



CITY OF APALACHICOLA

1 Avenue E • Apalachicola, Florida 32320 • 850-653-9319 • Fax 850-653-2205
www.cityofapalachicola.com

Mayor

Van W. Johnson, Sr.

August 1, 2017

CVS Pharmacy Permit Application Review

Commissioners

Brenda Ash

John M. Bartley, Sr.

Frank Cook

James L. Elliott

Location: Blk: 32; Lots: 1-3; 9, 8 partial, 10

Blk: 41, Lot 3

Zoning: C-2, R-1

FEMA Flood Zone: AE-10

Height restriction: 35 feet

City Administrator

Lee H. Mathes, MMC

Reviewer: C. Clark

City Clerk

Deborah Guillotte, CMC

City Attorney

J. Patrick Floyd

The proposed development in question has been reviewed by staff multiple times over the last 27 months (April 29, 2015, September 30, 2016, October 21, 2016, February 9, 2017, March 28, 2017). This review represents the sixth review of the proposed CVS development currently proposed for Block 32, Lots 1-3, 9, 10 and partial 8 and Block 41 Lot 3.

Concurrent with staff review, the revised plans have been submitted to DEO and the City's stormwater engineer for a consistency review with the City's stormwater requirements. That separate review and analysis is attached also.

The following is the staff opinion of the proposed revised plan.

1. Parking. The CVS development, as presented, requires 46 onsite parking spaces. The revised project plan appears to show 34 off-street parking spaces and 12 offsite parking spaces on Lot 3, Block 41 across 9th Street. Technically, this is consistent. However, staff noticed a discrepancy between the site plan lot encumbrance and the supplemental wetland delineation report and agent authorization form. In the wetland report, the project site for the parking lot is identified as lot 3 AND 4 (Exhibit 2 and Exhibit 4), Additionally, the agent authorization release includes both lots 3 and 4.

Is lot 4 part of this development? The Land Use for Lot 4, Block 41 is Residential with an R-1 zoning classification, not allowed for commercial use. A land use change and zoning change would be required to encumber any of lot 4 as part of this commercial development, even as a stormwater pond. (Note attached DEO review comments also address land use issue.)

Staff have contacted State environmental and regulatory officials and have been advised that because of the wetland features of the property, this project will most likely require a State Environmental Resource Permit (ERP) which generally limits the amount of fill permitted within a project site. Until such state analysis and permitting is conducted, it is hard to ascertain how much of the Lot 3 would actually be available for parking.

Additionally, the USACE generally requires an alternatives analysis plan that shows that other sites have been assessed and that no other usable sites exist that don't require impacts to wetlands. The filling of the lots to the extent shown on the plans may require a mitigation plan.

The lot coverage provisions discussed for the main parking area would prevail here also. See comments in Number 2 below.

Finding: Pending clarification on lot encumbrance and environmental permitting for actual development footprint. If proposed parking encumbers any part of Lot 4, Block 41, proposed development is inconsistent based on zoning/land use. Proposed development as related to parking lot coverage issue is also inconsistent.

2. Lot Coverage. Staff continues to stand by its interpretation of the lot coverage. A manufacturer's statement of product permeability is not sufficient. A engineering study of the site conditions is recommended.

Ordinance 91-7 Section II defines lot coverage as "all impervious surfaces, such as drives, parking areas, walkways ...". The permeability of "pervious" parking materials is dependent on the specific site conditions for which the material is proposed. In reviewing the project environmental analysis and conferring with stormwater experts, staff is concerned that the presence of Pickney-Pamlico soils on the Block 41 site (as well as the main site) indicates the presence of muck or mucky mineral textures and a high water table – often a challenge for parking projects that require permeability because low percolation rates often contribute to site runoff. In other words, if the site soils do not contain any "holding capacity," then pervious parking materials may not be successful in absorbing runoff.

Specific to Block 41 – If, as proposed, soils are excavated and replaced with sandy soils, it may not resolve the reason the mucky soils formed in the first place, the high water table. Historically, this area was part of a streambed - the FEMA flood maps reference this remnant low elevation trail. Backfilling with sand may not address the high water table and offsite impacts.

Finding: Inconsistent.

3. Stormwater. Proof of compliance with the City's stormwater standards is required. Staff has transmitted the project files to the stormwater engineer to ascertain compliance. Generally, staff is concerned that the high water table of the main site, coupled with the additional acquisition of a wetland for the purpose of filling for parking may only exacerbate an already tenuous drainage situation in the area. Additionally, the design of the proposed system was based on the presumptive criteria that the receiving municipal system is adequate to support the receiving stormwater runoff. That may not actually be the case. The 2007 stormwater management plan prepared by Baskerville Donovan identifies two drainage problem areas near the project site that contribute to poor drainage during rain events. It would be staff recommendation that an independent stormwater engineer be consulted to review the plans for compliance with City stormwater standards and determine what drainage improvements would be required to resolve the drainage issues in the area along with the scope and cost of such improvements to be borne by the applicant.

Finding: Inconsistent as per attached stormwater engineer report.

4. Alley Access and Commercial Vehicle Provisions. As cited in the previous State DEO review, the City may wish to clarify whether the proposed alterations to the alley reduce access through the site. The construction of a sidewalk over the alley represents a commercial use and may present a limitation to thoroughfare and possible liability for the City. A clarification about the offstreet loading provisions is also needed as the code provides that unloading or servicing operations may not occur on the street, alley, sidewalk or public right of ways.

Additionally, the new proposed parking annex shows traffic flow onto a second alley on Block 41. Are any improvements planned to accommodate the increased traffic onto this alley?

The DEO review findings raise concerns over original alley as it relates to public access and adjacent parking area as it relates to safety. See attached comments.

Finding: Inconclusive

5. Demolition of a Historic Structure. The applicant has filed a demolition permit application with required documentation as cited in the code. However, because this is part of a project that staff does not consider consistent, the consideration of a certificate of appropriateness should be conditioned such that this does not confer permission to proceed with any other portion of the development nor does it confer compliance of the development with other provisions of the code.

Finding: Conditioned as above.

6. Architectural Compatibility. There are architectural design issues that have not even begun to be addressed as the development has not yet been reviewed by the City's Architectural Review Committee (also serving as the Planning & Zoning Board) – a process that takes place after the project has met the basic land use code provisions. A review of the applicant's signage and parking aesthetics would be considered at that time.

Finding: Pending P&Z decision