

Application to Change a PDP Zoning Classification

Date: 10/3/02

Print or Type all information. Refer to instruction sheets for assistance or call the Planning Department at the number on the instruction sheet.

APPLICANT: Hardy H. Huntley
Mailing Address: 7801 Park Boulevard, Pinellas Park, FL 33781
Daytime Phone: (727) 541-4005 FAX No: (727) 541-6941

REPRESENTATIVE: Peter E. Creighton
Mailing Address: 7801 Park Boulevard, Pinellas Park, FL 33781
Daytime Phone: (727) 541-4005 FAX No: (727) 541-6941

CONDUCT AT PUBLIC HEARINGS:
Will Expert Witness be utilized during the public hearings? Yes
Please indicate how much additional time will be required during the public hearing (see instruction sheet): 15-30 minutes

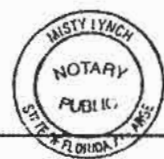
Legal Description: Write below the complete legal description of the property. Include Section, Township and Range, and if applicable, Subdivision Name, Lot, Block, and Unit Number. Attach additional sheet if necessary.
See attached description
SEC 29 TWP 23 (S) RANGE 17 (E)

Size of Area Covered by Application: Approx. 40 acres
Highway & Street Boundaries: U.S. 19 (Commercial Way)
Current Zoning Classification: Agricultural + Commercial
PDP Zoning Classification Desired: PDP-GC
Has a public hearing been held on this property within the past twelve months? No

ACKNOWLEDGMENT
This acknowledgment must be signed in the presence of a Notary Public.
I, Peter E. Creighton, hereby state and affirm that I have read the instructions for filing this application and that:
I am the owner of the property covered under this application.
I am the legal representative of the owner or lessee of the property described, which is the subject matter of the application.
All answers to the questions in said application, all sketches and data attached to and made part of this application are honest and true to the best of my knowledge and belief.
Signature of Applicant or Representative

STATE OF FLORIDA COUNTY OF HERNANDO
On this the 3 day of October, before me, the undersigned Notary Public of the State of Florida, personally appeared Peter Creighton and whose name(s) is/are subscribed to the within instrument, and acknowledge that he/she/they executed it.

WITNESS my hand and official seal.
Notary Signature: Misty Lynch
NOTARY SEAL & COMMISSION EXPIRATION:
MISTY LYNCH
Notary Public - State of Florida
My Commission Expires: 04 07 04
Commission Number: CC 916943



The individual(s) are personally known to me or presented the following identification:

Description of PDP Request

Request:

Our request is to seek approval for rezoning of a 37 acre tract (Key #'s 1434040 and 1454376) from Agricultural to PDP – GC. The 37 acre tract is currently known as Lots 3 and 3A, in the subdivision. In connection with this request, we would agree to change zoning on three (3) parcels (Key #'s 852429, 852456 and 852447) along U.S. Highway 19, from C-2 to PDP – GC.

Proposed Land Uses and Acreage:

No change to Land Uses is being requested. The Land Use for the 37 acre tract is *Public Facilities*, while the frontage area is *Commercial*.

Proposed Density Levels:

The proposed density would be for development upon Lots 3 and 3A not to exceed 300,000 square feet. It is uncertain whether this will be developed as one or more project(s), however, the square footage for Lots 3 and 3A and any reconfiguration (re-platting) thereof, will not exceed 300,000 square feet.

The proposed density on the three (3) parcels in the South Hernando U.S. 19 Commerce Center would remain at whatever is allowed under the Code based on the proposed reconfiguration of the frontage road.

Proposed Setbacks and Minimum Sizes:

As for the 37 acre tract, we do not request a variance from the front, rear and side setbacks currently contained in the "Big Box" ordinance. As for the front lots, we would agree to the setbacks ordinarily associated with lots along U.S. 19 – Commercial Way.

We acknowledge the need to buffer between commercially zoned property and other uses. As such, we would agree to discuss appropriate methods for protecting the interests of neighboring properties.

Condition of and Impact on Natural Features:

Florida Water Services was the prior owner of the property. During their ownership, the site was cleared and used as an effluent spray-field for its wastewater treatment plant. After the discontinuation of the property as an effluent spray-field, a portion of the property has been developed into a Wal-Mart Supercenter. The balance of the spray-field is the subject of this zoning request.

The site contains approximately 1-2 acres of wetlands. It is intended that they would be mitigated during the permitting process.

Impact on Infrastructure:

The development of this site will create impacts to the adjacent roadway system. We have retained the services of Robert C. Pergolizzi, AICP of Florida Design Consultants, Inc. in analyzing those effects. After consultation with the Hernando County Engineering department, a methodology was arrived at in completing a traffic study. A copy of the study has been submitted along with this application.

Water and Sewer service are currently available at the site. According to Florida Water Services, sufficient capacity exists for the treatment of waste-water from this property.

Proposed Improvements to the Infrastructure:

After meeting with Florida Department of Transportation, Hernando County Engineering and our engineer, it was recommended that we improve the access points and create a more functional internal roadway system. The objective was to allow for the proper flow of traffic and limit the access points to U.S 19 – Commercial Way. Therefore, a conceptual design was created and submitted to FDOT and Hernando County Engineering for their review. FDOT has indicated that the configuration meets their standards and would see no reason not to approve the access points. Hernando County Engineering as well, indicated support for the realignment. The conceptual plan is attached to this application.

Proposed Uses Within all of the Pods:

All proposed uses within the planned development would be for commercial retail or other related uses provided for under the requested zoning designation.

Existing Land Uses on the Site and Adjacent Sites:

The existing Land Use is *Public Facilities* for the 37 acre tract and *Commercial* for the lots along U.S. 19 – Commercial Way. The Land Uses for adjacent property owners are as follows:

North:	Public Facilities (Wal-Mart Supercenter)
Northwest:	Residential – Forest Glen Mobile Home Park
West:	Residential – 1+ acre lots & Agricultural
Southwest:	Residential - Florida Water Services
Southeast:	Commercial
East:	Commercial

REZONING NARRATIVE SUMMARY

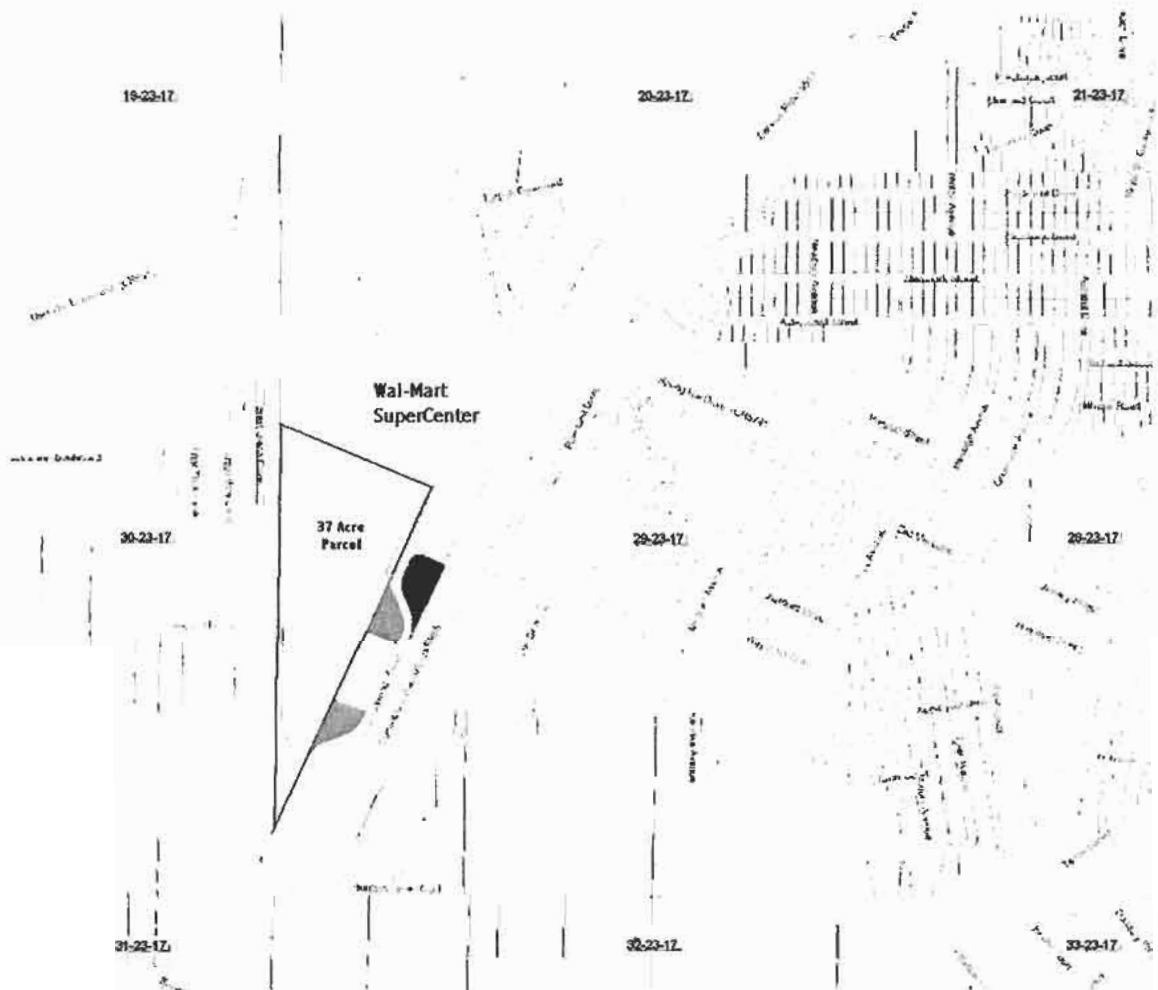
I. INTRODUCTION

The owner has submitted an application to rezone approximately 37 acres on the west side of U.S. 19 from Agricultural and PDP-GHC to PDP-GC (Planned Development Project-General Commercial). In addition, the applicant is requesting to modify the existing zoning on approximately 5 acres along U.S. 19 from C-2 to PDP-GC.

The subject property (37 acre parcel), as well as the new Wal-Mart SuperCenter site were a part of a tract previously used an effluent spray field by the adjacent and still existing waste-water treatment plant. A number of years ago the use of this land as a spray field discontinued as a result of its obsolescence. The land was subsequently sold by the utility company to the Applicant.

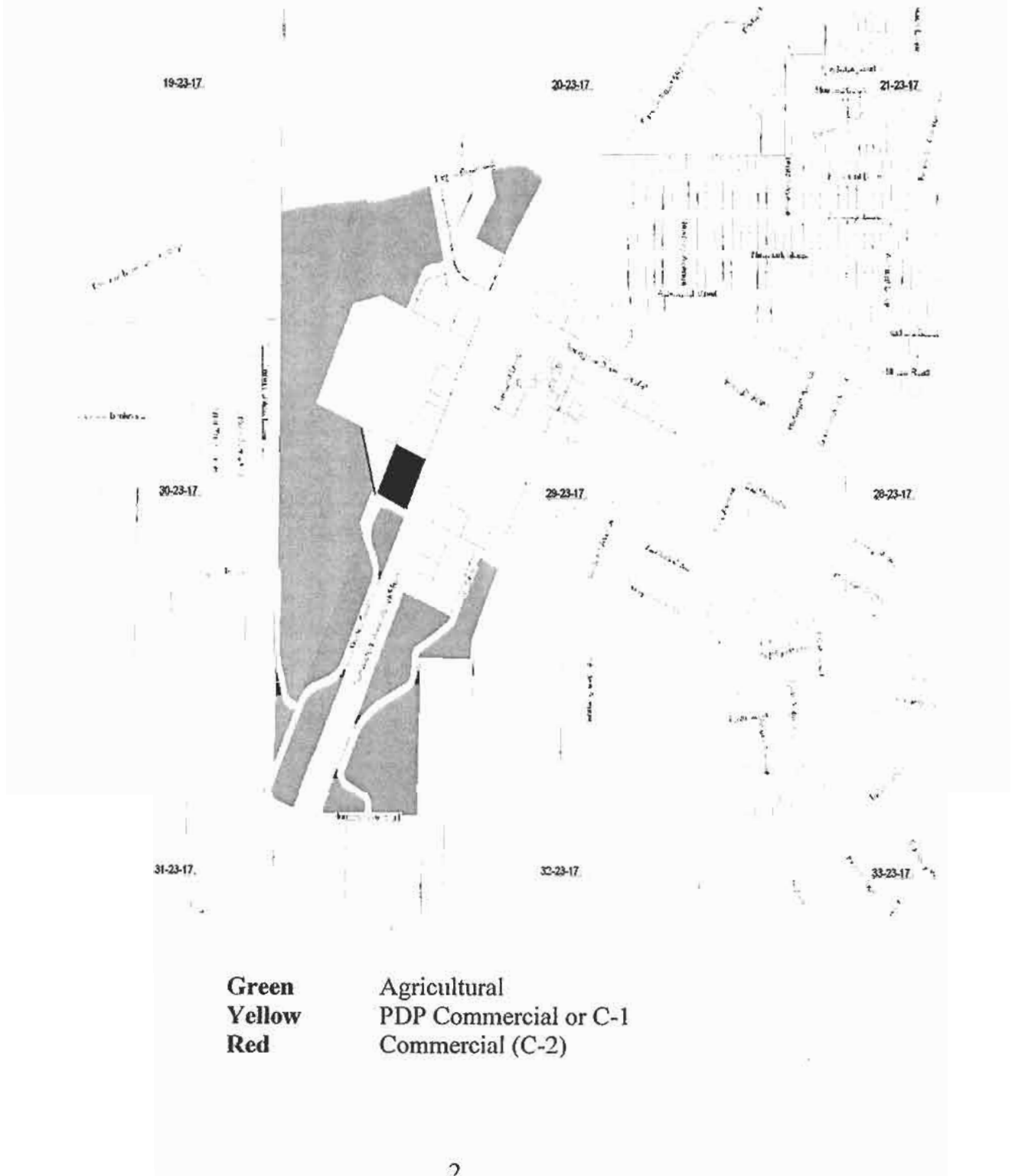
The following map (*Exhibit A*) depicts the areas which are the subject of this application.

Exhibit A



The current Land Use for the 37 acre parcel, Wal-Mart Super Center and the waste-water treatment facility is "Public Facilities." The current zoning for the subject site is Agricultural. The following map (*Exhibit B*) depicts the current zonings of the area.

Exhibit B



II. ANALYSIS

1. The Future Comprehensive Land Use Plan does not address or provide substantive guidance with “Obsolete” Land Use designations. However, we are able to draw from the Plan certain Policies which support the rezoning to commercial. Additionally, we are able to reference recent rezoning approvals for further support. The proposed rezoning is consistent with the following policies of the Comprehensive Plan Future Land Use Element.

- POLICY 1.01A(1):** A Planned Development Project (PDP) shall be developed as an integral unit with one or more land uses.
- POLICY 1.01A(4):** Development within a PDP shall occur according to limitations of use, design, density, coverage, and phasing stipulated on an approved Development Plan.
- POLICY 1.01A(7):** Delineation of the allowable intensity of development shall be contingent upon the ability to provide the adopted level of service of public services and facilities.
- POLICY 1.01A(10):** Provide maximum opportunity for application of innovative concepts of site of planning in the creation of aesthetically pleasing and natural system preserving living, shopping, and working environments on properties of adequate size, shape and location.
- POLICY 1.01B(7):** The County shall establish a procedure to evaluate the potential conversion of agricultural lands to non-agricultural uses which incorporate a site assessment process that considers the following:

- a. Adjacent land uses;
- b. Viability of adjacent parcels for continued or future agricultural use;
- c. Compatibility of proposed use with existing land characteristics;
- d. Comprehensive development plans;
- e. Available infrastructure;

f. Viability of the subject site including soils

POLICY 1.01L(3): New commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas.

POLICY 1.01L(4): The Landscape Ordinance shall require the buffering of the negative visual impacts of commercial development through the use of landscaping, screening, regulation of signs, planting of trees and where possible, the preservation of natural vegetation.

POLICY 1.01L(5): Where commercial development is proximate to residential uses, ordinances and land use approval conditions shall require that anticipated negative impacts shall be mitigated to the extent practicable by the commercial development, including noise, glare, dust, noxious fumes, odors, light, increased traffic, and visual discontinuity.

POLICY 1.01L(6): The Land Development Regulations shall be written to encourage planned development zoning along arterial roads or in multiple land use developments to ensure compatible land uses and maximize coordination of facilities and access.

POLICY 1.01M(2): Commercial nodes shall be classified as neighborhood commercial, community commercial, general commercial, and regional commercial, with the following minimum location criteria:

c. General Commercial Nodes

- 1) Will be located in areas designated on the Future Land Use Map Series as appropriate for nodal development;
- 2) Will be located proximate to the intersection of an arterial highway and a second road of at least collector status;
- 3) Full median cuts will generally not be any closer than 1,320 feet on arterials and 660 feet on collectors from the intersection to maintain the proper functioning of the intersection;
- 4) Will generally range from 50 to 100 acres in size;
- 5) Will be located within three to five miles of population areas to support the size and intensity of the development proposed;
- 6) Will be of a design which does not compromise the integrity of adjacent users of close proximity.

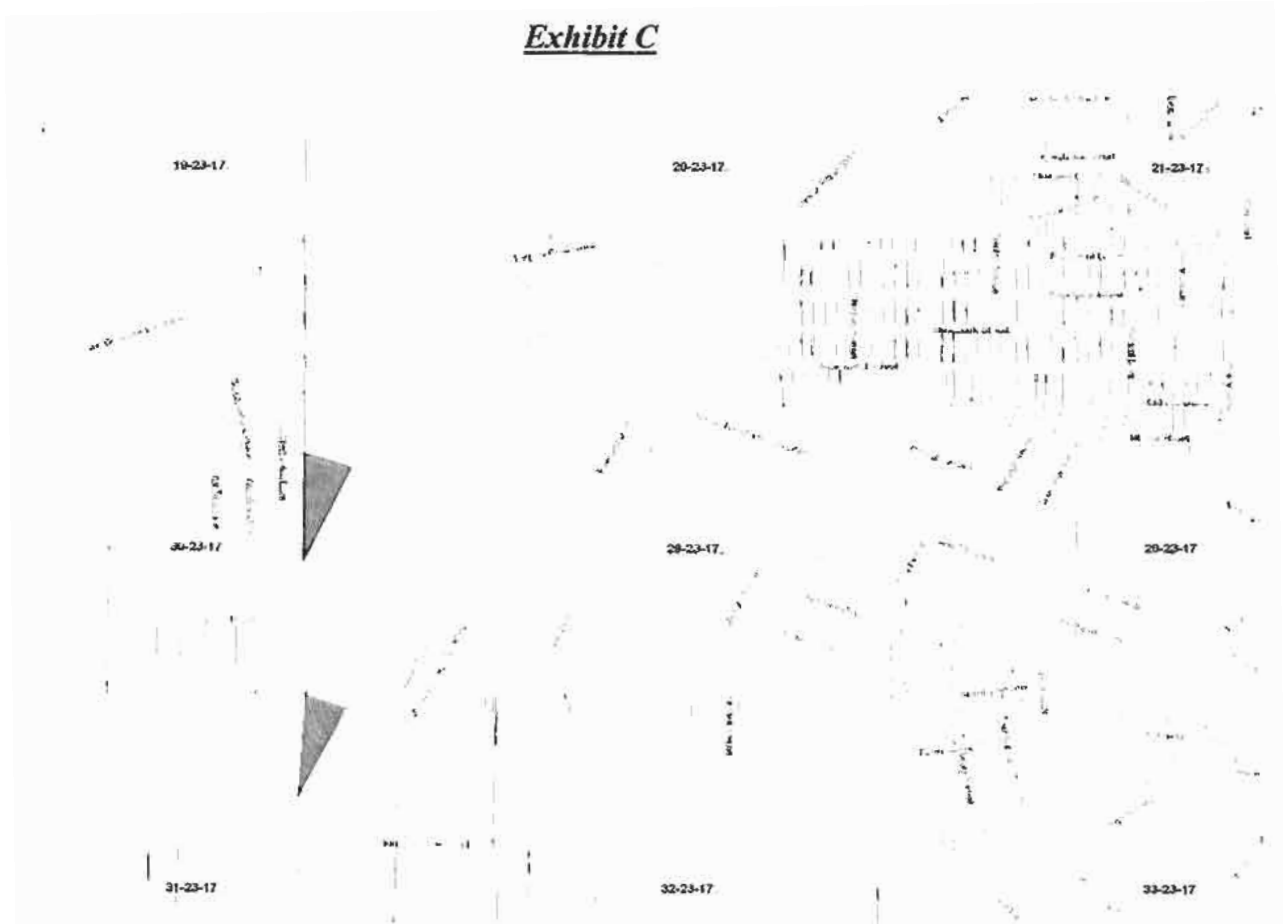
POLICY 1.01M(3): Development in commercial nodes shall provide for extension of the County's frontage road network on arterial roadways.

POLICY 1.01M(4): In order to encourage compact commercial development and maintain the viability of adjacent roadways, commercial development can only extend outward from commercial nodes where there is a frontage road connected to the commercial node, unless it is determined that wetlands or existing development make frontage road extension unfeasible.

POLICY 1.01M(5): Commercial development in nodes will be encouraged to utilize unified surface drainage plans, unified landscaping plans, and unified signage criteria.

2. The current Agricultural zoning is not appropriate along an urban highway which is the main commercial corridor in Hernando County. Commercial development is concentrated along the U.S. 19 corridor, from the Pasco County line to S.R. 50. Absent the obsolete "Public Facilities" Land Use designation, a good portion of this area, at a minimum, would logically have been designated as commercial on the Comprehensive Plan.
3. Water/Sanitary Sewer are available adjacent to the site, therefore, urban development has been anticipated.
4. U.S. 19/Spring Hill Drive is a "General Commercial Node" expected to contain up to 100 acres of commercial development. The site is located proximate to the U.S. 19/Spring Hill Drive intersection and is also served by Wendy Court (a signalized intersection). The site, upon the completion of the Wal-Mart project, will have a functioning internal frontage road connecting to Spring Hill Drive.
5. Our request includes the construction of a vastly "improved" frontage road according to Hernando County Engineering Department.
6. For the purpose of buffering, we have agreed to place a deed restriction on two areas as shown on *Exhibit C* with a conservation easement. They will only be used as retention.

Exhibit C



7. With exception of the Catholic Church, the west side of U.S. 19 south from Spring Hill Drive to nearly County Line Road, has a complete frontage road system.
8. We have agreed as a part of this request, to change the zoning of the front lots from C-2 to PDP-GC to avoid certain undesirable permitted uses within the C-2 classification. This in effect is a downzoning.
9. We retained the services of Robert Pergolizzi, with Florida Design Consultants to analyze the impacts of our request upon the intersections determined from methodology agreed to by Hernando County Engineering. The study determined, based on improvements we have agreed to, that the impact of our request does not reduce the *Level of Service* (LOS) for any of the intersections studied. The improvements included are to the frontage road system, U.S. 19/Wendy Court intersection, and turn lanes on U.S. 19. This study was found acceptable by Hernando County Engineering. The applicant's access management plan has received conceptual approval from FDOT and is consistent with FDOT guidelines.
10. We have worked with Mr. Dennis Dix, Hernando County Transportation Planning Coordinator to determine the long-range effects of our request. It has been determined, based upon the best available information, our segment of U.S. 19 as well as Spring Hill Drive remain at an acceptable LOS through the year 2025. This is significant as

segments of U.S. 19 north of this area fail prior to the year 2025, irrespective of the outcome of our application. In addition, certain studies show that S.R. 50 between Mariner and the Suncoast Parkway currently fail. This is the area where a recent approval was made for the “Big Box” site (proposed Sam’s Club) next to Wal-Mart.

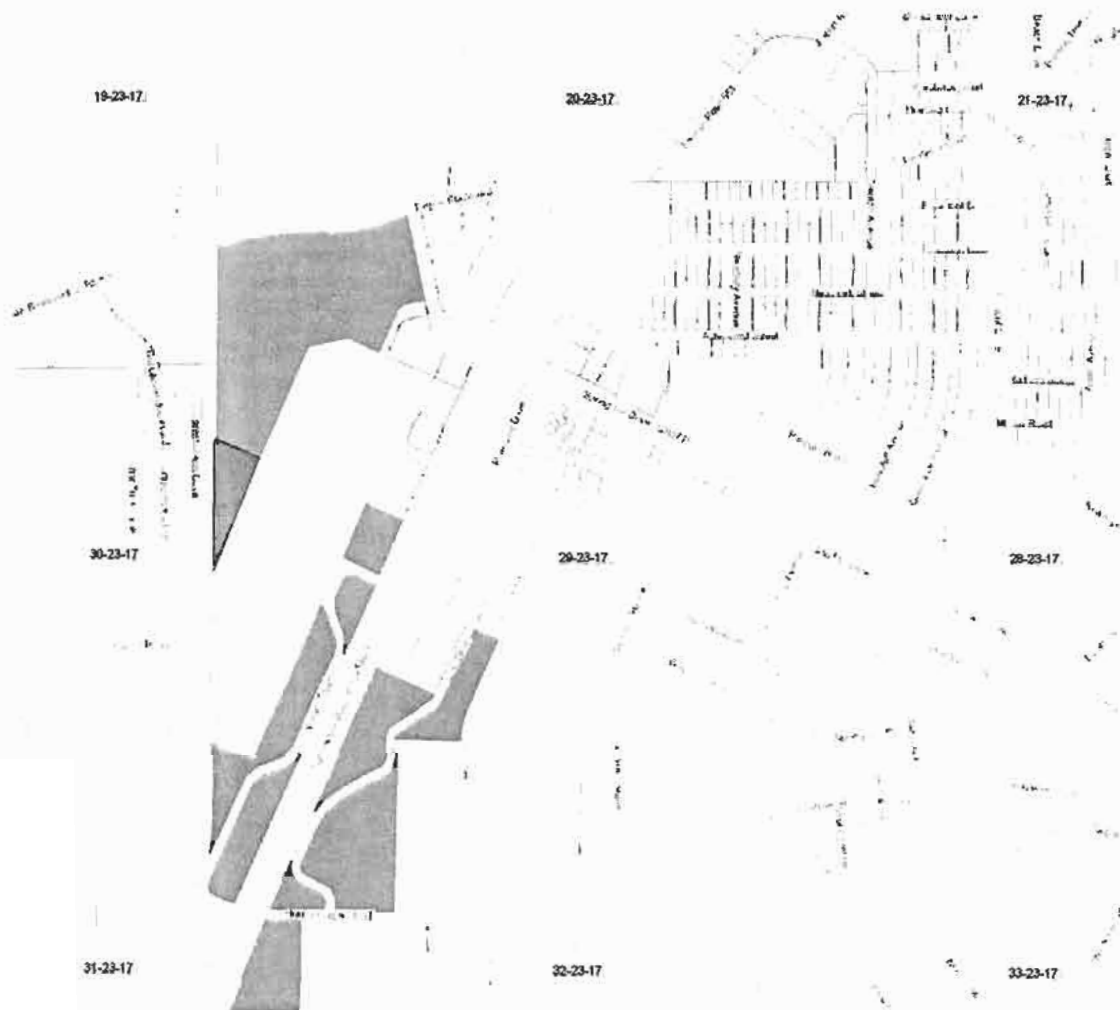
11. The proposed commercial zoning depth west of U.S. 19 will be 300 feet at the southern end of the property to 1,500 feet at the northern end of the property, due to the triangular shape. By comparison the Wal-Mart immediately north has a commercially zoned depth of 1,150 feet. The portion of our request that exceeds the Wal-Mart depth serves as buffering for Forrest Glen MHP. Additionally, it is only for retention and will have a conservation easement restriction. The average depth for this site is approximately 900 feet.
12. The depth is necessary to produce a viable commercial development while, complying with the “Big Box” ordinance, Landscape ordinance, parking and drainage retention requirements per the Land Development Code.
13. The request allows for the orderly transition of commercial from the U.S. 19/Spring Hill Drive intersection, given the geography and roads and the reasonable expectation that no further spread will occur in this area.
14. The rezoning is for a “Planned Development Project” (PDP) which integrates various commercial uses, with common parking, common drainage retention, landscaping, signage and common access. The PDP will allow for proper and controlled development at the last significant vacant tract at the U.S 19/Spring Hill Drive intersection.

III. CONCLUSION

1. The site is located along a commercial corridor (U.S. 19) at the General Commercial Node. The Hernando County Comprehensive Plan seeks to encourage commercial development along the commercial arterials, particularly at node locations. Accordingly, this request is reasonable under two policies.
 - a. It is “infill” at the node. The node still has a minimum of 25 acres of unused commercial zoning available.
 - b. It is also the “orderly” transition of commercial from a node with the existence of a functioning frontage road.
2. The development of this site will result in improvements to the frontage road system, and intersection improvements at U.S. 19. The Hernando County Comprehensive Plan encourages improvements to the frontage roads as part of development projects.
3. Appropriate measures have been taken to buffer adjacent property owners from any adverse effect of this request.

4. This request, with the exception of the area to be designated as retention with a conservation easement, is no deeper than the adjacent Wal-Mart site. As a result of the property geography, 2/3's of the parcel will be at depths less than the Wal-Mart site. This reduction in depth provides for the optimal transition of commercial at this location.
5. The depth of our zoning request, with the exception of the area for conservation easements, is less than the Winn-Dixie site just north of the U.S. 19/Spring Hill Drive intersection. Additionally, this depth is significantly less than the 1,975 depth recently approved on S.R. 50.
6. *Exhibit D* depicts the area zonings and proposed conservation easements

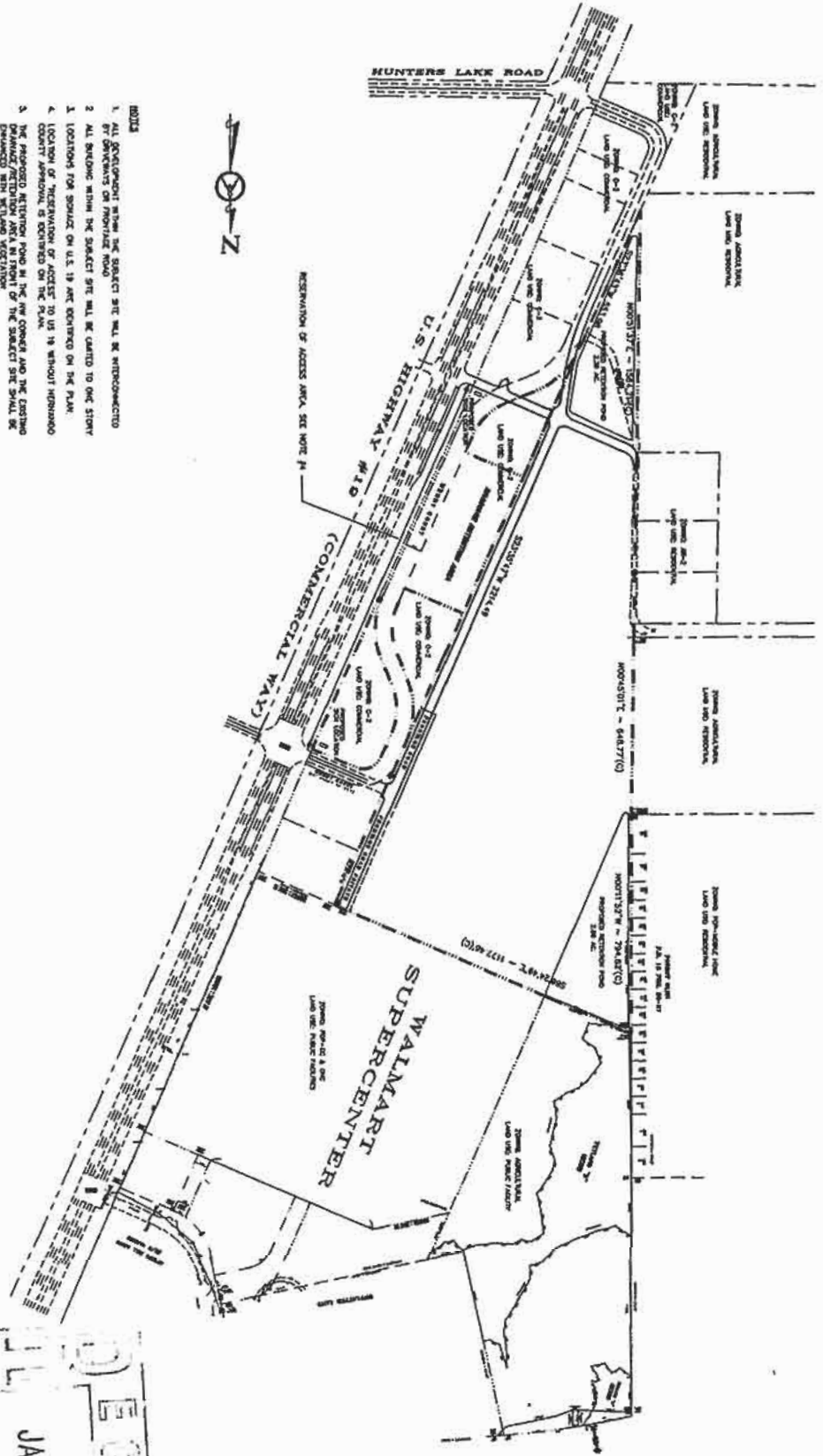
Exhibit D



Green	Agricultural
Dark Green	Proposed conservation/retention/buffer areas
Yellow	PDP Commercial or C-1
Red	Commercial (C-2)

DRAWING OF PDP-GC ZONING PLAN

- NOTES**
1. ALL DEVELOPMENT WITHIN THE SUBJECT SITE SHALL BE INTRODUCED BY DRIVEWAYS OR FRONTAGE ROAD
 2. ALL BUILDING WITHIN THE SUBJECT SITE SHALL BE LIMITED TO ONE STORY
 3. LOCATIONS FOR SPACES ON U.S. 19 ARE SHOWN ON THE PLAN.
 4. LOCATION OF PRESERVATION OF ACCESS TO US 19 WITHOUT INTERRUPTED COUNTRY APPROACH IS SHOWN ON THE PLAN.
 5. THE PROPOSED RETENTION POND IN THE NW CORNER AND THE EXISTING POND IN THE SW CORNER OF THE SUBJECT SITE SHALL BE ENHANCED WITH WETLAND VEGETATION



DECEMBER 11
 JAN 23 2003
 HERNANDO COUNTY
 PLANNING DEPARTMENT

**HUNTLEY PROPERTY
 HERNANDO COUNTY, FLORIDA**

HARDY HUNTLEY

AVID ENGINEERING, INC.
 Civil Engineers - Planners
 2300 Carlos Road, Suite 100
 Palm Harbor, Florida 34683

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SCALE
 1"=200'

DRAWN BY
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