

RESOLUTION CHANGING ZONING CLASSIFICATION OF PROPERTY DESCRIBED IN APPLICATION NO. 6655 FROM AN A-C AGRICULTURAL DISTRICT TO AN AR-5 AGRICULTURAL-RESIDENTIAL DISTRICT.

WHEREAS, the Board of County Commissioners of Pasco County, after due public notice, held a public hearing on December 5, 2006, on Rezoning Application No. 6655; and

WHEREAS, the Board of County Commissioners has heard the presentation and evidence of the applicants and individuals in opposition to and in favor of the application; and

WHEREAS, the Board of County Commissioners has reviewed the report and recommendations of the Planning Commission and the recommendation of the County staff and does hereby adopt the following findings of fact:

FINDINGS OF FACT

1. Presently, the subject site contains groves. The applicant proposes to develop the property residentially in conformance with the AR-5 Agricultural-Residential District standards for development.
2. Access to the property is from Scharber Road, which has 50 feet of right-of-way.
3. The subject property is located in Flood Zone "X," and development within this area is not subject to the requirements of Article 700, Flood Damage Prevention, of the Land Development Code.
4. The surrounding area is characterized by rural residential and agricultural pursuits.
5. The subject area has been designated AG/R (Agricultural/Rural) under the Comprehensive Plan.
6. On June 22, 1999, the Board of County Commissioners approved a rezoning (Petition No. 5436) from an A-C Agricultural District to an AR-5 Agricultural-Residential District with conditions for the parcel located 50 feet west of the subject request.
7. 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 Scharber Road for future road improvements.
8. According to the Growth Management Department, the subject proposed development and land use are exempt from the provisions of the Traffic Impact Study and Substandard Road Guidelines, Resolution No. 04-203, as it is under the threshold requirements.
9. The owner's/applicant's request is compatible with the established pattern of land use and zoning in the area as conditioned.
10. The proposed request is consistent with Article 300, Subsection 303.2(E)1, Criteria and Standards to be Considered in Review of Applications for Zoning Amendments, of the Pasco County Land

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GROWTH MANAGEMENT/ZONING**

Development Code and with the applicable provisions of the Pasco County Comprehensive Plan as conditioned.

WHEREAS, the Board of County Commissioners has taken into consideration other factors relevant to the decision as to whether the zoning classification should be approved for the subject property.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, in regular session duly assembled, this 5th day of December, 2006, that the zoning classification of the following described real property is hereby changed from an A-C Agricultural District to an AR-5 Agricultural-Residential District, subject to the conditions set forth below:

CONDITIONS OF APPROVAL

1. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developers shall convey at no cost to Pasco County 67.5 feet of right-of-way from the centerline of Scharber 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).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of Scharber Road within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to Scharber Road, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to Section 403 of the Land Development Code. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

2. The right-of-way may be transferred by perpetual right-of-way easement, fee simple deed, or dedicated by plat. All conveyances shall occur at record plat, construction 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.

3. The owner/applicant acknowledges that any provisions of Pasco County ordinances not specifically waived shall be in full force and effect.

4. The owner/applicant shall submit a preliminary/site plan for review and approval in accordance with all requirements of Article 300, Section 306, Development Review Procedures, of the Land Development Code prior to development and subdivision of the property.

5. At the time of site plan review, the owner/applicant shall be required to comply with the Pasco County Comprehensive Plan, Conservation Element, Policy No. 2.8.2, as follows:

2.8.2 Require the evaluation and proper management of endangered, threatened, and species of special concern by requiring that proposed development sites be examined for the presence of State and Federally protected plant and animal species. Criteria and thresholds for reviews to examine sites in this manner shall be specified in the County's land development regulations. At a minimum, the criteria will consider:

(a) The Area of Potentially Significant Habitat as shown on Map 3-1 that has been identified by the Florida Fish and Wildlife Conservation Commission as a "hot spot of biological resources and rare species occurrence" or other available data sources.

(b) The size and distribution of listed species populations within a proposed development site.

(c) The feasibility and viability of on-site protection and management and whether the proposed development site includes a wildlife corridor.

(d) The feasibility of maintaining a wildlife corridor.

(e) The appropriateness of mitigation to an acceptable off-site location in the event that on-site mitigation is shown to be ineffective.

When listed species are found, the proposal shall be forwarded to the Florida Fish and Wildlife Conservation Commission for recommendations to minimize the impact of development on those species found on the site. These recommendations shall be considered during the development approval process. Failure to receive recommendations from the Florida Fish and Wildlife Conservation Commission within the development review process time frames shall not preclude a project from being scheduled, considered, or approved.

6. The development and land use of this site shall not exceed the thresholds established in the Traffic Impact Study and Substandard Road Guidelines, Resolution No. 04-203, unless a Traffic Impact Study and Substandard Road Analysis is reviewed and approved by Pasco County, utilizing a Pasco County approved methodology. The Development Review Committee, Board of County Commissioners, or County Administrator or his designee may impose additional conditions on the applicant or development based on the County-approved traffic study.

7. Calculation of allowable density and intensity shall be in compliance with the land use category limitations set forth in the Pasco County Comprehensive Plan.

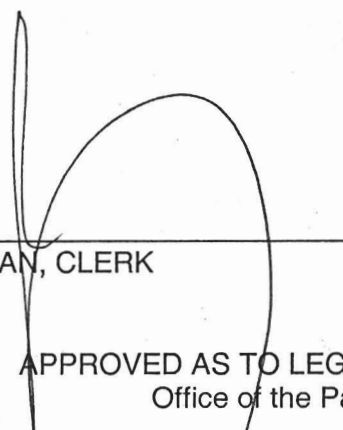
8. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning/Code Compliance Department after the final action.

See Description on Exhibit A Attached

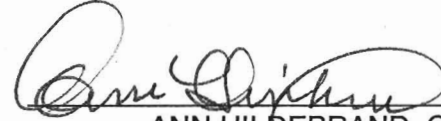
DONE AND RESOLVED this 5th day of December, 2006.



BOARD OF COUNTY COMMISSIONERS OF
PASCO COUNTY, FLORIDA



JED PITTMAN, CLERK



ANN HILDEBRAND, CHAIRMAN

1/23/2007

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



ATTORNEY

EXHIBIT A

6655

The N $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec 26, T24S, R20E, subj to existing r/w for Scharber Rd, Sec 26, T24S, R20E, Pasco Co, FL.

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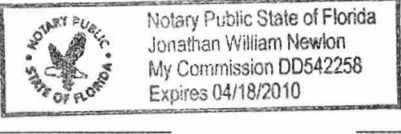
OWNER'S/APPLICANT'S ACKNOWLEDGMENT:

The owner/applicant acknowledges that it has read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the Board of County Commissioners results.**

Jan 12 - 2007 (Date) Florian C. Glude

I hereby certify on this 12 day of January, 2007, A.D., before me personally appeared the owner/applicant, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at San Antonio, Pasco County, Florida, the day and year aforesaid.

My commission expires: 

[Signature]
Notary Public, State of FLORIDA at Large

PLANNING COMMISSION ACTION:

Approval of Staff Recommendation with Conditions: 10 Ayes; 0 Nayes

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:

Approval of Planning Commission Recommendation with Conditions

BOARD OF COUNTY COMMISSIONERS ACTION:

Approval of Planning Commission Recommendation with Conditions



The Board of County Commissioners approval of this rezoning constitutes a finding by the Board of County Commissioners that the rezoning, as conditioned, is consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the Land Development Code that are applicable to this rezoning.

59

10. The proposed request is consistent with Article 300, Subsection 303.2(E)1, Criteria and Standards to be Considered in Review of Applications for Zoning Amendments, of the Pasco County Land Development Code and with the applicable provisions of the Pasco County Comprehensive Plan as conditioned.

STAFF RECOMMENDATION TO THE PLANNING COMMISSION:

Approval with Conditions

CONDITIONS:

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OWNER'S/APPLICANT'S ACKNOWLEDGMENT:

The owner/applicant acknowledges that it has read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with the Board of County Commissioners results.**

(Date)

I hereby certify on this _____ day of _____, _____, A.D., before me personally appeared the owner/applicant, to me known to be the person described in and who executed the foregoing document and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at _____, _____ County, Florida, the day and year aforesaid.

My commission expires:

Notary Public, State of _____ at Large

PLANNING COMMISSION ACTION:

Approval of Staff Recommendation with Conditions: 10 Ayes; 0 Nays

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:

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