



Triple Diamond Commerce Plaza/PGT Childcare

Preliminary Plat Amendment Petition Number: 01-03PP.2 Site and Development Plan Amendment Petition No. 05-07SP.2 Staff Report

Owners: PGT Industries, Inc.

Knights Trail Business Suites Bldg B Condo Assn. Inc. (preliminary plat amendment only)

Agent: D. Shawn Leins, AM Engineering, Inc.

Parcel ID #s: 0377-16-0001

0000-00-8429 and 0377-16-0000 thru 0377-16-0013 (preliminary plat amendment only)

Addresses: 101 Triple Diamond Boulevard

103 Triple Diamond Boulevard (preliminary plat amendment only)

Parcel Size: 4.3± acres (preliminary plat amendment); 2.5± acres (site & development plan amendment)

Zoning District: Planned Industrial Development (PID)

Future Land Use Map Designation: Industrial-Commercial

Summary of Proposed Preliminary Plat Amendment:

- 1) In 2016 PGT Industries acquired a portion of Lot 52 in the Triple Diamond Commerce Plaza. The proposed preliminary plat amendment is a replat of Lot 52 into two lots (Lots 52A and 52B) to reflect the current ownership of the subject property.
- 2) A reciprocal easement agreement is proposed between the above cited owners for shared use of driveways and utilities. The agreement will need to be fully executed and recorded prior to approval and recordation of the final plat.
- 3) The application includes a variance or code modification from Section 86-132(h)(3) to reduce the minimum landscaped open space on proposed Lot 52B from 20% to 16.3%.

Summary of Site and Development Plan Amendment:

- 1) The applicant (PTG Industries, Inc.) proposes a 10,231 square foot childcare facility. The facility is expected to accommodate a maximum of 148 children. The facility is comprised of three buildings and will be developed in two phases. The first phase will include two buildings with a combined floor area of 6,967 square feet; the third 3,264 square foot building will be the only phase two improvement.
- 2) Other proposed improvements include an outdoor play area, ten new off-street parking spaces and a child drop-off lane.
- 3) The project makes use of existing improvements on the site with include a driveway and off-street parking, utilities and stormwater facilities, and landscape buffering.

Stipulation: Site and Development Plan approval is contingent on approval and recordation of the final plat associated with Preliminary Plat Amendment Petition No. 01-03PP.2

Concurrently Processed Petition: Zoning Text Amendment Petition No. 17-01AM

I. INTRODUCTION/SUMMARY FINDINGS OF FACT

In support of its employee retention efforts, PGT Industries, Inc. proposes a childcare facility in the Triple Diamond Commerce Plaza. The company initiated its efforts through the acquisition of part of Lot 52 in the Triple Diamond Commerce Plaza. The resulting dual ownership of the lot necessitated the subject preliminary plat amendment to officially record the ownership split of the lot.

In addition, the company retained AM Engineering, Inc. to prepare the subject site and development plan amendment for a two-phase childcare facility intended to accommodate 148 children at build-out. The project makes use of existing improvements on the site (driveway and off-street parking, utilities and drainage facilities) which were put in place to support a second commercial building associated with the original site and development plan which was subsequently not built.

Based on the planning analysis provided in Sections III and V of this report, staff has made the following findings regarding the preliminary plat amendment and site and development plan amendment petitions.

- 1) **Findings of Fact (Comprehensive Plan):** *Based on analysis provided in Sections III and V of this report, there is sufficient basis to find the preliminary plat amendment and the site and development plan amendment consistent with the comprehensive plan.*
- 2) **Findings of Fact (Land Development Code):** *Except for one requested code modification, the proposed preliminary plat amendment comply with the Land Development Code (LDC) subdivision standards and all other applicable LDC standards. The proposed site and development plan amendment complies with all applicable LDC standards.*
- 3) **Findings of Fact (Triple Diamond Commerce Plaza PID):** *The preliminary plat amendment and the site and development plan amendment complies with all applicable Triple Diamond Commerce Plaza PID development standards.*
- 4) **Findings of Fact (Concurrency):** *No concurrency issues related to public facilities have been identified. Issuance of a certificate of concurrency will be required in coordination with approval of the final plat and site and development plan.*

II. SUBJECT PROPERTY/SURROUNDING AREA INFORMATION

Background – Preliminary Plat:

On November 13, 2001, City Council approved Preliminary Plat Petition No. 01-03PP for the Triple Diamond Commerce Plaza. Consistent with the PID zoning for the project, the master planned industrial park was originally approved for 54 lots and one large tract.

On July 12, 2005, City Council approved Preliminary Plat Amendment Petition No. 01-03PP.1 which platted the large tract into 13 additional lots, including two cul-de-sac streets, resulting in the current total of 67 lots in the Triple Diamond Commerce Plaza.

Background – Site and Development Plan:

On June 7, 2005, the Planning Commission approved Site and Development Plan Petition No. 05-07SP. The project located on the original Lot 52 was for two commercial buildings with a combined floor area of 52,750. All of the approved site improvements were constructed except for one of the two buildings. The proposed childcare facility is situated at the same location intended for the second commercial building which was not developed.

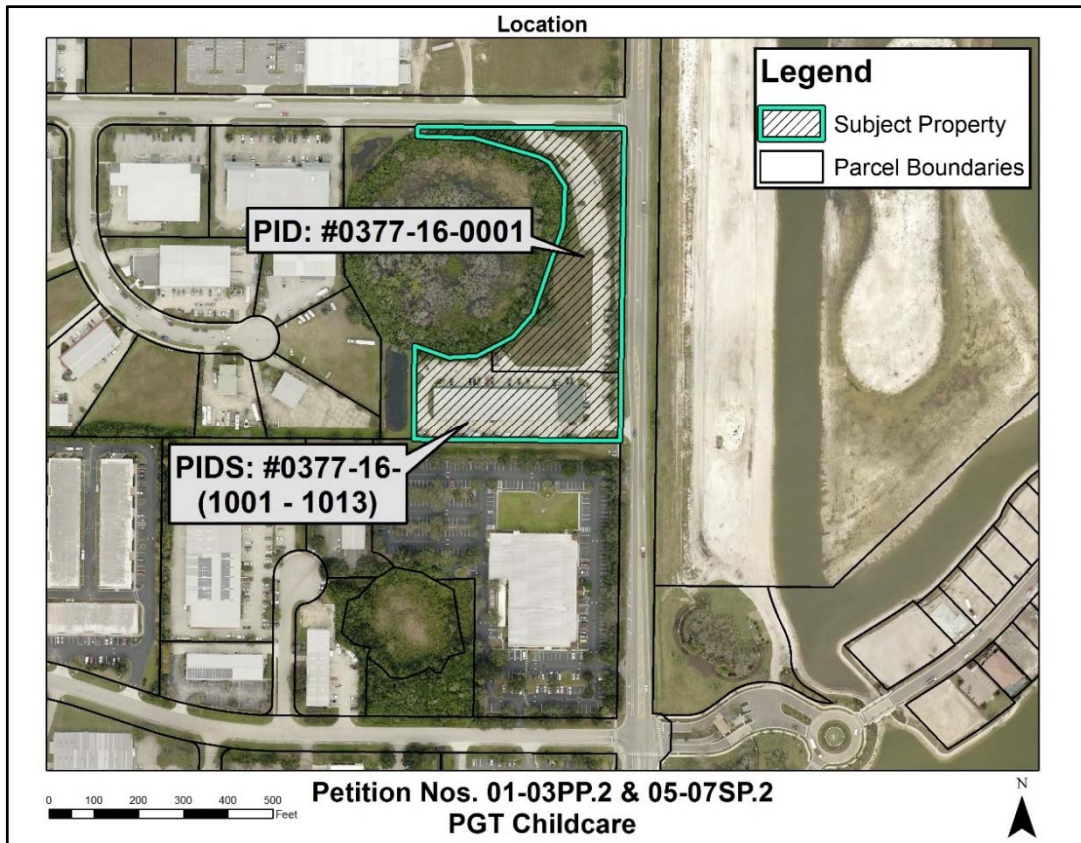
On February 20, 2007, Site and Development Plan Amendment Petition No. 05-07SP.1 was administratively approved allowing a grass emergency egress to Knight's Trail Road on the southern portion of the site to be converted to a paved right-turn exit only driveway.

Surrounding Property Information:

Existing uses, current zoning and the future land use designations of surrounding properties are provided in the following table. Map 1 on the next page is aerial photography showing the existing land use of the subject and surrounding properties and a series of photos which show current on-site conditions of the subject property.

Direction	Existing Land Uses	Existing Zoning Districts	Future Land Use Map Designations
North	Vacant lot in Triple Diamond Commerce Plaza	Planned Industrial Development (PID)	Industrial-Commercial
West	Wetland and drainage facility	PID	Industrial-Commercial
South	Office building (Nielsen) in Laurel Interchange Business Center	PID	Industrial-Commercial and Industrial
East	Knights Trail Road and undeveloped tract in Toscana Isles PUD	Planned Unit Development (PUD)	Knights Trail Neighborhood (Planning Area K)

MAP 1: Aerial Photograph/Existing Land Use



Existing commercial
condominium building on
proposed Lot 52B



Existing parking on
childcare facility site (Lot
52A) with driveway access
onto Triple Diamond Blvd.



Location of proposed
childcare facility with the
commercial condo building
in the background

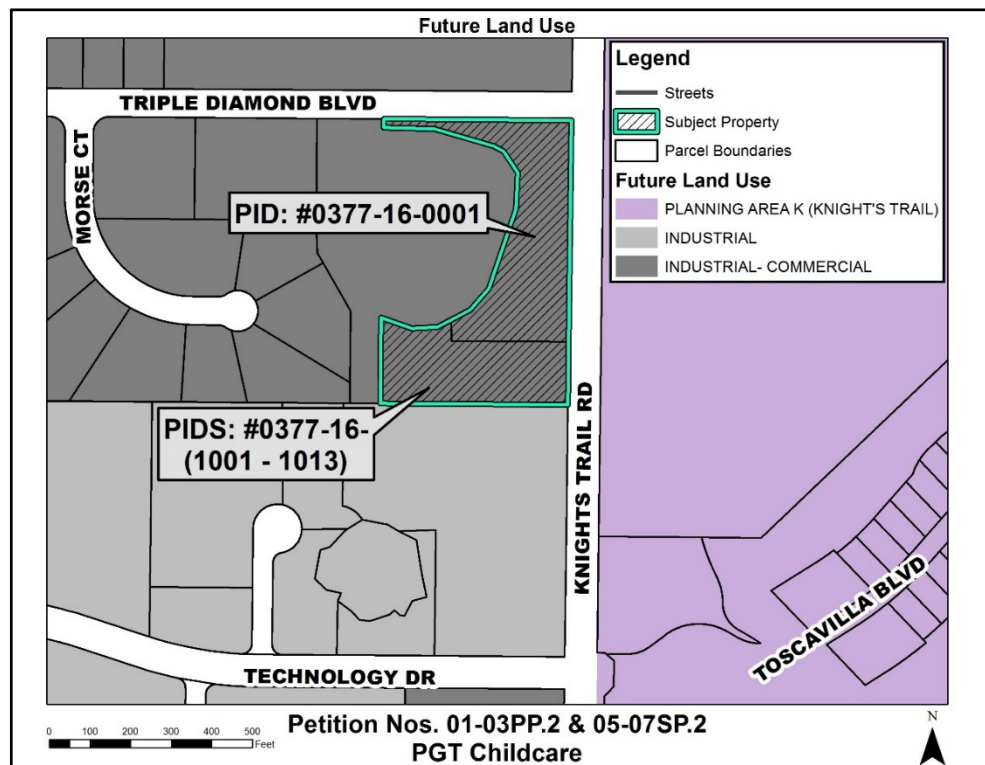
Flood Zone Information:

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property with a Zone X flood designation. The Zone X designation is for areas with minimal flood hazard and as such is not a Special Flood Hazard Area subject to base flood elevation requirements. Development of the property will be required to comply with all applicable FEMA requirements.

Future Land Use:

Map 2 shows the subject property having a future land use map designation of Industrial-Commercial. This designation is planned for activity centers that include a mix of commercial businesses, retail operations, offices, manufacturing, wholesaling, storage, and distribution/shipping facilities, and workforce housing by conditional use. The total square footage of industrial-commercial uses shall not exceed a floor area ratio (FAR) of 2.0.

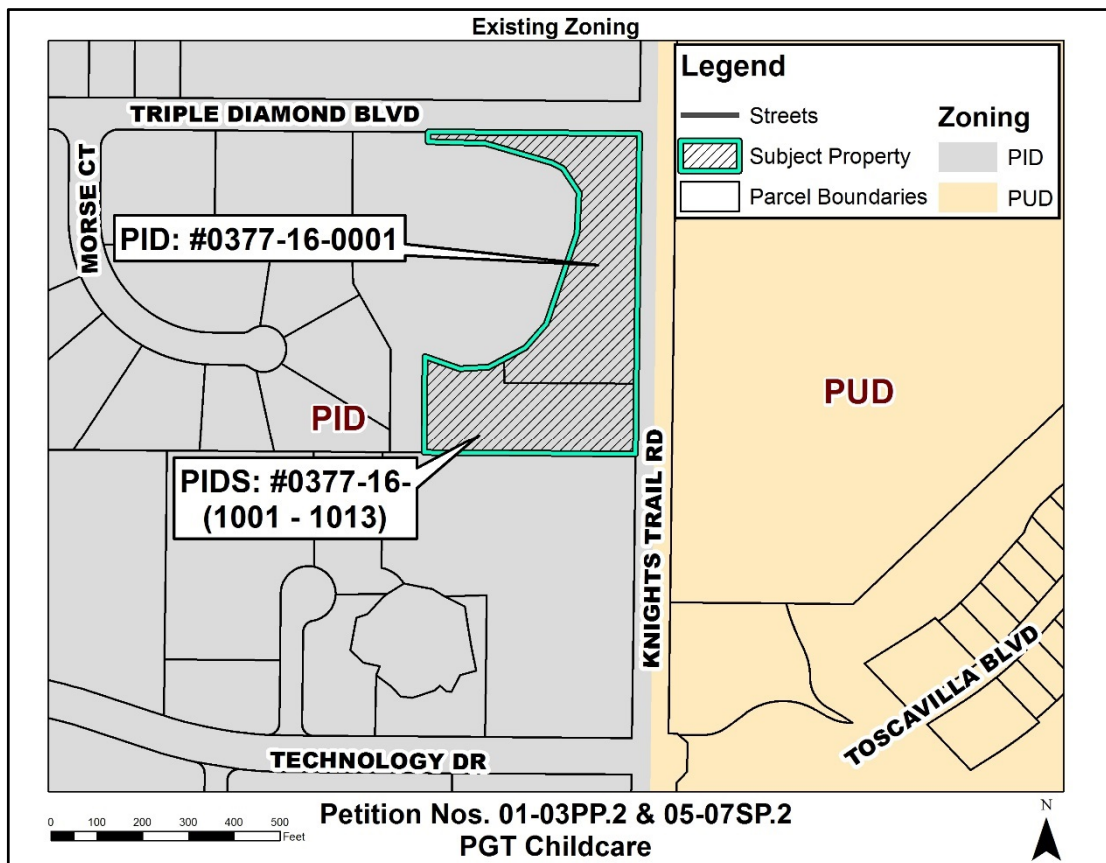
MAP 2: Future Land Use Map



Existing Zoning:

Map 3 shows the existing zoning of the subject and surrounding properties. The subject property is zoned Planned Industrial Development (PID). Section 86-132(a) specifies the PID district is intended to be used for industrial activity, promoting thereby, more efficient and economical land use, harmony in physical design and industrial relationships, variety and amenity in industrial development, and protection of adjacent and nearby existing and future nonindustrial uses and activities.

MAP 3: Zoning Map



III. PRELIMINARY PLAT AMENDMENT REVIEW

a) Overview of the Proposed Preliminary Plat Amendment:

A set of preliminary plat amendment drawings and boundary survey of the subject property were submitted by AM Engineering, Inc. This staff report is based upon the review of these plans as well as other documents submitted as part of the preliminary plat amendment application. The plans were reviewed for consistency with the Comprehensive Plan, compliance with the subdivision standards and all other applicable standards in the Land Development Code, compliance with the Triple Diamond Commerce Plaza PID development standards, and code requirements for Concurrency Management.

The applicant is requesting Planning Commission recommendation to approve the subject preliminary plat amendment. The applicant proposes to replat or subdivide Lot 52 of the Triple Diamond Commerce Plaza into two lots. Lot 52 has a lot area of approximately 4.3 acres. The proposed replat will create a 2.5-acre Lot 52A and a 1.8-acre Lot 52B. PGT Industries, Inc. owns Lot 52A and this lot is the location for the concurrently processed site and development plan amendment application for a childcare facility. The existing Knights Trail Business Suites is located on Lot 52B.

The shared lot line separating lots 52A and 52B runs through the Knights Trail Business Suites' parking drive aisle and also extends across existing utility lines. Access to, and use of these shared facilities, is accommodated by a proposed reciprocal easement agreement between the owners of the Knights Trail Business Suites and PGT Industries, Inc. The agreement will need to be fully executed and recorded with the recordation of the final plat.

No infrastructure improvements are required for the preliminary plat amendment. Vehicular access, master planned drainage facilities, sanitary sewer and water lines, and landscape buffering are already in place.

Requested Code Modification:

Code Section 86-230(d) – This section provides for allowances for modifications of LDC requirements associated with a preliminary plat submittal under certain circumstances, and reads as follows: *“Whenever the tract to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions, that the strict application of the requirements contained in this chapter would result in unusual difficulties or substantial hardship or injustice, city council, after report by the planning commission, may vary or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that, at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of this chapter preserved.”* In practice, this provision is similar to the approach to site and development plans with modification of zoning code standards that are processed as a special exception or a rezone to a PUD designation that allows modification of typical code standards through the zoning process.

The applicant has requested a code modification from Section 86-132(h)(3) which requires that a minimum of 20% of area of PID-zoned lots have landscaped open space. The requested code modification is to allow 16.3% of lot 52B to be landscaped open space. The applicant notes that 36.6% of the combined area of lots 52A and 52B is landscaped open space. This is because over half (51.2%) of the area of lot 52A is designated as landscaped open space.

Action on the requested code modification can be based on the following findings:

1. The requested code modification will allow the applicant to develop the property in a reasonable manner,
2. The public welfare and interests of the city and surrounding area are protected, and
3. the general intent and spirit of the applicable code provision is preserved.

b) Consistency with the Comprehensive Plan:

The subject property has an industrial-commercial future land use map designation. Policy 13.3 provides general policy on industrial future land uses and policy specific to the industrial-commercial designation. Generally, industrial future land uses are intended to support existing and future industrial areas. The City's industrial areas are designed to provide community members sustainable employment centers and necessary services. The purpose of the subject preliminary plat amendment is to create a lot upon which a childcare facility can be developed. The applicant is taking these actions to provide a needed service which will promote the sustainability of the existing employment center.

The industrial-commercial designation calls for activity centers that include a mix of commercial businesses, retail operations, offices, manufacturing, wholesaling, storage, and distribution/shipping facilities, and workforce housing by conditional use. The proposed childcare facility is a commercial business planned for the industrial-commercial designation.

Based on the above analysis, the proposed preliminary plat amendment is consistent with the industrial-commercial future land use map designation.

Objective 8 of the Future Land Use & Design Element establishes petition review criteria which includes but is not limited to review of land use compatibility. The planning practices, standards and review procedures and criteria are to be used to evaluate annexation, rezoning, conditional use, special exception and site and development plan petitions. As such, the subject preliminary plat amendment is not subject to land use compatibility and any other evaluation required by policies that implement Objective 8.

Finding of Fact (Consistency with the comprehensive plan): *Based on the above analysis, the proposed preliminary plat amendment is consistent with the industrial-commercial future land use map designation and not subject to land use compatibility review.*

c) Compliance with Subdivision Standards and the LDC:

Sections 86-231(b)(3) and 86-233(a) specifies the Planning Commission's role in taking action on a preliminary plat petition. This section of the staff report provides a staff finding for each topic in which the Planning Commission is required to make a determination.

- Compliance of the preliminary plat with the requirements of this chapter and the applicable laws of the state.

Staff Comment: The preliminary plat drawings have been signed and sealed by a state licensed engineer. Design is compliant with all local regulatory standards and appears consistent with state requirements of F.S. Chapter 177, Part 1: Platting. Full compliance will be confirmed through the processing and recording of the final plat.

- Review the design of the preliminary plat in relationship to the adjacent land use to ensure compatibility.

Staff Comment: The replat of a single lot does not have a bearing on land use compatibility. The

concurrently processed site and development plan amendment requires compatibility review and that review is provided in Section V of this report.

- Confirmation that the subdivision can be served adequately and economically with the necessary public facilities and services.

Staff Comment: The city's technical review staff has reviewed the petition for concurrency and found no issues for compliance with the city's required level of service (LOS) standards (also see concurrency section below).

Finding of Fact (compliance with subdivision standards and LDC): Except for one requested code modification, the proposed preliminary plat amendment complies with the Land Development Code (LDC) subdivision standards and all other applicable LDC standards.

d) Compliance with the Triple Diamond Commerce Plaza PID Development Standards:

On July 24, 2001, City Council approved Rezone Petition No. 01-03RZ which established the Triple Diamond Commerce Plaza Planned Industrial Development (PID) district. The PID established the following three development standards which apply specifically to the subject industrial park.

1. A minimum 20-foot front yard setback shall be provided for lots within the PID development.
2. An average lot width of 100 feet shall be provided for industrial or wholesaling uses.
3. Traffic impacts will be addressed at the time of subdivision and site plan approval. The property owner will be expected to contribute a proportional share of the costs for the signalization of the Knights Trail and Laurel Road intersection.

The proposed preliminary plat amendment complies with all of the above standards that apply to the proposed replat.

Finding of Fact (compliance with PID development standards): The proposed preliminary plat amendment complies with all applicable Triple Diamond Commerce Plaza PID development standards.

e) Concurrency/Adequate Public Facilities:

Concurrency has been reviewed by staff for the proposed preliminary plat. While the following information provides clarification as to the status of the concurrency for the proposed project, a concurrency certificate is required prior to approval for the subdivision (**Final Plat**). As required by the City's concurrency ordinance, the designated agencies provided input on the applicable public facilities and the status of each public facility is reported in the concurrency review for the site and development plan amendment.

Finding of Fact (concurrency): No concurrency issues for public facilities have been identified. Issuance of a certificate of concurrency will be required in coordination with approval of the final plat.

IV. PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

Upon review of the petition and associated documents, comprehensive plan, Land Development Code, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to take action on Preliminary Plat Amendment Petition No. 01-03PP.2. If a recommendation of approval is provided, following is a complete list of additional actions to be taken and included in the motion:

Modification of Code Standards:

- 1) A code modification from Section 86-132(h)(3) to reduction of the minimum landscaped open space on Lot 52B from 20% of the lot area to 16.3%.

V. SITE AND DEVELOPMENT PLAN AMENDMENT REVIEW

This section of the report evaluates the site and development plan amendment petition for 1) consistency with the comprehensive plan, 2) compliance with the Land Development Code, 3) compliance with the Triple Diamond Commerce Plaza PID development standard, and 4) compliance with the city's concurrency management regulations and the project's expected impacts on public facilities. For each of these reviews, staff provides its finding and staff comments for each of the required findings for site and development plan approval contained in Section 86-23(n).

a) Consistency with the Comprehensive Plan:

The subject property has an industrial-commercial future land use map designation. Policy 13.3 provides general policy on industrial future land uses and policy specific to the industrial-commercial designation. Generally, industrial future land uses are intended to support existing and future industrial areas. The City's industrial areas are designed to provide community members sustainable employment centers and necessary services. The purpose of the subject site and development plan amendment is to develop a childcare facility. The applicant is taking these actions to provide a needed service which will promote the sustainability of the existing employment center.

The industrial-commercial designation calls for activity centers that include a mix of commercial businesses, retail operations, offices, manufacturing, wholesaling, storage, and distribution/shipping facilities, and workforce housing by conditional use. The total square footage of industrial uses allowed shall not exceed a floor area ratio (FAR) of 2.0.

The proposed childcare facility is a commercial business planned for the industrial-commercial designation. As designed, the proposed childcare facility has a FAR of 0.94,

Based on the above analysis, the proposed site and development plan amendment is consistent with the industrial-commercial future land use map designation.

Policy 8.2, Land Use Compatibility Review Procedures, requires a land use compatibility review of the following:

- 1) Protection of single-family neighborhoods from the intrusion of incompatible uses,
- 2) Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses,
- 3) The degree to which the development phases out nonconforming uses in order to resolve incompatibilities with existing uses, and
- 4) Densities and intensities of proposed uses as compared to densities and intensities of existing uses.

In conducting the above review, land use density and intensity, building heights and setback, character or type of use proposed, and site and architectural mitigation design techniques are to be evaluated. If a potential incompatibility is identified, the policy lists several techniques which can be used to mitigate the potential incompatibility.

The following is a review of each of the four land use compatibility topics listed above.

- 1) Protection of single-family neighborhoods from the intrusion of incompatible uses.

The proposed commercial project is located within a PID-zoned industrial park that has been in place since 2001. The single-family neighborhood nearest to the subject property is the Toscana Isles PUD which was approved in 2011, ten years after the establishment of the Triple Diamond Commerce Plaza. The 80-foot wide Knights Trail Road right-of-way separates the two projects. In addition, a 25-foot wide landscape buffer along the west side of Knights Trail Road was provided by the commerce plaza and the Toscana Isles PUD requires a five foot wide landscape buffer along the east side of Knights Trail Road and requires all residential structures to be setback a minimum 40 feet from the Knights Trail Road right-of-way.

The subject site and development plan implements the Triple Diamond Commerce Park PID which was in place ten years prior to the Toscana Isles project. The approved PID and PUD established development standards which adequately protects single-family neighborhoods in the Toscana Isles project.

- 2) Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses.

The proposed site and development plan amendment implements the Triple Diamond Commerce Plaza PID which was intended for industrial-commercial uses. The proposed childcare facility is a commercial use and is compatible with existing uses in the PID. Childcare facilities are often located in commercial areas and State of Florida licensing requirements are in place to address the safety of the children at the facility.

- 3) The degree to which the development phases out nonconforming uses in order to resolve incompatibilities with existing uses.

This topic is not applicable, there are no nonconforming uses on the subject property.

- 4) Densities and intensities of proposed uses as compared to densities and intensities of existing uses.

Compared to other developments within the Triple Diamond Commerce Plaza, the proposed project is less intense as measured by floor area. The 10,231 square foot childcare facility has a floor area ratio (FAR) of .094 which is considerably less than the maximum FAR of 2.0 allowed by the industrial-commercial future land use map designation.

Finding of Fact (Consistency with the comprehensive plan): *The proposed site and development plan is consistent with the industrial-commercial future land use designation and Policy 8.2 regarding land use compatibility.*

b) Compliance with the Land Development Code:

Staff has reviewed all submitted plan drawings for compliance with the PID district regulations and all other applicable LDC regulations. Staff confirms the site and development plan complies with all applicable standards contained in the LDC.

Staff Finding (Compliance with LDC): *The site and development plan is in compliance with the Land Development Code.*

c) Compliance with the Triple Diamond Commerce Plaza PID Development Standards:

The Triple Diamond Commerce Plaza PID established the following three development standards which apply specifically to the subject industrial park.

1. A minimum 20-foot front yard setback shall be provided for lots within the PID development.
2. An average lot width of 100 feet shall be provided for industrial or wholesaling uses.
3. Traffic impacts will be addressed at the time of subdivision and site plan approval. The property owner will be expected to contribute a proportional share of the costs for the signalization of the Knights Trail and Laurel Road intersection.

The proposed site and development plan amendment complies with all of the above standards that apply to the proposed project.

Finding of Fact (compliance PID development standards): *The proposed site and development plan amendment complies with all applicable Triple Diamond Commerce Plaza PID development standards.*

d) Concurrency/Adequate Public Facilities:

The applicant has submitted a concurrency determination application and a concurrency review has been completed by staff. The table on the following page shows the expected public facility impacts and the status of the departmental concurrency reviews.

Department	Facility	Project's Estimated Impact	Status
Utilities	Potable Water	4.2 ERUs	Concurrency confirmed by Utility Department
Utilities	Sanitary Sewer	4.2 ERUs	Concurrency confirmed by Utility Department
Public Works	Solid Waste	N/A	There is no adopted level of service for non-residential uses
Public Works	Parks & Recreation	N/A	There is no adopted level of service for non-residential uses
Engineering	Drainage	Meets 25 year/24 hour SWFWMD criteria	Concurrency confirmed by Engineering Department
Planning and Zoning	Transportation	127 p.m. peak hour trips	Concurrency confirmed by Planning & Zoning Division
School Board	Public Schools	N/A	The project is non-residential and not subject to school concurrency

Finding of Fact (Concurrency): *Adopted minimum levels of service for the above public facilities will be maintained after accounting for the estimated public facility impact of the proposed childcare facility.*

e) Planning Commission Findings of Fact for the Site and Development Plan

Section 86-23(n) specifies the Planning Commission's role in taking action on a site and development plan application and reads in part, "..... the planning commission shall be guided in its decision and exercise of its discretion to approve, approve with conditions, or to deny by the following standards". Staff has provided commentary on each to facilitate the Planning Commission's review and evaluation of the site and development plan application.

- (1) Sufficiency of statements on ownership and control of the development and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the city.

Staff Comment: *A deed and survey have been submitted confirming ownership and control of the subject property.*

- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the planning commission the authority to reduce residential

densities below that permitted by the schedule of district regulations set out in article IV, division 2 of this chapter.

Staff Comment: *The intensity of the proposed project in relation to adjacent and nearby properties and the effect thereon is studied in detail in evaluation of the project's consistency with the comprehensive plan (See Section V of this report, Consistency with the Comprehensive Plan, on pages 10 through 12). Analysis has been provided to evaluate this consideration and conclude that the project is compatible with adjacent and nearby properties.*

- (3) Ingress and egress to the development and proposed structures thereon, with particular reference to automotive and pedestrian safety, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing utilities and refuse collection, and access in case of fire, catastrophe or emergency.

Staff Comment: *The project makes use of an existing access driveway on Triple Diamond Boulevard. Ingress and egress to the development has been designed in compliance with LDC standards. The Public Works Department raised no concern regarding solid waste collection and the Fire Department identified no issues related to access in case of fire, catastrophe or emergency.*

- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

Staff Comment: *The project uses the off-street parking facility and landscape buffer plantings that currently existing on the site. In addition, the applicant proposes ten off-street parking spaces, an off-street loading area and child drop-off lane. The improvements located within the project area were reviewed for compliance with applicable LDC standards. No concerns were raised regarding pedestrian safety, traffic flow and control and access in case of fire or catastrophe. The project engineer has confirmed that the existing landscaping complies with the approved landscape plan associated with the original site and development plan (05-07SP).*

- (5) Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.

Staff Comment: *The project engineer has confirmed that the existing landscaping complies with the approved landscape plan associated with original site and development plan (05-07SP).*

- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall public drainage capacities.

Staff Comment: *The Engineering Department confirmed compliance with applicable drainage requirements.*

- (7) Adequacy of provision for sanitary sewers, with particular relationship to overall city sanitary sewer availability and capacities.

Staff Comment on Sanitary Sewer: *The project will tie into an existing on-site sanitary sewer line which was intended to serve the second phase of the original site and development plan. The Utilities Department in its concurrency review confirmed there is adequate sanitary sewer capacity to serve the proposed city project.*

- (8) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

Staff Comment on Potable Water: *The project will tie into an existing on-site water line which was intended to serve the second phase of the original site and development plan. The Utilities Department in its concurrency review confirmed there is adequate water capacity to serve the proposed city project.*

- (9) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community or citywide open spaces and recreational facilities.

Staff Comment: *The site and development plan amendment complies with Section 86-132(h)(3) which requires a minimum of 20% of the lot area be landscaped open space.*

- (10) General site arrangement, amenities and convenience, with particular reference to ensuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause substantial depreciation of property values.

Staff Comment: *The compatibility of the proposed project in relation to properties in the general area and the effect thereon is studied in detail in evaluation of the project's consistency with the comprehensive plan (See Section V of this report, Consistency with the Comprehensive Plan, on pages 10 through 12). Analysis has been provided to evaluate this consideration and conclude that the project is compatible with adjacent and nearby properties. The proposed use is consistent with comprehensive plan and implementation of the comprehensive plan is generally expected to positively affect property values.*

- (11) Such other standards as may be imposed by this chapter on the particular use or activity involved.

Staff Comment: *Per Section 86-413(2), childcare facilities are required to have one stacking space per eight children, up to a maximum of five spaces. The proposed site and development plan amendment complies with standard.*

- (12) In the event that a site and development plan application is required, no variance to the height, parking, landscape, buffer or other standards as established herein may be considered by the Planning Commission. The Planning Commission may consider modifications to these standards under the provisions and requirements for special exceptions.

Staff Comment: No code modifications are sought by the applicant; the proposed site and development plan amendment complies with the Land Development Code.

Based upon the above analysis, staff has determined that sufficient information has been provided for the Planning Commission to make findings on each of the above considerations.

VI. SUMMARY OF STAFF FINDINGS

Based on the planning analysis provided in Section V of this report, staff has made the following findings regarding the site and development plan amendment petition.

- 1. Consistency with the Comprehensive Plan:*** The proposed site and development plan amendment is consistent with the comprehensive plan.
- 2. Compliance with the Land Development Code:*** The proposed site and development plan complies with the Land Development Code.
- 3. Compliance with the Triple Diamond Commerce Plaza PID Development Standards:*** The proposed site and development plan amendment complies with all applicable PID development standards.
- 4. Concurrency:*** The proposed site and development plan amendment complies with the city's concurrency management regulations. If approved, staff will issue the project a concurrency certificate.

VII. PLANNING COMMISSION ACTION

Upon review of the petition and associated documents, comprehensive plan, land development code, staff report and analysis, and testimony provided during the public hearing, there is sufficient information on the record for the Planning Commission to take action on Site and Development Plan Amendment Petition No. 05-07SP.2. If the Planning Commission elects to approve the petition, the following procedural stipulation should be included in the motion;

Stipulation: Site and Development Plan approval is contingent on approval and recordation of the final plat associated with Preliminary Plat Amendment Petition No. 01-03PP.2