

**SPECIAL PERMIT NO. SP-23-01  
PARRISH CHARTER SCHOOL PHASE II  
PLN 2212-0011**

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**FINAL ORDER OF MANATEE COUNTY HEARING OFFICER KELLY FERNANDEZ ON BEHALF OF MANATEE COUNTY GRANTING SPECIAL PERMIT NO. SP-23-01 FOR MIDDLE SCHOOL USE, IN ADDITION TO THE EXISTING ELEMENTARY SCHOOL USE, ON ±17.40 ACRES WITH ±8.20 ACRES ZONED A (GENERAL AGRICULTURE) AND ±9.20 ACRES ZONED A-1 (SUBURBAN AGRICULTURE); LOCATED AT 6204, 8605, AND 8625 ERIE ROAD, PARRISH (MANATEE COUNTY); PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, pursuant to the LDC, Manatee County Ordinance 15-17, as amended, the Hearing Officer has the authority to grant Special Permits; and

**WHEREAS**, Parrish Charter Academy, Inc. requested a Special Permit to allow for Middle School use, in addition to the existing Elementary School use, on ±17.40 acres with ±8.20 acres zoned A (General Agriculture) and zoned ±9.20 A-1 (Suburban Agriculture); and

**WHEREAS**, on December 6, 2023, 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 23-01 requested by Parrish Charter Academy, Inc., 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. Approximately 9.20 acres of the site is in the A-1 (Suburban Agriculture) zoning district and approximately 8.20 acres of the site is in the A (General Agriculture) zoning district.
- B. The site is in the RES-3 (Residential-3 Dwelling Units Per Acre) Future Land Use Category.

- C. The request is to approve a Special Permit to allow for Middle School use, in addition to the existing elementary school use, for a charter school on the total acreage.
- D. Only the A (General Agriculture) zoning district requires a special permit for middle school use.
- E. Pursuant to SP-20-04, the applicant previously received approval for Middle School use on 12.09 acres, but additional acreage has since been acquired.
- F. The overall site lies in Zones X and A per FIRM Panel 12081C0178E, effective 3/17/2014.

**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. The RES-3 (Residential-3 dwelling units per acre) Future Land Use Designation specifically allows for school uses per Policy 2.2.1.10.2.
- D. The proposed use is in compliance with the Manatee County LDC, including Sections 316.6 (Special Permit Criteria) and 531.50 (Standards for Specific Uses – Schools). Both zoning districts allow school uses, with A (General Agriculture) requiring a Special Permit.
- E. The proposed use will not be detrimental to or endanger the public health, safety or general welfare.
- F. The proposed use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district.
- G. Adequate measures have been and will be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets.

- H. The proposed use 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. The proposed use will not have a substantial adverse effect on a known archaeological, historical or cultural resource located on or off the parcel proposed for development 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.
- K. 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 is hereby approved and issued to Parrish Charter Academy, Inc. to allow for Middle School use in addition to the existing elementary school use on ±17.40 acres located at 6204, 8605, and 8625 Erie Road, Parrish (Manatee County), as more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, 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. Amendment to FSP-20-131(R) shall be consistent with the Preliminary Site Plan associated with this Special Permit.
3. All other applicable state or federal permits shall be obtained prior to commencement of development.
4. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. The use of Manatee County public potable water supply shall be prohibited.
5. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted for review.
6. 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.

7. 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 4<sup>th</sup> day of January, 2024.



MANATEE COUNTY, FLORIDA

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

ATTEST: ANGELINA COLONNESO,  
Clerk of the Circuit Court

BY: [Signature]  
Deputy Clerk

### EXHIBIT "A" Legal Description

FROM THE NE COR OF SEC 35, RUN S 89 DEG 24 MIN 31 SEC W, A DIST OF 2573.05 FT TO THE INT WITH THE SELY MAINTAINED R/W LN OF ERIE RD; TH S 63 DEG 25 MIN 09 SEC W ALNG SD MAINT R/W LN, A DIST OF 855.80 FT; TH S 00 DEG 18 MIN 10 SEC W, A DIST OF 10.04 FT TO THE POB; TH CONT S 00 DEG 18 MIN 10 SEC W, A DIST OF 390.42 FT; TH N 86 DEG 43 MIN 34 SEC E, A DIST OF 267.18 FT; TH S 00 DEG 58 MIN 27 SEC W, A DIST OF 448.73 FT; TH N 89 DEG 01 MIN 32 SEC W, A DIST OF 423.94 FT; TH N 04 DEG 42 MIN 51 SEC W, A DIST OF 428.72 FT; TH N 00 DEG 18 MIN 22 SEC E, A DIST OF 289.14 FT TO THE SELY R/W LN OF ERIE RD PER (954/264); TH N 63 DEG 26 MIN 39 SEC E, ALG SELY R/W LN, A DIST OF 224.16 FT TO THE POB (1482/2857) LESS OR 2381/6991 FOR ADDTL RD R/W DESC AS FOLLOWS: COM FROM THE NE COR OF SEC 35, TWN 33S, RNG 18E RUN S 89 DEG 24 MIN 31 SEC W, A DIST OF 2573.05 FT TO THE INT WITH THE SELY MAINTAINED R/W LN OF ERIE RD; TH S 63 DEG 25 MIN 09 SEC W ALNG SD MAINT R/W LN, A DIST OF 855.80 FT; TH S 00 DEG 18 MIN 10 SEC W, A DIST OF 10.04 FT TO THE POB; TH LEAVING SD MAINTAINED R/W LN, CONT S 00 DEG 18 MIN 10 SEC W, A DIST OF 164.30 FT; TH S 63 DEG 30 MIN 43 SEC W, A DIST OF 224.04 FT; TH N 00 DEG 18 MIN 22 SEC E, A DIST OF 164.01 FT TO ITS INT WITH SD SELY R/W LN OR ERIE RD; TH ALG SD SELY R/W LN N 63 DEG 26 MIN 39 SEC E, A DIST OF 224.17 FT TO THE POB & CONTAINING 32,828 SQ FT, M/L. PI#7261.0075/3

And

FROM THE CENTER OF SEC 35 (AS OCCUPIED), RUN N 00 DEG 07 MIN 12 SEC E, A DIST OF 100 FT; TH N 89 DEG 39 MIN 47 SEC W, A DIST OF 1303.92 FT TO THE ELY R/W LN OF ERIE RD; TH N 00 DEG 45 MIN 12 SEC E, ALG SD ELY R/W LN 1227.21 FT; TH N 00 DEG 44 MIN 23 SEC E, CONT ALG SD ELY R/W LN, A DIST OF 301.48 FT TO THE POB; TH CONT NLY & NELY ALG THE R/W LN OF SD ERIE RD THE FOL THREE COURSES: TH N 00 DEG 44 MIN 23 SEC E, A DIST OF 435.59 FT TO THE P.C. OF A CURVE TO THE RIGHT WHOSE RAD PT LIES S 89 DEG 15 MIN 37 SEC E, A DIST OF 105.72 FT; TH NELY ALG THE ARC OF SD CURVE TO THE RIGHT, A DSIT OF 115.70 FT THROUGH A C/A OF 62 DEG 42 MIN 13 SEC, TO THE END OF SD CURVE TO THE RIGHT; TH N 63 DEG 26 MIN 39 SEC E, A DIST OF 402.31 FT; TH S 00 DEG 18 MIN 22 SEC W, A DIST OF 289.14 FT; TH S 04 DEG 42 MIN 51 SEC E, A DIST OF 428.72 FT; TH N 89 DEG 01 MIN 32 SEC W, A DIST OF 457.69 FT TO THE POB. (1458/4949); LESS RD R/W REC IN OR 2357/3203 DESC AS: COM FROM THE CENTER OF SEC 35, TWN 33S, RNG 18E RUN N 00 DEG 07 MIN 12 SEC E, A DIST OF 100 FT; TH N 89 DEG 39 MIN 47 SEC W, A DIST OF 1303.92 FT TO THE ELY R/W LN OF ERIE RD; TH N 00 DEG 45 MIN 12 SEC E, ALNG SD ELY R/W LN 1227.21 FT; TH N 00 DEG 44 MIN 23 SEC E, CONTINUING ALNG SD ELY R/W LN, A DIST OF 301.47 FT TO THE POB; TH CONT ALNG SD ELY R/W LN OF SD ERIE RD N 00 DEG 44 MIN 23 SEC E, 435.60 FT TO THE BEG OF A CURVE TO THE RIGHT WHOSE RAD PT LIES S 89 DEG 15 MIN 37 SEC E, A DIST OF 105.72 FT; TH NELY ALNG THE ARC OF SD CURVE TO THE RIGHT A DIST OF 115.70 FT THROUGH A C/A OF 62 DEG 42 MIN 13 SEC TO THE END OF SD CURVE TO THE RIGHT; TH N 63 DEG 26 MIN 39 SEC E, A DIST OF 402.31 FT; TH S 00 DEG 18 MIN 22 SEC W, A DIST OF 164.01 FT; TH S 63 DEG 30 MIN 43 W, 125.63 FT TO THE BEG OF A CURVE TO THE LEFT; TH SWLY ALNG THE ARC OF SD CURVE TO THE LEFT, HAVING A RAD OF 570 FT, A DIST OF 432.07 FT THROUGH A C/A OF 43 DEG 25 MIN 54 SEC; TH ALNG A NON-TANGENT LN TO THE LAST CURVE, S 01 DEG 08 MIN 49 SEC W, 174.60 FT; TH N 89 DEG 01 MIN 32 SEC W, 26 FT TO THE POB PI#7245.0130/9

