

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 3/12/10

FILE: ZN10-147

SUBJECT: Class I, Commercial Development
Review - Taco Bell No. 19906,
5406 C.R. 581, Variance Request
(Project No. IPR98-018)
DRC: 3/18/10, 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

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:	Taco Bell No. 19906, 5406 C.R. 581
Developer's Name:	C.W. Hayes Construction
Location:	5406 C.R. 581, on the east side of Bruce B. Downs Boulevard, approximately 300 feet south of its intersection with S.R. 54, Section 07, Township 26 South, Range 20 East.
Parcel ID No.:	07-26-20-0000-00200-0020
Land Use Classification:	MU (Mixed Use)
Zoning District:	C-2 General Commercial
Transportation Corridor:	Bruce B. Downs Boulevard
Existing Right-of-Way:	100 Feet from Centerline
Required Right-of-Way:	100 Feet from Centerline
Acreage:	1.12 Acres, m.o.l.
Number of Units:	1
Type of Unit:	Fast-Food Restaurant with Drive-Through
Square Feet:	2,424 Square Feet
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee (TIF) Zone:	3
Transportation Analysis Zone:	285
Initial Certificate of Capacity:	Yes

DEVELOPER'S REQUEST:

The developer of Taco Bell No. 19906, 5406 C.R. 581, is requesting a variance from the Land Development Code (LDC), as listed below and as further explained herein:

1. Variance:
 - a. Section 603.9, Landscaping, Buffering, and Screening
 - (1) Subsection 603.D.1, Type A buffer

BACKGROUND:

1. The site retains its original C-2 General Commercial District zoning.
2. On September 26, 1996, the DRC approved the Hollybrook Publix Shopping Center, of which the Taco Bell is Outparcel No. 3.
3. On January 21, 1998, the former Development Review Division approved the Taco Bell, Class I, site plan (DR98-340).

4. On January 28, 2010, the DRC approved variances for Sonny's Real Pit Bar-B-Que, the adjacent parcel to the south. One of the conditions of approval requires that the Sonny's Real Pit Bar-B-Que developers and the developer of Taco Bell will share the plantings in the adjacent buffer areas under a reciprocal agreement.

FINDINGS OF FACT:

1. Presently, the subject site contains a 2,424-square-foot, fast-food restaurant that is undergoing remodeling.
2. Pursuant to the LDC, Section 603.9.C(2), "when an existing structure is redeveloped, remodeled, or renovated by more than 25 percent of the property appraiser's appraised value of the existing structure," the development shall be brought into compliance.
3. The subject property is located in Flood Zones "C" and "A." 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 is also provided:

	<u>Zoning District</u>	<u>Types/Buffer Requirements</u>
North:	C-2 General Commercial	Type A Buffer 10 Feet
South:	C-2 General Commercial	Type A Buffer 10 Feet
East:	C-2 General Commercial	Type A Buffer 10 Feet
West:	C.R. 581 (C-2 General Commercial)	Type D Buffer 15 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. The variance request for the above-subject project was prepared for CW Hayes Construction by WilsonMiller Design and consists of six sheets dated August 20, 2009; the sheets were last revised on December 28, 2009. The plans were originally received by the Zoning and Site Development Department on December 1, 2009, and final revisions were received on December 30, 2009.
7. Access to the property is from Bruce B. Downs Boulevard, a Florida Department of Transportation-maintained road, which has 200 feet of right-of-way with 90 feet of pavement, and has been designated a six-lane, arterial facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan.
8. 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 603.9, Landscaping, Buffering, and Screening

Subsection 603.9.D.1, Buffer Types, Type A buffer, which, if approved, would relieve the applicant/developer of providing the ten-foot, Type A buffer on the northern and southern boundaries, and utilize the existing five-foot buffer.

Relief is being sought pursuant to the LDC, Sections 316.1.A(2) and (6), as the purpose for the variance which reads as follows:

"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 great public purpose. The granting of the variance is necessary to protect the public health, safety and welfare."

The applicant states:

"The variance for a reduction to the required 'Type A' 10-foot wide buffer along the North and South property lines is being requested due to existing site conditions. A 10-foot buffer would encroach into the existing parking drive/aisles and would result in the loss of parking. Also, a large majority of the parking lot would have to be redesigned and would not fall within the Scope of Work for this remodel project. Although the widening of the buffer is not feasible, all landscaping required for a 'Type A' buffer will be provided in the existing buffer."

Staff has reviewed the applicant's request and recommends approval. Since this is an existing site that the applicant is trying to retrofit, the limitations imposed by the existing parking lot and drive-through precludes strict adherence to the code. On the north side of the parcel, most of the A-type buffer width can be met except in the northwest corner. On the south side, in the four and five-foot width available, the Taco Bell already has some vegetation, primarily shrubbery.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the variance request from the LDC, Section 603.9.D(1), with the following conditions:

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. All required vegetation shall be installed in the buffer widths available. Prior to the issuance of the Certificate of Occupancy, the developer shall install at least two, understory-size trees on the southern boundary in cooperation with the adjacent owner.
3. Prior to the release of the Certificate of Completion, the applicant/developer shall enter into a reciprocal agreement with the owner of Sonny's Real Pit Bar-B-Que and his assigns for the sharing of the maintenance of the shared landscaping that is located between the two sites. A copy of such shall be provided to the Permits and Development Information Services Department prior to the issuance of the Certificate of Completion.

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.

DEVELOPER'S ACKNOWLEDGMENT:

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

_____ Date

_____ CW HAYES CONSTRUCTION

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. Site Plans Showing Site With and Without Variances
3. Variance Application

DMZ/PSS/ecm/drc031810/tacobellzn10147

DEVELOPMENT REVIEW COMMITTEE ACTION: