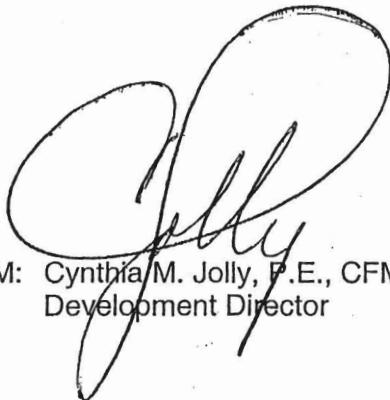


PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 9/1/06

FILE: DR06-2042



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

SUBJECT: Class II, Commercial Development
Review - The Columns at Cypress
Point Preliminary Site Plan
(Project No. IIIPR05-105)
Meeting Date: 8/24/06, 1:30 p.m., NPR
(Cont. from 4/13/06, 6/29/06, and
7/27/06)

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 Review Committee (DRC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	The Columns at Cypress Point
Developer's Name:	Zephyrhills Apartment Associates, LLC
Location:	On the north side of S.R. 54, approximately 1,470 feet west of Eiland Boulevard, Section 18, Township 26 South, Range 21 East.
Parcel ID Nos.:	18-26-21-0000-01600-0000, 18-26-21-0010-03900-0000, and 18-26-21-0010-04000-0000
Land Use Classifications:	RES-6 (Residential - 6 du/ga) and ROR (Retail/Office/Residential)
Zoning District:	MF-1 Multiple Family Medium Density
Transportation Corridor:	S.R. 54
Existing Right-of-Way:	40 Feet from Centerline
Required Right-of-Way:	83 Feet from Centerline
Flood Zone:	"X"
Hurricane Evacuation Zone:	N/A
Acreage:	70.93 Acres, m.o.l.
Number of Units:	293
Type of Units:	Three-Story Apartment Buildings
Water/Sewage:	Pasco/Pasco
Drainage:	On-Site Retention
Traffic Impact Fee Zone:	3
Transportation Analysis Zone:	239
Present Land Use:	Vacant
Level of Service Analysis (LOS):	Conditional

DEVELOPER'S REQUEST:

The developer of The Columns at Cypress Point is requesting approval of a preliminary site plan for the construction of Phase I consisting of 293 apartments with amenities and a maximum building height of three stories.

BACKGROUND:

1. Presently, the subject site is undeveloped and contains a tree farm.
2. On March 22, 2005, the Board of County Commissioners (BCC) approved a change in zoning district from A-R Agricultural-Residential to MF-1 Multiple Family Medium Density (Petition No. 6337).

FINDINGS OF FACT:

1. The preliminary site plan has 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 preliminary site plan for the above-subject project was prepared for Zephyrhills Apartment Associates, LLC, by Cumbey & Fair, Inc., and consists of three sheets dated February 2006; the sheets were last revised in February 2006. The plans were originally received by the Development Review Division (DRD) on September 12, 2005, and final revisions were received on February 23, 2006.
3. Access to the property is from S.R. 54.

CONCURRENCY ANALYSIS:

The conditional Certificate of LOS is being issued with the following conditions:

1. The Certificate of LOS is for 417 dwelling units and amenities.
2. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.

In accordance with Section 402, Concurrency Management System, of the Land Development Code, the conditional Certificate of LOS shall expire in two years from the date of approval of this project by the DRC.

RECOMMENDATION:

The DRC recommends approval of the preliminary site plan 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.

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

3. Prior to construction plan approval, the owner/developer shall address the following:
 - a. Submit a Master Utility Plan with hydraulic analysis for review and approval.
 - b. Enter into a utility service agreement with the Pasco County utilities.
 - c. Modify the utility plan according to the Master Utility Plan and utility service agreement to be reviewed and approved by Pasco County utilities.
4. ~~Prior to the issuance of the first Certificate of Occupancy (CO), the owner/developer shall pay \$627.00 per dwelling unit for Parks and Recreation Department facility fees and parkland.~~
5. The developer shall provide a minimum 24-foot-wide, paved travel lane connection to neighboring properties or project(s) to the east and west. Such a travel lane shall be free and clear of buildings, parking spaces, landscaping, retention/detention ponds, or any other obstruction that would prevent the free flow of traffic between the project and neighboring properties or project(s).
6. Any roadway construction required herein as a condition of development approval shall not be entitled to transportation impact fee 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 Traffic Impact Fee Ordinance.
7. 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.
8. The developer acknowledges that in accordance with the Land Development Code, Section 402, Concurrency Management System, the conditional Certificate of LOS shall expire in two years from the date of approval of this project by the DRC.
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. 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.
11. Prior to record platting of any unit or phase within a special taxing district, the developer shall submit documents sufficient to guarantee that all required improvements have been completed and maintenance of all improvements will be the responsibility of the taxing district. There shall be no Building Permits issued prior to record platting.
12. Unless otherwise approved, the developer shall construct all local and collector streets within the development to current Pasco County standards; however, in no instance shall roadway standards be less than those required by the State of Florida *Manual of Uniform Minimum Standards*.
13. ~~Bicycle and pedestrian ways shall be established in accordance with Chapter 335.065, Florida Statutes (F.S.).~~ Curb ramps are required at all intersections of curbs and sidewalks and shall be constructed in conformance with the uniform *Federal Accessibility Standards* published by the General Services Administration, Department of Housing and Urban Development, Department of Defense, and United States Postal Service (Chapter 336.045, F.S.).

14. Two unique and/or independent corners on the boundary of the subdivision plat shall have State plane coordinates noted on them and shall be tied by bearing and distance to the current GPS network. The coordinates for the said corners shall be noted on the plat.
15. All streets within residential subdivisions, except for planned gated communities, shall be public streets. Internal streets, other than collector, in commercial/industrial developments, condominiums, and rental developments may be private streets, subject to obtaining the applicable variance approval. All streets shall be built to current Pasco County standards for width, subgrade, and thickness.
16. All driveway cuts shall be installed to local streets and not collector streets.
17. All open space, drainage areas, retention and detention ponds, recreation areas, common areas, buffer areas, and preservation areas shall be record platted as tracts and/or easements and shall be conveyed to a mandatory homeowners'/merchants'/property owners' association. Maintenance responsibility will be that of the association.
18. All recreational areas shall be record platted as tracts and deeded to a mandatory homeowners' association or another entity other than Pasco County for maintenance.
19. The developer shall create a mandatory homeowners'/merchants' association 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 and shall provide for the maintenance of all open space, drainage areas, common areas, buffer areas, preservation areas, recreation areas, and other special purpose areas by the said association. Prior to platting the first unit or phase, homeowners'/merchants' documents, including Articles of Incorporation with proof of being filed with the Secretary of State, State of Florida, the bylaws, restrictive covenants and conditions, and all exhibits, shall be recorded in the Clerk's Office, Pasco County, Florida, and submitted to the Engineering Services Department, Survey Division, for review along with copies of instruments to be used to convey the above-mentioned areas to the said association.
20. All areas designated as SWFWMD, Florida Department of Environmental Protection (FDEP), or Army Corps of Engineers (ACOE) jurisdiction on the preliminary plan subject to any SWFWMD, FDEP, or ACOE required and/or approved mitigation adjustments shall be recorded on the record plat as conservation areas. The bearings and distances of the jurisdictional lines shall be so denoted on the plat. Within these areas, there shall be no construction, clearing, filling, or improvements of any kind unless appropriate permits have been obtained allowing wetland encroachment.
21. The developer acknowledges that approval of this preliminary plan does not guarantee approval of the proposed street names.
22. 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*.
23. 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.
24. 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.
25. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
26. The developer shall provide 2.93 acres of neighborhood parks (for Phase 1 only) in accordance with Ordinance No. 02-26 as amended. The land provided for use as neighborhood parks shall be developable uplands exclusive of required setbacks from wetland or environmental areas and shall not contain any restrictions or encumbrances that prevent its use as a neighborhood park. The land provided for each neighborhood park shall be an area easily accessible to the residents by automobile, foot, and bicycle. The required neighborhood park acreage shall be located no greater than one-half mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park or no greater than one-quarter mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park if the neighborhood

park is separated from the subdivisions or dwelling units by a collector or arterial roadway. The required neighborhood park acreage may consist of single or multiple neighborhood parks; however, each neighborhood park shall be a minimum of one acre in size. A minimum of 25 percent of the required neighborhood park acreage and not less than one-half acre of each neighborhood park shall consist of an unpaved, open-play area without trees and structures that impair open play. Neighborhood parks shall be maintained by the developer, a nonprofit homeowners' association, a Community Development District, or an open-space trust in accordance with Ordinance No. 02-26 as amended.

27. 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 S.R. 54 (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).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of S.R. 54 within or adjacent to the boundaries of the developer property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to S.R. 54, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to Section 403 of the Land Development Code.

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. All stormwater-management plans, reports, or calculations for the developer project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

28. The applicant agrees to discontinue and remove, at the applicant's sole expense, the interim uses in the S.R. 54 Transportation Corridor no later than the beginning of the first fiscal year in which monies for the acquisition of right-of-way within the affected transportation corridor are first programmed by either the County in the County's Five-Year Capital Improvement Plan or Capital Improvement Element or the Florida Department of Transportation (FDOT) in the FDOT's Five-Year Transportation Improvement Program (the "Termination Date"). This agreement shall be evidenced by an affidavit which shall state that the interim uses shall be discontinued no later than the Termination Date. The affidavit shall be recorded against the development site in the Public Records of Pasco County of the Clerk of the Circuit Court of Pasco County, and a copy of the recorded affidavit shall be provided to Pasco County prior to the issuance of the first Building Permit within the development site. The Termination Date may be extended by written correspondence from the County or FDOT, as applicable, for a time period not to exceed one year for each extension.

The property owner or another common ownership entity other than Pasco County shall continue to maintain the interim uses until the interim uses are physically removed.

29. Site plans approved by the DRD or the DRC are the final approved documents. Changes/additions/deletions to approved site plans, i.e., building size, location, loading zones, etc., require revised site plan submittal, review fee, and approval in accordance with Section 306 of the Land Development Code.

30. Site plans submitted with Building Permit applications are invalid as to final site approval unless stamped approved by the DRD or the DRC. These plans are submitted to show building location in regard to property line, other buildings, etc., only. The site must conform to those plans submitted and/or approved by the DRD or DRC in accordance with Section 306 of the Land Development Code.

31. The owner/developer shall provide and install all required traffic-control devices associated with the project in accordance with Development Review Policy No. 32-90R dated October 16, 1990, and any amendments thereto.

32. All areas proposed for use as model/sales centers, recreational areas, and commercial areas shall be designated on the preliminary plan. Prior to construction within these areas, a detailed site plan conforming to all applicable requirements must be approved by the DRD.

Construction Plan

33. 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 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.
34. 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.
35. 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 in accordance with Resolution No. 93-304 as amended. 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.
36. 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.
37. Prior to construction drawing approval, the developer shall submit a stormwater management plan in accordance with Sections 306, 310, 605, and 606 of the Land Development Code to the DRD for review and approval of same. The construction plan time frame for review shall not begin until the stormwater management plan is submitted and passed content review.
38. 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 Land Development Code, 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.

39. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the Utilities Services Branch prior to preliminary plan approval. Prior to construction plan approval, the developer and the County shall enter into a Utilities Service Agreement. A Master Utilities Plan, approved by the Utilities Services Branch, is required prior to final construction plan approval. 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 Master Utilities Plan outline may be obtained from the Utilities Services Branch.
40. The developer shall provide streetlights along all internal collector roads and local streets in accordance with the Pasco County Code of Ordinances, Chapter 94, Article II. Streetlight agreements for service from the serving utility shall be provided to the Engineering Services Department for review and acceptance prior to record platting. The streetlight plans shall include a certification by the engineer of record, electrical utility company, or other entity acceptable to the Engineering Services Department, that the streetlights will be in conformance with the American National Standard Practice for Roadway Lighting in accordance with the provisions of the Pasco County Code of Ordinances, Chapter 94, Article II. Unless otherwise approved by the Utilities Services Branch, when the development is record platted, the development shall be included into a street lighting area. The street lighting plan shall be submitted in both hard copy and digital drawing file (formatted in AutoCAD, Arc/Info, or DXF drawing file format).

41. Plan approval by the Development Director, DRC, or BCC does not authorize construction of utilities prior to FDEP permits being submitted and approved.
42. 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 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.
 - 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.
43. The owner/developer acknowledges that Pasco County Utilities shall not accept any water mains, other water structures, sewer mains, or other sewage structures for ownership, operation, or maintenance within the development unless otherwise approved by the Utilities Service Agreement.
44. 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.
45. Any gates located within gated communities shall be setback sufficiently in order to provide vehicular stacking for a minimum of three vehicles, unless a greater distance is determined to be required at the time of each preliminary plan or preliminary site plan review. All entrances accessed by key or electronically coded systems shall be equipped with a system approved by the Emergency Services Director to allow fire or other emergency vehicles immediate access to the development. Upon replacement of any existing gated system, the replacement shall be equipped with a system acceptable to Pasco County. In addition, the access lane widths and clearance between fixed structures shall be a minimum of 15 feet in width.
46. The applicant has submitted a Traffic Impact Study which requires the following improvements:
 - a. On-Site Driveway Improvement:

Construct an eastbound left-turn lane on S.R. 54 that is 365 feet long, including a 50-foot-long taper and a westbound, right-turn lane from S.R. 54 to the project driveway that is 315 feet long, including a 50-foot-long taper. This right-turn lane distance may be shortened upon approval of a shorter length by the FDOT and concurrence of Pasco County staff. The project drive will have a southbound, right-turn lane for exiting the project. The project drive should be channelized for southbound, right-turn movements to westbound S.R. 54 and signed to prohibit left turns.
 - b. Off-Site Improvements:
 - (1) At the S.R. 54 and Morris Bridge Road/Eiland Boulevard intersection, extend the southbound, right-turn lane by 140 feet from its existing 250-foot-length to 390 feet long and extend the northbound, left-turn lane by 240 feet from its existing 225-foot-length to 465 feet long.
 - (2) Construct a westbound U-turn lane and receiving lane on S.R. 54 at Apfel Road to make provision for traffic from the project that desires to travel to the east of the project site. As an alternative to this improvement, construct an access to the existing Home Depot parking lot that will allow project traffic to travel eastward to Eiland Boulevard.
 - (3) Construct a traffic signal at the intersection of S.R. 54 at Riverside Crossings Road; or post a Performance Bond in the amount of \$250,000.00 in order to insure the developer's participation, if necessary, in the construction when warranted of a traffic signal at the intersection of S.R. 54 at Riverside Crossings Road.

The improvements are required to be completed prior to issuance of the first CO.

47. The traffic study submitted by the applicant assumes the following land use:

324 dwelling units of apartments and 142 dwelling units of condominiums/townhouses.

Any development of land uses 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(s) 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 Transportation Impact Fee reduction process. If the applicant(s) 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.

48. If a Pasco County 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.

49. 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.

50. 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.

51. 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

52. 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.

53. 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).

54. 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.

55. Wetlands shall be defined by the Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy 2.7.3, and shown on all preliminary plans/preliminary site plans and construction plans/construction site plans. Jurisdictional boundaries shall be delineated in accordance with the responsible regulatory agency. These boundaries may be adjusted following appropriate permit approval and shall be shown on each preliminary plan/preliminary site plan. Removal, encroachment, alteration, or development within wetlands shall be in accordance with the Comprehensive Plan, Chapter 3, Conservation Element, Wetlands, Policy Nos. 2.7.3, 2.7.5, and 2.7.6; however, no removal, encroachment, alteration, or development shall be permitted within any wetland used to obtain a Comprehensive Plan or Land Development Code density credit. All permits for encroachments, alterations, or development within Category I wetlands shall be obtained and submitted to Pasco County prior to construction plan/construction site plan approval.
56. There shall be a buffer around all preserved SWFWMD wetlands with an average width of 25 feet but no less than 15 feet unless otherwise accepted by the SWFWMD. ACOE wetlands do not require additional buffers. The proposed upland buffer area shall be shown on the construction plans. The final upland buffer area as required by the SWFWMD shall be designated on the plat as "wetland conservation areas as required and defined by the SWFWMD." Permissible uses of wetland conservation areas shall be those uses allowed by the SWFWMD.
57. All wetlands shall be platted within tracts and designated on the plat as "wetland conservation areas." All preserved wetlands shall be platted within tracts outside lots. No activity requiring the issuance of a Building Permit shall be allowed within five feet of any wetland line. Concurrent with platting, all wetlands shall be deeded to the mandatory homeowners' associations/community development district/merchant's association. The homeowners' association/merchant's association documents shall provide that the homeowners' association shall be responsible for the payment of taxes, if any, on the wetland conservation areas.
58. 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.
59. 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.
60. 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.
61. 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.

Certificate of Occupancy

62. The owner/developer shall arrange for a final site inspection approval by the Engineering Services Department prior to the issuance of the CO.
63. 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.
64. The developer 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 DRC's approval of this preliminary site plan constitutes a finding by the DRC that the preliminary site plan, as conditioned, is consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the Land Development Code that are applicable to preliminary site plan 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

ZEPHYRHILLS APARTMENT ASSOCIATES, 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

CMJ/GSW/dr/columns05/08a

DEVELOPMENT REVIEW COMMITTEE ACTION (8/24/06):

Approved Staff Recommendation with the Deletion of Condition No. 4 and Modification to Condition Nos. 13 and 46.b.(3)

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Honorable Chairman and
Members of the Board of
County Commissioners
[Handwritten signature]

THRU: Bipin Parkh, P.E.
Assistant County Administrator
(Development Services)
[Handwritten signature]

FROM: Cynthia M. Jolly, P.E., CFM
Development Director
[Handwritten signature]

DATE: 3/31/08 FILE: DV08-052

SUBJECT: Appeal of DRC Decision for Publix at
Summertree Plaza Preliminary/
Construction Site Plan
BCC: 3/25/08, 1:30 p.m., NPR

REFERENCES: 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:

CRF Zephyrhills and Century Companies is appealing the Development Review Committee's (DRC) decision of October 25, 2007, approving the (DR08-001) for the project known as Publix at Summertree Plaza, specifically Condition No. 23, requiring transportation improvements.

The subject project is located on the northwest corner of S.R. 54 and Eiland Boulevard in the Zephyrhills area (Parcel ID No. 18-26-21-0000-01500-0060) and consists of 13.66 acres, m.o.l., upon which the development of a 64,200-square-foot grocery is proposed.

FINDINGS OF FACT:

1. On October 25, 2007, the DRC conducted a public hearing and approved the project with amended conditions.
2. Subsequently, on November 20, 2007, CRF Zephyrhills and Century Companies filed a timely Notice of Appeal pursuant to Section 317 of the Land Development Code. A copy of the appeal application with supporting points is attached hereto.

In considering appeals of DRC decisions, the BCC shall be limited to the record of the DRC public hearing, as applicable, and shall not make new factual findings or accept new evidence. However, the BCC may adopt, modify, condition, or reverse the DRC's legal conclusions and conditions including, but not limited to, 1) conclusions and conditions relating to consistency with the Land Development Code, Comprehensive Plan, and County approvals and development orders; 2) conclusions and conditions relating to the application of the Land Development Code, Comprehensive Plan, and County approvals and development orders to the record evidence and facts; 3) reweighing the record evidence to evaluate consistency with the Land Development Code, Comprehensive Plan, and County approvals and development orders; and/or 4) interpretations of the Land Development Code, Comprehensive Plan, or County approvals and development orders.

In summary, the BCC must adhere to the following standards of review upon appeal of final orders granting or denying development orders:

1. No new testimony or evidence may be heard or presented.
2. Review is limited to the transcript and record from the DRC meeting.
3. The BCC may reweigh evidence previously presented to the DRC and may modify, adopt, or reverse legal conclusions and conditions of the DRC.

ALTERNATIVES AND ANALYSIS:

The BCC has the authority to:

1. Uphold the decision of the DRC taken on October 25, 2007.

2. Remand the matter to the DRC for additional evidence and consideration.
3. Grant the appeal and modify the DRC action taken on October 25, 2007.

RECOMMENDATION:

The Development Director recommends that the BCC approve Alternative No. 1.

ATTACHMENTS:

1. Location Map
2. Site Development Plan
3. Appeal Application with Attachment(s)
4. Memorandum Nos. DR08-001 and DR08-015
5. Verbatim of the October 27, 2007, Variance Hearing of the DRC Meeting

CMJ/dr/publixdv08052/29

BOARD OF COUNTY COMMISSIONERS ACTION (3/25/08):

Amended Condition No. 23.d.

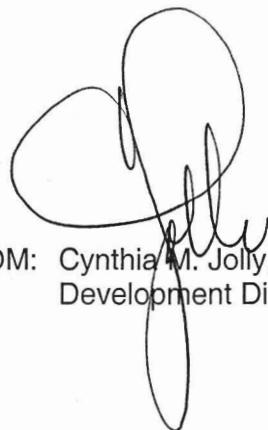
PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 3/31/08

FILE: DR08-001
(BCC Appeal)

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



SUBJECT: Class II, Commercial Development
Review - Publix at Summertree Plaza
Preliminary/Construction Site Plan
(Project No. IIPR07-017)
DRC: 10/25/07, 1:30 p.m., NPR

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 Review Committee (DRC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Publix at Summertree Plaza
Developer's Name:	Century Companies
Location:	On the northwest corner of S.R. 54 and Eiland Boulevard, Section 18, Township 26 South, Range 21 East.
Parcel ID No.:	18-26-21-0000-01500-0060
Land Use Classification:	RES-6 (Residential - 6 du/ga)
Zoning District:	C-2 General Commercial
Transportation Corridor:	N/A
Existing Right-of-Way:	N/A
Required Right-of-Way:	N/A
Flood Zone:	"C"
Hurricane Evacuation Zone:	C
Acreage:	13.66 Acres, m.o.l.
Number of Units:	1
Type of Unit:	Grocery/Retail
Size of Unit:	64,200 Square Feet
Water/Sewage:	Pasco/Pasco
Drainage:	On-Site
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	239
Present Land Use:	Vacant
Level of Service (LOS) Analysis:	Final

DEVELOPER'S REQUEST:

The developer of Publix at Summertree Plaza is requesting approval of a preliminary/construction site plan for a shopping center with a 45,600-square-foot grocery store and 18,600 square feet of other retail, totaling 64,200 square feet.

BACKGROUND:

1. On December 14, 1999, the Board of County Commissioners (BCC) approved Petition No. 5531 to change zoning from an A-C Agricultural District to a C-2 General Commercial District.
2. On September 6, 2001, the DRC approved a conceptual plan allowing two accesses to Eiland Boulevard.
3. On June 19, 2003, the DRC approved the Home Depot preliminary/construction site plan (IIPR03-024, DR03-1482).

4. This project is a portion of a Common Plan of Development.

FINDINGS OF FACT:

1. The preliminary/construction site plan has 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. The total building area for the proposed development is 64,200 square feet, which is consistent with the Floor Area Ratio (FAR) allowed within the RES-6 (Residential - 6 du/ga) Future Land Use classification.
2. The preliminary/construction site plan for the above-subject project was prepared for Century Companies by The Good Group and consists of 35 sheets dated November 26, 2006; the sheets were last revised on August 15, 2007. The plans were originally received by the Development Review Division (DRD) on November 28, 2006, and final revisions were received on August 29, 2007.
3. Access to the property is from Eiland Boulevard and S.R. 54.

CONCURRENCY ANALYSIS:

The Final Certificate of Capacity is being issued for:

1. 64,200 square feet of retail.
2. When the remaining out-parcels of Phase 2 are submitted for review, the Traffic Impact Study must include the traffic information from the subject project as well. Any analysis will receive credit for any completed improvements.

RECOMMENDATION:

The DRC recommends approval of the preliminary/construction site plan for the Publix at Summertree Plaza project 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. Prior to the issuance of the Site Development Permit, the developer shall record the Approved Agenda Memorandum Conditions of Approval as notarized by the developer and development plan with the Clerk of the Circuit Court. The packet to be recorded shall be no larger than 8½" X 14" with legal description.

A statement regarding the development approval shall be included on each recorded deed. The specific language to be used shall include the Official Record Book and page and index name wherein the development was recorded.

- f. National Pollutant Discharge Elimination System Permit/permit application.

- g. Construction traffic route condition survey and videotape, if applicable.
- h. Construction Traffic Restoration Bond, if applicable.
- i. License and Maintenance Agreement for any allowed interim uses in the transportation corridor, if applicable.
- j. Revised plans incorporating all changes required to show compliance with the conditions of approval, including, but not limited to:
 - (1) Revise S.R. 54 turn-lane improvements to comply with existing right-of-way constraints.
 - (2) Revise the plan to show the zoning classification of the abutting property to the west of the subject property to be MF-1 Multiple Family Medium Density and the property to the east to be A-C Agricultural per the Pasco County Geographic Information Section maps.
 - (3) Revise the cover sheet, data summary, and the calculation of FAR to use a maximum FAR of .27 for the RES-6 (Residential - 6 du/ga) Land Use. The calculation in the data summary on the cover sheet uses .60.
 - (4) A copy of approved Florida Department of Environmental Protection (FDEP) Utility Permits and plans. Revised site plans addressing the following comments must be submitted and approved with the FDEP permit applications.
 - (a) A revised Master Utility Plan must be submitted, reviewed, and approved prior to site plan approval (include hydraulic calculations for upgrade to pump stations).
 - (5) Plan must be revised to shift fire line a minimum of 10 feet away from the north property line to allow clear access for pipe installation through the proposed easement. The proposed fire line must be moved out of the easement.
 - (6) Plan must be revised to show the irrigation meter location and equipped with a reduced pressure backflow preventer. Include detail drawing from the Pasco County website at www.pascocountyfl.net.
- k. The owner/developer shall formally convey a 20-foot easement to Pasco County along the north and west property line and the entire stormwater retention area.
- l. A Merchants' Association must be established for this project. Provide a copy of the recorded Merchants' Association to the Utilities Services Branch prior to issuance of the Site Development Permit.

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

- 3. In the event the Home Depot grants an easement or easements for interconnection to the property or properties to the west, Publix shall construct such interconnection.
- 4. 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 or as otherwise permitted by Florida law and Pasco County ordinances.
- 5. 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 flood-plain 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.
- 6. Prior to the issuance of a hard-copy Site Development Permit from the DRD, the following must be submitted to the DRD:
 - A copy of the Pasco County Utilities Services Branch Master Utilities Plan approval letter.
- 7. Plan approval by the Development Director, the DRC, or the BCC does not authorize construction of utilities prior to the FDEP permits being submitted and approved.
- 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. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
- 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.

Construction Plan

- 14. 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.
- 15. 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 in accordance with Resolution No. 93-304 as amended. 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.
- 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. 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.
- 18. 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 Land Development Code (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.

19. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the Utilities Services Branch prior to preliminary plan approval. Prior to construction plan approval, the developer and the County shall enter into a Utilities Service Agreement. A Master Utilities Plan, approved by the Utilities Services Branch, is required prior to final construction plan approval. 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 Master Utilities Plan outline may be obtained from the Utilities Services Branch.
20. 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:
 - m. 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.
 - n. 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.
21. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments.
22. The traffic study submitted by the applicant assumes the following land use:

64,200 Square Feet of Retail

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 Transportation Impact Fee 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.

23. The applicant has submitted a Traffic Impact Study which requires the following improvements:
 - a. Pay a proportionate fair share of \$28,371.30 toward future construction of an additional southbound-eastbound, left-turn lane and a westbound-northbound, right-turn lane at the Zephyrhills Bypass Extension and Eiland Boulevard intersection.
 - b. Construct a 400-foot westbound-northbound, right-turn lane (including a 50-foot taper) at the S.R. 54 and Eiland Boulevard intersection. If the Florida Department of Transportation (FDOT) or other agencies fail to permit this improvement without any additional right-of-way requirement, the developer will make a proportionate fair-share payment of \$238,423.22.
 - c. Extend the southbound-westbound, right-turn lane on Eiland Boulevard at the Project Site Access Connection No. 1 (north driveway on Eiland Boulevard) by 160 feet, to a total of 430 feet (including 50-foot taper).

- d. **Pay the proportionate share of \$51,000.00 for the construction of** a 375-foot, turn lane at Driveway No. 4, ~~or will have the option to pay the cost for this turn lane if the FDOT or other permitting agencies, if any, fail to permit the said improvement without any additional right-of-way requirement. The applicant must apply for any and all permits required and diligently pursue same.~~
- e. Restripe (mill and resurface) and extend the existing southbound-westbound, right-turn lane at the S.R. 54 and Eiland Boulevard intersection and at the Eiland Boulevard Project Site Access Connection No. 2 (south driveway on Eiland Boulevard) by 160 feet, to a total of 785 feet, including a 50-foot taper, to provide a continuous right-turn lane serving the S.R. 54 and Eiland Boulevard intersection and the Eiland Boulevard Project Site Access Connection No. 2 (south driveway on Eiland Boulevard).
- f. Restripe (mill and resurface) the existing "end-to-end" left-turn lanes on the southbound approach at the S.R. 54 and Eiland Boulevard intersection to provide a 300-foot, westbound-southbound, left-turn lane at the S.R. 54 and Eiland Boulevard intersection.
- g. Restripe (mill and resurface) the existing "end-to-end" left-turn lanes on the southbound approach at the S.R. 54 and Eiland Boulevard intersection to provide a 600-foot, southbound-eastbound, left-turn lane at the S.R. 54 and Eiland Boulevard intersection and a 300-foot, northbound-westbound, left-turn lane on Eiland Boulevard at Project Site Access Connection No. 1 (north driveway on Eiland Boulevard).
- h. Extend the northbound-westbound, left-turn lane at the S.R. 54 and Eiland Boulevard intersection by 100 feet, to a total of 300 feet, including a 50-foot taper and pay a proportionate fair share of \$80,609.57, corresponding to extending this turn lane by an additional 285 feet to meet County standards.
- i. Pay a proportionate fair share of \$76,366.96, corresponding to extending the eastbound-northbound, left-turn lane at the S.R. 54 and Eiland Boulevard intersection by an additional 270 feet needed to meet County standards.
- j. When the two outparcels owned by Publix come for preliminary site plan approval, they should consider the traffic generated by Publix as project traffic in their Traffic Impact Study (TIS). Note that mitigation improvements identified by Publix and already mitigated will be credited toward the improvements identified by the two outparcels TIS.

The improvements **and/or payments** are required to be completed prior to record plat, or where a record plat is not required, prior to the first Certificate of Occupancy (CO).

- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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

28. 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.
29. 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).
30. 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.
31. 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.
32. 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.
33. 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.
34. The developer shall, at the time of Building Permit submittal, comply with the architectural rendering as approved by the DRC.
35. To prevent glare visible from off-site locations, all lighting fixtures shall be a cut-off-type fixture. 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 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.

36. 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.
37. The developer 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.

38. The DRC's approval of this preliminary/construction site plan constitutes a finding by the DRC that the preliminary/construction site plan, as conditioned, is 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 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 they have read, understood, and accepted the above-listed conditions of approval.

Date

CENTURY COMPANIES

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. Site Plan
2. Location Map

CMJ/DEM/dr/publix/08a

DEVELOPMENT REVIEW COMMITTEE ACTION (10/25/07):

Approved Staff Recommendation with Amendments

BOARD OF COUNTY COMMISSIONERS ACTION (3/25/08):

Amended Condition No. 23.d.