

PASCO COUNTY, FLORIDA
INTEROFFICE MEMORANDUM

TO: Development Review Committee

DATE: 5/20/10

FILE: ZN10-211

SUBJECT: Class I, Commercial Development Review – Infinity Doctor Office Variance Requests (Project No. IPR09-037)
DRC: 5/27/10, 1:30 p.m., NPR
Recommendation: Approval with Conditions

FROM: Debra M. Zampetti
Zoning/Code Compliance
Administrator

REFERENCES: Land Development Code, Section 306, Development Review Procedures;
Comm. Dist. 3

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

Commission District:	The Honorable Ann Hildebrand
Project Name:	Infinity Doctor Office
Developers' Names:	Rohit K. Shah and Dipak Parekh
Location:	On the west side of Thys Road and north of S.R. 54, Section 16, Township 26 South, Range 16 East.
Parcel ID No.:	16-26-16-0010-06000-0010
Land Use Classification:	ROR (Retail/Office/Residential) and RES-6 (Residential - 6 du/ga)
Zoning Districts:	C-1 Neighborhood Commercial and R-1MH Single-Family/Mobile Home
Acreage:	.79 Acre, m.o.l.
Number of Units:	1
Type of Unit:	Medical Office
Square Feet:	14,100 Square Feet
Water/Sewage:	Pasco/Pasco
Transportation Impact Fee Zone:	1
Transportation Analysis Zone:	58

DEVELOPERS' REQUEST:

The developers of Infinity Doctor Office are requesting variances from the Land Development Code (LDC) as listed below and as further explained herein:

1. Variances:
 - a. Section 603.9, Landscaping and Irrigation
 - b. Section 615, On-Street Parking, Loading, and Unloading Regulations

BACKGROUND:

1. On September 25, 1979, the Board of County Commissioners (BCC) approved the rezoning from an R-1MH Single-Family/Mobile Home District to C-1 Neighborhood Commercial and C-2 General Commercial Districts (Petition No. 947).
2. On January 13, 1993, the BCC approved a special exception to allow parking in the portion of R-1MH Single-Family/Mobile Home District zoned area located on the north side of the property (Petition No. 4604).
3. On January 6, 1994, the DRC approved a commercial development known as the Good Samaritan Health Clinic (Project No. IPR93-065).

FINDINGS OF FACT:

1. Presently, the subject site contains a 6,552-square-foot vacant medical health clinic.
2. The subject property is located in Flood Zone "X." Development is subject to the requirements of the LDC, Article 700, Flood Damage Prevention.
3. 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:	R-1MH Single-Family/Mobile Home	Type B Buffer 15 Feet
South:	C-1 Neighborhood Commercial	Type A Buffer 10 Feet
East:	Thys Road	Type D Buffer 10 Feet
West:	R-1MH Single-Family/Mobile Home; C-2 General Commercial	Type B Buffer 15 Feet and Type A Buffer 10 Feet

4. 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.
5. The variance requests for the above-subject project were prepared for Rohit K. Shah and Dipak Parekh by Campo Engineering, Inc., and consist of 13 sheets dated November 20, 2008; the sheets were last revised on April 5, 2010. The plans were originally received by the Zoning and Site Development Department on July 20, 2009, and final revisions will be received after the DRC meeting on May 27, 2010.
6. Access to the property is from Thys Road, a County-maintained road, which has 50 feet of right-of-way with 22 feet of pavement.
7. 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, Landscaping and Screening

Subsection 603.9.D.1, Type A 10-foot-wide landscape buffer, and 603.9.D.2, Type B 15-foot-wide landscape buffer, which, if approved, would allow the applicants/developers to reduce the Type A buffer from ten feet to eight feet located on the south side of the property and also to reduce the buffer adjacent to the dumpster enclosure wall to two feet in width. On the west side of the property, the owners/developers would be able to reduce a 50-foot portion of the required Type B buffer from 15 feet to 10 feet adjacent to the R-1MH Single-Family/Mobile Home zoning.

Relief is being sought pursuant to the LDC, Sections 316.1.A.1, 3, 4, 5, and 6 as the purpose for the variances which read as follows:

1. The strict application of the land development regulation creates an unreasonable or unfair non-economic hardship, or an inordinate burden, that was not created by the variance applicant;
3. The granting of this variance will provide a net economic benefit to the taxpayers of Pasco County, and is not in conflict with important goals, objectives and policies of the comprehensive plan;

4. The granting of the variance is necessary to achieve an innovative site or building design that furthers the goals, objectives and policies of the comprehensive plan;
5. The intent and purpose of the land development regulation, and related land development regulations and comprehensive plan provisions, is met or exceeded through an improved or alternate technology or design;
6. The granting of the variance is necessary to protect the public health and safety or welfare;

The applicants state:

