

BOARD OF COUNTY COMMISSIONERS

DATE: October 22, 2013

AGENDA ITEM NO. 23

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature

Subject:

Public Hearing for an Appeal of a Variance Denial to Keep an Existing Access Connection for a Proposed Walgreens Located at the Southwest Corner of Enterprise Road and McMullen Booth Road

Department:

Department of Environment and Infrastructure

Staff Member Responsible:

Richard Coates, P.E., Director
Transportation and Stormwater

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS, AFTER HEARING PUBLIC COMMENT, SUPPORT STAFF'S RECOMMENDATION IN THE DENIAL OF A VARIANCE THAT WOULD ALLOW THE EXISTING COMMERCIAL DRIVEWAY TO REMAIN OPEN POST DEVELOPMENT OF THE PROPOSED WALGREENS, LOCATED AT THE SOUTHWEST CORNER OF ENTERPRISE ROAD AND MCMULLEN BOOTH ROAD.

Summary Explanation/Background:

The site is located at the southwest corner of Enterprise Road and McMullen Booth Road and is in the City of Safety Harbor's jurisdiction for site plan review. The proposed Walgreens is an outparcel to a larger shopping center that has access from McMullen Booth Road and two (2) additional access points from Enterprise Road. The Engineer of Record, Robin Kendall of EMK Consultants of Florida, Inc., met with County staff on April 22, 2013 regarding the project. Mr. Kendall was informed at this meeting that the current/proposed driveway did not meet the spacing requirement of 460 feet between driveways along McMullen Booth Road (CR 611). The spacing requirements are per Pinellas County Land Development Code, Section 170 - 198 - General Access Standards.

Mr. Kendall asked what he could do to keep the driveway and staff directed him to our waiver process. We advised that they (EMK, Pressman & Associates and Walgreens, referred to as applicant) submit a waiver request with an explanation of how the removal of this access would create a hardship. The first variance request, dated April 26, 2013, came from the Engineer of Record. The request did not describe how the removal of this connection would create a hardship. Staff denied the request in a letter to Mr. Kendall on May 21, 2013.

A second variance request was received from Todd Pressman of Pressman & Associates, Inc. on June 5, 2013. The request was comprehensive in nature, but still did not demonstrate how the removal of this driveway would be an unnecessary hardship on the applicant due to an unusual circumstance peculiar to the property. Additionally, as the plan is proposed, the driveway would dead-end at the store frontage. This would eliminate direct access to the remainder of the shopping center, thereby servicing only Walgreens. This second request was denied in a letter to Mr. Pressman on July 12, 2013.

On July 17, 2013, Mr. Pressman was contacted by County staff and informed that the County would allow a "Right-Out Only" driveway at the existing location. This option was rejected by Mr. Pressman.

The basis for staff's position is Policy Statement 1.8.1 of the Transportation Element of the Comprehensive Plan. Policy Statement 1.8.1 reads "Pinellas County shall continue to implement Access Management Standards as identified in the Access Management Section of the Land Development Code, through the application of the Pinellas County Site Plan Review process and Concurrency Management System for development projects adjacent to County Roads." Granting this variance would also violate the Pinellas County Land Development Code, Section 170 - 198 - General Access Standards.

Pinellas County Planning staff also reviewed the request and supports DEI's position on the denial.

Fiscal Impact/Cost/Revenue Summary:

The public hearing was properly advertised, with additional notification mailings to the adjacent property owners. Payment has been collected from the applicant for the cost of advertising and mailings. There have been no County funds expended.

Exhibits/Attachments Attached:

Review Slip
Aerial Photo
Copy of Package for First Request and Denial
Copy of Package for Second Request and Denial
Appeal Package from Todd Pressman, Pressman & Associates, Inc.

NON-PURCHASING CONTRACT REVIEW TRANSMITTAL SLIP



PROJECT: Appeal of the Variance Denial to Keep an Existing Access Connection for the Proposed Walgreens at McMullen Booth Road and Southwest Corner of Enterprise Road

CONTRACT NO.: N/A

ESTIMATED EXPENDITURE / REVENUE: N/A
(Circle or underline appropriate choice above.)

In accordance with Contract Administration and its Review Process, the attached documents are submitted for your review and comment. Please complete this Non-Purchasing Contract Review Transmittal Slip below with your assessment, and **forward to the next Review Authority on the list, skipping any authority marked "N/A."** Indicate suggested changes by noting those in "Comments" column, or by revising, in **RED**, the appropriate section(s) of the document(s) to reflect the exact wording of the desired change(s).

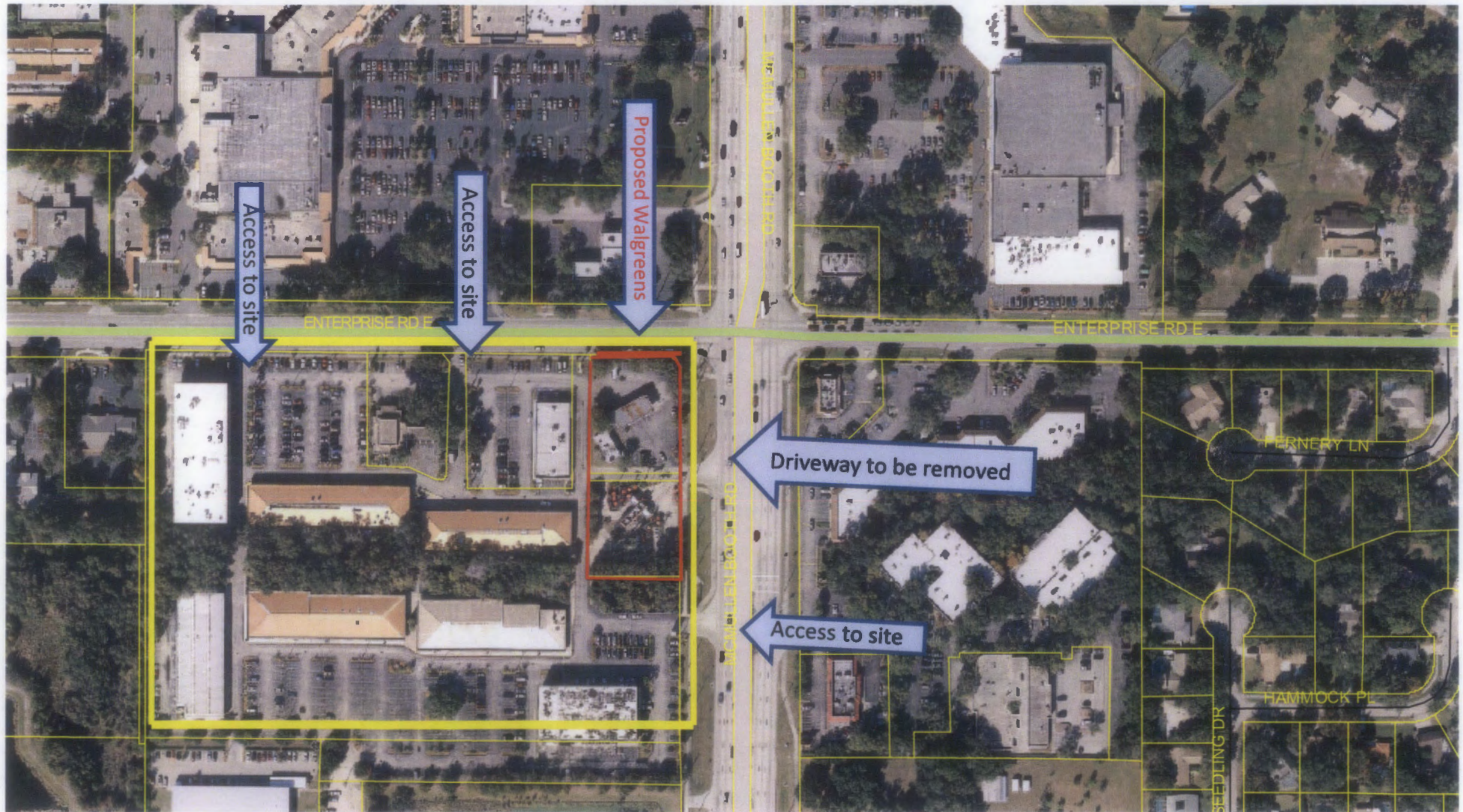
OTHER SPECIFICS RELATING TO THE CONTRACT:

REVIEW SEQUENCE	DATE	INITIAL/ SIGNATURE	COMMENTS (IF ANY)	COMMENTS REVIEWED & ADDRESSED OR INCORPORATED
Originator: Transportation and Stormwater/DEI Chris Hanning, P.E. Gene Crosson Tom Washburn, P.E.	8/13/13 8/13/13 8/18/13	CH GC TW	revisions	ts
BDRS: Lora Strong	8/12/13	LS	revisions	ts
Transportation and Stormwater/DEI: Richard Coates, P.E., Director	8/12/13	RC	revisions	ts
Planning: Al Bartolotta	8/8/13	AB		
Legal: Jason Ester	8/30/13			
DEI Executive Director: David E. Scott, P.E.	10/2/13			

Please return to Trina Shisler, DEI, ext. 45316

All inquiries should be made to Tom Washburn, Transportation and Stormwater/DEI, ext. 48804

2495 McMullen Booth Rd
33/28/16/00000/220/0430 & 0450



Aerial of Project

 **COPY**

**BOARD OF COUNTY
COMMISSIONERS**

Charlie Justice
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Janet C. Long
John Marroni
Norm Roche
Karen Williams Seel
Kenneth T. Weirich



May 21, 2013

Mr. Robin Kendall
Project Manager
EMK Consultants of Florida, Inc.
7815 North Dale Mabry Highway
Suite 200
Tampa, FL, 33614

Re: Proposed Walgreen's at McMullen Booth Road and Enterprise Road
Request for Variance to Section 170-198
Right-of-way Utilization Permit No. 13-0365

Dear Mr. Kendall:

We have reviewed your request to keep a driveway connection along McMullen Booth Road. Our review indicates that the property is an outparcel to a larger development in the southwest corner of the intersection of McMullen Booth Road (CR 611) and Enterprise Road. In addition to the existing access drive referenced, the property has indirect access to CR 611 and Enterprise Road. Therefore, it is our opinion that the intent of the Code is satisfied through these other connection points.

The fact that the driveway is existing, the trips will be reduced, and that there are other non-compliant driveways along CR 611 have no bearing on the policy direction provided by the Transportation Element of the Pinellas County Comprehensive Plan (Policy 1.8.1).

Based on the information provided, you have not demonstrated that a hardship would be created by meeting the County's access management code. Therefore, we are denying this request. Should you have any questions, please contact Tom Washburn at 464-8804.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. V. Coates, III".

Richard L. V. Coates, III, P.E.
Director, Transportation and Stormwater

cc: Tom Washburn, PE, Transportation and Stormwater
Gene Crosson, Sr. Inspector, Transportation and Stormwater

THS *5/21/2013*



EMK Consultants of Florida, Inc.

c i v i l e n g i n e e r s s u r v e y o r s l a n d p l a n n e r s

April 26, 2013

Mr. Gene Crosson
Sr. P.W./Utilities Field Inspector
Pinellas County
22211 U.S. Hwy. 19 N., Bldg. 1
Clearwater, Florida 33765-2328

RE: Proposed Walgreen's @
 S.W.C. McMullen Booth and Enterprise,
 Safety Harbor, Florida
 EMK Project No. 31192.10

Dear Mr. Crosson,

Hunt Real Estate Services, Inc. is proposing to construct a Walgreen's Drug Store and associated infrastructure improvements on a 1.30 acre parcel of land located at the southwest corner of McMullen Booth Road and Enterprise Road within the city limits of Safety Harbor, Florida.

Currently, there is an existing gas station/convenience store, with eight fueling positions and a Checkers restaurant. Current access to the site from the only public roadway is from McMullen Booth Road, approximately 195 L.F. south of Enterprise Road. The parcel also has internal access through the existing shopping center west of the site.

Based on our meeting on April 22, 2013 it is our understanding the current/proposed driveway does not meet the spacing requirement of 460 feet between driveways along McMullen Booth Road (C.R. 611) as described in Section 170-198 (General Access Standards) of the LDC. The current/proposed driveway is centered between Enterprise Road and a driveway to the south. The properties frontage along McMullen Booth Road totals 360 feet.

Please accept this letter as our request for a variance from Section 170-198 (General Access Standards) for the following reasons:

1. Section 170-198(a) states "Direct egress from property adjacent to arterial and collector Streets shall be prohibited when egress to a road of lesser designation is available". The site has no other existing/proposed access to a public roadway.
2. The driveway is existing.
3. Based on ITE, 7TH Edition, the average vehicle trips on a weekday for the Walgreen's are 1,274 trips. The gas/convenience store trips are 1,302 and the Checkers Restaurant trips are 360. Based on this the proposed development generates 388 less trips per day.
4. Driveways currently exist along properties north and south of this site with driveways Less than the 460 feet.

Attached are copies of the existing conditions and the proposed site plan for your use. The construction plans are currently under review at the city of Safety Harbor, so any help you can provide in expediting this request would be appreciated. Should you have any questions or require further information, please call me.

Sincerely,
EMK Consultants of Florida, Inc.


Robert Kendall
Sr. Project Manager

REGULATORY SERVICES
Right of Way Utilization Permits

APR 29 2013

Strong, Lora J

From: Washburn, Thomas E
Sent: Thursday, May 16, 2013 9:27 PM
To: Fox, Patrick S; Crosson, Gene E; Strong, Lora J
Subject: RE: Walgreens @ McMullen Booth Rd. & Enterprise Rd. - RUP#13-0365D

Pat,

Sorry for the delay.

In response to the waiver request, our review indicates that the property is an outparcel to a larger development in the southwest corner of the intersection of CR 611 and Enterprise Road. In addition to the existing access drive referenced, the property has indirect access to CR 611 and Enterprise Road. Therefore, it is our opinion that the intent of the Code is satisfied through these other connection points.

The fact that the driveway is existing, the trips will be reduced and that there are other non-compliant driveways along CR 611 have no bearing on the policy direction provided by the Transportation Element of the Pinellas County Comprehensive Plan (Policy 1.8.1).

Based on the information provided, the applicant has not demonstrated that a hardship would be created by meeting the County's access management code. Therefore, denial of this request is recommended.

Thomas Washburn, P.E.
Manager, Traffic Engineering Section
Pinellas County Dept. of Environment & Infrastructure (DEI)
22211 US 19 N, Clearwater, FL 33765
Phone 464-8804
Fax (727) 464-8803
twashburn@pinellascounty.org

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All government correspondence is subject to the public records law.

From: Fox, Patrick S
Sent: Thursday, May 16, 2013 2:43 PM
To: Crosson, Gene E; Washburn, Thomas E
Subject: Walgreens @ McMullen Booth Rd. & Enterprise Rd. - RUP#13-0365D

Gene/Tom,

Robin Kendall is calling for a review status for the above project sent out on 04/29/13

Patrick Fox
Eng Tech
Pinellas County B.D.R.S.
440 Court St, Clearwater, FL 33756
Phone (727) 464-3404

Strong, Lora J

From: Crosson, Gene E
Sent: Monday, May 20, 2013 8:51 AM
To: Strong, Lora J
Subject: RE: Walgreens @ McMullen Booth Rd. & Enterprise Rd. - RUP#13-0365D

Lora,

I concur with Traffic Engineering's response to the proposed waiver for access from McMullenbooth Road. I would recommend the denial of the waiver as it does not meet the requirements of the Code nor does it comply with the County Comprehensive plan. The Applicant has adequate access to the site from two other access points. The Applicant has not demonstrated that a hardship would be created by meeting the current Code.

I will have comments on the RUP review soon. I am waiting for some direction from the Streets and Bridges Section on the sidewalk/pedestrian bridge.

Gene Crosson

Department of Environment & Infrastructure
Transportation and Stormwater
(727) 580-6516

gcrosson@pinellascounty.org

All government correspondence is subject to the public records law.

From: Strong, Lora J
Sent: Monday, May 20, 2013 8:19 AM
To: Fox, Patrick S
Cc: Crosson, Gene E
Subject: RE: Walgreens @ McMullen Booth Rd. & Enterprise Rd. - RUP#13-0365D

I'm waiting to see if Gene has anything to add.

Lora Strong

Engineering Technician
BDRS Regulatory Services
440 Court St, Clearwater, FL 33756
Phone (727) 464-3394
lstrong@pinellascounty.org

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All government correspondence is subject to the public records law.

From: Fox, Patrick S
Sent: Monday, May 20, 2013 8:07 AM
To: Strong, Lora J
Subject: FW: Walgreens @ McMullen Booth Rd. & Enterprise Rd. - RUP#13-0365D

Lora,

**BOARD OF COUNTY
COMMISSIONERS**

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Karen Williams Seel
Kenneth T. Welch



July 12, 2013

Mr. Todd Pressman
Pressman and Associates, Inc.
334 East Lake Road, Suite 102
Palm Harbor, FL 34685

Re: Walgreens Driveway Connection at McMullen Booth Road and Enterprise Road
Right-of-way Utilization Permit No. 13-0385
Appeal to Denial Letter of May 21, 2013

Dear Mr. Pressman:

We have reviewed the variance request for the driveway connection with the additional information you had provided in your email of June 5, 2013.

The comprehensive information that has been provided is commendable. However, it does not meet the requirements of Section 154-4 for an unnecessary hardship on the applicant due to an unusual circumstance peculiar to the property.

Our decision to remove the existing driveway connection is consistent with the Comprehensive Plan and County Code. We must therefore maintain our previous response to this request.

If you should have any questions please feel free to contact Gene Crosson at 580-8516.

Sincerely,



David E. Scott, P.E.
Executive Director, DEI

cc: Gene Crosson, Transportation & Stormwater, DEI



Todd Pressman <todd@pressmaninc.com>
Re: Pressman : Variance/ Walgreens
June 5, 2013 5:33:25 PM EDT
"Scott, David" <dscott@co.pinellas.fl.us>



Mr. Scott: *Crossan*

RE: Walgreens Driveway Variance

I am going to file the appeal to the County Commission tomorrow (Thursday). This is not due to any loss of confidence on your part in your consideration of the issue. Rather, there is that 20 day deadline to file the appeal and I count those days out to this Friday. I do not like waiting until the last minute to file these things.

REGULATORY SERVICES
JUN 6 2013

The purpose of this email is simply a communication only to make you aware that I am filing the appeal and why I am filing the appeal.

We still very much hope to have your support on this very important matter and will be happy to talk further or discuss any issues of concern with you.

Thank you again for your time and consideration.

PRESSMAN & ASSOCIATES, INC.

Governmental & Public Affairs

To Mr. David Scott,
As Agent/Representative/Designee of the County Administrator:

Please accept the attached documents as a request to appeal a decision from the County Engineer to the Board of County Commissioner's). This appeal is in regard to the denial of an existing driveway access point at the Southwest corner of McMullen-Boothe Road and Enterprise, East Road.

I would request that all materials already submitted to the County regarding this issue be included with this appeal.

I am including a check for \$100.00 for costs - the exact fee for costs of publishing and notice is not established or known at the moment and we will be happy to provide further payment, if necessary.

Thank you



Todd Pressman, Agent

COPY: Clerk to the Board of County Commissioner's.

PRESSMAN AND ASSOC., INC.

GOVERNMENTAL AND PUBLIC AFFAIRS

334 EAST LAKE RD., #102 PALM HARBOR, FL 34685

727-804-1760, FX (888) 977-1179

E-MAIL, TODD@PRESSMANINC.COM

Variance Appeal Submittal, Proposed Walgreen's Store **Driveway Access Point**

SWC of Enterprise Rd., East and McMullen-Boothe Road

Orientation (site plans enclosed):



A) RED – Confines of ownership by the single property owner, Freedom Land Trust. This encompasses 208,888 SF. There is full and free access throughout the property.

B) YELLOW- Confines of the Walgreen's project. The Mobil and Checkers have already been legally dismissed from the site. The Walgreen's project is proposed to occupy both spaces.

C) Chase Bank's location is noted in red letters – this aerial contains the old Blockbuster site – but the locational aspects are extremely similar. The lease was signed June, 2011.

D) The access point under discussion is indicated in red letters.

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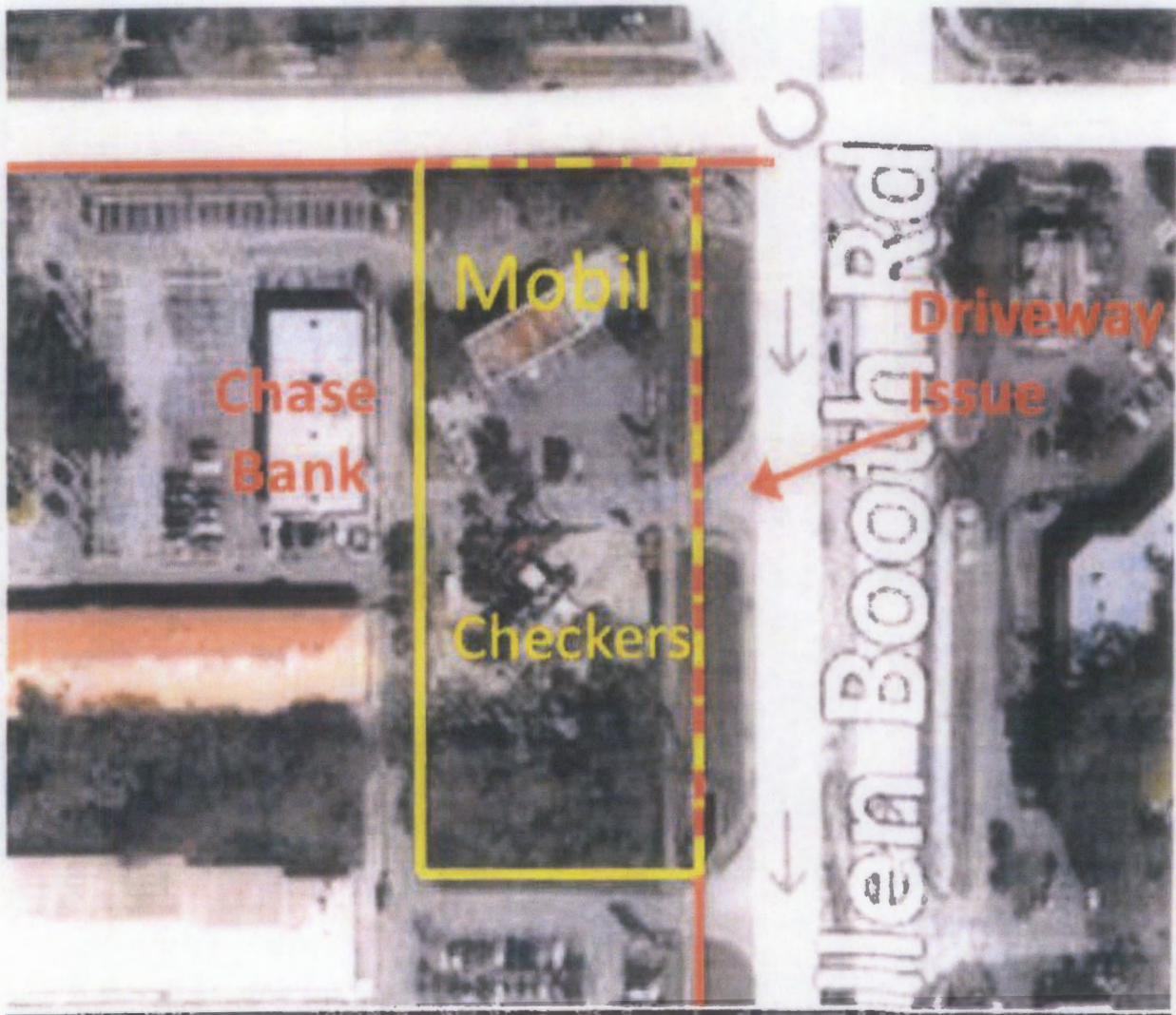
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Pg. 1.5

Zoomed In View



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1) History of No Traffic Accident Incidents

We have submitted detailed results of the traffic incidents at this intersection as reported by the Pinellas County Sheriff's office. The Variance report has enclosed the diagrams and in a couple of circumstances, the officer's written reports (for further explanation of 2 incidents). We will be emailing the full electronic reports when this Variance is submitted. The result of that review show that there have been no 'rear ending' accidents in the right lane (most Western lane) in the Southbound direction, Southward from Enterprise in the years 2011, 2012 and a couple incidents in 2013. A hardship is created in that real world data has shown that this driveway does in fact operate very safely and successfully, yet the generalized, "guideline" standards do not apply well at this specific traffic point.

2) Driveway Configuration

We believe that one characteristic which is different at this site is the approximate 50' radius of the existing driveway (versus the typical 35' radius). We believe this applies itself as one primary reason for the history of incident free traffic accidents in the associated right traffic lane. This provides a wider and safer ingress and egress point from McMullen-Boothe Road. Being required to alter, modify or lose this larger driveway would be a hardship in the loss of an operational and safe access point. The wider driveway is singular and unique in comparison to any other property owner and losing that location as an entrance and exit to the property severely affects the utility of that corner property.

3) Recently Built Tenant's Reliance on the Site

Chase Bank signed a lease and was constructed on the specific basis that the driveway access point under discussion would continue in it's same exact status as it exists today. Please see the full Chase Bank lease of which has been submitted with the Variance report, of which this condition is specifically stipulated in that lease. The required closure of the driveway access point would create a tremendous hardship upon the property owner in regard to the prior documented exercised use of the Chase Bank site because a closure will directly break the conditions of that lease. The Walgreen's lease contains the same specific requirement and would cause the same drastic hardship of the loss of the project – with the committed loss of the two existing commercial users.

It is critical to note that when the Chase Bank site came through the governmental development process, there was no communication, order or requirement to modify or eliminate this access point under discussion.

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4) Utility, Use and Functional Application of the Project Site

The reality is that the corner property proposed for the Walgreen's site is not as fully functional without direct access to a roadway. In that regard, the corner property, which has enjoyed long term use of direct access to McMullen-Boothe is not as desirable nor functionally usable or attractive to commercial users. The fact is that direct access to an arterial makes that corner property a premier site. Loss of that direct driveway access point will become a tremendous hardship on the property owner.

5) Additional Engineering and Governmental Reviews

We have submitted a formal letter of no opposition from the City of Safety Harbor, of which their City Engineer, John E. Powell, states no opposition to the existing driveway access point. We have also submitted an email from FDOT Permit Unit Administrator, Chris Gregory, communicating "...layout looked OK to me". The property is under the jurisdiction of the City of Safety Harbor.

6) 'Jurisdiction' of the County

With great respect to the County, it is our opinion that the code sections' intent is to only give the County the ability to place authority on this access point if it is new, changed or modified in any manner. The driveway access point under discussion is not proposed to be altered, modified nor changed in any manner. Further, the access and spacing parameters are clearly stated to be "guidelines" of which input of other information is just as important. The driveway access point has been in existence for a very long time:

Sec. 170-195. - Area embraced.

(a)

The areas embraced by this article shall be all county rights-of-way, whether or not within municipal boundaries.

(b)

This article is not applicable to installations that are already properly placed within the rights-of-way unless they are relocated or modified, but shall apply to those to be placed within the right-of-way after February 29, 1982.

(Ord. No. 90-13, § 5, 2-20-90; Ord. No. 92-68, §§ 5, 18, 10-27-92)

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Pg. 4

Sec. 170-198. - General access standards.

(a)

Direct egress from property adjacent to arterial and collector streets shall be prohibited when egress to a road of lesser designation is available.

(b)

If a property is located such that access can be provided to either an arterial or collector facility, access to the arterial facility shall be prohibited.

(c)

Direct access to individual one-family and two-family (duplex) dwellings shall be prohibited on arterial and collector streets, except those for which no other access can be conveniently provided.

(d)

Common access facilities on arterial and collector streets are encouraged when two or more contiguous sites are planned for commercial, office or industrial facilities (two access facilities maximum on property less than 200 feet frontage).

(e)

Off-street parking shall be designed to ensure that all vehicles leaving or entering the public street right-of-way shall be traveling in a forward motion, except driveways serving one-family and two-family dwellings.

(f)

In addition to the above criteria, an inventory has been compiled which classifies the various segments of the county numbered road system, according to existing and proposed safe access intervals. These intervals will be utilized as a guideline to standardize the minimum spacing criteria for the issuance of new driveway permits and median openings without the necessity of obtaining a variance.

In regard to the spacing criteria of the code (bottom of the table, Sec 170-198):

:

To be used by Pinellas County as a guideline only. Other engineering and safety factors must be considered.

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7) Reduction of trips and internal conflicts

The change of use, from 2 high pace and high trip retail users, to a lower trip use, results in a 15% reduction of trips to the site, as indicated by the ITE. Secondly, the proposed redevelopment configuration reduces potential conflicts internal to the site for vehicles entering via the subject driveway.

8) Large Center with Reduced Access Points

This center maintains a large amount of office, retail and commercial uses - over 200,000 square feet. There are many, many mixed use businesses and operations which share the use of the access point. The fact that there are many businesses at this center, sharing this access point is a desired direction of the access criteria. The loss of the driveway would place an added burden and hardship on the remaining access points and certainly would be an added hardship to the separate businesses and the property owner in the ability to better access uses across the site and it's that attractive ease enjoyed by the public using the site today.

Site Photo's



Chase Bank, rear view, with discussed access drive shown

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Pg. 6



Chase Bank, front view



Existing Mobil store

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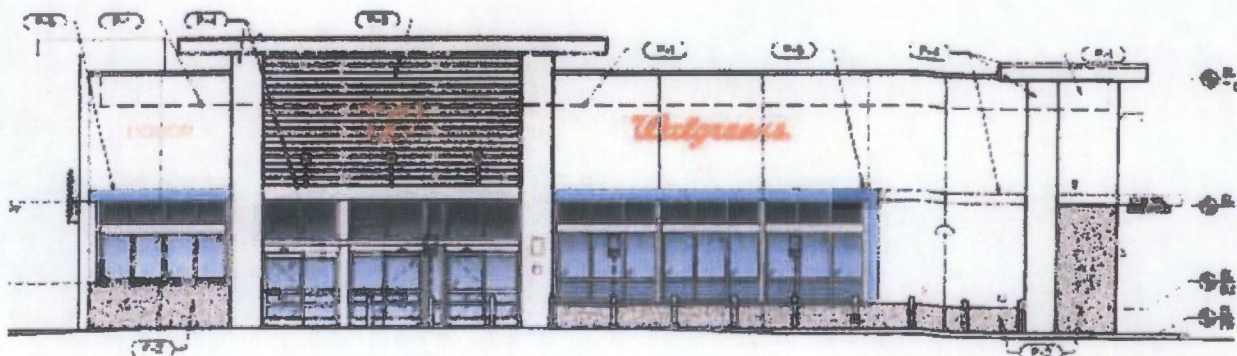
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Pg. 7

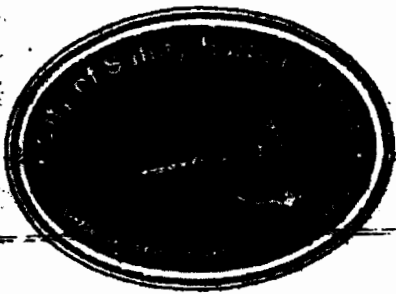


Existing Checker's store (now closed)



NORTH ELEVATION

Proposed Walgreen's Front Elevation



City of Safety Harbor Florida

HOME OF ESPIRITU SANTO MINERAL SPRINGS

750 Main Street * Safety Harbor, Florida 34695

(727) 724-1555 * Fax (727) 724-1566

www.cityofsafetyharbor.com

May 29, 2013

Todd Pressman, President
Pressman & Associates, Inc.
334 East Lake Road, #102
Palm Harbor, FL 34685

Re: Proposed Walgreens at McMullen Booth Road and Enterprise Road

Dear Mr. Pressman:

The City of Safety Harbor has no objection to the use of the existing driveway on McMullen Booth Road for the proposed Walgreens project.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "John E. Powell". The signature is fluid and cursive, with a large loop at the end of the last name.

John E. Powell, P.E., LEED AP
City Engineer

cc: Mathew McLachlan

From: Robin Kendall <robin@emkfla.com>
Subject: FW: Walgreens Enterprise & McMullen Booth
Date: May 22, 2013 11:19:57 AM EDT
To: Greg Ferrell <gferrell@huntresco.com>
Cc: 'Todd Pressman' <todd@pressmaninc.com>

Attachment, 2 KB

Robin Kendall
Sr. Project Manager
EMK Consultants of Florida, Inc.
7815 N. Dale Mabry Highway, Suite 200
Tampa, Florida 33614
Ph. Main (813) 931-8900
Direct (813) 712-7351
Fax (813) 931-5848
Cell (813) 765-1183



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From: Gregory, Chris [mailto:Chris.Gregory@dot.state.fl.us]
Sent: Wednesday, April 03, 2013 3:29 PM
To: Trevor Gregory
Cc: Robin Kendall
Subject: RE: Walgreens Enterprise & McMullen Booth

No Problem!

Good Luck, Again for what it's worth the layout looked okay to me.

Chris Gregory
Florida Department of Transportation
Permit Unit Administrator
5211 Ulmerton Road
Clearwater, FL 33760
(727)570-5101

From: Robin Kendall <robin@emkfla.com>
Subject: FW: Walgreens Enterprise & McMullen Booth
Date: May 22, 2013 11:19:57 AM EDT
To: Greg Ferrell <gferrell@huntresco.com>
Cc: 'Todd Pressman' <todd@pressmaninc.com>

1 Attachment 1 KB

Robin Kendall
Sr. Project Manager
EMK Consultants of Florida, Inc
7815 N. Dale Mabry Highway Suite 200
Tampa, Florida 33614
Ph. Main (813) 931-8900
Direct (813) 712-7351
Fax (813) 931-5848
Cell (813) 765-1183



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From: Gregory, Chris [mailto:Chris.Gregory@dot.state.fl.us]
Sent: Wednesday, April 03, 2013 3:29 PM
To: Trevor Gregory
Cc: Robin Kendall
Subject: RE: Walgreens Enterprise & McMullen Booth

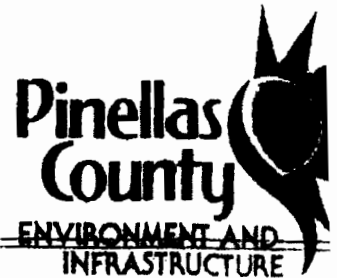
No Problem

Good luck. Again for what it's worth the layout looked okay to me

Chris Gregory
Florida Department of Transportation
Permit Unit Administrator
5211 Dimerton Road
Clearwater, FL 33760
(727)570-5101

**BOARD OF COUNTY
COMMISSIONERS**

Charlie Justice
Susan Latvala
Janet C. Long
John Morroni
Norm Roche
Karen Williams Seel
Kenneth T. Welch



May 21, 2013

Mr. Robin Kendall
Project Manager
EMK Consultants of Florida, Inc.
7815 North Dale Mabry Highway
Suite 200
Tampa, FL, 33614

Re: Proposed Walgreen's at McMullen Booth Road and Enterprise Road
Request for Variance to Section 170-198
Right-of-way Utilization Permit No. 13-0365

Dear Mr. Kendall:

We have reviewed your request to keep a driveway connection along McMullen Booth Road. Our review indicates that the property is an outparcel to a larger development in the southwest corner of the intersection of McMullen Booth Road (CR 611) and Enterprise Road. In addition to the existing access drive referenced, the property has indirect access to CR 611 and Enterprise Road. Therefore, it is our opinion that the intent of the Code is satisfied through these other connection points.

The fact that the driveway is existing, the trips will be reduced, and that there are other non-compliant driveways along CR 611 have no bearing on the policy direction provided by the Transportation Element of the Pinellas County Comprehensive Plan (Policy 1.8.1).

Based on the information provided, you have not demonstrated that a hardship would be created by meeting the County's access management code. Therefore, we are denying this request. Should you have any questions, please contact Tom Washburn at 464-8804.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard L. V. Coates, III".

Richard L. V. Coates, III, P.E.
Director, Transportation and Stormwater

cc: Tom Washburn, PE, Transportation and Stormwater
Gene Crosson, Sr. Inspector, Transportation and Stormwater

THS
5/21/2013

MEMORANDUM

TO: Tom Washburn, PE, DEI – Transportation and Stormwater
Gene Crosson, DEI – Transportation and Stormwater

FROM: Lora Strong, BDRS Regulatory Services
440 Court Street, 3rd Floor

SUBJECT: APPEAL for Access Waiver Request for Walgreens @ McMullen Booth & Enterprise
RUP13-0365

DATE: June 6, 2013

Attached is the appeal package for the Walgreens @ McMullen Booth Road and Enterprise. Please respond at your earliest convenience. Thank you.

bdrs memo format - 13-0365 APPEAL walgreens at mcmullen and enterprise for access.docx

*The revised information does not
meet the requirements of 154-4 for
an unnecessary hardship due to
proportion. I would recommend
denial of this request
base on the code!
the code book!
Lora*

Crosson, Gene E

From: Strong, Lora J
Sent: Tuesday, June 18, 2013 4:37 PM
To: Crosson, Gene E
Subject: FW: Proposed Walgreen's at McMullen Booth and Enterprises

Fyi. I'll put this with the appeal packet (2nd submittal packet)

Lora Strong
Engineering Technician
BDRS Regulatory Services
440 Court St, Clearwater, FL 33756
Phone (727) 464-3394
lstrong@pinellascounty.org

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From: Bartolotta, Al
Sent: Monday, June 17, 2013 10:53 AM
To: Strong, Lora J
Subject: Proposed Walgreen's at McMullen Booth and Enterprises

Hi Lora,

I reviewed the variance request on the driveway connection at this location. The decision to remove the existing driveway connection there looks to be consistent with the Comp. Plan and County code but I think there's some issues involved with the case that call for review by the Attorney's Office, particularly the question of economic hardship and whether the Code applies to existing driveways. While there may be some lost economic value in the site with the removal of the driveway, I'm not sure whether that would be deemed a hardship. Regarding the application of the Code to existing driveways, the applicant cites Chapter 170-95(b), "This article is not applicable to installations that are already properly placed within the rights-of-way unless they are relocated or modified, but shall apply to those to be placed within the right-of-way after February 29, 1982" in the support of his appeal. Since the existing development there was permitted in 1990, I don't think this provision supports their case, but I'd still want the benefit of an opinion from the Attorney's Office on this as well.

Al Bartolotta
Planning Section Manager
Pinellas County Dept. of Strategic Planning and Initiatives/MPO
(727) 464-8200
abartolotta@pinellascounty.org
www.pinellascounty.org
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Crosson, Gene E

From: Washburn, Thomas E
Sent: Tuesday, June 25, 2013 10:45 AM
To: Crosson, Gene E
Subject: FW: Comments on Variance submittal for proposed Walgreen's
Attachments: FDOT Access Management Brochure 2012.pdf

Gene,

Chris has done a good job summarizing. I've added my comments below in red.

Thanks,
Tom

Thomas Washburn, P.E.
Manager, Traffic Engineering Section
Pinellas County Dept. of Environment & Infrastructure (DEI)
22211 US 19 N, Clearwater, FL 33765
Phone 464-8804
Fax (727) 464-8803
twashburn@pinellascounty.org

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From: Hanning, Christopher
Sent: Monday, June 17, 2013 1:39 PM
To: Crosson, Gene E; Washburn, Thomas E
Cc: Prawl, Jaime
Subject: Comments on Variance submittal for proposed Walgreen's

Gene and Tom,

Please see my comments after reviewing the Variance submittal for the proposed Walgreen's store driveway access at the corner McMullen-Booth Road and Enterprise Road.

1) History of no traffic accident incidents

Although there were no crashes that can be directly attributed to motorists using the subject driveway during the period of the submitters review, it does not mean that a crash may not occur there in the future. The overall concept of access management is to improve the safety and traffic flow of roadways. Removal of any driveways located in the functional area of an intersection is at the core of this concept. The access point located approximately 200 feet south of the subject driveway is not in the functional area of the intersection and provides safe access to the property.

As was stated in the first response, traffic crashes have no bearing in the consideration of this request.

2) Driveway Configuration

The layout of the subject driveway can also lead to unsafe conditions. Since it is wider and has a larger radius than typical driveways, motorists are not "channelized" into a single entrance or exit lane, especially with the absence of any pavement markings. This may lead to more than one vehicle trying to enter or exit the property at this driveway at the same time, thereby creating confusion and an unsafe situation.

The larger radius coupled with the location of the sidewalk exposes a pedestrian in the driveway if a vehicle enters the site at a high rate of speed. The County's focus has been to protect pedestrians by reducing driveway and intersection radii.

3) Recently built tenant's reliance on the site

With regards to other tenants' leases at the site, it is not an area of concern for Pinellas County. Pinellas County is responsible for providing safe, efficient roadways for its citizens and any internal business dealings are not weighed when evaluating access locations to sites. Also, my interpretation of exhibit A-1 (last page of "Tab 2" in the submittal) is that the two access points along Enterprise Road and the southern driveway along McMullen-Booth are necessary access points, but does not label the subject driveway as "necessary access".

Also, the photo on page 5 of the submittal showing the rear view of Chase Bank does not show the subject driveway. From my site visit, this photo seems to be showing the access point to Enterprise Road, directly north of the bank. Therefore, I feel that Chase Bank will not be affected by removal of the subject driveway.

The proposed Walgreen's will block direct access to this driveway – it will be more direct for Chase patrons to access McMullen-Booth from the south driveway. There is no signing at the existing driveway that indicates that it is an access for Chase and nothing on the site that indicates it is an exit to McMullen-Booth Road.

4) Utility, use and functional application of the project site

Numerous studies have shown that access management modifications do not negatively impact businesses nor do businesses fail at a higher rate than businesses along all roadways in general. Please see the attached brochure on access management downloaded from the FDOT website. I feel that removal of the subject driveway will not cause a tremendous hardship on the property owner.

The location is an outparcel at the corner of a major signalized intersection – this should make the site more economically feasible than most.

5) Additional engineering and governmental review & "Tab 1" (letter from Safety Harbor)

Pinellas County often discusses roadway and traffic related issues with other government agencies as it is best for the overall roadway network to work together, especially when their jurisdiction is involved. However, both McMullen-Booth and Enterprise Roads are owned and maintained by Pinellas County. FDOT and Safety Harbor comments are taken into consideration, but Pinellas County is ultimately responsible for the safety and operation of these roadways.

It does not appear that either agency went through a detailed access review.

6) "Jurisdiction" of the County

I cannot speak much on this subject other than it is my understanding that Pinellas County shall review any site plan modifications and may require changes in access points during this review.

The driveway does not meet the County Code as constructed – it would have to be modified if the waiver is granted, so these requirements would still apply. The existing driveway location is more than 50% out of compliance – this is a significant deviation.

7) Reduction of trips and internal conflicts

I agree that trips may be reduced with changes to the types of businesses at the site. However, potential internal conflicts are beyond the scope of Pinellas County's review. Removal of the subject driveway will result in the decrease in conflict points along McMullen-Booth Road and improve safety, which is one of the main purpose of using access management practices.

As was stated in the first response, this information has no bearing in the consideration of this request.

8) Large center with reduced access points

Again, loss of a driveway point will likely not have a negative effect on existing businesses at the site. Please see attached brochure from FDOT.

After careful consideration of the information presented, my recommendation continues to be that the driveway should be removed.

It also looks like they plan to remove part of the existing sidewalks along McMullen-Booth. We will need to address this sidewalk connectivity issue in the future. Thanks for the opportunity to provide comments. If you need additional information, please feel free to contact me.

Thank you,

Chris Hanning, P.E.
Public Works Engineering Specialist II
Pinellas County DEI
Streets and Bridges
22211 US Hwy. 19 North
Clearwater, FL 33765
Phone (727) 464-8757
Fax (727) 464-9915
channing@pinellascounty.org

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July 1, 2013

Mr. Todd Pressman
Pressman and Associates, Inc.
334 East Lake Road, Suite 102
Palm Harbor, FL 4685

Re: Walgreens Driveway Connection at McMullen Booth Road and Enterprise Road
Right-of-way Utilization Permit No. 13-0365
Appeal to Denial Letter of May 21, 2013

Dear Mr. Pressman:

We have reviewed the variance request for the driveway connection with the additional information you had provided in your email of June 5, 2013.

The comprehensive information that has been provided is commendable. However, it does not meet the requirement of Section 154-4 for an unnecessary hardship on the Applicant due to an unusual circumstance peculiar to the property.

Our decision to remove the existing driveway connection is consistent with the Comprehensive Plan and County Code. We must therefore maintain our previous response to this request.

If you should have any questions please feel free to contact Gene Crosson at 580-6516.

Sincerely,

Robert S. LaSala
County Administrator

c: David E. Scott, P.E., Executive Director, DEI
Karen E. Wells, DEI
Gene Crosson, DEI

*delegated to
D. Scott*

PRESSMAN AND ASSOC., INC.

GOVERNMENTAL AND PUBLIC AFFAIRS

334 EASTLAKE ROAD, SUITE #102, PALM HARBOR, FL 34684

727-804-1760 FX. (888) 977-1179

CELL 727-804-1760, E-MAIL, TODD@PRESSMANINC.COM

+ Mr. Lora King
TO: Mr. Gene Crosson and the
Pinellas County Clerk

FROM: Todd Pressman

DATE: 7/30/13

RE: Appeal Walgreens Driveway Connection
R/W Utilization Permit # 13-0365
SWC Enterprise Road and McMullen-Boothe Road

Please accept this letter and attached booklets as a request to appeal the County denial of this issue to the Board of County Commissioner's.

I would also request that all prior information and materials be included.

Thank you.

A \$100.00 check has already been submitted for notice fees } *not delivered*

P.
Lora - Please let me know if you need add'l funds } *check for \$20 delivered 7/30/13*

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E-MAIL, TODD@PRESSMANINC.COM

Variance Appeal Submittal, Proposed Walgreen's Store

Driveway Access Point

SWC of Enterprise Rd., East and McMullen-Boothe Road

Orientation (site plans enclosed):



CONTENTS

Pages 1-2

Page 3

Pages 4-7

Following Pg. 5

Pages 8 & 9

Page 10 & 11

ADDENDUM:

Aerial Orientation

Executive Summary

Detailed Appeal Support

Figure "A" and Photo's (hardship)

Site Photo's

Project Elevations & Plan

**City of Safety Harbor Letters
of Support**

**Sheriff Traffic Report
(Separate reports emailed to staff)**

**Proposed Site Plan with
Modifications Presented to Staff**

Traffic Engineer's Letter

Pinellas Denial letters

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Variance Appeal Submittal, Proposed Walgreen's Store Driveway Access Point

SWC of Enterprise Rd., East and McMullen-Boothe Road

Orientation (site plans enclosed):



A) RED – Confines of ownership by the single property owner, Freedom Land Trust. This encompasses 208,888 SF. There is full and free access throughout the property.

B) YELLOW- Confines of the Walgreen's project. It will not be an outparcel; ownership will remain with Freedom. The Mobil and Checker's have already been legally dismissed from the site. The Walgreen's project is proposed to occupy both spaces.

C) Chase Bank's location is noted in red letters – this aerial contains the old Blockbuster site – but the locational aspects are extremely similar. The lease was signed June, 2011.

D) The access point under discussion is indicated in red letters.

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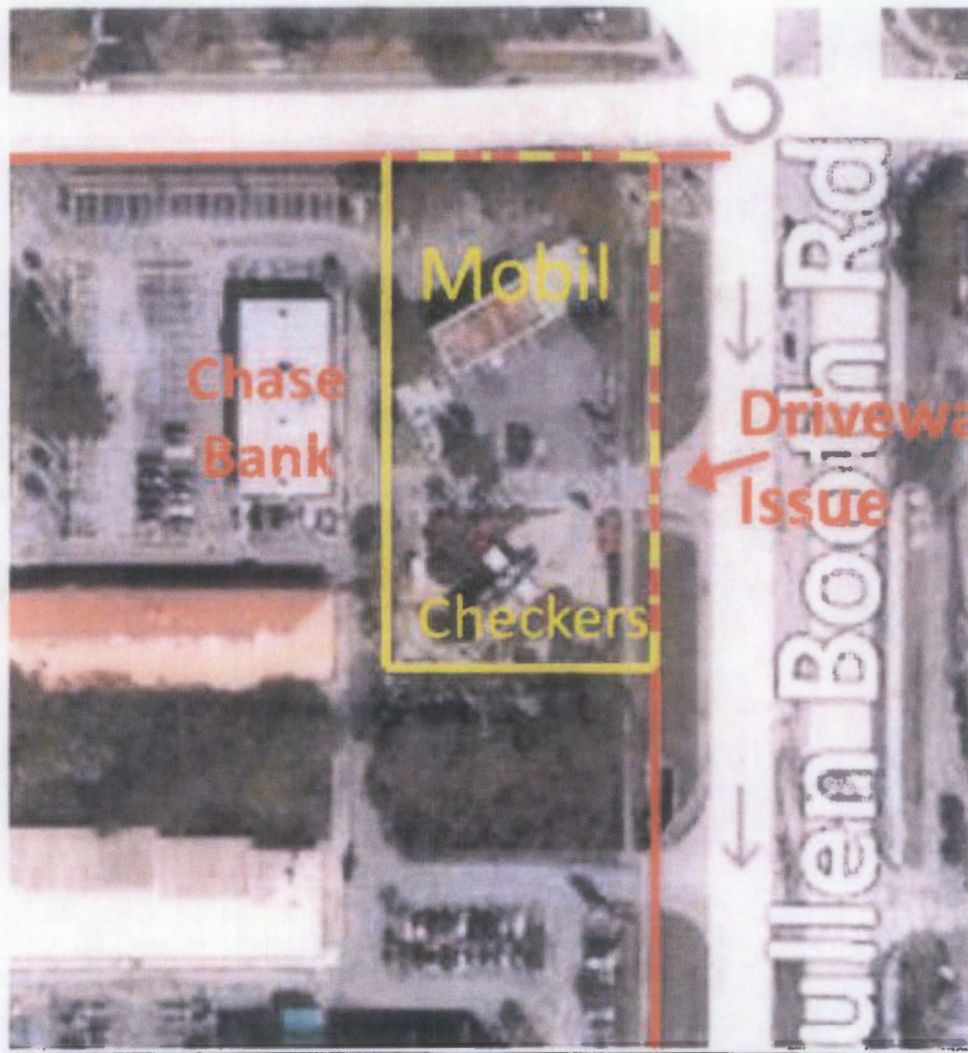
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Pg. 2

Zoomed In View
(Not an Outparcel)



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Pg. 3

Executive Summary

ISSUE OF APPEAL: The issue before the Commission is the County staff determination that the long time existing driveway on McMullen-Boothe Road should be closed. This action is being called for with the submittal of a new Walgreen's store.

Currently existing at the site, but being removed as this issue is reviewed, is an old Mobil gasoline station with a small convenience store and an old Checker's drive through location. The Walgreens store will not be an outparcel and is under the ownership of the whole commercial center's owner.

The applicants have submitted two separate modifications over the last couple of months to try and work with the County staff toward a solution. These modifications resulted in the existing driveway being shifted to the South 60' – and that change comes at a very, very high cost to the applicants.

The history of the existing driveway has been extremely safe and we have submitted 2 years of traffic incident reports from Sheriff Gualtieri's office. The applicant's traffic engineer has deemed the driveway acceptable and safe. Critically, the site must contend with a major forestation and water conveyance of which splits the use of the driveways at this center and creates a terrific hardship. There had been no changes or a single modification of the long time existing driveway until the applicants sought to appease the County staff. The City of Safety Harbor is on the record supporting the project and this access point issue.

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Points in Support

1) History of No Traffic Accident Incidents

We have submitted detailed reports of the traffic incidents at this intersection as reported by the Pinellas County Sheriff's office. The full electronic reports have been electronically emailed to the County staff. The results show that there have been no 'rear ending' accidents in the right lane (most Western lane) in the Southbound direction, Southward from Enterprise in the years 2011, 2012 and a couple incidents in 2013. A hardship is created in that real world data has shown that this driveway does in fact operate very safely and successfully, yet the generalized, "guideline" standards do not apply well at this specific traffic point.

2) Driveway Configuration/Modifications Made

As we have shown, the existing driveway has provided a great history of safety. Our traffic engineer has determined that this is due to a large driveway radius, of which provides greater and safer vehicular movements. In discussions with your staff to try and work out this issue, the applicants has proposed 2 different modifications to slide the driveway Southward to the Southern extreme of the property, at great expense. The final modification allowed the existing driveway to slide approximately 60' South of it's current condition, or a total of 298' from the Southern edge of Enterprise Road.

3) Recently Built Tenant's Reliance on the Site

Chase Bank signed a lease and was constructed on the specific basis that the driveway access point under discussion would continue in it's status as it exists today. The full Chase Bank lease which has been submitted to the County staff, of which this condition is specifically stipulated in that lease. The required closure of the driveway access point would create a tremendous hardship upon the property owner, and Chase, in regard to the prior documented exercised use of the Chase Bank site because a closure will directly break the conditions of that lease. The Walgreen's lease contains the same specific requirement and would cause the same drastic hardship of the loss of the project along with the committed loss of the two existing commercial users.

It is critical to note that when the Chase Bank site came through the governmental development process, there was no communication, order or requirement to modify or eliminate this access point under discussion.

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4) Topographical, Physical Hardship and Singular Conditions

The site must contend with a 100' plus water conveyance and dense forestation of which splits this portion of the property from the rest of the site. Please refer to figure "A" immediately following this page, and the following photo's. A severe and unique hardship is created when the existing (or now modified proposed) driveway is forced closed. Drivers must then use the next Southern driveway, of which is physically and visually cut off by the 100' plus forestation and water conveyance, which then runs under McMullen-Boothe Road. It is hard to believe that any other property in Pinellas County could be so significantly affected by a driveway closing in regard to the topographical features and the relationship of 2 driveways anywhere in Pinellas County.

5) Utility, Use and Functional Application of the Project Site

The reality is that the corner property proposed for the Walgreen's site is not as fully functional without direct access to a roadway. In that regard, the corner property, which has enjoyed long term use of direct access to McMullen-Boothe is not as desirable nor functionally usable or attractive to commercial users. The fact is that direct access to an arterial makes that corner property a premier site. Loss of that direct driveway access point will become a tremendous hardship on the property owner, compounded by the physical and visual loss as noted above.

5) Additional Engineering and Governmental Reviews

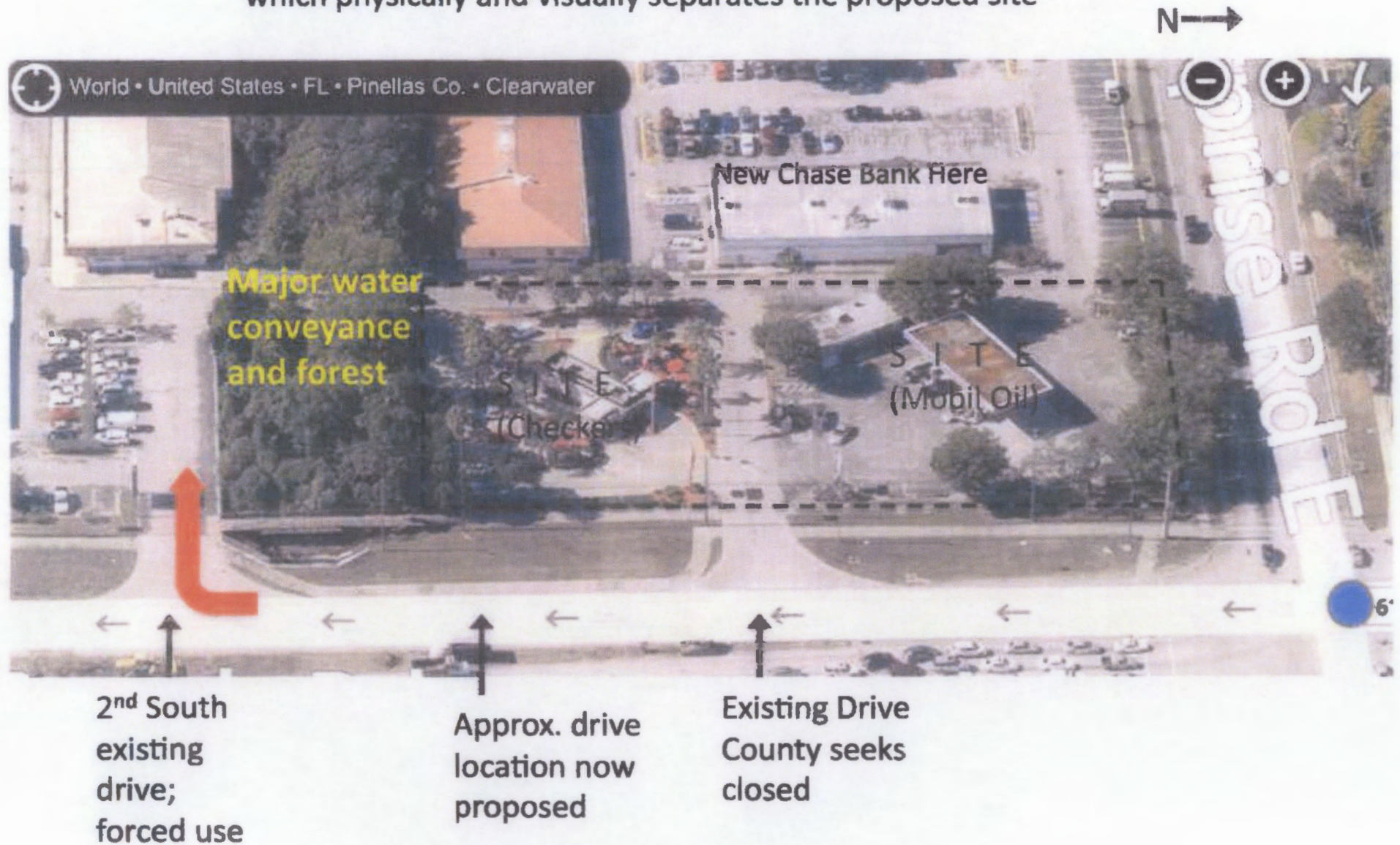
We have submitted a formal letter of support from the City of Safety Harbor, of which their City Engineer, John E. Powell, states no opposition to the existing driveway access point. The City Manager, Matthew Spoor has also submitted a letter of support. The private traffic engineer of the developer has deemed the access point safe and acceptable.

6) 'Jurisdiction' of the County

With great respect to the County, it is our opinion that the code sections' intent is to only give the County the ability to place authority on this access point if it is new, changed or modified in any manner. The driveway access point under discussion is not proposed to be altered, modified or changed in any manner (until trying to work with the staff). Further, the access and spacing parameters are clearly stated to be "guidelines" of which input of other information is just as important. The driveway access point has been in existence for a very long time:

'FIGURE A'

Further view of hardship and singularity: The site must contend with a massive water conveyance and forestation of which physically and visually separates the proposed site





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Pg. 6

Sec. 170-195. – Area embraced.

(a)

The areas embraced by this article shall be all county rights-of-way, whether or not within municipal boundaries.

(b)

This article is not applicable to installations that are already properly placed within the rights-of-way unless they are relocated or modified, but shall apply to those to be placed within the right-of-way after February 29, 1982.

(Ord. No. 90-13, § 5, 2-20-90; Ord. No. 92-68, §§ 5, 18, 10-27-92)

Pg. 4

Sec. 170-198. – General access standards.

(a)

Direct egress from property adjacent to arterial and collector streets shall be prohibited when egress to a road of lesser designation is available.

(b)

If a property is located such that access can be provided to either an arterial or collector facility, access to the arterial facility shall be prohibited.

(c)

Direct access to individual one-family and two-family (duplex) dwellings shall be prohibited on arterial and collector streets, except those for which no other access can be conveniently provided.

(d)

Common access facilities on arterial and collector streets are encouraged when two or more contiguous sites are planned for commercial, office or industrial facilities (two access facilities maximum on property less than 200 feet frontage).

(e)

Off-street parking shall be designed to ensure that all vehicles leaving or entering the public street right-of-way shall be traveling in a forward motion, except driveways serving one-family and two-family dwellings.

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Pg. 7

(f)

In addition to the above criteria, an inventory has been compiled which classifies the various segments of the county numbered road system, according to existing and proposed safe access intervals. These intervals will be utilized as a guideline to standardize the minimum spacing criteria for the issuance of new driveway permits and median openings without the necessity of obtaining a variance.

In regard to the spacing criteria of the code (bottom of the table, Sec 170-198):

:

To be used by Pinellas County as a guideline only. Other engineering and safety factors must be considered.

8) Reduction of trips and internal conflicts

The change of use, from 2 high pace and high trip retail users, to a lower trip use, results in a 15% reduction of trips to the site, as indicated by the ITE. Secondly, the proposed redevelopment configuration reduces potential conflicts internal to the site for vehicles entering via the subject driveway.

9) Large Center with Reduced Access Points

This center maintains a large amount of office, retail and commercial uses – over 200,000 square feet. There are many, many mixed use businesses and operations which share the use of the access point. The fact that there are many businesses at this center, sharing this access point is a desired direction of the access criteria. The loss of the driveway would place an added burden and hardship on the remaining access points and certainly would be an added hardship to the separate businesses and the property owner in the ability to better access uses across the site and it's that attractive ease enjoyed by the public using the site today.

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Pg. 8

Site Photo's



New Chase Bank, rear view, with discussed access drive shown



New Chase Bank, front view

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Pg. 10



Proposed Walgreen's Front Elevation

PRESSMAN AND ASSOC., INC.

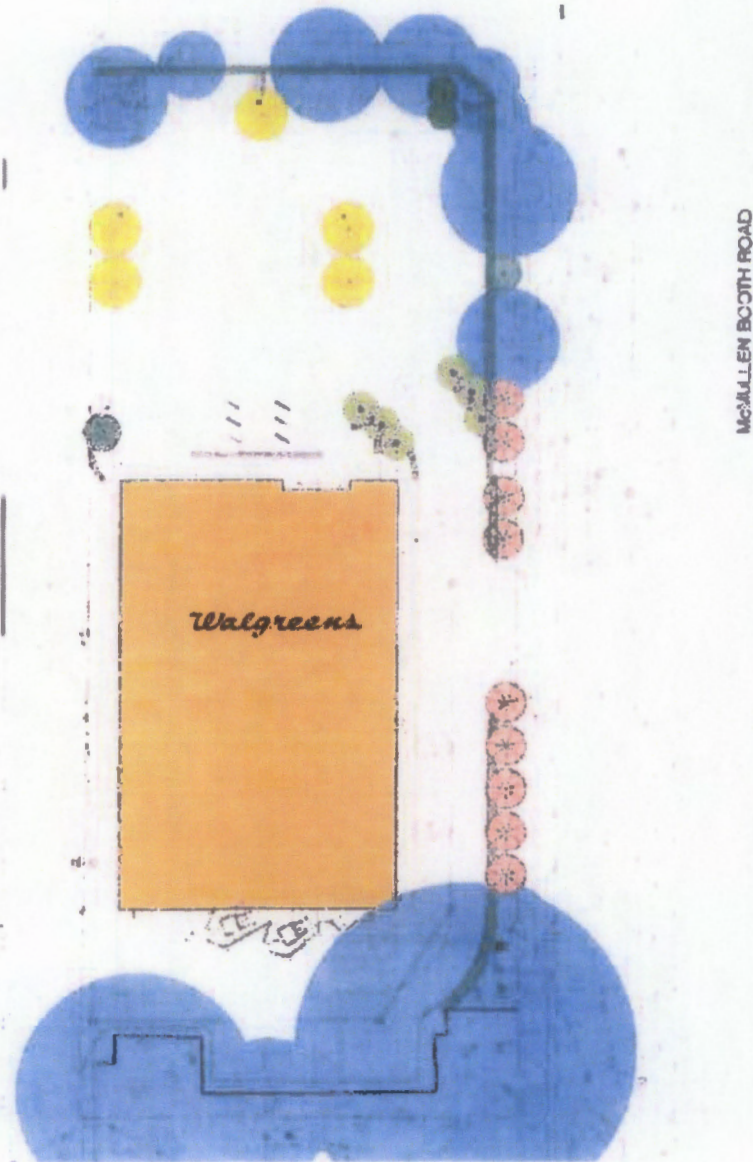
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Pg. 11



Proposed Landscape Plan

ADDENDUM



City of Safety Harbor Florida

HOME OF ESPIRITU SANTO MINERAL SPRINGS

750 Main Street † Safety Harbor, Florida 34695

(727) 724-1555 † Fax (727) 724-1566

www.cityofsafetyharbor.com

July 29, 2013

Mr. Robert S. LaSala
County Administrator
315 Court Street
Clearwater, FL 33756

RE: Proposed Walgreen's at SW Corner of McMullen Booth Road and Enterprise Road (Oakbrook Plaza)

Dear Bob:

I was told by Todd Pressman that the County continues to have concerns regarding the driveway access alternatives being proposed by Walgreen's for McMullen Booth Road and that they submitted a third option last week for the County's consideration. The City very much appreciates the willingness of your Engineering Staff to try and work out a mutually acceptable solution so this redevelopment project can go forward. The Safety Harbor Planning and Zoning Board and City Commission unanimously approved the site plan for the benefits it provides to greatly enhancing the building and landscape architecture of that corner as well as improving pedestrian interconnectivity within the shopping center. Furthermore, we believe this improvement will further the City and County's design objectives under the Scenic/Non-Commercial Corridor designation and have no objection to the existing access being maintained as approved by the City Commission.

Thank you again for your time and consideration of our position on this matter.

Sincerely,

Matthew Spoor
City Manager



City of Safety Harbor Florida

HOME OF ESPIRITU SANTO MINERAL SPRINGS

750 Main Street † Safety Harbor, Florida 34695
(727) 724-1555 † Fax (727) 724-1566
www.cityofsafetyharbor.com

May 29, 2013

**Todd Pressman, President
Pressman & Associates, Inc.
334 East Lake Road, #102
Palm Harbor, FL 34685**

Re: Proposed Walgreens at McMullen Booth Road and Enterprise Road

Dear Mr. Pressman:

The City of Safety Harbor has no objection to the use of the existing driveway on McMullen Booth Road for the proposed Walgreens project.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

**John E. Powell, P.E., LEED AP
City Engineer**

cc: Mathew McLachlan

PINELLAS COUNTY SHERIFF'S OFFICE

BOB GUALTIERI, SHERIFF

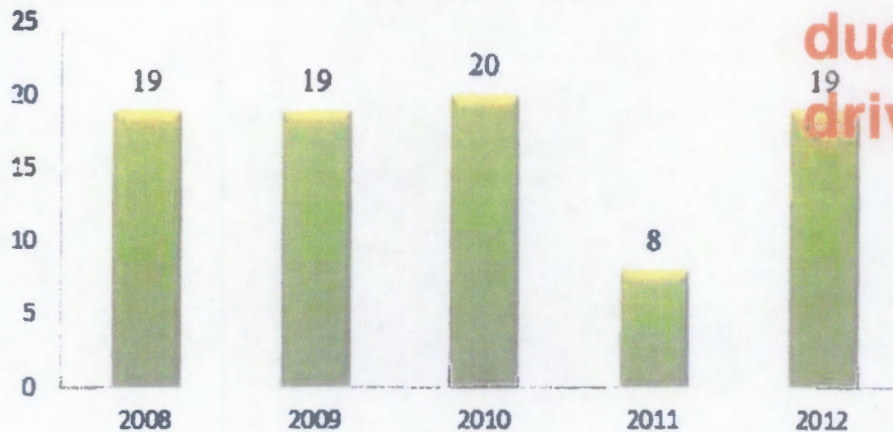


STRATEGIC PLANNING SECTION

Calls for Service -- Crashes at McMullen Booth Rd. and Enterprise Rd. E., Safety Harbor January 1, 2008 – May 22, 2013

The chart below reflects the crashes which have occurred at McMullen Booth Road and Enterprise Road East, Safety Harbor during the listed timeframe above.

**Total Crashes per Year
McMullen Booth Rd. and Enterprise Rd. E.**

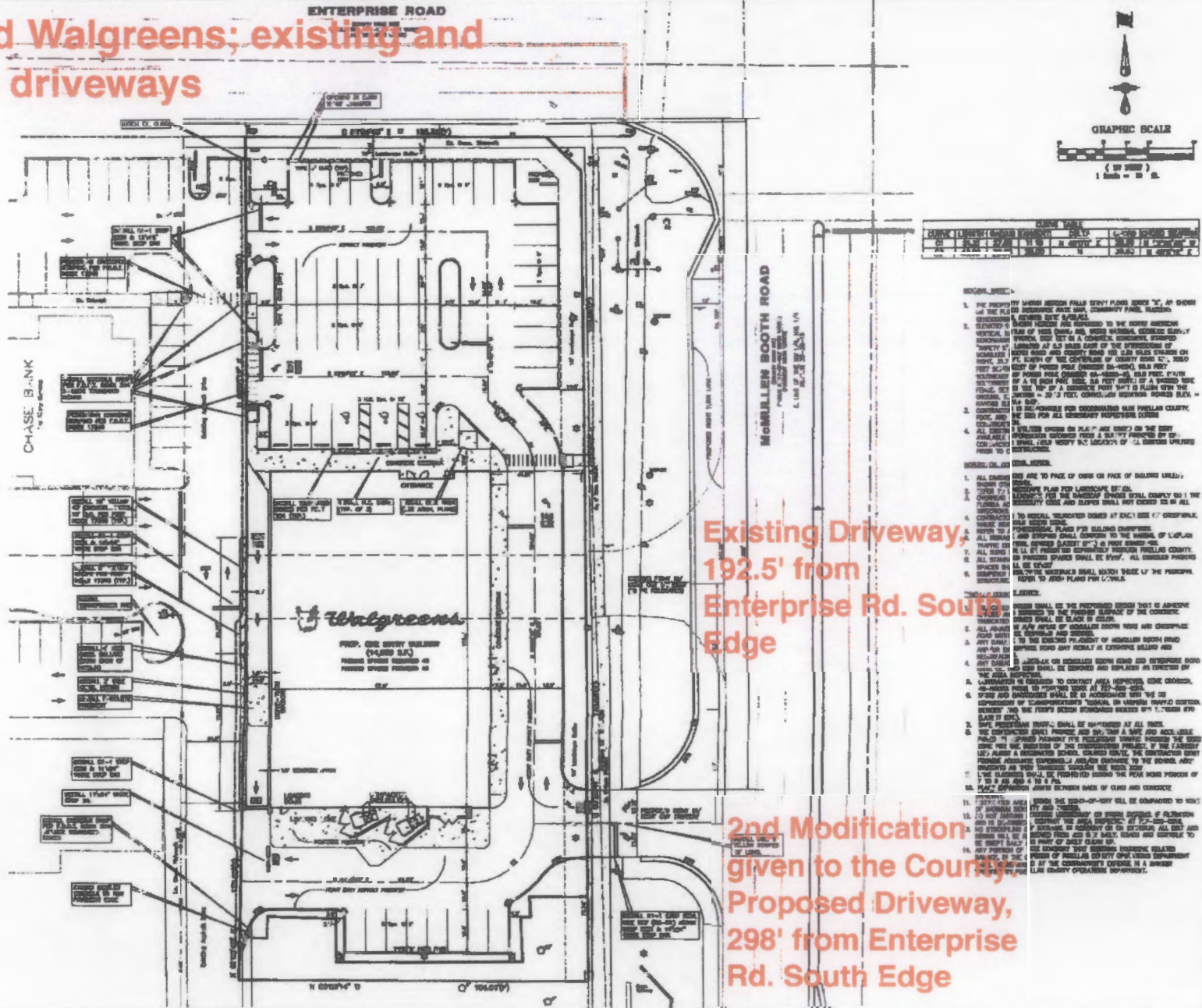


**No accidents
recorded
due to existing
driveway**

During the requested timeframe of May 22, 2012 through May 22, 2013 there were a total of (18) crashes at the intersection of McMullen Booth Rd. and Enterprise Rd. E., Safety Harbor. There have been (4) crashes at the listed intersection since January 1, 2013 to May 22, 2013.

REPORT	DATE	TIME	CALL FOR SERVICE	LOCATION
SO08-070235	3/24/2008	22:05	Accident Without Injuries	Enterprise Rd E / McMullen Booth Rd
SO08-098497	4/26/2008	11:15	Accident Without Injuries	Enterprise Rd E / McMullen Booth Rd
SO08-108419	5/7/2008	14:51	Accident Without Injuries	Enterprise Rd E / McMullen Booth Rd
SO08-113956	5/13/2008	17:04	Accident Without Injuries	McMullen Booth Rd / Enterprise Rd E
SO08-126331	5/20/2008	11:52	Accident Without Injuries	McMullen Booth Rd / Enterprise Rd E
SO08-147487	5/30/2008	22:59	Accident With Injuries	Enterprise Rd E / McMullen Booth Rd
SO08-152731	6/5/2008	15:34	Accident Without Injuries	McMullen Booth Rd / Enterprise Rd E
SO08-158394	6/11/2008	20:31	Accident Without Injuries	Enterprise Rd E / McMullen Booth Rd
SO08-196131	7/16/2008	22:12	Accident Without Injuries	Enterprise Rd E / McMullen Booth Rd
SO08-203254	7/30/2008	22:08	Accident Without Injuries	Enterprise Rd E / McMullen Booth Rd
SO08-233995	9/2/2008	12:18	Accident Without Injuries	Enterprise Rd E / McMullen Booth Rd
SO08-251927	9/22/2008	7:31	Accident Without Injuries	McMullen Booth Rd / Enterprise Rd E
SO08-261144	10/2/2008	16:10	Accident Without Injuries	Enterprise Rd E / McMullen Booth Rd
SO08-290280	11/5/2008	8:50	Accident Without Injuries	Enterprise Rd E / McMullen Booth Rd
SO08-301499	11/18/2008	10:58	Accident Without Injuries	Enterprise Rd E / McMullen Booth Rd
SO08-316991	12/7/2008	17:05	Accident Without Injuries	McMullen Booth Rd / Enterprise Rd E
SO08-320716	12/12/2008	12:33	Accident Without Injuries	McMullen Booth Rd / Enterprise Rd E
SO08-320860	12/12/2008	15:55	Accident Without Injuries	McMullen Booth Rd / Enterprise Rd E
SO08-321739	12/13/2008	17:44	Accident Without Injuries	Enterprise Rd E / McMullen Booth Rd

Proposed Walgreens; existing and modified driveways



Existing Driveway,
192.5' from
Enterprise Rd. South
Edge

2nd Modification
given to the Court
Proposed Driveway,
298' from Enterprise
Rd. South Edge

[illegible]

July 29, 2013

Mr. Greg Ferrell
Hunt Real Estate Services, Inc.
5100 West Kennedy Blvd., Suite 100
Tampa, FL 33609

Subject: Walgreens - SWC Enterprise Road at McMullen Booth Road, Pinellas County, Florida

Dear Mr. Ferrell,

This letter is submitted to address the characteristics of the proposed driveway connection to McMullen Booth Road for the subject proposed Walgreens site, as shown in Attachment "A", in reference to the spacing of this driveway.

The subject driveway is currently located approximately 195 feet from Enterprise Road (to the north) and approximately 230 feet from the nearest driveway to the south; whereas these spacing values are measured from the edge of the driveway throats. These values are compared against a minimum spacing standard of 460 feet pursuant to the Pinellas County Code (Sec. 170-198), to determine that the existing location of this driveway connection does not meet the referenced minimum spacing standard. In conjunction with the development of the referenced Walgreens site, which is replacing a gas station/convenience store and a fast-food restaurant, the subject driveway is proposed to be relocated approximately 105 feet further to the south to allow for the construction of a right-turn lane to accommodate southbound-to-westbound right turns from McMullen Booth Road into the project site. The proposed location of the subject driveway will be approximately 300 feet from Enterprise Road (to the north) and approximately 125 feet from the nearest driveway to the south; which still does not meet the spacing criteria of the Pinellas County Code, however it does constitute an improvement over existing conditions, as (a) the spacing to the more critical location is increased (i.e., the spacing to the signalized intersection at Enterprise Road is increased by more than 50% from 195 feet to 300 feet), and (b) a right-turn lane is proposed to be constructed to minimize vehicular conflicts (whereas a right-turn lane does not currently exist).

Separation of driveways is purported upon separating and minimizing vehicular conflicts as to provide drivers with adequate time to perceive and react to changes in the driving environment. For the subject driveway connection, since it is restricted to right-in/right-out movements, the potential conflicts associated with it are also limited, to two (2) conflict points as compared to thirty-two (32) conflict points at a full, unrestricted intersection. These two conflict points consist of (a) the conflict created by a vehicle decelerating to enter the subject driveway as incurred upon a following vehicle, and (b) the conflict created by a vehicle exiting the subject driveway as incurred upon vehicles traveling southbound on McMullen Booth Road. Each of these potential conflicts at the subject driveway are partially mitigated by the proposed design of the driveway, through the provision of radial returns and a right-turn lane.

Pursuant to the FDOT's Driveway Handbook "The turn radius of a radial return driveway refers to the extent that the edge of a driveway is "rounded" to permit easier entry and exit by turning vehicles. A larger radius results in easier entrance or exit movements for vehicles. The driveway movement can be performed at a higher speed and without

RAYSOR Transportation Consulting

Mr. Greg Ferrell

July 29, 2013

Page 2 of 2

encroachment into other roadway and driveway lanes. This reduces interference with the traffic on the major roadway but at the same time may produce larger openings that can hinder pedestrians."

As referenced in the FDOT's Driveway Handbook, radial returns provide for better traffic operations at site driveways (as compared to flared or drop-curb designs), as interference with traffic on the major roadway is reduced (i.e., potential conflicts are reduced). As noted above, the subject re-located driveway will have radial returns for both the ingress and egress movements, and thus by virtue of that design is minimizing interference (conflicts) with traffic on the major roadway. In addition, the ingress radius for the subject driveway will be accompanied by a right-turn lane, which provides for even more efficient turns into the site; which in turn further reduces the interference (conflicts) with traffic on the major roadway.

As mentioned in the excerpt from the FDOT's Driveway Handbook, radial returns can hinder pedestrians, as longer crossing areas are created with radial returns which increases the exposure for vehicular-pedestrian conflicts. However, in the case of the subject driveway, due to the proposed location of the sidewalk path and curb ramps, the pedestrian crossing area is pulled away from McMullen Booth Road, towards the property boundary, and is thus not affected by the radial returns. Therefore, for the proposed re-located driveway connection, the benefit to vehicular traffic is achieved without the adverse impacts to pedestrians.

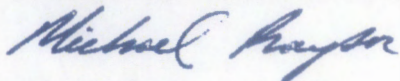
Furthermore, pursuant to guidance provided in the FDOT's Driveway Handbook, the corner clearance (spacing between the subject driveway and Enterprise Road) based on the characteristics of the intersection of Enterprise Road / McMullen Booth Road is recommended at a minimum of 120 feet; whereas this value is exceeded by the proposed location of the subject driveway by 180 feet (2.5x the minimum FDOT recommended distance).

In summary, the existing-to-be-relocated driveway connection to McMullen Booth Road for the subject proposed Walgreens site does not (will not) meet the spacing standard of the Pinellas County Code; however, (a) this condition is mitigated due to the proposed design of the driveway which acts to reduce and minimize the conflicts with traffic on the major roadway, without adversely impacting pedestrians, and (b) the minimum separation between the driveway and Enterprise Road, as recommended by FDOT's Driveway Handbook, is exceeded by 2.5 times, noting that the critical element of separation in this case is to Enterprise Road, rather than the adjacent driveway to the south.

Please feel free to contact me if you should have any questions regarding the material discussed herein.

Sincerely,

RAYSOR Transportation Consulting, LLC.



Michael D. Raysor, P.E., PTOE

President

Attachments: Walgreens Site Plan (dated 06/17/13)

**BOARD OF COUNTY
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Charlie Justice
Susan Latvala
Janet C. Long
John Morroni
Norm Roche
Karen Williams Seel
Kenneth T. Welch

COPY



May 21, 2013

Mr. Robin Kendall
Project Manager
EMK Consultants of Florida, Inc.
7815 North Dale Mabry Highway
Suite 200
Tampa, FL, 33614

Re: Proposed Walgreen's at McMullen Booth Road and Enterprise Road
Request for Variance to Section 170-198
Right-of-way Utilization Permit No. 13-0365

Dear Mr. Kendall:

We have reviewed your request to keep a driveway connection along McMullen Booth Road. Our review indicates that the property is an outparcel to a larger development in the southwest corner of the intersection of McMullen Booth Road (CR 611) and Enterprise Road. In addition to the existing access drive referenced, the property has indirect access to CR 611 and Enterprise Road. Therefore, it is our opinion that the intent of the Code is satisfied through these other connection points.

The fact that the driveway is existing, the trips will be reduced, and that there are other non-compliant driveways along CR 611 have no bearing on the policy direction provided by the Transportation Element of the Pinellas County Comprehensive Plan (Policy 1.8.1).

Based on the information provided, you have not demonstrated that a hardship would be created by meeting the County's access management code. Therefore, we are denying this request. Should you have any questions, please contact Tom Washburn at 464-8804.

Sincerely,

Richard L. V. Coates, III, P.E.
Director, Transportation and Stormwater

cc: Tom Washburn, PE, Transportation and Stormwater
Gene Crosson, Sr. Inspector, Transportation and Stormwater

Richard L. V. Coates, III
5/21/2013

**BOARD OF COUNTY
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Kenneth T. Welch



July 12, 2013

Mr. Todd Pressman
Pressman and Associates, Inc.
334 East Lake Road, Suite 102
Palm Harbor, FL 34685

Re: Walgreens Driveway Connection at McMullen Booth Road and Enterprise Road
Right-of-way Utilization Permit No. 13-0365
Appeal to Denial Letter of May 21, 2013

Dear Mr. Pressman:

We have reviewed the variance request for the driveway connection with the additional information you had provided in your email of June 5, 2013.

The comprehensive information that has been provided is commendable. However, it does not meet the requirements of Section 154-4 for an unnecessary hardship on the applicant due to an unusual circumstance peculiar to the property.

Our decision to remove the existing driveway connection is consistent with the Comprehensive Plan and County Code. We must therefore maintain our previous response to this request.

If you should have any questions please feel free to contact Gene Crosson at 580-6516.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Scott".

David E. Scott, P.E.
Executive Director, DEI

cc: Gene Crosson, Transportation & Stormwater, DEI



NOTICE OF PUBLIC HEARING

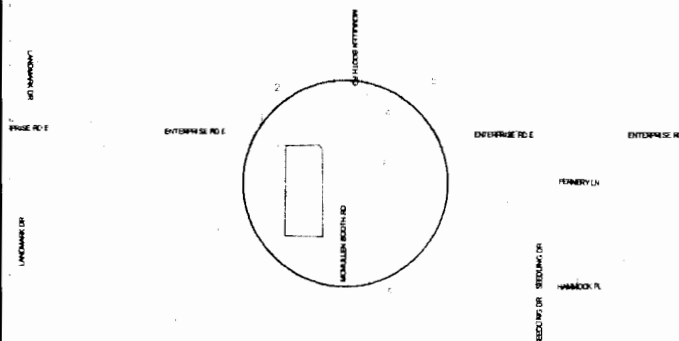
Please Take Notice that the Board of County Commissioners at **6:00 p.m., on October 22, 2013**, at its regular meeting in the Board Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, will hold a public hearing for the purpose of hearing public comment, if any, to the petitioners' request to appeal a variance denial to keep an existing access connection for a proposed Walgreens site located at the southwest corner of Enterprise Road and McMullen Booth Road.

Legal description of the land:

33/28/16/00000/220/0430, From NE COR OF NW 1/4 of NW 1/4 RUN W 100 FT TH S 51 FT FOR POB TH S 185 FT TH W 150 FT TH N 200 FT TH E 135 FT TH S45DE 21.3 FT TO POB

And

33/28/16/00000/220/0450, PT OF NW 1/4 OF NW DESC FROM NE COR OF NW 1/4 OF NW 1/4 TH S 248.5 FT TH W 100 FT FOR POB TH S 163.17 FT TH W 154.56 FT TH N 163.16 FT TH E 153 FT TO POB



The request for the appeal to the variance denial is in accordance with Pinellas County Code, Section 154-4 and Section 154-6.

At said public hearing the Board may decide the outcome of the petitioners' request for a variance at the proposed site.

Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Interested parties may appear at the hearing and be heard regarding the appeal to keep an existing access connection at the southwest corner of Enterprise Road and McMullen Booth Road. Any comments may be directed to the Board Records Department located on the fifth floor of the Pinellas County Courthouse, 315 Court Street, Clearwater, Florida 33756. Call (727) 464-8860 for inquiries.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 SOUTH FORT HARRISON AVENUE, SUITE 500, CLEARWATER, FLORIDA 33756, (727) 464-4880 (VOICE), (727) 464-4062 (TDD).

KEN BURKE, CLERK TO THE
BOARD OF COUNTY COMMISSIONERS
By: Norman D. Loy, Deputy Clerk

**N. W. P. Clearwater Holdings, LLC
c/o A. E. W. Capital Management, LP
2 Seaport Lane
World Trade Center East
Boston, MA 02210-2001**

**O. P. Enterprise Holdings, LLC
c/o A. E. W. Capital Management
2 Seaport Lane
Boston, MA 02210-2001**

**Preedom Land Trust
c/o KOS Corp.
2451 N. McMullen Booth Road
#312
Clearwater, FL 33759-1342**

**Safety Harbor, LLC
P. O. Box 38-H
Scarsdale, NY 10583-8538**

**Northwood Oaks, LLC
2 Ponds Edge Drive
Chadds Ford, PA 19317-9389**

**J. E. M. Restaurant Group FL, Inc.
P. O. Box 22246
Charleston, SC 29413-2246**

**Northwood Commons, LLC
12147 Old Walnut Road
Ojai, CA 93023-8359**

**McDonalds Corp. 009/0704
c/o J. V. & Sons, Inc.
P. O. Box 8589
Clearwater, FL 33758-8589**

**Mr. Matthew Spoor
City Manager
City of Safety Harbor
750 Main Street
Safety Harbor, FL 34695**

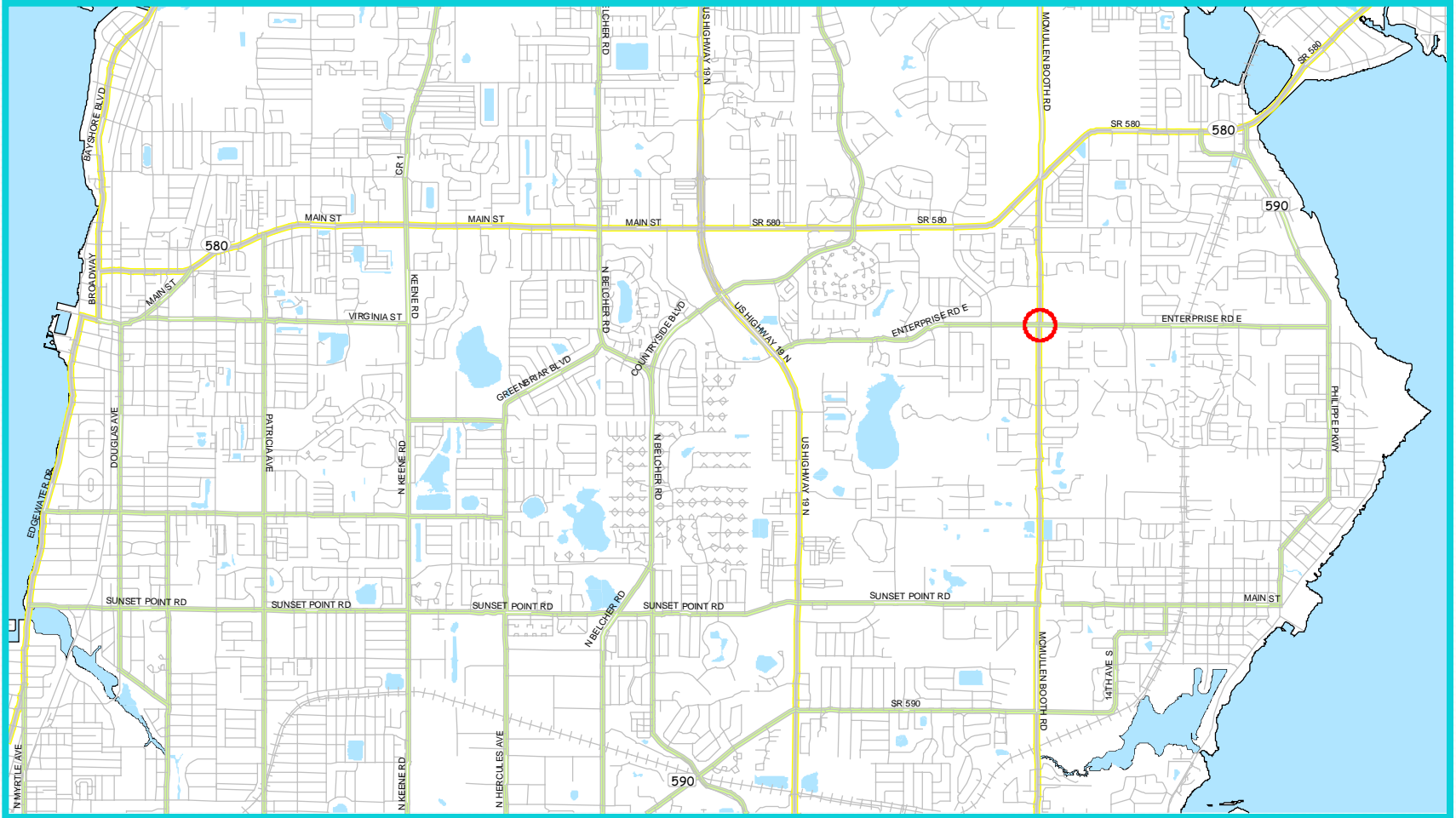
**Mr. John E. Powell, P.E., LEED, AP
City Engineer
City of Safety Harbor
750 Main Street
Safety Harbor, FL 34695**



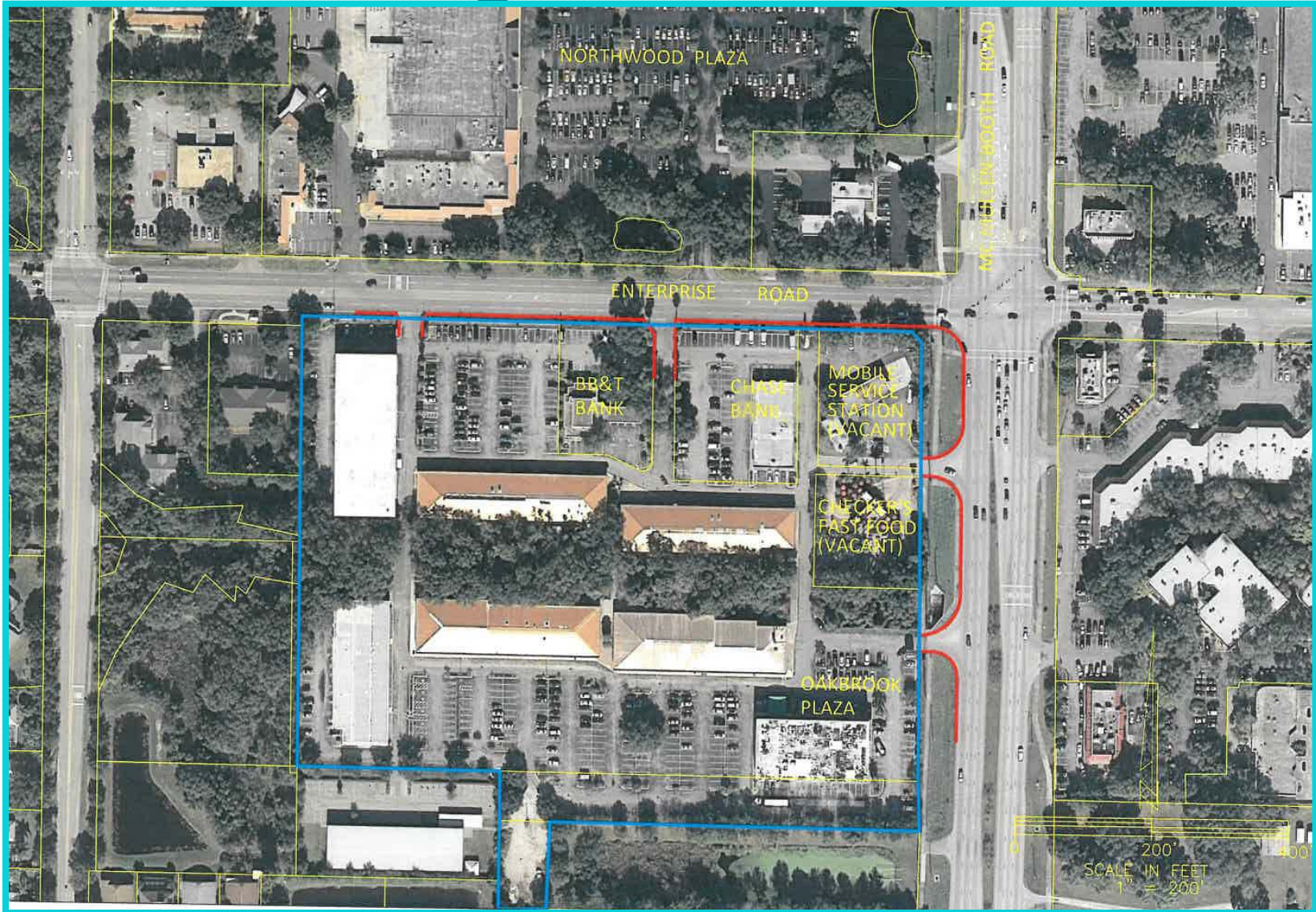
McMullen-Booth Road at Enterprise Road

Tuesday, October 22, 2013

Location Map



Existing Site Conditions



Proposed Walgreen's Site



County Permit Review Process

- Follow the policy direction provided by the Transportation Element of the Pinellas County Comprehensive Plan.
- Review the site plan to ensure compliance with the Pinellas County Land Development Code.
- Reviewed items include driveway connection location and design, sidewalk, drainage, maintenance of traffic, sight distance and utility connections.
- Pinellas County has reviewed 690 right-of-way permits this year.

Transportation Element

Pinellas County Comprehensive Plan

Policy 1.8.1

Pinellas County shall continue to implement access management standards as identified in the Access Management Section of the Land Development Code, through the application of the Pinellas County Site Plan Review Process and Concurrency Management System for development projects adjacent to County roads.

Pinellas County Land Development Code

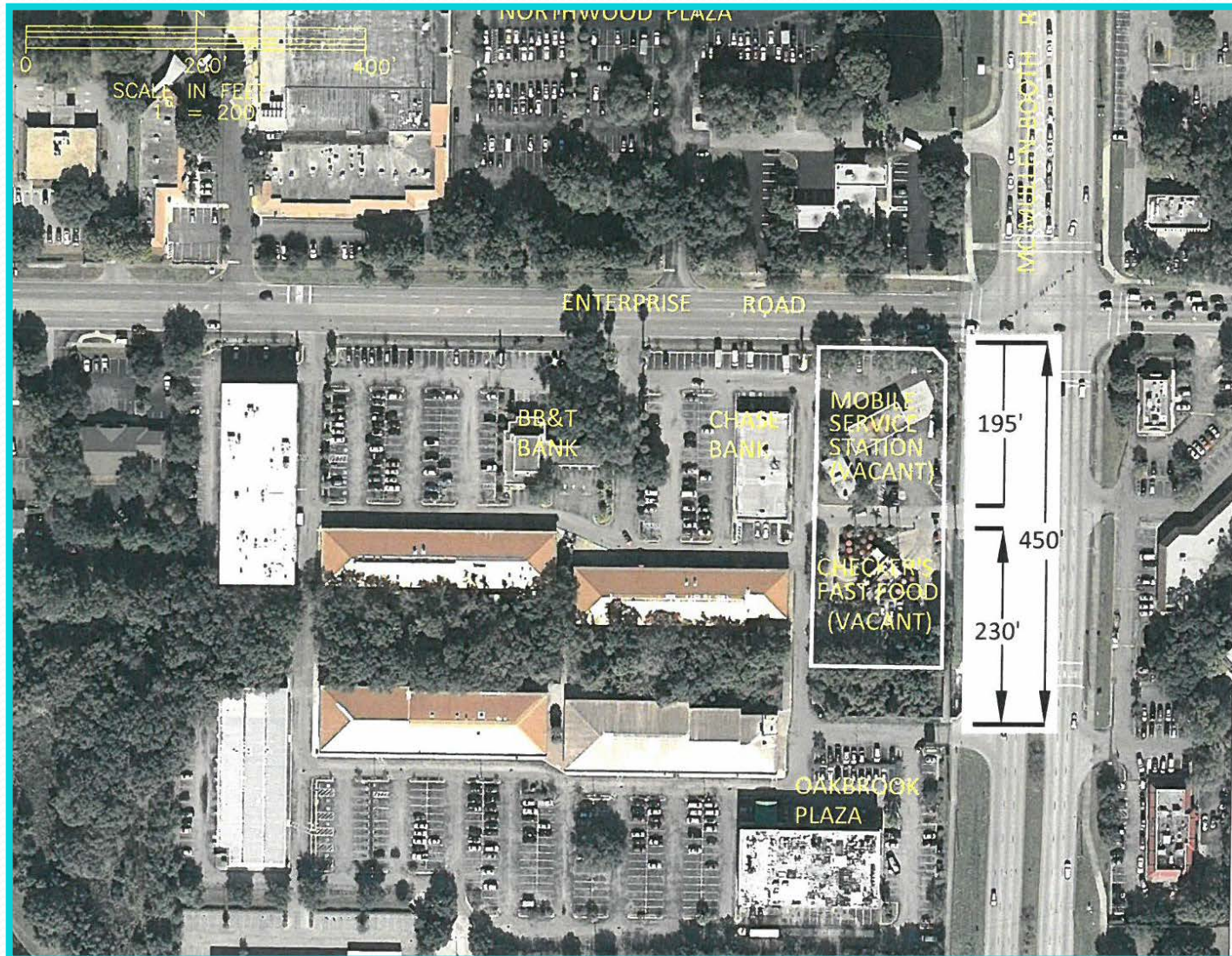
• Section 170-198 – General Access Standards

- Provides a table “*Driveway Connection Spacing Road Inventory*” with driveway spacing requirements for all County roads
- Spacing requirements based on function of road; follows FDOT spacing standards
- Driveway spacing for this segment McMullen-Booth Road is 460 feet

Proposed Walgreen's Site



Driveway Dimensions



Waiver/Variance Process

- **Section 154-4 – Waivers and variances**
 - Written Request from applicant to the County Administrator
 - Must demonstrate that compliance would impose an unnecessary hardship due to unusual circumstances peculiar to the property
 - Typical waiver requests include sidewalk, driveway location, and driveway design

Waiver Request History for this Project

- April 22 – Initial meeting with applicant
- April 26 – First waiver request submitted
- May 21 – County denial of first waiver request
- May 30 – Meeting with applicant to discuss denial
- June 5 – Second waiver request submitted
- July 12 – County denial of second waiver request

Waiver Request History for this Project

Applicant's basis for first waiver request:

1. No direct access from road of lesser designation.
2. Driveway is existing.
3. Less daily trips with proposed development (1,274 vs. 1,662 – 388 less daily trips).
4. Existing non-compliant driveways north and south of site.

Waiver Request History for this Project

Applicant's basis for second waiver request:

1. History of no traffic accidents (2011, 2012, 2013).
2. Driveway configuration.
3. Recently built tenant's reliance on the site.
4. Utility, use and functional application of the project site.
5. Additional engineering and governmental reviews.
6. Jurisdiction of the County.
7. Reduction of trips and internal conflicts.
8. Large center with reduced access points.

Consistency with Recent Projects

- Thornton's – Park Blvd
- Rally Store – Bryan Dairy Rd at Belcher Rd
- Publix – 38th Ave N at 4th St N
- Lazzaro Oil – Highland Ave at Belleair Rd
- 7-11 – Sunset Point Rd at Hercules Ave
- Foxwood Estates – East Lake Rd north of Keystone Rd
- The Lodges of Pinellas Park – Park Blvd
- WaWa – Starkey Rd at Ulmerton Rd

Summary

- Existing conditions do not meet County Access Management Code requirements
- Two waiver requests were reviewed and denied
- Review included DEI and County Planning/MPO staff