

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 402.6 - transportation concurrency

2. Describe the variance requested:
Applicant requests a 1-year extension to February 20, 2011 of the Initial Certificate of Capacity as to transportation concurrency which expired on February 20, 2010.

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 X
3. Copy of Last Year's Tax Bill X
4. Notarized Agent of Record Letter (if applicable) X
5. Is this application the result of a Notice of Violation? NO If so, please attach a copy of the notice.
6. Application Fee: \$300.00 (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 May 4, 2010

APPLICANT'S SIGNATURE: 

APPLICANT'S REPRESENTATIVE: Donna J. Feldman, Esquire

ADDRESS: Donna J. Feldman, P.A., 19321-C U.S. Hwy 19 N, Suite 600

CITY: Clearwater STATE: FL ZIP CODE: 33764

**VARIANCE APPLICATION FOR
MURPHY OIL USA, INC./PROJECT NO. IPRO7-112**

NARRATIVE

Applicant seeks a variance from Land Development Code Sections 402.6 and 402.10, which impose certain limitations on the extension of Certificates of Capacity for transportation concurrency purposes.

Applicant's proposed project consists of a one-story, 591-square foot gas station with eight (8) pumps to be developed on .77 acres, depicted on **Exhibit A** attached hereto. The project was approved for development pursuant to the Class I Commercial Development Review – Murphy Oil USA, Inc., Preliminary/Construction Site Plan and Stormwater Management Plan and Report, Project No. IPRO7-112 (“**Murphy Preliminary Plan**”). The subject project received its Initial Certificate of Capacity in March 2006, in connection with the Class II Commercial Development Review – Wal-Mart (Hudson) Preliminary/Construction Site Plan, Project No. IIPRO5-001, providing for capacity for a three-year period through March, 2009.

On February 23, 2009, the Initial Certificate of Capacity was renewed for an additional one-year period, expiring on February 20, 2010. A copy of the renewal is attached hereto as **Exhibit B**. Applicant requests an additional one-year extension of the Initial Certificate of Capacity as to transportation concurrency to February 20, 2011.

The proposed project would provide economic benefit to the taxpayers of Pasco County, by providing jobs, services, and an increased tax base as to the site, which is undeveloped currently. The transportation impacts of the proposed development would be *de minimis* in nature, capturing trips from the adjacent Wal-Mart project.

The granting of the variance would be consistent with, and not in conflict with, the Goals, Objectives, and Policies of the Comprehensive Plan, as evidenced by Resolution No. 09-269, approved by the Pasco County Board of County Commissioners in 2009, providing for a two-year extension of all Pasco County concurrency certificates in recognition of the 2009 real estate market conditions and other matters cited in such Resolution. The Applicant is requesting only a one-year extension, rather than a two-year extension, of the Certificate of Capacity associated with transportation concurrency for the subject site.

Development of the project has been delayed due both to market conditions and an issue affecting the site as a result of a condition imposed in connection with the Murphy Oil Preliminary Plan conditions and the conditions imposed on the Wal-Mart site. Applicant is seeking concurrently an amendment to the Class I Murphy Preliminary Plan conditions which will resolve that issue. But for these issues, development would have commenced prior to the February, 2010 expiration of the Initial Certificate of Capacity. The Applicant now intends to commence development of the project within the next few months.

EXHIBIT B of 260172 permits



PASCO COUNTY, FLORIDA

Kimley-Horn & Assoc.

MAR 05 2009
FT. LAUDERDALE

PASCO COUNTY DEVELOPMENT REVIEW
WEST PASCO GOVERNMENT CENTER
7530 LITTLE ROAD, SUITE 230
NEW PORT RICHEY, FL 34654
TELEPHONE: (727) 847-8142
FAX: (727) 815-7000
E-Mail: mrodhe@pascocountyfl.net

February 23, 2009

Wal-Mart Stores East, LP
2001 SE 10 th Street
Bentonville, AR 72716

RE: Murphy Oil USA (Hudson FL)

To Whom It May Concern:

In accordance with Section 402 of the Land Development Code, attached please find the renewed LOS certificate for the above referenced project. This renewal is valid for the dates listed on the attached forms.

If you have any questions, please feel free to contact me.

Sincerely,



Mitchell Rodhe
Development Review



Cynthia M. Jolly, P.E.
Development Director

Cc:
Project File
Murphy Oil USA
Kimley-Horn

INITIAL CERTIFICATE OF CAPACITY

REQUIRED FOR DRIs, REZONINGS, PRELIMINARY SITE PLANS, PRELIMINARY PLANS, NONRESIDENTIAL SUBDIVISION, RESIDENTIAL SUBDIVISION INTO MORE THAN ONE DWELLING UNIT PER LOT, AND PUBLIC SCHOOL COMPREHENSIVE PLAN CONSISTENCY REVIEW To Be Completed By Department Responsible for Approval Sought; Completed Certificate Must Be Attached to the Agenda Item and Approval Document

Completed Application Received On (Date): _____ Certificate Form Completed By: _____

Parcel I.D. #'s: 0325160030030000050 (attach survey if project includes portion of parcel)

Project Name: Murphy Oil USA, Inc. at Wal-Mart # 5266 in Hudson Subdivision Name: _____

TAZ No.: _____ TAZ Map Version: _____

Applicant Name, Address, and Telephone Number: Murphy Oil USA, Inc. 200 Peach Street, El Dorado, AR 71731 870-862-6411.

Job Site Address: East of US-19, between Beacon Woods Drive and Dinaola Dr.

Project has direct connection (See 402.5.C.5.A) to following collectors/arterials: N/A

Aggregated with another project? (See 402.5.C.5.B) [X] Yes _____ No (If yes, identify project name and I.D. No. _____)

Prior building(s) on or after January 1, 1985? _____ Yes [X] No (If yes, identify use and units/sq. ft. _____)

Approval Sought (Check all that apply): TIS Extension

- DRI _____ Nonresidential Subdivision _____
Rezoning _____ Residential Subdivision into More than One Dwelling Unit Per Lot _____
Preliminary Plan _____ Public School Comprehensive Plan Consistency Review _____
Preliminary Site Plan _____

X. IUP EXTENSION TYPE OF DEVELOPMENT (Use TIS Exhibits for land use description and units of measurement, and if not on Exhibits, use ITE land use codes and description) (If not restricted by applicant, use maximum allowed by requested (rezoning or DRI) or approved (other approvals) zoning or land use, whichever is less)

Table with columns for Residential and Nonresidential uses. Residential includes Single Family, Mobile Home Park, Congregate Care Facility, Apartments, Low-Rise Condo/Townhouse, HI-Rise Condominium, and Other Residential. Nonresidential includes Specific Use Gas Station, Bldg, and Storage/Display Area.

EXEMPTIONS AND LIMITED EXEMPTIONS (Requires Authorized Signature)

*EXEMPTIONS (See 402.6 and Concurrency Applicability):

*LIMITED EXEMPTIONS (See 402.7; requires signature from County Administrator or his designee):

A. ALL FACILITIES

- Approved school consistency review or preliminary/construction plan prior to December 1, 2006
Complete application prior to December 1, 2006 (apply old 402 and TIS Guidelines)
Unexpired Certificate of Level of Service Compliance
Unexpired DRI approved prior to April 9, 1991
Unexpired Initial Certificate of Capacity

- Public School or School Required for School Concurrency
Governmental Building or Use
Target Business (requires letter from PEDC)
Employment Center
Affordable Housing (requires letter from Community Development)
TND Development

B. ROADS ONLY

- Unexpired DRI applied for or approved prior to December 1, 2006
Unexpired Traffic Study completed after June 4, 1999
Unexpired approved Traffic Study Methodology prior to December 1, 2006 (apply old TIS Guidelines)
Unexpired approved Development Agreement exempt from transportation concurrency

Exemptions (check all that apply):

- Impact Fees or Interlocal Agreement As Proportionate Share (Roads Only)
Traffic Study Waiver (Roads Only)
3 years committed capacity vs. 1 yr. (Roads Only)
[X] Extension of Certificate w/o Additional Review
Other (requires CAO approval)

Exemption Expires On: _____
Exemption Revoked On: _____

Authorized Growth Management Signature (required for roads only)

Authorized Signature

ISSUANCE DATE: 2-23-2009 (Use date of final zoning/development order approval)

Authorized Signature

EXPIRATION (See 402.3.A):

All Facilities (other than roads): Certificate of Capacity Expires (or subject to additional review) On: 2-20-2010 (6 yrs. from issuance) Revoked On: _____ Relinquished On: _____
Roads: Certificate of Capacity Expires (or subject to additional review) On: 2-20-2010 (AGM to complete) Revoked On: _____ Relinquished On: _____

*Completed Certificate of Capacity with limited exemptions or with exemptions for which no prior certificate of capacity has been issued must be distributed to the following: 1) Growth Management Administrator; 2) Engineering Services Director; 3) Parks and Recreation Director; 4) Transportation Manager; 5) Development Director; 6) MPO Transportation Planning Coordinator; 7) Assistant County Administrator for Development Services; 8) Assistant County Administrator for Utilities Services; 9) OMB Director; and 10) BCC as a noted item on agenda, excluding 3) and 8) if exemption is for roads only.

CONCURRENCY REVIEW

(To Be Completed by Department Listed Below Only; Leave Blank if a 402.6 Exemption Applies)

Comp. Plan Elements	Meets LOS Std.		Conditional Approval (attach conditions of approval)	Review Standards
	Yes	No		
Roads (Growth Management)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.5, Transportation Element 2.4.1 and TIS Guidelines
Water/Water Supply (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 1.1 and 1.3
Sewer (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 3.1
Parks/Recreation (Parks)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.B and Recreation and Open Space Element 1.1
Solid Waste (Utilities)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Public Facilities Element 4.1
Mass Transit (Public Transportation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 402.4.A and Transportation Element 5.1

Reviewed by: CYNTHIA JOLLY
DEV DIRECTOR
 Title

Authorized Signature: *C. Jolly*
2-23-09
 Date

*CONDITIONS:
 See 3/7/06 dated LOS Certificate*

CONTRACTOR #:
NAME: KIMLEY-HORN & ASSOC
ADDR: PO BOX 33068
CITY: RALEIGH, NC 27636

ISSUE OFFICE: N
RECEIPT NUMBR: 01126760
OFFICE: NEW FORT RICHEY

FOR: LOS EXTENSION

CHECK # 70568

WAL-MART LOS EXT/HUDSON

ACCT	COMPNY ACCOUNT	CENTER	TOTAL AMOUNT: AMOUNT	DESCRIPTION/PERMT DATA	DR/CR
212	B102 - 342912 -	2	300.00 300.00	CLASS I DEV FEES	60

RECEIVED BY

R. R. [Signature]