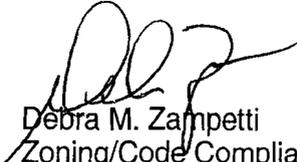


ZONING PETITION REVIEW REPORT

TO:	Pasco County Planning Commission	PETITION #6644
		Commission District #4 CAC District #3
FROM:	 Debra M. Zampetti Zoning/Code Compliance Administrator	Development Review Committee Meeting Date: 8/24/06
SUBJECT:	Rezoning Request Southwest Pasco County	Planning Commission Hearing Date: 10/11/06
APPLICANT:	<b>G. Q. DEVELOPMENT, LLC/ BAILLIE DRIVE MPUD MASTER PLANNED UNIT DEVELOPMENT</b>	Board of County Commissioners Hearing Date: 10/24/06, NPR TAZ #50

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PETITION SUMMARY:

Petition No. 6644 in the name of G. Q. Development, LLC/Baillie Drive MPUD Master Planned Unit Development has been filed for a change in zoning from an A-R Agricultural-Residential District to an MPUD Master Planned Unit Development District. The property is located on the north side of Baillie Drive, approximately 280 feet east of Rowan Road (C.R. 77) (Parcel ID No. 10-26-16-0000-02600-0000), and contains 10.66 acres, m.o.l.

Project Name:	Baillie Drive
Applicant's Name:	G. Q. Development, LLC
Future Land Use Classification:	RES-6 (Residential - 6 du/ga)
Water/Sewage:	Pasco/Pasco (Central)
No. of Dwelling Units:	60
Type of Dwelling Units:	Single-Family Attached (Townhouses)

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-R Agricultural-Residential	Pithlachascotee River; Wetlands
East:	R-4 High Density Residential	Pithlachascotee River; Wetlands
South:	MF-1 Multiple Family Medium Density; C-2 General Commercial	Baillie Drive; Undeveloped
West:	C-2 General Commercial; A-R Agricultural-Residential	Mobile Home Park

FINDINGS OF FACT:

1. The applicant proposes to develop the property with 60 townhouse lots.  
  
The applicant is also requesting alternative standards as provided for in the Land Development Code, Section 522.4.D, Variance, as follows:  
  
Section 610.3.O, Continuation of Existing Street Pattern and Street Access to Adjoining Property, which, if approved, would allow the applicant/developer to deviate from the requirement to provide interconnections to abutting properties.
2. Presently, the subject site contains a single-family dwelling, a detached garage, and sheds.
3. Access to the property is from Baillie Drive, a privately maintained road, which has 50 feet of right-of-way.
4. The subject property is located in Flood Zones "B" and "A7," and development within the area designated "A7" is subject to the requirements of Article 700, Flood Damage Prevention, of the Land Development Code.
5. Water and sewer are to be serviced by Pasco County Utilities Water and Sewer Department.

6. Based on information provided by the Pasco County Geodetic Mapping Section, the site contains 12.30 gross acres which are designated as RES-6 (Residential - 6 du/ga). Approximately 2.87 acres are jurisdictional. Therefore, the maximum number of units allowed on the site, based on a ten percent density credit for upland acreage, is 62 units (total acreage minus lakes and jurisdictional acreage, multiplied by 1.10 and multiplied by land use). The total number of lots proposed for this development is 60.
7. The proposed development is below the threshold requirement to provide a traffic study. a substandard road analysis in accordance with the Traffic Impact Study Guidelines would be required for Baillie Drive; however, the developer is required to improve Baillie Drive to County standards as a condition of the rezoning.
8. The proposed request is consistent with Article 300, Subsection 303.2(E)1, Criteria and Standards to be Considered in Review of Applications for Zoning Amendments, of the Pasco County Land Development Code and with the applicable provisions of the Pasco County Comprehensive Plan as conditioned.

ALTERNATIVE STANDARDS:

1. Section 610, Subdivision Design Standards:

Section 610.3.O, Continuation of Existing Street Pattern and Street Access to Adjoining Property, which, if granted, would allow the applicant/developer to deviate from the requirement to provide interconnections to abutting properties. The applicant has determined that it cannot comply with this requirement for the following reason:

The development will access Baillie Drive, but cannot access to the north, west, or east side of the parcel due to Class I wetland, drainage, and configuration of the land. There are substantial wetlands that surround the site, particularly to the north and east.

2. Staff has reviewed the applicant's request and recommends approval of the alternative standards request; the parcel proposed for development is surrounded by a Class I wetland.

STAFF RECOMMENDATION TO THE DEVELOPMENT REVIEW COMMITTEE:

Approval of the MPUD Master Planned Unit Development and the Alternative Standards Request with Conditions

DEVELOPMENT REVIEW COMMITTEE ACTION (8/24/06):

Approved with Conditions

CONDITIONS:

See Attachment

STAFF RECOMMENDATION TO THE PLANNING COMMISSION:

Approval of the Development Review Committee Recommendation with Conditions

PLANNING COMMISSION ACTION:

Approved the Development Review Committee Recommendation with Conditions: 8 Ayes; 0 Nays

STAFF RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS:

Approval of the Development Review Committee and Planning Commission Recommendations with Conditions

BOARD OF COUNTY COMMISSIONERS ACTION:

Approval of the Development Review Committee and Planning Commission Recommendations with Conditions

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

**BAILLIE DRIVE  
MASTER PLANNED UNIT DEVELOPMENT  
CONDITIONS OF APPROVAL  
REZONING PETITION NO. 6644**

**Master Development Plans**

1. Development shall be in accordance with the application, plans, and information submitted August 7, 2006, unless otherwise stipulated or modified herein.

**Instructions**

2. The developer shall submit, within 45 days of the Board of County Commissioners (BCC) approval, or prior to the first preliminary plan/preliminary site plan submittal, whichever occurs first, 20 sets of the revised MPUD Master Planned Unit Development Plan to the Growth Management Department, for review and approval, that addresses all applicable conditions set forth and the following specific instructions. Without the submittal and approval of revised MPUD Master Planned Unit Development plans, preliminary plans/preliminary site plans will not be accepted for review.

Revise the master plan to relabel the landscape buffer easement to a landscape buffer tract.

**Open Space/Buffering**

3. Wetlands (conservation/preservation areas) shall be as defined by the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 2.7.3, and shown on all preliminary plans/preliminary site plans and construction plans/construction site plans. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Pasco County Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 2.7.3, 2.7.5, and 2.7.6; however, no removal, encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code density credit. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to Pasco County prior to construction plan/construction site plan approval.
4. There shall be a buffer around all preserved Southwest Florida Water Management District (SWFWMD) wetlands with an average width of 25 feet, but no less than 15 feet, unless otherwise accepted by the SWFWMD. Army Corp of Engineers (ACOE) wetlands do not require additional buffers. The proposed upland buffer area shall be shown on the construction plans. The final upland buffer area as required by the SWFWMD shall be designated on the plat as "Wetland Conservation Areas." Permissible uses of the Wetland Conservation Areas shall be those uses allowed by the SWFWMD.
5. All wetlands shall be platted within tracts and designated on the plat as "Wetland Conservation Areas." All preserved wetlands shall be platted outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of the wetlands' line. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' association/Community Development District (CDD)/merchants' association. The homeowners' association/merchants' association documents shall provide that the homeowners' association/merchants' association shall be responsible for the payment of taxes, if any, on the Wetland Conservation Areas.
6. The developer has submitted an environmental/habitat study which has been reviewed and the following conditions shall apply:
  - a. Prior to preliminary plan/preliminary site plan approval, the applicant shall provide all permits required from the SWFWMD, Florida Department of Environmental Protection, and ACOE to the Development Review Division (DRD).
  - b. The applicant shall obtain a Gopher Tortoise Permit from the Florida Fish and Wildlife Conservation Commission (FFWCC) for the single active burrow found on-site. The permit shall be sent to the DRD prior to the issuance of the hard-copy Site Development Permit.
7. Prior to any clearing or grubbing associated with the preliminary plan/preliminary site plan approval of any unit or phase, the developer shall submit a copy of any required Incidental Take Permit issued by the FFWCC to the DRD.
8. Prior to construction plan/construction site plan approval, the developer shall submit to the DRD a copy of the Environmental Resource Permit Application as submitted to the SWFWMD. Prior to the issuance

*Submitted to BCC on 10/24/06*  
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of the Site Development Permit, the developer shall submit to the DRD a copy of the Environmental Resource Permit.

9. The developer has submitted an Archaeological/Historical Survey, which was reviewed and found acceptable by Pasco County on April 18, 2006. Although no archaeological sites eligible for the National Register of Historic Places were found, the following statement shall be placed on all future site plans:

"If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundations are discovered, work shall come to an immediate stop, and Pasco County and the Florida Division of Historical Resources shall be notified within two working days."

10. The developer shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, if approved by the BCC, a CDD shall encompass the entire boundaries of the MPUD Master Planned Unit Development except for any real property to be conveyed to the County or the District School Board of Pasco County. The developer shall convey in fee simple to the association or the CDD, for ownership and maintenance, all open space, drainage areas, common areas, landscape areas, wetland areas, buffer areas, preservation/conservation areas, and other special purpose areas unless the said area(s) is/are required to be dedicated to another governmental entity. Recreation areas and neighborhood parks shall be conveyed to the association as well, but only to the CDD if such special power pursuant to Section 190.012(2), Florida Statutes, is consented to by the County. All such conveyances shall be for a value that does not exceed the fair market value of the land. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for review along with copies of instruments to be used to convey in fee simple the above-mentioned areas to the said association or the CDD. Impact fee credits for improvements or dedications shall go to the association or the CDD which funded such improvements as applicable.

#### Ordinances

11. In addition to the MPUD Master Planned Unit Development conditions of approval, the developer shall comply with all Pasco County ordinances, including all impact fee ordinances.
12. In the event ordinances/resolutions are subsequently adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife ordinances, the owner/developer shall be required to comply with such ordinances/resolutions.

#### Transportation/Circulation

##### Access Management

13. The developer shall provide a secondary functional access and emergency access to each increment in accordance with the Land Development Code as amended. The emergency access may be barricaded in a manner found acceptable by the DRD and the Emergency Services Department.
14. At each preliminary plan/preliminary site plan approval, the Development Review Committee (DRC) may also require further intersection improvements along the internal road/Baillie Drive intersection, and the Rowan Road/Baillie Drive intersection.

##### Dedication of Right-of-Way

15. Public roadways shall be required unless otherwise approved by the DRC through an alternative standards request prior to the first preliminary plan/preliminary site plan approval.
16. In the case of private streets, dedication and maintenance shall be the responsibility of an appropriate entity other than Pasco County.
17. Vehicular-access rights along the rear of all double-frontage lots that abut roads within or adjoining the project shall be dedicated to Pasco County concurrent with final record platting for each phase of any increment or where no plat is required prior to final site plan approval.
18. The developer shall convey at no cost to Pasco County 30 feet of right-of-way from the centerline of Baillie Drive.

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

#### Design/Construction Specifications

19. The developer shall design, at no cost to Pasco County, concurrent with the first construction plan/construction site plan, Baillie Drive (from Rowan Road east to the eastern boundary of the proposed development) as a Type 1B, urban roadway, unless otherwise approved by the DRC at the preliminary plan review, in accordance with Section 610 of the Land Development Code, including all drainage and mitigation areas which shall be determined at the time of stormwater management plan review
20. The developer shall construct, at no cost to Pasco County, Baillie Drive (from Rowan Road east to the eastern boundary of the proposed development) as a Type 1B, urban roadway, unless otherwise approved by the DRC at the preliminary plan review, and any intersection improvements at the intersection of Rowan Road and Baillie Drive, including the necessary drainage/retention, wetland, and floodplain mitigation facilities to accommodate the roadway and any bicycle and/or pedestrian facilities prior to the recording of the first record plat. The County shall have the right to require specific dates for completion of construction for any portion of this road required to provide safe access at the time of preliminary plan/preliminary site plan review and approval.
21. Alternative roadway-design standards may be considered and approved by the DRC at the time of each preliminary plan/preliminary site plan approval.
22. Transit amenities, such as bus pads, shelters, park and ride lots, and passenger security features are needed to ensure service can be planned and scheduled; therefore, the developer is required to coordinate with Pasco County Public Transportation (PCPT) the potential inclusion of transit amenities prior to initiation of each phase of development. A letter of compliance from the PCPT attesting to the satisfactory coordination with the developer shall be required and submitted to the Growth Management Department. The applicant/developer and/or its successors agree to maintain the transit accommodation facilities in good working condition as determined by the PCPT and further agree to assume all liability, including obtaining additional insurance if necessary, for the transit accommodation facilities. The applicant/developer and its successors shall not refuse the PCPT, or any other transit authority, or any of its users/patrons access to such facilities.
23. The developer may submit an overall pedestrian/bike path plan to the Growth Management Department for the DRC approval prior to approval of the first preliminary plan/preliminary site plan, which provides a path circulation in accordance with the Pasco County Land Development Code as amended or an alternative method acceptable to the DRC and in compliance with the handicapped provisions of Chapter 336.045, Florida Statutes, or other applicable law. In the absence of an approved pedestrian/bike path plan, compliance with the Land Development Code is required.

#### Utilities: Drainage, Water Service, Wastewater Disposal

24. The developer shall submit a Stormwater Management Plan and Report for each development phase or increment in accordance with the Pasco County Land Development Code as amended. The plans shall be approved prior to or simultaneous with application for construction plan review for the development phase/increment in question. No design for an individual increment/phase or portion of an increment/phase shall be dependent upon the ultimate construction of future increments/phases, unless an interim design for drainage is approved by the DRD.
25. Finished floor elevations for all habitable structures shall be at or above the 100-year flood plain elevation. All preliminary plan/preliminary site plan submittals shall provide 100-year flood elevation data.

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26. A Master Utility Plan for the entire development shall be submitted to the Utilities Services Branch for review and approval prior to submittal of the first construction plan/construction site plan. This utility plan shall minimally show the following:
- a. Trunk sewer lines and lift stations.
  - b. Main potable water lines and nonpotable water lines, if applicable.
  - c. Sewage treatment facility locations, including discussion of the proposed method of treatment and the feasibility of a nonpotable water system for irrigation.
  - d. Method of lighting all nonlocal roads shall be submitted at the time of record plat submittal for each unit or phase.
  - e. Master utility plans shall be presented in a written format in conformance with the Master Utility Plan guidelines implemented by the Utilities Services Branch. Prior to the first construction plan/construction site plan approval, the developer and the County shall enter into a Utilities Service Agreement.
27. The developer shall construct all water and wastewater facilities within the development to current Pasco County standards. A complete set of instructions may be obtained from the Utilities Services Branch.
28. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developer/owner and its successors and assigns, agree to the following:
- a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the developer/owner shall transfer to Pasco County any and all Water Use Permits or water-use rights the developer/owner may have to use or consume surface or ground water within Pasco County.
  - b. Prior to the developer/owner selling water, Water Use Permits, or water-use rights, the developer/owner shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water, Water Use Permits, or water-use rights.

**Land Use**

29. The residential design standards are as follows:
- a. Single-Family Attached (Townhouses)
    - (1) Minimum Lot Width of 16 Feet
    - (2) Minimum Lot Depth of 75 Feet
    - (3) Minimum Front-Yard Setback of 20 Feet (From the Back of Sidewalk or Curb)
    - (4) Minimum Side-Yard Setback of 0-7.5 Feet (Minimum 15-Foot Separation Between Structures\*)
    - (5) Minimum Rear-Yard Setback of 20 Feet
    - (6) Maximum Lot Coverage of 100 Percent
    - (7) Land considered for neighborhood park requirements or used for stormwater retention/detention shall be a minimum of 20 feet from the rear of the units and 15 feet from the sides of the units.

\*For any building containing more than four units, the average distance between structures shall be 30 feet with no point closer than 20 feet.
  - b. The above minimum setbacks are calculated based on minimum right-of-way widths in accordance with the Land Development Code. Any reduction of the minimum right-of-way width shall require an MPUD Master Planned Unit Development amendment to increase minimum setbacks.
  - c. Recreation-center development standards shall be in accordance with the C-1 Neighborhood Commercial District.

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- d. The total aggregate number of dwelling units for the Baillie Drive MPUD Master Planned Unit Development shall not exceed 60 units.
  - e. The maximum density or square footage set forth above is not a vested right and is subject to reduction based on, or as a result of, applicable Pasco County ordinances and resolutions, including without limitation Section 402, Pasco County Land Development Code, relating to concurrency management.
  - f. Parcels may be developed out of numerical sequence and in multiples as long as the parcels being developed do not rely upon infrastructure construction of future parcels.
- 30. The developer shall submit and obtain BCC approval of an MPUD Master Planned Unit Development amendment request to intensify development or reduce open space or preservation/conservation areas within an increment (bubble) prior to any preliminary plan/preliminary site plan approval within such increment.
  - 31. If the density/intensity increases by more than 20 percent within any specific increment shown on the Master Development Plan or a change in the overall design and/or content occurs, a substantial amendment shall be presumed.
  - 32. Residential use may not be intensified within any one increment following approval of the plat or final site plan for the first unit in that increment without review and approval by the BCC.
  - 33. Any overall increase to density/intensity or decrease in open space shall be calculated cumulatively from the last substantial amendment.
  - 34. The developer may designate, on the Master Development Plan, a site or sites which do not exceed a total of one acre to be used for recreational vehicle storage for the exclusive use of Baillie Drive MPUD Master Planned Unit Development residents. Such site(s) shall have appropriate landscape buffering in compliance with Pasco County Landscaping and Irrigation Ordinance No. 02-04 as amended and shall be shown on the approved Master Development Plan. The site(s) must obtain preliminary site plan approval prior to development and be owned by the mandatory homeowners'/property owners'/condominium owners'/merchants' association or CDD.

**Procedures**

- 35. Unless required elsewhere within the conditions of approval, all conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.
- 36. If a complete preliminary plan or preliminary site plan for the first phase of the MPUD Master Planned Unit Development is not submitted and approved within five years after the rezoning approval, the conditions of approval and any density approved shall expire. If the MPUD Master Planned Unit Development expires, a new MPUD Master Planned Unit Development must be applied for and approved by the BCC, and the conditions of approval shall be in accordance with the Comprehensive Plan and Land Development Code in effect at that time.
- 37. Unless otherwise approved by the Emergency Services Director, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developer shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until the Emergency Services Director has received such a petition.
- 38. A preliminary plan/preliminary site plan must be approved for an entire increment/phase prior to any phased construction drawing approval. The maximum number of units and the density of each residential increment shall not exceed the limits shown on the Master Development Plan. A preliminary site plan must also be approved for each multifamily (nonfee simple), recreational vehicle, or commercial increment in its entirety prior to any phased site plan approval.
- 39. Preliminary plan/preliminary site plan submittals shall include a detailed breakdown of the individual plan approvals, including the plan name and increment or phase designation as it relates to the Master Development Plan, acreage of the site, total number of units, or gross floor area ratio of commercial space which have received preliminary plan/preliminary site plan approval, construction plan approval, and/or record plat approval.
- 40. Development shall occur in accordance with Section 402, Concurrency Management System, of the Pasco County Land Development Code.

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- 41. Rezoning of this property with conditions of approval does not constitute a final development order, nor does it relieve any developer of responsibilities under the State of Florida Growth Management Legislation as implemented by the Florida Department of Community Affairs and Pasco County.
- 42. In addition to complying with the above conditions, no activity shall commence on site until such time as the acknowledgment portion of the BCC-approved document is completed (including notarization) and received by the Zoning/Code Compliance Division after the BCC action.

**OWNER'S/DEVELOPER'S ACKNOWLEDGMENT:**

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

\_\_\_\_\_  
(Date)

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

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

My commission expires:

\_\_\_\_\_  
(Date) Notary Public, State of \_\_\_\_\_ at Large

BCC  
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