



DOAR

Development Order Amendment Report

4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, FL 33782
 Phone (727) 570-5151 / FAX (727) 570-5118
 www.tbrpc.org

DRI #261 - ASHLEY GLEN PASCO COUNTY

On February 15, 2012, Pasco County rendered Resolution No. 12-91 to the Tampa Bay Regional Planning Council. The Resolution constitutes a rescission of the Development Order associated with the Ashley Glen DRI. This Resolution was adopted by the Pasco County Board of County Commissioners on January 24, 2012.

BACKGROUND

On October 12, 2007, the Pasco County Board of County Commissioners rendered to the Tampa Bay Regional Planning Council (TBRPC) Ordinance No. R07-364, a Development Order adopted on September 25, 2007. The Development Order granted specific approval for each of the three project phases to JES Properties, Inc. The mixed-use project is situated on 260± acres in south-central Pasco County at the northeast corner of the S.R. 54/Suncoast Parkway intersection. The Development Order was scheduled to expire on December 31, 2024.

The following constitutes the approved phasing schedule for Ashley Glen:

LAND USE		PHASE 1 (2012)	PHASE 2 (2017)	PHASE 3 (2019)	TOTAL
RESIDENTIAL	#	900	0	0	900
	(Townhomes/Condos)	(600)	(0)	(0)	(600)
	(Apartments)	(300)	(0)	(0)	(300)
OFFICE	Sq. Ft.	290,000	410,000	1,100,000	1,800,000
RETAIL	Sq. Ft.	90,000	354,000	0	444,000
	(Shopping Center)	(70,000)	(354,000)	(0)	(424,000)
	(Specialty Retail)	(20,000)	(0)	(0)	(20,000)
DAY CARE	Sq. Ft.	6,000	0	0	6,000

The Development Order was not subsequently amended.

DISCUSSION

It is hereby stated that the rescission was not accomplished through the Notice of Proposed Change process but rather authorized administratively by Pasco County, with the prior knowledge and consent of the State Land Planning Agency and staff of the Tampa Bay Regional Planning Council, under the auspices of Sections 380.06(29)(e) and 380.115(1), F.S. These citations read as follows respectively:

“In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1).” [underlined to express emphasis]

“A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651, shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b). [underlined to express emphasis]

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed.”

As stated above, the only pre-requisite for authorizing a qualifying DRI for rescission is to ensure that mitigation equals or exceeds that which would be required to offset existing development. In this particular case, no development has occurred on the DRI site, rendering this obligation “not applicable.”

RECOMMENDATION

It is recommended that the State Land Planning Agency concur with the Development Order rescission adopted by Pasco County for DRI #261 - Ashley Glen.

GENERAL LOCATION MAP

