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Heritage Harbor Appeals Impact Fees --Asks County Commision for Special Rate

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BRADENTON –Just when you think local developers couldn't have any more audacity -- they try to pull something like this. Luckily, it didn't pass – the board voted in favor of denying the applicant 6-1, with only Commissioner Whitmore opposing.

"This practice has been met by every development that has come to Florida," warned County Administrator Ed Hunzeker. "If you approve this, you are shifting the cost of infrastructure from developer to resident."

It was the first for the commission, who never had the opportunity for an applicant to contest a scientific method that has established the development of regional impact fees for over 20 years, calling it 'subjective'. In fact, the baffled staff had to hire a specialist (with the help of taxpayer money of course).

"This decision would terribly impact the budget we have today," said Hunzeker. "The project may create jobs, but they are retail jobs, not the kind we need and not the kind we are looking for. They are not substantial."

The county personnel denied the applicant twice before they appealed yesterday, which according to Florida statutes requires presentation to the [Board of County Commissioners](#). At first, the board seemed sympathetic to the applicant, thinking that the demand could give local economy a boost. However, when they heard they would be establishing a new precedent that could greatly affect the dwindling county budget, they voted in favor of their trusty employees.

Not satisfied with the analysis for the road impact fee, [Kimley-Horn and Associates](#) came up with their own proposal saving themselves \$1.6 million. While the staff approved their initial unique calculation, reducing the fees by \$900,000, they put their foot down when the applicant was still not content. The Landings project, which is 645,000 square feet of commercial space located on two parcels of Heritage Harbor, would be one of the largest in the county. But Kimley-Horn based their estimate on an unrealistic prediction that it would have 30 percent less vehicle trips to the site than other shopping centers in the area.

"We're not asking for a handout here," said Kevin Hennessy, attorney representing the developer. "We're asking to modify an administrative decision."

When the developer decided to do his own study it was based on two factors. The fist was the vast area it is expected to occupy (the bigger the development the lower the impact fee) and the other was to establish the old development as part of the plan. Currently DRI's are parcel specific.

"People will use this in their own development. Seperating them and looking at them as individuals is wrong. In my mind, this is internal project," said Commissioner Whitmore.

Dr. Wayne Guthrie, who is an expert in the field of impact fees and has prepared them for over 120 jurisdictions in 25 states, reviewed the request by the developer to further reduce rates and recommended denial. He claimed that the plans were based on an urban development instead of the correct suburban label, which the project was anything but.

"We aren't against the developer -- we just want them to pay the correct fee." said Dan Slantz, assistant county administrator.

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