

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Cynthia M. Jolly, P.E., CFM
Development Director

DATE: 12/30/08 FILE: DR09-277

SUBJECT: Class II, Commercial Development
Review - Salvation Army Family Store
Construction Site Plan and
Stormwater Management Plan and
Report Nonsubstantial Amendment
(Project No. IIPR06-100)

FROM: Cissy Rosenberg
Development Review
Technician II

REFERENCES: Land Development Code,
Section 306, Development
Review Procedures;
Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Development Director.

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Salvation Army Family Store
Developer's Name:	The Salvation Army
Location:	On the southeast corner of Wesley Chapel Boulevard and Lexington Oaks Boulevard, Sec- tion 12, Township 26 South, Range 19 East.
Parcel ID No.:	12-26-19-0030-00000-0A90
Land Use Classification:	MU (Mixed Use)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridor:	Wesley Chapel Boulevard
Existing Right-of-Way:	71 Feet from Centerline
Required Right-of-Way:	83 Feet from Centerline
Flood Zones:	"A" and "X"
Hurricane Evacuation Zone:	N/A
Acreage:	2.98 Acres, m.o.l.
Number of Units:	1
Type of Unit:	Retail Store
Size of Unit:	One-Story, 23,330 Square Feet
Water/Sewage:	Pasco/Pasco
Drainage:	Off-Site Retention
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	177
Present Land Use:	Undeveloped
Level of Service (LOS) Analysis:	Exempt

DEVELOPER'S REQUEST:

The developer of the Salvation Army Family Store is requesting an amendment to provide a paved connection of the two parking lots at the northeast end of the building and to allow both of the existing median openings on Lexington Oaks Boulevard, south of Wesley Chapel Boulevard to remain.

BACKGROUND:

1. On August 19, 1986, the Board of County Commissioners (BCC) approved the Saddlebrook Village Development of Regional Impact (Resolution No. 86-258) and the MPUD Master Planned Unit Development (Petition No. 3381).
2. On November 11, 1987, the BCC approved the preliminary plan for the Saddlebrook Corporate Center project site zoned for commercial uses of retail/office/light industrial (DR88-0212).
3. On October 15, 2002, the BCC approved an MPUD Master Planned Unit Development nonsubstantial amendment, changing the name to Seven Oaks MPUD Master Planned Unit Development (Petition No. 5947).

4. On March 15, 2007, the Development Review Committee (DRC) approved the preliminary site plan for the above-referenced project with conditions (DR07-1088).
5. On March 26, 2008, the Development Review Division (DRD), reviewed and approved the construction site plan and the Stormwater Management Plan and Report for a one-story, 23,330-square-foot retail store (DR08-977).

FINDINGS OF FACT:

1. The Construction Site Plan and Stormwater Management Plan And Report have been reviewed by the Growth Management Department, and it has determined that the proposed use is consistent with the above-referenced zoning district's permitted uses.
2. The Construction Site Plan and Stormwater Management Plan and Report for the above-subject project was prepared for The Salvation Army by Spring Engineering, Inc., and consists of 12 sheets dated June 20, 2006; the sheets were last revised on January 31, 2008. The plans were originally received by the DRD on May 31, 2007, and final revisions were received on February 4, 2008.
3. Access to the property is from Lexington Oaks Boulevard.

CONCURRENCY ANALYSIS:

This project is exempt from concurrency because it is a parcel within the Saddlebrook Village Development of Regional Impact.

RECOMMENDATION:

The Development Director recommends approval of the modified construction site plan and the Stormwater Management Plan and Report with the following conditions:

General

1. 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.
2. The owner/developer or project contractor shall obtain a hard-copy Site Development Permit from the DRD prior to commencing any construction. To obtain this permit, the following must be submitted to the DRD:
 - 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 DRD. 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 route condition survey and videotape, if applicable.
 - g. Construction Traffic Restoration Bond, if applicable.
 - h. License and Maintenance Agreement for any allowed interim uses in the transportation corridor, if applicable.

- i. If not shown on other construction plan drawings, the applicant shall submit plans for a westbound, left-turn lane and eastbound, right-turn lane on Wesley Chapel Boulevard.

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

3. To prevent glare visible from off-site locations, all lighting fixtures shall be cut-off-type fixtures. The use of upward tilt and similar glare producing effects are prohibited. Floodlights are prohibited.

To limit overspill of lighting onto adjacent properties, lighting must be specifically designed such that the maximum illumination measured at the property line does not exceed 0.5 foot-candle on adjacent residential sites and 1.0 foot-candle on adjacent commercial sites and public rights-of-way, measured on a horizontal plane on-grade at the property line.

Prior to the issuance of the Certificate of Occupancy (CO), an inspection shall be conducted by the Licensed Electrical Engineer of Record for the project. A signed and sealed letter shall be submitted to the County by the Electrical Engineer of Record confirming that all outdoor lighting has been installed according to the photometric plans approved by the County. This section shall supersede the lighting provisions of the Large-Scale Commercial Retail Design Standards Ordinance.

4. There shall be no outside storage or display of any retail material on site.
5. Sales, auction, and/or trading of any type of vehicle will not be permitted.
6. Any roadway construction required herein as a condition of development approval shall not be entitled to the 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.
7. 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 Southwest Florida Water Management District (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.
8. 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.
9. 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*.
10. 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.
11. 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.
12. The developer acknowledges that an appeal may be filed against the decision of the Development Director 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.

13. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 83 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.

Construction Plan

14. Prior to final site/construction plan approval of any project taking access from a State roadway, the owner/developer shall furnish to the DRD a Letter of Intent indicating approval and/or an approved Driveway Permit from the Florida Department of Transportation (FDOT). 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.
15. 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.
16. 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.
17. 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 the 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 DRD's New Port Richey office.

18. 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.
19. 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.
20. The traffic study submitted by the applicant assumes the following land use:

A One-Story, 23,330-Square-Foot Retail Store

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. In addition, where a traffic study assumes retirement, age-restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developer shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing

for persons 55 and older, or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and TIF reduction process. If the applicant or development fail to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicant or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age-restricted, 55 and older, or 62 and older housing, and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. 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.

21. The developer acknowledges that approval of this preliminary plan and/or construction plan does not establish vested rights with respect to construction of the project. Further, the developer acknowledges that no permit shall be issued or plat approved without the issuance of an unconditional Certificate of LOS Compliance. The developer is, however, put on further notice and hereby agrees that the BCC is not irrevocably bound by the current schedule of capital projects and shall not be held liable for any expenses, costs, or other damages incurred by the developer in reliance on the current schedule.
22. 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.
23. 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.
24. 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.

Hard-Copy Site Development Permit

25. 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.
26. 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).
27. 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.
28. 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.
29. If the site is identified on Map 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 DRD, 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.

- 30. 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.

Certificate of Occupancy

- 31. Prior to the issuance of the CO, the developer, or other entity, shall construct a westbound, left-turn lane and eastbound, right-turn lane on Wesley Chapel Boulevard and Lexington Oaks Boulevard.
- 32. 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 DRD.

The Development Director's approval of this construction site plan and stormwater management plan and report constitutes a finding by the Development Director that the construction site plan and stormwater management plan and report, as conditioned, is consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to 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 SALVATION ARMY
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

CR/ecm/drc012908/salvstoredr09277

ATTACHMENTS:

- 1. Location Map
- 2. Site Plan

DEVELOPMENT REVIEW DIVISION ACTION:

Recommendation Approved _____/Disapproved _____