

STAFF REPORT

Planning & Zoning Commission: April 11, 2005

Board of County Commissioners: May 11, 2005

APPLICANT: Publix Super Markets, Inc. **FILE NUMBER:** H-05-29

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 Drive

LEGAL

DESCRIPTION: Lots 1 and 3, Block 1, Lakewood Plaza, as per plat thereof 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: 0 AGAINST: 1

STAFF FINDINGS:

Surrounding Zoning

Surrounding Land Uses

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

Apartments; Lakewood Plaza (Target portion)
Walgreens
Steak and Shake; and outparcels under construction
Office complex and undeveloped

SUMMARY OF REQUEST

The petitioner requests a master plan revision to amend a portion of a previously designated parking area to a building area. The subject property is located north of Lake in the Woods Drive, approximately 300' west of US 19, west of Exultant Drive.

FACTUAL INFORMATION

1. The property is currently zoned PDP(GHC).
2. The property comprises approximately 13.6 acres.

3. The subject site has been developed with a portion of Lakewood Plaza shopping center which includes the Publix and other retail/office uses.
4. The site contains no majestic or specimen trees.
5. The subject property has access from Lake in the Woods Drive and Exultant 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 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 subject property is in an area developed with commercial uses.
13. 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 property is zoned general commercial and is developed with a Publix shopping center, various commercial/office uses and a parking area. The petitioner is requesting to utilize a portion of the parking lot as a development site, namely a gas station. The addition of the gas station is a modification to the concept of the approved master plan which requires a master plan revision.

The narrative submitted by the petitioner indicates a proposal to develop a fuel station with a small (160 square foot) kiosk. The petitioner maintains with the addition of the fuel station and kiosk, no additional intensity relating to the floor area ratio (FAR) will be added to the existing development. The petitioner further maintains that the project meets all Hernando County standards for development and specifically truck maneuverability.

The petitioner has submitted a master plan which indicates the gas station adjacent to the frontage road in the Publix Parking lot. The plan includes a kiosk and 8 fueling stations. Access into the gas station is from the frontage road. The plan indicates two 24' driveways with rollover curbs which results in the driveways from the frontage road being wider than the maximum width allowed by the LDRs. Two way traffic lanes run between the landscape island and the fueling area. The staff reviewed the proposed plan with the County Engineer. The County Engineer has indicated that the travel lanes are approximately 35' wide and are essentially driveways into the fueling facility. The lanes exceed the minimum driveway widths allowed by the LDRs and will serve to create conflict points between traffic going into the Publix parking area and the gas station.

The notes on the parking plan submitted indicates that 47 spaces are proposed to be removed for the new fuel islands, and 53 new spaces are going to be provided in their place. The plan depicts 49 spaces to be removed, and 52 spaces replaced along the southern boundary of the plaza and behind the plaza.

The petitioner also submitted a plan indicating the proposed truck path for fuel delivery. The plan shows the truck entering through the driveway in front of Target, then traveling south to the gas station, onto Exultant (the frontage road) to Lake in the Woods Boulevard.

The master plan for the overall plaza would have allowed development of the site with up to 267,300 square feet of retail commercial provided all of the County's Land Development Regulations were met. Subsequent to approval of the master plan for the plaza and development of the site, the County has adopted LDRs relating to large retail development projects. A large retail development project, or "big box" is any development with over 25,000 square feet of retail or mercantile uses. Lakewood Plaza is considered a "big box" and if developed today would have been required to meet the applicable LDRs.

Based on staff's review, the existing plaza would not have been able to be developed at its existing intensity and meet all of the terms and conditions of the county's big box rules. For example, the big box regulations require a 35' perimeter buffer along all streets serving the project and internal landscaping within the parking lot (400 square feet of open area for every 10 spaces). The parking provided for the plaza meets the minimum requirements of the LDRs. If the site had been developed in accordance with today's LDRs, the perimeter buffer requirement and the open islands required within the parking area would have resulted in less parking, in turn less square footage of intensity.

Any addition to the existing plaza would have to maximize conformance with the County's LDRs regarding big box development. Relative to this project, this includes landscaping, pedestrian access, and building design. The petitioner is proposing to add parking to the rear of the Publix to compensate for the lost parking resulting from the proposed development.

Because it is the staff's position that the existing development does not meet the big box rules, addition of the gas station would increase the plaza's intensity and would be inappropriate. The petitioner maintains that the impact on the infrastructure is insignificant.

The petitioner has submitted a traffic analysis of the proposed fuel station based on data obtained through review of an existing station in Casselberry, FL. The report concludes that the proposed fuel station is anticipated to result in approximately 202 new external trips into and out of the shopping center. The petitioner further concludes that this would result in less than a 2% increase in the shopping center's daily trip generation. Staff has conducted an analysis using ITE data. Based on the staff's analysis, the daily total trip generation could range from 2% to 9%.

The petitioner has submitted a letter from Star Transport which indicates the provider is willing to limit the hours of fuel delivery to the site if the County wishes to condition the approval as such. The letter provided is not signed; however, the petitioner has indicated that a signed copy will be delivered at the hearing. From the Staff's perspective, a condition limiting the hours for fuel dispensation would be extremely difficult to enforce.

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 is approved.

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 public facilities 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 building. 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.

It is the staff's position that the existing development does not meet the big box rules, consequently addition of the gas station would increase the plaza's intensity, and would be inappropriate.

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 proposal is not adequately integrated into the overall shopping center project.
3. The layout as proposed does not demonstrate a safe, efficient and convenient traffic flow.
4. The proposed master plan revision is within a large retail shopping center which does not comply with the County's existing "Big Box" development regulations.
5. The proposed master plan revision is too intense for the area.
6. 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:

The Planning and Zoning Commission voted 3-2 to recommend the BCC adopt resolution # _____ denying the petitioner's request for a master plan revision.

BCC ACTION:

On May 11, 2005, the BCC acknowledged the petitioner's withdrawal of the application.