

ZONING VARIANCE REVIEW REPORT

TO: Pasco County Development Review Committee FILE: ZN10-2003
FROM: Lee W. Millard PETITION #2003
Assistant Zoning/Code Commission District #2
Compliance Administrator
SUBJECT: Variance Request Development Review Committee
South Central Pasco County Hearing Date: 11/5/09, DC
APPLICANT: **CRF - ZHILLS, LLC/** TAZ #239
 PUBLIX STORE NO. 1196

PETITION SUMMARY:

Variance No. 2003 in the name of CRF - ZHills, LLC/Publix Store No. 1196 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 (LDC). The site under consideration is located on the west side of Eiland Boulevard, approximately 950 feet north of S.R. 54 (Parcel ID No. 18-26-21-0000-01500-0060 [portion of]), and contains 11.78 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 LDC 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 1½ 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 150 square feet to 181.3 square feet and an increase in the allowable number of wall signs from one to two, which, if approved, will allow the applicant to place a second wall sign with a total of 181.3 square feet of sign structure area on the south front building elevation.

The surrounding zoning districts and land uses are as follows:

	<u>Zoning District</u>	<u>Land Use</u>
North:	A-C Agricultural	Undeveloped
East:	C-2 General Commercial; C-1 Neighborhood Commercial; A-C Agricultural	Right-of-Way/Eiland Boulevard
South:	C-2 General Commercial	Home Depot; S.R. 54
West:	MF-1 Multiple Family Medium Density	Undeveloped; Apartment Complex

FINDINGS OF FACT:

1. Presently, the subject site contains a Publix Supermarket, which is an end unit and a portion of the Summertree Plaza; is comprised of 11.78 acres, m.o.l.; and is located in a C-2 General Commercial Zoning District.

2. The applicant has stated that:

The strict application of the land development regulations creates an unreasonable or unfair noneconomic hardship or an inordinate burden that was not created by the variance applicant.

In this case, the strict application of one sign per elevation prohibits Publix from placing an additional sign which is to be used both for informational and directional needs.

The specific application of the land development regulation conflicts 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.

The Sign Ordinance was developed to bring together size, style, and architecture. Although the word "Pharmacy" is addressed on the one sign that is allowed, the key to our request is to advise the public of the convenience of the drive-through; and, furthermore, to advise the public of its location.

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.

The location of the sign gives the general public direction to the location of the drive-through pharmacy. Attempting to add the requested sign to the exiting wall sign would not only create a congested look to the elevation, but would also not serve its purpose of direction.

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 alternative technology or design.

This is an existing location that has added a new element to their store. This requested sign will give identification to this new concept for this location and will add to the safe and valuable services Publix is trying to develop for its customers.

The variance is necessary to protect the public health, safety, or welfare.

Public health, safety, and welfare are key reasons for our request. As stated before, this sign will serve as future identification and direction. This will give the general public safe and easy identification of the services through adequate, but minimal, signage and assist the public in safe access of the service.

3. Access to the property is from Eiland Boulevard, which has 180 feet of right-of-way, and S.R. 54, which has 100 feet of right-of-way.

4. The subject property is located in Flood Zone "X," and development within this area is not subject to the requirements of the LDC, 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. Staff has reviewed the proposed request in accordance with the LDC, Article 300, Subsection 316.1.A, and finds the following:

- a. 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 location of this Publix Supermarket, while considered an in-line store, part of a retail strip center, is unique in that it is an end unit. Additionally, the retailer is providing drive-through, pharmacy services, which is unique only to end unit Publix Supermarket Stores. The proposed second sign located on the westernmost south elevation is necessary to direct patrons to the west end of the building where the drive-through pharmacy is located. Staff finds the actions of the applicant did not cause the special conditions which necessitate the variance.

- b. The specific application of the land development regulation conflicts 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 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.

N/A

- 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.

N/A

- e. The intent and purpose of the land development regulation, related land development regulations, and Comprehensive Plan provisions are met or exceeded through an improved or alternate technology or design.

N/A

- f. The granting of the variance is necessary to protect the public health, safety, or welfare.

This variance is necessary to permit the effective placement of directional signs, in this case directing motorists to the "pharmacy drive-thru" located at the western end of the building, thereby facilitating the safe and efficient flow of motorist traffic on site.

- g. The variance is necessary to comply with State or Federal law.

N/A

- h. The variance satisfies variance criteria set forth in the specific County land development regulation that is the basis for the variance request.

The intent and purpose of the Pasco County Sign Ordinance is to establish a coordinated graphic program that allows for occupant identification and to reduce signage to the minimum necessary to protect the health and safety of the public, while promoting traffic safety and avoiding visual blight. Staff finds the owner's/applicant's proposed design accomplishes those goals.

8. Staff's recommendation and report is based upon a study of the factors outlined above.

STAFF RECOMMENDATION:

Approval with Conditions

CONDITIONS:

1. The owner/applicant shall obtain all required permits.
2. The owner/applicant shall comply with the provisions of the Pasco County Sign Ordinance.
3. The owner/applicant acknowledges that any provisions of Pasco County ordinances and the Conditions of Approval (IIPR07-017) not specifically waived shall be in full force and effect.
4. In addition to complying with the above conditions, 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 after the final action.

OWNER'S/APPLICANT'S ACKNOWLEDGMENT:

The owner/applicant acknowledges that it has read, understood, and accepted the above-listed conditions of approval. **Do not sign until you receive a copy of this petition with Development Review Committee results.**

(Date)

Printed Name

I hereby certify on this _____ day of _____, _____, A.D., before me personally appeared the owner/applicant, to me known to be the persons described in and who executed the foregoing document and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein expressed.

Witness my hand and seal at _____, _____ County, Florida, the day and year aforesaid.

My commission expires:

Notary Public, State of _____ at Large

DEVELOPMENT REVIEW COMMITTEE ACTION: