

PASCO COUNTY PLANNING COMMISSION
PUBLIC HEARING

MAY 14, 2008

MINUTES

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

**HISTORIC PASCO COUNTY COURTHOUSE, BOARD ROOM 2ND FLOOR
37918 MERIDIAN AVENUE, DADE CITY, FLORIDA 33525
1:30 P.M.**

Members:

Mr. Charles Grey, Chairman – **Absent**

Ms. Sandra Werner, - **Absent**
Vice-Chairman

Ms. Allison Fogarty

Mr. Dennis Smith

Mr. Ed Weiss

Mr. Jon Moody

Mr. Calvin Branche

Mr. James Dreher

Mr. James Childers

Mr. Mike Fields

Mr. John Letvin – **Arrived at 2:18 p.m.**

Staff:

Mr. David Goldstein, Senior Assistant County Attorney

Ms. Debra Zampetti, Zoning/Code Compliance Administrator

1. CALL TO ORDER

Ms. Debra Zampetti, Zoning/Code Compliance Administrator, noted that both the Chairman and the Vice-Chairman were absent and asked for a volunteer to chair the meeting.

Mr. Calvin Branche volunteered.

Ms. Zampetti asked for a motion for this item.

MR. WEISS MOVED to allow Mr. Calvin Branche to act as Chair; **MR. MOODY SECONDED.**

Ms. Zampetti called on the motion; the vote was unanimous and the motion carried.

Acting-Chairman Branche called the meeting to order at 1:30 p.m.

A. Invocation

A moment of silence was held in lieu of a prayer.

B. Pledge of Allegiance

Acting-Chairman Branche led the Pledge of Allegiance to the Flag.

C. New Business

Acting-Chairman Branche explained the procedures that would be followed during the meeting.

Ms. Katie McCormick, Deputy Clerk, swore in those who planned to give testimony.

a. Rezoning Petitions/Conditional Use Petitions/Special Exception Petitions

Ms. Debra Zampetti, Zoning/Code Compliance Administrator, listed the Consent Agenda. The following petitions were pulled from the Consent Agenda:

RZ-6780 in the name of William S. and Michelle L. Walsingham

SE-6779 in the name of Citicasters Co.

SE-6783 in the name of Keith and Mary Jane Koehn

MR. SMITH MOVED approval of the Consent Agenda with exception of the noted items;
MR. WEISS SECONDED.

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

C1 ZONING PETITION (Regular)-Azzarelli Hudson, LLC-To Amend Condition No. 4 of Previously Approved Rezoning Petition No. 6405 in an R-4, PC 5/14/08, 1:30 p.m., DC
Memorandum ZN08-6763
Recommendation: Approval with conditions
Comm. Dist. 5

This item was approved on the Consent Agenda.

C2 Zoning Petition-William S. and Michelle L. Walsingham-A-C to C-2, Planning Commission Meeting, 5-14-08, 1:30 p.m., Dade City
Memorandum ZN08-6780
Recommendation: Approval with conditions
Comm. Dist. 4

Ms. Zampetti explained the request and gave the location of the property. Staff recommended approval with conditions. One of the conditions allowed the petitioner to apply for a personal wireless facility in the vicinity of the wastewater treatment plant. This particular parcel was located next to a wastewater treatment plant along with an adjacent vacant parcel.

Mr. Moody recused himself from action on this petition as he was involved with this project. Discussion followed regarding exactly what role Mr. Moody could take in this matter.

Ms. Shelly Johnson, representing the applicant, agreed with Staff's recommendation and the conditions of approval. The mini warehouse storage unit was a good use of the property because of the water treatment plant adjacent to it. She mentioned other types of businesses that would be compatible with the zoning for the area and may be options in the future.

Dr. Steven Scutari was a nearby neighbor and spoke against the petition. He mentioned runoff, the aesthetics of the proposed building, other options for the area, and noise. There was discussion regarding adjacent and nearby properties, storage, and buffering.

MR. WEISS MOVED APPROVAL of Staff's recommendation; **MR. DREHER AND MR. FIELDS SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

C3 Zoning Petition-Estel R. and Virginia M. Miller-A-C to C-2,
Planning Commission Meeting, 1:30 p.m., DC
Memorandum ZN08-6781
Recommendation: Approval with conditions
Comm. Dist. 2

This item was approved on the Consent Agenda.

C4 Zoning Petition-Mario A. Parra, P.E.-R-2 to PO-1,
Planning Commission Meeting, 1:30 p.m., Dade City
Memorandum ZN08-6782
Recommendation: Approval with conditions
Comm. Dist. 2

This item was approved on the Consent Agenda.

C5 Zoning Petition-Keith and Mary Jane Koehn-For a breeding kennel in an A-R,
Planning Commission Meeting, 5-14-08, 1:30 p.m., Dade City
Memorandum ZN08-6783
Recommendation: Approval with conditions
Comm. Dist. 5

Ms. Zampetti explained the request and gave the location of the property. Staff recommended approval with conditions. She described Staff's site visits in great detail and said she felt this was an appropriate location for a kennel.

Ms. Mary Jane Koehn said this was a breeding kennel and most of her neighbors were agreeable to it as far as she knew. She did not plan on traffic at the kennel because she did not sell the puppies from her home. She mentioned the health of the dogs, the facility, and the maintenance and cleaning of the kennels. She had made changes in her routine with the animals to satisfy the neighbors who had complained about the noise and the smell.

Ms. Sylvia Broda, an adjacent neighbor, spoke against the petition. She mentioned a fear of loose dogs, barking issues, the smell of the kennels, nearby wells and septic systems, the use and enjoyment of her property, and property values.

Mr. Ross Broda, an adjacent neighbor, also spoke against the petition.

Acting-Chairman Branche noted a recent citation where the operation did not have a special exception permit for the kennel.

Discussion followed regarding why this petition was in front of the Commission at this time as it was an ongoing operation. Further discussion followed regarding the ramifications of the new kennel licensing structure.

Ms. Zampetti explained that this kennel, and many others, operated on a Group License and that license was no longer available. Anyone operating under that type of license would have to request a Special Exception for their kennel after the current Group License expired. She expected to handle numerous petitions of this nature in the future.

Mr. Moody asked if the petitioner understood that even if this application was approved at this meeting, there were various other steps and conditions that needed to be met before the kennel would be acceptable. He mentioned site plan approval, survey, permits from the water management district, and the environmental aspects of the Special Exception.

Mr. Gerarld LeClare, a neighbor, agreed with the petition and had no trouble with the noise.

MR. MOODY MOVED approval of Staff's recommendation; **MR. WEISS SECONDED.**

Mr. Dreher suggested a stipulation or condition of the approval be "no on-site sales." After discussion the Commission and Staff agreed.

MR. DREHER AMENDED the motion to add the condition of "no on-site sales;" **MR. MOODY SECONDED.**

Acting-Chairman Branche called on the amendment to the main motion; the motion carried with Mr. Childers and Mr. Smith voting nay.

Acting-Chairman Branche called on the main motion as amended; the motion carried with Ms. Fogarty, Mr. Smith, and Acting-Chairman Branch voting nay.

C6 Zoning Petition-Staff Initiated for Carmine R. and Elizabeth Ann Napolitano et al.-From A-C to A-R,
Planning Commission Meeting, 5-14-08, 1:30 p.m., Dade City
Memorandum ZN08-6785
Recommendation: Approval with conditions
Comm. Dist. 5

This item was approved on the Consent Agenda.

C7 Zoning Petition-Staff Initiated for Charles P. Bartlett, Sr., et al.-From ER-2 to ER.
Planning Commission Meeting, 5-14-08, 1:30 p.m., Dade City
Memorandum ZN08-6784
Recommendation: Approval with conditions
Comm. Dist. 1

This item was approved on the Consent Agenda.

- C8 Zoning Petition-Hardee, LLC-For the sale of alcoholic beverages (2COP) in conjunction with the operation of a pub,
Planning Commission Meeting, 5-14-08, 1:30 p.m., Dade City
Memorandum ZN08-CU21
Recommendation: Approval with conditions
Comm. Dist. 4

This item was approved on the Consent Agenda.

- C9 Zoning Petition-Grand Care Corporation/Paint UR Pieces-For the sale of alcoholic beverages (2COP) in conjunction with the operation of a ceramic studio and cafe in an MPUD,
Planning Commission Meeting, 5-14-08, 1:30 p.m., Dade City
Memorandum ZN08-CU22
Recommendation: Approval with conditions
Comm. Dist. 3

This item was approved on the Consent Agenda.

- C10 Zoning Petition-Wal-Mart Stores East, LP/Wal-Mart Store No. 5266-For the sale of alcoholic beverages (2APS) in conjunction with the operation of a retail store in a C-2, Planning Commission Meeting, 5-14-08, 1:30 p.m., Dade City
Memorandum ZN08-CU23
Recommendation: Approval with conditions
Comm. Dist. 5

This item was approved on the Consent Agenda. Ms. Zampetti noted a typographical error in the square footage of the liquor store in condition number one listed in the agenda memo. The actual square footage was 815.5 feet.

REGULAR

- R1 Zoning Petition-SHI Holdings, LLC et al./Pasco Town Center MPUD-C-2 to AC,
Planning Commission Meeting, 5/14/08, 1:30 P.M., Dade City
Memorandum ZN08-6732A
Recommendation: Continuance Requested
Comm. Dist. 1

Ms. Zampetti asked that this item be continued to August 13, 2008, in New Port Richey.

MR. MOODY MOVED to continue the item to August 13, 2008, New Port Richey; **MR. SMITH SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

R2 Zoning Petition-Berry Hill Estates, LTD. ET AL./ BerryHill Estates MPUD-A-C to A-R, Planning Commission Meeting, 5/14/08, 1:30 p.m., DC
Memorandum ZN08-6778
Recommendation: Continuance Requested
Comm. Dist. 1

Ms. Zampetti asked that this item be continued to July 9, 2008, in Dade City.

MS. FOGARTY MOVED to continue the item to July 9, 2008, Dade City; **MR. WEISS SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

R3 Zoning Petition-Win-Suncoast, Ltd.-For the sale of alcoholic beverages (2APS) in conjunction with the operation of a convenience store with gas pumps.
PC Meeting, 5/14/08, 1:30 p.m., Dade City
Memorandum ZN08-CU15
Recommendation: Continuance Requested
Comm. Dist. 2

Ms. Zampetti asked that this item be continued to June 11, 2008, in New Port Richey.

MS. FOGARTY MOVED to continue the item to June 11, 2008, New Port Richey; **MR. MOODY SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

R4 Zoning Petition-Win-Suncoast, Ltd.-For the sale of alcoholic beverages (4COPSRX) in conjunction with the operation of a restaurant with outside seating and service on a patio. PC Meeting, 1:30 p.m., Dade City
Memorandum ZN08-CU16
Recommendation: Continuance Requested
Comm. Dist. 2

Ms. Zampetti asked that this item be continued to June 11, 2008, in New Port Richey.

MS. FOGARTY MOVED to continue the item to June 11, 2008, New Port Richey; **MR. SMITH SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

R5 Zoning Petition-Win-Suncoast, Ltd.-For gasoline sales and a car wash.
Planning Commission Meeting, 5/14/08, 1:30 p.m., Dade City
Memorandum ZN08-6773
Recommendation: Continuance Requested
Comm. Dist. 2

Ms. Zampetti asked that this item be continued to June 11, 2008, in New Port Richey.

MS. FOGARTY MOVED to continue the item to June 11, 2008, New Port Richey; **MR. WEISS SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

R6 ZONING PETITION (Regular)-Anthony F. Esposito-MF-1 Multiple Family
Medium Density to C-2 General Commercial,
PC Meeting, 5/14/08, 1:30 p.m., DC
Memorandum ZN08-6768
Recommendation: Approval with conditions
Comm. Dist. 4

Ms. Zampetti explained the request and gave the location of the property. She said Mr. Jim Widman, Engineering Services Director, was unavailable to attend the meeting in order to clarify some of the substandard road issues.

Mr. Steve Booth, representing the applicant, said that Mr. Widman disagreed with condition number three which was the determination by outside consultant that no substandard road improvements were necessary. However, Mr. Widman was satisfied with the second sentence which stated in part *the County Engineer reserves the right to require improvements upon his inspection of the road.* Mr. Booth agreed that that sentence was sufficient to impose certain conditions upon submission of the site plan. Mr. Booth and his client agreed with those particular improvements.

Mr. Booth asked that in condition number one the wording *subject to the provisions of the Right-of-Way Preservation Ordinance unless otherwise approved by DRC...* be added. This would eliminate the client having to appear before the Planning Commission again. Mr. Booth agreed with Staff's recommendations.

There was no public comment.

Mr. Moody asked about the nature of the proposed improvements.

Mr. Booth described the proposed improvements according to Mr. Widman, which included an overlay to the property line, markings on the road, and stabilization of the shoulders. Mr. Booth's client agreed with these improvements.

Staff agreed with the change in conditions.

Discussion followed regarding other roads in the area; the exact determination by the consultant; the road study; and future requirements of the development

Mr. Goldstein noted his concerns about the statement ...*there are no substandard road conditions...* and said that statement could be eliminated. He suggested the condition reflect the fact there was disagreement over that particular issue.

Discussion followed regarding the results of the analysis, the disagreement about the facts of the analysis, and the best way to clarify the situation. It was determined that Condition number three should read ...*subject to the provisions of the Right-of-Way Preservation Ordinance which allows for variances or other deviations by the DRC.* In Condition number three, the following words should be inserted after the first sentence: *The county engineer disagrees with this determination therefore reserves...*

MR. SMITH MOVED approval of Staff's recommendation of approval with conditions including the noted clarifications and additions; **MS. FOGARTY SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

R7 Zoning Petition-Citicasters Co.-To amend a previously approved SE for a radio transmission tower to increase the height from 1,381 feet to 1,537 feet above mean sea level in an A-C,
Planning Commission Meeting, 5-14-08, 1:30 p.m., Dade City
Memorandum ZN08-6779
Recommendation: Approval with conditions
Comm. Dist. 3

Ms. Zampetti explained the petition and gave the location of the property. This was a Special Exception amending a previously approved Special Exception for a radio transmission tower to increase the height from 1,381 to 1,537 feet above sea level. She noted that some of the conditions of approval were previously approved by the Planning Commission.

Mr. Ben Harrill, representing the applicant, agreed with Staff's recommendation. The developer had received all necessary permits and an environmental analysis. He submitted the analysis, the ASR from the FCC which recognized the additional height of the tower, and documents regarding the analysis.

MS FOGARTY MOVED to receive and file documents submitted by Mr. Harrill and the statement from the environmental survey firm into the record; **MR. MOODY SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

Discussion followed regarding the reason for the tower, which was to provide better service and an extended coverage area. This was also for "co-location" purposes instead of adding more towers in the area. This tower was not located near a school.

Mr. Harrill mentioned objections from residents and clarified the radiation issue.

Mr. John McMartin with Clear Channel Radio spoke regarding the tower coverage.

MS. FOGARTY MOVED approval of Staff's recommendation; **MR. MOODY SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

R8 Zoning Petition-Win-Suncoast, Ltd.-C-1 to C-2,
Planning Commission Meeting, 5/14/08, 1:30 p.m., Dade City
Memorandum ZN08-6772
Recommendation: Continuance Requested
Comm. Dist. 2

Ms. Zampetti asked that this item be continued to June 11, 2008, in New Port Richey.

MS. FOGARTY MOVED to continue the item to June 11, 2008, New Port Richey; **MR. SMITH SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

D. Minutes

Acting-Chairman Branche requested a motion to approve the March 12, 2008 minutes.

MR. WEISS MOVED approval of the March 12, 2008 minutes; **MR. DREHER SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

ADJOURN

MR. SMITH MOVED to adjourn; **MR. MOODY SECONDED.**

Acting-Chairman Branche called on the motion; the vote was unanimous and the motion carried.

The meeting adjourned at 3:38 p.m.

PLANNING COMMISSION
REGULAR MEETING
MAY 14, 2008

(SEAL)

Prepared by: Katie McCormick, Deputy Clerk