

## RESOLUTION NO. 10-01

### RESOLUTION OF THE TOWN OF ST. LEO TOWN COMMISSION

WHEREAS, an application was filed by Peggy's Hay Farm, Inc.(Applicant) for Preliminary Plat review and requesting variances to Article XIV. Subdivisions, for the following Sections:

1. Sec. 14.11.4. Public Land, Permanently Open Land, and Service Areas.
2. Sec. 14.13.1 Bond to Assure Improvements.
3. Sec. 14.13.5. Installation of Utilities.
4. Sec. 14.13.10. Homeowners Association.

WHEREAS, public hearings were duly advertised and held on November 9, 2009, December 14, 2009 and January 11, 2010, before the Town of St. Leo Town Commission, which gave full and complete consideration to the recommendations of the staff and evidence presented at the public hearing.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN OF ST. LEO TOWN COMMISSION:

#### SECTION A. REQUEST

The Applicant is requesting Preliminary Plat review for creation of five (5) lots and the following variances:

1. Sec. 14.11.4. Public Land, Permanently Open Land, and Service Areas. A. Granting a variance not to require dedicating the portion of the subdivision (eastern 8.0+/- acre lot) designated Permanently Open Land for public use.
2. Sec. 14.11.4. Public Land, Permanently Open Land, and Service Areas. B. Easements. Since no utility easements are shown on the Preliminary Plat, a variance is required. However, the applicant indicated that a fifteen (15) foot wide utility easement will be provided on the Final Plat.
3. Sec. 14.13.1 Bond to Assure Improvements. No site improvements are being proposed; therefore, no bond is necessary.
4. Sec. 14.13.5. Installation of Utilities, A. Water supply. No site improvements are being proposed; therefore, water connections will occur at the time a building permit is requested for development of a specific lot.
5. Sec. 14.13.5. Installation of Utilities, B. Water mains and fire hydrants. No site improvements are being proposed; therefore, water connections and any requirement for a fire hydrant will occur at the time a building permit is requested for development of a specific lot.

6. Sec. 14.13.5. Installation of Utilities, C. Sanitary sewers. No site improvements are being proposed and no sewer is located within close proximity to the site. Therefore, lots will be served by a septic system.
7. Sec. 14.13.5. Installation of Utilities, D. Storm drainage. No stormwater is required by the Southwest Florida Water Management district; therefore, no stormwater is necessary.
8. Sec. 14.13.10. Homeowners Association. No site improvements are being proposed; therefore, no homeowners association is required.

## SECTION B. FINDINGS AND CONCLUSIONS

Based on the facts and analysis presented in the staff report (Exhibit A), the Town Commission finds that there is some degree of hardship and there is substantial consistency with the Comprehensive Plan and LDC related to the Preliminary Plat and certain specified requested variances as described in Section C.

## SECTION C. TOWN COMMISSION DECISION

The Town Commission APPROVES the Preliminary Plat and only certain specified requested variances and DENIES other variances as described below:

The following variances are APPROVED:

1. Sec. 14.11.4. Public Land, Permanently Open Land, and Service Areas.
2. Sec. 14.13.1 Bond to Assure Improvements.
3. Sec. 14.13.5. Installation of Utilities, A. Water supply.
4. Sec. 14.13.5. Installation of Utilities, B. Water mains and fire hydrants.
5. Sec. 14.13.5. Installation of Utilities, C. Sanitary sewers.
6. Sec. 14.13.10. Homeowners Association.

The following variances are DENIED:

1. Sec. 14.11.4. Public Land, Permanently Open Land, and Service Areas. B. Easements.
2. Sec. 14.13.5. Installation of Utilities, D. Storm drainage.

Submittal of the Final Plat is subject to the conditions and requirements specified in Section D.

## SECTION D. REQUIREMENTS

The following conditions of Approval shall be delineated on the Final Plat submittal:

- A. The plat shall use numbers or letters to designate each lot.

- B. The plat shall label the area within Permanently Open Land as “Permanently Open Land Future Land Use category and Permanently Open Land zoning district.” Further, the plat shall have a note stating the following: “Uses and structures within the Permanently Open Land designation shall be governed by the Town of St. Leo Comprehensive Plan-2025 and LDC.”
- C. A fifteen (15) foot wide utility easement shall be dedicated along Pompanic Street and McMullen Road.
- D. Recognizing that the predominate drainage pattern in the area is toward Lake Jovita and that no stormwater attenuation or treatment is required for this plat pursuant to a letter from SWFWMD. The plat shall note that submittal of a grading plan for an individual lot to the Town is required for review/approval as part of any building permit for that individual lot to ensure no adverse drainage impacts on abutting property, and minimal impacts on drainage/water quality unto Pompanic Street, McMullen Road and into Lake Jovita. The individual lot grading plan will include erosion and sediment control measures, identification of swales and other drainage features to control runoff velocity, accommodation of any off-site drainage areas, roof runoff direction and control and detailed paved and landscape area grading plan.
- E. The City of St. Leo Fire Marshall (Ray Timer) has determined that no fire hydrants are currently required for this plat. The plat shall note that changes to the applicable codes in the future could result in fire hydrants being required and that any requirement for a fire hydrant will occur at the time a building permit is requested for development of a specific lot and be paid for by the property owner.
- F. The plat shall note that the lot owner is required to provide a tree survey to the Town of St. Leo at the time a building or site clearing permit is requested for development of a specific lot.
- G. The final plat shall prohibit any public access to Lake Jovita from the parcel.

#### SECTION E. EXHIBITS

The following exhibit is attached to this resolution and incorporated by reference:

Exhibit A: Staff Report.

SECTION F. TOWN COMMISSION MOTION

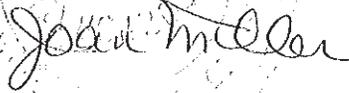
The foregoing resolution was adopted by the St. Leo Town Commission vote as follows:

Mayor, Brother James Hallett  
William Hamilton  
Sister Donna DeWitt  
Richard Christmas  
Robert Courtney

DULY PASSED AND ADOPTED this 11<sup>th</sup> day of January 2010.

ATTEST:

JOAN MILLER, CLERK



Handwritten signature of Joan Miller in cursive script.

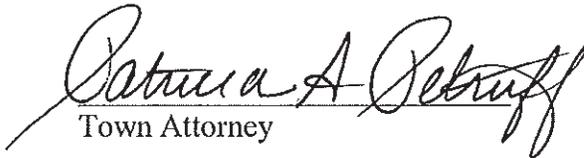
MAYOR, TOWN OF ST. LEO



Handwritten signature of James Hallett, O.S.B. in cursive script.

Brother James Hallett

Approved as to form by:



Handwritten signature of Patricia A. Petruff in cursive script.

Town Attorney