

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Debra M. Zampetti
Zoning/Code Compliance
Administrator

DATE: 5/14/10 FILE: ZN10-210

SUBJECT: Class I, Commercial Development
Review – RaceTrac #862
Preliminary/Construction Site Plan,
Stormwater Management Plan and
Report (Project No. IPR09-022)

FROM: Cissy Rosenberg
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, C.F.P.
Project Name:	RaceTrac #862
Developer's Name:	Del Lago Ventures, Inc.
Location:	On the southwest corner of S.R. 52 and Silver Palm Boulevard, Section 12, Township 25 South, Range 17 East.
Parcel ID No.:	12-25-17-0000-00200-0030, 12-25-17-0000-00200-0032 and 12-25-17-0000-00400-0010
Land Use Classification:	RES-3 (Residential - 3 du/ga)
Zoning Districts:	MPUD Master Planned Unit Development
Transportation Corridors	S.R. 52
Existing Rights-of-Way:	143.95 Feet
Required Rights-of-Way:	Additional 10 feet per DRC Variance Approval on February 26, 2009 (PMA09-077)
Acreage:	5.2 Acres, m.o.l. (Project Site 2.22 Acres)
Number of Units:	1
Type of Units:	Convenience Store with Gas Pumps
Square Feet:	4,997
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	2
Transportation Analysis Zone:	89
Initial Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of RaceTrac #862 is requesting approval of a preliminary/construction site plan, stormwater management plan and report for a 4,997-square-foot convenience store with gas pumps.

BACKGROUND:

1. On July 31, 2001, the Board of County Commissioners (BCC) approved the request for a change in the zoning district by GBY, Inc., from A-C Agricultural and MPUD Master Planned Unit Development Districts to an MPUD Master Planned Unit Development District (Petition No. 5772).
2. On February 26, 2009, the DRC approved the variance request from Section 319, Corridor Transportation Management, by Rizk Florida JV for a reduction in right-of-way dedication on S.R. 52 from 112.5 feet from the centerline to an additional 10 feet from the existing property line per FDOT letter dated February 17, 2009 (PMA09-077).
3. On July 28, 2009, the BCC approved Rezoning Petition #6860 for an amendment to the Suncoast Lakes MPUD.

- On October 8, 2009, the DRC approved the variance request from Section 603.8, Automotive Service Stations and Convenience Stores with Gas Pumps and allow reduction of the required 20-foot wide landscape buffer to 10 feet and relief from installation of the 36-inch berm (ZN10-011).

FINDINGS OF FACT:

- Presently, the subject site is unimproved.
- 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.
- 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:	S.R.52 Right-of-Way	Type Automotive Service Buffer 10-Feet per Variance
South:	Murcott Way Extension Right-of-Way	Type Automotive Service Buffer 20 Feet
East:	Silver Palm Boulevard Right-of-Way	Type Automotive Service Buffer 20 Feet
West:	AR Agricultural Residential	Type B Buffer 15 Feet

- 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.
- The preliminary/construction site plan, stormwater management plan and report for the above-subject project was prepared for Del Lago Ventures, Inc., by Boggs Engineering, LLC, and consists of 25 sheets dated August 15, 2008; the sheets were last signed and sealed on March 22, 2010. The plans were originally received by the Zoning and Site Development Department on January 12, 2009, and revisions were received on April 5, 2010.
- Access to the property is from S.R. 52, a Florida Department of Transportation (FDOT) maintained road, which has approximately 143.95 feet of right-of-way with 100 feet of pavement. Access is also obtained from Silver Palm Boulevard, a privately maintained road with 120 feet of right-of-way and from Murcott Way Extension, a privately-maintained road with 50 feet of right-of-way and 24 feet of pavement.
- 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.
- 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. 52, a FDOT-maintained right-of-way, has been designated an eight-lane collector facility with a proposed width of 250 feet.
- 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 4,997 square feet. 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. The completed notarized acknowledgement portion of the variance agenda memorandum ZN10-011.
 - c. The receipt for payment of Pasco County utility impact fees (if the project is served by County water and/or sewer).
 - d. A copy of approved Florida Department of Environmental Protection Utility Permits and plans for the Suncoast Lake Commercial Pump Station.
 - e. Submittal of all required forms and documentation for the dedication of right-of-way along S.R. 52 to Pasco County Real Estate Division.

No construction shall commence until the site development 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. The owner/developer and successors in interest shall have the pond located for the common access drive re-evaluated at the time of the development or redevelopment of lot 0020 or lot 0030.
7. 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.
8. 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.
9. 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.
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 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.
 12. 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.
 13. 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.
 14. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County, ten (10) feet of right-of-way along S.R. 52 per DRC Variance Approval on February 26, 2009 (PMA09-077).

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.

15. 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).
16. 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

17. 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.
18. The owner/developer acknowledges that pond number 11 must be inspected and restored to its design condition.
19. 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. 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.
25. The owner/developer acknowledges that the project shall comply with the Traffic Impact Study Conditions of Approval per MPUD amendment ZN09-6860, approved by the BCC on July 28, 2009 as listed in the attached Exhibit A.
26. 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.
27. 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.
28. 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.
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.

Building Permit/Certificate of Occupancy

31. 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.
32. 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.
33. Two (2) signed and sealed record drawings **and** two (2) PDF, *AutoCAD R13 Electronic*, 2000 Version discs in color for the entire system shall be submitted to the Utilities Services Branch prior to issuance of the Certificate of Occupancy.
34. A merchant's association shall be established for this project. Provide a draft copy for review and approval by the Utilities Services Branch. Once approved, a recorded copy of the merchants' association documents shall be provided to the Utilities Services Branch prior to the issuance of the Certificate of Occupancy.
35. 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.

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

OWNER'S ACKNOWLEDGMENT:

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

_____ Date _____ DEL LAGO VENTURES, 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. Initial Certificate of Capacity
- 2. FDOT Letter

CR/zn/racetrac862zn10210

ZONING AND SITE DEVELOPMENT DEPARTMENT ACTION:

Recommendation Approved _____/Disapproved _____