

T A R A

(R-80-21; R-80-23; DRI #11)

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PUBLIC HEARING

The Board of County Commissioners, Manatee County, Florida, convened in SPECIAL SESSION, in Joint Public Meeting with Manatee County Planning Commission in the Central Library Building, Barcarotta Blvd., Bradenton, Florida, Wednesday, August 27, 1980 at 9:00 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Lamar S. Parrish, Vice-Chairman
Claude E. McGavic
L. H. Fortson, Jr.
Louis E. Driggers

Also present were:

E. N. Fay, Jr., County Attorney
Peter Ramsden, Finance Director, representing R. B. Shore,
Clerk of Circuit Court

Planning Commission Members

Ann Bott
Gordon Bartle
Robert H. Hoffman
Fay Firkins
James C. Garrison
George W. Hooper
Seymore Sailes

Representing the various news media were Libby Allison, The Bradenton Herald; Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

Court Reporter: Diane T. Tomin, Kahn & Kahn Court Reporters,
1105 6th Avenue W Bradenton, Fl 33505
(Administered oath to all witnesses)

The meeting was called to order by Chairman Glass.

TARA; FIRST NATIONAL BANK & TRUST CO. OF RIVIERA BEACH -
DRI #11, R-80-21, SE-80-23

Public hearing was opened for the purpose of considering

DRI #11; R-80-21; SE-80-23 - TARA DEVELOPMENT LTD
(First National Bank & Trust Co., Riviera Beach, Trustee;
J.J. McNeary, Developer; Dewey Dye, Agent)
TYPE OF DEVELOPMENT - Planned Unit Development
SIZE OF PROJECT - 1,137 acres
LOCATION OF PROJECT - Southwest Corner of SR 70 & I-75 area

(as advertised in the Bradenton Herald June 28, 1980 and August 11, 1980)

REQUEST: Approval of a Development of Regional Impact which encompasses a Rezone to P.U.D. (Planned Unit Development) R-80-21, associated conceptual plan of a Planned Unit Development, and a Special Excepton (SE-80-23) for a commercial complex.

GENERAL DESCRIPTION OF PROPOSED DEVELOPMENT: Primarily residential mix on 1,137 acres containing 4,040 dwelling units consisting of mid-rise, cluster villas, and single family homes; a two-story motel + 150 units; a community shopping plaza and professional complex; and a championship golf course to be constructed in three five year phases.

AGENDA

Introductory remarks by: - County Attorney &
Planning & Development Department
Presentation by: - TARA Ltd., L.J. McNeary, Agent
Presentations and
Recommendations by: - Planning & Development Department

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Oral Remarks and
 Presentations by: - Other Governmental Agencies
 Public Remarks & Discussion: - In Favor & In Opposition
 Rebuttal & Closing Statement - Applicant
 Motion & Action by: - Planning Commission

The County Attorney advised that after hearing all the facts, the Commissioners should:

- a. approve the application;
- b. approve the application subject to limitations and restrictions;
- c. deny the application.

PLANNING AND DEVELOPMENT PRESENTATION

Bill Swan, Planning and Development Department, outlined the request, stating that the property will be developed basically in three five-year phases; that the Planning Department has no objection to considering the three requests (DRI #11, R-80-21 and SE-80-23) simultaneously, if action can be taken separately on each item.

DRI #11 - TARA

(TARA Ltd, Developer; L.J. McNeary, Agt)
 Location: S.W. Quadrant, I-75 & SR 70
 on 1,137 acres zoned R-1AA, -A-, & A-2.

R-80-21 FIRST NATIONAL BANK & TRUST, RIVIERA BEACH

(Dewey Dye, Jr or J.L. McNeary, Agt)
 Request: To change present zoning from -A-, A-2 and R-1AA to P.U.D. on 1,080 acres at SW corner of the intersection of I-75 and SR 70.

SE-80-23 FIRST NATIONAL BANK & TRUST CO, RIVIERA BEACH

(Dewey Dye, Jr., or J.L. McNeary, Agt;
 SE to be granted to run with the Land)
 Request: Special Exception to permit a community shopping mall, commercial service plaza, and motel in A-2 district for a permanent period of time on 56.23 acres at the SW corner of I-75 and SR 70.

Proposed Land Uses

Phase I (1980-85)

Single-Family - 365 units
 Multi-Family - 981 units
 Professional Complex - 10,000 Sq. ft.
 Service Station - 1 site
 Golf Course - 147.8 acre site
 Commercial Shopping - 20,000 sq. ft.
 Commercial Service Plaza - 3 sites
 Motel Complex - 150 units

Phase II (1985-90)

Single-Family - 365 units
 Multi-Family - 982 units
 Professional Complex - 44,000 sq. ft
 Commercial Shopping - 60,000 sq. ft
 Commercial Service Plaza -3 sites

Phase III (1990-95)

Single-Family - 365 units
 Multi-Family - 982 units
 Commercial Shopping - 45,000 sq. ft.
 Commercial Service Plaza - 3 sites.

Development adjacent to Ward Lake is to have the lowest density (single family lots ranging from 1/3 to 2-acre lots) because of concern for the potable water supply for the City of Bradenton

A 36" water transmission main has been completed along the frontage of the property, providing an adequate source of potable water. Sewer service will be provided by a centralized sewer system.

Planning Department recommended approval of the entire site, provided that certain conditions, data sufficiencies and stipulations are satisfied, based on the assumption that specific and continued monitoring and enforcement will ensure performance allowing the development to continue as approved, noting that its recommendations differ from TBRPC in some aspects regarding phase approvals.

The major issues identified by the Planning Staff are:

- 1) DRAINAGE (includes water quality and quantity)
- 2) UTILITIES (includes waste water treatment)
- 3) NOISE ABATEMENT
- 4) PUBLIC FACILITIES
- 5) ROADS & TRANSPORTATION NETWORK

County Exhibits No. 1 through No. 6 were admitted with no objections from applicant or City of Bradenton. (listed with other County Exhibits)

PETITION TO INTERVENE - CITY OF BRADENTON

William Lisch, Attorney, City of Bradenton, submitted on behalf of the City a

PETITION TO INTERVENE AND BE
RECOGNIZED AS INTERESTED PARTY

which gives the City the right to present documentation, cross examine witnesses, examine documentation and present testimony and do all other things that an interested party may do in these proceedings.

Dewey Dye, Jr., Attorney for Applicant, had no objection to the petition being entered into evidence.

MOTION was made by Mr Driggers to allow the City of Bradenton to intervene as an interested party. MOTION was seconded by Mr McGavic and carried unanimously. There were no objections, and the petition was admitted as County Exhibit No. 7 (listed with other County Exhibits).

TARA, LTD - APPLICANT PRESENTATION/INTRODUCTION OF WITNESSES

Mr Dye stated that additional resource documents which had been filed with the original filing (namely: an Archaeological Survey of the Site; Air Quality Study; Water Quality Study; and a Biological Survey) should be included in County Exhibit No. 1. Mr Swan was instructed to research and advise if, in fact, the documents actually exist.

Mr Dye summarized the requests and advised that expert witnesses are prepared to present testimony in the areas of engineering design, environment, economy and land use in the development.

He introduced L.J. McNeary, general partner with the applicant, and Ms Patricia Petruff, Attorney, who assisted Mr Dye as legal counsel for applicant.

WITNESSES FOR APPLICANT

Robert Lombardo, Civil Engineering Consultants, Inc, Palmetto and Bradenton, Florida, prime consultant for Tara, testified to the design, engineering and environmental constraints involved in Tara.
(Depart Commissioner Fortson)

Clayton Robertson, Projects Manager, Conservation Consultants, Inc., Palmetto, Florida, retained by Tara to develop statistics on air and water quality, biological base line on site and provide answers on DRI application, testified regarding Vegetation Association/Land Use and methodology to determine air and water quality. Noise analysis was not performed.

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Ralph Nelson, President, Ralph Nelson Engineering, Inc., Bradenton, Florida, retained by Tara for site planning and some DRI responses testified regarding Land use, reviewed basic features of the project, particularly the commercial complex (SE-80-23).

RECESS/RECONVENE

After a brief recess the meeting reconvened with all members present except Commissioner Fortson.

David Wilkinson, President, Planning and Marketing Services, Sarasota, Florida, retained by Project Engineer to perform certain elements of the DRI application relevant to economic and public facilities' impacts, testified regarding existing economic conditions in area of Tara and potential economical impact of Tara on Manatee County.

Mr Lombardo continued testimony Re: the Master Drainage Plan for Tara, to include the monitoring of discharge; use of the latest "State of the Art" techniques to retain the water quantity and quality in Ward Lake; re-channelization of off-site water flow, and maintenance plans for the system.

Harry Oleson, Hydrogeologist with Leggette, Brashears & Graham, Consultant Geologists, Tampa, Florida, engaged by the Civil Engineering Consultants to respond to the three specific questions by Manatee County and the City of Bradenton on the DRI application, testified Re:

- 1) recharge of groundwater on the site
- 2) effect on potable water table
- 3) non-potable withdrawals for re-use on Tara property.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:15 p.m.

Meeting reconvened at 1:20 with all members present except Commissioner Fortson.

Mr Oleson completed his testimony.

Mr Robertson was recalled to explain how the natural water purifying system works.

Mr Lombardo testified Re: Traffic engineering and roads; stating that Florida Department of Transportation has reviewed and is basically in agreement with the plan, with the exception of the impact on SR 70.

COUNTY WITNESSES

James Rider, Planning and Development Department, submitted staff findings pertaining to the potential traffic impact of Tara on local roads and outlined recommended improvements to be made to certain roadways by the developer during certain phases and to become part of the development order.

He referred to findings of the Planning Staff regarding noise pollution, in that the concentration of living units are adjacent and contiguous to the westerly right of way of I-75 and the southerly right of way of SR 70. In order that the land use complies with Federal standards, noise pollution must be controlled within a 60-decible contour line.

RECESS/RECONVENE

After a short recess the meeting was reconvened with all members present except Commissioner Fortson.

EXHIBITS IDENTIFIED

The additional resource documents previously referred to by Mr Dye, (with the exception of an archaeological survey) were identified and admitted for inclusion in composite County Exhibit No. 1:

- 1) a Hydrology and Water Resource Document
- 2) a Biological Assessment of the Proposed Tara Residential Development Property
- 3) an Air Quality Base Line Evaluation

APPLICANT EXHIBITS

There being no objection by the County or the City of Bradenton, Applicant Exhibits "A" through "T" were admitted:

- A. Map - General location of TARA
- B. Map - Aerial, TARA
- C. Map - Topography, area
- D./F. Map - Vegetation Associations/Land Use (one map)
- E. Map - Soils
- G. Map - Master Drainage Plan
- H. Map - Master Development Plan
- I. Map - Service Areas
- J. Map - Transportation Network
- K. Map - Wetland Associations
- L. Map - Mixed Residential (Colored Perspective)
- M. Preliminary Site Plan - Commercial Activity Center
- N. Letter - Civil Engineering Consultants to Bruce Sicilano dated 8/21/80
- O. Drawing - Ward Lake Watershed
- P. Figure 1 - Water Table (graphic map by Leggette, Brashears & Graham, Inc)
- Q. Figure 2 - Water Table (graphic map by Leggette, Brashears & Graham, Inc)
- R. Sales Plat
- S. Drawing - Commercial Complex (Colored Perspective)
- T. Survey - Archaeological & Historical (By Conservation Consultants, Inc)

COUNTY PRESENTATION: MAJOR ISSUES/IMPACT ANALYSIS; WITNESSES

Bill Swan identified areas of major concern of the reviewing agencies as:

- A. Environment (Drainage, which includes water quality and quantity; Noise Abatement)
- B. Utilities
- C. Roads and Transportation Network
- D. Public Service Facilities

DRAINAGE

Charles Hunsicker, County Planner, detailed the Planning Staff findings which constituted the basis for the recommended approval of the drainage design subject to Florida Department of Environmental Regulations (FDER) approval, and dependent upon the applicant's representation that the system shall perform as designed to protect Class IA potable waters, with stipulations that:

1. The system approval shall be subject to a monitoring of Ward Lake, consistent with FDER water quality standards.
2. The developer shall establish a water quality monitoring program to define baseline conditions prior to construction, continued throughout the construction phases up through five years following completion of the project
3. Monitoring station locations, instrumentation, sampling frequency, and reporting schedules shall be reviewed and approved by the County Pollution Control Director prior to approval of construction drawings for the stormwater management system.
4. Upon determination by the Pollution Control Director that a violation has occurred, he may issue a Stop Work Order applying to the construction activity causing such violation

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5. During the required monitoring period the developer shall post and maintain a performance security, annually adjusted in an amount of 25 percent of the cost of construction of the water quality protection components of the stormwater management system, completed within the previous five years.
6. Construction of the proposed drainage system shall be certified by the engineer(s) of record.
7. Extensive erosion and sedimentation controls necessary to protect water quality during construction activity may be required at construction plan approval with provisions for a minimum of bi-weekly inspections by representatives of a joint City/County team of inspectors.
8. Downstream drainage improvements necessary to ensure performance of water quality and quantity requirements must be in place and certified prior to all upstream construction activities.
9. Pre-development stormwater flows shall be maintained throughout each phase of development.
10. A maintenance and operation program shall be provided by the developer prior to preliminary P.U.D. plan approval of the drainage/retention system.
11. The County and the City of Bradenton shall have the right to participate as full parties in any proceedings involving permit applications with FDER.
12. The developer will be allowed to develop within the 10 foot contour flood plain, provided no freshwater swamp, freshwater marsh or mixed forest vegetative zones are destroyed. (TBRPC recommendation differed from the County in that the Council recommendation would preclude development of 37 of the 50 homesites allowed by the County within 10-foot contour flood line)

COUNTY EXHIBITS (SEE LIST)

There being no objections, Map "H" Master Development Plan, altered to illustrate development below the 10 foot contour line, was entered as County Exhibit No. 8; and altered Map "D & F" Vegetation Associations/Land Use as County Exhibit No. 9 (Listed with other County Exhibits).

In response to request by Gordon Bartle, Planning Commission, for information on the effects of surface drainage to the aquifers, Mr Hunsicker submitted a hand drawn illustration of a "Surficial Aquifer Cross Section" (2 pages).

Mr Dye objected to the admission of this conceptual drawing.

After the County Attorney outlined the alternatives to be considered regarding admission of the document:

- 1) Admit the document over the objection of the applicant;
- 2) Deny the admission of the document
- 3) Admit the document without weight (for what it is worth).

MOTION was made by Mr Driggers and seconded by Mr McGavic to reject the conceptual drawing as evidence. MOTION carried unanimously. (Listed as County Exhibit No. 10, without weight)

In his testimony regarding noise pollution, Bill Swan referred to the Master Development Plan, altered to illustrate the noise decibel contour. There being no objections, Map H" Master Development Plan (with altered Noise Decibel Contour) was admitted as County Exhibit No. 11 (Listed with other County Exhibits).

COUNTY PRESENTATION (CONT'D) - UTILITIES

County water and sewer being conditionally available, the County Utilities Department has indicated it can handle the wastewater generated by the first phase of the project, provided capacity is available at the Southwest Regional Treatment Plant.

Planning Staff recommended that a study be made by the developer to determine the possible need to upgrade the existing sewage transmission system to the Southwest Plant, and that the study be completed prior to construction plan approval of the sewer system.

Phase II and III being dependent upon construction of a new treatment plant to be built either by Creekwood Developers on a 30 acre site north of Tara project, or by Tara Developers on an alternate County approved site, Planning Staff recommended the site be located in such an area as not to have a potential discharge into Ward Lake. No building construction will be allowed until a wastewater treatment plant is constructed, approved and dedicated to Manatee County.

Although a 36" water transmission main line along the frontage of the property will provide an adequate source of potable water, Staff recommended an elevated water tank be erected on site to insure sufficient flow and pressure to the development during peak demands. Applicant has agreed to donate land and pay a pro rata share of construction cost for such elevated tower. Donation of land and pro rata share of costs is to be finalized prior to issuance of building permits for Phase II.

Mr Driggers expressed concern regarding sewage treatment facilities.

ROADS

James Rider, County Planner, testified to Staff findings regarding the impact the TARA project can have on traffic on I-75, U.S. 301, U.S. 41, SR 70 and SR 64, stating that Staff is basically in agreement with the impact analysis prepared and presented by the D.R.I. with exceptions:

- 1) Staff feels SR 64 is a significant distance from SR 70 and TARA will affect the level of traffic on SR 70 to the major commercial area of the County (DeSoto Mall/Cortez Plaza).
- 2) TARA development traffic will add significantly to the congestion from the intersections to the major commercial centers.

It is not felt that these will significantly effect any of the recommendations of the Staff outlined below, most of which are commitments made by the developer in the DRI:

PHASE I

1. Construct main entrance road as four-lane divided highway from SR 70 to commercial area;
2. Construct left turn lane for westbound traffic at main entrance at SR 70;
3. Construct deceleration lane and right turn lane at main entrance on SR 70;
4. Traffic signal at main entrance on SR 70 shall be provided;
5. Construct left turn lane on Braden River Road at SR 70;
6. Construct left turn lane on SR 70 at main entrance and Braden River Road.

PHASE II

1. Construct main entrance road as a four-lane divided highway from commercial area to the third internal intersection;
2. Construct an additional four-lane facility from U.S. 301 relocated to the DeSoto Square Mall area before Phase II can begin. (It should be noted that these are State Roads and the responsibility of the Florida Department of Transportation).

PHASE III

1. Construct free flow right-turn lane at Braden River Road entrance at SR 70;
2. Construct main entrance road as a four-lane divided highway from the third internal intersection to the sixth internal intersection;

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3. Before construction of Phase III, SR 70 should be at least four-lanes to the TARA project;
4. Braden River Road and Linger Lodge Road shall be improved to a 24-foot wide section from SR 70 to the I-75 overpass;
5. Construct additional left turn for westbound traffic at main entrance on SR 70, if necessary.

It was noted that the majority of the staff recommendations are commitment through the Sarasota-Manatee Area Transportation Study to change the priority of SR 70 to a high priority project.

FIRE; EMERGENCY MEDICAL SERVICES; POLICE

Mr Swan advised that Staff and developer are basically in agreement as to proposed provisions for Fire Protection, Police and Emergency Medical Services (outlined in County Exhibit No. 4)

RECESS/RECONVENE

After a brief recess, the meeting was reconvened with all members present except Commissioner Fortson. County presentations continued:

HISTORICAL AND ARCHAEOLOGICAL SITES

A study conducted for the developers of TARA revealed no significant historical or archaeological sites exist on the proposed site.

UTILITIES: WASTE WATER TREATMENT

Jim Rhinehart, Manatee County Utilities Department, testified regarding requirements to ensure that wastewater facilities are available to each phase of the proposed development (page 14, paragraph 4, County Exhibit No. 4).

Summarily:

- a. A study to be completed by the developer to determine need to upgrade the existing wastewater transmission system to the Southwest Regional Treatment Plant.
- b. An agreement to be negotiated between TARA Developer and Creekwood and/or Manatee County for construction of an additional treatment plant to serve TARA. The plant will either be built by Creekwood on a 30 acre site north of project or by TARA on an alternate County approved site.

CEDAR HAMMOCK DISPOSAL CORP.

The Cedar Hammock Disposal Corporation, in whose district the proposed development will be located, has stated they are equipped to service TARA, and has not indicated any rate adjustment for such service.

SCHOOLS

The Manatee School Board has requested 10 acres for an elementary school site and 20 acres for a middle school site or a 30-acre site to house both schools.

The developer has agreed to set aside the acreage and to allow the School Board a ten year option to purchase the site, or sites, at development cost. Staff recommended that said price be ascertained for inclusion in the development order, and, together with the School Board, recommended that sidewalks be provided throughout the entire proposed D.R.I. project. (specifically along one side of all residential streets and both sides of all collector and arterial roads)

POLICE PROTECTION

The County Sheriff's Department anticipates the need for five additional deputies to provide 24-hour police protection to TARA before completion of Phase I in 1985. Additional deputies will be required to provide service to Phases II and III. The Sheriff Department is in agreement with proposed development of a Public Service Building to house a Fire Department, Emergency Medical

Services Unit and Police. The developer will donate land for the Public Service Building and contribute a pro rata share of the cost of constructing the complex.

PARKS AND RECREATION

Planning Department recommends the developer incorporate in the preliminary planned unit development plan, a child-oriented recreational facility of sufficient size to meet the needs of the area and to be easily accessible to all residents.

TYPOGRAPHICAL ERRORS/CORRECTIONS

County Exhibit No. 1, Rezone R-80-21, page 2, paragraph 1., line 3, change the word "approved" to read reviewed. (correction underlined)

TAMPA BAY REGIONAL PLANNING

Sheila Benz, representing, Tampa Bay Regional Planning Council (TBRPC) submitted the Council's Final Report on DRI #66, TARA, approved by the full Council on August 12, 1980. The review report consists of opinions and recommendations of the Council in accordance with Florida Environmental Land and Water Management Act (Chapter 380), with specific recommendations concerning the developer's ability to handle needs Re:

- 1) environmental and natural resources, public facilities, etc;
- 2) protection of water quality and quantity.

There being no questions and no objections, TBRPC DRI #66, TARA, was admitted as County Exhibit No. 12 (Listed with other County Exhibits).

COUNTY EXHIBITS

1. Composite Exhibit - Applicant's Text and Associated Maps
2. Supplemental Material - Submitted by Applicant to TBRPC
3. Supplemental Material - Submitted by Applicant to County 6/17/80
4. AGENDA - Planning Commission 8/27/80
5. Agency Response to TARA DRI #11
6. Proof of Publication of Public Hearing of D.R.I.#11, TARA Development, Ltd, A Planned Unit Development, 6/28/80
7. Petition to Intervene - City of Bradenton
8. Map H, Master Development Plan, (altered to show Development Below 10 foot Contour Line)
9. Map D & F, Vegetation Association/Land Use, (altered to show Preserved Wetland Vegetation)
10. Conceptual Drawing (2 pages) - Surficial Aquifer Cross Section (submitted as being without merit, i.e. as not being fair or representative of a condition)
11. Map H, Master Development Plan, (altered to show Noise Decibel Contour)
12. DRI #66, TARA by Tampa Bay Regional Planning Council (agenda item #6A, 8/11/80).

MEETING RECESSED

Meeting was declared recessed until 9:00 a.m. September 12, 1980.

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