

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 2/3/10

FILE: ZN10-106

SUBJECT: S.R. 54 Medical Variance Requests
(Project No. VAC10-499)
DRC: 2/11/10, 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. 1

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

Commission District:	The Honorable Theodore J. Schrader
Project Name:	S.R. 54 Medical
Developers' Names:	Joe and Verna Craciun
Location:	On the north side of S.R. 54 and east of I-75, Section 07, Township 26 South, Range 20 East.
Parcel ID No.:	07-26-20-0000-00100-0130
Land Use Classification:	MU (Mixed Use)
Zoning District:	C-2 General Commercial
Transportation Corridor:	S.R. 54
Acreage:	1.71 Acres, m.o.l.
Number of Units:	1
Type of Unit:	Medical Office Building (Proposed Building)
Square Feet:	20,700 Square Feet
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee Zone:	3
Transportation Analysis Zone:	175

DEVELOPERS' REQUEST:

The developers of S.R. 54 Medical request variances from the Land Development Code (LDC) as listed below and as further explained herein:

Variances:

Section 603.9.D.1, Type A Buffer

Section 603.9.D.4.c, Type D Buffer with Berm

BACKGROUND:

1. Presently, the subject site zoning is an original C-2 General Commercial District.
2. On July 6, 2009, a Mediation Conference was held between the Pasco County Attorney's office, the Pasco County Real Estate Manager, and the applicants/developers. At that time, one of the contingencies for settlement was for the applicants/developers to apply for variances for setbacks pursuant to the LDC.

FINDINGS OF FACT:

1. Pursuant to the Mediated Settlement Agreement (Case No. 51-2008-CA-6828 ES), the applicant has an agreement to submit for variances to reduce the landscape buffers located on the west property line and adjacent to S.R. 54. This is a result of the S.R. 54 road-widening project; the applicant has conveyed 21.55 feet of right-of-way for the length of 200.10 feet adjacent to S.R. 54.

2. Presently, the subject site is unimproved. Once the variance requests are approved, the developers propose to submit a Site Development Permit for a medical office building similar to the site plans attached.
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:	A-R Agricultural-Residential	Type A Buffer 10 Feet
South:	S.R. 54	Type D Buffer 15 Feet
East:	A-R Agricultural-Residential; C-2 General Commercial	Type A Buffer 10 Feet
West:	C-2 General Commercial	Type A Buffer 10 Feet

5. The variance requests have been reviewed by the Zoning and Site Development Department, and it has been determined that the proposed use is consistent with the above-referenced zoning district's permitted uses.
6. Access to the property is from S.R. 54, a Florida Department of Transportation road, which has 250 feet of right-of-way with 24 feet of pavement, and has been designated a eight-lane, arterial facility on Map 7-22, 2025 Future Number of Lanes, and Map 7-24, 2025 Future Roadway Functional Classification, of the Comprehensive Plan.
7. On June 27, 2006, the Board of County Commissioners adopted the Corridor Preservation Tables in the Transportation Element of the Comprehensive Plan necessitating the preservation of right-of-way along certain roadways.
8. The proposed request is consistent with the Pasco County applicable provisions of the Comprehensive Plan as conditioned.

VARIANCE REQUESTS:

The applicants/developers have requested specific variances from the following provisions of the LDC to be considered:

Section 603.9, Buffering and Screening

Subsection 603.9.D.1, Type A Buffer, which, if approved, would relieve the applicants/developers from providing a ten-foot-wide buffer and to reduce the buffer to five feet wide along the west property line.

Subsection 603.9.D.4.c, Type D Buffer, which, if approved, would relieve the applicants/developers from providing a 15-foot-wide buffer and be reduced to 10 feet and eliminate the required 18-inch berm adjacent to S.R. 54.

Relief is being sought pursuant to the LDC, Sections 316.1.A(1), (2), and (3), 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 applicants.

"The specific application of the land development regulation does not conflict with important Goals, Objectives, or Policies of the Comprehensive Plan or with the intent and purpose of another recently adopted land development regulation that serves a greater public purpose.

"The granting of the variance will not provide a net economic benefit to the taxpayers of Pasco County and is in conflict with important Goals, Objectives, and Policies of the Comprehensive Plan."

The applicants state:

"Mr. Craciun originally acquired this property in October 2005. Plans were created in November 2006, for a three-story building, but upon learning of the eminent domain action these plans were put on hold. The property owners had learned of Pasco County's intention to acquire the property, which was first appraised by Pasco County's eminent domain appraiser in September 2007. Pasco County initiated actual condemnation proceedings in 2008. On July 6, 2009, a mediation settlement conference was held between the property owners and representatives of Pasco County. At the mediation conference a settlement agreement was proposed, which is subject to appropriate Pasco County personnel approval. A portion of this settlement agreement required variances of certain buffers as set forth in the application herein. These buffer-area variances were negotiated between the property owners and representatives of Pasco County. This represented areas that the property owner sought to recapture the potential lost-development area due to the acquisition of land by Pasco County. The Pasco County Real Estate Manager supported the Defendants' request for the buffer variances. However, the parties acknowledge that the approval of any variances had to be obtained through the normal Pasco County buffer variance process."

Staff has reviewed the applicants' request and recommends approval of the variance request to reduce the width of the Type A buffer from ten to five feet along the west property lines, because the taking of S.R. 54 will eliminate the parking; whereby, the parking needs to be relocated on the west side, which triggers this variance for the reduction of the Type A buffer. Staff also recommends approval of the variance to reduce the Type D buffer from 15 to 10 feet and to eliminate the 18-inch berm adjacent to S.R. 54 due to the inordinate burden and unreasonable hardship. The approval of these variances is essential for future development of this site.

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.c, with the following conditions:

1. The applicants/developers shall submit a preliminary site plan substantially similar to the proposed site plan attached hereto.
2. In lieu of the required ten-foot Type A buffer, the applicants/developers shall provide a five-foot buffer along the west side of the property. All required plantings per code shall be provided.
3. In lieu of the required 15-foot Type D buffer, the applicants/developers shall provide a ten-foot buffer adjacent to S.R. 54.
4. The applicants/developers shall install all required plantings within the ten-foot buffer abutting S.R. 54, and the shrubs shall be installed and maintained at a height of 36 inches. The 18-inch berm is not required.
5. 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.

DEVELOPERS' ACKNOWLEDGMENT:

The developers acknowledge that they have read, understood, and accepted the above-listed conditions of approval.

Date

JOE CRACIUN

STATE OF FLORIDA
COUNTY OF _____

Date

VERNA CRACIUN

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me the _____ (date),
by _____ (name of persons acknowledging),
who are personally known to me or who have produced _____
(type of identification) as identification.

Seal:

NOTARY

ATTACHMENTS:

1. Location Map
2. Proposed Site Plan
3. Variance Exhibits
4. Other Documentation

DMZ/BET/ecm/drc021110/zn10106/48

DEVELOPMENT REVIEW COMMITTEE ACTION: