

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee DATE: 01/19/10 FILE: ZN10-070

SUBJECT: Pasco Commerce Center
MPUD Master Planned Unit
Development
DRC: 01/28/10, 1:30 p.m., NPR
(Cont'd from 9/24/09)
(Cont'd from 10/22/09)
(Cont'd from 12/17/09)
(Cont'd from 1/14/10)
Recommendation: Approval with
Conditions

FROM: Debra M. Zampetti REFERENCES: Land Development Code,
Zoning/Code Compliance Section 522, Master Planned
Administrator Unit Development District;
Comm. Dist. 1

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

Commission District:	The Honorable Theodore J. Schrader
Project Name:	Pasco Commerce Center MPUD
Applicant's Name:	Pasco Industrial, Inc.
Location:	On the east and west sides of Pasco Road, east of I-75, and approximately one-quarter mile north of S.R. 52, Sections 04, 05, 08, and 09, Township 25 South, Range 20 East.
Parcel ID Nos.:	04-25-20-0000-00600-0100, 05-25-20-0000-00200-0020, 08-25-20-0000-00100-0010, and 09-25-20-0000-00800-0000.
Acreage:	168.4 Acres, m.o.l.
Zoning District:	MPUD Master Planned Unit Development
Future Land Use Classification:	IL (Industrial - Light)
Water/Sewage:	Pasco/Pasco (Central)
Industrial (and/or Corporate Business Park/Targeted Primary Business) and Support Commercial/Office Uses:	
General Light Industrial Square Feet:	480,000
Manufacturing Square Feet:	200,000
Business Park Square Feet:	40,000
Warehouse Square Feet:	480,000
Maximum Total Square Feet:	1,200,000 Square Feet for entire site
Certificate of Capacity:	Initial with Conditions

DEVELOPER'S REQUEST:

1. The developer/applicant is requesting to rezone approximately 168.4 acres from an A-C Agricultural Zoning District to an MPUD Master Planned Unit Development District to allow 1,200,000 square feet of corporate business park/targeted primary business/industrial and support commercial/office uses.
2. The developer/applicant is also requesting variances and an alternative standards request from the Land Development Code (LDC) at this time as provided for in Section 522.4.B, Variances, as follows and as explained herein:

A. Variances:

1. Section 603.9, Landscape Buffering and Screening

- (a) Section 603.9.D.4.a.(3), Buffer Types; Type D Buffer (Nonlocal Right-of-Way Buffer)

- (b) Section 603.9.D.6.b., Buffer Types; Type F Buffer (Controlled Access Roadways)
- (c) Section 603.9.E.2, Sidewalks Within the Buffer Areas
- 2. Section 610.3.O, Continuation of Existing Street Pattern and Street Access to Adjoining Property
- B. Alternative Standards:
 - 1. Section 610.3.F, Right-of-Way

BACKGROUND:

The property is currently zoned A-C Agricultural, which is the original zoning designation.

FINDINGS OF FACT:

1. Presently, the subject site is undeveloped.
2. Access to the property is from Pasco Road, a County-maintained road which has 50 feet of right-of-way with varying pavement width from 16 to 22 feet, and has been designated a two-lane collector facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan. In addition, Pasco Road is a corridor preservation network that requires two lanes built out with a total right-of-way width of 135 feet.
3. The subject property is located in Flood Zone "C." Development is subject to the requirements of Article 700, Flood Damage Prevention, of the LDC.
4. The surrounding area is characterized as follows: North, A-C Agricultural Zoning District; South, C-2 General Commercial District, R-1MH Single-Family/Mobile Home, I-2 General Industrial Park, MPUD Master Planned Unit Development (Industrial Park), and I-1 Light Industrial Park; West, I-75; and East, A-C Agricultural District.
5. Water and sewer are to be serviced by the Utilities Services Branch.
6. On June 27, 2006, the Board of County Commissioners adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways.
7. A Comprehensive Plan Amendment was approved on April 27, 2004, from RES-3 (Residential - 3 du/ga) to IL (Industrial - Light) via Comprehensive Plan Amendment No. 04-01(6).
8. This development has been reviewed with the Development of Regional Impact (DRI) threshold amounts and it has been determined that it does not constitute a DRI. This determination is based on the following facts:
 - a. The DRI threshold for industrial is 320 acres.
 - b. The DRI threshold for commercial is 300,000 square feet.
 - c. The Pasco Commerce Center proposes 143.4 acres for industrial uses.
 - d. The Pasco Commerce Center proposes 135,000 square feet for commercial uses.

The DRI threshold for two or more land uses is calculated to a rate of 145 percent of the proposed uses. In determining the DRI threshold for this project, the proposed land uses total 90 percent ($143.4/320 = 45$ and $135,000/300,000 = 45$).
9. The applicant/developer has received approval for a limited exemption pursuant to the LDC, Section 402.7, for the development of an EC (Employment Center)-like product as it relates to corporate business parks, targeted businesses, and industrial businesses. Certain conditions apply.

10. The proposed request is consistent with the LDC, Article 300, Subsection 303.2.E.1, Criteria and Standards to be Considered in Review of Applications for Zoning Amendments, and with the applicable provisions of the Pasco County Comprehensive Plan as conditioned.

