

STAFF REPORT

Planning & Zoning Commission: January 12, 2004
Board of County Commissioners: February 11, 2004
Planning & Zoning Commission: February 9, 2004
Board of County Commissioners: March 10, 2004
Planning & Zoning Commission: March 8, 2004
Board of County Commissioners: April 14, 2004

APPLICANT: Coastal Way LLC **FILE NUMBER:** H-04-04

PURPOSE: Master Plan Revision to include a rezoning from PDP(GC)/(General Commercial) to PDP(GC)/(General Commercial), with C-2 uses namely Tire and Automotive Accessory Establishment and Automobile and Truck Repair Establishment (excluding body shop), and a reduction in setbacks

GENERAL

LOCATION: Approximately 730' north of Cortez Boulevard, east side of Mariner Boulevard, south side of Jacqueline Road

LEGAL

DESCRIPTION: A portion of Lot 6, Coastal Way Plaza, recorded in Plat Book 32, pages 26-27 of the Public Records of Hernando County, Florida located in Section 28, Township 22 South, Range 18 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: AR-2
South: C-2, PDP(GC)
East: PDP(GC)
West: C-2

Surrounding Land Uses

Undeveloped
Retail commercial
Coastal Way Plaza
Western Way Plaza, undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include a rezoning from PDP(GC) to PDP(GC) with C-2 uses namely Tire and Automotive Accessory Establishment and Automobile and Truck Repair Establishment (excluding body shop), and a reduction in setbacks. The subject property is located on the north side of Cortez Boulevard, on the east side of Mariner Boulevard and on the south side of Jacqueline Road.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GC).
2. The property comprises approximately 8.8 acres.
3. The subject property is a portion of Coastal Way Plaza shopping center which has been developed with a Sears store.
4. The subject property has access to Cortez Boulevard and Mariner Boulevard.
5. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
6. 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.
7. The property is located in a flood zone C.
8. The subject property contains WHPA-2, but no wetlands or SPAs according to County data resources.
9. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
10. There are adequate public facilities available to serve the subject property.
11. The area is characterized by retail commercial, office-professional and rural residential uses.
12. The petitioner has requested a reduction in setbacks from 75' to 35' from Mariner Boulevard, which is a deviation to the approved master plan.

STAFF DISCUSSION

The petitioner requests a master plan revision in order to add an automotive center to the Sears located at Coastal Way Shopping Center. The proposed uses are C-2 uses, specifically, Tire and Automotive Accessory Establishment and Automobile and Truck Repair Establishment (excluding body shop) at the Sears located at Coastal Way Shopping Center.

A master plan revision for Coastal Way Plaza was approved in 1998 with the following performance conditions:

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, including receiving DRC approval for the proposed use.
2. The petitioner will need to provide improvements (turning and additional laneage) at all shopping center entrance locations and at the SR 50 and Mariner Blvd intersection.
3. The petitioner shall submit an access management plan for the out parcels, acceptable to the County Engineer, and to be approved by the Board of County Commissioners.
4. The petitioner shall provide a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County.
5. The petitioner will need to show centerline alignment of the west end of the proposed frontage road with the existing frontage road located to the west of Mariner and realign the proposed frontage road to provide for the proper alignment of the proposed frontage road with the BCC approved location of the frontage road to the east.
6. The petitioner shall meet the following setbacks:
 - Perimeter Setbacks:
 - Front: 75'
 - Side: 20'
 - Rear: 35'
 - Out Parcel Setbacks:
 - Front: 75' from SR 50
 - 35' from proposed frontage road
 - 25' from proposed access drive aisles
 - All remaining property lines: 10'
7. The petitioner shall provide a revised site plan meeting all approval conditions with 30 days of the BCC approval or the rezoning shall become null and void.
8. The zoning shall become null and void within two years if substantial construction has not occurred on the site.
9. The BCC approved the access management plan presented by the petitioner to the Board to satisfy condition number 3 which had been reviewed by the staff and the BCC at the November 10, 1998 BCC meeting.

The master plan submitted indicates the center will be constructed on the western end of the existing Sears. Notes on the plan indicate the automotive center will contain 9,380 square feet. The plan indicates an area containing approximately 7,800 square feet. The configuration of the automotive

center runs parallel to the building, with the entrance and exit at the north and south ends. No further details regarding the layout were provided.

The proposed center is considered new development and therefore the addition would be required to meet the applicable standards for large retail developments contained in the County's LDRs. The proposed use is visible to Mariner Boulevard, consequently, the side of the building facing Mariner is considered a primary facade. As such, there are specific building design requirements and additional landscaping requirements that the petitioner would be required to meet. The petitioner has not requested any deviations from the large retail development standards nor demonstrated compliance. The Planning staff is of the opinion that the proposed addition triggers the need to meet the large retail development ordinance because the overall development exceeds the 25,000 square feet threshold.

The County Engineer has concerns about the proposed development's impacts on pedestrian and vehicular circulation in this area of the shopping center. The proposed addition is to be located adjacent to entrances to the Sears department store and is within 35' of access points to Mariner Boulevard. In this location, pedestrians are walking between the parking lot and the store, vehicles are dropping off and picking up customers, vehicles are traveling between the parking lot and Mariner Boulevard. The plan provided does not indicate the direction of the flow of vehicles through the proposed automotive center nor the location of any staging areas for the proposed automotive center. The petitioner's representative has not provided a more detailed layout demonstrating the feasibility of the proposal, as requested by the Planning staff. The County Engineer requests that if the proposed master plan revision is approved, the petitioner should make improvements to the southeast corner of the intersection of Mariner Boulevard and the frontage road.

The petitioner requests a reduction in setbacks from 75' to 35' from Mariner Boulevard which is a deviation to the setback requirement in the approved master plan. Pursuant to the county's LDRs, a perimeter buffer shall be required along the full length of all streets serving a large retail development. The buffer shall be a minimum of 35' in width and be comprised of retained natural vegetation or planted with native plant species. A drainage ditch exists adjacent to Mariner Boulevard which is within the area which is required to be maintained as buffer pursuant to the LDRs. The Planning staff is of the opinion the reduction in setbacks is not appropriate. The BCC's approval of this section of Mariner Boulevard to be upgraded to collector status is currently under compliance review by the state. Once the upgraded roadway status has been found to be in compliance by the state, new commercial development will be required to provide 75' setbacks from this section of Mariner Boulevard. The Planning staff is of the opinion the 75' setback as required by the current master plan is appropriate. The proposed addition will be required to provide a 35' landscaped buffer in an area containing a drainage ditch. The petitioner has not demonstrated how this landscaped buffer would be provided pursuant to the County's large retail development regulations.

The plan provided indicates the site currently contains 1,318 parking spaces and that an additional 97 parking spaces will be provided, bringing the total number of parking spaces to 1,415. The LDRs

require the C-2 uses requested provide 1.5 spaces per person regularly employed on the premises plus 5 spaces per 1,000 square feet of building area devoted to retail selling of merchandise, goods and products. If the request is approved, the petitioner will be required to provide the required parking spaces. The Development Department has indicated the shopping center currently contains 1,268 parking spaces, 59 more than is need for the shopping center, including the proposed automotive center.

The County Health Department has indicated that if the request is approved, the petitioner will have to connect to the County sewer system.

The subject property lies within a WHPA-2 for a public supply well. The proposed land use is allowed within this designation.

The FDOT has been notified of the request; no reply has yet been received.

FINDINGS OF FACT

The area is characterized by retail commercial, office-professional and rural residential uses. The subject property has been developed with the Coastal Way Plaza shopping center.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map.

The Planning staff is of the opinion that the request for a master plan revision to include a rezoning from PDP(GC) to PDP(GC) with C-2 uses namely Tire and Automotive Accessory Establishments and Automotive and Truck Repair Establishments (excluding body shops), and a reduction in setbacks should be denied, based on the following conclusions:

1. The petitioner has not demonstrated how the proposed development will be able to comply with the landscaping design guidelines for large retail developments.
2. The proposed development will have a negative impact on the existing pedestrian and vehicular circulation patterns at the shopping center.
3. A reduction in setbacks from Mariner Boulevard to 35' would not be appropriate due to the BCC's recent approval of this section of the roadway's upgrade to collector status, the 75' setback required of commercial buildings from functionally classified roadways and the 35' perimeter buffer required by the County's land development regulations.

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 Concurrence. 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 deny the petitioner's request for a master plan revision to include a rezoning from PDP(GC) to PDP(GC) with C-2 uses, namely Tire and Automotive Accessory Establishment and Automobile and Truck Repair Establishment (excluding body shop) and a reduction in setbacks.

P&Z RECOMMENDATION:

On January 12, 2004, the Planning and Zoning Commission voted 5-0 to postpone consideration of this petition to their February 9, 2004, meeting at 9:00 a.m.

STATUS UPDATE:

On January 30, 2004, the Planning Department received a letter from the representative requesting the application be postponed until the March 8, 2004, meeting. Staff recommends the Planning & Zoning Commission approve the request to postpone the hearing until March 8, 2004, at 9:00 a.m.

P&Z RECOMMENDATION:

On February 9, 2004, the Planning and Zoning Commission voted 5-0 to postpone consideration of this petition to their March 8, 2004 meeting at 9:00 a.m.

BCC ACTION:

On February 11, 2004, the Board of County Commissioners voted 4-0 to postpone consideration of this petition to their March 10, 2004 meeting at 9:00 a.m.

NOTE:

The petitioner provided a revised master plan and narrative clarification to the staff. The revised plan provides more detail regarding the proposed automotive center. The automotive center will be approximately 8,520 square feet at the western end of the Sears store. Cars will enter the service center from the north side of the property via a one-way drive to the garage bays. Customers of the service center will park in the main parking area on the south side of Sears, and arrange for service in the center. Mechanics will then drive customer cars to the repair bays. Once the service is

completed, the mechanics will return the customer's car to the main parking lot. The petitioner has estimated that approximately 6 cars will enter the service area per hour (1 car per bay with average service time of 60-90 minutes).

The automotive center is shown to have a setback from Mariner Boulevard of 44'. The County Engineer has indicated that an additional 10' would be required from the subject property to provide enough right-of-way to widen Mariner Boulevard in this area. Provision of ROW from this site would ultimately result in a 34' building setback from the roadway. The minimum required setback is 75'. The plan submitted measures a 17' wide landscape buffer along Mariner Boulevard. The plan indicates the buffer will be planted with Date palm, Crape Myrtle, Indian Hawthorn or their equivalents.

The Staff reviewed the revised plan with the County Engineer who indicated the proposed layout would be acceptable from an engineering perspective.

After review of the revised plans, the staff maintains our previous position for the following reasons:

1. The petitioner has not demonstrated how the proposed development will be able to comply with the landscaping design guidelines for large retail developments.
2. A reduction in setbacks from a collector roadway, Mariner Boulevard, from 75' to 34' would not be appropriate.
3. A reduction in the required 35' perimeter buffer along a collector roadway, Mariner Boulevard, would not be appropriate.

P&Z RECOMMENDATION:

On March 8, 2004, the Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners deny the petitioner's request for a Master Plan Revision to include a rezoning from PDP(GC)/(General Commercial) to PDP(GC)/(General Commercial), with C-2 uses namely Tire and Automotive Accessory Establishment and Automobile and Truck Repair Establishment (excluding body shop), and a reduction in setbacks.

BCC ACTION:

On April 14, 2004, the Board of County Commissioners voted 4-0 to deny the petitioner's request for a Master Plan Revision to include a rezoning from PDP(GC)/(General Commercial) to PDP(GC)/(General Commercial), with C-2 uses namely Tire and Automotive Accessory Establishment and Automobile and Truck Repair Establishment (excluding body shop), and a reduction in setbacks.