

VARIANCE NO.: _____

DATE: _____

PASCO COUNTY
APPLICATION FOR VARIANCE
DEVELOPMENT REVIEW COMMITTEE
VARIANCE BOARD

The undersigned owner(s) of the following legally described property have formally requested consideration of a variance in accordance with the provisions of the Florida Statutes and the Pasco County LDC, Section 316.

It shall be the responsibility of the petitioner, or her/his legal agent of record, to provide all information required below or any other information which is reasonable and relevant to the formulation of a recommendation to the adjustment being considered. **No application for review shall be deemed complete until all required information is provided.**

1. Project Name: Village Market

2. Project No. (from DRD): _____

3. Name of Owner: Wesley Chapel SC Company Ltd

Mailing Address: 1733 Fletcher Avenue

City: Tampa State: Florida Zip Code: 33612

Telephone Number: 813-960-8154 Fax Number: 813-968-2882

E-Mail Address: pchisholm@rnc.com

4. Name of Developer: Unknown

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

5. Name of Agent, if applicable: Christopher S. McNeal

Mailing Address: P O Box 17121

City: Tampa State: FL Zip Code: 33682

Telephone Number: 813-968-1081 Fax Number: 813-961-5839

E-Mail Address: cmcneal@mcnealengineering.com

(Attach completed Agent of Record)

Locational Description: 5351 SR 581, Pasco County

Parcel Identification Number:

Section 07, Township 26 South, Range 20 East, Sub _____, Block _____, Lot _____

Present Zoning District: C-2

REASONS FOR REQUEST FOR VARIANCE:

Using a separate application for each request, please answer the following. If additional space is needed, attach extra pages to the application.

1. State the specific section of the LDC for which the variance is requested:
Section 603.7 Building perimeter landscaping

2. Describe the variance requested:
Variance #2 Foundation landscaping;
See attached Exhibit A Variance Justification

3. Demonstrate compliance with one or more of the following:
 - a. The strict application of the land development regulation creates an unreasonable or unfair non-economic hardship, or an inordinate burden that was not created by the variance applicant.
 - b. The specific application of the land development regulation conflicts with an important Goal, Objective, or Policy of the Comprehensive Plan, or with the intent and purpose of another recently adopted land development regulation that serves a greater public purpose.
 - c. The granting of the variance will provide a net economic benefit to the taxpayers of Pasco County and is not in conflict with important Goals, Objectives, and Policies of the Comprehensive Plan.
 - d. The granting of the variance is necessary to achieve an innovative site or building design that furthers the Goals, Objectives, and Policies of the Comprehensive Plan.
 - e. The intent and purpose of the land development regulation and related land development regulations and Comprehensive Plan provisions is met or exceeded through an improved or alternate technology or design.
 - f. The granting of the variance is necessary to protect the public health, safety or welfare.
 - g. The variance is necessary to comply with State or Federal law.
 - h. The variance satisfies variance criteria set forth in the specific County land development regulation that is the basis for the variance request.
4. All variance applications that affect site conditions shall be accompanied by site plans depicting the site conditions with the granting of the variance and without the granting of the variance. Conceptual site plans may be allowed if approved by the Division Engineer (DRD) or Development Director.

ADDITIONAL ITEMS REQUIRED FOR VARIANCE:

1. Two signed and sealed legal descriptions and sketches to be supplied at time of application.
2. Copy of Warranty Deed _____
3. Copy of Last Year's Tax Bill _____
4. Notarized Agent of Record Letter (if applicable) _____
5. Is this application the result of a Notice of Violation? No If so, please attach a copy of the notice.
6. Application Fee: \$200.00 (each variance request).

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: February 12, 2010

APPLICANT'S SIGNATURE: 

APPLICANT'S REPRESENTATIVE: Christopher S. McNeal, Agent

ADDRESS: P O Box 17121

CITY: Tampa STATE: FL ZIP CODE: 33682

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1. State the specific section of the LDC for which the variance is requested:
Section 603.9 Landscaping buffering and screening

2. Describe the variance requested:
Variance #1 Periphery landscape buffers along SR 581, Eagleston and West property line;
Landscape between Uses. See attached Exhibit A Variance Justification

3. Demonstrate compliance with one or more of the following:
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1. State the specific section of the LDC for which the variance is requested:
Section 603.12 Water Management Systems

2. Describe the variance requested:
Variance #3 Pond 50% within buffer area

See attached Exhibit A Variance Justification

3. Demonstrate compliance with one or more of the following:
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EXHIBIT A

VILLAGE MARKET AT WESLEY CHAPEL VARIANCE JUSTIFICATION

The applicant, Wesley Chapel SC Company, Ltd., is seeking a number of variances in connection with the reconstruction of the parking lot and installation of landscaping for the Village at Wesley Chapel shopping center, which is located at the southeast quadrant of I-75 and CR 54. The County recently completed an eminent domain proceeding for this site in order to widen CR 54. One of the impacts of the taking was the need to reconfigure the parking lot, which triggered the need to bring the site landscaping into compliance with the current code requirements. The landscaping also needed to be addressed due to the amount of tenant finish build out permits issued for the overall site.

The applicant finds that some of the landscaping, buffering and access management requirements cannot be met on this site due to existing site constraints or the effect of the taking on the center. The applicant has made an effort to either meet code or provide an alternative solution where possible. The requested variances represent those items that either cannot be met or vary from the strict requirements of the code. There are no additional building construction plans accompanying this request, the variances are in relation to the parking lot reconfiguration and related landscaping and buffering.

Demonstrate compliance with one or more of the following:

- a. The strict application of the land development regulation creates an unreasonable or unfair noneconomic hardship, or an inordinate burden that was not created by the variance applicant.**

For Variance 1: Periphery landscape buffers along SR 581 and Eagleston Drive, Section 603, LDC

There are existing buffers along SR 581 and Eagleston Drive abutting the site. The overall site was developed in 1988 and met code at that time. Approximately 5 years ago, the owner of the center agreed to share a centralized access onto SR 581 with Toyota and Seven Oaks. Eagleston Drive was created and some green space was provided between the new road and the existing buildings in the Village Market. The amount of the green space was constrained by the location of existing buildings in the center. Given the location of the existing buildings, parking and circulation through the site, modification of the widths of these buffers would create circulation issues in the site and impact both developed and approved outparcel pads in the center.

The applicant is requesting that these buffer widths remain as is, which is consistent with the attached site plan. The SR 581 existing buffer is approximately 4 ½-5 feet wide and the existing Eagleston Drive buffer is approximately 3 feet wide. The strict interpretation of the code would require a 20 foot buffer along SR 581 (Type D plantings) and a Type

A buffer along Eagleston Drive adjacent to the site. The applicant is willing to install hedges within the existing buffers along SR 581 and Eagleston Drive in order to enhance the existing landscaping.

Additionally, it should be noted that the northern portion of SR 581 adjacent to the site was included in the eminent domain action and is, therefore, exempt from the buffering provisions as per the Settlement Agreement for the CR 54 taking.

For Variance 2: Landscaping between uses, Section 603,

The site contains three existing freestanding and two undeveloped outparcels as shown on the site plan. The southernmost freestanding building is adjacent to the entrance off Eagleston Drive. This entrance was retrofitted into the center as a result of a shared access agreement with Toyota and Seven Oaks. There is insufficient room between that building and the in-line stores to provide the buffer required by code. It is not possible to provide the buffers between adjacent uses for the Waffle House and Burger King as well, since both of these uses are in existence and predate the requirement for landscaping. Existing landscaping between and around the uses will be maintained. The two undeveloped outparcels are shown with the required buffers where feasible. The northernmost of these outparcels can provide a minimum of a 5 foot buffer on the north and east sides and 10 foot around the south and west sides. The southernmost outparcel can provide a minimum of a 5 foot buffer on the south and east sides and 10 feet on the north and west sides. Dimensions to the east are constrained by parking and the existing perimeter roadway buffer. The applicant is requesting a variance to allow the buffering around the existing outparcels to remain as is. A variance is also being requested to allow the combination of some of the buffer with the foundation landscaping on the outparcels, but will maintain a minimum of 5 feet of landscaping along the perimeter of the two undeveloped outparcel pads.

For Variance 3: Shade Trees in SR 581 and Eagleston Drive Buffers Section 603, LDC

The applicant is seeking a variance for the required tree plantings for the buffers along SR 581 and Eagleston Drive. If the above noted request for a variance to the buffer widths is granted (Variance Request 2), then it will not be possible to install the required trees in the existing buffer. The applicant is proposing the installation of a hedge within both the SR 581 and Eagleston Dr. buffer yards.

For Variance 4: Foundation Landscaping, Section 603, LDC

The applicant is requesting that the required foundation landscaping (i.e., 7,985 s.f.) be permitted to be installed in a few locations near and within the parking lot as an alternative to the foundation landscaping requirements contained in Section 603 of the Land Development Code. As mentioned previously, the center was constructed in 1988

and there are no irrigation lines or extra sidewalk widths provided that would facilitate the installation of the foundation landscaping. In lieu of this, the applicant is proposing to provide landscaped areas along the northern side of the building where the roadway buffer was eliminated by the taking for CR 54, in an area by the southern end of the in-line buildings which helps to block the visibility of the truck lanes behind the buildings and provides a buffer from Seven Oaks, and in an area behind the in-line buildings where it will be visible to cars exiting I-75. In addition, the applicant is providing oversized planting areas in portions of the parking lot, primarily along the main entrances and drive aisles. With the closure of the existing main entrance drive in front of the in-line buildings, the planting areas in the parking lot approaches to the building will do more to provide landscaping and visual appeal for the overall center than the provision of a few potted plants in front of the stores. These areas are shown on the attached site plan and will contain a total minimum landscaped area of 7,985 s.f.. The applicant is seeking a variance to permit the alternative foundation landscaping as shown on the site plan.

For Variance 5: Water Management System and Required Plantings within Required Buffer, Section 603, LDC

The site was initially developed in the 1980's and met code at the time of construction. The existing stormwater pond for the shopping center is located along the western property boundary of the parcel and handles the drainage from the shopping center and the adjacent gas station site. Due to the length and width of the pond, the amount of pond within the western property buffer exceeds 50 percent within the required Type A buffer along the western property boundary. Additionally, the buffer yard cannot be planted with the required landscaping since the yard is primarily pond. There is an adjacent easement parcel to the west that contains landscaping and provides some buffering of the pond from I-75 to the west. There is no additional development between I-75 and the pond that requires buffering. In order to address this without a variance, the entire stormwater pond would have to be modified and moved to the east, which interferes with the truck service drive located behind the stores. Also, one of the variances requested would permit the applicant to relocate some of the required foundation landscaping to an area behind or next to the end caps of the stores which would provide some buffering to the west. Additionally, no site work is planned for the western portion of the center, which is behind the stores and contains the truck service road and the pond. The applicant's request is to allow the buffer to remain as it exists.

- b. The specific application of the land development regulation conflicts with an important Goal, Objective, or Policy of the Comprehensive Plan, or with the intent and purpose of another recently adopted land development regulation that serves a greater public purpose.**

For Variance 1: Periphery landscape buffers along CR 54, SR 581 and Eagleston Drive

For Variance 2: Landscaping between uses

For Variance 3: Shade Trees in SR 581 Buffer

For Variance 4: Foundation Landscaping

For Variance 5: Water Management System within Required Buffers

The applicant's request for variances in part stems from Section 105.3 and its citation in the Supplemental Agreement that is part of the eminent domain settlement for this parcel. The Supplemental Agreement specifically states that, "Reconstruction of the existing parking areas or reconstruction of replacement parking areas upon the same site shall not be required to comply with the provisions of off-street parking, loading and unloading and landscaping and buffering of the county land development code, as amended." Additionally, the requested variances regarding the landscaping between the freestanding southernmost building and the adjacent in-line stores and the existing buffer along Eagleston were the result of the creation of a voluntary shared access agreement with three private land owners which enhanced public safety by eliminating conflict points along SR 581 and helping to meet warrants for the signalization of the new intersection. The eminent domain action that affected the site results in a widening of SR 54, which the County committed to under their CIP Element in the comprehensive plan.