

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 2/19/10

FILE: ZN10-137

SUBJECT: Class II, Commercial Development Review - Cypress Creek Town Center North, Phases 1 and 2, Infrastructure Improvements, Preliminary/Construction Site Plan, Stormwater Management Plan and Report, and Cypress Creek Town Center, North of S.R. 56, Bike and Pedestrian Plan, Phases 1 and 2 (Project No. IIPR09-029)
DRC: 2/25/10, 1:30 p.m., NPR (Cont. from 2/11/10)
Recommendation: Approval with Conditions

FROM: Debra M. Zampetti
Zoning/Code Compliance
Administrator

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:	Cypress Creek Town Center, North Internal Roads
Developer's Name:	Pasco Ranch, Inc.
Location:	At the northeast corner of C.R. 54/Wesley Chapel Boulevard and S.R. 56, Section 27, Township 26 South, Range 19 East.
Parcel ID Nos.:	27-26-19-0010-00000-0010 (portion of) and 27-26-19-0010-00000-0012 (portion of)
Land Use Classification:	ROR (Retail/Office/Residential)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridors:	C.R. 54/Wesley Chapel Boulevard and S.R. 56
Existing Rights-of-Way:	250 and 330 (varies) Feet from Centerline
Required Rights-of-Way:	250 and 330 (varies) Feet from Centerline
Acreage:	12.7 Acres, m.o.l. (Phase I) and 27.3 Acres, m.o.l. (Phase II)
Number of Units:	N/A
Type of Unit:	Roadways
Square Feet:	N/A
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	177
Initial Certificate of Capacity:	N/A

DEVELOPER'S REQUEST:

The developer of Cypress Creek Town Center is requesting preliminary/construction site plan and Stormwater Management Plan and Report approval to install internal roadways connecting C.R. 54/Wesley Chapel Boulevard and S.R. 56 to serve a future retail center. The developer also requests approval of the Bike and Pedestrian Plan for Phases 1 and 2, north of S.R. 56.

BACKGROUND:

1. On November 23, 2004, the Board of County Commissioners (BCC) approved the Cypress Creek Town Center Development of Regional Impact (DRI) (DRI No. 252) (Resolution No. 05-40).

2. On November 23, 2004, the BCC approved the Cypress Creek Town Center MPUD Master Planned Unit Development (Petition No. 6288).
3. On November 23, 2004, the BCC approved the development agreement (DA) as required by the development order (DO) for the construction of:
 - a. S.R. 54/56 Pipeline Project:
 - (1) The widening of S.R. 56 and S.R. 54 from a four-lane, divided, arterial roadway to a six-lane, divided, arterial roadway from the western I-75 ramps west to the existing six-lane section approximately 0.6 mile east of U.S. 41.
 - (2) Intersection improvements related to the S.R. 54 and S.R. 56 Pipeline Project.
 - b. C.R. 54 Extension Pipeline Project:

Permitting and construction for a new C.R. 54 from the intersection of S.R. 56 and C.R. 54 south to County Line Road.
4. On April 26, 2005, the BCC approved the Cypress Creek Town Center Settlement Agreement and the amended and restated DO (CAO05-3219) (Resolution No. 05-188).
5. On March 15, 2007, the DRC approved the pedestrian and bike path plan with conditions for the regional mall area south of S.R. 56 (GM07-612).
6. On March 15, 2007, the DRC approved the Cypress Creek Town Center Master Roadway Plan for the regional mall area south of S.R. 56 (GM07-613).
7. On March 15, 2007, the DRC approved the Off-Site Utility Extension preliminary/construction site plan for Cypress Creek Town Center, Phase I (DR07-1036).
8. On March 15, 2007, the DRC approved a Stormwater Management Plan and Report and Drainage Infrastructure Construction Plan for 503.15 acres for Cypress Creek Town Center, Phase I (DR07-1008).
9. On May 13, 2008, the BCC approved the Cypress Creek Town Center Amended and Restated DO (Resolution No. 08-217).
10. On November 5, 2009, the DRC recommended approval of a variance from the Land Development Code (LDC), Sections 402.3.C, 402.6.C(1), and 402.6.D, to extend the build-out date for transportation concurrency by seven years without requiring a new traffic study and without an additional traffic study review. Staff has recommended approval of the variance request as the developer completed the S.R. 54/56 Pipeline Project in advance of being able to utilize any of the additional transportation capacity created by the S.R. 54/56 Pipeline Project (PGM10-23).
11. On December 15, 2009, the BCC approved the Cypress Creek Town Center amended and restated DA and a Letter of Agreement between Pasco County and the Florida Department of Transportation (FDOT) (PGM10-27).
12. On December 15, 2009, the BCC approved the Cypress Creek Town Center amended, restated, and consolidated DO (Resolution No. 10-100).

FINDINGS OF FACT:

1. Presently, the subject site is unimproved except for mass grading and infrastructure.
2. The subject property is located in Flood Zones "C," "B," and "A4." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
3. The subject property is located within the Trout Creek drainage basin.
4. The subject property is recognized as having an archeological site (PA00-357) within its boundaries.
5. The surrounding zoning is as follows and, for reference purposes, the buffer requirements for the abutting properties is also provided:

	<u>Zoning District</u>	<u>Types/Buffer Requirements</u>
North:	MPUD Master Planned Unit Development	N/A
South:	S.R. 56; MPUD Master Planned Unit Development	N/A
East:	MPUD Master Planned Unit Development	N/A
West:	C.R. 54; MPUD Master Planned Unit Development	N/A

6. The preliminary/construction site plan and Stormwater Management Plan and Report have been reviewed by the Zoning and Site Development Department, and it has been determined that the proposed use is consistent with the above-referenced zoning district's permitted uses.
7. The preliminary/construction site plan and Stormwater Management Plan and Report for the above-subject project were prepared for Pasco Ranch, Inc., by Water Resource Associates, Inc., and consist of 39 sheets dated August 14, 2009; the sheets were last revised on January 4, 2010. The plans were originally received by the Zoning and Site Development Department on August 24, 2009, and final revisions were received on January 4, 2010.
8. Access to the property is from S.R. 56, an FDOT-maintained road, which has 330 feet of right-of-way with 158 feet of pavement, and has been designated a six-lane, arterial facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan. Access to the property is also from C.R. 54/Wesley Chapel Boulevard, a County-maintained road, which has 225-250 feet of right-of-way with 71-110 feet of pavement, and has been designated a four-lane, arterial facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan
9. A Traffic Impact Study application was submitted and found to be exempt from the requirement to provide a traffic study and a Substandard Roadway Analysis.
10. 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.
11. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the preliminary/construction site plan, Stormwater Management Plan and Report, and north of S.R. 56, Bike and Pedestrian Plan, Phases 1 and 2, with the following conditions:

Hard-Copy Site Development Permit

1. The owner/developer or project contractor shall obtain a hard-copy Site Development Permit from the Zoning and Site Development Department prior to commencing any construction. To obtain this permit, the following must be submitted to the Zoning and Site Development Department:
 - a. The completed notarized acknowledgment portion of the attached agenda memorandum.
 - b. The receipt for payment of Pasco County utility impact fees (if the project is served by County water and/or sewer).
 - c. Completion of any site-specific conditions listed as requiring completion prior to the issuance of the Site Development Permit.
 - d. A copy of the approved Southwest Florida Water Management District (SWFWMD) Permit and Plan must be submitted to the Zoning and Site Development Department. In

the event the SWFWMD Permit and Plan require any changes to the County-approved plan, an amendment to the County-approved plan shall be submitted for review and approval prior to the issuance of the Site Development Permit.

- e. National Pollutant Discharge Elimination System Permit/permit application.
- f. License and Maintenance Agreement for any allowed interim uses in the Transportation Corridor, if applicable.
- g. Application submittal, including plans and fee, for a Pasco County Right-of-Way Use and/or Driveway Connection Permit for work within the right-of-way of C.R. 54.
- h. A copy of the FDOT Notice of Intent (NOI) for a Drainage and/or Connection Permit for S.R. 56.
- i. A copy of the FDOT NOI for a Right-of-Way Use and/or Driveway Connection Permit for S.R. 56.
- j. A copy of the Utilities Services Plan (USP) approval letter.
- k. A copy of approved Florida Department of Environmental Protection Utility (FDEP) Permits and plans. A revised site plan addressing the following comments must be submitted and approved with FDEP Permit applications.
- l. A completed, signed (by the owner/developer) Utilities Application for Service Connection for Commercial/Multiple Family Form is required prior to submittal and approval of the construction site plan. The Utilities Data Sheet for Sizing Water Meters Form must be completed and attached to the Application for Service Connection Form. Both forms are available on the County website at www.pascocountyfl.net; scroll down to Utility Services, select Documents and Forms, select Form 5a. If additional information is required, please contact Edward B. Siedzik, Civil Engineering Technician, Utilities Services Branch; or Georgeann M. Bennett, Engineering Records Technician, Utilities Services Branch, at (727) 847-8145. Provide two sets of utility plans and details with a cover sheet to the Utilities Services Branch.
- m. A copy of the receipt of payment from the Utilities Services Branch for wastewater treatment impact fees.
- n. The existing 12-inch water main located on the lot west of Street "A" shall be relocated along with the associated 15-foot-wide easement as part of the approval of the site plan for the lot west of Street "A." The ultimate configuration of the water main relocation will be determined in coordination with the Utilities Services Branch during the site plan review of this lot.

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

- 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.
- 3. 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.
- 4. If the site is identified on Maps 3-1a, 3-1b, or 3-1c in the Comprehensive Plan as a location of known endangered and threatened species, the developer shall submit to the Zoning and Site Development Department, a copy of the approved Federal, State, or other regulatory permit, or if no permit has been issued, then the developer shall submit a copy of the application submitted to the Federal, State, or other regulatory agency prior to site development.

General

- 5. The developer acknowledges that any provisions of Pasco County ordinances and any rezoning conditions of approval not specifically waived shall be in full force and effect, including all impact fee ordinances.
- 6. In the event ordinances/resolutions are adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife, the developer shall be required to comply with such ordinances/resolutions.

7. Any roadway construction required herein as a condition of development approval shall not be entitled to TIF credits unless such credits have been granted pursuant to prior written agreement or as provided herein. Appeal from this provision shall be made in accordance with the TIF Ordinance.
8. The owner/developer or successors in interest are advised of the following restrictions:
 - a. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, buffer areas, and upland conservation areas described in the approved plan or record plat unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
 - b. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity within the 100-year floodplain described in the approved plan and/or record plat of the subdivision unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
 - c. No owner of the property may undertake any roadway improvements within this development unless prior written authorization or notification of exemption is received from the SWFWMD pursuant to environmental resource permitting.
9. 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 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.
13. 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).
14. 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 Zoning and Site Development Department.

Construction Plan

15. Prior to final site/construction plan approval of any project abutting a State roadway, the owner/developer shall furnish to the Zoning and Site Development Department a Letter of Intent indicating approval and/or an approved Driveway Permit from the FDOT.
16. 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.
17. Where excavation in excess of 30,000 cubic yards is proposed to be removed from the site by using publicly dedicated rights-of-way, roadways, or easements, a Class I Mining Permit and Conditional Use Permit shall be required. Prior to construction plan approval, the developer shall submit calculations indicating the amount of excess fill that will result from development of the site. Prior to construction plan approval, the developer shall submit, along with a statement as to where and how the excess material will be disposed of, calculations indicating the amount of excess fill that will result from development of the property.

18. 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.
19. 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 the commencement of construction within the right-of-way. The developer shall ensure that any improvements installed in rights-of-way are constructed to County standards. Right-of-Way Use Permit No. 3195 shall not be fractured. The applicant shall obtain a separate Right-of-Way Use Permit for the interim improvements on C.R. 54 prior to the commencement of construction of the interim improvements within the right-of-way.

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 Permits and Development Information Services Department's New Port Richey office.

20. The developer shall construct all water and wastewater facilities within and external to the development to current Pasco County standards. Design and construction standards and USP outline may be obtained from the Utilities Services Branch.
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 for the location (northside) subject to this approval:

Retail Center (600,000 Square Feet); Highway Commercial (56,000 Square Feet); Office (120,000 Square Feet); Hotel (150 Rooms); and Multifamily Residential (230 Units)

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.

23. The County shall not issue Certificates of Occupancy (CO) for improvements located in Cypress Creek Town Center North outside of Phases 1 and 2, unless the applicant has either constructed C.R. 54 in conformance with the approved plans by WilsonMiller, Inc., and Right-of-Way Use Permit No. 31595, or has demonstrated, to the County's reasonable satisfaction, that the traffic generated by such improvements does not warrant C.R. 54 improvements. To this end, if the applicant has not yet constructed C.R. 54 in conformance with the approved plans by WilsonMiller, Inc., and Right-of-Way Use Permit No. 31595, future traffic analysis will be required at the time of the Phase 3 site plan submittal to reassess the timing for the roadway improvements on C.R. 54.
24. Interim improvements to C.R. 54 commencing from S.R. 56 North (for Phases 1 and 2) shall include the following:
 - a. The applicant shall construct a northbound to eastbound, right-turn lane on C.R. 54 at the first site-access connection to match the approved plans by WilsonMiller, Inc., and Right-of-Way Use Permit No. 31595.
 - b. The applicant shall construct a northbound to eastbound, right-turn lane on C.R. 54 at the second site-access connection as shown on the construction plan to match the approved plans by WilsonMiller, Inc., and Right-of-Way Use Permit No. 31595, except striping changes to accommodate the unsignalized interim conditions.
 - c. The applicant shall construct a southbound to eastbound, left-turn lane on C.R. 54 at the second site-access connection as shown on the construction plan.
 - d. The applicant shall construct C.R. 54 north of S.R. 56 to receive three traffic lanes to the second access connection where the western lane becomes a northbound to westbound, left-turn lane. Immediately north of the second access connection, the remaining two northbound lanes will merge back to the two-lane section of the existing C.R. 54.
 - e. The applicant shall close the first median opening north of S.R. 56.

Note: The installation of a traffic signal on C.R. 54 at the second driveway north of S.R. 56 is not part of the required interim improvements.

The improvements are required to be completed prior to the record plat or where a record plat is not required, prior to the first CO.

25. The applicant shall agree to construct the internal roadway to be compatible at the right-of-way line with the proposed C.R. 54 plans, which are prepared by the Kisinger Campo and Associates Corporation (KCAC) on behalf of Pasco County.
26. The applicant shall provide to the County a construction easement ten feet on either side of the driveways connecting to C.R. 54 and 30 feet into the site effective until construction of the County's project is completed.
27. The applicant acknowledges that the driveway may be affected during the construction of the driveway and intersection improvements.
28. The applicant shall install a traffic signal on S.R. 56/Grand Cypress Drive intersection when it is warranted or sooner at the applicant's election, but in any case with the approval of the FDOT. The applicant is not entitled to impact fee credits unless otherwise agreed to by the County.
29. 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.
30. 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.
31. 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.
32. 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.
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.

Building Permit/Record Plat/Certificate of Occupancy

34. Access to all out-parcels and contiguous properties must be from within the project. No additional access to the subject site from S.R. 56 and C.R. 54 shall be allowed, inclusive of the lands that may be separately sold, legally described tracts; appurtenances thereof; subdivided, divided, or sold separately for out-parcel development of the principal tract of property.
35. 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.
36. The improvements required to be completed in the above-referenced Condition No. 23 shall be done to the satisfaction of Pasco County.

37. 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.
38. 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.
39. 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.
40. Sidewalks shall be provided along pedestrian corridors, where appropriate, for connectivity and pedestrian safety during the site plan approval for vertical improvements. Also, the applicant shall design/permit/construct an eight-foot-wide multiuse path within a ten-foot-wide nonexclusive easement abutting the site's westerly property line from S.R. 56 northerly to the intersection of Grand Cypress Drive and C.R. 54. The multiuse path shall be completed upon site development construction on such parcels adjoining such westerly property line or upon completion of the construction of the proposed plans prepared by KCAC on behalf of Pasco County for C.R. 54, whichever occurs first. The exact and final location of the easement is to be determined by the DRC upon site plan approval for the parcels that adjoin the multiuse path.

The DRC's approval of this preliminary/construction site plan, Stormwater Management Plan and Report, and pedestrian and bike path plan, constitutes a finding by the DRC that the preliminary/construction site plan, Stormwater Management Plan and Report, and Pedestrian and Bike Path Plan, as conditioned, are consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to preliminary/construction Site Plan, Stormwater Management Plan and Report, and Bike and Pedestrian 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	PASCO RANCH, INC.
STATE OF FLORIDA	Title
COUNTY OF _____	_____

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

Seal: _____
NOTARY

ATTACHMENTS:

1. Location Map
2. Internal Road Site Plan
3. Bike and Pedestrian Plan
4. Memorandum from Kisinger Campo & Associates Corporation

DMZ/PSS/drc022510/zn10137/48

DEVELOPMENT REVIEW COMMITTEE ACTION: