

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 3/24/10

FILE: ZN10-155

SUBJECT: Class I, Commercial Development
Review - ALDI, Inc. - Holiday Variance
Requests (Project No. IPR08-062)
DRC: 4/1/10, 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

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 No.:	31-26-16-0010-02700-0100
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

BACKGROUND:

1. The parcel bears its original C-2 General Commercial Zoning District.
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.
4. On January 28, 2010, the DRC approved variance requests to allow contributions to the Tree Mitigation Fund in lieu of replacement, elimination of the six-foot-high service-area wall in consideration of alternate design features, and to allow installation of a stormwater swale in the northern landscape buffer along Manton Lane.

Additionally, in response to nearby citizens' concerns, the DRC added a condition to the landscape variance that required the proposed entrance at Manton Lane to be eliminated.

5. On February 11, 2010, the DRC considered a staff-initiated review of the actions taken on January 28, 2010, and directed staff to bring the approved variance back to the DRC for

reconsideration of the imposed condition and to initiate a variance to the Land Development Code (LDC), Section 618.4, Access Order, to allow the closure of the Manton Lane entrance.

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. 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.
4. 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.
5. On November 21, 2008, the BCC approved Ordinance No. 06-36, Concurrency Management Ordinance, that included Section 402.10, that established Special Transportation Concurrency Review and Procedures for U.S. 19 Urban Infill and Redevelopment/Concurrency Area.
6. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.

VARIANCE REQUESTS:

1. 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.

2. Section 618, Access Management

Subsection 618.4, Access Order, which reads, "The order of preference for providing access to collector, arterial, and controlled access roadways for all land uses shall be as follows:

- "A. Connections in accordance with corridor, access-management plans, where adopted and approved by the County or approved by the FDOT for roads on the state highway system.
- "B. Connections to existing or extended local public streets where such access will not create an operational or safety conflict with residential uses and accesses.
- "C. Access to collector roadways.
- "D. Access to arterial roadways.
- "E. Access to controlled access roadways."

Under 618.4.B, it is required that connections to local streets are considered first before collector or arterial roads. Deviation from the code must be accomplished through the variance process if the regulation cannot be followed.

Staff has reviewed the applicant's request and recommends denial due to the following:

1. Per the LDC, Section 618.4, the order of preference for providing access should be to Manton Lane. Manton Lane is a two-lane, undivided, local public road. This connection will not cause any operational or safety conflicts with the residential uses along Manton Lane, but would rather create a safer ingress/egress as the residents would not have to get onto U.S. Alternate 19 in order to make a right-turn maneuver into the ALDI Food store site. By connecting to Manton Lane, potential conflicts with the traffic along U.S. Alternate 19 and Manton Lane can be avoided.
2. A field review was conducted by County staff to observe current traffic conditions near the proposed ALDI Food store site. It was observed that traffic veering off of U.S. 19 onto Alternate U.S. 19, approached Manton Lane at considerably high rate of speed which, along with the limited sight triangle, would make the right turn onto Alternate U.S. 19 a dangerous maneuver and create a potential for vehicular accidents.
3. The County consultant, Tindale-Oliver & Associates, Inc., expressed concern that traffic that would otherwise use the Manton Lane entrance would be redirected onto U.S. 19 or Alternate 19, which would decrease safety and fluent traffic flow.
4. To offset the use of Manton Lane by ALDI traffic, one of the conditions of the Substandard Road Analysis is that the developer will improve Manton Lane to County standards from U.S. 19 to include the ALDI supermarket entrance.

RECOMMENDATION:

The Zoning and Site Development Department recommends that the DRC uphold its previous approval of January 28, 2010 (ZN10-088) variance to Section 603.12 as referenced above, with all previously approved conditions except the closure of Manton Lane, and recommends that the DRC deny the variance from Section 618.4. Based on criteria set forth in Section 316.A.2, the approval of this variance would violate the LDC, Section 618, which would be in direct conflict with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to variance request approvals as indicated above. 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/drc040110/drc/aldizn10155

DEVELOPMENT REVIEW COMMITTEE ACTION: