

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Debra M. Zampetti
Zoning/Code Compliance
Administrator

DATE: 3/31/10 FILE: ZN10-159

SUBJECT: Class I, Commercial Development
Review - Shoppes of Ballantrae
Village, Parcel 4, Preliminary/
Construction Site Plan and
Stormwater Management Plan and
Report (Project No. IPR09-013)
Recommendation: Approval with
Conditions

FROM: Beverly E. Trudell
Development Review
Technician II

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

It is recommended that the data herein presented be given formal consideration by the Zoning/Code Compliance Administrator.

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Shoppes of Ballantrae Village, Parcel 4
Developers' Names:	Joseph V. Aprile, Daniel T. Aprile, and Ronald D. Aprile
Location:	On the east side of Ballantrae Boulevard and on the north side of S.R. 54, Section 29, Township 26 South, Range 18 East.
Parcel ID No.:	29-26-18-0000-00500-0000 (A portion of)
Land Use Classification:	PD (Planned Development)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridor:	N/A
Acreage:	1.96 Acres, m.o.l. Retail
Number of Units:	1
Type of Unit:	Commercial
Square Feet:	17,500 Square Feet
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	2
Transportation Analysis Zone:	158
Initial Certificate of Capacity:	Initial (Issued with MPUD Rezoning)

DEVELOPERS' REQUEST:

The developers of Shoppes of Ballantrae Village, Parcel 4, are requesting preliminary/construction site plan and Stormwater Management Plan and Report approval for commercial retail/services, a total of 17,500 square feet.

BACKGROUND:

1. On July 22, 2008, the proposed Future Land Use (FLU) Amendment CPAL09-(2) was continued to the September 8, 2008, Board of County Commissioners (BCC) meeting.
2. At the July 22, 2008, BCC meeting, staff requested a continuance of the MPUD Master Planned Unit Development rezoning to the September 8, 2008, BCC meeting in order to keep this rezoning concurrent with the FLU CPAL08-2(2).
3. On September 8, 2008, the BCC approved the Shoppes of Ballantrae Village MPUD Master Planned Unit Development (Petition No. 6758).
4. On January 28, 2010, the Development Review Committee (DRC) approved a nonsubstantial modification to the previously approved MPUD Master Planned Unit Development to amend the transportation conditions (ZN10-085).

5. On February 25, 2010, the DRC approved the Shoppes of Ballantrae Village Subdivision preliminary/construction site plan and Stormwater Management Plan and Report with variances (Project No. SDU09-003), (ZN10-130).

FINDINGS OF FACT:

1. Presently, the subject site is unimproved.
2. The subject property is located in Flood Zones "A" and "C." Development is subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention.
3. 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.
4. The preliminary/construction site plan and Stormwater Management Plan and Report for the above-subject project were prepared for Joseph V. Aprile, Daniel T. Aprile, and Ronald D. Aprile by Planeng, Inc., and consist of 12 sheets dated October 21, 2008; the sheets were last revised on January 6, 2010. The plans were originally received by the Zoning and Site Development Department on November 12, 2008, and final revisions were received on January 8, 2010.
5. Access to the property is from Ballantrae Boulevard, a County-maintained road, which has 120 feet of right-of-way with 24 feet of pavement, and has been designated a two-lane, collector facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan.
6. A Transportation Impact Study application was submitted and found to be exempt from the requirement to provide a traffic study and a Substandard Roadway Analysis.
7. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity was issued for 64,090 square feet of commercial and 10,000 square feet of professional office. This certificate was issued with the MPUD Master Planned Unit Development rezoning. The initial certificate for roads expires on December 31, 2013, and all other facilities expire on September 8, 2017. This project proposes to utilize 17,500 square feet of the approved entitlements.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the preliminary/construction site plan and Stormwater Management Plan and Report with the following conditions:

Hard-Copy Site Development Permit

1. The owners/developers 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.

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 owners/developers or project contractor shall notify the Engineering Services Department at least two working days prior to commencing any activity on the site.

General

4. The developers shall not be required to provide the 10-foot landscape buffer between any individual parcels (lots), except for the use of an automotive-service station and convenience store with gas pumps, which shall comply with all applicable landscape buffer requirements pursuant to the LDC.
5. The developers acknowledge 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 and currency.
6. In the event ordinances/resolutions are adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife, the developers 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 owners/developers acknowledge that approval of the variance(s) and/or alternative standards request(s) as stated is based upon representation as set forth in the preliminary plan/preliminary site plan submittal dated January 6, 2010, and received by Pasco County on January 8, 2010. In the event that the preliminary plan/preliminary site plan is deemed void and/or approval is withdrawn, then the variance(s) and/or alternative standards request(s) shall be considered void and all future development shall thereafter comply with all regulations currently in effect and shall be reviewed and approved as provided therein. Preliminary plan/preliminary site plan approval is contingent upon approval of variance application(s).
9. The owners/developers or successors in interest are advised of the following restrictions:
 - a. No owners 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 owners 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 owners 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. 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*.
11. The owners/developers shall acknowledge that should Pasco County collect funds under a guarantee document, the developers shall authorize the County, or its designee, access to the property in question to complete the required work.
12. The owners/developers shall acknowledge that should Pasco County be required to institute legal proceedings in order to collect any funds under a guarantee document, the developers shall be responsible for attorney's fees and court costs incurred by the County in such action.

13. The developers acknowledge 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.
14. 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).
15. The developers are 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

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. 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 LDC, Section 311, Right-of-Way Use Permit, and must be obtained prior to commencement of construction. The developers 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 owners/developers shall obtain a Driveway Connection Permit from the Zoning and Site Development Department's New Port Richey office.

19. The developers shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments. The developers shall show hydrant site locations on the construction plans. Raised pavement markings shall be installed.
20. 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 owners/developers of the land will be responsible for payment to Pasco County in the amount of \$5,000.00 each.
21. When drainage facilities, which are not within a previously recorded drainage easement, are utilized for off-site drainage, the owners/developers 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.
22. Prior to any construction activity, the developers shall ensure that proper erosion and sediment control measures are in place. The developers 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.
23. 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.

24. 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

25. The owners/developers acknowledge that no Certificate of Occupancy (CO) shall be issued until the improvements for the commercial subdivision (SDU09-003) have been installed and have received final site inspection.
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 developers 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 owners/developers acknowledge 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 the issuance of the first CO, the developers 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.

The Zoning and Site Development Department's approval of this preliminary/construction site plan and Stormwater Management Plan and Report constitutes a finding by the Zoning and Site Development Department that the preliminary/construction site plan and 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 preliminary/construction site plan and Stormwater Management Plan and Report approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

OWNERS'/DEVELOPERS' ACKNOWLEDGMENT:

The owners/developers acknowledge that they have read, understood, and accepted the above-listed conditions of approval.

Date JOSEPH V. APRILE

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me the _____ (date),
by _____ (name of person acknowledging), who
is personally known to me or who has produced _____ (type
of identification) as identification.

Seal: _____
NOTARY

Date DANIEL T. APRILE

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me the _____ (date),
by _____ (name of person acknowledging), who
is personally known to me or who has produced _____ (type
of identification) as identification.

Seal: _____
NOTARY

Date RONALD D. APRILE

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me the _____ (date),
by _____ (name of person acknowledging), who
is personally known to me or who has produced _____ (type
of identification) as identification.

Seal: _____
NOTARY

DMZ/BET/ecm/drc041510/drc/ballantraezn10159

ZONING AND SITE DEVELOPMENT DEPARTMENT ACTION:

Recommendation Approved _____/Disapproved _____