

STAFF REPORT

Planning & Zoning Commission: July 11, 2005
Board of County Commissioners: August 10, 2005

APPLICANT: Claire Clements **FILE NUMBER:** H-05-49

PURPOSE: Rezoning from C-2 (Highway Commercial) and AG to PDP(GC)/Planned Development Project (General Commercial)

GENERAL

LOCATION: North side of Cortez Boulevard, approximately 1,500' west of I-75, approximately 2,400' east of Remington Road

LEGAL

DESCRIPTION: A portion of Section 31, Township 22 South, Range 21 East, Hernando County, FL

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

CITIZEN RESPONSE: FOR:138 AGAINST: 0

STAFF FINDINGS:

Surrounding Zoning

North: CV
South: AG, PDP(HC)
East: C-2
West: C-1, AG

Surrounding Land Uses

State Forest
Undeveloped
Hotels, undeveloped
Undeveloped

SUMMARY OF REQUEST

The petitioner requests to rezone from C-2 and AG to PDP(GC). The subject property is located on the north side of Cortez Boulevard, approximately 1,500' west of I-75, approximately 2,400' east of Remington Road.

FACTUAL INFORMATION

1. The property is currently zoned AG and C-2.
2. The property comprises approximately 57 acres.
3. The site is has been cleared and is undeveloped.

4. The site appears to contain majestic and specimen trees.
5. The subject property has access from Cortez Boulevard.
6. The subject property is located within residential and commercial land use classifications 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 capacity are available but services are not currently available to serve the subject site. A 16" water main and an 8" force main are located on the south side of Cortez Boulevard.
11. There are adequate public facilities available to serve limited development on the subject property.
12. The area is characterized by commercial, agricultural and conservation uses, and undeveloped parcels.
13. The petitioner has not requested any deviations from the County's LDRs.

STAFF DISCUSSION

The petitioner requests to rezone from C-2 and AG to PDP(GC). The petitioner proposes developing the 57 acre site with general commercial and office professional uses with an attractive "village" theme. The petitioner has indicated that if the request is approved, development would comply with the County LDRs, including the regulations for large retail projects ("big box" retail development). The petitioner has clarified that the "mixed uses" proposed are limited to general commercial and office professional uses. The plan provided shows a 272,300 square foot retail center on a 23.36 acre pod, surrounded by three (3) outparcels containing commercial uses and three (3) outparcels containing office professional uses. The plan indicates a total of 320,000 square feet of general commercial uses and 100,250 of office professional uses are proposed. The plan provided meets the required setbacks for a commercial PDP.

The petitioner is proposing approximately 320,000 square feet of general commercial space including a 272,300 square foot retail plaza. The County's LDRs provide that development greater than 65,000 square feet in size may be approved through approval of a Planned Development Project. Because of the intensity of development, the BCC may require additional conditions to ensure appropriateness at a particular location. The following items are those the BCC may additionally address, with the proposal regarding each made by the petitioner:

1. Enhanced screening and/or location of air conditioning and/or operational equipment.

The petitioner indicates air conditioning and related mechanical equipment will be located on rooftops and will be screened with parapets or screening walls.

2. Limitations on hours of operation to ensure operational compatibility.

The petitioner asserts that because the subject property is not proximate to single family homes and because existing commercial uses in the area have extended hours of operation, the need to limit hours operation is negated, although the petitioner agrees to work with County officials on this issue.

3. Screening and/or location of loading areas and loading docks.

The petitioner indicates loading docks are anticipated only for the principal retail center portion of the site. The petitioner proposes locating the loading docks along the north side of the retail center to conceal them from view from the east and west and agrees to provide additional screening as may be required by conditions of approval. It is the staff's opinion the proposed location for the loading docks would mitigate any negative impacts associated with them.

4. Enhanced lighting beyond minimum standards.

The petitioner indicates lighting will be internally directed to avoid illumination of adjacent parcels and land uses. The petitioner's proposal does not include any quantifiable standards; however, the development of the site will require compliance with the County's big box regulations. The Big Box regulations require that all outdoor light fixtures emitting 2,050 lumens or more shall be full cutoff fixtures if they are within 30' of the property line.

The petitioner has indicated pedestrian circulation features will be implemented. The plan does not reflect a pedestrian circulation plan; if the request is approved, development of the site will have to comply with the County's LDRs for large retail developments which require accommodation of pedestrian features during permit review.

The Utilities Department has indicated that central water and sewer capacity are available but services are not currently available to serve the subject site. The Utilities Department notes the

proposed development should be served by central services; a 16" water main and an 8" force main are located on the south side of Cortez Boulevard.

The subject property has access to Cortez Boulevard. If the subject request is approved, the petitioner will be required to construct a frontage road across the property, at no cost to the County, upon demonstration of need and demand by the County. The plan provided shows a frontage road as part of the development. The plan proposes two (2) access points on Cortez Boulevard at existing median cuts. The County Engineer did not object to the proposed plan. The Transportation Planning Coordinator indicates Cortez Boulevard currently has capacity to serve the subject property. The I-75/SR 50 Planned Development District is proximate to the subject property, as well as existing commercially designated lands. The PDD envisions a mixture of commercial, industrial and residential land uses. The PDD comprises approximately 4,800 acres of largely undeveloped land. The development of property already within the designated PDD will substantially reduce capacity on Cortez Boulevard.

The FDOT has been notified of the request; no response has yet been received.

FINDINGS OF FACT

The area is characterized by commercial, agricultural and conservation uses, and undeveloped parcels. Two (2) hotels are located to the east on C-2 zoned property. Undeveloped AG and C-2 zoned property is located to the south. Undeveloped AG and C-1 property is located to the west. The Withlacoochee State Forest is located to the north.

A portion of the subject property is located within a general commercial node centered on the intersection of I-75 and Cortez Boulevard and located on the north side of Cortez Boulevard. Policy 1.01M(2)(c) indicates general commercial nodes range in size from 50 to 100 acres. The area already contains approximately 89 acres of commercially zoned property. The subject property contains approximately 14 acres of C-2 zoning. The Planning staff is of the opinion adding an additional 43 acres of commercial zoning at this location is not appropriate given the existing acreage of commercial zoning at this general commercial node.

The majority of the subject property is located within the residential land use category. Policy 1.01F(1) indicates land uses allowed in the residential land use 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 allowed with performance conditions include multifamily housing up to 16 units 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, offices and professional, schools, hospitals and minor public facilities. The staff is of the opinion the Comprehensive Plan policies do not support commercial development in the residential future land use category at the intensity proposed.

Policy 1.01L(3) indicates new commercial rezoning shall be initiated within commercial nodes and regional commercial overlay districts, as indicated on the adopted Future land Use Map Series, except for Specialty Commercial, Neighborhood Commercial and appropriate infill areas. Policy 1.01O(4) indicates infill commercial development can occur only within the strip commercial areas as described in Policy 1.01O(1). Policy 1.01O(1) indicates strip commercial will only be allowed along commercial corridors which have significant existing commercial development, remaining parcels are generally zoned commercial and commercial development is expected to continue. The Planning staff is of the opinion the depth and volume of the proposed commercial development at this location exceeds the Comprehensive Plan's intent regarding infill commercial development.

Policy 1.01O(3) indicates the County shall not permit the creation of any new strip commercial areas as described in Policy 1.01O(1). The Planning staff is of the opinion the petitioner's concept proposes strip commercial development between the I-75/SR 50 and the Lockhart Road/SR 50 commercial nodes.

The staff is of the opinion that the establishment of the proposed rezoning is not appropriate, based on the following conclusions:

1. The proposed PDP(GC) zoning not be compatible with the surrounding land uses.
2. The proposed PDP(GC) zoning is not consistent with the County's adopted Comprehensive Plan and the County's land development regulations.

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 to rezone from C-2 and AG to PDP(GC).

P&Z RECOMMENDATION:

At their July 11, 2005 hearing, based on the information provided, the Planning and Zoning Commission made the following findings:

1. The proposed rezoning from C-2 and AG to PDP(GC) is consistent with the County's adopted Comprehensive Plan and the County's land development regulations.
2. The proposed rezoning from C-2 and AG to PDP(GC) will be compatible with the surrounding area.

The Planning and Zoning Commission voted 3-2 to recommend the BCC adopt resolution # _____ approving the petitioner's request to rezone from C-2 and AG to PDP(GC), 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. Development shall be in conformance with the plan.
3. The development shall be served by central water and sewer service.
4. The developer shall provide a lighting plan which reduces lighting intensity during non-operating hours.
5. The development shall provide for pedestrian circulation within the network of stores and circulation areas.
(Note: staff recommends the developer be required to provide a pedestrian circulation plan providing interconnectivity throughout and between the retail commercial and office professional areas. The big box retail development will be required to comply with the pedestrian circulation requirements per the LDRs.)
6. The development shall have limitations on the hours of operation.
(Note: staff is of the opinion the limitation on the hours of operation is not necessary)

BCC ACTION:

The BCC voted 4-1 to adopt resolution # 2005-211 approving the petitioner's request to rezone from C-2 and AG to PDP(GC), 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. Development shall be in conformance with the plan.
3. The development shall be served by central water and sewer service.
4. The developer shall provide a lighting plan which reduces lighting intensity during non-operating hours.
5. The development shall provide for pedestrian circulation within the network of streets and circulation areas. A plan is required which provides interconnectivity throughout and between the retail commercial and office professional areas. The big box retail development will be required to comply with the pedestrian circulation requirements per the LDRs.
6. The developer shall pay for the cost of a traffic signal on State Road 50.
7. During development review of the project, the right of way needs for a 6 lane section, and a turn lane, shall be analyzed. If additional right-of-way is needed, the developer shall be required to dedicate.
8. 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.
9. An architectural plan shall be presented to the Board of County Commissioners for approval prior to the issuance of any building permits on the subject 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.