

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**

APRIL 29, 2010

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

DEVELOPMENT REVIEW COMMITTEE

John J. Gallagher-**ABSENT**
County Administrator
Michael Nurrenbrock-**ABSENT**
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

LEGAL COUNSEL

David A. Goldstein
County Attorney

ADVISORY STAFF

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

CALL TO ORDER

Acting Chairman Michele Baker called the meeting to order at 1:30 p.m.

ROLL CALL

Ms. Beverly Beeson, Deputy Clerk, called the roll. Mr. Gallagher, Mr. Nurrenbrock and Mr. Johnson had excused absences. Ms. Michele Baker chaired the meeting for Mr. Gallagher.

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

The proof of publication was provided to the Clerk.

MINUTES

**M1 January 14, 2010 - DRC Minutes-DRC-DRC Minutes for Approval
Memorandum ZN10-185
Recommendation: Approve
Comm. Dist. All**

MR. PARIKH MOVED approval of the January 14, 2010, minutes.

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

**M2 January 28, 2010 - DRC Minutes-DRC-DRC Minutes for Approval
Memorandum ZN10-186
Recommendation: Approve
Comm. Dist. All**

MR. PARIKH MOVED approval of the January 28, 2010, minutes.

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

**M3 February 11, 2010 - DRC Minutes-DRC-DRC Minutes for Approval
Memorandum ZN10-187
Recommendation: Approve
Comm. Dist. All**

MR. PARIKH MOVED approval of the February 11, 2010, minutes.

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

PUBLIC HEARINGS

VARIANCE PETITIONS **OTHERS**

**P1 Zoning Petition - Variance Request-Ramona K. Migliore-Cowan-Location:
On the southeast corner of the intersection of Sea Ranch Drive and Allyn
Drive
Memorandum ZN10-2010
Recommendation: Approval with conditions
Comm. Dist. 5**

Mr. Lee Millard, Assistant Zoning/Code Administrator, explained the item utilizing the overhead projector. He gave the location and history of the shed variance. Staff had received 3 letters of no objection from surrounding property owners. Another department notified Staff that the shed was located in a "V" flood zone and would not comply with the requirements. Prior to the hearing, Staff met with the applicant and explained the issue. The applicant was in agreement with changing the first condition. Staff changed Condition One to read: "The owner/applicant shall obtain all of the required permits, and the shed shall meet all flood requirements of a "V" flood zone." Staff recommended approval with the conditions as amended.

Discussion followed regarding if the applicant was capable of meeting the requirements of the "V" zone; if it was economically feasible; if there was a time certain; the Construction Code Board had continued the item to June 17, 2010; and if Staff had received letters from all of the neighbors.

Mr. David Cowan, the applicant, said he understood the condition that was added but had concerns about the appearance and the cost of the new condition. Since he had just learned of the condition, he would like to have time to find out what the cost would be and what it would look like, then he would be able to comply with the variance.

Mr. Millard advised the applicant to speak with Mr. Bowen or to one of the Plans Examiners in Central Permitting to see what would be required.

Discussion followed regarding the velocity zone, elevation requirements; cost and esthetics of the shed; criteria for accessory structures; and compliance of the shed.

There was no public comment.

MR. PARIKH MOVED approval of Staff's recommendation with the revised condition added by Mr. Millard.

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

**P2 Zoning Petition - Variance Request-Tampa Bay Community Development-
Location: On the west side of 21st Street (Powerline Road), at the
intersection of Sol Vista Drive and 21st Street
Memorandum ZN10-2011
Recommendation: Partial Deny
Comm. Dist. 1**

Mr. Lee Millard, Assistant Zoning/Code Administrator, explained the item utilizing the overhead projector. Sunset Hills was being developed as a certified affordable housing development. Staff recommended denial of the applicant's request, but approval of a reduction in the landscape buffer that abutted lots 1 through 5 from 20 feet to 5 feet and that also abutted lots 45 through 64 from 10 feet to 5 feet with conditions as listed in the packet.

Discussion followed regarding if the reduced variance was advertised; if the variance request was to reduce the setback and not a landscape buffer reduction; if this was a lesser variance or not; Staff was reducing the buffer rather than the setback; and if the applicant was comfortable proceeding knowing that the landscape had not been noticed.

Mr. David Campo, the applicant, stated he was in concurrence with Staff's recommendation for approval.

Mr. Goldstein asked Mr. Campo if he understood that no one was noticed regarding the landscape variance, but that it was noticed as a setback variance and if he was comfortable proceeding.

Mr. Campo said he was comfortable proceeding; he could not speak to the legality of that, but filed it with the intention of reducing the setbacks.

Mr. Goldstein informed Mr. Campo that DRC had the power to approve lesser variances than what was advertised. He noted that Staff had taken the position this was a lesser variance, but could not promise Mr. Campo that this would definitively be the answer if he were to be challenged.

Mr. Campo said he understood the risks involved.

There was no public comment.

MR. PARIKH MOVED approval of Staff's recommendation.

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

**P3 Class III, 3600 Commercial, (SDU10-002), Preliminary/Construction Plan, Stormwater Management Plan and Report with Variance -Bad Lands, LLC, and We Shelter America, Inc.-Location: On the east side of U.S. 41 and approximately 357' north of Swan Landing; Section 24,Twn 26 S, Rng 18 E
Memorandum ZN10-161
Recommendation: Approval with conditions
Comm. Dist. 2**

Ms. Zampetti read the item into the record. She explained the two variances utilizing the overhead projector. Staff recommended approval with conditions as listed in the packet.

Discussion followed regarding the reasons for requesting the buffer variance and splitting the two properties for pedestrian and vehicle traffic.

Mr. Chris McNeal, the engineer on record for the applicant, clarified the question regarding the traffic between the two sites.

Further discussion followed regarding how Staff would monitor compliance of the landscaping; the site plan approval and driveway permit; and whether or not there was consistency with the existing development to the south for the buffering and cross access.

There was no public comment.

MR. PARIKH MOVED approval of Staff's recommendation.

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

**P4 Class II, Village Market of Wesley Chapel (DPR87-70), Variance requests- Christopher S. McNeal, McNeal Engineering-Relief from LDC Sections 603.7, 603.9, and 603.12 to allow reduction in building perimeter landscaping, buffer widths, and allow over stormwater to be 50% of buffer. Location: 5351 S.R. 581, at the southwest corner of S.R. 54 and SR 581; Section 07, Twn 26 S, Rng 20 E
Memorandum ZN10-173
Recommendation: Approval with conditions
Comm. Dist. 2**

Ms. Zampetti read the item into the record and gave the location of the property. She noted Ms. Shaw from Team B would present the variances.

Ms. Pam Shaw, Development Review Tech II, explained the variances utilizing the overhead projector. Staff recommended approval with conditions as listed in the packet.

Mr. Goldstein requested a copy of the settlement agreement that was referred to in the agenda memo and asked if it had been entered.

Ms. Shaw said she had spoken to Real Estate regarding the status of the settlement agreement, and she was told it had gone before the judge and that the financial aspects were being worked out.

Ms. Sue Murphy, representative for the applicant, presented a draft copy of the settlement agreement to Mr. Goldstein.

Discussion followed regarding what the perimeter landscaping consisted of and whether the landscape island could be completed without the settlement agreement.

Mr. Goldstein had concerns agreeing to waive County Ordinances and a settlement agreement for ROW acquisition. He directed Staff to strike the language from the agenda memo including the Finding of Fact if there was not an executed settlement agreement.

Ms. Zampetti agreed to strike that language from the agenda memo and Finding of Fact.

Ms. Murphy said her team had to reconfigure the parking lot because the taking of 54 had caused some of the accesses to be changed, the whole site plan approval was for landscaping with no new development; her client was non-conforming and had to bring the landscaping into conformance; the taking was done, the money was given to the owner, and the settlement agreement was entered in to judgment in the courts; her team could not meet the exact letter of the landscaping code because of the existing pond and buildings that could not be moved; and her team was having trouble trying to retrofit foundation landscaping into the existing buildings. Ms. Murphy suggested taking the 10% and placing it along 54 and blocking the back and sides of the building.

Mr. McNeal noted the addition of landscaping to the two future out-parcels; the placing of planters along the sidewalk; he had communication with the Toyota representative who was pleased with the proposed design; and there was a wetland which was not represented on the west side.

Mr. Goldstein directed Staff to change all of the locations in the memo where settlement was mentioned to state: "Section 105.3 of the Code" which would address condemnations to exempt the applicant from landscape provisions rather than relying on the Settlement Agreement so as not to have a Contract Zoning issue.

There was no public comment.

MR. PARIKH MOVED approval of Staff's recommendation.

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

NON-VARIANCE PETITIONS
OTHERS

**P5 Class III, Sunlake Northwest Commercial Subdivision (SDU10-003), Mass Grading Plan, Stormwater Management Plan and Report and Lift Station with Preliminary/Construction Site Plan for One Commercial Lot-Sunlake Equity One, LLC-Location: North side of S.R. 54 and west side of Sunlake Boulevard; Section 28, Twn 26 S, Rng 18 E
Memorandum ZN10-175
Recommendation: Approval with conditions
Comm. Dist. 2**

Ms. Zampetti requested to hear Items P5 and P6 together. She explained the item utilizing the overhead projector. Staff recommended approval with conditions.

Ms. Donna Feldman, the applicant's representative, was pleased with the success of Staff and the team approach to the project. She was in agreement with Staff's conditions for Item P5 and P6.

Ms. Zampetti read into the record a clarification to Condition 11. Staff deleted the current Condition 11 and replaced it with: "All of the Construction Plan Improvements; i.e., Mass Grading, Stormwater Management System, Flood Plain Compensation and Lift Station Improvements are Site Related, not subdivision, improvements required to service the One Commercial Lot and other sites within the project." Staff recommended approval with the above-mentioned correction.

Ms. Feldman concurred with Staff's recommended change.

There was no public comment.

MR. PARIKH MOVED approval of Staff's recommendation.

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

**P6 Class II, Project Transcript Phases 1 & 2 (IIPR10-006), Preliminary/Construction Site Plan, Stormwater Management Plan and Report-Ryan Companies US, Inc.-Location: North side of S.R. 54, approximately 800 feet west of Sunlake Boulevard; Section 28, Twn 26 S, Rng 18 E
Memorandum ZN10-176
Recommendation: Approval with conditions
Comm. Dist. 2**

Ms. Zampetti requested to hear Items P5 and P6 together because they were related.

Ms. Dianne Naeyaert commended her Staff for the excellent job they had accomplished since the reorganization into project teams. She noted that the applicant was pleased with "Team A" (Ms. Naeyaert's team) because all of the components of the project were completed on or ahead of schedule. "Team A" members mentioned were: Cissy Rosenberg, Frank Schlotter, Mary Thomas, Ahsan Khalil, and Cynthia Spidell.

Ms. Zampetti explained the item utilizing the overhead projector. Staff recommended approval with conditions. Staff noted there was the amendment to Condition 11 that she previously read into the record regarding Item P5.

Ms. Donna Feldman, the applicant's representative, agreed with Staff's recommendation.

MR. KENNEDY MOVED approval of Staff's recommendation.

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

**P7 Class II, Pasco County Sheriff's Hangar (IIPR10-010), Preliminary/Construction Site Plan, Stormwater Management Plan and Report-Pasco County Sheriff's Department-Location: On the north side of Central Boulevard, approximately 600 feet east of Land O' Lakes Boulevard; Section 15, Twn 25 S, Rng 18 E
Memorandum ZN10-174
Recommendation: Approval with conditions
Comm. Dist. 2**

Proof was not provided to the Clerk.

Ms. Zampetti read the item into the record and gave the location of the property. She requested that the first Background Finding that stated, "A portion of the above-referenced project site retains its original zoning of C-2 General Commercial District" be stricken. She also requested the addition of "A copy of the Federal Aviation Administration and the Florida Department of Transportation-Aviation approval" under

the Recommendation "1.i" regarding the Hard-Copy Site Development Permit. Staff would not release the Hard Copy Site Permit until FAA had made their determination and FDOT was in agreement with that determination. Staff recommended approval with those conditions.

Captain Chris Nocco, Pasco Sheriff's Office, thanked the DRC, the BOCC, Staff and the County on behalf of Sheriff White and his office. He was in contact with FAA and explained the process to get their approval and FDOT approval. He was in agreement with the conditions on the permit.

Mr. Kennedy questioned Staff regarding the format of Appendix A and if the conditions were for approval.

Ms. Cissy Rosenberg, Development Review Tech II, stated this was a fast track project with only one review plan process; she had placed a note under prior to issuance of this site development permit to please refer to Appendix A for revised plans.

There was no public comment.

MR. PARIKH MOVED approval of Staff's recommendation.

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

REGULAR

OTHERS

R1 FCI MPUD Master Planned Unit Development-Florida Citrus Investors, Inc.- Applicant is requesting a 60-day continuance of the hearing of their MPUD rezoning request. The west side of U.S. 41, at the terminus of Keene Road which is approximately one-half mile south of the intersection of U.S. 41 and S.R. 52, Section(s) 8, 16, and 17, Town ship 25 South, Range 18 East. Memorandum ZN10-170 Recommendation: Continuance Requested Comm. Dist. 2

Ms. Zampetti noted the applicant requested a continuance to July 15, 2010, at 1:30 p.m. in Dade City.

MR. KENNEDY MOVED to continue the item to July 15, 2010, at 1:30 p.m. in Dade City.

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

ADJOURN

MR. KENNEDY MOVED to adjourn.

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

The Committee adjourned 2:22 p.m.

(SEAL)

DEVELOPMENT REVIEW COMMITTEE
REGULAR MEETING
APRIL 29, 2010

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

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