A PARCEL OF LAND LYING & BEING IN SEC 35, TWN 33 S, RNG 18 E, MANATEE COUNTY FL; BEING THE WESTERN PORTION OF THOSE LAND DESCRIBED IN OR BK 2730 PG 5767, OF PRMCF & BEING MORE PARTICULARLY DESCR AS FOLLOWS: COMMENCE AT THE NE COR OF SEC 35, TWN 33 S, RNG 18 E, TH S 89 DEG 24 MIN 31 SEC W, 2573.05 FT, TO THE INT WITH SELY MAINTAINED R/W LN OF ERIE RD; TH ON THE E LN OF SD LANDS DESC IN OR BK 2730 PG 5767, OF THE PRMCF, S 00 DEG 12 MIN 37 SEC W, 739.65 FT, TO THE S LN OF SD LANDS; TH ON S LN OF SD LANDS S 86 DEG 43 MIN 34 SEC W, 402.56, FOR A POB TH CONT ON THE S LN OF SD LANDS, S 86 DEG 43 MIN 34 SEC W, 363.44 FT, TO THE W LN OF SD LANDS; TH ON THE W LN OF SD LANDS, N 00 DEG 18 MIN 17 SEC E, 226.13 FT, TO THE S LN OF THE PARCEL CONVEYED TO COUNTY OF MANATEE AS DESC IN OR BK 2359 PG 2398, OF THE PRMCF, TH ON THE S LN OF SD PARCEL CONVEYED TO THE PRMCF THE FOLLOWING (4) COURSES: (1) N 63 DEG 30 MIN 43 SEC E, 24.82 FT, TO A PC TO THE LEFT, HAVING: A RAD OF 720.00 FT, A D/A OF 19 DEG 03 MIN 31 SEC, A C/B OF N 53 DEG 58 MIN 58 SEC E, & A CHORD LENGTH OF 238.40 FT; (2) TH ON THE ARC OF SD CURVE, 239 FT; (3) TH N 44 DEG 27 MIN 12 SEC E, 15.27 FT, TO A POC TO THE RT, HAVING: A RAD OF 900.00 FT, A D/A OF 11 DEG 55 MIN 54 SEC; A C/B OF N [REPLACE: "N 51 DEG 48 INCH 01 SEC E" W/"N 50 DEG 25 MIN 06 SEC E"] & CHORD LENGTH OF 187.08 FT; (4) TH ON THE ARC OF SD CURVE, 187.42 FT; TH LEAVING SD S LN, S 00 DEG 58 MIN 27 SEC W, 486.80 FT, TO THE N POB (INST#202141108276) PI#7261.0065/9  
And

FROM THE NE COR OF SEC 35, RUN S 89 DEG 24 MIN 31 SEC W, A DIST OF 2573.05 FT TO THE INT WITH SELY MAINTAINED R/W LN OF ERIE RD ALSO BEING THE POB; TH S 00 DEG 12 MIN 37 SEC W, A DIST OF 739.65 FT; TH S 86 DEG 43 MIN 34 SEC W, A DIST OF 766 FT; TH N 00 DEG 18 MIN 10 SEC E, A DIST OF 400.46 FT RETURNING TO SD SELY MAINTAINED R/W LN OF ERIE RD; TH N 63 DEG 25 MIN 09 SEC E, ALG SD SELY MAINTAINED R/W LN, A DIST OF 855.80 FT TO THE POB.(1450/6297) LESS OR 2359/2398 FOR RD R/W DESC AS FOLLOWS: COM FROM THE NE COR OF SEC 35, TWN 33 S, RNG 18 E, RUN S 89 DEG 24 MIN 31 SEC W, A DIST OF 2573.05 FT TO THE INT WITH SELY MAINTAINED R/W LN OF ERIE RD ALSO BEING THE POB; TH LEAVING SD MAINTAINED R/W LN, S 00 DEG 12 MIN 29 SEC W, A DIST OF 70.76 FT; TH S 63 DEG 30 MIN 43 SEC W, A DIST OF 334.34 FT TO BEG OF A CURVE TO LEFT; TH IN A SWLY DIRECTION ALG ARC OF SD CURVE, HAVING A RADIUS OF 900.00 FT AND A C/A OF 19 DEG 03 MIN 31 SEC, A DIST OF 299.37 FT TO A PT OF TANGENCY; TH S 44 DEG 27 MIN 12 SEC W, A DIST OF 15.27 FT TO BEG OF A CURVE TO RIGHT; TH IN A SWLY DIRECTION, ALG ARC OF SD CURVE, HAVING A RAD OF 720.0 FT AND A C/A OF 19 DEG 03 MIN 31 SEC, A DIST OF 239.50 FT TO A PT OF TANGENCY; TH S 63 DEG 30 MIN 43 SEC W, A DIST OF 24.82 FT; TH N 00 DEG 18 MIN 10 SEC E, A DIST OF 174.33 FT TO ITS INT WITH AFOREMENTIONED SELY MAINTAINED R/W LN OF SD ERIE RD; TH ALG SD SELY R/W LN, N 63 DEG 25 MIN 09 SEC E, A DIST OF 855.80 FT TO POB. PI#7261.0050/6 ALSO LESS INST#202141108276 DESC AS FOLLOWS: "A PARCEL OF LAND LYING & BEING IN SEC 35, TWN 33 S, RNG 18 E, MANATEE COUNTY FL; BEING THE WESTERN PORTION OF THOSE LAND DESCRIBED IN OR BK 2730 PG 5767, OF PRMCF & BEING MORE PARTICULARLY DESCR AS FOLLOWS: COMMENCE AT THE NE COR OF SEC 35, TWN 33 S, RNG 18 E, TH S 89 DEG 24 MIN 31 SEC W, 2573.05 FT, TO THE INT WITH SELY MAINTAINED R/W LN OF ERIE RD; TH ON THE E LN OF SD LANDS DESC IN OR BK 2730 PG 5767, OF THE PRMCF, S 00 DEG 12 MIN 37 SEC W, 739.65 FT, TO THE

S LN OF SD LANDS; TH ON S LN OF SD LANDS S 86 DEG 43 MIN 34 SEC W, 402.56, FOR A POB TH CONT ON THE S LN OF SD LANDS, S 86 DEG 43 MIN 34 SEC W, 363.44 FT, TO THE W LN OF SD LANDS; TH ON THE W LN OF SD LANDS, N 00 DEG 18 MIN 17 SEC E, 226.13 FT, TO THE S LN OF THE PARCEL CONVEYED TO COUNTY OF MANATEE AS DESC IN OR BK 2359 PG 2398, OF THE PRMCF, TH ON THE S LN OF SD PARCEL CONVEYED TO THE PRMCF THE FOLLOWING (4) COURSES: (1) N 63 DEG 30 MIN 43 SEC E, 24.82 FT, TO A PC TO THE LEFT, HAVING: A RAD OF 720.00 FT, A D/A OF 19 DEG 03 MIN 31 SEC, A C/B OF N 53 DEG 58 MIN 58 SEC E, & A CHORD LENGTH OF 238.40 FT; (2) TH ON THE ARC OF SD CURVE, 239 FT; (3) TH N 44 DEG 27 MIN 12 SEC E, 15.27 FT, TO A POC TO THE RT, HAVING: A RAD OF 900.00 FT, A D/A OF 11 DEG 55 MIN 54 SEC; A C/B OF N [REPLACE: "N 51 DEG 48 INCH 01 SEC E" W/"N 50 DEG 25 MIN 06 SEC E"] & CHORD LENGTH OF 187.08 FT; (4) TH ON THE ARC OF SD CURVE, 187.42 FT; TH LEAVING SD S LN, S 00 DEG 58 MIN 27 SEC W, 486.80 FT, TO THE N POB (INST#202141108276) PI#7261.0060/9

Angelina "Angel" Colonnese  
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Receipt Date: 01/08/2024 802 11TH ST W ATTN MARTIN FORBES  
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Instrument(s): 202441001961-ORDER

Receipt Total:	\$61.00
Amount Tendered:	\$61.00
Overage:	\$0.00
Service Fee	\$0.00
<b>Total PAID</b>	<b>\$61.00</b>

Check	\$61.00	CHECK #	56061
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Amount Paid	\$61.00
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001000000341100	RECORDING FEE \$5/\$4	\$29.00
199000000341150	PRMTF \$1/\$.50	\$4.00
001000000208911	PRMTF FACC \$.10	\$0.70
199000000341160	PRMTF CLERK \$1.90	\$13.30
001000000208912	PRMTF BCC \$2	\$14.00
<b>Instrument Total:</b>		<b>\$61.00</b>