# SPECIAL PERMIT NO. SP-20-04 ALLIANCE PARRISH, LLC - PARRISH CHARTER SCHOOL PHASE 2 PLN2008-0032 


#### Abstract

FINAL ORDER OF MANATEE COUNTY HEARING OFFICER KELLY FERNANDEZ ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-20-04 FOR A SPECIAL PERMIT WITH PRELIMINARY SITE PLAN TO ALLOW FOR "MIDDLE SCHOOL" USE ON 2.9 ACRES ZONED A (GENERAL AGRICLUTURE); AS AN EXPANSION TO THE EXISTING "ELEMENTARY SCHOOL" USE ON 9.19 ACRES; LOCATED AT 6204 AND 8605 ERIE ROAD, PARRISH; FOR A CHARTER SCHOOL CAMPUS TOTALING APPROXIMATELY 12.09 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.


WHEREAS, the Board of County Commissioners of Manatee County adopted the Manatee County Land Development Code, Manatee County Ordinance 15-17, as amended; and

WHEREAS, pursuant to the Land Development Code, Manatee County Ordinance 1517, as amended, the Hearing Officer has the authority to grant Special Permits; and

WHEREAS, Alliance Parrish, LLC requested a Special Permit with Preliminary Site Plan to allow for "middle school" use on approximately 2.9 acres zoned A (General Agriculture); as an expansion to the existing "elementary school" use on approximately 9.19 acres; located at 6204 and 8605 Erie Road, Parrish; and

WHEREAS, on January 20, 2021 the aforementioned Hearing Officer held a public hearing to receive the staff report, applicant, and public comment, and argument regarding the proposed Special Permit.

NOW, THEREFORE, after consideration of the application for Special Permit 20-04 requested by Alliance Parrish, LLC, 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 site is in the RES-3 (Residential - 3 dwelling units per acre) Future Land Use Designation, which specifically allows for school uses (Policy 2.2.1.10.2).
B. The request is to approve a Special Permit with Preliminary Site Plan to allow for "middle school" use on approximately 2.9 acres as an expansion to the existing "elementary school" use on approximately 9.19 acres; located at 6204 and 8605 Erie Road, Parrish; for a charter school campus totaling 12.09 acres.
C. The 2.9 acre site is in the A (General Agriculture) zoning district, which allows school uses.
D. The overall site lies within Zones $X$ and A per FIRM panel 12081C0178E effective 03/17/2014.
E. There are no wetlands on the project site. There will be a small, 91 square foot impact to the previously approved Wetland Buffer Enhancement area which will be compensated for by the applicant.

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 Manatee County Comprehensive Plan and Manatee County Land Development Code, 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 Cty 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 the Manatee County Comprehensive Plan.
D. The proposed use is in compliance with the Manatee County Land Development Code, including Sections 316.6 (Special Permit Review Criteria) and 531.50 (Standards for Specific Uses - Schools).
E. The proposed use will not be detrimental to or endanger the public health, safety or general welfare.
F. The establishment of the use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district.
G. Adequate measures exist and will be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets as the site proposes an entrance at the north end of the parcel onto Erie Road and will also be connected to the main entrance of the
existing campus to the south and west.
H. The use, as proposed, is compatible with the surrounding uses and the general desired character of the area (height, bulk, scale, intensity, traffic, noise, drainage, lighting, and appearance).
I. Development of the proposed use will not have a substantial adverse effect on a known archaeological, historical, or cultural resources located on or off the parcel as there are no known resources located on or near the subject site.
J. Adequate provisions have been made for screening and buffers to improve compatibility and harmony of the proposed uses and structures with the uses and structures of adjacent and nearby properties. The middle school building and associated infrastructure proposed with the Special Permit will be placed strategically to promote compatibility with surrounding uses, which will include placement of the stormwater pond between the building on-site and the east boundary of the site as well as a buffer on the outside of the parking area with required screening and buffering landscape materials.
K. Development of the proposed use will not have a significant adverse effect on the natural environment, including land, air, water, wetlands, minerals, flora, fauna, and ambient noise.

Section 3. Order. Based upon the foregoing, a Special Permit with Preliminary Site Plan is hereby approved and issued to Alliance Parrish, for "middle school" use on approximately 2.9 acres as an expansion to the existing "elementary school" use on 9.19 acres, for a school campus totaling 12.09 acres, for a site located at 6204 and 8605 Erie Road, Parrish, as more particularly described in Exhibit " $A$ " attached hereto and incorporated herein, subject to the following conditions:

1. This 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 Building and Development Services.
2. All other applicable state or federal permits shall be obtained prior to commencement of development.
3. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
4. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted for review.
5. Connection to the County potable water and wastewater systems is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the appropriate County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the construction plans review process for the project.
6. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50\%) for all stormwater outfall flow directly or indirectly into Buffalo Canal/Frog Creek Watershed. Modeling shall be used to determine pre- and post- development flows.

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 Building and Development Services Department.
ORDERED ON BEHALF OF MANATEE COUNTY this $q_{\text {day }}$ of february, 2021.


## ATTEST: ANGELINA COLONNESO, Clerk of the Circuit Court

MANATEE COUNTY, FLORIDA

BY: 2 , as

## EXHIBIT "A" Legal Description

THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2761, PAGE 6118, AND OFFICIAL RECORDS BOOK 2762, PAGE 392, TOGETHER WITH A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2730, PAGE 5767, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, LYING AND BEING IN SECTION 35, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE S 89²24'31" W, 2573.05 FEET, TO THE INTERSECTION WITH THE SOUTHERLY MAINTAINED RIGHT-OF-WAY LINE OF ERIE ROAD (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY PER ROAD PLAT BOOK 11, PAGE 131-136); THENCE LEAVING SAID MAINTAINED RIGHT-OF-WAY LINE OF ERIE ROAD, AND ON THE EAST LINE OF LANDS CONVEYED TO COUNTY OF MANATEE, DESCRIBED IN OFFICIAL RECORDS BOOK 2359, PAGE 2398, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, S $00^{\circ} 12^{\prime} 29^{\prime \prime} \mathrm{W}, 70.76$ FEET, TO THE SOUTH LINE OF SAID LANDS CONVEYED TO THE COUNTY OF MANATEE; THENCE ON SAID SOUTH LINE, S $63^{\circ} 30^{\prime} 43^{\prime \prime}$ W, 334.34 FEET, TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF $07^{\circ} 07^{\prime} 36^{\prime \prime}$, A CHORD BEARING S $59^{\circ} 56^{\prime} 55^{\prime \prime} \mathrm{W}$, AND A CHORD LENGTH OF 111.87 FEET; THENCE ON THE ARC OF SAID CURVE TO THE LEFT, 111.94 FEET, TO THE POINT OF BEGINNING OF THE SUBJECT PARCEL; THENCE S $00^{\circ} 58^{\prime} 27{ }^{\prime \prime}$ W, 486.72 FEET, TO THE NORTH LINE OF TRACT L, OF THE PLAT OF ANCIENT OAKS, UNIT ONE, AS RECORDED IN PLAT BOOK 39, PAGE 31, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ON SAID NORTH LINE OF TRACT L, S $86^{\circ} 43^{\prime} 34^{\prime \prime}$ W, 96.26 FEET, TO THE NORTHWEST CORNER OF SAID TRACT L; THENCE ON THE EAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2762, PAGE 392, S $00^{\circ} 58^{\prime} 27^{\prime \prime} \mathrm{W}, 448.73$ FEET, TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2762, PAGE 392, THENCE ON THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2762, PAGE 392, AND ON THE SOUTH LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2761, PAGE 6118, N $89^{\circ} 01^{\prime} 32$ " W, 855.63 FEET, TO THE SOUTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2761, PAGE 6118, SAID CORNER ALSO BEING ON THE EAST LINE OF LANDS LESS AND EXCEPT, DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2761, PAGE 6118; THENCE ON SAID EAST LINE, AND ON THE SOUTH RIGHT-OF-WAY LINE OF ERIE ROAD, N $01^{\circ} 08^{\prime} 49$ " E, 174.60 FEET, TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 570.00 FEET, A DELTA ANGLE OF $43^{\circ} 25^{\prime} 54^{\prime \prime}$, A CHORD BEARING N $41^{\circ} 47^{\prime} 47^{\prime \prime}$ E, AND A CHORD LENGTH OF 421.80 FEET; THENCE ON THE ARC OF SAID CURVE TO THE RIGHT, 432.07 FEET, TO THE POINT OF TANGENCY; THENCE CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, AND ON THE SOUTH LINE OF LANDS LESS AND EXCEPT, DESCRIBED IN OFFICIAL RECORDS BOOK 2762, PAGE 392, N 63³0'43" E, 374.49 FEET, TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 720.00 FEET, A DELTA ANGLE OF $19^{\circ} 03^{\prime} 31^{\prime \prime}$, A CHORD BEARING N $53^{\circ} 58^{\prime} 58^{\prime \prime}$ E, AND A

CHORD LENGTH OF 238.40 FEET; THENCE ON THE ARC OF SAID CURVE TO THE LEFT, AND CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, AND ON SAID SOUTH LINE OF LANDS CONVEYED TO COUNTY OF MANATEE, AN ARC LENGTH OF 239.50 FEET, TO THE POINT OF TANGENCY; THENCE CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, AND ON SAID SOUTH LINE OF LANDS CONVEYED TO COUNTY OF MANATEE, N $44^{\circ} 27^{\prime} 12^{\prime \prime}$ E, 15.27 FEET, TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF $11^{\circ} 55^{\prime} 55^{\prime \prime}$, A CHORD BEARING N $50^{\circ} 25^{\prime} 10^{\prime \prime}$ E, AND A CHORD LENGTH OF 187.09 FEET; THENCE ON THE ARC OF SAID CURVE TO THE RIGHT, AND CONTINUING ON SAID SOUTH RIGHT-OF-WAY LINE, AND ON SAID SOUTH LINE OF LANDS CONVEYED TO COUNTY OF MANATEE, AN ARC LENGTH OF 187.43 FEET, TO THE POINT OF BEGINNING.

PARCEL CONTAINS 526,512 SQUARE FEET, OR 12.09 ACRES, MORE OF LESS.

# Angelina "Angel" Colonneso 

Clerk of the Circuit Court
Manatee County
P.O. Box 25400

Bradenton, FL 34206

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All interested parties ave invited to appear at this Hearing and be hoard, subject to proper rules of conduct. Additionally any writ-

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Manatee Goudy Building and owelopment services departtent. 1112 Manatee Avenue Whish lath Floor. Bradenton Flortua, telephone number (941) 248-4501 ext. B87 or email at planningagendaremymanatee. 0
According to florida statutes, Section 286.0105, any person dasirtho to appeal my decision desiring to appal any decision with respect to any matter con-


## THE STATE OF TEXAS

COUNTY OF DALLAS

Before the undersigned authority personally appeared VCTORIA RODELA, who, on oath, says that she is a Legal Advertising
Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of Public Notice, was published in said newspaper in the issue (s) of:
$\qquad$ Insertions)

Published On:
January 07, 2021

## THE STATE OF FLORIDA COUNTY OF MANATEE

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Fonda, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper,

(Signature of Affiant)
Sown to and subscribed before me this 7th day of January in the year of 2021


Extra charge for lost or duplicate affidavits. Legal document please do not destroy

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| 9 |  |  |  |  | AFFECTING THE USE OF LAND IN UNINCORPORATED <br> MANATEE COUNTY NOTICE IS HEREBY GIVEN, that <br> the Hearing Officer for Manatee County, will conduct <br> a Public Hearing on Wednesday, January |  |


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# AFFIDAVIT OF PUBLICATION 

SARASOTA HERALD-TRIBUNE<br>PUBLISHED DAILY<br>SARASOTA, SARASOTA COUNTY, FLORIDA

## STATE OF FLORIDA COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED JM MITCHELL, WHO ON OATH SAID SHE IS VICE PRESIDENT OF SALES, WEST FL, FOR THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN MANATEE COUNTEE DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT BEING A NOTICE IN THE MATTER OF:

Legal description documented below:
IN THE COURT WAS PUBLISHED IN THE MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

1/7 1x

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED


SWORN OR AFFIRMED TO, AND SUBSCRIBED BEFORE ME THIS
 BY JM MITCHELL WHO IS PERSONALLY KNOWN TO ME.


## NOTICE OF PUBLIC HEARING

## NOTICE OF ESTABLISHNENT OR CHANEE OFAREGUATION AFPECTING TNE USE OF UND IN UNCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Hearing Officer for Manatee County, will conduct a Public Hearing on Wednetdry, lanuary 20, 2021 at 3.00 pm. at the Anminestratve Center, 1st Floor Honorable Patorcia M. Giass, Chumbers, 1112 to consider and act upon the following matter:

Approval of a Special Permit with Preliminary Site Plan to allow for "middie school' use on 2.9 acres zoned A General Agriculture); as an expansion to he existing "elementary school" use on 9.19 acres: located at 6204 and 8605 Erie Road. Parrish (Manatee County) for a chartor school campus totaling 12.09 cres.

Rules of Procedure for this public hearing are in effect pursuant to Section 312.8 of Code. Copies of this section of the Code are available for review at the Building and Development Services Department. 112 Manatee Avenue West, Bradenton, FL 34205 or at mymanatee.org.

All interested parties are inviled to appear this Hearing and be heard, subject to proper rules of conduct. Additionaliy, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Hearing Officer and entered into the record.
nterested parties may examine the Official Zoning Atlas, the application, elatedance regarding this matter from the Conatee County Building and Development Senvices Department 1112
Manatee Avenue West, 4th Floor,
Bradenton, Florida, telephone number (941) 748-4501 ext. 6878 or email at: planning.agenda@mymanatee.org

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Hearing Officer with respect to any matter considered at the Public Hearing will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim ecord of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based

Amencans Wht Disabilities: The Heaning discriminate upon the basis of any discrimination policy involves every aspect of the Hearing Officer's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA.
should contact Carmine DeMilio 941-792should contact Carmine 8303 ort. or
8784 carmine.demilio@mymanatee.org or FAX carmine.d

THE PUBLIC HEARING MAY BE
CONTINUED FROM TIME TO TIME CONTINUED FROM TIME

MANATEE COUNTY HEARING OFFICER
Manatee County Building and Manatee County Building
Manatee County, Florida
Date of pub: January 7, 2021

