

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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

DATE: 12/20/07 FILE: DR08-417

SUBJECT: Class I, Commercial Development  
Review - Cypress Creek, Parcel 11A,  
Phase 1-A and 1-B, Preliminary/  
Construction Site Plan and Storm-  
water Management Plan and Report  
(Project No. IPR07-045)

FROM: Beverly E. Trudell  
Development Review  
Technician II

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

It is recommended that the data herein presented be given formal consideration by the Development Director.

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Cypress Creek, Parcel 11A, Phase 1
Developer's Name:	Skinner Brothers Realty Company
Location:	On the northeast corner of S.R. 56 and Cypress Ridge Boulevard, Section 26, Township 26 South, Range 19 East.
Parcel ID No.:	26-26-19-0000-00100-0010 (a Portion of)
Land Use Classification:	MU (Mixed Use)
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:	4.26 Acres, m.o.l.
Number of Units:	2
Type of Units:	Retail and Drive-Through Restaurant
Size of Units:	17,750 Square Feet
Water/Sewage:	Pasco/Pasco
Drainage:	On-Site Retention
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	286
Present Land Use:	Vacant
Level of Service (LOS) Analysis:	Exempt from Transportation Initial Certificate of Capacity

DEVELOPER'S REQUEST:

The developer of Cypress Creek is requesting approval for infrastructure for Phase 11 (Lot 11B) and Phase 111 (Lot 11C) as well as preliminary/construction site plan and Stormwater Management Plan and Report approval for Phases 1-A and 1-B (Lot 11A) to construct a one-story retail building totaling 16,000 square feet and a drive-through restaurant totaling 1,750 square feet.

BACKGROUND:

1. On July 18, 2002, the Board of County Commissioners (BCC) approved the Cypress Creek Development of Regional Impact (DRI).
2. On August 20, 2002, the BCC approved the Cypress Creek MPUD Master Planned Unit Development (Petition No. 5787).
3. On January 23, 2003, the DRC approved the Cypress Creek DRI, Phase 2, Infrastructure.

FINDINGS OF FACT:

1. The preliminary/construction site plan and Stormwater Management Plan and Report 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 and Stormwater Management Plan and Report for the above-subject project were prepared for Skinner Brothers Realty Company by Kimley-Horn and Associates, Inc., and consists of 23 sheets dated December 7, 2007; the sheets were last revised on November 13, 2007. The plans were originally received by the Development Review Division (DRD) on November 15, 2006, and final revisions were received on December 7, 2007.
3. Access to the property is from Cypress Ridge Boulevard and S.R. 56.

RECOMMENDATION:

The Development Director recommends approval of the preliminary/construction site plan and Stormwater Management Plan and Report 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.

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 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 flood-

plain 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.
5. In the event ordinances/resolutions are adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife, the developer shall be required to comply with such ordinances/resolutions.
6. 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*.
7. 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.
8. 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.
9. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
10. The developer acknowledges that an appeal may be filed against the decision of the DRD 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.

#### Construction Plan

11. 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 Certificate of Occupancy (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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments. The developer shall show hydrant site locations on the construction plans. Raised pavement markings shall be installed.
19. The developer acknowledges that approval of this preliminary plan and/or construction plan 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 an unconditional Certificate of LOS Compliance. The developer is, however, put on further notice and hereby agrees that the BCC is not irrevocably bound by the current schedule of capital projects and shall not be held liable for any expenses, costs, or other damages incurred by the developer in reliance on the current schedule.
20. If a Pasco County Global Positioning System (GPS) network point is located within the boundary of the site or within 50 feet of the same, the point shall be re-established using GPS methods and "Blue Booked" prior to the issuance of any Building Permits or the recording of any plat. Proof of the said Blue Booking shall be submitted to the County Surveyor prior to the issuance of the said permit or the recording of the said plat. If it is discovered that the said point has been destroyed by construction, then the owner/developer of the land will be responsible for payment to Pasco County in the amount of \$5,000.00 each.
21. 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.
22. 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.
23. 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**

24. 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.
25. 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).
26. 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.
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 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.
- 29. 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.
- 30. 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.

**Certificate of Occupancy**

- 31. Construction of a westbound, right-turn lane on S.R. 56 is required prior to the issuance of the first CO on Parcel 11, Phases 1A and 1B.
- 32. 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 Development Director's approval of this preliminary/construction site plan and Stormwater Management Plan and Report constitutes a finding by the Development Director 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 have read, understood, and accepted the above-listed conditions of approval.

\_\_\_\_\_ Date \_\_\_\_\_ SKINNER BROTHERS REALTY COMPANY

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

BET/dr/cypressck21/08a

**DEVELOPMENT REVIEW DIVISION ACTION:**

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

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

TO: Debra M. Zampetti  
Zoning/Code Compliance  
Administrator

DATE: 7/23/10 FILE: ZN10-269

SUBJECT: Class I, Commercial Development  
Review - Cypress Creek, Parcel 11,  
Preliminary/Construction Site Plan  
Amendment and Phasing Plan  
(Project No. IPR07-045)

FROM: Pamela S. Shaw  
Development Review  
Technician II

REFERENCES: Land Development Code,  
Section 306, Development  
Review Procedures, and  
Section 306.18, Modifications;  
Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Zoning/Code Compliance Administrator.

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Cypress Creek, Parcel 11
Developers' Names:	Cypress Creek Development Partners
Location:	On the northeast corner of S.R. 56 and Cypress Ridge Boulevard, Section 26, Township 26 South, Range 19 East.
Parcel ID No.:	26-26-19-0000-00100-0010 (A Portion of)
Land Use Classification:	MU (Mixed Use)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridor:	S.R. 56
Existing Right-of-Way:	150 Feet from Centerline
Required Right-of-Way:	150 Feet from Centerline
Acreage:	7.69 Acres, m.o.l.
Number of Units:	2
Type of Units:	Retail Center and Restaurant
Square Feet:	16,000 and 1,750 Square Feet, respectively
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	287
Initial Certificate of Capacity:	Issued with Previous Approval (DR08-417)

DEVELOPERS' REQUEST:

The developers of Cypress Creek, Parcel 11, are requesting an amendment to the preliminary/construction site plan and for an approval to further subphase the project into five phases.

BACKGROUND:

1. On July 18, 2002, the Board of County Commissioners (BCC) approved the Cypress Creek Development of Regional Impact (DRI).
2. On August 20, 2002, the BCC approved the Cypress Creek MPUD Master Planned Unit Development (Petition No. 5787).
3. On January 23, 2003, the Development Review Committee (DRC) approved the Cypress Creek DRI, Phase 2, Infrastructure Preliminary/Construction Site Plan (DR03-520).
4. On October 7, 2004, the DRC denied the Cypress Creek DRI, Phase 4, Infrastructure Preliminary/Construction Site Plan (DR04-2468).
5. On May 26, 2005, the DRC approved the Cypress Ridge Professional Center Preliminary/Construction Site Plan for office and retail development, with conditions (DR05-1602).

6. On December 1, 2005, the DRC approved the Cypress Creek DRI, Phase 3, Drainage Improvements, with conditions (DR06-369).
7. On December 14, 2007, the former Development Review Division approved the Cypress Creek, Parcel 11A, Phase 11A, Phases 1-A and 1 B, Preliminary/Construction Site Plan and Stormwater Management Plan and Report, with conditions (DR08-417).

**FINDINGS OF FACT:**

1. Presently, the subject site is unimproved.
2. The subject property is located in Flood Zones "X" and "AE." Development is subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention.
3. 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:	MPUD Master Planned Unit Development	Type A Buffer 10 Feet
South:	S.R. 56	Type D Buffer 15 Feet
East:	MPUD Master Planned Unit Development; Class 1 Wetland	Type A Buffer 10 Feet; LDC 702.7.B, Buffer 25 Feet
West:	Cypress Ridge Boulevard	Type A Buffer 10 Feet

4. 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.
5. The preliminary/construction site plan and Stormwater Management Plan and Report for the above-subject project were prepared for Cypress Creek Development Partners by Kimley-Horn and Associates, Inc., and consist of three sheets dated March 2010; the sheets were last revised on June 11, 2010. The plans were originally received by the Zoning and Site Development Department on April 9, 2010, and final revisions were received on June 14, 2010.
6. Primary access to the property is from Cypress Ridge Boulevard, a County-maintained road which has 100 feet of right-of-way with 48 feet of pavement.
7. Secondary access to the property is from S.R. 56, a Florida Department of Transportation maintained road, which has 300 feet of right-of-way with 145 feet of pavement, and has been designated a six-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.
8. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.
9. Staff reviewed this project as one owner with the subparcels being lease lots. In the event this changes in the future, the project will be subject to subdivision requirements.

**RECOMMENDATION:**

The Zoning and Site Development Department recommends approval of the preliminary/construction site plan amendment and the phasing plan, with the following conditions:

**Hard-Copy Site Development Permit**

1. The owners/developers or project contractor shall obtain a hard-copy Site Development Permit from the Zoning and Site Development Department prior to commencing any construction. To obtain this permit, the following must be submitted to the Zoning and Site Development Department:
  - a. The completed notarized acknowledgment portion of the attached agenda memorandum.

- b. The owners/developers shall formally convey a 15 X 15-foot easement to Pasco County at the water distribution point, adjacent to the property boundary. Provide a draft electronic copy of the 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 the Certificate of Occupancy (CO), whichever occurs first.
- c. The owners/developers shall formally convey a 15-foot easement to Pasco County over the piece of gravity sewer up to and including the one sanitary-sewer manhole, adjacent to the Cypress Ridge Boulevard right-of-way. Provide a draft electronic copy of the 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 the CO, whichever occurs first.

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

#### **General**

2. The developers acknowledge that any provisions and conditions approved in conjunction with DR08-417 on December 14, 2007, not specifically waived shall be in full force and effect, including all impact fee ordinances.
3. The developers acknowledge that an appeal may be filed against the decision of the Zoning and Site Development Department within 30 days of the date of this approval. Any development that takes place within the 30-day-appeal deadline shall not establish vested rights with respect to construction of the project.
4. The developer acknowledges that the subject site plan was reviewed under the criteria appropriate to a lease parcel and that any subdivision of land as defined under the LDC, Section 200 shall be reviewed and approved in accordance with the LDC, Sections 300 and 610, prior to conveyance.

#### **Construction Plan**

5. The developers 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.
6. 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.

#### **Building Permit/Record Plat/Certificate of Occupancy**

7. Two signed and sealed record drawings and two PDF, AutoCad R13 Electronic 2000 Version discs in color for the entire system shall be submitted to the Utilities Service Branch prior to issuance of the CO.
8. Review of accessible parking dispersing will take place at Building Permit Application stage. Disperse accessible parking amongst building entrances.
9. Phase 1 must be constructed first, and then inspected and approved by Pasco County Engineering Inspections Division before other phases can be eligible for a CO.
10. The developers are 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.

The Zoning and Site Development Department's approval of this preliminary/construction site plan and Stormwater Management Plan and Report constitutes a finding by the Zoning and Site Development Department that the preliminary/construction site plan and Stormwater Management Plan and Report, as conditioned, are consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those 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.

**DEVELOPERS' ACKNOWLEDGMENT:**

The developers acknowledge that they have 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

DMZ/PSS/ecm/drc082610/cypressckzn10269

**ZONING AND SITE DEVELOPMENT DEPARTMENT ACTION:**

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

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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TO: Debra M. Zampetti  
Zoning/Code Compliance  
Administrator

DATE: 6/7/12 FILE: ZN12-472

SUBJECT: Commercial Development  
Review - Cypress Creek,  
Lot 11 - Preliminary/  
Construction Site Plan and  
Stormwater Management Plan  
and Report Substantial  
Amendment (Project  
No. IPR07-045)

FROM: Cissy Rosenberg  
Development Review  
Technician II

REFERENCES: Land Development Code,  
Sections 300, Procedures;  
403, Site Development;  
and 900, Development  
Standards; Comm. Dist. 2

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It is recommended that the data herein presented be given formal consideration by the Zoning/Code Compliance Administrator.

Commission District:	The Honorable Pat Mulieri, Ed. D.
Project Name:	Cypress Creek, Lot 11
Developer's Name:	Cypress Creek Group, LLC
Location:	On the northeast corner of S.R. 56 and Cypress Ridge Boulevard, Section 26, Township 26 South, Range 19 East.
Parcel ID No.:	26-26-19-0000-00100-0140
Land Use Classification:	MU (Mixed Use)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridor:	S.R. 56
Existing Right-of-Way:	150 Feet from Centerline (Built-Out)
Required Right-of-Way:	150 Feet from Centerline of Construction
Acreage:	7.69 Acres, m.o.l. (Parcel 11A, 2.06 Acres)
Use/Square Feet:	Retail/8,335 Square Feet and Restaurant/ 6,115 Square Feet (Parcel 11A)
Water/Sewage:	Pasco/Pasco
Transportation Analysis Zone:	287
Roads:	Public
Certificate of Capacity:	Initial (Previously Issued)
Mobility Fee Assessment District:	A
Mobility Fee Collection/Benefit District:	3

**DEVELOPER'S REQUEST:**

The developer of Cypress Creek, Lot 11, is requesting approval of a preliminary/construction site plan and Stormwater Management Plan and Report Substantial Amendment for boundary changes to Parcels 11A, B, and C associated with the proposed development on Parcel 11B. The changes include modification to the pond size and revised stormwater system, storm and master sanitary sewer connections have been updated; potable water and irrigation meter connections for Parcel 11 are not proposed to be mastered metered (a potable meter and irrigation meter for Parcel 11A are shown along S.R. 56) and the proposed use of retail and restaurant on Parcel 11A are being decreased from 16,000 square feet to 12,700 square feet.

**BACKGROUND:**

1. On June 18, 2002, the Board of County Commissioners (BCC) approved the Cypress Creek Development of Regional Impact (DRI).

2. On August 20, 2002, the BCC approved the Cypress Creek MPUD Master Planned Unit Development (Petition No. 5787).
3. On January 23, 2003, the Development Review Committee (DRC) approved the Cypress Creek DRI, Phase 2, infrastructure preliminary/construction site plan (DR03-520).
4. On October 21, 2003, the BCC approved, with conditions, an amendment to the Cypress Creek MPUD Master Planned Unit Development (GM04-0015).
5. On October 7, 2004, the DRC denied the Cypress Creek DRI, Phase 4, and infrastructure preliminary/construction site plan (DR04-2468).
6. On May 26, 2005, the DRC approved the Cypress Ridge Professional Center preliminary/construction site plan for office and retail development, with conditions (DR05-1602).
7. On December 1, 2005, the DRC approved the Cypress Creek DRI, Phase 3, Drainage Improvements, with conditions (DR06-369).
8. On December 5, 2006, the BCC adopted Resolution No. 07-63, an amendment to the Development Order for the Cypress Creek DRI.
9. On December 20, 2007, the former Development Review Division approved the Cypress Creek, Parcel 11A, Phases 1A and 1B, preliminary/construction site plan and Stormwater Management Plan and Report, with conditions (DR08-417).
10. On May 12, 2009, the BCC adopted Resolution No. 09-205, an amendment to the Development Order for the Cypress Creek DRI.
11. On July 23, 2010, the Zoning and Site Development Department approved the Cypress Creek, Parcel 11, preliminary/construction site plan amendment and phasing plan (ZN10-269).
12. On January 6, 2011, the Zoning and Site Development Department approved, with conditions, Cypress Ridge Convenience (IPR10-012) for a convenience store, gas pumps, and car wash on Parcel 11B (ZN11-082).

FINDINGS OF FACT:

1. Presently, the subject site is an unimproved portion of the Cypress Creek DRI and designated as a portion of Parcel 11 on Map H, Parcel 6, of the Cypress Creek MPUD Master Planned Unit Development Petition No. 5787.
2. The subject property is located in Flood Zone "AE." Development is subject to the requirements of the Land Development Code (LDC), Section 1104; Flood Damage Prevention.
3. The surrounding zoning consists of residential and commercial pursuits.
4. 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.
5. The preliminary/construction site plan and Stormwater Management Plan and Report for the above-subject project were prepared for Cypress Creek Group, LLC, by Kimley-Horn and Associates, Inc., and consist of 21 sheets dated March 30, 2012; the sheets were last revised on May 23, 2012. The plans were originally received by the Zoning and Site Development Department on January 17, 2012, and final revisions were received on May 25, 2012.
6. Access to the property is from S.R. 56, a Florida Department of Transportation (FDOT) maintained road, which has 290 feet of right-of-way and from an internal drive off Cypress Ridge Boulevard, a County-maintained road, which has 120 feet of right-of-way with 48 feet of pavement.

7. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as submitted.
8. On January 26, 2012, a preliminary/construction site plan and Stormwater Management Plan were submitted to the Zoning and Site Development Department for the Gate Food Store and is currently under review.

**RECOMMENDATION:**

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

**Hard-Copy Site Development Permit**

1. The applicant/developer or project contractor shall obtain a hard-copy Site Development Permit from the Zoning and Site Development Department prior to commencing any construction. To obtain this permit, the following must be submitted to the Zoning and Site Development Department:
  - a. The completed notarized acknowledgment portion of the attached agenda memorandum.
  - b. The receipt for payment of Pasco County utility impact fees. The utilities fees paid are applied to one parcel (Parcel 11); however, due to the proposed division of the parcel, the Engineer of Record must submit a draft reassignment letter (by the original owners at the time of payment) to Joseph D. Richards, Senior Assistant County Attorney, for review (for reassignment of paid impact and account fees).
  - c. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
  - d. The developer shall provide a Letter of Commitment and/or approval for water and/or sewer services from the appropriate serving utility.
  - e. A copy of the approved Southwest Florida Water Management District (SWFWMD) Permit and Plan. 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. 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.
  - g. National Pollutant Discharge Elimination System Permit/permit application.

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

**General**

2. The developer acknowledges that all other Conditions of Approval of DR08-417 and all subsequent amendments and 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. The developer acknowledges that drainage for Parcel 11C is not included with this approval or on the current SWFWMD Permit and that a separate stormwater pond will be required upon development.
4. The developer acknowledges that parking and buffer requirements for Lots 11B and 11C are to be determined at time of construction plan submittal, review, and approval.

5. In the event ordinances/resolutions are adopted by the BCC including, but not limited to, solid waste, public safety, or wildlife, the developer shall be required to comply with such ordinances/resolutions.
6. Any roadway construction required herein as a condition of development approval shall not be entitled to transportation impact fee (TIF) credits unless such credits have been granted pursuant to prior written agreement or as provided herein. Appeal from this provision shall be made in accordance with the TIF Ordinance.
7. The developer acknowledges that approval of this preliminary plan/preliminary site plan and/or construction plan/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 or plat approved without the issuance of a Final Certificate of Capacity.
8. 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.
9. 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*.
10. The 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.
11. The 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.
12. The developer acknowledges that an appeal may be filed against the decision of the Zoning and Site Development Department within 30 days of the date of this approval. Any development that takes place within the 30-day-appeal deadline shall not establish vested rights with respect to construction of the project.
13. Site plans approved by the Zoning and Site 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 LDC, Sections 300, 403, and 900.
14. The applicant/developer or project contractor shall notify the Project Management Division, at least two working days prior to commencing any activity on the site.
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 developer acknowledge(s) that except where project development schedules are established for Development of Regional Impacts and Florida-quality development, the preliminary site plan (PSP) and all associated alternative standards requests shall expire within six years of the original approval date of the PSP if Building Permits for the entire development have not been issued. Any extension shall be applied for at least 60 days prior to expiration of any of the above time limits.

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**

19. Prior to final site/construction plan approval of any project abutting a State roadway, the developer shall furnish to the Zoning and Site Development Department a Letter of Intent indicating approval and/or an approved Driveway Permit from the FDOT. Prior to the issuance of the first record plat or where a record plat is not required, prior to the first Certificate of Occupancy (CO), the 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.
20. 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.
21. Unless otherwise approved by the County Engineer, 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 the intersection improvement area to Pasco County specifications as approved by the County.
22. 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 406.5, 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 developer shall obtain a Driveway Connection Permit from Pasco County.

23. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the developer and their 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 developer shall temporarily transfer to Pasco County any and all water-use permits or water-use rights the 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 developer selling water, Water-Use Permits, or water-use rights, the 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. The developer acknowledges, in accordance with the LDC, Section 905.2, Landscaping and Buffering, wooden fences are not allowed as a visual screen in any of the buffer areas. If the developer proposes the use of a fence for a visual screen within any buffer area, vinyl fencing or chain-link fencing with black-out fabric or slats shall be used.
28. 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.
29. 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**

30. Site plans submitted with Building Permit applications are invalid as to final site approval unless stamped approved by the Zoning and Site Development Department. 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 Zoning and Site Development Department or DRC in accordance with the LDC, Sections 300 and 403.
31. Prior to the issuance of the CO, the following must be submitted to the Utilities Services Branch:
  - a. Two signed and sealed record drawings and two PDF, *AutoCAD R13 Electronic*, 2000 Version discs in color for the entire system.
  - b. A copy of the recorded 15-foot X 15-foot water distribution assembly easement.
  - c. A copy of the recorded Declaration of Covenants, Restrictions, and Easements for Parcel 11 of Cypress Creek North as approved on April 9, 2012.
32. 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 developer of the land will be responsible for payment to Pasco County in the amount of \$5,000.00 each.
33. The 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.
34. The owner(s)/developer(s) shall arrange for a final site inspection approval by the Engineering Services Department prior to the issuance of the CO.

The Zoning and Site Development Department's approval of this preliminary/construction site plan and Stormwater Management Plan and Report Substantial Amendment constitutes a finding by the Zoning and Site Development Department that the preliminary/construction site plan and Stormwater Management Plan and Report Substantial Amendment, as conditioned, is 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 Substantial Amendment 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 have 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

DMZ/CR/wpdata/drc/cypresscreeklot11\_pcspsmpr\_zn12472/48

**ZONING AND SITE DEVELOPMENT DEPARTMENT ACTION:**



# PASCO COUNTY, FLORIDA

***"Bringing Opportunities Home"***

WEST PASCO GOVERNMENT CENTER  
PLANNING AND DEVELOPMENT DEPARTMENT  
8731 CITIZENS DRIVE, SUITE 230  
NEW PORT RICHEY, FL 34654  
TELEPHONE: (727) 847-8142  
FAX: (727) 815-7000  
crosenberg@pascocountyfl.net

May 6, 2013

Kelly B. Bulloch, P.E.  
Kimley-Horn and Associates, Inc.  
3675 Innovation Drive  
Lakeland, FL 33812

RE: Cypress Creek Lot 11 (IPR07-045)  
Preliminary/Construction Site Plan and Stormwater Management Plan and Report Non-Substantial Amendment

DATE FINAL PLANS RECEIVED: April 10, 2013

Dear Ms. Bullock:

Please be advised that the above referenced Preliminary/Construction Site Plan and Stormwater Management Plan and Report Non-Substantial Amendment has been reviewed and approved by this office for compliance with the codes and requirements of Pasco County. The Non-Substantial Amendment includes:

- Update of construction plans showing the proposed new limits and configuration of Parcel 11B;
- Update of construction plans to show minor utility changes associated with the shared infrastructure of 11A and 11B;
- Update of phasing plan to incorporate the new limits of Parcel 11B and required infrastructure for construction;
- Update of phasing plan to incorporate the new limits of Parcel 11B and required infrastructure;
- Update landscape plan to modify the landscaping placement.

*"Pasco County—Florida's premier county for balanced economic growth, environmental sustainability, and first-class services."*

Please be advised, approval is subject to the following conditions:

1. All requirements and conditions of approval within approval memorandum DR08-417, as approved by the former Development Review Division on December 20, 2007, approval memorandum ZN10-269, as approved by the former Zoning and Site Development Department, and ZN12-472, as approved by the former Zoning and Site Development Department on June 7, 2012, remain in full force and effect.
2. The owner/developer acknowledges that the Hard Copy Site Development Permit for Cypress Creek Lot 11, which includes Parcel 11A, shall be issued prior to or consecutively with Gate Food Store, Parcel 11B
3. The owner/developer is hereby notified that any additional revisions shall be submitted to the Planning and Development Department for review and approval.

If you require any further information, please do not hesitate to contact the Planning and Development Department at the phone number listed above.

Sincerely,

*Cissy Rosenberg*

Cissy Rosenberg  
Development Review Technician II

*Dawn Sutton*

Dawn Sutton  
Planner I

Cc: Engineering Inspections  
Utilities  
Traffic  
Project File