

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 11/12/08 FILE: DR09-100

SUBJECT: Class II, Commercial Development
Review - Ashley Furniture
Preliminary/Construction Site Plan
and Stormwater Management Plan
and Report (Project No. IIPR07-098)
DRC: 11/20/08, 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. 5

It is recommended that the data herein presented be given formal consideration by the Development Review Committee (DRC).

Commission District:	The Honorable Jack Mariano
Project Name:	Ashley Furniture
Developer's Name:	Ashley Furniture Homestore/Kingsmere Furniture, LLC
Location:	10340 U.S. 19 between Jasmine Boulevard and Regency Park Boulevard on the east side of U.S. 19. The building formerly contained a Service Merchandise, Inc., Section 16, Township 25 South, Range 16 East.
Parcel ID No.:	16-25-16-0000-00300-005C
Land Use Classification:	ROR (Retail/Office/Residential)
Zoning District:	C-2 General Commercial
Transportation Corridor:	U.S. 19
Existing Right-of-Way:	103.5 Feet from Centerline
Required Right-of-Way:	103.5 Feet from Centerline
Flood Zone:	"A-13"
Hurricane Evacuation Zone:	B
Acreage:	5.954 Acres, m.o.l.
Number of Units:	1
Type of Unit:	Furniture Store
Size of Unit:	53,866 Square Feet
Water/Sewage:	Aqua/Aqua
Transportation Impact Fee (TIF) Zone:	1
Transportation Analysis Zone:	9
Present Land Use:	Vacant Retail Building
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Ashley Furniture is requesting preliminary/construction site plan and Stormwater Management Plan and Report approval for an existing 53,866 square feet to allow its use as a furniture store.

BACKGROUND:

1. The site retains its original C-2 General Commercial District Zoning.
2. The building was erected in 1980 according to Pasco County Property Appraiser records and last sheltered Service Merchandise, Inc., which closed in 2002. The building has been vacant since then.
3. On October 9, 2008, the DRC approved variances to the Land Development Code (LDC), Sections 603.9.D.1, 603.9.D.2, 603.9.D.4, and 603.11 with conditions. The variances allowed

reductions of the Type A, B, and D buffers to their existing widths and allowed the truck well to be screened in lieu of a masonry wall. A condition added by the DRC during the meeting required the developer to work with staff to add more landscaping.

4. Renovations to the building by the current leasee, Ashley Furniture, exceeded the 25 percent threshold under the LDC, Section 603.9.C.2, which requires that the landscaping and buffers on the site be brought up to compliance with the current code.

FINDINGS OF FACT:

1. The preliminary/construction site plan and Stormwater Management Plan and Report has been reviewed by the Zoning/Code Compliance 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 was prepared for Ashley Furniture Homestore/Kingsmere Furniture, LLC, by Interplan, LLC, and consists of ten sheets dated July 7, 2007; the sheets were last revised on October 29, 2008. The plans were originally received by the Development Review Division (DRD) on October 10, 2007, and final revisions were received on October 31, 2008.
3. Access to the property is from U.S. 19 and interconnections with neighboring north and south properties.
4. The site plan shows that the applicant's have attempted to satisfy the DRC's condition to landscape the site as densely as practicable. Required landscaped areas are planted as closely as the health of the plants allow with trees, shrubs, ground cover, and ornamental, native grass.

Areas shown as sodded are outside required widths of Type A and B buffers or beyond five feet of the building. The exception is the area in the southeast corner where well-established trees discourage extensive soil rework.

The pond area is heavily vegetated currently. Those plants will remain with the exception of invasive species, which will be removed.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity is being issued for a 53,866-square-foot furniture store.

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 acknowledges that approval of the variance(s) as stated is based upon representation as set forth in the preliminary plan submittal dated October 29, 2008, and received by Pasco County on October 31, 2008. In the event that the preliminary plan is deemed void and/or approval is withdrawn, then the variance(s) shall be considered void and all future development shall thereafter comply with all regulations currently in effect and shall be reviewed and approved as provided therein. Preliminary plan approval is contingent upon approval of variance application(s).
- 5. The developer acknowledges that in accordance with the LDC, Section 402, Concurrency Management System, the initial Certificate of LOS shall expire in two years from the date of issuance.
- 6. The developer acknowledges that the parcel is located within the U.S. 19 Redevelopment/Concurrency Area and is subject to the payment of the fair share fee. The fair share fee shall be assessed at the time of Building Permit issuance and payable prior to the issuance of the Certificate of Occupancy (CO) or where no CO is required, prior to final inspection.
- 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 Board of County Commissioners (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 record plat or where a record plat is not required, prior to the first CO, the owner/developer shall provide a letter from the FDOT stating that the improvements within the State right-of-way have been inspected and completed to its satisfaction.
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. 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.
19. 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.

20. The developer shall provide fire protection in compliance with the Pasco County Code of Ordinances, Chapter 46, Article III, and any subsequent amendments.
21. The traffic study submitted by the applicant assumes the following land use:

Furniture Store

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.

22. The applicant has submitted a Substandard Roadway Analysis which requires the following improvement:

Pay the TIF per the TIF Ordinance as a proportionate share.

The payment is required to be made prior to the Building Permit.

23. 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.
24. 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.
25. 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.
26. 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

27. 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.
28. 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).
29. 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.
30. 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.
31. 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.

- 32. 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.
- 33. 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.
- 34. 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.
- 35. The developer is hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the DRD.

The DRC's approval of this preliminary/construction site plan 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, 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 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

_____ ASHLEY FURNITURE HOMESTORE/
KINGSMERE FURNITURE, 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/ecm/drc112008/ashleyfurndr091000/08a