

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Joaquin Servia
Development Review Manager

DATE: 02/27/15 FILE: PDD15-671

FROM: Brad Tippin
Senior Development Review
Technician

SUBJECT: Small Commercial
Development Review –
Preliminary Site
Plan/Construction Plan and
Stormwater Management Plan
and Report – Dairy Queen at
Terra Bella (Project
No. SML15-016)
Recommendation: Approval
with Conditions (Attachment
No. 1)

REFERENCES: Land Development Code,
Sections 300, Procedures;
403, Site Development;
and 900, Development
Standards; Comm. Dist. 3.

PROJECT DESCRIPTION:

Commission District:	The Honorable Mike Moore
Project Name:	Dairy Queen at Terra Bella
Developer's Name:	Lakeview Associated Enterprises, Inc.
Location:	North of State Road 54 South of Venezia Drive between Livingston Road and Via Bella Boulevard as shown in P.B. 66 PGS 21-24 (Attachment No. 2)
Parcel ID Nos.:	29-26-19-0030-00000-0050 (A portion of) 29-26-19-0030-00000-0060 29-26-19-0030-00000-0050 (A portion of)
Land Use Classification:	ROR (Retail/Office/Residential)
Zoning District:	C2 (General Commercial)
Transportation Corridor:	State Road 54
Acreage:	2.76 Acres, m.o.l.
Use/Square Feet:	Restaurant with Drive Through / 3,076 Square Feet (Building) 773 Square Feet (Covered Patio Seating)
Flood Zone:	"X"
Water/Sewage:	Pasco
Transportation Analysis Zone:	244

Mobility Fee Assessment District: "A"
Mobility Fee Collection/Benefit District: "3"
Roads: Public
Certificate of Capacity: Initial

DEVELOPER'S REQUEST:

The applicant/developer of Dairy Queen at Terra Bella is requesting approval of the Preliminary Site Plan/Construction Plan and Stormwater Management Plan and Report for a three thousand seventy-six (3,076) square foot restaurant with drive through and seven hundred seventy-three (773) square foot covered patio seating area within the Terra Bella Commercial subdivision (Attachment No. 3).

BACKGROUND AND FINDINGS OF FACT:

See Attachment No. 4

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity is being issued for a 3,077 square foot restaurant with drive through and 792 square feet of outdoor seating in the Terra Bella Commercial subdivision. Any conditions required pursuant to the issuance of the certificate are attached to the Initial Certificate of Capacity.

RECOMMENDATION:

The Planning and Development Department recommends approval of the Preliminary Site Plan/Construction Plan and Stormwater Management and Report with conditions as attached (Attachment No. 1).

ATTACHMENTS:

1. Conditions of Approval
2. Location Map
3. Site Plan
4. Background and Findings of Fact
5. Initial Certificate of Capacity

PLANNING AND DEVELOPMENT DEPARTMENT ACTION:

APPROVED

B.C.C.
 D.R.C.
 P.D.D.

Pasco County

By: [Signature] Date 2-27-13

For Substantial Compliance With
The Applicable Provisions of Pasco County
Land Development Regulations
And Their Intent

ATTACHMENT NO. 1 – CONDITIONS OF APPROVAL

Dairy Queen at Terra Bella

Hard-Copy Site Development Permit

1. Before commencing approved construction activities, the applicant/developer or project contractor shall obtain from the Planning and Development Department an authorization to commence approved construction, a.k.a. "a hard copy Site Development Permit." To obtain said authorization, the following, as applicable, must be submitted to the Planning and Development Department:
 - a. The completed notarized acknowledgment portion of the attached agenda memorandum. 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 Planning and Development Department.
 - b. Southwest Florida Water Management District (SWFWMD) and National Pollutant Discharge Elimination System (NPDES) Permits were completed as part of the Terra Bella Commercial subdivision and are not independently required for the Dairy Queen at Terra Bella project within said subdivision. However, if modifications were made to those permits in relation to the Dairy Queen at Terra Bella project, then copies of the modified permits/plans are to be provided to Pasco County Planning and Development Department for review and approval of consistency with the current project prior to the issuance of the Site Development Permit.
 - c. If State and Federal permits are required from other agencies, copies of said permits, including drawings, plans, etc., are to be provided to the Pasco County Planning and Development Department prior to issuance of the site development permit.

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

General Conditions

2. The developer acknowledges that approval of this Preliminary Site Plan (PSP) does not establish vested rights with respect to construction of the project. Further, the developer acknowledges that no permit shall be issued or plat approved without the issuance of a Final Certificate of Capacity.
3. All construction work, including roads, drainage, and utilities, shall be constructed in accordance with County design standards and tested in compliance with the Engineering Services Department's *Testing Specifications for Construction of Roads, Storm Drainage, and Utilities*.

(PDD15-671)

Attachment No. 1 – Conditions of Approval

Dairy Queen at Terra Bella

Page 1 of 5

4. The applicant/developer shall acknowledge that should the 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.
5. The applicant/developer shall acknowledge that should the 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.
6. The developer acknowledges that an appeal may be filed against the decision of the Planning and Development Department 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.
7. Site plans approved by the Planning and Development Department 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 Land Development Code (LDC), Sections 300, 403, and 900.
8. 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).
9. The applicant/developer acknowledges that the Preliminary Site Plan (PSP) shall expire within six years of the original approval date of the PSP if Building Permits for the project have not been issued.

In the event the PSP is voided, all subsequent submittals shall comply with regulations in effect at the time of the said resubmittals.

Construction Plan

10. The applicant/developer or project contractor shall notify the Project Management Division at least five working days prior to commencing any activity on the site.
11. 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.
12. Section 316.0745, Florida Statutes, requires that all traffic-control signing and markings on private property opened to the general public be in conformance with the Florida

(PDD15-671)

Attachment No. 1 – Conditions of Approval

Dairy Queen at Terra Bella

Page 2 of 5

Department of Transportation's (FDOT) *Manual on Uniform Traffic Control Devices* and FDOT standards.

13. For improvements within the County right-of-way with traffic-control devices, the applicant/developer shall submit to the Traffic Operations Division, "the submittal data form" for approval prior to the installation of any traffic-control devices within the County right-of-way.
14. All handicapped parking spaces shall be signed and marked in accordance with the Florida Department of Transportation (FDOT) standards index. All regular/standard parking spaces, pavement arrows and stop bars shall be striped in white per the Manual on Uniform Traffic Control Devices.
15. 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 the County.
16. In consideration of the 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 the 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 the 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 the County, and the County shall have a right of first refusal to purchase such water or water-use permits or water-use rights.
17. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments.
18. Curb ramps are required at all intersections of curbs and sidewalks and shall be constructed in conformance with the uniform *Federal Accessibility Standards* published by the General Services Administration, Department of Housing and Urban Development, Department of Defense, and United States Postal Service (Section 336.045, Florida Statutes).
19. The applicant/developer acknowledges, in accordance with the LDC, Section 905.2, Landscaping and Buffering, any plant materials of whatsoever type and kind required by the Landscape and Buffering regulations and this approval, shall be replaced within thirty days of their demise and/or removal.

(PDD15-671)

20. 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 the County shall be notified within two working days of the resources found on the site.

Development Standards

21. The industrial dimensional standards are in accordance with the appropriate zoning district regulations and uses contained within the LDC for specific parcel:

Building Permit/Certificate of Occupancy

22. Site plans submitted with Building Permit applications are invalid as to final site approval unless stamped approved by the Planning and Development Department or the Development Review Committee (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 Planning and Development Department DRC in accordance with the Land Development Code (LDC), Sections 300 and 403.
23. 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 limited to, buildings, accessories, dumpster walls, and retaining walls.
24. The applicant/developer acknowledges that all signs, permanent or temporary, require a Permit that shall be obtained through the Central Permitting Division pursuant to Land Development Code (LDC) Section 406.1.
25. A Registered Landscape Architect or other person as authorized by Chapter 481, Florida Statutes, as amended or other type of professional as approved by the County Administrator or designee shall conduct a final field inspection. A Certificate of Compliance shall be provided to the County prior to platting, or where platting is not required, prior to issuance of the Certificate of Occupancy (CO).
26. The owner/developer shall arrange for a final site inspection approval by the Engineering Services Department prior to the issuance of the Certificate of Occupancy.

(PDD15-671)

OWNER/DEVELOPER ACKNOWLEDGMENT:

The owner/developer acknowledges that he/she has read, understood, and accepted the conditions of approval.

Date

Signature

Print Name

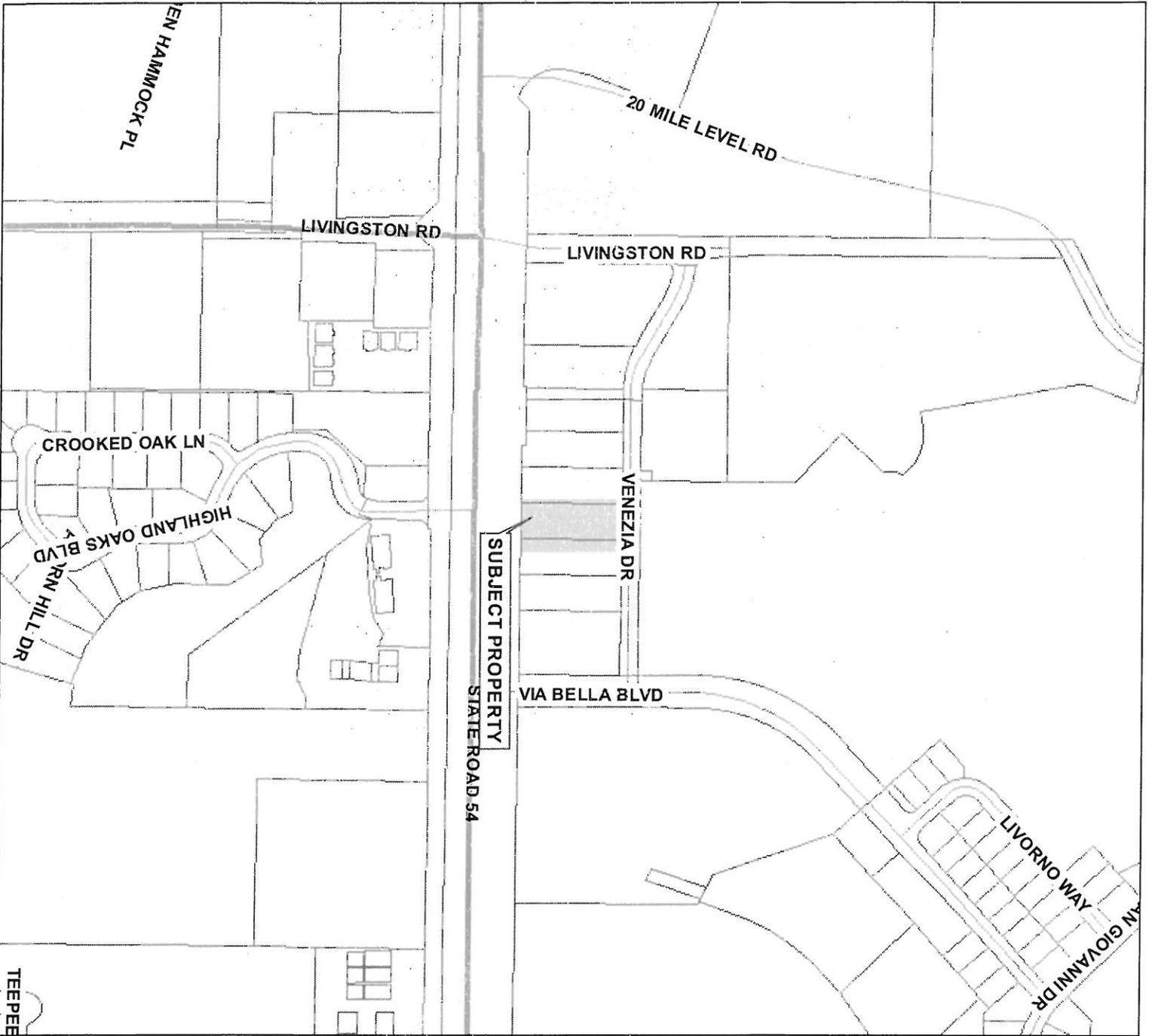
Title

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



SML15-016
Dairy Queen at Terra Bella

29 26 19 0030 00000 0050 (A Portion of)
 29 26 19 0030 00000 0060
 29 26 19 0030 00000 0070 (A Portion of)

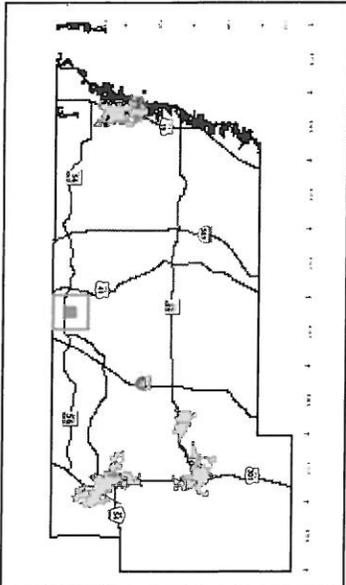
PHYSICAL ADDRESS:
 NONE

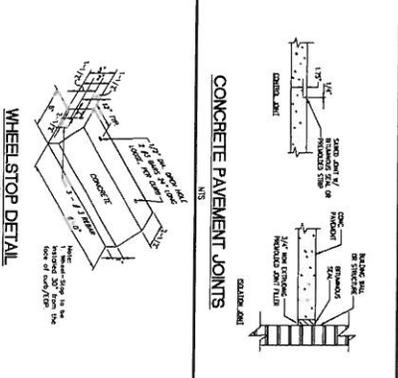
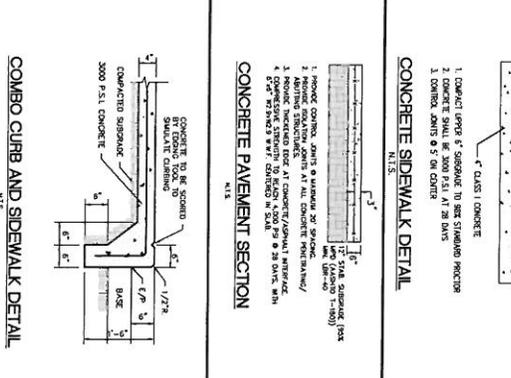
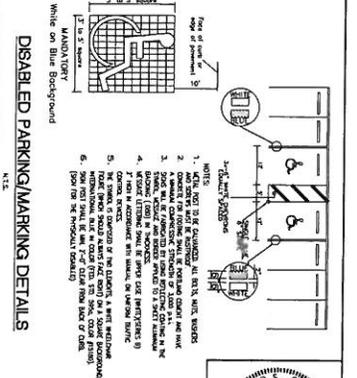
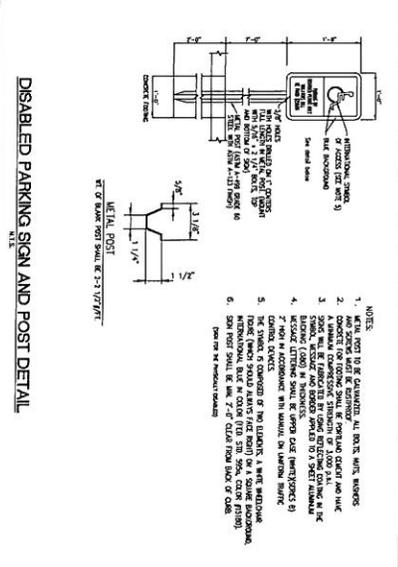
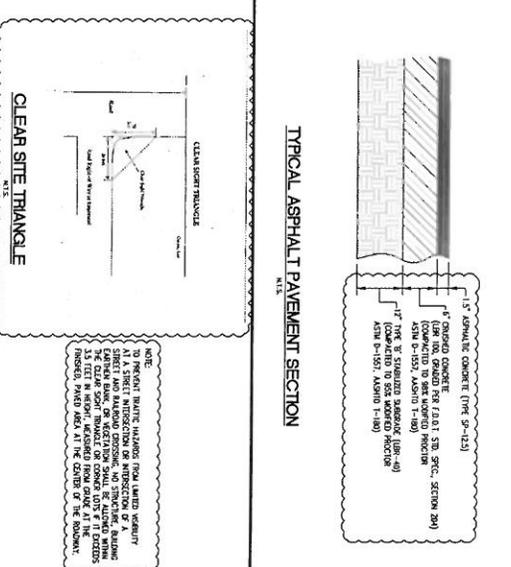
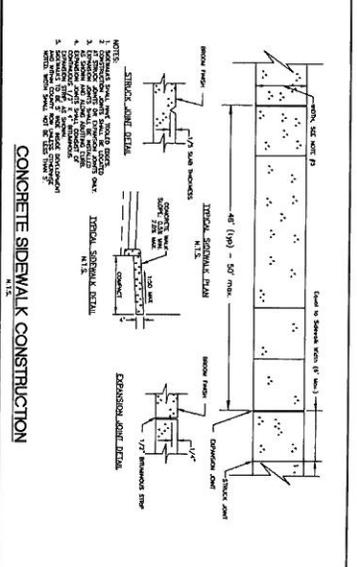
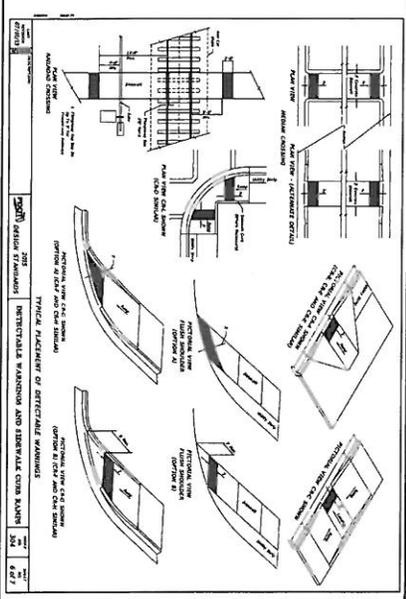
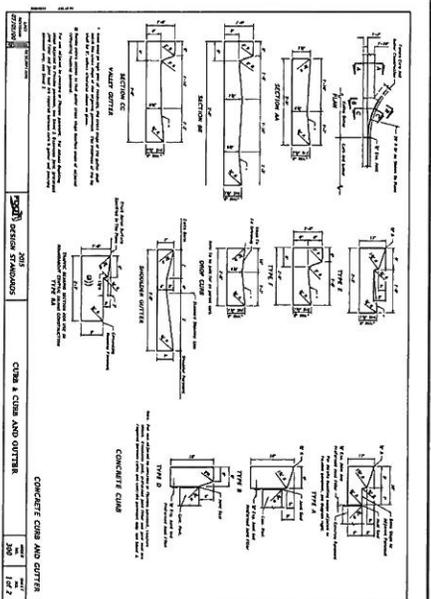
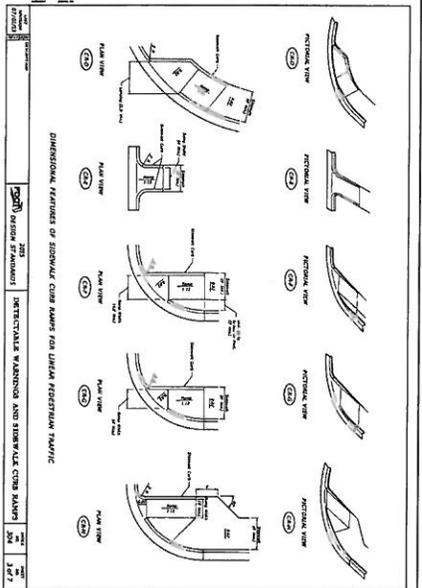
TAZ - 244
COMMISSION DISTRICT: 2

SUBJECT PROPERTY



Pasco County GIS | 3/22/2016 | aikhu@pa

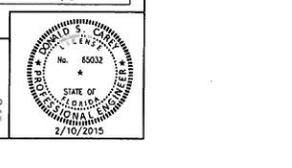
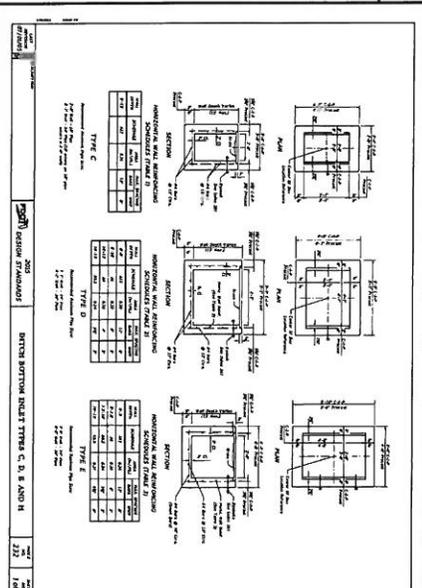
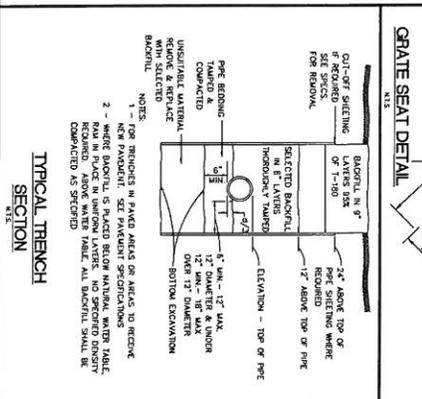
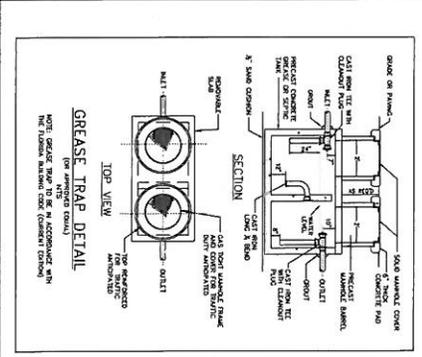
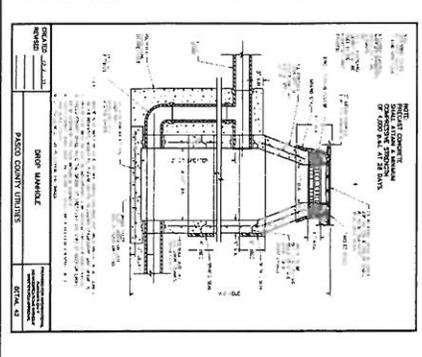
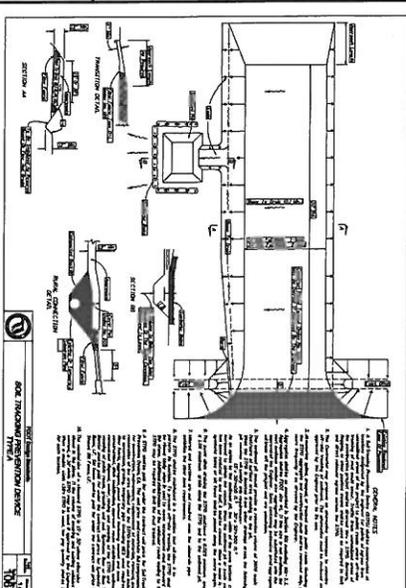
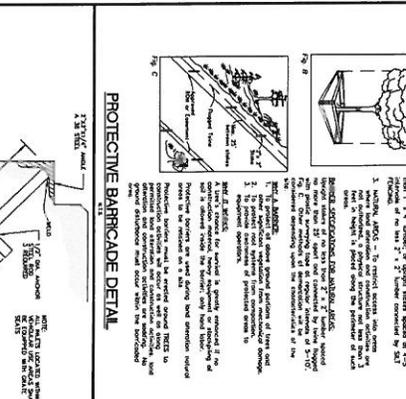
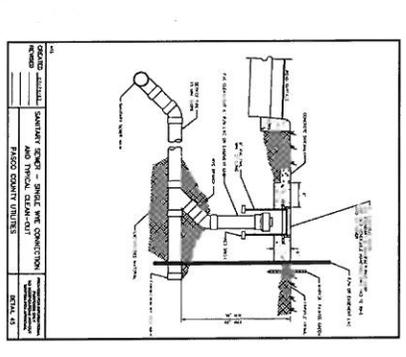
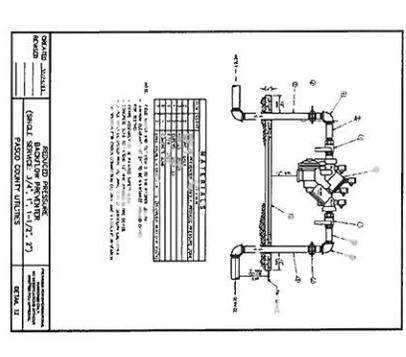
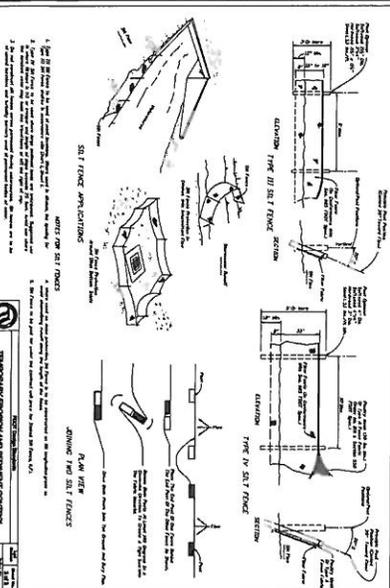
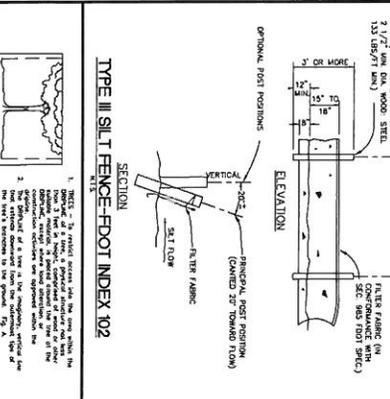
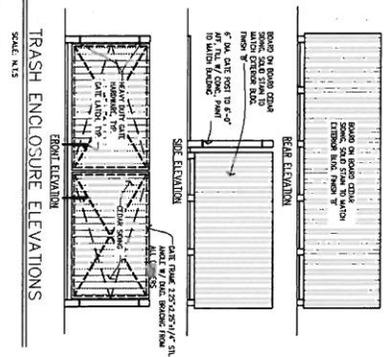
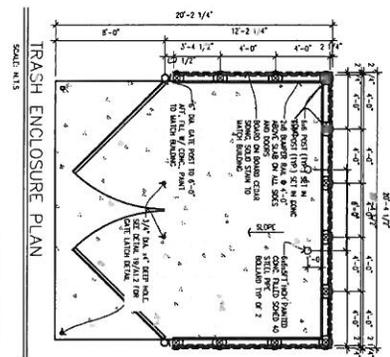




CONSULTANTS OF FLORIDA, INC.
 2815 North Dale Mabry Highway, Suite 200, Tampa, FL 33609
 Phone: (813) 281-8900
 Fax: (813) 281-8901
 Copyright © 2000 by Consultants of Florida, Inc. No. 4118

NO.	DATE	BY	REVISIONS
1	2/15/15	DKM	ISSUE FOR PERMIT
2	2/15/15	DKM	ISSUE FOR PERMIT

DESIGNED BY: DKM
 DRAWN BY: DKM
 CHECKED BY: DKM
 SCALE: 1/8" = 1'-0"
 AS SHOWN 01.27.15
 CAD FILE: 113101-DTL
 JOB NUMBER: 113101-00
 SHEET: C-7



Reuse of Document

THE SEAL & SIGN INCORPORATED HEREON, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF G&K CONSULTANTS OF FLORIDA, INC. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF G&K CONSULTANTS OF FLORIDA, INC. IS PROHIBITED.

G&K Consultants of Florida, Inc.
2815 North Dale Mabry Highway, Suite 200 • Tampa, FL 33614 • 813.971.8000
Fax: 813.971.8244 • www.gkcf.com • gkcf.com
Copyright © 2000 G&K Consultants of Florida, Inc.

TERRA BELLA COMMERCIAL
PASCO COUNTY, FLORIDA

DESIGNED BY: [Name]
CHECKED BY: [Name]
SCALE: [Scale]
DATE: [Date]

REVISIONS

NO.	DESCRIPTION	DATE	BY
1	Rev. per Pasco Co. Comments	2/1/15	[Name]

CIVIL DETAILS
DAIRY QUEEN AT TERRA BELLA

JOB NUMBER: [Number]
SHEET: 31/32/00
C-8

ATTACHMENT NO. 4 – BACKGROUND AND FINDINGS OF FACT
Dairy Queen at Terra Bella

BACKGROUND:

1. On July 10, 2002, due to a lack of quorum, the Planning Commission (PC) continued the matter of Rezoning Petition No. 5930 to August 14, 2002, in the name of Pasco County Land Trust, Martin and Warren Penner, Trustees, for a change in zoning from an R-1 Rural Density Residential District to C-2 General Commercial (39.9 acres), MF-2 Multiple Family High Density (35.3 acres), and R-4 High Density Residential (129.3 acres) Districts. This proposed development is contained within a portion of that rezoning request.
2. On August 14, 2002, the PC recommended approval of Rezoning Petition No. 5930, with conditions.
3. On August 20, 2002, the Board of County Commissioners (BCC) approved a change in zoning from an R-1 Rural Density Residential District to C-2 General Commercial (39.9 acres), MF-2 Multiple Family High Density (35.3 acres), and R-4 High Density Residential (129.3 acres) Districts, with conditions (Rezoning Petition No. 5930).
4. On April 13, 2006, the Development Review Committee (DRC) withdrew a request for preliminary plan approval to subdivide 204.56 acres into four commercial, multifamily, and single-family lots (DR06-1191).
5. On April 27, 2006, the DRC approved a preliminary plan for Terra Bella Subdivision (SDU05-082) that subdivided approximately 204.58 acres into four individual parcels (Lot 1: Single-Family Detached, Lot 2: Office, Lot 3: Multifamily, and Lot 4: Commercial; DR06-1314)
6. On September 28, 2006, the DRC approved a variance request for the Terra Bella Subdivision to allow spacing for the access connections for the commercial parcels (not included with this rezoning) to be 330 feet; to allow for median spacing on 20 Mile Level Road to be 1,220 feet to the east and 430 feet to the west instead of the required 1,320-foot spacing; and to allow a right-in/right-out at 420-foot spacing instead of the required 660-foot spacing (DR06-2324).
7. On July 12, 2007, the DRC approved the Terra Bella Commercial Subdivision (f.k.a. Penner), a four-lot, 10.98-acre commercial subdivision (DR07-1894).
8. On October 9, 2008, the DRC approved a variance from the Land Development Code (LDC), Section 402.6.b.1, which allowed the developer to not be subject to additional concurrency review resulting from expiration of the Level of Service Certificate for the remaining commercial parcels within Terra Bella (GM09-025).
9. On August 13, 2009, the DRC approved a preliminary/construction plan amendment

(PDD15-671)

Attachment No. 4 – Background and Findings of Fact
Dairy Queen at Terra Bella

Page 1 of 3

to reconfigure the commercial subdivision from 4 lots to 11 lots with a correction to the project's acreage from 10.98 acres to 11.68 acres. Additionally, the DRC granted a partial approval of the variance from the LDC, Section 306.17, Dedication, for all roadways north of the intersection of Via Bella Boulevard and Venezia Drive; denied a variance from the LDC, Sections 306.15, Assurances of Maintenance of Improvements, and 306.17, Dedication, for the future Livingston Road/20 Mile Level Road Extension; and allowed Venezia Drive and Via Bella Boulevard, south of Venezia Drive, to be dedicated to the public (fee simple, plat, or easement), but maintained by an entity other than Pasco County (partial approval of the variance request from the LDC, Section 306.15) (DR09-861).

FINDINGS OF FACT:

1. Presently, the subject site is unimproved.
2. The subject property is located in Flood Zone "X." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
3. The surrounding zoning is as follows and, for reference purposes, the buffer requirements for the abutting properties are also provided:

	<u>Zoning District</u>	<u>Types/Buffer Requirements</u>
North:	Venezia Drive	Type B Buffer 15 Feet
South:	S.R. 54	Type D Buffer 20 Feet
East:	C-2 General Commercial	Type A Buffer 10 Feet
West:	C-2 General Commercial	Type A Buffer 10 Feet

4. The Preliminary Site Plan/Construction Plan and Stormwater Management Plan and Report has been reviewed by the Planning and Development Department, and it has been determined that the proposed use is consistent with the above-referenced zoning district's permitted uses.
5. The Preliminary Site Plan/Construction Plan and Stormwater Management Plan and Report for the Dairy Queen at Terra Bella was prepared for Lakeview Associated Enterprises, Inc. (the developer) by EMK Consultants of Florida, Inc. (engineer), and consists of nine (9) sheets dated February 10, 2015; the sheets were last revised on February 11 2015. The plans were originally received by the Planning and Development Department on February 10, 2015, and final revisions were received on February 11, 2015.
6. Access to the property is from Venezia Drive, a County road, which has 50 feet of right- of-way, but is maintained by an entity other than Pasco County (refer to conditions of approval for the commercial subdivision). Access is also from S.R. 54, a FDOT-maintained road.

(PDD15-671)

Attachment No. 4 – Background and Findings of Fact
Dairy Queen at Terra Bella

7. On February 26, 2010, a Transportation Impact Study (TIS) for the entire Terra Bella Project; i.e., all of the property rezoned pursuant to Rezoning Petition No. 5930, including the MPUD Master Planned Unit Development that includes the previous single-family detached and multifamily apartments, was submitted. The build-out date proposed in the TIS is December 31, 2013.
8. The proposed request is consistent with Pasco County applicable provisions of the Land Development Code and Comprehensive Plan as conditioned.

INITIAL CERTIFICATE OF CAPACITY

REQUIRED FOR PRELIMINARY SITE PLANS, PRELIMINARY DEVELOPMENT PLANS,
NONRESIDENTIAL SUBDIVISION, RESIDENTIAL SUBDIVISION INTO MORE THAN ONE DWELLING UNIT
PER LOT, AND PUBLIC SCHOOL COMPREHENSIVE PLAN CONSISTENCY REVIEW
To Be Completed By Department Responsible for Approval Sought;
Completed Certificate Must Be Attached to the Agenda Item and Approval Document

Complete Application (Date):	1/28/15	Certificate Completed by:	PJB
Parcel ID No(s):	29-26-19-0030-00000-0060, 29-26-19-0030-00000-0050, 29-26-19-0030-00000-0070		(attach survey if project includes portion of parcel)
Project Name:	Dairy Queen at Terra Bella		No: SML15-016
Applicant Name, Address, and Telephone Number:	K & B Flagship, LLC c/o EMK Consultants of Florida, Inc., 7815 N. Dale Mabry Hwy., Ste 200, Tampa, FL 33614 (813) 931-8900		
Job Site Address:	S.R. 54 - North side; Livingston Road - East side		
Does the applicant want to opt out of the mobility fee system pursuant to LDC 1302? <input type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, then transportation concurrency will apply and TIS application is required.)			
Project subject to Development of Regional Impact (DRI) Development Order or to a Development Agreement? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Approval Sought (Check All that apply):			
<input type="checkbox"/>	Preliminary Development Plan	<input type="checkbox"/>	Nonresidential Subdivision
<input checked="" type="checkbox"/>	Preliminary Site Plan	<input type="checkbox"/>	Residential Subdivision into more than one dwelling unit
<input type="checkbox"/>		<input type="checkbox"/>	Public School (Comprehensive Plan Consistency Review)

TYPE OF DEVELOPMENT

Number of Units	Unit Measure	Description
1	3,077 sq. ft.	Commercial
1	792 sq. ft.	Commercial (Outdoor seating)

Expiration (1300 LDC)		
All facilities (other than roads and schools) expire on:	02/27/2021	(6 yrs from issuance)
Roads(Only applies if project subject to transportation concurrency) Certificate of Capacity expires or is subject to additional review on: (click N/A if transportation concurrency does not apply)		or N/A <input checked="" type="checkbox"/>
Schools: Certificate of Capacity expires or is subject to additional review on:		or N/A <input checked="" type="checkbox"/>
Issuance Date:	02/27/15	

Completed Certificate of Capacity which has been issued to be distributed as follows:
1) Applicant 2) Shared Directory: 1-LOS, and 3) Project File.

INITIAL CERTIFICATE OF CAPACITY

	Yes	No	Conditional Approval	Review Standards	Reviewed By & Authorized Signature/Date
Roads <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 1301.6.D and Chapter 7 Transportation Analysis	
Water/Water Supply (Utilities) or <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 1301.6.A and Chapter 10 Public Facilities Element	
Sewer (Utilities) or <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 1301.6.A and Chapter 10 Public Facilities Element	
Parks/Recreation(Parks) <input type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 1301.6.B and Chapter 5 Recreation and Open Space Element	
Solid Waste (Utilities) Or <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 1301.6.A and Chapter 10 Public Facilities Element	
School or <input checked="" type="checkbox"/> N/A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	LDC 1301.6.C & Chapter 8 Public School Facilities Element and School District Concurrency Implementation Procedures Manual	

[Type or Copy and Paste Below]

Completed Certificate of Capacity which has been issued to be distributed as follows:
 1) Applicant 2) Shared Directory: 1-LOS, and 3) Project File.