

**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA**

**MINUTES**

**THE MINUTES WERE PREPARED  
IN AGENDA ORDER AS  
PUBLISHED AND NOT IN THE  
ORDER THE ITEMS WERE HEARD**

**FEBRUARY 10, 2011**

**1:30 P.M. – Historic Pasco County Courthouse, Board Room, 2<sup>nd</sup> Floor  
37918 Meridian Avenue, Dade City, FL 33525**

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DEVELOPMENT REVIEW COMMITTEE

ADVISORY STAFF

John J. Gallagher  
County Administrator  
Michael Nurrenbrock  
OMB Director  
Daniel R. Johnson  
Assistant County Administrator  
(Public Services)  
Bruce E. Kennedy, P.E.  
Assistant County Administrator  
(Utilities Services)  
John Walsh, CEcD  
V.P., Pasco Economic Development Council  
Chris Williams  
District School Board of Pasco County

Cynthia M. Jolly, P.E. - **ABSENT**  
Development Director  
Richard Gehring  
Growth Management Administrator  
James C. Widman, P.E.  
Engineering Services Director  
Debra M. Zampetti - **ABSENT**  
Zoning/Code Compliance  
Administrator

LEGAL COUNSEL

David A, Goldstein  
County Attorney

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**CALL TO ORDER**

Chairman Gallagher called the meeting to order at 1:29 p.m.

Ms. Beverly Beeson, Deputy Clerk, called the roll. All members were present.

Ms. Beeson swore in everyone who planned to present testimony.

The proof of publication was provided to the Clerk.

## **MINUTES**

None.

## **PUBLIC HEARINGS**

### **VARIANCE PETITIONS**

#### **OTHERS**

**P1 Class I, SR 54/Livingston Development, Preliminary Site Plan and Variance Requests (IPR10-028)-54 Pasco, LLC-Location: On the southwest corner of S.R. 54 and Livingston Road; Section 32, Twn 26 S, Rng 19 E  
Memorandum ZN11-187  
Recommendation: Approval with conditions  
Comm. Dist. 2**

Ms. Corelynn Burns, Planner I, explained the item and gave the location of the property. The applicant was requesting a preliminary site plan approval for a restaurant and a convenient store with 24 gas pumps that would be developed in seven phases. The applicant was requesting three variances. The first variance was for a right-of-way landscape buffer for gas stations. Staff agreed with the applicant's request.

Ms. Shelly Johnson, the representative for the applicant, was present.

Chairman Gallagher asked for a motion for the first variance request.

**MR. NURRENBROCK MOVED** approval of the first variance request.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Chairman Gallagher asked if there was any one present who wished to speak to the first variance. No one came forward. Chairman Gallagher noted that he would skip the public hearing until the end of the three variances.

Ms. Burns explained the second variance request was for landscape buffer and screening. The applicant was requesting relief from the requirement to install the required 10-foot buffer between the commercial uses. Staff agreed with the applicant's request.

Chairman Gallagher questioned Ms. Johnson regarding the requirements of the landscaping variance. He noted Staff had agreed to shorten the buffer, but he felt the site still needed more landscaping because of all of the businesses on the site.

Ms. Johnson explained that Exhibit A showed all of the variances for the site if it were to be approved. The site had an existing Class 1 plan that had been approved for the site and was still active. This one would replace it. The end use would become a smaller use on the property.

Discussion followed regarding what was on the existing plan for the property; if buffering was required between the two buildings the first time the applicant came in; the Land Development Code re-write; the non-residential projects had no internal buffering between commercial use to commercial use; acknowledgment of the vehicular use parking, property perimeter parking, and the building perimeter landscaping; residential subdivision design standards being applied to non-residential sites; an existing SWFWMD permit; re-configuration of the Stormwater pond; a common plan of development; if the two parcels were to be sold; lot lines; straight 610 variances for the preliminary site plan; no 610 codes for commercial; if the exterior would contain both trees and bushes; and if the buffer was going to be placed on the inside.

Chairman asked for a motion for variance number two for landscape buffers.

**MR. JOHNSON MOVED** approval of Staff's recommendation.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Ms. Burns explained variance number three was for water management systems. This would allow the applicant to place the required landscaping internal to the project site for the Stormwater pond and it would allow 70% of the Stormwater pond to be located within the landscaping buffer. Staff agreed with the applicant's request.

**MR. JOHNSON MOVED** approval of Staff's recommendation.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Chairman Gallagher requested a motion for the remainder of the agenda item.

**MR. JOHNSON MOVED** approval of the remainder of the agenda item.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Ms. Johnson stated she had agreed with the conditions. There were some minor changes made to the conditions in which she had already discussed with Staff and they had agreed to them. She wanted the changes listed in the record.

Chairman Gallagher asked Ms. Burns to address those changes she had agreed to.

Ms. Johnson addressed the changes for Ms. Burns. She added language to the first sentence in Condition 20. It would read, "Unless otherwise provided for in the Pasco County Code." This way her client could utilize the easier expiration language in the new code.

**MR. NURRENBROCK MOVED** approval of the language as stated by Ms. Johnson.

**MR. JOHNSON WITHDREW** his previous approval for the remainder of the agenda item.

Chairman Gallagher acknowledged that Mr. Johnson's motion was withdrawn.

**MR. NURRENBROCK MOVED** approval of Condition 20 with changes.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Ms. Johnson stated for Condition 28d she wanted language added to reflect that they would "pay as you go" on the impact fees. In the second paragraph where it stated, "In lieu of the above-mentioned off-site improvements a proportionate share amount of \$162,854.00" she wanted language to reflect that because the impact fees were almost \$500,000.00 on the site, they would pay the impact fees "as they go." If for some reason something was programmed and that money needed to be put up front, the \$162,854.00 would be impact fee creditable.

Chairman Gallagher asked Mr. Parikh how he would track that.

Mr. Bipin Parikh, Development Services Director, explained that the off-site proportionate share was lower than the impact fees that they were going to pay and they would not collect the proportionate share.

Discussion followed regarding if they needed to change anything; adding a line to state the impact fees were credible and that the applicant would pay the impact fees as they went; standard language for impact fees, proportionate share rule; and the standard verbiage was not listed in the condition in error.

**MR. NURRENBROCK MOVED** to add the standard condition that dealt with if the proportionate share was less than the impact fee.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

**MR. JOHNSON MOVED** approval of the balance of the conditions.

There was no public comment.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

## REGULAR

### OTHERS

**R1 Class II, Commercial Development - The Columns at Cypress Point Bond Consideration-Zephyrhills Apartment Associates, LLC-A request for approval by the Development Review Committee to release bond number 105071814 in the amount of \$124,765.63 for the Columns at Cypress Point Home Depot Access connection (condition of approval number 46.b.(2); DR06-2042)  
Memorandum ZN11-186  
Recommendation: Approval with conditions  
Comm. Dist. 2**

Ms. Corelynn Burns, Planner I, explained the item and gave the location of the property. The applicant was requesting approval from the DRC to release Bond #105071814 in the amount of \$124,765.63 for the Columns at Cypress Point Home Depot Access connection. Staff recommended the DRC release the bond with conditions.

Mr. Gerry Figurski, the representative for the applicant, explained there were originally 4 bonds and now there was only one bond left. He proposed obtaining a developer agreement or a document where they would contribute money of some nature as a "quid pro quo" to release the bond that would also help the County. His client was willing to work with the County.

Chairman Gallagher asked if Mr. Figurski's client would be willing to give the County an utilities easement.

Mr. Figurski stated yes.

Chairman Gallagher asked for Staff's recommendation.

Ms. Burns stated Staff's recommendation was Alternative Number 2.

Mr. Parikh added that he had a schedule for bond release to the Board of County Commissioners stating the applicant would give the County an easement.

Chairman Gallagher stated that Mr. Figurski had agreed to it and asked for the motion.

Chairman Gallagher directed Staff to approve the applicant's request contingent upon the applicant giving the utilities easement as approved by Mr. Kennedy.

Ms. Burns said that was correct.

Chairman Gallagher stated that the motion was that the DRC would agree to release the bond on the project subject to the County receiving an easement free of charge acceptable to Mr. Kennedy.

**MR. NURRENBROCK MOVED** to release the bond on the project subject to the County receiving an easement free of charge that was acceptable to Mr. Kennedy.

Mr. Johnson asked if Mr. Figurski's client still owned the apartments. He noted the cars from the apartments were driving through and knocking down shrubs at the library. He asked if there was a way to add a condition that if it continued his client would install a fence and would maintain it.

Mr. Figurski stated that his client would agree to do that, but it would not need to be a condition.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

Mr. Chris Williams left the meeting at 1:31 p.m. and returned at 1:34 p.m.

**ADJOURN**

**MR. NURRENBROCK MOVED** to adjourn.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

The Committee adjourned 1:57 p.m.

(SEAL)

DEVELOPMENT REVIEW COMMITTEE  
REGULAR MEETING  
FEBRUARY 10, 2011

*Office of Paula S. O'Neil, Clerk and Comptroller*

Prepared By: \_\_\_\_\_  
Beverly Beeson, Board Clerk  
Board Records Department