

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Debra M. Zampetti
Zoning/Code Compliance
Administrator

DATE: 12/15/09 FILE: ZN10-039

SUBJECT: Class I, Commercial Development
Review - Radiant Convenience Store
Preliminary/Construction Site Plan
and Stormwater Management Plan
and Report (Project No. IPR09-036)

FROM: Beverly E. Trudell
Development Review
Technician II

REFERENCES: Land Development Code,
Section 306, Development
Review Procedures;
Comm. Dist. 1

It is recommended that the data herein presented be given formal consideration by the Zoning/Code Compliance Administrator.

Commission District:	The Honorable Theodore J. Schrader
Project Name:	Radiant Convenience Store
Developer's Name:	The Radiant Group, LLC
Location:	On the northeast corner of C.R. 54 (Wesley Chapel Boulevard) and Oakley Boulevard, Section 12, Township 26 South, Range 19 East.
Parcel ID No.:	12-26-19-0000-00200-0070
Land Use Classification:	MU (Mixed Use)
Zoning District:	C-2 General Commercial
Transportation Corridor:	C.R. 54 (Wesley Chapel Boulevard)
Existing Right-of-Way:	95 Feet from Centerline
Required Right-of-Way:	103 Feet from Centerline
Acreage:	1.35 Acres, m.o.l.
Number of Units:	1
Type of Unit:	Convenience Store with Gas Pumps
Square Feet:	4,100 Square Feet
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	273
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Radiant Convenience Store is requesting preliminary/construction site plan and Stormwater Management Plan and Report approval for a one-story, 4,100-square-foot convenience store with ten pumps.

BACKGROUND:

1. On August 30, 1983, the Board of County Commissioners (BCC) approved Petition No. 2253, rezoning the parcel from an A-C Agricultural District to a C-2 General Commercial District.
2. On October 9, 2008, the Development Review Committee (DRC) approved variance requests to reduce the widths of the landscape buffers located on the north and east from 15 feet to 5 feet, on the south from 20 feet to 10 feet, and on the west from 20 feet to 18 feet wide. Also approved was a variance from Section 319.5 to reduce the transportation corridor from 125 feet to 103 feet with conditions.
3. On September 24, 2009, the DRC approved a variance request with conditions to reduce berm heights from 36 inches to 18 inches along Oakley Boulevard on the west and Wesley Chapel Boulevard on the south.

FINDINGS OF FACT:

1. Presently, the subject site contains a gas station with pumps to be demolished.
2. The subject property is located in Flood Zones "A" and "C." Development is subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention.
3. The surrounding zoning is as follows:

Zoning District

North: C-2 General Commercial
South: Wesley Chapel Boulevard/Right-of-Way
East: C-2 General Commercial
West: Oakley Boulevard/Right-of-Way

4. The preliminary/construction site plan and Stormwater Management Plan and Report have been reviewed by the Zoning and Site Development Department, and it has been determined that the proposed use is consistent with the above-referenced zoning district's permitted uses.
5. The preliminary/construction site plan and Stormwater Management Plan and Report for the above-subject project was prepared for The Radiant Group, LLC, by EMK Consultants of Florida, Inc., and consists of 12 sheets dated June 1, 2009; the sheets were last revised on December 3, 2009. The plans were originally received by the Zoning and Site Development Department on June 19, 2009, and final revisions were received on December 7, 2009.
6. Access to the property is from Wesley Chapel Boulevard (C.R. 54) and Oakley Boulevard, County-maintained roads which have 100 feet of existing right-of-way. The pavement width for Wesley Chapel Boulevard is 24 feet and has been designated a six-lane, arterial facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan. The pavement width for Oakley Boulevard is an existing 28 feet.
7. On June 27, 2006, the BCC adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways.
8. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity is being issued for a 4,100-square-foot convenience store with ten pumps.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the preliminary/construction site plan and Stormwater Management Plan and Report with the following condition(s):

Hard-Copy Site Development Permit

1. The owner/developer or project contractor shall obtain a hard-copy Site Development Permit from the Zoning and Site Development Department prior to commencing any construction. To obtain this permit, the following must be submitted to the Zoning and Site Development Department:
 - a. The completed notarized acknowledgment portion of the attached agenda memorandum.
 - b. The receipt for payment of Pasco County utility impact fees (if the project is served by County water and/or sewer).

- c. Completion of any site-specific conditions listed as requiring completion prior to the issuance of the Site Development Permit.
- d. A copy of the approved Southwest Florida Water Management District (SWFWMD) Permit and Plan must be submitted to the Zoning and Site Development Department. In the event the SWFWMD Permit and Plan require any changes to the County-approved plan, an amendment to the County-approved plan shall be submitted for review and approval prior to the issuance of the Site Development Permit.
- e. National Pollutant Discharge Elimination System Permit/permit application.
- f. Construction Traffic Restoration Bond, if applicable.
- g. Recorded copy of agreed easement between the applicant and the property owner to the east prior to the issuance of the Site Development Permit.

No construction shall commence until the permit has been properly posted on the site.

- 2. The owner/developer or project contractor shall notify the Engineering Services Department at least two working days prior to commencing any activity on the site.
- 3. If the site is identified on Maps 3-1a, 3-1b, or 3-1c in the Comprehensive Plan as a location of known endangered and threatened species, the developer shall submit to the Zoning and Site Development Department, a copy of the approved Federal, State, or other regulatory permit, or if no permit has been issued, then the developer shall submit a copy of the application submitted to the Federal, State, or other regulatory agency prior to site development.
- 4. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
- 5. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the appropriate serving utility prior to the issuance of the hard-copy Site Development Permit.

General

- 6. The developer acknowledges that any provisions of Pasco County ordinances and any rezoning conditions of approval not specifically waived shall be in full force and effect, including all impact fee ordinances.
- 7. Any roadway construction required herein as a condition of development approval shall not be entitled to TIF credits unless such credits have been granted pursuant to prior written agreement or as provided herein. Appeal from this provision shall be made in accordance with the TIF Ordinance.
- 8. The owner/developer or successors in interest are advised of the following restrictions:
 - a. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, buffer areas, and upland conservation areas described in the approved plan or record plat unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
 - b. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity within the 100-year floodplain described in the approved plan and/or record plat of the subdivision unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
 - c. No owner of the property may undertake any roadway improvements within this development unless prior written authorization or notification of exemption is received from the SWFWMD pursuant to environmental resource permitting.
- 9. In the event ordinances/resolutions are adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife, the developer shall be required to comply with such ordinances/resolutions.

10. All construction work, including roads, drainage, and utilities, shall be constructed in accordance with Pasco County design standards and tested in compliance with the Engineering Services Department's *Testing Specifications for Construction of Roads, Storm Drainage, and Utilities*.
11. The owner/developer shall acknowledge that should Pasco County collect funds under a guarantee document, the developer shall authorize the County, or its designee, access to the property in question to complete the required work.
12. The owner/developer shall acknowledge that should Pasco County be required to institute legal proceedings in order to collect any funds under a guarantee document, the developer shall be responsible for attorney's fees and court costs incurred by the County in such action.
13. The developer acknowledges that an appeal may be filed against the decision of the Zoning/Code Compliance Administrator within 30 days of the date of this approval. Any development that takes place within the 30-day-appeal deadline shall not establish vested rights with respect to construction of the project.
14. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 103 feet of right-of-way from the centerline of Wesley Chapel Boulevard (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

All conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.

15. Where underground water mains and hydrants are to be provided, they shall be installed, completed, and in service prior to combustibles being brought on-site (National Fire Protection Association, NFPA-1, 16.4.3.1.3).
16. The owner is hereby notified that the effective date of this development approval shall be the date of the final County action; however, 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 and Site Development Department.

Construction Plan

17. No fill shall be placed within the 100-year floodplain designation unless compensating volume to mitigate the fill is provided on site or off site within the same basin and reviewed and approved by Pasco County.
18. Where excavation in excess of 30,000 cubic yards is proposed to be removed from the site by using publicly dedicated rights-of-way, roadways, or easements, a Class I Mining Permit and Conditional Use Permit shall be required. Prior to construction plan approval, the developer shall submit calculations indicating the amount of excess fill that will result from development of the site. Prior to construction plan approval, the developer shall submit, along with a statement as to where and how the excess material will be disposed of, calculations indicating the amount of excess fill that will result from development of the property.
19. The owner/developer acknowledges that a Building Permit shall be obtained for all structures that have a footer, regardless of size, through the Central Permitting Division; i.e., including, but not inclusive of, buildings, accessories, and retaining walls.
20. Driveway, road, and intersection improvements requiring roadway widening and/or left-turn, storage lane construction shall also include an asphaltic concrete overlay of the entire limits of intersection improvement area to Pasco County specifications as approved by the County.
21. All construction within Pasco County right-of-way will require a Right-of-Way Use Permit. The review and issuance of the Right-of-Way Use Permit shall be conducted in accordance with LDC, Section 311, Right-of-Way Use Permit, and must be obtained prior to commencement of construction. The developer shall ensure that any improvements installed in rights-of-way are constructed to County standards.

All construction within non-County-maintained right-of-way will require a Driveway Connection Permit. The owner/developer shall obtain a Driveway Connection Permit from the Zoning and Site Development Department's New Port Richey office.

22. The developer shall construct all water and wastewater facilities within and external to the development to current Pasco County standards. Design and construction standards and USP outline may be obtained from the Utilities Services Branch.
23. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments. The developer shall show hydrant site locations on the construction plans. Raised pavement markings shall be installed.
24. The traffic study submitted by the applicant assumes the following land use:

A Convenience Store with Gasoline/Ten Pumps

Any development of land use that generates greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. The DRC, BCC, or County Administrator or his designee may impose additional conditions on the applicant or development based on the updated County-approved traffic study.

25. The applicant has submitted a Traffic Impact Study which requires the following improvements:
 - a. The applicant shall construct site-access connections in accordance with the project's site plan, approved by the Pasco County Zoning and Site Development Department and the Engineering Services Department.
 - b. The applicant shall construct a northbound to eastbound, right-turn lane on Oakley Boulevard commencing north of Wesley Chapel Boulevard, continuing past the subject site, and terminating at the driveway connection to Oakley Boulevard located immediately north of the subject site.

The improvements are required to be completed prior to the issuance of the Building Permit.

26. If a Pasco County Global Positioning System (GPS) network point is located within the boundary of the site or within 50 feet of the same, the point shall be re-established using GPS methods and "Blue Booked" prior to the issuance of any Building Permits or the recording of any plat. Proof of the said Blue Booking shall be submitted to the County Surveyor prior to the issuance of the said permit or the recording of the said plat. If it is discovered that the said point has been destroyed by construction, then the owner/developer of the land will be responsible for payment to Pasco County in the amount of \$5,000.00 each.
27. When drainage facilities, which are not within a previously recorded drainage easement, are utilized for off-site drainage, the owner/developer shall provide a drainage easement on the approved form, with a legal description and sketch (certified by a Registered Land Surveyor) for each off-site drainage facility. The drainage easement shall be submitted to the County Administrator, or his designee, prior to the construction plan approval of the individual unit or phase affected. Any variation from the approved stormwater management or construction plans shall be submitted to the County Administrator, or his designee, for review.
28. Unless otherwise approved by the Emergency Services Director, when the development is record platted, or where a plat is not required, prior to the issuance of the first Building Permit, the development shall be included into a Pasco County Municipal Fire Service Taxing Unit to provide fire protection. The developer shall submit a petition for inclusion into the Pasco County Municipal Fire Service Taxing Unit at the time of record plat submission, or when no plat is required, prior to the issuance of the first Building Permit. In no case shall a Building Permit be issued until such a petition has been received by the Emergency Services Director.
29. Prior to any construction activity, the developer shall ensure that proper erosion and sediment control measures are in place. The developer shall control all fugitive dust originating from the project site and shall indicate on the construction drawings the manner in which fugitive dust is to be controlled. Further, all retention pond side slopes and associated swales shall be sodded to prevent soil erosion.
30. If, during construction activities, any evidence of historic resources including, but not limited to, aboriginal or historic pottery, prehistoric stone tools, bone or shell tools, historic trash pits, or historic building foundation, are discovered, work shall come to an immediate stop, and the

Florida Department of Historic Resources (State Historic Preservation Officer) and Pasco County shall be notified within two working days of the resources found on the site.

- 31. If, during construction activities, any evidence of the presence of State and Federally protected plant and/or animal species is discovered, work shall come to an immediate stop, and Pasco County shall be notified within two working days of the plant and/or animal species found on the site.

Record Plat/Certificate of Occupancy

- 32. In lieu of the installation of sidewalks along the project boundary on Wesley Chapel Boulevard (C.R. 54), the applicant/developer shall contribute a payment in the amount of \$5,521.68 prior to the issuance of the first CO.
- 33. Prior to platting, or where platting is not required prior to the issuance of the first CO, the developer shall submit all necessary State and Federal permits including, but not limited to, dredge and fill, surface water, water distribution, wastewater collection, and reclaimed water from the appropriate agencies. The permit shall include the copies of the actual permit itself and all drawings that are approved by the respective regulatory agency. Any annual reports required by such agencies shall be submitted to the biologist and the stormwater engineer.

The Zoning and Site Development Department's approval of this preliminary/construction site plan and Stormwater Management Plan and Report constitutes a finding by the Zoning and Site Development Department that the preliminary/construction site plan and Stormwater Management Plan and Report, as conditioned, are consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to preliminary/construction site plan and Stormwater Management Plan and Report approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

OWNER'S ACKNOWLEDGMENT:

The owner acknowledges that it has read, understood, and accepted the above-listed conditions of approval.

Date THE RADIANT GROUP, LLC
STATE OF FLORIDA
COUNTY OF _____

Title

The foregoing instrument was acknowledged before me this _____ (date),
by _____ (name of corporation
acknowledging) a _____ (State or
place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or
who has produced _____ (type of identification) as identification.

Seal: _____
NOTARY

ATTACHMENTS:

- 1. Concurrency Documents

BET/ecm/drc011410/radiantzn10039

ZONING AND SITE DEVELOPMENT DEPARTMENT ACTION:

Recommendation Approved _____/Disapproved _____