

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**

January 28, 2010

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

DEVELOPMENT REVIEW COMMITTEE

ADVISORY STAFF

John J. Gallagher
County Administrator
Michael Nurrenbrock
OMB Director
Daniel R. Johnson
Assistant County Administrator
(Public Services)
Bruce E. Kennedy, P.E.
Assistant County Administrator
(Utilities Services)
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
Growth Management Administrator
James C. Widman, P.E - **Absent**
Engineering Services Director
Debra M. Zampetti
Zoning/Code Compliance
Administrator

LEGAL COUNSEL

David A. Goldstein
County Attorney

CALL TO ORDER

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

ROLL CALL

Ms. Beverly Beeson, Deputy Clerk, called the roll.

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

The proof of publication was provided to the Clerk.

MINUTES

**M1 December 3, 2009, - DRC Minutes-DRC – DRC Minutes for Approval
Memorandum ZN10-113
Recommendation: Approve
Comm. Dist. All**

MR. NURRENBROCK MOVED approval of the December 3, 2009 minutes.

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

PUBLIC HEARINGS

VARIANCE PETITIONS **GROWTH MANAGEMENT**

**P1 Class I, ALDI, Inc – Holiday (IPR08-062), Variance Request-ALDI, Inc. Section 602.7 to allow contribution to the tree fund in lieu of replacement; Section 603.11 to allow alternative design in lieu of masonry wall to screen service area; Section 603.12 to allow Stormwater management swale to exceed maximum encroachment in buffer. Location: On the northwest side of Alternative U.S. 19, slightly west of its terminus with U.S. 19, at the original southwest corner of Manton Lane and Alternate U.S.19; Section 31, Twn 26 S, Rng 16 E.
Memorandum ZN10-088
Recommendation: Approval with conditions
Comm. Dist. 3**

Ms. Debra Zampetti, Zoning/Code Compliance Director, read the item into the record and explained the three variances. Staff recommended approval of the variances with conditions.

Mr. Rollie Dove, representative for the applicant, agreed with Staff's recommendation.

Mr. David Laurila and his wife, Ms. Donna Morman, were in favor of the project but had concerns regarding the wetlands run-off, flooding problems in the area, and the thru

traffic off of Manton Lane. Ms. Morman noted that they had a signed petition from their neighbors. Mr. Laurila noted the petitioners had no problems with the variances.

Mr. Ken Bender was opposed to the applicant's contributing money instead of tree replacement and had concerns regarding the flooding of the stormwater drains.

Discussion followed regarding the swale to the wetlands; the stormwater conveyance; the traffic on Manton Lane; additional turning capacity; revisiting the site plan for the variance and access; and modifying the plan to show the two lots.

MR. PARIKH MOVED approval of Staff's recommendation.

Discussion followed regarding if the motion included the northern entrance.

MR. JOHNSON MOVED to receive and file the signed petition from Ms. Morman and Mr. Laurila.

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

Chairman called on the motion to approve Staff's recommendation; the motion failed with Mr. Johnson, Mr. Nurrenbrock, Mr. Kennedy and Mr. Williams voting nay.

MR. JOHNSON MOVED to approve Staff's recommendation with the exclusion of the northern entrance onto Manton Lane.

Discussion followed regarding the motion and making the entrance a right out lane from the store onto Manton.

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

**P2 Class II, Sonny's Real Pit Bar-B-Q (IPR97-080), Wesley Chapel – Variance Requests – A & M Bar-B-Q, Inc. Location: On the east side of Bruce B. Downs Boulevard and south of Wesley Chapel Boulevard; Section 07, Twn 26 S, Rng 20 E
Memorandum ZN19-089
Recommendation: Approval with conditions
Comm. Dist. 2**

Ms. Zampetti requested the item be continued because there was a question about the notice of publication not having a date in it. She said the applicant's attorney was present to speak to the issue.

Mr. Robert Williams, attorney for the applicant, stated the notice was incorrect in the publication; however it was not incorrect as far as giving information.

Discussion followed with the Board, Staff and the applicant's attorney regarding hearing the item and the risks. The applicant's attorney accepted the risk to proceed with the hearing. It was noted that there was no legal liability by the County to hear the item.

There was no public comment.

MR. NURRENBROCK MOVED approval of Staff's recommendation, that the notice issue was the responsibility of the client, and the client's attorney would assume all risks.

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

Ms. Zampetti gave a brief explanation of the item. Staff recommended approval with conditions. Staff added the condition under the recommendation of Number Two to read: "In lieu of the required ten-foot buffer, the applicant/developer shall provide a five-foot buffer along the north, east, and south project area." Then add the following sentence, "That on the north side the applicant shall provide three under story trees such as crape myrtle or sweet bay magnolia, sixty feet on center, and add additional shrubs around the existing shrubs."

MR. JOHNSON MOVED approval of Staff's added condition.

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

Discussion followed regarding the applicant's representative had left the meeting. Staff noted the additional condition had been discussed with the applicant's representative and he had agreed to it.

There was no public comment.

MR. JOHNSON MOVED approval of Staff's recommendation including the added condition.

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

REGULAR

**R1 SunWest Harbourtowne Development of Regional Impact Application for Development Approval/Development Order-Sunwest Acquisition Corporation-Northwest Pasco County between the unincorporated communities of Hudson to the south and Aripeka to the north, in Sections 01, 02, 11, 12, and 13, Township 24 South, Range 16 East. The project is generally bounded by Aripeka Road to the north, U.S. Highway 19 to the east, coastal saltwater marshlands to the west, and residential development to the south.
Memorandum PGM10-105
Recommendation: Approve
Comm. Dist. 5**

Ms. Cynthia Spidell, Growth Management, said there were three items on the agenda that pertained to SunWest Harbourtowne DRI. She noted the developer was present and would give a presentation of the overall project. She would present each item separately.

Ms. Georgeanne Ratliff, SunWest Harbourtowne developer, gave a presentation utilizing the overhead projector.

Ms. Spidell gave a brief explanation of the item. Staff recommended approval of Alternative Number One to approve the Development Order.

Mr. Goldstein recommended Staff strike out the words "and parks" from item 4a in the Development Order.

Ms. Rosemary Gula asked to read a letter from Tom Hocter, Ph.D. and requested it be placed into the record.

MR. NURRENBROCK MOVED to receive and file the letter from Tom Hocter, Ph.D.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried. Chairman Gallagher noted for the record that the letter written by Tom Hocter, Ph.D. was not signed and requested that he send a signed letter to the DRC.

Ms. Gula read the letter from Tom Hocter, Ph.D. into the record. Mr. Hocter requested Pasco County to reconsider its position and delay any further action on the SunWest DRI until completion of a comprehensive Chassahowitzka bear habitat mitigation plan.

Mr. Lance Arvidson said he had a letter to submit to the Board.

MR. JOHNSON MOVED to receive and file the letter from Mr. Arvidson.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried. Chairman Gallagher noted for the record that Mr. Arvidson's letter was not signed and requested that he send a signed letter to the DRC.

Mr. Arvidson stated that he was present on behalf of Wildlands Conservation and requested Pasco County to wait until there was adequate assurances that the impacts to the black bear sub population be mitigated for on a landscape level and an appropriate management plan existed.

Ms. Julie Worth, a trustee with Gulf Coast Conservancy, had concerns about the traffic on Aripeka Road; the proposed new road that would replace Old Dixie Highway to US 19; and the pedestrians walking on these roads. She requested the traffic be addressed by the Development Order/Agreement and she wanted clarification about the zoning of the property for mining.

Mr. Mac Davis, a trustee with Gulf Coast Conservancy, objected to the way the Development Approval/Order was written by not having a comprehensive habitat management plan or a bear mitigation plan included in the plan. He requested there be a public walking/bicycling trail connecting Aripeka Road to the park through to Hudson.

Mr. Richard Stauffer was concerned about the set-back of the houses on the north line; if there would be a requirement for sewer lines to connect the whole city of Aripeka; and if the mining operation would have a stopping point.

Mr. Jim Murphy stated he was present on behalf of Gulf Restoration Network and Defenders of Wildlife to address their concerns: 1) the loss of habitats and impacts to habitats; 2) the dredging across the sea grass beds in Pasco County; and 3) felt the applicant and the County had not responded meaningfully to all of the FDCA concerns and recommendations.

Mr. Vern Phelps said he had concerns about having a privacy gate placed on Phelps Road and suggested that all parties involved meet to discuss the financing of a gate.

Ms. Susan Vanhooose, FDOT, addressed the wording of the Development Agreement and asked for time to review it with their legal department for concurrence.

Chairman Gallagher noted that the County Attorney's office was working with the applicant on other issues and directed them to include DOT in their discussions.

Ms. Radcliff addressed the issues and concerns from each public speaker.

Mr. David Goldstein, County Attorney, asked the planner, Ms. Liz Abernathy, to change "all mining activities shall cease prior to final record plat" to read "all mining activities shall cease prior to final record plat or construction plan approval."

Ms. Abernathy agreed to do so.

