

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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TO: Debra M. Zampetti  
Zoning/Code Compliance  
Administrator

DATE: 6/25/10 FILE: ZN10-246

SUBJECT: Class I, Commercial Development  
Review - Red Robin Gourmet  
Burgers - Wiregrass Preliminary/  
Construction Site Plan and  
Stormwater Management Plan and  
Report (Project No. IPR10-013)

FROM: Pamela S. Shaw  
Development Review  
Technician II

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

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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:	Red Robin Gourmet Burgers - Wiregrass
Developer's Name:	Red Robin International, Inc.
Location:	Located within The Shops at Wiregrass on the north side of S.R. 56 and south side of Willet Way, approximately 1,300 feet east of Bruce B. Downs Boulevard, Section 30, Township 26 South, Range 20 East.
Parcel ID No.:	A Portion of 30-26-20-0000-00100-0020
Land Use Classification:	MU (Mixed Use)
Zoning District:	C-2 General Commercial
Transportation Corridor:	S.R. 56
Existing Right-of-Way:	125 Feet from Centerline
Required Right-of-Way:	125 Feet from Centerline
Acreage:	0.337 Acre, m.o.l., (lease)
Number of Units:	1
Type of Unit:	Restaurant
Square Feet:	5,731 Square Feet
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	180
Certificate of Capacity:	Initial

**DEVELOPER'S REQUEST:**

The developer of Red Robin Gourmet Burgers - Wiregrass is requesting preliminary/construction site plan and Stormwater Management Plan and Report approval for a 5,731-square-foot restaurant on a leased out-parcel at The Shops at Wiregrass.

**BACKGROUND:**

1. On October 21, 2003, the Board of County Commissioners (BCC) approved rezoning the subject parcel from an A-C Agricultural District to a C-2 General Commercial District with conditions (Rezoning Petition No. 6079).
2. On July 17, 2007, the BCC adopted Resolution No. 07-291 approving a Development Order (DO) for the Wiregrass Ranch Development of Regional Impact (DRI No. 260).
3. On July 17, 2007, simultaneously with the DO, the BCC adopted a Comprehensive Plan Amendment amending the Future Land Use Map classification from MU (Mixed Use) and RES-3 (Residential - 3 du/ga) to MU (Mixed Use), RES-3 (Residential - 3 du/ga), and CON (Conservation Lands), and adopted subarea policies to provide guiding principles and standards for development of the site (Ordinance No. 07-15).

4. On August 9, 2007, the Development Review Committee (DRC) approved The Shops at Wiregrass, Phase 2A, Preliminary/Construction Site Plan (IIPR07-036), which included several out-parcels, including the subject out-parcel shown on the said plan as future Building C (DR07-1649).
5. On February 9, 2010, the BCC approved a Conditional Use application to allow the sale of alcoholic beverages (4-COP-SRX): beer, wine, and liquor, on-premises consumption, in conjunction with the operation of a restaurant for the Red Robin Gourmet Burgers (CU10-18).
6. On May 25, 2010, the BCC approved an amendment to previously approved Rezoning Petition No. 6079 which lifted the 172,500-square-foot cap on development (Rezoning Petition No. 6914).
7. On June 10, 2010, the DRC approved a variance from Section 617.4.H.1.b, Other Façades Except Façade with the Service Area, to allow a reduction of the minimum building buffer with foundation landscaping from ten feet to five feet on the north and west sides of the proposed restaurant, with condition (ZN10-212).

FINDINGS OF FACT:

1. Presently, the subject site is unimproved.
2. The project is located on Parcel C-6 of the Wiregrass Ranch DRI No. 260.
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 are also provided:

	<u>Zoning Districts</u>	<u>Types/Buffer Requirements</u>
North:	C-2 General Commercial	Type A Buffer 10 Feet
South:	S.R. 56	Type D Buffer 15 Feet
East:	C-2 General Commercial	Type A Buffer 10 Feet
West:	C-2 General Commercial	Type A Buffer 10 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 Red Robin International, Inc., by Chipman Adams Architects, Inc., and JAS Associates, Ltd., Inc.; and consist of 21 sheets dated January 12, 2010; the sheets were last revised on June 3, 2010. The plans were originally received by the Zoning and Site Development Department on January 27, 2010, and final revisions were received on June 10, 2010.
7. The required parking is adjacent to the lease parcels, was previously approved as to the number of spaces required in an earlier phase, and is shared generally with all tenants (Amended and Restated Declaration of Covenants, Conditions, Restrictions, and Easements, Official Record Book No. 7751, Pages 1022-1171).
8. Access to the property is from Willet Way, a private, internal roadway, which has 30 feet of right-of-way with 30 feet of pavement.
9. 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.
10. 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.

11. The proposed request is consistent with the applicable provisions of the Pasco County Comprehensive Plan as conditioned.

**CONCURRENCY ANALYSIS:**

An Initial Certificate of Capacity is being issued for a 5,731-square-foot quality restaurant. Any conditions required pursuant to the issuance of the certificate are attached to the Initial Certificate of Capacity and incorporated herein.

**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. 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.
  - d. 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 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/resolutions 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 owner/developer acknowledges that approval of the variance and/or alternative standards request as stated is based upon representation as set forth in the preliminary plan/preliminary site plan submittal dated June 3, 2010, and received by Pasco County on June 10, 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.

8. The developer acknowledges that in accordance with the LDC, Section 402, Concurrency Management System, the Initial Certificate of Capacity shall expire on December 31, 2019, for roads and in six years from the DO approval date for all other facilities.
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.
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 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**

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. 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 Permits and Development Information Services Department.
18. 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.
19. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments.
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 owner/developer 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 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.
22. 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.
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. 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.
26. 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.
27. 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.
28. The 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.
29. The 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 Utility Services Plan, both acceptable to the County, and the payment of water and/or wastewater impact fees.

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 land development regulations 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.

APPLICANT'S ACKNOWLEDGMENT:

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

\_\_\_\_\_ Date

\_\_\_\_\_ RED ROBIN INTERNATIONAL, INC.

\_\_\_\_\_ Print Name

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/public/zn/drc/redrobinzn10246/48

ZONING AND SITE DEVELOPMENT DEPARTMENT ACTION:

Recommendation Approved \_\_\_\_\_/Disapproved \_\_\_\_\_