

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 6/28/10

FILE: ZN10-251

SUBJECT: Class I, Commercial Development
Review - Mitchell Water Treatment
Plant Variance Request (Project
No. IPR10-025)
DRC: 7/29/10, 1:30 p.m., NPR
Recommendation: Approval with
Conditions

FROM: Debra M. Zampetti
Zoning/Code Compliance
Administrator

REFERENCES: Land Development Code,
Section 306, Development
Review Procedures;
Dist. 3

It is recommended that the data herein presented be given formal consideration by the Development Review Committee (DRC).

Commission District:	The Honorable Ann Hildebrand
Project Name:	Mitchell Water Treatment Plant
Developer's Name:	Florida Governmental Utility Authority (FGUA)
Location:	On the north side of Mitchell Ranch Road approximately 1,880 feet west of S.R. 54, Section 22, Township 26 South, Range 16 East.
Parcel ID No.:	22-26-16-0000-00200-0031
Land Use Classification:	RES-6 (Residential - 6 du/ga)
Zoning District:	R-4 High Density Residential
Acreage:	.39 Acre, m.o.l.
Type of Unit:	Generator Building, Pads, and Other Equipment Associated with a Water Treatment Plant (WTP)
Square Feet:	7,353 Existing Square Feet; 8,513 Total Square Feet
Water/Sewage:	FGUA/FGUA
Transportation Impact Fee Zone:	1
Transportation Analysis Zone:	62

DEVELOPER'S REQUEST:

The developer of the Mitchell Water Treatment Plant is requesting a variance from the Land Development Code (LDC) as listed below and as further explained herein:

1. Variance:
 - a. Section 603.9, Landscape Buffering and Screening
 - Subsection 603.9.D.2, Type B buffer, 15-foot wide

BACKGROUND:

On December 29, 1976, the request was granted to change the zoning from R-3 Medium Density Residential District to R-4 High Density Residential District (Special Exception Petition No. 9).

FINDINGS OF FACT:

1. Presently, the subject site contains a WTP in the FGUA Seven Springs water system. The existing WTP was constructed in 1977 and consists of a 500,000-gallon water storage tank, a pump station building, and associated piping and chemical feed equipment, totaling 7,353 square feet.

2. The improvements at the site trigger them to comply with LDC, Sections 603.6.C.2 and 603.9.C.2, which state: "when an existing structure is redeveloped, remodeled, or renovated by more than [sic] 25 percent of the Property Appraiser's appraised value of the existing structure," the development shall be brought into compliance.
3. The subject property is located in Flood Zone "X." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
4. The surrounding zoning is as follows and, for reference purposes, the buffer requirements for the abutting properties is also provided:

	<u>Zoning Districts</u>	<u>Types/Buffer Requirements</u>
North:	R-4 High Density Residential	Type B Buffer 15 Feet
South:	Mitchell Ranch Road (80 Feet of Right-of-Way)	Type D Buffer 10 Feet
East:	R-4 High Density Residential	Type B Buffer 15 Feet
West:	R-4 High Density Residential	Type B Buffer 15 Feet

5. The variance request has been reviewed by the Zoning and Site Development Department, and it has been determined that the proposed use is consistent with the above-referenced zoning district's permitted uses.
6. The variance request for the above-subject project was prepared for FGUA by Wade Trim and consists of six sheets dated May 14, 2010. The plans were originally received by the Zoning and Site Development Department on June 14, 2010.
7. Access to the property is from Mitchell Ranch Road, a County-maintained road, which has 80 feet of right-of-way with 24 feet of pavement, and has been designated a four-lane, arterial facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan.
8. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.

VARIANCE REQUEST:

The applicant/developer has requested a specific variance from the following provision of the LDC to be considered:

Section 603.9, Landscape Buffering and Screening

Subsection 603.9.D.2, Type B 15-foot-wide landscape buffer, which, if approved, would relieve the applicant/developer from providing a 15-foot-wide landscape buffer easement on the north, east, and west sides of the property. On the north and west sides, they are reducing the buffer easement from 15 feet to 10 feet, and on the east side, from 15 feet to 7 feet.

Relief is being sought pursuant to the LDC, Section 316.1.A.1, as the purpose for the variance which reads as follows:

"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."

The applicant states:

"The water storage tank and pump station building on the site that encroach on the 15' Type B buffer are existing structures that were constructed in the 1970s. It is not possible, nor is it economically feasible, to relocate these structures onsite without completely shutting down and reconstructing the plant."

Staff has reviewed the applicant's request and recommends approval to reduce the landscape buffers on the north, east, and west sides of the property. Since this project already exists, the

applicant/developer is not expected to remove any improvements in order to provide the required landscaping. The developer has shown that they propose to provide landscape buffering to the fullest extent possible for the project site and all landscape plantings shall be to current code.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the variance request from the LDC, Section 603.9, with the following conditions:

1. The landscape buffer easement on the north and west sides shall be reduced to ten feet and shall provide the required plantings as approved on the preliminary site plan.
2. The landscape buffer easement on the east shall be reduced to seven feet and shall provide the required plantings as approved on the preliminary site plan.
3. The developer acknowledges that an appeal may be filed against the decision of the DRC within 30 days of the date of this approval. Any development that takes place within the 30-day-appeal deadline shall not establish vested rights with respect to construction of the project.

The DRC's approval of this variance request constitutes a finding by the DRC that the variance request, as conditioned, is consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to variance request approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

DEVELOPER'S ACKNOWLEDGMENT:

The developer acknowledges that it has read, understood, and accepted the above-listed conditions of approval.

Date

Signature

Print Name

STATE OF FLORIDA
COUNTY OF _____

Title

The foregoing instrument was acknowledged before me this _____ (date),
by _____ (name of corporation
acknowledging) a _____ (State or
place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or
who has produced _____ (type of identification) as identification.

Seal:

NOTARY

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Variance Visuals
4. Correspondence

DMZ/BET/ecm/drc072910/mitchelwtrzn10251

DEVELOPMENT REVIEW COMMITTEE ACTION: