

**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**

**DECEMBER 20, 2007**

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

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**DEVELOPMENT REVIEW COMMITTEE**

John J. Gallagher – **ABSENT**  
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. - **ABSENT**  
Assistant County Administrator  
(Development Services)  
Chris Williams  
District School Board of Pasco County

**LEGAL COUNSEL**

Barbara Wilhite,  
Chief Assistant County Attorney

**ADVISORY STAFF**

Cynthia M. Jolly, P.E.  
Development Director  
Samuel P. Steffey II  
Growth Management Administrator  
Debra Zampetti  
Zoning/Code Compliance  
Administrator  
Lee Millard  
Assistant Zoning/Code Compliance  
Administrator  
Joe Richards  
Assistant County Attorney  
Michele Baker  
Chief Assistant County Administrator  
Representative of the Clerk  
of the Circuit Court

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**ROLL CALL**

Ms. Donalee Schmidt, Deputy Clerk, called the roll. Chairman Gallagher and Mr. Parikh were absent (excused).

## **PROOFS**

### **Proof of Publication**

### **Proof of Public Notice**

Ms. Schmidt noted proof of publication.

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

## **PUBLIC HEARINGS**

### **VARIANCE PETITIONS**

### **ZONING/CODE COMPLIANCE**

**P1 Variance Petition – LYNN MARIE FLAREAU – An increase in the maximum-allowed projection into the waterway for two docks and a boat lift and an increase in the maximum-allowed height above the mean high water mark.**

**Memorandum ZN08-1952**

**Recommendation: Approval with conditions**

Mr. Lee Millard explained the item. Staff recommended approval with conditions.

Discussion followed between the DRC Members and Staff regarding the County preparing this survey after receiving a complaint regarding the dock; the survey was done prior to the application for variance; and the boat lift was located at an angle.

Ms. Barbara Wilhite advised the DRC the County had received a lawsuit regarding this variance request by Mr. Steven Byle versus Pasco County. The County Attorney's Office had filed an injunctive action regarding a lawsuit for compliance regarding the subject property. The defendant had chosen to seek a variance from the DRC. It was routine when enforcement actions were done, that people came to the DRC seeking variances. She noted there was no reason why the Development Review Committee could not proceed today.

Ms. Lynn Flareau, applicant, felt the County had cleared the lift. The additional portion was not added until a later date. She noted she received the property a year ago in a divorce settlement and it was now her responsibility. She agreed with Staff's recommendation and conditions.

Mr. Nurrenbrock asked if permits were required from the County or DEP during construction.

Mr. Millard stated County permits were not required at that time. The Ordinance was in place that would not allow the dock to go more than one-third of the way into the canal.

Mr. Johnson questioned why the dock was installed at an angle rather than parallel.

Ms. Flareau explained her ex-husband was involved in the installation of the dock. It may be easier to enter into the boat lift; she was unsure.

Mr. Steve Byle stated he was a third party objector with standing. He wished to cross examine all witnesses and requested an hour to hear the request.

Ms. Wilhite stated it was up to the Committee to determine a reasonable amount of time for Mr. Byle's presentation. The Committee could also continue the item.

**MR. JOHNSON MOVED** to delay the item to end of the agenda.

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

Later in the meeting, Ms. Wilhite explained one of Mr. Byle's issues of the lawsuit involved the DRC's authority to listen to the variance. Since Staff had just received the lawsuit today, she recommended the item be continued to the next DRC meeting in New Port Richey.

Ms. Jolly stated the next meeting in New Port Richey was scheduled for January 10, 2008, at 1:30 p.m.

Mr. Byle objected to the continuance.

**MR. JOHNSON MOVED** to continue the item to January 10, 2008, at 1:30 p.m. in New Port Richey.

Ms. Flareau requested the item be continued to another date as she would be out of town but would return on January 19, 2008.

Ms. Jolly stated the next DRC meeting scheduled in New Port Richey was on February 28, 2008, at 1:30 p.m.

