



Project: Sun State Express @ Triple Diamond
Site and Development Plan Amendment Petition No. 15-11SP.1
Staff Report

Owner: SSE Properties, LLC

Agent: George Debidart, Jr., President, Sun State Express, Inc.

Addresses: 112 Triple Diamond Boulevard

Parcel ID #: 0377-09-0004

Parcel Size: 50,000 square feet/1.148 acres

Existing Zoning District: Planned Industrial Development (PID)

Future Land Use Designation: Industrial-Commercial

Summary of Site and Development Plan:

The applicant proposes the following revisions to the approved site and development plan:

- Reduction of plant material on the landscaping plan while maintaining compliance with Land Development Code minimum landscaping standards
- Redesign of 4 off-street parking spaces in the front of the property
- Elimination of a six-foot chain link fenced parking lot on the west side of the warehouse building

Technical Review Committee (TRC):

The subject petition has been reviewed by the TRC and has been found in compliance with all city regulatory standards.

I. BACKGROUND

The subject property received site and development plan approval on April 19, 2016 through the Planning Commission's approval of Site and Development Plan Petition No. 15-11SP. The approved site and landscape plan drawings are provided in Section II of this report. On May 2, 2016 the construction plans for horizontal improvements (utilities, drainage, parking, etc.) were approved and on May 13, 2016 Building Permit No. 15-4000 was issued for the warehouse building. Upon completion of the building construction all final inspections associated with the building permit were approved.

In response to the contractor's request for a certificate of occupancy, Planning and Zoning Division conducted an inspection of the site to verify the site was developed in compliance with the approved site and development plan. Planning and Zoning Division staff reported to the Building Division the results of the inspection which included non-compliance related to landscaping, fencing, off-street

parking design, and the presence of debris on the site and referred the matter to the Code Enforcement Division. On December 21, 2016 Code Enforcement staff opened Case No. 16-920 for the site not complying with the approved site and development plan.

Subsequently, the contractor corrected some of the non-compliance items but the property owner chose not to install the outstanding required landscaping and the parking area fencing, and to retain the non-compliant parking design of the four parking spaces in the front of the property. Staff informed the owner that three remaining items needed to be brought into compliance with the approved site and development plan. Instead, the owner elected to request an amendment to the approved site and development plan.

Occupancy of the warehouse building has been authorized by the Building Division through the issuance of three 90-day temporary certificates of occupancy (TCO). The third TCO was issued on October 26, 2017 and expires on January 26, 2018. All three TCOs included a stipulation requiring completion of the outstanding non-compliance items or approval of a site and development plan amendment. A certificate of occupancy (CO) will not be issued until the site is brought into compliance with an approved site and development plan (either the original site and development plan or an approved amendment to the site and development plan).

On August 1, 2017, the property owner formally submitted the subject Site and Development Plan Amendment No. 15-11SP.1. Staff review comments were sent to the applicant on September 15, 2017 (the review period was extended due to closure of City Hall caused by Hurricane Irma). On October 19, 2017, the applicant submitted information in response to the staff review comments and on October 30, 2017 Technical Review Committee (TRC) compliance was confirmed.

II. PROPOSED REVISIONS TO APPROVED SITE AND DEVELOPMENT PLAN

The approved site plans drawings are provided on the following pages to allow a comparison of the approved and amended site and development plan. Figure 1 is the approved site plan drawing; Figure 2 is the approved landscape plan for the front portion of the property; Figure 3 is the approved landscape plan for the back portion of the property; and Figure 4 is the proposed revision to the approved site and development plan.

Figure 1: Approved Site Plan

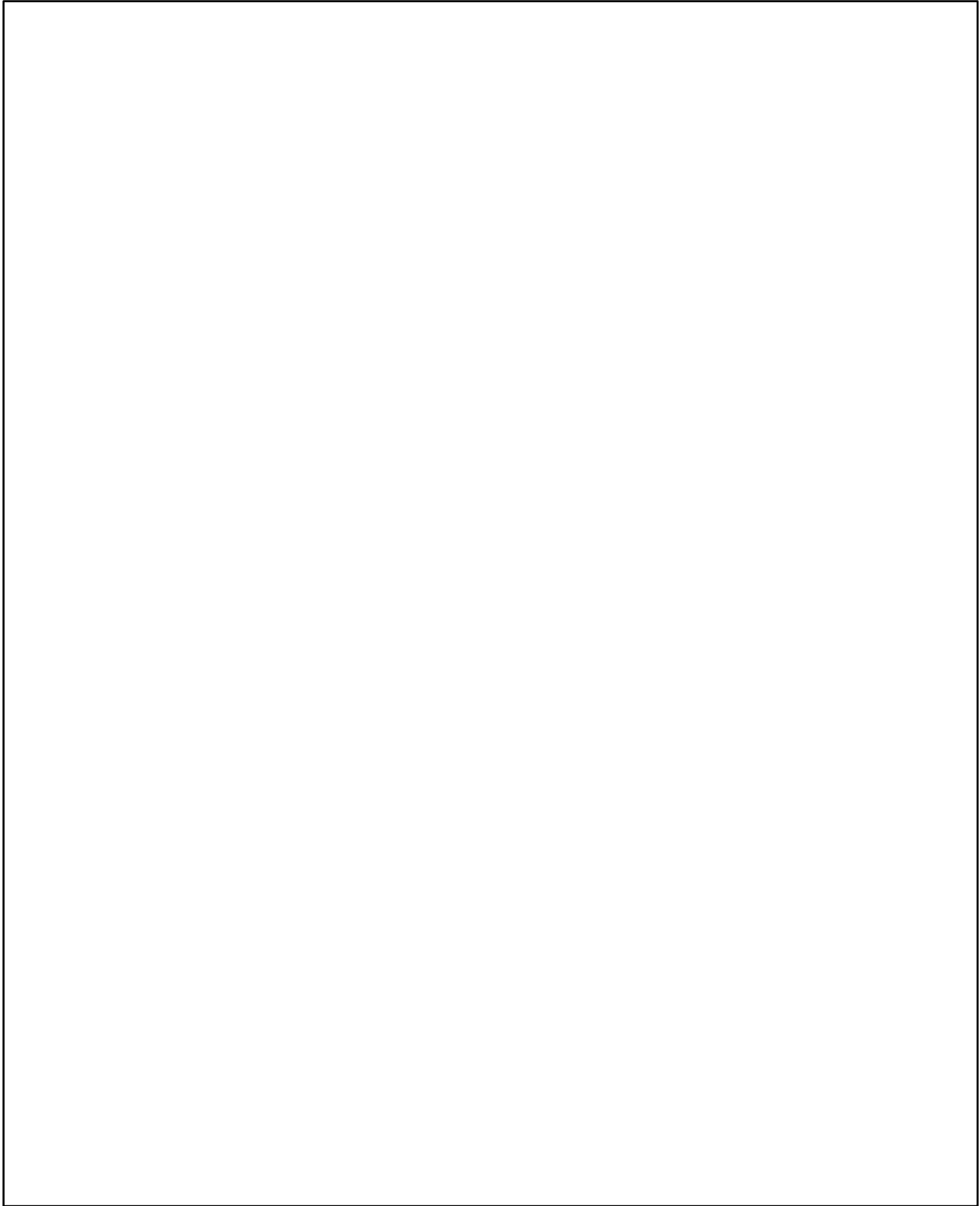


Figure 2: Approved Landscape Plan (Part 1)

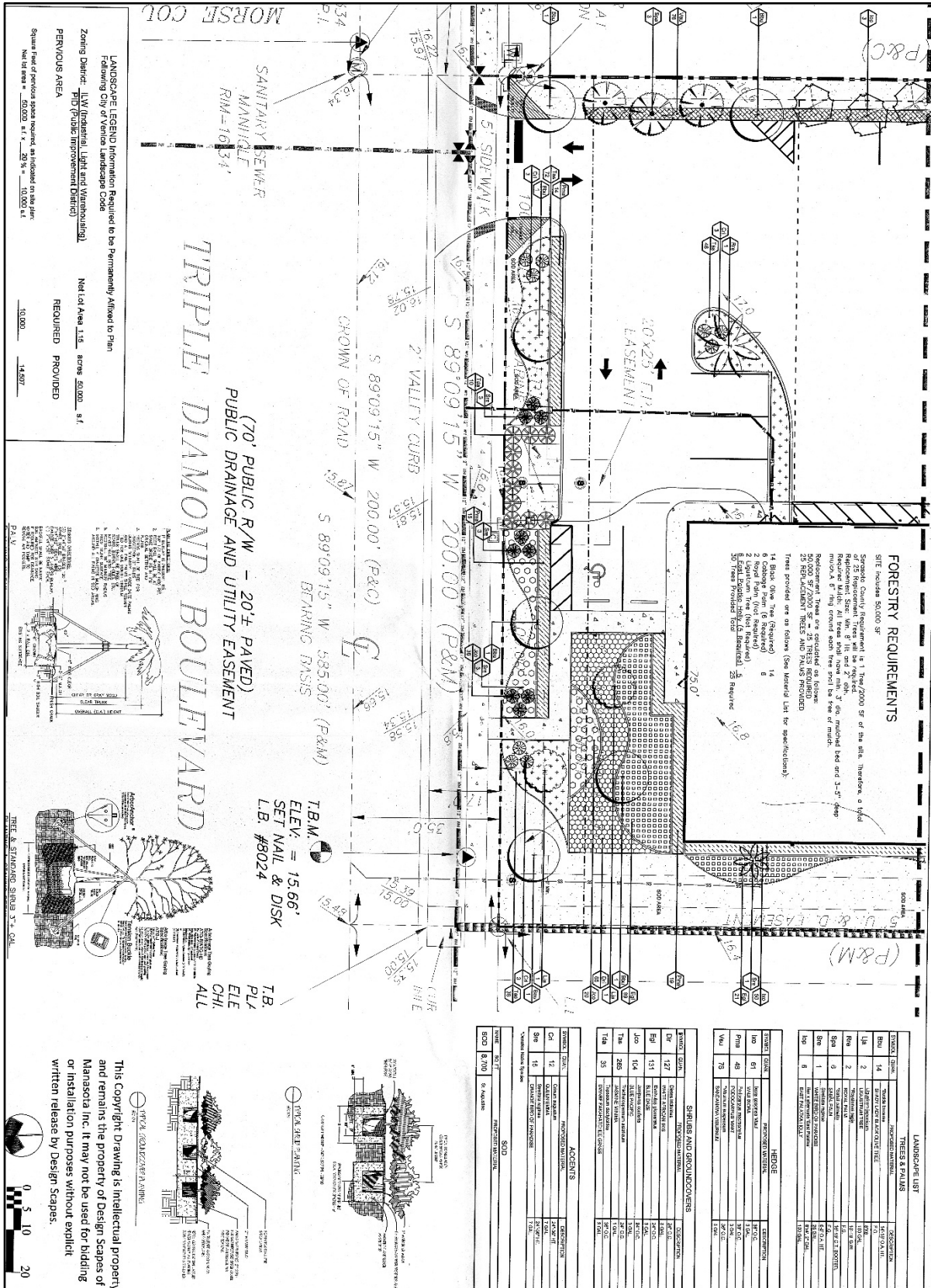
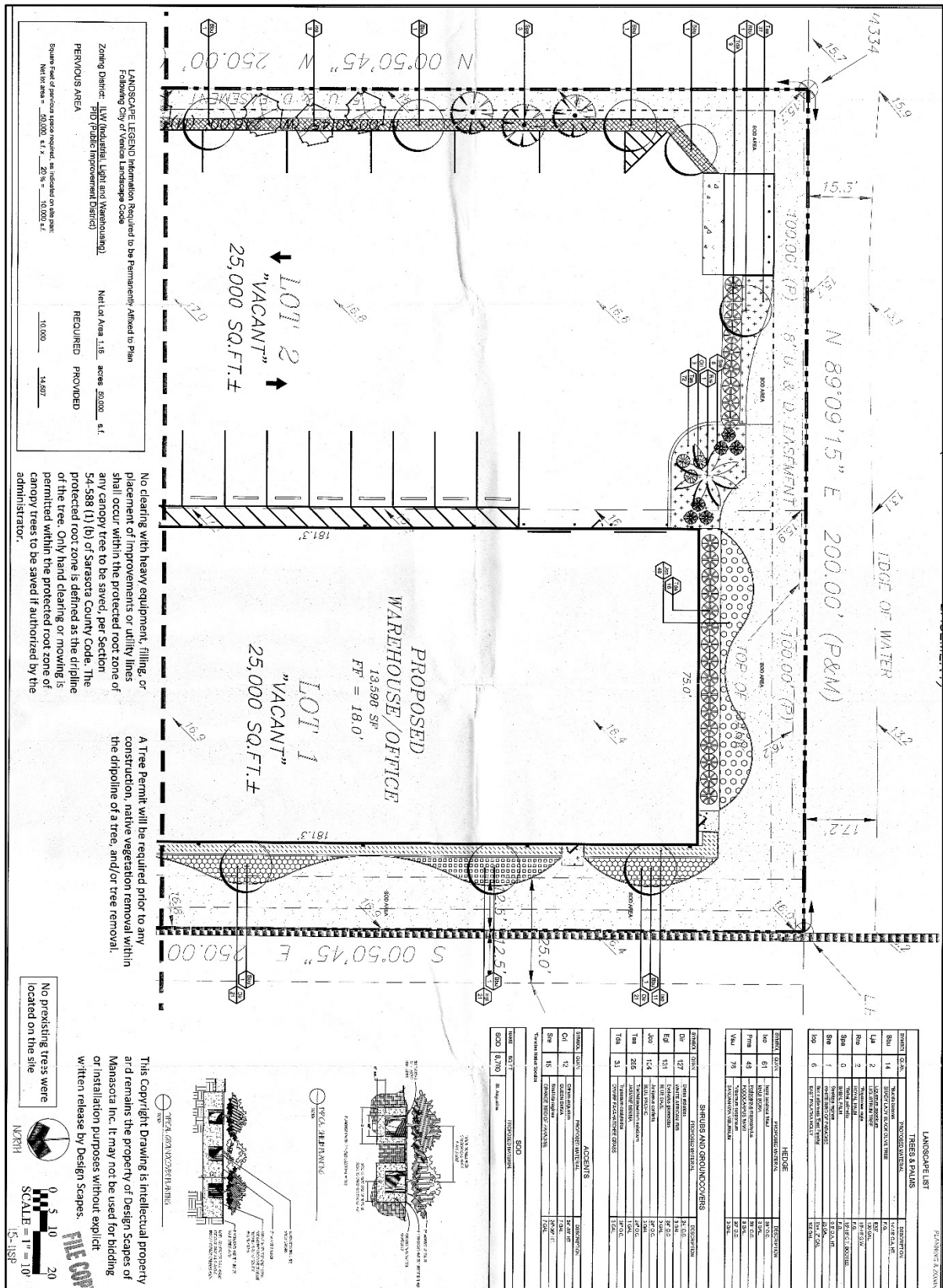
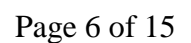


Figure 3: Approved Landscape Plan (Part 2)



Page 6 of 15



III. SUBJECT PROPERTY / SURROUNDING AREA INFORMATION

Subject and Surrounding Property Information:

The subject property is in the Triple Diamond Commerce Plaza with an address of 112 Triple Diamond Boulevard. The 1.15± acre subject property is developed as a warehouse facility. Map 1 is an aerial photograph showing the existing land use conditions of the subject and surrounding properties. Following Map 1 are photographs which provide a closer look at the on-site conditions of the subject property.

Map 1: Aerial Photograph



The east side of the subject property; the only landscaping currently in place is sodded grass



The west side of the subject property; the modified 4-space parking area is where the two cars in front are parked

Existing uses, current zoning and the future land use designation of surrounding properties are summarized in the following table.

Direction	Existing Use(s)	Current Zoning	Future Land Use Designation
North	Triple Diamond stormwater facility	Planned Industrial Development (PID)	Industrial-Commercial
West	Various industrial and commercial uses	PID	Industrial-Commercial
South	Various industrial and commercial uses	PID	Industrial-Commercial
East	Various industrial and commercial uses	PID	Industrial-Commercial

Flood Zone Information:

The FEMA Flood Insurance Rate Map (FIRM) shows the subject property is in a Zone X FIRM designation with moderate to low flood risk. The Zone X designation is not identified as a Special Flood Hazard Area and therefore not subject to base flood elevation requirements. Development of the property will be subject to compliance with applicable FEMA requirements.

Future Land Use:

Map 2 on the following page shows the subject property having a Future Land Use designation of Industrial-Commercial. The designation plans 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.

Existing Zoning:

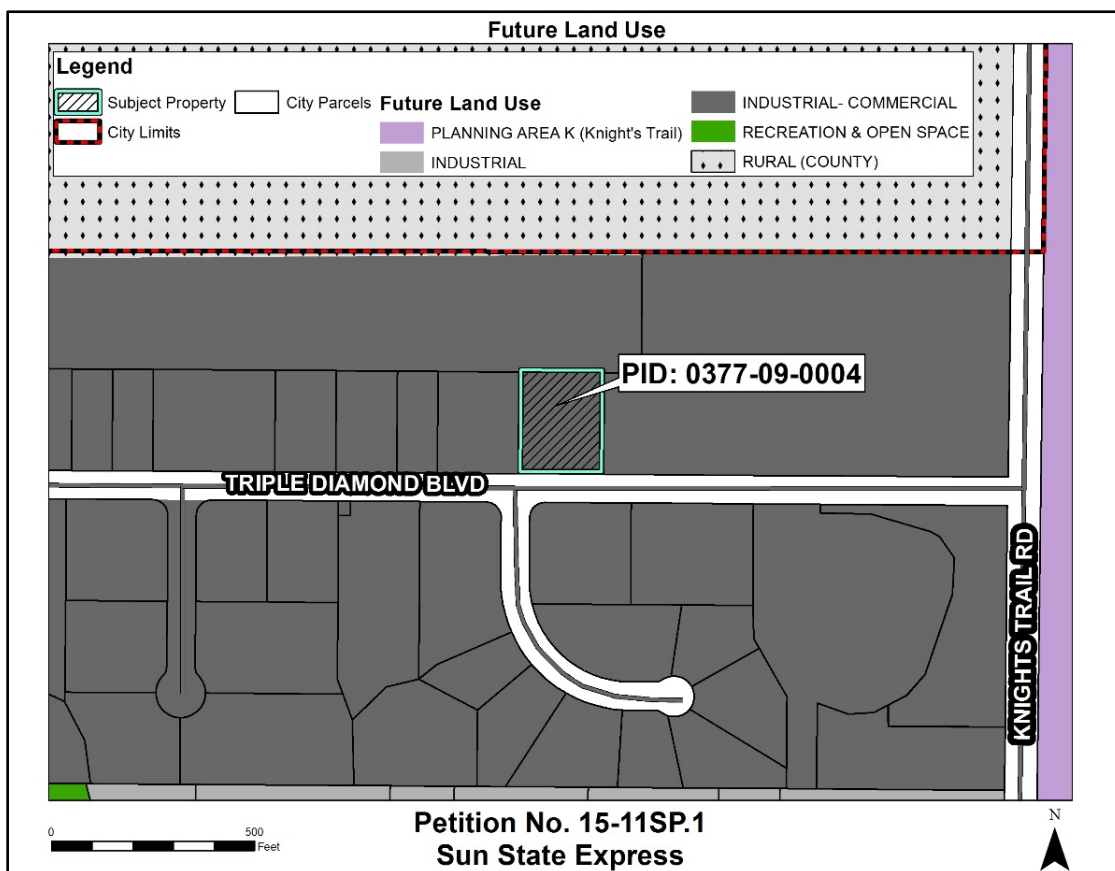
Map 3 on the following page shows the existing zoning of the subject and surrounding properties. The subject property is zoned Planned Industrial Development (PID). Section 86-132(a) specifies the PID district is intended to be used for industrial activity, promoting thereby, more efficient and economical 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.

The Triple Diamond Commerce Park PID includes the following two development standards:

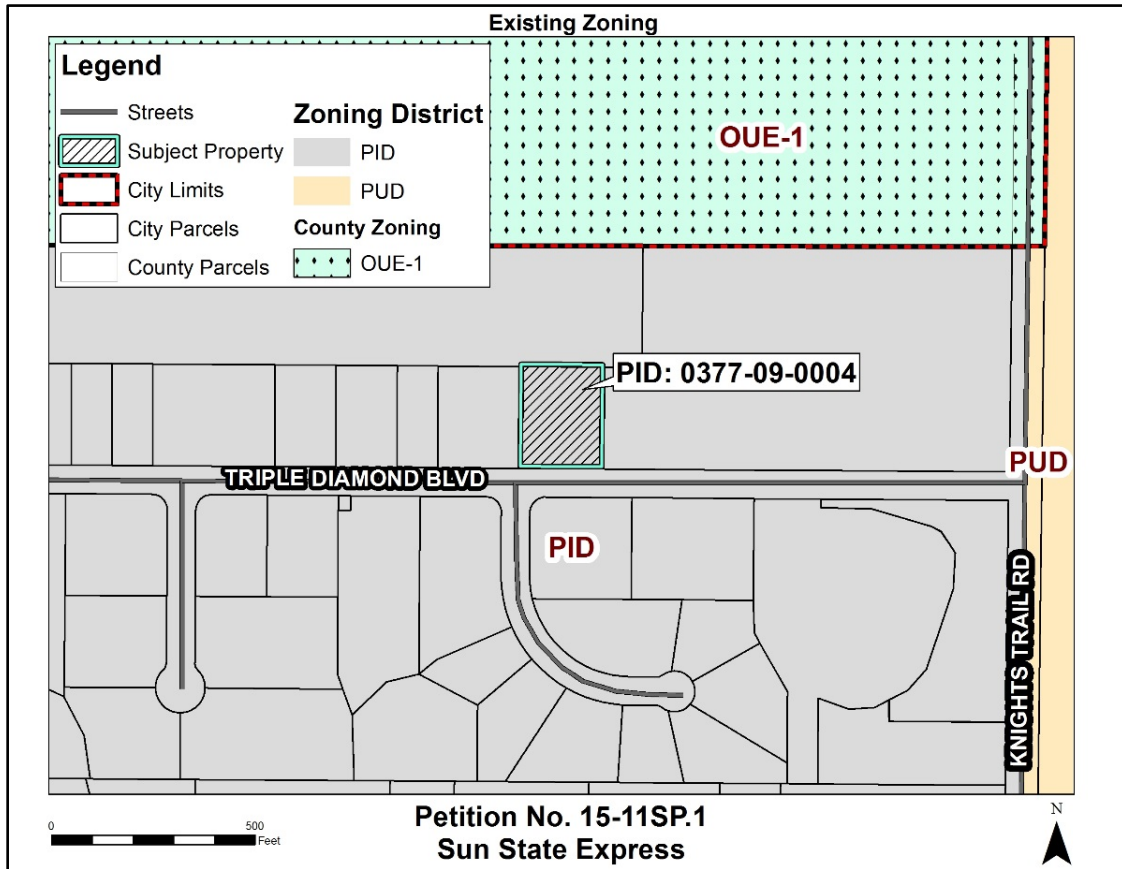
- A minimum 20-foot front yard setback shall be provided for lots within the PID development
- An average lot width of 100 feet shall be provided for industrial or wholesaling uses

Other development standards are contained in the PID district regulations as well as applicable standards contained in the Land Development Code.

Map 2: Future Land Use Map



Map 3: Existing Zoning Map



IV. PLANNING ANALYSIS

This section of the report evaluates the site and development plan petition for 1) consistency with the comprehensive plan, 2) compliance with the Portofino CMU Binding Master Plan and Land Development Code, and 3) compliance with the city's concurrency management regulations and the project's expected impacts on public facilities. In addition, staff comments are provided for each of the required findings for site and development plan approval contained in Section 86-23(n).

Consistency with the Comprehensive Plan

The subject property has an industrial-commercial future land use map designation. Policy 13.3 lists the following uses planned for this designation: a mix of commercial businesses, retail operations, offices, manufacturing, wholesaling, storage, and distribution/shipping facilities, and workforce housing by conditional use. The maximum floor area ratio (FAR) in this designation is 2.0.

Consistency with the Comprehensive Plan was confirmed with the approval of Site and Development Plan Petition No. 15-11SP. The subject property was developed consistent with the approved site and development plan with regards to the use of the property (warehouse building) and the intensity of the development (FAR of 0.27).

The proposed site and development plan amendment does modify the approved landscaping plan by reducing the amount of landscaping material on the site. Table 1 on the following page compares the

landscaping materials provided in the approved and proposed landscape plans.

Table 1: Approved and Amended Landscape Material

Landscape Materials	Approved Landscape Plan	Amended Landscape Plan
Trees	22	25
Palms	8	0
Large Shrubs	180	46
Small Shrubs and Groundcover	662	380
Accent Plants	28	0

As discussed in the next section of the staff report on compliance with the Land Development Code (LDC), the modified landscape plan complies with all applicable LDC standards. However, due to the significant proposed reduction in landscape material, the project's land use compatibility was re-examined.

Policy 8.2 of the comprehensive plan requires that site and development plan petitions undergo a land use compatibility review to ensure the character and design of the development are compatible with existing neighborhoods. Considerations for determining compatibility include the following:

- Protection of single-family neighborhoods from the intrusion of incompatible uses
- Prevention of the location of commercial or industrial uses in areas where such uses are incompatible with existing uses
- The degree to which the development phases out nonconforming uses in order to resolve incompatibilities resulting from development inconsistent with the current comprehensive plan
- Densities and intensities of proposed uses as compared to the densities and intensities of existing uses

The following are the mitigation techniques provided by Policy 8.2 to address potential incompatibility:

- Providing open space, perimeter buffers, landscaping and berms
- Screening of sources of light, noise, mechanical equipment, refuse areas, delivery and storage areas
- Locating road access to minimize adverse impact
- Adjusting building setbacks to transition between different uses
- Applying step-down or tiered building heights to transition between different uses
- Lowering density or intensity of land uses to transition between different uses

The subject property is not adjacent to a residential zoning district, nor is there a single-family neighborhood adjacent to the proposed development. The expanded manufacturing facility can be found to be compatible to the use of other properties in the industrial parks, and the intensity of the proposed development is comparable to other existing developments in the industrial parks. Based on these considerations, the site and development plan amendment may be found compatible with

adjacent uses.

Compliance with the Land Development Code

The proposed site and development plan amendment has been designed to comply with the Triple Diamond Commerce Plaza PID zoning standards, the Planned Industrial Development (PID) zoning district standards and other applicable standards contained in the Land Development Code. The following is a review of the three modifications to the approved site and development plan:

Elimination of Fencing – The applicant proposes to eliminate 6-foot chain link fencing of the parking area west of the warehouse building. The fencing is not required by the Triple Diamond Commerce Plaza PID or the LDC; it was an optional improvement included in the original site and development plan.

Redesign of 4-Space Parking Area – The proposed redesign of four parking spaces does not reduce the number of approval parking spaces. The amended site and development plan complies with the minimum number of off-street parking spaces and all applicable off-street parking design standards.

Amended Landscape Plan – As shown in Table 1 on the previous page, the amended landscape plan significantly reduces the amount of approved landscaping material. However, the amended landscape plan has been found to comply with the following LDC standards:

- Section 86-132(h)(3), Minimum Landscape Open Space, which requires not less than 20 percent of a PID-zoned lot be comprised of landscaped open space
- Section 86-436, Landscaping Adjacent to Public Rights-of-Way
- Section 86-437, Landscaping Adjacent to Property Lines
- Section 86-438, Interior Landscaping

The site and development plan amendment has been reviewed by the City's Technical Review Committee (TRC) and the TRC found the site and development plan amendment complies with the Triple Diamond Commerce Plaza PID and the Land Development Code.

Concurrency/Adequate Public Facilities

Concurrency was approved with the approval of Site and Development Plan Petition No. 15-11SP. The size of the approved warehouse building is not being increased by the subject site and development plan amendment. Therefore, there is no need to modify the concurrency approval associated with Site and Development Plan Petition No. 15-11SP.

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 standard or finding 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 warranty deed has been provided 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: *In approving the Site and Development Plan Petition No. 15-11SP, the Planning Commission found the original project consistent with the Comprehensive Plan and compatible with nearby properties. The TRC found proposed amended landscape plan in compliance with the Land Development Code.*

- (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: *In approving the Site and Development Plan Petition No. 15-11SP, the Planning Commission found the original project satisfactorily addressed this finding. The proposed site and development plan amendment does not change the originally approved ingress and egress to the site.*

- (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: *In approving the Site and Development Plan Petition No. 15-11SP, the Planning Commission found the original project satisfactorily addressed this finding. The proposed site and development plan amendment revises the design of the four-space parking area in the front of the building.*

- (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 TRC found the amended landscape plan in compliance with applicable Land Development Code standards.*

- (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 site and development plan amendment does not alter the stormwater facilities approved with the original site and development plan.*

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

Staff Comment on Sanitary Sewer: *The site and development plan amendment does not alter the sanitary sewer facilities approved with the original site and development plan.*

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

Staff Comment on Potable Water: *The site and development plan amendment does not alter the potable water facilities approved with the original site and development plan.*

- (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 proposed commercial development is not required to provide recreational facilities. The site and development plan amendment complies with the PID district minimum landscaped open space standard of 20% of the lot area; the proposed landscape plan shows 24.9% of the lot area designated as 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: *In approving the Site and Development Plan Petition No. 15-11SP, the Planning Commission found the original project satisfactorily addressed this finding. The applicant proposes to modify the approved site and development plan by 1) reducing the landscaping on the site while maintaining compliance with the LDC, 2) revising the design of a four-space parking area in the front of the property, and 3) eliminating a six-foot chain linked fenced area on the west side of the property.*

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

Staff Comment: *All applicable development standards in the Land Development Code have been applied to the proposed site and development plan amendment.*

- (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: *The applicant has not requested modifications from LDC standards.*

V. SUMMARY FINDINGS

Based on the planning analysis provided in Section IV of this report, sufficient information has been provided to allow the Planning Commission to make the following findings on the subject site and development plan amendment petition.

1. ***Consistency with the Comprehensive Plan:*** *The proposed site and development plan amendment may be found to be consistent with the comprehensive plan.*
2. ***Compliance with the Land Development Code:*** *The proposed site and development plan amendment may be found in compliance with the Triple Diamond Commerce Plaza PID and the Land Development Code.*
3. ***Concurrency:*** *The size of the approved warehouse building is not being increased by the subject site and development plan amendment. Therefore, there is no need to modify the concurrency approval associated with Site and Development Plan Petition No. 15-11SP.*