

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 2/4/10

FILE: ZN10-116

SUBJECT: Class II, Commercial Development
Review - Dollar General at Zephyrhills
Variance Requests (Project
No. IIPR10-004)
DRC: 2/11/10, 1:30 p.m., DC
Recommendation: Approval with
Conditions

FROM: Debra M. Zampetti
Zoning/Code Compliance
Administrator

REFERENCES: Land Development Code,
Section 306, Development
Review Procedures;
Comm. Dist. 1

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

Commission District:	The Honorable Theodore J. Schrader
Project Name:	Dollar General at Zephyrhills
Developer's Name:	Hanlex Development
Location:	On the east side of Gall Boulevard (U.S. 301), approximately 750 feet north of the apex of Gall Boulevard and Paul S. Buchman Highway (S.R. 39), south of the Zephyrhills city limits, Section 14, Township 26 South, Range 21 East.
Parcel ID Nos.:	14-26-21-0080-00A00-0010 and 14-26-21-0100-10000-0010
Land Use Classification:	ROR (Retail/Office/Residential)
Zoning District:	C-2 General Commercial
Transportation Corridor:	U.S. 301
Existing Right-of-Way:	40 Feet from Centerline (Varies)
Required Right-of-Way:	125 Feet from Centerline
Acreage:	2.59 Acres, m.o.I.
Number of Units:	2
Type of Units:	Retail and Ministorage
Square Feet:	9,100 Square Feet of Retail and 14,400 Square Feet of Ministorage, for a Total of 23,500 Square Feet
Water/Sewage:	Well/Septic
Transportation Impact Fee Zone:	3
Transportation Analysis Zones:	268 and 269
Certificate of Capacity:	Initial

DEVELOPER'S REQUEST:

The developer of Dollar General at Zephyrhills is requesting variances from the Land Development Code (LDC) as listed below and as further explained herein:

1. Section 319, Transportation Corridor Management
2. Section 603.9.D.1, Type A Buffer
3. Section 603.9.D.4, Type D Buffer

BACKGROUND:

1. The above-referenced project site retains its original zoning of C-2 General Commercial District.

- Per Pasco County Property Appraiser records, a portion of the above-referenced project site was originally developed in 1954 and contains commercial uses consisting of stores, office, and service shops, and residential use consisting of mobile home and accessory structures.

FINDINGS OF FACT:

- Presently, the subject site contains commercial buildings, a mobile home, and accessory structures, which are to be removed for the proposed redevelopment.
- The subject property is located in Flood Zone "X." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
- 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:	C-2 General Commercial	Type A Buffer 10 Feet
South:	C-2 General Commercial; C-3 Commercial/Light Manufacturing	Type A Buffer 10 Feet
East:	C-2 General Commercial; R-1MH Single-Family/Mobile Home	Type A and B Buffers 10 Feet and 15 Feet, Respectively
West:	C-2 General Commercial; Gall Boulevard Right-of-Way	Type D Buffer 15 Feet

- 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.
- The variance requests for the above-subject project were prepared for Hanlex Development by ALDS Civil Engineering and consist of 23 sheet(s) dated December 1, 2009; the sheet(s) were last revised on December 1, 2009. The plans were originally received by the Zoning and Site Development Department on December 10, 2009, and final revisions were received on December 10, 2009.
- Access to the property is from Gall Boulevard (U.S. 301), a Florida Department of Transportation (FDOT) maintained road, which has approximately 80 feet of right-of-way with 24 feet of pavement.
- 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. In accordance with Corridor Preservation Table 7-4a, Gall Boulevard, an FDOT-maintained right-of-way, has been designated a four-lane collector facility with a proposed width of 250 feet.
- 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:

- Section 319, Transportation Corridor Maintenance

Subsection 319.8, Right-of-Way Dedication, which, if approved, would relieve the applicant/developer of dedicating 125 feet from centerline of the existing Gall Boulevard (U.S. 301), to equal approximately 85 feet of the subject parcel (right-of-way and property line varies) to be dedicated to the County, and dedicate an average of 15.5 feet (varies from 20 feet to approximately 11 feet) of right-of-way per attached letter from FDOT.

Relief is being sought pursuant to the LDC, Section 316.1.A(1), as the purpose for the variance which reads 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 variance applicant."

The applicant states:

"We are requesting a variance from the right-of-way dedication requirements referenced within the LDC, Section 319.8. The reason for this variance request is due to the negative impact on the Dollar General project put on by the Pasco County's Corridor Expansion Plan for the future right-of-way expansion of Gall Boulevard (U.S. 301). We have received approved preliminary plans from the FDOT showing the proposed right-of-way expansion is to the west and away from the subject property. In addition, we have a letter from FDOT stating the proposed dedication of 20 feet, by this development, will accommodate the future needs of the corridor."

Staff has reviewed the applicant's request and recommends approval of the variance request to not dedicate the 125 feet from centerline of Gall Boulevard and dedicate an average of 15.5 feet (varies from 20 feet to approximately 11 feet) as requested and noted in the attached FDOT letter, and shown in the attached exhibits. All proposed improvements are to be located outside of the dedication area. The Engineering Services Department has no objection to the variance request.

2. Section 603, Landscaping and Irrigation

Subsection 603.9.D.1, Type A Buffer, which, if approved, would relieve the applicant/developer of installing a required 10-foot-wide landscape buffer and allow for the reduction to varying width of 8.8 feet to 7.8 feet along the rear boundary behind the proposed Dollar General (Phase I).

Relief is being sought pursuant to the LDC, Section 316.1.A(1), as the purpose for the variance which reads 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 variance applicant."

The applicant states:

"We are requesting a variance for the rear (Type 'A') landscape-buffer requirement referenced within the LDC, Section 603.9. This variance request is linked to the right-of-way dedication variance request also under review and should be reviewed concurrently. The proposed rear buffer between the rear property line and building varies from 8.8 feet to 7.8 feet due to the orientation of the property lines. The proposed rear buffer yard is the maximum we could provide while maintaining a front buffer that is wide enough to support the Type 'D' material requirements and a front-drive aisle that is wide enough to support the delivery vehicle."

Staff has reviewed the applicant's request and recommends approval of the variance request for a reduction in the 10-foot Type A buffer width along the rear of the proposed Phase I Dollar General to a varying width of 8.8 feet to 7.8 feet. The owner/developer shall install the required plantings of trees 60 feet on center and a single row of evergreen shrubs. The full 10-foot width, Type A landscape buffer shall be provided along the northern and southern boundaries of the proposed development (Phases I and II).

3. Section 603, Landscaping and Irrigation

Subsection 603.9.D.4, Type D Buffer, which, if approved, would relieve the applicant/developer of installing a 15-foot-wide buffer and allow for a reduction to 9.2 feet along Gall Boulevard.

Relief is being sought pursuant to the LDC, Section 316.1.A(1), as the purpose for the variance which reads 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 variance applicant."

The applicant states:

"We are requesting a variance for the front (Type D) landscape buffer requirement referenced within LDC, Section 603.9. This variance request is linked to the right-of-way dedication variance request also under review and should be reviewed concurrently. The proposed front buffer is 9.2 feet (minimum), which is sufficient to construct the landscaping and hedge/berm required by code."

Staff has reviewed the applicant's request and recommends approval of the variance request for a reduction in the buffer width from 15 feet to a minimum of 9.2 feet, with the required plantings of trees 30 feet on center, a double staggered row of shrubs, and ground cover plants. Due to vehicular use abutting the buffer, an 18-inch berm with a 3:1 slope must also be provided.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the variance requests from the LDC, Sections 319 and 603, per the above-listed conditions.

The DRC's approval of these variance requests constitutes a finding by the DRC that these 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 request 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	HANLEX DEVELOPMENT
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. Site Plan
3. Variance Request and Exhibits

DMZ/CR/ecm/drc021110/dollargenzn10116

DEVELOPMENT REVIEW COMMITTEE ACTION: