

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**

October 22, 2009

**1:30 P.M. – West Pasco Government Center, Board Room,
7530 Little Road, New Port Richey, FL 34654-5598**

DEVELOPMENT REVIEW COMMITTEE

ADVISORY STAFF

John J. Gallagher
County Administrator
Michael Nurrenbrock
OMB Director
Daniel R. Johnson - **Absent**
Assistant County Administrator
(Public Services)
Bruce E. Kennedy, P.E.
Assistant County Administrator
(Utilities Services)
Bipin Parikh, P.E.
Assistant County Administrator
(Development Services)
Chris Williams
District School Board of Pasco County

Cynthia M. Jolly, P.E. - **Absent**
Development Director
Richard Gehring - **Absent**
Growth Management Administrator
James C. Widman, P.E.- **Absent**
Engineering Services Director
Debra M. Zampetti
Zoning/Code Compliance
Administrator
Ahsan Khalil
Transportation Planner II
Paul J. Montante
Technical Specialist II
Representative of the Clerk
of the Circuit Court
Frank Schlotter – **Absent**
Division Engineer
Michele Baker - **Absent**
Chief Assistant County Administrator

LEGAL COUNSEL

David A. Goldstein,
Senior Assistant County Attorney

CALL TO ORDER

Chairman Gallagher called the meeting to order at 1:28 p.m.

ROLL CALL

Ms. Vickie Perez, Deputy Clerk, called the roll. Mr. Dan Johnson was absent.

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

The proof of publication was provided to the Clerk.

MINUTES

**M1 July 30, 2009 – Minutes – DRC – DRC Minutes for Approval
Memorandum: ZN10-24
Recommendation: Approve**

MR. NURRENBROCK MOVED approval of the July 30, 2009 minutes.

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

VARIANCE PETITIONS

ZONING/CODE COMPLIANCE

**P1 Zoning – Variance Request – CRF – Zephyrhills, LLC/Publix Store #1196 –
An increase in the maximum allowable sign structure area from 150 square
feet to 181.3 square feet and an increase in the allowable number of wall
signs from one to two on the south front building elevation. Location: On
the west side of Eiland Boulevard, approximately 950' north of S.R. 54
Memorandum: ZN10-2003
Recommendation: Approval with conditions**

Mr. Lee Millard, Assistant Zoning/Code Administrator, read the item into the record and gave a brief explanation. Staff recommended approval with conditions as listed in the packet.

Discussion followed regarding why the measurement needed to be changed from 150 square feet to 181 square feet; where the sign would be viewable from; and the measurement of the original Publix sign being 148 square feet.

Mr. Gregory Davis of Thomas Sign and Awning Company stated his name for the record and explained how the change in measurement of the sign would affect the view and why it was necessary to enlarge the sign.

Discussion followed regarding an inter-connect from Home Depot to the east to allow residents an escape from their subdivision in an emergency; how that would affect the existing retention pond on the other side of Home Depot; the original agreement with Publix being that they would build the inter-connect as long as Home Depot provided an

easement; and whether or not a condition should be included to require the inter-connect be built.

MR. NURRENBROCK MOVED approval of Staff's recommendation to include a condition that an inter-connect be built.

Mr. Goldstein explained that if a condition were placed for the inter-connect there would need to be an understanding that an easement would also need to be provided.

Discussion followed regarding what had been approved by the Board of County Commissioners; what condition was placed on Publix when it was first approved; how a C.O. was authorized for Home Depot if they had not upheld the condition to build an inter-connect; traffic safety issues; and what avenues could be taken to require that Home Depot build the inter-connect.

MR. NURRENBROCK WITHDREW his original motion.

MR. NURRENBROCK MOVED to continue the item to November 5, 2009, 1:30 p.m., Dade City.

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

Mr. Goldstein directed Staff to provide Mr. Davis the prior condition that was placed on Publix regarding the inter-connect.

Chairman Gallagher also noted that if Mr. Davis would provide the name of a representative to Publix the information would also be forwarded to them.

P2 Zoning – Variance Request – Phillip J. and Carol A. Bitner – A reduction in the required minimum rear setback from 5' to 3' for a swimming pool and a reduction in the required minimum rear setback from 5' to 1' for a screened pool enclosure. Location: on the north side of Torchwood Drive, approximately 300" north of Fenholloway Court; Section 35, Twn 26 S, Rng 16 E

Memorandum: ZN10-2004

Recommendation: Approval with conditions

Mr. Millard read the item into the record. Staff recommended approval with conditions as listed in the packet.

Mr. Phillip Bitner and Ms. Carol Bitner stated their names for the record. They were 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.

- P3 Class I, Church of God Fuentes de Amor, (IPR08-073), Variance Request – Perma Built Construction – Section 319.8 to reduce Transportation Corridor from 71 feet to 35 feet from the centerline of Hudson Avenue, Section 618.12 to eliminate cross access/frontage/reverse frontage connection. Location: On the northeast corner of Hudson Avenue and Guava Street, at 7117 Hudson Avenue, approximately 1,200 feet west of U.S. 19; Section 27, Twn 24 S, Rng 16 E
Memorandum: ZN10-003
Recommendation: Approve**

This item was withdrawn by Staff.

- P4 Class I, Seven Springs Commons, Variance Request (IPR09-021), - Wash on Curlew, Inc. – Section 603.9.D.1 Type A landscape buffer; request for a reduction from 10 feet to 5 feet and Section 603.9D.4 Type D landscape buffer; request for a reduction in width from 15 feet to 9/5 feet and to not install the 18-inch berm
Memorandum: ZN10-012
Recommendation: Approval with conditions**

Ms. Debra Zampetti, Zoning/Code Compliance Administrator, read the item into the record.

Discussion followed regarding why the building could not be moved back and place the buffer in another section of the property.

Mr. Braulio Grajales stated his name for the record and gave an explanation regarding where Walgreens had already paved and why they were requesting the Variance.

Discussion followed regarding drainage; where the property had already been paved; why the area could not be shifted; why the 18” berm was being deleted; the applicant’s request was not intended for the entire length of the buffer, it was for the length of the building which was 70 feet; and where the inter-connect was located.

MR. NURRENBROCK MOVED approval of Staff’s recommendation to include a condition for a 36” planting along the front.

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

GROWTH MANAGEMENT

**R1 Small-Scale Comprehensive Plan Amendment CPAS09-(13)-Daniel H. Bender – From: RES-6(Residential – 6 du/ga), To: COM (Commercial), Location: Little Road, just north of Ridge Road, Northeast and Southeast Corners of Little Road and Adonis Road intersection.
Memorandum: PGM10-12
Recommendation: Partial Approve**

Ms. Carol Clarke, Executive Planner, Growth Management, read the item into the record. Staff recommended partial approval.

Ms. Michelle Masumian gave a brief presentation utilizing the overhead projector. Staff recommended approval of the two front parcels for a total of .71 acres, but did not recommend approval for the last parcel because it would encroach on the residential area surrounding it.

Discussion followed regarding what existed on the parcels and what was located on the surrounding parcels.

Mr. Rolly Dove stated his name for the record. He was in partial agreement with Staff's recommendation. He requested the DRC to include lot 13 in the C.O.M. and explained further through a site plan utilizing the overhead projector.

MR. PARIKH MOVED approval of Staff's recommendation to include lot 13 as requested by Mr. Dove.

Discussion followed regarding whether or not a condition could be applied to lot 13; how the tract was platted; the need to have lots that were usable in the future; the possibility of expanding the entire area; and whether or not there was currently access to lots 13, 14, 15, and 16.

Mr. Goldstein explained that a condition could not be applied to this because it was a Small Scale Amendment.

Discussion followed regarding Staff's recommendation not to include lot 13; how the lot would be used if it were approved; and if the lot was approved the applicant be required to do a Unity of Title to have it added to the Parcel I.D.

Mr. Goldstein explained the DRC could require the applicant to enter into a Deed restriction use on that particular lot before it was taken to the BOCC for approval.

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

**R2 Rezoning Petition Review for Pasco Commerce Center – Pasco Industrial, Inc. – Rezoning from A-C to Agricultural Zoning to an MPUD to allow 1,200,000 square feet of corporate business park/targeted primary business/industrial and support commercial/office uses. On the east and west sides of Pasco road east of I-75 and approximately one-quarter mile north of S.R. 52; Sections 04, 05, 08, and 09, Twn 25 S, Rng 20 E; DRC 10/22/09, 1:30 p.m., NPR
Memorandum: ZN10-018
Recommendation: Continuance Requested**

Staff requested the item be continued to December 17, 2009, 1:30 p.m., New Port Richey.

MR. NURRENBROCK MOVED to continue the item to December 17, 2009, 1:30 p.m., New Port Richey.

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

**R3 Legacy MPUD Master Planned Unit Development Amendment – Behnke Land Trust Number One-South Central Pasco County, on the north side of S.R. 54, approximately one mile west of the Suncoast Parkway, Sections 23, 24, 25, 26, and 36, Twn 26 S, Rng 17 E. The applicant and Pasco County are proposing to amend the currently approved Master Plan from MPUD TO PD
Memorandum: ZN10-021
Recommendation: Continuance Requested**

Ms. Zampetti read the item into the record. Staff recommended approval with conditions as listed in the packet to include 785 units subject to trade-off; 200,000 square feet of commercial, 180,000 square feet of office and 350,000 square feet of industrial.

Mr. David Smolker, representative of the applicant, submitted documentation of the redline version of Staff's proposed conditions for approval with his latest changes for review.

Chairman Gallagher referred to the Master Development Plan, number 1 and confirmed that Staff did not have an issue with the changes that were made.

Mr. Goldstein suggested that it should read "Office/Light Industrial as opposed to Light/Office".

MR. NURRENBROCK MOVED approval to correct number 1 as stated by Mr. Goldstein.

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

Chairman Gallagher referred to Condition Number 2(b) regarding language and noted that it should read as "Office/Light Industrial".

MR. NURRENBROCK MOVED approval of the language as stated by Chairman Gallagher.

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

Chairman Gallagher referred to Condition Number 2(e).

Mr. Smolker explained why they had proposed the striking of the first part of the language.

MR. NURRENBROCK MOVED approval to strike the language "Remove permitted Land Uses; first paragraph and " from Condition Number 2(e).

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

Discussion followed regarding language in Condition Number 18 and the proposal by the applicant to delete "resolutions"; how Ordinance Resolutions have some authority to them; and how it would be difficult for the applicant to object to a Resolution that did not exist.

Mr. Goldstein explained that all Resolutions that had regulatory affect were adopted at public hearings with notice and an opportunity for the applicant to be heard.

Mr. Goldstein suggested the language "Ordinances or Resolutions adopted at a Public Hearing".

MR. NURRENBROCK MOVED approval to include the language as stated by Mr. Goldstein as listed in two locations in Condition Number 18.

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

Mr. Smolker continued to explain the proposed change in Condition Number 21 which was to include language "If warranted", further intersection improvements along the internal road intersections, the north-south public road on the west project boundary.

Discussion followed regarding how it took multiple developers in an area to trigger a warrant; and how each developer would be responsible for their own fees.

Chairman Gallagher suggested including language “as approved by the County Engineer”.

MR. NURRENBROCK MOVED approval to include the language as stated by Chairman Gallagher.

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

Mr. Smolker continued with Condition Numbers 27 and 28 regarding discussions with Mr. Goldstein in regard to mobility fees; impact fees and drainage systems.

Mr. Goldstein confirmed that the current Ordinance did not allow the developer to receive credit for the specific right-of-way. He explained further how the process would work if there was a mobility fee.

Discussion followed regarding the traffic study that was performed; whether or not the developer was concurrent; and the language.

Mr. Goldstein explained that the traffic study did not rely on Tower Road and North/South Road to demonstrate compliance with concurrency; however, at some point S.R. 54 would fail. He explained further how Tower Road would be affected. He did not see the harm in the proposed language for Condition Numbers 27 and 28.

MR. NURRENBROCK MOVED approval of Condition Numbers 27 and 28 as proposed by Mr. Smolker.

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

Mr. Smolker continued to explain the proposed change in Condition Number 33(c). He proposed to delete the language “with a minimum total of 1,320 feet”.

Chairman Gallagher suggested including language “as approved by the County Engineer and subject to approval of the preliminary plan stage”.

MR. NURRENBROCK MOVED approval to delete the language as proposed by Mr. Smolker and to include the language as stated by Chairman Gallagher.

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

Mr. Smolker continued to explain the Scrivener’s error in Condition Number 36; 184,000 square feet should be 184,500 square feet.

MR. NURRENBROCK MOVED approval of the correction to Condition Number 36 as stated by Mr. Smolker.

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

Mr. Smolker explained the goal of the new Condition Number 41. He did not want to have to have a review and approval requirement before they could submit a preliminary plan; they wanted to be able to submit the plan in connection with the preliminary plan and have it reviewed and approved as part of the preliminary plan.

Ms. Zampetti explained it was a requirement of rezoning to be approved prior preliminary plan approval. She gave further explanation regarding the process.

It was decided that Condition Number 41 would remain as suggested by Staff.

Mr. Smolker noted there was an agreement to strike "harmonious" from Condition Number 42.

MR. NURRENBROCK MOVED approval of Condition Number 42 as stated by Mr. Smolker.

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

Mr. Smolker explained that Condition Number 44 was a Scrivener's error. Condition 4 should be "Condition No. 4".

MR. NURRENBROCK MOVED approval of Condition Number 44 as stated by Mr. Smolker.

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

Mr. Smolker continued to explain Condition Number 48. He suggested including language "provide Tampa Bay Water with copies of all such site plans and plats at the time of their submittal to the County and shall" and to delete language "to Tampa Bay Water's reasonable satisfaction".

MR. NURRENBROCK MOVED approval of Condition Number 48 as stated by Mr. Smolker.

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

Mr. Smolker continued to explain the proposed changes to Condition Number 50(a)(1-8).

Ms. Zampetti explained that the TND Ordinance was adopted because some individuals wanted the smaller lots and the smaller separation. Staff did not have an issue with 40 foot lots and smaller set-backs provided they complied with all the regulations and in accordance with the TND Ordinance.

MR. NURRENBROCK MOVED approval of Condition Number 50(a)(1-8) as revised by the applicant to include language “subject to the language being reviewed and in accordance with the TND Ordinance”.

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

Mr. Smolker proposed deleting the old Condition Number 50(a)(9).

Ms. Zampetti suggested including language “any additional single-family shall be developed as part of a small mixed use, TND village in accordance with the counties TND regulations”.

MR. NURRENBROCK MOVED approval to delete the old Condition Number 50(a)(9).

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

MR. NURRENBROCK MOVED approval to include the language as stated by Ms. Zampetti to the new Condition Number 50(a)(9).

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

Mr. Smolker confirmed with Staff that Condition Number 50(a)(10) was intended to reflect single-family detached development as opposed to single-family.

MR. NURRENBROCK MOVED approval of the proposed changes as listed to Condition Number 50(a)(10).

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

Mr. Smolker proposed to delete the language in Condition Number 50(b)(1), Condition Number 50(b)(9) and Condition Number 50(c)(4).

MR. NURRENBROCK MOVED approval to delete the language in Condition Numbers 50(b)(1), 50(b)(9), and 50(c)(4).

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

Mr. Smolker suggested the language “Front setbacks shall vary a minimum of five feet” be deleted from Condition Number 50(f).

Ms. Zampetti explained that the condition was designed to avoid putting “roadhouses” in.

Mr. Goldstein suggested including language “all varying facades and/or elevations”.

MR. PARIKH MOVED approval to delete language as proposed by Mr. Smolker and include the language proposed by Mr. Goldstein.

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

Mr. Smolker suggested proposed language to Condition Number 50(g)(2) to be “maximum of a single drive-aisle with parking on either side”.

Discussion followed regarding the proposed language.

MR. NURRENBROCK MOVED approval of Condition Number 50(g)(2) as proposed by Mr. Smolker.

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

Mr. Smolker explained Condition Number 50(g)(3) to include language “or concurrent with”.

Chairman Gallagher noted that Condition Number 50(g)(3) would remain as submitted by Staff.

Chairman Gallagher discussed the Trade-off Matrix chart. He noted what had been previously approved and that a large portion of the matrix had to do with the traffic study.

