

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 4/18/07

FILE: DR07-1243

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

SUBJECT: Class II, Commercial Development
Review - Retail Center at Cypress
Creek, Phase I, Lot 16, Revised
Preliminary Plan Amendment
and Construction Plan
(Project No. IIPR05-97)
DRC: 4/12/07, 1:30 p.m., DC

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 Review Committee (DRC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Retail Center at Cypress Creek, Phase I, Lot 16
Developer's Name:	ANT of Florida, LLC
Location:	East S.R. 56 and east of I-75, Section 26, Town- ship 26 South, Range 19 East.
Parcel ID No.:	26-26-19-0000-00100-0022
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 Zones:	"X" and "AE"
Hurricane Evacuation Zone:	N/A
Acreage:	25.91 Acres, m.o.l.
Number of Units:	8
Type of Units:	Retail, Restaurants, and Bank
Size of Units:	209,000 Square Feet
Water/Sewage:	Pasco/Pasco
Drainage:	On-Site Retention
Transportation Impact Fee (TIF) Zone:	181
Transportation Analysis Zone:	286
Present Land Use:	Vacant Land
Level of Service Analysis:	Exempt

DEVELOPER'S REQUEST:

The developer of the retail center at Cypress Creek, Phase I, Lot 16, is requesting to amend the previously approved preliminary plan by making minor revisions to the parking, architectural renderings, landscaping, and phasing of the project. In addition, the developer is requesting construction plan approval of 40,250 square feet for the proposed Haverty Furniture Store.

BACKGROUND:

1. On June 18, 2002, the Board of County Commissioners (BCC) approved Resolution No. 02-181, Cypress Creek Development of Regional Impact.
2. On August 20, 2002, the BCC approved the Cypress Creek MPUD Master Planned Unit Development (Petition No. 5787).
3. On September 28, 2006, the DRC approved Lot 16, Cypress Creek, at 209,000 square feet and the corresponding Phase 1 construction plan for Ashley Furniture, a 60,000-square-foot store (DR06-2274).

FINDINGS OF FACT:

1. The preliminary/construction site plan has 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 for the above-subject project was prepared for ANT of Florida, LLC, by Florida Engineering and Environmental Services, Inc., and consists of 24 sheets dated August 4, 2005; the sheets were last revised on April 12, 2006. The plans were originally received by the Development Review Division (DRD) on August 5, 2005, and final revisions were received on April 17, 2006.
3. Access to the property is from S.R. 56.

RECOMMENDATION:

The Development Director recommends approval of the revised preliminary plan amendment and construction plan with the following conditions:

General

1. The owner/developer shall be required to submit revised plans indicating phase lines and the corresponding building-square-footage summary table.
2. The developer acknowledges that any provisions of Pasco County ordinances and any rezoning conditions of approval not specifically waived shall be in full force and effect, including all impact fee ordinances.
3. 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.

4. Any roadway construction required herein as a condition of development approval shall not be entitled to TIF credits unless such credits have been granted pursuant to prior written agreement or as provided herein. Appeal from this provision shall be made in accordance with the TIF Ordinance.
5. The developer shall, at the time of Building Permit submittal, comply with the architectural rendering as approved by the DRC.
6. To prevent glare visible from off-site locations, all lighting fixtures shall be a cut-off-type fixture. The use of upward tilt and similar glare producing effects are prohibited. Floodlights are prohibited.

To limit overspill of lighting onto adjacent properties, lighting must be specifically designed such that the maximum illumination measured at the property line does not exceed 0.5 foot-candle on adjacent residential sites and 1.0 foot-candle on adjacent commercial sites and public rights-of-way, measured on a horizontal plane on-grade at the property line.

Prior to the issuance of the Certificate of Occupancy (CO), an inspection shall be conducted by the Licensed Electrical Engineer of Record for the project. A signed and sealed letter shall be submitted to the County by the Electrical Engineer of Record confirming that all outdoor lighting has been installed according to the photometric plans approved by the County. This section shall supersede the lighting provisions of the Large-Scale Commercial Retail Design Standards Ordinance.

7. 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.
8. 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.
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 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.
11. 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.
12. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
13. The developer acknowledges that an appeal may be filed against the decision of the DRC within 30 days of the date of this approval. Any development that takes place within the 30-day-appeal deadline shall not establish vested rights with respect to construction of the project.

Construction Plan

14. 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 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.
15. 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.
16. 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.

17. 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.
18. Prior to construction drawing approval, the developer shall submit a stormwater management plan in accordance with Sections 306, 310, 605, and 606 of the Land Development Code to the DRD for review and approval of same. The construction plan time frame for review shall not begin until the stormwater management plan is submitted and passed content review.
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 Land Development Code, 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 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.
22. 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.
23. 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.
24. 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.
25. 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

26. 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.
27. 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).

28. 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.
29. 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.
30. 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.
31. 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.
32. 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.

The developer shall also provide a Letter of Approval from the Public Service Commission stating that the proposed utility is authorized to serve that area.
33. 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 revised preliminary plan amendment and construction plan constitutes a finding by the DRC that the revised preliminary plan amendment and construction plan, as conditioned, are consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the Land Development Code that are applicable to revised preliminary plan amendment and construction plan approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

DEVELOPER'S ACKNOWLEDGMENT:

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

Date

ANT OF FLORIDA, 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/BET/dr/cypressck16/08a

DEVELOPMENT REVIEW COMMITTEE ACTION (4/12/07):

Approved Staff Recommendation

