

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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TO: Development Review Committee                      DATE: **1/4/12**                      FILE: ZN12-135

FROM: Debra M. Zampetti                                      SUBJECT: Class III, Subdivision Development Review - Talavera Subdivision Variance Request (Project No. SDU05-060)  
Zoning/Code Compliance Administrator                                      DRC: 12/22/11, 1:30 p.m., NPR  
Recommendation: Approval with Conditions

STAFF: Corelynn Burns                                      REFERENCES: Land Development Code, Sections 316, Variance Request, and 702, Wetland Protection; Comm. Dist. 2  
Planner I

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

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Talavera Subdivision
Developer's Name:	Edwards Grove, LLC
Location:	On the west side of U.S. 41, approximately three-quarters mile north of the intersection of S.R. 52 and U.S. 41, extending westerly to Kent Grove Drive and Lussier Lane.
Parcel ID Nos.:	03-25-18-0000-00700-0000 and 04-25- <del>18</del> -0000-00800-0000
Land Use Classification:	RES-3 (Residential - 3 du/ga)
Zoning District:	MPUD Master Planned Unit Development
Acreage:	543.57 Acres, m.o.l.
Number of Units:	800 Total Units as Approved by MPUD
Type of Unit:	Single-Family Detached
Water/Sewage:	Pasco/Pasco
Transportation Analysis Zone:	39
Mobility Fee Assessment District:	B
Mobility Fee Collection/Benefit District:	2

DEVELOPER'S REQUEST:

The developer of Talavera Subdivision is requesting a variance from the Land Development Code (LDC) as listed below and as further explained herein:

Variance:

Section 702, Wetland Protection

BACKGROUND:

1. On September 21, 2004, the Board of County Commissioners (BCC) approved rezoning the subject parcel to an MPUD Master Planned Unit Development, f.k.a. Edwards Grove (Petition No. 6256).
2. On August 11, 2005, the DRC approved the preliminary plan for Increment I for a total of 633 units (Memorandum No. DR05-2234).
3. On November 17, 2005, the DRC approved a determination regarding proportionate-share costs of the improvements at the intersection of U.S. 41 and S.R. 52 (Memorandum No. DR06-295).

4. On December 15, 2005, the DRC approved the preliminary plan for Increment II for a total of 125 units (Memorandum No. DR06-406).
5. On July 16, 2007, the former Development Review Division approved a revision to the preliminary plan and approved the construction plans for Phase 1A.
6. On November 9, 2010, the Zoning and Site Development Department approved a two-year extension based on Senate Bill No. 1752 and Resolution No. 10-327 for an extension for concurrency (roads to December 31, 2012, and all other facilities to August 11, 2011), for Increment II.
7. On December 14, 2011, the Zoning and Site Development Department approved a two-year extension based on Senate Bill No. 7207 and Resolution No. 11-301 for an extension for concurrency (roads to December 31, 2014, and all other facilities to August 11, 2013), and a preliminary plan expiration date extension to August 11, 2013.

#### FINDINGS OF FACT:

1. Presently, the subject site is unimproved.
2. The subject property is located in Flood Zones "A" and "X." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
3. 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.
4. The variance request for the above-subject project was prepared for Edwards Grove, LLC, by King Engineering Associates, Inc., dated April 13, 2011; the variance application was last revised on October 17, 2011. The plans were originally received by the Zoning and Site Development Department on April 13, 2011, and final revisions were received on November 7, 2011.
5. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as submitted.

#### VARIANCE REQUEST:

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

##### Section 702, Wetland Protection

Subsection 702.7.C, Upland Buffers for Post-Development Wetlands, which, if approved, would relieve the applicant/developer of providing a 25-foot upland buffer adjacent to Category 1 wetlands. Instead, the applicant/developer proposes a varied reduction of the upland buffer in specific areas of the development.

Relief is being sought pursuant to the LDC, Sections 316.1.A.1, 4, 5, 6, and 8, as the purpose for the variance as follows:

- (a) Section 316.1.A.1: 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:

"Application of regulation in certain pre-disturbed portions of property is unreasonable/inappropriate based on site specific conditions. See attached supporting documents." (Attachment C)

- (b) Section 316.1.A.4: 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.

The applicant states:

“Along with granting of requested variance, owner agrees to set additional upland areas and enhance selected buffers with native vegetation.”

- (c) Section 316.1.A.5: 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.

The applicant states:

“In association with granting of requested variance owner agrees to set aside additional upland areas and enhance selected buffers with native vegetation. See attached supporting documents.” (Attachment C)

- (d) Section 306.1.A.6: The granting of the variance is necessary to protect the public health, safety or welfare.

The applicant states:

“Granting of variance would eliminate need for retaining walls in many area of the development, thereby removing a potential public safety hazard.”

- (e) Section 306.1.A.8: The variance satisfies variance criteria set forth in the specific county land development regulation that is the basis for the variance request.

The applicant states:

“Based on documentation provide (under separate cover) in support of this request, Applicant believes criteria under Section 702.7.C has been met.” (Attachment C)

Staff has reviewed the applicant’s request and recommends approval based on the following:

Section 316.1.A.8: The variance satisfies variance criteria set forth in the specific County land development regulation that is the basis for the variance request. Under the LDC, Section 702.7.C, there are specific factors that must be considered when determining a reduction in the wetland buffer. It is staff’s opinion the applicant/developer has adequately addressed those factors (Attachment C). The Environmental Lands Acquisition Division has reviewed the variance request and has offered the following support:

“The majority of the Category I wetlands with this project are associated with the Ryal’s Branch creek system. This system begins southeast on the Conner Preserve-Connerton parcels and flows northwest through the proposed development and empties into the Pithlachascotee River. It should be noted that some of the wetlands associated with this project have a “natural non-impacted” wetland interface. It is our understanding that Phase IA of the project was approved prior to the new setback regulation adopted in 2005. Therefore, those Category I wetlands shall be preserved in accordance with the LDC language at the time of approval.”

In addition, Environmental Lands Acquisition Division staff performed a site visit to verify the existence and location of the rim-ditches within the project.

Specific conditions for the proposed variance request are indicated below.

## RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the variance request from the LDC, Section 702.7.C, with the following conditions:

1. The applicant/developer shall provide a copy of the Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit, including any statement and/or documentation as it relates to the average ten-foot wetland setback prior to issuance of the site development permit for the project.
2. The applicant/developer acknowledges and agrees that the approved Phase 1A portion of the project not impacted by rim-ditching, in a natural or semi-natural state, shall conform to the LDC requirement in place at the time of the application submittal of 2005. This is an "average 25-foot minimum wetland buffer" for the Category I wetlands.
3. The applicant/developer may utilize the approved Phase 1A rim-ditch areas as identified as orange-dashed lines on the "wetland setback buffer exhibit map" dated October 12, 2011, for proposed infrastructure with an average setback of 10 feet as per the SWFWMD recommendation, which encroaches on an average of 15 feet into the wetland setback.
4. The applicant/developer acknowledges and agrees that Category II and III wetlands not in Phase 1A, and that are in a natural to semi-natural state, shall conform to the current LDC regulations.
5. For Category I wetlands in Phases 1B through 2B, the reduced upland wetland buffer along both the rim-ditched and non-rim-ditched wetlands are to be in accordance with the approved SWFWMD plans and are to consist of an average 15-foot setback encroachment per Attachment B.
6. The applicant/developer shall add additional upland buffer acreage to the project site as depicted on Attachment B. These areas shall remain in a natural state, and shall be depicted on the construction plans as Upland Buffer Expansion Areas. The Upland Buffer Expansion Areas shall be platted as tracts.
7. The applicant/developer shall be required to enhance the entire remaining upland buffer for Category I wetlands adjacent to residential lots, roadways, and stormwater ponds where unvegetated and/or undesirable exotic species occur in significant densities. The applicant/developer is required to provide an upland buffer enhancement plan to the Zoning and Site Development Department for review and approval by ELAMP prior to any construction plan approval. The plan, at a minimum, shall include supplemental plantings, exotic species removal, monitoring, maintenance, and reasonable success criteria.
8. The applicant/developer acknowledges and agrees that setbacks to include pools, screen rooms, homes, etc., shall be measured from the upland buffer easement or the upland buffer area shall be platted as a tract.
9. The applicant/developer acknowledges that an appeal may be filed against the decision of the DRC within 30 days of the date of approval. Any development that takes place within the 30-day-appeal deadline shall not establish vested rights with respect to construction of the project.
10. The applicant/developer acknowledges that approval of the variance request(s) as stated is based upon representation as set forth in the variance application submitted on April 13, 2011, including additional information as submitted on November 7, 2011.
11. The developer is hereby notified that the effective date of this approval shall be the date of the final County action; however, 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 and Site Development Department.

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

\_\_\_\_\_

Title

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

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. Master Plan
3. Attachment C
4. Hardship Documentation

DMZ/CB/wpdata/drc/talaverasub\_vari\_zn12135/48a

DEVELOPMENT REVIEW COMMITTEE ACTION: (12/22/11)

Approved Staff Recommendation with amended condition:

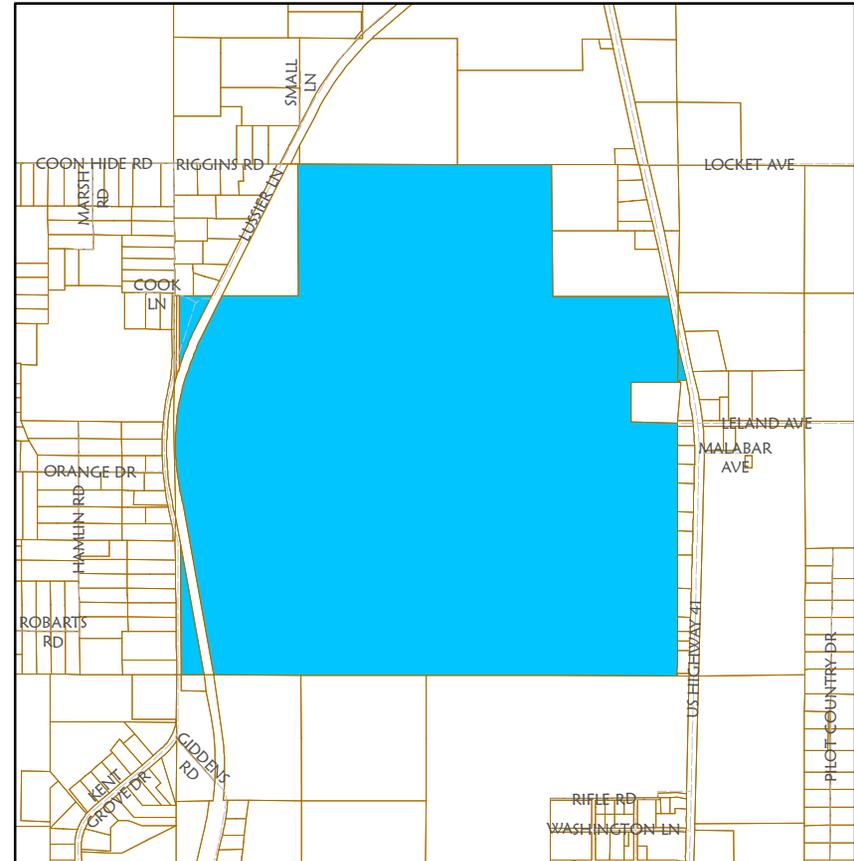
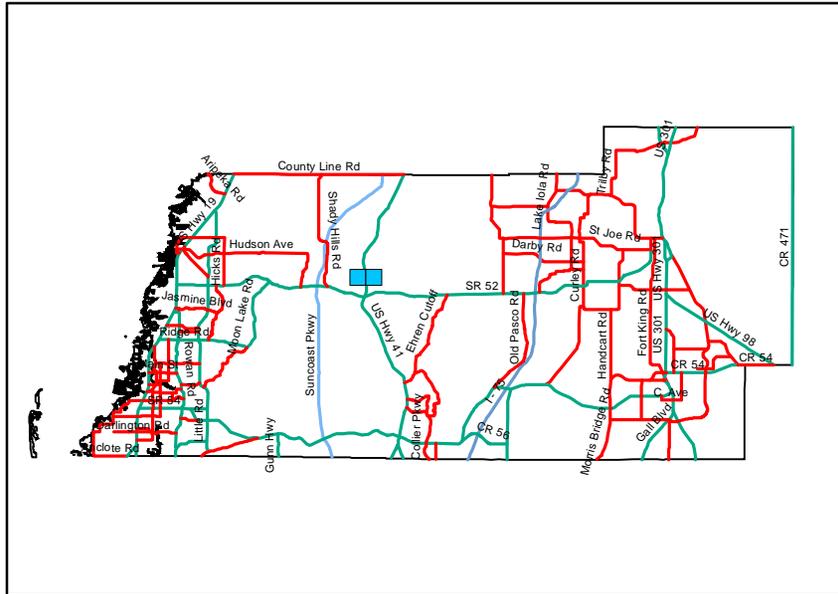
3. The applicant/developer may utilize the approved Phase 1A ~~“vested”~~ rim-ditch areas as identified as orange-dashed lines on the “wetland setback buffer exhibit map” dated October 12, 2011, for proposed infrastructure with an average setback of 10 feet as per the SWFWMD recommendation, which encroaches on an average of 15 feet into the wetland setback.

# LOCATION MAP TALAVERA SUBDIVISION VARIANCE REQUEST

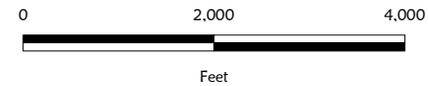
SECTIONS 03 & 04

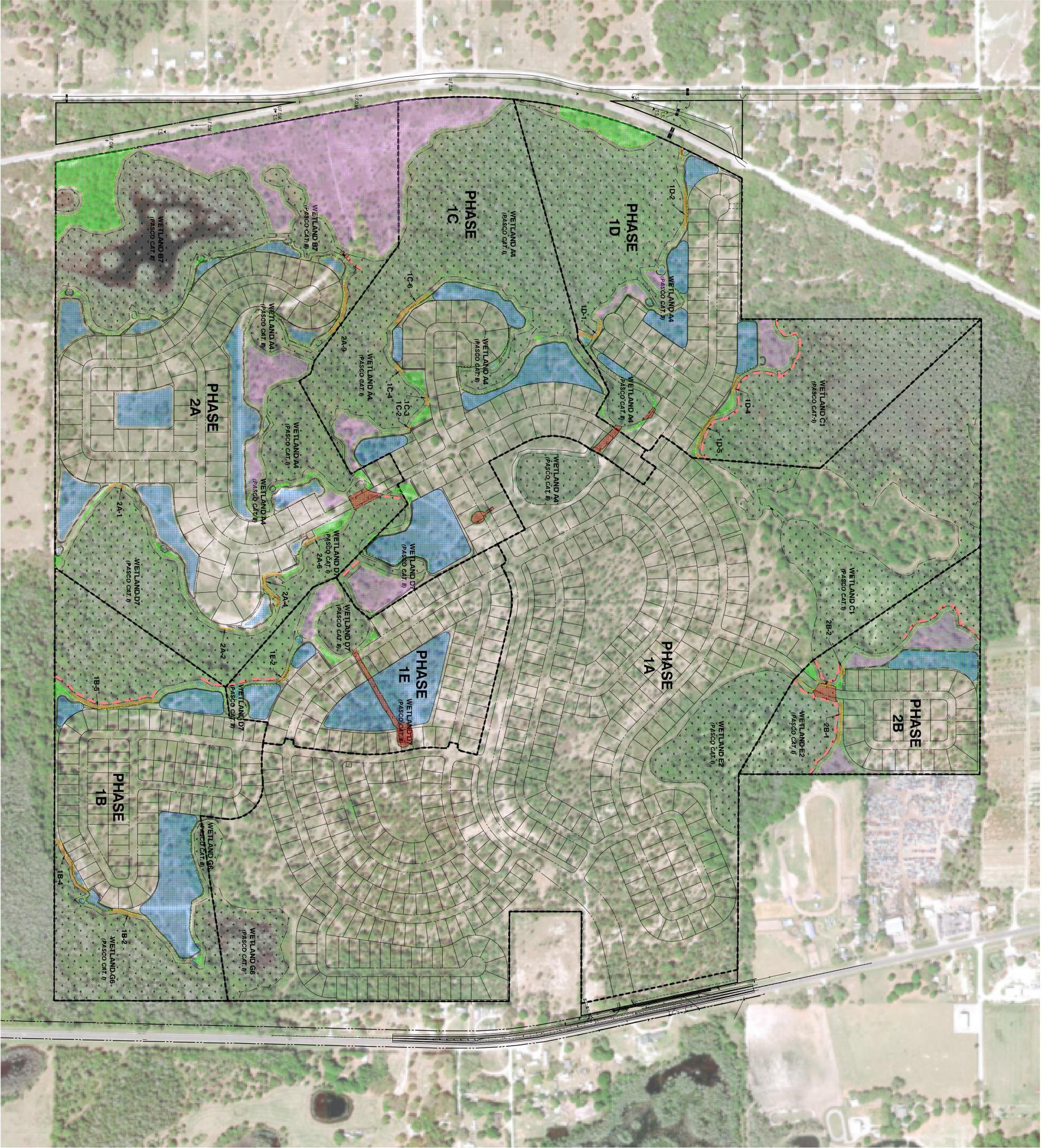
T. 25 S.

R. 18 E.



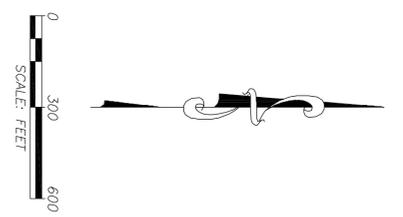
TAZ - 38 & 39  
COMMISSION DISTRICT: 2





**LEGEND**

- EXISTING WETLANDS TO BE PRESERVED
- PROPOSED WETLAND IMPACTS
- 25' SETBACK ENCROACHMENT AREA
- UPLAND SETBACK/BUFFER EXPANSION AREA
- PROPOSED FLOODPLAIN COMPENSATION AREA
- PROPOSED STORMWATER POND
- EXISTING RIM DITCH
- PHASE BOUNDARY



<p><b>TALAVERA</b> FOR <b>EDWARDS GROVE, LLC</b></p>		<p><b>King</b> ENGINEERING ASSOCIATES, INC.</p> <p>4921 Memorial Highway One Memorial Center, Suite 300 Tampa, Florida 33634 Phone 813 880-8881 Fax 813 880-8882 www.kingengineering.com Engineering License #2610</p>	
<p><b>WETLAND SETBACK/BUFFER EXHIBIT</b></p>	<p>TITLE</p>	<p>NO.</p>	<p>DATE</p>
<p>DATE: 10-12-2011</p> <p>SCALE: AS SHOWN</p>	<p>PROJECT NO.: 4725-000-000</p>	<p>NO.</p>	<p>DATE</p>
<p>1 OF 1</p>	<p>THE SIGNATURE OF THE QUALITY CONTROL OFFICER IN THIS SPACE INDICATES THAT ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND THAT CONSTRUCTION MAY BE COMMENCED.</p>	<p>NO.</p>	<p>DATE</p>
<p>APP'D BY</p>	<p>DESCRIPTION</p>	<p>NO.</p>	<p>DATE</p>

**TALAVERA PROJECT  
25' CATEGORY I WETLAND SETBACK VARIANCE REQUEST**

**ECONOMIC (LAND) HARDSHIP  
SUMMARY OF COSTS**

ALTERNATIVE 1 – RETAINING WALLS

<b>AREA ID</b>	<b>AFFECTED FEATURE</b>	<b># LOTS LOST</b>	<b>L.F. OF RETAINING WALL REQUIRED</b>	<b>TOTAL COST OF RETAINING WALL</b>
1B-2	LOTS	2	145' OF 6' WALL	\$34,365.00
1B-4	LOTS	5	250' OF 6' WALL	\$59,250.00
1B-5	LOTS	5	250' OF 5' WALL	\$50,500.00
1C-2	LOT	1	45' OF 4' WALL	\$7,515.00
1C-3	ROAD	-	100' OF 5' WALL	\$20,200.00
1C-4	LOT	1	50' OF 5' WALL	\$10,100.00
1C-6	LOT	1	70' OF 5' WALL	\$14,140.00
1D-1	LOT / ROAD	1	160' OF 4' WALL	\$26,720.00
1D-2	LOTS	3	240' OF 5' WALL	\$48,480.00
1D-4	LOTS	2	100' OF 4' WALL	\$16,700.00
1D-5	LOTS	4	220' OF 5' WALL	\$44,440.00
1E-2	LOTS	2	N/A	N/A
2A-1	LOTS	2	100' OF 5' WALL	\$20,200.00
2A-4	LOTS	2	130' OF 6' WALL	\$30,810.00
2A-6	PUMP STA.	-	75' OF 5' WALL	\$15,150.00
2A-9	LOT	1	190' OF 5' WALL	\$38,380.00
2B-1	LOTS	3	220' OF 4' WALL	\$36,740.00
2B-2	LOT	1	85' OF 5' WALL	\$17,170.00
<b>TOTALS</b>		<b>36</b>		<b>\$490,860.00</b>

Notes: 1) N/A = retaining wall not required - lots lost due to pond reconfiguration.

2) Retaining wall costs based on \$35 per s.f. + \$27 per l.f. for safety railing.

ALTERNATIVE 2- LOSS OF LOTS

36 Lots Affected. Lot Sales Value = \$15,000 each.

36 x \$15,000 = **\$540,000.00** (economic loss)

# **Project Description and Variance Justification Narrative**

**TALAVERA  
WETLAND SETBACK VARIANCE REQUEST**

**PROJECT DESCRIPTION AND VARIANCE JUSTIFICATION**

**Historic and Existing Site Conditions**

The project site is located in central Pasco County and is situated between U.S. Highway 41 along its east boundary, with a CSX railroad right-of-way along the western boundary and undeveloped/agricultural lands to the north and south (see **Exhibit A**).

The subject property has been under agricultural use for the past 40+ years and has been subject to related disturbances, including the excavation of rim-ditches around many of the onsite wetlands. Review of a circa 1970's aerial photograph (**Exhibit B**), reveals that nearly all of the uplands on the property had been converted to citrus production. Rim-ditches are already evident at this time around the perimeter of many of the onsite wetland areas, and were presumably excavated to facilitate drainage of the site to improve growing conditions.

The property was converted to pine plantation sometime in the past 10-15 years, as evidenced by the presence of rows of remnant pine stumps throughout most onsite upland areas. The site is no longer managed for silviculture and has become overgrown with weedy and shrubby vegetation, as well as secondary growth of trees. A small herd of cattle is currently ranging on the property. Existing onsite land use/cover types are more specifically described in the following paragraphs. A current aerial photograph of the property is included herewith as **Exhibit C**.

The majority of onsite uplands can currently be classified as agricultural land in transition or Other Rural Lands (FLUCFCS Code 2600). These areas are vegetated with remnant individual slash pine (*Pinus elliottii*), cherry laurel (*Prunus caroliniana*), citrus (*Citrus sp.*), laurel oak (*Quercus laurifolia*), red maple (*Acer rubrum*), saw palmetto (*Serenoa repens*), beautyberry (*Callicarpa americana*), elderberry (*Sambucus canadensis*), blackberry (*Rubus sp.*), bahiagrass (*Paspalum notatum*), dog fennel (*Eupatorium capillifolium*), meadowbeauty (*Rhexia sp.*), cogongrass (*Imperata cylindrica*), cat briar (*Smilax bona nox*) and danglepod (*Sesbania herbacea*). The upland areas have had the majority of the pine already harvested, and the open areas have become overgrown with weedy grasses and herbaceous plant species.

Stream and Lake Swamp or Bottomland (FLUCFCS Code 6150) is the land use code associated with many of the large contiguous forested wetlands onsite. Bald cypress (*Taxodium distichum*), laurel oak water oak, sweetbay (*Magnolia virginiana*) and red maple dominate the canopy. Understory constituents typically include arrowhead (*Sagittaria lancifolia*), pickerelweed (*Pontederia cordata*), lizard's tail (*Saururus cernuus*) and ferns.

Cypress Swamps (FLUCFCS Code 6210) represent the remaining onsite forested wetlands. The dominant species in these wetlands is bald cypress. Other canopy species include laurel oak, red maple and sweetbay. The understory is typically vegetated by arrowhead, pickerelweed and water horehound (*Lycopus sp.*).

Freshwater Marsh (FLUCFCS Code 6410) habitat occurs within a few depressional wetlands and in the centers of some of the logged cypress systems onsite. Vegetative species in these marshes include water spangles (*Salvinia minima*), pickerelweed, maidencane (*Panicum hemitomon*), cattail (*Typha latifolia*), duckweed (*Lemna minor*), water lily (*Nymphaea odorata*), Carolina willow (*salix caroliniana*), grapevine (*Vitus sp.*) and water spider false reinorchid (*Habenaria repens*).

## **Site Planning Considerations**

The overall, conceptual site plan for the Talavera project was specifically designed to avoid and minimize impacts to the relatively higher quality, natural onsite wetland habitat. Specifically, wetland impacts have been minimized and focused on those minor impacts that are necessary to gain access to developable uplands. Where unavoidable wetland impacts are proposed, such impacts are generally limited to existing, disturbed wetlands or man-made surface water features, thereby avoiding impacts to the larger and relatively higher quality onsite forested wetland systems. Existing onsite uplands generally consist of fallow planted pine (former citrus grove), with very little natural upland habitat remaining onsite. Where relatively better quality (less disturbed) uplands do occur, such as the small fragment of habitat in the southwest corner of the property that possesses a pine canopy with palmetto understory, such areas have been targeted for upland preservation/buffer expansion areas in the post-development condition. Similarly, the majority of onsite wetland habitat, including the larger, forested wetland systems that occur onsite, will remain undisturbed in the post-development condition. When considered in combination, these wetland systems and their upland buffers, along with any potential additional upland preservation areas, will provide a matrix of habitat for wildlife and will serve as a "corridor" of contiguous habitat with potential connectivity to offsite habitat areas. Such potential offsite habitat connectivity/corridors exist along the northern, western and southern boundaries of the Talavera site.

## **Basis for Setback Variance Request**

The property owner is seeking a variance from the minimum 25-foot setback from selected Category I wetland areas pursuant to Section 702.7.C of the Pasco County Land Development Code. As the primary basis for justification in support of the variance, we believe that the presence of the man-made rim ditches, some of which appear to have been "cut" on the outside/upland portion of the wetland perimeter/limits, has created an artificial spatial buffer between the verified (by SWFWMD) jurisdictional wetland boundary on the outside/landward edge of the rim-ditching and the natural wetland interior on the waterward side of the rim ditch top of bank (excavation). Therefore, from a functional standpoint, the natural/historic wetlands (e.g., the Category I wetlands that are intended for protection) actually occur on the waterward side of the ditching. The rim ditch excavations are generally incised and possess a distinct top-of-bank, with little to no vegetation.

During the site meeting on January 28, 2011 with Ms. Lisa Henningsen and Mr. Keith Wiley of Pasco County, selected representative onsite wetlands were reviewed, including examples of rim-ditched wetlands and adjacent wetland areas with no perimeter rim-ditching. Although a complete review of all onsite wetlands was not possible during this initial site visit, County staff

was able to gain an understanding of the general character of these areas, and the influence that historic and ongoing agricultural activities have had on the wetlands, and the overall property.

The attached Wetland Setback/Buffer Exhibit (**Exhibit D**), depicts the basic, overall site plan layout (lots, roads and ponds), along with color coded shading for stormwater ponds, floodplain compensation areas, wetland mitigation areas, wetland impacts, upland setback encroachment areas, upland setback expansion areas and rim ditches (as field-verified by King ecologists).

It is understood that there are existing provisions in the County LDC that do allow (without need for a variance) for certain activities/features within the 25-foot setback of a Category I wetland. These allowable activities include wetland mitigation and floodplain compensation (where such features would enhance the function of the wetland), as well as spreader swales and stormwater discharge structures. Placement of stormwater ponds is "discouraged" in the LDC, but not expressly prohibited. So, the limitation (need for variance) is specific to features such as lot pads, roads and other fill or hardscape features. Based on review of the current Talavera site plan, a number of implied encroachments into Category I setback areas have been identified. These areas (shaded orange on the attached graphic) can be cross-referenced to the rim-ditch areas (bold pink dashed line) to focus the variance review areas.

In review of this request, we request that the County also consider that the current County standard (in the Land Development Code) for minimum 25-foot setbacks around all Category I wetlands was not in place when the property was originally designed, and when the preliminary plan was reviewed/approved by the County. The owner had placed some reliance on this original plan and approval in proceeding with development plans for the property.

It should also be noted that an Environmental Resources Permit (ERP) has been issued by the Southwest Florida Water Management District (District) for a portion of the project, including proposed development Phase 1A (ERP #43028383.001, issued 11/30/06). Therefore, in accordance with provisions of Section 702.7.B of the Pasco County Land Development Code, it is understood that the Phase 1A portion of the project for which an unexpired/valid ERP has been issued (prior to 1/26/07) is not subject to the 25-foot setback restrictions.

By securing a variance for those non-exempt areas in the existing site plan layout where the post-development setback is proposed to be less than 25 feet, the owner can avoid the significant time and expense associated with redesigning the site to maintain a minimum 25-foot setback in all areas. This is especially critical to the viability of this project given the current economic/market conditions.

### **Summary of Proposed Setback Encroachments**

A specific review of proposed Cat I Wetland setback encroachment areas for each development phase within the existing site plan layout, relative to potential setback distance variance, is provided in the following section.

### **Project Phase 1B**

There are approximately 550 linear feet (l.f.) of setback encroachment along proposed lots/roads and approximately 100 l.f. of setback encroachment along stormwater ponds, all of which occur adjacent to rim ditches. Additionally, there are approximately 200 l.f. of setback encroachment along proposed lots/roads and approximately 600 l.f. of setback encroachment along stormwater ponds along Cat I wetlands that do not possess a rim ditch along the perimeter.

### **Project Phase 1C**

There are no setback encroachments along proposed lots/roads or ponds along Cat I wetlands with rim ditches in this phase. There are approximately 350 l.f. of setback encroachment along proposed lots/roads and approximately 1,100 l.f. of setback encroachment along stormwater ponds along Cat I wetlands that do not possess a rim ditch along the perimeter.

### **Project Phase 1D**

There are approximately 275 linear feet (l.f.) of setback encroachment along proposed lots/roads and approximately 100 l.f. of setback encroachment along stormwater ponds, all of which occur adjacent to rim ditches. Additionally, there are approximately 300 l.f. of setback encroachment along proposed lots/roads and approximately 150 l.f. of setback encroachment along stormwater ponds along Cat I wetlands that do not possess a rim ditch along the perimeter.

### **Project Phase 1E**

There are no setback encroachments along proposed lots/roads and there are approximately 250 l.f. of setback encroachment along stormwater ponds which occur adjacent to rim ditches. Along Cat I wetlands that do not possess a rim ditch along the perimeter in this phase, there are no setback encroachments associated with proposed lots/roads and there is approximately 300 l.f. of setback encroachment along stormwater ponds.

### **Project Phase 2A**

There are no setback encroachments along proposed lots/roads and there are approximately 550 l.f. of setback encroachment along stormwater ponds which occur adjacent to rim ditches. Along Cat I wetlands that do not possess a rim ditch along the perimeter in this phase, there are approximately 1,000 l.f. of setback encroachments associated with proposed lots/roads and there is approximately 250 l.f. of setback encroachment along stormwater ponds.

### **Project Phase 2B**

There are approximately 300 linear feet (l.f.) of setback encroachment along proposed lots/roads which occur adjacent to rim ditches.

## **Consideration of Site-Specific Factors for Setback Encroachments**

Proposed setback encroachment widths vary from less than 5 feet in many areas, to up to 15 or 20 feet in others, depending on the existing topography relative to the proposed grade and the specific development/design feature. On a site-wide basis, there are approximately 6.72 acres of buffer/setback encroachment proposed, with approximately 6.92 acres of proposed buffer expansion area, thereby providing a site-wide average setback width of greater than 25 feet for all post development wetlands. As previously discussed proposed buffer expansion areas are

distributed throughout the property, and combine with proposed floodplain compensation areas, wetland creation and stormwater ponds to create a broad open space buffer along wetland edges, thereby strengthening the habitat corridor concept for the project, especially within the western and northern portions of the project where Category I wetlands are most significant. The attached Wetland Setback/Buffer Exhibit provides a graphic depiction of these areas, as well as the buffer calculation summary for the project.

In accordance with the provisions under Section 702.7.C. of the LDC, in considering granting of a variance from the standard 25-foot setback requirement for Category I wetlands, the following factors are to be considered:

1. Type of activity and associated potential for adverse site-specific impacts;
2. Type of activity and associated potential for adverse offsite or downstream impacts;
3. Surface water or wetland type and associated hydrological requirements;
4. Buffer area characteristics, such as vegetation, soils, and topography;
5. Required buffer function (e.g., water quality protection, wildlife habitat requirements, flood control);
6. Presence or absence of listed species of plants or animals; and
7. Natural community type and associated management requirements of buffer.

Each of these factors is further discussed below relative to the Talavera project.

### **1. Type of Activity and Associated Potential for Adverse Site-Specific Impacts**

In general the proposed setback encroachments associated with this project are related to the construction of internal residential streets and completion of grading (grassed fill slopes) for residential lot pads. In areas where rim ditches are present along the jurisdictional edge of a Category I wetland, the potential for adverse site-specific impacts is reduced. Specifically, these ditches act as interceptors of overland stormwater flow and serve to convey runoff from typical rain events downstream and away from the interior, natural portion of the wetland. Similarly, the 15 to 20 foot wide rim ditches serve as a spatial buffer between the interior, natural portion of the wetland and adjacent upland/development areas. With the site design typically calling for storm runoff to be routed away from the adjacent wetland areas and into a designated stormwater treatment pond, there is little potential for adverse impacts to the wetland as a result of dissolved pollutants or turbid water discharge.

### **2. Type of Activity and Associated Potential for Adverse Offsite or Downstream Impacts**

As discussed above, the proposed project design calls for routing of all surface runoff into designated stormwater treatment ponds, or pre-treatment swales and sumps, prior to ultimate discharge into onsite wetlands. Narrowing of the wetland setback width in selected areas will not further compromise wetland water quality since the stormwater routing will not be altered. In cases where the reduced upland setback area is of an unvegetated character, or is vegetated by undesirable plant species, the developer will enhance the buffer with plantings of native species such as wax myrtle (*Myrica cerifera*) and sand cordgrass (*Spartina bakeri*) to provide both a physical buffer and to provide soil stabilization, wildlife habitat and nutrient uptake functions. Together, these provisions will aid in prevention of adverse offsite/downstream impacts.

### **3. Surface Water or Wetland Type and Associated Hydrological Requirements**

Onsite Category I wetlands associated with the setback variance locations are typically characterized as mixed forested stream swamps, as described previously. As also discussed, many of these wetlands also possess a "surface water" rim ditch along their outer perimeter, some of which appear to have been cut along the historic wetland edge and some of which appear to have been cut within uplands at the historic wetland edge, or which have associated spoil banks on the wetland side of the rim ditch. Additionally, many of these systems are hydrologically contiguous with or receive drainage from offsite contributing areas as the primary source of hydrology, with lesser contribution from onsite runoff. This is especially true for this particular property in consideration of the prevalence of well drained sandy soils.

### **4. Buffer Area Characteristics, Such as Vegetation, Soils, and Topography**

Onsite uplands, inclusive of most proposed post-development setback/buffer areas, have been subject to historic and recent disturbance (clearing, tilling, mowing, etc.) associated with agricultural management of the property. Vegetation currently present within most of these areas varies from a tree-dominated community with small to medium sized hardwood tree species, to a shrubby/weedy composition, to areas that are either sparsely vegetated or which have been converted to semi-improved pasture with low-grazed grasses.

As previously indicated, the majority of onsite upland areas occupy areas of well drained soils (Tavares fine sand), with lesser occurrence of somewhat poorly drained (Adamsville) and poorly drained (Smyrna) soil types present to successively lesser degrees/percentage. While the Smyrna soils typically occur along the perimeter of onsite wetlands, even this less naturally permeable soil includes shallow, sub-surface soil layers with rapid drainage characteristics according to the SCS Soil Survey description.

Onsite topography is typical of many parts of central Pasco County, and is generally relatively flat with little relief or gradient. Overall, the surface topographic/drainage gradient on the property is from southeast to northwest. Based on these buffer (and site) characteristics, it does not appear that setback width is especially critical to maintenance of wetland integrity or viability, especially in disturbed areas.

### **5. Required Buffer Function (water quality protection, wildlife habitat requirements, flood control)**

Post-development buffers typically provide one or more of the above listed functions to varying degrees, and would be expected to do so for the Talavera project as well. With respect to water quality protection, as previously discussed the buffers are expected to provide little direct treatment of stormwater runoff since the project has been designed (in accordance with SWFWMD requirements) to route all runoff from developed areas into the stormwater treatment system.

Buffers will certainly provide habitat support to adjacent wetland areas and those buffers currently vegetated by desirable native vegetation are providing this function now and will be expected to continue to provide this function in the post-development condition. However, the majority of onsite buffer areas are generally not considered to be "natural", but consist of

secondary cover of shrubby and weedy vegetation including some undesirable/invasive species. In locations where these disturbed buffers will be encroached upon (setback distance reduced to less than 25 feet), the developer will have the opportunity to improve the vegetative character of the buffer by removal of undesirable vegetation and/or planting of desirable native vegetation.

In terms of flood control, while some of the onsite buffer areas lie within the mapped 100-year floodplain, all proposed impacts to the mapped floodplain will be mitigated/replaced onsite in accordance with regulatory agency requirements. Therefore, any minor encroachment into specific onsite buffer/setback areas will not result in a reduction in overall floodplain storage volume.

## **6. Presence or Absence of Listed Species of Plants or Animals**

Through previously conducted wildlife surveys (reports on file with the County), it has been demonstrated that the subject property supports relatively few listed species. Those species that have been documented to occur on the property include the gopher tortoise and certain state-listed wading bird species (e.g., Egrets and Herons). With respect to the onsite presence of the gopher tortoise, which typically is not found in close proximity to wetland areas, the property owner has obtained a permit from the FWC for management of this species. While no specific regulatory or permitting measures are required to address the occasional, transient onsite presence of listed wading birds (which typically do not utilize buffer areas on a frequent basis), through creation of various stormwater ponds, floodplain compensation areas and wetland mitigation within the project, there will actually be increased habitat and foraging opportunities for wading birds in the post-development condition of the site.

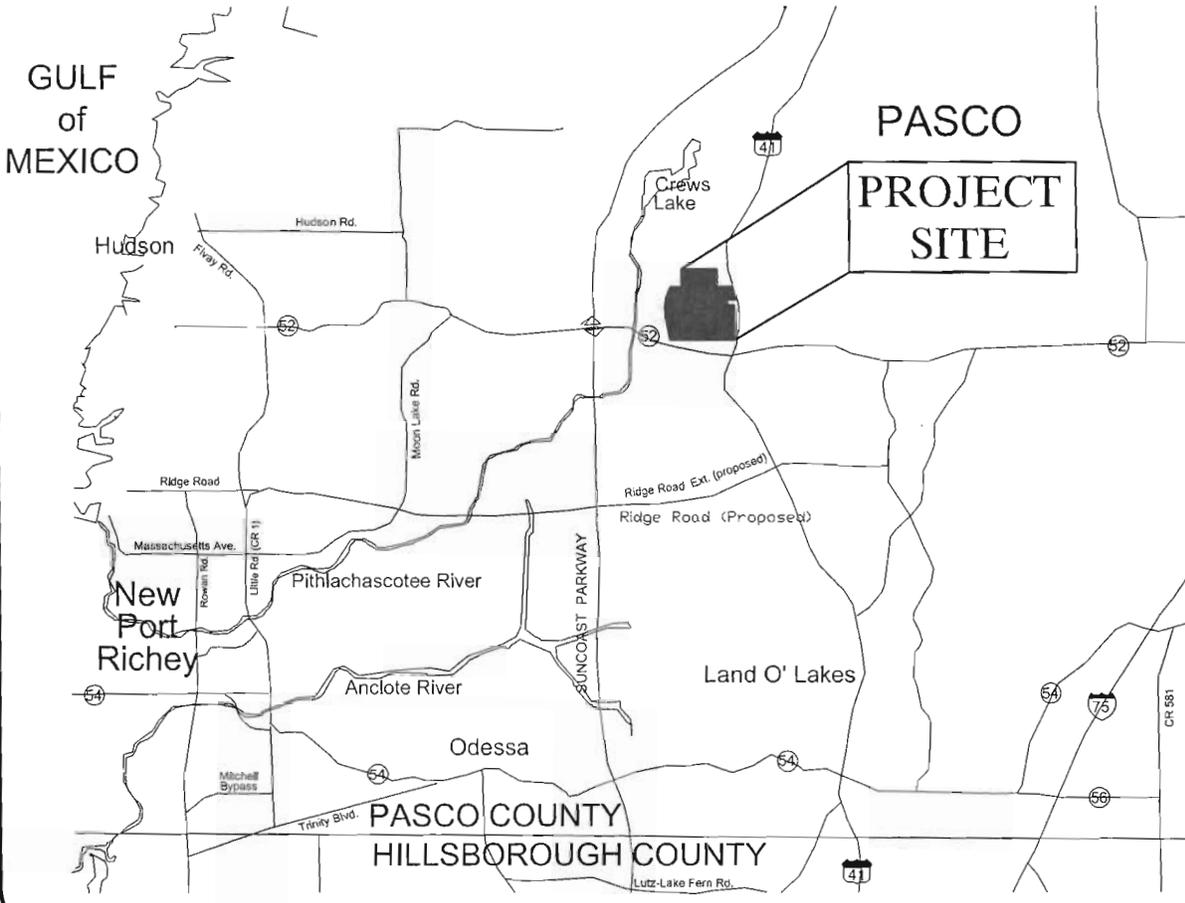
## **7. Natural Community Type and Associated Management Requirements of Buffer**

As discussed previously, most onsite buffers are not characterized as natural habitat, but are composed of woody or weedy secondary growth vegetation. As such, with exception of the uplands in the southwest corner of the property (which will remain as a buffer expansion area in the post-development condition), onsite buffers are not expected to require any specific or specialized management measures (i.e., burning, thinning, etc.).

While these setback variance conditions and provisions can be generally addressed through the above numbered paragraph responses, field review of specific setback encroachment areas will enable a more "customized" evaluation of each buffer area relative to its characteristics and functions. Therefore, following review of this narrative summary and supporting attachment, a field review with County staff is requested to verify the site conditions and arrive at a determination with respect to reasonably allowable encroachments into the standard 25-foot setback for onsite Category I wetlands.

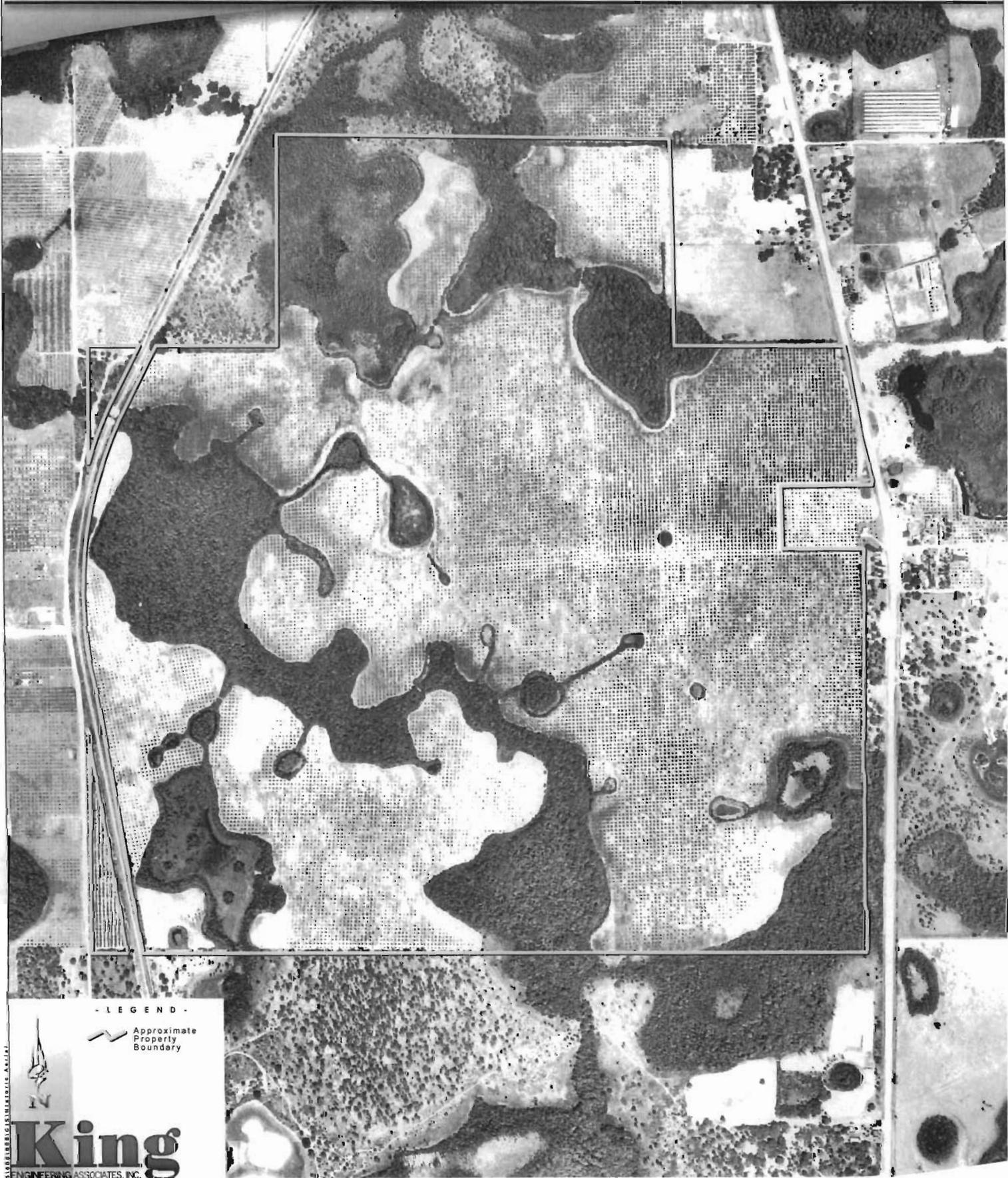
**Exhibit A**  
**Site Location Map**

# LOCATION MAP



**Exhibit B**  
**Historic (circa 1970s) Aerial Photograph**

# TALAVERA



- LEGEND -

 Approximate Property Boundary



# King

ENGINEERING ASSOCIATES, INC.

Jacksonville, Florida - 904.636.6355  
Miami, Florida - 305.807.6068  
Sarasota, Florida - 941.759.6500  
Tampa, Florida - 813.880.8881  
Austin, Texas - 512.462.4321  
Dallas, Texas - 972.866.9136  
[www.kingengineering.com](http://www.kingengineering.com)

SCALE

Not To Scale

FILE DATE: 03-25-11  
AERIAL DATE: 1974

## PASCO COUNTY

GRAPHIC REPRESENTATIONS ARE GENERAL IN NATURE AND SHOULD BE USED FOR PLANNING PURPOSES ONLY

**Exhibit C**  
**Current Aerial Photograph**

# TALAVERA



- LEGEND -

 Focus Property Boundary



## King

ENGINEERING ASSOCIATES, INC.

Jacksonville, Florida - 904.636.6755  
Miami, Florida - 305.807.6068  
Sarasota, Florida - 941.356.6500  
Tampa, Florida - 813.880.8831  
Austin, Texas - 512.462.4921  
Dallas, Texas - 972.368.9136  
[www.kingengineering.com](http://www.kingengineering.com)

SCALE  
0' 800'

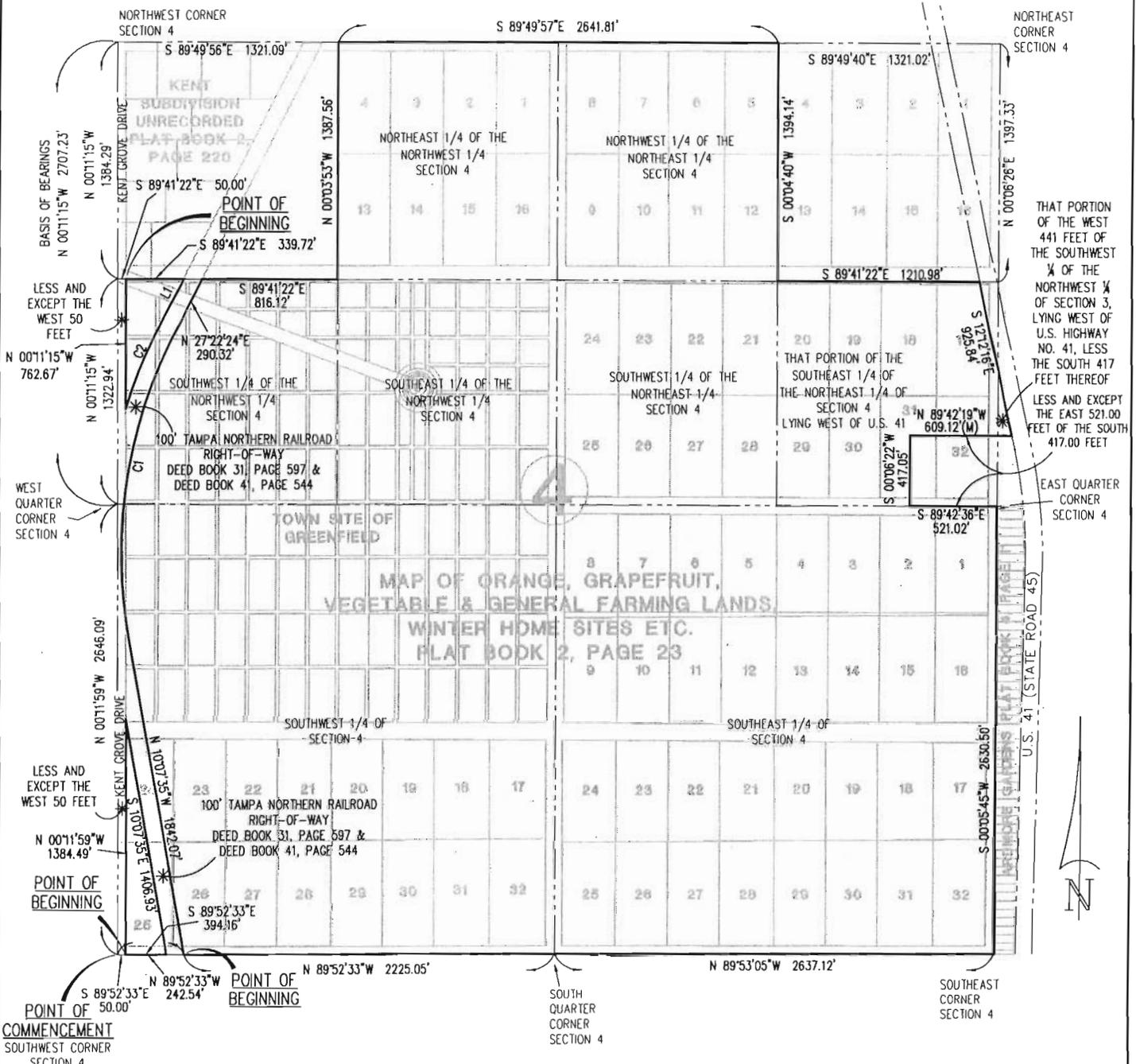
FILE DATE: 01-20-11  
AERIAL DATE: 2009

## PASCO COUNTY

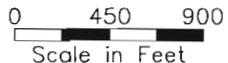
GRAPHIC REPRESENTATIONS ARE GENERAL IN NATURE AND SHOULD BE USED FOR PLANNING PURPOSES ONLY

**Exhibit D**  
**Upland Buffer/Setback Aerial Exhibit**

THIS IS NOT A SURVEY



THAT PORTION OF THE WEST 441 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, LYING WEST OF U.S. HIGHWAY NO. 41, LESS THE SOUTH 417 FEET THEREOF  
 LESS AND EXCEPT THE EAST 521.00 FEET OF THE SOUTH 417.00 FEET



REVISED SIGNING SURVEYOR 4/5/2011 J.D.G.  
 REVISED BOUNDARY ALONG U.S. 41 4/26/06 J.D.O.

TALAVERA

SKETCH AND LEGAL

SCALE 1"=900'	DATE 8/31/05	DRAWN GMK	CALCED GMK	CHECKED JDO
JOB No. 3950-006-000	SECTION 3 & 4	TOWNSHIP 25 SOUTH	RANGE 18 EAST	

CERTIFIED AS TO SKETCH AND LEGAL DESCRIPTION  
 Sketch and Legal Description not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper.

# King

ENGINEERING ASSOCIATES, INC.  
 4921 MEMORIAL HIGHWAY  
 ONE MEMORIAL CENTER, SUITE 300  
 TAMPA, FLORIDA 33634  
 PHONE 813-880-8881  
 FAX 813-880-8882  
 E-MAIL king@kingengineering.com

*James David Greer*  
 JAMES DAVID GREER  
 PROFESSIONAL SURVEYOR AND MAPPER  
 STATE OF FLORIDA # L.S.5189  
 CERTIFICATE OF AUTHORIZATION No. LB 2610

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THIS IS NOT A SURVEY

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 27°22'24"W	238.38'

CURVE TABLE

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
C1	39°38'16"	2827.33	1955.97	1917.20	1018.95	N 08°32'21"E (M)
C2	11°39'18"	2927.33	595.47	594.44	298.76	S 22°30'49"W (M)

SURVEYOR'S NOTES:

THIS SKETCH WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP WERE FURNISHED TO THE UNDERSIGNED SURVEYOR.

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

THIS IS A SKETCH AND LEGAL DESCRIPTION ONLY, NOT A FIELD SURVEY.

LEGAL DESCRIPTION:

THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA;

THAT PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA, LYING WEST OF U.S. HIGHWAY NO. 41; LESS AND EXCEPT THE EAST 521.00 FEET OF THE SOUTH 417.00 FEET THEREOF;

THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA;

THE SOUTHEAST 1/4 OF SECTION 4 TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASO COUNTY, FLORIDA;

THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA; LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO TAMPA NORTHERN RAILROAD COMPANY BY DEED RECORDED IN DEED BOOK 31 PAGE 597 AND DEED RECORDED IN DEED BOOK 41 PAGE 544, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; AND ALSO LESS AND EXCEPT THE WEST 50 FEET THEREOF LYING SOUTH OF THE SAID RAILROAD RIGHT-OF-WAY;

THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA;

THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA; AND

THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA; LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO TAMPA NORTHERN RAILROAD COMPANY BY DEED RECORDED IN DEED BOOK 31 PAGE 597 AND DEED RECORDED IN DEED BOOK 41 PAGE 544, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; AND ALSO LESS AND EXCEPT THE WEST 50 FEET THEREOF LYING NORTH OF THE SAID RAILROAD RIGHT-OF-WAY.

THAT PORTION OF THE WEST 441 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA, LYING WEST OF U.S. HIGHWAY NO. 41, LESS THE SOUTH 417 FEET THEREOF.

BEING FURTHER DESCRIBED AS FOLLOWS:

REVISED SIGNING SURVEYOR 4/5/2011 J.D.G.  
REVISED BOUNDARY ALONG U.S. 41 4/26/06 J.D.O.

TALAVERA

SKETCH AND LEGAL

**King**

ENGINEERING ASSOCIATES, INC.  
4921 MEMORIAL HIGHWAY  
ONE MEMORIAL CENTER, SUITE 300  
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E-MAIL king@kingengineering.com

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THIS IS NOT A SURVEY

LEGAL DESCRIPTION (CONTINUED):

A PARCEL OF LAND LYING WITHIN SECTIONS 3 & 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA AND BEING A PORTION OF THE "MAP OF ORANGE, GRAPEFRUIT, VEGETABLE & GENERAL FARMING LANDS, WINTER HOME SITES ETC." PLAT BOOK 2, PAGE 23 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, DESCRIBED AS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 4, S89°52'33"E, A DISTANCE OF 394.16 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF TAMPA NORTHERN RAILROAD, AS RECORDED IN DEED BOOK 31, PAGE 597 AND DEED BOOK 41, PAGE 544 OF THE PUBLIC RECORDS OF PASCO COUNTY FLORIDA, AND THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES, (1) N10°07'35"W, A DISTANCE OF 1,842.07 FEET TO THE POINT OF INTERSECTION WITH A NON TANGENT CURVE TO THE RIGHT; (2) NORTHERLY 1,955.97 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,827.33 FEET, A CENTRAL ANGLE OF 39°38'16" AND A CHORD BEARING AND DISTANCE OF N08°32'21"E, 1,917.20 FEET; (3) N27°22'24"E, A DISTANCE OF 290.32 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4; THENCE ALONG SAID NORTH LINE, S89°41'22"E, A DISTANCE OF 816.12 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4; THENCE ALONG SAID WEST LINE, N00°03'53"W, A DISTANCE OF 1,387.56 FEET TO THE NORTH LINE OF SAID SECTION 4; THENCE ALONG SAID NORTH LINE, S89°49'57"E, A DISTANCE OF 2,641.81 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE ALONG SAID EAST LINE, S00°04'40"W, A DISTANCE OF 1,394.14 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE ALONG SAID NORTH LINE, S89°41'22"E, A DISTANCE OF 1,210.98 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41, (STATE ROAD 45); THENCE ALONG SAID RIGHT-OF-WAY, S12°12'16"E, A DISTANCE OF 925.84 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY, N89°42'19"W, A DISTANCE OF 609.12 FEET; THENCE S00°06'22"W, A DISTANCE OF 417.05 FEET; THENCE S89°42'36"E, A DISTANCE OF 521.02 FEET TO THE EAST LINE OF SAID SECTION 4; THENCE ALONG SAID EAST LINE, S00°05'45"W, A DISTANCE OF 2,630.50 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 4; THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 4, N89°53'05"W, A DISTANCE OF 2,637.12 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 4, N89°52'33"W, A DISTANCE OF 2,225.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 23,556,633.42 SQUARE FEET OR 540.786 ACRES, MORE OR LESS.

TOGETHER WITH:

A PARCEL OF LAND LYING WITHIN SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA AND BEING A PORTION OF THE "MAP OF ORANGE, GRAPEFRUIT, VEGETABLE & GENERAL FARMING LANDS, WINTER HOME SITES ETC." PLAT BOOK 2, PAGE 23 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, DESCRIBED AS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 4, S89°52'33"E, A DISTANCE OF 50.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF KENT GROVE DRIVE AND THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, N00°11'59"W, A DISTANCE OF 1,384.49 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF TAMPA NORTHERN RAILROAD, AS RECORDED IN DEED BOOK 31, PAGE 597 AND DEED BOOK 41, PAGE 544 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, S10°07'35"E, A DISTANCE OF 1,406.93 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 4; THENCE ALONG SAID SOUTH LINE, N89°52'33"W, A DISTANCE OF 242.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 167,894 SQUARE FEET OR 3.854 ACRES, MORE OR LESS.

TOGETHER WITH:

A PARCEL OF LAND LYING WITHIN SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA AND BEING A PORTION OF THE "MAP OF ORANGE, GRAPEFRUIT, VEGETABLE & GENERAL FARMING LANDS, WINTER HOME SITES ETC." PLAT BOOK 2, PAGE 23 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, DESCRIBED AS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4; THENCE ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 4, N00°11'59"W, A DISTANCE OF 2,646.09 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4, N00°11'15"W, A DISTANCE OF 1,322.94 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4; THENCE ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4, S89°41'22"E, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE, S89°41'22"E, A DISTANCE OF 339.72 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF TAMPA NORTHERN RAILROAD, AS RECORDED IN DEED BOOK 31, PAGE 597 AND DEED BOOK 41, PAGE 544 OF THE PUBLIC RECORDS OF PASCO COUNTY FLORIDA; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING TWO (2) COURSES; (1) S27°22'24"W, A DISTANCE OF 238.38 FEET TO THE POINT OF INTERSECTION WITH A NON TANGENT CURVE TO THE LEFT; (2) SOUTHWESTERLY 595.47 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,927.33 FEET, A CENTRAL ANGLE OF 11°39'18" AND A CHORD BEARING AND DISTANCE OF S22°30'49"W, 594.44 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF KENT GROVE DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, N00°11'15"W, A DISTANCE OF 762.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 117,542 SQUARE FEET OR 2.698 ACRES, MORE OR LESS

REVISED SIGNING SURVEYOR 4/5/2011 J.D.G.  
REVISED BOUNDARY ALONG U.S. 41 4/26/06 J.D.O.

TALavera

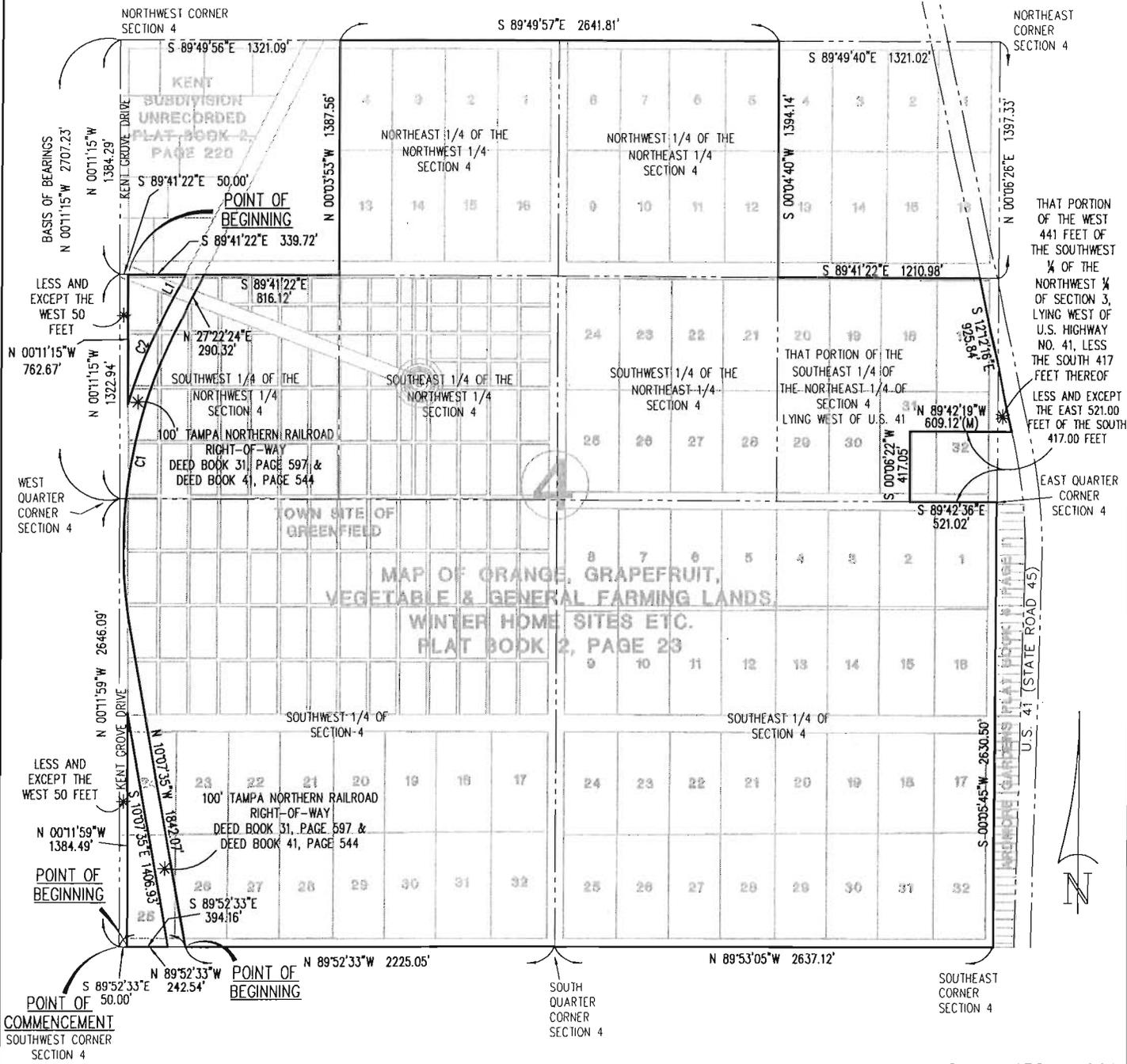
SKETCH AND LEGAL

**King**

ENGINEERING ASSOCIATES, INC.  
4921 MEMORIAL HIGHWAY  
ONE MEMORIAL CENTER, SUITE 300  
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PHONE 813-880-8881  
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E-MAIL king@kingengineering.com

Q:\SURVEY\3950\006\bdy\SKT-LGL\2006-04-26\EDGROVE-SKT-LGL-REV2.dwg

THIS IS NOT A SURVEY



REVISED SIGNING SURVEYOR 4/5/2011 J.D.G.  
 REVISED BOUNDARY ALONG U.S. 41 4/26/06 J.D.O.



TALAVERA

SKETCH AND LEGAL

SCALE 1" = 900'	DATE 8/31/05	DRAWN GMK	CALCED GMK	CHECKED JDO
JOB No. 3950-006-000	SECTION 3 & 4	TOWNSHIP 25 SOUTH	RANGE 18 EAST	

CERTIFIED AS TO SKETCH AND LEGAL DESCRIPTION  
 Sketch and Legal Description not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper.

# King

ENGINEERING ASSOCIATES, INC.  
 4921 MEMORIAL HIGHWAY  
 ONE MEMORIAL CENTER, SUITE 300  
 TAMPA, FLORIDA 33634  
 PHONE 813 • 880 • 8881  
 FAX 813 • 880 • 8882  
 E-MAIL king@kingengineering.com

*James David Greer*  
 JAMES DAVID GREER  
 PROFESSIONAL SURVEYOR AND MAPPER  
 STATE OF FLORIDA # L.S. 5189  
 CERTIFICATE OF AUTHORIZATION No. LB 2610

THIS IS NOT A SURVEY

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 27°22'24"W	238.38'

CURVE TABLE

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
C1	39°38'16"	2827.33	1955.97	1917.20	1018.95	N 08°32'21"E (M)
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THE SOUTHEAST 1/4 OF SECTION 4 TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASO COUNTY, FLORIDA;

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THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA;

THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA; AND

THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA; LESS AND EXCEPT THAT PORTION THEREOF CONVEYED TO TAMPA NORTHERN RAILROAD COMPANY BY DEED RECORDED IN DEED BOOK 31 PAGE 597 AND DEED RECORDED IN DEED BOOK 41 PAGE 544, PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; AND ALSO LESS AND EXCEPT THE WEST 50 FEET THEREOF LYING NORTH OF THE SAID RAILROAD RIGHT-OF-WAY.

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BEING FURTHER DESCRIBED AS FOLLOWS:

REVISED SIGNING SURVEYOR 4/5/2011 J.D.G.  
REVISED BOUNDARY ALONG U.S. 41 4/26/06 J.D.O.

TALAVERA

SKETCH AND LEGAL

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THIS IS NOT A SURVEY

LEGAL DESCRIPTION (CONTINUED):

A PARCEL OF LAND LYING WITHIN SECTIONS 3 & 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA AND BEING A PORTION OF THE "MAP OF ORANGE, GRAPEFRUIT, VEGETABLE & GENERAL FARMING LANDS, WINTER HOME SITES ETC." PLAT BOOK 2, PAGE 23 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, DESCRIBED AS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 4, S89°52'33"E, A DISTANCE OF 394.16 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF TAMPA NORTHERN RAILROAD, AS RECORDED IN DEED BOOK 31, PAGE 597 AND DEED BOOK 41, PAGE 544 OF THE PUBLIC RECORDS OF PASCO COUNTY FLORIDA, AND THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES, (1) N10°07'35"W, A DISTANCE OF 1,842.07 FEET TO THE POINT OF INTERSECTION WITH A NON TANGENT CURVE TO THE RIGHT; (2) NORTHERLY 1,955.97 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,827.33 FEET, A CENTRAL ANGLE OF 39°38'16" AND A CHORD BEARING AND DISTANCE OF N08°32'21"E, 1,917.20 FEET; (3) N27°22'24"E, A DISTANCE OF 290.32 FEET TO THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4; THENCE ALONG SAID NORTH LINE, S89°41'22"E, A DISTANCE OF 816.12 FEET TO THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4; THENCE ALONG SAID WEST LINE, N00°03'53"W, A DISTANCE OF 1,387.56 FEET TO THE NORTH LINE OF SAID SECTION 4; THENCE ALONG SAID NORTH LINE, S89°49'57"E, A DISTANCE OF 2,641.81 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE ALONG SAID EAST LINE, S00°04'40"W, A DISTANCE OF 1,394.14 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE ALONG SAID NORTH LINE, S89°41'22"E, A DISTANCE OF 1,210.98 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41, (STATE ROAD 45); THENCE ALONG SAID RIGHT-OF-WAY, S12°12'16"E, A DISTANCE OF 925.84 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY, N89°42'19"W, A DISTANCE OF 609.12 FEET; THENCE S00°06'22"W, A DISTANCE OF 417.05 FEET; THENCE S89°42'36"E, A DISTANCE OF 521.02 FEET TO THE EAST LINE OF SAID SECTION 4; THENCE ALONG SAID EAST LINE, S00°05'45"W, A DISTANCE OF 2,630.50 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 4; THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 4, N89°53'05"W, A DISTANCE OF 2,637.12 FEET TO THE SOUTH 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 4, N89°52'33"W, A DISTANCE OF 2,225.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 23,556,633.42 SQUARE FEET OR 540.786 ACRES, MORE OR LESS.

TOGETHER WITH:

A PARCEL OF LAND LYING WITHIN SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA AND BEING A PORTION OF THE "MAP OF ORANGE, GRAPEFRUIT, VEGETABLE & GENERAL FARMING LANDS, WINTER HOME SITES ETC." PLAT BOOK 2, PAGE 23 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, DESCRIBED AS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 4, S89°52'33"E, A DISTANCE OF 50.00 FEET TO THE EASTERLY RIGHT-OF-WAY OF KENT GROVE DRIVE AND THE POINT OF BEGINNING; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, N00°11'59"W, A DISTANCE OF 1,384.49 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF TAMPA NORTHERN RAILROAD, AS RECORDED IN DEED BOOK 31, PAGE 597 AND DEED BOOK 41, PAGE 544 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY, S10°07'35"E, A DISTANCE OF 1,406.93 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 4; THENCE ALONG SAID SOUTH LINE, N89°52'33"W, A DISTANCE OF 242.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 167,894 SQUARE FEET OR 3.854 ACRES, MORE OR LESS.

TOGETHER WITH:

A PARCEL OF LAND LYING WITHIN SECTION 4, TOWNSHIP 25 SOUTH, RANGE 18 EAST, PASCO COUNTY, FLORIDA AND BEING A PORTION OF THE "MAP OF ORANGE, GRAPEFRUIT, VEGETABLE & GENERAL FARMING LANDS, WINTER HOME SITES ETC." PLAT BOOK 2, PAGE 23 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA, DESCRIBED AS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4; THENCE ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 4, N00°11'59"W, A DISTANCE OF 2,646.09 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 4; THENCE ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4, N00°11'15"W, A DISTANCE OF 1,322.94 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4; THENCE ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 4, S89°41'22"E, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE, S89°41'22"E, A DISTANCE OF 339.72 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF TAMPA NORTHERN RAILROAD, AS RECORDED IN DEED BOOK 31, PAGE 597 AND DEED BOOK 41, PAGE 544 OF THE PUBLIC RECORDS OF PASCO COUNTY FLORIDA; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING TWO (2) COURSES; (1) S27°22'24"W, A DISTANCE OF 238.38 FEET TO THE POINT OF INTERSECTION WITH A NON TANGENT CURVE TO THE LEFT; (2) SOUTHWESTERLY 595.47 FEET ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2,927.33 FEET, A CENTRAL ANGLE OF 11°39'18" AND A CHORD BEARING AND DISTANCE OF S22°30'49"W, 594.44 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF KENT GROVE DRIVE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, N00°11'15"W, A DISTANCE OF 762.67 FEET TO THE POINT OF BEGINNING.

CONTAINING 117,542 SQUARE FEET OR 2.698 ACRES, MORE OR LESS

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