

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Cynthia M. Jolly, P.E., CFM
Development Director

DATE: 6/26/08 FILE: DR08-1001

SUBJECT: Class I, Commercial Development
Review - Tuffy Auto Service Center
Preliminary/Construction Site Plan
and Stormwater Management Plan
and Report (Project No. IPR06-086)

FROM: Cissy Rosenberg
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 Development Director.

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Tuffy Auto Service Center
Developer's Name:	3A, LLC
Location:	On the east side of U.S. 41, approximately 300 feet north of Swans Landing Drive, Section 24, Township 26 South, Range 18 East.
Parcel ID No.:	24-26-18-0000-01900-0030
Land Use Classification:	ROR (Retail/Office/Residential)
Zoning District:	C-2 General Commercial
Transportation Corridor:	U.S. 41
Existing Right-of-Way:	82.5 Feet from Centerline
Required Right-of-Way:	110 Feet from Centerline
Flood Zone:	"X"
Hurricane Evacuation Zone:	N/A
Acreage:	.78 Acre, m.o.l.
Number of Units:	1
Type of Unit:	Automobile Service
Size of Unit:	One Story, 5,090 Square Feet
Water/Sewage:	Pasco/Pasco
Drainage:	On-Site Retention
Transportation Impact Fee (TIF) Zone:	2
Transportation Analysis Zone:	282
Present Land Use:	Undeveloped
Level of Service (LOS) Analysis:	Conditional

DEVELOPER'S REQUEST:

The developer of Tuffy Auto Service Center is requesting approval of a preliminary/construction site plan and Stormwater Management Plan and Report for a one-story, 5,090-square-foot automobile service building on a .78-acre site.

BACKGROUND:

1. On March 16, 1976, the Board of County Commissioners (BCC) approved a change in zoning district from R-2 Low Density Residential to C-2 General Commercial (Petition No. 28).
2. On May 24, 2007, the Development Review Committee (DRC) approved a variance request to allow 10 feet of the required 20-foot Type C landscape buffer to be located within the transportation corridor area and for a reduction in the required 15-foot Type B landscape buffers to ten feet (DR07-1551).

FINDINGS OF FACT:

1. The preliminary/construction site plan and Stormwater Management Plan and Report have been reviewed by the Growth Management Department, and it has determined that the proposed use is consistent with the above-referenced zoning district's permitted uses.
2. The preliminary/construction site plan and Stormwater Management Plan and Report for the above-subject project were prepared for 3A, LLC, by Paulson Mitchell, Inc., and consist of 11 sheets dated April 5, 2006; the sheets were last revised on February 28, 2008. The plans were originally received by the Development Review Division (DRD) on July 19, 2006, and final revisions were received on March 4, 2008.
3. Access to the property is from U.S. 41.

CONCURRENCY ANALYSIS:

The conditional Certificate of LOS is being issued with the following conditions:

1. The Certificate of LOS is for 5,090 square feet.
2. Pasco County Utilities Services Branch water and wastewater concurrency statement is contingent upon the County receiving all the necessary permits and approvals to implement and construct the County's planned system improvements and plant expansions needed to serve the development and the developer's and its successors or assigns compliance with the conditions of the Pasco County Code, Chapters 46 and 110 including, but not limited to, the obligation to execute and implement a Utilities Service Agreement and a Master Utility Plan, both acceptable to the County, and the payment of water and/or wastewater impact fees.
3. Pasco County Utilities Services Branch solid waste concurrency statement is contingent upon the County receiving all the necessary permits and approvals to implement and construct the County's planned disposal system improvements and plant expansions needed to serve the development and the developer's and its successors or assigns compliance with the conditions of the Pasco County Code, Chapter 90.

The developer acknowledges that in accordance with the Land Development Code (LDC), Section 402, Concurrency Management System, the conditional Certificate of LOS shall expire in two years from the date of approval of this project by the Development Director.

RECOMMENDATION:

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

General

1. 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.
2. The owner/developer or project contractor shall obtain a hard-copy Site Development Permit from the DRD prior to commencing any construction. To obtain this permit, the following must be submitted to the DRD:
 - 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 DRD. 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. Construction traffic route condition survey and videotape, if applicable.
- g. Construction Traffic Restoration Bond, if applicable.
- h. License and Maintenance Agreement for any allowed interim uses in the transportation corridor, if applicable.
- i. A copy of the approved Florida Department of Environmental Protection (FDEP) Utility Permits and plans. Revised site plans showing changed pump station detail shall be submitted, reviewed, and approved with the FDEP Permit applications.

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

3. Any roadway construction required herein as a condition of development approval shall not be entitled to the 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.
4. 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.
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. 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*.
7. 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.
8. 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.
9. The developer acknowledges that an appeal may be filed against the decision of the DRD 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.
10. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 110 feet of right-of-way from the centerline of U.S. 41 (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of U.S. 41

within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to U.S. 41, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the LDC, Section 403.

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. All stormwater-management plans, reports, or calculations for the developer's project shall include a detailed scope of design and permitting parameters and a signed and sealed certification that such plans, reports, or calculations comply with this condition.

11. The applicant agrees to discontinue and remove, at the applicant's sole expense, the interim uses in the U.S. 41 Transportation Corridor no later than the beginning of the first fiscal year in which monies for the acquisition of right-of-way within the affected transportation corridor are first programmed by either the County in the County's Five-Year Capital Improvement Plan or Capital Improvement Element or the Florida Department of Transportation (FDOT) in the FDOT's Five-Year Transportation Improvement Program (Termination Date). This agreement shall be evidenced by an affidavit which shall state that the interim uses shall be discontinued no later than the Termination Date. The affidavit shall be recorded against the development site in the Public Records of Pasco County of the Clerk of the Circuit Court of Pasco County, and a copy of the recorded affidavit shall be provided to Pasco County prior to record plat or prior to the issuance of the first Building Permit within the development site where a record plat is not required. The Termination Date may be extended by written correspondence from the County or FDOT, as applicable, for a time period not to exceed one year for each extension.

The property owner or another common ownership entity other than Pasco County shall continue to maintain the interim uses until the interim uses are physically removed.

Construction Plan

12. 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.
13. 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.
14. 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.
15. 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 DRD's New Port Richey office.

16. 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.
17. 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.
18. The traffic study submitted by the applicant assumes the following land use:

One-Story, 5,090-Square-Foot Automobile Service Building

Any development of land use that generates greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age-restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developer shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older, or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and TIF reduction process. If the applicant or development fail to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicant or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age-restricted, 55 and older, or 62 and older housing, and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee may impose additional conditions on the applicant or development based on the updated County-approved traffic study.

19. The applicant has submitted a Traffic Impact Study which requires the following improvements:
- None
20. The applicant has submitted a Substandard Roadway Analysis which requires the following improvements:
- None
21. The applicant has submitted an Access Management Application which requires the following improvements:

The 24-foot cross-access connection must be provided to the property lines to the north and south.

The improvements are required to be completed prior to record plat, or where a record plat is not required, prior to the first CO.

22. The developer acknowledges that approval of this preliminary plan and/or construction plan does not establish vested rights with respect to construction of the project. Further, the developer acknowledges that no permit shall be issued or plat approved without the issuance of an unconditional Certificate of LOS Compliance. The developer is, however, put on further notice and hereby agrees that the BCC is not irrevocably bound by the current schedule of capital projects and shall not be held liable for any expenses, costs, or other damages incurred by the developer in reliance on the current schedule.
23. 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.

24. 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.
25. 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.

Hard-Copy Site Development Permit

26. 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.
27. 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).
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 the site is identified on Map 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 DRD, 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.
31. 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.
32. 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 DRD.

The Development Director's approval of this preliminary/construction site plan and Stormwater Management Plan and Report constitutes a finding by the Development Director 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.

OWNER'S ACKNOWLEDGMENT:

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

Date
STATE OF FLORIDA
COUNTY OF _____
3A, LLC

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. Concurrency Forms

CR/ecm/drc071008/tuffydr081001

DEVELOPMENT REVIEW DIVISION ACTION:

Recommendation Approved _____/Disapproved _____