

MOTION was made by Mr. Parrish to accept the letters. MOTION was seconded by Mr. McGavic and carried unanimously.

William Lisch, Attorney for City of Bradenton, concurred with recommendation by the Health Department that a monitoring program be established before development occurs. He also recommended that the Severability Clause on Page 18, paragraph 6 be stricken from the proposed Order.

Upon no objections by Dewey Dye, Attorney representing the Applicant, MOTION was made by Mr. McGavic to strike Section 6 on page 18 from the draft Development Order. MOTION was seconded by Mr. Driggers and carried unanimously.

Jim Rhinehart, Manatee County Utilities System, was available to answer questions.

James Rider, Planning Department, submitted proposed language to be considered for inclusion in the Development Order to protect the County's interest in future impacts on SR 70.

Mr. Dye objected to portions of the language.

Bob Lombardo, Engineer of Record for the project, outlined the proposed roadway improvements that the Developer has agreed to provide.

RECESS/RECONVENE

After a brief recess, the Board reconvened with all members present.

TARA

Action on the TARA project was deferred until Thursday, November 6, 1980, at 1:30 p.m.

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NOVEMBER 6, 1980

EXCERPT FROM THE MINUTES OF BOARD OF COUNTY COMMISSIONERS MEETING  
NOVEMBER 6, 1980 (Reconvening at 3:10 p.m.)

The Board reconvened at 3:10 with all members present.

Court Reporter: Lynn Morrison  
Kahn & Kahn Court Reporting  
Bradenton, Fl 33506

TARA DRI 11; R-80-21; SE-80-23

In connection with application by TARA, LTD for approval of Development of Regional Impact, DRI #11, Bill Swan, County Planner, submitted

1. Resolution Granting A Development Order (encompassing suggestions of the Board with regard to the wastewater system and SR 70)
2. Resolution Granting Rezoning To Planned Unit Development (R-80-21)
3. Resolution Granting Special Exception For A Commercial Activity Center In An A-2 District (SE-80-23).

and was available to answer any questions.

CITY OF BRADENTON

Mayor Bill Evers, William Lisch, Attorney, and Jerry West, Planning Director, City of Bradenton, submitted two resolutions proposed by the City to deny DRI #11 and R-80-21:

1. Resolution Granting A Development Order
2. Resolution Denying Rezoning to Planned Unit Development

NOVEMBER 6, 1980

Cont'd

stating that the only objection the City has to the TARA project is its location in the Ward Lake watershed.

DRI #11

An item by item review was held on the County's proposed Development Order (DRI # 11) with discussion on Paragraph 6 and Paragraph 7, Page 14, regarding SR 70 and developers' pro-rata share of road improvements, together with Paragraph 6 on page 14A (applicant's suggested building permit moratorium on all such construction until commitments for necessary improvements to SR 70 are provided by the responsible entity, i.e. Florida Department of Transportation). Mr McGavic asked about the effect a moratorium would have on the marketable value of surrounding property. He also had questions about the State of the Art techniques being used in the treatment of wastewater.

O. E. Randle, County Pollution Control Director, reiterated concern about potable water supply and stated that his position (for denial) is basically unchanged.

Dewey Dye, Agent for TARA, stated that the developer has agreed to meet every request in regard to protecting the quality of the water in Ward Lake; that if water quantity becomes a problem the developer will augment the water supply with a well; that if the water quality or quantity is diminished in any way, the project will be stopped; that the developer can do nothing on the property until a baseline study is completed.

He advised, however, that no baseline data will be available if the DRI is denied because without the project there is no reason for the developer to make such study.

The County Attorney suggested the Land Use issues (R-80-21 and SE-80-23) be considered first. He advised that

- R-80-21 - Use of land - requires a legislative type decision
- SE-80-23 - Special exception - (quasi-judicial in nature) requires a finding of fact that applicant has met the criteria set forth in the Zoning Ordinance
- DRI #11 - Development Order - May be approved as is; approved, with conditions, limitations and restrictions, or may be denied.

R-80-21

Mr Driggers MOVED to approve

R-80-21, RESOLUTION GRANTING REZONING TO  
PLANNED UNIT DEVELOPMENT.

MOTION was seconded by Mr Parrish for discussion.

The County Attorney suggested following editorial changes:

- 1) Insert the date "20th of October" in 4th "Whereas"
- 2) delete the date from the 5th "Whereas"
- 3) delete paragraph 4 of the resolution.
- 4) delete "DRI" from legal description and insert "LTD".

Mr Driggers had no objection to the editorial changes and restated the MOTION: "for approval of a Resolution Granting Rezoning to Planned Unit Development, R-80-21 as amended." MOTION carried unanimously.

SE-80-23

After reviewing suggested editorial changes in SE-80-23, similar to those in R-80-21, Mr Driggers MOVED to approve

SE-80-23, RESOLUTION GRANTING SPECIAL EXCEPTION  
FOR COMMERCIAL ACTIVITY CENTER IN AN A-2 DISTRICT.

MOTION was seconded by Mr Parrish and carried unanimously.

DRI #11

Mr McGavic suggested the County Attorney be instructed to draft language that states that if the results of the baseline data indicate the project should not be developed using techniques described in the DRI, there will be no construction. There were no objections.

After considerable discussion, it was concensus of opinion to make following editorial changes to the County's proposed DRI #11.

1. Delete Sections 6 and 7, Page 14
2. Delete Section 6, Page 14A
3. Renumber Section 8, Page 14, to make it Section 6
4. Change Paragraph 1, Page 11 (IV SCHOOL SITE) to read.. "School Board of Manatee County...."
5. Change Section 7 to read... The annual report shall be submitted on the anniversary date of approval.

Mr Driggers MOVED to instruct the County Attorney to draft necessary Development Order based on the proposed development order presented, and the editorial changes made by the Board, this afternoon. MOTION was seconded by Mr Parrish and carried unanimously.

CITY OF BRADENTON - RESOLUTIONS

MOTION was made by Mr McGavic and seconded by Mr Parrish to accept the two documents submitted by the City of Bradenton (proposed Development Order and Resolution Denying Rezoning to Planned Unit Development). MOTION carried unanimously.

Mr Fay will submit the revised DRI Development Order to the Board on November 13, 1980.

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NOVEMBER 13, 1980

EXCERPT FROM MINUTES OF THE BOARD OF COUNTY COMMISSIONERS MEETING NOVEMBER 13, 1980 (convening at 9:06 a.m)

TARA, LTD - R-80-21; SE-80-23; DRI #11

Upon MOTION by Mr Driggers, seconded by Mr Parrish, the following Resolutions (approved 11/6/80) were unanimously ADOPTED approving applications by First National Bank and Trust Company of Riviera Beach for a Special Exception and Rezoning to Planned Unit Development in connection with TARA, LTD:

(1) SE-80-23 - RESOLUTION GRANTING SPECIAL EXCEPTION FOR A COMMERCIAL ACTIVITY CENTER IN AN A-2 DISTRICT

(2) R-80-21 - RESOLUTION GRANTING REZONING TO PLANNED UNIT DEVELOPMENT

RECORD RESOLUTIONS

TARA - DRI NO. 11

Dewey Dye, Agent for Developer, had no objections to the following editorial revisions of the draft Resolution Granting a Development Order (DRI No. 11):

- Page 5, paragraph 5, line 4 - Change the word "may" to shall
- Page 5, line 12 - Delete the word reasonable.

Mr Driggers MOVED for adoption of amended DRI No. 11

RESOLUTION GRANTING A DEVELOPMENT ORDER.

MOTION was seconded by Mr McGavic and carried unanimously.  
RECORD RESOLUTION

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