

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

OCT - 1 2008

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

DATE: 9/3/08 FILE: DR08-1769

SUBJECT: Class II, Commercial Development
Review - Suncoast Lakes Commercial
Stormwater Management Plan and
Report (IIPR07-068)

FROM: Dorothy E. Masumian
Development Review
Technician III

REFERENCES: Land Development Code,
Section 306, Development
Review Procedures;
Comm. Dist. 4

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

Commission District:	The Honorable Michael Cox, CFP®
Project Name:	Suncoast Lakes Commercial
Developer's Name:	RIZK Florida JV
Location:	On the southeast corner of S.R. 52 and Silver Palms Boulevard, west of the Suncoast Parkway, Section 12, Township 25 South, Range 17 East.
Parcel ID Nos.:	12-25-17-0000-00100-0060 and 12-25-17-0000-00100-0000
Land Use Classifications:	CON (Conservation Lands), MU (Mixed Use), and RES-3 (Residential - 3 du/ga)
Zoning District:	MPUD Master Planned Unit Development
Transportation Corridor:	S.R. 52
Existing Right-of-Way:	100 Feet from Centerline
Required Right-of-Way:	112.5 Feet from Centerline
Flood Zones:	"A" and "C"
Hurricane Evacuation Zone:	None
Acreage:	147.68 Acres, m.o.l.
Number of Units:	1
Type of Unit:	N/A
Size of Unit:	N/A
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	2
Transportation Analysis Zones:	275 and 89
Present Land Use:	Vacant
Certificate of Capacity:	N/A

DEVELOPER'S REQUEST:

The developer of Suncoast Lakes Commercial is requesting approval of a mass grading and stormwater plan.

BACKGROUND:

1. On December 3, 2002, the Board of County Commissioners (BCC) approved rezoning the subject parcels from an A-C Agricultural District to an MPUD Master Planned Unit Development District (Petition No. 5772).
2. On July 10, 2008, the Development Review Committee (DRC) approved a preliminary site plan for a retail grocery store of 56,831 square feet (DR08-1315).

FINDINGS OF FACT:

1. The mass grading and stormwater plan was 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 mass grading and stormwater plan for the above-subject project were prepared for RIZK Florida JV by Florida Design Consultants, Inc., and consists of 17 sheets dated March 22, 2007; the sheets were last revised on June 27, 2008. The plans were originally received by the Development Review Division (DRD) on March 29, 2007, and final revisions were received on July 8, 2008.
3. Access to the property is from S.R. 52 and Silver Palms Boulevard.

RECOMMENDATION:

The Development Director recommends approval of the mass grading and stormwater plan 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. The owner/developer acknowledges that should any portion of this parcel be split off, the entire site must be submitted for subdivision review, if applicable.
4. 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.
5. 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.
6. 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.
 7. 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*.
 8. 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.
 9. 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.
 10. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
 11. 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.
 12. Subject to the provisions of the Right-of-Way Preservation Ordinance, the developer shall convey at no cost to Pasco County 112.5 feet of right-of-way from the centerline of S.R. 52 (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).

In addition, the developer shall, at no cost to Pasco County, design, construct, provide, and obtain any and all permits required by any local, State, or Federal agency for appropriate and sufficient drainage/retention, wetland, and floodplain mitigation facilities on the developer's property or at another site acceptable to the County to mitigate all impacts associated with the initial and future planned; i.e., in the current County Comprehensive Plan Transportation Element or Metropolitan Planning Organization Long-Range Plan, improvements of S.R. 52 within or adjacent to the boundaries of the developer's property including, but not limited to, mitigation for initial and future lanes of travel, shoulders, frontage roads, sidewalks, multimodal paths, medians, and other roadway appurtenances. The required drainage/retention, wetland, and floodplain mitigation facilities shall be determined at the time of stormwater-management plan review for the portion(s) of the project adjacent to S.R. 52, and this paragraph of this condition shall expire after such stormwater-management plans have been approved, unless such facilities are required pursuant to a development agreement approved pursuant to the Land Development Code (LDC), Section 403.

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

13. Site plans approved by the DRD or DRC 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, Section 306.
14. Site plans submitted with Building Permit applications are invalid as to final site approval unless stamped approved by the DRD or the DRC. These plans are submitted to show building location in regard to property line, other buildings, etc., only. The site must conform to those plans submitted and/or approved by the DRD or DRC in accordance with the LDC, Section 306.
15. Architectural renderings are to be submitted for approval with the construction site plans.
16. 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.

17. 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.
18. 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.
19. 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.
20. Prior to construction plan approval, the developer shall submit a stormwater-management plan in accordance with the LDC, Sections 306, 310, 605, and 606, to the DRD for review and final determination. The construction plan time frame for review shall not begin until the stormwater-management plan is submitted and passes content review.
21. 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.
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 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.
23. In consideration of Pasco County's agreement to provide potable water and/or reclaimed water to the subject property, the owner/developer and its successors and assigns agree to the following:
 - a. In the event of production failure or shortfall by Tampa Bay Water (TBW), as set forth in Section 3.19 of the Interlocal Agreement creating TBW, the owner/developer shall temporarily transfer to Pasco County any and all water-use permits or water-use rights the owner/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 owner/developer selling water, water-use permits, or water-use rights, the owner/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. The developer shall show hydrant site locations on the construction plans. Raised pavement markings shall be installed.
25. The traffic study was previously approved.
26. The applicant has submitted a Traffic Impact Study which requires the following improvement:

None
27. The applicant has submitted a Substandard Roadway Analysis which requires the following improvement:

None

28. The applicant has submitted an Access Management Application which requires the following improvement:

The turn-lane configuration is to be reviewed at construction plan review.

29. 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.
30. 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.
31. 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.
32. 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

33. Prior to the issuance of the Site Development Permit, the developer shall record the Approved Agenda Memorandum Conditions of Approval as notarized by the developer and development plan with the Clerk of the Circuit Court. The packet to be recorded shall be no larger than 8½" X 14" with legal description.
- A statement regarding the development approval shall be included on each recorded deed. The specific language to be used shall include the Official Record Book and page and index name wherein the development was recorded.
34. 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.
35. 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).
36. 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.
37. 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.

38. 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.
39. 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.
40. 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.
41. 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 the mass grading and stormwater plan constitutes a finding by the Development Director that the mass grading and stormwater plan, as conditioned, are consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to mass grading and stormwater 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.

10/1/08
Date

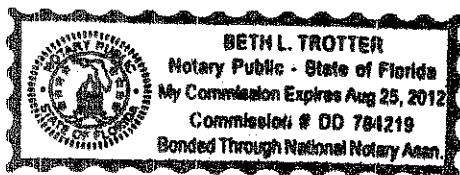
George Nicholas
RIZK FLORIDA JV

STATE OF FLORIDA
COUNTY OF PASCO

Partner
Title

The foregoing instrument was acknowledged before me this 10-1-08 (date), by George Nicholas of Rizk FL JV (name of corporation acknowledging) a Florida (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:



Beth L. Trotter
NOTARY

CMJ/DEM/dr/suncstlksdr081769/08a

DEVELOPMENT REVIEW DIVISION ACTION:

Recommendation Approved ☒ /Disapproved ☐

