

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 3/18/08

FILE: DR08-898

SUBJECT: Class II, Commercial Development
Review - Linus Alarm/Tender Care
Center Preliminary/Construction Site
Plan and Stormwater Management
Plan and Report (Project
No. IIPR07-039)
DRC: 3/27/08, 1:30 p.m., DC

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

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

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:	Linus Alarm/Tender Care Center
Developer's Name:	Phillip Mazzuco
Location:	On the south side of County Line Road (C.R. 578), approximately 1.25 miles west of the Suncoast Parkway, Section 04, Township 24 South, Range 18 East.
Parcel ID No.:	04-24-18-0000-00800-0010
Land Use Classification:	RES-1 (Residential - 1 du/ga)
Zoning District:	C-1 Neighborhood Commercial
Transportation Corridor:	County Line Road (C.R. 578)
Existing Right-of-Way:	50 Feet from Centerline
Required Right-of-Way:	83 Feet from Centerline
Flood Zone:	"C"
Hurricane Evacuation Zone:	N/A
Acreage:	9.75 Acres, m.o.l.
Number of Units:	2 Proposed and 1 Existing
Type of Units:	One-Story Day-Care Center, One-Story Office, and One-Story Locksmith Shop
Size of Units:	12,226 Square Feet Total (10,000 Proposed Square Feet and 2,226 Existing Square Feet)
Water/Sewage:	Well/Septic
Drainage:	On-Site Retention
Transportation Impact Fee (TIF) Zone:	2
Transportation Analysis Zone:	133
Present Land Use:	One-Story Locksmith Shop and a Cell Tower
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Linus Alarm/Tender Care Center is requesting preliminary/construction site plan and Stormwater Management Plan and Report approval for the addition of a one-story, 5,000-square-foot day-care center and a one-story, 5,000-square-foot office to the existing 2,226-square-foot building on site.

BACKGROUND:

1. The Pasco County Property Appraiser's records indicate the above-referenced parcel was originally developed in 1968.

2. On December 19, 1989, the Board of County Commissioners (BCC) approved a request for a change in zoning from an A-C Agricultural District to a C-1 Neighborhood Commercial District (Petition No. 4260).
3. On December 6, 1995, the BCC approved a special exception request for a 150-foot cell tower to be located in a C-1 Neighborhood Commercial Zoning District (Petition No. 4943).

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 Phillip Mazzuco by Nicholson Engineering Associates, Inc., and consist of 20 sheets dated December 14, 2006; the sheets were last revised on February 9, 2008. The plans were originally received by the Development Review Division (DRD) on January 2, 2007, and final revisions were received on February 11, 2008.
3. Access to the property is from County Line Road (C.R. 578).

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity is being issued for 10,000 square feet.

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.
 - i. Revised plans incorporating all changes required to show compliance with the conditions of approval.

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. The developer or the successors in interest shall connect to a central water and/or sewer system either governmentally owned or regulated by the Public Service Commission, as stipulated by County ordinance, when such systems become available, and pay such impact connection charges as applicable at that time.
10. 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.
11. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 83 feet of right-of-way from the centerline of County Line Road (C.R. 578) (Table 7-4, Pasco County Corridor Preservation Table, located in the Comprehensive Plan, Transportation Element, for arterial/collector and major intersection right-of-way requirements).

All conveyances shall occur at record plat or construction plan approval where a record plat is not required or within 90 days of the County's request, whichever occurs first. All conveyances shall include access easements, be in a form acceptable to the Real Estate Division, and be free and clear of all liens and encumbrances, including exemption from all covenants and deed restrictions.

Construction Plan

12. 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, 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.

13. 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.
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. 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 Land Development Code (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.

16. 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.
17. The applicant has submitted a Traffic Impact Study which requires the following:

The applicant's proportionate share shall be the payment of the TIF. The payment is required to be made prior to the issuance of the CO.
18. The traffic study submitted by the applicant assumes the following land use:

A one-story, 5,000-square-foot day-care center and a one-story, 5,000-square-foot office building.

Any development of land use that generates greater traffic impacts than those assumed shall require an updated traffic study utilizing a methodology approved by Pasco County. In addition, where a traffic study assumes retirement, age-restricted, 55 and older, or 62 and older housing, prior to approval of each plat, or where platting is not required, prior to approval of each construction plan, the developer shall provide to the County Attorney's office executed and recorded covenants or deed restrictions that restrict the said plat or construction plan to housing for persons 55 and older, or 62 and older, as applicable. The said covenants, if satisfactory to the County Attorney's office, may also be used to satisfy the first tier of the School Impact Fee Waiver and TIF reduction process. If the applicant or development fail to timely provide the required covenants or deed restrictions, or fail to comply with such covenants or deed restrictions, the applicant or development shall be required, in addition to any County remedies set forth in the County-approved covenants/deed restrictions, to submit an updated traffic study without any reduction in trip generation based on retirement, age-restricted, 55 and older, or 62 and older housing, and additional approvals within the development shall be held in abeyance until the County approves the updated traffic study and determines the appropriate transportation mitigation. The DRC, BCC, or County Administrator or his designee may impose additional conditions on the applicant or development based on the updated County-approved traffic study.

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 Level of Service 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. 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.
22. 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

23. 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.
24. 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).
25. 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.
26. 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.
27. 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.
28. If, during construction activities, any evidence of the presence of State and Federally protected plant and/or animal species is discovered, work shall come to an immediate stop, and Pasco County shall be notified within two working days of the plant and/or animal species found on the site.
29. The owner applicant is hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the DRD.

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

OWNER'S ACKNOWLEDGMENT:

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

_____ Date

_____ PHILLIP MAZZUCO

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me the _____ (date),
by _____ (name of person acknowledging), who
is personally known to me or who has produced _____ (type
of identification) as identification.

Seal:

_____ NOTARY

ATTACHMENTS:

- 1. Location Map
- 2. Site Plan
- 3. Concurrency Forms

CMJ/CR/ecm/drc032708/dr08898

DEVELOPMENT REVIEW COMMITTEE ACTION: