

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee DATE: 8/3/11 FILE: ZN11-590

FROM: Debra M. Zampetti SUBJECT: Class II, Commercial
 Zoning/Code Compliance Development Review -
 Administrator Connerton Court Assisted
 Living Facility Preliminary/
 Construction Site Plan and
 Stormwater Management
 Plan and Report
 (Project No. 2PR11-002)
 DRC: 8/11/11, 1:30 p.m., DC
 Recommendation: Approval
 with Condition

STAFF: Pamela S. Shaw REFERENCES: Land Development Code,
 Development Review Section 306, Development
 Technician II Review Procedures;
 Comm. Dist 2

It is recommended that the data herein presented be given formal consideration by the Development Review Committee (DRC).

Commission District:	The Honorable Pat Mulieri, Ed. D.
Project Name:	Connerton Court Assisted Living Facility
Developer's Name:	R & R Property Ventures, LLC
Location:	Located on the north side of Roaches Run, approximately 500 feet west of Land O' Lakes Boulevard, Section 35 Township 25 South, Range 18 East.
Parcel ID No:	35-25-18-0000-00800-0000
Land Use Classifications:	ROR (Retail/Office/Residential) and RES-3 (Residential - 3 du/ga)
Zoning Districts:	C-2 General Commercial, PO-2 Professional Office, and R-MH Mobile Home
Transportation Corridor:	Roaches Run
Existing Right-of-Way:	Varies Between 25 and 50 Feet Total
Required Right of-Way:	71 Feet from Centerline of Construction (10 Feet Required from Applicant)
Acreage:	10.36 Acres, m.o.l.
Use/Square Feet:	Assisted Living Facility/64,306 Total Square Feet (Three Stories)
Water/Sewage:	Pasco/Pasco
Mobility Assessment District:	B
Mobility Collection/Benefit District:	2
Transportation Analysis Zone:	223
Roads:	Private (Currently)
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Connerton Court Assisted Living Facility is requesting preliminary/construction site plan and Stormwater Management Plan and Report approval for a three-story, 62,306-square-foot assisted living facility.

BACKGROUND:

1. On November 24, 1981, the Board of County Commissioners (BCC) approved rezoning the parcel from an A-C Agricultural District to an R-MH Mobile Home District (Rezoning Petition No. 1770).
2. On April 24, 2007, the BCC approved rezoning the eastern portion of the subject parcel from A-C Agricultural, R-MH Mobile Home, and C-2 General Commercial Districts to a

C-2 General Commercial District as part of a larger rezoning, with conditions (Rezoning Petition No. 6635).

3. On April 24, 2007, the BCC approved rezoning the western portion of the subject parcel from an R-MH Mobile Home District to a PO-2 Professional Office District, with conditions (Rezoning Petition No. 6636).

FINDINGS OF FACT:

1. Presently, the subject site is unimproved.
2. The project has nearly reached its maximum Floor Area Ratio (FAR) of 0.60 at 0.59 FAR.
3. The subject property is located in Flood Zones "X" and "A." 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:	R-MH Mobile Home; C-2 General Commercial	Type B Buffer 15 Feet; Type A Buffer 10 Feet
South:	Roaches Run	Type D Buffer 15 Feet
East:	C-2 General Commercial	Type A Buffer 10 Feet
West:	A-R Agricultural-Residential	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 R & R Property Ventures, LLC, by Professional Engineering, Inc., and consist of 24 sheets dated July 11, 2011; the sheets were last revised on July 13, 2011. The plans were originally received by the Zoning and Site Development Department on February 23, 2011, and final revisions were received on July 13, 2011.
7. Access to the property is from Roaches Run, a privately maintained road (currently), which has a varying right-of-way width from 25 to 50 feet. This roadway has been designated a four-lane, arterial facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan. The applicant/developer is required to provide right-of-way pursuant to the LDC, Section 319, Corridor Preservation. In the future, this roadway will be County maintained with the appropriate amount of right-of-way.
8. 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. A traffic study was performed for the rezoning of "US 41 Multi-Use Site" in 2007. The traffic study assumed a 54,000 square foot Office Park, a 14,820 square foot pharmacy (now the Walgreens adjacent to this site), and 25,000 square feet of Specialty Retail. At that time, the project was exempt from the New Concurrency Management and Ordinance because the rezoning application was submitted before December 1, 2006. As a result of the traffic study, one of the conditions was that the developer had to construction a 290 foot long, eastbound turn lane. (This has been completed and the intersection signalized.) A revised Traffic Study was submitted for this project. The Study assumes a build-out date of December 31, 2016 for the project
9. On June 27, 2006, the BCC adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways.
10. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity is being issued for an 80-bed assisted living facility. Any conditions required pursuant to the issuance of the certificate are attached to the Initial Certificate of Capacity.

RECOMMENDATION:

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

Hard-Copy Site Development Permit

1. The 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. Site plans with the following revisions:
 - (1) Show the Future Land Use (FLU) as RES-3 (Residential - 3 du/ga), west of the project site, including where the subject property is zoned in a PO-2 Professional Office District.
 - (2) Recalculate the correct FAR for that portion of the parcel bearing an ROR (Retail/Office/Residential) FLU including the applicable wetland credit allowed by the Comprehensive Plan. If the calculations show that the proposed FAR exceeds 0.60, revise the square footage of the proposed building so that the FAR is not exceeded.
 - c. The receipt for payment of Pasco County utility impact fees.
 - d. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
 - e. A copy of the approved Southwest Florida Water Management District (SWFWMD) Permit and Plan or a copy of the exemption letter. 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.
 - f. The applicant shall provide a copy of the Environmental Resource Permit or permit exemption from the SWFWMD.
 - g. A Florida Department of Transportation (FDOT) Drainage Permit shall be submitted along with a copy of the FDOT-stamped plans. All FDOT-required revisions to the plans must be shown on the plans and reapproved by the County.
 - h. A copy of the approved Florida Department of Environmental Protection Utility Permits and plans.
 - i. National Pollutant Discharge Elimination System Permit/permit application.
 - j. A copy of the right-of-way conveyance document submitted to the Real Estate Division.

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

General

2. 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.
3. 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.

4. 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.
5. The developer acknowledges that approval of this preliminary site plan and construction site plan does not establish vested rights with respect to construction of the project. Further, the developer acknowledges that no permit shall be issued without the issuance of a Final Certificate of Capacity.
6. The developer acknowledges that in accordance with the LDC, Section 402, Concurrency Management System, the Initial Certificate of Capacity shall expire as approved on the attached Concurrency Certificate.
7. The applicant/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.
8. 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*.
9. The applicant/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.
10. The applicant/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.
11. 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.
12. Site plans approved by the DRC are the final approved documents. Changes/additions/deletions to approved site plans; i.e., building size, location, loading zones, etc., require revised site plan submittal, review fee, and approval in accordance with the LDC, Section 306.
13. Subject to the approved route study for Roaches Run and as conditions of Rezoning Petition Nos. 6635 and 6636, the developer shall convey at no cost to Pasco County 10 feet of right-of-way from the existing property line for Roaches Run.
 - a. All conveyances shall occur within 90 days of the County's request. 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.
14. The Traffic Impact Study submitted with the rezoning of the site requires the following improvement:

- a. Project Driveway "B" will have full access (median opening) to Pleasant Plains Parkway until the earlier of the following:
 - (1) Pleasant Plains Parkway functions as a collector road.
 - (2) When the full median opening for Project Driveway "B" on Pleasant Plains Parkway has documented safety or operational issues. [Staff note: This is the southern Walgreens' driveway.]
 - b. For the purpose of determining when Pleasant Plains Parkway will function as a collector road is when the roadway connects to a north/south roadway.
15. In accordance with the LDC regarding Access Management Regulations, where a required/approved cross-access/frontage/reverse-frontage road is provided and shown on the approved plans, the applicant/developer acknowledges and agrees that this access shall be free and clear of any buildings, parking spaces (except as otherwise approved), landscaping, retention ponds, or any other obstruction (such as gates) that would prevent the free flow of traffic between the project and the neighboring properties, projects, or roadways.
 16. 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).
 17. The developer 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.
 18. The applicant/developer acknowledges that preliminary site plan and all associated variances/alternative standards requests shall expire within six years of the original approval date of the preliminary site plan if 50 percent of the infrastructure has not been constructed, or if 50 percent of the Building Permits for the project have not been issued. Further, 100 percent of the infrastructure must be constructed or 100 percent of the Building Permits for the entire project must be issued within ten years of the original preliminary site plan approval. In the event that the applicant/developer does not comply with this provision, the preliminary site plans, Stormwater Management Plan and Report, and construction plans related to the uncompleted portion of the preliminary plans/preliminary site plans shall be deemed void, and approval shall be deemed withdrawn, unless an extension has been obtained from the DRC prior to expiration of any of the time limits provided above. Any extension shall be applied for at least 60 days prior to expiration of any of the above time limits.

In the event a preliminary plan/preliminary site plan is voided, all subsequent submittals shall comply with regulations in effect at the time of the said resubmittals.

Construction Plan

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. 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.
21. 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 applicant/developer shall obtain a Driveway Connection Permit from Pasco County.
22. 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 Utility Services Plan outline may be obtained from the Utilities Services Branch.

23. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the applicant/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 applicant/developer shall temporarily transfer to Pasco County any and all water-use permits or water-use rights the applicant/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 applicant/developer selling water, water-use permits, or water-use rights, the applicant/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. Raised pavement markings shall be installed.
25. The developer shall provide and install all required traffic-control devices associated with the project in accordance with Development Review Policy No. 32-90R dated October 16, 1990, and any amendments thereto.
26. Prior to any construction activity, the developer shall ensure that proper erosion and sediment control measures are in place. The applicant/developer or project contractor shall notify the Stormwater Management Division at least two working days prior to commencing any site preparation, including clearing and grubbing work, for a preinspection of the sediment and erosion-control devices. 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.
27. 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.
28. 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.

Development Standards

29. The commercial design standards and uses are as follows:
 - a. Minimum Lot Width of 90 Feet
 - b. Minimum Front-Yard Setback of 25 Feet
 - c. Minimum Side-Yard Setback of 0 Feet/30 Feet (Adjacent to Residential)
 - d. Minimum Rear-Yard Setback of 30 Feet (Adjacent to Residential)/0 Feet (Adjacent to Commercial)
 - e. Minimum Lot Area of 15,000 Square Feet
 - f. Maximum Lot Coverage of 50 Percent
 - g. Maximum Height of 60 Feet

**FAR cannot exceed .60.

Building Permit/Record Plat/Certificate of Occupancy

30. 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.

31. 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 applicant/developer of the land will be responsible for payment to Pasco County in the amount of \$5,000.00 each.
32. The applicant/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. Site plans submitted with Building Permit applications are invalid as to final site approval unless stamped approved by the DRC. These plans are submitted to show building location in regard to property line, other buildings, etc., only. The site must conform to those plans submitted and/or approved by the DRC in accordance with the LDC, Section 306.
34. The owner/developer shall arrange for a final site inspection approval by the Engineering Services Department prior to the issuance of the CO.
35. Prior to the issuance of the CO, the developer shall provide a copy of the 15' X 15' easement for the water distribution point.
36. A copy of the recorded right-of-way conveyance document, including access easements, for 10 feet from the southern property line at Roaches Run recorded with the Pasco County Clerk and Comptroller shall be provided to the Zoning and Site Development Department prior to the issuance of the first CO for nonresidential.

The DRC's approval of this preliminary/construction site plan and Stormwater Management Plan and Report constitutes a finding by the DRC that the preliminary/construction site plan and Stormwater Management Plan and Report, as conditioned, are consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to preliminary/construction site plan and Stormwater Management Plan and Report approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

DEVELOPER'S ACKNOWLEDGMENT:

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

Date

Signature

Print Name

Title

STATE OF FLORIDA
COUNTY OF _____

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. Initial Certificate of Capacity
4. Photographs of the Site

DMZ/PSS/wpdata/drc/connertoncourtALF_pcspsmpr_zn11590/48

DEVELOPMENT REVIEW COMMITTEE ACTION: