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School board recommends impact fee credits

The Sarasota County School Board Tuesday adopted a recommendation that the Board of County Commissioners consider granting impact fee credits to two developers for past contributions.

Developers for Pelican Pointe and Palmer Ranch are both seeking credit for land donations made back in the early 1980s.

Pelican Pointe developers made a request in writing on Jan. 20 to the Board of County Commissioners for a \$350,000 credit for land it was required to contribute in 1983. The credit would apply to the Hatchett Creek Development of Regional Impact (better known as Pelican Pointe) plan which required a land contribution from Sam Rodgers Properties.

The district estimated the Pelican Pointe development would have a \$4 million impact on schools. The developer agreed to set aside a 20-acre parcel for a future elementary school site as a condition of DRI approval. In 1999, Rodgers and the school board entered into an agreement that substituted a payment of \$350,000 in lieu of the site donation.

The site donation requirement preceded the educational impact fee ordinance. The ordinance, adopted in 2004, requires an impact fee for residential building permits of \$2,032 per single-family unit and \$474 per multifamily unit.

Future credits

Tuesday the school board voted to recommend a credit of \$227,412 for the Hatchett Creek DRI to BOCC.

The lower amount is partly due to fewer than expected units being built, and partly because "full credit for the contribution against future impact fees would leave the pre-2004 units without any impact mitigation at all," wrote school attorney Alan Roddy in a May 4 memo to the school board making the recommendation.

The recommended credit acts as a placeholder while the school board requests BOCC to amend the impact fee ordinance and to grant credits to subsequent builders, as well as original developers.

"As currently written," Roddy wrote, "the ordinance addresses only credits for prospective contributions toward facilities that are listed at the time on the school board's capital improvements program.

"Since credits are charges against individual building permits, the present system does not clearly address either past contributions by DRI developers or provide a mechanism for resolving credit claims by master developers that have sold off property to others."

School attorneys offered to work with the county attorney's office on language to change the ordinance.

In litigation

In a similar matter, the school board is also recommending the BOCC give Palmer Ranch Development, Inc. a credit of \$180,465.

Palmer Ranch representatives began requesting credits informally beginning in 2004 for the full value of a 77-acre site that was deeded to the school board in 1999, according to Roddy. The site is dominated by wetlands.


Board special counsel Robert Nabors, whose firm developed the original impact fee ordinance, offered Palmer Ranch a reimbursement of \$550,000 as a compromise back on October 19, 2004. Palmer Ranch did not respond, except to sue the county a few month later over the way impact fees credits are computed, according to Roddy.

"We believe that it would be advisable for the school board and county to resolve this issue through administrative means rather than civil litigation," wrote Roddy.

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