

STAFF REPORT

Planning & Zoning Commission: February 12, 2007
Board of County Commissioners: March 14, 2007

APPLICANT: Seven Hills, Inc. **FILE NUMBER:** H-06-104

PURPOSE: To permit office uses in an existing PDP(GC) and (GHC)/Planned Development Project(General Commercial) and (General Highway Commercial)

GENERAL

LOCATION: East side of Mariner Boulevard, north side of Quality Drive; north side of County Line Road, east and west of Medical Boulevard

LEGAL

DESCRIPTION: A portion of Section 31, Township 23 South, Range 18 East, Hernando County, FL

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

Citizen correspondence received as of the date of this report? Yes No

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SU)
South: Pasco County
East: AG
West: PDP(GC)

Surrounding Land Uses

Hospital & School
Single Family & Undeveloped
Medical & ALF
Shopping Plaza

SUMMARY OF REQUEST

The petitioner has submitted a request for a Master Plan revision to permit office uses in an existing PDP(GC) and (GHC)/Planned Development Project(General Commercial) and (General Highway Commercial). The subject properties are located east side of Mariner Boulevard, north side of Quality Drive; north side of County Line Road, east and west of Medical Boulevard.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GC) and (GHC)/Planned Development Project(General Commercial) and (General Highway Commercial).

2. There are 5 properties (key: 01198965, 01402235, 01435799, 01435753, 01435824) totaling approximately 6.5 acres.
3. The sites are undeveloped.
4. The site does not contain majestic or specimen trees.
5. The subject property has access from County Line Road, Medical Boulevard, Seven Hills Drive and Quality Drive.
6. The subject property is located within an commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil type is Candler fine sand. Candler fine sand provides a habitat 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 alterations.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands or Special Protection Areas (SPA) but does contain a Wellhead Protection Area Class-2 (WHPA-2) according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The surrounding area is characterized by commercial uses.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request for a Master Plan revision to permit office uses for five (5) specific sites (key: 01198965, 01402235, 01435799, 01435753, 01435824) in an existing PDP(GC) and (GHC)/Planned Development Project(General Commercial) and (General Highway Commercial). The subject properties are part of the Seven Hills DRI and part of a Business Park designation. Upon the establishment of the Seven Springs DRI and creation of the Business Park designation the petitioner requested specific C-1\((General Commercial) and C-2\((Highway Commercial) uses. The petitioner has indicated the primary purpose is to clarify and establish an

additional allowable use category of Business, Professional and Non-Profit Offices within the portion of the Seven Hills DRI designated as Business Park. This request will accommodate land uses such as offices and medical clinics that desire to locate in close proximity to the adjacent hospital.

The current zoning for these properties is a mixture of classifications established by the master plan for the Seven Hills Development Regional Impact. The approval of the following C-1 and C-2 uses within the entirety of the 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 repair establishment
- Domestic and business service establishment
- Veterinary clinic, with air conditioned, sound attenuated runs

The proposed uses would have to meet the minimum architectural design standards for commercial development pursuant to the County's LDRs.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. All parcels have access to water and gravity sewer service. Please contact HCUD if detailed utility information is required. Depending on proposed flows, utility system upgrades may be required to supply this development. Please submit a site plan and proposed flows to HCUD to determine existing system capacity.

The Transportation Planning Coordinator has reviewed the request and indicated no transportation related issues with the proposal. The applicant has provided information that the additional uses will not exceed vested trips allocated to the Seven Springs DRI.

The County Engineer has indicated that additional right of way along County Line Road will be required. The petitioner must coordinate with County Engineer at the time of development for details.

Pasco County has no comments or objections to the petition.

The subject property lies within a Well Head Protection Area Class-2 (WHPA-2) for a public supply well according to County data resources. The proposed land use is allowable within this designation.

FINDINGS OF FACT

The area is characterized by commercial uses and undeveloped parcels. The subject property is located within a commercial land use classification on the adopted Future Land Use Map. The commercial land use category allows for a range of commercial intensity from office professional to regional commercial centers provided other goals, objectives and policies (GOPs) within the comprehensive plan can be met.

Policy 1.01L(1): Establish a Commercial Land Use Category, in which land uses such as commercial, recreation, office and professional, minor public facilities, incidental residential units in commercial buildings, single and multi-family residential dwelling units only when part of an integrated transportation and utilities master plan for the affected commercial node or strip commercial area, and minor institutional are allowed.

Permitting office uses in an existing PDP(GC) and (GHC)/Planned Development Project(General Commercial) and (General Highway Commercial) is appropriate, based on the following conclusions:

1. Business, Professional and Non-Profit Offices uses would be compatible with the surrounding land uses.
2. Allowing Business, Professional and Non-Profit Offices uses is consistent with the County's adopted Comprehensive Plan and is compatible with the surrounding land uses subject in compliance with all performance conditions.

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 Concurrence. Prior to use of, or construction on, the property, the petitioner must receive approval from the appropriate County department(s) for the proposed use.

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:

It is recommended that the Planning and Zoning Commission recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to permit office uses in an existing PDP(GC) and (GHC)/Planned Development Project(General Commercial) and (General Highway Commercial) 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, and complete all applicable development review processes.
2. The petitioner shall reserve additional ROW from the County Line Road centerline for the subject property at the time of development as determined by the County Engineer.
3. Access approved as indicated on the master plan.
4. The petitioners request for Business, Professional and Non-Profit Office uses will be limited to the five (5) specific parcels (key: 01198965, 01402235, 01435799, 01435753, 01435824) indicated on the submitted master plan.
5. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.