

2016-V-015

Project Name: "Navarre Grocery"
Applicant and/or Property Owner: Titan Ventures Management, LLC
Representative:
Request 1: Variance to allow fuel storage to be located within 500 feet of a residence/residential zoning district; (LDC 7.01.14.D.3.c)
Request 2: Variance to allow an additional driveway connection which will not meet the spacing requirement for lots being divided along a major arterial roadway (LDC 4.04.03.D.1. b)
Zoning District: HCD (Highway Commercial Development)

Variance 2016-V-015

Part I. General Information:

Project/Applicant:	“Navarre Grocery” / Titan Ventures Management, LLC
Representative:	
Location:	7300 block of Navarre Parkway, Navarre, FL
Parcel(s):	24-2S-27-0000-00101-0000
Zoned:	HCD (Highway Commercial Development)
Request 1:	Variance to allow fuel storage to be located within 500 feet of a residence/residential zoning district; (LDC 7.01.14.D.3.c)
Request 2:	Variance to allow an additional driveway connection which will not meet the spacing requirement for lots being divided along a major arterial roadway (LDC 4.04.03.D.1. b)
District:	Commissioner District #4
Current Conditions:	Vacant land; previously cleared for development as “Villas at Navarre” townhome project under 2006S-008.

Part II. Data and Analysis: (Consistency with the Land Development Code Criteria)

4.04.03.D Access Management Corridors -

This Section shall apply to properties that abut the roadways designated in the table below. The access classification system and standards of the Florida Department of Transportation shall apply to all roadways on the State Highway System. The designated roadways as shown in the table

All properties fronting on roadways that have been assigned an access management corridor designation shall be entitled to reasonable access to public thoroughfares. “Reasonable access” means the minimum number of connections necessary to provide safe and efficient ingress and egress to the roadway. All lots of record or parcels subject to a contract for deed or purchase, as of the respective effective date of this Section, and fronting on those thoroughfares designated in the above table, shall be entitled one (1) driveway/connection per parcel on said public thoroughfare(s). For purposes of this section, contiguous lots under single ownership shall be considered a single parcel.

When a lot or parcel is subdivided, either as metes and bounds parcels or as a recorded plat, all access to newly created lots shall be internalized using a shared circulation system via the permitted access connection(s). The number of connections to the roadway shall be the minimum number necessary to provide reasonable access, not the maximum available

for that frontage. The Planning Director may consider these factors in determining the need for multiple access connections for a development: 1) separation of standard vehicles from heavy trucks or emergency vehicles; 2) two one-way connections that in combination serve ingress and egress to the development; and 3) multiple connections enhance the safety of the abutting roadway and improve the on-site traffic circulation. Single family residential or duplex development, whether on existing lots of record or on newly created lots, shall provide for a turnaround area if a direct driveway connection is permitted to an access management roadway.

All access to outparcels shall be as direct as possible, avoiding excessive movement across parking aisles and queuing across surrounding parking and driving aisles. Access points shall not be located on major access drive aisles. Outparcels shall be served by a private access and shall provide for joint and cross access, shared parking and pedestrian interconnectivity. In addition, the developer shall make improvements to common driveways in accordance with the development’s impact as needed.

1. Access Management System and Standards

The following access management system has been developed for roadways under state and local jurisdiction.

- a. Access management standards shall be applied in accordance with the functional classification of a roadway in the table above.
- b. The spacing requirements for driveway connections for parcels located on access management corridors will be as follows:
 - 1. All roadways under State jurisdiction will meet the access management spacing requirements of the State of Florida and of Santa Rosa County. If the State of Florida requirements are less restrictive, then the requirements of Santa Rosa County may be waived at the discretion of the Planning Director and the County Engineer.
 - 2. All roadways under County jurisdiction will meet the following spacing requirements:

Roadway Classification	Connection Spacing (in feet)	
Principle Arterial (Interstate Highway)	Interchange Only	
	> 45 mph	< 45 mph
Major/Minor Arterial	660	440
Major Collector	440	245
Minor Collector	300	185

- 2. Connection spacing shall be measured from the closest edge of the pavement to the next closest edge of the pavement. Where construction plans are available

for the widening, relocation, or other improvement is indicated in an adopted transportation plan or the Florida Department of Transportation Five Year Work Program, the projected future edge of the pavement of the intersecting road shall be used in measuring connection spacing.

7.01.14 Standards Regulating Nuisances:

D. Fire and Explosive Hazards - All operations, activities and uses shall be conducted so as to comply with the performance standards governing fire and explosion hazards prescribed below. Such uses shall comply with the rules and regulations of the National Fire Code published by the National Fire Protection Association as well as Chapter 69A, "Rules of the Marshal," and Chapter 62, "Open Burning", Florida Administrative Code.

1. Detonatable Materials shall include, but not be limited to, all primary explosives, such as lead, azine, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMS, PETN, and picric acid; propellants and components therefore, such as dry nitrocellulose, black powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds, such as acidtylides, tetraoles, and ozonides, unstable oxidizing agents, such as perchloric acid, perchlorates and hydrogen peroxide in concentration greater than 35% and nuclear fuels, fissionable materials and products and reactor elements, such as Uranium 235 and Plutonium 239.
2. Fire Hazard Solids:
 - a. Light Industrial District "M-1" (or more restrictive district). The storage or utilization of solid materials which are active to intense burning shall be within spaces having fire resistive construction of no less than two hours and protected with an automatic fire extinguishing system. However, such storage or utilization is not permitted unless approved by the Building Director after consultation and approval of the Fire Department, based on standards incorporated herein specifically or by reference.
 - b. General Industrial District "M-2": In the "M-2" district the storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within the walls having a fire resistance no less than two hours or protected by an automatic fire extinguishing system or the building wall shall be no less than 25 feet from all lot lines. The outdoor storage of such materials shall be permitted no closer than 40 feet from all lot lines. However, such activity is not permitted unless approved by the Building Director after consultation and approval of the Fire Department based on standards incorporated herein in specifically or by reference.
 - c. No open burning shall be conducted at debris disposal facilities without prior approval from the state enforcement agencies (Department of Environmental Protection and/or Division of Forestry) and the County.

future modification to this section of the Ordinance as it relates to underground fuel tanks and gas stations.

The applicant is also seeking relief from the section of the Ordinance which regulates the number of connections as well as the minimum spacing requirement for driveway connections for development along classified roadways. The owner intends to divide the property into several parcels. The proposed second access point at the eastern portion of the project area does not meet the required spacing of 440 feet between connection points. It would serve as ingress/egress for the new parcel adjacent to the east and would be directional only, allowing right-in and right-out maneuvers to Navarre Parkway. The full-access connection will be located further west and will align with the median opening. A traffic signal is also proposed at the main entrance. Staff believes that a right-in access would be appropriate; however, a right-out connection would create additional conflict points by (a) allowing traffic to exit the site directly into a deceleration lane; and (b) placing the connection in such close proximity to the existing left-turn lane located in the median.

FDOT initially agreed to allow a right-in only at their pre-application meeting on November 12, 2015. The applicant requested a design variance to this requirement and was granted a conditional approval on February 1, 2016. For development within Santa Rosa County, the Ordinance applies the more restrictive requirements. This can be waived by the Planning Director and the County Engineer, else a Variance may be requested. The Planning Director and County Engineer agreed to approve the right-in connection but not the right-out. Therefore, a Variance is being requested.

2. The variance is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.

Is this criterion met? No

Staff Analysis: The Variance requests to allow the additional connection and to allow the underground fuel storage tanks are not necessary for the preservation and enjoyment of a substantial property right and are merely a convenience to the property owner.

3. The authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of Santa Rosa County.

Is this criterion met? No

Staff Analysis: It is not anticipated that the authorization of either Variance will impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area.

It is unknown to the extent the authorization of the Variance to the access management standards will impair the public safety. The spacing standards were put in place to minimize the potential conflicts and enhance the safety of the roadway. The easternmost connection does not meet the minimum spacing requirements for the main entrance into the development of for the residential development to the east.

It is unknown to the extent of the danger to the adjacent residential uses the authorization of the Variance to allow the underground storage tanks would have on the residential uses. The storage tanks would be located at least 375 feet from the nearest residential structure.

4. The variance will not impair the intent of the zoning ordinance or zoning district map.

Is this criterion met? No

Staff Analysis: If authorized, the Variances requested will impair the intent of the zoning ordinance. Access management standards were adopted to provide safer roadways. Variances to eliminate or decrease these standards are not consistent with the Ordinance.

5. To permit the reduction of parking or loading requirements whenever the character or use of a building is such as to render unnecessary the full provision of parking or loading facilities as specified herein or whenever the strict enforcement of such provision would impose an unreasonable hardship as contrasted with merely granting an advantage or convenience.

Additionally, variances from access management connection standards may be granted where the effect of the variance would be to enhance the safety or operation of the roadway.

Is this criterion met? No

Staff Analysis: Santa Rosa County staff anticipates that the proposed request for the eastern driveway connection as presented will negatively affect the safety and or operation of the roadway. Staff believes that a right-in *only* access would be more appropriate rather than allowing vehicular traffic to exit the site in such close proximity to the existing left-turn lane located in the median and minimize the conflict points within this area.

FDOT initially agreed to allow a right-in only at their pre-application meeting on November 12, 2015. The applicant requested a design variance to this requirement and was granted a conditional approval on February 1, 2016.

Part III. Additional Considerations

If the Variance is approved, are there any potential building code issues?

N/A

Pre-Application Review

**THIS REVIEW MAY NOT BE USED AS A BASIS FOR PERMIT APPROVAL
THIS REVIEW IS VOID SIX MONTHS FROM DATE BELOW.**

State Road No.: 30 Section No.: 58030 County: Santa Rosa Roadway Class: 3

Connection Category: C-D Approximate M.P. 14.700 Posted Speed: 55 MPH

Permit Number or type development: Large Grocery Store Development

Applicant Name: Unknown

Civil Engineer: Lucas Anthony P.E.

People in attendance: Lucas Anthony (Bowman Consulting Group) Tamm Melchi (FDOT D-3 Traffic Ops), Ed Gassman, (FDOT D-3 Traffic Ops), Michael Proctor (FDOT Milton Ops), Justin Jeanneret (FDOT Milton Ops) Mark Bonifay (SRC Engineers.)

A Pre-Application Review was held Nov 12, 2015 at 2:00 PM (FDOT Milton Office)
Date (On-site, Maintenance Office, etc.)

We approve the concept as presented with the following considerations.

We disapprove the concept as presented with the following considerations.

We approve the concept as submitted and invite you to submit a permit application to the local maintenance Office with engineering drawings that reflect the concept approved here. Please include a copy of this letter with the application.

You may continue the review of this concept with the following considerations.

This review **DOES** include drainage design considerations.

This review **DOES NOT** include drainage/design considerations.

If you disagree with this decision, you may contact Mr. David Wilks P.E. Maintenance Program Manager, FDOT-Milton Operations Center, at (850) 981-3000. Mr. Wilks will instruct you on the process for an appointment with our District Three Access Management Variance Committee.

Please include a copy of this letter with any correspondence concerning this issue.

Favorable review of the proposal generally means that you may develop plans complying with the review comments and submit them, within six months, to the Department for permit processing. When permit requests are submitted subsequent to a Pre-Application Review, Department permits personnel have the duties of checking the viability of the design plans in terms of standards compliance and constructability. In keeping with the spirit of the Rule, the Department will attempt to abide with review comments favorable to your plan to the extent that necessary discretion is available to the Permits Engineer. Unfavorable review generally means that a permit application based on the proposal would likely be denied.

SEE 2ND PAGE FOR CONDITIONS/COMMENTS...

Conditions/Comments: Proposed development is located on the north side of State Road (SR) 30, Hwy 98 Navarre Pkwy. The existing roadway design is rural, multi-lane highway with restrictive median openings. There is an existing median opening at Joybrooke Rd., with turn lanes in both directions and an existing right turn lane into the parcel. The developer is proposing to build a Large Grocery Store and is requesting a Traffic Signal and two driveway connection to SR 30, Hwy 98.

- Minimum spacing connections is 440' on Hwy. 98 (SR 30), (minimum allowable distance between conforming connections, measured from the closest edge of pavement of the proposed connection to the closest edge of pavement along the edge of the traveled way).

Given the existing roadway design and access Management Criteria (F.A.C. 14-97.003), the Department will consider and /or require the following:

- Provide a Signal Warrant Analyses for the proposed Traffic Signal at Joybrooke Rd.
- Do not construct the Traffic Signal until the traffic is warranted for the development.
- Provide a Driveway connection plan for the entire site build-out.
- Construct a commercial driveway connection aligned with existing median opening at Joybrooke Rd.
- Construct a right in only driveway connection east of proposed commercial driveway, meeting driveway minimum spacing requirements
- Construct right turn lane for both driveway access, maximizing right turn lane at the Traffic Signal
- Construct 5' designated bike lane and 5' paved shoulder along right turn lane.
- Driveway Connection Fee is required. (Amount depends on proposed trip generation from the most current ITE Code Book).
- A legible aerial survey of SR30 (Hwy 98) (labeling all existing roadway characteristics and roadway connections) will suffice as a 660' survey.
- This project is currently within an active FDOT resurfacing project. If construction schedules for the proposed driveway occur during the same time frame as FDOT Construction Project, a letter of NO OBJECTION will be required PRIOR to commencement of work within State right of way. Contact either FDOT Project Manager, Dominic Richard @850-981-2804 /850-698-9148 OR FDOT Consultant Project Administrator Chad Franks @ 850-484-6011. Reference FDOT FIN# 421644-2-52-01.
- The applicant will provide documentation by a Professional Engineer register in the State of Florida that construction was accomplished in accordance with the requirements set out in the permit. This documentation shall include a statement that necessary inspections, test, and physical measurements have been made, that construction was accomplished in accordance with the design information included with the connection permit in accordance with Rule Chapter 14-96, F.A.C., and that all materials entering into the work conform to the specifications in the connection permit, conform to the applicable specifications contained in the Standard Specifications for Road and Bridge Construction, 2000 edition as amended, or otherwise conform to or meet generally accepted professional practices. The Record Drawings Report by Permittee's Professional Engineer, Form 850-040-19, shall be used for this purpose.
- Drainage for the development will need to meet Florida Administrative Rule 14-86...post

development shall not exceed pre-development...Submit an FDOT Drainage Permit or submit a signed/sealed Drainage Exemption/Disqualification statement with supporting data. i.e., contour lines, proposed Storm Water Plan Sheet.

***** Permits are to be submitted to FDOT office in 6025 Old Bagdad Hwy. Milton, FL 32583.**

Michael Proctor
Printed name of Reviewer

Signature of Reviewer

**cc: Heidi Taylor, Maintenance Manager/Permits
David Wilks, Maintenance Program Manager
Other: Marc Bonifay, Leslie Statler Santa Rosa Co., Planning & Development
File**



Florida Department of Transportation

RICK SCOTT GOVERNOR

1074 Highway 90 Chipley, FL 32428

JIM BOXOLD SECRETARY

February 1, 2016

Lucas Anthony Bowman Consulting Group 4450 W. Eau Gallie Boulevard Suite 232 Melbourne, FL 32934

Re: Request for driveway variance for grocery store development SR 30 - Navarre Santa Rosa County

Variance Request: Right-in/Right-out East driveway connection as proposed.

Avg. Variance From Standard Spacing (%): 19%

The request is: Approved { } Disapproved { } Conditionally Approved {X}

Comments: Meet requirement for shared access/joint use agreement.

With the above ruling I:

Signature table with names: Jared Perdue, P.E. District Design Engineer; Tim Smith, P.E. District Intermodal Systems Development Manager; Steve Benak, P.E. District Traffic Operations Engineer. Includes 'Agree' and 'Disagree' columns with checkmarks and dates of February 1, 2016.

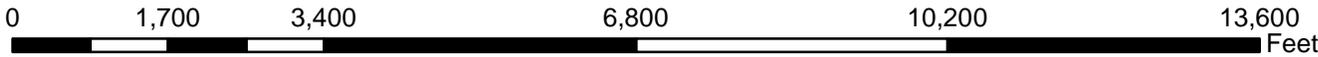
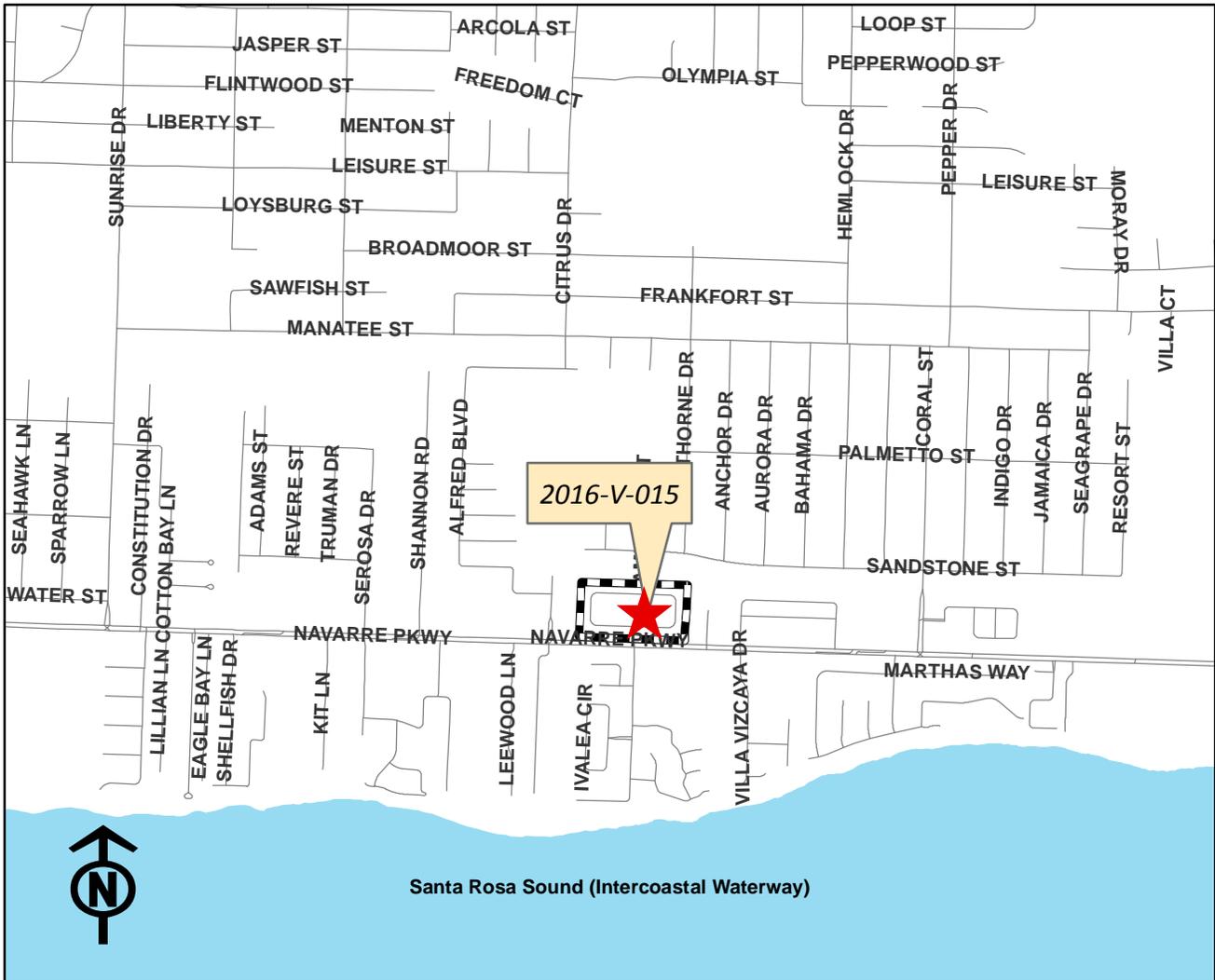
Your attendance before this committee is appreciated as we strive to ensure that all concerns and issues are considered in the decision process.

THE DISTRICT ACCESS MANAGEMENT REVIEW COMMITTEE

cc: Tommy Barfield, Phillip Gainer, Jason Peters

2016-V-015

Location

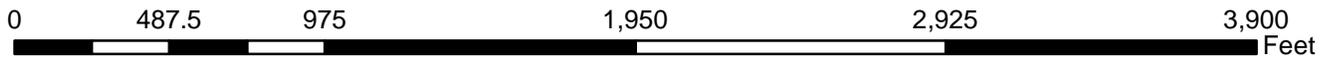
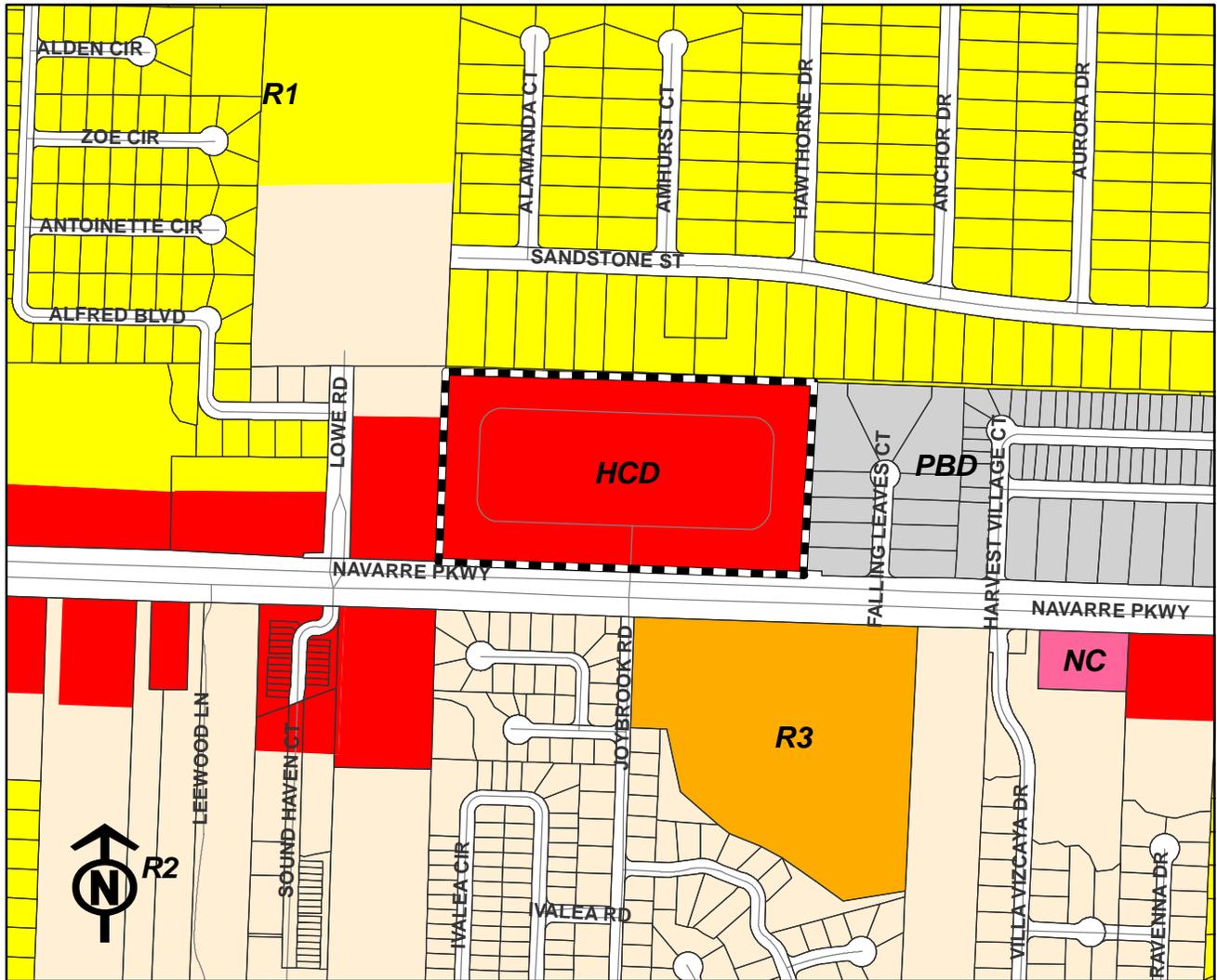


Legend

-  Pending Mar ZB
-  Streets

Disclaimer:
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2016-V-015 Zoning District

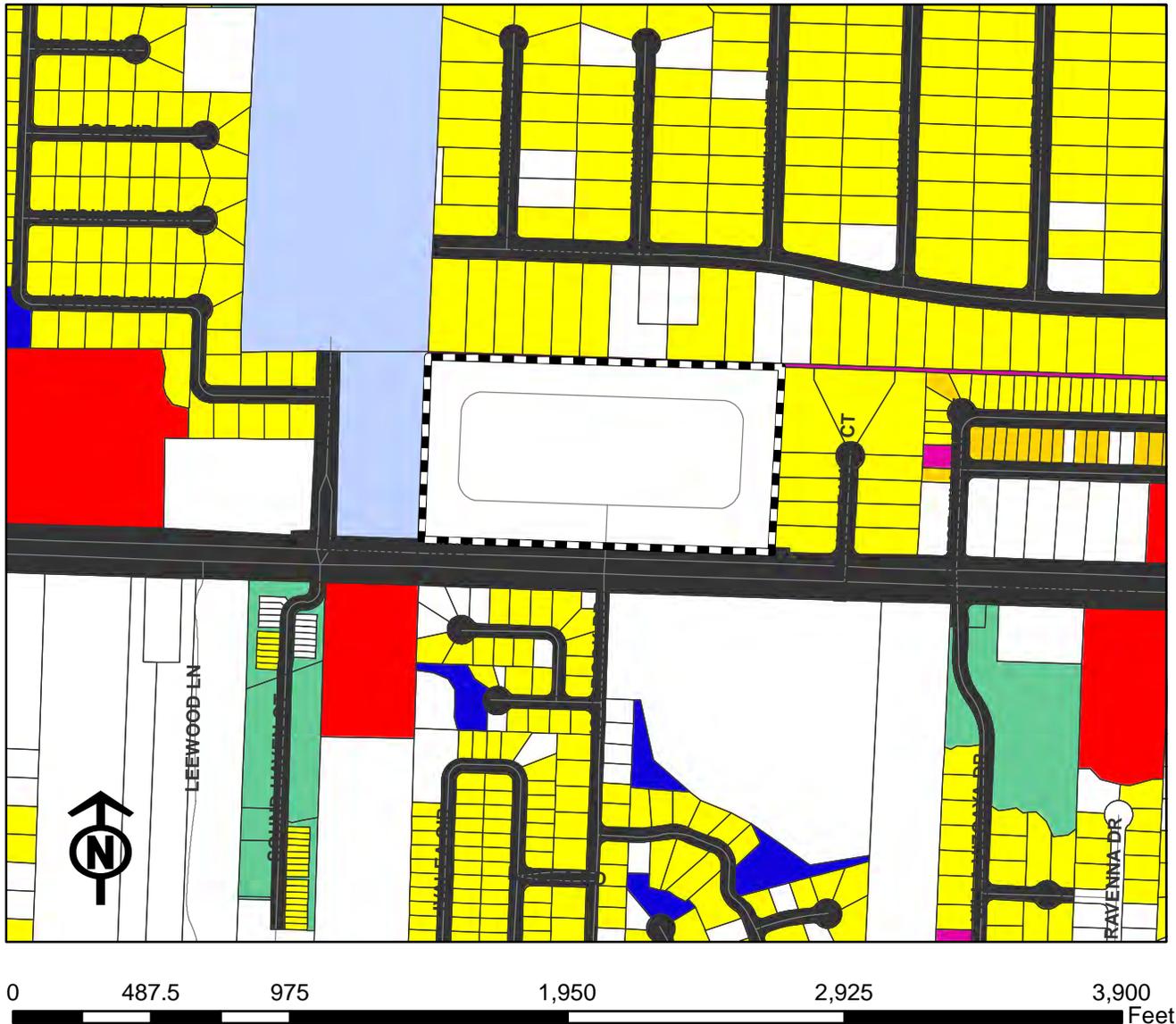


Legend

Pending Mar ZB	HCD-APZ or CZ	NB-CON/REC	P2-APZ or CZ	R2
Parcel Lines	HCD-HON	NB-HD	P2-HON	R2-APZ or CZ
Streets	HNB	NB-MD	PBD	R2-HON
AG-RR	HR1	NB-MHD	PID	R2M
AG-RR-APZ1; AG-RR-APZ2; AG-RR-CZ	HR2	NB-PMUD	PUD	R2M-APZ or CZ
AG1	M1	NB-SF	R1	R3
AG2	M1-APZ or CZ	NB-U	R1-APZ or CZ	RAIL
AG2-APZ or CZ	M1-HON	NC	R1-HON	RR1
C1M	M2	NC-APZ or CZ	R1A	RR1-APZ or CZ
C2M	M2-APZ or CZ	NC-HON	R1A-HON	STATE
CITY	MID	P1	R1M	STATE-APZ or CZ
HC1	MIL	P1-HON	R1M-APZ or CZ	TC1-HON
HCD	NB-C	P2	R1M-HON	WATER

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2016-V-015 Existing Land Use

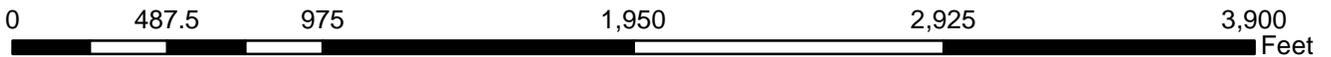


Legend

Pending Mar ZB	Commercial (COMM)	Recreation/Commercial (REC/COMM)
Parcel Lines	Industrial (INDUS)	Recreation/Open Space (REC/OS)
Streets	Institutional (INST)	Right of Way (ROW)
Existing Land Use	Multi-Family Residential (MFR <5)	Single Family Residential (SFR)
Category	Multi-Family Residential (MFR >5)	Silviculture (SILVICUL)
Agriculture (AG)	Military (MIL)	Uncategorized (UNCAT)
Agriculture, Homestead (AH)	Mixed Residential/Commercial (MRC)	Utilities
Condo's/Townhomes (C/T)	Office	Vacant
City	Public Owned Property (POP)	Water
	Rail	

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2016-V-015
Aerial

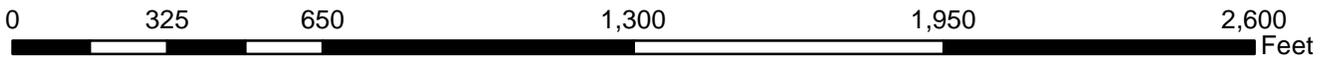


Legend

-  Pending Mar ZB
-  Parcel Lines
-  Streets

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2016-V-015
Aerial, Closer View



Legend

-  Pending Mar ZB
-  Parcel Lines
-  Streets

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Beckie Cato, AICP
Planning and Zoning Director

Santa Rosa County Development Services

Santa Rosa County Public Service Complex
6051 Old Bagdad Highway, Suite 202 Milton, Florida 32583
www.santarosa.fl.gov
Office: (850) 981-7000



Rhonda C. Royals
Building Official

JAN 19 10 16 AM '12

Variance Application

* Application Instructions begin on Page 5

For Official Use Only			
Application No.	<u>2016-V-015</u>	Date Received:	<u>12/31/16</u>
Review Fee:	<u>\$235 + 40.48</u>	Receipt No.:	<u>31</u>
Zoning District:	<u>HCD</u>	FLUM Designation:	<u>Comm</u>

± 17.945

VD# 4

Property Owner Property Owner Name: Titan Ventures Management, LLC

Address: 119 North Palafox Street

Pensacola, FL 32502

Phone: 850-449-8035 Fax: _____

Email: dauid@htowerlaw.com

Applicant Check here and skip this section if the applicant is the Property Owner. Otherwise, complete this section and provide authorization from the Property Owner giving the Applicant the authority to pursue variance approvals.

Company: _____

Contact Name: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Information Parcel ID Number(s): 24-2S-27-0000-00101-0000
-OR-

Street Address of property for which the Variance is requested:

north side of SR 31 at Joybrook Road XXXX block of Navarre Hwy,
Navarre, FL 32566

Variance Request What is the present use of the property? Vacant.

Please describe the requested variance, including exact dimensions and purpose of the variance.
Variance to LDC 7.01.14.D3.c requiring 500 feet between gas tanks and residential district and variance to LDC 4.04.03.D1.b requiring 440 foot spacing between driveway on a major arterial with posted speed >45mph

Please describe the special circumstances or conditions that apply to the building or land in questions which necessitate the variance request.
See attached.

Are the special conditions or circumstances described above the result of a proposed or prior action of the applicant? Yes _____ No X
Please explain why the literal enforcement of the provisions of the Land Development Code will result in unnecessary hardship.
See attached.

Variance Provisions And Criteria
Do you currently have a Code Enforcement Violation which pertains to this Variance request? Yes No
I understand that all decisions made by the Zoning Board of Adjustment are subject to appeal and that their decision does not become effective until the appeal time has successfully passed. Yes No
I understand that approval by the Zoning Board of Adjustments does not authorize construction and/or land clearing to occur on this site and that additional approvals and Building Permits may be required. Yes No
I understand that determinations by the Zoning Board of Adjustment are valid for 36 months. Yes No

Certification and Authorization

By my signature hereto, I do hereby certify that the information contained in this application and the required supplemental materials is true and correct, and understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application. I do hereby authorize County staff to enter upon my property at any reasonable time for purposes of site inspection.

David Hightower
Applicant Name (Type or Print)
Manager / Owner
Title (if applicable)


Applicant Signature
12/29/2015
Date

December 18, 2015
Project #010135-01-009

Leslie Statler
Development Review Supervisor
6051 Old Bagdad Highway, Suite 202
Milton, FL 32583

RE: Variance Application
Proposed Grocery – North Side of Navarre Parkway and Joybrook Road

Leslie:

This letter is being submitted along with the Variance Application for the referenced project. This Application is being submitted concurrently with the Site Plan and Minor Subdivision applications.

Two variances are being requested in order to develop the site as proposed, they are as follows:

1. Code Section LDC 7.01.14.D3.c requires 500 feet of separation between proposed gas tanks and residentially zoned property. The applicant is requesting a variance of 280 feet to allow for a reduced separation of approximately 220 feet from the residentially zoned property; and
2. Code Section LDC 4.04.03.D1.b requires 440 feet of separation between driveway connections. The applicant is requesting a variance of 85 feet to allow for a reduced driveway separation of approximately 355 feet.

As more fully set forth, below, the applicant maintains that its proposal meets the requisite conditions for securing a variance under the Santa Rosa County Land Development Code, as follows:

Variance #1: 500-foot separation between gas tanks and residential property

1. *Are there special circumstances or conditions applying to the building or land in question that are peculiar to such property and do not apply generally to other land or buildings in the vicinity?*

Yes. The property in question is currently zoned HCD (Highway Commercial), which permits the development of fuel stations as a matter of right. Additionally, this site is surrounded on all sides by residential zoning. There is no location on site that would allow for the placement of gas tanks more than 500 feet from existing residential uses.

2. *Is the variance necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant?*

Yes. Without a variance, the property owner would be unable to develop its land with a fuel station, which is a use that is permitted by right per the provisions of the HCD zoning district.

3. *Will authorizing the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of Santa Rosa County?*

No. The construction and operation of the fuel station and associated tanks – a use that is permitted by right in the HCD zoning district – will comply with all governmental regulations for the proposed use (other than the two requested variances). The location of gas stations in close proximity to residential uses is not uncommon on the Navarre Parkway corridor. For example, similar scenarios exist within one mile of the site (both east and west along Navarre Parkway), where gas stations are located adjacent to residential uses. Any secondary effects emanating from approval of the requested variance would be no more detrimental than those associated with the existing, similar uses along this commercial corridor.

4. *Will the variance impair the intent of the zoning ordinance or zoning district map?*

No. The intent of the HCD zoning district is “to provide for a wide range of uses in appropriate and easily accessible locations adjacent to major transportation corridors and having access to a wide market area. This district is intended to be situated along selected segments of major thoroughfares in the vicinity of major intersections. Automobiles and other vehicular service establishments, motels and hotels, business and professional offices, general retail and eating and drinking establishments, primarily characterize this district.” Given the location of the property on Navarre Parkway / US 98, the proposed fuel station use is entirely consistent with the intent of the HCD zoning district. In this particular situation, a strict interpretation of Section 7.01.14.D3.c of the Land Development Code would prohibit a use allowed by right in the HCD zoning district and would be contrary to the stated intent of the district.

Variance # 2: 440-foot Separation between Driveway Connections

1. *Are there special circumstances or conditions applying to the building or land in question that are peculiar to such property and do not apply generally to other land or buildings in the vicinity?*

Yes. In order to allow customers the ability to leave the site and travel eastbound on Navarre Parkway, a traffic signal is proposed at the intersection of Joybrook

Road. This signal will also serve the residents of Joybrook Road and allow for safer left turns entering and exiting their community. Because Joybrook Road is the only reasonable location for a traffic signal at this site, there is not enough distance to allow 440' of separation between the signal and proposed eastern driveway. Moving the eastern driveway further east would force it closer to existing homes; additionally, it would create the same separation problem with Falling Leaves Court.

2. *Is the variance necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant?*

Yes. In order to be marketable to a new grocery tenant, the traffic signal is necessary to permit customers safe, convenient and easy access to the site. Without the installation of a traffic signal at Joybrook Road, the separation requirement could be met. Additionally, by providing a signal at this location, the residents of Joybrook Road will benefit from safer, more convenient access to their homes.

3. *Will authorizing the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of Santa Rosa County?*

No. The applicant has agreed to provide cross access in perpetuity to the proposed outparcel on the east side of the grocery store. By approving this variance, the driveway will serve multiple users and provide the added benefit of being further from the existing homes on Falling Leaves Court. If 440' were provided from the proposed signal, the outparcel driveway would be directly on the eastern property line, which would be less favorable to the existing residents than having it 185 feet away (as currently designed).

4. *Will the variance impair the intent of the zoning ordinance or zoning district map?*

No. The property is zoned HCD (Highway Commercial), which permits grocery sales by right within that zoning district. Approval of the variance would allow a currently vacant parcel to be developed, without impairing the intent of the zoning district.

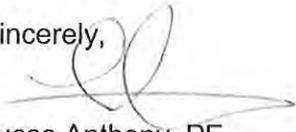
5. *Would the proposed variance from the access management connection standards enhance the safety or operation of the roadway?*

No. The installation of a traffic signal at this location will provide for safe and orderly ingress and egress to the proposed grocery store as well as for the residents of Joybrook Road. Vehicles approaching the signal will often be slowing down by the time they reach the first (eastern) driveway and are likely to be traveling at less than the posted 45 mph speed. Although the proposed driveway does not meet the 440-foot spacing requirement, its proposed location

is appropriate when considered in conjunction with the location of the signal which will serve to slow traffic down and allow the driveway to function as intended. Approval of this variance will provide safe and convenient ingress/egress for both the future outparcel and grocery use. Restricting the development to only one driveway would create a situation where outparcel users would use the grocery parking lot as a "cut-through" to get to the signal to leave the site. This would create an unsafe condition in the parking lot. Non-approval of the variance could have the unintended consequence of forcing the outparcel driveway to be located directly adjacent to the western property line of existing homes on Falling Leaves Court.

If you should have any questions or require additional information, please do not hesitate to contact me at our Melbourne office at (321) 270-8995 or Kai Burk at (470) 206-8030. Thank you.

Sincerely,



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