- "1. The strict application of the land development regulation creates an inordinate burden that was not created by the variance applicant. The north 50 feet of the subject parcel is R-1MH Single-Family/Mobile Home and the south 123 feet is zoned C-1 Neighborhood Commercial. This configuration of the zoning is unusual for this area and no other parcel in the vicinity has two such designations on a small, 0.79 acre commercial parcel. This is an existing condition that carries with the land and was not self imposed by the owner.
- "3. The granting of this variance will allow for the development of a vacant parcel that currently has a reduced tax base since historical structures were removed. With the development of a 14,100-square-foot doctor's office, Pasco County and its residents will have an economic benefit through increased property taxes. In addition, the development of this new medical facility brings new job opportunities to residents, which further promoted economic development. Please note that this request is not in conflict with the Comprehensive Plan. The intent of the code and buffer has been maintained.
- "4. This project is proposed as a LEEDS Certified development and will be processed through the U.S. Green Building Council for certification as a Silver or higher LEEDS certification. As an example of the owner's commitment to this process, the project includes numerous innovative site and building components such as a terrace level garden, wall mounted planting areas which decrease heat absorbance, hybrid parking spaces, and the use of numerous 'green' LEEDS certified materials and low flow plumbing fixtures. The allowance for additional compact spaces that will be designated as compact/hybrid allows for 3 additional LEEDS Certification points. In addition, the request is not in conflict with the Comprehensive plan; this is a landscape variance request which meets the intent of the regulation.
- "5. As part of the variance request, the project landscape plan provides code required landscape material for the reduced buffer areas and in several locations exceeds code requirements. Perimeter landscape plantings proposed on the plan exceed code required quantities. In addition, tree sizes have been upsized to promote the planting of more established vegetation. In addition, a 6-foot perimeter fence is proposed which further buffers adjacent parcels.
- "6. While this project is not necessary to protect public health and safety, the intent of the project is a medical doctor's office on the southern boundary of a residential community. The availability of medical office space and promoting public health care is in the best interest of protecting public health."

Staff has reviewed the applicants' requests and recommends approval to variances. The applicants/developers are providing a six-foot-high decorative fence around the perimeter of the project.

Section 615, On-Street Parking, Loading, and Unloading Regulations

Subsection 615.1.C, Commercial and industrial parking may be at a ratio of 75 percent full-size to 25 percent compact parking spaces. Compact parking spaces shall not be less than eight feet wide and 18 feet long, which, if approved, would relieve the applicants/developers of the requirement of the 25 percent compact parking regulations and allow to increase the compact spaces to 32 percent.

Relief is being sought pursuant to the LDC, Sections 316.1.A. 1, 3, 4, 5, and 6 as the purpose for the variances which read as follows:

1. The strict application of the land development regulation creates an unreasonable or unfair non-economic hardship, or an inordinate burden, that was not created by the variance applicant;
3. The granting of this variance will provide a net economic benefit to the taxpayers of Pasco County, and is not in conflict with important goals, objectives and policies of the comprehensive plan;
4. The granting of the variance is necessary to achieve an innovative site or building design that furthers the goals, objectives and policies of the comprehensive plan;
5. The intent and purpose of the land development regulation, and related land development regulations and comprehensive plan provisions, is met or exceeded through an improved or alternate technology or design;
6. The granting of the variance is necessary to protect the public health and safety or welfare;"

The applicants state:

- "1. The strict application of the land development regulation creates an unreasonable and inordinate burden that was not created by the applicant. The residential zoning designation on the north and west side of this parcel, and the size of this parcel, creates a reduced area for the building footprint and limited functional parking areas. This request allows for a greater number of compact parking spaces to complement the propose use. The north 50 feet of the subject parcel is R-1MH Single-Family/Mobile Home and can only be used for limited parking and access. The balance of the parcel is only 123 feet wide and does not provide adequate width for access, parking, and the structure. This condition has created a burden on the applicant and as a result, the applicant proposes to construct a 3-story building with parking on the first floor in order to make the project functional and feasible.

"In addition, the proposed project shall be processed through the U.S. Green Building Council for LEEDS Certification and the use of compact/hybrid vehicle spaces will allow for an increase point count in the overall scoring. This request actually assists this project in its goal to be 'Green' construction and LEED Certified. There are no provisions or defined benefits in the Pasco County regulations for LEED Certified projects and the use of hybrid parking spaces.

- "3. The granting of this variance will allow for the development of a vacant parcel that currently has a reduced property tax base. With the development of a 14,100-square-foot doctor's office, Pasco County will have an increased economic benefit through increased property taxes. If the variance was not approved, the largest building size would be 11,700 square feet, assuming the project is feasible under this condition; the property tax base would be less based on anticipated property appraised values.
- "4. This project is proposed as a LEEDS Certified development and will be processed through the U.S. Green Building Council for certification as a Silver or higher designation. Given the owner's commitment to this process, the project includes numerous innovative site and building components such as a terrace level garden, wall mounted planting areas which decrease heat absorbance, hybrid parking areas, and the use of 'green' LEEDS certified materials. The allowance for additional compact spaces that will be designated as compact/hybrid will provide for 3 additional certification points. In addition, this request is not in conflict with the Comprehensive plan since this is a parking space resize request from regular spaces to compact spaces.
- "5. As part of the variance request, the project provides for a diverse range of vehicles and modes of transportation. The site will include regular size spaces, compact spaces, and compact/hybrid spaces. In addition a bike rack is proposed at the front of the building adjacent to the entrance. The proposed site meets or exceeds code requirements for access and off-street parking.

- "6. While this project is not necessary to protect public health and safety, the intent of the project is a medical doctor's office on the southern boundary of a residential community. The availability of medical office promotes public health through its very existence."

Staff has reviewed the applicants' requests and recommends approval. As this is a LEED's certified project, it is necessary for the applicants/developers to provide more compact parking spaces in order to obtain additional points for further certification.

RECOMMENDATION:

The Zoning and Site Development Department recommends approval of the variance requests from the LDC, Sections 603.6 and 603.9, with the following condition:

1. The applicants/developers shall provide a six-foot-high PVC, decorative fence on the north, west, and south sides of the development.
2. The developers acknowledge 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 requests approvals. This action is based on the office review of the plans, supporting documentation, and certifications of the Engineer of Record.

OWNERS'/DEVELOPERS' ACKNOWLEDGMENT:

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

STATE OF FLORIDA
COUNTY OF _____

ROHIT K. SHAH

STATE OF FLORIDA
COUNTY OF _____

DIPAK PAREKH

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. Site Plan
3. Variance Visuals

DMZ/BET/ecm/drc052710/infinitydrzn10211

DEVELOPMENT REVIEW COMMITTEE ACTION: