

DEVELOPMENT SERVICES STAFF REVIEW:

Article VII. Subdivision and Site and Development Plan Regulations:

Site and Development Plan Criteria, Article VII, Section 10-7.407:

The Leon County Land Development Code requires that a site and development plan comply with three general standards those include:

1. Whether the applicable zoning standards and requirements have been met.
2. Whether the applicable provisions of the Environmental Management Act have been met.
3. Whether the requirements of Chapter 10 and other applicable regulations or ordinances which impose specific requirements on site and development plans and development have been met.

Division 1. Subdivision and Site and Development Plan Regulations

Compliance and Consistency with Comprehensive Plan (Sec. 10-7.108 and Sec. 10-7.109)

- (a) All proposed subdivisions or development shall be designed to be consistent with the adopted Comprehensive Plan, as amended.

Finding #1: A Comprehensive Plan consistency determination shall be obtained from the Tallahassee-Leon County Planning Department. Please refer to the attached memorandum (Attachment #1) from Susan Denny, Senior Planner with the Tallahassee-Leon County Planning Department.

- (b) All proposed subdivisions or development shall be designed to comply with at least the county zoning, building regulations, concurrency, and environmental management ordinances, and such other applicable land development regulations, ordinances, and policies, for the area in which the proposed subdivisions or development shall be located. ***The requirements and findings pertaining to these regulations are outlined in this report and the reports of the other review staff.***

- (c) In accordance with this article and other applicable requirements of the local Comprehensive Plan and county ordinances, land, proposed subdivision or site and development plans shall be suitable for the characteristics of the underlying land. Sites where topographic features, flooding potential, drainage, soil type or other site specific features are likely to harm neighboring landowners, future users of the subject property, natural resources or public infrastructure demand, shall not be developed and/or subdivided, unless adequate methods of mitigation or correction of the harm area formulated by the developer and accepted by the county.

Finding #2. A Natural Features Inventory was conditionally approved on February 27. Please refer to Environmental Management findings and comments (Attachment #2) from Environmental Services – Charley Schwartz, PE.

- (d) Any applicant subdividing land shall record an approved final plat in accordance with the requirements of this chapter.

Finding #3. Subdivision of the property is proposed with this application. Platting or subdivision may only commence upon approval of the proposed site plan.

- (e) The adequacy of necessary public or private facilities and services for traffic and pedestrian access and circulation, solid waste, waste water disposal, potable water supply, storm water management, parks and recreation and similar public facilities and services, shall be considered in the review of all subdivision or development site and development plan proposals to assure the concurrency requirements of the local Comprehensive Plan and county ordinances are met.

Finding #4. The application requires Concurrency mitigation. Several options have been outlined by Concurrency Management Planner, Ryan Guffey (Attachment #3). Findings and recommendations of this report includes comments and suggestions related to pedestrian circulation. Requirements related to landscaping, natural area, stormwater improvements are noted in the Environmental Services memorandum and requirements are set forth in Article IV of Chapter 10, Leon County Land Development Code.

- (f) Unless installation of a required improvement is waived pursuant to Division 6, no final plat or certified survey shall be recorded until a site and development plan, as required by this article, has been approved, the required infrastructure or development improvements which are applicable to the subject parcel or parcels are completed or an appropriate surety instrument, as approved in advance by the County Attorney, is posted, in accordance with the requirements of this article, and the terms and conditions of any applicable development order have been fulfilled.

Finding #4. Subdivision of the property is required. The maximum parcel size for minor commercial development is two (2) acres, according to Policy 3.1.2 of the Land Use Element of the Comprehensive Plan. The applicant has the option of filing a plat or filing an application for ASAP (2-Lot Split) review subsequent to the Type "A" review process. Regardless of the option chosen, the cover sheet shall be amended to include annotation which states subdivision of the property is required as proposed and depicted. This condition shall state the resulting parcel size shall not exceed two acres pursuant to Policy 3.1.2 of the Land Use Element of the Comprehensive Plan.

- (g) No parcel shall be approved for platting for any purpose unless it is suitable for a use permitted by Article VI. No parcel shall be approved for development unless it is consistent with the local Comprehensive Plan and contains an adequate development site, both in size for the use intended and in its relationship to abutting land uses.

Finding #5. The application shall be determined to be consistent with the Tallahassee-Leon County Comprehensive Plan in order to be considered for approval or approval with conditions. Refer to the attached memorandum (Attachment #1) with findings from Susan Denny, Senior Planner with the Tallahassee-Leon County Planning Department.

DEVELOPMENT SERVICES STAFF FINDINGS:

ARTICLE III. CONCURENCY

According to Section 10-3.105(a) of the LDC, no final development order can be issued until such time it is determined that there is sufficient available capacity of concurrency facilities to meet level of service standards for the existing population, vested development, and for the proposed development. All proposed development (except vested development) shall undergo a concurrency review. In the event the proposed development trips deficient segments of a roadway facility, for example, that applicant has the option of entering into a proportionate fair share agreement to mitigate associated impacts. Additional information on mitigation of impacts and the criteria established for mitigation is set forth in the Concurrency Policies and Procedures Manual.

Finding #6: An Application for Concurrency Review has been submitted to Development Services. Ryan Guffey, Concurrency Management Planner for Leon County, has indicated there may be a segment of Crump Road (#29660 – Miles Johnson to Miccosukee Rd) that will require mitigation.

Comprehensive Plan Issues.

The subject site is located within an area designated Rural on the Future Land Use Map of the Comprehensive Plan. According to Policy 3.1.2 of the Land Use Element, the major function of minor commercial is to provide for the sale of convenience goods and services to immediate residential areas. Further, minor commercial uses are intended to be located toward intersections in an effort to prevent strip commercialization. Minor commercial uses must be located on or near the intersection (access within 330 feet of the centerline of the intersection) of a local and arterial, a collector and arterial, a collector and collector. Minor commercial sites not located on a local street are limited to one-half acre, whereas minor commercial on all other classification of streets is limited to two acres or less.

Finding #7. The applicant shall obtain a determination from the Tallahassee-Leon County Planning Department that the proposal is consistent with the Comprehensive Plan. Please refer to findings and recommendations (Attachment #1) from Susan Denny, Senior Planner with the Tallahassee-Leon County Planning Department.

Rural Zoning District (Section 10-6.612, Land Development Code)

The Rural zoning district allows agricultural uses, passive recreation, community services, low-density residential development and small-scale commercial uses designed to service basic household needs of area residents. Minor commercial uses are permissible consistent with the list of allowable uses, applicable development standards and the commercial site location standards of Section 10-6.619 of the LDC.

Finding #8. The property is located in the Rural zoning district. The applicant proposes establishment of a gasoline service station and convenience store (2,904 s.f.) with car wash (807 s.f.). Minor commercial uses are allowed in the Rural zoning district consistent with the Minor Commercial standards (Section 10-6.619, LDC). The building sizes are consistent with the square footage limitations applicable for the intersection of a major collector (Crump Road) and minor arterial road (Miccosukee Road). Site plan "Sheet 4" shall be revised to indicate the total (max.) number of fuel pumps. The application states there are ten (10) "fueling stations," however, it is

not clear whether a fueling station consists of a pump with multiple hoses or one pump with one hose.

Finding #9. The proposed parking and structures meet the minimum setbacks, maximum building height, minimum lot size (0.5 ac) and maximum impervious surface area (max. 30%) requirements for minor commercial development in the Rural zoning district.

Finding #10. According to the definition of 'Automotive Service Station,' a free-standing, single pass car wash is permitted as an accessory use at neighborhood, community, and highway commercial locations inside the urban services area. The site is located outside the Urban Service Area and, as proposed, indicates the car wash is free-standing. Unless the car wash is shown/proposed as 'attached' to the principal use, it is not permissible as this site is minor commercial, located outside the Urban Services Area.

Commercial Site Location Standards (Section 10-6.619)

Commercial site location provisions are applicable to commercial development in the Rural zoning district. Commercial sites are determined through the use of site location standards. The intensity of the commercial use is dependent upon the land use category of the potential site and the classification of the immediate roadway. The site location standards set forth in the referenced section is intended to group commercial land uses toward intersections to provide access and prevent strip commercialization.

The major function of the minor commercial standards is to provide for sale of convenience goods and services to immediate residential areas. Proposals must be located on or near (within 330 ft) the intersection of a local and collector, local and arterial, collector and arterial and collector and collector. Minor commercial includes a trade area of generally one mile that is not considered as an attractor.

Design shall be compatible with adjacent uses and include adequate buffering, screening, and architectural treatment if integrated into a neighborhood. The site shall include sufficient parking and properly designed to include safe internal traffic circulation.

Finding #11. The site proposes two direct driveway connections to Crump Road. The southerly access is within 330 feet of the centerline of the Miccosukee Road (minor arterial) and Crump Road (major collector) intersection, as required by the above-referenced section.

Finding #12. The proposed parking meets the minimum required parking. However, additional parking for bicyclists is recommended as the proposed use is directly across from a trail connection to the Miccosukee Greenway. Please refer to findings within the parking section of this report.

Finding #13. There is an adjacent residential use on the parcel located to the east. Additional buffering and screening is required pursuant to Section 10-7.522 of the Land Development Code. A summary of buffering of adjacent uses is included within this report under the above-referenced section. For landscaping findings and recommendations, please refer to comments from Environmental Services included as Attachment #2.

Canopy Roads Overlay District (Article VI, Div. 7).

Miccosukee Road is a designated canopy road. There is a protective overlay district that measures from the centerline for a distance of 100 feet in either direction. This protection area is intended to preserve and protect existing roadside trees and other vegetation. According to this section, any site that has access from roads other than the canopy road shall not have direct access to the canopy road.

Finding #14. The application illustrates the location of the canopy road protection zone on the plan set. This area will need to be included within a dedicated conservation area. For details, please refer to comments and findings from Charley Schwartz of Environmental Services.

Furthermore, the site plan shall be revised to include annotation which states clearing, access, disturbance or construction within the Canopy Road Protection Zone is prohibited.

Type “A” Review (Section 10-7.403).

Staff has determined the application is not sufficiently complete at the required level of detail to recommend *approval or approval with conditions*. The deficiencies included in this report, and in the reports of the other review staff, must be addressed prior to final approval or a recommendation for approval with conditions.

Finding #15. A continuance is recommended to the April 2, 2014 meeting date. This will provide the applicant with additional time to address the comments and deficiencies noted by staff. The applicant will need to upload revised site plans no later than March 19, 2014.

If approved subsequent to the April 2, 2014 meeting date, the written decision of the County Administrator or designee will be distributed and shall become final fifteen (15) calendar days after it is rendered, unless an applicant or person who qualifies as a party, as defined in Section 10-7.414 of the LDC, has filed written comments with the Department of Development Support and Environmental Management prior to adjournment of the meeting at which the decision was rendered. A qualified party, as defined by Section 10-7.414 of the LDC, may file a Notice of Intent to File an Appeal of a decision on a site and development plan application consistent with the procedures outlined in Section 10-7.403(h) of the LDC. Subsequent to the filing of a notice of intent, a petition must be filed within thirty (30) calendar days from the date of rendition of the decision. A petition shall be made in writing and filed at the Department of Development Support and Environmental Management, and shall include the project name, the application number, a description of the facts upon which the decision is challenged, all allegations of inconsistency with the Comprehensive Plan and Land Development Codes, and any argument in support thereof. Failure to file both a Notice of Intent or petition is jurisdictional and will result in a waiver of the hearing. Appeals heard by a special master will be conducted in accordance with the procedures outlined in Section 10-7.414 and 10-7.415, LDC.

General Principles of Design Relating to Impacts on Nearby Owners (Section 10-7.505)

Developments shall be designed to be as compatible as practical with nearby residences. The standards included in this section identify design approaches that can be incorporated to facilitate compatibility.

Finding #16. Please refer to design alternatives summarized at the conclusion of this report. These standards (or similar treatments) will need to be incorporated as part of the development order to facilitate compatibility.

Finding #17. The site plan shall be revised to include a dumpster detail that includes an enclosure and the materials utilized for screening. These materials shall be the same materials and colors utilized with the convenience store.

Finding #18. As noted in the buffer zone standards section below, additional buffering is required at the rear of the lot (includes fencing). The location of the natural area is best suited between the rear of the store and the adjacent residential property to the east.

The height, intensity and location of lighting are all important in maintaining the rural character of the area. The site design alternatives included in the summary of this report include treatments that will help reduce off-site light trespass and other impacts. The use of ultra-bright LED lighting on the underside of the canopy is discouraged. Lighting should be kept to a minimum while still ensuring the safety of patrons and employees. The use of 'dark-sky friendly' lighting fixtures with full cut-off shields and low-wattage bulbs shall be included as part of the development order. The applicant shall include a photometric plan or supporting documentation which demonstrates lighting levels at the property line, where adjacent to residential areas, is kept to a minimum.

