

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 was provided 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 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. The applicant has included a note on the cover sheet (Note #15) that

states the resulting parcel will not exceed two (2) acres pursuant to Policy 3.1.2 of the Land Use Element of the Comprehensive Plan and that subdivision may only commence upon approval of the proposed site plan. This note needs to be listed as a condition on the site plan sheet (Sheet 4) in a prominently located position.

- (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. A Preliminary Certificate of Concurrency was issued on March 20, 2014. According to written correspondence from Ryan Guffey, Concurrency Management Planner for Leon County, the reduction of the number of fueling positions has eliminated the requirement for Concurrency mitigation (Attachment #2). Reviews relating 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.

Gary Donaldson with the City of Tallahassee Fire Department has included a memorandum response with a request for revision and an additional condition of approval (Attachment #3). The Fire Department has requested revisions to the auto-turn sheet and a note on the plan set requiring a supervised manual fire alarm system.

- (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 #5. Subdivision of the property is required. Per the Planning Department findings, the maximum parcel size for minor commercial development is two (2) acres - 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. The applicant has chosen the option to subdivide the parcel pursuant to the ASAP review process, post site plan approval. The revised cover sheet includes annotation which states subdivision of the property is required and the resulting parcel shall be no greater than two (2) acres. Subdivision of the two acre parcel for the proposed gas station may only commence upon approval of the site plan. As previously noted, this condition also needs to be annotated in a prominent location on Sheet 4 of the site plan set.

Environmental Services has noted as conditions of approval that as-built and operating permits are required.

- (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 #6. Platting is not proposed with this application. The application has been determined to be consistent with the Tallahassee-Leon County Comprehensive Plan. 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.

Finding #7: A Preliminary Certificate of Concurrency has been issued by Ryan Guffey, Concurrency Management Planner for Leon County. According to correspondence from Mr. Guffey dated March 20, 2014, the proposal no longer meets the minimum threshold for mitigation due to the reduction of the number of fueling positions (Attachment #2).

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 two (2) acres or less.

Finding #8. The applicant has obtained a determination from the Tallahassee-Leon County Planning Department that the proposal is consistent with the Comprehensive Plan

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 #9. Gasoline stations and convenience stores as listed as permissible land uses in the Rural zoning district. The amount of overall impervious area has been decreased from thirty percent to twenty-five percent. The building sizes are consistent with the square footage limitations applicable for the intersection classification; according to the Rural zoning district, no single structure can be greater than 5,000 square feet. The proposal meets the minimum parking and building 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.

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. According to the Comprehensive Plan, minor commercial uses are those uses that are located on or near the intersection (access within 330 feet of the centerline of the intersection) of a local and arterial, collector and arterial, 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 #10. 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.

Finding #11. The proposed parking meets the minimum required parking in Article VII. The plans have been revised to include additional parking for up to five (5) bicycles, as was recommended during the initial review.

Finding #12. There is an adjacent residential use on the parcel located to the east. A Type "B" landscape buffer has been illustrated on the revised plans. However, the plantings proposed for the Type "B" buffer need to be reconfigured to meet planting requirements, since a buffer fence is required to be incorporated into the design. A Type "B" buffer response has been summarized within Findings #18 & #19 of this report. For general landscaping and natural area findings and recommendations, please refer to comments from Charley Schwartz with Environmental Services included as Attachment #4.

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

The application illustrates the location of the canopy road protection zone on the plan set. The plans have been revised to include the 100-ft. canopy road setback within a conservation easement.

Type “A” Review (Section 10-7.403).

Application Review Meeting and Decision by the County Administrator’s Designee. Pursuant to this section, the application review committee shall render a written recommendation to the County Administrator’s designee recommending approval, approval with conditions or denial of the application. The designee shall render a written preliminary decision within 14 calendar days from the date that the application is determined complete. Within five (5) calendar days of the decision, notice of the written preliminary decision shall be provided to the applicant and persons who submitted written comments, provided the person’s mailing address is readily ascertainable on the face of the written comments provided.

Appeals. As noted above, the County Administrator’s designee will issue a written preliminary decision (once determined complete) that 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.

Finding #14. *The written recommendation from the application review committee to the County Administrator’s Designee is to approve the application, subject to the conditions outlined in the staff reports of the application review committee. However, prior to the County Administrator’s Designee issuing a preliminary decision, the applicant shall make the required revisions within thirty (30) calendar days of the staff recommendation. Once the revisions are made and the application is determined complete, a written preliminary decision will be rendered within fourteen (14) calendar days from the date the application is determined complete. Within five (5) calendar days, the written preliminary decision will be provided to the applicant and persons who submitted written comments, provided the person’s mailing address is readily ascertainable on the face of the written comments provided.*

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 #15. Staff recommended various “design alternatives” at the March 5 review meeting. Specific standards and/or examples were suggested in an effort to be as ‘compatible as practicable’ with nearby residences and better fit the surrounding rural character. The applicant was afforded the opportunity to provide alternate treatments for staff consideration. The applicant has chosen to include the design alternatives recommended by staff as requirements and has listed these requirements on Sheet 4 of the site plan.

Finding # 16. The applicant has noted the hours of operation will be limited to help reduce the amount of light trespass and impacts on adjacent properties. However, the applicant has not indicated the store hours of operation. Will gas canopy lighting be dimmed during non-store hours? This information is useful in determining whether the proposed use would be as compatible as practical with nearby residences.

Finding #17. There are a total of four (4) fueling islands with seven (7) fueling positions included with this proposal. To help further reduce the overall scale of the development proposal, staff recommends reducing the number of fueling islands to no more than three (3). This would allow the same number of fueling positions (7), but would ultimately eliminate 30 additional feet (+/-) from the length of the gas canopy.

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 #18. 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. The width of the buffer shall be delineated on the plans. In addition to the planting requirements, an eight foot (height) opaque fence is required. The Landscape Plan notes the fence shall be an 8-ft. (height) opaque fence. The plans have illustrated the location of the proposed fence immediately adjacent to the property line.

Finding #19. Pursuant to Section 10-7.522(2) and (3), the side of the fence facing the less intensive use shall have a finished appearance (meaning... the less intensive side will not have view of support posts and rails). This requirement needs to be annotated as a condition on Sheet 7 (Landscape Plan) of the site plan. Subsection (3) states at least one-half of all required plant materials shall be installed and maintained on the side facing the less intensive use. The buffer shown along the east property line shall be revised to illustrate the 8-ft. fence with half of the required plantings on the less intense (residential) side.

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. The Department of Environmental Health has noted the proposed septic system and wells not intended for future use must be properly abandoned. The applicant is also required to