

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Debra M. Zampetti
Zoning/Code Compliance
Administrator

DATE: 4/28/10 FILE: ZN10-180

SUBJECT: Class I, Commercial Development
Review - AutoZone No. 3818
Preliminary/Construction Site Plan
and Stormwater Management Plan
and Report (Project No. IPR10-009)

FROM: Pamela S. Shaw
Development Review
Technician II

REFERENCES: Land Development Code,
Section 306, Development
Review Procedures;
Comm. Dist. 4

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

Commission District:	The Honorable Michael Cox, CFP®
Project Name:	AutoZone No. 3818
Developer's Name:	AutoZone, Inc.
Location:	Located at the northeast corner of Little Road and Adonis Road, approximately 635 feet north of Ridge Road, Section 26, Township 25 South, Range 16 East.
Parcel ID Nos.:	26-25-16-0030-00400-0090, 26-25-16-0030-00400-0110, and 26-25-16-0030-00400-0130
Land Use Classification:	COM (Commercial)
Zoning District:	C-2 General Commercial
Transportation Corridor:	Little Road
Existing Right-of-Way:	66 Feet from Centerline
Required Right-of-Way:	66 Feet from Centerline
Acreage:	1.62 Acres, m.o.l.
Number of Units:	1
Type of Unit:	Retail Store (Automobile Parts)
Square Feet:	6,815 Square Feet
Water/Sewage:	Pasco/Septic
Transportation Impact Fee (TIF) Zone:	1
Transportation Analysis Zone:	83
Initial Certificate of Capacity:	Issued with Conditions

DEVELOPER'S REQUEST:

The developer of AutoZone No. 3818 is requesting simultaneous preliminary/construction site plan and Stormwater Management Plan and Report approval for a 6,815-square-foot automobile parts retail sales store.

BACKGROUND:

1. On December 23, 1997, the Board of County Commissioners (BCC) approved the rezoning of the two westernmost subject parcels from an R-1MH Single-Family/Mobile Home District to a C-2 General Commercial District, with conditions (Rezoning Petition No. 5199).
2. On June 27, 2006, the BCC approved rezoning the subject parcels from C-2 General Commercial and R-1MH Single-Family/Mobile Home Districts to a PO-1 Professional Office District, with conditions (Rezoning Petition No. 6582).
3. On December 15, 2009, the BCC approved a Small-Scale Comprehensive Plan Amendment from RES-6 (Residential - 6 du/ga) Land Use Classification to a COM (Commercial) Land Use Classification (CPAS09-[13]).

4. On March 30, 2010, the BCC approved rezoning the subject parcels from a PO-1 Professional Office District to a C-2 General Commercial District (Rezoning Petition No. 6906).

FINDINGS OF FACT:

1. Presently, the subject site contains a chain-link fence.
2. A site plan for a medical office building under the name of Dr. Bender Medical Office (IPR06-118) was accepted for review by the former Development Review Division on October 5, 2006, but was withdrawn by default when 180 days elapsed with no response from the engineer.
3. The subject property is located in Flood Zone "X." Development is subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention.
4. 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 and R-1MH Single-Family/Mobile Home	Type A and B Buffers 10 and 15 Feet
South:	Adonis Road (C-2 General Commercial and R-1MH Single-Family/Mobile Home)	Type A and B Buffers 10 and 15 Feet
East:	A-R Agricultural-Residential	Type A Buffer 10 Feet
West:	Little Road (C-2 General Commercial)	Type D Buffer 15 Feet

5. 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.
6. The preliminary/construction site plan and Stormwater Management Plan and Report for the above-subject project were prepared for AutoZone, Inc., by CPH Engineers, Inc., and consist of 19 sheets dated November 18, 2009; the sheets were last revised on April 23, 2010. The plans were originally received by the Zoning and Site Development Department on February 2, 2010, and final revisions were received on April 23, 2010.
7. Access to the property is from Adonis Road, a County-maintained road which has 50 feet of right-of-way with 18 feet of pavement.
8. A Traffic Impact Study application was submitted and found to be exempt from the requirement to provide a traffic study.
9. 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.
10. 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 6,815-square-foot automobile parts sales establishment. 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 and Stormwater Management Plan and Report.

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. Two signed and sealed record drawings and two PDF, AutoCAD R13 Electronic, 2000 Version discs in color for the entire system shall be submitted to the Utilities Services Branch prior to the issuance of the Certificate of Occupancy (CO).

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.

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 developer acknowledges that in accordance with the LDC, Section 402, Concurrency Management System, the Initial Certificate of Capacity shall expire two years from the date of approval.
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 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.
 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 applicant 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. 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.
16. 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.
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 developer shall ensure that any improvements installed in rights-of-way are constructed to County standards. Improvements on Adonis Road will be reviewed under the Right-of-Way Use Permit.

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.
19. The developer or the successors in interest shall connect to a central water and/or sewer system either governmentally owned or regulated by the Public Service Commission, as stipulated by County ordinance, when such systems become available, and pay such impact connection charges as applicable at that time.

20. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the owner/developer and its successors and assigns agree to the following:
 - 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.
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 applicant has submitted a SSRA which requires the following improvement:
 - a. Construct Adonis Road to County standards, from its terminus with Little Road to the easternmost edge of the eastern driveway.The improvement is required to be completed prior to CO.
23. The applicant has submitted an Access Management Application which requires the following improvement:
 - a. Record a 25-foot-wide easement from the end of the access roadway to the northern property line to provide a future cross-access connection with the commercial property to the north.The improvement is required to be completed prior to record plat, or where a record plat is not required, prior to the first CO.
24. If a Pasco County Global Positioning System (GPS) network point is located within the boundary of the site or within 50 feet of the same, the point shall be re-established using GPS methods and "Blue Booked" prior to the issuance of any Building Permits or the recording of any plat. Proof of the said Blue Booking shall be submitted to the County Surveyor prior to the issuance of the said permit or the recording of the said plat. If it is discovered that the said point has been destroyed by construction, then the owner/developer of the land will be responsible for payment to Pasco County in the amount of \$5,000.00 each.
25. Prior to 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.
26. 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.
27. 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

28. 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.

29. 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.
30. Construct Adonis Road to County standards, from its terminus with Little Road to the easternmost edge of the eastern driveway, and complete prior to the issuance of the CO.
31. 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.
32. The owner/developer shall dedicate a 25-foot-wide access easement, from the end of the access drive to the northern property line, and provide a recorded copy to the Zoning and Site Development Department prior to the CO.

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.

DEVELOPER'S ACKNOWLEDGMENT:

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

_____ Date AUTOZONE, INC.
 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. Concurrency Documents

DMZ/PSS/ecm/drc051310/autozn3818zn10180

ZONING AND SITE DEVELOPMENT DEPARTMENT ACTION:

Recommendation Approved _____/Disapproved _____