

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Honorable Chairman and
Members of the Board of
County Commissioners

DATE: 6/04/08

FILE: GM08-333

THRU: Bipin Parikh, P.E.
Assistant County Administrator
(Development Services)

SUBJECT: S.R. 52 industrial Park, Variance
Request.
BCC: 6/10/08, 10:00 a.m., DC
Recommendation: Approval

FROM: Samuel P. Steffey II
Growth Management Administrator

REFERENCES: Article 400 of the Land
Development Code –
Expiration of Level of Service
(LOS) Certificate
Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Board of County Commissioners (BCC).

DESCRIPTION AND CONDITIONS:

The developer is requesting the BCC to authorize the concurrency extension for non-EC uses, on the same terms as approved by DRC for EC uses. As an alternative to the Developer's first request, the Developer is proposing a lower "surcharge" rate (1.5 times the Regular Transportation Impact Fee \$4,428 per 1,000 square feet) for any non-EC uses, which would be lower than the full "Option 1" rate (\$8,599 per 1,000 square feet) as contemplated by condition number 2 of the variance conditions of approval that DRC approved on April 24th, 2008.

Condition number 2 states that, "Unless otherwise approved by the Board of County Commissioners, any use within the S.R. 52 industrial park that is not an EC Use shall pay the applicable "Option 1" transportation impact fee, as identified in the County adopted Transportation Impact Fee Schedule and adjusted to the time of payment by the most recent construction and right-of-way indices in the adopted County Transportation Impact Fee Ordinance ("Option 1 Impact Fee"), to satisfy the transportation concurrency obligations for such use. The difference between the Option 1 transportation impact fee and the generally applicable transportation impact fee shall be considered a transportation concurrency proportionate share payment that shall be applied to S.R. 52, or other parallel facility or mobility improvements that benefit S.R. 52. Such payment shall be made at the same time that the generally applicable transportation impact fee is due for such use".

The history on this project is as follows:

1. On July 17, 2000, a LOS Certificate was approved for the S.R. 52 Industrial Park Project. A Traffic Impact Study was not conducted as it was not a requirement at that time.
2. The LOS Certificate has a validity of two years from the date of approval. The LOS Certificate that was issued for S.R. 52 Industrial Park expired on December 31, 2004.
3. The applicant claims that it was an oversight on his behalf, but that he had all intentions of moving forward with the project and would not have had to ask for the extension of an LOS Certificate if he had received building permits. The applicant also claims that the site is substantially built except for building pads, parking, and landscaping. In addition, all access improvements are also constructed. This information has been verified by the Engineering Services Department, and it is in agreement with the applicant.
4. If the applicant had received building permits, the project would be considered vested and a new LOS Certificate would not be required.
5. In order to extend the LOS certificate in accordance with Pasco County's Concurrency Ordinance (LDC section 402), a Traffic Impact Study is generally required to identify mitigation strategies.

6. Since the DRC's conditions of approval contemplated some potential alternative action by the BCC related to the required proportionate share payment for the non-EC uses, this agenda item is not considered an appeal of the DRC's action.
7. **Based on the attached analysis, Pasco County staff estimates that the net loss in proportionate share revenue from utilizing the applicant's proposal instead of DRC's proposal ranges from \$433,828 (50% Non-EC / 50% EC Uses) to \$867,655 (100% Non-EC Uses). Under a worst case scenario (all Non-EC uses), the applicant's required impact fee/proportionate share payment pursuant to DRC's conditions will be \$1,785,280 (using Option 1 Impact Fee of \$8,599 in 2008 dollars).**

**SUMMARY OF COMPARATIVE ANALYSIS OF
DRC PROPOSED CONDITIONS vs. APPLICANT'S PROPOSED CONDITIONS**

Example 1: 50% of the Industrial Park is EC Uses and 50% Non-EC Uses	
Total Impact Fee/Proportionate Share Payment to County Per DRC Condition	\$1,197,946
Total Impact Fee/Proportionate Share Payment to County Per Applicant's Condition	\$764,118
Loss to County	\$433,828
Example 2: 100% of the Industrial Park is Non-EC Uses	
Total Impact Fee/Proportionate Share Payment to County Per DRC Condition	\$1,785,278
Total Impact Fee/Proportionate Share Payment to County Per Applicant's Condition	\$917,622
Loss to County	\$867,656

**COUNTY WIDE IMPACT OF ADOPTING APPLICANT'S PROPOSED IMPACT
FEE (1.5 X REGULAR IMPACT FEE) AS IT PERTAINS TO VACANT INDUSTRIAL LAND**

Vacant Industrial Land (Acres)	600
Converted to square feet	26,136,000
Floor Area Ratio based on the Comprehensive Plan	0.23
Developable Industrial Land in Square Feet	6,011,280
Difference between Option 1 Impact Fee and Applicants Proposed Impact fee of 1.5 x Regular Impact Fee for Industrial Land Use (\$8,599 - \$4,428)	\$4,171
Cost to County if We Accept Regular TIF x1.5 As Opposed to Option 1 Impact Fee for All 600 Acres of Vacant Industrial Acreage in Pasco County Assuming Developed At .23 Floor Area Ratio	\$25,073,049
Assuming 30 % of Roads County Wide Are Deficient	\$7,521,915

8. Examples of Non-EC uses permitted within in I-1 Light Industrial Park are:
 - a. Cold Storage & Frozen Food Lockers
 - b. Crematory
 - c. Lumber Yards
 - d. Post Office
 - e. Transfer Stations
 - f. Shooting Ranges (Indoor)
 - g. Contractors Office and Storage
 - h. Radio/Television Facilities
 - i. Recycling Operations
 - j. Warehousing and Storage
 - k. Pest Control Office and Storage
 - l. Welding Shops
 - m. Machine Shops
 - n. Sheet Metal Shops
 - o. Professional Offices
 - p. Hospitals
9. On 4/24/08 DRC requested the item be brought before the BCC for final action with the following Conditions of Approval:
 1. Any use within the S.R. 52 industrial park that is a preferred Employment Center use, as identified in Section 522.8.D.1.a., b. and/or c. of the Land Development Code, as may be amended ("EC Uses"), shall pay the generally applicable transportation impact fee for such use to satisfy the transportation concurrency obligations for such use.
 2. Unless otherwise approved by the Board of County Commissioners, any use within the S.R. 52 industrial park that is not an EC Use shall pay the applicable "Option 1" transportation impact fee, as identified in the County adopted Transportation Impact Fee Schedule and adjusted to the time of payment by the most recent construction and right-of-way indices in the adopted County Transportation Impact Fee Ordinance ("Option 1

Impact Fee”), to satisfy the transportation concurrency obligations for such use. The difference between the Option 1 transportation impact fee and the generally applicable transportation impact fee shall be considered a transportation concurrency proportionate share payment that shall be applied to S.R. 52, or other parallel facility or mobility improvements that benefit S.R. 52. Such payment shall be made at the same time that the generally applicable transportation impact fee is due for such use.

3. At the time of issuance of a building permit for interior build-out of each owner or tenant space, the applicant/developer shall record a deed restriction for the S.R. 52 Industrial Park, in a form acceptable to Pasco County and enforceable by Pasco County, which ensures that the EC Uses identified in condition #1 remain EC Uses. The deed restriction shall require any user that converts from an EC Use to a non-EC use to pay to Pasco County the applicable Option 1 Impact Fee, calculated at the time of conversion, less the generally applicable transportation impact fee actually paid for such use.
4. Subject to compliance with conditions 1-3 above, including Board approval of the “Option 1” Impact Fee for non-EC uses in condition number 2, the County shall issue a transportation concurrency certificate of capacity for the S.R. 52 Industrial Park through April 24, 2018.
5. The applicant/developer shall be entitled to a credit against the required proportionate share payment identified in #2, but not against any required transportation impact fees, for the value of any right of way dedicated for S.R. 52. The value of the right of way for S.R. 52 shall be determined based on 115% of the January 1st, 2008 Pasco County Property Appraiser’s assessed value for the property dedicated.

ALTERNATIVES AND ANALYSIS:

1. Approve the DRC conditions of approval as identified in attachment (1).
2. Do not approve the DRC conditions of approval as identified in attachment (1).
3. Direct staff as to other action desired by the BCC.

RECOMMENDATION AND FUNDING:

The Growth Management Department recommends that the BCC approve Alternative No. 1. No funding is required for this item.

ATTACHMENTS:

1. 4/24/08 Annotated DRC Agenda Item (GM08-301) with Conditions of Approval
2. Applicant’s Letter of Request for BCC Review of DRC Conditions of Approval
3. Comparative Analysis of DRC’s Proposed Conditions vs. Applicant’s Proposed Conditions
4. List of I-1 Uses and List of Preferred EC Uses
5. Verbatim from 4/24/08 DRC Meeting

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