

STAFF REPORT

Planning & Zoning Commission: September 13, 2004

Board of County Commissioners: October 13, 2004

Planning & Zoning Commission: October 11, 2004

Board of County Commissioners: November 10, 2004

APPLICANT: Publix Supermarkets **FILE NUMBER:** H-04-51

PURPOSE: Master plan revision to amend a portion of a previously designated parking area to a building area

GENERAL

LOCATION: North of Lake in the Woods Drive, approximately 300 west of US 19, west of Exultant

LEGAL

DESCRIPTION: Lots 1 and 3, Block 1, Lake Wood Plaza, as recorded in Plat Book 27, Pages 42-43, of the Public Records of Hernando County, Florida in Section 10, Township 23 South, Range 17 East

FILE STATUS: All requirements necessary to conduct the public hearing have been satisfied.

CITIZEN RESPONSE: FOR: 1 AGAINST: 17
PETITION OF SUPPORT: 1 with 84 signatures
PETITION OF OPPOSITION: 1 with 524 signatures

STAFF FINDINGS:

Surrounding Zoning

North: C/PDP(GHC)
South: C/PDP(GHC)
East: C/PDP(GHC)
West: C-1

Surrounding Land Uses

Lakewood Plaza
Walgreens
Steak and Shake and outparcels under construction
Office complex and undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request for a master plan revision on a portion of Lakewood Plaza. The subject property is currently developed with a Publix shopping center and various other strip commercial and office uses. The petitioner is requesting to utilize a portion of the parking lot as a development site, namely a gas station.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GHC).
2. The property comprises approximately 10 acres.
3. The subject property is developed with a portion of Lakewood Plaza which contains Publix shopping center, strip commercial, office uses and parking.
4. The subject property has access from Exultant Drive.
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 are Candler Fine Sands.
7. The property is located in a flood zone C.
8. The subject property does not contain any wetlands, WHPAs 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 subject property is in an area developed with commercial uses.
12. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner has submitted a request for a master plan revision on a portion of Lakewood Plaza. The subject property is currently developed with a Publix shopping center and various other strip commercial and office uses. The petitioner is requesting to utilize a portion of the parking lot as a development site, namely a gas station.

The initial master plan submitted by the petitioner indicated the gas station will be developed within the parking lot of the Publix shopping center. Thirty parking spaces will be required to be removed in order to construct the gas station. The plan indicated 35 spaces will be installed in the rear of the shopping center. As proposed, the minimum parking required for the plaza will be maintained.

The narrative submitted by the petitioner indicated that the application proposes to develop a limited gasoline station to operate at the existing Publix Supermarket. The petitioner indicates that the gas station is intended to be secondary, or auxiliary, to a main use. The station provides gas only and some limited ancillary items. Access for fueling trucks and gas customers is through the existing shopping center.

The proposed use consists of a gasoline canopy over the gas pumps and a small kiosk for an attendant. The gas station component is not intended to function as a stand alone gas station, but as an additional service for Publix customers; although it is open to the public. The petitioner proposes a canopy 24' x 102.5' with an 8' x 20' kiosk. There are no new lots being proposed. The petitioner maintains that the impact on the infrastructure is insignificant.

The development area is located within a large retail development site. The project would have to be developed in accordance with the commercial design standards for this development site.

Based on the initial plan submitted to the County, the County Engineer reviewed the request and indicated that the truck route proposed is not acceptable. Via the plan proposed, the truck is headed in the wrong direction at the gas station. Additionally, there are problems with the route the truck follows through the parking lot and at the intersection of Exultant as it heads south into Lake in the Woods Drive.

The subject property is approximately 700 feet from a WHPA-1 for a public supply well and approximately 600 feet from a SPA according to County data resources. Due to the proximity to sinkhole activity and a public supply well, staff feels that a subsurface investigation of the proposed underground fuel tank locations should be conducted in order to ensure site suitability prior to development.

