

STAFF REPORT

Planning & Zoning Commission: January 10, 2005
Board of County Commissioners: February 9, 2005

APPLICANT: CED Acquisitions, Inc. **FILE NUMBER:** H-05-04

PURPOSE: Master Plan Revision to Include a Relocation of land uses, and a Change in Access Points

GENERAL

LOCATION: West side of US 19, south and east of Suzanne Drive, approximately 1,300' north of Caribbean Drive

LEGAL

DESCRIPTION: Lots 4 - 11, Block 5, South Hernando US 19 Commerce Center, as per plat thereof recorded in Plat Book 17, Pages 11 - 16, of the Public Records of Hernando County, Florida in Section 31, Township 23 South, Range 17 East

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

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

STAFF FINDINGS:

Surrounding Zoning

North: C-2, AG
South: C-2
East: C-2
West: AG

Surrounding Land Uses

Church, school, undeveloped
Undeveloped
Church, school, commercial, undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to include to a relocation of land uses and a change in access points. The subject property is located on the west side of US 19, south and east of Suzanne Drive, approximately 1,300' north of Caribbean Drive.

FACTUAL INFORMATION

1. The property is currently zoned C/PDP(MF) and (HC).
2. The property comprises approximately 17.06 acres.

3. The site is undeveloped.
4. The site contains no majestic or specimen trees.
5. The subject property has access from US 19 and Suzanne Drive.
6. The subject property is located within a commercial land use classification on the adopted Future Land Use Map.
7. The on-site soil types include Candler fine sand and Tavares 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 institutional and commercial uses and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests a master plan revision to include a relocation of land uses and a change in access points. The petitioner proposes relocating a DRA and eliminating an access point. In March 2004, the BCC approved a rezoning on the subject property from C-2 to C/PDP(MF) and (HC) with a reduction in setbacks with the following performance standards:

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 review of the proposed use through the DRC process.
2. A maximum of 128 MF units are allowed.
3. Land use configuration and acreages are approved as shown on the master plan.

4. Minimum MF setbacks for the internal driveway are 25'. All other minimum setbacks for the project are as depicted on the master plan.
5. The access management plan shall be subject to approval by the County Engineer.
6. The subject property shall be served by central water and sewer services.
7. The petitioner shall enter into an agreement with the County to provide funds to help offset the cost of developing additional shelter space for evacuation purposes prior to issuance of building permits for the project.
8. Development of the MF portion of the project shall meet design standards for PDP(MF) as provided for in the LDRs.
9. Item number 5 on the general note section of the master plan shall be eliminated.
10. Site data information on the master plan shall be revised to reflect land use areas as approved.
11. Pedestrian connectivity shall be provided between the commercial and multifamily land use areas.
12. A revised master plan shall be submitted within 30 days indicating the zoning conditions or the approval shall be null and void.
13. The portion of the project at the northwest corner shall be labeled open space.

The petitioner proposes relocating a DRA from the interior of the development to the northwest corner of the project. The DRA would replace an open space area and a parking area. The tables on the plans indicate the open space is increased from 5.6 acres to 5.9 acres. The MF design standards indicate a minimum of 15% of the gross site shall be maintained as open space. The minimum open space required for the 12.6 acre multifamily development would be 1.89 acres. The Planning staff is of the opinion the relocation of the DRA to the northwest perimeter will not be incompatible with the surrounding land uses and will serve as a buffer against the church and school located across the street from the subject property. The plan shows 318 parking spaces provided for the multifamily use, which exceeds the minimum parking required for the use. The developer will be required to provide the parking spaces required for the multifamily and commercial uses as required by the LDRs.

The petitioner proposes removing an access point on Suzanne Drive. The master plan indicated the access point was for egress (exiting) only. The Planning staff is of the opinion the five (5) remaining

access points will adequately serve the development. The County Engineer does not object to the master plan revision.

The Hernando County School Board was not available to provide comments prior to staff report finalization due to the winter break.

Pasco County, FDOT, SWFWMD and the Gulf Coast Conservancy have been notified of the request; no responses have yet been received.

FINDINGS OF FACT

The area is characterized by institutional and commercial uses and undeveloped parcels. A church and school are located north of the subject property. Commercial uses are located to the east. Undeveloped properties are located to the west and south of the subject property. The area has not changed substantially since the March 2004 rezoning approval.

The subject property is located within a commercial land use classification on the adopted Future Land Use Map. Residential units may be allowed in the commercial land use category.

The Planning staff is of the opinion that the master plan revision, with performance conditions, is appropriate, based on the following conclusions:

1. The proposed master plan revision is consistent with the County's adopted Comprehensive Plan.
2. The proposed master plan revision is compatible with the existing surrounding development.

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 for a master plan revision to include to a relocation of land uses and a change in access points, 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. Land use configuration and acreages are approved as shown on the master plan.
3. All conditions of PD-193 (approved under file H-04-08) shall be in full force and effect (except conditions #3 and #13).

P&Z RECOMMENDATION:

On January 10, 2005, the Planning and Zoning Commission voted 3-2 to recommend the Board of County Commissioners adopt Resolution # _____ approving the petitioner's request for a master plan revision to include to a relocation of land uses and a change in access points, 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. Land use configuration and acreages are approved as shown on the master plan.
3. All conditions of PD-193 (approved under file H-04-08) shall be in full force and effect (except conditions #3 and #13).

*NOTE: The plan submitted for review by the staff indicated removal of an exit only access to Suzanne Drive which was approved on the 2004 master plan. Subsequent to the P&Z hearing, the petitioner submitted a revised plan which places the access back on the plan as an emergency access only. Staff does not object to the emergency access.

BCC ACTION:

On February 9, 2005, the Board of County Commissioners voted 3-2 to adopt Resolution # 2005-42 approving the petitioner's request for a master plan revision to include to a relocation of land uses and a change in access points, 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. Land use configuration and acreages are approved as shown on the master plan.
3. All conditions of P.D.-193 (approved under file H-04-08) shall be in full force and effect (except conditions #3 and #13).
4. The Developer will work with the County to provide a bus stop facility and a recycling bin on the property.

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.