

PUBLIC HEARING

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The Board of County Commissioners, Manatee County, Florida, reconvened in joint public meeting with Manatee County Planning Commission in the Courthouse, Bradenton, Florida, Tuesday, September 30, 1980 at 1:36 p.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
Laverne Hambacher, Deputy Clerk, 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 (entered during the meeting)

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.

Public hearing continued.

COUNTY EXHIBITS (CONT'D)

The County Attorney submitted County Exhibits Nos. 22 through 26

22. Letter - E.N. Fay, Jr to Board of County Commissioners
Re: Joint Public Hearing for TARA Ltd, DRI-11, R-80-21
SE-80-23, dated September 19, 1980: County Attorney
acting as clearing house, (3 pages)
23. Memorandum - E.N. Fay, Jr, Re: Distribution Lists of
parties involved in written communications for the joint
public hearings, dated September 19, 1980, together with
Mr McGavic's questions to Bob Rile (4 pages)
24. Memorandum -E.N. Fay, Jr, Re: Distribution Lists of
parties involved in written communications for the joint
public hearings, dated September 29, 1980, together
with Responses to Mr McGavic's questions from A.S. Cogan,
Planning Department and Robert Lombardo, Civil Engineering
Inc., (55 page packet)
25. Memorandum - E.N. Fay, Jr, Re: Distribution Lists
of parties involved in written communications for the
joint public hearings, dated September 29, 1980 with
Responses from the County Health Department to Mr
McGavic's questions (6 pages)
26. Letter of Transmittal - Civil Engineering Consultants,
Inc dated September 29, 1980, Re: Revision to earlier
response to Mr McGavic's questions. (2 pages)

MOTION was made by Mr McGavic to enter the exhibits into the record.
MOTION was seconded by Mr Firkins and carried unanimously.

(Enter Mr Sailes)

PROCEDURES

There being no questions, the County Attorney instructed the Boards
as to the appropriate action, that:

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- from this point, the Board of County Commissioners and the Planning Commission may act independently of each other;
- any party wishing to make summation, may do so.

He suggested the Planning Commission close its public hearing, consider the information heard to date, and make its recommendation to the Board of County Commissioners.

Dewey Dye, Attorney for TARA, Ltd, had no objection to the procedure suggested by Mr Fay, and pointed out that experts are available to answer any questions.

William Lisch, Attorney, City of Bradenton, stated that he did not receive the written questions and answers in time to make a response today, and requested the Board of County Commissioners keep its public hearing open to afford the City an opportunity to address points that were raised.

EX PARTE COMMUNICATIONS

In response to question by Mrs Glass, Mr Fay clarified "ex parte communications" precludes Commissioners communicating with any member of the staff who testified during the hearings, without the consent of the other parties.

POLLUTION CONTROL

In response to questions, O. E. Randle, Pollution Control Director, stated his opinion was:

- 1) there was no information in the material submitted today that would cause him to change his previous recommendation for denial of TARA Ltd.
- 2) no facts/data were submitted to prove that the development could be done without polluting the City of Bradenton water supply
- 3) to obtain such data the applicant should begin a baseline study of wet and dry seasons to build up the data base; that this data base is the same as suggested in the TBRPC recommendations; and that the study should include the results of the project Mr Lombardo designed for Palm Aire.

APPLICANT SUMMATION

Included in summation by Mr Dye were comments that basically the applicant:

- has no problem with staff recommendations so long as they are for guidance only. He did not, however, agree to submit P.U.D. plans for the entire 1100 acres to the City of Bradenton for approval;
- feels it is unwarranted interference on the part of government to try to dictate kinds of stores in the shopping center, and requiring that whatever is allowed to be incorporated in deed restrictions to run with the land;
- has no objection to developer having to establish water quality monitoring program to define base line conditions prior to construction; the one-year stipulation TBRPC placed on the project; or the five-year follow up, but feels the criteria should be the DER criteria applicable to those waters;
- suggests that the City and County agree to be parties to the Florida DER permitting process to precluded more than one set of monitoring stations, parameters and standards;
- requests more formal proceedings to determine violations and stop work orders; perhaps incorporate violation procedure in the DER permit itself;
- has no problem with concept of security to guarantee the system will work, but object to suggested deposit of 25 percent of investment in stormwater construction;

- objects to joint City-County inspection team;
- relies on ability of County Utility System to serve the development; but, if necessary, will secure property and build sewage treatment plant;
- agrees with Highway Department to furnish improvements requested to Braden River Road, Linger Lodge Road and other off-site roads. Developer does not agree to be responsible for four-laning SR 70, or furnishing a road to DeSoto Mall;
- agrees to donate ten-acre site for a school, and give an option, based on purchase price of the land, on twenty acres with the understanding the land will be used for schools;
- agrees with TBRPC recommendation for some sort of neighborhood park for children

CITY OF BRADENTON

William Lisch, Attorney, City of Bradenton, reiterated the concerns of the City regarding:

- density allowed in TARA development
- need for a reservoir protection ordinance
- who has responsibility for maintenance of drainage ponds

and requested denial of the petition for rezone and DRI.

PLANNING COMMISSION - PUBLIC HEARING CLOSED

Chairman Firkins declared Planning Commission public hearing closed on R-80-21.

Mr Hooper MOVED to refer R-80-21 to Committee. MOTION was seconded by Mr Sailes.

In response to question by Mrs Bott, Mr Hooper stated that the rezone should go to the Rezone Committee, Special Exception to Special Exception Committee.

Mr Sailes called for question on the MOTION. Upon voting, MOTION failed to carry.

The County Attorney advised that it would be appropriate to close public hearing on anything that is before the Commission at this time.

Chairman Firkins declared public hearing closed on SE-80-23 and DRI #11.

MOTION was made by Mrs Bott to refer DRI #11, R-80-21 and SE-80-23 to Committee as a whole. MOTION was seconded by Mr Bartle and carried unanimously.

There were no objections to suggestion by Bill Swan that this item be placed on the Planning Commission agenda October 8, 1980.

My Dye volunteered to file a suggested draft development order to assist the staff in the meeting of the Planning Commission on October 8th.

MOTION was made by Mr Bartle to adjourn the Planning Commission meeting. MOTION was seconded by Mr Hoffman and carried unanimously.
(Depart Planning Commissioners)

BOARD OF COUNTY COMMISSIONERS - PUBLIC HEARING CLOSED

Mr Driggers MOVED that public hearing on DRI #11, R-80-21 and SE-8-23 be closed. MOTION was seconded by Mr McGavic. Voting "Aye" were Commissioners Driggers, McGavic, Fortson and Parrish. Chairman Glass voted "Nay". MOTION carried.

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The County Attorney cautioned the Commissioners that the thirty-day limitation for making a decision commences today.

MEETING ADJOURNED

There being no further business, the meeting was declared adjourned.

Attest:

APPROVED:

Clerk

Chairman

Adj: 3:10 p.m.

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NOVEMBER 4, 1980

EXCERPT FROM MINUTES OF THE BOARD OF COUNTY COMMISSIONERS, NOVEMBER 4, 1980 (Convening at 9:08 a.m.)

ZONING - TARA

Bill Swan, Planner, Planning and Development Department, submitted recommendations on

R-80-21 FIRST NAT'L BANK & TRUST CO. OF RIVIERA -DEFERRED
(Deferred from 10/23/80)

SE-80-23 FIRST NAT'L BANK & TRUST CO. OF RIVIERA - DEFERRED
(Deferred from 10/23/80)

DRI No. 11 TARA - DEFERRED
(Deferred from 10/23/80)

together with revised copy of the proposed Rezone and Special Exception Resolutions and the D.R.I. draft Development Order. He advised that SR 70 improvements are still a concern of the Planning Staff, Tampa Bay Regional Planning Council and the applicant.

He reported that the Health Department is opposed to the project until a one year monitoring program, which will document predevelopment water quality parameters during both wet and dry seasons, is completed.

Mayor Bill Evers, City of Bradenton, submitted a letter dated November 3, 1980 requesting denial on the following basis:

- 1) The increased density is not compatible with the reservoir and area and will have a detrimental effect on the quality of water.
- 2) The applicant has not provided adequate plans and information to indicate the extent of damage the development will have on the reservoir and instead is requesting approval of conceptual plans.
- 3) The TARA Development will set a population precedent.
- 4) The current zoning density allows the developer a more reasonable use of his property.
- 5) City is requesting the County adopt a Reservoir Protection Ordinance to give adequate protection to the reservoir.

Mrs. Glass submitted a letter dated October 23, 1980, from Sheriff Thomas Burton advising that adequate law enforcement service to TARA Development will require that new positions in the Department be funded and that access to a reasonable amount of office space must be obtained so that a substation can be established in the vicinity of TARA.