VARIANCE REQUESTS:

The applicant/developer has requested specific variances from the following provision of the LDC to be considered as a part of the rezoning:

1. Section 603.9, Landscape Buffering and Screening:
 - a. Subsection D.6.b., Type F Buffer (controlled access roadways), which, if approved, would relieve the applicant/developer of its requirement to provide a 20-foot-wide landscaped buffer with a minimum height of eight feet along a certain portion of Pod A, and instead provide a 10 foot green strip with no landscaping provided as indicated on the attached exhibit and as located on the master plan (corresponding with the area of the variance requests 3.b. and 3.c. below). The purpose for this variance request is to allow placement of a Type 2 roadway within a portion of the intended buffer area.
 - b. Subsection D.4.a.(3), regarding Type D buffers for developments of 15 acres or more, which, if approved, would permit the applicant/developer to reduce the required Type D buffer along a certain portion of Pod A's (corresponding with the area of variance requests 3.a., above, and 3.c., below) internal roadway from 20 feet to 15 feet in width. This modified Type D buffer would serve to buffer both the roadway and I-75 from the proposed development.
 - c. Subsection E.2., regarding the provision of sidewalks within certain buffer types, which, if approved, would relieve the applicant/developer of its requirement to increase the Type D buffer width by the equivalent sidewalk width along a certain portion of Pod A's (corresponding with the area of the variance requests 3.a. and 3.b., above) internal roadway.

Relief is being sought pursuant to Section 316.1.A(1), (2) and (3) whereas:

- (1) "Strict application of the LDC creates an unreasonable or unfair non-economic hardship, and/or an inordinate burden that was not created by the Applicant by requiring more than 45' of combined buffering between the Interstate and portions of the constrained developable areas within Pod A;
- (2) "Specific application of the land development regulations conflicts with important Objectives and Policies of the Pasco County Comprehensive Plan, specifically Objective ED 1.2, regarding to Targeted Business Creation, Objective ED 1.4 regarding to Enhancement of Business Environment, and Policy ED 1.4.3, regarding Site Availability; specifically, application of code provisions would restrict the ultimate flexibility during development of the site, making it potentially less appealing for the type of end user which the County is trying to attract; and, [sic]
- (3) "Granting of the variance will provide a net economic benefit to the taxpayers of Pasco County, in that it will allow an alternative buffer location and design, in conjunction with Alternative Standard Request 3-B below, along a portion the project's Interstate frontage, which will facilitate employment generating companies in locating to available EC ready lands within Pasco County, thereby contributing fiscally positive development to the tax base. Employment generating industries would also have additional flexibility in the locations and land development alternatives due to the constrained nature of the developable areas within Pod A."

The applicant states, "The provision of a Type F buffer in this specific location onsite would do nothing to enhance the health, safety or welfare of the residents of Pasco County, would not further the goals or objectives of the Land Development Code of screening proposed development along limited access roadways from view, and would constitute an inordinate burden on the applicant by requiring Pasco Commerce Center to construct and maintain two essentially back-to-back buffers." Instead, the applicant would provide ". . . a 15' Type D buffer on the eastern side of the proposed roadway along those portions where the variance is granted. A 5' sidewalk would be permitted to meander through those portions of the 15' Type D buffer. The westernmost developable portions of Pod A lie between a Class II wetland and Interstate 75. The developable area in this section of the site ranges from approximately 180' in width at the narrowest point between the property line and estimated wetland buffer to

approximately 400' in width at the widest point in the southwest corner of the site. Due to this unique circumstance which limits site depth, within which the Applicant has to provide for site access and development, and within which appropriate wetland buffering and stormwater detention/retention necessary to ensure the protection of the wetland system will be required, the Applicant is requesting the Alternative Standard and Variances to provide for the safe and efficient conveyance of vehicle and pedestrian traffic while allowing the flexibility to achieve reasonable site development, and to implement innovative design and stormwater retention while maintaining adequate project buffering from Interstate 75.

Staff has reviewed the applicant's/developer's requests in conjunction with the alternative standards request below and recommends approval. Due to on-site wetlands, the buildable area is somewhat restricted. It is a reasonable request by the applicant/developer not to have to provide what essentially would be two buffers along this portion of the roadway. Additionally, the applicant's request to maximize developable area within that specific area of Pod A would be impaired.

2. Section 610.3.O, Continuation of Existing Street Pattern and Street Access to Adjoining Property, which, if approved, would relieve the applicant/developer from the requirement to provide interconnections to the abutting properties to the south and east. To the south exists a platted subdivision and to the east a large portion of the property lies within the 100-year flood plain. Further, no streets outside the proposed development exist; therefore, continuation of the existing street pattern cannot be provided.

Relief is being sought pursuant to Section 316.1.A(1), (2) and (3) whereas:

- (1) "In the above three instances, strict application of 610.3.O of the LDC creates an unreasonable hardship by subjecting the County to liability relating to the loss of use of the One Pasco Parcel to the south of Pod B, and would result in an inordinate burden that was not created by the Applicant;
- (2) "Requiring cross access along the eastern portion of Pod B conflicts with an important policies [sic] of the Pasco County Comprehensive Plan (Policy CON 1.2.2.b and Policy CON 1.6.2) regarding Protection of Flood Plains; and,
- (3) "Granting the Alternate Standard for the southern boundary of Pod B would result in a net economic benefit to the taxpayers of Pasco County. The benefit would come from not constructing a publically maintained stub-out, which couldn't be connected through to Commerce Drive without the County condemning the parcel from the landowner, resulting in the construction of an improvement that must be maintained but couldn't be utilized."

The applicant/developer states, "As shown in the exhibit for Variance Request 5, because of previous development associated with the One Pasco Industrial Park and an offsite stormwater pond, there is only one parcel along the southern boundary of Pod B through which a connection to Commerce Drive could potentially be made. The current alignment of Pasco Road, in addition to the size and configuration of the vacant parcel, would result in the loss of use of that parcel since it would be impossible for a typical industrial tenant to build on what would remain. As to the east, the property is largely within the 100-year flood plain. The Applicant is requesting no cross access be provided along the eastern project of Pod B, since it is unlikely that development will occur on the adjacent parcel, given the above constraints, and in order to minimize the likelihood that a through roadway (to the other side of the creek system) will be developed there impacting the flood plain and connected wetland systems.

Staff has reviewed the applicant's/developer's request and recommends approval of the variance request for the absence of an interconnection to the south and east of Pod B. To the south of Pod B, a platted industrial park exists (One Pasco Center) and; therefore, the applicant/developer does not have an opportunity to provide an interconnection. For interconnection to the east, the abutting property is restrained by the creek that runs through it. An interconnect to the north of Pod B will meet the intent of the LDC, Section 610.3.O.

ALTERNATIVE STANDARDS REQUEST:

The applicant/developer has requested specific alternative standards from the following provision of the LDC to be considered as part of the rezoning:

Section 610.3, Streets, General, and Section 610.5, Pedestrian and Bicycle Facilities

Subsection (F), Right-of-Way, which, if approved, would relieve the applicant/developer of providing 50 feet of right-of-way for a Type 2 roadway with Pod A, and from the provision to provide sidewalks and bicycle paths as required per code.

The applicant states, "The code requires improvements within a minimum 50 feet of right-of-way (urban section). The developer is proposing improvements within a 45 foot right-of-way for that portion of the roadway located directly adjacent to the western property boundary, as shown on the master plan, and continuing southward to the terminus of the roadway. In addition to two 12 foot travel lanes, one 5 foot sidewalk is proposed. Where a Type D buffer is required per the terms of the buffer variance requested, the applicant/developer is requesting the sidewalk be permitted to meander within the 15-foot buffer directly adjacent to the proposed roadway (Exhibit 3). The requested Typical Cross Section for the alternative roadway standard is attached as Exhibit 3A and 3B [sic]."

Staff has reviewed the applicant's/developer's request and recommends approval. Due to the proximity of the proposed roadway to the westernmost boundary, staff has determined that one sidewalk would be sufficient, as there will be no buildings on the west side of the proposed roadway in that area. As to the reduced right-of-way, wetlands existing on site in Pod A make the buildable area restricted as to the depth of the parcel.

Additional reasoning for all of the above applicant's/developer's requests for variances and alternative standards request are as follows:

This rezoning request is being made pursuant to the LDC, Article 500, Section 522.8, which establishes EC-MPUD Employment Center Master Planned Unit Development standards in order to qualify for a limited exemption. This limited exemption was created within the intent of reinforcing "the County's growth management vision and economic development goals by focusing on development that provides an economic benefit in terms of employment opportunities and increased tax base within compact . . ." areas. The proposed rezoning seeks to implement this vision and economic goals, in part through the utilization of innovative mixed-use structures and industrial flex space. Approval of these variances and alternative standards would further opportunities for innovative site design and flexibility, while protecting the public's interest in having safe and navigable roadways. Granting these requested variances and alternative standards request would also help to ensure that the supplemental design standards in the LDC for the light industrial flex space can be maintained on all portions of the site while still providing approximately 55 feet of roadway and Type D buffering between any development and the interstate.

The applicant believes that the best way to attract business to the County is to provide turn-key, ready-to-develop sites to the greatest degree possible. Given the state of the current economy and the wide availability and variety of choice locations where new and expanded businesses can locate (the vast majority of which are outside of Pasco County), the applicant requests that the County consider and approve these variances and alternative standards request in order to minimize the uncertainty, cost, and future delays which would result from delaying a decision on this request, thereby maximizing the potential for new job creation in the County.

RECOMMENDATION:

The Zoning/Code Compliance Department recommends approval of the MPUD Master Planned Unit Development and variance and alternative standards request, subject to the attached rezoning conditions of approval, Petition No. 6849.

ATTACHMENTS:

1. Conditions of Approval for Rezoning Petition No. 6849
2. Location Map
3. Master Plan
4. Exhibits

DMZ/CB/cb/pascocommerce/012810drc

DEVELOPMENT REVIEW COMMITTEE ACTION: