

STAFF REPORT

Planning & Zoning Commission: December 13, 2004
Board of County Commissioners: January 12, 2005

APPLICANT: Mariner Outparcel, Inc. **FILE NUMBER:** H-04-71

PURPOSE: Rezoning from PDP(GHC)/Planned Development Project (General Highway Commercial) to PDP(GC)/Planned Development Project (General Commercial) with a specific C-2 use of Automobile Service Establishment and a Reduction in Setbacks

GENERAL

LOCATION: North side of Northcliffe Boulevard, east side of Lamson Avenue and north side of Northcliffe Boulevard, west side of Mariner Boulevard

LEGAL

DESCRIPTION: Lot 5, Block 1, Mariner Crossing, as per plat thereof recorded in Plat Book 23, Page 35, of the Public Records of Hernando County, Florida in Sections 7 and 18, Township 23 South, Range 18 East

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: PDP(GHC)
South: PDP(GHC)
East: PDP(GHC)
West: PDP(GHC)

Surrounding Land Uses

Retail plaza
Undeveloped
Retail plaza
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from PDP(GHC) to PDP(GC) with a specific C-2 use of automobile service establishment with a reduction in setbacks. The subject property is located on the north side of Northcliffe Boulevard and the east side of Lamson Avenue.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GHC).

2. The property comprises approximately six-tenths of an acre.
3. The site is an undeveloped outparcel of a retail plaza.
4. The site does not contain majestic and specimen trees.
5. The subject property has access from Northcliffe Boulevard and Lamson Avenue.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. 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.
8. The property is located in a flood zone C.
9. The subject property does not contain any wetlands, WHPAs or SPAs according to County data resources.
10. The Utilities Department has indicated that central water and sewer are available to serve the subject site.
11. There are adequate public facilities available to serve the subject property.
12. The area is characterized by commercial uses and undeveloped properties.
13. The petitioner has requested a 52' setback from Northcliffe Boulevard, which does not meet the minimum 75' setback which is required on commercially zoned property per the LDRs.
14. The setbacks for the existing commercial property, part of the Spring Hill Master Plan, are 50' from Northcliffe Boulevard.

STAFF DISCUSSION

The petitioner has submitted a request to rezone from PDP(GHC) to PDP(GC) with a specific C-2 use of automobile service establishment in order to develop the site with a Goodyear tire store with 8 (eight) bays. The PDP(GC) category allows uses consistent with the C-1 (general commercial) zoning category. The plan indicates the subject property is proposed to be developed with a 6,101 square foot building which includes 3,501 square feet of service use with eight (8) bays, 1,000 square feet of retail space and 1,600 square feet of storage use.

The BCC recently adopted an amendment to the LDRs limiting automobile service establishments to four (4) service bays as a permitted use in the C-1 zoning district, and otherwise allowing automobile service establishments without a limit to the number of bays in the C-2 zoning district. C-1 is a general commercial district which typically includes strip centers, shopping centers, limited automotive uses, and other types of retail uses. Since there are areas within the County which have residentially zoned property proximate to C-1 areas, the ordinance amendment intended to limit the intensity in the C-1 district to reduce conflicts with residential areas. Additionally, the ordinance intended to limit the commercial intensity to enhance compatibility among other allowable commercial uses in the district. For example, in several areas in the county, automobile service establishments have been developed within the same building. The larger scale establishment may not blend with the other commercial uses.

The subject property is located on the interior of a commercial zoned and designated node. The property is an outparcel separate from the existing Mariner Crossing Plaza. The plan submitted by the petitioner indicates 4 service bays oriented toward Northcliffe Boulevard, and 4 bays to the rear of the building. The rear of the proposed building faces a DRA located behind the adjacent shopping plaza. Property surrounding the site in all directions is commercial. It is the staff's opinion that given the circumstances associated with this property, an 8 bay automobile service establishment with performance conditions, would not be inconsistent with the intent of the LDRs.

The LDRs would require the following setbacks for commercial development on the property: 75' from Northcliffe Boulevard, 35' from Lamson Avenue, 20' from the side lot line and 35' from the rear lot line. The petitioner proposes setbacks as follows: 58' from Northcliffe Boulevard (the narrative indicates 52'), 42' from Lamson Avenue, 20' from the side and 44' from the rear. The staff has advertised for a reduction in setbacks so that the BCC can consider the reduction in setback from Northcliffe Boulevard. The petitioner notes that the minimum setbacks for Spring Hill commercial lots are 50' from Northcliffe Boulevard, 35' from Lamson Avenue, 0' from the side lot line and 35' from the rear lot line. The Planning staff does not object to approval of setbacks consistent with the Spring Hill Master Plan.

The narrative indicates a 5' landscaped buffer is located adjacent to Northcliffe Boulevard and Lamson Avenue. If the request is approved, the landscaping on the property will have to meet the LDRs.

The plan indicates the proposed development is proposed to be accessed from within the shopping center. No direct access to Mariner Boulevard or Lamson Avenue is proposed. The lot is part of Mariner Crossing which has a designated drainage retention area (DRA). The County Engineer indicates if the request is approved, the DRA serving the site shall accommodate 100 year storm.

Additionally, the County Engineer indicated that the access points at the north lot line do not conform to minimum County standards. The County Engineer indicates that if the request is

approved, the parking and access points shall be designed to conform with the County design standards.

The plan shows 22 parking spaces. If the request is approved, the developer must provide the minimum number of parking spaces required for the use.

The Utilities Department has indicated that central water and sewer are available to serve the subject site.

FINDINGS OF FACT

The area is characterized by commercial uses and undeveloped properties. The subject property is an outparcel on the Mariner Crossing retail plaza site. The retail plaza is located to the north and east of the subject property. Undeveloped commercial properties zoned for C-1 uses are located to the west and south of the subject property.

The BCC has approved two (2) rezonings within the Mariner/Northcliffe commercial node to allow for limited C-2 uses. In 1999, the BCC approved the rezoning on a parcel located approximately 750' southeast of the subject property from PDP(GHC) to PDP(GC) with a specific C-2 use of miniwarehouses and a reduction in setbacks from 75' to 50' along Mariner Boulevard. In 2003, the BCC approved the rezoning on a parcel located approximately 950' northeast of the subject property from PDP(GHC) to PDP(GC) with a specific C-2 use of miniwarehouses and a reduction in setbacks from 75' to 50' along Mariner Boulevard.

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 staff is of the opinion that the request to rezone from PDP(GHC) to PDP(GC) with a specific C-2 use of automobile service establishment with a reduction in setbacks is appropriate based on the following conclusions:

1. The proposed rezoning would be compatible with the surrounding land uses.
2. The proposed rezoning would 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.

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 rezone from PDP(GHC) to PDP(GC) with a specific C-2 use of Automobile Service Establishment and a Reduction in Setbacks, 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, and complete all applicable development review processes.
2. The setbacks are approved as follows:

From Northcliffe Blvd.:	50'
From Lamson Ave.:	35'
From the east lot line:	20'
From the north lot line:	35'
3. The DRA serving the site shall be designed to accommodate 100 year storm.
4. The approval shall be limited to 8 service bays oriented as indicated on the plan.
5. Development of the outparcel shall be generally in conformance with the plan submitted.

P&Z RECOMMENDATION:

On December 13, 2004, the P&Z voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request to rezone from PDP(GHC) to PDP(GC) with a specific C-2 use of Automobile Service Establishment and a Reduction in Setbacks, 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, and complete all applicable development review processes.
2. The setbacks are approved as follows:

From Northcliffe Blvd.:	50'
From Lamson Ave.:	35'
From the east lot line:	20'
From the north lot line:	35'

3. The DRA serving the site shall be designed to accommodate 100 year storm.
4. The approval shall be limited to 8 service bays oriented as indicated on the plan.
5. Development of the outparcel shall be generally in conformance with the plan submitted.

BCC ACTION:

On January 12, 2005, the Board of County Commissioners voted 4-1 to adopt Resolution # 2005-19 approving the petitioner's request to rezone from PDP(GHC) to PDP(GC) with a specific C-2 use of Automobile Service Establishment and a Reduction in Setbacks, 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, and complete all applicable development review processes.
2. The setbacks are approved as follows:

From Northcliffe Blvd.:	50'
From Lamson Ave.:	35'
From the east lot line:	20'
From the north lot line:	35'
3. The DRA serving the site shall be designed to accommodate 100 year storm.
4. The approval shall be limited to 8 service bays oriented as indicated on the plan.
5. Development of the outparcel shall be generally in conformance with the plan submitted.

NOTE: PLEASE NOTE THAT DEVELOPMENT ACTIONS TAKEN IN RELIANCE WITH 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.