

7/10/08

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 7/11/08

FILE: DR08-1315


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

SUBJECT: Class II, Commercial Development
Review - Suncoast Lakes Commercial
Preliminary Site Plan and Variance
Requests (Project No. IIPR07-067)
(VAC08-412)
DRC: 7/10/08, 1:30 p.m., NPR

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 Review Committee (DRC).

Commission District:
Project Name:
Developer's Name:
Location:

The Honorable Michael Cox, CFP®
Suncoast Lakes Commercial
RIZK Florida JV

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.
12-25-17-0000-00100-0060 and 12-25-17-0000-
00100-0000

Parcel ID Nos.:

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:

Retail Grocery Store

Size of Unit:

56,831 Square Feet

Water/Sewage:

Pasco/Pasco

Transportation Impact Fee (TIF) Zone:

2

Transportation Analysis Zones:

275 and 89

Present Land Use:

Vacant

Certificate of Capacity:

Initial

DEVELOPER'S REQUEST:

The developer of Suncoast Lakes Commercial is requesting preliminary site plan approval for a retail center including a grocery store, for a total of 56,831 square feet with variance requests.

Variances: Section 602.7.C, Tree Replacement, the developer is requesting to defer installing replacement trees until prior to the final inspection of the construction plans; and Section 618.12, Cross-Access/Frontage/Reverse-Frontage Road, to eliminate the required 24-foot-wide cross access to the south and east abutting parcels.

BACKGROUND:

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).

FINDINGS OF FACT:

1. The preliminary site plan and variance requests 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 site plan and variance requests for the above-subject project were prepared for RIZK Florida JV by Florida Design Consultants, Inc., and consists of six sheets dated March 22, 2007; the sheets were last revised on March 7, 2008. The plans were originally received by the Development Review Division (DRD) on March 29, 2007, and final revisions were received on March 19, 2008.
3. Access to the property is from S.R. 52 and Silver Palms Boulevard.

VARIANCE REQUEST:

The Development Director has reviewed the request for variances and has determined the following:

1. Section 602.7.C, Tree Replacement: There is no objection to this variance as the developer shall post a bond to guarantee the replacement.
2. Section 618.12, Cross-Access/Frontage/Reverse-Frontage Road: There is no objection to this request as the Florida Department of Transportation (FDOT) has an FDOT pond to the east, and there is a Class III wetland to the south.

CONCURRENCY ANALYSIS:

An Initial Certificate of Capacity is being issued for a 56,831-square-foot retail grocery store.

RECOMMENDATION:

The Development Director recommends approval of the preliminary site plan and variance requests 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 including, but not limited to:

(1) Utilities

- (a) A merchants' association must be established for this project. Provide a copy of the recorded merchants' association to the Utilities Services Branch prior to construction site plan approval. (Previous submittals are not acceptable.)
- (b) The preliminary plan must be revised to show a single, eight-inch water main along the southern property line of the proposed outparcels placed within a 15-foot utility easement. The proposed water main for the subject project site will be sourced from the eight-inch main. The proposed water meters and backflow preventers will need to be shown on the construction plan submittal.
- (c) The construction plan must include pump station design and/or calculations for the pump station.

(2) Project Management

- (a) The corridor preservation line shall be marked 112.5 feet from the centerline of construction. A buffer is not allowed within the corridor preservation line without an approved variance.
- (b) The project is part of the approved Suncoast Lakes MPUD Master Planned Unit Development Traffic Study. Per the submitted recommendations of the Traffic Impact Study, Phase 2 of the project requires signalization of the S.R. 52 and Silver Palm Boulevard intersection.
- (c) Turn-lane configuration will be reviewed at the construction plan stage. A typical section is required identifying the new pavement specifications: 1" FC3, 3" S1, 8" base (material based on SHWT), and 12" LBR 40 stabilization. The total structural number shall be a minimum of 3.7. All lanes shall be 12 feet wide. Overlay of the entire widening area is required.
- (d) Provide a minimum 34-foot driveway width when multiunit vehicles or single-unit vehicles in excess of 30 feet in length intend to use the access. Auto-turn template WB-50, truck turning, is required to ensure that all deliveries can efficiently access and leave the site.
- (e) The initial 50 feet of the inbound lane from S.R. 52 shall be a minimum of 15 feet wide.
- (f) A turnout shall be constructed per FDOT Index 515 and shall be noted on the plans. A 50-foot ingress and 35-foot egress radii are required.

(3) Development Review

- (a) Show the 112.5-foot transportation corridor for S.R. 52 on all appropriate pages, including the landscape page.
- (b) Show the 20-foot Type D buffer along S.R. 52 out of the transportation corridor on construction plans or submit a variance.

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.
- 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 acknowledges that approval of the variance(s) as stated is based upon representation as set forth in the preliminary plan submittal dated March 22, 2007, and received by Pasco County on March 29, 2007. 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).
6. 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.
7. 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.
8. 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*.
9. 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.
10. 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.
11. Utility service commitment fees shall be paid in accordance with the Pasco County Code of Ordinances, Chapter 110, Articles II and IV, as amended.
12. 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.
13. 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

14. 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.
15. 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.
16. Architectural renderings are to be submitted for approval with the construction site plans.
17. 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 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. The traffic study submitted by the applicant assumes the following land use:

A 56,831-Square-Foot Retail Grocery 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.

27. The applicant has submitted a Traffic Impact Study which requires the following improvement:
None.
28. The applicant has submitted a Substandard Roadway Analysis which requires the following improvement:
None.
29. 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.
30. 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.
31. 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.
32. 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.

33. 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

34. 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.
35. 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.
36. 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).
37. 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.
38. 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.
39. 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.
40. 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.
41. 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.
42. 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 site plan and variance requests constitutes a finding by the DRC that the preliminary site plan and variance requests, 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 site plan and variance requests 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

8/21/08

RIZK FLORIDA JV

Partner

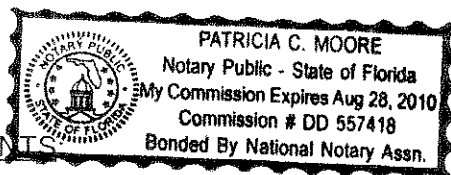
STATE OF FLORIDA
COUNTY OF

PASCO

Title

The foregoing instrument was acknowledged before me this 21st day of Aug. 2008 (date), by George Nicholas, Partner of RIZK Florida, JV (name of corporation acknowledging) a Florida (State or place of incorporation) corporation, on behalf of the corporation. He is personally known to me or who has produced _____ (type of identification) as identification.

Seal:



NOTARY

ATTACHMENTS

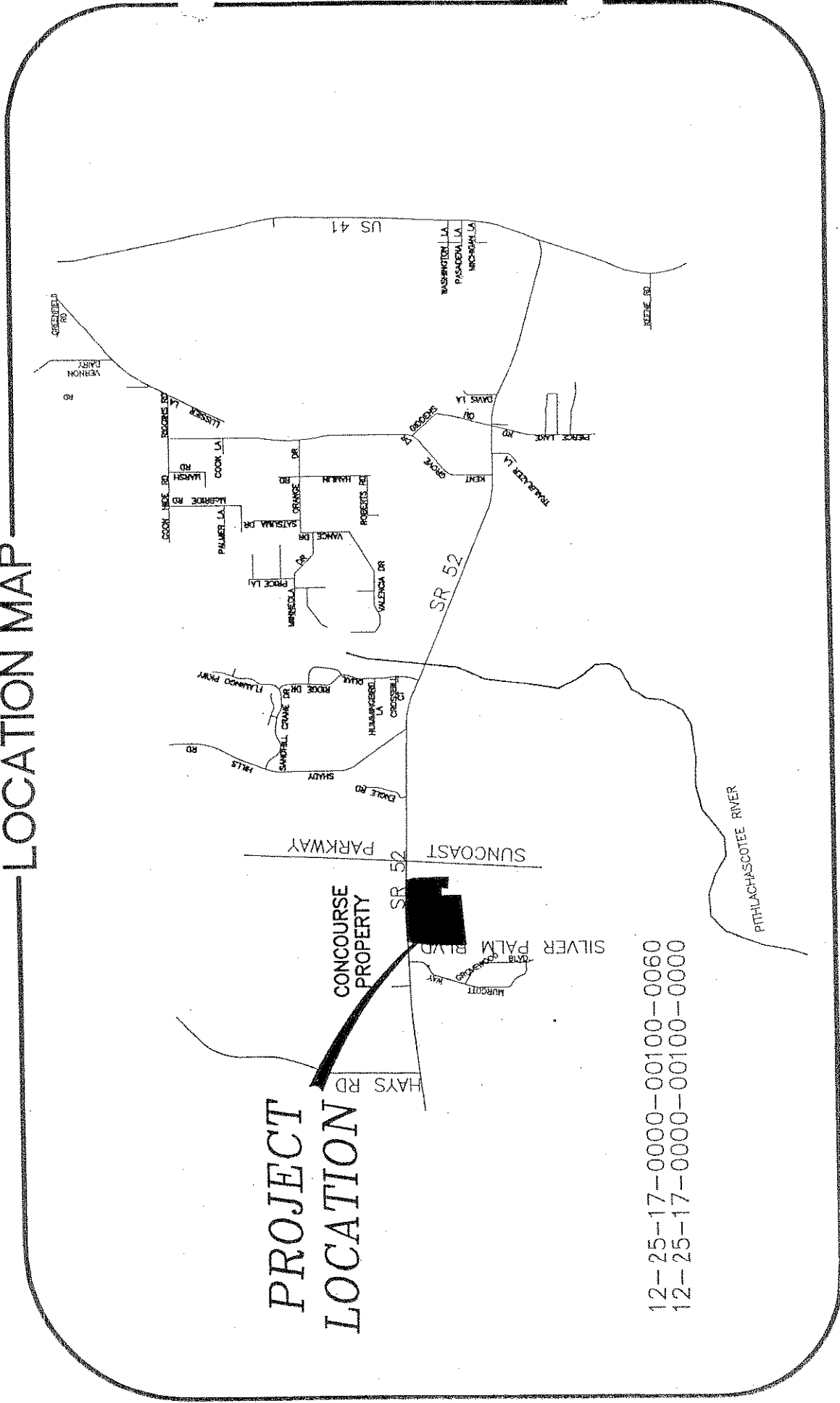
1. Location Map
2. Site Plan
3. Variance Requests

CMJ/DEM/dr/suncstlksdr081315/08a

DEVELOPMENT REVIEW COMMITTEE ACTION (7/10/08):

Approved Staff Recommendation

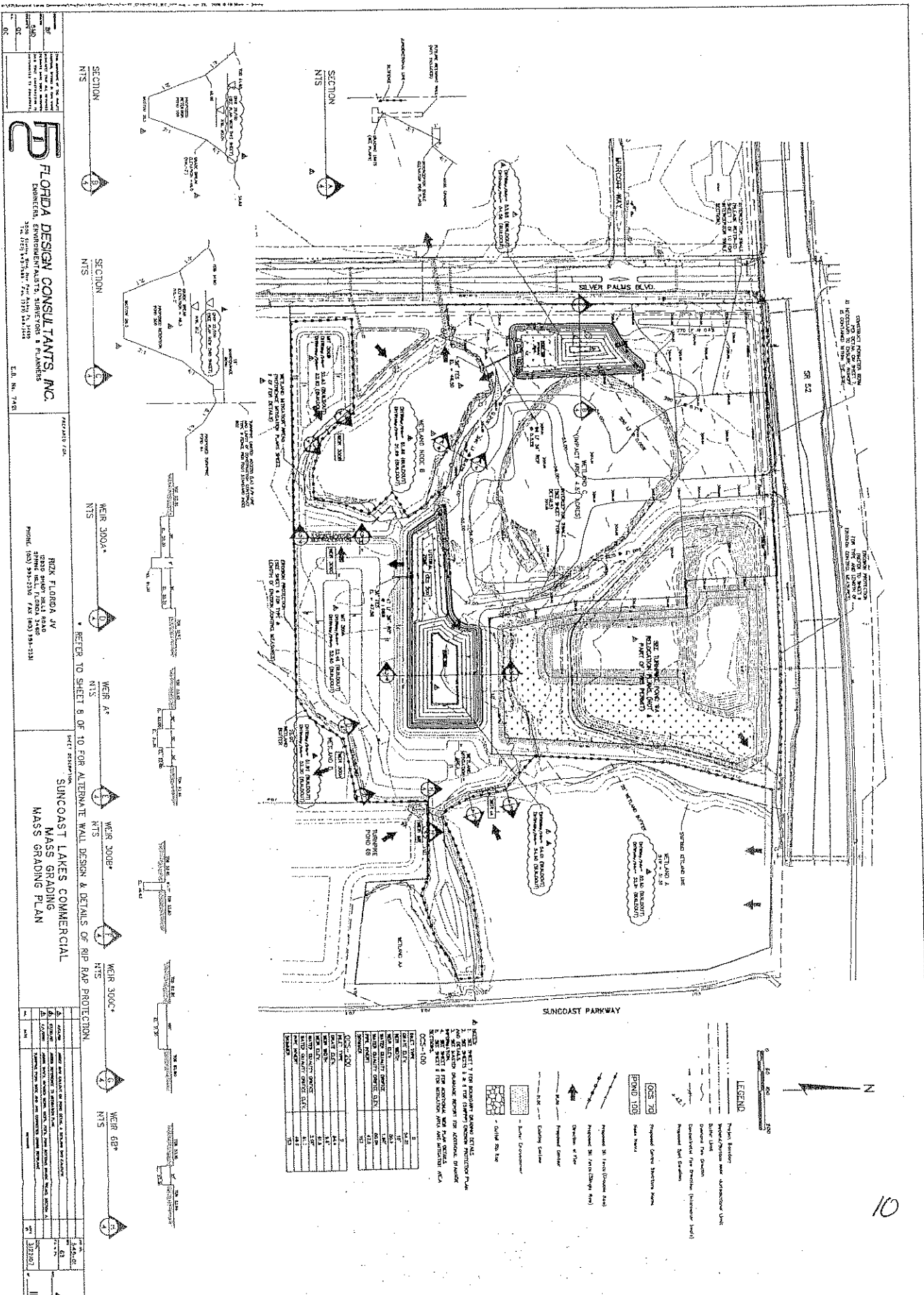
LOCATION MAP



PROJECT
LOCATION

CONCOURSE
PROPERTY

12-25-17-0000-00100-0060
12-25-17-0000-00100-0000



VARIANCE NO.: _____

DATE: _____

PASCO COUNTY
APPLICATION FOR VARIANCE
DEVELOPMENT REVIEW COMMITTEE
VARIANCE BOARD

The undersigned owner(s) of the following legally described property have formally requested consideration of a variance in accordance with the provisions of the Florida Statutes and the Pasco County Land Development Code, Section 316.

It shall be the responsibility of the petitioner, or her/his legal agent of record, to provide all information required below or any other information which is reasonable and relevant to the formulation of a recommendation to the adjustment being considered. **No application for review shall be deemed complete until all required information is provided.**

1. Name of Applicant: RIZK Florida JV
Mailing Address: 12830 Shady Hills Road
City: Spring Hill State: Florida Zip Code: 34610
Telephone Number: (813) 995-2330 Fax Number: (813) 995-2331
E-Mail Address: georgenicko@hotmail.com
 2. Name of Agent, if applicable: Attorney Ben Harrill
Mailing Address: 2550 Permit Way
City: New Port Richey State: Florida Zip Code: 34655
Telephone Number: (727) 942-0733 Fax Number: (727) 944-3711
E-Mail Address: ben@fhlaw.net
(Attach completed Agent of Record)
- Locational Description: SE corner of S.R. 52 and Silver Palm Boulevard
- Parcel Identification Number: 12-25-17-0000-00100-0060 & 12-25-17-0000-00100-0000
- Section 12, Township 25 South, Range 17 East, Sub _____, Block _____, Lot _____
- Present Zoning District: MPUD
- Development Name: Suncoast Lakes Commercial

REASONS FOR REQUEST FOR VARIANCE:

Using a separate application for each request, please answer the following. If additional space is needed, attach extra pages to the application.

1. State the specific section of the Land Development Code for which the variance is requested:
Applicant is requesting a variance from Section 602.7 C, tree replacement.
 2. Describe the variance requested:
The Developer intends to provide the required replacement inches; however, would like to stagger the timing of the replacement.
 3. Demonstrate compliance with one or more of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land, structures, or required subdivision improvements involved, and which are not applicable to other lands, structures, or required improvements. The project includes outparcels that will likely not be developed at the same time as the "bigger box" stores. Therefore, construction could be spread out over time.
 - b. That a literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties with similar conditions.
Several other similar projects have received variances under similar circumstances.
 - c. That the actions of the applicant did not cause the special conditions and circumstances which necessitate the variance. The Developer would obviously want to obtain contractors and get the outparcels built out asap, but they will be at the mercy of the market and proposed buyers/investors.
 - d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, structures, or required improvements under similar conditions. No special privilege will be granted if the variance is approved.

As previously stated, all of the required inches will be replanted, just not all up front and at the same time.

 - e. Through improved or alternative technology, the development and construction standards set forth in the Land Development Code are met or exceeded.
4. All variance applications that affect site conditions shall be accompanied by site plans depicting the site conditions with the granting of the variance and without the granting of the variance.

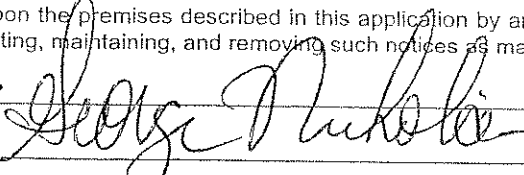
ADDITIONAL ITEMS REQUIRED FOR VARIANCE:

1. Two signed and sealed legal descriptions and sketches to be supplied at time of application.
2. Copy of Warranty Deed Previously provided.
3. Copy of Last Year's Tax Bill Previously provided.
4. Notarized Agent of Record Letter (if applicable) Previously provided.
5. Is this application the result of a Notice of Violation? No If so, please attach a copy of the notice.
6. Variance Fee: \$100.00 (each variance request). Check made payable to: Pasco County Board of County Commissioners.

I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

I consent to the entry in or upon the premises described in this application by any authorized official of Pasco County for the purpose of posting, maintaining, and removing such notices as may be required by law.

DATE: 3/18/08

APPLICANT'S SIGNATURE: 

APPLICANT'S REPRESENTATIVE: Ben Harrill

ADDRESS: 12830 Shady Hills Road

CITY: Spring Hill STATE: Florida ZIP CODE: 34610

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PASCO

BEFORE ME, the undersigned authority, personally appeared, George Nicholas

who being by me first duly sworn, under oath, deposes and states as follows:

1. That she/he/they has/have filed a variance application on property (Parcel ID No. 12-25-17-0000-00100-0060 and 12-25-17-0000-00100-0000) in the unincorporated area of Pasco County, which, if approved, would allow the developer(s) to: Stagger the timing of the required tree replacement.

2. That I hereby acknowledge that the variance, if approved, shall not:
- a. Constitute authorization to begin construction.
 - b. Exempt the project from certification of Level of Service compliance.
 - c. Obligate the County to provide additional services and facilities.

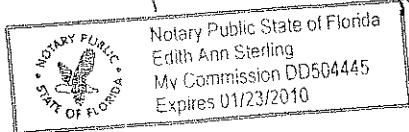
FURTHER AFFIANT SAYETH NOT.

AFFIANT

AFFIANT

RIZK Florida JV

SWORN to and subscribed before me this 18th day of March, 2008 George Nicholas is personally known,



Edith Ann Sterling
NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

Note: All property owners of the subject property or their designated Agent of Record must sign this affidavit.

13

VARIANCE NO.: _____

DATE: _____

PASCO COUNTY
APPLICATION FOR VARIANCE
DEVELOPMENT REVIEW COMMITTEE
VARIANCE BOARD

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It shall be the responsibility of the petitioner, or her/his legal agent of record, to provide all information required below or any other information which is reasonable and relevant to the formulation of a recommendation to the adjustment being considered. **No application for review shall be deemed complete until all required information is provided.**

1. Name of Applicant: RIZK Florida JV
Mailing Address: 12830 Shady Hills Road
City: Spring Hill State: Florida Zip Code: 34610
Telephone Number: (813) 995-2330 Fax Number: (813) 995-2331
E-Mail Address: georgenicko@hotmail.com
 2. Name of Agent, if applicable: Attorney Ben Harrill
Mailing Address: 2550 Permit Way
City: New Port Richey State: Florida Zip Code: 34655
Telephone Number: (727) 942-0733 Fax Number: (727) 944-3711
E-Mail Address: ben@fhlaw.net
(Attach completed Agent of Record)
- Locational Description: SE corner of S.R. 52 and Silver Palm Boulevard
- Parcel Identification Number: 12-25-17-0000-00100-0060 & 12-25-17-0000-00100-0000
- Section 12, Township 25 South, Range 17 East, Sub _____, Block _____, Lot _____
- Present Zoning District: MPUD
- Development Name: Suncoast Lakes Commercial

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REASONS FOR REQUEST FOR VARIANCE:

Using a separate application for each request, please answer the following. If additional space is needed, attach extra pages to the application.

1. State the specific section of the Land Development Code for which the variance is requested:
Applicant is requesting a variance from Section 618.12 Cross-access/frontage/reverse frontage roads.
2. Describe the variance requested:
The Developer does not intent to provide the required 24 ft. wide paved access easement connecting with the abutting commercial property to the south and east.
3. Demonstrate compliance with one or more of the following:

SEE ATTACHED SHEET 3A FOR RESPONSES 3.a, 3.b, 3.c, and 3.d.

 - a. That special conditions and circumstances exist which are peculiar to the land, structures, or required subdivision improvements involved, and which are not applicable to other lands, structures, or required improvements.
 - b. That a literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties with similar conditions.
 - c. That the actions of the applicant did not cause the special conditions and circumstances which necessitate the variance.
 - d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, structures, or required improvements under similar conditions.
 - e. Through improved or alternative technology, the development and construction standards set forth in the Land Development Code are met or exceeded.
4. All variance applications that affect site conditions shall be accompanied by site plans depicting the site conditions with the granting of the variance and without the granting of the variance.
See attached.

ADDITIONAL ITEMS REQUIRED FOR VARIANCE:

1. Two signed and sealed legal descriptions and sketches to be supplied at time of application.
See enclosed Preliminary Site Plan Cover Sheet.
2. Copy of Warranty Deed X
3. Copy of Last Year's Tax Bill X
4. Notarized Agent of Record Letter (if applicable) X
5. Is this application the result of a Notice of Violation? No If so, please attach a copy of the notice.
6. Variance Fee: \$100.00 (each variance request). Check made payable to: Pasco County Board of County Commissioners. See Attached.

I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

I consent to the entry in or upon the premises described in this application by any authorized official of Pasco County for the purpose of posting, maintaining, and removing such notices as may be required by law.

DATE: 3/18/08

APPLICANT'S SIGNATURE: George Nicholas

APPLICANT'S REPRESENTATIVE: Ben Harrill

ADDRESS: 12830 Shady Hills Road

CITY: Spring Hill STATE: Florida ZIP CODE: 34610

- 3.a: The areas located along the southern and eastern property boundaries consist of existing wetlands and proposed mitigation areas. East of the Suncoast Lakes Commercial property is the Suncoast Parkway right-of-way (a limited access facility). No direct connection will be made to it from the commercial development. There is no proposed construction/improvements within 250' of the southern and eastern boundaries.
- 3.b: A proposed cross-access connection would not only eliminate proposed pond area, but also impact existing wetlands and proposed mitigation areas. Thus, additional mitigation areas and pond areas in other locations would be required, and would further minimize the developable acreage.
- 3.c: The location of the proposed pond and mitigation areas naturally "fit" in their proposed locations. They are adjacent to existing wetland and low lying areas. These proposed pond and mitigation areas combined with the existing wetland and pond areas to create a larger uninterrupted natural, wet habitat than previously existed.
- 3.d.: The intent of the cross-connection code is to provide pass-through for adjacent projects, and that the pass-through is visible from the public road, (in this case Silver Palm Boulevard). In the case of Suncoast Lake Commercial, due to the location of existing ponds and wetlands, any possible cross-connection would be a minimum of 580' from Silver Palm Boulevard, thus not readily recognizable as a cross connection.

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PASCO

BEFORE ME, the undersigned authority, personally appeared, George Nicholas

who being by me first duly sworn, under oath, deposes and states as follows:

1. That she/he/they has/have filed a variance application on property (Parcel ID No. 12-25-17-0000-00100-0060 and 12-25-17-0000-00100-0000) in the unincorporated area of Pasco County, which, if approved, would allow the developer(s) to: not construct a 24' paved cross-connection to the south or to the east.

2. That I hereby acknowledge that the variance, if approved, shall not:

- a. Constitute authorization to begin construction.
- b. Exempt the project from certification of Level of Service compliance.
- c. Obligate the County to provide additional services and facilities.

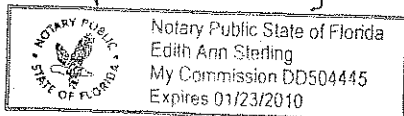
FURTHER AFFIANT SAYETH NOT.

AFFIANT

AFFIANT

RIZK Florida JV

SWORN to and subscribed before me this 18th day of March, 2008. George Nicholas is personally known.

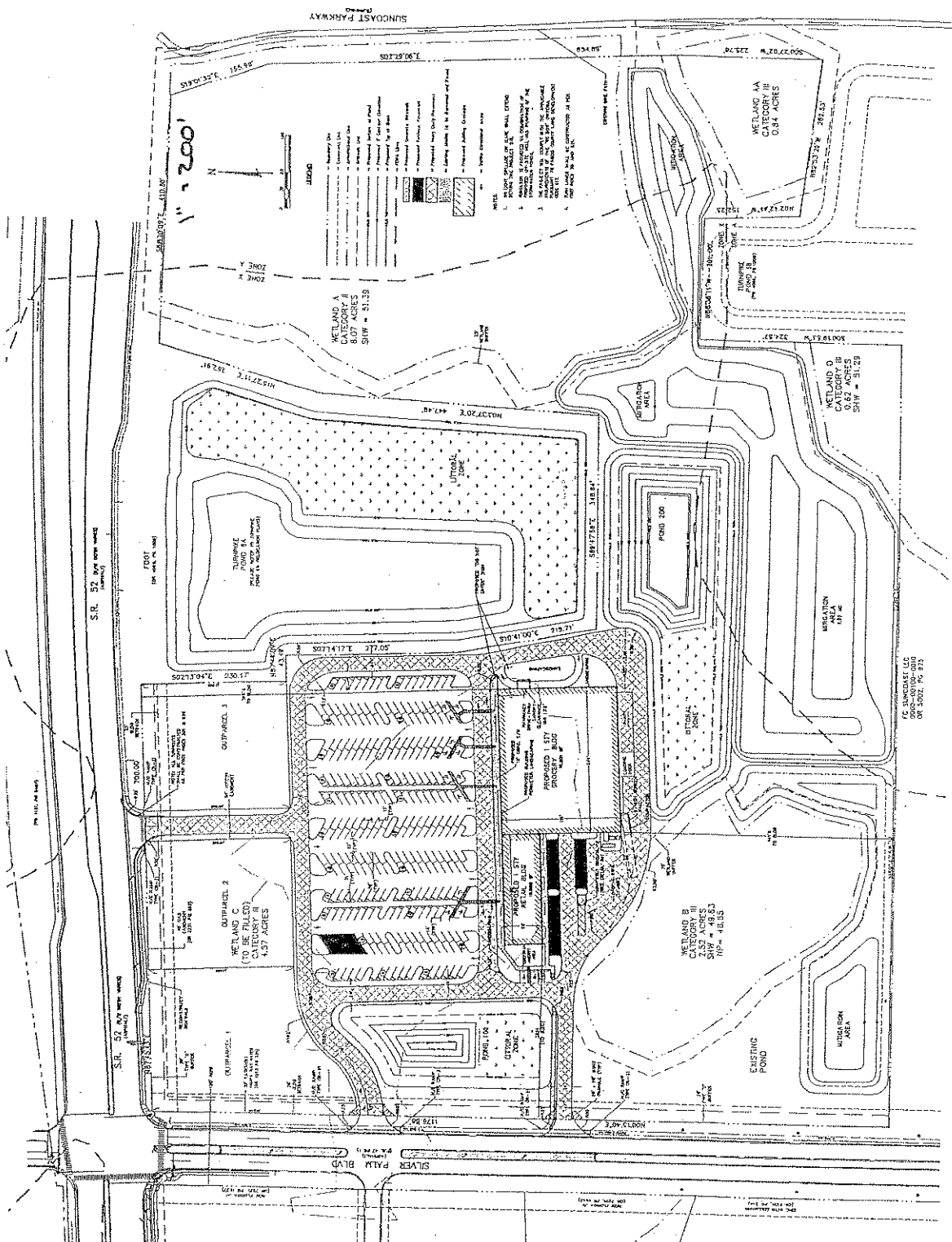


Edith A. Stedling
NOTARY PUBLIC
State of Florida at Large

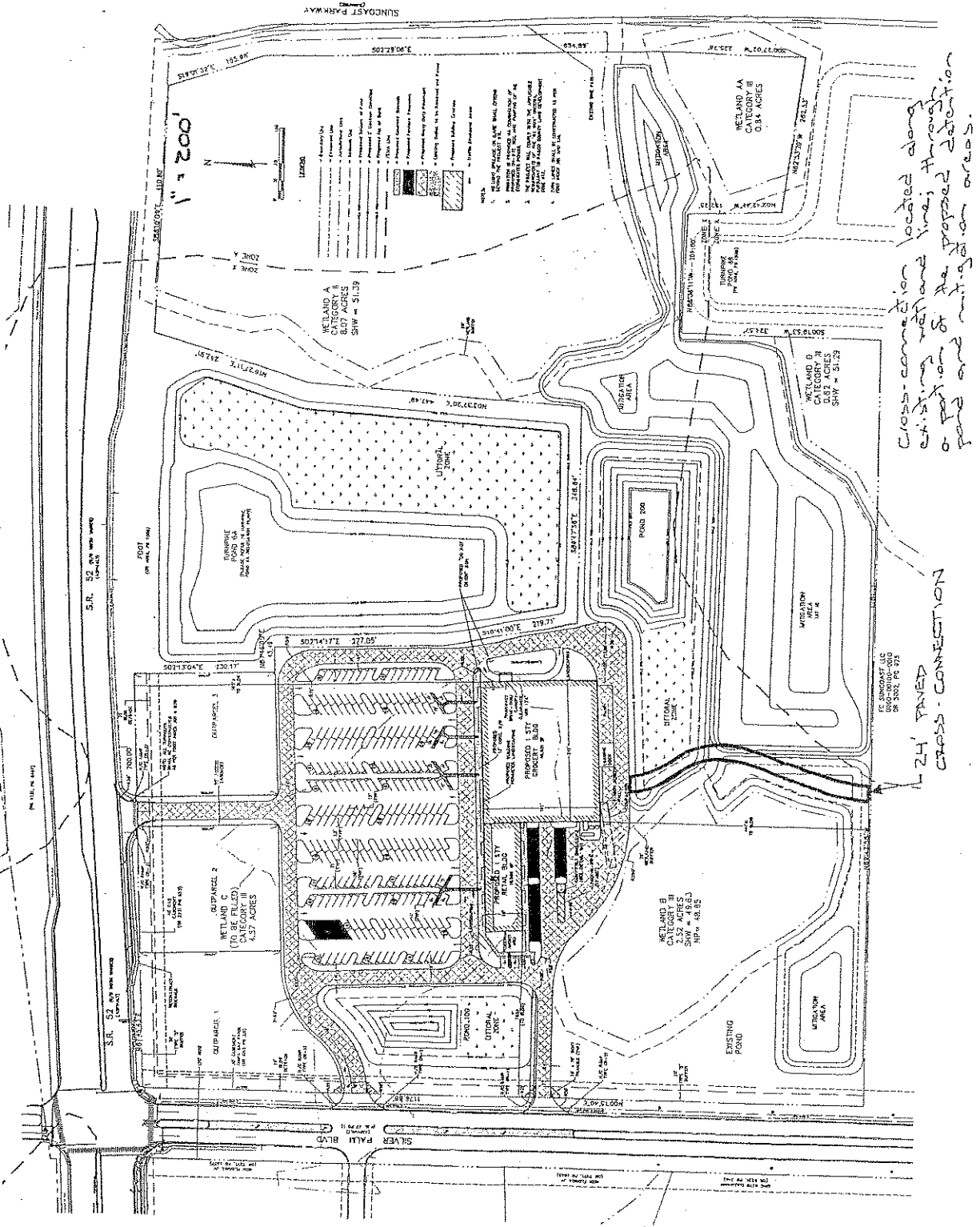
My Commission Expires:

Note: All property owners of the subject property or their designated Agent of Record must sign this affidavit.

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WITHOUT
VARIANCE



Cross-connection located along
existing wetland lines; through
a portion of the proposed detention
pond and mitigation areas.

24' PAVED
CROSS-CONNECTION