

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 3/2/10

FILE: ZN10-138

FROM: Debra M. Zampetti
Zoning/Code Compliance
Administrator

SUBJECT: Class II, Commercial Development
Review - Dollar General at Zephyrhills
Preliminary/Construction Site Plan,
Stormwater Management Plan and
Report (Project No. IIPR10-004)
DRC: 3/18/10, 1:30 p.m., DC
Recommendation: Approval with
Conditions

REFERENCES: Land Development Code,
Section 306, Development
Review Procedures;
Comm. Dist. 1

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

Commission District:	The Honorable Theodore J. Schrader
Project Name:	Dollar General at Zephyrhills
Developer's Name:	Hanlex Development
Location:	On the east side of Gall Boulevard (U.S. 301), approximately 750 feet north of the apex of Gall Boulevard and Paul S. Buchman Highway (S.R. 39), south of the Zephyrhills city limits, Section 14, Township 26 South, Range 21 East.
Parcel ID Nos.:	14-26-21-0080-00A00-0010 and 14-26-21-0100-10000-0010
Land Use Classification:	ROR (Retail/Office/Residential)
Zoning District:	C-2 General Commercial
Transportation Corridor:	U.S. 301
Existing Right-of-Way:	80 Feet (Varies)
Required Right-of-Way:	Average of 15.5 feet per DRC Variance Approval on February 11, 2010 (ZN10-116)
Acreage:	2.59 Acres, m.o.l.
Number of Units:	2
Type of Units:	Retail and Ministorage
Square Feet:	9,100 Square Feet of Retail and 14,400 Square Feet of Ministorage, for a Total of 23,500 Square Feet
Water/Sewage:	City of Zephyrhills/Septic
Transportation Impact Fee Zone:	3
Transportation Analysis Zones:	268 and 269
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Dollar General at Zephyrhills is requesting approval of a preliminary/construction site plan, stormwater management plan and report for the construction of 9,100 square feet of retail and 14,400 square feet of ministorage to be completed in two phases.

BACKGROUND:

1. The above-referenced project site retains its original zoning of C-2 General Commercial District.
2. Per Pasco County Property Appraiser records, a portion of the above-referenced project site was originally developed in 1954 and contains commercial uses consisting of stores, office, and

service shops, and residential use consisting of a single family residence and mobile home and accessory structures.

3. On February 11, 2010, the Development Review Committee (DRC) approved the following variance requests from the Land Development Code: 1) Section 319, Transportation Corridor Management, to allow for a reduction in dedication of right-of-way from 125 feet from centerline of Gall Boulevard to an average of 15.5 feet as per FDOT letter. 2) Section 603.9.D.1, Type A Buffer, to allow for a reduction from ten (10) feet to a varying width of 8.8 feet to 7.8 feet along the rear boundary of Phase I Dollar General with condition that all required plantings shall be installed. 3) Section 603.9.D.4, Type D Buffer, to allow for a reduction from 15 feet to 9.2 feet along Gall Boulevard with condition that all required plantings and 18-inch berm shall be installed.

FINDINGS OF FACT:

1. Presently, the subject site contains a 2,968 square-foot automotive repair shop with three (3) accessory structures consisting of 676 square feet, 394 square feet and 464 square feet; a 679 square-foot taxidermy business; a single family residence with carports and a mobile home, which are to be removed for the proposed redevelopment.
2. The subject property is located in Flood Zone "X." Development is subject to the requirements of the LDC, Article 700; Flood Damage Prevention.
3. The surrounding zoning is as follows and, for reference purposes, the buffer requirements for the abutting properties is also provided:

	<u>Zoning Districts</u>	<u>Types/Buffer Requirements</u>
North:	C-2 General Commercial	Type A Buffer 10 Feet
South:	C-2 General Commercial; C-3 Commercial/Light Manufacturing	Type A Buffer 10 Feet
East:	C-2 General Commercial; R-1MH Single-Family/Mobile Home	Type A and B Buffers 10 Feet and 15 Feet, Respectively
West:	C-2 General Commercial; Gall Boulevard Right-of-Way	Type D Buffer 15 Feet

4. The preliminary/construction site plan, stormwater management plan and report has been reviewed by the Zoning and Site Development Department, and it has been determined that the proposed use is consistent with the above-referenced zoning district's permitted uses.
5. The preliminary/construction site plan, stormwater management plan and report for the above-subject project were prepared for Hanlex Development by ALDS Civil Engineering and consist of 23 sheet(s) dated December 1, 2009; the sheet(s) were last revised on January 27, 2010. The plans were originally received by the Zoning and Site Development Department on December 10, 2009, and final revisions were received on February 8, 2010.
6. Access to the property is from Gall Boulevard (U.S. 301), a Florida Department of Transportation (FDOT) maintained road, which has approximately 80 feet of right-of-way with 24 feet of pavement. Access is also from Palm Grove Avenue, a privately maintained road, which has a 50-foot right-of-way with 12 feet of pavement.
7. A Traffic Impact Study (TIS) application was submitted and found to be exempt from the requirement to provide a traffic study and a Substandard Roadway Analysis.
8. On June 27, 2006, the Board of County Commissioners adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways. In accordance with Corridor Preservation Table 7-4a, Gall Boulevard, a FDOT-maintained right-of-way, has been designated a four-lane collector facility with a proposed width of 250 feet.
9. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity is being issued for 9,100 square feet of retail and 14,400 square feet of ministorage. Any conditions required pursuant to the issuance of the certificate are attached to the Initial Certificate of Capacity.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the preliminary/construction site plan, stormwater management plan and report 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. 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.
 - c. National Pollutant Discharge Elimination System Permit/permit application.
 - d. Submittal of all required forms and documentation for the dedication of right-of-way along U.S. 301 to Pasco County Real Estate Division.

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

2. The owner/developer or project contractor shall notify the Engineering Services Department at least two working days prior to commencing any activity on the site.
3. 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

4. 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.
5. 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.
6. 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.
7. The owner/developer or successors in interest are advised of the following restrictions:
 - a. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity in the wetlands, buffer areas, and upland conservation areas described in the approved plan or record plat unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.
 - b. No owner of the property within the development may construct or maintain any building, residence, or structure, or undertake or perform any activity within the 100-year

floodplain described in the approved plan and/or record plat of the subdivision unless prior approval is received from the SWFWMD pursuant to environmental resource permitting.

- c. No owner of the property may undertake any roadway improvements within this development unless prior written authorization or notification of exemption is received from the SWFWMD pursuant to environmental resource permitting.
8. 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*.
9. 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.
10. 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.
11. The developer acknowledges that an appeal may be filed against the decision of the Zoning and Site Development Department 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.
12. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County an average of 15.5 feet (varies from 20 feet to 10.5 feet) per DRC Variance Approval on February 11, 2010 (ZN10-116) for Gall Boulevard (U.S. 301).

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.

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 final County action; however, no activity shall commence on site until such time as the acknowledge 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 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 FDOT. Prior to the issuance of the first record plat or where a record plat is not required, prior to the first Certificate of Occupancy (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.
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 commencement of construction. The developer shall ensure that any improvements installed in rights-of-way are constructed to County standards.

All construction within non-County-maintained right-of-way will require a Driveway Connection Permit. The owner/developer shall obtain a Driveway Connection Permit from the Zoning and Site Development Department's New Port Richey office.

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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

26. 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.
27. 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.
28. Prior to platting, or where platting is not required prior to the issuance of the first Certificate of Occupancy, 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.

- 29. Prior to the issuance of the first Certificate of Occupancy, the developer shall improve Palm Grove Drive, from Gall Boulevard to the project driveway, to County standards.

The DRC's approval of this preliminary/construction site plan, stormwater management plan and report constitutes a finding by the DRC that this preliminary/construction site plan, stormwater management plan and report, as conditioned, are consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to this preliminary/construction site plan, stormwater management plan and report approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

DEVELOPER'S ACKNOWLEDGMENT:

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

Date HANLEX DEVELOPMENT
STATE OF FLORIDA
COUNTY OF _____

Title

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

Seal: _____
NOTARY

ATTACHMENTS:

- 1. Location Map
- 2. Site Plan
- 3. Initial Certificate of Capacity
- 4. City of Zephyrhills NOI
- 5. FDOT Letter

DMZ/CR/ecm/drc031810/dollargenzn10138

DEVELOPMENT REVIEW COMMITTEE ACTION: