

STAFF REPORT

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

APPLICANT: American Realty Development, LLC **FILE NUMBER:** H-06-107

PURPOSE: Rezoning from C/PDP/Combined Planned Development Project with a Special Use for a Life Care Facility to PDP(MF)/ Planned Development Project (Multifamily) with a Special Use for a Life Care Facility

GENERAL

LOCATION: East side of Mariner Boulevard, north side of Quality Drive

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) & PDP(MF)
South: PDP(GHC)
East: PDP(OP) & PDP(SU)
West: PDP(GHC)

Surrounding Land Uses

Multifamily
Medical Offices
Spring Hill Regional Hospital
Power Easement & Professional Office

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone the subject property from CPDP/Combined Planned Development Project to PDP(MF)/Planned Development Project (Multifamily) with Assisted Living Facility Overlay.

FACTUAL INFORMATION

1. The property is currently zoned CPDP/Combined Planned Development Project.
2. The property comprises approximately 9.52 acres.
3. The site is undeveloped.

4. The site contains scattered trees.
5. The subject property has access from Quality Drive.
6. The subject property is located within the Residential Land Use Category 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 subject property is located in flood zone C with a portion of the southeast corner within the 100 year flood plain.
9. The subject property is within a WHPA 2 associated with a public supply well. The proposed use is allowable within this designation.
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 office professional and medical uses.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner is requesting a rezoning of the subject property from CPDP/Combined Planned Development Project to PDP(MF)/Planned Development Project (Multifamily) with Assisted Living Facility Overlay. The petitioner's request provides the flexibility of providing either the 150 unit life care center as approved by the DRI, or a 120 unit age restricted apartment complex as proposed in the narrative. Should the petitioner fail to develop the proposed senior housing, then a revised master plan will be required to develop the Life Care Center. The subject property is located in flood zone C with a portion of the southeast corner within the 100 year flood plain. Proposed density for the request is 12.6 units per acre.

The LDRs have multifamily design standards required for PDP(MF). These standards address building facades, roofing, open space, parking and internal access design. If the development is approved, all of the minimum LDRs must be met.

County LDRs require that new single family and multifamily development with more than 20 units, provide at least one treed roadway/access way for motor vehicles extending through the length or width (whichever is greater) of the development with a vegetative buffer at least 10' in width.

The Utilities Department has indicated that central water and sewer are available to serve the subject site. There is an existing 10-inch waterline on the north side of Quality Drive. There is an existing gravity sewer system within Quality Drive. Utility system upgrades may be required to supply this development depending on proposed flows. Sufficiency of available capacity cannot be determined until submittal of a site plan and proposed flows.

The petitioner should be required to enter into a land use restriction agreement with Hernando County that will restrict the use of the property to seniors, pursuant to and in compliance with all applicable Federal, State and local regulations.

Pasco County has no comments or objections to the petition.

FINDINGS OF FACT

The subject property is located in the Residential Land Use Category on the adopted Future Land Use Map, and encompasses approximately 9.52 +/- acres.

The proposal would allow for a reduction in approximately 30 dwelling units, as approved as part of the Spring Hill DRI.

In a letter dated January 23, 2007, the Withlacoochee Regional Planning Council determined that the proposed rezoning was a non substantial deviation to the DRI. The WRPC has recommended that the petitioner provide a transportation analysis to the County prior to construction of Madison Reserve senior housing complex or at a minimum provide traffic counts and analysis with Seven Hills DRI Annual Monitoring Reports.

Rezoning of the subject property from CPDP/Combined Planned Development Project to PDP(MF)/Planned Development Project (Multifamily) with Assisted Living Facility Overlay is appropriate, based on the following conclusion:

1. Rezoning to PDP(MF) Planned Development Project (Multifamily) with Assisted Living Facility Overlay is consistent with the adopted Hernando County Comprehensive Plan and is compatible with the surrounding land uses.
2. The proposed rezoning constitutes a non substantial deviation to the DRI, thus preventing further review by agencies.

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.

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 to rezone from CPDP/Combined Planned Development Project with a Special Use for a Life Care Facility to PDP(MF)/Planned Development Project (Multifamily) with a Special Use for a Life Care Facility.

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. Approved deviation is limited to the 9.52 +/- acre parcel, and shall not affect any other land uses in the DRI.
3. The petitioner shall enter into a land use restriction agreement with Hernando County, restricting the future use of the property to seniors, pursuant to and in compliance with all applicable federal, state and local regulations.
4. In order for the master plan revision to become effective, a revised development order shall be issued by Hernando County.
5. Development of the property shall comply with the County's flood plain management ordinance and Facility Design Guidelines pertaining to development in the 100 year flood plain.
6. The petitioner shall provide a transportation analysis to the County prior to construction of Madison Reserve senior housing complex to ensure compliance with the approved DRI transportation impact study or at a minimum provide traffic counts and analysis to ensure compliance at the time of the submission of the Seven Hills DRI Annual Monitoring Reports.

7. The petitioner should 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.

8. If the petitioner fails to develop the proposed senior housing, then a revised master plan will be required to develop the Life Care Center.