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

SEPTEMBER 25, 2008

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

DEVELOPMENT REVIEW COMMITTEE
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
(Utility Services)
Bipin Parikh, P.E.
Assistant County Administrator
(Development Services)
Chris Williams
District School Board of Pasco County

ADVISORY STAFF
Cynthia M. Jolly, P.E.
Development Director
Samuel P. Steffey II
Growth Management Administrator
James C. Widman, P.E.
Engineering Services Director
Debra M. Zampetti
Zoning/Code Compliance Administrator
Representative of the Clerk of the Circuit Court

LEGAL COUNSEL
David A. Goldstein,
Senior Assistant County Attorney

CALL TO ORDER
Chairman Gallagher called the meeting to order at 1:30 p.m.

ROLL CALL
Ms. Elaine Hicks, Deputy Clerk, called the roll. All members were present.
Ms. Hicks swore in everyone who planned to present testimony.

**MINUTES**

**M1** April 8, 2008, DRC Minutes-DRC-Minutes for Approval
Memorandum DR08-1949
Recommendation: Approve

**M2** May 1, 2008, DRC–DRC Minutes for Approval.
Memorandum DR08-1950
Recommendation: Approve

**MR. NURRENBROCK MOVED** approval of the Minutes of April 8, 2008 and May 1, 2008.

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

**PUBLIC HEARINGS**

**VARIANCE PETITIONS**

**GROWTH MANAGEMENT**

**P1** Time Race Plaza - Variance Request (LDC 402.6.b.1, Expiration of LOS)
Gamma Management and Development, LLC-LOS Expired. Location: On the northeast corner of S.R. 56 and Willow Oak Drive, approximately 2,300 feet east of I-75; Section 26, Township 26 S, Range 19 E
Memorandum GM08-462
Recommendation: Approve
Comm. Dist. 2

Mr. Sam Steffey, Growth Management Administrator, explained the request and gave the location of the property. Staff recommended approval with conditions as read into the record by Mr. Steffey.

Mr. Leonard Johnson, representing the applicant, was in agreement with Staff's recommendation.

There was general discussion regarding the extension of the LOS Certificate for two years and the applicant submitting a revised TIS if they did not build within two years.

The language was changed to read: “if the Building Permit is not issued within the two year period then the applicant shall submit a revised TIS.”
Mr. Johnson was in agreement with the revised language.

Also the following language was added: “The applicant acknowledges that they are to proceeding at their own risk since the DRI-DO has not, as of September 25, 2008, been amended to extend Phase 1 build-out date.”

**MR. NURREN BROCK MOVED** approval of Staff’s recommendation with revisions.

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

**ZONING/CODE COMPLIANCE**

**P2** Zoning Variance Petition-Ann Ostipwo and Salvatore Martorano-A reduction in the required minimum rear setback from 5' to 1.3' for a swimming pool. Location: On the east side of Bass Lake Drive, approximately 550 feet northeast of Wicker Lane; Section 25, Township 25 S, Range 16 E Memorandum ZN08-1972 Recommendation: Approval with conditions

Comm. Dist. 4

Mr. Lee Millard, Assistant Zoning/Code Compliance Administrator, explained the request and gave the location of the property. Staff recommended approval with conditions as read into the record.

Both Ann Ostipwo and Salvatore Martorano were present and in agreement with Staff's recommendation.

Chairman Gallagher suggested the following condition be added: “should the above-ground pool be replaced, it shall be brought into conformance with the required setbacks or a new variance shall be obtained.”

**MR. JOHNSON MOVED** approval of Staff’s recommendation with the added conditions.

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

**P3** Zoning Variance Petition-Lynn Miholics-For a reduction in the required minimum east side setback from 5' to 3' for a shed. Location: On the south side of Darlington Road, approximately 270 feet east of Almond Drive; Section 25, Township 26 S, Range 15 E Memorandum ZN08-1973 Recommendation: Denial of Variance

Comm. Dist. 3
Mr. Millard explained the request and gave the location of the property. He gave a brief history regarding the shed that had been in code violation. Staff recommended denial.

Mr. Michael Miholics, the applicant, presented a letter to the Board to be received and filed.

**MR. NURREN BROCK MOVED** to receive and file the letter submitted by Mr. Miholics.

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

Mr. Miholics pleaded guilty for building the shed on his property. He said the letter he presented to the Board was from his next door neighbor, Ms. Brenda Mack, who had no objection to the shed being built next to their property. The size of the shed was 14 x 30, which was within three feet of his fence.

There was general discussion regarding the fence that was between the adjoining properties; the height of the shed; pictures of the shed, which Mr. Miholic explained; other sheds in the surrounding area; and what was discussed when this issue went before the Code Enforcement Board.

**MR. JOHNSON MOVED** approval of the variance with conditions.

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

The reason given for denying against Staff’s recommendation was based on the finding that the granting of the variance would provide a net economic benefit to the taxpayers of Pasco County and was not in conflict with important Goals, Objectives, and Policies of the Comprehensive Plan.

P4  **Zoning Variance Petition-Millpond Professional Center, LLC, and CLH Ventures, Inc.-For a reduction in the required minimum front setback from 25' to 13' for proposed Building No. 1. Location: On the north side of Cita Lane, approximately 170 feet west of Old Millpond Drive; Section 15, Township 26 S, Range 16 E**

**Memorandum ZN08-1974**

**Recommendation: Denial of Variance**

Comm. Dist. 4

Mr. Millard explained the request and gave the location of the property. He indicated they did not know the status of the condo plat. Staff recommended denial of the Variance.
Mr. Jeremy Couch, representing the applicant, stated they did not record the condo plat, because they were waiting on the outcome of this meeting.

Chairman Gallagher asked if the variance was approved, would the condo plat be recorded

Mr. Couch said yes, and if it was denied they were going to record it the way the original plans were approved. They did not agree with the definition of a “front yard.” Section 201 of the Code stated “the required open space extending across the entire width of a lot between the front building line and the street right-of-way; where double frontage lots exist, the required front yard shall be provided on both streets.” Their argument was that they did not have a front yard and their parcel was located within the middle of a commercial development. Cita Lane was not a platted County right-of-way. The buffer should not follow the front yard setback, only the required buffering between commercial properties. He showed an aerial map and explained.

Chairman Gallagher asked if the only issue was 13-foot setback.

Mr. Millard said yes, if it was not condo platted then the lots that were created were all substandard in a C-2 zoning. If it was condo plat there might not be any problems.

Mr. David Goldstein, Senior Assistant County Attorney, said if it was condo plat it would not be separate lots.

Mr. Thomas Lee, representing the applicant, said what Mr. Goldstein stated was a true statement.

There was general discussion regarding why a variance would not be needed if it was condo plat; the setback variance would be needed; the lots being deeded to some other entity; the applicant being required to put in a landscape buffer; how a front setback was defined; and the location of the landscape buffer.

Mr. Couch showed the front setback on the overlay and explained, and also explained the surrounding properties; discussion followed.

The foregoing reasons given for denying Staff’s recommendation was: the Board found the strict application of the land development regulation did not create an unreasonable or unfair non-economic hardship or an inordinate burden that was not created by the variance request.

MR. NURREN BROCK MOVED approval to grant the variance with a condition that it would not take effect until such time as the condominium plat was recorded, approved, and sent to County Staff; a buffer along the subject south lot line must be installed as approved by the Development Review; in addition to complying with the conditions as listed, and no activity shall commence on-site until such time as the acknowledgment portion of this document was completed, including notarization, and received by the Zoning/Code Compliance Department as to the final action.
Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

P5  Zoning Variance Petition-Connerton, LLC, ET AL-For a large scale directory sign variance, (one sign), and for a medium scale directory sign variance, (two signs). Locations: 1) At the intersection of Ensemble Boulevard and Land O'Lakes Boulevard; 2) At the intersection of Symphony Parkway and Central Boulevard; and 3) At the intersection of Symphony Parkway and Connerton Boulevard; Sections 15 and 23, Township 25 S, Range 18 E
Memorandum ZN08-1975
Recommendation: Approval with conditions
Comm. Dist. 2

Mr. Millard explained the request and gave the location of the property. He requested Findings of Fact number seven be removed.

MR. NURRENBROCK MOVED to removed Findings of Fact number seven.

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

Mr. Millard recommended approval with conditions as shown in the packet.

There was general discussion regarding the rational for making the signs taller and larger.

Ms. Elizabeth Abernathy, representing the applicant, showed and explained a comparative exhibit that showed what the Code would allow; discussion followed. She gave the location of the project and explained the map that was shown on the overhead.

Topics discussed were:

- The Employment Center.
- A monument sign and a directive sign.
- Map H.
- Height of the signs.
- Tables that showed what they could do by Code versus what they were requesting.
- Standard Code.
- Two small scale signs.
- Quality of the signs.
- Graphic signs.
MR. JOHNSON MOVED approval of Staff’s recommendation.

Mr. Nurrenbrock asked if the applicant would consider breaking the signs up and voting for the large monument signs versus the directive signs.

Ms. Abernathy had no objections to Mr. Nurrenbrock’s request.

MR. NURREN BROCK MOVED approval to approve the medium scale directive sign variances and that the applicant shall comply with the Master Signage Plan.

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

MR. JOHNSON MOVED approval of the Large Scale Directive.

Chairman Gallagher called on the motion; the vote carried with Mr. Nurrenbrock voting nay.

P6 Zoning Variance Petition-Wilderness Commons Commercial Center, Inc.- For an increase in the maximum allowed projection from 12" to 13’6” out from a wall, for wall signs. Location: On the southeast corner of the intersection of Land O' Lakes Boulevard (U.S. 41), and Wilderness Lake Boulevard; Section 35, Township 25 S, Range 18 E
Memorandum ZN08-1976
Recommendation: Denial of Variance
Comm. Dist. 2

Mr. Millard explained the request and gave the location of the property. He showed the wall sign on the overhead and explained. Staff recommended denial because they found that the strict application of the land development regulation did not create an unreasonable or unfair non-economic hardship or an inordinate burden that was created by the variance applicant, and the actions of the applicant did cause the special conditions and circumstances which necessitate the variance. Also, Staff found that this was a self-imposed, self-created hardship and found no justification for the granting of the variance. Additionally, in meetings with the applicant, Staff had proposed creating a fascia wall and mounting signs on the fascia wall. This alternative would had complied with the Land Development Code and not required a variance. He went further into details regarding the signs and recommended denial.

Mr. Mark Whitaker introduced himself and stated that he had been sworn.

Mr. Dick Greco, representing Lindell Properties, said their project was approximately 200 feet from the road. All of the signs in their project, with the exception of Beef O’Brady, were exactly the same size and color.
Mr. Gallagher asked why the signs were hanging from, what he would call, a chain.

Mr. Mark Whitaker, representing the applicant, stated that the mounting structure had been structurally engineered with a welded support system. The signs were not just hanging loose.

There was general discussion regarding the reason why the signs were hung the way they were; photos were shown, and explained, where the sign would be located by Mr. Greco; and how if the applicant built a fascia wall it would comply with Code.

**MR. JOHNSON MOVED** approval of the variance request with conditions.

Reason given for going against Staff’s recommendation was that the development Review Committee finds that the granting of the variance was necessary to achieve an innovative site or building design that furthers the goals, objectives and policy of the comprehensive plan.

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

**DEVELOPMENT REVIEW SERVICES - DEVELOPMENT REVIEW**

**P7** Class II, Hudson Ridge Apartments (IIPR06-086), Variance Request [VAC08428]-The Richman Group of Florida-Location: On the south side of S.R. 52, approximately 750 feet west of LaMadera Boulevard; Section 11, Township 25 S, Range 16 E

Memorandum DR08-1797

Recommendation: Approval with conditions

Comm. Dist. 5

Mr. Jim Schlotter, Division Engineer, explained the request and gave the location of the property. Staff recommended approval with conditions.

Mr. Robert Williams, representing the applicant, was in agreement with Staff’s recommendation.

**MR. NURREN BROCK MOVED** approval of Staff’s recommendation.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.
Mr. Schlotter explained the request and gave the location of the property. Staff recommended approval with conditions.

Ms. Shelly Johnson, representing the applicant, was in agreement with Staff’s recommendation.

MR. NURRENBROCK MOVED approval of Staff’s recommendation.

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

Mr. Schlotter explained the request and gave the location of the property. Staff recommended approval with conditions.

Chairman Gallagher questioned the analysis by the Development Director where it stated “the variance not to require record plat.” He wanted to know what would happen if they required a record plat, and what would change.

Mr. Schlotter said the record platting was required, but it was four large parcels. The applicant applied for a building permit, but it was being held up due to platting.

Mr. Ben Harrill, representing the applicant, explained why they needed to get their building permit; and how if Via Bella Blvd right-of-way was added to their parcel, which would be more than ten-acres, it would have being exempted from the platting requirement under the Ordinance. He agreed to a condition that if the property was furthered divided, it would be platted.

MR. NURRENBROCK MOVED approval of Staff’s recommendation.
Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.

NON-VARIANCE PETITIONS  
ZONING/CODE COMPLIANCE

P10 Zoning Petition for Conditional Use-Kenneth W. and Sandra J. Luker; and Verizon Wireless Personal Communications, LP No. 88292-2-For a 187-foot, above ground level, monopole Personal Wireless Service Facility in an A-C Agricultural District. Location: On the northeast corner of the intersection of Leonard Road and Curley Road (C.R. 577); Section 14, Township 25 S, Range 20 E
Memorandum ZN08-CU52
Recommendation: Approval with conditions
Comm. Dist. 1

Mr. Millard explained the request and gave the location of the property. He read into the record the amended Findings of Fact 7.c. (1). Staff recommended approval with conditions.

There was general discussion regarding a camouflage.

Ms. Laura Bell, representing Verizon Wireless, explained the different in a Tier Two and Tier Three tower; the 180 foot tower that they were requesting; the Tier Three standards, which they met all of those requirements; why they decided to go with the mono pole and the camouflage pole; the flagless flagpole; she showed pictures of different type of towers and explained; the monopole giving the greatest flexibility of providing more carriers and decreasing the need for another tower quite as close; she questioned condition number one which stated “the tower shall be designed to support six carriers;” and why they wanted to be conditioned for four carriers.

General discussion followed regarding the issues that were brought up by Ms. Bell.

MR. JOHNSON MOVED approval of Staff’s recommendation, including up to the six carriers.

Mr. Millard said the approval was not for the flagpole, it was for the standard monopole, for one carrier.

General discussion followed regarding whether or not six carriers could be placed on a flagless flagpole; Staff in the process of rewriting n the Tower Ordinance; the Withlacoochee Power Company tower looks exactly like what the applicant was requesting; The Code stating that a tower shall be cited on the property in a way to mitigate it from view; and the distance of a flagless flagpole.
MR. JOHNSON WITHDREW HIS MOTION.

FOR DISCUSSION PURPOSES, MR. NURREN BROCK MOVED approval for a flagless flag pole.

MR. NURREN BROCK AMENDED HIS MOTION to approve to make a flag pole type with the flag.

Ms. Bell stated that the Board of County Commissioners and this Board had never required a flag on a flagless flag pole because they had never seen one. Staff had required it because it went through a Tier Two and was requesting it to be disguised. The flag one this pole would have to be proportionate and to meet the US Code would be very large and it had to be lighted from the bottom to be able to be displayed properly at night. The County’s Code indicated that the poles should be unobtrusive as possible; having the flag makes it more obtrusive.

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

DEVELOPMENT REVIEW SERVICES - DEVELOPMENT REVIEW

P11 CONSENT - Class II, The Shops Center (IIPR07-119), Preliminary/Construction Site Plan-Pasco PR Development-Location: On the west side of Land O'Lakes Boulevard, approximately 1,400 feet north of Asbel Road (Central Pasco); Section 15, Township 25 S, Range 18 E Memorandum DR08-1300 Recommendation: Approval with conditions Comm. Dist. 2

Mr. Schlotter explained the request and gave the location of the property. Staff recommended approval with condition. Condition number 24 was amended to read; “the applicant shall mitigate project impact on S.R. 52 through the payment of a proportionate share amount of $4,590.00 in 2008 dollars, which shall be applied toward the extension of an exclusive, eastbound, right-turn lane at the S.R. 52 and U.S. 41 intersection. The length of the turn lane shall conform to FDOT Index 301 and/or Pasco County standards, whichever is more stringent.”

Mr. Roy Collins, representing the applicant, was in agreement with Staff’s recommendation.

MR. PARIKH MOVED approval of Staff’s recommendation.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.
P12  CONSENT - Class II, Pasco County Utilities Administration Building (IIPR07095), Preliminary/Construction Site Plan-Pasco County Utilities Services Branch- Location: On the southeast corner of U.S. 41 and Central Boulevard (Connerton Commerce Park, Lot 3); Section 22, Township 25 S, Range 18 E
Memorandum DR08-1879
Recommendation: Approval with conditions
Comm. Dist. 2

MR. NURREN BROCK MOVED approval of this item as part of the Consent Agenda.

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

P13  CONSENT - Class II, Shops at Wiregrass, Phases 2 and 2A (Proj. Nos. IIPR06-078 and IIPR07-036), Preliminary/Construction Site Plan Amendment to Conditions of Approval (DR08-412)-Good Forest, LLC- Location: On the northeast corner of S.R. 56 and Bruce B. Downs Boulevard; Section 30, Township 26 S, Range 20 E
Memorandum DR08-1954
Recommendation: Partial Approve
Comm. Dist. 2

This item was approved as part of the Consent Agenda.

REGULAR
GROWTH MANAGEMENT

R1  Pasco Town Centre, DRI No. 257-The Shailendra Group, LLC-Application for Development Approval. Location: At the southeast corner intersection of I-75 and S.R. 52.
Memorandum GM08-495
Recommendation: Continuance Requested
Comm. Dist. 1

Mr. Schlotter recommended the item be continued to October 23, at 1:30 p.m. in New Port Richey.

Ms. Donna Feldman, representative, agreed with the continuance.
MR. NURREN BROCK MOVED to continue the item to October 23, 2008, at 1:30 p.m. in New Port Richey.

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

R2 Pasco Town Centre MPUD, The Shailendra Group, LLC—Rezoning from the C-2 (General Commercial) and AC (Agricultural) zoning districts to Master Planned Unit Development (MPUD). Location: In Central Pasco County, at the southeast corner of the intersection of I-75 and S.R. 52, and lying immediately west of McKendree Road; Sections 08, 09, 16, 17, 20, and 21, Township 25 S, Range 20 E Memorandum GM08-496 Recommendation: Continuance Requested Comm. Dist. 1

Mr. Schlotter recommended the item be continued to October 23, at 1:30 p.m. in New Port Richey.

MR. NURREN BROCK MOVED to continue the item to October 23, 2008, at 1:30 p.m. in New Port Richey.

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

R3 TO BE DISTRIBUTED - Seven Oaks Development of Regional Impact (DRI No. 129)-SB Associates Limited Partnership-Notice of Proposed Change (NOPC) to the DRI Development Order (DO) Memorandum GM08-497 Recommendation: Approval with conditions Comm. Dist. 2

Mr. Steffey indicated the agenda item was distributed to the Board Members yesterday and that he had distributed a two-page document, Summary of Proposed Changes, today.

Mr. Goldstein suggested the Board read the summary that was distributed today, because he did not think the one that was distributed yesterday was accurate.

Mr. Steffey said this was an amendment to the Seven Oaks Development of Regional Impact (DRI) and the Development Order (DO). The Summary of Proposed Changes identified changes that the Local Planning Agency made on September 23, 2008, with regards to the Development Agreement. The changes were consistent and it also
addressed modification to the equivalency metric for office, medical office, townhomes, single-family detached homes, and industrial uses. There was a revision to Map H to reflect the selection of the location of hospital site in Parcel N (5). On the second page there were 26 items that were clean-up items, with regards to changes in parcel, acreages, uses, and identification numbers. The most important item was the request for the extension of local concurrency until August 15, 2013. He recommended that the DRC approve the proposed changes as may be further modified and to authorize Staff to finalize the Resolution and the amendment language prior to the Board of County Commissioners’ (BOCC) meeting of November 5, 2008.

Chairman Gallagher suggested Mr. Steffey go over all of the changes.

Mr. Steffey explained the following:

   **Summary 1**

   - Commence of construction for C.R. 581 – previously was set for January 1, 2005; it was now set for December 1, 2008.

   **MR. PARIKH MOVED** approval.

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

   **Summary 2**

   - Completion date for the construction of C.R. 581 – it was previously July 1, 2008; it was now October 31, 2010.

Mr. Parikh said the majority of C.R. 581 was S.R. 581 and suggested that a global change be made to change C.R. 581 to S.R. 581.

   **MR. NURREN BROCK MOVED** approval to change C.R. 581 to S.R. 581.

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

   **MR. PARIKH MOVED** approval.

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

Mr. Steffey said it was his understanding that south of S.R. 56 turned back into C.R. 581; north of there was S.R. 581. He suggested they referenced both.

Mr. Goldstein suggested they used S.R./C.R. 581.
MR. NURRENBROCK MOVED approval.

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

Chairman Gallagher requested the prior motion be rescinded.

MR. PARIKH MOVED to rescind the motion that changed C.R. 581 to S.R. 581.

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


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

SUMMARY 3

- To increase the proportionate share from $13.7 million to slightly over $22 million and provide for additional developer contribution over an above the proportionate share amount not to exceed the amount required to construct S.R./C.R. 581.

Mr. Goldstein asked if this meant that the applicant was going to build regardless what the cost was, even if it was above $22 million.

Mr. Ben Harrill, the applicant’s representative, said yes. The Development Agreement stated that they would only be reimbursed for impact fee credit; anything over and above that was their cost.

MR. PARIKH MOVED approval.

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

Mr. Steffey said the language in the Development Agreement would be reflected in the NOPC. The NOPC would state “All the requirements are in accordance as shown in the Development Agreement.”

SUMMARY 4

- Required payment from the proportionate amount of $6.2 million is to be made by the developer and it shall be used toward the S.R./C.R. 581 improvement, which is a parallel facility to I-75.
Chairman Gallagher asked if the original agreement was giving the money to FDOT.

Mr. Harrill said the original stated FDOT or I-75 or parallel facility.

There was general discussion regarding why the developer would not be giving monies to FDOT.

**MR. PARIKH MOVED** approval.

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

**SUMMARY 5**

- Authorizing either transportation impact fee credits and reimbursement for the cost of the pipeline project in the amount not to exceed the total transportation impact fees to be paid by the Seven Oaks DRI.

Mr. Goldstein said it should not be the total Transportation Impact Fees to be paid by Seven Oaks; it should be $22 million.

Mr. Harrill said the reimbursement was lesser than the actual cost of the roadway or cap at the proportionate share number.

Mr. Goldstein said it was originally capped at $5.8 million.

**MR. PARIKH MOVED** approval to not exceed $22,272,576 or the actual cost whichever was less.

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

**SUMMARY 6**

- Land Use Equivalency Matrix to increase the maximum amount of Office space from 400,000 square feet to 700,000 square feet.

Mr. Harrill said they were not increasing entitlements, this would allow them to convert some of their residential into office.

**MR. NURRENBROCK MOVED** approval.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.
SUMMARY 7

- Land Use Equivalency Matrix to allow a maximum of 400,000 square feet of Medical Office.

Mr. Harrill said the previous maximum was 250,000 square feet.

Chairman Gallagher said there had been a lot of email on what the use was.

Mr. Craig Weber, Crown Community Development, said the articles Chairman Gallagher was referring to were in regards to a Mental Health Facility which the paper erroneously mentioned Seven Oaks as the location. It was not going into Seven Oaks.

MR. NURRENBROCK AND MR. PARIKH MOVED approval.

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

SUMMARY 8

- Land Use Equivalency Matrix to increase the maximum Townhomes from 600 units to a maximum of 725 units.

MR. NURRENBROCK MOVED approval.

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

SUMMARY 9

- Land Use Equivalency Matrix to decrease the maximum square feet units from 2,000 units to 1,675 units

MR. NURRENBROCK MOVED approval.

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

SUMMARY 10

- Land Use Equivalency Matrix to reflect a decrease in the maximum amount of Industrial square footage from 600,000 square feet to 300,000 square feet.

Mr. Harrill said they would be using a lot of their single-family homes for office. Part of the 300,000 might be exchanged for offices; general discussion followed regarding the applicant trading off of single family and industrial to get more office and multi-family.
MR. PARIKH MOVED approval.

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

SUMMARY 11

- Revision to Map H to show the location of the hospital in Parcel N-5 and to reflect certain Parcel changes and designation as shown on Item one through 26.

There was general discussion between the Board, Mr. Harrill and Mr. Weber regarding the hospital location site; the access points with FDOT permits; the golf course being listed as an alternative use for some of the parcels, it was never shown on Map H as a location; whether or not the residents inside of the development were notified; the 700,000 square feet of office space and the original rezoning of 250,000 square feet; the resident concerns; and the summary of the proposed changes mailed to the residents.

MR. PARIKH MOVED approval.

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

SUMMARY 12

- Three Year Extension.

Chairman Gallagher asked if they had done anything with Tier One.

Mr. Goldstein said that was an issue they were looking into. The applicants were going to be submitting the data under the exertion that they were providing comparable mitigation to option one, or at least comparable to what the other DRI's had done in the area for extensions; or if they adequately mitigated their impact through 2013. That was what they were looking for them to provide; they just did not have that evidence yet.

Chairman Gallagher said he would be in agreement with the language Mr. Goldstein had read into the record if they added it to Summary 12.

Mr. Nurrenbrock asked what would Summary 12 be approved subject to.

Chairman Gallagher said subject to transportation.

Mr. Goldstein said the applicants were aware of the fact that if they showed them the entitlements after 2010, they would be required to pay Option One.
Mr. Harrill said they were not in agreement with that, but they did understand that was the County’s position with respect to the Option One fees. He felt they could show the Board that they had mitigated that, but he did not want them to think that they were in agreement with that. One of the problems was if they were in complete construction in 2010 they were going to have $22 million worth of impact fee credits that they could use.

**MR. NURRENBROCK MOVED** approval as modified by Mr. Goldstein.

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

Mr. Steffey requested the Board to authorize Staff to schedule this item before the Board of County Commissioners on November 5, 2008.

Mr. Harrill stated that the drafted agreement should be ready for review by Friday or Monday.

**MR. NURRENBROCK MOVED** approval of Staff’s recommendation.

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

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**R4** Connerton Employment Center MPUD Substantial Amendment-Connerton, LLC-Substantial Amendment to the Connerton Employment Center MPUD to allow additional Office Entitlements. Location: In Central Pasco County, 1.5 miles south of S.R. 52 and abutting U.S. 41 directly to the east; Sections 14, 15, 22, and 23, Township 25 S, Range 18 E

Memorandum GM08-498

Recommendation: Continuance Requested

Comm. Dist. 2

Mr. Schlotter recommended the item be continued to October 9, 2008 at 1:30 p.m. in Dade City.

Ms. Elizabeth Abernathy, representative, agreed with the continuance.

**MR. JOHNSON MOVED** to continue the item to October 23, 2008, at 1:30 p.m. in New Port Richey.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried.
Mr. Steffey said it was his understanding that the key points dealt with the section of SR 56 east of Meadow Pointe Boulevard regarding the design permitting and the performance guarantee dates, commencement, and completion, which this segment was not Transportation Impact Fees creditable.

Mr. Clay Bricklemyer, representing the applicant, submitted their “red line” version of the Development Agreement document to the Board for their review.

MR. NURREN BROCK MOVED to receive and file the document submitted by Mr. Bricklemyer.

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

Mr. Johnson questioned Pasco Heights Development being referenced in the Agreement.

Mr. Mark Sipher, Delco Development, said as he understood it, Pasco Heights Development had been dissolved. The land, which was part of the Road and Bridge District, within the Wesley Chapel Lakes had been dissolved.

Mr. Goldstein did not think the Pasco Heights Development Corporation was the Road and Bridge District. He thought it was actually one of their original ownership entities.

Mr. Nurrenbrock thought it was what Mr. Lee Arnold owned in that corporation that was within the Road and Bridge District, which have now been extracted from the Road and Bridge District.

Mr. Bricklemyer explained the following changes that were made on the following pages of the agreement:

**PAGE 7**

A strike through in the middle of the page regarding the applicant to be deemed to have completed construction and that the segment be open to traveling public. The applicant felt that was unnecessary and if FDOT had taken it in for maintenance, then that should be enough. They did not think they could control when the road was opened. The County’s provision only gave the applicant three months to repair the road. Since it was
not in the applicant’s control, they rather for the County and FDOT accept it for maintenance.

There was discussion regarding the road being opened for traveling purposes once the County accepted it for maintenance; FDOT accepting the road for maintenance, but not opening it to travel; the possibility of FDOT wanting to build the road just to the eastern boundary and not letting the public travel on it if it was not open up to Windfield Boulevard; the eastern portion of S.R. 56; the original deadline for the completion of the Boulevard was 2008; the original language; what each Partnerships, Districts, Trustee, and Developer were paying for; extending the construction of the segments to 2012 as long there was an agreement that stated it was going to be built to Windfield Boulevard.

Ms. Donna Feldman, representing Windfield, said the two developers were coordinating the eastern segment in Wesley Chapel Lakes and the western segment in Windfield.

The Board was in agreement with the change to page 7 as proposed.

PAGE 8

This page dealt with whether or not the developer had an ensured default in the building of the eastern segment. The developer struck out the following words “the ability for the County to turn over to a third party, funds available for reimbursement of the cost of the eastern segment.”

Mr. Goldstein said he did not have a problem with the strike through because he did not think there were going to be any funds available.

Ms. Feldman said the language was depended on other issues.

The Board was in agreement with the change to page 8 as proposed.

PAGE 9

Page 9 was a reduction of the maintenance guarantee time period from three years to one year.

There was discussion regarding the reason for the reduction from three years to one, which Mr. Parikh explained that the three years came in as part of the Subdivision Regulations for the subdivision roads; and the maintenance guarantee for the western segment, which was the Wesley Chapel Lakes and Wiregrass, was one year; how the maintenance guarantee was for both the western and eastern segment; this being the agreement that would address the maintenance guarantee period; what part of S.R. 56 that Pasco County was going to end up with within a five year period; Mr. Jim Widman, Director of Engineering Services, explained that the intent for the westerly section was to be completed and that it would go into a maintenance period maintained by the developer until it was turned over to FDOT; and having a three year maintenance guarantee just in case FDOT decided to give the road back to the County.
Mr. Bricklemyer disagreed with the three year maintenance guarantee.

Mr. Gallagher requested a motion for a three year maintenance guarantee.

**MR. NURRENBROCK MOVED** to leave page 9 as it was, and not accept the requested change.

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

**PAGE 10**

There were no changes made to page 10.

**PAGE 11**

Mr. Bricklemyer questioned whether the utilities were provided for S.R. 56 and that he was trying to change it to say that the utility relocation was impact fee creditable; it was stated by Mr. Goldstein that under the Original DA, the utility relocation was not impact fee creditable.

Mr. Goldstein said that paragraph should read however Staff originally proposed it; they would not make any changes.

**MR. PARIKH MOVED** approval.

Mr. Nurrenbrock asked if they were saying no to everything in paragraph 6.

Chairman Gallagher said they were saying no impact fees.

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

Mr. Bricklemyer said they had put Competitive Selection back in on page 11 Selection 2.

Mr. Goldstein said the western segment was competitively bided. Because they were not providing an impact fee credit, they could do whatever they wanted to.

**After discussing Page 16, the Board returned back to Page 11 to discuss the impact fee credit further.**

Mr. Bricklemyer said to be consistent, he felt they should put back in the “red line” portion and do not change it. If the Board’s recommendation was going to be that they should not get impact fee credits, then they did not need to competitively bid it.
Mr. Nurrenbrock said it was stated earlier that they were not going to make the change to paragraph 6, but he did not know about F.2. He asked if the developer got a variance, would this agreement have to be amended.

Mr. Goldstein said yes; discussion followed.

**MR. PARIKH MOVED** approval of no change to the original language on Page 11, paragraph F.2.

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

**PAGE 12**

Mr. Bricklemyer suggested the “red line” stay in and the “blue line” be removed.

Mr. Gallagher indicated that the item they were discussing at this time started on page 11.

Mr. Goldstein said the first sentence on page 11, F.2. was fine, because it was stating that it was competitively bid. The “blue line” on page 11 was okay. The red was Staff’s original language.

Chairman Gallagher read F.2 into the record.

Mr. Nurrenbrock said on page 11, the last part of the “blue” read “and the procedure described below” should be stricken.

**MR. NURRENBROCK MOVED** to strike the “blue underline,” which read “and the procedure described below,” at the bottom of page 11.

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

Mr. Nurrenbrock said at the top of page 12, they were not agreeing to any of those changes. The “red” was back in and the “blue” was out.

**MR. NURRENBROCK MOVED** to keep the “red” in and remove the “blue.” This was the remaining of F.2. on page 12.

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

**PAGE 13**

It was stated there were typo’s on the page.
Mr. Bricklemyer said part of page 14 was the one year/three year maintenance issue, which had already been discussed.

Chairman Gallagher said one year was removed and replaced with three years plus six months.

Mr. Goldstein explained that the purpose of the six months was they needed a time period after the guarantee period to basically call on the guarantee.

**MR. NURREN BROCK MOVED** to leave the six months in.

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

Mr. Goldstein said he thought the developer was requesting a letter from the District because the maintenance guarantee would require the District to levy assessments to maintain the project. Historically, they had not accepted that form of maintenance. The Board did adopt a procedure for the District to provide a maintenance guarantee, which was somewhat similar to what had been described. He said the County Attorney’s Office would support what the Board had adopted for District Maintenance Guarantees. He provided a copy of the procedure to Mr. Bricklemyer.

The Board recessed to allow Mr. Bricklemyer to review the Procedure for District Maintenance Guarantee.

Mr. Bricklemyer did not object to putting in something along the lines of “comply with the Board of County Commissioners.”

Mr. Goldstein said the name of the document was the Procedure Guide for the Preparation of Assurance of Completion of Maintenance.

**MR. PARIKH MOVED** approval to direct the developer to comply with the Procedure Guide for the Preparation of Assurance of Completion of Maintenance.

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

Mr. Goldstein said the first part of what the developer had written, which stated “In satisfied transportation concurrency for Phase 1,” was fine. He was not in agreement with the Section that stated “they did it in accordance with 163.3180(12),” because in the original approval for the DRI, the developer did not do their proportionate share in
accordance of that provision. The developer paid proportionate share in accordance with the old transportation rule.

**MR. PARIKH MOVED** approval to strike the language regarding Florida Statute 163.3189 (12).

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

**PAGE 16**

Staff’s provision that the developer was not entitled to impact fee credits for the eastern segment was strike through. The developer was requesting that they be forced to follow the Impact Fee Ordinance. Mr. Goldstein said the Ordinance stated the developer would not get credit for the first two-lanes; also the Ordinance stated that if it was a site related improvement, it was not impact fee creditable. Chairman Gallagher said if the Ordinance was not clear, he suggested that they put in the DA that the developer would not get impact fee credits for the first two lanes. Mr. Goldstein felt it should stay the way Staff had written it, which they said it was not creditable. Mr. Bricklemyer said he would be taking this issue to the Board of County Commissioners requesting that they be brought under the Ordinance.

**MR. PARIKH MOVED** approval of no change to the original language in paragraph H.1 of page 16.

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

**PAGE 17 AND 18**

It was stated there were a typo’s on the pages.

**MR. NURRENBROCK MOVED** approval for the remainder agreement.

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

**DEVELOPMENT REVIEW SERVICES**

Agenda items R6 and R7 were noted.
R6  NOTED ITEM - Class III, Southern Ranch Subdivision (MRS08-001), Preliminary/Construction Plan and Stormwater Management Plan and Report-Dan Johnson-Location: On the north side of Harris Hill Road, approximately 21/3 miles west of Power Line Road; Sections 19 and 30, Township 23 S, Range. 21 E
Memorandum DR08-1642
Recommendation: Not Applicable
Comm. Dist. 1

R7  NOTED ITEM - Class III, William G. and Mary F. Vicari Property (MRS08-005), Preliminary/Construction Site Plan and Stormwater Management Plan and Report-William G. and Mary F. Vicari-Location: On the south side of Little Ranch Road, approximately 230 feet east of Albright Road: Section 14, Township 24 S, Range 17 E
Memorandum DR08-1699
Recommendation: Not Applicable
Comm. Dist. 2

ADJOURN

The Committee adjourned at 4:26 p.m.