FINDINGS OF FACT

The subject property is located within a commercial land use classification. The commercial land use classification would allow commercial, recreation, office and professional, minor public facilities, and minor institutional are allowed with the appropriate land use approvals.

The land use proposed by the petitioner would not be inconsistent with the commercial uses allowed; however the proposal does not demonstrate safe and efficient traffic flow, nor ability to comply with the minimum development standards.

The county LDRs indicate that pedestrian circulation facilities, roadways, driveways and off-street parking and loading areas shall be designed to be safe and convenient. The layout as proposed does not demonstrate a safe, convenient traffic flow.

Parking and loading areas, aisles, pedestrian walks, landscaping and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and

proposed buildings. The proposed development site was not part of the overall development plan for Lakewood Plaza; consequently, it is the staff's position that the proposal is not adequately integrated into the project specifically relating to the traffic flow for customers and delivery trucks.

The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes. The original concept of the development provided a definite and logical system of drive lanes to serve the parking and loading spaces. The proposed layout does not provide for a definite and logical system of drive lanes.

The staff is of the opinion that the proposed master plan revision is inappropriate based on the following conclusions:

1. The petitioner has not demonstrated the ability to accommodate the traffic flow associated with the proposed use.
2. The proposed request is inconsistent with the adopted comprehensive plan and the County's LDRs.

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 adopt Resolution # _____ denying the petitioner's request for a master plan revision.

P&Z RECOMMENDATION:

On September 13, 2004, the Planning and Zoning Commission voted 5-0 to postpone this petition until the October 11, 2004, P&Z meeting at 9:00 a.m.

BCC ACTION:

On October 13, 2004, the BCC voted 5-0 to postpone this petition until the November 10, 2004, BCC Land Use Hearing at 9:00 a.m.

NOTE:

Subsequent to the September 13, 2004, Planning and Zoning Commission meeting, the petitioner met with County staff to further discuss our issues. The petitioner submitted a revised plan modifying the layout to address some of the concerns raised by the Planning Staff and the Engineering Department.

The revised plan proposes to remove an aisle of parking to provide for better transportation flow associated with the trucks which will serve the gas station. The 19 spaces removed are proposed to be replaced to the back of the buildings on the subject property. The overall added spaces are interspersed throughout the rear of the development. Although the removal of the row of parking in the parking lot provides more space for traffic flow, conflict points have been created which cause the staff concern. Additionally, it is unclear based on the revised plan submitted whether the replaced parking in the rear impacts the delivery path and loading and unloading areas, and whether the layout provides for adequate separation between spaces.

Although the modifications address some of the issues previously outlined by the staff, our position remains unchanged. It is the staff's opinion that the proposed development does not efficiently integrate into the overall plaza as discussed in the staff's report and recommendation.

P&Z RECOMMENDATION:

On October 11, 2004, the Planning and Zoning Commission voted 4-1 to recommend the Board of County Commissioners adopt Resolution # _____ denying the petitioner's request for a master plan revision.

ADDITIONAL NOTE:

As indicated in the staff report, the shopping center is considered a large retail development. If the overall shopping center was developed today, it would have been required to meet the county's "big box" regulations. The existing development does not meet the requirements of the big box rules with regards to, but not limited to: pedestrian circulation, parking lot design and minimum landscaping requirements. Modifying a portion of the existing parking lot to allow for an additional development area increases the intensity of the shopping center. It is the staff's position that the development proposed relative to the overall shopping center is too intense and consequently inappropriate.

Additionally, the petitioner has made modifications to the master plan subsequent to the original submittal. The County's development regulations would allow the subject area to be served via two vehicle access points not to exceed twenty four feet (24') in width. The most recent plan submitted

by the petitioner reflects modifications to these driveways. The driveway widths of the two access points have been increased in excess of 24' which does not comply with the LDRs.

BCC ACTION:

On November 10, 2004, the Board of County Commissioners acknowledged the withdrawal of the petition by the petitioner.