**MR. JOHNSON AMENDED THE MOTION** to continue the item to February 28, 2008, at 1:30 p.m. in New Port Richey.

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

**P2 Variance Petition – SEMBLER EDP PARTNERSHIP #5 LTD. – An increase in the maximum-allowed number of signs for a parcel having less than 600 feet of public street frontage, from one ground sign to two ground signs.**

**Memorandum ZN08-1953**

**Recommendation: Denial of Variance**

Mr. Millard explained the item. Staff found the request inconsistent because: the literal enforcement of the provisions would not result in unnecessary hardship; special conditions and circumstances did not exist which were peculiar to the land or structures which were not applicable to other lands or structures in the same zoning; the applicant designed the site development plan for this parcel placing the retention drainage area at the perimeter of each road, thus creating a self-imposed hardship; Staff could not identify any land related hardships; the actions of the applicant did cause the special conditions and circumstances which necessitated the variance; the applicant chose to have 2 ground signs instead of complying with the Land Development Code Criteria; and the granting of this variance would confer on the applicant a special privilege denied by this Code to other lands and structures under similar conditions. Staff found the requirements of the Code had not been met and recommended denial of the request.

Mr. Johnson recalled the parking lot and pond had been located on the property before the building was constructed. He asked if the location had been changed with the renovation and sale. He asked about the use of a single sign when the property was located on two roads as opposed to 2 signs when they were located at the intersection.

Mr. Millard explained the landscaping had been changed. He spoke regarding the Sign Code requirement of 600 feet separation between the signs. Staff could not find a hardship that would require 2 signs instead of one sign; one sign located on the corner would suffice. The applicant felt because of the pond location, it would be difficult to install a sign in that location.

Mr. Nurrenbrock spoke of the surrounding area.

Mr. Todd Pressman, representative, explained the request did not seek additional square footage of what was allowed for the site or height. The square footage requested was allowed by Code. He displayed a diagram of the site and spoke regarding the Code requirements. He spoke regarding the significant sloping drainage retention area; significant trees located within the right-of-way; the proposed location of the sign; topographical and visibility conditions of the site; the Staff report indicated the drainage retention was created by the applicant, which the placement of the subject pond was the result of the existing topography of the land; and the applicant's intent was to simply place the signs in better locations where there was no blockage of visibility from trees on site and the slope area. He noted the property to the north had 2 signs located on site.

Discussion followed between the applicant, the DRC Members and Staff regarding why the applicant could not have one sign; the applicant indicated difficulty with the trees blocking the signage and topographical conditions of placing the sign in a corner location; possible locations for the signage; visibility was needed at the center; small window of visibility; was the previous property owner granted a variance to plant their landscaping in the right-of-way; Staff did not feel the trees were located in the right-of-way; trees were located on the perimeter; and new trees were planted by BB&T along the property line.

Mr. Pressman felt there were conditions and elements that were unique and singular to the site which were not caused by the applicant.

**MR. JOHNSON MOVED** approval of the variance request and to deny Staff's recommendation.

Mr. Nurrenbrock disagreed and felt they needed to look at the building. The building originally had a single purpose and would now have 4 purposes. The BB&T logo was on 2 sides of the building and was very prominent. They were trying to increase the landscaping and decrease the sign clutter.

Discussion followed regarding mature landscaping and that the wall signs were to Code.

Mr. Kennedy felt the placement of the sign was problematic due to the features, retention pond and existing trees. There was merit to this request and special circumstances.

Acting-Chairman Baker called on the motion; the motion carried with Mr. Nurrenbrock voting nay.

**P3 Variance Petition – EDWARD C. AND MARION M. HIMMER – A reduction in the required minimum south front setback from 20' to 0' and a reduction in the required minimum north side setback from 5' to 4' for a screened pool enclosure.**

**Memorandum ZN08-1954**

**Recommendation: Approval with conditions**

Mr. Millard explained the item. Staff recommended approval with conditions.

Mr. Robert Berry, representative, agreed with Staff's recommendation.

There was no public comment.

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

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

**P4 Variance Petition – BERMUDA CONNECTION, INC. – A reduction in the required minimum north side setback from 50' to 44.6'; south side setback from 50' to 29.3'; and front setback from 50' to 26'**  
**Memorandum ZN08-1955**  
**Recommendation: Approval with conditions**

Mr. Millard explained the item. Staff recommended approval with conditions.

Ms. Jodi McClannahan, representative, agreed with Staff's recommendation.

There was no public comment.

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

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

#### **DEVELOPMENT REVIEW SERVICES – DEVELOPMENT REVIEW**

**P5 Class IIIU, Lakeshore Ranch Phase I, Preliminary/Construction Plan Amendment and Variance Request – Windsor Lake, Inc.**  
**Memorandum DR08-260**  
**Recommendation: Approval with conditions**

Ms. Cindy Jolly recommended the item be continued to January 24, 2008, at 1:30 p.m. in Dade City.

There was no public comment.

**MR. JOHNSON MOVED** to continue the item to January 24, 2008, at 1:30 p.m. in Dade City.

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

**P6 Class IIIU, Leisure Beach (SDU06-067), Variance Request – Meadows Construction Company, LLC  
Memorandum DR08-293  
Recommendation: Other**

Agenda items P6 and P14 were heard together.

Ms. Jolly gave the location of the property and explained the agenda items. Staff recommended the DRC delay action on both the variance request and the preliminary plan amendment until such time as the developer filed a vested rights determination. She requested the DRC direct the applicant to the Vested Rights Application Ordinance.

Ms. Shelly Johnson, representative, agreed with Staff's recommendation and clarified the request involved the construction plans and the stormwater plan that would be delayed until the vested rights.

Ms. Jolly stated that was correct.

Mr. Nurrenbrock questioned if the item would be continued to time certain.

Ms. Jolly stated the item would be delayed and readvertised. She recommended the item be delayed and to direct the applicant to a vested rights. The motion would be for deferral.

**MR. NURRENBROCK MOVED** to defer both items as outlined by Ms. Jolly.

Discussion followed regarding the neighborhood parks requirements and the Vested Rights Ordinance.

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

**P7 Class IIIU, Meadow Oaks Parcel O and K (SDU07-005) Preliminary plan, Variance Request and Alternative Standards Request – Highway 52 M and M, LLC  
Memorandum DR08-440  
Recommendation: Approval with conditions**

Ms. Jolly explained the item. Staff recommended approval of the preliminary plan, the variance request, and the alternative standards request with conditions.

Mr. P.J. Shaw, representative, agreed with Staff's recommendation.

Mr. Ian Drummond spoke under public comment. Concerns discussed included: traffic through the subdivision; a recent failed paving assessment petition; the Board of County Commissioners may elect to have the paving assessment; heavy traffic through the area; and trees located between the existing and new development.

Mr. Shaw responded to the concerns raised and explained the construction traffic could access alternative roadways; MPUD Condition 18 allowed construction traffic to enter either through Fairwinds, Hudson, or Maxfli; and Condition 19 required the developer to provide a performance guarantee for the roadway for construction traffic. He requested if the road was completed, that Condition 19 be revised to allow the construction traffic to enter from another location. He showed the area on the diagram.

Ms. Jolly stated Staff would not object to a revision of Condition 19, but noted an MPUD amendment would be required and the area labeled TJS did not have roadways dedicated to the public and would need to receive permission from the owner of those roadways to cross them. Mr. Shaw's suggested route would be a shorter route. She suggested language be added at the end of Condition 19 to state "unless otherwise approved through the MPUD condition". Staff would reduce the amount required based upon the lineal feet to restore the haul route.

Discussion followed regarding the private roadways.

Mr. Shaw noted the MPUD conditions did allow construction traffic through Fairwinds, Maxfli or Hudson. He felt the primary reason for the condition was that they did not want the traffic to go through Sugar Creek.

Ms. Jolly recommended the condition be amended to add "or if permission is granted or public access is available they would take these roads to Maxfli out to Hudson and the amount would be reduced". She would also add a clause which stated they had to pick one or the other.

**MR. NURRENBROCK MOVED** to modify the Condition as outlined by Ms. Jolly.

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

Mr. Drummond stated the residents welcomed the roadway being finished, but understood they had discovered gopher tortoises in the roadway, and that the roadway could not be built.

Discussion continued regarding the bond amount.

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

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



## **DEVELOPMENT REVIEW SERVICES**

- P8 Class I, Walgreen's U.S. 41 and Pleasant Plains Parkway/Roaches Run (IPR07-093) Preliminary/Construction Site Plans and Variance Request – R.K.M. Development Corporation  
Memorandum DR08-468  
Recommendation: Withdraw**

Withdrawn; no action was required.

- P9 Class II, First Christian Church (IIPR07-065), Preliminary Construction Site Plan, Stormwater Management Plan and Report and Variance Request – First Christian Church of Tarpon Springs Florida, Inc.  
Memorandum DR08-253  
Recommendation: Approval with conditions**

Ms. Jolly explained the item. Staff recommended approval of the variance request and the plan with conditions.

Discussion followed regarding flooding and drainage issues in Thousand Oaks; a modified drainage plan was submitted to show the church was no more intense than the residential that was originally proposed; the retention areas on the development; there would be a master drainage plan; and most of the problems were located on the west side of Little Road.

Mr. Mike Bronson, representative for the Church, was present.

Mr. Ray Gustavason, representative for the applicant, spoke regarding the detention system and drainage areas. He stated this development was less intense than the originally planned residential with the master drainage.

Acting-Chairman Baker questioned if this request required a modification or verification of the Swiftmud permit.

Mr. Gustavason stated there was a verification made with Swiftmud.

There was no public comment.

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

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

**P10 Class II, Kelly's Lakeside Plaza, (IIPR07-001), Preliminary/Construction Site Plan, Storm Water Management Plan, and Report and Variance Request – Gold Medallion Homes, Inc.  
Memorandum DR08-287  
Recommendation: Approval with conditions**

Ms. Jolly explained the item. Staff recommended approval of the variance request and project with conditions.

Discussion followed regarding the tree variance request and the number of trees to be replaced.

Mr. Biff Crane, representative, spoke regarding the item and thanked Staff for their efforts.

There was no public comment.

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

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

**NON-VARIANCE PETITIONS**  
**DEVELOPMENT REVIEW SERVICES – DEVELOPMENT REVIEW**

**P11 Class IIIU, Long Lake Ranch Increment I, Preliminary Plan for Phases 1, 2A and 2B; and Construction Plan and Stormwater Management Plan and Report for Phase 1 (SDU06-050)-Long Lake Ranch, LLC  
Memorandum DR08-439  
Recommendation: Denial**

Withdrawn; no action was required.

**P12 Class IIIU Stagecoach Village Subdivision (SDU07-019)  
Preliminary/Construction Plan, Stormwater Management Plan and Report and Alternative Standards Request – Trail Roost Trade Center, LLC  
Memorandum DR08-441  
Recommendation: Denial**

Ms. Jolly recommended the item be continued to January 10, 2008, at 1:30 p.m. in New Port Richey.

There was no public comment.

Mr. Raleigh Dove, representative, agreed with the continuance.

**MR. JOHNSON MOVED** to continue the item to January 10, 2008, at 1:30 p.m. in New Port Richey.

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

### **DEVELOPMENT REVIEW SERVICES**

**P13 CONSENT AGENDA ITEM – Class IIIU Lake Padgett Reserve (DR07-059) Preliminary/Construction Plan and Stormwater Management Plan and Report – Lake Padgett Reserve, LLC  
Memorandum DR08-438  
Recommendation: Approval with conditions**

**MR. JOHNSON AND MR. NURRENBROCK MOVED** approval of the Consent Agenda.

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

**P14 Class IIIU, Leisure Beach (SDU06-067), Preliminary/Construction Plan, Stormwater Management Plan and Report Amendment – Meadows Construction Company, LLC  
Memorandum DR08-294  
Recommendation: Other**

Agenda items P6 and P14 were heard together. See agenda item P6 for actions taken.

**REGULAR**

**GROWTH MANAGEMENT**

- R1 Meadow Pointe III and IV (f.k.a. Wesley Chapel Lakes) – MPUD Master Planned Unit Development No. 5828 Amendment – Wesley Chapel Lakes, Ltd.; Clearwater Bay Association, Inc.; Meadow Pointe General Partnership; and Pasco Heights Development Corporation  
Memorandum GM08-111  
Recommendation: Approval with conditions**

Mr. Sam Steffey explained the item. Staff recommended approval with conditions.

Discussion followed regarding the decrease in the school mitigation acreage.

Mr. Mark Siffert, representative, explained the school site had already been constructed and all that was done was a recalculation of actual acreage that was left beyond the school site. He agreed with Staff's recommendation and conditions.

Discussion followed regarding Chancey Road; issues with the frontage road due to the Class I wetlands going back to Meadow Pointe Boulevard; an internal frontage road was provided within the park system; and impacts to State Road 56.

There was no public comment.

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

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

**ZONING/CODE COMPLIANCE**

- R2 Rezoning Petition for Citrus Ridge MPUD Master Planned Unit Development – Bayshore – Broadway, Inc.  
Memorandum ZN08-187  
Recommendation: Approval with conditions**

Ms. Jolly stated the item was placed on the agenda in error. The item was removed from the agenda.

## **DEVELOPMENT REVIEW SERVICES**

### **R3 Class II Mine, FMJ Enterprises, Inc (MPI07-005), Construction Plan – FMJ Enterprises, Inc. Memorandum DR08-501 Recommendation: Approval with conditions**

Ms. Jolly explained the item. She noted Staff had advertised for a variance from a setback of 500 to 100. After further review of the Code, since it was a Class II Mining Permit to remove a stockpile, the variance was not technically needed. The item would need to go before the Board of County Commissioners in order for the applicant to obtain the permit and the DRC would be a recommending body. Staff recommended approval with conditions.

Mr. Nurrenbrock clarified once the stockpile was removed, there would be no excavation below the normal grade.

Ms. Jolly stated there would be no excavation. She distributed a letter from Paul and Debra Azzi dated December 19, 2007 with questions regarding the request. She noted Staff had contacted them regarding their concerns.

**MR. NURRENBROCK MOVED** to receive and file the letter submitted by Staff from Paul and Debra Azzi.

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

Ms. Jolly recommended a condition be added regarding the construction haul route shall only be up Golden Springs Place and then to set a bond amount to restore the roadway after construction traffic.

Mr. Angelo Ugenty, applicant, questioned the bond for the road repair.

Ms. Jolly asked if anyone lived north of where the stockpile would be taken.

Mr. Angelo Ugenty said no, there were residents to the east. A home was under construction. The roadway was a graded dirt path.

Ms. Jolly asked if this site was the subject of a State Attorney investigation. She asked who the property was purchased from.

Mr. Angelo Ugenty stated the property was purchased from separate lot owners from up north. He noted the property which had previously had an issue was Mr. Covack's property which was located to the north and east of this property.

Ms. Jolly explained prior to the item going before the BOCC Staff would make sure this parcel was not the subject of the lawsuit. She explained there had been a lawsuit where someone had stolen dirt. She recommended the bond amount be \$10,000.00.

Mr. Nick Ugenty spoke regarding the surrounding property and the one resident who lived in the area. The road was a dirt road. He agreed to grade the roadway once the construction was finished.

**MR. NURRENBROCK MOVED** to include an additional condition that Staff would investigate with the State's Attorney's Office prior to the item being presented to the Board of County Commissioners to make sure this site was not the subject of the investigation.

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

Mr. Nurrenbrock suggested a \$5,000.00 bond be required.

Ms. Jolly stated that would be acceptable.

**MR. NURRENBROCK MOVED** to require the applicant to post a \$5,000.00 bond.

Mr. Angelo Ugenty agreed with the requirement.

Mr. Kennedy questioned the condition regarding the high water line.

Ms. Jolly stated Condition 8 could be deleted.

**MR. NURRENBROCK MOVED** to delete Condition 8.

Ms. Jolly modified Condition 2 to read "this permit is for the removal of the existing stockpile only and not to exceed 12,000 cubic yards. Excavation shall be 6 inches over the road grade".

Acting-Chairman Baker called on the motion regarding the removal of Condition 8; the vote was unanimous and the motion carried.

**MR. NURRENBROCK MOVED** approval of the modification to Condition 2.

Mr. Kennedy clarified it would be above the existing road grade and/or New York Avenue.

**MR. NURRENBROCK AMENDED THE MOTION** as clarified by Mr. Kennedy.

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

**MR. NURRENBROCK MOVED** approval of the requirement for the applicant to post a bond as discussed and the remainder of the agenda item.

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

## **OTHERS**

Agenda items R4 through R8 were noted.

**R4 NOTED ITEM – Class I, Swendberg Enterprises West, Preliminary/Construction Plan (IPR07-024) – Swedberg Enterprises, Inc. Memorandum DR08-246 Recommendation: Not Applicable**

**R5 NOTED ITEM – Ashley Grove Parcel A Park Site Preliminary/Construction Site Plan (IPR08-063) – Centex Homes, Inc. Memorandum DR08-331 Recommendation: Not Applicable**

**R6 NOTED ITEM – Streetside at Madison, Phase 2, Preliminary/Construction Site Plan (IPR07-087) – Achieva Credit Union Memorandum DR08-342 Recommendation: Not Applicable**

**R7 NOTED ITEM – Heritage Springs RV Parking Center, Phase 2 Preliminary/Construction Plan (IPR07-094) – US Home Corporation Memorandum DR08-367 Recommendation: Not Applicable**

**R8 NOTED ITEM – Hampton Inn and Suites, Stormwater Management Plan and Report and Construction Plan (IIPR05-090) – Maya Hotels, Inc.  
Memorandum DR08-463  
Recommendation: Not Applicable**

**ADJOURN**

The Committee adjourned at 3:02 p.m.

(SEAL)

DEVELOPMENT REVIEW COMMITTEE  
REGULAR MEETING  
DECEMBER 20, 2007

Prepared By: \_\_\_\_\_  
Donalee Schmidt, Deputy Clerk