Buffer Zone Standards (Section 10-7.522).

A buffer zone is a landscaped strip along parcel boundaries that serve a buffering and screening function between uses and zoning districts, provides an attractive boundary of the parcel or use. The width and degree of vegetation required depends on the nature of the adjoining uses. The buffer matrix in this section of the code is utilized to determine the type of buffer. A buffer fence shall be required in addition to minimum landscaping standards, when non-residential uses are adjacent to existing single-family or manufactured home uses.

Finding #19. According to the buffer matrix, a Type "B" buffer is required at the rear of the lot (east) adjacent to Parcel ID 12-04-20-016-000-0. In addition to the planting requirements, an eight foot (height) opaque fence is required. The site plan shall be revised to illustrate these requirements. Existing vegetation can be utilized to meet or supplement planting requirements. Please note that disturbance of the canopy road is prohibited. New fencing is prohibited in the Canopy Road Protection Zone per Article VI, Division 7 of the Land Development Code.

Public Sanitary Sewer or On-Site Sewage Disposal Systems (Section 10-7.524).

Sanitary sewer facilities shall be installed in accordance with the requirements, policies and specifications of the county and service provider and those treatment standards of the Florida Department of Environmental Regulation.

Finding #20. Prior to site plan approval, the applicant shall obtain approval for the location and siting of the proposed septic treatment system and drain field. Please refer to comments from the Leon County Department of Environmental Health (attachment not included).

Electric Services (Section 10-7.526)

According to representatives from Talquin Electric Cooperative, the proposal is located within City of Tallahassee electric service area.

Finding #21. The applicant shall obtain an approved electric utility plan from the City of Tallahassee. Please refer to attached findings (Attachment #6) from Tina Drose of the City of Tallahassee Utilities Power Engineering Division.

Number of Off-Street Parking Spaces (Section 10-7.545) – Includes Schedule 6-2.

The number of off-street parking spaces required for a convenience store is one space for every 300 gross square feet of gross floor area. The minimum bicycle parking required for convenience stores is 0.10 spaces for every required parking space.

Finding #22. The 2,904 s.f. convenience store requires 10 ($2,904 \text{ s.f.} / 300 = 9.68$) regular spaces. Pursuant to Section 10-7.545 of the Land Development Code, the standard number of spaces required may be equivalent (at the developer's discretion) to the range of spaces provided in Section 10-7.545(a) of the Land Development Code. According to this Section, 95% - 100% of the standard parking required in the Rural zoning district may be applied. Therefore, the applicant may reduce the total number of regular off-street spaces to nine (9) - without requesting a parking deviation. The applicant has met this requirement, providing ten (10) spaces in addition to one disabled parking space.

Finding #23. One (1) bicycle parking space is required pursuant to this section (0.10 per required parking spaces [$10 \times 0.10 = 1$]). The applicant has met this requirement, including one bicycle parking space adjacent to the building. As a design alternative, additional bicycle parking (at least 5) will be needed, since the convenience store will be located across from one of the trail heads for the Miccosukee Greenway. Further, a safe route from the trail through the parking area is needed.

Required Off-Street Loading Space (Section 10-7.547 and Section 10-7.548)

Every use requiring delivery or distribution of products and/or materials by motor vehicles requires loading berths in accordance with Schedule 6-6 of this section. According to Schedule 6-6, commercial uses with a gross building floor area less than 8,000 square feet requires one (1) loading berth. Each required off-street loading berth shall have a minimum width of 12 feet and a minimum length of 30 feet for local delivery vehicles. Semi-trailers require a minimum length of 60 feet.

Finding #24. The site plan includes a loading berth of 12' x 60' on the north end of the site.

Deviations. Criteria for granting a deviation from development standards (Section 10-1.106).

A deviation was not requested with the application submittal. However, should the applicant file a request for a deviation, it shall be determined consistent with the criteria established in the referenced section. Each request for a deviation from a development standard is \$600. There is no application for such requests; however, each request shall be accompanied by a narrative which addresses the criteria mentioned above and the associated fee.