Discussion followed regarding where the caps were placed; whether or not an additional traffic study would be needed; how trips could or could not be traded; whether or not this was a DRC issue; and how the trade-offs would work up to the maximum number allowed.

Mr. Smolker explained his concerns regarding the trip equivalencies and the minimum and maximum numbers on the Trade-off Matrix chart. He did not have a problem with the language provided the approved Townhouse reflected what was on the plan, which were 260 units.

Ms. Spidell explained that number was lowered in order to bring the applicant back up to the 550 without exceeding the total 2,551.

Chairman Gallagher suggested approval of the Trade-off Matrix chart subject to further discussion with Staff.

Ms. Smolker noted he had an issue with the actual exchange formulas. He did not feel they were appropriate in order to handle what they were attempting to do.

Discussion followed regarding how the applicant would be able to move around the townhouse and multi-family as much as they wanted provided they stay to a minimum of retail, office and light industrial under the guidelines; how the Trade-off Matrix could be utilized more efficiently; and how to differentiate the maximums and minimums on the chart.

Mr. Smolker said he would meet with Staff regarding the Trade-off Matrix Chart to acquire a solution for both sides.

Mr. Smolker explained Condition Number 50(g)(4). He was in agreement with Staff that the 60,000 would be 100,000.

MR. NURRENBROCK MOVED approval of Condition Number 50(g)(4) as submitted by Staff.

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

Discussion followed regarding Condition Numbers 50(h)(1), 50(i)(1), 50(k – r) and Condition Number 51.

MR. NURRENBROCK MOVED approval of Condition Number 50(i)(2) as submitted in Mr. Smolker's red-line version.

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

Mr. Smolker continued to explain Condition Number 50(2).

MR. PARIKH MOVED approval of Condition Number 50(2) as submitted in Staff's version.

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

MR. NURRENBROCK MOVED approval of Condition Number 50(l) as submitted in Mr. Smolker's red-line version.

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

Ms. Zampetti spoke regarding the new Condition Number 50(m). She suggested changing the language “shall” to read “may”.

MR. NURRENBROCK MOVED approval of the new Condition Number 50(m) to include the change as noted by Ms. Zampetti.

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

MR. NURRENBROCK MOVED approval of Condition Number 50(p) as submitted in Mr. Smolker’s red-line version.

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

MR. NURRENBROCK MOVED approval of Condition Number 50(q) as submitted in Mr. Smolker’s red-line version.

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

Ms. Zampetti spoke regarding Condition Number 51(a) with regard to a Special exception in C-2 for travel trailer parks; she did not want a travel trailer park there. She suggested language to “exclude travel trailer parks”.

MR. NURRENBROCK MOVED approval of Condition Number 51(a) as submitted by Mr. Smolker to include language as suggested by Ms. Zampetti.

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

Mr. Smolker explained Condition Number 54 with regard to the developer being required to develop at least four of the land use types authorized hereunder, including at least two non-residential uses. He suggested including Condition Number 51.

MR. NURRENBROCK MOVED approval of Condition Number 54 to include Condition Number 51 as submitted by Mr. Smolker.

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

Mr. Smolker explained Condition Number 55. He noted an issue with the Transit Oriented Development requirements.

Mr. Goldstein noted he was not in agreement with the first change in Condition Number 55, but he was in agreement with the second change.

MR. NURRENBROCK MOVED approval of Condition Number 55 to read as “if the County adopts applicable Transit Oriented Developed design for the S.R. 54 corridor, such design standards shall supersede the design standards set forth above with respect to any preliminary plans/preliminary site plans not previously approved as of the effective date of such design standards”.

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

Mr. Smolker spoke regarding language in Condition Number 57. He proposed to eliminate Condition Number 57(a) and move paragraph 57(c) up and incorporate it into 57(b)(1).

MR. NURRENBROCK MOVED approval to delete Condition Number 57(a) as proposed by Mr. Smolker.

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

Mr. Smolker explained that he had taken the same language from Condition Number 57(c) and incorporated it into Condition Number 57(b)(1).

Ms. Zampetti spoke regarding the language “and will not result in significant and internal or external land use incompatibilities”. She did not feel “significant” should be used and explained why.

Discussion followed regarding mixed uses and language; the need to have the Zoning Administrator review the MPUD for compatibility; the location of the projects and how that would affect the language.

MR. PARIKH MOVED approval of the new Condition Number 57(b)(1) to include striking the language “significant” as suggested by Staff.

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

Mr. Goldstein spoke regarding language in Condition Number 57(a)(4). He felt there should be a period after the language “exchange request” and delete the remaining language.

MR. PARIKH MOVED approval to changes to Condition Number 57(a)(4) as stated by Mr. Goldstein.

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

Mr. Smolker continued with the new Condition Number 57(c). He felt the language “may” should be “shall”.

Staff was in agreement with the recommendation to change the language as stated by Mr. Smolker.

MR. NURRENBROCK MOVED approval of the change to the new Condition Number 57(c).

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

Mr. Smolker continued with Condition Number 59 regarding the timing of donation of the right-of-way.

Discussion followed regarding how Condition Number 59 read and what the developer’s responsibility was regarding the five year mitigation plan.

Mr. Smolker requested Condition Number 67 be deleted.

MR. PARIKH MOVED approval to delete Condition Number 67 as requested by Mr. Smolker.

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

Mr. Smolker spoke regarding language in Condition Number 68.

Discussion followed regarding the difference in language as submitted by Staff and by Mr. Smolker; and the possibility of deleting Condition 68 in its entirety.

MR. NURRENBROCK MOVED approval to delete Condition Number 68.

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

Mr. Smolker spoke regarding the additional language in Condition Number 69 which was, “The revisions to this”.

Discussion followed regarding the language.

Mr. Goldstein suggested the language read “The 2009/2010 Amendments to” .

MR. NURRENBROCK MOVED approval of the change to Condition Number 69 as stated.

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

MR. NURRENBROCK MOVED approval of the remainder of the item.

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

Ms. Clarke continued discussion regarding changes to the Comprehensive Plan to Legacy MPUD. Staff recommended approval.

MR. NURRENBROCK MOVED approval of the changes to the Comprehensive Plan as shown in the packet.

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

ADDENDUM

R4 Discussion of Transportation Impact Fees and their Allocations

Chairman Gallagher gave a brief explanation of the item. He referenced the Harris and Bennett properties; the Zephyrhills By-Pass, and the Curley Road and S.R. 54 with regard to how Transportation Impact Fees were dealt with. He gave further explanation through a map of the areas utilizing the overhead projector.

Mr. Steve Booth, representative for the applicant, spoke regarding excess credits and whether or not they could be transferred outside the project.

Discussion followed regarding other projects; various scenarios that would affect credits; whether or not excess credits could be sold; how the Transportation Impact Fee process worked; which existing projects could be moved forward; whether or not the applicant had any excess credits and if so, how they could be used; how excess credits could not be transferred out of projects without applying for a variance; and whether or not the County would lose money regarding excess credits.

Mr. Dan Risola, Planning Coordinator, spoke regarding how impact fee revenues were calculated and if they were excluded from any impact fee calculations.

Discussion followed regarding permit projections for the next 5 years and if any were from DRI's assumed; what revenue projections were based on; and whether or not it would benefit the applicant if the County were to purchase excess credits from them.

Chairman Gallagher directed Mr. Nurrenbrock, Mr. Goldstein and Mr. Parikh to meet with Staff and discuss the item further and report their findings back to him.

Mr. Nurrenbrock discussed the Epperson project and their build out date with regard to transportation impact fees and credits. He felt that needed to be reviewed as well.

Mr. Booth requested that he and Mr. Friedman, the property owner, be included in the meeting with Staff.

Mr. Goldstein noted that may produce a Sunshine Law problem and that Mr. Booth would only be allowed to speak regarding his project.

Chairman Gallagher suggested that Mr. Booth look at the capital plan and then meet with Mr. Goldstein to see if further discussion was warranted.

MR. NURRENBROCK MOVED to adjourn.

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

ADJOURN

The Committee adjourned at 5:09 p.m.

(SEAL)

DEVELOPMENT REVIEW
COMMITTEE
REGULAR MEETING
October 22, 2009

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

Prepared By: _____
Vickie Perez, Board Clerk
Board Records Department