

PASCO COUNTY
DEVELOPMENT REVIEW DIVISION
ALTERNATIVE STANDARDS APPLICATION
SECTION 316, ALTERNATIVE STANDARDS REQUESTS,
LAND DEVELOPMENT CODE

ALTERNATIVE STANDARDS REVIEW

The Development Review Committee (DRC) shall have the authority to grant alternative standards requests in the following circumstances:

1. Where compliance with a substantive standard in a land development regulation or Board of County Commissioners (BCC) approved development order, permit, or approval is permissive rather than mandatory, use of the words "may" or "unless otherwise approved" shall mean that compliance is permissive rather than mandatory. The DRC shall grant such alternative standards request if it determines, based on the written application and substantial competent evidence presented at the public hearing, that the alternative standards criteria in Section 316 have been satisfied for the alternative standards request.
2. Where a land development regulation or BCC approved development order, permit, or approval specifically allows for deviation by alternative standards. The DRC shall grant such alternative standards if it determines, based on the written application and substantial competent evidence presented at the public hearing: 1) that the substantive criteria for the alternative standards in the land development regulation have been satisfied, or 2) that the alternative standards criteria in Section 316 have been satisfied for the alternative standards request.

Alternative standards requests must be processed in connection with a request for a development order, permit, or approval required by the County's land development regulations. Alternative standards requests do not require separate public notice, but shall be noted in the Planning Commission, DRC, and/or BCC agenda memorandum for the proposed development order, permit, or approval seeking the alternative standards. If the alternative standards request is being sought in connection with a development order, permit, or approval that is not publicly noticed, public notice for the request shall be provided in accordance with the requirements of the Land Development Code (LDC), Section 316.

PROJECT NAME: Ashley Lakes Commercial Center

PROJECT NO. (FROM DEVELOPMENT REVIEW DIVISION): _____

OWNER: NAP Gunn 54, LLC

NAME: Shawn McIntyre

ADDRESS: 7500 College Parkway
 Ft. Myers, FL 33907

TELEPHONE NO.: (239) 278-1121

E-MAIL ADDRESS: greg.race@naproperties.com

DEVELOPER: Same as above

NAME: _____

ADDRESS: _____

TELEPHONE NO.: (_____) _____

E-MAIL ADDRESS: _____

3 a. Attachment

The strict application of the Land Development Regulation would require the Developer to turn over to the County an additional 14' of right-of-way. The individual parcel's that will be developed in the future will be burdened due to the encroachment of the additional right-of-way and easement(s) for both the proposed access drive and the utilities. Furthermore, in a "commercial project environment" the necessity for 60' of right-of-way width is not warranted for vehicle operation, utility placement and sight lines. We have consulted with staff for their design assistance and have incorporated it in our construction plans. We have also, per direction of staff, requested that these proposed access drives remain private. The proposed owner's association will maintain all utilities and access drive within the 44' right-of-way.

LDC Section 610.5.A - "Pedestrian Facilities"

3(a) - The strict application of the land development regulation would require sidewalks on both sides of our proposed roadways. We would request eliminating the requirement for installing the sidewalk along the east side of Ashley Loop Drive. We propose to install a 6' wide sidewalk along the west side of Ashley Loop Drive, as well as along our frontage with Gunn Highway. These sidewalks will be located directly adjacent to the proposed commercial uses whom would utilize them. Furthermore, with the 6' width as proposed, these sidewalks will be wider than required (5' wide).

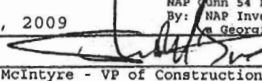
We do not believe it would be advantageous to place a sidewalk adjacent to the wetland (Wetland "H") where pedestrians could directly access this sensitive environmental area. Nor do we believe that a sidewalk would be necessary to be built adjacent to frontage that would not be developed.

ADDITIONAL ITEMS REQUIRED FOR ALTERNATIVE STANDARDS:

1. Two signed and sealed legal descriptions and sketches to be supplied at time of application.
2. Copy of Warranty Deed X
3. Copy of Last Year's Tax Bill X
4. Notarized Agent of Record Letter (if applicable) N/A
5. Is this application the result of a Notice of Violation? No If so, please attach a copy of the notice.
6. Alternative Standards Fee: \$100.00 (each alternative standards request). Check made payable to: Pasco County Board of County Commissioners.

I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

I consent to the entry in or upon the premises described in this application by any authorized official of Pasco County for the purpose of posting, maintaining, and removing such notices as may be required by law.

DATE: April 8, 2009
By: 
NAP Form 54 LLC
By: NAP Investments Management Company, Inc.,
a Georgia Corporation, Its Manager

APPLICANT'S SIGNATURE: Shawn R. McIntyre - VP of Construction-SE Ops.

APPLICANT'S REPRESENTATIVE: _____

ADDRESS: 7500 College Parkway

CITY: Fort Myers STATE: Florida ZIP CODE: 33907

AFFIDAVIT

STATE OF FLORIDA


COUNTY OF PASCO

BEFORE ME, the undersigned authority, personally appeared, Shawn R. McIntyre

who being by me first duly sworn, under oath, deposes and states as follows:

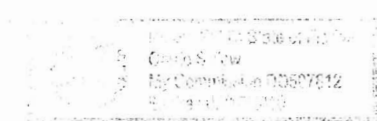
1. That she/~~he~~/they has/have filed an alternative standards application on property (Parcel ID No. 27-26-17-0000-00300-0010) in the unincorporated area of Pasco County, which, if approved, would allow the developer(s) to: Defer from the required right-of-way width as described within the Pasco County LDC Chpt. 610.3.F for the proposed on-site access drive.

2. That I hereby acknowledge that the alternative standards, if approved, shall not:
a. Constitute authorization to begin construction.
b. Exempt the project from certification of Level of Service compliance.
c. Obligate the County to provide additional services and facilities.

FURTHER AFFIANT SAYETH NOT.  NAP Gunn 54 LLC
By: NAP Investments Management Company, Inc.,
a Georgia Corporation, Its Manager

AFFIANT Shawn R. McIntyre - VP of Construction-SE Ops. AFFIANT

SWORN to and subscribed before me this 8th day of April, 2009.




NOTARY PUBLIC
State of Florida at Large

My Commission Expires: 03-17-10

Note: All property owners of the subject property or their designated Agent of Record must sign this affidavit.

