

STAFF REPORT

Planning & Zoning Commission: March 8, 2004

Board of County Commissioners: April 14, 2004

APPLICANT: CRF-Coach 1, LLC **FILE NUMBER:** H-04-13

PURPOSE: Establishment of a Master Plan for a Previously Zoned General Commercial Project

GENERAL

LOCATION: North side of Powell Road, east side of Barclay Avenue, west side of Mallard Lake Drive, south side of Secretariat Run

LEGAL

DESCRIPTION: Tract E, Silverthorn Phase One, as per plat thereof recorded in Plat Book 28, Pages 36 - 42, of the Public Records of Hernando County, Florida in Section 10, Township 23 South, Range 18 East

FILE STATUS: All legal obligations have been completed.

CITIZEN RESPONSE: FOR: 0 AGAINST: 0 LETTER OF CONCERN: 1

STAFF FINDINGS:

Surrounding Zoning

North: PDP(SF)
South: PDP(SU)
East: PDP(RR)
West: PDP(GHC), PDP(SF)

Surrounding Land Uses

Single family
Powell Middle School
Single family, undeveloped
Single family, undeveloped

SUMMARY OF REQUEST

The petitioner requests to establish a master plan for a previously zoned general commercial project. The subject property is located on the north side of Powell Road, east side of Barclay Avenue west side of Mallard Lake Drive and south side of Secretariat Run.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GHC).
2. The property comprises approximately 11.19 acres.
3. The site is currently undeveloped.

4. The subject property has access from Powell Road, Barclay Avenue, Mallard Lake Drive and Secretariat Run.
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 a 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 residential and institutional uses and undeveloped parcels.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to establish a master plan on the subject property. The petitioner proposes developing the site with commercial and office uses. The site is zoned PDP(GHC). The zoning restricts the permitted uses to those general commercial uses allowed in the C-1 commercial district. The narrative indicates the petitioner indicates the subject property will be subdivided into four parcels. A conditional plat for the site is currently under review. The petitioner proposes setbacks consistent with the LDRs: 75' from Barclay Avenue and Powell Road and 35' from Secretariat Run and Mallard Lake Drive. The Planning staff does not object to the 10' separation distance proposed between internal parcels.

In 1996, the BCC approved a master plan revision at Silverthorn on property including the subject property. One of the conditions was that the applicant was to indicate a landscaped separation strip of 10' along all property lines and streets serving the project. The plan provided does not indicate the landscaped separation strips along Powell Road and Barclay Avenue as previously indicated on the previously approved master plan. If the request is approved, the landscaped separation strips will be required to be indicated on a revised plan.

The master plan provided does not adequately indicate how access is to be provided to all of the proposed parcels. Access to the two outparcels is not indicated. The petitioner should be required to designate an internal access tract on a revised master plan. The petitioner has submitted a conditional plat to create the proposed lot configuration which is currently being reviewed by staff. The conditional plat will be required to show the internal access tract, and address maintenance of the tract by the owners of the replatted commercial lots. The County Engineer requests that if the request is approved, the petitioner design the internal access roadway so that the traffic flow is acceptable to the County Engineer.

The plan provided shows access points on Barclay Avenue, Powell Road and Mallard Lake Drive. Mallard Lake Drive is a private roadway, dedicated to the Silverthorn Homeowners Association. The County Engineer has noted that the developer will be required to provide a maintenance agreement to the County before access can be provided from Mallard Lake Drive. The Planning staff recommends that if the request is approved, the petitioner be required to provide either documentation confirming the ability to utilize Mallard Lake Drive, or provide a copy of a maintenance agreement addressing the portion of Mallard Lake Drive south of the entry gate.

The County Engineer requests that if the master plan is approved, the petitioner provide 20' of ROW along Barclay Avenue, relocate the access on Barclay Avenue farther north, provide a left turn lane on Barclay Avenue or be denied left-in access at that location, provide a left turn lane on Powell Road at Mallard Lake Drive if the Mallard Lake Drive access is approved, provide sidewalks on Powell Road and Barclay Avenue, limit access on Powell Road to right-in/right-out only and coordinate with the County Engineer regarding intersection improvements at the Barclay Avenue/Powell Road/Elgin Boulevard intersection.

The petitioner indicates central water and sewer will be provided by the County Utilities Department. The Utilities Department has indicated that central water and sewer are available to serve the subject site.

Adequate public facilities are available to serve the subject property; however, the petitioner will be required to obtain a certificate of concurrency at the time of conditional plat.

According to County data resources, the site lies within a WHPA-2. The proposed land use is allowed within this designation.

The Florida Turnpike headquarters and the City of Brooksville have been notified of the request. The Florida Turnpike headquarters has not yet responded. The City of Brooksville has indicated it does not object to the request.

FINDINGS OF FACT

The area is characterized by residential and institutional uses and undeveloped parcels. The subject property is a part of the Silverthorn development. Silverthorn residential development is located

north and east of the subject property. Powell Middle School is located to the south of the subject property.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map. The mapping criteria of the Comprehensive Plan indicates that the proposed commercial and office uses are allowable in the commercial land use category.

Policy 1.01H(2) encourages the protection of existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the residential environment. The Planning staff is of the opinion the proposed setbacks and buffers will minimize the impacts of the proposed development on the surrounding SF residential uses.

The Planning staff is of the opinion that the request for the establishment of the master plan, with performance conditions, should be approved based on the following conclusions:

1. The proposed development will be compatible with the surrounding land uses.
2. The proposed development will be consistent with the Comprehensive Plan.

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.

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 adopt Resolution # _____ approving the petitioner's request to establish a master plan for a previously zoned general commercial project, 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 development review for the proposed use.
2. The setbacks are approved as follows:
 - From Barclay Avenue: 75'
 - From Powell Road: 75'
 - From Secretariat Run 35'
 - From Mallard Lake Drive: 35'
3. The 10' setback between internal parcels is allowed.
4. The revised plan shall show an internal access tract parcel, with sufficient width for traffic lanes and landscaped strips separating the traffic lanes from the parking areas.
5. The design of the internal access roadway must be acceptable to the County Engineer.
6. The petitioner must provide documentation confirming ability to utilize Mallard Lake Drive, or a copy of a maintenance agreement addressing the portion of Mallard Lake Drive south of the entry gate. A left turn lane on Powell Road is required.
7. The developer shall provide 20' of ROW along Barclay Avenue.
8. The petitioner shall provide an access management plan and roadway improvements as required by the County Engineer.
9. The developer shall provide sidewalks along the Powell Road and Barclay Avenue frontages.
10. Access on Powell Road shall be limited to right-in/right-out only.
11. As part of the conditional plat approval, the developer shall coordinate with the County Engineer regarding the planned intersection improvements at the Barclay Avenue/Powell Road/Elgin Boulevard intersection.
12. The petitioner shall provide a revised plan within 30 days of BCC approval or the master plan shall be null and void.

P&Z RECOMMENDATION:

On March 8, 2004, the Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to establish a master plan for a previously zoned general commercial project, with the following unmodified 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 development review for the proposed use.
2. The setbacks are approved as follows:
 - From Barclay Avenue: 75'
 - From Powell Road: 75'
 - From Secretariat Run 35'
 - From Mallard Lake Drive: 35'
3. The 10' setback between internal parcels is allowed.
4. The revised plan shall show an internal access tract parcel, with sufficient width for traffic lanes and landscaped strips separating the traffic lanes from the parking areas.
5. The design of the internal access roadway must be acceptable to the County Engineer.
6. The petitioner must provide documentation confirming ability to utilize Mallard Lake Drive, or a copy of a maintenance agreement addressing the portion of Mallard Lake Drive south of the entry gate. A left turn lane on Powell Road is required.
7. The developer shall provide 20' of ROW along Barclay Avenue.
8. The petitioner shall provide an access management plan and roadway improvements as required by the County Engineer.
9. The developer shall provide sidewalks along the Powell Road and Barclay Avenue frontages.
10. Access on Powell Road shall be limited to right-in/right-out only.
11. As part of the conditional plat approval, the developer shall coordinate with the County Engineer regarding the planned intersection improvements at the Barclay Avenue/Powell Road/Elgin Boulevard intersection.
12. The petitioner shall provide a revised plan within 30 days of BCC approval or the master plan shall be null and void.

BCC ACTION:

On April 14, 2004, the Board of County Commissioners voted 4-0 to adopt Resolution # 2004-87 approving the petitioner's request to establish a master plan for a previously zoned general commercial project, 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 development review for the proposed use.
2. The setbacks are approved as follows:
 - From Barclay Avenue: 75'
 - From Powell Road: 75'
 - From Secretariat Run 35'
 - From Mallard Lake Drive: 35'
3. The 10' setback between internal parcels is allowed.
4. The revised plan shall show an internal access tract parcel, with sufficient width for traffic lanes and landscaped strips separating the traffic lanes from the parking areas.
5. The design of the internal access roadway must be acceptable to the County Engineer.
6. An access to Mallard Lake Drive is allowed if mutually agreed upon by the Silverthorn Homeowner's Association and the developer.
7. The developer shall provide 20' of ROW along Barclay Avenue.
8. The petitioner shall provide an access management plan and roadway improvements as required by the County Engineer.
9. The developer shall provide sidewalks along the Powell Road and Barclay Avenue frontages.
10. Access on Powell Road shall be limited to right-in/right-out only.
11. As part of the conditional plat approval, the developer shall coordinate with the County Engineer regarding the planned intersection improvements at the Barclay Avenue/Powell Road/Elgin Boulevard intersection.
12. The petitioner shall provide a revised plan within 30 days of BCC approval or the master plan shall be null and void.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE ON THIS ZONING APPROVAL MUST BE CONSISTENT WITH THE APPROVED MASTER PLAN, DEVELOPER'S NARRATIVE, DEVELOPER'S REPRESENTATIONS ON THE RECORD AND THE APPROVAL CONDITIONS BY THE BCC.