

Alternative #2

RESOLUTION NO. 09-09

RESOLUTION OF THE TOWN OF ST. LEO TOWN COMMISSION

WHEREAS, an application was filed by Mrs. Fay McKean (Applicant) requesting a variance to the parking lot paving requirement pursuant to Article XIII- Parking, Section 13.3 Vehicle Use Area. A., which states as follows: "All vehicle uses areas must be paved. Grass or gravel parking surfaces may be approved for up to twenty (25) percent of the required parking spaces and for all parking spaces in excess of the required parking. However, all drive aisles shall be paved."

WHEREAS, the Applicant is requesting utilizing grass for the entire parking lot with the exception of the handicapped space and associated ramp, which will be paved.

WHEREAS, a public hearing was duly advertised and held on September 14, 2009, 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 utilizing grass for the entire parking lot with the exception of the handicapped space and associated ramp, which will be paved. The legal description of the subject property of the variance request is contained in Exhibit A.

SECTION B. FINDINGS AND CONCLUSIONS

Based on the facts and analysis presented in the staff report, which is on file with the Town Clerk, some degree of hardship has been demonstrated by the Applicant and the Commission finds substantial consistency with the Comprehensive Plan. Further, the Commission desires to support business development and finds that variance request addresses these variance criteria: the variance request is in harmony with and serves the general intent and purpose of this Chapter and the Comprehensive Plan, the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance and that allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Chapter.

SECTION C. TOWN COMMISSION DECISION

The request for the variance is APPROVED subject to the conditions specified in Section D.

## SECTION D. CONDITIONS OF APPROVAL

1. The approved variance shall only be in effect until December 31, 2012. After December 31, 2012 the entire parking lot must be paved and/or surfaced with gravel or crushed concrete or a new variance application submitted. Further, after December 31, 2012, irrigation of the required landscaping shall be provided by an in-ground irrigation system.
2. Submit a final site plan, drawn to scale on a Pasco County Property Appraiser parcel map or aerial, to reflect grass drive aisle, driveway apron and grass parking spaces, except the handicapped space shall be paved. The plan shall show the following landscaping requirements:
  - S.R. 52: Required: Two (2) canopy trees, two (2) understory trees and 21 shrubs. There are two existing canopy trees; therefore, only the understory trees and shrubs are required.
  - West side: Required: Three (3) canopy trees, four (4) understory trees and 41 shrubs. There are no trees adjacent to the west side of the parking lot.
  - East side: No requirement.
  - South side: Required: Two (2) canopy trees, two (2) understory trees and 21 shrubs. There currently exists one canopy tree; therefore, only one (1) new canopy tree will be required in addition to the required understory trees and shrubs.
3. The plan shall show wheel stops for each parking space and compliance with landscaping requirements. All wheel stops shall be securely anchored and the interior perimeter of the western buffer and all islands shall be protected utilizing landscape timbers or other approved protective barrier. The site plan shall also designate the method of irrigation for the landscaping and grass parking areas.
4. The mobile trailer shall be parked behind the building.
5. Prior to issuance by the Building Official of a Certificate of Occupancy, the Applicant shall provide to the Building Official and Town Clerk an approved driveway permit from FDOT.
6. Prior to issuance by the Building Official of a Certificate of Occupancy, the Applicant shall provide to the Building Official and Town Clerk, a letter from the Town's Planning Consultant indicating compliance with Conditions #2 and #3 above.
7. Prior to issuance by the Building Official of a Certificate of Occupancy, the Applicant shall provide to the Building Official and Town Clerk, an approval letter from the Pasco County Health Department for use of the building as a restaurant and mobile trailer as the kitchen.

8. The Town Commission or its designee will monitor the maintenance of the grass parking areas, at a minimum on a bi-annual basis. If the Town Commission deems that the grass parking lot has not been appropriately maintained, the Commission may require that the entire parking lot be paved and/or surfaced with gravel or crushed concrete prior to the December 31, 2012 variance expiration date.

SECTION E. EXHIBIT

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

Exhibit A: Property legal description.

SECTION F. TOWN COMMISSION MOTION

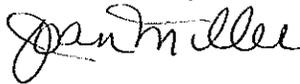
The foregoing resolution was adopted by the St. Leo Town Commission vote as follows:

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

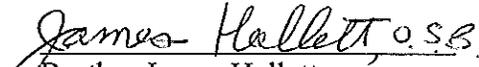
DULY PASSED AND ADOPTED this 14<sup>th</sup> day of September, 2009.

ATTEST:

JOAN MILLER, CLERK



MAYOR, TOWN OF ST. LEO

  
\_\_\_\_\_  
Brother James Hallett

Approved as to form by:

  
\_\_\_\_\_  
Town Attorney

## Exhibit A

### Legal Description

01-25-20-0010-00300-00F0

Assessed In Section 01 , Township 25 South, Range 20 East  
of Pasco County, Florida

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JOHN S FLANAGAN SUB OF SW1/4 OF SW1/4 PB 2 PG 9 THE WEST 7 FT OF  
LOT C & LOTS D E F G & H IN BLOCK 3 LESS ROAD R/W ON NORTH & WEST  
THEREOF & THE WEST 57 FT OF LOT A OF BLOCK 4 AKA PARCELS 3 4 & 5  
OR 7902 PG 1396

### Legal Description

01-25-20-0010-00300-00A5

Assessed In Section 01 , Township 25 South, Range 20 East  
of Pasco County, Florida

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JOHN S FLANAGAN SUB OF SW1/4 OF SW1/4 PB 2 PG 9 LOT A LESS S 7 FT  
LESS N 25.00 FT FOR RD BLOCK 3 & BEG NE COR LOT B OF BLOCK 3 FOR  
POB TH S 250.00 FT TH W 93.00 FT TH N 250.00 FT TH E 93.00 FT TO POB  
AKA ALL LOT B & E 43.00 FT LOT C BLOCK 3 & W 93.00 FT OF E 143.00 FT  
LOT A BLOCK 4 AKA PARCELS 1 & 2 OR 7902 PG 1396