Chairman Gallagher asked Mr. Harrill to prepare a condition regarding the residential units that were planned to be sold and to be reviewed by the DRC.

Mr. Goldstein had concerns regarding mining as an interim use while the applicant was developing residential units as well as the traffic issues.

Mr. Harrill agreed to meet and discuss both issues with Staff and the County Attorney.

Chairman Gallagher asked Ms. Radcliff to meet with Mr. Phelps regarding installation of a privacy gate on Phelps Road.

Mr. Johnson directed Staff to review the traffic concerns of Old Dixie Highway through Aripeka.

Chairman Gallagher asked Mr. Harrill to prepare a document regarding dredging of the canal and for it to be reviewed by the DRC.

Ms. Michelle Baker noted there was a modification to the Development Agreement on page two where it stated "Emergency Services" should read "Emergency Management Services."

Mr. Goldstein recommended Staff strike out the words "and parks" from Condition 4a in the Development Order.

MR. NURRENBROCK MOVED approval of Staff's recommendation to include the two modifications and to forward the item to the Board of County Commissioners for the next step.

The motion was not called on.

MR. JOHNSON MOVED to receive and file the letter from Mr. John Hexter.

Chairman Gallagher called on the motion; the vote was unanimous and the motion carried. Chairman Gallagher noted for the record that Mr. Hexter's letter was not signed and requested that he send a signed letter to the DRC.

**R2 SunWest Harbourtowne Development of Regional Impact Development Agreement-Sunwest Acquisition Corporation-Northwest Pasco County between the unincorporated communities of Hudson to the south and Aripeka to the north, in Sections 01, 02, 11,12 and 13, Township 23 South, and Range 16 East. The project is generally bounded by Aripeka Road on the north; U.S. 19 on the east; coastal, saltwater marshlands on the west; and residential developments on the south.
Memorandum PGM10-102
Recommendation: Approve
Comm. Dist. 5**

Ms. Spidell gave a brief explanation of the item. She noted there were some changes that had not yet been resolved: Old Dixie was impact fee creditable and was taken out and placed back into the document; some Scrivener errors; changes/concerns of the language from FDOT; and the pipeline project design.

Mr. Ben Harrill, representative for the applicant, said he wanted additional language to address bringing Old Dixie up to standards and the language regarding utility relocations. He said he would work with Mr. Goldstein on both items.

Discussion followed regarding the standard language used in the Development Agreement; the developer's requirements; and last minute changes made by the applicant and Staff.

MR. NURRENBROCK MOVED to continue the item to the next DRC meeting on February 11, 2010, at 1:30 p.m. in Dade City.

There was no public comment.

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

**R3 Rezoning for SunWest Harbourtown to an MPUD-Sun West Acquisition Corporation; Forest Properties, LLC; and Branford Investments, LLC-To rezone approximately 1,071.65 acres from varying zoning districts to an MPUD Master Planned Unit Development to allow 350 single-family detached, 2,150 single-family attached-multifamily, 250,000 square feet of commercial, 50,000 square feet of office, a 250-room hotel, an 18-hole golf course, and a marina; On the southwest corner of US 19 and Aripeka Road; Sections 01, 02, 07, 11, 12, 13, 14, 15, 22, Township 24 South, range 16 East.
Memorandum ZN10-009
Recommendation: Approval with conditions
Comm. Dist. 5**

Ms. Spidell gave a brief explanation of the item. Staff recommended approval with conditions.

Ms. Georgianne Radcliff, representative for the applicant, agreed with Staff's recommendation.

There was no public comment.

Ms. Zampetti addressed the Land Use standards on page 8 of 13 and noted there was a foot note stating a 20 foot set back of garage and Staff was requiring 25 feet for the garage.

Chairman Gallagher directed Staff to use 25 feet and noted they would have further discussion with the applicant before the item went to the Board.

Mr. Goldstein had concerns regarding the types of transient units including non-homesteaded properties as transient and suggested deleting it from the document.

MR. NURRENBROCK MOVED to delete the language "and non-homesteaded properties" from (3) at the end of the second sentence on page 10 of 13.

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

MR. NURRENBROCK MOVED approval of the rezoning action with the edits made and then forwarding it to the Board of County Commissioners.

There was no public comment.

Ms. Zampetti noted that the Rezoning item would go before the Planning Commission on February 10, 2010, subject to clearing up the issue of mining.

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

**R4 Pasco Commerce Center MPUD – Rezoning Request – Pasco Industrial, Inc. – To rezone approximately 168.4 acres from A-C Agricultural to an MPUD to allow 1,200,000 square feet of corporate business park, et. al. uses; On the east and west sides of Pasco Road, east of I-75, Sections 04, 05, 08, and 09, Twn 25 S, Rng 20 E
Memorandum ZN10-070
Recommendation: Approval with conditions
Comm. Dist. 1**

Ms. Zampetti explained the item and read it into the record. She said that Ms. Burns would present the variances.

Ms. Corelynn Burns explained the requested variances using the overhead projector.

The first variance was for landscape buffering and screening along a controlled access roadway and would have a 10 foot green strip.

Mr. Adam Carnegie Wilson, representative for the applicant, agreed with Staff's recommendation.

There was no public comment.

MR. PARIKH MOVED approval of Staff's recommendation.

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

The second variance was for a 5 foot reduction in the Type D buffer along the east side of the roadway and I-75.

Mr. Wilson agreed with Staff's recommendation.

There was no public comment.

MR. PARIKH MOVED approval of Staff's recommendation.

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

The third variance was for a 15 foot buffer with a meandering sidewalk within the buffer.

Discussion followed and Chairman Gallagher noted he was against the 15 foot buffer with the meandering sidewalk.

MR. PARIKH MOVED to withdraw the 15 foot buffer with a meandering sidewalk.

Mr. Wilson agreed with the recommendation by Mr. Parikh.

The motion was not called on.

An alternative standards request was for a reduction of ROW from 50 feet to 45 feet for a section of the roadway.

Discussion followed regarding the applicant not having enough depth for all of the variance requests.

MR. PARIKH MOVED approval of Staff's recommendation.

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

The last alternative standards request was for the continuation of existing street patterning and street access to abutting properties. Staff recommended the applicant provide only one interconnect to the north which was the furthest point from Parcel B as possible.

MR. PARIKH MOVED approval of Staff's recommendation.

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

Mr. Harrill addressed Condition 28 of the MPUD regarding the requirement for detailed traffic analysis.

Discussion followed regarding the intersection of Old Pasco and SR 52 intersection; specific increments with improvements; and Standard Access Management Conditions.

Ms. Zampetti noted that there were some issues with Condition 48 and said that Mr. Goldstein would explain them.

Mr. Goldstein addressed Condition 48 where it stated "The EC (Employment Center) Credit, which is defined as being the difference between the Option 1 full fee as defined in Article 402, and the applicable transportation impact fee..." was not a correct statement for this MPUD and it needed to be corrected. In addition, he said the County did not give EC credits for support of commercial uses and this language needed to be corrected. He said he would work with Staff to revise the language.

MR. NURRENBROCK MOVED approval of the item subject to Condition Number 48 being worked out between Staff and the applicant.

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

**R5 MPUD Non-Substantial Modification to Shoppes of Ballantrae Village – J.D.R. Commercial Real Estate, LLC-Non-substantial modification to amend conditions; On the northeast and northwest corners of the intersection of Ballantrae Boulevard and S.R. 54; Section 29, Twn 26 S, Rng 18 E.
Memorandum ZN10-085
Recommendation: Approval with conditions
Comm. Dist. 2**

Ms. Zampetti explained the item and read it into the record. Staff recommended approval with conditions.

Mr. Clark Hobby, representative for 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.

**R6 Class II, Bayonet Point Commercial Center, Preliminary Site plan – IIPR09-031 – BV Bayonet Point, LLC-Location: On the south side of S.R. 52 and the west side of U.S. 19; Section 09, Twn 25 S, Rng 16 E
Memorandum ZN10-103A
Recommendation: Continuance Requested
Comm. Dist. 5**

Staff requested the item be continued to February 25, 2010, 1:30 p.m., New Port Richey.

Mr. Ben Harrill, representative for the applicant, agreed to the continuance.

MR. NURRENBROCK MOVED to continue the item to February 25, 2010, 1:30 p.m., New Port Richey.

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

**R7 NOTED ITEM – Class II, Longleaf Workplace/Trinity Lutheran Church Non-substantial Amendment (IIPR03-022), Preliminary/Construction Site Plan – Longleaf Town Center, Inc.-Location: On the northeast corner of Starkey Boulevard, north of S.R. 54; Section Twn 26, Rng 17 E.
Memorandum ZN10-090
Recommendation: Not Applicable
Comm. Dist. 3**

The item was noted.

MR. NURRENBROCK MOVED to adjourn.

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

ADJOURN

The Committee adjourned 4:35 p.m.

(SEAL)

DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
JANUARY 28, 2010

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

Prepared By: _____
Beverly Beeson, Board Clerk
Board Records Department