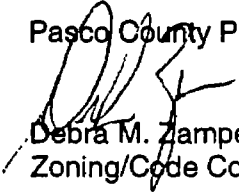


# CONSENT AGENDA

## ZONING PETITION REVIEW REPORT

TO: Pasco County Planning Commission PETITION #6262

FROM:  Debra M. Zampetti  
Zoning/Code Compliance Administrator Commission District #1

SUBJECT: Rezoning Request Planning Commission  
East Central Pasco County Hearing Date: 4/6/05  
(Cont. from 10/26/04, BCC)  
(Cont. from 11/23/04, BCC) Board of County Commissioners  
(Cont. from 1/11/05, BCC) Hearing Date: 4/26/05, DC  
(Cont. from 2/22/05, BCC)

APPLICANTS: FREEMAN F. AND TAZ #207  
GWENDOLYN J. POLK

### PETITION SUMMARY:

Petition No. 6262 in the names of Freeman F. and Gwendolyn J. Polk has been filed for a change in zoning from an A-R Agricultural-Residential District to an R-4 High Density Residential District. The property is located on the west side of Fort King Road, approximately 500 feet north of Waldo Drive (Parcel ID Nos. 03-25-21-0000-01900-0000, 03-25-21-0000-01900-0020, and 04-25-21-0000-02200-0000 [portion of]), and contains 49.78 acres, m.o.l.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-R Agricultural-Residential	Undeveloped; Tree Farm
East:	A-R Agricultural-Residential	Fort King Road; Single-Family Dwellings
South:	A-R Agricultural-Residential	Single-Family Dwellings
West:	A-R Agricultural-Residential	Undeveloped

### FINDINGS OF FACT:

1. On October 13, 2004, prior to the applicants' amendment of this application, the Planning Commission approved the original request to an R-2 Low Density Residential District.
2. On February 24, 2005, the applicants' representative amended the subject request from an R-2 Low Density Residential District to an R-4 High Density Residential District due to Pasco County's retention requirements.
3. In accordance with the provisions set forth in the Pasco County Land Development Code, Article 300, the property subject to rezoning must be readvertised with due public renotification as a result of the amendment to the original application. In compliance with the Pasco County Land Development Code, it must be brought before the Planning Commission again for further consideration. It has been advertised for the April 6, 2005, Planning Commission and the April 26, 2005, Board of County Commissioners meetings.
4. Presently, the subject site contains a barn and pastureland. The applicants propose to develop the property residentially in conformance with the R-4 High Density Residential District standards for development.
5. Access to the property is from Fort King Road, which has 70 feet of right-of-way.
6. The subject property is located in Flood Zones "A" and "H," and development within this area is subject to the requirements of Article 700, Flood Damage Prevention, of the Land Development Code.

2.8.2 Require the evaluation and proper management of endangered, threatened, and species of special concern by requiring that proposed development sites be examined for the presence of State and Federally protected plant and animal species. Criteria and thresholds for reviews to examine sites in this manner shall be specified in the County's land development regulations. At a minimum, the criteria will consider:

- (a) The Area of Potentially Significant Habitat as shown on Map 3-1 that has been identified by the Florida Fish and Wildlife Conservation Commission as a "hot spot of biological resources and rare species occurrence" or other available data sources.
- (b) The size and distribution of listed species populations within a proposed development site.
- (c) The feasibility and viability of on-site protection and management and whether the proposed development site includes a wildlife corridor.
- (d) The feasibility of maintaining a wildlife corridor.
- (e) The appropriateness of mitigation to an acceptable off-site location in the event that on-site mitigation is shown to be ineffective.

When listed species are found, the proposal shall be forwarded to the Florida Fish and Wildlife Conservation Commission for recommendations to minimize the impact of development on those species found on the site. These recommendations shall be considered during the development approval process. Failure to receive recommendations from the Florida Fish and Wildlife Conservation Commission within the development review process time frames shall not preclude a project from being scheduled, considered, or approved.

- 10. Calculation of allowable density and intensity shall be in compliance with the land use category limitations set forth in the Pasco County Comprehensive Plan.
- 11. In addition to complying with the above conditions, 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/Code Compliance Division.

**OWNERS'/APPLICANTS' ACKNOWLEDGMENT:**

The owners/applicants acknowledge that they have 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 owners/applicants, to me known to be the persons 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:

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_ at Large

**PLANNING COMMISSION ACTION:**

Approval of Staff Recommendation:   7   Ayes;   0   Nays

**BOARD OF COUNTY COMMISSIONERS ACTION:**

008

ATTACHMENT  
REZONING

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission adopts the report and recommendation of the staff as its own.

Ayes: 8 Nays: 2

The Planning Commission disagrees with the staff report and recommendations for the following reasons:

- a. The proposed amendment (would, would not) be spot zoning;
- b. The proposed change (is, is not) inconsistent with the existing land use pattern in the area;
- c. The proposed change (would, would not) result in the possible creation of an isolated district unrelated to adjacent and nearby districts;
- d. The existing district boundaries (are, are not) illogically drawn in relation to existing conditions on the property proposed for the change;
- e. Changed or changing conditions make passage of the proposed amendment (necessary, unnecessary);
- f. The proposed change (will, will not) adversely affect living conditions in the immediate and surrounding neighborhoods;
- g. There is adequate access to the site and the proposed change (will, will not) create or excessively increase traffic congestion or otherwise affect public safety;
- h. The proposed change (might, might not) result in the reduction of light and air to adjacent properties or areas;
- i. The proposed change (might, might not) result in lower property values in adjacent areas;
- j. The property, as rezoned, (could, could not) be developed in a manner which would comply with other existing County and State regulations governing development;
- k. The proposed change (would, would not) result in or act as a deterrent to the improvement or development of adjacent property in accordance with the existing regulations;
- l. The property which is the subject of the proposed change (is, is not) a suitable site or location for the uses available under a proposed zoning district;
- m. Certain portions of the property (are, are not) suitable for development under the proposed zoning classification;
- n. Adequate public facilities (are, are not) available to the site, including, but not limited to, water and sewer facilities;
- o. The property is developable under the zoning classification (with, without) appropriate public facilities including, but not limited to, water and sewer facilities;
- p. The site proposed for zoning change (would, would not) be subject to flooding and the effect of such flooding on the proposed or possible improvements on the site;
- q. The physical characteristics of the site and the degree of site alteration which (would, would not) be required to make the site usable for any of the range of potential uses under the proposed zoning classification;
- r. The proposed zoning change (would, would not) be consistent with the goals, objectives, policies, and recommendations set forth in adopted comprehensive plans or elements;
- s. Such other factors, or criteria which the Board shall deem important in the protection of the public health, safety, and welfare.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_

The Planning Commission recommends \_\_\_\_\_ approval \_\_\_\_\_ denial of the application, based upon the foregoing reasons, which constitutes the report of the Planning Commission.

The recommendation and report of the Planning Commission is based upon study and consideration of the factors outlined in Section 303.2.E.1 of the Pasco County Land Development Code and the evidence presented at the public hearing on the application.

The Planning Commission's recommendation is hereby submitted to the Board of County Commissioners as required under Section 303.2.C. of the Pasco County Land Development Code.

  
\_\_\_\_\_  
Planning Commission Chairman

10-13-04  
Date  
RZ-6262  
Rezoning No.

ATTACHMENT  
REZONING

BOARD OF COUNTY COMMISSIONERS ACTION:

The Board of County Commissioners adopts the recommendation of the Planning Commission as its own.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_

The Board of County Commissioners disagrees with the Planning Commission recommendations for the following reasons:

- a. The proposed amendment (would, would not) be spot zoning;
- b. The proposed change (is, is not) inconsistent with the existing land use pattern in the area;
- c. The proposed change (would, would not) result in the possible creation of an isolated district unrelated to adjacent and nearby districts;
- d. The existing district boundaries (are, are not) illogically drawn in relation to existing conditions on the property proposed for the change;
- e. Changed or changing conditions make passage of the proposed amendment (necessary, unnecessary);
- f. The proposed change (will, will not) adversely affect living conditions in the immediate and surrounding neighborhoods;
- g. There is adequate access to the site and the proposed change (will, will not) create or excessively increase traffic congestion or otherwise affect public safety;
- h. The proposed change (might, might not) result in the reduction of light and air to adjacent properties or areas;
- i. The proposed change (might, might not) result in lower property values in adjacent areas;
- j. The property, as rezoned, (could, could not) be developed in a manner which would comply with other existing County and State regulations governing development;
- k. The proposed change (would, would not) result in or act as a deterrent to the improvement or development of adjacent property in accordance with the existing regulations;
- l. The property which is the subject of the proposed change (is, is not) a suitable site or location for the uses available under a proposed zoning district;
- m. Certain portions of the property (are, are not) suitable for development under the proposed zoning classification;
- n. Adequate public facilities (are, are not) available to the site, including, but not limited to, water and sewer facilities;
- o. The property is developable under the zoning classification (with, without) appropriate public facilities, including, but not limited to, water and sewer facilities;
- p. The site proposed for zoning change (would, would not) be subject to flooding and the effect of such flooding on the proposed or possible improvements on the site;
- q. The physical characteristics of the site and the degree of site alteration which (would, would not) be required to make the site usable for any of the range of potential uses under the proposed zoning classification;
- r. The proposed zoning change (would, would not) be consistent with the goals, objectives, policies, and recommendations set forth in adopted comprehensive plans or elements;
- s. Such other factors, or criteria which the Board shall deem important in the protection of the public health, safety, and welfare.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_

The Board of County Commissioners Action: \_\_\_\_\_ approval \_\_\_\_\_ denial of the application, based upon the foregoing reasons, which constitutes the action of the Board of County Commissioners.

The action of the Board of County Commissioners is based upon study and consideration of the factors outlined in Section 303.2.E.1 of the Pasco County Land Development Code and the evidence presented at the public hearing on the application.

\_\_\_\_\_  
Board of County Commissioners Chairman

04-26-05  
\_\_\_\_\_  
Date

Rezoning No. RZ-6262

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