

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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TO: Development Review Committee      DATE: 6/3/10      FILE: ZN10-232

SUBJECT: Grand Trinity Plaza Addition  
(IIPR08-016) Variance Request  
DRC: 6/10/10, 1:30 a.m., DC  
(Continued from 5/27/10)  
Recommendation: Denial

FROM: Debra M. Zampetti  
Zoning/Code Compliance  
Administrator

REFERENCES: County Ordinance  
78-38 (a) (6) (a),  
Transportation Impact Fee,  
Variance Requests;  
Comm. Dist. 4

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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 Michael Cox, CFP®
Project Name:	Grand Trinity Plaza Addition
Applicant's Name:	Grand Trinity Plaza LLC
Location:	On the northeast corner of Little Road and Old C.R. 54, Section 13, Township 26 South, Range 16 East.
Parcel ID Nos.:	13-26-16-0000-00300-0000, 13-26-16-0000-00400-0000, and 13-26-16-0000-00400-0010
Acreage:	18.69 Acres, m.o.l.
Zoning District:	C-2 General Commercial and MF-2 Multiple Family High Density
Future Land Use Classification:	ROR (Retail/Office/Residential) and RES-24 (Residential - 24 du/ga)
Water/Sewage:	Florida Government Utility Authority (FGUA)/FGUA
No. of Units:	27
Type of Unit:	Ministorage, Gym, Bank, Retail, Grocery and Restaurant
Square Feet:	189,452 Total Square Feet

DEVELOPER'S REQUEST:

The applicant is requesting a variance from the Pasco County Code of Ordinances as follows:

Section 78-38 (a) (6) (a) Procedures for imposition, calculation, and collection of transportation impact fee of the Pasco County Code of Ordinances.

BACKGROUND:

1. On April 4, 1980, the Board of County Commissioners (BCC) approved a request for a change in zoning district from an A-C Agricultural District to a C-2 General Commercial District (Petition No. 1207).
2. On June 23, 1981, the BCC approved a request for a change in zoning district from an A-C Agricultural District to C-2 General Commercial and MF-2 Multiple Family High Density Districts (Petition No. 1622).
3. On December 18, 1984, the BCC approved a request for a change in zoning district from a C-1 Neighborhood Commercial District to a C-2 General Commercial District (Petition No. 2742).

4. The above-referenced parcel was originally developed in 1984 and 1985 with a 2,392-square-foot bank and a 165,269-square-foot, large-scale, retail shopping center (CRD84-120 and CRD85-146).
5. On July 30, 2009, the DRC approved the preliminary/construction, stormwater management plan and report for the above-referenced project. The DRC also approved variance requests for: 1) Section 603.7, Building Perimeter Landscaping, to allow for planters to be installed along the front façade due to existing paved, vehicular-use area and sidewalks. 2) Section 603.9.D.1 Type "A" Landscape Buffer, to not install the 10-foot buffer between the different commercial uses due to the existing vehicular-use areas. 3) Section 603.9.D.2, Type B Landscape Buffer, to allow a reduction from the required 15-foot width to 10 feet along the north boundary, a reduction that varies from 8 to 14 feet along the east boundary, and a reduction to 5 feet along the south boundary abutting Villa Entrada. 4) Section 603.9.D.4, Type D Landscape Buffer, to only install the required 15-foot buffer along the new development area along Little Road due to existing vehicular-use area. 5) Section 618.12, Access Management requirements for a 24-foot paved, unobstructed, cross-access drive, to allow parking along the cross-access in front of the redevelopment area abutting the buffer.
6. On February 1, 2010, Zoning and Site Development Department approved a non-substantial amendment for an additional 442 square feet for the previously approved Sav-a-Lot and retail building to equal a total of 21,791 additional square feet being added to the existing shopping center (ZN10-117).

#### FINDINGS OF FACT:

1. Presently, the subject site contains a 167,661 square-foot large-scale shopping center and has approval for an additional 21,791-square-foot building for a Sav-a-Lot grocery store with retail units.
2. The subject property is located in Flood Zone "A". Development is subject to the requirements of the Land Development Code (LDC), Article 700, Flood Damage Prevention.
3. The surrounding zoning is characterized by residential and commercial pursuits.
4. Access to the property is from Little Road, a County-maintained road, which has approximately 120 feet of right-of-way with 48 feet of pavement. Access is also from Villa Entrada, a privately maintained road which has approximately 70 feet of right-of-way with 24 feet of pavement.
5. 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. In accordance with the Corridor Preservation Table 7-4a, Little Road has been designated as a 6-lane collector facility with a proposed corridor width of 166 feet.
6. Per County Building Permits Information, a building permit was issued under the Seven Springs Plaza, LLC name for the mini warehouse construction/remodeling on 11/03/2006.

#### VARIANCE REQUEST:

The applicant/developer has requested a specific variance from the following provision of the Pasco County Code of Ordinances:

Section 78-38 Procedures for imposition, calculation, and collection of transportation impact fee (a) (6) (a) of the Pasco County Code of Ordinances.

If the alteration, expansion or replacement results in a higher assessment pursuant to the fee schedule, then the alteration, expansion, or replacement shall be assessed the current applicable rate based on the new use of the property after the alteration, expansion or replacement less the fee that would be imposed on the most recent prior use of the property under the current applicable rate prior to the alteration, expansion, or replacement. For purposes of this calculation, "most recent prior use of the property" shall mean the latest use of the property existing on or after January 1, 1985.

1. The applicant states:

“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.

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.”

RECOMMENDATION:

The Zoning and Site Development Department staff recommends that the DRC deny the variance request from Ordinance 78-38 (a) (6) (a), Transportation Impact Fee and assess the project current impact fees per the Impact Fee Ordinance. This recommendation is based on the following:

1. At the time when Sav-a-Lot TIS application came in (2008), the mini storage was already existing and operational and had occupied the previous K-Mart building area.
2. Per County Building Permits Information Display, a Building permit was issued under the Seven Springs Plaza, LLC name for the mini warehouse construction/remodeling on 11/03/2006.
3. Per County Business Tax Receipt Transactions, the applicant paid their license fee of \$30.94 which included late fees for year 2007/2008 and the fee for the year 2008/2009.
4. The TIS application submitted in 2008, indicated that the applicant was converting the existing K-Mart to the mini warehouse and adding additional 38,000 square feet of commercial, which a later date the applicant clarified in a revised TIS application submitted 12/30/2009, that there will be a Sav-A-Lot grocery store (16,169 s.f.) and retail (5,622 s.f.). The applicant did not mention in the application that the K-Mart had already been converted to the mini warehouse use.
5. County staff has not received any documentation to date from the applicant that shows that impact fees were paid for the K-Mart use.
6. If request is approved; County will lose \$192,950.65 in impact fee revenue.

In the event the DRC chooses to approve the variance request, the Zoning and Site Development Department recommends that the following conditions be included:

CONDITIONS OF APPROVAL:

1. The developer acknowledges that any provisions of Pasco County ordinances and any rezoning conditions of approval not specifically waived shall be in full force and effect, including all impact fee ordinances.
2. The applicant shall submit a revised TIS application and pay the applicable transportation impact fee if at any time in the future the mini warehouse building or the Sav-A-Lot grocery store uses are changed to any use with a higher trip generation. This application shall be submitted prior to issuance of any building permit and/or sign permit for the new use. The applicant/property owner for both buildings shall record an agreement or deed restriction acceptable to the County to implement this condition.
3. The developer is hereby notified that the effective date of this development approval shall be the date of the final County action; however, no Site Development Permit shall be issued and 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.
4. The developer acknowledges that an appeal may be filed against the decision of the DRC within 30 days of the date of this approval. Any development that takes place within the 30-day appeal deadline shall not establish vested rights with respect to construction of the project.

APPLICANT'S ACKNOWLEDGMENT:

The applicant acknowledges that if the variance request is approved that it has read, understood, and accepted the above-listed conditions of approval.

Date	Grand Trinity Plaza LLC
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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
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ATTACHMENTS:

1. Location Map
2. Site Plan
3. Variance Request and Exhibits

DMZ/CR/ecm/drc61010/grandtrinityplazazn10232

DEVELOPMENT REVIEW COMMITTEE ACTION