

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 4/22/10

FILE: ZN10-175

FROM: Debra M. Zampetti  
Zoning/Code Compliance  
Administrator

SUBJECT: Class III, Commercial Development  
Review – Sunlake Northwest  
Commercial Subdivision,  
Mass Grading Plan, Stormwater  
Management Plan and Report and Lift  
Station with Preliminary/Construction  
Site Plan for One Commercial Lot  
(Project No. SDU10-003)  
DRC: 4/29/10, 1:30 p.m., NPR  
Recommendation: Approval with  
Conditions

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:	Sunlake Northwest Commercial Subdivision
Developer's Name:	Sunlake Equity One, LLC
Location:	North side of S.R. 54 and west side of Sunlake Boulevard, Section 28, Township 26 South, Range 18 East.
Parcel ID No.:	28-26-18-0000-00200-0020, 28-26-18-0000-00200- 0024 and 28-26-18-0000-00200-0025
Land Use Classification:	ROR (Retail/Office/Residential)
Zoning District:	MPUD Master Planned Unit Development
Acreage:	59.72 Acres, m.o.l.
Number of Lots:	1
Type of Units:	Commercial Lots
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	2
Transportation Analysis Zone:	158

DEVELOPER'S REQUEST:

The developer of Sunlake Northwest Commercial Subdivision is requesting approval of a Mass Grading Plan, Stormwater Management Plan and Report and Lift Station with preliminary/construction site plan for one 4.8281 acre commercial lot.

BACKGROUND:

1. On January 26, 1988, the Board of County Commissioners (BCC) approved a rezoning from an A-C Agricultural District to an MPUD Master Planned Unit Development District (LeDantec MPUD Master Planned Unit Development) (Rezoning Petition No. 3758).
2. On November 29, 1988, the BCC approved a rezoning from an A-C Agricultural District to a C-2 General Commercial District for a portion of the subject property (Rezoning Petition No. 4057).
3. On November 26, 2002, the BCC approved a modification to the LeDantec MPUD Master Planned Unit Development, which excluded 206.3 acres from the site (Rezoning Petition No. 5976).

4. On March 28, 2006, the BCC adopted the original development order for the Sunlake Centre DRI No. 248, as Resolution No. 06-182.
5. On June 27, 2006, the BCC approved the Sunlake Centre MPUD Master Planned Unit Development District (Petition No. 6563).
6. On July 28, 2009, the BCC approved the request for a Notice of Proposed Change for the Sunlake Centre DRI (Resolution No. 09-320).
7. The non-substantial amendment for the Sunlake Centre MPUD Master Planned Unit Development (Petition No. 6563) is scheduled to be approved by the Zoning/Code Compliance Administrator on April 26, 2010.
8. The Application for Abandonment of a Development of Regional Impact (DRI) for the Sunlake Centre DRI No. 248 is set for hearing before the BCC April 27, 2010.

#### FINDINGS OF FACT:

1. Presently, the subject site is an unimproved portion of Sunlake Centre MPUD.
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 characterized by residential and commercial pursuits.
4. The Mass Grading Plan, Stormwater Management Plan and Report and Lift Station with Preliminary/Construction Site Plan for One Commercial Lot 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.
5. The Mass Grading Plan, Stormwater Management Plan and Report and Lift Station with Preliminary/Construction Site Plan for One Commercial Lot, for the above-subject project were prepared for Sunlake Equity One, LLC, by Native Engineering, PLLC, and consist of 12 sheets dated February 26, 2010; the sheets were last revised on April 5, 2010. The plans were originally received by the Development Review Division on February 26, 2010, and final revisions were received on April 6, 2010.
6. Access to the property is from S.R. 54, a Florida Department of Transportation (FDOT) maintained road which has approximately 250 feet of right-of-way and 130 feet of pavement. Access is also from Sunlake Boulevard, a County-maintained road which has approximately 200 feet of right-of-way and 136 feet of pavement. Access to Lot 1 is via a driveway connection to the internal private commercial road.
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 BCC 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, S.R. 54, a FDOT-maintained road, has been designated an eight-lane collector facility with a proposed width of 250 feet and in accordance with Corridor Preservation Table 7-4b, Sunlake Blvd, a privately maintained road, has been designated a four-lane collector facility with a proposed width of 166 feet.
9. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.

#### CONCURRENCY ANALYSIS:

10. An Initial Certificate of Capacity was issued for the Sunlake Centre MPUD. 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 Mass Grading Plan, Stormwater Management Plan and Report and Lift Station with Preliminary/Construction Site Plan for One Commercial Lot, 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. Prior to issuance of a hard-copy Site Development Permit from the Zoning and Site Development Department, the applicant shall fulfill Pasco County Utilities Service Connection and/or Florida Department of Environmental Protection Permit application requirements to construct water, wastewater, or reclaimed water utilities.
    - d. Completion of any site-specific conditions listed as requiring completion prior to the issuance of the Site Development Permit.
    - e. 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.
    - f. National Pollutant Discharge Elimination System Permit/permit application.
    - g. Provide the following to Survey:
      - (1) 1"=200' Site Map; Map is needed of the property boundary with lots, tracts, roadways, lift stations, buildings (with suites, units) and parking area only. The labeling should consist of lot/block numbers, tract designation, and reserved street names, no geometry or additional labeling please.
      - (2) A CAD drawing on CD; CAD file(s) set to Florida State Plane Coordinates-NAD 1983 Harn Florida West (Feet) with: Buildings and building numbers (apartment, condo, suite, etc); Road Centerlines with reserved names; Lift Stations; Hydrants; Lots and lot numbers; Tracts and tract names.
    - h. Provide a revised Geotechnical Report in compliance with Section 704 of the Pasco County Land Development Code.
    - i. Revised plans incorporating all changes required to show compliance with review comments as listed:
      - (1) A note shall be added to the plan: All off-site drainage detention/retention, flood plain compensation, and sewer utility facilities required to serve Lot 1 shall be completed as a condition to issuance of the first certificate of occupancy within Lot 1.
      - (2) Clearly delineate and dimension the Access Right-of-way/easements, Drainage Ponds, Floodplain Compensation Areas, Wetland and other Tracts and Easements, including Landscaping, Utilities, etc.
- 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. Prior to any construction activity, the developer(s) shall ensure that proper erosion and sediment control measures are in place. The developer(s) 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.

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(s) 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(s) 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. The owner/developer acknowledges for a Class IIIU development, 50 percent of the project must be platted, or where no plat is required, 50 percent of the infrastructure must be constructed or 50 percent of the Building Permits for the project must be issued within six years of the original preliminary plan or preliminary site plan approval. Further, 100 percent of the project must be platted, or where no plat is required, 100 percent of the infrastructure must be constructed or 100 percent of the Building Permits for the project must be issued within ten years of the original preliminary plan or preliminary site plan approval. In the event that the developer does not comply with this provision, the preliminary plans or preliminary site plans, Stormwater Management Plan and Report, and construction plans related to the uncompleted portion of the preliminary plans or preliminary site plan shall be deemed void and approval shall be deemed withdrawn unless an extension has been obtained from the Development Review Committee (DRC) prior to expiration of any of the above time limits. An extension shall be applied for at least 60 days prior to expiration of any of the above time limits (Section 306.3.H.2).
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. Construction of the required improvements for the lot(s) is not yet complete. County issuance of Certificates of Occupancy may be delayed or withheld until the required improvements are complete.

For the purposes of this condition, the term "complete" shall mean that 1) the improvements have been completed in accordance with the standards set forth in the Land Development Code (LDC) and in accordance with approved plans and specifications, 2) a Certificate of Completion has been issued by the County Administrator, or his designee(s), and other appropriate departments of the County.

12. 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.
13. 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.
14. All driveway cuts shall be installed to local streets and not collector streets.
15. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
16. The owner/developer acknowledges that the Utilities Services Branch 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.
17. 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.
18. The owner/developer is notified that the Bulk Wastewater Agreement between Pasco County and Hudson Utilities, Inc. requires direct payment of a sewer commitment fee to the Pasco County Utilities Services Branch.
19. The developer shall develop the project sequentially according to the numbered tracts as shown on the preliminary plan. Platting of sub phases or phasing other than as shown on the preliminary plan; shall require approval by the Zoning and Site Development Department.
20. 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).
21. The owner/developer acknowledges that any future development within the subject site will require further access management review.
22. The owner is hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning and Site Development Department.

#### **Construction Plan**

23. 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
24. 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.
25. 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.
26. 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.
27. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the owner/developer and its successors and assigns agree to the following:

- a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the owner/developer shall temporarily transfer to Pasco County any and all water-use permits or water-use rights the owner/developer may have to use or consume surface water or groundwater within Pasco County for the duration of the production failure or shortfall.
  - b. Prior to the owner/developer selling water, water-use permits, or water-use rights, the owner/developer shall notify Pasco County, and Pasco County shall have a right of first refusal to purchase such water or water-use permits or water-use rights.
28. 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.
  29. 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.
  30. If, during construction activities, any evidence of the presence of State and Federally protected plant and/or animal species is discovered, work shall come to an immediate stop, and Pasco County shall be notified within two working days of the plant and/or animal species found on the site.
  31. The owner/developer acknowledges that the landscape buffer trees and shrubs required along S.R. 54 shall be planted toward the rear of the utility/landscape buffer easement leaving a minimum seven-foot wide clear area with sod only.

#### **Record Plat**

32. 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.
33. 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.
34. 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.
35. 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.
36. All open space, drainage areas, retention and detention ponds, recreation areas, common areas, buffer areas, and preservation areas shall be record plated 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.
37. 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.

- 38. Prior to record platting of any unit or phase, or where platting is not required, prior to the issuance of the first CO, the developer shall furnish a Letter of Commitment from the serving utility company stating that it will accept the water and sewer lines for maintenance, and the said letter shall certify that adequate domestic water and sewer services are available to meet the requirements of the LDC as specified in Section 610.12, Potable Water, and Section 610.13, Wastewater.
- 39. Unless otherwise approved by the Emergency Services Director, when the development is record plated, 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.

The DRC's approval of this Mass Grading Plan, Stormwater Management Plan and Report and Lift Station with Preliminary/Construction Site Plan for One Commercial Lot constitutes a finding by the DRC that this Mass Grading Plan, Stormwater Management Plan and Report and Lift Station with Preliminary/Construction Site Plan for One Commercial Lot, 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 Mass Grading Plan, Stormwater Management Plan and Report and Lift Station with Preliminary/Construction Site Plan for One Commercial Lot 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 SUNLAKE EQUITY ONE, 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

ATTACHMENTS:

- 1. Location Map
- 2. Site Plan Layout

DMZ/CR/ecm/drc42910/Sunlakenorthwestzn10175

DEVELOPMENT REVIEW COMMITTEE ACTION: