

**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6865  
             JO ANN McCULLIGH-FORTNER**

**ORDER**

THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA, on July 15, 2009, after due public notice, being empowered under Article 300, Section 301 6 E, of the Pasco County Land Development Code (LDC), to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for a breeding kennel

1      A breeding kennel is a specified special exception use as set forth in the A-R Agricultural-Residential Zoning District

2      The Planning Commission has heard and considered the presentation and evidence of the applicant and individuals in opposition to and in favor of the application

3      The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a      Presently, the subject site contains two mobile homes and a shed currently being converted into a kennel      The applicant proposes to bring the existing breeding kennel operation into conformance

b      Access to the property is from East Road, a County-maintained road, which has 50 feet of right-of-way

c      The subject property is located in Flood Zones "A" and "C," and development within the area designated Zone "A" is subject to the requirements of the LDC, Article 700, Flood Damage Prevention

d      The surrounding area is characterized by rural-residential development

e      The subject area has been designated RES-1 (Residential - 1 du/ga) under the Comprehensive Plan

f      On March 19, 2009, the applicant was issued a Pasco County Ordinance Violation Warning Notice for violation of the A-R Agricultural-Residential District Permitted Uses and failure to obtain a special exception for a kennel operation      A citation is pending the outcome of this special exception request

g      The staff has received three letters of no objection from two property owners adjacent to the southeast, and one property owner located 310 feet east of the subject request

h The Animal Services Division first inspected the subject kennel on May 12, 2009  
At that time, there were some areas of concern, including flooring and ventilation being below standards

i On May 20, 2009, the Animal Services Division conducted a reinspection of the  
subject breeding kennel According to their findings, the owner/applicant was still working on the property and  
was not ready for the inspection

j On June 8, 2009, the Animal Services Division provided the following inspection  
comments on the subject kennel operation

(1) Based on our inspection on June 8, 2009, the 8' X 10' shed being used  
for the shelter when dogs are loose does not have adequate air exchange (ventilation), the roof vent is  
inadequate

(2) The floors are not sealed, and therefore, are not designed to prevent  
disease or contamination The wood floors should be sealed in order to prevent diseases and contaminants  
from being trapped within the wood flooring

(3) Dogs should have their licenses worn as required

k Staff has reviewed the proposed request in accordance with the Pasco County  
LDC, Article 300, Subsection 303 4 3, Standards for Approval for a Special Exception, and with the applicable  
provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned

4 Upon consideration and adoption of the recommendation of staff and the evidence pre-  
sented at the public hearing, the Planning Commission has determined that the standards for issuing a special  
exception, as set forth in Article 300, Section 303 4 3, of the Pasco County Land Development Regulations,  
have been met

5 The special exception requested is consistent with the adopted Pasco County Com-  
prehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public

Accordingly, it is hereby

**ORDERED** that Special Exception Application No 6865 is hereby approved for the property described  
in Exhibit A attached hereto, subject to the following conditions

CONDITIONS OF APPROVAL

1 This approval shall be limited to 30 dogs (including puppies)

2 The owner/applicant must comply with Chapter 14 of the Pasco County Code of  
Ordinances, Section 828 29, Florida Statutes, Dogs and Cats Transported or Offered for Sale, Health  
Requirements, and Consumer Guarantee

3 The owner/applicant shall obtain all required County and State permits, licenses,  
individual health certificates, and inspections

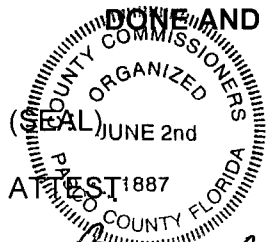
4 The owner/applicant shall provide adequate shelter for the number of dogs on the property at any given time as directed by the Animal Services Division Shelter, minimally defined, shall mean a three-sided, roofed, and floored structure that is a secure, weather-resistant structure which protects an animal from exposure to the elements including, but not limited to, rain, cold, wind, and heat, and is a minimum of six inches higher than the animal's height at full stand with head erect, 1½ the animal's full-body length, and sufficient in width to permit the animal to turn around

5 If required, the owner/applicant shall submit a preliminary/site plan for review and approval in accordance with all requirements of the LDC, Article 300, Section 306, Development Review Procedures, prior to use of the property for a breeding kennel

6 This approval is subject to the provisions of the Pasco County LDC, Section 303 5, Review and Revocation of Conditional Use Permits In addition, staff may initiate a revocation for violations of the conditions of approval and/or upon a showing of the criteria outlined in Section 303 5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits

7 In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department after the final action

**DONE AND ORDERED** effective as of this 15<sup>th</sup> day of July, 2009



PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA

  
\_\_\_\_\_  
PAULA S. O'NEIL, CLERK AND COMPTROLLER

  
\_\_\_\_\_  
CHAIRMAN 10/07/09

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney

  
\_\_\_\_\_  
ATTORNEY

## EXHIBIT A

6865

Hudson Grove Est unrec plat, pors of Tr 52 desc as the W $\frac{1}{2}$  of the N $\frac{1}{2}$  of the N $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$ , less the W 25' & the N 25' for r/w & W 66' of the W $\frac{1}{2}$  of the E $\frac{1}{2}$  of the N $\frac{1}{2}$  of the N $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$ , less the N 25' for r/w & subject to ingress & egress esmt over the S 15' thereof Sec 10, T24S, R17E, Pasco Co, FL

**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6869  
             BILLIE JO AND KEVIN RAY CURRAN**

**ORDER**

**THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA**, on July 15, 2009, after due public notice, being empowered under Article 300, Section 301 6 E, of the Pasco County Land Development Code (LDC), to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for a breeding kennel

1      A breeding kennel is a specified special exception use as set forth in the A-R Agricultural-Residential Zoning District

2      The Planning Commission has heard and considered the presentation and evidence of the applicants and individuals in opposition to and in favor of the application

3      The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a      Presently, the subject site is comprised of a mobile home with a vinyl room, a shed, and a dog run on a small lot of record. The applicants propose to develop the property with a breeding kennel with 20 dogs

b      The applicants have provided the following information

Our family breeds Pomeranians and Chihuahuas. The yard is already fenced and we have converted our family room and back porch into a dog room where they go in and out freely throughout the day (they are never caged). They have heat or air in their room at all times. Our dogs are brought in at sundown and they stay there until morning around 8:00 a.m.

c      Access to the property is from Silverbend Drive, a Pasco County-maintained road, which has 60 feet of right-of-way

d      The subject property is located in Flood Zone "X," and development within this area is not subject to the requirements of the LDC, Article 700, Flood Damage Prevention

e      The surrounding area is characterized by semirural-residential development

f      The subject area has been designated RES-1 (Residential - 1 du/ga) under the Comprehensive Plan

g      On April 7, 2009, the applicants were issued a Pasco County Ordinance Violation Warning Notice for violation of A-R Agricultural-Residential District permitted uses: operating a breeding kennel without special exception approval. A citation is pending the outcome of this special exception request.

g On April 7, 2009, the applicants were issued a Pasco County Ordinance Violation Warning Notice for violation of A-R Agricultural-Residential District permitted uses operating a breeding kennel without special exception approval A citation is pending the outcome of this special exception request

h Staff has received a petition of no objection with five signatures from property owners located adjacent to the south, southeast, and along Silverbend Drive

i On June 10, 2009, the Animal Services Division provided the following information on the subject kennel operation

(1) The special exception for 20 dogs should not be an issue due to the location of the property and the type of dogs (smaller breed)

(2) The applicants have provided evidence of a business license

(3) The room where the dogs are kept appears adequate for the number of dogs currently on the property

j Staff has reviewed the proposed request in accordance with the Pasco County LDC, Article 300, Subsection 303 4 3, Standards for Approval for a Special Exception, and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned

4 Upon consideration and adoption of the recommendation of staff and the evidence presented at the public hearing, the Planning Commission has determined that the standards for issuing a special exception, as set forth in Article 300, Section 303 4 3, of the Pasco County Land Development Regulations, have been met

5 The special exception requested is consistent with the adopted Pasco County Comprehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public

Accordingly, it is hereby

**ORDERED** that Special Exception Application No 6869 is hereby approved for the property described in Exhibit A attached hereto, subject to the following conditions

CONDITIONS OF APPROVAL

1 The kennel operation shall be limited to a total of 20 adult dogs and 10 puppies The only breeds of dogs that will be allowed are Pomeranians and Chihuahuas

2 All dogs must be located in the interior of the home or in the rear yard area as depicted in Exhibit "A " The rear yard area shall have a six-foot fence that is adequately constructed to prevent the dogs from running at large

3 The owners/applicants must comply with Chapter 14 of the Pasco County Code of Ordinances, Section 828 29, Florida Statutes, Dogs and Cats Transported or Offered for Sale, Health Requirements, and Consumer Guarantee

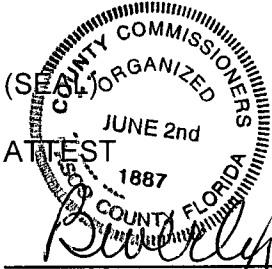
4 The owners/applicants shall obtain all required County and State permits, licenses, individual health certificates, and inspections

5 If required, the owners/applicants shall submit a preliminary/site plan for review and approval in accordance with all requirements of the LDC, Article 300, Section 306, Development Review Procedures, prior to use of the property for a breeding kennel

6 This approval is subject to the provisions of the Pasco County LDC, Section 303 5, Review and Revocation of Special Exception Permits In addition, staff may initiate a revocation for violations of the conditions of approval and/or upon a showing of the criteria outlined in Section 303 5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits

7' In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department after the final action

**DONE AND ORDERED** effective as of this 15<sup>th</sup> day of July, 2009



*Paula S. O'Neil*  
PAULA S. O'NEIL, CLERK AND COMPTROLLER

PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA

*W. R. Smith*  
CHAIRMAN  
10/07/09

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney  
*W. D. Selt*  
ATTORNEY

## EXHIBIT A

S6869

Lot 10, Sunburst Hills Sub, as rec in that map or plat thereof as recorded in PB 13, Pg 47, of the Pub Rec of  
Pasco Co, FL, Sec 24, T25S, R21E



**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6871  
             HOPE YOUTH RANCH, INC**

**ORDER**

**THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA**, on August 12, 2009, after due public notice, being empowered under Article 300, Section 301 6 E, of the Pasco County Land Development Code, to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for a private school

1        A private school is a specified special exception use as set forth in the A-R Agricultural-Residential Zoning District

2        The Planning Commission has heard and considered the presentation and evidence of the applicant and individuals in opposition to and in favor of the application

3        The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a        Presently, the subject site contains a single-family dwelling, horse stables, an office, and an existing group home for six girls. The applicant proposes to develop the property with a private school for 50 students. The applicants are proposing the addition of a 38' X 150' building, which will contain five classrooms and bathroom facilities.

b        The applicant has provided the following information

HOPE Youth Ranch, Inc., opened in April 2004 to serve teens in the foster care system as a group home. We have been serving girls at this location for the past five years. We intend to continue this use in addition to the private school. The outward appearance of the existing home will not be altered in any way by the addition of the school to the property. We also intend to modify the proposed classroom building to give it the look of a "home." The proposed school will serve children in foster care who are struggling in a public school setting because of large class sizes and a large school setting. The school will be funded through the Florida McKay Scholarship, and would be of little or no cost to the parents or foster parents.

This proposal will accommodate 30 students for the 2009-2010 School Year, with possible expansion to 50 students the following year. The school would incorporate horse ranch and horsemanship classes as an incentive for learning. The students would be on the property from 8:00 a.m. to 4:00 p.m., Monday through Friday, and would follow the public school calendar. The school building will be placed toward the middle to rear of the property with a buffer of over 150 feet from any surrounding properties.

The property is currently completely fenced. The students would be dropped off by their parents through an existing entrance and driveway to the property that leads to the back of the property. They would exit through a new, proposed driveway that would exit at Beagle Road. Parking will be made available for the time when parents may need to meet with a student's teacher.

c Access to the property is from East Road, which has 50 feet of right-of-way, and Beagle Road, which has 50 feet of right-of-way.

d The subject property is located in Flood Zones "A" and "C," and development within the area designated Zone "A" is subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention. County records indicate that a majority of the subject property is located within an area observed for flooding.

e The surrounding area is characterized by rural residential development.

f The subject area has been designated RES-1 (Residential - 1 du/ga) under the Comprehensive Plan.

g On May 10, 2005, the Board of County Commissioners adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways. The tables require a corridor preservation width of 135 feet for East Road for future road improvements.

h According to the Growth Management Department, the subject proposed development and land use are exempt from Traffic Impact Study and Concurrency Review, Resolution No. 04-203, as amended, but may not be exempt from a substandard road analysis, as Beagle Road and East Road may be substandard.

i County records indicate Category II Wetlands located on the subject site. In accordance with the Comprehensive Plan, Chapter 3, Conservation Element, Policy CON 1.3.13, Wetland Buffers, wetland buffers around Category II and Category III Wetlands shall be as required by the Southwest Florida Water Management District or regulatory agencies and shall not be inclusive of any lots.

j Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 303.4.3, Standards for Approval for a Special Exception, and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned.

4 Upon consideration and adoption of the recommendation of staff and the evidence presented at the public hearing, the Planning Commission has determined that the standards for issuing a special exception, as set forth in Article 300, Section 303.4.3, of the Pasco County Land Development Regulations, have been met.

5 The special exception requested is consistent with the adopted Pasco County Comprehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public.

Accordingly, it is hereby

**ORDERED** that Special Exception Application No 6871 is hereby approved for the property described in Exhibit A attached hereto, subject to the following conditions

CONDITIONS OF APPROVAL

1 The hours of operation for the subject private school shall be from 8 00 a m to 4 00 p m , Monday through Friday

2 There shall be a cap of 50 students on this site

3 Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 67 5 feet of right-of-way from the centerline of construction of East Road (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements)

4 The right-of-way may be transferred by perpetual right-of-way easement or fee simple deed All conveyances shall occur at preliminary/site plan approval, or within 90 days of the County's request, whichever occurs first All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions

5 The owner/applicant shall complete a Substandard Road Analysis prior to the submission of a preliminary plan

6 The owner/applicant shall submit a preliminary/site plan for review and approval in accordance with all requirements of the LDC, Article 300, Section 306, Development Review Procedures, prior to use of the property for a private school

7 If applicable at the time of site plan review, the owner/applicant shall be required to comply with the Pasco County Comprehensive Plan, Conservation Element, Policy CON 1 1 2, as follows

1 1 2 Impacts to Listed Species

Pasco County shall require the evaluation and management and/or mitigation of impact to animals listed as endangered, threatened, or species of special concern by requiring that proposed development sites be examined for the presence of plant and animal species listed as threatened, endangered, or of special concern by the Florida Fish and Wildlife Conservation Commission, or the U S Fish and Wildlife Service

Confirmation of an adequate review of potential habitat for listed species shall be provided during the development review process

8 This approval is subject to the provisions of the LDC, Section 303 5, Review and Revocation of Special Exception Permits In addition, staff may initiate a revocation for violations of the

conditions of approval and/or upon a showing of the criteria outlined in Section 303 5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits

9 In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department after the final action

**DONE AND ORDERED** effective as of this 12<sup>th</sup> day of August, 2009

(SEALED)  
ATTEST  
1887  
PASCO COUNTY FLORIDA  
JUNE 2nd  
PLANNING COMMISSIONERS ORGANIZED

*Beverly Buser*  
\_\_\_\_\_  
PAULA S. O'NEIL, CLERK AND COMPTROLLER

PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA

*[Signature]*  
\_\_\_\_\_  
CHAIRMAN 10/07/09

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney

*[Signature]*  
\_\_\_\_\_  
ATTORNEY

## EXHIBIT A

6871

Tr 1, Hudson Grove Ests unrec plat desc as the E½ of the NE¼ of the NE¼ of NE¼ of Sec 09, T24S, R17E, Pasco Co, FL, less the N 25' & less the E 50' thereof for rd Alg w/Tr 2, Hudson Grove Ests unrec plat desc as the W½ of NE¼ of the NE¼ of the NE¼ of Sec 09, T24S, R17E, Pasco Co, FL, less the N 25' thereof for rd , Sec 09, T24S, R17E

**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6873  
             DONALD E THOMPSON AND BETTY J THOMPSON**

**ORDER**

**THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA**, on August 12, 2009, after due public notice, being empowered under Article 300, Section 301 6 E, of the Pasco County Land Development Code, to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for a home occupation for a gunsmith shop

1        A home occupation for a gunsmith shop is a specified special exception use as set forth in the A-R Agricultural-Residential Zoning District

2        The Planning Commission has heard and considered the presentation and evidence of the applicants and individuals in opposition to and in favor of the application

3        The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a        Presently, the subject site contains a mobile home, single-family dwelling, large metal building, and shed. The applicants propose to develop the property with a home occupation for a gunsmith shop

b        The applicants have provided the following information

We are designated on our Federal Firearms License as gunsmiths. This allows us to sell up to 20 percent of the business in guns. This enables us to liquidate abandoned weapons, or ones that customers wish to sell on consignment. Our Federal Firearms License does not allow us to manufacture weapons and does not include the selling of ammunition. We will be cleaning, repairing, and replacing parts. There will be some machining of parts, but most of this is done off site by a machinist. We specialize in cleaning and stock work (wood repair and refinishing) and rehabbing antiques. All of our cleaning solvents are nontoxic and biodegradable. We do not use chemicals that can be harmful to us or the guns. For example, we use Soda Media (baking soda) instead of Sand Media, because Sand Media has chemicals in it.

To be in compliance with the Federal Firearms License, all firearms have to be received and delivered to the customer on site of where the license is held. The exception to this is the item has to be shipped to us via an authorized Federal Firearms License holder and shipped back to a Federal Firearms License holder.

With the new tools and implements in the market today, you do not have to live-fire a gun in order to make sure the weapon is functioning properly. We use different types of ammunition for testing called dry-fire rounds, we even have made these for out-of-date guns. If we do have to live-fire a weapon, we will transport it to a firing range in order to fire it in a controlled environment.

Our hours of operation will be 9:00 a.m. to 6:00 p.m., Monday through Friday, with an occasional Saturday. Our customers are by referral only.

c. Access to the property is from Henley Road, a 24-foot-wide dirt road, which has 50 feet of right-of-way.

d. The subject property is located in Flood Zone "A," and development within this area is subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention.

e. The surrounding area is characterized by rural-residential development.

f. The subject area has been designated RES-3 (Residential - 3 du/ga) under the Comprehensive Plan.

g. On May 10, 2005, the Board of County Commissioners adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways. The tables require a corridor preservation width of 135 feet for Henley Road for future road improvements.

h. Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 303.4.3, Standards for Approval for a Special Exception, and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned.

4. Upon consideration and adoption of the recommendation of staff and the evidence presented at the public hearing, the Planning Commission has determined that the standards for issuing a special exception, as set forth in Article 300, Section 303.4.3, of the Pasco County Land Development Regulations, have been met.

5. The special exception requested is consistent with the adopted Pasco County Comprehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public.

Accordingly, it is hereby

**ORDERED** that Special Exception Application No. 6873 is hereby approved for the property described in Exhibit A attached hereto, subject to the following conditions:

CONDITIONS OF APPROVAL

1. Hours of operation shall be by appointment only.
2. Manufacturing, firing on site, and the use of hazardous chemicals shall be prohibited.

3 Repair and sales of firearms shall be in accordance with all applicable Federal, State, and local firearm regulations

4 The owners/applicants shall obtain all required Federal, State, and local permits and licenses

5 The owners/applicants must comply with the following requirements for a home occupation

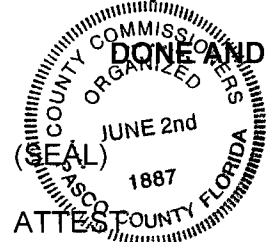
- a The use does not occupy more than 25 percent of the cumulative floor area
- b Only the inhabitants residing in the dwelling are engaged in the occupation
- c The use is clearly incidental and secondary to the use of the dwelling
- d The exterior appearance of the structure is maintained as a residence
- e No goods are publicly displayed on the premises
- f Two additional off-street parking spaces must be provided

6 This approval is subject to the provisions of the LDC, Section 303 5, Review and Revocation of Special Exception Permits In addition, staff may initiate a revocation for violations of the conditions of approval and/or upon a showing of the criteria outlined in Section 303 5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits

7 If required, the owners/applicants shall submit a preliminary/site plan for review and approval in accordance with all requirements of the LDC, Article 300, Section 306, Development Review Procedures, prior to use of the property for a home occupation for a gunsmith shop

8 In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department after the final action

**DONE AND ORDERED** effective as of this 12<sup>th</sup> day of August, 2009



PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA

  
PAULA S. O'NEIL, CLERK AND COMPTROLLER

  
CHAIRMAN  
10/07/09

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney

  
ATTORNEY



EXHIBIT A

6873

A por of the SE¼ of the SE¼ of Sec 27, T26S, R18E, Pasco Co, FL, more partic desc as fol Com at the SE cor of said Sec 27, run N, alg the E bdry thereof, a dist of 657 77' for a POB, th cont N 657 95' mol to the NE cor of the SE¼ of the SE¼ of said Sec 27, th N89°57'51"W, 315' alg the N bdry of the SE¼ of the SE¼, th cont N89°57'51"W, 1 25', th S48°52'46"W, 455 87', th S00°04'35"E, 358 93', th N89°57'51"E, 659 2' to the POB LESS the S 195' thereof, & LESS the E 25' the aforesaid par for Henley Rd, Sec 27, T26S, R18E

**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6879  
             REALM MANAGEMENT, LLC/ALLI-GATORS**

**ORDER**

THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA, on October 7, 2009, after due public notice, being empowered under Article 300, Section 301 6 E, of the Pasco County Land Development Code, to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for entertainment

1        Entertainment is a specified special exception use as set forth in the C-1 Neighborhood Commercial Zoning District

2        The Planning Commission has heard and considered the presentation and evidence of the applicant and individuals in opposition to and in favor of the application

3        The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a        Presently, the subject site contains a restaurant with outside seating and service  
The applicant proposes to develop the property with entertainment

The applicant has provided the following information

Entertainment will be on Tuesday and Wednesday, 7 00 p m to 11 00 p m , and Thursday through Saturday, 7 00 p m to 12 00 a m

b        Access to the property is from Little Road, which has 180 feet of right-of-way  
There is no access from Spring Haven Boulevard, which is a private ingress and egress easement

c        The subject property is located in Flood Zone "X," and development within this is not subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention

d        The surrounding area is characterized by mixed commercial and residential uses

e        The subject area has been designated RES-9 (Residential - 9 du/ga) under the Comprehensive Plan

f        The Board of County Commissioners has approved several actions for the subject parcel They are as follows

(1)    Rezoning    Petition    No 2384,    on    December 20,    1983,    from    an  
A-C Agricultural District to an MF-1 Multiple Family Medium Density District with conditions for a 3 2-acre tract  
The subject parcel was a portion of this rezoning

(2) Rezoning Petition No 4361, on August 28, 1990, from A-C Agricultural and MF-1 Multiple Family Medium Density Districts to a PO-1 Professional Office District with conditions for a 2 7-acre tract The subject parcel was a portion of this rezoning

(3) Rezoning Petition No 5618, on June 27, 2000, from a PO-1 Professional Office District to a C-1 Neighborhood Commercial District with conditions for a 2 4-acre tract The subject parcel was a portion of this rezoning

(4) Conditional Use Petition No CU07-04, on February 20, 2007, for the sale of alcoholic beverages beer, wine, and liquor, on-premises consumption, in conjunction with the operation of a restaurant (5,518 square feet) with sales and service of alcoholic beverages on two porches (1,670 square feet) The two approved porches are located on the east and south sides of the building

g On December 5, 2007, the Planning Commission denied Special Exception Petition No 6736 for entertainment in a C-1 Neighborhood Commercial District for the subject parcel

h On June 1, 2009, the applicant was issued a Pasco County Ordinance Violation Warning Notice for violation of C-1 Neighborhood Commercial District Permitted Uses, having entertainment without first obtaining a special exception

i On June 12, 2009, and June 13, 2009, the applicant was issued a Pasco County Ordinance Citation for permitting entertainment in the form of a live band on Friday, June 12, 2009, and Saturday, June 13, 2009, after being warned on June 1, 2009, in violation of the C-1 Neighborhood Commercial District Permitted Uses

j According to the Development Review Division, the subject site is not in compliance with the Americans with Disabilities Act (ADA) The applicant has not taken corrective action after receiving notification from Pasco County stipulating noncompliance

k Staff has noted the required 10-foot landscape buffer along Little Road, as approved by IPR03-041 on August 26, 2004, and subsequently amended on January 11, 2007, is not in place The applicants will be required to reinstall the required landscape buffer

l The LDC, Section 525, C-1 Neighborhood Commercial District, states that retail sales for local or neighborhood needs shall be conducted entirely within a building

m Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 303 4 3, Standards for Approval for a Special Exception, and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned

n In accordance with the LDC, Section 532 2 C, the Zoning/Code Compliance Administrator has made the determination that entertainment means any live show or live performance or amplified music (recorded or nonrecorded) with the following exceptions indoor movie theatre, big-screen

television, background music, amplified or nonamplified, played at a volume that does not interfere with normal conversation

4 Upon consideration and adoption of the recommendation of staff and the evidence presented at the public hearing, the Planning Commission has determined that the standards for issuing a special exception, as set forth in Article 300, Section 303 4 3, of the Pasco County Land Development Regulations, have been met

5 The special exception requested is consistent with the adopted Pasco County Comprehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public

Accordingly, it is hereby

**ORDERED** that Special Exception Application No 6879 is hereby approved for the property described in Exhibit A attached hereto, subject to the following conditions

CONDITIONS OF APPROVAL

1 The outside location for entertainment shall be limited to the westernmost side of the south porch

2 All outside speakers on the north and east sides of the building shall not be used for entertainment The only outside speakers permitted for entertainment use shall be on the south porch where entertainment is permitted

3 Vinyl panels located on the east porch facing Little Road shall be lowered and secured during outside entertainment on the south porch

4 The rear door to the south porch shall be closed and secured during entertainment in accordance with the Pasco County Fire Code

5 Hours for entertainment on the outdoor patio shall be limited to 7 00 p m to 10 00 p m , Tuesday and Wednesday, and 7 00 p m to 11 00 p m , Thursday through Saturday only There shall be no entertainment on Sunday and Monday In addition, the pass-through bar must be closed if entertainment is conducted inside after 10 00 p m on Tuesday and Wednesday and after 11 00 p m on Thursday through Saturday

6 Noise levels shall not exceed 60 dBA between the hours of 6 00 p m to 10 00 p m or 55 dBA after 10 00 p m , as measured from the western edge of Lori Lane or at the intersection of Claire's Court and Spring Haven Boulevard

7 A code enforcement officer shall take a bimonthly noise reading from the locations as provided in Condition No 6 The applicant shall pay \$1,250 00 annually for monitoring to cover County expenses The first payment shall be due November 1, 2009, and annually thereafter Failure to timely pay is a violation of these conditions

8 Entertainment shall not occur until the front landscape buffer along Little Road is reinstalled, in accordance with the LDC, Section 603 5, and the site plan, approved by the DRC on August 26, 2004 (IPR03-041), and subsequently amended on January 11, 2007, and entertainment shall not occur until the parking lot is brought into compliance with the ADA

9 Entertainment shall not occur unless sound buffering equipment, including SSP Foam Matting, is in place on floors where entertainment will be held on the south porch, as well as an Audioseal Sound Barrier System is in place on the fenced portion of the southeast corner of the porch

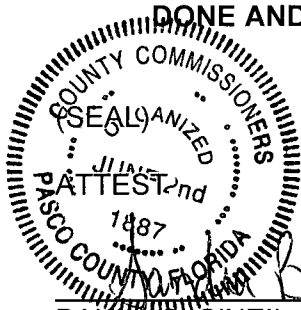
10 The owner/applicant acknowledges that any provisions of Pasco County ordinances, including conditions of approval for Conditional Use Petition No CU07-04, not specifically waived shall be in full force and effect

11 If required, the owner/applicant shall submit a preliminary/site plan for review and approval in accordance with all requirements of the LDC, Article 300, Section 306, Development Review Procedures, prior to use of the property for entertainment

12 This approval is subject to the provisions of the LDC, Section 303 5, Review and Revocation of Special Exception Permits In addition, staff may initiate a revocation for violations of the conditions of approval and/or upon a showing of the criteria outlined in Section 303 5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits Violations may also be addressed through the issuance of citations, suit for injunction, or any other available legal remedy

13 In addition to complying with the above conditions, entertainment shall not commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning and Site Development Department after the final action

**DONE AND ORDERED** effective as of this 7<sup>th</sup> day of October, 2009



PAULA S O'NEIL, CLERK AND COMPTROLLER

PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA

CHAIRMAN 1/13/2010

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney

ATTORNEY

Attachment "A"

Unit 2, Gator Crossing at Trinity Condominium, as recorded in Condominium Book 6, Page 103, of the Public Records of Pasco County, Florida Sec 23, Twn 26 S, Rng 16 E

**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6880  
             GREGORY AND MARY SHARP**

**ORDER**

THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA, on September 8, 2009, after due public notice, being empowered under Article 300, Section 301 6 E, of the Pasco County Land Development Code, to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for a personal kennel

1        A personal kennel is a specified special exception use as set forth in the A-C Agricultural Zoning District

2        The Planning Commission has heard and considered the presentation and evidence of the applicants and individuals in opposition to and in favor of the application

3        The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a        Presently, the subject site contains a single-family dwelling, detached garage, two sheds, and an existing personal kennel operation. The applicants propose to bring the existing personal kennel operation into conformance

b        Access to the property is from Stockman Road, an 18-foot-wide, County-maintained road, which has 30 feet of right-of-way

c        The subject property is located in Flood Zone "AE (floodway)," and development within this area is subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention

d        The surrounding area is characterized by residential development

e        The subject area has been designated RES-3 (Residential - 3 du/ga) under the Comprehensive Plan

f        On June 8, 2009, the applicant was issued a Pasco County Ordinance Violation Warning Notice for violation of the A-R Agricultural-Residential District Permitted Uses and failure to obtain a special exception for a kennel operation. A citation is pending the outcome of this special exception request

g        On August 10, 2009, the Animal Services Division inspected the subject personal kennel. Dogs were found to be in good condition, and all adult dogs were wearing their current Pasco County dog license

h Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 303 4 3, Standards for Approval for a Special Exception, and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned

4 Upon consideration and adoption of the recommendation of staff and the evidence presented at the public hearing, the Planning Commission has determined that the standards for issuing a special exception, as set forth in Article 300, Section 303 4 3, of the Pasco County Land Development Regulations, have been met

5 The special exception requested is consistent with the adopted Pasco County Comprehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public

Accordingly, it is hereby

**ORDERED** that Special Exception Application No 6880 is hereby approved for the property described in Exhibit A attached hereto, subject to the following conditions

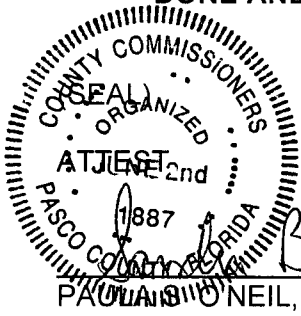
CONDITIONS OF APPROVAL

- 1 This approval shall be limited to 27 dogs, including puppies
- 2 The owners/applicants must comply with Chapter 14 of the Pasco County Code of Ordinances, Section 828 29, Florida Statutes, Dogs and Cats Transported or Offered for Sale, Health Requirements, and Consumer Guarantee
- 3 The owners/applicants shall obtain all required County and State permits, licenses individual health certificates and inspections
- 4 If required, the owners/applicants shall submit a preliminary/site plan for review and approval in accordance with all requirements of the LDC, Article 300, Section 306, Development Review Procedures, prior to use of the property for a personal kennel
- 5 This approval is subject to the provisions of the LDC, Section 303 5, Review and Revocation of Special Exception Permits In addition, staff may initiate a revocation for violations of the conditions of approval and/or upon a showing of the criteria outlined in Section 303 5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits




6 In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department after the final action

**DONE AND ORDERED** effective as of this 8<sup>th</sup> day of September, 2009



PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA

  
CHAIRMAN 11/4/09

  
PAULINE O'NEIL, CLERK AND COMPTROLLER

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney

  
ATTORNEY

## EXHIBIT A

6880

The N 140' of the E½ of the SE¼ of the SE¼ of Sec 29, T26S, R16E, Pasco Co, FL, Sec 29, T26S, R16E

**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6881  
             C KENNETH ZOOK AND FRED A ZOOK**

**ORDER**

**THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA**, on September 8, 2009, after due public notice, being empowered under Article 300, Section 301 6 E, of the Pasco County Land Development Code, to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for a home occupation for massage therapy

1      A home occupation for massage therapy is a specified special exception use as set forth in the A-R Agricultural-Residential Zoning District

2      The Planning Commission has heard and considered the presentation and evidence of the applicants and individuals in opposition to and in favor of the application

3      The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a      Presently, the subject site contains a single-family dwelling and a pole barn, and the applicants propose to develop the property with a home occupation for massage therapy

The applicants have provided the following information

I am a licensed massage therapist. My husband and I have a 15-acre parcel with a home which has a room with an exterior door and a separate powder room. I would like to be able to utilize this space to do my work to help supplement our income. We would not need to do any renovations to the structure or make any changes to the property. I would like to work part-time, Tuesday, Wednesday, and Thursday, from 9 00 a m to 4 00 p m and would be scheduling approximately four to six clients per week. I would be the only therapist working.

Our property is currently zoned A-R Agricultural-Residential. Our County street is not paved, and there are only seven other residential homes and one commercial business currently on our street. I have enclosed letters signed by some homeowners and a business owner on Kuka Lane showing their approval.

b Access to the property is from Kuka Lane, which has a 10-foot-wide, Pasco County maintained, unpaved dirt road with 30 feet of right-of-way

c The subject property is located in Flood Zone "C," and development within this area is not subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention

d The surrounding area is characterized by rural-residential development and agricultural uses

e The subject area has been designated EC (Employment Center) under the Comprehensive Plan

f Staff has received eight letters of no objection from residents located adjacent to the south, 45 feet east, and along Kuka Lane

g Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 303 4 3, Standards for Approval for a Special Exception, and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned

4 Upon consideration and adoption of the recommendation of staff and the evidence presented at the public hearing, the Planning Commission has determined that the standards for issuing a special exception, as set forth in Article 300, Section 303 4 3, of the Pasco County Land Development Regulations, have been met

5 The special exception requested is consistent with the adopted Pasco County Comprehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public

Accordingly, it is hereby

**ORDERED** that Special Exception Application No 6881 is hereby approved for the property described in Exhibit A attached hereto, subject to the following conditions

CONDITIONS OF APPROVAL

1 The hours of operation for the home occupation for massage therapy shall be from 9 00 a m to 4 00 p m , Tuesday through Thursday, by appointment only

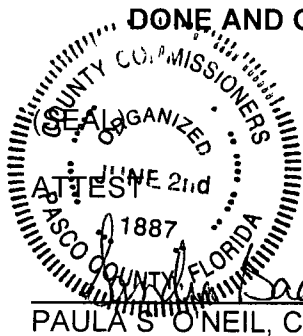
2 The owners/applicants must comply with the following requirements for a home occupation

- a The use does not occupy more than 25 percent of the cumulative floor area
- b Only the inhabitants residing in the dwelling are engaged in the occupation
- c The use is clearly incidental and secondary to the use of the dwelling
- d The exterior appearance of the structure is maintained as a residence
- e No goods are publicly displayed on the premises
- f Two additional off-street parking spaces must be provided

3 This approval is subject to the provisions of the LDC, Section 303 5, Review and Revocation of Special Exception Permits In addition, staff may initiate a revocation for violations of the conditions of approval and/or upon a showing of the criteria outlined in Section 303 5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits

4 In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department after the final action

**DONE AND ORDERED** effective as of this 8<sup>th</sup> day of September, 2009



PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA

 11/4/09  
CHAIRMAN

  
PAULA S. O'NEIL, CLERK AND COMPTROLLER

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney

  
ATTORNEY

## EXHIBIT A

6881

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R18E

**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6882  
             CHRISTINE L TRINSKI AND JOHN P FELLOWS**

**ORDER**

THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA, on October 7, 2009, after due public notice, being empowered under Pasco County Land Development Code (LDC), Article 300, Section 301 6 E, to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for a home occupation for pet grooming

1        Home occupation for pet grooming is a specified special exception use as set forth in the MPUD Master Planned Unit Development Zoning District

2        The Planning Commission has heard and considered the presentation and evidence of the applicants and individuals in opposition to and in favor of the application

3        The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a        Presently, the subject site contains a single-family dwelling, screened-pool enclosure, and a fenced, rear yard. The applicants propose to develop the property with a home occupation for pet grooming.

The applicants have provided the following information

The proposed activity will consist of a small-scale pet grooming business in my home, with a maximum of four pets per day, by appointment only. Each appointment will be one at a time. I do not expect this schedule to generate vehicle traffic above the level typical in this residential area. I will not have trucks bringing products to my home, with the exception of commercial carriers such as FedEx and UPS that already make regular visits to homes in the area. Other than pets relieving themselves in my fenced backyard and pet owners coming and going, there are no external activities associated with this home occupation.

The proposed activity requires no external alterations to the home nor any major internal alterations. I have dedicated one bedroom in my home for this operation which will be converted back to a bedroom at the time my business moves or my home is sold.

My intended days and hours of operation are Monday through Friday by appointment only with the first appointment starting at 9 00 a m and the last appointment starting at 5 00 p m. Weekend appointments will be by special request only. Saturday appointments would start at 9 00 a m and

the last appointment would start at 4 00 p m Sunday appointments would start at 12 00 p m and the last appointment would start at 3 00 p m This will not be a seven-day weekly operation, but I would like to have these hours available for appointments

b Access to the property is from Glenham Court, a homeowner's-maintained road, which has 50 feet of right-of-way

c The subject property is located in Flood Zone "X," and development within this area is subject to the requirements of the LDC, Article 700, Flood Damage Prevention

d The surrounding area is characterized by residential development within the Meadow Pointe subdivision

e The subject area has been designated RES-3 (Residential - 3 du/ga) under the Comprehensive Plan

f Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 303 4 3, Standards for Approval for a Special Exception, and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned

g On September 4, 2009, staff received a letter of objection from the Meadow Pointe II Community Development District (CDD)

h On September 8, 2009, the Planning Commission continued the subject special exception request to allow the owners/applicants time to discuss options with representatives from the Meadow Pointe II CDD

4 Upon consideration and adoption of the recommendation of staff and the evidence presented at the public hearing, the Planning Commission has determined that the standards for issuing a special exception, as set forth in Pasco County Land Development Regulations, Article 300, Section 303 4 3, have been met

5 The special exception requested is consistent with the adopted Pasco County Comprehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public

Accordingly, it is hereby

**ORDERED** that Special Exception Application No 6882 is hereby approved for the property described in Exhibit A attached hereto, subject to the following conditions

CONDITIONS OF APPROVAL

1 The hours of operation for the home occupation for pet grooming shall be from 9 00 a m to 5 00 p m , Monday through Saturday, by appointment only, and shall be limited to four appointments per day Pet boarding shall be prohibited



2 This special exception shall be limited to the current co-owner/applicant, Christine L Trinski, and shall not run with the land If the property is transferred or sold, the special exception will become null and void

3 The owners/applicants must comply with the following requirements for a home occupation

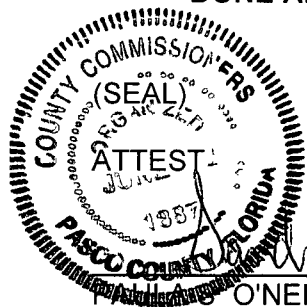
- a The use does not occupy more than 25 percent of the cumulative floor area
- b Only the inhabitants residing in the dwelling are engaged in the occupation
- c The use is clearly incidental and secondary to the use of the dwelling
- d The exterior appearance of the structure is maintained as a residence
- e No goods are publicly displayed on the premises
- f Two additional off-street parking spaces must be provided

4 This property may be subject to deed restrictions which are more restrictive than County regulations The owners/applicants assume responsibility for compliance with applicable deed restrictions

5 This approval is subject to the provisions of the LDC, Section 303 5, Review and Revocation of Special Exception Permits In addition, staff may initiate a revocation for violations of the conditions of approval and/or upon a showing of the criteria outlined in Section 303 5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits

6 In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department after the final action

**DONE AND ORDERED** effective as of this 7<sup>th</sup> day of October, 2009



Julia O'Neil  
JULIA O'NEIL, CLERK AND COMPTROLLER

PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA

W. R. [Signature]  
CHAIRMAN 1/13/2010

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney

[Signature]  
ATTORNEY

## EXHIBIT A

6882

Lot 5, Meadow Pt, Par 15, U2, "replat" as rec in PB 41, Pgs 141-146, of the Pub Rec of Pasco Co, FL, Sec 33,  
T26S, R20E

**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6886  
             CALVIN C AND BELINDA M BROUGHTON**

**ORDER**

**THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA**, on October 7, 2009, after due public notice, being empowered under Pasco County Land Development Code (LDC), Article 300, Section 301 6 E, to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for a home occupation for an embroidery business

1        Home occupation for an embroidery business is a specified special exception use as set forth in the PUD Planned Unit Development Zoning District

2        The Planning Commission has heard and considered the presentation and evidence of the applicants and individuals in opposition to and in favor of the application

3        The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a        Presently, the subject site contains a single-family dwelling, and the applicants propose to develop the property with a home occupation for an embroidery business

b        The applicants have provided the following information

The business will entail the use of one room upstairs, I will operate one computer needed for designing graphics, digitizing embroidery artwork, keeping business data, and bookkeeping operations, online product ordering, and operating the embroidery machine

UPS and FedEx delivered items will be delivered to the front door, there will be no special loading areas needed At times, I will personally drive directly to my local suppliers to make pick ups There will be an estimated 2 to 3 customers per week who may come on site to seek consultation, or pick up their embroidered items The proposed hours of operation are 8 30 a m to 5 00 p m , Monday through Friday For the most part, I plan to personally deliver the majority of the finished customer product off site

c        Access to the property is from Gentle Ben Circle, a County-maintained road, which has 50 feet of right-of-way

d        The subject property is located in Flood Zone "X," and development within this area is not subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention

e The surrounding area is characterized by residential lots within the Fairways of Quail Hollow Subdivision

f The subject area has been designated RES-6 (Residential - 6 du/ga) under the Comprehensive Plan

g On May 12, 1999, the Planning Commission approved Special Exception Petition No 5427, with conditions for a home occupation for a bookkeeping service, located approximately 950 feet southwest of the subject request

h Staff has received a letter of no objection from the Fairways of Quail Hollow Homeowners' Association, with conditions prohibiting on-street parking and business advertising (signs)

i Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 303 4 3, Standards for Approval for a Special Exception, and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned

4 Upon consideration and adoption of the recommendation of staff and the evidence presented at the public hearing, the Planning Commission has determined that the standards for issuing a special exception, as set forth in Pasco County Land Development Regulations, Article 300, Section 303 4 3, have been met

5 The special exception requested is consistent with the adopted Pasco County Comprehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public

Accordingly, it is hereby

**ORDERED** that Special Exception Application No 6886 is hereby approved for the property described in Exhibit A attached hereto, subject to the following conditions

CONDITIONS OF APPROVAL

1 The hours of operation for the home operation for the embroidery business shall be from 8 30 a m to 5 00 p m , Monday through Friday, by appointment only, or by personal delivery to off-site locations

2 On-street parking and advertising signage shall be prohibited

3 The owners/applicants must comply with the following requirements for a home occupation

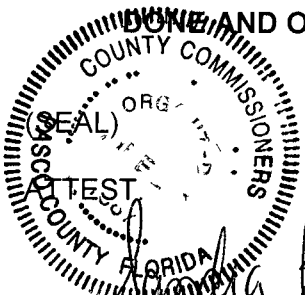
- a The use does not occupy more than 25 percent of the cumulative floor area
- b Only the inhabitants residing in the dwelling are engaged in the occupation
- c The use is clearly incidental and secondary to the use of the dwelling
- d The exterior appearance of the structure is maintained as a residence
- e No goods are publicly displayed on the premises
- f Two additional off-street parking spaces must be provided

4 This property may be subject to deed restrictions which are more restrictive than County regulations. The owners/applicants assume responsibility for compliance with applicable deed restrictions.

5 This approval is subject to the provisions of the LDC, Section 303.5, Review and Revocation of Special Exception Permits. In addition, staff may initiate a revocation for violations of the conditions of approval and/or upon a showing of the criteria outlined in Section 303.5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits.

6 In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department after the final action.

**DONE AND ORDERED** effective as of this 7<sup>th</sup> day of October, 2009



PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA

  
\_\_\_\_\_  
PAULA S. O'NEIL, CLERK AND COMPTROLLER

  
\_\_\_\_\_  
CHAIRMAN 1/13/2010

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney

  
\_\_\_\_\_  
ATTORNEY

## EXHIBIT A

6886

LOT 71, BLK 2, THE FAIRWAYS OF QUAIL HOLLOW PH 1, ACCDG TO THE MAP OR PLAT AS REC IN  
PB 35, PGS 50-53, PASCO CO, FL SEC 01, T26S, R19E, PASCO CO, FL

**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6890  
             MICHAEL S STILLMAN AND JUDY L STILLMAN-GURK**

**ORDER**

THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA, on November 4, 2009, after due public notice, being empowered under Article 300, Section 301 6 E, of the Pasco County Land Development Code, to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for a breeding kennel

1        A breeding kennel is a specified special exception use as set forth in the A-R Agricultural-Residential Zoning District

2        The Planning Commission has heard and considered the presentation and evidence of the applicants and individuals in opposition to and in favor of the application

3        The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a        Presently, the subject site contains a mobile home, an aboveground pool, several sheds, dog runs, and a dog kennel enclosed by a six-foot wooden fence. The applicants propose to bring the existing kennel operation into conformance

b        Access to the property is from Ferrera Avenue, which has 50 feet of right-of-way

c        The subject property is located in Flood Zone "C," and development within this area is not subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention

d        The surrounding area is characterized by rural residential development on one-acre lots

e        The subject area has been designated RES-1 (Residential - 1 du/ga) under the Comprehensive Plan

f        On August 5, 2009, the owners/applicants were issued a Pasco County Ordinance Violation Warning Notice for violation of the A-R Agricultural-Residential District permitted uses operating a dog kennel without special exception approval. A citation is pending the outcome of this special exception request

g On October 12, 2009, the Animal Services Division inspected the subject dog kennel and provided the following inspection comment

The kennel meets the minimum criteria for space and functionality as well as cleanliness

h Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 303 4 3, Standards for Approval for a Special Exception, and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned

4 Upon consideration and adoption of the recommendation of staff and the evidence presented at the public hearing, the Planning Commission has determined that the standards for issuing a special exception, as set forth in Article 300, Section 303 4 3, of the Pasco County Land Development Regulations, have been met

5 The special exception requested is consistent with the adopted Pasco County Comprehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public

Accordingly, it is hereby

**ORDERED** that Special Exception Application No 6890 is hereby approved for the property described in Exhibit A attached hereto, subject to the following conditions

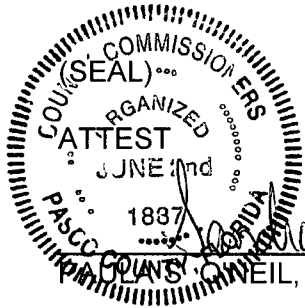
CONDITIONS OF APPROVAL

- 1 This approval shall be limited to 22 dogs (excluding puppies)
- 2 The owners/applicants must comply with Chapter 14 of the Pasco County Code of Ordinances and with Section 828 29, Florida Statutes Dogs and Cats Transported or Offered for Sale, Health Requirements, Consumer Guarantee
- 3 The owners/applicants shall obtain all required County and State permits, licenses, individual health certificates, and inspections
- 4 This approval is subject to the provisions of LDC, Section 303 5, Review and Revocation of special exception In addition, staff may initiate a revocation for violations of the conditions of approval and/or upon a showing of the criteria outlined in Section 303 5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits



5 In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning and Site Development Department after the final action

**DONE AND ORDERED** effective as of this 4<sup>th</sup> day of November, 2009



PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA

  
\_\_\_\_\_  
CHAIRMAN 1/13/2010

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney

  
\_\_\_\_\_  
ATTORNEY

EXHIBIT A

6890

Lot 612 of the unrec plat of Leisure Hills Sub, being fur desc as fol The W½ of the SW¼ of the SW¼ of the NE¼ of the SW¼ of Sec 04, T24S, R18E, less the N 25' thereof for rd r/w, all lying & being in Pasco Co, FL, Sec 04, T24S, R18E, Pasco Co, FL

**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6893  
              DEBORAH SUE EVANS**

**ORDER**

**THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA**, on December 2, 2009, after due public notice, being empowered under Article 300, Section 301 6 E, of the Pasco County Land Development Code, to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for a rescue kennel

1        A rescue kennel is a specified special exception use as set forth in the A-C Agricultural Zoning District

2        The Planning Commission has heard and considered the presentation and evidence of the applicant and individuals in opposition to and in favor of the application

3        The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a        Presently, the subject site contains a single-family dwelling, horse stables, and three fenced areas for an ongoing rescue kennel operation, and the applicant proposes to bring the property into conformance

b        The applicant has provided the following information  
  
              The dogs I have are all rescue dogs    There is no breeding, no sales, and no traffic    I installed a six-foot chain link fence burying one foot, and also dug a three-foot trench to guarantee no digging out, and escaping

c        Access to the property is from Paso Fino Way, an eight foot wide privately maintained dirt road

d        The subject property is located in Flood Zone "C," and development within this area is not subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention

e        The surrounding area is characterized by rural-residential development and equestrian pursuits

f        The subject area has been designated AG (Agricultural) under the Comprehensive Plan

g        On August 4, 2009, the applicant was issued a Pasco County Ordinance Violation Warning Notice for violation of the A-C Agricultural District Permitted Uses, failure to obtain special

exception for a kennel operation On September 24, 2009, the applicant was issued a Pasco County Ordinance Citation for continuing to operate a kennel, after being previously warned, on an A-C Agricultural District zoned property without special exception approval

h The Animal Services Division has provided, as a result of their inspection on November 5, 2009, the following inspection comments

The only noted item was that the dogs were not wearing their Pasco County license, which the applicant was able to produce to the officer A warning was not issued as the applicant stated that she would place them on the dogs

i Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 303 4 3, Standards for Approval for a Special Exception, and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned

4 Upon consideration and adoption of the recommendation of staff and the evidence presented at the public hearing, the Planning Commission has determined that the standards for issuing a special exception, as set forth in Article 300, Section 303 4 3, of the Pasco County Land Development Regulations, have been met

5 The special exception requested is consistent with the adopted Pasco County Comprehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public

Accordingly, it is hereby

**ORDERED** that Special Exception Application No 6893 is hereby approved for the property described in Exhibit A attached hereto, subject to the following conditions

#### CONDITIONS OF APPROVAL

1 This special exception shall be limited to the 25 existing dogs currently on the site The dogs shall not be replaced when they die After that time, the owner/applicant shall be allowed a maximum of nine dogs in accordance with the LDC

2 ) This special exception shall be limited to the current owner, Deborah Sue Evans, and shall not run with the land If the property is transferred or sold, this special exception will become null and void

3 The owner/applicant shall obtain all required County and State permits, licenses, individual health certificates, and inspections

4 This approval is subject to the provisions of the LDC, Section 303 5, Review and Revocation of Special Exception In addition, staff may initiate a revocation for violations of the conditions of approval and/or upon a showing of the criteria outlined in Section 303 5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits

5 In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning and Site Development Department after the final action

**DONE AND ORDERED** effective as of this 2<sup>nd</sup> day of December, 2009



PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA

Kathy McCormick dc  
PAULA S. O'NEIL, CLERK AND COMPTROLLER

[Signature]  
CHAIRMAN 2/10/2010

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney

[Signature]  
ATTORNEY

**EXHIBIT A**

6893

The SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec 27, T23S, R21E, Pasco Co, FL

**BEFORE THE PLANNING COMMISSION  
IN AND FOR PASCO COUNTY**

**IN RE      SPECIAL EXCEPTION APPLICATION NO 6894  
             CRAVEN D CATES**

**ORDER**

**THE PLANNING COMMISSION OF PASCO COUNTY, FLORIDA**, on December 2, 2009, after due public notice, being empowered under Article 300, Section 301 6 E, of the Pasco County Land Development Code, to hear and decide requests for special exceptions, does hereby make the following findings, conclusions, and interpretations as applied to the above special exception for a breeding kennel

1      A breeding kennel is a specified special exception use as set forth in the A-R Agricultural-Residential Zoning District

2      The Planning Commission has heard and considered the presentation and evidence of the applicant and individuals in opposition to and in favor of the application

3      The Planning Commission has reviewed the report and recommendations of County staff and the following findings of fact

**FINDINGS OF FACT**

a      Presently, the subject site contains a mobile home and an ongoing, kennel operation, and the applicant proposes to bring the property into conformance

b      Access to the property is from Carthage Avenue, a Pasco County-maintained road, which has 50 feet of right-of-way

c      The subject property is located in Flood Zone "C," and development within this area is not subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention

d      The surrounding area is characterized by rural-residential development comprised mostly of mobile homes

e      The subject area has been designated RES-1 (Residential - 1 du/ga) under the Comprehensive Plan

f      The Animal Services Division has provided, as a result of their inspection on November 16, 2009, the following inspection comments

The applicant has 11 dogs and 1 cat    The cat has a current rabies vaccination    Five dogs have current rabies vaccinations, and five dogs do not have current rabies vaccinations    Only one dog was wearing a current license    The applicant showed proof of a current license for another dog, but did not provide the actual license

g Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 303 4 3, Standards for Approval for a Special Exception, and with the applicable provisions of the Pasco County Comprehensive Plan and finds it consistent, as conditioned

4 Upon consideration and adoption of the recommendation of staff and the evidence presented at the public hearing, the Planning Commission has determined that the standards for issuing a special exception, as set forth in Article 300, Section 303 4 3, of the Pasco County Land Development Regulations, have been met

5 The special exception requested is consistent with the adopted Pasco County Comprehensive Plan and would not have an adverse effect on the health, safety, and welfare of the public

Accordingly, it is hereby

**ORDERED** that Special Exception Application No 6894 is hereby approved for the property described in Exhibit A attached hereto, subject to the following conditions

CONDITIONS OF APPROVAL

1 The approval shall be limited to 22 dogs, not including puppies

2 The owner/applicant must comply with the Pasco County Code of Ordinances, Chapter 14, and Florida Statutes, Section 828 29, Dogs and Cats Transported or Offered for Sale, Health Requirements, Consumer Guarantee

3 The owner/applicant shall obtain all required County and State permits, licenses, individual health certificates, and inspections

4 This approval is subject to the provisions of the LDC, Section 303 5, Review and Revocation of Special Exception Permits In addition, staff may initiate a revocation for violations of the conditions of approval and/or upon a showing of the criteria outlined in Section 303 5 C 1, Review and Revocation of Special Exceptions and Conditional Use Permits

5 In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning and Site Development Department after the final action

**DONE AND ORDERED** effective as of this 2<sup>nd</sup> day of December, 2009

PLANNING COMMISSION OF  
PASCO COUNTY, FLORIDA



Paula S. O'Neil  
PAULA S. O'NEIL, CLERK AND COMPTROLLER

[Signature]  
CHAIRMAN 2/10/2010

APPROVED AS TO LEGAL FORM AND SUFFICIENCY  
Office of the Pasco County Attorney

[Signature]  
ATTORNEY



EXHIBIT A

6894

Tr 445 of the unrec plat of Leisure Hills Sub being fur desc as fol The E½ of the NW¼ of the SW¼ of the SE¼ of the SE¼ of Sec 05, T24S, R18E, Pasco Co, FL LESS the S 25' thereof for roadway purposes Sec 05, T24S, R18E, Pasco Co, FL