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Request for impact fee relief denied

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BRADENTON — After hearing a developer's case for a reduction in impact fees, the Manatee County Commission voted 6-1 on Tuesday to deny the request.

Local attorney Kevin Hennessy argued that his client, Kimberly-Horn & Associates, developers of The Landings at Heritage Harbour shopping center, deserved an alternative method of calculation of the amount of the impact fee for roads because the retail center was part of a larger development.

Impact fees are levied on new construction to pay for the effect the development will have on the increased use of public services, such as roads, schools, parks and police.

Hennessy said the developer believes they should receive a 30 percent reduction of the \$3.1 million in impact fees they are scheduled to pay.

That figure was a \$900,280 reduction on the amount the county was permitted to charge, but the fees were adjusted because of the large size of the project.

County staff told commissioners the county's formula only considers the impact of the proposed 645,000-square foot shopping center in the northeast corner of the State Road 64/Interstate 75 interchange and not the overall development of Heritage Harbour, so therefore it did not qualify for special fee rates.

The commissioners, except for Commissioner Carol Whitmore, agreed with the staff and denied the request for a lower impact fee.

The proceedings were considered quasi-judicial and Kimberly-Horn hired a stenographer to create a transcript of the hearing if it decides to appeal the decision to Manatee County Circuit Court.

In his argument, Hennessy said the commission should consider, as the county code requires, the appropriate impact fee.

To accomplish this, Kimberly-Horn had an independent analysis done, which took into consideration the traffic capacity of the internal roads of the neighborhood since those living in Heritage Harbor will be able to walk or ride a bike or golf cart to the shopping center.

Even if those living in Heritage Harbour choose to drive their car to shop, they would not have to use county roads because the entrance to the shopping center is located within the development, Hennessy said.

Dwayne Guthrie, who is the principal of the county's consulting firm on impact fees, Tischler Bise, said the fee schedules outlined in the codes are based on the broader county-wide traffic system, and commissioners should not take into consideration internal road capacity.

Several commissioners questioned if a lower fee would not promote economic development, but Assistant County Attorney Bill Clague said the board could only make its decision on the facts presented at the hearing.

Whitmore said she was voting in favor of the request because she felt the residents of Heritage Harbour would reduce traffic on State Road 64.