

Technical Advisory Group
Process Sub-Committee
2/28/08 Meeting Minutes
5:30PM to 6PM

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ATTENDEES: Derek Doughty & Scott Emery
 Dale Meryman (during the last 10 minutes)

EPC ATTENDEES: Chris Cooley, Pete Owens, Debbie Sinko, Kim Tapley, Mike
 Thompson (during the last 10 minutes)

HANDOUTS: none

This process sub-committee's meeting was to evaluate EPC's role in the development review process and discuss some specific project scenarios.

Sub-committee discussed the future land uses of Hillsborough County. EPC staff noted that the Planning Commission determines the future land uses of the county. The Planning Commission and the Comprehensive Plan are for long term growth and the current zoning changes/land uses is reviewed at PGMD. The PGMD will use the long term plans to review current land use changes.

Everywhere in the county there is a current land use and existing zoning for every parcel. The future land use designation has two parts a written portion and a map portion. Current changes in zoning are reviewed using this future land use document. For example, if a property is currently zoned AS-1 (one house per acre), even if the future land use notes that this area is designated with a higher density, the parcel would still have to be rezoned. While rezoning occurs, the county looks to see if that area may violate the comp plan.

Another scenario was discussed, what if a parcel was agricultural and the future land use map denotes this area as 4 units per acre. What if the parcel owner wishes to have a higher density than the 4 units per acre? Would there have to be a comprehensive plan amendment? The answer would be yes (as per EPC staff), the owner/developer would have to get a comp plan amendment to have a higher density on the property if it exceeds the future land use density. The question was then raised, why does EPC have to review comp plan amendments. EPC staff answered, there are certain sections that pertain to EPC review's more than others such as the lake and aquifer section and the natural resource and conservation section. Even though they have expertise in planners, EPC has expertise in wetland scientists and hydrologists therefore PGMD request EPC comments. The question was then raised, what comments does EPC provide? Sizes of wetlands, description of wetlands, etc.? EPC staff's answer was that it depends on how detailed the comp plan amendment plan is. If the plan is not very detailed, then general comments are issued. If a majority of the site is wetland or wetland impacts are noted specific comments about those impacts will be made.

Another example from a TAG member: A project (outside Hillsborough County) 65 acres total with only 17 acres uplands, where an apartment complex is proposed to be built. The project went through rezoning for multi family use. The zoning was for 4 units per

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acre over 65 acres (260 units), and it does not take into account wetlands onsite. Even with the wetlands 258 units can be onsite because the developer is building 3 story buildings. Wetland impacts are 3 acres, the project must meet parking requirements, wastewater, etc. and thus some wetland impacts are needed. However, if the project was in Hillsborough County the impact would be reviewed to see if those impacts would be for reasonable use of the property. If those impacts could not be approved, then the project would only have 180 +/-units and it wouldn't be a viable project for the client.

It was suggested that if EPC wants to comment in the beginning (at rezoning), then those comments should be binding to the project. Then the developer/engineer does not have to come back for justification at a later date. Reasonable use, justification, minimization and mitigation should all be discussed and evaluated together and not separately. Approving of a rezoning should be reliance that the justification for the impact was approved and the project can continue. However what is happening (as per TAG member) is EPC comments at the comp plan, at the zoning, at the preliminary plan and then when the construction plan gets submitted to EPC it gets denied.

It was suggested that EPC should have more specific comments during the rezoning phase to guide the developer in his/her design. Such as, "please be aware that you have approximately X acres of wetlands onsite in addition these wetlands are separating the uplands onsite. Be aware that the wetlands layout will tend to make large scale developments (single family homes) difficult. We would recommend that you build apartment (multi family) units to minimize the impervious footprint and wetland impacts." EPC staff noted that if that were to happen, EPC would be telling developers what should be built on the property, which is not something in EPC's purview.

Currently during the zoning process, guidance from EPC staff is given to the developer. However, the developer wants to "bank" on that recommendation of approval for the site plan within the rezoning. EPC staff noted typically, if wetland impacts are depicted on a zoning, that zoning is not denied, because EPC isn't denying the zoning change, just the site plan showing the wetland impacts. At that time the wetland impact comment is made to the applicant, alerting them that there is an issue.

It was suggested that the applicant meet with EPC early on to discuss the details of the project and wetland impacts, so that that discussion/decision could be "banked/binding" on and they wouldn't get a denial later on in the review process.

EPC staff noted that typical wetland crossings for access are approved; it is when the wetland impacts are for an extra building or stormwater ponds that create the issues.

It was suggested that EPC have a strong reasonable use definition and that mitigation be part of the justification process.

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It was questioned whether EPC could make a binding decision on wetland impacts during the rezoning. EPC staff answered probably not because the justification might come from pro-forma, stormwater design limitations, easements, other constraints that affect the layout etc. all things that wouldn't be available that early on in the development phase. Without a specific site plan it would be difficult for EPC staff to determine reasonable use of the property.

It was suggested that if EPC does comment on the rezoning (other than if there are wetlands onsite), then some benefit of the comments need to be given to the applicant, such as EPC decisions should be binding.

EPC staff noted that it currently provides guidance to the applicant during the rezoning on the wetland rule and parts of the LDC.

It was suggested that EPC stays in the review process at the beginning (rezoning) because if the applicant waits until the construction plan phase and EPC denies the plans, after the applicant has already spent perhaps millions in planning and engineering, then they would be really upset and want to retaliate and get rid of EPC.

It was suggested that EPC be removed from commenting on rezoning and the first commenting should be on the preliminary plans because that is when the more detailed plans are submitted. Or EPC can comment on PD rezoning plans and not 'bubble' plans.

In summary the process sub-committee sees two schools of thought: 1) EPC should evaluate the project at the end of the review process (construction plans phase) 2) EPC should stay in the rezoning process.

Meeting adjourned.