

STAFF REPORT

Planning & Zoning Commission: September 12, 2005
Board of County Commissioners: October 12, 2005

APPLICANT: Suncoast Development Group LLC **FILE NUMBER:** H-05-89

PURPOSE: Rezoning from Agricultural (AG) to C/PDP (HC) & (OP) with GC uses/
Combined Planned Development Project (Highway Commercial) and
(Office Professional) with General Commercial Uses, and a reduction in
setbacks

GENERAL

LOCATION: North side of County Line Road, east side of Suncoast Parkway

LEGAL

DESCRIPTION: A portion of Section 35, Township 23 South, Range 18 East, Hernando
County, FL

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

CITIZEN RESPONSE: FOR: 0 AGAINST: 0

STAFF FINDINGS:

<u>Surrounding Zoning</u>	<u>Surrounding Land Uses</u>
North: AG	Undeveloped
South: Pasco County	Pasture
East: AG	Undeveloped
West: AG	Parkway; undeveloped

SUMMARY OF REQUEST

The petitioner has submitted a request to rezone this approximately 51 acre property from Agricultural to Combined/Planned Development Project (Highway Commercial) and (Office Professional) with General Commercial Uses, and a reduction in setbacks. The subject property is located on the north side of County Line Road, east of the Suncoast Parkway.

FACTUAL INFORMATION

1. The property is currently zoned Agricultural.
2. The property comprises approximately 51 acres.

3. A portion of the subject property has been developed with a single family home; however, the majority of the site is undeveloped.
4. The site does not appear to contain majestic and specimen trees.
5. The subject property has access from County Line Road and Trillium Street.
6. The subject property is located within commercial and residential land use classifications on the adopted Future Land Use Map.
7. The on-site soil type is masaryk very fine sand.
8. The property is located in flood zones B & 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. The adequate public facility review indicates that there are capacity issues associated with County Line Road.
12. There are adequate public facilities available to serve limited development on the subject property.
13. The surrounding area is a mixture of undeveloped and pasture land, and a residential subdivision under construction.
14. The petitioner has not specifically requested any deviations from the County's LDRs; however, the petitioner proposes a 75' setback from County Line Road which is a deviation to the required 125'.

STAFF DISCUSSION

The petitioner has submitted a request to rezone this approximately 51 acre site from Agricultural to a Planned Development Project with a mixture of highway commercial, and office professional with general commercial uses.

The master plan submitted indicates two areas of development. Parcel A, which is located at the northeast corner of the Suncoast Parkway and County Line Road, is proposed to be developed with a mixture of highway commercial and general commercial uses (essentially C-2 and C-1); and parcel

B, which is approximately 1300' east of the Parkway, is proposed to be developed with office professional uses with limited general commercial uses. The specific C-1 uses requested on Parcel B include banks, personal service establishments, domestic and business service establishments, and restaurants with or without alcohol dispensation.

The petitioner has indicated that Parcel A, comprising approximately 33 acres, will be developed with C-2 and C-1 uses. The land use table indicates that 375,000 square feet of commercial is anticipated. Commercial development with any single building, or single site development with multiple buildings with the same use and owned and managed by the same entity, greater than 65,000 square feet is allowable through approval of a Planned Development Project. The intent of the LDRs is to allow larger retail development when properly integrated into a plan with issues relating to compatibility addressed. The petitioner has indicated that they anticipate the proposed project may include buildings which are in excess of the 65,000 square foot threshold. The petitioner states that due to the location of the property at a major roadway interchange, the site is well suited to be developed with uses to serve the community, namely larger/big box scale development.

The petitioner has prepared design guidelines to address compatibility and development issues relating to the project. Of the proposed 23 standards, many appear to be addressed within the County's big box regulations and landscaping regulations. Proposals made by the petitioner which the staff believes would have some merit include: a prohibition on chain link fences, other than those which are vinyl and mesh clad; neon lighting shall not be utilized to illuminate exterior building facades; automotive service bays shall not be oriented toward a public right-of-way and all service or repair must occur within a fully enclosed area of the building in which such use is located; drive-through windows shall be oriented toward the side or rear yard; retention ponds which are visible to public view shall receive an aesthetic treatment; xeriscaping shall be encouraged, and shall be in accordance with the most recent published guidelines from the Southwest Florida Water Management District; pylon signs are prohibited; exposed neon tubing on signage is prohibited; landscaping shall be provided at the base of each major project entrance sign; project entrance signage shall be of a consistent design; landscaping throughout the project shall be of a uniform design and be composed of consistent planting materials. Several proposals were made regarding landscaping on the project, and signage; however, due to the late receipt of the enhanced information, the staff was unable to review it in total to ensure no conflict with existing LDRs were being proposed. Staff would recommend the development comply with the performance conditions proposed unless a conflict with County rules occurs. It is the staff's position the petitioner has adequately addressed issues relating to increasing the square footage over 65,000 square feet on Parcel A with the additional performance standards proposed.

The petitioner proposes perimeter setbacks for Parcel A of 75' from both County Line Road and the Suncoast Parkway, 25' from the east; 35' from the access road. The 75' setback proposed from County Line Road is a deviation to the required 125'. The BCC has approved a reduction in setbacks from 125' to 75' when a frontage road is provided. The petitioner indicates a roadway

along the northern boundary of the project which will operate the same as a functioning frontage road. Internal lot setbacks of 30' front, 10' side and 25' rear are proposed. The staff does not object to the setbacks proposed for parcel A.

The petitioner proposes perimeter setbacks for Parcel B of 75' from County Line Road, 35' from Trillium Street and the street on the north side of the project, and 25' from the west. As indicated above, the BCC has approved reduction in setbacks from 125' to 75' when a frontage road is provided. Internal lot setbacks proposed for are the same as for Parcel A. The staff does not object to the setbacks proposed.

The plan and narrative depict a 20' landscape buffer with a minimum 5' high wall, fence or evergreen hedge along the road on the north project line. The buffering proposed may or may not be allowed pursuant to the County LDRs because of clear sight issues.

The narrative indicates that an east/west roadway with 60' of right of way will extend from the western boundary of the project to Trillium Street. The petitioner is indicating that 30' of the right of way will come from the subject property, and 30' from the proposed MF rezoning to the north allow for a two-lane roadway with a landscape median along the entire length of the road. Sidewalks will be required. The 60' right-of-way proposed is inadequate to accommodate the roadway design with the divided median as proposed. Given the intensity of the proposed development together with the MF development to the north, it is the staff's position that the actual needed roadway system has not been adequately analyzed. In order to ensure that the design of the roadways serving the project are adequate to accommodate the intensity of the development proposed, prior to development of the site, the petitioner should be required to prepare an unified access plan analyzing the capacity needed and the network required to serve the area. The east/west roadway is proposed to access Trillium Street, and then south to County Line Road. Trillium Street is the current access into Trillium SF development (FKA Pulte). This roadway was not designed to be the major access into the Trillium development. It is a local street that will serve as an interim/secondary access into Trillium until the County Line Road extension is accomplished. The future County Line Road extension is located to the east of Trillium Street. Ultimately, the road should be coordinated to connect the future extension of County Line Road.

The subject property also has access from County Line Road. A driveway has been constructed along a portion of the subject property at a median opening. It is the staff's position that this driveway was built as an access, not to accommodate the level of development proposed; consequently, the access may require upgrading at the time of development as determined by the County Engineer.

There is a mapped commercial ½- node at the Suncoast Parkway and County Line Road. The adopted comprehensive plan would allow for expansion of the commercial area and would potentially allow a mixture of uses including commercial, industrial, or residential provided the uses are addressed as part of a unified plan. It is the staff's opinion that commercial intensity at some

level would not be inappropriate at this location with adequate infrastructure and performance conditions.

The staff does have concerns about the intensity proposed by the petitioner. Although the petitioner indicates C-2 and C-1 uses on Parcel A, there is nothing in the submittal which addresses the mix of the commercial intensity. If the request is approved as proposed, the entirety of Parcel A could be developed with C-2 uses. Parcel B is proposed to be developed with OP and additional C-1 uses. There is nothing in the submittal which addresses the mixture of these land uses either; consequently, the entirety of Parcel B could conceivably be developed with C-1 uses if approved as proposed. It is the staff's position that uses consistent with the C-1 zoning category would be appropriate on Parcel A, and the OP on Parcel B.

The Transportation Planning Coordinator indicates that capacity does not exist along this section of County Line Road to support the proposed development without mitigation. The petitioner will have to obtain a certificate of concurrency during review of the conditional plat and capacity may not be available. If the project is not concurrent, the developer has the option of either delaying development or entering into an agreement to address the transportation issues at that time. The petitioner has submitted a traffic study; however, at the time of completion of this report, the staff had not reviewed the conclusions.

Pasco County has indicated no objection to the proposed request. The Florida Turnpike Enterprise (FTE) requests a 6' earthen berm with landscape buffering providing native landscaping adjacent to the parkway. The Turnpike indicated they wish to have the vegetation include shade trees and shrub groupings to provide a 75% opacity level at the time of planting. Additionally, the Turnpike requests that the buffer area be constructed prior to construction on the site. It is the staff's opinion the buffer should be constructed either before, or concurrently with development of the project. The Turnpike indicates that Trillium Road is still owned by the Turnpike and the County should coordinate any permitting activities with the FTE.

FINDINGS OF FACT

The site is located in an area characterized by rural residential uses, undeveloped parcels and SF under development. The proposed Trillium SF residential development is located approximately 2,000' north of the subject property.

The subject property is located on the cusp of commercial and residential land use categories on the adopted Future Land Use Map. Land uses allowed in the residential category include single family densities up to 5.4 units per acre, resort residential and ancillary land uses such as recreation, churches and community centers. Land uses which can be located in this category with performance conditions being met include multifamily housing up to 16 units per acre, rural residential, neighborhood commercial, commercial extending from commercial nodes with a functioning

frontage road, unless it is determined that wetlands or existing development make frontage road extension unfeasible, office and professional, schools, hospitals and minor public facilities.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the Future Land Use Map Series, except for Specialty Commercial, Neighborhood Commercial, and appropriate infill areas. There is a mapped ½ node located on the intersection of County Line Road and Anderson Snow Road.

The staff is of the opinion that the proposed rezoning is appropriate with performance conditions, based on the following conclusions:

1. Rezoning Parcel A to allow General Commercial (C-1) uses is consistent with the area.
2. Rezoning Parcel B to allow Office Professional (OP) uses is consistent with the area.
3. The transportation impacts resulting from rezoning the property to PDP(GC) and (OP) will require off-site transportation improvements to allow development to proceed, or development must wait until concurrency is available.
4. Rezoning would be consistent with the Comprehensive Plan and would be consistent with the County’s Land Development Regulations subject to compliance with all performance conditions herein.

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 Concurrency. 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 rezoning from AG to PDP(GC) and (OP)/Planned Development Project (General Commercial) and (Office Professional) 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. Perimeter setbacks Parcel A:
 - from County Line Road and the Parkway: 75'
 - from north: 35'
 - from east: 25'
3. Internal setbacks for Parcels A&B:
 - Front: 30'
 - side: 10'
 - rear: 25'
4. Perimeter setbacks Parcel B:
 - From County Line Road: 75'
 - from Trillium Road: 35'
 - from North: 35'
 - from west: 25'
5. The development shall be served by central water and sewer services.
6. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project.
7. The petitioner shall work with the county to design their access so that it can be aligned with the future County Line Road.
8. Development of the site shall comply with the zoning conditions proposed by the petitioner unless conflicts occur with County LDRs.
9. Prior to any development on the site, the petitioner shall be required to prepare a unified access plan analyzing the roadway capacity needed and the network required to serve the area. Additionally, the plan will include the street and access arrangement relating to the adjacent MF development, as well as the pedestrian facilities through this site and interconnecting to the MF.
10. The petitioner shall provide a 6' earthen berm with a vegetative buffer within the 75' setback along the western boundary. The berm shall be constructed before, or concurrent with development on the property.

11. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

P&Z RECOMMENDATION:

The Planning and Zoning Commission voted 5-0 to recommend the Board of County Commissioners adopt Resolution # _____ approving the rezoning from AG to PDP(GC)/Planned Development Project (General Commercial) on Parcel A and PDP(OP)/Planned Development Project (Office Professional) on Parcel B with the following modified 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. Perimeter setbacks Parcel A:
 - from County Line Road and the Parkway: 75'
 - from north: 35'
 - from east: 25'
3. Internal setbacks for Parcels A&B:
 - Front: 30'
 - side: 10'
 - rear: 25'
4. Perimeter setbacks Parcel B:
 - From County Line Road: 75'
 - from Trillium Road: 35'
 - from North: 35'
 - from west: 25'
5. The development shall be served by central water and sewer services.
6. The petitioners shall enter into a developer's agreement which will require them to pay their proportionate fair share of offsite transportation improvements to mitigate impacts associated with development of the project.
7. The petitioner shall work with the county to design their access so that it can be aligned with the future County Line Road.

8. Development of the site shall comply with the zoning conditions proposed by the petitioner unless conflicts occur with County LDRs.
9. Prior to any development on the site, the petitioner shall be required to prepare a unified access plan analyzing the roadway capacity needed and the network required to serve the area. Additionally, the plan will include the street and access arrangement relating to the adjacent MF development, as well as the pedestrian facilities through this site and interconnecting to the MF.
10. The petitioner shall provide a 6' earthen berm with a vegetative buffer within the 75' setback along the western boundary. The berm shall be constructed before, or concurrent with development on the property.
11. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.
12. Parcel B is approved with additional C-1 uses limited to banks and restaurants. (Staff does not object to the limited C-1 uses).

BCC ACTION:

The Board of County Commissioners voted 4-1 to adopt Resolution # 2005-285 approving the petitioner's request to establish a master plan for property zoned PDP(MF), 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. A maximum of 248 multifamily units, limited to three (3) stories, are allowed.
3. The developer negotiate a water and sewer agreement with the City of Brooksville.
4. The minimum setbacks shall be as follows:

From Emerson Road:	50'
From the north property line:	25'
From the frontage road:	25'
From the west property line:	35'
From the south property line:	35'

5. The minimum separation distance between the buildings shall be 15'.
6. 10' buffers with a minimum 80% opacity shall be located along the south and west property lines.
7. The access points shall be provided as indicated on the plan.
8. The petitioner shall provide turn lanes on Emerson Road as determined by the County Engineer.
9. The frontage road shall line up with the frontage road on the commercial property to the northwest. The petitioner shall coordinate the alignment with the County Engineer.
10. All roadways, driveways and finished floor elevations shall be above the 100 year regulatory flood elevation.
11. The streams onsite shall be conserved in the site plan and buffered according to state and federal wetland regulations.
12. The petitioner shall provide the minimum open space indicated on the master plan.
13. The petitioner shall provide a revised plan in compliance with all of the performance conditions within 30 calendar days of BCC approval. A \$250.00 late submittal fee will be required in the event the plan is not submitted within the specified time frame. Failure to submit the revised plan within 30 business days from BCC approval will result in the zoning becoming null and void.

NOTES:

REVIEW OF SIDEWALKS FROM THE SUBJECT PROPERTY TO THE ENTRANCE OF THE SCHOOL WILL BE CONSIDERED AT THE TIME OF CONSTRUCTION PLAN APPROVAL.

THE ROAD FROM EMERSON ROAD WEST MUST BE DONE AT THE TIME OF CONSTRUCTION.

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.