

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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TO: Development Review Committee

DATE: 1/19/10

FILE: ZN10-088

SUBJECT: Class I, Commercial Development  
Review - ALDI, Inc. - Holiday Variance  
Requests (Project No. IPR08-062)  
DRC: 1/28/10, 1:30 p.m., NPR  
Recommendation: Approval with  
Conditions

FROM: Debra M. Zampetti  
Zoning/Code Compliance  
Administrator

REFERENCES: Land Development Code,  
Section 306, Development  
Review Procedures;  
Comm. Dist. 3

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

Commission District:	The Honorable Ann Hildebrand
Project Name:	ALDI, Inc. - Holiday
Developer's Name:	ALDI, Inc.
Location:	On the northwest side of Alternate U.S. 19 slightly west of its terminus with U.S. 19, at the southwest corner of Manton Lane and Alternate U.S. 19, Section 31, Township 26 South, Range 16 East.
Parcel ID Nos.:	31-26-16-0010-02700-0100, 31-26-16-0010-02700-0101, 31-26-16-0010-00200-0030, and 31-26-16-0010-00500-0100
Land Use Classification:	ROR (Retail/Office/Residential)
Zoning District:	C-2 General Commercial
Transportation Corridor:	Alternate U.S. 19
Existing Right-of-Way:	50 Feet from Centerline
Required Right-of-Way:	71 Feet from Centerline
Acreage:	4.74 Acres, m.o.l.
Number of Units:	1
Type of Unit:	Supermarket
Square Feet:	16,929 Square Feet
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee Zone:	1
Transportation Analysis Zone:	74
Initial Certificate of Capacity:	16,929-Square-Foot Grocery Store

DEVELOPER'S REQUEST:

The developer of ALDI, Inc. - Holiday is requesting variances from the Land Development Code (LDC) as listed below and as further explained herein:

Variances:

1. Section 602.7, Tree Plans
2. Section 603.11, Service Function Areas
3. Section 603.12, Water Management Systems

BACKGROUND:

1. The parcel bears its original C-2 General Commercial District zoning.

2. On July 29, 1987, the Board of Zoning Adjustment denied a variance request for a reduction in the required front setbacks along Alternate U.S. 19 from 80 feet to 44 feet and along Manton Street from 50 feet to 44 feet.
3. On June 29, 1988, the Board of Zoning Adjustment approved a variance request for a reduction in the required front setbacks along Manton Street from 50 feet to 35 feet.

FINDINGS OF FACT:

1. Presently, the subject site contains a produce market, which will be demolished.
2. The subject property is located in Flood Zone "A-13." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
3. The surrounding zoning is as follows and, for reference purposes, the buffer requirements for the abutting properties is also provided:

	<u>Zoning Districts</u>	<u>Types/Buffer Requirements</u>
North:	R-1MH Single-Family/Mobile Home (Manton Lane)	Type A Buffer 10 Feet
South:	C-2 General Commercial	Type A Buffer 10 Feet
East:	Alternate U.S. 19	Type D Buffer 15 Feet
West:	R-1MH Single-Family/Mobile Home	Type B Buffer 15 Feet

4. The variance requests have been reviewed by the Zoning and Site Development Department, and it has been determined that the proposed use is consistent with the above-referenced zoning district's permitted uses.
5. The variance requests for the above-subject project were prepared for ALDI, Inc., by Spring Engineering and consist of 25 sheets dated June 23, 2008; the sheets were last revised on September 30, 2009. The plans were originally received by the Zoning and Site Development Department on July 18, 2008, and final revisions were received on October 16, 2009.
6. Access to the property is from Alternate U.S. 19, a Florida Department of Transportation (FDOT) maintained road, which has 100 feet of right-of-way with 63 feet of pavement, 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.
7. On June 27, 2006, the Board of County Commissioners (BCC) adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways.
8. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.

VARIANCE REQUESTS:

The applicant/developer has requested specific variances from the following provisions of the LDC to be considered:

1. Section 602, Tree Protection and Restoration

Subsection 602.7, Tree Plan, which, if approved, would relieve the applicant/developer of providing replacement trees for those removed during site development; instead, the applicant would contribute to the Tree Mitigation Fund.

Relief is being sought pursuant to the LDC, Sections 316.1.A.1 and 8, as the purpose for the variances which read as follows:

"The strict application of the land development regulation creates an unreasonable or unfair noneconomic hardship, or an inordinate burden that was not created by the applicant.

"The variance satisfies variance criteria set forth in the specific County land development regulation that is the basis for the variance request."

The applicant states:

"Section 602.7, Oak Tree Replacement. ALDI (Florida), L.L.C. requests the Development Review Committee grant a variance from the County's land development regulation because 'The variance satisfies variance criteria set forth in the specific County land development regulation that is the basis for the variance request,' based on the following design feature and observation:

- "1. The strict application of the land development code creates an inordinate burden by requiring an inch for inch oak tree replacement. The heavily wooded property contains far too many big trees to replant inch for inch onsite even though a concrete retaining wall along a portion of the site is proposed to reduce the removal of trees.
- "2. The total amount of inches required to be replaced is 526". We are proposing to replace/install a total of 276" the difference is 250". Using a 3" caliper oaks/canopy trees, this would require an additional 84 trees to be planted. With the required landscaping installed, the site does not have adequate planting space to accommodate an additional 84 trees. We have not enclosed a sketch as it is impossible to plant an additional 84 trees in conjunction with the required landscaping."

Staff has reviewed the applicant's request and recommends approval. The LDC, Section 602.7.C.2.e, requires a contribution to the Tree Mitigation Fund if the applicant satisfactorily demonstrates that the site cannot accommodate the entire number of required replacement trees. Section 602.7.B.9 establishes a variance as the vehicle by which the demonstration is made. Resolution No. 08-284 establishes the rate for mitigation for nonresidential projects as \$50.00 per inch, not to exceed \$500.00, per 2,000 square feet of first-floor building area. The applicant's contribution to the Tree Mitigation Fund will be \$4,232.00 (\$500.00 [16,929/2,000]).

2. Section 603, Landscaping and Irrigation

Subsection 603.11, Service Function Areas, which, if approved, would relieve the applicant/developer of the installation of a six-foot-high masonry wall to screen the loading area and dumpster.

Relief is being sought pursuant to the LDC, Section 316.1.A(5), as the purpose for the variance which reads as follows:

"The intent and purpose of the land development regulation and related land development regulation and Comprehensive Plan provisions is met or exceeded through an improved or alternate technology or design."

The applicant states:

"Section 603.11 requires that loading docks be screened and out of view from adjacent properties at ground level by a 6-foot high masonry wall. The intent of this requirement has been met by the following design features.

- "1. The loading dock is recessed 4'-4" below the finished floor elevation of the building so the dumpster located inside the dock is partially screened by the side walls of the dock.
- "2. The building is oriented so that the loading dock with dumpster is screened from Alternate 19 and Manton Lane by the building.
- "3. The west side of the dock is not only partially screened by the dock wall but a substantial natural wooded wetland exists between the dock wall and the residential lots to the west.
- "4. The dock area is separated from the residential lots by a large detention pond approximately 140 feet wide."

Staff has reviewed the applicant's request and recommends approval. In addition to the design features listed by the applicant, a Type B buffer with a six-foot-high vinyl fence to screen the site will be installed on the west side of the property line between the detention pond and the adjacent residences.

3. Section 603, Landscaping and Irrigation

Subsection 603.12, Water Management Systems, which, if approved, would relieve the applicant/developer of locating a portion of the site's stormwater-management system primarily outside the northern buffer and providing a five-foot-wide level, planting area along the swale.

Relief is being sought pursuant to the LDC, Sections 316.1.A.6 and 7, as the purpose for the alternative standards which reads as follows:

"The granting of the variance is necessary to protect the public health, safety, or welfare.

"The variance is necessary to comply with State or Federal law."

The applicant states:

"Section 603.12 requires the following design elements:

- "1. A minimum 5 feet wide level planting area between a swale and the public right of way.
- "2. Swales shall not exceed 50% of the square footage of any required landscape buffer.
- "3. Swales shall not exceed 70% of the required buffer width.

"A variance from the above requirements is necessary in order to convey off-site stormwater coming from the north around the northeast corner of the site into the swale along Alternate Highway 19. The Southwest Florida Water Management District is requiring this swale to be large enough to carry the runoff from a 100 year, 24 hour rainfall event. Therefore, the swale has to be 13 feet wide at the top, 5 feet wide at the bottom and 1.0 feet [sic] deep to carry the flow. This swale is proposed to be constructed along Manton Lane for a distance of about 200 feet and in order to provide the required clear zone along Manton Lane the swale has to encroach into the landscape buffer by as much as 8 feet. Holly trees are proposed to be planted at the top of bank of the swale."

Staff has reviewed the applicant's request and recommends approval. Due to the historic water flow onto and through the project, the Southwest Florida Water Management District (SWFWMD), FDOT, and Pasco County staff have been scrutinizing the site plan and accompanying documentation to ensure that the proposed project will not adversely affect other properties.

Additionally, the Comprehensive Plan, Policies CON 1.6.18 and 1.6.19, and the LDC, Sections 603.2.A and B., require efficient use of water and Florida-Friendly Landscaping™. The presence of the swale in the buffer, along with appropriate plantings, should reduce the amount of irrigation needed while promoting increased water quality, because of the inherent water-cleansing benefits of plants. Staff has determined that this is an effective, dual use of the buffer.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the three variance requests with the following conditions:

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 acknowledges that approval of the variance(s) and/or alternative standards request(s) as stated is based upon representation as set forth in the preliminary plan/preliminary site plan submittal dated October 16, 2009, and received by Pasco County on October 16, 2009. In the event that the preliminary plan/preliminary site plan is deemed void

and/or approval is withdrawn, then the variance(s) and/or alternative standards request(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/preliminary site plan approval is contingent upon approval of variance application(s).

3. Prior to the issuance of the first Certificate of Occupancy for the project site, the owner/ developer shall pay \$4,232.00 to the Tree Mitigation Fund.
4. 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.

The DRC's approval of this variance requests constitutes a finding by the DRC that the 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 variance requests approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

APPLICANT'S ACKNOWLEDGMENT:

The applicant acknowledges that it has read, understood, and accepted the above-listed conditions of approval.

Date	ALDI, INC.
STATE OF FLORIDA COUNTY OF _____	Title

The foregoing instrument was acknowledged before me this \_\_\_\_\_ (date), by \_\_\_\_\_ (name of corporation acknowledging) a \_\_\_\_\_ (State or place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

Seal: \_\_\_\_\_  
NOTARY

ATTACHMENTS:

1. Location Map
2. Variance Requests
3. Site Plans Showing Project With and Without Variances
4. SWFWMD Documents

DMZ/PSS/ecm/drc012810/aldizn10088

DEVELOPMENT REVIEW COMMITTEE ACTION: