

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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TO: Development Review Committee

DATE: 6/2/10

FILE: ZN10-212

SUBJECT: Class I, Commercial Development Review - Red Robin Gourmet Burgers - Wiregrass Variance Request (Project No. IPR10-013)  
DRC: 6/10/10, 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. 2

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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 Pat Mulieri, Ed.D.   |
| Project Name:                   | Red Robin Gourmet Burgers - Wiregrass  |
| Developer's Names:              | Red Robin International, Inc.  |
| Location:                       | Located on the north side of S.R. 56 and south side of Willet Way, approximately 1,300 feet east of Bruce B. Downs Boulevard and 300 feet east of Paseo Drive, Section 30, Township 26 South, Range 20 East. |
| Parcel ID No.:                  | 30-26-20-0000-00100-0020   |
| Land Use Classification:        | MU (Mixed Use)   |
| Zoning District:                | C-2 General Commercial   |
| Transportation Corridor:        | S.R. 56  |
| Existing Right-of-Way:          | 125 Feet from Centerline   |
| Required Right-of-Way:          | 125 Feet from Centerline   |
| Acreage:                        | 0.337 (lease) Acre, m.o.l.   |
| Number of Units:                | 1  |
| Type of Unit:                   | Restaurant   |
| Square Feet:                    | 5,731 Square Feet  |
| Water/Sewage:                   | Pasco/Pasco  |
| Transportation Impact Fee Zone: | 3  |
| Transportation Analysis Zone:   | 180  |

**DEVELOPER'S REQUEST:**

The developer of Red Robin Gourmet Burgers - Wiregrass is requesting a variance from the Land Development Code (LDC) as listed below and as further explained herein:

Variance:

Section 617.4.H.1.b, Other Facades Except Façade with the Service Area, to allow a reduction of the minimum building buffer with foundation landscaping from ten feet to five feet on the north and west sides of the proposed restaurant.

**BACKGROUND:**

1. On October 21, 2003, the Board of County Commissioners (BCC) approved rezoning the subject parcel from A-C Agricultural District to a C-2 General Commercial District with conditions (Rezoning Petition No. 6079).
2. On July 17, 2007, the BCC adopted Resolution No. 07-291 approving a Development Order (DO) for the Wiregrass Ranch Development of Regional Impact (DRI No. 260).

3. On July 17, 2007, simultaneously with the DO, the BCC adopted a Comprehensive Plan Amendment amending the Future Land Use Map classification from MU (Mixed Use) and RES-3 (Residential - 3 du/ga) to MU (Mixed Use), RES-3 (Residential - 3 du/ga), and CON (Conservation Lands), and adopted subarea policies to provide guiding principles and standards for development of the site (Ordinance No. 07-15).
4. On August 9, 2007, the DRC approved Shops at Wiregrass, Phase 2A, Preliminary/Construction Site Plan (IIPR07-036), which included the subject outparcel shown as future Building C on the site plan (DR07-1649).
5. On February 9, 2010, the BCC approved a Conditional Use application to allow the sale of alcoholic beverages (4-COP-SRX): beer, wine, and liquor, on-premises consumption, in conjunction with the operation of a restaurant for the Red Robin Gourmet Burgers (CU10-18).

FINDINGS OF FACT:

1. Presently, the subject site is unimproved.
2. The project is located on Parcel C-6 of the Wiregrass Ranch DRI No. 260.
3. The subject property is located in Flood Zone "X." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
4. The surrounding zoning is as follows and, for reference purposes, the buffer requirements for the abutting properties are also provided:

|        | <u>Zoning Districts</u> | <u>Types/Buffer Requirements</u> |
|--------|-------------------------|----------------------------------|
| North: | C-2 General Commercial  | Type A Buffer 10 Feet            |
| South: | S.R. 56                 | Type D Buffer 15 Feet            |
| East:  | C-2 General Commercial  | Type A Buffer 10 Feet            |
| West:  | C-2 General Commercial  | Type A Buffer 10 Feet            |

5. The variance request has 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.
6. Access to the property is from Willett Way, a private, internal roadway, which has 30 feet of right-of-way with 30 feet of pavement.
7. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.

VARIANCE REQUEST:

The applicant/developer has requested a specific variance from the following provision of the LDC to be considered:

Section 617, Large-Scale, Commercial-Retail Design Standards

Subsection 617.4.H.1.b, Additional Landscaping, Building Perimeter, Other Facades Except Façade with the Service Area, which, if approved, would relieve the applicant/developer of providing the minimum ten-foot-wide building buffer with foundation landscaping on the north and west sides of the proposed restaurant. Instead, the developer proposes installation of five-foot-wide landscaped foundation buffers.

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:

"Red Robin International, Inc., is requesting a variance on Pasco County Land Development Review Project No. IPR10-013, Planning Comment No. 26, dated April 5, 2010. We are seeking relief from LDC, Section 617.4.H.1.b, on the grounds that the strict application of the land development regulation is providing an unreasonable and inordinate burden that was not created by Red Robin International, Inc.

"The LDC requirement is for a minimum ten-foot foundation landscape buffer on the north and west sides of the Red Robin building. Red Robin is currently providing approximately a five-foot-wide buffer on each side, as shown on the exhibit.

"Due to an existing 72-inch underground main sewer line, there is a serious constraint on the available area to develop on this leased property. The existing storm sewer main currently provides service for roughly 40 percent of the shopping center. The sewer main was in place prior to Red Robin's request for land use approval; however, the size was not discovered until after development had begun.

"To accommodate the available space, Red Robin had to redesign and reduce the size of the proposed building by 88 square feet. The dashed line shown overlapping the storm sewer indicates a prototypical Red Robin Building. In addition, the Red Robin building at the front door is approximately 2.5 feet from the pipe and is located as close as it can be to maintain the structural integrity of the pipe.

"Without the variance, Red Robin would have to further reduce the size of the building by approximately 1,012 square feet, which would be roughly 20 percent of a standard sized Red Robin building, which is not a viable option. The exhibit details how much more of the building would need to be cut off to accommodate the LDC to within tolerances."

Staff has reviewed the applicant's request and recommends approval with a condition based upon an unreasonable burden imposed by the presence of a six-foot-diameter underground sewer that is crossing the out-parcel over which the building cannot be placed. The applicant did not emplace the pipe and states that he was not aware of its size until the development process had begun.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the variance request from the LDC, Section 617.4.H.1.b, with the following condition:

The applicant shall install and maintain appropriately sized and spaced species such that the available areas along the northern and western sides appear to be fully landscaped with small trees, shrubs, and ground cover within one year of the restaurant opening.

The applicant is hereby notified that the effective date of this development approval shall be the date of the final County action; however, no activity shall commence on site until such time as the acknowledgment portion of this document is completed (including notarization) and received by the Zoning and Site Development Department.

The DRC's approval of this variance request constitutes a finding by the DRC that the variance request, as conditioned, is 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.

APPLICANT'S ACKNOWLEDGMENT:

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

\_\_\_\_\_  
Date  
RED ROBIN INTERNATIONAL, INC.  
\_\_\_\_\_  
Print Name  
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

ATTACHMENT:

- 1. Location Map
- 2. Site Plan
- 3. Variance Application

DMZ/PSS/ecm/drc061010/redrobinzn10212

DEVELOPMENT REVIEW COMMITTEE ACTION:

Recommendation Approved \_\_\_\_\_/Disapproved \_\_\_\_\_