

**LAND DEVELOPMENT CODE REWRITE
STAKEHOLDER COMMITTEE**

MINUTES

**THE MINUTES WERE PREPARED
IN AGENDA ORDER AS
PUBLISHED AND NOT IN THE
ORDER THE ITEMS WERE HEARD**

**MARCH 18, 2009
4:00 p.m. - 6:30 p.m.**

**Land O'Lakes Community Center
5401 Land O'Lakes Blvd (US 41), Land O'Lakes, FL 34639**

Members:

Mr. Wilton Simpson, Simpson Farms - **ABSENT**
Mr. Jim Guidry, Dade City Business Center- **ABSENT**
Mr. Pat Roberson, Roberson Resource Group
Mr. Frank Starkey, Starkey Ranch- **ABSENT**
Mr. Pat Gassaway, Heidt & Associates
Mr. Dave Sumpter, Wildlife Biologist- **ABSENT**
Mr. Barry Karpay, Standard Pacific Homes- **ABSENT**
Ms. Liz Abernethy, Wilson Miller
Mr. Ben Harrill, Figurski & Harrill, PA - **ABSENT**
Mr. King Helie, King Helie Planning Group
Mr. Dewey Mitchell, Prudential Trop. Realty- **ABSENT**
Mr. Elton Smith, Wilson Miller
Ms. Elizabeth Lyon-Hall, King Engineering
Mr. Jack Vogel, Natural Res. Plan. Serv. - **ABSENT**
Mr. Jon Moody, CORC Representative
Ms. Rhea Law, Fowler, White & Boggs, P.A.
(Ex-officio) - **ABSENT**

Staff:

Ms. Michele Baker
Chief Asst. County Administrator
Mr. Jeffrey Steinsnyder
County Attorney
Mr. John Gallagher - **ABSENT**
County Administrator
Mr. Bipin Parikh
Development Services
Ms. Elizabeth Blair
Assistant County Attorney
Mr. Sam Steffey - **ABSENT**
Growth Management
Ms. Debra Zampetti
Zoning/Code Compliance
Ms. Cindy Jolly
Development Director
Ms. Mary Jane Stanley - **ABSENT**
Economic Development Council
Mr. Fernando Levia-Molina- **ABSENT**
Area Studies Team
Mr. David Goldstein - **ABSENT**
Assistant County Attorney
Mr. Lee Millard
Asst. Zoning/Code Compliance

1. Call to Order

Ms. Michele Baker called the meeting to order at 4:05 p.m.

The Committee Members and Staff stated their names and the group or department they represented for the record.

2. Staff Presentation – Proposed Chapter 13 – Capital Facilities, Fees and Incentives Related to Fees, Division 2, Impact Fees, Section 1 – Uniform Procedures and Provisions

Ms. Elizabeth Blair explained the item and reviewed the revisions made.

a. Questions of Staff by Stakeholder Committee

There were no questions.

b. Public Comment

There was no public comment.

c. Discussion by Stakeholder Committee

There was no discussion.

3. Staff Presentation – Proposed Chapter 13 – Capital Facilities, Fees and Incentives Related to Fees, Division 2, Impact Fees, Section 2 – Transportation Impact, Section 3 – School Impact, Section 4 – Parks and Recreation, Section 5 – Library Impact, and Section 6 – Fire Combat and Rescue Impact

Ms. Blair explained the item and noted maps would be included within the document. She reviewed the revisions made and procedures that would be followed. She noted the Utilities Staff members were currently reviewing revisions to the water and wastewater service impact fees. All impact fees would be included within the Land Development Code under the cost for infrastructure.

Ms. Jolly noted they had also clarified that the amount would be determined at the time and paid at the end.

a. Questions of Staff by Stakeholder Committee

Discussion followed regarding the reference of studies within the Ordinance and hurricane evacuations.

Mr. Elton Smith spoke regarding details of the Transportation Impact Fee Ordinance. Throughout the Ordinance it spoke to adjusting the cost for inflation, but did not consider that there may be a deflation. As currently written there were inflation factors, but no opportunities for adjustment to what had happened over the past 18 months. He spoke further regarding the restriction of the application of the impact fee monies to the zone in which it was collected and noted many jurisdictions allowed the monies to be spent within a mile outside of that zone; credit eligibility; the CIP; and the issuance of impact fee credits.

Mr. Parikh understood as part of the re-write no changes would be made to the current ordinances related to impact fees. He noted several meetings would be needed regarding each impact fee ordinance. The idea was to incorporate all the impact fees as a part of the Land Development Code.

Ms. Blair stated she was not making substantive changes, but had made minor revisions.

Mr. Smith indicated he would submit his comments in written form.

Discussion followed regarding impact fee credit draw down schedule projections; Pasco County was one of the few jurisdictions which actually appropriated its impact fee credits; high levels of impact fee credit had a negative impact on the County's revenue stream; revenue projections; the CIP had counted revenue on projects it was thought would occur; and that there were better ways to keep track rather than appropriation on a project by project basis.

Ms. Lyon-Hall noted throughout the document it stated County Administrator and it should read "County Administrator or his designee".

b. Public Comment

There was no public comment.

c. Discussion by Stakeholder Committee

There was no discussion.

4. Staff Presentation – Definitions Related to Impact Fees

Ms. Blair explained the item.

a. Questions of Staff by Stakeholder Committee

There were no questions.

b. Public Comment

There was no public comment.

c. Discussion by Stakeholder Committee

There was no discussion.

5. Staff Presentation – Proposed Chapter 13 – Capital Facilities, Fees and Incentives Related to Fees, Division 2, Impact Fees, Section 12 – Application and Permit Fees, and Refunds

Ms. Cindy Jolly explained the item and noted the waiver of application and permit fees portion had been stricken. The Board of County Commissioners could choose to pay those fees out of the general fund or to waive the fees for certain categories.

a. Questions of Staff by Stakeholder Committee

There were no questions.

b. Public Comment

There was no public comment.

c. Discussion by Stakeholder Committee

There was no discussion.

6. Staff Presentation – Proposed Chapter 4 – Procedures, Division 1 – General Procedures, Section 1 – Administrative Operating Procedure

Ms. Jolly explained the item and the procedures that would be followed.

a. Questions of Staff by Stakeholder Committee

There were no questions.

b. Public Comment

Mr. Clark Hobby questioned how the Code would be updated and how would Staff adopt new procedures. He noted it was difficult to find some items on the website.

Ms. Jolly spoke regarding concerns with Muni-Code and noted due to budget constraints Staff would be completing the updates in house. A table would be included showing revisions.

Ms. Baker spoke regarding the Build Pasco site where all documents associated with the building industry in Pasco would be easily accessible.

c. Discussion by Stakeholder Committee

There was no discussion.

7. Staff Presentation – Proposed Chapter 4 – Procedures, Division 1 – General Procedures, Section 2 - Interpretation Procedure

Ms. Jolly explained this was a new procedure and explained the process that would be followed.

a. Questions of Staff by Stakeholder Committee

Ms. Baker questioned if the person requesting the interpretation would be responsible for noticing the abutting property owners. After reading the procedure it appeared Staff would be responsible for sending the interpretation to the abutting property owners.

Ms. Jolly clarified Staff would send the interpretation to the abutting property owners.

b. Public Comment

There was no public comment.

c. Discussion by Stakeholders Committee

There was no discussion.

8. Staff Presentation – Proposed Chapter 4 – Procedures, Division 1 – General Procedures, Section 3 – Notice Requirements

Ms. Jolly spoke regarding the Public Notice Requirements Table and the minimum notice requirements. She spoke extensively regarding the process that would be followed for notice requirements for Staff approvals, the Development Review Committee, the Planning Commission and the Board of County Commissioners. A column would be added to the table to designate those items which were Staff approval and those where a Board Action Approval was required.

a. Questions of Staff by Stakeholder Committee

Discussion followed regarding the distance requirement; the Hillsborough County notice requirements; detailed notice requirements for the applicant; a handout would be created which contained the information; affidavit of mailing; certificate of mailing; rural areas; the need to reference the guidelines; notice requirements for internal changes to a development; development configurations; to include an intent statement; notice boundaries; substantial changes which effected all area residents; and notification to the homeowners' association.

b. Public Comment

Mr. Clarke Hobby spoke regarding difficulties with the time frames involved for notice requirements. He asked if the neighborhood workshop section was a "holding area" and questioned the statement "where circumstances warrant the County Administrator could require additional notice".

Ms. Jolly explained the applicant would be required to provide the signage and letters. It may be better for Staff to complete the newspaper ad with the ad appearing one day. She explained the neighborhood workshop section was included because of conservation subdivisions and comp plan issues.

Mr. Steinsnyder stated for example Staff could deem there should be three signs posted on the site versus the required two signs because of the shape of the property or other concerns.

Discussion continued regarding the notice not being more than 14 days prior to the hearing; information needed for the notice; signage requirements; and the information would becoming from one source.

c. Discussion by Stakeholders Committee

There was no discussion.

9. Staff Presentation – Proposed Chapter 4 – Procedures, Division 1 – General Procedures, Section 4 – Public Hearings

Ms. Jolly spoke regarding procedures followed for the Planning Commission, the Board of County Commissioners and the Development Review Committee. She noted the DRC tended to take more public comment than the County Commission. She felt this portion could be deleted because this was covered by the procedural rules of the Planning Commission, the Board and the DRC.

a. Questions of Staff by Stakeholder Committee

Mr. Gassaway felt if this section was deleted they may lose an opportunity to define when an entity had standing to speak.

Mr. Steinsnyder spoke regarding standing concerns.

Ms. Baker suggested this be a procedure instead of being included within the Code.

The portion was removed from the Code.

b. Public Comment

There was no public comment.

c. Discussion by Stakeholders Committee

There was no discussion.

10. Staff Presentation – Proposed Chapter 4 – Procedures, Division 1 – General Procedures, Section 5 - Continuances

Ms. Jolly spoke regarding procedures that had been followed and the need to notify Staff five days prior to the hearing for a continuance. She spoke regarding problems with items being advertised one time and then continued multiple times. A new rule was included that if an item was continued once before and this was the second continuance, the applicant would be required to advertise a second time, or if the item was continued to a date certain that was more than 60 days from the initial hearing, the item would need to be re-noticed.

a. Questions of Staff by Stakeholder Committee

Ms. Baker expressed concern regarding the notice time.

Ms. Blair recommended item one in part three be removed.

Ms. Jolly explained that section would be removed and clarified to read that once the applicant re-advertised, re-posted and re-sent the letters the clock would begin again.

Discussion followed regarding disincentive for the applicant to re-notice because of the financial costs of re-noticing; the 60 days was the trigger; and publication costs.

Ms. Blair clarified this would only be applicant requested continuances.

b. Public Comment

Mr. Clarke Hobby explained at times a continuance was needed because someone was ill and it was not practical to request the continuance five days in advance. This was an informal policy and he was not sure it was needed in the Code. He suggested wording be included to state “unless otherwise approved by the Board”.

Mr. Richard Riley explained the intent of this requirement was to notify the public. If the Board of County Commissioners continued the item, the 60 day window should still apply even if the County had to pay for the re-notice. The initiative should be that the public should be informed at least every 60 days.

Mr. Steinsnyder felt if there was a controversy at the Board, there should not be multiple continuances at that point. The Board could choose to re-advertise. He questioned when an item was re-advertised, was the applicant required to do the full re-advertisement or was it just a newspaper ad and posting.

Ms. Jolly stated it would be fully-noticed.

Discussion followed regarding online information and updates available to the public; subsequent notice after the continuance; noticing interested parties who requested to be noticed; why send 5,000 letters if only four people were interested; modification to the sign; procedures followed for the bi-annual amendments; and the signs were unreadable.

Ms. Nancy Hazewood spoke in favor of the five day notices for continuance requests.

c. Discussion by Stakeholders Committee

There was no discussion.

11. Staff Presentation – Proposed Chapter 4 – Procedures, Division 1 – General Procedures, Section 6 – Tie Votes

Ms. Jolly said in the past a tie vote was an automatic denial of the motion. The Code read when there was a tie vote with a member absent due to illness, the item was required to be continued. The language was clarified to remove the wording that the absence had to be related to illness. It would not be the applicant's fault that the full Board did not appear. The language was clarified that for any absence where there was a tie vote, the matter would be continued and that the item would be continued within 60 days.

a. Questions of Staff by Stakeholder Committee

Discussion followed regarding the issue; the Berry Hills Estate hearing; this would apply to final determinations; conflicts of interest; the language only applied if the member was not present; the ability for a subsequent motion for a continuance; the appeal process; allowing the applicant the option of an automatic continuance until the full Board was present; the School Board membership; entitling the applicant to a continuance if there was a member absent; the applicant could choose at the beginning of the hearing to request a continuance for a full Board; a tie vote was a denial for any Board with final authority; and a continuance was a simpler approach.

Ms. Baker requested the title be clarified to state tie votes on final determination.

Mr. Steinsnyder noted that many of the sections they were reviewing could be a procedural rule and not appear in the Code.

b. Public Comment

There was no public comment.

c. Discussion by Stakeholders Committee

There was no discussion.

12. Staff Presentation – Proposed Chapter 4 – Procedures, Division 1 – General Procedures, Section 7 – Permit Required

Ms. Jolly explained the item would indicate when a permit was required and would include applicability. Wording would be added in part three to state that any application approved also needed to be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan.

a. Questions of Staff by Stakeholder Committee

There were no questions.

b. Public Comment

There was no public comment.

c. Discussion by Stakeholders Committee

There was no discussion.

13. Staff Presentation – Proposed Chapter 4 – Procedures, Division 1 – General Procedures, Section 8 – Post – Decision Procedures

Ms. Jolly explained this procedure involved the issuance of the written rendition. Most appeal periods were within 30 days.

a. Questions of Staff by Stakeholder Committee

Ms. Lyon-Hall recommended the wording be revised to read “final determination shall be made in writing within 30 days of the action”.

Ms. Jolly indicated she would make the revision.

b. Public Comment

There was no public comment.

c. Discussion by Stakeholders Committee

There was no discussion.

14. Staff Presentation – Proposed Chapter 4 – Procedures, Division 1 – General Procedures, Section 9 – Expiration and Extension

Ms. Jolly reviewed the chart and spoke regarding the time limit approvals. Currently, extensions were required to be applied for within 60 days prior to the expiration to the time limits. The language was modified to state in the event a permit was voided, all subsequent submittals would comply with the regulations in effect at the time.

a. Questions of Staff by Stakeholder Committee

Mr. Parikh questioned the Class 1 time limit approvals which referred to the building permit. He felt the item should be revised.

Ms. Jolly felt the language should be revised. Currently, a developer could have a Class 1 site and construct the entire site infrastructure, but if for some reason had not pulled the building permit, they would not be allowed to pull a permit because the plan had expired. The developer would have a site with a building pad only. She recommended the language be revised so that if a developer constructed the site they should be able to pull the building permit and noted the developer would still be required to go through concurrency.

Discussion followed regarding expired conditions of approval; the old language was not automatic and varied with the specific petition; people were already preparing for time limit extensions because of the current market; building permit time periods; requirements of the Florida Building Code; Staff was conscientious of the current conditions; fill permits; and to clarify the time frame for construction plans.

b. Public Comment

There was no public comment.

c. Discussion by Stakeholders Committee

There was no discussion.

15. Staff Presentation – Proposed Chapter 4 – Procedures, Division 1 – General Procedures, Section 10 – Review and Revocation of Special Exceptions and Conditional Use Permits

Ms. Debra Zampetti distributed additional information. She noted for most conditional uses a condition was included to state that Staff may revoke for violation of conditions of approval. In this revision, Staff would be given the right to revoke for violations of conditions of approval as a result of misleading or inaccurate information. She spoke further regarding revisions to the language.

a. Questions of Staff by Stakeholder Committee

Ms. Lyon-Hall questioned item C regarding how the manners and morals of the public were affected.

Ms. Jolly explained that had been used for one revocation regarding a bar where a person was assaulted at the establishment.

b. Public Comment

Mr. Hobby questioned item H regarding the testimony. He noted whatever was stated at the public hearing was the basis for the review and hearings, it was not supposed to be re-weighted. He spoke regarding due process issues.

Ms. Zampetti stated she would strike the word “testimony”.

c. Discussion by Stakeholders Committee

There was no discussion.

16. Staff Presentation – Proposed Chapter 4 – Procedures, Division 1 – General Procedures, Section 11 – Enforcement Procedures

Ms. Zampetti distributed information and explained the item. She reviewed the process that would be followed and spoke regarding Court procedures and property maintenance procedures.

a. Questions of Staff by Stakeholder Committee

Discussion followed regarding bogus citations; citations issued in error; and that watering and code citations were dismissed if they were factually inaccurate.

b. Public Comment

Mr. Clarke Hobby felt part seven would confuse the corporate veil. He requested Staff review the wording and felt it was slightly “over zealous”.

c. Discussion by Stakeholders Committee

There was no discussion.

17. Future Meeting Schedule Discussion

Ms. Baker led discussion regarding the meeting schedule.

Ms. Jolly recommended workshops be held prior to the stakeholders meeting to involve more industry representatives regarding issues such as transportation.

Mr. Gassaway suggested the Builder’s Association be contacted regarding the workshops.

It was the consensus of the Committee to schedule no Stakeholder Committee meetings in July and August, but to schedule technical workshops during that time.

18. Next Meeting – April 15, 2009, at the Hudson Library beginning at 8:00 a.m. through 1:00 p.m.

Ms. Baker reminded the Committee the next meeting would be held at the Hudson Library and noted lunch would not be provided.

19. Table of Contents and Comparative Work Table – Distributed for Reference

Information only.

MR. KING HELIE LEFT THE MEETING AT 5:09 P.M.

MS. BAKER LEFT THE MEETING AT 5:42 P.M.

20. Adjourn

The meeting adjourned at 6:00 p.m.

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STAKEHOLDER COMMITTEE
MARCH 18, 2009

(SEAL)

Prepared by: _____
Donalee Schmidt, Deputy Clerk