

ZONING VARIANCE REVIEW REPORT

TO: Pasco County Development Review Committee FILE: ZN09-1987
FROM: Lee W. Millard PETITION #1987
Assistant Zoning/Code Commission District #4
Compliance Administrator
SUBJECT: Variance Request Development Review Committee
West Central Pasco County Hearing Date: 2/26/09, NPR
APPLICANT: **EMBASSY RETAIL, LLC/PETCO** TAZ #10

PETITION SUMMARY:

Variance No. 1987 in the name of Embassy Retail, LLC/PETCO has been filed to allow adjustment of the standards established within Article 600, General Land Development Standards; Section 601, Signs; Subsection 601.14, On-Site Signs; Permit Required, of the Pasco County Land Development Code. The site under consideration is located approximately 850 feet east of U.S. 19 and approximately 1,200 feet north of Embassy Boulevard within the Embassy Crossing Shopping Center (Parcel ID Nos. 21-25-16-0010-01300-0000 and 21-25-16-0010-01300-0010), and contains 30.7 acres, m.o.l.

EXPLANATION OF VARIANCE:

Article 600, General Land Development Standards; Section 601, Signs; Subsection 601.14, On-Site Signs; Permit Required, of the Pasco County Land Development Code states:

601 **SIGNS**

601.14 On-Site Signs; Permit Required

- C. Standards for on-site signs in nonresidential districts. On-site signs on properties in nonresidential districts which abut a residential district shall not be erected closer than ten feet from any residential zoning district. Finishing materials shall be consistent with those used on the structure to which the sign relates.
- 2. Regulations for wall signs. Wall signs shall be allowed in nonresidential districts, provided the following specific regulations are met, in addition to the general regulations stated above:
 - a. The maximum allowable sign structure area for wall signage shall not exceed one and one-half square feet per linear foot of establishment frontage, excluding parking garages, facing a public street. Notwithstanding the foregoing, the maximum total sign structure area shall not exceed 150 square feet for each frontage.
 - d. One wall sign shall be permitted for each establishment in a multiple-occupancy parcel. Establishments located at a corner shall be allowed one wall sign for each side of the establishment that faces a public street

REQUESTED ADJUSTMENT:

The applicant is requesting an increase in the maximum allowable sign structure area for wall signs from 142.5 square feet to 145.9 square feet and an increase in the allowable number of wall signs from one to two, which, if approved, will enable to applicant to place a second wall sign and have a total of 145.9 square feet of sign structure area.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	C-2 General Commercial	Embassy Crossing Shopping Center
East:	R-4 High Density Residential; MF-2 Multiple Family High Density; C-2 General Commercial	Water Treatment Plant
South:	C-2 General Commercial; C-1 Neighborhood Commercial	Embassy Crossing Shopping Center; Retirement Apartments
West:	C-2 General Commercial	Embassy Crossing Shopping Center Parking Lot

FINDINGS OF FACT:

1. Presently, the subject site contains a PETCO store within the Embassy Crossing Shopping Center; is comprised of 30.7 acres, m.o.l.; and is located in a C-2 General Commercial Zoning District.

2. The applicant has stated that:

The PETCO name brand and signage design is standard throughout the United States. It specifically addresses the components of what their business is all about and is vital in letting people know that they are more than just a pet store. The word "GROOMING" is a key component in that signage and without it they will be caused a significant hardship by denying them the opportunity of an important source of revenue for this location. In researching information for this variance, we've discovered there are other national retail stores in the area that have much more signage than that for which we are asking (17 additional square feet of signage).

The addition of the signage will provide a net economic benefit to the taxpayers of Pasco County by the additional revenue that will be achieved via the sales tax revenue. It has been shown that grooming is an important part of the revenue achieved by each PETCO store throughout the United States.

3. Access to the property is from U.S. 19, which has 210 feet of right-of-way.
4. The subject property is located in Flood Zone "X," per the Federal Emergency Management Agency Letter of Map Revision No. 05-04-1372A, and development within this area is not subject to the requirements of the Land Development Code, Article 700, Flood Damage Prevention.
5. The surrounding area is characterized by commercial development.
6. The subject area has been designated ROR (Retail/Office/Residential) under the Comprehensive Plan.
7. The objective of having the "GROOMING" sign can be met within the code. Illuminated window signs as done by pharmacies providing "Minute Clinics" (walk-in doctors) services and other retailers doing the same for additional services offered would resolve this matter without necessitating a variance or permit. The applicant has been advised of this by the both the Development Review Division and the Zoning/Code Compliance Department.
8. Staff has noted that other PETCO locations within Pasco County do not have wall "GROOMING" signs. The following stores have clearly identified their grooming services through the use of a window sign:
 - a. PETCO, located in Odessa, on the east side of Crossings Boulevard and on the west side of the Suncoast Parkway, approximately 650 feet south of S.R. 54.
 - b. PETCO, located in the Northwood Shopping Center, on the northwest corner of Pasco-Hillsborough County Line Road and Bruce B. Downs Boulevard, in Wesley Chapel.

9. Staff has reviewed the proposed request in accordance with the Land Development Code, Article 300, Subsection 316.1.A, and finds the following:

- a. The strict application of the land development regulation does not create an unreasonable or unfair noneconomic hardship or an inordinate burden. The hardship and burden were created by the variance applicant.

Staff finds that the applicant's request does not satisfy variance criteria because it discusses an economic hardship. Staff finds that the hardship and burden were created by the variance applicant.

- b. The specific application of the land development regulation does not conflict with important Goals, Objectives, or Policies of the Comprehensive Plan or with the intent and purpose of another recently adopted land development regulation that serves a greater public purpose.

N/A

- c. The granting of the variance will not provide a net economic benefit to the taxpayers of Pasco County and is in conflict with important Goals, Objectives, and Policies of the Comprehensive Plan.

The applicant states that this criterion is met, but has provided no statistical documentation to prove this is the case.

- d. The granting of the variance is not necessary to achieve an innovative site or building design that furthers the Goals, Objectives, and Policies of the Comprehensive Plan.

The objective of having the "GROOMING" sign can be met within the code. Illuminated window signs as done by pharmacies providing "Minute Clinics" (walk-in doctors) services and other retailers doing the same for additional services offered would resolve this matter without necessitating a variance or permit. The applicant has been advised of this by both the Development Review Division and the Zoning/Code Compliance Department, but has opted to apply for a variance.

- e. The intent and purpose of the land development regulation, related land development regulations, and Comprehensive Plan provisions are not met or exceeded through an improved or alternate technology or design.

N/A

- f. The granting of the variance is not necessary to protect the public health, safety, or welfare.

N/A

- g. The variance is not necessary to comply with State or Federal law.

N/A

- h. The variance does not satisfy variance criteria set forth in the specific County land development regulation that is the basis for the variance request.

N/A

10. Staff finds that the reasons set forth in this application do not justify the granting of the variance.

11. The recommendation and report of the staff is based upon study and consideration of the factors outlined in the Pasco County Land Development Code, Section 316.1.A.

STAFF RECOMMENDATION:

Denial

CONDITIONS:

N/A

DEVELOPMENT REVIEW COMMITTEE ACTION: