

STAFF REPORT

Planning & Zoning Commission: November 18, 2002
Board of County Commissioners: December 11, 2002

APPLICANT: Seven Hills, Inc. **FILE NUMBER:** H-02-43

PURPOSE: Master Plan Revision to remove the condition limiting the number of day care centers and restaurants

GENERAL LOCATION: North of County Line Road, approximately 1200' east of Mariner Blvd., south of Quality Drive, east and west of Seven Hills Drive

LEGAL DESCRIPTION: Lots 13 through 20, inclusive, Seven Hills Commercial Tracts, as per plat thereof recorded in Plat Book 32, Pages 38 - 39, of the Public Records of Hernando County, Florida in Section 31, Township 23 South, Range 18 and Lot 4 and the north 285' of Lot 5, Seven Hills Medical and Business Center, as per plat thereof recorded in Plat Book 26, Pages 3-4 of the Public Records of Hernando County, Florida in Section 31, Township 23 South, Range 18 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: C/PDP, PDP(SU)	Undeveloped, DRA, school, offices
South: PDP(GHC), Pasco County	Offices, undeveloped
East: PDP(GHC), AG	Offices, undeveloped
West: PDP(GHC)	Florida Power easement, undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to remove the condition limiting the number of day care centers and restaurants. The subject property is located on the north of County Line Road, approximately 1200' east of Mariner Boulevard, south of Quality Drive, east and west of Seven Hills Drive.

FACTUAL INFORMATION

1. The subject property is indicated on Seven Hill's DRI Map H as a business park use.
2. The property comprises approximately 20 acres.
3. The subject property is currently undeveloped.
4. The subject property has access from County Line Road, Quality Drive, Medical Boulevard and Seven Hills Drive.
5. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.

6. The on-site soil type is Candler fine sands. The soils and habitat are suitable for gopher tortoises. Since there is the potential for this listed species of special concern to be present, a Florida Fish and Wildlife Conservation Commission permit may be required prior to site development.
7. The property is located in a flood zone C.
8. The subject property contains a WHPA 2, but no wetlands or SPAs according to County data resources.
9. Florida Water Services has indicated that central water and sewer are available to serve the subject site.
10. The availability of the water supply is unknown; reports of water pressure problems in the area have been reported.
11. The area has a mixture of commercial, residential, educational and institutional uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The business park is divided into 10.1- and 14.9-acre areas. The 14.9-acre area abuts the Florida Power ROW to the west, Quality Drive and the medical offices to the north, and commercial portions of Seven Hills to the south and east. The 10.1-acre area abuts commercial property to the west, Quality Drive and the Suncoast Elementary School to the north, and an undeveloped parcel outside of Seven Hills to the east. The BCC approved a master plan revision for Seven Hills in 1991 with the following performance conditions:

1. The designation of the RV storage area within the business park as shown on the conditional plat.
2. The approval of the following C-1 and C-2 uses within the entirety of the 14.9-acre business park site and the south 400' of the 10.1-acre business park site:
 - Tire and automotive accessory establishments
 - Publishing and printing service establishment (excluding newspaper publishing and printing)
 - Domestic rental establishment
 - Light construction service establishment
 - Automobile and truck repair establishment (excluding body shops)
 - Building material establishment
 - Construction service establishment
 - Domestic and business repair establishment
 - Automobile glass establishment
 - Light domestic rental establishment
 - Indoor commercial amusement establishment
 - Domestic and business service establishment
 - Veterinary clinic, with air conditioned, sound-attenuated runs
3. The approval of the following C-1 uses for that portion of the 10.1 acre business park site located north of a line 400' from County Line Road:
 - Light construction service establishment
 - Domestic and business repair establishment
 - Domestic and business service establishment
 - Light building material establishment
 - Veterinary clinic, with air conditioned, sound-attenuated runs
 - Light domestic rental establishment

4. The developer will restrict the business park site to one restaurant and one day care center.
5. The developer must submit a revised master plan reflecting the approved land uses prior to any further County development approvals but no later than 60 days of the BCC action.

The petitioner requests to remove the condition limiting the number of day care centers and restaurants in the business park area of Seven Hills. The petitioner indicates in the narrative that parties have expressed interest in these uses and feels that the restriction on the number of day care centers and restaurants serves no useful purpose.

The petitioner proposed the limitation on the number of restaurants and day care centers during the 1991 master plan revision process. In the 1991 master plan revision request, the petitioner proposed limiting the business park site to specific C-1 and C-2 uses, one restaurant and one day care center, after having originally requested all C-1 uses and some additional C-2 uses for the business park. The staff expressed the opinion that the approval of all C-1 uses in the business park would not be appropriate because some C-1 uses are not in keeping with the planned nature of the business park. The business park had originally been intended to be comprised of businesses requiring office and storage space, neither retail nor industrial in nature. The Planning staff does not object to the removal of the limitation on the number of restaurants and day care centers allowed in the business park area.

The County Engineer has no comment.

The County's data sources show the subject property is within a WHPA 2 as designated by the Groundwater Protection Ordinance (GPO). The proposed use is not prohibited within a WHPA 2.

The staff has notified Pasco County of the petition; no response has yet been received.

FINDINGS OF FACT

The subject property is located within a commercial land use classification on the County's adopted Future Land Use Map. Land uses such as commercial, recreation, office and professional, minor public facilities, and minor institutional are allowed.

The subject property is located in an area having a mixture of commercial, residential, educational and institutional uses and undeveloped parcels. The staff is of the opinion that removing the limitation on the number of restaurants and day care centers in the business park, which is adjacent to other parcels zoned for C-1 uses and located within an area designated commercial on the Future Land Use Map, is neither inconsistent with the adopted Comprehensive Plan nor detrimental to the surrounding area.

The rezoning process is a land use determination and does not constitute a permit for either construction on, or use of, the property, or a Certificate of Concurrency. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use, which may include review by the Development Review Committee (DRC).

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any county land use ordinances. Homeowners associations or architectural review committees require submission of plans for review and approval. The applicant for this land use request should contact the local association or the Public Records for all restrictions applicable to this property.

STAFF RECOMMENDATION:

Pursuant to the findings of fact outlined in the staff's report, the Planning staff recommends the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving

the petitioner's request for a master plan revision to remove the condition limiting the number of day care centers and restaurants with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including review of the proposed use through the DRC process.
2. All other performance conditions from the 1991 Seven Hills master plan revision (file H-91-5) shall remain in effect.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution #_____ approving the petitioner's request for a master plan revision to remove the condition limiting the number of day care centers and restaurants with the following unmodified performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including review of the proposed use through the DRC process.
2. All other performance conditions from the 1991 Seven Hills master plan revision (file H-91-5) shall remain in effect.

BCC ACTION:

The Board of County Commissioners voted 5-0 to adopt Resolution #2002-316 approving the petitioner's request for a master plan revision to remove the condition limiting the number of day care centers and restaurants with the following performance conditions:

1. The petitioner must obtain all permits from Hernando County and meet all applicable land development regulations, for either construction or use of the property, including review of the proposed use through the DRC process.
2. All other performance conditions from the 1991 Seven Hills master plan revision (file H-91-5) shall remain in effect.