, AT 6545 SR 70 EAST,
BRADENTON (±92.52 ACRES); PROVIDING FOR SEVERABILITY;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code (Ordinance 90-01, as amended); and

WHEREAS, pursuant to the Land Development Code, (Ordinance 90-01, as amended), the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Manatee County School Board, requested an amendment to a stipulation regarding lighting of ballfields for an existing Special Permit for the Braden River High School in the A zoning district to be on the property described in Exhibit "A" (the "Property"); and

WHEREAS, on September 12, 2007, the aforementioned Hearing Officer held a public hearing to receive the staff, applicant, and public comment and argument regarding proposed Special Permit.

NOW, THEREFORE, after consideration of the application for Special Permit No. SP-02-19(R2) 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, staff report, and all other matters presented at the Public Hearing above referenced, hereby makes the following Findings of Fact:

- A. The High School is beginning its third year of school this year.
- B. The softball field is used for varsity and junior varsity girl's games at the present time.
- C. The required screening buffer along the north and east property lines have been installed and updated.

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- D. The softball season is between February and April.

Section 2. Conclusions of Law. Based upon the above Findings of Fact and considering the testimony, evidence, documentation, and the staff report presented, and a review of the applicable provisions of the Manatee County Comprehensive Plan and Manatee County Land Development Code, the 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 proposal is compatible with the area and is consistent with the Comprehensive Plan and the RES-3 Future Land Use Category.
- D. All requirements for issuance of a Special Permit pursuant to LDC Section 505 are met.
- E. The lighting plan submitted by the applicant shows no lighting impacts above the maximum 0.2 footcandles at the north and east property lines.

Section 3. Order. Based upon the foregoing, the Special Permit issued on February 28, 2005 to Manatee County School Board for the Property is hereby amended as follows:

- A. Stipulation E of Section 3 of the Final Order for Special Permit No. SP-02-19(R) is amended to read as follows (underline language to be added; struck-through language to be deleted):
- 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. 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 for the football stadium and a maximum of .20 foot candles for the baseball and softball fields. In addition, pole and building mounted lights shall be limited to 20' 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.

Braden River High School game times at all baseball fields shall be scheduled for a start time of on or before 7:00 p.m. and for softball fields shall be scheduled for a start time no later than 6:30 p.m. for regular and post season games. In the case of rain delays, games may be started no later than 7:30 pm. These games shall include junior varsity and varsity home games, except as specifically permitted by the Board of County Commissioners.

Braden River High School regular season softball games shall not be announced over an amplified speaker system. Post season games may be announced over an amplified speaker system.

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 30 minutes.

Section 4. Severability. In the event that any portion or section of this Order is determined to be invalid, illegal or unconstitutional by a court 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 Circuit Court and receipt of a copy of the recorded Order by the Planning Department.

ORDERED ON BEHALF OF MANATEE COUNTY this 2nd day of October, 2007.

MANATEE COUNTY, FLORIDA

BY: [Signature], as
Hearing Officer for Manatee County

ATTEST: R. B. Shore,
Clerk of the Circuit Court

BY: [Signature]
Deputy Clerk

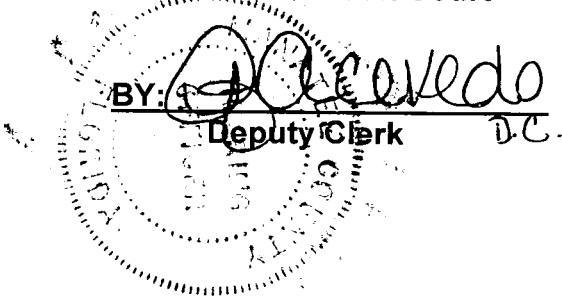


EXHIBIT "A"

LEGAL DESCRIPTION:

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COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 10, 11, 14, AND 15, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE S 00E 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 89E 41' 33" E, ALONG SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 751.59 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE S 89E 41' 33" E, ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 200.00 FT.; THENCE N 00E 18' 27" E, A DISTANCE OF 289.05 FT. TO THE SOUTH LINE OF SAID SECTION 11; THENCE S 89E 35' 45" E, ALONG SAID SOUTH LINE OF SECTION 11, A DISTANCE OF 653.01 FT. TO THE WEST LINE OF ACAMPBELL COMMERCIAL SUBDIVISION@, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 23, PAGES 141 AND 142, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 00E 41' 55" W, ALONG SAID WESTERLY LINE, A DISTANCE OF 20.75 FT. TO THE NORTHWEST CORNER OF SAID PLAT; THENCE CONTINUE N 00E 41' 55" W, A DISTANCE OF 1301.96 FT.; THENCE N 00E 48' 32" W, A DISTANCE OF 1323.46 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF ADUDE RANCH ACRES@, A SUBDIVISION AS RECORDED IN PLAT BOOK 12, PAGE 29, SAID PUBLIC RECORDS; THENCE N 89E 32' 47" W, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 825.00 FT.; THENCE S 00E 29' 52" W, 972.98 FT.; THENCE S 89E 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 00E 45' 58" E, ALONG SAID EASTERLY MAINTAINED RIGHT-OF-WAY, A DISTANCE OF 32.33 FT.; THENCE S 00E 55' 25" E, ALONG SAID EASTERLY MAINTAINED RIGHT-OF-WAY, A DISTANCE OF 47.67 FT.; THENCE N 89E 14' 02" E, 412.77 FT.; THENCE N 00E 58' 14" W, 15.00 FT.; THENCE N 89E 14' 02" E, 405.60 FT.; THENCE S 00E 45' 58" E, 677.00 FT.; THENCE S 89E 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 71E 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 71E 54' 48", A DISTANCE OF 100.41 FT. TO THE P.T. OF SAID CURVE; THENCE S 89E 14' 02" W, A DISTANCE OF 79.80 FT. TO THE INTERSECTION WITH AFORESAID EASTERLY MAINTAINED RIGHT-OF-WAY OF CARUSO ROAD; THENCE S 00E 55' 25" E, ALONG SAID EASTERLY MAINTAINED RIGHT-OF-WAY, A DISTANCE OF 126.43 FT.; THENCE N 89E 18' 05" E, 1831.77 FT.; THENCE S 00E 41' 55" E, 434.25 FT.; THENCE N 89E 15' 55" E, 213.74 FT.; THENCE S 00E 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)