

VARIANCE NO.: 2N10-23A

DATE: _____

PASCO COUNTY
APPLICATION FOR VARIANCE
DEVELOPMENT REVIEW COMMITTEE
VARIANCE BOARD

The undersigned owner(s) of the following legally described property have formally requested consideration of a variance in accordance with the provisions of the Florida Statutes and the Pasco County LDC, Section 316.

It shall be the responsibility of the petitioner, or her/his legal agent of record, to provide all information required below or any other information which is reasonable and relevant to the formulation of a recommendation to the adjustment being considered. No application for review shall be deemed complete until all required information is provided.

1. Project Name: Grand Trinity Plaza Addition
 2. Project No. (from DRD): DR-09843
 3. Name of Owner: Grand Trinity Plaza LLC
Mailing Address: 2551 Drew St Ste 301
City: Clearwater State: FL Zip Code: 33765
Telephone Number: 727-726-6678 Fax Number: 727-213-5291 (new)
727-726-3318
E-Mail Address: bmazas@mac.com
 4. Name of Developer: Inside Out Construction
Mailing Address: 812 Loudon Ave
City: Dunedin State: FL Zip Code: 34698
Telephone Number: 727-734-3673 Fax Number: 727-733-5249
E-Mail Address: _____
 5. Name of Agent, if applicable: Katherine Cole of Johnson, Pope, Baker, Ruppel, Burns)
Mailing Address: 911 Chestnut St
City: Clearwater State: FL Zip Code: 33756
Telephone Number: 727-461-1818 Fax Number: 727-441-8617
E-Mail Address: katiec@jpbfirm.com
(Attach completed Agent of Record)
- Locational Description: 4134 Little Rd, New Port Richey, FL 34655
- Parcel Identification Number:
- Section 13, Township 26 South, Range 16 East, Sub 0000, Block 00300 Lot 0000
- Present Zoning District: C-2

RECEIVED

APR 16 2010

REASONS FOR REQUEST FOR VARIANCE:

Using a separate application for each request, please answer the following. If additional space is needed, attach extra pages to the application.

1. State the specific section of the LDC for which the variance is requested:
See Exhibit A attached.

2. Describe the variance requested:
See Exhibit "A" attached.

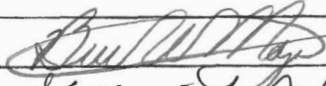
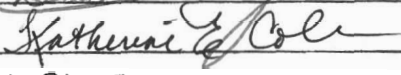
3. Demonstrate compliance with one or more of the following:
 - a. The strict application of the land development regulation creates an unreasonable or unfair non-economic hardship, or an inordinate burden that was not created by the variance applicant.
 - b. The specific application of the land development regulation conflicts with an important Goal, Objective, or Policy of the Comprehensive Plan, or with the intent and purpose of another recently adopted land development regulation that serves a greater public purpose.
 - c. The granting of the variance will provide a net economic benefit to the taxpayers of Pasco County and is not in conflict with important Goals, Objectives, and Policies of the Comprehensive Plan.
 - d. The granting of the variance is necessary to achieve an innovative site or building design that furthers the Goals, Objectives, and Policies of the Comprehensive Plan.
 - e. The intent and purpose of the land development regulation and related land development regulations and Comprehensive Plan provisions is met or exceeded through an improved or alternate technology or design.
 - f. The granting of the variance is necessary to protect the public health, safety or welfare.
 - g. The variance is necessary to comply with State or Federal law.
 - h. The variance satisfies variance criteria set forth in the specific County land development regulation that is the basis for the variance request.
4. All variance applications that affect site conditions shall be accompanied by site plans depicting the site conditions with the granting of the variance and without the granting of the variance. Conceptual site plans may be allowed if approved by the Division Engineer (DRD) or Development Director.

ADDITIONAL ITEMS REQUIRED FOR VARIANCE:

1. Two signed and sealed legal descriptions and sketches to be supplied at time of application.
2. Copy of Warranty Deed
3. Copy of Last Year's Tax Bill
4. Notarized Agent of Record Letter (if applicable)
5. Is this application the result of a Notice of Violation? No If so, please attach a copy of the notice.
6. Application Fee: _____ (each variance request).

I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

I consent to the entry in or upon the premises described in this application by any authorized official of Pasco County for the purpose of posting, maintaining, and removing such notices as may be required by law.

DATE: 4/14/10
APPLICANT'S SIGNATURE: 
APPLICANT'S REPRESENTATIVE: 
ADDRESS: 2551 Drew St Ste 301
CITY: Clearwater STATE: FL ZIP CODE: 33765

**EXHIBIT "A" TO
APPLICATION FOR VARIANCE APPLICATION
GRAND TRINITY PLAZA, LLC**

4134 LITTLE ROAD, NEW PORT RICHEY

REASONS FOR REQUEST FOR VARIANCE:

1. State the specific section of the LDC for which the variance is requested:

Section 78-38(a)(6)(a) of the Pasco County Code of Ordinances ("Code").

2. Describe the variance requested:

This is a request for a variance pertaining to the calculation of transportation impact fees for the project. Specifically, the applicant requests the County consider the K-mart retail use as the immediate prior use and consider the property as a whole for the calculation of transportation impacts as the development of the new retail space is not possible without the conversion of the existing retail space to a less-intense use.

3. Demonstrate compliance with one or more of the following:

- a. The strict application of the land development regulation creates an unreasonable or unfair non-economic hardship, or an inordinate burden that was not created by the variance applicant.
- b. The specific application of the land development regulation conflicts with an important Goal, Objective or Policy of the Comprehensive Plan, or with the intent and purpose of another recently adopted land development regulation that serves a greater public purpose.
- c. The granting of the variance will provide a net economic benefit to the taxpayers of Pasco County and is not in conflict with important Goals, Objectives and Policies of the Comprehensive Plan.
- d. The granting of the variance is necessary to achieve an innovative site or building design that furthers the Goals, Objectives and Policies of the Comprehensive Plan.
- e. The intent and purpose of the land development regulation and related land development regulations and Comprehensive Plan provisions is met or exceeded through an improved or alternate technology or design.
- f. The granting of the variance is necessary to protect the public health, safety or welfare.
- g. The variance is necessary to comply with State or Federal law.
- h. The variance satisfies variance criteria set forth in the specific County land development regulation that is the basis for the variance request.

The applicant received two development approvals for the site: (i) a certificate of occupancy to convert a former retail (K-mart) building into a self-storage/warehouse facility in 2008, and (ii) a DRC memo approving the construction of a retail facility on the existing parking area of the former K-mart, issued in 2009. Although these projects were dependent on one another, and together, create a positive traffic impact for the property as a whole from the former retail use that was independent on the site, the fact that the redevelopment occurred in two steps triggered transportation impact fees that would not have otherwise been due.

The Code provides a means to credit property owners for the use of the property that is less intense, or generates less traffic impact, than what was previously located on the property. The approved site plan, which includes a new retail space and the converted retail space to warehouse, has a net reduction in vehicle miles traveled of over 2,800 VMT.

Existing VMT (K-mart only) – 5,538

Proposed VMT (Warehouse, Save-a-lot, future retail) – 2,709

Additionally, the redevelopment of the site includes transportation improvements such as deceleration/right-turn lane into the property from Little Road as well as a dedication of an easement for Right of Way for the possible future expansion of Little Road improvements. The reduction of intensity of use on the site, which in turn decreases the traffic impact, results in a net benefit to the county.

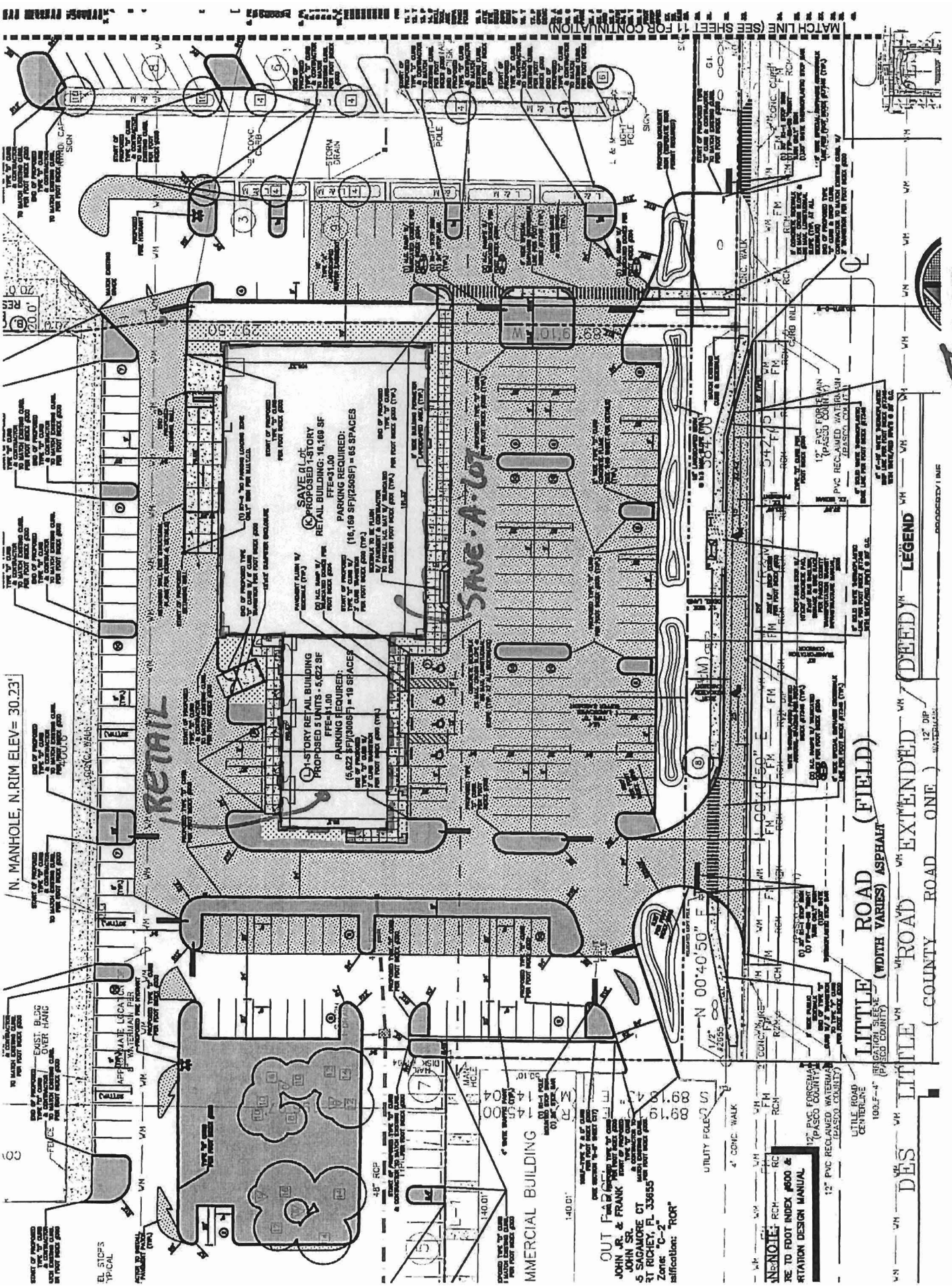
The redevelopment of the site provides an upgraded property that will not be possible without a variance.

- 4. All variance applications that affect site conditions shall be accompanied by site plans depicting the site conditions with the granting of the variance and without the granting of the variance. Conceptual site plans may be allowed if approved by the Division Engineer (DRD) or Development Director.**

This variance request does not affect site conditions.

APPENDIX A

Site Plans



N. MANHOLE, N. RIM ELEV = 30.23'

EL. STOPS TYPICAL

RETAIL

SAVE-A-LOT

COMMERCIAL BUILDING

OUT F...
 JOHN JR. & FRANK
 JOHN SR.
 5 SAGAMORE CT
 FT RICHEY, FL 33615
 Zone: "C-2"
 Affiliation: "FOR"

NOTE: RC...
 RE TO FOOT INDEX #800 &
 RITATION DESIGN MANUAL

LITTLE ROAD (FIELD)

(WIDTH VARIES) ASPHALT

ROAD EXTENDED

(COUNTY ROAD ONE)

DÉS LITTLE

LEGEND

(DEED)

PROPERTY LINE

MATCH LINE (SEE SHEET 11 FOR CONTINUATION)



1:40.01'

1:40.01'

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1:40.01'

APPENDIX B

Impact Fee Tables from which Trip Generation and Trip Length Derived

Grand Trinity Site
Transportation Information in Support of a Variance

Prepared By:

Elizabeth Rodriguez & Associates, Inc.
4846 Trinidad Drive
Land O Lakes, FL 34639

May 2010

1.0 INTRODUCTION

The developer proposes to build retail space on a portion of the site occupied by the shopping center previously anchored by a Kmart in Pasco County, Florida. The site location is depicted on the site plans included in **Appendix A**.

This study is being prepared in support of a variance that the developer has filed as a mechanism to request that he not be required to pay transportation impact fees. The details of the request and supporting information are included in this report.

2.0 DATA ANALYSIS

The original developer of the site was exempt from paying transportation impact fees. The current developer asserts that his buildings on the site continue to be exempt because his improvements represent no net increase in Vehicle Miles of Travel (VMT).

The following is submitted to support the above-described assertion:

2.1 Original Development

- The original KMart was 85,575 square feet.
- $85,575 \text{ (sq ft)} * 62.81 \text{ (impact fee trip rate - see Appendix B)} = 5,375 \text{ vpd}$
- $5,375 \text{ vpd} * 1.84 \text{ (recommended trip length)} = 9,890 \text{ gross VMT}$
- $9,890 \text{ gross VMT} * .56 \text{ (\% new trips)} = \underline{5,538 \text{ net VMT}}$

2.2 Proposed Development

The mini-warehouse/former Kmart is 85,575 sq ft. The Save-A-Lot (16,169 sq ft); and the adjacent 7,000 sq. ft. bldg(s) equal a total of 23,169 sq ft.

2.2.1 Mini-Warehouse VMT

- The mini-warehouse is 85,575 sq ft
- $85,575 \text{ k sq ft (mini-warehouse)} * 2.5 \text{ (impact fee trip rate)} = 214 \text{ vpd}$
- $214 \text{ vpd} * 3.26 \text{ (recommended trip length)} = 698 \text{ gross VMT}$
- $698 \text{ gross VMT} * .92 \text{ (\% new trips)} = \underline{642 \text{ net VMT}}$

2.2.2 Proposed Shopping Center VMT

- The shopping center (16,169 sq ft Save-A-Lot plus 7k sq ft bldg(s)) is 23,169 sq ft.
- $23,169 \text{ k sq ft} * 62.81 \text{ (impact fee trip rate)} = 2,006 \text{ vpd}$
- $2,006 \text{ vpd} * 1.84 \text{ (recommended trip length)} = 3,691 \text{ gross VMT}$
- $3,691 \text{ gross VMT} * .56 \text{ (\%new trips)} = \underline{2,067 \text{ net VMT}}$

2.3 Original Versus Proposed Development.

Section 2.1 of this report explains that the daily net VMT associated with the original development is 5,538 net VMT. **Section 2.2** details VMT for both the mini-warehouse and the shopping center. When these are added together (642 net VMT + 2,067 net VMT) the total proposed net VMT is determined to be 2,709 net VMT.

The proposed new net total VMT of 2,709 is significantly less than the original net VMT of 5,538.

3.0 CONCLUSION

This analysis has shown that the development currently proposed on the former Kmart site actually yields a lower VMT than that which was originally constructed . The proposed new net total VMT of 2,709 is significantly less than the original net VMT of 5,538. On that basis, a variance is requested so that the developer is not required to pay transportation impact fees for the currently proposed commercial square footage.