

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 12/28/09 FILE: ZN10-081

SUBJECT: Class II, Commercial Development Review - Bay Care Pasco, f.k.a. Charter Medical Hospital Variance Requests (Project No. IIPR89-007) DRC: 1/14/10, 1:30 p.m., DC Recommendation: Approval with Conditions

FROM: Debra M. Zampetti
Zoning/Code Compliance Administrator

REFERENCES: Land Development Code, Section 306, Development Review Procedures; Comm. Dist. 2

It is recommended that the data herein presented be given formal consideration by the Development Review Committee (DRC).

Commission District:	The Honorable Pat Mulieri, Ed.D.
Project Name:	Bay Care Pasco, f.k.a. Charter Medical Hospital
Developer's Name:	Sunshine Holdings, LLC
Location:	On the south side of S.R. 54 and east of Land O' Lakes Boulevard, Section 25, Township 26 South, Range 18 East.
Parcel ID No.:	25-26-18-0000-07700-0050
Land Use Classification:	ROR (Retail/Office/Residential)
Zoning District:	C-1 Neighborhood Commercial
Acreage:	6.49 Acres, m.o.l.
Number of Units:	1
Type of Unit:	Medical Facility
Square Feet:	72 Beds/43,300 Square Feet
Water/Sewage:	Pasco/Mad Hatter Utility, Inc.
Transportation Impact Fee Zone:	2
Transportation Analysis Zone:	164

DEVELOPER'S REQUEST:

The developer of Bay Care Pasco, f.k.a. Charter Medical Hospital, is requesting variances from the Land Development Code (LDC) as listed below and as further explained herein:

Variances:

Section 603.9, Landscape Buffering and Screening:

Section 603.9.D.1, Type A Buffer

Section 603.9.D.4, Type D Buffer

BACKGROUND:

1. On August 27, 1985, the Board of County Commissioners approved a request for a change in the zoning district from R-2 Low Density Residential to C-1 Neighborhood Commercial (Rezoning Petition No. 3021).
2. On December 29, 1988, the DRC approved this site for a 72-bed/43,300-square-foot medical facility on 6.49 acres, known then as Charter Medical Hospital.

FINDINGS OF FACT:

1. Presently, the subject site contains a medical facility with 72 beds/43,000 square feet.

2. Pursuant to the LDC, Section 603.9.C.(2), which states, "When an existing structure is redeveloped, remodeled, or renovated by more than twenty-five (25) percent of the Property Appraiser's appraised value of the existing structure," the development shall be brought into compliance. This project has proposed a remodel that requires it to conform.
3. The subject property is located in Flood Zone "A." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
4. The surrounding zoning is as follows and, for reference purposes, the buffer requirements for the abutting properties is also provided:

	<u>Zoning Districts</u>	<u>Types/Buffer Requirements</u>
North:	S.R. 54	Type D Buffer 15-Foot
South:	PUD Planned Unit Development	Type B Buffer 15-Foot
East:	Daiquiri Lane	Type D Buffer 10-Foot
West:	C-2 General Commercial	Type A Buffer 10-Foot

5. The variance requests for the above-subject project were prepared for Sunshine Holdings, LLC, by Sturch Design Group, Inc., and consist of two sheets dated November 3, 2009; the sheets were last revised on November 3, 2009. The plans were originally received by the Zoning and Site Development Department on November 5, 2009, and final revisions were received on November 5, 2009.
6. Access to the property is from Daiquiri Lane, a County-maintained road, which has 66 feet of right-of-way with 24 feet of pavement; and S.R. 54, a Florida Department of Transportation-maintained road, which has approximately 140 feet of right-of-way.
7. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.

VARIANCE REQUESTS:

The applicant/developer has requested specific variances from the following provisions of the LDC to be considered:

Section 603, Landscaping and Irrigation

1. Subsection 603.9.D.1, Type A Buffer, which, if approved, would relieve the applicant/developer from providing a continuous 10-foot-wide Type A buffer located on the northwest side of the property. For a length of approximately 60 feet, the applicant is requesting to vary the width of the buffer from 10 feet wide to 4 feet wide.

Relief is being sought pursuant to the LDC, Section 316.1.A(1), as the purpose for the variance which reads as follows:

"The strict application of the land development regulation creates an unreasonable or unfair noneconomic hardship, or an inordinate burden, that was not created by the variance applicant."

The applicant states:

"The intent is to preserve the necessary, existing parking spaces while still providing the required amount of landscaping."

Staff has reviewed the applicant's request and recommends approval of the variance request to vary the width of the Type A buffer from 10 feet to 4 feet for a length of 60 feet. The site has existing trees with expansive canopies within this buffer and it is the intent of the applicant to provide the required buffer within the ten to four-foot buffer areas. Further, this is an existing site which the applicant is trying to retrofit landscaping. The following shall apply:

The applicant/developer shall provide the required landscaping pursuant to Section 603.9.D.1.

2. Subsection 603.9.D.4, Type D Buffer, which, if approved, would allow the applicant/developer to reduce the required ten-foot buffer to five feet for a length of 160 feet on the east boundary line and to eliminate the 18-inch berm requirement.

Relief is being sought pursuant to the LDC, Section 316.1.A(1), as the purpose for the variance which reads as follows:

"The strict application of the land development regulation creates an unreasonable or unfair noneconomic hardship, or an inordinate burden, that was not created by the variance applicant."

The applicant states:

"The intent is to preserve the health and longevity of the large, existing oak trees along the east boundary line and to maintain proper elevations for the fire hydrant and backflow-prevention device on the southeast corner of the property."

Staff has reviewed the applicant's request and recommends approval of the variance for a reduction in the buffer width and the elimination of the berm. The following shall apply:

All required plantings shall be installed within the five-foot buffer area. The existing live oaks are being retained and a buffer wider than five feet may endanger these trees.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the variance requests from the LDC, Sections 603.9.D.1 and 603.9.D.4, with the following conditions:

1. The applicant/developer shall provide the required landscaping pursuant to Section 603.9.D.1, within the Type A buffer on the northwest property boundary.
2. All required plantings shall be installed within the five-foot Type D buffer area on the east property boundary.
3. The developer acknowledges that an appeal may be filed against the decision of the DRC within 30 days of the date of this approval. Any development that takes place within the 30-day appeal deadline shall not establish vested rights with respect to construction of the project.

The DRC's approval of these variance requests constitutes a finding by the DRC that the variance requests, as conditioned, are consistent with those Goals, Objectives, and Policies of the Comprehensive Plan and those provisions of the LDC that are applicable to variance request approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

APPLICANT'S ACKNOWLEDGMENT:

The applicant acknowledges that it has read, understood, and accepted the above-listed conditions of approval.

_____ Date SUNSHINE HOLDINGS, LLC
STATE OF FLORIDA
COUNTY OF _____ Title _____

The foregoing instrument was acknowledged before me this _____ (date),
by _____ (name of corporation
acknowledging) a _____ (State or
place of incorporation) corporation, on behalf of the corporation. He/she is personally known to me or
who has produced _____ (type of identification) as identification.

Seal: _____
NOTARY

ATTACHMENTS:

- 1. Location Map
- 2. Site Plan
- 3. Variance Requests and Exhibits

DMZ/CB/BET/ecm/drc011410/baycarezn10081

DEVELOPMENT REVIEW COMMITTEE ACTION: