

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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TO: Development Review Committee

DATE: 8/8/08

FILE: DR08-1722

SUBJECT: Class II, Commercial Development Review - Providence Park (f.k.a. Zephyr Ridge, Phase 1B) Preliminary/Construction Site Plan, Stormwater Management Plan and Report, and Variance Request (Project No. IIPR08-025) DRC: 8/14/08, 1:30 p.m., DC

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

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 Development Review Committee (DRC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Providence Park (f.k.a. Zephyr Ridge, Phase 1B)
Developer's Name:	Providence One Partners, LLC
Location:	At the northeast corner of Gieger Estates Drive and Bueholz Lane Extension, approximately one-tenth-mile north of S.R. 54 and 1.7 miles west of the City of Zephyrhills, Section 08, Township 26 South, Range 21 East.
Parcel ID No.:	08-26-21-0000-00100-0000
Land Use Classification:	RES-9 (Residential - 9 du/ga)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridor:	N/A
Existing Right-of-Way:	N/A
Required Right-of-Way:	N/A
Flood Zone:	"X"
Hurricane Evacuation Zone:	None
Acreage:	14.07 Acres, m.o.l.
Number of Units:	210
Type of Units:	Apartments, Office/Clubhouse, and Maintenance Building
Size of Units:	106,146; 2,382/3,138 and 450 Square Feet, Respectively
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	240
Present Land Use:	Vacant
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Providence Park (f.k.a. Zephyr Ridge, Phase 1B) requests nonsubstantial preliminary site plan amendment, construction site plan, and variances approval for a 208-unit apartment complex with a pool and a clubhouse on 14.07 acres. This site is formerly known as Zephyr Ridge, Phase 1B.

Variances:

1. The Land Development Code (LDC), Section 602.7.B.8, Tree Plans, to allow contribution to the Tree Fund in lieu of tree replacement.
2. The LDC, Section 615.2, Parking Facilities Required, to allow reduction in total number of spaces required on the site.

3. The LDC, Section 406.6.b.1, to allow expansion of the previous Traffic Impact Study; withdrawn.

#### BACKGROUND:

1. On January 20, 2005, the Board of County Commissioners (BCC) approved the Geiger Hill MPUD Master Planned Unit Development, Petition No. 6260, for a change in zoning from A-R Agricultural-Residential and C-2 General Commercial to MPUD Master Planned Unit Development.
2. On May 9, 2006, the BCC approved GM06-938, a petition to 1) change the name to Zephyr Ridge MPUD Master Planned Unit Development, 2) consolidate Villages One and Two into Phase One, and 3) allow a new, lot product for condominiums.
3. On April 26, 2007, the DRC approved Zephyr Ridge, Phase 1B Preliminary Plan for a 208 unit single family condominium development with conditions.

#### FINDINGS OF FACT:

1. The preliminary/construction site plan, Stormwater Management Plan and Report, and variance request 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, Stormwater Management Plan and Report, and variance request for the above-subject project were prepared for Providence One Partners, LLC, by Hill & Associates, Inc., and consists of 36 sheets dated June 2006; the sheets were last revised on July 1, 2008. The plans were originally received by the Development Review Division (DRD) on February 20, 2008, and final revisions were received on July 3, 2008.
3. Access to the property is from Buehholz Lane.

#### VARIANCE REQUEST:

The Development Director has reviewed the request for variances and has determined the following:

With regard to the Section 603.7.B.8 variance, site data shows that of the 3,127 inches of trees ten inches or over on site, 397 inches will be protected and remain, which leaves a total of 2,730 inches to be replaced. Of the trees removed, 561 inches are oak and 2,169 effective inches are other species. Landscaping on the site will replace 1,308 inches leaving a deficit of 1,422 inches. The applicant proposes to contribute \$71,100.00 to the tree fund in lieu of replacement (1,422 X \$50.00).

Four types of uses with differing parking requirements affect the Section 615.2 variance request. There are 208 apartments which require 416 spaces (two per unit), the office requires eight spaces (one per 300 square feet), the clubhouse requires 16 spaces (one per 200 square feet), and the maintenance building requires two spaces (one per 400 square feet) for a total of 442 spaces needed on site.

The site plan shows 204 regular, 110 compact, and nine handicapped-accessible spaces in parking areas dispersed evenly throughout the site (323 spaces). All of the residential buildings also contain four to six garage sheltered spaces (68 spaces; 391 total) and associated tandem spaces (68 spaces). Although the tandem spaces measure at least 12 feet by 20 feet they do not fulfill the 288 square foot criteria which leads to a shortage of 51 spaces. The applicant has requested that variances be granted based upon offered limitations, alternative parking, and several design features.

1. The developer asserts that the design of the project supports Objective Future Land Use 1.8 Growth Management Policies to Reduce Urban Sprawl by incorporating Green Building and Traditional Neighborhood Design through the use of inside-building garages/tandem parking, reduced impervious surface, a comprehensive sidewalk network with connectivity to adjacent parcels, and 15 bike stands.
2. The developer will limit 37 apartments, as needed, to single-parking spaces by lease. There will be a total of 72 one-bedroom apartments in addition to 122 first floor "senior friendly" apartments marketed to those who typically do not possess more than one vehicle. The developer has a parking agreement to use 37 spaces in the recreation site across the street.
3. The developer requests that a variance for the 14 required parking spaces be granted to reduce the number to two spaces (handicapped accessible) for the clubhouse. The developer has a parking agreement to use 14 spaces in the recreation site across the street.

4. The clubhouse is intended for the Providence Park residents only and is well connected by sidewalks and biking facilities throughout the complex which encourages residents to walk or bike rather than drive. All apartment buildings are less than 1,000 feet from the clubhouse.
5. The developer has arranged a parking agreement for up to 51 overflow spaces with the recreation site across Geiger Estates Drive to offset reduced residential and clubhouse parking on-site and requests approval for off-lot parking; however, the approved site plan for the Zephyr Ridge Amenity Center (IPR07-020) shows that only 38 paved spaces will be provided. Of those 38 spaces, 13 are required for the park, leaving 25 spaces as excess, which could be allocated to Providence Park overflow.

It is recommended that the DRC approve only 25 off-lot spaces that will be located in the Zephyr Ridge Amenity Center to prevent causing nonconformity issues for the park.

**CONCURRENCY ANALYSIS:**

An Initial Certificate of Capacity is being issued for 208 apartment units, a 5,220-square-foot clubhouse, and a 450-square-foot maintenance building.

**RECOMMENDATION:**

The Development Director recommends approval of the preliminary/construction site plan, stormwater management plan and report, and variance request 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. Revised plans incorporating all changes required to show compliance with the conditions of approval including, but not limited to:
    - (1) No one plant species of shrubs or groundcover plants shall be more than 25 percent coverage of overall landscape area (minimum four species each). Correct the shrub and groundcover ratio.
    - (2) Reconcile differences in numbers of trees under the Pasco County Landscape Code Summary and Tabulations and Providence Park Code Landscape Plan List on Sheet LC2.0.

- (3) Submit a one-inch = 200-foot (1:200) scale drawing for street addressing purposes. The drawing should contain the property boundary, lots, tracts, roadways, and parking area only. The labeling should consist of lot/block numbers, tract designation, street names, and building numbers only, no geometry or additional labeling.
- (4) Submit an Auto Cad compact disc with the one-inch = 200-foot (1:200) scale drawing and Florida State Plane coordinates.
- (5) Add a table to the site plan stating the fire-flow requirements, potable meter size and location, and fixture count and flow; show applicable fixtures from the Pasco County Utilities Data Sheet for Sizing Water Meters Form ([www.pascocountyfl.net](http://www.pascocountyfl.net)).
- (6) The Florida Department of Environmental Protection Certification of Completion for Phase 1A1 shall be submitted, reviewed, and approved prior to approval of this project.
- (7) Separate permit and plans are required for underground fire line.
- (8) The post indicating valves are in the wrong location. They must be removed or are to be shown as "by others."
- (9) Street name signs shall be six inches on local roads and nine inches on collector and arterial roads. Six-inch signs shall have four-inch Series C letters and nine-inch signs shall have six-inch Series B letters. All street name signs on private roads shall be standard D3 street name signs with the colors reversed; white background with green letters and a border. At intersections with County-maintained roads, the County-maintained road shall have a green background with white letters and a border.

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 acknowledges that approval of the variance(s) as stated is based upon representation as set forth in the preliminary plan submittal dated July 1, 2008, and received by Pasco County on July 3, 2008. In the event that the preliminary plan is deemed void and/or approval is withdrawn, then the variance(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 approval is contingent upon approval of variance application(s).
5. 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.
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. 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*.
8. 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.
9. 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.
10. The developer or the successors in interest shall connect to a central water and/or sewer system either governmentally owned or regulated by the Public Service Commission, as stipulated by County ordinance, when such systems become available, and pay such impact connection charges as applicable at that time.
11. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
12. 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.
13. The developer shall provide 2.08 acres of neighborhood parks in accordance with Ordinance No. 02-26 as amended. The 2.08 acres shall be located in Phase 1A, within a park of at least 3.34 acres, to serve both phases. The land provided for use as neighborhood parks shall be developable uplands exclusive of required setbacks from wetland or environmental areas and shall not contain any restrictions or encumbrances that prevent its use as a neighborhood park. The land provided for each neighborhood park shall be an area easily accessible to the residents by automobile, foot, and bicycle. The required neighborhood park acreage shall be located no greater than one-half mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park or no greater than one-quarter mile from 50 percent of the subdivision lots or dwelling units to be served by the neighborhood park if the neighborhood park is separated from the subdivisions or dwelling units by a collector or arterial roadway. The required neighborhood park acreage may consist of single or multiple neighborhood parks; however, each neighborhood park shall be a minimum of one acre in size. A minimum of 25 percent of the required neighborhood park acreage and not less than one-half acre of each neighborhood park shall consist of an unpaved, open-play area without trees and structures that impair open play. Neighborhood parks shall be maintained by the developer, a nonprofit homeowners' association, a Community Development District, or an open-space trust in accordance with Ordinance No. 02-26 as amended.
14. Prior to record plat or the issuance of the first Certificate of Occupancy (CO) where a record plat is not required, monies shall be contributed to the Tree Mitigation Fund for the caliper inches of replacement trees not planted as a result of this variance approval at a rate set by resolution of the BCC.

#### **Construction Plan**

15. 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 Florida Department of Transportation (FDOT). Prior to the issuance of the first record plat or where a record plat is not required, prior to the first CO, the owner/developer shall provide a letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to its satisfaction.
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. Where excavation in excess of 30,000 cubic yards is proposed to be removed from the site by using publicly dedicated rights-of-way, roadways, or easements, a Class I Mining Permit and Conditional Use Permit shall be required in accordance with Resolution No. 93-304 as amended. Prior to construction plan approval, the developer shall submit calculations indicating the amount of excess fill that will result from development of the site. Prior to construction plan approval, the developer shall submit, along with a statement as to where and how the excess

material will be disposed of, calculations indicating the amount of excess fill that will result from development of the property.

18. 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.
19. 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.
20. 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.

21. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the Utilities Services Branch prior to preliminary plan approval. Prior to construction plan approval, the developer and the County shall enter into a Utilities Service Agreement. A Master Utilities Plan, approved by the Utilities Services Branch, is required prior to final construction plan approval. 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 Master Utilities Plan outline may be obtained from the Utilities Services Branch.
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. The traffic study submitted by the applicant assumes the following land use:

Apartments with 208 Units

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.

24. 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.
25. 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.

26. 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.
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.

#### **Hard-Copy Site Development Permit**

28. 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.
29. 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).
30. 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.
31. 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.
32. 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.
33. 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.
34. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the appropriate serving utility prior to the issuance of the hard-copy Site Development Permit.
35. 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 DRD.

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.

DEVELOPER'S ACKNOWLEDGMENT:

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

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PROVIDENCE ONE PARTNERS, LLC

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

CMJ/PSS/dr/provpkdr081722/08a

DEVELOPMENT REVIEW COMMITTEE ACTION: