

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 1/20/10

FILE: ZN10-085

SUBJECT: Shoppes of Ballantrae Village MPUD
Master Planned Unit Development
Amendment; Rezoning Petition
No. 6785
DRC: 1/28/10, 1:30 p.m., NPR
Recommendation: Approval with
Conditions

FROM: Debra M. Zampetti
Zoning/Code Compliance
Administrator

REFERENCES: Land Development Code,
Section 522.6, Modifications;
Comm. Dist. 2

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

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Shoppes of Ballantrae Village MPUD Master Planned Unit Development
Developer's Name:	J.D.R. Commercial Real Estate, LLC
Location:	On the northeast and northwest corners of the intersection of Ballantrae Boulevard and S.R. 54, Section 29, Township 26 South, Range 18 East.
Parcel ID Nos.:	29-26-18-0000-00200-0040 and 29-26-18-0000-00500-0000
Zoning District:	MPUD Master Planned Unit Development
Future Land Use Classification:	PD (Planned Development)
Acreage:	37.73 Acres, m.o.l.
Water/Sewage:	Pasco/Pasco (Central)
Commercial Acres/Square Feet:	61,090 Square Feet (Commercial) and 10,000 Square Feet (Professional Office)

DEVELOPER'S REQUEST:

1. The Zoning and Site Development Department has received a formal request from the developer of the Shoppes of Ballantrae Village to amend the existing Conditions of Approval to allow the following:
 - a. To amend the previously approved Condition No. 25 as follows:
 25. The developers have submitted a traffic study which was reviewed by the staff of the County on February 5, 2008. Prior to approval of the first record plat, or where platting is not required prior to the approval of the first construction plan/construction site plan, the developer shall construct the following site-access improvements:
 - a. ~~Unless otherwise approved by the DRC,~~ Prior to the issuance of the first CO, or at anytime the County requests, the applicants/developers shall install, at their own expense, a traffic signal at the intersection of S.R. 54 and Ballantrae Boulevard. The applicants/developers shall be entitled to any funds received or will be received by the County for the cost of this signalization from other sources; however, the applicants'/developers' proportionate share ~~cost~~ of this signalization is ~~\$120,700.00~~ ~~191,660.00~~, which is not available to be received from the funds mentioned above ~~unless otherwise approved by the DRC~~. This amount is based upon ~~2010~~ ~~07~~ dollars **and shall be paid prior to the issuance of the first CO**. The proportionate-share contribution shall be indexed in accordance with the latest adopted Impact Fee Ordinance, as amended. **This proportionate share is not impact-fee creditable.**

- b. To amend the previously approved Condition No. 27 as follows:
27. In lieu of the above-mentioned, off-site improvements, the developer/ applicant shall pay a proportionate share in the amount of **\$915,760.00 (based on 2010 dollars)**~~1,144,700.00~~ for the off-site improvements within 90 days of the date of approval of the rezoning amendment. ~~This amount is based upon 2007 dollars.~~ **The project's estimated impact fee amount is calculated to be \$994,378.00 and shall be paid at the time that impact fees are due per the Transportation Impact Fee Ordinance. Since the 2010 impact fee (\$994,378.00) is more than the 2010 proportionate-share amount (\$915,760.00), only the impact fee shall be paid. This impact fee shall be based on the latest impact fee schedule depending on the year the payment is made.** If the required payment is not received within the 90-day time frame, ~~payment shall then be received prior to any construction site plan approval. The required proportionate-share contribution shall be indexed by the latest adopted Impact Fee Ordinance should payment not be received within the 90-day time frame.~~
2. Staff has reviewed the applicant's request and finds the following:
- a. The modification of Condition No. 25 is necessary, because since the time of rezoning approval, an Award of Bid for the Installation of Traffic Signal was approved by the Board of County Commissioners (BCC) via Memorandum No. PU10-007 dated October 1, 2009; the award provided the actual cost of the signalization. The amount of the bid (\$332,296.53) was then used to calculate the Shoppes of Ballantrae Village's actual, proportionate-share cost for the signalization.
- b. The modification of Condition No. 27 is necessary, because due to the economy, the cost of construction materials has decreased, which reduced the cost of the construction of the off-site improvements required of the applicant/developer. Staff has recalculated this cost (based on 2010 dollars), which requires a modification to the applicant's/ developer's proportionate-share amount as provided for in the previously approved condition.

BACKGROUND:

On September 8, 2008, the BCC approved the Shoppes of Ballantrae Village MPUD Master Planned Unit Development, Petition No. 6758.

FINDINGS OF FACT:

1. Access to the property is from Ballantrae Boulevard, a County-maintained road, which has 120 feet of right-of-way with 24 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.
2. The subject property is located in Flood Zones "A" and "C," and development is subject to the requirements of Article 700, Flood Damage Prevention, of the Land Development Code.
3. The surrounding area is characterized by residential, commercial, and office pursuits.
4. Water and sewer are to be serviced by the Pasco County Utilities Water and Sewer Department.
5. 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.
6. The applicants/developers are proposing a Future Land Use Amendment to PD (Planned Development). The current Future Land Use of the property is RES-3 (Residential - 3 du/ga).
7. On July 22, 2008, the proposed Future Land Use Amendment CPAL08-2(2) was continued to the September 8, 2008, BCC meeting.
8. At the July 22, 2008, BCC meeting, staff requested a continuance to the September 8, 2008, BCC meeting to keep this rezoning concurrent with the Land Use Amendment CPAL08-2(2).

9. Currently, to date (January 19, 2010), there are two active development files under review with the Zoning and Site Development Department: a commercial subdivision (SDU09-003) and a commercial site plan for Parcel 4 (IPR09-103).
10. Under the Land Development Code (LDC), Section 522.6.D.6, a nonsubstantial modification may be heard by the DRC if the change might adversely impact the development site. In this instance, although the amendment to the MPUD Master Planned Unit Development is nonsubstantial, it has been determined by the Zoning/Code Compliance Administrator that the reduction of the proportionate-share cost of the off-site improvements may impact development.

ANALYSIS:

MPUD Master Planned Unit Development amendments must be reviewed in accordance with the LDC, Section 522.6, Modifications, to determine if the proposed changes are substantial. The Zoning/Code Compliance Administrator shall review the record of the project and determine if any of the changes proposed are substantial or nonsubstantial in nature pursuant to the LDC, Section 522.6.C.

Based upon the criteria established within the LDC, Section 522.6.C, Modifications, the Zoning/Code Compliance Administrator has determined that the proposed amendment does constitute a substantial change.

ALTERNATIVES:

1. Approve the proposed changes.
2. Approve the proposed changes with additional modifications or conditions.
3. Deny the proposed changes.
4. Direct staff as to other action desired by the DRC.

RECOMMENDATION:

The Zoning and Site Development Department staff recommends that the DRC approve Alternative No. 1.

ATTACHMENTS:

1. Conditions of Approval for Rezoning Petition No. 6758
2. Location Map
3. Master Plan

DMZ/CB/public/zn/drc/ballantraezn10085/21a

DEVELOPMENT REVIEW COMMITTEE ACTION: