

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 1/5/10

FILE: ZN10-047

SUBJECT: Class III, Commercial Development Review - Ashley Lakes Commercial Subdivision, Preliminary/Construction Plan, Stormwater Management Plan and Report, Variance Request, and Alternative Standards Requests (Project No. SDU09-006)
DRC: 1/14/10, 1:30 p.m., DC
(Cont. from 12/17/09)

FROM: Debra M. Zampetti
Zoning/Code Compliance
Administrator

REFERENCES: Land Development Code,
Section 306, Development
Review Procedures;
Comm. Dist. 3

It is recommended that the data herein presented be given formal consideration by the Development Review Committee (DRC).

Commission District:	The Honorable Ann Hildebrand
Project Name:	Ashley Lakes Commercial Subdivision
Developer's Name:	Nap Gunn 54, LLC
Location:	Southeast corner of S.R. 54 and Gunn Highway, Section 27, Township 26 South, Range 17 East.
Parcel ID No.:	27-26-17-0000-00300-0010
Land Use Classification:	ROR (Retail/Office/Residential)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridors:	S.R. 54/Gunn Highway
Existing Right-of-Way:	125/40 Feet from Centerline
Required Right-of-Way:	Built-out/55 Feet from Centerline
Acreage:	49.42 Acres, m.o.l., for the Site; 26.8 Acres for Commercial Use (Developable)
Number of Units/Square Feet:	5/150,000
Type of Units:	Commercial Lots
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	2
Transportation Analysis Zone:	279
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Ashley Lakes Commercial Subdivision is requesting preliminary/construction site plan and Stormwater Management Plan and Report approval to subdivide 26.8 acres into five commercial lots.

Also requested are alternative standards and a variance from the Land Development Code (LDC) as listed below and as further described herein:

Variance:

Section 306.17, Dedication

Alternative Standards:

1. Section 610.3.F, Right-of-Way
2. Section 610.5.A, Pedestrian Facilities
3. Section 610.5.B, Bicycle Facilities

BACKGROUND:

1. On February 27, 1979, the Board of County Commissioners (BCC) approved rezoning Petition No. 3646 from A-C Agricultural and A-R Agricultural-Residential Districts to R-1 Rural Density Residential and C-2 General Commercial Districts for portions of the subject request.
2. On January 28, 2003, the BCC approved rezoning Petition No. 5992 from A-R Agricultural-Residential, R-1 Rural Density Residential, and C-2 General Commercial Districts to an MPUD Master Planned Unit Development District with conditions.

FINDINGS OF FACT:

1. Presently, the subject site is unimproved.
2. The subject property is located in Flood Zones "A" and "C." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
3. The surrounding zoning is as follows and, for reference purposes, the buffer requirements for the abutting properties is also provided:

	<u>Zoning Districts</u>	<u>Types/Buffer Requirements</u>
North:	C-2 General Commercial; S.R. 54/Right-of-Way	Type A Buffer 10 Feet; Type D Buffer 20 Feet
South:	MPUD Master Planned Unit Development	Type B Buffer 15 Feet
East:	MPUD Master Planned Unit Development	Type B Buffer 15 Feet
West:	Gunn Highway/Right-of-Way	Type D Buffer 20 Feet

4. The preliminary/construction plan, Stormwater Management Plan and Report, variance request, and alternative standards requests 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 plan, Stormwater Management Plan and Report, variance request, and alternative standards requests for the above-subject project were prepared for Nap Gunn 54, LLC, by Florida Engineering and Environmental Services, Inc., and consist of 20 sheets dated August 12, 2009; the sheets were last revised on November 13, 2009. The plans were originally received by the Development Review Division on August 14, 2009, and final revisions were received on November 13, 2009.
6. Access to the property is from S.R. 54 and Gunn Highway. Gunn Highway is a County-maintained road which has 100 feet of right-of-way and 36 feet of pavement and has been designated a two-lane collector facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan. S.R. 54 is a Florida Department of Transportation (FDOT) maintained road which has 250 feet of right-of-way with 110 feet of pavement and has been designated a six-lane collector facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan.
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.
9. An Initial Certificate of Capacity is being issued for a 14,820-square-foot pharmacy with a drive-through, 15,000 square feet of specialty retail, a 4,500-square-foot fast-food with a drive-through, and a 5,000-square-foot bank with a drive-through.

10. A separate Initial Certificate of Capacity was issued for transportation only on December 18, 2009. The Initial Certificate of Capacity for transportation has an expiration date of December 31, 2013.

VARIANCE REQUEST:

The applicant/developer has requested specific variances from the following provisions of the LDC to be considered as part of this application:

Section 306.17, Dedication, which, if approved, would allow for privately maintained roadways.

Relief is being sought pursuant to the LDC, Section 316.1.A(5), as the purpose for the variance which reads as follows:

"The intent and purpose of the land development regulation, and related land development regulations and comprehensive plan provisions is met or exceeded through an improved or alternative technology or design."

The applicant states:

"The proposed access drives (Nap Drive and Ashley Lakes Loop Road) will have 24' of total pavement width and be built to LDC, Section 610, Standards. All curbing sidewalk and utilities will lie within the 44' right-of-way proposed for these commercial subdivision roads. With our request for the 44' right-of-way through the Alternative Standards Application process (further described below), these roads would not meet the 60' right-of-way required for acceptance by Pasco County, thereto requesting that they be private."

Staff has reviewed the applicant's requests and recommends approval. As indicated above, although the road will be built to County standards, the proposed right-of-way width will not be to County standards and, as the road is proposed for commercial development, staff would recommend that a public easement be placed over the roadway.

ALTERNATIVE STANDARDS REQUEST:

The applicant/developer has requested specific alternative standards from the following provisions of the LDC to be considered as part of this application:

1. Section 610.3.F, Right-of-Way, which, if approved, would reduce the right-of-way widths required for the Type 1B roadway, on-site access drives for Ashley Loop Drive and Nap Drive from 60 feet to 44 feet.

Relief is being sought pursuant to the LDC, Section 316.1.A(1), which reads as follows:

"The strict application of the land development regulation creates an unreasonable or unfair, noneconomic hardship, or an inordinate burden that was not created by the variance application."

The applicant states:

"The strict application of the Land Development Regulation would require the developer to turn over to the County an additional 14' of right-of-way. The individual parcel's that will be developed in the future will be burdened due to the encroachment of the additional right-of-way and easement(s) for both the proposed access drive and the utilities. Furthermore, in a 'commercial project environment' the necessity for 60' of right-of-way width is not warranted for vehicle operation, utility placement, and sight lines. We have consulted with staff for their design assistance and have incorporated it in our construction plans. We have also, per direction of staff, requested that these proposed access drives remain private. The proposed owners' association will maintain all utilities and access drive within the 44' right-of-way."

Staff has reviewed the applicant's request and recommends approval.

2. Section 610.5.A, Pedestrian Facilities, which, if approved, would eliminate the sidewalk for Ashley Loop Drive on the east side of the road.

Relief is being sought pursuant to the LDC, Section 316.1.A(1), which reads as follows:

"The strict application of the land development regulation creates an unreasonable or unfair, noneconomic hardship, or an inordinate burden that was not created by the variance application."

The applicant states:

"The strict application of the land development regulation would require sidewalks on both sides of our proposed roadways. We would request eliminating the requirement for installing the sidewalk along the east side of Ashley Loop Drive. We propose to install a six-foot-wide sidewalk along the west side of Ashley Loop Drive, as well as along our frontage with Gunn Highway. These sidewalks will be located directly adjacent to the proposed commercial uses that would utilize them. Furthermore, with the six-foot width as proposed, these sidewalks will be wider than required five-foot-wide.

"We do not believe it would be advantageous to place a sidewalk adjacent to the wetland (Wetland 'H') where pedestrians could directly access this sensitive environmental area. Nor do we believe that a sidewalk would be necessary to be built adjacent to frontage that would not be developed."

Staff has reviewed the applicant's request and recommends approval of no sidewalk on the east side of Ashley Loop Drive as it would not serve a useful purpose; however, as to the sidewalk installation on the west side of Ashley Loop Drive and the frontage along Gunn Highway, staff recommends that the applicant/developer be required to provide a minimum, eight-foot sidewalk/bicycle path along the west side of Ashley Loop Drive and along the north side of Nap Drive (coincides with request below). As to the sidewalk requirement along Gunn Highway, in lieu of the installation of such, staff is recommending that the applicant/developer provide a payment to the sidewalk fund in the amount of \$20,760.00.

3. Section 610.5.B, Bicycle Facilities, which, if approved, would eliminate the bicycle facilities for Ashley Loop Drive and Nap Drive.

Relief is being sought pursuant to the LDC, Section 316.1.A(1), which reads as follows:

"The strict application of the land development regulation creates an unreasonable or unfair, noneconomic hardship, or an inordinate burden that was not created by the variance application."

The applicant states:

"The strict application of the land development regulation would require bicycle facilities within or adjacent to the roads. However, we feel it to be unsafe to advocate bicycle use within a commercial, retail development. Patrons driving within the development are not going to be look [sic] for bicyclists. Bicycling to and from a commercial, retail area for purposes of employment, commerce, or recreation would be an extremely low percentage.

"Due to an existing connection to Ashley Lake Drive for the proposed roadway, the sidewalk will encroach into the existing Wetland 'H' near this connection point. The proposed sidewalk will encroach into Wetland 'H's wetland setback line in three additional locations as one proceeds northward along this road. This is all due to the bicycle lane being included."

Staff has reviewed the applicant's request and recommends denial but proposes an alternate recommendation as specified above.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the preliminary/construction plan, Stormwater Management Plan and Report, variance request, and alternative standards requests with the following conditions:

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. The streets within the Ashley Lakes Commercial Subdivision shall be private and maintained by an entity other than Pasco County; however, the applicant/developer shall provide a public easement, which is acceptable to Pasco County, for ingress/egress purposes for the private streets within the commercial project in order to allow unfettered public access along the internal roadways.

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. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
4. 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

5. 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.
6. 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.
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 acknowledges that approval of the variances and alternative standards requests as stated is based upon representation as set forth in the preliminary plan submittal dated November 13, 2009, and received by Pasco County on November 13, 2009. In the event that the preliminary plan is deemed void and/or approval is withdrawn, then the variances and alternative standards requests shall be considered void and all future development shall

thereafter comply with all regulations currently in effect and shall be reviewed and approved as provided therein. Preliminary plan approval is contingent upon approval of the variance application.

9. 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.
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 DRC 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 55 feet of right-of-way from the centerline of Gunn Highway (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.
17. The developer shall create a mandatory homeowners'/property owners'/condominium owners'/merchants' association or the Community Development District (CDD) in the form of a nonprofit corporation registered with the Secretary of State, State of Florida, or, where such association currently exists, proof of good standing shall be submitted to the County. This association shall provide for the maintenance of all open space, drainage areas, common areas, buffer areas, preservation/conservation areas, recreation areas, and other special purpose areas by the said association. Prior to platting the first unit or phase, homeowners'/property owners'/condominium owners'/merchants' association or CDD documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, restrictive covenants, and all exhibits, shall be submitted to the Engineering Services Department for

review along with copies of instruments to be used to convey the above-mentioned areas to the said association. (MPUD Master Planned Unit Development Condition of Approval No. 6.)

18. Roads within the commercial subdivision shall be private.

Construction Plan

19. The right-of-way widths for Ashley Loop Drive and Nap Drive for the Type 1B roadway shall be 44 feet. The remainder of the roadway shall be built to County roadway standards as required except as allowed herein.
20. In lieu of the requirement to construct sidewalks along the east side of Ashley Loop Drive and bicycle facilities along Ashley Loop Drive and Nap Drive, the applicant/developer is required to construct an eight-foot-wide sidewalk/bike path along the west side of Ashley Loop Drive and the north side of Nap Drive. The installation of such shall be completed prior to the issuance of any Certificate of Occupancy (CO) for each individual site.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.

26. 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.
27. Where reclaimed water is provided, the developer shall install a reclaimed (reuse) irrigation system, sufficient to supply lawn irrigation to all planned areas. The quality and quantity of reclaimed water provided by the County shall meet all Florida Department of Environmental Protection criteria for use of reclaimed water in public access areas per requirements of the Florida Administrative Code (FAC), Rules 17-6 and 17-610.
28. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the owner/developer and its successors and assigns agree to the following:
 - a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the owner/developer shall temporarily transfer to Pasco County any and all water-use permits or water-use rights the owner/developer may have to use or consume surface water or groundwater within Pasco County for the duration of the production failure or shortfall.

- b. Prior to the owner/developer selling water, water-use permits, or water-use rights, the owner/developer shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water or water-use permits or water-use rights.
29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. Prior to final plat approval for residential, or where platting is not required, prior to the issuance of any Building Permits occurring after December 31, 2013, the developer shall submit an updated traffic study utilizing a methodology approved by Pasco County. The DRC may impose additional conditions based upon the traffic study as approved by Pasco County.
36. The traffic study submitted by the applicant assumes the following land use:

A 14,820-square-foot pharmacy with a drive-through, 15,000 square feet of specialty retail, a 4,500-square-foot fast-food with a drive-through, and a 5,000-square-foot bank with a drive-through.

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.

37. The approved Traffic Impact Study requires the following improvements:

- a. Site Access-Related Improvements

- (1) Project site access connections shall be constructed in accordance with the spacing standards of the LDC, Section 618, Access Management Regulations, and the FAC, Chapter 14-97, State Highway System Access Management Classification System and Standards, or applicable variances shall be obtained.

- (2) The developer/applicant shall construct Driveway A as a right-in/right-out connection to Gunn Highway in accordance with the project's site plan as approved by the Zoning and Site Development Department. The design of this connection shall include physical channelization devices and median improvements as necessary to achieve the effective restriction of left-turn-in and left-turn-out movements. A northbound to eastbound, right-turn lane shall be constructed on the Gunn Highway approach to Driveway A at a total length of 375 feet including a 50-foot taper.
- (3) The developer/applicant shall construct Driveway B as a right-in/right-out/left-in connection to S.R. 54 in accordance with the project's site plan as approved by the Zoning and Site Development Department. The design of this connection shall include physical channelization devices and median improvements as necessary to achieve the effective restriction of left-turn-out movements. An eastbound to southbound, right-turn lane shall be constructed on the S.R. 54 approach to Driveway B at a total length of 430 feet including a 50-foot taper. A westbound to southbound, left-turn lane shall be constructed on the S.R. 54 approach to Driveway B at a total length of 455 feet including a 50-foot taper.
- (4) The developer/applicant shall construct Driveway C as a full connection to Ashley Lakes Drive in accordance with the project's site plan as approved by the Zoning and Site Development Department.
- (5) The developer/applicant shall construct a southbound to eastbound, left-turn lane on the Gunn Highway approach to Ashley Lakes Drive at a total length of 450 feet including a 50-foot taper.

b. Off-Site Improvements

- (1) The developer/applicant shall mitigate project impacts to the S.R. 54/Gunn Highway intersection through the construction of the following:
 - (a) A second northbound to westbound, left-turn lane, which, when implemented, will result in dual northbound to westbound, left-turn lanes at a total length of 900 feet including a 100-foot taper.
 - (b) Roadway transitions in accordance with the latest edition of the *FDOT Design Standards*.
 - (c) Traffic signal modifications as necessary.

In lieu of the above-mentioned improvement for S.R. 54/Gunn Highway, the developer/applicant may pay a proportionate share in the amount of \$298,937.00 for the improvements specified in the above condition. This proportionate share shall be paid within 90 days of the date of the site plan/construction plan approval. This amount is based upon 2009 dollars. If the required payment is not received within the 90-day timeframe, then payment shall be received prior to the issuance of the first Building Permit for commercial development, or prior to the first record plat for residential development. Should payment not be received within the 90-day timeframe, the required proportionate-share contribution shall be indexed by the latest, adopted impact fee ordinance.

- (2) The developer/applicant shall mitigate project impacts to the S.R. 54/Suncoast Parkway interchange through the construction of the following:
 - (a) A third westbound through-lane commencing at the southbound ramps and extending eastward for one-half mile.
 - (b) A third northbound to westbound, left-turn lane at a length of 350 feet.
 - (c) Roadway transitions in accordance with the latest edition of the *Florida Department of Transportation Design Standards*.
 - (d) Traffic signal modifications as necessary.

In lieu of the above-mentioned off-site improvements, the developer/applicant shall pay a proportionate share in the amount of \$58,825.00 for the improvements specified in the above condition. This proportionate share shall be

paid within 90 days of the date of the site plan/construction plan approval. This amount is based upon 2009 dollars. If the required payment is not received within the 90-day timeframe, then payment shall be received prior to the issuance of the first Building Permit for commercial development, or prior to the first record plat for residential development. Should payment not be received within the 90-day timeframe, the required proportionate-share contribution shall be indexed by the latest, adopted impact fee ordinance.

- (3) The total proportionate-share payment for the above improvements is \$357,762.00 (Fiscal Year [FY] 2009 dollars).
- (4) The total estimated impact fees for the proposed development is calculated to be \$687,521.84 (FY 2009 dollars).

38. The applicant has submitted a Substandard Roadway Analysis which requires the following improvements:

Substandard Road Improvements

The developer/applicant shall mitigate substandard shoulder and clear zone conditions on Gunn Highway through the payment of a substandard road fair share in the amount of \$4,893.00. This substandard road fair share shall be paid within 90 days of the date of the site plan/construction plan approval. This amount is based upon 2009 dollars. If the required payment is not received within the 90-day timeframe, then payment shall be received prior to the issuance of the first Building Permit for commercial development, prior to the first record plat for residential development, or within 60 days of the County's written request, whichever occurs first. Should payment not be received within the 90-day timeframe, the required proportionate-share contribution shall be indexed by the latest, adopted impact fee ordinance.

Building Permit

39. The developer shall make a contribution to Pasco County Public Transportation for the bus pad and shelter, in the amount of \$12,000.00 prior to the first Building Permit.

Record Plat/Certificate of Occupancy

- 40. In lieu of the installation of sidewalks along the frontage of the project on Gunn Highway, the applicant/developer shall contribute a payment in the amount of \$20,760.00 prior to the issuance of the first CO.
- 41. 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.
- 42. 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.
- 43. Prior to the issuance of the first record plat or where a record plat is not required, prior to the first CO, the owner/developer shall provide a letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to its satisfaction.

The DRC's approval of this preliminary/construction plan, Stormwater Management Plan and Report, variance request, and alternative standards requests constitutes a finding by the DRC that the preliminary/construction plan, Stormwater Management Plan and Report, variance request, and alternative standards requests, 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 plan, Stormwater Management Plan and Report, variance request, and alternative standards request approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

DEVELOPER'S ACKNOWLEDGMENT:

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

Date NAP GUNN 54, 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. Location Map
- 2. Site Plan Layout
- 3. Variances and Alternative Standards
- 4. Concurrency Documents

DMZ/CB/BET/ecm/drc011410/zn10047

DEVELOPMENT REVIEW COMMITTEE ACTION: