

**DEVELOPMENT REVIEW COMMITTEE, PASCO COUNTY, FLORIDA
ADDENDUM TO AGENDA
November 6, 2008**

1:30 p.m. - West Pasco Government Center, Board Room,
7530 Little Road, New Port Richey, FL 34654-5598

DEVELOPMENT REVIEW COMMITTEE

John J. Gallagher
County Administrator
Michael Nurrenbrock
OMB Director
Daniel R. Johnson
Assistant County Administrator
(Public Services)
Bruce E. Kennedy, P.E.
Assistant County Administrator
(Utilities Services)
Bipin Parikh, P.E.
Assistant County Administrator
(Development Services)
Chris Williams
District School Board of Pasco County

ADVISORY STAFF

Cynthia M. Jolly, P.E., CFM
Development Director
Samuel P. Steffey II
Growth Management Administrator
James C. Widman, P.E.
Engineering Services Director/
County Engineer
Debra M. Zampetti
Zoning/Code Compliance
Administrator
Representative of the Clerk of the
Circuit Court

LEGAL COUNSEL

Jeffrey N. Steinsnyder
County Attorney

ANY PERSON DESIRING TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION, DEVELOPMENT REVIEW COMMITTEE, OR BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS AND NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PUBLIC HEARINGS

VARIANCE PETITIONS

GROWTH MANAGEMENT

GM09-59 New River Partners, Ltd. – Variance Request - New River Partners, Ltd., - Applicant requests a Variance from the Land Development Code, Section 402.6.B(1), which, if granted, would allow the developer to not be subject to additional concurrency review resulting from expiration of the Level of Service Certificate. Location: On the north side of S.R. 54, approximately 1,250 feet east of Riverside Crossing Boulevard, approximately one-half mile west of Eiland Boulevard; Sections 10, 11, 12, 13, 14, and 15, Twn 26 S, Rng 20 E
Recommendation: Continuance Requested
Comm. Dist. 2

INTEROFFICE MEMORANDUM

TO: Development Review Committee DATE: 11/2/08 FILE: GM 09-59

SUBJECT: Article 400 of the Land Development Code – New River Partners, Ltd. Variance Request
DRC: 11/06/08; 1:30 p.m., NPR

FROM: Samuel P. Steffey II REFERENCES: Land Development Code, Section 402.6.B.(1), Expiration of Exemptions; Comm. Dist. 2
Growth Management Administrator

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:	New River MPUD
Developer's Name:	New River Partners, Ltd.
Location:	On the north side of S.R. 54 approximately 1,250 feet east of Riverside Crossing Boulevard, approximately one-half mile west of Eiland Boulevard. Lying in portions of Sections 10, 11, 12, 13, 14, and 15, Township 26 South, Range 20 East
Land Use Classification:	Res-3, Res-6, and ROR
Zoning Districts:	MPUD
Flood Zones:	"A" and "X"
Acreage:	1,796.16 Acres, m.o.l.
Number of Units:	4,800
Type of Units:	Single-Family and Multi-Family
Water/Sewage:	Central (Pasco)/Central (Pasco)
Drainage:	On-Site Retention
Transportation Impact Fee Zone:	3
Transportation Analysis Zone:	239,241
Present Land Use:	Residential

DEVELOPER'S REQUEST:

The developer is requesting a variance from the Land Development Code, Section 402.6.B.(1), which, if granted, would allow the developer to not be subject to additional concurrency review resulting from expiration of the Level of Service Certificate.

BACKGROUND:

1. On December 13, 1988, the Pasco County Board of County Commissioners approved the New River (f/k/a Brown Site) MPUD Master Planned Unit Development, Petition No. 4061. On November 15, 1990, the Board granted the developer an extension of time in which to comply with a condition of zoning approval which required consistency between the MPUD and the proposed Development of Regional Impact (DRI) Application for Development Approval (ADA) Map "H".
2. The Board approved the first amendment to the MPUD Master Planned Unit Development on March 12, 1991. The amendment changed several design standards and added a condition regarding the design, permitting, and construction of Linda Drive.
3. The Board approved the second amendment to the MPUD Master Planned Unit Development on August 8, 1995. The amendment accomplished the following: converted three multi-family parcels in New River Lakes to single family parcels; reconfigured the collector-roadway network in New River Lakes; changed design standards; and approved alternative-design standards for cul-de-sac length, block lengths, street-design standards, and pavement structure.
4. On November 14, 2000, the Board approved the third amendment to the MPUD Master Planned Unit Development. This amendment allowed for the exchange of residential (multi-family) and commercial development, amended design standards, established lands for utilities and cable television substations, and increased the potential mitigation/upland preserve acreage from 117 to 146 acres (GM01-057).

ANALYSIS:

The Growth Management Department staff has reviewed the variance request and has determined the following:

1. The applicant seeks a variance from Section 402.6.b.1 of the Pasco County Land Development Code which, if granted, would allow New River to receive an extension of the existing LOS Certificate based upon the existing traffic study and analysis previously approved by Pasco County as part of the New River DRI prior to the adoption of the amendments to the Concurrency Management Ordinance. The applicant is currently seeking a three year extension from further transportation analysis for remaining residential development, as well as non-residential Phase I entitlements of 120,000 square feet of office and 50,000 square feet of retail, which were to be constructed as the initial portion of the New River Town Center. This three year extension would coincide with the extension of the Phase I buildout date to December 31, 2011.
2. The New River Town Center was to be located at the intersection of the Zephyrhills West By-Pass and River Glenn Boulevard (f/k/a/ New River Blvd.). Under the terms of both the Development Order (See Resolution 04-43, Section V.N. 1.d) and the MPUD Zoning conditions for New River (Petition # 6092, Condition 41) approved by the Board of County Commissioners on November 18, 2003, Pasco County was, subject to funding availability, proposing to construct the Zephyrhills By-Pass from its intersection with State Road 54 east to Eiland Boulevard. Due to design and permitting delays the roadway construction has not yet been commenced by the County. As a result, according to the applicant, New River has been unable to extend River Glen Boulevard to the north and create the needed intersection for the planned Town Center. This has precluded the use of certain non-residential development entitlements in Phase I and limited the ability to complete additional residential entitlements in proximity to the Town Center.
3. The Applicant contends that the County's delay in the construction of the Zephyrhills West By-Pass as required by the terms of the Development Agreement has restricted the location and type of product which the developer could make available to the general public. According to the Applicant, this coupled with the general precipitous decline in the real estate market necessitate the request for an extension and, at a minimum, a variance should be granted as the strict application of the land development regulation creates an unreasonable and unfair hardship that was not created by the Applicant.
4. The County has recently approved certificate of capacity extensions under its Concurrency Management Ordinance for developments of regional impact seeking to use the three (3) year statutory extension when the developer has agreed to pay the difference between the adopted transportation impact fee rate and the full Option I impact fee as had been recommended to the Board of County Commissioners.

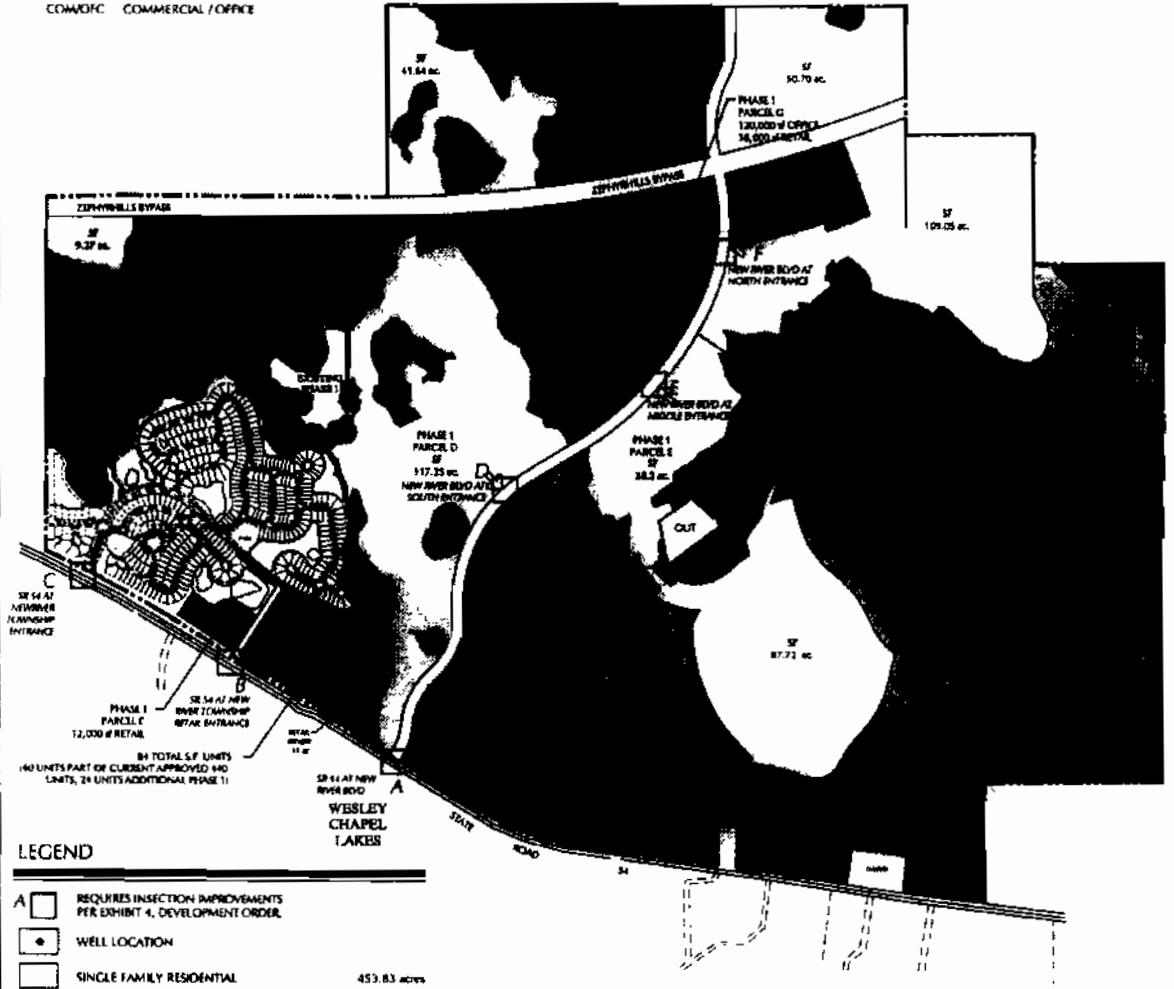
RECOMMENDATION:

The Growth Management Department staff recommends that the DRC continue this item to the December 4, 2008, DRC meeting at 1:30PM in Dade City, at the applicant's request.

DEVELOPMENT REVIEW COMMITTEE ACTION:

LAND USE CODE

- SF SINGLE FAMILY RESIDENTIAL
- MF MULTI-FAMILY RESIDENTIAL
- CO/OF/O: COMMERCIAL / OFFICE



LEGEND

- A** □ REQUIRES INSPECTION IMPROVEMENTS PER EXHIBIT 4, DEVELOPMENT ORDER.
- WELL LOCATION
- SINGLE FAMILY RESIDENTIAL 453.83 acres
- MULTI-FAMILY RESIDENTIAL 149.53 acres
- RETAIL / OFFICE 52.4 acres
- INSTITUTIONAL/SCHOOL SITE 20.0 acres
- WETLANDS 558.01 acres
- OPEN SPACE¹ 247.15 acres
- UPLAND PRESERVATION 125.50 acres
- EXISTING DEVELOPMENT 121.05 acres
- PEDESTRIAN TRAIL SYSTEM
- RIGHT OF WAY 68.69 acres
- TOTAL 1,796.16 acres**

FOOTNOTES:

1. OPEN SPACE TO ALLOW FOR ACTIVITY-BASED AND RESOURCE-BASED RECREATION, COMPENSATING STORAGE, STORMWATER MANAGEMENT & WETLAND MITIGATION.

- PARK
- ACTIVE RECREATION (SPORTS PARK & LAKE) 52.78 acres
- PASSIVE RECREATION NATURAL ECOLOGICAL SYSTEMS (WETLANDS & UPLAND PRESERVATION) OPEN SPACE / COMPENSATING STORAGE 91.35 acres
- 53.12 acres
- TOTAL ACRES 207.25 acres**

NOTES:

1. SF & MF Land Use Codes Indicate Planned Residential Census Tract Type. Projects May Occur Within MP Designations.
2. Development Parcel Acreage Is Approximate and Dependent on Proposed Upland Area and Proposed Wetland Encroachments Where Indicated.
3. Wetland Limit Line Edge of Preservation / Conservation Location is Approximate.

DEVELOPMENT PROGRAM				
Land Use	Phase I (2008)	Phase II (2013)	Phase III (2018)	Total
Residential	1,550	2,278	972	4,800
(Single Family)	(1,250)	(1,178)	(190)	(2,618)
(Multi-Family) ¹	(300)	(1,100)	(582)	(1,982)
Retail	50,000	200,000	310,000	560,000
(GFA SF)				
(Acres)	(6.3)	(29.6)	(25.3)	(52.2)
(Parking Spaces)	(250)	(1,000)	(1,550)	(2,800)
Office	120,000	0	0	120,000
(GFA SF)				
(Acres)	(17.2)	(0)	(0)	(17.2)

NOTES:

1. Multi-family includes: Multi-family for sale, townhomes and mixed use products.



**REVISED MAP H
MASTER DEVELOPMENT PLAN**

NEW RIVER

NEW RIVER PARTNERS, LTD., 13001 FOUNDERS SQUARE, ORLANDO, FLORIDA, 32828

**BCC
NOV 18 2003
APPROVED**

MILLER SELLEN CONNER & WALSH

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