

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 7/19/10

FILE: ZN10-272

SUBJECT: Class II, Commercial Development Review - Starkey Self-Storage Preliminary/Construction Site Plan, Stormwater Management Plan and Report, and Variance Request (Project No. IIPR10-002)
DRC: 7/29/10, 1:30 p.m., NPR
Recommendation: Approval with Conditions

FROM: Debra M. Zampetti
Zoning/Code Compliance
Administrator

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 Development Review Committee (DRC).

Commission District:	The Honorable Michael Cox, CFP®
Project Name:	Starkey Self-Storage
Developer's Name:	Tri County Development, Inc.
Location:	On the southwest corner of Starkey Boulevard and DeCubellis Road, Section 01, Township 26 South, Range 16 East.
Parcel ID No.:	01-26-16-0010-00000-0020
Land Use Classifications:	COM (Commercial) and RES-3 (Residential - 3 du/ga)
Zoning Districts:	C-2 General Commercial and A-C Agricultural
Transportation Corridors:	DeCubellis Road and Starkey Boulevard
Existing Rights-of-Way:	50 Feet from Centerline and 105 Feet from Centerline, Respectively
Required Rights-of-Way:	71 Feet from Centerline and 83 Feet from Centerline, Respectively
Acreage:	16.26 Acres, m.o.l.
Uses:	Office, Manager's Apartment, and Self-Storage Buildings
Square Feet:	86,100 Square Feet (Contained in 16 Buildings)
Water/Sewage:	Pasco/Septic
Transportation Impact Fee (TIF) Zone:	1
Transportation Analysis Zone:	193
Initial Certificate of Capacity:	Issued with Rezoning

DEVELOPER'S REQUEST:

The developer of Starkey Self-Storage is requesting preliminary/construction site plan and Stormwater Management Plan and Report approval for a storage site with miniwarehousing and self-storage, including open recreational vehicle and boat storage. Also requested are variances from the Land Development Code (LDC) as listed below and as further explained herein:

Variances:

Section 603.9.D, Landscape Buffering and Screening, Buffer Types

Section 602.7.D, Tree Protection and Restoration

BACKGROUND:

1. On June 27, 2006, the Board of County Commissioners (BCC) adopted the 2025 Comprehensive Plan. Chapter 3, Conservation, sets protection for wetlands and surface water by requiring wetland and riparian zone buffers. Development adjacent to the Pithlachascotee River requires a mandatory setback of 50 feet from the mean annual flood line, as established by the Southwest Florida Water Management District (SWFWMD) under Policy CON 1.6. Additionally, Policy CON 1.3 requires the protection of wetlands in the County.
2. On November 20, 2007, the BCC approved a Small-Scale Development Amendment to the Future Land Use Map from RES-3 (Residential - 3 du/ga) to COM (Commercial) for a portion of the subject property (CPAS07[07]).
3. On May 27, 2008, the BCC rezoned a portion of the property from an A-C Agricultural District to a C-2 General Commercial District, Specific Use, for a miniwarehousing and self-storage facility, including storage of boats and recreational vehicles, with conditions. (One of the conditions is that the owner/applicant shall be allowed to apply for a Tier Two or Tier Three Personal Wireless Service Facility [PWSF] in accordance with the Pasco County LDC, Section 616.) (Rezoning Petition No. 6780.)

FINDINGS OF FACT:

1. Presently, the subject site is unimproved.
2. The western side of the property retains its original A-C Agricultural District zoning.
3. The LDC, Section 702.7, requires a minimum 25-foot upland buffer around all Category 1 wetlands. The bottomland adjacent to the Pithlachascotee River is such a wetland.
4. The subject property is located in Flood Zones "X" and "AE." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
5. 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:	DeCubellis Road	Type D Buffer 15 Feet
South:	A-C Agricultural District; Pithlachascotee River; Category I Wetlands	Type B Buffer 15 Feet; Policy CON 1.6.1 Buffer 50 Feet; LDC, Section 702.7 Buffer 25 Feet
East:	Starkey Boulevard	Type D Buffer 15 Feet
West:	MPUD Master Planned Unit Development (Residential)	Type B Buffer 15 Feet

6. The preliminary/construction site plan, Stormwater Management Plan and Report, and variance request 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.
7. The preliminary/construction site plan, Stormwater Management Plan and Report, and variance request for the above-subject project were prepared for Tri County Development, Inc., by Heavy Metal Development Corporation and consist of 28 sheets dated June 3, 2010; the sheets were last revised on June 6, 2010. The plans were originally received by the Zoning and Site Development Department on November 19, 2009, and final revisions were received on June 11, 2010.
8. Access to the property is from DeCubellis Road, a County-maintained road, which has 120 feet of right-of-way with 24 feet of pavement, and has been designated a two-lane, collector facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan.
9. A Traffic Impact Study application was submitted and found to be exempt from the requirement to provide a traffic study.

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 Pasco County applicable provisions of the Comprehensive Plan as conditioned.

VARIANCE REQUESTS:

The applicant/developer has requested specific variances from the following provisions of the LDC to be considered:

Section 603, Landscaping and Irrigation

Subsection 603.9.D.1, Landscape Buffering and Screening, which, if approved, would relieve the applicant/developer of providing a portion of the required Type A buffer along the southern boundary of the New Port Richey Water Treatment Facility (WTF) and providing the required trees in a portion of the Type A buffer along the eastern boundary of the WTF.

Relief is being sought pursuant to the LDC, Sections 316.1.A.2 and 6, as the purpose for the variance which read as follows:

Section 316.A.2:

"The specific application of the land development regulation conflicts with an important goal, objective or policy of the comprehensive plan, or with the intent and purpose of another recently adopted land development regulation, that serves a greater public purpose."

The applicant states:

"POLICY CON 1.6.1: MANDATORY RIVER SETBACK REQUIREMENTS

"Pasco County shall continue to require mandatory setbacks around the Anclote, Hillsborough, Pithlachascotee, and Withlacoochee Rivers . . . The mandatory setbacks are as follows, as set forth in the Pasco County Land Development Code:

"A 50-foot setback from the mean annual flood line, as established by the Southwest Florida Water Management District of the Anclote, Hillsborough, Pithlachascotee, and Withlacoochee Rivers.

"The Pithlachascotee River sits along the southern end of this property which necessitates that development on the property be pushed as far north as possible. Hence, given the location of the River on the property and the need to push the development as far north as possible, the variance becomes necessary in order to permit the appropriate size storage spaces for the RV and boat storage on the property."

Section 316.A.6:

"The granting of the variance is necessary to protect the public health, safety or welfare."

The applicant states:

"The request is for a variance to eliminate some of the plantings in the 10' Type A Buffer required along the east side of the New Port Richey Water Treatment Facility. The variance allows for an unobstructed area to install a water main with fire hydrant required internal to the project. Without the variance the Applicant will be required to cross quite a few stormwater lines with the water main and it will be located under the pavement which is problematic in the event of a break or leak. The stormwater lines and water main are shown on the drawings."

Staff has reviewed the applicant's request and recommends approval with conditions for the following reasons:

1. The Type "A" buffer between the eastern line of the water treatment plant (WTP) and the site, planted with trees over a water line, could be problematic in the future.

Further, the water line in question does provide water to a fire hydrant which should be protected from factors that could cause a malfunction.

2. Concerning the Type "A" buffer on the south side of the WTP and the site, staff agrees that the applicant has established compliance with LDC, Section 316.A.2, with the goal of protecting the Pithlachascotte River. Additionally, the required floodplain compensation and stormwater areas are adjacent to the 50-foot buffer which further prevents development closer to the river.

Additionally, the WTP and the subject site consist of passive uses that are compatible. The WTP is likely to continue to operate in the foreseeable future; therefore, establishing a buffer to protect any redevelopment on that site from the subject site is unnecessary at this time.

Staff suggests the following conditions apply:

- a. The earthen berm and/or landscape features in the vicinity of the proposed water services and/or fire hydrant shall meander to avoid conflict with these items.
- b. The plantings shall be placed to avoid conflict with the existing and/or proposed utilities.
- c. Prior to the issuance of the final Certificate of Occupancy (CO), a row of evergreen shrubs, a minimum of 18 inches high, shall be planted adjacent to the WTP along the northwest side of the subject site.
- d. Should the use of the site ever change from miniwarehousing and/or self-storage to another type of use, the developer shall be required to comply with the contemporary landscaping requirements. Should the owner/applicant install a PWSF as permitted under Rezoning Petition No. 6780, Condition No. 2, the portion of the site that is devoted to the facility shall comply fully with contemporary landscaping requirements.

Section 602, Tree Protection and Restoration

Subsection 602.7.D, Tree Plans, which, if approved, would relieve the applicant/developer of replacing all removed trees on the site. Instead, the applicant/developer would contribute to the Tree Fund in lieu of replacement.

Relief is being sought pursuant to the LDC, Section 316.1.A.1, as the purpose for the variance which reads as follows:

Section 316.1.A.1:

"The strict application of the land development regulation creates an unreasonable or unfair non-economic hardship, or an inordinate burden, that was not created by the variance applicant."

The applicant states:

"The request is for a variance to provide monetary contribution to the tree mitigation fund given that the site cannot accommodate the total number of replacement trees required. The Applicant is planting trees in every possible area on the project and there is simply no room for additional tree plantings. Enclosed is a correspondence exhibit with the tree removal and replacement calculations."

Staff has reviewed the applicant's request and recommends approval with the condition that the applicant will contribute to the Tree Fund in the amount of \$14,125.00. Currently, the site is heavily wooded. The site plan shows that, except for the two specific areas for which variances are sought, trees are proposed to be planted as required by the landscape code. Additionally,

the floodplain mitigation and stormwater facilities show replacement trees to be planted at the minimum spacing to promote the health of the trees at maturity. In accordance with the LDC, Section 607.C.2.e, the applicant has demonstrated that the site cannot accommodate the total number of replacement trees as a result of insufficient planting area.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity was issued for miniwarehousing and self-storage at the rezoning stage. Any conditions required pursuant to the issuance of the certificate are attached to the Initial Certificate of Capacity. Also, the project's initial concurrency received the extension allowed pursuant to Pasco County Ordinance No. 08-047. The initial concurrency for roads shall expire on May 27, 2013, and all other facilities shall expire on May 27, 2017.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the preliminary/construction site plan, Stormwater Management Plan and Report, and variance requests from the LDC, Sections 603.9.D.1 and 602.7.D, 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. A copy of the approved 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.
 - c. A copy of approved Florida Department of Environmental Protection Utility Permits and plans.
 - d. A copy of the receipt of payment from the Utilities Services Branch for impact fees.
 - e. A copy of the rights-of-way conveyance application, including access easements for 83 feet and 71 feet from the centerline of Starkey Boulevard and DeCubellis Road, respectively, in accordance with Condition No. 14 submitted to the Real Estate Division.

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. Should the use of the site ever change from miniwarehousing and/or self-storage to another type of use, the developer shall be required to comply with the contemporary landscaping requirements. Should the owner/applicant install a PWSF as permitted under Rezoning Petition No. 6780, Condition No. 2, the portion of the site that is devoted to the facility shall comply fully with contemporary landscaping requirements.
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. The owner/developer acknowledges that approval of the variance(s) as stated is based upon representation as set forth in the preliminary plan/preliminary site plan submittal dated June 4, 2010, and received by Pasco County on June 11, 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. Preliminary plan/preliminary site plan approval is contingent upon approval of variance application(s).
8. The developer acknowledges that in accordance with the LDC, Section 402, Concurrency Management System, the Initial Certificate of Capacity for roads shall expire on May 27, 2013, and for all other facilities shall expire on May 27, 2017.
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 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.
14. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 83 feet and 71 feet of right-of-way from the centerline of construction of Starkey Boulevard and DeCubellis Road, respectively (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 Starkey Boulevard and DeCubellis Road 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 Starkey Boulevard and DeCubellis Road, 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.

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 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

17. 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.
18. 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.
19. 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 Permits and Development Information Services Department's New Port Richey office.

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. 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.
22. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments.
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. 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.
25. 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.

26. 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

27. 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.
28. 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.
29. Prior to the issuance of the final CO, a row of evergreen shrubs, a minimum of 18 inches high, shall be planted adjacent to the WTP along the northwest side of the subject site.
30. Should the use of the site ever change from miniwarehousing and/or self-storage to another type of use, the developer shall be required to comply with the contemporary landscaping requirements. The "change in use" condition shall not be invoked for a Tier Two or Tier Three PWSF applied for in accordance with LDC, Section 616.
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 formally convey a 15' X 15' easement to Pasco County at the water distribution point, adjacent to the proposed property boundary. Provide a draft electronic copy of the revised legal/sketch approved by a licensed surveyor, plus conveyance documents, to Kenneth Mathewson, Technical Specialist II, Utilities Services Branch, kmathewson@pascocountyfl.net, for review and approval, or call (727) 847-8145 for more information. Once the Utilities Services Branch approves, this recorded easement shall be conveyed within 90 days of the issuance of the Site Development Permit or prior to the issuance of a CO, whichever occurs first.
33. Prior to issuance of the first Building Permit, the applicant/developer shall contribute \$14,125.00 to the Tree Fund in lieu of the required tree replacement.
34. A copy of the recorded conveyances shall be provided prior to the issuance of the first CO. 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.

The DRC's approval of this preliminary/construction site plan, Stormwater Management Plan and Report, and variance request constitutes a finding by the DRC that the preliminary/construction site plan, Stormwater Management Plan and Report, and variance request, 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, Stormwater Management Plan and Report, and variance request 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

Signature

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. Location Map
2. Site Plan
3. Variance Application
4. Concurrency Documents

DMZ/PSS/ecm/drc072910/drc/starkeystorezn10272/48

DEVELOPMENT REVIEW COMMITTEE ACTION: