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# MANATEE COUNTY GOVERNMENT

PLANNING, PERMITTING AND INSPECTIONS DEPARTMENT

June 16, 1994

CERTIFIED MAIL

Ms. Julia Greene  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard  
St. Petersburg, FL 33702

Re: Resolution R-94-165 - Harbor Ventures DRI Abandonment

Dear Ms. Greene:

Enclosed is a certified copy of Resolution R-94-165 adopted by the Board of County Commissioners on June 14, 1994 approving the abandonment of the Harbor Ventures Development of Regional Impact, and rescinding any previous development orders on this site.

If you have any questions, please contact Norm Luppino of this department at 748-4501, extension 3070.

Sincerely,

Betsy Benac,  
Community Planning Administrator

BB/NL/jy

Enclosure

cc: Carol B. Clarke, Director, PPI  
Norm Luppino, Principal Planner  
Case File

RESOLUTION NO. R-94-165

HARBOR VENTURES DRI ABANDONMENT

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA APPROVING THE ABANDONMENT OF THE HARBOR VENTURES DEVELOPMENT OF REGIONAL IMPACT AND ESTABLISHING CERTAIN CONDITIONS FOR THE DEVELOPMENT OF THE PROPERTY.

WHEREAS, Manatee County has previously issued a development order for the Harbor Ventures Development of Regional Impact which had authorized the development of certain properties consisting of approximately 492 acres owned by Harbor Ventures, Inc. pursuant to Chapter 380, Florida Statutes; and,

WHEREAS, a portion of the property included within the DRI, consisting of approximately 252 acres, has been conveyed to Manatee Fruit Company; and,

WHEREAS, the remainder of Harbor Ventures DRI, comprising of approximately 240 acres, is retained by Robert Berne, as Trustee; and,

WHEREAS, the Manatee County School Board has a contract pending with Robert Berne, as Trustee to purchase a 40 acre parcel of the Harbor Ventures DRI; and,

WHEREAS, Robert Berne, as Trustee, and Manatee Fruit Company has submitted an application for the abandonment of the development of regional impact requesting the County to approve the abandonment of the DRI in order to facilitate the sale of the 40 acres to the Manatee County School Board; and,

WHEREAS, the applicant has duly noticed and Manatee County has held public hearings pursuant to Rule 9J-2.0251, Florida Administrative Code, dealing with abandonment of the development order.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, in regular session duly assembled this 14th day of June, 1994:

The Board of County Commissioners hereby makes the following findings of fact and conclusions of law concerning abandonment of the DRI development order:

- A. No development, as defined by Section 380.04, Florida Statutes, has taken place under the terms of the DRI Development Order.
- B. There have been no impacts from the project because, with the exception of 53rd Avenue West, there has been no development.
- C. The property is no longer in common ownership nor does it have a common plan of development.
- D. The western parcel has no current plan of development as defined in Section 380.04, Florida Statutes.
- E. The entire property will be subject to current comprehensive plans and land development regulations, including concurrency and wetland preservation.
- F. The existing and proposed development on each of the parcels will be less than eighty (80) percent of any applicable DRI guideline or standard.

G. The areas previously set aside or identified for preservation or protection will be adequately protected by the wetland provisions of the comprehensive plan and land development regulations.

H. The developer has not relied upon benefits granted to authorized developments of regional impact, pursuant to Chapters 163, 403, and 380, Florida Statutes, which would not otherwise be available after abandonment.

I. The proposed development after abandonment will be consistent with the State Comprehensive Plan, the State Land Development Plan and the appropriate Comprehensive Regional Policy Plan.

J. The development is eligible to request abandonment pursuant to Rule 9J-2.0251, Florida Administrative Code.

Based upon the foregoing, the Board of County Commissioners grants the request to abandon all previous development orders for the Harbor Ventures Development of Regional Impact. This order establishes the following conditions for development of the site:

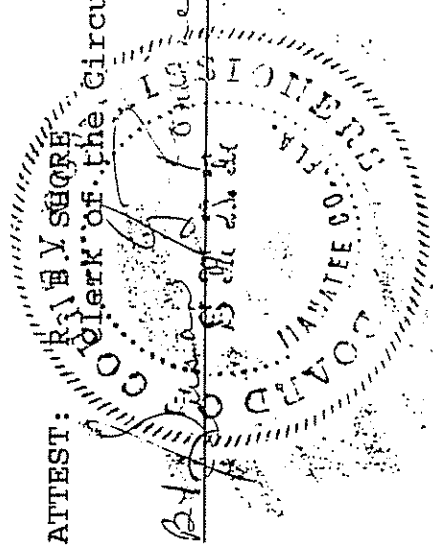
1. The future developers of this property shall dedicate right of way for 47th Street West consisting of 120 feet of width from 53rd Avenue West south for a distance of approximately 1250 feet and then 60 feet of width south to the southern property line of the Harbor Ventures DRI prior to final site plan or plat approval, adjacent or containing the right of way to be dedicated, whichever occurs first. The location of the right of way shall be subject to the approval of the County. To the extent that the Owner or its successors or assigns are required hereunder to contribute land for a public facility, and the Owner is also subject by local ordinance to the payment of impact fees or exactions to meet the same needs, the Owner may apply for impact fee credit pursuant to Section 806 of the Manatee County Land Development Code; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, Manatee County shall not be required to grant a credit toward the local exaction or impact fee unless Manatee County determines that such required contribution, payment or construction meets the same need that the local exaction or impact fee would address.

2. By the abandonment of the DRI Development Order, the Owners, heirs and successors in interest, do not waive any right to seek impact fee credits, if any, for the dedication of the 120 foot right of way for 53rd Avenue, pursuant to Section 806 of the Manatee County Land Development Code.

DONE AND RESOLVED this 14<sup>th</sup> day of June, 1994.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

RV: Stan Stephen  
Chairman

ATTEST:  
Ray V. Shore  
Clerk of the Circuit Court  


STATE OF FLORIDA COUNTY OF MANATEE  
I hereby certify that the foregoing is a true  
copy of RESOLUTION NO. 14-2446 adopted by the  
Board of County Commissioners of said County on  
the 14<sup>th</sup> day of June, 1994, this 14<sup>th</sup> day  
of June, 1994, in Bradenton, Florida.

R. B. Shopp  
Clerk of Circuit Court  
By Stan Stephen, D.C.

DRI DEVELOPMENT ORDER

MANATEE COUNTY NO. 6

(TAMPA BAY REGIONAL PLANNING COUNCIL NO. 44)

WHEREAS, on the 14th day of March, 1975, Harbor Ventures, Inc. through its attorney and agent, Dewey A. Dye, Jr., filed an Application for Development of Regional Impact pursuant to Section 380.06(6), Florida Statutes, requesting approval for a Residential Planned Unit Development of 4,890 dwelling units and associated recreational and commercial facilities on the following described property located in Manatee County, Florida:

The westerly  $\frac{1}{2}$  of the NE $\frac{1}{4}$ ; the easterly  $\frac{1}{2}$  of the NW $\frac{1}{4}$ ; the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$ ; the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$ , all lying in Section 16, Township 35 South, Range 17 East, and the N $\frac{1}{2}$  of the NE $\frac{1}{4}$ , the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , the E $\frac{1}{2}$  of the NW $\frac{1}{4}$ , the N $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$ , all lying in Section 17, Township 35 South, Range 17 East, Manatee County, Florida.

WHEREAS, pursuant to Section 380.06(7), Florida Statutes, and Section VIII, A.,1, of the Manatee County Zoning Ordinance, the Manatee County Planning Commission gave notice of the hearing to be held on the application; and

WHEREAS, pursuant to Section 380.06(8), Florida Statutes, Tampa Bay Regional Planning Council, the appropriate Regional planning agency, prepared and submitted to the Manatee County Planning Commission their report and recommendations on the regional impact of the property development (copy attached as Exhibit 1); and

WHEREAS, pursuant to Section 380.06(7), Florida Statutes, and Section VIII, A.,1, of the Manatee County Zoning Ordinance, the Manatee County Planning Commission on September 17, 1975, held a public hearing on the application and by letter submitted to this Board their Report and Recommendations; and

WHEREAS, on the 13th Day of November, 1975 the Board at an open public meeting considered the Report and Recommendations of Tampa Bay Regional Planning Council, the certified record of the documentary and oral evidence presented to the Planning Commission, the Report and Recommendations of the Planning Commission, the application for development of Regional Impact submitted by Harbor Ventures, Inc. and the comments upon the Record made to this Board at said meeting. After full consideration of the Reports, Recommendations and testimony, this Board hereby finds and determines:

- a. The development is not in an area of critical concern pursuant to the provisions of Section 380.05, Florida Statutes.
- b. The State has not adopted a land development plan which is applicable to this area.
- c. The development is consistent with the land development regulations and Comprehensive Plan of Manatee County.
- d. The development is consistent with the Report and Recommendations of Tampa Bay Regional Planning Council and the Manatee County Planning Commission.

NOW, THEREFORE, After due consideration of the consistency of this development with regulations and the regional impact, this Board in open public meeting assembled hereby approves the application for development of regional impact submitted by Harbor Ventures, Inc., subject to the following terms and considerations:

1. PROTECTION OF UNDEVELOPED AREAS.

The developer shall carry out a positive program for the preservation and protection of ecologically important undeveloped areas reflected on plan styled "Master Development Plan for: An Open Space Planned Unit Development", revision date March 24, 1975, on file with the Planning and Development Department of Manatee County, and hereafter referred to as "The approved plan". Proposed methods of implementing this condition shall be reported from time to time by the project developer to appropriate county agencies.

2. WATER QUALITY MAINTENANCE.

The responsibility for maintenance of water quality in the surface water retention system shown on the approved plan shall rest with the developer provided the developer may, at the appropriate time in its development program, turn over maintenance responsibility to one or more community associations or similar organizations membership in which shall include all owners of units in the project. The developer shall provide in its condominium declaration, or by other appropriate legal instruments, for assessment and collection of maintenance fees relating to maintenance of such water quality.

3. POLLUTION CONTROL SAFEGUARDS.

A. A registered Florida engineer shall be retained by the developer to design, supervise construction and certify completion of the following:

1. Sewerage collection facilities in accordance with Water Pollution Control Federation "Manual of Practice No. 9" and the provisions of Chapter 471, Florida Statutes, or whatever legally adopted standards are in effect at the time of certification. Such collection facilities shall be tied into the Manatee County Utility System and dedicated to Manatee County.
2. Storm water drainage plans that will protect the water quality of the receiving body of water in accordance with standards established by Chapter 403, Florida Statutes, and regulations lawfully adopted pursuant thereto.
3. A public water supply distribution system shall be provided and maintained as required by Chapters 381 and 471, Florida Statutes, and regulations adopted pursuant thereto. Such distribution system shall be tied into the Manatee County Utility System and dedicated to Manatee County.

4. Plans for control of "fugitive particulates" as defined in Manatee County Air Pollution Rules, such control to be applicable to land development activities, and construction and development activities carried out upon the premises.

4. PROTECTION OF NATURAL VEGETATION AREAS AS RELATED TO WATER RETENTION PLAN.

A. The storm water retention plan shall be designed and implemented by the developer so as to provide adequate storm water retention taking into account storm water generated off site as well as on site and in so doing preserving and maintaining the largest feasible amount of the natural mesic and hydric hardwood associations within and along Palma Sola Creek. In designing, constructing and maintaining such retention system it shall be assumed that the construction of a usable standard size 18 hole golf course is an integral and necessary part of the approved plan. However, in the execution of such plan, the developer in consultation with its engineer and environmental consultant, shall lay out and design the golf course features in a manner that will preserve the greatest practical amount of such hardwood stands.

b. In implementing the retention system shown on the approved plan the lakes shall be considered primary retention areas, the bordering hardwood areas shall be considered secondary retention areas, and the golf course shall be designed to function as an overflow or tertiary water retention area.

C. Storm water discharge into Palma Sola Creek shall enter the upper reaches of the creek, where possible, in a manner that will induce sheet flow into the creek and drain through the peripheral vegetation along the creek.

D. The vegetation within the mean annual flood of Palma Sola Creek as defined by soil type and vegetation type should be left undisturbed to the maximum extent possible consistent with the plan. Plans for the preservation of such vegetation to the maximum extent possible shall be submitted to the appropriate county agencies prior to commencement of work in the area. Roads and cart paths crossing the creek flood plain shall be on elevated

long span construction where feasible. At any such crossing where the developer proposes a method of construction other than long span construction, such alternate bridging method shall first be approved by the appropriate county agency.

E. The road which bisects the hardwood conservation area in the southeast corner of the western portion of the plan shall be designed and constructed on culverts, or any other system of construction approved by the appropriate county agency which will preserve the natural water flow in such area.

F. The developer shall provide and maintain structures so that "downstream" properties will not be flooded by applicant's proposed retention system to any greater extent than such as might occur now.

G. The total flow of Palma Sola Creek will not be reduced except to the extent necessary to maintain water quality in the retention lakes.

H. Approximately 30 acres of mesic and/or hydric vegetation will be preserved as a viable habitat in the Palma Sola Creek drainage and retention system. Approximately 20 acres of similar woods shall be preserved as shown on the plan near the southeasterly corner of the westerly portion of the tract.

5. MINIMUM REQUIREMENTS FOR ROADWAY IMPROVEMENTS.

A. The necessity for comprehensive and extensive roadway improvements in connection with the proposed project is recognized by the Board and developer. Specific responsibility for specific roadway improvements shall be worked out between the developer and the County as the need to serve various areas or stages of the project arise.

B. Prior to the issuance of building permits under Phase 1 of the plan, 53rd. Avenue West shall be built to county specifications, or completion thereof assured by a county approved surety bond assuring completion of said road prior to issuance of certificates of occupancy, as a two-lane road from 34th Street West to the project entrance(s). This will be considered as adequate access for the first



500 units, except that not more than 210 dwelling units may be constructed in that portion of the development bordering on the El Conquistador development utilizing existing dedicated roads. In this instance, the building of access via 53rd. Avenue West will not be required nor will the units to be served from the existing southerly access road be charged against the 500 units above provided.

C. Prior to issuance of additional building permits above those contemplated in paragraph B. above, a two-lane road paved to county specifications shall be in existence from Cortez Road to 53rd. Avenue West on either the planned right of way of 43rd. Street West or 51st. Street West. As an alternative, 34th. Street West shall be four laned to county specifications from Cortez Road to 53rd. Avenue West, provided, if dedicated right of way to county standards is not available for road construction on any such alignment at the time applicant desires to go forward with additional development, then all time periods relating to subsequent development and staging of the project shall be tolled during such period of time as adequate dedicated rights of way are not available for completion of any road construction last above provided.

D. Prior to proceeding with construction contemplated in Phase II and subsequent phases of the plan, the adequacy of existing and contemplated road improvements in the immediate area must first be reviewed by the Board and new guidelines and responsibility for acceptable access to the project in accordance with the approved plan to be established.

E. Other recommendations of the Tampa Bay Regional Planning Council shall be considered by the developer and to the extent that rights of way are required for facilities recommended by Tampa Bay Regional Planning Council through or around the perimeter of applicant's property, such rights of way as are owned by applicants shall be furnished to Manatee County as same are requested.

F. Nothing contained in this development order shall relieve the developer of existing obligations under Manatee County Ordinances

and building code requirements that a developer must assure to the county adequate access and drainage outfalls to the project prior to the issuance of building permits.

6. SCHOOL SITE REQUIREMENTS.

It appears that during the proposed twenty year build out of the project that a need will be generated for school facilities for approximately 1,000 students generated from the completed development. Inasmuch as the specific needs and location of a school site within applicant's ownership is speculative at this time, the recommendation of the Tampa Bay Regional Planning Council that applicant donate a school site is felt to be unwarranted at this time, and thus, is not a condition of this approval.

The applicant is urged to cooperate with the Manatee County Board of Public Instruction in attempting to locate an acceptable school site in the general area of this planned development.

7. TREATED SEWAGE OVERFLOW.

The recommendation of Tampa Bay Regional Planning Council with respect to an alleged overflow problem at the Manatee County sewage treatment plant adjacent to the 505 acre project site is noted. Manatee County assumes responsibility for alleviating the problem, if it exists, without liability on the part of the developer to participate in such work.

8. Harbor Ventures, Inc. shall comply with the provisions of Section V, Manatee County Zoning Ordinance, District Regulations for the Planned Unit Development District and all of the provisions contained in the Resolution of the Board of County Commissioners, dated this date, approving the Preliminary Development Plan of Harbor Ventures, Inc.

9. This Development Order shall remain in effect for a period of twenty years from the date of this order, provided that this effective date may be extended by the Board upon showing of good cause. This approval shall not be construed as a waiver of any Manatee County requirements for other necessary permit procedures, plat approvals, building permits, certificates of

occupancy or similar matters provided by Florida Statutes or by ordinances of Manatee County. The time above provided shall be tolled during any period of time during which there is any building permit moratorium imposed by the county or other governmental agency having authority to do so.

10. Copies of this order are to be sent to the Division of State Planning, Department of Administration, Tampa Bay Regional Planning Council, and Dewey A. Dye, Jr., attorney and agent for the applicants.

11. This DRI Development Order shall be deemed rendered as of this date for the purpose of computing the thirty-day appeal period provided under Section 380.07(2), Florida Statutes. The effective date of this approval for purposes of computing this time within which certain acts are required to be done in carrying out the approved plan shall be extended for the period of the appeal period provided by said Section 380.07(2) and by such additional period as this order may not be effective by virtue of any appeal taken of the approval of this DRI.

APPROVED by the Board of County Commissioners of Manatee County, Florida, at a regular meeting held at the Court House in Bradenton, Florida, this 13th day of November, 1975.

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

By Jan P. McClure  
Chairman

ATTEST: M. T. McInnis,  
Clerk of Circuit Court

By: H. B. Bourne  
Deputy Clerk

STATE OF FLORIDA

COUNTY OF MANATEE

I, M. T. McInnis, Clerk of Circuit Court, Ex Officio Clerk,  
Board of County Commissioners, Manatee County, Florida, do  
hereby certify that the above and foregoing is a true copy of a  
RESOLUTION adopted by said Board in session on 13th day of  
November 1975.

Subject: DRI Development Order - Manatee County No. 6  
(Tampa Bay Regional Planning Council No. 44)  
Harbor Ventures, Inc.

WITNESS my hand and official seal this 14th day of  
November 1975.

M. T. McInnis, Clerk of Circuit Court,  
Ex Officio Clerk, Board of County  
Commissioners, Manatee County, Florida

By M. T. McInnis  
Deputy Clerk

TO: Scott D. Wilson  
Executive Director

William A. Ockunzzi  
Director of Planning

William O. Lindeman  
Chief, Division of Planning Assistance & Services

FROM: Dave Gildersleeve  
Local Assistance and Services Coordinator

SUBJECT: Harbor Ventures Development Order,  
DRI #44 - Manatee County

DATE: November 26, 1975

On November 20, 1975, the Council staff received the above referenced Development Order and has reviewed the Order to determine its consistency with the Council's report and recommendations dated August 11, 1975. Based on the findings and comparisons outlined below, it is the recommendation of the staff that any decision with regard to appeal of the Harbor Ventures Development Order be held until such time as clarification is received from Manatee County with respect to transportation issues. If the ambiguities found in this section of the Development Order are not adequately clarified prior to the December Executive Committee Meeting, the Development should be appealed.

Each of the Council's recommendations is outlined below by major subject area along with Manatee County's responses as indicated in the Development Order. Staff comments are provided where appropriate.

Water Quality

TERPC Recommendation

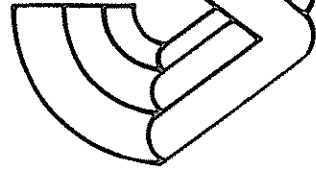
"That the applicant assume the responsibility for maintenance of the water quality of the proposed water retention system."

Manatee County Response:

"The responsibility for maintenance of water quality in the surface water retention system shown on the approved plan shall rest with the developer provided the developer may, at the appropriate time in its development program, turn over maintenance responsibility to one or more community associations or similar organizations membership in which shall include all owners of units in the project. The developer shall provide in its condominium declaration, or by other appropriate legal instruments, for assessment and collection of maintenance fees relating to maintenance of such water quality."

Manatee County regional planning council

MEMORANDUM



351 Third Ave. North Suite 510  
St. Petersburg, Fla.  
33713

(813) 821-2811

Manatee County  
(813) 224-9380

Comment

Adequately addressed in the Development Order.

Natural Vegetation

TBRPC Recommendation

"That the recommendations outlined in the "Natural Vegetation" section of this report pertaining to maintenance of the ecological and environmental integrity of site's natural vegetation be incorporated into the plan for development."

- "1. No excavation should be permitted below the mean annual flood elevation as defined by soil type and vegetation type."

Manatee County Response

"The vegetation within the mean annual flood of Palma Sola Creek as defined by soil type and vegetation type should be left undisturbed to the maximum extent possible consistent with the plan."

Comment

Adequately addressed in the Development Order.

TBRPC Recommendation

- "2. The golf course should be designed to function as a major or primary storm water retention area."

Manatee County Response

"In implementing the retention system shown on the approved plan the lakes shall be considered primary retention areas, the bordering hardwood areas shall be considered secondary retention areas, and the golf course shall be designed to function as an overflow or tertiary water retention area."

Comment

Adequately addressed in the Development Order.

TBRPC Recommendation

- "3. Storm water discharges into Palma Sola Creek should enter in the upper reaches of the creek where possible in a manner that will induce sheet flow into and through the peripheral vegetation along the creek."

Manatee County Response

"Storm water discharge into Palma Sola Creek shall enter the upper reaches of the creek, where possible, in a manner that will induce sheet flow into the creek and drain through the peripheral vegetation along the creek.

Comment

Adequately addressed in the Development Order.

TBRPC Recommendation

"4. The vegetation within the mean annual flood of Palma Sola Creek as defined by soil type and vegetation type should be left undisturbed with the only exception being necessary roads, foot or golf cart paths, and storm water discharge control structures at the periphery of the site. All roads and paths which traverse the creek and its flood plain should be elevated, long span construction. This applies specifically to the proposed road which bisects the hydric hardwood conservation area located in the southeast corner of the western portion of the site."

Manatee County Response

"The vegetation within the mean annual flood of Palma Sola Creek as defined by soil type and vegetation type should be left undisturbed to the maximum extent possible consistent with the plan. Plans for the preservation of such vegetation to the maximum extent possible shall be submitted to the appropriate county agencies prior to commencement of work in the area. Roads and cart paths crossing the creek flood plain shall be on elevated long span construction where feasible. At any such crossing where the developer proposes a method of construction other than long span construction, such alternate bridging method shall first be approved by the appropriate county agency."

"The road which bisects the hardwood conservation area in the southeast corner of the western portion of the plan shall be designed and constructed on culverts, or any other system of construction approved by the appropriate county agency which will preserve the natural water flow in such area."

"The developer shall provide and maintain structures so that "downstream" properties will not be flooded by applicant's proposed retention system to any greater extent than such as might occur now."

Comment

The provision of culverts will not achieve the intent behind the TBRPC Recommendation of elevated, long span construction (i.e., to insure the integrity of the hydric hardwood conservation area located in the southeast corner of the western portion of the site.)

TBRPC Recommendation

"5. The applicant should be responsible for the retention and control of storm water runoff generated on-site only. Further, the applicant should not reduce the total flow of Palma Sola Creek as proposed."

Manatee County Response

"The total flow of Palma Sola Creek will not be reduced except to the extent necessary to maintain water quality in the retention lakes."

Comment

Response is weaker than the intent of our recommendation. It appears that the applicant and the county anticipate a water quality problem in the lake system. The reduction of the flow of Palma Sola Creek is not the most acceptable means of maintaining water quality of the developments lakes (private).

Public Facilities

TBRPC Recommendation

"That the applicant donate a school site of appropriate size and location to the County."

Manatee County Response

"It appears that during the proposed twenty year build out of the project that a need will be generated for school facilities for approximately 1,000 students generated from the completed development. Inasmuch as the specific needs and location of a school site within applicant's ownership is speculative at this time, the recommendation of the Tampa Bay Regional Planning Council that applicant donate a school site is felt to be unwarranted at this time, and thus, is not a condition of this approval.

The applicant is urged to cooperate with the Manatee County Board of Public Instruction in attempting to locate an acceptable school site in the general area of this planned development."



Comment

If Manatee County chooses not to avail itself of TBRPC "reinforcement" in obtaining a needed school site, so be it. Since the applicant is being urged to cooperate with the Manatee County Board of Public Education in attempting to locate an acceptable school site in the general area of the Harbor Ventures development, perhaps this need will be satisfied at a later date. This is not an appealable issue.

TBRPC Recommendation

"That the development order specify that if certificates of occupancy have not been issued within a five year period, that a retriggering of the DRI process be initiated to reassess the impacts of this development on a local and regional basis.

Manatee County Response

Not addressed in the Development Order.

TBRPC Recommendation

"That the county and developer work out a suitable plan to alleviate the overflow problem being experienced at the Manatee County sewage treatment facility adjacent to the site. The county should assure that at total development a spray irrigation or other similar system will be provided to relieve this problem."

Manatee County Response

"The recommendation of Tampa Bay Regional Planning Council with respect to an alleged overflow problem at the Manatee County sewage treatment plant adjacent to the 505 acre project site is noted. Manatee County assumes responsibility for alleviating the problem, if it exists, without liability on the part of the developer to participate in such work."

Comment

This recommendation was added to the Council report at the request of Commissioner Ron Norman. The Council staff was not cognizant of this issue prior to the August Executive Committee Meeting. Since Manatee County has assumed responsibility for alleviating the problem, the intent of our recommendation has been adequately addressed in the Development Order.

Transportation

TBRPC Recommendation

"That the transportation improvements outlined in the Transportation section of this report be completed prior to issuance of certificates of occupancy for each designated phase of development. These improvements should be based on the applicant's time phasing schedule and general growth in the area of the proposed development."

Manatee County Response

See attached Development Order (Pages 5, 6 and 7).

Comment

The Development Order as issued is ambiguous and does not specifically address the concerns outlined in our final report of August 11, 1975. Clarification to the Development Order should be sought from Manatee County prior to determining its adequacy or consistency with our final report and a staff position presented at the December 8th Executive Committee Meeting.

Retriggering Paragraph

TBRPC Recommendation

"That the development order specify that any significant deviation from the terms of the development order and the plans described in the DRI Application for Development Approval shall cause a termination of all development activity and a retriggering of the DRI process."

Manatee County Response

Not provided in Development Order.

Comment

Although not provided for in the Development Order, Chapter 380 "Enforcement" reads:

"The Division of State Planning, state attorneys and all counties and municipalities are hereby authorized to bring an injunctive relief, both temporary and permanent, against any person or developer found to be in violation of the provisions of this act, or any rules, regulations or orders issued thereunder."